UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS
FIRST SESSION

VOLUME 143—PART 3

MARCH 4, 1997 TO MARCH 19, 1997
(PAGES 2989 TO 4384)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

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HOUSE OF REPRESENTATIVES—*Tuesday, March 4, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 1997.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California [Mr. FILNER] for 5 minutes.

THE BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF ACT

Mr. FILNER. Mr. Speaker, I was honored yesterday to join Senator BARBARA BOXER in San Diego, CA, in my district as we announced historic legislation to improve our Nation's border transportation infrastructure. Today, Senator BOXER and I will introduce this legislation that we have called the Border Infrastructure Safety and Congestion Relief Act.

Mr. Speaker, it is critical that Federal funding be found for border highway and rail projects without affecting California's Federal highway assistance. Our legislation would establish a $500 million border infrastructure fund to pay for construction and improvements to border area infrastructure and would fund Federal loan guarantees to rehabilitate shortline freight railroads.

Historically, U.S. investment in its transportation infrastructure has resulted in a system of roads, highways, bridges, railroads, airports, and seaports that is unmatched around the world. This transportation system has been crucial in keeping America's economy strong.

Similarly, we know that border infrastructure is absolutely essential for the continued economic development of my city and county of San Diego, and we cannot afford to see America reverse this infrastructure investment policy now. Yet that is precisely what is happening because of Federal inaction on border infrastructure issues. Further inaction will place our national transportation infrastructure and our economic well-being in great jeopardy.

Federal mandates regarding trade and immigration have placed a tremendous strain on roads, bridges, highways, and rail lines that simply cannot accommodate the increased traffic that results from these decisions. State Route 905 in San Diego and the reestablishment of the San Diego & Arizona Eastern Railroad are just two such unfunded mandates in the city of San Diego.

By order of the Federal Government, all commercial traffic traveling between San Diego and Tijuana, the two largest cities on the United States-Mexico border, uses a city street called Otay Mesa Road. Though it is currently only a four-lane street, this road carries hundreds of thousands of trucks every week. It is time that the Federal Government devoted its resources to establishing an effective, efficient, and safe highway connection to our Federal Interstate System.

The San Diego & Arizona Eastern Railroad would establish a direct and important transcontinental commercial rail link between San Diego and the rest of the United States. This link is critical for the economic development of our port and for creation of thousands of jobs. Both priorities are high on the list for the city and county of San Diego, the San Diego Association of Governments, our chamber of commerce, our port and business and political leaders all through our county.

With this infrastructure in place, San Diego would achieve its rightful status as a world class, 21st-century city with an open door to the great future of the Pacific rim trade. Without it, America's sixth largest city is relegated to a "bedroom community" status with no door to the vast world just outside its doorstep.

The lesson is simple. The Federal Government must take responsibility for its trade policies and accept the consequences of its action. We must stop passing the infrastructure buck.

I am glad to say there is a glimmer of hope, however. The Clinton administration has heard our pleas and will soon announce its proposals to fund border construction and trade corridor improvements in the Infrastructure Safety and Congestion Relief Act. We welcome the administration's response and we look forward to their recommendations.

Mr. Speaker, Senator BOXER and I are taking the necessary steps to accept our own Federal responsibility and will be working together with all interested parties to begin addressing this Federal obligation. We strongly welcome and encourage Congress and the Clinton administration to join with us.

SUPPORT DISPLAY OF TEN COMMANDMENTS IN COURTROOMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning hour debates for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I come before this Chamber today to give my strongest commendations to the Congressman from Alabama [Mr.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ADERHOLT], who is coming forward with a resolution today supporting the placement of the Ten Commandments in a courtroom in his home State of Alabama.

A lot of people might ask, why do you need to actually pass a resolution supporting the placement of the Ten Commandments in a courtroom in America, because after all, there are two copies of the Ten Commandments at the Supreme Court of the United States. Right in this Chamber, as you walk out, the same door that the President walks in, above that is a bust of Moses who brought the Ten Commandments down from Mount Sinai.

I mean let us face it. Even though the radicals of the past 30 years do not like to admit it, that is a great part, the Ten Commandments are a great part of our American heritage. In fact, the very radicals who claim to try to tear God out of our public life, out of our courtrooms, out of our schools, any mentioning of it at all, who want to censor God and censor those who believe in the importance of faith and this country's destiny, they claim to do it because they want to protect the Constitution, and yet the father of the Constitution, James Madison, stated while he was drafting the Constitution:

> We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of the individual to govern himself, to control himself and sustain himself according to the Ten Commandments of God.

That was the father of the Constitution that said that, so why would the ACLU types respond to that? And would they call George Washington un-American? Would they call George Washington a radical when he stood up at his Farewell Address and said, "It is impossible to govern rightly without God and the Ten Commandments." Or would they call Abraham Lincoln a radical, a dangerous reactionary who in 1863 in a proclamation wrote:

> We have grown in numbers, wealth and power as no other nation has ever grown, but we have forgotten God. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace and too proud to pray to the God that made us.

Tom Hayden and Abbie Hoffman and those who were running around in the streets in the 1960's that eventually became tenured professors and lawyers for the ACLU might not like history, and maybe that explains why they have been trying to revise history and trying to build a bridge to the 21st century that would cut America off from its past heritage.

It is dangerous. It is dangerous because it creates a valueless void that allows the words of Madonna, the actions of Dennis Rodman, and the life of Larry Flynt to replace the very ideas in our civilization and in our society that Washington, Jefferson, Madison, and Lincoln built the bedrock of this great Republic upon.

If Americans scratch their head and wonder why we are having ethical problems in Washington and in State capitals across the country and in universities, why there are cheating scandals, why violence is breaking out in the inner cities at an unprecedented rate, they do not have to look any further than the fact of what Abraham Lincoln said over 100 years ago.

We have got to stop denying the existence of a faith that our Founding Fathers built this Republic upon and were not ashamed to state that.

Forget about religion. We do not want to establish a national religion. But we also do not want to hide our eyes from an American heritage that made us what we have been in the past and what we as Americans can be once again.

EAST TIMOR SHOULD BE HIGHER PRIORITY FOR U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. WOLF] is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, I was pleased today to see the editorial, which I will submit for the RECORD, in the Washington Post about East Timor. Like many issues in Washington, one minute it is hot and the next minute it is not. The editorial writer cautions, "The Nobel Peace Prize brought a brief flare of publicity to East Timor's just but long neglected case, and then, just as Indonesia's government hoped, world tension turn elsewhere."

But we must not let East Timor drop off the radar screen. For over 20 years the people there have suffered and fought for their human rights, and it would be immoral to let them down now. The United States needs to focus on this issue more. We need to make it a higher priority with regard to our foreign policy.

In November, Bishop Carlos Ximenes Belo shared the 1996 Nobel Peace Prize and he was nominated for the prize by our colleague, the gentleman from Ohio [Mr. HALL]. He was nominated for his efforts to encourage peace, reconciliation and human rights.

In January, I had the opportunity to visit Bishop Belo in East Timor. I found people were scared, scared of being arrested in the middle of the night; scared of being tortured; scared of disappearing without a trace. People I talked to had had family members who were killed or who had disappeared. We heard reports of police breaking into homes in the middle of the night and arresting young people. We met one young man whose ear had been slashed by the Indonesian security forces. People were afraid to talk to us, ever conscious of the pervasive military and security presence on the island. I felt like I was back in Romania in 1985 under the tyranny of Nicolae Ceausescu.

Last week I met with Jose Ramos-Horta, who shared the 1996 Nobel Peace Prize with Bishop Belo. He came to Washington to raise awareness of the conflict and told stories of torture and repression on the island.

The United States, and the administration in particular, has an obligation to illustrate to the world that campaign donations have nothing to do with their policy in this region. We have an obligation to speak out and use our influence with the Indonesian Government.

We should encourage Jakarta to negotiate a peaceful settlement and in the meantime reduce the repressive and heavy-handed police presence on the island. We should urge them to allow human rights monitors. We should appoint a prominent American to work on this issue full time. This person would enhance the good work already being done by the United Nations and U.S. Ambassador Stapleton Roy. A more aggressive diplomatic effort by the U.S. Government is needed.

I have raised this issue with Secretary of State Madeleine Albright and National Security Advisor Sandy Berger. I have urged them to prioritize this issue in U.S. foreign policy. But I rise today to urge anyone who cares about East Timor to do the same.

☐ 1245

I urge Members of Congress, religious leaders, human rights activists and anybody who is concerned, contact Secretary Albright, contact Sandy Berger at the White House and urge them to focus on this issue. Write them. Call them. Fax them. These are the people in our Government who will be looking at this issue. These are the people who need to know that Americans care.

The East Timorese are entitled to decide for themselves who they want to run their affairs. Mr. Ramos-Horta is calling for a plebiscite, a referendum. This is an idea worth considering. In the meantime they are entitled to live in peace and without fear of repression. Encouraging the Indonesian Government to resolve this conflict once and for all is the least we can do as a country dedicated to freedom and justice and democracy. This is an important issue for the United States. It is an important issue for the people of East Timor, who have suffered for 20 years. Let President Clinton, let Secretary Albright, let Mr. Berger know that you care.

Mr. Speaker, I include for the RECORD the editorial to which I referred:

[From the Washington Post, Mar. 4, 1997]

OFF THE SCREEN AGAIN

Last October the Nobel Peace Prize went to two leaders of East Timor, a distant

South Pacific island where a small population has been valiantly resisting Indonesian colonization for more than two decades. The prize brought a brief flare of publicity to East Timor's just but long-neglected cause, and then—just as Indonesia's government hoped—world attention again turned elsewhere. Last week, one of the Nobel laureates, Jose Ramos-Horta, came to Washington, hoping to put East Timor back on the international agenda.

Over the years, the United States has offered little assistance. Anxious to please a Cold War ally, U.S. officials looked the other way when Indonesia occupied East Timor in 1975 and when tens of thousands there died from what the Nobel committee listed as "starvation, epidemics, war and terror." President Clinton, early in his term, seemed ready to reverse traditional U.S. policy. His administration supported a United Nations resolution criticizing Indonesia on human rights, and in 1993 Mr. Clinton raised the issue of East Timor with Indonesian President Suharto. But then Mr. Clinton decided that trade mattered above all, and the plight of East Timor again receded from U.S. policy screens.

Last week, Mr. Ramos-Horta, a kind of unofficial foreign minister, for the first time secured a meeting with senior officials in the State Department. This is a positive, if small, step forward. It should be followed by more action. Indonesia is a modernizing nation of nearly 200 million people who live on 6,000 islands. Its own interests are not served by keeping captive 600,000 Timorese living on one of those. Mr. Ramos-Horta is asking only for a plebiscite so the East Tiomorese can decide their own future. It's a reasonable request.

MAKE IT RIGHT WITH GULF WAR VETERANS

The SPEAKER pro tempore (Mr. EWING). Under the Speaker's announced policy of January 21, 1997 the gentleman from Washington [Mr. METCALF] is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise today to issue my personal plea for the Department of Veterans Affairs and the Department of Defense to accept the fact that we have gulf war veterans and family members who are very sick and they need the best medical assistance available given without hesitation by these departments.

While the issue is very serious, we can focus our concern later about who is responsible. Ignoring these sick and disabled veterans does nothing for them not their families. More seriously, this situation erodes public faith in our Government as a whole and these departments in particular.

In the last few months, more and more information has come out about the possibility of exposure to chemical and biological weapons in the gulf region. Film footage of the destruction of vast weapons storage areas have been played on the screens of television all over America. The Department of Defense has now admitted to the potential for exposure of many thousands of service members in the gulf at that time.

The depot at Kamishya, described to be the size of 25 B–25 hangers, was just one of what may prove to be many sites where exposure occurred. The bunkers were reportedly full of chemical and biological weapons. This information was reported to commanders in charge but orders were given nonetheless to destroy the site.

Until recently, veterans have been told that gulf war illness was a mental condition, stress, or posttraumatic stress disorder. A veteran from Whatcom County in my district back home in Washington State has had a claim pending with the Veterans Administration for over 4 years, only to be told that they need more information to be able to rate him.

Just last week he was finally given a rating of 60 percent for the gulf war illness portion of his claim, but he is one of the few that have met with much success for gulf war illness.

If you speak to the Veterans Administration about that 95 percent denial rate for veterans claiming gulf war illness, the VA will respond that the 5 percent approval rate is really a great achievement. My constituent and many others like him are waiting for the system that we are responsible to oversee to finally look at the work of the reputable researchers who believe they have identified the cause and viable treatment for many of the afflicted.

KREM television in Spokane, WA, has shown an excellent series of stories, produced and reported by Mr. Tom Grant. Mr. Grant conducted interviews with veterans and researchers from around the country that illustrate the severity of the problem and show promising results with the treatment of the drug Doxycycline. My office has a copy of this statement and would be happy to make it available to other Members.

We owe it to our veterans not to bury our heads in the sand but to look at the sources of the problem and potential solutions that fall outside the comfort paradigm of the Department of Defense. If Doxycycline has helped some of our veterans, our Government physicians need to be free to dispense it to others.

Finally, Mr. Speaker, our Government evidently has not yet learned from the post-Vietnam era of neglect and denial that we appear to be witnessing another Agent Orange like debacle, one of possibly much greater magnitude.

Now, not tomorrow, is the time to make it right with our gulf war veterans, with their wives and their children.

HUMAN CLONING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. EHLERS] is recognized during morning hour debates for 5 minutes.

Mr. EHLERS. Mr. Speaker, for years the American public, and humans in general, have been fascinated with the possibility of creating human life by other than the natural means. This has given rise to stories such as Frankenstein, the attendant movies, and other horror stories related to that.

This past week fears reached a new height when we discovered that British researchers had cloned a sheep. Immediately cries arose about the dangers of doing this, the British Government has threatened to withdraw funding for that research, et cetera. I would like to address the issue of cloning in general but more specifically the issue of human cloning.

As my colleagues may be aware, I do have a scientific background, although not in the life sciences. I have to say that I am not the least surprised that we were able to clone a sheep and will not be the least surprised if someday we will be able to clone a human being. However, I strongly believe it should not be done.

We have through the years tampered with the normal reproductive process, particularly as it relates to animals. First evidence of that was artificial insemination. Today most of the mammals produced for food, for dairy production, and so forth, begin life through the process of artificial insemination. We have even proceeded beyond that through surrogate parenting, selecting not only a father of choice but also a mother of choice, using in vitro fertilization, and placing the embryo in the uterus of an animal which is very good at carrying young and giving birth to them. But now we have reached another stage where we have through cloning created one animal which is in all regards identical to the animal from which its DNA was taken.

Immediately the specter arises of doing the same for humans. I can assure you that, if we do not take steps to prevent research, in fact a human will be cloned.

Mr. Speaker, I do applaud the President for this morning issuing a moratorium on the use of Federal funds for human cloning experiments. As he says in his comments,

> There is much about cloning that we still do not know. But this much we do know: any discovery that touches upon human creation is not simply a matter of scientific inquiry. It is a matter of morality and spirituality as well.

The President's view is that human cloning would give rise to deep concerns, given our most cherished concepts of faith and humanity. Each human life is unique, born of a miracle that reaches beyond laboratory science. The President believes we must respect this profound gift and resist the temptation to replicate ourselves. That is precisely the danger we face, that individuals with substantial amounts of money and very large egos would decide that they are such a great gift to humanity that in fact they should be cloned, so that there would be many copies of them to perpetuate their image and their ideas.

Mr. Speaker, I want to make it clear in my opposition to this possible practice that I am not a Luddite. I do not automatically react against technological and scientific advances. Obviously not, for I am a scientist and have participated in many advances. But this issue of creating human beings through the cloning process raises such fundamental issues of ethics, morality, theology, and religious belief that I believe we should not only do as the President suggests, withhold funding, but I believe we should have an outright ban on experimentation on human cloning within the United States.

Human life is sacred. The good Lord ordained a time-honored method of creating human life, commensurate with substantial responsibility on the part of the parents, the responsibility to raise a child appropriately. Creating life in the laboratory as we do with human cloning is totally inappropriate and so far removed from the process of marriage and parenting that has been instituted upon this planet that we must rebel against the very concept of human cloning. It is simply wrong to experiment with the creation of human life in this way.

There are other aspects as well. What do we do with the failed experiments, the clones that go wrong? Are we simply going to say, well, they do not really matter because they were created in the laboratory? Will we simply dispose of them as we do with laboratory animal experiments that go wrong? Obviously you cannot. We are dealing with human beings.

So because of the importance of this issue, the importance of preventing human experimentation of this sort, I will be introducing very shortly a bill that will ban the use of Federal funds for human cloning research and a second bill which will provide an outright ban on the practice of human cloning.

SPECIAL RECOGNITION OF MRS. BEVERLY HOOVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Kansas [Mr. TIAHRT] is recognized during morning hour debates for 3 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to honor Beverly Hoover of Wichita, KS.

Nominated for the Governor's Arts Award, Beverly Hoover is an arts volunteer extraordinaire. Last year the Wichita Art Museum gave her just that title, volunteer extraordinaire in honor of her 17 years of service. She became volunteer to the Wichita Art Museum in 1980, serving as a docent which she still does today. Bev was instrumental in raising funds for the Hands On Gallery in 1982. She served as president of the volunteer council, chairman of bake sales, coordinator of holiday trees, and president of the annual art and book fair. She is currently on the board of directors of the Friends of the Wichita Art Museum, which helps support the museum endowment. She has been a member of the friends boards for 8 years.

But Bev does not limit herself to just one arts group. She is capable of serving multiple organizations at one time and has served her community tirelessly in any number of capacities for 20 years, including school coordinator for sculpture in the Wichita Elementary School Art Project when her grown children were youngsters. Bev is the quintessential volunteer, a fast-fading commodity in most communities. She serves on committees, takes leadership roles on boards, gives generously of her time and resources and is an art collector and a patron of Wichita and Kansas art.

Bev serves on the board of directors of the Metropolitan Ballet of Wichita and served as president of that organization from 1983 to 1986. In her 16 years on the board, she has sold advertising for the ballet programs, raised money for guest artists, entertained the board and guests in her home, spearheaded a fundraising drive for a new studio, helped paint and repair the studio, supervised painting and mailing of countless invitations and acted as usher to thousands of Wichita elementary school children who have come to enjoy and appreciate the ballet through Bev's efforts and those who volunteer like Bev.

As if she were not busy enough, here is a sampling of the other activities for which Bev has volunteered over the years: the Music Theater of Wichita Association, 1987 to present; Wichita/Sedgwick Historical Museum, women's support group, from 1994 to present; American Diabetes Association of Kansas; Wichita Center for the Arts—Designing Women's Support Group, from 1995 to present; the Women's Association of the Wichita Symphony from 1987 to present, where she has served in various capacities, including young people's concert chairman and in various leadership positions with the Decorators Showhouse.

Mr. Speaker, I ask you to join me and my colleagues in Wichita Arts Enthusiasts by honoring Bev for all of her years of hard work and dedicated volunteerism.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that though the journey for justice may seem arduous and the necessary tasks of life seem too burdensome, yet in Your mercy we ask for support along the way. May there be nothing that keeps us from achieving a full measure of Your blessings or overwhelms us in our tasks. Teach us to walk by Your spirit, be lifted by Your presence and ennobled by Your grace. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MORNING 1-MINUTE SPEECHES SERVE AN IMPORTANT FUNCTION

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the bipartisan practice of beginning each legislative day with a series of 1-minute topical speeches is under attack. There is an effort in some quarters to muffle debate by pushing this segment back to the end of the day's proceedings. If that attempt succeeds, those Americans who try to follow this portion of the proceedings may be deprived of this important opportunity.

These 1-minute speeches at the start of the business each day give Members, even of low seniority, the chance to speak on issues of real concern to the Nation. I know that I hear from people all over the country responding to what has been said during these 1-minutes, and I think those people all over the country who want to follow our proceedings would be deprived, and I do not want to see that happen.

When individual Members seek to advance an agenda more far-reaching than even their leadership would propose, these 1-minutes provide a good forum for discussion. Morning 1-minutes were tolerated by Democratic leadership and they have been continued under Republican leadership. They should not be shoved to the end of the day in an effort to squelch the exchange of views.

CHILDREN'S HEALTH CARE COVERAGE A TOP PRIORITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, may I first associate myself with the remarks of my colleague in terms of the opportunity to talk about issues that come up and do it at the beginning of the day. I think the 1-minutes are a useful tool, and helpful to the public in terms of following the debate here.

Mr. Speaker, I came to Congress to fight for working families, and there is no issue more important to the health of families than the health and wellbeing of their kids. Expanding health care coverage for the 10 million uninsured children in this Nation must be at the top of our legislative agenda.

There are kids without health insurance in all kinds of families. The vast majority, 90 percent, are the children of working parents. But their parents either lack health insurance themselves or their health plans do not cover their kids.

Children living without health insurance are hurt in so many ways. They are less likely to have a family doctor, less likely to receive preventive care, less likely to receive treatment, even for serious illness, and thus are less likely to grow up healthy and to be productive adults.

I urge the leadership to move the expansion of children's health care to the top of their legislative agenda, so we can make sure that the 10 million uninsured kids in this country have a chance to grow up healthy, ready to learn, and to succeed in life.

SUPPORT THE CONSERVATION RESERVE PROGRAM

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today to express my support for the Conservation Reserve Program, or CRP. Originally it was used as a supply management and conservation tool. Over time, it has become the conservation program of choice for most producers. In addition, it has gained the full-fledged support of many different conservation, environmental, and sportsmen's groups.

The 1996 farm bill gave the U.S. Department of Agriculture broad authority to develop a CRP policy that would provide the Nation with the most conservation benefits for each of the dollars invested. USDA has worked hard to develop such a policy, and I applaud their efforts.

However, many of my constituents, like me, are concerned with the untimely manner in which the rule was issued. Many farmers in my district are agonizing over whether their land will be accepted into the CRP or if they should prepare to plant a crop.

I will be keeping a very close eye on how USDA handles the sign-up process, and will be more than ready to act should things not go as planned. I urge my colleagues to do the same.

END VOODOO ENVIRONMENTALISM IN YELLOWSTONE PARK

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, it is time to hold the Park Service accountable for its management of Yellowstone National Park. For 30 years Yellowstone has been managed with a hands-off policy called natural regulation: a 1960's idea that scientists last week in testimony described as both foolish and misguided.

We have a crisis brewing in Yellowstone Park. As a result of overgrazing, the beaver population, deer population, even the endangered grizzly bear's habitat have been severely damaged. Tall willows have been reduced by 95 percent. Aspen trees are disappearing. Stream banks are eroding 100 times faster inside the park than outside its boundaries.

Bison, however, are so numerous they have overgrazed available pasture land. This winter over 1,000 bison starved to death or fled the park looking for food, and officials at the Department of the Interior say the cruelty of starvation is good for the herd. One of every two bison now carry a disease that causes abortion in cattle and death in humans.

Mr. Speaker, this plan, a "let it starve" version of the old "let it burn" policy, can be replaced. We can do better. Let us stop this voodoo environmentalism, and preserve and protect Yellowstone Park.

REASONS TO SUPPORT THE WORKING FAMILIES FLEXIBILITY ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, employees want more flexibility and choice in their work schedules. Unfortunately, there is a provision in the Federal law which prevents employers from being able to provide their employees with flexibility in one area: giving them the choice of paid comp time or cash wages for working overtime.

The Subcommittee on Workforce Protections recently heard testimony from witnesses in support of the Working Families Flexibility Act, which would allow employers to offer employees their choice of time or money.

As Peter Faust, an employee with the Opportunity Village in Iowa said, "There are a lot of ways to make money in this country and lots of ways to spend it, but there's only one way to spend time with yourself, family, or friends, and that's to have time to spend."

Linda Smith, an employee with the Bascom Palmer Eye Institute in Miami, FL, testified that she could save her overtime hours up for furthering her education, taking care of a debilitated parent or spending time with her young daughter.

Please support the needs of these employees and others by supporting H.R. 1, the Working Families Flexibility Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Wednesday, March 5, 1997.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, MARCH 5, 1997 AND THURSDAY, MARCH 6, 1997

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that on Wednesday, March 5, 1997, the Speaker be authorized to entertain motions to suspend the rules and agree to the following resolutions:

House Concurrent Resolution 17, congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala; House Concurrent Resolution 18, congratulating the people of the Republic of Nicaragua on the success of their democratic elections; and Senate Concurrent Resolution 4, commending and thanking the Honorable Warren Christopher for his exemplary service as Secretary of State.

And that on Thursday, March 6, 1997, the Speaker be authorized to entertain a motion to suspend the rules and pass the following bill:

H.R. 513, the District of Columbia Council Contract Review Reform Act of 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REGARDING THE TEN COMMANDMENTS

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the concurrent resolution (H. Con. Res. 31) expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

The Clerk read as follows:

H. CON. RES. 31

Whereas Judge Roy S. Moore, a lifelong resident of Etowah County, Alabama, graduate of the United States Military Academy with distinguished service to his country in Vietnam, and graduate of the University of Alabama School of Law, has served his country and his community with uncommon distinction;

Whereas another circuit judge in Alabama, has ordered Judge Moore to remove a copy of the Ten Commandments posted in his courtroom and the Alabama Supreme Court has granted a stay to review the matter;

Whereas the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

Whereas the Ten Commandments set forth a code of moral conduct, observance of which is universally acknowledged to promote respect for our system of laws and the good of society: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in government offices and courthouses, of the Ten Commandments should be permitted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 31, introduced by the gentleman from Alabama [Mr. ADERHOLT]. I want to commend Mr. ADERHOLT for introducing this resolution and the gentleman from Illinois, Chairman HYDE, for agreeing to discharge the Committee on the Judiciary so that the House may consider this resolution without further delay.

This resolution expresses the sense of Congress that the Ten Commandments are a declaration of fundamental principles and that the public display of the Ten Commandments should be permitted.

There is a situation in the district of the gentleman from Alabama [Mr. ADERHOLT], in which the State circuit court judge has been ordered by another circuit court judge to remove the hand-carved rendition of the Ten Commandments displayed in his courtroom and to cease inviting clergy to lead juries in prayer prior to their hearing cases.

Our purpose here today is not to pressure any court to rule one way or another in any particular case; rather our purpose is to state our support for the display of the Ten Commandments and to acknowledge that the Ten Commandments are the foundation for the legal order in the United States and throughout western civilization.

Of course, as we all know, the Ten Commandments have, both for Jews and Christians, great religious significance, significance which far transcends their role in the development of our laws. But that certainly does not mean that we should censor or prohibit their display in public places.

There seems to be some confusion about what the Constitution requires with respect to the display of items or documents with some religious significance. The first amendment, contrary to what some people believe, does not require us to drive every such document or symbol from the public square.

As Justice Rehnquist has stated, "The Establishment Clause does not require that the public sector be insulated from all things which may have a religious significance or origin."

The U.S. Supreme Court has never ruled directly on the constitutionality of displaying the Ten Commandments in the courtroom. Only one lower Federal court has addressed this issue. In that case, Harvey versus Cobb County, a Federal district court judge ruled a copy of the Ten Commandments could not lawfully be displayed in the Cobb County courthouse unless the Commandments were part of a larger display that included other documents of historical and educational significance.

The Ten Commandments, held by Moses the Lawgiver, are found in the chamber of the U.S. Supreme Court. Moses is one of the 23 marble relief portraits of the lawgivers displayed over the gallery doors of this Chamber.

Mr. Speaker, if you will look back at the back of the Chamber, you will see Moses displayed prominently looking down over this Chamber. There are several other religious symbols and items on the Capitol grounds which time does not permit me to name. In addition, we begin our daily business in this Chamber, as we did today, with prayer, either by a chaplain paid for by the House or by an invited member of the clergy.

In conclusion, let me say the Constitution does not require and the people of this Nation do not desire Government officials to strip all documents of historical significance which enshrine standards of morality from public view simply because they have a religious basis or origin. I urge the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our religious freedom is the foundation of our free society. This country was established on the high ideals of allowing everyone to practice the religion of their choice without interference of government. This resolution, unfortunately, represents a retreat from that very principle that has made us a great and tolerant Nation.

☐ 1415

This case we address today involves a judge whose refusal to obey a court order is being reviewed by an Alabama Supreme Court. This is not a matter on which we have jurisdiction. The rulings to date are completely consistent with the precedents that have been long established by the courts. This case is still pending and we should not interfere with these proceedings.

If the hanging of these Ten Commandments is unconstitutional, then it really does not matter what we think. We should abide with the law. If they are constitutional, then let the process go forward.

Mr. Speaker, I think one of the important factors is that one's religious beliefs should not be a factor in whether or not one will receive justice in America's courts. This is the issue presented by this amendment. It is not about the Ten Commandments or one's feelings about the Ten Commandments. It is about a courtroom remaining a fair place for all religions. The courtroom loses its neutrality when it endorses a specific religious doctrine. Despite my own beliefs in favor of the Ten Commandments, I do not believe that my personal views should be forced on others seeking the objective forum of a court of law.

The first amendment reads in part, therefore, that Congress should make no law respecting an establishment of religion or prohibiting the free exercise thereof. The posting of the Ten Commandments in the courtroom is an intentional governmental establishment of religion. The courts have already spoken on this issue.

In Stone versus Grahm, the Supreme Court struck down a Kentucky law requiring the posting of the Ten Commandments in public schools. At least one Federal court has already decided that the posting of the Ten Commandments in a courtroom is unconstitutional, and there is no precedent to suggest that this resolution could possibly be constitutional.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama [Mr. ADERHOLT], the sponsor of this resolution.

Mr. ADERHOLT. Mr. Speaker, I would like to thank the chairman of the Subcommittee on the Constitution [Mr. CANADY], for his support of this resolution, as well as the numerous friends and colleagues who have approached me in support of Judge Moore in Gadsden, AL.

Mr. Speaker, the Constitution guarantees freedom of religion. This resolution does not endorse any one religion but, rather, states that a religious symbol which has deep-rooted significance for our Nation and its history should not be excluded from the public square.

When Alexis de Tocqueville came to the United States in 1831 to study how our democracy was working, he was struck by how religious America was. He was impressed that a system of government that allowed such freedom was able to maintain order.

The Founders wisely realized that in a free society, it is imperative that individuals practice forbearance, respect, and temperance. These are the very values taught by all the world's major religions. The Founders devised a Constitution that depended on religion serving as a civilizing force in societal life. John Adams, our second President, and one of the intellectual forces behind the formation of our Nation, said that "our Constitution was designed for a moral and religious people only. It is wholly inadequate to any other."

But strangely today, there are those who seem determined to drive all trace of religion from the public sphere. They ignore the religious traditions on which this great Nation was founded and work to drive religion and religious people out of public life.

Many of my colleagues are aware Judge Roy Moore, a circuit court judge in Gadsden, AL, which is located in my district, has been ordered to take down a two-plaque replica of the Ten Commandments displayed in his courtroom. This case is currently pending before the Alabama Supreme Court.

Many of my colleagues have noted before that this House Chamber contains the face of Moses and the words "in God we trust" above the Speaker's chair. Each day we open with prayer in this great body, as was done a few minutes ago, and yet a small courtroom in Gadsden, AL, cannot hang a simple display of the Ten Commandments on the wall without running the risk of a lawsuit.

Yet this resolution today is not just about Judge Moore and it is not just about the display of the Ten Commandments in Gadsden, AL. It is about our national heritage and the role that religion has historically played in our national life. Our Nation was founded on Judeo-Christian principles.

The migration westward across the Atlantic, which began in the early 17th century, was due primarily to religious conviction. One of the most notable examples of this was Roger Williams. Roger Williams was the one who first used the phrase "wall of separation" in reference to religious liberty. He argued that the reason there needed to be a separation between the church and State was to protect the church, not the State. It is no small irony that the father of our religious liberty is about to be removed from the Capitol rotunda.

The phrase "wall of separation" was also used by Thomas Jefferson in his letter to the Danbury Baptist Association. In this letter Thomas Jefferson argued that the goal of this "wall of separation" was to protect religious liberty, not to protect the workings of government from the influences of religion.

The Ten Commandments represent the very cornerstone of western civilization and the basis of our legal system here in America. To exclude a display of the Ten Commandments because it suggests an establishment of religion is not consistent with our Nation's heritage, let alone common sense itself. This Nation was founded on religious traditions that are an integral part of the fabric of American cultural, political, and societal life.

How can we promote integrity in our leaders and improve the moral fiber of our people without a basis in some absolute standard?

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentleman from Virginia for yielding me this time.

Mr. Speaker, this is a very difficult resolution. I have had long, long feelings that political figures should not use religion for political gain, and it bothers me when I see something come to the floor, with no committee hearings by either Judiciary, on which I do not serve, or on Transportation and Infrastructure, on which I do serve.

If someone wants to have the Ten Commandments in their government office and there is no interaction with the public, that is certainly a right they can have under the first amendment.

And Moses, of course, begins the lawgivers of history over our center door. He is the first one I point to when constituents are brought into the House Chamber by me. And he was a great lawgiver.

But the Constitution, I think, is very clear. We have an article III judiciary that is independent of the legislative and the executive branches And the judiciary is independent with good reason. And yet here we are intervening, or attempting to intervene, despite all of the protestations I will hear, we are intervening in a State court case which has not even reached the Federal courts, and it has certainly not been reviewed by the Supreme Court of the United States.

Now, the Chief Justice is not simply Chief Justice presiding over the Supreme Court. The Constitution designates him as Chief Justice of the United States. He heads the article III judiciary which is an independent branch of government.

When you have this resolution include courthouses, you make a major mistake. You tread on the article III judiciary. If you are in Detroit, where there are many Arabic citizens or in Long Beach where there are many Cambodian citizens, and you are in a court case, and you walk into the courtroom, where you are involved in a case, and you see—under this resolution—the Jewish and Christian code on the wall, you might ask "Where is the Islamic—or the Confucian—or the Buddhist—code of morality?"

Mr. Speaker, there are many great religions in this world, Buddhism, Christianity, Confucianism, Judaism, and Islam. We have all studied them, many of us in this Chamber, and it is wrong to single out two religions and carve what they believe on the walls.

Mr. Speaker, those are wonderful moral precepts. I would hope that most of us in this Chamber follow them, and I certainly follow them myself. On the other hand, I do not think it is the role of the Congress under article I to tell the article III judiciary what your courtroom should look like. That courtroom ought to be a place of neutrality, where the issues can be fought out without any prejudgments having been made. And my feeling about this resolution suddenly coming to the floor, popping out of nowhere—as if Peter Pan was floating around the Chamber dropping resolutions here and there to be acted upon. Such a procedure violates every tradition of this House in terms of reference to committee, careful consideration and thinking through the implications of an action before we simply use religion to advance political careers.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. BARR], a valued member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from my neighboring State of Alabama for having the courage and the backbone to introduce this resolution in this Chamber.

Mr. Speaker, today, March 4, is the anniversary of the first day that the Constitution of the United States of America went into effect in 1789, and it is, therefore, I believe, Mr. Speaker, an especially appropriate day, though any day is an appropriate day, to stand up for freedom of religion and to stand up for an exposition of the rule of law in our society, but this is an especially important and significant day to do that.

Mr. Speaker, perhaps if Judge Moore had in addition to the Ten Commandments a directive on that wall that everybody that comes in must bow down and pay homage or fealty to those, that might be different. There is nothing mandatory and this Congress certainly knows an awful lot about mandatory, they mandated this, that and the other things that we have passed over the years, unfunded mandates. What Judge Moore is doing is no more mandatory than any one of us standing up here as I stand here today and say in God we trust, and in God we do trust. And I do not think that the vast majority of Americans think there is anything whatsoever wrong in having their elected representatives believe and trust in God.

Thank goodness, I suppose, in light of the arguments on the other side that Judge Moore did not have the audacity to include the Declaration of Independence on his wall. Maybe he did, and maybe they will now object to that, because in the Declaration of Independence itself, we find references to God, and a creator, with a capital C and with a capital G.

There is nothing mandatory in terms of forcing religion in this document than there is in those Ten Commandments hanging on the wall which speak so eloquently about the rule of law that would make it unconstitutional in any way, shape or form. Indeed, what could be unconstitutional is the efforts made to take it down as an abridgment of the constitutional right to freedom of speech in this country.

I say to Judge Moore: Carry on, Judge. Carry on as we will do here in this Chamber despite the constant efforts by the other side to demoralize, deemphasize this society, and stand here proudly and say in God we trust and, Judge Moore, we are glad that in God you trust, and I certainly hope that more of the defendants that appear in your courtroom also hear that message because they will leave that courtroom then better citizens than when they came in, and that is indeed something that all of us here should be applauding, not denigrating.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I know some have wondered why the pace of the House has been so slow this year. Here we are in March and we have not done any serious legislating, and I guess people who have been worried about that can now take heart. We are indeed legislating. We are in a congratulatory legislative mode. This week we will be congratulating Guatemala, Nicaragua, Warren Christopher, and Moses.

□ 1430

What we do I think is get 3 out of 4 right, because as the gentleman from California who preceded me noted, what we have here is an effort to enlist religion into a political battle. No one thinks that this resolution will have any influence on the outcome of a court case. Indeed, we would hope it would not. There is going to be a judicial proceeding.

How often does Congress take sides by resolution in a pending court case? The answer, fortunately, is not very often. It does it apparently when we have people in control of the House of Representatives who are lacking a legislative agenda, who are unhappy about a vacuum, and therefore put this into it, as has been noted by my colleague from California, without any hearing, without any chance to amend it.

For instance, some people might want to vote for this, for all but section 2. Some people might, feeling the need, want to talk about what a wonderful thing the Ten Commandments is, or are, I am not sure of the grammar, but why do we have to vote without a chance to amend on section 2? Section 2 is relevant.

The notion that this is freedom of religion seems to me wholly without any intellectual respectability. We are talking here about a sitting judge presiding in a courtroom into which people are brought, one assumes sometimes against their will. His freedom of religion as a citizen is not at issue here. His freedom of religion in his home and any private premises he maintains to put whatever he wants up is untrammeled. His freedom to speak as he wishes as a citizen is untrammeled.

The question is, Do you bring people into a courtroom who have to be there and say to them officially, we feature this religious statement, because it is there as a religious statement. Indeed, in defending this religious statement by the judge some of the people on the other side would trivialize it. He is not putting the Ten Commandments up there as an interesting historical factor. He, I believe, himself has acknowledged it is up there as an expression of the importance of religion. It is not just religion in general, which in itself I believe would be unconstitutional, but it refers to specific religions, Judaism and Christianity, which support the Ten Commandments. And it is not simply the principles of, that would not be objectionable, it is that specific religious expression.

It is simply inappropriate constitutionally in this country to tell people that the price of justice in Alabama or anywhere else is to be acknowledging the superiority of 2 religions over others. People have said, well, you know, the separation of church and state was to protect religion, not government. That is right, and what you do not understand is how you undermine religion. What you are saying is that the Ten Commandments are not in themselves strong enough to command respect. Religion cannot propagate them sufficiently. We have to take a sitting judge, with all of the powers of a sitting judge and all of the authority vested in that judge and allow that judge to be the medium of educating people about the Ten Commandments while he is doing his judicial duty.

That is a denigration of religion. That is an assumption that religion cannot make it on its own, and it is an inappropriate assumption and it violates the constitutional right of people to say I do not believe in the Ten Commandments or I believe in 8 commandments or 13 commandments. We are clearly here for political purposes seeking the capturing of the Ten Commandments, not to inculcate respect for them but to deal with a political problem.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I rise today in support of the Aderholt resolution expressing the sense of Congress with respect to the display of the Ten Commandments. James Madison once declared,

> We have staked the entire future of the American civilization not upon the power of government, but on the capacity for each of us to govern ourselves, to control ourselves, and to sustain ourselves according to the Ten Commandments of God.

Thomas Jefferson said,

> I consider ethics as well as religion as supplements to the law and the government of man. Clearly our Constitution and the Bill of Rights are built on the foundations of ethics and morality found in the Ten Commandments.

Jefferson's concepts of life, liberty, and the pursuit of happiness found in the Declaration of Independence also have roots in the principles put forth by the Ten Commandments. It is unreasonable for anyone to contend that our forefathers did not use the Commandments and God's word as the models in which to pattern a new nation, a nation based on the protection of individual liberties.

Yet today, there are those who under the cloak of separation of church and state argue that the public display of our Ten Commandments in government offices, courthouses, schoolhouses, is a threat to those liberties.

In my own State of Alabama there are efforts to prevent Judge Roy Moore from hanging the Ten Commandments in his courtroom. The Constitution's main purpose is to preserve everyone's inalienable right to worship as they see fit. Public servants like Judge Moore do not wish to promote any particular religious beliefs by displaying the Ten Commandments; instead, they only wish to post a reminder of what our society generally agrees is right or what is wrong. The display of the Ten Commandments is a poignant reminder.

As elected officials, we have a responsibility to take a stand. We must protect and preserve the principles that form the foundations of our society and our Nation. I believe that the Ten Commandments should be allowed to hang in our public buildings as a reminder of the fundamental principles of our Nation.

The Commandments remind us that the Constitution was created to protect the weak from the strong, not to promote the tyranny of the strong. They remind us that we all have a moral obligation to respect the rights of others.

Mr. Speaker, I am proud to stand with my friend and colleague, Congressman ADERHOLT, to preserve the moral and ethical foundations of this great country. Please support the passage of this very important resolution.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I want to thank my friend from Virginia for yielding me this time to debate this issue.

Mr. Speaker, I had the fortune of being born and reared in a house that adjoined the churchyard of the Mount Olive Presbyterian Church in Charlotte, NC, the church that I happen to be still a member of, and grew up with a full understanding of what the Ten Commandments said and trying to honor those Commandments.

Imagine the surprise yesterday when I received a phone call and had a message waiting for me when I arrived in Washington saying that somebody wanted to talk to me about a resolution that was coming to the floor of the U.S. House of Representatives in support of the Ten Commandments. I thought surely this must be a mistake. I thought the Ten Commandments were to be supported or not supported in a religious context, not in the Halls of the Congress of the United States.

Imagine my surprise this morning when I pulled out this and found it to be the calendar for the day. One item. No business yesterday on the floor of the House, no business today with the exception of one item; no business tomorrow with the exception of 3 congratulatory bills, congratulating people for something; no business the next day in the House. I thought maybe this is April Fool's that we are doing on the American people this week, but this is not April.

I am a member of the Committee on the Judiciary. Until I got the call yesterday from a constituent saying there is something coming on the floor of the House about the Ten Commandments, we had seen no sight of this resolution, no debate in the Committee on the Judiciary, no debate in any committee.

I guess I should not be surprised, however, because I got the statistics last week that showed that we are only up to 25 bills on the floor of the House this session as compared to 175 or thereabouts at this time of the session 2 years ago. We ought to be ashamed of ourselves for parading this resolution out here as if it was some kind of serious business.

This is not about whether you support freedom of religion or not. If you support freedom of religion, then you would really be supporting the right of every American citizen to either be religious or not be religious, support one religion or the other; you would not be bringing a resolution here supporting just one form of religion.

There are people in our country who have no allegiance to the Ten Commandments. And yet, here we are, all of the issues that we have as a country pressing upon us, debating whether we ought to support the Ten Commandments or not. We ought to be ashamed of ourselves, and we ought to vote this resolution down. It should never have been here in the first place.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Speaker, I rise in support of this joint resolution. In 1644 a Scotsman named Samuel Rutherford penned a work entitled "Lex, Rex" or "The Law and the Prince." This book made quite a stir, for it challenged the divine right of kings; that is, it challenged the notion that the law was whatever the king said it was.

Mr. Speaker, Rutherford saw a basic truth: Government not predicated upon an absolute is hardly a government at all. This greatly impressed the Founders of our Nation.

Like it or not, the historical fact of the matter is that the absolutes upon which most of the law of this country is derived, everything from the right to own property to the criminal codes, are rooted in the Bible.

More specifically, much of the law can be traced to that ancient moral code we call the Ten Commandments. Thank God that the Founders understood the source of law.

I cringe that a misguided judge could so construe the Constitution as to call for the removal of the Ten Commandments from the courthouse wall. I urge a yes vote on this resolution.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the chairman for bringing this important issue up. I have to tell my colleagues, it is humorous watching people doing historical cartwheels, trying to rewrite history as radical revisionists have been doing for the past 30 years, trying to tell us that the Ten Commandments is some political gimmick. Well, if it is, it is a political gimmick that the Father of our Constitution also employed.

James Madison, in drafting the Constitution, which radicals now claim to be trying to protect, said,

> We have staked the future of the American civilization not on the power of government, but on the capacity of Americans to abide by the Ten Commandments of God.

The Father of our Country, George Washington, also talked about how this country could not be governed without God and the Ten Commandments and the Bible.

Now, if the revisionists do not like that, that is fine, but please, do not insult Americans' intelligence, please do not try to do a verbal burning of our American history books. Let us talk about the simple facts.

☐ 1445

Maybe that is why the Supreme Court of the United States has two copies of the Ten Commandments on the wall, while we have In God We Trust and Moses on this wall. Let us get real.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I submit for the RECORD a copy of the Ten Commandments that I think will enhance our ability to conduct this debate in a civil manner.

The debate today is over how far the hand of government will stretch to remove religious symbols from the public square. Will our courts and Federal Government continue the battle to remove all religious symbols from the public square? Are the Ten Commandments so offensive that they call us not to murder, not to steal, not to commit adultery and to be truthful that we must remove them?

They also call us to remember that we are accountable to someone other than ourselves, they call us to live lives of civility and respect to others. Is it so offensive to let people see the Ten Commandments? Let us support the resolution and the right of Judge Moore to hang the Ten Commandments in his courtroom. He should have the same rights as the Supreme Court of the United States.

Mr. Speaker, I include for the RECORD a copy of the Ten Commandments:

THE TEN COMMANDMENTS

[From Exodus 20:1–17]

And God spoke all these words:

"I am the Lord your God, who brought you out of Egypt, out of the land of slavery.

"You shall have no other gods before me.

"You shall not make for yourself an idol in the form of anything in heaven above or on the earth beneath or in the waters below. You shall not bow down to them or worship them; for I, the Lord your God, am a jealous God, punishing the children for the sin of the fathers to the third and fourth generation of those who hate me, but showing love to a thousand generations of those who love me and keep my commandments.

"You shall not misuse the name of the Lord your God, for the Lord will not hold anyone guiltless who misuses his name.

> "Remember the Sabbath day by keeping it holy. Six days you shall labor and do all your work, but the seventh day is a Sabbath to the Lord your God. On it you shall not do any work, neither you, nor your son or daughter, nor your manservant or maidservant, nor your animals, nor the alien within your gates. For in six days the Lord made the heavens and the earth, the sea, and all that is in them, but he rested on the seventh day. Therefore the Lord blessed the Sabbath day and made it holy.
>
> "Honor your father and your mother, so that you may live long in the land the Lord your God is giving you.
>
> "You shall not murder.
>
> "You shall not commit adultery.
>
> "You shall not steal.
>
> "You shall not give false testimony against your neighbor.
>
> "You shall not covet your neighbor's house. You shall not covet your neighbor's wife, or his manservant or maidservant, his ox or donkey, or anything that belongs to your neighbor."

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, anyone thinking that a vote for this resolution represents a show of their own support for the virtues of the Ten Commandments should take pause. This actually demeans Christianity rather than upholds it.

Benjamin Franklin once wrote, "When religion is good, I conceive that it will support itself; and, when it cannot support itself, and God does not take care to support it, so that its professors are obliged to call for the help of the civil power, it is a sign, I apprehend, of its being a bad one."

Mr. Speaker, Christians do not need the courts to endorse or legitimize our religion, and asking for support from a court for endorsement is self-defeating.

Mr. Speaker, when the Virginia Statute for Religious Freedom was passed, Thomas Jefferson wrote to James Madison the following: "It is comfortable to see the standard of reason at length erected, after so many ages during which the human mind has been held in vassalage by kings, priests, and nobles; and it is honorable for us to have produced the first legislature who has had the courage to declare that the reason of man may be trusted with the formation of his own opinions."

Mr. Speaker, this resolution comes to us without warning, without hearings, without deliberation. It has come without an explanation of why it is so urgent that, if it is constitutional, the process will work its will. If it is not constitutional, it does not matter what we think. In either case, I do not think we should position ourselves with a judge for whom a court has ruled he is breaking the law and a judge who has proclaimed that he will ignore the very law he is supposed to uphold.

Mr. Speaker, we have other things that we should be doing, juvenile justice, education, health care, employment, the budget. We should be attending to those rather than this resolution that comes, as I said, without warning, without hearings, and without deliberation.

Mr. Speaker, we should, therefore, defeat this resolution.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I have here a dollar bill that says "In God we trust." Behind the Speaker it says "In God we trust." This finite example, these examples provide tangible proof of the traditional cooperation of church and state.

I say to the folks on this side, the Ten Commandments hang currently on the wall of the U.S. Supreme Court in a frieze. In fact the very chamber in which oral arguments on this case were heard is decorated with a notable and permanent, not seasonal, symbol of religion, Moses with the Ten Commandments.

In order to preserve the religious principles on which our Nation was founded, let us demonstrate today to the Nation our belief that the Ten Commandments are a cornerstone of a fair and just society.

Mr. Speaker, John Knox, the Scottish religious reformer, once wrote: "a man with God is always in the majority." We are a Judeo-Christian society. It is time we rose in support of it. Judge Roy Moore's courtroom illustrates his commitment to the tenets of the Ten Commandments. I urge my colleagues to support our Nation's founding principles and individual liberty by passing this resolution.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is appropriate to rise following a statement that calls upon Judeo-Christian tenets and our belief in the first amendment that clearly articulates our belief in the right to freedom of religion and certainly freedom of speech.

Even as I rushed to the floor of the House because I thought this deliberation was so key, I was admonished that we begin our sessions with prayer. And, yes, we do. And so it is important that we provide comfort to those who want to participate in religious activities and we do. I believe in the Ten Commandments. But we gave an option to the honorable judge in Alabama and that was that he could have the Ten Commandments along with other artifacts that would indicate the broadness and depth of his responsibility as a jurist.

Mr. Speaker, I believe this resolution is wrong. We have not had a hearing. It begs the question of freedom of religion. We have freedom of religion, but the negative part of this particular resolution is it has a matter on the floor of the House that has no place here. We have the right to have freedom of religion across this Nation, but those who would come into that courtroom also have the right to be acknowledged and recognized in their difference in beliefs, their difference in interpretation of the Ten Commandments, their belief or nonbelief in the Ten Commandments. That is the freedom that we seek here by opposing this resolution, the freedom to be able to believe as one would want to believe, the freedom to be able to acknowledge that we believe. I believe in the Ten Commandments, but that in the place of government, we here in the United States Congress should not be on one side versus another. We should be promoting the right to freedom of religion and freedom of expression of those who might oppose the display of the Ten Commandments as it is presently exposed.

I would simply say that our right here is to oppose the resolution, to support the first amendment and to support freedom of religion.

Mr. CANADY of Florida. Mr. Speaker, I yield myself 1 minute.

Throughout this debate, I have been struck by the fact that inscribed over the Speaker are the words "In God we trust." All of the arguments that are being made that the Ten Commandments should not be displayed in a courtroom are equally applicable to the display of the motto "In God we trust" here in this Chamber.

Does in God we trust here mean that we are denying people religious freedom? Does it mean that the people who come into the Chamber to watch our proceedings are somehow discriminated against if they do not believe in God? Does it mean that we are threatening the Constitution? Does it mean we are undermining the Constitution or undermining religious freedom? No. It does not.

And I would like to ask any of the Members who are opposed to this resolution to state whether they wish to have these words effaced from the wall here. If they do, then maybe they would be consistent.

But if they are not willing to say that, then I think they should not oppose this resolution because displaying the Ten Commandments in a courtroom does nothing more to establish a particular religion or religion in general in this country than the display of these words on the walls of this Chamber.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume just to make a very brief comment in closing.

We have to look at the context in this particular case, in this particular courtroom. The context, as in the order against the judge, indicated that if he had a display similar to the one in the Supreme Court that had the Ten Commandments in the context of historical perspective where it is not specifically singled out, not endorsed, then it would be okay. The court in this case was given that option and denied it because he said that he wants to make a religious statement.

The context is such that one would doubt whether or not they would have a fair trial if they do not believe in that particular religion.

I do not think anyone thinks that their legislation may be in jeopardy based on their religious beliefs based on the statement right above your head, Mr. Speaker. They are free to state their beliefs and their position on legislation or the outcome of their legislation is not jeopardized by virtue of those beliefs.

I think it is reasonable to assume if you did not believe what the judge did, after he has stated a prayer, as he has, and the one religion singled out for display, I think you could reasonably assume that the outcome of your case may be jeopardized if you do not enjoy that same religion. It is the context in which these Ten Commandments are presented that creates the problem.

The court has been ruled out of order. Therefore, Mr. Speaker, we should vote against this resolution.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama [Mr. ADERHOLT].

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Alabama [Mr. ADERHOLT] is recognized for 1\1/2\ minutes.

Mr. ADERHOLT. Mr. Speaker, in conclusion I would like to say that this resolution does not state that the Ten Commandments must be displayed in Government buildings. It does not force anyone to believe in God, nor does it force anyone to obey the Ten Commandments. It merely reaffirms the importance of a vital religious symbol in American societal life.

As a nation we could do worse than to affirm these principles, that these principles have a place in our society and in our legal system.

Families in Oklahoma would still be whole if the perpetrators of the bombing had followed the command "thou shalt not kill." The streets of Los Angeles would have been peaceful last Friday if two men had followed the command "thou shalt not steal."

Ronald Reagan said it best when he stated that billions of laws have been enacted throughout history and none of them have improved on the Ten Commandments one bit.

Although this measure is a sense of Congress and it is not legally binding, I strongly believe that this resolution is an important symbolic gesture.

I urge my colleagues to support House Concurrent Resolution 31.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 31).

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

Mrs. CHENOWETH. Mr. Speaker, I rise in support of House Concurrent Resolution 31, the resolution supporting public display of the Ten Commandments.

Mr. Speaker, some complain that displaying the Ten Commandments constitutes the establishment of religion.

But, Mr. Speaker, the Ten Commandments actually constitute the establishment of law.

The Ten Commandments are one of the earliest examples of written law that society must have to survive.

Acknowledging that the rights of people and the responsibility to establish laws protecting those rights come not from government but from the Creator only acknowledges the truth.

Acknowledging that our system of law is deeply rooted in the Judeo-Christian tradition only acknowledges the truth.

The truth, Mr. Speaker, is that the Ten Commandments establish the very principles of a fair and just society.

Alabama Governor Fob James should be commended for taking whatever steps are necessary to resist the judicial tyranny which would force the removal of the Ten Commandments from Judge Roy Moore's courtroom.

Mr. Speaker, I urge the House to pass this resolution. If we as a nation are to continue to prosper, it will be as a result of the providence and blessing of God and the ideals set out in each of the Commandments.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SCOTT) to revise and extend his remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous material:)

Ms. GRANGER, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today and on March 5 and 6.

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCOTT) and to include extraneous matter:)

Mr. SERRANO.
Mr. KENNEDY of Rhode Island.
Mr. MATSUI.
Ms. NORTON.
Mr. VISCLOSKY.
Mr. MILLER.
Mr. WAXMAN.
Mr. MARKEY.
Mr. DEFAZIO.
Mr. FRANK of Massachusetts.
Mr. WEYGAND.
Mr. KANJORSKI.

(The following Members (at the request of Mr. ADERHOLT) and to include extraneous matter:)

Mr. PAXON.
Ms. MOLINARI.
Mrs. MORELLA.
Mr. GILMAN, in two instances.
Mr. GOODLATTE.
Mr. CRANE.
Mr. PORTER.
Mr. MCKEON.
Mr. CRAPO.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building".

H.R. 668. An act to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill and a joint resolution of the House of the following title:

On February 27, 1997:

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building".

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

ADJOURNMENT

Mr. ADERHOLT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Wednesday, March 5, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2028. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiazopyr: Pesticide Tolerances [OPP-300455; FRL-5591-5] (RIN: 2070-AB78) received February 27, 1997, pursuant to 5 U.S.C. 810(a)(1)(A); to the Committee on Agriculture.

2029. A letter from the Administrator, Food and Consumer Service, transmitting the Service's final rule—Food Assistance in Disaster and Distress Situations [Workplan Number 90-0001] (RIN: 0584-AB55) received February 27, 1997, pursuant to 5 U.S.C. 810(a)(1)(A); to the Committee on Agriculture.

2030. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 95-16, which totaled $172,121, occurred in the fiscal year 1993 and fiscal year 1994 operation and maintenance, Air Force [O&M,AF] appropriations, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2031. A letter from the Director, Defense Procurement, Department of Defense transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Automatic Data Processing Equipment Leasing Costs [DFARS Case 96-D011] received February 27, 1997, pursuant to 5 U.S.C. 810(a)(1)(A); to the Committee on National Security.

2032. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Earned Value Management System [DFARS Case 96-D024] received March 3, 1997, pursuant to 5 U.S.C. 810(a)(1)(A); to the Committee on National Security.

2033. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services [CHAMPUS]; Program for Persons with Disabilities; Basic Program [DoD 6010.8-R] (RIN: 0720-AA32) received February 27, 1997, pursuant to 5 U.S.C. 810(a)(1)(A); to the Committee on National Security.

2034. A letter from the Under Secretary of Defense, transmitting notification that the report to be submitted pursuant to 10 U.S.C. 115(a) will be submitted by April 30, 1997; to the Committee on National Security.

2035. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Membership of State Banking Institutions in the Federal Reserve System; Recordkeeping and Confirmation of Certain Securities Transactions Effected by State Member Banks (Regulation H; Docket No. R-0909) received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2036. A letter from the Secretary of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2037. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for direct grant programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

2038. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled "Performance Profiles of Major Energy Producers 1995," pursuant to 42 U.S.C. 7267; to the Committee on Commerce.

2039. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 [PDUFA], for the fiscal year 1996, pursuant to 21 U.S.C. 379g, note; to the Committee on Commerce.

2040. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Analytical Methods for Radionuclides [WH-FRL-5689-9] (RIN: 2040-AC88) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2041. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of safeguards information for the quarter ending December 31, 1996, pursuant to 42 U.S.C. 2167(d); tc the Committee on Commerce.

2042. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Revision of Holding Period Requirements in Rules 144 and 145 [Release No. 33-7390; File No. S7-17-95] (RIN: 3235-AG53) received February 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2043. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97-17: Suspending Restrictions on U.S. Relations With the Palestine Liberation Organization, pursuant to Public Law 104-107, section 604(b)(1) (110 Stat. 756); to the Committee on International Relations.

2044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective February 10, 1997, the danger pay rate for the Great Lakes Region of Africa, including areas of Rwanda, Uganda, and Zaire, was designated at the 25 percent level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

2045. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [97-007] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2046. A letter from the Principal Deputy Assistant Secretary for Public Affairs, Department of Defense, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2047. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting the annual report for the Public Health Service Commissioned Corps retirement system for fiscal year 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

2048. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2049. A letter from the Chairman and CEO, Farm Credit Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2050. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2051. A letter from the Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2052. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2053. A letter from the Secretary of the Interior, transmitting the 1996 section 8 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Resources.

2054. A letter from the Secretary of the Interior, transmitting the Department's report on the administration of the Marine Mammal Protection Act of 1972, pursuant to 16 U.S.C. 1373(f); to the Committee on Resources.

2055. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Mau Zone Moratorium [Docket No. 961121322-7033-02; I.D. 110696B] (RIN: 0648-AJ02) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2056. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 961107312-7021-02; I.D. 021997C] received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2057. A letter from the Assistant Administrator for Fisheries, National Oceanic and

Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Amendment 6 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 961125328–7032–02; I.D. 103196B] (RIN: 0648–AJ06) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2058. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Registration Area D [Docket No. 960502124–6190–02; I.D. 021997E] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2059. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—State Program Amendments (RIN: 1029–AB86 and 1029–AB87) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2060. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Regulatory Program [OH–239; Amendment Number 73] received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2061. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting the Department's report entitled "Upper Jordan River, Utah—Mill Creek Flood Control Project," pursuant to section 301(a)(14) of the Water Resources Development Act [WRDA] of 1996; to the Committee on Transportation and Infrastructure.

2062. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–11–AD; Amdt. 39–9948; AD 97–05–94] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2063. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–116–AD; Amdt. 39–9949; AD 97–05–05] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2064. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–200, –300, and –400 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–71–AD; Amdt. 39–9945; AD 97–05–01] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2065. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–51–AD; Amdt. 39–9946; AD 97–05–02] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2066. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–223–AD; Amdt. 39–9894; AD 97–02–09] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600 and 700 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–142–AD; Amdt. 39–9943; AD 97–04–18] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2068. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Series Airplanes Equipped with Walter Kidde Nose Wheel Steering System (Federal Aviation Administration) [Docket No. 96–NM–38–AD; Amdt. 39–9941; AD 97–04–16] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2069. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–236–AD; Amdt. 39–9944; AD 97–04–19] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2070. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes and Model Avro 146–RJ Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–48–AD; Amdt. 39–9942; AD 97–04–17] (RIN: 2120–AA64) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2071. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Johnston County Executive Airport, Olathe, KS (Federal Aviation Administration) [Airspace Docket No. 96–ACE–19] (RIN: 2120–AA66) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2072. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Imperial, NE (Federal Aviation Administration) [Docket No. 96–ACE–20] (RIN: 2120–AA66) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2073. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; San Jose, CA (Federal Aviation Administration) [Airspace Docket No. 96–AWP–27] (RIN: 2120–AA66) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2074. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Victorville, CA (Federal Aviation Administration) [Airspace Docket No. 96–AWP–30] (RIN: 2120–AA66) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2075. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Victorville, CA (Federal Aviation Administration) [Airspace Docket No. 95–AWP–26] (RIN: 2120–AA66) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2076. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Flight Rules in the Vicinity of Grand Canyon National Park (Federal Aviation Administration) [Docket No. 28537; Amendment Nos. 91–253, 93–73, 121–262, 135–66] (RIN: 2120–AF93) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2077. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Advisory Circular—Aviation Safety Action Programs (ASAP) (Federal Aviation Administration) (RIN: 2120–ZZ04) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Anchorage Area: Special Anchorage Great Kills Harbor, Staten Island, NY; Special Anchorage Sheepshead Bay, Brooklyn, NY (U.S. Coast Guard) [CGD01–96–012] (RIN: 2115–AA98) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2079. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Intracoastal Waterway, St. Augustine, FL (U.S. Coast Guard) [CGD07–97–002] (RIN: 2115–AE46) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2080. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Gulf Intracoastal Waterway, LA (U.S. Coast Guard) [CGD8–97–001] (RIN: 2115–AE47) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2081. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Section 5309 (Section 3(J)) FTA New Starts Criteria (Federal Transit Administration) (RIN: 2132–AA50) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2082. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) (U.S. Coast Guard) [CGD 95–062] (RIN: 2115–AF26) received March 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2083. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Entry of Softwood Lumber Shipments from Canada (U.S. Customs Service) [T.D. 97–9] (RIN: 1515–AB97] received February 24, 1997, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2084. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Petroleum Industry Coordinated Issue: Cost Depletion—Recoverable Reserves—received February 25, 1997, pursuant to 5 U.S. 801(a)(1)(A); to the Committee on Ways and Means.

2085. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Construction/Real Estate Industry Coordinated Issue: Per Diem Allowances for Temporary Technical Services Employees—received February 25, 1997, pursuant to 5 U.S. 801(a)(1)(A); to the Committee on Ways and Means.

2086. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Avoidance Using Self-Amortizing Investments in Conduit Financing Entities [Notice 97–21] received February 28, 1997, pursuant to 5 U.S. 801(a)(1)(A); to the Committee on Ways and Means.

2087. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Waiver of Certain Limitations on Obtaining Automatic Consent to Change an Accounting Period and Elect to be an S Corporation Effective January 1, 1997 [Notice 97–20] received February 28, 1997, pursuant to 5 U.S. 801(a)(1)(A); to the Committee on Ways and Means.

2088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans and Exempt Organizations; Requests for Certain Determination Letters and Applications for Recognition of Exemption [Announcement 97–20] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2089. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–10] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2090. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the Commission's report on issues affecting health care delivery in the United States, pursuant to Public Law 101–508, section 4002(g)(1)(B) (104 Stat. 1388–36); to the Committee on Ways and Means.

2091. A letter from the Department of State, Assistant Secretary for Legislative Affairs, transmitting the Department's Federal Equal Opportunity Recruitment Program for fiscal year 1996, pursuant to 22 U.S.C. 3905(d)(2); jointly, to the Committees on International Relations and Government Reform and Oversight.

2092. A letter from the Railroad Retirement Board, transmitting the Board's justification of budget estimates for fiscal year 1998, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Transportation and Infrastructure, Ways and Means, and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COBLE (for himself and Mr. Berman):

H.R. 908. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

*COM026*By Mr. HEFLEY (for himself and Mr. Ortiz) (both by request):

H.R. 909. A bill to authorize certain construction at military installations for fiscal year 1998, and for other purposes; to the Committee on National Security.

By Mr. MARKEY (for himself, Mr. Burton of Indiana, Mr. Spratt, Mr. Moran of Virginia, Mr. Greenwood, Mr. Klink, Mr. Poshard, Mr. Kennedy of Massachusetts, Mrs. Tauscher, Mr. DeFazio, Mr. Hinchey, Mr. Filner, and Ms. Hooley of Oregon):

H.R. 910. A bill to amend the Communications Act of 1934 to require that violent television programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce.

By Mr. Porter (for himself, Mr. Ackerman, Mr. Baker, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bereuter, Mr. Bliley, Mr. Boehlert, Mr. Bunning of Kentucky, Mr. Callahan, Mr. Campbell, Mr. Canady of Florida, Mrs. Carson, Ms. Christian-Green, Mr. Cooksey, Mr. Coyne, Mr. Cunningham, Ms. Danner, Mr. Davis of Virginia, Mr. Dickey, Mr. Doyle, Ms. Dunn of Washington, Mr. Ehlers, Mr. Ehrlich, Mrs. Emerson, Mr. English of Pennsylvania, Mr. Ensign, Mr. Evans, Mr. Fattah, Mr. Filner, Mr. Foley, Mr. Frank of Massachusetts, Mr. Franks of New Jersey, Mr. Frost, Ms. Furse, Mr. Gallegly, Mr. Gilchrest, Mr. Goodlatte, Mr. Goodling, Mr. Goss, Mr. Greenwood, Mr. Hall of Ohio, Mr. Hastert, Mr. Hayworth, Mr. Herger, Mr. Hobson, Mr. Holden, Mr. Horn, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Kim, Mr. Largent, Mr. Leach, Mr. Livingston, Mr. McCollum, Mr. McHugh, Mr. McKeon, Ms. McKinney, Mr. McIntosh, Mr. Meehan, Ms. Molinari, Mr. Neal of Massachusetts, Mr. Ney, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Parker, Mr. Payne, Mr. Petri, Mr. Pickett, Mr. Poshard, Mr. Quinn, Mr. Ramstad, Mr. Riggs, Mr. Romero-Barcelo, Mr. Sanders, Mr. Sanford, Mr. Schiff, Mr. Sensenbrenner, Mr. Serrano, Mr. Shays, Mr. Sisisky, Mr. Skeen, Ms. Slaughter, Mr. Stark, Mr. Stump, Mrs. Thurman, Mr. Towns, Mr. Walsh, Mr. Watts of Oklahoma, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Wicker, Mr. Wolf, Mr. Castle, Mr. Faleomavaega, Mr. Fox of Pennsylvania, Ms. Jackson-Lee, and Mr. Martinez):

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS:

H.R. 912. A bill to amend section 1928 of the Social Security Act to extend eligibility for Medicaid payment for administration of a pediatric vaccine to all children who are not insured with respect to that vaccine; to the Committee on Commerce.

By Mr. COMBEST (for himself, Mr. Stenholm, Mr. Thornberry, Mr. Lucas of Oklahoma, Mr. Chambliss, and Mr. Edwards):

H.R. 913. A bill to amend the Agricultural Market Transition Act to provide greater planting flexibility; to the Committee on Agriculture.

By Mr. McKEON (for himself and Mr. Kildee):

H.R. 914. A bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. Clyburn):

H.R. 915. A bill to amend title 49, United States Code, to provide protection for airline employees who provide certain air safety information; to the Committee on Transportation and Infrastructure.

By Mr. CRANE:

H.R. 916. A bill to amend title XVIII of the Social Security Act to remove the requirement of an x ray as a condition of coverage of chiropractic services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAPO:

H.R. 917. A bill to amend the Fair Labor Standards Act of 1938 to provide that the overtime exemption available to employees engaged in the transportation and preparation of fruit and vegetables is available to employees engaged in the transportation and preparation of sugar beets; to the Committee on Education and the Workforce.

By Mr. KNOLLENBERG:

H.R. 918. A bill to direct the Secretary of Transportation to make grants to States for the construction and maintenance of highways, to direct the Federal Communications Commission to conduct spectrum auctions to provide funding for the grants, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Mr. Sanders, Ms. Woolsey, Mr. Meehan, Mr. Kennedy of Rhode Island, Mr. Hinchey, Mr. Yates, Mr. Brown of California, Mr. Andrews, Mrs. Lowey, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Nadler, Mr. McGovern, Mr. Sabo, Mr. Kennedy of Massachusetts, Ms. Rivers, Mr. Stark, Mrs. Maloney of New York, Mr. Vento, Ms. Furse, Ms. Roybal-Allard, Mr. Evans, Mr. Markey, Mr. Abercrombie, Ms. Slaughter, Mr. Schumer, Mr. Olver, Mr. Clay, Mr. Porter, Mr. Lewis of Georgia, Ms. Eshoo, Mr. Waxman, Mr. Gejdenson, Ms. Lofgren, and Ms. DeLauro):

H.R. 919. A bill to establish fair market value pricing of Federal natural assets, and for other purposes; referred to the Committee on Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mrs. LOWEY, Mrs. JOHNSON of Connecticut, Ms. NORTON, Mr. GREENWOOD, Ms. SLAUGHTER, Mr. WAXMAN, Mr. McHUGH, Mrs. MALONEY of New York, Mr. FAZIO of California, Ms. SANCHEZ, Mr. ROMERO-BARCELO, Mrs. CARSON, Mrs. MEEK of Florida, Mr. OBERSTAR, Mr. DELLUMS, Mr. DELAHUNT, Mr. BALDACCI, Mr. EVANS, Mr. FROST, Ms. FURSE, and Mrs. KELLY):

H.R. 920. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Commerce.

By Ms. NORTON:

H.R. 921. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income pension benefits received by the survivors of law enforcement officers killed in the line of duty; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. PETERSON of Minnesota, and Mr. NORWOOD):

H.J. Res. 59. Joint resolution to disapprove a rule affecting polar bear trophies from Canada under the 1994 amendments to the Marine Mammal Protection Act issued by the U.S. Fish and Wildlife Service of the Department of the Interior; to the Committee on Resources.

By Mr. ABERCROMBIE (for himself, Mr. MILLER of California, Mr. LEACH, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Ms. CHRISTIAN-GREEN, Ms. PELOSI, Mr. STARK, Mr. PALLONE, Mrs. MALONEY of New York, Mr. EVANS, Mr. HINCHEY, Mr. FRANK of Massachusetts, and Mr. LEWIS of Georgia):

H. Con. Res. 32. Concurrent resolution expressing the sense of Congress with respect to the storage of nuclear waste on any territory or possession of the United States; to the Committee on Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKETT:

H. Con. Res. 33. Concurrent resolution to express the sense of the Congress that the Bureau of Labor Statistics should develop and publish monthly a cost of living index; to the Committee on Education and the Workforce.

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that the President should submit a national energy policy plan to Congress; to the Committee on Commerce.

By Mr. STEARNS:

H. Con. Res. 35. Concurrent resolution to require the posting of the Ten Commandments in the House and Senate Chambers; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mrs. NORTHUP, Mr. HUTCHINSON, and Mr. WATKINS.

H.R. 18: Mr. ACKERMAN, Mr. ENGLISH of Pennsylvania, Mr. BOUCHER, Mr. CLYBURN, and Mr. GRAHAM.

H.R. 21: Mr. TORRES.

H.R. 27: Mr. WAMP, Mr. PICKERING, Mr. BOB SCHAFFER, Mr. BOUCHER, and Mr. PETERSON of Pennsylvania.

H.R. 53: Mr. KLUG and Mr. LEWIS of Georgia.

H.R. 58: Mr. KLECZKA, Mr. GILCHREST, Mr. DICKEY, Mr. SISISKY, Mr. FARR of California, Mr. BARCIA of Michigan, Ms. DeGETTE, Mr. CLYBURN, and Mr. BERRY.

H.R. 64: Mr. HULSHOF, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. CUNNINGHAM, Mr. COOKSEY, Mr. CANADY of Florida, Mr. LATHAM, Mr. BARR of Georgia, Mr. SNOWBARGER, Mr. SMITH of Oregon, Mr. HORN, and Mr. PARKER.

H.R. 71: Mr. McINTOSH, Mr. BARTLETT of Maryland, Mr. WICKER, and Mr. HOEKSTRA.

H.R. 96: Mr. CLAY, Mr. MASCARA, Mr. RIGGS, and Mr. McHUGH.

H.R. 132: Mr. SESSIONS.

H.R. 143: Mr. CONDIT, Mr. ENSIGN, and Mr. CHRISTENSEN.

H.R. 165: Mr. BOUCHER.

H.R. 218: Mr. WELLER.

H.R. 292: Mr. KIM, Mr. CRAPO, and Mr. GIBBONS.

H.R. 373: Mr. ABERCROMBIE, Mr. THOMPSON, Ms. CHRISTIAN-GREEN, Mr. DAVIS of Illinois, Mr. RUSH, and Ms. BROWN of Florida.

H.R. 383: Mr. BACHUS and Mr. STUPAK.

H.R. 387: Mr. CHABOT.

H.R. 407: Ms. DeLAURO, Ms. RIVERS, Ms. GRANGER, Mr. GEJDENSON, Mr. GONZALEZ, Mr. FLAKE, and Mr. DAVIS of Illinois.

H.R. 446: Mr. EVANS, Mr. CAMP, Mr. CRAPO, Mr. GIBBONS, and Mr. PICKERING.

H.R. 450: Mr. BOEHNER and Mr. RADANOVICH.

H.R. 491: Mr. ROTHMAN, Mrs. CARSON, Mr. ACKERMAN, Mr. HOLDEN, Mr. LaTOURETTE, Mr. HASTERT, Mr. EVANS, Mr. FARR of California, and Mr. PARKER.

H.R. 494: Mr. RIGGS.

H.R. 501: Mr. ROTHMAN.

H.R. 511: Mr. CHAMBLISS, Ms. JACKSON-LEE, Mr. PETERSON of Minnesota, and Mr. LATHAM.

H.R. 521: Mr. RADANOVICH, Mr. CAMP, Mr. ROMERO-BARCELO, Mr. HOBSON, Mr. PRICE of North Carolina, Mr. MANTON, Mr. McGOVERN, Mr. FARR of California, Mr. FILNER, Mr. FLAKE, Mr. HINCHEY, and Mr. STUPAK.

H.R. 530: Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON, Mr. RAMSTAD, Mr. COLLINS, Mr. PORTMAN, Mr. CAMP, Mr. KLECZKA, Mr. SESSIONS, Mr. LIPINSKI, Mr. McHUGH, Mr. CANADY of Florida, Mr. KINGSTON, Mr. BALLENGER, Mr. KNOLLENBERG, Mr. GORDON, Mr. SENSENBRENNER, Mr. VISCLOSKY, Mr. POMBO, Mr. GRAHAM, Mr. McKEON, Mr. STEARNS, Mr. LoBIONDO, Mr. WICKER, Mrs. KELLY, and Mr. RIGGS.

H.R. 533: Mr. McDERMOTT, Mr. FILNER, Ms. SANCHEZ, Mr. YATES, and Mr. GEJDENSON.

H.R. 551: Mr. GONZALEZ and Mr. STEARNS.

H.R. 552: Mr. BENTSEN, Mr. ABERCROMBIE, Mr. LEWIS of Georgia, Mr. WELLER, Mr. DeFAZIO, and Mr. BLUMENAUER.

H.R. 562: Mr. RIGGS.

H.R. 586: Mr. BACHUS, Mr. CRAMER, Mr. FARR of California, Mr. FAZIO of California, Mr. FLAKE, Mr. FORD, Mr. HAMILTON, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Mr. LAZIO of New York, Mr. McGOVERN, Mr. SALMON, Mrs. TAUSCHER, and Mr. WICKER.

H.R. 591: Mr. STARK, Mr. RUSH, Mr. FOGLIETTA, Mr. NADLER, and Mr. HINCHEY.

H.R. 598: Mr. McINTOSH and Mr. EVANS.

H.R. 612: Mr. WAXMAN, Mr. LaTOURETTE, Mr. MANTON, Mr. COOKSEY, Mr. VISCLOSKY, Mr. TIERNEY, Mr. SCOTT, and Mr. ROTHMAN.

H.R. 628: Mr. WYNN and Mr. STUPAK.

H.R. 635: Ms. PELOSI.

H.R. 665: Mr. SCHIFF.

H.R. 680: Mr. McINTOSH.

H.R. 687: Mr. OWENS, Mr. DELLUMS, Ms. BROWN of Florida, and Mr. McGOVERN.

H.R. 766: Ms. SLAUGHTER, Ms. KILPATRICK, and Mr. GEJDENSON.

H.R. 767: Mr. KLUG.

H.R. 815: Mr. BENTSEN, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. ACKERMAN, Mrs. KELLY, Mr. GILMAN, Mr. PICKETT, Ms. SLAUGHTER, Mr. NADLER, Mr. DICKEY, Mr. TIERNEY, Ms. DeLAURO, Ms. RIVERS, Mrs. MORELLA, Mr. BERRY, Mr. CLYBURN, Mr. OLVER, Mr. LaFALCE, Mr. HINCHEY, and Mr. WALSH.

H.R. 858: Mr. CANADY of Florida, Mr. HEFLEY, Mr. HILLIARD, Mr. RADANOVICH, Mr RIGGS, Mr. POMBO, and Mr. PARKER.

H.R. 898: Mr. DOOLEY of California.

H.R. 901: Mr. PETERSON of Pennsylvania, Mr. SHADEGG, Mr. GRAHAM, and Mr. CRAPO.

H.J. Res. 32: Mr. GALLEGLY.

H.J. Res. 40: Mr. GRAHAM.

H.J. Res. 58: Mr. BONO, Mr. SOUDER, Mr. BURTON of Indiana, Mr. BARR of Georgia, and Mr. GRAHAM.

H. Con. Res. 13: Mr. HEFNER, Mr. STUPAK, Mrs. FOWLER, Mr. PRICE of North Carolina, Mr. CLAY, Mr. GEJDENSON, Ms. RIVERS, Mrs. CARSON, and Mr. KANJORSKI.

H. Con. Res. 18: Mr. FALEOMAVAEGA and Mr. FRANK of Massachusetts.

H. Con. Res. 31: Mr. RYUN, Mr. WATTS of Oklahoma, Mrs. CHENOWETH, Mr. HILLEARY, Mr. CRANE, Mr. ISTOOK, Mr. GOODLATTE, Mr. COBURN, Mr. EVERETT, Mr. BACHUS, Mr. ROGAN, Mr. CALLAHAN, Mr. WOLF, Mr. PICKERING, and Mr. WICKER.

H. Res. 15: Mr. SERRANO, Mr. NADLER, Mr. KENNEDY of Rhode Island, Mr. SHAYS, Mr. JACKSON, Mrs. MORELLA, Mrs. MEEK of Florida, and Mr. SALMON.

SENATE—*Tuesday, March 4, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, help us to hear and accept the psalmist's prescription for peace. "Cast your burden on the Lord and He shall sustain you."—Psalm 55:22.

In this quiet moment of liberating prayer, we deliberately commit each one of our burdens, large or small, into Your gracious care. Help us not to snatch them back. Give us an extra measure of Your wisdom, insight, and discernment as we tackle the challenges of this day. Make this a productive day in which we live with confidence that You will guide our thinking, unravel our difficulties, and empower our decisions. Especially we ask for Your guidance for the vote on the balanced budget amendment. Help us to maintain unity in the midst of differences. Now, we are ready for the day. We intend to live it with freedom and joy, through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of Senate Joint Resolution 1, the constitutional amendment for a balanced budget. Under a previous order, from 9:30 a.m. to 12:30 p.m., the time will be equally divided between the two managers for closing remarks on Senate Joint Resolution 1. The Senate will recess from the hours of 12:30 to 2:15 p.m. for the weekly policy conferences, and at 2:15, then, the manager of the Democratic side will control 1 hour of debate with Senator BYRD being recognized for 20 minutes, the following hour will be under the control of Senator HATCH, with the next half-hour being under the control of the Democratic leader or his designee. Debate will conclude, then, with 30 minutes under the control of the majority leader. At 5:15, a vote will occur on passage of Senate Joint Resolution 1. I remind all Senators again of this 5:15 vote and ask all Senators to be in their seats for this important rollcall vote. It has been traditional, when we have major votes on a constitutional question, that Senators come and take their seats and then stand in place and cast their votes.

I thank our colleagues for their attention in this matter, and I yield the floor.

RECOGNITION OF THE ACTING DEMOCRATIC LEADER

The PRESIDING OFFICER (Mr. HUTCHINSON). The acting Democratic leader.

Mr. LEAHY. Mr. President, I concur with what the majority leader said about being on the floor for the vote. I concur. I think it is an extremely important one. Also, under our unanimous-consent agreement, I will be controlling the time for the Democratic side. A number of Senators on our side have asked for specific carve-outs of time other than what has been set in the unanimous consent. I urge Senators who wish to speak to come to the floor and be prepared to speak.

I see my distinguished friend from Utah, who will be handling that side. We have all been able to work things out as traffic cops on this, but I hope everyone who wishes to speak will have the opportunity.

I yield the floor.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

> A joint resolution (Senate Joint Resolution 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The time until 12:30 p.m. shall be equally divided between the two managers. The Senator from Utah.

Mr. HATCH. Mr. President, I am very honored to be able to turn to a man who has led the fight for the balanced budget amendment ever since he arrived at the Senate, the most senior Senator in the whole U.S. Senate, a person all look up to, who has been my mentor on this issue and so many others, and one of my dearest friends in this world, the distinguished Senator from South Carolina, Senator STROM THURMOND, for 5 minutes or whatever time he needs.

Mr. THURMOND. Mr. President, I rise today as we draw to a close the debate on this historic opportunity to adopt Senate Joint Resolution 1, the balanced budget amendment. This debate is about much more than an amendment to the Constitution, as significant as that is. It is about taking action once and for all that will control the size and scope of the Federal Government.

I have been deeply concerned during my years in the Senate over the growth of the Federal bureaucracy. The first $100 billion budget in the history of the Nation occurred in 1962. This was almost 180 years after the Nation was founded. Yet, it took only 9 years, from 1962 to 1971, for the Federal budget to reach $200 billion. Then, the Federal budget continued to skyrocket; $300 billion in 1975, $500 billion in 1979, $800 billion in 1983, and the first $1 trillion budget in 1987. The budget for fiscal year 1996 was over $1.5 trillion.

With this voracious congressional appetite for spending has come deficit spending. In the past three decades, the Federal Government has run deficits in every year except one. During the 1960's, deficits were averaging around $6 billion per year. The following decade, the 1970's, saw deficits rise an average $36 billion per year. In the last decade, the 1980's, deficits continued to rise and averaged $156 billion per year. So far, in the 1990's, deficits have averaged $259 billion per year. Compare this to 1957, my third year in the Senate, when the entire national debt was less than $275 billion and there was no deficit, but rather a $3 billion surplus.

During my service here, there has never been a shortage of legislation creating new Federal programs or of efforts to increase spending in existing programs. It has been too easy for the Congress to pass legislation creating new Federal programs and spending more tax dollars whenever there is a call for Federal intervention. This Nation has drifted from its original foundations as a national Government of limited authority. A balanced budget amendment is the single most important addition we can propose to the Constitution to begin reducing the size and scope of the Federal Government.

Mandating balanced Federal budgets is not a new idea. The first constitutional amendment to balance the budget was proposed in 1936. Since the beginning of the 84th Congress in 1955, constitutional amendments to require a balanced Federal budget have been proposed during each Congress. Finally, in 1982 while I was chairman of the Judiciary Committee, the Senate passed a balanced budget amendment which I authored. Our victory was short-lived, however, because the Speaker and the majority leader at that time led the movement to kill it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in the Democrat-controlled House of Representatives. That was our high water mark as we fell one vote short in 1986, four votes short in 1994, and one vote short 2 years ago. Once again, we have a historic opportunity to pass the balanced budget amendment and send it to the American people for ratification.

I would note that today the Congress is working hard to balance the Federal budget. However, this is a very recent development brought about by a change in the control of the Congress, and by this body finally listening to the will of the people. We must act to instill legislative accountability that will not waver with the membership of the majority.

Our third president, Thomas Jefferson, stated:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Mr. President, it is time we make that moral obligation to pay our debts a constitutional one. Not only will we restore order to the fiscal policy of this Nation, we will be making a giant leap toward restoring the fundamental principle of limited authority to the Federal Government.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have been considering this proposed 28th amendment to the Constitution of the United States since this session began almost 2 months ago. In fact, we have been engaged in floor debate for nearly 4 weeks. The distinguished Senator from Utah and I have begun to think we live on this floor with this debate.

Mr. President, stop and think what we are debating—a proposed 28th amendment to the Constitution. The Constitution has been amended only 17 times since the Bill of Rights. During this time, the United States has been through some very, very serious situations—the War of 1812, the Civil War, two world wars, Korea, Vietnam, the Great Depression, westward expansion. One would have to assume during that time, there have been hundreds and hundreds of times that we have seen crises in our Nation that, some would say, reached a constitutional magnitude. We know that hundreds, even thousands, of constitutional amendments have been proposed, but those who have gone before us have seen fit to only amend the Constitution 17 times—which was very wise—since the Bill of Rights.

I say this because nobody in the Senate owns a seat in the Senate. We are only passing through, no matter how long we serve. What we ought to do is remember that we have a responsibility not only to those who went before us, but those who will come after. So during this debate, some of us have tried to look at the substance behind this bumper-sticker title and even the poll-driven politics that led to this proposal, again occupying the No. 1 position in the majority's legislative agenda.

We have examined the resolution in our Judiciary Committee hearings, markup and report and during the Senate debate. We have become, and certainly the American people have become, more and more aware of the serious substantial failings in this proposal. I believe this debate has shown any objective observer that this resolution fails to meet the standards set by our founders in article V of the Constitution for its amendment: It cannot be found necessary by two-thirds of this Senate.

Moreover, the proponents have failed to answer the serious questions raised about the various provisions over the past several weeks. They have failed the Byrd challenge by being unable to demonstrate what it means and how it would work. The distinguished senior Senator from West Virginia came on this floor and, in his usual careful manner, his usual sense of history, his usual understanding of the Constitution, asked the pertinent questions: How would it work? What does it mean? What does it do? And no answer was forthcoming. Having now had an opportunity to focus on the language of the resolution before us, none of us can be confident concerning its meaning or its use.

During the course of this debate, we have had the principal proponents of the resolution concede that it does not require a balanced budget, but that it is intended to provide incentive to balance the Federal budget and exert pressure on Congress. It is intended just to make us do our job. That is not sufficient reason to amend the Constitution. As the President said in his State of the Union Message, we have but to vote a balanced budget, he has but to sign it to have a balanced budget. We do not have to tinker with the Constitution in a way that would actually throw the whole matter over to the courts, not to the President and the Congress.

The President and Congress have shown over the past 4 years that we can make progress undoing the mistakes of the deficit-building decades of the 1980's without a proposed amendment to the Constitution. We succeeded in reducing the deficit in each of the last 4 years. We have cut the deficit by more than 60 percent. At the same time, we are pursuing sound economic and fiscal policies doing those things that have made the United States economy the strongest in the world.

What we are now asked to do is tinker with obvious success. But more than that, we are asked to give people something they can put on a bumper sticker that says, "I voted to balance the budget," when, indeed, it does not do that, instead of saying, "I voted to really mess up the Constitution," which is what it would do.

I hope that we will think not only of our political fortunes of this day and the political polls of our State of this moment, but think of the United States and think of those who will come after us.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 10 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President, and I thank the distinguished Senator from Utah for the fine job he has done in leading this very important debate, because really this debate is one of the most defining moments of our times. Will Congress deliver a balanced budget? Will we set the future economic stability of our country in place right now? Will we win this fight that we have undertaken on behalf, not of ourselves, but of our future generations?

The American dream has always been that a parent could wish that his children or her children would have a better quality of life than he or she has had. That is why people came to this country. They wanted to work harder so that they could give their children a little better chance in life.

What we are fighting for is a change that will assure that we can keep the American dream. We are trying to make lower interest rates, a higher standard of living, more job opportunities, a country liberated from an ever-increasing debt. Our children will not have a higher quality of life if we continue to build on this $5 trillion debt, Mr. President. This debate is about our children. It is not about political expedience. We know what must be done. Thomas Jefferson told us. Thomas Jefferson said one of the two things that he was concerned about after the Constitution was written and adopted was that we had not provided for the constraints on Congress that would not allow them to spend more than was in the public Treasury. Jefferson said that. In fact, his quotes were:

> Each successive generation ought to be guaranteed against the dissipations and corruptions of those preceding it.

Mr. President, Thomas Jefferson was the greatest visionary President perhaps we have ever had. Even Thomas Jefferson would not have dreamed our country, that he worked so hard to put together, would one day have a $5 trillion debt.

Even Jefferson could not have been that visionary, and thank goodness, because so many of his generation fought and died for this country to be formed. If they had thought that the stewards of our future would not have the guts, would not have the ability to constrain their spending to the tune of $5 trillion, I wonder if they would have fought so hard.

The idea of saddling generation after generation of Americans with a suffocating debt would have been unthinkable to those honorable men.

Some say we don't need an amendment. They say we haven't been tuned in. I am going to tell you something, I have been tuned in. I have been watching the debate on this floor. I have seen what has happened to Medicare reform, to Social Security reform, to welfare reform, to Medicaid reform. It has taken a lot to get one of those four—welfare reform—and we have failed on the other three. If you think we do not need an amendment to constrain the appetite of Congress to spend other people's money, you have not been tuned in.

Some say that this is going to tie the hands of Government. Hallelujah. That is exactly what we want to do. We want to get big government out of the hardworking American's pocketbook. Most Americans pay 50 percent of what they earn in taxes of some kind. All of us want to pay our fair share. But, Mr. President, 50 percent is too much. That does not allow the freedom to pursue the American dream. A balanced budget amendment to the Constitution will cure that appetite because Congress will be constrained, yes, their hands will be tied, from getting into the pocketbooks of our children and their children.

So, Mr. President, I think the time has come for us to do what is right. The greatest issues of our time have taken many years. Americans debated the evil of slavery from the earliest days of the Republic, but it was not until 1865 that the 13th amendment to the Constitution was ratified and slavery was abolished. Women began their fight for suffrage in the early 19th century, but it was 1920 when the 19th amendment was ratified giving women the right to vote.

Like these two epic struggles, the balanced budget amendment has been fought for a long time. It is a fight we are waging on behalf of our children, our grandchildren, and their grandchildren. And we will not stop the fight. Each year we lose by a very narrow margin. Last year it was one vote. This year, unless someone looks up and says, "My gosh, what am I doing for my children," and changes his or her mind, unless someone does that, we are going to lose again probably by one vote.

So, Mr. President, I hope that we will not be dissuaded from continuing this fight, because it is worthy of the other great issues that have taken so long.

It is very important that we look not to the next election, but to the next generation, as we are making our decision today. This amendment is not the panacea, but what it does is give us the opportunity to make sure that there is a stability in our economy for evermore, that no Congress of the future will be able to go into a deficit unless there is a war or an emergency, which there is a safety valve of a three-fifths vote that can unbalance the budget. Those are the safety valves, of course, if we are in a war or a dire emergency, we will do the responsible thing.

But if we can constrain ourselves in normal times, we will have a stable economy. We will have lower mortgage rates, lower car payments rates. We will have more jobs, and we will have more expendable money by the hardworking people of this country if we will face the fact that we need to tie the hands of a government that is so big, it could have brought together a $5 trillion debt.

This vote today, if we win, could be the first step in a very long journey, and, by doing this, we would assure that there is a destination to the journey, that there is a shining city on the hill that is America.

If we do not have a balanced budget, and the constraints of an amendment that would assure that we always will, there may not be a destination, there may not be a shining city on the hill that is America because future Congresses will be able to add just a little—it does not seem like so much, but just a little is now $5 trillion, Mr. President.

We do need to tie the hands of future Congresses so there will be economic stability. And, Mr. President, this Congress has the ability to take the first step in that long journey to put our country back on track so that our children will have the same American dream that we have had, which is that they would be able to wish for their children a better quality of life than they have had because each generation expects to be able to do better. If we have a balanced budget amendment to the Constitution, we will assure that that will happen.

Mr. President, this debate is defining of our times. And I hope we have the will to do what is right for our children and for theirs.

Thank you, Mr. President, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Vermont.

Mr. LEAHY. Mr. President, we talk about how many votes there may be and we talk about this debate, which, incidentally, has been interfered with in some ways over the weekend, at the same time we talk about evil money in politics. We have seen some so-called "independent" expenditures in running ads on this. They are about as independent as absolutely nothing. I think it is unfortunate that apparently the proponents of this constitutional amendment do not feel that they can make their case well enough on the Senate floor. They have to do this.

We talk about whether it is one vote or not. Let us talk about votes. In 1993, we started down this road to concerted, consistent deficit reduction. We did that without a single Republican vote in either the House or the Senate for the President's budget. After 12 years of ever-larger deficits, voted for by the Republican Members of Congress, when we finally started cutting the deficit, not a single Republican Member voted to do that.

Over the last 4 years, we have succeeded in reducing the deficit by 63 percent. It went up for 12 years; the national debt went up. We started bringing the deficit down. When President Clinton took office, the deficit was at its highest point ever—$290 billion. Today, the deficit is at its lowest dollar figure since 1981, $107 billion. In fact, it is at the lowest point as a percentage of the economy since 1974.

In his testimony to the committee, Robert Greenstein of the Center on Budget and Policy Priorities notes that over the past 10 years the deficit has actually declined 70 percent as a percentage of gross domestic product—5.1 percent in 1986 to 1.4 percent in 1996. In fact, as a percentage of gross domestic product, our deficit is now at the lowest level of any major industrialized nation in the world. The deficit is at the lowest level of any industrialized nation in the world. We are the envy of the rest of the world. But it has taken some political courage to do that. And the budgets are starting to bring that deficit down.

I say to my good friends in the Republican Party, it was done without a single vote from their side of the aisle, notwithstanding those deficits grew up over 12 years of Republican administrations.

The record of deficit reduction is an accomplishment of the Clinton administration. It is an accomplishment that the Clinton administration's policies have restored fiscal sanity and have kept the economy strong. The result of the recent election is testimony that the American people recognize these facts. In fact, were it not for the interest on the $2.462 trillion debt that was rung up during President Reagan's term and President Bush's term, our budgets over the last several years would already have been in balance. Just think of that. They ran up a debt of $2.462 trillion. The rest of the budget, including entitlements, is already balanced. We didn't need a constitutional amendment to do that. All we needed was courage. If we were not paying the interest on that debt run up, we would be totally in balance.

This deficit progress has been achieved through tough votes over the last 4 years. But we have seen its impact on our growing economy with lower interest rates. In 1980, the annual interest on the national debt accumulated over our entire history was $75 billion. Think about this. In 1980, when President Reagan came to office, it took a whole national debt to accumulate over 200 years, and the interest was $75 billion. Yet, when 12 years of Republican administrations ended, that amount had skyrocketed. So the interest on the national debt is now $248 billion.

We had failed fiscal economic policies of the last decade, and we are paying the price. These interest payments on the national debt remain too high, and they have to be reduced further. But the proposed constitutional amendment, were it to pass, only allows Members of Congress who don't want to step up and cast the tough votes to bring down the deficit to say when the Constitution is going to do it. We can delay congressional action. Eventually we will toss it into the courts and let them do it.

Frankly, I wish Congress and the President would, instead of talking about a debate here that will go nowhere, sit down and do the tough things that are necessary to bring the budget under control.

Mr. President, I notice that the other side now has another speaker. I reserve the remainder of my time and yield the floor.

Mr. HATCH. Mr. President, how much time does the Senator need?

Mr. THOMAS. About 10 minutes.

Mr. HATCH. Mr. President, I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank my friend from Utah for the time, but more particularly for the effort and the leadership he has given to this issue. Interestingly enough, it is one of the toughest issues. One would think moving to a balanced budget, ensuring a balanced budget, ensuring financial responsibility would not be such a tough issue. But this has been going on for a very long time. So I appreciate very much the job that has been done. We come to the vote on the issue finally. We have talked quite a little about it this year. We, of course, have talked for a number of years before.

We can talk about a balanced budget if you choose, but what we are really talking about is financial responsibility. It is interesting to me to hear those who oppose it—and for good reason—who have been here for 20 years and say, "Let's just do it, take the tough votes." But they haven't done it for 20 years. The monument in front of the leader's desk represents 28 years of unbalanced budgets. Yet, we hear all the time, just do it, take the tough votes and do it. Well, the evidence is that isn't what is done.

We hear the same words every year: "I am for a balanced budget, but * * *" and then they go on to say why it can't be done. They go on to find reasons for not voting for the kind of discipline that it clearly takes to balance the budget. That is not a brand new idea. It is something we do in most of our States. We do it in my State of Wyoming, and we are proud of that. The legislature doesn't spend any more, under the constitution, than they take in.

I am always interested in how we seek to shift this to some kind of a partisan thing and talk about the Presidents. Frankly, the Presidents don't decide the budget. That is specifically, under the Constitution, the prerogative and the role of the Congress. It starts in the House of Representatives. Spending—the President cannot do any spending without the Congress. So we say, oh, Reagan did this, and Bush did that, and Bill Clinton did this. I think we ought to get real with ourselves and say, wait a minute, it is the Congress that does the spending. But we hear the same thing. Then Senators go home and talk about balancing the budget, but then come and say, "But, gosh, there is this little thing, and I cannot accept it in this present form." How many times have we heard that?

Well, today, we have a chance to vote. I am very proud of the fact that there will be 55 Republicans and 11 Democrats voting aye, voting for fiscal responsibility, voting to say $5.5 trillion debt is more than we want to send off to our kids and grandkids. Other than defense, interest is the largest item in the budget—interest on the debt. We pay $270 billion in interest on the debt.

So the real issues here, it seems to me, are broader than the details of the amendment. They are broader than whether we are going to balance the budget. They really have to do with your view of how large and inclusive the central Government is going to be. There is a very real relationship between the size of spending, the size of the deficit, and the size of Government.

When I go home—and I think it is true of every other place—I hear that we have too much Federal Government. Every night on TV, we see all these things that are being spent. Nearly everyone believes that. Yet, spending continues to go up. The Senator talked about the great amount of courage it took to move, in 1993, to seek to balance the budget. How? The largest tax increase in the history of the world. So you see Government grow as that tax increase grows. So the real basic issue is more than just the amendment, more than just arithmetic, more than just the budget, it is how much Federal Government do you want in your lives and what are the proper roles of State and Federal Government and the private sector? Those are the real issues. So it divides pretty clearly between those who want more Government and want to spend more and whether or not people ought to be able to keep their own money. After all, the Government has no money except what it takes from us.

So we hear constantly, "Let's just do it." But the monument stays right in front of us. We haven't done it. Then we hear, "Well, but we are going to do it now." But the President's budget has not moved toward balance. The President promised us a balanced budget, and it is not a balanced budget. No one would agree it is a balanced budget by 2002. On the contrary, there will probably be a $50 billion to $70 billion more deficit then. It will go up from where it is now.

Furthermore, we don't have the kinds of things we would like to have that are targeted to needed tax relief for families. We need permanent tax relief that is not triggered. We need capital gains to encourage the economy. Instead of that, we have a budget presented—and we are to accept that as movement toward a balanced budget, by having a 75-percent backload; temporary tax cuts of $98 billion, but tax increases of $76 billion? Taxes go up the first year, and the tax cuts are not phased in until later. More entitlement spending, more Government—$60 billion in new entitlement spending.

Is that called balancing the budget? It is, if you want to continue raising taxes. That is the real choice you and I have as voters and taxpayers. If you want more services, you have to pay more. That is the way that works. You know the best example of a really good government, I suppose, is on the local level when the school board says we need a new science room for the high school and it is going to cost you $50 a year and you get to vote on it and you balance it. You say, is it worth it, yes; is it worth it, no. Do we get to do that in the Federal Government? Oh, no, of course not.

So what we are talking about here is really direction, whether we have less Government or whether we, on the central level, move more Government to States and local communities, whether we in fact are able to spend more money for our families as we choose or whether we spend more total tax—now the average family in the country spends 39 percent—on our income. I saw a poll the other day in which almost unanimously they said 25 percent is the maximum that we ought to pay. We are paying nearly 40.

So, Mr. President, this is our opportunity. This is our chance to put our money where our mouth is. If we are going to balance the budget, this is the way to do it. The evidence is that we can't do it any other way.

So I hope we have our vote this afternoon and it passes. If it doesn't, it is not the end. We will continue to do this. We will have to. It is the only way that we can be financially and fiscally responsible for the future.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I listened to the debate on the floor of the Senate, I heard that the budget deficits begin in Congress and not with the President. Let's look at the facts. During the Reagan years President Reagan got 99.999 percent of everything he asked for in the budget, including the deficit. In fact, during those years President Reagan vetoed only one appropriations bill. Only one spending bill did President Reagan veto. Why? Because it didn't spend as much money as he had requested. Congress actually had come back with less money than he requested. So he vetoed the bill and asked for more money.

So let's just fully understand what happened. It was the same way with the Bush administration. The budget was what the President asked for. But let's assume that it begins here in the Congress. Then, I ask my friends in the Republican majority, where is your budget? You can't have it both ways. You can't say that the budget deficits are the fault of the Congress and those who lead the Congress. Republicans lead the Congress. Where is the budget?

Instead of spending weeks and weeks and weeks on the floor debating how we might amend the Constitution—it has been amended only 17 times since the Bill of Rights—instead of debating why we would amend the Constitution with an amendment that even its proponents can't explain its consequences, trying to amend the Constitution just because somebody is taking a poll and says that is popular without going into the details of what is involved, instead of spending all of the time doing that, why not actually negotiate the details of the historic agreement of trying to balance the budget? Why aren't we doing that? Because it is easier to pass a constitutional amendment which is so flawed that even its proponents cannot say what it does to Social Security, what it does to a capital budget, what it does to a court challenge, what it does to the power of purse. It is easier to do that than to sit down and say, let's talk about the tough votes, let's talk about what we do with school lunch, let's talk about what we do with the defense budget, let's talk about what we do with Medicare, let's talk about what we do with Medicaid, let's talk about what we do with a farm program, or a foreign program, and on and on and on.

That means that every time you come up to vote, you are going to anger somebody; you are going to anger a special interest group on the right, or you are going to anger a special interest group on the left.

So it is a lot easier to say, let's just toss it over to the courts, let's toss it over to a constitutional amendment, let's toss it to something that we can't even explain. We can't even say what it does to Social Security or to a capital budget or anything else. But we can go home with a slogan that has been tested by the polls and by focus groups. We can say, "I voted to balance the budget." Boloney. It is sort of like me voting to grow hair. It might make me feel good, but "it ain't gonna work." It is the same thing here.

In light of all we have experienced, but also what we have accomplished in the last 4 years in bringing the deficit down in each of those 4 years, there is no basis today for seriously contending that a constitutional amendment is needed or that it is a necessary substitute for political will or even that it is the only way to achieve a balanced budget. We have shown in 4 years of bringing down the deficit—and now going into a fifth—that there are other ways.

During the course of time that has been reserved for debate on this proposed constitutional amendment, there has been a good deal of talk about the President's proposed budget. The President made a State of the Union Address on February 4. He submitted his statement on his proposed balanced budget the following day. Then on the next day, February 6, the President sent his proposed budget to Congress. My good friends in the Republican Party have been quick to criticize that proposed budget, but they left out one thing in their criticism. They never said where their budget is or what their budget does. I ask my friends on the other side of the aisle, Where is your budget? If you want to say that the budgets really come from the Congress, you are in the majority. You run the Congress. You turn the lights on in the morning. You turn them off at night. In between, prepare a budget. Where is the alternative? Where are the proposed amendments to the President's plan?

I hope that we do not get into partisan harping and carping and, instead, get on to the process of developing a bipartisan consensus. It is not going to be easy, Mr. President. Like so many other Members who have voted to bring the deficit down 4 years in a row, I bear the scars of saying no to every special interest group from the right to the left when I voted for cut after cut after cut—the farm bill being one good example of that, the Lugar-Leahy farm bill. Item after item, we have done it not by gimmicks but by solid votes. But it has been a month now and we have not seen a proposal for modification of the President's budget nor have we seen an alternative for the majority party. The President even came to Capitol Hill to meet with congressional leaders, going the extra mile—going the extra 2 or 3 miles.

We are fast approaching our statutorily imposed deadline of April 15 for a budget resolution. So let's see what this budget resolution is going to be, and let's debate it. Let's proceed to debate the budget and, in the words of Secretary Rubin, "finish the job of balancing the budget by the year 2002." It has been 4 years of bringing the deficit down, and we are about go into the fifth year of bringing it down. Let's get a budget that does the job.

What it means is that the Republicans and the Democrats are going to have to hold hands, and we are going to have to vote in a way that is going to offend some of our core constituencies. But the American people in the long run will be better off. Certainly the American people would be better off and the world's strongest economy would be better off without tinkering with the Constitution, which basically becomes a judicial nightmare and does nothing to balance the budget.

Mr. President, I reserve the remainder of my time.

Mr. HATCH. Mr. President, I am delighted to have the relationship with our cosponsor on this amendment on the Democrat side, Senator BRYAN from Nevada. He has fought a valiant battle here, and I appreciate the opportunity of working with him on this. We are still hoping that this vote will turn out all right at the end of the day.

So I am more than delighted to yield 15 minutes to my distinguished friend and colleague. I thank him for his leadership on this matter.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the Chair. I thank the distinguished Senator from Utah for his thoughtful comments.

Mr. President, let me just say, by way of prefacing my comments, that I have enjoyed being a participant in this debate. And I have enjoyed the manner in which my colleague, the distinguished Democratic floor leader—who has a very different point of view from that which Senator HATCH and I share—has conducted himself and the arguments that he has made and the responses by the senior Senator from Utah. It seems to me that that is what this institution is all about—the ability to conduct an honest debate on the floor with different points of view being expressed. Hopefully from that collision of different points of view will emerge a public policy which will enable this country to move forward on the correct course.

Mr. President, the Senate will soon cast a historic vote to decide whether Senate Joint Resolution 1 should become a part of our Constitution. This may very well be the most significant vote the Senate will cast in this session of the Congress. If we are successful, it could dramatically alter the future of our country in a very positive way. I renew my request and urge my colleagues to vote in favor of a balanced budget amendment for the sake of future generations.

The Senate has been debating Senate Joint Resolution 1 for an entire month, and just as it should when we are considering an amendment to our Constitution, the debate has been thoughtful and thorough. We have debated serious and credible amendments on a wide range of topics including the treatment of Social Security and capital budgeting. The Senate debated these issues and after debate decided to leave Senate Joint Resolution 1 intact and rejected each of those proffered amendments. I supported several of the amendments, but it is now time to put the debate on those amendments behind us and pass the amendment. While some of us may have felt that the amendment could be improved with certain change, all of us must realize that we are better off with this amendment than with the status quo.

I would like to take a moment to recognize two of my colleagues who have spent more time in the Chamber debating this than any of us, and that would be the senior Senator from Utah [Mr. HATCH], and the senior Senator from West Virginia [Mr. BYRD]. These men have served in this institution with distinction for a combined 60 years. During this past month, each of them has treated us to his own brand of eloquence in espousing his point of view. It has been a delight for those of us who are privileged to serve in this institution to hear and to share in that debate. No one who has observed the floor proceedings can question the depth of their sincerity about their feelings. It is a tribute to the democratic process to see this kind of debate occur in this Chamber.

Mr. President, amending our Constitution is the most significant action the Senate can take, and it should not be undertaken lightly. In this case I believe the future of our country is at stake—the ability of our children and our children's children to have the same economic choices in their time that our generation has enjoyed.

We are constantly reminded that everyone is for a balanced Federal budget but not everyone is for a constitutional amendment which puts that process in place and helps us to achieve that goal. On its face, this position appears to me to be inconsistent. If you are for a balanced budget, it would seem the more logical course of action would be to support a mechanism that would help to facilitate the outcome. I believe the amendment accomplishes that purpose. The amendment itself is very straightforward. Congress may not let spending exceed revenues in a given year unless a 60-percent supermajority of those elected both in the House and the Senate vote to permit a specific amount of deficit spending. While this does not guarantee balanced budgets, it will, in my judgment, make it more difficult to authorize deficit spending if this process, a constitutional amendment, is in place.

My experience as Governor of Nevada convinces me of the merits of this process. With a State constitution that requires a balanced budget, those of us who were privileged to serve as the chief executive of our States were forced to make hard choices in spending and on revenues, particularly during the period of economic slowdown during the 1980's. The year that I assumed the Governorship of Nevada, January 1983, we were concerned that the State payroll would not clear because budget revenues had fallen far short of their original and earlier projections. Yet, with that hammer of a constitutional amendment in place in our own State, it would have been much more difficult, much more difficult to have ignored the constitutional mandate to balance the budget. Therefore, both the Governor and the State legislature were able to resist the pressure of those good people in our State urging spending for programs that many of us were for.

The point I think, Mr. President, is the hard choice. It is the nature of those who are advocates for these programs, good people all, to urge more spending than they know a Governor at the State level or the legislature at the State level can approve, and it becomes the responsibility of those of us who have served at the State level as Governors to submit a balanced budget and for State legislatures to require a balanced budget.

We did not have the luxury of avoiding the painful cuts by running deficits. That would have been the easy way out and, unfortunately, the way the Federal Government has chosen to proceed in 59 of the last 67 years.

My experience as a Senator has also taught me how difficult those budget choices can be. The process is essentially the same, with a much greater magnitude, and while we have made impressive progress in reducing the deficit over the last 4 years—$107 billion in the last fiscal year, projected at one time to be $292 billion—the President and Congress can justifiably take pride in what they have accomplished, but balancing the budget by the year 2002 will require sustained discipline, the kind of discipline that has not characterized our actions either from the White House or from the Congress. If we are successful, we will have accomplished something that has occurred only once in the last 33 years.

After 2002, the deficit picture gets worse, and gets dramatically worse, when the baby-boom generation, a tidal wave, begins to impact the programs that we have put in place for the elderly in America. Without the balanced budget amendment, the temptation will always be there, the temptation to avoid making the hard choices.

History shows us all too well that at the Federal level both the White House and the Congress, without reference to partisan affiliation, has tended to take the easy road. It is true that Senate Joint Resolution 1 does not guarantee that we will not take the easy road, but I submit it would make it much harder to do so.

Many of my colleagues who have indicated they plan to vote against Senate Joint Resolution 1 have stated their concerns over not excluding Social Security from the budget calculations. While I agree that excluding Social Security would be in our long-term best interests, I believe they are mistaken if they believe that Social Security will be better off without the balanced budget. I believe our best option would be to exclude Social Security from a balanced budget amendment, and I have so voted. But our next best option is enacting the balanced budget amendment as it appears in the Chamber today and as we will vote on it this afternoon. Our worst option is to preserve or to retain the status quo, and that is to do nothing, to reject this proposed balanced budget amendment.

No one disputes that a balanced budget amendment will help end our string of deficits. Some will argue that we do not need it to achieve our goal, but no one says it will not help. And while the amendment does not mandate a balanced budget, it does, in my opinion, make it more likely. Therefore, I think it is reasonable to conclude that a balanced budget amendment will lead to less deficit spending than if we fail to enact the balanced budget amendment.

If a balanced budget amendment will help cut deficit spending, what will the effects of less deficit spending be on programs that we all support, like Social Security? Every dollar of deficit spending that occurs now is a dollar that will not be available to pay Social Security retirees when they need it. And even worse, we lose not only that dollar but we lose the interest that we pay on it, which multiplies rapidly with the magic of compounding.

The best example of this can be illustrated by looking at where we were in 1980. If we had adopted a balanced budget amendment in 1980, 17 years ago, and had not increased the national debt from about $1 trillion to more than $5 trillion today, we would not have to cut a single dollar from this year's budget to achieve balance. In other words, we would be in surplus if we did not have to make the interest payments on the deficits that were run up over the last 20 years.

I do not want Senators years from now to say, "Gee, if they had only adopted a balanced budget amendment in 1997, we would not have added trillions more to our national debt. We would not have added billions more in interest payments in servicing that debt. We would not have to be cutting the worthwhile spending programs because of the larger national debt."

Mr. President, the trend line is both alarming and disturbing. Since 1980, the percentage of our budget dedicated to servicing the debt has risen from 7 to 15 percent. This year's budget contains a line item of $245 billion for interest payment on the national debt. That is the net interest payment. In other words, almost $1 out of every $6 in our budget goes to servicing the $5.3 trillion national debt.

Worse than that, if the interest we earn from Social Security and other trust funds which is supposed to be saved to be paid out in future years is excluded, the gross interest we owe is really $350 billion.

No one claims running a Federal budget deficit actually helps Social Security or other Federal program over the long haul. Congressman JOE KENNEDY who is an undisputed champion of social programs to help the poor makes this point very eloquently. He maintains that deficit spending has not helped, but has hurt, spending for social programs.

Every dollar that must go to servicing the national debt is a dollar that cannot go to school lunch programs, paving roads, or repairing our neglected national parks. Interest payments are now the second largest Federal spending item following Social Security in our budget.

I must ask my colleagues who support taking Social Security out of the balanced budget amendment, as I do, whether their interests are not better served by a constitutional amendment that helps facilitate a balanced budget.

This is now my 9th year in the Senate. I do not recall a single Senator getting up and offering a budget that excluded Social Security from the budget calculations. For those who profess to feel so strongly about Social Security that they cannot vote for a balanced budget amendment, why have they never attempted to exclude Social Security from past budgets?

While it is wrong to use Social Security to mask the true size of the deficit, including Social Security, that is no reason to vote against a balanced budget amendment, in my view.

The greatest threat to Social Security is the debt. There are real and tangible benefits for every American family if we balance the Federal budget.

Interest rates are estimated to be 2 percent higher because of the deficit. The average price of a new home is $37,000 more because we can't balance the budget. A student loan is estimated to be almost $2,000 more expensive and a new car $1,000 more expensive because we haven't balanced the budget.

Under current trends, a child born today will have to pay $180,000 over their lifetime to service the national debt. What kind of burden are we passing on to future generations?

Given the overwhelming benefits of a balanced Federal budget, I strongly believe this country needs a balanced budget amendment to help us achieve this goal. Yes, there are some risks that a minority of our legislators will act irresponsibly—but that can happen today if 41 Senators choose to filibuster. Therefore, I believe we gain the benefits of greater pressure to achieve a balanced budget without incurring additional risks.

We have a historic opportunity this afternoon to change the future course of our country in a very positive way. If we fail, I am afraid we will look back 20 years from now and be even further in debt, with fewer economic choices for that generation, and regret that we had not taken this important step today.

I urge my colleagues to vote in favor of Senate Joint Resolution 1. This vote will be your legacy to your children and to our country's future economic well-being.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my distinguished friend and colleague, and certainly for his kind remarks regarding me. I take those as a special feeling of friendship and love for the work he has done and the kindness he has shown to me. I want to personally express my appreciation for how hard he has worked on this amendment, how much it has meant to me and others on this side—very much—and, I think, to his colleagues who are voting with him on his side. I just want to personally express my gratitude to him for the good work he has done.

I reserve the remainder of my time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I also have great affection and respect for the Senator from Nevada. I know to err is human and to forgive divine. While I make no claims of divinity, I forgive him for his position on this.

I also point out both the distinguished Senator from Nevada and the distinguished Senator from Utah are two of the hardest working Members of this body. In their debate, they have been strong and forthright, as has the distinguished Presiding Officer, who made his first speech on the Senate floor on this issue. I noted at that time, so many times when one gives his or her first speech on the floor it is on an inconsequential item. This time, it was one of the most important items that the distinguished Presiding Officer will have a chance to debate during his tenure in this body.

I say this because I think during the past weeks of debate, all of us, Republicans and Democrats, have tried to fulfill our responsibility as one of the two Houses of Congress to create a full and fair record. Sometimes it may have seemed tiring, for the distinguished Senator from Utah and myself, as floor managers, to be here. But the more we have listened, the more we have realized that this is one of those issues where a strong and full debate record has been made. Even if those of us who have been here may not realize that at this moment, certainly historians will.

I believe most of the men and women in this body, in both parties, have approached this historic debate with a seriousness the consideration of a constitutional amendment requires. Every one of us should pause and think: We vote either to amend the Constitution or not to amend the Constitution. With the exception of a vote to declare war or with the exception of one or two other areas, I cannot think of anything that approaches the seriousness of voting on a constitutional amendment. No Member of the Senate should take that lightly. All Members of the Senate should think they may only once in their lifetimes actually have a vote that will determine whether the long and almost sacred process of amending our Constitution begins. So we should think long and hard how we vote.

Those of us who expressed our reluctance to amend the Constitution, for this or many other issues, have at least said, if we are going to amend the Constitution, let us make sure the amendment is as good as can be written.

We have offered serious and substantial amendments to this proposal. I believe the amendments that we have offered—all from this side of the aisle—have revealed serious and substantial flaws in this proposed change to our Constitution.

What has bothered me in this debate is instead of addressing these serious and substantial flaws, instead of acknowledging what writers outside the Senate have acknowledged, that the proposed change to the Constitution is flawed, but instead of addressing the substantial flaws, the sponsors of the resolution have proceeded with a no-amendment strategy, in which they have failed to consider the merits of the amendments. I think there was an up-or-down vote only one of the amendments. The others were all tabled. The sponsors of this proposed constitutional amendment have taken the unyielding position that no changes in the language are acceptable.

I cannot think of an instance that a major and contentious issue has reached the Senate floor where Members have not realized, before its conclusion, that there may well have to be some changes. During the weeks of debate on Senate Joint Resolution 1, this no-amendment strategy has been a disappointment to many, certainly to the senior Senator from Vermont. I do not believe this is the way to debate an amendment to the Constitution of the United States. Both proponents and opponents of this proposed constitutional change should be searching for the best language possible to propose to the States.

My own feelings, as a Member of the U.S. Senate, is that if this is going to pass, let it at least pass in the best possible form. Today, it is a long way from that.

As the distinguished Senator from New Jersey [Mr. TORRICELLI], said, "Good is simply not good enough when we are amending the Constitution of the United States."

Frankly, Mr. President, constitutional amendments are held to a higher standard. The perfecting and substitute amendments offered during the debate on this amendment showed the serious and substantial flaws, and I will recall a few of them.

I will continue speaking. I have already talked with my good friend from Utah about when a Member on the other side comes and seeks recognition, I will, of course, yield for him or her to speak. But while waiting for that, let me talk about a few of these amendments.

We had the Durbin amendment. The distinguished Senator from Illinois [Mr. DURBIN], offered the first amendment during our debate, and it highlighted the fact that Senate Joint Resolution 1 is unsound economic policy. What he did in his amendment would have allowed us to waive this article by majority vote in the event of an economic recession or a serious economic emergency.

His amendment had the underpinning of the statements of more than a thousand of the Nation's most respected economists, including at least 11 Nobel laureates and the former chairman of President Nixon's Council of Economic Advisers, the current and former Federal Reserve Board Chairman, the former Democratic and Republican directors of the Congressional Budget Office. All agreed that the underlying resolution, Senate Joint Resolution 1, was unsound economic policy. They all agreed that it would hamper the Government's ability to cope with economic downturns.

Treasury Secretary Rubin, one of the most respected Treasury Secretaries I have served with in my 22 years here, testified before the Judiciary Committee:

> A balanced budget amendment would subject the Nation to unacceptable economic risk in perpetuity. This balanced budget amendment could turn slowdowns into recessions and recessions into more severe recessions or even depressions.

I think of the history books that tell us that as the United States was going into its greatest depression, President Herbert Hoover, wanting to give credibility to the American people and hope to them, instituted a balanced-budget policy. It was like throwing gasoline on to the smoldering embers of an embryonic depression, and what might have been only a slight recession became a depression that destroyed the hopes and dreams of many of our parents and grandparents. It was a depression that wreaked the greatest havoc in the lives of American people in this century. It was a depression that caused great migration of people from various parts of our country, nearly wreaked our farm economy, our agrarian economy, and destroyed the hopes and dreams of families in every part of America.

What we have done now is say if your State or region is hit by a major recession or emergency that a minority of Senators or a minority of Representatives could stop a Federal response to that major recession or emergency. Although the sponsors of this measure repeatedly outline the dangers of a budget deficit, they fail to address how the proposed constitutional amendment will provide for the flexibility needed in economic downturns without holding working families in hard-hit regions hostage to a supermajority vote. Senator DURBIN's amendment would have restored that flexibility by requiring a majority vote to respond to economic recessions and emergencies.

But the sponsors and proponents of Senate Joint Resolution 1 opposed the Durbin amendment. The sponsors and proponents of the underlying resolution did not offer alternative language to address the real economic concerns surrounding Senate Joint Resolution 1. Instead, with lockstep voting, they defeated the Durbin amendment by a vote of 64 to 35. Having forced this effort to be tabled on February 10, and they rejected the Torricelli amendment on February 26, the Republican leadership hinted this weekend that they are now themselves finally considering an amendment along these lines but have not brought one forward.

It is ironic, last Friday, the Senate passed an air ticket tax—they reinstated one that had lapsed—imposed a significant tax without a recorded vote by unanimous consent. I wonder whether the proponents of the provisions of the underlying resolution would draft in the Constitution a requirement that such measures only be passed by a constitutional majority after a recorded vote. In this body the majority leader called up the matter, and, in moments, it was done. I am not suggesting it should not have been done, but it is also reality. This is a significant tax. It is a significant tax from which the American people benefit. Hopefully, it will make our airports safer, air traffic more efficient and safer, and we benefit by it. But it was not reinstated with a recorded vote.

I withhold the remainder of my time. Mr. President, I had other amendments I was going to speak to, but I see the distinguished Senator from Maryland on the floor who is seeking time. How much time does the Senator from Maryland want?

Mr. SARBANES. Twelve minutes.

Mr. LEAHY. Mr. President, I yield 12 minutes to the distinguished Senator from Maryland. And, Mr. President, before doing that, I understand this, that we are going back and forth. Does the distinguished Senator from Utah have any objection?

Mr. HATCH. I have no objection. This is fine. I am happy to accommodate the minority on this.

Mr. LEAHY. Mr. President, I was going to speak about the Dodd amendment, but I will withhold on that and will do that at another time. I yield 12 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Vermont for yielding me this time.

Mr. President, there is no doubt that this is an extremely important vote that Senators are about to cast this afternoon. An amendment to the Constitution to require a balanced budget ought to give every Senator great pause.

First of all, amending the Constitution is no light enterprise under any circumstances. Second, we ought to be certain that we are not falling into the trap of unintended consequences, that we do not pass an amendment that does more harm than good. In this respect, we ought to heed the advice which we have been receiving from many quarters with respect to the potential impact of this amendment to the Constitution on our ability to conduct wise economic policy.

In this respect let me make four points in opposition to the balanced budget amendment.

First, let me discuss the effect of this amendment on our ability to avert or slow economic downturns.

Mr. President, over 1,100 economists have taken out an advertisement condemning the balanced budget amendment as unsound and unnecessary. Its signers include 11 Nobel laureates in economics, and they state—and I quote:

> We condemn the proposed "balanced-budget" amendment to the Federal Constitution. It is unsound and unnecessary.

They then go on to say—and I think this is an extremely important statement:

> The proposed amendment mandates perverse actions in the face of recessions.

I repeat: "The proposed amendment mandates perverse actions in the face of recessions." The statement continues:

> In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise. These so-called built-in stabilizers limit declines of after-tax income and

purchasing power. To keep the budget balanced every year would aggravate recessions.

Secretary Rubin, the Secretary of the Treasury, testifying before the Senate Judiciary Committee, echoed these sentiments when he stated that the balanced budget amendment threatens to turn economic downturns into recessions and recessions into depressions.

Mr. President, along these lines, I want to draw attention to this chart beside me which shows the fluctuations in real economic growth from 1870 to 1995. This is 1870 here. This is 1995 out here. What this chart shows is that since the end of World War II, when we began using automatic fiscal stabilizers—what the 1,100 economists call the "so-called built-in stabilizers"—we have been able to greatly ameliorate the fluctuations in the business cycle. You still get business cycle fluctuations, but you do not get the boom-and-bust pattern which characterized the pre-World War II period in which a downturn would become a recession, and a recession would become a depression.

We have had fluctuations since 1945. But they have almost always been in the positive range in terms of economic growth. Our economy has benefited enormously from this stability. When the economy slows down, unemployment rises, tax revenues fall off, and the paying out of unemployment benefits increases. We therefore automatically start incurring deficits which serve to slow down and head off the economic downturn. These automatic stabilizers have enabled us to significantly ameliorate the business cycle.

As the economists' statement says, an amendment to the Constitution requiring a balanced budget would prevent this kind of countercyclical fiscal policy and, therefore, would greatly increase the risk of severe economic fluctuations during an economic downturn.

Amendment supporters say, well, we will be able to see an economic downturn begin and we will get a supermajority to waive the amendment's balancing requirements. The fact of the matter is, however, that it is very difficult to tell when you are in an economic downturn. The beauty of the current system is that it automatically adjusts as the economy goes soft. As the economists said in this full-page ad in the paper, "The proposed amendment mandates perverse actions in the face of recessions. In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise." No congressional action is required for this system to go into effect.

If, in an economic downturn, you try to balance the budget by cutting back on unemployment benefits and raising taxes in order to balance it, you will just drive the economy even deeper.

In short, Mr. President, this amendment prevents us from doing the very things that have allowed our economy to stay on an even keel for the last 50-plus years.

Second, Mr. President, it is very important to understand that we do not have a capital budget at the Federal level. The argument is being used by the proponents of this amendment that because State governments have to balance their budgets, local governments have to balance their budgets, business firms balance their budgets, and private individuals balance their budgets that the Federal Government should have to balance its budget. But none of these entities—not States, local governments, private companies, or households—would balance their budgets if they kept their budget the way the Federal Government does in accounting terms. There is no capital budget at the Federal level.

State and local governments have a capital budget, and they borrow in order to finance it. I sat on a committee that received testimony from two State Governors in favor of the balanced budget amendment to the U.S. Constitution. One of the arguments they made in favor of the balanced budget amendment to the Constitution was that their State balanced budget amendments gave them a better credit rating for when they went into the bond market to borrow, allowing them to borrow at lower interest rates.

Of course, my question to these Governors was, if you are required by your Constitution to have a balanced budget, why do you have to borrow? Their response was, "Well, Senator, you don't understand. We borrow to finance the capital budget. Our constitutional requirement for a balanced budget is for the operating budget, but we can have a capital budget for which we borrow."

Of course, it makes good sense to borrow for capital items. Businesses do it when they invest in new plant equipment and private individuals do it when they buy a home or a car. Very few people can afford to buy those items out of cash in the year of purchase. If you calculate prudently in terms of your expected income flow and the amount you are spending for the capital asset, it makes good sense to borrow in order to finance the capital asset, have the use of it over time, and pay it off over that period as you amortize the use of that capital asset. Business does it all the time. Private individuals do it all the time.

So this analogy that amendment proponents draw to State and local government, private individuals, and business does not work because there is no capital budget at the Federal level. And amendments that were offered on the floor to introduce capital budgeting into the Federal accounting process were rejected.

Third, it is argued that if we face an economic or military emergency, you will get a supermajority in this body in order to waive the amendment's balancing requirements. Well, Mr. President, we have seen the difficulty we have around here extending the debt limit by a simple majority. This legislation requires a three-fifths supermajority, three-fifths of the total membership of the body, in order to raise the debt limit. Very few of the efforts to raise the debt limit in recent years have had that kind of support.

I have voted for debt-limit increases with Republican Presidents because I thought it was the responsible thing to do. But in many of those instances, even where there was some bipartisanship involved, the vote to increase the debt limit failed to garner 60 votes.

The difficulty of gathering a supermajority simply cannot be overestimated. Yet amendment supporters assert, well, clearly, Congress will see a crisis and make the proper response. Our history, however, simply does not support that contention.

Let me give you just one example, involving national security, because proponents of this amendment contend that it will not inhibit us from addressing our national security needs. In 1940, on the recommendation of President Roosevelt, the United States enacted a 1-year draft. The draft came up for renewal a year later, in the fall of 1941, not too long before Pearl Harbor.

At this point, the House of Representatives had an intense debate about extension of the draft. Speaker Rayburn, in fact, went into the well of the House to appeal for the extension of the draft, saying it was essential for the security of our country. That extension passed in the House on a vote of 203 to 202. That vote would not meet the requirements of this balanced budget amendment, because to meet the requirements of the balanced budget amendment, you have to have a majority of the whole membership to waive the balanced budget amendment in time of national security emergency. The majority of the whole then—as now—would have been 218; 203 falls short of the majority of the whole requirement in the balanced budget amendment, let alone the supermajority requirements that are contained in the amendment. So those who place faith in the assumption that the Congress would easily waive the balancing requirements are much too sanguine. I am very apprehensive as to whether, either in a national security crisis or an economic crisis, we would be able to respond. In both instances, it is imperative to be able to respond early. The longer you wait, the more serious the problem, the further you fall behind the curve. This balanced budget amendment has the effect, at best, of delaying essential action, and at worst, of preventing such action at all.

Fourth and finally, let me very quickly make the point that the way to balance the budget is to make the budget decisions that we are confronted with, not to amend the Constitution. We have been trying to do that, and we have had some good success over the last 4 years. We have brought the deficit down.

How do you actually bring down the deficit? How do you really address this problem? What I have argued here this morning is that amending the Constitution carries with it great risks, as the economists in this article have indicated, and that we can do the job—and have been doing it—without a balanced budget amendment.

I ask unanimous consent that the full economists' statement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

1,100 ECONOMISTS CONDEMN BALANCED BUDGET AMENDMENT: "UNSOUND AND UNNECESSARY"

The statement below has been signed by over 1,100 prominent economists, more than double the number who signed a similar statement in 1992.

The signers include 11 Nobel laureates in economics: Kenneth J. Arrow and William Sharpe of Stanford University; Gerard Debreu and John Harsanyi of the University of California-Berkeley; Lawrence R. Klein of the University of Pennsylvania; Wassily Leontieff of New York University; Herbert A. Simon of Carnegie Mellon University; James Tobin of Yale University; and Franco Modigliani, Paul A. Samuelson and Robert Solow of M.I.T. The statement was drafted by Robert Eisner, James Tobin and Robert Solow.

"We condemn the proposed 'balanced-budget' amendment to the federal Constitution. It is unsound and unnecessary.

"The proposed amendment mandates perverse actions in the face of recessions. In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise. These so-called built-in stabilizers limit declines of after-tax income and purchasing power. To keep the budget balanced every year would aggravate recessions.

"Unlike many state constitutions, which permit borrowing to finance capital expenditures, the proposed federal amendment makes no distinction between capital investments and current outlays. Private businesses and households borrow all the time to finance capital spending. The amendment would prevent federal borrowing to finance expenditures for infrastructure, education, research and development, environmental protection, and other investment vital to the nation's future well-being.

"The amendment invites Congress to require states and localities and private businesses to do what it cannot finance itself. It also invites more cosmetic accounting, such as increased sales of public lands and other assets counted as deficit-reducing revenues. Disputes on the meaning of budget balance could end up in the courts.

"The amendment does contain escape hatches, but they require super-majorities in peacetime, three-fifths of the 'whole number' (including absentees and non-voters) of each House to adopt an unbalanced budget or to raise the debt and a majority of these whole numbers to pass a bill to raise taxes. These provisions are recipes for gridlock and opportunities for irresponsible minorities to insist on their agendas.

"The amendment is not needed to balance the budget. The measured deficit has fallen dramatically in recent years, from $290 billion in 1992 to $107 billion in 1996, to some 1.3 percent of gross domestic product, a smaller proportion than that of any other major nation, none of which hobbles its economy with a balanced-budget mandate. Congress and the President can reduce the deficit to zero, that is, balance the budget, or even create budget surpluses, without a constitutional amendment.

"There is no need to put the nation in an economic strait-jacket. Let the President and Congress make fiscal policies in response to national needs and priorities as the authors of our Constitution wisely provided.

Mr. SARBANES. To summarize once again the economists' statement, first of all, the balanced budget amendment would not enable us to respond automatically to economic downturns, running the risk, therefore, of turning recessions into depressions. Second, and I quote, "Unlike many State constitutions, which permit borrowing of financed capital expenditures, the proposed Federal amendment makes no distinction between capital investments and current outlays. Private businesses and households borrow all the time to finance capital spending. The amendment would prevent Federal borrowing to finance expenditures for infrastructure, education, research and development, environmental protection, and other investment vital to the Nation's future well-being."

If we had a capital budget right now, we would have a balanced budget, because there is well over $107 billion worth of capital items in the Federal budget.

Third, I addressed the escape hatches and the difficulty of obtaining these supermajorities. That is really a recipe for gridlock.

Fourth, and this leads again to my final point, we have brought the deficit down consecutively now for 4 straight years. How? We made tough decisions on spending and taxing. We voted for the 1993 economic plan. Many of those pushing the balanced budget amendment to the Constitution voted against that economic plan with respect to the budget. That was the plan that enabled us to bring the deficit down from $290 billion in 1992 to $107 billion in the past fiscal year—a cut of almost two-thirds in the deficit. That was done by making tough decisions. The chart beside me reveals this progress.

An amendment to the Constitution, by itself, does nothing. You still have to make the budget decisions. We have been doing a good job of it. In fact, as this next chart shows, we have brought the deficit down from 4.9 percent of our gross domestic product down to 1.4 percent. This is the best performance in a quarter of a century, as a percent of GDP.

So, Mr. President, we have been doing the job. And the way to continue to do the job is to address the deficit. As I noted, it is now down to 1.4 percent of GDP. This is better than any other major industrial power in the world. Chairman Stiglitz of the Council of Economic Advisors says he now goes to international conferences and everyone is talking about how well and how successfully the American economy is working. This figure—deficit as a percent of GDP, 1.4 percent—is better than any of the other major industrial countries. Consider this chart beside me. This is the U.S. deficit as a share of GDP, 1.4 percent. Here is Japan at 3.1 percent; Germany at 3.5 percent; Canada, 4.2 percent; France, 5 percent; the United Kingdom, 5.1 percent; Italy, 7.2 percent. So we have been doing the job, and we have been doing the job the way it needs to be done.

In short, Mr. President, we ought not to meddle with the Constitution. We ought not run the risk of provoking economic prices, of preventing a timely response to a national security threat, of failing to make capital investments in the future of our country. Mr. President, I urge the rejection of this amendment to the Constitution.

I thank the Senator from Vermont for yielding me time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have enjoyed listening to the distinguished Senator from Maryland. He has made these points before.

Let me tell you something. It is easy to bring the deficit down when you pass the largest tax increase in history, and when you have just ended paying for the savings and loan crisis. In all honesty, that is what happened. But, we still have, for the next 4 years, the deficit going back up. Only in Washington, DC, when you talk about reducing the increase in the amount of money the deficit goes up, do you call it cutting the budget.

The fact is that, under the best of circumstances, we have at least a $107 billion annual deficit. It is going up to $200 billion by the year 2002, by the budget the President submitted. So it is nice to talk in terms of how the deficit seems to be coming down for the last 4 years, after the largest tax increase in history, and the fact that the deficit was artificially high in 1992 because we got through paying for the debacle of the S&L crisis. I am not sure who to blame there. There is more than enough blame to go around for who created the debt, the question for today is who will vote to fix it?

President Reagan's desire to have marginal tax rate reductions to spur economic growth proved to be the right policy. The marginal tax rate reductions in 1981, actually, according to many observers, resulted in an increase in revenues of over 40 percent during the additional years. At the lowest, it was 28 percent. Really, I think it was closer to 40 percent. But the real problem was that our friends of the more liberal persuasion kept spending, and President Reagan himself spent more on defense. So there is no question that all of that was what caused the high deficits, not the tax rate reductions.

Having said all of that, we also know that automatic stabilizers are not what they claim to be. There are many reasons why we come out of recessions and why we haven't had deeper ones than we have had. Automatic stabilizers is probably a very minor part of that, according to most economists today.

Today is the day of decision for Senate Joint Resolution 1, which proposes to amend the Constitution and provide for a means of getting us to a balanced budget. The sad reality is that if we do not adopt the balanced budget amendment to the Constitution, then the bridge to the 21st century is likely to be washed out with a flood of debt.

The amendment we will vote on this afternoon is the bipartisan, bicameral consensus. Everybody knows it is the only one that has a chance of passing and the only chance we have of getting things under control. It is recommended to the American people by us for their deliberation and their State legislatures by Americans of good will who will have reached across party lines to do what is right for our country's future.

Some have suggested that it is somehow inappropriate to suggest that we amend the Constitution to correct the Federal Government's borrowing and spending habits. I would like to emphasize. What is the Constitution for? It seems to me that it's primary purpose is to limit the Federal Government's power to act in ways destructive of the liberties of the people. And the most central power of Government, especially of the Congress, is the power of the purse. That should not seem like a new idea. Ever since the nobles of England forced King John to sign the Magna Carta at Runnymede, our constitutional history has been a series of actions to rein in the abuse of power of the purse to protect the freedoms of the people. That is what we want to do here because it is apparent. If you look at these last 28 years of budgets, all unbalanced, none of which has done the job, that have put us where we are, it wasn't just Reagan, Bush, Clinton, or Carter. It is 28 years of this. And, if you really want to stop things, yes, we have to have better Presidential leadership on the budget. But ultimately, the fiscal buck stops right here in Congress, and the Congress is the body that can't get its spending habits under control.

For the first century and a half of our Nation's history our Nation—it literally went without saying—the Government would only borrow in times of supreme emergency, and then would repay the debt in good times. That began to be abandoned in the 1930's and was entirely abandoned in the 1960's and 1970's. In 58 of the last 66 years, and for the last straight 28 years, the Federal Government has spent more money than it has taken in. Yet, we have these people coming to the floor saying, "All we have to do is do it, and the President will sign it." Give me a break.

Mr. SARBANES. Will the Senator yield for a question?

Mr. HATCH. I do not have the time to yield, or I would be happy to. Let me just finish my remarks.

This pile of books illustrate the nearly three decades of unbroken deficits. Think of it. Nearly 30 years in an unbroken line, and 58 of the last 66 years during good times and bad times the Federal Government has simply spent money that it didn't have. And, frankly, it is our fault in Congress for allowing this condition to continue.

Some question. "Who has this hurt? We owe the money to ourselves. It has no effect." Right? Wrong. It has hurt average Americans by reducing their wealth and by reducing the Nation's economic sovereignty as we have relied on foreign creditors, and foreign creditors are starting to control our country. Because the Government is competing for money to borrow, it has driven up the interest rates making home mortgages, student loans, and automobile loans even more expensive.

The Joint Economic Committee has estimated that the average family will save about $1,500 if we implemented a balanced budget amendment. Our debt has made it more difficult for small businesses to grow and to expand, and so has decreased the number of new jobs that we might have created.

In these and many other ways, real wealth has been taken away from the American people and from the American families throughout this country. Who else does it hurt? Certainly our children and our grandchildren. A child born today enters life with about $20,000 of debt as his or her share of our $5.3 trillion national debt. It has been estimated that this same child will pay $200,000 in extra taxes just to pay the interest on the national debt over the lifetime of that child. In fact, that child will pay over $94,000 in extra taxes just to pay the interest on the national debt, up until that child's first 18 years are completed. These children did not get to vote on this debt and tax burden. They didn't vote on the spending programs that they will be paying for. Mr. President, I have called this "fiscal child abuse," and that is exactly what it is. It is also taxation without representation in its purest form.

The clear fact is that the Federal Government's debt habit is hurting current and future Americans. But in a way that avoids direct electoral accountability. By taking the easy course to borrowing, the Government can hand out Federal money without having to raise Federal money directly through taxes.

Over the period of debt financing the Government has grown and has intruded itself into every area of life but has become even less and less accountable for the people. Some say, "Let's just do it," meaning that we can balance the budget right now, if we will. We have tried all of that. Republicans, Democrats, and the White House have promised balanced budgets, and the debt just continued to go up. Democrats and Republicans promised balanced budgets, and the debt went up. We had recessions and wars, and the debt went up. We had peace and prosperity, and the debt went up. Since 1978, we passed no fewer than five major budgetary regimes to force us to balance the budget, and the debt went up.

Just think about it. In the last Congress, we even passed a balanced budget. But the President vetoed it. And the debt went up again. We have tried promises. We have tried statutes. They don't work.

Look at this stack of failed attempts of 28 straight years; 58 of the last 66 year of unbalanced budgets. "Let's just do it" just doesn't do it. That line may be great for selling sneakers, but it has not helped us to balance the budget. I will tell you that.

We have a fundamental problem with the way our Government operates. We need a constitutional solution because that is what the Constitution is for—to fix basic problems of Government, and to limit the ability of Government to act in ways that are harmful to the people. It seems to me quite clear that to remedy this fundamental problem in our National Government that it is entirely appropriate to amend our basic charter to say to the Government, "Stop spending our national inheritance." By limiting the Federal Government's ability to borrow and spend and spend away our American legacy, we will be protecting the liberties of all Americans.

Mr. President, there is still time for Senators to reconsider their position. I hope that those who have shown that changing their minds is not out of character will think twice again and decide to vote the right way—in the way they promised their constituents, in the way they ran upon it, and in the way they were elected upon it. The balanced budget is the right thing to do for our children, our grandchildren, and for all Americans.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SARBANES. Mr. President, will the Senator yield me 2 minutes?

Mr. LEAHY. I yield 2 minutes.

Mr. SARBANES. Mr. President, I simply want to make this observation.

Well over half of those budgets that the Senator from Utah points to in that pile would have been in balance if we had a capital budget. The fact of the matter is we didn't—and don't—have capital budgets. State and local governments have capital budgets. Businesses and private individuals have capital budgets. But we have a budget accounting system that requires us to cover the capital items as well as the operating items. If we had done budget keeping the way everyone else does budget keeping, well over half of those budgets would have been in balance.

He talks about young people being born with a debt hanging over them. They are also born with a tremendous number of physical assets that have been purchased that are available to them for their use—a transportation network, a communication network, a research and development network, and an educational infrastructure. All have been paid for by previous generations for their use out into the future.

Mr. HATCH. Will the Senator yield on my time?

Mr. SARBANES. Yes.

Mr. HATCH. Is that why you want a capital budget? I guess it is so you can continue what you have been doing. Sure. So you can continue to just spend, and just call it a capital budget. My gosh. It suddenly dawned on me. I was starting to think maybe a capital budget was a good thing. But there is no bond rating system to restrain the Federal Government, as is the case in the States. We make the money. We print it ourselves. We do whatever we want to. I guess we could just continue business as it is, and just call it a capital budget. Put all of these things that we should have to pay for into a capital budget, and say, "We balanced the budget." Just continue the same system. That is what we are talking about.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on my time, if we are going to go by rating, I say to my friend from Maryland, let's see how we would rate. I think probably one way of rating is our deficit as a share of GDP. I say this because we do it for ourselves. We talk about having our household budgets in line. As a U.S. Senator, I own a home, of course. But my real home is in Vermont. But I have a home to use when I am down in the Senate. Now, I do as almost all Vermonters, unless they have a lot more money than I do. I buy that with a mortgage. I could not pay for those homes all in 1 year. I am in deficit.

Mr. SARBANES. If the Senator will yield.

Mr. LEAHY. I am in deficit on that.

Mr. SARBANES. Exactly. The year the Senator took out the mortgage, he was in violation of the concept of the balanced budget amendment to the Constitution.

Mr. LEAHY. Exactly.

Mr. SARBANES. Any business that borrowed to expand plant and equipment—and virtually all businesses do it—violates the concept of this balanced budget amendment to the Constitution.

Mr. LEAHY. In fact, I might say to my friend from Maryland, we talk about how they might rate us if we had a capital budget. I look at the chart that he has been good enough to bring up, and I think that the United States is rating pretty darned good. We are an awful lot better in our deficit than all the rest of the First World—Japan, Germany, Canada, France, UK, Italy. I think our bonds would be pretty darned good. I say this to my friend from Maryland. We all know we are in about as much of a global market certainly as at any time in the Senator's lifetime or my lifetime, and markets become even more global as we go on with everything from the Internet to plants worldwide. I ask my friend, what is the dominant currency when we talk about that global market? Is it not the dollar?

Mr. SARBANES. If the Senator will yield, it is certainly the dollar. Everyone is anxious to hold U.S. Treasury bonds. Let me say to my colleague, the Maastricht Agreement for the European Union set out certain criteria that countries had to meet in order to qualify for the monetary unit. These were regarded as extremely severe criteria. One criterion set out in the Maastricht Agreement was that they had to bring their deficit as a share of GDP down to 3 percent—3 percent. That is the target that those countries are working to achieve. Everyone says, well, that is a really tough standard that these European countries are trying to meet.

The United States is at 1.4 percent.

Mr. LEAHY. We have cut in half what they have set as that tough target. We have done half again better. Is that what the Senator from Maryland is saying?

Mr. SARBANES. The Senator is absolutely correct. Another criterion they had was that your debt, your total debt had to be at 60 percent of your GDP. We are at 50 percent. I do not have a chart on that one. But we are at 50 percent. We easily meet both of the criteria that are being used by the European countries pursuant to the Maastricht Convention guidelines. And everyone is saying, boy, this is a tough job. If you get to it, you are showing tremendous fiscal discipline.

We are already well within both of those targets. None of the 15 countries that are members of the European Union have done as well as the United States on these two criteria, with the exception of Luxembourg.

Mr. LEAHY. Mr. President, I see now that my distinguished colleague from Utah has someone to speak on the other side. I am about to yield to him. I hope, though, that those who watch this debate around the world will realize that we are making debate on what is the world's strongest economy, the strongest economy recorded history has ever shown. I worry sometimes when I hear this denigration of our economy and that we need gimmicks to fix it. It is like some of the debate on the military budget during the cold war: Oh, my God, we are falling so far behind, until someone said, well, would we trade our Air Force for the Soviet Air Force or our Navy for the Soviet Navy or our Army for the Soviet Army? And everybody said, Oh, of course not. I ask just one question. Would we trade the U.S. economy for any economy in the world?

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The only gimmicks I have seen are the gimmicks of these amendments that are really filed for one purpose and that is to cover what really is a very difficult vote, voting against the balanced budget amendment.

I yield 4 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. FRIST. Mr. President, I rise today in strong support of Senate Joint Resolution 1, the balanced budget amendment to the Constitution. I especially want to commend my good friend, Senator HATCH, for his tireless dedication to passing this amendment.

Mr. President, our Nation faces a critical choice about our economic future: Are we going to continue to shackle our children and grandchildren with debt or are we going to curtail the excessive spending habits of Washington? Passing the balanced budget amendment signals a choice for fiscal discipline, economic prosperity, and a better future for our children.

Federal spending cannot continue indefinitely on its current course. If we continue on our current path, entitlements and interest on the debt will consume all Federal revenues by 2012—leaving not a single tax dollar for defense, education, medical research, national parks, and other important government functions. For 28 years, we have continued on this path. We cannot continue on it for the next 28.

Today, the Federal debt stands at $5.3 trillion. Grasping the concept of a trillion dollars is difficult, but let me try. If you started a business in the year 1 and that business lost $1 million every day since then, you still would not have lost your first trillion dollars. Paying interest alone on America's debt costs taxpayers about $300 million a year. Thus, a child born today will pay more than $180,000 on the debt over his or her lifetime—just in interest.

The balanced budget amendment will take a bold step toward reversing this trend by adding a simple rule to the Constitution, a rule followed by families when they draw up their own budgets and by businesses when they forecast their finances. This rule says, "total outlays in a particular year will not exceed total receipts in that year." That is legalese for forcing Congress to live within its means.

Some people have asked me why Congress and the President need to enshrine this rule in a document as important as the Constitution. Especially given today's new commitment to bipartisanship, some wonder why their lawmakers cannot agree to make the tough choices necessary to balance the budget. The simple answer is that Congress and the President need the amendment to guarantee fiscal discipline whether or not that political commitment to a balanced budget exists. We need the amendment to ensure the budget is balanced in 2002 and 2012 and 2022.

Opponents of the amendment cite four objections. First, they claim we should exempt Social Security from budget calculations to protect seniors and preserve the program. However, exempting Social Security from the balanced budget amendment will not strengthen Social Security in any way, will not add a single year to the Social Security trust fund, and will make balancing the budget even more difficult. Simply moving Social Security off budget does not address the structural challenges the program will face when the baby boomers begin to retire. The President knows this. He cites Social Security as one of his reasons for opposing the amendment but does not exempt it in his own budget. The greatest threat to Social Security is not the balanced budget amendment; it is the unrestrained growth of debt that jeopardizes every single Federal program, especially Social Security because it is the largest.

The second objection is that the amendment restricts our ability to run deficits in times of emergency or recession. Running deficits is, at times, unavoidable. But recent budget history shows that deficit spending has become the rule rather than the exception in Washington, a trend that is unacceptable to the American taxpayer. The first sentence of the amendment provides appropriate flexibility to permit deficits when a three-fifths majority of Congress deems it necessary.

Third, opponents claim that the amendment risks judicial interference in budget decisions. In his State of the Union Address, the President himself cited his concern of "unwanted results such as judges halting Social Security checks." The balanced budget amendment does not allocate power to the courts to decide budget and economic matters. Rather, it establishes a procedure to restrict Congress' budget authority—a supermajority vote to run deficits.

Fourth, opponents say we should include an exemption for capital budgets. Capital investments are very important. Everyone knows that. However, as I discussed earlier, we will have no money for capital investments in just 15 years if we continue on our current budget course. As with Social Security, the debt is the greatest threat to these investments.

Furthermore, if we created a separate capital budget, the process of defining "capital spending" could be abused—opening a huge loophole for deficit spending. We have seen this happen in the States. In New York City, for example, they declared the useful life of a school textbook to be 30 years, stretching out spending far beyond the book's actual existence.

All of these arguments are a smoke screen that obscures the real issue at stake: constitutionally mandated fiscal discipline.

If we can enact and sustain this discipline, the economic rewards are considerable. Looking back, if we had not run deficits the past two decades, the average American family's annual income would be $15,500 higher. Looking ahead, if we balance our budget now, we can increase per capita income by 26 percent over the next 20 years.

Passing the balanced budget amendment represents the first step down this road to economic prosperity. With a fiscal discipline embedded in the Constitution, Congress will be forced to confront tough problems sooner—rather than pushing mountains of debt on to future generations to endure.

I urge my colleagues to pass the balanced budget amendment.

Mr. HATCH. I thank my colleague for his excellent statement, Mr. President. I yield 6 minutes to the distinguished Senator from Virginia. And I want to personally thank him and express my gratitude for the good leadership and hard work he has shown in trying to pass this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I must confess that I am not particularly comfortable as a proponent of adding a balanced budget amendment to the Constitution, and I never have been.

Many of those with whom I am frequently aligned on issues that don't enjoy much popular political support yet represent sound public policy are very much opposed to this amendment—and cannot understand why I am supporting it.

But I am not persuaded by the impassioned arguments against it, and, regrettably, that leaves me at odds with the President, the leadership of my party, most editorial writers, and virtually all of the progressive organizations with which I often find common cause.

It was out of frustration that I first came to support the amendment well over a decade ago during the time the Federal Government began to run huge annual deficits year after year, with no evidence of the discipline necessary to rein them in and I have been a reluctant backer ever since.

As most of our colleagues know, however, I've always been far more committed to a balanced budget than to a balanced budget amendment and I would not be supporting an amendment now, if I held out any hope that we would actually reach that goal without it.

In truth, actually achieving a balanced budget will be extremely difficult and there is no guarantee that we'll reach it, with or without the amendment, because we will have to make some politically painful decisions to get there—either way.

And that is really the point.

Why fear the amendment if it will only put more pressure on us to make the same tough decisions we're going to have to make anyway if we're serious about balancing the budget.

We owe it to the American people, and to future generations in particular to be a whole lot more candid about the choices we face, and the decisions we are going to have to make.

We cannot keep promising that we will not touch Social Security or Medicare or Medicaid or veteran's pensions or any other entitlement program, because we are going to have to make some adjustments to all of these programs, or we will put them all at risk.

I am particularly concerned about arguments that suggest we threaten Social Security if we pass a balanced budget amendment. That is just not true.

The greatest risk for Social Security is not taking the need to balance the budget seriously.

The real threat to our security, to our Social Security, to our economic security, and to our national security is the national debt.

Each year we pay more interest, on more debt, and that leaves fewer dollars to spend on everything else we look to Government to provide.

And if we don't make some changes soon, in just 15 years every cent the Government takes in will be required just to pay for entitlement programs and interest on the national debt—every cent.

Now that is really something to worry about.

The other argument heard so often is that the balanced budget amendment, will not permit us to respond to national emergencies.

That is nonsense.

To be sure it is designed to increase the pressure on us to make the politically difficult choices we keep avoiding.

But for any real emergency we can override it with 60 votes, as we have in the past.

Just look at how many votes we get on our routine emergency supplemental appropriations bills.

In times of true national emergencies, we will have virtually unanimous support to waive the limitation and in the interim, we will have an added incentive, to be more fiscally responsible.

Mr. President, notwithstanding good intentions and despite the rhetoric to the contrary, I just do not believe either the executive branch of the Federal Government or the legislative branch of the Federal Government have the collective will to make the really tough but necessary decisions without the added pressure the balanced budget amendment will help guarantee.

So, the die may well be cast. It may be it will fall one vote short. But I hope all of those who profess to support a balanced budget, whether with or without an amendment, will keep those commitments in mind as we approach the very difficult choices that we inevitably face if we are ever to get to that particular goal.

Mr. President, I yield any time I have remaining, and I thank the Chair.

Mr. DOMENICI addressed the Chair.

Mr. HATCH. How much time does the distinguished Senator from New Mexico need? We are running out of time on this side, but I think the distinguished chairman of the Budget Committee deserves to take whatever he wants to.

Mr. DOMENICI. Mr. President, 7 or 8 minutes?

Mr. HATCH. All right, I yield 8 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just listened to my good friend from Virginia talk about whether we have the will or not without a constitutional amendment mandating a balanced budget. Let me say to everyone, the President of the United States has been saying he has the will; the will to get a balanced budget by 2002 has been a cornerstone to what he has been saying during his campaign and during the last couple of months.

The truth of the matter is, I say to my friend from Virginia, he did not present a balanced budget. Last night, the Congressional Budget Office told us that the President's budget, in the last year, the year it is supposed to be in balance, is $70 billion in the red. You know, we are only starting this exercise at $106 billion. Mr. President, $106 billion is where we are, and after all the Presidential hoopla, sending us this great budget, those who estimate say it is still $70 billion in the red in 2002.

If that is not enough, let me tell you, the will seems to be to delay, delay, delay. A constitutional amendment would put a finality to that and you would reach the time when you could delay no more, which I believe is the reason that my good friend has decided that he must go for this amendment, even though we would all prefer to balance the budget on our own. Is delay part of the President's budget, while he admonishes us not to adopt a constitutional amendment? You bet. The Congressional Budget Office just told us that next year, the first year we are supposed to be moving toward balance, the deficit goes up $25 billion. Can you imagine a deficit increase, from a President telling us not to adopt a constitutional amendment because it is too rigid and he would like the flexibility, and stating he just sent Congress a balanced budget?

My friend, Congressman JOHN KASICH, tried to explain this, and I must borrow his analogy. He talked about somebody going on a diet and deciding that the first 4 years of the diet, you will increase your weight preposterously—$25 billion worth, in the first year—and then when you finally get to the year you are supposed to actually lose weight, you all of a sudden, in that last year, you are going to lose 100 pounds.

This budget is before us now, brought to us by a President who is telling us, I will balance the budget myself—right? That is what he is saying. Do you know how much of this deficit reduction, according to the experts that we must listen to, occurs in the last 2 years of this budget? I assume you were appalled, I say to Senator ROBB, when you heard 75 percent as the estimate 2 weeks ago. That is wrong. Mr. President, 98.5 percent of the President's deficit reduction occurs in the fourth and fifth year of this budget. Do you believe it? Do you believe that will happen? Of course not. You will have another budget stacked up here, saying, "Well, we thought we were getting there, but we are not."

As a matter of fact, the response of the administration today is, we are not changing a thing because, come that final year, we have a trigger. Did you ever hear of a trigger in budgeting? You pull a trigger and you cut spending. Why don't you pull the trigger next year and start cutting spending? You wait until the end and you "trigger" out—neat word—trigger out the tax cuts that you put in place. So you raise taxes, because you were wrong and you could not get to balance, so you say, we will cut your taxes for 3 years but in the fourth and fifth years, when we are out of balance, we will put the taxes right back on. That is a neat trigger, isn't it? It is a trigger, so clearly we ought to be down here saying, "We do not need a constitutional amendment" —this is a new one—"we have a trigger. Forget the amendment. We will balance the budget with a trigger."

And then the President says, "Of course, we cannot do it all by taxes." So, what we are going to do is we are going to trigger an across-the-board cut, 4 percent across-the-board on almost everything. Do you believe it? Of course not. It will not happen. It is an absolute phony device.

For those who think we do not need a constitutional amendment because we will balance the budget ourselves, I submit, with great regret, that the President's budget is not an example of doing it ourselves, for it will not achieve the goal. As a matter of fact, it obfuscates, it hides, it delays, it terminates a bunch of programs.

One big program is terminated in the fifth year, even though it is an entitlement. And guess the rhetoric? The rhetoric is, "Well, the President promised to do it for only 5 years in his campaign, so it is in the budget for 5 years." A new entitlement, but at the end of 5 years, it is out. That won't happen. You already have hundreds of thousands of Americans on this entitlement to help pay for health care of one type or another. But because we had a campaign that said we are going to do this for 5 years, we will stop it.

You see, the President has just given us, in his budget, I regret to say, the best example of why we need a constitutional amendment. We just absolutely cannot put ourselves to making tough decisions. I say to those negotiating for the President, I remain hopeful that there are two things at play that may still get us to the Holy Land, and the two things are that this President cannot live with 4 years of a sustained fight with a Republican Congress—he cannot—because what kind of a legacy is that? "I did battle with the Republicans for 4 years, and that is my legacy." Of course that is no legacy. Nor can the Republicans who control this place—and thanks to Senator ROBB for helping us on these matters. We don't draw lines. He is one of the most committed Senators to getting a balanced budget, and I compliment him for it. But we can't live fighting the President for 2 years or 4 years. So I think maybe the pot may be able to get stewed up moving in the right direction of getting a balanced budget.

Let me say, for those who claim we will do it ourselves, they better do a lot better than the President, because he is not doing it himself. His budget needs a constitutional amendment almost as bad as any of those budgets we have up here. How many years is that, I ask the Senator from Utah? Twenty-nine? Twenty-eight? We probably need it as bad on the President's budget as any of those budgets out here which caused us to go into this 5 trillion dollars worth of debt.

Mr. HATCH. Will the Senator yield?

Mr. DOMENICI. I will be delighted to.

Mr. HATCH. The President himself, in his budget, says by the fourth and fifth year, 75 percent of the savings or cuts, whatever, have to be obtained in the 2 years after he leaves office.

Mr. DOMENICI. Actually, it is 98 now. I gave you a new number.

Mr. HATCH. I was going to ask you, you said 98. He was off by that much?

Mr. DOMENICI. That's correct.

Mr. HATCH. He himself admitted to 75 percent.

Mr. DOMENICI. The number in his budget was 75. Now we have another party, a neutral party saying——

Mr. HATCH. Am I correct in my understanding? I was led to believe there was only a $49 billion deficit in the fifth year of the President's budget; in other words, it wasn't balanced by $49 billion. If I heard the distinguished Senator correctly, that is now up to $70 billion, according to the Congressional Budget Office?

Mr. DOMENICI. That's correct.

The PRESIDING OFFICER. The 8 minutes have expired.

Mr. HATCH. I don't know when I have heard a better speech on the balanced budget amendment than the Senator from New Mexico has just given, or a better set of arguments for it.

Mr. DOMENICI. I know I don't have any time left, but I would like to repeat something. Can I just have 30 seconds?

Mr. HATCH. I yield 30 seconds.

Mr. DOMENICI. Mr. President, the best thing the President can offer in his budget, in lieu of a constitutional amendment to do the job, is a trigger. This trigger is not going to get us where we have to be, but it is the only answer the President has to saying he will get us there. There is a newfangled procedure in budgeting that says when the time comes to do what we should have already done, we will use a gun and we will call it a trigger, and we will automatically cut things that we didn't have the courage to do anything about for the 4 preceding years.

Now, that is not doing it yourself and it is not anything that would justify our throwing away this constitutional amendment. However, I do believe we are not going to pass it because I think those opposed to it are still convinced we need bigger Government, and the constitutional amendment is an instrument for less Government rather than more, and that is the reason we are going to lose. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I will not take long. I hear these debates, and I still say the same thing: All we need is the courage to vote. We all give great speeches about the need for a balanced budget, but I remember the Senate and the Senate leadership during the time of President Reagan endorsing huge deficits. In fact, we are still paying the interest on the deficits run up during the Reagan and Bush administrations, as contrasted to the Clinton administration where the deficit has come down 4 years in a row and is about to come down for the fifth year, something that has not happened in the lifetime of most of us in this body.

But to bring it down, you don't pass a bumper-sticker slogan and stick it on the Constitution of the United States of America. To bring it down, you cast difficult votes, unpopular votes, votes that make you stand up to special interests and single-issue groups from the right to the left.

What we are trying to do is to pass some kind of a feel-good amendment that would send most of this to the courts, that would cripple the strongest economy in the world. Let us remember that, with all those who come and talk about the dangers of our economy, I ask them, what country in the world would they trade economies with? We have the strongest economy in the world. It is like the days of the Soviet Union when everybody said, "Well, our military is falling apart," and we say, "Do you want to trade our Air Force for theirs, our Army for theirs, our Navy for theirs?" We have to say no.

When we have the strongest economy in the world, when we have a deficit that is the smallest as percentage of our gross domestic product of any in the industrialized world, let's not start talking about trading what is working for countries that do not work anywhere near as well as what we have. Let us back off from the political siren call of saying, "We'll do this on a bumper-sticker slogan slapped on to the Constitution," the greatest Constitution in the world, because then some day somebody else, probably a Federal court, will do what we can do today.

I know that we cannot legislate political courage and responsibility, but that is what we are trying to say we are going to do. No amendment to the Constitution can supply the representatives of the people of this great country with political courage and responsibility. Indeed, the majority report on this amendment concludes that the ultimate enforcement mechanism that can lead to balancing the budget is the electorate's power to vote. How true, but that power to vote doesn't come in 10 years from now in a constitutional amendment. That power to vote has been there throughout the history of this great country. The underlying resolution would actually cut, rather than enhance, our democratic principles of majority rule and separation of powers but ultimately lead to less accountability to the electorate. Why would it do that? Because it would destroy majority rule, and it would turn all contested issues of the budget over to the courts, not to the elected people of this country.

Political courage has been an essential ingredient that has helped us achieve remarkable deficit reduction over the past 4 years. That is a history that those who support this flimflam on the Constitution choose to ignore. We have succeeded in reducing the deficit every year of the past 4, we have cut the deficit by more than 60 percent in that time, and we have had a strong economy and sound fiscal policy. We did not do that through a flimflam amendment. We did that through political courage. It meant that some Members of this body and some Members of the other body actually lost their seats in the Congress by voting for what was right—but they did it—and reminds all of us that nobody owns a seat in the U.S. Senate. Nobody should have their decisions guided solely by polls, but rather by what is right.

So why do we not stay the course of what we have been doing, bringing the deficit down and use bipartisan work for further progress? It is an illusionary quick fix by constitutional amendment, and it makes the job more difficult.

The questions raised during this debate will not go away and cannot be ignored. They point to a series of fatal flaws in proposing and conducting our economic and budgetary functions this way.

A recent editorial in Vermont by the Burlington Free Press said it:

> Amending the Constitution to require a balanced budget amendment would be like using a sledgehammer to nail a picket in a fence. The picket might stand, but at great risk to the fence.

I think of what Senator Hatfield said when he stood up and opposed this. Senator Hatfield, then the chairman of the Senate Appropriations Committee, said:

> The debate on the balanced budget amendment is not about reducing the budget deficit. It is about amending the Constitution of the United States with a procedural gimmick.

What I say is, it is amending the Constitution with a bumper-sticker flimflam. That is what it is doing.

Senator Hatfield said:

> As I stated during the debate on the balanced budget amendment last year, a vote for this balanced budget amendment is not a vote for a balanced budget, it is a vote for a figleaf.

Mr. President, it is a pretty small figleaf. We ought to be embarrassed to put that figleaf on anything, especially on the greatest Constitution democracy has ever known.

Senator Hatfield said:

> Congress should not promise to the people to balance the Federal budget through a procedural gimmick. If the Congress has a political will to balance the budget, it should simply use the power that it already has to do so. There is no substitute for political will. And there never will be.

Our Senate oath of office has in it a promise to support and defend the Constitution of the United States. We owe to our constituents our best judgment on this. We owe to our children and our children's children our best judgment.

My children will live most of their lives in the next century. I want them to live in that century with the best Constitution democracy has ever known. We demean the Constitution with this amendment. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 6 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to thank my colleague, Senator HATCH, for his outstanding leadership on this very important constitutional amendment to balance the budget, as well as Senator CRAIG and others who have worked very hard to put us in a position to be able to pass this amendment.

Mr. President, I have been here now for 17 years. I cannot think of a more important vote that I have ever cast than the vote we will be casting today. If we cast a vote in favor of passing a constitutional amendment to balance the budget, we will change the way we do business in Washington, DC.

When we are sworn into office, we stand right here on the floor of the Senate, most of us with a hand on the Bible, saying we swear to uphold the Constitution of the United States. It will change the way we do business. It will mean we are going to start being responsible; we are going to quit spending more than we take in. It will not be easy. It will be a challenge, but we can do it. Almost all States do it. It does not mean it is easy, but they do it. And we should do it as well.

I will read something from Thomas Jefferson.

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of administration of our Government to the genuine principles of its Constitution; I mean an additional article, taking from the Federal Government the power of borrowing.

Thomas Jefferson was right. He also said:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

He was exactly right.

Mr. President, there is an article where countless Presidents, almost every President when they made a State of the Union Address, said they were going to lead us toward a balanced budget, including Bill Clinton, including Ronald Reagan, including George Bush, including almost all Presidents. But, unfortunately, we have not done it. And I say we. It is not just the administration. It is Congress. I think we need the constitutional constraint to get us there.

In the last election, President Clinton and Bob Dole said, hey, we need a balanced budget. Some people said, well, that means that it is a done deal. That is not really the case. I heard my colleague and friend, Senator LEAHY, say, well, the last 4 years we have brought the deficit down. The deficit has come down. What he did not say is the deficit last year was $107 billion. What he did not say is the next 4 years it goes up. According to CBO, the deficit goes up from $107 billion to, in 1997, $116 billion, and under President Clinton's budget to $142 billion in 1999, and $135 billion in the year 2000.

Mr. LEAHY. Would the Senator yield?

Mr. NICKLES. No; I have only a couple minutes. I will be quick.

The point is, even under the President's budget, the deficit goes up. We have made some progress—and I think we can argue on who should take credit for that—but we are not making progress when the deficit is going up and it is higher in the year 2000 than it is in the year 1996. That is not balancing the budget. That is like somebody saying they are going to go on a diet, but first they want to gain 10 pounds for each of the next 3 years and, oh, yes, in the last year we are going to lose 40 pounds. That is what we have before us under the President's document.

I think we need a constitutional amendment to make the President and to make Congress be responsible, to make the tough decisions.

I am pleased that we are going to have 55 Republicans vote for this. I am disappointed that we do not have 12 Democrats to vote for it to make it happen. I wish we did. I think we are going to come up with 11. One of my jobs is to count votes. A couple of people basically are going to vote different than what they said they were going to do. That disappoints me. But regardless, we still have to roll up our sleeves, and I think we still have to balance the budget. I do not know there is the collective will to do it unless we have the constitutional restraint to make us do it.

When an administration campaigns on a balanced budget and says, "Oh, yes, we brought the deficit down every year," and then have the deficit go up in the next 4 years, I find a lot of shell games going on in budgeteering. That bothers me. I hope we will be responsible. I hope we will work together as Democrats and Republicans, not have a Republican budget, not have a Democratic budget, but work together to actually balance the budget and provide some tax relief. We can do it. But it is a lot easier said than done.

I think we need a constitutional amendment to make us do it, to tell us to do it. One of the reasons I think we continually have a deficit is you are a lot more popular spending money for people than taking it away from people.

Mr. President, I believe this is one of the most important issues we will have confronting us this Congress, maybe in our lifetimes. If we really do want to have Government act responsibly and quit saddling our children with additional debt—right now, per capita, that debt is over $19,000 per child, per person, per American. I do not think it is responsible for us to continue to add more debt on future generations. So I urge my colleagues to support a constitutional amendment to balance the budget later this afternoon. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I am sorry the Republican whip was unable to yield to me for an observation, but I will make this observation. He condemns President Clinton, who is the only President since he has been here in the Senate who has brought the deficit down 4 years in a row. He says it may go up in future years. I remind the Republican whip, my good friend from Oklahoma, that the Republicans have the majority of Senators and the Republicans have the majority of House Members. If they do not like the budget of the President, all they have to do is pass their own. But to this day they have not brought forward one page, one paragraph, one sentence or one word of a budget that would do better than what Bill Clinton has done.

Mr. NICKLES. Will the Senator yield?

Mr. LEAHY. We are now running out of time. I am going to have to do the same thing that the Republican whip did to me in not being willing to yield. I yield 5 minutes to the distinguished Senator from Arkansas.

Mr. BUMPERS. I thank the Senator. No. 1, Mr. President, as much respect as I have for a number of Members of the Senate—and we have some very bright people in the Senate—there isn't anybody here, really, that I want tinkering with what James Madison, John Adams, Alexander Hamilton, and all of the rest of those brilliant people, the most important assemblage of brilliant minds under one roof in the history of the world, did. Not only do I not want anybody tinkering with it, I do not want to adopt something as sloppily crafted as this amendment is.

As Senator BYRD has said time and time again, it is not even constitution-like language. It doesn't provide for a simple majority vote to unbalance the budget in case of depression. It doesn't provide for a simple majority vote in case we know we are going to war, as we did in Desert Storm. You would not have spent an extra dollar, under this amendment, to prepare for Desert Storm. You could not spend an extra dollar to have prepared for World War II, which everybody knew was coming, if it unbalanced the budget.

You talk about a minority, listen to this, Mr. President. With 435 House Members, 100 Senators, if we want to unbalance the budget, it is going to require 60 percent of both Houses. Let's assume that every single House Member, all 435, vote aye to unbalance the budget, bring it over to the Senate, and let us assume that 59 Senators vote aye to unbalance the budget, 41 obstreperous Senators—494 people favoring unbalancing the budget and 41 Senators oppose it. It will not be unbalanced.

What else? If we can't resolve the thousands of questions that this amendment leaves to be answered, then nobody has an answer and you go to court. Yes, coffee shop bantering is, "I'm so tired of the courts making laws. I just want them to interpret the laws." Well, they are going to have to make a lot of laws if we are foolish enough to adopt this one.

In 1993, the Republicans in this body had an opportunity to do something courageous. The people back home always say, "Why don't you people screw up your nerve and do something courageous?" You know what that means? It sometimes means unpopular votes. "Why don't you screw up your courage and vote for something that is worthwhile, even though it is unpopular?" Well, happily, 50 Democrats did just that. AL GORE, the Vice President, broke the tie and the debt went down because of their courage. Everybody on that side prospered because they said, "I'm tired of taxes." Do you know what they are proposing now? With a sanctimonious look on their faces, they are saying, "We want a balanced budget amendment." What else? We want to cut taxes $238 billion over the next 5 years. We tried that snake oil in 1981, and we got a $3 trillion addition to the national debt.

What is the deficit going to be if we adopt a capital gains tax, which costs $33 billion the first 5 years, $133 billion the second 5 years—and who does it go to? The wealthiest people in America; 67 percent of it goes to the richest 1 percent of the people in America. How are we going to pay for it? Cut Medicare. Think of it. Cutting Medicare $100 billion to $200 billion in order to pass a tax, 67 percent of which goes to the richest 1 percent of the people in America. I will say one thing for the people on that side of the aisle. They are not covert about it; they are overt. Make no mistake about it, I have just told you precisely how it will work.

So, Mr. President, I am hoping that everybody holds fast. If we can beat this amendment today, which I think we can do, the American people are going to begin to hone in on it, and by this time next year, you won't even have it brought up. It will be just like term limits. It is going to go the same way term limits went. That never was a good idea, and it is dead now.

So, Mr. President, I hope my colleagues will stand fast. I understand the politics of this. The majority leader was willing to tinker with this amendment. "I will fix it. Will anybody vote for it if I change this?" "Will somebody else vote for it if we change that?" That is how political it is.

I yield the floor.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding.

Let me say to the Senator from Arkansas, if our Founding Fathers were here today, they would suggest that Thomas Jefferson was right. They would also have suggested that tinkering with the Constitution gave us the 13th amendment, which abolished slavery. I know the Senator from Arkansas would agree with me that it was a good amendment. He would probably also agree that the 19th amendment, when Congress tinkered with the idea that women should have a right to vote, was the right thing to do. Tinkering, generationally, has produced 27 amendments to our Constitution that, my guess is, the Senator from Arkansas and the Senator from Idaho would agree were generally the right things to do at those times in our Nation's history.

Mr. President, I rise in support today of what could become the 28th amendment to our Constitution. Let me thank the leadership that has worked so hard on this. Of course, there is Senator ORRIN HATCH, the chairman of the Judiciary Committee; our majority leader, TRENT LOTT; majority whip, DON NICKLES; the President pro tempore; certainly, the Senator from Nevada, Senator BRYAN; Senator GRAHAM from Florida; the Senator from Illinois, CAROL MOSELEY-BRAUN. They deserve recognition for bringing this critical issue to the floor. It is not a sunshine amendment. I first helped introduce this in 1982. It will not go away tomorrow. If we fail today, we will be back next year and the next and the next, until the American people gain their wish, which is to convince this Congress, with the power of the Constitution, that we should become fiscally responsible.

Let me also recognize the national grassroots coalition that was formed under the leadership of Al Cors of the National Taxpayers Union in support of this amendment. I ask unanimous consent that a letter from that coalition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BALANCED BUDGET
AMENDMENT COALITION,
Alexandria, VA., February 26, 1997.

DEAR SENATOR: The undersigned organizations strongly urge you to vote for and support the Balanced Budget Amendment, S.J. Res. 1. This bipartisan proposal (with over 60 total Senate cosponsors) has already passed the Senate Judiciary Committee on a 13 to 5 vote, and a Senate vote on S.J. Res. 1 is expected later this week.

The framers of the U.S. Constitution assumed each generation of Americans would pay its own bills—and that the federal budget would, over time, remain roughly in balance. According to Thomas Jefferson, "we should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

In today's era of mass media, special interest politics, and expensive and sophisticated election campaigns, the checks and balances established 200 years ago are not up to the job of controlling the federal deficit. Recent Congresses and presidents have proven themselves incapable of acting in the broader national interest on fiscal matters. Whenever Congress considers spending cuts that could help balance the budget, only a few Americans are aware of it, and fewer still express their views about it. By contrast, those who stand to lose from budget restraint—typically the beneficiaries and administrators of spending programs—are well aware of what they stand to lose. They mount intensive lobbying campaigns to stop fiscal restraint.

This pro-spending and pro-debt bias has led to 27 straight unbalanced budgets. It took our nation 205 years—from 1776 to 1981—to reach a $1 trillion debt. Now, just 16 years later, the debt is $5.3 trillion. Each year, interest payments rise as the overall debt grows. These payments have been one of the fastest-rising items in the federal budget—they now account for more than the entire deficit, all by themselves. A succession of statutory remedies has failed to stem this historic and highly dangerous turn of events.

S.J. Res. 1 is a sound amendment that has evolved through years of work by the principal sponsors. It provides the constitutional discipline needed to make balanced federal budgets the norm, rather than the rare exception (once in the past 36 years), and it offers the proper flexibility to deal with national emergencies.

In addition to requiring a three-fifths majority vote to deficit spend or increase the federal debt limit, S.J. Res. 1 is designed to make raising federal taxes more difficult. It would require the approval of a majority of the whole number of members in both the House and Senate—by roll call votes—in order to pass any tax increase. This adds much-needed accountability.

Unless action is taken now, higher federal spending and debt will continue to cripple our economy and mortgage our children's future. We urge you to support S.J. Res. 1, the Balanced Budget Amendment.

Sincerely,
National Taxpayers Union.
American Bakers Association.

American Legislative Exchange Council.
American Subcontractors Association.
Americans for Financial Security.
Amway Corporation.
Associated Equipment Distributors.
Christian Coalition.
Council for Citizens Against Government Waste.
Family Research Council.
Food Distributors International.
Independent Bakers Association.
International Mass Retail Association.
National Association for the Self-Employed.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Federation of Independent Business.
National Restaurant Association.
Printing Industries of America.
Sixty Plus Association.
Textile Rental Services Association.
United Seniors Association.
U.S. Business and Industrial Council.
U.S. Federation of Small Business.
Alliance for Affordable Health Care.
American Farm Bureau Federation.
American Small Business Association.
Americans for a Balanced Budget.
Americans for Tax Reform.
Associated Builders and Contractors.
The Business Roundtable.
The Concord Coalition.
Electronic Industries Association.
Financial Executives Institute.
FMC Corporation.
International Dairy Foods Association.
Motorcycle Industry Council.
National Association of Home Builders.
National Association of Realtors.
National Cattlemen's Beef Association.
National Ready Mixed Concrete Association.
National Truck Equipment Association.
Reform Party.
Small Business Survival Committee.
Traditional Values Coalition.
United We Stand America.
U.S. Chamber of Commerce.

Mr. CRAIG. The question of whether Congress should pass a balanced budget amendment to the Constitution is one of the few truly momentous votes facing this country and the Congress today. The decision we face is in a class of votes like that of a declaration of war. The vote this afternoon will be a vote to end a war.

For more than 28 years, the national debt and the special interest groups that feed off the taxpayers have waged a war against our economy and, most importantly, a brutal war against the integrity of the investment of the senior citizens and the opportunity of our children and our Nation's future. The spoils of that war is a $5.3 trillion debt. That debt fuels inflation and squeezes the senior community that lives on fixed incomes. That debt already depresses wages and living standards of the working families.

More than one-half of all personal income taxes paid—let me repeat that, Mr. President—more than one-half of all personal income taxes that are paid today go to pay interest on debt alone.

The costs of unbalanced budgets will be the most oppressive to our children. A child born today will pay nearly $200,000 in additional taxes, not to pay down the debt, but to pay interest on that debt.

Under today's trends, when a child born today is fully grown and reaches his or her most productive years, not just the Government, but the entire economy could well be in bankruptcy.

The nonpartisan Congressional Budget Office puts it this way: The Federal "debt would exceed levels the economy could reasonably support." In other words, somehow, a generation from now, we could actually see that generation having to jettison a debt under a declaration of bankruptcy as a nation. That should not be allowed to happen, and this Congress and this Senate this afternoon have an opportunity to make the kind of change that is needed. We can offer to the American people an opportunity for them to debate this issue and, in every State's capital around the Nation, reclaim their authority over their central Government, by placing into the Constitution the restriction and the positive guidelines that this and every Congress must balance its budget.

Some who vote "no" today may claim that they want a balanced budget, or even a balanced budget amendment. They may use some other amendment as an excuse. But it should be said, and it should be said often, until the vote occurs this afternoon, a "no" vote today is a vote for the status quo, which means a growing Federal debt and a borrow-and-spend policy that has dominated this Government and this Congress for well over 30 years.

No wonder our former colleague Paul Simon calls it "fiscal child abuse" to continue this binge of borrow-and-spend.

This is a moral issue.

The money being borrowed and spent today belongs to our children. They will pay the bill for years of profligate spending.

Thomas Jefferson said it well:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

INTEREST IS DOMINATING OTHER PRIORITIES

When a family takes out a mortgage on a house, or a business builds an addition to its shop, it borrows. But that family or business then spends the next few years balancing their budgets to pay off that debt.

The Federal Government, unfortunately, does not operate like that.

Every family and every farm or small business knows what happens when you borrow: You pay interest.

Gross interest, at $360 billion, is already the second largest item of spending in the Federal budget, almost exactly equal to the largest program—Social Security.

And what do we get for those interest payments? Nothing—except another year older and deeper in debt.

Not one more school, not one more meal for a hungry child, and no relief for overtaxed, overworked, families of modest and middle-class means.

Interest payments act like a giant sponge, soaking up money that we all want to go to other priorities.

They have already forced cuts in many Federal programs. They will continue to crowd out other public priorities, including, eventually, Social Security and Medicare.

In 1996, we sent $67.7 billion overseas in interest payments to foreign bondholders, because of the debt.

How can any Senator stand on this floor, say we should use our wealth at home to solve our problems, and then vote against this balanced budget amendment?

By default, it is the national debt—not Congress—that more and more decides how we spend the taxpayers dollars.

THE BBA IS THE ANSWER TO THE THREAT

The debt is the threat—to our children, our parents, and the way of life we cherish in this country.

The U.S. Senate has a chance today to begin putting an end to that threat—by passing the balanced budget amendment to the Constitution.

Balancing the budget means real benefits to real people.

If we balance the budget by the year 2002 and keep it balanced, that will create 2.5 million new jobs. It will save the typical family $1,500 a year in interest costs on mortgages, student loans, and car loans. It will raise wages and incomes for working Americans and their families.

Yes, the President has promised a balanced budget. Yes, Congress has tried to pass a balanced budget.

But we have had standing on the Senate floor during this debate an 8-foot-tall stack of books.

This is the leaning tower of budgets—the last 28 budgets submitted by President Clinton and his predecessors.

In half of those budgets, the President who submitted them promised balanced budgets. Between them, those Presidents and past Congresses broke every promise.

Yes, deficits have declined. Congress has made some progress in controlling the year-to-year growth of spending. But deficits are already projected to go back up and—in a few years—off the charts. Maybe the President and this Congress can bind a future President and a future Congress to finish balancing the budget in 2002. Maybe. But then, what about 2003? And 2004?

Only one thing will impose a rule that Presidents can't ignore with impunity, that Congresses can't repeal or delay; only one thing will make Presidents and Congresses keep their promises; only one thing will make fiscal responsibility and tough choices the norm instead of the exception; the bridge to the 21st century may be paved with good intentions, but it will be a rickety, dangerous bridge unless it is constructed with the steel of the balanced budget amendment.

WILL THE SENATE SAY "YES" OR "NO" TO THE PEOPLE?

Unfortunately, this President—and a host of special interest groups comfortably feeding at the public trough—have put incredible pressure on the Senate to defeat this amendment. They want to say "no" to the people. But the people say, by a 70-to-30 percent margin in the latest poll, that they want us to pass the amendment; they want to say "no" to the people, who deserve the right to examine, debate, and decide on this amendment through their State legislatures.

Congressional passage would only be the start. The people deserve the final word on what goes in their Constitution. After passing Congress, the amendment would go to all 50 State legislatures for ratification. And that would begin one of the greatest public debates, one of the greatest civics lessons, in the history of our Nation.

FINAL PASSAGE IS THE VOTE THAT COUNTS

Some who vote "no" today may try to claim they want a balanced budget, or even a balanced budget amendment. They may use some other amendment as an excuse. But a "no" vote today is a vote for the status quo of borrow-and-spend. A "no" vote today is a vote in favor of the $3 trillion scheduled to be added to the debt over the next 10 years. How will another $3 trillion in debt help seniors on Social Security? No matter what you think is the best way to save Social Security, passing this balanced budget amendment is the certain way to save it.

Opponents have not made a case against this amendment—they have only shown they are afraid of balancing the budget. That's what it means when they say, "If we can't run deficits, we may not be able to spend on this or that." Take so-called capital budgeting, for example: If we exempt narrowest category of investment spending in the President's budget, major physical capital, we could have run a larger deficit last year than we did. These pleas to exempt this or that item are not sound budgeting; they are a plea to continue the status quo.

It defies common sense: Opponents believe Congress will only do the right thing if we are allowed infinite borrowing and unlimited spending.

But we who support the amendment believe Congress will begin to do the right thing if it is required to live within its means and set priorities.

Our balanced budget amendment is a bipartisan amendment, written with painstaking care over several years by Democrats and Republicans, liberals and conservatives. It is the bipartisan, bicameral, consensus amendment. If we do not pass it today, we will be back until we do.

Why are we working so hard to pass it? Because we want economic security for our senior citizens. We want to preserve the American dream of growth and opportunity. We want a better world for our children.

The balanced budget amendment deserves to pass the Congress, and go to the people for their final, wise judgment.

Mr. President, I ask unanimous consent that I may have printed in the RECORD several fact sheets that my office, working with others, have prepared during this debate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLUBB

CONGRESSIONAL LEADERS UNITED FOR A BALANCED BUDGET

TOP TEN REASONS TO SUPPORT THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION (H.J.RES. 1/S.J.RES. 1)

No. 1 Kids: The future for our children depends on the future of the economy. Their standard of living could be 7 to 36 percent better by the year 2020, if we balance the budget and keep it balanced.[1] In contrast, under current trends, in less than two generations, the size of the Federal debt is "not computable . . . [because the] debt would exceed levels that the economy could reasonably support".[2] In other words, the debt would bankrupt, not only the government, but the entire economy.

No. 2 Seniors: The debt is the threat to Social Security—and to Medicare and other priorities. Gross interest payments are already the second-largest single item of federal spending ($344 billion in FY 1996), nipping at the heels of Social Security, the largest ($347 billion).[3] An ever-growing debt makes it less and less likely that the government will have the cash it needs to meet future obligations and priorities.

No. 3 Interest Savings to Families. A typical family could save $1,500 or more every year because balanced budgets would reduce interest costs—$1,230 on a $50,000 mortgage, $216 on a student loan, $180 on a typical auto loan.[4]

No. 4 Jobs and Economic Growth: Balancing the federal budget can create 2.5 million new jobs and boost nonresidential investment by 4 to 5 percent.[5]

No. 5 Lower Taxes: According to analysis cited by both the Congressional Budget Office and the President's Office of Management and Budget, failing to change current trends in government debt could leave future generations with a lifetime net tax rate of up to 84 percent, counting taxes at all levels of government.[6] A child born today faces nearly $200,000 in additional taxes just to pay the interest on the federal debt.[7]

No. 6 The People: Public opinion surveys consistently show 70–80 percent of the American people support passing a Balanced Budget Amendment to the Constitution.

No. 7 Keeping Our Wealth at Home: Interest on the federal debt is largely a transfer from middle-income taxpayers to large institutions, wealthy individuals and foreign investors. In FY 1996, the U.S. Government sent $67.7 billion overseas in interest payments on Treasury securities held by foreign investors. This transfer amounts to 27.4 percent of all net interest—a steadily growing percentage; it was five times the amount of total spending on all programs in the "International Affairs" budget function[8] and is the largest "foreign aid program" in history.

No. 8 More Resources for Congress to Do the Will of the People: Moving toward a balanced budget during FY 1998–2002 should reduce federal debt service costs over that period by $36 billion and improve economic performance enough to produce a "fiscal dividend" of another $77 billion in revenues and interest rate savings—all of which would become newly-available for priorities within a balanced budget. Committing to a balanced budget helps pay for itself.[9]

No. 9 Reasonable Glide Path: Achieving balance requires discipline, but not draconian measures. Under the BBA, overall federal spending can continue to increase by more than 2.6 percent a year through FY 2002 (compared with more than 4.6 percent under current projections). To maintain balance after 2002, spending could continue to grow at more than 4.6 percent a year.[10]

No. 10 Letting the Constitution Work and the People Decide: A vote for the BBA in Congress is a vote to let the People and their state legislatures exercise their constitutional right to make the ultimate decision on this issue. Three-fourths (38) of the states would have to ratify any amendment to add it to the Constitution. Sending the BBA to the states would begin a great debate—from state capitols to coffee shops—on the appropriate size and role of government.

NOTES:

[1] General Accounting Office, Prompt Action Necessary to Avert Long-Term Damage to the Economy, June 1992. (More recent developments still would keep projections reasonably within this range.)

[2] Congressional Budget Office, The Economic and Budget Outlook: Fiscal Years 1997–2006, May 1996.

[3] Congressional Budget Office, The Economic and Budget Outlook: Fiscal Years 1998–2007, January 1997.

[4] Committee on the Budget, U.S. House of Representatives, based on a DRI-McGraw Hill study which assumed a 2% drop in interest rates resulting from balancing the budget.

[5] DRI-McGraw Hill, January 1995. Projections covered the years 1995–2002.

[6] Congressional Budget Office, May 1996 (up to 84%). Also, Budget of the United States, Analytical Perspectives, FY 1995 (up to 82%).

[7] House Budget Committee.

[8] Budget of the United States, Analytical Perspectives, FY 1998.

[9] Congressional Budget Office, January 1997.

[10] Congressional Budget Office, January 1997.

THE BALANCED BUDGET AMENDMENT—SAFEGUARDING SOCIAL SECURITY

THE BBA WILL PROTECT THIS AND OTHER PROGRAMS VITAL TO OUR SENIORS

Passage of the Balanced Budget Amendment to the Constitution (H.J. Res. 1/S.J. Res. 1) is critically needed to ensure that the federal government will continue to have the means to honor our obligations to our senior citizens. The best guarantee of the economic security of our seniors, today and in the future, would be the ironclad commitment of the Constitution to restore and maintain fiscal responsibility.

Balancing the budget and keeping it balanced means less debt, lower interest costs, rising living standards—and more money

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*Footnotes at end of article.

made available for seniors' priorities. If today's debt had been paid off in years past, the government would have run a $134 billion surplus last year.

Escalating interest payments crowd out ALL other priorities.

In 1976, 7.2 percent of the federal budget went to make interest payments on the federal debt. In 1996, net interest consumed 15.5 percent of the budget. As a result, other programs have already felt the budget knife. Social Security and Medicare are the first and third largest federal programs; these two programs alone made up more than 33 percent of last year's spending. All seniors and retirement programs make up about 40 percent of the budget, not counting seniors' participation in non-seniors programs.

We are all familiar with what happens to households and businesses that run up too much debt—the burden of interest payments on the debt becomes so great that they eventually have to go without necessities or face total bankruptcy. Unbalanced federal budgets mean growing interest payments (which are mandatory, to prevent default) that will increasingly crowd out all other public priorities—including those vitally important to seniors.

The debt is the threat to Social Security. Decades of borrow-and-spend government have produced a $5.3 trillion gross federal debt. About $600 billion of that is owed to the Social Security trust funds. (The law creating Social Security requires that any accumulated surpluses be invested in U.S. Treasury securities (i.e., loaned to the "general fund").) Under current trends, the total debt will double over the next dozen years and seniors will wonder—rightly—about the Treasury's ability to repay those debts. In the long run, a bankrupt federal government will not be able to send out ANY checks—to Social Security beneficiaries or any other debtor.

Balanced Budget Prosperity is a Senior's Best Friend.

Past promises regarding Social Security have been fulfilled because of a growing economy, enabling workers to pay into the system. Higher wages mean greater retirement benefits. Unfortunately, seniors are already paying for today's debt burden. A Federal Reserve Bank of New York study found that the federal debt accumulated in the 1980s already pinched our standard of living by 5 percent. The Concord Coalition estimates that the debt has taken $15,000 off the typical family's income. Continued deficit spending weakens the economy, deteriorates living standards for younger workers and seniors, and fuels resistance to the taxes that fund the growing requirements of Social Security and other seniors' programs.

The BBA would ensure TIMELY action to protect Social Security in the future.

The Social Security Trustees predict that benefits will exceed Social Security tax revenues by the year 2012—based on optimistic assumptions. Passing the BBA now promises to stem the tide of red ink spent on all other programs, in time to prevent a double-whammy when Social Security's financing needs escalate in a few years because of the retirement of baby boomers.

QUOTABLE:

"[T]he most serious threat to Social Security is the federal government's fiscal irresponsibility. If we continue to run federal deficits year after year, and if interest payments continue to rise at an alarming rate, . . . [e]ither we will raid the trust funds to pay for our current profligacy, or we will print money, dishonestly inflating our way out of indebtedness. Both cases would devastate the real value of the Social Security trust funds.

"Regaining control of our fiscal affairs is the most important step that we can take to protect the soundness of the Social Security trust funds. I urge the Congress to make that goal a reality—and to pass the Balanced Budget Amendment without delay."—Robert J. Myers, former Chief Actuary and Deputy Commissioner for the Social Security Administration, former Executive Director of the National Commission on Social Security Reform

"Dorcas Hardy, the former commissioner of Social Security, emphasized this point in her book, Social Insecurity. Her number one recommendation for protecting the Social Security Trust Fund: Balance the federal budget.

"The fact that I have spent my legislative career fighting for seniors, for health care, and for other needed social programs would, I hope, at least cause some to pause in their passionate rhetoric to listen, and examine. . . . Only with this Amendment can we be confident that all of us will have a secure economic future."—Former U.S. Senator Paul Simon (D-Illinois).

A CAPITAL SPENDING EXEMPTION—NOT A CAPITAL IDEA FOR THE CONSTITUTION

A special exemption for "capital" or "investment" spending does not belong in the Balanced Budget Amendment to the Constitution. A constitution deals with the most fundamental responsibilities of the government and the broadest, timeless principles of governance. It should not set budget priorities or contain narrow policy decisions such as defining a capital budget.

Whatever the merits are of making such spending a higher or lower priority than it has been, this question is best addressed in the annual budget process.

The debt is the threat to capital investment. Escalating interest payments on the huge federal debt are crowding out all other priorities. According to the National Entitlement Commission's 1995 report: "By 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal government." That means no money left for capital investment—or defense, education, the environment, law enforcement, science, or other domestic discretionary programs.

If states, businesses, and families can borrow, why shouldn't the federal government? Everyone else repays the principal they have borrowed. Families take out a mortgage and then spend years paying it down. The same is true of capital investments by businesses and state and local governments. But the federal government just keeps borrowing more. And more.

Unlike state budgets or family finances, the federal budget is large enough to accommodate virtually all capital expenditures on a regular, ongoing basis. The justification that most businesses and state and local governments have for capital budgeting is that they occasionally need to make one-time, extraordinary expenditures that are amortized over a long period of time.

The federal budget is so huge—now more than $1.6 trillion—that almost no conceivable, one-shot project would make even a small dent in it.

Even the federal Interstate Highway System, which has been called the largest peacetime undertaking in all of human history, was financed on a pay-as-you-go basis. President Eisenhower initially proposed that the Interstate System be financed through borrowing by selling special bonds. However, Congress kept it on-budget and financed it through a gas tax at the urging of then-Senator Albert Gore, Sr.

There are protections against the abuse of capital budgets in state budgeting that do not constrain federal borrowing. State and local governments have a check on their use of capital budgets through bond ratings. If a state government were to abuse its capital budget, then its bond rating would drop and it would become difficult or impossible to continue borrowing to finance additional expenditures. In addition, many states require that bond issues be approved by the voters.

While state capital spending is often placed off-budget, so are state trust fund surpluses. According to a Price-Waterhouse study, in recent years, state budgets would have been roughly in balance if both capital expenditures and trust funds (such as retirement funds) were included on-budget.

The process of defining "capital spending" could be abused. Even a category of "capital" or "investment" spending that appeared to be tightly defined at first could become a tempting loophole to future Congresses and Presidents. For example, New York City, prior to its financial crisis in the 1970s, amortized spending for school textbooks by declaring their "useful life" to be 30 years.

Virtually any form of "capital spending" exemption would perpetuate the crisis of deficit spending. Even an exemption from the Balanced Budget Amendment for a narrow category in the President's budget, major public physical capital investment, would have allowed a deficit larger than the one that actually occurred in FY 1996 ($116 billion vs. $107 billion). It would result in an FY 1997 deficit that would be, at most, 9 percent lower than current CBO projections ($113 billion vs. $124 billion). Allowing deficit spending for total federal investment outlays would have allowed deficits larger than those that actually occurred in 28 of the last 35 years. These estimates, of course, assume no manipulation of definitions or accounting that would allow still larger deficits.

The concept of a "capital budget" is too poorly defined to put in the Constitution. Estimates of "capital spending" could vary widely. There is wide disagreement among policymakers about what should be included in a federal capital budget. There is no commonly accepted federal budget concept of this term. Therefore, any capital spending exemption included in the Constitution would be left open to a wide range of interpretations. In fact, the President's budget includes several different categories of "capital" and "investment" spending. For fiscal years 1996 and 1997, these include:

[In billions of dollars]

	Fiscal year—	
	1996	1997
Major physical capital investment	115.9	113.0
Net miscellaneous physical investment	3.1	3.1
Research and development	68.4	70.3
Education and training	43.6	42.5
Total federal investment outlays	230.9	228.9

The Balanced Budget Amendment already allows for the establishment of a capital budget—within the context of regularly balanced budgets. The amendment does not prevent the creation of separate operating and capital accounts. But extraordinary expenditures which are large enough and unusual enough to require significant new borrowing should be subject to a higher threshold of approval, such as a three-fifth majority vote. This is consistent with the recommendations of General Accounting Office, which stated in its 1992 report, Prompt Action Necessary to Avert Long-Term Damage to the Economy:

> . . . [t]he creation of explicit categories for government capital and investment expenditures should not be viewed as a license to run deficits to finance those categories. . . . The choice between spending for investment and spending for consumption should be seen as setting priorities within an overall fiscal constraint, not as a reason for relaxing that constraint and permitting a larger deficit."

Mr. CRAIG. Mr. President, again, I thank my colleague from Utah for the tremendous leadership he has displayed.

I yield the floor.

(Mr. KYL assumed the chair.)

Mr. LEAHY. Mr. President, I yield 10 minutes to the distinguished senior Senator from Massachusetts.

Mr. KENNEDY. Mr. President, there is a right way and a wrong way to balance the budget. And a constitutional amendment is the wrong way.

The choice is not whether to balance the Federal budget, but how to do it. I believe we will adopt a budget this year that is balanced by the year 2002. President Clinton has already submitted a budget to accomplish this goal. Democrats and Republicans alike in Congress are prepared to work together to enact a balanced budget.

We can balance the budget by statute, while setting appropriate spending priorities for the future. We can protect Social Security for senior citizens. We can give priority to education and assure that funds for schools will not be cut in the middle of the year. We can deal with vital issues of national defense. We can deal with the need for capital investments in highways, public transportation, and the environment.

Balancing the budget the right way is of special concern to the people of Massachusetts. A new study by the Twentieth Century Fund concludes that enactment of the balanced budget constitutional amendment would have dire consequences for the State of Massachusetts and its residents. The study finds that Massachusetts health and human services programs and educational programs receive more than three-quarters of their funds from the Federal Government. Three hundred thousand Massachusetts residents are employed in my State's health care sector alone.

This includes the work and the investment that the United States has in terms of the National Institutes of Health, since the nature of quality research really is unsurpassed in our part of the country. That whole effort would be threatened, as would many other areas of research and technology which help to move our whole economy, our national security defense, and the quality of health care forward.

That is 10.5 percent of our work force. Balancing the budget the wrong way by failing to give priority to these key programs would place at risk hundreds of thousands of Massachusetts residents and tens of thousands of jobs.

Republicans had the opportunity to address all of these concerns during the Senate's debate on the balanced budget constitutional amendment. But they refused to do so.

When the Judiciary Committee considered the proposed constitutional amendment in January, I offered an amendment to protect Social Security. My amendment separated Social Security from the rest of the Federal budget, just as Congress has done by law for most of the past 15 years. Senator REID offered the same amendment here on the Senate floor last week. But the Republican majority opposed this important protection for the Nation's senior citizens.

Senator TORRICELLI offered an amendment to permit a capital budget, just as most States and most families do, as a way of investing for the long run. Yet Republicans opposed this provision that is so important to the future of the economy.

If families were subjected to this rigid constitutional amendment, they could never make long-term purchases. They couldn't buy a home through a mortgage, borrow money to send their children to college, or buy a new car on credit.

This amendment flunks the kitchen table test. Families don't balance their budgets this way. Why should Uncle Sam?

Senator DURBIN offered an amendment to allow greater spending flexibility during recessions to protect jobs and assist laid off workers. More than 1,000 of the Nation's leading economists, including 11 Nobel Prize winners, warned that the constitutional amendment proposed by the Republicans would put a straightjacket on the economy that would make recessions worse. But Republicans ignored the economic evidence and opposed our pro-family, pro-worker amendment.

The proposed constitutional amendment would also empower unelected judges to stop payments on Social Security checks or Medicare, or cut the defense budget. It would have allowed the President to impound funds appropriated by Congress, even though impoundment was outlawed in 1974. But Republicans opposed our amendment to eliminate this problem.

All our efforts to change the proposed constitutional amendment—to protect senior citizens, protect the national defense, protect workers in recessions—were summarily rejected by supporters of the constitutional amendment.

In my view, the most serious defect in the proposed constitutional amendment is its threat to Social Security.

Social Security is a contract with the Nation's senior citizens to guarantee at least a minimum level of security in their retirement years.

In recognition of its special status, the Greenspan Commission recommended in 1983 that Congress should place Social Security outside the Federal budget. The Commission said we need to build up a sufficient surplus in the trust funds now, in order to have enough funds to provide benefits to the current generation when they begin to retire.

Both Democrats and Republicans supported that result. In 1983, the Commission's recommendations were enacted in a law sponsored by Senator Dole and Senator MOYNIHAN. Their bill required Social Security to be placed off-budget within 10 years. A bipartisan 58 to 14 vote, including 32 Republicans and 26 Democrats approved this important legislation.

In 1985, Congress accelerated the process of placing Social Security outside the rest of the Federal budget. The Deficit Control Act of 1985—the so-called Gramm-Rudman-Hollings law—exempted Social Security from across-the-board cuts or sequestration.

That said, if they were not going to meet the budget titles, we were going to eliminate the cuts in Social Security from being sequestered like other programs would be. The reason for that is, unlike other kinds of spending programs, people have paid in over their working lives into this fund and should be entitled to receive it at the time of their retirement. That is different from all of the other kinds of programs. It was recognized by the Greenspan Commission for that very reason—the contract with the American people, the contract with our senior citizens—that they had paid in, and we should not undermine their sacred trust into which they paid in; unique in terms of all of the Federal budget; recognized in a bipartisan way by the Greenspan Commission; recognized in the Gramm-Rudman proposal to be excluded and not be subject to sequestration; recognized again in 1990 during the budget debate.

When there was any question about it, a vote of 98 to 2 said they will put Social Security outside of the consideration. There was a bipartisan commitment to do so. And, nonetheless, at the time we had the markup in the Judiciary Committee—and here on the Senate floor—those individuals that talk about Social Security state that Social Security recipients will have to fight it out with the rest of the inclusions in the budget.

That is not what this Congress said and the American people wanted—over 15 years, and a bipartisan effort. But that is what has been excluded. And the answer that our friends give to that question is, "Oh, well, Social Security recipients will be further threatened if we have a demise or a threat to our economy.''

Mr. President, we can deal with the economy of the United States, which is the strongest in the world. We should not be using the Social Security trust fund as a piggy bank either for tax cuts, as was threatened in the course of last year, or other kinds of cuts. We had the opportunity to support the Reid amendment, and that was rejected and turned down.

The Gramm-Rudman-Hollings law also said that Social Security could no longer be included in the unified budget of the U.S. Government.

From that point on, when Congress has adopted the annual Federal budget resolutions, Social Security is not included. The last time the Congress of the United States voted on a budget that included Social Security was 1985.

Congress supported this change by wide bipartisan majorities. The Gramm-Rudman-Hollings law was approved by a 61 to 31 vote in the Senate and a 271 to 154 vote in the House of Representatives.

In 1990, some Members of Congress proposed to put Social Security back into the Federal budget. But Senator HOLLINGS and Senator Heinz rejected this unwise suggestion. They insisted that Social Security remain off budget, and the Senate approved an amendment to protect Social Security by a 98 to 2 vote.

Again in 1995, section 22 of the congressional budget resolution amended the Budget Act to strengthen even further the firewall protecting the Social Security Program.

The proposed balanced budget constitutional amendment would change all that. It would reverse 15 years of steady progress in protecting Social Security. It would turn its back on all this recent history, and expose Social Security to unwise and unacceptable cuts in the years ahead

Employees may have worked hard all their lives. Social Security has been withheld from their paychecks month after month. They are expecting the money to be available when they retire. But this constitutional amendment places the entire program at risk.

This constitutional amendment is a back-door raid on Social Security, and all of us who have worked hard to protect Social Security in recent years should reject it.

Another serious defect in the proposed constitutional amendment is its enforcement.

Thirteen of our Nation's most distinguished constitutional scholars wrote to me only yesterday expressing their deep concern about the proposed balanced budget constitutional amendment. The scholars include Harvard professor, Archibald Cox; former Attorney General, Nicholas Katzenbach; Yale professor, Burke Marshall; Stanford professor, Kathleen Sullivan; Harvard professor, Larry Tribe; and others. They stated:

> Whatever our differences about budget policy, we share the conviction that enacting the proposed balanced budget amendment would be a serious mistake. We believe that the amendment would depart unwisely and unnecessarily from our constitutional scheme.

These eminent constitutional experts further concluded that it ''would transfer power over government spending from the Congress, where the Framers deliberately reposed it, to the President and the courts.''

What happens when we find in the middle of the year that revenues are lower or expenses are higher than we thought and the budget for that year will be unbalanced?

This constitutional amendment allows unelected judges to step in and draw up a Federal budget of their own.

That was an issue that was debated in the last two Congresses. It was the decision and the determination in the last two Congresses when we debated this to limit the authority of the judges under the old Danforth amendment to permit courts only to make declaratory judgments. Do you think that has been included in this balanced budget amendment? Absolutely not.

We saw in the last Congress the amendment that was prepared by Senator Nunn and others which was virtually unanimously accepted to also exclude and limit further the power of the courts. Was that included? No. And all we can conclude is what was testified during the course of the Judiciary Committee hearings, and that is that the opportunity for the courts to interject themselves in making these budgetary decisions will be available to them unless we pass other kinds of laws, and the other laws that we might pass may very well be unconstitutional. Why leave that up in the air? These were attempts to address that issue, and they were rejected.

Judges are appointed to interpret the Constitution and the laws. They are respected legal experts. But they do not know what priority to give to Social Security or education, or defense, or the public health. They don't know whether it is better in a particular year to reduce highway funding or medical research. Congress is elected to set those priorities and make those changes, and we should not surrender that power to the judicial branch of government.

Proponents of the amendment say that they oppose judicial activism. Yet this proposed constitutional amendment would be an invitation to judicial activism of the worst sort.

President Clinton wrote to Senator DASCHLE on January 28, reaffirming his commitment to balance the Federal budget by the year 2002. The President also emphasized his view that a constitutional amendment was unacceptable, he stated,

> We should not lock into the Constitution a form of budgeting that simply may not be appropriate at another time. . . . We must give future generations the freedom to formulate the federal budget in ways they deem most appropriate.

I urge the Senate to defeat this proposal. We are very close to balancing the budget the right way. It makes no sense to do it the wrong way, by locking the country into a constitutional straightjacket.

I ask unanimous consent that a letter addressed to me dated March 3, 1997 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 3, 1997.

DEAR SENATOR KENNEDY: The undersigned join in urging Congress to reject the proposed Balanced Budget Amendment. Whatever our disagreements about budget policy, we share the conviction that enacting the proposed Balanced Budget Amendment would be a serious mistake. We believe that the Amendment would depart unwisely and unnecessarily from our constitutional scheme in the following ways:

It would transfer power over government spending from the Congress, where the Framers deliberately reposed it, to the President and the courts. Under the Amendment as drafted, the President could assert the power or the obligation to impound funds that Congress had authorized and appropriated. And under the Amendment as drafted, the courts could be drawn into extensive litigation over fiscal forecasts and policy for which they are surely ill-equipped.

It would substitute minority rule for majority rule in fiscal legislation, by way of the proposed three-fifths voting requirements for deficit spending or increased borrowing. As James Madison warned in The Federalist No. 58, such supermajority requirements would allow a few to extract ''unreasonable indulgences'' from the many.

It would invite Congress to shift the burden of national policy objectives ''off-budget'' either to the States or to the private sector through unfunded mandates or regulatory burdens.

It would deprive Congress and the President of needed flexibility to deal with economic circumstances that are likely to change over time.

It would enact controversial socioeconomic policy into our fundamental charter, which has maintained its authority since the Founding by standing outside and above politics. The only amendment to enact such a controversial policy in the past was a failure: the 18th Amendment imposed Prohibition and the 21st repealed it.

It would use the Constitution needlessly to promote objectives that are already fully capable of being achieved through ordinary legislation. To the extent it proved unenforceable, it would undermine respect for other constitutional guarantees.

Sincerely,

Boris I. Bittker, Professor Emeritus, Yale Law School;

Archibald Cox, Professor Emeritus, Harvard Law School;

Lawrence M. Friedman, Professor, Stanford Law School;

Gerald Gunther, Professor Emeritus, Stanford Law School;

Louis Henkin, Professor Emeritus, Columbia Law School;

Nicholas Katzenbach, former Attorney General of the United States;
Burke Marshall, Professor Emeritus, Yale Law School;
Norman Redlich, Dean Emeritus, New York University Law School;
Peter M. Shane, Dean, University of Pittsburgh School of Law;
Geoffrey R. Stone, Provost, University of Chicago;
Kathleen M. Sullivan, Professor, Stanford Law School;
Laurence H. Tribe, Professor, Harvard Law School;
Harry Wellington, Dean, New York Law School.

(Institutional affiliations are listed for identification purposes only.)

Mrs. MURRAY. Mr. President, I rise today to the pending constitutional amendment. The authors of the amendment have called it the balanced budget amendment. However, our vote today is not about balancing the budget, but rather about jeopardizing the future economic stability of the United States and eliminating the carefully crafted constitutional balance of powers. The amendment simply requires the President to submit a balanced budget; it does not mandate that Congress enact a balanced budget and it establishes no guidelines on enacting a balanced budget. This is not only the most dangerous budget gimmick put before this body, but it sets a dangerous precedent for addressing important issues facing us today and in the future.

What the supporters of this amendment fail to point out is that we do not need to amend the U.S. Constitution to balance the budget. The President recently submitted to Congress a budget plan that does balance by the year 2002 and still protects our most vulnerable citizens; children, the disabled, and senior citizens. The President's proposal also continues our investment in education, environmental protection, biomedical research, and criminal justice. Instead of working on this proposal and enacting a budget for fiscal year 1998, we have spent almost a month debating an empty promise. Congress has a statutory requirement to pass a budget resolution by April 15, yet neither body has begun this process. We have spent valuable time debating an amendment that will not get us any closer to a balanced budget. I support a balanced budget; I have supported a balanced budget. What I cannot support is the misuse of the Constitution. The Constitution should only be used to expand rights and protections for citizens excluded from the original document. Our Constitution should not be used to limit the rights of our citizens or the obligations of the Federal Government.

When I first came to Congress in 1993, the deficit was close to $300 billion. I made a decision to try and secure a position on the Senate Budget Committee because I realized the most important thing I could do for the families in Washington State was to reduce the deficit. I worked with my colleagues in 1993 and passed a successful deficit reduction package. The deficit reduction proposal enacted in 1993, without one Republican vote, has cut the deficit in half. For 4 straight years in a row the deficit has declined. We reversed the trends of the 1980's and restored fiscal restraint to the Federal budget process. Enacting this landmark deficit reduction package, required tough and difficult choices. But, that is why my constituents sent me to the U.S. Senate. I am willing to make those difficult choices as long as they are fair and balanced. A constitutional amendment to balance the budget does not force us to make those tough choices. Keep in mind that this amendment does not go into effect until the States adopt it. The States will have 7 years to ratify. Seven years is a long time when you are trying to balance the budget. I supported a revision to the amendment that would have shortened from 7 to 3 years that time allowed for the States to ratify. Unfortunately, this change was rejected. We should not wait even 3 years; we should start now.

There is no one in this Chamber who will deny that our Constitution has served us well. It established the longest continuous democratic government in the world. This document and the Bill of Rights are the envy of the world. Within this document our Founding Fathers spelled out the role of each branch of government. The responsibilities of the legislative, judicial, and executive branches were all clearly spelled out and a system of checks and balances was added so as to ensure that no one branch unduly influenced the other. One of the most important responsibilities entrusted to the legislative branch was the power to tax and spend. Our Founding Fathers felt very strongly that elected representatives of the people must be responsible for deciding on spending and taxes. As a member of both the Senate Budget Committee and Appropriations Committee, I do not take this responsibility lightly. But, a vote in support of this amendment will forever alter the role of Congress and the courts in deciding on spending priorities for the Federal Government. For the first time in history, the courts could decide how we spend tax dollars and how we raise tax dollars. A group of nine unelected officials could establish budget policy that conflicts with the wishes of the people solely because they believe that receipts will not cover outlays. Every time the Federal Government wishes to spend for Social Security or for a natural disaster, the courts could simply say that this obligation would push spending beyond receipts.

One need only look at the current difference between the Congressional Budget Office and the Office of Management and Budget. OMB has estimated that the President's budget gets to balance by the year 2002. However, CBO disputes the estimates on revenues and economic growth used by OMB. Who decides? The courts? Who decides what will be cut or what taxes raised to bring the budget into balance if Congress and the White House fail to agree? Judicial oversight of the Federal budget process violates the clear role of Congress and puts greater powers into the hands of unelected, lifetime appointed Justices on the Supreme Court.

In an effort to clarify any questions about the role of the courts, Senator KENNEDY offered an amendment that would prohibit judicial control of the budget process. This amendment was defeated and rejected by the supporters of the constitutional amendment who claimed it was not necessary. Yet many legal and constitutional scholars have made it clear that the way the current amendment is written will allow for court challenges to Federal budget policy and decisions.

In 1983, Congress enacted several measures aimed at protecting the long term financial stability of the Social Security trust fund. The intent of these measures was to build a large surplus and reserve in the trust fund that could be drawn down when the baby boomers started to retire. The 1983 legislation included tax increases, benefit reductions, and other structural reforms, all with the goal of protecting the system. Those who supported the 1983 legislation did so to protect the greater good, namely Social Security benefits for millions of current and future retirees. As a result, it is estimated that Social Security will not need to draw on these reserves until the year 2019. But, at that point, total spending will outpace receipts into the system. Under the current language in the amendment, we could not pay benefits using the surplus that we have intentionally allowed to accumulate. Regardless of any effort to maintain a surplus over the years, benefits would be in jeopardy, unless we raise payroll taxes or drastically cut spending in other areas, like Medicare, Medicaid, or education.

This is not just my opinion. Recently a report from the nonpartisan American Law Division of the Congressional Research Service determined that we would be prohibited from drawing down the surplus in the trust fund in order to pay benefits unless there was a surplus in the remaining portion of the budget. Maintaining a large enough surplus in the remaining portion of the Federal budget would require significant reductions in many other important programs like Medicare, defense, education, environmental protection, and law enforcement. Passage of this amendment violates the current contract with today's workers that if you pay into the system now, Social Security will be there when you retire. There were several attempts to correct this flaw and exclude Social Security from the balanced budget amendment, but all attempts failed as the supporters of the amendment claimed that we did not need to protect Social Security.

I have heard that voting for this amendment is the courageous vote. Nothing could be further from the truth. The courageous vote is the vote in support of a plan that actually reduces the deficit and puts us on a real path to balancing the budget by the year 2002. Today's vote is about political rhetoric, not reality. I hope that the political rhetoric is over and that we can begin the real task of balancing the budget.

Mr. DODD. Mr. President, I wanted to take this opportunity to make clear my feelings on one particular aspect of the debate over the balanced budget constitutional amendment.

My opposition to Senate Joint Resolution 1 is strongly felt and clearly stated. I simply do not believe that it is appropriate to enshrine a restrictive fiscal policy in our Nation's most sacred text. The balanced budget amendment would seriously inhibit our ability to set prudent fiscal policy and respond to cyclical patterns in economic growth. Moreover, the amendment has serious implications for our foreign policy.

I am also concerned about the balanced budget amendment's effect on Social Security. The Social Security Program is one of the longest running and most successful programs this country has ever undertaken. It has succeeded in virtually eliminating poverty among our Nation's senior citizens. I yield to no one in my commitment to preserving and protecting it.

In 1983, when Social Security was faced with changing demographics that threatened its very existence, I supported the reforms that ensured that this vital program would survive to meet the needs of future generations. Today, I am very concerned that the program is threatened by the restrictive provisions of the balanced budget constitutional amendment. If Congress is allowed to count Social Security surpluses when determining if the budget is in balance, this critical safety net for our Nation's seniors could be placed in jeopardy.

For these reasons, I support efforts to protect the Social Security trust funds. If a balanced budget amendment to the Constitution is to be enacted, certainly, it should not be one that endangers the retirement security of American families. This is why I supported the amendment offered by my colleague, Senator REID, which modified the underlying resolution to state that the Social Security trust funds could not be used to achieve balance.

But I am afraid I could not support the amendment offered by my colleague Senator DORGAN. This amendment would have also protected Social Security, but, unlike Senator REID's amendment, it was a substitute amendment, a fully crafted, alternative balanced budget amendment to the Constitution.

Mr. President, I have grave concerns about any attempt to amend the Constitution to require a balanced budget. These concerns cannot be satisfied simply by changing one or two components of the legislation, as sincere and as sensible as those changes might be. I find any balanced budget amendment highly problematic, and this is why I have voted against the alternative balanced budget amendment offered by my good friend from North Dakota.

I am a stalwart defender of Social Security, and I am committed to seeing that it protects future generations as well as it has protected previous ones. But I remain opposed to any amendment that would taint the language of the Constitution and weaken our ability to make prudent policy.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the balanced budget amendment to the Constitution. Let me be very clear, I want a balanced budget, and I am committed to do everything I can to achieve this goal. However, I do not believe we must amend the Constitution in order to balance the budget.

I will oppose this amendment because it is unnecessary; because I am convinced that it threatens the viability of Social Security, and because it makes no provisions for investing in our infrastructure.

This amendment does nothing to balance the budget. We already have the tools to do that. Since President Clinton's first term in the White House and my second term in the Senate, the deficit has fallen dramatically from $290 billion in 1992 to $107 billion in 1996. This amount represents just 1.4 percent of our gross domestic product, the smallest percentage of any industrialized nation. Clearly, as the past few years have shown us, we can continue to reduce the deficit—until it is balanced—without amending the Constitution.

Many supporters of the balanced budget amendment believe that if you can balance the family budget, you can balance the Federal budget. But if each family lived by a balanced budget amendment, then mortgages, car loans, and student loans would be prohibited. In effect, a balanced budget amendment would prohibit the Federal Government from making the kind of investments for our future that our families make every day.

Investments in our infrastructure would be threatened because the balanced budget amendment makes no provisions for a capital budget.

Even State governments that require a balanced budget have a separate budget for capital projects, such as highways, schools, et cetera. The balanced budget amendment would restrict our ability to improve our infrastructure.

To address this issue, Senator FEINSTEIN and Senator TORRICELLI each offered an amendment to provide for a capital budget for infrastructure investments. I voted for both the Feinstein and Torricelli amendments. Unfortunately, both amendments were defeated.

Recently, 11 Nobel prize-winning economists announced their opposition to the balanced budget amendment because they felt it would put the country in an economic straitjacket. They make a very compelling case. I have no doubt that the balanced budget amendment would tie the Federal Government in knots, restricting our ability to respond to emergencies and economic downturns. Even the Wall Street Journal referred to the balanced budget amendment as politically empty symbolism. I agree with them.

Finally, I believe the balanced budget amendment threatens the Social Security system. Under the balanced budget amendment, there is no protection for Social Security benefits. If the Government finds that the budget is not balanced, the Social Security trust fund could be used to make up the difference. I voted for the Reid amendment which would have exempted the Social Security trust fund from the balanced budget amendment. I regret that this amendment was defeated.

Mr. President, I will not allow the Social Security trust fund to be used to balance the budget. We have a contract with our senior citizens and I plan to honor that contract. A promise made must be a promise kept. Without protections for Social Security, I will have to vote against the balanced budget amendment.

I fully support the goal of balancing the budget but a constitutional amendment is not the way to do it. We need to continue to reduce spending to reach a balanced budget in an orderly manner that recognizes national priorities such as Social Security and the importance of making investments in our future.

Mr. President, I stand ready to continue working toward a balanced budget but tampering with the Constitution is not the way to do it.

Mr. MOYNIHAN. Mr. President, this afternoon, the Senate will vote for the third time in 2 years on a balanced budget amendment to the Constitution. Two years ago, during our first debate on this amendment, I argued that

> [T]here is nothing inherent in American democracy that suggests we amend our basic and abiding law to deal with the fugitive tendencies of a given moment.

My point was that a series of one-time events in the 1980s had given rise to our recent fiscal disorders, and that a constitutional amendment was an inappropriate and indeed unnecessary response.

Enactment of the Omnibus Budget Reconciliation Act of 1993 had, after a decade of reckless deficit spending, returned us to a path of fiscal responsibility. At the time of its enactment, OBRA 93 was estimated to bring about $500 billion in deficit reduction over 5 years. Three and one-half years later, estimates are that the total deficit reduction under the 1993 legislation will be more like $924 billion. So we are on the right track.

In fact, we are even closer to a balanced budget than one might imagine—and a balanced budget amendment to the Constitution has nothing to do with how to achieve it.

A balanced budget is easily within reach, if only we have the courage to seize the opportunity soon. In January 1996 and again in January 1997, I proposed a simple plan to balance the budget by the year 2002. In addition to recommendations that were generally in both the President's budget proposal and the budget proposals offered by the Republicans, my plan requires only two actions:

First, correct by 1.1 percentage points the overindexation of Government programs and tax laws; and

Second, postpone tax cuts.

That is all that needs to be done. It is all that ought to be done. It is not the time for tax cuts. Nor it is the time for crippling cuts in domestic discretionary spending. A correction of 1.1 percentage points, as recommended in December by the Advisory Commission to Study the Consumer Price Index appointed by the Finance Committee, or the Boskin Commission as it has come to be known, would save $1 trillion in 12 years —and it would put Social Security into actuarial balance until the year 2052.

The economics profession is behind this proposal, as is the Chairman of the Board of Governors of the Federal Reserve System, Dr. Alan Greenspan, who testified before the Finance Committee on January 30 of this year. Dr. Greenspan's own estimate of the overstatement of the cost of living by the Consumer Price Index is 0.5 to 1.5 percentage points per year, which is quite close to the estimate of the Boskin Commission. Notably, referring to the familiar argument that the decision to correct cost of living adjustment factors should not be politicized, Dr. Greenspan had the definitive response: not to act, given the overwhelming evidence that the CPI is an upwardly biased measure of inflation, is the political fix.

Let us be absolutely clear about the direction of this bias. BLS Commissioner Katharine Abraham acknowledged at a February 11 Finance Committee hearing that the CPI is "an upper bound measure on change in the cost of living."

So there is broad agreement in the economics community. And encouragingly, it appears we are close to agreement in Congress and the Executive Branch. Last week, Majority Leader LOTT suggested that the appointment of a panel of graybeards on the issue was in order. The President immediately said he would take the Leader's suggestion under advisement. Then on Friday, in a meeting with editors and reporters at the Washington Post, OMB Director Franklin Raines expressed support for Senator LOTT's proposal. Director Raines noted that the "CPI is a very accurate price index, while only being an okay cost of living index." And now in this morning's New York Times, there is an article by Richard W. Stevenson headlined "Clinton Wants Deal With Congress on Cost-of-Living Adjustments." It begins:

> President Clinton gave his aides the go-ahead today to try to forge a deal with Congress to reduce cost-of-living adjustments for Social Security and other benefit programs, White House officials said.

This is an important step forward by the Administration. Getting an accurate measure of the cost of living is the right thing to do, and it is the only way to put our fiscal affairs in order.

I should add that although this issue has reemerged only recently, the fact that the CPI overstates the cost of living is not a new understanding. I came to Washington with the Kennedy Administration 35 years ago. Upon our arrival in 1961, we had waiting for us a report by a National Bureau of Economic Research committee on "The Price Indexes of the Federal Government." The committee was headed by George J. Stigler, who went on to win a Nobel Prize in economics. The report noted that:

> If a poll were taken of professional economists and statisticians, in all probability they would designate (and by a wide majority) the failure of the price indexes to take full account of quality changes as the most important defect in these indexes. And by almost as large a majority, they would believe that this failure introduces a systematic upward bias in the price indexes—that quality changes have on average been quality improvements.

Mr. President, I hope we don't allow this moment to pass us by. It is the right thing to do, and we ought to do it soon. We could have a balanced budget plan in place and forget this foolishness about amending the Constitution.

If you don't think it is foolish, ask any economist. Last month, as the Senate began this debate, more than 1,000 economists, including 11 Nobel Prize winners, signed a statement imploring Congress to reject Senate Joint Resolution 1, the balanced budget amendment to the Constitution. The economists wrote:

> We condemn the proposed "balanced budget" amendment to the federal Constitution. It is unsound and unnecessary.
>
> The proposed amendment mandates perverse actions in the face of recessions. In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise. These so-called "built-in stabilizers" limit declines of after-tax income and purchasing power. To keep the budget balanced every year would aggravate recessions.

May I say, to paraphrase Santayana, that we may be condemned to repeat an awful period in our history if this amendment is adopted. The historical precedent is chilling: in 1930, 1,028 economists implored President Hoover to veto the Smoot-Hawley tariff legislation. He ignored their pleas, with disastrous consequences. A 60 percent drop in trade; worldwide depression; the rise of totalitarian regimes; and in the wake of such events, the Second World War.

Now, with the list of signatories growing, the economics profession is again pleading with us to reject this constitutional amendment. If we defeat the amendment, we will preserve the sanctity of our Constitution and promote economic stability. If we adopt it and it is ratified by the states, we will return to the dark ages of economic policy, having disregarded 60 years of social learning.

As I indicated earlier, a great part of the rationale for the balanced budget amendment has been the problem of deficits and the rising national debt. Yet our problems with deficits are quite recent, having been generated in the relatively brief period of the 1980's. These deficits marked a sharp departure from the fiscal problems of earlier administrations, which were directed primarily to the problem of a persistent full employment surplus, with its accompanying downward pressure on consumer demand.

The full-employment budget concept was explained by then-OMB Director George P. Shultz in his fiscal year 1973 budget:

> . . . expenditures should not exceed the level at which the budget would be balanced under conditions of full employment.

Which is to say that in the absence of full employment, as was the case in fiscal year 1973, the Federal Government should deliberately contrive to incur a deficit equal to the difference between the revenues that would actually come in at levels of underemployment, and those that would come in at full employment. Far from being inevitable and unavoidable, there were points in the business cycle where a deficit had to be created. Otherwise surpluses would choke off recovery.

The term "full employment surplus" had originated earlier. The January 1962 report of the Council of Economic Advisers explained that as the recovery from the recession of 1958 got underway, economic activity grew and so did the revenues of the Federal Government. But Congress would not spend the additional revenue. As a result, the recovery stalled. This untoward event was ascribed to "fiscal drag."

Beginning in 1980, the Reagan White House and Office of Management and Budget set about creating a crisis by creating deficits intended to force Congress to cut certain programs. In a television address 16 days after his inauguration, President Reagan said:

> There were always those who told us that taxes couldn't be cut until spending was reduced. Well, you know we can lecture our children about extravagance until we run out of voice and breath. Or we can cut their extravagance by simply reducing their allowance.

Haynes Johnson wrote of this in "Sleepwalking Through History: America Through the Reagan Years" (1991). I will simply quote a footnote on page 111:

> [Stockman's] former mentor Moynihan was the first to charge that the Reagan Administration "consciously and deliberately brought about" higher deficits to force congressional domestic cuts. Moynihan was denounced and then proven correct, except that the cuts to achieve balanced budgets were never made and the deficits ballooned even higher.

The point is that the huge deficits and debt of the 1980's were intentional and anomalous, and therefore the balanced budget amendment is an inappropriate response. A balanced budget amendment would undo all that we have learned about economic policy over the past six decades—a lesson that can be easily seen in the fluctuations of the business cycle over the last 125 years. We had enormous volatility in economic activity prior to 1945—volatility that would be unacceptable today. For example, in 1905, output increased by 9.2 percent, to be followed 2 years later by declines of 1.6 and 5.5 percent in 1907 and 1908 respectively, and an increase of 11.7 percent in 1909. Output increased by 16.2 percent in 1916 and by 7.7 percent in 1918, to be followed by 3 consecutive years of negative growth. And then, of course there was the Great Depression. After increasing by 6.4 percent in 1929, output fell by 8.9 percent in 1930, another 7.8 percent in 1931, and then a further decline of an incredible 13.3 percent in 1932. After World War II all this changed, following a brief adjustment period, as the country converted from a wartime to peacetime economy. Since then the largest reduction in output was 2.3 percent in 1982.

In the 1970's, I asked Council of Economic Advisers Chairman Charles L. Schultze to analyze what would have happened if a balanced budget amendment had been in force in the middle of the 1975 recession. He reported back that the computers at the Council "blew up." GDP—then called GNP—would have dropped another 12 percent in an economy in which output was already 5 percent below capacity. During the debate in the last Congress, this simulation was repeated by the Treasury Department and by our minority Finance Committee staff, with the same results. With a balanced budget amendment, a moderate recession in which the unemployment rate increases by 2–3 percent becomes a major contraction—may I say depression—in which unemployment soars over 10 percent and output falls by 15 percent or more. In the entire post-World War II era the unemployment rate exceeded 10 percent only for a brief 10 months during the 1981–82 recession.

Just as importantly, a balanced budget amendment would undo the progress we have already made, which I referred to earlier. Two years ago, in arguing against House Joint Resolution 1, I noted:

> As a result of the deficit reduction policies [put in place by the Omnibus Budget Reconciliation Act of 1993] we have had three straight years of deficit reduction—the first such string of declines since the administration of Harry S. Truman. Here are the numbers: FY 1992 $290.4 billion; FY 1993 $255.1 billion; FY 1994 $203.2 billion; OMB 1995 est., $192.5 billion; and CBO 1995 est. $176 billion.

As I have said, our progress has been even better than expected. Remarkably, the deficit for fiscal year 1995 was lower than projected: $163.8 billion compared to projections of $176–$192 billion. The fiscal 1996 deficit is even lower—$107.3 billion, just 1.4 percent of GDP, resulting in 4 consecutive years of deficit reduction. And, for the first time since the 1960's, we have a primary surplus—that is, excluding interest payments, revenues exceed outlays.

Adoption of a balanced budget amendment—which as I said last year would be tantamount to "writing algebra into the Constitution"—can only jeopardize the progress we have made. We can and will complete the job of balancing the budget without this amendment. It would be disastrous for our economy, and I hope it will once again be defeated.

Mr. BINGAMAN. Mr. President, I rise today to take a few minutes of the Senate's time to comment about the balanced budget amendment on which we will be voting today.

I came to the Senate in January 1983, at a point in time when the Federal Government was making terribly unwise choices about spending and revenues. Our budget deficits were off the charts during these Reagan years, and I felt that the very foundation of sound fiscal policy was being undermined. These were the years when we needed to have more serious debate about bringing spending under control—and when we needed to at least consider a more serious response such as amending the Constitution to require balanced budgets.

We have a very different situation today. During the last 4 years, the budget deficit has declined remarkably. Tough choices are being made about spending and revenue which are bringing the deficit down to levels thought unimaginable only a few years ago. And today we nearly have unanimous bipartisan support to bring the budget into balance by 2002. The Nation's budget deficit, as a percentage of gross national product, is the smallest it has been in decades and the least of all the great industrial powers.

The difference between today and 14 years ago is that we are clearly moving strongly in the right direction, not through amendments to our Nation's most important legal document, but by debating our national priorities and making our spending better reflect those priorities.

I believe in balancing the budget, but sound fiscal management demands that such balance be achieved by responsible choices that reflect our values—helping those in need, promoting long-term infrastructure investment, and promoting high-wage job growth in our Nation. Those who have doggedly pursued this amendment to the Constitution did not do so when the budget imbalances were growing by great leaps during the Reagan administration; a balanced budget was not their concern. But cutting taxes on those who are best off is one of their primary concerns—and it was in part the spending profligacy of the early Reagan years combined with the ill-considered and regressive Kemp-Roth tax cut that created the enormous deficits we are financing today. We are actually spending less today than the Treasury is taking in—but because of enormous interest payments which take up nearly 20 percent of our entire annual spending, our budget is still in the red.

We must be careful about confusing serious budget balancing efforts with partisan exercises that could disrupt the fiscal foundation of the country.

One of my major concerns about this amendment 2 years ago which remains today is that the House still has in place a rule requiring three-fifths supermajority vote to raise income tax rates and income tax rates alone. Under the House rule, other taxes—such as the gas tax, Social Security tax, or other excise taxes—can still be raised by a simple majority, taxes that impact far more many of the working families from New Mexico whom I represent. This House rule stands as an obstacle to efforts to use the income tax, our most progressive tax, to raise revenues for deficit reduction.

The balanced budget amendment that has been proposed does not help us resolve many of the problems that challenge our future economic health. Passing this resolution does not help us solve the challenge to Social Security that looms in our future. It is clear that we must address the problem of solvency of the Social Security trust fund, but as written this amendment could cause a train wreck at the point when Social Security disbursements become greater than Social Security receipts. At least under one interpretation of the proposed amendment, countless seniors could experience disruption in receiving their checks.

During a time of severe economic hardship and recession, the Government has traditionally helped by using fiscal policy to prime the economy and jolt it toward growth. Such a strategy would not be possible given the requirements outlined in the balanced budget amendment. In addition, national security demands, the need to increase spending to thwart aggressive moves by some future enemy, or to respond to some military crisis might also be improperly constrained by the balanced budget amendment as written. There is also no provision in the balanced budget amendment permitting Congress to develop a capital budget, a budget capable of distinguishing between spending to meet current operating expenses and spending over a series of years for major capital improvements, such as highways, buildings, or a Federal agency's computer systems. I voted for amendments that would have made improvements in the balanced budget amendment and which would have made this a more workable piece of legislation, but all of these improving amendments were defeated.

The authors of this amendment are pursuing too rigid a course—and are bent more on a theology of balanced budgets without taxes than they are on the economic health of the Nation.

Also left unaddressed in this proposed amendment is the enforcing mechanism. When the Congress fails to govern responsibly and does not produce a balanced budget as called for by the Constitution, does the Supreme Court, as the chief interpreter of the Nation's Constitution, decide what accounts will be advanced and what accounts cut in order to achieve balance? These matters are unresolved and threaten to create confusion and harm our Nation's fiscal solvency—rather than create the order and balance that the Nation needs and wants.

I will oppose the balanced budget amendment today because I believe that we should leave the question of how to achieve sound fiscal policy to a vote of a majority here in Congress. We should not try, by rule or other provision, to determine how future Congresses choose to reduce the deficit or keep the budget in balance. We should not dictate whether they cut spending or raise taxes. We should not try to predetermine for future Congresses, as this amendment would, which group of taxpayers will pay the taxes and which group will suffer the spending cuts. Because of the way that the balanced budget amendment is constructed, our decisions would be locked in permanently if this amendment were to become part of the Constitution. This is not wise, and I cannot support such an effort.

The framers of the Constitution chose to leave neutral the way in which sound fiscal policy is achieved. We are well advised to defer to their good judgment on that subject, to cease our efforts to solve this problem by changing the Constitution, and instead, to solve it as we should—by continuing to make tough choices that reflect the priorities of our Nation.

Mr. CRAIG. Mr. President, during this year's debate on the balanced budget constitutional amendment the Senate Republican Policy Committee prepared more than 20 papers to assist Republican Senators with our deliberations. Some of these papers have particular importance for the constitutional and political debate which has been going on for decades and which is going to continue.

I ask unanimous consent that several of these papers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Republican Policy Committee, Feb. 25, 1997]

OVERLOOKED EFFECTS OF EXCLUDING SOCIAL SECURITY FROM BBCA

For years, leading opponents of the bipartisan balanced budget constitutional amendment (BBCA) have been hiding behind the gimmick of excluding Social Security from the calculation of a balanced budget. While it is difficult to take their proposal (S.J. Res. 12) seriously, it is imperative to realize its very serious effects.

WHAT S.J. RES. 12 WOULD DO

The actual consequences of S.J. Res. 12 would be the direct opposite of the positive economic effects provided by a real balanced budget requirement.

S.J. Res. 12, over 30 years, would start with decreasing deficits—achieve a moment of surplus (requiring enormous new taxes or spending cuts)—enter a phase of declining surpluses (to perhaps one-year's balance)—and then revert to skyrocketing deficits.

It would create $2.3 trillion in "gimmick deficits" between 1998 and 2018.

It would result in tax hikes and/or spending cuts of $1.935 trillion from 2002 to 2018.

That $1.935 trillion is more than eight times Clinton's largest-ever 1993 tax hike of $240 billion and almost five times the amount of CBO's estimated savings ($423 billion) of what it will take to reach balance between today and 2002. While surpluses are not bad per se, this enormous level over such short duration would produce massive fiscal strain.

It would result in less than two decades of nondeficit spending, and just one year in which the federal budget might actually balance.

It would provide no possibility for tax cut or spending increase unless a recession occurs.

It would require absolute spending cuts in five of the first six years after the amendment, and a return to huge federal deficits in little more than two decades—$700 billion from 2019–2024 and $2.474 trillion from 2019–2028, all perfectly off-budget and constitutionally legal.

S.J. Res. 12 could be worse than doing nothing because of the high probability of massive tax increases that would destroy economic growth.

WHAT S.J. RES. 12 WOULD NOT DO

S.J. Res. 12 would not provide any additional support for Social Security.

It would not protect the trust fund—it will begin running deficits just seven years after its outlays begin exceeding revenues in 2012—exactly the current estimation. The trust fund would be bankrupt just 10 years after that (2029)—also the current estimation.

The trust fund balance sheet would not change by a single dime and its solvency calendar would not be altered by a single day.

S.J. Res. 12 would not alter the fact that Social Security is a pay-as-you-go system and always has been.

It would not provide a long-term solution. By pretending there exists some hidden balance, it would forestall a real solution to Social Security's long-term imbalance.

Simultaneously, S.J. Res. 12 would damage Social Security because Social Security's existence depends on a growing economy to meet its growing commitments—something S.J. Res. 12's likely tax hikes would seriously jeopardize.

HOW IMPLAUSIBLE ARE S.J. RES. 12'S REQUIREMENTS?

Every dime of the $1.935 trillion that would be artificially added to the deficit between 2002 and 2018 would have to be payed for with tax hikes and/or spending cuts.

In the 2002–2007 period, spending literally would have to be cut in five of the six years under S.J. Res. 12, even under CBO's most recent baseline spending estimates for a balanced budget. By contrast, Congress's failed 1995 effort to balance the budget was vetoed by Clinton, and it merely slowed the rate of spending's growth.

Spending would decline in absolute terms—not just reductions in the rate of growth.

How rare are absolute spending cuts? Only nine times since 1933 have they occurred. Eight were due to severe economic contraction or postwar economies: 1935, 1937, and 1938 during the Depression, the first three years following World War II, and the first two years after the Korean War.

[From the U.S. Senate Republican Policy Committee, Jan. 29, 1997]

A GIMMICK EVEN THE PRESIDENT WON'T EMBRACE—CLINTON'S REMARKS UNDERCUT BBCA OPPONENTS

"We couldn't right now, neither the Republicans nor I and the Congress, could produce a balanced budget tomorrow that could pass with, if you said the Social Security funds cannot be counted, if you will, as part of the budget."—President Clinton at his January 28th press conference.

President Clinton does not support a balanced budget constitutional amendment (BBCA), but yesterday, on the record, he refused to accept the flimsy, implausible cover being used by some of its congressional opponents who are going to vote against the amendment unless Social Security is taken out of it.

The sentence from the transcript of the President's press conference that is quoted above is not the clearest example of oral expression that we have ever seen, but, clearly what the President was saying was: A balanced budget is not possible if Social Security is taken off budget and not taken into account in calculating the deficit.

Simply, Social Security is currently running a surplus and is expected to do so for the near term. Thus, if Social Security is removed from the budget calculations, the deficit will be falsely inflated by hundreds of billions of dollars. For example, if Social Security were to be omitted, the deficit would grow by an additional $465 billion during fiscal years 1998 through 2002 and by another $602 billion during fiscal years 2003–2007, for a total of $1.067 trillion over the 10-year period. This is on top of the very real deficits with which Congress has been struggling for years.

Last year, the President and the Congress each made proposals that would have cut the deficit by about $500 billion for fiscal years 1997 through 2002. $500 billion is a lot of money, but it is less than one-half of the amount that the opponents' proposal would falsely add to the deficit if Social Security is taken out of the balanced budget calculations.

It's interesting when the President, no stranger to gimmicks, is willing to expose the ruse of his friends. Recall that this president offered a budget that used "triggers" to precipitously cut off spending programs in its final two years in order to be able to claim to teach "balance." And, he offered a budget which shifts the fastest growing portion of Medicare—Home Health Care—from Medicare to the general taxpayer in order to claim he is "saving" Medicare.

If the opponents of a Balanced Budget Constitutional Amendment are fiscally responsible, they will show us the tax increases and spending cuts that they propose to enact to make up for the $1.067 trillion that would artificially be added to the deficit under their proposal by taking Social Security out of the calculation. After all, those hiding behind Social Security's exclusion to cover their opposition are proposing to add to the deficit twice the amount that Congress and Clinton proposed to cut! If they do not really support an additional $1.067 trillion in new taxes and spending cuts—and we doubt that they do—what do they really support? The answer is evident: More of the same tired, liberal approach to governing—more taxes, more spending, more debt.

[From the U.S. Senate Republican Policy Committee, Feb. 24, 1997]

BBCA, SUPER-MAJORITIES, AND THE FEDERALIST—MADISON AND HAMILTON SUPPORTED SUPER-MAJORITIES

The writers of the Federalist said some hard words about super-majorities which are trotted out whenever Congress debates the Balanced Budget Constitutional Amendment (BBCA). Unfortunately, those hard words are almost always misused.

THE FEDERALIST ON SUPER-MAJORITIES

James Madison said that super-majorities transfer power from the majority to the minority and thereby "reverse" the "fundamental principle of free government." A minority can then frustrate the purposes of the majority even when "justice or the general good might require new laws to be passed or active measures to be pursued." The Federalist No. 58, at 397 (J.E. Cooke ed. 1961). Alexander Hamilton said that super-majorities may look like a remedy but are "in reality a poison." They operate "to embarrass the administration, to destroy the energy of the government, and to substitute the pleasure, caprice or artifices of an insignificant, turbulent, or corrupt junto for the regular deliberations and decisions of a respectable majority." The Federalist No. 22, at 140.

This is strong stuff from two of America's giants. However, both Madison and Hamilton were strong supporters of super-majority requirements, and only by using The Federalist out of context can they be made to appear otherwise.

THE CONSTITUTION ITSELF, WHICH THE FEDERALIST WAS WRITTEN TO PROMOTE, CONTAINS SUPER-MAJORITIES

The Federalist was written to explain and promote a Constitution which, in its original version, contained super-majority requirements in seven places: Article I requires votes of two-thirds to convict on impeachment (§3, cl. 6), to expel a Senator or Representative (§5, cl. 2), and to override a presidential veto (§7, cls. 2 & 3). Article II requires a two-thirds vote in the Senate to consent to treaties (§2, cl. 2) and called for special majorities if the election of the President should be referred to the House of Representatives (§1, cl. 3). Article V requires two-thirds of Congress and three-fourths of the States to amend the Constitution. Article VII required ratifications from 9 of the original 13 States before the Constitution could go into effect.

Madison (always) and Hamilton (sometimes) were in attendance at the convention when these super-majority requirements were adopted, and Madison himself was responsible for some of them. They signed the Constitution. They became its most able advocates. Snippets from Federalist No. 58 and No. 22 cannot obviate the fact that Madison and Hamilton strongly supported the Constitution with all of its super-majority requirements.

THE FEDERALIST, WHICH ITSELF SUPPORTS SUPER-MAJORITIES, MUST BE READ IN CONTEXT TO BE UNDERSTOOD

But how do we account for The Federalist's hard words on super-majorities? Quite easily, actually. The words merely need to be read in context:

What Madison was opposing in No. 58 was the suggestion that the House of Representatives should require a super-majority for a quorum and more than a majority of a quorum for a decision. Madison did not, of course, oppose all super-majority requirements for the House, but he did oppose suggestions put forward by opponents of the Constitution that additional super-majorities were desirable.

What Hamilton was opposing in No. 22 was the gridlock occasioned by the Articles of Confederation with its super-majority requirements and unit voting (each State had one vote).

Hamilton also said (in Federalist No. 75), "All provisions which require more than the majority of any body to its resolutions have a direct tendency to embarrass the operations of the government and an indirect one to subject the sense of the majority to that of the minority." Id., at 507. This sounds hard enough, but it appears in a paper about the making of treaties, and Hamilton strongly supported the two-thirds vote of the Senate as "one of the best digested and most unexceptionable parts of the plan." Id., at 503. What Hamilton was opposing in No. 75 was the suggestion that two-thirds of all members should be required on a vote rather than two-thirds of those members present.

Keep in mind, too, that complaints about super-majorities (especially for quorums) were a product of the times—a horse-and-buggy era when interstate travel was long, difficult, and dangerous, and many legislators shunned regular travel to the seat of a weak central government.

MADISON AND HAMILTON SUPPORTED SUPER-MAJORITIES INDEPENDENTLY

Finally, we know that both Madison and Hamilton thought super-majorities were sometimes necessary because they advocated them separately. In convention, Madison moved that a vote of two-thirds be required to expel a Senator or Representative. His motion carried 10 States to none. 2 Farrand, The Records of the Federal Convention of 1787 at 254 (1937 rev. ed.). It was also Madison who moved that if the choice of a President should fall to Congress, a quorum must consist of two-thirds. Id., at 526. Hamilton outlined his own plan for a government, but did not present it to the convention. He did, however, draw upon its principles in debate. That plan contained at least five requirements for super-majorities. 3 Farrand at 620, 623, 625, 627, 630.

Far from being opponents of super-majorities, Madison and Hamilton supported them. They supported them in the Constitution, in The Federalist, and in the convention. They supported them because some rights are "too important to be exercised by a bare majority of a quorum." 2 Farrand at 254 (Madison speaking on expulsion). Spending our children's inheritance is one of these rights—a right too important to be exercised by a bare majority.

[Some of the quotations from The Federalist have been edited slightly.]

[From the U.S. Senate Republican Policy Committee, Feb. 20, 1997]

THE CONSTITUTION AND BBCA'S SUPER-MAJORITIES

Some opponents of the super-majority requirements in the Balanced Budget Constitutional Amendment (BBCA) must suffer from an irony deficiency. Only the irony-deprived could complain about BBCA's super-majorities while trying to cobble together a minority of Senators (just 34) to defeat the proposed amendment.

SUPER-MAJORITY IN THE BBCA

S.J. Res. 1 requires "three-fifths of the whole number of each House of Congress" to "unbalance" the budget (section 1) and to increase the debt limit (section 2). It requires "a majority of the whole number of each House" to increase revenues (section 4) and to permit a waiver because of a threat to national security (section 5).

SUPER-MAJORITIES IN THE CONSTITUTION

Framers of the original Constitution and framers of its amendments regularly called for super-majorities. Congress has used super-majority votes hundreds and hundreds of times for seven purposes in three general areas:

Area One: To Change the Laws

Super-majority votes are required sometimes to enact laws. These laws become the "supreme law of the land." See Art. VI.

A two-thirds vote is required to override a presidential veto. Art. I, Sec. 7, cls. 2 & 3. Congress has overridden a veto 105 times (averaging once every Congress).

Treaties require a two-thirds vote of the Senate. Art. II, Sec. 2, cl. 2. The Senate has voted on an estimated 2,000 treaties (averaging about ten every year).

Constitutional amendments require a two-thirds vote in Congress (and ratification by three-fourths of States). Art. V. The Constitution has been amended 27 times; there were 17 votes on those successful amendments. There were another five votes on proposed amendments that cleared the Congress but were never ratified by the States.

Certain persons who "engaged in insurrection or rebellion" against the United States are prohibited from holding public office, but that disability may be removed by a two-thirds vote of Congress. Amend. XIV, Sec. 3. By our count, Congress legislated under this provision 191 times from 1868 through 1898 (averaging about six per year).

Area Two: To Remove from Office

There is a second category of constitutional provisions requiring a super-majority, namely those that allow Congress to remove a person from office.

Conviction on impeachment requires a two-thirds vote of the Senate. Art. I, Sec. 3, cl. 6. Seven persons (all district court judges) have been convicted by the Senate after impeachment. Seven others (including an associate justice of the Supreme Court, a Secretary of War, and President Andrew Johnson) were tried and acquitted.

Expulsion from the Senate or House requires a two-thirds vote of the body. Art. I, Sec. 5, cl. 2. Fifteen Senators and four Representatives have been expelled from Congress (the great majority for disloyalty to the Union).

(A President may be removed by a two-thirds vote of Congress for inability to discharge his duties. Amend. XXV, Sec. 4. This particular provision has never been used, however.)

Area Three: To Elect to Office

If election of the President should fall to the House or election of the Vice President should fall to the Senate, the 12th Amendment has special super-majority rules with respect to quorums and voting. (These requirements supersede Art. II, Sec. 1, cl. 3 which also contained super-majority requirements.)

After adoption of the 12th Amendment in 1804, the House has had to act once (in 1825, electing John Quincy Adams) and the Senate has had to act once (in 1837, electing Richard M. Johnson to serve with Martin Van Buren).

An Additional, Unique Super-Majority

The Constitution itself provided that it would not go into effect unless ratified by nine of the original 13 States. Art. VII.

BBCA IS CONSISTENT WITH CONSTITUTIONAL TEXT AND PRACTICE

The Framers put super-majority votes within the four walls of the Constitution, and throughout the years Congress has regularly and unremarkably operated under those super-majority requirements. In fact, the Senate acts by super-majority vote about once every month. Super-majority votes are reserved for matters of special importance; they are not daily events, but they are not rarities either. They are about as rare as a new moon.

Like the constitutional policies described above, spending our children's inheritance is a matter of special significance that should require an occasional super-majority vote.

Note on Estimate of Treaties. Counts of Senate action on treaties vary widely because of differing methods and judgments. In the original version of this paper we used an estimate of 2,500. That number was based on data in Lyn Ragsdale, Vital Statistics on the Presidency: Washington to Clinton, Tables 7-1 & 7-2 (1996) (showing 1,955 treaties, protocols, and conventions issued from 1789 through 1984 [all of which appeared to require Senate action] and 1,542 total international agreements from 1985 through 1993). After our first version of this paper was released, CRS provided us with an estimate of 1,704 treaties approved by the Senate through 1996.

OVERALL EFFECTS OF S.J. RES. 12

Years	On-budget	Off-budget	True budget	Fiscal effect
1998–2001	Declining deficit	Running Surplus	Declining deficit—$361 billion	Large cuts or taxes to offset "double surplus" ($361 billion from 98–01) Social Security Revenue surplus & interest income.
2002–2012	Balanced: But must run surpluses to offset SS revenue removal and interest transfer to off-budget.	Dual surplus of Social Security TF: Both revenue and interest.	Surplus of SS TF—$1.395 trillion	Enormous $1,395 trillion "double surplus" offset by tax hikes or spending cuts.
2013–2018	Balanced: Must run surplus to make interest payment to SS TF.	Deficit: Balanced via transfer interest payment from on-budget.	Diminishing surplus—$539.4 billion	Larger $539.4 billion "single surplus" transfer via tax hikes or spending cuts to offset Social Security interest surplus.
2019	Balanced: Must run surplus to make SS interest payment.	Social Security TF runs first deficit in excess of both interest and revenue receipts.	Balance for 1 year?—$2.6 billion deficit projected off-budget.	Transfer of Social Security interest payment in slightly less ($2.6 billion) than Social Security's revenue shortfall.
2020–2029	Balanced: SS interest payment diminishing.	Mounting SS deficits	Rising deficits—$3.122 trillion (2019–2029).	Diminishing Social Security interest surplus transfer as trust fund begins being consumed until exhausted in 2029. Increasing Social Security operating deficit must be absorbed. How?][1].
2030-Beyond	Balanced: No SS interest payment	Social Security trust fund bankrupt	$744 billion deficit in 2030 alone	Social Security trust fund bankrupted. Enormous deficits, though economically adverse, all off-budget and therefore legal.

[1]]The federal government would be faced with at least three possible budget alternatives: (1) The federal government borrows for Social Security and that money is put on-budget. Remember: the Social Security amendment only addresses the receipts and outlays of Social Security. Once trust fund receipts are no longer sufficient to cover Social Security's obligations, the shortfall must come from somewhere. Such a scenario would require commensurate deficit reduction on-budget to cover the transfer to the off-budget trust fund. (2) An off-budget entity borrows for Social Security. The result would be substantially higher borrowing costs for the off-budget entity than if the money were borrowed by the federal government. However since this borrowing would be off-budget, the additional cost would not be constitutionally prohibited—this despite the fact that it would exacerbate the already very adverse true budget effect. (3) The federal government borrows for Social Security and that money is put off-budget. But this obvious liability of the government could be completely ignored for constitutional purposes. Again, it would accommodate substantial deficits in the true budget.

Mr. KERREY. Mr. President, I do not intend to support this constitutional amendment. During previous debates on this issue, I have said that I believe that an amendment dictating a balanced budget does not belong in our Constitution but that the path to balance belongs in our laws. I continue to believe that. And, I hope I am not being too optimistic when I say that I honestly believe we have an opportunity to set our budget on the path to balance this year through legislation and we have the chance to do so in a reasoned and bipartisan way.

I believe it is important to balance the budget as a way to promote economic growth. And any effort to achieve a balanced budget must be done fairly and equitably. But I'm not convinced that the constitutional amendment before us will ensure a budget balanced fairly or a budget that will ensure economic growth.

In particular, I do not think it is wise to require a three-fifths vote to waive this amendment in times of economic emergency. This gives entirely too much power to larger population States in the House and would hurt smaller States like my home State of Nebraska. In addition, the national security waiver provision in this amendment is too restrictive. And, I do not think it is a good idea to allow Congress to rely on estimates to determine whether or not the budget is in balance. As previous experience has shown us, when you lead with estimates, gimmicks are soon to follow.

Still, even if we were voting on some other variation of this amendment, I'm not persuaded a constitutional amendment is the best way to mend our budget woes. I still believe that if we can succeed through a statute rather than through a constitututional amendment, we should leave the Constitution alone.

All of this being said, I do not question the intentions of the authors of this amendment. Given our track record on living within our means, there are good arguments to be made for this amendment. I have long said that as 1 of the 535 Members of Congress we can, and should, get down to the work of crafting a reasoned, bipartisan balanced budget plan. But we have not managed to do so. We have not managed to muster the political will to tackle some of the tougher issues that stand in the way of a credible path to balance. We have not managed to talk in a meaningful way about how to control our entitlement spending and how to prevent that spending from consuming an ever-larger share of our Federal budget as time goes by. Absent change, a full 70 percent of the Federal budget will be consumed by mandatory spending and interest on the debt by the year 2000 and that percentage will continue to climb. That is a scary statistic.

But I think, or at least I very much hope, that we are getting closer to having those conversations. Last year, I was part of the centrist coalition, a bipartisan group that included 11 Democrats and 11 Republicans. The coalition spent approximately 5 months putting together a balanced budget package which contained significant entitlement reform, a reasonable discretionary spending number and modest tax relief. The centrist package was offered as a substitute budget in May 1996 and received 46 votes in the Senate. As far as I am concerned, those 46 votes represent the start of a meaningful effort to balance the budget in a bipartisan, credible way.

Regardless of how today's vote turns out, I hope we will not lose the will to move forward to balance the budget. If this amendment were to pass both Houses, I would hope that we would not use that passage as an excuse to delay balancing the budget while we wait to see if the amendment is ratified. And if this amendment fails, I hope that we—particularly people like me who maintain that we can balance the budget without this amendment—will redouble our efforts to get the budget on the path to balance in this Congress.

Mr. MURKOWSKI. Mr. President, in this debate on the balanced budget amendment, I believe the Senate has lived up to its reputation as the greatest deliberative body in the world, bar none. We have spent nearly a month debating this measure and I want to especially commend the distinguished chairman of the Judiciary Committee, Senator HATCH, for his stamina and intellect in managing this measure.

Now as the time for debate draws to a close, I hope all of my colleagues will reflect on the simple principle that we are attempting to incorporate into our Constitution. It is simply that one generation of Americans has no right to mortgage future generations to finance our daily spending habits. Think about it.

There is one thing for certain, Mr. President. When the clock strikes midnight on December 31, 1999, and we enter the new century, America will have run deficits for 31 consecutive years and we will have a national debt of more than $6 trillion.

If we are ever going to reverse that endless tide of red ink, if we are going to ease the economic burdens on our children and grandchildren, then as a matter of moral responsibility, we will adopt this constitutional amendment. If we don't pass the amendment this will truly be an American tragedy.

Mr. LEVIN. Mr. President, once again the Senate is considering a constitutional amendment which some claim will lead to a balanced Federal budget. The Senate debated and defeated this amendment in the last Congress. It has been reported once again by the Senate Judiciary Committee, and has received the careful and thorough deliberation by the Senate which it deserves.

Except in unusual circumstances, balancing the budget is the responsible thing to do. That is why I have repeatedly supported balanced budgets. And, we have made significant progress in the past 4 years. We have reduced the Federal deficit for 4 years in a row, cutting the deficit by more than half from $290 billion in fiscal year 1992 to $107 billion in fiscal year 1996, from 4.7 percent of the GDP in 1992 to 1.4 percent in fiscal year 1996, the lowest in more than 20 years. In fact, for the first time in years, the real possibility of agreement to balance the budget in the next 5 years looms before us.

At the outset, let's be clear about one thing. The proposed constitutional amendment doesn't balance the budget. It tells a future Congress to pass legislation to balance the budget. Unless that future Congress agrees on legislation, the amendment will not be implemented. Why not try to pass the implementation language now before the vote on the constitutional amendment so everybody could see how it would work and if it would work? Again, without that implementation legislation, we're left with a feel good gimmick which would allow Members of Congress to claim that the deficit will be cured without actually taking the tough steps necessary to do the job. It takes Congress off the hook for 5 years or more. And then, Mr. President, there is no hook. As the distinguished past president of the American Economic Association, Professor Robert Eisner, put it in his excellent article January 22 in the Wall Street Journal, the amendment "might as well assert that the waves of the Atlantic Ocean shall not cross a certain line". In other words, the language kicks in in 2002, or later, and then there might be no kick.

As we have seen in the most recent Congress, the debate arises not over whether to balance the budget, but rather how to reach that balance. The issues which make agreement difficult grow out of differences in priorities. The President, in his budget last year and again this year, has shown a path to a balanced budget which also provides for adequate funding for education, environmental protection, Medicare, Medicaid, and other essential Government functions. Many of the proponents of this constitutional amendment support a large tax break, paid for by larger reductions in Medicare than the President proposes. It is in hammering out these priorities that the difficult decisions arise. The constitutional amendment before us does nothing to advance that process. In fact, since implementing legislation will not be required for 5 years at the earliest, it may indeed provide the excuse to delay those tough decisions.

We are told that if Congress is required by the Constitution to pass a law to implement a balanced budget, surely Congress will pass such a law. Well in 1979, 18 years ago, we passed a law that said, "Congress shall balance the Federal budget." That law, Public Law 96–5, was the law of the land. Although the Senate passed that provision by a 96 to 2 vote and the President signed it into law, it did not happen. Saying we must balance the budget will not make it happen; unless and until we do the hard work of budgeting, it's all just a dodge, and worse, because it encourages people to say we are cured before we've taken the medicine.

Mr. President, the plain truth is whether we pass a balanced budget amendment or not, it will still take a majority of the votes of the Members of each House to make the tough choices needed to cut spending or raise taxes. Unless and until we make those choices or adopt some process to implement the constitutional amendment, in the absence of a congressional majority agreement on how to balance the budget, we will not have a balanced budget.

Every Member of this body knows that we will not get to a balanced budget without tough decisions. Adopting a constitutional amendment saying some future Congress must make the tough decisions and balance the budget not only isn't a substitute for our acting or adopting an enforcement mechanism, it will delay those actions because people might think we have acted.

If we are going to get to a balanced budget by 2002, there is a real, practical need to adopt the enforcement mechanism now. We all remember that, back in 1985, we passed the Gramm-Rudman-Hollings bill, requiring a balanced budget by 1991. Two years later, we modified that requirement to call for a balanced budget by 1993. Well, 1991 and 1993 have come and gone, and we still don't have a balanced budget. The reason is simple: the Congress never laid out an enforceable mechanism of how we were going to get there. Like the balanced budget amendment, Gramm-Rudman laid out the targets without enough provisions for how they were to be achieved.

Without any enforceable blueprint, we found ourselves pushed up against deadlines we could not meet. We got to the deadline and found ourselves confronted with a dropping stock market and the prospect of sudden budget cuts that could throw the country into a deep recession. We made the only choice we could, protecting the Nation and the economy at the cost of not meeting the budget targets.

The current congressional majority appears committed to marching down this same road again. The constitutional amendment before us, like the Gramm-Rudman law, would require us to achieve a balanced budget in a fixed period of time. It doesn't say how we are supposed to get there and stay there.

If this Congress fails to face up to the obligation of laying out a detailed enforceable plan to reach and maintain a balanced budget as required by the amendment, why should we expect future Congresses to be any more responsible? If we duck the task of outlining the enforceable mechanism and/or the cuts that will get us to a balanced budget by 2002, and keep us at balance thereafter, we can only expect that the next Congress, and the next one after that, will follow the same course. If we don't do the hard work this year, we can't expect somebody else to do it for us next year.

If we pass a constitutional amendment requiring a balanced budget amendment without an enforcement mechanism, we are going to face the same kind of choices we faced with the Gramm-Rudman law. If we don't have the will now to plot our course to reach and maintain a balanced budget, we will get to 2002 and find that we have to either abandon the goal with the increase in cynicism which would accompany it, or risk undermining the national defense or pushing the economy into a deep recession.

There is a way to avoid that fate. We can lay out an honest plan and an enforceable mechanism, telling the American people how we intend to achieve and keep a balanced budget. That would be the honest approach, the approach that the American public would respect.

Even the Wall Street Journal editorial on February 4 stated,

> The notion of amending the Constitution to outlaw budget deficits is silly on any number of counts. Politically it's empty symbolism. Legally it clutters the Constitution with dubious prose * * * The concept embodied in the proposed amendment measures nothing useful; it is at best a distraction, and at worst spreads confusion that will make the right things harder to do, not easier.

The proposed amendment is full of loopholes and ambiguities, all usable when 2002 arrives. For example: First, the implementation of the amendment depends on economic estimates that can be made overly optimistic if that is what is necessary to project a balanced budget. We have seen enough rosy scenarios in the budgets of both Republican and Democratic administrations to know how this game is likely to be played. For example, in 1981, our estimates were off by $58 billion. In 1982, our estimates were off by $73 billion. In 1983, our estimates were off by $91 billion, and on and on. In 1991, they were off by $119 billion—$119 billion in one year. You talk about a loophole. This one is big enough to drive a $119 billion deficit through. That's bigger than our current deficit.

Second, the amendment requires a balanced budget in each fiscal year. Throughout the 1980's Congress and the President artificially lowered the reported deficit and met Gramm-Rudman targets by delaying spending a few days thereby pushing it from one fiscal year to another. Under the proposed amendment, we can expect similar budgetary shell games.

Third, States with balanced budget requirements have frequently avoided them by creating independent or quasi-public agencies and placing their expenditures off-budget. We did much the same thing in the 1980's with the costs of the savings and loan bail-out. Because the amendment does not define key terms such as receipts and outlays, it is certain to lead to similar manipulations.

Fourth, the deficit could be artificially reduced by selling off valuable public assets, such as public lands. This approach might enable the Federal Government to report a smaller deficit for a few years, but would have no impact at all on the structural gap between revenues and outlays.

There are numerous technical problems with the amendment. It does not tell us what an outlay is, what a receipt is, or how the Congress will monitor and regulate the precise levels of outlays and receipts. But, perhaps most importantly, it does not tell us what will happen if outlays in fact exceed receipts.

What would happen if the amendment were ratified, and, by the end of a fiscal year, outlays were to exceed revenues, a clear violation of the amendment. What would happen? Could the courts step in and enforce the amendment?

According to the authors of the resolution, there would be no remedy, unless provided by future legislation. As Senator HATCH explained on March 7, 1986, "[T]here is no question that Congress would have to pass implementing legislation to make it effective. In that sense, it is not self-executing. . . . It would be the obligation of Congress . . . [to] enact legislation that would cause this to come about."

The unenforceability of the amendment should not be a problem, the authors tell us, because future Congresses would be bound to respect the provisions of the amendment and the will of the voters and to comply with it in good faith by enacting suitable implementing legislation.

But this argument has two flaws. First, the amendment, if ratified, wouldn't take effect until 2002 at the earliest. This Congress wouldn't be bound by the provisions of the amendment. The next Congress wouldn't be bound. The Congress after that wouldn't be bound. In fact, no Congress would be bound by the terms of the amendment to enact implementing legislation until 2002 at the earliest, and by then it would be too late to take the actions necessary to comply.

Second, the legislation required to implement this amendment will be extremely complex, and, even if everyone acted in good faith, there still might be no agreement. Over the last decade, we have enacted into law some 50 single-spaced pages of procedures, governing the congressional budget process and attempting to rein in uncontrolled budget deficits. These provisions set timetables for the congressional budget process. They provide the rules for debate for budget matters. They spell out points of order that may be raised to keep the budget under control. They establish the role of the Congressional Budget Office. They provide controls on legislation providing spending authority and rules for legislation providing entitlement authority. They limit the use of off-budget agencies, programs and activities. They establish regulations for the sequestrations and procedures for the rescission of appropriated funds.

Similarly detailed legislation would be required to implement and enforce the balanced budget amendment. To give just one example of the complex issues that would have to be addressed by such legislation, the resolution before us would require that outlays may not exceed receipts. However, Congress does not legislate either outlays or receipts. The appropriations and revenue measures that we enact lead to outlays and receipts, but do not dictate the exact levels of outlays or receipts in any given year.

So Congress would have to establish new mechanisms to control outlays and receipts. This raises many difficult questions, on which reasonable people could disagree. Let me read from a colloquy between myself and Senator Simon about some of these questions:

> Senator LEVIN. How would the monitoring of the flow of receipts and outlays be done to determine whether the budget for any fiscal year is on the track of being balanced? Would this require implementing legislation?
>
> Senator SIMON. There would have to be monitoring and future legislation would have to take care of the implementation of that monitoring.
>
> Senator LEVIN. What exactly is the definition of receipts and outlays? Specifically, would the receipts and outlays of Bonneville Power Administration be receipts and outlays of the United States pursuant to this constitutional amendment? Would the answer to these questions require implementing legislation?
>
> Senator SIMON. Implementing legislation will be needed on some of these peripheral questions, but the intent is clear.
>
> Senator LEVIN. In an instance in which the OMB and the CBO disagree with each other on what a level of outlays is, how will the dispute be resolved so that it can be determined whether or not outlays exceed receipts?
>
> Senator SIMON. Future legislation will have to take care of this.
>
> Senator LEVIN. Who will determine the level of receipts and whether a revenue bill is "a bill to increase revenues?" . . . . My question is, what happens if the revenue estimators in the Treasury Department say the bill is revenue neutral, and the Joint Committee on Taxation say the bill will result in a net increase in revenues? Whose estimate will prevail? How will the dispute be resolved?
>
> Senator SIMON. Future legislation will have to take care of this.
>
> Senator LEVIN. At what point will it be determined that outlays will in fact exceed revenues and that actions such as a tax increase, spending cuts, or tapping into a rainy day fund will be required? August 1? September 15? Who will make that determination?
>
> Senator SIMON. There will have to be regular monitoring and future legislation will work out the details.

Mr. President, these are difficult questions, on which reasonable people could disagree. The assumption of the authors that future Members of Congress will try, in good faith, to comply with the amendment does not mean that a majority of Members of each House of Congress will agree on the many issues involved or on whether to require sequestration of funds if outlays are determined to exceed revenues, or that they will agree on whether to exempt the national defense or Social Security payments from such sequestration.

And what if the future Congress to which we leave these questions can't agree? Would dozens of unelected judges assert jurisdiction and order spending cuts or tax increases? When the Senate during the 104th Congress considered this constitutional amendment, we adopted by a 92 to 8 vote an amendment offered by Senator Nunn which added language to section 6 making it clear that "the judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation . . ." This safeguard has been omitted from the version of the constitutional amendment which is before us today.

Since implementation legislation is the essential need, why not pass it now? In the 104th Congress, I offered an amendment, defeated on a 62 to 38 vote, which would have required us to pass the legislation, not pass the buck. It provided that the constitutional amendment would be submitted to the States for ratification only upon enactment of legislation specifying the means for implementing and enforcing the provisions of the constitutional amendment. There are two advantages to this approach. First, it places the responsibility on this Congress instead of leaving it to a future Congress, by delaying the sending of the amendment to the States until we act. Second, the States would be informed how the enforcement mechanism would work so they could consider that in their ratification deliberations. Since it has become clear that the majority is unwilling to amend its language in any way and is defeating all efforts to improve it, I have decided not to offer my amendment again this year.

I am also concerned that the proposed amendment would permit future Congresses to use Social Security funds for balancing the budget. I believe that we have a special obligation to protect the Social Security trust fund, and that we should not rob that fund to balance the budget. The Social Security system is a contract which we have made with our senior citizens. We should not allow a circumstance in which even unintended effects of a constitutional amendment like the one before us could lead to the failure or inability to meet our obligations under Social Security. The proponents will claim that this would never happen because the constituencies supporting that program are politically strong. But, the Constitution is permanent. Political circumstance is subject to change. We should not enshrine in the Constitution the use of Social Security funds for any purpose other than Social Security.

As the President stated in his letter of January 28, 1997:

> * * * [T]he constitutional amendment to balance the budget could pose grave risks to the Social Security system. In the event of an impasse in which the budget requirements can neither be waived nor met, disbursement of Social Security checks could cease or unelected judges could reduce benefits to comply with this constitutional mandate.

I am also deeply concerned about the supermajority requirement in section 2 of the amendment. This would require 60 percent of the whole number of each House in order to raise the debt ceiling. As we learned in the last Congress, this represents a grave risk to the ability of the Federal Government to meet its obligations. In 1995 and 1996, we saw a determined minority, especially in the House of Representatives plan and carry out an effort to hold the President hostage by refusing to agree to lift the debt ceiling unless he accepted all of the details of their budget proposal. The strategy was rejected by the American people, in part because a vote to increase the debt ceiling is simply a vote to pay the bills we owe: it is simply a vote to honor the obligations that the Federal Government has already incurred. Reasonable people may differ on whether we should limit future obligations and by how much, but I hope nobody in this body believes that we should not honor the obligations we have already incurred.

As Secretary of the Treasury Rubin put it in his testimony before the Judiciary Committee:

> The possibility of default should never be on the table. Our creditworthiness is an invaluable national asset that should not be subject to question. Default on payment of our debt would undermine our credibility with respect to meeting financial commitments, and that in turn would have adverse effects for decades to come, especially when our reputation is most important, that is, when the national economy is not healthy. Moreover, a failure to pay interest on our debt could raise the cost of borrowing not only for Government, but for private borrowers from companies to homeowners making payments on an adjustable mortgage.

Just a year ago we witnessed Secretary Rubin forced to use every innovative move within his authority to avoid just such a default while incredibly the Chairman of the House Rules Committee was calling for his impeachment for doing so.

The one road we should never take to a balanced budget is the failure to pay our lawful debts. But, this amendment would make permanent in the Constitution a shift of power to a minority in either House of Congress over the issue of whether we pay our bills for our lawful debts.

Some opponents who have addressed this amendment have emphasized the danger of putting a rigid straightjacket in the Constitution which could deepen an economic emergency. Indeed, more than a thousand distinguished economists, including 11 Nobel laureates have expressed their opposition to such a constitutional amendment for this reason. Some opponents have emphasized the danger of the inclusion of Social Security and the unwise requirement of a supermajority in order to permit the United States to pay its debts. Others have argued, as The Wall Street Journal has, that this amendment is an empty gimmick. While it is true that not all of these flaws can be true at the same time, it is also true that whether it is a dangerous straight jacket, or a dodge which won't work, it's a mistake either way.

Mr. President, if we want to achieve a balanced budget, there is one way to do it. Don't push the problem off onto future Congresses with a balanced budget amendment that doesn't even become effective until 2002 at the earliest. Keep doing the hard work as we have started. Set out a plan with real spending targets, real budget cuts laid out on a program-by-program and year-by-year basis, and real enforcement mechanisms. I believe we are on the verge of a plan to reach a balanced budget in 5 years in this Congress. We have lowered the deficit for 4 consecutive years, cutting it by more than half. Let's not be delayed or diverted. Let's do the hard work. At best, this amendment is merely irrelevant to balancing the budget. At worst, it threatens damage to the economy, the Social Security system, and the confidence of the American people in their Government. Either way it's a mistake.

Mr. McCAIN. Mr. President, I rise in strong support of the balanced budget constitutional amendment. Passage of this constitutional amendment to balance the budget is the only way to provide the needed discipline to guarantee our Government's fiscal restraint.

This constitutional amendment simply requires the Federal Government's total outlays not exceed total receipts for any fiscal year. It is important to note that Congress may waive this requirement if 60 percent of each body votes to do so. The amendment can also be waived in times of war. In order to become part of the Constitution, two-thirds of the House and Senate must vote in favor of the amendment, and then it must be ratified by three-fourths of the States.

The facts are clear. History has proven that Washington is incapable of making the tough spending decisions necessary to put our fiscal house in order. Despite endless debate and support for a balanced budget, our Federal budget has not been in balance since Neil Armstrong landed on the moon 28 years ago.

For years, politicians—in Congress and in the White House—have talked incessantly about the need and their desire to balance the budget. Listen to the following quotes:

> We must balance the federal budget . . . I shall recommend a balanced budget . . .
>
> —RICHARD NIXON,
> JANUARY 22, 1970.

> With careful planning, efficient management and proper restraint on spending we can move rapidly toward a balanced budget—and we will.
>
> —JIMMY CARTER,
> JANUARY 19, 1978.

> The path I've outlined is fair, balanced and realistic . . . aiming toward a balanced budget by the end of the decade."
>
> —RONALD REAGAN,
> JANUARY 25, 1983.

If only talk meant action.

Neither the current rhetoric about balancing the budget nor the momentary good news that our annual deficits have been coming down more than was expected should trick us into believing that we are on the right path.

According to a January 1997 report by the nonpartisan Congressional Budget Office [CBO], the deficit will climb from the current $107 billion to $124 billion this year. And it will not stop there. It will increase to $188 billion in 2002 and reach $278 billion in 2007. In 10 years, without fundamental changes in our spending habits, the deficit will be over 2½ times what it was in 1996. CBO's assessment of these skyrocketing deficits is very disturbing:

> The budget deficits projected for the future years are so large that they could put an end to the upward trend in living standards that the Nation has long enjoyed. Thus current U.S. budget policies cannot be sustained without risking substantial economic damage.

Talk about a risky scheme. "Substantial economic damage"—the CBO report went further, stating that if we fail to bring our deficits to a halt, our economy will enter a period of "accelerating decline."

How many warnings will it take to spur us to action? Are there any words strong enough to force us to act?

The number crunchers show us that if we do not act, our children will face tax rates of 82 percent. Talk about taxation without representation. Staggering statistics show that a child born today will have to pay nearly $200,000 in taxes over his or her lifetime just to pay interest on the debt.

Have we completely forgotten Thomas Jefferson's stern warning?

> We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Mr. President, it is clear we have dismissed the moral implications of deficit spending. We only need look at the buildup of our national debt as proof. Although it took us over 200 years to reach the $1 trillion debt mark, in less than 20 years the debt has grown more than five times. It now stands at a staggering $5.3 trillion. Do you realize to pay off this debt, every family of four would have to pay $1,156 a month for the next 5 years? That is $38 per day.

As more than 200 economists told the Congress in an open letter, in which they urged support to the balanced budget constitutional amendment:

> We have lost the moral sense of fiscal responsibility that served to make formal constitutional restraints unnecessary. We cannot legislate a change in political morality; we can put formal constitutional constraints in place.

We have a moral obligation to ensure that our children and grandchildren and their grandchildren are not burdened with backbreaking debt. We are snatching away their prospects of ever achieving the American dream. I was struck by a recent report on generational accounting that showed a child born today will keep just 16 percent of their lifetime wages if we do not change the course of our Government spending. How can we believe that we are preserving liberty and freedom if we are asking our children to surrender 84 percent of their lifetime earnings to feed the Federal trough? I have seven children and three grandchildren. It is simply not fair to my children or anyone's children to pass down this legacy of debt.

Even in this time of some optimism about balancing the budget by the year 2002, there are no assurances that we will actually achieve that goal or that we will keep the budget in balance beyond 2002. One year in balance is not enough. Let us not forget that Congress and the President have been trying with little success to balance the budget for almost three decades.

Time and time again, Congress has passed statutes that were supposed to restore fiscal discipline—the 1990 budget agreement, Gramm-Rudman-Hollings I, Gramm-Rudman-Hollings II, just to name a few. Unfortunately, good intentions have not produced the desired results. Spending targets were adjusted and readjusted. Deadlines came and went. Promises of spending restraint were broken again and again. We cannot afford any more empty promises.

Opponents of this amendment will tell you we do not need this amendment to balance the budget because both the President and the Congress have agreed to work together to balance the budget by the year 2002. Our well-intentioned colleagues should not be lured into this false sense of security that ignores history.

Since 1960, we have had a balanced Federal budget only one time. Why? People in public office like to do popular things. One need only look at the budget fiasco of 1995 to realize that balancing the budget is neither popular nor easily achievable in today's political climate.

The late Senator Paul Tsongas put it best:

> If you ask yourself why are these deficits always voted for, the answer is very simple * * * There are a lot of votes in deficit spending. There are no votes in fiscal discipline. What you have here is a sad case of pursuit of self as opposed to pursuit of what is in the national interest. The balanced budget amendment is simply a recognition of that human behavior.

Now, I want to talk for a moment about Social Security. I had hoped that Social Security would have been exempted from the balanced budget constitutional amendment, and I voted twice to remove Social Security from the effects of this amendment. I believe that exempting Social Security—with the caveat that it is administered honestly and we do not turn the trust fund into a slush fund for other Federal spending—would have protected the Social Security trust funds and ensured the viability of the system for our current and future retirees.

At the same time, I fully recognize that exempting Social Security from this amendment would force us to address the need for real spending reductions in other Federal programs. I believe my record on cutting Government spending is pretty clear—I have proven time and time again I am willing to make the tough votes to cut popular programs. However, I am not sure that some of my colleagues who supported the Reid and Dorgan amendments to exempt Social Security would actually be willing to rein in spending by the additional $700 billion necessary to balance the budget without including the Social Security trust funds in the calculations.

Our efforts to exempt Social Security did not prevail. Nonetheless, I will be vigilant in my fight to protect the Social Security trust fund and end this charade of using trust fund moneys to mask the deficit. I know Arizonans do not want their hard-earned dollars invested in the Social Security system to be used for studying cow flatulence, shrimp aquaculture centers, wood utilization research programs, or potato research programs, just to name a few.

Mr. President, I firmly believe that the most serious threat to Social Security at this time is deficit spending and our ever-growing national debt. As Robert Myers, the Chief Actuary of the Social Security Administration from 1947–1970, stated recently:

> [T]he most serious threat to Social Security is the federal government's fiscal irresponsibility. If we continue to run federal deficits year after year, we will face two dangerous possibilities. Either we will raid the trust funds to pay for our current profligacy, or we will print money, dishonestly inflating our way out of indebtedness. Both cases would devastate the real value of the Social Security Trust Funds. Regaining control of our fiscal affairs is the most important step that we can take to protect the soundness of the Social Security Trust Funds.

Mr. President, that is exactly what the balanced budget amendment would do—it would force us to control our fiscal affairs. Passage of this amendment in the Senate is only one small step toward fiscal responsibility. This amendment still has a way to go before becoming part of our Constitution—the most sacred and important document underpinning our Nation's history and Government. A tough vote awaits in the House, and then three-fourths of the States must ratify the amendment.

But we must move this process forward. The mere fact that this amendment has been trapped in Washington for so many years proves just how out of touch we are with those we supposedly represent. Poll after poll of the American people shows the balanced budget amendment winning approval ratings of nearly 80 percent. Yet, Washington politicians want to keep this debate inside the beltway, probably because they fear what might happen if we let the people decide.

What are the opponents of this amendment afraid of? Quite simply, they are afraid that it will pass. I can understand why they are scared. You see, many are spending addicts who have built their entire political careers spending other people's money on their own priorities. They do not want to part with their Federal credit card that has no limits and never comes due. They hide behind excuses about why a constitutional amendment requiring a balanced Federal budget will not work. They say they support a balanced budget amendment, just not this one. Or they talk about balancing the budget, but refuse to actually do it.

In short, they want to protect themselves from making tough spending decisions. They prefer the status quo.

Opponents of this amendment probably understand best the real effect of this amendment. They understand that it will be a straitjacket on spending.

However, let me be perfectly clear that nothing in the balanced budget amendment precludes Congress from continuing on our current path. We could still deficit-spend even with this amendment in effect, so long as 60 percent of each House votes in favor of doing so. Granted, this would be a tougher hurdle to clear. But why not force Congress to live up to a higher standard, to be more accountable, when the future prosperity of our country is at stake.

Finally, the games that politicians in Washington have long played will be exposed for what they really are—to use a favorite phrase of President Clinton and Vice President Gore from the election—a "risky scheme" that threatens to devastate Social Security, Medicare, education, and the environment.

Passage of this amendment would finally force Washington to do what needs to be done, namely, determine our long-term spending priorities; address projected deficits in important programs; shift power back to the States, local communities, and families; and provide incentives for savings and investment. Perhaps the real fear of this amendment's opponents is that President Clinton's own words would finally come to fruition—the era of big government would be over.

Mr. President, we cannot allow career politicians seeking to preserve their own interests to hold this amendment hostage any longer. In State Houses across the country, we must begin the debate about whether the Federal Government should be forced to live within its means.

I call on every American to read carefully this proposed constitutional amendment. Do not be fooled by the scare tactics of those who cannot control their hunger for Federal spending. Decide for yourself whether it will help or hurt our current state of fiscal affairs.

It is time for real Americans to closely examine all the what ifs and the excuses about why we should pass this disciplinary tool, and see if they hold water. Unfortunately, we know all too well that all of the what ifs and excuses cannot erase the facts.

In January 1995, the Bipartisan Commission on Entitlement and Tax Reform, chaired by Senators BOB KERREY and John Danforth, warned us that in the year 2012, projected spending for entitlements and interest on the national debt will consume all tax revenues collected by the Federal Government. By 2030, projected spending for Medicare, Medicaid, Social Security, and Federal employee retirement programs alone will consume all our tax revenues, leaving us nothing to educate our kids, keep our streets safe or protect our environment.

The warnings are clear. Time is wasting. Since we last voted on the balanced budget amendment in June 1996, our national debt has increased nearly $200 billion. We would be wise to remember the words of one of our great founding fathers, Thomas Jefferson:

> I place economy among the first and most important of republican virtues, and public debt as the greatest of dangers to be feared.

I hope my colleagues will pay heed to Jefferson's sage advice and support the balanced budget amendment.

Mr. KERRY. Mr. President, this has been an unusually enlightening—if a bit protracted—debate. We have had this discussion before on a number of occasions and I assume we will have it again during this Congress. It is my fervent hope that emerging from all this discussion will be a general understanding on the part of the American people that there is a discernable difference between a balanced budget amendment to the Constitution and a balanced budget itself.

Mr. President, this amendment is as fundamentally flawed this year as it was last year. As it is currently drafted, I cannot support it.

I have come to the floor previously to discuss the detrimental effects of this proposed amendment to the Constitution.

I have discussed at length the particularly odious issue of the amendment's supermajority requirement. As I have illustrated in the past, Mr. President, the most compelling arguments against this amendment as drafted come from the real experts, the Framers of the Constitution. I would contend that were they here on the floor of the Senate today, they would to a person vote against this amendment because it violates the Constitution's most basic tenet—majority rule.

I have researched this issue, Mr. President; allow me to review it briefly. In Federalist 22, Alexander Hamilton called a requirement for a quorum of more than a majority poison for a deliberative body. Poison, Mr. President, is Hamilton's word, chosen by a Founding Father of our democracy, not this Senator from Massachusetts in 1997.

Let me explore Hamilton's thought further. He elaborates pointedly that:

> The necessity of unanimity in public bodies, or something approaching toward it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of the Government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority.

Hamilton, Mr. President, was concerned that the requirement of more than a majority would allow the minority to rule simply by not showing up. "This situation," he said, "must always savor of weakness—sometimes border on anarchy."

Harsh words, Mr. President, but again, not mine. They were written two centuries ago but could not be more prescient and more appropriate for this debate.

Knowing his thoughts on the issue of a supermajority quorum, how do you think Hamilton would vote if he stood among us today?

And how do you think Hamilton and the rest of our Founding Fathers would feel if they knew that a collection of Members of Congress could pass a constitutional amendment which contains a provision allowing it to be waived? Mr. President, the notion that a part of our most fundamental document of law can be set aside for a time is ludicrous and anathema to the very reasons for having such a governing document at all. That's not to say that, given the wording of this constitutional amendment proposal, the capability to waive is not needed; emphatically, it is. But that necessity does not remove the strong undesirability of permitting a waiver of a provision of our fundamental governing document.

Mr. President, if that is not enough to dissuade Senators from supporting such a poorly drafted amendment to our Constitution, let me explore further what is wrong with the proposal before us. I have come to the floor previously and discussed the inherent and unprecedented problems with a process which would lead to the Congress ceding to the judiciary the power vested in it by the citizenry of this Nation to formulate a budget.

Last year when we considered this amendment, Walter Dellinger, an assistant attorney general, testified before the Judiciary Committee. Let me remind my colleagues of his analysis. He testified that:

> should the measure be enforced by the Judiciary, it would produce an unprecendented restructuring of the balance of power between the branches of government. If it proves unenforceable, it would create a quite different but equally troubling hazard; by writing an empty promise into the fundamental charter of our government, it would breed cynicism about our government and diminish respect for the Constitution of the United States and for the rule of law.

The distinguished professor of law Archibald Cox concurred with this view. He states that this amendment:

> would spawn disputes and charges of violation without providing either the means of resolving the disputes or remedies for the actual threatened violations, except to bring the courts * * * into a field for which they are totally unequipped by experience.

Indeed, the courts are totally unequipped by experience, Mr. President, to contend with this amendment should it be made part of our Constitution. Unelected judges would be forced to order the Government to reduce or stop paying benefits—like Social Security or Medicare—or to cut Federal spending. Perhaps the current majority in the Senate has no dispute with that. But think of it, Mr. President, unelected judges also could order Congress to increase taxes to enforce the constitutional requirement to balance the budget. And this has happened in our country, I tell my friends on the other side of the aisle, in the case of Missouri versus Jenkins.

But Mr. President, what I believe most renders this amendment as drafted unacceptable is that it would achieve the exact opposition of its ostensible intention.

I suppose the proponents believe that this amendment to the Constitution would restore and demand fiscal discipline of the Congress and the Government. But, Mr. President, deficit reduction, in and of itself, is not an economic policy. The jagged, complex, and sometimes unpredictable nexus between fiscal and monetary policy forces us to maintain comprehensive economic foresight and vision—be vigilant of budget constraints, mindful of the markets, cooperative with our chief trading partners, careful with inflation and unemployment, responsive to the needy, and watchful of the business cycle.

Those are the ingredients of the plan the Democrats enacted in 1993. That's why we reduced the deficit by two-thirds in 4 years. By 1996, the Federal deficit had shrunk to 1.4 percent of the gross domestic product from 4.7 percent in 1993. That's why inflation and interest rates and unemployment are at an all-time low. That's why the market is breaking records. That's why the current economic expansion is one of the most prolonged positive business cycles in this century. And, that's what makes the current debate on this amendment all the more ironic.

Economist after economist including Nobel laureates and Alan Greenspan will tell you that this amendment, as drafted, will wreak havoc on the Nation's economy. The amendment before us requires the budget to operate at balance or surplus, whether economic growth is strong or weak. It requires a balanced budget even if economic growth is negative. Let me take a moment and explore the consequences of that, Mr. President.

One of the greatest economic achievements of the 20th century has been the unglamorous but vital responsive economic system installed by the U.S. Government in the aftermath of the Second World War. It is obvious in periods of stagnant economic growth that revenues rise more slowly. Higher unemployment, fewer people working, fewer people paying taxes; slower growth, economic and business contraction, fewer companies paying taxes. Mr. President, this is not difficult to understand. When these unfortunate economic slowdowns occur now, we have a system which alleviates some of the pain felt by individuals and companies, and eases us back into economic growth. Federal spending increases—especially on programs like unemployment insurance—and outlays necessarily exceed revenues. That is economic sense, Mr. President.

This amendment, as it is drafted, works against economic reality and risks making recessions more frequent and turning recessions into depressions. And I make this statement not based on economic theory cooked up in an ivory tower or a think-tank downtown. I make it based on the real-life experience of this country during the dark days of the 1930's. After the stock market crashed in 1929, revenues dropped and Congress pursued an economic program which consisted of spending cuts and tax increases: the exact course which this amendment would dictate. What was the result then, Mr. President? This country experienced its most destructive depression. The spending cuts and tax increases drained purchasing power from the country and helped make the downturn deeper. This amendment will exacerbate the natural business cycle of expansion and recession.

Since the Great Depression and World War II, we have made enormous progress in reducing the rollercoaster of the boom and bust cycles and this amendment would strip us of that progress and its protections. It would remove the fiscal buffer the Federal Government has in place and leave the States and individual Americans and American companies to bear the brunt of economic downturns.

The former Director of the Congressional Budget Office, Robert Reischauer, agrees. He argues:

> A balanced budget rule could make it even harder to conduct discussions of policies on their own merits, and could lead to distortions of policies simply to meet budget goals. * * * Burdens might be shifted to State and local governments or to the private sector even when the public good would be enhanced by keeping the programs at the Federal level.

Well, Mr. President, my State can't handle this. For the last two decades, Massachusetts has been a recession-prone State. In the late 1980's, the economy of New England collapsed. While we have crept out of the ruins of unemployment and business loss, we must be vigilant not to return. Back in the 1980's and early 1990's, I fought hard to alleviate the recession in Massachusetts by continuing the flow of Federal dollars into the Commonwealth and easing its credit crunch. Mr. President, Federal funds were instrumental in jump-starting economic growth in Massachusetts: My home State receives more Federal funding than 43 other States on a per capita basis and 17 percent more than the average State. Massachusetts State secretariats are highly dependent on Federal expenditures to help residents of the State overcome the negative effects of recessions: In the last fiscal year, Federal dollars provided nearly 80 percent of the funding for Massachusetts' Health and Human Services secretariat, 77 percent of the education secretariat budget, more than half of the housing and community development budget and 43 percent of the transportation and construction spending.

If an amendment to the Constitution mandates a balanced budget and my State experiences an economic downturn, it will be at the mercy of the supermajority of 65 Senators who would have to join me and Senator KENNEDY in releasing more funds, if necessary, to combat that recession and prevent it from wreaking greater havoc.

Again, Mr. President, this is not pie-in-the-sky speculation. The Commonwealth Center for Fiscal Policy predicts that "a fiscal crisis looms for Massachusetts." Our fragile State economy will be tested at a time when the Federal Government continues to threaten cuts to vital transfer payments to States.

Mr. President, I oppose this amendment as it is drafted for all the constitutional and economic reasons I have outlined. Before I conclude, I must note to my colleagues that I find it enormously ironic that over the next few weeks, we will all line up to vote for one budget or another that balances by the year 2002. In fact, the President has already submitted his plan and it is, as far as I know, the first one on the table to reach balance by that date. I have not yet seen any plan from my Republican colleagues, but I am confident that when they assemble one, it, too, will balance by 2002. So, you see, Mr. President, we all agree on that. Isn't it ironic that now, of all times, the drumbeat for a constitutional amendment grows louder? Mr. President, where was that drumbeat in the 1980's, when President Reagan was running unprecedented deficits? When no balanced budget was in sight?

Let us call this exercise what it is and get back to work to restore fiscal responsibility the old-fashioned way—through hard work, not by headline grabbing. I yield the floor.

Mr. BAUCUS. Mr. President, I rise in support of the balanced budget amendment.

Amending our Constitution is not an action that anyone in this body should take lightly. I did not reach my conclusion without a great deal of thought and consideration.

It is time for Congress to pass this amendment and open it up to the scrutiny of the State legislatures, the Governors, and the citizens.

A BRIEF HISTORY

"MAX, Congress needs to get its act in gear. We need to balance the budget." Four years ago I heard that everywhere I went in Montana. It didn't matter if I was out on one of my workdays or at the county fairs; spending time on a dusty ranch, or in the growing cities.

The deficit had ballooned to $290 billion and it showed no signs of shrinking. The deficit was not only running up our national debt, it was eating away at the public's confidence in their Government.

Then, 4 years ago, an interesting thing happened. Congress passed, and President Clinton signed, a budget that actually cut our deficit. And now for the past 4 years we have shrunk the deficit. Last year the Congressional Budget Office estimated that the deficit was down to $107 billion.

We can all agree that these are steps in the right direction. But not is not the time to start patting ourselves on the back.

These steps toward solvency are not enough. Montanans still tell me that balancing the budget is one of their highest priorities. And it should be our top priority.

I have worked toward a balanced budget for a long time. I believe that we need to cut spending, eliminate Government waste, and to create a Tax Code which is fair to Montana families.

I have often been in pretty small company as I have worked for the first of those priorities—cutting spending. In 1984, I was joined by former Senator Kassebaum, and Senators GRASSLEY and BIDEN in sponsoring an across-the-board freeze on all Government spending. This 1-year freeze got just 33 votes. While it would have caused pain in Montana, it spread the cuts out to many programs and shared the pain. That's how this process must work if we are to get to a balanced budget.

In 1986, I was the only member of Montana's congressional delegation—and the delegation was 33 percent larger then—to vote for the Gramm-Rudman-Hollings act. That bill required Congress to meet a set of progressively lower budget targets each year. But that bill included no plan to get us to our targets.

I was just one of 31 Senators to join Senator KERREY in 1994 on a bill to cut $9 billion from a number of programs. This package included cuts to programs which benefit Montana, like the food aid programs which help our wheat farmers and the honey program. And the means testing for Medicare part B would have increased medical expenses for some Montanans. But it was fair and it represents the task before us. There are no simple cuts.

I have fought Government waste for years. I have long opposed the star wars defense system and the space station. In the 103d Congress, as chairman of the Committee on the Environment and Public Works, I cut $120 million from the Federal courthouse construction budget. Prior to that I worked with then-Senator DeConcini to cut $50 million from the CIA's National Reconnaissance Office after we caught them wasting money on a building with a fountain and a sauna. I am not a newcomer to this fight.

RATIONALE

On this floor there has been a lively, principled debate about if, when, and how easily this country should run a deficit.

I do believe that in times of crisis, such as an act of war, we should be allowed to run a deficit—temporarily. The last time there was a balanced budget or a budget surplus was fiscal year 1969. We have been running at a deficit for 28 years now—through three expansions and two recessions. To run a deficit for that long—without a clear and pressing need—is wrong.

The time to balance the budget is now.

RESERVATIONS: SOCIAL SECURITY

I also recognize that we have a commitment to Social Security that we cannot ignore. Many Montanans and Americans depend on these benefits when they retire.

We are all aware of the far-reaching budget consequences that will result when my generation, the baby boomers, reaches retirement age. The strain on the system will be unprecedented, but not insurmountable. Through careful planning we can preserve Social Security for all.

However, I fear that it would only be a matter of time before a mid-year scramble to meet budget requirements would lead some legislators to consider cutting benefits. We cannot let that happen. We must protect the Social Security system for our Nation's seniors. I will work very hard to do just that.

CONCLUSION

So I urge you all to speak to your constituents. Look deep within yourselves and examine your values. Amending our Constitution is—by design—a difficult task. Something that cannot be done on a whim.

I have thought long and hard. And I've concluded that we need to make a clean break with the past. We need to establish a new ethic of responsibility.

As I said earlier, there has been a lively and principled debate here on the Senate floor. It is now time to expand the debate. Let the people decide. I am confident that they will be as cautious and thoughtful as we have been.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I know that we are supposed to break at 12:30 unless with consent the managers get more time.

What is the time situation for the distinguished Senator from Utah and the Senator from Vermont?

The PRESIDING OFFICER. The Senator is correct. The Senator from Vermont has 2 minutes and 50 seconds remaining. The Senator from Utah has 5 minutes 40 seconds remaining.

Mr. HATCH. It is my understanding that the distinguished Senator from Texas would like to speak. I think he is on his way. As soon as he arrives, I would be happy to yield whatever time I have to him.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. The Senator from Vermont has 2½ minutes, the Senator from Utah has 3 minutes 20 seconds.

Mr. LEAHY. I ask unanimous consent that the Senator from Utah and the Senator from Vermont be granted an additional 5 minutes each prior to breaking for the caucus lunches.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield 6 minutes to the distinguished Senator from New Jersey [Mr. TORRICELLI].

The PRESIDING OFFICER. The Chair would note that in 6 minutes the hour of 12:30 will have arrived and the Senate will then stand in recess.

Mr. LEAHY. No. Mr. President, the unanimous consent was that we go beyond that time.

The PRESIDING OFFICER. If that is the understanding, if there is no objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. TORRICELLI. I thank the Chair.

I thank the Senator from Vermont for yielding.

Mr. President, several days ago, in an unfortunate and I believe in an intemperate moment that does not characterize the distinguished majority leader, he made some regrettable comments with regard to Members of this institution who as a matter of conscience have decided they either needed to change or oppose the resolution offered by the Senator from Utah.

I will not respond in kind to Senator LOTT's comments, but I do find it necessary today to rise to address once again the question of the balanced budget amendment. The issue was raised whether those of us who have supported a balanced budget amendment were keeping faith with our commitments to our constituents by opposing this resolution today.

I would remind Senator LOTT that not only have I supported a balanced budget amendment but last week I voted for a balanced budget amendment. It is simply not the version he preferred.

I rise also, Mr. President, because I do believe as well there is a burden that has not been met in this institution to those of us who support a balanced budget amendment. And that is the concern raised by the Treasury Department. The amendment as currently drafted would forever preclude the development of a capital budget by the U.S. Government. We have asked the majority to address how in voting for a balanced budget amendment this concern could be accommodated. We have been met by silence. We have asked to have addressed the concerns of the CRS and the Treasury Department of how we could ensure the integrity and the continuance of our obligations to those on Social Security, and it has been met by silence.

But most interestingly, last week during his otherwise unfortunate comments, we were assured by the majority leader that efforts were now being taken to reach an accommodation on Senator FEINSTEIN's concerns about the development of a capital budget, Senator JOHNSON's concerns about the protection of Social Security, and my concerns with each, including the ability of the United States to defend itself militarily and to deal with serious economic recessions. Each of us waited since Mr. LOTT's comments of last Friday for this attempt at reconciliation. I was certain, based on Senator LOTT's comments repeated again in the news on Sunday, that there was a decision to seek some accommodation that would allow all of us who believe in a balanced budget amendment to vote affirmatively today.

I regret to inform my colleagues that I have received no such communication. I know of no other Member of the Senate who has received such communication. I assume, therefore, that either Senator LOTT misspoke or, somehow, there was something disingenuous about his offer. Because my concerns remain. I have voted for a balanced budget amendment to the Constitution last week. I would vote for this, but, like Senator JOHNSON, like Senator FEINSTEIN, I have real and lasting concerns.

I want to know that if there is military aggression against the United States, we are able to respond with other than a declaration of war. I offered an amendment to accommodate those security interests. It was defeated. I remain interested, and I believed I was going to receive from Senator LOTT some communication to accommodate it.

I remain concerned that, in a serious economic recession or depression, the U.S. Government is able to respond, to provide for economic needs. I believed, in Senator LOTT's communication, he was interested in accommodating that concern. It has not happened.

And I remain concerned, like other Members of the Senate, how we can ensure the integrity of Social Security and maintain that commitment to our constituents, and how, indeed, we could provide in the future for at least the possibility of a capital budget.

Mr. President, now, only hours before the vote, I am left with this question. It seems to be relatively simple to reach some accommodation, to engage in some compromise, to reach the concerns of at least one Senator on at least one of these issues. The question, therefore, before the body is this: Did Senator LOTT really ever seek to win this fight, or is this an attempt to amend the Constitution that was never really designed to succeed? We have waited these several days to hear what compromises or new communications the majority leader wanted to share with Members of the Senate. Since none have been received, I assume none were ever intended.

I have said previously that I believe the Senator from Utah has a good amendment. I also concluded that good was not good enough in dealing with an amendment to the Constitution of the United States. The Senate can do better. National security, severe economic recessions, and the integrity of Social Security are real and lasting concerns.

My commitment to my constituents is to use my best judgment. My best judgment is that there should and can be an amendment to the Constitution of the United States to provide for a balanced budget. But we accomplish nothing, indeed, do a disservice to the United States, if we cannot accommodate the real possibility of dealing with military and economic emergencies, and the genuine concern of our constituents in dealing with the problems, potentially, of interrupting Social Security checks.

Therefore, Mr. President, with regret, I rise to inform my colleagues that what I supposed was an effort at accommodation was never tried and, therefore, inevitably failed.

I thank the Senator from Vermont for yielding time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Utah.

Mr. HATCH. Mr. President, I yield the remainder of my time to the distinguished Senator from Texas, who has played a significant role in this and who is one of the brightest people to ever sit in Congress with regard to budgetary matters.

Mr. LEAHY. Is it my understanding, Mr. President, at that time, then, all time would be expired?

The PRESIDING OFFICER. The Senator is correct. The Senator from Vermont has 1 second remaining.

Mr. GRAMM. How much time is there remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. GRAMM. Mr. President, first let me thank our dear colleague from Utah, Senator HATCH, who has been a great and effective leader on this issue. We would not be where we are—that is, as close to the goal line as we are—without him.

Our Senate Democratic colleagues are concerned. We hear it everywhere. They are really concerned. I went back this morning and looked at every amendment they have offered to the balanced budget amendment to the Constitution of the United States and found that they are so concerned that they have offered amendments on the floor of the Senate to exempt 95 percent of the domestic budget from the balanced budget requirement. They are so concerned about balancing the budget that they think 95 percent of the things we spend money on domestically ought to be exempt. They are so concerned about Social Security that they believe we ought to continue to pile up debts.

We balanced the budget last in 1969. Since 1969, we have piled on some $4.8 trillion worth of debt. In fact, just on the debt we have incurred since 1969, the last year we balanced the budget, we paid a gross interest payment of $320 billion last year. And the Democrats are very concerned. They are concerned that if we do not keep piling up debt, we may not pay for Social Security. But, since 1969, in piling up $4.8 trillion worth of debt, we are paying more interest on that debt than we are paying for Social Security retirees today.

Our Democratic colleagues are so concerned, they remind me of someone who would be advising young parents, who have very small children, who want to be able to afford for them to go to college—who might advise those parents, saying: Don't get in the habit of balancing your budget because then you may not send your children to college.

How in the world can anybody with a straight face—and I understand politics—but how can anybody with a straight face stand on the floor of the U.S. Senate and say we are in a better position to protect Social Security today, paying $320 billion of interest payments per year on the debt piled up since 1969, than we would have been if we had never incurred that debt, when the interest payment is bigger than what we are paying into Social Security for retirees? Does logic have no meaning?

Finally, there is the argument about, well, this is not perfect. This just is not quite perfect. Let me say to my colleagues—and this is an experience I have had in working with Senator HATCH—we have been trying to find perfection here. You know, the Founding Fathers didn't find it. If those who remember the story of the miracle at Philadelphia will remember back, when Franklin stood to speak he said that he didn't believe what they had done was perfect, but he doubted that they would do better.

I have found that every time we try to find perfection, every time we try to offer to accept this concern that our Democratic colleagues have, they end up backing away from it. There is no one so unconvincible as a person who will not be convinced.

So, I think it is important that the American people understand some basic facts about all we are going to do today, since the balanced budget amendment to the Constitution is going to fail by one vote. Two Members, who voted for this very amendment in the House and who campaigned for it, are going to cast votes to kill it today. What are we getting out of all this? Let me tell you what the lesson is to the Nation. There are 55 Republicans in the Senate, and every one of them—and I am proud to say every one of them—is going to vote for the balanced budget amendment to the Constitution of the United States. Our Democratic colleagues, in their concern for everything but deficit reduction, have offered amendments to exempt 95 percent of all domestic spending from the balanced budget. How can you balance the Federal budget when you don't count 95 percent of the domestic items that the Government spends money on?

The plain lesson here is this: Despite all we say in our campaigns, despite the fact that there are so many who want the public to listen to what they say at home and not look at what they do in Washington, the bottom line is, over and over and over again, what our Democratic colleagues have shown is that they are not for a balanced budget amendment. How can you vote to exempt 95 percent of the budget from the balanced budget amendment and be for it? You can always find an excuse to not balance the Federal budget. You can always be for it in the abstract and not in reality.

What I want America to get out of this 3-week debate that we have had is, there is a clear difference. There is a clear difference. Republicans, I am proud to say, are absolutely united, 55 out of 55, in favor of requiring, constitutionally, a balanced budget.

This is not our idea. Thomas Jefferson had come back from France where he had been Minister to France during the Constitutional Convention, and when he first saw the Constitution, he said if he could change one thing, he would limit the ability of Government to borrow money to incur debt. And we are here today, over 200 years later, trying to fix this problem in the Constitution.

Some say this is not perfect. Some say, "Shouldn't we exempt all these programs?" What is more important than the future of our children? A baby born in America today, if this current trend of spending continues—and it will without this amendment—will pay $187,000 of income tax during their working lifetime just to pay interest on the public debt.

When does it end? Obviously, in the minds of our Democratic colleagues, not today. We are going to pass a balanced budget amendment, but I am very concerned that we are not going to pass it until we have a financial crisis, until we are all brought to our senses that this debt binge that we are on, mortgaging the future of our children, taxing people yet unborn to pay benefits to people today, has to end. I wish it were ending today. It is a profound disappointment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, has all time expired on the pending issue?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senate is set to go into recess.

Mr. MURKOWSKI. I ask unanimous consent that I may speak in morning business for 5 or 6 minutes.

Mr. LEAHY. Reserving the right to object.

Mr. MURKOWSKI. Not on this subject.

Mr. LEAHY. Reserving the right to object, and I will not object, if—I want to accommodate my friend from Alaska—after that, we then recess for the party conferences. If he can include that in his unanimous consent request, I have no objection.

The PRESIDING OFFICER. Is there objection to the request as propounded? Without objection, it is so ordered.

NUCLEAR WASTE

Mr. MURKOWSKI. Mr. President, I rise to inform the Senate of recent events which relate to the nomination of Federico Peña to be Secretary of the Department of Energy. I would like to state up front, the issue is not Mr. Peña's qualifications, the issue is whether or not Secretary Peña will have the ability to work with Congress to solve the nuclear waste problem. As you know, I have been working for the past 2 years to find a solution to the Nation's nuclear waste storage problem. Currently, civilian nuclear waste is piling up in 41 States at 80 reactor sites and defense facilities around the country.

We have waited many years for a solution—we cannot wait any longer. There is a critical need right now to find a safe central storage facility to eliminate the current threat to the environment and to the American people posed by existing storage.

The administration's position has been that it would not support any nuclear waste legislation until Yucca Mountain has been found viable as a permanent repository. An event which was not scheduled to occur until late in 1998. This position completely ignored the fact that a Federal court had ruled that the Department of Energy was required to take title to the waste in January 1998.

This administration's attitude toward nuclear waste storage is improper, irresponsible, and unacceptable. The American people deserve better.

I looked forward to working with the new Energy Secretary in the post-election spirit of bipartisanship. Indeed, when Mr. Peña testified during his confirmation hearing on January 30 that he would work with Congress to find a solution for nuclear waste storage, I was encouraged.

I was hoping to open a real dialog with the administration to explore possible compromise.

However, before the committee voted on Mr. Peña, the summit between the President and congressional leaders took place on February 11. Because I was encouraged by Mr. Peña's statements at his confirmation hearing, I asked Senator LOTT to raise the nuclear waste issue at that meeting. It was already an issue which had broad bipartisan support in Congress.

I was extremely disappointed when I received a report of what happened when Senator LOTT attempted to raise the issue. The Vice President said words to the effect: "That waste is going to stay right where it is until we have a permanent place to put it." He went on to say that he thought the meeting was to discuss items on which compromise was possible and nuclear waste was not such an item.

I found that to be a totally irresponsible position on the part of the Vice President. It also demonstrated a complete insensitivity to one of our most urgent environmental problems and ignored the contractual commitment. The Vice President had categorically ruled out safe, centralized interim storage. He said "leave it where it is."

I had planned to go ahead with a markup of the reintroduced nuclear waste bill and the Peña nomination the very next day, February 12, but I canceled that business meeting in an attempt to see if the new Secretary would have authority to work with Congress on the impending nuclear waste crisis.

Again the issue was not Mr. Peña's credentials, it was a question of would he have the power and authority as Secretary to work with Congress on the nuclear waste problem.

During the following week, I requested a meeting with White House Chief of Staff, Erskine Bowles, to discuss this matter. That meeting occurred last Tuesday.

I asked Mr. Bowles if there was any way the administration could start a dialog to find a responsible solution to our disagreement on the waste issue. Mr. Bowles said he would look into it and get back to me. The meeting was cordial and I had hoped productive.

Mr. Bowles got back to me last Wednesday morning by telephone. It was a short conversation. I was told that there would be no discussions at all on nuclear waste until after Mr. Peña was confirmed. Let me repeat that—no discussions at all on nuclear waste until after confirmation.

This is the message from an administration which has had its head in the sand on this issue for 4 years. They have refused to discuss or take any kind of responsible position on this issue, yet they want me and the rest of the Senate to move forward on the nominee which will have responsibility over nuclear waste policy.

A nominee, who when Secretary, would have absolutely no authority to even discuss areas of compromise.

It's no wonder Secretary O'Leary waited until she was free from the administration to articulate her support for centralized interim storage. A CQ Monitor story last week reported "O'Leary blamed * * * opposition [to interim storage] on White House officials connected with Vice President AL GORE. She said they see the issue more in political than technical terms." "You'll get more clarity from someone like me outside the system," O'Leary said. Unfortunately, we cannot wait until the next Secretary leaves office before we hear his views on this subject.

Safe nuclear waste storage should not be a political issue. It is a scientific issue and an environmental issue—and we need a solution now. Sadly, the administration has turned a blind eye and a deaf ear.

In addition to threats to the environment and safety, 20 percent of our electric generating capacity is at risk—20 percent. Starting in January 1998, there is a substantial likelihood that American taxpayers will either be paying for or be deprived of billions of dollars a year as a result of this administration's inaction. That's right, Mr. President, estimates of the Federal Government's liability under a recent lawsuit brought by the States run between $40–$80 billion.

Inaction is not an option. Inaction is irresponsible.

Mr. President, I have not asked the administration to change its position prior to Mr. Peña's confirmation. I would like that, but I'm trying to be reasonable. I have identified areas where S. 104 can be modified to alleviate concerns. I am working with Democratic colleagues on the committee to address some of their concerns. I would like to have the same opportunity for dialog with the administration.

Contrary to some White House leaks, that dialog has not been linked to any specific Alaska issue and it has not been about Mr. Peña's qualifications. It has been largely about the administration's lack of a plan to accept the waste by 1998. Americans have paid $12 billion into the fund.

I look forward to working with a Secretary of Energy who can work with me and other Members of Congress on the nuclear waste problem. It is very hard to explore compromise if one side won't talk.

It is also hard if one of the sides ducks the issue for years, and won't take a position until it is forced to.

The Vice President says no talk and no interim storage. Period. He says "Leave it where it is"—in 41 States. Other elements of the administration seem to want to be more cooperative.

It took a meeting with Mr. Bowles, a lot of other conversations, and a couple delays in the confirmation vote to get them to focus on this important safety and environmental issue. The national news attention has also raised visibility.

Now, they seem willing to face the issue. And they are beginning to sort out their real position. The current policy squabble inside the administration suggests it is finally facing up to this pressing issue.

I received a letter from Mr. Bowles. It signals that the administration is willing to engage in constructive dialog; it comes close to finally articulating a policy; and it contradicts the Vice President's non-policy policy of leaving the waste where it is until the final repository is built.

I am pleased to receive the letter. After 2 years, I think we finally may have a real dialog. The letter says Mr. Peña will have the portfolio to talk and work with Congress.

I ask unanimous consent that Mr. Bowles' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHIEF OF STAFF TO THE PRESIDENT,
The White House, February 27, 1997.

Hon. FRANK MURKOWSKI,
Chairman, Senate Committee on Energy and Natural Resources, US Senate.

DEAR SENATOR MURKOWSKI: The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's longstanding commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability determination of a permanent geological repository at Yucca Mountain has been determined.

Following confirmation, Secretary Pena has the portfolio in the Administration to work cooperatively with the Committee and others in Congress on nuclear waste disposal issues within the confines of the President's policy as stated above. Secretary Pena will also be meeting with representatives of the nuclear industry and other stakeholders to discuss DOE's response to a recent court decision on the Department's contractual obligations regarding nuclear waste.

Sincerely,

ERSKINE B. BOWLES.

Mr. MURKOWSKI. Mr. President, based on Mr. Bowles involvement and the good faith commitment by the administration to treat this as a policy and not a political issue, I am announcing the Committee on Energy and Natural Resources will vote on the nomination Thursday at 9:30 a.m.

We look forward to resolving our differences with the administration and moving forward with legislation addressing the nuclear waste crisis by the end of this month.

I look forward to working with Mr. Peña to stop the irresponsible policy of piling high-level radioactive waste at 80 locations in 41 States, near our homes and schools.

Taxpayers are being exposed to billions of dollars in liability and American ratepayers are being cheated out of the $12 billion they have paid into the nuclear waste fund.

Let's get on with it.

RECESS

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:48 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. There will now be 1 hour for debate under the control of the manager on the Democratic side with the first 20 minutes under the control of the Senator from West Virginia [Mr. BYRD].

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, would the Presiding Officer give me what the parliamentary situation is?

The PRESIDING OFFICER. Under the previous unanimous consent agreement, 1 hour of time is reserved at this point under the control of the manager on the Democratic side with 20 minutes allocated to the Senator from West Virginia.

Mr. LEAHY. Mr. President, while we are waiting for the Senator from West Virginia to arrive—and my understanding is there is not someone on the other side now asking to speak—I will, within the time on this side, continue some comments I made earlier this morning.

I talked about the fact that the amendments were, in almost lockstep fashion, knocked down by the proponents of the constitutional amendment. I was concerned about that because even many of the supporters of a constitutional amendment spoke in their testimony before the Judiciary Committee of the basic flaws in this amendment as worded.

When we go to amend the Constitution of the United States, the constitution of the greatest democracy in history, we have at least an obligation to our Nation, and certainly to the Constitution, the bedrock of our democracy, to do it in an understanding way, not as some kind of a slapdash, bumper-sticker, sloganeering fashion that raises more questions than it answers.

The amendment before us leaves wide open questions of Social Security and how that is going to be handled. It leaves wide open the questions of a capital budget.

Just before we recessed for the caucuses, a proponent of the balanced budget amendment spoke about Thomas Jefferson and how Thomas Jefferson said that he would have liked to have had a balanced budget amendment. Well, now, let us stop to think about this. Thomas Jefferson borrowed an amount that was equal to twice the budget of the United States for the Louisiana purchase. I mean, this would be like borrowing trillions of dollars today.

Had President Jefferson had a balanced budget amendment, certainly one like this, he would not have been able to do that. North Dakota would have had the chance to speak Spanish, not English. Our European-sponsored wars probably would have taken place on our continent. Certainly the United States would not be a country described as "from sea to shining sea."

These are some of the historical, as opposed to hysterical, facts in this debate.

Senator DODD offered an amendment that pointed out another serious flaw in the language of the proposed constitutional amendment. Section 5 of the proposed amendment requires the United States to be engaged in military conflict before a waiver may be obtained. Moreover, the Senate report compounded the problem by indicating that only certain kinds of military conflict may qualify. Only military conflict that involved the actual use of military force may serve as the basis for this waiver.

Senator DODD's amendment exposes the folly of this language. It would create constitutional circumstances making military spending and preparations easier only when military force is actually used and military conflict ensues. If you want to arm to deter aggression, that is suddenly no longer the preferred course. If you want to aid allies in a conflict rather than dispatching U.S. military forces, that would no longer be as viable an alternative. If you wanted to rebuild our military capabilities after conflict, you could not do it without three-fifths.

Has nobody read a history book about World War II? Does nobody know what preparations we had to undertake and the possibility that we might go into war? Has nobody read what we did to help other countries? Instead of addressing the serious and substantial concerns raised by Senator DODD's amendment, the sponsors and proponents of Senate Joint Resolution 1 simply opposed the Dodd amendment as creating a loophole in the balanced budget amendment. The proponents did not offer alternative language to address the real military and foreign policy concerns surrounding Senate Joint Resolution 1. Instead, lockstep voting, they defeated the Dodd amendment by a vote of 64–36. And then they rejected those provisions again when they rejected the Torricelli amendment.

We have probably reached a point, Mr. President, where Senators know how they are going to vote. But I hope that they will go back and read what is in this debate. We have said over and over again that if you really want a balanced budget, just balance it. Vote to do it. This morning, I asked the distinguished Republican whip, "Where is the Republican budget?" You know, we have had this debated on the floor of the Senate, Mr. President, when I have raised the fact that we are now paying the interest on the huge debt brought up in the last two administrations—President Reagan's and President Bush's—and the fact that if we weren't paying the interest on the debt and deficits created just in those two administrations, we would actually have a surplus in our budget today, not a deficit.

Having said that, the response was, well, now it is not the President who proposes that, it is the Congress that does that. If you want to go into facts, President Reagan got 99.99 percent of everything he ever asked for. Even though he had the veto pen, he only vetoed one spending bill—only one—as each year unprecedented deficits went up, as each year his budget showed greater deficits than had ever been seen in the history of this country, and he vetoed one spending bill. Why? Was it because it spent too much money? No. He vetoed that one bill because it spent less money than he thought it should. The only spending bill President Reagan ever vetoed was one that spent less than what he wanted.

Let us assume that it is not the President's prerogative to propose a budget. Let us assume it is not the President's plan, and let us assume it is the Congress'. Then I ask, again, my friend, the Republican whip, and others, where is the budget? "Where's the beef?" On April 15, we are supposed to have a budget. Republicans control the Senate and the House. They have a majority in each House. If, indeed, they really want a balanced budget—not a balanced budget gimmick, but a balanced budget—then vote one, pass one. There are 55 Republicans in the Senate. That is a majority. There is a majority of Republicans in the House of Representatives. Just bring up the budget and pass it. Pass it. Pass the actual spending bills and tax bills.

Last year, even with a majority, they didn't even pass 13 appropriations bills on time. Mr. President, the public should not hold their breath waiting for this to happen. The reason is very simple. It is one thing to pass on to the States a constitutional amendment, no matter how poorly drafted, and say, there, I voted for a balanced budget. You can put that on the bumper sticker on your car, you can put it on the tag line in your campaign, and you can use it in focus groups. Of course, it doesn't balance the budget. It doesn't do one thing. It doesn't change 1 cent of our national debt or the deficit, or 1 cent of the budget. But it sure makes you feel good, and it is a nice political gimmick. But if you cast the hard votes to actually bring the deficit down and actually balance the budget, then you are going to upset special interests from the right to the left. I know. I have voted for an awful lot of cuts to our budget. I voted for programs that brought down the deficit. I voted for programs that cut thousands and tens of thousands of Federal employees off of the rolls. I have voted to cut programs in my own State that closed offices in my State and in the State of the Presiding Officer, and every other place.

I think I have heard from everybody whose toes I stepped on in those cuts. It is a heck of a lot easier to vote for the constitutional amendment and say everybody is going to agree with you. It is more difficult to make the actual cuts.

My challenge is this, to all those who say you want a balanced budget. Fine, you have until April 15 to bring one up, and then start making the tough cuts. Mr. President, I guarantee you, we won't see the tough cuts being made, the real efforts to balance the budget. But you are going to hear, once this cockamamy flimflam of a bumper sticker constitutional amendment goes down to defeat this afternoon, you are going to hear everybody saying, "Oh, we lost our chance to have a balanced budget." My response to that is: You guys are in charge, go ahead and do it.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LEAHY. Mr. President, I yield 5 minutes to the Senator from Nevada.

Mr. REID. Mr. President, I express my appreciation to the ranking member, who has done a stalwart job in managing this joint resolution in the last week or 10 days.

Mr. President, if there were ever an example of a "David versus Goliath," it is apparent in what happened this last week. All over America, ads are being run on television, radio, and in newspapers. Millions of dollars are being spent to talk about the merits of the underlying constitutional amendment for a balanced budget. These ads are full-page ads in some of the most expensive publications in the world—the Wall Street Journal, et cetera.

The people who need Social Security can't afford these ads. These people are certainly those that represent the "David versus the Goliaths." Let me read to you a couple of letters I have received in my office:

> DEAR SIR: I would like to join your fight to stop Congress from turning Social Security trust funds into a slush fund to offset Government spending. I support a balanced budget, but not one to loot the Social Security that we have paid into, and our fathers, mothers, sisters, brothers, aunts, uncles, and cousins have also supported. I want to help you in your fight to protect America's trust.
>
> MILDRED JOHNSON.

This is not a full-page ad in the Wall Street Journal, or an ad on network television or radio stations all over America, but just the sending of a letter. This is the best she could do. It was probably hard for her to pay for the stamp on the mail.

In the State of Nevada we have a Social Security recipient who receives $725 a month. These are the people who are supporting what we are trying to do. George Fry from Reno, NV:

> Thank you for your concern, Senator Reid, for Social Security. I am 74. After working my whole life, I really need Social Security. I have a difficult time. My income is in the $6,000 range per year. Social Security plus SSI are $490.89 month. You are very good about helping poor old people.

He is good to send his letter with a 32-cent stamp.

Francis Salden, from Las Vegas:

> Please do not let anyone take Social Security from us. We work very hard for this and sure would be lost if we wouldn't have this. My husband and I work from 7 in the morning until 11:30 at night so we would not be without this . . . Social Security.

They are not just old people who are concerned about Social Security. Young people are concerned also.

Mr. President, Social Security is an important program, one that we have to do everything we can to support and maintain. It is the most important social program in the history of the world. It is the most successful social program in the history of the world. If Senate Joint Resolution 1 passes, Social Security will be devastated.

We have heard very little talk about how Social Security wouldn't be protected. Everyone has said we want to protect Social Security. The easiest way to protect Social Security is to secure it from the confines of the underlying amendment, as we tried to do, and we got 45 votes. All we need is five other people to come and say, "We support the amendment," and follow the leadership of the courageous Senator from Arizona, the senior Senator, Senator MCCAIN, and the senior Senator from Pennsylvania, Senator SPECTER, who said, "In spite of party affiliation, we are going to vote for the amendment because it will protect Social Security."

Mr. President, the polls in America support us. When I started this debate 4 years ago, I was a lone wolf crying in the wilderness. Now, 75 percent of the American public say we want to balance the budget but we want to exclude Social Security from doing so. That will make it hard to do. The easy way to balance the budget is to use Social Security. We want to exclude Social Security.

We have the Congressional Research Service supporting us. The Center for Budget Policy supports our position, Mr. President. We want to balance the budget, and we have voted for a balanced budget. It would be very difficult and hard to balance it if we excluded Social Security, but it will be the right way to do it.

I ask my friends from the other side of the aisle to recognize that unless we exclude Social Security, we are dooming the most successful program in the history of the world to failure.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I have previously emphasized, the constitutional amendment is not like a statute that we can revisit, fine tune, revise, or repeal. We have repealed only one constitutional amendment in more than 200 years of our country's history. The only constitutional amendment we have repealed was that of prohibition.

We ought to remember in this debate that we are being asked to consider an amendment to our Constitution. Before we propose to alter our fundamental charter of freedom—I might say also the blueprint for our representative democracy—we ought to step back from the political passions of the moment. We are debating a proposed constitutional amendment, not just a political slogan, a plank of a campaign platform, or partisan win or lose.

The Constitution of the United States is a good document. It is not a sacred text, but it is the best law of any that has ever been written. That is why it has survived as the supreme law of this country with very few alterations over 200 years. It has contributed to our success as a nation by binding us together rather than tearing us apart. It contains a great compromise that allowed small States and large States to join together in the spirit of mutual accommodation and respect. It embodies the protections to make real the pronouncements in our historic Declaration of Independence. It gives meaning to our inalienable rights of life, liberty, and the pursuit of happiness.

The Constitution requires due process and guarantees equal protection of the law. It protects our freedom of thought and protects our freedom to worship or not as we each choose, and our political freedoms as well. It is the basis of our fundamental rights of privacy and for limiting Government's intrusions—and burdens—into our lives.

So I oppose what I perceive to be this growing fascination in this country—and, unfortunately, the growing fascination with so many in Congress—to lay waste to our Constitution and the protections that have served us well for over 20 years. The separation of powers amendment is the power of the purse and should be supported and defended.

The most recent Republican platform endorsed six or seven constitutional amendments, of which this is only the first. In the last Congress, the Senate debated and rejected three proposed amendments. This year that number could well double, or even triple, unless we begin to exercise some discipline and restraint.

We have only amended the Constitution 17 times since the Bill of Rights. We have only amended it 17 times since the Bill of Rights because those who walked these Halls ahead of us had enough sense that the Constitution came before their political purposes, their polls, their momentary needs. They thought, "How do we protect this Constitution, one of the shortest in the world? How do we protect it and keep it the living, breathing Constitution that it is?"

Mr. BYRD. Mr. President, will the Senator yield?

And of those 17 times, two of those amendments washed each other out.

Mr. LEAHY. They did indeed. As I referred to just before the Senator came on the floor, one of those amendments was, of course, to repeal an earlier amendment.

Mr. President, I see my friend from North Dakota and my friend from West Virginia on the floor. I will yield the floor with this.

When we started off in this Congress, each one of us swore an oath to support and defend the Constitution. That is our duty—all of us—to those who forged this great document. It is our responsibility to those who sacrificed to protect and defend our Constitution. It is our commitment to our constituents. It is the legacy to those who will succeed us just as it is showing our responsibility to those who stood up before us.

Mr. President, we talk about our children. My children will live most of their lives in this next century. I want them to have a constitution they can be proud of, not a constitution that fell, injured by momentary political passions.

I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. CONRAD. Mr. President, I thank the Senator from Vermont. I especially thank my colleague from West Virginia for his courtesy.

Mr. President, we are going to vote in just a very few hours on one of the most critical issues facing this country. Mr. President, I believe deeply that we must balance the Federal budget. I believe we must do it because we are faced with a demographic time bomb that puts this Nation's future in jeopardy if we fail to act. Just as deeply as I feel about balancing the budget, I feel opposition to the balanced budget amendment that is before this body. I call it the so-called balanced budget amendment, because the most important question that we need to ask and answer today is, What budget is being balanced by this amendment?

When you pierce the veil, what you find is this isn't a balanced budget amendment at all. It does not balance the budget. It loots and raids every trust fund that this Government has in order to claim balance. That is what this amendment does.

Mr. President, as I have pointed out before on the floor of this body, if any private company sought to take the retirement funds of their employees and throw those into the pot to claim they had balanced the budget, they would be in violation of Federal law. Yet we are about to enshrine that principle in the Constitution of the United States? The greatest document in human history is our Constitution. It has made this country the greatest country in human history.

Mr. President, this amendment that is before us would take the Social Security trust fund surpluses—just over the next 5 years, $465 billion—and raid and loot every penny in order to claim balance. The American people are for this amendment by about 80 percent until they find out how it works. When they find out it only balances by raiding and looting trust funds, then 80 percent of them are opposed to it.

Part of our responsibility is to make certain that people know how this so-called balanced budget amendment to the Constitution works. This is what it does. It raids and loots every penny of Social Security trust fund surpluses in order to claim balance.

This chart I think discloses just how fraudulent the proposal we are about to vote on is. It shows the deficits and debt in the year 2002. If this is a balanced budget amendment, then in the year 2002, in which it is fully effected, one would expect the debt would not be increasing, that it would stop deficit spending.

That is not what it does. On a unified basis, they claim balance. That is by using every penny of every trust fund of the Federal Government. But if you look at excluding the Social Security trust funds and Postal Service funds, you will find that in the year 2002 we would have a $103 billion deficit. If you look more broadly at all of the funds, all of the trust funds, you find out that the debt would increase $110 billion in the year it is effected.

Mr. President, this is not a balanced budget amendment at all.

Second, there is no provision for a national economic emergency. We know that right now the right policy is to cut spending and balance the budget. That was exactly the wrong policy in the midst of the Great Depression. We ought to have provision for a national economic emergency.

Third and finally, we ought not to have a circumstance that would permit unelected judges to write the budget for the United States. That would be a profound mistake. The judges know nothing about the defense needs of America. They know nothing about the budget considerations for this country. The last thing we ought to have happen is to have unelected Federal judges sitting around the table writing the budget for the United States.

For those reasons, I am opposed to the balanced budget amendment that we will vote on in just a few hours. It would be a mistake for the country. It would not stand the test of time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the distinguished Senator from West Virginia is here, and I will yield to him. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont, on his time, has 12 minutes and 42 seconds, but the Senator from West Virginia, Mr. BYRD, has 20 minutes reserved time under the unanimous consent agreement.

Mr. LEAHY. If that is the conclusion of the Chair, it certainly is one I am very much in favor of. So that the Senator from West Virginia will have 20 minutes of his own time.

Mr. BYRD. Mr. President, I thank my friend from Vermont. May I say that if he has any problem with speakers whom he may have promised some time, if I can be of any help with my time, I would like him to let me know and I will yield some of it.

Mr. President, when the delegates gathered in Philadelphia in May of 1787, much was riding on their deliberations. No one can read the speeches and notes from the Constitutional Convention and miss the tenseness in the air as the men who gathered in May contemplated the sheer magnitude of their task. The situation in the states was critical. These men were charged with nothing less than breathing life into the promise of the beautiful prose crafted by Thomas Jefferson in the Declaration of Independence. They would be held accountable if they failed.

What happened in that room in Philadelphia was extraordinary. What emerged was a near perfect balance of order and liberty, and a careful equanimity between individual freedom and the need for the security of all. George Washington described the result as, "little short of a miracle." Indeed, one cannot read the Constitution without marveling at the genius of its sparsely worded Articles. I have often felt that surely the spirit of the Creator himself was present in the sultry air during that season in Philadelphia.

But, the amendment which the Senate has been considering for the last 11 session days would rudely disrupt the carefully balanced powers of the three branches so assiduously planned by the Framers. It would, for the first time in our history, write a specific fiscal policy into a Constitution intended to accommodate the ages. It would subjugate every endeavor, every need, every aspiration of the people of this nation to one goal—the goal of perpetually maintaining budget balance. It would turn a system which has operated well for over 200 years because of its underlying faith in the judgment of a majority of reasonable men and women into a system that shackles that judgment to the whims and politics of a minority. And because of its unworkable rigidity, the amendment would, before long, be deliberately circumvented, thus laying the groundwork for the slow undoing of the people's reverence for their organic law.

This idea, which seems so simple on its face, has been born of mass frustration and political expediency. Ours is an age transfixed by efficiency, and the sometimes inefficient, often untidy machinations of representative democracy can seem cumbersome. Ours is an age, too, which deifies certainty—an age which has great faith in our ability to quantify everything, to predict all contingencies, to deal with all eventualities in advance. In fact, much of the law which we write today seems to reflect an almost compulsive urge to anticipate, regulate, and control every human activity.

It is ironic that many who support this amendment also rail against the large hand of government control in the private sector. What is this amendment but a strange hyperextension of that same urge to try to predict and control every budget eventuality with some sort of legal restriction which will keep us in budget balance in perpetuity? Especially in the case of the budget process, our laws have already become so complicated that few in Washington truly understand them. Why would we want to compound that complexity by the addition of a constitutional amendment and all of the rigidity and danger that it poses? The answer is simply that the people are frustrated, and this amendment can serve as political cover for a time. So we all decry debt and bemoan deficits and claim that we need the amendment for discipline. It is the magic formula. It is the ultimate fix for our budget problems.

The distinguished chairman of the Judiciary Committee has, since the start of this debate, kept the budget documents for the past 28 years upon his desk. It is true that we have run large deficits during many of those years. But, let us not forget that the heavy spending that this nation undertook during the cold war certainly contributed to those unbalanced budgets.

Yes, we ran deficits, but I was here, and I can tell you that there was no significant feeling in this chamber that that money was not well spent. This body reflected a strong consensus in the nation as a whole that we needed to spend whatever it took to assure our survival as a nation, and to prevail over the Soviet Empire in the cold war. Starting in 1962 and continuing until 1982, the annual average percentage for defense spending of the entire discretionary spending pie was 60.6 percent. From FY 1983 to FY 1992, defense spending exceeded domestic spending by an annual average of 68 percent for the whole period. The rationale provided by then President Reagan was that we would spend the Russians into the ground. Their economy was no match for ours and the Evil Empire would implode.

It was a successful strategy. The Soviets were unable to match our defense investments and beggared their economy to such an extent that it was a major contributing factor to the shattering of the Soviet empire.

Was that money well spent? Did we invest wisely? You bet we did. It was one of the best investments ever made by the United States over time. Yet, it could never have been done under this amendment.

We got something invaluable for that budgetary debt. We protected our way of life and our freedoms against a foreign menace. And not only did we protect our way of life, we performed a service for millions of people around the globe by breaking the backs of the Soviets. Those annual budgets were based on an assessment of the best interests of our national needs at the time by a majority in the Congress working with the executive. And that is exactly as the Framers envisioned.

Throughout this debate, I have heard debt and deficits portrayed as "immoral". What folly that is. While most would say that gambling debts are bad, or immoral, would anyone claim that borrowing to send a child to college or to provide a home for one's family is an evil or immoral thing? Indeed it can be immoral not to borrow. And by denying future leaders the budgetary freedom to borrow for investments for future generations, are we not depriving those future citizens of the birthright of realizing their full potential? By subjugating every other objective and every national endeavor, everything, from protecting an ally, to building up to fight a war, to conquering an epidemic, to feeding the starving, to investing in public infrastructure, to educating our children, to challenging foreign competition in the international playing field, to protecting our economy in the event of a recession, everything will be held hostage to the all supreme god, the golden calf, of balancing the budget each and every year. Is that what the American people want?

Has anyone been noticing the recent economic surge of China? Its growth rate is now around 10 percent a year. Its economy now ranks third in the world. And China has increased its military budget by 50 percent in real terms between 1988 and 1993. Surely China is fast becoming an economic power to be reckoned with. Are my colleagues completely sure that, even in the military arena, future challenges will not arise that may require us to again mount a long, steady buildup of fresh dollars for defense? We need the tools to react. We cannot anticipate every future contingency.

Yes, it is true that presently, our debt is too high. In part, we are still grappling with the residue of debt from the cold war buildup and the savings and loan crisis. In cooperation with President Clinton, over the past several years the deficit has been coming down. We have heard the concern of the people. Our system is working in exactly the way the Framers intended. We have had the latitude to meet our challenges. We have all the constitutional power we need right now to balance the budget. We need nothing more. Adoption of this amendment will only close down our future options and invite the ingenuity of circumvention. Let no one be confused. If this amendment were ever to become part of our sacred Constitution, all of our collective energies, henceforth, would be devoted to overcoming each of the obstacles it will have erected. A thousand flowers would bloom—all of them sowing the poisonous seeds of disrespect for our law and further mistrust of government.

Balancing the budget is, indeed, a very difficult task. It is difficult because it means inflicting pain. It means making decisions that are not popular, and it means hurting some people because of cuts to programs that matter in their lives. But we were sent here to use our judgment and to make the hard decisions. All that we have to do now is don the "velvet cloak of responsibility." We need to begin by telling the people the truth about what it will take to achieve yearly budget balance. If this is to be our goal, taxes will have to be raised and popular programs will have to be cut, because there is no other way.

Already, our lack of courage and candor has resulted in mistrust by our constituents. But, surely the answer to our political dilemma is not to make our Constitution a scapegoat. Let us not make this Constitution a scapegoat. Let us never go down the ridiculous road of saying to the people, "it's not my fault, the Constitution made me do it." That is the ultimate copout. The easiest thing in the world for politicians and for bureaucrats to do is to hide behind the regulations or, in this case, behind a constitutional amendment. One of the few things that continues to unite us and to command our collective reverence is our Constitution. I would hope that we would always be unwilling to risk that precious commodity, just so politicians can more conveniently duck the accountability for difficult decisions.

Public policy is often controversial, but it can only be crafted by human judgment. No process—no amendment to the Constitution, no law that can ever be devised can ever substitute for it. The dream of a somehow automatic government, completely objective and insulated from the perils of flawed human judgment, may be in vogue today because it fits neatly with our traditional fear of government, especially big government. But, automatic, mechanistic, formula approaches to governing are really the antithesis of what the Framers had in mind.

Theirs was a vision of well-motivated men, kept in check by carefully balanced powers and accountability to the public, but left unfettered enough to deal with the changes and challenges of the ages. The proponents of this amendment claim that we must have this amendment or there will be no discipline to force budget balance. Consider the paucity of that argument. Remember that word, accountability. The people have all the tools they need to discipline us, simply by exercising their rights at the ballot box come election day. I believe that we can meet our responsibilities to bring this budget to balance without resorting to this ruinous encumbrance of our Constitution. But, we must all step up to our responsibilities, be accountable to our people, and put aside partisanship if we are to succeed. If we do that, then this amendment will at last be relegated to the ash heap of bad ideas where it most assuredly belongs.

I have fought this fight a half dozen times in the Senate since 1986. Frankly, I am weary. There is so much at stake. But, each time that I fight this amendment anew, I thank God that there are those Members who are willing to risk political popularity for the dictates of their own consciences.

And they have no one to answer to but their constituents. When they take the oath of office to be United States Senators, they do not surrender their independence. They do not surrender their independence. They do not surrender their consciences to anybody in this Chamber or in this Government. And they are accountable only to the people of their States.

They have not taken the easiest course. They have chosen, rather, to go against the prevailing political winds in order to do the right thing. There can be no other motivation for such courage, but a deep and abiding love for this magnificent country of ours.

The 5th century Athenian statesman, Pericles, delivered a funeral oration to commemorate the soldiers who gave their lives at the battle of Salamis. Upon that occasion he said, "It was for such a country, then, that these men, nobly resolving not to have it taken from them, fell fighting and every one of their survivors may well be willing to suffer in its behalf." I thank God for a continuing supply of these noble men and women in our own time, "willing to suffer" on behalf of our country and its Constitution. Because of their courage, the miracle at Philadelphia may be preserved for yet a while longer.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, what is the time situation?

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Vermont has 12 minutes, 40 seconds remaining.

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from West Virginia has yielded back 1½ minutes.

Mr. BYRD. I thank the Chair.

Mr. LEAHY. Mr. President, the Senator from West Virginia has stood stalwartly like the giant rock maple trees of Vermont, those trees, which have such great strength but are also the source of Vermont's sweetest product, maple syrup. I say this because we know of the kindness and gentleness toward his colleagues of the distinguished Senator from West Virginia, but we know that like the rock maple trees of Vermont, he does not bend to the attacks on the Constitution.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LEAHY. Of course.

Mr. BYRD. I thank my friend from Vermont whose heart is as stout as the Irish oak and as pure as the Lakes of Killarney.

Mr. LEAHY. I didn't think in 22 years I would be at a loss for words on the floor of the Senate, but that came as close, let me tell you.

Mr. President, we will come very soon to a vote. The distinguished Senator from West Virginia does deserve enormous credit for standing up each time for the Constitution. Really, that is what I am urging Senators to do. There is no question in my mind that if we took a public opinion poll, the popular thing, the easy thing would be to vote for this constitutional amendment, and we can say, then, as soon as the States ratify it, it is somebody else's problem.

If we don't stand up and do the things we need to do to protect the Constitution, if we don't stand up and do the things we need to do to bring down the deficit, if we don't stand up and cast the tough and unpopular votes, well, then, somebody can go to court and let the courts straighten it out.

Mr. President, when I first announced for the U.S. Senate in this week—this very week—in 1974, I was a 33-year-old prosecutor in the only State in the Union that had never elected a member of my party. I told the people of Vermont, "You may not always agree with me on every single thing I will do, but I will make you one pledge: I will hold your interests and the interests of the country foremost. I will follow my best judgment. I will follow my conscience. I will not allow myself to be swayed by passing polls and fancies, and I will always try to do right."

I have cast more votes in the U.S. Senate than any Senator in Vermont's history. I have cast more votes in the U.S. Senate, by far, than any Senator in Vermont's history. If I went back through those thousands of votes, I bet I could find a vote or two or three or four that might come as close. Some come to mind, because some of these votes were votes, if I could have cast it on a balance, I would have cast 51 percent one way, 49 percent the other, they were that close.

I remember the wise advice of the majority leader when I first came here, Senator Mansfield of Montana, who said, "Don't worry if maybe you have some difficulty on a very close vote. Do what you think is right, and if later you determine maybe you made a mistake, the issue will come up again." It usually does.

So if I go back to the thousands of votes, I could find one of those 51 to 49 votes, but this is not one of those 51 to 49 votes. On this vote, I have no question in my mind what is the right vote. It is not the popular vote, but it is the right vote, and that is the vote I will cast against this amendment, because we have amended the Constitution only 17 times since the Bill of Rights, and two of those amendments crossed each other out: One was for prohibition; one was to end prohibition. All the other amendments have stayed there, because the men and women who came before us carefully considered what was best for the country, what was best for our Constitution, and even though during this time the temptation, the siren song of constitutional amendments has been heard through the Halls of the House and the Senate hundreds and hundreds of times, the siren song has been heard by those campaigning, by those elected and by those defeated, but the siren song was resisted. We are a better country for it.

This is not a time to try to manipulate the Constitution of the United States of America. This is not a time to put into the Constitution an amendment so flawed, an amendment that leaves more questions unanswered than questions answered, an amendment that may look good on a bumper sticker but stinks like a dead mackerel on the shores of the Constitution. This is not an amendment this Senate should send to the States.

Rather, what we should do, Republicans and Democrats alike, is join together and pass real budgets, pass those budgets that allow the United States to continue to have the world's strongest economy, an economy that is the envy of every other country, and an economy, incidentally, which has a smaller deficit as part of its gross domestic product than any of the rest of the industrialized world, an economy which is unmatched in recorded history, and realize that there are things that we should spend for.

Thomas Jefferson borrowed an amount, I think, equal to about twice what the whole budget of the United States was to make the Louisiana Purchase. Is there anybody here who would like to see what this country would be like had we not made that Louisiana Purchase, had we not had that westward expansion? If we had not been able to go out to our Western States, why, there are some Senators even currently in this Chamber today who might not have States to represent had we not had the Louisiana Purchase.

I ask Senators to think back to when the Constitution was put together. Small States and large States were given an equal voice in this body so that they could maintain their identity. What a great compromise that was, what that did to allow this country to hold together—an advantage, obviously, to my own State of Vermont. But under this constitutional amendment, on matters of spending, on matters of crises, on matters of natural disasters, we would no longer have that parity. We would be left at the whim of the minority, not of the majority.

So, Mr. President, on this vote, I am sure in my heart and soul I am voting the right way, the right way for the State of Vermont. But I must say to my fellow Vermonters, even more important, it is the right way for our country and our Constitution.

I was raised in a household brought to revere the Constitution. I have taken an oath to support it in each of my terms in the U.S. Senate, in each of my terms as a prosecuting attorney. I remember each and every time I took that oath because I stopped and thought of what I was swearing allegiance to. It is what sets us apart from all other countries on Earth. It is why we have a Constitution that every one of us should stop and read and reread periodically. It is why, if we have a matter where we want to bring down the deficits, then do it the honest, old-fashioned way, vote to bring it down, vote the hard choices, vote against the special interest groups on the right or left, vote for what is best for the country, but do not pass the responsibility off to our Constitution, to future generations, to the courts to do what we are elected to do, what we are paid to do, and, more important, what we are sworn to do for this country.

This is something that should unite Democrats and Republicans. When this debate is over and after this vote has gone by, I hope that before we go to more bumper-sticker kinds of debates, that we go to the issues where we can join. Certainly the financial status of this country is one.

Mr. President, earlier today, I was summarizing the debate that the Senate has had on this proposed 28th amendment to the Constitution of the United States. I would like to continue that discussion to complete the RECORD on this historic debate.

REID, FEINSTEIN AND DORGAN AMENDMENTS

Senator REID offered a perfecting amendment to exclude the Social Security trust fund from Senate Joint Resolution 1. Senators FEINSTEIN, and DORGAN also offered substitute constitutional amendments that would have excluded the Social Security trust fund from the balanced budget mandates. The Reid, Feinstein and Dorgan amendments all focused on removing any threat to Social Security by this proposed constitutional amendment.

The Social Security Program is America's contract with its senior citizens. Were the underlying resolution to become the basis for a constitutionally-mandated budget balancing act, Social Security would be rendered just another Government program and have its place on the chopping block with everything else.

Since 1983, Congress has acted to protect Social Security from overall budget cuts. The Social Security Amendments of 1983 required Social Security to be placed off budget within 10 years. That protective legislation passed the Senate 58 to 14 with a strong bipartisan majority. In fact, Congress accelerated this process. Rather than wait 10 years, the Balanced Budget and Emergency Deficit Control Act of 1985, commonly known as Gramm-Rudman-Hollings, placed Social Security off budget beginning in 1986. This means that the congressional budget resolution in 1985 was the last time that Social Security was included in the Federal budgets that Congress approves each year.

Gramm-Rudman-Hollings permitted across-the-board spending cuts—sequestration—when budgetary goals are not achieved. By its actions placing Social Security off budget, Congress explicitly and intentionally exempted Social Security from the sequestration process. Gramm-Rudman-Hollings—with its protections for Social Security—passed the Senate 61 to 31 with a strong bipartisan majority.

The Budget Enforcement Act of 1990 reinforced earlier protections by placing Social Security even more clearly off budget. This bill, too, passed the Senate 54 to 45 with the bipartisan support of 35 Democrats and 19 Republicans.

The proposed constitutional amendment turns its back on these many years of bipartisan progress in protecting Social Security from the ebb and flow of efforts to eliminate the deficit. I believe that our senior citizens deserve better.

When the Government overestimates revenues for an upcoming year, or underestimates expenses, or something changes in the course of the year to influence either, the budget goes out of balance and, under Senate Joint Resolution 1, the Government is out of money. The amendment's mandates would make continued expenditures into constitutional violations of law. If this proposed constitutional amendment were enshrined in the Constitution, it could force the Federal Government to stop making payments for any number of obligations, possibly including payment of Social Security checks, until the budget imbalance could be corrected.

Treasury Secretary Rubin warned the Judiciary Committee of this great risk, when he testified:

> [T]he amendment poses immense enforcement problems that might well lead to the involvement of the courts in budget decisions, unprecedented impoundment powers for the President or the temporary cessation of all federal payments. Any of these options could disrupt Social Security and Medicare payments.

Further, if the President and Congress reached a budget impasse under the proposed constitutional amendment, Secretary Rubin cautioned:

> Some proponents have suggested that under these circumstances, the President would stop issuing checks, including those for Social Security benefits. Alternatively, judges might become deeply involved in determining whether Social Security or Medicare checks would be stopped.

This would be a disaster for senior citizens on fixed incomes who live on Social Security and Medicare from check to check. When they miss a check, they will not have the funds to pay the rent or meet the mortgage, buy groceries, pay their utility bills, heat their homes, pay for medical care or needed pharmaceutical drugs, or meet other expenses.

That is the dilemma that the Social Security system would face if Social Security is not protected under this proposed constitutional amendment. In his recent letter to Senator DASCHLE, the President stated:

> I am very concerned that Senate Joint Resolution 1, the constitutional amendment to balance the budget, could pose grave risks to the Social Security System. In the event of an impasse in which the budget requirements can neither be waived nor met, disbursements or unelected judges could reduce benefits to comply with this constitutional mandate. No subsequent implementing legislation could protect Social Security with certainty because a constitutional amendment overrides statutory law.

The 1983 bipartisan Social Security Commission headed by Alan Greenspan recommended converting the Social Security system from a pure pay-as-you-go program to one that builds up surpluses to pay for the future retirement of the baby boom generation. The Greenspan Commission recommended taking Social Security off budget in order to meet this goal without subjecting the program to the vicissitudes of Federal budgeting for other programs. Congress concurred with the Greenspan Commission's recommendations in passing the Social Security Amendments of 1983.

Just as families save for their retirements, the Social Security Program currently is building up surpluses while baby boomers are still working in order to be able to afford their retirements in the next century. This proposed constitutional amendment would encourage, even necessitate, Congress, the President, and the courts using Social Security as a way to comply with the amendment. When the trust fund begins to shrink after the year 2020, this proposed constitutional amendment would add pressure on the Government to cut Social Security rather than risk constitutional violation. Instead, we ought to be working on ways to honor our commitments and ensure the long-term solvency of Social Security.

A recent analysis from the Center for Budget and Policy Priorities is telling. It says:

> The Leadership version [of S.J. Res. 1] would be virtually certain to precipitate a massive crisis in Social Security about 20 years from now, even if legislation has been passed in the meantime putting Social Security in long-term actuarial balance. To help pay the benefits of the baby boom generation, the nation would face an excruciating choice at that time between much deeper cuts in Social Security benefits than were needed to make Social Security solvent and a much larger increase in payroll taxes than would otherwise be required. There would be only one other alternative—to finance Social Security deficits in those years not by drawing down the Social Security surplus but by raising other taxes substantially or slashing the rest of government severely. As a result, the government might fail to provide adequately for other basic services, potentially including the national defense.

Congress can balance the budget while protecting Social Security, but the sponsors of the underlying resolution tabled the Reid, Feinstein, and Dorgan amendments. I do want to acknowledge Senator McCAIN and Senator SPECTER for voting their conscience on the Reid and Dorgan amendments to protect Social Security. I respect their decisions to buck their party's no-amendments strategy on this point. Their votes not to table these amendments were, I believe, the only times Republicans voted to do anything other than march lock-step with their leadership in support of the original language of Senate Joint Resolution 1.

TORRICELLI AND FEINSTEIN AMENDMENTS

Before he announced his determination how he would vote on the underlying resolution Senator TORRICELLI offered an amendment that highlighted another serious flaw in Senate Joint Resolution 1. The underling resolution prohibits capital budgeting.

As Senator TORRICELLI so forcefully pointed out during the Judiciary Committee deliberations on Senate Joint Resolution 1, we as a nation are suffering from a capital investment crisis. In 1965, more than 6 percent of our Federal expenditures were invested in infrastructure such as roads, bridges, ports, and mass transit systems. By 1992, that share of capital investment had fallen by more than half to about 3 percent of our Federal budget and this year it will approach barely 2 percent.

At the same time as our infrastructure funding has been shrinking, our Nation's needs have continued to grow. The result is that we are becoming a nation in disrepair. For instance, more than a quarter of a million miles of roads need repair and more than 25 percent of our bridges have exceeded their lifespan.

This failure to maintain adequate infrastructure is hurting our competitiveness in the global economy. We are competing against other countries with the foresight to repair their roads and bridges, modernize their transit systems, maintain their ports, build new schools, and make the investments in telecommunications infrastructure that are the keys to success in today's global competition. The United States is dead last among the G–7 nations in public infrastructure investment as a percentage of gross domestic product.

We must reverse this trend and make the long-term investments needed to support a strong economy. We must be able to invest in education if we are to give our children their best chance to compete and win in the coming century.

Sections 1 and 7 of the underlying resolution prohibit capital budgeting. All expenditures, whether the equivalent of operating expenses or capital investments, are tallied the same for purposes of this proposed constitutional amendment. The sponsors and proponents of this measure refuse to permit any exception and future Congresses will be forever barred from solving our infrastructure crisis by creating a capital budget for long-term investments.

Senate committee hearings in 1995 established an extensive record in support of maintaining a separate capital budget. Herbert Stein, of the American Enterprise Institute and former economic adviser to President Nixon; Edward V. Regan, of the Jerome Levy Economics Institute and former New York State controller; and Dr. Fred Bergsten, on behalf of the bipartisan Competitiveness Policy Council and former Assistant Secretary of the Treasury during the Carter administration; differed on the wisdom of enacting a constitutional amendment on the budget but all agreed on one thing: If such an amendment were to be considered it should separate capital investments for any annual balance requirement.

Nonetheless, when the majority had the opportunity to consider amendments that would have allowed for a separate budget for capital investments, it rejected them. This was a principal thrust of the Torricelli substitute and an important aspect of the Feinstein substitute. They were flatly rejected by the majority and their no amendments approach to consideration of the underlying resolution. Both of these amendments were tabled with all Republican members who voted, voting against capital budgeting.

This inflexibility is one of the principal objections of the more than 1,000 economists who oppose Senate Joint Resolution 1. It is also one of the reasons President Clinton opposes this constitutional amendment on budgeting. As the President so clearly stated:

> We must give future generations the freedom to formulate the federal budget in ways they deem most appropriate. For example, some believe that the federal government should do what many state governments do: adopt a balanced operating budget and a separate capital budget. Under this constitutional balanced budget proposal, the government would be precluded from doing so.

During the Judiciary Committee's January 17 hearing, Robert Greenstein of the Center on Budget and Policy Priorities explained:

> What families do when they balance their budget is families say that all of their income, including money they borrow, equals all the cash they pay out. Families borrow money when they purchase a house through a mortgage, when they buy a car, and especially when they send a child to college. If families had to operate on the basis that this amendment does, they would have to pay for all of college education out of the current year's income, all of the entire cost of a home, not the down payment, the whole thing, out of the current year's income. Nobody operates that way.

The actions of Thomas Jefferson as President, as opposed to his oft-quoted ruminations about the evils of public debt, are also instructive but ignored by the majority. In 1804, President Jefferson had the United States borrow $15 million, in 1804 dollars, by selling bonds to finance the Louisiana Purchase. That amount approximates more than $225 billion in 1993 dollars and exceeds every Federal budget deficit except for the final 2 years of the Bush administration.

Was President Jefferson wrong to invest in the Louisiana Territory that provided this country with 15 States? Of course not. But had the provisions of Senate Joint Resolution 1 been included in the Constitution, our Nation's westward expansion might well have ended at the Mississippi River.

Under the underlying resolution, the failure to permit a capital budget would have severe consequences by discouraging long-term investment and ignoring our infrastructure crisis. Just as a budget deficit unfairly harms future generations so, too, does the failure to differentiate capital investments from operating and consumption expenditures. The inevitable result will be less investment in our country's future, pressure to operate through inefficient leasing practices and gimmickry.

The majority ignores the fact that 42 States, most cities, and businesses exclude from their balanced budget requirements capital, enterprise, or trust funds that are financed primarily by borrowing rather than by current revenue. Moreover, most States with balanced budget requirements use capital funds that finance major capitol projects by issuing long-term debt.

The Nation's leading economists agree that a capital budget is an essential part of the State experience with balanced budget requirements and that the omission of a capital budget in this proposed constitutional amendment is a major flaw. These economists note:

> Unlike many state constitutions, which permit borrowing to finance capital expenditures, the proposed federal amendment makes no distinction between capital investments and current outlays. . . . The amendment would prevent federal borrowing to finance expenditures for infrastructure, education, research and development, environmental protection, and other investments vital to the nation's future well-being.

Having defeated all attempts to allow for capital budgeting within the underlying resolution over the last several weeks, the weekend papers are again hinting that the Republican leadership is rethinking its strategy and may be willing to reconsider whether capital budgeting can be incorporated into the underlying resolution. These vacillations by the majority illustrate why this matter is not appropriate for a constitutional amendment. The Constitution cannot be made to say and require one fiscal policy one week and the opposite the next. That is not the stuff of the Constitution. These are matters of public interest that can be addressed by policy and statutes that serve the times and the needs of the American people.

BOXER AMENDMENT

Senator BOXER offered an amendment to Senate Joint Resolution 1 that again pointed out a serious and substantial flaw with this proposed constitutional amendment. The Boxer amendment would have permitted Congress to response to emergencies and natural disasters by a majority vote.

The proposed constitutional amendment can no more prevent a recession than it can an earthquake, but it will restrict our ability to deal with the effects of both. A natural disaster, such as a large-scale flood, earthquake, or fire, could require the Federal Government to expend large sums to assist the victims and begin to rebuild the ravaged area. We need only look to the devastation suffered in Arkansas and Mississippi over the last few days to be reminded of nature's power.

The proposed constitutional amendment would make these kinds of sudden emergency expenditures impossible because they would cause an unauthorized increase in the deficit. Humanitarian efforts could and would be held hostage while the requisite supermajorities were rounded up in each House of Congress. A minority in either House could block such efforts altogether or extort other paybacks.

In recent years, the Federal Government has been called on to give critical aid to supplement State and local efforts to protect the public health and safety in response to major disasters and emergencies. Much of this aid has been paid for by supplemental appropriations because of the unexpected nature of major disasters and emergencies.

From fiscal years 1989 to 1996 Congress had to appropriate supplemental major disaster and emergency relief in every year but one. For example, in 1992, Congress passed an emergency supplemental appropriation over $4 billion to help victims of the Los Angeles riots, the Chicago floods, and Hurricane Andrew. In 1993, Congress passed an emergency supplemental appropriation of $2 billion to help victims of the Midwest floods. In 1994, Congress passed an emergency supplemental appropriation of more than $4 billion to help victims of the Los Angeles earthquake.

Relief for major disasters and emergencies must be flexible. Usually, a swift response from the Federal Government is needed to aid local relief efforts. Disaster and emergency relief by constitutional mandate is a prescription for gridlock, not swift action. When your State is hit by a major disaster or emergency, do you want critical Federal assistance to hang on the whims of 41 Senators or 175 Representatives?

Our Founders rejected requirements of supermajorities. We should look to their sound reasons for rejecting supermajority requirements before we impose on our most vulnerable and neediest citizens a three-fifths supermajority requirement to provide them Federal relief from major disasters and emergencies.

Alexander Hamilton painted an alarming picture in "Federalist Paper No. 22" of the consequences of the poison of supermajority requirements. Hamilton said that supermajority requirements serve "to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority."

These supermajority requirements are a recipe for increased gridlock, not more efficient action. As Hamilton noted long ago: "Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good." Such supermajority requirements reflect a basic distrust not just of Congress, but of the electorate itself. I reject that notion.

I fear that a supermajority requirement will lead to some in Congress playing politics with critical relief from disasters and emergencies. Even with today's simple majority requirement for supplemental appropriations for disaster and emergency relief, we see the potential for partisan politics.

In the last Congress a multibillion-dollar disaster aid package for California was caught in the budget wars between President Clinton and House Republicans. The House Republican leadership delayed action on a request from the President for supplemental appropriations for emergency relief for victims of the California floods and Los Angeles earthquake. Fortunately, public outcry forced the House Republicans to relent. That political gamesmanship happened with only a simple majority requirement for supplemental appropriations for disaster and emergency relief. Think what would happen if Congress had to clear a supermajority hurdle to pass disaster and emergency relief.

Again, instead of addressing the serious and substantial concerns raised by the Boxer amendment, the sponsors and proponents of Senate Joint Resolution 1 simply opposed its consideration as creating a loophole in the underlying resolution. They did not offer alternative language to address the emergency and natural disaster concerns surrounding Senate Joint Resolution 1. Instead, with lock-step voting, they tabled the Boxer amendment by a vote of 60 to 40.

FEINGOLD AMENDMENT

Senator FEINGOLD offered several amendments to Senate Joint Resolution 1, including one that would have permitted the use of a "rainy day" fund. Simply put, the Feingold amendment would have allowed the use of an accumulated surplus for necessary expenditures during any fiscal year.

Section 6 of the underlying resolution states: "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." [Emphasis added].

What happens when these estimates of outlays and receipts fail to come true during the fiscal year? As is usually the case each year, Congress is wrong on its economic forecasts. For example, in June 1995 the Congress adopted a budget resolution that anticipated a deficit of $170 billion in the 1996 fiscal year. In August 1995, the Congressional Budget Office anticipated a deficit of $189 billion for the 1996 fiscal year. But the deficit for the 1996 fiscal year was actually $107 billion.

To respond to the usual budget forecast corrections, several of the majority's witinesses during Judiciary Committee hearings recommended that Senate Joint Resolution 1 be amended to allow the Federal Government to establish a rainy day fund or stabilization fund. This fund would adjust to budget shortfalls or overruns during the fiscal year.

For example, James C. Miller III, former Director of the Office of Management and Budget during the Reagan administration, testified:

> I would urge you to consider incorporating a "rainy day fund." Thus, if one year revenues fell short (or outlays ran over), you could dip into this fund without violating the balanced budget requirement.

If the experience in the States is instructive, then a rainy day fund is a necessity for any balanced budget requirement. According to the American Legislative Exchange Council, 45 States have budget stabilization funds or rainy day funds to respond to unanticipated shortfalls in revenue or overruns in outlays.

The majority, however, ignores the advice of its own witnesses and the experience in the States, and prohibits the use of a rainy day fund under this proposed constitutional amendment. Instead of adopting the Feingold amendment, the majority simply marched forward lock-step in their no-amendments strategy and tabled the Feingold amendment by a vote of 60 to 40.

KENNEDY AMENDMENT

Finally, Senator KENNEDY offered an amendment to Senate Joint Resolution 1 that revealed perhaps its most serious flaw. The Kennedy amendment was a sincere effort to confront the matters of enforcement of the underlying resolution, which would have limited the enforcement of the proposed constitutional amendment to Congress.

As James Madison wrote in the Federalist No. 48, "the legislative department alone has access to the pockets of the people." Our Constitution now gives Congress the primary authority, and responsibility, with regard to the raising and expenditure of outlays. The proposed amendment would dramatically alter the allocation of powers set forth in article I, sections 7, 8, and 9.

It risks casting the Federal and State courts in the role of Federal budget czars deciding in myriad cases whether the Federal budget is impermissibly out of balance, and where it is, forbidding spending and ordering what remedies it deems appropriate for the constitutional violations occasioned by circumstances in which outlays exceeding revenues in any year without supermajority approval of the Congress.

Although the proponents of the proposed constitutional amendment have left it silent with regard to the role of the courts in its interpretation, implementation, and enforcement, that silence is deafening.

Section 1 of the amendment contains a flat prohibition on total outlays exceeding total receipts in any fiscal year, except as expressly authorized by a supermajority in each House of Congress. Having embedded this mandate in the Constitution, this proposed constitutional amendment invites the courts to become actively involved in determining when this constitutional command is being violated and how such violations are to be remedied.

In the memorable words of Chief Justice Marshall: "It is, emphatically, the province and duty of the judicial department, to say what the law is." *Marbury* v. *Madison*, 5 U.S., 1 Cranch, 137, 176 (1803). Since that historic decision, the Supreme Court has had the preeminent role in articulating the scope and meaning of our Constitution. The majority report concedes the fundamental obligation of the courts to say what the law is.

If the proposed constitutional amendment on budgeting were ratified, the fulfillment of this role by the Supreme Court, and other courts, could require them to address complex budgetary issues that courts are ill-suited to resolve. As de Tocqueville wrote more than 148 years ago: "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." If the proposed constitutional amendment were ratified, several of its provisions would give rise to cases and controversies that the courts would be called upon to resolve.

Supporters of the proposed constitutional amendment, in fact, desire judicial involvement and enforcement of its terms. The representative from the U.S. Chamber of Commerce testified before the Judiciary Committee:

> [T]here is a legitimate and necessary role for the courts in ensuring compliance with the amendment. Congress could potentially circumvent balanced budget amendment requirements through unrealistic revenue estimates, emergency designations, off-budget accounts, unfunded mandates, and other gimmickry. It is our view that the need to proscribe judicial policy making can be reconciled with a constructive role for the courts in maintaining the integrity of the balanced budget requirement.

In response to questions, the representative of the National Taxpayers Union, another advocate for the proposed constitutional amendment on budgeting in spite of its potential to lead to tax increases in order to achieve balance, observed:

> We oppose denying judicial review authority, and believe that it would be more difficult to enforce the provisions of S.J. Res. 1 if Congress were to add such language to the Balanced Budget Amendment.

The representative of the Family Research Council opposed adding express language on the role of the courts, noting that they "would not object to language that would prevent judges from raising taxes" and observed:

> Under our system of government, each branch has certain limited means to require legal compliance by one of the other branches. The use of this legal authority is somewhat dependent on the political will of each branch to exercise their proper authority. Each branch of government will have its prerogatives to enforce the amendment, subject to appropriate checks and balances.

Similarly, in 1995, in response to questions from me, the U.S. Chamber of Commerce noted: "The BBA would be policed by the same balance of powers that the Framers so carefully crafted in the Constitution. Thus, excesses by the Congress would be controlled by both the executive and judicial branches."

The former Government attorneys who support the proposed constitutional amendment and have been called to testify before the Judiciary Committee over the last several years on the problem of defining the judicial role have been unanimous about only one thing: Court involvement is not prohibited by the amendment.

Stuart M. Gerson, a former Acting Attorney General, and William Barr, the official he replaced at the end of the Bush administration, differed in what they regarded as the principal dangers posed by judicial intervention and in how they would seek to reduce the risks of courts involvement, but they did not say and could not say that the courts would not be involved in interpreting, implementing, and enforcing the proposed constitutional amendment were it to be ratified.

Mr. Gerson testified he thought judicial intervention would be "limited in scope" but conceded that our constitutional law "does not remove the courts from the picture entirely where there is manifest abuse or disregard of unequivocal legal pronouncements." He noted, in his written statement, that "there is a category of case—that involving whether objective statutory terms have been satisfied—which always has been cognizable and will remain so under the Balanced Budget Amendment," and, in his oral presentation, that "in those few cases where a cognizable departure from the specific terms of the amendment can be shown, courts, indeed must intervene."

He went on, in response to questioning from Senator TORRICELLI, to concede that standing for certain individuals and Members of Congress is possible under this amendment:

> So, the answer to your question is that I think that the standing of individuals and members of Congress is very limited. I do concede—that there is a category of cases as to which I would not deny jurisdiction to the courts to make certain that the Constitution was being enforced.

When asked by Senator TORRICELLI, as an example, whether the Senate sponsors of the proposed constitutional amendment on budgeting would have standing before a Federal court to bring a suit to compel compliance with its terms, Mr. Gerson said:

> In fact, I think that situation is the most likely situation in which Congressional standing, which has never before been recognized, might be recognized and I say so in my

> prepared testimony. . . . That is the one situation that even Judge Bork in the D.C. Circuit recognized might allow Congressional standing.

The other witness who testified before the Judiciary Committee on questions of law and judicial review was Alan B. Morrison of the Public Citizen Litigation Group. He observed:

> [I]n the absence of a clear statement of the contrary in the Amendment itself, it is likely that parties who claimed that, for example, the requirements for revenue increases in Section 4 had not been satisfied, could show sufficient injury to meet the case or controversy requirement in Article III of the Constitution. The same is true for those objecting to a Presidential impoundment.

Mr. Morrison thus concluded his testimony:

> Senator, you will note that Section 1 of S.J. Res. 1 is not put in terms of the Congress shall enact and the President shall sign into law. It's put in absolute terms—total outlays for any fiscal year shall not exceed.
>
> It seems to me that is a very unusual kind of constitutional command and that despite what the courts have done in other cases, no person sitting at this table or any place else in this country can accurately predict what the courts will do, which is the reason why I say it is so important that the Congress, in the first instance, assume responsibility, take it on, of saying what they want about judicial review and that would be enforced in the courts.

Written testimony was received by the Judiciary Committee from Dawn E. Johnsen, Acting Assistant Attorney General at the Department of Justice. In that statement, the current head of the Office of Legal Counsel indicated that "primary concern of the Department of Justice is how a balanced budget amendment would be enforced—an issue that none of the proposed amendments thus far has adequately addressed." The statement continues:

> If a balanced budget amendment were to be enforced by the courts, it could restructure the balance of power between the branches of government and could empower unelected judges to raise taxes or cut spending—fundamental policy decisions that judges are ill-equipped to make.

The Department of Justice testimony also referred to prior statements by a former Solicitor General for President Nixon and Federal judge, Robert H. Bork, and another former Solicitor General for President Reagan and Harvard law professor, Charles Fried. Both men have observed that judicial self-restraint, based on doctrines of standing and political questions, did not overcome the possibilities of significant litigation over interpretation, implementation, and enforcement of the proposed constitutional amendment on budgeting.

The Department of Justice has not varied much from that of Robert H. Bork, 10 years ago:

> In the end, there is a range of views about the extent to which courts would involve themselves in issues arising under the balanced budget amendment. Former Solicitor General Bork believes that there "would likely be hundreds, if not thousands, of lawsuits around the country" challenging various aspects of the amendment. Similarly, Professor Archibald Cox of Harvard Law School believes that "there is a substantial chance, even a strong probability, that * * * federal courts all over the country would be drawn into its interpretation and enforcement," and former Solicitor General Charles Fried has testified that "the amendment would surely precipitate us into subtle and intricate legal questions, and the litigation that would ensue would be gruesome, intrusive, and not at all edifying." Other commentators, such as former Attorney General William Barr, believe that the political question and standing doctrines likely would persuade courts to intervene in relatively few situations, but that "[w]here the judicial power can properly be invoked, it will most likely be reserved to address serious and clear cut violations".
>
> Former Attorney General Barr may well be right that courts would be reluctant to get involved in most balanced budget cases. However, none of the commentators, included General Barr himself, believes that the amendment would bar courts from at least occasional intrusion into the budget process. Accordingly, whether we would face an "avalanche" of litigation or fewer cases alleging "serious and clear cut violations," a broad consensus exists that the amendment creates the potential for the involvement of courts in questions that are inappropriate for judicial resolution.

The proponents and sponsors do nothing to resolve this problem. They concede that the text of the proposed constitutional amendment on budgeting is silent with respect to judicial review, contending that silence "strikes the right balance."

Mr. Morrison is correct to challenge the Congress to say what it intends and what it means in the text of the proposed constitutional amendment itself. Instead, the majority is leaving to the courts themselves the determination of the challenges arising under the proposed amendment and its implementation and what they will hear and determine. They are to be guided by the vagaries of general, judicially-created doctrines of justiciability.

The sponsors and proponents also suggest that Congress may revisit this issue later through implementing legislation. Not only would such subsequent implementing legislation require agreement in both Houses and signature by the President or a supermajority override of a presidential veto, but even if ultimately enacted, it may not be able to restrict constitutionally-derived judicial power and responsibility and may itself be overridden by the commands of article III and this proposed 28th amendment. Former Solicitor General Charles Fried has testified that a subsequent legislative effort to limit judicial power, "itself might very well be unconstitutional."

Further, as Mr. Barr pointed out in 1995, the State courts are not limited by the Federal requirement of "case or controversy" and its attendant justiciability doctrines:

> Before moving on, I should point out for the Committee one area that I believe does hold some potential for mischief and that Congress may wish to address. That is the area of state court review. The constraints of Article III do not, of course, apply to state courts, which are courts of general jurisdiction. State courts are not bound by the "case or controversy" requirement or the other justiciability principles, even when deciding issues of federal law, including the interpretation of the Federal Constitution. Asarco, Inc., 490 U.S. at 617. Accordingly, it is possible that a state court could entertain a challenge to a federal statute under the Balanced Budget Amendment despite the fact that the plaintiff would not satisfy the requirements for standing in federal court.

Although Mr. Gerson's written statement included the same point, almost verbatim, the proposed constitutional amendment and majority report are conveniently silent on this significant dimension of the judicial review problem. Nowhere do the proponents of this constitutional amendment confront the problem of uncontrolled judicial review by State court that has been articulated by their own witnesses on judicial review, who conclude that "the State court in such a circumstance would have the authority to render a binding legal judgment."

The proponents' dilemma may mirror that admitted by Mr. Barr at the 1995 hearings: Having acknowledged the concern that courts might order taxes raised as in *Missouri* v. *Jenkins*, Mr. Barr was asked by Senator BIDEN whether the proposed constitutional amendment ought not be revised to include an express limitation on court power and their authority to order certain types of remedies, Mr. Barr responded:

> If I were a Senator, I would put it in the amendment. But if I felt that would mean the amendment would not pass because it would generate these arguments, oh, gee, this is sort of like Eastern Europe, then I would without hesitation support the amendment as written * * *

The proponents are refusing to confront the possibility of State court involvement and the possibility that courts in different States might reach inconsistent determinations or order contradictory remedies because it is difficult, its discussion might offend, and its solution might cost them a vote or two.

This is no way to amend the Constitution. Such ambiguity and conscious disregard of potential problems disserves the process, the proposed amendment, the American people and, possibly, the generations to come who will suffer under its unintended consequences.

In court challenges in which a constitutional violation were found by the court to exist, the question of appropriate remedy will loom large. Indeed, it is the possibility of judicially-imposed remedies to ensure compliance with the proposed constitutional amendment's command for balance each fiscal year that has raised the most concern historically as Congress considers this matter.

In 1994, Senator Danforth of Missouri successfully modified the proposed constitutional amendment on budgeting. He sought to restrict judicial involvement to issuing declaratory judgments unless Congress specifically authorized another form of relief through implementing legislation and his amendment was accepted by the floor manager.

In 1995, the Senate likewise modified the proposed constitutional amendment when the floor manager adopted an amendment proffered by Senator Nunn of Georgia on judicial review. The Nunn amendment called for restricting the judicial power of the United States to matters specifically authorized by implementing legislation.

Neither the Danforth nor the Nunn language nor anything like them was included in Senate Joint Resolution 1. Indeed, in spite of these past attempts to limit judicial remedial authority in the proposed constitutional amendment and the only successful floor modifications to its text since 1993, the proponents now reject all such efforts. Instead, the proponents choose to remain silent on the many important issues surrounding judicial involvement in the interpretation, implementation and enforcement of the proposed constitutional amendment.

They try to dismiss *Missouri* v. *Jenkins*, 496 U.S. 33 (1990), and the dangers it portends for this proposed constitutional amendment. In that case, the U.S. Supreme Court upheld the power of a Federal District Court Judge in Kansas City, MO, to order tax increases in order to improve the public schools. The Supreme Court upheld a district court order that a local school district levy taxes to raise funds to comply with the Court's order to remedy unconstitutional school segregation.

This case has spawned concern about what is sometimes referred to as judicial taxation and the Judiciary Committee has held hearings on the issue and on suggested legislation in the area in the last several years. Senator Danforth cited this case in the course of offering his amendment in 1994:

> So after the case of Missouri versus Jenkins, decided by the Supreme Court, it is clear that under certain circumstances, the Federal courts have assumed the power to impose taxes. And my concern was that Missouri versus Jenkins could be the model for some future action by the Federal courts.

The authority of the Federal courts to remedy constitutional violations is broad, as was demonstrated in *Missouri* v. *Jenkins*, 495 U.S. 33 (1990). In suits where a constitutional violation of the proposed budgeting amendment were found, courts would be left to make similar remedial decisions.

In light of the deliberate omission of limiting language like that previously included by Senator Danforth and Senator Nunn, the underlying proposal is more likely to be construed to authorize courts to enjoin spending, order taxes or issue a negative injunction maintaining the status. That will appear to be the intention of Congress. The absence of any limitations on the power of the judiciary to review and remedy violations supports the interpretation that Senate Joint Resolution 1 is intended to authorize the courts to engage in judicial review without the limitations those amendment included.

In the Federalist No. 78, Alexander Hamilton described the judiciary as "the least dangerous branch" because it "has no influence over either the sword or the purse, no direction either of the strength or the wealth of the society." He then qualified his description, quoting Montesquieu as warning "that 'there is no liberty, if the power of judging be not separated from the legislative and executive powers.' "

Adopting this proposed constitutional amendment would create precisely the peril warned against by Hamilton, because it would invite unelected judges to decide funding policy questions and exercise powers heretofore largely reserved to the legislative and executive branches. It would be a mistake of historic proportions.

This is a constitutional amendment that is being proposed. In other settings in which constitutional rights are being vindicated, when legislation enacted by Congress did not provide an effective remedy, the courts have created judicial ones. See, e.g., *Bivens* v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971); *Davis* v. *Passman*, 442 U.S. 228 (1979); *Carlson* v. *Green*, 446 U.S. 14 (1980). Thus, if Congress were to adopt enforcement legislation that failed to provide an effective remedy for violations, the courts might proceed on their own authority as required to fulfil their constitutional duties.

In addition, the underlying resolution would allow the President vast authority to deal with implementation, and possibly even to impound, funds obligated by Congress. The circumstances that would prevail after ratification of the proposed constitutional amendment on budgeting will not have previously existed. The President will have a lot to do with determining how the President's constitutional duties under article II, section 3, to "take care that the Laws be faithfully executed," and article II, section 7, to "preserve, protect and defend the Constitution" will be fulfilled.

Section 1 of the proposed constitutional amendment commands that "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote." In any fiscal year in which it becomes apparent that in the absence of congressional action, "total outlays" will exceed "total receipts," the President would determine how best to proceed and might well proceed as if required by the Constitution and the oath of office it prescribes to act to prevent the unauthorized deficit.

This common sense reading of the proposed constitutional amendment is shared by a broad range of highly regarded legal scholars. Then Assistant Attorney General (now Solicitor General) Walter Dellinger testified in 1995 before the Judiciary Committee that the proposed constitutional amendment would authorize the President to impound funds to insure that outlays do not exceed receipts.

Similarly, Harvard University Law School Professor Charles Fried, who served as Solicitor General during the Reagan administration, testified that in a year when actual revenues fell below projections and a bigger-then-authorized deficit occurred, section 1 "would offer a President ample warrant to impound appropriated funds."

Others who share this view include former Attorney General Nicholas deB. Katzenbach, Stanford University Law School Professor Kathleen Sullivan, Yale University Law School Professor Burke Marshall, and Harvard University Law School Professor Laurence H. Tribe.

This year the Secretary of the Treasury reinforced this prospect when he noted in his testimony before the Committee:

> Some proponents have suggested that under these circumstances, the President would stop issuing checks, including those for Social Security benefits. . . . The President might also impound funds of his choosing. . . . All of these potential outcomes are extremely undesirable.

The impoundment power that would be conferred on the President by the proposed constitutional amendment is far broader than any the presidential line-item veto authority temporarily granted the President last year. As Assistant Attorney General Dellinger testified in 1995, the impoundment authority implied within the proposed constitutional amendment might allow a President to order across-the-board cuts in all Federal programs, target specific programs for abolition, or target expenditures intended for particular States or regions for impoundment. He testified that he would advise the President that he not only had the right but the constitutional obligation to prevent the violation of a constitutional mandate against budgetary imbalance.

The text of the proposed constitutional amendment does not address these matters. The majority report says that is not the intent of the Committee to grant the President any impoundment authority and suggests that "up to the end of the fiscal year, the President has nothing to impound because Congress in the amendment has the power to ratify or to specify the amount of deficit spending that may occur in that fiscal year." The majority report, thus, assumes there can never be an unauthorized deficit, because Congress always has a theoretical possibility of stepping in before the last minute ending the fiscal year and ratify whatever deficit has occurred. Under this construction, the proposed constitutional amendment is a cruel joke.

Moreover nothing in the proposed constitutional amendment prevents the Executive from acting to implement its terms. A President may not be willing to withhold based on a theoretical possibility of what the President knows or has reason to believe will not occur. Moreover a President may choose not to risk having all of the expenditures undertaken by the Federal Government for a portion of a fiscal year declared to have been expended in violation of the Constitution. It is more likely that a President, sworn to preserve, protect, and defend the Constitution, would not view the Executive as powerless to prevent such a result.

Key House sponsors of the proposed constitutional amendment circulated materials on the role of the Executive that add context to the majority report's isolated declaration of intent and are consistent with this view of continuing involvement by the Executive in the implementation of the proscriptions contained within the proposed constitutional amendment. Representatives SCHAEFER and STENHOLM acknowledge that the proposed constitutional amendment is intended to create "an ongoing obligation to monitor outlays and receipts" and to require the President "at the point at which the Government 'runs out of money,' to stop issuing checks."

We also have experience to instruct us. This Administration's senior advisers have testified both in 1995 and in 1997 that their advice, against the backdrop of the proposed constitutional amendment on budgeting having been ratified and an emerging deficit, would be to terminate or delay expenditures.

James C. Miller III, former OMB Director under President Reagan, echoed that advice. He revealed legal advice from the Office of Legal Counsel of the Department of Justice that without congressional mandated spending priorities, the President could apply across-the-board reductions in outlays. Finally, he furnished a legal memorandum on presidential authority to forestall default on the public debt that was coauthored by a former Assistant Attorney General and head of the Office of Legal Counsel during the Reagan administration that asserts "the President has inherent constitutional authority to choose which nondeferrable obligations to pay in the absence of a statute specifying a priority."

A memorandum to the Attorney General dated October 21, 1995, that is now publicly available, reinforces these lines of reasoning:

> Although this Office has consistently taken the position that as a general matter the President does not possess inherent authority to impound funds, we have carved out an exception to the general rule for the situation in which the President faces a debt ceiling and does not have any other feasible method of raising funds. We have said that in such a situation, because the President would be faced with conflicting statutory demands, to comply with the direction to spend yet not exceed the debt limit, he would be justified in refusing to spend obligated funds. See Memorandum from William H. Rehnquist, Assistant Attorney General, Re: Presidential Authority to Impound Funds Appropriated for Assistance to Federally Impacted Schools (December 1, 1969). We believe that the President's power to reconcile conflicting laws according to his best judgment could be derived from his ultimate power as Chief Executive "to take care that the Laws be faithfully executed."

The OLC Memorandum concludes:

> Finally, at some point, after all other options have been considered, consideration should be given to a program of deferral of obligations and expenditures by the President. Such a program would provoke considerable public controversy, perhaps a constitutional confrontation with Congress, and most certainly would be subjected to legal challenge. On the last point, although we have not had an opportunity to arrive at a definitive conclusion, we believe a strong argument can be made both on statutory grounds and on the basis of his inherent authority, that the President would have the power to engage in such a program.

Similar analysis and reliance on inherent Executive authority could be expected to arise should the proposed constitutional amendment be ratified and the President faced with circumstances in which the legislative and executive branches are in gridlock over budgetary or spending matters or it appears to the President that the prediction for a balance between expenditures and revenues in any fiscal year is tilting toward deficit.

The proponents alternatively comment that Congress could specify in implementing legislation how it wanted the President to proceed in a budgetary or debt limit crisis. Reliance of subsequent implementing legislation is risky, at best. Such legislation would be subject to Presidential veto and the need for a supermajority override in both Houses. Moreover, such legislation would have to be comprehensive enough to foresee and control all possible future contingencies to be effective.

Further, the President's obligation to faithfully execute the laws is independent of Congress's. That duty is not "limited to the enforcement of acts of Congress * * * according to their express terms, * * * it include[s] the rights, duties and obligations growing out of the Constitution itself, * * * and all the protection implied by the nature of the government under the Constitution[.]" In re *Neagle*, 135 U.S. 1, 64 (1890). If an unconstitutional deficit were occurring, Congress could not constitutionally stop the President from seeking to prevent it.

Finally, any reliance on the 159-year old case of *Kendall* v. *United States ex rel. Stokes*, 37 U.S. (12 Pet.) 542 (1838), would be misplaced. That case can as easily be read to support presidential impoundment authority under the proposed constitutional amendment on budgeting. In that case, Congress had ordered the Postmaster General to pay the claimant whatever sum an outside arbitrator determined was the appropriate settlement. When the Postmaster General paid a smaller amount, the Supreme Court held that the Postmaster General could be ordered to comply with the congressional directive. The Court ruled that the President, and those under his supervision, did not possess inherent authority to impound funds that Congress had ordered to be spent: "To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution and entirely inadmissible." Id. at 611.

If the proposed constitutional amendment were ratified and became a part of the Constitution, the President's obligation to execute the laws would arguably have a constitutional fulcrum from which to leverage. The President could argue that when the constitutional duty to ensure fiscal year balance came into conflict with a statutory obligation to expend authorized, appropriated, or obligated funds, the constitutional responsibility had to be given priority as predicated on superior authority.

The proposed constitutional amendment's mandate to ensure budget balance for each fiscal year specifies no role or limitation on the power of the President. The majority report concedes that implementation and enforcement will necessarily involve the Executive Branch beyond the President's obligation pursuant to section 3 to have transmitted to the Congress a proposed budget prior to each fiscal year in which total outlays do not exceed total revenues.

The majority report noted:

> Both the President and Members of Congress swear an oath to uphold the Constitution, including any amendments thereto. Honoring this pledge requires respecting the provisions of the proposed amendment. Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of public trust. In their campaigns for reelection, elected officials who flout their responsibilities under

> this amendment will find that the political process will provide the ultimate enforcement mechanism.

If this proposed constitutional amendment were to become the supreme law of the land, some future President may well choose to enforce its terms, in the absence of binding limitations in implementing authority, to make greater use of Executive Branch discretion and authority than this Congress has taken the time to consider.

This fundamental shift in the allocation of power and authority among the Federal branches is neither wise nor necessary. It risks despotism at the very times when despots are most likely to arise and in which our fundamental guarantees of liberty and individual freedoms has been the checks and balances that the branches of our Federal Government exert over each other.

In spite of these acknowledged problems with the underlying resolution, the sponsors and proponents voted lock-step to table the Kennedy amendment without any effort to cure any of the serious constitutional flaws that it highlighted.

We cannot legislate political courage and responsibility. No amendment to the Constitution can supply the people's representatives with these essential attributes. Indeed, the majority report concludes that the ultimate enforcement mechanism that can lead to balancing the budget is the electorate's power to vote. That power already exists. Moreover, the underlying resolution would undercut rather than enhance our democratic principles of majority rule and separation of powers and would ultimately lead to a loss of political accountability to the electorate.

Political courage has been an essential ingredient that has helped us achieve remarkable deficit reduction over the past 4 years—recent history that the majority report seeks to ignore. We have succeeded in reducing the deficit every year of the past four. We have cut the deficit by more than 60 percent in that time while pursuing sound economic and strong fiscal policies.

Now we need to stay the course and work in a bipartisan way to make further progress. We should now be focusing our attention and energies on the strenuous tasks of building a working consensus on budget priorities and achieving agreement on how to balance the budget.

This crusade for an illusionary quick-fix by constitutional amendment only makes that job more difficult. The time and resources devoted to reconsidering a constitutional amendment on the budget merely serve as a distraction from the real task at hand.

Let us not be distracted from the true means to deficit reduction: Let us proceed to consider and adopt a budget and deficit reduction package consistent with the progress made since 1993. As Treasury Secretary Robert Rubin testified before the Committee on January 17, "politically, historically, and economically, the forces are in place to balance the budget. We are not far apart. Now we need to get the job done."

Let us not sacrifice the Constitution or our Nation's fiscal policies to a siren song but turn to the work needed to continue reducing the deficit without sacrificing our Nation's commitments to seniors, veterans, education, the environment, public infrastructure and our fundamental constitutional principles. There is no need for a constitutional amendment to achieve our goals.

The questions raised during the debate on Senate Joint Resolution 1 will not go away and cannot be ignored. They point to a series of fatal flaws in proposing to conduct our Nation's economic and budgetary functions by means of a simply-sounding constitutional declaration. A recent editorial in the Burlington Free Press said it more succinctly: "amending the Constitution to require a balanced budget would be like using a sledgehammer to nail a picket in a fence."

Two years ago Senator Mark Hatfield's decisive vote against a constitutional amendment on budgeting was a contemporary profile in courage. Senator Hatfield had wisdom gained from his years as a public servant and personal fortitude and integrity that sustained him through very difficult times before and after that vote. Here was a man and a representative who was put to the test and not only survived but emerged as a powerful example for us all.

On February 8, 1995, Senator Hatfield came to this Senate floor to explain how he would vote. He said:

> As I explain my thoughts on the balanced budget amendment, I want to make it very clear that I believe the deficit must be reduced and that a balanced budget is worth achieving. It is possible that I will be the lone Republican to vote against the balanced budget amendment, but I say now to my colleagues that I share my party's goals, but happen to disagree on the means.
>
> The debate on the balanced budget amendment is not about reducing the budget deficit, it is about amending the Constitution of the United States with a procedural gimmick. This amendment that is before Members now puts new Senate and House rules regarding voting procedures into the Constitution. It does not balance the budget and gives no indication of how this might be done. Furthermore, it will not force Congress to budget responsibility. If indeed this is an amendment requiring a balanced budget, then how can we allow Congress to essentially suspend the Constitution with a three-fifths vote? This was a dangerous idea last year, and it is a dangerous idea this year as well. What other constitutional requirements would we like to waive with a three-fifths vote? Freedom of religion? Free speech? What other civil liberties shall we waive? A balanced budget amendment would allow the Congress to ignore the requirement for a balanced budget and to ignore the Constitution. This idea of Congress suspending a constitutional requirement cuts against the separation of powers principle so crucial to the foundation of the Constitution.
>
> A balanced budget can come only through leadership and compromise. This compromise must come from each one of us. But, most importantly, it must come from those we represent—those who do not want their taxes raised any more than we want to raise them—those who do not want their benefits cut any more than we want to cut them. In the end there is no easy answer, and there never will be. Regardless of the procedural restraint in place, where there is political will to create a balanced budget we will create one, where there is will to avoid one, we will avoid it* * * .

As I stated during the debate on a balanced budget amendment last year, a vote for this balanced budget amendment is not a vote for a balanced budget, it is a vote for a fig leaf.

> If I am skeptical about the ability of a gimmick to fix our budget, I am not skeptical about the ability of the people to demand and keep demanding that we respond to the budget challenge with real action. Real action is not a vote for an amendment to the Constitution which calls for a balanced budget by the year 2002. Real action is rolling up our sleeves and getting our fiscal house in order. Real action is working together, in a bipartisan fashion, to create a balanced budget, not to simply promise one. Real action means ending some programs—programs with popular appeal and vocal constituencies. Balancing the budget will result in an impact on each and every one of us—do we have the will to do that?
>
> Bipartisan negotiation, leadership, and compromise have been the cornerstones upon which we have built all effective decisions on tough issues since the formation of our Government. Compromises are difficult to reach, but they are not impossible to reach. We have just received the President's budget. The ensuing debate on the budget will provide the chance for the Congress to work together to balance the Federal programs of this budget. I hope the Congress does not miss this opportunity to debate the real issue of balancing the budget. Voting for a balanced budget amendment is easy, working to balance the budget will not be.
>
> The Congress should not promise to the people that it will balance the Federal budget through a procedural gimmick. If the Congress has the political will to balance the budget, it should simply use the power that it already has to do so. There is no substitute for political will and there never will be.

In May 1995, not long after his historic vote and after he had retained his chairmanship of the Appropriations Committee after being attacked by fellow Republicans for his vote of conscience and in defense of the Constitution, Senator Hatfield had occasion to repeat the following observations about balancing the Federal budget:

> I believe that a balanced budget can come only through leadership and compromise. This compromise must come from each one of us. More importantly, it must come from those we represent. In the end, there is no easy answer. If there is a political will to create a balanced budget, we will create one,

and if there is will to avoid one, we will avoid it.

I am deeply disappointed to learn that the Republican National Committee has been running attack advertisements in newspapers and on the radio over the past few days regarding the final vote on this proposed constitutional amendment. These attack ads are aimed at blackmailing specific Members of Congress to ignore their consciences and vote for this flawed constitutional amendment. It is wrong to play politics with the Constitution of the United States. It is wrong to try to punish any Member in this body who may choose to vote his or her conscience on this matter of constitutional proportion with its serious consequences to our system of checks and balances. I am disgusted by it.

We should all remember the courageous example of Senator Mark Hatfield, and vote our own conscience and use our own best judgment on this matter of constitutional amendment. I commend the Senators who are not blindly voting for a poll-tested bumper sticker, but who instead are exercising their best judgment and voting to defeat a seriously flawed proposed amendment to the Constitution of the United States. These Senators are those acting with courage.

By our Senate oath of office we each commit to "support and defend the Constitution of the United States." We owe to our constituents our best judgment on matters of this importance. We owe to our children and future generations the protections of separation of powers and checks and balances from our Constitution that have served us so well without diminution for political expediency.

Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has approximately 3 minutes remaining.

Mr. LEAHY. Then what is the situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Utah will control 1 hour of debate.

Mr. LEAHY. Mr. President, I have stated my disagreement with those who will vote for this. But I also know that many on both sides of the aisle are moved by their conscience in the way they will vote. I hope no one will seek to punish them. I hope they do not seek to punish Members of this body who vote his or her conscience on this matter—I was concerned to see some of the so-called independent expenditure ads over the weekend that seek to do just that—whether they have been Senators on either side of the aisle who express different views today than they might have expressed another time. I assume they have reasons for doing it.

I have tried throughout this debate for several weeks now to state my reasons. My reasons are based, as my reasons are for all votes, on what is best for the country, what is best for Vermont, what is best for the Constitution.

None of us owns a seat in this body. Each of us just passes through. Someday I will be gone, just as every other Member now serving in the U.S. Senate will be gone. But when I leave I want to be able to say to my children and my children's children, I did the best I could, and I did those things that prepared you for the future. My children will live most of their lives in the next century.

As I have said many, many times on this floor, I worry just not for those of us who are here at the twilight of this century, but those who live in the next century and the centuries after, because I expect that this Nation, having gone through all the terrible things that it has in its 200 years, and coming back stronger every single time, will be here long after each of us is a dusty memory. I yield the floor and turn back to my good friend from Utah.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate under the control of the Senator from Utah.

Mr. HATCH. Mr. President, contrary to Senators REID, DORGAN and CONRAD'S contention, exempting Social Security would severely impair the program. Let me say once again, an exemption would open up a loophole in the amendment and siphon-off revenues from the trust funds. Placing the trust funds off-budget will harm the Social Security Program.

In essence, we would have two budgets, one based on sound principles of solvency, and the other, the Social Security budget, which is not. One budget will be required to be in balance unless a supermajority votes to allow a deficit, the other—the Social Security budget—would be raided and bloated with unrelated pork projects. This will mean the end of Social Security as we know it, turning it into the least secure of all Government accounts.

Congress could pass legislation to fund any number of programs off-budget, through the Social Security trust funds. The budget could be balanced simply by shifting programs into the Social Security trust funds.

The immediate effect of the loophole is that the trust funds would grow—as projected—but only until 2002, the date the BBA requires that the budget be balanced. Thereafter, however, the trust funds would stop growing as all annual surplus funds would be reallocated to pay for programs that have been redesignated as Social Security. So instead of growing, from 2002 to 2019, the year the trust funds are estimated to stop growing, the system will become stagnant in 2002. The result of the loophole will be the depletion of the trust fund years early. Exemption of the trust funds from the BBA, ironically, will hasten the system's difficulties.

Congress has generally been increasing the web of services provided by Social Security. Consider what will happen when politicians are faced with the choice between the pressures of budget integrity and the procrastinating appeal of a Social Security loophole.

The only other possible use for Social Security surpluses would be for the Government to pay down our staggering national debt. If projects aren't redesignated, Social Security as discussed earlier, thereby consuming accumulated Social Security surpluses, surplus proceeds would be used in the only possible manner that would avoid section 1's prohibition on outlays exceeding receipts: to make debt repayments. This sounds wonderful, but in fact creates a dangerous mechanism for the Congress to continue deficit spending. By paying down the debt, the Congress would provide itself a debt cushion—that is, a gap between the statutorily limited debt ceiling and the actual paid down debt. Congress could therefore use this gap to deficit spend, from Social Security, while avoiding the three-fifths vote required in section 2 of the BBA to raise the debt ceiling. This is because the accumulated Social Security surpluses would maintain the gap between the actual debt and the debt ceiling. Such a spending device completely frustrates the purposes for which I have introduced the balanced budget amendment.

Also, let us not forget about the troubling future for Social Security. The Social Security Board of Trustees estimates that by the year 2070, Social Security is expected to run an annual $7 trillion deficit. If we include Social Security in our balanced budget calculations, we will be able to prepare for and budget these massive shortfalls. Under the Feinstein proposal, we will not be including this deficit in our budgetary planning. As a result, under any proposal to exempt Social Security from Senate Joint Resolution 1, in order to raise revenue and increase the debt ceiling sufficient to cover the expected Social Security shortfalls in the next century, we will have to dramatically increase taxes or cut spending in other important programs, or face an annual three-fifths vote fiscal crisis to avoid financial default by raising the already staggering $5.5 trillion debt ceiling.

FICA taxes have grown significantly over time. There is no reason why this increase would not be accelerated under this loophole. Nor is there any reason why new Social Security taxes could not be added, such as a Social Security income tax or a Social Security value added tax. As this process continues, the loophole created by this exemption could easily swallow both the spending and the taxing protections of the BBA.

By allowing Congress to redesignate other spending as Social Security, this loophole would make it easy to balance the budget on paper without changing anything except accounting methods.

According to Wall Street analyst David Malpass, who recently testified before the Judiciary Committee,

> Financial markets would react negatively to a budget concept that ignores Social Security.

By passing a balanced budget amendment that excludes Social Security, Congress would game the system, saying, in effect, that it does not intend to balance the consolidated unitary Federal budget. For Malpass and other market analysts, this would be a decidedly negative signal for financial markets, leading to higher interest rates.

This probable gamesmanship is exactly what must be avoided. The way to avoid it is to reject this risky exemption gimmick. The best way to protect retirees and future generations is to adopt a clean strong balanced budget amendment, free of loopholes. It is the best way to save our financial situation and protect Social Security.

I yield 1 minute to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

I want to congratulate my colleague from Utah on all the great work he has done during this very, very important debate on the balanced budget amendment.

Mr. President, if recent history is any indication, we know that promises are never going to balance the budget, good intentions are never going to balance the budget, renewed commitments are never going to balance the budget, and pledges of cooperation are never going to balance the budget. Left on its own, we know that Congress itself will never balance the Federal budget.

In the 1 minute that I spend delivering this statement, the national debt will increase by more than $500,000. In the past 24 hours, it has grown by over $721 million. Over the last three decades, the national debt has mushroomed to more than $5.3 trillion. The question you have to ask is, where will it stop? At what point do we say enough?

What will it take to convince Washington that we are strangling the financial future of our children and our grandchildren with the noose that is being knotted by our very own hands? Mr. President, after all the promises, intentions, commitments, and pledges have failed, our last best hope rests with passage of the balanced budget amendment. In the name of America's children, I urge my colleagues to vote yes.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my colleague and yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Utah for his fine work and debate here on the floor on the balanced budget amendment. I am going to vote for the balanced budget amendment because I am going to keep my campaign promise that I made during the election. It is not a campaign promise that I made lightly.

I have voted for this very same proposal as a Member of the 105th Congress as a Member of the House of Representatives. I have served in a State that has a balanced budget requirement. I have been the owner of a business that has had to balance its budget. I have been a part of a family that has had to balance its budget.

I think it is important for the future of our children and our grandchildren that we balance the budget. The only way I see us ever eliminating deficit spending is to pass a requirement in the Constitution that says that we have to balance the budget. For 28 years, we have heard from both Republicans and Democrats on the importance of balancing the budget. That is why I am casting my vote for a balanced budget amendment today.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my colleague and yield 1 minute to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I, too, want to urge all my colleagues to vote for the balanced budget constitutional amendment. As the only accountant in the U.S. Senate, I have been interested in the various accounting issues that have been brought up as part of this discussion. I am very disappointed that while accounting techniques are needed to know exactly where we stand and what to do, there have been a lot of sham techniques that have been brought up so that some of the people would have a hook on which to add a no vote—and that is all that they are.

We need to have good accounting. We need to protect Social Security. There is no one in this body who does not want us to take care of Social Security. The way to do that is through a balanced budget constitutional amendment. We owe it to our kids and to our grandkids. We owe it to our parents and our grandparents. We have to make sure that we have a balanced budget to keep this country going forward, with or without that amendment. I have heard promises here, but I am not so sure about promises anymore that we would balance the budget, and it is critical that we balance the budget. I will be counting on everyone to help on that. I ask for support of the balanced budget constitutional amendment.

Mr. HATCH. Mr. President, the balanced budget amendment is necessary to limit the Federal Government's power to mortgage America's future. It can protect the liberties of the American people for six primary reasons:

No. 1, our families: Passing the balanced budget amendment will improve the economic health and stability of all American families.

No. 2, our children's future: Passing the balanced budget amendment is a very clear-cut vote for our children's economic freedom, instead of their enslavement, which is what we have been doing to them.

No. 3, retirement security: It will protect Social Security, and it will stabilize the economy, which will benefit both current and future retirees.

No. 4, economic strength: The stabilizing effect the balanced budget amendment will have on the economy is clear.

No. 5, integrity: It will bring immediate credibility to our current budget negotiations, and it will restore a measure of integrity to our Government.

No. 6, the last reason is this stack of 28 unbalanced budgets. The last 28 years of our country's life have had unbalanced budgets. We need a constitutional amendment to stop this pile from growing.

Some have stated that all we need is the will to balance the budget. Well, these 28 budgets are a testament to the fact that our will just won't do it. It is that simple and that clear.

I have to tell you, one of my favorite quotes is this: "A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits to the Public Treasury, with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship."

The average age of the world's greatest civilizations has been 200 years. Ours is just a little bit over 200 years, and we are following that pattern of mortgaging our future, of voting largess for ourselves and the Public Treasury, and of not being able to put fiscal sanity into our house to make it a house of order. All we have is, it seems to me, the same old timeworn, wornout approaches toward the budget that we have heard for all of these 28 years. It is time to do something about it.

I yield a minute to the distinguished Senator from Idaho.

(Mr. ENZI assumed the chair.)

Mr. KEMPTHORNE. Mr. President, I thank the Chair.

Mr. President, I rise today to express my complete and unreserved support for Senate Joint Resolution 1, the balanced budget constitutional amendment.

I think it is notable that the balanced budget constitutional amendment has been designated Senate Joint Resolution 1 for the second consecutive Congress. Bringing the budget into balance should be one of the Nation's highest priorities, and this designation demonstrates the Senate leadership's recognition of that fact. It also demonstrates the knowledge that, no matter what we do to balance the budget now, we simply cannot guarantee a balanced budget to future generations unless the Constitution requires one. A requirement to balance the budget, not just in statute but in the very document which defines our Nation, will truly make the Federal Government accountable—accountable to the American taxpayer of today and to the generations who will inherit this Nation tomorrow.

Mr. President, future generations are what this debate is all about. An entire generation of Americans has grown up without ever having seen a balanced budget. My children are nearly the age I was the last time the U.S. budget did not run a deficit. In the interim, we have seen deficit spending become the norm, and, as a result, the debt has ballooned to $5.3 trillion or roughly $20,000 for every man, woman, and child in this Nation. If we take the time to look beyond the immediate future, to a time when our children—and for some of my colleagues, their grandchildren—stand where we stand today, as parents and taxpayers, we will see a vision which should frighten us. Unless something is done, and done soon, interest on the debt will consume a larger portion of the budget than all the domestic discretionary programs combined.

Some opponents of the balanced budget constitutional amendment have said all we need to do is stop deficit spending. This is true, and in a perfect world it would also be an easy goal to achieve. But we all realize we do not live in a perfect world. We live in a nation populated by more than 260 million people, many with dramatically different expectations of what, if anything, their Federal Government should do for them. And they elect us to represent those interests. Unfortunately, for the last 28 fiscal years too many have tried to please all of those interests at the same time, all too rarely asking, "What will be the result down the road?"

Mr. President, as I have mentioned, we are now living that result. The debt has spiraled out of control and a balanced budget has become a highly desired goal rather than a regular, expected occurrence. While we are slowly getting closer to achieving that goal, we must not stop there. Even if we balance the budget by 2002, a timeframe to which even President Clinton has now agreed, what happens next? What happens when the names of the 105th Congress become mere memories in our Nation's history? Who will ensure that balanced budgets will continue 5, 10, 20, even 50 years down the road?

While I would like to believe that balancing the budget in 2002 will result in all future budgets being balanced, I simply cannot. Balancing a budget is hard, as many of us who must balance our own personal budgets well know. Future leaders will be sorely tempted to deficit spend in order to meet the desires of the people. And much like a generation ago, they will find it easy to appease everyone. They will find it easy to say, "We'll balance it next year." The result may well be another 28 years of unbalanced budgets and increasing debt. To quote the Spanish philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it." Without a balanced budget constitutional amendment, we leave future generations to the mercy of whether or not their leaders will remember the past.

Mr. President, over the Presidents' Day work period, I had the opportunity to speak with numerous Idahoans. They are good people who are very concerned about the future of the United States. During my week in the State, they overwhelmingly expressed to me that passage of the balanced budget constitutional amendment was one of their biggest concerns.

The people of Idaho know how serious the issue of balancing the budget is, because, like most Americans, they have lived under a State balanced budget requirement for years. It has forced tough decisions and, in some cases, prevented Idaho from doing some things the people wanted to do. But, it has worked. More importantly, for all the difficult decisions it has required, Idaho has kept it. They have shown they are willing to make tough decisions in order to keep the budget balanced. In the process, Idaho has also made sure that its more important resource, its children, are protected. A recent report released by the Children's Defense Fund notes that Idaho is below the national average for the percentage of children living in poverty, below the national average for the number of uninsured children, and above the national average in child support enforcement. You see it is possible to balance the budget and have the government do those things which the people expect it to do. As a nation, we would be wise to heed Idaho's example.

As I mentioned before, the people of my home State have shown they can and will live within a limited budget—on both a personal and governmental level. The members of the Idaho State Legislature stand for election every 2 years and must reflect the attitudes of the citizens of their communities. As in the past, they have passed a memorial asking Congress to approve the balanced budget constitutional amendment and send it to them for ratification. Their words bear repeating as we consider action on this significant step to restore the confidence of our people:

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars, or twenty thousand dollars for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about the fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures; and the opposition by a small minority repeatedly has thwarted the will of the people that a Balanced Budget Amendment to the Constitution should be submitted to the states for ratification.

Now, therefore be it resolved, by the members of the First Regular Session of the Fifty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Congress of the United States expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

The call for fiscal responsibility is nothing new, it has been sounded for years. President Andrew Jackson said, "Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise."

More recently, the American people heard the following words: "We must act now to protect future generations from government's desire to spend its citizens' money and tax them into servitude when the bills come due. Let us make it unconstitutional for the Federal Government to spend more money than the Federal Government takes in."

This sound advice came from President Reagan on the event of his second inauguration. His words were true then, and they are even more so now. For since he made that call for a balanced budget amendment to the Constitution, we have had a dozen more years of unbalanced budgets, a dozen more years of deficits, a dozen more years of telling our children and grandchildren that they will have to discover a way to do what we did not have the courage to do.

Mr. President, when I was mayor of Boise, I not only had to balance my own personal budget, but I also had to ensure that the city's budget remained balanced as well. It was a responsibility that required tough decisions, both on my part and on the part of the good people of Boise. Together, we had great expectations for our city. We wanted to build new parks, hire more police officers, build a new fire station, and do numerous other things to make the city an even better place to live. At the same time, however, we had to face the fact that we could not have all our wants, we would have to focus on our needs.

So what did we do? We prioritized and lived within our means. And in the process we built some wonderful parks, we modernized our firefighting equipment, and we lowered the crime rate. I would add, Mr. President, that we did all this and either held the line or decreased the property tax levy the final 2 years I was in office. As a result of our efforts, we were voted one of the most livable cities in the Nation by a national magazine, which called Boise, "A great place to raise a family."

Mr. President, we did all this, and balanced our budget, because we had to do so. It forced us to be frugal, but more importantly, it required us to find better and more efficient ways to meet our goals. And we still met our goals. We managed to do more with less. You see, a balanced budget does not mean we deny ourselves the ability to do those things which need to be done. It simply means we must do those things as efficiently as possible, and not waste time and resources trying to do things which are not truly important.

Mr. President, before concluding my remarks today, I would like to address the concerns which have been raised about Social Security. During my tenure in the Senate, I have supported several efforts to assist Social Security recipients. It is based on my support for the Social Security system, and those who depend on the system now and in the future, that I opposed the maneuvers to add "specific exemption" language to the balanced budget constitutional amendment. Doing so, I believe would have proven to be detrimental to the long-term security of the Social Security Program.

First, because Social Security is defined in statute, its definition may be changed by statute. A Social Security exemption to the balanced budget constitutional amendment would then create an inviting target, far too inviting in my view, to those who do not want to truly balance the budget. The Congress, potentially, would be able to change the definition of Social Security so as to include economic stimulus programs, health care programs, or any other program which caught the fancy of the majority of the Congress. These areas could then be funded by draining the Social Security trust fund while the budget, technically, remained balanced. The net result would be a rapid depletion of the trust fund which would endanger benefits for future retirees.

Second, I think we must look at what a Social Security exemption would not do. Contrary to what some have claimed, it would not provide any more protection for the trust fund than now exists. It would not prevent the trust fund from running a deficit beginning in 2019, just as it is currently on pace to do. In fact, it would not extend the solvency of the trust fund by a single day—Social Security would still be bankrupt by 2029. The Social Security exemption would not do one thing to save the Social Security trust fund. Only balancing the budget—and I believe only a constitutional amendment will guarantee a balanced budget—and reducing the debt, will ensure that we are able to pay off the Government securities in which the law requires the Social Security surplus to be placed.

Mr. President, the balanced budget constitutional amendment is designed to make the Federal Government do something it has not done in nearly 30 years—take responsibility for its actions now, rather than passing the buck to our children and grandchildren. In the end, it is that simple. Are we going to continue to mortgage our children's and grandchildren's future for the sake of political expediency, or are we going to accept our responsibility to make the difficult decisions which come with balancing the budget?

I believe there is only one way to answer that question. We must act now. It is time for the Federal Government to cut up its credit cards, prioritize the real needs, ignore the "wants" list, learn to do more with less, and balance its budget. It will not be easy and it will not be pretty, but it must happen—and we cannot guarantee it will happen without a constitutional amendment. After 28 years of unbalanced budgets, we owe future generations the promise that they will not be forced to live with the results of our mistakes. Passing the balanced budget constitutional amendment is our downpayment on that promise.

Mr. President, in the 1,697 votes I have cast as a U.S. Senator, the vote today at 5:15 is the most critical. How critical? The last time this Nation had a balanced budget, I was 17 years old. Today, I have a son who is 16. He will be 17 this year. It has been a generation since we have had a balanced budget. I wish that when I was a 17-year-old, there had been a law that said you are going to have a balanced budget.

In the State of Idaho, we have a balanced budget requirement in the Constitution, and what's the upshot of that? After a century, our books are balanced in Idaho. We have 28 years of unbalanced books here in the United States. It is time for a balanced budget amendment. I cast my vote today not only as a Senator, but as a father trying to do the right thing for my kids.

I yield the floor.

Mr. HATCH. Mr. President, I yield 1 minute to the Senator from Tennessee.

(Mr. KEMPTHORNE assumed the chair.)

Mr. THOMPSON. Mr. President, our generation inherited the freest, strongest, most prosperous country in the history of civilization. Within one generation, we are changing that. When historians look back and ask the question, "When did the decline of the United States begin," they will point to our generation, because we are the first generation to spend the fortune of our grandchildren and great-grandchildren.

But we are told that we don't need to worry about it because we are in the process of balancing the budget, as evidenced by the President's latest so-called "balanced budget." But when the analysis comes out, we see that we are looking at another $69 billion in deficit, and this so-called "balanced budget" is supposed to make all the cuts. But 98 percent of the cuts are in the last 2 years—after the President leaves office. We know that this is a sham. We know that even if, for a nanosecond, we did balance the budget in the year 2002, it would not account for the baby boomers who are going to be retiring in 2010. Can't we look forward for our Nation's future?

I support the balanced budget amendment and urge immediate passage.

Mr. HATCH. Mr. President, I yield 1 minute to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the distinguished Senator from Utah. I rise in strong support today of the balanced budget amendment to the Constitution. I have three sons. My twin boys, today, are celebrating a birthday. They are 23 years old. I have an 18-year-old.

In 1984, when I first ran for political office—the Arkansas State Legislature—I was asked, "Why would you get into politics?" I had three reasons: Jeremy, Tim, and Josh. I didn't know whether I could make a difference, but I was gravely concerned about the direction our Nation was going in and, particularly, the way our Nation was growing in deficits, chronic deficits, and a massive national debt. I wanted to be able to look them in the eyes and say, "I did what I could to give you a nation as good and as prosperous and with as much opportunity as I have had."

Well, in less than 2 hours from this moment, I will have an opportunity to cast a vote. We may not succeed in this balanced budget amendment, but I will have a clear conscience, and I will be able to look my sons in the eyes and say that I did what I could to bring a fiscal sanity to our Nation again.

I thank the Chair and yield the floor.

Mr. HATCH. Mr. President, I thank my colleagues for their words here today. We are talking about trying to save our country. Frankly, after 58 of the last 66 years of unbalanced budgets, I think it is time we do something about it.

I yield 1 minute to our distinguished friend, the Senator from Michigan.

Mr. ABRAHAM. I thank the Chair. Mr. President, I rise in support of the amendment. As I have said on the floor numerous times during the debate, families of this country are hurt to the extent that we don't balance the budget. Interest rates are higher. That means that loans, whether it is for a new car or house, a student, or anyone else, are affected directly by this failure in Washington to balance the budget.

Most importantly, children are hurt. We have a newborn baby in our family. He was born 5 months ago. The day he was born, he inherited a responsibility to pay $187,000 in Federal taxes just to pay his share of the interest on this national debt. That isn't just unfair for my son, it is unfair for all the children in this country.

Passage of this amendment has to happen. It has to happen now in order to end the red ink and set us on the right course for fiscal integrity in the future.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Utah. I appreciate the leadership he has given to this effort. I think that this issue is very, very important to our Nation. I think, fundamentally, it is one of integrity. It is integrity in spending. We have to deal with those issues day after day. How do we get an unbalanced budget? What happens? Senators and Congressmen get together and each have their own priorities. Each believes deeply that some project ought to be funded, and they cannot agree on which ones should be funded and which ones should not. So, they get together, they fund them all, and they pass on the debt to our children.

Some say we don't need a balanced budget—that we should not amend the Constitution. We have a series of 33 out of 34 years where we have failed to balance the budget. We have a systemic problem, and we need a systemic solution. This amendment will bring integrity to the finances of the United States. I think it is absolutely crucial that we pass it. I can't believe anything more important will come before this body than this amendment, and I am in support of it.

Mr. HATCH. Mr. President, I yield a minute to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, today I will vote to pass the balanced budget amendment. This is a vote for a stronger America, for responsible Government, and for our children.

In 1982, I approached the constitutional amendment with a certain degree of skepticism. My vote against the amendment at that time reflected my belief that Congress could and would correctly eliminate our budget shortfall. Since that time, however, we have come to a point of national financial crisis. In 1982, we had a Federal debt of less than $1 trillion. This year, we have more than $5 trillion in Federal debt. This debt is crippling our Government's ability to solve our difficult problems.

Like many, I wish there was a way to make Congress and the administration balance the budget without amending the Constitution. But we have tried, over and over and over, and we have failed. These measures have always fallen short.

We must have in Washington what we take for granted in Montpelier, VT, and State capitals across the country—a balanced budget.

This Congress must be remembered as the one that made life better in America.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I thank the distinguished Senator for yielding to me.

The question has been asked many times during the day: Do you have the votes? There are 55 Republican Senators who have given their word that they would vote for a balanced budget constitutional amendment. There are a number of Democrats who have campaigned for this balanced budget amendment. If they keep their word, we will pass this constitutional amendment.

What is to be gained as a result of doing this? The benefits are to our constituents. We believe that $125 a month could be the benefit derived from a constitutional amendment through lower interest rates, more affordable mortgage loans, more affordable student loans, cheaper automobile loans, and so forth.

Mr. President, if we were to pass this constitutional amendment, we would finally put some kind of outside restraint on the ability of Congress to spend the taxpayers' dollars. We need to do that. We have failed 28 years in a row. It is time to get it done.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Nebraska.

Mr. HAGEL. Mr. President, this is about leadership. The balanced budget amendment to the Constitution is about the future of this country. It is about bold leadership. It is about stepping up to the challenges that face our Nation and what kind of country we are going to leave to our children and to our grandchildren.

This is about doing the right thing. This is not about esoteric, theoretical, and academic issues. This is not about deferring more of the same that we have deferred for almost 50 years in this country. This is about stepping up to the real challenges that affect real people that will have a lasting impact on this country. If we do not provide the bold, dynamic leadership that this country requires, then we will pay a heavy price in the future for our inaction. Our children and our grandchildren will pay a very high price. They will pay a price that will restrict their opportunities, restrict their future, and restrict the future of our Nation and the good this country can do for the rest of the world and for our people over the next 25 to 50 years.

For those reasons, I strongly support this constitutional amendment to balance the budget.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Alabama.

Mr. SHELBY. Mr. President, thank you.

Mr. President, as we debate the balanced budget amendment, we would be wise to listen to the words of one of our Founding Fathers, Thomas Jefferson. Mr. Jefferson once wrote that "the question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

Mr. President, I agree with Thomas Jefferson: It is morally wrong for one generation to burden a future generation with its debts. Yet, that is exactly what has happened during the past 27 years in America. The Federal budget has not been balanced since 1969, and as a result, our national debt has grown to more than $5 trillion. In fact, a child born in America today begins life with a $20 thousand share of the national debt. During his or her lifetime, that child can expect to pay $187 thousand in taxes just to cover the interest payments on this debt—debt he had nothing to do with creating, but debt which will substantially limit his opportunities in life.

Mr. President, just look at the strain current interest payments are putting on our national resources. Interest payments consume about 15 percent of the Federal budget, and they are now the third largest item in the budget—only Social Security and defense are larger. Last year, we spent a record $241 billion on interest payments to service the national debt. That is more than double the amount of money the Government spent on education, training, crime, and transportation combined.

Mr. President, we cannot afford to continue wasting the taxpayers money in this fashion. This must stop, and the balanced budget amendment will help stop it by ending deficit spending and the growing interest payments on the national debt.

However, the opponents of a balanced budget amendment have put forth many false arguments to try to confuse the issue. I want to address several of these arguments one by one.

The most deceptive argument opponents of a balanced budget amendment use is that this amendment will hurt the Social Security system, unless Social Security is specifically exempted from the amendment. Mr. President, nothing could be farther from the truth. If the Social Security system is left as the only area of the budget which does not have to come into balance, then future Congresses will have a tremendous incentive to take the FICA revenues, which currently fund the Social Security system, and use them to help fund all other areas of the budget which must be balanced. That would leave the Social Security system in serious financial trouble.

Second, exempting Social Security from the balanced budget amendment would further threaten Social Security by allowing Congress to move programs out of the area of the budget which must be balanced and into the exempt Social Security system. This would be a heavy drain on the money originally collected for Social Security.

Finally, the whole point of the balanced budget amendment is to put an end to deficit spending. But, as the Social Security trustees tell us, there are massive deficits projected in the system in just a few short years. Therefore, while the rest of the budget is balanced, the Government will still be borrowing huge sums of money to pay its liabilities in the Social Security system. Moving Social Security off-budget is just another sham put forth by those who do not want to face the reality that we must stop piling debt on our children and grandchildren.

The truth is the balanced budget amendment will protect Social Security by reducing its biggest threat—massive interest payments. If left unchecked, these payments will dramatically reduce the money available for Social Security benefits. A balanced budget amendment will keep interest payments from increasing and will allow more money to be spent on meaningful programs, including Social Security.

Another argument put forth by opponents of a balanced budget amendment is that it will transfer power over the purse strings to the judicial branch of government. This is a serious concern, but one which is misplaced. One of the reasons why the courts will not become unduly involved in the budgetary process is the doctrine of "standing" contained in article III of the Constitution. The doctrine of standing requires that a plaintiff has a direct and specific, personal stake or injury. A "generalized" public grievance, such as a taxpayer adversely affected by macroeconomic decisions, will not be recognized. Moreover, the courts will owe deference to Congress under both the "political question" doctrine and section 6 of the amendment itself which gives Congress the enforcement authority.

Another objection to the balanced budget amendment is that it does not provide for a capital budget. The argument here is that just as most families need to borrow money for large purchases, such as a home, the Federal Government should also have the ability to borrow money for capital investments. Those who hold that view, point out that if families had to live under the same circumstances imposed on the Federal Government by a balanced budget amendment, no one would be able to purchase a home.

Mr. President, comparing the Federal Government to the typical family purchasing a home is a very misleading comparison. The Federal Government has an annual budget of more than $1.6 trillion and the ability to increase its income at will by raising taxes. There is virtually no project conceivable which the Federal Government could not afford to finance without incurring debt. Just consider that we built the entire interstate highway system on a pay-as-you-go basis. The price of a home can easily be three times as much as the annual income of a family, which is why they need to borrow money to purchase it. By comparison, if the Federal Government wanted to undertake a project three times the amount of its annual income, the project would need to cost $4.8 trillion in 1 year. That is simply ludicrous. The truth is that with the amount of resources at the disposal of the Federal Government, there is simply no need for a separate capital budget.

The final objection I will address is that the balanced budget amendment will hamper the Government's ability to stimulate to the economy during a recession. Mr. President, the truth is that the Federal Government does not have a very good track record when it comes to trying to stimulate our economy. Bruce Bartlett of the National Center for Policy Analysis, points out that since November of 1948, there have been seven recessions, followed by "anti-recession" legislation. In each instance, the recession the legislation was designed to end was over by the time the legislation was finally passed. In fact, Bartlett concluded that "Without exception, stimulus programs have failed to moderate the recessions at which they were aimed, and have often sowed the seeds of the next recession."

Part of the reason for this is that Government jobs are very expensive to create. President Carter's budget director testified before the Joint Economic Committee in 1980 that public works jobs cost between $70,000 and $198,000 per job per year. The truth is, Mr. President, Congress should not be in the business of trying to micro-manage our economy. If Congress cannot even balance its own books, why do opponents of the balanced budget amendment believe Congress can manage the entire economy?

Mr. President, the decision before us is a simple one. It is a choice of fiscal responsibility or fiscal foolishness. It is a choice of protecting our children's financial future or destroying it. It is a choice of allowing the 50 States to have a say in this matter or denying them that freedom. In the end, Mr. President, it is a question, as Thomas Jefferson said, between right and wrong, and I urge my colleagues to do the right thing and vote for the balanced budget amendment to the Constitution.

Mr. President, the decision before us today is the most important one that this Senate will make in the 105th Congress. Let there be no doubt about it. Since the last balanced budget in 1969, deficit spending has become a permanent way of life in Washington. The result, as we all know, is a $5.3 trillion national debt. This debt is costing the taxpayers of America a quarter of a trillion dollars each year in interest payments alone. The reality is that without a balanced budget amendment, deficit spending will continue as usual and our children and our grandchildren will be left to pay the bill.

Mr. President, now that the debate is over and all of the smoke has cleared, we are faced with a simple choice between fiscal responsibility or fiscal foolishness, a choice of protecting our children's financial future or destroying it, a choice of allowing 50 States to have a say in the matter or denying them that freedom.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the economic arguments for this constitutional amendment were eloquently stated—lower interest rates, more jobs, and a higher standard of living for Americans in the future.

I want to emphasize that the moral arguments favor this constitutional amendment. Mr. President, it is simply morally wrong for us, year after year after year, to consume the services of government and to send the bills to our children and to our grandchildren, who have not had a voice in this body. We must be responsible enough to see to it that what we want from government today we pay for today. The fact is that we will not do it without a constitutional amendment, as evidenced by the heavy stack of unbalanced budgets in front of the leader of the debate on this issue.

This balanced budget is for our children and our grandchildren.

Mr. HATCH. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President. I thank my friend and colleague, Senator HATCH, who has put so much effort into this issue.

Mr. President, as the Senate prepares for the final vote on the balanced budget constitutional amendment, I again offer my support for the passage of this critical piece of legislation.

Over the course of the last several weeks, I have listened to many of my colleagues as they have come to the floor to debate the merits or the detriments of the amendment. I have listened to many of my constituents during my travels through Colorado, most recently at town meetings in Colorado Springs, Trinidad, Longmont, Greeley, and Golden. I also have reviewed mail that has come into my office here in Washington, DC, addressing this important issue. And I must say I am greatly pleased by the large number of people who support the balanced budget constitutional amendment.

As I've indicated, I have been conducting a series of town meetings in my home State of Colorado. When the discussion turns to balancing the budget, the majority of Coloradans realize that we can only begin to address this issue with constitutional authority. I have also received numerous letters from special interest groups located here in Washington, DC, asking me to vote against the will of the American people and against the amendment. Well, I am not going to do that. I support the balanced budget constitutional amendment and have supported it since becoming a Member of Congress back in 1987.

I believe this amendment is in the best interest of the future of this country, and I become frustrated to hear some of the arguments against this amendment, such as in the letters I receive from special interest groups. For instance, opponents claim that the amendment would limit the Federal Government's ability to address short-term economic crises or threats to our national security. Well, we have heard this argument on numerous occasions over the past few weeks, as well as over the years. Many of my colleagues have addressed this issue, and in fact, we have even voted on several amendments relative to these concerns.

Section 1 and section 5 of the amendment, as it is currently written and was reported by the Committee on the Judiciary, provide Congress with the ability to waive the requirements of the amendment, so I do not find this argument against the amendment to be particularly compelling.

Another often repeated argument against the amendment claims that Congress can balance the budget on its own without passing the balanced budget constitutional amendment. Well, folks, I have been a member of this institution for 10 years now, and I have yet to see a balanced budget or one that even approaches balance. In fact, there has not been a balanced budget since 1969. Congress has even passed deficit-reduction legislation on numerous occasions in an effort to achieve a balanced budget, and we still cannot get to a balanced budget.

This constitutional amendment will make the Federal Government accountable to the Constitution when formulating a budget, and by doing so, this amendment will force the Federal Government to behave in a fiscally responsible manner just as more than half of the States are already required to do.

Again, opponents argue that a balanced budget constitutional amendment will only lead to devastating cuts to many federally funded programs. Well, I certainly do not argue that this amendment will not force Congress and the administration to make some tough choices. Tough choices need to be made in order to balance the budget. But what is the alternative?

Because of our inability to balance the budget, we continually run a deficit each year. Our country currently has a national debt of over $5.3 trillion—and it is growing—and each and every year the Federal Government pays interest on this debt. In fiscal year 1996, this Government spent $344 billion on interest costs, roughly 15 percent of the entire Federal budget for that year. Let me repeat this. The Federal Government spent $344 billion on interest costs last year, and of this $344 billion, not $1 of it went to education, law enforcement, highways, or even healthcare. At 15 percent of the Federal budget, interest costs are our third largest expenditure, and it continues to grow.

What does this mean? It means that our national debt is strangling the rest of the budget. My friend and colleague, Senator HATCH, has been on this floor each and every day of this debate arguing in favor of this amendment, and I believe he best put this whole issue of interest payments in perspective. If my colleagues will indulge me, I would like to reiterate some of my colleague's comments from a couple of weeks ago because I think they need to be continuously repeated in order to drive home the importance of balancing the budget and ending the escalation of our national debt.

As my friend from Utah stated once before, the Federal Government spent more money last year on net interest payments than it did for the combined budgets of the Department of Commerce, the Department of Agriculture, the Department of Education, the Department of Energy, the Department of Justice, the Department of the Interior, the Department of Housing and Urban Development, the Department of Labor, the Department of State, and the Department of Transportation. Our inability to balance the budget over the years has contributed to an enormous debt which requires more money to service annually than we are able to put toward the combined budgets of ten departments within the Federal Government.

If we do not get a handle on the budget, we will continue to add to our national debt. In the long-term this debt, and the costs that accrue in interest, will endanger the funding for those programs that truly need, deserve, and require Federal funding. Of course, as this problem continues to escalate, it will be our children and our children's children who will be forced to deal with this problem. It will be they who will be hurt by low levels of funding—all because we did not seize the opportunity to pass the balanced budget constitutional amendment.

And yet, there are still those who oppose the balanced budget constitutional amendment—who think that Congress can balance the budget on its own. Well, we have not done so in the last 28 years, and without this amendment I see no possible way that we can do so. If we were able to pass a budget plan this year which would balance the budget by the year 2002, without the constitutional requirement there is nothing to stop future Congresses and future administrations from implementing unbalanced budgets.

And each year we fail to balance the budget, we run a deficit. These deficits will continue to add to the debt, increasing it and the size of the interest payments on the debt we leave to our children. It is estimated that in the year 2002 the interest payments will be $412 billion. It will continue to increase thereafter unless we find the fortitude to control our spending.

You know, as legislators we should realize that our constituents expect certain things of us and of the Federal Government, and they rightly should. They trust us when we pledge our support for legislation such as this, and they have a right to expect our support when the time comes to vote. All of us meet with constituents and constituency groups, and barely a day goes by that we do not hear someone asking for our support for funding for certain programs or to work to increase funding for others. However, the fact of the matter is that money is scarce, and if we continue to run deficits and add to the national debt, it is going to become increasingly difficult to fund programs at the level they need and deserve.

This body is going to vote on the balanced budget constitutional amendment, and it makes me angry to think it may fail to pass—once again by possibly only one vote. It makes me angry because this legislation and all of the same debates will continue to come up in future Congresses until one Congress has the good sense and courage to pass this measure and send it on to the States where it rightly belongs for ratification. As Members of the United States Congress, we often think that we know best on every single issue. Well, this is an issue we should send to the States and the American people, to finally provide them with the opportunity to debate the merits of this amendment and allow them to have the final decision.

Mr. President, for 3 weeks we have seen every chart, we have viewed every graph, we have heard every point of view, and in some cases we have looked for every hole in which to hide in an effort to scuttle the balanced budget amendment.

In my view, the American people are not buying any more excuses, nor should they. The American people know that their elected leaders, just like the wage earner in their household, cannot spend themselves into prosperity. Regardless of our own personal and varying views in this Chamber, one inescapable question remains. That question is: Do we trust the people of this Nation? By not passing this amendment we are telling them that we do not trust them, that we don't trust them to do the right thing in making decisions that will affect our lives. We, from our lofty perch in the U.S. Senate, will relieve them of the decision by not letting them discuss the balanced budget amendment in their State legislatures and in their hometowns. No one knows if the necessary 38 States would actually ratify the balanced budget amendment. But to not even allow the citizens of our home State the opportunity to review it, I find rather arrogant on our part. Let's not insult our constituents with that denial. They do not take this issue lightly any more than we do. But they also know that eight balanced budgets out of 66 years simply isn't good enough for America.

Let's pass this important bill and give this Nation a chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Georgia.

Mr. COVERDELL. Mr. President, any time a contemporary generation is engaged in the business of consuming the resources of generations yet to come, they are in the business of abrogating the freedom of generations yet to come. This democracy was formed in a war for economic freedom and independence. As you look to the children yet to come, we are in the business of robbing them of the choices and the freedoms we have known as American people. The balanced budget amendment to the Constitution is an act that must be engaged in in order to preserve the freedoms that we have known as Americans for all those generations yet to come.

My mother and father kept 80 percent of their wages to raise their family. My sister will keep 46 percent, and her children will keep 16 percent. They will not be free as we know it.

We need to pass the balanced budget amendment to the Constitution.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 or 2 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator for yielding and compliment him on his leadership on this very important issue.

Here we are having the same debate on the same issue and the same reversal of positions by Senators who have previously supported this amendment—the same excuses and the same problems. We don't have a balanced budget amendment. Two years ago the opponents of the balanced budget amendment said a constitutional amendment isn't necessary in order to achieve a balanced budget; that, in fact, the constitutional amendment is only an enforcement mechanism, but it isn't the balanced budget plan itself. They admonished Republicans by saying, "Show us your plan. Show us your plan." The President, in the State of the Union Address in February, expressed the same sentiment. He said, "Rewriting the Constitution isn't necessary to balance the budget. All we need is your vote and my signature." Exactly, Mr. President. Republicans delivered a balanced budget plan last year statutorily. We delivered a plan. We delivered it to the President of the United States. The President demonstrated with the swift stroke of the pen the need for a balanced budget amendment because he vetoed that legislation.

History has proven that a force greater than politics is necessary in this institution in order to achieve a balanced budget. History has proven the repeated failures of statutory attempts to balance the budget. The last time we had a balanced budget was in 1969. We have only had a balanced budget five times since 1950. In fact, we have debated this amendment, in the last two decades, in 1982, 1986, 1990, 1992, 1994, 1995, 1996, and now here in 1997. And guess what? We don't have a statutory balanced budget. The fact is the opponents of the balanced budget amendment understand that you can't have a constitutional amendment without achieving a balanced budget.

Mr. KYL. Mr. President, it now appears that the balanced budget amendment will pass or fail by a single vote. If the amendment is defeated, I would venture that there is a greater chance that UFO's will land on Earth tomorrow than there is that the Federal Government will actually balance its books by the year 2002. It is unlikely that Congress and the President will ever balance the budget without a constitutional requirement to do so.

Two years ago, President Clinton vetoed a balanced budget—the first balanced budget to pass Congress in 26 years. Not one Senate Democrat voted for the plan. And of course, since it would have taken 67 votes in the Senate to override the President's veto, the balanced budget never became law.

President Clinton now says he has changed his mind—that he is for a balanced budget, but once again his support is conditional: we have to wait until after he leaves office to make 98.5 percent of the savings required to get there. Until then, it is business as usual. The President would create six new entitlement programs, costing at least $60 billion over the next 5 years. He would have us increase total Federal outlays by $827 billion over that period. We can do all this, yet somehow the deficit magically disappears in 2002.

I am reminded of the old Peanuts cartoon when Lucy promises time and again to hold the football still for Charlie Brown, only to pull it away at the last minute. Every Republican Senator will vote for this amendment. A few Democrats will vote for it, too. An overwhelming majority of the American people want us to pass it. Yet President Clinton and most Senate Democrats ask us to trust them—they do not need a constitutional amendment to balance the budget.

How do we know that, in 3 or 4 years, when it finally comes time to get serious about deficit reduction under the Clinton budget, they will not yank away their support for a balanced budget again?

Mr. President, we must pass the balanced budget amendment.

Mr. HATCH. I thank my colleague.

I yield 1 minute to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, the last time we had a balanced budget in this country, as my colleague from Maine has pointed out, was 1969. I happened to be at that time a senior in college. I turned 50 this year. It has been a long time. A lot of things have happened since 1969. The one thing that has not happened is for this Congress and the President to balance the budget.

It is, frankly, time that we stopped spending our children's money. It is time we stopped spending our grandchildren's money and great-grandchildren's money. We need to balance the budget. Within the next 2 hours, I intend to cast a "yea" vote for a balanced budget amendment to the Constitution.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair. I thank the Senator from Utah.

I will quote Ronald Reagan, who said in 1985:

> Almost 50 years of deficit spending has finally brought us to a time of reckoning. We have come to a turning point, a moment for the hard decisions. If not us, who? If not now, when? Let us make it unconstitutional for the Federal Government to spend more than the Federal Government takes in.

A very simple notion. Ronald Reagan, our President, said this in 1985. It is 1997, and we have not yet taken the action the American people have asked us to take, to make it unconstitutional to mortgage the futures of our children and grandchildren. That is the vote today. The Republicans are going to keep their promise. We will be back again until we win this fight so that when we leave this place, we will know we have done our duty to protect the future of this great country that so many people have died to defend.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my colleague from Texas.

I yield 1 minute to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair.

I think this is a very significant day. We had a very blessed event over the weekend at my house. We had our fifth grandchild. And when little Mollie Elizabeth Inhofe was born, I say to Senator THURMOND, she inherited a $20,000 personal debt. I remember it was only a year before when little Jase, our fourth grandchild, was born. He inherited a $19,000 debt. So it is going up every year.

When I look over, I see Senator HAGEL from Nebraska. You do not have to go back just to the Reagan administration. If you go back long before that, one of our very fine Senators, Carl Curtis, had an idea that he would balance the budget by getting the States to preratify it. It was an ingenious idea, and it did not work, even though in the State legislature, I was the first State legislator to get it preratified.

So we have something we are faced with today that we have been fighting for 20 or 25 years. This is our opportunity to do it. If we do not do it now, I do not think we will be able to do it in the near future. This is a moral issue, Mr. President, we have to meet.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent statement.

I yield 1 minute to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair. I appreciate that.

I am honored to be able to address this body today once again on the importance of a balanced budget amendment to the Constitution.

Balancing the budget is simply no longer an option. The future of our children literally hangs in the balance. Every day we spend debating this issue, we add billions of dollars to the deficit. We have to give ourselves the tools to be able to assure that we can stay in balance.

This is an astounding fact, but in the February issue of Nation's Business they state that unless Government spending policies are altered, the average—the average—net tax burden on Americans born between 1960 and 1993 will soar from the current 34 percent to 85 percent of their lifetime incomes. That is 85 percent lifetime income going to taxes. It is thoroughly reprehensible to allow our children to be taxed at this rate simply because we do not have the courage to do what is right.

How can we do this to our children? It is imperative that we pass a balanced budget amendment to the Constitution for the kids.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield a couple of minutes to the distinguished Senator from Idaho, who has led the fight for this amendment in the House, along with Congressman STENHOLM and, of course, played a pivotal role in leading the fight for it each time we brought it up in the Senate as long as he has been here, Senator CRAIG.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair. I thank the senior Senator from Utah for his tremendous leadership on this issue and the hours of debate he has conducted in the Chamber in behalf of the passage of a balanced budget amendment to our Constitution.

Mr. President, I feel compelled to rise one more time to discuss how the Social Security trust funds would be treated under the balanced budget amendment, Senate Joint Resolution 1.

Unfortunately, day after day, we hear reference made to what the Congressional Research Service supposedly said about this subject.

It is about time to put these issues to rest, once and for all.

Therefore, Congressman CHARLIE STENHOLM and I submitted several more questions to CRS.

We asked CRS to compare, in several areas, the impact of two different kinds of balanced budget amendments: One that excluded Social Security from budget calculations, as several amendments to Senate Joint Resolution 1 would have; and one that counts all Federal spending in the budget, as does Senate Joint Resolution 1 as reported.

I ask unanimous consent that a table summarizing the results of this memo be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CRS MEMO TO SENATOR CRAIG AND CONGRESSMAN STENHOLM, FEBRUARY 26, 1997

CRS Analyzed five Balanced Budget Amendment proposals: S.J. Res. 1/H.J. Res. 1 (consensus bipartisan) which requires government-wide budget calculations; S.J. Res. 12/H.J. Res. 50 (Dorgan/Pomeroy) and the Reid Amendment, which would exclude Social Security from budget calculations. CRS conclusions:

EFFECTS OF BBA PROVISIONS ON SOCIAL SECURITY

	S.J. Res. 1/ H.J. Res. 1	S.J. Res. 12/ H.J. Res. 50/Reid
Change the current method of investing Social Security surpluses in Treasury securities?	No	No
Allow the drawdown (as planned in the 1983 law) of Social Security trust funds to pay for promised benefits?	Yes	Yes
Repeal current statutory "firewalls" protecting Social Security balances?	No	No
Protect Social Security by requiring a ⅗ vote to change the law and deplete Social Security balances?	Yes	No

Mr. CRAIG. There are compelling reasons for not excluding Social Security from budget calculations. Some Senators may feel there are good reasons for that exclusion. Some Senators may feel there are good reasons to vote against Senate Joint Resolution 1.

But this table and the CRS memo it summarizes convincingly show that several of the reasons offered for voting against Senate Joint Resolution 1 simply do not stand up.

In three key respects, S.J. Res. 1 and the amendments to exclude Social Security, such as the Reid and Dorgan amendments, would operate identically.

First, neither approach would change the way Social Security surpluses are invested in Treasury bonds. Some have called that raiding the trust funds. But the Social Security Act required that from the start, because Treasury bonds are the safest investment in the world.

If the Social Security trust funds are being raided today, and if that so-called raiding continued under Senate Joint Resolution 1, then it would also continue under the Dorgan, Reid, and Feinstein amendments.

Those amendments don't change the law in this area.

So there's no reason here to vote for those amendments and against Senate Joint Resolution 1.

Second, consistent with its two previous memos, this new CRS memo confirms again that the following is equally true for both approaches: The Treasury will redeem Treasury bonds held by the Social Security trust funds; the Treasury will repay cash borrowed from the trust funds; and the trust funds will pay out benefits as promised.

I want to emphasize the consistency of CRS here.

The February 5 CRS memo was misunderstood and misrepresented. Some continue to make the misstatements today.

CRS clarified that misunderstanding in a February 12 memo. But the misstatements continue.

This newer CRS memo makes it clear that, if there were a problem drawing upon Social Security surpluses in the future under Senate Joint Resolution 1—and there is not—then the same problem would exist under the Reid and Dorgan amendments.

So there's no reason here to vote for those amendments and against Senate Joint Resolution 1.

Third, neither version would overturn the current law that protects the balances of the Social Security trust funds.

Under the Budget Enforcement Act of 1990, there are points of order—a 60-vote point of order in the Senate—against any legislation that would change trust fund outlays or receipts in a way that would erode the balances in the trust funds.

So there's no reason here to vote for those amendments and against Senate Joint Resolution 1.

Fourth, in a fourth key area, one version, Senate Joint Resolution 1, would take the current, statutory process of protecting the Social Security balances, and elevate it into the Constitution.

Senate Joint Resolution 1 prohibits any change that would increase deficits or reduce surpluses—including those in the Social Security trust fund balances.

The Dorgan, Feinstein, and Reid amendments, by contrast, would allow the Social Security trust funds to run unlimited deficits.

Whether you have been for or against amendments excluding Social Security from the budget calculations, those amendments did not pass.

Now, if you really care about Social Security, you will still vote for Senate Joint Resolution 1 on final passage.

Under the status quo, we will add another $3 trillion to the national debt over the next 10 years.

Does anyone think that adding nearly another $3 trillion to the debt is good for Social Security?

The debt is the threat to Social Security. The debt is the threat to our children and their standard of living.

Passing the balanced budget amendment, Senate Joint Resolution 1, is the answer.

I ask unanimous consent that the following be included in the RECORD: A copy of the CRS memo we recently received and bipartisan materials we distributed analyzing the various CRS memos.

There being no objection, the memoranda was ordered to be printed in the RECORD, as follows:

CLUBB—CONGRESSIONAL LEADERS UNITED FOR A BALANCED BUDGET

CRS—THE REST OF THE STORY

Social Security Trust Funds and the BBA

The Congressional Research Service has prepared a memo in response to questions from Rep. Stenholm and Sen. Craig, comparing several key operations of the Social Security trust funds under two different kinds of balanced budget amendment to the Constitution.

The February 26 CRS memo compared S.J. Res. 1 (and it companion, H.J. Res. 1) on the one hand, with S.J. Res. 12 (and its companion H.J. Res. 50, as well as the Reid amendment #8). S.J. Res. 1 requires a balanced "unified" budget (i.e., total federal outlays would not exceed total receipts), while S.J. Res. 12 would exclude Social Security from budget calculations.

The CRS memo confirms that the treatment of the Social Security trust funds would be identical in several key ways under both versions.

Neither version would change the current law requirement that trust fund surpluses must be invested in U.S. Treasury securities. Under either version (as well as under current law), that requirement could be changed by amending the Social Security Act.

Neither version would affect the legal obligation of the Treasury to repay these borrowings to the trust funds when the appropriate time came to draw down trust fund surpluses and make promised benefit payments. (This would occur when Social Security is projected to start running annual deficits in 2019, while it still retains an accumulated surplus.) This is the issue raised in connection with the much-discussed and disputed CRS memo of February 5.

Neither version would change or overturn provisions in the Budget Enforcement Act of 1990 that protect the balances in the trust funds. The BEA includes points of order—including a 60-vote point of order in the Senate—against any legislation that would change trust fund outlays on receipts in a way that would erode trust fund balances.

The CRS memo pointed out one difference in the impact of the different amendments:

S.J. Res. 1 essentially would elevate the BEA protections to constitutional status, by requiring a 3/5 vote to approve any change that would increase deficits or reduce surpluses, including those in the Social Security trust fund balances.

The February 26 CRS memo should put some issues to rest, once and for all

Whatever preference one may have on any other basis, the "drawdown" issue is not a reason to prefer S.J. Res. 12, nor a reason to vote against S.J. Res. 1.

The February 5 CRS memo was incorrectly cited as saying that, beginning in 2019, S.J. Res. 1 would make it harder to draw down accumulated trust fund surpluses in order to pay promised Social Security benefits. No matter how that memo is interpreted, CRS has now made it crystal-clear: Both S.J. Res. 1 and S.J. Res. 12 (Dorgan-Reid) would have exactly the same impact on Social Security drawdowns and benefit payments.

Whatever preference one may have on any other basis, the issue of the Treasury borrowing the Social Security surpluses is not a reason to prefer S.J. Res. 12, nor a reason to vote against S.J. Res. 1.

This process has been variously characterized as "raiding the trust funds" versus "investing Social Security surpluses in the safest investment in the world". But either way, one thing is clear: Neither S.J. Res. 1 nor S.J. Res. 12 would change in any way the process of investing trust fund surpluses in Treasury securities.

The DEBT is the threat to Social Security—and to other priorities and to our future standard of living. Under current trends, over the years 2002–2007 (the first 6 years in which the Balanced Budget Amendment would be effective), the amount of federal debt held by the public will increase by $1.47 trillion. No one can argue that another $1.47 trillion in debt is good for Social Security.

Reasonable persons can disagree over which version, overall, offers the better protection for Social Security. But the only way to ensure any protection for Social Security is for Congress to pass a strong, effective Balanced Budget Amendment and send it to the states for ratification.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, February 26, 1997.

From: David Koitz, Specialist in Social Legislation, Education and Public Welfare Division, and Johnny H. Killian, Senior Specialist in American Constitutional Law, American Law Division.

Subject: Treatment of Social Security under the Balanced Budget Amendment.

This memorandum is in response to four specific questions you and Representative Charles Stenholm raised with regard to five pending legislative measures to adopt a constitutional amendment requiring a balanced federal budget. These measures include H.J. Res. 1 and S.J. Res. 1, both of which prescribe a "unified" balanced federal budget that would count all receipts and outlays of the federal government. H.J. Res. 50 and S.J. Res. 12, and an amendment to S.J. Res. 1 by Senator Reid, offered on February 24, 1997, would not count the receipts and outlays of the Social Security trust funds for purposes of satisfying the requirements of the balanced budget amendment. Your questions and our responses follow.

Question #1. What differences, if any, would the different amendments mentioned above have on the ability of the Social Security trust funds to invest annual surpluses in Treasury bills?

Answer: The five measures all include the same language requiring approval of "three-fifths of the whole number of each House" to increase the portion of the federal debt held by the public. However, none of the bills places a limit on raising the government's gross federal debt, which includes both debt held by the public and debt held in government accounts such as the Social Security trust funds, or on the portion of the debt held in government accounts. Therefore, there would be no restrictions beyond those of current law that would explicitly limit the investment of surplus Social Security income in the Social Security trust funds.

Current law (P.L. 104–121) does place an explicit limit of $5.5 trillion on the government's gross debt, and this potentially could constrain the Secretary of the Treasury from purchasing additional federal securities for the trust funds with surplus Social Security income if the amount of outstanding gross federal debt bumps against this ceiling. Whether this explicit limit on gross federal debt would be continued, raised, or abolished in the event of passage of any of the pending measures to create a constitutional limitation on publicly-held debt is a matter of conjecture.

Question #2: What differences, if any, would the amendments have on the obligation of the federal government to redeem the Treasury bills held by the Social Security trust funds?

Answer: Section 201 of Title II of the Social Security Act provides for a drawdown of the Social Security trust funds to pay for benefits and administrative expenses of the program. None of the five bills explicitly hinders the operations of this section of law.

Question #3: What differences, if any, would the different amendments mentioned above have on the ability of the federal government to increase the limit on the debt held by the public in order to borrow money to redeem Treasury bills held by the Social Security trust funds if the receipts of the federal government other than Social Security revenues are not sufficient to cover the outlays of the government other than Social Security and redeem Treasury bills held by the Social Security Administration.

Answer: The five measures all include the same language requiring approval of "three-fifths of the whole number of each House" to increase the portion of the federal debt held by the public. Hence, if it were necessary to borrow money from the public over and above this limit in order to cover non-Social Security outlays and make good, as well, on government securities held by the Social Security trust funds, all five measures set forth an identical prohibition.

As with any debt ceiling limitation set by law, if the government's income were less than its outlays and the Treasury Department had reached a legal limit on borrowing set forth by one or another of the proposed constitutional amendments, the operations of the federal government as a whole would be jeopardized. How any single program or function of the government would be affected is a matter of conjecture. Although there appears to be some flexibility under current law with respect to continuing certain essential services in the event of a debt ceiling impasse, there is nothing in the five pending measures or in current law that would prioritize expenditures to be made from the Treasury in that event. Whether the enactment of any one of these five proposed constitutional amendments would best facilitate attaining the necessary three-fifths approval of both Houses to increase the publicly-held portion of the debt or the passage of tax increases or spending reductions (or both) to obtain the resources to make good on the liquidation of Social Security trust fund securities also is a matter of conjecture.

Question #4: What differences, if any, would the different amendments mentioned above have on the ability of Congress to enact legislation increasing outlays from the Social Security trust funds or reducing revenues into the trust funds without obtaining a vote of three-fifths of the whole number of both Houses as required under the amendment.

Answer: H.J. Res. 1 and S.J. Res. 1 would require a vote of three-fifths of the whole number of both Houses to enact legislation to reduce federal receipts or increase federal outlays, including Social Security receipts and outlays, in any year (in the absence of offsetting measures). These limitations would not apply under H.J. Res. 50, S.J. Res. 12, and the amendment by Senator Reid since the definition of total receipts and total outlays under these measures would exclude the receipts and outlays of the Social Security trust funds.

However, none of the five measures would preclude the operation of the so-called Social Security "firewall" rules enacted in Budget Enforcement Act of 1990 that permit points of order to be raised against measures that would erode the balances of the Social Security trust funds. Presumably, they would act as an impediment, as they do today, to legislation that would reduce Social Security receipts or increase expenditures (without offsetting measures). Although in the House a simple majority may override any objection raised against such measures, it takes three-fifths approval of the whole Senate to do so.

Mr. CRAIG. Mr. President, last week several Senators and Representatives held a bipartisan, bicameral press event on the Capitol Grounds. Among other things, we received a letter, signed by more than 250 economists, endorsing the balanced budget amendment to the Constitution. The letter was put together by the American Legislative Exchange Council, the largest bipartisan individual association of State legislators in the country.

These economists, from both sides of the political aisle, have signed an open letter to Congress, asking us to approve the balanced budget amendment. Both Republicans and Democrats, conservatives and liberals, they have based their support of the balanced budget amendment upon sound reasoning and a concern that America's future will be crippled if Federal deficits are allowed to continue. Among the signatories are James Buchanan, a Nobel laureate in economics, as well as William E. Simon, who served as Secretary of the Treasury from 1974 to 1977.

The balanced budget amendment is not a partisan issue—it is an economic and moral issue. We need to recognize that through deficit spending we are selfishly spending on ourselves today the earnings that will be confiscated from future generations without their consent or knowledge.

The balanced budget amendment to the Constitution imposes procedural constraints on the making of budgetary choices. It doesn't take away the power of the Congress to spend or tax. The amendment requires only that the Congress and the Executive spend no more than what they collect on taxes.

The effects of the balanced budget amendment would be real as well as symbolic. Elected politicians would be forced to act responsibly and make fiscal choices within meaningfully constructed boundaries. Congress would be faced with important decisions regarding the financial fate of programs sooner rather than later. In its simplest terms, the balanced budget amendment amounts to little more than honesty in budgeting.

It is time to acknowledge that mere statutes that claim to control Federal spending or deficits have failed. It is time to adopt constitutional control through a balanced budget amendment.

I ask unanimous consent to print in the RECORD the letter that was signed by over 250 economists who believe that Congress must place constitutional restraints on spending.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN LEGISLATIVE
EXCHANGE COUNCIL,
Washington, DC.

An Open Letter to Congress from U.S. Economists.

It is time to acknowledge that mere statutes that purport to control federal spending or deficits have failed. It is time to adopt constitutional control through a Balanced Budget Amendment. In supporting such an amendment, Congress can control the federal government's spending proclivities by setting up control machinery external to its own internal operations, machinery that will not be so easily neglected and abandoned.

Why do we need the Balanced Budget Amendment now, when no such constitutional provision existed for two centuries? The answer is clear. Up until resent decades, the principle that government should balance is budget in peacetime was a part of our effective constitution, even if not formally written down. Before the Keynesian-inspired shift in thinking about fiscal matters, it was universally considered immoral to incur debts, except in periods of emergency (wars or major depressions). We have lost the moral sense of fiscal responsibility that served to make formal constitutional constraints unnecessary. While we can't legislate a change in political morality; we can put formal constitutional constraints into place.

The effects of the Balanced Budget Amendment would be both real and symbolic. Elected politicians would be required to make fiscal choices within meaningfully-constructed boundaries; they would be required to weigh predicted benefits against predicted tax costs. They would be forced to behave "responsibly," as this word is understood by the citizenry, and knowledge of this fact would do much to restore the confidence of citizens in governmental processes. Important decisions (such as the fate of entitlement programs facing financial insolvency) would be faced sooner rather than later.

It is important to recognize that the Balanced Budget Amendment imposes procedural constraints on the making of budgetary choices. It does not take away the power of the Congress to spend or tax. The amendment requires only that the Congress and the Executive spend no more than what they collect in taxes. In its simplest terms, such an amendment amounts to little more than "honesty in budgeting." If we as people want a certain program, we—not future generations—should pay for it.

Of course, we always pay for what we spend through government, as anywhere else. But those who pay for the government spending that is financed by borrowing are taxpayers in future years, those who must pay taxes to meet the ever-mounting interest obligations that are already far too large an item in the federal budget. The immorality of the intergenerational transfer that deficit financing represents cries out for correction.

Opponents of the BBA often suggest that Congress and the Executive must maintain the budgetary flexibility to respond to emergency needs for expanding rates of spending. This prospect is fully recognized, and the Balanced Budget Amendment includes a provision that allows for approval of debt or deficits by a super-majority vote of those elected to each house of Congress.

Opponents also make the case that the BBA in no way accounts for needed capital spending which is more appropriately funded through debt finance. In the ideal non-politicized world that BBA opponents imagine, it may be correct to include a capital budgeting provision. But just as politics intruded to destroy the Keynesians' vision of using deficits and surpluses to rationally counter the business cycle, so too politics would intrude here. In this case, we can well imagine all sorts of creative accounting and politicking to make non-capital expenditures be labeled as such.

The past four decades demonstrate that debt finance is simply a way to fund short-term, not long-term benefits. Since the early 1960s, while deficits have risen tremendously, long-term federal investments (excluding defense) have remained at about 6 percent of GNP. But short-term federal benefits have risen from about 6 percent of GNP to more than double that. Politicians have used the trillions in deficit financing over the past decades to finance short-term benefits, not long-term.

When all is said and done, there is no rational argument against the Balanced Budget Amendment. Simple observation of the fiscal record of recent decades tells us that the procedures through which fiscal choices are made are not working. The problem is not one that involves the wrong political leaders or the wrong parties. The problem is one where those whom we elect are required to function under the wrong set of rules, the wrong procedures. It is high time to get our fiscal house in order.

We can only imagine the increase in investor and business confidence, both domestic and foreign, that enactment of a Balanced Budget Amendment would produce. Perhaps even more importantly, we could all regain confidence in ourselves, as a free people under responsible constitutional government.

(Signed by 253 economists.)

Mr. CRAIG. Mr. President, recently, the citizens of Idaho, through their elected representatives in the State legislature, called upon the Members of the U.S. Congress to pass a constitutional amendment requiring a balanced budget. This is further proof that Idahoans are acutely aware of the devastating impact 28 deficits in a row and 36 unbalanced budgets in 37 years have had on our country.

If asked, the overwhelming majority of Idahoans would say it is not right to saddle every child born today with nearly $200,000 in additional taxes just to pay interest on the national debt.

Most Idahoans would say it is not right to rob future generations of the opportunity to participate in a vibrant, growing economy. They understand the implications of the Congressional Budget Office's words, that without changes in current tax and spend policies, the Federal "debt would exceed levels the economy could reasonably support."

Most Idahoans can see the debt is the threat to Social Security and that no program, no matter how important, can survive the squeeze of increasing interest payments on the debt—$344 billion in fiscal year 1996.

Idahoans have known for years that balancing the budget would have an immediate positive impact on American families. In 1982 I was encouraged by Idahoans to vote for BBA. If the BBA would have passed then, the national income would be at least 5 percent higher today, according to a study by the Federal Reserve Bank of New York.

Idahoans understand passing the BBA would put more than $1,500 a year into the pockets of American families—per DRI-McGraw-Hill, and others.

The citizens of Idaho are hard working, wise, and astute in their understanding of the need for the BBA. They know you don't need to be clairvoyant to see what the future holds if our current course of fiscal irresponsibility is maintained.

Mr. President, I would ask unanimous consent that a copy of Idaho Senate Joint Memorial No. 102 be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is do ordered.

(See Exhibit 1.)

Mr. CRAIG. Idaho is not the only State in the Union with wise citizens who have requested Congress send them a balanced budget amendment to the Constitution. Yesterday, along with a bipartisan group of Senators and Representatives, I accepted a letter delivered by the bipartisan American Legislative Exchange Council in which nearly 600 State legislators from across the country urge Congress to approve a Federal BBA.

These State representatives have eloquently articulated the momentous nature of, and need for, the BBA. They state that we "will be faced with many historic opportunities to advance the American dream of freedom, opportunity and prosperity. But none will be as significant as enacting and sending to the states for ratification a Constitutional Balanced Budget Amendment."

Mr. President, I would ask unanimous consent that a copy of the American Legislative Exchange Council's Open Letter from State Legislators to Congress be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. CRAIG. As is pointed out in this letter, congressional passage is just the first step—next, during ratification, in State capitols and coffee shops, the American people would begin one of the greatest debates ever, one of the greatest civics lessons ever, on the size and scope of their Federal Government.

Mr. President, 70 to 80 percent of Americans are calling on the Congress to pass the BBA and provide them with the opportunity to, once and for all, put our fiscal house in order. It is unconscionable for us to ignore that call.

The wisdom of our Founding Fathers is evident in the construction of our Constitution. They reached a delicate balance by creating a document strong enough to ultimately hold the States, with all their competing interests, together, yet with a mechanism allowing the flexibility necessary for future generations to deal with the unforeseen circumstances they knew would develop.

The Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected State legislatures. Mr. President, it is time that Congress tap into the wisdom displayed by Idahoans, the Nation's State legislators, and our country's Founding Fathers by passing Senate Joint Resolution 1 and sending the balanced budget amendment to the Constitution to the States for ratification.

[Exhibit 1]

Legislature of the State of Idaho, Senate Joint Memorial No. 102

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars, or twenty thousand dollars for every man, woman and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures; and opposition by a small minority repeatedly has thwarted the will of the people that a Balanced Budget Amendment to the Constitution should be submitted to the states for ratification; now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, That the Congress of the United States expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the state of Idaho in the Congress of the United States, and to the Secretary of State and the presiding officers of both houses of the Legislatures of each of the other states in the Union.

[Exhibit 2]

OPEN LETTER FROM STATE LEGISLATORS TO CONGRESS

DEAR MEMBER OF CONGRESS: As members of the American Legislative Exchange Council (ALEC) we would like to take this opportunity to welcome the 105th Congress. It is both an exciting and challenging time to be an elected official in this great nation.

During the next few years, you will be faced with many historic opportunities to advance the American dream of freedom, opportunity and prosperity. But none will be as significant as enacting and sending to the states for ratification a Constitutional Balanced Budget Amendment.

As state legislators who must balance our state budgets each year, we understand the difficult choices you will face. Unfortunately, as the past 29 years have shown, it has been impossible for past Congresses to withstand the political pressure of special interests and make the tough choices necessary to balance the budget. Clearly, the federal budget process is broken and needs fixing. As the experience in the states shows, balanced budget amendments work, and a federal Balanced Budget Amendment is the only way to guarantee the fiscal integrity of this nation and a solvent future for our children and grandchildren. Therefore, we call on you to exercise the courage and fiscal responsibility to stand up to the special interests who are willing to place their interests ahead of the nation's future.

We hope that the 105th Congress will make the Balanced Budget Amendment its first priority. The nation cannot afford to wait. The federal government cannot continue to borrow from future generations to pay for current consumption. If deficit spending is not curbed now, when it can be done sensibly and gradually, it will have to be done under desperate circumstances. The only way to ensure that programs like Social Security and Medicare are there for us and our children is to set a course of fiscal responsibility today.

As you may know, ALEC is the nation's largest bipartisan, individual membership association of state legislators, with nearly 3,000 members. ALEC is dedicated to the Jeffersonian principles of individual liberty, limited government and the free enterprise system. We believe that reducing the devastating $5 trillion national debt is central to these principles and critical to the strength of the nation's economy.

The historic opportunity to provide a brighter, more prosperous future lies in your hands. We in the states are up to the challenge and ready to ratify the Balanced Budget Amendment. This is not about whether you are a Democrat or Republican or a liberal or conservative—this is about what you must do for the future of this great nation. It is up to you to make the right choice for this country, the fiscally responsible choice—pass a Balanced Budget Amendment.

(Signed by 572 State Legislators.)

Mr. CRAIG. Mr. President, years ago, we changed our Constitution to assure that never again in this Nation would we have human bondage. We changed our Constitution to allow women to vote. Today, we are asking this Senate to allow the American people to once again change the Constitution to step away from fiscal bondage or the risk of a bankrupt Government, to take off the backs of our children and grandchildren the burdensome, overpowering debt that we are causing them to accumulate.

Yes, it is time once again that we ask the American people to change their Constitution to require us to balance the budget, to bring fiscal sanity to our Government, and to ensure the stability of this country, its economy, and the American dream for future generations.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 1 minute to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank my friend from Utah, Mr. President.

Mr. President, the old words come back to haunt us almost during these times of debate, especially over the issue of a balanced budget. I quote the words of Thomas Jefferson when he was speaking to the Framers of the Constitution. He expressed these words of his concerns regarding debt:

We, Congress, should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.

Why is it so hard to understand that the Federal Government should balance the budget when State governments and county governments and city governments do? Why is it that we cannot accumulate or mandate to carry reserves in each line for a rainy day? That is not too hard to understand, and that is what we are talking about here, responsibility and the integrity of Government to function.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I now yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

Let me, too, thank the leaders who have been in the Chamber for some time.

Again we are asked to vote on a balanced budget amendment. This is the most important and vital action that any of us will take this year if we are to be financially and fiscally responsible. This is more than just a balanced budget. This is more than just arithmetic. It is more than numbers. It has to do with character. It has to do with our willingness to face up to the realization that you cannot keep spending more than you take in.

It has to do with debt. We now have a debt of $5.5 trillion, which we have put on our credit card for young people to pay. Our card is maxed out. It has to do with interest payments. Probably, next year, the largest item on the budget will be interest on the national debt—$270 billion a year in interest.

It has to do with priorities in the Government. We have not had to choose what we think is most important for Government. We have simply said, "Let's do it and put it on the tab." That is not responsible for any of us.

It has to do with smaller Government. There is a relationship between how much money you spend and how much Government you have. I can tell you, the folks in my State would like to have less central Government, less activity. It has to do with savings for families, if we can reduce the interest payments on their cars and on their kid's college.

It is the right thing to do. I am proud of the 55 Republicans who will vote "aye" and 11 Democrats who will join them to vote "aye" on this issue. I am proud of the fact that Members of this institution have talked the talk, and now are ready to walk the walk. That is important for us to do.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I now yield 1½ minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I, too, would like to pay tribute to our Republican leadership in this great battle, this epic battle where we try to achieve some financial stability for future generations, more especially the Senator from Utah, Senator HATCH.

There were some comments that were made by a scholar over 200 years ago about the fall of the Greek Republic. It was prefaced by this statement:

When historians look back upon great civilizations, they invariably identify a time when society chose growth or decay.

Such is the time today in this body. And this scholar said this about the fall of the Greek Republic:

> The average age of the world's greatest civilizations has been 200 years. These nations have progressed through the following sequence: From bondage to spiritual faith, from spiritual faith to great courage, from courage to liberty, from liberty to abundance, from abundance to complacency, from complacency to apathy, from apathy to dependency, from dependency back again into bondage.

And then he made this prediction, which I think applies to the vote that will be forthcoming:

> A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits, with the result that a democracy always collapses over a loose fiscal policy, always followed by a dictatorship.

I think those are sobering thoughts. Can our American system meet the challenges of future generations? We will have that vote this afternoon. The voters did not vote for a majority to continue down that path that was followed by the Greek Republic. That is why we need the balanced budget amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank and commend the able Senator from Utah for his outstanding leadership in this matter. Why do we need a constitutional amendment? We have not balanced this budget but one time in 36 years, eight times in 64 years. The Congress has failed to perform its duty. Therefore, we need a constitutional amendment that will make the Congress balance its budget. That is the only way I know to do it. A constitutional amendment will demand—demand—that the Congress balance the budget.

Several years ago, when I was chairman of the Judiciary Committee, I authored a similar amendment and got it through the committee and passed it through the Senate and sent it to the House. And who killed it? The Speaker of the House, Mr. O'Neill, and the Democratic leader of the House, Mr. Wright, led the movement to kill it. The Democrats don't seem to want it—certainly a majority of Democrats.

There are some good Democrats, and I ask them to join us, pass this constitutional amendment, and protect the people of the United States. We cannot keep on going like this. We are going in debt, debt, debt. The only way to stop it is to pass a constitutional amendment to make the Congress balance the budget.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I now yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the constitutional amendment. I know you have a hard time seeing me over the big stack of budgets which have not been balanced. I support this amendment because I think Congress needs the discipline, the discipline itself to live within its means.

The Commonwealth of Pennsylvania, the city of Philadelphia, the ARLEN SPECTER household, all have to live within their means. If I don't, I end up in a bankruptcy court. Regrettably, the history of our Government has been that we have spent more than we have taken in and have run up deficits, and that is why the discipline is necessary.

I think it is very useful to have the pendency of the balanced budget amendment, which has led many to say, "Well, we don't need the amendment. We can balance the budget without the amendment." And if that provides an incentive to balance the budget without the amendment, that is all to the good.

But even if we do balance the budget, and, so far, the signs are not very promising based upon what the President has submitted, it is fine. But the discipline is necessary in the long run, and that is why I support this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I now yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I rise today to lend my voice to the chorus of support for adding a balanced budget amendment to the Constitution.

For a generation, this Government has spent billions more than it has received, all the while talking, always talking, about the urgent need to balance the Federal budget. History has borne out the facts: No matter how well-intentioned the debate, Congress has failed for the past 28 years to balance the budget.

Since coming to the Senate 12 years ago, I have listened to those who oppose a balanced budget tell the American people that all we need is courage to get our fiscal house in order. Yet, year after year, Congress runs up billions upon billions on the public credit card that must be paid for by future generations. What right do we have to ask our children and grandchildren to pay for today's excesses?

Mr. President, the time for talk has passed. Now is the time for action.

Like most Americans, I am outraged that interest on the debt has become the third largest item in the Federal budget. According to the President's budget for fiscal year 1998, the U.S. Government will spend $250 billion in net interest costs, which makes up nearly 15 percent of the total budget. That means, we spend four times more on interest than we do on education, training, and employment combined. We spend 10 times more on interest than we spend on the administration of justice.

We are the greatest Nation on earth, and yet we spend more retiring debt than we do on educating our children? This is madness and it must stop.

Mr. President, it does not have to be this bad. If we pass a balanced budget we can give families relief by reducing interest rates on borrowing for items like home mortgages and school loans. A typical family would save $1,500 per year in interest payments. Think of how that money could be put to better use: saving for a college education, investing in a secure retirement, or maybe enjoying a long anticipated vacation.

Sadly, the path to a balanced budget is now being blocked by determined and enthusiastic partisan gamesmanship. Opponents of a balanced budget have decided to play on the fears of seniors. In words which recall last year's shameless mediscare campaign, the balanced budget amendment is attacked and misrepresented—all while the national debt whirs wildly out of control.

Mr. President, I will spend exactly one sentence answering this Social Security red herring. The best way to ensure the solvency of the Social Security Program is to balance the budget now. Clever legislative shell games will not add a single day to the life of Social Security, only a balanced budget will do that.

So the decision is ours. Do we want to balance the budget or not. And if not now, when? Our children want to know.

Mr. President, I urge my colleagues to support the balanced budget amendment.

Mr. President, the American people are rightfully skeptical that this Congress will balance the budget, not only in 7 years but for every year thereafter. Why are they skeptical? For a generation, for a generation we have failed our children and grandchildren by piling up a mountain of debt to the tune of over $5 trillion. So the American people are saying, "If you need some assistance in doing the job, why don't you mandate—so that you have no discretion—mandate that we have a balanced budget in the future?" It is the only way to protect our country. It is the only way to have a country fit to live in for our children and their children.

We all know what has happened. The debt is the third largest item in the Federal budget. We are spending more on retiring the debt than we are on educating our children. It is time to call it to a halt, to get our fiscal affairs in order.

Mr. President, a constitutional amendment to require us to do the job each year, for the future, is the only way to achieve this goal.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, when the Federal Government spends more than it collects in tax revenue, then it must borrow the difference. And when it keeps borrowing, that adds to the debt.

When we have run up, as we currently have, a $5 trillion national debt, what we are really saying is that is a bill we are passing on to our children and our grandchildren to pay. Currently, for a family of four, the national debt amounts to $80,000, namely $20,000 for every individual in that family, all four individuals.

As has been mentioned, the interest on the debt is now the third largest item in the Federal budget. This means that money we are spending on interest on the debt is not available for Head Start or health care or better education or improving our parks or all the things we want.

So, Mr. President, this amendment, balanced budget amendment, which we are voting on will not solve all our problems, but it will be a big step forward, and I hope it passes.

Ms. SNOWE. I yield 1 minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I thank the Senator from Maine for yielding. I take this opportunity to thank Senator HATCH for his tremendous leadership, day after day, on the floor of the Senate, leading the battle on behalf of the American people and for the future generations of America who are going to have to pay the price if we don't get this done. If we lose this vote today by one vote, which is what the predictions are, and projections, then the headline tomorrow should be: "It Was Business as Usual in Washington Again. The American People Lost."

Mr. President, 80 percent of the American people want the budget balanced. If you think, in 1969, the last time we had a balanced budget, the year after that the debt was $369 billion, and the people said then, "We don't need an amendment, all we need to do is get the job done, have the courage to do it." The debt is now $5.3 trillion.

The President says we do not need an amendment; we just have to have the courage to do it. He submits a budget to us out of balance which will add half a trillion dollars to the debt in the next 5 years, $70 billion out of balance in the last year. It is business as usual in Washington.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Oklahoma.

Mr. INHOFE. Madam President, I now yield to the junior Senator from Maine for 1 minute.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to urge Senate approval of the balanced budget constitutional amendment. Some have argued that a constitutional amendment is not needed to ensure a balanced budget, but history clearly demonstrates that, despite good intentions, we will not get the job done absent the constitutional requirement.

Every President during the past two decades has pledged to balance the budget. In 1970, President Nixon said that he would recommend a balanced budget by 1971. President Ford pledged to achieve a balanced budget in 1976. In 1978, President Carter pledged to move rapidly toward a balanced budget. In 1983, President Reagan talked of achieving a balanced budget by the end of the decade. The list goes on and on.

The simple fact is that the road to our huge national debt has been paved with good intentions. The old saying that "we have met the enemy and it is us" has never been more applicable.

I know the pressures on Washington to spend money, even borrowed money. By and large, each Congress sets out to be fiscally responsible, but our national debt still grows. The truth is that experience has taught us that even in good times, we need the discipline of a constitutional amendment.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I now yield 2 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank the Senator from Oklahoma very much. Let me say to all the Senators on our side who are here, I am very proud to be here with you, and I am exceptionally proud that every single Republican Senator is going to vote for this constitutional amendment. I think the American people ought to make note of that.

I also call to your attention, in case you wonder why we are losing this amendment today—if we do—that 72 sitting Senators, 72 out of the 100 who sit, have voted for this constitutional amendment, or one just like it. Now, isn't it intriguing that at one time or another, 72 could vote for it, but today only 66 will find their way clear to vote for it?

It seems to me games are being played with the American people, without any question. If 72 voted for it before, I say to Senator COCHRAN, how come only 66 today? Are we better off? Are we more apt to get a real balanced budget today? Has our President sent us some budget that should renew our faith and our hope that we will do it ourselves?

The budget the President sent us starts with a deficit of $106 billion, and our accounting department tells us, when we are finished with 5 years of cuts under his budget, the deficit is still $70 billion. What a dramatic budget. It should renew our hope and our faith that we can do it and that Presidents can lead us, right? Wrong. It means that we ought to have a constitutional amendment, there is no question about it. We won't do it.

For a nation that was born in tax revolutions where we said, "No taxation without representation," I close this debate by saying, why should we tie the hands of our children and leave them a legacy of debt when they cannot be represented because we refuse to pay our own bills? That is why we need a constitutional amendment. We should not burden our children with a legacy that says no prosperity, no growth, a life of taxation to pay our bills, because 72 Senators heretofore have voted for a constitutional amendment like this.

But games are being played so that today, it will lose, once again.

I close with, isn't it a curious turn of events that it loses by one vote each time? Perhaps those watching this debate might wonder, how does that happen? Well, I tell you how it happens. Members of the Senate on that side of the aisle tell their voters one thing, and when it gets right down to voting, either a President or their own leaders talk just enough of them out of it to make us lose by one vote. We ought to be proud we are not on that team.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I now yield 2 minutes to the senior Senator from Florida, Senator GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, I want to express my disappointment that we are apparently on a path which will lead to yet another defeat of a balanced budget amendment. This could be seen as a lack of commitment to balance the budget.

My hope is that it will be seen instead as a message that a significant minority in Congress does not think a balanced budget amendment is necessary to achieve a balanced budget.

That without the discipline of a balanced budget amendment, the President and Congress will redouble our efforts to get to balance in 2002 and to remain in balance in future years.

I agree with critics who say we can balance the budget by 2002 without a constitutional amendment. That same statement could have been made at virtually any time since our last balanced budget in 1969. We have not done so.

CBO projections indicate that without changes in our current budget policies, the deficit will rise to $280 billion by 2007, nearly reaching the levels we experienced during the late 1980's and early 1990's.

The President's budget as submitted for the next 5 years and analyzed by CBO, projects that the deficit will jump from our 1996 level of $107 billion to $145 billion in 1998. The deficit will stay near that level until 2001.

This trend line is not a reassuring trumpet blast of commitment to a balanced budget. I hope that my colleagues are correct in saying we can keep the budget balanced without a constitutional amendment.

We are about to be put to the test.

Most States have a constitutional requirement for a balanced budget.

As Governor, I operated under a balanced budget. I can say with experience that it has served my State well. It would also serve our Nation well.

There are numerous State legislatures asking that we in Congress submit a balanced budget amendment to them.

In the short time that State legislatures have been in session this year, 4 have passed resolutions asking Congress to approve a balanced budget amendment; another 21 States have introduced resolutions asking for a balanced budget amendment to the Constitution.

We owe the States an opportunity to decide whether we should amend the constitution to put an end to the growing Federal debt that this country has been building.

And although we have made tremendous progress over the past 4 years, we still have a large and expanding annual deficit.

Our national debt is expected to reach $5.4 trillion at the end of this fiscal year.

One concern that many of my colleagues have expressed is their concern for how Social Security would fare under a balanced budget amendment.

My personal feeling is that establishing the principal of a balanced budget during normal periods, such as most of the years since 1982, would strengthen the Social Security system.

If we had passed a balanced budget amendment in 1982, the first year in recent history that one was considered and defeated, we would have $2.9 trillion less in debt held by the public than we do today.

The interest on this portion of the Federal debt alone totaled $190 billion in 1996. Last year, that amount was more than enough to pay for all Medicare expenses. Instead this money was dissipated on interest payments.

That same $190 billion in interest payments on the additional debt accrued since 1982 could have paid for over half of all the money the Federal Government spent last year on Social Security retirement benefits.

Let us look at Social Security from another angle—in 1982 the total interest on the Federal debt was $85 billion. In that year, all Social Security benefits were $156 billion.

The interest payment equaled about half of the Social Security benefits for that year.

In 1996, the total interest in the Federal debt was $241 billion and Social Security retirement benefits were $350 billion.

The interest payment in 1996 equaled about three-quarters of the entire outlay for Social Security retirement benefits.

Yearly interest payments are growing faster than yearly Social Security payments. This trend is not good and we must put an end to it now.

Passing the balanced budget amendment now is critical to the future health of our Social Security system.

Let me ask you—would our country be better off spending tax dollars to service the Federal debt or for needed programs like Social Security?

I believe the money would be better spent on Social Security.

The budget deficit has become a permanent fixture in our Nation's fiscal policy.

While there are those who say Congress can, without a constitutional amendment, balance the budget, history has shown this not to be the case.

A disturbing example of the lack of resolve to balance the budget occurred last Thursday evening when we extended the aviation tax to September 30—ignoring losses of $5 billion in Federal revenue for the aviation trust fund because of lapses in the aviation tax during 10 of the last 14 months.

Five billion dollars lost for American aviation safety.

We extended the tax to September 30 knowing that a report on whether the current tax should be replaced by a user fee system is not due to Congress until October 1997.

We voted to terminate the ticket tax on September 30, raising the strong possibility of another lapse at the end of this fiscal year with the excuse that we should wait for the report. Why did we do this?

We did it for budget scoring purposes.

By allowing the tax to expire on September 30 before reinstating it, our Budget rules will claim to create almost $6 billion in "new" revenue every year after September 30, 1997, for a total of over $30 billion between then and September 30, 2002.

It is for this kind of creative accounting that we send people to jail in the private sector.

Some 40 percent of the revenue increases in the President's budget from 1997 to 2002 come from this scoring gimmick.

The President and the Congress must be strong in their resolve to achieve balance through tough decisions rather than through creating fictional new revenue or spending cuts.

This archaic and destructive maneuver is exactly what undercuts public confidence in our ability to balance the budget with real numbers and rational policies.

With failures like this in mind, and after witnessing numerous attempts by Congress to enact legislation to force itself to tighten its fiscal belt, my conclusion is that we must pass an amendment to constitutionally mandate a balanced budget. It is imperative that we not lose this opportunity.

Madam President, the failure to pass a balanced budget amendment today would be a grave mistake.

For too many years we have delayed the hard decision until tomorrow.

Well, Madam President, tomorrow has come. It is our generation's duty to ensure that we pay our national bills rather than asking our children and grandchildren to do so.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank the Senator from Florida for his valiant fight on his side of the aisle to help make this a reality. We really appreciate him and honor him today.

I yield 1 minute to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, first, I commend the distinguished Senator from Utah for his great leadership on the floor of the Senate in support of this resolution to require a balanced budget.

Let me just say, we have heard Senators come to the floor and point out that this puts in jeopardy the Social Security beneficiaries of America. We have heard others claim that this amendment forces us to consider investments in capital spending the same as operating expenses, as a matter of budget policy. We have heard one thing after another used as excuses for voting against this resolution.

But let me say, I am for protecting Social Security beneficiaries. I am for doing whatever we need to do to help ensure that those who depend on Social Security can be confident that they are going to get the benefits to which they are entitled, whether this resolution passes or not. And for budget policy, you just have to look at the plain language of this resolution. It says:

The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

We are not giving away the power to decide budget policy and mechanics and whether you have a capital budget or another kind of a budget. The point is, this is national policy, if this passes, that we will live within our means. It is just as simple as that and just as nonscary as that.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I call on the distinguished chairman of the Appropriations Committee, my friend and colleague from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I believe we need to have this balanced budget amendment adopted by the Senate. As I see what is happening now in terms of the controllable expenditures of the United States, I see that next year we will spend about as much money for interest on the national debt as we will to maintain our defenses.

There is pressure on us across the whole spectrum for control of expenses. We need a Coast Guard. We need the National Park Service. We need the FBI. Think of all of the controllable expenses in the departments that we fund. Every year we have to say cut more, cut more. Why? Because the interest continues to mount on the national debt, until we get it in balance.

So, if for no other reason than that, I believe the Senate should pass this amendment so that we can get a handle on the interest we must pay on the national debt. It continues to go up because the deficit continues to go up. That must be controlled, Madam President. I am proud to join my friend, Judiciary Chairman HATCH of Utah, in supporting this amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I yield to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, thank you very much.

I want to thank my colleague, the Senator from Utah, for his outstanding leadership on this issue. He has brought to the floor of the U.S. Senate the budgets from 28 years of unbalanced budgets. They represent about, oh, I would say, close to 8 or 9 feet of a stack of papers that has really impaired the capacity of this Nation to move forward.

But I would like to mention another problem with that barricade of paper. Whenever you can just displace the cost of doing government to the next generation, you are not forced to make the innovations and improvements that you need to make.

Most of us have noted that, in the recent years, the most dynamic and workable solutions to our problems have come from the States. It is because they operate with balanced budgets. They cannot just spend money they do not have and pass the bill to the next generation.

Necessity being the mother of invention, the discipline of a balanced budget improves the quality of Government we get. It not only makes sure that we have liberties which would otherwise be forfeited if we grow bigger and bigger Government, but it also improves the quality of what Government does by saying we have to constantly look at what we are doing. We have to innovate and create instead of appropriate just to get better service with limited resources.

So the quality of our life now, the quality of Government we receive, and the integrity of the next generation is at stake. We must pass a balanced budget amendment to the Constitution to add discipline to our system which would drive creativity and improvement in what we do.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 1 minute to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I thank the Senator for yielding.

Madam President, what message does it send to the American people when we vote "no" on the balanced budget amendment?

First, it says that Congress prefers its own judgment over the judgment of the people. This is not a vote to enact the balanced budget amendment. This is a vote to send it to the people to see if they want a balanced budget amendment. Why should we put our judgment ahead of the people?

Second, it is an exercise in political power that says that political power is more important than the desires of the people. Clearly, 80 percent of the American people have said they want fiscal responsibility and believe it can only be achieved through a balanced budget amendment.

Third, it continues a system that allows us to vote public benefits to the very people who keep us in office while placing the burden of paying for those benefits on people who cannot vote for us. Therefore, it gives us the natural inclination to vote for those benefits and pass on the obligations to people in the future.

Finally, we avoid the moral tradition of sacrificing for posterity. Instead, we ask posterity to sacrifice for us. That is wrong.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, in the last hour we have had 37 Senators for the balanced budget amendment who have spoken here on the floor. I think that sends about as powerful a message as we can. But I would like to end with our remaining time going to the distinguished chairman of the Budget Committee who deals with these matters all the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. One and one-half minutes.

Mr. DOMENICI. I thank my good friend from Utah for yielding the wrapup minutes to me.

Frequently we use a word to describe what we are all for—that is "freedom." I would like to suggest that the constitutional amendment is about freedom, because to the extent that Government grows and grows, freedom diminishes and diminishes. To the extent we tax and tax, the freedom of our people diminishes.

It has been said that all significant achievement occurs because a man or a woman is free. That is why America is so great. That is why we have achieved so much.

So it seems to me that today we have a very historic vote. I honestly believe those who have twisted the last arm and got this where we will lose by one vote once again are those who are frightened about the concept of less Government rather than more. They are the ones who want more Government rather than less or at least they want the opportunity to have more Government rather than less. For they see Government as the achiever rather than individuals who maintain more of their freedom if they are taxed less and if Government is smaller.

So to me, it is a very interesting philosophical debate. Those who will vote for it say we trust—we trust—people, we trust families, we trust States, we trust individuals, and we trust decisionmakers at the home level. The others are saying, we are not sure of that. We want to reserve the option to continue to incur debt and let Government grow and grow. I believe it is clear. I wish we would win today. I am sorry we will not. I think I understand why. I hope the American people do. I yield the floor.

The PRESIDING OFFICER. There now will be 30 minutes under the control of the Democratic leader or his designee.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished minority leader.

PRIVILEGE OF THE FLOOR

Mr. DASCHLE. Madam President, I ask unanimous consent that Michael Carrasco, of the Judiciary Committee staff, be permitted privileges of the floor during the duration of the debate on Senate Joint Resolution 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I want to begin by complimenting the distinguished ranking member of the

Judiciary Committee, the Senator from Vermont, for his extraordinary leadership on this debate over the last several weeks. His effort on the floor is appreciated by all of the Members of our caucus. While I am not surprised at his demonstration of leadership and his work on this legislation, as he has demonstrated on so many occasions, we are deeply indebted to him.

I must also express my gratitude to the senior Senator from West Virginia, Senator BYRD, and Senator DORGAN, Senator REID, and many others who have done so much to represent our concerns time and time again over the course of the last 4 weeks of debate on this particular issue.

I had hoped, Madam President, that the next time Congress voted on a balanced budget amendment to the Constitution, I could support it. Instead, we are faced with the same deeply flawed amendment that was rejected last year.

This did not have to be. We had scores of opportunities to fix it, to protect Social Security, to provide for the possibility of a capital budget, to build into this amendment the flexibility to protect our Nation in times of war, disaster, or regional or national economic emergency. But every one of those opportunities—every one—was rejected along party lines. I have been astonished during the debate to hear some of my colleagues say they will vote for this amendment even though, in their words, it is not perfect.

In fact, one of my colleagues came up to me recently to say, "We shouldn't let the perfect be the enemy of the good when we legislate." Well, that is often true in other matters. But when it comes to the Constitution of the United States of America, Madam President, we should demand perfection. This is not a campaign position paper we are talking about changing. It is the most inspired, the most important political document in the history of this country.

People have died to defend our Constitution. Every Senator here has taken an oath to protect it. We may rarely achieve perfection. After all, we are human. But when we are dealing with the Constitution of the United States of America, we should never knowingly settle for anything less—not now, not ever. No, this amendment is far from perfect. Under this amendment, we now know that Congress would be required—not just permitted, but required—to raid the Social Security trust funds to run the Government. That isn't my opinion; that is the conclusion of the nonpartisan Congressional Research Service and the Office of Management and Budget.

Social Security is now running huge surpluses because of the 1983 bipartisan agreement that rescued the program. We all look back with a great deal of satisfaction at that particular vote and the actions taken, on a bipartisan basis, by the Congress at that time. The heart of that agreement was a plan to set aside funds for the baby boomers' retirement that we know are going to be needed. This year, that surplus is $78 billion. By the year 2002, it will reach $104 billion. By 2019, when many of the baby boomers start to retire, the Social Security trust funds will have built up a $3 trillion surplus, which will be desperately needed to pay those retirees, including this Senator.

But if we pass this version of the balanced budget amendment, none of those funds will be available to pay those Social Security benefits—not $1. Social Security could be paid only from taxes raised in the same year, not from surpluses built up years before. That means when the baby boomers retire, Congress would have to raise taxes dramatically or slash Social Security benefits deeply, or both, to accommodate the circumstances that we will be facing at that time.

Madam President, this isn't conjecture; this is the analysis given to us by virtually every credible budgetary source to whom we have gone for counsel and advice on this important matter. So what was our response? Well, our response was to offer amendments to resolve that problem. Our amendments said if we are going to build up that trust fund to $3 trillion and know full well that we are going to have to draw down that trust fund at some point in the future, let's take every precaution to ensure that it will be there. We offered amendments to protect it.

Now, our Republican colleagues defeated every single amendment as it was brought up in committee and on the floor. Again, our Republican colleagues argued that this is not something we should really worry about. Misusing the Social Security trust funds to pay for other Government programs is not just bad accounting, it's bad faith. Combining the Social Security trust funds with the rest of the budget doesn't pay off the deficit; it just masks its size. It allows us to claim that the budget is balanced when we know really it isn't. When they claim we have a balanced budget in the year 2002, we are going to increase our debt by $130 billion.

Madam President, this isn't the way we ought to legislate. This isn't simply a question of making perfect the amendment. It becomes clear that this amendment is not perfect in any fundamental way when one analyzes how it would work.

In my view, this amendment, as it is presented right now, is duplicitous. Social Security has never been a day late or a dollar short. It is the most successful social program in the history of our country. For millions of older Americans, it is the difference between living in dignity and living in fear and poverty. A balanced budget amendment should not force us to break that historic contract. It should be honest in how it accounts for and uses the Social Security trust funds.

While misuse of the Social Security trust funds is my gravest concern, I am also deeply troubled that this amendment would limit, for all perpetuity, how Congress can treat large-scale capital investments. Let there be no misunderstanding here. If this amendment passes, any proposal to create a capital budget would be declared unconstitutional. If a project could not be paid for in one year, it could not be undertaken. Capital investments, such as roads, bridges, and water projects strengthen our economy for the future. It seems to me that it would be profoundly unwise for us to pass an amendment that forbids even consideration of a capital budget. It would threaten the very economic competitiveness that we all say we desire. Again, we offered amendments to correct this flaw, to allow for the possibility of a capital budget, and, again, they were defeated—every single one along party lines—in committee and on the floor.

The majority leader suggested a willingness to provide for a capital budget, only after it was clear that he didn't have the votes without it. While I welcome such sudden openness, we have not yet seen any solid proposals from the other side in this regard.

Madam President, I just ask the question: If virtually every State recognizes the importance of distinguishing between a capital budget, long-term investments, and operating costs, why is it that we don't see the need to do so as well? If every family and every business were required to pay off every mortgage and investment every year, I question whether any of them could sustain that kind of requirement or that kind of an economic procedure. Yet, that is exactly what we are suggesting must be our course of action, for all perpetuity, for the Federal Government. We can't even consider the possibility of a capital budget under the amendment as it is drafted right now.

Another serious flaw with this amendment has to do with our national security. Section 5 of this amendment jeopardizes our ability to prepare for situations that we know will require intervention, such as in the Persian Gulf. For Congress to waive this amendment, the United States "must be engaged in military conflict." Let me restate that. For us to be eligible for the exception under this constitutional amendment, we already have to be fighting a war in order to tap resources that may be required to fight that effort. In Desert Shield, we needed to build up before the conflict. We stipulated that the conflict was imminent. As a result, we were able to be prepared when the conflict came in Desert Storm. To say that there has to be a conflict before we can provide legislative support, in my view, is extraordinarily poorly worded and ill-founded.

None of us, today, would want to look the men and the women we sent to the Persian Gulf in the eye and say that we want you to go fight first, and we will support you later. We want you to go put your lives on the line and, at some point after you start fighting, we will get around to providing you with the necessary resources.

Madam President, that is exactly what this amendment says. I hope that everybody will think very carefully about whether or not we want to commit to section 5 of this constitutional amendment. No, this amendment isn't perfect, and it is not as good as it could have been, and it is clearly not good enough to include in the Constitution of the United States of America. So I, with many of my colleagues, am left with the inescapable conclusion that we must vote against it.

At the same time, I think it is imperative that we redouble our efforts to actually balance the budget, rather than just talk about it. Madam President, in the last couple of days, I have been dismayed at some of the remarks made by some on the other side with regard to the budget process. I thought we had an understanding that we were going to work toward a budget agreement that would allow us to meet our deadlines by April 15.

Instead, now we are playing politics on the other side with a budget agreement, telling the President to come forth with a second budget agreement, prior to the time those who are complaining have even come with a first one.

I hope we can quit playing political games with the budget process and get in that room and do what we are supposed to do in the Budget Committee to balance the budget. Let's start working through this budget process tomorrow. Let's start meeting the deadlines set into law. The committee hasn't met in 2 weeks. I think it is high time to demonstrate some real leadership here. When it comes to the budget process, that ought to start with a date certain for a markup on the budget itself.

We have come a long way. We have a record now that we can look back on with some pride, having reduced the deficit from $290 billion in 1993 to $107 billion this year. We need to go the rest of the way, and we can do so only if we continue to reduce spending as successfully and aggressively in the next 5 years as we have in the recent past.

I am troubled, frankly, not only with the fact that we have not seen any proposal on the part of Republican Members with regard to a budget itself, but by the tax proposal being proposed now by the majority leader. It would create a deficit of over $1 trillion in the next 20 years to pay for new tax breaks that overwhelmingly benefit those who don't need them at all. If these new tax breaks were to pass, they would cost $500 billion over the first 10 years and $750 billion over the next 10 years, at a time when we ought to be reducing the deficit, reducing the debt, and coming together in a bipartisan way to resolve our differences.

It must be difficult for South Dakotans to understand how some of those who argue that we need to pass a constitutional amendment to balance the budget can turn around and offer tax breaks that add more than $1 trillion to the deficit.

I might remind my colleagues that, even if we balance the budget, we have a $5.5 trillion accumulated debt that we have not yet paid down. Eliminating the deficit is only the first step. We still have the debt. If Senators continue to complicate our situation by offering tax measures that contribute massively to the deficit we are facing over the next few years, it is hard to believe that they are really serious about fiscal responsibility.

My expectation today is that this amendment will fail. But if I am wrong, if somehow it passes, then I am confident that it will fail when it is sent to the States for ratification. As Americans learn more about the consequences of this ill-considered proposal, I hope that Congress will ultimately resolve to work through the many deficiencies in this amendment, and correct it in ways that we have suggested time and again on the Senate floor.

David Ramsey was a member of the Continental Congress that adopted our Declaration of Independence. He said, "The adoption of the Constitution was a triumph of virtue and good sense over the vices and follies of human nature."

It was, in fact, that rarest of events, the triumph of the perfect over merely the good. For 208 years, Congress has defended that triumph of the perfect over the good when it comes to the Constitution. It is our solemn responsibility now to uphold that standard.

When it comes to the Constitution, we should settle for nothing less than perfection.

Madam President, I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I appreciate the comments of the Senator from South Dakota.

Madam President, for those who want to know where this Constitution was written, it was written in a small room in Constitutional Hall called the Assembly Room. Fifty-five white men wrote the Constitution over 200 years ago. George Washington's chair is still at the front of the room because he presided over the writing of the Constitution. His chair is still there if you want to go see where George Washington sat as they drafted the framework for our form of government. George Washington was the fellow who was reported to have said, "I cannot tell a lie" about cutting down the cherry tree.

I was thinking about his chair when I saw it in this room, and about the cherry tree, and lies, and about political wafflers when we get involved in a discussion of this type. This is a very, very important discussion.

In the debate in the last couple of hours, one would think it is about balancing the budget. It is not that. It is about altering the Constitution of the United States. It is now 4:32. If, by some magic, we could by 4:35 amend the Constitution just like that, at 5 o'clock nothing would have changed with respect to this Government's deficit or debt.

This is about altering the Constitution. The question is, shall we do it? And, if so, how shall we do it?

We voted on a constitutional amendment last week to balance the Federal budget. I offered it. It got 41 votes. Almost all—except two—on that side of the aisle voted against it. Had they voted for it, we would have had a constitutional amendment to balance the budget passed by this Chamber. It was identical to the one they offered, with one exception: It said you can't count the over $1 trillion in Social Security trust funds to pretend you have balanced the budget.

Based on all the crowing that I hear, one would think, if a constitutional amendment to balance the budget is passed, the budget will be balanced. Of course, that is not the case. The budget will be balanced when you make individual spending and taxing decisions to balance the budget.

In 1993, I cast a vote on the floor of the U.S. Senate for a deficit reduction package. It was a hard vote. The politically easy vote was to say, "I am gone. I am on vacation. Count me as no because I do not want the baggage that comes with having to vote to reduce the budget deficit."

We passed that by one vote. And we didn't get one vote from that side of the aisle—not a bit of help, not a bit of help from the people who now stand on this floor and crow about how much they want to balance the Federal budget. And the budget deficit came down 60 percent.

We paid an enormous price for casting that vote. It was a price I was willing to pay. I am glad I cast the vote. And that is the way you reduce the budget deficit.

How do you eliminate the budget deficit? Well, amending the Constitution, if you do it the right way, will help. And I am willing to do that. We had a vote on it last week. I offered the substitute that would have amended the

Constitution the right way. But I refused to alter the Constitution in a way that will allow the Federal debt to keep increasing when they say it is in balance.

I have asked repeatedly, and there is no answer to it, why do the managers of this constitutional amendment pretend to the American people that if they pass it and then pass a budget that accomplishes it—when they pass this budget and then claim the budget is in balance—why will the Federal debt keep increasing? Why, in the very year that they claim the budget is in balance, will they be required to increase the Federal debt limit by $130 billion, in that year alone? Why? Why, if the budget is balanced, will the Federal debt keep increasing?

I have asked that a dozen times, and no one has answered it. Why has no one answered it? Because it is a fiction. This constitutional amendment, the way it is crafted, is a fiction. It misuses over $1 trillion in Social Security trust funds to pretend they are balancing the budget, and, in fact, it is not balanced. In fact, the Federal debt will keep increasing. That is why they can't answer the question.

It is one more chapter in a book of fiction. But this is a chapter of fiction that they intend to put in the Constitution of the United States.

In North Dakota they want a balanced budget. I have voted for balanced budgets. But in North Dakota they understand the virtue of, if you are going to do something, doing it the right way. There is the right way and the wrong way. The proposal here is the wrong way.

This is a country that seems obsessed sometimes with instant gratification and quick fixes.

Madam President, I ask for 30 more seconds.

Mr. DASCHLE. Madam President, I yield such time as he may consume to the Senator from North Dakota.

Mr. DORGAN. There is a mentality that would have us believe sometimes that instant gratification is paramount—quick fixes, fast foods, Minute Rice, instant coffee, instant pudding, Jiffy Lube. Hook the budget to the Constitution and pretend you have balanced the budget, but have the Federal debt keep increasing. It fits right in with the whole genre of quick and easy fix—no trouble at all.

The American people know better. There is the right way to do things and the honest way to do things. Yes, we ought to balance the budget. And when we have taxing and spending decisions on the floor of the Senate to do that, join us and help us to it.

I am amazed that those who come here speaking the loudest about this issue will come on one of the largest spending bills that will come before this body, the defense appropriations bill, and say, "No, we are not spending enough. We want to add $10 billion more, and we insist that you spend it."

I am amazed that those who come to this floor and talk about balancing the budget are also the ones who come and say, "And, by the way, we want $500 billion in tax breaks." They propose plans suggesting $30,000-a-year tax breaks for those that have $250,000 a year in income. Why? I guess they think we can afford it. Do you know that every dollar of tax break will be borrowed and will add to the Federal debt in that plan? These are the people who are now suggesting we alter the Constitution the wrong way in order to pretend that we have balanced the budget.

Madam President, we ought to balance the budget. Yes. Last week I even offered a constitutional amendment to do so drafted the right way, drafted in a way that it will not misuse the Social Security trust funds. But we ought not, no matter what the price—any of us—ought not stand up and say, "Well, it doesn't matter. We are just amending the Constitution of the United States. It may not be perfect. Yes, it may cause some problems for Social Security. But let's do it anyway."

The 55 people who wrote the Constitution of the United States provided for a way that it might be amended. But they always assumed, I suspect, that we would do the very best we could to make sure this document is perfect, or is as near perfect a document for the governance of this country as is possible.

This is the greatest democracy on the face of this Earth. I get a little tired of people talking about how awful this place is. Most people around the globe want to come here because they understand the torch for freedom and the beacon of hope in this country still burn brightly for all the rest of the world. It is a remarkable place. And when we alter the Constitution—and I am prepared to do so—let us make certain we do it the right way.

I appreciate very much the Senator from South Dakota yielding.

Mr. DASCHLE. Madam President, I yield the remainder of my time to the ranking member, the senior Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I want to thank the distinguished Democratic leader for yielding me a few minutes of time as we finish up the debate on this important constitutional question.

By our Senate oath of office we each commit to "support and defend the Constitution of the United States." That is our paramount duty and a responsibility that I certainly cherish in this opportunity to represent the people of Vermont here today.

A constitutional amendment on the budget poses dangers to Vermont and threatens the constitutional principles that have sustained our democratic form of Federal Government over the past 200 years. Separation of powers, checks and balances, and majority rule are not constitutional guarantees to be altered without serious deliberation.

The real question this year is not whether to reduce the deficit, but by how much and what cuts to make in order to bring the budget into balance. That is the hard work that lies before us.

As President Clinton declared in his State of the Union Addresses: All we need to balance the budget is for Congress to pass a bill and for his signature. We do not need to change the Constitution of the United States.

The time and resources devoted to reconsidering a constitutional amendment on the budget merely serve as a distraction from the real task at hand. Let us not be distracted, again, from the true means to deficit reduction: Hard work, hard choices, and bipartisan cooperation with the President.

Political courage has been an essential ingredient that has helped us reach the level of deficit reduction that has been achieved over the past 4 years. We cannot legislate political courage. We must summon that ingredient from ourselves.

In addition to being unnecessary, there are six key reasons why adoption of this proposed 28th amendment to the U.S. Constitution would, in the words of Treasury Secretary Rubin, "be a terrible, terrible mistake."

RISKS TO THE ECONOMY

First, this amendment could be economically ruinous.

During recessions, deficits rise because tax receipts decline while various Government payments, like unemployment insurance, increase. By contrast, the amendment would require disastrous raises in taxes or cuts in countercyclical spending during a recession or depression.

As Treasury Secretary Rubin testified: "a balanced budget amendment could turn slowdowns into recessions, and recessions into more severe recessions or even depressions."

Our economic policy—especially as we attempt to compete and adjust in an increasingly global economy—must be flexible enough to allow each generation of Americans and each Congress and President to deal with changing economic conditions as they see fit in serving the best interests of the Nation and our citizens. Yet, this proposal would impose an inflexible prescription on all future generations of Americans in perpetuity.

IT INCREASES THE RISKS OF GOVERNMENT SHUTDOWN AND DEFAULT

Second, this constitutional amendment would vastly raise the stakes and risks to taxpayers and all citizens of a Government shutdown and default. We now have the experience of a year ago to gauge just how great these risks would be to our economy.

Under the supermajority requirements in the proposed amendment, a minority of Members, either from a particular region or sharing a political philosophy, could force the U.S. Government into default unless they got their way—just like a handful of House Members in 1995 tried to force President Clinton to accept their balanced budget plan by refusing to vote to raise the debt limit.

This proposed constitutional amendment would prevent the Treasury from taking the same measures it did during the 1995 budget crisis to avoid a default. Without that flexibility, the Government also would be unable to ensure on-time Social Security checks or Medicare and veterans benefits.

AN INVITATION TO CONSTITUTIONAL CRISIS

Third, this proposed constitutional amendment risks seriously undercutting the protection of our constitutional separation of powers.

No one has yet convincingly explained how the proposed amendment will work and what roles the President and the courts are to play in its implementation and enforcement. Constitutionalizing the budget and economic policy would inevitably throw the Nation's fiscal policy into the courts, the last place issues of taxing and spending should be decided under our system.

The effect could be to toss important issues of spending priorities and funding levels to the President or to thousands of lawyers, filing hundreds of lawsuits in dozens of Federal and State courts. If approved, the amendment would let Congress off the hook by kicking massive responsibility for how tax dollars are spent to the President or to unelected judges.

IT ERODES THE FUNDAMENTAL PRINCIPLE OF MAJORITY RULE

Fourth, this proposed constitutional amendment undermines the fundamental principle of majority rule by imposing a three-fifths supermajority vote to adopt certain budgets and to raise the debt limit.

Our founders rejected such supermajority voting requirements on matters within Congress' purview. Alexander Hamilton described supermajority requirements as a "poison" that serves "to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority." These supermajority requirements are a recipe for increased gridlock, not more efficient action.

The amendment's supermajority requirements would permit minority factions to extort pork barrel projects or extreme legislation as their price for avoiding a Government shutdown and default. Do we really want to allow 40 percent plus one of the Members in either the House or the Senate to hold the budget hostage to their demands?

IT IS A PIG IN A POKE

There is much truth to the axiom that the "devil is in the details." This proposed constitutional amendment uses such general terms that even its sponsors and proponents concede that implementing legislation will be necessary to clarify how it will work.

What will this implementing legislation say? We will not find out until we see this implementing legislation. The questions raised that still lack satisfactory answers are many: What programs will be off-budget? What role will the courts and the President have in executing and enforcing the amendment? What will be considered compliance with the amendment? How much of a deficit may be financed and carried over to the next year? Many other questions still await answers going to core matters that are critical to our understanding of what this amendment means.

Congress should not be asked to amend the Constitution by signing what amounts to a blank check. Nor should any State be asked to ratify a pig in a poke.

In the interests of fair disclosure, Congress should first determine the substance of any implementing legislation, as it did in connection with the 18th amendment, the other attempt to draft a substantive behavioral policy in the Constitution.

IT FAILS TO PROTECT BASIC COMMITMENTS TO OUR CITIZENS

Sixth, this proposed constitutional amendment fails to live up to the commitments we have made to our citizens. It uses the annual surplus in the Social Security trust fund to mask the true size of the Federal budget deficit for years to come. This is wrong.

In addition to using the Social Security trust funds, this proposed constitutional amendment could shortchange our seniors who depend on Medicare, our veterans who depend on service benefits, and our children who depend on nutrition programs. We have made commitments to our seniors, our veterans, and our children. But this amendment fails to honor our commitments. This is unacceptable.

CONCLUSION

We Vermonters pride ourselves on being able to apply Yankee common sense in sorting the sensible from the fanciful, and this proposed constitutional amendment lacks common sense, Yankee or otherwise.

One of the newspapers in my State observed: "Amending the Constitution to require a balanced Federal budget would be like using a sledgehammer to nail a picket in a fence. The picket might stand, but at great risk to the fence."

Even the short span of 2 years since the last debate on this amendment has brought forward changed fiscal and budget circumstances and new insights into the implications of amending the Constitution in this way.

Let us not proceed with a view to short-run popularity, but with a clear vision of our responsibilities to our constituents and the Nation in accordance with our venerable and venerated Constitution.

Madam President, for the last 4 weeks, I have been saying over and over again to Senators, think about what we are doing. This country, which has a Constitution the envy of all other democracies on Earth, has amended that Constitution only 17 times since the Bill of Rights. In that 17 times, one of those amendments was to repeal an earlier mistake, the amendment on prohibition.

Madam President, during that time, we have had civil wars, invasions of our Nation, the War of 1812, terrible world wars, Korean war, Vietnam war, depressions, recessions, earthquakes, natural calamities, expansion of our Nation. With all these changes, most of which were far, far greater than anything we see today, we resisted the temptation to amend the Constitution. We resisted the temptation to tinker with our Constitution, and we always came out a stronger nation.

We hear talk about Thomas Jefferson. Thomas Jefferson borrowed twice the budget of the United States for the Louisiana Purchase. Can you imagine what this country would be like had he not had the foresight to do that? Or can you imagine what this country would be like had he had the same constitutional amendment and not been able to borrow the money for the Louisiana Purchase? Where would this Nation be?

I hear one Senator come in the Chamber and talk about Senators who appear to change their position. I would point out that I heard no criticism from him of the three Senators who had opposed this constitutional amendment and now support it.

I hear a Senator come in the Chamber and say we need this to balance the budget, and yet that same Senator has done nothing to bring out of his own committee a budget, even though the law requires him to do so, within the next month.

Madam President, we do not need a bumper-sticker, sloganeering constitutional amendment to balance the budget. We can just have enough courage to face up to the special interest groups of the left and the right and balance the budget ourselves. That is what we need.

So many of those who are hollering for this sound like the lion in "The Wizard of Oz." They are seeking courage. If we do not have the courage to do what is right, then we do not belong here. But I am afraid that some who want this are simply looking for something that will reflect the passing poll of the moment. The Constitution of the United States is not a passing poll of the moment. The Constitution of the

United States is the bedrock of this Nation. It is why we have the strongest democracy in the world. It is why, incidentally, we have the strongest economy in the world.

Instead of running down our economy, instead of running down our Constitution, instead of adding something that looks good on a public opinion poll but does not look good on the test of time, we ought to do what is right: bring down the deficit by the hard votes, not by tinkering with our Constitution. Let us not slap this bumper sticker on the greatest Constitution ever written. It is beneath the Senate. It is beneath the House of Representatives. But, more importantly, it does great disservice to the finest Constitution democracy has ever had.

Madam President, am I correct that the time of the Democratic leader has expired?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. There will now be 30 minutes under the control of the majority leader or his designee.

The Chair recognizes the distinguished majority leader.

Mr. LOTT. Madam President, I yield myself such time as I may consume of my 30 minutes, but I do want to reserve the closing 5 minutes for the distinguished chairman of the Judiciary Committee. So after 25 minutes, if I am still going, I hope the Chair will give me that notification.

I should like to begin, Madam President, by expressing my appreciation to all the Members of the Senate. We have been debating this issue now for a month or more. It has been a good debate. Every Senator has had an opportunity to express himself or herself, and I think the debate for the most part has been good—troublesome to me sometimes and discouraging in some of the things I have heard said, but still the Senate has worked its will in terms of having the time that we needed to debate this very important issue and to offer amendments.

I thank particularly the chairman of the Judiciary Committee, Senator HATCH of Utah, for the great work he has done, for the long hours, in fact—yes, hours—he has spent in this Chamber speaking in response to comments from other Senators, commenting on the amendments that have been offered. He has done an outstanding job. If for no other reason, I hope we would pass this amendment because of the great work and the commitment he has to this effort and to this constitutional amendment. I thank him for his great work.

Also, Senator CRAIG of Idaho, Senator CRAIG THOMAS of Wyoming, Senator BRYAN of Nevada, a Democrat who has been involved, and 10 other Democrats who have been committed to this constitutional amendment requiring a balanced budget, who have had the courage of their convictions to stand up and support this constitutional amendment and make speeches in behalf of it.

Senator COVERDELL has done an outstanding job in working with the people from all over this country, through the land, who are interested in supporting this amendment. Senator SNOWE has done a great job in helping make sure that we had Senators who were aware of the time who would come to the floor and make their statements. Many others have done a great job. I wish to recognize the work they have done because a lot of time, a lot of thought, a lot of great speeches have been made as we have come to the conclusion of this debate on the constitutional amendment for a balanced budget.

Thomas Jefferson has been mentioned a lot here in the debate. As a matter of fact, as I just came from the majority leader's office, I was thinking about the fact that it was in that very room—yes, that very room—that the House of Representatives met in 1801 and took 36 ballots—36 ballots, would you believe it—to elect Thomas Jefferson of the United States over Aaron Burr. How close they came to making a mistake.

I think that this, too, is of such historic significance. We should not make a mistake here today and not pass this amendment. We should vote for it. And the impact would be monumental—perhaps not as monumental as electing Thomas Jefferson, but certainly would have impact on the future of all Americans for years and years to come. It is historic.

I am very proud that we have kept our word to the American people that we would fight for this amendment, that we would bring it to a conclusion, and that we would try to get it added to the Constitution so that we would have the guarantee, the additional leverage, the backbone that is needed to have in fact a balanced budget. So we have kept that commitment, and all Americans will have a brighter, more prosperous future when we pass a constitutional amendment requiring a balanced budget.

I noted the comments earlier today that 55 people wrote the Constitution. Well, 55 Republican Senators, every Republican Senator, will vote for this amendment today, and a minimum of 11 Democrats. It is bipartisan. We do know that this needs to be done. We need to get that additional vote that would give us the 67, and I think maybe that is still possible before all is said and done on this constitutional amendment.

Just yesterday, we had additional proof of the need for this constitutional amendment. Six Presidents, over 1,400 Members of Congress, and approaching 1,000 Senators over the years have made an effort to get a balanced budget agreement, but through 28 years and all these Congressmen and Senators—and I want to make sure I have the exact number on the Senators. I think that number is high. We have had well over 1,500 Congressmen and Senators who said we should have a balanced budget, but we have not had one. We have not achieved one in 28 years—good intentions by men and women, but it has not happened. It looks like we will not have it for at least a couple of more years, at the most not until the year 2002. And, yet, in the President's budget that was sent to us, we find deficits do not go down, they go up by over $25 billion in the next fiscal year.

We find that, instead of having tax relief for working Americans, you have a net tax increase in the President's budget. And, worst of all, 98 percent of his so-called budget savings, or spending restraints, would come in the last 2 years, after the year 2000, after the turn of the century, after this President is gone—proof positive, once again, that there is not yet a sufficient commitment by the President to get a balanced budget agreement. Without this constitutional amendment, I still have my doubts as to when it will happen.

Now, the Senator from North Dakota commented earlier about how he had voted for a budget that reduced the deficit. Look, if everybody will agree just to raise taxes and keep raising taxes, I guess you could reduce the deficit. Of course, at some point there is a point of no return. When I hear from my own son, who calls me and says, "Dad, look, I am working hard, I have 55 people working for me, but 50 percent of everything I make is going to taxes, why is that? What are you going to do about it?" You know, that has an impact on me. The solution to balancing the budget is not to raise more taxes, as happened in 1993; it is to control spending for the interests of our children and for all Americans.

Social Security—when all else fails, bring up Social Security. I have heard it for years. I have been worried about it over the years, and I have cast some votes that made it clear that I do not want Social Security to be threatened or abused in any way. This amendment will not do that. In fact, the only thing that we could do that would threaten Social Security is that we not get a balanced budget. That is how we would get in trouble with Social Security.

By the way, if it is so critical, if it is, in fact, something that should not be included in the budget, why does the President, year after year, including this year, include Social Security in his budget? This is absolutely a diversion, and it is unfair to the seniors in this country that we try to scare them by indicating in any way that this would affect Social Security. The reverse is true. I will take my stand and stake my defense of Social Security against anybody's record in this body.

Americans support this constitutional amendment. That is why you hear all these diversions. That is why you hear, "Well, but for this," "Yes, but," "Maybe, but I cannot do it unless you do that." The American people are overwhelmingly for this.

Senator COCHRAN, my colleague from Mississippi, and I are for it and our constituents are for it; in my State, over 80 percent. So it is relatively easy for us. But we are also for it because we believe increasing debt is the wrong thing to do.

Let me just read some of the excuses we have heard over the years. The truth of the matter is there are a few Democrats who do not want a constitutional amendment for a balanced budget. They just do not want it. But they have said: "Well, I would be for it except we want a Republican Congress to show their plan first," or, "We want to wait until after Republicans have passed a budget plan," or, "Only if you exempt Social Security," or, "Yes, you must exempt emergency spending, you must exempt veterans, you must exempt housing." How about an amendment by Senator WELLSTONE to exempt all education, health, and welfare; exempt all college aid and training? They would exempt all law enforcement, exempt the Tennessee Valley Authority, and highways, bridges, dams, roads, buildings, ice skating warming huts, and pork. They would exempt 77 percent of the nondefense, noninterest budget, if you went through that. And the list goes on, one excuse after another.

Anybody who is looking for an excuse not to be for a balanced budget, looking for an excuse not to be for a balanced budget amendment, they can find it, they can find something to hide behind. But the American people, I believe, see through that. They have watched for years. They know that it has not been happening. They are worried about the interest on the national debt. They are worried about the future of the economy in our country. They know this should be done.

I do think that a constitutional amendment requiring a balanced budget is an amendment that is worthy of going into the Constitution. Surely, Thomas Jefferson objected, back in the beginning of our great country, and would object now, to the debt we are building up—trillions of dollars. If we do not get a balanced budget—in fact, even if we do get a balanced budget agreement—the debt will probably still go up by close to $1 trillion. When will it end?

It brings to my mind the statement we have heard before, "If not now, when? If not us, who?

If we are not prepared to step up and pass this constitutional amendment now, we are admitting, based on what we have seen from the President's budget proposal this year, it is not going to happen any time soon. The deficits annually will begin to build up and to build up again, and so will the debt.

We are stealing from the future of our children. They are the ones who are going to pay the price for this, and I feel very strongly that, if we put this in the Constitution with the protections that are there so that if we do have economic problems or if we have a national emergency, there is a way to get out. There is the three-fifths vote—60 votes. We get 60 votes around here quite often.

We want to make it tough. If you make it so easy that you can just have a vote and it will all just be wiped aside, you know Congress will do that. Congress has proven time and time again they will do that.

In the past, we have tried to pass statutes that would guarantee that we get a balanced budget, and it has not happened, because what has happened? We come along and we say we are going to exempt all these various and sundry things. Or, if it really gets tough, like we did with the Gramm-Rudman-Hollings, we just move the date. We just pass another statute. As long as it is just a bill, as long as there is a way to avoid the tough decision, I fear the Congress will take advantage of that.

We have proven here in this body, in the past 6 months, we can work together. We can be bipartisan. We can be civil to each other. And, when we work in a bipartisan way, when we put our minds to it, we can produce results.

Last year, there we were passing these issues, many of them that had been in the making for years, like telecommunications and welfare reform, health insurance reform. We did not pass them by narrow margins. We passed them by wide margins. Once we made up our mind we would, we did it in a bipartisan way. That is one of the lessons I learned. I am glad this is bipartisan. But I note also we must get one more of the 34 Democrats in order to pass this constitutional amendment.

A second lesson I have learned recently is good intentions just have not worked. It is not enough. You need this additional leverage.

So, I urge my colleagues here today, be proud of what we have done. Make sure we are going to live up to the commitments that we have made to the American people. Join the American people. I want us all to have the courage of our convictions and be prepared to vote yes or vote no, if that is what we think is right. But I do think we also should take some lessons from our constituents. They have it figured out. They support a constitutional amendment for a balanced budget overwhelmingly. Why can we not get it through this institution?

I believe the House will take this issue up in the next month or so, and I believe they will pass it. Some people have their doubts about that, but I still have confidence they will. And when they do, we will take another look at considering this issue if, in fact, it does not pass this afternoon. But this is an issue that will not go away.

In fact, if you look at the Constitution, the last amendment that was added to the Constitution was actually pending for, I think, 200 years; the 27th amendment to the Constitution. It was language for years and years. Finally the State of Michigan ratified it and it became the 27th amendment. I hope we do not have to wait that long for this amendment, but we are going to pass this amendment and, if we do or we do not, I am going to work with the distinguished chairman of the Budget Committee. We are going to try to find a way to get a balanced budget agreement. But I believe that this additional requirement in the Constitution will guarantee that we will do that job.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the majority leader for his leadership on this particular issue. He has been a leader on this issue ever since I have been working on it, I have to say, both in the House and in the Senate. I am proud of him.

Look, we have heard from the minority and the minority leader that the perfect balanced budget amendment would exempt all capital expenses, however defined; Social Security, however defined; military responses or buildup, however understood, crime control; times of economic downturn; national disaster or emergency; education; nutrition programs, and so forth and so on. Gee, what is left under this proposal, under the minority leader's proposal? It is pretty apparent they don't want a balanced budget amendment. They do not want a fiscal mechanism that will make it more difficult for them to increase taxes, to pay for more expensive programs or to increase the debt to pay for more expensive programs. What's left? Just interest expenses? Well, that's a perfect balanced budget amendment if you want to keep spending.

It was admitted today that if we had a "capital budget exemption," we would have a "balanced budget" today. I guess that's so. That's perfect. If you want to keep spending and borrowing, that's perfect. In other words, if you want to keep the status quo, that is the way to do it: Just hide everything in a loophole, and then you can say you "balanced" the budget. No, we don't need this kind of perfection. What we need is a real-world solution, one that will make a difference.

I have to say, I am doggone tired of the demagoguery on Social Security.

You would think these people here on the other side against this amendment are the only ones who care about Social Security. Let me tell you something, I care about it. I watched what it did for my folks. I know exactly what it does, and I don't want to ever see it hurt, and neither does anybody else who is voting for this amendment, and that is the vast majority of people in this body.

You are doggone right we like Social Security, and we are tired of the demagoguery. Every time they are losing, they try to bring up a Social Security amendment to hide behind, because they don't want to cast the right vote, and they know it, we know it, and, ladies and gentleman out there in the country, you know it, too. I am tired of it. It is not right for them to continually hide behind these phony issues. Can you imagine having Social Security cast aside outside of the balanced budget amendment and its protections, standing there all alone so that anything could be called Social Security? Once that game starts, forget Social Security.

These people who are arguing that are the foes of Social Security. If they really cared for Social Security, by gosh, they would be passing this balanced budget amendment and getting spending under control. It is about time to get rid of the demagoguery, and I am tired of it.

Let me also say, I was quite upset today to hear in the closing remarks the minority leader come out here again and start using a distortion of the Congressional Research Service. I was asked outside, "Have you lost confidence in the Congressional Research Service?" by one of the leaders in the media. Of course we have not, because they made it clear that the interpretation was not as the minority leader has been saying. As a matter of fact, we made that clear on the floor. There should not even have been a question about it.

The CRS memorandum dated February 5 that my colleague was alluding to did not conclude in any way whatever that the balanced budget amendment would harm Social Security. All the CRS memorandum concluded was that assuming the Social Security surplus survived to the year 2019, the year Social Security would start running annual deficits, this previous accumulated surplus could be used to help pay for future deficits, but only if it is offset by revenues or budget cuts. Of course, we could also vote to suspend the balanced budget rule for a year if that was truly necessary. That is a considerably different position from what has been demagoged throughout this debate.

Despite what my friend asserted, under the balanced budget amendment, assets of the Federal Treasury could be drawn upon to ensure payments to beneficiaries when the system starts running annual deficits. Senators DOMENICI, MACK, and I also received a letter from the CRS supporting my provision. The nonpartisan Concord Coalition, founded by the late Paul Tsongas, a Democrat, and Warren Rudman, a Republican, has also addressed this issue. In a memorandum dated February 18, 1997, the coalition concluded that the Senators' position that if the balanced budget amendment does not exempt Social Security it will somehow nullify the trust fund surpluses and prevent payment of benefits to retired baby boomers is nonsense.

Let me quote further. This is what the Concord Coalition says:

> What the BBA would do is to raise national savings and thus make Social Security, along with a myriad other claims on tomorrow's economy, more affordable. It would be ironic, indeed, if concern about funding Social Security, whether real or pretended, turns out to be an issue that sinks the balanced budget amendment. Let's be clear, the balanced budget amendment would in no way honor the status of the Social Security trust funds.

The real issue here is, how are we going to fund the Social Security trust funds when the system becomes insolvent around the year 2019, 2029 for sure? The answer depends on the national debt. It is the size of the national debt that threatens the Social Security program, and, I might add, we are adding to that national debt one more unbalanced budget, and that is the one for fiscal year 1998. That is it. This is the President's budget on top of these 28 other unbalanced budgets that we have been pointing out throughout this debate.

Only if we pass the balanced budget amendment will we preserve Social Security, and that is the truth in this debate, and I am tired of the demagoguery.

Just think about this national debt. Forty-six days ago, when the Judiciary Committee began the debate on the balanced budget amendment in the 105th Congress, I used a debt clock ticking off thousands of dollars each second to illustrate the magnitude of our country's growing debt. As we have debated Senate Joint Resolution 1 for the past 46 days, that clock has continued to run, and our national debt has increased in that period of time, that 46 days, $25 billion, while these folks are talking about "we just have to have the will to do it." Tell me where the will is in the last 29 years, including next year's budget. That is the President's budget. It is unbalanced, by the way.

Madam President, I don't know about other States, but in Utah, 25 billion bucks is a lot of money. In fact, with that money, we could send every man, woman, and child in Utah to the University of Utah, pay their tuition, room, board, and books.

To give you the magnitude of that debt, let me give you an idea of how much money we are talking about. With $5.3 trillion, which is our national debt today, you could paper Washington, DC, with 100 dollar bills corner to corner with enough left over to give a block grant to every State of about $6.3 billion. You could also purchase every new automobile ever sold in the United States and still have enough left over to purchase every airline ticket ever sold for travel in the United States.

The U.S. Bureau of Printing and Engraving and U.S. Mint would need 37½ years at its current rate of printing to print and coin enough money to equal $5 trillion.

Madam President, $5 trillion stacked in pennies would reach all the way to the planet Jupiter. Give me a break, will you?

All disposable personal income in the United States does not approach $5 trillion—all disposable income.

If all the home equity in the United States was applied to the national debt, there would still be a half trillion dollars of debt left over. That is what a mess this is, and we have these people saying, "Let's just do it and the President will sign it."

Give me a break. Here is the President's budget right there, on top of the other 28 other unbalanced budgets.

Madam President, $5 trillion would consume all the wages and salaries earned by every American for 18 months.

Unfortunately, without the constitutional discipline offered by Senate Joint Resolution 1, the downward deficit spiral is likely to continue. The point is underscored by CBO's most recent projection that in the year 2002, total Federal debt will exceed $6.8 trillion. Come on, it's time to wake up. I wonder what some people are thinking, I really do.

Well, I don't mean to demean the Senator from Vermont who has had to make almost every argument against it today by himself. He did have two or three others come over.

Mr. LEAHY. If the Senator would yield, it would be OK if I win, though. I will not lie.

Mr. HATCH. He said we won 14 or so votes, it is time for him to win one.

The PRESIDING OFFICER. The majority leader has 5 minutes remaining.

Mr. LOTT. I yield the remainder of my time to the Senator from Utah.

Mr. HATCH. I thank my colleague.

I heard this language, by one of the Members of the Senate, that we are just interested in a quick and easy fix, like instant rice, like Jiffy Lube, like instant coffee. A quick and easy fix, my foot. We do not believe that the only way to solve problems is by increasing taxes every time, which is exactly what happened here when this President took over. That is not the way to do it.

This stack of books is a wall standing between us and fiscal responsibility and balanced budgets. The bricks in this towering wall are the unbalanced budget submissions for the last 28 years, 28 years of strapping debt on to the backs of our children, a towering wall of overspending the hard-earned money of the American people, a towering wall that demonstrates that the score for special interests is 28, the American people zero.

Some people say, all we need is the will. Well, this towering wall represents 28 straight years of the failure of will and the failure of responsibility—now, 29. It is higher than I am, and that is two stacks, not one. Before we are through, if we do not do something about a balanced budget amendment, these will go all the way to this ceiling. The President's actions, evidenced by his budget submission and his allies' work in defeating the balanced budget amendment here in the Senate, suggests that we are just putting another brick on this wall.

Frankly, I believe we will never get past this wall without a constitutional requirement to balance the budget.

Mr. NICKLES. Will the Senator yield?

Mr. HATCH. Yes.

Mr. NICKLES. You just placed the President's budget for this year on top. Am I correct in saying that last year the deficit was $107 billion, forecasted for 1997 to be $116 billion, and then in 1998, under the President's budget—this is by the Congressional Budget Office——

Mr. HATCH. His budget.

Mr. NICKLES. It goes to $145 billion, and then in 1999 to $142 billion, and the year 2000 to $135 billion? Isn't that the report that we just had from the Congressional Budget Office? We have 4 years of deficit increases under the President's proposal?

Mr. HATCH. That is correct. In the last 2 years we are going to cut 98.5 percent in order to get to a balanced budget by the year 2002. Anybody believes that, boy, do I have something to sell for you.

Mr. NICKLES. Will the Senator yield further?

Mr. HATCH. Yes.

Mr. NICKLES. Isn't it correct that under the President's budget, actually the deficit next year, according to the Congressional Budget Office, will be $24 or $25 billion more than if we did not pass a budget? In other words, his budget actually increases the deficit for the next 4 years in relationship to present law?

Mr. HATCH. If we did just what we are doing now, the Senator is right, we would be a lot better off than the President's next 5-year budget. He is saying that is a balanced budget. I do not believe we will get all the way to a balanced budget and stay there without a constitutional requirement. I think this stack of books proves it. Every time somebody says, "Let's just do it"—I have heard that for 21 straight years now, ever since I came to the Senate. I will tell you something; we are not just doing it.

To all those who say we can balance the budget without the constitutional requirement, I say to Democrats and the President that this towering wall of irresponsibility is limiting our young people's future. I am convinced we cannot do it without putting a fiscal mechanism in to cause us to stand up and vote to do what is right. It is a wall of irresponsibility that is limiting our young people's future. We must do something about it now.

Mr. President, you fought against the balanced budget amendment. I have to say, this big wall here is going to cause us pain through the rest of our lives unless we pass a balanced budget amendment. I am saying to the President right now, and to our colleagues on the other side, let us tear down this wall of unbalanced budgets and let us do what is right. If we will, everybody will benefit from it.

Mr. LOTT. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 66, nays 34, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—66

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—34

Akaka
Bingaman
Boxer
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER (Mr. BROWNBACK). The galleries are advised that expressions of approval or disapproval are not permitted in the Senate Chamber.

On this vote, the yeas are 66, the nays are 34. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the joint resolution is rejected.

The joint resolution (S.J. Res. 1) was rejected.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I am disappointed with the Senate vote. I am disappointed for the American people, especially younger Americans, and our children and grandchildren. They were the ones who lost in this defeat. I hope our younger voters will take notice of who was on their side and who was not, the next time they vote.

The sad reality is that the bridge to the 21st century is likely to be washed out in a flood of debt. I hope I am wrong and that we will now work to enact a real plan to get to a balanced budget. I hope that those who have killed the balanced budget amendment this time will actually work to balance the budget. But I must admit, I am not too hopeful that we will get to balance and stay there without the force of a constitutional requirement to do so. This year we will add another budget to this mounting stack of fiscal irresponsibility.

When we began this Congress, less than 2 months ago there, were 68 Senators who had either previously voted for this amendment—the exact same amendment, or who had promised during their recent campaign to support it. I believed that we could count on them to keep their promises. Yet, only moments ago, only 66 votes were cast in favor of fiscal discipline. Those two missing votes are the difference between passing the balanced budget amendment and adding still more failed budgets to this pile of 28 straight years of deficits.

As disappointed as I am, however, I am also very proud of my colleagues who stood up and were willing to vote to protect our children and grandchildren from worsening the crushing burden of debt that has already been loaded on their backs. Senate Joint Resolution 1 began this Congress with 62 cosponsors, Mr. President. That is an all-time high. We have now had two consecutive Congresses in which the Senate missed approving the balanced budget amendment by a single vote. There can be no doubt that support for this much-needed measure is growing.

I am particularly proud of, and grateful to, the 11 courageous Democrats who did the right thing and voted for fiscal responsibility and accountability in spite of President Clinton's opposition. Among them, Senators BRYAN, GRAHAM, ROBB, MOSELEY-BRAUN, KOHL, BREAUX, and BAUCUS deserve special recognition as they are all original cosponsors of the balanced budget amendment. Let me also recognize Senator BIDEN, the former ranking member of the Judiciary Committee who also voted for the amendment, and Senators HARKIN, LANDRIEU, and CLELAND.

As you can see, Mr. President, the balanced budget amendment is a bipartisan effort. The 11 courageous Democrats joined with all 55 Republicans in the Senate to support what we understand is necessary if the budget is to truly be brought into balance. Unfortunately for the American people, the 34 Democrats who voted against the balanced budget amendment were just enough to defeat it.

Two years ago I stood here after a very similar vote and promised that we would not give up the fight for our children's future. This year we returned stronger than ever. And so I make the same promise again, we will be back! We will be back and we will continue to gain strength until we enact the balanced budget amendment and finally, after decades of excuses, broken promises, and more deficits, we will balance the budget.

Mr. President, an effort such as the one we have been involved in over the past month requires the time, talent, and commitment of a large number of people. While I cannot name them all, I would like, at this time, to extend my gratitude to the Senators and staff who were so instrumental.

Let me first thank our majority leader for his pivotal role. Senators CRAIG, THURMOND, and DOMENICI of course, have my admiration and thanks. I am also especially grateful to Senators NICKLES, COVERDELL, MACK, GRASSLEY, GRAMM, SNOWE, ABRAHAM, and THOMAS. Last, but certainly not least, I would like to thank our new Republican colleagues: Senators ENZI, HAGEL, HUTCHINSON, ALLARD, COLLINS, SESSIONS, BROWNBACK, and ROBERTS. The energetic support of the newest Members of the Senate bodes well for the future prospects of the balanced budget amendment.

Let me also thank Senator LEAHY, the new ranking member on the Judiciary Committee and the minority floor manager during this debate, for his cooperation and courtesy.

Finally, I would like to single out some of the staff members who worked so long and hard on this matter: Damon Tobias with Senator CRAIG; Bill Hoagland, Austin Smythe, and Jim Capretta of Senator DOMENICI's Budget Committee staff; Tom Geier with Senator SNOWE; Bryan Reardon with Senator ABRAHAM; Mitch Bainwol with Senator MACK; Doug Badger and Hazen Marshall of Senator NICKLES's majority whip office; Kyle McSlarrow and Carl Parks with Senator COVERDELL; Andy Vermilye with Senator BRYAN; Russ Sullivan, Mike McGinn and Barbara Ramey with Senator GRAHAM; and Rob Brazil with Senator ROBB; and last but certainly not least, David Hoppe, Alison Carroll and Keith Hennessy in the majority leader's office. Let me also thank Bruce Cohen and Ed Pagano of Senator LEAHY's Judiciary Committee staff.

Last, Mr. President, I would like to thank the very special people who have worked with me on this issue: Manus Cooney, Sharon Prost, Shawn Bentley, Larry Block, Paul Larkin, Steve Tepp, Paul Joklik, Troy Dow, Eric Sampson, Jennifer Carrico, Allison Vinson, and Irosha Ratnasekera. Many staffers have worked long and hard in the most dedicated fashion, I thank them all for their devotion to duty and to our country.

Mr. LEAHY. Mr. President, I want to acknowledge the distinguished manager of the resolution and chairman of the Judiciary Committee. The Senator from Utah is a tough opponent and one who I know is committed to and sincerely believes in this proposed amendment to the Constitution. He has certainly done everything that he could and spared no effort to persuade the Senate to pass this proposal.

As the ranking Democrat on the Judiciary Committee, I look forward to working with him on important legislation and nominations through the remainder of this Congress.

I want to thank the distinguished Democratic leader, Senator DASCHLE for his leadership on this issue. He helped set the tone of the debate early on, when he articulated the standard that we should apply when considering a proposal to amend the Constitution.

I want to thank the distinguished senior Senator from West Virginia. We all owe a debt of gratitude to Senator BYRD. I said in my opening statement at our first Judiciary Committee hearing on January 17 that we would be privileged to have Senator ROBERT C. BYRD with us during this floor debate to instruct all of us on these historic matters. Senator BYRD did not disappoint. Indeed, his challenge to the proponents to explicate their proposal and their failure to do so provided the fulcrum on which this debate has turned.

I want to commend those Members who had the courage to look behind the title of the proposal and help us focus on its dangers and vagaries. In particular, I thank all those who came forward with such thoughtful amendments. Senators KENNEDY, FEINSTEIN, FEINGOLD, DURBIN, and TORRICELLI from the Judiciary Committee, and Senators BOXER, WELLSTONE, REID, BUMPERS, and DORGAN each offered amendments that raised important issues and added greatly to the debate.

I want to thank Senators LAUTENBERG, SARBANES, CONRAD, and GLENN for their contributions and their full participation in this historic debate.

I commend those cosponsors of the resolution who nonetheless offered amendments, spoke in favor of various amendments, or voted not to table the amendments that were offered. I hope that they will continue to think about the problems that have been raised with the proposed constitutional amendment.

I want to thank the organizations that have provided invaluable information and insights into this debate. In particular, I would like to thank Charles Loveless and Edwin S. Jayne, of the legislation department at AFSCME, who spearheaded the Coalition on Budget Integrity, and Robert Greenstein and Ellen Nissenbaum, of the Center on Budget and Policy Priorities, who spearheaded the center's research on this proposed constitutional amendment. I also thank Eugene Lehrmann for his important testimony on behalf of the American Association for Retired Persons. I commend the 150 organizations that made up the coalition on budget priorities for the hard work of each of their representatives and all of their volunteers.

I also commend Professors Robert Eisner of Northwestern University, Robert M. Solow of MIT, and James Tobin of Yale University and the 1,060 economists from around the country who came forward with a joint statement to condemn the proposed constitutional amendment.

Finally, I thank the Senate staff for its dedication and professionalism during the debate on this proposed constitutional amendment: Larry Sein and Jonathan Adelstein from Senator DASCHLE's staff; James English and Peter Kiefhaber from Senator BYRD's staff; Caroline Chambers and Jeremy Bates from Senator DORGAN's staff; Michael Myers and Melody Barnes from Senator KENNEDY's staff; Kevin Cronin from Senator FEINSTEIN's staff; Sumner Slichter and Michael O'Leary from Senator FEINGOLD's staff; Tom Faletti from Senator DURBIN's staff; Eric Shuffler from Senator TORRICELLI's staff; JIM RYAN from Senator REID's staff; Bill Dauster and Jodi Grant from Senator LAUTENBERG's staff; and Julie Kehrli and Carlos Angulo from Senator SARBANES' staff. From Senator HATCH's staff, I would like to thank Manus Cooney, Sharon Prost, Shawn Bentley, Paul Larkin, Larry Block, Steve Tepp, and Troy Dow. I was assisted, in particular, by Ed Pagano and Michael Carrasco.

As in so much that I do, my counsel Bruce Cohen was indispensable.

This effort would not have been successful, however, without the attention and efforts of hundreds and thousands of concerned Americans who want to balance the budget while preserving the Constitution and the guarantees that it provides. Their calls and letters made the difference. This is their victory.

Mr. WELLSTONE. Mr. President, I chose to vote against the balanced budget amendment to the Constitution, like I have in the past.

Many good arguments were made throughout the debate against amending the Constitution of the United States to require a yearly balanced Federal budget. In fact, the Senate voted 14 times on amendments to improve the underlying resolution, in the hope of revealing its shortsightedness. In every instance, I supported my colleagues. I believe we were successful in painting a clear and honest picture of the disastrous effects such an amendment could have on the economic and social fabric of this country.

This debate is about our Nation's spending priorities as much as it is about constitutional integrity. During the course of debate, I offered an amendment that would have made it a policy of the United States that in meeting the requirements of an annual balanced budget no cuts would be made that disproportionately affect children's programs in the areas of health care, nutrition, and education. Look at the evidence.

In the 104th Congress, dramatic cuts were made to programs for low-income families. According to the Center on Budget and Policy Priorities, more than 93 percent of the cuts in entitlement programs came from programs for low-income people. Congress reduced entitlement programs by $65.6 billion over the period from 1996 to 2002. In a letter of opposition to the BBA, the Women Legislator's Lobby, a group that speaks for women legislators across the country, pointed out to Senators that in 1997 the Federal Government spent four times more on the military than on housing, education, job training, and community development combined.

The people of Minnesota sent me to Washington to make tough, responsible, fair decisions. Amending the Constitution to require a balanced budget would put a legally binding dollar target above the economic and social health of our country. Our goal of achieving fiscal responsibility should appropriately focus on critical investments in programs that provide basic nutrition, housing, health care, and education to those less fortunate, especially children.

Our fixation with a constitutional amendment and our hunger for political gain have detracted from that important task. I will continue to press forward on finding a fair and equitable way to balance the budget because I think it is important to our country's future. Amending the Constitution in this way is not the answer.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Monday, March 3, the Federal debt stood at $5,358,956,534,107.64.

Five years ago, March 3, 1992, the Federal debt stood at $3,830,561,000,000.

Ten years ago, March 3, 1987, the Federal debt stood at $2,260,323,000,000.

Fifteen years ago, March 3, 1982, the Federal debt stood at $1,051,000,000,000.

Twenty-five years ago, March 3, 1972, the Federal debt stood at $424,645,000,000 which reflects a debt increase of nearly $5 trillion ($4,934,311,534,107.64) during the past 25 years.

TRIBUTE TO WILLIAM G. DAUSTER

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to a most valued staff member of the Senate Budget Committee who will leave the committee this Friday to join Senator KENNEDY at the Labor and Human Resources Committee as general counsel and deputy staff director.

I am speaking of Mr. William G. Dauster, known to every Democratic Senator who ever had a question on the budget, an amendment to the budget resolution, or a budget point of order, simply as, "Bill."

You could see Bill Dauster on the Senate floor, late at night, at the side of Budget Committee Chairmen Chiles or Sasser, or Ranking Minority Member Jim Exon. He was the best right hand and the finest counsel these Senators could seek.

As the longest serving member on the Budget Committee, I have known Bill since he first walked in the door almost 11 years ago after working in private practice as a litigator with the New York City law firm of Cravath, Swaine & Moore. Bill Dauster served on the committee, first as chief counsel from December 1986 to November 1994, and then rose to the position of Democratic staff director and chief counsel.

I saw Bill grow into one of the most respected and expert voices on the budget. His advice and guidance made him an invaluable resource to all Democratic Senators. I think he taught a few lessons to some of our colleagues on the other side of the aisle as well. But they respected him, too.

Bill Dauster took on more thankless tasks than any reasonable man could ask for, including some of the most arcane issues and twists and turns of budget process imaginable. And he did it with enormous dedication, consummate patience, an abundance of affability, and a large dose of excellent humor. Bill doesn't take himself seriously. He takes the issues seriously.

Bill Dauster leaves behind him a string of accomplishments of which few can boast, and of which many would envy. He has participated in Congress' reception of 11 Presidential budget submissions and 11 years of budget hearings.

He had a strong hand in drafting 8 budget resolutions, the Budget Enforcement Act of 1990, the 1987 revision of Gramm-Rudman-Hollings, at least a few amendments to the balanced budget amendment, and amendments exposing the weaknesses of entitlement caps.

During that time, Bill also wrote 3 editions of a budget process law book, 3 budget law review articles, numerous speeches, and more than 20 op-ed pieces that have appeared in the Los Angeles Times, the Washington Monthly, Roll Call, the Hill and the Sunday Journal newspapers of suburban Washington, DC. He can be justifiably proud of all of them. Bill's keen wit, nimble mind, and ability to turn a phrase are as evident and legendary as his extensive library and e-mail list. The Budget Committee may have afforded Bill a wealth of opportunities, but this body is the richer for it.

Bill's résumé, however, does not do justice to the enormous contributions he has made, not just to the budget process, but to our fellow citizens as well. He personifies a true servant, not only of this great institution, but of the people we serve.

Blessed with enormous intellectual skills, Bill has also exhibited great compassion for the less fortunate among us, especially America's children and the disabled. Bill has toiled tirelessly on their behalf. And his source of inspiration has always been his family—his wonderful wife Ellen Weintraub and their three children, Matthew, Natanya, and Emma—to whom Bill is devoted.

I certainly don't want to make this sound like a eulogy, since Bill will be just down the hallway from the Budget Committee. And I trust Senator KENNEDY will still let us call or visit with Bill to benefit from his counsel. So this is not farewell, but merely thank you, Bill, for a challenge well met and a job well done.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S.J. Res. 19. Joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1280. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–1281. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to manpower; to the Committee on Armed Services.

EC–1282. A communication from the Deputy Under Secretary of Defense (International and Commercial Programs), transmitting, pursuant to law, the report on the Dual Use Technology Program; to the Committee on Armed Services.

EC–1283. A communication from the Director of Defense Procurement, Under Secretary of Defense, transmitting, pursuant to law, a rule entitled "Earned Value Management Systems" received on March 3, 1997; to the Committee on Armed Services.

EC–1284. A communication from the Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a report relative to Department of Defense Education Activity; to the Committee on Armed Services.

EC–1285. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "Champus Program for Persons with Disabilities" (RIN0720-AA32) received on March 3, 1997; to the Committee on Armed Services.

EC–1286. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, a report on the Defense Nuclear Facilities Safety Board for calendar year 1996; to the Committee on Armed Services.

EC–1287. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to offshore platforms; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the Acting Director of the Office of Surface Mining (Reclamation and Enforcement), Department of the Interior, transmitting, pursuant to law, a rule entitled "Ohio Regulatory Program" (RIN0H239FOR) received on February 27, 1997; to the Committee on Energy and Natural Resources.

EC–1289. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1290. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to damaged and threatened national natural landmarks for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–1291. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the Central Utah Project; to the Committee on Energy and Natural Resources.

EC–1292. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1293. A communication from the National Endowment for Democracy, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1294. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1295. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1296. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1297. A communication from the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1298. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1299. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1300. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1301. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1302. A communication from the Principal Deputy Assistant Secretary of Defense for Public Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1303. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1304. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1305. A communication from the Executive Director of the Assassination Records Review Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1306. A communication from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1307. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1308. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1309. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report entitled "International Narcotics Control Strategy" received on February 28, 1997; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. Thomas P. Wittman, 2806.

The following-named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. Jack A. Davis, 8721.
Col. Francis E. Quinlan, 3009.

The following-named officer for appointment in the U.S. Air Force to the grade indicated under title 10, United States Code, section 634:

To be major general

Brig. Gen. Steven R. Polk, 6022.

The following-named officers for promotion in the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Joseph T. Anderson, 6299.
Brig. Gen. Raymond P. Ayres, 5986.
Brig. Gen. Emil R. Bedard, 9035.
Brig. Gen. Charles F. Bolden, Jr., 5603.
Brig. Gen. Earl B. Hailston, 8306.
Brig. Gen. Bruce B. Knutson, Jr., 7136.
Brig. Gen. Gary S. McKissock, 8973.
Brig. Gen. William L. Nyland, 8595.
Brig. Gen. Ronald G. Richard, 8683.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Lawrence P. Farrell, Jr., 7344.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Joseph E. Hurd, 5386.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David L. Vesely, 0433.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 11 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORDS of January 7, 22, 30, February 5, 6, and 11, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators:

In the Navy there is 1 promotion to the grade of captain (Bruce G. Lalonde) (Reference No. 60)

In the Navy there are 4 promotions to the grade of captain and below (list begins with Thomas J. Campbell) (Reference No. 62)

In the Navy there are 6 promotions to the grade of commander and below (list begins with Timothy F. Archer) (Reference No. 63)

In the Navy there are 5 promotions to the grade of commander and below (list begins with Donald L. Beem) (Reference No. 64)

In the Naval Reserve there is 1 appointment to the grade of captain (Larry L. Blakesley) (Reference No. 165)

In the Army Reserve there are 157 appointments to the grade of Colonel (list begins with Timothy Albertson) (Reference No. 179)

In the Army Reserve there are 679 appointments to the grade of colonel (list begins with Steven R. Abt) (Reference No. 180)

In the Air Force there is 1 appointment to the grade of Lieutenant colonel (Walter J. James) (Reference No. 193)

In the Air Force Reserve there is 1 appointment to the grade of colonel (Alberto B. Zambrano) (Reference No. 198)

In the Air Force Reserve there are 200 appointments to the grade of colonel (list begins with Guy E. Acheson) (Reference No. 199)

In the Marine Corps there are 563 appointments to the grade of major and below (list begins with Neita A. Armstrong) (Reference No. 203)

Total—1,634.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 7, 22, 30, February 5, 6, and 11, 1997, at the end of the Senate proceedings.)

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Princeton Nathan Lyman, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

Pete Peterson, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Nominee: Douglas B. Peterson.

Post: Ambassador to Vietnam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $100, 7/95, Max Cleland; $100, 10/95, Brian Moran; $250, 8/96, Frank Baker; $200, 10/96, Max Cleland; $500, 10/96, John Kerry; $500, 10/96, John Bryon.

Spouse: Charlotta Ann Peterson (deceased).

3. Children and spouses: Michael and Susan Peterson, none; Paula and Ricky Blackburn, none; Douglas Neal Peterson (deceased).

4. Parents: Mary and Albert Peterson (deceased).

5. Grandparents: Minnie and John Underwood (deceased), Bertha and Gus Peterson (deceased).

6. Brothers and spouses: Albert (deceased) and Jean Peterson, no contact since 1989; Theodore and Donna Peterson, no contact since 1989; Clark and Louise Peterson, no contact since 1989.

7. Sisters and spouses: Minnie (deceased) and Chuck Newton, no contact since 1989; Margery and Jack Carlson, none; Alice (deceased) and Chuck Arnold, no contact since 1989; Carol and Max Baker, no contact since 1989; Mary (deceased) and Earl Brown, no contact since 1989; Janet and Wayne Semot, no contact since 1989.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably one nomination list in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of January 21, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Terrence J. Brown, of Virginia
Kelly C. Kammerer, of the District of Columbia
Linda E. Morse, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Rose Marie Depp, of Maryland
Gregory F. Huger, of the District of Columbia
George Jones, of Colorado
Linda N. Lion, of Virginia
Carlos E. Pascual, of the District of Columbia
Eric R. Zallman, of Florida

The following-named Career Members of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Harry F. Birnholz, of New York
Paul A. Bisek, of Illinois
Douglas A. Chiriboga, of Virginia
Paul R. Deuster, of Virginia
William J. Garvelink, of Virginia
Viviann Gary, of Washington
Gene V. George, of New York
Richard H. Goldman, of Florida
Richard J. Goughnour, of Florida
Frederick J. Guymont, of Florida
John Van D. Lewis, of the District of Columbia
John R. Martin, of Illinois
Louis Mundy III, of Florida
Everett B. Orr, of Florida
Karen M. Poe, of Virginia
Thomas Lee Rishoi, of Florida
Terrence P. Tiffany, of Oregon

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 21, 1997, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 390. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 2000, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. DASCHLE, Mr. BAUCUS, and Mr. BURNS):

S. 391. A bill to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. LOTT:

S.J. Res. 22. A joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 presidential election campaign; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. WYDEN, and Mrs. HUTCHISON):

S. Res. 60. A resolution to commend students who have participated in the William

Randolph Hearst Foundation Senate Youth Program between 1962 and 1997; to the Committee on the Judiciary.

By Mr. GLENN:

S. Res. 61. A resolution funding the Committee on Governmental Affairs for conducting a special investigation of Federal election campaign fundraising and expenditure practices; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 390. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the act through fiscal year 2000, and for other purposes; to the Committee on Labor and Human Resources.

THE OLDER AMERICANS ACT AMENDMENTS OF 1997

● Ms. MIKULSKI. Mr. President, I introduce the Older Americans Act amendments of 1997. The Older Americans Act expired in 1995 and we have not been able to reach consensus on reauthorizing it since then. I am introducing last year's administration bill. This bill may not be perfect. But, I want to get the debate started. The act is critical to meeting the day-to-day needs of America's seniors. This bill serves as a starting point for our deliberations.

The Older Americans Act has been the major vehicle for organizing and delivering social services to the elderly since it was passed in 1965. It has supported a broad array of service programs through a network of 57 State agencies and 670 local area agencies on aging. As a result of this act, our seniors have benefited from millions of contacts and referrals for services. They have benefited from millions of rides and meals provided through the transportation and nutrition programs. They have benefited from the elder abuse program. And, they have benefited from the jobs program. These examples show how coordinated service programs help keep our seniors in their own homes and communities as viable members of society.

The bill I put forth today focuses on increasing flexibility to States, area agencies on aging, and providers. This flexibility will allow them to be innovative in designing and implementing programs and services for the elderly. It takes into account the distinct interest of all partners. It strives to balance those interests between all partners. It focuses on streamlining and enhancing effectiveness of programs for our seniors. It sets the stage for performance partnerships and innovative ways of providing services. It ensures that performance measures mandated under the Government Performance and Results Act [GPRA] are in place so that we can see the results of these programs. It retains the programs for native Americans.

These are some of the things this bill will do. But, it is time for us to take action. It is time for us to address the issues at hand. It is time for us to pass a bill ensuring that the needed services and programs are available to our seniors.●

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. DASCHLE, Mr. BAUCUS, and Mr. BURNS):

S. 391. A bill to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

THE MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1997

● Mr. DORGAN. Mr. President, I introduce legislation which will equitably resolve a longstanding problem involving a judgment fund distribution to Sioux tribes in the Dakotas and Montana. Specifically, the bill would distribute the accrued interest on funds awarded by the Indian Claims Commission in 1967 to the Mississippi Sioux Tribes. I am pleased to be joined by Senators CONRAD, JOHNSON, DASCHLE, BAUCUS, and BURNS in introducing this measure.

In 1972, Congress enacted legislation which authorized the Secretary of the Interior to distribute 75 percent of a $5,900,000 judgment award to the Spirit Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of North and South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. The remaining 25 percent was to be distributed to individuals who could trace their lineal ancestry to a member of the aboriginal Sisseton and Wahpeton Sioux Tribe.

The three Sioux tribes received their respective shares of the judgment award by the mid-1970's. To date, though, the funds allocated to the lineal descendants have not been distributed. This has resulted in a situation in which the accrued interest on the original principal of approximately $1.5 million has now grown to more than $13 million.

Today, if the 1,969 lineal descendants identified by the Department of the Interior receive their per capita payments, they will be paid more than 18 times what the 11,829 enrolled tribal members received in the 1970's.

In 1987, the three Sioux tribes filed suit in Federal court to challenge the constitutionality of the lineal descendancy provisions of the 1972 act. This litigation is currently in its second appeal. In 1992, Congress enacted legislation which authorized the Attorney General to settle the case on any terms agreed to by the parties involved. I support this approach because I believe that it is long overdue that this matter be resolved. However, the Department of Justice has refused to proceed with any settlement negotiations and has taken the position that the 1992 law did not authorize the Department to settle the case on any terms other than those laid out in the original 1972 Act. While I view this interpretation as flying in the face of Congressional intent, the Department has been unwilling to change its position or actively seek a resolution of this matter outside of the courts.

The legislation I am introducing with my colleagues on behalf of the three Sioux tribes represents a reasonable solution to this protracted matter and a substantial compromise on behalf of the tribes. In the past, the tribes have sought to repeal the lineal descendancy provisions of the 1972 Act altogether, and, in 1986, a bill was reported by the Senate Committee on Indian Affairs which would have achieved this goal.

In contrast to the 1986 measure, the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997 would retain the undistributed principal for the lineal descendants and distribute the accrued interest to the three Sioux tribes. The distributed funds would have to be deposited into a trust fund administered by the tribal governing body. There would be no per capita payments of these funds, which would have to be used by the tribes for economic development, resource development, or for other programs that collectively benefit tribal members, such as educational and social welfare programs. In addition, the legislation contains an audit requirement by the Secretary of the Interior to ensure that the funds are properly managed.

I believe that this legislation takes a fundamentally fair approach to resolving a matter which will otherwise remain mired in legal disputes for years. It keeps the commitment that the Federal Government made to provide compensation to lineal descendants while ensuring that most of the remaining undistributed funds go to the tribes. It was, after all, the tribes who were wronged and who should be compensated for their losses.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of the Tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, after payment of attorney fees and other expenses, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—Subject to section 5, as soon as practicable after the date that is 1 year after the date of enactment of this Act, the Secretary shall distribute an aggregate amount, equal to the funds described in section 3 reduced by $1,469,831.50, as follows:

(1) 28.9276 percent of such amount shall be distributed to the tribal governing body of the Spirit Lake Sioux Tribe of North Dakota.

(2) 57.3145 percent of such amount shall be distributed to the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(3) 13.7579 percent of such amount shall be distributed to the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (b).

(b) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.

(a) IN GENERAL.—As a condition to receiving funds distributed under section 4, each tribal governing body referred to in section 4(a) shall establish a trust fund for the benefit of the covered Indian tribe under the jurisdiction of that tribal governing body, consisting of—

(1) amounts deposited into the trust fund; and

(2) any interest that accrues from investments made from amounts deposited into the trust fund.

(b) TRUSTEE.—Each tribal governing body that establishes a trust fund under this section shall—

(1) serve as the trustee of the trust fund; and

(2) administer the trust fund in accordance with section 6.

SEC. 6. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds distributed to a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds distributed under section 4 may be used by a tribal governing body referred to in section 4(a) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe; or

(3) the development of a program that is beneficial to members of the covered Indian tribe, including educational and social welfare programs.

(c) AUDITS.—

(1) IN GENERAL.—The Secretary shall conduct an annual audit to determine whether each tribal governing body referred to in section 4(a) is managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section.

(2) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—If, on the basis of an audit conducted under paragraph (1), the Secretary determines that a covered Indian tribe is not managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section, the Secretary shall require the covered Indian tribe to take remedial action to achieve compliance.

(B) APPOINTMENT OF INDEPENDENT TRUSTEE.—If, after a reasonable period of time specified by the Secretary, a covered Indian tribe does not take remedial action under subparagraph (A), the Secretary, in consultation with the tribal governing body of the covered Indian tribe, shall appoint an independent trustee to manage the trust fund established by the tribal governing body under section 5.

SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

(b) TAX TREATMENT.—A payment made to a covered Indian tribe or individual under this Act shall not be subject to any Federal or State income tax.

SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

Not later than 1 year after the date of enactment of this Act, of the funds described in section 3, the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute an amount equal to $1,469,831.50 to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. BYRD, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 182, a bill to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian development highway system, and for other purposes.

S. 295

At the request of Mr. JEFFORDS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 323

At the request of Mr. SHELBY, the names of the Senator from Kansas [Mr. ROBERTS] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 362

At the request of Mr. LEAHY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 362, a bill to deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes.

S. 368

At the request of Mr. BOND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 368, a bill to prohibit the use of Federal funds for human cloning research.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

SENATE RESOLUTION 19

At the request of Mr. MOYNIHAN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Iowa [Mr. HARKIN], the Senator from Indiana [Mr. LUGAR], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. MACK], the Senator from Oregon [Mr. WYDEN], the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of Senate Resolution 19, a resolution expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

SENATE RESOLUTION 57

At the request of Mr. DORGAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

SENATE RESOLUTION 60—RELATIVE TO THE WILLIAM RANDOLPH HEARST FOUNDATION SENATE YOUTH PROGRAM

Ms. COLLINS (for herself, Mr. WYDEN, and Mrs. HUTCHISON of Texas) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas the continued success of our Nation's constitutional democracy is dependent upon our Nation's youth striving toward higher goals;

Whereas a student's intelligence, determination, perseverance and continued interest in the workings of our Nation's political processes must be nurtured and encouraged;

Whereas the pursuit of higher education, and participation and interest in the political processes, remain priorities of young citizens around our Nation; and

Whereas the United States Senate and the William Randolph Hearst Foundation Senate Youth Program have provided high school juniors and seniors who are leaders in education and student government, as well as in their communities, with the opportunity to travel to their Nation's capital and witness the political process, supported solely by private funds with no expense to the Federal Government since the program's inception in 1962: Now, therefore, be it

Resolved, That the Senate hereby congratulate, honor, and pay tribute to the 3,600 exemplary students who have been selected, on their merit, to participate in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997.

Ms. COLLINS. Mr. President, along with Senator HUTCHISON and Senator WYDEN, I am pleased to submit this resolution to commemorate the 35th anniversary of the William Randolph Hearst U.S. Senate Youth Program. As the first graduate of the program to become a U.S. Senator, I can honestly say that the week I spent in Washington in 1971, as one of two delegates from Maine, profoundly influenced my life and career.

Even though my family has a long and proud tradition of public service—my great grandfather, my grandfather and my father all served in the State legislature, and both of my parents served as mayor of Caribou, ME—it was a week I spent in Washington with the Senate Youth Program that caused me to seriously consider a career in the public sector.

For the past 35 years, the Senate Youth Program has selected two of the brightest and most active students in each of the 50 States, the District of Columbia, and the Department of Defense schools abroad to spend a week learning about our Nation's Government first-hand. Over the years, 3,600 such students have participated in the program and gone on to serve our Nation in various capacities, including public service.

Monday morning, I had the pleasure of addressing this year's delegates and was impressed with their enthusiasm, knowledge, and the high caliber of the questions they posed. I was delighted to see how the program has maintained—perhaps even surpassed—the high standards for which it is so well known.

The continued generosity of the William Randolph Hearst Foundation enables students to come to the District of Columbia and see a side of government that few Americans see in their lifetime. Each year the delegates meet with top members of the legislative, executive, and judicial branches.

I remember how fascinated I was as a delegate to listen to Senators BYRD and THURMOND speak to us about the history of the Senate and the issues of the day.

But the highlight of my week was the time I spent talking with my home State Senator, Margaret Chase Smith. I went to Senator Smith's office hoping to shake her hand; instead, she took me into her private office and spent 2 hours talking with me about the importance of public service and the difference one person can make. When I left her office, I remember feeling so proud that she was my Senator and that I could do anything I set my mind to.

So, today it is my pleasure to sponsor this resolution paying tribute to the 3,600 delegates who have participated in the Senate Youth Program over the past 35 years, some of whom we may see here in the Congress, the Supreme Court, or even the White House in years to come. I urge my colleagues to join me in supporting this measure.

SENATE RESOLUTION 61—RELATIVE TO FUNDING FOR THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 61

Resolved,

SECTION 1. SCOPE OF HEARINGS.

(a) IN GENERAL.—The Committee on Governmental Affairs (hereafter referred to as the "Committee") shall conduct a Special Investigation into illegal or improper fundraising and spending practices in the 1996 Federal election campaigns, including the following:

(1) Foreign contributions and the effect of those contributions on the United States political system.

(2) Conflicts of interest involving Federal office holders and employees, and the misuse of Government offices.

(3) Failure by Federal employees to maintain and observe legal limitations relating to fundraising and official business.

(4) The independence of the Presidential campaigns from the political activities pursued for their benefit by outside individuals or groups.

(5) The misuse of charitable and tax exempt organizations in connection with political or fundraising activities.

(6) Amounts given to or spent by a political party for the purpose of influencing Federal elections generally that are not subject to the limitations or reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (commonly referred to as 'soft money') and the effect of soft money on the United States political system.

(7) Promises or grants of special access in return for political contributions or favors.

(8) The effect of independent expenditures (whether by corporations, labor unions, or otherwise) upon the current Federal campaign finance system, and the question as to whether such expenditures are truly independent.

(9) Contributions to and expenditures by entities for the benefit or in the interest of Federal officers.

(10) Practices described in paragraphs (1) through (9) that occurred in previous Federal election campaigns to the extent that those practices are similar or analogous.

(b) RULE OF CONSTRUCTION.—Nothing in this resolution shall be construed to limit the authority of the Committee on Governmental Affairs under the Senate Rules or section 13(d) of S. Res. 54, adopted February 13, 1997.

SEC. 2. INVESTIGATIONS PROCEDURES.

(a) ADDITIONAL PROCEDURES.—The procedures under this section shall apply to the Special Investigation in addition to the procedures under the Senate and Committee Rules.

(b) IN GENERAL.—The Committee shall ensure that the majority and minority—

(1) have contemporaneous access to all documentary evidence received by the Committee and the right to be given adequate advance notice of, to be present at, and to participate equally in all depositions and investigatory interviews;

(2) have equal opportunity to obtain and present relevant testimonial and documentary evidence on the subjects of the Committee's inquiry; and

(3) are treated equally and without discrimination in the discharge of the Committee's administrative responsibilities, including—

(A) equal and contemporaneous access to computer hardware and software, communication equipment and services, and other office equipment, including nonstandard items;

(B) equal and contemporaneous consideration and approval of all travel associated with official committee business; and

(C) the assignment of office space of equal quality.

(c) DETAILEES.—The Committee shall ensure that any detailee engaged in activities for the investigation is jointly directed and jointly tasked by the majority and minority, unless the Committee agreed to reimburse the full cost of such detailee to the detailee's employer, and the employer has approved the arrangement.

(d) INVESTIGATORY TOPICS AND HEARINGS.—

(1) PRIORITIES.—Priority of investigatory topics and hearings shall be established based upon relevance to illustrating the need for reform of current campaign finance laws, with illustrations taken, wherever possible, from practices of both major political parties.

(2) TASK FORCES.—The Chairman and Ranking Member shall establish joint investigative task forces to plan and structure such hearings, including the selection of witnesses, so as to present a comprehensive explanation and illustration of current fundraising and expenditure practices by the two major political parties and their candidates for Federal offices, including practices alleged to be illegal, improper, or otherwise designed to evade Federal regulation.

SEC. 3. REPORTS.

(a) IN GENERAL.—Except as provided under subsection (b), the Committee shall make a final report to the Senate of the results of the investigation it conducts pursuant to this resolution, together with its findings and any recommendations, at the earliest practicable date, but not later than December 31, 1997. Either subsequent to or prior to the final Committee report, the Chairman and the Ranking Member of the Committee may introduce a continued funding resolution for the Special Investigation (which shall be placed on the calendar on the date of introduction) or the Committee may report to the Senate a continued funding resolution. The Majority Leader may turn to such resolution at any time after 10 calendar days that the resolution is placed on the calendar.

(b) EXTENSION.—On or before December 31, 1997, the Committee may extend the investigation by and final report of the Committee from December 31, 1997 to March 31, 1998. An extension under this subsection may be made only by a unanimous vote of the Committee.

SEC. 4. EXPENSES.

(a) IN GENERAL.—The expenses for the Special Investigation shall not exceed $1,800,000 for the investigation, which shall be made available, for the payment of salaries and all other expenses of the Special Investigation, from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations.

(b) LIMITATION ON SOURCE OF FUNDING.—No funds may be expended on the Special Investigation described under section 1, except funds made available under this resolution or a continued funding resolution described under section 3.

SEC. 5. CONSIDERATION OF CAMPAIGN FINANCE REFORM LEGISLATION.

Not later than May 1, 1997, the Senate shall proceed to consideration of S. 25 which shall remain the pending order of business until final disposition.

Mr. GLENN. Mr. President, I rise to submit a Senate resolution funding the Committee on Governmental Affairs for a special investigation of Federal election campaign fundraising and expenditure practices.

Mr. President, this resolution is in response to the growing need for a fair, bipartisan investigation of the disturbing pattern of campaign fundraising at both the Presidential and congressional level in recent elections, as well as the need for campaign finance reform.

The resolution incorporates the investigatory scope agreed upon by a vote of the Governmental Affairs Committee at its meeting on January 30, 1997. It also incorporates procedures to help ensure that the investigation will be bipartisan. This is critical to the success of the investigation, if success is defined in terms of forward movement of reform of our campaign fundraising practices. And reform can only occur if the public realizes the truth about campaign fundraising—that the abuses do not lie only on one side.

Indeed, an unbalanced, partisan investigation that suggested that all the problems lie solely or even mainly with one party would be destructive to forging a consensus, and would lead to more political games, possibly including an attempt to pass reform legislation crafted not so much to fix the system as to give one party a fundraising advantage over the other.

As the Ranking Democrat on Governmental Affairs, I have urged the chairman and the other Republican members of the committee to follow standard Senate practice and enter into an agreement that the investigation will be conducted in a bipartisan manner with a balanced agenda, a clear statement of mission and legislative purpose, a fair set of rules of procedure, a timeframe for completion of the investigation with provision for extension if necessary, and a reasonable amount of money.

Unfortunately and most disappointedly, agreement has eluded us thus far, despite many hours of discussion.

Much attention has been lavished in the press on the difference between the proposed funding of this investigation by the Republican side—originally $6.5 million, subsequently reduced to $5.7 million after receipt of assurances that 10 FBI personnel would be detailed to the committee—and the Democratic side—an initial outlay of $1.8 million with provision for additional funds to be considered if necessary. But the length of the investigation and the fairness of the investigation are of equal importance.

Length is important because an investigation that includes congressional fundraising as one of its foci should not extend significantly into an election year.

Fairness is important if there is to be any credibility to the investigation.

There has been, in my view, a certain amount of disinformation that has been disseminated about the position of the Democratic side regarding this investigation. I will have much to say about that at a later time. For now, I believe it is important for the public to know precisely what Democrats have been proposing for this investigation. This resolution incorporates these proposals.

The resolution calls for a fair, bipartisan, adequately funded, potentially year-long investigation into both Presidential and congressional fundraising practices, and requires that the McCain-Feingold bill be brought to the floor for consideration no later than May 1, 1997.

I believe this is a reasonable proposal and I urge its passage.

NOTICE OF HEARING

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, March 6, 1997, 10 a.m., in DS–106 of the Senate Dirksen Building. The subject of the hearing is health care quality and consumer protection.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 4, 1997 at 9 a.m. in SDG–50 to receive testimony on the school breakfast and school lunch programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 4, 1997, at 10 a.m. in open session, to receive testimony on the defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 4, 1997, at 10 a.m. on product liability reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 4, 1997, beginning at 10:30 a.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Tuesday, March 4, 1997, at 4:45 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 5, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 1997, to conduct an oversight hearing on the SEC and FASB derivatives accounting rules and their impact on competitiveness and investor information.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to conduct a hearing Tuesday, March 4, at 9:30 a.m., Hearing Room SD-406 on liability and resource issues associated with the cleanup and redevelopment of abandoned or underutilized industrial and commercial properties, and how legislation currently pending before the committee might affect these redevelopment efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE DEATH OF ALBERT SHANKER

• Mr. SPECTER. Mr. President, the untimely death of Mr. Albert Shanker is a moment of great sadness for this Nation and for me personally. He lost his 3-year struggle with cancer Saturday evening on February 22, 1997. Since 1974, Mr. Shanker served as the president of the American Federation of Teachers. Prior to his election to that post, he was president of New York City's United Federation of Teachers, transforming it into one of the Nation's greatest unions. He was the first teacher to become a member of the AFL-CIO Executive Council and at his death, chaired the education committee and was chairman of the general board of its department for professional employees.

Mr. Shanker was well known not only in this country, but also internationally and was the founding president of Education International, an organization with some 20 million teachers from democratic countries around the world. He also established American Federation of Teacher projects assisting teacher unions in South Africa, Chile, Poland, and Russia.

Mr. Shanker was a driving force in the education reform movement and was well known for his column "Where We Stand" in the Sunday New York Times. He was also a leader in promoting civil and human rights. Several times over the last few months, as I prepared for Education hearings, I requested his participation, and even though his health kept him from appearing in person, his presence was always there—through his statements which he prepared and which were read by his designee.

This Nation has lost a great leader, a great friend of education, and a great man. I send my regrets and my sympathy to his wife Edith and his children Adam, Jennie, Michael, and Carl.•

RELEASE OF FUNDING FOR INTERNATIONAL FAMILY PLANNING AID

• Mr. DODD. Mr. President, I wish to speak briefly today about the President's resolution requesting the release of fiscal year 1997 international family planning funding by March 1, 1997, on which the Senate recently deliberated. I am pleased that the President signed House Joint Resolution 36 on February 28, 1997, and that funding for family planning is now available to those overseas who so desperately need such services.

I supported the President's resolution because I believe we must try to limit overpopulation. The world's population increases by 100 million each year. Overpopulation threatens to exert tremendous social, ecological, medical, and economic hardship on much of the world. Family planning is one of the most effective ways to combat overpopulation and its detrimental results.

I also supported the President's resolution because family planning is one of the best weapons we have to save the lives of women and their children in developing countries. The longer we delay the funding for family planning, the harder it is to save those lives.

Let me explain: Family planning enables women to space their births, preserving their health and improving the odds that their children will be born healthy. Delaying the release of family planning funding results in less healthy mothers and children and increased rates of maternal and infant mortality.

Mr. President, I served in the Peace Corps in the Dominican Republic, a developing country. For families living under the conditions that exist in many developing nations, family planning is critical. Without it, mothers have great difficulty spacing their births or limiting the number of children they bear. As a result, they suffer the tremendous physical stress of repeated childbirth, often without the aid of physicians, and sometimes die from the great burden they have placed on their bodies.

But mothers are not the only ones who suffer in these cases. Their children suffer too. When women have children too close together, the length of time they can nurse each child is cut short. Mothers' milk is the most nourishing food for children during their early years, providing essential nutrients that are often hard to find elsewhere in the food supply available to families in developing nations. Furthermore, children in such families find themselves competing for food with many other siblings, instead of only the few siblings they might have if their mothers had access to family planning. As a result, they suffer from higher incidents of malnutrition.

And family planning programs have the added benefit of slowing the spread of AIDS by increasing access to appropriate contraceptives.

Mr. President, the agreement between Congress and the President last year was that fiscal year 1997 international family planning funding could be released by March 1, 1997, if the administration certified that a delay in the release of funds until July 1, 1997 would harm overseas family planning programs and their beneficiaries. Indeed, the administration has issued such findings and documented its case well. Its findings show that a delay in funding would result in serious shortage of contraceptives in at least 60 countries, including 50 million condoms, 500,000 IUD's, and 4.8 million cycles of birth control pills. Additionally, the delay would result in the closure of 17 of 95 overseas programs and higher numbers of maternal and infant deaths.

Some, Mr. President, have attempted to circumvent last year's agreement by saying that family planning aid increases the number of abortions. On the contrary, by allowing women to prevent pregnancy, family planning reduces the need for and number of abortions. The administration's findings speak to this issue, showing that a delay in funding would result in increased incidents of unintended pregnancies and more abortions and that family planning helps decrease the number of abortions worldwide. Furthermore, UNICEF reported in 1996 that 600,000 women die annually of pregnancy-related causes; 75,000 of those deaths are due to self-induced, unsafe abortion.

Mr. President, it is clear that international family planning aid helps protect the health and lives of women and children around the world. As we aim to improve the socioeconomic conditions in developing countries, let us recognize that family planning is a help, not a hindrance, that must be sustained.●

ANOTHER CALL FOR AN INDEPENDENT COUNSEL

● Mr. CRAIG. Mr. President, I have addressed the Senate already on the need for an independent counsel to investigate the growing scandal concerning fundraising. Along those same lines, I recommend to all my colleagues a thoughtful editorial from the Washington Post entitled "The Fund-Raising Fiasco: The Democrats' Problem . . .".

Mr. President, I ask that this article be printed in the RECORD.

The article follows:

THE FUND-RAISING FIASCO: THE DEMOCRATS' PROBLEM . . .

The Democrats' new chairman, Roy Romer of Colorado, did right on Friday to acknowledge error and pledge a new, reformed style of fund-raising behavior on behalf of his party. But it seemed to us that something much more active, intense and deliberate had gotten the Clinton White House into its present troubles than the alleged mere failure of "screening" that the president likes to talk about (and lay off on the Democratic National Committee). The people whose money has had to be returned (to the tune of $3 million, as of today) did not, from all the evidence, simply slip through the net in some random, inexplicable way. They were not a byproduct of any simple breakdown of screening procedures. The more important of them, in the first place (Mr. Trie, Mr. Huang), who brought others into the fold, have connections dating from Arkansas days with Mr. Clinton. The Clinton White House brought them into national Democratic Party politics, not the other way around.

Again, the nature of many of the favor- and respectability-seeking money givers suggests that the word must have gotten around that you could gain marketable, perhaps personally extremely useful photo-op access to the president for a sufficient number of bucks. Is there some other way to account for the fact that, even at a time when the administration had barricaded off a hunk of Pennsylvania Avenue to protect the first family from criminal assault, it was ushering into the president's presence a stream of folks that sometimes seemed to resemble an international "Ten Most Wanted" list? Let us remind you of a few of the more memorable visitors.

Russ Barakat, the south Florida Democratic Party official. Five days after his coffee session at the White House in April 1995, Mr. Barakat was indicted on criminal charges and ultimately convicted for tax evasion. A Florida newspaper was full of stories about Mr. Barakat's problems with the law before the executive mansion get-together, but he was asked in for coffee anyway.

Wang Jun, the Chinese businessman and head of a military-owned arms company. While part of the U.S. government was out investigating Wang Jun for allegedly smuggling arms into this country, he was with Mr. Clinton at a White House coffee, courtesy of Mr. Trie.

Eric Wynn, whose $100,000 bail was revoked this past week because he failed to tell authorities about his five arrests since being sentenced for theft and tax offenses a while back. He was at the White House for coffee two days after a company partially controlled by him gave $25,000 to the Democratic National Committee. At the time Mr. Wynn hooked up with the president, he bore the distinction of having been a twice-convicted felon. But that was only the beginning. Mr. Wynn—who was seeking a presidential pardon for himself—turned up last year at four other DNC fund-raisers involving the president including one in which he, his attorney (a close presidential friend from Arkansas) and Mr. Clinton reportedly had a brief private chat. Whatever about? The president, said White House press secretary Michael McCurry, "recalls no substantive private meeting with Mr. Wynn and is certain he never entertained any discussion of Mr. Wynn's legal situation."

Jorge Cabrera of Miami, DNC donor who was jailed on drug charges in the 1980s. Mr. Cabrera turned up at a White House Christmas party, only to get caught a short time later with more than 5,000 pounds of cocaine, for which he is now serving 19 years in jail.

Chong Lo. Convicted of tax evasion in the 1980s under the name of Esther Chu, Chong Lo was another visitor for coffee with Mr. Clinton. She has since been arrested again on 14 charges of falsifying mortgage applications—to which she has pled not guilty.

Roger Tamraz. While Interpol was looking for Mr. Tamraz all over the world under a 1989 international arrest warrant on conspiracy and embezzlement charges, the fugitive from Lebanon was here in Washington at the White House sipping coffee with the president.

Here in another indicator, in our view, that something beyond a mere screening mishap befell the White House in these fund-raising transactions. It is the sheer number of times that some of the fund-raisers visited the White House. We daresay there are department bigwigs in the administration who haven't been there nearly as often.

So what was actually going on during these recurrent White House sessions? At this stage, little is known about the purposes of their visits, who the visitors saw each time, what they did when they got there, or who authorized their entry to the White House. More should be known. Ponder just a few of the numbers we find so startling: Mr. Huang visited the White House 78 times in 15 months (most of the money he raised in 1996 was returned, having been deemed inappropriate or from unlawful foreign sources); Thai businesswoman and major Democratic party donor Pauline Kanchanalak has been at the White House at least 26 times since the president took office; businessman and contributor Johnny Chung reportedly visited the White House at least 49 times. This wasn't a question of screening or failing to screen. These were people apparently well known to their White House hosts, people who had business to do at 1600 Pennsylvania Avenue and went right in.

Then there are the sleepovers. The White House has disclosed that 900-plus individuals have spent a night at the White House since the Clintons moved in. The acknowledgment of this fact and the publication of the list rather sharply change the impression the White House earlier gave a more casual, friends and family kind of hospitality. More than a third of the sleepovers were financial benefactors of Mr. Clinton or the DNC. "They were my friends and I was proud to have them here," the president explained, but as the White House deputy communications director delicately corrected him, some weren't friends yet" but "were people the president and the first lady wanted to spend more time with." As Charles Krauthammer observed on the opposite page the other day, the word for people who aren't friends yet is usually "strangers."

Much more needs to be known about these sojourns—especially the number of visits and their dates in relation to events that preceded and followed. This is especially relevant where the visitors weren't strangers at all, as a matter of fact, but persons involved in the other, related legal matters concerning the Clinton administration.

Our conclusion about all this is threefold. It is that first, a great deal more needs to be disclosed about all these transactions; second, it will be disclosed, as it has been to date, reluctantly and in response to various events and pressures; and third, (see below) the odds are not great for a good and fair-minded congressional inquiry into the subject. For the moment that leaves Janet Reno in charge.●

PROPOSED ENCRYPTION LEGISLATION

● Mr. KERREY. Mr. President, I rise to express my concern over bills introduced last Thursday, February 27, 1997 by the Senators from Vermont and Montana. These bills, the Encrypted Communications Privacy Act of 1997 and the Promotion of Commerce On-Line in the Digital Era Act of 1997, deal with the complex and controversial issue of encryption and the export of encryption products. I too am concerned over our Nation's policy regarding encryption, but I believe rash action on this issue at this time by Congress would be inappropriate.

I agree with both Senator BURNS and LEAHY that digital communications, the internet, and the global information infrastructure are already revolutionizing the way we live and work. I also believe there is a need to ensure the security of private, commercial, and Government messages and information sent over global communication links and stored in computer databases. The information revolution is underway and technology is progressing at exponential rates.

Nevertheless, Mr. President, our Nation still has needs that must be addressed. The same digital information, communication links, and computer memory that allows for great advances in personal convenience and entertainment, in commercial productivity and competitiveness, and in Government services and efficiencies can also be abused by individuals with other designs and intentions. Our society has entrusted its elected leaders and public servants to protect its citizens from such activities. Therefore, I think it is imperative that we study thoroughly how this proposed legislation will affect our Government's ability to fulfill its responsibilities. The National security and the ability to effectively enforce our extraterritorial laws is at stake.

The executive branch is the part of our Government responsible for implementing and enforcing the laws of this Nation. For the past several years the administration has been involved in a dialog with industry leaders in an attempt to promote the use of encryption and expand exports while also protecting the legitimate needs of our Government to gain access with properly executed search warrants to communications. This is not done for nefarious intentions, as some have claimed. The negotiations took place because our Government is charged with fulfilling its responsibility to protect the lives and livelihood of all its citizens.

But our concern for access to encrypted data extends beyond our shores. Our Nation faces threats from nations, groups, and individuals overseas. The United States' ability to counter and thwart these threats will likely be hampered if encryption products are allowed to be exported worldwide with unlimited strength or without key recovery provisions.

Mr. President, the administration has also been negotiating with other OECD nations regarding encryption policy. We are not the only nation which realizes the benefits and possible abuses of encryption products. Other nations are also considering how to ensure that their government needs and responsibilities are addressed in their encryption export and import policies. I do not believe our relations with other nations will be furthered if the administration's negotiations are undercut by unnecessary and potentially damaging congressional action. Further, the interests of our Nation's technology industry will not be advanced if other nations shut their borders to American encryption products.

Today, many established software and hardware firms are successfully marketing encryption products with key recovery features here and abroad. The President has put forward a plan which in good faith attempts to balance our Nation's interests in commerce, security, and law enforcement. While other firms say the administration policy is untenable, these American companies are producing and selling advanced encryption products worldwide which meet both the needs of private commerce and industry, and the requirements of our Government. This suggests to me that the administration's policy not only can work, it is working. I believe Congress should let the administration's negotiations and policies on encryption go forward, to succeed or fail on their own merits. Mr. President, caution and careful study are in order.●

TRIBUTE TO THE NEW HAMPSHIRE PEARL HARBOR SURVIVORS ASSOCIATION ON THEIR 25TH ANNIVERSARY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the New Hampshire Pearl Harbor Survivors Association. Those brave men stood tall in perhaps one of the most tragic moments in American history. Against overwhelming odds, these great Americans fought to defend the United States. Their heroic actions were an inspiration to the people of the United States and help propel our Nation to victory in World War II.

Mr. President, I wish to honor the New Hampshire Pearl Harbor Survivors on the occasion of their 25th anniversary. They are our American heros and we applaud them for defending our country. I also wish to commend these brave men for touring New Hampshire schools and talking to our young Americans in an effort to keep Pearl Harbor memories and history alive. Those who fought in the war and were victims of the Pearl Harbor attack deserve a special place in our history books.

My father was a Navy pilot who died in a war-related incident during World War II. I have a special place in my heart for these courageous men.

When United States Army and Navy commanders in the Pacific area had received a final war warning on the 27th of November 1941, Hawaii was not mentioned and American authorities thought that the Philippines or Malaysia would be the possible target. Any potential attack on Pearl Harbor was therefore interpreted as a form of sabotage and no effective security patrol was established. Antiaircraft batteries around the harbor consequently had no ready ammunition and USAAF aircraft on the ground were easy targets as they were unarmed and grouped together on airfields for easier protection against saboteurs.

On Saturday, December 6, 1941, many Army and Navy personnel were on the usual weekend shore leave when the destroyer *Ward* radioed that it had sunk a submarine early Sunday morning. The information, though, was delayed in reaching the high command and consequently the harbor gate had not been closed.

At 7:55 a.m., on December 7, 1941 the first Japanese bombers attacked United States airfields and the fleet. Virtually the entire U.S. fleet of 94 vessels, including 8 battleships, was concentrated at Pearl Harbor and the disposition of troops, airplanes, and antiaircraft guns made effective defense almost impossible. When the last attack had ended about 2 hours later, the Japanese won a significant tactical victory since they had been practically unopposed. Within 2 hours, 2,403 American servicemen and civilians were killed and 1,178 wounded. When the news of the attack reached the people of the United States, our country went into shock. Japanese capabilities had been underestimated and information about the fast-moving developments had been relayed too slow to the commanders in Hawaii.

Pearl Harbor is a very poignant chapter in our history. We must seek to remember the grave sacrifice so many Americans made there. As a veteran, I am very proud to honor the outstanding patriotism of the New Hampshire Pearl Harbor Survivors on their 25th anniversary.●

REPUBLIC OF LITHUANIA DAY

● Mr. SARBANES. Mr. President, I am honored to join again with nearly 1 million Lithuanian Americans in commemorating the 79th anniversary of the proclamation of an independent Lithuania, especially at a time when the Lithuanian people are rebuilding their democracy.

After more than seven centuries of struggle, the Lithuanians have finally succeeded in reestablishing an independent republic. While their hopes were realized once before in this century, their freedom was abruptly revoked in 1940, after 22 years of democratic governance.

Throughout this long and difficult period, the people of Lithuania and the other Baltic nations never wavered from their beliefs in democratic values and their desires for liberty and freedom. In keeping with such a strong commitment, their independence after so many years is not only something to celebrate, it is an incentive for us all to rededicate ourselves to the democratic principles commemorated by this anniversary.

Since 1990, when Lithuania rejoined the international community of democratic nations, the country has recognized the importance of meaningful political and economic reforms. Most significantly, Lithuania recently experienced another peaceful transfer of civilian rule, demonstrating the increasing stability of its democracy.

Lithuania's commitment to continue along the path of economic reforms also promises greater prosperity in the years to come. A number of indicators suggest the possibility of a brighter future for the Lithuanian economy, despite the difficult period of transition that has resulted from the collapse of the Soviet Union. Gross domestic product is expected to rise this year, and continue to do so the next. Inflation is expected to decline. Industrial production is also on the rise.

In addition, Lithuania has reached out to its neighbors, both those in the Baltic region and those further to the west. The Baltic Economic Cooperation Agreement and Lithuania's decision to join the Council of Europe are examples of this young democracy's determination to remain economically and politically engaged with the rest of the world.

At this time of year, our thoughts also turn to those Lithuanians who suffered under the brutality of the Nazi and Soviet occupations. Many risked and lost their lives for the rights and freedoms that Lithuanians today are privileged to enjoy. Their steadfast determination and courage eventually prevailed, providing hope for all peoples who dream someday to be free.

The writer Vincent Boris has observed that Lithuanian "statehood was reestablished within a continuum of nationhood." Indeed, the Lithuanian people have drawn their strength from a very real sense that nationhood can never be oppressed. That sense of nationhood has been most evident here in the United States, where we have witnessed the unyielding dedication of Lithuanian Americans to the freedom of their native land. Their perseverance encouraged many of us to stand in this body over the last several decades and proclaim our support for a Lithuanian republic.

We in Maryland, and our Nation, are particularly fortunate to have such an active Lithuanian-American community. Its longstanding traditions of self-help and voluntarism and its dedication to the democratic ideals that have prevailed in Lithuania have truly enriched the history of this country. In areas ranging from business, to academia, to the arts, Lithuanian-Americans consistently make significant contributions across the Nation.

Mr. President, recently, Lithuanians gathered in their capital, Vilnius, to commemorate this anniversary. I am proud that we in the United States have continued to stand with them on this occasion, both in years when there was much to celebrate and in years when there were only memories and dreams of a better future. It is my sincere hope that we can celebrate this anniversary with the same optimism that we do this year for many years to come.•

WHAT AL SHANKER TAUGHT US

• Mr. HOLLINGS. Mr. President, I rise today in recognition of a great man and a very good friend, Al Shanker. His contributions to education and society at large are too great to enumerate so I respectfully ask that E.D. Hirsch, Jr.'s column from the Washington Post be printed in the RECORD.

The column follows:

WHAT AL SHANKER TAUGHT US

In the course of the past two decades, Albert Shanker made himself the most important figure in American education. In the wake of his untimely death on Feb. 22, the movement toward rigorous academic standards in public schools must still go on. But his death leaves a void, and the standards movement will have less force and focus than it had before.

No other high official in education spoke home truths so consistently, or with more clarity, or to greater effect. No one contributed more to the change in attitude among teachers and the general public toward universally high academic standards. If a single person could be said to be responsible for the shift in sentiment that prompted the President to call, in his State of the Union address, for national educational standards in the public school—a proposal that would have been unthinkable a few years back—it would be Al Shanker.

We teachers, like the rest of humankind, are creatures of habit and tradition who follow the ideas we were taught. Our leaders are inclined to preserve their popularity by telling us what we are comforted to hear. Al Shanker was different. His loyalty was to the wellbeing of public education as a whole. Only a rare and great leader risks the disfavor of his followers and brings them to a new understanding of uncomfortable new realities.

Long before his colleagues, Shanker had the insight to perceive and the courage to acknowledge some harsh truths about our public schools. He led teachers to recognize that public support for public education could no longer be taken for granted, that schools would need to set much higher standards of achievement for all and that students would need to face serious consequences for not attaining them—a stern message that went against the dominant sentiments of students, teachers and parents alike.

Still, teachers adored him. They knew that he spoke with conviction and good will. They respected and loved him for being so brainy and honest, so much himself. "Let Al be Al" was the resigned decision of his union's executive committee after he had written some particularly forthright and discomforting numbers of "Where We Stand"—the weekly essay through which he promulgated his ideas. Sometimes the "We" was an editorial "We", in later years maybe a royal "We."

Among the educational leaders I have known, Shanker was the most intellectually brilliant and tough-minded. He had talent for clarity and trenchancy. But those gifts would have counted for little had they not been joined to high patriotism, a sense of responsibility, unflinching honesty, imagination and courage. His brains alone would have made him a distinguished CEO of a big organization that represented hundreds of thousands of teachers. But his courage, honesty, and imagination make him prophetic. If we are lucky enough to follow in the direction he set, history will view him as a pivotal figure in American educational renewal.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 28, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget House Joint Resolution 178, show that current level spending is above the budget resolution by $16.9 billion in budget authority and by $12.6 billion in outlays. Current level is $20.5 billion above the revenue floor in 1997 and $101.9 billion above the revenue floor over the 5 years 1997–2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $219.6 billion, $7.6 billion below the maximum deficit amount for 1997 of $227.3 billion.

Since my last report, dated January 22, 1997, the Congress has cleared, and the President has signed, the Airport and Airway Trust Fund Reinstatment Act of 1997, Public Law 105–2. This action changed the current level of revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 3, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through February 28, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated January 21, 1997, the Congress has cleared, and the President has signed, the Airport and Airway Trust Fund Reinstatement Act of 1997 (H.R. 668). This action changed revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS FEB. 28, 1997

[In billions of dollars]

	Budget resolution H. Con. Res. 178	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,314.9	1,331.8	16.9
Outlays	1,311.3	1,323.9	12.6
Revenues:			
1997	1,083.7	1,104.3	20.5
1997–2001	5,913.3	6,015.2	101.9
Deficit	227.3	219.6	−7.6
Debt Subject to Limit	5,432.7	5,262.6	−170.1
OFF-BUDGET			
Social Security Outlays:			
1997	310.4	310.4	0
1997–2001	2,061.3	2,061.3	0
Social Security Revenues:			
1997	385.0	384.7	−0.3
1997–2001	2,121.0	2,120.3	−0.7

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997[1]

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			1,101,532
Permanents and other spending legislation	843,324	801,465	
Appropriation legislation	753,927	788,263	
Offsetting receipts	−271,843	−271,843	
Total previously enacted	1,325,408	1,317,885	1,101,532
Enacted This Session			
Airport and Airway Trust Fund Reinstatement Act of 1997 (H.R. 668)			2,730
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	6,428	6,015	
Totals			
Total Current Level	1,331,836	1,323,900	1,104,262
Total Budget Resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	16,901	12,579	20,534
Addendum			
Emergencies:			
Funding that has been designated as an emergency requirement by the President and the Congress	1,806	1,228	
Funding that has been designated as an emergency requirement only by the Congress and is not available for obligation until requested by the President	323	305	
Total emergencies	2,129	1,533	
Total current level including emergencies	1,333,965	1,325,433	1,104,262

[1] As of close of business Feb. 28, 1997●.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, after final consultation with the Democratic leader, we hope to enter into a unanimous-consent agreement with regard to the consideration of the nomination of Ms. Barshefsky to be the U.S. Trade Representative. We expect to take that up tomorrow, probably beginning at 1 o'clock, on the amendments that are applicable to that nomination.

I want to notify all Members that this is the last vote of the day.

Mr. President, if no Senator seeks recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized for 5 minutes.

(The remarks of Ms. COLLINS pertaining to the submission of Senate Resolution 61, are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—SENATE JOINT RESOLUTION 19

Mr. LOTT. Mr. President, I understand there is a joint resolution due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 19) to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

Mr. LOTT. Mr. President, I object to further proceedings on this joint resolution at this time.

The PRESIDING OFFICER. The joint resolution will be placed directly on the calendar.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. on Wednesday, March 5, the majority leader may turn to the consideration of Senate Joint Resolution 5, the waiver resolution with respect to the Barshefsky nomination. I further ask that there be one amendment in order to the resolution, to be offered by Senator HOLLINGS, regarding trade agreement negotiations which shall be considered under a 3-hour time limit equally divided in the usual form; further, no other amendments or motions be in order other than a motion to table the amendment. I further ask that there be an additional hour equally divided between the chairman and the ranking member of the Finance Committee for debate on the resolution, and, upon the disposition of the Hollings' amendment and the expiration or yielding back of any debate time, the resolution be read a third time and the Senate proceed to vote on passage of Senate Joint Resolution 5, as amended, if amended, without any intervening action or debate.

I further ask consent that upon the disposition of Senate Joint Resolution 5, if it passes, the Senate proceed to executive session to consider the nomination of Charlene Barshefsky to be the U.S. Trade Representative, the Senate proceed to a vote on the confirmation of the nomination, and, following that vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—SENATE JOINT RESOLUTION 22

Mr. LOTT. Mr. President, I send a joint resolution to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of the illegal fundraising in the 1996 Presidential election campaign.

Mr. LOTT. Mr. President, I ask for the second reading of the resolution, and I object to my own request at this time.

The PRESIDING OFFICER. The objection is heard.

ORDERS FOR WEDNESDAY, MARCH 5, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Wednesday, March 5. I ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that there be a period of morning business until the hour of 1 p.m. with Senators to speak for up to 5 minutes each, except for the following: Senator BROWNBACK for 30 minutes and Senator GRAHAM of Florida for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, following morning business tomorrow, the Senate will consider Senate Joint Resolution 5, which is the waiver resolution of the Barshefsky nomination. Under the order, there will be 3 hours of debate on one amendment and 1 hour of debate on the resolution. Following the disposition of the amendment and the resolution, the Senate will proceed to a vote on the Barshefsky nomination. Senators can therefore expect several rollcall votes, probably at least two or three, tomorrow, in Wednesday's session. I thank my colleagues for their cooperation as we have worked for a couple of weeks to get this agreement.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the introduction of legislation by Senator GLENN and remarks by Senator SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the Chair.

PUBLIC FAITH IN GOVERNMENT

Mr. SANTORUM. Mr. President, I rise to make a couple of comments about the action that just took place here on the Senate floor with respect to the balanced budget amendment and to express, obviously, my disappointment as someone who supported the balanced budget amendment, my disappointment that we did not succeed in passing what I believe is a vitally important measure for this country's future. We will have another day where we will be back here and try again, whether it is this year or next year or in the next session of Congress, to fight that fight again. In a sense, the battle is not lost; it only continues.

I am a little more concerned about another battle which I fear has at least as lasting consequences as not passing this constitutional amendment, and that is something that is important to all of us here and to all Americans. As important as our Constitution is the public's faith in our institutions, our governmental institutions and the people who serve in them.

One of the real concerns I have—in fact, I have been traveling around my State of Pennsylvania talking at a lot of high schools and expressing there my concerns that a lot of young people choose not to vote. In fact, in the last election, of 18 to 24-year-olds, I believe only a third even bothered to turn out to vote. That is a low since 18-year-olds were given a right to vote. Not only that, but the last election was the low point in turnout for the general electorate. I think it was under 50 percent in the last Presidential election.

A lot of people have postulated as to what is going on with the American public, that we seem to become either disinterested or cynical about the electoral process and our Government in general. I think, unfortunately, what has happened in this debate over the last 2 weeks has added to that cynicism, has added to the mistrust that many Americans feel toward their institutions and toward the people who serve in those institutions.

I speak, of course, about the people who campaigned promising the electors of their State that they would vote a certain way on what many people consider the most important issue we will vote on here in this Congress. It is a seminal issue. It sort of divides you between the politics of the old and the politics of the new, in my opinion. You had at least 12 Members in this most recent election who campaigned, and campaigned vigorously, stating that they were going to support the balanced budget amendment to the Constitution in the same form they had supported it in the House of Representatives. And yet not more than 3 or 4 months after their election, they have changed their minds.

Yes, the Constitution is important. Yes, amending the Constitution, in my opinion, is important. But public confidence in us is as important, for if the public does not see us as legitimate, if the public does not see its institutions and the people who run them as trustworthy, then the Constitution is not nearly as strong a document—in fact, some would suggest it is even a worthless document—because democracy cannot exist without the public faith in what we are about and the legitimacy of our Government.

So I think this debate is sad for, yes, the reason we did not pass the balanced budget amendment. That is very sad. But I think the greater long-term threat to our country is public cynicism over this institution and all of our democratic institutions.

That was harmed and, in some places, it was devastated in the past few weeks. That is something we will have a hard time with when fighting the battle again. It makes the battle to come back much harder. It is not as if we can bring this up again as we can a balanced budget amendment to the Constitution. It now is something young and old people will be looking at, what happened here, and saying, does politics really matter? Why bother to vote; they do not mean what they say anyway.

I commend the Members; some of them had very tough votes in bucking their President and their leaders, for standing up and doing the right thing, doing what they said they would do. When it comes down to it, in this institution—and I suspect in every workplace in America—the bottom line comes down to you have nothing here except your word. You have nothing except your word. With respect to me and my relationship to my constituents in Pennsylvania, I find that to be a solemn vow. My word means something. And if my word is no good, then they have every right to question me and question the institution in which I serve.

So I think we did have a defeat today. We had a defeat not for the constitutional amendment. Yes, we had that defeat. We had a defeat for our institution. We had a defeat for our democracy. We had a defeat for the process that legitimizes everything we do here. And that truly is a sad thing. It is a sad day for the Senate. It is even a sadder day for this country.

I would just suggest as some anecdote to the people who feel disenfranchised as a result of what happened here that most of the people in this Senate did do what they said they were going to do, on both sides of the aisle. Most of the Members of this Senate stood up and told the public the truth when it, frankly, may have not been easy to tell the truth. And from that, I think, we should take some solace, that, in fact, most Members do stand up and say what they mean. And I hope that we can learn from this lesson, all of us learn from this lesson, the importance of having the public's faith in who we are, what we say and what we do. It matters.

We have a lot of people in this town now who seem to be pushing the edge on a lot of activities. And you see the public just does not seem—I get this question all the time—to care about all these shenanigans that go on around here. I agree. I think there are so many shenanigans going on around here they discount them at the time. They think they are all bad, and why is he any different than anyone else.

Wow, that is a dangerous sentiment in this country. That is a sentiment that gets you in trouble. We should be outraged when people do things that are illegal, when people do things that are unethical. We should be outraged when our public officials, whom we hold up to represent us, do not meet the standards that we ourselves meet, and we should think differently about them because they do not meet those standards.

It is a sad day, but I hope that we again have learned the lesson that it is important for us to be men and women of our word. And that goes beyond any bill, any amendment, any issue that we deal with in this body. Once we understand that lesson, I think we will be a greater body and a greater country as a result.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the submission of S. Res. 61 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon, Wednesday, March 5, 1997.

Thereupon, the Senate, at 6:04 p.m., adjourned until Wednesday, March 5, 1997, at 12 noon.

EXTENSIONS OF REMARKS

LEGISLATION TO ESTABLISH PERMANENT STATUTORY AUTHORITY FOR THE PUBLIC HEALTH SERVICE OFFICE ON WOMEN'S HEALTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mrs. MORELLA. Mr. Speaker, today, along with 20 of my colleagues, I will be reintroducing legislation to establish permanent statutory authority for the Public Health Service Office on Women's Health. Senator OLYMPIA SNOWE has introduced similar legislation in the Senate.

With this bill, we hope to create an enduring structure within which the current well-documented ongoing needs and gaps in research, policy, programs, and education and training in women's health will continue to be addressed. It will ensure that important initiatives—in breast cancer detection and eradication, in the promotion of healthy behaviors and disease prevention, in improved public information about women's health, in better informed health care professionals, among others—will reach fruition.

The Public Health Service's Office on Women's Health, established by the Bush administration and now within the Office of the Secretary, is the focal point for women's health activities in the Department of Health and Human Services. By administering cross-cutting initiatives across the PHS, the OWH is able to fill gaps in knowledge, and to initiate and synthesize program activities in ways that no other single PHS agency or office could accomplish alone.

In addition, the bill also makes permanent offices on women's health at the Centers for Disease Control and Prevention, the Agency for Health Care Policy and Research, the Health Resources and Services Administration, and the Food an Drug Administration; these agencies currently have offices or coordinators which were established administratively and could be abolished at any time. Women's health offices at the National Institutes of Health and the Substance Abuse and Mental Health Services Administration have been made permanent in previous legislation.

I urge my colleagues to join us in cosponsoring this legislation.

* * *

TECHNICAL AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. McKEON. Mr. Speaker, today Mr. KILDEE and I have introduced a technical amendment to the Higher Education Act of 1965. The amendment makes a technical correction to the student right to know provisions of the Higher Education Act.

The student right to know provisions of the Higher Education Act require institutions of higher education to report graduation rates for their student body. These statistics are compiled for the student body at large and for student athletes as well. A change made in the fiscal year 1996 omnibus appropriations bill resulted in these rates being calculated at different points in time during the academic year. As a result of this oversight, institutions will be required to keep two sets of records for calculating and reporting graduation rates.

The amendment corrects the problem by conforming the section of the Higher Education Act dealing with the reporting date for student athletes to the section of the Higher Education Act that requires preparation of graduation rates for all students. This amendment will first, allow institutions to more accurately reflect the manner in which institutions collect the data on graduation rates, and second, eliminate the burdensome task of preparing two distinct sets of graduation rates.

I urge all Members to support this technical amendment that simplifies record keeping requirements for institutions of higher education.

* * *

RECOGNITION OF NATIONAL SPORTSMANSHIP DAY, MARCH 4, 1997

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of National Sportsmanship Day, March 4, 1997. This day, in its celebration of sportsmanship, brings together student athletes from across the United States and 74 countries world-wide in an effort to promote the importance of fair play, integrity, character, and ethics. Teamwork, respect and cooperation, values that are integral for success in society, business, and sports alike, are the themes of the activities for the young people who take part in this day.

Established by the Institute for International Sport located at the University of Rhode Island, National Sportsmanship Day is just one element of the institute's efforts to establish a greater awareness in the area of physical fitness. Other year-round components of the institute's efforts are the Student-Athlete Outreach Program, where student-athletes from high schools and colleges visit local elementary and middle schools to serve as positive role models and promote good sportsmanship, and the World Scholar-Athlete Games.

I am proud to offer my support to programs like this that provide students of all ages the opportunity to develop the skills that will help promote success and achievement throughout their lifetime. I would like to acknowledge the parents, teachers, coaches, participants, and especially those individuals who have committed their time and efforts to broaden participation in the arena of friendly competition and sportsmanship.

* * *

THE INTRODUCTION OF THE CHILDREN'S PROTECTION FROM VIOLENT PROGRAMMING ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. DEFAZIO. Mr. Speaker, I rise today to join millions of American parents, teachers, doctors, and children's advocates in endorsing a content-based rating system for television viewing among children. For too long Congress and the American people have left programming content decisions to motion picture and broadcasting industry executives. Parents have expressed frustration with the constant barrage of violence, sex, and adult language on television. I am pleased to join Representatives MARKEY, BURTON, SPRATT, MORAN, and others to introduce a bill that gives parents the ability to determine what type of programming content is appropriate for their children to watch.

Parents are tired of having Hollywood tell them what is best for their children. Congress gave the broadcasting industry a golden opportunity to meet this challenge in the Telecommunications Act of 1996. Instead of addressing these longstanding concerns, the industry proposed an age-based rating system that is still inadequate because it does not inform parents of objectionable programming content. Furthermore, the age-based proposal will continue to prevent parents from making informed choices about their children's viewing behavior. The rapid growth of network and cable programming has been a mixed blessing for parents. They are left with the daunting task of learning the content of numerous shows and channels. The age-based rating system will not help make this task any easier.

I have heard from parents and child advocates all across Oregon who say that they want to know what to expect from a particular television show. They also want to know if the show contains explicit sex, adult language, and excessive violence. Most importantly, they want to make their own decisions about what their own children watch, not leaving the decisions up to television executives. A parent does not want to be told that their child is old enough to watch a "TV–PG" rated show. The majority of parents are smart enough to know that this category is quite broad, covering a wide range of shows.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

According to a nationwide survey conducted by the National Parent Teachers Association [PTA], over 80 percent of parents stated that they want separate ratings for sex, violence, and language content to help parents decide what shows their children can and cannot watch. In fact, a large number of organizations have criticized the age-based rating system including the National PTA, the American Medical Association [AMA], the American Academy of Pediatrics, the Children's Defense Fund [CDF], Family Research Council, and many others. I am confident that this bill will aid parents with these decisions and encourage the broadcasting industry to adopt a content-specific rating system.

In an attempt to require broadcasters and manufacturers to help parents block shows they considered too objectionable, Congress passed the V-chip law to the Telecommunications Act of 1996. Until this law takes effect in 1998, this bill is the necessary next step in addressing the concerns of parents in the information age.

CONGRATULATIONS TO CONGRESSMEN REGULA AND MURTHA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise to call your attention to a special award that was recently given to our distinguished colleagues and longstanding leaders of the Congressional Steel Caucus, RALPH REGULA and JACK MURTHA. Last month, RALPH and JACK were recognized by the American Iron & Steel Institute and the U.S. Department of Energy [DOE] during DOE's Industrial Efficiency Symposium in Arlington, VA.

On February 25, RALPH and JACK received individual awards testifying to their unflagging contributions to the future of the American steel industry. The awards were in recognition of the central role they have played, both as leaders of the caucus and as individual legislators, in creating the metals initiative program within the energy efficiency function of DOE. The metals initiative, a government-industry collaborative program designed to improve the competitiveness of steel and other metal industries, has received $120 million in appropriations over the past decade to develop direct steelmaking, advanced process controls, and an optical sensor for measuring temperatures.

In their respective positions as chairman and vice chairman of the Congressional Steel Caucus, RALPH REGULA and JACK MURTHA have worked tirelessly over the years to promote and expand the economic viability of the American steel industry and the jobs of its workers. The Steel Caucus is a bipartisan organization, which has served as a forum since the 1970's for Members of Congress to exchange information and ideas with steel industry representatives, steelworkers and their representatives, and the administration. And their hard work has paid off handsomely: Today, the American steel industry and its workers are the most productive and efficient in the world.

Mr. Speaker, I hope you and my other House colleagues will join me in congratulating RALPH and JACK for receiving this award in recognition of their crucial support for the American steel industry and its workers.

INTRODUCTION OF THE PUBLIC RESOURCES DEFICIT REDUCTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. MILLER of California. Mr. Speaker, this year's budget debate promises another round of arguments over cutting programs and services to American citizens in order to balance the Federal budget. In that debate, it is time to take a serious look at the wasteful practices that drain the Treasury while subsidizing the developers of natural resources from the public lands.

Today I am introducing a bill, the Public Resources Deficit Reduction Act, that will terminate the very expensive subsidies that taxpayers have long provided to many of the nation's natural resource developers and require, instead, that taxpayers receive the fair market value of the public's resources.

While we often disagree about the precise way to allocate limited Federal resources, I believe we should all be able to agree that we should not waste billions of dollars in taxpayers' money and resources. Yet our natural resources policies, often formulated decades ago when it was necessary to induce people to settle the West, still give away billions of dollars each year in subsidies to mining conglomerates, timber barons and argibusinesses. The taxpayers' largesse benefits some of the wealthiest ranchers and farm operators in the United States, while subsidizing environmental damage that the taxpayers eventually pay to clean up as well.

This bill has a very simple goal: Companies and individuals who use natural resources from public lands—minerals, timber, water, hydropower and forage for grazing—would pay fair market value for those resources. In order to provide a transition period, it exempts all existing contracts and phases fair market pricing in over 5 years. But after 5 more years of taxpayer subsidies, this bill asks natural resource developers to pay the taxpayers what their assets are worth.

The bill also contains a number of specific provisions to ensure that particular programs are altered to eliminate unfair subsidies. It would amend the 1872 mining law to require that the taxpayers receive a fair royalty for gold and silver mined on public lands. It would alter programs in the national parks to ensure that the public receives a fair share of the profits made by the concessionaires. It would set standards for eliminating below-cost timber sales and charging fair market value for grazing and the use of utility rights-of-way across public land. It would move the income from timber and grazing programs on-budget, so that the receipts are accounted for in annual budgeting.

Another area addressed by this bill is the inconsistency of Federal irrigation and farm support policies, which often contradict one another or provide enormous combined subsidies. To address these inconsistencies, the bill would eliminate Federal irrigation subsidies to farmers already receiving payments under the Agricultural Market Transition Act. It also would require that the irrigation subsidies be counted into the cap on farm subsidies.

Mr. Speaker, we have asked all of our citizens to accept some cuts in Federal programs in order to balance the budget. We told welfare recipients their aid would end after 5 years. This bill would tell our citizens that we can be responsible stewards of the assets they have entrusted to us, and that we will not longer demand that they tolerate wasteful subsidy programs.

In the last Congress, this legislation was introduced with dozens of co-sponsors, including Members of both political parties. It was not even accorded a hearing by the Committee on Resources. The last Congress utterly failed to reform any of the major resource subsidy programs that currently apply to billions of dollars in public resources.

Mr. Speaker, we cannot afford such indifference again in the 105th Congress. We cannot afford environmental indifference to the consequences of subsidized resource development and usage. And we cannot afford the fiscal burden of maintaining, on the eve of the 21st century, subsidy programs born at the end of the 19th century.

LINDSAY WASHICK WINS PARADE MAGAZINE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. KANJORSKI. Mr. Speaker, I would like to honor Lindsay Washick, daughter of Bob Washick of Conyngham, PA, for winning first place in a contest sponsored by Parade Magazine and the Times-Leader newspaper of Wilkes-Barre, PA.

Lindsay is a 14-year-old ninth grader at MMI preparatory school in Freeland, PA.

Lindsay's article, entitled "Our President's Greatest Challenge," was chosen from six finalists. As a reward as part of the Young Columbus Program, Lindsay will act as a young ambassador on a trip to Ireland in April.

Lindsay is an example of the fine quality of students who are dedicated to learning and expanding their knowledge of the world they live in. The youth of today are tomorrow's future and I congratulate Lindsay on winning first prize.

I am inserting her article into the CONGRESSIONAL RECORD.

Text from Lindsay Washick:

> With November fifth long and gone, the votes have been counted and tallied, and the leader of our country has been decided. Mr. William J. Clinton will be our president for the next four years.
>
> With a new term starting, many people are anxious to see what he'll be concentrating the most on. Will it be drugs, health care, the environment, our involvement in foreign countries, or balancing the budget? All of these issues are very important but every

time the very important issues do come up, there is always one that's overlooked—The Young People of America.

I think that the greatest challenge to our new President is to be getting in touch with our young people, and getting them involved.

I just recently turned 14, and am therefore an adolescent. I'm, involved in, and have a wide variety of liking, but when it comes to government, and politics, I'm always the last one to know and/or care. The rest of the nation is in such a tizzy about everything else, that they're overlooking us too. The President goes where the people go, and that's always away from us. But, every now and again, when we are lucky enough to be brought up, the only things the politicians have to say, are, "Don't do drugs" and "Stay out of trouble." Nothing exciting about that. We hear it from our parents everyday. If it worked, there'd be a lot more happy people in the world.

But, seriously, the President has to get more in touch with the times. He's lacking the excitement we need to keep us interested, and he's boring us to death.

A great example of this would be the voter turnout among our youth. Very, very few young people vote, and why do you think that is? I know why; because we don't care about the politicians. Because we don't think they care about us. Why should we support them if they don't support us? It's not like I'm just gonna wake up one day when I'm 30, and just go, "WOW! I love politics! I think I'm gonna run for President!!"

With so many teenagers with this attitude, it's gonna take a lot to get them to turn around and start getting involved and interested. With no signs of Mr. Clinton even pondering to make any changes, it's not looking too good.

I don't want our President to run around listening to Rage Against the Machine, or go to a Smashing Pumpkins concert, or dye his hair blue. That will get our attention, but in the wrong way. He just has to focus more on us. He's always preoccupied with something else, and since we don't vote that much anyway, why should we waste all that time?

It's a sad and vicious cycle that keeps turning and turning.

The President's greatest challenge this term is to get that cycle to stop. he has to—for the future of you, and your country. But since no one has said anything to him yet, it should, unfortunately, take a while.

INTRODUCTION OF LEGISLATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. CRAPO. Mr. Speaker, I rise today to introduce legislation in favor of economic opportunity and vitality. The Fair Labor Standards Act [FLSA] was designed to promote economic opportunity. There have been instances, however, when unintended consequences are revealed. When they do, it is our imperative to correct them properly so that FLSA will be applied consistently and continue to promote basic economic fairness, its original goal. One unintended consequence, however, impacts a major economic force in our country as well as my home State of Idaho: Agriculture.

FLSA itself recognizes that agriculture is a special industry and consequently contains numerous exceptions to the applicability of FLSA's "time-and-a-half-overtime" provisions. Unfortunately, a sugar beet is deemed "not a vegetable" under FLSA. As a result, no overtime is due a farmer's workers if the farmer transports sugar beets from his fields to the processing plant. If a farmer stockpiles his sugar beets in an effort to be more efficient and then contracts transportation with a hauler to bring these same vegetables to that same plant, however, the hauler is nevertheless required to pay his drivers overtime. This occurs even though those plant workers are also exempt from FLSA's overtime provisions. The scenario is not hypothetical; it occurs regularly to one constituent of mine who has for years been involved in the annual beet haul involving sugar beets. Ironically, applying FLSA to the beet haul actually lowers the compensation that his truck drivers are actually paid.

In Idaho, the beet haul requires farmers to stockpile their crops in beet piles and await the processor's delivery instructions. Once processing begins, it is a 24-hour-per-day, 7 days a week affair, lasting from late September until early January. The most economically advantageous method—to both drivers and their employer—for compensating beet haul drivers is to pay them by the load.

Truck drivers who want to work, hustle loads; they are rewarded for the diligent work ethic. The less motivated worker earns less. Unfortunately, with respect to my constituent—and my constituent alone—the Department of Labor has insisted that FLSA's overtime provisions apply to the beet haul.

In theory, FLSA requires all beet haul operations to pay "time-and-a-half." In reality, my constituent's competitors never have been required to comply with this FLSA provision; that competitor still pays by the load. This is despite the fact that both hauling entities are regulated by the Federal Department of Transportation. The competitor hauls a small percentage from beet piles located in Oregon—that is the only difference. This circumstance harms my constituent since his diligent workers are paid less under this rule and he must still absorb higher labor costs. This disparate treatment has caused my constituent to lose his better drivers repeatedly to his competitor. They earn more working by the load; my constituent pays more because he is not treated the same as other beet haulers.

One might already assume that FLSA's agricultural exemptions would cure this inequity. It does not: a sugar beet as defined under the act is not a vegetable and therefore, the exemption does not apply, even though a sugar beet is, in fact, a vegetable. Consequently, the beet haul does not enjoy the FLSA agricultural exemption which applies to other agricultural endeavors.This inequality thus requires a definitional, that is, a legislative, solution. The legislation I propose is simple, direct, and in no way will interrupt the overall flow and impact of FLSA. This legislation seeks to include sugar beets as vegetables in FLSA. This legislation will level the playing field and enhance one of the actual goals of the statute: economic fairness.

TRIBUTE TO JAMES G. SANDMAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Col. James G. Sandman, U.S. Air Force retired, for exceptional service to the community of Sacramento while serving as executive vice president of the Sacramento Association of Realtors since 1979. After 17 years of dedicated service, he and his wife, Barbara, are retiring.

A native Californian, Colonel Sandman's contributions have not been limited to his service with SAR. A member of a prominent Stockton family, he was graduated from the U.S. Military Academy at West Point in 1947 and went on to a distinguished career in the U.S. Air Force until retiring in 1976. One of the highlights of Colonel Sandman's Air Force career was to be stationed at the newly opened Air Force Academy for the graduation of the first class of Air Force cadets.

While serving in the Air Force, Colonel Sandman contributed to his country in a number of very important roles. He served as a command pilot and navigator during the Korean and Vietnam conflicts, served on the Pentagon's Command and Control Staff, was part of a special exchange program and attended the Royal Air Force Staff College in the United Kingdom. His last tour of duty was commander of the Air Force Recruitment Wing for the Western Region. At one point, Colonel Sandman was chosen as the subject for a recruiting poster which was nationally distributed and displayed. During his military career, Colonel Sandman was honored with the Legion of Merit with an Oak Leaf Cluster, the Air Medal, and the Meritorious Service Medal.

Immediately following his Air Force career, Colonel Sandman established himself in the Sacramento community by working on various political campaigns and managing a highly successful shopping center development project.

As executive vice president of the Sacramento Association of Realtors, Colonel Sandman led the organization as it quickly established itself as a concerned member of the community at large. Under his leadership as its chief staff member, SAR became a major contributor to charitable causes in the community and could always be counted on in a crisis. Included among his significant accomplishments are the conversion of a board-owned book multiple listing service to a board-owned computer multiple listing service, the building of a state-of-the-art headquarters for Sacramento Realtors, complete with an auditorium that is used by many organizations in the community, and the initiation of discussion with six Realtor associations in the surrounding areas regarding a regional association system.

Within the broader Realtor community, Colonel Sandman represented SAR with the highest of integrity and dedication. He served as director of the management committee for the Real Estate Land Use Institute, member and chair of the California Association of Realtors' Executive Officer's Committee, member of the

National Association of Realtors' Executive Officer's Committee, and several other NAR and CAR Committees, including a stint on the CAR Executive Committee. He has also served on the California Department of Real Estate Task Force on Professional Standards.

Locally, Colonel Sandman is a past trustee of the American Red Cross, is involved with the Sacramento Metropolitan Chamber of Commerce, the Sacramento Area Commerce and Trade Organization [SACTO], and regularly contributes to a number of local charities and causes.

As an association executive, Colonel Sandman distinguished himself within that group's ranks as well. He is a past member of the American Management Association and is a member of the California Society of Association Executives. He served as a board member and president of CSAE and was awarded that group's Association Executive of the Year Award in 1987. He also earned the ASAE's highest designation, Certified Association Executive and just recently was awarded the first and only National Association of Realtors' Lifetime Realtor Certified Executive designation.

In recognition of these contributions made to his country, California and the local Sacramento community, I ask my colleagues to join me in saluting James G. Sandman and wishing both he and his wife, Barbara, luck and happiness in their retirement.

TRIBUTE TO LOS ANGELES CITY COUNCILMAN MARVIN BRAUDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing the extraordinary career of Los Angeles City Councilman Marvin Braude. After 32 years of dedicated service, Councilman Braude will soon return to private life. The city's 11th district, which he has so capably served, overlaps my own district, and includes communities such as Pacific Palisades, Brentwood, and West Los Angeles.

During his eight terms in office, Councilman Braude has been a champion of the environment, a crusader for government efficiency, and a source of wisdom in the development of local public policy. As an elected official, he has been a true renaissance man, at various times in his career serving as chair of the city's Finance and Revenue Committee, the Environmental Quality and Waste Management Committee, and the Public Safety Committee. He has also helped formulate city policy in information technology, public works, and zoning, and land use issues.

A lifelong conservationist and ardent bicyclist, Councilman Braude's leadership made possible the creation of a 50,000-acre public park within the city's limits in the Santa Monica Mountains. This area has been designated as permanent recreational open space and is a beautiful natural oasis within the city's borders.

Councilman Braude's legislative accomplishments have included authorship of the city's pioneering ordinances to protect nonsmokers from secondhand tobacco smoke. He has been honored for his work by the American Cancer Society, the American Lung Association, the League of California Cities, and the California Department of Health Services.

Councilman Braude has also had extraordinary success in sponsoring ballot measures to limit commercial density and to prohibit oil drilling along the city's pristine beaches. In addition, he has been the city council's leader in opening city government to the public and encouraging the participation of all citizens. And, he increased government accountability by creating the zero-based budgeting process that is now used as a management model by many municipalities.

Councilman Braude's commitment to the environment includes serving on the governing board of the South Coast Air Quality Management District, helping to clean the air for 12,000,000 people in southern California. he is also the city's strongest advocate of electric vehicle technology and is helping to bring the entire automotive industry into the future by making the city of Los Angeles a friendly environment for electric vehicles.

Like many of our colleagues, Councilman Braude came to government from the private sector. he founded Capital for Small Business in Los Angeles, and was a founding member of the board of directors of Scientific Data Systems, which later became the computer division of Xerox Corp.

Mr. Speaker, I ask you and my colleagues to join me in honoring Councilman Braude for his full and fruitful career in public service, and in wishing him continued happiness and success in all future endeavors.

OFFICER BRIAN GIBSON TAX FREE PENSION EQUITY ACT OF 1997

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Ms. NORTON. Mr. Speaker, today, I introduce the Officer Brian Gibson Tax Free Pension Equity Act of 1997, a bill which will allow the survivors of a Federal or local law enforcement officer killed in the line of duty to receive that officer's pension tax free.

This legislation bears the name of Officer Brian Gibson, a brave police officer, a hero recognized as a model by his peers, an example for all who wear a police officer's badge anywhere, and a District of Columbia resident who was laid to rest on February 10 after being fatally shot in the line of duty. Officer Gibson was a devoted family man who left a wife, Mrs. Tracie Gibson, and two children. He graduated from H.D. Woodson High School in the District. Officer Gibson was a family man devoted to his wife, his children, his family, his community, his city, and his Police Department. I name this bill for Officer Gibson to help us remember him and all officers who die in the line of duty, and to help young men understand the meaning of courage, manhood, service, and family.

Current Federal tax law allows officers who retire on disability to collect disability payments tax free. However, Officer Gibson's family must pay taxes on the survivor benefits of his pension. This disparate tax treatment is unfair because whether an officer retires on disability or is killed, that officer's family loses a wage earner, and in many instances, the family's sole wage earner.

This bill is retroactive to taxable year 1997 to enable Officer Gibson's young family and the survivors of other officers killed in the line of duty in 1997 to begin receiving their survivor benefits free of Federal income taxation. For the average officer's family, this bill could mean 28 percent more money in survivor benefits. The police families who have lost their loved ones in police service have lost the irreplaceable. I urge my colleagues to support the Officer Brian Gibson Tax Free Pension Equity Act and afford the families of our slain law enforcement officers the same tax free treatment in survivor benefits we have already granted to officers who retire on disability.

BILL TO ENCOURAGE THE IMPROVEMENT OF TV RATINGS MARCH 4, 1997

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. MARKEY. Mr. Speaker, today, I am introducing a bill, along with Representatives BURTON, SPRATT, MORAN, and others, to encourage the television industry to add content labels to the age-based TV ratings. Additional original cosponsors of "The Children's Protection from Violent Programming Act" include Representatives GREENWOOD, KLINK, POSHARD, KENNEDY, J., TAUSCHER, DEFAZIO, HINCHEY, FILNER, and HOOLEY.

The ratings system proposed by the TV industry last December has proved to be inadequate. It fails to inform parents of objectionable content, and it frustrates the use of blocking categories because they are so broad as to be useless. The V-chip law was intended to give parents the ability to block shows on the basis of violent, sexual, or profane content. Instead, the "V" for violence disappeared into the industry committee that developed the ratings system and has not been sighted since. We need to return to a content-based system.

This point has been made to the industry in every conceivable way—in private meetings, in academic research, in focus groups, in newspaper editorials—yet the industry continues to turn a deaf ear, sticking stubbornly to a system that is convenient for the industry, but condescending and contradictory to parents.

After all, who is raising our kids? Not Hollywood, not the broadcasters, not the cable industry. Parents, not corporations, are raising our kids. If we don't listen to them, the system is indeed a mess.

The system is condescending because it tells parents that "Hollywood knows best", that some industrial Big Brother will decide whether a show is appropriate for your child's age group. Parents don't want this decision left to a corporate executive. We have left the era of "Leave It To Beaver" and entered the era of "Beavis and Butthead." Instead of three channels, we have dozens, with more coming through the miracle of digital compression, satellites, and telecomputers. Today's parents want specific information about the level of violent or sexual material distributed in the form of entertainment to their home, so that they can decide for themselves what is appropriate for their own children to see on their own family TV set.

The system is contradictory because, on the one hand, it requires an executive to examine the show for the level of violence, sex, or language, but on the other hand, it denies that information to parents. Instead, everyone is asked to engage in a game of ratings Hide-and-Go-Seek where the executive disguises what he knows by throwing it into a giant category called "TV–PG".

In fact, an estimated two-thirds to three-quarters of all television programming is being tossed into this Black Hole called "TV–PG." What at first blush appears to be a six category system is, for most purposes, just this one category. It swallows up material that ranges across the entire spectrum of TV programming, from mild to graphic, from silly to sick, from profound to profane. The clips that you will be shown today by the organization Children NOW make this point very well. "TV–PG" has, unfortunately, come to stand for "Too Vague—Parents Give Up." This is the core of the problem. This is the reality that the industry has, so far, refused to face.

Clearly, parents want and deserve more information than they are getting from these general age-based icons. The head of one of our Nation's largest broadcasting undertaking, Mr. Earvin Duggan of the Public Broadcasting System, put it well in his recent letter to the committee:

"We who serve the television audiences should provide more information about program content rather than less. The ratings system recently adopted by commercial broadcasters and cable is, in our judgment, to a vague, imprecise and grudging in the information it provides."

Fortunately, we do not need to reinvent the ratings wheel. The industry's proposal can be made acceptable to most critics by simply adding content descriptors to the age-based icons. "TV–PG" would become "PG–V", with the "V" indicating violence. Such content-descriptors are already widely used by the American cable industry in the HBO–Showtime system. We already have more than 3 years of experience with this system on three major cable networks, and more than a decade of experience on HBO. The president of Showtime will give testimony later today about the positive reaction to this system, both by his subscribers and by the employees who must preview the shows, and attach the ratings. This approach gives parents the information they want and need without abandoning the progress represented by the industry's efforts to date.

Adding content-descriptors to the industry's age-based icons is clearly the outline of a solution. PBS is willing to do it; four cable networks are already doing it; it is time for everyone to move in this direction.

Nevertheless, we must be realistic about the industry's intransigence. We must ask ourselves what can be done to help parents if the industry refuses to reconsider voluntarily its ineffective system.

To that end, I am introducing, along with Representative DAN BURTON and others, the House version of Senator HOLLINGS' bill (S. 363) to encourage, but not force, distributors of television programming to add specific warnings for violence to the vague age-based ratings already proposed. The legislation does not require content descriptors. If a broadcaster chooses not to send them to parents, that's his right. But under this bill, he would no longer be able to air that unlabeled show during hours when children comprise a substantial part of the audience. it's his choice. If he includes the content descriptors, he can air the show regardless of the number of kids who may be watching. If he doesn't, then he can only air the show when kids are not likely to be watching.

We think this is a fair trade. Parents want a content-based ratings system. Just last Saturday the New York Times poll concluded that 69 percent of parents support this approach.

There is no guarantee that parents will use the system, but there is a much greater likelihood they will use it if they have a clear warning of content that might harm their kids. And only through such ratings will parents be given reasonable options for blocking out the harmful programming using the V-chip.

It is my hope that the industry will, ultimately, come to the realization that this ratings system is for parents and must meet their needs. Parents should also register their concerns by writing the Federal Communications Commission. The FCC record is open for initial public comment until April 8, and the FCC Chairman has announced his intention to hold a hearing at the Commission sometime after that. The introduction of this legislation should help to focus attention on the importance of this decision and hasten the day when the pleas of parents are finally heard.

INTRODUCTION OF LEGISLATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. CRANE. Mr. Speaker, today I am introducing legislation repealing a defect in current Medicare law which often causes beneficiaries seeking chiropractic treatment under the Medicare Program to be subjected to unnecessary x rays exposure. The heart of the problem, which my legislation seeks to correct, arises from current law which requires a diagnostic x ray to be taken before a beneficiary can be provided with chiropractic manual manipulation benefits under Medicare. Frequently, x rays are a useful and valid diagnostic tool properly utilized by doctors of chiropractic. However, the existing statutory requirement that, in every instance, a diagnostic x ray be taken before chiropractic services can be provided as a benefit under Medicare is clearly arbitrary and unnecessary.

According to the American Chiropractic Association [ACA] and ACA College of Radiology, there is no medical justification for a blanket requirement that all beneficiaries seeking chiropractic care under Medicare must first undergo a diagnostic x ray. While in many instances x rays are clinically justified, all responsible health authorities agree, that diagnostic x rays are warranted only when, in the assessment of the treating health provider, they provide a direct clinical benefit to the patient.

I for one, find it totally unacceptable that we, as responsible Members of Congress, would allow the continuance of an artificial statutory requirement that results in the continued unnecessary x ray exposure of Medicare patients. I am confident, that any of my colleagues that examine this issue will conclude, as have I, that requiring an x ray as a prerequisite to reimbursement is bad public policy for which there is no real justification.

This is not just my opinion, but it is also the opinion of senior officials in the Health Care Financing Administration [HCFA] and the Department of Health and Human Services [HHS] who have studied this issue in detail. As many of my colleagues know, the ACA and various Members of Congress have, over the past 2 years in particular, talked with the Administration regarding a variety of chiropractic-related issues. As a result of those discussions and inquiries, the mandatory x ray requirement issue has been closely examined by HCFA and HHS, I am pleased to say that as part of this fiscal year 1998 budget proposal, President Clinton has included a specific legislative provision which would abolish this requirement.

Specifically, the proposal I am introducing today, would strike for the physician definition portion of the existing statute describing the chiropractic Medicare benefit [Section 1861(r)(5), Social Security Act], the words "demonstrated by x-ray to exist".

Also, I would note, the existing x ray requirement is a barrier to beneficiary access to chiropractic care which places an undue financial burden on beneficiaries who must often pay for the required x ray out-of-pocket. Chiropractic care is a proven and effective treatment for spinal related maladies including low-back pain. It is a nonsurgical and nondrug form of health care which often substitutes for more expensive forms of care, including surgery. It only makes sense to encourage access to chiropractic care and remove those barriers which exist in current law.

In conclusion, I am confident this proposal, which is first and foremost a matter of public health and safety, will enjoy bipartisan support in this Congress. I urge my colleagues to act quickly to ensure the incorporation of this long overdue proposal into Medicare reform legislation which may be approved in this Congress.

IN HONOR OF THE BIRTHDAY OF LLOYD THOMAS KORITZ, M.D.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. PORTER. Mr. Speaker, it gives me great pleasure to rise today to salute Dr. Lloyd Thomas Koritz, an exemplary physician and a man who has done so much to help in the advancement of medicine. Dr. Koritz has served for more than 40 years as a physician in Rochelle, IL. As a physician-volunteer in numerous experiments at the University of Illinois

College of Medicine in Chicago, he placed his mind and body in the hands of research physicians for dangerous experiments to advance the health of humanity.

Dr. Koritz is responsible for a revival technique which is now an established practice throughout the world. To find a more efficient technique of manual resuscitation for electrocuted power line workers, Dr. Koritz volunteers. He was first anesthetized and then placed up an erected mast to determine the best way of getting more air in and out of the lungs. Dr. Koritz risked his own life repeatedly to discover which resuscitation method was best to help save the lives of millions.

Through Dr. Koritz's service and dedication, a standard method of artificial respiration was established. This method is now used throughout the world to save lives. It has been established for use by all health and safety institutions, governmental, and military units, the Red Cross, the Boy Scouts, and other organizations concerned with health and safety.

Dr. Koritz was recognized with an award as 1 of 10 outstanding men of the United States by the Junior Chamber of Commerce for the courage and dedication he demonstrated in his unselfish quest to advance science.

Mr. Speaker, I am proud to salute Dr. Lloyd Thomas Koritz. His leadership and bravery are second to none, and I am pleased to congratulate Dr. Koritz on his birthday and to wish him many more to come.

GIRL SCOUTS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. GILMAN. Mr. Speaker, I urge all of our colleagues to join with me in recognizing the 85th anniversary of the founding of the Girl Scouts of the USA by supporting Girl Scout Week, March 9–15. Today, Girl Scouts of the USA is the largest volunteer organization for young women in the world. Since its beginnings, Girl Scouts has been providing opportunities for girls from all segments of American society to develop their potential, make friends and become an active part of their community.

Founded by Juliette Gordon Low on March 12, 1912, the Girl Scouts have always emphasized selfawareness, values, education, and contribution to society. A recognition system in which members earn badges symbolizing accomplishment of a goal provides a framework in which girls can develop self-esteem and leadership skills.

In celebration of the thousands of dedicated adult volunteers who guide these young women toward success, as well as the 3 million scouts who have made important contributions to communities across the country, I urge my colleagues to join in recognition of Girl Scout Week. With our support and encouragement, the Girl Scouts organization can continue to grow and enrich the lives of countless young women.

TRIBUTE TO NEGRO LEAGUE HEROES FROM LINCOLN PARK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to salute the community of Lincoln Park, which celebrates its 106th anniversary this year.

Lincoln Park is a self-contained community within the city of Rockville, MD. As an African-American community, through the years it has managed to keep rich its traditions and history. Lincoln Park is unique not only for its heritage, but also for how the residents interact together. They have continued to work together as a community in the same manner that their ancestors did long ago. The effort to retain and continue the traditions of their history gives the community respect for their ancestors and a vision of hope for their descendants.

With the month of February designated as a time to celebrate Black History, it is only fitting that a community so rich in its African-American heritage would seek to share and explore its roots. Thanks to the hard work of founding president Anita Neal Powell and vice-president Deacon Leroy Neal, the Lincoln Park Historical Society held their 20th Annual Black History Program at Mt. Calvary Baptist Church on February 28. I wish to pay special tribute to Mr. Russell Awkward and Mr. Gordon Hopkins. These former professional Negro League baseball players will be speaking at the presentation on the topic, "Building Historical Dreams for Our Children." These two fine gentlemen are the only members of the Negro League living in Montgomery County, MD. I also wish to honor Mr. Elbert Israel and Mr. Clarence Israel, also two former Negro baseball players from Rockville. Clarence Israel died in April 1987, and Elbert Israel passed away just this past October. The story of these men says a great deal about our history and the hopes and dreams for our children.

Russell Awkward grew up with the dream of one day playing for the New York Yankees. He got his professional baseball career started by playing for the Washington Royal Giants. As a player, Awkward had good speed and was a consistent hitter, usually batting first or second in the batting order. He went on to play for the New York Cubans and the Newark Eagles until he was called to military service with the U.S. Army.

Gordon Hopkins played second base for the Clowns for 2 years. He was good at getting the ball in play and was known for his ability to stretch hits into extra bases as well as for his exceptional range in the field. After the 1954 season he was drafted into the armed services, but still played baseball for the U.S. Marines.

Clarence Israel played in the Negro League in the 1940's. He was a decent hitter with good speed and what he lacked in power he made up in hustle. He was a second baseman with the Newark Eagles for 3 years from 1940 to 1942. He then signed with the Homestead Grays to fill an empty spot at third base for the 1943 season. In 1946, he was back with the Eagles and helped them to win the Negro National League pennant for the first time in 9 years. He played three games of the World Series that year and had a pinch hit single off Satchel Paige to help the Eagles win the title. He returned the next season to the Grays for his last year in professional baseball.

Elbert Israel, or Al, as he was called on the field, played with the Philadelphia Stars in the 1950's after the club joined the Negro League. His greatest contribution to the dream of black men in baseball, however, came in 1953 when he joined the class A minor league baseball team in Savannah, GA. Al Israel and four other black baseball players joined the South Atlantic League, the Sally League, as it was called. This league consisted of small towns in the deep South. These five players broke the color barrier in baseball in the most racially divided area of the country. The test for the racial integration of baseball rested on these five men in this class A baseball league.

The courage of these men and determination to follow their dream helped to make it possible for the next generation of African-Americans to enjoy America's pastime at all levels of the game. I hope that everyone will join me in honoring these men and women and wishing the whole Lincoln Park community a most happy and successful 106th anniversary.

AMERICANS FOR DEMOCRATIC ACTION PROVIDES IMPORTANT LEADERSHIP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, last week I joined several of my colleagues in celebrating the 50th anniversary of a very important organization in the fight for a fairer America, Americans for Democratic Action. As examples of the vital role ADA has played and continues to play, I ask that two very thoughtful articles be printed here. One is by Jack Sheinkman, former head of the Amalgamated Clothing and Textile Workers Union, who is now the president of ADA and a great fighter for social justice in our country. The other is an interview by Kenneth Adelman with one of the most important non-Members of Congress in history from the standpoint of people who have affected the course of this institution. Evelyn Dubrow, who recently retired as vice president and legislative director of UNITE, the successor union to the Amalgamated Clothing and Textile Workers and the International Ladies Garment Workers has an unparalleled record of accomplishment in fighting for the rights of working people. I believe that these two articles make an important contribution to our debate on public policy.

[From the Washingtonian, Jan. 1997]

MADE IN THE USA

(Interview by Ken Adelman)

The new session of Congress will be the first since the Eisenhower administration without Evelyn Dubrow treading the halls of Capitol Hill on behalf of garment and textile workers.

The International Ladies' Garment Workers' Union sent her here in 1956, when the minimum wage was a dollar, and she's lobbied for everything from protection against imports to civil-rights legislation. Soon, she'll be stepping down as legislative director of the union, now called UNITE (Union of Needletrades, Industrial, and Textile Employees), but she'll stay on as special assistant to the president.

Liberal politics came naturally to Dubrow. Her parents were socialist immigrants from Belarus who raised four daughters and a son. Her father was a union man. Her sister Mary picketed the White House as an early suffragette. Sent to prison, she went on a hunger strike.

Dubrow grew up in New Jersey and studied journalism at New York University. After her graduation in the late 1930s, she pursued journalism and then union work, with a brief stint in Washington in 1947 to help organize the liberal Americans for Democratic Action and campaign for Harry Truman. She joined ILGWU in 1956 and was sent to Washington the same year. She's been here ever since, living on Capitol Hill to be near her work.

Among her many awards in the Lifetime Achievement Award from Citizen Action. Ladies Home Journal has named her one of the 75 most important women in America, and The Washingtonian has named her one of the region's most powerful women.

Dubrow is single but has loads of nieces, nephews, great-nieces, great-nephews, and now great-greats, whom she considers her children.

In her free time, she plays poker with a group of longtime friends. She also plays plenty of gin rummy, reads the classics—especially Dickens and Trollope—and used to adore going to baseball games.

In her office in the AFL–CIO building, one block from the White House, we discussed what she's learned.

Why is "lobbyist" such a dirty word?

I don't consider it a dirty word at all.

American citizens are constitutionally entitled to petition the government through their representatives for any purpose. The term "lobbyist" arose when members of Congress didn't have offices. So everyone seeing them had to meet in the House or Senate lobby.

Now as government grew, organizations found they had a bigger stake in what happens in Washington. So they hired people like me to represent their members. That's perfectly legitimate.

But lobbyists tend to work for, or even become, fat cats.

Well, I'm not. And I don't.

I work for more than 350,000 union members and 250,000 retirees. They're far from fat cats. They're hard-working citizens who can't trot up to Capitol Hill and meet their representative directly. However, they can and do write letters and call.

How has Congress changed in your time?

Members are much younger. Some, sadly, don't know much about the institution and haven't learned much.

Many of these young Republicans distress me. After the 1994 election, I even broke my own cardinal rule of going to visit each new member. I was so upset at their ignorance and small-mindedness about anyone in this country not like them.

They have less knowledge of the institution, of how to legislate or understand their constituency. They are narrow-minded on guns and the right to choose, affirmative action—oh, you name it!

Has the caliber of members declined?

Yes, it has. Some of these guys obviously decided to run for Congress because they were bored with what they had been doing.

Others run because they hate things. That's what bothers me most—the atmosphere of hate that's grown here. I was used to Republicans and Democrats opposing each other on issues but with some on each side voting for the other position. That happens less nowadays.

And, no matter what, members were friendly. They'd talk to each other. They'd kid one another. There was an overall feeling of being in this together. They'd disagree on issues but never be nasty about it.

Members need that civility. Every issue is different. An opponent one day will be your supporter the next. But there's been a big decline in civility—above all, a decline in respect for the government of the United States of America. That, to me, is saddest.

How do you expect the new Congress to differ from the 104th?

I suspect that it won't be as mean-spirited as it was in the last two years. I think the Republicans as well as the Democrats realize it's going to be important to produce legislation that will be helpful to the people of this country. The Republican leadership realized that their attempt to dictate what the legislative program would be in the 104th Congress didn't work.

I assume, along with everyone else, that there will be more cooperation. However, I see some evidence that members in the leadership of the Republican party still are determined to attack the Democratic leadership. I also think they are likely to try to attack the labor movement through legislation that would be detrimental not only to union members but to American workers generally—such as campaign reform to prevent the unions from raising money from their members, or compensatory-time legislation that would deprive workers of the chance to earn overtime pay.

What works best to persuade members of Congress?

Always be honest. Never play games. Never pretend you know everything about a bill or issue. You don't.

Use constituents, since they're always the best lobbyists. We succeed most when our union members contact their own representatives directly.

Folks at the grassroots, if they ever realized it and wanted to, could run this country. People really do have power. The smart congressmen or senators assign a top staff member full-time to take constituent calls and read mail. Then the member can respond to constituents.

Many times over the years I've asked our folks to send me any correspondence from Congress. When doing so, many attach a note saying, "Please return this. I'd like to keep it since it comes from my member of Congress." That means a lot to them.

What should a lobbyist avoid?

Three things, which I call "my BAT."

One, don't Beg for votes. Second, don't Assume you know everything. And third, don't Threaten anyone by saying you'll work to defeat the guy or gal or anything like that.

Always remember why you're there. As a lobbyist, you're there to get votes. This means you approach anyone who has a vote, regardless of whether you're likely to succeed or not.

I rarely go into an office just to be there. I'm in to talk about an important issue.

I like to win because I'm convincing on the merits. But I know that sometimes a member will vote as a personal favor to me. I don't kid myself about that.

Many of these members I've known for a very long time. They know by now that I won't ask them to support something horrendous. That isn't my way.

I'm very conscious of time, which is their most precious commodity. Members are terribly busy so it's best to have the staff in there too. A good staffer knows the issue as well, if not better.

They'll often ask me to send background or briefing materials. A major part of my job is providing information they can use in the committee or even in floor debate.

When a new session begins, I go in to see new members and their staffs. I try to introduce myself to everyone in the office. Sometimes I'm successful in that, sometimes not. But at least I've made the effort.

So you really like Congress.

Oh, yes. This negativism towards the institution bothers me.

I think Congress is the greatest institution in the whole wide world. I'm corny enough still to be thrilled each time I see the Capitol—day or night. I think it holds the fate of America in its hands.

I do distinguish between the institution and the people in it. Nonetheless, I have great respect for members. Some who've disagreed with me are still people of great stature. A good number are first-rate historians or scholars.

Tell us the best three since you came here in 1956.

That's too hard.

Go on. Try.

Okay. The guy who did most for the people of this country was Tip O'Neill. He understood his job as member and then as Speaker, and he knew his people very well. Lyndon Johnson used his position as majority leader, vice president, and then president to pass many laws that were good for ordinary Americans. He was a consummate politician but still had faith in the people.

Third was my great friend Richard Bolling, who was a protégé of Sam Rayburn's but a great liberal. I worked with Bolling at Americans for Democratic Action and then here. He was a real student of government, especially of Congress.

Any Republicans you respected?

Oh, sure, Senator Charles Mathias of Maryland was a real statesman.

John Sherman Cooper was a great student of the issues. So whenever he spoke, he gained respect on both sides of the aisle.

Third, strangely enough, was Barry Goldwater. He was honest. He'd always give you a direct answer. When he was on your side, he'd fight all the way.

How good a Speaker is Newt Gingrich?

Good in that he sounds like he knows what he's talking about. He has a fine ability, as a former teacher, to express himself with great panache. In fact, he's rare—a Speaker of the House who's actually a good speaker. Now, what he says is something else again.

Why don't you like Newt?

I don't like him he's backed more proposed laws that would harm Americans than anyone I've seen here.

His Contract With America, his opposition to family and medical leave, to healthcare reform, to Social Security, and to the minimum-wage increase were unconscionable. All these laws are good for Americans, especially for the poor.

What most bothers me in his Republican Congress is how they make it seem a crime for anyone to be poor. Like the poor want to be poor.

Some of those folks on the Hill can't get it through their thick heads that, as representatives in a democracy, they should care about the people who most need their help.

As a staunch Democrat and liberal, you must be disappointed in Clinton.

No, I'm not. I always knew he as an economic conservative and a social liberal. Clinton cares about people and about education. He understands our need for good government programs.

But when it comes to economics, he's long been conservative. Remember, he came out of the Democratic Leadership Council. I know those guys over there. I've even worked with them. But I don't kid myself. They're not my brand of liberal.

So Clinton hasn't disappointed you?

He has in missing our passion for fair-trade laws. We've lost hundreds of thousands of jobs because we now must compete with countries that bring their products into America very cheaply.

NAFTA still burns.

It sure does. I tell my people that when we elected Clinton, we didn't elect somebody from the labor movement.

Well, there's never been a president we haven't been somewhat disappointed in.

How great a president is he?

He's been a good president so far. Maybe he can approach greatness.

Who were the best three presidents you've known?

Harry Truman was number one. He did more for the people than anyone. Truman understood better what America's all about. Though he came from the Pendergast mob, he was the most honest man I ever knew.

Then John Kennedy, who exuded concern and a complete grasp of what a president had to be. Kennedy didn't have time to do much, but he left a legacy of turning the US into a young and wonderful country. There were so many things we all had to do back then. And Kennedy had a sense of humor, which you need when you're president—or anything else for that matter.

Third was my great friend Lyndon Johnson. He passed the first civil-rights law and education measures. Johnson had deep respect for the labor movement and liked people of all backgrounds. He used his power to develop programs.

Who was the worst president?

Richard Nixon, without question. He came to the Congress after making Jerry Voorhis, really a very great member, seem like a Communist. Jerry Voorhis actually had an impressive record of fighting Communism from his socialist base.

Nixon did the same thing to Helen Gahagan Douglas when he ran against her for Senate. And what Richard Nixon later did to the institution of the presidency was dreadful.

What was your saddest day?

The day Kennedy was assassinated. I had a funny feeling right before that day. Adlai Stevenson had gone to Texas and told Kennedy, "Don't go. The atmosphere down there isn't good." So I woke that morning with a heavy heart. I was attending a conference, but all day long I thought about Kennedy. So when the news came. . . .

Gone was a leader in whom we all had great faith and hope, cut down before he had a chance to make his mark.

I had sad days whenever people tried to enact right-to-work laws, the whole business of 14B in the Taft-Hartley Act. They were trying to deny people their inherent right to belong to unions, a right given them in the National Labor Relations Act. The right to join together and do things for the common benefit is what democracy's all about.

I've been saddened by our inability to get equitable trade laws passed. I work for a low-wage industry with probably more immigrants and people of diverse backgrounds. They're just trying to make their daily lives a bit better.

Our fight isn't against the workers of other countries. We're against the sweatshops abroad, as we are here.

What episodes from your career will you best remember?

The day Speaker Tip O'Neill instructed the House doorman to give me a chair at the entrance to the House floor because I deserved it. That was a great moment in my life.

I remember fondly being up in Albany making a speech when I got a call at the airport from the White House. Juanita Roberts, President Johnson's secretary, said he was going to sign the education bill and would like me there, along with the president of my union. So I called our union president, Louis Stylberg, and we arranged to meet in Washington.

We were there along with members of committees that had pushed the legislation through. After signing the bill, LBJ walked off the platform, pulled me up from my seat, and said, "This little lady is responsible for this bill." Now I don't think that was entirely true, but it sure was nice to hear.

Another happened right after I came down to Washington in 1956 to lobby an amendment to the Landrum-Griffin Act. The act, part of the whole Taft-Hartley approach to unions, among other areas outlawed the use of the secondary boycott. It should not have applied to the garment industry, where there is a direct relationship between the jobber (the main employer) and the contractor who manufactures the garment product. My job was to get the amendment to permit our union to be an exception to that section of the act.

John F. Kennedy, then a senator, agreed to introduce it in the Senate. One of his top staffers told me, "Ev, you're asking him to put his political head on the block."

I said, "Oh, come on. What are you saying? Massachusetts has plenty of garment workers affected by this. It won't hurt Kennedy one bit." And it didn't.

Barry Goldwater had been calling my boss, David Dubinsky, head of our union, who was a very great man. I told Dubinsky to let me see what Goldwater wanted. So I saw him and asked.

He said, "Look, Ev, my family knows the rag business. My sister and I spent a year in the garment district. I understand the problems there." So I called Dubinsky and told him to talk with Goldwater.

Later Dubinsky told me Goldwater said to him, "Hey, that's a smart little girl lawyer you've got down here." I said, "Did you tell Goldwater I wasn't a lawyer?" Dubinsky laughed and said, "No. If he thinks you're a lawyer, that's okay with me."

That began a wonderful relationship. Whenever I'd see Barry Goldwater after that, he'd ask me: "Well, Ev, what are you on today?" I'd tell him, and most often he'd say, "Sorry, I can't vote with you on that one." We became very good friends.

What have you learned about how Washington works?

Washington's a special little enclave in the grand United States. Too many Washingtonians think they're running the country when they're not. The government still reacts more than it acts.

Here, more than elsewhere, personalities count. Personal relationships matter most. Technologies like e-mail and faxes and the Internet bring the rest of the country much closer to Washington, which is beneficial. Many members now must think of those they hadn't paid much attention to before.

In Washington you should never write off anybody. You'll be surprised where tomorrow's allies come from.

I've learned there's a lot of the patina of Washington social life; it's often who you know—not what you know—that goes a long way. Invitations from certain people mean a whole lot.

I've learned I don't know as much as I thought I knew. Living here's a very humbling experience.

Money plays too large a role here. I resent how much it costs to run for office nowadays. So many members or candidates must go out and beg to be elected.

That's why I've always supported public financing of campaigns. I've never been comfortable with forming PACs. Our strength should be in the people we represent and not the money we hand out.

The first year after a representative gets elected is spent trying to make laws. The second year is spent raising money to be re-elected. This means their productive time is cut in half.

Tell us three big lessons of life.

One is not to think that friends have to agree with you. A broad swath is great. Some of my friends think I'm loony and disagree all the time.

Get to know what this country's all about. I've studied the American Indians, as they fascinate me. I began working with the Congress of American Indians in the 1950s, teaching some of them how to organize their members, how to register, and how to vote. The Navajos have power now because they learned these skills early on.

Get to know our senior citizens. They're wonderful. They vote. They're interested. They'll call. They express themselves honestly.

I've learned that no one's as important as he or she thinks.

It's hard to accept that you'll have to get out of the picture and let somebody else take over some day.

I'm lucky to have lived so long and so well. I try to enjoy every day. So many people touched my life.

Other lessons of life?

My greatest lesson is not to take life so very seriously. You can make a difference, but never think you're Joan of Arc.

Great people came before you. Great people will come after you. If you have an opportunity to make any contribution, be grateful for that.

[From the St. Petersburg Times, Jan. 19, 1997]

LIBERALS WORK FROM THE VITAL CENTER

(Jack Sheinkman)

As President Clinton prepares to deliver his second inaugural address on Monday, the political landscape seems remarkably familiar to liberals.

A half-century ago, on Jan. 3, 1947, about 130 of the nation's leading liberals met at the Willard Hotel in Washington, D.C., to discuss challenges which, in a broad sense, are similar to those faced today.

A hostile Republican majority controlled Congress. The president, Harry Truman, was a Democrat, but one whom many considered insufficiently liberal. A new American economy, marked by technological change, was emerging. In the area of race relations, America's reality failed to match its ideals. Abroad, the United States confronted a rapidly changing new world order.

Liberals who attended the meeting included former first lady Eleanor Roosevelt;

theologian Reinhold Niebuhr, perhaps best remembered today as the author of the "Serenity Prayer"; historian Arthur Schlesinger Jr.; economist John Kenneth Galbraith; labor presidents Walter Reuther of the United Auto Workers and David Dubinsky of the International Ladies Garment Workers Union; Sen. Paul Douglas, D-Ill.; and Hubert H. Humphrey, the mayor of Minneapolis, who in 1948 would be elected to the U.S. Senate and then as vice president in 1964.

Nelson Poynter, former editor and president of the *St. Petersburg Times*, also was present, as was Barry Bingham of the Louisville *Courier-Journal*.

Out of the meeting, Americans for Democratic Action, today the nation's oldest independent liberal organization, was born. In her syndicated newspaper column, "My Day," on Jan. 6, 1947, Mrs. Roosevelt declared that ADA was needed "to carry on the spirit of progress" in America. "We do not believe that what has been done in the past is the highest attainment that can be hoped for in a democratic nation."

The following year, in 1948, ADA led the successful fight for a strong plank in the Democratic Party platform defining the party's commitment to civil rights. It was only the beginning, as ADA also participated in the civil rights struggles in the South in the 1950s and 1960s. On May 4, 1963, after Sheriff Bull Connor turned police dogs and fire hoses on marchers in Birmingham, Ala., ADA leaders met with President John F. Kennedy in the White House and pressed him for greater federal action in support of civil rights. The moment was a turning point, leading up to Martin Luther King's March on Washington in August 1963 and passage of the Civil Rights Act of 1964.

Over the years, ADA pushed for increases in the minimum wage, full employment, Medicare, abortion rights, environmental protections, arms control and an end to apartheid. It also was distinctly anti-Communist in origin, and supported the Marshall Plan, the Truman Doctrine and the North Atlantic Treaty Organization early in the Cold War; but, in the 1960s, opposed the Vietnam War.

In the 1970s, the organization was attacked by Vice President Spiro Agnew and its members were included on President Nixon's infamous "Enemies List." In turn, ADA became the first national organization to call for Nixon's impeachment.

Though many Americans consider liberals to be heroes, we often are pointed as "pinkos," socialists, Marxists or worse. During the 1996 campaign, Bob Dole and other Republican candidates attacked Democrats as "liberal, liberal, liberal," they were singing an old song, one perfected by Joe McCarthy, Richard Nixon and Spiro Agnew in past elections; only this time it didn't play. Americans instead were looking to core values.

And, in fact, America's core values are liberal values. I believe that many Americans are more liberal than they themselves realize.

Let's look at some basic definitions. First and foremost, liberals believe in liberty, equality and opportunity for individuals. We also believe in the Constitution, which created a national government to act for the common good, along with a Bill of Rights to protect the freedoms of ordinary citizens. We believe in the legacy of Franklin Roosevelt's New Deal, which includes a commitment to economic security for all Americans, and the need for American leadership within an international community.

Liberalism does not mean big government. Liberals instead want effective, efficient and caring government, and therefore have supported many of President Clinton's and Vice President Gore's "reinventing government" initiatives.

Liberals believe in a progressive tax system in which people (and corporations) pay a fair and equitable share relative to their benefits from our economic system. We also believe in rational budget priorities—including deficit reduction—but not necessarily a balanced budget as any kind of absolute, magical economic cure.

Since 1994, the Republican vision has been to dismantle the federal government and the liberal foundations that sustained America's progress over the past 60 years. It is a vision that would return America to 19th-century laissez-faire capitalism, leaving ordinary people and communities at risk.

It is a vision that is incompatible with helping Americans cope with rapid economic and technological change.

Although the economy has improved since 1992, Americans still suffer from a steady decline in their standards of living. Each year in the 1990s, real wages decreased among even the most highly educated workers. Fully 80 percent of American families were worse off in 1995 than in the 1970s. Nonetheless, from 1973 to 1995, there has been a 25 percent gain in productivity, with significant increases in profits for corporate America and increases in compensation for corporate executives.

Even though unemployment seems relatively low, unemployment rates for blacks and Hispanics remain at about 10 percent, almost double the rate for white workers. When discouraged workers and people working part-time due to economic conditions are included, the "real" rate of unemployment jumps to about 10 percent.

These economic trends represent not only economic hardship for individuals, but also the unraveling of America's social fabric: straining families, pitting generation against generation, and worsening relations between races. As a nation, we increasingly are at risk of coming apart, rather than pulling together to build a common future.

In 1995, the Republican Congress sought to cut funds for Medicare, Medicaid and education, President Clinton successfully resisted; however, he acquiesced to giving the Pentagon billions of dollars that it had not requested, and then, after two vetoes, signed a welfare reform bill that eliminates assistance to many poor Americans, without doing anything meaningful to help them find jobs.

Last year, ADA was the first national organization to endorse President Clinton for re-election. In doing so, we called on liberals to join moderates and true conservatives to fight for the vital center of American politics. Our cry recalled ADA founder Arthur Schlesigner's 1949 book The Vital Center, which presented liberalism as middle ground between the rigid ideological doctrines of left and right.

As the president approaches his second inaugural, liberals can celebrate with him, but we still expect to disagree with him from time to time. Liberals who were not afraid to confront Harry Truman and John F. Kennedy, in order to move them toward a more forthright embrace of civil rights, will not hesitate to confront President Clinton and the Republican Congress whenever we disagree with them on vital policy matters. Just as liberals gathered in 1947 out of concern for America's future, we must do so again, 50 years later, to chart a course for the next 50.

CONGRATULATIONS TO SHELDON AND MIRIAM ADELSON

HON. BILL PAXON

OF NEW YORK

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. PAXON. Mr. Speaker, Ms. Molinari and I rise today to congratulate our dear friends, Sheldon and Miriam Adelson on the recent birth of their son, Adam. In addition to their distinguished public lives, Sheldon and Miriam will now take on new private roles as parents, teachers, and role models for their son.

Sheldon Adelson has spent nearly half a century building a worldwide reputation as an entrepreneur and visionary businessman. He is not only one of the most influential leaders in today's convention, hotel, travel, and gaming industries, but has earned a reputation as a top executive in the computer industry. He is also active in the international business arena, particularly in Israel where he is involved in fostering trade, manufacturing, and software development for Israeli high-technology companies, and creating new forums that show the world the advantages of doing business with Israel.

Sheldon also has a long record of public and private support of the State of Israel. In addition to his numerous philanthropic activities for the Jewish community in the United States, he has shown his true dedication to building a strong and secure Israel.

Miriam Adelson has devoted her career to medicine, specializing in the fields of internal medicine and emergency medicine and most recently, chemical dependency and drug addiction. In 1986, Dr. Adelson was invited to be a guest investigator and associate physician at Rockefeller University in New York City where she studied chemical dependency and drug addiction. Her experiences as a witness to the devastating effects drug addition has had on this country led her to commit herself to preventing and treating drug addiction in her homeland of Israel before it reached epidemic proportions.

She has shown her commitment to this cause by building the Dr. Miriam Adelson and Sheldon G. Adelson Clinic for drug abuse treatment and research in Tel Aviv, Israel's first drug treatment and research center in a hospital setting. This clinic opened in June 1993 and a second Adelson clinic is being built at the Poriah Hospital in Israel's Galilee region.

As new parents ourselves, we know the joy and happiness that a child brings to our lives. We again congratulate Sheldon and Miriam on the birth of their son and wish all of them the best of luck for the future.

HOUSE OF REPRESENTATIVES—*Wednesday, March 5, 1997*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 1997.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Douglas Tanner, executive director, Faith and Politics Institute, Washington, DC, offered the following prayer:

Almighty God, our creator, sustainer, and redeemer: We come before You mindful of what You require of us . . . to do justice, to love kindness, and to walk humbly with You. Yet we know that these are hardly the hallmarks of political life. We confuse justice with vengeance; we mistake kindness for weakness; we favor running proudly over walking humbly.

We know that we have been chosen as representatives, but we are often unsure about whether to seek to represent the best that is within our constituents and within ourselves, or to settle for the easier task of representing the baser instincts that reside within all of us.

Strengthen us. Give us the wisdom to recognize the qualities You require of Your servants, and grant us this day, we pray, the courage to risk embodying those qualities in an environment that often mitigates against it. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The motion was rejected.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MORNING 1-MINUTE SPEECHES SERVE IMPORTANT FUNCTION

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, a time-honored tradition in this body is now under attack. I am speaking of that period, this time right now, set aside each day for one-minute speeches.

It has been a long practice for Members to come to the well of the Chamber each morning to speak briefly about pending legislation, a tribute to a group or individual back in their district, or a soon-to-be introduced bill. Sadly, some would like to move those speeches to the end of the legislative day, I believe to stifle debate. I, like many of my colleagues, strenuously oppose that idea.

One-minute speeches often give Members, particularly junior Members, a chance to speak when they otherwise might not have the opportunity to do so. As my colleagues know, a freshman or a sophomore Member might sit at a committee meeting for 2 hours before being able to pose one question to a witness. He or she, if lucky, might get 30 seconds to debate a pending bill on the floor. One-minute speeches give these Members and the people they represent back home a chance to be heard.

Mr. Speaker, let us not silence Members of this body. Let us not stifle debate. Let us not kill the one-minute speeches.

THE TIME IS NOW FOR CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, in today's New York Times the Speaker attacked Democratic fund-raising and compares it to the Watergate scandal. Specifically, the Speaker is quoted in today's New York Times saying, "The Democratic fund-raising machine was the most systematic, large-scale effort to get around the law that I have seen since Watergate."

This comment is especially strange coming from someone who has admitted to abuses of the campaign finance system. The abuses were on such a scale that the Speaker has been fined $300,000.

There is an old saying about people in glass houses not throwing stones, and I think it especially applies to the Speaker of this House. If the Speaker really cares about campaign finance reform, he should bring legislation to the floor immediately to correct the system. So far all we have seen is inaction by the Republicans on campaign finance reform.

KID TAX MUST GO

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, on the subject of campaign finance reform, I think there is a difference between enacting the laws that are in place and passing new laws to make it appear that there is a problem. There may be changes that are needed in our campaign finance laws, but clearly there are laws on the books that address the very things that the Clinton administration has apparently engaged in. And if they are guilty on that, the laws will respond accordingly, and I think that the Speaker is speaking to that, and I certainly believe that the Speaker was right in speaking out on this.

The thing I want to mention, with the Democratic defeat of the Balanced Budget Amendment, the children of today are in a very bleak situation as respects the future. I am a father of 4 kids and I am sick and tired of the kid tax. The kid tax is when liberal politicians pass new entitlement programs so that they can get reelected today so that your children and my children can pay for it tomorrow. I believe that the kids in America are sick and tired of the kid tax and we need to balance the budget and quit spending their money.

TIME FOR CONGRESS TO GET TO WORK

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, as I awoke this morning I asked myself a question: Why are we all here? Why is the House of Representatives in session today and why should I be in Washington rather than in Massachusetts with my constituents?

Mr. Speaker, please indulge me while I review the House schedule for today: One, a resolution congratulating the people of Guatemala; two, a resolution congratulating the people of Nicaragua; and three, a resolution commending former Secretary Warren Christopher.

Now I salute the people of Guatemala and Nicaragua for their democratization, and I think Warren Christopher is a wonderful leader and a really great guy, but should this be the agenda for the week?

I was sent here to debate and legislate on issues of concern to Massachusetts, issues like expanding educational opportunity, guaranteeing that all of our children have health care, and comprehensively reforming our ugly system of campaign finance. I call upon Speaker GINGRICH to schedule votes on issues that affect the lives of working families, issues that really mean something. It is time for this Congress to get to work.

CONGRATULATIONS TO NICARAGUA

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today the House considers legislation to applaud our neighbors in Nicaragua. Seven years ago, as an elections observer, I was sent there to see the Nicaraguan people draw the physical fight for freedom to a close successfully. That day they used the ballot box to officially cast off the Marxist government of Daniel Ortega, which once inexplicably found so many friends in Washington.

In 1990, instead of the chaos and violence of the Ortega regime, the Nicaraguans demanded peace, prosperity, justice and democracy. That historic year, the Chamorro government took the reins in difficult times, dealing admirably with the fallout of 5 years of Sandinista misrule.

With difficult issues like confiscated properties lingering, last month's peaceful transition to the Alemen administration is a significant achievement and a testament to the commitment and advancement of democracy in that country. It is only proper that today Congress pause for a minute to congratulate the Nicaraguans, to encourage them and to reiterate our support for democracy in that country.

BRING OUR JOBS HOME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, jobs keep leaving America on the fast track. Wrangler Jeans is laying off 3,000 workers and moving 12 factories overseas. Apple Computer, they cut 1,500 jobs last year; they are cutting another 3,000 jobs this year. Shoemaker West is cutting 1,000 jobs, moving 3 factories overseas, and now, under WTO, Costa Rica is challenging Uncle Sam over underwear. Unbelievable.

American workers are not only losing their jobs, now they are about to lose their BVD's. It is getting so bad that in Longview, WA, a robber entered a grocery store wearing a pair of pink panties over his head. The police said they never saw anything like it.

What is the surprise, Mr. Speaker? Jobs are getting so scarce in America today robbers cannot even buy pantyhose. I yield back the balance of all the lingerie and all the other problems. Beam me up, Mr. Speaker.

CERTIFICATION OF MEXICO SENDS WRONG MESSAGE TO DRUG KINGPINS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, on a subject of seriousness, what I want to talk about today, I find it a little difficult following the gentleman from Ohio.

It is shocking, Mr. Speaker, indeed shocking, that with all of the evidence before the President regarding the complicity of the Mexican Government and the $30 billion a year drug trade, that he has decided to certify Mexico as a reliable partner in the war on drugs. The President's certification of Mexico makes a mockery out of the certification process.

Ironically, within mere hours after the President announced that Mexico was certified as cooperating, Mexican authorities admitted that a suspected top drug money launderer had inexplicably escaped from police custody and that they knew this days before the certification decision was made.

Is this what the President calls cooperation? Was it not enough that Mexico's own drug czar was caught accepting bribes from the drug kingpins just last week? The President was duped.

I realize that Mexico is a friend and the United States-Mexican economics are intertwined, but certifying Mexico as cooperating sent the wrong message to the Mexican Government and to the drug kingpins.

HIGHER EDUCATION ACCUMULATION PROGRAM

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, during the past 15 years, tuition at 4-year public universities has increased more than 4 times the increase in median household income. If we fail to act now, college will be affordable only for the rich in America.

I have cosponsored a bill with the gentlewoman from California [Ms. ESHOO] called the Higher Education Accumulation Program. The bill will help make college affordable for middle and working class families by allowing parents to set up IRA's for their children's higher education. Parents will be able to make tax deductible $5,000 contributions for each of their children for higher education. To deny a child an opportunity for an education is to deny that child a lifetime of opportunities.

The President and the Senate majority leader have endorsed this concept, and they have slightly different plans of their own. I ask that Members of the House, on a bipartisan basis, support the Higher Education Accumulation Program, H.R. 53, the HEAP Act, to help make college affordable for working and middle class families in America.

□ 1115

THE DRUG-FREE COMMUNITIES ACT OF 1997

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

URGING ASSISTANCE FOR FLOOD VICTIMS IN 10TH CONGRESSIONAL DISTRICT AND OTHER AREAS

Mr. PORTMAN. Mr. Speaker, I just arrived back in Washington from my district, which was hit very hard by the recent flooding. I want to commend the Clinton administration for agreeing to provide disaster aid, and urge this body to help those of us in my district and around the country that have been so devastated by these high waters.

I am also here this morning, Mr. Speaker, to introduce new legislation, with the gentleman from New York [Mr. RANGEL], the gentleman from Illinois [Mr. HASTERT], and the gentleman from Michigan [Mr. LEVIN], called the Drug-Free Communities Act of 1997. This legislation recognizes that the very serious and growing drug problem in this country is not going to be solved here in Washington, but is going to be solved at the local level, in our communities and neighborhoods.

The Federal Government has a role to play, of course, but even that role needs to be more focused on our communities. In order to receive Federal support under this new approach in our bill, a community must first show its commitment to reducing drug abuse in a comprehensive and long-term fashion.

There has to be substantial volunteer participation from kids, parents, businesses, schools, law enforcement, the media, and so on. A community must also show that the local effort can be sustained without Federal support. We do not want them to be dependent on the Federal Government. There is accountability in this bill. A community must evaluate whether it is actually having an impact in reducing drug abuse.

Importantly, this is not a matter of new money, but rechanneling existing monies will be used. We are rechanneling the existing $16 billion we spend every year in fighting the drug war. This bill, Mr. Speaker, has grassroots support from around the country, from hundreds of communities.

I hope Members will join us in this bipartisan effort to create a drug-free America, neighborhood by neighborhood.

REPUBLICAN LACK OF A BUDGET PLAN WILL HURT EDUCATION

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, we are over 2 months into the 105th Congress, and yet the House has not taken any effort on a serious budget. We hear the complaints as a result of the President's plan on moving our country forward on education, and yet the Senate voted on a balanced budget amendment but we have not voted here in the House. We can hear the complaints about the President's budget, but where is the Republican plan; or where is our plan, as a House Member?

The expression is, people in glass houses should not throw stones. This comes to mind in response to complaints about the President. I may not agree with his budget, but we do not have one either. Republicans cannot criticize the President's plan when they do not even have an alternative suggestion.

The Democrats have set up some priorities in the new budget. One of them is education. That effort is shared by over 80 percent of Americans. The President's 10-point plan on education is adequate. His proposals would boost funding for elementary and secondary education, for school construction, and improved classroom techniques. His proposals would help boost post-secondary education with $1,500 HOPE scholarships for the first 2 years of college. We have illustrated what we want to do in the future for America. Let us get the budget to reflect those priorities, including education.

THE BLOOD OF THE PEOPLE WILL BE ON THE HANDS OF THE BUDGET CUTTERS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, every day we hear more and more about what is wrong with the President's budget, yet his critics have not put on the table one plan, one proposal, one budget, or even one idea, except to talk about cutting and balancing, cutting the heart out of the neediest people in our country: children, senior citizens, the mentally ill, disabled, and the poor.

Balancing with the idea that we can get blood out of a turnip, that we can provide services and provide opportunities with very little or no money.

There are a lot of things that I do not know, but I do know one thing. I know that as Frederick Douglass taught, in this world we may not get all that we pay for, but we most certainly must pay for all that we get. We cannot have a great, civilized, and humane nation without paying the cost; if all we can do is cut, cut, cut, all that we will get is blood, blood, blood.

I tell you, the blood of the people will be on the hands of those who did the cutting.

URGING MAJORITY TO JOIN IN BUDGET PROCESS BY PRESENTING THEIR PLAN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, as a freshman Member of this House, I have heard a lot of stories about the frenetic pace of the opening of the previous Congress. I heard of votes being taken late at night and working weekends. Now that I am here, elected by the people of the Ninth District of Texas, I cannot help but wonder what happened.

Is this what the majority means when they talk about wanting less Government?

Mr. Speaker, if this is the session when we are going to agree to do a balanced budget plan, we need to see activity from the other side of the aisle. They have criticized the President's plan. They have even called on the President to submit a second budget plan before submitting their own first budget on the most important issue this Congress will debate. I and many of my freshman colleagues are still waiting to see the evidence of the bipartisanship that we have heard so much about.

I join the Democratic leadership today in asking the majority party to join the budget process by presenting their plan. There are only 13 legislative days left until the April 15 budget deadline.

WE MUST MAKE CHILDREN'S HEALTH CARE OUR TOP PRIORITY IN THIS SESSION OF CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we are voting today on a resolution regarding the display of the Ten Commandments. Whatever Members vote on this resolution, I think we can all agree: This is not the most pressing issue that is facing our Nation today.

Today the American people are much more concerned about the 10 million children living without health insurance in this country than they are with the issue of whether or not we hang the Ten Commandments on the wall.

We all know actions speak louder than words, and the Ten Commandments are important words; important words to me. But what about our actions? What is this body doing to help the children in this Nation, over 70,000 in my home State of Connecticut alone, that will go to sleep tonight without health insurance?

We are only spending time on this issue of the Ten Commandments because the GOP operative, William Kristol, suggested that this be done in the March 10 edition of the conservative publication, the Weekly Standard. The American people should be driving the agenda of this House and not Republican conservative operatives. We must make children's health care our top priority in this session of the Congress.

INFLATION DOES EXIST

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the fix is in. The American people are not yet aware of it. If we look on the front page of the Washington Post we see it: "Greenspan Backs Panel to Rule on Inflation Levels."

The dirty little back room deal that is about to be cut here between the White House and the Republican leadership is to pay for tax cuts for the wealthy, capital gains, business as usual at the Pentagon, and still balance the budget.

How do we do that? We do that through the magic of the CPI. We define away inflation and tell those seniors whose cost of health care is doubling at twice the rate of inflation every year, oh, it is better. It might cost more, you might not be able to afford it, but we are going to reduce your cost of living because it is better health care; that does not count as inflation.

We are going to say to the middle class whose taxes are going to go up if they lose indexation, oh well, yes, your taxes went up, but you know, that is because inflation does not really exist.

If inflation does not really exist, why are Alan Greenspan and the other members of the Federal Reserve Board paying themselves and their staff healthy 5 and 6 percent salary increases every year? That must not have anything to do with inflation.

It is time to play straight with the American people. Let us not politicize the CPI and stick it to seniors, the middle class, and children once again.

TIME TO GET ON WITH THE BUSINESS OF THE HOUSE

(Mr. WEYGAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, as a freshman, as a Democrat in the minority, and as a member of the Committee on the Budget, we have seen so many different things come before our committee, but we have seen no action. We have talked for many days and many months about campaign finance scandals, yet the main business of the people of America is being ignored.

This procrastination cannot go on. The President has submitted a budget, a budget that perhaps Members on both sides of the aisle may disagree on certain elements, but it is time to get on with that business; debate it, argue it, amend it, do whatever we must do, but let us forget about the political rhetoric. Let us move together in a bipartisan fashion. Let us work on the issues of Medicare, Medicaid, education, all of the real important issues to the people of my district in Rhode Island and in America.

Let us stop this bickering. Let us move forward with a budget and let the Republicans, if they truly believe in making sure that this is an effective Congress, come forward with effective changes. Let us debate it and vote on it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 1 p.m. today.

CONGRATULATING PEOPLE OF GUATEMALA ON SUCCESS OF RECENT NEGOTIATIONS TO ESTABLISH PEACE PROCESS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 17) congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala.

The Clerk read as follows:

H. CON. RES. 17

Whereas on December 29, 1996, the Government of Guatemala and the representatives of the Unidad Revolucionaria Nacional Guatemala signed an historic peace accord ending 36 years of armed confrontation;

Whereas the peace accord includes the creation of a commission to implement a wide range of reforms to the political, economic, social, and judicial systems of Guatemala, including an enhanced respect for human rights and the rule of law, improved health and education services, attention to the needs of refugees and displaced persons, and the role of the military in a democratic society;

Whereas the peace accord represents the completion of a long and important negotiation process with the goal of achieving lasting peace, national reconciliation, political stability, and renewed economic growth in Guatemala; and

Whereas lasting peace, political stability, and economic development in Guatemala is in the best interest of all nations of the Western Hemisphere, including the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Guatemalan Government of President Alvaro Arzu for its extraordinary accomplishments in negotiating an end to hostilities and beginning the process of national reconciliation and reconstruction;

(2) recognizes the commitment of the Unidad Revolucionaria Nacional Guatemala in Guatemala to agree to end the devastating warfare and to resolve their differences in a peaceful manner within a democratic political arena;

(3) commends all of the people of Guatemala for their determination to achieve a lasting peace and encourages their strong commitment to democratic principles and social justice for all; and

(4) affirms the commitment of the United States to help support a sustainable peace and development of strong democratic institutions in Guatemala.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] will each control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. GALLEGLY], the original sponsor of the legislation.

Mr. GALLEGLY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 17, a resolution I sponsored which congratulates President Arzu, the URNG, and the people of Guatemala for their recent success in concluding a peace agreement which brings to an end a civil war which has raged more than 30 years and has cost the lives of over 100,000 Guatemalans.

This resolution is one of those good news stories involving the Western Hemisphere which, as chairman of the Subcommittee on the Western Hemisphere, I am very happy to report to my colleagues. The signing of the peace accords on December 29 concluded 6 years of negotiations between the two sides and established a framework within which the country will now embark on a process of peace, reconciliation, and reconstruction.

The Guatemalan people now join nations such as El Salvador and Nicaragua in choosing peace over war, democracy over anarchy, economic development over poverty and chaos, and social justice over exploitation and abuse.

The accords pose numerous challenges, and their success will surely test the wills and commitment of all sides. But the goals established in the accords were mutually arrived at, and the end results, when fully realized, will be very significant.

In fact, the effort put forth by both the government and the URNG through the long years of negotiations is already beginning to pay dividends.

□ 1130

Yesterday in what was clearly a signal of confidence in the peace process, some 30 guerrillas handed over their weapons to United Nations' observers. This act was the first of many similar events to take place throughout Guatemala in the coming months and serves notice that the commitment to peace is strong.

Mr. Speaker, with the problems we currently face in the hemisphere, especially with the issue of the war on drugs, this recent news from Guatemala and Nicaragua as reflected in our other resolutions under consideration is very welcome.

In conclusion, I want to thank the gentleman from New York [Mr. GILMAN], my chairman, the gentleman from Indiana [Mr. HAMILTON], the ranking member, the gentleman from New York [Mr. ACKERMAN], the subcommittee ranking member, and my colleagues, the gentleman from New York [Mr. HOUGHTON], the gentleman from North Carolina [Mr. BALLENGER], and the gentleman from American Samoa [Mr. FALEOMAVAEGA], for their sponsorship of this resolution and their support in bringing this bill to the floor today.

I urge my colleagues to support this bill and to support the peace process in Guatemala.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. GALLEGLY] for introducing this resolution and for his supporting remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I am pleased that, despite the hectic and trend-setting legislative pace, we have found the time today to take up House Concurrent Resolution 17 to congratulate the people of Guatemala on the establishment of the peace process for that nation.

After 36 years of civil war, Guatemala has finally had a chance for a lasting peace. The URNG has agreed to demobilize and in fact the first URNG combatants are entering demobilization camps this week. The Guatemalan military has agreed to reduce its size by one-third, and the United States has pledged $265 million over 4 years for reconstruction.

Even before the signing of the peace accords, the human rights situation in Guatemala had improved dramatically as a result of the cessation of hostilities last March. The government of President Arzu has moved aggressively to restructure the military command by reducing the number of general officers from 23 to 8 and removing those officers alleged to be involved in corruption or other abuses. But there is still a long way to go.

Guatemala continues to suffer from a marked disparity in income distribution, and poverty is pervasive. According to AID, 75 percent of Guatemala's population live in poverty. Only 48 percent of its adults are literate, and its infant mortality rate is among the highest in Latin America.

Yet despite of all this, or perhaps because of it, Guatemalans have chosen peace and democracy. They are to be congratulated for that choice.

Mr. Speaker, I want to commend my colleague and chairman [Mr. GALLEGLY] for his great leadership in this area and for introducing this resolution, to our chairman [Mr. GILMAN] for his stewardship, and for our ranking member [Mr. HAMILTON] for his hard work on this resolution. I urge all of our colleagues to vote in support of House Concurrent Resolution 17.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

Let me join in expressing appreciation to the chairman of the committee [Mr. GILMAN], the chairman of the subcommittee [Mr. GALLEGLY], and the ranking member of the subcommittee [Mr. ACKERMAN], for bringing forward this resolution. My understanding is this is the first resolution coming from that subcommittee, and I commend them for it.

I am very pleased to cosponsor this resolution. It congratulates the people of Guatemala on the tremendous gains they have made in establishing lasting peace in their country. We are all aware that the path toward peace, as the gentleman from New York has indicated, has been a long one for Guatemala. It has required great patience by the people of that country. They have suffered horribly for 36 years under a very brutal civil war. It has required significant risks for peace, taken both by the Arzu government and the URNG leadership.

Signing the peace accords on December 29, 1996, does not by any means complete the peace process in Guatemala. Guatemala faces very considerable obstacles in consolidating peace and a democracy that respects human rights. I am especially encouraged by the language in this resolution that pledges continued United States assistance to the peace process there.

We are clearly dedicated to this process. We have already provided $15 million in support for the Guatemalan economy, and five United States personnel will be in Guatemala with the U.N. peace observation force. I strongly support this resolution. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from Indiana, the ranking member of our committee, for his remarks. I also want to commend the gentleman from California [Mr. GALLEGLY] and the ranking minority member [Mr. ACKERMAN] for their work on this resolution.

Mr. Speaker, I am pleased to be an original cosponsor of this measure. I think it is befitting for this House to recognize the extraordinary determination and sacrifice that has brought about the end of a war that has been raging for more than 35 years in Guatemala.

House Concurrent Resolution 17 acknowledges that Guatemala is building a new and a more democratic society under comprehensive peace accords signed on December 29, 1996.

From the earliest days of his term, President Alvaro Arzu has shown exceptional courage and strong leadership in purging corrupt officers and suspected human rights violators from Guatemala's security forces.

His willingness to confront these problems has won him the confidence of the people of Guatemala that was necessary to pursue a firm and lasting peace accord with the leftist insurgency. President Arzu built on the foundation laid by his predecessor, President Ramiro de Leon, with two central objectives: to end the war and make Guatemala a more just country for all of its people.

Today, President Arzu's government has moved swiftly to form commissions responsible for implementing specific agreements on economic, political, and cultural reforms.

Demobilization of the URNG guerrillas is one of the most important short-term tasks. Just this week, guerrillas have begun to voluntarily surrender their weapons to U.N. observers. International donors, including the United States, are coordinating efforts to retrain and to resettle roughly some 3,000 guerrillas and their supporters.

The international community has pledged $1.9 billion to help implement the broad peace accords by extending education, health care, and economic opportunity to all Guatemalans. Our own Nation has pledged $260 million over a 4-year period for these efforts.

Yes, much remains to be done to rebuild Guatemala's infrastructure and society. But we recognize today that the Guatemalan people have taken and are taking bold steps in the interest of peace, prosperity, and social justice.

Mr. Speaker, I would like to conclude by recognizing the contributions of our State Department and our Agency for International Development to the cause of peace in Guatemala over the years. Along with the United Nations, our diplomats and development specialists have made indispensable contributions to the peace process.

In conclusion, Mr. Speaker, I once again commend Mr. GALLEGLY for his leadership on this subject. We look forward to working with him on these issues throughout the 105th Congress.

Mr. PORTER. Mr. Speaker, I rise today to add my voice to those of my colleagues who have expressed congratulations to the people of Guatemala for ending decades of civil war and embarking on a courageous effort to rebuild their country together. The peace and national reunification that has resulted from this process represents the beginning of a bright new day for this country which has seen so much horror and loss in the past.

The civil war in Guatemala was one of the longest and bloodiest of this century. In the 36 years of fighting, the fabric of Guatemalan society was torn apart. As the peace process takes hold, the people of Guatemala will have to begin the arduous work of recreating their society and repairing the institutions that must serve them in the years to come. It is my hope that resolutions such as this, and the positive role that the United States played in the peace process, will become the symbols of a new era of United States involvement in Guatemala. I believe that we have much to offer the people of Guatemala in their efforts to build democratic institution and refashion a civil society, and I hope that they will turn to us for help.

I continue to be concerned that, although the war has ended, the culture of impunity that has long plagued Guatemala remains. The Law of National Reconciliation established a general amnesty for war crimes, as well as a truth commission to help heal the wounds of war. We must do all that we can to see that those actions which fall outside the scope of the amnesty and the truth commission are prosecuted to the fullest extent of the law.

Helen Mack, sister of Myrna Mack, who was brutally murdered by a Guatemalan death squad in 1990, is in town this week to discuss the application for amnesty made by her sister's killers. Such crimes do not fall within the parameters of the amnesty law, and we must press the Guatemalan Government to set firm limits on the amnesty provision in such cases.

We must also ensure that the truth commission is given the information that it requires to complete its healing process for the Guatemalan people. This means that the United States Government must fully declassify documents dealing with human rights abuses in Guatemala during the civil war. Given our own shameful role in this conflict, this is the least we can do to support Guatemala's peace process.

Mr. LANTOS. Mr. Speaker, I join my colleagues in urging the adoption of House Concurrent Resolution 17 congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala. This is an important statement of congressional support and the people of Guatemala should know of our interest and concern and support for their efforts in the peace process there.

Mr. Speaker, I join in congratulating the people of Guatemala on reaching a peaceful solution to the brutal civil war in which more than 100,000 people were killed over the past 36 years. In the violence, thousands of individuals were tortured, raped, and "disappeared." The frustrating and difficult U.N.-sponsored peace negotiations between the Guatemalan Government and the Guatemalan National Revolutionary Union [URNG] were not quick, but they have brought an end to the violence.

At the same time, however, I wish to express my serious concerns regarding the sweeping amnesty provisions which were, ironically, dubbed the Law of National Reconciliation. This legislation, which passed the Guatemalan Congress after only 2 days of consideration on December 18, 1996, raises some questions that I wish to call to the attention of my colleagues. If misapplied, the Law of National Reconciliation, which followed the signing of the Peace Accords in Madrid on December 12, 1996, will not reconcile the people of Guatemala with government forces, but will plant the seeds of future suspicion and mistrust between the Guatemalan people and members of government agencies. I am concerned that the amnesty provisions could be used to open up a legal back door for human rights perpetrators to escape just prosecution.

The broad amnesty provisions are also in direct conflict with the March 1994 Human Rights Accord, one of the proclaimed milestones in the Guatemalan peace process. This accord required both sides to agree that the government would not sponsor measures designed to prevent prosecution of human rights violations. I urge the Guatemalan authorities at least to apply the minimum safeguards in the Law of National Reconciliation when prosecuting human rights violations. While providing amnesty for political crimes related to the armed civil war, article 8 of this law excludes cases of genocide, torture, and forced disappearances from the amnesty, as well as crimes for which amnesty is prohibited by Guatemalan law or Guatemala's international treaty obligations.

I am also concerned, Mr. Speaker, with regard to civil cases in which U.S. citizens are involved, which are not connected with the armed conflict. The Law of National Reconciliation could potentially be used to terminate the landmark cases brought against Guatemalan Government forces by U.S. citizens Helen Mack, sister of the slain Myrna Mack; Jennifer Harbury, the wife of Mr. Bamaca; Carole Denn, wife of Michael DeVine; and Sister Diana Ortiz. In addition, those few members of the military who have already been convicted in the DeVine and Mack cases could be released from prison. I hope the Guatemalan legal authorities will insure that all human rights perpetrators in Guatemala are brought to justice, and none of these cases will be terminated or suspended under the amnesty provisions.

Mr. Speaker, I urge my colleagues to support this resolution today, but I also urge the Guatemalan Government to be certain that human rights violators are sought out and punished to the fullest extent of the law.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 17).

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRATULATING PEOPLE OF NICARAGUA ON DEMOCRATIC ELECTIONS SUCCESS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 18) congratulating the people of the Republic of Nicaragua on the success of their Democratic elections held on October 20, 1996.

The Clerk read as follows:

H. CON. RES. 18

Whereas on October 20, 1996, the people of the Republic of Nicaragua held truly democratic, multiparty elections to choose their government;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate expression of the will of the people of the Republic of Nicaragua;

Whereas on January 10, 1997, Arnoldo Aleman was peacefully sworn in to the office of President of the Republic of Nicaragua and immediately promised to continue down the path to democracy, national reconciliation and reconstruction that are started by the previous administration of President Violeta Barrios de Chamorro; and

Whereas this historic event of democratic elections in the Republic of Nicaragua and the inauguration of President Arnoldo Aleman should be honored: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of the Republic of Nicaragua for the successful completion of the historic democratic, multiparty elections held on October 20, 1996;

(2) congratulates former President Violeta Barrios de Chamorro for her personal courage and her commitment to democracy, which have helped her achieve a profound political and economic transition in the Republic of Nicaragua;

(3) encourages all Nicaraguans to work together after taking this critical step on the long road to lasting peace and democracy;

(4) recognizes that all Nicaraguans should continue to work together in order to ensure a stable democracy, respect for human rights, a free and market-oriented economy, and social justice for all people;

(5) reaffirms the commitment of the United States to help the Republic of Nicaragua move toward freedom and democracy; and

(6) further reaffirms that the United States is strongly committed to encouraging democracy and peaceful development throughout the Western Hemisphere.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. HOUGHTON] the original sponsor of this resolution on Nicaragua.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding me the time.

I would like to rise in support of House Concurrent Resolution 18. Mr. Speaker, we wrestle with problems both real and self-imposed in this Chamber day after day. It is nice for a change to be able to celebrate and to thank and to support one of our neighbors, which we are doing here not only with Guatemala but also now with Nicaragua.

I would also like to associate myself with my chairman the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. GALLEGLY], the gentleman from New York [Mr. ACKERMAN], the gentleman from North Carolina [Mr. BALLENGER], and also with the gentleman from American Samoa [Mr. FALEOMAVAEGA], who have been cosponsors of this particular legislation.

This resolution really does three things: First of all, it congratulates the Republic of Nicaragua on holding free and fair elections for the second time in its history. Second, it recognizes the contributions of an extraordinary woman, the former President of Nicaragua, Violeta Chamorro, a person I call the great healer, who has had an impact far beyond the borders of Nicaragua. It also celebrates the peaceful swearing in of the new President, President Arnoldo Aleman.

Mr. Speaker, I have been associated with Nicaragua for several years. In 1988, a group of us from my district went down and established an educational program, all privately funded for this great country. I think we added a bit to the whole relationship between our countries at that time. This is before Violeta Chamorro was elected President.

Then in 1990, we went down and were there for the election. It was an extraordinary time. As I mentioned yesterday at the Committee on International Relations meeting, I can remember, with Elliot Richardson, we were part of a United Nations team picking up a young woman and her baby who had walked 30 miles to vote and then was going to walk back, just because she felt this was such an important time.

Then in 1993, my wife and my grandchildren and others went down there to see, personally and on a personal visit, this extraordinary country and what has happened to it.

The Chamorro administration really did extraordinary things. I mean here is a lady who was not prepared for leadership. Her husband had been tragically assassinated there. All of a sudden she developed this tremendous rapport not only with the people but also with the critical issues there. The gross domestic product when she took over, after 20 years, was lower than it had been in 1970. Hyperinflation of about 40,000 percent, imagine, think of it, 40,000 percent a year. And the foreign debt amounted to more than six times the value of the total gross domestic product. Far-reaching privatization programs, preventive health care, primary education changes, and an extraordinary story in this tiny little country, all due to the leadership and this wonderful ambiance of an extraordinary lady, Violeta Chamorro.

The election took place. Over 80 percent of the people voted. It was not a perfect election, but the observers, both elected representatives and staff, felt it was a free and fair election.

Now, starting on January 10, there was a peaceful transition to President Aleman and the power of the presidency is now in good hands.

□ 1145

And so, Mr. Speaker, I would like to join with my colleagues and hope others will join with us in congratulating the people of this extraordinary nation of Nicaragua on the success of their elections and wishing President Aleman the best in the years to come.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. HOUGHTON] for his support of this resolution and for his poignant remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution, and I want to commend the gentleman from New York [Mr. HOUGHTON] for introducing House Concurrent Resolution 18, it congratulates the Nicaraguans on their elections last October, and also extend my congratulations to the chairman of the subcommittee, the gentleman from California [Mr. GALLEGLY] and the ranking member, the gentleman from New York [Mr. ACKERMAN]. I commend also the chairman, the gentleman from New York [Mr. GILMAN], for moving it through the committee so that we could take it up here today.

The October 1996 election was an exciting one for the Nicaraguans. In a country with an underdeveloped infrastructure and almost no transportation system, between 85 and 90 percent of the eligible voters participated. Not one but six ballots were cast in these elections, and for the first time a domestic election observation group oversaw Nicaraguan elections.

The Nicaraguan people clearly stated they want to continue the democratic transition that was begun in 1990. They deserve to be congratulated for their relatively young democracy. I am pleased to support the resolution and I urge its adoption by the House.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN], the ranking member of the subcommittee.

Mr. ACKERMAN. Mr. Speaker, last fall the people of Nicaragua again chose the path of democracy by electing Liberal Alliance candidate Arnoldo Aleman decisively.

In the wake of their second free and fair election of the 1990's, Nicaraguans must move just as decisively to consolidate democracy and strengthen their civil institutions.

Nicaragua is on its way to recovery. With 3 years of economic growth, peace, and stability, the people of Nicaragua chose a candidate who emphasized economic reform and private sector-led growth as key planks in his platform. Nevertheless, President Aleman has his work cut out for him.

Nicaragua continues to have a precarious balance-of-payment position and is heavily dependent upon foreign assistance. Although the economy has grown recently, the country remains very poor, with a per capita income of $470 per year.

Strengthening the rule of law was a campaign theme of the President, and he inherits a court system that has become a bottleneck as problems of crime and property disputes have proliferated. It is imperative for Nicaragua to address this question if foreign investors are to have any confidence in Nicaragua's future.

The United States and other donors have provided $4 billion to Nicaragua since 1990, and for the coming fiscal year USAID has requested an additional $22 million to deepen and expand the economic reforms and enhance the legitimacy of civil institutions.

The international community must continue to work with the Nicaraguans to help them along the path to prosperity. I believe, Mr. Speaker, that this resolution will provide a measure of moral support to Nicaraguans and encourage them to continue on the road that they have chosen.

Mr. Speaker, I want to congratulate my colleague from New York [Mr. HOUGHTON] for sponsoring this resolution and his hard work and diligence in this area of the world; and also the gentleman from California [Mr. GALLEGLY], our chairman on the subcommittee, for putting this legislation through our body; as well as the gentleman from New York [Mr. GILMAN], the chairman of the full committee; and the gentleman from Indiana [Mr. HAMILTON], who serves as our leader on this side.

I urge all my colleagues to support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, at the outset I would like to first express my appreciation to the gentleman from North Carolina, [Mr. BALLENGER] for the opportunity he extended me to join a congressional delegation visiting our neighboring countries in the Central American region. It certainly has been a real educational experience for me to see how beautiful democracy works in these countries that we visited, including Nicaragua.

As a cosponsor of House Concurrent Resolution 18, I certainly would like to commend our good friend the gentleman from New York [Mr. HOUGHTON] as the chief sponsor of this legislation; and also the chairman of our full committee, the gentleman from New York [Mr. GILMAN]; and the gentleman from California [Mr. GALLEGLY] as chairman of the Subcommittee on the Western Hemisphere.

I am also grateful to our senior ranking Democratic member of the full committee, the gentleman from Indiana [Mr. HAMILTON] for being a chief sponsor also of this legislation; and our good friend, the ranking member of our subcommittee, the gentleman from New York [Mr. ACKERMAN].

Mr. Speaker, I had the honor of visiting Nicaragua on January 10 for the inauguration of President Aleman. It was clear the people of Nicaragua are dedicated to the principles of democracy. The election was a success. Domestic and international observers declared them to be free and fair, and it was certainly a true expression of the desires of the voters and the peopie of Nicaragua.

It was a large voter turnout—the kind that we dream about having in the United States. The attempts by the opponents of the democratic process to sully the results of the process were unsuccessful.

I am also pleased, Mr. Speaker, by the development of institutions in Nicaragua that will help consolidate that country's democratic system. The Supreme Electoral Commission has successfully conducted a number of free and fair elections. For the first time there is a civilian Defense Ministry, run by a civilian Minister of Defense.

This is an exciting and critical time for the country of Nicaragua, and I am pleased that we are taking this opportunity to support this democratic country.

There are still many challenges for the Nicaraguans to overcome, however. It remains the second poorest country in the Western Hemisphere, and it faces an enormous challenge in resolving its property problems. The Nicaraguans have chosen to address these problems as a democracy, and that is a giant—and commendable—first step.

Mr. Speaker, I urge my colleagues to show their support for this government by adopting this resolution commending the Government of Nicaragua for this milestone achievement.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I appreciate this opportunity to also rise in support of this resolution. I had the honor and distinction of being able to travel to Nicaragua as an observer for the elections, and it was an experience that will have an impact on me for the rest of my life, to see the level of commitment, in terms of democratic process, in a country which was just described as a poor country in economics but not in spirit or in hope.

In our country, our turnout for elections is arguably only about 30 percent, if we include unregistered voters. Nicaragua's turnout in the election was anywhere between 85 and 90 percent of eligible voters—85 to 90 percent. And in part of the country people literally had to walk a day to vote. Over 50 percent of the country really does not have electricity, does not have a road system, by any comparison to anything in the United States, where people literally had to walk a day to vote, a day in one direction or several, 8, 10, 12, 14 hours in one direction, 14 hours in another direction. And they did it.

As has been described, Mr. Speaker, we are living in really a golden age of democracy in the Western Hemisphere, an age that seemed unprecedented or impossible a decade or two ago. Nicaragua is a shining example of that success. And the involvement of the Nicaraguan-American community throughout America, but particularly in south Florida, as part of that process, I think, has been very positive.

Again, I think this Congress is looking forward to working hand-in-hand with the new administration in Nicaragua towards a redevelopment of the country, to strengthen it and to assure that its economic and democratic systems will continue for all times.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to congratulate the promoters of this resolution, the gentleman from New York [Mr. HOUGHTON]; obviously thank the two chairmen, the gentleman from New York [Mr. GILMAN], and the gentleman from Indiana [Mr. HAMILTON], for moving this forward.

I remember in great anguish what this House went through many years ago as we were witnesses to that great civil war in Nicaragua. For so many years many of us had followed the impact that that had upon those people.

I was also an observer, Mr. Speaker, to the elections in 1990. For the first time the Government of Nicaragua, then led by Sandinistas, had an orderly transfer of power to the government of Mrs. Chamorro. I think we saw history taking place at that time.

So often we condemn nations for their prosecution, for their persecution, for the oppression that they have caused to their citizens, to their many people, because they have been led by dictatorships, by tyrants. I am happy today to acknowledge the new government of Mr. Aleman, the new democratic elections that have taken place there. I commend that government, and I want to say how important it has been for our country to have been a part of that.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we thank our friend, the gentleman from New York [Mr. HOUGHTON], for sponsoring House Concurrent Resolution 18, commending the Nicaraguan people for their democratic elections and peaceful transition of power, and I am pleased to have been included as an original cosponsor of this measure.

I also want to thank the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], and the ranking subcommittee member, the gentleman from New York [Mr. ACKERMAN], for their support of the measure.

Fifteen years ago, Central America, as we know it, was in turmoil, and at that time our Nation paid a great deal of attention to the region and invested extraordinary sums of money to try to bolster the democratic governments. Now we see a region living in peace and democracy. The American public can rightfully claim a great deal of credit for supporting our neighbors in their hour of need.

All of us will certainly acknowledge that the Central American people themselves deserve the utmost credit for an extraordinary democratic transition. In House Concurrent Resolution 18, the House recognizes the significant accomplishments achieved by the Nicaraguan people since the transition to the democratically elected government of President Violeta Barrios de Chamorro on April 20, 1990.

The climate of free expression has improved dramatically since the routine repression during the Sandinista regime. Nicaragua's national assembly is operating vigorously as a truly representative body. Political parties and civic groups are active there. Spirited public debate on political and economic policy has been unhindered.

In October 1996, as the gentleman from New York indicated, 80 percent of Nicaraguans participated in national elections. These citizens freely elected a new president and a vice president, national assembly members, mayors and city councils. On January 10 power was transferred peacefully from one democratically elected civilian government to another.

Like his remarkable predecessor, President Arnoldo Aleman is committed to democracy, to respect for human rights, and to a free market economy. In short, Nicaragua has made great strides toward overcoming a history of dictatorship and civil war, and we are encouraged by President Aleman's strong commitment to policies aimed at revitalizing the agricultural sector, attracting foreign investment, and addressing chronic unemployment and poverty that still exists, particularly in the rural regions of past conflict.

We support his efforts to ensure that property rights are going to be fully respected in Nicaragua. We are also encouraged by his actions to ensure that a nonpartisan police force and a professional army will answer to civilian authority.

Mr. Speaker, by adopting this resolution, the House will recognize the historic contributions made by President Violeta Chamorro. Her tireless efforts to resist and overturn dictatorship make her a giant figure in our time. I am proud that the gentleman from New York [Mr. HOUGHTON] has chosen to commend President Chamorro in his resolution as well.

Once again, I thank the gentleman from New York for this resolution. We also thank our colleague from California [Mr. GALLEGLY] for his work as chairman of the Subcommittee on the Western Hemisphere.

□ 1200

Mr. Speaker, I also wish to acknowledge the good work of the gentleman from North Carolina [Mr. BALLENGER] for his work in Central America over several decades. The commitment of the gentleman from North Carolina [Mr. BALLENGER] and his full partner, Mrs. Donna Ballenger, recognizes that peace and prosperity in Central America results in concrete benefits here at home.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 18.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMENDING HON. WARREN CHRISTOPHER FOR EXEMPLARY SERVICE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 4) commending and thanking the Honorable Warren Christopher for his exemplary service as Secretary of State.

The Clerk read as follows:

S. CON. RES. 4

Whereas Secretary Warren Christopher served as Secretary of State from 1993 until 1997, and maintained the tradition of that Office by representing the international interests of the United States with great dignity, grace, and ability;

Whereas Secretary Christopher, during his tenure as Secretary of State, engaged in more international travel than any other Secretary of State in United States history, reflecting his indefatigable commitment to advancing peace and justice, protecting and promoting United States interests, and preserving United States leadership in international affairs;

Whereas Secretary Christopher has played a key leadership role in United States foreign policy achievements, including ending the war in Bosnia, restoring an elected government in Haiti, and advancing peace in the Middle East;

Whereas Secretary Christopher served with distinction as Deputy Secretary of State from 1977 until 1981 and, among his accomplishments as Deputy Secretary, is credited with skillfully negotiating the release of American hostages in Iran;

Whereas Secretary Christopher has had a distinguished career in law and public service in California;

Whereas Secretary Christopher, born in Scranton, North Dakota, is one of North Dakota's most distinguished native sons and has always displayed the quiet strength and work ethic associated with the people of the Great Plains;

Whereas in 1997 Secretary Christopher leaves his position as the 63d Secretary of State; and

Whereas Secretary Christopher has earned the respect and admiration of Congress and the American people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends and thanks the Honorable Warren Christopher for his exemplary diplomatic service, and for his skillful and indefatigable efforts to advance peace and justice around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. HOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. HOUGHTON. Mr. Speaker, my remarks will be very brief, and they specifically hone in on an extraordinary citizen of this country, Warren Christopher. Warren Christopher has held one of the most important jobs that any administration can offer, the Secretary of State. There are two words which symbolize this great man: One is integrity; the other is judgment.

Mr. Speaker, Warren Christopher has done us proud.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

I want to thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for bringing forward this resolution.

Senate Concurrent Resolution 4 commends and thanks the honorable Warren Christopher for his exemplary diplomatic service. The Senate approved this resolution, as I understand it, by voice vote on January 22. It was reported by the Committee on International Relations on February 5.

I also want to express my appreciation to the gentleman from North Dakota [Mr. POMEROY], who has worked hard on a companion resolution in the House, praising one of North Dakota's finest sons, and on the persistent efforts of the gentleman from North Dakota [Mr. POMEROY] to see that this resolution was taken up by the House. I also want to thank Chairman GILMAN for moving the resolution through the committee several weeks ago and for his efforts to see that the House considers it.

This is, of course, an excellent resolution. It allows us to publicly recognize the extraordinary public service of Warren Christopher. Secretary Christopher has represented the international interests of the United States with great dignity, grace, and ability. During his tenure in office, Secretary Christopher had an indefatigable commitment to advancing peace and justice, protecting and promoting U.S. interests, and preserving the U.S. leadership in international affairs. There have been many tough foreign policy decisions to make over the past 4 years.

To my colleagues on both sides of the aisle, I understand that each of us may have our differences with the administration and its foreign policy, but I think all of us have an interest in ensuring that individuals of the caliber, character, and integrity of Secretary Christopher continue to be attracted to the high calling of public service.

It is altogether fitting that we commend this remarkable man and his extraordinary service to this country. I urge adoption of the resolution.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to join with my colleagues in paying tribute to the service of Warren Christopher as Secretary of State. I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for bringing this resolution to the floor today.

Not all my colleagues may be aware that Secretary Christopher hails from my State, the great State of North Dakota. He was born in Scranton, ND, a town of less than 300 people in southwestern North Dakota. Although his family moved to California when Secretary Christopher was still a young man, we in North Dakota like to think that we had a part in instilling in him the values he displayed so consistently throughout his public career: honesty, humility, loyalty, and hard work. He is without question one of our State's most distinguished sons, and it gives me great pride to join with my colleagues in recognizing Secretary Christopher's public service.

Secretary Christopher's service to our Nation began during World War II as an ensign in the Naval Reserve assigned to the Pacific theater. Following the war, Secretary Christopher attended law school at Stanford University, after which he served as law clerk to Supreme Court Justice William O. Douglas. Warren Christopher later established a very successful private law career in Los Angeles from which he took leave to serve as Deputy Attorney General under President Johnson, then Deputy Secretary of State under President Carter.

In the role of Deputy Secretary, Warren Christopher negotiated the release of 52 hostages from Iran. For his work, President Carter awarded Secretary Christopher with the Medal of Freedom, the Nation's highest civilian award. As the 63d Secretary of State, Warren Christopher provided calm and capable leadership during one of the most significant transition periods in American foreign policy.

Among the Secretary's many accomplishments, I believe two deserve special recognition. First, Secretary Christopher helped bring an end to the brutal war in Bosnia. In the fall of 1995 when the parties to the Dayton talks were ready to call it quits and break off negotiations, Secretary Christopher's steely determination kept the sides together through an all-night session until an eventual agreement was reached. Only time will tell if lasting reconciliation and Democratic institutions will take hold in Bosnia, but the fact is that Bosnian children are not dying today under mortar fire and sniper fire, in large part due to Secretary Christopher's tireless efforts.

History may prove that the Secretary's most enduring legacy will be his efforts on behalf of peace in the Middle East. During his 4 years in office, Secretary Christopher made at least 24 trips to the Middle East. He was personally very well suited to the terribly difficult task of brokering a peace accord. He deliberately minimized his personal profile while persisting with a determined, intelligent, and evenhanded approach at facilitating the region's leaders' courageous path to peace.

While implementation of the peace process is not yet complete, Secretary Christopher deserves substantial credit for the extraordinary progress that was made during his years as our Secretary of State. Beneath Secretary Christopher's ever composed demeanor was an intense commitment to advancing peace and U.S. interests around the world. His tireless efforts are evidenced by the travel record he set in office: 758,152 miles. That is equivalent to more than 30 trips around the world. This selfless public servant has done his native State of North Dakota and his country proud.

I urge my colleagues to support the resolution commending the good work of Warren Christopher during his years as our Secretary of State.

Mr. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to celebrate the superior service that my constituent, I am very proud to be able to say that, former Secretary of State Warren Christopher has provided this country. Mr. Christopher is well known to most of us as a former Secretary of State. It should also be pointed out that he served as the Deputy Attorney General from 1967 to 1969, and the Deputy Secretary of State from 1977 to 1981. He was sworn in as the 63d Secretary of State on January 20, 1993. Under his leadership the State Department has worked to promote the security and prosperity of all Americans.

During his tenure, U.S. diplomatic leadership moved us closer to forging a circle of peace in the Middle East, produced a reduction in the nuclear threat, worked to integrate environmental issues into the core of our foreign policy, made strides to adapt NATO, and strengthened the partnership between the United States and Japan.

More important than these singular accomplishments is that for 4 years Mr. Christopher worked untiringly and consistently to represent us with grace and skill, traveling more miles than any previous Secretary of State. His dedication and his professional expertise are unquestionable. Now he has successfully passed off the torch to a shining star, Secretary Madeleine Albright.

Mr. Christopher, I am addressing you directly: Thank you for your dedicated service, and I want to also say welcome home. I hope to see you soon on beautiful Padaro Lane, or on Santa Barbara Street in the community that both of us love.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they should address their remarks to the Chair and not to individuals directly.

Mr. CAPPS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California for his supportive remarks, and I am pleased to bring this resolution before the House today pursuant to the direction of our Committee on International Relations.

Mr. Speaker, this resolution was adopted by unanimous vote in the Senate on January 22 as Secretary Christopher's distinguished tenure was expiring. I have had the pleasure of working with Secretary Christopher as ranking Republican and later as chairman of our Committee on International Relations during the past 4 years, and first knew him earlier in both our careers when he served in the Carter administration.

There is no question in my mind that Warren Christopher deserves our commendation for his outstanding, long record of significant service to our Nation. As Deputy Secretary in the Carter administration and then later as Secretary in the Clinton administration, Warren Christopher served his Nation in two administrations ably and meritoriously.

He has enormous respect for his colleagues in the State Department, and they returned that respect fully. A distinguished attorney, Warren Christopher favored a quiet approach to solving problems, keeping his eye on the ball, and, as one editorialist put it, he approached his job with "discretion approaching squareness."

Over the years we had some policy differences, but this is not the time to dwell on any of them. Rather, we celebrate today Warren Christopher's many achievements and join with the Senate in applauding them in this formal manner.

I appreciate the efforts of the gentleman from Indiana [Mr. HAMILTON] and the gentleman from North Dakota [Mr. POMEROY] in helping to provide the impetus for consideration of this resolution today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 4.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

☐ 1215

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. Doc. No. 105–51)

The SPEAKER pro tempore (Mr. EWING) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations, and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1997, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1997.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 1 p.m.

Accordingly (at 12 o'clock and 17 minutes p.m.), the House stood in recess until approximately 1 p.m.

☐ 1302

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McINNIS) at 1 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question de novo on the approval of the Journal and resume proceedings on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, then on the motion to suspend the rules, postponed from Tuesday, March 4, 1997.

Votes will be taken in the following order:

The Journal, de novo; House Concurrent Resolution 17, by the yeas and nays; House Concurrent Resolution 18, by the yeas and nays; House Concurrent Resolution 31, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business in the question de novo of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

CONGRATULATING PEOPLE OF GUATEMALA ON NEGOTIATIONS TO ESTABLISH PEACE PROCESS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 17.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 17, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, answered "present" 2, not voting 14, as follows:

[Roll No. 29]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Barr
Paul

NOT VOTING—14

Brown (CA)
Carson
Chabot
Clyburn
Cooksey
DeLay
Dreier
Lantos
Nadler
Parker
Rahall
Schiff
Strickland
Wise

Mr. LIVINGSTON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McINNIS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONGRATULATING PEOPLE OF NICARAGUA ON DEMOCRATIC ELECTIONS SUCCESS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 18.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 18, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, answered "present" 3, not voting 12, as follows:

[Roll No. 30]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Barr
Chenoweth
Paul

NOT VOTING—12

Brown (CA)
Carson
Chabot
Cooksey
Dreier
Lantos
Nadler
Parker
Rahall
Schiff
Strickland
Wise

☐ 1338

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGARDING THE TEN COMMANDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 31.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 31, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 295, nays 125, not voting 12, as follows:

[Roll No. 31]

YEAS—295

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—125

Abercrombie
Ackerman
Andrews
Baldacci
Becerra
Bentsen
Berman
Blumenauer
Boehlert
Bonior
Boswell
Brown (CA)
Brown (FL)
Clay
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Evans
Fattah
Fazio
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Morella
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Rangel
Rivers
Rothman
Roybal-Allard
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOT VOTING—12

Carson
Chabot
Cooksey
Dreier
Lantos
Nadler
Parker
Porter
Rahall
Schiff
Strickland
Wise

☐ 1350

Mr. KENNEDY of Rhode Island and Mr. FROST changed their vote from "yea" to "nay."

Mr. RUSH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COOKSEY. Mr. Speaker, I was necessarily absent from rollcall vote 31. Had I been present on that vote I would have voted "aye."

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Speaker, due to flooding in my District, I was with Vice President Gore and local officials to discuss the flood this morning in Kenova, WV. Due to weather, my flight to Washington was canceled and I unavoidably missed RECORD votes numbered 29, 30, and 31.

On Rollcall vote No. 29, House Concurrent Resolution 17, congratulating the people of Guatemala on negotiations for a peace process, I would have voted "yes" had I been present.

On Rollcall vote No. 30, House Concurrent Resolution 18, congratulating the people of Nicaragua on the success of their democratic elections, I would have voted "yes" had I been present.

On Rollcall vote No. 31, House Concurrent Resolution 31, a sense of Congress that Ten Commandments can be displayed in Government buildings, I would have voted "yes" had I been present.

ELECTION OF MEMBERS TO COMMITTEE ON SCIENCE

Mr. LAHOOD. Mr. Speaker, I offer a resolution (H. Res. 82) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the following named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

Committee on Science: Mr. English of Pennsylvania; Mr. Nethercutt; Mr. Coburn; and Mr. Sessions.

The SPEAKER pro tempore. (Mr. MCINNIS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VACATION OF SPECIAL ORDER

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special order granted today to the gentlewoman from Connecticut [Mrs. JOHNSON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INFORMING MEMBERS OF THE PASSING OF H. EDWARD DREIER, JR.

(Ms. McCARTHY of Missouri asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. McCARTHY of Missouri. Mr. Speaker, it saddens me to inform the House of the passing of a dear friend and constituent, Ed Dreier, who is the father of our colleague, the gentleman from California [DAVID DREIER].

H. Edward Dreier, Junior, was a pioneer in the housing industry in Kansas City. Forty-five years ago this month he incorporated his real estate development, construction, and property management business and began service on the first commission on human relations to implement integration laws for housing in our community.

One and one-half weeks ago, DAVID accepted for his father the Crystal Merit Award, honoring excellent in the apartment industry. Mr. Dreier was very active in the civic community, including serving as president and chairman of the Lyric Opera Company of Kansas City, and was an original member of the Westport Allen Center board of trustees.

He had many friends here in the House, from the gentleman from New York [CHARLIE RANGEL] and the gentleman from Massachusetts [JOE MOAKLEY] to his fellow marines, the gentleman from New York [AMO HOUGHTON] and [JERRY SOLOMON]. Our thoughts and prayers are with DAVID and his family during this most difficult time.

Mr. Speaker, it is an honor to pay tribute to this fine citizen whose contributions, through public service, will be remembered by those whose lives he touched.

Mr. Speaker, I include for the RECORD newspaper articles concerning Mr. Dreier's passing.

The material referred to follows:

AREA REAL ESTATE DEVELOPER DIES

(By Mark Davis)

H. Edward Dreier Jr. of Kansas City, an area builder and property manager, died Monday. He was 69.

Dreier founded his real estate development, construction and property management company 45 years ago in Kansas City. Dreier Management Co. built and continues to manage several area apartment buildings.

Dreier also was active in Kansas City's civic community, though he hadn't received much public notice for this work.

"He'll be badly missed by the Midtown community," said the Rev. Roger Coleman, executive director of the Westport Allen Center.

Coleman said Dreier was an original member of the center's board of trustees, formed in 1983. He also had supported its earlier efforts to buy and renovate an abandoned school.

The former school at 706 W. 42nd St. now provides an activity center and offices for many nonprofit groups, including the State Ballet of Missouri and Narcotics Anonymous.

"He loved the tenants here like he loved the tenants in his apartments down the street," Coleman said. "It sounds selfish, but we had such plans for him."

Coleman said Dreier stood out even among the other board members. Dreier not only raised money but also participated in the center's activities and made himself available when Coleman called for help.

Dreier also was president of the board of directors of the Lyric Opera of Kansas City in its 1981–82 season and served on the board since 1976.

Last month, Dreier received the Crystal Merit Award from the Apartment Association of Kansas City. The award honored Dreier as the area's best property supervisor for 1996.

Dreier's health kept him from the Feb. 21 award ceremony and his son, U.S. Rep. David Dreier of California, accepted the award. David Dreier said he plans to become more involved in the company and believed his mother also would take a greater role.

"Public service was always a priority for him," said David Dreier, noting that his father had served on Kansas City's first commission on human relations in the 1950s.

Survivors include his wife, Joyce Yeomans Dreier, of the home; his son, David Dreier, San Dimas, Calif.; daughters, Denise Dreier Despars, Hermosa Beach, Calif., and Dana Dreier Lamont, Aurora, Ill.; a sister, Carolee Atha, Mission Hills; and two grandchildren.

Services will be at 2 p.m. Thursday at Stine & McClure Funeral Home at 3235 Gillham Plaza. No burial services are planned.

H. EDWARD DREIER, JR.

H. Edward Dreier, Jr., Kansas City, MO, passed away Monday, March 3, 1997. Memorial services will be held at 2 p.m. Thursday, March 6, at D.W. Newcomer's Sons Stine & McClure Chapel, 3235 Gillham Plaza, Kansas City, MO. In lieu of flowers, the family requests memorial contributions be made to a charity of the donor's choice.

Mr. Dreier attended Pembroke Hill School, Kemper Military Academy, and graduated from Southwest High School in 1946. He was a drill instructor with the U.S. Marine Corps, and graduated in 1952 from Claremont McKenna College, Claremont, CA. He was President of H.E. Dreier, Jr., Inc., a real estate development and property management firm. In 1953, he was appointed by H. Roe Bartle to the Commission on Human Relations. He served as President of the Great Oaks Nursing Home. He also served on the Planning Commission of Fairway, KS, and the Executive Committee of the Sixth Church of Christ, Scientist. He was an officer of the Homebuilders of Greater Kansas City, and was a 45-year member of the Real Estate Board; President of the Lyric Opera Board; Honorary Coach for the NAIA Tennis Tournament; and a member of the Society of Fellows of the Nelson Atkins Museum. Mr. Dreier was a Director of United Missouri Bank, North Region; President of the Dreier Family Foundation; and served on the Executive Committee of the Westport Allen Center. He was a Paul Harris Fellow and Secretary/Treasurer of Rotary Club 13, and a member of the Vanguard Club and Carriage Club. On February 21, 1997, he received the Crystal Merit Award, honoring excellence in the apartment industry for the midwest. In Rancho Mirage, CA, he was a member of the Thunderbird Country Club. The Club at Morningside, and a Patrol of the Friends of the Los Angeles Philharmonic and the Desert Museum. He is survived by his wife, Joyce Yeomans Dreier; a son, Congressman David Dreier, Los Angeles; two daughters, Denise Dreier Despars, Hermosa Beach, CA, and Dana Dreier Lamont, Aurora, IL; and two granddaughters, Leslie LaRue Lamont and Lisa Lee Lamont. (Arrangements: D.W. Newcomer's Sons Stine & McClure Chapel)

☐ 1400

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MISES REDISCOVERED IN UNLIKELY SETTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise today to proudly announce the recovery of a momentous treasure formerly believed to be lost to humankind in the noble cause of individual liberty. When German tanks rolled through Vienna in 1938, Hitler's national police force made a stop at the apartment of one of history's greatest intellectual defenders of liberty, an intellectual hero who had recently vacated his apartment to escape the fascist tirade of the corporate statists. Upon ransacking the vacant apartment, the national police removed 38 boxes of intellectual manuscripts containing a detailed analysis of why fascism, democratic-socialism, communism, and various other forms of collectivism necessarily contains the seeds of its own respective destruction.

It is a pinnacle of irony that for nearly 60 years these treasures, believed to have been confiscated and destroyed by a system totally devoid of individual liberty and due process, were located in the Soviet Union. The genuine irony is that these manuscripts were rediscovered only as a consequence of the Soviet experiment's ultimate failure, a failure deduced within those same manuscripts as the logically necessary outcome of collectivism.

The great hero of liberty and author of these manuscripts is the Austrian economist Ludwig Von Mises. I proudly and respectfully request entry in the

CONGRESSIONAL RECORD of this compelling story as told by Llewellyn Rockwell, President of the institute that currently bears Dr. Mises' name.

[From the Washington Times, Mar. 2, 1997]

MISES REDISCOVERED IN UNLIKELY SETTING

(By Llewellyn H. Rockwell, Jr.)

The American conservative tradition was once rooted in serious thought and great scholarship—as hard as that may be to believe today. In constitutional law, it stood for strict construction; in philosophy, it stood with the scholastics; and in economics, it stood with the Austrian School and Ludwig von Mises.

Now comes remarkable news. A massive collection of Mises's personal papers have been recovered in an archive in, of all places, Moscow, where they rested for the duration of the Cold War. They were discovered by two Austrian scholars—a Soveitologist from the University of Graz and a historian from the University of Vienna—and what they've found may change the way we look at modern times.

Mises came to New York in 1940, one of a generation of Austrian intellectuals forced to flee the Nazi onslaught. He had not come here to retire. This man of 60 would work for more than three decades to revivify the passion for liberty in this country, through passionate teaching and writing for scholarly and popular audiences.

His central message was contrary to all the fashions of the day. Mises taught that the free market is the key to civilization, and that socialism of all sorts, including the democratic and Keynesian varieties, must be fiercely resisted.

In those days, immigrants saw acculturation as their first responsibility, so it didn't take long for Americans to think of Mises as their own. In 1949, his great work, Human Action, appeared—a thousand-page treatise that surpasses any previous work in free-market theory. Though German was his first language, Mises wrote his book, still in print, in beautiful English.

It's easy to forget Mises' extraordinary life before he emigrated here. In 1912, he wrote a book on money and banking that set the European academic world on fire. At the dawn of the central banking age, he claimed money management actually destabilizes the economy by fueling inflation and business cycles.

In 1919, he forecast a European political explosion. He said it would stem from two sources: the failure of Versailles to settle the nationalities issue, and the rise of statism all over the Continent. In 1923, he tore the hide off socialist doctrine with a treatise—still unsurpassed—exposing the social, political and economic consequences of collectivism.

He followed up in 1927 with a full-blown defense of the classical liberal society, in which the economy is free of government involvement, private property is sacrosanct, the only role of the military is defending the country's borders, and citizens enjoy full freedom of speech and association.

All the while, he led a famous seminar attended by the best minds in Europe. He taught at the University of Vienna. He was chief economist for the Austrian Chamber of Commerce, where he defended capitalism against socialists national and international. He founded and administered a think tank devoted to solving the supposed mystery of the business cycle.

Yet a few years later, the entire Continent would be darkened by the specter of totalitarianism. Even in America, the 19th-century ideal of free trade and decentralized government was widely seen as outmoded and unworkable. Mises began to see himself as the last of classical liberals.

More devastating for him was the loss of all his files in Vienna, both personal and academic. He had been keeping them from his early schooling until just before he left to teach in Geneva, a safe harbor for dissident and Jewish intellectuals of the day.

When German tanks rolled into Vienna in 1938, the police made a stop of Mises' apartment, and looted 38 boxes filled with his precious papers, notes and manuscripts, and carted them away. Until recently, everyone assumed they were destroyed, and with them a good part of Austrian intellectual history.

Fast forward 53 years, as the Soviet Union unraveled and the veil of secrecy began to rise. Moscow's massive archival holdings were opened for the first time, partly because of a desperate search for something to sell in exchange for hard currency.

Stefan Karner and Gerhard Jagschitz found in them what they had long sought, and the irony is bracing. The voluminous papers of Mises, the century's leading opponent of statism, reappear only after the world sees that he had been absolutely right. In this man's life is the story of modern times; in his work are the keys to understanding its bloody errors. Now, his papers rediscovered, it's time to rediscover his wisdom.

TEN COMMANDMENTS ARE THE BASIS OF OUR LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, the House has just voted on a very interesting bill expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, who is a circuit court judge in the State of Alabama. The judge had posted the Ten Commandments on the wall of his courtroom as a remembrance and sign that all the laws in this Nation and, in fact all of the laws in the world as we know it, really come from the Ten Commandments, the Decalogue, which is the laws that were given to Moses.

Another judge in the same circuit in Alabama, in response to a lawsuit that was brought against Judge Moore, ordered Judge Moore to remove a copy of the Ten Commandments that hangs on the wall in his courtroom. The Alabama Supreme Court has decided to review the matter and has issued a stay allowing the Ten Commandments to remain on the wall of the courtroom during the pendency of the appeal.

How interesting it is that the U.S. Congress, that the House of Representatives should have to take a vote on whether or not it is lawful that a copy of the Ten Commandments be posted in a public building.

James Madison, who was the author of our Constitution, said: "We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of the individual to govern himself, control himself, and sustain himself according to the Ten Commandments of God."

As one looks at this great Chamber, the House of Representatives, the people's House, the Chamber where Members of Congress from every State in the Union and from the territories come in order to do the people's business, one only has to look at the sculpture directly in front of the Speaker's dais and the sculpture is of Moses.

The reason for the picture of Moses in the Chamber of the House of Representatives is to give credence to the people speaking here that all of the laws that we enact have as their moral basis the Ten Commandments. In the Supreme Court itself, there are two versions of the Ten Commandments up on the walls.

Here we are in America today at this point in history where we have to defend the posting of the Ten Commandments on the wall of the chambers of a judge who looks upon those Ten Commandments in the historical aspect that this is the basis of all of our laws. After all, the reason it is against the law to steal is that this was listed in the Ten Commandments, Thou shall not steal.

As a person goes over to the Jefferson Memorial and stands inside that beautiful building, if he stands right in front of Mr. Jefferson, turns his back and looks in the same direction as Mr. Jefferson, immediately to Jefferson's right, the first tablet says very simply: "Can the liberties of a Nation be thought secure if it has removed so firm a conviction that our liberties are the gift of God?"

As Jefferson and Madison and all of the authors of the Constitution, and Blackstone, and the people who gave rise to the great common and statutory law in this country have observed for years and years and years, it is based upon the law of Moses, it is based upon the Judeo-Christian doctrines that gave rise to our very freedom in this country.

So it is with sadness that we have to reach that point in America where one judge orders another judge to remove a copy of the Ten Commandments from the walls of that judge's chamber. But I am proud today that the people have spoken through the Members of the House of Representatives who have voted today in a majority to commend Judge Moore for having the courage and having the faith to show that he believes, as most Americans do, that the Ten Commandments are the basis of American law.

IN HONOR OF THREE TEXAS LEGENDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. GRANGER] is recognized for 5 minutes.

Ms. GRANGER. Mr. Speaker, it is with great pleasure and even greater pride that I rise today to honor three Texas legends who are well on their way to becoming American legends.

Last week millions of Americans turned out in Madison Square Garden to witness the 1997 Grammy Awards. Those awards are given annually to those in the music industry who set the pace. The artists who win these awards are the very best. So as a lifelong resident, a former mayor and now a Congresswoman from Fort Worth, I am enormously proud to honor 3 hometown heroes who stole the show last week in New York.

By now, most of America has fallen in love with 14-year-old singing sensation LeAnn Rimes. Born on August 28, 1982, LeAnn Rimes began singing before she was 2 years old. At age 5, she won her first singing competition. At age 6, her family moved to Texas, where country music is an obsession. Needless to say, LeAnn fit right in.

Before long, she was making herself very well-known in the country music capital of Texas, Fort Worth. By the time she was 8, she was a regular on Fort Worth's favorite show, "Johnnie High's Country Music Review." This is a wonderful country music extravaganza which my good friend Johnnie High has run for years. Suffice it to say, the folks over at Johnnie High's were very impressed with the young singer, so impressed that word spread throughout the Fort Worth community and beyond.

Pretty soon LeAnn was a regular at the Dallas Cowboy football games, where she sang the Star Spangled Banner in front of Troy, Emmitt and 60,000 fans. When LeAnn turned 11, she recorded her first album entitled "All That." The album included a song called "Blue," which was written by another long time Fort Worth great, discjockey Bill Mack.

Bill had originally intended the song for Patsy Cline, but she died tragically before she could record it some 30 years ago. How proud Patsy Cline would be today to know that young LeAnn Rimes sang this special song for her.

So, Mr. Speaker, it was altogether fitting and appropriate that Mack was honored for Best Song for "Blue" and LeAnn was honored as Best Female Country Artist, as well as best new artist in any category.

Shortly after the awards program ended, LeAnn was asked at a press conference how she planned to celebrate her awards. "I guess I will go out to dinner," she said. "I am too young to do anything else." Well, LeAnn, you are certainly not too young to be on a one-way ticket to success. Congratulations to you, LeAnn, and to Bill. We are very proud of you.

But Fort Worth's country stars were not the only ones to shine last week. Fort Worth is also the home of some of the most inspirational gospel music in the world. It was in the pews of these churches that Kirk Franklin honed his talents for singing gospel music.

Kirk was born and raised in Fort Worth. Abandoned by his teenage mother and father at the age of 3, the orphaned Franklin was adopted by an aunt. At age 4, Kirk began to play the piano, and by the time he was in kindergarten, he was a regular on the local gospel music circuit. At age 19, he was recording in the studio.

In the early 1990's, gospel fans all over America got the chance to hear what those of us in Fort Worth had been enjoying for years, the amazing, soulful voice of Kirk Franklin. A month after the release of his 1993 album, "Kirk Franklin and the Family," the album was No. 1. In fact, Kirk's initial album marked the first time in the history of gospel music that a debut album sold over 1 million copies. In just 4 short years, Kirk Franklin has become a musical superstar carrying his message of grace, hope, and love to the whole world.

Last fall, a tragic accident on stage almost ended Kirk's career. After falling off the stage and into the orchestra pit, Kirk was unconscious for several hours. Doctors feared he might be paralyzed or even die. Instead, less than 2 months after the accident, Kirk was back on the road again. For his incredible moral courage as well as his indispensable music contributions, Kirk Franklin last week was awarded with a Grammy for Best Contemporary Soul-Gospel Album for 1997.

So on behalf of music lovers everywhere, but particularly on behalf of a proud hometown, I want to say congratulations to LeAnn Rimes, Bill Mack and Kirk Franklin. You have made your friends, your family and your Nation very proud.

Mr. Speaker, I commend to the American people the examples of Bill, LeAnn, and Kirk. While all three of these talents come from different backgrounds and different environments, they are uniquely American. They have showed us all that achievement is based more on desire and determination than on situation and circumstance. They have taught us all that hard work is still the surest road to success.

AMERICA'S TECHNOLOGICAL SECRETS SHOULD BE SAFEGUARDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today H.R. 400 passed through the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary. H.R. 400, what I call the Steal American Technologies Act, is disguised as a patent reform bill.

This bill was first entitled, when it was first introduced last year, the Patent Publication Act. Well, people might ask themselves, how does the Patent Publication Act all of a sudden become a patent reform bill? Well, that is because the patent reform bill is a title that does not describe exactly what is going on in the bill, but the Patent Publication Act does.

This bill has not changed a bit. The purpose of the bill is exactly the same. Now, hold on to your hats, make sure you understand the magnitude of what is about to be said.

This bill, H.R. 400, which I call the Steal American Technologies Act, mandates that after 18 months, if an inventor in the United States applies for a patent, even if his patent has not been issued, after 18 months it is mandated that all the details of his patent will be published for everybody in the world to see and to steal. That is it. Every one of America's technological secrets will be mandated to be published so that those adversaries in Japan or in China or anywhere else in the world will have all the details and probably be able to go into production and use our intellectual property, all of our new ideas and technological discoveries against the United States of America.

That is why I call this the Steal American Technologies Act. It is beyond belief that this is going through the House of Representatives, but it will be on this floor unless the American people call their Congressman or Congresswoman to let them know how heinous it is to permit our adversaries to steal our technology and use it against us.

This is exactly what is going to happen, because the huge multinational corporations who would benefit from stealing our technology and not having to pay royalties are in an unholy alliance with our own big companies who do not want to pay royalties to American inventors.

The idea of course is, oh, it is going to happen anyway. These things would have been invented. You put an infinite number of inventors in a room with an infinite number of typewriters and eventually everything will be invented. No. We have had a strong and prosperous country because we have had the strongest patent protection of any country of the world. Now they are trying to change that, because they are taking away the confidentiality of American inventors, they are taking away our rights to a guaranteed patent term, and this H.R. 400 also obliterates the Patent Office.

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That is right, Mr. Speaker. What this does, H.R. 400, the Steal American Technologies Act also would take the Patent Office, which is written into the Constitution, and resurrect it. As what? A corporatized entity.

Our patent examiners are strong and faithful people, they work hard, and the reason they have been able to do a good job is because they have been government employees protected from outside influences. Now we are changing the entire rules of the game, just as America is entering into this new technological age.

Mr. Speaker, this is a Pearl Harbor in slow motion. This is a catastrophe that will hit our country and destroy our standard of living that is based on America being the technological leader of the world, and the American people in the future will never know what hit them. They will just say, wait a minute; did we not used to be the leader in technology? Could we not outcompete all these countries? That is because we had strong patent protection, and our Founding Fathers knew that as long as Americans had this patent protection, we would have the ideas and creativity to save our country.

I have a bill in opposition to the Steal American Technologies Act. My bill is H.R. 811, and there is a companion bill, H.R. 812. That is 811 and 812, which would restore to the American people their guaranteed right that has been part of our rights as Americans since our Constitution was written, for a guaranteed patent term, that is being attacked today, will be taken away from them.

My bill guarantees confidentiality, so when our inventors come up with new ideas, they are not going to go to our adversaries and be used against us. There is not going to be a line at the Patent Office for a copying machine, and a line over to the fax machine, and get it overseas as soon as possible.

H.R. 812, the companion bill introduced by the gentleman from California, DUNCAN HUNTER, will maintain in the U.S. Government a strong Patent Office and an efficient Patent Office to protect us and to make sure that our people are serviced well, which is a function, a proper function of Government.

This is an attempt to harmonize our law, and those who support H.R. 400 will tell us that we need to harmonize our law with the rest of the world. No, we need to strengthen the protections of the American people.

I ask for the support of my colleagues for H.R. 811 and 812 in opposition to H.R. 400.

INTRODUCTION OF LEGISLATION PREVENTING THE PURCHASE OR POSSESSION OF FIREARMS BY NONPERMANENT RESIDENT ALIENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I am pleased to announce the introduction of legislation by Representatives NITA LOWEY, CAROLYN MCCARTHY, and myself which would prevent the purchase or possession of a firearm by a nonpermanent resident alien. Unfortunately, this legislation comes too late to prevent the tragedy which occurred at the Empire State Building last month, when a man who had been in the United States for just 3 weeks shot seven tourists, killing one, and then killed himself. Such a violent crime under any circumstances is shocking but the fact that the gunman had been in this country for such a short time and had established residence at a Florida hotel was unbelievable. My colleagues and I have introduced this legislation in the hopes that we can prevent future crimes committed by individuals who are, essentially, tourists.

Current Federal law requires that legal aliens live in a State for a least 90 days before purchasing a firearm. I applaud the President's recent directive which strengthens the law by mandating that legal aliens must produce a photo ID and documentation to prove they have been in country for at least 3 months before purchasing a weapon. However, I fail to understand why a nonpermanent resident alien should be allowed to own a gun under any circumstances.

The Lowey-Engel-McCarthy legislation is very simple. If you are not a permanent resident of our Nation you quite simply should not be allowed to buy a gun. We must have strong comprehensive Federal legislation which prevents tourists from visiting our country to hunt down our citizens. The Empire State Building gunman was able to slip through the cracks of a system which does not adequately address the problem of violent criminal aliens. It now falls to us to ensure that our citizens are protected from violent predators who seek to abuse the laws of our Nation in order to harm law-abiding citizens.

DEFINING DEVIANCY, UP AND DOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, we just took a vote on the Ten Commandments and a controversy that is occurring in Alabama. I heard ridicule from a lot of Members saying, gee, is this the only thing that the House of Representatives can do? This is a trivial little matter. It is something that just does not really make a big difference.

But I am here to tell the Members that I think it is an extremely important thing we just voted on. If nothing else, it shows there are a group of us that are ready to say enough is enough to the radicalism of the past 30 years. It has created a valueless void that I believe has torn down our civilization.

To reject the radicalism of the past 30 years, the first thing we have to do is recognize what has happened. We have had what has been called by many, defining deviancy down and defining deviancy up. To define deviancy up, what you do is try to make conventional behavior seem radical and radical behavior seem conventional, so just putting the Ten Commandments of God up on the wall in a courtroom in the United States of America is suddenly a radical, dangerous concept.

But, Mr. Speaker, I would say to these ACLU members and to other Americans that would call that a radical notion, I would say to them, read the writings of James Madison. He, after all, is the father of the Constitution that these radicals claim to be protecting.

As he was drafting the Constitution, James Madison, the father of the Constitution, wrote:

> We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of Americans to govern themselves, control themselves, and sustain themselves according to the Ten Commandments of God.

How can they claim that the Ten Commandments are a radical part of our heritage, and how can they claim that they must strip the Ten Commandments from public life to protect the Constitution, when the father of the Constitution and the fourth President of the United States of America said that American civilization's future is based upon this, as we are drafting the Constitution?

How could they say that when the father of our country, George Washington, in his farewell address, speaking to a young America, said: It is impossible to govern this country or any country in the world rightly without a belief in God and the Ten Commandments. How could they say it?

How could they say that a judge in the State of Alabama or in California or in Massachusetts has absolutely no right to decide whether the Ten Commandments goes on the wall, when our Framers said it was an issue that States could address?

We had Justice Joseph Story, who wrote one of the first commentaries on the Constitution for a sitting justice of the Supreme Court. He wrote that:

> The whole power over the subject of religion is left exclusively to the State governments, to be acted upon according to their own sense of justice and the State Constitutions.

Thomas Jefferson wrote the same, saying that the 1st amendment and the 10th amendment combined left matters regarding religion to the States. Jefferson wrote, "Certainly no power to prescribe any religious exercise or to assume the authority in any religious discipline has been delegated to the general government." It must, then, rest with the States.

I am sure many people, including some on the school board in my hometown, would consider radical the words of Abraham Lincoln if he said these words in our school system, where in my hometown a political set of guidelines has driven any mention of faith from the schools.

What would these radicals say to Abraham Lincoln's 1863 proclamation, while President:

> We have grown in numbers, wealth, and power as no other Nation has ever grown, but we have forgotten God. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.

Is that radical? Were the words of Madison, the father of our Constitution, radical? Were the words of Washington radical? If so, Mr. Speaker, I admit, maybe some of us today are considered radical. We have to reverse what happened in 1947 with Everson, and rewrite what has happened.

ECONOMIC EQUITY FOR WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 60 minutes as the designee of the majority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my pleasure to introduce a special order that my colleague, the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON and I are cohosting for the Congressional Caucus for Women's Issues. We are the cochairs of the Congressional Caucus for Women's Issues, a bipartisan organization of the women Members of Congress, and in recognition of Women's History Month, we are holding a series of four special orders on four different subjects of great concern for women.

Today we turn to the issue of economic equity. I am going to start by talking about the contributions of women during Women's History Month in the area of our economy in today's world.

Women today are making an extraordinarily valuable contribution to all sectors of our economy, and in particular, to the dynamic growth of small businesses. Women are opening new businesses at twice the rate of men. Over one-third of all U.S. firms are women-owned businesses. These firms employ one of every four U.S. workers, and between 1987 and 1996, the growth of women-owned firms outpaced overall growth of U.S. firms by nearly two to one.

Women at all economic levels benefit from this dynamic growth. Women-owned entrepreneurial companies are providing women with more leadership and management experience than they have had access to in larger corporations. These companies are leading the way in providing new benefits to employees, like more flexible work arrangements, tuition reimbursement, and profit-sharing. The likelihood of enjoying those benefits is far greater if you work for a woman-owned business.

What is driving this explosion of entrepreneurial enterprise by women? Not the need to integrate work and child care, but the desire and determination to control their destiny. Most do not work out of their homes to care for their children. In fact, it will surprise the Members to know that women with home-based businesses are no more likely to have children at home than are other women entrepreneurs. Most establish their business because they want to control their lives and control that balance between work and family responsibilities that is at the heart of satisfaction.

Current estimates put the number of woman-owned firms at 8 million businesses, contributing more than $2.38 trillion in annual revenues to our economy. In Connecticut, over 80,000 women-owned business firms account for 30 percent of all firms in the State. Employment growth in women-owned businesses exceeds the national average in nearly every region of the country and nearly every major industry. Employment in women-owned firms rose by more than 100 percent from 1987 to 1992, compared to 38 percent for all firms. Women-owned firms employ a total of 18.5 million workers. The number of women-owned businesses is increasing in every State.

The top growth industries for women-owned businesses are diverse: construction, wholesale trade, transportation, communications, agri-business, and manufacturing.

In addition to their dynamic growth, women have proven to be good business managers and are more likely to remain in business than the average U.S. firm. Nearly three-fourths of women-owned businesses operating in 1991 were still in business 3 years later, compared to two-thirds of all U.S. firms in the same period.

Women-owned businesses are also contributing to our global economy. As of 1992, and these are rather old figures, they are far better now, but these are the most recent we can count on, 13 percent of U.S. women-owned firms were involved in international trade. Globally, women-owned firms typically comprise one-fourth to one-third of the business population.

To what do we attribute this success? Of course, to women's creativity, determination, and willingness to work hard, but we as the Nation's leaders are also a reason for these phenomenal statistics. Government-developed programs, along with a growing base of successful women business leaders to serve as mentors and role models are making a difference. As an example, the Small Business Administration Loans Program made loans to women in fiscal 1995 that accounted for 24 percent of the total loans made and 18 percent of the loan dollars loaned.

In particular, the SBA Microloan Demonstration Program awarded 43 percent of their loans to women. These loans averaged $10,000 and are critical to budding businesses. One program in the SBA's Office of Women Business Ownership provides business skills training, counseling, mentoring, education, and outreach to America's women entrepreneurs. Since its inception in 1988, more than 60,000 women have benefited from this program through 54 nonprofit business centers in 28 States Nationwide.

Using Federal funds as seed money, business centers, after a 3-year period, must become self-sufficient. More than 35 centers are now entirely self-sufficient, and they are examples of true economic development, job-producing organizations that increase earning potential and are developing a large pool of skilled entrepreneurs.

Last year I introduced the Women's Business Training Centers Act of 1996 that would authorize this SBA Program to become permanent and increase its funding. I will be introducing that same legislation this year.

Other contributors to the growth of women-owned businesses include the Federal Acquisition Streamlining Act of 1994 which establishes a 5-percent government-wide procurement goal for women-owned businesses, and the Women's Requalification Loan Program which enables the SBA to prequalify a loan guarantee for a woman business owner before she goes to the bank.

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Through these programs we have nurtured a dynamic resource for national economic growth. We need to continue that effort. There is more work to be done. Because despite their positive achievement, there are still areas of concern for women in business. These include the need for expanded access to capital, increased participation in Federal and private procurement markets, better access to training and technical support, greater access to affordable health care plans, a broader knowledge base about women-owned businesses. Women-owned businesses have become a key component of our national economic growth. And I know this body is going to be interested in and willing to support growth initiatives that the caucus will bring to our attention in the months ahead.

It is now my great privilege and pleasure to yield to the gentlewoman from the District of Columbia [Ms. NORTON], a woman of great leadership, enormous determination, passion, and intelligence.

Ms. NORTON. I thank the gentlewoman for yielding to me, for her kind words, for her very hard work on behalf of women, for her bipartisanship and for her great intelligence and energy in this body. It is a great pleasure to commemorate Women's History Month, as a partner with my co-chair of the Congressional Women's Caucus.

This is the 20th year of the Congressional Women's Caucus, so Women's History Month this year means something very special to the 53 Members, who are women in the House of Representatives. It is a special enough occasion so that tomorrow the women Members will be going to the White House at 5:00 p.m. in order to commemorate its 20th anniversary with the President of the United States.

I want to indicate before I begin, Mr. Speaker, that my co-chair and I are only beginning this series. The second week of this series for Women's History Month will concern women in the military. That is an issue of great importance to the Women's Caucus this year, particularly considering the sexual harassment and sexual assault charges that have arisen at Aberdeen and other places.

The third week of March, the subject will be women's health. That is a very special matter for this caucus, since, I believe it is fair to say, the caucus can take much of the credit for advances that have come from this body on the issue of women's health. The gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from New York [Ms. SLAUGHTER] will lead us the third week of March on women's health. But where the gentlewoman from Connecticut and I begin is perhaps the place to begin this year discussing women and economic equity. The emergence of women in the workplace puts a burden on this body and on the American people to absorb this very large group with fairness and equity and equality.

The new woman is a woman who works. She is often a woman with children working part time. She is often a woman who works only after her children are in school. But it will be a rare woman of the coming generation that has not spent some time in the work force.

Last year, April 11, the President declared National Pay Inequality Awareness Day. That was the day on which a number of bills to encourage greater fairness toward women in the workplace were introduced. The reason April 11 was chosen last year is that was the day on which American women's wages for 1996, when added to their entire 1995 earnings, finally equaled what men earned in 1995 alone. This year I will be introducing the Fair Pay Act on that day. That is a bill I have introduced before and will introduce until there is more substantial progress for women in the workplace.

I also support a bill that has been introduced in the Senate entitled the Paycheck Fairness Act. The Paycheck Fairness Act will be introduced here in the House, and I intend to be a cosponsor. It is a far milder bill than the bill that I have written, the Fair Pay Act, and, therefore, it is a bill that I would hope most Members could embrace.

It will require greater penalties for violators of the Equal Pay Act. It will require the Equal Employment Opportunity Commission to maintain payroll records by race, sex, and national origin even as it now maintains these records with respect to other terms and conditions of employment. And it will require the EEOC to train its employees in wage discrimination.

This bill is necessary because the notion of equal pay for equal work, embraced by virtually everyone in this body, is not getting the attention by the Equal Employment Opportunity Commission it should get today, and there has been a decline in the number of cases. We think that the Paycheck Fairness Act and what it would encourage will increase vigilance under the Equal Pay Act.

Mr. Speaker, I was the Chair of the Equal Employment Opportunity Commission during the Carter administration. As such, I enforced the Equal Pay Act and the other discrimination laws, including those that relate to pay. Out of that experience, it has become clear to me that we need the Equal Pay Act to be amended to do for women in the 1990's what the Equal Pay Act did for women in the 1960's.

The Equal Pay Act has been one of the most successful bills or one of the most successful pieces of legislation designed to offer equal opportunity ever passed by the Congress. It has in fact helped to narrow the gap between men and women in pay. But no one would stand in the well of the House and say, it has done its work or that it is as effective as this statute, the Equal Pay Act, could in fact be. Progress has been made but a great deal of that progress is sadly illusory.

Women's wages have now gone from 62 cents on a man's dollar, as was the case in 1982, to 71 cents on a man's dollar today. The problem with that progress is that it does not reflect straightaway progress for the average woman in the work force. The new presence of highly educated women in entry level positions accounts for part of that progress. But sadly, part of that progress simply shows up because men's wages have fallen so precipitously.

Why then is there a wage gap today? The wage gap persists largely because most women are still segregated in a few low paying women's occupations, pure and simple. If you got the opportunity to go to law school or business school or medical school, you are not among those women. But the fact is that the average woman makes about $14,000 a year, and that is because she works below her skill level in a women's occupation.

These occupations have stereotyped wages. They do not in fact pay in equivalency what a man would get in a job of equal skill effort, responsibility and working conditions.

The jobs may be dissimilar, but why should the pay be different if the skill, effort, responsibility and working conditions are the same?

For example, would anyone like to indicate to me why an emergency services operator, a female, dominated-occupation, should be paid less than a fire dispatcher, a male, dominated-occupation? There is no defensible reason for the disparity in their wages, but there is an easily ascertainable reason. And that is clearly that the wage scales have built in the fact of gender in the occupation. That is a problem that pervades the work force and pay levels.

My bill, the Fair Pay Act, would simply require that in the same workplace an employer pay men and women who are doing jobs of equivalent skill, effort, responsibility and working conditions the same, even if the jobs are not exactly the same.

This bill poses no threat to the way in which employers do business or the way in which our economy operates. The burden would be on the woman to show that her wage, the difference in her wage, for example, between the fire dispatcher and the emergency services operator, is not because of market conditions and supply and demand, but the burden would be on her to show that the reason for the disparity is discrimination based on sex. I am the first to indicate that not all women will be able to show that they earn less money than men in a comparable occupation because of gender discrimination. All my bill does is to allow those women who do the opportunity to show that they in fact are paid less than men because of their gender.

By now it is a truism that the decline in men's wages and the decline in the standard of living over a couple of decades as well have made work a necessity for the average husband-wife family. The growth in female heads of household, the return now or the entry now of welfare clients into the work force means that we must redouble our effort to make sure that women are paid what they are worth in the workplace.

The Fair Pay Act takes up where the Equal Pay Act leaves off. We have already seen in at least a half dozen States, from the State of Washington to the State of Connecticut, that one can enforce comparable pay discrimination without upsetting the economy of a State, for the State employment systems in those States have done exactly that.

To illustrate the currency of the issue of equal pay and comparable pay, let me finally cite the case of Marianne Stanley. Marianne Stanley is now coaching at Stanford. The sports aficionados will, of course, recognize who Marianne Stanley is. She was known especially for her work as head coach at Old Dominion, where she had a winning percentage of 351 to 146 during her stay there. The school won the AIAW titles in 1979 and 1990 and added an NCAA title in 1985 to her credits.

Until this season, by the way, when Tennessee's Pat Summit won her fourth national title, Stanley and Summit were tied for the most national women's basketball titles. Marianne Stanley has now brought an Equal Pay Act suit.

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She brought that suit when she left Old Dominion, and she became head coach at USC, and she was there from 1990 to 1993. She was considered a national treasure, and led USC to the final eight of the NCAA tournament in 1992. Her teams, her Trojan teams, reached the NCAA tournament in each of her final 3 years there. This woman is a winner.

But she was fired following the 1992 season, reportedly because of a dispute with her athletic director over not receiving a salary equal to the salary that men's coaches were paid. She brought a lawsuit. That lawsuit is now on appeal.

Here is a woman who has broken through as coach in a sport where women got scant attention until recently, but as everyone knows, women's basketball is the coming sport, and here we have a champion in her own right who goes on to be a champion coach.

All I can say, without knowing the outcome of the suit that is on appeal, is that she was not paid the same as men's coaches. I do not think that one who won games the way she did should be subject to less pay than men's coaches who, by the way, had not, so far as I understand, won or had the championships as she had.

Equal pay and comparable pay issues abound in the workplace. This is the month to remind Americans of that. Too often we use commemorations like Women's History Month to congratulate ourselves for commemorating the fact of such a month. We must use these occasions to remind ourselves that there is work to do, and to then put that work forward.

My cochair has indicated that she will be using this month to introduce her bills. I will be using this month to introduce bills designed to help women. I hope that women in the caucus and our many colleagues throughout the Congress will use Women's History Month to focus on doing something for women that will have an effect on increasing their opportunities in the work force.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentlewoman from the District of Columbia, and we have next the gentlewoman from Texas, KAY GRANGER. This is Congresswoman GRANGER's first term as a Member of the House of Representatives. She was the distinguished and successful mayor of Fort Worth, TX.

Ms. GRANGER. Mr. Speaker, I am pleased to join my colleagues today in discussing the need for this Congress to help America's working women. It is particularly appropriate that the Women's Caucus is launching our weekly special orders by focusing on jobs and the workplace.

Today more than ever working women are no longer the exception, they are the rule. America's working women are redefining the workplace as we know it. Today women own nearly 6.5 million companies. That is one-third of all the businesses in America. By the year 2000 women will own 40 percent of America's businesses.

So it is vitally important that this Congress address the issues and the interests of this very growing segment of our economy. It is becoming increasingly clear that women's issues are economic issues. Jobs, taxes, and economic growth are the concerns of today's women.

Female entrepreneurs are here to stay. And while Washington cannot create wealth, we must at least ask our government to follow the first principle of the Hippocratic oath: Do no harm.

Government taxation and regulation and litigation hold back our working women. Government taxes prevent female employers and employees from keeping more of their hard-earned money, money needed for furthering their education, expanding their businesses and caring for their families. Today's taxes consume more family income than they spend on food, education, or shelter.

We need to make our tax system flatter and fairer so that our women do not have to work almost half the year to foot Government cost. Likewise, Government rules on litigation subject our small businesswomen to needless time and expense. Let us let our working women spend more time in the boardroom and less time in the courtroom through legal reform.

Mr. Speaker, today's working women are the pioneers of tomorrow. As they struggle to create new jobs, growth, and opportunity, let us make our Government work for our working women.

I would like to point out that many women work full time not only at the office but also in the home. In our efforts to enhance and encourage the careers of our women, I am afraid we have sometimes lost sight of the fact that many of our working women are also working mothers. These working mothers need the opportunity to balance their schedules between work and home. After all, meetings with our children are just as important as meetings with our staff.

As a working mother of three, I understand there is no price tag on time with our loved ones. As a former mayor, I learned that comp time works in the public sector. Let us help our working women by giving workers in the private sector the same choice.

Mr. Speaker, the working women of America are essential to ensuring that our Nation continues on a path of economic growth and personal responsibility. I urge my colleagues to support measures which promote and protect the dual role of America's women as leaders at the office and leaders in the home.

GENERAL LEAVE

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent for the right to have written statements included in this special order from the gentlewoman from Indiana, JULIA CARSON, the gentlewoman from New York, SUE KELLY, and the gentlewoman from Maryland, CONSTANCE MORELLA, who have asked to submit such statements, as well as all Members.

I would also like to recognize the intention of a number of other women to participate in this special order; and while they have been detained, the gentlewoman from Florida, CORRINE BROWN, the gentlewoman from Texas, EDDIE BERNICE JOHNSON, the gentlewoman from California, ZOE LOFGREN, and the gentlewoman from New York, CAROLYN MALONEY, had intended to participate, thinking that this would be earlier.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield once again to my colleague, Congresswoman NORTON.

Ms. NORTON. Well, Mr. Speaker, I thank the gentlewoman for reading off names of Members who may want to now place matters into the RECORD. I believe she also read JULIA CARSON and KAY GRANGER. If not, I want to be sure their names were included. I am certain that there are perhaps even more Members who will want to add statements to the RECORD.

I thank the gentlewoman for acquiring this time and for sharing it with me.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in celebration of Women's History Month and would like to call special attention to the progress U.S. women have made in the workforce.

Women have made inroads into spheres formerly dominated by men. For example, the number of female managers jumped from 19 percent in the 1970's to 43 percent by the middle of the 1990's. By 1993, women earned a majority of all college degrees. Black women far exceeded their male counterparts, earning 63 percent of bachelor's degrees.

Unfortunately, these significant gains in the public arenas of school and workplace are matched by some sobering trends. Women and children are more likely to be living in poverty than men. Among the elderly, women's likelihood of being poor is twice that of men of the same age.

Under the new welfare reform law, poor and minority women will disproportionately suffer the impact of this legislation. For example, under the new law, unmarried women who have children while on welfare can be denied additional benefits for those children. With out-of-wedlock birth rates highest among blacks and Hispanics, this restriction will disproportionately affect poor minority children. In addition, the new law will exclude many immigrant mothers and their children from receiving food stamps.

In spite of these grim facts, I believe that women will achieve greater economic equity in the future. The movement toward greater equality in work and family roles can only be achieved over the long run by the succession of generations. Each generation must become more committed to equality than the last.

Mrs. MORELLA. Mr. Speaker, I rise in celebration of Women's History Month and in tribute to the many women who, through the ages, dared to challenge injustice and discrimination in the workplace. It is the tireless work of those leaders who came before us that allow women to enjoy the benefits of the nineties. However, as we all know, those long distance runners for equality and social justice have not completed their course. During Women's History Month, we pause to reflect what we have accomplished in the past, and the work we must do for the future.

Women have made great strides in education and in the workforce. The majority of undergraduate and master's degrees are awarded to women, and 40 percent of all doctorates are earned by women. More than 7.7 million businesses in the United States are owned and operated by women. These businesses employ 15.5 million people, about 35 percent more than the Fortune 500 companies worldwide. And women are running for elected offices in record numbers. When I first came to the House in 1987, there were 26 women in the House and 2 in the Senate. In 1997, there are 53 women serving in the House, and 9 in the Senate.

While many doors to employment and educational opportunity have opened for women, they still get paid less than men for the same work. Full-time, year-round working women earned only 72 cents for each dollar a man earned in 1994. College-educated women earned $11,000 less per year than college-educated men. College-educated women earned only $2,000 more per year than white men who hold a high school diploma.

Although women are and continue to be the majority of new entrants into the workplace, they continue to be clustered in low-skilled, low-paying jobs. Part-time and temporary workers, the majority of whom are women, are among the most vulnerable of all workers. They receive lower pay, fewer or no benefits, and little if any job security.

Last year's Economic Equity Act, which I introduced along with my colleagues on the Congressional Caucus for Women's Issues, placed new emphasis on the economic impact of domestic violence. We are only beginning to understand the impact of domestic violence on American businesses. Domestic violence follows many women to work—13,000 attacks each year—threatening their lives and the lives of coworkers and resulting in lost productivity for their companies.

The economic problems of the elderly affect women in disproportionate numbers because women tend to have lower pensions and Social Security benefits than men. Pension policies have not accommodated women in their traditional role as family caregivers. Women move in and out of the workforce more frequently when family needs arise making it more difficult for them to accrue pension credit. Many must rely on inadequate Social Security earnings during their retirement years.

Last Congress, however, we passed the Homemaker IRA, which is a milestone in the struggle to achieve pension equity for women. Before the Homemaker IRA, women, and men, who worked at home as family caregivers could only contribute $250 to an Individual Retirement Account [IRA]. This legislation ended the discrimination that many women face when they choose to stay at home and take care of their children. Allowing nonworking spouses to make full IRA contributions of $2,000, just as their working spouses do, will help homemakers save for their retirement years.

Mr. Speaker, celebrating Women's History Month highlights the accomplishments of women and the need to open new doors in the future. But this special month would be meaningless if women's needs are forgotten during the rest of the year. We must continue to increase the workplace opportunities for women, which will benefit all Americans as we face the economic challenges of the 21st century.

CHILDREN'S ONLY HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am here today to once again talk about the need for Congress to pass a children's only health care bill and the Republicans' continued refusal to let this Democratic plan move forward.

Again we are here in the middle of another week, in the third month of the 105th Congress, and the Republicans basically have nothing to do. Ten million American children have no health insurance, yet day after day after day the Republican leadership schedules no real business for the House of Representatives to consider.

Yesterday was a perfect example of just how little the Republicans have to do. Even though Democrats have legislative plans to provide health care to the Nation's 10 million uninsured children ready for consideration, the Republican leadership decided it was more important to debate a symbolic measure about the Ten Commandments.

Let me repeat that, Mr. Speaker, because it is really kind of unbelievable when one thinks about it. Instead of allowing legislative plans to ensure that all American children have health insurance to be considered, the House Republican leadership felt it was more important to consider a symbolic measure on how Congress feels about the display of the Ten Commandments in Government offices and courthouses.

The point is that children's health care, pure and simple, is something that needs to be addressed. The problem of uninsured children continues to grow as Congress watches from the sidelines. Indeed, last week I was joined by colleagues, some from New York, to discuss a report released by the New York City public advocate, Mark Green, that found a disturbing rise in the number of uninsured children in New York City.

As congressional Republicans continue to prevent the Federal Government from taking action to confront this problem, what is happening, essentially, is that various States around the country are trying to make some progress on the issue. An excellent example of such action was just published in an article about the action the State of Massachusetts has taken to implement a children's only health plan. This was in the New York Times on Friday.

I am pleased today to talk a little bit about that, because I think that the Massachusetts children's medical security plan, which is the name that is given to this proposal, is basically a good plan, designed to insure children whose parents earn too much money to qualify for Medicaid coverage but still cannot afford to purchase health care for their kids.

We have been through this before. If the family is eligible for Medicaid, then they have health insurance coverage. But we have a lot of people, working people, people that are on the job, in many cases both parents working at separate jobs, who do not get health insurance through their employer. They are not eligible for Medicaid because their income is not low enough, and so they simply go without health insurance for their children because they cannot afford to pay a premium that they would have to obtain privately or through some other means.

So basically what Massachusetts did was to try to come up with a plan to deal with those individuals who were above the income level for the Medicaid threshold but still do not get health insurance on the job for their children or who cannot afford to pay for health insurance privately.

The article in the New York Times details some individuals. For example, Mark Leary, of Lawrence, MA, was able to take his 3-year-old daughter to doctors to receive treatment for an ear infection even though the supermarket he works for does not offer health insurance.

It also talks about another individual, Paula Lincoln of Rockland, MA, who was able to still bring her children in to the doctor for checkups after she lost her teaching job.

It mentions another self-employed person, Elaine Choquette of Blackstone, MA, who uses the program to pay to bring her two sons to the doctors as well. Miss Choquette was quoted as saying, "I pay my taxes, and I never thought of it being anything compared to welfare."

This is not a welfare program. This is a program in the State of Massachusetts for working people. The program in Massachusetts is very much like many of the proposals that Democrats here in Congress have developed. Most of the programs awaiting consideration are like the Massachusetts program. They are designed to help hard working parents who make too much money to qualify for Medicaid yet still cannot afford health insurance for their kids.

The really big difference between the Massachusetts program and the various Federal programs awaiting consideration is that theirs has been enacted. In other words, the Massachusetts Legislature actually considers and passes legislation in response to societal challenges, and the Republican-controlled 105th Congress clearly does not.

The New York Times article on the Massachusetts plan reports that Representative BILL THOMAS, the California Republican who heads the Subcommittee on Health of the Committee on Ways and Means, said in early February that he would soon hold hearings to get a sense of the scope of the problem of kids not having health insurance. But it is now March, and although we have debated the merits of hanging the Ten Commandments on the wall of Government buildings, I have yet to see a hearing on the issue held or a legislative plan examined.

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Again, every day the Republicans waste is another day that parents have to endure the reality of being unable to take their children to the doctor. This is no small price to pay.

I have to say that the Massachusetts State Health notes that while uninsured children had always had access to emergency treatment, the State's health plan now allows parents to bring their children in for routine medical visits, check on immunizations, and tests for lead poisoning.

One of the points that we have been trying to make during this debate on kids' health insurance is that it may very well be that in some cases, perhaps even in most cases when an uninsured child gets really sick, that they end up going to the emergency room and they get some type of care. But that is not the way the health system should operate. They need preventative care. They need vaccinations. They need to go to the doctor for routine checkups. We do not want a situation where the only time children get any kind of medical treatment is if they really get ill and they have to go to the emergency room.

It is my hope that the Republicans will recognize that while we seek to enable children to receive treatment, the matter itself is not routine. This is an urgent matter. Any kind of obstructionism on the issue of kids' health insurance I believe is really callous, and the Democrats, of course, continue to articulate and move forward with various plans that both the President and other of my Democratic colleagues have put forward.

I just wanted to talk a little about some of the things that Massachusetts does to give an idea of how this would actually work.

Again in Massachusetts, very similar to what happened here at the Federal level, there was an effort a few years ago to try to come up with a universal health care system where the State would basically provide health care or health insurance, I should say, for everyone. But in the same way that we were not able to accomplish that on a Federal level, the effort instead began to focus sort of in a piecemeal fashion on what elements of the uninsured could be insured effectively and at a reasonably affordable price.

One of the points that we keep making, those of us who would like to see kids' health insurance enacted, is that it is very affordable. It does not cost a lot of money to provide health insurance for kids. And we are talking about 10 million children right now that do not have health insurance. If you look at it in the spectrum of things, it is relatively cheap to provide insurance for them.

Basically, Massachusetts recognized this. They figured that if they could not move for health insurance for everyone, at least they could move for health insurance for children. Just to give some idea of how they did it, they expanded both their Medicaid program and the Children's Medical Security Plan, which was a State plan they had in effect beginning in 1993. Medicaid paid for a significant part with Federal dollars but now covers everyone up to 133 percent of the poverty level or all families of four with incomes up to $20,748 a year.

So what they did is they expanded Medicaid so that it covered a little higher income level, 133 percent of the poverty level, for families of four with incomes up to $20,748 a year. But then they have this supplemental plan, the Children's Medical Security Plan, which provides a somewhat less generous package, if you will, than Medicaid, more limited mental health and prescription drugs; but for families with incomes of less than $31,200 a year, 200 percent of poverty, the coverage is free, and they have a copayment of $1 per doctor's visit.

So now we are getting up to people, families at the 200 percent of poverty level. For families with incomes of $31,200 to $62,400, the charge is $10.50 per child per month, and the copayment is $3. And above that level, the charges are $52.50 a month and $5 a visit.

So essentially what they are doing here is, on a sliding scale, making it possible for people at these higher income levels, they are not terribly high income levels, but at higher income levels would still be able to opt into this program. It is a way to guarantee that every child who does not have health insurance now would be able to take advantage of this program.

Ultimately, no child would be ineligible for this type of program unless the parents, on their own, voluntarily decided that they did not want to participate in it. Everyone would be eligible on a sliding scale up to any income level.

The program is administered for the State by the John Hancock Mutual Life Insurance Company at a charge of $10.50 a month for each child, and it allows parents to take their children to any doctor in the State. So again you have complete choice in terms of where you go to the doctor or the hospital.

Again the reason why this is so successful is essentially because of what it means for preventative care. In the article in the New York Times there is a Dr. Robert Sorrenti, a pediatrician who is a vice president of John Hancock, and he said that the sort of routine treatment, regular doctor visits, vaccinations, the preventative type care, was often avoided by parents who were short of money, but 90 percent of the registered children in this program are now seeing a doctor on a regular basis for preventative purposes.

In Massachusetts, approximately 150,000 uninsured children, about 60,000, will be covered through the expanded Medicaid program that Massachusetts now offers, and they expect that the expanded Children's Medical Security Plan program would reach 40,000 to 60,000 more children. It has enrolled about 7,000 more children since the expansion took effect in November.

So if you are taking that full range of 150,000 uninsured children, between the 60,000 covered by Medicaid and possibly another 60,000 that would be covered under this supplemental insurance program, you can see how you are getting very close, really, to almost 100 percent of the uninsured children that would be covered by the plan.

Of course, the real key is what we are going to do on the Federal level. Obviously, it is very good for States like New York and Massachusetts and others to experiment and to come up with different ways of trying to provide health insurance for children, but the problem will not be addressed on a universal basis on the Federal level unless this Congress takes up the issue.

I myself and many of my colleagues are determined that we will continue to raise the issue, we will continue to point out the problem of the uninsured and how many children there are out there until the Republican leadership and our colleagues on the other side decide to finally bring this up, give it a hearing, bring the legislation to the floor, and move toward making sure that every child in this Nation has the opportunity to have health insurance. In the long run if we do not do this, the negative impact not only on our children but on our Nation as a whole, I think, could be catastrophic because the numbers of the uninsured continue to increase on a regular basis.

THE FEDERAL BUDGET AND THE BUDGET PROCESS

The SPEAKER pro tempore (Mr. McINNIS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, what I wanted to talk about a little bit is the budget and the budget process, the situation that we are in, because recently the Senate Democrats voted down the balanced budget amendment. All the balanced budget amendment really said is that the Congress of the United States and the President would each year pass a budget that was balanced. No mystery to it, Mr. Speaker. All it meant was whatever we bring in, that is what we spend. I would love to see us spend less than what we bring in. I would certainly settle right now to say just, "You don't spend more than you bring in." But I guess the President and the Senate thought that was too controversial of a concept for us to pass a balanced budget so they voted it down and great for them.

What is the situation that we are in right now? Well, for the children of America, I have got four kids and I know the Speaker has a large family, also. We are concerned about our children and their future. What will this leave for the kids? Today our national debt is $5.1 trillion. We have not had a balanced budget since 1969. If we look at that in terms of what it will mean to kids, kids who are graduating from school and going to work today will have a higher tax burden than any other graduating class in the history of the United States of America. They will have higher interest rates as a result of a budget that is not balanced, and they will have less job opportunities.

Now, if we would balance the budget and pass a balanced budget, they are two different things. Passing the balanced budget amendment would ensure to the children in the future that we would not get in this huge deficit situation year after year again, and it would also say that we would have no more deficits and we would start paying down the national debt.

Currently, Mr. Speaker, the interest on the national debt, I think, is at $231 billion each year. That is around $20 billion a month, give or take, because the interest rates change. I do not know what the annual budget is for the State of Colorado but I know that Colorado is a little bit smaller than the State of Georgia. The State of Georgia has a budget of about $11 billion a year. So for Georgia, we have a budget of $11 billion a year and we are paying $20 billion each month in interest on the national debt.

We have obviously got to get this under control. Our children, Mr. Speaker, are paying higher interest rates and higher taxes as a result of this massive debt.

I have with me the gentleman from Arizona [Mr. HAYWORTH] who has been a leader on the Committee on Ways and Means trying to put some sanity in our tax policies and we want to talk about the IRS and taxes in a minute, but right now let me yield to the gentleman on the balanced budget and the need for it.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia for yielding.

I have listened with great interest to so many points of view, but one thing, Mr. Speaker, that comes through loudly and clearly from the American people is the notion that we must move to put our fiscal house in order. Regrettably administrations of both parties, and indeed this institution in previous years have failed to live up to the responsibility that every American family must follow, and, that is, to live within our means. It is an exercise every family practices sitting around the kitchen table. When families are outspending their rate of income, they have to make changes.

What we talk about here is not shrouded by mysteries of micro or macro economics. There are no hidden agendas or anything that should stunt or scare us as a people. No, simply what we must do is live within our means. As my colleague from Georgia pointed out, many of the respective State constitutions in this union of 50 sovereign States mandate that those States operate within the parameters of a balanced budget. Indeed, it is unconstitutional according to those State constitutions for those States to do otherwise.

What we are saying is that that measure of fiscal sanity, simply living within our means, be done here at the Federal level. It has been 28 years since Congress, working with the President, has balanced the budget.

Mr. KINGSTON. Let us talk about 1969 for a minute. In 1969, Jimi Hendrix was probably coming out with "Are You Experienced?" That was his album. The Beatles, I think, were coming out with the White Album. They had just probably found Paul. There was the "Is Paul Dead/I Am the Walrus" debate with the Beatles. The Beatles had not broken up yet. Elvis was making his comeback. Elvis was still alive and doing fine in Graceland and all over America. Neil Armstrong was about to walk on the Moon in July 1969. Richard Nixon was in the White House and serving his first term in the White House. Nineteen sixty-nine. That is when we are talking about we had the last balanced budget.

This is absurd. This is the United States of America. This is not the value system that you and I were raised with that says Congress could go on spending money, more than it brings in year after year and do what I call the kids' tax.

Now, the way the kids' tax works is a real popular tax in Washington. That is when we in Congress spend more money than we are bringing in on new programs to get us reelected and we send the bill to the kids. It is the equivalent of going out to eat and having a big time on the town and on the way out the door the man says, "Your bill comes to $78."

You say, "Don't worry about it. Send it to my 4-year-old 20 years from now. He'll pick up the tab." It is the kids' tax and that is what we have gotten comfortable with since 1969 passing on the debt to the children of America.

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Mr. HAYWORTH. In addition, as my colleague from Georgia points out, Mr. Speaker, in the process what we have done is something that is remarkably reckless and fundamentally unhelpful and unhealthful to generations yet to come, to generations who have yet to exercise their franchise as voters, to young people who have no voice at the ballot box, and it is this:

What I hold here in my hand, Mr. Speaker, is the voting card given to me as a Member of Congress, and, Mr. Speaker, some folks around this institution, in an effort I suppose to laugh to keep from crying, have taken to calling this card the world's most expensive credit card, and there is a reason for that nickname for this card. It is because when I received this copy, it came with a debt of $5 trillion, and to put that on our children is one of the greatest tragedies and one of the greatest derelictions of duty that this, the world's greatest deliberative body, could fail to act on.

And of course we are indebted to our President, to his own budgeteers who a couple of years ago in laying out the administration's budget offered a page in their preamble to those numbers called generational accounting, where the President asked his budgeteers to try to calculate for the next generation of taxpayers, Mr. Speaker, for kids like John Michael Hayworth who is now 3 years old, 25 years from now when he enters the working world, by that time at age 28 moving toward what we hope is a steadily increasing paycheck, heading toward his prime as a working adult. The President's own budgeteers, forecasting what those average taxpayers would have to surrender a quarter of a century hence, found these disturbing numbers. The President's own budgeteers tell us that if we do nothing to change the rate of spending in Washington, DC, if we fail to balance it—

Mr. KINGSTON. If the gentleman would yield.

Mr. HAYWORTH. If we fail to balance the budget, that generation of taxpayers would have to surrender in excess of 80 percent of their incomes.

I would gladly yield.

Mr. KINGSTON. I want to make sure that you understand. You are talking about your child and my child, and any parent out here in America hearing this should pay attention. Children will be having to pay an 80 to 83-percent tax rate just to sustain the current level of goods and services.

Now here is a summary of the Clinton budget. I hope that we can get this on camera for the folks back home, but one thing that is interesting is after the administration torpedoed the balanced budget amendment in the Senate, then they said we do not need the amendment to balance the budget. They introduced a bill that they call the balanced budget, and in a year, if the gentleman can read this, I am not sure that he can, but in the year 2002 we would have a deficit of $69 billion. So there is nothing balanced about the Clinton budget.

Mr. HAYWORTH. And the other disturbing fact about this, and first of all let us thank the President for putting a budget on the table as a starting point, but there is a long way to go, the other disturbing fact about this, Mr. Speaker, is that 98 percent of the cost savings, 98 percent of the hard work would have to come in the final 2 years of that cycle.

Now, Mr. Speaker and my colleagues, I can put this into everyday language in terms of going on a diet. I think it is safe to say that people can take a look at me and, as the attorneys would say, there is a preponderance of physical evidence to indicate that I need to change my eating habits, I have to slim down; I would be the first to admit that. But you do not slim down by losing maybe a gram a week, or saying you are going to lose 50 pounds and saying you are going to lose a gram a week for 4 years time, and then in the final 2 weeks of the diet lose 48 pounds or 49 pounds to get to that level of loss.

It does not work that way, and I insist even as we try to tighten our belts, so to speak, and act in a fiscally responsible way to help future generations to help this Nation, we have to get on a process that is very simple: Where we do not spend any more this year than we did the preceding year, where we move with fiscal sanity and responsibility to address these problems.

Mr. KINGSTON. If the gentleman from Arizona will yield again, getting back to this chart a minute, as you say, here is where it is: 98 percent of the deficit reduction allegedly comes in the last 2 years. Well, that would be well beyond the current administration's service in the White House.

So there is absolute hypocrisy in such a budget to call it a balanced budget.

The other thing is that it actually increases the budget next year by an additional $24 billion in terms of deficit spending—another $24 billion in debt. So you have raised some good points.

We have been joined by the gentleman from California [Mr. CUNNINGHAM] who has been a very active Member of the Education Committee, moved over to the Committee on Appropriations this year so he can get a little better angle at tightening the belt some, and, Mr. CUNNINGHAM, we would certainly like to yield to you and are delighted to have you with us.

Mr. CUNNINGHAM. I thank the gentleman and my colleague from Arizona as well.

I saw the special orders, and I think it is important to bring up just a couple of other points.

I listened to a Republican Governor the other day, and what does this mean to the future, not only to our senior citizens, but to our children as well, as far as a balanced budget? He said that his father took home 82 percent of his paycheck, his brother and his sister only take home 45 percent of their paycheck, and that under the current spending of Congress, an increase in taxes, he can expect his children to take between 16 and 18 percent of their paycheck home.

That is a pretty sad commentary, that if we do not turn this around, what is the impact it is going to have on every American in this country to the negative?

When we talk about a billion dollars a day going just to pay for the interest on the national debt, and not one cent of that goes to pay for Medicare, not one cent goes to education, not one cent of it goes for law enforcement or the rest; what could we not do with $365 billion in a year for the American people in the same areas that many of us—that I believe the liberals want better education, I believe they want better national security. But they want to do it from a government level which has spent money.

I would also like to cover the history, when you talk about 28 years, some of the initiatives, Mr. Speaker, that they have gone through to try and balance the budget. Remember there was a commission put together to balance the budget prior to the Grace Commission that said we are going to balance the budget; they were not able to do it. Then Congress came forth, and this is when the Democrats were in the majority. They said, "We are going to give you Gramm-Rudman," and the deal was that for every tax dollar you take in, we are going to cut spending by three, and we are going to balance the budget. Of course it did not work.

Then when George Bush famously moved his lips and increased taxes, the Democrats were still in power, and the deal that they proposed to the President, President Bush, was again, "For every tax dollar that we increase, we are going to cut spending by three to balance the budget."

Mr. Speaker, there were only 13 Republicans that voted for that bill to increase taxes that year before I got here, and if you look when George Bush, what they also told him, they were going to put, of the 13 appropriations committees, they were going to put fire walls between each one of those committees so you could not take from one committee and take to another, and to even secure it more, they were going to put a cap on that so there is no way that you could increase spending.

Well, what we found, and I was here in this body at the time, is that the way that the majority of the Democratic majority got around it is they put everything on emergency spending, which was exempt. They also had continuing resolutions which meant they carried over the spending to the next year and then the next year and the next year so that they could get around the caps and that spending keeps increasing.

It is very, very important to note that the President says he wanted a balanced budget when he ran for Congress within 5 years, but at the same time the President in the 104th Congress, to tell you the smoke and mirrors, the President gave us three balanced budgets that increased the deficit by over $150 billion, and when it finally— the pressure came on the President to give us a balanced budget scored by CBO, that 70 percent of the cuts came in the last year. This budget that the President is recommending that we look at makes 98 percent of all the cuts in the sixth and seventh year when he would not even be here.

So when we look at about an honest balanced budget with numbers, there is no realistic chance of that particular budget ever balancing, and I would like to make one last point on it.

The President said that he is going to increase modernization of our national security assets that we keep pushing out into the outyears, and guess what? That takes place in the years 6 and 7 of his balanced budget.

Now do you think that Members on the other side of the aisle are going to decrease with 98 percent of the cuts in social spending and increase defense spending at that time? It is not a legitimate budget, Mr. Speaker, and I thank the gentleman for yielding.

Mr. KINGSTON. Well, let me yield to the gentleman from Arizona and—but can I jump in for 1 second? I have got some things just for the fun of it here.

On a trillion dollars, just our budget right now, is $1.6 trillion, thereabouts. Now the Office of Management and Budget director had calculated a couple of years ago. Since the gentleman here is an old top gun, I want a young top gun, but it has been awhile.

Mr. CUNNINGHAM. Long in the tooth.

Mr. KINGSTON. That if Mr. CUNNINGHAM's jet was flying overhead at the speed of sound and spewing out a roll of dollar bills behind it, the plane would have to fly for more than 15 years before it wheeled out $1.6 trillion, and I do not think you have that much fuel in any plane.

And here is another way to look at it, and this is from the Wall Street Journal 2 years ago. Newspaper tabloids say that O.J. Simpson paid about $55,000 a day in legal bills, $55,000, and actually this is for the criminal trial and not for the civil trial. The trial would last 26 million days or about 100,000 years before O.J. had spent $1.6 trillion.

Let me yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from Georgia for illuminating the sheer volume of $1 trillion—$1.6 trillion because the danger, Mr. Speaker, is that we become numb, or we are numbed, to these totals and these figures as they are bandied about, but we are talking real money, and we are talking real people, and we are talking about a real debt that will hang over the heads of our children, a debt that as we have seen with yearly deficits actually adds to our spending a debt tax, if you will, in terms of higher interest rates.

I often have occasion to visit high schools across the width and breadth of the Sixth District of Arizona, and I was at the new Fountain Hills High School last Friday morning for a townhall meeting listening to the perspective of these young people, some of whom have already gained their franchise to vote having celebrated their 18th birthdays, others looking forward eagerly to the opportunity to engage in the national debate and have a voice at the ballot box, and we talked about what this deficit tax, if you will, actually means with the higher interest rates when they want to get a student loan, when they want to have a car loan. The fact is that they are paying more and more money on that loan because of higher interest rates, and that is money that is likewise taken out of their pocket in addition to the taxes they encounter and the taxes their parents encounter and the taxes that now on average working families in America actually account for more of the family budget than food, shelter, and clothing combined.

□ 1530

Mr. KINGSTON. That is absolutely ridiculous. As a result, the American middle class families now pay an average of 24 percent just in Federal income taxes, compared to their counterparts 20 years ago, who paid about 16 percent, and 30 years ago they paid about 5 percent. The average tax burden right now is 38 percent on average middle class families.

Mr. Speaker, I want to talk to my colleagues about the IRS and about tax simplification and so forth, but before I do that, let me give my colleagues two more perspectives on $1 trillion. Shaq O'Neill makes about $30 million a year, $30 million a season, if you will. He would have to play 33,000 seasons to make $1 trillion. The man makes $30 million a year. He would have to play 33,000 seasons to make $1 trillion. That is ridiculous.

Another definition. Our national budget each year is about $1.6 trillion. If you stuck $1 bills inside 50-foot boxcars on a train, that is about $65 million per boxcar. How long would the train be? Would you care to guess?

Mr. HAYWORTH. I would not conjecture.

Mr. KINGSTON. It would be 240 miles long. Think about that.

Let me yield to the gentleman from California.

Mr. CUNNINGHAM. Let me give my colleagues, Mr. Speaker, some food for thought on how we can balance the budget and not cut some of the valuable programs that we are looking for.

Let us take, for example, education. I was the subcommittee chairman, basically K through 12 during the 104th Congress. In some areas, in some school districts, we get as little as 23 cents on a dollar out of Federal education programs.

The gentleman from Michigan [Mr. HOEKSTRA] the other night in a special order was pointing out that there are 760 Federal education programs, all with bureaucracies, all taking money away from getting the dollars down to the classroom. The average is around 50 cents on a dollar for most areas, but in some areas it is as little as 23 cents on a dollar. That is cutting education because the dollars are not going the way the American taxpayers sent it to Washington to improve education, but it is going to support a bureaucracy and large numbers of programs.

The President in his budget wants a new $3 billion literacy program. There are 30 current literacy programs in those 760 programs, and only 14 are funded. Title I, for example, is our war against illiteracy. But yet the President wants to come up with a new $3 billion program with new bureaucracies in the Department of Education, and why do we not eliminate the programs that are not working of the 30, focus on the ones that are, and drive the money down to the local areas? That is one way.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, but what is interesting is when I talk to employers in my area and I say, what do we need to do in our education system to prepare our kids to go out and compete in the world market against Japanese, British, German children and so forth, they say, you need to have reading and math backgrounds, very strong. Federal education, of all of those 700 education programs, we have 14 reading programs, we have 39 art education programs, we have 11 mathematics programs and 27 environmental programs.

Now, I think environmental and art education are very important, but if you want a job you better go in with math and reading. If we want our children to be able to compete on a global market, we have to do that. That is what you are saying, it would not cost a dime just to redirect funds, but it would produce people who are going to be better assets to the job market.

Mr. CUNNINGHAM. Mr. Speaker, at the same time, taxpayers do not have to pay for the extra bureaucracy that is not actually going down to education, so it lessens the burden of taxes and at the same time reduces the size of government that we do away with wasted bureaucracies. It is common sense.

Let me give you another example. How can we balance the budget and actually enhance money to education? The President's direct lending program for student loans was capped at 10 percent during the 104th Congress. When the Government shut down, the President, one of his goals was to take that to 100 percent. We balked and went to 40 percent. At 10 percent it cost $1 billion, not $1 million, but $1 billion more in administrative fees. This is a GAO figure. Fact, not Republicanism. It takes $4 billion more to collect those dollars, and that was only capped at 10 percent.

So when it went to 40 percent, when the Government shut down at the request of the President, we limited the administrative fees which basically go to pay for a higher bureaucracy. And what we did in the subcommittee is we drove an increased Pell grants for poor children to the highest level ever. We thought that was more important to get the money down to the kids instead of paying for a bureaucracy.

We increased the level for special education children to the highest level ever, more important than paying a bureaucracy. We increased student loans, Mr. Speaker, by 50 percent, not 15 but 50 percent, and they said we killed education or cut it by $10 billion. We drove the money down to the zip code, eliminated a bureaucracy, and what Mr. HOEKSTRA and Mr. McKEON from California are trying to do is look at the programs and let us focus on the ones that work.

The last point, if the gentleman would be kind enough to yield, AmeriCorps, $27,000 per volunteer. The President talks about a volunteer force. In Baltimore it costs $50,000 for a volunteer. And our tax dollars are going to pay for that.

Mr. KINGSTON. Mr. Speaker, would you explain what AmeriCorps is, because I think there may be some folks who want to know what AmeriCorps is.

Mr. CUNNINGHAM. AmeriCorps is one of the President's pet programs that allows people to go out and help in other areas; for example, painting a fence or cleaning a yard for a senior citizen or doing different kinds of work, and that is supposed to be voluntary, but they also receive an average of $27,000 for that activity, which we think is wrong. Part of that is used as direct pay, part of it is used for child care, part of it is used for administration costs. But we can spend our dollars better at that.

The other area in which we waste money, if we are getting so little return out of Federal Government dollars that taxpayers pay, and a State bureaucracy is just as bad as a Federal bureaucracy if it takes the money from getting down to the teachers and the students and the parents where they can direct it, but if we cannot pass school bond issues at the local level because people are only getting 45 percent of their paycheck because of high taxes and big government, how are we going to build up the infrastructure?

Well, one of the ways in which we are proposing is to take private enterprise, let the IBM's, let the Baby Bells, let the AT&T's, Alcoa put in the fiberoptics, let Apple put in the computer system so that they are not archaic within a year, and give them a tax break for investing in our taxes.

We have less, Mr. Speaker, than 12 percent of our classrooms in this Nation that have even a single phone jack. Business tells us that a large portion of the children coming out of high school do not even qualify for an entry level position because they cannot read. The President was right. We need 4-year-olds to read and 8-year-olds to do math, but if they cannot read and write, they cannot speak the English language or they do not have the technical skills, that delta that my colleagues talk about between the rich and the poor all the time is going to grow exponentially. So it is one of the ways that we can actually enhance and save our tax dollars.

Mr. HAYWORTH. Mr. Speaker, I just would like to thank my colleague from California, because not only has he outlined the parameters of the problem, but he has offered a solution.

Mr. Speaker, just simply to bring this home to Arizona, the Sixth Congressional District and indeed throughout the State of Arizona, there are real problems with inequities in school funding. There are real challenges for rural school districts who, through the evisceration of resource-based industries, have seen their tax bases decline exponentially.

Indeed, I think of Superior High School in the town of Superior, AZ, in the Sixth Congressional District, where the high school is anything but superior in terms of the building. Now, the students that go there are truly superior, fine young people working hard, but they are in a situation where their school has fallen into disrepair and the tax base has been eradicated.

So we have to look for other ways to end these funding inequities, and that is why I am so pleased that my colleague from California wants to step forward with a plan that would call on private enterprise to step forward, and now with a seat on Ways and Means I look forward to working with the gentleman from California [Mr. CUNNINGHAM] and with the gentleman from Texas [Mr. ARCHER], the chairman of that committee, to find a way to deal with the Tax Code to help business help schools.

Mr. KINGSTON. Mr. Speaker, it is interesting, I was talking to a private school, they had a private school in my district last week and he was telling me about a private school not in my district, but elsewhere in the country, where they were getting away from this rat race that a lot of our school systems are in in terms of buying new computers, because every year you buy new computers and because of the bureaucracy it takes a long time. So if you and I go out and buy a computer tomorrow, it is going to be obsolete. But in the school system it is even more because of all of the redtape that they have to go through.

So what they say is the school system does not buy computers any more. Each child has a laptop and in their lockers are batteries where they charge their laptops for 4 hours and then they can use them during the course of the day. I strongly believe that that is the technology that we are moving toward rather than having every gizmo that comes out of IBM, and so forth.

But the beauty of it is that these laptops are sponsored by businesses who want to get the kids to be computer friendly, so they underwrite it, and it does not cost the school system, or it costs them a lot less. That is the technology. We are so often playing by yesterday's rules when it comes to government. Technology is lightyears in front of us.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would yield, there is one central point that should be our guide. Every dime appropriated at the Federal level should go to help teachers teach and help children learn. That is our challenge, that is our mission, and that is one of the things I will work on in this 105th Congress.

Mr. KINGSTON. Mr. Speaker, before I yield to the gentleman from California, let me say that we have to have child-centered education. Right now the Washington, DC school district spends, I think it is about $10,000 per child because I know that Utah is the lowest in the country at about $3,400 and Washington, DC is the highest in the country. We spend $10,000 per child in Washington DC, and yet this Congress is going to have to spend an emergency appropriation to fund new boilers in Washington DC because they are about to blow up. That is how wasteful, I would say, and overburdensome bureaucracy can be. The money should be going to the teacher and the classroom.

I yield to the gentleman.

Mr. CUNNINGHAM. Mr. Speaker, if you look at the American people, there are bright sun spots in education. You go to a lot of the schools, we have fantastic teachers and we have some fantastic programs. But if you go, for example, outside Chicago, where I used to coach and teach, about 5 miles down the road there is about 7 miles of Federal housing projects. Those kids do not learn in school. They carry guns, not books. Most of the girls become pregnant one or two times. The grandmothers raise them, and if you are a male child the only hope you have is to be in a gang, or a female child, even today are becoming more and more involved. The chance for them of achieving the American dream is less; the welfare reform helped that.

But those are some of the other ways in education that I think that we can enhance it, and there are so many ways, Mr. Speaker. We are only covering just a little bit here.

Remember a gentleman, Mr. Speaker, named Jaime Escalante? He had a vision that he could teach minority children in the inner cities physics. How much support did he have with the kids? They thought he was nuts. The administrators and the teachers thought you cannot do that in an inner-city school. We have tried it. You are going to fail. What about the parents? He had zero support. Well, Jaime Escalante set out to teach these children physics. It was up to I think 90 percent of them got A's and went on to college in physics when he proved it.

Then you got the support of the children, you got the support of the parents, you got the support of the administrators and the community to invest in education.

People today look at all of these programs at the low return that they are getting on the education dollar for their children, and they are not as apt to cough up money.

The second aspect of that is that people are tax tired. They are taking home less. My children are only going to take home 16 to 18 percent of their paycheck. How much are they going to be willing to invest into education?

□ 1545

All the rest of the money is going to be paying for interest on the debt. So the ballpark line is let us have a system that people can believe in and want to get out and support. Let us give them the resources at home, not the Government, that can support that vision. We can enhance education instead of letting the Federal Government, like the liberals and many of the socialists want to do, to have the Government control everything at great waste.

The direct lending program I mentioned a minute ago, of the President, $50 million in 1 year wasted in a study, in a program on how they could get out the money better—$50 million in 1 year. Yet they want all of that to go out of the Department of Education. What a waste that would be.

Mr. KINGSTON. Mr. Speaker, sometimes I do not know why we as government bureaucracies just do not think. There was a case of a school district that spent, listen to this, over $1,000 to obtain a government grant that had a $13 value. They used it to park their bus one day. They spent $1,000 to get a $13 grant. Does that make sense?

There was another case, and the gentleman knows this, his committee ferreted it out, of about $81,000 in safe and drug-free school money that was spent buying dentures for toothbrushing lessons, which is important. Of course, I think it is a parent job, not an educator job. But that money should have gone into drug education.

There was another one, and the gentleman from California [Mr. CUNNINGHAM] remembers his committee found out, out of a school system, and I think I am 90 percent sure of the State, but because of the 10 percent uncertainty I will not say it, but they spent the safe-and-drug-free school money, $171,000 on a 3-day retreat. That is absurd. That is a waste of money. None of that money got to the teacher and to the child in the classroom.

Mr. HAYWORTH. I think the point is well made. Again the message we want to share, Mr. Speaker, with those who join us via television is the notion that we can do a better job, use our resources in a more intelligent fashion when we focus on having children learn in a safe environment, when we assure equality of opportunity for every schoolchild from the inner city to the most rural regions of this country, to places in between, where they have an opportunity to have a quality educational experience, and where we focus resources on helping teachers teach, helping children learn, and empowering parents to make sure their children have an education worthy of their goals and worthy of this Nation's future.

That is the challenge before us. That is why I look forward to working with the gentleman from California. That is why I look forward to working with the gentleman from South Carolina [Mr. GRAHAM] who is preparing legislation that would say that we should direct 90 percent of the money raised at the Federal level for education, we should work to ensure that 90 percent of that money gets back into the classrooms locally to help teachers teach and help students learn, and quit empire-building with the Washington bureaucracies; because this redistribution of wealth, as my colleague the gentleman from California has pointed out, and I have seen statistics that are even more dire, where according to some studies only 8 cents of every dollar ends up in some classroom settings.

The answer is more than dollars and cents, C-E-N-T-S; it is common sense, S-E-N-S-E, that we must work to preserve, to empower students, teachers, and parents in this educational endeavor.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from California, who wants to make a few more remarks, and then I want to pick the brain of the gentleman from the Committee on Ways and Means and talk about the IRS. If the gentleman from California, the other gentleman, wants to join us, he is welcome to.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, what would we ask our colleagues on the other side of the aisle to agree with us on when we look at the President's budget and the Republican budget to come together?

I think there are some key issues. First of all, we would want the numbers to balance at the agreed amount of time, which is 7 years.

Second, we do not want to increase taxes to do that. The American public and the economy is stagnant at about 3 and 4 percent. Remember that the President in his 1993 budget increased taxes $270 billion. He promised a middle-class tax cut and increased middle-class taxes. He increased the gas tax. He increased the tax on Social Security earners, and increased or at least had even a retroactive tax. The President in this budget increases taxes, Mr. Speaker. We disagree with that.

We would also like Members on the other side of the aisle to agree with us that it is a realistic budget. When the President in the 104th Congress gave us three separate balanced budgets that did not increase the balanced budget in time, but yet when his fourth one scored by CBO came up, 70 percent of the cuts took place in year 7. It is not realistic.

This budget that the President has given us, 98 percent of the cuts take place in years 6 and 7, when he would not even be here. That is not realistic. We are asking for a realistic budget without tax increases on the American public, legitimate savings to save the programs. I think if we take a look also, that there should not be any gimmicks, that the numbers are real.

For example, on Medicare part A to part B, people usually do not understand when we go through it, but let me give an example. If you take Medicare Part A, mostly the in-home care, and transfer those dollars to the general fund, that is like taking your MasterCard or Visa card and paying—saying, hey, I want to borrow the money to pay for it later. That is just increasing the deficit for our children later down the road. What we want to do is fund it so when you write a check, the money is already there. There is no gimmick to that.

But by using part A to the general fund, it is smoke and mirrors to say we are going to use those savings to balance the budget when you are actually increasing spending.

So I think there are several of those kinds of areas that when we balance the budget we will be asking the President and our colleagues on the other side of the aisle to at least have the common sense to agree on a real balanced budget, using real numbers with real savings and no gimmicks and no tax increases.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman. He is welcome to stay and talk about this next issue. I will introduce it this way.

First of all, let me say, we want to talk about the IRS. The criticism is not to the employees, the criticism is to the system. Right now, that system has a Tax Code that is two volumes total and 1,378 pages. It is an IRS that has 480 tax forms, and 280 forms that tell you how to fill out the 480.

In 1994, the Tax Foundation estimates that businesses spent, listen to these numbers, 3.6 billion hours and individuals spent $1.8 billion preparing their tax returns. It is too complicated. One final statistic and then I will yield to the gentleman, because it is all up to the members of the Committee on Ways and Means to get this straight.

According to a study of Daniel Pilla of the Cato Institute, the IRS gives out wrong answers to more than 8 million taxpayers a year. It is too complicated. What can we do to simplify the tax system?

I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Georgia, because he asks a question that far exceeds the $64,000 question. Indeed, it is a question that deals with trillions of dollars and is fraught with many challenges to our Nation.

I think it is important, in the spirit of simplifying, to first define our goal. I believe, quite candidly, Mr. Speaker, that the American people will accept nothing less than our pledge to end the IRS as we know it.

One way that I think my colleague, the gentleman from Georgia, would certainly champion is to put the service back into the final word in the name Internal Revenue Service; to the extent possible, to end the adversarial relationships that have grown up between the IRS and the citizenry.

Let us not forget, Mr. Speaker, that we have the highest voluntary compliance rate of any Nation in the world when it comes to accruing revenue. But let us also understand this: that since this Nation ratified the 16th amendment, and the first direct tax on income came about in 1913, the cost of government, the cost of the Federal Government, even taking into account inflation, has increased in excess of 113,000 percent. So there are many questions we have to deal with.

I thank my colleague on the Committee on Ways and Means, the gentleman from Ohio [Mr. PORTMAN] for holding hearings about tax simplification, for working to get to the bottom of many of these issues that confront us: for example, the notion that the new computer system at the Internal Revenue Service, with an expenditure in excess of $4 billion, is not working; and still, Mr. Speaker, the confounding notion that within our Tax Code we penalize people for succeeding, we penalize people for getting married, and finally, we penalize people for dying.

For although some refer to it as an estate tax, the fact is that we have, in essence, a death tax, where people who work hard, like the seniors who live in the Sixth District of Arizona in and around the Sun Lakes Retirement Community in my district, have worked hard, have achieved, would like to pass on, quite frankly, their prosperity to their children, pass on their businesses, and such is the excessive tax rate that these people are hurt.

Mr. KINGSTON. Mr. Speaker, these are senior citizens who lived through the Depression. They are frugal. The gentleman is talking about my dad. He was raised in Brooklyn, NY. He fought and he saved, and because of the results of foregoing some pleasures and sacrificing a lot, he has savings now. Because of our tax system, he cannot pass that on. He is not a wealthy man, but he is a middle-class guy who saved. Because of that, he is now being penalized.

That is the same person the gentleman is talking about: the seniors in Arizona, they are in Georgia, they are all over the United States of America.

Mr. HAYWORTH. That is what we want to work to change. We need to change drastically and, yes, even work to repeal this death tax. We need to work to change the system of taxation where people are penalized for succeeding in our economy. We need to hold hearings, as we will, to take a look at alternative notions to the income tax.

Our majority leader, the gentleman from Texas [Mr. ARMEY] champions the flat tax. Our chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER] champions the notion of a consumption tax, most often reflected in a national retail sales tax.

What is very important for us, both in the Committee on Ways and Means and as a Congress, and indeed as a country, is to examine very carefully all the implications, the benefits, the challenges of these different alternatives and then move forward, once we achieve a consensus, to have that type of tax reform that will indeed end the IRS as we know it.

Mr. KINGSTON. Mr. Speaker, let me give the gentleman a statistic that was sent to me by my friend, a Dr. Whitaker of Warner Robins, GA. In 1913 when the original income tax went into effect, if you had an income of $20,000, your tax rate was 1 percent. If you average out a $20,000 income in 1913 to today's dollars, that would be the equivalent of making $298,000 a year.

So for us today to have the same rates as we originally had on the income tax in 1913, someone making $298,000 a year would have a tax rate today of 1 percent. So the tax rate has just gone up and up and up and up, since we know that not to be the case. Even somebody making $20,000 a year would jump on paying the 1-percent tax.

Incidentally, the highest tax in 1913, the highest percentage was 7 percent. And now the average for middle-class Americans is about 24 percent, easily 30 percent for many people, and 33 percent and on up.

Mr. HAYWORTH. If the gentleman will yield, Mr. Speaker, the other thing we need to do, as I talked about, in terms of penalizing people for succeeding, is the excessive taxation, and I really call it the success and prosperity tax. We have come to call it the capital gains tax, and we welcome the initiative the President has put forth in terms of wanting very tightly targeted tax relief in terms of capital gains taxes.

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His plan limits it only to homeowners. There are many small business owners across the country who have worked hard, who have succeeded, who will have more money to save, spend, and invest in job creation and in the economy if they have more of their money to hang onto.

Mr. KINGSTON. Mr. Speaker, if the American people, let us just say, had $50 more in their pocket because the Federal Government did not take that money, we confiscate it now, but if we left $50 more in the pockets of, say, 200 million Americans, that would be another $10 billion in the economy. Will that $50 dollars in your pocket send to college? No. But you will go out to eat more often; you might buy another pair of shoes, another pair of socks, a belt. And when you do that, small businesses will expand to react to that $10 billion infusion of money into the economy. When those small businesses expand, jobs are created. When more jobs are created, more people go to work. When more people go to work, less people are on welfare and other public assistance programs and more tax revenues come in.

President Reagan and President Kennedy both proved this through tax cuts in the 1960's and the 1980's. If we today just give our average amount of tax relief, we would be creating more jobs and increasing revenues. I strongly feel that is very consistent with deficit reduction.

Mr. HAYWORTH. Mr. Speaker, it is a very important first step that we take these important steps, even as we look at broad based tax reform, that we offer tax relief and tax cuts. This is another area where there are some honest disagreements.

Treasury Secretary Robert Rubin came to testify in front of the Committee on Ways and Means a couple of weeks ago. The administration has a limited plan for a $500 per child tax credit. I asked Secretary Rubin about that single mom in the sixth district of Arizona, and there are many of them, who may not be receiving child support payments from their former spouse, who may be working very hard to stay above the poverty level and therefore not qualifying for the earned income tax credit and let us say the single mom has two children, ages 13 and 15.

Under the administration's plan, that family would receive no tax credit for those children because, you see, the President's plan only goes to age 12. Those of us who are parents, and the gentleman from Georgia and I, the gentleman from Georgia's daughter is just entering her teenage years, our eldest daughter is just leaving her teenage years. There is one basic principle: Children grow more expensive as they grow up.

Mr. KINGSTON. Please do not tell me.

Mr. HAYWORTH. I think it is important that that single mom and single moms like her across the country have the chance to experience that same type of tax relief.

The secretary in response, it is not my intent to put words in his mouth, to paraphrase his comment in response was, well, we had to make tough choices and tightly target these tax cuts. And therein lies a philosophical difference. Good people can disagree.

We believe you can expand that opportunity. You can help those single moms. You can help those families who are having a difficult time and at the same time, with the infusion of capital into our economy, you can actually increase jobs, increase prosperity and move toward fiscal responsibility.

The two goals are not mutually exclusive. It is possible to move to be more fiscally responsible and to allow working Americans to hold on to more of their hard-earned money and send less of it here to Washington. That is the challenge that still confronts us.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for joining with me. We have just a few minutes to close.

I want to say this: In Washington we have an administration that loves big government and talks about the big government being over with. Yet in the State of the Union Address, I think there were introduced 123 new spending programs.

The American people are real good. They are far better than any law that the U.S. Congress can pass. People are better than laws. What we need to do in America is empower people, not lawyers and not police states and so forth, but people.

Give you an example, last year 90 million Americans volunteered over 4 hours a week for charity. That is about 19 billion man-hours a year voluntary. If you round that out at $10 an hour, that is $190 billion volunteered last year by Americans. Add that to the monetary contributions, which is about $150 billion a year, you have an American public that can give and give and give. It is far superior to the form of government that we have in so many cases to deliver goods and services to people back home. Our colleagues in Washington need to recognize that. Get off the people's back. Let them do their own thing.

Mr. HAYWORTH. I thank my colleague from Georgia. Again, he points out so many facts that are pertinent in this debate and in this endeavor. A couple of thoughts come to mind in the wake of the President's State of the Union Message.

I talked to one of my most important constituents, indeed, my most important constituent, my wife Mary. Ms. Mary's first question was this: "How do we pay for all these programs?" Will this lead to a greater deficit?

And that is a question that is one that is filled with compassion and with common sense. Let us work to rein in spending, to allow working families to hold on to more of their hard-earned money, to look for what is reasonable and rational. That is the key in this Congress and in the years ahead.

Mr. KINGSTON. I thank the gentleman from Arizona for joining me.

THE TRAVEL AND TRANSPORTATION REFORM ACT OF 1997, H.R. 930

The SPEAKER pro tempore (Mr. McInnis). Under a previous order of the House, the gentleman from California [Mr. Horn] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I rise today to introduce the Travel and Transportation Reform Act of 1997, H.R. 930. Joining me as original cosponsors are the gentlewoman from New York [Mrs. Maloney], the gentleman from Florida [Mr. Mica], and the gentleman from Ohio [Mr. Portman].

The Federal Government's travel expenditures are massive. In fiscal year 1994, the last year for which we have precise figures, the Government spent more than $7.6 billion on travel including transportation, lodging, rental cars and other related expenses. There are ample opportunities to save money from this huge sum without restricting necessary travel. The administrative costs, for example, are shockingly bloated. The cost of completing a travel voucher is about $15 in the private sector while it runs as high as $123 in the Federal sector. We should learn something from the private sector.

There are several obstacles standing in the way of efficient and affordable Government travel. Consider for example that the agency managers simply do not have complete travel information available to them. As a result, it is impossible to effectively analyze their travel budgets in order to locate waste and reduce costs. The reason is simple. The governmentwide travel charge card is not used for many travel arrangements. This means valuable information that would be recorded on a credit card invoice is never gathered.

The solution is uniform use of the travel card. This bill provides for uniform use with certain necessary exceptions. Agencies need clear authority to obtain information regarding the travel card issued to its employees. The agencies must be able to verify that charges are business related. This bill gives them that authority. This will make the Federal Government a better customer, which will in turn increase the size of the rebate that the Government receives.

The Travel and Transportation Reform Act of 1997 contains several other provisions along these lines as well as authority to participate in travel pilot test programs. The idea is to clear away obstacles to better management, to encourage a concerted effort to improve the efficiency and cost-effectiveness of Federal travel.

Mr. Speaker, I include a copy of H.R. 930 for inclusion in the Record:

H.R. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Travel and Transportation Reform Act of 1997".

SEC. 2. AUTHORITY TO REQUIRE USE OF THE TRAVEL CHARGE CARD.

(a) In General.—Under regulations issued by the Administrator of General Services, the Administrator may require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

(1) it is in the best interest of the United States to do so;

(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

(b) Limitation on Restriction on Disclosure.—

(1) In general.—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

"(q) Nothing in this title shall apply to the disclosure of any financial record or information to a Government authority in conjunction with a Federal contractor-issued travel charge card issued for official Government travel.".

(2) Effective date.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

(c) Collection of Amounts Owed.—

(1) In general.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the net pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

(2) Due process protections.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

(3) Definitions.—For the purpose of this subsection:

(A) Agency.—The term "agency" has the meaning that term has under section 101 of title 31, United States Code.

(B) Employee.—The term "employee" means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

(C) MEMBER; UNIFORMED SERVICE.—Each of the terms "member" and "uniformed service" has the meaning that term has in section 101 of title 37, United States Code.

(d) DELAYED IMPLEMENTATION.—The Administrator may delay implementation of subsections (a) and (c) by up to 5 years if the Administrator determines that it is in the best interests of the United States to do so.

SEC. 3. PREPAYMENT AUDITS OF TRANSPORTATION EXPENSES.

(a) IN GENERAL.—(1) Section 3322 of title 31, United States Code, is amended in subsection (c) by inserting after "classifications" the following: "if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government".

(2) Section 3528 of title 31, United States Code, is amended—

(A) in subsection (a) by striking "and" after the semicolon at the end of paragraph (3), by striking the period at the end of subsection (a)(4)(C) and inserting "; and", and by adding at the end the following new paragraph:

"(5) verifying transportation rates, freight classifications, and other information provided on a Government bill of lading or transportation request, unless the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government.";

(B) in subsection (c)(1), by inserting after "deductions" the following: "and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government"; and

(C) in subsection (c)(2), by inserting after "agreement" the following: "and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government".

(3) Section 3726 of title 31, United States Code, is amended—

(A) by amending subsection (a) to read as follows:

"(a)(1) Each agency that receives a bill from a carrier or freight forwarder for transporting an individual or property for the United States Government shall verify its correctness (to include transportation rates, freight classifications, or proper combinations thereof), using prepayment audit, prior to payment in accordance with the requirements of this section and regulations prescribed by the Administrator of General Services.

"(2) The Administrator of General Services may exempt bills, a particular mode or modes of transportation, or an agency or subagency from a prepayment audit and verification and in lieu thereof require a postpayment audit, based on cost effectiveness, public interest, or other factors the Administrator considers appropriate.

"(3) Expenses for prepayment audits shall be funded by the agency's appropriations used for the transportation services.

"(4) The audit authority provided to agencies by this section is subject to oversight by the Administrator.";

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) in order as subsections (d), (e), (f), (g), (h), and (i), respectively;

(C) by inserting after subsection (a) the following new subsections:

"(b) The Administrator may conduct pre- or postpayment audits of transportation bills of any Federal agency. The number and types of bills audited shall be based on the Administrator's judgment.

"(c)(1) The Administrator shall adjudicate transportation claims which cannot be resolved by the agency procuring the transportation services, or the carrier or freight-forwarder presenting the bill.

"(2) A claim under this section shall be allowed only if it is received by the Administrator not later than 3 years (excluding time of war) after the later of the following dates:

"(A) The date of accrual of the claim.

"(B) The date payment for the transportation is made.

"(C) The date a refund for an overpayment for the transportation is made.

"(D) The date a deduction under subsection (d) of this section is made.";

(D) in subsection (f), as so redesignated, by striking "subsection (c)" and inserting "subsection (e)", and by adding at the end the following new sentence: "This reporting requirement expires December 31, 1998.";

(E) in subsection (i)(1), as so redesignated, by striking "subsection (a)" and inserting "subsection (c)"; and

(F) by adding after subsection (i), as so redesignated, the following new subsection:

"(j) The Administrator of General Services may provide transportation audit and related technical assistance services, on a reimbursable basis, to any other Federal entity or to any other activity. Such reimbursements may be credited to the appropriate revolving fund or appropriation from which the expenses were incurred.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act.

SEC. 4. REIMBURSEMENT FOR TAXES ON MONEY RECEIVED FOR TRAVEL EXPENSES.

(a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 5706b the following new section:

"§ 5706c. Reimbursement for taxes incurred on money received for travel expenses

"(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee's spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

"(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706b the following new item:

"5706c. Reimbursement for taxes incurred on money received for travel expenses.".

(c) EFFECTIVE DATE.—This section shall be effective as of January 1, 1993.

SEC. 5. AUTHORITY FOR TEST PROGRAMS.

(a) TRAVEL EXPENSES TEST PROGRAMS.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5710. Authority for travel expenses test programs

"(a) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

"(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

"(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

"(d) No more than 10 test programs under this section may be conducted simultaneously.

"(e) The authority to conduct test programs under this section shall expire 7 years after the date of enactment of the Travel and Transportation Reform Act of 1997.".

(b) RELOCATION EXPENSES TEST PROGRAMS.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

"§ 5737. Authority for relocation expenses test programs

"(a) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay for a period not to exceed 24 months any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

"(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

"(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

"(d) No more than 10 test programs under this section may be conducted simultaneously.

"(e) The authority to conduct test programs under this section shall expire 7 years after the date of enactment of the Travel and Transportation Reform Act of 1997.".

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is further amended by—

(1) inserting after the item relating to section 5709 the following new item:

"5710. Authority for travel expenses test programs.";

and

(2) inserting after the item relating to section 5737 the following new item:

"5737. Authority for relocation expenses test programs.".

RULES OF PROCEDURE FOR THE COMMITTEE ON THE BUDGET, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to clause 2 of House rule XI, I hereby submit for printing in the CONGRESSIONAL RECORD the Rules of Procedure for the Committee on the Budget for the 105th Congress. The Budget Committee adopted its rules on February 4, 1997 in a public meeting by a rollcall vote.

GENERAL APPLICABILITY

Rule 1—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

Rule 2—Regular meetings

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The chairman is authorized to dispense with a regular meeting when the chairman determines there is no business to be considered by the committee. The chairman shall give notice in writing or by facsimile to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 3—Additional and special meetings

(a) The chairman may call and convene additional meetings of the committee as the chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the chairman shall provide notice in writing or by facsimile of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 4—Open business meetings

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

Rule 5—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 6—Recognition

Any member, when recognized by the chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 7—Consideration of business

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 8—Procedure for consideration of budget resolution

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In developing a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirely.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 9—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

HEARINGS

Rule 10—Announcement of hearings

The chairman shall make public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the chairman, with the concurrence of the ranking minority member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the chairman shall make the announcement at the earliest possible date.

Rule 11—Open hearings

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may be the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

Rule 12—Quorums

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 13—Time for questioning witnesses

(a) Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

(b) After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(c) In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 14—Subpoenas and oaths

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

(b) The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

Rule 15—Witnesses' statements

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the 2 preceding fiscal years.

PRINTS AND PUBLICATIONS

Rule 16—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

Rule 17—Committee publications on the Internet

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

Rule 18—Committee staff

(a)(1) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

(2) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(3) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(4) Notwithstanding paragraphs 1, 2, and 3, staff shall be employed in compliance with House Rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

(b) Associate staff for members of the committee may be appointed only at the discretion of the chairman (in consultation with the ranking minority member regarding any minority party associate staff), after taking into consideration any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House Rule XI. Such staff members shall be compensated at a rate, determined by the member, not to exceed $60,000 per year from the committee's budget. Members shall not appoint more than one person pursuant to these provisions. Members designating a staff member under this subsection must certify by letter to the chairman that the employee is needed and will be utilized for committee work and, to the extent space is available, will spend no less than 10 hours per week in committee offices performing committee work.

Rule 19—Staff supervision

(a) Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority as they deem appropriate.

RECORDS

Rule 20—Preparation and maintenance of committee records

(a) An accurate stenographic record shall be made of all hearings and business meetings.

(b) The proceedings of the committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

Rule 21—Access to committee records

(a)(1) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

Rule 22—General oversight

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(d)(1) of rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 5 of rule XI, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

Rule 23—Availability before filing

No committee report on a bill or resolution shall be filed with the House until copies of the proposed report have been available to all members for at least 36 hours prior to filing, unless the chairman deems it necessary to waive this requirement. No material change (other than the filing of supplemental, minority, or additional views by any member) shall be made in the report distributed to members unless agreed to by majority vote or authorized by the chairman with the concurrence of the ranking minority member.

Rule 24—Report on the budget resolution

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rollcall vote on any motion to amend or report any measure.

Rule 25—Parliamentarian's Status Report and Section 302 Status Report

(a)(1) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

Rule 26—Activity report

After an adjournment of the last regular session of a Congress sine die, the chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

Rule 27—Broadcasting of meetings and hearings

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 3.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3.

Rule 28—Appointment of conferees

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

Rule 29—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

SUPREME COURT DECISION ON VOTING RIGHTS

The SPEAKER pro tempore [Mr. PEASE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I want to talk primarily today about the Supreme Court decision with respect to voting rights in New York City. They have of course come down with a decision in New York that obeys the Supreme Court decision and the precedent it set. So the courts have ordered that one district, the district of my colleague, the gentlewoman from New York [Ms. VELÁZQUEZ], the 12th Congressional District of New York, be redrawn; and the courts have said this must take place by July 30. The legislature has until July 30 to redraw the district.

I think that this process has been going on for some time now. We understood that the Supreme Court, when it made its decision on the Georgia case and the North Carolina cases and the Texas case, all those cases let us know that it was almost inevitable that eventually some district in New York that was being challenged would be struck down and the district that has the oddest shape of course was the 12th Congressional District, presently held by Congresswoman VELÁZQUEZ.

We knew it was coming but nevertheless my neighbors seemed very alarmed. In the surrounding area, people are alarmed. The whole city is alarmed, asking questions as if this was a brand new situation. So for that reason, I find it important to comment. I have been on about four radio stations, and the kinds of questions I receive show that previous discussions of this matter, and I have spoken on the floor at least twice about the Voting Rights Act and the implications of the Voting Rights Act, the reason for the Voting Rights Act, the justice of the Voting Rights Act, but at home it has not come through because they did not feel it concerned them. It was in Georgia, North Carolina, Texas, Louisiana, recently Virginia. Now it has come home to New York.

So it is important, and I think that the fact that Congresswoman VELÁZQUEZ is appealing the decision is important. She knows that the likelihood that that appeal will be upheld, the likelihood that her appeal will receive success is very slim. She wants to make the point that the decision has come down, and it is a district court ruling in a matter that they consider consistent with the Supreme Court and the inevitability of that is one thing but the justice of it is another.

It is not just that the Supreme Court that set the process in motion was wrong, that it was a 5 to 4 decision. Any 5 to 4 decision should be questioned and requestioned. The morality of it, the legality of it, all should be questioned, and she did not want to accept that.

So we set in motion a process of having a dialog in New York that should have been going on all along because there is something more at stake here than just the redrawing of lines at one time. The whole act, the Voting Rights Act and the essence of the Voting Rights Act is now in jeopardy because the principle applied to congressional districts is also to be applied to State legislative districts and also city council districts and any other jurisdiction of the government, same principles would be applied. So it is a matter that deserves extensive discussion.

Now, in the process of this discussion, I want to also talk about a few other things that seem unrelated but I intend to put them together, I assure you. I want to talk about some good news that has taken place in the past 24 hours. The Swiss Government announced that they were going to set up a $5 billion fund to compensate or to help victims of catastrophes, especially victims of human rights violations, such as victims of the Holocaust. Let me just make it clear that this is a Swiss Government taking this action, following an action that was previously taken by the Swiss banks. The Swiss banks already established a fund, I think, of 100-some million dollars, a fund to directly compensate victims of the Holocaust.

Now the Swiss Government, the President of Switzerland has gone further, and that act of reconciliation is what I want to talk about. Where does reconciliation come in the process of evaluating the justice or injustice of the Voting Rights Act?

□ 1615

What is the Voting Rights Act all about? Why was the Voting Rights Act, why is the Voting Rights Act being questioned on the basis of race, on the basis of its denial of equal rights?

Justice Sandra Day O'Connor argues in the majority opinion that we cannot draw a district with predominant consideration of race. That violates the equal protection clause in the 14th amendment.

What Justice Sandra Day O'Connor does not tell us is that the 14th amendment is not about equal protection for everybody in a colorblind society. The 14th amendment is about a remedy of slavery.

The 14th amendment came about as a result of the need to take care of the long pattern of injustices established in 232 years of slavery. And when the Civil War was fought and finally won, Congress had to pass first the 13th amendment, which freed the slaves. Abraham Lincoln freed a certain segment of the slaves in the Emancipation Proclamation, but he did not free all the slaves and it was not a constitutional matter.

A President can issue an Executive order. When he goes out of office, the Executive order no longer applies. So the Emancipation Proclamation did not free the slaves permanently. It was the 13th amendment.

Following the 13th amendment was the 14th amendment, which talked at great length about slavery. Most people think the 14th amendment is a little line about equal protection under the law. That is only one tiny part of the 14th amendment. The 14th amendment is about slavery and certain steps that the Government had to take to remedy the effects of slavery and to deal with the people who are now the descendants of slaves.

So the Swiss Government's action is a process of reconciliation dealing with what they did not do 50 years ago, 50 years ago when the Nazis invaded most of Europe. The Nazis subjected the Jews to the Holocaust, 6 million people being wiped out. They stole their money and their goods and so forth. A lot of the gold and the money of Jewish victims of the Holocaust ended up in Switzerland. It was generally understood for the last 50 years that that had happened. Only now is Switzerland, under great pressure, finally beginning to deal with that.

And I would like to applaud the positive step taken by the Swiss Government. Was it justice? I doubt it. It is at least a positive step in the process of reconciliation. And I will come back to that.

Most important of all, I would like to show how the Truth and Reconciliation Commission of the South African Government is a model that even America ought to take a look at, because we have all these leftover problems resulting from 232 years of slavery and we are not able to deal with the problems in an effective, honest, and just way unless we admit that there was a great crime committed; unless we admit that there was a great problem created for 232 years; that the descendants of African slaves for 232 years they were enslaved and they have some problems and the Nation owes them something and we ought to talk about that.

We ought to talk about what we are going to do to rectify those problems. And even before we get to rectifying the problems, let us at least tell the truth about it. Let us at least have a national exploration of what it meant to have 232 years of slavery, 232 years where people could not acquire wealth, 232 years where there was an attempt to obliterate the humanity of a certain group of people in order to make them more efficient and effective as beasts of burden.

I am repeating myself. I have said this a couple of times on the floor before. But I think it is important to review these things, because in New York they are just beginning to wake up to the fact that we have a problem with respect to the Voting Rights Act. A lot of the people I talk to, and a lot of people who called into the radio shows said, well, it is only fair that we not consider race, that we not consider color. We should have a colorblind society.

It is hard to deal with that discussion unless we deal with history. Now, I am not a historian. I majored in mathematics. I was never that fond of history, but I have as I have grown older begun to understand and appreciate the power of history. And history is what civilization is all about. If we do not remember history, or respect history or learn from history, then we are not able to build a civilization. We cannot deal with truth unless we have it in the context of history.

So the South African Truth and Reconciliation Commission seems like it is a long way away from the Voting Rights Act and it does not seem related. It may seem like it is not related to the Swiss Government action today, but it is all a part of what I want to talk about today.

I want to go further and talk about beyond the Voting Rights Act; that there is a need for a whole lot of other actions and activities of Government that now will never take place unless we begin to look at the impact of 232 years of slavery, and, after that, about 150 years of special discrimination, oppression.

The fact that the reconciliation process is gaining momentum, the fact that the reconciliation process is now accepted, beginning to make an impact, an imprint on our overall world civilization is very important.

It may be that the steps being taken are only tiny steps, but what was the liberation of Haiti all about? The liberation of Haiti was accomplished because we made promises that we would not punish, we would not seek justice, we would just seek the truth and reconciliation. Punishment of the people who had thrown out the legal Government of Haiti and terrorized the people for 3 years; our Government said that should not take place. And Aristide and the Government of Haiti agreed. We will not emphasize punishment, we will emphasize reconciliation.

What happened in Bosnia? We had to have some agreement among the fighting parties that they would not pursue justice over reconciliation. Yes, there is a clause which says that war criminals will be sought, but the definition of war criminals makes it pretty clear we are talking about a very tiny amount of people. Most of the people who participated in the terror, in the war crimes, and the devastation of the Balkan countries involved, the old Yugoslavia, parts of Yugoslavia, they will not be punished. We are pursuing reconciliation there.

The Swiss Government's action is another act of reconciliation. In Uganda, where they massacred a half million people in a short period of time, one tribe after another, we are trying to pursue reconciliation. Reconciliation is being pursued in Uganda, but the courts are holding forth, cases are being tried, they are trying to get the truth of what happened. It is important before they go forward.

What I am saying is that unless we have a bedrock of truth on which to build the future, building the present and future gets kind of wobbly. We threw away the Voting Rights Act and said no group should be treated in a special way. Well, we moved from the Voting Rights Act to the set-asides. Set-asides for minorities and women have now been discouraged by the Supreme Court because that is treating a group in a special way.

The Supreme Court did say that the Federal Government had a right to pursue any remedies it wanted to with respect to past injustices. So Federal set-asides were accepted, whereas local set-asides would only be accepted if they proved there was immediate discrimination or past discrimination that could be proved. It was a complicated way of diluting the understanding that if there are injustices that have gone on for a long time, Government has a duty to try to correct and adjust the situation in order to compensate for those injustices.

The German Government is made up of people who are living and breathing now, citizens paying taxes, many of them were not alive during the Nazi era, yet the Germans have steadfastly paid reparations to certain identified Jewish victims of the Holocaust.

The Germans have had to pay for a number of other things, because a nation is considered a continuing body and we do not drop whatever is happening because it was a group called the Nazis or the Gestapo. The German Government has to assume that responsibility.

The Swiss Government of today was not the Swiss Government that was there when they capitulated to the Germans and they acted in concert with the Germans in the looting of certain fortunes and a number of things that went on, which the Government of Switzerland is not even acknowledging today, but they are saying we understand something went wrong and today we are going to move forward and try to, in the spirit of reconciliation, do something positive.

The principle of special treatment to deal with special past crimes, special past injustices, special past investigations is what I am talking about: special treatment in the Voting Rights Act, special treatment we need in the emergency funding of education right now.

The same people that were victimized by 232 years of slavery are the descendants of those people, and they are the ones being victimized in our big cities right now. They are being victimized because children are being forced to go to school in buildings that are unsafe. Not only are they not conducive to learning but the buildings have asbestos problems, they have lead poisoning problems, they have problems of overcrowding which affects the psyche as well as the physical health of children. Those things are going on right now in America.

The need to deal with that on an emergency basis and understand that there is a need to do that because the situation results from past injustices and past failures must go forward.

There is a need for more empowerment zones. We came up with a good solution, which the Republicans and Democrats both bought into, when the President proposed that we have empowerment zones in big cities and also in rural areas where we have a large amount of poverty. The empowerment zone concept was considered a great step forward because it combined the private sector effort with the public sector effort.

When empowerment zones were first proposed, the number 50 was the magic number. For a long time they talked about 50 empowerment zones. A good idea that everybody endorsed then, and it is a good idea still to endorse. But we went from 50 empowerment zones on the drawing board down to 9 empowerment zones when they finally enacted the legislation, 6 in the big cities and 3 in rural areas.

The President began to talk during the election of our increasing the empowerment zones from 9 to 20, which we thought was still too few, but in his State of the Union Address he fell back from 20 to talking about 6 additional empowerment zones.

So empowerment zones are part of an effort to correct past injustices, part of an effort to deal with the special problems created by oppression and the victimization of people. And empowerment zones should be pushed forward and expanded. We need more of them and we need them now, not a trickle-down approach where by the year 2000 we may have 20. We need to deal with the problem right now.

Empowerment zones rightly focus on the poorest areas in the country. We have to prove poverty. In my district we have census tracks, which are the census tracks from which most of the children with asthma come. They are the census tracks from which most of the children who have not graduated from high school come. They are the census tracks which have the largest numbers of people in the prisons in New York State.

There is a correlation between extreme poverty. We have census tracks with a large number of low-income housing developments. Low-income housing developments are there because people need housing, but it groups people in low income and there is a correlation between the low income and the low education. There is a correlation between the crime rate and the health problems. Clearly, it qualifies for an empowerment zone.

There is no problem once we get the opportunity. But if we only have nine empowerment zones in the whole country and only six of those empowerment zones are urban areas, and the other gentleman from New York, CHARLIE RANGEL, was the author of the bill, so he has the one in New York City, in Harlem, which is a long way from Brooklyn. Just across the river in psychological terms, but Brooklyn, NY, is part of New York City. It has 2.5 million people, 2.5 million people.

If it was a separate city, it would be the fourth or fifth largest city in the country. We have problems there which are concentrated. And if the empowerment zones were to be distributed in an equitable and just manner, we would get an empowerment zone. I have told my constituents this is the No. one priority on my agenda, an empowerment zone.

But in the process of trying to get an economic empowerment zone, we are up against the philosophy that seems to be prevailing that we should not give special treatment to people in need. That same philosophy that mitigates against the Voting Rights Act, mitigates against the set-aside laws, is now operating in anything where we propose to help people in great need, except of course in the case of earthquakes, floods, and hurricanes.

When we have storms or natural disasters, we immediately rush to the aid of people. We have appropriated like $8 billion in aid to California in the last 3 years, $6 billion for Florida, and $6 billion for Midwestern States for floods. Florida suffered from hurricanes.

□ 1630

We quickly respond and understand people are in special need when natural disasters occur, but 232 years of slavery and the byproducts of that, the poisonous legacy of that, we do not want to consider. So we need emergency education funding, we need economic empowerment zones, we need workfare to end and have Federal job creation programs instead of putting people on workfare, which is a prelude, a prerequisite for a new kind of slavery because you are working people for less than minimum wage, no fringe benefits, dehumanizing them. Workfare becomes a prelude to slavery if it has no opportunity at the end, if there is no job training promise, if there is no attempt to build a situation in the economy where jobs will be available, public sector jobs are not being created. Then you are moving in a direction of slavery.

Mr. Speaker, the cruelty of the welfare reform and the immigration reform is coming home to my district. My office is packed with people, old people who have been in this country for 20 or 30 years, for one reason or another did not become citizens, no chance now that they are going to be able to meet the requirements, pass the tests, answer the questions. They are going to now have to starve because they cannot get food stamps, they cannot get any benefits, SSI is closed to them. They cannot get into nursing homes when they get sick. All of that goes down the drain.

The cruelty of it is unnecessary. Perhaps the average American citizen would not sit still and accept this if they understood what it is all about in terms of the legacy of injustices and past failures and how that produces a large number of people in this kind of condition.

As I said before, I want to talk primarily about the Voting Rights Act and its impact on New York City in terms of the need to draw new lines and the implications of the fact that the courts have now chosen to abandon any special considerations in the drawing of those lines, special considerations that are needed with respect to race.

So I have a potpourri of things I am throwing in here that all relate back to the same subject. I go a little further, I would like to call attention to the fact that the Chinese criticize human rights violations in America today. Some of us have voted year after year that we should not have most favorable trading status with China because China on a massive scale violates human rights. They have got more humans in China, so they can violate rights on a scale that makes everybody else appear to be playing games. When you have more than 1 billion people and you violate human rights, you are violating quite a number of humans, the rights of quite a number of humans.

So China has been criticized, but the present administration, our administration, the Democratic administration, and I think the leadership of the Republican Party also approves it. They place trade and business first, and they keep certifying China and allowing it to have most favorable nation status.

Mr. Speaker, China is not grateful for the fact that we criticize them but still give them the most favorable nation status. They have now fought back and they are criticizing the United States for violating human rights. They say we violate human rights by not providing for food, clothing and shelter for all the people, for health care for all the people, for jobs for all the people. China has slapped back at the United States. They have even gone so far as to criticize our election process.

The latest criticism of China is that we are allowing people to buy elections, that the large amounts of money that go into our elections constitute bribery. That is the charge of the Chinese. I think that we should take note. Although I do not agree with the Chinese, I think our arrogance in criticizing the rest of the world should be tempered. There are a lot of problems wrong here. We need to take a close look at ourselves.

What I am saying is that that is what we need in order to put in perspective problems relating to voting rights, problems related to appropriations for education, appropriations for jobs, economic development, problems related to our fantastic hostility toward the poor as expressed in welfare reform, immigration reform. We need to take a step back and take a look at the richest nation that ever existed on the face of the Earth and say to ourselves, how are we really behaving.

A truth and reconciliation commission would help us do this. If we understood ourselves and understood the history of this Nation and how it did not come into being automatically, by some magic process and waving of the hands of God, there were a lot of things done right by our Founding Fathers, and there were a lot of things done wrong in the economic sector. Slavery was an engine that built the Nation, helped to build the Nation economically. The wiping out of large portions of the Native American population also helped to build a new Nation economically, but it was built on the blood and bones of people who did not deserve what they got.

So we need to take a step back and look at our history and evaluate it. Ken Burns has a documentary that played a couple of weeks ago on Thomas Jefferson. Thomas Jefferson was a very complex man, also a very great man, a giant; so ordinary people are not expected to be able to really understand the psyche of Thomas Jefferson fully. He was the kind of individual who comes only once or twice or a few times in a century. He was equivalent in politics to Einstein in science as far as I am concerned.

Mr. Speaker, if there had been no Thomas Jefferson, I do not think there would be an America as we know it today. We would have a very different constellation. So Thomas Jefferson ranks with Lincoln, competes with Lincoln as the greatest American President in my opinion. Perhaps Lincoln is greater because he acted decisively in very complicated, trying circumstances, and Thomas Jefferson acted decisively in some times but he backed away from many other battles; and that may be the difference. But historians have ranked Presidents, and I think Jefferson, Roosevelt, Lincoln, they all rank in the top three, one way or another.

Jefferson certainly was a great President. Jefferson, however, did have slaves. He was a southerner. He was a plantation owner. Jefferson also, documents show, had a 38-year love affair with one of his slaves named Sally Hemings. Sally Hemings is sort of blotted out of history, but researchers have reconstructed enough about her to let us know that she had a relationship with Jefferson for 38 years. I think a truth and reconciliation commission would help us to unearth that, and we would benefit a great deal. It is a love story that I think needs to be told, the story of Sally Hemings and Thomas Jefferson. It would help the Nation a whole lot to know exactly how this great man, why this great man maintained a relationship with a slave woman for 38 years. If that could happen, I do not think it should be seen as something to be hidden, it is something to be proud of. Obviously it was no passing passion. Obviously it was no exploitation of one human being over another. You do not do that for 38 years.

Obviously Sally Hemings was a very exceptional person even though history has blotted out a lot of what she was, and we do not know because certain Jefferson letters and documents are mysteriously missing, et cetera. But Ken Burns' documentary on Jefferson has titillated a lot of discussion. Certainly my interest, which started like 10 years ago, in Thomas Jefferson has been renewed. This is a part of our history that a Truth and Reconciliation Commission should take a look at. We may be proud and learn a lot from an examination of the intimate life of Thomas Jefferson as well as the rest of his life.

I think that factual history has a major role in this process of reconciliation. Factual history would make us understand more about what 232 years of slavery meant. Factual history, as we examine the facts more closely, if we funded a commission and they looked at it more closely, you might understand what I mean when I say that 232 years of slavery was an obliteration process, an attempt to obliterate the humanity of a set of people to make them more efficient as workers, as beasts of burden. The facts of history would help us understand that. The facts would lead us to do some of the things that have been done recently in the study of the children of Romania.

In Romania, the Communist Government of Romania decided that children were better off raised in orphanages. Large numbers of children were put into orphanages. They could have found families in many cases for them, but it was a policy of the Government: Maximize the number of children in orphanages; let the State raise them.

What you have is a kind of small Holocaust related to little children. Large numbers of American families have attempted to adopt some of those Romanian children since the wall went down in Romania and the dictator who started all this was executed by the people of Romania. They have gone in, large numbers of Americans wanting to adopt children. In many cases the children were physically beautiful, a little malnourished and pathetic looking but physically beautiful, and they have run up against a very interesting problem. Many of them have found when you try to transport children of Romania into America, give them the nurturing and do everything that a parent could do, and most of these are middle-class people because it costs about $10,000 to go through the process of getting them adopted, so they have some means. They take care of the kids very well. They run up against the problem of the children cannot do certain things, that something has happened to them that makes it impossible for them to relate in the usual human ways. Some of the parents have had to give up the children, have just found that it is impossible.

Psychiatrists have been brought in to study the situation. They have actually taken photographs, taken x-rays of the brains of the children. They have found a pattern where parts of the brain atrophy, they shrink because of the lack of human contact. These people were put in places where they were in pens. They had only other children there of their same age, very little human contact except to feed them. And often they were not fed on time and deprived. But the big thing is the lack of the human contact has led to a condition that can be documented. The brains have been affected on most of the children.

There are a few exceptions, which is a testament to the human spirit and the human endurance that is there, but the majority of them are in a situation where they do not come back. You cannot deal with the problem that the brain has already shrunk. They have documented evidence of this. I saw it on public television. I watch a lot of public television, and I saw it. They actually had the graphs and the charts, the picture of the brain, et cetera.

I asked myself, what happened to the brains of all these slave children who were put in situations where they were taken care of in the same way, only in worse conditions. They did not have pens. They were put on dirt floors. They were put on floors that in the wintertime only were covered with straw. They were fed like pigs. They would put the milk and the cornbread together and spread it in a trawl the way they feed pigs. They went through all these kind of inhumane conditions, they were sold back and forth from their parents, all kinds of things happened. What if we were to really get a thorough documentation of what that phenomenon was like and then begin to understand what impact it had on generations, to have all those babies who became adults, who went through that process.

Mr. Speaker, how much of that is a part of the problem that we are experiencing? And what a great thing it was that the human spirit of most African-Americans who are alive today, they are still alive because their ancestors overcame those kinds of conditions. But that is just one horrendous example. Why do we not have an economic study of what it means to have a slave family, 232 years ago, that is about seven or eight generations we are talking about. And each generation, because they are slaves, cannot pass anything on to the next generation.

There have been studies that show clearly that most wealth in America has been accumulated from inheritance. One generation passes money down to the next. They invest that or they find ways to expand on that, they pass it down to the next. So wealth in America is primarily, and probably all over the world, is primarily the result of inheritance. Bill Gates is a great exception. There are a number of people who have sort of broken out of the mold, made billions of dollars due to technological advancements. They are very fortunate. But in general, studies have shown that wealth is a product of family, inheritance.

Two hundred thirty-two years went by where African-Americans and their descendants inherited zero. Nothing. They are different from the immigrants who came here who might have had a suitcase full of clothes. You had wealth if you came with a suitcase full of clothes.

□ 1645

The African Americans came, and an attempt was made to deprive them not only of everything they had—they were automatically deprived of every physical thing they had, but their language was considered a problem. So they were divided up in ways which placed people who spoke different languages together in order for them not to be able to generate conspiracies. They were in every way deprived of any heritage, traditions, folkways, mores. All that was deliberately blotted out.

So what if we really studied that seriously, had a commission which had some funding, and were to see the impact of it? What impact would that have on our policy making, our attitudes toward policy making? We might discover some good things, you know, in the process.

There was an article I read recently which talked about the south's hidden heritage. We discovered some positive things and some of the stereotypes that we have might be overcome, because there was an article that was in the New York Times on February 16 of this year, 1997, by Eric Foner. I picked it up and I saw the name Eric Foner, and I was very interested in the article because I have a book in my office by Eric Foner. It is a study of mulattoes, the mulattoes and the impact of mulattoes, the offspring of the slave holders, the slave owners and slave women, and he has a long catalog of various mulattoes and what happened to them and their impact, et cetera.

So Eric Foner's name attracted my attention. He is a teacher at Columbia University, teaches history there, and he is also the curator of an exhibition at the South Carolina Historical Museum. At Columbia University, New York, he is a teacher, but he is a curator of an exhibition at the South Carolina Historical Museum. That is an odd combination which I found very interesting. And his article is about the south's hidden heritage.

If we had a truth in reconciliation commission we might find out things like this, and they may contribute a great deal to the dialog and the reconciliation process. He points out in his article, which I will not read in great detail, but he points out that Mississippi, which is often singled out as being an example of the worst race relations and the worst historical—historically the worst of the slave States, that Mississippi had more Mississippians who fought for the Union than for the Confederacy. That is an interesting fact, it is an odd fact; it is a fact, I think, which if it was placed into the hopper of a reconciliation process may do some good, you know.

He points out that during the Civil War 200,000 African Americans, most of them freed slaves, fought in the Union Army. Tens of thousands of Mississippi slaves were recruited in the Union forces. Several thousand whites from Mississippi also fought under the stars and stripes. In fact more Mississippians fought for the Union than for the Confederacy.

And he goes on to talk about other Civil War monuments in the south that celebrate the south's history one way or another. He talks about the fact also that Gen. James Longstreet, a famous general for the Confederacy, General Longstreet has no monuments to him in any southern towns because after the war was over General Longstreet supported rights for the newly freed slaves, so his name up to now is mud among his compatriots in the south.

A truth in reconciliation commission might appreciate that fact, might unearth the achievements of General Longstreet after the war, and it might lead to General Longstreet being a positive force in a dialog and the development of reconciliation in America.

What am I going on with this potpourri for? It is all about trying to make the point that the Supreme Court decision on the Voting Rights Act is a landmark decision, it is a dangerous harbinger of things to come. If we do not deal with the distorted notions behind it, the philosophy of it, and understand what it is all about, we are in danger of losing other kinds of policy institutions.

We fought hard for certain institutions to be put in place. We fought hard to get the Voting Rights Act, we fought hard to end segregation in the schools, we fought hard to get set-asides established so that in Government contracts a small percentage, a tiny percentage of contracts were awarded to minorities and to women. A lot of that is being rolled back. Affirmative action is being challenged, and a lot of the same arguments that are used by the Supreme Court in its promulgation of this wrong decision are used in all of those cases, that America should be a colorblind society.

Everybody is equal. Therefore you cannot take steps to remedy anything on the basis of past injustices. You must treat everybody equally. That may be a dream that will take place some day, but it is not a fact and a reality now, and the fact that we close our eyes makes the process of building a great Nation more difficult. We may have serious problems if we continue to go down this road, but we will not acknowledge that schools in inner-city communities which have the greatest bulk of the descendants of African slaves need special help. Empowerment zones in inner-city districts need special help to create jobs and create opportunity. We cannot run away from that responsibility.

In the Supreme Court decision, I think I pointed out Supreme Court decision that was related to the Georgia case, and was used as the backbone and the ultimate decisionmaking as within the context of the Supreme Court decision for all other cases, including the recent case of New York. NYDIA VELÁZQUEZ'S 12th District has been subjected to the same reasoning that was used in the Georgia case, and therefore at this point I want to go back to a statement I made on this floor before:

The Georgia case was a case decided by a five to four configuration. Five members voted for it, and four members voted against it. Ruth Bader Ginsburg wrote the opinion for the minority; Justice Kennedy wrote the opinion for the majority. Justice Kennedy based his ruling on another case which said that you can not have any consideration of race when the Government is involved. Justice Ginsburg challenged this and said this is not so self-evident, it is not common sense. It was not obvious to Justice Ginsburg, and I will repeat what I said on the floor before:

The law, as the law is made and the intent of the constitutional amendment as examined, it is not at all clear to Justice Ginsburg that the 14th amendment is primarily concerned with being colorblind and not concerned with remedying past wrongs, which the full, legal immigration of the African Americans, the former slaves and their descendants into American life, require.

Let me read a few excerpts from Justice Ginsburg's dissenting opinion directly. Quote:

> Legislative redistricting is a highly political business. This court has generally respected the competence of State legislators to attend to the task. When race is the issue, however, we have recognized the need for judicial invention, the judicial intervention, to prevent dilution of minority voting strength. Generations of white discrimination against African Americans, as citizens and voters, account for that surveillance.

In other words, the courts did get involved with redistricting after hundreds of years of, say, you know, we are not going to draw lines. Legislatures can do a better job with that. They got involved only because there was an injustice that continued from one generation to another in representation for minorities, in most cases for the descendants of African slaves.

In other words, what she is saying is that we have generally kept our hands off the judiciary. The judiciary kept its hands off the reapportionment process. There was a series of cases that established clearly that it was better to leave the State legislatures alone to do this, and the only regular systematic intervention of the courts came in the case of the Voting Rights Act. They upheld the Voting Rights Act as being constitutional originally and proceeded for a long time to accept it and support it.

We reauthorized the Voting Rights Act for 25 years. I think it has about 15 more years to go because the Congress, after having tested it, reauthorized it 2 or 3 times for 2 years, 4 years, 5 years; finally decided to reauthorize it for 25 years. But to quote Justice Ginsburg again:

Two years ago in Shaw versus Reno this court took up a claim analytically distinct from a vote dilution claim. Shaw authorized judicial intervention in extremely regular reapportionments.

To continue quoting Justice Ginsburg:

> Today the court expands the judicial role, announcing that Federal courts are to undertake searching review of any district with contours predominantly motivated by race. Strict scrutiny will be triggered not only

> when traditional districting practices are abandoned, but also when those practices are subordinated to and given less weight than race. Applying this new race as predominant factor standard, the court invalidates Georgia's districting plan even though Georgia's eleventh district, the focus of today's dispute, bears the imprint of familiar districting practices. Because I do not endorse the court's new standard and will not upset Georgia's new plan, I dissent, says Justice Ginsburg on the occasion of the court case that set the precedent for what has been decided now in New York. NYDIA VELÁZQUEZ would not have been ordered to redraw lines in this case, if the court had not ruled on the Georgia case in this manner.

To continue quoting justice Ginsburg:

> We say once again what has been said on many occasions. Reapportionment is primarily the duty and responsibility of the State through its legislature or other body rather than of a Federal court. Districting inevitably has sharp political impact, and political decisions must be made by those charged with the task. District lines are drawn to accommodate a myriad of factors geographic, economic, historical and political, and State legislatures as arenas of compromise, electoral accountability, are best positioned to mediate competing claims. Courts with a mandate merely to adjudicate are ill equipped for this task. The lines have been redrawn in New York City, have been ordered redrawn because the court which is ill-equipped with the task is interfering with the process, and they have never done that before. She points out geographic, economic, historical, political and number of factors go into drawing the lines of a district, a congressional district, State Senate district, assembly, all under the same process. It is a political process.

BARNEY FRANK offered the other day when I was looking for examples of strangely shaped districts, oddly shaped districts that have nothing to do with the Voting Rights Act, BARNEY FRANK offered his district. It is one of the oddest shaped districts in the country. It is in Massachusetts. Had nothing to do with the Voting Rights Act. Historically there have been stranger creatures drawn as districts than anything that we have seen put forward in these voting rights act cases, but suddenly esthetics becomes important. The odd shape, if it had something to do with race maybe, requires strict scrutiny.

I quote Justice Ginsburg again. Federal courts have ventured now into the political thicket of reapportionment when necessary to secure to members of racial minorities equal voting rights, rights denied many States including Georgia until not long ago. The 15th amendment which was ratified in 1870 declared that the right to vote shall not be denied by any State on account of race. That declaration for many generations was often honored in the breach. It was greeted by a near century of unremitting and ingenious defiance in several States including Georgia. The defiance in Georgia and several southern States was open, well known, poll tax, lynchings of people who tried to assert their right to vote. You wanted to vote at one point, you had to recite the constitution without stopping. In one State they require that you tell how many bubbles there are in a bar of soap. They came in with all kind of ridiculous questions for black voters who were seeking to vote.

So that is legendary. We know about that. What you do not know is that in places like New York, New York City with a large black population, they have for years, for many decades, drew lines where they went to the black community and put the pin down in the middle of the community so that a large black community would be a part of four different districts. They would have no power in any one of those four districts because they are only a small part of all those districts. It was a pattern repeated over and over again in big cities like Philadelphia, Chicago, all across the country.

□ 1700

So the politicians had the power to do that and they did it and they were allowed to do it.

The 15th amendment, ratified in 1877, said the right to vote shall not be denied by any State on account of race. That declaration for many generations was offered under the breach. After a brief interlude of black suffrage enforced by Federal troops but accompanied by rampant attacks against blacks, Georgia held a constitutional convention in 1877. Its purpose, according to the convention's leader, to quote the convention leader of the Georgia Constitution in 1877, was to fix it so that the people shall rule and the Negro shall never be heard from. This is part of the history that Justice Ginsburg quoted in order to deal with the Georgia case.

She continues, in pursuant of this objective, Georgia enacted a cumulative poll tax requiring voters to show their past as well as current poll taxes paid. One historian described this tax as the most effective bar to Negro suffrage ever devised.

In 1890, the Georgia General Assembly authorized white-only primaries. Keeping blacks out of the Democratic primary effectively excluded them from Georgia's political life. The victory in the Democratic primary in those days was tantamount to election.

Early in this century Georgia Governor Hoke Smith persuaded the legislature of Georgia to pass the Disenfranchisement Act of 1908. As late as 1908, they passed the Disenfranchisement Act of 1908. True to its title, this measure added various property, good character and leadership requirements that as administered served to keep blacks from voting. This result, as one commentator observed 25 years later, was an absolute exclusion of the Negro voice in State and Federal elections.

I am citing all of this to let my colleagues know that this is the Georgia case that is the decisive case, the basis for striking down districts in Virginia and Texas, in Louisiana and Florida, and now in New York City. If my colleagues want to know the history, if my colleagues want to know the other side, this is the other side argued by Justice Ginsburg. She did not agree with Justice O'Connor, she did not agree with Justice Clarence Thomas, and she wrote a brilliant statement that every person in New York who is concerned about justice ought to read.

Disenfranchised blacks have no electoral influence; hence, no muscle to lobby the legislature for change, and that is when the court intervened. She is saying that the court intervened and the Voting Rights Act was created because the processes were being used to exclude and to oppress a particular group. It was a violation of the 15th amendment.

Justice Ginsburg makes it quite clear that the equal protection clause does not rule out extraordinary measures being taken by the Federal Government to deal with past wrongs and to compensate for what happened in 232 years of slavery and the period of disenfranchisement that followed. She argues, Justice Ginsburg argues, with the basic principle that is established by Justice O'Connor in Shaw versus Reno, she argues against that principle; she does not accept that premise.

But then Justice Ginsburg moved to another area and she showed that the 11th Congressional District that was being challenged in Georgia had better lines, less crooked lines, less strange lines; the shape was better, more rectangular than most of the other Georgia districts.

So the district of the gentlewoman from New York [Ms. VELÁZQUEZ] has been called the Bullwinkle district in New York. It is called the Bullwinkle district because it looks so strange; somebody says it looks like Bullwinkle. It is a big joke. But I assure my colleagues that throughout history there have been many Bullwinkles and Bullwinkle's relatives that never have been challenged. We also know that right now across the Nation, of the 435 districts drawn, some of the strangest safe districts have nothing to do with the Voting Rights Act, they have nothing to do with race.

So I come back to my original concern. People of New York, people of my district understand this Voting Rights Act is in jeopardy; the fact that a colleague of mine has been ordered to redraw her district. The question has been asked many times, how will this affect you? It will affect me immediately because I have some boundaries with the gentlewoman from New York [Ms. VELÁZQUEZ]. I am on the boundary of people who do have boundaries with her. So they may, in the process of redrawing the district, impact upon my district as it is now.

There are several plans that have been proposed, very modest plans. Some involve adjustments where they move the lines around a bit and a few districts will be impacted and that is it. That is one scenario. The problem could be resolved with the simple scenario of adjusting lines in a few districts. Another scenario is that since the State legislature has ordered the redrawing of all of the lines; not all of the lines, but redrawing of the lines for her district, the State legislature can choose, if they wish, to redraw all of the lines in the whole State. They have that option. They can choose to draw lines as far away as several thousand miles, in Buffalo, on the border of Canada if they wish. They have that option. Being told by the courts to redraw lines mean they have an option.

Some people in the State legislature, powerful people, the Governor is powerful, the majority leader in the senate, they are powerful Republicans, they may try to get revenge on the Democrats who won in districts that were primarily Republican, who had a large percentage of Republicans, and they may try to draw boundaries in ways which impact on those districts. Some Democrats may choose to want to make some adjustments and get even with some of their enemies by redrawing some lines somewhere.

Mr. Speaker, the scenario that does not make sense is also possible. It does not make sense to do that. The wild scenario of drawing lines throughout the State is one possibility. The scenario of common sense is to just make adjustments downstate in the area of New York City.

Now, I say all of this because it is important if people have questions, they want to know is my district in jeopardy? Why am I concerned about this? I am not concerned primarily because it impacts on my district at all. I am concerned about the future of the Voting Rights Act. I am concerned about the principle of effective Government policies to focus on problems that exist as a result of past Government behavior, past wrongs that were done, past official policies.

When the Constitution was written and they made slaves, they did not even refer to slaves. They said other individuals would be counted as three-fifths, other Indians would be counted as three-fifths of a man. We enshrined in the Constitution a grave error, and the policy decision, the wrong policy decision was perpetrated from then on.

We failed to include in the Declaration of Independence the long section that Jefferson wrote condemning slavery. It was taken out as a compromise. So we failed again in our public policy to deal with the problem. Later on, Jefferson attempted to pass a bill which banned slavery in all of the States that would be added to the Union and it lost by 1 vote in Congress. It lost by 1 vote. We failed in public policy again. It went on and on until you have the blood bath of the Civil War.

So we have a responsibility to correct the results, the by-product of past Government failures. What the Swiss are doing finally, in their offering of a fund for $5 billion is saying that we accept some of that responsibility in the case of what happened with the Jews in the Second World War. The Swiss are setting a great example.

I was speaking to some bankers this morning at a breakfast and I said, look, you bankers who worry so much about the Community Reinvestment Act and the small amount of money you put into big cities and minority neighborhoods, you worry about every penny and you nickel and dime us to death. Why do you not look at the example now being set by the Swiss? Why not have the American millionaires and the tremendous amounts of accumulation of American wealth in America respond to some human needs in America in the same way the Swiss now begin to respond? It took the Swiss 50 years.

Switzerland is a beautiful little country; I have been there twice. It is amazing how clean it is, how orderly it is; law and order is fantastic in Switzerland. Switzerland has a very educated population. In Switzerland the people dress nicely, they look nice and they act nicely, but that does not govern morality. There is no correlation between sanitation and cleanliness and morality.

They behaved abominably. They behaved like the worst of humanity by operating in cahoots with the Germans to take the wealth of all of these helpless people. They denied entry into Switzerland to people who were running from the terror of the Holocaust. They did terrible things. Some people have said, well, they have $5 billion they are now willing to put up. That is not enough. They want justice. Let us calculate how much they have earned and all the money they stole and make them pay up.

I do not think we should ask for justice, it has taken so long to this point. Reconciliation is greater than justice, reconciliation is more important than justice. Justice we may never have. Steps have been taken toward reconciliation; let us accept those steps.

I think I have said before that sometimes it seems that civilization is not going forward. Terrible things have happened in a nation like Germany, with large numbers of educated people, leaders, the history of producing the greatest musicians in the world, the greatest scientists, the greatest mathematicians. A nation like Germany created also some of the greatest crimes against humanity on a scale that no other set of terrorists have ever been able to accomplish in the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY) for today and on March 8 on account of official business.

Mr. STRICKLAND (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. DREIER (at the request of Mr. ARMEY) for today and tomorrow on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

Ms. MCCARTHY of Missouri, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. LAHOOD) to revise and extend their remarks and include extraneous material:)

Ms. GRANGER, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, on March 6.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, on March 6.

Mr. SMITH of Michigan, for 5 minutes, today and on March 11.

Mr. FORBES, for 5 minutes, on March 6.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

(The following Member (at the request of Mr. OWENS) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. NORTON) and to include extraneous matter:)

Mr. VENTO.
Mr. MILLER of California.
Mr. CONDIT.
Mr. SERRANO.
Mr. WEYGAND.
Mr. KUCINICH.
Ms. HARMAN.
Mr. TOWNS.
Mr. LEVIN.
Mr. BENTSEN.

Mr. WAXMAN.
Mr. BERMAN.
Mr. ABERCROMBIE.

(The following Members (at the request of Mr. LAHOOD) and to include extraneous matter:)

Mr. BILIRAKIS.
Mr. SMITH of New Jersey.
Mr. PORTER.
Mr. GOODLING.
Mr. GOSS.
Mr. PORTMAN.
Mr. THOMAS.
Mr. GILMAN in two instances.
Mr. DEAL of Georgia in two instances.
Mr. GOODLATTE.
Mr. COOK.
Mr. PACKARD.
Mr. CALLAHAN.
Mr. WOLF.
Mr. WALSH.
Mr. MCINTOSH.
Mr. EWING.
Mr. BURTON of Indiana.
Mrs. JOHNSON of Connecticut.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mrs. MORELLA.
Mr. DAN SCHAEFER of Colorado.
Mr. SHAYS.
Mr. SKELTON.
Mr. CONDIT.
Mr. PICKERING.
Ms. STABENOW.
Mr. SHAW.
Mr. ENGEL.
Mr. MCDERMOTT.
Mr. SHERMAN.
Mr. ORTIZ.
Mr. CHRISTENSEN.
Ms. HARMAN.
Mr. SCHUMER.
Mr. CLAY.
Mrs. MALONEY of New York.
Mr. RAHALL.
Mr. VENTO.
Mr. QUINN.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. SOLOMON.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On February 28, 1997:

H.R. 668. An act to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airways Trust Fund excise taxes, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, March 6, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2093. A communication from the President of the United States, transmitting a report pursuant to section 1306(c) of the National Defense Authorization Act for fiscal year 1997, pursuant to Public Law 104–201, section 1306(c) (110 Stat. 2707); to the Committee on National Security.

2094. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's reports entitled "1997 Salary Rates" for its employees in grades 1–15 and "Executive Level Salary Ranges" for its executive level employees, pursuant to section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA]; to the Committee on Banking and Financial Services.

2095. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the NATO Maintenance and Supply Agency [NAMSA] [Transmittal No. 08–97], pursuant to 22 U.S.C. 2; to the Committee on International Relations.

2096. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Spain (Transmittal No. DTC–13–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2097. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Spain (Transmittal No. DTC–12–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–19–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2099. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–39–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2100. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Switzerland (Transmittal No. DTC–2–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2101. A letter from the Director of Fiscal Resources, Department of the Interior, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2102. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2103. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2104. A letter from the Chairman, International Trade Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2105. A letter from the Acting Executive Secretary, National Security Council, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2106. A letter from The Special Counsel, Office of the Special Counsel, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2107. A letter from the Director, U.S. Trade and Development Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2108. A letter from the Director, Financial Services, Library of Congress, transmitting a copy of the U.S. Capitol Preservation Commission annual report for the fiscal year ending September 30, 1996; to the Committee on House Oversight.

2109. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of his determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency, pursuant to Public Law 99–88, chapter V (99 Stat. 232); Public Law 100–461, title I (102 Stat. 2268–3); jointly, to the Committees on International Relations and Appropriations.

2110. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's report entitled "Federal Sector Report on EEO Complaints and Appeals, FY 1995" and a copy of the EEOC's "Annual Report on the Employment of Minorities, Women, and People with Disabilities in the Federal Government, FY 1995," pursuant to 42 U.S.C. 2000e–4(e); jointly, to the Committees on Government Reform and Oversight and Education and the Workforce.

2111. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's December 1996 "Treasury Bulletin," pursuant to 26 U.S.C. 9602(a); jointly, to the Committees on Ways and Means and Transportation and Infrastructure.

2112. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled "Anti-Gang and Youth Violence Act of 1997"; jointly, to the Committees on the Judiciary, Education and the Workforce, and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EHLERS:

H.R. 922. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans; to the Committee on Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 923. A bill to prohibit the cloning of humans; to the Committee on Commerce.

By Mr. McCOLLUM (for himself, Mr. SCHUMER, and Mr. LUCAS of Oklahoma):

H.R. 924. A bill to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. SANDERS, Mr. DEFAZIO, Mr. KLUG, Mr. DICKEY, Mr. NEUMANN, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. LIPINSKI, Mr. FRANKS of New Jersey, Mrs. MALONEY of New York, Mr. CHABOT, Mrs. KENNELLY of Connecticut, Mr. WATTS of Oklahoma, Mr. STARK, Mr. HOEKSTRA, Ms. JACKSON-LEE, Mr. LOBIONDO, Mr. EVANS, Ms. NORTON, Mr. FRANK of Massachusetts, Ms. STABENOW, Mr. LEWIS of Georgia, Mrs. CARSON, and Mr. BLUMENAUER):

H.R. 925. A bill to prohibit the Department of Defense from allowing defense contractors to recoup merger-related restructuring costs from the taxpayers; to the Committee on National Security.

By Mr. McCOLLUM:

H.R. 926. A bill to amend title 18, United States Code, to permit Federal prisoners to engage in community service projects; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself and Mr. SCHUMER):

H.R. 927. A bill to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

By Mr. CHRISTENSEN (for himself, Mr. BASS, Mr. CHABOT, Mr. COBURN, Mr. DICKEY, Mr. HASTINGS of Washington, Mr. NORWOOD, and Mr. WHITFIELD):

H.R. 928. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to ensure that employees have adequate access and information regarding the use of employee dues and fees paid to labor organizations; to the Committee on Education and the Workforce.

By Mr. CANADY of Florida (for himself, Mr. HALL of Ohio, Mr. HYDE, Mrs. MYRICK, Mr. SMITH of New Jersey, Mr. COBURN, Mrs. EMERSON, Mr. ARMEY, Mr. DELAY, Mr. OBERSTAR, Mr. WELDON of Florida, Mr. WATTS of Oklahoma, Mrs. CUBIN, Mr. DEAL of Georgia, Mrs. LINDA SMITH of Washington, Mr. DOYLE, Mr. DOOLITTLE, Mr. MASCARA, Mr. HOSTETTLER, Mr. HULSHOF, Mrs. NORTHUP, Mr. BARCIA of Michigan, Mr. DAVIS of Virginia, Mr. HOLDEN, Mr. MCCRERY, Mr. SHIMKUS, Mr. KLINK, Mrs. CHENOWETH, Mr. SKELTON, Ms. DANNER, Mr. HAYWORTH, Mr. KNOLLENBERG, Mr. HILLEARY, Mr. CUNNINGHAM, Mr. BRYANT, Mr. BARTLETT of Maryland, Mr. HERGER, Mr. CRANE, Mr. DICKEY, Mr. BURTON of Indiana, Mr. HEFLEY, Mr. CHRISTENSEN, Mr. UNDERWOOD, Mr. CHABOT, Mr. GOODLATTE, Mr. HUNTER, Mr. BALLENGER, Mr. PAPPAS, Mr. KING of New York, Mr. ROEMER, Mr. BACHUS, Mr. BLILEY, Mr. CANNON, Mr. LAHOOD, Mr. PORTMAN, Mr. SMITH of Texas, Mr. HUTCHINSON, Mr. PITTS, Mr. FORBES, Mr. CRAPO, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. STEARNS, Mr. ENSIGN, Mr. WALSH, Mr. BUNNING of Kentucky, Mr. GANSKE, Mr. HILL, Mr. ENGLISH of Pennsylvania, Mr. QUINN, Mr. DIAZ-BALART, Mr. THORNBERRY, Mr. PETERSON of Minnesota, Mr. CALLAHAN, Mr. STUMP, Mr. MICA, Mr. LATHAM, Mr. MCCOLLUM, Mr. BEREUTER, Mr. TALENT, Mr. PACKARD, Mr. CAMP, Mr. BARR of Georgia, Mr. NORWOOD, Mr. MANZULLO, Mr. MCINTOSH, Mr. BUYER, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. POSHARD, Mr. MURTHA, Mr. KILDEE, Mr. JOHN, Mr. KANJORSKI, Mr. TAYLOR of Mississippi, Mr. BAKER, Mr. HOEKSTRA, Mr. SOUDER, Mr. BARRETT of Nebraska, Mr. SOLOMON, Mr. WICKER, Mr. RYUN, Mr. SAM JOHNSON, Mr. PARKER, Mr. COBLE, Mr. BONO, Mr. INGLIS of South Carolina, Mr. TAYLOR of North Carolina, Mr. BOEHNER, Mr. ISTOOK, Mr. WATKINS, Mr. SCHIFF, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. HANSEN, Mr. BARTON of Texas, Mr. HASTINGS of Washington, Mr. JONES, Mr. STENHOLM, Mr. BURR of North Carolina, Mr. GRAHAM, Mr. WAMP, Mr. LINDER, Mr. JENKINS, Mr. GUTKNECHT, · Mr. GOODLING, Mr. PETRI, Mr. NEY, Mr. SANFORD, Mr. LARGENT, Mr. STUPAK, Mr. HASTERT, Mr. NUSSLE, Mr. WELDON of Pennsylvania, Mr. ROGERS, Mr. SALMON, Mr. POMBO, Mr. CHAMBLISS, Mr. SHADEGG, Mr. ORTIZ, Mr. ADERHOLT, Mr. GALLEGLY, Mr. SMITH of Oregon, Mr. LIVINGSTON, Mr. EVERETT, Mr. SKEEN, Mr. ARCHER, Mr. SUNUNU, Mr. METCALF, Mr. OXLEY, Mr. PAXON, Mr. BLUNT, Mr. PICKERING, Mr. SHUSTER, Mr. GILLMOR, Mr. SPENCE, Mr. KASICH, Mr. NEUMANN, Mr. BOB SCHAFFER, Mr. MOLLOHAN, Mr. EHLERS, Mr. GOODE, Mr. PEASE, Mr. COMBEST, and Mr. WHITFIELD):

H.R. 929. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mrs. MALONEY of New York, Mr. MICA, and Mr. PORTMAN):

H.R. 930. A bill to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses; to the Committee on Government Reform and Oversight.

By Mr. CAMPBELL (for himself, Ms. LOFGREN, and Ms. ESHOO):

H.R. 931. A bill to provide an exception to the restrictions on eligibility for public benefits for certain legal aliens; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 932. A bill to amend chapter 3 of title 28, United States Code, to provide for the appointment in each U.S. circuit court of appeals, of at least one resident of each State in such circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRETT of Wisconsin:

H.R. 933. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto Act; to the Committee on the Budget.

By Mr. BARTLETT of Maryland (for himself, Mr. DELAY, Mr. TRAFICANT, Mr. WATTS of Oklahoma, Mr. STEARNS, Mr. STUMP, Mr. TIAHRT, Mr. SKEEN, Mr. DUNCAN, Mr. EHRLICH, Mr. SOLOMON, Mr. ROHRABACHER, Mr. BARR of Georgia, Mr. CRANE, Mr. LEWIS of Kentucky, Mr. SCARBOROUGH, Mr. SALMON, Mr. MANZULLO, Mr. HERGER, Mr. WELDON of Florida, Mr. ISTOOK, Mr. MCINTOSH, Mr. SESSIONS, Mr. SNOWBARGER, Mr. PETERSON of Pennsylvania, Mr. JONES, Mr. SAM JOHNSON, Mr. HILLEARY, Mr. HOSTETTLER, Mr. BARTON of Texas, Mr. GRAHAM, Mr. BURTON of Indiana, Mr. PITTS, Mr. HUNTER, Mr. MCKEON, Mr. PACKARD, Mr. NEUMANN, Mr. DICKEY, Mr. COBLE, Mrs. EMERSON, Mr. SOUDER, Mr. DOOLITTLE, Mrs. CHENOWETH, Mr. BONO, Mrs. NORTHUP, Mr. CANNON, Mr. PAUL, Mr. METCALF, Mr. CALVERT, Mr. HASTINGS of Washington, and Mr. HUTCHINSON:

H.R. 934. A bill to prohibit the payment to the United Nations of any contributions by the United States until U.S. overpayments to such body have been properly credited or reimbursed; to the Committee on International Relations.

By Mr. CONYERS:

H.R. 935. A bill to amend title 18, United States Code, to impose a penalty upon States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

By Mr. DOOLITTLE:

H.R. 936. A bill to authorize further appropriations for the stabilization and repair of damages to the Mountain Quarries Railroad Bridge, commonly known as No Hands Bridge, caused by the heavy rains and flooding in California in December 1996 and January 1997; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH of Pennsylvania:

H.R. 937. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

H.R. 938. A bill to amend the Trade Act of 1974 to extend the period of time within which workers may file a petition for trade adjustment assistance; to the Committee on Ways and Means.

H.R. 939. A bill to permit revocation by members of the clergy of their exemption from Social Security coverage; to the Committee on Ways and Means.

H.R. 940. A bill to reform the Federal unemployment benefits system; to the Committee on Ways and Means.

By Mr. EWING (for himself, Ms. DUNN of Washington, and Mr. KOLBE):

H.R. 941. A bill to provide for permanent most-favored-nation treatment to the products of the People's Republic of China when that country becomes a member of the World Trade Organization; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself, Mrs. ROUKEMA, and Mr. FRELINGHUYSEN):

H.R. 942. A bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; to the Committee on Commerce.

H.R. 943. A bill to amend the Solid Waste Disposal Act to provide authority for States to control the movement of municipal solid waste to waste management facilities within the boundaries of the State or within the boundaries of political subdivisions of the State; to the Committee on Commerce.

By Mr. GILLMOR (for himself, Mr. Oxley, and Mr. Manton):

H.R. 944. A bill to amend the Securities Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Commerce.

By Mr. GILLMOR:

H.R. 945. A bill to amend the Securities Exchange Act of 1934 to require corporations to obtain the views of shareholders concerning corporate charitable contributions; to the Committee on Commerce.

By Mr. GOODLATTE (for himself, Mr. Miller of Florida, Mr. Ney, Mr. Franks of New Jersey, Mr. Davis of Virginia, Mr. English of Pennsylvania, Mr. Bartlett of Maryland, Mr. Graham, Ms. Furse, Mr. Canady of Florida, and Mr. Goode):

H.R. 946. A bill to amend chapter 84 of title 5, United States Code, to provide that annuities for Members of Congress be computed under the same formula as applies to Federal employees generally, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs, JOHNSON of Connecticut (for herself, Mr. Matsui, Mr. Sawyer, Mr. Houghton, Mr. Neal of Massachusetts, Ms. Dunn of Washington, Mr. Camp, Mr. Sam Johnson, Mrs. Kennelly of Connecticut, Mr. English of Pennsylvania, Ms. Molinari, Mr. Herger, Mr. Weller, Mr. Levin, Mr. Portman, Mr. Watkins, Mr. Oxley, Mr. Rohrabacher, Mr. Campbell, Mr. Gejdenson, Mr. Ney, Mrs. Linda Smith of Washington, Ms. Eshoo, Mr. Filner, Mr. Boehlert, Mr. Dreier, Mr. Blumenauer, Mr. Klug, Mr. Gillmor, Mr. Frost, Ms. Hooley of Oregon, Mr. Price of North Carolina, Mr. Kennedy of Massachusetts, Mr. Skaggs, Mr. Evans, Ms. Furse, Mr. Cannon, Ms. DeLauro, Mr. Rogan, Mr. Pascrell, Mr. Farr of California, and Mr. Cook):

H.R. 947. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 948. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself, Mrs. McCarthy of New York, and Mr. Engel):

H.R. 949. A bill to amend title 18, United States Code, to prohibit the disposition of a firearm to, and the possession of a firearm by, nonpermanent resident aliens; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. Dellums, Ms. Velázquez, Mr. Serrano, Mr. Filner, Mr. Torres, Mr. Nadler, Mr. Rush, Mr. Foglietta, Mr. Manton, Ms. Waters, Mr. Owens, Mr. Fattah, Mr. Rangel, Mr. McDermott, Mr. Towns, Mr. Flake, Mr. Engel, Mrs. Maloney of New York, Mr. Andrews, Ms. Roybal-Allard, Mr. Ackerman, Ms. Sanchez, Mr. Hinchey, Mr. Scott, Mr. Lantos, Mr. Brown of California, Ms. DeLauro, Mr. Payne, Mr. Davis of Illinois, and Mr. Dixon):

H.R. 950. A bill to establish a national public works program to provide incentives for the creation of jobs and address the restoration of infrastructure in communities across the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINNIS:

H.R. 951. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO; to the Committee on Resources.

By Mr. MILLER of California (for himself, Ms. Pelosi, Mr. Markey, Mr. Hinchey, Mr. Meehan, Mr. Nadler, Mr. Conyers, Mr. Farr of California, Mr. Abercrombie, Mr. Delahunt, Mr. Vento, Mrs. Mink of Hawaii, Mr. Frank of Massachusetts, and Mr. Shays):

H.R. 952. A bill to clarify the mission, purposes, and authorized uses of the National Wildlife Refuge System, and to establish requirements for administration and conservation planning for that system; to the Committee on Resources.

By Mrs. MINK of Hawaii (for herself, Mr. Ackerman, Ms. Christian-Green, Ms. DeGette, Mr. Evans, Mr. Frost, Ms. Eddie Bernice Johnson of Texas, Ms. Lofgren, Ms. McKinney, Mrs. Maloney of New York, Mr. Mascara, Mrs. Meek of Florida, Mrs. Morella, Ms. Sanchez, Ms. Slaughter, and Ms. Woolsey):

H.R. 953. A bill to amend the Public Health Service Act to provide for programs regarding ovarian cancer; to the Committee on Commerce.

By Mr. OXLEY (for himself, Mr. Tauzin, Mr. Gillmor, Mr. Upton, Mr. White, and Mr. Dan Schaefer of Colorado):

H.R. 954. A bill to amend the Communications Act of 1934 to clarify the authority of the Federal Communications Commission to authorize foreign investment in U.S. broadcast and common carrier radio licenses; to the Committee on Commerce.

By Mr. PAPPAS (for himself and Mr. Talent):

H.R. 955. A bill to amend the Internal Revenue Code of 1986 to permit the deduction of home office expenses where the home office is the sole fixed location of the business; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. Hastert, Mr. Levin, and Mr. Rangel):

H.R. 956. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. McHale):

H.R. 957. A bill to abolish the Committee on Standards of Official Conduct in the House of Representatives, establish an Independent Commission on House Ethics, and provide for the transfer of the duties and functions of the Committee to the Independent Commission; to the Committee on Rules.

By Mr. SOUNDER:

H.R. 958. A bill to prohibit United States assistance to Mexico for fiscal year 1998 unless the Government of Mexico meets certain narcotics control requirements; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 959. A bill to amend title 18, United States Code, to restrict the mail-order sale of body armor; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 960. A bill to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes; to the Committee on Resources.

By Mr. UPTON (for himself and Mr. Farr of California):

H.R. 961. A bill to amend the Internal Revenue Code of 1986 to eliminate the requirement that States pay unemployment compensation on the basis of services performed by election workers; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 962. A bill to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H. Con. Res. 36. Concurrent resolution expressing support for equal and fair access to higher education in the Albanian language in the former Yugoslav Republic of Macedonia; to the Committee on International Relations.

By Mr. CONDIT (for himself and Mr. Rohrabacher):

H. Con. Res. 37. Concurrent resolution expressing the sense of Congress that the Sikh Nation should be allowed to exercise the right of national self-determination in their homeland, Punjab, Khalistan; to the Committee on International Relations.

By Mrs. MORELLA (for herself, Mr. Sawyer, Mr. Rahall, Mr. Sununu, Mr. Frank of Massachusetts, Mrs. Mink of Hawaii, Mr. Gilman, Mr. Kucinich, Mr. Menendez, Mr. Conyers, Mr. Dingell, Ms. McKinney, Mr. John, Mr. Baldacci, Mr. Moran of Virginia, and Mr. Oberstar).

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress with respect to the collection of ancestry data as part of the decennial census of population; to the Committee on Government Reform and Oversight.

By Mr. GILMAN:

H. Res. 81. Resolution providing amounts for the expenses of the Committee on International Relations in the 105th Congress; to the Committee on House Oversight.

By Mr. LAHOOD:

H. Res. 82. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GEKAS (for himself, Mr. SHAW, Mr. GILMAN, Mr. DEFAZIO, Mr. STEARNS, and Mr. PORTER):

H. Res. 83. Resolution expressing the sense of the House of Representatives that the Federal commitment to biomedical research should be increased substantially over the next 5 years; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. BLUNT and Mr. RILEY.

H.R. 9: Mr. RUSH.

H.R. 34: Mr. GRAHAM.

H.R. 38: Mr. WYNN, Mr. SCHIFF, Mr. KILDEE, and Mr. PARKER.

H.R. 59: Mr. COMBEST, Mr. PACKARD, Mr. BAKER, Mr. SESSIONS, Mr. CANNON, Mr. BOB SCHAFFER, and Mr. HOEKSTRA.

H.R. 65: Mr. GUTKNECHT, Mr. STUPAK, Mr. SCOTT, Mr. FARR of California, Mr. FOX of Pennsylvania, Mr. WATT of North Carolina, and Mr. DICKS.

H.R. 66: Mr. SANDERS, Mr. OLVER, Mr. DEFAZIO, Mr. BALDACCI, Mr. DAVIS of Virginia, Mr. PORTER, Mrs. MORELLA, Mr. ACKERMAN, Mr. BARTLETT of Maryland, Mr. DELLUMS, Mr. TORRES, Mr. PALLONE, Mr. KUCINICH, and Mr. HINCHEY.

H.R. 69: Mr. BARTLETT of Maryland, Mr. BERRY, Mr. BOUCHER, Mr. SANDERS, and Mr. WATTS of Oklahoma.

H.R. 80: Mr. MILLER of Florida, Ms. HARMAN, and Mr. CHABOT.

H.R. 86: Mr. CAMP.

H.R. 96: Mr. BURR of North Carolina and Ms. FURSE.

H.R. 107: Mr. BORSKI, Ms. SLAUGHTER, Mr. DEAL of Georgia, Mr. PASTOR, Mr. KILDEE, Mr. KANJORSKI, Mr. CONDIT, Mrs. MORELLA, Mr. NADLER, Ms. FURSE, and Mr. DEFAZIO.

H.R. 108: Mr. QUINN and Mr. PARKER.

H.R. 127: Mr. BARTON of Texas, Mr. FRANKS of New Jersey, and Mr. SABO.

H.R. 203: Mr. FARR of California.

H.R. 215: Mr. FAZIO of California.

H.R. 230: Mr. FOLEY.

H.R. 240: Mr. CANADY of Florida, Mr. GALLEGLY, Mr. SCHIFF, and Mr. CAMP.

H.R. 250: Mr. STUPAK.

H.R. 279: Mr. NEUMANN, Mr. ABERCROMBIE, Mr. BACHUS, Mr. BARRETT of Wisconsin, Mr. BOSWELL, Mr. FAZIO of California, Ms. JACKSON-LEE, Mr. OWENS, Mr. HINOJOSA, Mr. JEFFERSON, Mr. WYNN, Mrs. CLAYTON, Mr. DIXON, Mr. LEWIS of Georgia, Mr. BAESLER, Mr. BONILLA, Mr. CONDIT, Mr. HALL of Texas, Mr. MCDADE, Mr. MENENDEZ, Mr. MOAKLEY, Mr. TORRES, Mr. MATSUI, Mr. ORTIZ, Mr. ROMERO-BARCELO, Mr. KUCINICH, Mr. LIVINGSTON, and Mr. RIGGS.

H.R. 280: Mr. EVANS, Mr. BENTSEN, Mr. MATSUI, and Ms. ROYBAL-ALLARD.

H.R. 284: Mr. OBERSTAR.

H.R. 285: Mr. COYNE, Mr. RANGEL, and Mr. RUSH.

H.R. 286: Mr. COYNE and Mr. RANGEL.

H.R. 287: Mr. COYNE, Mr. RANGEL, and Mr. RUSH.

H.R. 289: Mr. NEY.

H.R. 303: Mr. GUTKNECHT, Mr. STUPAK, Mr. SCOTT, Mr. FOX of Pennsylvania, and Mr. DICKS.

H.R. 328: Mr. KING of New York.

H.R. 336: Mr. STUMP and Mr. POMBO.

H.R. 337: Mr. WEXLER, Ms. PELOSI, and Mr. HINCHEY.

H.R. 363: Mr. PALLONE.

H.R. 371: Mr. DOOLEY of California, Mr. HORN, Mr. JEFFERSON, and Mr. KENNEDY of Rhode Island.

H.R. 399: Mr. STEARNS, Mr. HOBSON, Mr. BALDACCI, Mr. WELLER, and Mr. PARKER.

H.R. 419: Mr. DEUTSCH, Mr. ENGLISH of Pennsylvania, Mr. BENTSEN, Mr. HINCHEY, Mr. LIPINSKI, Mr. DELLUMS, and Ms. JACKSON-LEE.

H.R. 420: Mr. CAMPBELL.

H.R. 437: Mr. STEARNS, Mrs. FOWLER, Mr. BOEHLERT, Mr. STUPAK, Mr. MARKEY, Ms. SLAUGHTER, Mr. FORBES, Mr. HOYER, and Mr. HASTINGS of Florida.

H.R. 443: Ms. PELOSI and Mr. BARRETT of Wisconsin.

H.R. 444: Mr. HINCHEY.

H.R. 446: Mr. BARR of Georgia and Mr. MCKEON.

H.R. 474: Mr. PETERSON of Pennsylvania, Ms. JACKSON-LEE, and Mr. FRELINGHUYSEN.

H.R. 475: Mr. CLEMENT, Mr. FOLEY, Mr. HOLDEN, Mr. BUNNING of Kentucky, Mr. WALSH, and Mr. NORWOOD.

H.R. 498: Mr. DAVIS of Illinois.

H.R. 519: Mrs. KELLY.

H.R. 535: Mrs. KENNELLY of Connecticut, Mr. CANADY of Florida, Mr. ACKERMAN, and Mr. ABERCROMBIE.

H.R. 536: Mr. HINCHEY and Mr. FORD.

H.R. 538: Mr. MCDERMOTT, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. YATES, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, and Mr. LAFALCE.

H.R. 554: Mr. POMEROY.

H.R. 560: Mr. LEWIS of Georgia.

H.R. 561: Mr. RANGEL, Mr. FILNER, Ms. NORTON, Mr. WEXLER, Mr. HINCHEY, and Mr. LEWIS of Georgia.

H.R. 582: Mr. MCDERMOTT, Mr. DEFAZIO, Ms. LOFGREN, and Mr. DELLUMS.

H.R. 586: Mr. NUSSLE and Mr. TIERNEY.

H.R. 607: Mr. BARRETT of Wisconsin, Mr. LARGENT, Mr. FILNER, Mr. FARR of California, Mr. RIGGS, and Mr. PARKER.

H.R. 621: Mr. HINCHEY.

H.R. 667: Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. FROST, Mr. MEEHAN, Mr. PASTOR, Mr. FILNER, and Mr. ROGAN.

H.R. 678: Ms. KAPTUR, Mr. BROWN of Ohio, Ms. PRYCE of Ohio, Mr. EHLERS, Mr. KNOLLENBERG, Mr. CHABOT, Mr. FRANKS of New Jersey, Mr. MCCRERY, Mrs. FOWLER, Mr. LEWIS of California, Mr. LARGENT, Mr. STENHOLM, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. MCINNIS, Mr. ROTHMAN, Mr. DEAL of Georgia, Mr. BLILEY, Mr. PICKETT, Mr. SOLOMON, Mr. BATEMAN, Mr. MANZULLO, Ms. ROS-LEHTINEN, Mr. STUPAK, and Mr. PASCRELL.

H.R. 680: Mr. WATTS of Oklahoma and Mr. WALSH.

H.R. 686: Mr. RANGEL.

H.R. 688: Mr. LARGENT, Mr. BARTON of Texas, and Mr. LOBIONDO.

H.R. 714: Mr. MASCARA, Mr. HOLDEN, Mr. GEKAS, Mr. ENGLISH of Pennsylvania, Mr. MCDADE, Mr. GREENWOOD, Mr. MURTHA, Mr. WELDON of Pennsylvania, and Mr. BORSKI.

H.R. 722: Mr. SHADEGG, Mr. LAHOOD, Mr. JONES, Mr. PARKER, Mr. PAPPAS, Mrs. MYRICK, Mr. LOBIONDO, and Mrs. CHENOWETH.

H.R. 734: Ms. LOFGREN and Mr. DELLUMS.

H.R. 750: Mr. BLUNT.

H.R. 755: Mrs. KELLY, Mr. BLUNT, and Mr. LARGENT.

H.R. 789: Ms. DUNN of Washington.

H.R. 800: Mr. DELLUMS.

H.R. 825: Mr. PAYNE, Ms. NORTON, Ms. SLAUGHTER, Mrs. MEEK of Florida, Mr. OBERSTAR, Mr. FILNER, Mr. FARR of California, Ms. LOFGREN, Ms. JACKSON-LEE, Mrs. MORELLA, Mr. DAVIS of Illinois, and Mr. LIPINSKI.

H.R. 849: Mr. BONO, Mr. CALVERT, Mr. GALLEGLY, Mr. MCKEON, Mr. ROYCE, Mr. SMITH of Texas, Mr. GOODLATTE, and Mr. EWING.

H.R. 867: Mr. RAMSTAD and Ms. PRYCE of Ohio.

H.R. 879: Mr. HINOJOSA, Mr. KENNEDY of Rhode Island, Mrs. CARSON, and Mr. FARR of California.

H.R. 880: Mr. DELAY, Mr. STUPAK, Mr. QUINN, Mr. WELLER, Mr. LATOURETTE, MR. WATTS of Oklahoma, Mr. TOWNS, Mr. LARGENT, Mr. MCCRERY, and Mr. SENSENBRENNER.

H.R. 907: Mr. HINOJOSA.

H.J. Res. 54: Mr. ADERHOLT, Mr. CALVERT, Mr. COOK, Ms. DUNN of Washington, Mr. GEKAS, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JONES, Mr. KILDEE, Mr. LEWIS of California, Mr. PASCRELL, Mrs. ROUKEMA, Mr. SESSIONS, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. THORNBERRY, and Mr. WICKER.

H. Con. Res. 6: Ms. RIVERS and Mr. STUPAK.

H. Con. Res. 13: Ms. FURSE and Mr. COSTELLO.

H. Con. Res. 14: Ms. SLAUGHTER, Mr. ACKERMAN, Ms. RIVERS, Ms. DEGETTE, Mr. YATES, Mr. MCNULTY, and Mr. FLAKE.

H. Con. Res. 17: Mr. FALEOMAVAEGA.

H. Con. Res. 31: Mr. WELDON of Florida, Mr. HOSTETTLER, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. CRAMER, Mr. DICKEY, and Mr. INGLIS of South Carolina.

H. Res. 64: Mrs. CARSON.

SENATE—*Wednesday, March 5, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Chaplain Charles H. Richmond, national chaplain of the American Legion, Edmond, OK. Pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Charles H. Richmond, national chaplain of the American Legion, offered the following prayer.

Let us pray.

Almighty God, to You our Creator, Supreme Judge, and God of all nature we pray. As we pledge allegiance to our God and the flag of our country, may it not be a mere salute to custom or tradition, but a sincere desire to know and to follow Thy will. We need not ask for Thy presence, because You are always near. Instead we pray that we might have receptive hearts and minds, in tune with Thy will, so that we may listen to Your voice. The weight of responsibility is heavy. The Holy Scripture speaking of government says, "There is no authority except that which God has established. The authorities that exist have been established by God * * * for the authorities are God's servants who give their full time to governing." We give thanks for men and women who are willing, able, and committed to government service. Give our leaders the continued strength, integrity, courage, and wisdom not only to govern, make laws and policies, and direct our Government, but also to lead the American people in right living and patriotism. Give us the wisdom and conscience to know what is right, and the strength to do what is right, that we may truly pray "God bless America."

Mr. NICKLES addressed the Chair.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The PRESIDENT pro tempore. The able assistant majority leader, Senator NICKLES, is recognized.

Mr. NICKLES. Thank you very much, Mr. President.

DR. CHARLES H. RICHMOND, GUEST CHAPLAIN

Mr. NICKLES. Mr. President, I thank the guest Chaplain, Dr. Charles Richmond from Edmond, OK, for a beautiful prayer. I also thank him for his service to our country as national chaplain of the American Legion, but also for his lifetime of dedication and service to God and country in his capacity as a leader.

He has given his time to the American Legion, first serving as chaplain of the Oklahoma American Legion Boys State for the past 5 years and, more recently, becoming the national chaplain of the American Legion in September 1996.

Dr. Richmond is an ordained Southern Baptist minister. He has touched the lives of the members of many churches throughout Oklahoma and across our country. Although now retired, he continues to be active in many church and religious activities.

Dr. Richmond has been an educator. He has also served as a public schoolteacher, a coach, a counselor, and a principal. In addition, he served as dean of men and later dean of student affairs at the University of Central Oklahoma for over a quarter of a century.

Dr. Richmond began his lifelong dedication to God and our country as a young man. In 1942, he entered World War II, the youngest person ever to enter the Chaplain Service. Only 30 days after entering the Army, he was sent overseas to Asia, where he devoted 2½ years to serving United States troops during the China, Burma, and India campaign. In 1950, he was reactivated with the Oklahoma National Guard and served in Korea and Japan. While in Japan, he led the building of a Christian church which spawned 22 churches and missions over the next 10 years. Dr. Richmond later served 20 years as division chaplain of the Oklahoma National Guard.

Dr. Richmond has served the community of Edmond as president of the Edmond, OK, club of Rotary International. In March 1996, he was chosen to serve as the Oklahoma State Senate chaplain.

Today, I am honored to recognize Dr. Charles Richmond, a great American and Oklahoman, as guest Chaplain in the U.S. Senate.

Dr. Richmond, again, I thank you for an outstanding prayer, words of encouragement—one that I hope all of us will certainly pay attention to.

SCHEDULE

Mr. NICKLES. Mr. President, on behalf of the majority leader, I announce that following morning business today, the Senate will begin consideration of Senate Joint Resolution 5, the waiver resolution for the Barshefsky nomination, at 1 p.m. Under a previous order, there will be 3 hours of debate on the Hollings amendment and 1 hour of debate following the resolution itself. Following disposition of the amendment and the resolution, the Senate will proceed to a vote on the nomination of Charlene Barshefsky, to be U.S. Trade Representative. Therefore, Senators can expect several rollcall votes throughout Wednesday's session of the Senate.

I thank my colleagues for their attention.

CHANGE OF ALLOCATION OF MORNING BUSINESS TIME

Mr. NICKLES. Mr. President, I ask unanimous consent that the morning business time allotted to Senator GRAHAM of Florida be allocated to Senator DORGAN.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—SENATE JOINT RESOLUTION 22

Mr. NICKLES. Mr. President, I understand there is a resolution at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

Mr. NICKLES. Mr. President, on behalf of other colleagues, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein not to exceed 5 minutes each.

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Thank you, Mr. President.

PARTIAL-BIRTH ABORTION

Mr. SANTORUM. Mr. President, this morning, I attended a press conference with Representative CHARLES CANADY from Florida, as well as Senator HATCH and Congressman HYDE, the chairmen of the respective bodies' Judiciary Committees, to introduce the House bill, which is companion to the bill I introduced last month, on the issue of partial-birth abortions.

At that press conference, Senator HATCH and Chairman HYDE announced a joint House-Senate Judiciary Committee, calling witnesses before the joint committee hearing to talk about previous testimony given by those organizations to Congress in light of the disclosure of Ron Fitzsimmons, who heads an organization of abortion clinics, that he "lied through his teeth," and others, likewise, I will add—this is me speaking, not him—lied through their teeth in telling Congress and the American public the situations in which the partial-birth abortion procedure was used and the number of times that procedure was used.

I said at that press conference, and I will say to my colleagues in the Senate today, as I did last year when we debated this bill, I am hopeful that as a result of the new information having been brought to light, not just with Mr. Fitzsimmons but, frankly, over the past year or so, with this new information that has been brought to light not just by him, but by newspaper reports, magazine reports from the mainstream media, that we will have Members of the Senate on both sides—I ask everyone to relook at this issue and base your decisions on the facts as we now know them, not the misinformation or disinformation given out by organizations like the National Abortion Rights Action League or Planned Parenthood or others who deliberately lied to the American public, misled the American public on a variety of issues.

First, they came to the Congress and said—in fact, look at Members of Congress on the House side, going to the well, saying this was true because these organizations said it was true, that the procedure was done under anesthesia and the anesthesia killed the baby.

We had an anesthesiologist come forward and say, "Wait a minute, we have women now who won't get anesthesia to deliver children," which is normal in this country, of course, "because they are afraid they are going to kill their baby," and so they had to back off. "Well, we didn't really mean that." Well, of course they meant it. They testified to it.

Then the next great lie was that this was a procedure done, you know, with only a few hundred a year, only with women whose health was in danger or whose children were fatally deformed, and, as a result of that, we need to have this option available. "There's only a few hundred a year."

In fact, you know, tap into NARAL's home page. You will find the information still there. At least it was a couple days ago until some people found it. Now they may have pulled it. But they still say there are only a couple hundred being performed and only in the third trimester. That was their argument all along. It is a lie. That is what Mr. Fitzsimmons says—he lied through his teeth.

How would he know? He is the president of an organization of abortion clinics. He called up the doctors of the clinics, and the doctors said, "No. We perform this fairly routinely," not just on third trimester babies—and some are—but the vast majority—95 percent is my guess, or even more—are on healthy mothers with healthy babies in the fifth and sixth months of pregnancy. Those are the facts.

If Members of this body will look at those facts and vote based on the facts as we know them—this procedure, which involves taking a baby, late term, fifth, sixth, in rare cases seventh, eighth, maybe even ninth month, but in rare cases in that situation, taking this baby, delivering the baby feet first, delivering the entire baby except for the head, then taking a pair of scissors and puncturing the base of the skull, sticking a suction tube in there and suctioning the brains out, killing the baby and then delivering this now dead baby.

If the Members of the U.S. Senate know, as we do know now, that that happens, not a few hundred times—in my opinion, a few hundred times is pretty horrible—now several thousand times, at least according to Mr. Fitzsimmons, 3,000 to 5,000—given the industry track record on what they report, probably multiples of that, but at least that many—whether we are going to condone healthy moms, healthy babies, some of them viable, being allowed to have this abortion done in this just most gruesome manner.

So I ask the Members of the Senate to not just fall into your camp that you are comfortable with, you know, if you are pro-choice, "I've got to be pro-choice." This is not pro-life, not pro-choice, certainly not Democrat or Republican. There were Democrats at the press conference. Democrats have been some of the most vocal supporters of this bill. This is an issue of who we are as a country and who this body is as a Senate.

We have a life-of-the-mother exception. I know Members continue to get up and say, "Well, we need to do this to protect the life of the mother." There is a life-of-the-mother exception. It is clear. It is solid. No one who reads it would say it is anything but a life-of-the-mother exception.

So, if this procedure needs to be done to save the life of the mother, which I have not found anybody who says it is necessary, but if it is, you can do it. But after that, this procedure must be made illegal, given the facts as we now know them.

So I am asking Members, new Members who have not voted on this issue, and Members who have voted the other way in particular, to take a look at this information.

Let me challenge folks here in the other gallery, in the news media, to start doing your homework. This information was readily available. All you had to do was report it. All you had to do was look. All you had to do is ask. I know you folks love to believe people who agree with you, and you take that as gospel. Well, do your work. Investigate. Find out the truth.

The American public just does not want to hear what your friends in these organizations say is the truth. They want to know the real truth. It is your job to tell them. We tried to tell them. We were here giving you the facts. You just decided not to report them. Tell the truth. Let the American public know what is really going on out there. When they continue, as they will, to lie on television, these organizations, to try to hide their dirty secrets, call them on it. Quit pandering to the other side. You owe it to the country. We are talking about lives of innocent babies here. You owe it to your profession. We owe it to the country. I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized for up to 30 minutes.

Mr. BROWNBACK. Thank you, Mr. President.

I certainly appreciate what the Senator from Pennsylvania was just stating on this very critical issue on partial-birth abortions. It is a sad situation that has occurred in this country. I am hoping that this body and this Nation and this Government can respond to this situation.

AN UNLIMITED AMERICA

Mr. BROWNBACK. Mr. President, the era of big Government is over. May it rest in peace. In its place a new era is about to unfold. An unlimited America with a smaller Federal Government, economic opportunity for all, and a renewed culture.

An unlimited America was the vision for the Nation set forth by our Founding Fathers. It is the vision enshrined in those two great charters of freedom: our Declaration of Independence and our Constitution. Many of America's most intractable problems stem from the fact that we've strayed from that vision—and lost direction. But I have no doubt that if we can recapture the Founders's vision of limited Government, personal responsibility, and economic opportunity that America's greatest days will be yet to come.

The Founding Fathers of our Nation believed in the people. They created a new nation based on the radical notion that the people could be free and trusted—that the nation would be great if you trusted the people to be good. Before the birth of America, individual rights only existed so far as the grace of the dictator or monarch allowed. They were believed to have a divine right to rule, because it was thought that the people could not be trusted to rule themselves.

Our Founders believed that the people had the right to govern themselves—and that government derives its power from the consent of the governed. But this right also imposed a requirement on "We the People": We must be a moral and just people. John Adams put it this way, "Our Constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other."

Yet, today, we have placed the Government in the role that was reserved for citizenship. We have gone from "We the People" to They the Bureaucracy.

In our recent efforts to create a more perfect union we have relied too much on the Government and too little on ourselves. We have forgotten that self-government demands the habits and virtues required for such a government. "Republican government," James Madison noted, "presupposes the existence of these qualities in a higher degree than any other form." Yet at some point we decided that goodness for the Nation simply came from the greatness of government. But the greatness of our Nation can never be measured by the size of our GDP or even the strength of our armies. National greatness rises from personal goodness.

And that is the starting point for ending the era of big Government and beginning the era of an unlimited America. Our mission is to re-limit the Federal Government; to release economic opportunity for all our citizens; and to renew our families and our culture. In my view these principles are not divisible—if any one is missing, the old era will not give way to the new and America will not return to the straight path—the only path which leads to national greatness.

RELIMITING GOVERNMENT

Fifteen years ago, President Reagan spoke before the British Parliament and made a prediction that shook the world. We were witnessing, he declared, "a great revolutionary crisis—a crisis where the demands of the economic order are colliding with those of the political order." The Soviet Union, which seemed at the height of its power, was running "against the tide of history by denying freedom and human dignity to its citizens." Despite all its tanks and missiles, the Soviet Union would soon be swept aside by the "march of freedom and democracy"—leaving—"Marxism-Leninism on the ash heap of history."

Many of Reagan's listeners thought he was dreaming. But Ronald Reagan had faith in freedom. He knew that communism, though militarily powerful, was ideologically dead. He knew what our founders knew: that in a truly legitimate government, power does not come out of the barrel of a gun, but only from the consent of the people. In a few years the Berlin Wall came tumbling down and the Evil Empire crumbled with a suddenness that astonished supporters of freedom and rocked the world's remaining tyrants.

Today big Government is facing the same internal crisis as the Soviet empire was in 1982. Big Government is institutionally strong, but structurally weak. It is backed by armies of special interests that ferociously protect their budgets and intimidate anyone who challenges their subsidies, but it has been abandoned by the American people.

Our mission is to implement big Government's replacement—to unite the principles of economic freedom and the cause of cultural renewal to forge a new governing consensus that will lead America into the 21st Century. Conservatives sometimes forget that limiting government is not an end in itself, but a means to a better society.

We must remember that our Federal Government has helped America achieve many great things in this century. Along with our allies, we defeated two potentially mortal threats to freedom: fascism in World War II and communism in the cold war. Government built the Interstate Highway System that helped create our modern economy. It established Social Security and Medicare systems which have sharply reduced poverty in old age, and enabled senior citizens to live longer and in better health. Through student loans and the GI bill, it offered educational opportunity to those who might have otherwise been denied. And it enforced civil rights laws in the 1960's when it was clear that State governments could not protect the civil and political liberties of all Americans.

But today, America's problems are different. And they require a different response by government.

Unlike 50 years ago, our most difficult problems cannot be solved by the benevolent hand of a powerful, centralized bureaucracy. We can still have an effective Government, without a big Government that takes away our freedoms and degrades our values.

UNLEASHING AMERICA'S ECONOMIC POTENTIAL

As I stated, our mission is to implement the replacement of big Government—to unite the principles of economic freedom and cultural renewal to forge a new governing consensus that will lead America into the 21st century.

The principles of economic freedom are the very same principles that will bring forward a renewed culture and a society of limited government. Faith, family, and freedom: these are the values that make both our national economy and our national character strong. When government undermines these values, it hurts our families and our economy. Today, big Government is holding back our economy and preventing our people from reaching their full potential.

Perhaps, the most obvious evidence is the fiscal bankruptcy of the Federal Government. Today, we are more than $5.3 trillion in debt—a crushing burden that amounts to over $20,000 for every man woman and child. We are broke. And the budget deficits of today are minor compared with the fiscal disaster that will confront us in the early 21st century when Social Security and Medicare are unable to pay their bills.

But huge deficits and skyrocketing debt are just one problem.

Americans currently labor under a tax code so complicated that even tax lawyers and accountants can't understand it. We tax personal income two and three times before a citizen can see a return on his work or investment. Our people must work until May 8 just to pay their taxes to the Government before they can earn a penny to support their families.

Our Tax Code is one of the greatest remnants of an over-intrusive big Government. It is perhaps the single greatest obstacle to greater individual freedom and prosperity. Ronald Reagan made enormous progress during his presidency, scaling the top rate from 70 percent down to 28 percent. But since then, taxes have gone up—under both Republican and Democrat presidents

The power to levy and collect taxes was meant to fund a constitutional Government, not to become a political device in and of itself. Today, our central Government discourages certain behavior and rewards others based purely on the whims of those who control the tax monster.

And as long as the current tax system exists, we will have not met the challenge of replacing big Government and America's potential will never be fully reached.

In other examples of big Government, we have over 340 Federal "economic development" programs which redistribute capital from productive citizens to bureaucratically-favored entities. Our regulatory state imposes hidden taxes on our families, our businesses and our dreams without truly measuring the consequences and weighing the alternatives. And our political class has become satisfied with expanding our economy at a lethargical pace. Meanwhile, entrepreneurs are being denied capital for their innovative ideas, parents are spending more time at work and less at home, and the American dream is slipping away from more and more families.

Many of these barriers are leftover from the great experiment with big

Government that is entrenched in our system. Defenders of this system may be winning the battle, but they cannot win this war of ideas. The economic future of our country is inextricably tied to our people.

This is why I am optimistic that we will break the bonds that are stifling the innovation and creativity of our people. As this new wave of information technology grows into each household and every new child's mind, the system that relied on Government experts to guide our economy will be washed away in a tide of entrepreneurial capitalism that will make the industrial revolution pale by comparison. Legions of entrepreneurs with innovative ideas, exciting energy and new talents will bring forth the inevitable implosion of today's redistributive and elitist economic policy. And our job as people who love freedom is to do everything we can to help advance this process.

RENEWING THE AMERICAN CULTURE

We must also not forget that a nation must be full of good people before it can be a great nation. George Washington, in his First Inaugural, said that there is "no truth more thoroughly established than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness; between duty and advantage." As a result, he predicted that "the foundation of our national policy will be laid in the pure and immutable principles of private morality."

If this is true—and I believe it is—then certainly the best predictor of future greatness is current goodness.

Where are we today on the goodness of the Nation? If we were to measure gross domestic piety in America we would ideally view the nature of each persons heart. Seeing as we cannot measure another's soul, we are left to measure actions and extrapolate from it goodness.

The number of crimes committed does tell us something about the soul of the nation. So does the number of abandoned households, the divorce rate, the rate of teenage suicide and abortion. If these are extraordinarily high, can anyone disagree that the goodness of the Nation has declined and its long-term success is in jeopardy?

But let me make a bold statement here. America is in ascent again. While I have just spoken about the many terrible and vexing problems of our Nation, this Nation has always shown an ability to deal with its problems once it focuses on what those problems are.

I believe today we are focused on the problems of America. We are seeing the limits of Government and the needs of the hearts of our people. Many of our citizens are realizing that in their individual actions—each and every day touching, loving, encouraging, and caring for their fellow man and woman—that they have the power to continue America as a great Nation.

A NEW GOVERNING CONSENSUS

Men and women all across this Nation like Pastor Reid are mending America's social fabric by reviving the families, civic organizations, and faith-based institutions that teach character and nurture the soul. They may not all think of themselves as conservatives, but they embody the conservative way of thinking. And they are rediscovering the principles of limited self-government, personal responsibility, and entrepreneurial capitalism that the founders envisioned for America.

The restoration of America's civil society has replaced the fight against communism as our central need and our central focus. This need unites libertarians with their emphasis on a free society with cultural conservatives with their emphasis on faith, family, and responsibility with pro-growth Americans who want to free up the genius of the American people through entrepreneurial capitalism. This vision, a vision of freedom, responsibility, and growth can form the core of a new conservative governing consensus.

Our cause should be unified, not fractured. Americans of all sorts should work together to restore this common vision of a limited government so we can open markets, free up individual creativity, and above all else, renew the American culture. Indeed, the sum of these goals is essential to the whole of our destiny as a nation.

This isn't a utopian fantasy or wishful thinking. Americans and our Government have practiced these principles before, and we will do so again. When Alexis de Tocqueville visited America in the 1830's, he discovered the most democratic, most egalitarian, most religious, most prosperous, and most charitable country on Earth. It was a country of limited national Government, and active citizen participation in local government. Every community had newspapers describing how citizens formed voluntary associations to solve problems instead of expecting them to be solved by politicians.

The industrial revolution of the late 19th century and the early 20th century was a time of rapidly growing entrepreneurial capitalism and great personal achievement. It was no coincidence that this period also saw the creation of the Red Cross, the Boy Scouts and Girl Scouts, YMCA's and YWCA's, hundreds of private colleges and universities, and countless other organizations that strengthened character and addressed the problems of their communities.

This explosion of community organizations and faith-based institutions coincided with an economic, cultural and moral reawakening that touched America in many ways. As the great scholar James Q. Wilson has written, crime went down in the second half of the 19th century even though this was a period of rapid industrialization and urbanization. The rate of abortions fell in half during this period. Again, government did not create this development, people did.

Today there are signs that America is entering another great revival of civic, voluntary activity. In the tradition of Jews, Mormons, and other religious groups with strong charitable traditions, conservative Evangelicals and Catholics run schools for low-income children. They operate maternity homes that give unwed mothers the love and support they need to choose life. They go into our cities' meanest streets and prisons to rescue gang members, drug dealers, and prostitutes from lives of violence, addiction, and desperation. Name a social ill afflicting our cities—poverty, unemployment, illiteracy, illegitimacy—and you will find a self-selected, religiously affiliated program attacking the problem with prayer and sweat and a small army of volunteers.

Some scholars say that America is entering a fourth great awakening, a revival of religious faith and fervor. In the American political tradition, freedom and religious revival have always gone together. The first great awakening helped inspire the American Revolution, and religious faith was at the center of the anti-slavery and civil rights movements. And as the call for freedom grows with this revival, we will have the chance to restore an unlimited America where Government will focus on self-limitation, people will focus on self-governing, and our society will grow and prosper both economically and culturally creating an era of an unlimited America.

I have no illusions about the problems we face. Ours is the work of generations. But today the American people have a choice to make. We can either continue along the path of administrative, bureaucratic Government and follow the tired mediocrity of big Government, or we can begin the long and difficult task of rebuilding an America that knows no limits.

To follow this path we must do two things:

First: The creed of America is to be found in the Declaration of Independence, which Jefferson called "an expression of the American mind." We must renew our commitment to these principles, return to our Constitution and reassert ourselves as a free, self-governing people.

Second: America has always had within itself a deep source of regeneration. It gains nourishment from its many, varied roots; its history, its religious faith, its free market and its immigrant heritage. And what holds us all together is America's love of liberty, deep in the hearts and minds of the American people. We must renew what Washington called "the sacred fire of liberty" and set it ablaze across the land.

These are not easy tasks. Yet I remain an optimist for these are powerful forces on the move in our society. I don't know about you, but I have every confidence that Americans will choose the right path for themselves, and for future generations that have yet to enjoy the blessings of freedom. And as we do, we will establish the era of an unlimited America.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

EACH SENATOR IS ACCOUNTABLE ONLY TO HIS OWN CONSTITUENTS

Mr. BYRD. Mr. President, on several occasions during the last few days some of the proponents of the balanced budget amendment here in the Senate have taken to the floor and to the airwaves, and other ways to criticize those Senators who have seen fit to follow the dictates of their own conscience and oppose the balanced budget amendment which was defeated in the Senate by a single vote last evening.

In the main, these attacks seem to have been directed especially at those Members who may have indicated support for a balanced budget amendment during a campaign, but found it impossible to support the particular amendment which was put before the Senate for a vote.

I should say parenthetically at this point that I voted for the balanced budget amendment in 1982. I had not thought much about it at that time. I had not studied it. But following my vote for that amendment on that occasion I decided to study the matter and to consider it seriously, and consider the impact upon the Constitution. And I changed my vote from 1982 to 1986. In 1986 I voted against a constitutional amendment to balance the budget, and I have been against it ever since, and I always will be against it because I have given it thorough consideration and thought. And I have come up with a conclusion that I am very comfortable with.

So there are those who may have indicated support for a balanced budget amendment during the campaign but found it impossible to support the particular amendment, as I say, which was put before the Senate for a vote on yesterday.

I rise today to again congratulate those Members, who, after careful study of the specifics of this particular amendment, had the intelligence and the courage and the vision to discern the amendment's obvious flaws, and the courage to follow the dictates of their own consciences.

More and more the trend today in political life in America is to blindly endorse proposals, simply because they are popular or because they fit neatly into a set of ideological preconditions endorsed by one political party, or the other. The specifics, the details, the actual impact of many of these political "no-brainers," if you will, is glossed over in favor of the attraction of simplicity and ideological purity. Just as we have "dumbed down" our textbooks, the last decade has made a "dumbing down" of our politics as well. I often think that we insult the American people with the obvious demagoguery which spews forth from Washington in the form of pandering and very-very-tired, old cliches.

I would like to remind my colleagues that law and legislating is about the examination of details. We don't legislate one-liners, or campaign slogans. Here, in this body and in the other body, we put the force of the law behind details that impact mightily upon the daily lives of our people. That is a solemn responsibility. And it is more important than political popularity, or winning the next election or marching lockstep to the orders of one political party, or another.

Especially in the case of amending the Constitution, that responsibility weighs more heavily. For in that instance we are contemplating changes in our basic, fundamental organic law—changes that, when once implanted in that revered document, can only be removed at great difficulty, and which will impact, quite possibly, upon generations of Americans who, yet unborn, must trust us to guard their birthright as Americans.

Once the Constitution is amended, it takes quite a while to repeal that amendment, as we saw in the case of the 18th amendment—the prohibition amendment—which became a part of the Constitution in January 1919, and it was not removed from the Constitution until December 1933. In other words, it was in the Constitution for 15 years before it could be repealed. So we have to be very, very careful when it comes to amending the Constitution. It is most unlike passing a law, or amending a law, which can be repealed within the same calendar year here in the Congress.

The suggestion has been made on this floor that to change one's mind and to go against a statement made in a campaign is somehow a disservice to this country. Well, I differ, and I differ strongly. What I think I am hearing on the floor of this Senate is nothing more than an effort to use an individual Member's vote against a popular, but fatally flawed proposal, to cut politically against that Member, and further to use the Senate floor for the crass political purpose of meddling in the politics of several of the sovereign States.

A campaign pledge is one thing, but may I remind all of those who worship at the altar of campaign pledges that there is another pledge that each of us makes as we stand before this body and before we assume the office of United States Senator. That pledge is a solemn oath taken with one hand on the Bible and ending in the words "so help me God."

Now, that is a pledge that will trump all of the campaign pledges. Forget about the campaign pledges. Those who make pledges in campaigns, if it is their first campaign for the Senate, they have not been in the Senate and they have not heard the debate on a given matter. They haven't listened to their colleagues in the Senate. Oh, they have been Members of the House, as I was a Member of the House at one time. But once they enter this body, they are a Member of the United States Senate, the only forum of the States that exists in this great Government of ours. It is a different body. They then represent a different constituency—usually. And so it is quite a different thing.

It is our oath of office that is overriding. In it we swear before the Creator to "support and defend the Constitution of the United States against all enemies foreign and domestic."

A Member of this body having so sworn to uphold that sacred trust is then obligated to do his best to adhere to it according to his best intellectual efforts and the dictates of their own conscience. One does not surrender his or her independence upon becoming a United States Senator. One does not swear allegiance to a political party when he takes that oath of allegiance to the Constitution. That Member is then answerable to God and, under law, to his own constituents. They know about Senators' votes. We don't have to trumpet the votes for the benefit of the constituents of another Senator. Constituents of Senators know about the votes of their Senators, and a Senator is answerable, not to any political party or person, not to any colleague, not to any organization, but answerable only to his own constituents, to his own conscience, and to his own God. He is answerable to his own constituents—the people who trusted his judgment enough to send him here in the first place.

The suggestions which have been made on this floor about the dubious honesty of some Members are more than regrettable. They represent the kind of judgmental rigidity that really has no place in a body such as this.

Let me also say at this point that the threats to run down that last remaining vote so badly desired by the proponents of this amendment by tinkering with language are empty fulminations because this proposal is fatally flawed. It is flawed in a way that cannot be mended because its enactment would forever shift the artful balance of powers crafted by the framers. That is where it is fatally flawed. No language fix can cure the terminal illness of the attempt to write fiscal policy and political ideology into a national charter intended to serve as a guideline for generations. This Senator, for one, will never be a party to grafting this pock-marked monstrosity, largely aimed at adding a star to the crown of one party's political agenda, to the body of our organic law. Now, I realize that several Democrats voted for this amendment. But I don't attempt to be the judge of their vote. Their constituents have that responsibility.

The eagerness to tinker belies the obvious insincerity behind the effort, and the remarks on this floor over the past several days should be enough to convince us all that what is really wanted by some in this body is not the amendment itself, but an issue with which to whip its opponents. This is simple politics, my colleagues. And it is politics at its most unappealing and destructive level.

It is easy to do the obvious thing. It is easy to do the popular thing. What it is not easy to do is to have the courage of one's convictions and to stand up for those convictions. So I say again, thank God for Members such as those who have been so roundly chastised in recent days. Throughout our history, men of courage have made the difference. Cloned sheep who cower at the suggestion of independent thought and action were not what the framers of the Constitution had in mind when they created "the greatest deliberative body" in the history of the world. They had in mind men of courage. Andrew Jackson said, "One man with courage makes a majority." John F. Kennedy wrote a Pulitzer prize-winning book about those Senators who had the courage, on matters of principle, to follow their own convictions. If the advice of some of those who have taken to the floor in recent days had been followed, the pages of that book would be blank and this Senate and this country of ours would never have endured.

Let me close, Mr. President, with the words of Senator William Pitt Fessenden of Maine, from a eulogy delivered upon the death of Senator Foot of Vermont in 1866, just 2 years before Senator Fessenden's vote to acquit Andrew Johnson brought about the fulfillment of Fessenden's own political prophecy.

> When, Mr. President, a man becomes a member of this body, he cannot even dream of the ordeal to which he cannot fail to be exposed;
>
> of how much courage he must possess to resist the temptations which daily beset him;
>
> of that sensitive shrinking from undeserved censure which he must learn to control;
>
> of the ever-recurring contest between a natural desire for public approbation and a sense of public duty;
>
> of the load of injustice he must be content to bear, even from those who should be his friends;
>
> the imputations of his motives;
>
> the sneers and the sarcasms of ignorance and malice;
>
> all the manifold injuries which partisan or private malignity, disappointed of its objects, may shower upon his unprotected head.
>
> All this, Mr. President, if he would retain his integrity, he must learn to bear unmoved, and walk steadily onward in the path of duty, sustained only by the reflection that time may do him justice, or if not, that after all his individual hopes and aspirations, and even his name among men, should be of little account to him when weighed in the balance against the welfare of a people of whose destiny he is a constituted guardian and defender.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I to be recognized for 15 minutes in morning business under a previous order?

The PRESIDING OFFICER. Yes. Without objection, the Senator from North Dakota is recognized for 15 minutes.

Mr. DORGAN. Mr. President, I thank you.

I enjoyed listening to my distinguished colleague from West Virginia, Senator BYRD.

Edmund Burke said something similar to the words used by Senator BYRD when he closed, and I do not know them exactly, but he was talking about what a representative in a representative government owes to his or her constituency. And Edmund Burke said something like: Your representative owes you not only his industry but also his judgment, and he betrays rather than serves if he always sacrifices it to your opinion.

I do not know if that is an exact statement, but it is close to the expression of Mr. Burke and I think describes the requirement of someone serving in public office in this country to do what they think is right—not to be a weather vane to analyze what is the prevailing wind on Tuesday or Thursday, but to do what they think is right. That is especially important when we are talking about altering the Constitution of the United States.

Mr. BYRD. Mr. President, will the Senator yield?

I thank him for reciting this jewel by a great Irish statesman, Edmund Burke, who I believe lost the next election after he had made that statement. He may have foreseen that, but nevertheless he made the statement. It still lives, and it is a very appropriate guiding charter, in my judgment, for those of us in this Chamber today.

U.S. MERCHANDISE TRADE DEFICIT

Mr. DORGAN. Mr. President, I come to the floor today because we will be taking up an issue dealing with the confirmation of a nominee for U.S. Trade Ambassador. In conjunction with that will be an issue raised by the Senator from South Carolina [Mr. HOLLINGS] on a matter relating to the negotiation of international trade agreements and whether in those negotiations, agreements can be reached that effectively change U.S. law. I intend to support the amendment offered by the Senator from South Carolina. I think he is absolutely correct, and I hope to be able to come and speak to that point when he offers his amendment.

As we begin talking about the nomination of the U.S. Trade Ambassador, I want to take a moment to mention something that occurred about 2 weeks ago which passed almost unnoticed in this town, and it relates to the issue of trade. It relates to the kind of trade ambassador we have and relates to the kind of trade policies we employ.

A couple of weeks ago, we learned that in this last year the merchandise trade deficit experienced by the United States of America was $188 billion—a $188 billion trade deficit. This makes 21 consecutive years of U.S. merchandise trade deficits, with a cumulative total of nearly $2 trillion.

We have spent a lot of time in recent days with books stacked on books 8 feet high in this Chamber showing fiscal policy and budgets. Perhaps we should have a chair or a table that stacks piles and piles of trade agreements and trade deficits one on top of another to show what we owe others in the world from an accumulation of nearly $2 trillion in trade deficits.

That is the other deficit, the deficit no one wants to talk about, the deficit no one wants to address. And yet, it is a deficit that predicts a weakness and a continual weakening in America's manufacturing base. That which we used to produce at home is now all too often produced abroad. That which was manufactured here is manufactured somewhere else. Good jobs that paid well with good benefits here are now offshore. And that is what this deficit spells.

No country in history that I am aware of has long remained a strong, dominant world power without retaining its core manufacturing base, for economic health in any country is not what you consume but, rather, what you produce. What you produce is measured by the strength and the breadth and the dimensions of your manufacturing base. This trade deficit is injuring our country. No one seems to care much about it or be willing to do much about it.

Six countries comprise more than 90 percent of our current trade deficit: Japan, nearly 30 percent of the deficit; China, 24 percent of the deficit; Canada and Mexico, which represents NAFTA, the NAFTA trade agreement, that is 24 percent of the deficit; Germany and Taiwan together, about 16 percent of the deficit.

NAFTA was one the most recent trade debates we have had in this Chamber. We were told that if we have a free trade relationship with Mexico and Canada, our two nearest neighbors, we would have new vistas of economic opportunity and create hundreds of thousands of new American jobs. Well, NAFTA was passed—not with my vote, but NAFTA was passed. The NAFTA bill was enacted, it is now law, and now we are choking in trade debt with our two neighbors.

The architects of NAFTA knew what they were doing. They constructed a kind of economic cow that feeds in the United States and is milked by both neighbors. No one that I know of can credibly come around to this Chamber who had advertised the virtues of NAFTA and now do anything but be embarrassed with what has happened. What has happened is injuring this country. Giant trade deficits with Canada and Mexico are hurting this country.

Mexico now sends more automobiles to the United States than the United States exports to all the rest of the world. Let me say that again because I think it is important. Mexico now ships more automobiles into the United States of America than the United States of America exports to all of the rest of the world.

We were told: Well, NAFTA, that's just a little old thing so that some of those low-skilled jobs can go down south. They could do some of those low-skilled jobs at lower labor costs down south. So, what are the largest imports into the United States from Mexico today? The product of low-skilled jobs? No. Electronics, automobile parts, automobiles. Exactly the opposite of what was predicted.

My point is that we must be concerned about this, we must be vigilant about it, and we must try to do something about it. We must have the same energy in this Chamber on this issue as there has been exhibited on the issue of fiscal policy, the budget deficits that result from fiscal policy that is out of balance.

There is merit, enormous merit in requiring that we march toward a balanced budget in the fiscal policy in this country because you cannot keep saddling your children and grandchildren with consumption that you now have and saying, well, we are going to consume, but you pay the bills. That is not fair, it is not right, and it is not healthy for this country's economy.

There is something else that is fundamentally unhealthy about this country's economy, and that is our trade relationships that result in this enormous trade deficit that we have, a merchandise trade deficit of $188 billion. I could spend hours talking about the specifics, and I cannot and I will not because I do not have the time. Let me just mention one item, and I will bet not many people understand.

For example: Let's talk about T-bone steak that is shipped from the United States to Japan, just to demonstrate the low expectations we have of those with whom we trade. Some while ago there was a negotiation on beef from America to Japan, and at the end of the negotiation there was a day of feasting, people believing that those who engaged in these negotiations had just won a gold medal at the Olympics. Enormous success, we were told. They crowed about the successful negotiation on beef.

Well, where are we now some years later? We are getting more beef into Japan. That is true. So they all say that is enormously successful. Guess what. There is a 50 percent tariff on American beef being sent to Japan. Does anybody under any set of circumstances believe that is success, that we now are able to get beef into Japan with a 50 percent tariff, and therefore we ought to say, "Hosanna"?

That is not fair trade. That is not free trade. That is not open trade. It is not fair for this country. It is not fair for our beef producers. And I can go through line after line and example after example. T-bones to Tokyo. They ought to go there without a 50-percent tariff on them to be fair to our producers. We purchase much of what they export to us. They ought to purchase what we export to them without impediment.

I do not want to go on. I would like to talk about trade in some more detail, with my colleague from West Virginia, Senator BYRD, and Senator HOLLINGS and others. I would say, for myself, and I expect I could say on their behalf, we do not complain about this as people who believe that we ought to put walls around our country.

I believe in expanded trade. I believe in expanded opportunity. But I darned sure believe in retaining a manufacturing base in this country, insisting that trade around the world be fair trade. Nobody in this country working in a manufacturing plant ought to have to compete with a 14-year-old working 14 hours a day making 14 cents an hour. Nobody under any condition ought to be expected to or ought to have to compete with that, and it happens every day in every way under our trade agreements.

I am just saying the other deficit, nearly $2 trillion at this point, with this year's trade deficit being one of the largest in history, that deficit we ought to care about and ought to do something about.

Ambassador Barshefsky—we are going to vote on her. She is tough. She has confronted a number of other countries on trade relationships in a significant way. I appreciate that. But she is only as tough as the administration will allow her to be in demanding fair trade. The last several administrations, the last four administrations, in fact, have been disappointments to me on trade, including this one. They have done better than previous administrations, but not good enough. It is not good enough for this country.

It used to be, we could handle international competition with one hand tied behind our backs because we were the biggest, the best, the most. That is not true anymore. We face shrewd, tough, international competitors and it is time we understand that trade relationships must be fair and must be balanced, and must care about this country's productive sector as well.

I am not going to speak at length about the amendment offered by Senator HOLLINGS. I do intend to support it when he offers it. I hope to be able to come down and speak about it. But I did want to say a few words, just as a precursor to a discussion we will have about the confirmation of another trade ambassador.

We have had trade ambassadors. We have confirmed them. We have heard the talk about straightening out some of our trade relationships. But year after year, the merchandise trade deficit continues to grow with almost no notice and almost no one seeming to care about its impact on this country.

Mr. President, I expect to come back later in the day when we debate these issues. With that I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Roberts). The Senator from Ohio is recognized.

Mr. McCAIN. Will the Senator from Ohio yield to me for just 1 minute?

Mr. DEWINE. I will be happy to yield.

Mr. McCAIN. I appreciate the remarks of the Senator from North Dakota. The fact is, it is hard for me to understand the argument when the American economy is the best it has been, in the opinion of any expert, in a long, long time. Our unemployment is low, our trade continues to grow, our economy continues to grow. It is a direct result of free trade. How can we make the argument, which will be done later on, that somehow we should be reraising barriers that are protectionist and isolationist when it flies in the face of what every outside expert says has been the main engine of growth of the American economy, and that is free trade?

What Ms. Barshefsky has just done, in the negotiation of the telecom agreement, is a signal, an important and remarkable advance to the effort of free trade in allowing American companies and corporations into foreign markets so we can hire more Americans and continue to have this remarkable growth in our economy and a bright future for Americans. The debate will be drawn, time after time, and has been, between protectionism, between the desire to raise those protectionist barriers, to go back to the good old days of Smoot-Hawley or whether we are going to move forward with free trade and reduce barriers.

I believe the American people and those people who are engaged in business, those who are in the business of doing business, will strongly support the position that the administration holds of free trade and reduction of barriers for competition.

I yield back to my colleague from Ohio.

Mr. DEWINE. Mr. President, I now ask unanimous consent the period of morning business be extended until the hour of 1:30 and I be permitted to speak for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am wondering whether I could reserve 8 minutes of that time, between now and 1:30, as part of the unanimous consent agreement?

Mr. DEWINE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I wonder if my friend from Ohio will yield me just 1 minute of that time now while the Senator from North Dakota is on the floor, to react to his comments?

Mr. DEWINE. I will be more than happy to do that.

Let me just state the topic I want to talk about is going to take awhile. So I will be more than happy to yield. If you go on too long, I will simply come back later on. That will be fine.

Mr. LEVIN. I just ask if the Senator will yield 1 minute, and then I will yield the floor and come back for the remainder of my 8 minutes. But while Senator DORGAN is on the floor, I just wanted to comment for a few seconds. I just wanted to compliment Senator DORGAN for his comments. His speech is a free trade speech. We all have to listen carefully to what he said. That 50-percent tariff on American beef going to Tokyo—it is absurd that we tolerate it.

In NAFTA, we permit, for 25 years, Mexico making it a crime to sell an American used car in Mexico. That is part of NAFTA. NAFTA, for 10 years, restricts American-assembled automobiles from going into Mexico. So, what the Senator from North Dakota is pleading with us to do, is to insist that we have as much access for our manufactured goods and our agricultural products to other countries as they do to our country. I commend him on his remarks and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DORGAN. Will the Senator from Ohio yield 30 seconds to me?

Mr. DEWINE. I will be more than happy to.

Mr. DORGAN. I will not engage the remarks of the Senator except to say we should reserve the decision on this point. One can drive down a street and see a Cadillac in front of an expensive house, and if you do not understand the debt that will be used to repossess the house and the Cadillac, you don't understand the financial position there. The same with our country. The fact is, our abiding trade deficits are undermining our country's long-term economic future and we had better not decide to ignore them. We had better confront them on behalf of American producers and on behalf of this country's interests. This is a debate we must have soon.

I appreciate very much the indulgence of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized again.

DISASTERS

Mr. DEWINE. Mr. President, let me start by expressing on this floor, as I did this past Monday, my sympathy for the families who have lost loved ones in the last week due to tornadoes, due to flooding and other natural disasters. This has been a very, very tough week. In my home State of Ohio, we are experiencing a flood of once in the last 30 or 40 years magnitude—we have not experienced anything like this since the 1960's. Not only is my home State of Ohio experiencing this, but, of course, Kentucky and Indiana is as well. Vice President GORE is, as I speak, in Ohio, having the opportunity to view firsthand the damage. We appreciate his visit. We welcome it.

We also appreciate the prompt action by President Clinton in designating 14 Ohio counties, to make them eligible for disaster assistance. Governor Voinovich has now made an additional request to the President to add two additional counties, Hamilton County, Cincinnati, as well as Clermont County. Both these counties have been hit exceedingly hard by the flooding. In fact, we have yet to see the high-water mark, which should not occur for a few more hours in Cincinnati and Clermont County, the Richland area—that part of our State.

We really have an area in Ohio from Monroe County, up river, all the way down to Hamilton County. What we have seen is what we always see during tragedies such as this. We see Americans responding. And, in the midst of the tragedy, the suffering, what we see is neighbors helping neighbors and people out there just making a difference. We have Red Cross volunteers. We have emergency department volunteers. We have fire department volunteers. The National Guard is actively involved. But most of all, we have people who are just volunteers, who are just out there making a difference, who do not necessarily belong to any group except they are Ohioans or Kentuckians or Hoosiers from Indiana, and they are out there making a difference in their local communities. So let me pay tribute to them.

The work that we have at hand is going to continue. Once the spotlight of CNN and the network news goes off Ohio, Kentucky, and Indiana and goes off the river communities, the work is going to have to continue. We will have to be hanging in there and doing what we can.

I appreciate the prompt response of FEMA and the Federal officials who were in Ohio yesterday, traveling with Lt. Gov. Nancy Hollister. I appreciate their prompt response and prompt recommendations to the President. I look forward to working with them, as well as working with the local communities, in the weeks and, frankly, months ahead.

We are seeing not only a tremendous amount of damage, in the millions of dollars, to homes, trailers, people having to be relocated, but we are also seeing an immense damage to the infrastructure of the southern part of the State of Ohio. I don't think any of us know what this is going to amount to. We won't know until the river goes back and things begin to get back to normal before we can assess the full damage. When you look at some of the counties in southern Ohio, there is not a one of them that has the capacity to respond, as far as dollars are concerned. This is something that cannot be budgeted. We, of course, will be looking forward to working with FEMA and other agencies to get assistance in there to those counties.

HAITI

Mr. DEWINE. Mr. President, I had intended to come to the floor today and talk about Haiti, a long way from Ohio. I have had the opportunity to visit Haiti three times in the last 18 months. I have had the opportunity to meet with our Ambassador, to meet with President Preval in Haiti, to meet with our members of the Armed Forces that we still have in Haiti, doing an absolutely fantastic job. One of the nice things about having the opportunity to travel to other countries and to see what is going on is the opportunity to see U.S. troops and to see the tremendous job that they do. It is just one more inspiring thing a Member of Congress can do.

As I said, I intended to come to the floor today and talk about what I think is important in regard to Haiti. We have invested $2 billion. We have risked U.S. servicemen's lives. We still have United States service men and women in Haiti. Haiti is our neighbor. What happens in Haiti will impact us. Haiti is not of strategic importance to the United States, but Haiti, because of geography, because of historical ties, will continue to have an impact on the United States.

If we want to search for examples to prove this theory, we don't have to think back too far in recent history when we had thousands of Haitian boat people coming across the sea, and we were faced with the horrible decision of what do we do with them—people who were seeking freedom, people who were seeking the opportunity to simply provide food for their families, and we had to deal with that.

So Haiti, because of its geography, is very important to the United States, will continue to be important, and I intend to come to the floor sometime within the next week to detail what I found on the trips I have made to Haiti and some of the specific recommendations I have. But because of the constraints of time, and I know there are other Members who have expressed a desire to speak, I will, Mr. President, yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. First, while my friend from Ohio is here, I thank him for yielding before. I appreciate that.

USE OF FBI BACKGROUND INVESTIGATION SUMMARIES

Mr. LEVIN. Mr. President, I want to take a few moments this afternoon to set the record straight on an important point concerning the use of FBI background investigations in the consideration of the executive branch nominees by the Senate.

A number of inaccurate comments have been made about the handling of FBI files in connection with the pending nomination of Tony Lake to be Director of Central Intelligence. Some Senators are calling for access to the complete files which the FBI used to prepare the summaries that were provided to the White House and the Congress. The Senators cite former Senator Tower's nomination to be Secretary of Defense as a precedent for requesting those so-called complete files.

For example, a February 17, 1997, letter to the majority leader, signed by 16 Senators, only three of whom were Members of the Senate at the time the Tower nomination was considered, and none of whom were then members of the Armed Services Committee, states the following:

> As you know, when former U.S. Senator John Tower was nominated for Secretary of Defense, his complete FBI file was placed in a secure room of the Capitol for Members of the Senate to read and evaluate. Given the clear precedent and the critical nature of the position of Director of Central Intelligence, this is the procedure which we believe should be followed in the case of Mr. Lake.

The fact is, Mr. President, that neither the Armed Services Committee nor the full Senate ever had access to the raw investigative files used by the FBI to compile its summary of the background investigation of Senator Tower. The Armed Services Committee and all Senators had access only to the FBI summary of its investigation of Senator Tower to be Secretary of Defense.

I understand that the summary of the FBI's background investigation of Tony Lake has already been provided to the chairman and vice chairman of the Intelligence Committee, just as the summary of the FBI's background investigation of Senator Tower was provided in the Armed Services Committee in 1989.

A little background is useful here on the process of FBI background investigations of executive branch nominees. Prior to the submission of a nomination to the Senate, the FBI conducts a background investigation of the nominee for the purpose of providing the President with information about the suitability of a prospective nominee. The report of the investigation is submitted to the counsel to the President who is responsible for preparing appropriate advice to the President.

The FBI background material provided to the Armed Services Committee in connection with nominations includes only the FBI summary of its interviews. If the committee determines that additional information is necessary, a request for this information is made of the White House. If necessary, the FBI investigates further, and additional summaries are provided to the committee. The underlying investigative materials are not submitted to the committee, and they never have been. I repeat that. The underlying investigative materials, the so-called raw investigative materials, are not submitted to the Armed Services Committee and they never have been, including in the case of Senator Tower when his nomination was before us to be Secretary of Defense.

The standard practice before the Armed Services Committee has been that the summary of the FBI investigation is read only by the chairman and the ranking minority member of the committee or their Senator-designee from the members of the committee. These summaries can be extraordinarily personal and confidential, and, for that reason, the executive branch is not allowed staff access generally to those FBI summaries.

A February 10, 1989, letter from President Bush's White House counsel, Boyden Gray, to the Senate majority leader described the "terms and conditions under which summaries of FBI background investigations on Presidential nominees have been made available to Senators since 1981." This is what then-White House counsel Boyden Gray said to the Senate majority leader.

> The FBI summary is hand-carried by an attorney in this office to the Senator who reviews the file with the White House attorney. When the Senator has finished reading the summary, it is hand-carried back to the White House.

That same practice was followed throughout the Bush administration and the first term of the Clinton administration.

Access to FBI summaries was expanded for the committee's consideration of the nomination of former Senator Tower to be Secretary of Defense in 1989. For the committee's consideration of that nomination, Senator Nunn and Senator WARNER, the chairman and ranking member of the committee at that time, felt that it was important that all Senators on the committee have access to the FBI summary of its background investigation of Senator Tower and that a limited number of committee staff also have access to those summaries to prepare the committee report on the nomination.

After lengthy discussions and negotiations with President Bush's counsel, Boyden Gray, Senators Nunn and WARNER and Mr. Gray reached a written agreement on the terms of access to the FBI summary of its investigation of Senator Tower, which allowed all members of the Armed Services Committee and a very limited number of committee staff to have access to the nine chapters of the FBI summary. The summary was put in room S407 here in the Capitol, along with summaries of the summary which were prepared by the committee staff, to make it easier for the members of the committee to review those summaries.

Mr. President, the agreement between Senator Nunn, Senator WARNER, and Mr. Gray makes it very clear that what the Armed Services Committee had access to was—and here I am quoting from the access agreement—"the Federal Bureau of Investigation's summary of its background investigation of Senator John Tower."

And the agreement here between Senators Nunn and WARNER and Mr. Gray went on to inventory the material which was provided to the committee as follows:

> The FBI summary consists of the following parts:

This is the inventory agreed upon relative to Senator Tower's nomination.

> The FBI summary consists of the following parts: (1) summary memorandum (undated [but which was, in fact, dated December 13, 1988]); (2) summary memorandum (December 23, 1988); (3) summary memorandum [which was also] (undated [in this agreement but which was January 6, 1989]); (4) summary memorandum (January 13, 1989); (5) summary memorandum (undated [but which was, in fact, January 25, 1989]); (6) summary memorandum [dated] (February 8, 1989); and (7) summary of the ongoing investigation not yet completed by the FBI.

Now what that quote is from is the agreement between Senators Nunn and WARNER and Boyden Gray, the then-White House counsel.

Mr. President, I wonder how much time I have left?

The PRESIDING OFFICER. The Chair observes that the Senator's time has expired.

Mr. LEVIN. If there is nobody else seeking recognition, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

So then I observe, Mr. President, that the quote which I just shared with this body is from the agreement, and every single item on that inventory is a summary document.

Two additional FBI summaries were added to the seven listed in the original agreement before the Senate finally voted on the Tower nomination a month later. These FBI summaries, which were eventually placed in S-407 for review by all Senators, were the only FBI materials received by the Armed Services Committee.

As Senator Nunn stated on the Senate floor when he opened the debate on the Tower nomination—and this probably is the most succinct place where Senator Nunn stated this on the Senate floor—

> What we have in S-407 is the summary of interviews the FBI conducted. They prepare the summary. We do not see nor do we have the underlying interviews.

That is stated about as succinctly and directly as you can by the then-chairman of the Armed Services Committee.

So, in short, the committee did not have access to any raw investigative files or interview transcripts, nor did the Senate. What we had were the nine chapters of the FBI summary of its investigation.

Following the committee's action on the Tower nomination, Senators Mitchell and Dole reached an agreement with the Bush administration that all Senators would have access to the same FBI summary of the background investigation of Senator Tower that was made available to the members of the Armed Services Committee. In other words, after the Armed Services Committee voted, then the agreement between Senators Mitchell and Dole was that the full Senate would have access to those same summaries that the committee Senators had access to.

So the fact is, Mr. President, that in considering the nomination of Senator Tower to be Secretary of Defense, the Armed Services Committee—and eventually all Senators—had access to the FBI summary of its background investigation of Senator Tower, no more and no less. We did not have access to any of the raw investigative material that the FBI used to prepare those summaries.

Mr. President, the Senate has had the nomination of Tony Lake to be Director of Central Intelligence for 2 months. And some Senators have questions about Mr. Lake's suitability for the position. Those questions should be raised with the nominee in the hearing next week so that he can respond, and Senators can then reach their own judgments about his suitability for this important position.

But we should not act on any misunderstanding as to what the precedents are relative to raw investigatory materials. And in dealing with the Lake nomination, which I am glad to see is now scheduled for a hearing, I think it is important that Senators realize that the precedents here relative to executive nominees are such that we do not have access to those materials because they contain so much rumor, so much inaccurate information that we rely on the FBI to go through all that raw material and give us the summary reports that then we rely on, and then if we need or desire additional information, we make that request of the FBI and of the Justice Department.

There is a larger issue at stake here also, Mr. President, and that is the growing intrusiveness of the nomination and confirmation process. Make no mistake about it: if the executive branch agrees to provide raw FBI files to the Intelligence Committee, a new precedent will be set for future nominations to executive branch positions. The FBI summaries contain the most personal, private, and sensitive details of an individual's life. Some of these details have no bearing on an individual's suitability for office.

As Mr. Gray stated in his February 14, 1989, letter to the Armed Services Committee, even the material included in the summary of an FBI background investigation is so sensitive that their disclosure could jeopardize "the privacy interests of [the nominee] and others, the confidentiality of FBI sources, the FBI's ability to conduct background investigations, and our ability to recruit qualified candidates for positions of governmental service."

It is already difficult to convince talented people to serve in government. If people realize that every rumor or allegation that the FBI dredges up or that every off-hand comment or statement that someone says about a nominee in an interview is subject to being read by 100 Senators and selected staff—and possible leaks to the media—it will be even harder to get the kind of people all of us want to serve in confirmed positions in the executive branch.

I ask unanimous consent, Mr. President, that the February 10, 1989, letter from Mr. Gray to the Senate majority leader, the February 14, 1989, agreement on the terms of access to the FBI summary of its investigation of Senator Tower, and the February 14, 1989, letter from Mr. Gray transmitting that agreement to Senator Nunn, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 10, 1989.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: As a follow-up to our meeting of January 27, 1989, I am sending you a precise description of the terms and conditions under which summaries of FBI background investigations on Presidential nominees have been made available to Senators since 1981. That description is set forth below.

At the request of the White House, the FBI conducts a full-field investigation of a candidate for Presidential nomination. A summary of the results of this investigation is reviewed by the Counsel to the President prior to a final Presidential decision to nominate the individual in question. Once the nomination is forwarded to the Senate, that summary is made available for review by the Chairman and Ranking Minority Member of the Committee considering the nomination (and the Majority and Minority Leaders if they desire). With the approval of the Chairman and Ranking Minority Member, other Senators on the Committee are given an opportunity to review the summary.

The FBI summary is hand-carried by an attorney in this office to the Senator who reviews the file with the White House attorney. When the Senator has finished reading the summary, it is hand-carried back to the White House. (Within the White House, access to the FBI summary is limited to members of the White House Counsel's office, the Chief of Staff, and the President.)

In the event the Chairman and Ranking Minority Member of the Committee believe there are issues that have not been adequately addressed in the FBI summary, the Counsel to the President may request the FBI to conduct further investigation. The summary of that additional investigation is provided to the White House counsel who then makes it available to the Chairman and Ranking Minority Member on the same terms and conditions as the original FBI summary.

The procedures outlined above are necessary to protect the FBI's investigatory process as well as the privacy interests of the nominee and the other individuals who agree to be interviewed by the FBI. Since the FBI relies on the willingness of people to provide information in a confidential manner, access to this information is limited. For the same reasons, members of this office and Senators have historically refused to comment publicly on the contents of the FBI summary.

As we discussed, this practice enables the Senate to utilize information prepared by the FBI for the White House in the execution of its Constitutional advice and consent responsibilities. Further, it is my understanding (as evidenced in the enclosed letter from former Deputy Counsel to the President Richard A. Hauser, Section IV of the enclosed old "Presidential Appointee's Handbook" (which has been used since at least 1986) and Appendix A of the revised "Presidential Appointee's Handbook") that this practice was consistently followed by Senate Committees in their consideration of Presidential nominees between 1981 through mid 1986.* Accordingly, with your concurrence, it is my intention to continue this practice throughout the Bush Administration.

Sincerely,

C. BOYDEN GRAY,
Counsel to the President.

TERMS OF ACCESS TO THE FBI SUMMARY OF ITS INVESTIGATION OF JOHN TOWER (NOMINATION AS SECRETARY OF DEFENSE)

The Counsel to the President has agreed to make available to the Senate Armed Services Committee (SASC) four copies of the Federal Bureau of Investigation's summary of its background investigation of Senator John Tower. (The FBI summary consists of the following parts: (1) summary memorandum (undated [December 13, 1988]); (2) summary memorandum (December 23, 1988); (3) summary memorandum (undated [January 6, 1989]); (4) summary memorandum (January 13, 1989); (5) summary memorandum (undated [January 25, 1989]); (6) summary memorandum (February 8, 1989); and (7) summary of the ongoing investigation not yet completed by the FBI.) Since these documents are the property of the Executive branch and involve extremely sensitive information, they will be made available only through the Office of Senate Security located at Room S-407, United States Capitol. Only Senators on the SASC and not more than 6 designated SASC staff members (as determined and designated by the Chairman, SASC, and the Ranking Minority Member) and designated members of the Executive branch shall be granted access to these documents at this location. The names of the designated staff members shall be provided, in writing, to the Counsel to the President prior to their being given access to the documents; and the names of the Executive branch officials shall be provided, in writing, to the Chairman, SASC, prior to their access at this location. A record of all persons using these documents in Room S-407 shall be maintained.

Access to these documents will be limited to Senators on the SASC and the 6 designated SASC staff members. These documents may be reviewed in Room S-407 only; no additional copies may be made; and no documents may be removed. Any notes derived from these documents shall be treated as sensitive and shall be used only in connection with the Committee's Executive Session deliberations (and vote). At the conclusion of the Committee's deliberations (and vote), any notes shall be destroyed or considered part of the FBI documents for purposes of this Agreement.

Within 14 days of the conclusion of the Committee's deliberations (and vote) on Senator Tower's nomination, these documents will be returned to the Counsel to the President unless another agreement has been reached with the Senate leadership.

SAM NUNN,
Chairman, Senate Armed Services Committee.
JOHN WARNER,
Ranking Minority Member.
C. BOYDEN GRAY,
Counsel to the President.

THE WHITE HOUSE,
Washington, DC, February 14, 1989.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: With respect to our conversation last Friday regarding access by the Senate Armed Services Committee to the Federal Bureau of Investigation's (FBI) summary of its background investigation of Senator Tower in connection with his nomination as Secretary of Defense, I am gratified that we have now reached an understanding on the way in which we will proceed.

I believe the fact that all of the Committee's subsequent deliberations involving the FBI summary on Senator Tower's nomination will occur during Executive Session only, that this nomination has significant national security implications, and the unique nature of the allegations concerning Senator Tower warrant a one-time-only exception to the procedures governing access to FBI background investigations by Committee members.

The documents we will provide are extremely sensitive. Their disclosure could jeopardize the privacy interests of Senator Tower and others, the confidentiality of FBI sources, the FBI's ability to conduct background investigations, and our ability to recruit qualified candidates for positions of governmental service. Therefore, I am pleased that we have agreed on ground rules for Committee access that suit our purposes and yours. The enclosed Terms of Access sets forth the procedures for access, custody, storage, and return to the Executive branch of the FBI background summary. With this understanding, we are prepared to deliver copies of these documents to your Committee immediately.

I believe that this understanding will make it possible for the Committee to proceed expeditiously on this nomination once the FBI has completed its investigation.

Sincerely,

C. BOYDEN GRAY,
Counsel to the President.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVING CERTAIN PROVISIONS OF THE TRADE ACT RELATING TO THE APPOINTMENT OF THE U.S. TRADE REPRESENTATIVE

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the clerk will report Senate Joint Resolution 5.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 5) waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I believe under the unanimous-consent agreement the amendment by Senator HOLLINGS is in order at this time.

The PRESIDING OFFICER. The Senator is correct. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as I understand, the pending business is that I send to the desk an amendment to the waiver amendment of the committee; is that at the desk?

The PRESIDING OFFICER. The Chair would observe that the desk does not have the amendment.

Mr. McCAIN. The waiver amendment is the pending business. What is not at the desk is the amendment of the Senator from South Carolina to the waiver.

The PRESIDING OFFICER. The observation by the Senator from Arizona is correct.

AMENDMENT NO. 19

(Purpose: To require Congressional approval before any international trade agreement that has the effect of amending or repealing statutory law of the United States law can be implemented in the United States)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 19.

On page 2, after line 8, insert the following:

SEC. 2. CONGRESSIONAL APPROVAL OF CERTAIN TRADE AGREEMENTS REQUIRED.

No international trade agreement which would in effect amend or repeal statutory law of the United States law may be implemented by or in the United States until the agreement is approved by the Congress.

The PRESIDING OFFICER. The Chair announces there are 3 hours equally divided on the amendment by the Senator from South Carolina.

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair. Mr. President, I ask that the distinguished senior Senator from North Carolina [Mr. HELMS] be added also as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

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*The one exception to this rule was the Senate Judiciary Committee, which was subject to a separate agreement because judgeships are lifetime appointments.

Mr. HOLLINGS. Mr. President, the amendment that has just been read is so simple, so fundamental. I am hearkening to our new Members of the U.S. Senate, just in January, a few weeks ago, "I hereby pledge to support and defend the Constitution of the United States."

This is constitutional language, that no international agreement that would, in effect, amend or repeal statutory law can be implemented until approved by the Congress. Under the Constitution, article 1, section 8, it is the duty of the Congress to regulate foreign commerce—not the executive branch; not the executive branch.

Obviously, to really change the law you would have to have three readings in the House and three readings in the Senate and signed by the President. The fact that this amendment, which I tried to make as clearcut and as principled as it possibly could be, where there would be no confusion, has been so vigorously opposed by the White House and certain ones in Congress that there is no doubt in my mind that with respect to foreign trade, with respect to global competition, we are in the hands of the Philistines, we are in the hands of the multinationals. Rather than the Congress controlling the multinationals and international trade, the multinationals, by this initiative, are controlling the Congress.

What is the initiative? Well, they could not find any language to amend my amendment. They could not find anybody to really object to it. What they did do, then, was to say, well, we will get some letters written—incidentally, by people who had nothing to do with this particular part of the telecommunications bill—and the comments were that Mr. ARCHER of the Ways and Means Committee over on the House side then sends a letter on the one hand, saying that he would blue slip this particular appointment of Barshefsky in that the Hollings amendment would involve revenues.

You know that is not going to happen. I think they made some bad mistakes over on that side. I think they have sort of redeemed themselves from the contract. They certainly have redeemed themselves from three budgets. In 1995, they said the President was inconsequential and that they had three budgets, and whether you agreed or not, that is what they were going to do. Now they say, Mr. President, "Please give us a second budget." They do not even give one, much less three. But I do not think they would revert back to nonsensical conduct and try to act like an appointment to be confirmed by the U.S. Senate wherein it had a rider that the law be obeyed, the Constitution be supported and defended. "Protect and defend" is the oath we take, and that involves revenues. But be that as it may, Mr. President, that is exactly what they have done. And more recently, they have come by—and I have been vitally interested—and one of the ambassadors in the United States Trade Representative's office was to be appointed ambassador in charge of trade there at Geneva—we have written letters and made calls to the White House—Ms. Rita Hayes. Now we have calls in, indirectly, that that can't be had or done. I think it was about to be approved—"unless HOLLINGS gives up his amendment."

So they have tried every shenanigan in the world, which tells me—and should tell this Congress—that the executive branch is going to make its agreements, come hell or high water, and they could care less. Not a treaty, but just executive agreements. The media and everybody is supposed to go along and say, well, I think the Senator is right, but we have to go ahead with this appointment. They are changing the law. They admire the three readings in the House and the three readings in the House with respect to Ms. Barshefsky. She does not previously qualify having registered British Steel and foreign competitors. They passed that waiver out, and it no doubt will be adopted here in the U.S. Senate, but to just say "provided further, that if she enters into an agreement that would amend or change statutory law, that before it be implemented, it first must be approved by Congress." Just as simple as that.

So let's get right to the "meat of the coconut," as they say, because this has been going on for 2 years. This isn't any last minute—one of the letters from one Senator said this is a last-minute attempt. Oh, no, this isn't last minute. We had hearings on foreign ownership of telecommunications. We have had testimony of the different entities. Mr. Reed Hunt, the Chairman of the Federal Communications Commission, who was at one time conspiring for this particular approach—I don't know where he is now, but I am checking him. I quote Mr. Hunt:

> I am concerned about the prospects of foreign monopolies being able to buy into our markets while they are still monopolizing their home markets. And as global media developments occur, as the Congressmen mentioned earlier, we must be attentive to the fact that if a foreign company is a monopolist in its own country, it has a prospect of using that monopoly to leverage unfair competition into this country. I am concerned about that.

That is in May 1995, almost 2 years ago.

Mr. President, we also have the statement of the FBI and the DEA, who wrote, also, in May 1995:

> Even with the foreign corporation as privately held, we believe that a foreign-based company could be susceptible to the influence and directives of its own government. There are numerous examples of foreign companies being used and directed by their governments to carry out, or assist in carrying out, government intelligence efforts against the United States Government and all major corporations.

That is a letter to the Honorable JOHN D. DINGELL, on May 24 1995, by the Director of the Federal Bureau of Investigation, Judge Louis J. Freeh, and the Administrator of the Drug Enforcement Administration, Thomas A. Constantine.

Mr. President, the law that we are talking about, and the two sections—section 310(a) of the statutory law of communications—"The station license required under this act shall not be granted to or held by any foreign government or the representative thereof." Section 310(b) limits any owning or controlling interest to 25 percent.

Now, I understand somebody is going to say the special trade representative never testified. We had numerous meetings. You have to know how the executive branch works. We haven't had any hearings from them once they got the agreement here in February, just last month—any hearings on the agreement, or anything else of that kind. They just gave away 100 percent in violation of 310(a). They didn't just do the 25 percent in 310(b). They go in, as naive as get out, I can tell you that. I want to build a bridge back to the old-fashioned Yankee trader. Come in and say, look, we have the largest and the richest market; what can you come up with? Let's see what you propose and we will work with it. Instead, like goody-goody two shoes, this touchy-feely crowd that we have up here in Washington says, "We will give you 100 percent and let's see what you come up with." Nippon Telephone & Telegraph says, "Thank you for the 100 percent, bug off, you get nothing from us." And you go down the list. No country gave us any kind of 50-percent ownership. Our best of allies and friends in international trade, Canada and Mexico, in NAFTA, said, "No, you can't get a 50-percent." Under 50 percent. So you can see what a spurious approach they used, in violation of the law.

So I talked to Ambassador Kantor at that particular time, back in 1995, and Senator BYRD wrote a letter on April 3, 1995. And, again, Ambassador Kantor, the United States Trade Representative, came forward with his letter and acknowledged the law. I think that is the important part, because in his letter back to Senator BYRD on April 24, 1995—I am trying to congeal it so everybody understands it—I ask unanimous consent that this letter from Michael Kantor, dated April 24, 1995, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL *3, 1995.*

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: The Senate will soon take up S. 652, the Telecommunications Competition and Deregulation Act of 1995, to promote competition in the telecommunications industry. I am writing to solicit your views on the revision of foreign ownership provisions, specifically the revision of Section 310(b) of the 1934 Communications Act.

As you may know, the Commerce Committee's reported bill would allow the FCC to waive current statutory limits on foreign investment in U.S. telecommunications services if the FCC finds that there are "equivalent market opportunities" for U.S. companies and citizens in the foreign country where the investor or corporation is situated.

I would like to have your assessment of the impact of this provision for both enhancing the prospects of U.S. penetration of foreign markets, and for foreign investment in American telecommunications companies and systems.

Specifically, what impacts and advantages can we anticipate will result from enactment of this provision on the ongoing negotiations in Geneva on Telecommunications which has been established under the GATT, to be incorporated into the General Agreement on Trade in Services?

Second, which markets in Asia and Europe are now closed to U.S. telecommunications services in such a way that action on the basis of the concept of Reciprocity in the Senate bill is likely? What timeframes for such action, if any, would you contemplate?

Third, what has been the position of nations whose markets are closed to U.S. telecommunications services in the way of justifying their lack of access, and what likely reactions can we anticipate from those nations as a result of this legislative provisions?

What role do you think can be most usefully played by your office in effectively implementing the provision that has been recommended?

Lastly, in analyzing the legislation reported from the Senate Commerce Committee, do you have any suggestions as to how the provision might be strengthened to better serve the goal of opening foreign markets to U.S. telecommunications services and products?

Thank you for your attention to this matter.

Sincerely,

Robert C. Byrd.

Mr. HOLLINGS. I will just read one line:

> By amending the legislation as we suggest, the Congress would provide effective market opening authority for both multilateral and bilateral negotiations on basic telecommunications services.

I emphasize the phrase "by amending the legislation as we suggest," because you got the U.S. Trade Representative Barshefsky, she says, "You don't have to amend it now. I got agreement. Take it and like it or else." But that isn't what the U.S. Trade Representative said in 1995. We heard about this. So on April 25, we wrote a letter—the distinguished majority leader, Senator Trent Lott, the distinguished Senator from Texas, Kay Bailey Hutchison, the distinguished Senator from Hawaii, Daniel K. Inouye, and myself.

I ask unanimous consent that this letter to the President on April 25, 1996, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate, Committee on Commerce, Science, and Transportation,
Washington, DC, April 25, 1996.

Hon. William J. Clinton,
The President,
The White House,
Washington, DC.

Dear Mr. President: We are writing to express our concern with the current negotiations governing trade in telecommunications services. The United States has an open and competitive market for telecommunications services. U.S. companies are the most innovative in the world. Current negotiations should not result in an agreement that unilaterally opens the United States market while barriers, both formal and informal, continue to keep U.S. companies out of foreign markets.

We are deeply concerned about the effects of any trade agreement, including a review by a dispute settlement panel of the World Trade Organization (WTO), on the independence and integrity of the Federal Communications Commission (FCC). Congress did not make any changes to the foreign ownership limitations of the Communications Act when it enacted the Telecommunications Act of 1996 (P.L. 104-104).

We believe strongly that the public interest test contained in the Communications Act of 1934, as amended, must be retained and that current practices governing foreign investment not be altered. Any change in current U.S. law and FCC practices as a result of any trade agreement should be done only with the approval of the Congress in accordance with our Constitutional obligation to regulate foreign commerce.

With kindest regards,

Sincerely,

Ernest F. Hollings,
Daniel K. Inouye,
Trent Lott,
Kay Bailey Hutchison.

Mr. HOLLINGS. Mr. President, we cite thereon the independence and integrity of the Federal Communications Commission. "Congress did not make any changes to the foreign ownership limitations of the Communications Act when it enacted the Telecommunications Act of 1996."

What really occurred was, on the Senate side, we said, fine, we will go along on a majority percentage of ownership by a foreign entity if there is reciprocity. If there is an equal opportunity for U.S. companies to own and control, we will let them own and control, under certain circumstances, with, of course, Judge Freeh's and Mr. Constantine's inhibitions, and we had the same concerns. We would study them and go over them very closely. We had reciprocity with the snapback provision. I authored it. We put it in the bill after hearings and said, look, if the country changes its mind or comes under improper control and they kick us out, snap back, kick them out. Fair is fair. We thought that very reasonable to move an agreement on the international telecommunications. But the representatives of the White House, in particular the Special Trade Representative, now called U.S. Trade Representative, started dealing with Mr. Oxley on the House side. And we were in the conference.

So all during 1996 in that particular conference, we worked around and we worked around. Finally, in December, I talked to our friend Mickey Kantor, the Ambassador. I said, "Mickey, we can't get together on this one. There is not going to be any change. Whatever agreement you make will just have to come back. Maybe that is the way. If you want some change in the law, then come on back to Congress."

We have debated it already now for 3 years. We would be glad to get together on it. But with all the facets of the upgrading and the revision of the 1934 telecommunications act and considering all the various decisions made over a 60-year period, we couldn't agree.

So Ambassador Kantor said, fine, that is what they would do. However, in the early part of the year when we came back—again negotiating all during 1996—to the Congress just a couple of months ago, we kept hearing again that we were somehow going to be ignored and that they were making offers over there.

Mr. President, on February 4, 1997—again Senators Robert Byrd, Byron Dorgan, Daniel Inouye, and Fritz Hollings—the four of us joined in a letter to the White House saying that the USTR should not commit the United States to a trade agreement that limits the scope of the public interest test administered by the FCC, and any changes to current U.S. law should be done only with the approval of the Congress.

So it was clear in January and February, long before they made the agreement, that we were watching closely as best we could. I met on January 17 with Ambassador Barshefksy. I want it clearly understood that at that particular time we meant exactly what we said. I cautioned her. It was on January 17. I had already met. That is why we sent that February letter. When I met with Ambassador Barshefksy, it was crystal clear to this Senator. I have been up here 30 years. I am the senior junior Senator. And my friend Strom says, "You had better get used to it." But I dealt with these trade representatives way back into the 1950's, 40 years ago. I have handled clients as a practicing lawyer, when the individual continues to not answer the question and is sort of hugging up to you and says, "I want to work with you, I want to work with you, I want to work with you." I said to Ambassador Barshefksy, "Madam, I do not want you to work with me. I want you to work with that statute. Don't go over and say you did not know anything about it because we have been in the debate, and you are going to have many Members really turned off on this one, and we will have to take action." But it was quite apparent to me with that "I want to work with you" stuff that she had no idea of working with us in good faith. Of course, now we know.

As reported in the Journal of Commerce on February 19, 1997:

> The United States decision to end its statutory restrictions on foreign investment in this sector was crucial to carrying along a global deal in which the rest of the world has made varying levels of commitment to similarly open their markets.

So, to end the statutory restrictions, we have not extended the statutory restrictions. Nothing has been happening. There has not been three readings in the House nor three in the Senate. We haven't even debated it here this year. But they already have the trade press quoting exactly what the public official of the U.S. Government is saying. Here we are all in the uproar. We have the special committees, the independent prosecutors, "Get them, get them, foreign influence on policy. We can't have anybody give us a contribution and influence policy." And over here, while we are not looking, a public official of the U.S. Government is giving it away in violation of section 310(a) and 310(b) of the communications act. So, yes, I talked to Members. I said, "I just want to make it crystal clear that either we are going to go to conference"—like our lawyer friend Sullivan, who said, "I am not a potted plant"—"or else we will let the executive pass its own little laws, and we can go on home and forget about trying to work up here to set some valid policy."

So thereby is the amendment.

Mr. President, it is interesting. I must report to you that even while Ms. Barshefsky couldn't get it, I read that the Canadian official reported in the Wall Street Journal—and, I quote again, prior to the amendment—"We think that when you look at the overall package, our offer is every bit as good as the American offer." However, Canada "has serious reservations about the United States proposal because it won't be backed by U.S. legislation." At least the trade negotiator from Canada got my message. I never have talked to that individual. But I can tell you now, we could not get through. We couldn't get through at all.

You have to understand along this line, Mr. President, because you are from the hinterlands where people think straight, that you can tell why this crowd up here operates in the beltway and miasma totally of their own dreams. And when we as Senators go home—Oneita Mills, which just a couple of months ago closed down, was just not a complicated operation making T-shirts. But I got there some 35 years ago when I was Governor—and I am proud of it—in a little country town of Andrews, SC, and I got 487 employees, and Washington says, "Don't worry about it. What we need is retraining, retraining, retraining." The former Secretary of Labor, my friend Bobby Wright, that is all he thinks: Skills, skills, skills, retrain. We have skills coming out of our ears. We manufacture automobiles. They didn't go to Detroit. We never made one. But we have the skills, and we put in there a technical training system. I put it in. In 1961, we broke ground up there in Greenville on a garbage dump. I guess EPA would catch me now. But that is where the school is. And I broke ground for 16 others. We got the skills.

But back to Oneita, they said, "Retrain, retrain; get another job; we don't have enough skills. You don't understand the problem. We up here in Washington understand the problem." Nonsense. Assume that they retrain as computer operators; tomorrow morning you have 487 computer operators. The average age at Oneita was 47 years of age. Are you going to hire the 47-year-old computer operator or the 20- or 21-year-old? You are not going to assume the retirement costs and the health costs of the 47-year-old. They are out.

Yes, I see it when I look at that GE plant that I brought in from Brazil. In the competition they said, if you want to sell those transformers to us, you are going to have to move your plant. So when I brought one to South Carolina, they closed the plant down and GE is gone, moved offshore.

Malaysia, Baxter Medical. I brought that one in, but we are still giving tax incentives to invest overseas, so they closed down last year and they have gone to Malaysia. Saturday before last, Sara Lee in Hartsville, with 187 jobs, gone to Mexico.

We lost, in the year 1995, 10,000 textile jobs in South Carolina, and I think an equal amount this past year. I am trying to get the figure. When they talk about educate, educate, educate, educate here at the White House, they better buy a few books and read them themselves. They better get hold of "Looking at the Sun," by James Fallows, or "Blindside" by Eammon Fingelton or "The Future of Capitalism," by Les Thurow, or our friend Bill Greider, "One World, Ready or Not," and, of course, the most recent book by Robert Kuttner "Everything For Sale." You begin to sober up and understand what the head of Motorola, in Malaysia said as quoted by Mr. Greider that the people of America have no idea in the Lord's world what is happening to them.

What we are doing is making the exception the rule. And what is the exception? The exception is free trade, free trade, free trade. Adam Smith, market forces, market forces. After World War II, that was a valid contention. We had the dominant auto industry. We wanted to foster capitalism in the emerging Third World. We were looking for freedom and democracy to be spread into Europe and into the Pacific rim. So we taxed ourselves by billions for the Marshall Plan and thereupon coaxed our industries to invest overseas. And invest they have.

But if you want to see the sheep dog gobbling up the entire flock, you ought to watch these multinationals that we created. The nationals went over. They resisted it at first. They could not speak the language. The air flights were not good. They did not get good food on them or anything else of that kind. But gradually they learned that in manufacturing, 30 percent of volume is in labor cost—payroll. And you can save as much as 20 percent in a typical manufacturing entity by moving to a low-wage country. So it is that an entity, a manufacturing company that has $500 million in sales can keep its sales force, its executive office back here at the home headquarters but move its production, its manufacture to a low-wage country and make itself $100 million, or it can stay here, continue to work its own people and go broke.

That is what is going on. How do you get that through the news pages so they understand it?

So the nationals gradually became over the 50-year period since World War II, multinationals, and then the national banks, Chase Manhattan and Citicorp, as of 1973, made a majority of their profit outside the United States. So you have got the multinational corporations and the multinational banks. And thereupon you have them making their money and coming back in with the consultants and the takeover of all the think tanks and everything else.

I can bring you right up to date. They just established a chair at the Brookings Institute on free trade, and do you know who is financing it? Toyota. Toyota. So Brookings comes and says, this is great about free trade. Oh, sure, those multinationals, they joined up with the foreign countries. The foreign countries want to dump everything. The multinationals want to manufacture and dump everything back here.

Then, of course, the retailers. The retailers, we proved here in many a debate, do not lower their price. They make a bigger profit. So every time we bring up a reciprocal trade measure or try to get customs agents, which are needed because there is over $5 billion in transshipments in violation of our agreements, whenever we try to get that, the retailers are up here pigeonholing every Senator.

So you have the multinationals, the multinational banks, the consultants, the campuses, the think tanks, and then read "Agents of Influence," by Pat Choate, and that was back 7 years ago when Japan, one country, had a $113 million retainer of—I don't know how many law firms or whatever it was around here—representatives. I got up at that time the total salaries of all the House Members, 435, and all the Senators, 100. Of the 535, we were only paying to have represented the people of America some $71 million. Japan was better represented in Washington at $113 million.

Read the book and you will see how these U.S. Trade Representatives, after putting in time here, went to represent the other side. That is why we have the waiver. Senator Dole said you cannot represent a foreign entity and then come in here and represent us. But, of course, the Finance Committee is in a fix, and there we are. There we are, in the hands of all the lawyers around here. There are 60,000 lawyers registered to practice in the District of Columbia. That is more lawyers than the entire country of Japan. And they come around here and they hate lawyers, they hate lawyers. They are all billable hours. Get yourself charged on an ethics charge and try to find one for less than $400 an hour. They have never been in the courtroom. They never tried a case. They come around here. They ought to all go to work for O.J. Fix that jury. Fix that Congress. That is what we have on us, and you cannot get a word for anybody to represent the reality of this global competition.

There are two schools—two schools of international trade. One, of course, is Adam Smith, the market forces, fostered by David Ricardo, comparative advantage, comparative advantage. But the other school, Friedrich List, which is almost top secret in this body: The strength and the wealth of a nation is measured not by what it can consume but by what it can produce. And that is the global competition. None of them have gone down the road of Adam Smith. They have all gone down the road of mixed economies, and that is what built the United States of America. That is what built this great economic giant, the U.S.A.

The earliest day after we had won our own freedom, the Brits corresponded back to our forefathers and they said, now, as a fledgling little colony here, you have gotten your freedom. You trade back with us what you produce best and we in Great Britain will trade back what we produce best—free trade, free trade, free trade. Alexander Hamilton wrote a book that there is one copy of under lock and key over here at the Library of Congress. I will not read the booklet. We have had a copy of it in my file. But in the line, Hamilton told the Brits, Bug off. We are not going to remain your colony. We are not going to ship our natural resources, our timber, our coal, our iron, our wheat, our farm stuffs, and you ship back the finished products. We are going to make ourselves economically strong. And the second bill that ever passed this U.S. Congress in its history—the first had to do with the seal of the United States—but on July 4, 1789, the second bill to pass this Congress was a tariff bill of 50 percent on 60 different articles. We started with protectionism, protectionism, protectionism.

Later, when we were going to build a transcontinental railroad, they told President Lincoln we could get the steel from England. He said, No, we are going to build our own steel mills. And when we are finished, we will not only have the transcontinental railroad, but we will have an industrial steel capacity.

Again, in the darkest days of the Depression, when people were in food lines, Franklin Roosevelt, with his Economic Recovery Act, put in—what?—put in subsidies for America's agriculture, payments to the farmers that continue today, and protective quotas. And therein is the wonderful success story of America's agriculture.

So, we say, "Preserve, protect, and defend." We have the Army to protect us from enemies without, the FBI to protect us from enemies within, we have Social Security to protect us from the ravages of old age, Medicare to protect us from ill-health—we can go right down the functions of Government. When it comes down to a competitive trade policy, we are in the hands of the Philistines, the multinationals. They are pulling our strings. They want fast track. They do not want any debate. They want to just pass the bills and, if you don't do it, we will make the agreement anyway and bag it. Bug off. That is what they are telling us. So we put in our amendment.

I have had long experience in this field. I testified during the 1950's. I came up here and testified before the old International Trade Commission, and Tom Dewey represented the Japanese. He chased me around the room for a couple of days, and he said, "Governor, what do you expect the Third World emerging countries to make? Let them make the shoes and the clothing, the textiles. And we, in turn, in the United States, we will make the computers and the airplanes."

Now, they do not realize it—yes, they are making the shoes: 89 percent of the shoes on the floor of this Congress are imported; two-thirds of the clothing in this Chamber is imported. They are making the shoes and the clothing, the textiles, but they are also making the cameras, the watches, the electronics, the machine tools. You can go right on down the list. And the computers and the airplanes—all of it.

Wake up, America. The majority of that Boeing 777 is made offshore, a good bit of it in China, the People's Republic of China. There are some of them who want to say Communist China, we are going to get a Communist China airplane to ride around in. That is how far we have come, but they do not want to admit to it.

So, there we are. What we have is a situation of the typical promises they make. I am prepared to get into those promises, Mr. President, but, perhaps, I see my distinguished colleagues have been very patient with me. I guess they would be glad to be heard at this time, so I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, under the unanimous-consent agreement, an hour has been provided for the chairman and ranking member of the Finance Committee for debate on the resolution. I will yield myself such time as I may take from that hour.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. Mr. President, I rise to voice my strong support for Charlene Barshefsky as U.S. Trade Representative. Her nomination was favorably reported by a unanimous vote of the Finance Committee on Thursday, January 30, 1997. It is evident that the nomination of Ambassador Barshefsky has wide bipartisan support in the Senate. This is not surprising when one looks at the impressive record she has compiled as a trade negotiator at the Office of U.S. Trade Representative, first as Deputy USTR and then as acting USTR.

During her nearly 4 years at USTR, Ambassador Barshefsky has succeeded in negotiating an impressive list of multilateral and bilateral trade agreements aimed at opening foreign markets to U.S. exports. She has also distinguished herself as a vigorous advocate and defender of U.S. trade interests. For example, most recently, Ambassador Barshefsky concluded an important agreement on insurance with the Japanese—a matter I was actively involved in on behalf of the United States insurance industry. If this agreement is fully implemented by the Japanese Government, it should result in substantial new opportunities for United States insurance providers.

Similarly, at the World Trade Organization Ministerial in Singapore last December, Ambassador Barshefsky was successful in pushing other nations to conclude a landmark agreement to eliminate tariffs on information technology products. Once put into effect, this Information Technologies Agreement will result in billions of dollars in savings to U.S. companies and consumers.

However, Ambassador Barshefsky has also shown that she can reject bad agreements. She refused to enter into an agreement on trade in financial services that could have left U.S. financial service providers in a worse position than before. Similarly, during the negotiations on telecommunications services last spring, she had the resolve to walk away from the table when other countries had presented patently insufficient offers to open their telecommunications markets.

Her hard-nosed stand in the telecommunications talks forced countries to make substantial improvements in their offers, and the result was a historic agreement reached on February 15 to liberalize trade in basic telecommunications services.

The Agreement on Trade in Basic Telecommunications Services will save consumers hundreds of billions of dollars and will allow our telecommunications industry to compete in foreign markets that were previously closed to them.

Given these accomplishments and her demonstrated toughness and resolve on behalf of U.S. interests, I think there is no question but that Ambassador Barshefsky is extraordinarily well qualified for the position as U.S. Trade Representative. Indeed, her achievements, negotiating skills and professionalism remind me of another able woman USTR, Carla Hills.

We enter a time when we greatly need as U.S. Trade Representative someone with the qualifications that Ambassador Barshefsky brings to the position. The next USTR will be called upon to manage a number of difficult trade issues, including the increasingly complicated trade relationship with China.

Specifically with respect to China, we face a ballooning trade deficit and increasing tensions on trade matters with that country. Moreover, we will soon enter again into the annual debate over whether China should continue to enjoy normal trade relations with the United States, at a time when congressional views on this question will be influenced by China's action during the reversion of Hong Kong to the People's Republic this July.

Ambassador Barshefsky will also be responsible for negotiating with China to ensure that it enters the World Trade Organization on commercially viable terms, which provide for meaningful market access and a commitment from the Chinese to observe the basic rules of the WTO.

In addition, Ambassador Barshefsky will be the administration's point person with respect to the difficult issue of renewal of fast-track negotiating authority. She will also carry the responsibility to ensure that the trade liberalization initiatives through the Free Trade Area of the Americas, the Asia Pacific Economic Cooperation Forum, and the Trans-Atlantic Marketplace proceed according to schedule.

These are all important issues, and I am most confident that they will be handled appropriately working with someone like Charlene Barshefsky.

I would like to comment on the issue of the Ambassador's work for the Government of Canada and the Province of Quebec while practicing law in the private sector.

Questions have arisen whether this work may fall within the terms of section 141(b)(3) of the Trade Act of 1974, as amended in 1995 by the Lobbying Disclosure Act.

That provision prohibits the President from appointing any person to serve as Deputy USTR or U.S. Trade Representative who has directly represented, aided, or advised a foreign government or foreign political party in a trade dispute or trade negotiation with the United States. In my opinion, the vagueness of this new law and the fact that there was no debate or legislative history on the provision when it was added to the Lobbying Disclosure Act, make it difficult to determine whether it covers or even should cover Ambassador Barshefsky's work in the private sector.

In order to resolve this matter, the President formally requested Congress to enact legislation waiving the law in this instance. Senator MOYNIHAN and I agreed that under these circumstances, a waiver was warranted and, therefore, we jointly introduced Senate Joint Resolution 5 to waive the prohibition.

For those who may have questions or concerns about this waiver, I want to point out that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. For example, in 1989, Congress passed a waiver of the law requiring that only a civilian may be appointed head of NASA, so that Rear Adm. Richard Harrison Truly could be appointed NASA Administrator. In 1991, Congress, once again, passed a waiver of the law requiring that only a civilian may be appointed head of the Federal Aviation Administration so that Maj. Gen. Jerry Ralph Curry could be appointed FAA Administrator.

I would also like to say specifically with respect to Ambassador Barshefsky that as Deputy USTR, she has been exempt from the prohibition in the Lobbying Disclosure Act. She has been forthcoming in providing information to the Committee on Finance about the nature of her work while in private practice.

Moreover, in response to a question from me at her nomination hearing, the Ambassador stated that she had never lobbied the U.S. Government on behalf of a foreign government or a foreign political party.

So under these circumstances, and in the interest of moving her nomination as expeditiously as possible, the entire Senate Committee on Finance agreed that a waiver was appropriate in this case and voted unanimously for the joint resolution. Therefore, I hope that all Members of the Senate will also agree that the waiver is in the best interest of confirming this nominee who clearly enjoys broad bipartisan support and has already demonstrated that she is eminently qualified to serve in that position.

Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise, as is so frequently and pleasantly my lot in this Congress, to support entirely the major statement made by the chairman of the Committee on Finance, our revered BILL ROTH of Delaware.

As he stated just now, this proposal for a waiver, a very technical matter, a prudent matter, comes to the floor of the Senate as a unanimous action of the Committee on Finance. Just last week, we had a revenue measure which also came to the Senate with the unanimous agreement of the Finance Committee and was duly enacted and is now, in fact, law. The President signed that measure.

We are acting today at the request of the administration, which has a very proper principled concern that if there is any question about the application of this statute, then let that question be resolved by a waiver, which is what we are doing.

In the specific instance, Mr. President, as an attorney in practice here in Washington, Ambassador Barshefsky provided legal advice to the Government of Quebec on softwood lumber countervailing measures—I do not fully claim to understand that—and to the Government of Canada itself.

As the chairman has observed and noted—was she seeking to influence actions here in the Congress? She gave legal advice. I cannot but doubt that there are any number of solicitors in Ottawa who provide advice to American firms on trade matters between the United States and Canada. We, after all, have enjoyed a free trade agreement for nearly a decade and more and have been the closest economic partners for a century and more.

The capacities that Ambassador Barshefsky brings to this job are formidable to the point of being dazzling. She is a master of the subject and has a capacity for advocacy of the American position and American interests that is surely unequaled in our time. The chairman referred to one of her predecessors, Carla Hills, who was equally distinguished in this manner.

There has not been a more dramatic example of American diplomacy—because we are talking about relations between nations—at its finest. When the much-announced, much-proclaimed agreement on telecommunications last year found the other nations unwilling to make the kind of reciprocal agreements that we required which were in our interest and where there were times when negotiators from any country, including our own, would settle for less than what might be appropriate in order to get an agreement, Ambassador Barshefsky did no such thing. Charlene Barshefsky did no such thing. She walked out of the conference, only to come back in the recent weeks with a triumphant telecommunications agreement of the very highest importance to this country.

She did it because she is a firm representative of the U.S. interests and can be someone of just a little hard edge when that seems important. Her arrival in a place like Singapore is front page news. I hope she would not mind that on certain Asian missions she is referred to as the "Dragon Lady," although she has disarming, personable qualities. She is a tough negotiator.

I make this point simply because there is one overriding issue upon us right now—as a trading nation, as the world's largest trading nation, and the sponsor of the World Trade Organization—and that is, as the chairman indicated, the terms on which the People's Republic of China will be granted admission to the World Trade Organization, the terms which are going to make it be the real test of that organization. And it will be decisive to its future.

It started well. It took a long time to get going. As the chairman knows, in the Dumbarton Oaks agreements that were reached with the United Kingdom at the end of World War II, we contemplated there would be three major international institutions: The International Bank for Reconstruction and Development, which we know as the World Bank; the International Monetary Fund; and the International Trade Organization—three international organizations, the latter to advance the reciprocal trade programs that had begun in 1934 under Cordell Hull and the administration of President Roosevelt after the calamity of the Smoot-Hawley tariff of 1930.

The World Bank was duly established. The International Monetary Fund was duly established. The International Trade Organization fell afoul, came to grief, if you will, in the Senate Finance Committee. And so it was a matter of some institutional satisfaction to the committee in the 103d Congress to report out the legislation in which we joined, as had been negotiated, the Uruguay Round, the World Trade Organization to succeed the General Agreement on Tariffs and Trade which had a much more limited, although indispensable, role in the period that followed our rejection of the ITO. And now we have the World Trade Organization.

The terms on which you enter this agreement and have membership in this organization require an economy and economic practices very much disparate, very much at a distance, if that is the correct term, from those practices and that economy which we observe in the People's Republic of China.

The terms on which entry can be negotiated are going to be complex and crucial. And we need a negotiator who can say no. The one thing Beijing needs to understand is that they will be across the table, or at a round table, in Geneva with a negotiator who can say "No, period." Other than that, I think prospects for a successful, perhaps staged, entry are good. It certainly should not be dismissed. But it must be understood we are not going to reach agreement for agreement's sake, and to that end we have confirmed in the U.S. Senate the appointment of a U.S. Trade Representative who can say, no—will do, has done.

So, Mr. President, I have the great honor to join with our chairman in this unanimous action of the Committee on Finance in reporting to the floor this proposal for a waiver just to be on the safe side of the legal question that might arise—and will not when we are finished today—and also, of course, the nomination of the Ambassador which will follow in executive session.

I see my colleague from Iowa is on the floor. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself 15 minutes from the time on our side.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, would you please notify me when I have used 14 minutes, because I want 1 minute on the Hollings issue as well.

Mr. President, I rise today to speak on the nomination of Ms. Charlene Barshefsky as United States Trade Representative. Ms. Barshefsky has served as acting USTR since April 1996. So we are all familiar with her work. I have personally worked with her and her staff on several issues in the past year. And I had the opportunity to watch her in Singapore, at the WTO ministerial, negotiate the Information Technology Agreement. Based on her job performance and her international reputation as a strong advocate for U.S. interests, I am prepared to support her nomination today.

Mr. President, the next 4 years will be crucial for U.S. trade policy. We are beginning our fourth year under the North American Free-Trade Agreement and third year under the World Trade Organization. The U.S. Trade Representative must closely monitor the implementation of these agreements to ensure they are working to open markets to American exports.

FAST-TRACK NEGOTIATIONS

The USTR will also serve as President Clinton's point person in several key negotiations. First, she will have to negotiate with Congress on fast track authority. As you know, Mr. President, fast track means that Congress grants to the administration its authority to negotiate trade agreements. Once an agreement is reached, it must be ratified by Congress within a specified period of time and is not subject to amendment.

Fast track is necessary because Congress, alone, has the constitutional authority to enter into trade agreements. But as a practical matter, other nations are reluctant to negotiate agreements with the President, that may later be modified by Congress. So I do believe it's necessary that Congress grant fast track authority to the President.

But fast track is a significant delegation of power. So its crucial that Congress carefully tailor this delegation in order to accomplish its goals. And it's important that the President, in carrying out this delegation, negotiate within the parameters of the authority granted to him.

Herein lies the problem. Congress and the President often have different ideas of what should be included in trade agreements. This administration has made it clear that they want the authority to negotiate on labor and environmental issues under the fast track process. But most of us Republicans don't believe that these issues should be part of trade agreements.

So Congress has not given the President fast track authority since 1994. And our foreign trading partners now doubt the desire of the United States to lead on trade issues. We are being left by the wayside. For example, after 3 years of NAFTA we are beginning to see very positive results. Through the third quarter of 1996, for instance, exports to Mexico just from my State of Iowa are up over 34 percent. The three NAFTA nations are now the world's largest trading bloc. And it's time to begin looking at expanding this free trade area to other nations in the Western Hemisphere.

But this cannot happen without fast track. So I implore Ms. Barshefsky to negotiate with Congress in good faith to achieve fast track. Let's put aside our partisan differences. And let's remember that trade is the focus of these agreements. The United States cannot continue to insist on addressing other issues within the context of trade agreements.

Issues such as environmental and labor standards are very important. But there are avenues other than trade agreements that ought to be pursued to influence the behavior of other countries. And the expansion of trade, itself, with another country can be an effective inroad for making change.

So let trade agreements stand on their own. They are difficult enough to negotiate without taking on the weight of these other issues. I'll have more to say on fast track as negotiations progress with the administration.

CHINA'S ENTRY INTO THE WTO

Mr. President, I hope that Ms. Barshefsky does not have to spend all of her time negotiating with Congress. She also faces very critical negotiations on admitting China as a member of the World Trade Organization. These negotiations could affect the U.S. trade balance for decades. I am reminded of Japan's entry into the General Agreement on Tariffs and Trade in the 1950's. It seems that we are still paying for lowering the standards to let Japan into the GATT.

In the area of agriculture trade, which is very important to my State, these negotiations may determine whether China becomes our largest export market or our biggest competitor. The stakes are extremely high for American farmers.

That's why I'm concerned that some members of the Clinton administration want to let China into the WTO at any cost. So I took the liberty of asking both Secretary of State Albright and Ambassador Barshefsky about the terms of China's entry. I want to quote from their answers in order to get their opinions on the public record.

Secretary Albright said,

> We have requested that China make significant commitments to liberalize its agricultural trading regime, including reforming its state trading system, making substantial tariff cuts, eliminating unjustified sanitary and phytosanitary measures, and binding its subsidy levels.

She also stated:

> If China is to join the WTO, we will need to have a commercially acceptable protocol package of commitments by China to open its markets in-hand before we will agree to China's accession. That means real market access for U.S. goods and services, including agriculture.

Then I asked Ms. Barshefsky to comment on Secretary Albright's statements. She said,

> I fully agree with the two above statements. China's WTO accession can only occur on commercially meaningful terms. And, just as you quote Secretary Albright, that means market access for our goods, services and agriculture to the fastest growing economy in the world.

Mr. President, I am pleased with the way that both Ambassador Barshefsky and Secretary of State Albright responded to my questions. I hope this will continue to be the policy of their agencies.

I understand that it is very important to integrate China into these multilateral organizations. I have always believed that we can encourage change in China more effectively if we engage them economically. But we cannot sacrifice the interests of American workers and farmers by allowing China to subsidy their industries while keeping their markets closed.

So I will continue to monitor very closely the ongoing negotiations with China. And I encourage Ms. Barshefsky to continue to take a hard line on this issue. I'm reminded of a meeting that I had with Ms. Barshefsky in Singapore when we were attending the WTO ministerial meeting. Since it was reported in the local press, I don't think I'm breaching any confidences by repeating it here in the Senate.

There was a meeting of the Quad nations, which is the United States, Canada, Japan, and the European Union, concerning China's entry into the WTO. The local Singapore newspaper reported that Minister Leon Brittan of the European Union argued that bringing China into the WTO was so important that conditions of entry should be relaxed. The Japanese minister disagreed very strongly with this position. And apparently Ms. Barshefsky concurred with the Japanese minister.

I repeat this incident just to point out that there are different views on this issue. Many nations will seek to treat China with "kids gloves." So it is crucial that the United States play a leadership role in assuring that our interests are protected.

NAFTA EXPANSION

A third area of negotiations that could be significant in the next 4 years is the expansion of the North American Free Trade Agreement. President Clinton promised back in 1992 that Chile would become a part of the NAFTA. But the lack of fast track authority has undermined this promise. Now, Chile has moved ahead and signed a free trade agreement with Canada. And they have also become an associate member of Mercosur.

This is a good example of what happens when Washington fails to lead. The rest of the world moves on without us. And the consequences are very real in terms of U.S. jobs and standard of living.

Let's just take Chile, for example. Chile has the potential to become a very important market for United States agricultural exports. Over the last 10 years, the Chilean economy has grown at an average rate of 6.5 percent and real per capita income is up 50 percent. And since 1984, poultry consumption has risen 60 percent, pork consumption over 45 percent and beef consumption over 30 percent.

The United States currently supplies most of the feed grain Chile uses to support their livestock production. But this market could be put in jeopardy. Chile is increasingly turning to neighboring countries with whom they have preferential trade agreements to supply agricultural products. So the United States' failure to lead on trade has a real impact in terms of lost markets and lost opportunities.

I also ask the President and Ms. Barshefsky to begin taking a hard look at other nations in the Western Hemisphere for NAFTA expansion. Brazil and Argentina have already moved ahead and formed their own customs union, the Mercosur, with Paraguay and Uruguay And the economies of the Caribbean nations have been hard hit by the increased trade between Mexico and the United States So they would like to enjoy NAFTA status.

This administration needs to articulate its vision of how free trade should proceed in the Americas. Soon. Or it will be the United States who is left out in the cold.

AGRICULTURE

One last issue I would like to discuss, Mr. President, is agriculture. In his State of the Union Address, President Clinton mentioned that the United States is now exporting more goods and services than at any other time in its history. I am glad he did that, because those of us in Washington need to articulate the benefits of free trade. I was disappointed, however, that the President failed to acknowledge the contribution of agriculture, which is the "shining star" of our trade balance.

As most sectors continue to run trade deficits, our farmers continue to produce food that the entire world wants to buy; 1996 was another record year for agricultural exports, totaling over $60 billion. This resulted in a trade surplus in agriculture goods of $26.8 billion. Which is the largest surplus of any sector. Since our total trade in merchandise suffered a $187.6 billion deficit in 1996, agriculture is truly a shining star.

But that isn't to say we can't do better. The Uruguay Round agreement, ratified by Congress in 1994, was really the first step in opening up global trade for agriculture. That agreement not only lowered tariffs and quotas for ag products. It also addressed nontrade barriers, such as unjustified health and safety concerns.

The agreement's sanitary and phytosanitary provisions mandate the use of sound science when setting health and safety standards for imports. No longer is protectionist government policy or politics supposed to decide whether a certain product is allowed into a country. Sound, scientific standards must be used.

Not surprisingly, these provisions are the subject of several current disputes. The European Union's ban on U.S. beef and their failure to certify our meat packing plants for export are just two examples. And there are many more. The Clinton administration must vigorously enforce these important provisions with our trading partners. We can't continue to allow other nations to breach their trade agreements in order to keep out our agricultural goods.

The stakes have never been higher. Our farmers have become more dependent on world markets for their income. The revolutionary farm program enacted last year begins to lessen the Government's role in agriculture. The result is that, according to the U.S. Department of Agriculture, up to 31 percent of all farm income will come from foreign markets by the end of the decade. I don't know too many farmers who can afford to give up 31 percent of their income.

Beyond our current disputes, the next round of agricultural negotiations at the WTO are set to begin in 1999. Ms. Barshefsky will be a key player in these negotiations. That is why I was concerned about recent staffing decisions at the U.S. Trade Representative's office.

On the morning of Ms. Barshefsky's confirmation hearing at the Finance Committee, the Journal of Commerce ran a very disturbing article. The article pointed out that the top two agriculture staffers at USTR had been replaced with a political appointee with no agriculture experience.

I had a telephone conversation and an exchange of letters between Ms. Barshefsky. She is convinced that these decisions will make her office more responsive and effective on ag issues. So I am willing to defer to her judgment and her right to hire her own staff. I will, however, be overseeing her performance on these issues.

CONCLUSION

Mr. President, I have discussed several issues that I believe President Clinton and his nominee for USTR, Charlene Barshefsky, must lead on in the next 4 years. The last 2 years were a disappointment for those of us who believe in the benefits of international trade. The likes of Pat Buchanan and the AFL–CIO called the shots on trade for the 1996 Presidential candidates. The focus was on lost jobs and companies moving offshore.

The press ignored the multitude of stable, high-paying jobs that trade has created in this country. And they ignored the benefits of free trade to the consumers of this country. Let's not forget that tariffs are simply a tax imposed on goods that consumers buy.

The President and Ms. Barshefsky must use their positions as leaders to articulate the benefits of free trade. Tell the American people how workers and farmers benefit from free trade policies. Tell them how much consumers save on their groceries and clothing bills because of free trade. Articulate your vision for expanding economic opportunity in this country by selling our products overseas. Leadership is sorely needed.

President Clinton, I believe you have chosen the right person in Charlene Barshefsky. But you will ultimately be measured by your willingness or failure to lead the American people toward a brighter future in a global economy.

Mr. President, I would also like to say a brief word on the Hollings amendment. It seems to me that Senator HOLLINGS is really concerned with a fundamental question that we all must answer. That is, what is the relationship between Congress and the President in making trade policy. In other words, does the President have the authority to enter into international agreements, that change U.S. law, without congressional consent?

Despite the debate that you will hear today, the answer to this question is relatively simple. Under our Constitution, the President only has the authority that Congress has granted to him. During the fast track debate, which I hope we'll have this year, Congress will define the limits of the Presidential authority on trade matters.

But let's be clear about one thing. The President does not have the authority to change U.S. statutory law without congressional action. That is why Congress had to approve implementing legislation after the President signed the NAFTA agreement and the Uruguay round agreement in recent years. The President did not have the authority to unilaterally consent to these significant changes in U.S. law.

That is why I believe this amendment is unnecessary. But I also think it could be dangerous. The amendment is drafted so broadly that it could subject an agreement to congressional approval every time it affects a minor regulation or administrative practice. In my opinion, this would result in very few trade agreements being consummated. Our trading partners would never have the assurance they were negotiating an agreement that would be recognized by Congress.

Look at just what we have accomplished in the last few months, negotiating the Informational Technology Agreement and the Telecommunications Agreement. These landmark agreements will result in thousands of high-paying jobs being created in the United States. I don't believe these agreements would have been possible given the chilling effect of the Hollings amendment.

So I urge my colleagues to vote "no" on the Hollings amendment and then vote to confirm Charlene Barshefsky. It's time to focus on moving this country ahead by negotiating new agreements and opening new markets to U.S. exports.

Mr. MOYNIHAN. Mr. President, I yield 10 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my very distinguished colleague from New York. Not only the residents, citizens, and voters of the State of New York, but the rest of us in the country are very fortunate to have in the U.S. Senate the Senator from New York. He has added so much to our understanding of historical issues, cultural issues, and institutional memory. I just want to thank the Senator very much for all he has done for us.

Mr. MOYNIHAN. I thank the Senator from Montana.

Mr. BAUCUS. Mr. President, I support strongly the nomination of Charlene Barshefsky as U.S. Trade Representative. Why is that? Although the Senator from South Carolina raises very important issues—and I underline that; they are extremely important—I think we can't wait. We have very important trade issues facing us at the moment. We have a superb candidate in Charlene Barshefsky, who is awaiting confirmation. I believe we have no alternative, no choice, but to do the right thing. And the right thing is to get on with it, let her get on with the job, and let's confirm her as our USTR. At the appropriate time, at a later moment, we will take up the issues raised by the Senator from South Carolina, and they are very important issues indeed.

I might remind everyone that our international trade is growing dramatically. When Congress created the position of USTR just over 20 years ago, imports and exports, together, made up only about one-eighth of the U.S. economy. Today, international trade makes up nearly a full third of our economy. That is a dramatic increase, from one-eighth to one-third, in just over 20 years. Last year, exports of goods and services reached a total of $835 billion, and in agriculture, which is the largest industry in my State of Montana, we saw exports hit $60 billion last year.

(Ms. COLLINS assumed the chair.)

Mr. BAUCUS. I might say, too, Madam President, that the people understand this. Last year they came from all over Montana to a trade conference I hosted on how we can establish better trade relationships with and engage more deeply with China. People came from all over our State. I was amazed at the success of that conference. The Chinese Ambassador was there, and also, I might add, we invited our U.S. Ambassador to China, the Honorable Jim Sasser—he very much wanted to come but was unable because of a last moment conflict.

I might also remind us that American imports also hit a record of about $949 billion last year. We imported more than we exported. That may not be so good. But the point is that we as Americans are competing more than ever before against foreign competition, whether it is in heavy industry, high technology, or agricultural services. It all underlines the importance of trade in general and also the importance of being sure that we have a top-notch trade negotiator to make sure it is all fair. And we certainly have that in Charlene Barshefsky.

What has she done? For my State of Montana, I'll mention one thing in particular. She and her predecessor, Mickey Kantor, worked vigorously to enforce agreement with Canada to restrict the deluge of grain coming down to the United States as near as 1993 and 1994. Wheat ordinarily received in the United States was about 1.35 million metric tons of Canadian grain. In those 2 years it rose to about 2.4 million metric tons. It depressed prices in the American markets and violated, frankly, a tentative, implicit agreement with the Canadians.

I must say I was very impressed with the vigor and enthusiasm with which Charlene Barshefsky helped negotiate that agreement. Because of her work, Montana farmers got some confidence that trade would be fair.

Second, exports of beef. This is the first time in American history—in 1996—when we exported more beef than we imported. A lot of beef producers in the United States are concerned and have the impression that we import more than we export. That has been true in the past.

I might say that about 5 years ago we imported about 2 million pounds of beef and we exported only about 75,000 pounds, in that magnitude. But in the last 5 years it has reversed, and for the first time, in 1996, we exported more. We exported more beef than we imported because, again, of the vigorous efforts of our trade negotiators in opening up foreign markets for American products.

I am sure other folks from around the country understand and have similar stories that they can pass on to us.

She has done a terrific job. And we need someone of her caliber on the job full time, as we enter a new era in tackling very difficult new issues.

I might remind us that for most of the 1980's and 1990's, trade policy revolved around three major areas: in the Uruguay round of GATT, NAFTA, and our market access problems with Japan. These areas still remain on our agenda. We have to monitor the WTO. We have to monitor the NAFTA closely. And our trade imbalance with Japan remains our largest bilateral deficit yet, although it is being surpassed by that of China.

It is only fair to say that after a great deal of hard work from Charlene Barshefsky and the USTR staff that our performance with Japan has improved markedly. Counting goods and services, exports are up from $75 billion to over $100 billion last year; quite an improvement.

As important as these issues are, we now must look ahead to two new strategic challenges in trade. First is whether to negotiate new trade agreements, and, if so, what should they be? For example, the administration has pledged to work toward a hemispheric trade agreement and also to pursue market access in Asia through the Asia-Pacific Economic Cooperation Forum, and through bilateral agreements.

These are broad, long-term, important goals. Much about them remains to be decided. But the administration will soon ask for fast-track authority to make any serious steps forward, and it is clear that Americans have a right to expect greater market access from these countries.

I look forward, as we all do in the Senate, to hearing from the administration as to what specific agreement it envisions and how these agreements will address contentious issues like treatment of trade-related labor and environmental issues. When that is available, in principle, I believe the Congress should grant fast-track authority. And I will work with Ambassador Barshefsky and the administration as to what the terms are, of how broad the scope is, so that we have in the Congress a very good mutual agreement and partnership with the administration as we work together to develop these trade agreements.

The second is the integration of formerly Communist countries into the world trade system. China, Russia, Ukraine, Vietnam, and other post-Communist nations make up about a third of the world's population. They are large producers of manufactured products, primarily commodities, and agricultural goods. All hope to enter the WTO, the World Trade Organization.

Their reform efforts are commendable but remain incomplete. Most of these countries retain pervasive subsidies, poorly developed price systems, and close links between government and business which make them particularly challenging candidates for WTO membership. Weak accession protocols could make market access very difficult for years to come and could also promote dumping in a wide range of areas.

China is the largest of these countries and the most immediate candidate for WTO membership—not to mention that it is the world's largest country and the fastest growing large economy. So its WTO access will have enormous consequences in its own right, and it will very likely serve as a model for others.

I will have more to say on this subject at a later date. But the USTR and Congress must be very careful and very rigorous. China and other WTO applicants must meet international standards not only on traditional tariff and quota issues but also on national treatment, trading rights, transparency, subsidies, and safeguards against import surges, and many other issues. On our side of the table, we must be willing to address the question of permanent MFN status for these countries if we are to gain the full benefit of their WTO membership.

These are difficult and complex issues, but I am confident that Ambassador Barshefsky is the right person to take them on. I can think of none better. She is terrific. She is intelligent, tough, capable, and she has proven herself one of the best public servants America has, and we need her on the job.

I support the nomination and I support the waiver to make it possible. And while the Senator from South Carolina has an amendment which raises a very serious and very important issue, that is one which we should bring through the normal committee process. It should not stop the nomination of Charlene Barshefsky. We need a tough negotiator. We have her right before us. We need her now in Geneva. During this week WTO is attempting to negotiate terms with China. We need her there to negotiate for us.

I warmly endorse her nomination. I hope my colleagues will do the same.

Thank you, Madam President.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I yield 7 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair, and I thank the distinguished manager of this bill.

Madam President, I wish to express my wholehearted support for Ambassador Barshefsky. In my dealings with her over the years, I have found her to be a skilled and certainly an expert trade negotiator, who has worked tirelessly on behalf of U.S. interests. I have no doubt as to her integrity and her commitment to this job. And I believe that view is shared by every single member of the Finance Committee, all of whom have worked closely with her. Thus, I urge my colleagues to support her nomination with a strong show of support in the upcoming vote.

Before we vote on the nomination, Madam President, we must first vote on the amendment to Senate Joint Resolution 5 offered by the distinguished Senator from South Carolina, Senator HOLLINGS. The amendment requires that any trade agreement that in effect amends U.S. law must be approved by Congress.

I must say that this amendment puzzles me. Trade agreements to which the United States is a party and the call for changes to U.S. law, have no force of law whatsoever until implementing legislation is passed by Congress. Congress always has the final say.

The USTR takes pains to ensure that Congress is involved in every step along the way in these trade negotiations. As a member of the Finance Committee, I can personally testify to the fact that the USTR provides regular and, indeed, frequent—indeed, in abundance, a plethora of—briefings on all of the international discussions.

During 1995 and then again in 1996, the USTR provided literally hundreds of briefings to Members and more than a dozen committees on ongoing trade issues and responded to approximately 200 congressional requests for information every month. That is what was going on in the USTR's office. The Finance Committee staff is briefed exhaustively, as are the staff involved with several other committees. Any Member who has an interest in a particular issue can request personal briefings. That has been the process, not only during this administration but during prior administrations. It is the right process. Trade, obviously, is not solely the privilege of the executive branch but a responsibility conferred by the Constitution on the Congress.

Do Congress and the administration always agree? Of course not. Indeed, if the disagreement is strong enough, the administration runs the risk of Congress flatly rejecting the arguments in question. Thus, in this process is the built-in enforcement mechanism that constantly keeps individuals in touch.

So the amendment that is being proposed puzzles me. It does seem to reiterate current process but there are two words that give me pause. The words "in effect." What exactly does "in effect amend or repeal statutory law of the U.S." mean? Is it a reference to regulations? Regulations are issued under statutory authority. Is it a reference to the administration officials changing the law by themselves? But the Constitution does not allow that. Only Congress can change U.S. law.

So it seems that the amendment may be aimed at the recently concluded telecommunications agreement and at certain provisions of that agreement. As I have outlined, the process of negotiating trade agreements takes into account the individual views of Members of Congress. The end results of trade agreements may include certain provisions that some of us do not like. I can clearly remember Senator Danforth of Missouri was not too pleased with the final provisions of the Uruguay Round on subsidies. He did not like it. Yet, he worked with the administration on the implementing legislation and at the end of the day chose to give the agreement his support.

Disagreement with provisions of final trade agreements is going to happen. Clearly, with 435 Members of the House and 100 Members of the Senate, there are going to be disagreements with the administration. To minimize these, we individually or in groups make sure the administration is aware of our views. We go to the STR during the negotiating sessions and say this is what I am concerned with. This is what we are concerned with in my part of the country. And at the end of the day the agreement may or may not be satisfactory. If we feel strongly enough that it is not satisfactory, we are free to express our views, that is, vote against the proposal, vote against the treaty.

So my conclusion, Madam President, is twofold. First, it simply is not clear what this amendment would do if it is enacted. Any legislation with an unclear meaning simply, in my judgment, is not wise legislation to enact.

Second, if the amendment is to express displeasure with a particular provision of, say, the telecommunications agreement, we already have in place a system that takes into account such views. I might also note that I understand from the leadership of the Finance Committee if this amendment, the Hollings amendment, is adopted, it would cause the House to reject consideration of Senate Joint Resolution 5, thus placing the Barshefsky nomination in jeopardy.

So this is a grave matter, Madam President. It is in the very clear interest of the United States to put in place as soon as possible a strong and effective special trade representative. In other words, Ms. Barshefsky. She needs to be on the job. We have a lot of trade discussions and disputes that are ongoing. Charlene Barshefsky is an absolutely superb advocate and we need to get her confirmed. So for these reasons, I am supporting the nomination and the waiver bill and cannot support the proposed amendment. So I urge my colleagues to reject the Hollings amendment¿¿¿and¿¿¿ to¿¿¿ vote¿¿¿ for¿¿¿ the¿¿¿ waiver¿¿¿ and for the nomination of Charlene Barshefsky.

I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I yield 5 minutes to the distinguished Senator from Florida, a member of the Committee on Finance, who is one of those who voted unanimously to report this nomination to the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GRAHAM. Thank you, Madam President, and I thank the Senator from New York.

I urge the Senate to move expeditiously to confirm Ambassador Charlene Barshefsky as U.S. Trade Representative. She is the right person at the right time for the very difficult task she will be undertaking.

I also urge the immediate passage of Senate Joint Resolution 5, without amendment, to extend the waiver for the position which Ambassador Barshefsky currently holds as Deputy U.S. Trade Representative. This waiver as granted under Senate Joint Resolution 5 applies only to Ambassador Barshefsky. It does not change the underlying law, nor does it create a precedent for future waivers. This waiver deserves to pass without amendment. The merits of the issue which are being raised by my friend and colleague from South Carolina deserve to be heard, but I would submit that this is not the forum for the resolution of those questions. There will be other more appropriate times which will not entail endangering the expeditious confirmation of Ambassador Barshefsky to her important post.

As Senator MOYNIHAN has just stated, when Ambassador Barshefsky's nomination was presented to the Finance Committee, her record was carefully examined. The result of that examination was a unanimous vote by the committee in favor of her confirmation. Ambassador Barshefsky was referred to at the confirmation hearing as one of the most qualified, seasoned trade negotiators ever to be offered for this position. As Deputy and Acting U.S. Trade Representative, she has been an outstanding advocate of the trade interests of the United States of America. She has proven herself to be a brilliant negotiator. The Finance Committee and, I hope soon, the Senate as a whole will recognize these qualities. Ambassador Barshefsky has demonstrated a consistent focus on opening global markets, opening those markets through bilateral and multilateral trade agreements that increase export opportunities for U.S. businesses and creates jobs for U.S. workers. She has played an instrumental role in solving trade disputes with Japan, China, and numerous other nations on behalf of the United States.

Madam President, I was recently in Florida with a group of representatives of important agricultural interests who were looking forward to going to China with Ambassador Barshefsky to open markets for American agriculture in that tremendous nation of population. That is an example of the aggressive pursuit of opportunities for American industry and agriculture that has hallmarked Ambassador Barshefsky's performance in her current positions and will do likewise when she is confirmed as the U.S. Trade Representative.

It is a pleasure to give this outstanding nominee my unqualified endorsement. I have no question that Ambassador Barshefsky will be an outstanding representative and leader at the U.S. Trade Representative office. I urge my colleagues to join in voting to confirm her nomination today. We need a timely decision. We have already paid a cost for the delay that has occurred to date. The U.S. trade position is weakened when it does not have a confirmed U.S. Trade Representative representing our interests. We need to transfer that weakness into the strength of steel that will come when Charlene Barshefsky represents the United States as our Ambassador, as the U.S. Trade Representative.

I thank the Chair.

Mr. ROTH. Madam President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLARD. I thank the Senator from Delaware for yielding me some time.

Madam President, today we must decide to vote in favor of a waiver to allow a very competent and worthy candidate to be the new U.S. Trade Representative or to vote to uphold current law. I have decided to uphold current law. It must be made clear that I do not doubt the competency and ability of Ambassador Barshefsky to faithfully serve as the next U.S. Trade Representative. She has done a tremendous job as the Deputy USTR and has proven herself to be a competent public servant.

The law we are asked to waive is not some arcane law that has been on the books for decades which may have served us well in the past but is a law that was passed only 2 years ago. The Lobbying Disclosure Act of 1995 was a very important piece of legislation that opened the doors to the public to see who is attempting to influence our elected officials. Section 21 of the act specifically states that no person who has represented a foreign entity may be appointed as a U.S. Trade Representative or the Deputy U.S. Trade Representative.

Madam President, I ask unanimous consent to have printed in the RECORD section 21 of the Lobbying Disclosure Act and from the United States Code section 2171(b).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOBBYING DISCLOSURE ACT OF 1995

SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

(b) United States Trade Representative; Deputy United States Trade Representatives.

(1) The Office shall be headed by the United States Trade Representative who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of the United States Trade Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. The United States Trade Representative shall hold office at the pleasure of the President, shall be entitled to receive the same allowances as a chief of mission, and shall have the rank of Ambassador Extraordinary and Plenipotentiary.

(2) There shall be in the Office three Deputy United States Trade Representatives who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative shall hold office at the pleasure of the President and shall have the rank of Ambassador.

(3) Limitation of appointments. A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.

Mr. ALLARD. Madam President, while I regret that I have to vote against Ambassador Barshefsky's worthy nomination, I believe as lawmakers we must not only strive to enact the best laws but also to obey not only the letter of the law but also the spirit of the law. Why do we pass laws if the first time they become problematic, we decide to grant a waiver. In the last couple of months, I have heard too many politicians say that it was out of necessity that they bend the law or ignore the spirit of the law or assume that it may not be illegal, and then promise it will not happen again. My solution to this dilemma is to follow the law or repeal it.

While in the other body, I voted for the Lobbying Disclosure Act and have consistently promised my constituents that I will work hard to enact congressional reform. In this vein, I cannot turn my back on them or on the law that I fought hard to enact. I understand why many will vote for this waiver because Ambassador Barshefsky would make a tremendous USTR, but I must regretfully vote no and only hope that this waiver granting procedure doesn't start a bad precedent for the future. In conclusion, I am voting against the Hollings amendment and the waiver.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Madam President, I yield myself such time as I may use on the hour for the resolution.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Madam President, on January 30, 1997, the Committee on Finance unanimously reported without amendment Senate Joint Resolution 5, the waiver resolution for Ambassador Charlene Barshefsky's appointment to serve as U.S. Trade Representative. As I said earlier, I strongly support Ambassador Barshefsky's nomination. Therefore, in order to expedite the appointment of this nominee, it is my considered opinion as chairman of the Finance Committee, that the waiver should remain clean and should not be amended.

Now, Senator HOLLINGS has introduced an amendment to the waiver. This amendment would require congressional approval of any trade agreement that "in effect" amends or repeals U.S. statutory law.

While I am convinced that as a general matter the Senate should not add amendments to the waiver, I have a number of concerns specifically about Senator HOLLINGS' amendment, which lead me to oppose the amendment most strongly and to urge my colleagues to vote against it.

My primary concern is that passage of the Hollings amendment will seriously jeopardize Ambassador Barshefsky's nomination. I have a letter from Chairman Archer of the House Ways and Means Committee stating that the House would view the Hollings provision as a revenue measure that, under the origination clause of the Constitution, must originate in the House of Representatives. As such, Chairman Archer informs me that he will invoke the constitutional prerogative of the House to refuse to consider the waiver resolution for Ambassador Barshefsky if the Hollings amendment is added.

I ask unanimous consent that Chairman Archer's letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROTH. I want to emphasize one point to those that support the Barshefsky nomination. Regardless of whether one supports the Hollings amendment on the merits, the House will blue slip it. This means that not only will the House kill the Hollings amendment, but the Barshefsky waiver along with it.

This fact alone is ample reason to vote against the Hollings amendment.

In addition to this procedural concern, I also have substantive problems with the Hollings amendment. I admit this amendment may have some superficial appeal. Nonetheless, it is completely unnecessary because it is based on a false assumption, implying a problem that simply does not exist. The amendment gives the erroneous impression that the President is currently able to implement international trade agreements calling for changes in

U.S. statutory law without the passage of implementing legislation by Congress. That is simply not true. If a trade agreement requires changes in U.S. statutory law, Congress must enact the legislation to implement those changes. Congress must pass that legislation in order for the agreement to have full force and effect with respect to the United States.

A good example is the OECD Shipbuilding Subsidies Agreement, a trade agreement that was negotiated in 1994. Congress has been unable to pass legislation to implement the changes in U.S. law called for under that agreement. As a result, the agreement has no force and effect with respect to the United States. Absent congressional passage of implementing legislation, there is nothing the President can do to implement the agreement on his own.

Now, what if Congress and the President have a legitimate disagreement about whether a particular trade agreement calls for a change in U.S. law? My understanding is that this issue is the basis of Senator HOLLINGS' concern—that the President can act to supersede laws passed by Congress.

First of all, this is not a situation where trade agreements are somehow deemed to be treaties, with the full force of law, but which, unlike a treaty, the President is able to implement without Congressional approval. Trade agreements are executive agreements. And the simple fact is that if there is an inconsistency between an executive agreement and a statute, the statute prevails. In other words, a law passed by Congress remains on the books in full force and effect and cannot somehow be trumped by an executive agreement or any other action by the President.

In my opinion, the language in the Hollings amendment requiring that Congress approve any trade agreement that "would in effect amend or repeal" U.S. statutory law also suffers from several other defects.

It is vague, subjective, leaves undefined what "in effect" means, and does not specify who determines whether a law is effectively changed by a trade agreement.

Trade agreements cannot effectively change or repeal U.S. law. An agreement may call for actual changes in U.S. statutory law, in which case, as I have already explained, Congress must pass implementing legislation in order for it to have force and effect with respect to the United States. Or an agreement does not call for such changes, in which case it can be implemented without congressional action. Indeed, the language in the Hollings provision is so vague and ill-defined, that it could require congressional approval of any and every trade agreement the President negotiates, even those not calling for actual changes in U.S. statutory law. This could immobilize our ability to negotiate trade agreements, even on relatively minor issues, as Congress would be required to approve tens, if not hundreds of such agreements.

All of these agreements would also be fully amendable. The result would be to shackle our capacity to conduct any trade policy.

Because the language in the amendment is so vague, I also fear that it could call into question the legal status of previous agreements that have not been fully implemented, including the recently concluded Information Technologies Agreement. This landmark agreement was completed pursuant to authority provided to the President by Congress under the Uruguay Round Agreements Act, and currently needs no further congressional action in order to be fully implemented. However, that situation could change under the Hollings amendment, which would seriously jeopardize this historic agreement to provide a market opening for U.S. companies worth $500 billion a year.

The amendment appears to be driven, in part, by Senator HOLLINGS' concerns about the telecommunications agreement recently negotiated at the World Trade Organization.

My understanding is that Senator HOLLINGS believes the commitments the administration makes in the telecommunications agreement will change current U.S. telecommunications law without Congress having the opportunity to pass implementing legislation.

I would like to point out that others disagree with Senator HOLLINGS' view that this agreement will change current U.S. law. Senator McCAIN, chairman of the Senate Committee on Commerce, Science and Transportation, Senator BURNS, along with Congressman OXLEY, vice-chair of the House Telecommunications Subcommittee, wrote a letter to the President expressing their view that no implementing legislation is necessary.

I ask unanimous consent that this letter also be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ROTH. In conclusion, Madam President, we must keep focused on the task at hand—fulfilling the Senate's constitutional prerogative with respect to Ambassador Barshefsky's nomination. We should not be bogging this nomination down with extraneous and controversial matters, such as the Hollings amendment. Therefore, I urge my colleagues to join me in voting to table the Hollings amendment, which will be made at the appropriate time.

Madam President, I reserve the remainder of my time.

EXHIBIT 1

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.
Hon. WILLIAM V. ROTH, Jr., Chairman,
Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: I am writing in reference to legislation that would waive the application of section 141(b)(3) of the Trade Act of 1974, as amended by the Lobby Disclosure Act, with respect to the nomination of Ambassador Charlene Barshefsky as United States Trade Representative. As you know, I fully support Ambassador Barshefsky's nomination and urge the Senate to pass quickly legislation permitting her confirmation so that the House may then consider it promptly.

At the same time, I am concerned that the legislation passed by the Senate may include provisions that contravene the origination clause of the U.S. Constitution, which provides that revenue measures must originate in the House. Specifically, I understand that the Senate may be asked to consider particular provisions, such as one suggested by Senator Hollings, which would change the manner in which Congress considers trade agreements and legislation having a direct effect on customs revenues. Although I strongly support Ambassador Barshefsky's nomination, I would have no choice but to insist on the House's Constitutional prerogatives and to seek the return to the Senate of any legislation including such a provision.

I look forward to working with you on this matter.

With best personal regards,
BILL ARCHER,
Chairman.

EXHIBIT 2

CONGRESS OF THE UNITED STATES,
Washington, DC, February 11, 1997.
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We write regarding inaccuracies in correspondence you reportedly have received from a few of our colleagues regarding the World Trade Organization (WTO) telecommunications talks and restrictions on international investment.

As you are aware, officials of the United States Trade Representative (USTR) are hard at work negotiating a market-opening agreement in the WTO Group on Basic Telecommunications (GBT). Questions have been raised concerning the Administration's authority to negotiate an agreement lowering barriers to international investment.

It has been stated that USTR sought amendments to the Telecommunications Act of 1996 to clarify legal limits on foreign investment in U.S. telecommunications firms. This is incorrect. As the authors of the Senate and House foreign ownership provisions, we wish to state for the record that we were acting on our own initiative and that no Administration official requested that we legislate in this area. Any discussions we had with the Administration on these issues came at our request.

We firmly believe that the Administration possesses the authority to negotiate an agreement without implementing legislation. Indeed, the correct legal interpretation of the relevant statute is that private foreign firms are free to invest in American firms without restriction unless "the [Federal Communications] Commission finds that the public interest will be served by the refusal or revocation" of a telecommunications license. To allege that implementing legislation is necessary is to misinterpret the law. Indeed, it is the very prevalence of such misreadings that caused us to attempt to reform the ownership rules.

We wish to state our support for USTR's negotiators. We appreciate their work to promote free trade in goods and services. We believe that a freer flow of capital is a logical extension of this policy. Artificial limits on international investment only harm U.S. firms by denying them access to foreign capital and foreign markets.

Thank you for your consideration on these thoughts.

Yours truly,

JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science and Transportation.
MICHAEL G. OXLEY,
Vice Chairman, House Subcommittee on Telecommunications, Trade and Consumer Protection.
CONRAD BURNS,
Chairman, Senate Subcommittee on Communications.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Madam President, I rise simply to endorse, with fullest conviction, the statement of the chairman in this matter, and to emphasize, if I may be allowed, that executive agreements can never override statute. If they do, they are null and void, and the courts will so hold.

For us even to suggest that that might be possible would be to introduce into our governmental administrative arrangements matters of ambiguity and doubt and uncertainty that would have the capacity to incapacitate what has turned out to be an extraordinarily successful procedure in world trade.

It has taken us 60 years—63 from the Reciprocal Trade Agreements Act of 1934—to reach a point where we are the world's largest trading nation and leading the way in these matters in the world and hugely respected for that and known to have the capacity to negotiate when the Congress gives that authority to the President. The subsequent negotiations are executive agreements. If any part of them should, by inadvertence or intention, be contrary to present statutory law, they are null and void. That proposition must never be put into question as I fear this matter before us might do.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, it is difficult to really determine the position of our distinguished leadership on the Finance Committee. In one breath, they say it is unnecessary and, in the next breath, they say it is going to really ruin $500 billion in trade. Then they come back and say the statutory law pertains and talk at length about how they have worked over the years with Ambassador-designate Barshefsky.

In fact, the point was just made by my distinguished colleague from New York, since 1934, they have been working. I have been on the Communications Subcommittee of the Commerce Committee for 30 years, and I watched it develop over that 30-year period. When we had a majority on our side of the aisle, I introduced the formative legislation to revise that 1934 Communications Act with the initiative that would allow the trade representative to negotiate an international telecommunications agreement.

I am totally familiar, during the past 3 to 4 years, with what they are talking about because this is a Senator who has been working with the White House and with the trade representative, be it Ambassador Kantor or now Ambassador Barshefsky.

It was Ambassador Kantor who said the law needed amending. I already had that letter printed in the RECORD. Now they say there is no law to be amended. Heavens above. In fact, the distinguished Senator from Iowa, Senator GRASSLEY, comes in here and says it is totally unnecessary. He said, "Actually, my provision, which is constitutional"—that is all it does, is cite a fundamental of the Constitution that you have in order to amend or repeal a statute. It is not a regulation, as the Senator from Rhode Island tried to read into it.

It is very simple, very clear, not vague, not vague at all. It is the constitutional provision of three readings in the House, three readings in the Senate, and signed by the President.

When they say it is unnecessary, just look at the letters just inserted in the RECORD. I refer to the letter of the Senator from Arizona, Senator MCCAIN, the Senator from Montana, Senator BURNS, and Congressman OXLEY on the House side, and they say:

> We firmly believe that the administration possesses the authority to negotiate an agreement without implementing legislation.

Now, heavens above, we know Ambassador Kantor thought so and asked that it be changed. I ask unanimous consent to have printed in the RECORD section 310(a) and section 310(b) of the Communications Act of 1934.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 310. [47 U.S.C. 310] LIMITATION ON HOLDING AND TRANSFER OF LICENSES.

(a) The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof.

(b) No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—

(1) any alien or the representative of any alien;

(2) any corporation organized under the laws of any foreign government;

(3) any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

(4) any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

Mr. HOLLINGS. Madam President, let's just read 310(a):

> The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof . . .

And in section (b) starting off:

> No broadcast or common carrier license—

And I jump down to four:

> . . . any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government, or representative thereof, or by any corporation organized under the laws of a foreign country.

It is just as plain as can be and very simple, totally disregarded by Ms. Barshefsky. We kept telling her, we wrote the White House letters, we admonished, "Wait a minute, your predecessor came before us, testified, asked that it be changed," and then we see in the letter by these three gentlemen the phrase "as authors of the Senate and House foreign ownership provisions." False. Mr. OXLEY, yes, at the request of the administration. On the House side, it put in there the 100-percent ownership which could be negotiated away. That was never agreed to.

I authored the reciprocity provision with the snapback condition on the Senate side. So I have to correct the distinguished chairman of my committee and the chairman of our subcommittee, Senators MCCAIN and BURNS. As the authors, this is very misleading to the particular body here and the other Senators reading that. And then reading further, "No administration official requested that we legislate in this area." These gentlemen were not intimate to the negotiations or members of the conference committee that actually did the work.

Let me refer to, on August 4, 1995, the CONGRESSIONAL RECORD. Page 8451 is the page. I am quoting Mr. BLILEY, the chairman of the Commerce Committee on the House side and the chief negotiator for the House membership. I quote:

> Additionally, we have addressed the issue of foreign ownership or equity interest in domestic telecommunications companies. The

> new language reflects the hard work of Messrs. DINGELL and OXLEY, who sponsored the proposal in committee, the administration and myself. I must observe, Mr. Chairman, that the foreign ownership issue is the only matter on which the administration offered specific language to the Commerce Committee. And I believe this administration's concerns have been largely resolved.

Madam President, there it is. We made the official RECORD. The administration, after they did not get their desired result on the Senate side, went to work on the House side. And they did request, where they say no request after requesting us. We talked to them back in 1995 several times. We knew exactly what they had in mind. We tried to comply. But we did not change the law.

Now we have leading Senators, the chairman of our full committee and the chairman of our subcommittee, saying that the administration possesses the authority to give away 100 percent in violation of sections 310(a) and 310(b). That is why it is necessary. To be told now on the Senate floor that the Constitution, that we all take an oath to support and protect—it has a chilling effect that is out of the whole cloth. To come now and say it is vague is out of the whole cloth. You cannot make language any more categorical. I did not say "regulation," like they tried to read and make for confusion. It is just as plain as can be.

I have talked with many of the Members, and asked if they wanted it changed in any way. And they said they did not see how you could vote against it. Well, the way they vote against it is to come up and now argue the capabilities of what I was going to hear again.

Heavens above. When we had Ambassador Carla Hills, who is now gone in representation I guess, we had to put the provision in law. I am glad to see the Senator from Colorado on the floor saying that he did not agree with that waiver. That was the Dole waiver that we are talking about. The Hollings waiver, which is on the appropriations bill, that is in relation to the special trade or U.S. Trade Representative, that you shall not engage in the representing of foreign interests in trade for a 5-year period, which applies of course to our distinguished friend, Mickey Kantor.

But when we had Carla Hills, every one of these negotiators—the Finance Committee leadership comes with again the "Dragon Lady, Dragon Lady," "Oh, man, tough, tough, tough." He did say, the Senator from New York, that Ms. Barshefsky was formidable to the point of being dazzling. Well, I will agree. She has been dazzling. And this Senator has not. That is exactly the point I am trying to make.

I met with Ms. Barshefsky, and she did have a dazzling approach of "I want to work with you. I want to work with you. I want to work with you." As I have stated earlier, "Madam, I want you to work with the law, not me. Just adhere to this law."

We have had this in dispute. We have had this in discussion. We have had this in negotiation with Members and Senate leadership in the Congress, leadership in the White House. And the law is the law. It has not been changed.

And they go there and can justify further that the distinguished negotiator is so tough she just walked away on the telecommunications negotiations.

Well, that is not what the Wall Street Journal stated on May 20 of last year. And I quote:

> U.S. negotiators did pull back from a telecom deal at the 11th hour, but not because Clintonites were queasy about inking another market opening pact in an election year. Administration trade officials would have been delighted to trumpet a telecom deal to counter mounting U.S. skepticism about the WTO's accomplishments, but they walked away from the table after industry executives and leading Republican and Democratic Senators balked.

Madam President, that is exactly what happened on the telecom deal.

And they mention the capacity deal out there in Singapore. One would say how she worked so hard. Well, she gave away the store, without talking to the capacity manufacturers, specifically she gave away 4,000 jobs in the Carolina's.

The Japanese make these capacities, but when she did away with the 9.6-percent tariff, you have the weakness of the yen combined with the tariff phased out. The existence of Kaymet in Greenville, SC, I remember that. And I asked the officials there, and they were never contacted. Just at the last minute they agreed to it. Fine, you can get when you give away the store in capacities, when you give away your broadcast entities.

Under this agreement—I want to make it crystal clear—Nippon Telephone & Telegraph can come in here and buy CBS, ABC, NBC.

I talked earlier with one Senator. He was talking about the opportunity that Castro seems to do business with the Canadians. He could get the Canadians to come in and buy a station down in Miami and really turn the particular Senator from Florida into an upset condition. He is wanting to get into China and we have to move in a hurry. I have a good eye here today, but the Senator from Florida wants to be able to have any foreign entity come in, Castro or otherwise, Qadhafi, the whole kit and caboodle of the rascals around the world or any foreign country. They delight now in coming in and buying these that we have been trying to protect.

That is why the Members would not agree. They held fast. I am speaking on behalf of the majority of the U.S. Senate, 95 votes, if you please. We approved that. And that was in discussion up until the last minute, and they would not yield. So there it is. They do so well on these other agreements.

Let us see, Madam President, how they have done on this particular one.

If you believe the U.S. Trade Representative, world commerce would come to an end unless we continue to negotiate these one-sided agreements. But the truth of the matter here is Ambassador Barshefsky, in announcing the successful conclusion of this telecom negotiations stated—and I quote:

> This agreement represents a change of profound importance.

U.S. companies now have access to nearly 100 percent of 20 telecommunications markets. Now, unfortunately, Madam President, nothing has changed. Nothing has changed at all. Once again, the trade representative has obtained inadequate concessions.

A review of those agreements—not these laudatory press releases—reveals that the market openings are limited, at best, or nonexistent, at worst.

While the United States has agreed to permit complete foreign ownership of our broadcast properties and U.S. telecommunications providers, our major trading partners have severely restricted our access to their most well-established and entrenched companies. USTR claims that Australia, Italy, Japan, France, New Zealand, and Spain have all agreed to permit ownership or control of all telecommunications providers. Yet, you take a closer look and you see there are severe foreign ownership restrictions still remaining in place for Vodafone and Telstra in Australia, with Stet in Italy, KDD and Nippon Telephone and Telegraph in Japan—you cannot own any of it—Telecom NZ in New Zealand, Telefonica in Spain, France Telecom in France that prevents U.S. providers from owning the controlling interests or no interest at all in these telecommunication giants.

U.S. companies have access so long as they are not interested in getting into the best and most sophisticated and competitive companies. They could come in and buy AT&T, not just the companies like GTE, or whatever. They can come in and buy the broadcast properties, which is most disturbing to this particular Senator.

Now, going further, Madam President, Korea, Thailand, Malaysia, India, Hong Kong, the Philippines, and Canada permit no foreign control for facility-based providers. The fastest growing and most important markets in the world are closed tight as a drum. Take the Korean market. Foreign individual shareholding in Korea Telegram is limited to 3 percent—3 percent. We gave away our most powerful negotiating tools, just for 3 percent. When you give away 100 percent, there is no more negotiations, you are through. Ask Senator Dole—been there, done that. It is over with. You got no more negotiating authority or any negotiating tools.

Or take Canada. The Canadians provide for no foreign control of facility-based providers—none. Yet, under this agreement, Bell Canada can purchase any United States-based provider it wishes. What a wonderful agreement. What a wonderful agreement they are all bragging about.

The other developing markets also include severe restrictions. Brazil has liberalized ownership restrictions only with regard to seller, satellite, and nonpublic services. Mexico has retained ownership restrictions on all types of services except seller. Poland retains foreign ownership restrictions for wireless, international, and long distance. So the total liberalization of the U.S. marketplace, what incentive was that liberalization? What incentive do these countries have to liberalize their particular markets any further? None whatever. None whatever. We have given away the store.

I told you in the very beginning about clothing, and they keep exporting the jobs faster than we can possibly create them—300,000. We were going to create 200,000, but we have exported already, lost 300,000 jobs in textiles alone. And we can go further.

The FCC recently issued an international notice of proposed rulemaking. This particular rulemaking would force foreign providers to lower their prices. However, many of the enforcement mechanisms contained in this particular rulemaking are violations of the MFN, most favored nation provisions. Different benchmarks based on the gross domestic product, denying access to providers from countries who refuse to meet the benchmarks, and granting waivers to those who restructure more quickly are all integral parts of these benchmark policies, but illegal and likely to be challenged, no doubt in the WTO.

So the agreement on telecom can have perverse effects on the price system they are trying to tell us about now, telling the competing countries we have a question there with respect to ownership and MCI, and with respect to Sprint, so they stay quiet. You do not find them all coming in here. And they are being told, "Hush now, at the FCC we will help you with the access places in these international long-distance calls, and we are going to get something done." They will never get it done. Watch this MFN provision and watch the World Trade Organization.

These are the kind of promises that continually come up when we have one of these agreements. Just remember, Madam President, the promises they made with NAFTA. You have to realize, we must learn from experience. As George Santayana said, those who disregard the lessons of history are doomed to repeat them. We should see the history of this wonderful U.S. trade agreement that they had with NAFTA. At that particular time, they said if we fail to pass NAFTA, one, Mexico would face economic collapse; two, immigration would increase; three, drugs would flow freely; four, 200,000 new jobs would not be created; five, the U.S. exports surplus would disappear; six, Asian investors would move into Mexico to take advantage of the growing markets. That is why they said we had to approve NAFTA.

We have approved NAFTA, and this is exactly what happened—exactly what happened. Mexico is in economic collapse; immigration has increased; the drugs flow freely down there; 200,000 jobs have not been created; the U.S. exports surplus has disappeared. We had a $5 billion surplus. It is now a $16 billion deficit. The Asian investors who were going to be prevented from moving in are moving in like gangbusters and dumping back here under NAFTA free trade arrangements into the United States.

I could go on further. I see some here who want to talk, but I will complete this thought now, because we had the classic case for free trade with an emerging country, and the Secretary of Treasury, in particular, the Deputy Secretary of Treasury, Lawrence Summers, said, this is really it, we really are getting free trade now. And everybody is going to get, I think they said, about $1700 for everybody, and we were going to have everybody better off.

Well, Lawrence Summers, he is the one that sold this thing to the House memberships and the Senators. Since that time, he has now appeared on Thursday, January 16, in the Congress, and I quote from the Wall Street Journal of that particular date. "By many measures, most Mexicans are worse off than they were before the financial crisis," Deputy U.S. Treasury Secretary Lawrence Summers conceded.

The Members do not have a sense of history, understanding, or appreciation. What happened is that a million Mexicans have lost their jobs since NAFTA has passed. Wages have fallen by a third. Mexico's external debt reached $150 billion, higher than that during the debt crisis back in 1982. The bold visionary man of the year, Carlos Salinas—that is right, in December, after we voted in November, they made him the man of the year. Now he is living in exile in Ireland and you cannot catch him. He is the man of the year.

This is the kind of nonsense that we have to put up with. If we want to go through the same act, same scene, dragon lady, tough, and everything else, it makes a sorry agreement, sells out the store. And we call that progress, and we have to create jobs, and education, education, education is the solution. Well, Madam President, like I say, if they read one thing, they ought to read the book, "One World, Ready Or Not" by Bill Crider. They will get an education on where we are, because the author spent 2 years going around the world, as well as in the United States, talking to the various executives and quoting them at that particular time. You can't understand some of the various provisions.

I think, since I have the opportunity to present them, we ought to understand, in country after country, the precious rules of international trade. In India, for example, when General Motors wanted to sell its European-made Opal, the price of admission was a radiator cap factory. So GM moved the factory from Britain. In Korea, to sell fast trains, the French agreed to subcontract the assembly to the Koreans. In China, AT&T agreed to manufacture advanced switching equipment as a quid pro quo for wiring Chinese cities. In Australia, if your sales are above a certain threshold, you must negotiate with the Government on an agreement locating research and development in Australia. For production, you must export 50 percent of what you import, and it must have 70 percent local content. At least 33 electronics companies from Japan, Europe, and the United States have agreed to do that.

According to an official from Motorola, "If you don't cooperate with the Australians, they have the statutory authority to exclude you from bidders' lists and deny regulatory permits for products."

Well, Madam President, it's not just out there in the Pacific rim, where the control—Friedrich List kind of control—trade that works, that builds them up. Right this minute, one-half of the world's savings is in the country of Japan. While they are talking about the yen and the devaluation of it and while they are talking about the banking difficulties, watch what Edmund Finkleton said in "Blind Side." Come the year 2000, while they are a bigger manufacturing country, with 120 million, compared to our 260 million and the vast natural resources that we have in the United States, they already outproduce us. They will have a larger economy and gross domestic product—that little country of Japan. Why? They control it. As Friedrich List says, the wealth and strength of a nation, if you please, is measured not by what they consume, but what they produce. Akio Marita went on further—I was at a forum with him about 16 years ago up in Chicago. We were talking about the Third World emerging nations, and he commented: "The emerging country has to develop a manufacturing capacity in order to become a nation state." After we talked a few minutes, he pointed to me and said, "Senator, that world power that loses its manufacturing capacity will cease to be a world power."

We have gone, in a 10-year period, from 26 percent of our work force in manufacturing down now to 13 percent.

We are back to Henry Ford. Henry Ford said that he wanted his workers to be able to purchase the article they were producing. Madam President, today, middle-America workers, not having those manufacturing jobs, can't afford the car. They can't purchase it. We are losing our middle class, all along, if you please, competing with ourselves.

Over 50 percent of what we are importing, if you please, is U.S. multinationally generated. The U.S. multinationals are the fifth column in this trade war that we are in. They are in behind the lines gutting us here in the Congress, working through the special trade representative, trying to take away the authority under the Constitution to make laws and otherwise regulate foreign commerce. That is the authority of the Congress, and that is the reason we have that particular amendment. But we always talk, and I listened to the distinguished President when he talked about trade. He only mentioned exports.

I want to challenge anybody to go to a CPA when they do their tax return next month and say, "Let's just talk about what we got in, not what we spent, just one side of the ledger." If you had a CPA that made up your return that way, you would fire him. But that is constantly, constantly, constantly the way we look at the returns with respect to international trade.

What really happens is, yes, while we in the United States are the most productive industrial workers, whereas we have improved productivity, and whereas we are, for example, in my State, an exporting State—I was just down at a Presidential Exporting Council meeting in Greenville, SC, and we are proud of it—the imports far and away outdistance the exports.

In the last 15 years, before we got to last year, there has been an average of over $100 billion a year deficit, imports, in the balance of trade. That means we have bought from the foreigners $1.5 trillion more than we have sold to them. But how do you get that through to the Finance Committee where they just casually go on and on talking about dragon ladies and what a wonderful agreement we have? What, Madam President, is the merchandise deficit—I say "deficit"; I repeat "deficit"—in the balance of trade last year? The merchandise deficit in merchandise trade was $187 billion.

(Mr. BROWNBACK assumed the chair.)

Mr. HOLLINGS. Now, we made some money off of loans, insurance, and services. So the overall deficit was quoted to be $114 billion. But I am looking at that industrial backbone. I am looking at that economic strength. I am looking at that world power trying to continue being a world power. I am realizing more and more every day that the 7th Fleet and the atom bomb don't count anymore. They just don't regard it. You are not going to use a nuclear attack; we all know that. I was bemused when they moved the fleet into the Taiwan Strait, because, in 1966, I was on an aircraft carrier, the *Kitty Hawk*, up in the Gulf of Tonkin, and we could not stop 20 million North Vietnamese. They didn't have planes and choppers and all this equipment that we had. But we have already tried that aircraft carrier. I wondered how an aircraft carrier or two in the Taiwan Strait was going to stop 1.2 billion Chinese when it could not stop a mere 20 million Vietnamese. Come on. Money talks. The economic strength, and in the world trade councils and otherwise in this global trade war that we are in—we are unilaterally disarming. We are giving away capacity. That capacity agreement in Singapore was where they manufacture them in Japan but Japan very cleverly got the Europeans to bring the pressure on us. And we walked away and said it was a good agreement. And I have lost 4,000 jobs in my State. I am losing thousands of jobs with NAFTA. I am looking around. Now I am seeing in telecommunications—what effect is this going to have? I guess in order to keep the Senator from South Carolina quiet they will buy the TV stations and run them because under the agreement they can. There is no question about it. They can own these broadcast properties.

Down to the basic fundamental involved, just a couple of weeks ago we had Washington's Farewell Address here. The very Founding Father talked about the fundamental of the Hollings amendment. I can almost quote word for word. He said, If, in the opinion of the people, the modification or distribution of the powers under the Constitution be in any particular wrong, then let it be changed in the way that the Constitution designates, for while usurpation in the one instance may be the instrument of good it is the customary weapon by which free governments are destroyed.

That is the line of this particular amendment. We are giving it away. We proceed by a fifth column. We are talking about jobs but we are exporting them faster. We are importing even faster the finished goods. We are weakening the democracy. The middle class is disappearing. And they are all hollering "Whoopee. The economy is good, and let's give some millions so that politicians of one group can investigate politicians of another group about politics." That is the most asinine thing that you have ever seen. But that is where they give all the time. I can see some impatience. They don't want to listen about international trade, and the trade war. No. They don't want to listen about that. But they want to talk about independent prosecutors and investigators. I would give millions to the Federal Election Campaign Commission. They are bipartisan. Let them investigate, no holds barred. I would give even more millions to the Department of Justice. Let them investigate, no holds barred, for any violation of the law.

But mind you me. It seems like we have learned enough here from that Whitewater thing. We went through an exercise. We had 44 hearings, millions of dollars wasted, and time and everything, all hoping to get on TV and investigate each other. Now they want to start up this session and talk about bipartisanship, and not talking about what is eroding the democracy itself in this country. I say that because when I talk about the middle class, Chesterton wrote that the strength of this little democracy here in America was that we had developed a strong middle class.

We are headed, if you please, the way of England. That is what they told the Brits after World War II. "Don't worry. Instead of a nation of brawn, you will be a nation of brains. Instead of producing products, you will provide services; a service economy. Instead of creating wealth, you will handle it and be a financial center." And England has gone to hell in an economic hand basket. You have the haves and the have-nots, London is no more than an amusement park. You go there, and the Parliament is talking the same kind of extraneous nonsense that we are engaged in, and investigating each other and not getting on with the serious matters of truth in budgeting. Let's have it. I am going to talk to a group here in just a minute, and I hope we can get to them so that we can bring the record out about truth in budgeting.

And truth in trade negotiations agreements and trade—an agreement has been made, not a treaty. They insist that you don't have to come back to the Congress itself when they amend the law, and they are in 100-percent agreement of foreign ownership. There is no question about that. They just say it is not necessary while other Members say it is necessary. I thought that we ought to clarify once and for all our duties here, and have a clarion call, or a wake-up call, on this most important issue.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 20 minutes to the distinguished Senator from Arizona.

Mr. McCAIN. Mr. President, I will not be able to use that time because I have to go to another meeting. I appreciate the time and the courtesy of the Senator from Delaware, Senator ROTH. But I would like to use 20 minutes because my friend from South Carolina covered a broad variety of issues, some of which I assure my colleague from South Carolina we will be addressing in hearings in the Commerce Committee—the results of NAFTA, the results of free trade; perhaps some of the reasons why unemployment is at its lowest in America. The last quarter it was just downgraded to 3.9 percent GNP growth—the reason Americans finally in the lower middle-incomes are seeing increases; why this economy is the envy of the world; why it is that free trade has played such an important role.

I had the pleasure—the distinct pleasure, I say to my friend from South Carolina—of spending some time in his State. There happened to be an important Republican primary in the last election. It was a great privilege and honor for me to get to know many of the wonderful citizens of his State. In case he has not noticed, they are doing very well. They are working at the BMW plant. They are working at the Sony plant. They are working at all these corporations and companies that have come to this terrible country of ours which is so protectionist and so outrageous. They are coming to our country, I am sure the Senator from South Carolina has noticed. And in the view of the South Carolinians that I spoke to, they think it is a lot better with the high-paying jobs at the BMW plant than at a textile mill; than standing in front of a loom in that kind of back-breaking, sweat labor that existed; where they are getting higher salaries and more benefits, thanks to the companies and corporations that have come into South Carolina; thanks to the enlightened leadership of the State of South Carolina, including the Senator from South Carolina who has attracted them.

Mr. HOLLINGS. Will the Senator yield?

Mr. McCAIN. I would love to yield. But I just listened for the last 45 minutes to the Senator from South Carolina, and, as much was I would like to hear from him again, I have to go to another meeting. I apologize. But if the Senator from South Carolina would promise me to be brief, I will be glad to yield to him for a brief answer.

Mr. HOLLINGS. We are very proud that the Senator from Arizona has been to the showcase area up there in the Piedmont. But down there we have that situation where there is 11 percent unemployment in Richland, 14 percent in Williamsburg and Barnwell, and, 12 percent over in Marlborough. So we have the haves and have-nots.

I am very proud. I made the first trip to Europe where we have 100 German plants, 50 Japanese plants now. And I am very proud that I instituted the technical training which makes us most productive at BMW. We thank the Senator, very much, for his visit. I would be glad to show him the other parts that I am also worried about.

Mr. McCAIN. Mr. President, I would say to the Senator from South Carolina that I did travel the entire State. His point is well made that it is not a totally even economy. He can come to my State and find out that in the southern part of my State it is as high as 35 to 40 percent unemployment in the city of Nogales. But the overall economy is good. It is better, in my view, because of free trade, and again the enlightened policies of seeking and obtaining foreign corporations who come in and give high-paying jobs.

I also, by the way, have had the chance to go to Hilton Head and Charleston and some of the other areas that are doing extremely well. But there is no sense in going through a road map of the depiction of the State of South Carolina which is a lovely and beautiful State, as certainly the Senator from South Carolina well knows.

But I want to repeat to him again. We will have hearings in the Commerce Committee about the state of the American economy, about the impact of trade, where protection works and where it doesn't, and what the effects of NAFTA has been and whether we should expand NAFTA, which would be a proposal of the administration.

I will say with all respect to the Senator from South Carolina, I believe the members of the committee and the American people will be enlightened by our debate because I know that the Senator from South Carolina is well informed and holds very strong views, as do I and other members of the committee. I note the Senator from West Virginia is here, who also has his problems within his State.

So I hope the hearings we will have will not only have a legislative result but also will perform the much-needed function of enlightening the American people and our colleagues as to what free trade is all about, its effects, and, by the way, the effects of protectionism and restraint of trade.

I do oppose the amendment offered by Senator HOLLINGS, and I will at the appropriate time offer a motion to table. This amendment, in my view, jeopardizes Ms. Barshefsky's nomination. The chairman of the House Ways and Means Committee, Mr. ARCHER, has conveyed to Finance Committee Chairman ROTH that the House will reject the amendment and thereby kill the nomination of a very qualified individual.

I share with my colleagues the position of the President of the United States. Mr. President, I think it is very important. I ask unanimous consent that the statement of administration policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 5—WAIVER FOR USTR APPOINTMENT

(ROTH (R) DE, AND MOYNIHAN (D) NY)

The Administration strongly supports the enactment of S.J. Res. 5, which would authorize the appointment of Charlene Barshefsky as the United States Trade Representative.

When the Senate Considers S.J. Res. 5, Senator Hollings' amendment relating to the President's long-standing authority to carry out trade agreements may also be considered. The Administration strongly opposes the Hollings amendment, which would effect a major change in trade agreement implementing procedures with immediate and harmful effects on U.S. consumers, firms, and workers. The Hollings amendment would hinder, delay, and, in some cases, jeopardize agreements that greatly serve the Nation's interests.

HARMFUL EFFECTS OF THE HOLLINGS AMENDMENT

The Hollings amendment could require congressional approval of every trade agreement that might be construed to require a change in U.S. law. The amendment is unnecessary to assure that the Executive Branch is conforming to congressional mandates on trade negotiations, is overly burdensome for both the President and the Congress, and could endanger the benefits to the United States of some trade agreements.

The overwhelming majority of trade agreements that the President concludes can be—and traditionally have been—implemented under existing statutes. If the authority to implement an agreement does no already exist, then the President must seek that authority. If the President were to implement an agreement in a manner that is not authorized by law, the courts can strike down such actions. If the Congress disagrees with a trade agreement, it can pass legislation directing the President to implement the agreement in a particular way or to refrain entirely from implementing that agreement. If a trade agreement requires a change in statutory law, Congress along has the authority to make such a change. The Hollings amendment is unnecessary to clarify this point.

However, the Hollings amendment goes much further, and the absence of hearings has precluded a full opportunity to determine precisely what the implications of the amendment are. By requiring congressional action whenever a trade agreement would "in effect" change U.S. law, the Hollings amendment could impose long delays on implementing trade agreements that would otherwise bring immediate benefits to U.S. consumers, firms, and workers. Moreover, the vague term "in effect" would cause great uncertainty, since the amendment leaves undefined who determines when an agreement "in effect" requires a change in law and what implications arise for implementing changes in regulation or administrative practice called for in trade agreements.

The burdensome character of the amendment becomes clear when one considers that the Administration concluded approximately 200 trade agreements in the last four years. Under the Hollings amendment, any such agreement that occasioned any change in law, including technical and typically non-controversial changes to our tariff schedule, would have to be approved by the Congress.

The prospect of nearly continuous consideration of trade agreements by the Congress also raises the possibility of delaying the entry into force of agreements beneficial to the United States. For example, the Hollings amendment could greatly delay—and perhaps jeopardize—recent agreements that:

Eliminate tariffs on 400 pharmaceutical products shipped to key markets around the world (these tariff cuts had been widely sought by our medical community because of their potential to quickly lower the costs of producing anti-AIDS drugs and other lifesaving pharmaceuticals);

Cuts $5 billion in global tariffs on semiconductors, computers, telecommunications equipment, software, and other information equipment (these are tariff cuts that directly benefit high-technology products made by some of our most highly competitive industries, and that support 1.5 million manufacturing jobs and 1.8 million related services jobs); and

Open the global market for basic telecommunication services, providing enormous benefits to our dynamic U.S. telecommunications industry.

If the Hollings amendment were applied to these agreements, they would have to be submitted to Congress for review and approval. Yet each of these agreements was negotiated under congressional authorization and in close consultation with Congress, and each enjoys overwhelming industry support.

Mr. McCAIN. Mr. President, I will not go through the whole statement of administration policy except to say the administration strongly supports the resolution which will authorize the appointment of Charlene Barshefsky as U.S. Trade Representative. Among other things it says:

The Hollings amendment could require congressional approval of every trade agreement that might be construed to require changing U.S. law. The amendment is unnecessary to assure the executive branch is conforming to congressional mandates on trade negotiations, is overly burdensome for both the President and Congress, and could endanger the benefits to the United States of some trade agreements.

The prospect of nearly continuous consideration of trade agreements by the Congress also raises the possibility of delaying the entry into force of agreements beneficial to the United States. For example, the Hollings amendment could greatly delay—and perhaps jeopardize—recent agreements that eliminate tariffs on 400 pharmaceutical products shipped to key markets around the world * * * cut $5 billion in global tariffs on semiconductors, computers, telecommunications equipment, software * * * open the global market for basic telecommunication services, providing enormous benefits to our dynamic U.S. telecommunications industry.

Mr. President, what does the Washington Post say about it? It says:

The Telecommunications Deal. After 3 years of tough negotiations, the world's leading economies have reached a landmark agreement to liberalize trade in telecommunications services. Acting U.S. Trade Representative Charlene Barshefsky, who led both sets of talks, predicted the U.S. information technology industry will now lead the growth of the U.S. economy as the car industry did 40 years ago. This wasn't a traditional agreement in which one country grudgingly agreed to accept textile imports, say, in order to gain access for its tomato exports. Instead, every nation involved acknowledged the benefit to itself of liberalization and deregulation of the model that the United States and Great Britain have pioneered. Half the world's people have never made a phone call. Poorer countries, where most of them live, will attract the investment that they need only if they play by these new rules of openness and competition.

The Washington Times:

Teleco Mania. For the second time in three months, tough minded and determined U.S. trade negotiators under the auspices of the 2-year-old World Trade Organization have hammered out a multinational high tech trade agreement that will be immensely beneficial to firms and workers based in the United States and consumers worldwide.

The list goes on and on, Mr. President, of the almost universal praise of this landmark agreement that Ms. Barshefsky has been able to achieve. Frankly, there were a lot of pessimists who believed that she could not do that. I believe she is well qualified for the job. President Clinton referred to Ambassador Barshefsky as a brilliant negotiator for our country. She is a tough and determined representative for our country, fighting to open markets to the goods and services produced by American workers and businesses.

I will not go through her qualifications, Mr. President, in the interest of time because they are illustrious.

Her foresight and depth of understanding of our country's international trade relations are essential to our Nation's continued economic growth. She is exceptionally qualified, and I am sure that the full Senate will join me in confirming her nomination to be the U.S. Trade Representative.

From financial services to Japanese insurance to global telecommunications, Ambassador Barshefsky has proven herself to be a tough negotiator. For example, in April of 1996, as one of her acts as USTR, Ambassador Barshefsky walked away from the poor efforts made under the auspices of the World Trade Organization regarding basic telecommunications services. She made everyone come back to the table and last month concluded the WTO's basic telecom agreement which represents a change of profound importance. A 60-year tradition of telecommunications monopolies and closed markets will be replaced starting in January 1998 by market opening, deregulation and competition, the principles championed here by many of us for a long time.

Senator HOLLINGS has concluded that the recently announced telecommunications agreement of the World Trade Organization would change U.S. statutory law. Not only do I disagree, but as I mentioned, the Senator finds himself on the other side of the argument with President Clinton.

Mr. President, I ask unanimous consent that written responses to questions from Senator LOTT and Senator KERREY be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WRITTEN RESPONSE TO QUESTIONS FROM SENATOR LOTT

TELECOMMUNICATIONS

Could you please explain in greater detail the administration's position that no implementing legislation, or legislation of any kind, will be required for the telecommunications agreement currently under negotiation in Geneva.

The U.S. offer will reflect our statutory obligations. While at this time we do not believe its implementation will require any legislative changes, we are continuing to consult with Congress on this issue.

The offer allows market access to the local, long distance and international services markets through any means of network technology, either on a facilities-basis or through resale of existing network capacity. The U.S. offer limits direct foreign investment in companies holding common carrier radio licenses, as is required by Section 310 (a) and (b)(1), (2) and (3) of the Communications Act of 1934 (the "Act"). The offer specifically states that foreign governments, aliens, foreign corporations and U.S. corporations more than 20% owned by foreign governments, aliens or foreign corporations may not directly hold a radio license.

Based on Section 310(b)(4) of the Act, the offer places no new restrictions on indirect foreign ownership of a U.S. corporation holding a radio license. Section 310(b)(4) allows such indirect foreign ownership unless the Federal Communications Commission finds that the public interest will be served by the refusal to grant such a license. The U.S. offer is to allow indirect foreign ownership, up to 100%, under this provision.

The U.S. offer permits a foreign government indirectly to own a radio license, unless the FCC finds that such ownership is not in the public interest. Under the public interest test, the FCC looks at many factors, such as financial and technical ability of the applicant, international agreements, national security concerns, foreign policy concerns, law enforcement concerns and the effect of entry on competition in the U.S. market. In the event of a successful conclusion to these negotiations, the U.S. offer will allow the FCC to continue to apply these public interest criteria, as long as they do not distinguish among applicants on the basis of nationality or reciprocity, consistent with the obligations of the General Agreement on Trade in Services.

The U.S. offer maintains COMSAT's monopoly on access to INTELSAT and Inmarsat, as required by the Communications Satellite Act (47 U.S.C. 721).

The offer does not contain any restrictions on licenses to land submarine cables based on the statutory authority of the President (delegated to the Federal Communications Commission in consultation with the Secretary of State) to issue landing licenses. The statute permits withholding such licenses to assist in obtaining landing rights in other countries maintaining the rights or interests of the United States and its citizens and protecting U.S. security (47 U.S.C. 35). The United States will obtain landing rights in other WTO member countries if the negotiations conclude successfully and will retain its ability to protect its national security.

WRITTEN RESPONSE TO QUESTIONS FROM SENATOR BOB KERREY

TELECOMMUNICATIONS

Last April when the parties agreed to postpone the deadline for negotiations in the GBT, the U.S. offer did not reflect the statutory language under sections 310 (a) and (b) that the foreign ownership limitations under the law apply to "foreign governments or their representatives." Does USTR intend to modify the U.S. offer to adhere to the statutory language of sections 310 (a) and (b)? If not, why?

The U.S. offer will reflect our statutory obligations. While at this time we do not believe its implementation will require any legislative changes, we are continuing to consult with Congress on this issue.

The offer allows market access to the local, long distance and international services markets through any means of network technology, either on a facilities-basis or through resale of existing network capacity. The U.S. offer limits direct foreign investment in companies holding common carrier radio licenses, as is required by Section 310 (a) and (b) (1), (2) and (3) of the Communications Act of 1934 (the "Act"). The offer specifically states that foreign governments, aliens, foreign corporations and U.S. corporations more than 20% owned by foreign governments, aliens or foreign corporations may not directly hold a radio license.

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The U.S. offer permits a foreign government indirectly to own a radio license, unless the FCC finds that such ownership is not in the public interest. Under the public interest test, the FCC looks at many factors, such as financial and technical ability of the applicant, international agreements, national security concerns, foreign policy concerns, law enforcement concerns and the effect of entry on competition in the U.S. market. In the event of a successful conclusion to these negotiations, the U.S. offer will allow the FCC to continue to apply these public interest criteria, as long as they do not distinguish among applicants on the basis of nationality or reciprocity, consistent with the obligations of the General Agreement on Trade in Services.

The Administration is continuing to consult with Congress and the FCC to determine whether it would be helpful to modify the U.S. offer to include any additional parts of the statute's text in the offer's text.

In the alternative, if USTR does modify its offer, please cite what precedent gives USTR the authority to hold that the exception under the public interest waiver of section 310(b)(4) vitiates the statutory limitation of control by a "foreign government or the representative thereof" under 310(a), which has no waiver?

Section 310(a) prohibits direct ownership of a radio license by a foreign government or its representative. Similarly, Section 310(b)(1) prohibits direct ownership of a radio license by an alien or its representative. Section (b)(2) contains the same prohibition for foreign corporations. Section 310(b)(3) prohibits direct ownership of more than 20% of a U.S. corporation holding a radio license by a foreign government, an alien or a foreign corporation. All these prohibitions on direct ownership are contained in the U.S. offer.

Section 310(b)(4) explicitly allows indirect ownership by all three—a foreign government or its representative, an alien or its representative or a foreign corporation, unless the FCC determines that such ownership is not in the public interest. This is also reflected in the U.S. offer. In preparing the offer, the Administration has consulted closely with Congress and FCC staff and is continuing to consult on the question of implementing legislation and whether to modify the offer.

If USTR successfully negotiates an agreement, would there be any change or limitation on the FCC's use of the Effective Competitive Opportunities test to examine the openness of a foreign market, which it adopted pursuant to the public interest waiver test of section 310(b)(4)?

If the GBT concludes successfully, the FCC will continue to apply the public interest test to applicants under section 214 and to applicants for radio licenses under section 310. The only change that would occur would be that the Executive Branch would advise the FCC not to consider reciprocity as a prong of the test on the basis that the U.S. would have obtained substantial market access commitments from its major trading partners and the vast majority of countries whose carriers are likely to apply for radio licenses in the U.S.

Mr. McCAIN. Mr. President, the reason why I ask that is because there are many technical and legitimate questions that are raised by Senator LOTT, Senator KERREY, and by Senator HOLLINGS. The responses that Ambassador Barshefsky made, I think, are important to be in the RECORD. I will not take the time of the Senate to read those.

The amendment, I believe, is not only not good for America, but I believe that the amendment represents a different view of trade and how nations should treat each other in this world competitive marketplace. I believe that the American worker can compete with any worker in the world. I believe that the American worker is the finest in the world. I would rather have an American working to build a product than any other nationality, without any disrespect to any of them. With that fundamental belief that American workers can compete and do a better job, then I am in favor of reducing the barriers, which the agreement that Charlene Barshefsky has negotiated will accomplish.

Telecommunications is a $600-billion-a-year industry. The World Trade Organization's basic telecom agreement will double the size of the industry over the next 10 years. There is not a single telecommunications business in America that does not totally support this agreement. The agreement will lead to the creation of countless jobs in U.S. communications companies, in high tech equipment makers, and in a range of industries such as software, information services and electronic publishing that benefit from telecom development.

This agreement is literally unprecedented. It covers over 90 percent of world telecommunications revenue and includes 69 countries, both developed and developing. It ensures that U.S. companies can compete against and invest in all existing carriers. Before this agreement, only 17 percent of the top 20 telecommunications markets were open to U.S. companies. Now they have access to nearly 100 percent of these markets.

The range of services and technologies covered by this agreement is breathtaking—from submarine cables to satellites, from wide-band networks to cellular phones, from business internets to fixed wireless for rural and underserved regions. The market access opportunities cover the entire spectrum of innovative communications technologies pioneered by American industry and workers.

Most important, the agreement will save billions of dollars for American consumers. The average cost of international phone calls will drop by 80 percent, from approximately $1 a minute on average to 20 cents per minute over the next several years. The agreement, as I said earlier, was widely lauded by those in the telecommunications industry.

Mr. President, of equal concern is the impact this amendment would have on the ability of the President to negotiate future trade agreements. The Hollings amendment could require congressional approval of every single trade agreement that might result in any change in regulations or administrative practice, no matter how slight the change. The overwhelming majority of trade agreements that the President concludes can be—and traditionally have been—implemented under statutes that the Congress has already put on the books. If the President tries to implement an agreement in a manner that is not provided for under legislation, the courts can prohibit him from taking those steps.

The amendment is harmful to our Nation's trade interests. The approval requirement imposed by the amendment would impose long delays and could create uncertainties for lucrative trade agreements that would otherwise bring immediate benefits to American consumers, firms and workers. It is the American workers who would be hurt by this amendment.

Under Senator HOLLINGS' amendment, the President could not use the powers already granted him if he intends to make any change in regulatory or administrative practice, no matter how insignificant. This amendment would require an act of Congress every time the President allocates a new cheese or sugar quota, adds a quota on a textile or apparel product, or implements a tariff rate quota on agricultural products, such as those recently negotiated on imported goods such as tobacco. The President has traditionally made these routine changes under proclamation authority granted by the Congress.

Finally, Ambassador Barshefsky will also have a busy coming year. It is my hope that she will move quickly to send the Congress legislation to provide for a clean reauthorization of fast-track authority so negotiations can begin immediately to expand the North American Free Trade Agreement to Chile. Pending successful expansion of NAFTA, negotiations should continue on the development of a free trade area of the Americas.

Substantial questions will also arise regarding extension of MFN status to China and the accession of China into the World Trade Organization. I am confident that Ambassador Barshefsky is up to these challenges.

Mr. President, the United States has historically been a world leader in opening markets and expanding trade. I believe leadership waned over the first term of the Clinton administration. It is my hope, and, indeed, my prediction, that under the leadership of Charlene Barshefsky, the United States will again take its place as the world leader for open and fair trade.

I urge my colleagues to oppose the Hollings amendment and support Senate Joint Resolution 5 so that Ambassador Barshefsky can be confirmed and appointed to serve as our next U.S. Trade Representative.

Mr. President, I regret there is not time, but there will be opportunities in the future to debate these issues with my friend from South Carolina, who I have said on many occasions is not only enlightening but on occasion entertaining as well, which makes for spirited and involved debate.

Mr. President, I yield the remainder of my time back to Senator ROTH.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Ms. COLLINS. Mr. President, I rise today to support the nomination of Charlene Barshefsky to be the next United States Trade Representative. In representing a State with a long history of trade with Canada, I have taken particular interest in President Clinton's nominee for USTR.

I have had serious concerns about this administration's lack of aggressiveness in pursuing the concerns of Maine's farmers and businesses regarding unfair trade practices by neighboring Canada. Canada is Maine's No. 1 trading partner, and Mainers value this relationship, but we want it to be a fair relationship. When evidence is found that trading practices are not fair, the United States needs to take strong and effective action.

To underscore my concern about this problem, I withheld my support for Ambassador Barshefsky until I had an opportunity to meet with her to discuss several trade issues important to the people of my State. Farmers, fishermen, and others in natural resource industries have long been concerned about unfair trade practices by the Canadian Government.

Maine potato farmers, in particular, have labored under trade practices that have threatened the very survival of some farms. Particularly troubling are apparent subsidies from the Canadian Government that allow Canadian farmers to sell their products at artificially low prices, thus enabling Canadian farmers to dump large volumes of potatoes into the American market. At the same time, there is concern that Canadians may be erecting trade barriers that make it difficult for our farmers to sell their products in Canada.

We cannot continue to tolerate Canadian trading practices that adversely affect Maine potato farmers, who have seen more than their share of hard times. However, I am encouraged by Ambassador Barshefsky's recent actions, which include asking the International Trade Commission to undertake an investigation to determine the nature and extent of Canadian potato subsidies. This is a step in the right direction and a good sign that these issues will finally get the attention they deserve. But it is only a first step. It is critical that the administration follow through and take action to assure a level playing field.

Another issue I raised with the Ambassador was the frustration of some Maine shellfish companies with newly instituted inspection fees on shellfish products exported to Canada. Maine shellfish exporters have been concerned that the Canadians are unfairly targeting their products for inspection in an attempt to make it more difficult for Maine shellfish to be shipped to Canada. On this issue I found the Ambassador to be very responsive. She has been helpful with gathering information, and I am pleased USTR officials have begun meetings with their Canadian counterparts to review these onerous fees.

Finally, I also raised the issue, which the distinguished Senator from South Carolina has talked about, and that is the issue of the U.S. tariffs on capacitors. As part of the Information Technology Agreement negotiated in Singapore last year, the administration agreed to a European proposal to eliminate the current 9 percent tariff on capacitors entering the United States. Under the agreement, the tariff would be eliminated in July of this year.

The elimination of this tariff could pose a serious hardship on several American companies, one of which is in my State of Maine. The Ambassador and I discussed this hardship, and I made the case that the industry was unaware of even the potential that this tariff could be eliminated. I asked what measures could be taken to provide some relief.

I was impressed with the Ambassador's knowledge on this issue, and I was very encouraged by a commitment she made to me to find middle ground with the Europeans that would give American manufacturers of capacitors more time to adjust to a tariff elimination.

Specifically, we talked about the possibility of having a phaseout of the tariff, rather than the abrupt elimination in July.

In closing, I would like to address the issue of the need to waive a provision passed last Congress as part of the lobbying disclosure act. This provision prohibits the appointment of any person who has represented a foreign government in a trade dispute with the United States from serving as USTR or deputy USTR. Like many of my colleagues, I was very concerned about the need to exempt someone from a law that is on the books and has been passed so recently. Since the foreign country involved is Canada, I was particularly concerned because of the contentious trading relationship that my State has had over the years with Canada on many important products. However, after addressing this issue with Ambassador Barshefsky, I learned that she was previously exempted from this provision in her capacity as deputy USTR. It, therefore, does seem reasonable to me to allow this waiver to follow her into her new duties as USTR, and I agree with the Finance Committee's unanimous recommendation to waive the law.

I am pleased to have had the opportunity to meet with Ambassador Barshefsky and her staff to discuss these important issues. They are critical issues to my constituents. I found her to be very knowledgeable and responsive. I am hopeful that her tenure as USTR will bring about renewed interest, commitment and, most of all, action on trade issues confronting the people of Maine.

I appreciate the distinguished chairman of the Finance Committee yielding me time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 15 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

Mr. ROCKEFELLER. Mr. President, I rise to express my extremely strong, very enthusiastic support for the nomination of Charlene Barshefsky to be our U.S. Trade Representative. This is an important vote for America, for its future. I urge my colleagues to give her the unanimous vote of confidence that she has, in fact, already earned through her record of incredible fortitude, ability, and a long list of trade accomplishments, even as acting USTR.

The President has put forward, frankly, a most unusual person—unusually skilled, highly qualified, for one of the most important jobs in the U.S. in Government, and that is being our Nation's lead trade negotiator and keeping up with all developments all over the world all the time. It is an incredible job.

She now should have the official title to proceed with the job awaiting her in trade negotiations and efforts that offer immense opportunities and extremely high stakes for our industries, for our workers, and for our economy.

In just the last year alone, on a whole host of other things, as our acting trade representative, Charlene Barshefsky has concluded a renewal of our critical semiconductor agreement with the Japanese; seen through an agreement to remove tariffs around the world on information technology products; and won agreement of a massive telecommunications pact that promises more than $1 trillion in worldwide economic benefits through the year 2010, all of this as acting trade representative.

Beyond that, I would point to one of Charlene Barshefsky's strongest qualifications: Her masterful grasp of complicated issues surrounding China's integration into the global economy.

We have all read, hopefully, all of the writing that has come out about China since the death of Deng Xiaoping. I believe that China is the single biggest long-term macroeconomic challenge facing the United States. We cannot duck it. We must handle it intelligently.

China is the world's largest country, in terms of population, and its economy will surpass ours sometime in the not too distant future. If its accession to the World Trade Organization, in particular, is not handled properly, the ramifications for the United States could be serious and long lasting. This takes the hand of a master. That hand belongs to Charlene Barshefsky.

We are also very fortunate to count on Ambassador Barshefsky as we face the challenge of our trade relationship with Japan. This winter I took, as I always do, a delegation of West Virginia business people to Japan and Taiwan. One of the messages we heard, in a troubling fashion very frequently, was that Japan was looking much more toward turning to the World Trade Organization for the settlement of previously negotiated bilateral trade agreements, turning, therefore, away from the bilateral process which has traditionally characterized our negotiating relationship with Japan.

I don't blame them if they are trying to avoid a U.S. negotiating team headed by somebody as forceful and capable as Charlene Barshefsky. My response is that overall United States-Japan relations depend on our ability to deal with one another, on a bilateral basis, on our trading issues, and then have occasional recourse to the WTO, but none of this could we do any better than by having Ambassador Barshefsky at the helm representing our country, our people, the people from my State.

It is impossible for me to explain how strongly I feel about the nomination and the confirmation of that nomination hopefully on this day.

To turn to the amendment we are now debating, the Senator from South Carolina is one of the most forceful advocates in the Congress for American interests in the global economy. I learned a great deal about issues coming from discussions with him about the globalization of the economy. He talks about it a great deal with great erudition, and I admire and share his intense commitment to American workers and industries.

The Senator from South Carolina also has a very long-time interest in the issue of foreign ownership of American telecommunications services, which, in fact, happens to be the root cause of the Senator's amendment, although this dispute is not about broadcast rights but about telecommunications services—not about broadcast rights but about telecommunications services—like cellular or international calling.

Clearly, there is a difference of opinion about what U.S. law allows in the area of ownership of telecommunications services. This is a difference of opinion, not only between the Senator from South Carolina and USTR, but between the Senator and something called the Federal Communications Commission, which he declines to recognize on this matter.

The Senator, as the former chairman of the Commerce Committee and the ranking member now, also disagrees with the current chairman of the committee, Senator JOHN McCAIN, who has just spoken, as well as the chairman of the House Commerce Committee, Mr. BLILEY, over this law.

As I understand it, the U.S. offer in the telecommunications agreement tracks U.S. law, meaning this dispute is really over the interpretation of current U.S. law by the FCC, which the ranking member of the Commerce Committee does not like, not the trade agreement reached by USTR.

I thoroughly agree with the Senator from South Carolina that Congress must assert its constitutional right and responsibility to oversee international trade and international commerce, and I am in full agreement Congress should act when a trade agreement makes commitments that differ from current law. But that is already the law of the land. That exists now under the current law.

If a trade agreement reached by the executive branch requires a change in law, Congress must act to implement the agreement. When the President agreed to the Uruguay round, Congress had to pass implementing legislation for us to meet its terms, which we did. However, to cite another example, when the President agreed to the shipbuilding agreement at the OECD, Congress did not agree to change American law to implement that particular agreement.

As somebody who, like the former chairman and ranking member of the Commerce Committee, opposed NAFTA as I did, I am certainly not saying that we should signal that this or any other administration has a blank check to make trade agreements that are not in America's interest. But that is not what the amendment of the Senator from South Carolina is about. This amendment would create a whole new role for Congress that could have a chilling effect—would have a chilling effect—on trade negotiations that, in fact, seek to serve and strengthen U.S. interests, which he talks about.

My problem with the Senator's amendment is that it would do much more to reaffirm Congress' role in responding to trade agreements that require a change in our laws. By using the language in the amendment which says that any trade law which would—and then the keywords are—"in effect amend or repeal statutory law," I am afraid it would entangle Congress in a constant, complicated, unnecessary process of acting on trade agreements that do not embody actual changes in U.S. law and don't require congressional involvement to obtain the benefits of those agreements.

I respect the fact that the Senator questions a part of the new telecommunications trade agreement negotiated in Geneva. Disagreements between members of the legislative branch and executive branch are very common, even on an intraparty basis. But we have existing procedures to resolve disputes like that when they come up. A challenge can be taken up with the courts or something called legislation can be offered to change the particular practice in dispute.

The problem with the amendment of the Senator from South Carolina is that instead of proposing a specific change of law, which addresses his interpretation of the law affecting ownership of telecommunications services, he is proposing a new, generic, far-reaching role for Congress that could affect nearly all future trade agreements.

For example, USTR recently concluded an agreement which would eliminate tariffs that were on some widely sought after anti-AIDS drugs. Under current law, this could be put into effect—under current law—in 60 days under Presidential proclamation authority. However, if the Hollings amendment were to pass, such routine and noncontroversial changes would require a new act of Congress that could mean waiting months or maybe even watching the benefits of this trade agreement never materialize.

The amendment by the Senator from South Carolina calls for a major shift in U.S. trade policy. It has not been discussed or considered in the Finance Committee, which has jurisdiction over all reciprocal trade agreements.

Finally, even if all these questions could be answered, the House has already said that they will "blue slip" the waiver resolution if it contains this amendment, because it goes against the constitutional provision that all measures which affect revenues must originate in the House of Representatives. So this amendment on the waiver resolution would doom the underlying nomination, and Charlene Barshefsky is too good a nominee to see that happen.

With respect for my colleague from South Carolina, I strongly urge my colleagues to vote against his amendment. This is not the way, not the time, nor the policy to use in resolving the Senator's dispute over a specific provision of a specific trade agreement. That disagreement should be pursued through other avenues that all of us use on a very regular basis. In this case, the amendment would establish an entirely new process, a new law, a new role for Congress regarding all trade agreements. It is a role that is unnecessary and could prevent our trade negotiators from doing the kinds of work that we charge them to do in representing our best interests.

Rarely, if ever, have I seen an international agreement that has virtually no opponents in either the business community or from American workers. Usually, people point to winners and losers in international trade agreements. Sometimes people are afraid they could lose their jobs, or they feel that their business could be disadvantaged relative to their competitors. But on this Telecom agreement, notwithstanding the objections of the Senator from South Carolina and a couple of others, I've heard barely a peep.

This international telecommunications agreement truly breaks new ground. For the first time ever, an international trade agreement effectively guarantees competition. The United States put forward regulatory guidelines modeled on our own telecommunications law, and 65 countries agreed to adopt most, if not all, those procompetitive principles. That is extraordinary.

This agreement between 69 countries will open nearly 95 percent of the worldwide telecommunications services market to competition. A market which will exceed $600 billion in gross revenues this year alone. Mr. President, I'd point out that in April of last year, Charlene Barshefsky walked away from the talks when only 40 countries had made offers, representing only 60 percent of global revenues.

Included in this agreement are local, long-distance, and international calling services; submarine cables; satellite-based services; wide-band networks; cellular phones; business intranets; and fixed wireless services for rural and underserved regions. What this agreement did not cover are broadcast services.

It is believed that competition by telecom service providers is expected to lead more than $1 trillion in economic benefits for consumers around the world through 2010. While U.S. consumers have already reaped much of the benefit of deregulation and increased competition, the FCC has pointed to billions of dollars of savings from this deal for American consumers due to the eventual lowering of costs for international calling by 80 percent—from more than $1 per minute to less than 20 cents—the actual cost of placing such a call.

I'll admit that I am disappointed that some countries, such as Japan, Korea, and Canada, didn't offer to open up their markets quite as much as the United States did, but reaching this agreement doesn't in any way prevent us from further negotiations with them in this area.

I'd also point out two things. First, even though these countries, and some others, maintained limits on purchasing existing providers, in most cases, American firms can still go in to those same countries and compete on their own—and the regulatory principles will guarantee that they are not blocked from connecting to existing telecommunications networks.

Second, if it is Japan we are talking about, the idea that anyone plans to purchase more than 20 percent of NTT any time soon, is ridiculous. NTT is the world's largest company, worth well over $100 billion—I'm told that 20 percent would cost about $23 billion. Right now, 3 percent of NTT is owned by foreigners, and I haven't heard that anyone plans to buy much more than that. What American firms are talking about is the chance to start or invest in new common carriers in Japan, such as Japan Telecom, which is connected to the Japanese Railroad, and which anyone can invest in with no limitations. I'll admit that I am concerned with the 20-percent limitation on KDD, which is a much smaller company than NTT—about the size of one of our Baby Bells, but I'm hopeful we can work this out in future negotiations.

To conclude, today we have finally reached the moment to extend the title of United States Trade Representative to somebody who I think is magnificently qualified to take that job. Superb qualifications, superbly tested, and now prepared to advance America's interests even further. What we are going through today threatens to block her, which hurts her in China, which hurts her in Japan, which hurts her all over the world, and therefore through hurting her, our interests.

So I urge the unanimous vote that she deserves, that she be made Ambassador, the granting of the Dole waiver that is required, and the defeat of the amendment that does not belong here and has consequences that could truly harm, not help, American interests. I yield the floor and thank the distinguish Finance chairman.

Mr. BYRD. Mr. President, I strongly support the adoption of the amendment introduced by the senior Senator from South Carolina [Mr. HOLLINGS]. On the face of it, it is a straightforward, simple proposition that attempts to preserve the integrity of the laws that we pass, and that are the subject of discussion and/or negotiation between the United States and other nations. It says that if our Executive branch negotiators reach an agreement which amends or repeals U.S. law, that agreement may not be implemented until the agreement is approved by the Congress. Who could dispute such an obviously valid proposition?

The case at hand, the negotiation of a new telecommunications services agreement, apparently effects changes in U.S. law dealing with access to the U.S. market in relation to the access of American companies into foreign markets. This is a matter which was very controversial in connection with the consideration of the landmark Telecommunications Act of 1996. In working with the Commerce committee on this legislation, I was involved in developing certain changes to section 310(b) of the underlying statute dealing with foreign ownership. The matter was so controversial that the conferees on that legislation were unable to reach agreement, and changes to the foreign ownership provisions were dropped from the final conference agreement.

It is all the more important that our negotiations, in the light of the controversial nature of this matter, take care not to effect what amounts to a change in the law by virtue of negotiating a provision of an international agreement without taking the role of the Congress into account. The law and an agreement should not be put into conflict on such a matter, and Senator HOLLINGS is right to insist that no such negotiated change should be implemented until the Congress has agreed by amending the law which governs the situation.

Mr. HATCH. Mr. President, I support the joint resolution before us waiving certain provisions of the Trade Act of 1974 relating to the nomination of Ambassador Barshefsky to the position of United States Trade Representative.

Let us make no mistake as to the quality of Ambassador Barshefsky's service. We are not simply endorsing her as an exception to the act. Rather, she could not be more deserving of confirmation. Let's examine her record.

Her service has been marked by substantive accomplishments on an unprecedented scale. Over 200 trade agreements have been enacted, and she has been in the middle of the dispute process for the most difficult of all—the Chinese anti-piracy agreement—and more than 20 separate agreements with the Japanese in such areas as auto parts, telecommunications, government procurement, semiconductors, and medical equipment and technology. Many of her accomplishments have directly benefited my State of Utah which, despite its small size, is one of the Nation's leading exporters of technology and software.

Like many other members of the Senate Finance Committee, I have been inundated by letters from hundreds of Barshefsky supporters. This outpouring of support underscores my own impression, as I expressed at the recent Finance Committee hearing, that she is a most qualified nominee for U.S. Trade Representative.

But let me draw attention to one particular comment regarding her success in the Chinese trade negotiations. I refer to a statement from the Recording Industry Association of America, a sector that has been especially hard hit by Chinese intellectual property piracy. In his recent letter to me, RIAA chairman and CEO, Jay Berman, reported, "I personally witnessed her negotiations with China in June, 1995, that led to the immediate closing of 15 pirate CD [compact disc] plants."

She has been repeatedly credited with breakthroughs in other sectors as well.

As my good friend from Delaware said only moments earlier, she has vastly expanded market access for American business—in Asia, Latin America, and Europe. More importantly, her work will be seen as an advent to still another American century, a century that will be marked by rising prosperity everywhere.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Delaware.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROTH. Mr. President, I have a unanimous-consent request which has been cleared with the minority. I ask unanimous consent that following the allotted times for debate, the Senate proceed to a vote on or in relation to the Hollings amendment No. 19: Senator HOLLINGS 9 minutes, Senator CONRAD 5 minutes, Senator DASCHLE 10 minutes, Senator BURNS 6 minutes, Senator ROTH 5 minutes; and immediately following that vote the joint resolution be read a third time and the Senate proceed to a vote on passage of Senate Joint Resolution 5; further, if the resolution passes, the Senate then proceed to executive session and immediately vote on the confirmation for the nomination of Charlene Barshefsky. I further ask unanimous consent that prior to the second and third vote there be 2 minutes of debate equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to briefly address two questions: No. 1, the question of a waiver for Ambassador Barshefsky; and, No. 2, the approval of Ambassador Barshefsky as our trade representative.

Mr. President, I represent the State of North Dakota. We are right next to Canada. The question of a waiver for Ambassador Barshefsky relates to the question of her previous representation of Canada on trade issues, and that requires a waiver if she is to become our trade representative.

Mr. President, anyone who has worked with Ambassador Barshefsky understands her full commitment and dedication to the trade interests of the United States.

My State has been involved in a longstanding dispute with Canada with respect to unfairly traded Canadian grain coming into this country at below their cost and having a devastating effect on the farmers of my State, not only the producers in North Dakota but farmers in Montana, farmers in South Dakota, Minnesota, Kansas, Nebraska. Charlene Barshefsky has stood with us shoulder to shoulder to get a fair result.

Mr. President, this issue first came up when she was approved as the Deputy USTR 4 years ago. She has done a superb job in her position at the trade representative's office. I think anybody who has followed her career and watched the job she did in negotiating to open up Pacific rim countries to our trade, the job that she has done fighting for U.S. interests in trade disputes with Canada, that she represented for a brief time on limited issues when she was in the private sector, would understand there is no reason—none—to deny a waiver to allow Charlene Barshefsky to become our trade representative.

Mr. President, Charlene Barshefsky is superb. I have dealt with many trade representatives. Rarely does one find someone of her background, her intelligence, her talent and her commitment. Those are qualities that we want working for the United States in these very difficult trade negotiations. And she has shown her mettle over and over and over. I urge my colleagues to vote for the waiver and to vote for Charlene Barshefsky to be our next trade representative. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the Chair and I thank my friend from Delaware.

I rise today with some concerns about the new trade representative, Charlene Barshefsky. But I also rise to support her nomination. She has proven herself to be a tough negotiator as the acting trade representative. She recently played a major role in the opening of foreign markets in telecommunications, an agreement which we hope will decrease the costs of international calls and likely to have similar impact on domestic rates as well as U.S. companies competing on a worldwide basis.

But on the other hand, Ms. Barshefsky's bidding on the administration's behalf of NAFTA to expand into some South American countries has me somewhat concerned.

There is nobody in this body who fights harder for his people than the Senator from South Carolina. And I think I know why, because I visited that State one time, and he walks among those people who have lost their jobs in textile mills and understands those people's pain.

We are now suffering that kind of a pain because of the border wars with Canada in the State of Montana. Whenever you start talking about fast tracking authority to expand NAFTA, and you understand the effect NAFTA has had on us in the beef industry and the grain industry—and that is what I am; I am not anything else fancy—then I say we have to approach that very cautiously, because I am not going to lower the living standards of my farmers for the sake of so-called free trade unless it is fair trade. If left unchecked, it will also contribute to the devastation of other sectors in our Nation's economy as well, if we do not just look at some of these things.

We live in a free economy, we live in a global economy. I admit while Canadian livestock producers reap the benefits of new profit markets, Montana producers are hit with a flood of imports at the same time that the cattle market is already at the bottom of its scale. So we cannot afford any more of this. To stem that, we will have to do it through enabling legislation.

I say that the pending amendment is one that has to be discussed among the FCC, keeping in mind that the final rule of last year's telecom bill has not been written yet. So, I have some very strong concerns about the expansion that this President and this administration want to take. We see loaded trucks with cattle going through Montana, and we say, are they stopping here? And they say, no, they are going south. We lost the Mexican market, plus we lost some of our own markets through the last little deal. We got snookered a little bit talking about NAFTA.

I oppose any kind of fast track as far as the expansion of NAFTA is concerned because I think it has to be done the right way. I voted against it the first time, understanding where the Senator from South Carolina and the Senator from Montana were coming from, and I will probably, unless we have a mechanism we can work out these troubles that we have, playing on a level playing field, I am saying right now that if you want to ship cattle into the United States, I want you to have the same rules and regulations, the same environmental laws as we have to comply with in this country. That is only fair.

If Ms. Barshefsky is a tough negotiator, I will stand beside her, but do not use agriculture as a pawn and then sell it out like we have in times past. One has to remember that agriculture is still the largest contributor to the GDP in this country. I will support her in the upcoming confirmation vote and hope that she works with us in Congress whenever negotiations of expansion get under way.

I yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, let me acknowledge the one kind word we got this afternoon in this debate. The Senator from Montana is on target. He is right. We go home and we see the jobs not only created at the BMW's but we see the jobs that have been lost, and that retraining out of Washington will not suffice. I do appreciate it very much, and I agree with him. He brings it right to the fore, the straw man they have put up.

They talk fast track, they talk regulations, they talk the differences between broadcast and common carrier under the statute, as there being a distinction, and, of course, the most serious one they bring is the character of the lady herself, which I never would suggest anything otherwise, and is of the finest character as an individual, Ms. Barshefsky. That is not a debate.

She happens to say that you do not need any approval of Congress. Well, then, I ask, why did the previous man of character, and just as dazzling as Ms. Barshefsky, Mickey Kantor—and I inserted in the RECORD his request that we amend the law so he could agree on foreign ownership. Now she is saying there is not any agreement, and there are all kinds of straw men.

The junior Senator from West Virginia was saying there is a distinction here. I am talking about broadcast rights and television services. I put these two sessions in there, and it can be read, "No broadcast or common carrier license shall be granted to the foreign government" and on and on and on. It is crystal clear that there is no distinction. That is why none other than the Chairman of the FCC asked that it be changed.

So we really come to the floor after 2 to 3 years of asking for a change, not effecting the change, the 95 Members of the U.S. Senate voting and saying, all right, we agree that there be no change, and now they are all coming and saying, "Well, this is going to have a chilling effect," when the special trade representatives change the law and give away the store, the 100 percent ownership.

Heavens above, we cannot make it more clear to everyone. We read section 8, article 1, of the Constitution: "The Congress shall have power" and it goes on "to lay and collect taxes" and No. 2, to borrow money, and No. 3 "to regulate commerce with foreign nations." It does not say regulate foreign nations on a fast track. It does not say regulate commerce regulation laws. It says regulate commerce. These fellows could not have voted for the Constitution if they had been a forefather back in the founding days.

I never said anything about regulations. The Senator from Rhode Island came in and brought that up, and they keep on bringing up these straw men and talking about a complicated process. You could not make an agreement or anything else of that kind, having a chilling effect. The language is just as simple and constitutionally clear as you can possibly make it: "No international trade agreement," which is what we have in the telecommunications agreement "which would in effect remand or repeal statutory law"—I put the two statutes in that have been amended or repealed; not regulations or anything else or fast track and all the other things—"of the United States may be implemented by or in the United States until the agreement is approved by Congress." It says that is approved by Congress under its constitutional duty.

Now, there is absolutely a terrible misunderstanding about this so-called free trade. It is just like the crowd running around acting like they have revenues—the doubletalk on the budget. Everybody wants to cut the revenues, cut the revenues, taxes are too burdensome, cut the revenues, but "I want to balance the budget and I have a plan to balance it." How can they pay the bill by cutting the revenues? How can we possibly have free trade when we restrict the trade?

We say to that U.S. corporation, "Before you can do business, you have to have a minimum wage. You have to comply with the Social Security requirements for pension and retirement rights. You have to have Medicare requirements by the Finance Committee. You have to have clean air. You have to have clean water, plant closing notice, parental leave," and on down the list of all these requirements—OSHA, safety workplace, safe machinery. All these requirements that Congress put on and then say, "I have free trade." Well, you can go to Mexico and you do not have to have any of that. That is why we immediately ipso facto with that NAFTA agreement went from a plus balance of trade to a whooping negative, which they promised otherwise, losing all the jobs and wrecking Mexico and the United States.

Some question was raised about the Pacific rim. We have a deficit in the balance of trade with Indonesia of $4.1 billion. We have a deficit in the balance of trade with Japan of $47.5 billion. We have a deficit in the balance of trade with China of $39.4 billion. A deficit in the balance of trade with Malaysia, $9.4 billion. Taiwan is $11.4 billion. A deficit in the Philippines of $1.7 billion. A deficit in Thailand of $4.9 billion. A deficit in Singapore of $3.2 billion. And we can cite the European ones. I had them here on a list a minute ago. We know there is a deficit in Canada, and, yet, they talk about everything so magnificent. Let's rush over to China and get another agreement—quick. Heavens above, don't they understand that we are losing, we are not winning? This crowd around here act like they are accomplishing something.

Well, we have the Federal Republic of Germany, minus $15.4 billion; Venezuela, minus $8.1 billion; Italy, deficit and a balance, minus $9.4 billion. We can go right on down the list. It is all in all in all—I said the sum total of merchandise trade in deficit. That is, we bought manufactured goods. There is the great productive United States—not the workers. We know the workers are the most productive. That is why we got 100 German industries. That is why we have 50 Japanese industries. That is why we have, companies Michelin—I called on them 35 years ago, and now we got 11,600 jobs from France in my State. We are not talking about productivity. We are talking about the productivity of this Congress, this Government up here. We are the ones that are not producing. We are the ones that are not producing, chasing our tail around the mulberry bush, with independent prosecutors and investigations.

We know the problem is too much money in the game. Everyone has to skirt around this, twist this, turn that, and along goes the Supreme Court saying, soft money, you can do this and that and the next thing. So there we are. We are not producing here. We have $187 billion more than we bought in merchandise than what we sold. They keep on talking about exports, exports. So we are going out of business and nobody wants to talk about it. They bring up all these straw men about the complicated process, the chilling effect, new role for Congress—there is no new role. It is the only role that we have, a constitutional role. I think that we ought to just retain the balance of the time.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I retain the balance of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, we have had a great deal of debate on the Hollings amendment. So, in closing, I will be brief, but I want to make two simple points. First, no trade agreement—I emphasize "no trade agreement"—has the stature to supersede U.S. statutory law. If a trade agreement seeks to accomplish a result not in conformity with U.S. statutory law, the Congress must enact legislation to achieve that result.

Second, the amendment, whatever its merits, will cause Senate Joint Resolution 5 to be blue-slipped in the House if the amendment is agreed to. The only result that the amendment can accomplish is to derail the Barshefsky nomination. Make no mistake, I have a letter from BILL ARCHER, chairman of the Committee on Ways and Means. He says that, "Specifically, I understand that the Senate may be asked to consider particular provisions, such as one suggested by Senator HOLLINGS, which would change the manner in which Congress considers trade agreements and legislation having a direct affect on customs revenue. Although I strongly support Ambassador Barshefsky's nomination, I would have no choice but to insist on the House constitutional prerogative and to seek the return to the Senate of any legislation including such a provision."

So I urge my colleagues to vote "no" on the Hollings amendment. I yield whatever time I have to my distinguished colleague from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, the chairman and I have a letter we have just received from Charles F.C. Ruff, counsel to the President, and after the upcoming vote, we will vote on the resolution itself. He states:

> Because the President strongly desires to appoint Ambassador Charlene Barshefsky as USTR, and in order to ensure the absolute propriety, without question, of her appointment, President Clinton will not appoint Ambassador Barshefsky until S.J. Res. 5 has been enacted.

I ask unanimous consent that the full text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, March 5, 1997.

Hon. WILLIAM ROTH, *Chairman,*
Hon. DANIEL PATRICK MOYNIHAN, *Ranking Member,*
Senate Finance Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH AND SENATOR MOYNIHAN: I write to urge you to pass S.J. Res. 5 as quickly as possible without amendment. As you know, Section 21(b) of the Lobbying Disclosure Act of 1995 prohibits the President from appointing anyone to serve as United States Trade Representative (USTR) or Deputy USTR if that person had in the past directly represented, aided or advised a foreign government in a trade dispute or trade negotiation with the United States. Because the President strongly desires to appoint Ambassador Charlene Barshefsky as USTR and in order to ensure the absolute propriety, without question, of her appointment, President Clinton will not appoint Ambassador Barshefsky until S.J. Res. 5 has been enacted.

Sincerely,

CHARLES F.C. RUFF,
Counsel to the President.

Mr. MOYNIHAN. Mr. President, I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I have had the opportunity to listen to the debate this afternoon, and I appreciate and commend the participation of the distinguished Senator from Arizona and our ranking member on the Finance Committee, and certainly the chair of the Finance Committee, the Senator from Delaware, for their leadership on this issue.

I think it has been shown this afternoon that, as a representative of the United States in trade negotiations around the world, Ambassador Barshefsky has proven herself to be a tough and effective advocate of American interests. Her solid record of achievement has done much to level the playing field for American producers. She understands the challenges facing the United States in the world trading system. Her negotiating style combines careful preparation, great stamina, determination, and a willingness to exercise the leverage provided by U.S. trade laws when circumstances warrant it.

For example, as a key architect of the United States-Japan Framework Agreements, she used the leverage provided by tariffs on Japanese luxury car imports to gain better market access in Japan for American car manufacturers without penalizing consumers back home. Thanks, in part, to her efforts, exports of foreign vehicles to Japan have increased by 30 percent last year, and the number of American franchise dealer outlets reached near 20. American companies are making substantial investments in Japan and forging important new partnerships with Japanese business.

Ambassador Barshefsky has also demonstrated she appreciates the crucial role agriculture trade plays in the American economy. Last year, the trade surplus in agricultural products reached $28.5 billion, the largest of any industry. Still, as she has acknowledged to me, we could do far better. Annual surveys compiled by the Office of U.S. Trade Representative indicate that roughly half of the foreign trade barriers facing U.S. products are in the agricultural sector.

Persistent market access barriers and other unfair trade practices continue to be a source of concern, and although agricultural exports, as a whole, have risen, problems remain in many areas, including beef and cattle prices.

In my view, liberalizing world trade is part of the answer to problems in the agricultural economy. However, our negotiators must be prepared not only to seek new global agreements but also to ensure that individual trading partners comply with their market access commitments from previous ones.

Thankfully, in Charlene Barshefsky, we have found someone who understands this challenge. In recent years, she has worked to increase beef exports to Korea, increase the availability of fresh produce in Japan and China, and thwart European trade barriers that could have devastated American soybean and corn exports. There has been a 30 percent increase in the value of agricultural exports since 1994, and I am confident that we will continue to build on this progress under her leadership.

Ambassador Barshefsky has been widely praised and supported by industry leader in many sectors of the economy. Alfred J. Stein, chairman of the Semiconductor Industry Association and VLSI Technology Inc., has stated that "the President could not have found a more talented and dedicated envoy to represent the U.S. trade interest." John E. Pepper, Chairman of Procter and Gamble Company, has said that "Ambassador Barshefshy . . . represents U.S. trade interests in an aggressive yet diplomatic manner. The nation is fortunate to have [her] as our U.S. Trade Representative." Gary Hufbauer, a scholar at the Institute for International Economics, has described her as "easily the most qualified, most knowledgeable person on trade law ever nominated to this post."

In my opinion, Ambassador Barshefsky's experience, knowledge and tenacity make her the best person for the job. She has my full support, and I urge my colleagues to support her nomination and the proposed waiver from the Lobbying Disclosure Act.

The waiver is necessary because she performed a limited amount of work for Canadian interests while she was an international trade lawyer in private practice. Effective January 1, 1996, the Lobbying Disclosure Act bars anyone who previously represented a foreign government from being nominated for a senior USTR post. The Ambassador was exempted from this requirement during her service as Deputy USTR, and it is appropriate to "grandfather" her tenure as U.S. Trade Representative as well.

The distinguished ranking member of the Commerce Committee, Senator HOLLINGS, is proposing an amendment to the waiver that I must reluctantly oppose. I have sympathy for the issue he raises and might well support his efforts under different circumstances. However, the leadership of the body has expressed its firm opposition to Senator HOLLINGS' legislation, and House Ways and Means Committee Chairman ARCHER has indicated that he will seek to have any bill including the language "blue-slipped", or sent back to the Senate, on the grounds that it would constitute a revenue measure that must originate in the House.

For these reasons, adoption by the Senate of the Hollings amendment would almost certainly delay Ambassador Barshefsky's nomination for an unacceptably long time. The Senate has a responsibility to approve the President's Cabinet nominees as expeditiously as possible. Ambassador Barshefsky is a particularly fine choice, and, in my view, the Senate should not take any action that would delay her confirmation further. Accordingly, I must ask my colleagues to vote no on the amendment of the distinguished Senator from South Carolina.

Again, Mr. President, let me urge all Senators who support the nomination to support the joint resolution waiver to give Ambassador Barshefsky the kind of bipartisan support that her record, that her ability, that her intellect, and that her potential demand.

With that, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I move to table the Hollings amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from South Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—84

Abraham
Akaka
Allard
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Feinstein
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—16

Ashcroft
Biden
Byrd
Conrad
Craig
Dorgan
Faircloth
Feingold
Ford
Helms
Hollings
Inouye
Kempthorne
Smith (NH)
Snowe
Wellstone

The motion to lay on the table the amendment (No. 19) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will read the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senate will please come to order. There are 2 minutes equally divided.

The Senator from Delaware.

Mr. ROTH. Mr. President, before the Senate votes on Senate Joint Resolution 5, I want to reiterate the importance of passing this waiver. The waiver is essential.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. Senators will take their conversations to the cloakroom.

The Senator from Delaware.

Mr. ROTH. The waiver is essential to ensure that the President is able to appoint this capable nominee to the post of USTR.

I want to make just two points. First, when the Lobbying Disclosure Act was passed, Ambassador Barshefsky was serving as Deputy USTR. As such, the act expressly did not apply to her in that position.

Second, the Ambassador never lobbied the U.S. Government on behalf of a foreign government or foreign political party.

Under these circumstances, I strongly feel that passage of the waiver is appropriate to assure the appointment of Ambassador Barshefsky as USTR.

The PRESIDING OFFICER. The Senator from New York will suspend. The Senate will please come to order.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, just to supplement the chairman's remarks, I would like to point out that he and I have received a letter today from Charles F.C. Ruff, Counsel to the President, stating:

> Because the President strongly desires to appoint Charlene Barshefsky as USTR and in order to ensure the absolute propriety, without question, of her appointment, President Clinton will not appoint Ambassador Barshefsky until S.J. Res. 5 has been enacted.

I yield the floor and thank the Chair.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the passage of the joint resolution.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced, yeas 98, nays 2, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—2

Allard
Lott

The joint resolution (S.J. Res. 5) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 5

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) became effective on January 1, 1996, and provides certain limitations with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to any individual who was serving as the United States Trade Representative or Deputy

United States Trade Representative on the effective date of such paragraph (3) and who continued to serve in that position;

Whereas Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, with the advice and consent of the Senate, and was serving in that position on January 1, 1996;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to Charlene Barshefsky in her capacity as Deputy United States Trade Representative; and

Whereas in light of the foregoing, it is appropriate to continue to waive the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 with respect to the appointment of Charlene Barshefsky as the United States Trade Representative: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) or any other advice and consent of the Senate, is authorized to appoint Charlene Barshefsky as the United States Trade Representative.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Charlene Barshefsky, of the District of Columbia, to be the U.S. Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, vice Michael Kantor.

NOMINATION OF CHARLENE BARSHEFSKY OF THE DISTRICT OF COLUMBIA TO BE U.S. TRADE REPRESENTATIVE WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

The legislative clerk read the nomination of Charlene Barshefsky of the District of Columbia to be U.S. Trade Representative with the rank of Ambassador Extraordinary and Plenipotentiary.

The Senate proceeded to consider the nomination.

Ms. SNOWE. Mr. President, I rise in support of Charlene Barshefsky's nomination as the United States Trade Representative.

I have scrutinized Ms. Barshefsky's nomination very carefully. During the time of her confirmation hearing before the Finance Committee, I submitted a list of 10 specific questions concerning her past work on behalf of the Canadian Government, her commitment to aggressively defending and advocating United States trade interests before all foreign parties, and her commitment to raising issues of interest to Maine before the Canadian Government, particularly with regard to Maine's long-running problems on potato trade. I ask unanimous consent that these questions and her responses be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. SNOWE. My reason for investigating this nomination was simple: to make certain that this nominee could be counted on to defend United States. interests in the trade arena, and to ensure that her past legal work for Canadian entities would not in any way influence the exercise of her duties as United States Trade Representative.

Ms. Barshefsky's written responses to my questions, and on her responses to the questions of other senators and the Finance Committee, indicate that her nomination does not pose any such problems.

As has been widely reported, Ms. Barshefsky worked, while an attorney for a Washington, DC, law firm, for several Canadian entities. But as her responses to the Senate detail, this work amounted to a tiny fraction of the total over the course of her 18-year career as a trade attorney in private practice. In fact, Ms. Barshefsky has certified to me and to the Finance Committee that her work for all Canadian Government entities represents less than 1 percent of the total hours that she spent working while in private practice. Furthermore, Ms. Barshefsky states in her responses to me that she never lobbied the U.S. Government on behalf of any foreign government or political party.

I also questioned Ms. Barshefsky closely regarding her commitment to defend American interests in the arena of international trade. Ms. Barshefsky's responses are unequivocal. She states that she will forcefully defend and advocate American business interests in all international trade disputes, negotiations, and discussions involving the United States. She states that she will aggressively pursue all effective remedies to unfair trade practices committed by other countries against American businesses. And she states that she will pursue the strict adherence to, and vigorous enforcement of, all United States trade laws.

Ms. Barshefsky also specifically says that, if confirmed, she will ensure that the USTR's office raises the issues of concern to the U.S. potato industry during our bilateral meetings with Canada.

In addition to her words on paper, we also have Ms. Barshefsky's track record. She served as Deputy U.S. Trade Representative from 1993 to 1996, and as Acting U.S. Trade Representative for the past year. Her experience in these positions has given us a body of work to evaluate, and a record upon which to judge whether Ms. Barshefsky means what she says. And from what I have seen in her performance of her duties in these positions, through my own dealings with her, and from what other Senators have said, I believe that her deeds will be consistent with her words after she is confirmed.

I have spoken with and sought the assistance of Ms. Barshefsky on several occasions over the past year. In each instance, I have found Ms. Barshefsky to be responsive and cooperative. She displayed a genuine interest in the problems facing my constituents, and offered a number of options through which the administration could be of assistance.

I think it is also instructive to look at the Canadian softwood lumber issue. Although Ms. Barshefsky had, while in private practice, represented Canadian interests on the countervailing duty case that the United States filed against Canada in 1991, she later served as the second-highest ranking trade negotiator in the United States Government and participated in the negotiation of a bilateral agreement approved in 1996 that curtails subsidized Canadian softwood imports into the United States. That agreement has restored a measure of fairness to the lumber trade between the United States and Canada. And we would not have successfully concluded the agreement without the strong support of our senior trade officials like Ms. Barshefsky because the Canadians were under no legal obligations to sign an agreement with us. The United States had lost a succession of binational dispute resolution panel decisions on the issue up to that point, and had no way to legally require Canada to negotiate.

Mr. President, I was concerned when I first learned about some of Ms. Barshefsky's past work, but upon investigating this matter and questioning Ms. Barshefsky, I accept her assurances that this work will not influence her decisions and actions as the U.S. Trade Representative. And I am confident that she will defend and advocate American interests in the international trade arena, consistent with the policies of the Clinton administration. I cannot find anything in the record that compels opposition to Ms. Barshefsky's nomination, and I believe that she has earned the support of the Senate.

EXHIBIT 1

WRITTEN RESPONSE TO QUESTIONS FROM SENATOR SNOWE

CANADA/JOURNAL OF COMMERCE

The Journal of Commerce reported on November 15, 1996, that, as a lawyer in private practice, you were retained by the Canadian federal government and the Government of Quebec on issues involving trade with the U.S. in lumber and pork. What was the specific nature of the services that you provided on these governments on these issues, and at what times did you provide these services?

Following is the verbatim response provided to the Senate Finance Committee Questionnaire Statement of Information for Potential Nominees, Question C.6 on Potential Conflicts of Interest:

"Before becoming the Deputy United States Trade Representative in May of 1993, I worked for 18 years as a lawyer with the Washington law form if Steptoe & Johnson. The vast majority of my work during those 18 years was in the international trade area, particularly in the area of trade litigation, including antidumping, countervailing duty, escape clause, and similar on-the-record litigations arising under the U.S. trade laws. My representation of foreign governments or foreign political parties was limited to Canada, viz, the Government of Quebec and the Embassy of Canada, which were disclosed at the time that I was confirmed in 1993 to serve as Deputy United States Trade Representative. At no time during the 18 years that I practiced law did I ever lobby on behalf of any foreign government or foreign political party."

With respect to the Government of Quebec, my work involved providing guidance and legal drafting assistance to the Steptoe & Johnson lawyers responsible for the client in connection with on-the-record litigation in two trade cases: 1) the administrative reviews of countervailing duty orders on Fresh, Chilled and Frozen Pork from Canada (hereinafter Canadian Pork) and the appeal thereof to an FTA panel; and 2) the petition filed under Section 302 of the Trade Act of 1974 by the G. Heilman Brewing Company (later jointed by Stroh's Brewing Company) concerning Canadian beer practices (hereinafter Canadian Beer). I did not meet with any U.S. government officials or appear on behalf of Quebec in any proceeding, nor did my name appear on any of the briefs or submissions in any of the proceedings. With respect to Canadian Beer, neither I nor the firm were involved in the GATT Panel proceeding.

My work related to the Government of Quebec began in October of 1989 and ended in March 1991, almost six years ago. My time on the Canadian Pork and Canadian Beer matters totaled approximately 240 hours, which represented just over 0.50 percent of my work while in private practice.

With respect to the Embassy of Canada, my former law firm and I were retained by the Embassy to monitor developments in the United States concerning a broad range of substantive areas, including international trade. The contract with the Embassy of Canada for this monitoring work stated that Steptoe & Johnson was "to provide legal advice to the Canadian Embassy, in Washington, D.C., on political, legislative and regulatory developments in the United States relating to trade and economic issues." The Embassy explicitly prohibited lobbying on its behalf and I did not lobby.

We routinely reviewed developments in the international trade area, which included administrative, legislative and judicial actions on issues of relevance to the Embassy, ranging from changes in U.S. trade law to investment restrictions in various countries. I coordinated the work of other lawyers and paralegals in the firm as well, and routed to them pertinent materials for their use.

Pursuant to the monitoring contract, the Embassy requested that I also provide advice with respect to two specific trade matters. First, I directed the preparation of memoranda on the options and legal consequences if Canada were to terminate its settlement agreement with the United States involving softwood lumber, as well as the implications of judicial, administrative and legislative developments in U.S. trade law on possible future trade litigation in the event that Canada decided to terminate the settlement agreement. I did not recommend to the Embassy what course of action Canada should take with respect to the lumber matter. At the time that I directed this work, the settlement agreement was in force; there was no pending trade litigation and there were no negotiations on softwood lumber between the United States and Canada. In fact, my work on the settlement agreement ended several months before the countervailing duty litigation on *Softwood Lumber from Canada* began.2

Second, I reviewed certain draft composite texts prepared by the Chairmen of the GATT working groups on antidumping and countervailing duty law for circulation to all of the approximately 117 countries that participated in the Uruguay Round MTN. The Chairmen's drafts that I commented on were prepared by the GATT Chairmen as an attempt to reflect the consensus of GATT members. They were not U.S. texts. My review of these draft texts involved comparative analyses of the Chairmen's drafts with past GATT provisions, GATT practice, prior Chairmen's drafts, and U.S. law, as appropriate, and an evaluation of the potential impact of these and alternative texts on U.S. law.

My time spent on the MOU settlement agreement and MTN matters totaled approximately 145 hours, or slightly more than 0.30 percent of my work while in private practice. My work on these two matters was done intermittently from May 1990 to December 1991, and ended more than five years ago.

What other Canadian governments, business, industry groups, or organizations have you represented on matters related to trade with the United States? What was the specific nature of the services that you provided to these entities, and at what times did you provide these services?

As indicated in response to question 1, I represented the Canadian Forest Industries Council ("CFIC") in the countervailing duty litigation on *Softwood Lumber from Canada*. CFIC is an unincorporated association comprised of trade associations in the Canadian forest products sector, private Canadian softwood lumber producers, Canadian exporters of softwood lumber, and U.S. importers of softwood lumber. The services provided included those required in an on-the-record trade litigation, such as brief writing, assistance with preparation of responses to Department of Commerce questionnaires, and oral advocacy. I was retained in October, 1991, and my involvement ended when I left my former law firm, Steptoe & Johnson, in April, 1993.

Were you ever retained by a Canadian entity to work on a particular issue at a time when that entity was engaged in a formal dispute resolution proceeding with the United States related to that issue under trade agreements signed by the United States and Canada? If so, what was the specific nature of the work that you performed for that entity on that issue?

See question 1 which describes all my work relating to foreign governments. As indicated above, I was retained by CFIC in the countervailing duty litigation on *Softwood Lumber from Canada*.

Were you ever retained by a Canadian entity at a time when that entity was involved, either directly as a government, or indirectly as an interest lobbying a Canadian Federal or provincial government, in negotiations on bilateral and multilateral trade agreements to which the United States was a party? If so, can you please describe the specific nature of that work?

With respect to being retained directly by the Canadian government, see response to question 1. I was never retained by any client to lobby Canadian Federal or provincial governments.

Were you ever retained by the Canadian federal government, a provincial government, or any other Canadian entity to perform work related to the Uruguay Round negotiations of the GATT, particularly as these negotiations related to the United States? If so, can you please describe the specific nature of this work?

See response to question 1.

(a) Do you think your past work in the private sector on behalf of Canadian entities will in any way hamper your ability to perform your duties as the U.S. Trade Representative as those duties relate to Canada? (b) Do you feel compelled to recuse yourself on any matters that come before the U.S. Trade Representative's office on issues related to Canada?

(a). No.

(b) No. However, I have recused myself from any particular matter involving specific parties in which I served as counsel on that matter while in private practice, unless I have been authorized to participate in that matter under the provisions of 5 C.F.R. 2635, Subpart E.

Can you assure me and other senators that your past work on behalf of any Canadian entity will not have any bearing on the performance of your duties as the U.S. Trade Representative?

Yes, unequivocally.

American businesses need a forceful, aggressive, and indefatigable advocate in the position of U.S. Trade Representative, particularly when dealing with intransigent and unscrupulous governments like Canada's. (a) Do you intend to forcefully defend and advocate American business interests in all international trade disputes, negotiations, and discussions involving the United States? (b) Will you aggressively pursue all effective remedies to unfair trade practices committed by other countries against American businesses? (c) Will you, to the extent authorized in the position of Trade Representative, pursue the strict adherence to and vigorous enforcement of all U.S. trade laws?

(a) Yes

(b) Yes

(c) Yes

Do you intend to make full use of Sections 201, 202, and 203 of the Trade Act to assist American industries that are suffering from injurious import surges?

Sections 201, 202 and 203 are the so-called escape clause or safeguards sections of our trade laws. These provisions are administered primarily by the International Trade Commission (ITC), not the USTR. The law permits an entity that is representative of an industry, including a trade association, firm, union or group of workers to petition the ITC for relief. Alternatively, the President, USTR or House Committee on Ways and Means or Senate Committee on Finance may request the ITC to conduct an investigation. the ITC's investigation is to "determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article." Once the ITC makes an affirmative injury determination, the ITC then recommends to the President certain actions to address the injury to the domestic industry. USTR is also involved in providing a recommendation to the President as to what course of action would best assist an industry in adjusting to a serge in imports. If confirmed as USTR, I would intend to review all recommendations by the ITC to grant relief to an injured industry in order to ensure that USTR provides the President with the most considered recommendation possible regarding remedy actions that might be taken.

Based on our past discussions, I know that you are aware of the long-running trade problems that the potato industry in Maine and other states has had with Canada. If confirmed, do you intend to make the satisfactory resolution of potato-related trade disputes with Canada a high-ranking and continuous priority of the United States? Will you take steps to ensure that this issue is prominently featured on the agenda of any major bilateral trade discussions with Canada?

As you know, in close consultation with the Maine potato industry, I sent a formal request to Marcia Miller, Chairman of the ITC, requesting a formal 332 investigation on conditions of competition in the fresh and processed potato industry. This investigation will focus on the factors affecting trade between the United States and Canada. I expect to receive this report by July 15. The report will provide information on Canadian prices and costs of production which may be useful to the Maine potato industry and the U.S. government.

I have become very familiar with this issue and will work closely with you over the months ahead on finding ways to address the concerns of this important industry. You can be assured that we will continue to raise the issues of concern for the Maine potato industry at our bilateral meetings with Canada.

Mr. DOMENICI. Mr. President, it is my pleasure to support the nomination of Charlene Barshefsky to become the U.S. Trade Representative.

Mr. President, one of the things I find most interesting about Charlene Barshefsky is that in many ways she is a study in contradiction. On the one hand, she is a tough-as-nails trade negotiator who has developed a reputation for bringing the most experienced and determined of opponents to their knees. On the other hand, she is a loving and supportive wife and mother who recognizes the importance of family and, despite having very important responsibilities, makes time for her children.

Mrs. Barshefsky's tough negotiating strategy has earned her the nickname "Stonewall" from her colleagues, and "Dragon Lady" from the Japanese. This reputation, however, was not gained at the expense of attention to her children. It has been reported that she has been known to help her children with homework while on the telephone to Hong Kong and other far off places.

Mr. President, I have had an opportunity to witness Mrs. Barshefsky's abilities first hand in the 1980's. At that time, a number of my colleagues and I fought to stop Chile from dumping Government subsidized copper on the world copper market potentially putting thousands of people in New Mexico and throughout the United States out of work. Although U.S. copper producers ran the most competitive mining operations in the world, Americans were loosing jobs because the Chilean Government was subsidizing its industry with Government revenues and development funds from the World Bank and the International Monetary Fund. Charlene Barshefsky was one of the primary people who worked to rectify this situation.

Mrs. Barshefsky has successfully worked on numerous other trade related issues since then. She became the Deputy U.S. Trade Representative in May, 1993, and Acting Trade Representative in April, 1996. She marshaled support for the Global Information Technology Agreement and successfully concluded negotiations on the Basic Telecommunications Services Agreement to expand telecommunications trade and facilitate the building of a global information infrastructure. She played a vital role in solving trade disputes with Japan and China. She fought to open markets for the U.S. agricultural industry, and is leading efforts to expand trade with Europe. In fact, its hard to find an area of trade where Mrs. Barshefsky has not been involved.

Charlene Barshefsky's tenacity and skill as a trade negotiator is well know the world over. Her demonstrated ability to do an exceptional job, her reputation for being a supreme tactician and tough negotiator, and her ability to do all of this and still make time for her family makes her an ideal choice for this post. For these reasons and others, it gives me great pleasure to support Charlene Barshefsky's nomination.

Mr. GORTON. Mr. President, I am pleased to voice my strong support for the nomination of Charlene Barshefsky as U.S. Trade Representative. Ambassador Barshefsky has done an outstanding job as acting USTR since her appointment last April.

I believe Ambassador Barshefsky is one of the best nominations President Clinton has made and am honored to have the opportunity to speak on her behalf. Charlene Barshefsky is an aggressive and articulate advocate of U.S. trade interests and has been very successful in defending U.S. business and agriculture throughout the world. The Office of the U.S. Trade Representative is vital to opening up trade markets to U.S. goods, and Charlene Barshefsky has proven herself to be very effective at doing just that.

Ambassador Barshefsky understands that U.S. agriculture and industry can compete very effectively in the international market, but only if trade barriers are torn down. She has been relentless in her efforts to expand market access for U.S. exports and to promote U.S. trade interests abroad.

I am particularly impressed with Ambassador Barshefsky's work on intellectual property rights. My State is home to the Nation's largest software producer and to many smaller software and video game companies. These businesses have faced devastating problems with the counterfeiting of their products overseas. Ambassador Barshefsky has been a leader in the fight to end such violations of U.S. intellectual property rights. Last year, she negotiated a tough deal with China. By threatening sanctions against $2 billion in Chinese exports to the United States, she was successful in forcing Beijing to crackdown on software counterfeiters. While intellectual property theft still occurs, Ambassador Barshefsky has made great strides in defending United States interests in Asia.

She has also worked as a tough negotiator on Pacific Northwest wheat exports to China. As many of my colleagues know, China has, for the past 25 years, imposed arbitrary restrictions on the importation of wheat from the United States. The Chinese Government claims that Washington State wheat is infected by TCK Smut disease and therefore forbids its import into China for fear that the disease will spread to Chinese wheat. Unfortunately, their claim has no scientific basis. Ambassador Barshefsky has worked diligently to eliminate trade restrictions based on unsound science. Although her efforts have not yet been successful, she has been the strongest voice Washington state wheat growers have had in the administration for several years.

Mr. President, I strongly support the nomination of Charlene Barshefsky, and I urge my colleagues to join me in voting to confirm her as U.S. Trade Representative.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, once more, I strongly endorse the nomination of Ambassador Barshefsky. I urge my colleagues to vote for her. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I do want to assert that she is extraordinary and will be plenipotentiary.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Charlene Barshefsky, of the District of Columbia, to be U.S. Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 27 Ex.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Allard

The nomination was confirmed.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each, with the exception of 20 minutes under the control of Senator SHELBY.

The PRESIDING OFFICER. Without objection, it is so ordered.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 28, the United States imported 7,105,000 barrels of oil each day, 776,000 barrels more than the 6,329,000 imported during the same week a year ago.

Americans relied on foreign oil for 52.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,105,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 4, the Federal debt stood at $5,363,582,891,993.50.

One year ago, March 4, the Federal debt stood at $5,016,596,000,000.

Five years ago, March 4, 1992, the Federal debt stood at $3,845,731,000,000.

Ten years ago, March 4, 1987, the Federal debt stood at $2,260,529,000,000.

Fifteen years ago, March 4, 1982, the Federal debt stood at $1,052,613,000,000 which reflects a debt increase of more than $4 trillion—$4,310,969,891,993.50—during the past 15 years.

THE CONTRIBUTIONS OF THE SCOTCH-IRISH IN AMERICA

Mr. KENNEDY. Mr. President, as we approach St. Patrick's Day, the thoughts of many turn to Ireland. More than 44 million Americans are of Irish ancestry. It is often erroneously assumed that the vast majority of Irish-Americans are Catholics. But at least half of the 44 million are Protestants, many of which are descendants of the ancestors of the present-day Protestant communities in Northern Ireland and Ireland.

In the 1990 census, nearly 6 million Irish-Americans defined themselves as "Scotch-Irish"—an American term which did not begin to be used widely until the mid-19th century. Most of Protestant immigration from Ireland occurred in the 18th and early 19th centuries, whereas the majority of the large number of Irish who arrived in the United States beginning in the mid-19th century at the time of the potato famine in Ireland were Catholic.

The Scotch-Irish in America are descendants of the approximately 200,000 Scottish Presbyterians who settled in Ireland in the early 17th century. The modern Protestant majority in Northern Ireland are descendants of that Ulster Plantation.

In the late 1600's, religious persecution of Scottish Presbyterians by England led some to leave Ulster and seek religious freedom in the American colonies. Many of these immigrants settled in the Chesapeake Bay area. One such immigrant, Francis Makemie, is the father of American Presbyterianism.

The largest numbers of Scotch-Irish immigrants, about 250,000, left for the American colonies in the 18th century in the decades leading up to the Revolutionary War. They left Ulster less for religious than economic reasons, because of the decline in the linen industry, failed harvests, and high rents for tenant farmers. Many of these immigrants were so poor that they made their way to the colonies only by becoming indentured servants. The destination of the earliest of these immigrants was New England although many of these subsequently moved inland to the frontier. In "The Scotch-Irish and Ulster," Eric Montgomery writes of these immigrants:

> Ideally suited for the new life by reason of their experience as pioneers in Ulster, their qualities of character and their Ulster-Scottish background, they made a unique contribution to the land of their adoption. They became the frontiersmen of colonial America, clearing the forests to make their farms and, as one would expect, they had the defects as well as the qualities of pioneers. President Theodore Roosevelt described them as "a grim, stern people, strong and simple, powerful for good and evil, swayed by gusts of stormy passion, the love of freedom rooted in their very hearts' core."

The Scotch-Irish were staunch Calvinists and their religious differences with New England's Congregationalists led, after 1725, to a shift in their immigration from New England to Pennsylvania. These immigrants first settled near Philadelphia, but soon spread west throughout the entire State. Others went south to the Carolinas and Georgia, always extending the frontiers.

The Log College was established to train Presbyterian ministers near Philadelphia in 1726 or 1727 by Scotch-Irish minister Rev. William Tennent, Sr. It developed close ties with the College of New Jersey, which was founded in 1746, and later became Princeton University.

The impact of Scotch-Irish settlers on America was significant. Arthur Dobbs, a member of the Irish Parliament and a landowner from County Antrim, became Governor of North Carolina in 1753. Five signed the Declaration of Independence—Thomas McKean, Edward Rutledge, James Smith, George Taylor and Matthew Thornton. John Dunlap of Strabane printed the Declaration and also founded the Pennsylvania Packet, the first daily newspaper in America.

Large numbers of Scotch-Irish immigrants joined the fight for American independence. Irish volunteers performed so courageously in the Revolutionary Army that Lord Mountjoy told the British Parliament, "We have lost America through the Irish."

Charles Thomson came to Pennsylvania as an indentured servant, and went on to serve as the Secretary of the Continental Congress from 1774 to 1789.

Scotch-Irishman Henry Knox was one of four members of President George Washington's first Cabinet. John Rutledge was the first Governor of South Carolina. Thomas McKean was the first Governor of Pennsylvania, and William Livingstone was the first Governor of New Jersey.

The Scotch-Irish were strong supporters of the Jeffersonians in the early years of American independence. The Harvard Encyclopedia notes:

> The Scotch-Irish turned out in strength to vote for Thomas Jefferson in the election of 1800, and their influence, along with that of other immigrant groups, may well have been decisive in New York and thus the nation at large.

Twelve Americans of Scotch-Irish ancestry became President of the United States. The fathers of Andrew Jackson, James Buchanan and Chester Alan Arthur were each born in Northern Ireland. And James Polk, Andrew Johnson, Ulysses Grant, Grover Cleveland, Benjamin Harrison, William McKinley, Woodrow Wilson, and Richard Nixon were all of Scotch-Irish ancestry. President Clinton's family tree has several Irish branches, and undoubtedly contains both Scotch-Irish and Catholic roots.

The Scotch-Irish parents of John C. Calhoun emigrated to Pennsylvania and then moved to South Carolina. Born in 1782, he was elected to the House of Representatives from South Carolina at the age of 29, and went on to become Senator, Secretary of War, Secretary of State, and Vice President. As chairman of the Senate House Foreign Relations Committee in 1812, he introduced the declaration of war against Britain. His portrait is on the wall of the reception room adjacent to the Senate Chamber today, as one of the five greatest Senators in our history.

Many other famous Americans are of Scotch-Irish descent. Sam Houston served as Governor of Tennessee before moving to Texas and leading the fight for Texas' independence from Mexico. Before Texas joined the Union, he served as the first President of the Republic of Texas and, after, as Governor. He was a staunch defender of the Union, but his efforts to keep Texas from seceding prior to the Civil War failed, and he was removed as Governor when he refused to take Texas out of the Union after the vote to secede.

Stonewall Jackson was a descendent of Scotch-Irish immigrants from County Armagh. Davy Crockett was Scotch-Irish. Cyrus McCormick, inventor of the mechanical reaper, was given the French Legion of Honour by Napoleon, who described McCormick as "having done more for the cause of agriculture than any other living man." A successful businessman, active Democrat, and Presbyterian, he founded the McCormick Theological Seminary in Chicago.

The Mellon family emigrated to Pennsylvania from County Tyrone in 1818. Thomas Mellon, a young boy at the time, became a successful lawyer, banker, and businessman in Pittsburgh. He founded what became the Mellon Bank, and was instrumental in the growth and development of Pittsburgh. His son, Andrew Mellon, served as Secretary of the Treasury for Presidents Harding and Coolidge. He helped found Gulf Oil, Alcoa, and the Union Steel Co., which later merged into the U.S. Steel Corp. He assembled one of the world's greatest art collections, established the National Gallery of Art, and donated his collection to the gallery where vast numbers of Americans enjoy it every year. Andrew's son, Paul, and other members of the Mellon family have carried on the family's business success and extraordinary philanthropy.

The Scotch-Irish have also been well-represented in the arts. Edgar Allen Poe, Stephen Foster, Horace Greeley, founder of the New York Tribune, and Harold Ross, founder of the New Yorker, were all Scotch-Irish.

The majority of Irish-American Protestants today define themselves as "Irish," not "Scotch-Irish." By and large, the term "Scotch-Irish" fell into disuse over the years as discrimination against Catholics in this country declined.

Immigrants to America from all parts of Ireland, whether Catholic or Protestant, have made brilliant contributions to the success of America. Those of us who are committed to a just and peaceful resolution of the conflict in Northern Ireland know that peace will only be achieved there when both traditions are treated equally and fairly, and when mutual respect and a good-faith political process replace bombs and bullets as the means for settling disputes.

Ireland's extraordinary contributions to America reflect Ireland's two great traditions—Protestant and Catholic—and America honors them both on St. Patrick's Day 1997.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair.

(The remarks of Mr. BOND and Mr. CHAFEE pertaining to the introduction of S. 404 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 3 minutes, if I may, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGARY'S PROGRESS TOWARD NATO MEMBERSHIP

Mr. BIDEN. Mr. President, today I will deliver the first in a series of statements on the theme of NATO enlargement. In the next 4 months leading up to the Madrid Summit in July, I will examine the rationale for NATO's admitting new members, which countries appear to be leading candidates for admittance to the alliance, how NATO and Russia can define a new relationship, the responsibilities of our European allies in the process, and how to share the costs of enlargement fairly.

Mr. President, as many of our colleagues are aware, the distinguished foreign Minister of the Republic of Hungary, Laszlo Kovacs is in Washington this week for a series of meetings. I would like to take the occasion of the foreign Minister's visit to note the progress that Hungary has made toward meeting the criteria for membership in the North Atlantic Treaty Organization and to thank his government for the assistance it has provided to our forces involved in the Bosnia mission.

Mr. President, the foreign Ministers from the 16 NATO members will meet in Madrid in early July to decide which Central European democracies should be invited to begin accession negotiations with the Alliance.

In the NATO Enlargement Facilitation Act of 1996, Congress named Hungary—along with Poland, Slovenia, and the Czech Republic—as a leading candidate for NATO membership and, therefore, eligible for transition assistance. I plan to travel to the region over the Easter recess to assess the progress that these countries have made toward meeting the criteria set out in the NATO enlargement study. Today, however, I can already point to several things that indicate to me that Hungary is well on its way toward assuming the responsibilities of NATO membership.

The first is the successful effort by Hungary to conclude bilateral treaties with its neighbors, Romania, Slovakia, and Ukraine. Students of Central European history know how truly important these treaties are for the security of the region. Many had predicted that the end of the cold war would bring with it a resurrection of Hungary's territorial claims against its neighbors, and they predicted an era of instability that would make us wish the cold war had never ended.

Events, and the concerted effort of the Hungarian Government, have proven the pessimists wrong. First, Hungary has succeeded in establishing a stable, open democracy that has allowed the Hungarian people to enjoy the fruits of political and economic freedom.

Equally important, Hungary has recognized that its security and prosperity are dependent upon a resolution of the territorial claims that poisoned relations with its neighbors in the decades after World War I.

For those of my colleagues who have asked: "Why should NATO admit new members?" I ask you to look closely at the Hungarian example. One of the criteria for new members of NATO is that they must resolve all territorial disputes with their neighbors.

Just as common membership in NATO has allowed France and Germany to overcome the enmity and territorial disputes that had resulted in three wars in 80 years, so too has the prospect of NATO membership led to reconciliation in Central Europe. The Hungarian Government is to be commended for its forward-thinking policies that recognize that cooperation is the key to stability in Europe in the 21st century. I particularly want to recognize the political courage of Hungarian Prime Minister Horn in disregarding the criticism of ultranationalists in his country and signing these treaties.

In exchange for renouncing territorial claims, Hungary has secured pledges that its neighbors will respect the rights of the large ethnic Hungarian communities in those countries. As the European Union also begins to expand its membership eastward, I hope that national boundaries in Central and Eastern Europe will matter less and less, and the free exchange of people, products, and ideas will help ensure peace and prosperity for all.

Romania and Slovakia are home to the largest Hungarian communities outside Hungary, and ideally we would like to see them join NATO as well. I am pleased by the recent progress made by Romania, which through free and fair elections has peacefully changed its government. The new ruling coalition, incidentally, includes a party representing the interests of the Hungarian minority.

Slovakia, unfortunately, for the past several years has seemed to be heading in the wrong direction. I must question the commitment of Prime Minister Vladimir Meciar to democracy, particularly to minority rights and a free press. The treaty with Hungary is a step forward, but if Slovakia is to join the community of Western democracies, it must show that it will not water down its commitments to respect the cultural and linguistic rights of its ethnic Hungarian citizens.

The other theme I want to focus on today is the cooperation that Hungary has extended to us and our allies in connection with the ongoing peacekeeping mission in Bosnia. An essential part of that mission has been a staging base in Taszar, Hungary, which the Hungarian Government has leased to the U.S. military. It is from that base that we have deployed our forces to Bosnia to prevent a return to Europe's worst fighting since World War II. As former Secretary of Defense Perry has stated, without the cooperation of Hungary, the IFOR and SFOR missions would have been immeasurably more difficult.

At Taszar 1,200 Hungarian troops are working with 3,200 Americans. This cooperation has allowed Hungarian officers and enlisted men to understand how a NATO military functions and what Hungary must do to allow its forces to operate jointly with those of the NATO countries. By all accounts, the work at Taszar has been a rousing success, both in supporting the IFOR and SFOR missions and in helping the Hungarian military.

The threat to the security of Europe today no longer comes from an easily identifiable Soviet adversary; it comes from the prospect of instability. It comes from the prospect of future Bosnias. NATO must adapt to this new reality and prepare itself to undertake missions outside the territory of its member states.

Our experience at Taszar shows that Hungarian membership in NATO will help us and our allies to carry out these new missions and will enable us together to help maintain the security and stability of the continent as a whole.

Moreover, the Taszar experience shows how NATO enlargement can help reduce costs that we and our allies would face without enlargement. Enlargement will allow us and our allies access to bases like Taszar in times of crisis, and it will allow the central European democracies to rely on others for part of their security, thereby reducing the cost to them of restructuring their militaries.

Let me reiterate that the prospective new members of NATO must agree to make the financial sacrifice necessary to modernize their militaries. We will, of course, do our fair share to help. In that regard, the 15 percent of the direct enlargement costs that last month's Pentagon cost study envisages the United States will assume seems an equitable proposal. But the prospective new members and the non-U.S. current NATO members must shoulder the largest share of the costs.

My meeting with Mr. Kovacs today to discuss Hungary's progress toward NATO membership was extremely fruitful, and, as I mentioned earlier, I will visit Budapest later this month to help me ascertain for myself if Hungary is ready to join the Atlantic alliance.

I commend the Hungarian people on the progress they have made in creating a successful democracy and free-market economy over the past 8 years and for their determination to ensure their security through cooperation with their neighbors and other democracies.

I hope that Hungary will continue in this direction and will meet the criteria for membership in NATO so that in July it will be in the group of prospective members invited to begin accession negotiations with the alliance.

I thank the chair and yield the floor.

I thank my colleague from Alabama for giving me the opportunity to take the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alabama.

NOMINATION OF MR. ANTHONY LAKE

Mr. SHELBY. Mr. President, I rise tonight to give to the Senate the status on the confirmation process in the Intelligence Committee of Anthony Lake, who has been nominated by President Clinton to be the next Director of the Central Intelligence Agency.

As I have said on many occasions, I intend to treat the confirmation of Anthony Lake, President Clinton's nominee to be Director of Central Intelligence in a serious, thorough and fair manner.

The Central Intelligence Agency and the intelligence community deserve a strong and independent leader to carry them into the 21st century. I believe that everyone in the Senate recognizes that.

This leader must be able to guide the fine men and women that serve our country and keep watch on our adversaries, sometimes under the most trying and dangerous of circumstances.

And, this leader must be deserving of the confidence of the President, the Congress, and the American people.

This is a controversial nomination, we have known this from the beginning. And it is essential that we address all of the issues associated with Mr. Lake's fitness to lead the intelligence community, and his ability to make the transition from White House insider to a political provider of intelligence information.

I'd like to comment on the six areas in which the committee has considerable work to complete as we proceed with Mr. Lake's confirmation hearings which will begin on Tuesday. We want to get the process moving, but it is important that we have the fullest cooperation from the White House.

These six areas are, among others: First, investigation of the role the National Security Council, under Mr. Lake's leadership, had in questionable DNC fund-raising practices, as well as any knowledge Mr. Lake may have had, if any.

Second, Mr. Lake's use and interpretation of intelligence provided to him as National Security Advisor, including how he helped translate this intelligence into administration policy.

Third, the Justice Department's settlement of Mr. Lake's ethics violations and the potential irregularities in this settlement.

Fourth, the way in which Mr. Lake handled the "no instructions" policy toward Iranian arms shipments through Croatia to Bosnia.

Fifth, review of Mr. Lake's FBI background investigation.

Sixth, review of written answers Mr. Lake provided to the committee's questions for the record, many of which require further explanation than was provided.

NSC INTERACTIONS WITH DNC CONTACTS

We will continue our investigation into the role of the NSC staff, under Mr. Lake's direction, in the expanding controversy over foreign campaign contributions.

At issue is the extent to which Mr. Lake knew of the ties the White House was building with questionable fundraisers and foreign contributors and what effect this might have had on administration foreign policy.

It is apparent that his staff had knowledge of the involvement, and although on many occasions advised against it for either political or foreign policy reasons, never seemed to raise the flag of illegality.

And if Mr. Lake was fully informed, did he participate in decisions to continue this involvement or were any admonitions he might have given regarding the nature of these meetings completely ignored?

This question goes to the heart of Mr. Lake's ability to be an effective Director of the Central Intelligence Agency.

The committee must consider this issue in great detail and determine if Mr. Lake could become embroiled in a potential independent counsel investigation into these matters, as we read in the press.

The intelligence community deserves a leader that will not be distracted by such an investigation, if it occurs.

The information supplied by Mr. Lake could be the tip of an iceberg, and more inquiry is required. For example, Mr. Lake does not appear to shed any light as to why his staff met with Pauline Kanchanalak, the Thai businesswoman and lobbyist whose contributions to the DNC were eventually returned.

New allegations about Ms. Kanchanalak appear in the press every day all over America, and perhaps the world.

For example, last Tuesday, the New York Times reported, and I quote: "One Justice Department official said subpoenas also were served on the United States-Thai Business Council, a trade-promotion group formed in part by Pauline Kanchanalak, a lobbyist who helped raise $250,000 in political donations that have since been returned by the Democratic National Committee."

The article goes on to say: "Government officials said the Justice Department two weeks ago subpoenaed records from the Export-Import Bank concerning Ms. Kanchanalak's efforts to help Thai investors * * *"

I ask for unanimous consent that this and other articles about Ms. Kanchanalak be entered into the RECORD at this point in their entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 1997]

INQUIRY INTO GIFTS TO DEMOCRATS WIDENS

(By Christopher Drew)

The Justice Department today subpoenaed the records of Johnny Chung, a California businessman who gave $391,000 to the Democratic Party, and others who made large donations while seeking access to the White House, Government officials said.

One Justice Department official said subpoenas also were served on the United States-Thai Business Council, a trade-promotion group formed in part by Pauline Kanchanalak, a lobbyist who helped raise $250,000 in political donations that have since been returned by the Democratic National Committee.

The subpoenas show that a Justice Department task force is continuing to widen its investigation into alleged improprieties in the Democrats' drive to raise huge sums for last year's elections.

The committee also is reviewing the donations made by Mr. Chung and others. It has already returned nearly $1.5 million in questionable donations. And one Democrat familiar with that review said today that the party is likely to return an additional $1 million, either because it could not verify the sources of the money or because the donations seemed improper.

Mr. Chung and Ms. Kanchanalak have declined to speak to reporters, and their lawyers could not be reached for comment last night.

Mr. Chung, an engineer who was born in Taiwan and is now an American citizen, has captured attention for his intense efforts to exploit his donations for commercial gains. Since mid-1994, he has visited the White House at least 50 times, sometimes bringing business associates from China and other Far East places that he wanted to impress.

Mr. Chung took two Chinese beer executives to a White House Christmas party in 1994, where they were photographed with President and Mrs. Clinton. The beer company later placed the photo in a glass display case promoting its product in one of Beijing's main shopping districts.

It could not be learned exactly what records were sought in the subpoenas issued today. But Justice Department officials have said they were examining whether any foreign money might have been improperly funneled into Democratic Party coffers.

Mr. Chung's lawyer, Brian A. Sun, told The New York Times last week that his client, who runs a fax-services business in Torrance, Calif., had received more than $3 million from investors over the last three years. Mr. Sun estimated that nearly $1.5 million of that total had come from foreigners as Mr. Chung expanded into consulting for foreign businessmen who wanted to make deals in the United States.

Mr. Sun said that Mr. Chung had done nothing wrong, and that Mr. Chung's foreign partners were not involved in his decisions to make the contributions. But it also is likely that the Justice Department investigators would want to trace the flow of money into Mr. Chung's accounts.

California records show that Mr. Chung incorporated seven companies with investors from China and Hong Kong over the last two years, and Federal election records show that several of his largest political donations were made at about the same time as the incorporations.

Mr. Chung also donated $50,000 to the Democratic Party in March 1995, shortly after he took high-level Chinese businessmen to watch Mr. Clinton give a radio address. Aides to Donald L. Fowler, then the national chairman of the Democratic Party, have said they arranged that White House visit at Mr. Chung's request. Mr. Fowler has said he was not personally involved and did not solicit a donation from Mr. Chung in return for the favor.

Ms. Kanchanalak, a Thai citizen who lives in Virginia, got help from John Huang, the former Democratic fund-raiser who is at the center of the Federal inquiry, in setting up the United States Thai-Business Council.

Government officials said the Justice Department two weeks ago subpoenaed records from the Export-Import Bank concerning Ms. Kanchanalak's efforts to help Thai investors win financing to build 105 Blockbuster video stores in Thailand. Ms. Kanchanalak has denied doing anything wrong.

[From the Wall Street Journal, Feb. 27, 1997]

FBI INQUIRY ON FUNDING IS WIDENING

(By David Rogers and Edward Felsenthal)

WASHINGTON.—A Federal Bureau of Investigation inquiry into foreign influence in Democratic fund raising could lead Director Louis Freeh to ask Attorney General Janet Reno to seek appointment of an independent counsel for the case.

Mr. Freeh briefed senior senators yesterday on the investigation, and officials later described the continuing FBI investigation as larger than previously reported and carried on outside the purview of the White House.

Serious evidence has been found of China's potential involvement in steering money to Democrats. That involvement appears to have been driven largely by business interests seeking influence and following the model of rival Taiwanese.

Pauline Kanchanalak, a major Democratic fundraiser who has represented Thai companies with large investments in China, has emerged as a key figure in the probe, officials said. While refusing to comment on details of the briefing, senate Intelligence Committee Chairman Richard Shelby said the evidence of foreign influence was "deep and disturbing."

"We need an independent counsel if we ever needed an independent counsel," the Alabama Republican said.

The Justice Department last night painted a less dire picture of Mr. Freeh's briefing, and Attorney General Reno continued to say that career prosecutors in the department can handle the fund investigation. Neither Sen. Shelby nor other officials familiar with the briefing were prepared to say what Mr. Freeh's final recommendations would be. But lawmakers of both parties said the investigation is regarded very seriously by the director, who has committed substantial resources to it.

FBI spokesman John Collingwood last night would say only that it is "a matter that is entirely within the purview of the attorney general."

Ms. Kanchanalak's role is important both because of her foreign clients and past access

> to National Security Council staff at the White House. As such, her prominence could pose additional problems for former NSC adviser Anthony Lake, whose nomination to direct the Central Intelligence Agency already faces opposition in the Senate. Ms. Kanchanalak couldn't be reached for comment.
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> Critics of the Clinton administration have recently stepped up their demands for an independent counsel, particularly with the disclosure this week that the president himself played a role in encouraging the use of the White House as a fundraising vehicle. Federal law requires the attorney general to ask the federal appeals court here to appoint an independent counsel when there are "credible" and "specific" allegations of criminal wrongdoing against an official. The law explicitly applies to the president, cabinet members and some campaign officials; the attorney general has the discretion to apply it to others as well.
>
> Some say that threshold has clearly been crossed. "I thought [Ms. Reno] had gotten past the point where she didn't have much choice under the statute some time ago," said Theodore Olson, a Washington lawyer who was assistant attorney general during the Reagan administration. Several lawmakers—including Senate Majority Leader Trent Lott of Mississippi, GOP Sen. John McCain of Arizona and Democratic Sen. Daniel Patrick Moynihan of New York—have called for an independent counsel.
>
> Ms. Reno said yesterday in a hearing before a House committee that she still hasn't seen enough evidence to justify such an appointment. She added that she is still open to the idea if sufficient evidence emerges "as we proceed with the very comprehensive investigation that we now have under way." Ms. Reno has appointed a task force of career prosecutors to monitor the matter and to alert her if they conclude an independent counsel is necessary.
>
> Lawyers agree that the independent-counsel law is fairly straightforward, requiring only a barebones determination by the attorney general of whether further investigation is necessary. But the question of what makes up a "credible" allegation is obviously a judgment call. In addition, given the complexities of the campaign-finance laws, it isn't always clear what constitutes a violation.
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> Some lawyers believe that the attorney general should err on the side of naming an independent counsel and leave it to the appointee to decipher the law.
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> But Justice Department officials maintain that Ms. Reno has very little discretion. People think that "whenever there's a mess, there's [supposed to be] an independent counsel," said a spokesman for Ms. Reno. "Congress could have written the law that way, but they didn't."
>
> At a news conference yesterday, President Clinton reiterated his position that the decision was up to Ms. Reno. "It's a legal decision the attorney general has to make," he said. "I'm not going to comment."

Mr. SHELBY. Mr. President, these allegations about Ms. Kanchanalak, coupled with her interactions with the National Security Council, are very troubling to me and other members of the Committee. We must fully understand what part, if any, Mr. Lake played.

And while Mr. Lake has said that the NSC involvement with the individuals in question was "from a foreign policy rather than a domestic political point of view," the material he provided to the committee gives some indications otherwise.

For example, Mr. Lake advised the President against a meeting with Chinese nationals set up by Charlie (Tree) Trie, a major DNC fundraiser, based on the recommendation of his staff that it not take place for political reasons.

And when asked about providing photos of the President with Chinese nationals identified as major DNC contributors, a member of Mr. Lake's staff commented on balancing foreign policy considerations against domestic politics. He did not seem to be bothered by the fact that Chinese nationals were identified as major DNC contributors. Clearly, this is an indication of possible illegal activity.

Before questioning Mr. Lake about his leadership in these areas, we intend to question his staff further as to the role the NSC played in interactions with and vetting of these DNC contributors and foreign nationals.

Senator KERREY, vice chairman of the Intelligence Committee, and I have requested that the NSC staff be available for the interviews on the record prior to the formal hearings, which will begin, as I have said earlier, next Tuesday. We reserve the right to call NSC staff members to testify under oath, if we deem that in order.

The use of intelligence is another area.

One of the key responsibilities of the Director of Central Intelligence is to provide unbiased intelligence to the President and to the Congress. Thus, it is very critical that we examine Mr. Lake's record as a consumer of such intelligence.

How did he translate intelligence into policy at the NSC? Did he ignore intelligence estimates, spin them to fit administration policy, or raise the standards of evidence?

We have concluded our investigation surrounding the administration's use of intelligence in shaping policy toward China, and there are some serious inconsistencies. We are prepared to discuss these with Mr. Lake in the closed session of the committee.

Mr. President, given the allegations mentioned in every newspaper about Chinese involvement in DNC fundraising, this is an area for some serious questioning about potential influences on policy, and it should be.

For example, there are still documents we wish to review as to the role intelligence played in our policy toward the Government of Haiti. The administration has consistently refused to transmit this information to Congress. Senator KERREY and I have requested these documents, and we are still awaiting the National Security Council's response.

We are also reviewing United States knowledge and assessment of recent events in Iraq and their impact on our policy there and how Mr. Lake used this knowledge in formulating that policy. We are pursuing similar questions in areas relating to Cuba, Somalia, Bosnia, and Pakistan.

Ethics violations is another area we are pursuing.

While the Justice Department has reached a settlement with Mr. Lake regarding his failure to sell energy stocks that were deemed to create a conflict of interest for him, resulting in a payment of a $5,000 fine by Mr. Lake, the Committee on Intelligence has been investigating this matter further.

Although Mr. Lake claims that the failure to sell stocks was a simple oversight, Justice Department investigators interviewed by the committee documented 14 occasions over a 2-year period on which Mr. Lake was reminded that he still owned the stocks. It was only after a White House ethics officer discovered the stocks on his financial disclosure form for a third time that Mr. Lake did divest himself of the investments. Thus, a key question is whether this violation represents financial mismanagement on the part of Mr. Lake or a complete disregard for the seriousness of the ethics standards applied to all Federal employees.

Additionally, what example does this set for the intelligence community professionals who must be held to the highest standards of personal conduct?

The Intelligence Committee is also investigating the thoroughness of the Justice Department's investigation into Mr. Lake's stocks, particularly those energy-related stocks which created a conflict of interest and subsequent fine. Given that Mr. Lake garnered a profit of over $25,000 on these investments, I have trouble, as other members of the committee do, understanding the Justice Department's arbitrary fine of $5,000, which is the maximum allowed, I understand, for a potential misdemeanor offense.

If the case, on the other hand, had been referred to the Justice Department's civil division, a much greater fine of up to $50,000 per offense could have been imposed. Why wasn't this course taken? We do not know, but we will pursue it.

Iran-Bosnia and the "no instructions" policy.

A key criterion for a Director of Central Intelligence is the extent to which he or she can gain the confidence of the Congress in keeping Members fully and currently informed of intelligence community actions. Mr. Lake's role in the execution of the secret "no instructions" policy toward Croatia allowing Iranian arms to flow into Bosnia and the decision, Mr. President, not to inform Congress of this action has called into question Mr. Lake's ability to be forthright with the Congress.

The distinguished former chairman of the Intelligence Committee, my colleague and an expert in the area, Senator SPECTER, has raised serious questions regarding this matter which we intend to explore fully during our hearings.

While Mr. Lake has admitted that it was wrong not to inform Congress of the "no instructions" policy, there remains a number of inconsistencies in testimony before both Houses of Congress as to the extent of the policy decision and its implementation. The Intelligence Committee is working with other congressional committees to review pertinent testimony and decide on an appropriate panel of witnesses to pursue this matter during Mr. Lake's confirmation hearings. The Senate confirmation hearings will represent the first time that Mr. Lake will testify under oath on his role in the development and execution of this policy.

As to the FBI background investigation, there has been no resolution regarding requests made by me and a large number of my colleagues to review Mr. Lake's complete FBI background file. Negotiations between White House Counsel Charles Ruff, Senator KERREY, and I are continuing.

A significant number of my colleagues have written the distinguished majority leader stating that they need to review the complete background investigation before they would be prepared to vote on this nomination. Our thorough review of Mr. Lake's background investigation, I believe, is key to a fundamental understanding of Mr. Lake's character and integrity, as it would be for anyone else.

Finally, the committee is reviewing information provided by Mr. Lake in response to questions propounded by the committee earlier. We require some clarifications to Mr. Lake's answers, and therefore additional questions have been put forward that must be addressed.

There are some areas where we are requesting additional supporting documentation to Mr. Lake's answers, such as his financial disclosures and issues associated with a potential conflict of interest, and we will request for the committee a review of material that was redacted for various reasons.

I thank you, Mr. President, for this opportunity to provide the Senate with a status of the Lake confirmation process and an opportunity for me to lay out some of the concerns that I and some of my colleagues have about this nomination. We intend to work through each of these issues in a fair and a thorough manner and look forward to questioning Mr. Lake and others beginning next Tuesday, March 11.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 20

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1997, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1997.*

MEASURE PLACED ON THE CALENDAR

The following measures was read the second time and placed on the calendar:

S.J. Res. 22. Joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 presidential election campaign.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1310. A communication from the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules including a rule entitled "Approval and Promulgation of Implementation Plans" (FRL5696–8, 5696–6, 5697–7, 5697–3) received on March 3, 1997; to the Committee on Environment and Public Works.

EC–1311. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the report of recommendations concerning Medicare payment policies; to the Committee on Finance.

EC–1312. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Veterans' Education" (RIN2900–AI53) received on March 4, 1997; to the Committee on Veterans' Affairs.

EC–1313. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1314. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1315. A communication from the U.S. Office of Special Counsel, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1316. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1317. A communication from the Assistant Secretary (Management) and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following report of committee was submitted on March 4, 1997:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 19: A resolution expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 392. A bill to provide an exception to the restrictions on eligibility for public benefits for certain legal aliens; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 393. A bill to clarify the tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. SPECTER, and Mr. FAIRCLOTH) (by request):

S. 394. A bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 395. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 396. A bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations; to the Committee on Governmental Affairs.

By Ms. MIKULSKI (for herself and Mr. LEAHY):

S. 397. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

By Mrs. MURRAY:

S. 398. A bill to amend title 49, United States Code, to require the use of child restraint systems approved by the Secretary of Transportation on commercial aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN:

S. 399. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 400. A bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS:

S. 401. A bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes; to the Committee on Finance.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 402. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 403. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto Act; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. BOND (for himself, Mr. CHAFEE, Mr. NICKLES, Mr. COCHRAN, Mr. GREGG, and Mr. SMITH):

S. 404. A bill to modify the budget process to provide for seperate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. D'AMATO, Mr. ABRAHAM, Mr. BINGAMAN, Mrs. BOXER, Mr. DORGAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. DEWINE, Mr. CONRAD, Mr. ROCKEFELLER, and Mrs. FEINSTEIN):

S. 405. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. BOND, Mr. LIEBERMAN, and Mr. BURNS):

S. 406. A bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. BURNS):

S. 407. A bill to amend the Communications Act of 1934 to clarify the authority of the Federal Communications Commission to authorize foreign investment in United States broadcast and common carrier radio licenses; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 408. A bill to establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 392. A bill to provide an exception to the restrictions on eligibility for public benefits for certain legal aliens; to the Committee on Finance.

THE ELDERLY AND DISABLED LEGAL IMMIGRANT SUPPORT ACT OF 1997

• Mrs. FEINSTEIN. Mr. President, last year we approved the most comprehensive welfare reform this Nation has ever known. Because the changes were so comprehensive, this body approved the bill with much reservation, particularly on the provision for the elderly and disabled legal immigrants.

Today, I correct one of the major challenges left over from the welfare reform last year that if uncorrected, will have a devastating impact on the States and counties by shifting the cost of caring for the seriously ill and destitute disabled and elderly legal immigrants who have absolutely no other means of support.

I am here to offer the Elderly and Disabled Legal Immigrant Support Act with Senator BOXER as the cosponsor in the Senate, and Congressman CAMPBELL and Congresswoman LOFGREN as sponsors in the House of Representatives.

The Elderly and Disabled Legal Immigrant Support Act of 1997 would exempt from the current ban on SSI, those elderly, disabled and/or blind legal immigrants, who came to this country prior to passage of the welfare bill—August 22, 1996, who can demonstrate that they have no family and have no other source of support. This legislation prohibits SSI for all legal immigrants coming to this country following the date of enactment of the welfare reform bill, August 22, 1996.

This legislation corrects what I believe is a grave mistake in the Federal welfare reform law—a blanket denial of SSI to all legal noncitizens, no matter how elderly, disabled, destitute and ill they may be.

Over 20 California county supervisors, both Republican and Democrat, have spoken out, in one voice, that the legal immigrant provisions of the welfare law will be disastrous for California counties and this legislation is critical for the Counties and for the country.

In California alone, 200,000 to 326,000 people may lose SSI by August 22, 1997.

Los Angeles County estimates that eliminating benefits for 93,000 legal immigrants in its county could cost up to $236 million a year.

San Francisco estimates that 20,000 legal noncitizens may turn to the county's general assistance program, at a total cost of up to $74 million.

Many top immigrant States and counties will also bear the burden of caring for the elderly, disabled, and blind legal immigrants who are banned from SSI.

New York—126,860 legal immigrants may lose their SSI, costing the State approximately $240 million annually.

Florida—77,920 legal immigrants may lose their SSI, costing the State approximately $300 million annually.

Texas—59,160 legal immigrants may lose their SSI.

Illinois—25,960 legal immigrants may lose their SSI.

New Jersey—25,500 legal immigrants may lose their SSI.

Massachusetts—25,140 legal immigrants may lose their SSI.

The Republican Governors who supported the welfare reform bill now realize that the new law, as written, will result in a huge financial cost-shift to their states.

President Clinton has also recognized that legal immigrants who become disabled after entry should not be banned from SSI and food stamps and has allocated $13.7 billion in the 1998 budget for this population who have nowhere else to turn.

As we speak, 125,000 SSI cancellation notices are going out to elderly, disabled, and blind legal immigrants every week. Many elderly and disabled legal immigrants have absolutely no family or friends to turn to for support and will be destitute. They have no one to turn to, except county relief programs or, at worst, homeless shelters. Effective August 22 of this year, all legal immigrants currently receiving SSI will be cut from the rolls regardless of their circumstances.

I know that prior to welfare reform, the door was open for sponsors to bring in their parents and then neglect to support them or, if they are unable to support them, to know that legal immigrants were eligible for SSI. The number of noncitizens collecting SSI had increased by 477 percent in the 14 years from 1980 to 1994, while for citizens the numbers increased by 33 percent during the same period. Clearly, one can extrapolate from these statistics that legal immigrants were using SSI at 15 times the rate of citizens.

I hold the sponsors accountable for the support of legal immigrants they bring into the country who they have pledged to support. But the Federal welfare reform banning SSI for virtually all legal immigrants—even those whose sponsors cannot afford to support them, or those refugees who have no sponsors at all—will create extreme hardship for those elderly, blind, and disabled legal immigrants who are unable to support themselves.

Let me tell you the story about a 73-year-old legal immigrant in San Francisco on SSI. She was welcomed to this county from Vietnam in 1980. She was a refugee from Communism with no family in the United States. She speaks no English and she is suffering from kidney failure. She requires dialysis three times a week. Under this new law, this 73-year-old woman will lose SSI, her only source of support. Her well-being will become the responsibility of the county.

I urge my colleagues to seriously consider and support this limited exemption from the current ban on SSI by allowing those elderly, blind, or disabled individuals, who were in the country prior to August 22, 1996, and who have no other means of support, to continue on SSI. The ban on SSI would apply to those coming into the country after August 22, 1996.

Mr. President, I ask for unanimous consent that the text of the bill and a chart on number of aliens receiving SSI payments by legal status and State be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO ELIGIBILITY RESTRICTIONS FOR PUBLIC BENEFITS FOR CERTAIN LEGAL ALIENS.

(a) IN GENERAL.—Subtitle A of title V of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1772) is amended by adding at the end the following:

"SEC. 511. EXCEPTION FOR CERTAIN LEGAL ALIENS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, an alien who was lawfully present in the United States on August 22, 1996, and who lawfully resides in a State, is age 65 or older, is disabled and/or blind, as determined under paragraph (2) and/or (3) of section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a)), whose family is incapable of support, and who can demonstrate that he or she has no other sufficient means of support other than that provided under the program described in subsection (b), shall be eligible to receive benefits under such program.

"(b) PROGRAM DESCRIBED.—The program described in this subsection is the program described in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(3)(A)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect as if included in the enactment of subtitle A of title V of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1772).

(c) NOTICE AND REDETERMINATION.—The Commissioner of Social Security shall, not later than 30 days after the date of enactment of this Act, notify an individual described in section 511(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as added by this Act) and who, as of such date, has been redetermined to be ineligible for the program described in section 511(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as so added), that the individual's eligibility for such program shall be redetermined again, and shall conduct such redetermination in a timely manner.

Number of Aliens Receiving SSI Payments by Legal Status and State, October 1996

State	Total	Color of law	Lawfully admitted
Total	803,030	206,600	596,430
Alabama	600	110	490
Alaska	820	(1)	(1)
Arizona	7,930	1,450	6,480
Arkansas	380	100	280
California	326,080	86,880	239,200
Colorado	5,660	1,810	3,850
Connecticut	4,870	1,120	3,750
Delaware	400	(1)	(1)
District of Columbia	960	150	810
Florida	77,920	17,890	60,030
Georgia	4,860	1,350	3,510
Hawaii	4,440	640	3,800
Idaho	430	(1)	(1)
Illinois	25,960	7,180	18,820
Indiana	1,150	280	870
Iowa	1,220	500	720
Kansas	1,640	400	1,240
Kentucky	790	390	400
Louisiana	2,860	490	2,370
Maine	610	240	370
Maryland	9,040	2,330	6,710
Massachusetts	25,140	7,630	17,510
Michigan	8,220	1,770	6,450
Minnesota	7,180	3,340	3,840
Mississippi	510	120	390
Missouri	1,960	860	1,100
Montana	170	(1)	(1)
Nebraska	760	320	440
Nevada	2,710	530	2,180
New Hampshire	320	90	230
New Jersey	25,500	3,730	21,770
New Mexico	3,500	350	3,150
New York	126,860	35,180	91,680
North Carolina	2,760	790	1,970
North Dakota	200	100	100
Ohio	5,970	2,480	3,490
Oklahoma	1,360	310	1,050
Oregon	4,640	1,940	2,700
Pennsylvania	12,540	5,270	7,270
Rhode Island	3,720	760	2,960
South Carolina	620	100	520
South Dakota	220	(1)	(1)
Tennessee	1,400	370	1,030
Texas	59,160	5,930	53,230
Utah	1,550	460	1,090
Vermont	180	(1)	(1)
Virginia	8,000	1,720	6,280
Washington	14,100	6,370	7,730
West Virginia	210	(1)	(1)
Wisconsin	4,900	2,250	2,650
Wyoming	(1)	(1)	(1)

[1] Relative sampling error too large for presentation of estimates.

Source: SSI 10-Percent Sample File, October 1996.●

By Mr. DODD (for himself and Mr. LIEBERMAN:)

S. 393. A bill to clarify the tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Finance.

THE POLICE AND FIREFIGHTERS TAX CLARIFICATION ACT

● Mr. DODD. Mr. President, today I am introducing legislation that would provide a measure of tax fairness for more than 1,000 police officers, firefighters, and their families in my home State of Connecticut. I am pleased to be joined in this effort by Senator LIEBERMAN.

This bill clarifies the tax treatment of heart and hypertension benefits awarded to Connecticut's police officers and firefighters prior to 1992. The clarification is necessary because of an error made in the original version of Connecticut's heart and hypertension law. Under that law, Connecticut intended to treat heart and hypertension benefits as workmen's compensation for tax purposes. Unfortunately, because of the language used in the State statute, the heart and hypertension benefits became taxable under a ruling by the Internal Revenue Service [IRS] in 1991.

Since the IRS ruling, Connecticut has amended its law. But that change does not help those police officers, firefighters, and their families, who received benefits prior to the amendment. These law-abiding citizens accepted the benefits with the understanding that they were not taxable.

Now, as a result of the problem with the State law, and through no fault of their own, they have been charged with back taxes, interest, and penalties by the IRS. This has created serious financial difficulties for a number of families.

I hope that my colleagues will join with me in remedying this problem. Across this Nation, our firefighters and police officers work hard to protect our homes and businesses. They face incredible danger, and sometimes risk their lives, to help keep our communities safe. The hazards they face make their jobs particularly stressful. They need the security provided by heart and hypertension benefits. They should not have to contend with back taxes and penalties assessed due to an error in State law.

Under this legislation, which would remove their liability for heart and hypertension benefits for the years affected by the IRS ruling—1989–91, we can treat these public servants and their families more fairly. This bill is narrowly drafted to accomplish that limited purpose and would not affect the tax treatment of heart and hypertension benefits awarded after January 1, 1992.

Mr. President, my efforts to pass this legislation date back to the 102d Congress. During that Congress, Senator LIEBERMAN and I worked with Representatives BARBARA KENNELLY and ROSA DELAURO and this bill became a part of the Revenue Act of 1992. Although the Revenue Act was passed by Congress, it was vetoed by President Bush 1 day after he lost the election. We tried again during the 103d Congress, but we were unable to move the bill through the relevant committees. Last year, we hoped to move the bill as part of a broader tax and pension package, but that legislation was also stalled.

I urge my colleagues to help pass this legislation quickly this year. We must provide relief to the Connecticut police officers, firefighters, and their families, who are facing severe financial hardship even though they have tried to follow the rules. Through no fault of their own, they have been hit with significant back taxes and penalties. We should remedy this problem and help them move on with their lives.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN DISABILITY BENEFITS RECEIVED BY FORMER POLICE OFFICERS OR FIREFIGHTERS.

(a) GENERAL RULE.—For purposes of determing whether any amount to which this section applies is excludable from gross income under section 104(a)(1) of the Internal Revenue Code of 1986, the following conditions shall be treated as personal injuries or sickness in the course of employment:

(1) Heart disease.

(2) Hypertension.

(b) AMOUNTS TO WHICH SECTION APPLIES.—This section shall apply to any amount—

(1) which is payable—

(A) to an individual (or to the survivors of an individual) who was a full-time employee of any police department or fire department which is organized and operated by a State, by any political subdivision thereof, or by any agency or instrumentality of a State or political subdivision thereof, and

(B) under a State law (as in existence on July 1, 1992) which irrebuttably presumed that heart disease and hypertension are work-related illnesses but only for employees separating from service before such date; and

(2) which is received in calendar year 1989, 1990, or 1191.

For purposes of the preceding sentence, the term "State" includes the District of Columbia.

(c) WAIVER OF STATUTE OF LIMITATIONS.—If, on the date of the enactment of this Act (or at any time within the 1-year period beginning on such date of enactment) credit or refund of any overpayment of tax resulting from the provisions of this section is barred by any law or rule of law, credit or refund of such overpayment shall, nevertheless, be allowed or made if claim therefore is filed before the date 1 year after such date of enactment.●

By Mr. HATCH (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. SPECTER, and Mr. FAIRCLOTH) (by request):

S. 394. A bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States; to the Committee on the Judiciary.

FEDERAL JUDICIAL COMPENSATION LEGISLATION

● Mr. HATCH. Mr. President, at the request of the Judicial Conference of the United States, I am introducing a bill to increase the current salaries of Federal judges and to establish a procedure for future cost-of-living increases in judicial compensation.

This legislation was prepared by the Administrative Office of the United States Courts. I believe that, out of comity to the judicial branch, the Senate should have on record the judiciary's specific proposals with respect to judicial compensation, so that we can give those suggestions a full and fair hearing. These proposals deserve fair consideration.

Federal judges have not received a cost-of-living salary adjustment since January 1994. This bill would amend United States Code title 28, sections 5, 44(d), 135, and 252, to provide an immediate, one-time 9.6 percent adjustment in the compensation of Justices of the Supreme Court and Federal circuit court, district court, and international trade court judges appointed under article III of the Constitution. The bill would also have the effect of increasing, by the same percentage, the salaries of Federal court of claims and bankruptcy judges and full-time U.S. magistrate judges, since their salaries are, by statute, fixed, based on the salaries of Federal district court judges.

With respect to future judicial salary adjustments, the bill would amend section 461 of title 28 to end the current linkage between the judicial, congressional, and Executive Schedule compensation. Instead, judicial salaries would be adjusted automatically on an annual basis, in the same percentage amount as the rate of pay of Federal employees under the General Schedule.

Finally, the bill would repeal section 140 of Public Law No. 97–92, thereby removing the current requirement that Congress affirmatively vote for cost-of-living increases for Federal judges.

If we are to attract and retain the most capable lawyers to serve as Federal judges, it is vitally important that we ensure that those responsible for the effective functioning of the judicial branch receive fair compensation, including reasonable adjustments which allow judicial salaries to keep pace with increases in the cost of living. As Chief Justice Rehnquist stated in his "1996 Year-End Report on the Federal Judiciary," "We must insure that judges, who make a lifetime commitment to public service, are able to plan their financial futures based on reasonable expectations." This bill, which I am introducing at the request of the Judicial Conference, proposes changes viewed by the Judicial Conference as advancing this objective—an objective with which I believe most Senators would agree. The bill merits serious consideration by the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL SALARIES.

(a) INCREASE IN JUDICIAL SALARIES.—

(1) IN GENERAL.—Notwithstanding sections 5, 44(d), 135, and 252 of title 28, United States Code, the annual salary rates of the Chief Justice of the United States, Associate Justices of the Supreme Court of the United States, judges of the United States Courts of Appeals, judges of the United States District Courts, and judges of the United States Court of International Trade, are increased in the amount of 9.6 percent of each applicable rate in effect on the date immediately preceding the effective date of this subsection rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100).

(2) EFFECTIVE DATE.—This subsection shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(b) JUDICIAL COST-OF-LIVING ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

"(a) Effective on the same date that the rates of basic pay under the General Schedule are adjusted pursuant to section 5303 of title 5, each salary rate which is subject to adjustment under this section shall be adjusted by the same percentage amount as provided for under section 5303 of title 5, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100).".

(c) AUTOMATIC ADJUSTMENTS WITHOUT CONGRESSIONAL ACTION.—Section 140 of the resolution entitled "A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes,", approved December 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note) is repealed.•

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 395. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Finance.

THE DISTILLED SPIRITS TAX PAYMENT SIMPLIFICATION ACT OF 1997

• Mr. BREAUX. Mr. President, today I introduce the "Distilled Spirits Tax Payment Simplification Act of 1997," a bill more readily known as All-In-Bond. This bill would streamline the way in which the Government collects Federal excise tax on distilled spirits by extending the current system of collection now applicable only to imported products to domestic products as well.

Today wholesalers purchase foreign-bottled distilled spirits in bond—tax free—paying the Federal excise tax directly after sale to a retailer. In contrast, when the wholesaler buys domestically bottled spirits—nearly 86 percent of total inventory—the price includes the Federal excise tax, prepaid by the distiller. This means that hundreds of U.S. family-owned wholesale businesses increase their inventory carrying costs by 40 percent when buying U.S. products, which often have to be financed through borrowing.

Under my bill, wholesalers would be allowed to purchase domestically bottled distilled spirits in bond from distillers just as they are now permitted to purchase foreign-produced spirits. Products would become subject to tax on removal from wholesale premises. This legislation is designed to be revenue neutral and includes the requirement that any wholesaler electing to purchase spirits in bond must make certain estimated tax payments to Treasury before the end of the fiscal year.

All-In-Bond is an equitable and sound way to streamline our tax collection system. I hope my colleagues will join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Distilled Spirits Tax Payment Simplification Act of 1997".

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TRANSFER OF DISTILLED SPIRITS BETWEEN BONDED PREMISES.

(a) IN GENERAL.—Section 5212 is amended to read as follows:

"SEC. 5212. TRANSFER OF DISTILLED SPIRITS BETWEEN BONDED PREMISES.

"Distilled spirits on which the internal revenue tax has not been paid as authorized by law may, under such regulations as the Secretary shall prescribe, be transferred in bond between bonded premises in any approved container. For the purposes of this chapter, except in the case of any transfer from a premise of a bonded dealer, the removal of distilled spirits for transfer in bond between bonded premises shall not be construed to be a withdrawal from bonded premises.".

(b) CONFORMING AMENDMENT.—The first sentence of section 5232(a) (relating to transfer to distilled spirits plant without payment of tax) is amended to read as follows: "Distilled spirits imported or brought into the United States, under such regulations as the Secretary shall prescribe, may be withdrawn from customs custody and transferred to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.".

SEC. 3. ESTABLISHMENT OF DISTILLED SPIRITS PLANT.

Section 5171 (relating to establishment) is amended—

(1) in subsection (a), by striking "or processor" and inserting "processor, or bonded dealer";

(2) in subsection (b), by striking "or as both" and inserting "as a bonded dealer, or as any combination thereof";

(3) in subsection (e)(1), by inserting ", bonded dealer," before "processor"; and

(4) in subsection (e)(2), by inserting "bonded dealer," before "or processor".

SEC. 4. DISTILLED SPIRITS PLANTS.

Section 5178(a) (relating to location, construction, and arrangement) is amended by adding at the end the following:

"(5) BONDED DEALER OPERATIONS.—Any person establishing a distilled spirits plant to conduct operations as a bonded dealer may, as described in the application for registration—

"(A) store distilled spirits in any approved container on the bonded premises of such plant, and

"(B) under such regulations as the Secretary shall prescribe, store taxpaid distilled spirits, beer, and wine, and such other beverages and items (products) not subject to tax or regulation under this title on such bonded premises.".

SEC. 5. BONDED DEALERS.

(a) DEFINITIONS.—Section 5002(a) (relating to definitions) is amended by adding at the end the following:

"(16) BONDED DEALER.—The term 'bonded dealer' means any person who has elected under section 5011 to be treated as a bonded dealer.

"(17) CONTROL STATE ENTITY.—The term 'control State entity' means a State, a political subdivision of a State, or any instrumentality of such a State or political subdivision, in which only the State, political subdivision, or instrumentality is allowed under applicable law to perform distilled spirit operations.".

(b) ELECTION TO BE TREATED AS A BONDED DEALER.—Subpart A of part I of subchapter A of chapter 51 (relating to distilled spirits) is amended by adding at the end the following:

"SEC. 5011. ELECTION TO BE TREATED AS BONDED DEALER.

"(a) ELECTION.—Any wholesale dealer or any control State entity may elect, at such time and in such manner as the Secretary shall prescribe, to be treated as a bonded dealer if such wholesale dealer or entity sells bottled distilled spirits exclusively to a wholesale dealer in liquor, to an independent retail dealer subject to the limitation set forth in subsection (b), or to another bonded dealer.

"(b) LIMITATION IN CASE OF SALES TO RETAIL DEALERS.—

"(1) BY BONDED DEALER.—Any person, other than a control State entity, who is a bonded dealer shall not be considered as selling to an independent retail dealer if—

"(A) the bonded dealer has a greater than 10 percent ownership interest in, or control of, the retail dealer;

"(B) the retail dealer has a greater than 10 percent ownership interest in, or control of, the bonded dealer; or

"(C) any person has a greater than 10 percent ownership interest in, or control of, both the bonded and retail dealer.

For purposes of this paragraph, ownership interest, not limited to stock ownership, shall be attributed to other persons in the manner prescribed by section 318.

"(2) BY CONTROL STATE ENTITY.—In the case of any control State entity, subsection (a) shall be applied by substituting 'retail dealer' for 'independent retail dealer'.

"(c) INVENTORY OWNED AT TIME OF ELECTION.—Any bottled distilled spirits in the inventory of any person electing under this section to be treated as a bonded dealer shall, to the extent that the tax under this chapter has been previously determined and paid at the time the election becomes effective, not be subject to such additional tax on such spirits as a result of the election being in effect.

"(d) REVOCATION OF ELECTION.—The election made under this section may be revoked by the bonded dealer at any time, but once revoked shall not be made again without the consent of the Secretary. When the election is revoked, the bonded dealer shall immediately withdraw the distilled spirits on determination of tax in accordance with a tax payment procedure established by the Secretary.

"(e) EQUITABLE TREATMENT OF BONDED DEALERS USING LIFO INVENTORY.—The Secretary shall provide such rules as may be necessary to assure that taxpayers using the last-in, first-out method of inventory valuation do not suffer a recapture of their LIFO reserve by reason of making the election under this section or by reason of operating a bonded wine cellar as permitted by section 5351.

"(f) APPROVAL OF APPLICATION.—Any person submitting an application under section

5171(c) and electing under this section to be treated as a bonded dealer shall be entitled to approval of such application to the same extent such person would be entitled to approval of an application for a basic permit under section 104(a)(2) of the Federal Alcohol Administration Act (27 U.S.C 204(a)(2)), and shall be accorded notice and hearing as described in section 104(b) of such Act (27 U.S.C. 204(b)).".

(c) CONFORMING AMENDMENT.—The tables of sections of subpart A of part I of subchapter A of chapter 51 is amended by adding at the end the following:

"Sec. 5011. Election to be treated as bonded dealer.".

SEC. 6. DETERMINATION OF TAX.

The first sentence of section 5006(a)(1) (relating to requirements) is amended to read as follows: "Except as otherwise provided in this section, the tax on distilled spirits shall be determined when the spirits are transferred from a distilled spirits plant to a bonded dealer or are withdrawn from bond.".

SEC. 7. LOSS OR DESTRUCTION OF DISTILLED SPIRITS.

Section 5008 (relating to abatement, remission, refund, and allowance for loss or destruction of distilled spirits) is amended—

(1) in subsections (a)(1)(A) and (a)(2), by inserting "bonded dealer," after "distilled spirits plant," both places it appears;

(2) in subsection (c)(1), by striking "of a distilled spirits plant"; and

(3) in subsection (c)(2), by striking "distilled spirits plant" and inserting "bonded premises".

SEC. 8. TIME FOR COLLECTING TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 5061(d) (relating to time for collecting tax on distilled spirits, wines, and beer) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following:

"(5) ADVANCED PAYMENT OF DISTILLED SPIRITS TAX.—Notwithstanding the preceding provisions of this subsection, in the case of any tax imposed by section 5001 with respect to a bonded dealer who has an election in effect on September 20 of any year, any payment of which would, but for this paragraph, be due in October or November of that year, such payment shall be made on such September 20. No penalty or interest shall be imposed for the period from such September 20 until the due date determined without regard to this paragraph to the extent that tax due exceeds the tax which would have been due with respect to distilled spirits in the preceding October and November had the election under section 5011 been in effect.".

(b) CONFORMING AMENDMENT.—Section 5061(e)(1) (relating to payment by electronic fund transfer) is amended by inserting "or any bonded dealer," after "respectively,".

SEC. 9. EXEMPTION FROM OCCUPATIONAL TAX NOT APPLICABLE.

Section 5113(a) (relating to sales by proprietors of controlled premises) is amended by adding at the end the following: "This subsection shall not apply to a proprietor of a distilled spirits plant whose premises are used for operations of a bonded dealer.".

SEC. 10. CONFORMING AMENDMENTS.

(1) Section 5003(3) is amended by striking "certain".

(2) Section 5214 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) EXCEPTION.—Paragraphs (1), (2), (3), (5), (10), (11), and (12) of subsection (a) shall not apply to distilled spirits withdrawn from premises used for operations as a bonded dealer.".

(3) Section 5215 is amended—

(A) in subsection (a), by striking "the bonded premises" and all that follows through the period and inserting "bonded premises.";

(B) in the heading of subsection (b), by striking "A DISTILLED SPIRITS PLANT" and inserting "BONDED PREMISES"; and

(C) in subsection (d), by striking "a distilled spirits plant" and inserting "bonded premises".

(4) Section 5362(b)(5) is amended by adding at the end the following: "The term does not mean premises used for operations as a bonded dealer.".

(5) Section 5551(a) is amended by inserting "bonded dealer," after "processor" both places it appears.

(6) Subsections (a)(2) and (b) of section 5601 are each amended by inserting ", bonded dealer," before "or processor" .

(7) Paragraphs (3), (4), and (5) of section 5601(a) are each amended by inserting "bonded dealer," before "or processor" .

(8) Section 5602 is amended—

(A) by inserting ", warehouseman, processor, or bonded dealer" after "distiller"; and

(B) in the heading, by striking "**by distiller**".

(9) Sections 5115, 5180, and 5681 are repealed.

(10) The table of sections for part II of subchapter A of chapter 51 is amended by striking the item relating to section 5115.

(11) The table of sections for subchapter B of chapter 51 is amended by striking the item relating to section 5180.

(12) The item relating to section 5602 in the table of sections for part I of subchapter J of chapter 51 is amended by striking "by distiller".

(13) The table of sections for part IV of subchapter J of chapter 51 is amended by striking the item relating to section 5681.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act take effect on the date which is 120 days after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) ESTABLISHMENT OF DISTILLED SPIRITS PLANT.—The amendments made by section 3 take effect on the date of enactment of this Act.

(2) SPECIAL RULE.—Each wholesale dealer who is required to file an application for registration under section 5171(c) of the Internal Revenue Code of 1986 whose operations are required to be covered by a basic permit under sections 103 and 104 of the Federal Alcohol Administration Act (27 U.S.C. 203, 204) and who has received such basic permits as an importer, wholesaler, or as both, and has obtained a bond required under subchapter B of chapter 51 of subtitle E of such Code before the close of the fourth month following the date of enactment of this Act, shall be qualified to operate bonded premises until such time as the Secretary of the Treasury takes final action on the application. Any control State entity (as defined in section 5002(a)(17) of such Code, as added by section 5(a)) that has obtained a bond required under such subchapter shall be qualified to operate bonded premises until such time as the Secretary of the Treasury takes final action on the application for registration under section 5171(c) of such Code.●

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 396. A bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYEE COMPENSATION PROTECTION ACT

Mr. President, today I am introducing an important piece of legislation called the Federal Employee Compensation Protection Act.

With the 1995 to 1996 Government shutdown fresh in our minds, I think it is crucial that we take steps in this Congress to keep faith with our Federal employees and make sure they are never again sent home without pay. My bill will keep that faith by protecting Federal employee pay and benefits during a future Government shutdown. This bill ensures that Federal employees in Maryland and across the Nation will be able to make their mortgage payments, put food on the table, and provide for their families during a shutdown.

The last shutdown of the Federal Government severely disrupted the lives of thousands of Federal employees and their families. In my State of Maryland alone, there are more than 280,000 Federal employees. They are some of the most dedicated and hardworking people in America today. These employees have devoted their careers and lives to public service, and they should not have been used as pawns in a game of political brinkmanship.

During the last several years, Federal employees have endured their fair share of hardship. Downsizing, diet COLA's, delayed COLA's, and attacks on pensions and health benefits have damaged morale at nearly every Federal agency. These assaults must stop. We cannot continue to denigrate and downgrade Federal employees and at the same time expect Government to work more efficiently.

I urge my colleagues to support this legislation and also work to prevent any future shutdowns of our Government. We have a contract with our Federal employees, and we should encourage their dedication by ensuring that the contract is honored and their pay and benefits are not put in jeopardy.●

● Mr. SARBANES. Mr. President, I am pleased to join my colleague from Maryland, Senator MIKULSKI, in introducing this important legislation to ensure the protection of Federal employee pay and benefits in the event of a furlough.

We have a responsibility to the men and women who have dedicated themselves to public service and I would hope that my colleagues would join Senator MIKULSKI and me in our ongoing effort to maintain the Federal Government's commitment to its dedicated work force.

Federal workers have just experienced the most difficult Congress in recent history. Federal employees became hostages in the budget battle which resulted in two successive Government shutdowns. At this time last year, Federal employees were in a constant state of anxiety—concerned about the future of their jobs, whether they would be laid off or have to work without pay, all as their workloads continued to accumulate. Despite this tremendous pressure and the constant attacks on their pay and earned benefits, Federal workers continue to provide consistent, quality service on behalf of all Americans.

As I have stated many times before, Federal employees have already made significant sacrifices in past years in the form of downsizing efforts, delayed and reduced cost of living adjustments, and other reductions in Federal employee pay and benefits. It is, in my view, critical that we protect Federal employees from the type of senseless abuse they endured during the Government shutdowns last Congress. Federal workers should never again find themselves in a situation where, through no fault of their own, they may have to either work without pay or be prohibited from coming to work at all.

Mr. President, Federal employees have made a choice to serve their country and we should respect and reward that choice by supporting these hardworking, dedicated individuals. Through the legislation Senator MIKULSKI and I are reintroducing today, we will continue to send the message to the Federal work force and to all American citizens that Congress honors and values the commitment those who work for the Government have made.•

By Ms. MIKULSKI (for herself and Mr. LEAHY):

S. 397. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

THE HAZARDOUS OCCUPATIONS RETIREMENT BENEFITS ACT OF 1997

• Ms. MIKULSKI. Mr. President, today I introduce the Hazardous Occupations Retirement Benefits Act of 1997.

This legislation will grant an early retirement package for revenue officers of the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service.

Under current law, with the exception of the groups listed in this legislation, all Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. This legislation will amend the current law and finally grant the same 20-year retirement to these members of the Internal Revenue Service, Customs Service, and Immigration and Naturalization Service. The employees under this bill have very hazardous, physically taxing occupations, and it is in the public's interest to tenure a young and competent work force in these jobs.

The need for a 20-year retirement benefit for inspectors of the Customs Service is easily apparent. These employees are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the authority to apprehend those engaged in such activities and carry a firearm on the job. They are responsible for the majority of arrests performed by Customs Service employees. In 1994, inspectors of the Customs Service seized 204,000 pounds of cocaine, 2,600 pounds of heroin, and 559,000 pounds of marijuana. They are required to undergo the same law enforcement training as all other law enforcement personnel. These employees face multiple challenges. They confront leading criminals in the drug war, organized crime figures, and increasingly sophisticated white-collar criminals.

Revenue officers struggle with heavy workloads and a high rate of job stress, resulting in a variety of physical and mental symptoms. Many IRS employees must employ pseudonyms to hide their identity because of the great threat to their personal safety. The Internal Revenue Service has put out a manual for their employees entitled: "Assaults and Threats: A Guide to Your Personal Safety" to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

Mr. President, this legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these employees will reduce turnover, increase yield, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.•

By Mrs. MURRAY:

S. 398. A bill to amend title 49, United States Code, to require the use of child restraint systems approved by the Secretary of Transportation on commercial aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE CHILDREN'S SAFETY LEGISLATION

• Mrs. MURRAY. Mr. President I introduce legislation that would protect our Nation's small children as they travel on aircraft. We currently have Federal regulations that require the safety of passengers on commercial flights. However, neither flight attendants nor an infant's parents can protect unrestrained infants in the event of an airline accident or severe turbulence. A child on a parent's lap will likely break free from the adult's arms as a plane takes emergency action or encounters extreme turbulence.

This child then faces two serious hazards. First, the child may be injured as they strike the aircraft interior. Second, the parents may not be able to find the infant after a crash. The United Sioux City, IA, crash provides one dark example. On impact, no parent was able to hold on to her-his child. One child was killed when he flew from his mother's hold. Another child was rescued from an overhead compartment by a stranger.

In July 1994, during the fatal crash of a USAir plane in Charlotte, NC, another unrestrained infant was killed when her mother could not hold onto her on impact. The available seat next to the mother survived the crash intact. The National Transportation Safety Board believes that had the baby been secured in the seat, she would have been alive today. In fact, in a FAA study on accident survivability, the agency found that of the last nine infant deaths, five could have survived had they been in child restraint devices.

Turbulence creates very serious problems for unrestrained infants. In four separate incidences during the month of June, passengers and flight attendants were injured when their flights hit sudden and violent turbulence. In one of these, a flight attendant reported that a baby seated on a passenger's lap went flying through the air during turbulence and was caught by another passenger. This measure is endorsed by the National Transportation Safety Board and the Aviation Consumer Action Project.

We must protect those unable to protect themselves. Just as we require seatbelts, motorcycle helmets, and car seats, we must mandate restraint devices that protect our youngest citizens. I urge my colleagues to support this legislation that ensures our kids remain passengers and not victims.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHILD SAFETY RESTRAINT SYSTEMS ON COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44725. Child safety restraint systems

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations requiring the use of child safety restraint systems that have been approved by the Secretary on any aircraft operated by an air carrier in providing interstate air transportation, intrastate air transportation, or foreign air transportation.

"(b) AGE OR WEIGHT LIMITS.—The regulations issued under this section shall establish age or weight limits for children who use the child safety restraint systems.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following new item:

"44725. Child safety restraint systems.".

SEC. 2. INTERNATIONAL STANDARD.

It is the sense of Congress that the United States representative to the International Civil Aviation Organization should seek an international standard to require that passengers on a civil aviation aircraft be restrained—

(1) on takeoff and landing; and

(2) when directed by the captain of such aircraft.•

By Mr. MCCAIN:

S. 399. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the U.S. Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; to the Committee on Environment and Public Works.

THE ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

• Mr. MCCAIN. Mr. President, I introduce legislation to promote fair, timely and efficient resolution of our Nation's environmental disputes.

This bill would establish, within the Morris K. Udall Foundation, the United States Institute for Environmental Conflict Resolution. The institute would offer alternative dispute resolution services, including assessment, mediation, and other related services, to facilitate parties in resolving environmental disputes without resorting to protracted and costly litigation in the courts. I ask unanimous consent that a summary of the legislation be included in the RECORD at the conclusion of my statement.

This legislation simply gives the Udall Foundation the means to do what Congress asked it to do 5 years ago. When the Udall Foundation was established in 1992, it was charged with the task of establishing a program for environmental dispute resolution. Since then, the foundation has sponsored seminars and workshops on conflict resolution. But it has lacked the funding and explicit direction that would enable it to run a program that could provide conflict resolution services. This bill provides both the direction and the authorization for funding.

It is particularly fitting that an institute devoted to environmental conflict resolution would operate under the auspices of the Udall Foundation. Morris K. Udall's career was distinguished by his integrity, service, and commitment to consensus-building.

I had the distinct pleasure of working with Mo Udall on one of his greatest legislative achievements—the Arizona Wilderness Act. That act protects 2.5 million acres in the Arizona wilderness in perpetuity and was passed thanks, in large part, to Mo Udall's efforts to achieve consensus within the Arizona delegation.

Using Mo Udall's success in passing the Arizona Wilderness Act as its model, the U.S. Environmental Conflict Resolution Institute at the Udall Foundation would seek to promote our nation's environmental policy objectives by reaching out to achieve consensus rather than pursuing resolution through adversarial processes.

Mr. President, over 5,000 Federal court decisions on environmental litigation have been handed down in the past two decades. Today, some 400 to 500 environmental lawsuits are filed each year in Federal courts. In its 16th annual report, the Council on Environmental Quality estimated that fully 85 percent of Environmental Protection Agency regulations are challenged at some time in the courts, either by groups that find the rules too stringent or by groups that believe them to be too lax. In short, resorting to the courts is all too common in disputes over environmental issues.

This bill seeks to move our Nation away from this litigious trend by providing an alternative conflict resolution process. This process is intended to preclude the need for lawsuits by engaging the parties in professionally mediated discussions. It could also be used as a solution of last resort, if the parties agreed to put aside litigation already filed in the courts and instead utilize the services of the institute.

The benefits to be gained by the Federal Government through a national environmental dispute resolution program include more than litigation cost savings. Delay associated with litigation can also prevent the timely enforcement of our environmental laws.

For more than ten years, I have been working to promote safety and quiet in Grand Canyon National Park. This issue, as well as any other, exemplifies how alternative dispute resolution could perhaps help us achieve national environmental policy objectives far better than litigation.

In 1987, legislation I authored to promote safety and provide for the substantial restoration of natural quiet in the Grand Canyon was signed into law. Ten years later, the Federal Aviation Administration [FAA] this year issued a final rule on overflights over the Grand Canyon. This rule was scheduled to go into effect on May 1, 1997. However, despite the substantial time and effort that both the FAA and the National Park Service have put into this rulemaking, including consultations with many outside interests, lawsuits have now been filed challenging the rule and delaying its implementation.

Mr. President, I do not mention this to criticize those who have exercised their right to file suit in the Grand Canyon overflights matter. I refer to this situation because it concerns me that protecting the Grand Canyon could be significantly delayed through litigation, when the parties might reach a more timely and mutually acceptable resolution if they were provided an opportunity to work through their differences in a nonadversarial forum. The institute created by this legislation would provide an alternative to litigation in this and similar situations and create an opportunity for more constructive problem-solving and effective policymaking.

One hundred twenty-six years ago, Abraham Lincoln wisely counseled:

> Discourage litigation, persuade your neighbor to compromise whenever you can. Point out to them how the nominal winner is often the real loser in fees, expenses, and waste of time.

That advice could not be more sound today as we seek to resolve our Nation's environmental conflicts and to promote timely and effective implementation of laws and regulations to protect and preserve our natural environment.

I am pleased that the Council on Environmental Quality has registered their support for the goals and concepts in this bill. In addition, the Udall Foundation, the Grand Canyon Trust, the National Parks and Conservation Association, Friends of the Earth, and Trout Unlimited have given their support to this effort. I ask unanimous consent that copies of support letters from these groups be included in the RECORD.

I urge my colleagues to join me and support this legislation that would bring common sense and efficiency to the resolution of our Nation's environmental disputes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Purpose: To establish, within the Morris K. Udall Foundation, the United States Institute for Environmental Conflict Resolution to assist in implementing national environmental policy. The Institute would provide alternative dispute resolution services, including assessment, mediation, and other services, to facilitate resolving environmental disputes without litigation.

Bill authorizes use of the Institute by Federal agencies:

Federal agencies could use the Institute's conflict resolution services for a fee.

Bill creates a revolving fund to:

Fund operations and fully support the Institute through a one-time $3 million appropriation.

Receive fees from parties using the Institute's services.

Supplement an annual appropriation for a five-year period beginning in 1998.

The Council on Environmental Quality would:

Receive notification when a federal agency requests to use the Institute's services.

Concur in any request to use the Institute's services for interagency dispute resolution.

The Institute would be under the Udall Foundation because:

One purpose for which the Udall Foundation was established in 1992 was to establish a program for environmental conflict resolution.

The Udall Foundation has hosted seminars, workshops and research related to environmental dispute resolution but, has lacked funding to provide mediation services.

Conflict resolution and consensus building were major themes of Udall's thirty year public career as a member of the House of Representatives.

S. 399—SECTION-BY-SECTION SUMMARY

Section 1: Short title—"The Environmental Policy and Conflict Resolution Act of 1997".

Section 2: Definition of Terms.

Section 3: Adds the Chair of the Council on Environmental Quality as an ex officio nonvoting member of the Udall Foundation Board.

Section 4: Bill Purpose: To establish as part of the Udall Foundation the U.S. Institute for Environmental Conflict Resolution (Institute) to assist the Federal Government in implementing national environmental policy.

The Institute would provide assessment, mediation and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States.

Section 5: Authorizes the Udall Foundation to establish the Institute and provide assessment, mediation, and other alternative dispute resolution services.

Section 6: Revolving Fund:

Creates a Revolving Fund for the Institute to operate. The revolving fund would be administered by the Udall Foundation and would be maintained separately from the Trust Fund established for scholarships awarded by the Udall Foundation.

Section 7: Use of the Institute by a Federal Agency:

Authorizes use of the Institute by a federal agency which may enter into a contract to expend funds for the use of the Institute's services. Any funds spent by an agency on the Institute would go into the Revolving Fund.

Requires concurrence by the Council on Environmental Quality (CEQ) for two agencies to seek to resolve a dispute at the Institute. CEQ would be notified of any agency request to use the Institute's services.

Section 8: Authorization of Appropriations:

Authorizes a one-time appropriation of $3 million to the Revolving Fund for fiscal year 1998 and $2.1 million in appropriations over a 5 year period beginning in 1998 to fully operate the Institute.

The Revolving Fund would be replenished by fees from parties using the Institute's services.

Section 9: Conforming amendments.

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY
Washington, DC, March 5, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting the Administration's views on your draft legislation entitled the "Environmental Policy and Conflict Resolution Act of 1997."

The legislation represents a commendable effort to assist private entities and government in resolving environmental and natural resource conflicts by expanding the range of services available from the Morris K. Udall Foundation to include resolution of disputes involving federal agencies. The Administration supports the concepts and goals embodied in your legislation. However, the Administration needs to complete its review of the bill language prior to providing a comprehensive Administration position. We expect to provide additional comments on the bill in the near future.

As you know, last September, the President awarded the Medal of Freedom to Congressman Udall. The President's remarks at the time bear repeating:

"During a remarkable 30-year career, Morris Udall was a quiet giant of the Congress. Warm, funny, and intelligent, he was truly a man of the center, who forged consensus by listening to others and by reasoned argument. His landmark achievements—such as reforming campaign finance, preserving our forests, safeguarding the Alaskan wilderness, and defending the rights of Native Americans—were important indeed. But he distinguished himself above all as a man to whom others—leaders—would turn for judgment, skill, and wisdom. Mo Udall is truly a man for all seasons and a role model for what is best in American democracy."

It is entirely fitting to ask the institution established by Congress in Congressman Udall's name to help with the hard job of helping people solve their disagreements over the lands, waters, and resources we all share and must steward responsibly. This Administration has made every effort to break down the barriers between government and citizens. Voluntary mechanisms to enhance communication and understanding within government and between agencies and the people they serve can assist meaningfully in this regard.

I appreciate your willingness to incorporate provisions that recognize the important dispute resolution purposes of the National Environmental Policy Act and the inter-agency coordination function of the President's Council on Environmental Quality.

The Administration would be pleased to work with you as your legislation proceeds.

Sincerely,

KATHLEEN A. MCGINTY,
Chair.

NATIONAL PARKS AND CONSERVATION ASSOCIATION, FRIENDS OF THE EARTH,
March 5, 1997.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The National Parks and Conservation Association and Friends of the Earth are pleased to endorse the concept of a U.S. Institute for Environmental Conflict Resolution, the subject of legislation you intend to introduce on March 5.

Resolving environmental disputes before they reach the litigation stage is a goal we strongly support. Your legislation would enable federal agencies to solve disputes among themselves or with other non-federal parties by using the institute's staff for mediation and other services.

In general, we believe litigation should be the last resort in enforcing or upholding our environmental laws, provided that negotiated agreements clearly adhere to statutory mandates. We also believe negotiated solutions, in general, allow disputants more creativity and flexibility to solve problems and issues in cost effective ways.

Many environmental disputes, including those involving our national parks, could be resolved by good-faith negotiations led by an honest broker. The unfolding case of buffalo management in Yellowstone is a case in point. Here, a lawsuit filed by Montana against two federal agencies has precipitated the killing of almost one third of Yellowstone's buffalo herd. A court order is driving the slaughter. Although this wildlife tragedy is abhorred by all of the parties involved, collectively they did nothing effective to prevent it. In retrospect, it is clear that the slaughter might have been avoided had the parties committed themselves to good faith negotiations years ago when the issue first emerged.

Thank you for your leadership on environmental issues generally and for your constructive approach to conflict resolution.

Sincerely,

PAUL C. PRITCHARD,
President, National Parks and Conservation Association.

BRENT BLACKWELDER,
President, Friends of the Earth.

TROUT UNLIMITED,
Washington, DC, March 5, 1997.

Hon. JOHN MCCAIN,
U.S. Senate, Russell,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of Trout Unlimited's 95,000 members nationwide, I am writing to support the bill that you intend to introduce today. The bill would amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 by establishing a new environmental conflict resolution program within the Morris K. Udall Foundation. We believe the new conflict resolution program holds great promise for resolving the intractable environmental disputes that continue to plague federal natural resources agencies and other interests involved with federal environmental laws.

The mission of Trout Unlimited is to conserve, protect and restore North America's trout and salmon resources and the watersheds on which they depend. Our work often takes us into difficult environmental conflicts involving many federal agencies. Over the past two decades, we have been deeply involved in disputes regarding implementation of the Endangered Species Act, the Clean Water Act, and the federal land management laws, in which federal agencies have had very difficult conflicts. Failure to resolve these conflicts in a timely fashion has adversely affected trout and salmon resources. We are particularly hopeful that the new interagency conflict resolution mechanism proposed by your bill will yield a new and better way of resolving these disputes.

We salute your authorship of the bill and look forward to working with you to get it enacted.

Sincerely,

STEVE MOYER,
Director, Government Affairs.

MORRIS K. UDALL FOUNDATION,
Tucson, AZ, March 3, 1997.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: It gives me great pleasure as Chairman of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation to inform you that the trustees unanimously and enthusiastically endorse your unique concept for the creation of the United States Institute for Environmental Dispute Resolution as part of the Udall Foundation.

As you know, federal agencies have been increasingly involved in environmental disputes as parties to lawsuits based upon their regulatory actions. Continuing to wage these conflicts in the costly and time-consuming arena of the courts drains federal resources and can serve to delay federal actions to protect the environment. Alternative forms of environmental conflict resolution for federal agencies are needed to prevent these and other adverse effects associated with protracted litigation.

Since it began in May 1995, the Udall Foundation has worked to create a national environmental conflict resolution program, as directed in its authorizing legislation. The Foundation has sponsored workshops and seminars on environmental conflict resolution and has begun funding several research projects.

On April 4–5, 1997, the Foundation will host "Environmental Conflict Resolution in the West" in Tucson, Arizona. This will be the largest gathering of its kind. Several hundred people from around the country, including professional mediators, facilitators, researchers, and federal, state and local agency officials are expected to attend this conference to discuss alternative approaches to environmental dispute resolution and collaborative problem solving.

Despite these efforts, the Foundation has lacked the funding to directly pursue conflict resolution by providing mediation and other services to resolve environmental disputes. The legislation you are introducing will finally enable the Foundation to provide a program to conduct environmental conflict resolution at the national level.

We believe that your legislation will allow the Foundation, through the U.S. Institute for Environmental Conflict Resolution, to make a positive impact on the cost and pace of environmental dispute resolution for years to come. The Foundation is prepared to do all it can to establish a program committed to helping to resolve these conflicts fairly and as efficiently as possible.

Sincerely,

TERRENCE L. BRACY,
Chairman.

GRAND CANYON TRUST,
Washington, DC, March 4, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Trustees of the Grand Canyon Trust, a conservation organization dedicated to the conservation of the Grand Canyon and Colorado Plateau, I am pleased to endorse and offer our support for your bill creating the United States Institute for Environmental Conflict Resolution.

The Trust has long held that many conflicts that arise from differences between parties regarding environmental policy and regulation could best be solved through mediation and alternative dispute resolution rather than in courts of law. Too often the will of the American public to protect our natural resources and ecological treasures is lost amid posturing and polarization by parties embroiled in conflict over environmental issues. We believe that your legislation will enable the United States Institute for Environmental Conflict Resolution to actively mediate and conduct environmental conflict resolution in a positive, constructive manner.

The Grand Canyon Trust pledges to work in concert with the Morris K. Udall Foundation and the United States Institute for Environmental Conflict Resolution in every possible way to support and ensure its success. Thank you again for your vision and leadership on this difficult issue.

Sincerely,

GEOFFREY S. BARNARD,
President.

MORRIS K. UDALL FOUNDATION,
Tucson, AZ, January 17, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am pleased to report that the Board of Trustees of the Morris K. Udall Foundation has unanimously endorsed your proposal to create an institution for environmental conflict resolution within our jurisdiction. The board reviewed in detail both the concept and the financials and is in agreement with the draft bill provided by your staff.

The board expressed tremendous enthusiasm for your concept and we look foward to helping in any way that you wish.

Attached is the resolution that was passed.

Sincerely,

TERRENCE L. BRACY,
Chairman.

Enclosure.

RESOLUTION

The Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation commends Arizona Senator John McCain for his originality and initiative in introducing a bill to establish the United States Institute for Environmental Conflict Resolution as part of the Udall Foundation.

The Trustees enthusiastically endorse this unique concept to contract with other Federal agencies to resolve disputes or conflicts related to the environment, public lands or natural resources and congratulate Senator McCain for recognizing the need for such an entity.●

By Mr. GRASSLEY:

S. 400. A bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes; to the Committee on the Judiciary.

THE FRIVOLOUS LAWSUIT PREVENTION ACT OF 1997

● Mr. GRASSLEY. Mr. President, I rise today to introduce important tort reform legislation. Tort reform is needed for many reasons—one of which is to free our courts of frivolous lawsuits. Frivolous lawsuits take the courts' time away from trying legitimate lawsuits, and deprive the truly injured of timely resolution of their claims.

Mr. President, our courts are supposed to be venues for resolving disputes. Lawsuits are supposed to be the means by which injured parties seek relief—they are not intended to be used as weapons to harass, delay, or increase the cost to the other party. Too often entire lawsuits, or claims within ongoing lawsuits, are used as weapons. The bill that I introduce today takes a stab at these lawsuits. It toughens the penalties for filing frivolous lawsuits and insures that if someone files a frivolous lawsuit, that someone will pay.

Our front-line defense against this misuse of the legal system is rule 11 of the Federal Rules of Civil Procedure. This rule is intended to deter frivolous lawsuits by sanctioning the offending party. The power of rule 11 was diluted in 1993. This weakening is unacceptable to those of us who want to preserve courts as neutral forums for dispute resolution and who believe that lawsuits are not weapons of revenge, but a means for an injured party to gain relief.

Senator Brown introduced a bill very similar to this legislation in the last Congress. The Senate adopted the text of his bill as an amendment to the Common Sense Product Liability and Legal Reform Act. His amendment passed by a vote of 56 to 37.

The bill that I am introducing today is similar, but not identical to Senator Brown's bill. The civil rights community raised some concerns with his bill, and my version of the legislation is responsive to these concerns. The provision that was opposed reinstated the rule 11 requirement that allegations contained in motions and other court papers be well grounded in fact when filed, rather than allowing a "reasonable opportunity for further investigation or discovery." Unlike Senator Brown's bill, my bill does not change this subsection of rule 11.

My bill does take strong steps to thwart frivolous lawsuits. First, my bill makes sanctions for the violation of this rule mandatory. One of the most harmful changes that took effect in 1993 was to make sanctions for proven violations of this rule permissive. This means that if a party files a lawsuit simply to harass another party, and the court decides that this is in fact the case, the offending party still might not be sanctioned. This is unacceptable. The offending party might not be punished at all, which provides no deterrence for this offending party or anyone else who wants to misuse the courts. My bill reinstates the requirement that if there is a violation of this rule, there are sanctions.

My bill also removes the limitation on sanctions, and allows sanctions to be paid to the injured party for more than attorneys' fees and expenses. In addition, this legislation allows the sanctioning of attorneys for arguing for an extension of current law if their actions violate this rule. Again, if the rule is violated, there needs to be sanctions.

Mr. President, this bill will not, by itself, stop the misuse of our courts. It is, however, a good first step. It is a necessary step. It is a bill that we must pass to sanction those who use the legal system to harass and torment others. That is not what the courts were established to do. We must protect the integrity of the courts and preserve them for proper use.●

By Mr. JEFFORDS:

S. 401. A bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes; to the Committee on Finance.

THE SCENIC HIGHWAY PROTECTION ACT

● Mr. JEFFORDS. Mr. President, today I introduce the Scenic Highway Protection Act, legislation that will control billboard blight and put a stop to the policies that have actually encouraged billboard construction and destroyed rural vistas across America. Every year hundreds of miles of rural scenery disappear, millions of taxpayer dollars are spent, and thousands of trees on public lands are unnecessarily cut. Why? Because billboards continue to proliferate along our Nation's highways.

During debate on the National Highway System Act in 1995, billboard proponents pushed an amendment that would have forced States and localities to allow billboards on Federal aid highways. Fortunately, this proposal was defeated. My legislation attempts to give States the necessary tools to regulate and end the growth of billboards and protects the strict billboard controls enacted in Vermont and many other States.

In the coming months, Congress will consider reauthorization of the Nation's transportation law, the Intermodal Surface Transportation and Efficiency Act. Proponents of billboard proliferation will most likely try again to override State billboard control laws. This time, we are prepared to enact legislation that will reduce and control billboards nationwide. My legislation will send a signal to billboard owners that America is ready to end uncontrolled billboard blight.

The language in my bill will place a permanent freeze on the number of new billboards placed along Federal aid highways. for a new billboard to go up, an old one must come down. The legislation will also prohibit billboards in unzoned areas, eliminating the ability to randomly place billboards in rural America. My bill will end the practice of cutting trees on public lands for the sole purpose of better billboard visibility and reinstate the requirement that Federal and State funds be used to remove billboards when communities decide the sign violates local zoning laws. Finally, the legislation will place a 15-percent gross revenue tax on all billboards, ending the free ride for billboards. The money will be used to remove billboards in our Nation's most scenic areas.

This legislation will move the 1965 Highway Beautification Act closer to its original intent of preserving the public's investment in our highways by protecting scenic areas and natural resources. Let us end the taxpayer subsidized proliferation of billboards.●

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 402. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District; to the Committee on Energy and Natural Resources.

SETTLEMENT AUTHORIZATION LEGISLATION

● Mr. GORTON. Mr. President, today I introduce legislation that will authorize a settlement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District in Washington State. I introduced similar legislation last year. Congressman Doc Hastings has introduced legislation on this subject in the House of Representatives, and the House Resources Committee will mark up the legislation today.

This legislation will authorize a carefully negotiated settlement between the BOR and the Oroville-Tonasket Irrigation District. If enacted, this legislation will save the BOR, and therefore the Nation's taxpayers, money that would otherwise be spent fighting with the irrigation district in court.

Earlier this week the administration sent a letter to me indicating that it would support the settlement bill, provided that several changes be made to the legislation. The legislation that I introduce today includes the changes requested by the administration. At this time, I ask unanimous consent to include a copy of the administration's letter of support for the legislation in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Bureau of Reclamation,
Washington, DC, March 3, 1997.
Hon. Slade Gorton,
U.S. Senate,
Washington, DC.

Dear Senator Gorton: Thank you for your letter requesting the Administration's views on H.R. 412.

The Bureau of Reclamation has executed a settlement agreement with the Oroville-Tonasket Irrigation District (District) in preference to litigàtion over construction of the Oroville-Tonasket (O–T) Unit Extension. The settlement agreement provides that its terms will not become effective unless Congress enacts authorizing legislation by April 15, 1997.

While the Administration supports implementing the settlement agreement, it can only support H.R. 412 if the amendments shown on the attached page are adopted. These amendments are needed to clarify that the transfer of title will not affect the repayment obligation of the Bonneville Power Administration (BPA) for irrigation assistance, and that the settlement agreement will not affect the District's obligation to continue to pay BPA wheeling charges. In addition, the amendments are needed to deauthorize the project irrigation works upon transfer of title. The Administration strongly encourages the adoption of these amendments, which are consistent with the intent of the settlement agreement.

Thank you for your interest in the Oroville-Tonasket Claims Settlement and Conveyance Act. If you have any questions, please call 208–4501.

Sincerely,

Eluid L. Martinez,
Commissioner.

AMENDMENTS TO H.R. 412

1. At the end of section 5, insert the following new subsection (c):

"(c) Project Construction Costs.—The transfer of title authorized by this Act shall not affect the timing or amount of the obligation of the Bonneville Power Administration for the repayment of construction costs incurred by the Federal government under Section 202 of the Act of September 28, 1976 (90 Stat. 1325) that the Secretary of the Interior has determined to be beyond the ability of the irrigators to pay. The obligation shall remain charged to and be returned to the Reclamation Fund as provided for in section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707)."

2. At the end of section 6, insert the following new sentence: "The rate that the District shall pay the Secretary for such reserved power shall continue to reflect full recovery of Bonneville Power Administration transmission costs."

3. In Section 11(a), delete the sentence that read: "After transfer of title, any future Reclamation benefits received pursuant to chapter 1093 of the Reclamation Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto or amendatory thereof, other than as provided herein, shall be subject to approval by Congress."

4. At the end of Section 11 insert the following new subsection (c):

"(c) Deauthorization.—Effective upon the transfer of title to the District under this section, that portion of the Oroville-Tonasket Unit Extension, Okanogan-Similkameen Division, Chief Joseph Dam Project, Washington referred to in Section 7(a) as the Project Irrigation Works is hereby deauthorized. After transfer of title, the District shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereto or amendatory thereof."

5. Add in the Committee report language:

"It is the understanding of the Committee regarding this legislation that the amount of Oroville-Tonasket Project irrigation assistance that the Bonneville Power Administration will repay is not expected to exceed

$75,000,000, and that repayment is now scheduled to be made in the year 2042."●

By Mr. FEINGOLD:

S. 403. A bill to expand the definition of limited tax benefit for purposes of the Line-Item Veto Act; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE EXPANSION OF LINE-ITEM VETO ACT

● Mr. FEINGOLD. Mr. President, today I am introducing legislation to expand the Line-Item Veto Act to cover one of the largest and fastest growing areas of the Federal budget, tax expenditures. I am especially pleased to be joined in offering this legislation by my good friend, Congressman TOM BARRETT of Milwaukee who is spearheading this legislation in the other body. Both bills expand the Line-Item Veto Act which took effect this past January and will remain in force for the next 8 years.

Mr. President, both Congressman BARRETT and I supported the new Line-Item Veto Act that was signed into law last session. Though it isn't the whole answer to our deficit problem, I very much hope it will be part of the answer.

However, the new Line-Item Veto Act failed to address one of the largest and fastest growing areas of Federal spending—the spending done through the Tax Code, often called tax expenditures.

According to the Senate Budget Committee's most recent committee print on tax expenditures, prepared by the Congressional Research Service, we will spend nearly half a trillion dollars on tax expenditures during the current fiscal year. Citizens for Tax Justice estimates that over the next 7 years, we will spend $3.7 trillion on tax expenditures, and sometime in the next 2 to 3 years, the total amount spent on tax expenditures will actually surpass the total discretionary budget of the United States.

Mr. President, despite making up a huge and growing portion of the Federal budget, tax expenditures are beyond the reach of the new Presidential line-item veto authority. As currently structured, that authority only extends to so-called limited tax benefits, defined in part to be a tax expenditure that benefits 100 or fewer taxpayers. As long as the tax attorneys can find 101st taxpayers who benefit from the proposed tax expenditure, it is beyond the reach of the new Presidential authority.

Mr. President, it may not even be necessary for the tax attorneys to find that 101st taxpayer. If a tax expenditure gives equal treatment to all persons in the same industry or engaged in the same type of activity, it is exempt from the new Presidential authority no matter how narrow the special interest spending.

Further, if all persons owning the same type of property, or issuing the same type of investment, receive the same treatment from a tax expenditure, that tax expenditure is similarly outside the scope of the President's new authority.

Mr. President, there are still more exceptions that make it even harder for a President to trim unnecessary spending done through the tax code. For example, if any difference in the treatment of persons by a new tax expenditure is based solely on the size or form of the business or association involved, or, in the case of individuals, general demographic conditions, then the new spending cannot be touched by the President except as part of a veto of the entire piece of legislation which contains the new spending.

By contrast, we find none of these elaborate restrictions on the new line item veto authority for spending done through the appropriations process or through entitlements. The new Presidential authority is handcuffed only for spending done through the Tax Code.

Mr. President, this raises several problems.

First, and foremost, it shields an enormous portion of the Federal budget from this new tool to cut wasteful and unnecessary spending. If the authority established by the Line-Item Veto Act is to have meaning, it cannot be preempted from being used to scrutinize this much spending.

A second problem raised by the inability of the new Presidential authority to address new tax expenditures is that it creates an enormous loophole through which questionable spending can escape. We have already seen discussions of how special interest spending can be crafted to avoid the new Presidential authority. While the current Line-Item Veto Act power given the President formally covers discretionary spending and new entitlement authority, a special interest intent on enacting its pork barrel spending could readily do so by avoiding the discretionary or entitlement formats, and instead transform their pork into a tax expenditure. As we know from the elaborate limits placed on the President's ability to apply the new authority to spending through the Tax Code, most special interest pork that takes the form of a tax break is beyond the reach of the Line-Item Veto Act.

Mr. President, no matter how powerful this new authority is with regard to discretionary spending and entitlement authority, it is virtually useless against tax expenditures, and thus invites special interests to use this avenue to deliver pork.

A further problem with the lack of adequate Presidential review in this area is the very real potential for inequities in the implementation of the new Line-Item Veto Act authority. These inequities arise in part from the progressive structure of marginal tax rates—as income rises, higher tax rates are applied. In turn, this means that many tax expenditures are worth more to those in the higher income tax brackets than they are to families with lower incomes.

In some instances, tax expenditures provide no benefit at all to individuals with lower incomes.

This is not the case with entitlement and discretionary spending programs—both areas covered by the Line-Item Veto Act. The benefits of those programs often are targeted to those with lower income.

The net effect is that the scope of the current Line-Item Veto Act covers programs that often benefit those with low and moderate income, while it is powerless with regard to programs that often benefit individuals and corporations with higher incomes.

Mr. President, tax expenditures have another feature that makes it especially important that we extend the new Line-Item Veto Act to cover them, namely their status as a kind of super entitlement. Once enacted, a tax expenditure continues to spend money without any additional authorization or appropriation, and without any regular review. In fact, while even funding for entitlements like Medicare or Medicaid can be suspended in rare instances such as a Government shutdown, funding for a tax expenditure is never interrupted.

Tax expenditures enjoy a status that is far above any other kind of government spending, and as such, it should receive special scrutiny. Extending the Line-Item Veto Act to cover them will provide some of that needed review.

Mr. President, as I have noted, tax expenditures make up a huge portion of the budget. They will soon exceed the entire Federal discretionary budget. Citizens for Tax Justice reports that if all current tax expenditures were suddenly repealed, the deficit could be eliminated and income tax rates could be reduced across the board by about 25 percent.

Clearly, tax expenditures have an enormous impact on the deficit, and we need to pursue two tracks with regard to them. First, we must cut some of the nearly half a trillion dollars in existing spending done through the tax code. Any balanced plan to eliminate the deficit over the next few years must contain cuts to spending in this area.

And second, with so much of our budget already dedicated to this kind of spending, we must bring tax expenditures under the Line-Item Veto Act and give the President the authority to act on new spending in this area as he does in other areas.

Our legislation does just that by eliminating the highly restrictive language with respect to tax expenditures.

Mr. President, as with the recently enacted Line-Item Veto Act itself, this bill to extend that new authority is not the whole answer to our deficit problems, but it can be part of the answer, and I urge my colleagues to support this effort to put teeth into the new Presidential authority with respect to the tax expenditure portion of the Federal budget.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO CONGRESSIONAL BUDGET ACT.

Section 1026(9) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 691e(9)) (as added by the Line Item Veto Act) is amended to read as follows:

"(9) LIMITED TAX BENEFIT.—The term 'limited tax benefit' means any tax provision that has the practical effect of providing a benefit in the form of different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers.".●

By Mr. BOND (for himself, Mr. CHAFEE, Mr. NICKLES, Mr. COCHRAN, Mr. GREGG and Mr. SMITH of New Hampshire):

S. 404. A bill to modify the budget process to provide for separate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

HIGHWAY TRUST FUND INTEGRITY ACT OF 1997

Mr. BOND. Mr. President, I rise today to introduce a measure, along with my dear friend and colleague, the chairman of the Environment and Public Works Committee, Senator JOHN CHAFEE, entitled the Highway Trust Fund Integrity Act of 1997. Our cosponsors are Senators NICKLES, COCHRAN, and GREGG.

Mr. President, I hope all of us understand that transportation and highway funding is critical to our individual States and the entire Nation. Good highways link our communities, towns, and cities with markets. They link our constituents with their schools, hospitals, churches, and jobs.

An effective transportation system should move us into the 21st century. Back in 1956, the Federal Highway Trust Fund was established as a way to finance the Federal Aid Highway Program. This was to be a dedicated trust fund, supported by direct user fees and taxes. It was called a trust fund because once the money went in, we were supposed to be able to trust that that money would come back out for use on our roads, highways, and bridges.

However, the 1990 Budget Act eliminated the linkage between the revenues raised by the user taxes and the spending from the transportation fund. We know now that what we promised ourselves and our constituents, that the highway trust fund user taxes would be deposited and the trust fund would be used for highways, has not been observed. We see now an illogical process that allows highway trust fund dollars not to be spent in order to permit spending more in other categories. I believe that is wrong. My constituents are telling me this is wrong and they have challenged me to find a solution. I believe we have come up with that solution.

Let me explain, briefly, Mr. President, what the bill is: First, it is a budget bill, not a tax bill or an ISTEA highway authorization bill. This bill would ensure that the highway trust fund dollars are spent for the purposes for which they were intended and that it would be deficit neutral. The bill would reestablish the link between the highway trust fund taxes and highway spending by transferring the taxes and the spending to a new budget category—a revenue constrained fund—that is part of the unified budget. This new category would have its own budget rules to ensure that highway programs were fully funded and deficit neutral. This bill would restore the trust to the trust fund because highway spending would equal the highway trust fund taxes collected the prior year. It is consistent with achieving a balanced budget because it comes with its own built-in cap—the revenue received from the highway trust fund. It does not take the highway trust fund off-budget, but it also does not attempt to spend the balances that have accumulated or the interest on those balances. We do not attempt to resolve the arguments of the past. Instead we have focused on developing a workable process for the future.

I do not believe that the status quo is sustainable, primarily for two reasons.

First, our country has tremendous infrastructure needs. Take my State of Missouri alone. A recent report by the Road Information Program stated that Missouri has the seventh highest percentage of structurally deficient or functionally obsolete bridges in the country, and that more than half of its major roads are in poor or mediocre condition and in need of improvement. My State has the third highest percentage of urban freeway congestion in the Nation, and highway fatalities in Missouri have increased by 17 percent since 1993. These statistics will continue to grow as vehicle travel continues to grow and the infrastructure crumbles.

Second, I know that my constituents, and I would say the American public, will not continue to support a process that sentences transportation spending to compete with other discretionary programs despite its unique dedicated funding source.

Mr. President, I do not want to take much more time, but there is one more issue I would like to address. Senator CHAFEE and I have focused on the highway account of the highway trust fund. The bill we are introducing today does not address the mass transit account of the highway trust fund. It is not included due to some concern transit advocates have expressed—not in regards to the budget process being proposed, but over the level of funding that transit receives. I believe it is important that a workable solution be found for transit and I am committed to working with the Banking Committee, which has jurisdiction for the transit programs, and transit advocates in developing a proposal.

I want to thank my dear friend Senator CHAFEE for his leadership in the area of transportation. We will have ample opportunity to continue our work together as the reauthorization of ISTEA progresses. Senator CHAFEE has heard me 100 times stress the need for a formula change so I will not get into that one today. I do however want to thank him and his staff for their help on this legislation.

Mr. President, let me close by saying that this bill is the basis for a transportation funding policy for the future—a starting point for a fairer, more forward-looking transportation funding policy. I hope my colleagues will join us and cosponsor this important bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF HIGHWAY TRUST FUND INTEGRITY ACT OF 1997

GENERAL

Keeps the Highway Trust Fund on-budget, as part of the unified Federal budget.

Reestablishes the linkage between Highway Trust Fund taxes and spending that was lost when the Budget Enforcement Act of 1990 split the Federal budget process into two categories.

Consistent with achieving a balanced Federal budget by 2002.

Increases funding to meet our nation's substantial transportation needs.

Creates a new budget category that reflects the unique, revenue-constrained nature of the HTF. This new category, called a Revenue Constrained Fund (RCF) would have its own budget rules to ensure that transportation programs are fully-funded but deficit neutral.

REVENUE CONSTRAINED FUNDS (RCF)

The new RCF budget category would be a separate category, and would not be a subset of either the mandatory budget category or discretionary spending category.

Under the RCF proposal, the spending from Revenue Constrained Funds would be equal to the amount of tax receipts collected for the prior year. Spending would be limited to tax receipts in the prior year to ensure that Highway Trust Fund spending would never exceed actual receipts.

EXAMPLE OF PROBLEM UNDER CURRENT FEDERAL BUDGET PROCESS

One would expect that increased Highway Trust Fund taxes would make room in the budget for increased transportation spending. Unfortunately, this is not the case.

Under the current rules, gas tax increases do make room in the budget for additional spending, but not for increased transportation spending. Under the current rules, the only way to fund the highway trust fund program at the level of Highway Trust Fund tax receipts is by cutting other discretionary programs. We must reform the Federal budget process to correct this illogical outcome.

Mr. CHAFEE. Mr. President, I want to congratulate the Senator from Missouri for his prime work on this piece of legislation. The money that goes into the highway trust fund this year will go out for transportation purposes next year, and I believe that is the right way to do things. It has varied from some of the other proposals that have been put in which provide that the accumulated interest of the accumulated principle of the fund be spent. We don't do that. We provide that what came in last year through taxes will go out the following year for transportation purposes.

Mr. President, today I join as a cosponsor of the Highway Trust Fund Integrity Act of 1997. This legislation, sponsored by my colleague from Missouri, Senator BOND, and cosponsored by Senators NICKLES, COCHRAN and GREGG, reestablishes the link between highway trust fund taxes and transportation spending.

I believe that our proposal represents a reasonable and responsible solution to a problem that faces the Congress as it considers the reauthorization of the Intermodal Surface Transportation Efficiency Act.

I hope that this bill will serve as a starting point for further discussions with my colleagues, especially my colleagues from the Budget and Appropriations committees. I recognize that proposals that modify the budget process are by their nature, controversial, and upset the status quo. However, I think change is necessary and the status quo is no longer an acceptable outcome.

THE PROBLEM

As most of you are aware, the Budget Enforcement Act of 1990 split the Federal Budget process into two categories, one for receipts and mandatory spending and the other for discretionary spending. Highway trust fund taxes, like other revenues, are in the mandatory category, but almost all highway spending falls within the discretionary category. Each budget category has its own rules, procedures, and incentives. Because the highway trust fund is split between these two categories, different parts of the highway trust fund are subject to different budget rules, and the link between the highway trust fund taxes and transportation spending is severed.

Let me give an example of the problem the current situation causes. One would expect that increased highway trust fund taxes would make room in the budget for increased transportation spending. Unfortunately, this is not the case. Under the current rules, gas tax increases do make room in the budget for additional spending, but not for increased transportation spending. Under the current law, the only way to fund transportation programs at the level of highway trust fund tax receipts is by cutting other discretionary programs, such as law enforcement and education. We must reform the Federal budget process to correct this illogical outcome.

THE SOLUTION

Our proposal reestablishes the connection between highway trust fund taxes and transportation spending by putting the highway trust fund taxes and spending in the same budget category. "The Highway Trust Fund Integrity Act of 1997" transfers all of the highway trust fund receipts and outlays into a new budget category that reflects the unique, revenue-constrained nature of the highway trust fund. This new category, called the revenue constrained fund, would have its own budget rules to ensure that transportation programs are fully-funded but deficit neutral.

Under this proposal, spending from the highway trust fund would be equal to the highway trust fund tax receipts collected for the prior year. Spending would be limited to tax receipts in the prior year to guarantee that highway trust fund spending would never exceed actual receipts. If tax receipts into the highway trust fund are less than expected, transportation spending would be constrained, making the trust fund deficit-neutral.

This bill does not create a new entitlement program. Highway trust fund spending would be strictly limited by the amount of taxes deposited in the prior year thereby ensuring that the highway trust fund will be deficit neutral. Other entitlement programs do not have this guarantee.

TRUST FUND BALANCES

One of the questions that has been raised regarding our proposal is how it treats the balances that now exist in the highway trust fund. Our proposal does not specifically address the status of the balances that now exist in the highway trust fund. In developing this proposal, we have attempted to focus on establishing a workable process for the future that reestablishes the connection between the highway trust fund taxes and transportation spending. We think we can develop a broad consensus on a proposal to spend the taxes deposited into the highway trust fund going forward. Such a broad consensus is not possible regarding the balances that now exist in the highway trust fund. There is significant disagreement about the validity of spending those balances, and our bill does not attempt to resolve this disagreement.

CONGRESSIONAL JURISDICTION

Another question that has been raised about our proposal is how this proposal would change the jurisdiction of the various committees in the Congress over the highway trust fund. Our bill does not change the jurisdiction among Congressional committees. It is our intention that all of the committees involved in setting transportation policy would continue to provide policy input and oversight for those areas currently under their jurisdiction.

The tax committees would continue to play their role in setting tax rates of the highway trust fund; the authorizing committees would continue to play their role, including determining the program structure and distribution formulas for the formula grant programs, and the appropriations committees would continue to provide oversight and make decisions about the programs under their control.

Under our proposal, the total amount of highway trust fund spending would be determined by the American people who pay the taxes deposited into the trust fund. Neither the authorizing committees nor the appropriations committees would determine the total level of spending.

TRANSIT

In developing this legislation, we have focused on the programs and spending of the Highway Account of the highway trust tund. The highway account programs are under the jurisdiction of the Senate Committee on Environment and Public Works, the committee for which I serve as chairman. The bill we introduce today only addresses the highway account of the trust fund; it does not address the Mass Transit Account.

However, as part of the ISTEA reauthorization, I believe a similar proposal should be developed for the transit account of the highway tust Fund. Senator BOND and I plan to work with transit advocates and members of the Banking Committee, which has jurisdiction over transit programs, to craft such a proposal.

The Highway Trust Fund Integrity Act of 1997 is a forward looking bill. It is consistent with achieving a balanced Federal budget by 2002. It does not take the highway trust fund off-budget, but it does address concerns that the bond between transportation taxes and transportation spending has been broken.

I urge my colleagues to cosponsor this important bill.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. D'AMATO, Mr. ABRAHAM, Mr. BINGAMAN, Mrs. BOXER, Mr. DORGAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. DEWINE, Mr. CONRAD, Mr. ROCKEFELLER, and Mrs. FEINSTEIN):

S. 405. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit; to the Committee on Finance.

THE RESEARCH AND EXPERIMENTATION CREDIT PERMANENT EXTENSION ACT OF 1997

Mr. HATCH. Mr. President, today I am proud to introduce a bill to make the current tax credit for increasing research activities permanent with my friend and colleague MAX BAUCUS. We are also joined by Senators D'AMATO, ABRAHAM, BOXER, BINGAMAN, MOSELEY-BRAUN, DORGAN, MURRAY, DEWINE, CONRAD, ROCKEFELLER. Companion legislation will be introduced today by Representatives NANCY JOHNSON and ROBERT MATSUI in the House. The Small Business Job Protection Act of 1996 temporarily extended this tax credit until May 31, 1997, when it is set to expire.

As the United States is shifting from an industrial based economy to an information and technology based economy, conducting research for tomorrow's products and methods is increasing in importance. In 1981, the Reagan administration and the Congress recognized this need, and the credit for increasing research and experimentation [R&E] activities was first enacted. Unfortunately, the credit has been victim to repeated short term extensions that included a break in the availability of the credit.

Mr. President, this nation is the world's undisputed leader in technological innovation. American knowhow has given our Nation benefits undreamed of a few years ago. Research and development by U.S. companies has led the way in delivering these benefits, which enhance U.S. competitiveness as well as the quality of life for everyone. And, as the pace of change in our world quickens, the role of research has taken on increased importance. Today, the credit is needed more than ever to keep up with our changing world.

The R&E credit has played a key role in placing the United States ahead of its competition in developing and marketing new products. Studies of the credit indicate that the marginal effect of $1 of the R&E credit stimulates approximately $1 of additional private research and development spending over the short-run, and as much as $2 of extra investment in research over the long-run.

Mr. President, the benefits of the R&E credit, though certainly very significant, have been limited by the fact that the credit has been temporary. In many fields, particularly pharmaceuticals and biotechnology, there are relatively long periods of development. The more uncertain the long-term future of the R&E credit is, the smaller the potential of the credit to stimulate increased research. This only makes sense, Mr. President. U.S. companies are managed by prudent business men and women. They evaluate their research and development investments by comparing the present value of the expected cash flow from the research over the life of the investment with the initial cash outlay. These estimates take into account the potential availability of tax credits. However, because of the uncertainty of a tax credit that has been allowed to continually expire, many decision makers do not count on the R&E credit as being available in the long-run. This, of course, means that fewer research projects will meet the threshold of viability and results in fewer dollars being spent on research in this country.

In the business community, the development of new products, technologies, drugs, and ideas can result in either success or failure. Investments carry a risk. If a project has a high risk of failure, the R&E tax credit will help ease the cost of taking the chance to find the cure for killer diseases such as cancer, to build the next microchip, or the next generation of heart monitoring equipment that can save lives. If the project becomes a success, resulting in a new drug that can cure a disease or a new breakthrough technology, then what happens? Additional investment is made, workers are hired, new jobs are created and many Americans benefit from the initial research and experimentation. In this way, all Americans can benefit from the R&E tax credit.

Mr. President, a small investment in R&E today produces dividends and rewards tomorrow. This tax credit is a credit for investment, for economic growth, and for creating new jobs. What if we don't act? As the Peat Marwick study confirms, the benefits of the R&E tax credit reach into the future. Failure to extend the credit beyond May 31, 1997, will weaken our Nation's ability to stay competitive in the future.

It is important to note that while U.S. investment in research and development has generally grown since 1970, our international competitors have not stood still. Other nations, such as Japan and Germany are constantly knocking at the door trying to build the better car, the faster computer, or a more effective drug. Uncertainty, about the future of the credit will make firms hesitant to make long-term commitments and investments in the critical long-term research projects that really are the source of the breakthrough drugs and the new technologies. In fact, United States non-defense R&D, as a percentage of gross domestic product [GDP], has been relatively flat since 1985, while Japan's and Germany's have grown.

Unlike a few years ago, it is now not always necessary for U.S. firms to perform their research activities within the boundaries of the United States. As more nations have joined the United States as high tech manufacturing centers, with educated work forces, multinational companies have found that moving manufacturing functions overseas is sometimes necessary to stay competitive. The same is often true with basic research activities. In fact, some of our major trading partners now provide generous tax incentives for research and development conducted in those nations. These incentives are more attractive than the R&E credit the United States provides, particularly when the temporary nature of our credit is considered. Therefore, Mr. President, we are at risk of having some of the R&D spending in the United States transferred overseas if we do not keep competitive.

President Clinton, when campaigning for the Presidency in 1992, recognized the importance of stimulating private R&D investment and called for a permanent R&E credit. The 1993 tax bill had a 3-year extension. Last year, we extended the credit for only 1 year because of revenue constraints in the small business bill. The President's fiscal year 1998 budget contains another 1-year extension. These proposals for extensions are well and good, Mr. President, but they do nothing to give stability to risky, long-term research and experimentation investments. The certainty of the availability of the tax credit is now almost as important as the credit itself. It might well make the difference between a decision to undertake an expensive multiyear research project and a decision to forego such research.

I hope this year we can put our support behind investment in research and make this credit permanent.

Mr. President, my home State of Utah is home to a large number of innovative companies who invest a high percentage of their revenue in research and development activities. For example, between Salt Lake City and Provo lies the world's biggest stretch of software and computer engineering firms. This area, which was named "Software Valley" by Business Week, is second only to California's Silicon Valley as a thriving high technology commercial area.

In addition, Utah is home to about 700 biotechnology and biomedical firms that employ nearly 9,000 workers. These companies were conceived in research and development and will not survive, much less grow, without continuously conducting R&D activities.

In all, Mr. President, there are approximately 80,000 employees working in Utah's 1,400 plus and growing technology based companies. Research and development is the lifeblood of these firms, and hundreds of thousands more throughout the Nation that are like them. A permanent and effective tax incentive to increase research is essential to the long-term health of these businesses.

I am aware, Mr. President, that not every company that incurs R&D expenditures in the United States can take advantage of the R&E credit. As the credit matures and business cycles change, the current credit can be out of reach for some companies. Thus, as part of the latest extension of the credit Congress enacted an elective alternative credit to broaden the reach of this incentive. However, Congress should continue to examine ways to improve it and to make the credit more effective in delivering incentives to increase R&D activity.

In the meantime, however, it is important that this Congress send a strong signal that the current credit should not be allowed to expire. I urge my colleagues to show their support for the concept of a permanent R&E credit by cosponsoring this legislation and support the kind of research activities that will maintain American leadership in the technological developments that will lead us into the next century.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO RESEARCH CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(b) OPPORTUNITY TO ELECT ALTERNATIVE INCREMENTAL CREDIT.—Subparagraph (B) of section 41(c)(4) of the Internal Revenue Code of 1986 (relating to election) is amended to read as follows:

"(B) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary."

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after May 31, 1997.

(2) ELECTION.—The amendment made by subsection (b) shall apply to taxable years beginning after June 30, 1996.

• Mr. BAUCUS. Mr. President, it is with great pleasure that I join with my colleague from Utah, Senator HATCH, and my other colleagues Senators ABRAHAM, BOXER, BINGAMAN, CONRAD, D'AMATO, DEWINE, DORGAN, MOSELEY-BRAUN, MURRAY, and ROCKEFELLER to introduce this bill, which is so critical to the ability of American businesses to effectively compete in the global marketplace. Companion legislation has been introduced in the House by Representatives NANCY JOHNSON and ROBERT MATSUI.

Our Nation is the world's undisputed leader in technological innovation, a position that would not be possible, absent U.S. companies' commitment to research and development. Investment in research is an investment in our Nation's economic future, and it is appropriate that both the public and private sector share the costs involved, as we share in the benefits. The credit provided through the Tax Code for research expenses provided a modest but crucial incentive for companies to conduct their research in the United States, thus creating high-skilled, high-paying jobs to U.S. workers.

The R&E credit has played a key role in placing the United States ahead of its competition in developing and marketing new products. Every dollar that the Federal Government spends on the R&E credit is matched by another dollar of spending on research over the short run by private companies, and $2 of spending over the long run. Our global competitors are well aware of the importance of providing incentives for research, and many provide more generous tax treatment for research and experimentation expenses than does the United States. As a result, while spending on nondefense R&D in the United States as a percentage of GDP has remained relatively flat since 1985, Japan's and Germany's has grown.

The benefits of the credit, though certainly significant, have been limited over the years by the fact that the credit has been temporary. In addition to the numerous times that the credit has been allowed to lapse, last year, for the first time, when Congress extended the credit it left a gap of an entire year during which the credit was not available. This unprecedented lapse sent a troubling signal to the U.S. companies and universities that have come to rely on the Government's longstanding commitment to the credit.

Much research and development takes years to mature. The more uncertain the long-term future of the credit is, the smaller its potential to stimulate increased research. If companies evaluating research projects cannot rely on the seamless continuation of the credit, they are less likely to invest on research in this country, less likely to put money into cutting-edge technological innovation that is critical to keeping us in the forefront of global competition.

Our country is locked in a fierce battle for high-paying technological jobs in the global economy. As more nations succeed in creating educationally advanced work forces and join the United States as high-technology manufacturing centers, they become more attractive to companies trying to penetrate foreign markets. Multinational companies sometimes find that moving both manufacturing and basic research activities overseas is necessary if they are to remain competitive. The uncertainty of the R&E credit factors into their economic calculations, and makes keeping these jobs in the United States more difficult.

Although the R&E credit is not exclusively used by high-technology firms, they are certainly key beneficiaries of the credit. In my own State of Montana, 12 of every 1,000 private sector workers were employed by high-technology firms in 1995, the most recent year for which statistics are available. Almost 400 establishments provided high-technology services, at an average wage of $34,500 per year. These jobs paid 77 percent more than the average private sector wage in Montana of $19,500 per year. Many of these jobs would never have been created without the assistance of the R&E credit. Making the credit permanent would most certainly provide the incentive needed to create many more in the future.

I urge my colleagues to support this legislation, and look forward to working with them and with the administration to make the research and experimentation tax credit permanent.•

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. BOND, Mr. LIEBERMAN, and Mr. BURNS):

S. 406. A bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home; to the Committee on Finance.

THE HOME OFFICE DEDUCTION ACT OF 1997

Mr. HATCH. Mr. President, today I am proud to introduce the Home Office Deduction Act of 1997. I am joined today by my friends and colleagues, Senators BAUCUS, ALLARD, BOND, LIEBERMAN, and BURNS. This bill will clarify the definition of what is a "principal place of business" for purposes of section 280A of the Internal Revenue Code, which allows a deduction for an office in the home.

This bill is designed to reverse the 1993 Supreme Court decision in Commissioner versus Soliman. When this decision was handed down, it effectively closed the door to legitimate home office deductions for hundreds of thousands of taxpayers. Moreover, the decision unfairly penalizes many small businesses simply because they operate from a home rather than from a store front, office building, or industrial park.

Mr. President, until the Soliman decision, small business owners and professionals who dedicate a space in their homes to use for business activities were generally allowed to deduct the expenses of the home office if they met the following conditions: First, the space in the home was used solely and exclusively on a regular basis as an office; and second, the deduction claimed was not greater than the income earned by the business. Through the Soliman case, the Supreme Court has narrowed significantly the availability of this deduction by requiring that the home office be the principal business location of the taxpayer. This requirement that the home office be the principal business location has proven to be impossible to meet for many taxpayers with legitimate home office expenses.

For example, under the Soliman decision, a self-employed plumber who generates business income by performing services in the homes of his customers would be denied a deduction for a home office. This is because, under the rules, his home office is not considered his principal place of business because the business income is generated in the homes of the customers and not in his home office. This is the case even though the home office is where he receives telephone messages, keeps his business records, plans his advertising, stores his tools and supplies, and fills out Federal tax forms. In fact, having a full-time employee in the office who keeps the books and sets up appointments would still not result in a home office deduction for the plumber.

This is preposterous, Mr. President, and we need to correct it. My bill would rectify this result by allowing the home office to qualify as the principal place of business if the essential administrative or management activities of the business are performed there.

The truly ironic effect of the Supreme Court's decision is that a taxpayer who rents office space outside of the home is allowed a full deduction, but one who tries to economize by working at home is penalized. This makes no sense to me.

The Home Office Deduction Act of 1997 is designed to restore the deduction for home office expenses to pre-Soliman law. Rather than requiring taxpayers to meet the new criteria set out by the Court, the bill allows a home office to meet the definition of a "principal place of business" if it is the location where the essential administrative or management activities are conducted on a regular and systematic basis by the taxpayer. To avoid possible abuses, the bill requires that the taxpayer have no other location for the performance of these essential administrative or management activities.

Mr. President, today's job market is rapidly changing. New technologies have been developed and continually improved that allow instant communication around the once expansive globe. There is even talk of virtual offices, which are equipped only with a telephone and a hookup for a portable computer. These mobile communications have revolutionized the definition of the traditional office. No longer is there a need to establish a business downtown. Employees are telecommuting by facsmile, modem, and telephone. Today, both a husband and a wife could work without leaving their home and the attention of their children. In this new age, redefining the deduction for home office expenses is vital. Our tax policy should not discriminate against home businesses simply because a taxpayer makes the choice, often based on economic or family considerations, to operate out of the home.

In most cases, start-up businesses are very short on cash. Yet, for many, ultimate success depends on the ability to hold out for just a few more months. In these situations, even a relatively small tax deduction for the expenses of the home office can make a critical difference. It is important to note that some of America's fastest growing and most dynamic companies originated in the spare bedroom or the garage of the founder. Our tax policies should support those who dare to take risks. Many of tomorrow's jobs will come from entrepreneurs who are struggling to survive in a home-based business.

Mr. President, the home office deduction is targeted at these small business men and women, entrepreneurs, and independent contractors who have no other place besides the home to perform the essential administrative or management activities of the business. The Soliman decision drastically reduced the effectiveness and fairness of this deduction and must be reversed.

This legislation can also have an important effect on rural areas, such as in my home State of Utah. Many small business owners and professionals in the rural areas of Utah must spend a great deal of time on the road, meeting clients, customers, or patients. It is likely that many of my rural constituents will be unable to meet the requirements for the home office deduction under the Soliman decision. Mr. President, we must help these taxpayers, not hurt them, in their efforts to contribute to the economy and support their families.

The Home Office Deduction Act of 1997 not only has strong bipartisan support in the Congress, but also has the support of the following organizations: The Alliance of Independent Store Owners and Professionals, the American Animal Hospital Association, the American Small Business Association, the American Society of Media Photographers, the American Society of Travel Agents, Americans for Financial Security, the Bureau of Wholesale Sales Representatives, Communicating for Agriculture, the Home Office & Business Opportunities Association of California, the Illinois Women's Economic Development Summit, the Manufacturers Agents National Association, the National Association for the Cottage Industry, the National Association of the Self-Employed, the National Association of Women Business Owners, the National Electrical Manufacturers Representatives Association, the National Federation of Independent Businesses, National Small Business United, the National Society of Public Accountants, the Promotional Products Association International, the Small Business Legislative Council.

I urge my colleagues in the Senate to join us as cosponsors of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Office Deduction Act of 1997".

SEC. 2. CLARIFICATION OF DEFINITION OF PRINCIPAL PLACE OF BUSINESS.

Section 280A(f) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) PRINCIPAL PLACE OF BUSINESS.—For purposes of subsection (c), a home office shall in any case qualify as the principal place of business if—

"(A) the office is the location where the taxpayer's essential administrative or management activities are conducted on a regular and systematic (and not incidental) basis by the taxpayer, and

"(B) the office is necessary because the taxpayer has no other location for the performance of the essential administrative or management activities of the business."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after the December 31, 1996.

• Mr. BAUCUS. Mr. President, it is with great pleasure that I join with my colleague from Utah, Senator HATCH, to introduce this important bill today. The Home Office Deduction Act of 1997 will correct a problem that has unfairly hurt thousands of small businesses in this country.

In 1993, the Supreme Court, in its Commissioner versus Soliman decision, substantially narrowed the availability of the home office deduction. Until the

Soliman decision, small business owners and professionals who dedicated a space in their homes for business activities were generally allowed to deduct the expenses of the home office if the space was used solely and exclusively and on a regular basis as an office, and the deduction was not greater than the income earned by the business.

In the Soliman case, the Supreme Court limited the credit to only those persons who met with customers in the home office, or who conducted the primary business function in the home. This principal business location requirement has proven to be impossible to meet for many taxpayers with legitimate home office expenses.

The ironic effect of the Supreme Court's decision is that a taxpayer who operates from a store front, an office building, or an office park is allowed a full deduction, but one who chooses to work at home is penalized. This ruling denies the home office deduction to self-employed plumbers, home-care nurses, and other self-employed business people who try to economize by working from their homes but cannot meet with customers there due to the nature of their businesses.

Our bill is designed to restore the home office deduction to thousands of American men and women who work at home. Rather than requiring taxpayer to meet the new criteria set out by the Court, the bill allows a home office to meet the definition of a principal place of business if it is the sole location where essential administrative or management activities are conducted on a regular and systematic basis by the taxpayer. To avoid possible abuses, the bill requires that the taxpayer have no other location for the performance of these activities.

The job market in the United States is constantly changing. New technologies are helping to make the work-at-home option a practical reality, bringing all the benefits to society that home-based businesses can provide. Mothers and fathers, whether single or married, are more often choosing to work at home to be with their children. Having a parent at home who can help supervise children while earning a living can have a tremendous positive effect on the well-being of our families and of society.

Restoration of the home office deduction was one of the most important recommendations to come out of the June 1995 White House Conference on Small Business. Some of America's fastest growing and most dynamic companies originated in the spare bedroom or the garage of the founder. To foster continued economic growth and to encourage Americans to start their own business ventures, we need to pass legislation that will put home-based businesses on an equal footing with other enterprises.

I urge my colleagues and the administration to support this legislation, and look forward to seeing it enacted in the 105th Congress.●

By Mr. McCAIN (for himself and Mr. BURNS):

S. 407. A bill to amend the Communications Act of 1934 to clarify the authority of the Federal Communications Commission to authorize foreign investment in United States broadcast and common carrier radio licenses; to the Committee on Commerce, Science, and Transportation.

THE INTERNATIONAL TELECOMMUNICATIONS INVESTMENT CLARIFICATION ACT

● Mr. McCAIN. Mr. President. I introduce legislation designed to clarify the authority of the FCC to authorize foreign investment in United States broadcast and common carrier radio licenses. Joining me today, is Chairman BURNS of the Subcommittee on Communications.

Mr. President, American companies and consumers worldwide will benefit tremendously from the passage of this legislation. No one can deny that U.S. telecommunications services providers ability to compete in the global market is hampered by the restrictions that we place upon foreign companies seeking to do business here. The problem is quite simple: the more restrictive the foreign ownership rules are here in the U.S., the more oppressive are the regulations that are placed on United States companies in other countries. The solution is just as simple: the greater the willingness by the United States to permit foreign ownership of U.S. companies, the greater the success of the U.S. companies wishing to maximize their ownership opportunities overseas.

This bill accomplishes just that by amending section 310(b) to: First, remove the statutory limitation on foreign indirect investment in U.S. corporations holding common carrier or aeronautical radio licenses (but not broadcast licenses); second, allow foreign direct investment greater than 20 percent in U.S. corporations holding common carrier or aeronautical radio licenses, if the FCC finds it in the public interest; third, explicitly prohibit any corporation with more than 20 percent foreign government ownership from holding common carrier, aeronautical or broadcast licenses.

It is clear that lowering barriers to foreign ownership in this country will result in greater opportunities for U.S. service providers overseas. The ripple effect on the U.S. telecommunications industry as a whole would increase the benefits across the board from consumers to manufacturers to service providers. The only way for the United States to effectively lead the world in establishing an expansive global marketplace is to set the standard in this country by which U.S. companies want to be measured overseas. Liberalizing foreign ownership restrictions under 310(b) would send that message to our foreign partners loud and clear.

That is why I am introducing this bill, and I encourage my colleagues to join me and support the legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Telecommunications Investment Clarification Act".

SEC. 2. FOREIGN OWNERSHIP.

Section 310(b) of the Communications Act of 1934 (47 U.S.C. 310(b)) is amended to read as follows:

"(b)(1) No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—

"(A) any alien or the representative of any alien;

"(B) any corporation organized under the laws of any foreign government; or

"(C) any corporation of which more than one-fifth of the capital stock is owned of record or voted by a foreign government or representative thereof.

"(2) No common carrier or aeronautical en route or aeronautical fixed ratio station license shall be granted to or held by any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

"(3) No broadcast radio station license shall be granted to or held by—

"(A) any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by any corporation organized under the laws of a foreign country; or

"(B) any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corportation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.".

SEC. 3. SUBMARINE CABLE AMENDMENT.

Section 2 of the Act of May 27, 1921, entitled "An Act relating to the landing and operation of submarine cables in the United States" (47 U.S.C. 35), is amended by inserting before the period at the end thereof the following: ": *And provided further*, That the Federal Communications Commission shall not deny any license to land or operate such a cable solely on the grounds that such license will be issued to a corporation that is directly or indirectly owned by aliens, their representatives, or by any corporation organized under the laws of a foreign government".

SEC. 4. EFFECTIVE DATE; REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act are effective upon enactment.

(b) REGULATIONS.—Within 60 days after the date of enactment of this Act, the Federal Communications Commission shall take all actions necessary to implement this Act, including amending its rules and regulations, but the Commission shall not, after such effective date, take any action to enforce any rule, regulation, or policy that is inconsistent with the amendments made by this Act.

INTERNATIONAL TELECOMMUNICATIONS INVESTMENT BILL—SECTION-BY-SECTION SUMMARY

A Bill to amend the Communications Act of 1934 to clarify the authority of the FCC to authorize foreign investment in United States broadcast and common carrier radio licenses.

Section 1. Short Title. This Act may be cited as the "International Telecommunications Investment Clarification Act".

Section 2. Amendments to the Communications Act of 1934. Section 310(b) is amended to: (a) remove the statutory limitation on foreign indirect investment in U.S. corporations holding common carrier or aeronautical radio licenses (but not broadcast licenses); (b) allow foreign direct investment greater than 20% in U.S. corporations holding common carrier or aeronautical radio licenses, if the FCC finds it in the public interest; (c) explicitly prohibit any corporation with more than 20% foreign government ownership from holding common carrier, aeronautical or broadcast licenses.

Section 3. Amendment to the Submarine Cable Act. Clarify that the Submarine Cable Landing License may not be denied to an applicant solely on the basis of foreign investment or ownership.

Section 4. Effective Date. Effective upon enactment. Allow the FCC 90 days to amend its rules.●

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 408. A bill to establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Energy and Natural Resources.

THE BORDER INFRASTRUCTURE, SAFETY AND CONGESTION RELIEF ACT OF 1997

● Mrs. BOXER. Mr. President, today, Senator BINGAMAN and I are introducing the Border Infrastructure, Safety and Congestion Relief Act of 1997, legislation to authorize assistance for States along the U.S.-Mexico border which must cope with the increased demands on roads and other public infrastructure that result from expanded international trade. Our bill is also being introduced in the House of Representatives by my good friend, Representative BOB FILNER.

Last week, in a hearing before the Environment and Public Works Committee on ISTEA, Transportation Secretary Rodney Slater noted that since the passage of NAFTA, "we have seen a tremendous growth in trade. To make the most of these opportunities, we are proposing a new program to help improve our border crossings and major trade corridors—programs that will facilitate our domestic and international trade * * *."

Secretary Slater is right: NAFTA has greatly increased trade across our borders. If we all work together to fix our border crossings, increased trade offers great opportunities for the entire nation. If we do not, then NAFTA will act as an unfunded mandate that forces California and other border States to support other States' trade routes.

The Administration is proposing a border crossing and trade corridors grant program to improve traffic efficiency at border crossings, to be funded at $45 million a year. All border States north and south would be eligible.

As I told Secretary Slater at last week's hearing, I believe that the proposal, while a good step forward, is too limited for our border needs. Forty-five million across 14 States is simply not enough to address these crucial infrastructure problems.

The Administration also wants to establish a new innovative financing program that would provide loans and credit assistance for large projects in the national interest—another good proposal, but one which, in my opinion, does not go far enough.

The Boxer-Bingaman-Filner bill provides a two-stage system for Federal assistance to fund the States' top-priority border infrastructure projects:

First, it authorizes appropriation of $125 million each year in 1998 through 2001—a total of $500 million—for a border infrastructure fund to provide Federal grants to border States and local governments in order to pay for new or upgraded connections to the regional and national road network. The bill also allows up to $10 million to be transferred from the fund to Federal law enforcement agencies to use for their own infrastructure improvements, such as border patrol roads and lighting.

Second, our bill would authorize appropriations of $100 million to provide a Federal guarantee for loans made by border State infrastructure banks [SIBS] or border authorities for high cost projects such as toll roads that bring in revenue to the States. Federal guarantees will support up to $1 billion in State loans.

For California, this could mean up to $50 million in Federal guarantees, leveraging up to $500 million in loans. California is one of 10 States designated last year by the Secretary of Transportation to participate in this innovative new method of financing transportation projects.

Third, the bill authorizes Federal loan guarantees for border railroads, which could modernize and complete the San Diego and Arizona Eastern railway. This section would provide $10 million a year for 4 years for a total of $40 million in Federal funds to help railroads obtain low-interest private loans they might otherwise not get.

Finally, our bill requires the Secretary of Transportation to submit an annual report to Congress on the volume of commercial traffic that is crossing the United States-Mexico border, and the level of international commercial vehicle safety violations. This report will help us gauge the effectiveness of the Federal response to trade demands on infrastructure in the border region.

Mr. President, since the entire Nation benefits from international trade, I believe the Federal Government has a responsibility to help pay for the improvements in roads and other infrastructure that make that trade possible. Our bill will ensure that we begin to meet that Federal responsibility.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Infrastructure Safety and Congestion Relief Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) because of the North American Free Trade Agreement, all 4 States along the United States-Mexico border will require significant investments in highway infrastructure capacity and motor carrier safety enforcement at a time when border States face extreme difficulty in meeting current highway funding needs;

(2) the full benefits of increased international trade can be realized only if delays at the borders are significantly reduced; and

(3) Federal receipts from United States customs duties and fees are estimated to increase by an average of $800,000,000 annually in fiscal years 1998 through 2001, and these monies are an appropriate source of funding for programs designed to address the infrastructure needs of border States.

SEC. 3. DEFINITIONS.

In this Act:

(1) BORDER REGION.—The term "border region" means the region located within 60 miles of the United States border with Mexico.

(2) BORDER STATE.—The term "border State" means California, Arizona, New Mexico, and Texas.

(3) FUND.—The term "Fund" means the Border Transportation Infrastructure Fund established by section 4(g).

(4) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement.

(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 4. DIRECT FEDERAL ASSISTANCE FOR BORDER CONSTRUCTION AND CONGESTION RELIEF.

(a) IN GENERAL.—Using amounts in the Fund, the Secretary shall make grants under this section to border States that submit an application that demonstrates need, due to increased traffic resulting from the implementation of NAFTA, for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws.

(b) GRANTS FOR CONNECTORS TO FEDERAL BORDER CROSSING FACILITIES.—The Secretary shall make grants to border States for the purposes of connecting, through construction or reconstruction, the National Highway System designated under section 103(b) of title 23, United States Code, with Federal border crossing facilities located in the United States in the border region.

(c) GRANTS FOR WEIGH-IN-MOTION DEVICES IN MEXICO.—The Secretary shall make grants to assist border States in the purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment that are to be located in Mexico if real time data from the devices is provided to the nearest United States port of entry and to State commercial vehicle enforcement facilities that serve the port of entry.

(d) GRANTS FOR COMMERCIAL VEHICLE ENFORCEMENT FACILITIES.—The Secretary shall make grants to border States to construct, operate, and maintain commercial vehicle enforcement facilities located in the border region.

(e) LIMITATIONS ON EXPENDITURES OF FUNDS.—

(1) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall be 80 percent.

(2) ALLOCATION AMONG STATES.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2001, the Secretary shall allocate amounts remaining in the Fund, after any transfers under section 5, among border States in accordance with an equitable formula established by the Secretary in accordance with subparagraphs (B) and (C).

(B) CONSIDERATIONS.—Subject to subparagraph (C), in establishing the formula, the Secretary shall consider—

(i) the annual volume of international commercial vehicle traffic at the ports of entry of each border State as compared to the annual volume of international commercial vehicle traffic at the ports of entry of all border States, based on the data provided in the most recent report submitted under section 8;

(ii) the percentage by which international commercial vehicle traffic in each border State has grown during the period beginning on the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to that percentage for each other border State; and

(iii) the extent of border transportation improvements carried out by each border State during the period beginning on the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182).

(C) MINIMUM ALLOCATION.—Each border State shall receive not less than 5 percent of the amounts made available to carry out this section during the period of authorization under subsection (i).

(f) ELIGIBILITY FOR REIMBURSEMENT FOR PREVIOUSLY COMMENCED PROJECTS.—The Secretary shall make a grant under this section to a border State that reimburses the border State for a project for which construction commenced after January 1, 1994, if the project is otherwise eligible for assistance under this section.

(g) BORDER TRANSPORTATION INFRASTRUCTURE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Border Transportation Infrastructure Fund to be used in carrying out this section, consisting of such amounts as are appropriated to the Fund under subsection (i).

(2) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to make grants under this section and transfers under section 5.

(B) ADMINISTRATIVE EXPENSES.—An amount not exceeding 1 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(h) APPLICABILITY OF TITLE 23.—Title 23, United States Code, shall apply to grants made under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund to carry out this section and section 5 $125,000,000 for each of fiscal years 1998 through 2001. The appropriated amounts shall remain available for obligation until the end of the third fiscal year following the fiscal year for which the amounts are appropriated.

SEC. 5. CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.

At the request of the Attorney General, the Secretary may transfer, during the period consisting of fiscal years 1998 through 2001, up to $10,000,000 of the amounts from the Fund to the Attorney General for the construction of transportation infrastructure necessary for law enforcement in border States.

SEC. 6. BORDER INFRASTRUCTURE INNOVATIVE FINANCING.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage the establishment and operation of State infrastructure banks in accordance with section 350 of the National Highway System Designation Act of 1995 (109 Stat. 618; 23 U.S.C. 101 note); and

(2) to advance transportation infrastructure projects supporting international trade and commerce.

(b) FEDERAL LINE OF CREDIT.—Section 350 of the National Highway System Designation Act of 1995 (109 Stat. 618; 23 U.S.C. 101 note) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(l) FEDERAL LINE OF CREDIT.—

"(1) DEFINITIONS.—In this subsection, the terms 'border region' and 'border State' have the meanings given the terms in section 3 of the Border Infrastructure Safety and Congestion Relief Act of 1997.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the general fund of the Treasury $100,000,000 to be used by the Secretary to make lines of credit available to—

"(A) border States that have established infrastructure banks under this section; and

"(B) the State of New Mexico which has established a border authority that has bonding capacity.

"(3) AMOUNT.—The line of credit available to each participating border State shall be equal to the product of—

"(A) the amount appropriated under paragraph (2); and

"(B) the quotient obtained by dividing—

"(i) the contributions of the State to the Highway Trust Fund during the latest fiscal year for which data are available; by

"(ii) the total contributions of all participating border States to the Highway Trust Fund during that fiscal year.

"(4) USE OF LINE OF CREDIT.—The line of credit under this subsection shall be available to provide Federal support in accordance with this subsection to—

"(A) a State infrastructure bank engaged in providing credit enhancement to creditworthy eligible public and private multimodal projects that support international trade and commerce in the border region; and

"(B) the New Mexico Border Authority; (each referred to in this subsection as a 'border infrastructure bank').

"(5) LIMITATIONS.—

"(A) IN GENERAL.—A line of credit under this subsection may be drawn on only—

"(i) with respect to a completed project described in paragraph (4) that is receiving credit enhancement through a border infrastructure bank;

"(ii) when the cash balance available in the border infrastructure bank is insufficient to pay a claim for payment relating to the project; and

"(iii) when all subsequent revenues of the project have been pledged to the border infrastructure bank.

"(B) THIRD PARTY CREDITOR RIGHTS.—No third party creditor of a public or private entity carrying out a project eligible for assistance from a border infrastructure bank shall have any right against the Federal Government with respect to a line of credit under this subsection, including any guarantee that the proceeds of a line of credit will be available for the payment of any particular cost of the public or private entity that may be financed under this subsection.

"(6) INTEREST RATE AND REPAYMENT PERIOD.—Any draw on a line of credit under this subsection shall—

"(A) accrue, beginning on the date the draw is made, interest at a rate equal to the current (as of the date the draw is made) market yield on outstanding, marketable obligations of the United States with maturities of 30 years; and

"(B) shall be repaid within a period of not more than 30 years.

"(7) RELATIONSHIP TO STATE APPORTIONMENT.—Funds made available to States to carry out this subsection shall be in addition to funds apportioned to States under section 104 of title 23, United States Code.".

SEC. 7. RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM.

(a) PURPOSE.—The purpose of this section is to provide assistance for freight rail projects in border States that benefit international trade and relieve highways of increased traffic resulting from NAFTA.

(b) ISSUANCE OF OBLIGATIONS.—The Secretary shall issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 832), in such amounts, and at such times, as may be necessary to—

(1) pay any amounts required pursuant to the guarantee under the principal amount of an obligation under section 511 of that Act (45 U.S.C. 831) for any eligible freight rail project described in subsection (c) during the period that the guaranteed obligation is outstanding; and

(2) during the period referred to in paragraph (1), meet the applicable requirements of this section and sections 511 and 513 of that Act (45 U.S.C. 832 and 833).

(c) ELIGIBILITY.—Assistance provided under this section shall be limited to those freight rail projects located in the United States that provide intermodal connections that enhance cross-border traffic in the border region.

(d) LIMITATION.—Notwithstanding any other provision of law, the aggregate unpaid principal amounts of obligations that may be guaranteed by the Secretary under this section may not exceed $100,000,000 during any of fiscal years 1998 through 2001.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make loan guarantees under this section $10,000,000 for each of fiscal years 1998 through 2001.

SEC. 8. REPORT.

(a) IN GENERAL.—The Secretary shall annually submit to Congress and the Governor of each border State a report concerning—

(1) the volume and nature of international commercial vehicle traffic crossing the border between the United States and Mexico; and

(2)(A) the number of international commercial vehicle inspections conducted by each border State at each United States port of entry; and

(B) the rate of out-of-service violations of international commercial vehicles found through the inspections.

(b) INFORMATION PROVIDED BY UNITED STATES CUSTOMS SERVICE.—For the purpose of preparing each report under subsection (a)(1), the Commissioner of Customs shall provide to the Secretary such information described in subsection (a)(1) as the Commissioner has available.

SEC. 9. SENSE OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

It is the sense of the Committee on Environment and Public Works of the Senate that the programs authorized under this Act should be fully financed in a budget neutral manner by offsetting receipts derived from customs duties and fees.●

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HATCH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 194

At the request of Mr. CHAFEE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 194, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations and for other purposes.

S. 197

At the request of Mr. ROTH, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 221

At the request of Mr. GREGG, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 221, a bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the social security trust funds.

S. 228

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 228, a bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 354

At the request of Mr. KENNEDY, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 354, a bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit executive agencies from awarding contracts that contain a provision allowing for the acquisition by the contractor, at Government expense, of certain equipment or facilities to carry out the contract if the principal purpose of such provision is to increase competition by establishing an alternative source of supply for property or services.

SENATE RESOLUTION 60

At the request of Ms. COLLINS, the names of the Senator from Idaho [Mr. CRAIG], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Montana [Mr. BURNS], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. DEWINE], the Senator from North Carolina [Mr. HELMS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Virginia [Mr. WARNER], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of Senate Resolution 60, a resolution to commend students who have participated in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997.

AMENDMENTS SUBMITTED

U.S. TRADE REPRESENTATIVE JOINT RESOLUTION

HOLLINGS (AND HELMS) AMENDMENT NO. 19

Mr. HOLLINGS (for himself and Mr. HELMS) proposed an amendment to the joint resolution (S.J. Res. 5) waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative; as follows:

On page 2, after line 8 insert the following:

SEC. 2. CONGRESSIONAL APPROVAL OF CERTAIN TRADE AGREEMENTS REQUIRED.

No international trade agreement which would in effect amend or repeal statutory law of the United States law may be implemented by or in the United States until the agreement is approved by the Congress.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, March 6, 1997 at 2:15 p.m. to hold a hearing and markup on the Committee on Governmental Affairs request for additional funding.

For further information concerning this hearing, please contact Ed Edens of the committee staff on 224–6678.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, March 11, 1997 at 9 a.m. in SR–328A. The purpose of the hearing will be to receive testimony regarding the agriculture research systems structure, funding mechanisms, coordination and priority setting, and accountability.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, March 13, 1997 at 9 a.m. in SR–328A. The purpose of the hearing will be to receive testimony regarding the agriculture research systems structure, funding mechanisms, coordination and priority setting, and accountability.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, March 18, 1997 at 9 a.m. in SR–328A. The purpose of the hearing will be to receive testimony regarding the agriculture research systems structure, funding mechanisms, coordination and priority setting, and accountability.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, March 20, 1997 at 9 a.m. in SR–328A. The purpose of the hearing will be to receive testimony regarding the agriculture research systems structure, funding mechanisms, coordination and priority setting, and accountability.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 5, 1997, at 9 a.m. in SR–328A to review the U.S. Department of Agriculture Business Plan and Reorganization Management.

The PRESIDING OFFICER. Without objection, it is so so ordered.

COMMITTEE ON FINANCE

Mr. ROTH. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 5, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 5, at 10 a.m. for a hearing on high-risk issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, March 5, 1997, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 5, 1997 beginning at 9:30 a.m. until business is completed, to hold a oversight hearing to review the budget and operations of the Secretary of the Senate, Sergeant at Arms, Architect of the Capitol, and the National Gallery of Art.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces be authorized to meet on Tuesday, March 5, 1997, at 10 a.m. in open session, to receive testimony on the Defense authorization request for fiscal year 1998 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 5, 1997, at 10 a.m. on the Gore Commission/Aviation Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 5, 1997, at 2 p.m. in open session, to receive testimony on recruiting and retention policies within the Department of Defense and the military services in review of the Defense authorization request for fiscal year 1998 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 5, 1997 to receive testimony on Defense programs to combat the proliferation of weapons of mass destruction and the Department of Defense budget request for fiscal year 1998 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL AND RISK ASSESSMENT

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control and Risk Assessment be granted permission to conduct a hearing Wednesday, March 5, at 9:30 a.m., hearing room SD–406, on the reauthorization of Superfund, including S. 8, the Superfund Cleanup Acceleration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WILSON K. SMITH

• Mr. BIDEN. Mr. President, while on a field trip to a Civil War site in the 1950's, a young African-American boy from Delaware asked his teacher why there was no mention of black soldiers. He learned a cold, hard lesson that day—that even though black soldiers fought and died for their country, they were not honored because of the color of their skin.

That field trip ignited what would become a 40-year crusade by a Delawarean named Wilson K. Smith. Mr. Smith is a retired Army Sergeant, who was decorated with a Bronze Star and Silver Star during the Vietnam war as a member of the 101st Airborne Division, First Special Forces. In 1957, Sgt. Smith began collecting war stories from black veterans. By 1979, he had tracked down all the African-American Congressional Medal of Honor recipients. In 1989, he began seeking financial pledges and support to build an African-American Medal of Honor monument.

I am proud to have worked closely with Mr. Smith over the last 5 years to see the realization of his dream.

Last month, the names of the 85 African-American Medal of Honor recipients were officially recognized in a permanent exhibit at the Pentagon. This exhibit replicates a monument honoring black Medal of Honor recipients now on permanent display at Morgan State University in Baltimore, MD. Mr. Smith was the driving force behind the design and fundraising for this monument.

This monument will help keep the legacy of the African-American Congressional Medal of Honor recipients alive for generations to come. Never again will young African-American school boys and girls have to wonder why black veterans are not honored for their service and sacrifice to the United States of America.

The Medal of Honor is the highest award for bravery in military service to our country, but few are aware of the names, faces and stories of heroism of the Medal of Honor recipients. These are truly inspiring Americans, who continue to serve this country by their examples of courage, patriotism, and selfless dedication above and beyond the call of duty. From the Civil War to the World Wars to Vietnam to the Persian Gulf war, they have been the outstanding defenders of liberty, the highest hope of humanity in struggle, and the truest representatives of human strength. A memorial to bring that inspiration to African-Americans and to all of us, is a most worthy endeavor.

It truly has been my honor and pleasure to have strongly supported Wilson Smith's crusade, along with many other national and State leaders, including former Chairman of the Joint Chiefs of Staff, General Colin Powell. Wilson Smith is an outstanding man, Delawarean, U.S. veteran and historian. We all will forever owe him a double debt of gratitude for his service to our country.•

TRIBUTE TO LOUISIANA AFL–CIO PRESIDENT VICTOR BUSSIE

• Mr. BREAUX. Mr. President, next week working men and women from all over Louisiana will pause to honor a great and visionary leader and a remarkable man who has led Louisiana's AFL–CIO for the past 41 years. On March 10, my good friend Victor Bussie will retire as president of my State's AFL–CIO—marking the end of a truly historic public career during which time he was widely regarded as one of the most powerful and respected men in Louisiana public life.

Those of us who have known and admired Vic Bussie for many years understand that his power was not so much derived from the position he held, but from the force of his personality and the deep conviction and personal integrity that he brought to every debate or endeavor. Simply put, Vic Bussie will always be remembered as one of the most honorable and decent men who ever served in public life.

Perhaps the greatest testimony to Vic Bussie's extraordinary career is the many tributes paid to him by those who often found themselves on opposing sides in legislative and political battles. Almost without exception, those who fought with Vic Bussie over the issues never had anything but the highest regard for his integrity and his tireless dedication to the cause of Louisiana's working men and women. Always aided by his wife, Fran, Vic Bussie was not only an effective and articulate spokesman for organized labor; he also brought his influence and moral persuasion to bear on a wide variety of issues, including civil rights, education, health care, government reform and economic development. In every case, I believe that the people of Louisiana are better off today because Vic Bussie took an interest in those issues and dedicated himself to making life better for all of our citizens, not just those in the labor movement.

Perhaps one of the greatest testimonies to Vic Bussie's influence and power were the many national political leaders who relied on him during his 41 years at the helm of Louisiana's AFL–CIO. From John F. Kennedy to Lyndon Johnson to Jimmy Carter to Bill Clinton, presidents of the United States have often sought Vic Bussie's counsel and have relied on him to build public support for their campaigns and their legislative initiatives. In the mid-1960s, when President Lyndon Johnson was attempting to persuade my predecessor, Senator Russell Long, to support his proposal to create the national Medicare system, he called on Vic Bussie. As the story goes, Vic was on the next plane to Washington and it was not long afterwards that Senator Long announced his support for Medicare. As Russell and I have learned so many times, it is awfully hard to say no to Vic Bussie.

Mr. President, the late Adlai Stevenson once remarked that "every age needs men who will redeem the time by living with a vision of things that are to be." I suspect that Vic counted Adlai Stevenson as one of his friends. In fact, I would not be surprised to learn that Stevenson had Vic Bussie in mind when he uttered those words. As leader of Louisiana's labor movement for the past 41 years, Vic Bussie has certainly redeemed his time well. All working men and women owe him a tremendous debt of gratitude and my wife, Lois, and I are very proud to be part of the chorus of well-deserved praise that is coming his way during the days leading up to his retirement.

I know I speak for many others when I say that Victor Bussie will always be gratefully remembered for the outstanding service he has rendered to his State and his Nation.●

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

● Mr. ROCKEFELLER. Mr. President, I oppose amending the U.S. Constitution with a rigid requirement that every year the Federal Government must have a zero budget deficit. I don't think it is appropriate to use our Nation's most revered governing document to lock in a budget and economic policy that cannot respond to changing needs and circumstances. And I do not believe such a requirement could be enforced without forcing a constitutional crisis.

In my view, Congress does not need an amendment to the U.S. Constitution to perform its responsibility to enact responsible, balanced Federal budgets. The President and the Congress have all the tools they need to reduce the deficit, to respond and adapt to the country's changing needs, and to keep us militarily and economically strong. It is not a constitutional amendment that makes these choices, but strong leadership and judgment. We must make the choices through realistic cuts in spending, reasonable and fair tax policies, and the setting of obtainable goals that show the specifics—every spending cut and every tax.

Congress can and should act to reduce the deficit. A Democratic Congress did just that in 1993, and the deficit has been cut by more than 60 percent. Including an artificial, unworkable mandate in the U.S. Constitution is not the appropriate path to fiscal responsibility.

I offered and withdrew an amendment which would have protected Medicare from the autopilot of the balanced budget amendment. I offered the Medicare amendment with the intention of engaging in a debate that would expose the balanced budget amendment for the budgetary strait jacket that it is. I offered the amendment with the firm belief that a debate about the effects of a balanced budget amendment on Medicare may help some of my colleagues think through what their actions will mean. People don't want Social Security to be used to balance the budget—and, I believe Medicare is just as important to our constituents as Social Security. Medicare provides West Virginia seniors with health care security—Social Security with a measure of retirement security. My amendment says that the pursuit of a balanced budget should not rob seniors of the health care security they need and deserve.

The current constitutional balanced budget amendment, if passed, would force deep and devastating cuts on the Medicare Program. Such cuts would increase the already too high out of pocket costs senior citizens are forced to pay for basic health care. The pending constitutional amendment is sure to drive up the percentage of a senior's total income they must spend on health care services. Currently, seniors' out of pocket costs are, on average, about 21 percent of their total income. This balanced budget amendment is likely to force seniors to spend 25, 30, 35, or even 50 percent of their total resources on the health care services they need. This increased burden on seniors would force many seniors into poverty and make a greater proportion of them dependent on Medicaid services, in essence, shifting even more health care costs to the states.

I want my colleagues to recognize the real world consequences of their vote for an automatic, constitutional balanced budget—the imposition of devastating cuts in the Medicare Program. Every Senator who I have heard speak publicly about Medicare has said they want to protect, preserve, and strengthen the program. A balanced budget amendment to the Constitution will do the opposite by devastating Medicare—simple math tells us this is true. If my colleagues mean it when they say they want to protect Medicare, they will oppose this constitutional amendment. I urge my colleagues to vote against Medicare being used as a piggy bank to be raided at the end of the year, when the budget isn't in balance, for whatever unforseen economic reason.

I think my colleagues should consider the admonition of the Secretary of the Treasury about the consequences of a Constitutional balanced budget amendment for Medicare beneficiaries. I asked the Secretary what he thinks would happen to Medicare beneficiaries under a balanced budget amendment when he appeared before the Finance Committee two weeks ago. Here is our exchange about the effects of the balanced budget amendment:

> Senator ROCKFELLER. Now we have this thing called a balanced budget amendment, which, according to one of the papers this morning, may lose steam in both chambers, and I hope that is the case.
>
> But, in the event that it is not, it will be, I think, very problematic for Medicare if we go into a situation where, let us say—Senator MOYNIHAN has heard me talk about this

many times—back in the early 1980's in West Virginia we had unemployment that ran up to 21 percent, and devastation to the extent that we were laying off tens of thousands of workers. And this was not common just to West Virginia, it was true in the industrial heartland, as we were making a major economic shift that was painful.

Now, if that were to happen again, and I see no reason why it will not; Japan is now going through exactly that same kind of difficulty, one that we would not have guessed that they would have gone through 10 years after we did, but they are. They are very down about it. They are going to be fine in the long-term.

But if we were to run into that situation again in this country and we had a balanced budget amendment and we had to balance by the end of the year and we had to do our part here in Finance, would we not run into what we used to call sequestration?

Secretary RUBIN. I think that you could easily run into a situation, Senator. I think this is only one of the many problems that a balanced budget amendment creates, and that is, I do think it creates an additional threat to Medicare, if that is what you are saying. If you get to the end of the year and there is a very large, unexpected shortfall, which happens from time to time, then I think the President could be in a position where he would be forced to simply cease sending out all checks.

Well, if you cease sending out all checks you will cease sending out Social Security checks, you will cease sending out Medicare checks, and you will cease sending out all other kinds of checks, I think, instead of being able to deal with it in some sort of a reasonable and sensible fashion.

The Medicare trust fund should not be used as a cash cow to balance the budget in an effort to meet the restrictive requirements of a constitutional amendment. I believe it is clear that one consequence of Senate Joint Resolution 1 would be the Medicare program, which provides health services to 38 million senior citizens, will be cut in excess of what is required to protect seniors and beyond the dictates of good health policy.

I am committed to charting a positive course for our Nation in the 21st century, and I believe that we are moving in the right direction. Some of us have worked very hard in the recent years to do the job of digging out from the exploding deficits of the 1980's, by reducing the deficit, and changing the priorities of the Federal budget in order to cut waste and increase investment in America's future. I have cast many votes in recent years for actual cuts, for detailed changes in policy, and for specific budget plans. These are the kinds of real votes that have cut the deficit.

By working out a balance between what must be done to invest in our people, and using their hard-earned tax dollars more wisely, we have a course that is far less reckless and dangerous than strapping this amendment onto the U.S. Constitution. I truly believe we can achieve the real goal of a balanced budget amendment—fiscal responsibility—if we are brave enough to tackle the real challenges that confront us. For the sake of real fiscal responsibility and the sake of West Virginia's future, I cast my vote against the constitutional amendment to balance the budget.•

MR. COKER ADDS TO THE FIGHT AGAINST DRUGS

Mr. BIDEN. Mr. President, last fall, I had the opportunity to participate in a ribbon cutting ceremony commemorating renovations to the Queen Manor low-income senior citizen complex in Dover, DE. One of the highlights of the ceremony was a poem written and read by Mr. James B. Coker that reminds us that drug abuse is not the answer.

Mr. President, I ask that the text of the poem be printed in the RECORD.

The poem follows:

The high I need doesn't come in a bottle
Or in an auto's throttle
Just give me some hugs
Not someone's drugs

Mr. BIDEN. Last week, President Clinton announced a new addition to our strategy in the fight against drug abuse by young people in America. I applaud the President's effort to focus on teen drug abuse, and believe that it is a good response to a disturbing trend that we cannot ignore. We must harness a moral condemnation of drug use by all segments of our population.

I commend Mr. Coker for making a difference, and am grateful for his contribution in the fight against drug abuse.•

DIVERSIFIED INTERGENERATIONAL CARE, INC.

• Mr. LIEBERMAN. Mr. President, I rise today to honor Diversified Intergenerational Care, Inc., in recognition of the grand opening of their facility at the West Haven Medical Center on March 21, 1997. This facility, which is the first of its kind in the Nation, will provide child care services and care for the mentally ill and elderly.

The sole principals of the company, Scott L. Shafer and Bernard L. Ginsberg, were able to make this facility a reality through a lease they were awarded by the Department of Veterans Affairs. They were selected for the Department's enhanced-use lease through a highly competitive process involving companies nationwide.

Diversified Intergenerational Care, Inc. considers it an honor to work with the Department of Veterans Affairs. They intend to continue their partnership by developing other intergenerational facilities. Their goal is to satisfy the unmet need for care for children, the elderly, and the mentally ill at VA medical centers across the country.

I congratulate Diversified Intergenerational Care, Inc. and the Department of Veterans Affairs for creating this very worthwhile facility, and thank them for working to make these vital services available to those in need.•

ANOTHER MILESTONE FOR THE NPT

• Mr. GLENN. Mr. President, I rise to remind my fellow colleagues that today marks the 27th anniversary of the entering into force of the Treaty on the Non-Proliferation of Nuclear Weapons, or NPT. All too often, the contributions to U.S. security made by multilateral arrangements like the NPT go unrecognized.

I will speak today of a treaty that—with the accession by Oman last January—now has 185 members. That is more than any international security treaty in history. Though it is true that the NPT has not eradicated the global threat of nuclear weapons proliferation—and that it faces some daunting challenges ahead —the treaty has undoubtedly served U.S. interests well and deserves the respect and support of all Members of Congress and indeed all Americans.

SOME HIGHLIGHTS

Mr. President, I ask to have printed in the RECORD at the end of my remarks a list supplied by the Arms Control and Disarmament Agency of all current signatories and parties to the NPT. The only major nonmembers are India, Pakistan, Israel, Brazil, and Cuba.

The NPT was negotiated throughout the 1960's and was signed by Secretary of State Dean Rusk on July 1, 1968. The treaty commits the United States, Britain, France, Russia, and China—the treaty's so-called nuclear-weapon states, defined as countries that detonated a nuclear explosive device before January 1, 1967—not to transfer, directly or indirectly, any nuclear explosive device or control over such a device to any other country, and "not in any way to assist, encourage, or induce" any non-nuclear-weapon state to acquire such a device. (Article I.)

As for the latter states, the treaty obligates them to forswear the bomb and to agree to full-scope safeguards of the International Atomic Energy Agency [IAEA] over all of their nuclear materials. (Articles II and III.)

The treaty also obligates all of its parties to pursue negotiations toward nuclear disarmament, indeed to pursue the eventual goal of a "treaty on general and complete disarmament under strict and effective international control." (Article VI.)

These respective obligations form the heart of the security obligations of members of the NPT. Though the treaty also encourages peaceful uses of atomic energy (Article IV), this encouragement obviously does not extend to help in making bombs or the fissile materials for use in such bombs. The "NP" in "NPT" continues to stand for nonproliferation—not "Nuclear Proliferation" or "Nuclear Profiteering."

NEW CHALLENGES AHEAD

Now, many published critiques have already established that the NPT is far from a perfect treaty. Typically these include observations about the limits of safeguards, the treaty's lack of complete universality, the lack of mandatory sanctions for violations, the inclusion of anachronistic language about "peaceful nuclear explosions," the lack of an explicit ban on nonnuclear-weapon states helping other nonnuclear-weapon states to acquire the bomb, and allegations about the treaty's discriminatory division of the world into nuclear have's and have not's.

Though many of these specific criticisms are well-founded, I would like to identify some broader challenges that could someday jeopardize not just this treaty, but the very existence of nonproliferation as a basic norm of the international community.

Ironically, the first major challenge may well come from the disarmers. Though the United States and Russia have recently made substantial reductions in their strategic arsenals, it is possible that, someday, dozens of nonnuclear-weapon states may reconsider their membership or abandon the treaty due to what they may believe is inadequate progress toward the goal of total nuclear disarmament. What a hypocritical step that would be: it would amount not just to a form of extortion, but one based on some rather peculiar logic—"either you disarm, right now, in the interests of world peace, or we will arm." How this will serve the interests of either peace or nonproliferation is beyond me.

I agree that America and all the other nuclear-weapon states should reaffirm their obligation under the NPT to negotiate in good faith toward the ultimate goal of nuclear disarmament. But I do not read the NPT itself as compelling the United States to disarm as a precondition for other countries to abide by the treaty. The START process has already shown the world that America and Russia are serious about deep cuts in nuclear arms. And the world community will rightfully expect Britain, France, and China to make deep cuts of their own, toward the eventual goal of eliminating all such weapons, as the treaty provides. I believe it is crucial that the nuclear-weapon states fulfill their end of the NPT bargain, but I do not believe that the complex and time-consuming process of nuclear arms reductions should serve as any pretext for further proliferation.

The second major challenge to the NPT will come from advocates of commercial uses of plutonium or highly enriched uranium around the world. I would hate to see countries use the NPT as a pretext for new demands for access to sensitive technology relating to the manufacture of nuclear weapons. If, for example, the acceptance of full-scope safeguards is interpreted by some countries as constituting some form of entitlement to produce highly enriched uranium or to separate plutonium, then the world would be a more dangerous place indeed. We need less of such materials in world commerce, not more of them.

I have no doubt that IAEA safeguards are good and that they are getting better, especially thanks to the agency's Programme 93+2 plan to improve safeguards, but the agency is already too under-funded and overworked to be taking on the new jobs of safeguarding a global plutonium economy, not to mention promoting one. And I continue to question the basic safeguardability of dangerous fuel cycle operations like reprocessing and enrichment, given the difficulty of preventing or even detecting diversions which, though small in size, would be quite sufficient to make bombs.

Since no technical fix will ever eliminate all proliferation and terrorist threats from commercial uses of such materials, I would urge all supporters of nonproliferation to pursue a global moratorium or outright prohibition on all production of highly enriched uranium and the separation of all bomb-usable plutonium for any purpose. Our goal should not be the production by all or some countries of bomb-usable nuclear materials under safeguards—our goal should be a ban on the production of such materials, period.

The key point to keep in mind about safeguards is that they serve as an important instrument in America's diplomatic tool kit for fighting proliferation. By themselves, safeguards do not in any way constitute a solution to the problem of proliferation. To the extent that they complement other U.S. nonproliferation initiatives, however, they thereby deserve our full support.

A third major challenge facing the NPT is that the nuclear-weapon states will, for various reasons, compromise their not in any way to assist obligation under article I of the NPT. I have already seen signs of some erosion of this key duty, which on its face tolerates no forms of assistance.

Various current and proposed export control reforms would, if fully implemented, undoubtedly open up new strains in the NPT's no assistance taboo. I have in mind here such proposals as the following: to relax controls over sensitive dual-use items going to friendly countries or members of multilateral regimes; to drop controls over goods that are no longer state-of-the-art—as though obsolete hydrogen bombs would be any less of a proliferation threat; to regulate or prohibit only significant forms of assistance; to authorize sensitive dual-use transfers so long as there is evidence that some other country is selling similar goods—this is the old "foreign availability" loophole; and to eliminate licensing requirements for many dual-use goods, and other such dubious schemes.

Some of these themes were reflected in recent speech by a senior U.S. export control official, who said the following:

> We no longer have a clearly defined single adversary. Instead, we aim to restrict a narrow range of transactions that could assist in the development of weapons of mass destruction in irresponsible countries like Iran and Iraq. In attempting to do that, we have refocused our control system on a smaller group of truly critical goods and technologies and on specific problem end uses and end users in addition to the so-called pariah countries. [Source: Under Secretary of Commerce William Reinsch, speech before the National Security Industrial Association, February 25, 1997.]

This quote illustrates the extent to which America's NPT's duty "not in any way to assist" is already being interpreted as meaning, in effect, "* * * not to provide a narrow range of truly critical goods and technologies that could assist rogue nations to acquire nuclear explosive devices." The NPT, however, makes no distinction between so-called critical items and any other items—it rules out any and all assistance to any nonnuclear-weapon state.

The irony of such reform proposals can be seen even more when one considers that export controls affect only a tiny fraction of U.S. trade. According to Commerce Department data for 1995, $99.20 out of every $100 in U.S. exports did not even require an export license. Not only that—of those exports that did require a license in that year, only one license out of a hundred was denied. In 1991, the Commerce Department received 30,537 export license applications—by 1995 this number had plummeted to only 9,845, and only 121 of these were ultimately denied.

So the evidence is pretty slim, to say the least, to support any claim that rolling back on export controls will substantially boost America's competitiveness, except perhaps in the sense of increasing America's competitiveness as a proliferator of weapons of mass destruction. Yes indeed, America cannot only afford to comply in full with the NPT's "not in any way to assist" prohibition—from a security standpoint, it cannot afford not to comply with this obligation.

Unfortunately, the dubious claim of commercial need is not the only factor eroding this prohibition under the NPT. The other threat appears in the form of well-meaning pleas coming from two strange bedfellows—certain nongovernmental experts on nonproliferation, and various defense hawks and strategic theorists inside countries that are working on the bomb or keeping their bomb options wide open.

I am referring specifically to proposals to substitute the "management" for the "prevention" of proliferation as a goal of U.S. policy. America, they argue, should help other countries to make to proliferation safe, to ensure that new regional balances of nuclear terror remain stable, and to take steps to ensure that new nuclear arsenals around the world will remain reliable and guarantee secure second strike capabilities. In other words—they appear to believe that America should now help to convert the old cold war doctrine of "mutual assured destruction" into an export commodity.

Even highly esteemed organizations like the Council on Foreign Relations seem to be leaning in this direction. In a recent study released last January on U.S. nuclear nonproliferation policy in South Asia and sponsored by the Council, the authors not only recommended this basic approach, but also called for new U.S. arms transfers and nuclear cooperation with both India and Pakistan with no nonproliferation strings attached, specifically no requirement for full-scope IAEA safeguards. [Source: Council on Foreign Relations, "A New US Policy Toward India and Pakistan," Richard N. Haass, Chairman, January 1997.]

Russia, meanwhile, seems intent on selling two nuclear reactors to India without full-scope safeguards, while China—which has never accepted such safeguards as a nuclear supply condition—continues to engage in nuclear cooperation with Pakistan.

Unless the United States and other members of the world community rally in defense of the NPT and the heart of its verification scheme—full-scope safeguards—I fear that more and more countries will be tempted to reassess their continued membership in that treaty. After all, why agree to safeguards restraints when the benefits of membership in the treaty can be obtained without such restraints? Nobody should take the future of this treaty for granted. By their nuclear supply practices in South Asia, Russia and China are simply making proliferation pay.

CONCLUSION

Mr. President, I would like to conclude by saying that if export controls remain a valuable instrument of nonproliferation, if the inertia toward the eventual goal of nuclear disarmament is sustained, if the inertia in some countries to make large-scale commercial uses of bomb materials can be broken, and if the zealots of regional nuclear deterrence can be kept in check, then I truly believe that the NPT will be with us for quite a while and the world will be better off as a result.

If these conditions are not satisfied, I fear not just for the future of this treaty, but for the future of world peace.

The list follows:

Signatories and Parties to the Treaty on the Non-Proliferation of Nuclear Weapons—January 23, 1997

[Source: Arms Control and Disarmament Agency]

Afghanistan.
Albania.
Algeria.
Antigua and Barbuda.
Andorra.
Angola.
Argentina.
Armenia.
Australia.
Austria.
Azerbaijan.
Bahamas, The.
Bahrain.
Bangladesh.
Barbados.
Belarus.
Belgium.
Belize.
Benin.
Bhutan.
Bolivia.
Bosnia & Herzegovina.
Botswana.
Brunei.
Bulgaria.
Burkina Faso.
Burundi.
Cambodia.
Cameroon.
Canada.
Cape Verde.
Central African Republic.
Chad.
Chile.
China.
Colombia.
Comoros.
Congo, People's Republic of (Brazzaville).
Costa Rica.
Cote d'Ivoire.
Croatia.
Cyprus.
Czech Republic.
Denmark.
Djibouti.
Dominica.
Dominican Republic.
Ecuador.
Egypt.
El Salvador.
Equatorial Guinea.
Eritrea.
Estonia.
Ethiopia.
Fiji.
Finland.
Former Yugoslav.
Republic of Macedonia.
France.
Gabon.
Gambia, The.
Georgia.
Germany, Fed. Republic of.
Ghana.
Greece.
Grenada.
Guatemala.
Guinea.
Guinea-Bissau.
Guyana.
Haiti.
Holy See.
Honduras.
Hungary, Republic of.
Iceland.
Indonesia.
Iran.
Iraq.
Ireland.
Italy.
Jamaica.
Japan.
Jordan.
Kazakstan.
Kenya.
Kiribati.
Korea, Democratic People's Republic of.
Korea, Republic of.
Kuwait.
Kyrgyzstan.
Laos.
Latvia.
Lebanon.
Lesotho.
Liberia.
Libya.
Liechtenstein.
Lithuania.
Luxembourg.
Madagascar.
Malawi.
Malaysia.
Maldive Islands.
Mali.
Malta.
Marshall Islands.
Mauritania.
Mauritius.
Mexico.
Micronesia.
Moldova.
Monaco.
Mongolia.
Morocco.
Mozambique.
Myanmar (Burma).
Namibia.
Nauru.
Nepal.
Netherlands.
New Zealand.
Nicaragua.
Niger.
Nigeria.
Norway.
Oman.
Palau.
Panama.
Papua New Guinea.
Paraguay.
Peru.
Philippines.
Poland.
Portugal.
Qatar.
Romania.
Russia.
Rwanda.
St. Kitts and Nevis.
St. Lucia.
St. Vincent and the Grenadines.
San Marino.
Sao Tome and Principe.
Saudi Arabia.
Senegal.
Seychelles.
Sierra Leone.
Singapore.
Slovakia.
Slovenia.
Solomon Islands.
Somalia.
South Africa.
Spain.
Sri Lanka.
Sudan.
Suriname.
Swaziland.
Sweden.
Switzerland.
Syrian Arab Republic.
Taiwan.
Tajikistan.

Tanzania.
Thailand.
Togo.
Tonga.
Trinidad and Tobago.
Tunisia.
Turkey.
Tuvalu.
Turkmenistan.
Uganda.
Ukraine.
United Arab Emirates.
United Kingdom.
United States.
Uruguay.
Uzbekistan.
Vanuatu.
Venezuela.
Vietnam, Socialist Republic of.
Western Samoa.
Yemen.
Yugoslavia, Socialist Federal Republic of.
Zaire.
Zambia.
Zimbabwe.

Total: 185 (Total does not include Taiwan or SFR Yugoslavia, which has dissolved.)●

ORDERS FOR THURSDAY, MARCH 6, 1997

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Thursday, March 6. I ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that there be a period of morning business until the hour of 1:30 p.m. with Senators to speak for up to 5 minutes each except for the following: Senator DEWINE, 20 minutes; Senator GRAHAM, 15 minutes; Senator TORRICELLI, 15 minutes; Senator COATS, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SHELBY. For the information of all Senators, following morning business tomorrow, the majority leader has indicated that various nominations may be available for consideration on Thursday. Therefore, rollcall votes are possible during Thursday's session.

ADJOURNMENT UNTIL TOMORROW

Mr. SHELBY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m. adjourned until Thursday, March 6, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 5, 1997:

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. KEVIN B. KUKLOK, 6010.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. TERRENCE P. MURRAY, 7177.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

DIRK R. AHLE, 0749
STEPHEN W. BAIRD, 9722
PAUL BALASH III, 4370
RALPH A. BALDWIN, 4762
BILLY C. BELL, 7850
ROBERT J. BIGGS, 0677
GEORGE A. BISZAK, 8160
THOMAS P. BREHM, 9296
JOE C. BURGIN III, 4246
PAUL J. CAHILL, 7316
STEVEN C. CARPENTER, 9884
BENJAMIN L. CASSIDY, 5522
CLAUDE C. CASTAING, JR., 4994
ROBERT W. CERNEY, 6194
RONALD S. COLEMAN, 3216
JOHN W. COWAN, JR., 3465
MARSHA L. CULVER, 7220
DAVID T. DARRAH, 6942
MARK S. DAVIS, 6954
STEVEN F. DAY, 0057
JERRY L. DURRANT, 2690
DANIEL M. DYKSTRA, 2558
JOEL P. EISSINGER, 8735
ROBERT W. ELLIS, JR., 3100
REX A. ESTILOW, 4325
JOHN D. FAVORS, 7160
BARRY M. FORD, 1554
RICHARD W. GOODALE, JR., 2936
GREGORY L. GOODMAN, 1801
DAVID F. GOOLD, 8661
TERRENCE M. GORDON, 2704
THOMAS X. HAMMES, 4316
RICHARD A. HOBBS, JR., 0483
CARLOS R. HOLLIFIELD, 7718
JOHN B. HULICK, 5506
DAVID W. HURLEY, 1949
JONATHAN D. INGHRAM, 5493
LARRY A. JOHNSON, 3612
THOMAS V. JOHNSON, 2359
CHRISTOPHER C. KAUFFMANN, 3793
CHARLES E. KERR, 7806
JAMES J. KRATSAS, 0771
MARY A. KRUSADOSSIN, 1134
COLIN D. LAMPARD, 9871
DENNIS L. LAWRENCE, 3489
JAMES E. LENDERMAN, JR., 9409
DAVID G. LINNEBUR, 7185
THOMAS M. LYTLE, 5612
RONALD S. MAKUTA, 9911
RONALD L. MCCLAIR, 0686
PAUL P. MCNAMARA, 1213
JAMES M. MCNEAL, 7295
WILLIAM A. MEIER, 5906
TERRY D. METLER, 1889
ROBERT E. MILSTEAD, JR., 6669
CHARLES W. MORRIS, 0421
ROBERT B. NELLER, 0298
RICHARD M. NIXON, 0138
DANIEL C. OBRIEN, 3340
DANIEL P. OBRIEN, 4593
ALAN C. PENDLETON, 2272
MAXIE W. PHILLIPS, 9010
WILLIAM J. POWELL, 5181
PAUL R. PUCKETT, 1952
DAVID P. RANN, 8565
GREGORY G. RATHS, 3827
ARTHUR M. REYNOLDS, JR., 6840
BLAKE J. ROBERTSON, 4899
JOHN S. ROGERS III, 3898
CHARLES T. RUSHWORTH III, 0296
KEVIN M. SANDKUHLER, 7415
RICHARD M. SCOTT, 7912
THOMAS E. SEAL, 2111
ROBERT E. STEFFENSEN, 4168
LESLIE STEIN, 8174
ROBERT W. STRAHAN, 3972
JOHN L. SWEENEY, JR., 8170
JAMES S. SWIFT, 2337
JOHN M. TAYLOR, 0873
MICHAEL W. THUMM, 5916
FELIPE TORRES, 2281
RICHARD T. TRYON, 7313
ALLEN E. TURBYFILL, 0600
JOHN H. TURNER, 8223
EDWARD G. USHER III, 6626
JOHN VALENTIN, 1923
ROBERT G. WILCOX, 6802
CHRISTOPHER A. WILK, 1141
MICHAEL E. WILLIAMS, 8230
DAVID L. WRIGHT, 5646
GERALD L. YANELLO, 7953
PHILIP N. YFF, 9645

CONFIRMATION

Executive Nomination Confirmed by the Senate March 5, 1997:

EXECUTIVE OFFICE OF THE PRESIDENT

CHARLENE BARSHEFSKY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

DRUG-FREE COMMUNITIES ACT OF 1997

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. PORTMAN. Mr. Speaker, today I am pleased to introduce with my colleagues, the gentleman from Illinois [Mr. HASTERT], the gentleman from Michigan [Mr. LEVIN], and the gentleman from New York [Mr. RANGEL], the Drug-Free Communities Act of 1997. This bipartisan legislation represents a new effort in Congress to rechannel existing Federal drug control resources into support for locally-based, community anti-drug efforts that are working to reduce teenage drug abuse around the country. Now is clearly the time for action on this issue.

Tragically, after more than a decade of substantial progress in reducing drug abuse in America from 1979 to 1991, the trends have now reversed. Marijuana use alone has tripled among 8th graders and more than doubled among 10th and 12th graders; significantly, daily use has increased dramatically during this period so that today, one in 20 of today's high school seniors use marijuana daily. And, the marijuana of today—because of the chemical THC content—is up to 15 times stronger than the marijuana of the 1970's. Use of cocaine, crack cocaine, amphetamine stimulants, barbiturates and heroin among teenagers are all on the rise. LSD use is at its highest recorded level.

These statistics from the University of Michigan's Monitoring the Future Study are quite troubling, but the anecdotal evidence in the field—the real human stories about drug use and the impact it has on the lives of our young people—is even more compelling and brings home to each one of us the need to do something very tangible that can help address this problem, community by community.

A courageous woman from my district, Patty Gilbert, came to Washington, D.C. to tell me about the tragic story of her 16-year-old son, Jeff Gardner. Jeff combined smoking marijuana with huffing gasoline one day and lost his life. A whole future gone because of a lack of understanding of the real risks of drug use. Twenty-one high school students were expelled from a public school in my district for LSD, cocaine and marijuana use. The stories of death and lost opportunities go on and on. And such stories are common today in every area of the country.

If we are going to design sensible public policies, we have to understand what is driving increases in drug abuse among our young people. It is a complicated issue and there are no silver bullets. Two key factors seem to directly correlate with increases in drug use. When kids view drug use as socially acceptable—when peer norms are soft—drug use rises. When our young people view drug use as less dangerous, again, drug use rises. So, basically, this problem comes down to a problem of eroding attitudes about the acceptability and risks associated with drug abuse.

The good news is that we are not powerless to solve this problem. We have done it before as a Nation and we can do it again. The key question in my mind, however, is how do we do this over the long haul, and bring some national leadership where it ultimately has to be on this problem—at the community, neighborhood and family levels.

The Drug-Free Communities Act of 1997 is designed to do just that and to do it in a smart, cost-efficient fashion. This bipartisan legislation is built on the belief that the local community commitment is absolutely essential to solving the drug problem, year in and year out. It recognizes that community venture capital and major sector involvement are the keys to solving our Nation's drug problem. In order to receive a Federal matching grant under this program, communities must first demonstrate a comprehensive, long-term commitment to reducing substance abuse. Experience in the field, good research and common sense tell us that communities that have every major sector involved in implementing strategies to reduce drug abuse are the most effective. That is why this legislation supports those communities that have mobilized youth, parents, businesses, faith leaders, law enforcement, educators and other key sectors and have been working together for at least 6 months with a focused mission and targeted strategies.

The local community must also demonstrate that there is substantial local will to address the substance abuse problems in that community. Without that local will, no program can survive over the long-run. In fact, one of my concerns with the CSAP Community Partnership Program is that grants were given to communities that did not always have strong non-Federal financial and other support. During its 6-year life, the CSAP Community Partnership Program has made at least 252 grants, typically ranging from $350,000 to $700,000, to local community programs; today, we understand that only 137 of these programs survive. It seems to me that the Federal Government should be providing important early support to communities that will continue to sustain the effort with or without the Federal Government.

Another key aspect of the Drug-Free Communities Act is that it requires the local coalition or effort to have a system of evaluation in place. One of the criticisms of Federal programs that support State and local initiatives has been that such programs lack any accountability. Instead of trying to measure outcomes and do evaluations at the Federal level, which would require a large bureaucracy and would not necessarily produce any better results, the onus is on the local coalition to put in place a system that measures its progress—including outcomes, such as whether teenage drug abuse is declining—over time. It is our experience that those efforts around the country that are making a difference already have good systems of evaluation in place. They have to have such systems in order to justify their continued existence. The question is how such efforts can add value and a system of performance measures is critical to determining that.

The Federal support provided under this program redirects, at its height, less than three-tenths of 1 percent of existing money from the $16 billion Federal drug control budget to support, dollar for dollar up to $100,000 per community, local community efforts. This is another check to ensure that there is local will. Not one Federal dollar will be spent under this program without a dollar or more generated by the local community.

Talking to community coalitions and groups around the country that are successfully implementing strategies to combat teenage drug abuse shores up the need for the Federal Government to provide incremental support. A few examples:

Ronda Kopelke from the North Woods Coalition in Marshfield, WI, wrote: "If you have Federal support based on community buy-in, then it can help us leverage support from the community. A small grant from the Federal Government—even $5,000—could enable our coalition to build a regional youth alliance, send youth to camp to learn drug and alcohol strategies and to hire a part-time person to marshal the volunteers necessary to sustain the effort over time."

Marilyn Culp, executive director of the highly successful Miami Coalition covering 1.8 million people in Miami, FL, said that a $100,000 grant from the Federal Government would enable the coalition to leverage an additional $300,000–$400,000 from the private sector, expanding the effort to train parents, to communicate drug-free messages on billboards, and to enhance the many other activities that have made the Miami Coalition so effective. Ms. Culp also reports that under the current CSAP grant program the Federal reporting requirements are so cumbersome, that she had to hire a person just to comply with those requirements. Coalition leaders around the country have echoed this concern.

Don Lynch of the Port Gamble S'Klallam Tribes in the State of Washington is trying to develop a comprehensive adolescent treatment program. While there is substantial volunteer participation in the effort—in fact, one of the program's mottoes is "chi-e-che", which means "helper"—some small support from the Federal Government will enable the hiring of a full-time adolescent counselor and additional private support can be leveraged to sustain the effort over time.

Karen Hoff, Director of the Clean Focus Coalition in Charles Town, WV, is implementing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a peer mediation program which helps kids resist peer pressure to take drugs and teaches them life-enhancing decision-making skills. This program could be fully up and running with $3,000. With $2,000 from the Federal Government, a locally supported parent education program could be expanded to reach 1,000 parents in the Charles Town area.

The stories go on and on, but the point is that a small amount of Federal support that tracks strong local will can help local communities have a greater impact in their own regions.

To ensure that this program maintains the sophistication to give support only to those efforts that are truly working, while maintaining the flexibility to permit communities to continue to fashion local solutions, an advisory commission or board of trustees is charged with helping to select the administrator and to overseeing the program. Local community leaders and experts at the national and State levels in the field of substance abuse prevention and treatment will be able to review grant applications, and policies and criteria relating to the program. Those who are working directly in the field—on the front lines of the drug problem—will be able to offer valuable input to those administering the program.

The Drug-Free Communities Act of 1997 is our effort to redirect Federal drug control policy to help support local communities. We believe it is fully consistent with the National Drug Control Strategy, which includes as part of its No. 1 goal, support of community anti-drug coalition efforts. We look forward to working with our colleagues on a bipartisan basis and with the administration to help communities throughout our country reduce substance abuse.

PAYOFFS FOR LAYOFFS CORPORATE WELFARE ELIMINATION ACT OF 1997

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing bipartisan legislation in conjunction with my colleague, Mr. SANDERS of Vermont, to end a wasteful corporate welfare policy which uses taxpayer money to subsidize defense contractor mergers. This legislation—the Payoffs for Layoffs Corporate Welfare Elimination Act of 1997—will put a stop to the practice of artifically stimulating layoffs with taxpayer funds.

As some of you know, under the guise of an obscure Clinton administration policy change made in July 1993–at the specific request of four CEO's representing America's top defense contractors—DOD began to allow defense contractors to begin charging the taxpayers for the merger-related costs of laying off workers and shutting down plants. The premise behind this policy is as dubious now as it was back then: that unless Uncle Sam dishes out big corporate subsidies, defense contractors would rather remain uncompetitive and risk going out of business than use their own money to pay for mergers and restructuring.

Already, 11 defense contractors have put in 17 requests totaling $817.3 million, and the meter is running. Lockheed Martin alone could eventually claim $1.2 billion in merger subsidies, according to statements by their CEO, Norman Augustine. When the Loral, McDonnel Douglas, Rockwell International, Texas Instruments, and Hughes merger subsidy requests come in, this total will skyrocket into the billions.

DOD claims that by paying more money on contracts now, DOD will realize savings due to lower overhead at some unspecified time in the future. This justification is really nothing more than an updated and more sophisticated version of the old cartoon character adage of "I'll gladly pay you on Tuesday for a hamburger today."

The fact of the matter is that claims of savings are greatly exaggerated. Indeed, the very concept of savings assumes the contractor will put off or delay restructuring unless they are given subsidies. In December 1996, an investigation by CBS's 60 Minutes correctly pointed out that, "Even without the subsidy, defense companies are required by law to pass savings back to the Government when they reduce their overhead."

My legislation does not hinder or prevent mergers from happening. It simply states that mergers should happen on their own and without DOD prompting and use of our tax dollars. I concur with the Honorable Don Yockey, who was Under Secretary of Defense for Acquisition and Technology during the Bush administration, when he stated "the defense department would be better served if they simply did not discourage acquisition, but stayed at arms length in the encouragement of the business financial process. If the deal does not make sound stand alone business sense the company should not proceed. To rely on Government-subsidized support is the worst of reasons to merge."

While we must always be concerned when government subsidies warps business decisions, equally disturbing is the fact that the so-called savings to be realized from restructuring have thus far been mostly illusory. Not a single weapon system can be truly identified as having a lower cost due primarily to corporate restructuring. The fact of the matter is that DOD's very own report on restructuring stated: "it is not feasible to isolate completely the effect of restructuring from other complex determinants of the difference between projected and actual costs over a long period of time." In plain English, DOD essentially admits that savings cannot be attributed to restructuring.

What we really have here is a policy with unknowable assumptions and unverifiable effects. GAO found that in just one case, contractor estimates of savings fell 85 percent short of initial claims. And that is just the estimates—there is no way of knowing if there will ever be real savings. GAO also has stated on more than one occasion that contractors have been projecting future increases—not decreases—in overhead rates.

While savings cannot be attributed directly to these subsidies, additional layoffs have unquestionably resulted from the policy. In the first merger analyzed by GAO, it found that "the contractor's proposed savings were based entirely on work force reductions."

Mr. Speaker, I ask all of my colleagues—on all sides of the aisle—to join with me to put a stop to this payoffs for layoffs policy. Not only is this policy not really saving any money, it actually increases the deficit because DOD is spending hundreds of millions of our tax dollars chasing after savings to which it is entitled to receive anyway. This type of corporate welfare is unconscionable and Members with defense contractors in their districts should be especially wary of it. In my district alone, over 3,200 jobs will be lost because of this policy. If you have a plant in your district, you should not have to worry about your own tax dollars being used to encourage it to shut down.

NO PACIFIC NUCLEAR DUMP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. MILLER of California. Mr. Speaker, when most of us think of Pacific islands, we usually think of a tropical paradise with brightly colored fish swimming in turquoise waters while palm fronds rustle overhead in a warm gentle breeze. Well, Mr. Speaker, I am here to tell you that there is trouble in paradise because there are some people that see a tropical island and think of nuclear dump sites.

As we struggle with the legacy of the cold war and the wastes generated by it, those that trade in these wastes have increasingly looked at isolated atolls, with few if any constituents to object, as likely nuclear dump sites. Several years ago, there was a proposal to store radioactive waste in the Marshall Islands. Fortunately, the Marshallese Government eventually thought better of it and that proposed died. Last year, a group calling itself U.S. Nuclear Fuels was making the rounds in Washington, DC, to drum up support for a proposal to create a nuclear dump site on Palmyra Island, a private owned island in U.S. territory. This proposal prompted the introduction of legislation in both Houses of Congress prohibiting the Federal Government from siting a nuclear waste storage facility outside the 50 States. Now, another group, Nuclear Disarmament Services, Inc., is circulating legislation to authorize the siting of a nuclear dump site on either Palmyra or Wake Island, a U.S. possession. In fact, there is a symposium occurring today at Georgetown University, sponsored by U.S. Nuclear Fuels, to discuss this proposal.

What do all these crazy ideas have in common? One man, Alex Copeson, has been the driving force behind all these proposals and a principal in these companies. And this is not Mr. Copeson's first foray into the waste trade. In the early 1990's, he was the pitch man for a scheme to dump toxic waste on the sea floor, even though this is prohibited under U.S. and international law.

Why does Mr. Copeson think that we should store nuclear waste on Pacific islands? An article in the March edition of Outside magazine offers some insights. Referring to the Marshallese Government and the Bikini Islanders, Mr. Copeson is quoted as saying, "They're all scam artists banging the tin cup in front of the white man. They'd open a whorehouse and sell their daughters and grandmothers for a dollar. They've never lived so good since that bomb, the fat lazy [expletive]. All they want to do is go gambling, drinking, and whoring in the United States. The only contribution they could make to the world is to give someone their islands [for waste] and take a hike—be an absentee landlord for world peace."

Given Mr. Copeson's views of the people of the tropical Pacific and his insensitivity to the economic, social, and environmental injuries inflicted on them by above-ground nuclear testing, it is no wonder that he thinks that we should continue to dump radioactivity in their back yard. And that brings up the most crucial point. Even if one thought that shipping nuclear waste thousands of miles across the stormy Pacific Ocean to store it on geologically unstable coral or volcanic islands in the middle of the Pacific Ocean's typhoon belt was a good idea scientifically, how could one justify inflicting further nuclear contamination on the people of the Pacific territories? In furtherance of our cold war, many of the people of the Pacific islands have lost not only their traditional way of life, but in some cases their home islands have been rendered uninhabitable.

We need to stop this madness in its tracks. That is why Mr. ABERCROMBIE and I are introducing a resolution today that expresses the sense of Congress that we will not transport to or store nuclear waste on any U.S. territory or possession. Federal law already forbids the siting of a nuclear waste storage facility in U.S. territories or possessions without the express authorization of Congress and passing this resolution will send a clear signal that we do not intend to do so. We need to let the international waste merchants know that the people of the Pacific islands have suffered enough and that we will not insult them further by forcing them to be the caretakers of the nuclear legacy of the cold war. I recognize that this is a terrible problem, but Pacific islanders did not start the cold war, and they should not be asked to finish it.

HOUSE CONCURRENT RESOLUTION 36: THE NEED FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. GILMAN. Mr. Speaker, one of the most difficult challenges facing the fledgling democratic governments of Eastern Europe involves learning to treat equally and fairly all of their citizens—regardless of ethnic background—with regard to rights and opportunities. Unfortunately, some of those governments are still seeking to treat their citizens from minority ethnic groups in traditionally nationalistic and counterproductive ways. Rather than working to ensure that all citizens are treated equally, they seek to limit the rights and opportunities of those citizens who do not belong to the majority ethnic group.

Mr. Speaker, the former Yugoslav Republic of Macedonia, an independent state since 1991, has so far avoided the ethnic-based conflict that has afflicted several of the other successor states to the defunct Socialist Federal Republic of Yugoslavia. There are troubling signs, however, that the Government of Macedonia has yet to take sufficient steps to ensure that those of its citizens from its considerable Albanian minority are provided with adequate opportunities for higher education in the Albanian language. The most worrisome consequence of this lack of educational opportunity is an increasing resentment toward that government among many of its ethnic Albanian citizens. Their frustration has led some ethnic Albanian citizens to attempt to open an Albanian-language university to ensure that opportunities for professional education are readily available to those who have been raised and educated in Albanian at the secondary school level.

In February 1995, a renewed attempt to open such a university in Tetovo, Macedonia led to a violent clash between ethnic Albanians and Macedonian police. Tragically, 1 individual lost his life and 28 others were wounded in that violent incident.

Mr. Speaker, I believe all of us want to see the former Yugoslav Republic of Macedonia and, in fact, all of the Southern Balkans avoid the kind of ethnic violence that wracked the Northern Balkans for 4 years. We need to encourage the Government of Macedonia to constructively address the issue of fair opportunities for higher education in the language of its Albanian minority. I am, therefore, introducing today House Concurrent Resolution 36, a resolution that focuses specifically on Macedonia and on the issue of proper access to higher education in that country.

This resolution calls on the Government of Macedonia to:

Ensure the fair and equitable treatment of all its citizens, regardless of ethnic background;

Consider all means by which higher education conducted in the Albanian language can be provided, including the possible establishment of an Albanian language university;

The resolution also calls on the President of the United States to:

Express our country's strong support for Macedonian efforts to ensure access to higher education conducted in the Albanian language;

Offer appropriate support for those international organizations that are working to resolve the issue of higher education in the Albanian language in Macedonia, and;

Offer appropriate support for efforts by the Government of Macedonia to ensure access to higher education conducted in the Albanian language, including assistance for establishing curricula and provision of textbooks and related course materials.

Mr. Speaker, I want to strongly encourage my colleagues to join in cosponsoring this timely and important measure.

Mr. Speaker, I insert a copy of House Concurrent Resolution 36 for printing in the CONGRESSIONAL RECORD:

H. CON. RES. 36

Whereas failure to achieve fair and cooperative inter-ethnic relations often leads to governmental repression and conflict between peoples of different ethnic backgrounds;

Whereas the achievement of fair and cooperative treatment of all citizens, regardless of their ethnic backgrounds, is a serious challenge for all of the states of the Balkans region, including those states that gained their independence after the dissolution of the Socialist Federal Republic of Yugoslavia;

Whereas the Former Yugoslav Republic of Macedonia faces important issues involving the fair and equitable treatment of all of its citizens, regardless of their ethnic background;

Whereas the extraordinary census conducted by the Government of the Former Yugoslav Republic of Macedonia in June 1994 determined that those citizens of Albanian descent constitute at least 23 percent of the total population;

Whereas Macedonia's citizen of Albanian descent are increasingly concerned to ensure fair and equitable treatment as citizens of the state of Macedonia, including appropriate opportunities for education at all levels of instruction;

Whereas the Former Yugoslav Republic of Macedonia is a member of the Council of Europe, an organization that encourages its member states to provide the opportunity for educational instruction in the languages of minority groups that constitute the citizenry of those states;

Whereas the Former Yugoslav Republic of Macedonia is a member of the Organization on Security and Cooperation in Europe, an organization that, in the "Copenhagen Document" of its 1990 Conference on the Human Dimension, noted the need for adequate opportunities for educational instruction in the native languages of citizens from minority groups;

Whereas international documents and conventions recognize the right of persons belonging to national minorities to establish their own educational institutions within the framework of and in conformity with the legislation of the state within which they live;

Whereas levels of admissions of ethnic Albanian citizens of the Former Yugoslav Republic of Macedonia to the Universities at Skopje and Bitola are far below the 23 percent of Macedonia's population that is composed of ethnic Albanians;

Whereas higher education for ethnic Albanian citizens of Macedonia is made more difficult by the lack of general usage of the Albanian language at that level of instruction;

Whereas there are increasing reports that ethnic Albanian citizens of Macedonia are concerned that efforts to ensure access to higher education in the Albanian language have met with little success;

Whereas an application was filed with the Ministry of Education of the Former Yugoslav Republic of Macedonia in October 1994 seeking permission to open an Albanian-language university as part of the established system of education;

Whereas, in the absence of a response to the application filed with the Ministry of Education of the Former Yugoslav Republic of Macedonia in October 1944, attempts were made in December 1994 to begin university classes in the Albanian language at Tetovo, Macedonia and were prevented by the intervention of police forces; and

Whereas in February 1995 renewed attempts to open an Albanian-language university at Tetovo, Macedonia were again prevented by police forces, with the death of one ethnic Albanian citizen of Macedonia and the wounding of 28 other persons occurring as a result of the related violence: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Government of the Former Yugoslav Republic of Macedonia should take all appropriate measures to ensure the fair and equitable treatment of all of its citizens, regardless of ethnic background;

(2) while steps taken by the Government of the Former Yugoslav Republic of Macedonia to ensure instruction in the Albanian language and the language of other national minorities in Macedonia at the primary and secondary levels of education and the adoption of a law permitting Albanian language instruction at the University of Skopje are commendable, the ethnic Albanian citizens of Macedonia continue to suffer from the lack of opportunity for higher education in their native language;

(3) the Government and Parliament of the Former Yugoslav Republic of Macedonia should therefore consider all means by which higher education conducted in the Albanian language can be provided, including the establishment of an Albanian-language university;

(4) the efforts by the High Commissioner for National Minorities of the Organization on Security and Cooperation in Europe, the Council of Europe, and the Working Group on Ethnic Minorities of the International Conference on the Former Yugoslavia, to offer guidance and mediation to the Government of the Former Yugoslav Republic of Macedonia and representatives of the Albanian minority in resolving the issue of higher education in the Albanian language, are commendable;

(5) the President should express to the Government of the Former Yugoslav Republic of Macedonia the strong support of the Government of the United States for measures that will contribute to democracy and stability in the Former Yugoslav Republic of Macedonia, including efforts to ensure access to higher education in the Albanian language;

(6) the President should offer appropriate support for the efforts of the High Commissioner on National Minorities of the Organization on Security and Cooperation in Europe to resolve the issue of access to higher education in the Albanian language; and

(7) the President should offer appropriate support for efforts by the Government of the Former Yugoslav Republic of Macedonia to ensure access to higher education in the Albanian language, including assistance for the establishment of necessary curricula and the provision of textbooks and related course materials.

CHAMPIONSHIP WRESTLING TEAM AT OAK GROVE HIGH SCHOOL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SKELTON. Mr. Speaker, today, I wish to recognize the members of the Oak Grove High School wrestling team and their coach, Bob Glasgow, for their outstanding achievements and continued excellence in the sport of wrestling.

During Coach Glasgow's career at Oak Grove High School, he has developed a wrestling program that is known for excellence and success. Last season, the Oak Grove wrestling team won numerous tournament championships as well as the district 6 championship for the eighth consecutive year. Under the direction of Coach Glasgow, ten exceptional wrestlers qualified for the State tournament.

This kind of outstanding achievement has been a tradition for Coach Glasgow and his wrestling team during his 14 years at Oak Grove High School. During Coach Glasgow's tenure as the wrestling coach, the Oak Grove wrestling team has won 8 State championships and has had 39 individual State champions. In addition, nine Oak Grove wrestlers have signed division 1 scholarships during this time period.

I wish to extend my congratulations to the Oak Grove High School wrestling team for their continued tradition of excellence.

MARCH 1997—NATIONAL EYE DONOR MONTH PROCLAMATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. BILIRAKIS. Mr. Speaker, March is National Eye Donor Month. All throughout the country, the miracle of transplantation surgery is allowing people's lives to be enhanced or saved. Nationwide thousands of people are benefited every year through organ and tissue transplantation surgery. Today, I rise to request that we take a moment to focus on eye donation and on the importance of preserving and restoring sight through corneal transplantation.

The benefits of sight-restoring transplant surgeries extend well beyond the people who receive the transplants; they also extend to their families, friends, and communities. In recent years, the efforts of Congress, educators, and the media have had an enormous impact on the success of eye donation programs.

Corneal transplants have been performed since 1905, and eye banks have existed in this country for over 50 years. Since 1961, when the Eye Bank Association of America was founded, member eye banks have helped make possible over one-half million corneal transplants, with a success rate over 95 percent.

Every year, thousands of corneal transplants are performed across the country restoring precious sight to both the young and the old. The Eye Bank Association of America is the Nation's oldest transplant association and is dedicated to the restoration of sight through the promotion and advancement of eye banking. In 1995, over 44,000 corneas were made available by our Nation's eye banks for use in transplantation procedures. Additional eye donations were used for research, training, and other surgical procedures. While figures for 1996 are still being tallied, even greater totals are expected.

In fact, just outside my district, the Lions Club of Tampa, FL runs one of the largest eye banks in the world. The Central Florida Lions Eye and Tissue Bank restores sight to over 2,000 people each year. Nevertheless, the need for corneal transplants continues.

Many Americans do not realize that they have it in their power to give someone else the gift of sight. If you declare now that after your death, you want your eyes to be donated to an eye bank, your eyes can become someone's miracle—a gift of sight. This is a great opportunity and a great responsibility that all Americans should take very seriously.

Anyone can be a donor. Neither cataracts, poor eyesight, nor age prohibit one from donating. However, it is important for individuals who want to be donors to inform family members of their wishes.

We, in Congress, can lead the effort to educate the public about the need and importance of eye donation and encourage more Americans to become donors. We have joined the Eye Bank Association of America every year since 1983 in proclaiming a "National Eye Donor Month." The purpose of National Eye Donor Month is to remind all Americans that they have the power to make the miracle happen for someone and that we can make the tissue available. By making this proclamation, we call on all Americans to support us in promoting eye donation in order to enhance the lives of our fellow citizens through the restoration of sight.

INTRODUCTION OF MARKEY-BURTON BILL TO ENCOURAGE CONTENT-BASED TV RATINGS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. BURTON of Indiana. Mr. Speaker, the v-chip provision in the Telecommunications Act of 1996, which became law last year, was intended to help parents take control of what comes into their homes and their children's minds via the television set by allowing them to block out programs that they believe contain too much violence, sex, or adult language.

Under the 1996 act, the broadcast industry was encouraged to establish rules for rating violence, sex, and other indecent material so that parents would be able to make informed decisions on what programs their children could or could not watch.

However, rather than devising a system that truly informs parents about the content of the television programs, the entertainment industry has proposed an age-based rating system. This type of rating system fails our children because it does not provide parents with comprehensive information to make informed choices about what their children watch.

This age-based system is too broad and vague for parents. Parents have said over and over that they want a television rating system to tell them what's in a program, not who should view it. According to a nationwide survey conducted by the National Parent and Teachers Association, 80 percent of parents stated that they want separate ratings for sex, violence, and language content to help them make informed and educated evaluations of television shows.

The National PTA, the American Medical Association, the American Academy of Pediatrics, the Children's Defense Fund, the Family

Research Council, and numerous other organizations have all criticized the age-based ratings system. Instead they advocated ratings based on program content to help parents with the ability to block out objectionable, content-specific programming.

Today, I am joining my colleague from Massachusetts, Congressman EDWARD J. MARKEY, and 11 other cosponsors, to introduce legislation that seeks to ensure that parents will be able to keep their children from watching violent programs. I would like to commend my colleague from Massachusetts for all the hard work he has done over the past few years to provide parents with a tool to make informed choices on what their children watch on television. This legislation encourages the broadcast industry to adopt a content-specific ratings system that would allow parents to block out violent programming. If the industry prefers, it can choose not to label those shows that are violent and can keep the age-based system. However, the broadcaster would not be allowed to televise programs that contain violent content during the hours of the day when children are most likely to comprise a substantial portion of the audience. Broadcasters have a choice—either adopt a content-specific programming system that allows parents to block out violent programs, or only air those shows during the times when the majority of children aren't watching television.

Parents want a content-based rating system to help them protect their children from being exposed to inordinate amounts of violence, sex, and vulgar language on television. Hopefully, this bill will encourage the entertainment industry to do what is right for our Nation's children, and ultimately our Nation's future.

INTRODUCTION OF LEGISLATION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. THOMAS. Mr. Speaker, today, I am reintroducing legislation that will permit the city of Tulare, CA's Tulare Redevelopment Agency to end a blight in the city's downtown area. This bill will give the agency control over Federal revisionary interest in railroad rights of way bisecting the very heart of the city.

Tulare is a city of 39,772 centrally located in California, approximately 45 miles south of Fresno, and 63 miles north of Bakerfield. The city and surrounding county face the daunting prospect of trying to provide jobs in an area that has an unemployment rate of over 16 percent. If allowed to redevelop land adjacent to the rail line, Tulare's Redevelopment Agency believes that it could generate over 370 jobs in 6 years because of the agency's plan to create a retail shopping area. Adding new businesses would end local citizens' need to travel to other cities for important family needs.

Unfortunately, the city cannot gain control over the core of its downtown area without this legislation. In the last century, Congress extended rights of way to railroads in order to encourage the creation of a trail transport system. The Southern Pacific Railroad received rights for tracks and land adjacent to those tracks within what is now Tulare. Because the Federal Government has a reversionary interest in the right of way and surrounding properties, the redevelopment agency cannot obtain control of all the 12 parcels of land along the rail line that the city wishes to redevelop. The city cannot condemn the Federal interest and as a result, cannot make use of anything the community might secure from the railroad.

The railroad and its successor, Union Pacific, run over 30 trains per day through the center of the city and as a result the trackage will probably never be abandoned under the law. The railroads will continue to argue that they also control the parcels of land along side the tracks because abandonment has not occurred. These adjoining parcels that the agency needs, however, are about as barren as barren can get.

Because the Federal Government has this reversionary interest, we have about 200 feet of weeds and sand on each side of the railroad tracks today. Commercial development of small shops east of the rail line and a cotton seed mill and family homes on the other side look out on blighted property. There is a vacant gas station, a root beer stand, and a railroad storage building in the area sought by the city but that is about all. The root beer stand operates on a short-term lease. The Tulare Redevelopment Agency's plan would preserve the railroad tracks while allowing this empty space in the center of town to be turned into more productive use.

The bill I am introducing clears the path for redevelopment. First, it gives the city clear title to one piece of property which Tulare already purchased from Southern Pacific before learning that railroad law clouded the title. Second, it gives the city the Federal reversionary interest in 11 other parcels so that the city can then deal with the railroad owner and secure the remaining properties.

It is essential that we pass this bill without modification because the redevelopment plan cannot be made to work piecemeal. Following the practices of the past and confirming title in someone who has already bought a clouded title only solves part of the city's problem. To ensure coherent development of properties along the rail corridor, the redevelopment agency has to control all 11 parcels of land so planning, marketing, and community financing of the development are possible. Giving the city title to one piece of property will deny the city resources to continue developing. Forcing the city to come back to Congress each time an interest is transferred is a waste of the city's time and ours.

I urge my colleagues to join me in moving this legislation as fast as possible. Tulare wants to take control over its own economic destiny by putting lousy land to better use. Unless this bill is enacted, Congress will be in the way of a city that badly needs our help.

INTRODUCTION OF A BILL REQUESTING FAIR REPRESENTATION ON FEDERAL JUDICIAL CIRCUIT COURT OF APPEALS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. ABERCROMBIE. Mr. Speaker, today I am reintroducing legislation which calls for fair representation on all Federal Judicial Circuit Court of Appeals. This legislation is a companion bill to S. 382, the Fairness in Judiciary Appointments Act of 1997. Furthermore, it is identical to H.R. 3045, which was introduced in 1996.

Currently, only the State of Hawaii does not have representation on their circuit court of appeals. In fact, it's been over 10 years since Judge Herbert Choy of Honolulu retired from the Ninth Circuit Court of Appeals. Some States like Montana have only recently had a resident granted a judgeship. My bill would require that each State have at least one judge appointed to its circuit court of appeals. That way, all States would always have representation on the bench. The bill does not affect the President's historic power to appoint Federal judges.

Having each State represented on its respective circuit courts helps ensure that justice is blind and impartial. A report entitled "The Long Range Plans for Federal Courts," completed by the Judicial Conference of the United States in December 1995, noted, "Federal judicial credibility and accountability are fostered when appellate judges are drawn primarily from the region they will serve." This bill would add to the judicial credibility of the courts, because each State would have at least one judge representing and understanding its State law, business, and customs.

This legislation is about maintaining the integrity of our third branch of government, fairness, and representation. I strongly urge my colleagues to support this bill and press for its passage.

SENSE-OF-CONGRESS RESOLUTION TO PRESERVE THE ANCESTRY QUESTION ON THE 2000 CENSUS LONG FORM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mrs. MORELLA. Mr. Speaker, I am proud to introduce a resolution today, along with 14 of my colleagues, to express the sense of Congress that the ancestry question on the census long form should be preserved.

In crafting this legislation, I have worked closely with my friends from the Working Group on Ancestry in the U.S. Census. Together, they represent all of America. I especially want to recognize the National Italian-American Foundation and the Arab-American Institute for their work in bringing people together today.

It is critically important that we preserve the ancestry question. We aren't trying to add to the census—we just want to ensure that the ancestry question is not omitted in 2000. The Census Bureau must submit to Congress by April 1, 1997, the material to be included on the 2000 census questionnaire. Since the 1990 census, there has been much debate over the long form, and quite frankly, I am afraid some of my colleagues want to eliminate it.

The census long form—including the ancestry question—is sent to approximately one in six households. It only constitutes about 6 percent of the census budget; it is far more costly to omit these questions. It is an important source of social and economic data about our population. The decennial census is the only reliable source of information about the ethnic composition of our Nation's population.

Members of Congress depend on accurate information. The ancestry question gives us insight into our communities and ethnic constituencies. We know the value of statistics on ethnicity and the importance of maintaining a national reservoir of accurate and up-to-date information about our society's changing demographic make up. If this data is not collected in Census 2000, we will lose the only reliable and nationally comparable source of information on ethnicity. Both the private and public sectors rely on the census long form for accurate information on our population.

Those who use ancestry data include: State, county, and municipal agencies; educators and human service providers; corporations; researchers; political leaders; and Federal agencies. They need this information to ensure that programs are inclusive, representative, and serve the needs of local populations. The U.S. Commission on Civil Rights needs the data to monitor discrimination based on national origin. Without the ancestry question, I fear that data on ethnicity will be incomplete or skewed.

We are a proud nation of immigrants, and the ancestry question helps us to preserve knowledge about our ethnic heritage for present policymakers and for future generations. The ancestry question provides important insights into who we are as a people, how our neighborhoods are constituted, and how we are changing demographically. Knowing this will help us move toward a society that is inclusive and best serves the diverse needs of our American family. Please join me in supporting this resolution to preserve the ancestry question.

CONGRESSWOMAN DEBBIE STABENOW COMMENDS STEVEN SPEILBERG, FORD MOTOR CO., AND NBC FOR AIRING "SCHINDLER'S LIST"

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Ms. STABENOW. Mr. Speaker, I rise today in response to Congressman TOM COBURN's assertion that the airing of the Academy-award winning film "Schindler's List" was an all-time low for network television.

Twenty-five years ago, I walked through the Dachau concentration camp and was overwhelmed with emotion. I could not understand how something like the Holocaust could have happened. I could not understand the hate. I could not understand the loss of lives. The visit had a tremendous effect on me. Watching "Schindler's List" on Sunday evening, I had the same deep sense of how something so unspeakably horrible could have happened.

I speak out not only as the Representative of the Eighth District of Michigan, who believes we all need to fight against hatred and social injustice, but also as a mother who has seen the great effects the movie "Schindler's List" can have on our children. My daughter, a junior at Sexton High School in Lansing, recently watched "Schindler's List" in her world history class. I was extremely impressed with how her teacher used the movie to document examples of the Holocaust, so the students could see, first-hand, the gruesome reality of what occurred. My daughter came home from school after seeing this movie and said, "Mom, how could this have happened?"

These are the questions we need to ask if we are going to learn from the past. We need to make sure that the Holocaust is never forgotten. As a parent, I appreciated my community and my daughter's teacher for showing "Schindler's List". "Schindler's List" opened the eyes and minds of my daughter and her classmates to the harsh realities of the past.

We all, young and old, can learn from "Schindler's List." I am proud that Steven Speilberg, the Ford Motor Co., and NBC had the courage to show the truth. I commend them for instilling an important message: "To be educated, to learn from the past, and to strive to make sure that a Holocaust never happens again."

RETIREMENT OF MAJ. GEN. RAYMOND PENDERGRASS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SKELTON. Mr. Speaker, Maj. Gen. (MO) Pendergrass prepares to retire more than 48 years after first donning a uniform. A native of Booneville, AR, he first joined the armed forces as a member of the Air Force Reserves in September 1948, then joined his hometown Army National Guard unit, the 217th Medical Collecting Company, a litter bearer unit. The unit was called to active service in August 1950, and deployed to Korea, where General Pendergrass served with them through June 1952.

By the time he moved to Missouri, General Pendergrass had been commissioned and served with signal and armor units. Locating in Rolla, MO, he joined the 1438th Engineer Company, and later would command the company.

He moved up through the ranks, and at the time of his retirement as a colonel in February 1986 was deputy commander of the 35th Engineer Brigade. His time in the retired ranks lasted 7 years almost to the day. Missouri Governor, Mel Carnahan, recalled him to duty and he became Missouri's Adjutant General in February 1993.

Immediately, General Pendergrass had to deal with tough reorganization decisions facing the National Guard as a result of the post-cold war reductions being made to the Army and Air Forces. But in only 4 months a more acute challenge faced him, the Great Flood of 1993.

Beginning in July 1993 and for the next 2 months, General Pendergrass led the men and women of the Missouri National Guard in its largest State emergency mission ever as both the Missouri and Mississippi Rivers overran their banks and everything in front of them.

General Pendergrass and the men and women of the Missouri National Guard worked with scores of State and Federal agencies to provide a response capability unequaled anywhere during that massive multistate disaster.

General Pendergrass applied his leadership skills to ensure that the forces of the Missouri National Guard were equally accessible for Federal missions. During his tenure as Adjutant General, units and individuals from the Missouri National Guard have served with distinction from Germany to the Balkans in Operation Joint Endeavor, and earlier in Somalia, Haiti, and Rwanda. During the same period his units led our Nation building efforts in Latin America, building roads and schools and providing medical care to families in isolated rural areas from Belize to Panama.

Through all his years of service to our Nation, Raymond Pendergrass has been more than a military leader, more than a man who knows that leading involves teaching. He has served as a gentleman willing to answer the call time after time, even returning from well earned retirement. He is more than one of the last to remain in uniform with a Korean war combat patch on his right shoulder. He is a leader whose distinguished career is surely in the finest tradition of the American Citizen Soldier.

THE IMPORTANCE OF RESEARCH AND DEVELOPMENT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I, along with Representative ROBERT MATSUI and over 40 other House Members, introduced legislation to permanently extend the research and development tax credit. This proposal will make permanent provisions included in last year's Small Business Job Protections Act, which restructured the existing research credit by providing among other things, an alternative credit increasing small businesses' and high tech industries' accessibility to this important investment incentive.

Congress has reaffirmed its commitment to the research credit by extending it seven times since 1981. However, the existing credit is scheduled to expire in less than 3 months. It is imperative that Congress address this issue before the credit expires on May 31, 1997.

Today, the single biggest factor behind productivity growth is innovation. Two-thirds to 80 percent of productivity growth since the Great Depression is attributable to innovation. In an industrialized society, research and development is the primary means by which technological innovation is generated. However, because firms cannot capture fully the rewards of their innovation—the rate of return to society of innovation is twice that which accrues to the individual company—the market activity alone creates under-investment in R&D. The situation is aggravated by the high risk associated with R&D. Eighty percent of such projects are believed to be economic failures. Therefore, economists and technicians who have studied the issue are nearly unanimous that the Government should intervene to bolster R&D.

If the United States fails to provide U.S. companies with competitive incentives to conduct R&D, many U.S. firms in key industries—aerospace, electronics, chemicals, health technology, and telecommunications, to name a few—will find it harder to compete in an increasingly globalized marketplace, jeopardizing their leadership positions.

For the past 16 years we have had an R&D tax credit, designed to provide an incentive for companies to conduct additional R&D in the United States. As the marketplace changes and industries mature, we must continue to improve the effectiveness and utilization of this important program. Most importantly, we must remove the uncertainty surrounding the credit's extension and once and for all permanently extend the provision. Study after study has established that the credit's uncertain future reduces its ability to continue stimulating additional increases in R&D expenditures.

To the extent that researchers in American laboratories are able to pioneer the new technologies, processes, and products that will drive global markets, we will be able to offer skilled and highly paid jobs to the next generation of Americans. That is why we must now underscore our permanent commitment to a leadership role in global technological advancement. If we fail to act, the R&D credit will expire in June of this year. Such failure is the opposite message we should be sending to U.S. businesses that are gearing up to meet the challenges of rapidly changing, global marketplace.

In Connecticut, where 100 percent of all research activity in the United States takes place, numerous companies have take advantage of this critical legislation. Several large companies, including United Technologies, Pfizer, and Bristol-Meyers, have utilized this credit. In addition, several small companies, including Locknetics in Bristol, CT have used and will continue to use the R&D credit to expand their operations, hire more engineering staff, and expand their investment in the critical research field.

As we prepare to enter the 21st century, we must remain committed to providing an environment that fosters technological investment and scientific exploration. America's continued economic well-being depends on it. Such investment creates more and higher paying U.S. jobs, increases productivity, and, in turn, increases the U.S. standard of living.

There is considerable discussion, on both sides of the aisle and within the administration, about smaller government, less regulation, and market incentives as opposed to Government-dictated solutions. The R&D credit is an example of a successful program by which the Federal Government has encouraged market forces to dictate where and when innovation and technology should occur. The most recent study of the issue, prepared by KPMG Peat Marwick's policy economic group, concludes that "a one dollar reduction in the after tax price of R&D stimulates approximately one dollar of additional private R&D spending in the short run, and about two dollars of additional R&D spending in the long run." That, in turn, implies long run increases in GDP. Thus, an effectively targeted R&D credit can help set the pace of growth and should not be allowed to expire.

I am pleased to be introducing this legislation with my friends and colleagues, Representative ROBERT MATSUI, and Senators HATCH and BAUCUS in the Senate. I intend to work actively to ensure a permanent extension of the R&D credit and encourage all my colleagues, on both sides of the aisle, to work with me in this important endeavor.

IN HONOR OF REAR ADM. LUTHER F. SCHRIEFER IN RECOGNITION OF HIS OUTSTANDING SERVICE IN THE U.S. NAVY

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. GOSS. Mr. Speaker, on January 31, 1997, Rear Adm. Luther F. Schriefer retired after 40 years of distinguished service in the U.S. Navy. Admiral Schriefer, who was born in Oshkosh, WI, began his career in the Navy as a cadet at Annapolis in 1956. After 4 years at the Naval Academy, where he excelled not only in academics, but also on the gridiron playing with the great Navy teams of the late 1950's, Admiral Schriefer was commissioned as a ensign in the Navy and 1 year later as a naval aviator. He quickly rose through the ranks serving with distinction in Vietnam and a variety of assignments on aircraft carriers: Intrepid, Independence, Saratoga, and America. He completed over 700 carrier landings, many of which were at night, and accumulated over 7,000 flight hours. In October 1983, he was given command of the U.S.S. Mobile. Three years later, he took command of the amphibious assault ship U.S.S. Belleau Wood. In 1987, he was selected for Rear Admiral and Commanded the Anti-submarine Warfare Wing U.S. Pacific Fleet, and served as Commander of San Diego Naval Base.

Admiral Schriefer's service was not limited to life at sea. He also served with great distinction for 2 years as the Director of Inter-American Region, International Security Affairs, Office of the Secretary of Defense. He managed two simultaneous crises, one in Haiti and one in Cuba, where mass migrations of Haitian and Cuban nationals in the summer of 1994 called for the marshalling of the Navy's resources to rescue thousands of innocent Haitians and Cubans fleeing tyranny in their countries. Admiral Schriefer also chaired the Department of Defense's Haiti Crisis Response Team and he was at the helm during the invasion of Haiti in September 1994, when 23,000 U.S. troops were introduced into Haiti without casualties, a major military success.

Admiral Schriefer's final assignment in the Navy was as Director of the Navy's Environmental Programs, where he brought to bear his management skills and respect for the environment to help the Navy in its aggressive efforts to clean up its facilities throughout the United States. His steady hand, leadership and sense of duty were essential to the success of each of the missions throughout his career. Our Nation owes him respect for the work that he has done. He has accomplished it with flair. I wish him well as he completes his very successful career.

THE DRUG-FREE COMMUNITIES ACT OF 1997

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. LEVIN. Mr. Speaker, the recent increase in drug use among young people is a national tragedy. Studies have shown, both nationally and in my home State of Michigan, that drug use among young people has risen steadily over the past 5 years. Since 1991, marijuana use has almost doubled in all age groups. And there has been a dramatic increase in the use of alcohol and tobacco, the precursors to trying other more dangerous drugs.

There are faces behind these numbers. In recent months, I have spent time with high school students throughout my district. What I found was alarming. It leads me to believe that the statistics may underestimate the challenge we face. Many students I spoke with had no real perception of the risks and dangers associated with drug and substance abuse. In one school, the very first question I was asked was about, and the main preoccupation appeared to be the legalization of drugs. In another instance, young women in the audience were indifferent toward the addictiveness of tobacco products and their effect during pregnancy, or on long-term health. It was clear to me from these and other discussions that there was a lack of adequate frank discussion of these issues, either at home or at school.

Today, we are introducing the Drug-Free Communities Act of 1997, to help support community-based coalitions in the fight against teenage drug use. Community-based coalitions in my district in Michigan have successfully reduced substance abuse and related crimes in targeted areas. This bill would support communities undertaking similar local initiatives in their own neighborhoods.

The idea is simple. Bring together all segments of the community—parents, students, teachers, police officers, clergy, health care providers, government officials, and others—to develop a community-wide strategy to combat drug and substance abuse.

The community-based approach makes sense because drugs do not just impact the people who abuse them. Drugs harm entire communities by threatening our work force, our health and economic security, and our values. These coalitions are homegrown, and empower local communities to solve their own problems. They reduce duplicative efforts and better focus limited resources. Coalitions foster partnership between the public and private sector, and can draw upon a variety of financial resources.

In the district I represent, this community-based approach has yielded concrete results. It has brought a sense of community back into our neighborhoods. It empowers neighborhoods to improve their own lives through increased community interaction, awareness, and activity.

In the spring of 1995, the Troy Community Coalition targeted drug use and related crimes in one apartment complex through the Neighbor-by-Neighbor Program. Since this initiative began, marijuana use and possession is down 50 percent in targeted areas. Assault and battery is down 15.4 percent. Vandalism is down 50 percent. Child abuse is down 50 percent.

Neighborhood awareness has also improved. The Troy Police Department reports that local citizens are much more likely to report suspicious activities in their neighborhoods. Suspicious incident reports are up an astonishing 250 percent.

Our communities have instituted a policy of zero tolerance toward youth substance abuse, whether it be smoking a cigarette, drinking a beer, or abusing illegal drugs. The law enforcement community and the court system are working hand-in-hand to make sure that juveniles who abuse alcohol, tobacco, or other drugs are punished.

This "zero tolerance" approach involves every member of the community, not just the police and the courts. School officials, parents, and other community leaders help to identify repeat offenders early on, and correct unacceptable behavior before it becomes a problem.

This legislation builds upon an approach which has already been shown to work. Community antidrug coalitions have yielded dramatic results in Michigan, and in other communities across the country. I am proud that I have the opportunity to join with my colleagues, Mr. PORTMAN, Mr. RANGEL, and Mr. HASTERT, to introduce this important piece of antidrug legislation.

TRIBUTE TO HONOR THE ST. EDMUND'S PARISH OF BROOKLYN, NY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SCHUMER. Mr. Speaker, I am proud to join all my friends and colleagues in celebrating the 75th anniversary of the St. Edmund's Parish. This wonderful church has been serving the community of Brooklyn, NY, faithfully for 75 years, and is well-deserving of recognition and praise.

I am pleased to congratulate the members of the St. Edmund's Parish for making this area a source of community pride. The church inspires, with their hard work and dedication, to bring out the best attributes of humanity in their neighbors. They perform a great humanitarian service to their neighborhood by recruiting home care assistants for the elderly couples in their parish to counsel the newly engaged about starting a marriage in these times of instant divorce. In their tight-knit community in Brooklyn, their acts exemplify what it means to help thy neighbor.

Also, this parish or better yet the school athletic program has had a chance to influence some notable citizens during its history. These figures include the late great Vince Lombardi, a parishioner in his early days. Mr. Joseph Paterno, head football coach at Penn State and Mr. Fran Frischilla, head basketball coach at St. John's University, both graduates of St. Edmund's Elementary School. All three national figures. All three touched by St. Edmund's Parish.

For years, families have known this church as a living monument in the community, making it a good place to come home. I am certain that the strength of this community would not be what it is today without the commitment of its church. I am honored to celebrate 75 years of fellowship at St. Edmund's Parish.

HONORING PROFS. ROBERT F. CURL AND RICHARD E. SMALLEY OF RICE UNIVERSITY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor Profs. Robert F. Curl and Richard E. Smalley of Rice University in Houston for their contribution to science and technology. Their pioneering work in molecular chemistry earned them and Prof. Harold Kroto of England a Nobel Prize in chemistry last fall and has opened new and wondrous doors for Rice University and the scientific community.

Professor Curl and Professor Smalley are codiscoverers of a new class of carbon molecules—the fullerenes—that promise to usher in a new wave of extraordinary scientific innovations. The fullerenes were named in honor of the famed architect Buckminster Fuller because the structure of these molecules are similar to geodesic dome structures. Carbon-60, known as buckminsterfullerene, is the most common and symmetrical fullerene. Because their 60 carbon atoms are arranged at the points corresponding to where the seams of a soccer ball meet, C–60 molecules are more commonly known as "buckyballs".

Professors Curl's and Smalley's once-in-a-lifetime breakthrough discovery promises to change many fields of science, from the way we conduct electricity to how we deliver medicines in the body.

This new discovery could allow scientists to construct new fiber tubes that will be 100 times stronger than steel with one-fifth the weight. Cables made of these fibers transmit electricity better than copper, paving the way for a revolution in electrical power. Other scientists are working on attaching buckyballs containing radioactive metals in their hollow center to biological markers that bind selectively to specific cells, thereby delivering radiation where it is needed. This development call add a potent new weapon for the treatment of cancer.

Professor Smalley and Professor Curl have galvanized the scientific community with their discovery. The promise of the practical application of their research has led thousands of researchers around the world to drop what they are doing and begin working with the buckyball molecule. The technologies of the 21st century are being born today, and it all began with these two men and their coworkers, Professor Kroto, James Heath, and Sean O'Brien, in a lab at Rice University.

In addition to congratulating Professors Curl Smalley, I also want to congratulate Rice University for fostering an environment of innovation and cutting-edge research that resulted in this discovery. This is a well-deserved boost to Rice's reputation and standing in the scientific community. Construction is now under way on Rice's new Center for Nanoscale Science & Technology to expand on the sort of science that led to the professors' discovery of buckyballs. Rice University's scientific research is luring the top minds to its labs. The center's faculty includes fresh arrivals from Harvard, AT&T Bell Labs, Stanford, and the University of Chicago. And with the awarding of the prestigious Nobel Prize to Professors Curl and Smalley, Rice University is attracting not only the top faculty, but the top students from around the Nation and the world.

I congratulate Professor Curl and Professor Smalley, as well as Rice University, on receiving the Nobel Prize in chemistry. Their contributions to science will pave the way for future success in the 21st century and will improve our lives.

CONGRATULATIONS TO ADAMS COUNTY CONSERVATION DISTRICT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. GOODLING. Mr. Speaker, I'd like to take this opportunity to thank and congratulate the Adams County Conservation District, located in my congressional district, for its continued service over the years to the citizens of Adams County. This month the Adams County Conservation District will celebrate its 50th anniversary in helping the farming community conserve its natural resources. The Conservation District has been a vital asset to this agricultural region by providing educational, technical, and financial assistance to local farmers.

Over the years, I have witnessed the commitment and dedication of the Conservation District in assisting farmers to manage soil erosion through the use of crop rotations, grassed waterways, strip cropping, and many other practices. The invaluable support received by fruit growers, crop, and livestock farmers, has enabled them to grow better crops, maintain more productive fields, and obtain financial security.

What has contributed to the success of the Adams County Conservation District has been its ability to adapt to the growing demands on our natural resources and changing land use patterns. I am confident that over the next 50 years the Conservation District will continue to adjust to south central Pennsylvania's changing landscape and complex soil and water resource problems.

Our Nation has one of the most productive agriculture industries in the world. While employing more than 21 million Americans, our Nation's farms, mostly family owned, produce 16 percent of the world's food. Our Nation owes a great debt to our farmers and conservation districts, like the Adams County Conservation District, who have helped provide a constant source of food to their countrymen through old-fashioned hard work based on traditional American values.

I am proud to come from a farming family and honored to represent a farming community. Most of all, I am proud of the success the Adams County Conservation District has accomplished over the years in making Adams County farmers one of the most competitive and quality producing farmers in Pennsylvania and beyond. I am certain that the Conservation District will continue to provide top quality service to its constituency as we head into the 21st century.

ALBANIAN CRISIS DEMANDS IMMEDIATE U.S. RESPONSE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. PORTER. Mr. Speaker, I rise today to call the attention of the membership to the deeply disturbing situation unfolding in Albania. All Members of this body should join me in urging the administration to take immediate steps to forcefully address these terrible developments.

Mr. Speaker, Albanian President Sali Berisha heads an illegitimate government with a tenuous, slipping grasp on power. Having ignored widespread criticism of last year's rigged elections, Mr. Berisha has proceeded with his reelection as president by a parliament comprised of loyalists who lack any credibility with the Albanian people as a result of the circumstances of their election.

The people of Albania, outraged by this despotic action and the related widespread loss of investments in an unchecked pyramid scheme, have risen up in protest against Berisha and his regime. At this time, the government appears to be undertaking a vigorous crackdown against this outpouring of public outrage and hundreds, if not thousands, of lives are in clear jeopardy. Reports from Albania indicate that opposition newspapers have been shut down, satellite communication links used by western journalists to report back to the capital have been cut, a shoot to kill order has been issued, tanks are on the move, and buildings reportedly burning. If this situation spirals out of control, the resultant refugee flows will undermine what little stability exists today in this region.

Mr. Speaker, what must happen is that Sali Berisha must step down and yield power to a coalition unity government that will promptly schedule free and fair elections. The United States can and must support European governments in securing this outcome by withholding emergency assistance—and all other assistance, especially military aid—from Albania until and unless Berisha steps down. Mr. Berisha could not win a fair election and he cannot now repress the wishes of the Albanian people. He must step down to avoid a catastrophe and we must press hard for this to happen.

ST. PATRICK'S DAY, MARCH 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. GILMAN. Mr. Speaker, another glorious St. Patrick's Day will soon be upon us. As we approach another celebration of this great and important day in honor of the patron Saint of Ireland, sadness still hangs over that beautiful, troubled land.

As we now approach the second St. Patrick's Day since the cease-fire on both sides was announced in the fall of 1994, the peace talks have broken down. Once again, we are without hope for any all-party inclusive talks to find any peaceful political solution to the troubles in the north of Ireland.

Ireland has a flourishing economy and expanding wealth, yet the unresolved troubles in the north diminishes the hope for an even greater, promising future for the youth of Ireland, and for all of its warm and generous people.

I was pleased to lead a congressional delegation last month to the north of Ireland, to the Republic of Ireland, and to London, to review what we in the Congress could do to help bring the stalled peace process back on track.

After visiting Ireland—both North and South—and having carefully evaluated the current status of the peace process following meetings with most of the parties to the current talks, including Sinn Fein leader Gerry Adams, as well as representatives of both the Irish and British Governments on the Northern Ireland issue, I am still hopeful, yet realistic.

Our congressional delegation was still optimistic that progress toward peace through dialog was still possible, and I share that hope.

Our delegation joined President Clinton, and the Irish people, both North and South, in reaffirming its overwhelming desire for permanent peace and reconciliation on the island. The attached statement was issued by the delegation after our meetings were concluded in London.

These worthy, important goals can only be achieved through peaceful dialog and negotiations involving all parties, along with the eventual consent of the Irish people to any proposed political solutions.

A prompt restoration of the IRA cease-fire as called for by President Clinton, and many others, plus the cessation of the use of violence by anyone, would best serve the cause of peace, without further diminishing the worthiness or merit of any party's cause.

All-party inclusive talks and political dialog, in accordance with the terms set out in the Mitchell report, are the only true means for finding the common goal we all share for a just and lasting settlement on the whole island of Ireland.

There is still an historic opportunity for peace. The delegation urged all concerned to seize the opportunity now and move the peace process forward without any of the endless dilatory tactics we have so often observed in the past.

The British Government in particular, under whatever party is in power, must continue to lead the process and move it forward, giving the search for peace its highest priority by building trust between the two communities, especially after the destructive and provocative Orange Order marches of last year.

Our congressional delegation concluded with this plea. Let us hope all sides can reconcile, stepping back from a return to the past, and let us and the world never witness again the tragedy of Northern Ireland engaged in an endless cycle of violence, denying future generations of Irish youth the peaceful future and prosperity they desire and observe.

The Irish people who have contributed so much to our Nation's own prosperity and security have a right to expect continued United States interest in helping to bring lasting peace and justice to the whole island of Ireland.

Our congressional mission to the region was a continuation of that U.S. commitment. I intend to continue to work with President Clinton and others in Congress to help the Irish people pursue their dream of a lasting peace and justice on the whole island.

Millions of their families here in America and around the globe follow closely events as they unfold in Ireland.

They will be particularly pleased to know that our House International Relations Committee will be holding hearings later this year on the human rights situation in the north of Ireland.

The issue of lasting Irish peace and justice will continue to be high on our foreign policy agenda. I look forward to continuing to work with the Irish-American community, the President, and all those around the world committed to finding lasting peace and justice through dialog and peaceful political means in Ireland today.

PRESS STATEMENT NORTHERN IRELAND PEACE PROCESS—FEBRUARY 17, 1997

The bi-partisan U.S. Congressional delegation, led by Chairman Benjamin A. Gilman, visiting Ireland after carefully evaluating the current status of the peace process following meetings with the parties, as well as representatives of both governments, issued the following statement on Northern Ireland:

We join President Clinton, and the Irish people (both north and south) in reaffirming our overwhelming desire for permanent peace and reconciliation on the island. These worthy and important goals can only be achieved through peaceful dialog and negotiations involving all parties, along with the eventual consent of the people to any proposed political solutions.

A prompt restoration of the IRA cease-fire as called for by President Clinton, and many others, plus the cessation of the use of violence by anyone, will serve the cause of peace best, without further diminishing the worthiness or merit of any party's cause. All party inclusive talks and political dialog, in accordance with the terms set out in the

Mitchell report, are the only true means for finding the common goal we all share for a just and lasting settlement.

This is an historic opportunity for peace. We urge all concerned to seize the opportunity now and move the peace process forward without the endless dilatory tactics we have so often observed in the past. The British government in particular under whatever party is in power, must continue to lead the process forward and give the search for peace its highest priority by building trust between the two communities, especially after the destructive marches of last year.

Let us hope all sides can step back from a return to the past. We hope the world will never witness again the tragedy of Northern Ireland engaged in an endless cycle of violence, which will deny future generations of all the youth on the island of Ireland the peaceful future and prosperity they desire and deserve.

IN MEMORY OF JUDGE WILLIAM T. BELLAMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Judge William T. Bellamy of Marshall, MO. Judge Bellamy was an honorable adversary in the courtroom, an outstanding jurist, and a warm and thoughtful friend.

Judge Bellamy was born in Marshall in 1920, the son of Nell Newton and William T. Bellamy, Sr. He married Louise Ainsley on February 18, 1950. He was a graduate of Westminister College in Fulton, MO, and the University of Michigan School of Law. He served his country with distinction during World War II, including service on the vital Manhattan project.

Following the war, Judge Bellamy returned to Marshall and practiced law as a partner in the firm of Bellamy and Bellamy. From 1978 to 1988, he served as presiding judge of the 15th Judicial Circuit of Missouri. Judge Bellamy was an active member of his community, and he served with distinction on the Marshall school board for many years.

Judge William T. Bellamy will be missed by all who had the privilege to know him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Louise; his three sons, Brad, Tut, and Page and their wives, Suzanna, Suzanne, and Shannon; and his three grandsons, James, Caleb, and Brandt.

IN HONOR OF JOHN BORKOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor John Borkowski, a keeper of the flame of Polish culture, a pillar of the community, and resident of the city of Parma.

John Borkowski has earned the affection of greater Cleveland through his tireless work promoting Polish dance, Polish army veterans, a credit union for the Polish community, and Polish education.

He has been honored widely, including awards from the Polish Government, the Alliance of Poles of America, the Polonia Foundation, and the Polish Army Veterans Association.

John Borkowski's example illustrates that being a great American also means remembering and nourishing one's heritage.

TRIBUTE TO BOB JEFFRIES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. TOWNS. Mr. Speaker, I rise today to celebrate the life of my good friend, Bob Jeffries.

Born in Birmingham, AL, the grandson of slaves, in 1907, Bob learned to cook at an early age, using as he said, from food products grown on the farm. During his career, he worked as a musician, a chef in Harlem nightclubs, and in restaurants around the New York area.

During the late 70's he cooked for a Member of Congress, and fed most of the Washington community. Now retired, and living at a Brooklyn Heights senior citizen residence operated by the Brooklyn Catholic Charities, Bob continues to cook for his many friends throughout the city. He is active and busy every day, visiting friends in need, continuing to enjoy the city and sharing his good humor and kindness with his large extended family.

His 90th birthday was celebrated by 80 members of his "family" at the home of Rita and Allen Schwartz in Brooklyn Heights. Bob insisted on cooking for the family and we were all thankful the good food and fellowship.

Mr. Speaker, I would like to take this opportunity to wish Mr. Bob Jeffries a warm and heartfelt 90th birthday.

INTRODUCTION OF LEGISLATION TO REFORM CONGRESSIONAL PENSIONS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. GOODLATTE. Mr. Speaker, calls for reduced Government spending have echoed throughout this great Nation of ours. Unfortunately, all too often the voices of the people have not been heard by this Chamber. When these cries have been heard, the response has simply been to shift the burden of budget cuts. I believe the time has come for the Members of Congress to lead by example.

Today, I have introduced legislation that demonstrates to the American people the steadfast commitment of this Congress to fight against excessive spending by tackling the largest perk in Government—congressional pension plans.

Our retirement benefits are ridiculously more lucrative than those of many private sector and all Federal employees. Some Members of Congress make more in retirement than most Americans could hope to make in a lifetime. My legislation will slam shut the doors of this congressional pension millionaires club.

The bill I have sponsored recalibrates the formula used to calculate Members' pension. It changes the equation so that our pension plan is the same as that of any other Federal employee. It also increased the age at which a former member may begin to collect their benefits from age 50 to age 55.

The time has come for us to address the gross disparities between congressional retirement benefits and those of the average America. The era of governmental abuse has come to a close and the buck stops with us. I urge my fellow Members to hear the calls of the American people, and demonstrate your leadership by setting the example and cosponsoring this legislation.

VIETNAM VETERAN DREW PETERSON RETIRES FROM GOVERNMENT SERVICE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. BURTON of Indiana. Mr. Speaker, Drew Peterson graduated from high school in South Haven, MI, in 1967, and enlisted in the U.S. Army. He served two voluntary tours of duty in Vietnam with the 25th Infantry Division, where he was wounded during a Communist rocket and ground attack and later received the Bronze Star Medal. Drew then served with the Indiana National Guard where he rose to the commissioned officer rank of captain, having served in the intelligence and the security-counterterrorism training field.

After receiving an honorable discharge from the regular Army in 1970, Drew attended college and continued his public service career by becoming a Michigan certified deputy sheriff and later served with the Michigan State Police.

In 1983, Drew accepted a position with the Department of Defense in Indianapolis as a security-specialist at Fort Benjamin Harrison. During this time, he represented DOD as a member of the Law Enforcement Committee on Crime Prevention for the 1987 Pan American Games held in Indianapolis.

In 1987, Drew transferred to GSA's U.S. Federal Protective Service as a Federal law enforcement agent specializing in security. During his tenure with FPS, Drew served as the acting district director in charge of the security and law enforcement staff and functions in four States.

With FPS, Drew also served as a criminal investigator and security specialist, where among his accomplishments was to conduct security surveys for the Office of the Vice President of the United States and Congressmen, plus counterterrorism surveys of Federal courthouses and the Army Finance and Accounting Center in Indianapolis.

In 1995, Drew was involved with the President's requested Department of Justice review of the security for major Federal facilities and courthouses following the terrorist bombing of the Federal Building in Oklahoma City. His counterterrorism recommendations to enhance security were adopted by Government agencies.

During Drew's tenure with the Federal Government, in addition to completing training in management and law enforcement, he completed his bachelor of science degree in criminal justice and a master of arts degree in executive development for public service from Ball State University.

I want to take this opportunity to congratulate Drew Peterson for his many accomplishments and his devotion and service to our country.

MICROCREDITS ARE ABOUT EMPOWERMENT

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I recently had the privilege of participating in the microcredit summit held here in Washington. I wanted to take time to introduce this worthwhile program to you.

Poverty—be it in rich or poor nations—makes not just affected families and their surrounding communities vulnerable, it erodes the fabric of the nations in which they live.

One of the best and most effective uses of American foreign aid to combat poverty is through microcredits, the loaning of small amounts of capital, usually around $150, to indigent entrepreneurs to start their own small businesses.

What are microcredits about? They are about empowerment. The beneficiaries of this aid tend to be predominately women. The program has an astounding rate of success; 98 percent of loans are repaid on time and, in fact, many of the banks set up to disburse microcredit loans have gone on to become successful full-service banks.

The goal of the recently held summit was to begin the process of assisting 100 million of the globe's poorest families work their way out of poverty by the year 2005. These budding entrepreneurs will use this money as an investment. The more money invested in this fashion will decrease traditional foreign aid handouts in the long run.

I would like to commend microcredit experts who have shown what creative thinking can accomplish, even when applied to an entrenched and stubborn problem such as poverty. This solution holds real promise, not only around the globe, but here in the United States as well. I encourage all my colleagues to investigate this program and to lend your support.

TRIBUTE TO THE 13TH COAST GUARD DISTRICT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. McDERMOTT. Mr. Speaker, I rise today to pay tribute to the brave men and women who serve in the U.S. Coast Guard. I extend special recognition to the members of the 13th Coast Guard District who so capably serve my home district and the people of the Pacific Northwest region of our country.

The beauty and grandeur of the waterways of the Northwest are paralleled by the dangerous and unpredictable situations they sometimes present. On February 12, 1997, violent weather off the coast of the Olympic Peninsula threatened the safety of a sailboat and its passengers. In the middle of the night the Coast Guard responded to the distress call and saved the passengers. Unfortunately, one of the two Coast Guard rescue boats from the Quillayute River Station capsized in the strong winds and high waves of the Pacific Ocean. Three crewmembers were lost; the fourth survived.

On behalf of the people of the 7th Congressional District of Washington, I extend sincere sympathy to the family and friends of PO 2d Class David Bosley of San Mateo, CA, PO 3d Class Matthew Schlimme of Whitewater, MO, and Seaman Clinton Miniken of Snohomish, WA. We extend our best wishes for a rapid and complete recovery to Seaman Apprentice Benjamin Wingo of Bremerton, WA.

To Adm. David Spade, Commander, and all members of the 13th Coast Guard District, we extend deep appreciation for the professional accomplishment of your mission of search and rescue, vessel traffic safety, and marine environmental protection. We too frequently take for granted that the Coast Guard is always prepared for an emergency and we fail to recognize the vital contribution of your entire command in support of economic prosperity and the enjoyment we derive from our environment.

Mr. Speaker, I include for the RECORD this tribute from the editors of the Seattle Post-Intelligencer printed on February 19, 1997, the date of the memorial services:

HONORING HEROES OF THE SEA

The 23rd verse of the 107th Psalm speaks of "they that go down to the sea in ships, that do business in great waters."

The members of the U.S. Coast Guard daily do business in great waters. Often it is the business of saving lives. Sometimes the cost of doing business is the loss of their own lives.

So the mourning bells will ring today in Seattle and LaPush for three District 13 Coast Guardsmen who died exactly one week ago during the rescue of a couple on a damaged sailboat off the mouth of the Quillayute River. The couple survived, rescued by a Coast Guard helicopter out of Port Angeles. One member of the guard's 44-foot motor lifeboat, Benjamin Wingo, 19, of Bremerton, also survived.

The rest of the crew did not. Killed were Petty Officer 2nd Class David Bosley, 36; Petty Officer 3rd Class Matthew Schlimme, 24, and Seaman Clinton Miniken, 22. They died when the lifeboat, a Coast Guard workhorse for 35 years, was repeatedly overturned by 25-foot seas and winds as high as 45 knots crossing the Quillayute bar.

That bar already had a reputation as a killer, claiming the lives of seven crewmembers of the fishing boat Gambler in 1990.

The last time a Coast Guardsman was killed in the line of duty anywhere in the Northwest was in 1991 during the rescue of a capsized fishing boat off the Columbia River.

During 1996, the 13th Coast Guard District, which includes Washington, Oregon, Idaho and Montana, was credited with coming to the aid of more than 8,000 individuals, saving 381 lives and rescuing nearly $267 million in property.

The Psalm's story has a happy ending. After its sailors ride stormy seas on which they "mount up to the heavens, they go down again to the depths . . . and are at their wit's end," God calms the seas and "bringeth them unto their desired haven."

A week ago the seas were not calmed and the three Coast Guardsmen failed to reach safe haven.

"He was my hero," said Sandi Bosley of her husband David Bosley, the coxswain of the ill-fated vessel.

Today we join family and friends in mourning the deaths, and celebrating the lives, of all these heroes.

INTRODUCTION OF LEGISLATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. EWING. Mr. Speaker, I have introduced a bill that would grant permanent most-favored-nation status to the People's Republic of China upon its entry into the World Trade Organization. Under the rules of the WTO, each member country must grant permanent MFN to all other member countries. As the administration moves forward in its WTO talks with the Chinese, it is imperative that commercially viable terms of entry are negotiated. The WTO is America's best weapon against the forces protectionism and predatory mercantilism. China's entry into the WTO is in America's national interest. First, entry into the WTO will require China to further liberalize its trade regime by lowering tariffs and eliminating many nontariff barriers that American goods face. Second, the WTO provides a more useful forum for resolution of trade disputes than the bilateral approach now in place with China. It is important to note that WTO membership is not a gift to China. The administration is negotiating tough commercial terms upon which China will enter and these terms will define United States-China trade in the future.

Perhaps the most important reason that we should be pushing for China's accession to the WTO is the level playing field that this membership would provide for United States exporters. Currently, exporting to China can be a very costly and timeconsuming endeavor for American producers. There are many nontariff barriers that, intentionally or not, impede market access. There is a certain amount of discriminatory treatment of products that will be difficult for the Chinese to continue when under the jurisdiction of the WTO. Transparency is also a big problem in China. It is difficult to find out which laws and regulations apply to which products and when do they apply. As a WTO member China's import policies will have to become more transparent and more defined. This will allow American exporters to conduct business in China by following internationally recognized trade practices. China's trade regime will have to conform to these international principles.

The United States exports less, as a percentage of GDP, than any other industrialized nation. Enhancing and increasing U.S. export performance will be essential as we search for ways to improve and increase economic growth in the U.S. economy. China's vast market potential, combined with the discipline of market forces and liberalized trade policies, are a positive step toward increasing market access for American exports.

AID TO ILLEGAL IMMIGRANTS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. PACKARD. Mr. Speaker, I rise today to discuss an issue which disturbs me to no end. Just last week, I introduced a bill, H.R. 849, to close a loophole that allowed an illegal immigrant to obtain $12,000 in Federal housing assistance.

One week ago, I sent letters to INS Director Doris Meissner and HUD Secretary Andrew Cuomo to find out just how this could have happened. Why did HUD not immediately contact the INS to report an illegal alien residing in this country? And why has INS still done nothing to address the situation? Mr. Speaker, this begs the question, what good are laws if our Federal agencies do nothing to enforce them?

People write and call my office every day for an explanation. And it's not just my constituents. Word of this unbelievable act has spread from my hometown in southern California clear across the country. Hardworking Americans who know the value of citizenship want to know why their tax dollars continue to be given away to illegal immigrants.

I urge my colleagues to support my legislation, H.R. 849, and to join in the call for an explanation of why this is still occurring. Mr. Speaker, the people want an answer.

INDIA DETAINS HUMAN RIGHTS ACTIVIST KUMAR

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. CONDIT. Mr. Speaker, last year Members received from the Council of Khalistan an excellent video entitled "Disappearances in Punjab," an expose of the massive human rights abuse in Punjab, Khalistan under Indian rule. Now I have been informed that last month the Indian regime briefly detained the maker of that film, Ram Narayan Kumar. Mr. Kumar is a Hindu and a human rights activist.

According to a letter Mr. Kumar wrote to the Indian Home Minister, he was illegally detained and interrogated at the Delhi airport on the night of January 19–20 as he was leaving the country to return to his home in Austria. Mr. Kumar has written a book on the situation in Punjab, Khalistan which the regime apparently does not like.

Mr. Kumar was detained for 19 months in the 1970's because he criticized the dictatorial measures of Indira Gandhi. He was incarcerated again in 1982 for leading a strike. As a member of the Committee for Information and Initiative on Punjab, Mr. Kumar has been actively involved in documenting and exposing human rights violations in Punjab, Khalistan.

Like Jaswant Singh Khalra, who remains in the bowels of the Indian system after 17 months, Mr. Kumar ran afoul of the Indian state for exposing the truth about Indian "democracy." Clearly, the regime's fear of exposure is growing. Why would a Democratic country be afraid of the truth?

Maybe it's because they are afraid that the inevitable collapse of India is on the horizon. With a 13-party coalition running the central government, it is inherently unstable. According to a letter that appeared in the Washington Post on January 26, there are 17 insurgencies going on in India. That is no surprise. The regime has murdered tens of thousands of Sikhs, Christians in Nagaland, Muslims in Kashmir, Assamese, Manipuris, Dalits—black untouchables, and others. In this light, is it any wonder that so many countries are trying to free themselves from Indian rule?

The illegal detention of Mr. Kumar merely advertises to the world the fact that India is not a Democratic state in any real sense. This leads me to ask why the overburdened taxpayers of the United States should be taxed to support this brutal, tyrannical regime. As the world's only superpower and the leader of the worldwide movement to freedom, it is America's obligation to support those who struggle peacefully for freedom.

We should demand that India apologize to Mr. Kumar for violating his rights and that it stop violating the basic liberties of those under its control. If India cannot meet even the most basic standards of human rights, it is not worthy of our support. We should impose an embargo on Indian and cut off its aid from this country. We should also speak out strongly in support of the freedom movements in Khalistan, Kasmir, Nagaland, and all over South Asia. This is the best way to protect American values and interests in that part of the world.

I am introducing Mr. Kumar's letter into the RECORD.

RAM NARAYAN KUMAR,
Klagenfurt, Austria, 2 February 1997.

UNION MINISTER FOR HOME AFFAIRS,
The Govt. of India, South Block, New Delhi.

Sub: *My illegal detention and interrogation about my forthcoming book on Punjab at Delhi's airport on 19–20th night of January 1997.*

SIR: I am writing this letter to protest against my illegal detention and interrogation at Delhi's international airport on January 19–20th night, when I was leaving the country with the British Airways flight BA 142 to join my wife in Austria. Before elucidating, I will introduce myself and my work to the extent it seems to bear on the incident.

My name is Ram Narayan Kumar. I am a writer by profession, and have published three books. My last book titled "The Sikh Unrest and the Indian State: Politics, personalities and historical retrospective" is due to be released early next month by Ajanta Publications of Delhi. In India I live at "Srinivas", Krawal Nagar, Delhi 94. My telephone number there is: 2262421. My wife, a doctor, is an Austrian national. Our address in Austria is: 60/7 Mühlgasse, 9020 Klagenfurt.

I remain an Indian citizen, and travel on passport number S 647894, issued by the Indian Embassy at Vienna on 24 June 1996.

I have been engaged in documenting and disseminating information on human rights violations by the State authorities from the time Indira Gandhi imposed the Emergency in June 1975. During that period, I was detained without trial for nineteen months for criticizing the dictatorial measures she had employed to conserve her regime. I was again incarcerated for leading a strike of colliery workers in Madhya Pradesh, culminating in the hostage case of New Delhi in April 1982. The experiences and considerations that guide my public life, and the chronology of my involvements until 1988, are part of a book—"Confronting the Hindu Spinx"—published in 1992.

For the last eight years, I have been involved in documenting reports of State atrocities in Punjab. As a member of the Committee for Information and Initiative on Punjab, I have taken active part in collating and verifying the evidence, also by way of video recording, which forms the basis of a petition that is pending before the Supreme Court. The petition shows that in the period from 1992 to 1994 the Punjab police have illegally cremated thousands of dead bodies by labelling them as unidentified. The petition also supplies evidence to establish that many persons so cremated had earlier been picked up by the security forces. The facts regarding the illegal cremations, as shown in our petition, have been authenticated by the Central Bureau of Investigation which has investigated the allegations at the order of the Supreme Court. The matter is now pending before the National Human Rights Commission for the examination of all the issues that attend on the establishment of these facts. Jaswant Singh Khalra, General Secretary of the Akali Dal's Human Rights Wing and a resident of Amritsar, had helped me in this work of documentation. In early September 1995, Khalra got kidnapped by armed commandos of the Punjab police. Khalra's whereabouts remain unknown, and I suspect that he has been done away with. After Khalra's abduction, I put together a short documentary film from the video material he had helped me to gather. This film has been used by several human rights groups in India and abroad to campaign for Khalra's release. Clearly, the film upset the Indian authorities. In fact, one Mr. Bedi of the Indian Embassy in Vienna rebuked me for defaming India. This row about defaming India, which divides the protagonists of the establishment and their critics, follows from divergent positions of empathy. From my position, to defame the abuse of power is to extol the humanity of those who, otherwise, become its mute victims. This same Mr. Bedi telephoned me, in early September 1996, to ask when I planned to return to India next. I was surprised that the Indian Embassy should count on me to support its snooping about my activities. Later in Delhi, some officers who would not identify themselves called on me to ask "some questions". I told them to come back with their identification cards. They never returned.

On 20 January 1997, I was going to return to Austria after spending four months in India. After checking in with the British Airways around 10 p.m. of 19 January 1997, I went to the immigration counter. The officer there took my passport, looked in his computer, and asked me if I had produced a video film on Punjab. I acknowledged having done a documentary. After scanning his computer for a while, the officer asked me to step aside and to take a chair within the enclosure of his superior who was overseeing the movement at all the counters: "It will take some time to clear you," he told me. Soon after midnight, one person appeared at my side to ask if I had authored a book titled "The Sikh Unrest in Punjab and the Indian State". As he seemed all prepared to interrogate, I asked him to identify himself. "My senior officers would soon arrive", he said to skip my question. I wished to telephone a lawyer friend. But this he would not allow: "You are under detention. Forget your flight and about contacting anyone," he told me.

After midnight, I was led to a room for interrogation. I found myself surrounded by almost twenty-five officers. I asked them to identify themselves, and to spell out the legal basis on which I was being detained and interrogated. Their response: "Don't waste time on legal etiquettes. This is a joint interrogation. We would not tell you more. You would complicate matters for yourself by insisting on legal formalities." I was asked to explain what my forthcoming book on Punjab contained. I told them that it was a long work which took me years to complete. I could not give its substance to them in choice morsels, as they were demanding. "Give us the gist in a nutshell", my interrogators insisted. I had no option but to try. My interrogators kept taking notes, interrupting me intermittently to help them formulate sentences for their report.

After settling their report on the book, they compelled me to narrate the chronology of my own political and person background. I told them to consult the book "Confronting the Hindu Sphinx", which is partly autobiographical and covers the main events of my life till 1988. But they would not be deterred from having the story from the horse's mouth. They also forced me to pose for a photograph, and went on to compel me to give information on my relatives and close associates.

My interrogation lasted till five in the morning of 20 January. I was able to leave the next day due to the courtesy of the British Airways. They confirmed my reservation although the validity of my return ticket, which I had purchased in Austria, had already expired. I had mentioned the expiry of my ticket to my interrogators: It would become their responsibility to arrange my flight if I should lose my ticket because of their illegal action. Their answer: They could not bother how and when I fly again.

At the end of it all, I remain baffled about the significance of this episode. Why did not my interrogators identify themselves if they were acting under the law? It was a joint interrogation, and a large number of senior officers took part. Which organizations did they represent? Whose orders were they carrying out? The interrogation concerned mainly the forthcoming book. What was the idea? The interrogation makes no sense even if I assume that the authorities might be contemplating a ban on the book. This could not be done until someone carefully reads it. Or, was the aim to demonstrate the coercive powers of the Indian State, to suggest that unless I taper down my human rights work and begin to cooperate with the authorities, my life would become difficult?

I have no intention to give up my commitments, no matter what the circumstances and pressures. I do not expect any regard from the authorities but on the basis of fairness and legality, common to all. I complain because the tactics adopted by the Indian Embassy in Austria, the officers who visited me at my house in Delhi and finally my interrogators at Delhi's airport are illegal, intimidating and constitute direct violation of my fundamental rights. I also fear that the agencies that have orchestrated my interrogation may further try to damage the circulation of my book by intimidating the publisher and by taking recourse to other unlawful ways.

I sincerely hope that you will act on my complaint. Please, initiate suitable action against the agencies responsible for infringing my rights as a citizen and a writer. Please, also ensure that they do not persist in harassing me, my relatives and associates in unlawful ways.

Sincerely yours,

RAM NARAYAN KUMAR.

SOLDIERS FROM THE SUPPLY PLATOON OF THE 1019TH QUARTERMASTER COMPANY RETURN HOME FROM THEIR PEACEKEEPING MISSION IN HUNGARY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. WALSH. Mr. Speaker, today I would like to take this opportunity to welcome home to Syracuse the 29 soldiers of the Supply Platoon of the 1019th Quartermaster Company after a very successful mission in the region of Bosnia and Herzegovina.

These dedicated Central New Yorkers spent the past 6 months as part of the U.S. Peacekeeping Mission. They were stationed in Hungary, where they provided support for Operation Joint Endeavor and Operation Joint Guard. The majority were reservists working in the main supply warehouse where every uniformed American was processed and provided with essential equipment. In addition to these duties, they also processed all of the servicemen as they left the area prior to their returning to the States. There were times when the company processed over 500 soldiers a day.

Our community is proud of the hard work and dedication displayed by the 1019th Quartermaster Company. They are truly a credit to Central New York.

Following are the names of the members of the Supply Platoon of the 1019th Quartermaster Company: 1st Lt. David Fosdick, 2d Lt. Ronald Humphery, CWO3 Gerald Davies, M. Sgt. Robert Fuller, Sfc. Ramona Sandoval, S. Sgt. Thomas Fahey, Sgt. Gregory Beebe, Sgt. Teddy Cavollo, Sgt. William Hazelton, Sgt. David Jones, Sgt. Edward Keegan, Sgt. Abraham Ortiz, Sgt. Miguel Pujos, Sgt. Deborah Reed, Sgt. Bradley Wass, Spc. Debra Addison, Spc. Richard Bailey, Spc. Michael Bick, Spc. Nicola Green, Spc. Traci Hall, Spc. Leroy Hardge, Spc. Samantha Isles, Spc. Sean Lawless, Spc. David Nixon, Spc. Timothy Peterson, Spc. Megan Taylorrolf, Pfc. Alana Crossman, and Pfc. Vincent Harris.

I would ask my colleagues to join me in thanking them as they return to their civilian jobs or their educational pursuits. We are proud of the commitment our national reservists make to their families and our country.

COMMEMORATION OF AMBASSADOR SAMUEL WISE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. WOLF. Mr. Speaker, on January 21, 1997, the United States lost one of its finest public servants, Ambassador Samuel G. Wise. In his 20 years of service in the State Department and the Commission on Security and Cooperation in Europe, Ambassador Wise sought to advance the precious principle of democracy. His diplomatic skills, recognized worldwide, helped forge an international consensus on human rights and an effective process to hold states accountable to the Helsinki principles. Through his work, many lives were saved and democracy was strengthened.

I first met Sam soon after being appointed to the Helsinki Commission in 1989. I did not know him very well, but his reputation was one of a kind with a good heart for people. He did not seek the limelight, but instead labored quietly and nobly behind the scenes. His work will live on in the effective organization he helped create and the human rights standards he helped strengthen. He will be sorely missed.

My thoughts and prayers go out to his wife, Mary, and his family during this time of loss.

CONGRATULATIONS ANN BROWN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Ms. HARMAN. Mr. Speaker, though some appointments of the Clinton administration may be underwhelming, the selection 4 years ago of Ann Brown to be Chairman of the Consumer Product Safety Commission continues to gather rave reviews.

Ann is the CPSC's seventh Chairman, and I recommend that the agency retire her jersey. Consumer advocacy has been her passion for two decades, including service as vice president of the Consumer Federation of America for nearly 15 years and chairman of Public Voice for 11.

Ann understands which products harm children—from venetian blind cord loops to pajama drawstrings—and how to persuade industry and Congress to sell safety. Her focus and her voice are always clear.

Ann celebrates a milestone birthday this month. No one will believe which one, and I wonder if, just this once, we can waive the consumer's right to know.

Happy birthday to an extraordinarily competent public servant, lively and dear friend, and Smith College alumna. Your congressional fan club salutes you.

TEN COMMANDMENTS

SPEECH OF

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. CALLAHAN. Mr. Speaker, our forefathers established the United States, "one nation under God, * * *" as a country in which the Government shall not regulate the religious practices of its citizenry either by "respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." This logical separation of two distinct activities in the first amendment of the Constitution of the United States supports the argument that religious freedom can be exercised by U.S. citizens on government property separately from the government respecting an establishment of religion.

Frankly, I am at a loss to understand why all the attention regarding the display of the Ten Commandments is focused on Alabama, when the Ten Commandments are displayed in other public forums across the Nation including the Supreme Court. Perhaps certain parties simply find the great State of Alabama a more appealing target of their anti-Christian attacks.

When I proudly took the oath of office as Representative of the First District of Alabama at the beginning of the 105th Congress, I swore to uphold and defend the Constitution of the United States. The first amendment of the Constitution of the United States clearly prohibits the regulation, by the Federal Government, of Judge Moore's right to exercise his religious beliefs by displaying the Ten Commandments. I am pleased to join the sponsor of House Concurrent Resolution 31, my distinguished colleague from Alabama, Mr. ROBERT ADERHOLT, as a cosponsor of the concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama. I urge a favorable vote on this resolution.

TRIBUTE TO EMILY LEVY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SHAW. Mr. Speaker, I rise today to join my colleagues in the House and the residents of Dade County, FL, to recognize an upcoming leader in my district, Ms. Emily Levy. Emily, a senior at North Miami Beach Senior High, has been chosen as a finalist in the prestigious Westinghouse Science Talent Search for her work with children with learning disabilities.

Emily has displayed an astonishing level of maturity and dedication to her community for someone who is only 17 years old. As a volunteer at a school for children with learning disabilities, Ms. Levy noticed the frustration her students experienced while trying to learn in a traditional manner. As a result, she created a nonlinear program that has made learning easier for her students. She spent 5 years meticulously revising this brain imagery form of conceptual organization. Ms. Levy can be proud that because of her efforts, the course of young lives can be changed, and minds can be opened.

In addition to her obvious talent in the science field she maintains a 5.04 grade point average—on a 4.0 scale—has won piano and oratory competitions, and models professionally. She will be attending Brown University in the fall.

Mr. Speaker, I am proud and delighted to count Ms. Emily Levy as a constituent, and am sure that this is not the last we will hear from her.

THE INTRODUCTION OF THE THEODORE ROOSEVELT WILDLIFE LEGACY ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. MILLER of California. Mr. Speaker, today I am introducing the Theodore Roosevelt Wildlife Legacy Act. This legislation will improve the National Wildlife Refuge System because it clearly reaffirms President Roosevelt's original intent in establishing our first wildlife refuge in 1903—to conserve fish and wildlife for the enjoyment of present and future generations. Why is it necessary to reaffirm our commitment to the only system of public lands dedicated to wildlife conservation? Because legislation recently introduced in the House would fundamentally alter the purpose and undermine the conservation mission of the National Wildlife Refuge System. In the last Congress, a vote against a very similar bill, H.R. 1675, was counted by the nonpartisan League of Conservation Voters as one of the key environmental votes of 1996.

H.R. 511, which was recently introduced by the chairman of the Resources Committee, would undermine wildlife conservation on our refuges by elevating hunting, trapping, and other forms of recreation to a purpose of the system coequal to conservation. But do not think that this is a purely philosophical debate about whether hunting should be a purpose of the refuge system, because H.R. 511 would also restrict the ability of the wildlife management professionals at the U.S. Fish and Wildlife Service properly to manage recreational activities. Hunting, if properly controlled, in an important tool in the kit of the wildlife manager. However, if not managed properly, it can rapidly deplete wildlife populations.

The Theodore Roosevelt Wildlife Legacy Act, on the other hand, reaffirms conservation as the purpose of the refugee system and establishes an objective process for evaluating whether recreational activities are compatible with wildlife conservation. It recognizes wildlife dependent recreation, including wildlife observation, hunting, and fishing, as priority uses of the system, but ensures that they are subordinate to conservation goals.

While the National Wildlife Refuge System provides world class opportunities for hunting and other outdoor recreation, which I support, the approach taken in H.R. 511 is dead wrong. The overwhelming majority of visitors to our wildlife refuges come not to hunt or trap, but to observe and enjoy nature in other ways. Yet those who do wish to hunt and fish enjoy broad access to refuge lands; in fact, over half of all refuges—comprising more than 90 percent of the system's acreage—already permit these recreational uses.

The Theodore Roosevelt Wildlife Legacy Act provides an effective blueprint to guide the refuge system into the 21st century. This bill ensures that all Americans will continue to get a fair return on their investment in the National Wildlife Refuge System. It is supported by a number of major conservation organizations, including the National Audubon Society, the Wildlife Society, Defenders of Wildlife, the Environmental Defense Fund, and the Natural Resources Defense Council. In contrast, H.R. 511 is a solution in search of a problem, and that solution will undermine 94 years of fish and wildlife conservation.

In 1903, President Roosevelt had the foresight to set aside a place—a small place—where wildlife came first. Let us maintain a place in our increasingly crowded world where there is room for people, but where wildlife comes first. That place is the National Wildlife Refuge System and we should keep it that way. Support the Theodore Roosevelt Wildlife Legacy Act.

TRIBUTE TO FRED KORT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to a truly extraordinary individual, Fred Kort. Mr. Kort has lived an amazing life; his story serves as an inspiration to all that know him. I am honored today to be able to pay tribute to this man, as recognition is long overdue.

Mr. Kort was born in Germany just before Adolf Hitler came to power. In 1938, his family was deported from southern Germany to Poland, and Fred was forced to continue his elementary school education at the American ORT Program in Poland. Things changed drastically with the outbreak of war as the family was separated and Fred and his brother were forced into the Lodz ghetto. In 1940, Fred escaped the Lodz Ghetto and made his way to Warsaw where he was reunited with his father. However, a short time later, he was forced into the Falenti labor camp. He toiled in the camp for 19 months, only to return to the Warsaw Ghetto where he was again captured and a few weeks later taken to Treblinca. Upon arriving at Treblinca, 90 percent of the individuals were immediately exterminated. Remarkably, Mr. Kort managed to survive in the camp for over a year.

Eventually, Fred managed to escape from Treblinca, and joined the Polish underground.

As a member of the resistance he was inducted into the Polish Army. A year later the war ended, enabling Mr. Kort to return home. There he reunited with his mother and sister and found out that his father, brother, and several close relatives had not survived the Holocaust. In 1947, Fred left Europe for America to start a new life.

Upon arriving in the United States he worked and lived in New York as a technician. Eventually his work led him to relocate to Los Angeles. In Los Angeles he learned all that he could about the toy company business and in 1969 opened the Imperial Toy Co.

Mr. Kort always has been generous with his time as well as his money supporting various philanthropic charities. Fred's history of giving ranges from shipping toys to children left homeless by Hurricane Andrew to being an original founder of the U.S. Holocaust Memorial Museum in Washington, DC. Indeed his work in preserving the memory of the Holocaust has been exemplary.

The memory of the Holocaust has never been far from the heart and mind of Fred Kort. From his role in testifying at five Nazi war crime trials, to helping build museums in Washington and Los Angeles, Mr. Kort has worked to ensure that the knowledge of what happened will not be lost on future generations. Mr. Kort's life is a testament to the enduring nature of the human spirit as the strength of a lifetime was built from the ashes of hatred. Indeed one can say with certainty that America, and indeed the world, is a better place with Mr. Kort in it.

TRIBUTE TO BETTY AND LARRY FISHER

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. WAXMAN. Mr. Speaker, Mr. BERMAN and I are honored today to pay tribute to two of our dearest friends—Betty and Larry Fisher—for whom political activism is an abiding passion and a participatory sport. Betty and Larry are model good citizens, who have for decades offered freely of their time and every resource to advance the many good causes they have espoused.

Betty began her political career in the early 1960's, coordinating major events for Senators Hubert Humphrey and TED KENNEDY. She has been at it ever since. Among the positions in which she has served are Business Manager for the Robert Kennedy for President Campaign Committee; member of the Los Angeles County Regional Planning Commission and, from 1991–95, Chief of Staff for Los Angeles City Councilwoman Ruth Galanter.

Larry has combined an extensive political background with a highly successful and distinguished business career. As chairman of Braun Ketchum, Los Angeles, Larry provided guidance to many of the country's most influential corporations, including Transamerica Occidental Life, GTE, and Great Western Financial. He also made time to serve as Executive Director of the California Democratic Party and continues to be heavily involved in political activities.

Larry is also a guiding force in community service. He is a trustee of the Norris Cancer Institute and Research Center, a director of the Shelter Partnership and a member of both the World Affairs Council and the Public Relations Society of America.

Among the most impressive thing about Larry and Betty Fisher is that their marriage has thrived in spite of the fact that he graduated from USC and she from UCLA. Indeed, we both cut our political teeth working alongside Betty in Young Democrats at UCLA. Larry and Betty's enormous political skill enabled them to survive even this intense interscholastic rivalry.

Seriously, Betty and Larry are among the world's most delightful human beings. They are charming, intelligent, and just great fun.

We ask our colleagues to join us today in saluting Betty and Larry Fisher, whose friendship and wisdom have been of the greatest value to us over the years. Their sense of commitment and dedication to making this a better world is an inspiration to us all. They are moving to a neighborhood some distance from us, and we will miss seeing them often. We send them off, however, with our greatest affection and wishes of continued happiness and success.

TRIBUTE TO HONOR ANN BARBARO, FOUNDER OF STRAIGHT TALK IN ROCKAWAY, QUEENS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly the outstanding citizens of our Nation.

I rise today to honor a distinguished resident of my district, Ms. Ann Barbaro. In an independent and bold move, Ms. Barbaro started a paper called Straight Talk, to report on news and events in the local community of Rockaway, Queens. It operated successfully for little over a year before it was forced to close its doors. The paper was to serve as a vehicle to educate the residents of her neighborhood. Today I would like to commend her initiative to improve and uplift her community through this paper. Ms. Barbaro has remained very involved in civic matters in the community and I expect her to do so for a long time to come.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in honoring Ms. Barbaro for her commitment to improving the quality of life in her community and for her social activism. Thank you Ms. Barbaro.

TRIBUTE TO CURT FLOOD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. CLAY. Mr. Speaker, I stand today to recognize and pay tribute to my friend and hero, former St. Louis Cardinals outfielder Curt Flood, who died on January 20, 1997.

In addition to his status as professional baseball player, Curt will be remembered as the man responsible for bringing collective bargaining to professional baseball. He took his case of free-agency all the way to the U.S. Supreme Court. In his renowned letter to former baseball commissioner Bowie Kuhn, Curt Flood eloquently articulated his well-founded reasons and encouraged future professional players to fight diligently for their rights.

Curt Flood was a great humanitarian. He devoted his time and resources to numerous philanthropic causes. On my desk in my congressional office, there sits an award, an old bronzed shoe, from Aunts and Uncles, an organization which Curt Flood helped fund to provide shoes to needy children in the St. Louis area. Each time I look at that shoe, I am reminded of what a great man Curt Flood was.

I remember as if it were yesterday instead of 1961 that Curt, my cousin Arthur, and I spent several days and nights painting caricatures on the walls and ceiling of my Glow Worm cocktail lounge.

There are times when we forget the wonderful contributions that professional athletes make to mankind. The spotlight can be so blinding that we only remember their home runs, three-pointers, or touchdowns. Very seldom do we remember them for the work they do outside of their profession. That is why I submit to our colleagues Curt Flood's story as reported in the January 23, 1997, St. Louis American newspaper and a copy of his letter to Commissioner Bowie Kuhn regarding his free agency status.

[From the St. Louis American, Jan. 23, 1997]

CHAMPION OF PRINCIPLE—FORMER CARDINAL CURT FLOOD DEAD AT 59

(By Alvin A. Reid)

LOS ANGELES—Curt Flood used his athletic talent to help make the St. Louis Cardinals two-time world champions and then used his conviction to change major league baseball.

Flood died of throat cancer on Monday in Los Angeles, two days after his 59th birthday.

His dramatic stand against baseball's reserve clause ended his tenure in St. Louis in 1970. However, before he moved to Spain to further his budding artistic career, he had a profound impact on the St. Louis community.

"Curt Flood and former St. Louis football Cardinal lineman Ernie McMillan helped fund the Aunts & Uncles organization and their mission was to see to it that all kids in the city had good shoes," said Bennie Rodgers, *American* executive editor. "They would have the shoe give-a-way at Christmas and Easter and give thousands of kids shoes, they would pay for it."

Rodgers said the shoe give-a-way became a weekly event and was headquartered at the current location of the *American* offices at 4144 Lindell Blvd.

When traded to the Philadelphia Phillies, Flood refused to go. He petitioned to Commissioner Bowie Kuhn that the current system was akin to slavery and that it violated antitrust laws. The commissioner refused Flood's request for free agency. He sat out of baseball in 1970 while legally battling the ruling. He returned to baseball in 1971 as a member of the Washington Senators, but lasted just 13 games. After one game he found a black funeral wreath at his locker.

The commissioner refused Flood's case, which eventually reached the U.S. Supreme Court in 1972 where he lost his lawsuit. However, in 1975 an arbitrator granted free agency to two players, and permanently diluted the reserve clause and led to creation of the free-agent system still used today.

[From the St. Louis American, Jan. 23, 1997]

CURT FLOOD'S FAMOUS LETTER, A SIGNATURE DOCUMENT

(By Barry Cooper)

On the day that Martin Luther King was being honored, yet another famous African-American passed on. Curt Flood, who pioneered free agency by challenging baseball's long-standing reserve clause in the early 1970's, died in Los Angeles Jan. 20 after a battle with throat cancer. He was 59.

Here's the famous letter Flood wrote to then baseball commissioner Bowie Kuhn. That letter—and his subsequent lawsuit—forced baseball to adopt what has now become free agency.

December 24, 1969

Mr. Bowie K. Kuhn, Commissioner of Baseball, 680 Fifth Avenue, New York, New York 10019.

After twelve years in the Major Leagues, I do not feel I am a piece of property to be bought and sold irrespective of my wishes. I believe that any system which produces that result violates my basic rights as a citizen and is inconsistent with the laws of the United States and of the sovereign States.

It is my desire to play baseball in 1970, and I am capable of playing. I have received a contract offer from the Philadelphia Club, but I believe I have the right to consider offers from other clubs before making any decisions. I, therefore, request that you make known to all Major League Clubs my feelings in this matter, and advise them of my availability for the 1970 season.

Sincerely Yours, Curt Flood.

Flood sat out the 1970 season and took the case to court. A deal was worked out in 1971 that sent him to the Washington Senators, but he played only 33 games and retired. Later, other players were able to take advantage of the free agency that he had fought so hard for.

REFLECTIONS ON HOUSE CONCURRENT RESOLUTION 31—THE TEN COMMANDMENTS

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. STARK. Mr. Speaker, it's a day of biblical proportions—Congress debates the Ten Commandments and Charlton Heston prepares to present the staff he used as Moses to Mickey Mouse. The theater of the absurd becomes reality on the Hill and off.

I walk through the valley of congressional hypocrisy and take spiritual inventory of the less than holy works of my colleagues on welfare. Without trying to upstage Moses, I offer the following principles for consideration:

Treasure the children. Thou shalt not prioritize money above them.

Thou shall not take the status of legal immigrants in vain.

Thou shall not willfully push over 1 million children into poverty.

Thou shall not deny disability payments to over 260,000 of the poorest children of our nation.

Thou shall not bear false witness to over 800,000 elderly legal immigrants by terminating Medicaid and SSI assistance.

Thou shall not deceive our nation's governors, forced to bear the burden of a disintegrated safety net and an evaporated entitlement, with the false prophecies of bonus payments and block grants.

Thou shall not disgrace a nation in a time of widening gaps of wealth under the guise of reform.

If Members look to the Bible for justification of their actions, they would profit from the book of Job:

Do you limit wisdom to yourself? What do you know that we do not know? What insights do you have that we do not have? The gray-haired and the aged are on our side, men even older than your father. Why has your heart carried you away, and why do your eyes flash, so that you vent your rage against the meek, the humble, the poor of our nation? Job 15:8–13.

ALABAMA AND THE TEN COMMANDMENTS

SPEECH OF

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1997

Mr. PICKERING. Mr. Speaker, religious freedom is once again under attack in our country. In my neighboring State of Alabama, the recent controversy over the Ten Commandments highlights the contempt that some people in our country have for religious freedom.

Alabama Circuit Court Judge Ray Moore opens each session of his courtroom with a prayer. The Ten Commandments hang on the walls of his court. Once again, the ACLU is saying that it is a terrible thing for the basis of our laws to be displayed in a court of law. I am proud to join with so many of my colleagues and Alabama's Governor Fob James in supporting Judge Moore's right to display the Ten Commandments.

The Ten Commandments are a symbol of our past and a hope for our future. They are the foundational elements of our history, heritage, and laws. Tradition is said to be "nothing but the acknowledgment of the authority of symbols and the relevance of the narratives that gave birth to them." We have many such symbols and traditions in this Nation. We have biblical symbols in the Supreme Court, "In God We Trust" is inscribed here in the Chamber of the House and on every piece of U.S. currency and in addition each day of Congress opens with a prayer. Clearly, our country was founded upon religious principles. Unfortunately, some believe freedom of religion means freedom from religion.

On September 17, 1796, George Washington gave his farewell address saying, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. * * * Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

Those who want to take down the Ten Commandments and banish from our history the principles that guided our founders are the same ones that move our country away from moral absolutes to a value system of no right and no wrong. The values embodied by the Ten Commandments lead to political prosperity, civic responsibility, and renewed culture. Their absence, unfortunately, leads to chaos, destruction, and the loss of moral constraints. If the ACLU is successful in tearing down the Ten Commandments from our society what will they choose to replace them for a basis for law? What will the ACLU choose for us as a moral compass? Who gives them the right to change the founding principles of our country? Those are the questions that need to be asked. While some will side with the ACLU, I will side with the Founding Fathers of our country.

We are reaping the consequences today of an anything goes society. Our culture is permeated with crime, drugs, violence, and family breakdown. Those who want to take down the Ten Commandments from the Alabama courtroom cannot be allowed to do so. For 30 years, there has been a deliberate march and assault on our traditional values. This is where we should draw the line.

THE RESPECT CLUB FOSTERS PRIDE IN SELF, COMMUNITY, AND COUNTRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. SOLOMON. Mr. Speaker, we spend a lot of time on the floor of Congress talking about the importance of community, education, and this Nation's greatest resource, our young people. And believe me, that's important. But in reality, the real progress that is made toward educating and protecting our youth is made outside Washington, by the families, civic groups, towns, and schools that make up communities all across this country. And low and behold, I was fortunate enough to find out about just such a great program that incorporates all of these elements right in the heart of my congressional district in upstate New York.

I'm talking about an extracurricular program at Shenendehowa High School that draws on the community and parents, faculty and administrators, and most importantly, the students. Their focus is on one of the most important things we can teach our young people, mutual respect. The RESPECT Club at Shenendehowa is in its fourth year and has made great strides in demonstrating to our young people the importance of respecting individual preferences, rights, needs, and self-worth. In a day of age when our young people have become more and more sophisticated, they have also become exposed to new hardships and pressures that wear heavily on their psyche and self-esteem. This club and its young participants have played an active role in raising the awareness and the ability of their fellow students to cope with many of these grave problems and help one another at the same time. They have focused on such serious societal problems as eating disorders, teen pregnancy, suicide, depression, and dating violence.

Now how do they go about getting the attention and respect of their peers and surrounding communities? By sponsoring events that encourage student and community-wide involvement like their fourth annual arts festival.

What better way, Mr. Speaker, to foster greater understanding and cooperation between individuals than through a program encouraging participation in the arts. Their festival highlights student participation in the performing arts, like musical and theatrical performances, and the recitation of literature, poetry, and essays, not to mention displaying visual art like paintings, photography, and sculpture. And even better, the RESPECT Club's all-day art festival has attracted 500 participants, not to mention the support of the school faculty, administrators, and parents.

I couldn't have thought of a better way to emphasize to both young and old alike the value and importance of standing up and taking action to improve your local community. Programs like this do wonders for individual self-esteem but also to promote virtues like pride in community, volunteerism, and the sense of civic duty that has made America the greatest nation on earth.

At this time, Mr. Speaker, I ask that you and all Members of the House rise with me and pay tribute to all the members, past and present, of Shenendehowa's RESPECT Club on the occasion of their annual arts festival coming up on Friday, March 7, 1997. I would also ask that each of us take heed of their message because we tend to lose sight of it from time to time ourselves here in Congress. As the RESPECT Club says, Mr. Speaker, respect is earned through: The power to respect ourselves, our body, mind and spirit, the openness and acceptance needed to respect differences and individuality, and the will to take time to make a difference in someone's life.

OVARIAN CANCER RESEARCH AND INFORMATION AMENDMENTS OF 1997

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mrs. MINK of Hawaii. Mr. Speaker, today I have introduced the Ovarian Cancer Research and Information Amendments of 1997. A bill that would increase funding for ovarian cancer research to $90 million, require the establishment of at least one specialized program of research excellence [SPORE] in ovarian cancer at the National Cancer Institute, and provide for a comprehensive information distribution program.

Ovarian cancer is the leading cause of gynecological cancer and the number of ovarian cancer-related deaths continues to climb. This year, ovarian cancer will take the lives of 14,200 American women while 26,800 more American women will be diagnosed.

If ovarian cancer is discovered and treated in its early stages, the 5-year survival rate is 92 percent. The sad thing is that less than a quarter of all ovarian cancer cases are detected at the early stages. Why? Because there are no effective early screening tests for ovarian cancer. Instead of a 5-year survival rate of 92 percent as in early detected cases, the overall 5-year relative survival rate is 46 percent. Even more disheartening is the statistic that advanced cases have a 5-year survival rate of 25 percent. We must take action.

We are not doing enough to find an early detection test for ovarian cancer. Although ovarian cancer-related deaths more than doubled cervical cancer-related deaths, only $39.4 million was spent on ovarian cancer while $48.1 million went to cervical cancer in 1996.

It is essential for the Congress to make a strong commitment to saving the lives of our thousands of mothers, grandmothers, daughters, and sisters who are afflicted with ovarian cancer.

I urge immediate consideration and passage of this bill.

RECOGNIZING THE 100TH ANNIVERSARY OF THE UNION ADVOCATE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. VENTO. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Union Advocate, one of the oldest labor newspapers in Minnesota, which is widely read by working families in my home town of St. Paul and its surrounding suburbs.

Barb Kucera, editor of the Union Advocate, today is a special resource to the Advocate newspaper. With her insightful articles and almost singlehanded operation of the bimonthly publication, Barb has been essential to the continued success of this special publication. Families in the Twin Cities area look forward to receiving copies of the publication, which highlights issues and concerns of interest to working men and women. For many years, I have had the privilege of counting Ms. Kucera, the first female editor of the paper, as a close friend. She is proceeding in the 100-year tradition of Union Advocate editors—real advocacy and a voice for working Minnesotans and the labor movement in our region.

A veteran labor reporter, Barb Kucera rescued the Union Advocate when it was on the verge of bankruptcy, and has been the driving force behind its revitalization. She manages to develop story ideas, write and edit the newspaper's articles, take photographs, and sell advertising space for each issue. Over the years, Barb has also managed to expand coverage of issues to incorporate stories with more of an international slant.

During the paper's centennial year, Ms. Kucera plans to publish various historical articles on the history of the labor movement—its victories and setbacks, opportunities and pitfalls. Barb was recently highlighted in a Twin Cities newspaper article, and in it she noted that examining the history of the union movement is useful in terms of applying lessons learned from it to today's situations.

First as a union family member, union member, and today as a public official, I want to acknowledge the special role that the Union Advocate has in terms of helping to shape, guide, inform, and educate the Minnesota community that I am proud to represent.

The articles in the Union Advocate will no doubt provide important lessons for us and for our children during the next hundred years. I'm sure my colleagues will join me in congratulating this historic publication on its centennial year, and in extending good wishes to Minnesotan Barb Kucera, a very fine writer and editor, and also to the board and volunteer union members that are actively supporting this unique news publication. I wish the organization and paper many productive years of service even as I acknowledge the role that the Union Advocate has played in shaping the modern Minnesota today. May they continue to do the same in the decades ahead. Congratulations and thank you. Happy 100th anniversary.

ANDERSON COMMUNITY RESOURCES SUMMIT

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. McINTOSH. Mr. Speaker, I rise today to give my report from Indiana.

All across Indiana, my wife Ruthie and I have met so many wonderful, kind and caring people.

These are people who strive day and night to make a difference.

In my book, these individuals are Hoosier heros.

Heros in every sense of the word, because of their commitment to others.

Picture if you will, concerned citizens rolling up their selves and taking the responsibility to make their community a better place to live.

Today I commend each and everyone involved with the community resources summit, in Anderson, IN.

People like, Rudy Porter, Bill Raymore, Dr. William O'Neill, and Rev. Louis Burgess.

All of these people rolled up their sleeves and got involved.

These are special people.

Over a year ago, citizens who were concerned about the problems in the black community in Anderson, IN came together to identify the concerns that plague their streets, harm their people, and impact their neighborhoods.

These citizens of Anderson identified 86 areas of concern.

At a later summit meeting those concerns were consolidated to a little more than 20 actions areas.

Important issues ranging from crime, violence, race, the environment, care of the elderly, safety, and education.

Citizens were asked to do more than pay lip services, but do something to solve the problems.

At leadership meetings individuals signed their names to concern areas.

Then they were asked to come back months later and deliver a progress report on their efforts.

What transpired was truly amazing.

Responsibility was taken serious.

Commitments were made to help others, solve problems, and clean up the streets from crime, drugs and violence.

So many special people worked day and night to help those less fortunate in Anderson.

So many wonderful people like, Rudy Porter of the mayor's office, and Bill Raymore of the Urban League, both lent their leadership and influence to contribute to the summit's success.

Also Dr. William O'Neal, the assistant superintendent of Anderson community schools, implemented a mentor program for seniors in high school.

A mentor program that will help guide them through the difficult life choices they will fare after graduation.

Caroline O'Neal is currently helping Tiffany Haskins, a senior at Madison Heights High School, through the confusing process of applying for a college.

So today let me also commend; Rev. Louis Burgess, Jr., who coordinated with Jeff Weightman at Star Financial Bank to make banking services more comfortable and encourage low- to moderate-income African-Americans to open their own businesses.

Darrin Clay, Shannon Fuller, and Derrick Newsom are three young citizens who took advantage of this opportunity and opened their own small business, the Phade Factory.

The Phade Factory is a barber shop and beauty salon in Anderson.

The Lead Coordinator's valuable time, prayers, strength, and efforts, are commendable.

Everyone who participated in the community resources summit are Hoosier heroes.

Mr. Speaker, that concludes my report from Indiana.

Names to be entered into the RECORD: Bill Watson, Bruce Walker, Ollie Dixon, James Burgess, Larry Burns, and Lennon Brown.

STATEMENT OF CONGRESSMAN WILLIAM D. DELAHUNT REGARDING HOUSE CONCURRENT RESOLUTION 31, PUBLIC DISPLAY OF THE TEN COMMANDMENTS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. DELAHUNT. Mr. Speaker, in the 6 weeks I have served in the Congress I have been called upon to cast fewer than 20 substantive votes. Over half of those votes were on various proposals to amend the Constitution to limit congressional terms of office. Two votes concerned the question of whether to allow the President to spend international development funds on the family planning programs for which they were previously appropriated. One was to establish a post office in memory of a late colleague and one was to issue a reprimand to the Speaker of the House.

Mr. Speaker, I did not campaign on any of these issues. The issues that my constituents sent me here to address have yet to be considered at all. The Congress has yet to debate a single piece of legislation on health care, the economy, Social Security, the plight of our cities and towns, the state of the environment, the defense of our Nation or the many crises we face on the international scene.

Now, instead of addressing any of these matters, we are being asked to consider a truly urgent and pivotal public concern: Whether, in our opinion, a judge should or should not be permitted to display the Ten Commandments in a courtroom in the State of Alabama.

With all due respect to Alabama, our vote today will have no effect on anyone, in Alabama or anywhere else. It merely expresses our undying devotion to the *Decalogue* and our conviction that everyone should believe as we do.

On one level, Mr. Speaker, I am relieved that we are voting to enshrine the Ten Commandments rather than, let us say, the ten articles of the contract for America. It is surely better that we do nothing than that we do harm.

It is also a relief that the Republican leadership has resisted the temptation to offer an amendment to the Commandments. Presumably they recognized that a "Thou shalt not submit a budget that is not balanced" would require more than a two-thirds majority of the House.

On the other hand, I do not know that the Code of Hammurabi is any less entitled to be honored in our courtrooms as a fount of legal and ethical teachings, let alone the Analects of Confucius or the sacred texts of Buddhism or the Golden Rule.

Nor do I believe that more than 25 centuries after the covenant at Sinai the Ten Commandments needs the Congress of the United States to rise to its defense. The very idea that our approval or disapproval could enhance the majesty of those tablets does more to trivialize religion than any court decision could.

I also fear it says more about our arrogance and conceit than some of my colleagues would like to admit. To paraphrase Thomas More, if the earth is round, can an act of Congress make it flat? And if it is flat, will our pronouncement make it round?

Finally, would it not be better, Mr. Speaker, for all of us to try to follow the Ten Commandments, rather than issuing empty endorsements of them?

I am as fond of apple pie as the next person, but I intend to vote "no WDD" on this silly resolution. I urge my colleagues to do likewise. And then I hope this Congress will get to work.

TRIBUTE TO BISHOP TIMON-ST. JUDE HIGH SCHOOL

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. QUINN. Mr. Speaker, I rise today to honor Bishop Timon-St. Jude High School on the occasion of its 50th anniversary.

Bishop Timon-St. Jude High School was founded in 1946 by Bishop John F. O'Hara, C.S.C., former president of Notre Dame University. Timon's establishment marked the beginning of the diocesan high school system in Buffalo, and from a humble beginning of only 76 students in 1946, has grown to over 1,100 students. With its reputation for continuous academic excellence, Bishop Timon-St. Jude has set the standard by which all other schools are measured.

Throughout its remarkable history, Bishop Timon-St. Jude High School has demonstrated its strong commitment to the education of the whole person, including the person standing before this distinguished body today. As a member of the graduating class of 1969, I have personally experienced the benefits of attending an institution that instills a true appreciation and genuine respect for the importance of education, voluntarism, civic responsibility, and community involvement.

Over the past 50 years, Timon has remained steadfast in its mission to create "a spiritual, academic, and physical environment that nurtures and enhances the growth and development of each student." Bishop Timon-St. Jude is an institution that teaches life skills, and it continues to serve as an example of how a superior educational institution contributes to the stability of a region. The western New York community is a stronger community because of the quality educational experience that Bishop Timon-St. Jude High School provides.

Mr. Speaker, today I join with the faculty, staff, administration, and students of Bishop Timon-St. Jude High School, the alumni, and indeed, our entire western New York community in recognition of this historic 50th anniversary.

RECOGNITION OF NATIONAL SPORTSMANSHIP DAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. WEYGAND. Mr. Speaker, I rise today to recognize and honor today's celebration of National Sportsmanship Day. National Sportsmanship Day is designed to foster ethics and fair play in healthy athletic competition.

National Sportsmanship Day is administered by the Institute for International Sport, located in my district at my alma mater, the University of Rhode Island. Since its inception in 1991, this program has grown to include more than 8,000 schools in all 50 States and in 75 countries worldwide.

To better educate students about good sportsmanship, the institute provides information and materials to participating schools on sports ethics, healthy competition, and fair and equitable play. The institute also sponsors essay contests, many of which are printed in local newspapers and further spread the laudable message of good sportsmanship.

In the past, National Sportsmanship Day has enjoyed the support and encouragement of the President's Council on Physical Fitness and Sports. This year is no different and its cochairs, Florence Griffith Joyner and Tom McMillen, have again commended the Institute for International Sport for its work on promoting good sportsmanship.

Mr. Speaker, I ask my colleagues to join me in applauding those participating in this worthwhile program, and in extending my congratulations to the Institute for International Sport for being recognized by the President's Council on Physical Fitness and Sports.

I would like to include in the RECORD the letter received by the Institute for International Sport from the President's Council on Physical Fitness and Sports.

The letter follows:

> THE PRESIDENT'S COUNCIL ON
> PHYSICAL FITNESS AND SPORTS,
> *Washington, DC.*
>
> Once again, the President's Council on Physical Fitness and Sports is pleased to recognize National Sportsmanship Day, March 4, 1997. Participation in sports is a great way to promote fitness while at the same time teaching lessons and skills that help us lead longer, healthier lives.
>
> While it is personally satisfying to receive acclaim on individual athletic feats, it is more important to try to help all athletes focus on the value of fair play, ethics, integrity, honesty and sportsmanship, as well as improving their levels of physical activity and fitness.
>
> The Institute for International Sport deserves recognition for the role it continues to play in this important annual event. We wish you every success in your efforts to promote the importance of National Sportsmanship Day.
>
> FLORENCE GRIFFITH JOYNER,
> *Co-Chair.*
> TOM MCMILLEN,
> *Co-Chair.*

IN HONOR OF THE U.S.S. "MONITOR"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to bring to the attention of my colleagues the valuable contributions of the U.S.S. *Monitor* during the Civil War and the wonderful success that the Greenpoint Monitor Museum has been in preserving its memory.

Built in the shipyards of Greenpoint, Brooklyn, the U.S.S. *Monitor* left the New York Harbor on March 6, 1862, to ward off its attacks and to destroy the C.S.S. *Virginia*. On March 9, for 4 hours this vessel fought her dreaded adversary to a standstill, in a battle which revolutionized naval warfare while protecting the Union blockade of the southern coast from its most serious challenge.

On Saturday, March 8, the people of Greenpoint will gather to celebrate the 135th anniversary of the departure out of the New York Harbor of the U.S.S. *Monitor* on its way to defeat the C.S.S. *Virginia*. They will follow the route of the U.S.S. *Monitor* from Greenpoint where she was built and launched, passed the Navy yard where she was fitted with her armaments, and finally up to Fort Hamilton where she departed the New York Harbor.

Mr. Speaker, I ask that my colleagues join me in paying tribute to the Greenpoint Monitor Museum which made this first annual celebration possible and the history of the U.S.S. *Monitor* available to everyone.

INTRODUCTION OF THE UNION MEMBERS' RIGHT-TO-KNOW ACT

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. CHRISTENSEN. Mr. Speaker, last year, the AFL–CIO spent more than $35 million on deceitful and negative television commercials. These ads were paid for by the dues of hard working union members all across America who have a right to know how their dues are being spent.

That's why today I'm introducing the "Union Members' Right-to-Know Act."

This piece of legislation amends Federal law to require labor organizations to inform their members of how much money they spent on: Political activities, including so-called issue advocacy and voter education; political candidates and organizations—including in-kind assistance; and affiliated political action committees [PAC's] and the candidates the PAC's assist.

This is not an antiunion bill. Republicans, Democrats, and union members alike all believe that union members should have the right to know how their dues are spent. For too long, the labor bosses in Washington have prevented the average hard working union member from knowing how his dues are spent—dues that according to the U.S. Supreme Court ruling *Communications Workers of America* versus *Beck* can be refunded to any union member if they are not being expressly used for representational purposes.

I am responding to the many union members of my district who contacted me last year expressing their opposition to the use of their dues money being spent on partisan politics. They have a right to know.

HONORING MARY RHODES, MAYOR OF CORPUS CHRISTI, TX

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to honor a dedicated public servant, Mayor Mary Rhodes, who is retiring in April after 6 years of distinguished service as the mayor of Corpus Christi, TX. On April 4, 1997, the day before the election to succeed her, Special Olympics, Inc. will host a benefit honoring the mayor. I want to join them in commending Mayor Rhodes' service to our community.

Mayor Rhodes came to the mayor's office knowledgeable of the Corpus Christi municipal government. Prior to her service as mayor, she served for 4 years as a member of the Corpus Christi City Council. Mayor Rhodes' other official activities include serving as chair for the Metropolitan Planning Organization and as a board member of the Texas Municipal League.

She has also participated in various civic organizations such as the United Way, the League of Women Voters, and the City Council of Parent/Teacher Associations.

Mayor Rhodes has done much to help the children of Corpus Christi through programs to enhance their health and education. Like me, she speaks to schools as often as possible. We both support DARE, an antidrug program, and Operation Supply Our Students, a program aimed at providing school supplies to low-income school districts.

Perhaps one of Mayor Rhodes' greatest legacies is her progress in finding solutions to the long-term water needs of the area. The 1996 drought made many Texas communities realize how very valuable water is to our economic fortunes and personal well-being.

She and I worked together on a bill last year that set in motion a plan for Corpus Christi and Nueces County to get the water our community needs. Corpus Christi is in a better position today to secure water for our population and economy as a result of her service, and I am proud to have worked with her as mayor.

I ask my colleagues to join me in commending Mayor Mary Rhodes for her service and in wishing her well in her future endeavors.

THE MORRIS K. UDALL ACT OF 1997

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. VENTO. Mr. Speaker, it was with bittersweet pride that last week I once again introduced the Morris K. Udall Wilderness Act of 1997. I introduced this legislation in the last Congress and it was pushed aside—along with countless other environmental initiatives that were sensible, rational legislation—a victim of not just partisan bickering. That would be bad enough—but pushed aside because of powerful oil interests hell-bent on cashing in today while abandoning sound stewardship in their exploration and exploitation of fragile American natural treasures. This legislation is very much needed to provide permanent wilderness designation and protection for a magnificent and special place, the coastal plain of the Arctic National Wildlife Refuge.

The Arctic Refuge coastal plain is a unique ecosystem, long recognized for its rich biological diversity. Today over 200 species of wildlife depend on the coastal plain for survival. Muskoxen, wolves, polar and grizzly bears, and countless complex fauna and flora create a web of life unlike any other place on Earth.

The coastal plain is perhaps best known as the home of the 160,000 member Porcupine Caribou herd, which migrates there for calving and post-calving each year. In reality, this Arctic desert landscape is a 20th century window to the ice age, referred to as the North American Serengeti.

I have worked on issues affecting Alaska for a long time. One of my first assignments in Congress was to serve on the Alaska Lands Subcommittee with then Chairman Mo Udall and John Seiberling. Over a 4-year period, Congress debated the appropriate disposition, designation and use of Federal lands in Alaska. We frankly lost some debates and designations and won the preservation of magnificent areas constituting our North American natural legacy.

The final version of H.R. 39, signed into law by President Carter, is one of the most significant pieces of environmental law ever enacted. While this legislation protected many of Alaska's unique resources, the final disposition of the Arctic Refuge was left with limited safeguards, but not permanently resolved. While the House of Representatives strongly supported wilderness designation, the final compromise has left open the possibility of further exploration and development in this fragile area.

For the past 16 years the coastal plain, or 1002 lands, has been in a twilight zone enjoying the status of wilderness without the full force and protection of the law. The failure to designate the coastal plain as wilderness has haunted us and placed this unique ecosystem at risk. In the last Congress, some of my colleagues supported opening the refuge to oil exploration as a means of raising revenue to balance the budget. We must put this destructive policy path behind us. We must protect this jewel of our national refuge system.

This wilderness designation is under attack from a host of special interests. Instead of considering the potentially catastrophic environmental consequences of oil drilling in the coastal plain, they are looking to pad their already bulging wallets with short-term profits. In short, they are seeking instant gratification at the sacrifice of our children's natural legacy.

Mr. Speaker, the choices in this debate are quite clear. We can save, or we can destroy. We can protect, or we can plunder. We can choose to listen to the majority of the American people who oppose the devastation of this special place, or we can choose to irresponsibly give heed to the fortunate few. I choose to save; I choose to protect; and I choose to listen to the American people, who want to provide true wilderness protection for the Arctic Refuge.

Protecting the environment through policy and law is a topic and craft that Mo Udall knows a lot about, and serving with him was a distinct pleasure and honor. Chairman Udall was dedicated to preserving our Nation's crown jewels for future generations. He worked seriously, but always had a knack for making his points with wit and poignancy. In talking about the Alaska Land Legislation, Mo spoke eloquently to all Americans: "Not in our generation, nor ever again, will we have a land and wildlife opportunity approaching the scope and importance of this one. In terms of wilderness preservation, Alaska is the last frontier. This time, given one great final chance, let us strive to do what is right."

We couldn't do better than to honor Chairman Udall with this designation that he fought so hard to put in place. The American reservoir of values, vision and inspiration that Mo Udall evoked will be enlisted today as Congress once again acts to determine the fate of the Artic Refuge.

I urge my colleagues to support this effort. We should end this debate and send an important message to the people we represent: we are listening. We will not auction off your natural legacy to powerful special interests. We will follow Mo's wise counsel and do it right, for now and for our children.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 6, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for February.
1334 Longworth Building

10:00 a.m.
Rules and Administration
To hear and consider the Committee on Governmental Affairs' request for additional funding.
SR–301

MARCH 10

1:30 p.m.
Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings to review management issues for the Department of Commerce.
SD–342

MARCH 11

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
SD–138

Judiciary
To hold joint hearings with the House Judiciary's Subcommittee on the Constitution to examine issues relating to partial birth abortion.
SD–G50

Labor and Human Resources
Employment and Training Subcommittee
To hold hearings to review Federal job training programs.
SD–430

Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for Food and Consumer Service, Department of Agriculture.
SD–124

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements.
SD–106

Budget
To hold hearings to examine a proposal by a House coalition relating to the budget for fiscal year 1998 and beyond.
SD–608

Governmental Affairs
To hold hearings to examine issues relating to the census in the year 2000.
SD–342

10:30 a.m.
Finance
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Medicaid program.
SD–215

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Small Business Administration.
S–146, Capitol

2:15 p.m.
Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on science and technology programs.
SR–222

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 377, to promote electronic commerce by facilitating the use of strong encryption.
SR–253

MARCH 12

9:30 a.m.

Energy and Natural Resources

Business meeting, to mark up S. 104, to reform United States policy with regard to the management and disposal of spent nuclear fuel and high-level radioactive waste.

SD–366

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to examine scientific discoveries in cloning, focusing on challenges for public policy.

SD–G50

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on missile projects.

SD–192

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Justice.

S–146, Capitol

Finance

To hold hearings to examine the Graduate Medical Education program.

SD–215

2:00 p.m.

Armed Services

Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on policies pertaining to military compensation and quality of life programs.

SR–232A

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR–253

MARCH 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SD–G50

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on program eligibility.

SD–406

10:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 4, to provide private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs to help balance the demands and needs of work and family, and to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and pending nominations.

SD–430

Joint Economic

To hold hearings to examine economic problems of the income tax system.

SD–628

2:00 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Commerce.

S–146, Capitol

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.

SD–366

MARCH 14

9:30 a.m.

Environment and Public Works

To hold hearings on the nominations of Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Brig. Gen. Robert Bernard Flowers, USA, to be a Member of the Mississippi River Commission, and Judith M. Espinosa, of New Mexico, and Michael Rappoport, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

SD–406

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

MARCH 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.

SD–124

Environment and Public Works

To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.

SD–406

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

Labor and Human Resources

To hold hearings on the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.

SD–430

MARCH 19

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on environmental programs and statewide and metropolitan planning.

SD–406

Labor and Human Resources

To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.

SD–430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

2:00 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Securities and Exchange Commission.

S–146, Capitol

MARCH 20

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.

SD–124

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SH–216

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.

345 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.

SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–192

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To resume hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.
SD–366

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine child pornography issues.
S–146, Capitol

APRIL 10

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–192

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

APRIL 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

APRIL 17

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

CANCELLATIONS

MARCH 11

10:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.
SD–366

MARCH 13

10:00 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.
SD–430

SENATE—*Thursday, March 6, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rabbi Joshua O. Haberman, Washington Hebrew Congregation, Washington, DC.

PRAYER

The guest Chaplain, Rabbi Joshua O. Haberman, Washington Hebrew Congregation, offered the following prayer:

Oh God, Creator of all, we turn to Thee for we are ever in need of Thy help. Grant us the vision to see light in Thy light so that we might seek the good of our Nation in conformity with Thy laws of justice.

May our personal conduct and our work as legislators be prompted by righteousness and compassion and bear fruit in goodness and peace. May what we do enhance the well-being of all citizens, diminish the evils that beset us and enlarge our Nation's virtues.

O, Thou who didst create order out of chaos, help us create order in the lives and relations of human beings so that all might dwell in safety and none make them afraid. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will be in a period of morning business to allow a number of Senators to introduce legislation and make statements. I understand the Rules Committee is scheduled to meet this afternoon to begin the markup of the Governmental Affairs Committee funding resolution. It is my hope that there will be an agreement reached on this for the consideration of the funding resolution. If an agreement is reached, the Senate may debate the resolution on Friday and on Monday, and, hopefully, complete action on the resolution early next week. It clearly, though, is our intent to take up the funding resolution for the Governmental Affairs Committee next week, hopefully earlier in the week, but at some point we clearly will want to bring it to a conclusion. We have had a lot of discussion, a lot of efforts to find a reasonable arrangement for the committee to go forward. I think we are close to accomplishing that.

Also, I might say that there had been some thought that we would begin a discussion today, debate, if you will, on legislation involving the independent counsel, and we have some legislation pending in that regard. But in my discussions with the Democratic leader yesterday, he indicated that he thought perhaps we could come to some bipartisan arrangement to deal with independent counsel in the Judiciary Committee. I had hoped the Judiciary Committee could act on that today. I understand that perhaps there was an objection lodged to going forward today, and therefore it may be a week before the Judiciary Committee can act on that.

But the Judiciary Committee, as I understand the independent counsel law, can act in a couple of ways. One, the full committee can act in a bipartisan way to begin a process of looking at whether or not an independent counsel is called for. Or a vote of the majority on the committee could also begin this process. We would like it to be bipartisan, and we will work to try to see if that can be accomplished. Since there was an indication that perhaps we could do that, I thought that the good-faith thing to do would be to make that effort in the Judiciary Committee before we begin debate on forcing that action here in the full Senate.

Mr. President, there are a number of military nominations that the Armed Services Committee reported on Tuesday of this week. I am hopeful the Senate will be able to confirm all or at least most of those during today's session.

Also, the Energy Committee has reported out the Peña nomination this morning, and it is possible that the Senate could take action on the nomination sometime next week. I will be working with interested Senators to see what problems might exist, to see what time they need to address their concerns. It looks like we will not be able to get a vote on the Peña nomination today, but I intend to call it up next week, at the very latest the middle of the week.

As is also usually the case, I will notify our colleagues of the voting schedule as early as possible. I know they will be interested whether or not there will be votes this afternoon or tomorrow. We will get that information to all Senators as soon as we can work through some other scheduling issues with the minority.

I thank all Members for their cooperation and their attention. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the order, there will now be a period for the transaction of morning business, not to extend beyond 1:30 p.m., with Senators permitted to speak for 5 minutes.

Under the order, the Senator from Ohio [Mr. DEWINE] is recognized to speak for up to 20 minutes.

DISASTERS

Mr. DEWINE. Mr. President, as we speak, the flooding continues in Ohio and Kentucky and Indiana and West Virginia. Our hearts and prayers go out to all of those who are suffering and all those who are fighting back, trying to put their lives back in order.

I see on the floor my colleague from Ohio and my colleague from Kentucky and my colleague from West Virginia. All are States, as well as Indiana, that have been hit very hard.

The most heartening thing to see during a tragedy such as this is how people react. We have many organizations that are involved, but probably the biggest organization involved is not an organization at all, it is just Ohioans and Kentuckians and Hoosiers and people from West Virginia who are out there, helping their neighbors and helping their friends, and sometimes just helping people they do not know at all.

It is the American spirit and is something that is a wonderful thing to behold.

PROBLEMS—AND PROGRESS—IN HAITI

Mr. DEWINE. Mr. President, I would like to take a few minutes today to talk about an issue that I have been looking at for some time. I rise today to discuss U.S. policy in regard to one of our most troubled neighbors in this hemisphere. Over the last several years, in my capacity as a member of the Intelligence Committee, I traveled to Haiti on three separate occasions to investigate the problems of that country and to assess the efforts of the United States to help the Haitians cope with these problems and to help them as they try to secure the solid legal and economic infrastructure that has, frankly, eluded them now for centuries.

I did this because I believe Congress and the administration must undertake a candid, realistic look at U.S. policy, what is working, what is not working, and where we go from here. The American taxpayers have already

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

invested a great deal in Haiti, contributing at least $2 billion to the country's recovery, risking the lives of American service personnel in the 1994 invasion, and leaving hundreds of them there today to help keep an uneasy peace.

While Haiti is not of great strategic importance to the United States, we do have a serious interest in what happens in this, the poorest country in our hemisphere. These interests stem from geography and are amply proven by history. I do not think most of us need to be reminded, for example, about the Haitian boat people. It is clear the only thing preventing yet another explosion of refugees into the southern part of this country is a wise, multinational investment in the stability of Haiti.

Fortunately, recent history has given us some good guidelines, some good advice, if you will, on how to help secure such stability. One of the great principles of the Reagan administration was that America's national interest was best served by having neighbors that practiced democratic and free-market principles. In Latin America, the Reagan doctrine certainly has worked.

As free elections and economic liberalization has taken place in country after country, the countries of South and Central America have become better neighbors for the United States. I believe these same principles apply to our national strategy in regard to Haiti.

Mr. President, we need to apply these principles to Haiti so that over the long term, Haiti can move out of the category of "problem country" and into a fuller economic and political participation in regional progress. The challenge for us, the challenge for Congress, the challenge for the administration is to provide assistance that actually works, a do-good approach, not a feel-good approach. This means working with the Haitian people to determine the real roadblocks to democracy and to free enterprise and determine what form of United States assistance will help overcome these obstacles.

Two years after the United States invasion, Haiti still is struggling by any reasonable measure. But a closer examination reveals several seeds of progress struggling to take root.

First, let's start, Mr. President, with the justice system. For democracy to survive, it is not enough that Haitians have the power to effect change at the ballot box. They also must have a working judicial system. Frankly, Haiti has never had a functioning judiciary, certainly not the way we understand it. There are sitting judges today who can't read or write. Others are just incompetent.

Understandably, the Haitian people are demanding change. Specifically, they want to know if President Preval is committed to building an independent and a competent judiciary. Since President Aristide's return, there has been a series of commando-style killings of political opponents. The numbers have dropped off since the inauguration of President Preval, but, disturbingly, too many people in Haiti still think they can commit political murders with impunity.

Mr. President, there are two things you always need if you want to solve high-profile crimes. First, you have to have the expertise, good solid police work, good professional police investigation. And second, you also have to have the political will from the top so that everyone in the country, everyone in the judicial system, everyone in law enforcement understands the priority.

The good news is that the Haitian national police have established a special investigations unit, SIU, to investigate human rights crimes. The bad news is that while I was there in November, my most recent visit, the SIU consisted of one experienced United States police officer and roughly 36 inexperienced Haitians. This has changed somewhat since my visit, since two more U.S. police officers have been added to the force.

This is one area in which American expertise can make a big difference. Indeed, with some extra United States help, Haiti could succeed in convicting some of the worst defenders, like the murderers of Mireille Bertin and Guy Malary. Mireille Bertin was an anti-Aristide lawyer. Guy Malary was Aristide's justice minister. To prosecute and convict the killers in those kinds of cases would send an unmistakable message to Haitian society: Your chance of getting justice does not depend on what side you are on.

Mr. President, these reforms will not happen without leadership from the President of Haiti. President Preval needs to push judicial reform and make clear that the period of impunity from the left and from the right is now over.

These reforms will not take place either, Mr. President, without expertise and without assistance from the United States. The SIU needs the kind of know-how that U.S. law enforcement officials can provide; indeed, they can provide it better than anyone else in the world.

After my recent visit, I wrote to Deputy Secretary of State Strobe Talbott and told him that additional U.S. expertise is needed in this area. I am pleased to report that I have received a letter back from Secretary Talbott. He wrote me that two additional Creole-speaking U.S. citizens, U.S. police officers, have been added to the SIU since my last visit, and further, that the FBI has agreed to provide a medical examiner to perform autopsies. Furthermore, he told me that the FBI will visit Haiti with a view toward possibly helping to develop an investigation plan for the SIU.

Mr. President, I ask unanimous consent that Secretary Talbott's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DEWINE. Mr. President, it is my view that this would be a big step forward for the progress of restoring civil society in Haiti. It would help bring high-profile killers to justice and send a powerful message to the people of Haiti that they can count on law and order becoming a reality in the future of their country.

Let me discuss a broader topic—topic No. 2—the ordinary day-to-day operation of the Haitian police as it deals with run-of-the-mill, nonpolitical crimes, the crimes that most people face the threat of each day.

The United States has already helped to train 5,000 young recruits as a civilian police force to replace the discredited Haitian military. This task was and remains daunting. Try to imagine, Mr. President, the Washington, DC, police force fired one day, everyone fired en masse and replaced by kids fresh out of the police academy who are then asked to patrol the city's most dangerous neighborhoods. Or think of any other big city in this country.

As one would expect, there have been some pretty serious problems with this police force. They are alleged to have killed innocent people. In fact, even Pierre Denize, director general of the Haitian national police has acknowledged these problems. He has a letter in Time magazine that reached the newsstands earlier this week, in which he writes the following:

> I take responsibility for the actions of my subordinates and acknowledge that some HNP members have committed human rights abuses, but the majority of these offenses have been identified through the investigative efforts of HNP officials. The HNP does not condone these acts. In addition, the Haitian Government is working to ensure HNP officers face criminal charges when warranted. Unfortunately, there is no quick fix, as the problems did not originate with the creation of HNP in 1996 but have developed over decades.

Mr. President, one major problem is that these Haitian recruits lack experience, and they also lack the midlevel support that is essential to successful police work. I personally met with 10 of these United States police officers who are mentoring these young Haitian recruits. These Americans are veterans of big city police departments. They were born in Haiti and speak Creole. They are United States citizens. They have worked in some of the biggest, toughest cities and have great police experience. I found them to be enthusiastic and doing a great job. I was very proud of them.

But, frankly, Haiti must have more of them. In his letter that I mentioned earlier, Secretary Talbott wrote me that in response to interest on the part of the Haitian Government, there are now 10 more United States officers there, for a total of 32.

The expectation of law and order is always a prerequisite for a working society, but it is also a prerequisite for a working economy. Therefore, let me turn now to the third major issue I would like to discuss, the state of Haiti's economy, and I have mixed news to report.

After a decade and a half of negative growth, the Haitian economy is finally beginning to grow, very slowly. But if the Haitians do not move forward, if the Government does not move forward immediately on privatizing their State industries, growth is going to stop. People need to see real economic progress if they are going to support the free market over the long run. If Haiti pays lip service to the free market while continuing its dead-or-dying state-run businesses, the prosperity will not be there for the Haitian people, and support for market reforms and support for democracy will erode very quickly.

The Haitian Parliament has taken a meaningful first step by passing privatization legislation. But legislation is only a first step. To make a difference in national prosperity, privatization has to be real. It has to actually happen. President Preval must move forward quickly and forcefully on privatization.

Mr. President, another thing that absolutely must happen in Haiti is the fundamental reform of Haiti's corrupt and inefficient ports. And this brings me to my fourth topic.

My wife Fran and I visited an orphanage in Haiti, at which a nun approached us and told us that her orphanage had been expecting a vitally important x-ray machine. Where was it? She told us it was sitting on the docks for months. Then it was finally stolen. A second replacement x-ray machine, estimated to be worth a great deal of money, sat on the docks for months and months awaiting the payment of a 30-percent tax.

Mr. President, a few weeks after returning to the United States, I met with Joe Busken in Cincinnati, a private citizen. Mr. Busken has been involved for years with a different orphanage in Haiti. He outfitted a bakery for them and taught them to make highly nutritious bread. I found, in talking to Mr. Busken, that last July—last July—he had shipped flour to that bakery, only to find that flour was also stuck on the docks since July. This was in November when I was talking to him. Once my office became involved, and with the help of the U.S. Embassy and the USAID, the flour and the other orphanage's x-ray machine were finally liberated, but that was 7 months later.

Mr. President, Haiti is an island. It is therefore very vulnerable to the poor functioning of its ports. On an island such as Haiti, a badly run and corrupt port can become a major chokepoint for imports and also exports. A vibrant assembly sector, for example, cannot hope to grow as long as the port authority exacts a $750-per-container export fee.

The Inter-American Development Bank, Mr. President, is to spend literally hundreds of millions of dollars to build roads in Haiti. The main purpose of these roads is to allow farmers and others to get goods to the ports for export. But those roads will not do any good if Haiti cannot even get things in or out of the port to begin with.

Humanitarian aid, Mr. President, is just as vulnerable as are ordinary commercial imports and exports. Because economic reform remains a long-term goal, continued humanitarian aid remains an immediate need that must be met. Many concerned American volunteer groups are sending food and other emergency aid to Haiti. But huge tariff or port entry fees are keeping aid sitting on the docks for months. Food shipments are simply left to rot, discouraging many from even trying.

Mr. President, here is an example of where American know-how can help. I am glad to report we have made some progress in making the humanitarian-aid train run on schedule. United States Ambassador William Swing has informed me that the Haitian Government has agreed to let assistance from private voluntary organizations, PVO's, who are affiliated with the United States Government enter Haiti without having to pay the 4-percent so-called verification fee. Shipments of food, pharmaceuticals and scholastic materials will be exempt from that verification fee for all PVO's, as well as United States Government agencies shipping aid to Haiti. That, Mr. President, is certainly a step in the right direction.

Let me now turn to a related humanitarian matter, the current U.S. food-aid policy. That policy is shifting from a general feeding program to one targeted to women and infants. That is a wise step. But, Mr. President, I believe it should be modified so that the children in orphanages and the elderly in institutional care continue to receive this food until there is an alternative feeding program in place.

In Port-au-Prince, my wife Fran visited an orphanage run by a nun who goes to hospitals to gather as many children as her orphanage will hold. These children who have been abandoned as babies are simply left at the hospital. She now takes care of 50 babies and children, many of whom came to the orphanage horribly malnourished. My wife had the opportunity to see some of these children, and it was a very pitiful sight.

Mr. President, if the proposed U.S. food-aid policy is left unchanged, it would harm the neediest and most vulnerable patients, such as these babies. USAID is evaluating this policy now. I would urge them to reformulate the policy so that the most vulnerable people, children in orphanages and the elderly in institutions, are not left out.

Mr. President, there is another topic that I do not intend to address today. That is the issue of Haitian agriculture. Haiti cannot recover—true progress cannot be made—without a viable agricultural sector. But Haitian agriculture has been devastated. Haiti needs to do what it can to help themselves in this particular area. I intend to return to the floor at some future date, Mr. President, to discuss this issue in greater detail than time would permit today.

Let me conclude by underlying the central fact about today's Haiti. It is an extremely troubled country. The road ahead is uphill, and it is very steep. Turning around two centuries of poverty and misrule is not a task that can be accomplished by Haitians overnight.

That is why, Mr. President, it is important for Congress and the administration to work out a realistic bipartisan consensus on Haiti. The United States cannot make Haiti an island paradise. Only the people of Haiti can determine their own destiny. But we can help the Haitian people transform their country into one that works, one that exports goods and services, one where the people will come together to escape from their past rather than escaping from their homeland. That is their only hope for a viable future. That is a goal worthy of America's support.

Mr. President, I will continue to work with the administration, with Members of both parties here in Congress to make sure this goal gets the attention that it needs.

EXHIBIT 1

U.S. DEPARTMENT OF STATE,
Washington, DC, February 6, 1997.

Hon. MIKE DEWINE,
U.S. Senate.

DEAR SENATOR DEWINE: I read with interest your January 24 OpEd article in the Wall Street Journal.

I wholeheartedly concur with you on the need for further reforms in the police, judiciary and economy if Haiti is to realize the full benefits from the restoration of democracy. In this regard, I believe you would be interested in some developments that have occurred since your November visit to Haiti which address these shared concerns.

Police and Judicial Reforms: The Inspector General (IG) of the Haitian National Police (HNP) has continued to crack down on police officers implicated in malfeasance or other improper activity, including during the last month the detention of four HNP officers involved in a November 5 shootout in the Delmas suburb of Port-au-Prince. Over the last year, IG investigations have resulted in the dismissal of dozens of police officers. As you note, one of the most positive elements of our own effort to strengthen the fledgling Haitian National Police has been the contribution of U.S. police mentors working with their Haitian counterparts. Responding to continued Haitian Government interest in this program and to your recommendation that additional U.S. civilian police officers be assigned to Haiti, the current U.S. contingent of 22 officers will be augmented this week with the arrival of ten new mentors.

I also believe that additional measures are needed to ensure a thorough investigation of the murders of Haitian political figures. Two additional experienced, Creole-speaking U.S. investigators have been assigned to the Special Investigation Unit (SIU), and in response to a formal request from Haitian authorities, the FBI has agreed to provide a medical examiner to perform autopsies. We will give positive consideration to additional areas of support to the SIU that might be identified during a forthcoming FBI visit to Haiti to develop an investigation plan for the SIU.

In the area of judicial reform, strengthening prosecutorial capabilities and the courts remain a priority USG effort, and we will work with the Congress to provide adequate resources for these efforts.

Economic reforms: I agree with you that progress on privatization and tariff reform are essential to encourage economic development and private-sector investment. The Department remains committed to working closely with the Congress to establish and apply realistic conditions that will encourage sustainable economic development. We also plan to target USAID safety-net programs toward those most in need including, as you recommend, maintaining feeding programs directed at vulnerable sectors such as mothers and their infants.

Again, I wish to express my appreciation for your interest in Haiti and your desire to work with the Administration in pursuit of democratization, political security and economic reform. Your visits have helped to galvanize a bipartisan effort that, in turn, will help Haiti to help itself. National Security Advisor Sandy Berger and I hope to visit Haiti in the near future. I look forward to continuing close cooperation with you to address the problems of the poorest and least developed of our neighbors.

Sincerely,

STROBE TALBOTT.

Mr. DEWINE. Mr. President, I thank the Chair for his indulgence and yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

ISRAELI SETTLEMENTS POLICY IN JERUSALEM

Mr. BYRD. Mr. President, last week the Israeli leader, Prime Minister Benjamin Netanyahu, decided to authorize a politically volatile housing project for Israeli settlers in predominantly Arab East Jerusalem. This disappointing act has thrown into confusion the promising opening that was generated by the long and difficult, but successful negotiations last month, which culminated in an agreement returning control of the West Bank city of Hebron to the Palestinians. The United States invested very considerable efforts, negotiating talent and prestige to move the peace process along. The agreement over Hebron gave the world great hope that a long-term peaceful settlement of the outstanding issues between Israel and the Palestinians was on an upward track.

Therefore, it is very unfortunate, in my view, that the reality of the substantial success over Hebron prompted the right wing of Israeli politics to pressure Prime Minister Netanyahu into this latest act on housing settlements. According to the New York Times of March 2, 1997, "a powerful group of Mr. Netanyahu's conservative colleagues" "leaned on him" to prove his commitment to Jerusalem by building Har Homa, threatening to bring down the government if he failed. With new territorial concessions to the Palestinians looming, Mr. Netanyahu told Americans and Palestinians privately that he had to "fill his right wing tank" on Har Homa if he was to keep on the peace route.

This is a most disappointing situation. Progress on peace is regarded as a threat by the Israeli right wing and has resulted in efforts to force the Prime Minister to retreat from his own success. The Israeli right wing should know that their behavior will have consequences in the United States, and I for one will relate my support for their agenda to their support of that of the United States, which is a fair, equitable and just peace in Jerusalem and the Middle East. The process of American intermediations between the Israelis and Palestinians is a serious matter and we cannot stand by and watch the Israeli right wing, at their whim, pull the rug out from under whatever progress is accomplished. Such actions should be understood to have consequences for support for Israel's various interests as they are considered by Senators.

I hope the Israeli Prime Minister will do better at withstanding the pressure of his right wing and, that the considerable influence of American groups will be exercised to counter those negative pressures. I hope, as I am sure my colleagues do, that the peace process will not be derailed by the actions of an extreme right wing minority in Israel and that the settlements issue will be adjusted by the Prime Minister to reflect the opportunity that the successful Hebron agreement has provided.

Mr. President, I thank my friend from Indiana, Senator COATS, for his courtesy in allowing me to proceed ahead of him. I thank him very much indeed.

Mr. COATS. Mr. President, it is not difficult to yield to the Senator from West Virginia because the content of what he says is always instructive, and I am always pleased to be on the floor when he is speaking because I always learn something.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 409 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I ask unanimous consent to extend the normal time of 5 minutes to 13 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FBI MANAGEMENT FAILURES—PART THREE

Mr. GRASSLEY. Mr. President, troubling facts continue to surface in the FBI crime lab issue. These facts are putting flesh on the bones of allegations that much of the lab's analysis is sloppy, not credible, fabricated, or all of the above.

The FBI has charged that these allegations are unfounded, and that they are the musings of one Dr. Frederic Whitehurst. Dr. Whitehurst has come forward as a whistleblower with serious charges against the lab and its management. The FBI chose to shoot the messenger instead of taking Dr. Whitehurst seriously.

After a year of studying Dr. Whitehurst's claims and his information, I was not so sure the FBI took the wise course. Then, after a private briefing by the Justice Department's inspector general on his investigation into these matters, I was even more convinced that the FBI has taken the wrong course. And now that the FBI has taken personnel action against Dr. Whitehurst in retaliation for his telling the truth, I am convinced that the Bureau is dead wrong.

The FBI's defense—some would say coverup—is slowly unraveling. Last week, we discovered that it wasn't just Dr. Whitehurst that has raised serious concerns. Another respected scientist, Dr. William Tobin, had raised equally serious allegations in 1989. He alleged that an FBI agent tampered with evidence and made a series of false statements while testifying in court proceedings against then-Judge ALCEE L. HASTINGS. I discussed this before this body on February 26, Mr. President.

The FBI covered up this matter. There may be a missing document. Last week, at my request, the Attorney General ordered that the FBI not be involved in the investigation. The investigation has been given instead to the IG. This is because there are major questions about the FBI's ability to police itself. The Attorney General gets much credit for recognizing the potential conflict involved when the FBI investigates these issues.

In the past 2 weeks, two additional cases—in addition to the Alcee Hastings case—appear to reveal similar improper behavior by FBI agents testifying in Federal cases. If it sounds to you like a pattern is developing, Mr.

President, you have been paying close attention. Up to now, the FBI's denials had been set in concrete. What you are hearing now is the sound of concrete cracking.

Thus far, the IG has had remarkable success keeping the draft report under wraps. But a few press stories about its contents have been popping out. Last week, the Miami Herald ran a story about a Florida case reviewed by the IG. In that 1988 case, George Trepal was convicted of murdering his neighbor by poisoning her soft drink. Mr. Trepal was sentenced to death, and is still on death row.

But as the Herald reports, the testimony of evidence linking Mr. Trepal to this murder may have been tainted by an FBI lab supervisor. The supervisor may not have had adequate scientific support to identify the poison as he did. If the Herald is correct, this is another example of the problems found in the Hastings case.

And now there's a third case, Mr. President. The Associated Press reported yesterday that the IG found similar problems in the VANPAC case. That is the case involving the 1991 conviction of Walter Leroy Moody for the murder of U.S. Circuit Judge Robert Vance and Georgia civil rights attorney Robert Robinson. It was Justice Department attorney Louis J. Freeh who prosecuted the case.

Before I get into the specifics of the FBI's wrongdoing apparently uncovered by the IG in this case, let me provide some context.

More than a year before the bombing tragedy in Oklahoma City, Director Freeh and his general counsel, Howard Shapiro, had been fully briefed about Dr. Whitehurst's allegations of misconduct within the lab. They were aware of Whitehurst's charges of a systemic quality control breakdown in the lab.

On February 7, 1994, Whitehurst's attorney wrote to Mr. Shapiro informing him of the sensitive nature of the allegations, and how a thousand cases could be affected. Whitehurst asked that a special, independent, or outside counsel review the matters.

But the FBI chose another course. It did not empanel an independent review. Instead, the matter was assigned to two attorneys within the Office of the general counsel. They reported directly to Mr. Shapiro and Mr. Freeh.

No scientist was placed in the decisionmaking chain of command. Mr. Freeh, in conjunction with his attorneys, decided they could perform a diligent and thorough internal investigation. Mr. Shapiro's exact words in his February 14 reply—and remember these words, Mr. President, because I intend to refer to them liberally in the future—his exact words were, "The FBI has a long and proud history of performing diligent and thorough internal investigations."

What is amazing to me is that neither Mr. Freeh nor Mr. Shapiro recused himself from the decisionmaking role with respect to the review. After all, they had prosecuted one of the cases—the VANPAC case—in which Dr. Whitehurst alleged misconduct had occurred.

In other words, nonscientists with a conflict of interest assumed the authority to review significant allegations of scientific and evidentiary misconduct that could affect hundreds, if not thousands of cases.

I have now obtained a redacted copy of the results of that review, headed by Mr. Freeh and Mr. Shapiro. The findings and recommendations were approved by both.

The first thing they did was fire at the messenger. On the very first page, the FBI notes that Dr. Whitehurst could be disciplined for providing information about the lab's misconduct to Congress.

You see, Mr. President, providing information to Congress—and I'm quoting the FBI—"violates FBI and DOJ regulations." Were you aware, Mr. President, that FBI and DOJ regulations override the first amendment guarantee of the people's right to petition Congress? If I could anticipate your response, Mr. President, neither was I.

The second issue: During this 1994 review, Mr. Freeh and Mr. Shapiro learned that the lab "would not meet minimal accreditation standards." The report notes that it was "incredulous that the premiere forensic laboratory in the world" was "not accredited."

Instead of asking how the failure to reach minimal accreditation standards had impacted on past cases, or might impact on future cases, the FBI took a different course. The FBI concluded, "no further investigation or action" was needed.

In other words, rather than evaluating the potentially serious ramifications of the FBI's failure to meet minimal accreditation standards, the Bureau circled the wagons and whitewashed the problem. They set up a committee to come up with a timetable for accreditation. That was 3 years ago. Now, the Bureau tells us they'll be accredited in 18 months from now. And if you believe that, Mr. President—

This brings me back to the VANPAC matter. As I mentioned, Mr. Freeh had been the lead prosecutor on that case. He got national recognition. Mr. Shapiro was his cocounsel. Larry Potts—of Ruby Ridge infamy—was the FBI's case agent.

Dr. Whitehurst had alleged that there were problems with the evidence in the VANPAC case. Despite the clear conflict, Mr. Freeh and Mr. Shapiro did not recuse themselves. They recused themselves about a year and a half later—in September 1995. But at this point in time—February 1994—they kept themselves at the top of the investigation into misconduct in that case.

Instead of using real scientists to independently review the evidence—as the IG did, by the way—Mr. Freeh and Mr. Shapiro used their own subordinates. And what was their conclusion after reviewing the VANPAC allegations, Mr. President? "Whitehurst's allegations are not supported by any facts." That's what it says in their report.

Now we have a new account—by the Associated Press—that gives us an insight into what the IG found in VANPAC. And it seems to conflict with the FBI's interpretation. Remember, the IG followed up on Dr. Whitehurst's suggestion, and did an independent review. And, the IG went out and recruited five of the world's most renowned lab scientists for his investigation. In other words, the IG did a proper review.

According to the AP, the IG report states that "a lab witness overstated test results during the trial." And that's not all. Let me quote further from the AP story: "In addition to overstated testimony in VANPAC, the report found the lab lacked databases to support its conclusions, used unvalidated tests, lacked written test procedures, inadequately documented why it discounted test results that undercut its conclusions and lacked any record for some tests."

Now, this is interesting if true, Mr. President. Because less than 2 months ago, on January 23, Mr. Freeh told his deputy, Weldon Kennedy, "Based upon the VANPAC allegations investigated by the Office of the Inspector General [OIG], and despite their findings that none of the allegations regarding VANPAC are substantiated, I have decided to recuse myself from any of the Whitehurst-related disciplinary or administrative matters contained in the OIG report regarding the FBI laboratory."

Mr. President, I'm not sure whose version is correct—Director Freeh's or the AP's. But if this AP story is correct, this is the second time Mr. Freeh has been misleading on what's in the IG report. On February 26 I pointed out on this floor Mr. Freeh's other discrepancy. He said he had been unaware of the Tobin memo: Remember, he's the other scientist I referred to earlier who lodged complaints. I questioned how he could possibly say that when the IG report containing the Tobin allegations had been on his desk for a full month.

In sum, Mr. President, we're beginning to see some patterns that back up Dr. Whitehurst, and contradict Mr. Freeh and the FBI. First, other scientists have surfaced with allegations—not just Dr. Whitehurst. Second, it appears that three cases reviewed by the IG found misconduct and/or sloppiness.

When I was growing up back on the farm in Iowa, we had a saying. If you reach into a barrel of apples for the first time and pull out a bad one, the chances are pretty good there's more bad apples in there. Maybe a barrel-full of bad apples.

So far, based on press reports, that's three bad apples—three out of three. Those are pretty high odds.

What's to be done? Director Freeh made a big splash yesterday announcing a new way to handle internal reviews of alleged criminal behavior and misconduct. He will increase the number of people working on such reviews from 30 to 60.

The Director doesn't seem to get it, Mr. President. The issue is that the FBI can't police itself. Doubling the number of self-policers won't change the bottom line. Zero times two is still zero.

I'm beginning to think those 60 slots are a lot better off—from the taxpayers' point of view—being moved to the IG instead. And I intend to discuss this with my colleagues on the Judiciary Committee.

The FBI does not have a long and proud history of self-policing notwithstanding what Mr. Shapiro leads us to believe. Look at Ruby Ridge. That case certainly doesn't inspire confidence in the FBI's ability to self-examine.

Mr. President, I believe the American people are being mislead by the FBI on the problems we're seeing in its crime lab. And all that does is continue the erosion of confidence the people have in the FBI.

It's time the Bureau stopped its narcissistic infatuation with its own image. It's time to stop selling an inferior product with false advertising. The American people deserve from its chief law enforcement agency a product with integrity. They deserve an FBI that does what it would have you believe it does. This is an issue of leadership. Quite frankly, I am beginning to join the ranks of those whose confidence in the Bureau's leadership is diminishing.

Mr. President, I yield the floor. I do not see any other Members ready to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for up to 15 minutes.

NOMINATION OF ANTHONY LAKE

Mr. GRAHAM. Mr. President, I wish to speak today on the nomination of Anthony Lake to be Director of the Central Intelligence Agency. This nomination has raised a troubling issue, an issue that has nothing to do with the candidate's qualifications. Rather, that issue is the credibility of the Senate Select Committee on Intelligence to conduct a fair, nonpartisan examination of this nominee.

That committee, of which I have been a proud member for 4 years, has a well-earned reputation for bipartisanship. But that hard-won reputation is being jeopardized by the committee's conduct in this matter.

In a speech before the Senate last night, Chairman SHELBY said he wants to treat the Lake confirmation "in a serious, thorough and fair manner." That is a laudable goal. It is a goal I fully support. I commend the chairman for establishing a high standard. The position of Director of Central Intelligence is an extremely sensitive one. We have a responsibility to the American people to subject the nominee to close scrutiny.

I accept and welcome the responsibility as a member of the committee. Unfortunately, it is a responsibility my colleagues and I have been unable thus far to exercise.

The reason for this failure is that the committee, although having officially received this nomination on January 9, has yet to conduct its first hearing on the nominee. Meanwhile, the Senate has acted judiciously but swiftly on two other members of the President's foreign policy team, the Secretary of State and the Secretary of Defense.

Mr. Lake remains the exception. Indeed, his hearings have been postponed not once, but twice. In the first instance, the chairman postponed the hearings "dependent upon the status of the Justice Department's investigation" into Mr. Lake's stock transactions and his role in the Iran-Bosnia arms sale.

The Department of Justice completed its investigation on February 7, giving Mr. Lake a clean bill of health in regard to the arms sale and determining there was no evidence that he ever took any action to conceal or misrepresent his or his wife's financial holdings.

Nevertheless, the chairman again postponed the hearings, this time asserting that the Department of Justice investigation "is only a small part of the Senate Select Intelligence Committee's overall, ongoing investigation * * *" He now cites new concerns.

After two delays, the chairman is now committed to a hearing on March 11. I welcome that commitment.

Mr. President, I fear, however, that the March 11 hearing is only a prelude to what is turning into an extended fishing expedition. If anyone doubts that, they only have to read the February 27 issue of the Washington Post, which reported that the Senate Intelligence Committee has now requested White House documents involving Haiti—documents which our House colleagues requested last year as part of their extensive investigations into the administration's Haiti policy.

Those investigations have so far produced rather paltry results, despite extensive hearings, document reviews and testimony.

The International Relations Committee was able to generate only a majority staff report. The members of that committee—neither Republican or Democrat—signed the report—not exactly a vote of confidence.

The Republican majority of the House Permanent Select Committee on Intelligence has yet to produce any report at all.

In each case, the administration made available literally hundreds of documents for congressional review.

Although withholding approximately 50 documents, citing executive privilege, the administration did offer to brief House Members and provide certain redacted versions of those documents. Republicans rejected the proposal.

The administration has made the same offer to our committee. It is a reasonable one that balances congressional rights and executive privilege. I urge the chairman to accept it, rather than creating a pretext for further delay.

Mr. President, the Haiti issue is just one of several the committee is pursuing.

The implication of the chairman's remarks are that the committee now intends to investigate the Department of Justice's investigation of Mr. Lake's divesture of stock. The Justice Department, as I mentioned earlier, found no evidence that Mr. Lake ever took any action to conceal or misrepresent his or his wife's financial holdings. It found no fault in his conduct of the Iran-Bosnia matter.

With regards to Mr. Lake's FBI file and the Tower nomination, the chairman has requested Mr. Lake's complete FBI file, based on the purported precedent of the nomination of former Senator John Tower for Secretary of Defense in 1989. As my colleague from Michigan, Senator LEVIN, stated yesterday, "neither the Armed Services Committee nor the full Senate ever had access to the raw investigative files used by the FBI to compile its summary of the background investigation of Senator Tower."

In his statement, Senator LEVIN further cites Senator Nunn's comments in 1989. Senator Nunn stated on the Senate floor that, "What we have in S–407 is the summary of interviews the FBI conducted. They prepare the summary. We do not see nor do we have the underlying interviews."

In the case of Mr. Lake, that summary has already been provided to the chairman and vice chairman of the Senate Intelligence Committee.

I am concerned that we are engaged in a fishing expedition in which the hearings are being used to determine if some malfeasance can be found, rather than to develop information on a credible hypothesis of inappropriate behavior.

Mr. President, I am also concerned that the goalposts are clearly being moved on this nominee. Questions are asked; responses are given; and then new, different questions are asked. If members of the committee have inquiries, we should all welcome the opportunity to question this nominee in the best possible forum, under oath, during his confirmation hearings. He in turn has the right and the opportunity to respond. That is the purpose of a nomination hearing.

Unfortunately, there is a growing public perception, aptly expressed by one commentator, that the committee "seems to be waiting for something scandalous to turn up to sink the nomination." The perception, right or wrong, is that we are leaving Mr. Lake to twist in the wind. I am afraid that that says more about our committee than it does about Mr. Lake.

Some history. The Senate Select Committee on Intelligence has a hard-earned and proud tradition of bipartisanship. It is the successor to the Church Committee of 1975–76, which was an investigative committee only. The purpose of the Senate Select Committee on Intelligence is both to oversee sensitive intelligence activities and to maintain and improve intelligence capabilities and efficiency.

The issues that come before the committee, including the nomination of the Director of the Central Intelligence Agency, are extremely sensitive. They demand a high level of bipartisanship. I fear that the committee's bipartisanship is fraying and that fair play is falling victim to partisan gamesmanship.

That, Mr. President, should concern all of us, Republican and Democrat alike. Intelligence activities, by their sensitive nature, run counter to Democratic principles of openness. Yet, in my view, good intelligence is essential to our democracy's security.

Effective congressional oversight, in turn, is a critical ingredient to maintaining some balance between these two inherently contradictory forces—democratic openness and the necessary secrecy that surrounds intelligence procedures and operations. Oversight is a serious responsibility. The public must have confidence that we are above politics when we deal with intelligence issues.

In almost every other area of Federal Government, the public has multiple sources of information. That is what freedom of speech and freedom of press provide in a democratic society. But as it relates to the operations of the intelligence community, the general public must rely on a handful of its representatives to provide the necessary oversight and scrutiny to assure that the operations are being conducted in a manner that advances the public interest and assures that the public interest is not being rendered vulnerable by clandestine operations.

So far, the committee has largely succeeded. One measure of the committee's success has been the impressive number of newly emerging democracies that have sought the Senate Intelligence Committee's advice over the past few years. Each of those countries is struggling to establish an intelligence community that will safeguard democracy, not undermine it. They look to us as a model of bipartisan oversight and have come to us for guidance.

That expression of confidence is our most valuable asset. We have earned it through hard work, diligence and a determination to play the honest broker. We can ill-afford to fritter it away and give life to the perception that the CIA is becoming an instrument of partisan warfare, that the Lake nomination is simply an attempt to attack the President's foreign policy over the last 4 years.

The CIA, in turn, can ill-afford partisan bickering at a time when it is struggling with a painful transition from a cold war where we faced one principal enemy to a new world in which we face multiple threats.

Those emerging threats run the gamut from terrorism and biological and chemical weapons proliferation to narcotics trafficking. Each in its own way is as serious and in some ways more challenging a threat than that presented by the former Soviet Union.

In attacking these targets, we will need to be focused, creative, and open to new ways of conducting intelligence operations.

Whether the CIA successfully meets this challenge of transition depends in a large measure on stable leadership, something that has been in disgraceful short supply.

Whether the CIA successfully meets that challenge depends in large measure on stable leadership, something that has been in disgracefully short supply. Four DCI's have rotated through the Agency in the last 5 years.

The position of Director of Central Intelligence has become Washington's ultimate revolving door. That's got to stop, and I hope it will with this nominee.

Success also depends in no small part on the actions the SSCI and this Senate take in regard to Mr. Lake's nomination. This nomination provides us a valuable opportunity to publicly discuss the role of intelligence and its future in our democracy.

A number of important questions call out for answers.

With the demise of the Soviet Union, does the CIA have a mission?

If so, what is it? And if it has a mission, has the Agency lost its way in pursuing it?

How effectively is the community protecting the interests of America and its citizens?

Is the culture of the Directorate of Operations hobbling the Agency's effectiveness. If so, how do we change it?

Is the Agency ready to be held accountable for its actions and its failures?

What role should human rights play in Agency operations?

Is the Agency keeping congressional oversight committees and Members of Congress appropriately informed? How effective has it been in this regard?

An elevated debate, one marked not by partisan rancor but by honesty and openness, can help answer these questions and contribute to reaching a consensus about the intelligence community's role in our society as we enter the 21st century.

More important, such a debate will help educate ourselves and as well as the voters who sent us here about the appropriate role of intelligence in a democracy—its pluses and its minuses.

Having said that, there clearly are specific issues regarding this nominee that deserve the committee's scrutiny.

I question whether Mr. Lake's opponents have focused on the right ones. His supposed connections with the left and his views as to Alger Hiss' guilt or innocence obviously have enthralled some.

But as former Director of Central Intelligence Bob Gates under President Bush wrote in the January 29 issue of the Wall Street Journal, these issues are "wholly irrelevant and silly."

I certainly respect the right of any Member to pursue these questions during upcoming hearings. Indeed, I would hope that those who find these issues troubling would urge the chairman to deal with this nomination expeditiously so that we can conclude committee hearings and move to floor debate.

One question, I intend to ask of Mr. Lake is whether he can provide the President objective intelligence analysis after serving as his National Security Adviser the past 4 years.

I also intend to ask him whether, having attempted to curry favor with representatives of the Directorate of Operations in an effort to bolster his nomination, he has weakened his ability to act decivisely as DCI on issues of accountability and reform.

I also plan to ask him whether the nomination process and the criticism he has been subjected to will jeopardize his effectiveness if he is confirmed. Has he been so bloodied that he will be unable to perform effectively?

Finally, I plan to question him about his management philosophy and skills, his attitude toward secrecy, and the role of human rights in intelligence operations.

I am confident that Mr. Lake will acquit himself well before the committee.

He has shown himself to be a man of great ability and integrity. Moreover, as National Security Adviser he has been an avid customer of intelligence and will bring that critical perspective to the job.

Barring any stunning revelations that may arise during the hearings—and I see no indication of any occuring—I will vote for Tony Lake. In my view, he will make a fine Director of Central Intelligence.

Mr. President, the issue for today is, will we protect the credibility? Will we protect the now almost 20 years of investment that has been made in a credible Senate oversight of this most sensitive of Government activities, or will we allow it to be frittered away and degraded by partisan wrangling? That will be the challenge that our committee will face, commencing with the hearings that will begin on March 11. I trust that the committee will meet its high standard.

Mr. President, I ask unanimous consent that a January 29, 1997, column by former Director of the Central Intelligence Agency, Robert Gates, as printed in the Wall Street Journal in support of Mr. Lake's nomination as well as a January 26, 1997, column by Reagan administration official Richard Schifter, as printed in the Washington Times, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 29, 1997]

THE CASE FOR CONFIRMING ANTHONY LAKE

(By Robert M. Gates)

I am barely acquainted with Tony Lake, the president's national security adviser and nominee to become CIA director. But I have read about his views on foreign policy for years and disagree with him on a number of important issues. I think that the administration's foreign policy, which he has helped shape, has been erratically interventionist, excessively tactical, insufficiently supportive of resources for defense and intelligence, and lacking in strategic priorities, coherence and consistency. Even so, I believe Mr. Lake should be confirmed.

An ideal nominee for CIA director would have universally recognized integrity, expertise in foreign affairs (but with no controversies), experience managing large enterprises, savvy in intelligence operations (with no failures), analytical insight (with no mistakes), political skill, the confidence of and ready access to the president, and a winning personality. None of the 17 men who have been CIA director have had that combination of credentials. Mr. Lake has three of the most important, however.

First, he is broadly recognized as a man of integrity and principle—and as a man with the courage to stand up for what he believes is right. This offers reassurance that he will be independent of the White House in which he served and will be directed by a moral grounding most Americans would find admirable. Second, whether or not one agrees with him on the issues, he is thoroughly knowledgeable about foreign affairs. Moreover, as national security adviser, he is clearly familiar with current intelligence operations and analysis, and will be able to improve both. Third, he has the confidence of the president and knows well the rest of the president's national security team, two assets without which a CIA director is deeply, if not fatally, weakened.

Mr. Lake does have deficiencies. He has no relevant intelligence background, but then neither did 13 of his 17 predecessors. He has not managed a large (and difficult) organization, but his power of appointment (and the incumbent deputy) can compensate for that. As for a winning personality, I am in no position to judge.

There are contentious issues surrounding Mr. Lake that will doubtless be important in his confirmation hearings before the Senate Select Committee on Intelligence. Most significantly, the administration's failure to tell Congress about its actions in at least tacitly encouraging Iran to arm Bosnia was, at minimum, a serious mistake. Mr. Lake should say so, and the committee should extract appropriate pledges from him about keeping Congress informed—and his willingness to resign if ordered by the president to keep lawmakers in the dark, a pledge I made prior to my confirmation in 1991. At the same time, primary responsibility for this mistake in Bosnia rests more heavily with the president and the then-secretary of state, and Mr. Lake should not be disqualified as CIA director simply because others senior to him are beyond the reach of the Senate.

Other issues that have been raised in connection with his nomination are not, in my view, disqualifying. He obviously must satisfactorily explain his tardy disposal of stock after entering public office. But the charge that Mr. Lake was once equivocal as to the guilt of Alger Hiss and allegations of other manifestations of "left-leaning" views years ago strike me—someone who was attacked in my own confirmation hearings as too much of a Cold War hawk—as wholly irrelevant and silly in 1997, even if true.

The committee must satisfy itself on Iran-Bosnia and Mr. Lake's commitment to congressional oversight, as well as other issues, such as the stock sale. But these should be resolvable. Then perhaps the hearings can serve a positive function by eliciting Mr. Lake's thinking on continued reform and restructuring of U.S. intelligence, his views of its strengths and weaknesses and the adequacy of resources in light of the tasks assigned by the president and Congress. The answers to these tough questions could prove illuminating, not to mention highly relevant to his confirmation.

The bipartisan nature of the Senate intelligence committee since its early days under the leadership of Daniel Inouye and Barry Goldwater has been one of its greatest assets, and a source of its credibility. As Congress becomes more polarized and partisan, it would be a tragedy if the Republican and Democratic leadership of this very sensitive committee were to allow its special nonpartisan character to be weakened. I was nominated to be CIA director by President Reagan in 1987 and again by President Bush in 1991, and despite the struggles I went through in a Democratic-controlled Senate, I never felt the disputes were partisan.

Mr. Lake's confirmation ought not become a matter of partisan conflict, an opportunity to attack the administration's foreign policy. There are other, more appropriate forums for that, even in Congress—the Senate's Foreign Relations and Armed Services committees, and the House's equivalent committees. Republicans should not use hearings for CIA director—a position that should be outside of politics—to make Mr. Lake the designated partisan target.

Tony Lake isn't perfect for CIA director, but he is a capable senior official of integrity who is the choice of the president to head the U.S. intelligence community. As the last CIA director nominated by a Republican president and confirmed by a Democratic-controlled Senate, I strongly believe that hard questions should be asked of Mr. Lake, and then he should be confirmed expeditiously with broad bipartisan support. This would be in the best interests of the country and of the intelligence community.

[From the Washington Times, Jan. 26, 1997]

CLOSE AND CONFIDENT OF LAKE

For the last month, a stream of unsubstantiated charges have been leveled against the nomination of Anthony Lake to be the next director of central intelligence. These attacks are based on inaccurate information.

I have worked closely with Tony Lake on the staff of the National Security Council for the last three-and-a-half years. I came to this job as a hard-liner on U.S. foreign policy, a lifelong foe of communism, and one of the initial members of the Committee on the Present Danger. I found Tony Lake to be a kindred spirit in his devotion to the enlargement of democracy and the global promotion of American interests. Whether the issue was stopping aggression in Bosnia or moving ahead with the expansion of NATO, Mr. Lake's leadership, vision and competence played a vital role in the formulation and success of these policies.

Some have asserted that Mr. Lake's April 1994 decision neither to approve nor to object to Iranian arms shipments to Bosnia facilitated creation of a radical Islamic foothold. According to the intelligence community, the Iranian military and intelligence services have been present in Bosnia since 1992. There was no significant increase in that presence after April 1994. Tony Lake, we should note, was the main architect of the president's August 1995 initiative that led to the Dayton agreement. That agreement banned foreign forces and led the Bosnian government to sever military and intelligence links with Iran as a condition for the train and equip program. Hundreds of Iranian Revolutionary Guards have left Bosnia, Mujahideen units have disbanded, and the Bosnians are looking to the United States and moderate Islamic states for security assistance. Mr. Lake, thus, played a key role in the reduction of Iranian influence on Bosnia, not the opposite.

As for the issue of congressional consultation, Mr. Lake—recently praised by Senator Majority Leader Trent Lott for his efforts to keep Congress informed—has said, in retrospect, that informing key members of Congress on a very discreet basis would have been wise. The Senate Select Intelligence Committee report later confirmed there was nothing illegal about this diplomatic exchange.

Assertions that during Mr. Lake's tenure as national security adviser CIA resources were massively diverted from monitoring military threats to addressing global environmental issues, and that this would continue with Mr. Lake as the director of intelligence, are misguided. Environmental issues are important—a Chernobyl reactor disaster or a major oil spill in the Persian Gulf would have major economic and security implications. However, Mr. Lake and the CIA have, by no means, massively diverted resources to look at the environment. In fact, the agency's program on the environment, initiated during the Bush administration, remains very modest. Mr. Lake's intelligence priorities remain those previously decided upon: critical support for military operations involving U.S. forces, political, economic and military intelligence about countries hostile to the United States, and intelligence about transnational issues—weapons of mass destruction, terrorism, organized crime, drug trafficking—that affect national security and the lives of Americans.

Allegations that Mr. Lake had ties to the "extreme Left" are ridiculous and tend to subvert fair discussion of an important nomination. This, too, is not the case. An initial supporter of our effort to stem communism in Vietnam, Mr. Lake volunteered to serve there as a State Department official. Like many other Americans, he later changed his mind as to whether our continued military interest in Vietnam served the national interest. After leaving the Foreign Service, he supported, in 1971–72, the centrist presidential campaign of Edmund Muskie. Mr. Lake was not a member of the Center for National Security Studies, and did not "help found" it, as has recently been charged. Mr. Lake's connection with the Institute of Policy Studies was that at the invitation of an acquaintance he delivered a single lecture to an IPS seminar on Washington's government institutions.

We currently live in an extraordinarily complex world, in which our national security concerns are no longer focused on a single country and a single movement. In this world we need a director of central intelligence who is able to see the whole picture and can then identify the multiple concerns which require our special attention. We also need a director who can incisively analyze the material presented to him by his staff, can spot the flaws and insufficiencies and see to it that a superior, thoroughly reliable product emerges from the process. Finally, we need a director who combines professional integrity with personal decency. Having seen Tony Lake at work, I am confident that he meets all of these criteria.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM RANDOLPH HEARST FOUNDATION SENATE YOUTH PROGRAM

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of Senate Resolution 60, which was reported by the Judiciary Committee today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 60) to commend students who have participated in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, before I begin my remarks on the sense-of-the-Senate resolution before us today, I would like to express my appreciation to my colleagues, Senator KAY BAILEY HUTCHISON of Texas and Senator WYDEN of Oregon, who joined me in introducing this measure earlier this week.

I am also very grateful for the fact that a number of Senators from both sides of the aisle have subsequently expressed their support for this effort by cosponsoring this resolution.

I would like to finally thank Senator HATCH and Senator LEAHY, the chairman and ranking minority members of the Senate Judiciary Committee, who have very graciously allowed us to bring this resolution to the Senate floor quickly while the 1997 U.S. Senate Youth Program delegates are still here in Washington visiting.

Senate Resolution 60 pays tribute to the 3,600 students who have participated in the U.S. Senate Youth Program over the last 35 years.

Under this program, which has been very successfully administered by the William Randolph Hearst Foundation, two students from every State of the Nation, the District of Columbia, and the Department of Defense schools abroad are selected to spend a week right here in Washington learning about their Federal Government.

Typically, each year the delegates meet with Senators, Representatives, Supreme Court Justices, Cabinet members, White House personnel, and other officials, and have the opportunity to ask them questions directly and to offer comments or concerns on current events.

Earlier this week, I had the pleasure of addressing the 1997 delegates. It was a very enjoyable and memorable event for me for two reasons. First, the questions and the comments raised by the delegates were both timely and insightful. Their knowledge was impressive and their enthusiasm contagious.

Second, I have the honor and the privilege of being the first Senate youth delegate who has gone on to actually serve in the Senate. I still remember vividly when I visited Washington, DC, in the spring of 1971, more than 25 years ago. We met with various Representatives and Senators, including my colleagues, Senator ROBERT BYRD and Senator STROM THURMOND, both of whom I am now privileged to serve with in this body. In fact, I brought out my journal and I read my notes on both Senators' speeches to us, and it was a wonderful experience to reread and relive that week.

The high point of my visit, however, was the time that I was fortunate to spend with Maine's Senator Margaret Chase Smith. She was very much an inspiration and a role model for me and countless other girls growing up in Maine and young women throughout the Nation who aspire to public service.

While I am the first Senate youth delegate to serve in the Senate, I fully expect that there will be other delegates who will serve one day in the House, the Senate, on the Supreme Court, in the Cabinet, and even as President of the United States.

I urge my colleagues to join me in supporting this resolution, which recognizes the value of this program, salutes the individual students who have participated in it, and commends the William Randolph Hearst Foundation for its generous sponsorship over the years.

At this point, Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 60), with its preamble, is as follows:

S. RES. 60

Whereas the continued success of our Nation's constitutional democracy is dependent upon our Nation's youth striving toward higher goals;

Whereas a student's intelligence, determination, perseverance and continued interest in the workings of our Nation's political processes must be nurtured and encouraged;

Whereas the pursuit of higher education, and participation and interest in the political processes, remain priorities of young citizens around our Nation; and

Whereas the United States Senate and the William Randolph Hearst Foundation Senate Youth Program have provided high school juniors and seniors who are leaders in education and student government, as well as in their communities, with the opportunity to travel to their Nation's capital and witness the political process, supported solely by private funds with no expense to the Federal Government since the program's inception in 1962: Now, therefore, be it

Resolved, That the Senate hereby congratulate, honor, and pay tribute to the 3,600 exemplary students who have been selected, on their merit, to participate in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997.

Ms. COLLINS. I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Mr. President, I ask unanimous consent that I might be able to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

CAMPAIGN FINANCE REFORM

Mr. WELLSTONE. Mr. President, we have had a lot of focus in the media about money and politics, and we are involved in a debate here on the Rules Committee about the Government Operations Committee and the scope of the inquiry. I thought I would speak in this Chamber for a few moments about what I think is the most important issue in American politics. I guess I want to start out by saying to colleagues, Democrats and Republicans alike, and to people in the country, if what happens in the Congress is that you just have accusations going back and forth and the climate becomes really poisonous, I fear we will not do anything right.

I really do believe that this is the core issue of American politics. I think the ethical issue of our time is the way in which money has come to dominate politics. I do not think it is so much the wrongdoing of individual officeholders. As a matter of fact, Mr. President, I have said it in debates, I have said it in interviews: The whole system is inappropriate. The whole system is inappropriate. It needs to be turned not upside down —it is upside down right now—but right side up.

If we are going to talk about any kind of corruption, it is not the wrongdoing of individual officeholders. We are talking about something far more serious. It is systemic corruption. By systemic corruption, I mean we now have reached the point where too few people have way too much wealth, power and say, too much access, too much say by virtue of their economic resources and their big contributions, and the vast majority of people feel left out of the loop.

That is the fundamental issue. To most people in the country, the vast majority of people in the country, it is really clear:

First, too much money is spent in these campaigns;

Second, there is too much special interest access and influence as a result of the money spent;

Third, too much time is spent by all of us—all of us—in what can be described as a money chase, trying to raise money because you are running for office; and

Fourth, regular people, ordinary citizens, which I do not use in a pejorative sense but in a positive way, do not feel they can run for office.

Mr. President, we are talking about nothing less than the question of whether or not we are going to have a real representative democracy. We have now really gotten to the point —and I am not going to use all the terms such as "independent expenditures" and "soft money" and "hard money." Let me just make a more basic point. We are talking much more about auctions than elections. We are not even talking about authentic democracy anymore. It is a minidemocracy at best. If you believe that each person should count as one and no more than one, and you believe in equality and you believe in fair and open elections, people in the country know this is all trumped by big money.

It is time for reform. It is time for reform. It is time to get big money out of politics. There are a lot of proposals. Some of us really believe you ought not to have any private money in the system and that ultimately, absolutely is the way to go. Some focus on other legislation. Some focus on soft money.

I just want to make this clear, that we are going to be making a huge mistake, all of us are going to be making a huge mistake if we do not pass a major reform bill this Congress. We are going to make a huge mistake if the only thing this boils down to is just sort of piling acquisitions on accusations and people going after one another. If this becomes a kind of slash-and-burn politics, search-and-destroy politics, we are going to get absolutely nowhere.

I will say this. I am only speaking for myself. I do not know how the Chair feels. Actually, I believe, even though the argument is made often that the problem is that those in office do not really want to change the system because the system is wired toward incumbents, because we are able to raise more money than our challengers—the statistics bear that out—I think it has come to the point where all of us should hate the system, because when you are raising money and you are running for office and you have to be on television and you are trying to figure out how you are going to go after your opponent and destroy your opponent—that is the way some people view politics; they should not but they do—or you are figuring out how to raise millions of dollars so you do not get ripped up into shreds, the fact is even if you are absolutely sure in your head and your heart that not one time has the compelling need to raise money ever affected any position you have ever taken on any issue, it certainly does not look that way to the public.

I am convinced that all the good things that could happen here are trumped by money in politics. I am convinced that one of the reasons we are not responding to the very real concerns of citizens across this country, which have to do with affordable education and good jobs and the standard of living and reducing violence in communities and all the rest of it, is because of this influence of money in politics.

This is the core issue. There is too much access for the big givers and the heavy hitters and the well connected, and the vast majority of people feel left out of the loop and they are right. What concerns me is I have heard some colleagues say, "But the fact of the matter is, the polls do not show this. The polls do not show that the people seem to consider this a burning issue."

I think what is sad is that people's expectations are so low in the country right now that they are not at all sure there is anything we are going to do about this. But we better prove ourselves to the people we are asked to represent. We better pass a reform bill. We better make sure that we dramatically reduce the amount of money that is spent in these campaigns. We better make sure we try to lessen—if you cannot eliminate it, at least lessen—special-interest access. We better make sure we do something about this constant money chase. We better make sure our elections do look like elections and not like auctions. We better make sure that people in the country, whether they are Democrats or Republicans or independents, feel like they can run for office. We better do that, because this is all about democracy.

We keep spending more and more money every election cycle, and participation goes down, down, down. So I am hopeful, even though this is a tough time in the Senate. We have major divisions. People are drawing the line. It seems to be an all-out battle. By the way, I am all for good debate. I do not like to hate but I like debate. But I am telling you, every single one of my colleagues, Democrats and Republicans alike, are making a big mistake if we do not line up behind major reform.

We should want to do this. If we want people to at least have more confidence in the political process than they have now, if we want people to begin to believe in us, if we want people to believe in the legislation that we pass, which is a product of this process, then people have to believe that politics in Washington, DC, is not dominated by big money. People have to believe the Congress belongs to them, that the Capitol belongs to them, that all of us, Democrats and Republicans, belong to them.

I know I may sound melodramatic on the floor of the Senate, especially since today there is no one to debate. But I came to the floor to speak because I am absolutely convinced that this is the priority. There is nothing that we could do that would be more important than to try to move forward on a reform agenda. I am hoping that, in this Congress, we will do that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that I may speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF FEDERICO PEÑA TO SERVE AS U.S. SECRETARY OF ENERGY

Mr. GRAMS. Mr. President, I rise today on behalf of our Nation's taxpayers and ratepayers in seeking to reaffirm the promises made to them by the Federal Government well over a decade and a half ago. Given that the Energy and Natural Resources Committee this morning reported out the nomination of Federico Peña to be the new Secretary of Energy and that full consideration by the Senate on his nomination is likely to occur soon, I find it both necessary and timely to reignite today the debate on our Nation's nuclear waste storage problem.

Since 1982, our nuclear energy ratepayers have been required to pay over 12 billion of their hard-earned dollars to the Federal Government. And that was in exchange for the promise to transport and store commercially generated nuclear waste in a centralized Federal facility by January 31, 1998.

Unfortunately, this obligation has never been met by the DOE, which has already spent over 6 billion of those ratepayer dollars, yet has little to show in exchange for that massive investment. Today, our ratepayers continue to pay into the Nuclear Waste Fund, as well as for on-site storage at commercial nuclear facilities across the Nation, including the one at Prairie Island in southeastern Minnesota.

So now ratepayers are being asked to pay twice for the storage of nuclear waste.

Even as 41 States wait for the Department of Energy to fulfill its promise to begin accepting domestic nuclear waste, the Federal Government continues to accept, transport, and store spent nuclear fuel from Federal facilities and foreign research reactors. For national security reasons, the Federal Government is even helping to pay for an interim storage facility in Russia.

Yet, Mr. President, despite the strides we are making toward interim storage of foreign and Federal waste, the situation has grown critical for our own nuclear utilities and ratepayers.

For example, even though the Federal courts have ruled that the DOE will be liable if it does not accept commercial nuclear waste by January 31, 1998—thereby putting taxpayers at risk for the Federal Government's inaction—the DOE has shrugged off this legal mandate, claiming that it will not be able to meet the deadline. Even worse, the DOE has yet to recommend the specific action it would take in order to accept any of our commercial nuclear waste.

So again, it can accept foreign or Federal nuclear waste, transport and even pay for interim storage in Russia, but yet our Government says it cannot handle what it is under contract and obligation to do for our nuclear waste.

I find this very troubling, particularly for my fellow Minnesotans, who stand to lose up to 30 percent of their energy resources if a solution is not found soon. Mr. President, the clock is ticking.

In 1994, the Federal Government's failure to live up to its promise of accepting nuclear waste sparked a prolonged and controversial debate in the Minnesota State Legislature over whether to continue on-site storage at Prairie Island. While the legislature eventually voted to extend storage capacity until 2002, it would not have been forced to do so had the DOE met its legal obligation to begin accepting waste from Minnesota.

At every turn, the DOE's response to this growing problem has been one of sheer arrogance and inaction. For example, when asked by me at an Energy Committee hearing how the DOE expected to resolve the situation facing Minnesota, DOE Undersecretary Thomas Grumbly argued that the problem was a State issue, in spite of the fact that the Federal government signed a contractual, legally binding agreement with utilities and the States to accept their waste by January 31, 1998.

He said, take that back to the States. That is your problem, not theirs.

In other words, now that the DOE has elected not to meet its responsibility, it has simply buried its head in the sand in a brazen attempt to avoid accountability. Instead of taking action, the Clinton-Gore administration is making excuses—trying once again to take a national policy problem and turn it into a crassly political debate. Unfortunately, the losers of this cynical gamesmanship are the American people.

Maybe that is why 46 State agencies and 36 utilities recently sued the Department of Energy to stop requiring future payments into the Nuclear Waste Fund and to escrow over $600 million in current payments. If the Clinton-Gore administration does not wake up and take action, this lawsuit will mark only the beginning of a costly legal process to force the Federal Government to own up to its responsibilities.

Because obviously, if a solution is not reached now, taxpayers, consumers, and those who care about the environment will be left stranded. That is the reality—and some of those who once argued the loudest against resolving this issue have come to the very same conclusion.

For example, last month, former Department of Energy Secretary Hazel O'Leary contradicted Vice President GORE's longstanding objection to meaningful action on this issue. Her comments on the need to move forward with a temporary nuclear waste storage site after the completion of a viability assessment at Yucca Mountain reflected the national will to resolve this issue.

Although I am disappointed that Mrs. O'Leary's honest assessment came after her tenure as Secretary, I strongly believe the next Department of Energy Secretary must provide the commitment, the leadership necessary to immediately resolve this critical situation.

Again, it is not a technical problem. It is not a problem of science. It is a problem of political will to be able to make that political decision within the administration to accept this responsibility and to provide the answers.

With that in mind, I, like many of my colleagues on the Energy and Natural Resources Committee, took the time to ask Secretary-designate Peña his views on resolving this issue. Unfortunately, he failed to give specific and definitive answers to our questions during his confirmation hearing.

Because I do not believe the Senate should confirm Mr. Peña's nomination before we have received specific answers, I sent a letter asking Mr. Peña for a detailed response outlining the exact steps the department plans to take in order to meet the January 31, 1998, deadline.

Yesterday, I received a letter from Mr. Peña that failed to articulate any specific solution. So in response, I again sent him another letter reiterating my question, and I hope to hear back from him today.

Mr. President, I ask unanimous consent that our correspondence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 4, 1997.

Mr. FEDERICO PEÑA,
Secretary-designate, Department of Energy, Washington, DC.

DEAR MR. PEÑA: As the Senate Energy and Natural Resources Committee further deliberates on your nomination as Secretary of the Department of Energy (DOE), I'm writing to solicit your views on recent comments made concerning our nation's failed commercial nuclear waste disposal program.

As you know, the DOE has announced that it will be unable to meet its legal deadline of January 31, 1998 to begin accepting commercial nuclear waste despite a mandate by a federal court and the collection of over $12 billion in ratepayer's funds. As a result of this failure, the Court of Appeals will decide the appropriate amount of liability owed by the DOE to certain utilities, possibly putting taxpayers at risk because of the Department's lack of measurable action. Meanwhile, the federal government continues to collect and transport foreign-generated spent fuel for interim storage without any apparent technical or environmental risks.

In light of these activities, it was no surprise that former DOE Secretary Hazel O'Leary recently contradicted the Clinton Administration's longstanding objection to resolving the centralized interim-storage impasse for our ratepayers and, ultimately, our taxpayers. Her comments on the need to move forward with a temporary waste storage site upon completion of the viability assessment at Yucca Mountain reflect the bipartisan, common-sense reforms contained in S. 104, the Nuclear Waste Policy Act of 1997. Unfortunately, the Clinton Administration has ignored this reality by failing to become a constructive player in this process.

Although I am disappointed that Mrs. O'Leary's comments came after her tenure as Secretary, I applaud her courage in expressing her views honestly and thoroughly. I strongly believe that the next DOE Secretary must provide the committed leadership necessary to resolve this critical situation while in office. With this in mind, I want to know your specific thoughts on Mrs. O'Leary's comments that the DOE should move forward on a temporary nuclear waste storage site next year at Yucca Mountain if a viability assessment is completed at the permanent site. If you disagree with Mrs. O'Leary, I want to know what specific alternatives you would propose to meet the federal government's legal obligation to accept nuclear waste by January 31, 1998.

For too long, our nation's ratepayers and taxpayers have been held hostage to what has become a political debate. They deserve better and, more importantly, deserve an immediate solution to this issue. For that reason, I expect a specific, constructive response to my questions before the Senate votes to confirm your nomination.

Sincerely,

ROD GRAMS,
U.S. Senator.

March 5, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: Thank you for your letter of March 4, 1997 concerning the Department of Energy's civilian nuclear waste disposal program and the comments made recently by former Secretary Hazel O'Leary. I have not spoken with Secretary O'Leary about her remarks and, therefore, am not in a position to comment on them.

As I stated when I appeared before the Committee on Energy and Natural Resources, I am committed to working with the Committee and the Congress toward resolving the complex and important issue of nuclear waste storage and disposal in a timely and sensible manner, consistent with the President's policy, which is based upon sound science and the protection of public health, safety, and the environment.

I am very cognizant of the Department's contractual obligation with the utilities concerning the disposal of commercial spent fuel, and, after confirmation, I also expect to meet with representatives of the nuclear industry and other stakeholders to discuss the Department's response to the recent court decision and the consequences of the delay in meeting that contractual obligation.

As Chief of Staff Erskine Bowles emphasized in his February 27 letter to Chairman Murkowski, the Administration believes that the Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste policy. Accordingly, the Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability of the Yucca Mountain site has been determined.

In conclusion, I want to strongly emphasize again that I am committed to working with you and other members of the Committee and the Congress on these difficult issues.

Sincerely,

FEDERICO PEÑA.

U.S. SENATE,
Washington, DC, March 5, 1997.

Mr. FEDERICO PEÑA,
Secretary-designate, U.S. Department of Energy, Washington, DC.

DEAR MR. PEÑA: I received your letter, dated today, in response to my most recent questions on our nation's nuclear waste policy. Although I appreciate the timeliness of your response, I am still concerned about the absence of specific proposals from you on how best to resolve this important issue.

In your letter, you wrote that the Clinton Administration "believes that a decision on the siting of a storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998." Frankly, this response states nothing more than the position you have taken in the past, leaving questions about whether the viability study can be completed in time for the DOE to realistically accept waste by the legal deadline of January 31, 1998 and what can be done to meet the deadline if the permanent site at Yucca Mountain is not determined to be viable.

I certainly hope you can understand my concerns, given that you yourself have publicly admitted that following this track would make it impossible for the DOE to meet the January 31, 1998 deadline.

More importantly, you did not answer my central question regarding what specific, constructive alternatives you would propose in order for the DOE to begin accepting waste from states by January 31, 1998, as outlined in statute and ordered by the courts.

With that in mind, I would again request a specific response from you—prior to the Senate vote on your confirmation—to the following question: given that the current Administration position would result in the failure of the DOE to accept waste from states by January 31, 1998, what specific, constructive alternatives would you propose to guarantee that the DOE will meet this legal, court-imposed deadline?

I look forward to your response.

Sincerely,

ROD GRAMS,
U.S. Senator.

Mr. GRAMS. Today, when the Energy and Natural Resources Committee took up Mr. Peña's nomination, I voted "present," as I had announced I would several weeks ago.

As the author of legislation to eliminate the Department of Energy—legislation prompted, in part, by the nuclear waste fiasco—I had decided that I could not in good conscience vote for Mr. Peña's nomination to head up a department that should not continue to exist.

Yet, at the same time, I did not want to cast a vote that would be misinterpreted as a vote against Mr. Peña personally.

Since then, I have grown increasingly troubled, however, for the reasons that I have outlined here today, by Mr. Peña's inability to provide specific answers about how he and the Clinton-Gore administration intend to resolve our Nation's nuclear waste storage problem.

Again, he has to get these answers from the administration. And it is Clinton-GORE that have to make these decisions.

We in the Senate have our own proposal, and that is our bill S. 104. That is the Murkowski-Craig-Grams bill, which won the support of 63 Senators last year.

As a Senator representing Minnesota ratepayers who already have paid over $250 million in exchange for no tangible benefit, representing taxpayers who may be held financially liable for the Federal Government's failure to act, and representing citizens concerned about protecting our environment, I believe that the Senate must not rush ahead in confirming Mr. Peña's nomination before we receive from him a specific and constructive response to our questions.

Now, while I hold out hope that we will receive such answers from Mr. Peña in the immediate future, I am willing to work with my colleagues in ensuring that a final vote is not taken before a specific, constructive response is given. Accordingly, I would object to any unanimous-consent agreement to bring up Mr. Peña's nomination for a vote at this time.

The Senate cannot simply allow itself to be lulled by vague promises to work together on this issue. Fifteen years of unfulfilled promises should have taught us that lesson.

Again, with the January 31, 1998, deadline fast approaching, we have our own responsibility to the American people to ensure that the obligations of the Federal Government are satisfied. We owe them nothing less.

DR. PIERCE BLITCH

Mr. COVERDELL. Mr. President, I rise today and ask my colleagues to join me in extending condolences to the family and loved ones of Dr. Pierce Blitch, Jr., of Augusta, GA, who passed away on Wednesday, February 12, 1997. Dr. Blitch leaves a proud and indelible legacy for his family, profession, and community. He spent his professional and personal life dedicated to the field of medicine. After completing service to his country in the Navy during World War II, he graduated from the Medical College of Georgia in 1952. Dr. Blitch embarked on his medical career with an internship at University Hospital and a cardiology fellowship at Massachusettes General Hospital in Boston. He was active on staff at University Hospital and St. Joseph Hospital from 1956 until 1996. At University Hospital he served as a member of the executive committee and chief of staff and chairman of the department of medicine from 1976 until 1981. Dr. Blitch then went on to teach at the Medical College of Georgia as an instructor in the department of medicine in 1956, clinical professor of medicine in 1976 and ultimately awarded professor emeritus of medicine in 1992. He was truly a public servant and devoted leader of his field. He will remain a role model to the medical community for generations to come. I am proud of this fellow Georgian, his achievements and his contributions to our State and country. His passing is a great loss for the community.

TRIBUTE TO FDA COMMISSIONER DAVID KESSLER

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to an outstanding public servant who is leaving office as Commissioner of Food and Drugs, Food and Drug Administration, Dr. David Kessler. In 1991, the Food and Drug Administration was at one of the lowest points in its history. The agency was recovering from the generic drug scandal. It was not consistently enforcing the law. Patients felt they were not receiving the therapies they needed.

The appointment of David Kessler as commissioner changed all that. He launched an extraordinary period of reform and improvement in the agency's effectiveness. He began with the obvious—enforcing the law.

He initiated many other important reforms. He has worked tirelessly to provide improved treatments for cancer and AIDS, and to assure that lifesaving drugs move quickly from the laboratory to the marketplace. Because of his leadership, the information supplied with prescription and over-the-counter drugs will soon be more user-friendly. He led the administration's initiative to reduce teenage smoking.

He led the way to many other impressive achievements. The United States is now as fast or faster than any other country in the world in getting new drugs to patients. David Kessler achieved this result without sacrificing the FDA's high standards for safety and effectiveness.

For David Kessler, the first priority was always the public health. He used his brilliant intellect, his boundless energy, and his unparalleled commitment to serve that great goal. He represents the best in public service. It has been a great privilege to work with him, and I wish him well in the years ahead.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. GREGG. Mr. President, may I ask what the parliamentary status is?

The PRESIDING OFFICER. Morning business recently expired.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN PRODUCTIVITY RENEWAL PACKAGE

Mr. GREGG. Mr. President, I want to speak about a series of initiatives that I have introduced to try to address what I see as the major public policy concerns as we move into the next century, on the fiscal side of the ledger, that affect people in their lives.

As we move out of the 20th century, we have seen a period where, certainly throughout most of the 20th century, there was a sense that, through a centralized Government, through an economy dominated by a Government, you could manage the lives and affairs of individuals and improve their lifestyle. Of course, the most exaggerated example of this was communism and the Russian revolution, which began the major Communist state of this century or any time. And it did not work. One of the great truths of the 20th century, of which there have been about three, one of the great truths is that communism—the concept that the state can manage the marketplace and make people better off by requiring that people function under a top-down system where their lives and their style of economic production is controlled by a central mechanism—simply does not function effectively. Instead of producing prosperity, it produced despair. Instead of producing freedom, it produced totalitarianism.

So, one of the great truths that has come out of this century is that capitalism works, that the free market works, that giving the individual the incentive to be productive, by allowing the individual to retain a large amount of the product of their work, is something that produces prosperity for the individual and, as a result, produces prosperity for society. And a prosperous society is a freer society, we have also learned that. That is the second truth.

Yet, our Government continues to function, even here in the United States, with a hybrid of the theory that a centralized decisionmaking process can handle major social and economic issues more effectively than the marketplace can handle them or the individual can handle them. In the 1930's and 1940's, we as a Nation, our intellectual community, especially the Northeastern intellectual community, was caught up in the concept that you could manage almost every major social and economic problem from the top down. We were caught up in the concept that a few good minds put together in a room, thinking, could resolve issues of major concern for the society at large, especially fiscal issues.

This led to a centralization of decisionmaking here in Washington throughout the 1950's, 1960's and 1970's, which reached its peak in the early 1970's, and gained momentum from that peak throughout the 1970's until the arrival of Ronald Reagan, who said, "Let's stop and think a minute as to what we have done here and whether it has been successful."

The conclusion was that many of the decisions to centralize the process of policymaking in the hands of a few here in Washington simply was not working, that it was not producing a resolution to the problems that were at the core of our society, and especially it was not helping the prosperity of the Nation and individuals who lived in the Nation in many ways. So, we have, as we move toward the end of this century, come to the conclusion that maybe a centralized Federal Government is not all that effective in solving all of our problems; maybe we should slow the rate of growth of this Government and return authority to the people and to the States. And that, really, is what the Republican revolution has been about.

If we take that as true, and I do happen to believe that is one of the things that has been proven by time, now—it is not a question of philosophy or theory any longer, it is a time-tested, proven event—then we still have some major issues to address, because some of the most significant social/fiscal issues which we have as a country today are still being driven in their policies as to how they are resolved by these concepts which came out of the thirties and the forties and the fifties of centralizing the decision in Washington and making the process of addressing those decisions a Washington-driven one.

The three issues that are at the core of this, the three concerns that we as a society must have, from a fiscal policy standpoint—I am not talking about social policy; there are a whole set of other issues dealing with social policy—but from a fiscal policy standpoint of how Government deals with major issues, the three core concerns which we must have, as we head into the next century, are, one, how do we deal with Social Security; two, how do we deal with Medicare, which is a health care component for our senior citizens, and Medicaid; and three, our tax laws, how do we structure our taxes?

All three of those issues, all three of those functions of Government which deal with the broad spectrum of the quality of life of a vast majority of

Americans, are now dominated by a philosophy which grew out of the thirties, which was that a centralized, Government-decisionmaking process can better manage these systems than a decentralized, marketplace-driven approach.

As a result, we have some chaos headed our way. We know that, under the present Social Security system, as a function of its present rate of return on investment and as a function of demographics, the system goes broke, taking the country with it, starting in about the year 2010. It goes broke in about the year 2020, but gets into what one might call a fiscal spiral beginning about the year 2017 which is not reversible.

This is driven by the fact that returns on investment in Social Security dollars put into the trust fund have been extraordinarily low. They are basically a rate of return set by the Federal Government on special bonds given to the Social Security fund, which is where the Government borrows.

Second, we have a population shift in this country, which is a function of the postwar, baby-boom generation, where we now have 3½ people paying into the system for every 1 person taking out, and in the year 2012, we will have 2 people paying into the system for every 1 person taking out, and this cannot support the present benefit structure when you have such a change.

In addition, there is the fact that people are living longer. When Social Security was first created, people lived to be 61. The time was set at 65. That was Franklin Roosevelt's choice. He was no slouch and understood actuarial tables. Today, people live to be, on the average, male, 72, female 78, and it is going up.

So we have a Social Security system which we know is headed toward bankruptcy due to demographics and due to the fact there is no prefunded system. It is a pay-as-you-go system with a very low rate of return on the investment.

Then we have the Medicare system, which is going broke, managed by the Federal Government. Basically, it is a Federal Government program, single manager, single opportunity for seniors. They have to buy fee-for-service delivery. They have to buy a certain set of benefit structures. That system is going to go broke in the year 2001 at the latest; probably in the year 2000, only 3 years from now.

It is going to go broke because of the fact that it is a system which is using a 1960's model of health care delivery in the 1990's. It is a system which still relies on fee for service when, in fact, we know that in the marketplace today, very few people use fee-for-service health care. Most people choose some sort of fixed-cost, prepaid health care plan, whether it is a HMO, PPO, PSO, or whatever. They choose some sort of alternative rather than going out to a doctor on a cost-plus basis who refers you to another doctor on a cost-plus basis, then refers you to another doctor, which is what the present system does.

It is a classic program which was designed by Government bureaucrats in the 1960's which was probably outdated even then, but which has clearly not been updated for the 1990's and is going to go broke in the year 2000 because it is not structured for these times. That is the second system which represents a major issue of fiscal policy.

Between those two, Medicare and Social Security, they will be accounting, between them, for almost 50 percent of the Federal budget by the year 2000, and by the year 2017, if you throw in interest on the Federal debt, they will be counting for all the revenues of the Federal Government. That is their size and their impact under their present structure.

The third issue, of course, is our tax laws. Our tax laws are, again, a centralized decisionmaking process where we in Washington, a group of elite in the Government, choose winners and losers in the marketplace. We choose that this type of market activity will be a benefit and that type of market activity will be penalized because, for some reason, we think we can think better than the marketplace and individuals can think on how they should invest their money, and tax laws are structured to be a top-down, centralized, essentially Government-driven exercise in managing the marketplace through the Government. Of course, nothing affects the prosperity of a country more than the level of taxation and the manner in which you tax.

So my representation is this. I have put together a package of bills which I call the American productivity renewal package, which addresses these three core issues of fiscal policy from a marketplace approach, instead of using the dynamics which have dominated these policies since the thirties, which is a Government-driven approach and which is a centralized-planning approach. Instead of using that approach, which has clearly failed and which is predicted to be a catastrophic failure as we move into the next century, I am acknowledging the fact, the truism of the 20th century, which is that the marketplace, not the Government, is the primary provider of prosperity within a society.

These three proposals which I put forward involve, first, in the Social Security area, that we recognize that you cannot have a pay-as-you-go system with an unfunded liability of $3 to $4 trillion and an aging population that is exceeding the ability of the working population to pay for it and expect that system to survive. So what we need to do is to create a better return for those younger people who are now paying into the system on their savings. We need to be able to say to the working American who is under the age of 45, "In order for you to get a decent Social Security retirement, we are going to have to have you earn more money on the dollars that you pay into Social Security and, more important, we are going to have to give you the ability to identify those dollars to yourself."

Today under Social Security, if you pay a dollar in, the dollar goes out. You have no account. There is no savings account which says, "Bob Smith" or "Mary Jones" on it. It is basically a dollar in, dollar out, and, as a result, you have this huge unfunded liability.

We need to prefund that liability, No. 1, so that people can have their own savings account designated to themselves. And, second, we need to allow people to get a better return than what is presently occurring under the present system, which is about a 3 percent rate of return, which is not inflation adjusted, so if inflation is more than 3 percent, it is no return at all. We need to allow people to get a better rate of return.

What my proposal does, in the Social Security area it says today Social Security is running a surplus. It is running about a $29 billion actual surplus. It actually has about a $70 billion surplus, but half of that is interest which the Federal Government is paying on debt, so it is, basically, paying interest to itself. But there is actually about a $29 billion real surplus in Social Security, which represents about 1 percent of the 7.5 percent payroll tax people pay.

So what my proposal says is that, rather than paying a 7.5-percent payroll tax, people will only have to pay a 6.5-percent payroll tax. They will get that percentage back, that percent difference back. They will have the right to take that percentage difference and invest it in a savings account or some other vehicle that allows them to produce income for their retirement.

It will have to be a retirement account, like an IRA. And the practical implications of that are two: No. 1, people will start to generate a nest egg for retirement that will be real, that they will be able to look at every year when they get their statement; it will be there, and it will be able to generate a better return than 3 percent. And, No. 2, it has no impact on present-day Social Security recipients or people who would be receiving Social Security who are over the age of 45, because we are now running a surplus and we could pay the cost of their Social Security benefits without impacting them with this type of private account. It is using the marketplace and recognizing that the marketplace must be used to prefund the liability of Social Security.

In the area of Medicare, this package of bills does something called choice, where essentially we say to the senior citizen, rather than having a program where the Government tells you who insures you, we will give you a program where, like a Member of Congress or a Federal employee, you can go out and choose who would insure you. They would have to give you a certain set of benefits and the benefits will have to at least equal what you are presently getting under Medicare, but you will be able to choose the benefit package you feel best meets your needs—you, the senior citizen. You will not be limited to one choice or, at most, two choices, which, at present, the present Medicare Program has.

Equally important, what we are going to say to the senior citizen is, today it costs, for example, $4,800 for a senior to be on Medicare. To the extent that a senior can go out and find a health care plan which gives the basic benefits of Medicare, maybe even more benefits, but gives it to them for less than $4,800—say, $4,500—we will let the senior keep the difference, or at least 75 percent of it, that $300 between $4,800 and $4,500.

What does this do? It creates three marketplace forces which will lead to making the Medicare system more solvent. No. 1, it means the senior becomes a cost-incentive buyer of health care. They think about where they are going to buy their health care. Granted, people who are already in the system who are in their late 70's or 80's probably are not going to change. But you have a whole group of seniors coming into the system who have been used to looking at a variety of health care options, so they will be comfortable doing this. But getting that 75 percent back of your savings makes them cost-incentive buyers.

No. 2, it will create a marketplace which will compete for the seniors' dollars. Because, believe me, there are a lot of health care providers who deliver high-quality health care who would be very excited about the chance to buy into this.

And, No. 3, it gives the Federal Government a predictable rate of growth as to how much health care is going to increase in Medicare accounts. And we, in order to make the trust funds solvent, do not need to cut Medicare. All we need to do is slow its rate of growth to about 7 percent, 6.5 percent—what is now a 10-percent rate of growth. That rate of growth, by the way, is still twice the rate of inflation and a multiple of 5, possibly, the rate of health care inflation.

So this creates a marketplace atmosphere around which Medicare would compete and around which seniors could participate in their health care system and which would control costs and which would give seniors more choices than they have today, more options in health care than they have today. It recognizes the fact that, you know, a 1960 system, where the Federal Government basically picks who you can have health care with, simply does not work. You have to use the marketplace.

The third element of this American productivity renewal package is to look at the tax laws and acknowledge the fact that the tax laws are arbitrary. They are as arbitrary as some bureaucrat in Washington could possibly make them, or some Member of Congress could possibly make them. Why should somebody be a winner and why should somebody else be a loser under the tax laws? Simply because a Member of Congress or somebody at Treasury decided unilaterally to affect the marketplace by making the decision that this person will be a loser and this person will be a winner, that is not right. That perverts the flow of capital; it perverts investment; it perverts the manner in which people go out and make decisions in the marketplace. It causes an inefficient use of dollars that are used to create capital and create savings.

So we need a flatter system. We need a system that eliminates the vast majority of the deductions and says to the taxpayer, "You can fill your form out on one page, one postcard, and in doing that, we won't control how you make decisions with your money. We'll take your taxes still, but we won't control whether or not you invest in this item or that item. That is simply a decision as to whether or not you're going to get better or worse tax treatment." And, thus, capital will flow much more efficiently to those items which are most productive and those items which will create the most prosperity, because that is the way a capitalist system works and a marketplace system works.

So by addressing these three core issues of fiscal policy from a marketplace approach as versus from a centralized planning approach, which is what has been done for the last half century, we can, I believe, ready ourselves for the next century, make this country more competitive, and, most importantly, put the country in a position where our children will be assured that we are going to be a fiscally solvent place and a prosperous place for them to raise their children, rather than a place subject to the vagaries of a huge Government debt and inflation that would cause a bankruptcy of the Social Security system.

Mr. President, I appreciate your time. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 411 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IT'S FOR KIDS II

Mr. GRASSLEY. Mr. President, in December, the Department of Health released annual figures on teenage drug use. As in the preceding 3 years, what the numbers showed was a continuing, alarming increase in teenage drug use. The number of eighth graders using any illicit drug in the year before the survey has almost doubled since 1991, from 11 to 21 percent. The proportion of increased use among 10th graders has risen by almost two-thirds, from 20 to 33 percent. It has risen by almost 50 percent among seniors in high school, from 27 to 39 percent. Stop for a minute and think about the reality behind the numbers.

One in every five 13 year olds has used an illicit drug in the last year. One in every three 15 year olds and close to two of every five seniors have used drugs. Marijuana use is leading the way. Regular use of marijuana by kids is on the rise. Nearly 1 in every 20 seniors now uses marijuana daily. We know from bitter experience, that marijuana use, especially regular use, increases dramatically the likelihood of further, more serious drug use. We know only too well that such use leads to dramatic increases in addiction, violent crime, treatment dependency, and a cycle of hurt that can endure for years.

Moreover, the recent survey reveals that teenage attitudes about the dangers of drug use are also changing—for the worse. An increasing number of young people at younger ages no longer see drug use as dangerous.

Just this past Tuesday, the Partnership for a Drug Free America released information that showed that kids at younger ages, including kids in fourth, fifth, and sixth grades, are starting to try drugs.

We have not seen increases in use or changes in beliefs about the dangers of use like this since the late 1960's and 1970's. Those of us who are adults today know what that increase in use and changes in attitudes did to this country. We are still living with the consequences of social attitudes that legitimized drug use. We are still paying the costs to treat the addicts that began as teenage users then.

Let's remind ourselves of a simple truth. The most likely users of drugs are kids. Not adults. Not grown men and women. Not our peers and friends and colleagues. Not our business partners or professional associates. Kids. It begins with kids. Most addicts today began as teenagers. Most addicts tomorrow will begin as teenagers or younger. And whom do the pushers of drugs target? Kids. Whom do the purveyors of drug messages in our movies and popular music target? Kids.

You do not have to go very far to discover why. Young people are more vulnerable to messages that would have them test limits. They are less aware of long-term consequences for present acts. They are more easily influenced by peers and fashions. It is our kids that are most at risk for messages about drug use. It is in order to protect kids that we take steps to control drugs in our society. Even the majority of the most ardent legalization advocates do not advocate drug use by kids. Most of them draw the line at that. Most.

But our problem lies in this. We cannot be halfhearted and ambivalent in our counterdrug messages if we are to tell our kids not to use drugs. We cannot, on the one hand, make drugs readily available and condone their use by law and custom and keep them from our kids. We have ample evidence of this in legal drugs, in the problems of teenage use of alcohol and tobacco.

But I am talking about substances that are far worse and more dangerous. We cannot afford to make these drugs part of our daily lives. The public is aware of that. They oppose it. But what we see is a growing effort by a few to get around that opposition. Ultimately they are not likely to succeed. But they can and have so muddled the public message as to send mixed signals to the very people we want to protect. Kids.

From music to videos to movies and political campaigns, we are seeing efforts once again to glamorize drugs. We are seeing opinion leaders and members of our cultural elite portray drug use as simply a personal choice that is harmless and benign. Many of these individuals act as if the only issue is for responsible adults to decide for themselves. They speak as if it is only adults that we need to think about. This, however, is not in fact the case.

If you do not believe this, talk to parents. Talk to teachers. Talk to the health and law enforcement professionals who daily see the consequences. Most important, listen to what kids are telling us about what is happening in their schools. To their friends.

Like other Members here, I receive mail from many people. Among them are our young people. Their letters are full of concern and hope. One of the concerns is about drugs in school. Thus Byron, 14 years old, writes, "As I have grown up, I have begun to notice more and more people I know using legal and illegal drugs. Never before did I even know 'Meth' existed. But now, my school feels there is a need to take courses about it. I agree with you that drug use should stop, and fast." Or Christina, 12, who writes about her concern for what's being done to stop underage drug use. Or Heath, a senior, concerned about growing use in junior high and elementary schools. Or Jennie, a junior, who has seen peers using PCP and crack or acid. Or the many others who have written confused about what they should think or what our policy is.

It is to this and following generations that we are responsible for and to. They look to us for guidance. They rely on us to protect them and their futures. That is what is at issue here. The efforts that we undertake to keep our society drug free are the things that we do to protect our kids. We do this because it is the responsible thing to do. We do this because no sane or civilized society can long endure that fails its children.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 5, the Federal debt stood at $5,359,515,287,678.12.

One year ago, March 5, 1996, the Federal debt stood at $5,016,462,000,000.

Five years ago, March 5, 1992, the Federal debt stood at $3,849,118,000,000.

Ten years ago, March 5, 1987, the Federal debt stood at $2,258,090,000,000.

Fifteen years ago, March 5, 1982, the Federal debt stood at $1,045,007,000,000 which reflects a debt increase of more than $4 trillion—$4,314,508,287,678.12—during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Governmental Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT CONCERNING THE TRADE POLICY AGENDA AND THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1997 Trade Policy Agenda and 1996 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 6, 1997.*

MESSAGES FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 513. An act to exempt certain contracts entered into by the government of the District of Columbia from review by the Council of the District of Columbia; to the Committee on Government Affairs.

The message also announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 4. Concurrent resolution commending and thanking the Honorable Warren Christopher for his exemplary service as Secretary of State.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 17. Concurrent resolution congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala.

H. Con. Res. 18. Concurrent resolution congratulating the people of the Republic of Nicaragua on the success of their democratic elections held on October 20, 1996.

H. Con. Res. 31. Concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 513. An act to exempt certain contracts entered into by the government of the

District of Columbia from review by the Council of the District of Columbia; to the Committee on Government Affairs.

The following measures were read and referred as indicated:

H. Con. Res. 17. Concurrent resolution congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala; to the Committee on Foreign Relations.

H. Con. Res. 18. Concurrent resolution congratulating the people of the Republic of Nicaragua on the success of their democratic elections held on October 20, 1996; to the Committee on Foreign Relations.

H. Con. Res. 31. Concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1318. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Food Assistance in Disaster and Distress Situations" received on February 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1319. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, two rules including a rule entitled "Anti-manipulation Rules Concerning Securities Offerings" (RIN3235–AF54, AF97); to the Committee on Banking, Housing, and Urban Affairs.

EC–1320. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "New Starts Criteria" (RIN2132–AA50) received on February 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1321. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–16; to the Committee on Appropriations.

EC–1322. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–14; to the Committee on Appropriations.

EC–1323. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules including a rule entitled "Approval and Promulgation of Implementation Plans" (FRL5660–2, 5698–1, 5697–9, 5688–8) received on March 5, 1997; to the Committee on Environment and Public Works.

EC–1324. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Special Local Regulations" (RIN2115–AE46) received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1325. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule entitled "Regulatory Flexibility Analysis" received on March 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1326. A communication from the Vice-Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a notice relative to the D.C. fiscal year 1998 Budget and Financial Plan; to the Committee on Governmental Affairs.

EC–1327. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled "The Contract Costs Act of 1997"; to the Committee on Governmental Affairs.

EC–1328. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule relative to plastic explosives (RIN1512–AB63) received on February 24, 1997; to the Committee on the Judiciary.

EC–1329. A communication from the Vice President (Government Affairs), National Railroad Passenger Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1330. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1331. A communication from the Chief (Regulations Unit), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–20 received on March 4, 1997; to the Committee on Finance.

EC–1332. A communication from the Chief (Regulations Unit), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–12 received on March 4, 1997; to the Committee on Finance.

EC–1333. A communication from the Chief (Regulations Unit), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–16 received on March 4, 1997; to the Committee on Finance.

EC–1334. A communication from the Chief (Regulations Unit), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 97–22 received on March 4, 1997; to the Committee on Finance.

EC–1335. A communication from the Chief (Regulations Unit), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 97–24 received on March 4, 1997; to the Committee on Finance.

EC–1336. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Mining Claims Under the General Mining Laws" (RIN1004–AC40) received on February 25, 1997; to the Committee on Energy and Natural Resources.

EC–1337. A communication from the Chair fo the Federal Energy Regulatory Commission, transmitting, pursuant to law, two rules including a rule entitled "Open Access Same-Time Information System" received on March 4, 1997; to the Committee on Energy and Natural Resources.

EC–1338. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the production of nuclear weapons; to the Committee on Foreign Relations.

EC–1339. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

EC–1340. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to suspending restrictions; to the Committee on Foreign Relations.

EC–1341. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of the proposed issuance of an export license; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–38. A resolution adopted by the Knoxville City Council relative to the land and water conservation fund; to the Committee on Appropriations.

POM–39. A resolution adopted by the Toledo City Council relative to the Clear Air Act; to the Committee on Environment and Public Works.

POM–40. A resolution adopted by House of Representatives of the General Assembly of the State of Delaware; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 11

Whereas, the annual Federal budget has not been balanced since 1969, and the federal public debt is now more than $5 trillion—or $20,000 for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures; and opposition by a small minority repeatedly has thwarted the will of the people that a Balanced Budget Amendment to the Constitution should be submitted to the states for ratification; Now, therefore: Be it

Resolved by the House of Representatives of the 139th General Assembly of the State of Delaware That the Congress of the United States expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved That the Clerk of the House transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Delaware Congressional Delegation, and the Secretary of State and the presiding officers of both Houses of the Legislatures of each of the other States in the Union.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committees was submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Federico Peña, of Colorado, to be Secretary of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Merrick B. Garland, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Rose Ochi, of California, to be Director, Community Relations Service, for a term of four years.

Colleen Kollar-Kotelly, of the District of Columbia, to be United States District Judge for the District of Columbia.

Lyle Weir Swenson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS:

S. 409. A bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself, Mr. GRAMM, Mr. SARBANES, and Mr. DODD):

S. 410. A bill to extend the effective date of the Investment Advisers Supervision Coordination Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. CAMPBELL, Mr. D'AMATO, Ms. MOSELEY-BRAUN, and Mr. SPECTER):

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS:

S. 409. A bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs; to the Committee on Commerce, Science, and Transportation.

TV RATING SYSTEM LEGISLATION

Mr. COATS. Mr. President, this past Thursday the Senate Commerce Committee held a hearing on the current television rating system. I want to commend Senator MCCAIN for calling that hearing. It was very instructional for all of us. What was apparent from that hearing is the near universal dissatisfaction with the current Hollywood rating system, the need for immediate change, the utter failure of the industry to understand what parents want in a rating system, and the basic responsibility that goes with using publicly owned broadcast spectrum.

Mr. President, we are beyond debate regarding the influence of television programming on children, particularly the most vulnerable of our children, growing up in single-parent homes or homes where the demand of work keep parents away and children unsupervised for long hours. This is, unfortunately, an increasing norm in our society.

It was a combination of these facts and the increasingly violent and explicit nature of television programming that produced the "V" chip legislation that passed last year and the demand for ratings that empower parents with content information so that they can exercise control over the type of television programming invading their households and their children's minds that they believe is inappropriate.

I call attention to the 1995 study of children age 10 to 16 conducted by the Los Angeles polling firm of Fairbank, Maslin, Maulin & Associates. In that poll, one-third of the children stated they would like to try what they see others doing on television; two-thirds stated that their peers are influenced by what they see on TV; 65 percent said programming like the Simpsons encouraged them to disrespect their parents; and an alarming 62 percent said that sex portrayed on television influences kids to have sex when they are too young. These are the results of the study of children 10 to 16. These are their responses to the questions that were asked by the poll.

Upon hearing the results of this poll, entertainer Steve Allen told editorialist Cal Thomas, "My first reaction is that we should take this information and beat (network TV executives) over the head with it." I think some of last week's hearing, for those who tuned in and those who were there, may have had the same effect, because there was universal, near universal, dissatisfaction with the efforts, lack of effort, made by the broadcasters, Hollywood producers and others to address some of these fundamental questions. That was a bipartisan response not confined to any one particular party.

Unfortunately, the system offered by the television industry to address this is critically flawed. There are two fatal problems with the system. First is the fact that the system does not provide program-specific, content-based information. This is the critical point.

The Hollywood ratings system adopted by the television industry essentially hides the true content of programs behind a generic rating that suggests to parents what may be in a program—I say what "may be" in a program, not what actually is in a program. Take the TV "PG" rating, which 61 percent of current television programs receive. In a 52-word explanation of this rating, it is stated: "This program may contain infrequent coarse language, limited violence, some suggestive dialog and situations."

Mr. President, I suggest that telling a parent what a program "may" include does not tell them very much. I ask, what would be so difficult, what is so hard about simply substituting the word "does" for the word "may." The program "does" contain infrequent coarse language. The program "does" contain limited violence. This program "does" contain some suggestive dialog and situations. In addition, why not provide parents with an audible explanation of content just prior to airing the programming and stating the information clearly and prominently on the screen.

The second fatal flaw in the current system proposed by Hollywood and adopted by the broadcasters is there is no standard format for how ratings are arrived at. In other words, each station or channel uses their own methods and priorities in assigning ratings. Fox uses one method, NBC another and so on. What is recommended as a standardized system to parents is, in fact, completely unique from station to station, channel to channel. In other words, it a rating in search of a meaning.

The Hollywood system designed by the Motion Producers Association head Jack Valenti was created to avoid giving parents information on the content of programs. I do not think you can come to any other conclusion. It is so confusing, it is so imprecise, I think you have to conclude that it was designed not to give specific information. Why? Well, clearly, I think they were concerned about advertisers not wanting to advertise on programs that included offensive language. Ultimately, it is the parents who turn off the sets, or the sets that are turned off because of the contents of programs, that will determine where those advertising dollars flow.

Now, Mr. President, I want to make sure that we all understand that we cannot and we should not be censors, but that our society depends on informed choices. We need to provide informed information and informed choices for parents. To do that requires information which the current Hollywood-Valenti rating system refuses to give.

It had been my hope that the television industry would be responsive to the public outcry against their age-based rating system. Polls conducted in response to the industry proposal by the PTA/Institute for Mental Health Initiatives demonstrated that 80 percent of parents desire a content-based system and a Media Study Center poll found similar results. Ask any parent, ask any parent what they need in order to make a determination on what they think their children should watch, and they say tell us what is in it. Do not give us some rating scheme where we do not know what it relates to, that is not standardized, that changes from station to station. Just tell us what is there.

Unfortunately, the industry has not simply ignored the American public; it has defied them. Mr. Valenti, the architect and the cheerleader for the current system, claims the system must be simple so that parents can understand it. Must be simple? Parents can understand it? The TV-Y rating requires a 47-word explanation; TV-Y7 requires 73 words to explain what it means; TV-14, 61 words. All of these ratings explanations are riddled with ambiguity. The only thing easy to understand about these ratings is who came up with them and why.

The system is not profamily, it is pro-Hollywood. It is designed to protect the Hollywood production houses. It is designed to protect advertisers who, confronted with content-specific ratings, would shun programs that include explicit material.

Now, supposedly there was some miraculous coming together of television executives and Hollywood for a commonsense rating of programs. Well, I think there has been some confusion here in the statement that they have refused to change, regardless of what the public wants. Now, thankfully, under the pressure of the congressional investigation, the congressional hearing, and the outpouring of outrage and frustration and dissatisfaction and disgust with the current system, there have been expressions that, yes, the industry is willing to take another look at this. I hope they not only take another look, but that they will do it quickly and do it effectively, because the industry doesn't own the broadcast spectrum, the public owns the broadcast spectrum. And because the public owns the spectrum, I think it is reasonable to ask that those who use the spectrum be responsive to the public's requests—again, not for censorship, but simply for information so they can make decisions about what is appropriate and not appropriate for their children to watch. Therefore, I think combining the request for granting or renewal of a license to broadcast on that spectrum is a reasonable thing to ask for in return for a content-based, program-specific rating system. In other words, if you want to use the public spectrum, if you have a responsibility—and the responsibility is to provide parents with information.

I, therefore, am introducing legislation today that will ensure that the changes the American people demand as a condition for license renewal, for license granting, or for loan of spectrum for the transition of digital broadcast—in return for that, we get broadcaster consent to accurately label their programming. I don't create a Government rating system. I simply want to put some information in the hands of parents.

The spectrum that is going to be loaned to broadcasters for digital transmission is extremely valuable. This resource also belongs to the American public, a public that overwhelmingly supports a program-specific, content-based rating system. The basic criteria for issuing a broadcast license is service of the public good. If a broadcaster can't comply with the basic will of the American people, by accurately labeling the product they seek to provide, on the taxpayers' spectrum, then I don't believe they deserve, nor should they receive, the precious resource of broadcast spectrum.

Mr. President, we cannot use Government to force more family-friendly programming—as much as sometimes I wish we could, given what we currently see.

Mr. President, we can empower parents with information that they need to guide their children's viewing habits. In doing so, we empower them to send a message to the networks, and television advertisers to stop the onslaught of the kind of programming that flows through our television sets into the minds of our children.

Mr. President, in conclusion, let me just say that in this age where it's harder and harder to protect children from information and from behavior and from activities in our society that is damaging not only to their bodies, but to their minds and souls, the parents need tools; they are crying out for weapons and tools to fight back against this onslaught of a hostile culture. They want to try to protect the innocence of their children—even if just for a little while. I think they have every right to demand the tool of accurate and responsible television ratings in return for the use of the public broadcast system.

My legislation would ensure this end. I hope my colleagues will join me in support of this effort. With that, I send to the desk the legislation designed to accomplish this very purpose.

By Mr. D'AMATO (for himself, Mr. GRAMM, Mr. SARBANES, and Mr. DODD):

S. 410. A bill to extend the effective date of the Investment Advisers Supervision Coordination Act; to the Committee on Banking, Housing, and Urban Affairs.

THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1997

• Mr. D'AMATO. Mr. President, today, I introduce with Senator GRAMM, Senator SARBANES, and Senator DODD, a bill to extend for 90 days the effective date of title III of the National Securities Markets Improvement Act of 1997.

The Investment Advisers Supervision Coordination Act enacted as part of the National Securities Market Improvement Act, divides the regulation of the Nation's 22,500 registered investment advisers between the SEC and State commissions. Under the new divided jurisdiction, investment advisers entrusted with over $10 trillion in customer funds, will be subject to better regulation and regular examination. As a result, consumers and investors will be better protected.

The legislation we introduce today will extend the effective date of the title III, section 308 of the National Securities Markets Improvement Act of 1996 90 days, from April 9, 1997 to July 8, 1997. This extension was requested by the Chairman of the SEC, Arthur Levitt, in his letter to the committee dated February 12, 1997. The legislation is necessary to ensure that the proper rules are in place to carry out the provisions of this title. While the Securities and Exchange Commission is working diligently to complete its rules by the original effective date, the Commission is concerned that investment advisers will not have enough time to examine the final rules and to complete and submit the new forms required.

Mr. President, Congress intended for State commissions to regulate investment advisers with assets under $25 million. However, State law will be preempted as it relates to all investment advisers who are still registered with the SEC when the provision becomes effective, regardless of their asset value. This means that if the SEC rules are not final or if investment advisers have not submitted forms to end their registration by April 9, 1997, State commissions will be unable to regulate the investment advisers who fall within their jurisdiction. Extending the effective date of the Investment Advisers Supervision Coordination Act would ensure that all investment advisers have sufficient time to register with the proper commission and prevent a gap in effective regulation.

I would like to thank the chairman of the Securities Subcommittee, and the ranking members of both the Banking Committee and the Securities Subcommittee for their cosponsorship of this legislation. It is my hope that the Senate will pass this legislation without amendment or delay so that the SEC and the State commissions can continue to move forward with these important changes to improve the regulation of investment advisers and protect investors.

Mr. President, I ask unanimous consent that the full text of the bill and the February 12, 1997 letter from Securities and Exchange Commission be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EFFECTIVE DATE.

Section 308(a) of the Investment Advisers Supervision Coordination Act (110 Stat. 3440) is amended by striking "180" and inserting "270".

U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, D.C., February 12, 1997.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO: I am writing to request that Congress extend the effective date of Title III of the National Securities Markets Improvement Act of 1996 for 90 days, from April 9 to July 8, 1997. Title III reallocates regulatory responsibilities over investment advisers between the states and the Commission.

The Commission has made substantial progress in completing the many rulemaking directives given to the Commission in the Improvement Act. In October, the Commission proposed a rule providing a safe harbor to allow journalists access to off-shore press conferences. In December, we proposed rules implementing new exemptions from the Investment Company Act for pools sold only to qualified investors. The Commission also proposed, on December 18, 1996, rules to implement Title III.

The Commission is making every effort to meet the legislative deadlines of the Improvement Act. Our rule proposals were issued only two months after the legislation was enacted, and the comment period for the proposals ended earlier this week. While we believe the Commission should be able to finish work on the adoption of the proposed rules by April 9, the effective date of Title III, we are very concerned that this timetable is likely not to afford investment advisers sufficient time to examine the new rules, consult with counsel as to their continuing regulatory status, and properly complete and submit the required forms.

We are also concerned about the effect of the April 9th effective date on state regulatory programs. As you know, Title III assigns important responsibilities for the regulation of investment advisers to state regulators. Because Title III will become effective on April 9th (whether or not the proposed rules are adopted), state law will be preempted as to all advisers still registered with the Commission, including those advisers that will be exclusively regulated by the states. If all (or most) advisers remain registered with the Commission on April 9 because they have not submitted the required forms, much of state investment adviser laws will be preempted, compromising state regulatory and enforcement programs.

By dividing jurisdiction over the 22,500 advisers currently registered with the Commission, the Improvement Act promises to provide more efficient and effective regulation of the investment advisory industry. The Commission strongly supported the enactment of the Act and has moved quickly to implement its purposes. We believe that by providing an additional 90 days, Congress will allow investment advisers adequate time to meet their obligations under the new rules and will avoid disrupting state regulatory efforts that are important if the goals of Title III of the Improvement Act are to be achieved.

If I or any of the Commission staff can answer any questions, please do not hesitate to contact us.

Sincerely,

ARTHUR LEVITT.

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. CAMPBELL, Mr. D'AMATO, Ms. MOSELEY-BRAUN, and Mr. SPECTER):

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Finance.

THE COMMERCIAL REVITALIZATION TAX ACT OF 1997

Mrs. HUTCHISON. Mr. President, I stand today to sponsor, along with Mr. ABRAHAM, Mr. CAMPBELL, Mr. D'AMATO, Ms. MOSELEY-BRAUN, Mr. SPECTER, and Mr. COCHRAN, the introduction of the Commercial Revitalization Tax Credit Act of 1997. This bill is identical to the bipartisan and widely supported legislation I sponsored during the last session.

This measure will create jobs, expand economic activity, and improve the physical appearance and increase the value of residential and commercial buildings in America's most distressed urban and rural communities. The bill provides a targeted tax credit to businesses to help defray the cost of construction, expansion, and renovation in these areas, and in the process will generate billions in privately based economic activity in those areas that need the most help in our country.

The Commercial Revitalization Tax Credit Act will fill in the gap between the broad range of tools our States and localities utilize to make declining neighborhoods healthy places to do business, to work, and to raise families. This tax credit will help businesses form a partnership with the Government to help revitalize areas of our country that have, in many cases, suffered from neglect and despair.

As we continue to look for ways to combat the decay of our inner cities and to raise the standard of living in many of our rural areas, I believe, and numerous studies demonstrate, that improving the physical structures in our neighborhoods not only has economic benefits but also tends to lift the hopes and expectations of the residents of those neighborhoods. Indeed, one of the key recommendations of the recent top-to-bottom review of law enforcement in this city, our Nation's Capital, was to improve the many abandoned buildings in the city that create an atmosphere conducive to crime and despair.

This legislation will build on local initiatives like this in the District of Columbia, as well as many now underway in cities in Texas and throughout the country. The Commercial Revitalization Tax Credit Act will build upon the empowerment zone/enterprise community program that is now unfolding in 109 communities in the United States. Texas has five of these specially designated areas: Houston, Dallas, El Paso, San Antonio, and Waco, as well as one rural zone in the Rio Grande valley covering four counties. Not only will these cities qualify for the credit under my bill, but so will the 400 communities in the United States that sought such designation but were not selected. State-established enterprise zones and others specifically designated revitalization districts established by State and local governments will also be able to participate. In all, over 1,000 areas will qualify for this credit nationwide.

Our bill contains the following main features: A tax credit that may be applied to construction amounting to at least 25 percent of the basis of the property, in designated revitalization areas; qualified investors could choose a one-time 20-percent tax credit against the cost of new construction or rehabilitation. For instance, if the expansion of a supermarket in Brownsville, TX, in the Rio Grande valley, in the empowerment zone there, cost $150,000, the tax credit against income would be $30,000. Alternatively, the business owner could take a 5-percent credit each year over a 10-year period; And tax credits totaling $1.5 billion would be allocated to each State according to a formula, with States and localities determining the priority of the projects.

Mr. President, with a minimum level of bureaucratic involvement and through a proven tax mechanism, this initiative will make a significant difference in the lives of thousands of families in need and for the economies of hundreds of distressed urban and rural communities across this Nation. I hope my colleagues will join me in supporting this sound and effective pro-growth initiative.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Revitalization Tax Act of 1997".

SEC. 2. COMMERCIAL REVITALIZATION TAX CREDIT.

(a) ALLOWANCE OF CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the commercial revitalization credit."

(b) COMMERCIAL REVITALIZATION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code cf 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

"SEC. 48A. COMMERCIAL REVITALIZATION CREDIT.

"(a) GENERAL RULE.—For purposes of section 46, except as provided in subsection (e), the commercial revitalization credit for any taxable year is an amount equal to the applicable percentage of the qualified revitalization expenditures with respect to any qualified revitalization building.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means—

"(A) 20 percent, or

"(B) at the election of the taxpayer, 5 percent for each taxable year in the credit period.

The election under subparagraph (B), once made, shall be irrevocable.

"(2) CREDIT PERIOD.—

"(A) IN GENERAL.—The term 'credit period' means, with respect to any building, the period of 10 taxable years beginning with the taxable year in which the building is placed in service.

"(B) APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) and (4) of section 42(f) shall apply.

"(c) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(A) such building is located in an eligible commercial revitalization area,

"(B) a commercial revitalization credit amount is allocated to the building under subsection (e), and

"(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to the building.

"(2) QUALIFIED REHABILITATION EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified rehabilitation expenditure' means any amount properly chargeable to capital account—

"(i) for property for which depreciation is allowable under section 168 and which is—

"(I) nonresidential real property, or

"(II) an addition or improvement to property described in subclause (I),

"(ii) in connection with the construction or substantial rehabilitation or reconstruction of a qualified revitalization building, and

"(iii) for the acquisition of land in connection with the qualified revitalization building.

"(B) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building for any taxable year shall not exceed $10,000,000, reduced by any such expenditures with respect to the building taken into account by the taxpayer or any predecessor in determining the amount of the credit under this section for all preceding taxable years.

"(C) CERTAIN EXPENDITURES NOT INCLUDED.—The term 'qualified revitalization expenditure' does not include—

"(i) STRAIGHT LINE DEPRECIATION MUST BE USED.—Any expenditure (other than with respect to land acquisitions) with respect to which the taxpayer does not use the straight line method over a recovery period determined under subsection (c) or (g) of section 168. The preceding sentence shall not apply to any expenditure to the extent the alternative depreciation system of section 168(g) applies to such expenditure by reason of subparagraph (B) or (C) of section 168(g)(1).

"(ii) ACQUISITION COSTS.—The costs of acquiring any building or interest therein and any land in connection with such building to the extent that such costs exceed 30 percent of the qualified revitalization expenditures determined without regard to this clause.

"(iii) OTHER CREDITS.—Any expenditure which the taxpayer may take into account in computing any other credit allowable under this part unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(3) ELIGIBLE COMMERCIAL REVITALIZATION AREA.—The term 'eligible commercial revitalization area' means—

"(A) an empowerment zone or enterprise community designated under subchapter U,

"(B) any area established pursuant to any consolidated planning process for the use of Federal housing and community development funds, and

"(C) any other specially designated commercial revitalization district established by any State or local government, which is a low-income census tract or low-income nonmetropolitan area (as defined in subsection (e)(2)(C)) and is not primarily a nonresidential central business district.

"(4) SUBSTANTIAL REHABILITATION OR RECONSTRUCTION.—For purposes of this subsection, a rehabilitation or reconstruction shall be treated as a substantial rehabilitation or reconstruction only if the qualified revitalization expenditures in connection with the rehabilitation or reconstruction exceed 25 percent of the fair market value of the building (and its structural components) immediately before the rehabilitation or reconstruction.

"(d) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

"(1) IN GENERAL.—Qualified revitalization expenditures with respect to any qualified revitalization building shall be taken into account for the taxable year in which the qualified rehabilitated building is placed in service. For purposes of the preceding sentence, a substantial rehabilitation or reconstruction of a building shall be treated as a separate building.

"(2) PROGRESS EXPENDITURE PAYMENTS.—Rules similar to the rules of subsections (b)(2) and (d) of section 47 shall apply for purposes of this section.

"(e) LIMITATION ON AGGREGATE CREDITS ALLOWABLE WITH RESPECT TO BUILDINGS LOCATED IN A STATE.—

"(1) IN GENERAL.—The amount of the credit determined under this section for any taxable year with respect to any building shall not exceed the commercial revitalization credit amount (in the case of an amount determined under subsection (b)(1)(B), the present value of such amount as determined under the rules of section 42(b)(2)(C)) allocated to such building under this subsection by the commercial revitalization credit agency. Such allocation shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(2) COMMERCIAL REVITALIZATION CREDIT AMOUNT FOR AGENCIES.—

"(A) IN GENERAL.—The aggregate commercial revitalization credit amount which a commercial revitalization credit agency may allocate for any calendar year is the portion of the State commercial revitalization credit ceiling allocated under this paragraph for such calendar year for such agency.

"(B) STATE COMMERCIAL REVITALIZATION CREDIT CEILING.—

"(i) IN GENERAL.—The State commercial revitalization credit ceiling applicable to any State for any calendar year is an amount which bears the same ratio to the national ceiling for the calendar year as the population of low-income census tracts and low-income nonmetropolitan areas within the State bears to the population of such tracts and areas within all States.

"(ii) NATIONAL CEILING.—For purposes of clause (i), the national ceiling is $100,000,000 for 1998, $200,000,000 for 1999, and $400,000,000 for each calendar year after 1999.

"(iii) OTHER SPECIAL RULES.—Rules similar to the rules of subparagraphs (D), (E), (F), and (G) of section 42(h)(3) shall apply for purposes of this subsection.

"(C) LOW-INCOME AREAS.—For purposes of subparagraph (B), the terms 'low-income census tract' and 'low-income nonmetropolitan area' mean a tract or area in which, according to the most recent census data available, at least 50 percent of residents earned no more than 60 percent of the median household income for the applicable Metropolitan Standard Area, Consolidated Metropolitan Standard Area, or all nonmetropolitan areas in the State.

"(D) COMMERCIAL REVITALIZATION CREDIT AGENCY.—For purposes of this section, the term 'commercial revitalization credit agency' means any agency authorized by a State to carry out this section.

"(E) STATE.—For purposes of this section, the term 'State' includes a possession of the United States.

"(f) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION CREDIT AGENCIES.—

"(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization credit dollar amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a part, and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such project and provides such individual a reasonable opportunity to comment on the project.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization credit agency which are appropriate to local conditions,

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for an eligible commercial revitalization area through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the eligible commercial revitalization area, and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring for compliance with this section.

"(g) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2000."

(b) CONFORMING AMENDMENTS.—

(1) Section 39(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) NO CARRYBACK OF SECTION 48A CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to any commercial revitalization credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A."

(2) Subparagraph (B) of section 48(a)(2) of such Code is amended by inserting "or commercial revitalization" after "rehabilitation" each place it appears in the text and heading thereof.

(3) Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the basis of any qualified revitalization building attributable to qualified revitalization expenditures."

(4) Paragraph (2) of section 50(a) of such Code is amended by inserting "or 48A(d)(2)" after "section 47(d)" each place it appears.

(5) Subparagraph (B) of section 50(a)(2) of such Code is amended by adding at the end the following new sentence: "A similar rule shall apply for purposes of section 48A."

(6) Paragraph (2) of section 50(b) of such Code is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) a qualified revitalization building to the extent of the portion of the basis which is attributable to qualified revitalization expenditures."

(7) Subparagraph (C) of section 50(b)(4) of such Code is amended by inserting "or commercial revitalization" after "rehabilitated" each place it appears in the text and heading thereof.

(8) Subparagraph (C) of section 469(i)(3) is amended—

(A) by inserting "or section 48A" after "section 42", and

(B) by striking "CREDIT" in the heading and inserting "AND COMMERCIAL REVITALIZATION CREDITS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1997.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 304

At the request of Mr. DORGAN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 304, a bill to clarify Federal law with respect to assisted suicide, and for other purposes.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 366

At the request of Mr. COVERDELL, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 366, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 368

At the request of Mr. BOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 368, a bill to prohibit the use of Federal funds for human cloning research.

S. 380

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 380, a bill to prohibit foreign nationals admitted to the United States under a nonimmigrant visa from possessing a firearm.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 380, supra.

S. 381

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine [Ms. COLLINS] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

SENATE RESOLUTION 60

At the request of Ms. COLLINS, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 60, a resolution to commend students who have participated in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony from the Department of Energy and FERC on the President's 1998 budget, has been postponed.

The hearing was scheduled to take place on Tuesday, March 11, 1997, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC, and will be rescheduled later.

For further information, please call Karen Hunsicker, counsel (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, March 11, 1997, at 9:30 a.m. in room 485, Russell Senate Building to approve the committee's letter to the Committee on the Budget relating to the budget views and estimates for fiscal year 1998 for Indian programs.

Those wishing additional information should contact the Committee on Indian Affairs at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, March 12, 1997, at 2:30 p.m. in room 106 of the Dirksen Senate Building with the Committee on Banking, Housing, and Urban Affairs to conduct a joint oversight hearing on Indian housing programs operated by the Department of Housing and Urban Development [HUD].

Those wishing additional information should contact the Committee on Indian Affairs at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 6, 1997, beginning at 2:15 p.m. to hold a hearing and markup on the Governmental Affairs Committee request for additional funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 6, 1997, at 10 a.m. in open session, to consider the nomination of Keith R. Hall to be Assistant Secretary of the Air Force for Space.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 6, 1997, to conduct a hearing of the following nominees: Yolanda T. Wheat, of Maryland, to be a member of the National Credit Union Administration Board; Charles A. Gueli, of Maryland, to be a member of the Board of Directors of the National Institute of Building Sciences; Niranjan S. Shah, of Illinois, to be a member of the National Institute of Building Sciences; and Jeffery A. Frankel, of California, to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 6, 1997, beginning at 10 a.m. in room 213, Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, the Finance Committee Subcommittee on Health Care requests unanimous consent to conduct a hearing on Thursday, March 6, 1997, beginning at 2 p.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 6, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 6, 1997, at 9:30 a.m. for a hearing on Federal tax policy for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, the Committee on the Judiciary asks unanimous consent to hold an executive business meeting on Thursday, March 6, 1997, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on health care quality and consumer protection during the session of the Senate on Thursday, March 6, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. COLLINS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' affairs to receive the legislative presentation of the Paralyzed Veterans of America, Jewish War Veterans, the Retired Officers Association, Association of the U.S. Army, Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association. The hearing will be held on March 6, 1997, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 6, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND FOREIGN COMMERCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Consumer Affairs and Foreign Commerce and Tourism Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 6, 1997, at 2:30 p.m. on product liability reform: Success of the General Aviation Revitalization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 6, 1997, at 2 p.m. to hold a closed business meeting on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, March 6, at 9:30 a.m., hearing room SD–406, on the Intermodal Surface Transportation Efficiency Act and innovative transportation financing, technology, construction, and design practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Oceans and Fisheries and Science, Technology and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 6, 1997, at 10 a.m. on review of NOAA's fiscal year 1998 budget request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FARMING THE NEW FRONTIER

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1996–97 Eigth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the Congressional Record because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Farming the New Frontier." Students were encouraged to consider and creatively express the role of Indiana agriculture in our country and in the world marketplace. I would like to submit for the Record the winning essays of Shannon McArtor of Monroe County and Kyle Roth of Pulaski County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, March 7, 1997, during a visit to our Nation's Capitol.

The essays are as follows:

FARMING THE NEW FRONTIER

(By Shannon McArtor)

Vegetables that grow in water? Seedless watermelon? Miniature cobs of corn? Hearty soybeans? American farmers are boldly going where no one has gone before!

Biotechnology is going through major changes that will affect our lives as we approach the 21st century. Biotechnology will help farmers grow more, and better, crops such as corn, beans, alfalfa, and wheat. The future is bright for forage producers, due in part to new technology that allows industries to grow bigger, tastier, and better vegetables and grains.

Biotechnology has created a hybrid of soybean that can withstand certain harmful herbicides. The STS gene protects soybeans from sulfonylurea herbicides only. Soybean varieties with resistance to certain herbicides are now available. The farmer has a choice in selecting programs to control weeds.

Because of advances in biotechnology there are corn hybrids that can resist the harsh substance called glufosinate-ammonium which is the active ingredient in New Liberty herbicide. Biotechnology has also helped to find hybrids that can resist the European corn borer. These hybrids produce a gene that contains a protein that protects these plants from damage caused by ECB (European corn borer). This gene originated from a bacterium and originally placed in the corn inbred line using techniques of biotechnology. The addition of B+ gene enhances protection of crops because the plants will achieve levels of insect resistance which are not possible using traditional breeding methods.

These new discoveries in farming will keep our nation healthy in more than one way. It will give us an ample supply of corn and beans on less acres. It will protect the vitamins contained in grains and vegetables thus providing better foods to eat. Biotechnology is going to make life better!

FARMING THE NEW FRONTIER

(By Kyle Roth)

Hello! Welcome to Bio Tech Laboratories. My name is Dr. Bio. Tech and I will be your tour guide today as we take a walk through my laboratory. Follow me while I show you just a few of the interesting things we have been working on. You know, biotechnology research wants to make a crop production more efficient and also create new varieties of crops.

Take a look at the tomato and potato. We have genetically transferred a gene from an Arctic fish to the tomato increasing its freeze tolerance. The potato has been crossed with soil bacteria to make it insect resistant.

As we go outside, Keep in mind that the world population is increasing and valuable farm ground is being gobbled up by land developers. We try to help farmers by developing seeds that will be resistant to weeds, insects, and disease. Every number that you see by this corn test plot has a different "specialty". This one is drought resistant. Another one has long full ears. That one prefers a certain soil type. Because farmers feed the world, we want them to have access to global positioning-farming by computer-so that they will produce more food.

Trying not to be scientific, I must say genetic engineering is a very powerful tool in biotechnology. We are developing new traits into crops and livestock. Vegetable crops can be altered to produce vegetables that taste and look better. Don't those green beans look appetizing? They also have improved nutritional quality.

Feast your eyes on that bread! The yeast has been altered to make the bread taste better. With the wide variety of food we have to offer, consumers can have a greater choice; and because we have improved the quality and nutrients, these food products are also healthier. Thanks for stopping by, and try a slice of our great tasting bread on your way out!

1996–97 DISTRICT WINNERS

District 1: Kyle Roth, Melissa Lichtenbarger
District 2: Ryan Johnson, Heather Butts
District 3: Ryan Frey, Julia Pokorney
District 4: Shawn Smith, Trisha Penner
District 5: Timothy Heck, Marni Yeagley
District 6: Cory Bohlander, Melissa Winebarger
District 7: Brandon Roe, Shannon McArtor
District 8: Thomas Naylor, Christine Jeffrey
District 9: John Saalweachter, Christa Rentehler
District 10: Allen Haberthier, Katrina Madden

1996–97 COUNTY WINNERS

Bartholomew: Peter Reichenbach, Christine Jeffrey
Boone: Timothy Heck, Charlotte Orr
Cass: Shawn Baker, Julia Pokorney
Carroll: Lance Hofmann
Dearborn: Nathan Lehn, Claire Cradler
Decatur: David Stewart
Delaware: Joel Rossol, Melissa Winebarger
Fayette: Thomas Naylor
Fulton: Johanna Martin
Gibson: Carolyn Moseley
Hamilton: Sam Tischfield, Natalie Templeton
Hancock: Jimmy Asher, Heather Hobbs
Henry: John Sweigart
Huntington: Nathan Scheiber, Jennifer Stetzel
Jackson: Christopher Lambring, Cheyenne Hackman
Jay: Dustin Knipp, Tarra Rothburn
Kosciusko: Isaac Wildman, Heather Butts
Lake: Wesley Gordon, Mary Owen
Madison: Cory Bohlander, Jessica Landess
Marion: Bob Cook, Christy Utnage
Miami: John Einselen
Montgomery: Wes 'Ambrose, Marni Yeagley
Newton: Ryan Haste
Portor: Bryan Martinez, Allison Payer
Posey: John Saalweachter, Jennifer Symanski
Randolph: Wade Chalfant
St. Joseph: Andrew Callan, Melissa Lichtenbarger
Spencer: Carmen Dominquez
Vanderburgh: Bradley Painter, Leslie Rudolph
Wabash: Shawn Smith, Trisha Penner
Warrick: Benfamin Baker, Christa Rentchler
Wells: Jenni Mason.●

NATIONAL SPORTSMANSHIP DAY

● Mr. REED. Mr. President, I rise in honor of National Sportsmanship Day, which was observed on March 4, in over 8,000 schools in all 50 States and 75 countries throughout the world.

National Sportsmanship Day was conceived by the Institute for International Sport, located in my home State of Rhode Island. The Institutes slogan, "Dare to Play Fair," challenges athletes, coaches, administrators, and parents to reflect on the true meaning of competition and to discuss the importance of ethics and fair play in sport, the classroom, and everyday life.

The centerpiece of this years National Sportsmanship Day was a seminar and town meeting at the University of Rhode Island discussing the issue of violence in sport. This day long event included panels composed of professional athletes, coaches, and journalists who discussed the many different aspects of this issue.

In addition, the Institute has enlisted the help of several Sports Ethics Fellows, including the winner of baseball's Roberto Clemente Man of the Year Award and 10 time All-Star for the Minnesota Twins, Kirby Puckett, Rhode Island's own Brad Faxon, one of the top golfers on the PGA tour and the cofounder of the Billy Andrade-Brad Faxon Charities for Children Program. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

Indeed, the Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by writing articles on sportsmanship and developing programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a worthy goal, honor, discipline, and hard work are more important. Indeed, these values will guide them in all aspects of everyday life.

Mr. President, I ask my colleagues to join the President's Council on Physical Fitness and Sports and the Rhode Island congressional delegation in recognizing this day and the principles it embodies.●

HOME OFFICE TAX DEDUCTION

● Mr. BURNS. Mr. President, as an original cosponsor of the home office tax deduction bill introduced today by Senator HATCH, I rise in strong support of this measure and urge its expeditious passage in the Senate.

Today, home-based business is the new workplace. The new workplace is interactive video, the Internet, and digital documents. Telecommuting is now common, saving travel costs and time. But it's not just a matter of cost, it's a matter of lifestyle. With technology, the new workplace means you can live anywhere you want and still make a living doing what you love. And spend a few extra hours with the kids. In my State of Montana, where there's a lot of dirt between light bulbs, those extra hours really add up.

Back in 1993, shortly after the Supreme Court's Soliman decision, I introduced the home office tax deduction bill, and I've been pushing for it ever since. We must allow a tax deduction for essential activities, such as billing, performed in the home when that is the only available place for such activities. As the law now stands, workers like Dr. Soliman who spend 15 hours per week doing billing in an exclusive home office are denied the deduction. That's not right. Home offices that are used regularly and solely for business purposes—whether it's by physicians, salespeople, or mothers working at home—should be an allowable deduction.

A few weeks ago the Senate Small Business Committee, of which I am a member, held a hearing on women-owned and home-based businesses. We heard from small businesspeople who expressed their frustration with Federal tax laws that hinder their ability to succeed. Some of today's largest companies started as home businesses, and the potential for job and economic growth is unlimited, provided the tax code is not a barrier to that growth.

I thank Senator HATCH for introducing this measure today.•

HONORING THE WOMEN'S BUSINESS DEVELOPMENT CENTER

• Ms. MOSELEY-BRAUN. Mr. President, I want to take a moment to recognize the achievements of the Women's Business Development Center [WBDC]. Today, they are celebrating their 10th anniversary, and I truly wish I were able to join their celebration in person.

Currently, there are over 8 million women-owned businesses in the United States, generating $2.3 trillion in sales. In my home state of Illinois alone, there are over 350,000 women business owners. Women business owners across the country employ one of every four U.S. company workers, and women in business are contributing to economic growth both at home and abroad. The story of women in business is one of unqualified success, and that success is thanks in no small part to organizations like the Women's Business Development Center.

For the past decade, the WBDC has dedicated itself to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy. Founded in 1986 by Carol Dougal and Hedy Ratner, the WBDC is currently active in six States—Illinois, Indiana, Ohio, Florida, Massachusetts, and Pennsylvania, and has served over 30,000 women business owners. The highly successful programs and services of the WBDC are many in number, including counseling, workshops, entrepreneurial training, the women's business finance programs, the women's business enterprise initiative, the entrepreneurial women's conference and women's business and buyer's mart.

I wish to commend the WBDC for their vital role in the growing economic impact of women business owners on our Nation's economy. I am proud that the WBDC was founded in Illinois, and that the effects of their good works are felt far beyond the borders of my State.•

PARTIAL BIRTH ABORTION BAN ACT OF 1997

• Mr. BURNS. Mr. President, I rise to express my strong support for S. 6, the Partial Birth Abortion Ban Act of 1997. As a cosponsor of this bill, I want to take a moment to discuss why it is so important that we act on it as soon as possible.

Mr. President, as my voting record shows, I have always voted pro-life on issues concerning abortion. However, my support for S. 6 and my vote on the partial birth abortion ban during the 104th Congress was not simply a moral judgment on abortion. This debate is not about reproductive choice; it's not even about abortion. Partial birth abortion is a cruel procedure and is abhorrent to most Americans. In fact, most physicians believe it is never medically necessary. This procedure is far beyond human decency.

Mr. President, it is shocking to me that the debate over partial birth abortion is even necessary. A procedure whereby a child is partly delivered and then its brains are suctioned out has no place in a civilized society. It certainly has no place in America. Let's join together, pro-life and pro-choice, and do the right thing. Let's put an end to this cruel procedure.•

HONORING THE GLEANERS COMMUNITY FOOD BANK OF GREATER DETROIT

• Mr. LEVIN. Mr. President, I have the distinct honor of paying tribute to the Gleaners Community Food Bank of Greater Detroit, which this year celebrates its 20th year of providing food to needy people in southeastern Michigan.

On March 12, 1997, the Gleaners annual Women's Power Breakfast will bring together more than 200 of southeast Michigan's civic, professional, and corporate leaders to help lead the fight against hunger. The power breakfast was created 4 years ago by Gleaners board member Dulcie Rosenfeld and is led this year by honorary co-chairs Michelle Engler and Judge Trudy Archer, and by breakfast co-chairs Irma Elder, Barbara Levin, Helen Love, and Amanda Van Dusen. Knowing the considerable talent and commitment of these women, I have no doubt that breakfast participants will meet their challenge of raising money and awareness to help Gleaners find solutions to hunger in southeastern Michigan.

Gleaners Community Food Bank was founded in 1977 with a mission of bringing together food, resources, and manpower into a single collection, storage, and distribution center to help feed southeastern Michigan's hungry. Since its creation, Gleaners has collected surplus food from the region's farmers, food distributors and processors, supermarkets, grocery stores, and individuals. Each year, this vital organization collects, stores, and distributes more than 12 million pounds of food to more than 200 agencies, including soup kitchens, church pantries, and shelters for homeless or battered women.

Since its inception, Gleaners has been able to rely on the generosity of the people of southeastern Michigan. Each Saturday, approximately 100 volunteers from church groups, schools, unions, and corporations come together to assemble food packs for distribution to various agencies. Food drives, fundraising events, corporate donations, foundation grants, and donations from individuals contribute greatly to Gleaners success.

Hunger is faced by people of all ages, races, and socio-economic levels in communities throughout our Nation. I am proud to have such a dedicated and successful organization leading the fight against this problem in my home State. We should all take inspiration from the example we see here and recommit our efforts to eradicate hunger in this country and around the world.•

FAMILY FRIENDLY WORKPLACE ACT

• Mr. BURNS. Mr. President, as a cosponsor of S. 4, the Family Friendly Workplace Act of 1997, I rise to express my strong support for this legislation.

Mr. President, Americans have always struggled to balance the conflicting demands of work and family, but today, more than ever, families, especially double earners, are finding the old, rigid workplace structure of a different era to be the main barrier to a family friendly schedule. This is ironic because today's technology makes telecommuting from home common through the Internet and interactive video, allowing the flexibility many workers need to spend more time with their families.

The problem is that in the eyes of our Federal laws the workplace has not changed since the 1930's. Federal wage-and-hour laws were developed during the New Deal era, when about one mother in six with school-aged children worked. But the workplace is vastly different today. Over 70 percent of mothers with kids in school work, and the rigid 8-hour-per-day, 40-hour-per-week work schedule is less rational or justifiable. Simply put, the wage-and-hour laws belong in a different era—one that ended about 50 years ago.

Federal Government workers have had a flexible work schedule option for three decades. Under a flextime arrangement, many Federal employees work 10-hour days, 4 days per week. For a mother with a young child, this means 1 less day per week she'll have to pay for daycare. You can bet that adds up.

Flextime has been a tremendous benefit for Federal workers, especially women. Why shouldn't non-Federal workers have this benefit as well? The answer is that they should, and that's what S. 4 will do. Under this bill, an employee will have three options: First, flexible scheduling—to work additional hours 1 week for credit, up to 50 hours, toward a shorter work day or work week later at full pay; second, biweekly scheduling—to schedule 80 hours over a 2-week period in any combination; or third, compensatory time off—to choose time-and-a-half compensatory time off, up to 240 hours—160 hours at time-and-a-half, for overtime hours worked in lieu of time-and-a-half pay. No employee may be required to participate in these programs, and coercion or intimidation by the employer with respect to participation is prohibited.

This is commonsense legislation endorsed by Working Women and Working Mother magazines. It's time to tear down the barriers to a family friendly workplace and give hardworking Americans the flexibility to spend time with their families.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David W. Carle:									
Canada	Dollar	553	404.00					553	404.00
United States	Dollar				684.00				684.00
Edward J. Barron:									
Singapore	Dollar	2,294.84	1,638.00					2,294.84	1,638.00
United States	Dollar				4,698.95				4,698.95
Switzerland	Franc	868.10	686.00					868.10	686.00
Italy	Lire	2,132,790	1,405.00					2,132,790	1,405.00
United States	Dollar				3,529.55				3,529.55
Katherine M. Howard:									
Japan	Dollar		656.00						656.00
Hong Kong	Dollar		1,577.90						1,577.90
Singapore	Dollar		2,185.37						2,185.37
United States	Dollar				4,701.95				4,701.95
Switzerland	Dollar		1,029.00						1,029.00
Italy	Dollar		1,405.00						1,405.00
United States	Dollar				4,124.55				4,124.55
Total			10,986.27		17,739.00				28,725.27

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Feb. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
Canada	Dollar	553.20	389.00			20.00	14.60	573.20	403.60
United States	Dollar				684.00				684.00
Timothy Rieser:									
Canada	Dollar	478.20	349.23					478.20	349.23
United States	Dollar				684.00				684.00
Total			738.23		1,368.00		14.60		2,120.83

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Oct. 28, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles S. Abell:									
Japan	Dollar		512.00						512.00
Hong Kong	Dollar		394.00						394.00
Korea	Dollar		1,248.00						1,248.00
Patrick T. Henry:									
Japan	Dollar		1,250.00						1,250.00
Hong Kong	Dollar		394.00						394.00
Korea	Dollar		1,248.00						1,248.00
Senator John S. McCain:									
Thailand	Baht	5,507	217.00					5,507	217.00
Burma	Dollar		155.00						155.00
Cambodia	Dollar		472.00						472.00
Vietnam	Dollar		882.00						882.00
Hong Kong	Dollar		970.00						970.00
United States	Dollar				3,285.95				3,285.95
Marshall A. Salter:									
Thailand	Baht	5,507	217.00					5,507	217.00
Burma	Dollar		155.00						155.00
Cambodia	Dollar		472.00						472.00
Vietnam	Dollar		882.00						882.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hong Kong	Dollar		970.00						970.00
United States	Dollar				3,221.95				3,221.95
J. Philip Reberger:									
Korea	Dollar		524.00						524.00
Senator Dirk Kempthorne:									
Korea	Dollar		524.00						524.00
Steven Wolfe:									
Korea	Dollar		936.00						936.00
Senator John Warner:									
United Kingdom	Dollar		927.00						927.00
Cord Sterling:									
Panama	Dollar		75.00						75.00
Colombia	Dollar		486.00						486.00
United States	Dollar				892.95				892.95
Bert Mizusawa:									
Panama	Dollar		808.02						808.02
United States	Dollar				1,335.95				1,335.95
Total			14,718.02		8,736.80				23,454.82

STROM THURMOND,
Chairman, Committee on Armed Services, Feb. 18, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1, TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brent Franzel:									
Indonesia	Dollar		675.00						675.00
United States	Dollar				763.00				763.00
Total			675.00		763.00				1,438.00

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Feb. 7, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Ashby:									
Singapore	Dollar	2,609.60	1,864.00					2,609.60	1,864.00
United States	Dollar				4,224.95				4,224.95
Earl W. Comstock:									
Russia	Dollar		1,700.00						1,700.00
United States	Dollar				1,843.95				1,843.45
John T. McCabe:									
Russia	Dollar		1,700.00						1,700.00
United States	Dollar				1,843.45				1,843.45
Senator Ernest F. Hollings:									
Ireland	Pound	833.46	1,355.00					833.46	1,355.00
Ivan A. Schlager:									
Ireland	Pound	833.46	1,355.00					833.46	1,355.00
United States	Dollar				972.45				972.45
Senator Bill Frist:									
Thailand	Baht	16,490	651.00					16,490	651.00
Mark Tipps:									
Thailand	Baht	16,490	651.00					16,490	651.00
Total			9,276.00		8,884.30				18,160.30

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Feb. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Murkowski:									
Hong Kong	Dollar	9,200	776.60					9,200	776.60
Taiwan	Dollar	17,411	634.50					17,411	634.50
Japan	Yen	96,282	851.00					96,282	851.00
United States	Dollar				4,776.32				4,776.32
Gregg Renkes:									
Hong Kong	Dollar	9,200	776.60					9,200	776.60
Taiwan	Dollar	17,411	634.50					17,411	634.50

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Japan	Yen	127,735.92	1,129.00					127,735.92	1,129.00
United States	Dollar				4,098.32				4,098.32
Deanna Okun:									
Hong Kong	Dollar	9,200	776.60					9,200	776.60
Taiwan	Dollar	17,411	634.50					17,411	634.50
Japan	Yen	96,282	851.00					96,282	851.00
United States	Dollar				4,098.32				4,098.32
David Garman:									
Switzerland	Franc		2,223.70						2,223.70
United States	Dollar				1,117.15				1,117.15
Total			9,288.00		14,090.11				23,378.11

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Feb. 25, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Biegun:									
Belarus	Dollar		750.00						750.00
Ukraine	Dollar		750.00						750.00
United States	Dollar				3,783.00				3,783.00
Daniel Fisk:									
Nicaragua	Dollar		1,178.00						1,178.00
United States	Dollar				846.95				846.95
Panama	Dollar		446.25						446.25
United States	Dollar				520.95				520.95
Garrett Grigsby:									
Rwanda	Dollar		1,715.00						1,715.00
United States	Dollar				6,690.95				6,690.95
Michael Haltzel:									
Germany	Mark	1,014.35	662.50					1,014.35	662.50
United Kingdom	Pound	375.37	618.00					375.37	618.00
United States	Dollar				5,371.35				5,371.35
Gina Marie Hatheway:									
Panama	Dollar		578.00						578.00
United States	Dollar				971.59				971.59
Linda Rotblatt:									
Italy	Lira	2,428,198	1,599.60					2,428,198	1,599.60
United States	Dollar				3,430.25				3,430.25
Daniel Shapiro:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		1,576.00						1,576.00
Taiwan	Dollar		282.00						282.00
Nepal	Dollar		1,442.00						1,442.00
United States	Dollar				4,617.95				4,617.95
Curt Silvers:									
Hong Kong	Dollar	10,500	1,358.00					10,500	1,358.00
Taiwan	Dollar	15,482	564.00					15,482	564.00
Malaysia	Ringgit	1,530.15	606.00					1,530.15	606.00
United States	Dollar				4,197.85				4,197.85
Senator Fred Thompson:									
Hong Kong	Dollar	10,500	1,358.00					10,500	1,358.00
Taiwan	Dollar	15,482	564.00					15,482	564.00
Malaysia	Ringgit	1,530.15	606.00					1,530.15	606.00
United States	Dollar				7,131.85				7,131.85
Christopher Walker:									
Rwanda	Dollar		1,660.00						1,660.00
United States	Dollar				6,690.00				6,690.00
Steve Phillips:									
Singapore	Dollar	1,912.37	1,365.00					1,912.37	1,365.00
United States	Dollar				4,250.95				4,250.95
Marshall Billingslea:									
The Netherlands	Guilder	1,554.53	895.00					1,554.53	895.00
United States	Dollar				3,271.55				3,271.55
Total			21,326.35		51,775.19				73,101.54

JESSE HELMS,
Chairman, Committee on Foreign Relations, Jan. 30, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Hertling:									
United States	Dollar				4,320.95				4,320.95
Argentina	Peso	1,667	1,667.00	50	50.00			1,717	1,717.00
Michael Myers:									
United States	Dollar				6,359.35				6,359.35
Kenya	Shilling	26,169.60	470.00					26,169.60	470.00
Kenya	Dollar		315.00						315.00
Rwanda	Dollar		565.00						565.00
Steven Elka:									
United States	Dollar				2,944.95				2,944.95

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Singapore	Dollar	1,874.54	1,338.00					1,874.54	1,338.00
Total			4,355.00		13,675.25				18,030.25

ORRIN HATCH,
Chairman, Committee on the Judiciary, Jan. 24, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Suzanne Spaulding			818.44		4,635.00				5,453.44
Mark Heilbrun			1,792.00		5,395.95				7,187.95
Senator Richard Shelby			2,192.00		2,805.95				4,997.95
Tom Young			2,240.00		2,841.95				5,081.95
Pete Dorn			2,293.00		2,841.95				5,134.95
Senator Arlen Specter			259.79						259.79
Craig Synder			2,760.48						2,760.48
Senator Mike DeWine			345.00						345.00
Mark Heilbrun			471.00						471.00
Laura Pressler			549.90						549.90
Emily Francona			1,746.00		3,978.95				5,724.95
Randy Schieber			1,433.00		3,978.95				5,411.95
Alfred Cumming			410.10		1,396.95				1,807.05
Melvin Dubee			389.10		1,396.95				1,786.05
Total			17,699.81		29,272.60				46,972.41

ARLEN SPECTER,
Chairman, Select Committee on Intelligence, Jan. 16, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Representative Pete Stark:									
France	Franc	1,703.36	333.00	2,335.98	457.14			4,039.34	790.14
Total			333.00		457.14				790.14

CONNIE MACK,
Chairman, Joint Economic Committee, Jan. 13, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM NOV. 8 TO NOV. 17, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Vietnam	Dollar		842.00						842.00
People's Republic of China	Yuan	4,161.60	502.00					4,161.60	502.00
Hong Kong	Dollar	2,836.91	367.00					2,836.91	367.00
Taiwan	Dollar	6,089.46	222.00					6,089.46	222.00
Senator John Glenn:									
Vietnam	Dollar		722.00						722.00
People's Republic of China	Yuan	2,462.13	297.00					2,462.13	297.00
Hong Kong	Dollar	1,777.90	230.00					1,777.90	230.00
Taiwan	Dollar	3,513.60	128.00					3,513.60	128.00
Senator Patrick Leahy:									
Vietnam	Dollar		850.00						850.00
People's Republic of China	Yuan	4,161.60	502.00					4,161.60	502.00
Hong Kong	Dollar	3,045.62	394.00					3,045.62	394.00
Taiwan	Dollar	7,741.00	282.00					7,741.00	282.00
Senator Byron Dorgan:									
Vietnam	Dollar		835.00						835.00
People's Republic of China	Yuan	4,161.60	502.00					4,161.60	502.00
Hong Kong	Dollar	3,045.62	394.00					3,045.62	394.00
Taiwan	Dollar	7,741.00	282.00					7,741.00	282.00
Senator Dirk Kempthorne:									
Vietnam	Dollar		882.00						882.00
People's Republic of China	Yuan	4,161.60	502.00					4,161.60	502.00
Hong Kong	Dollar	6,360.00	826.00					6,360.00	826.00
Nancy Erickson:									
Vietnam	Dollar		682.00						682.00
People's Republic of China	Yuan	3,249.68	392.00					3,249.68	392.00
Hong Kong	Dollar	2,063.91	263.00					2,063.91	263.00
Taiwan	Dollar	3,513.60	128.00					3,513.60	128.00
Sheila Murphy:									
Vietnam	Dollar		688.00						688.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM NOV. 8 TO NOV. 17, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
People's Republic of China	Yuan	2,727.41	329.00					2,727.41	329.00
Hong Kong	Dollar	1,909.31	247.00					1,909.31	247.00
Taiwan	Dollar	4,995.90	182.00					4,995.90	182.00
Phil Reberger:									
Vietnam	Dollar		882.00						882.00
People's Republic of China	Yuan	4,161.60	502.00					4,161.60	502.00
Hong Kong	Dollar	6,360.00	826.00					6,360.00	826.00
Sally Walsh:									
Vietnam	Dollar		700.00						700.00
People's Republic of China	Yuan	4,161.60	502.00					4,161.60	502.00
Hong Kong	Dollar	3,045.62	394.00					3,045.62	394.00
Taiwan	Dollar	4,995.90	182.00					4,995.90	182.00
Delegation expenses:[1]									
Vietnam							1,811.17		1,811.17
People's Republic of China							509.48		509.48
Hong Kong							3,689.66		3,689.66
Taiwan							580.26		580.26
Total			16,460.00				6,590.57		23,050.57

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Feb. 27, 1997..

MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 14

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that Calendar No. 15, Senate Joint Resolution 14, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 27 through 33, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominations be confirmed, that the motions to reconsider be laid upon the table, that any statements relating to the nominations appear at this point in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

AIR FORCE

The following-named officer for appointment in the United States Air Force to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Steven R. Polk, 6022.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. Thomas P. Wittman, 2806.

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David L. Vesely, 0433.

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Lawrence P. Farrell, Jr., 7344.

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Joseph E. Hurd, 5386.

MARINE CORPS

The following-named officer for promotion in the United States Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Joseph T. Anderson, 6299.
Brig. Gen. Raymond P. Ayres, 5986.
Brig. Gen. Emil R. Bedard, 9035.
Brig. Gen. Charles F. Bolden, Jr., 5603.
Brig. Gen. Earl B. Hailston, 8306.
Brig. Gen. Bruce B. Knutson, Jr., 7136.
Brig. Gen. Gary S. McKissock, 8973.
Brig. Gen. William L. Nyland, 8595.
Brig. Gen. Ronald G. Richard, 8683.

The following-named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. Jack A. Davis, 8721.
Col. Francis E. Quinlan, 3009.

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nomination of James J. Walter, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 1997.

Air Force nomination of Alberto B. Zambrano, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 6, 1997.

Air Force nominations beginning Guy E. Acheson, and ending Burton L. Ziskind, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 6, 1997.

Army nominations beginning Timothy Albertson, and ending Philip R. Zelson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 30, 1997.

Army nominations beginning Steven R. Abt, and ending John Z. Zupko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 30, 1997.

Marine Corps nominations beginning Neita A. Armstrong, and ending Matthew P. Segrest, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 1997.

Navy nomination of Bruce G. Lalonde, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 7, 1997.

Navy nominations beginning Thomas J. Campbell, and ending John A. D'Alessandro, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 7, 1997.

Navy nominations beginning Timothy F. Archer, and ending Melanie J. Larson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 7, 1997.

Navy nominations beginning Donald L. Beem, and ending Edgardo Perez-lugo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 7, 1997.

Navy nomination of Larry L. Blakesley, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 22, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MARCH 10, 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday, March 10. I ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and there be a period of morning business until the hour of 3 p.m. with Senators to speak for up to 5 minutes each, except for the following:

Senator THOMAS, 30 minutes;

Senator FEINSTEIN, 2 hours;

Senator DASCHLE or designee, 30 minutes.

I further ask unanimous consent that at the hour of 3 p.m. the Senate proceed to the consideration of Senate Resolution 39 regarding committee funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will not be in session on Friday and will return on Monday for business. Following morning business on Monday, the Senate will begin consideration of the Governmental Affairs funding resolution. That resolution was reported by the Rules Committee this afternoon.

The majority leader will be discussing with the Democratic leader the possibility of an agreement on this resolution which would allow us to complete action on that resolution early next week. The majority leader will notify all Members when this agreement is reached and the voting schedule as it becomes clear. However, any votes ordered on Monday will be stacked to occur on Tuesday at a time to be determined later.

ADJOURNMENT UNTIL MONDAY, MARCH 10, 1997

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:33 p.m., adjourned until Monday, March 10, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, March 6, 1997:

OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. STEVEN R. POLK, 6022

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. THOMAS P. WITTMAN, 2806

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID L. VESELY, 0433

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. LAWRENCE P. FARRELL, JR., 7344

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH E. HURD, 5386

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JOSEPH T. ANDERSON, 6299
BRIG. GEN. RAYMOND P. AYRES, 5986
BRIG. GEN. EMIL R. BEDARD, 9035
BRIG. GEN. CHARLES F. BOLDEN, JR., 5603
BRIG. GEN. EARL B. HAILSTON, 8306
BRIG. GEN. BRUCE B. KNUTSON, JR., 7136
BRIG. GEN. GARY S. MCKISSOCK, 8973
BRIG. GEN. WILLIAM L. NYLAND, 8595
BRIG. GEN. RONALD G. RICHARD, 8683

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. JACK A.DAVIS, 8721
COL. FRANCIS E. QUINLAN, 3009

IN THE AIR FORCE

AIR FORCE NOMINATION OF JAMES J. WALTER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 5, 1997.

AIR FORCE NOMINATION OF ALBERTO B. ZAMBRANO, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1997.

AIR FORCE NOMINATIONS BEGINNING GUY E. ACHESON, AND ENDING BURTON L. ZISKIND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1997.

IN THE ARMY

ARMY NOMINATIONS BEGINNING TIMOTHY ALBERTSON, AND ENDING PHILIP R. ZELSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 30, 1997.

ARMY NOMINATIONS BEGINNING STEVEN R. ABT, AND ENDING JOHN E. ZUPKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 30, 1997.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING NEITA A. ARMSTRONG, AND ENDING MATTHEW P. SEGREST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 11, 1997.

IN THE NAVY

NAVY NOMINATION OF BRUCE G. LALONDE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

NAVY NOMINATIONS BEGINNING THOMAS J. CAMPBELL, AND ENDING JOHN A. D'ALESSANDRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

NAVY NOMINATIONS BEGINNING TIMOTHY F. ARCHER, AND ENDING MELANIE J. LARSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

NAVY NOMINATIONS BEGINNING DONALD L. BEEM, AND ENDING EDGARDO PEREZ-LUGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

NAVY NOMINATION OF LARRY L. BLAKESLEY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 22, 1997.

HOUSE OF REPRESENTATIVES—*Thursday, March 6, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

I hereby designate the Honorable JACK QUINN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Hold us, O gracious God, when we falter; lift us, O God, when we fall; strengthen us when we are weak and keep us ever in Your grace. With gratefulness we pray for guidance along life's way and with humility we pray for reconciliation in all that divides and separates us from each other and from Your will for us. Show us Your bountiful gifts that justice will be our focus and mercy Your everlasting blessing. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TIAHRT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a Joint Resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 75, nays 293, not voting 64, as follows:

[Roll No. 32]

YEAS—75

Abercrombie
Allen
Andrews
Barrett (WI)
Becerra
Berman
Blagojevich
Brown (CA)
Brown (OH)
Clyburn
DeGette
DeLauro
Dellums
Deutsch
Dicks
Doggett
Eshoo
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gekas
Gephardt
Harman
Hastings (FL)
Hefner
Hinojosa
Hooley
Hoyer
Jefferson
John
Johnson (WI)
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Lantos
Lipinski
Maloney (CT)
Martinez
Matsui
McDermott
Meehan
Millender-McDonald
Miller (CA)
Mink
Neal
Nussle
Olver
Owens
Pallone
Payne
Pelosi
Price (NC)
Reyes
Rothman
Sandlin
Slaughter
Smith, Adam
Stark
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Waters
Watt (NC)
Wexler
Weygand
Yates

NAYS—293

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hayworth
Hefley
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Hunter
Hyde
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Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
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Lewis (CA)
Lewis (GA)
Lewis (KY)
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Livingston
LoBiondo
Lowey
Lucas
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Manton
Manzullo
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McCarthy (NY)
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McKeon
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Meek
Menendez
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Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
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Shays
Sherman
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Sisisky
Skaggs
Skeen

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Skelton
Smith (MI)
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Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
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Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Vento
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Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Wynn

NOT VOTING—64

Ackerman
Archer
Baesler
Barcia
Bass
Bentsen
Blunt
Boucher
Brady
Burr
Camp
Canady
Conyers
DeFazio
Delahunt
Dingell
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Hall (OH)
Hastings (WA)
Herger
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Johnson (CT)
Kilpatrick
Kleczka
LaTourette
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Lofgren
Maloney (NY)
McCarthy (MO)
McCrery
McGovern
McNulty
Molinari
Nadler
Paxon
Pomeroy
Rangel
Riggs
Rohrabacher
Roybal-Allard
Sanchez
Sanders
Schiff
Schumer
Serrano
Shuster
Stabenow
Strickland
Stupak
Tauzin
Wise
Young (AK)
Young (FL)

☐ 1024

Mrs. MYRICK and Messrs. OXLEY, SHIMKUS, FOX of Pennsylvania, JACKSON of Illinois, THOMAS, LAMPSON, BOYD, and DIXON changed their vote from "yea" to "nay."

Mr. OWENS and Mr. JOHN changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, I would like the RECORD to reflect that had I been present for rollcall vote No. 32, I would have voted "nay."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. QUINN). Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 811

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 811.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CLOSING THE BOOKS ON AMERICORPS WILL START THE BALANCED BUDGET PROCESS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the Senate has defeated the balanced budget. We have heard repeatedly from the party of big government, the opponents of the balanced budget, that we do not need to amend the Constitution to balance the budget. We can do it right now.

I say it is time to put our money where our mouths are. Let us get started. Today I am introducing legislation to eliminate the President's AmeriCorps program, the largest Government service program since the 1930's. AmeriCorps spends $400 million a year to pay volunteers, which is a paradox in terms and, in many cases, for them just to serve as low-level Federal bureaucrats.

☐ 1030

The GAO has reported the average AmeriCorps paid volunteer receives $26,000 a year in compensation. This program makes politicians feel good and lets us talk about our high-minded ideals.

I pose this simple question: Is this program so important that we want to borrow the money against our children's future to pay for the program?

We have heard much talk about balancing the budget and the President has even said in this Chamber that the era of big government is over. Let us help him to fulfill his proclamation. Talk will not balance the budget, but spending less will. Let us start by closing the books on AmeriCorps.

IN TRIBUTE TO SAMOAN HEAVYWEIGHT BOXER DAVID TUA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to pay tribute to a very special member of our Samoan community here in these United States of America, heavyweight boxer David Tua, who was recently honored in Honolulu as the Samoan professional athlete of the year.

Mr. Speaker, David Tua, now only 23 years old, became heavyweight champion of New Zealand at a very young age and subsequently represented New Zealand at the Barcelona Olympics, where he was awarded a bronze medal.

This young athlete has a most impressive record as a professional boxer. David Tua is the first Polynesian and the first Samoan to be ranked 8th in the world in the heavyweight division. He has won every single one of his 26 professional fights, 22 by knockouts, and 11 of those were knockouts in the first round.

The great fighter, Mr. Mike Tyson, currently holds the record, Mr. Speaker, with 15 knockouts in the first round.

David Tua is an inspiration and a champion role model for the Samoan community, working with and encouraging our youth to maintain strong ties with their families and to study hard in school.

Keep an eye on David Tua.

CHILDREN'S HEALTH

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, one of the central points of the democratic Families First program has been a commitment to improving children's health care.

Last summer in Houston we hosted an immunization day to offer inner city children free immunization as a step toward providing them with critical preventative health care. And we will do it again this year. But that is not enough.

The Democratic Members of Congress know children's health is an issue that deserves our attention. In millions of American households with one or two working parents, children are excluded from their health care coverage. Ninety percent of the 10 million American children who are uninsured have parents who work but whose employers cannot or do not provide health care coverage for the children.

The Democratic plan will help children get coverage by requiring insurance companies to offer kids-only health plans and tax credits to help families pay for those premiums. The Democratic families first agenda will indeed offer real improvements to every life for America's working families, especially our children.

Let us work together bipartisanly to improve the health care for America's 10 million uninsured children.

A BALANCED BUDGET

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, as a father I am concerned about not only my children but about the health and well-being of all children in this country. That is why I support a balanced budget amendment and a real balanced budget. But Mr. Clinton has determined that we will have neither.

The Clinton administration work feverishly to defeat the BBA, and the balanced budget they submitted earlier this year falls short of balancing the budget by $69 billion.

Mr. Speaker, our children deserve better. They deserve a future that is bright and free of the debt that this Government keeps piling on them year after year. We literally take money out of the back pockets of our children when we do not balance the budget.

The last time America had a balanced budget was 1969. Since then we have accumulated over $5.3 trillion in national debt. It is a shame that the White House would block the only way to ensure our children will not have to face an 80- to 90-percent tax rate when they grow up to become taxpayers.

Mr. Speaker, we need to balance the budget, we need a balanced budget amendment.

ILLEGAL IMMIGRATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, reports say that record numbers of illegal immigrants keep running across the border, many with backpacks full of heroin and cocaine. To boot, the Immigration and Naturalization Service just granted citizenship to 71,000 criminals, 71,000 criminals.

Now, if that is not enough to tax your prison, check this out. For quote unquote "excellent work," the Vice President just gave the Immigration and Naturalization Service the national performance hammer award. For what? For a Border Patrol program known as Ollie, Ollie In Free.

Beam me up, Mr. Speaker. The Immigration and Naturalization Service does not warrant or deserve awards. They should be getting subpoenas from the Justice Department.

I yield back the balance of all this prison space that will be taken up.

THE PRESIDENT'S BUDGET

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, Bill Clinton has stated over and over his commitment to producing a real balanced budget. I do not doubt his commitment. It is his math that I am worried about. The CBO predicts the President's most recent budget will have a $69 billion deficit in the year 2002, when there should be no deficit.

Mr. Speaker, we see that the White House worked feverishly to defeat a balanced budget amendment. Now we see why. He has no intention of producing a real balanced budget. During his State of the Union Address the President said, and I quote, "Balancing the budget requires only your vote and my signature. It does not require us to rewrite our Constitution.">Mr. Speaker, who is the President kidding? If he cannot even produce a balanced budget, why should we expect him to sign one? Instead of lip service, Bill Clinton should send Congress a real budget using real numbers and one that actually adds up.

UNINSURED CHILDREN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, over 175 Democratic Members have signed a letter to the Republican leadership urging a date certain for floor consideration of legislation that provides health insurance coverage for the 10 million American kids that do not have it. So far the Republican leadership refuses to address the issue of kids health insurance. Last week many of my Democratic colleagues discussed a recent New York City survey that pointed to the growing numbers of children without health insurance.

Today the GOP is supposed to unveil its long-overdue legislative agenda for the 105th Congress. A present view of that agenda published in today's newspapers does not mention kids health insurance. Nor did the Republicans include the issue when they talked about a bipartisan agenda with President Clinton a few weeks ago.

I want to assure my colleagues, though, that this issue will not go away because the Democrats will not allow it to. It is a disgrace that 10 million American children, most of whose parents work very hard, do not have health care coverage.

BALANCING THE BUDGET

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I am concerned about American families and American children and health care, and I know that the one way we can achieve that is to balance our budget. We will not achieve it if we do not balance our budget.

The President has sent down his budget. It is $69 or $70 billion out of balance when we get to the year 2002. In fact, the deficit is going to go up $14 billion before it starts to go down. The American people are smart. We can tell them we are going to balance the budget, and the President can say it; but whether we come back with a plan that raises the deficit and then leaves 75 percent of the balancing of the budget to be done in the next administration, they know we are blowing smoke at them.

Mr. Speaker, we have got a job to do. The President has a responsibility to send a balanced budget down here. We need to get at it.

BLUE DOG COALITION BUDGET

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Speaker, I am proud that in my first opportunity to speak on the floor of the House, I am rising to voice my strong support for the blue dog coalition budget. The coalition budget is a commonsense approach to deficit reduction. It does not rely on gimmicks, nor do we postpone the tough cuts until the final years of the plan.

At this point the blue dog budget is the only budget plan that will balance the budget by the year 2002 and take the Social Security trust fund off budget by 2005. As Members of Congress, we must show our constituents that we can make the tough choices necessary to put our fiscal house in order. The coalition budget proves that we can balance the budget, save Medicare and Social Security, and preserve our commitment on education.

If we colleagues are truly looking to balance the budget in a bipartisan manner, I urge them to take a long hard look at the blue dog budget. This is the right plan for Democrats and Republicans to begin to form a truly bipartisan consensus on a balanced budget.

TIME FOR A BALANCED BUDGET

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, this country is in a time of need. What our constituents need is a budget that will stay balanced. It is our obligation to provide that for them. Mr. Speaker, the President has proposed a budget that does not offer what we have been striving for. The Congressional Budget Office has revealed that this plan would leave an unsettled deficit of at least $69 billion by the year 2002. Additionally, his Medicare proposal does not keep the Medicare plan in balance for 10 years as he has proposed.

Furthermore, his savings in Medicare essentially amount to a shell game, moving expenses from part A to part B, out of the Medicare plan into the general revenue which comes out of general withholding of all taxpayers.

Mr. Speaker, it is imperative that the President send us an honest balanced budget, additionally that he send us a plan that will truly achieve solvency for the Medicare plan so that our seniors will be able to have the health care that they need.

HANDGUNS AND KIDS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, in Chicago on Monday, a man named Stephen Young told me that his oldest son had been killed by an 18-year-old with a handgun.

His son, Andrew, had earned the national ranking in speed skating and planned to attend a Chicago area tech school this fall. But the 18-year-old with the handgun put a stop to that outside a neighborhood fruit market. Andrew's father said, I was really looking forward to knowing him as a man. But the 18-year-old with the handgun put a stop to that as well.

Mr. Speaker, 18-year-old males have the highest arrest rates for weapons offenses, but Federal law still allows them to possess handguns. It is time we in Congress put a stop to that. In the memory of Andrew Young and the countless others who have fallen victim to gun violence, I am proud to introduce a bill that would make it illegal for anyone under 21 to possess a handgun.

I urge my colleagues to join me in stopping the lethal mix of kids and guns.

IMPROVE THE GUARANTEED LOAN PROGRAM

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I thank you for this opportunity, and I rise today to introduce legislation together with the gentlewoman from New York [Mrs. McCARTHY] that would strengthen and improve the defense loan and technical assistance program, the so-called delta guaranteed loan program for small businesses.

As a former SBA Administrator, I saw firsthand the important relationship between defense industries and small businesses. Unfortunately in the last decade with the downsizing of defense, we have seen areas of the country like my own Long Island, NY, region lose over 100,000 jobs as the defense industry cuts back.

This important delta program is needed to ease the transition between the defense-based business and moving them into other commercial applications. My legislation would provide for an extension of this important program for small businesses. It would expand the opportunities for small businesses to participate by allowing them to go back up to 7 years if they have done about 25 percent of their business in the defense industry. In addition, it would raise the guaranteed loan amount up to 90 percent so more banks could help small businesses. It is important legislation and I urge its consideration.

□ 1045

KIDS-ONLY HEALTH INSURANCE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, yesterday the House overwhelmingly passed a resolution regarding the Ten Commandments on the grounds that religious doctrine is the cornerstone of a just and fair society. Yet there are 61 countries around the world that ensure or provide health care for all of their workers and dependents. The United States is not one of them.

In this country our children are falling behind on many crucial health indicators. Ten million American children have no health insurance. Millions more do not have meaningful access to health care providers. Their parents have to rely on emergency services to care for their children.

This is unconscionable. Ninety percent of uninsured children have parents that work but they have no coverage for their children through their employers. We must take action to require insurance companies to provide kids-only health insurance and to provide a tax credit to help parents pay the premiums. A fair and just society provides for the health and welfare of its children, our future.

THE WORKING FAMILIES FLEXIBILITY ACT

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I rise today in strong support of H.R. 1, the Working Families Flexibility Act. Everett Dirksen once said nothing in the world can stop an idea whose time has come. Mr. Speaker, comp time is clearly such an idea.

This is a simple and straightforward piece of legislation that allows employees and employers the option of choosing time off instead of overtime pay. In no way does this bill threaten the Fair Labor Standards Act, and in no way does this bill temper the rights of employees.

This is simply a bill which provides an option to help America's workers become full-time parents as well as full-time employees. Why do so many working men and women across America support comp time? They support comp time because it affords them choice.

For the mother of three working 40 hours a week, comp time means the choice to take time off and see her daughter's school play. For the father who is raising kids by himself, comp time means the choice to coach his son's little league team. And for the children of the 90's, comp time means a chance to spend more time with the two most important figures in their lives, their moms and dads.

Mr. Speaker, I urge my colleagues to support H.R. 1 as a means to an end. The means will be more choice for parents on how to manage their time, but more importantly, the end will be thousands of healthier, happier families. When this bill comes to the floor, I urge my colleagues to support it.

FIGHT FOR THE HEALTH OF OUR CHILDREN

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, 30 years ago this country made a pact with our senior citizens. We promised our Nation's elderly that the Medicare Program would be there for them when they needed it most. Today the Medicare Program is one of our Nation's great success stories. Ninety-nine percent of our seniors have health care coverage in the United States today.

Last year Democrats stood up for our Nation's seniors and successfully fought to protect and preserve the Medicare Program. But surely our children are every bit as sacred as our senior citizens, and yet every day in this country another 3,300 kids lose their health insurance. This is a national crisis.

It is time for the Congress to focus on this problem because it is not going away. In fact, it is only getting worse. We need to stand up and fight for the health of our children just as we stood up and fought for the health of our seniors. We must act today and move the expansion of children's health care to the top of our legislative agenda.

SEND CONGRESS A BALANCED BUDGET

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, you can't be a beacon if your light don't shine. You can't have your cake and eat it too. You can't teach an old dog new tricks. What we have here is a failure to communicate. Show me the money. When the Lord closes a door, somewhere he opens a window. All I ever learned, I learned in kindergarten. There he goes again. Where's the beef? Just say no. Life is like a box of chocolates. Spare the rod, spoil the child. Over 69 billion served. Elvis lives. To be or not to be.

Mr. Speaker, by now you are probably wondering what all these annoying cliches and catch phrases have in common. It is simple. They all pertain to the Clinton fiscal year 1998 budget.

Mr. Speaker, the President should send Congress a real balanced budget. Waste not, want not.

CONGRESS SHOULD GET DOWN TO BUSINESS

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, according to the Congressional Management Foundation, it costs our Nation's taxpayers approximately $280,000 to fly House Members to Washington each week when the Congress is in session. In the past, there has been a busy floor schedule and Members have been working in order to earn their keep.

Today is Thursday, March 6, and it may be the 105th Congress but so far, I think, it is the pretend Congress: Pretend we are meeting, pretend we are legislating, pretend we are busy, pretend we are working. This is not a source of pride to me, nor can it be to so many of my colleagues. All the American people want is to have their country work, and it cannot work if we do not work.

We passed the armored car reciprocity amendments, we sent best wishes to the people of Nicaragua, and we even mustered a handful of Members to come to the floor to listen to the President of Chile, but nothing is being done about campaign finance reform, health care for our Nation's children, and so many other things.

Mr. Speaker, let us stop wasting the taxpayers' dollars. Let us get down to business. Let us go to work for our great Nation.

AMERICA DESERVES AN HONEST BALANCED BUDGET

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the balanced budget amendment was defeated in the Senate by one vote. Again, the will of the American people is being thwarted because folks here promise one thing at home, then come to Washington and do something else.

It is ironic indeed that the Clinton White House worked so hard to defeat the balanced budget amendment, when the budget they submitted to Congress is the best argument for a balanced budget amendment. Bill Clinton's budget is big government, more taxes, more programs, and status quo Washington, DC.

Clinton's budget contains temporary tax cuts but has permanent tax increases. The CBO has reported that in the year 2002, after Mr. Clinton is gone, the Government would run a $70 billion deficit.

Mr. Speaker, Bill Clinton's new budget is unbalanced and avoids the tough choices. America deserves an honest balanced budget, one without gimmicks or temporary tax cuts.

UNFUNDED SOCIAL SECURITY LIABILITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, on the Committee on the Budget, just an update of what is happening. Alan Greenspan, the chairman of the Federal Reserve, came in day before yesterday. As we know, June O'Neill of CBO is coming in today. They are both saying there is a difference in the rosy scenario or a more conservative expectation of what is going to come in in revenues. Let us take the hard course. Let us take the more conservative estimate. Let us start cutting spending.

I know it is a tough job. We talk about all these expenditures. Let me give my colleagues one example: Social Security. We are accumulating an additional $380 billion a year increased actuarial debts or unfunded liability in Social Security. The longer we put off those decisions, the more drastic those solutions are going to have to be in the future.

I figured it by minute because it is big dollars if you figure the $370 billion we are spending a year. Every minute on Social Security we are spending $700,000. By 2030 every minute we are going to be spending $5,700,000. Let us get at it and solve these problems.

BALANCE THE BUDGET FOR OUR CHILDREN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as a father of four kids, I have Betsy who is 13, John who is 11, and I have Ann who is 8 and Jim who is 6, I am very, very concerned about their future.

We are working real hard with them on their homework, teaching them math and English and all the good stuff children all over America are doing, but one thing that is very scary to me as I put them to bed every night is that I know looming out there in the future is this dark cloud of the national debt: $5.1 trillion already.

Now we have a President who says he will support a balanced budget amendment, and then he submits a budget that is not even balanced. The Clinton budget in the year 2002 has a $69 billion deficit, and all the savings there are are on the back end, far after he has left the White House.

Mr. Speaker, I ask the President to please come forward, think about not just my kids, think about all the children in America. Let us really do something for the youth of America and balance the budget and quit spending their money.

HONORING MANUAL HIGH SCHOOL'S BASKETBALL TEAM

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I thought I would deliver my 1 minute on this side of the aisle today, given the fact that we are beginning, this weekend, the first historic bipartisan retreat, where over 220 Members from both sides of the aisle will depart to Hershey, PA, with 165 spouses and 100 children to begin to work together and, hopefully, develop a rapport so that we can carry out the people's business in a more civil way.

Today, I rise, though, to pay tribute to a high school basketball team in my hometown of Peoria, the Manual Rams, who are currently ranked No. 1 in the country by USA Today. The Manual Rams have been ranked No. 1 for the past 5 weeks. The team is led by head coach Wayne McClain and has three all-State players: Marcus Griffin, Sergio McClain, and Frankie Williams.

Manual is the three-time defending Illinois State champion and they are currently on track to win an unprecedented fourth consecutive championship this month as we begin March Madness in Illinois, which will take place in my hometown of Peoria. The team's current record is 24–1.

The city of Peoria and all of central Illinois is proud to have the Manual Rams as a representative in USA Today High School Rankings. Congratulations to Coach McClain and the Manual Rams. We are very proud of their teamwork, dedication, and sportsmanship.

WEST VIRGINIA HARD HIT BY FLOOD WATERS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, let me report that as the flood waters are receding, mercifully, in West Virginia, we have many areas that have been hard hit: Sisterville, Clendenin, the counties Calhoun and Wirt, Mason, Braxton, Gilmer, Roane and Putnam all have suffered unprecedented flood damage.

Of course, Governor Underwood, the volunteers, the emergency services, the National Guard, all have done an incredible job in this first stage of flood recovery.

Now comes the second stage, Mr. Speaker, because shortly the Federal disaster declaration will be made. At that time there will be a toll-free number for all residents in West Virginia to call the Federal Emergency Management Agency, and there they can apply for housing assistance, small business loans, unemployment assistance, crisis counseling, and a range of other assistance.

Working with the Governor, Mr. Speaker, and the FEMA staff, my staff and I will be fanning out across the State as soon as this disaster declaration is made to work with local officials and to work with residents and to get the information out about how to get that assistance.

The first stage, Mr. Speaker, of this flood recovery is coming to an end, and that is basically to preserve life, health, and property. And now we begin the second stage. And as we do, all West Virginians should know that with the Federal disaster declaration that will be coming shortly, they will not be left alone. The second stage begins and so does our recovery.

ADJOURNMENT TO MONDAY, MARCH 10, 1997

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. (Mr. QUINN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 11, 1997

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 10, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, March 11, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1100

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore (Mr. QUINN) laid before the House the following resignation as a member of the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 1997.
Hon. NEWT GINGRICH,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER, I hereby submit my resignation from the Committee on Education and the Workplace.

Sincerely,
EARL BLUMENAUER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. WISE. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 84) and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 84

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Transportation and Infrastructure: Earl Blumenauer of Oregon, to rank directly below Elijah Cummings of Maryland.

To the Committee on Education and the Workforce: Dennis Kucinich of Ohio.

To the Committee on budget: James McDermott of Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

If postponed, such proceedings will resume after disposition of proceedings de novo on the question of agreeing to the Speaker's approval of the Journal.

DISTRICT OF COLUMBIA COUNCIL CONTRACT REVIEW REFORM ACT OF 1997

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 513) to exempt certain contracts entered into by the government of the District of Columbia from review by the Council of the District of Columbia.

The Clerk read as follows:

H.R. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Council Contract Review Reform Act of 1997".

SEC. 2. EXEMPTION OF CERTAIN CONTRACTS FROM COUNCIL REVIEW.

(a) IN GENERAL.—Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–1130, D.C. Code) is amended by adding at the end the following new subsection:

"(d) EXEMPTION FOR CERTAIN CONTRACTS.—The requirements of this section shall not apply with respect to any of the following contracts:

"(1) Any contract entered into by the Washington Convention Center Authority for preconstruction activities, project management, design, or construction.

"(2) Any contract entered into by the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer authority Establishment and Department of Public Works Reorganization Act of 1996, other than contracts for the sale or lease of the Blue Plains Wastewater Treatment Plant.

"(3) At the option of the Council, any contract for a highway improvement project carried out under title 23, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and the gentleman from Maine [Mr. ALLEN] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a very small matter for us, but it is urgently needed for the District of Columbia Council and two of its independent agencies charged with the important issue of water and sewer service and construction of a new convention center.

This legislation was introduced late in the 104th Congress and fell through the cracks in our rush to adjournment. I appreciate the gentleman from Indiana [Mr. BURTON], the chairman, and the gentleman from California [Mr. WAXMAN], the ranking member, being willing to allow this measure to come before the House outside the regular process. Mr. Speaker, my thanks to Chairman BURTON for permitting expeditious consideration of this bill.

H.R. 513, the District of Columbia Council Review Reform Act, is an important bill for the city's recovery. It enables two independent agencies, the Washington Convention Center Authority, and the District of Columbia Water and Sewer Authority, to carry out their mission in a more efficient and cost-effective manner. Timely passage of this bill is of the essence in particular for the Convention Center Authority so as to avoid delays by taking full advantage of the construction season.

For many years the council has sought authority to review city contracts in excess of $1 million. The council had numerous times passed legislation to accomplish this objective but had been unable to override executive vetoes. Congress was eventually asked to resolve this dispute, and we did so with the passage of the 1995 District of Columbia Financial Responsibility and Management Assistance Authority, Public Law 104–8. This legislation, establishing the control board, requires in section 304 that no contract involving expenditures in excess of $1 million during a 12-month period may be made unless the mayor submits the contract to the council for its approval and the council approves the contract.

The District of Columbia Convention Center Authority and the District of Columbia Water and Sewer Authority were created as independent entities in order to remove them to the fullest extent possible from the political process. They are both key elements in our continuing efforts to reform essential city services and help restore confidence of the private sector.

The Convention Center Authority was created by the D.C. City Council in 1994, and the Water and Sewer Authority in 1996. In 1995, Congress passed legislation to permit the Convention Center Authority to expend certain revenues for its operation and maintenance. And in 1996 Congress passed legislation facilitating as well the operation of the new Water and Sewer Authority.

A consequence of the Convention Center Authority legislation became apparent when it sought to contract for a project manager. The law was interpreted as prohibiting discretion on the part of the council, and requiring review. At that point the losing bidders commenced lobbying the council to overturn the decision of the Convention Center Authority, which had already been endorsed by the control board. While the contract was eventually approved, precious time and effort were needlessly expended. The same consequence would apply to Water and Sewer Authority contracts.

When the inadvertent application of the control board legislation to both the Convention Center Authority and the Water and Sewer Authority was realized, efforts were made to rectify the situation. H.R. 3664, the District of Columbia Government Improvement and Efficiency Act of 1996, included a section exempting all contracts entered into by the Washington Convention Center Authority and the District of Columbia Water and Sewer Authority from review by the city council. This section also authorized the city council to exempt highway projects carried out under title 23 of the United States Code. But H.R. 3664, though it was marked up by both my subcommittee and the full Government Reform and Oversight Committee, was unable to move forward due to a disagreement which arose on a completely different section of the bill.

This bill is necessary in order to avoid unnecessary delays in the very important work of the Convention Center Authority and the Water and Sewer Authority and to allow the council to eliminate delays in awarding highway contracts for bids already approved by the Federal Highway Administration. H.R. 513 removes the potential for Convention Center Authority and Water and Sewer Authority contracts to be handled in a way opposite the one that clearly is intended by the creation of these independent entities.

After consultation with the city council, the bill authorizes the council to change the way it handles Federal highway projects so as to conform local practice to the practice that exists in most States. The city council has indicated that it would like to establish such a process. This is presently prohibited because the control board legislation requiring council review of contracts is a Federal law and the council cannot change it.

All of the contracts referred to in this legislation are still subject to review by the control board. The Congressional Budget Office has certified that this bill would not affect the Federal budget.

Mr. Speaker, I urge passage of H.R. 513.

Mr. Speaker, I include the following for the Record:

Committee on Government Reform and Oversight—Briefing Memo

On Thursday, March 6, 1997, at 10:00 a.m., H.R. 513, is scheduled for floor action on the Suspension Calendar. This bill, the District of Columbia Council Contract Review Reform Act of 1997, is sponsored by Subcommittee Chairman Tom Davis and Ranking Member Eleanor Holmes Norton of the House District of Columbia Oversight Subcommittee of the Committee on Government Reform and Oversight. The purpose of the bill is to exempt certain contracts entered into by the District of Columbia government from review by the District Council.

H.R. 513 was introduced on February 4, 1997, and referred to the Government Reform and Oversight Committee. Chairman Dan Burton agreed to expeditious consideration of the bill on the Suspension Calendar. There is no known opposition to the bill. The Congressional Budget Office has certified in writing that the bill does not effect the federal budget.

H.R. 513 is necessary at this time in order to facilitate the clear intention of Congress in its passage of legislation establishing the control board (P.L. 104–8), and the legislation creating the Washington Convention Center Authority and the District of Columbia Water and Sewer Authority. Timely passage of this bill is particularly essential for the Convention Center Authority so as to avoid delays by taking full advantage of the construction season.

For many years the District of Columbia Council had sought authority to review City contracts in excess of $1 million. Legislation to accomplish this objective was repeatedly vetoed by the Mayor. The Council was unable to override these vetoes. Congress was asked to resolve the matter and sought to do so with passage of P.L. 104–8 in 1995, the District of Columbia Financial Responsibility and Management Assistance Authority. This landmark legislation, establishing the control board, requires in Section 304 that no contract involving expenditures in excess of $1 million during a 12 month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract. Section 304 is mandatory, not discretionary.

It soon became apparent that the mandatory, all-inclusive nature of Section 304 of P.L. 104–8 created serious problems in particular for the Convention Center Authority. The Washington Convention Center Authority, and the District of Columbia Water and Sewer Authority were created as independent entities in order to remove them to the fullest extent possible from the political process. They are both key elements in continuing efforts by Congress to reform essential City services and help restore confidence in the private sector.

The Convention Center Authority was created by the D.C. Council in 1994, and the Water and Sewer Authority in 1996. In 1995 Congress passed the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to permit the Convention Center Authority to expend certain revenues for its operation and maintenance. And in 1996 Congress passed the District of Columbia Water and Sewer Authority Act of 1996 to authorize the issuance of bonds with respect to water and sewer facilities.

When the Convention Center Authority proceeded to contract for a Project Manager the adverse consequences of requiring Council review became apparent. Though the contract had been approved by the control board the losing bidders appealed to the Council to overturn the decision. The contract was eventually approved, but precious time and energy were wasted.

When the inadvertent application of the control board legislation to both the Convention Center Authority and the Water and Sewer Authority was realized last year steps were taken to rectify the situation. H.R. 3664, the District of Columbia Government Improvement and Efficiency Act of 1996 included a section exempting all contracts entered into by the Convention Center Authority and the Water and Sewer Authority from review by the City Council. This section of H.R. 3664 also authorized the City Council to exempt highway projects carried out under Title 23 of the U.S. Code. But H.R. 3664, though it was marked-up by both the House District Oversight Subcommittee and the Government Reform and Oversight Committee, was unable to move forward due to a disagreement which arose on a completely different section of the bill.

H.R. 513 also authorizes the District of Columbia City Council to change the way it handles Federal highway projects so as to conform local practice to the practice that exists in most states. After consultation with the City Council it was concluded that they would favor establishing such a process. They are prohibited from doing so now because the control board legislation requiring Council review of contracts is a federal law and the Council cannot change it.

All of the contracts referred to in this legislation are still subject to review by the control board.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 513 is a bipartisan bill authored by the District of Columbia Subcommittee's chairman, the gentleman from Virginia [(Mr. DAVIS], and the gentlewoman from the District of Columbia [Ms. NORTON], its ranking member. It would simply exempt contracts over $1 million entered into by the District's Water and Sewer Authority and Convention Center Authority from review and approval by the city council. These two authorities were established by the Council during the last 2 years as corporate bodies with a legal existence apart from the District government. Each authority has its own board of directors, financial system, and revenue sources. Their independence was an essential element of their design, and it is critical to the realization of their respective missions.

Two years ago, Congress approved legislation developed by the D.C. Subcommittee establishing the District of Columbia Financial Responsibility and Management Assistance Authority, Public Law 104–8. This bill contained a provision amending the District's home rule charter to require council review of all contracts over $1 million. This was done in order to inject greater control and accountability into the District's procurement process.

It has since been learned through consultation with various financial advisers that we could lower the risk associated with any borrowing by the two authorities and thereby reduce their borrowing costs if we insulated the larger contracts of the two authorities from the review process and the politics which sometimes affect it.

Finally, the bill would permit the city council at its option to exempt from its review any Federal aid highway program contract over $1 million. The council has indicated that it would prefer to annually approve a schedule of projects to be undertaken under this program rather than consider project contracts on an individual basis. This approach will expedite the procurement process and ensure work can get started during the construction season.

I should point out that all of the contracts which this bill will exempt from council review will still be subject to review and approval by the District's Financial Authority, the Control Board. The authority will ensure that they have been executed appropriately and are consistent with the District's budget and financial plan.

Mr. Speaker, it is clear that this bill does nothing more than streamline an administrative review process of the council. It enjoys the support of the District's local officials. Accordingly, I urge its approval by this body.

Mr. ALLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 513.

The question was taken.

Mr. DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question de novo on the approval of the Journal, and then on the motion to suspend the rules postponed from earlier today.

Votes will be taken in the following order:

The first vote will be on the Journal, de novo; the second vote will be on the motion to suspend the rules and pass H.R. 513, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 43, not voting 34, as follows:

[Roll No. 33]

YEAS—355

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Neumann
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner

Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant

Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler

Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—43

Abercrombie
Baldacci
Bonior
Borski
Brown (CA)
Clay
Clyburn
DeFazio
English
Ensign
Filner
Foglietta
Gephardt
Gibbons
Green

Gutierrez
Hefley
Hilliard
Hulshof
Johnson, E. B.
Kennelly
Kucinich
Lewis (GA)
McDermott
McIntosh
Menendez
Miller (CA)
Ney
Nussle
Oberstar

Pascrell
Pickett
Pombo
Ramstad
Sabo
Scott
Taylor (MS)
Thompson
Velázquez
Visclosky
Waters
Watt (NC)
Weller

NOT VOTING—34

Ackerman
Baesler
Barcia
Camp
Conyers
Davis (FL)
Dingell
Dreier
Engel
Ewing
Flake
Furse

Gallegly
Hinchey
Hoekstra
Kilpatrick
Levin
Maloney (NY)
McCarthy (MO)
McGovern
McKeon
McNulty
Myrick
Nadler

Pomeroy
Sanchez
Schiff
Schumer
Shuster
Skaggs
Stabenow
Strickland
Stupak
Towns

☐ 1129

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, I would like the RECORD to reflect that had I been present for rollcall vote 33, I would have voted "Aye."

DISTRICT OF COLUMBIA COUNCIL CONTRACT REVIEW REFORM ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 513.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 513, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 7, answered "present" 1, not voting 34, as follows:

[Roll No. 34]

YEAS—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus

Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett

Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman

Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio

Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio

Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher

Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter

Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt

Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—7

Kucinich
Paul
Schaefer, Dan

Schaffer, Bob
Stearns
Stump

Weller

ANSWERED "PRESENT"—1

Obey

NOT VOTING—34

Ackerman
Baesler
Barcia
Camp
Conyers
Dingell
Dreier
Engel
Flake
Furse
Gallegly
Hinchey

Hoekstra
Kilpatrick
Levin
Maloney (NY)
McCarthy (MO)
McGovern
McKeon
McNulty
Nadler
Pomeroy
Rangel
Sanchez

Schiff
Schumer
Shuster
Skaggs
Stabenow
Strickland
Stupak
Towns
Waters
Weldon (FL)

☐ 1140

Mr. DAN SCHAEFER of Colorado changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 34, had I been present, I would have voted "yes."

☐ 1145

ELECTION OF MEMBERS TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the resolution (H. Res. 85) electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. (Mr. RIGGS). Is there objection to the request of the gentleman from Ohio?

Mr. GEJDENSON. Reserving the right to object, Mr. Speaker, I will not object, but I am just curious as to the gentleman's motion, being the ranking member on the committee.

I yield to the gentleman from California [Mr. THOMAS] to get a full explanation.

Mr. THOMAS. Mr. Speaker, I would tell the gentleman that it is the appointment of Democrats and Republicans to the Joint Committee on Printing. We had gone over the list and cleared it. It is just that it is a unanimous consent, and we wanted to make sure that we were able to get it in prior to the possibility of a motion to adjourn.

Mr. GEJDENSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That the following named Members be, and they are hereby, elected to the following joint committees of Congress, to serve with the chairman of the Committee on House Oversight:

Joint Committee on Printing: Mr. Ney, Ms. Granger, Mr. Hoyer, and Mr. Gejdenson.

Joint Committee of Congress on the Library: Mr. Ney, Mr. Ehlers, Ms. Kilpatrick, and Mr. Gejdenson.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the SPEAKER pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 84, nays 312, not voting 36, as follows:

[Roll No. 35]

YEAS—84

Abercrombie
Blumenauer
Borski
Brown (CA)
Brown (OH)
Capps
Carson
Clay
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Eshoo
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frelinghuysen
Gejdenson
Gekas
Greenwood
Hall (OH)
Harman
Hastings (FL)
Hooley
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Lantos
Lowey
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (NY)
McDade
McDermott
Meehan
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Neal
Nussle
Oberstar
Olver
Owens
Pallone
Parker
Pelosi
Sabo
Sandlin
Sherman
Slaughter
Stark
Tauscher
Taylor (MS)
Tierney
Torres
Traficant
Turner
Vento
Waters
Watt (NC)
Weller
Wexler
Weygand
Wynn
Yates

NAYS—312

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLay
Dickey
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Ortiz
Oxley
Packard
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Baesler
Barcia
Blagojevich
Bonior
Camp
Clyburn
Conyers
Diaz-Balart
Dingell
Dreier
Engel
Flake
Frost
Furse
Gallegly
Gephardt
Hinchey
Hoekstra
Kilpatrick
Levin
Maloney (NY)
McCarthy (MO)
McGovern
McKeon
McNulty
Nadler
Sanchez
Schiff
Schumer
Serrano
Shuster
Smith, Adam
Stabenow
Strickland
Stupak

□ 1201

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Speaker, due to the passing of my good friend and the former New York State Speaker of the Assembly Stanley Fink, I was unable to cast recorded votes today, March 6, 1997.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, I would like the RECORD to reflect that had I been present for rollcall vote 35, I would have voted "nay."

RESIGNATION AS MEMBER OF COMMITTEE ON INTERNATIONAL RELATIONS

The SPEAKER pro tempore (Mr. RIGGS) laid before the House the following resignation as a member of the Committee on International Relations:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.
Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: Effective immediately, I hereby resign from the Committee on International Relations.

Sincerely,
DENNIS J. KUCINICH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

1997 TRADE POLICY AGENDA AND 1996 ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1997 Trade Policy Agenda and 1996 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 6, 1997.*

LLOYD GAMBLE

(Mr. DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce legislation to compensate Lloyd Gamble, a veteran who served our country with honor but was used as a guinea pig by our military.

In 1944, Lloyd Gamble enlisted in the U.S. Army and subsequently transferred to the U.S. Air Force, and to Lloyd Gamble the military was his life. In 1958, his promising, successful career was cut short when the Army used an experimental secret drug testing program administered by them to study the effects of LSD on humans. They denied this program ever existed until an aggressive congressional investigation proved otherwise in 1975.

Lloyd Gamble, used as a guinea pig by our military without his knowledge or permission, salvaged his marriage but his career was cut short. This legislation I hope can be acted on quickly by this body so that we can give him the compensation that he deserves. We have the opportunity to uphold the pledge which we heard just moments ago, with liberty and justice for all. Let us give Lloyd Gamble the justice he deserves.

I ask my colleagues to support and help pass this legislation and move it to the other body quickly for expeditious review.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Lloyd B. Gamble of Fairfax, Virginia, the sum of $253,488.

(b) BASIS.—The payment required by subsection (a) shall be to compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

SEC. 2 SATISFACTION OF CLAIMS.

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF FEBRUARY 28, 1997, FOR FISCAL YEARS 1997–2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period, fiscal year 1997 through fiscal year 2001.

This report is to be used in applying the fiscal year 1997 budget resolution, House Concurrent Resolution 178, for legislation having spending or revenue effects in fiscal years 1997 through 2001.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 4, 1997.
Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate applications of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period fiscal year 1997 through fiscal year 2001.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of February 28, 1997.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 178, the concurrent resolution on the budget for fiscal year 1997 as adjusted pursuant to 606(e) of the Budget Act for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1997 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 178 for fiscal year 1997 and for fiscal years 1997 through 2001. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1997 with the revised "section 602(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) sub-allocation. The revised section 602(b) sub-allocations were filed by the Appropriations Committee on September 27, 1996.

Sincerely,
JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1997 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 178

[Reflecting action completed as of February 28, 1997—on-budget amounts, in millions of dollars]

	Fiscal years—	
	1997	1997–2001
Appropriate Level (as amended by P.L. 104–93):		
Budget authority	1,314,935	6,956,507
Outlays	1,311,321	6,898,627
Revenues	1,083,728	5,913,303
Current Level:		
Budget authority	1,331,836	(1)
Outlays	1,323,900	(1)
Revenues	1,104,262	5,975,917
Current Level over (+)/under(−) Appropriate Level:		
Budget authority	16,901	(1)
Outlays	12,579	(1)
Revenues	20,534	62,614

[1] Not applicable because annual appropriations Acts for Fiscal Years 1997 through 2001 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

FY 1997 budget authority exceeds the appropriate level set by H. Con. Res. 178 as amended by P.L. 104–93. Enactment of measures providing any new budget authority for FY 1997 would be subject to point of order under section 311(a) of the Congressional Budget Act of 1974.

OUTLAYS

FY 1997 outlays exceed the appropriate level set by H. Con. Res. 178 as amended by P.L. 104–93. Enactment of measures providing any new outlays for FY 1997 would be subject to point of order under section 311(a) of the Congressional Budget Act of 1974.

REVENUES

Enactment of any measure that would result in any revenue loss in excess of $20,534,000,000 for FY 1997 (if not already included in the current level estimate) or in excess of $62,614,000,000 for FY 1997 through 2001 (if not already included in the current level) would cause revenues to be less than the recommended levels of revenue set by H. Con. Res. 178.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTING ACTION COMPLETED AS OF FEBRUARY 28, 1997

[Fiscal years, in millions of dollars]

	1997			1997–2001		
	BA	Outlays	NEA	BA	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,996
Current level	5	5	5	55	55	55
Difference	5	5	5	55	55	−4,941
National Security:						
Allocation	−1,579	−1,579	0	−664	−664	0
Current level	−102	−102	−21	−289	−289	−34
Difference	1,466	1,477	−21	375	375	−34
Banking, Finance and Urban Affairs:						
Allocation	−128	−3,700	0	−711	−4,004	0
Current level	0	−6	0	0	0	0
Difference	128	3,694	0	711	4,004	0
Economic and Educational Opportunities:						
Allocation	−912	−800	−152	−3,465	−3,153	7,669
Current level	1,967	1,635	1,816	11,135	10,296	8,852
Difference	2,879	2,435	1,968	14,600	13,449	1,183
Commerce:						
Allocation	0	0	370	−14,540	−14,540	−41,710
Current level	3	3	492	242	195	1,430
Difference	3	3	122	14,782	14,735	43,140
International Relations:						
Allocation	0	0	0	0	0	0
Current level	−1	−1	0	−1	−1	0
Difference	−1	−1	0	−1	−1	0
Government Reform & Oversight:						
Allocation	−1,078	−1,078	−289	−4,605	−4,605	−1,668
Current level	0	0	0	0	0	0
Difference	1,078	1,078	289	4,605	4,605	1,668
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−91	−90	−12	−1,401	−1,460	−59
Current level	−19	−20	0	−144	−167	0
Difference	72	70	12	1,257	1,293	59
Judiciary:						
Allocation	0	0	0	−357	−357	0
Current level	3	3	0	45	45	0
Difference	3	3	0	402	402	0
Transportation & Infrastructure:						
Allocation	2,280	0	0	125,989	521	2
Current level	2,345	65	12	4,748	121	56
Difference	65	65	12	−121,241	−400	54
Science:						
Allocation	0	0	0	−13	−13	0
Current level	0	0	0	0	0	0
Difference	0	0	0	13	13	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−90	−90	224	−919	−919	3,475
Current level	0	0	3	0	0	−52
Difference	90	90	−221	919	919	−3,527
Ways and Means:						
Allocation	−8,973	−9,132	−2,057	−134,211	−134,618	−10,743
Current level	8,338	8,302	−2,840	73,457	73,476	−38,717
Difference	17,311	17,434	−783	207,668	208,094	−27,974
Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Total Authorized:						
Allocation	−10,571	−16,469	−1,916	−34,897	−163,812	−38,038
Current level	12,539	9,884	−533	89,248	83,731	−28,410
Difference	23,110	26,353	1,383	124,145	247,543	9,628

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1997—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Sept. 27, 1996)				Current level reflecting action completed as of Feb. 28, 1997				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	0	BA	0	BA	0	BA	0	BA	0	BA	0
Agriculture, Rural Development	12,960	13,380	0	0	13,009	13,373	0	0	49	−7	0	0
Commerce, Justice, State	24,493	24,493	4,525	2,951	24,838	25,065	4,526	2,954	345	126	1	3
Defense	245,065	243,372	0	0	243,851	242,887	0	0	−1,214	−485	0	0
District of Columbia	719	719	0	0	719	719	0	0	0	0	0	0
Energy & Water Development	19,421	19,652	0	0	19,973	19,923	0	0	552	271	0	0
Foreign Operations	11,950	13,311	0	0	12,267	13,310	0	0	317	−1	0	0
Interior	12,118	12,920	0	0	12,503	13,178	0	0	385	258	0	0
Labor, HHS & Education	65,625	69,602	61	38	71,026	71,517	61	39	5,401	1,915	0	1
Legislative Branch	2,180	2,148	0	0	2,170	2,132	0	0	−10	−16	0	0
Military Construction	9,983	10,360	0	0	9,982	10,344	0	0	−1	−16	0	0
Transportation	12,190	35,453	0	0	12,080	35,519	0	0	−110	66	0	0
Treasury-Postal Service	11,016	10,971	97	84	11,620	11,292	97	83	604	321	0	−1
VA–HUD–Independent Agencies	64,354	78,803	0	0	64,522	79,196	0	0	168	393	0	0
Reserve/Offsets	768	219	0	0	−2,750	−5,850	0	0	−3,518	−6,069	0	0
Grand total	492,842	535,849	4,683	3,073	495,810	532,605	4,684	3,076	2,968	−3,244	1	3

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1997. These estimates are compared to the appropriate levels for those items contained in the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178) and are current through February 28, 1997. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget Authority	1,331,836	1,314,935	+16,901
Outlays	1,323,900	1,311,321	+12,579
Revenues:			
1997	1,104,262	1,083,728	+20,534
1997–2001	5,975,917	5,913,303	+62,614

Since my last report, dated January 9, 1997, the budget authority and outlay totals established in H. Con. Res. 178 have been revised to reflect additional appropriations that were enacted to pay for the costs of continuing disability reviews. This revision is in accordance with Section 103(b) of The Contract with America Advancement Act of 1996 (P.L. 104–121). In addition, the Congress has cleared, and the President has signed, the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 (H.R. 668). This action changed the current level of revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT—105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS FEBRUARY 28, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
PREVIOUSLY ENACTED			
Revenues	....	....	1,101,533
Permanents and other spending legislation	855,751	814,110	....
Appropriation legislation	753,927	788,263	....
Offsetting receipts	−271,843	−271,843	....
Total previously enacted	1,337,835	1,330,530	1,101,533

PARLIAMENTARIAN STATUS REPORT—105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS FEBRUARY 28, 1997—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED THIS SESSION			
Airport and Airway Trust Fund Tax Reinstatement Act (H.R. 668)	....	....	2,730
APPROPRIATED ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs that have not been enacted	−5,999	−6,630	....
TOTALS			
Total Current Level	1,331.836	1,323,900	1,104,262
Total Budget Resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under Budget Resolution	....	....	....
Over Budget Resolution	16,901	12,579	20,534
ADDENDUM			
Emergencies:			
Funding that has been designated as an emergency requirement by the President and the Congress	1,806	1,228	....
Funding that has been designated as an emergency requirement only by the Congress and is not available for obligation until requested by the President	323	305	....
Total emergencies	2,129	1,533	....
Total current level including emergencies	1,333,965	1,325,433	1,104,262

JUSTICE AND EQUITY FOR FILIPINO VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I am proud to join my colleague today, the gentleman from New York [Mr. GILMAN], chairman of the House Committee on International Relations, to introduce H.R. 836, the Filipino Veterans Equity Act.

Last year the Members of this House and our colleagues in the Senate took the first major step toward restoring fairness to this group of brave veterans. Both Chambers passed concurrent resolutions to recognize and thank the Filipino World War II veterans for their service and contributions toward the successful outcome of that war.

In October the President joined us and issued a Presidential proclamation recalling the courage, sacrifice, and loyalty of these Filipino veterans of World War II and honored them for their contributions to our freedom. These actions were the first step. Now is the time to build upon that recognition that these veterans so deserve. Now is the time to restore the benefits that they were promised back in 1946.

Too few Americans are familiar with this chapter in our Nation's history. During World War II, the military forces of the Commonwealth of the Philippines were drafted to serve in our Armed Forces by Executive order of the President of the United States. Filipino soldiers defended the American flag in the now famous battles of Bataan and Corregidor. Thousands of Filipino prisoners of war died during the 65-mile Bataan death march. Those who survived were imprisoned under inhuman conditions where they suffered casualties at the rate of 50 to 200 prisoners per day. They endured 4 long years of enemy occupation.

The soldiers who escaped capture, together with Filipino civilians, fought against the occupation forces. Their guerrilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the time needed to prepare forces to defeat Japan. After the liberation of the Philippine Islands, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war.

With their vital participation so crucial to the outcome of World War II, one would assume that the United States would be grateful to their Filipino comrades. So it is hard to believe that soon after the war ended, the 79th Congress voted in a way that only can be considered blatant discrimination, as they took away the benefits and recognition that the Filipino World War II veterans were promised in what was called the Rescissions Act of 1946.

Now over 50 years have passed since this Rescissions Act, 50 long years during which the Filipino veterans have been waiting for justice. I am so proud that Congress and the President have taken the first step to restoring their dignity. The Filipino veterans, and sons, their daughters are most grateful for the recognition and honor bestowed upon them last year.

But now is the time to complete the job. Now is the time to correct the injustices of the 79th Congress. Many of these Filipino veterans have already died, and in a decade or decade and a half there will no longer be any of these veterans still living. They have been patiently waiting and asking: Do we deserve that Rescissions Act of 1946? Did we not fight side by side with the forces from the United States? Have we not suffered the same suffering as the American soldier during that war? Did bullets ask if their target was an American or Filipino soldier?

The bill that we have introduced this week, H.R. 836, will provide full benefits from the Department of Veterans Affairs to veterans who served in the Philippine Commonwealth Army and the Special Philippine Scouts. During the last session of Congress, over 100 Members of the House signed up as cosponsors of an identical bill.

Now is the time for all of us to join together in a bipartisan effort to correct a monumental injustice by restoring benefits promised to the Filipino World War II veterans for their defense of Democratic ideals.

IT IS TIME TO PASS TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. As the old saying goes, Mr. Speaker, there are two certainties in life: death and taxes. While we can only die once, every year Americans are working harder and longer to pay their taxes. For many Americans the current tax system is in effect a death sentence.

Who among us thinks that we are undertaxed? How many of us think that we should be paying more of our hard-earned tax dollars to the Federal Government? We are taxed on every dime we make, every purchase we make, every phone call we place, every gallon of gas we pump, every home we sell. We are even taxed when we die. The people of central New Jersey have told me that they are tired of paying more and more each year. They have told me to go to Washington and work for real tax relief.

Mr. Speaker, the time that is spent to pay the tax bill is time that could be better spent. It is time that a mother or father could be spending with their child. It is a time that a small business man or woman could be drumming up new customers. Imagine that you found a new job where you were told to come to work at 9 in the morning but you would not start getting paid until 11:45. Would you want that job? Yet that is the part of every day that every average American worker spends to pay their taxes. It was not until May 7 last year that the average American worker was able to stop working for Uncle Sam.

I have made it a top priority of mine to help ease the burden of taxes on the individuals, families and businesses of this country. On my first day as a Member of Congress, I introduced legislation, H.R. 245, that will ease the burden for those families or individuals trying to sell their house or buy new equipment for a small business.

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The legislation reduces the capital gains tax by 50 percent and seeks to eventually end it entirely.

H.R. 245 also aims at keeping family owned businesses and farms in the family. It raises the estate tax exemption so that a son or daughter can build on a business that was started by their mother or father. This obtrusive death tax brings in only a small amount of revenue into the Government and, yet, can have devastating effects on a family or a family business.

Oftentimes a business or farm that has been part of a family for generations is forced to be sold just to pay the tax bill. Approximately 75 percent of businesses in this country are family owned and 78 percent of the founders of those businesses intend to pass their business down to their children, but currently only 30 percent of businesses ever make it to a second generation.

Many parents work their entire life to hand down something to their children to make their lives better. Under the current system, the Government steps in and destroys a lifetime of work. That is wrong, and for many it will end with the passage of H.R. 245.

Just yesterday I, along with the chairman of the Committee on Small Business, the gentleman from Missouri [Mr. TALENT], introduced another piece of legislation, H.R. 955, that will help to keep the entrepreneurial spirit of this country alive.

The Family Freedom Home Office Deduction Act of 1997 will make it easier for the 14,000,000 home-based business owners to deduct the expenses of their home office. Small businesses are the single greatest creators of jobs in this country and, frankly, in the future. The advent of fax machines, Internet and teleconferencing have changed the face of business. No longer are businesses confined to large office buildings.

More and more people are working out of their homes. Each of us knows people in our district who work from their homes: consultants, salespeople, lawyers, doctors, accountants. Many of the people that we deal with each day, sometimes unbeknownst to us, are working out of their home. Whether it is the father who wants to be there for his children or the mother who works as a consultant, working from home has become increasingly appealing. Seventy percent of all home-based businesses are started by women. The Tax Code should reflect the modern business environment of our country.

America has always been the home of the entrepreneur. This legislation is one step in equipping small businesses with the tools it needs to continue being the fastest growing sector and job producers in our economy.

Providing every American with tax relief is not a partisan issue. Our job here in Congress is to represent the people of America and work to make their lives better. Passing tax relief is good for our future and the time to act is now.

WEST VIRGINIA TO RECEIVE FEDERAL DISASTER RELIEF

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, there are times to say thank you, and as the flood waters are receding but not gone from West Virginia, it is time to say thank you to the National Guard, the hundreds of men and women who have been on duty for many, many days. It is time to say thank you to the emergency services personnel, the State and county office of emergency services, the volunteer fire departments all across our State. The many volunteers, the Red Cross and the Salvation Army.

We are still pulling out the mud, still feeding people in shelters, still trying to clean out homes, still trying to clean off roads, and that work is going to go on for a long time, but a lot of people have made the loss of life minimal and have safeguarded much life and properties because of their efforts. So to these people we owe a great deal of thanks.

Governor Underwood has done an excellent job coordinating all these different resources, and as we finish the first stage in our State in flood recovery, we now enter the second stage. That second stage begins today with the Governor requesting Federal disaster assistance for a number of our counties. In seeking partial declaration of Federal assistance, Cabell, Kanawha, Wirt, and Wetzel Counties would be the first ones under a partial declaration. And it must be pointed out that this is a partial declaration; that because the flood waters are still receding in some areas, we do not know the full amount of damage in those areas and it will take a day or two more to assess that.

But other counties will be added to the disaster declaration made by the

Federal Government. I can assure people of that, having personally contacted the Federal Emergency Management Agency myself, having met with the Vice President and the head of FEMA yesterday in Huntington, having sent a letter directly to the President of the United States, as well as the head of FEMA, having been in close contact with Governor Underwood, the OES staff and, of course, the Federal officials.

The partial declaration will name some counties and then others will be added very, very quickly. No one should be worried that they will be left out in this regard. Simply because a county is not named does not mean it will not be under the Federal disaster declaration. Indeed, it will probably follow in the next couple of days.

When the county is named, the people in that county, Mr. Speaker, will have access to a toll free number and they can call that number, which goes directly to the Federal Emergency Management Agency, and then they can start beginning to receive the assistance they need and applying for the assistance they need in housing, in unemployment, crisis counseling, tax relief, small business loans and the many other areas that are so necessary to help the thousands of West Virginians get back on their feet.

We have had 9,000 residences affected by this flood, Mr. Speaker, and the damage is beyond comprehension.

Mr. Speaker, I think it is important also to emphasize that as the first stage begins to end, and as the National Guard and others begin to return to their normal duties, now the second stage begins, and that is the Federal assistance, and there will be others there to assist as well. My staff will be visiting many of these areas. I will, of course, be working closely with the Governor's staff and others. So no one will be left alone.

Switching topics, Mr. Speaker, turning to the eastern panhandle for a second, the eastern panhandle on Monday is going to host the first of a series called Project Europe Forums. I am delighted the men and women of the eastern panhandle have taken this on.

Heading up Project Europe in the steering committee, I know how much we can gain in West Virginia from marketing our goods in the European Union. So on Monday, in Martinsburg, at the Holiday Inn, we will be holding the first of Project Europe functions in which we bring together representatives of the German Embassy, the United States Department of Commerce, the West Virginia Development Office and other West Virginia businesses that have already cracked the European market and to work with our other West Virginia businesses that maybe want to increase their opportunities or indeed want to get into the European market for the first time.

Seventy-five percent of foreign investment in West Virginia is European. Over a billion dollars worth of goods sold from West Virginia goes to the European Union. So I know, Mr. Speaker, that this is going to be a valuable undertaking, and I am delighted the eastern panhandle, and Martinsburg in particular, will host our first Project Europe seminar on Monday.

SUPPORT COMPREHENSIVE TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I rise today in support of comprehensive tax reform. My personal belief is that we should completely scrap the current Tax Code and replace it with one that is fairer, flatter and simpler. While I am not certain of which tax reform proposal is best for our country, I am certain that our current system is desperately in need of reform.

April 15, millions of Americans will struggle with the current Tax Code in a desperate attempt to comply with the rules and regulations and their obligation to this country. Since enactment, the Internal Revenue Act of 1954, the income tax code has grown from 744,000 words in 1955 to 5,577,000 words in 1994. This represents a growth rate of 625 percent for that 40-year period.

The Code has been revised well over 400 times through major tax enactments and public laws. The Tax Code has become so overly complicated that the average American taxpayer finds it extremely difficult, if not impossible, to comply.

I understand that major reform does not come about overnight and there are significant steps we can take in the interim to help ease the tax burden for the hard working men and women of this country. The first is a reduction of the capital gains tax. The capital gains tax represents a significant disincentive for investment in this country and stifles economic growth. Its reduction would help unlock stagnant investment and allow our economy to thrive.

Second, I would like to eliminate altogether the estate tax. The death tax, as it is called, is one of the worst provisions in the Tax Code. This tax penalizes hard working families who work so hard to provide financial security to their children and grandchildren. It often forces businesses and business owners, farmers as well, to liquidate their businesses just to pay this tax.

If Congress is serious about easing the tax burden and making our tax system more equitable, capital gains and estate taxes are a good place to start.

OUR COUNTRY NEEDS SWEEPING TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. COOK] is recognized for 5 minutes.

Mr. COOK. Mr. Speaker, I believe the most compassionate and practical thing that this Congress can do is to give the American people tax laws that make sense and tax relief that is meaningful. Our country desperately needs sweeping tax reform. Our people need tax laws they can understand. They need a method of taxation that is fair and reasonable.

Our tax laws now are so complicated that even the IRS cannot explain them. I think it is ludicrous the IRS sends out 8 billion pages of forms and instructions each year. Our tax system is too complicated, and our taxes are simply too high.

Mr. Speaker, I am proud to join the growing number of congressional Members calling for sweeping tax reform and meaningful tax relief.

We lost the fight this year to give the American people the term limits the majority said they wanted, and it appears from this week that we may be losing the fight to give the American people the balanced budget amendment that they have been wanting and feel they can build their future on. But let us not lose this fight. Let the 105th Congress be remembered for slaying the dragon that terrorized previous Congresses.

I have been a long-time advocate of the flat tax. I support the Freedom and Fairness Restoration Act of the gentleman from Texas [Mr. ARMEY]. A flat tax is simple. I like Mr. ARMEY's suggestion that Americans ought to be able to file their taxes on a form the size of a postcard.

A flat tax treats everyone equally and fairly. It will spur the economy and encourage people to save and invest. The Freedom and Fairness Restoration Act will also give Americans desperately needed tax relief, providing a reasonable tax cut while raising nearly as much money as the current system. But more than this, I think a flat tax can reform our entire political system.

Congress has used the American Tax Code as a tool for social engineering, and that is not right. Behaviors are rewarded or punished through a little tinkering here and a little tinkering there of the Tax Code. I believe that is a cynical and improper use of our power. Americans pay taxes to support a government created to serve them, not to a government created to control them.

Mr. Speaker, we never enjoy paying our taxes. The millions of American families struggling to make ends meet will never be eager to give their precious dollars to the Federal Government. But if we have the courage to act, these families can say for the first time that they now understand the tax laws that they are obeying. They can say for the first time that they know their tax burden is not heavier for them than for the family down the street or those across town. They can say for the first time that the American tax system is simple, fair, and just.

DEATH TAX IS PARTICULARLY METTLESOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it is no secret that the Tax Code hurts our economy. We all know that Americans who try to save get penalized and that most Americans need a tax attorney to help them file their returns.

I want to speak briefly, however, on a part of the Tax Code that is particularly mettlesome to constituents in my district: The death tax, which was first enacted in 1916 on estates larger than $50,000, which in today's dollars would be about $720,000 at a top tax rate of 10 percent.

Today, under the tax and spend policies of the past, this tax has grown to include estates valued as low as $600,000 with a top tax rate of 55 percent.

The goal of this tax is to prevent families from amassing huge estates and to promote wealth redistribution. That may sound like a good goal on paper, but in practice this tax does not have that effect. In fact, the estate tax hurts middle class, family owned businesses and farms by making it harder for the business to be passed on to the next generation.

Back in my district, in Illinois, the Buesinger family, from Christian County, have recently found out how terrible this tax can be.

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After Glen Buesinger, Sr. passed away, his three sons and wife were left to manage the farm. The family almost lost their farm and is still hurting from the costs, aggravation, and frustration this tax has placed on them.

The rich in this country, at which this law is aimed, simply evade this tax legally by using complex estate planning techniques and tricky lawyers. Since many of these techniques are costly and require long lead times to implement, those with the largest estates have the greatest ability to engage in this practice. A disproportionate burden of the death tax falls on those with recently acquired assets, such as farmers and small business owners.

Imagine, if you will, owning a family farm in southwestern Illinois which you have worked for 30 years. You have built and developed the land with the hope of passing it along to your children so that they may have a better life. But after your death, your children tragically find that the farm will not be staying in the family. In fact, most of the farm must be sold off to pay the Federal taxes due on the property.

This tax costs Americans a great deal back in Illinois but the sacrifice shows up for very little in Washington tax coffers. According to the Office of Management and Budget, the estate tax raises little more than 1 percent of the total Federal revenues. In addition, costs to the Government to collect this tax can be as high as 65 cents of every dollar.

Mr. Speaker, this tax policy is not an effective way to help America create jobs and grow the economy. This policy taxes the middle class and destroys the dreams of countless families. It is time we abolish this tax and start letting Americans know that their dreams can come true and not end up in the hands of some big-spending bureaucrats in Washington.

TAX REFORM

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Kansas [Mr. RYUN] is recognized for 5 minutes.

Mr. RYUN. Mr. Speaker, the Federal Government is taking too much of the American taxpayer's money. As the representative from the Second District of Kansas, I have been elected to be a custodian of their money and I am here to make a report that their taxes are too high.

Right now Americans, and Kansans in particular, pay more in taxes than they do on three essential things: food, shelter, and clothing. All of those things combined, they pay more taxes. They have to work until May 7 before they can realize even one penny of their hard-earned money. That means that January, February, March, April, and the first 7 days of May, they have to work to support the Federal Government before they can realize even one penny of their hard-earned money.

In 1992, families were promised a tax cut, only to have that promise broken and to see the largest tax increase in American history. I along with others have personally felt this tax increase. As a small independent businessman, there were times as I finished collecting and putting together the payroll that I would come up and I would say to my family, I would show them in fact what I earned, say, 10 years before and what I earned last year and I would show them that the difference was taxation. It is too large, it is too much, and we need to make a change.

Some people do not understand that, though. They think that the Government is entitled to every penny that they earn. They need to realize and here is an opportunity to realize that it is their hard-earned money, it is not the Federal Government's money.

Recently I was in Pittsburg, KS, seeing some of my constituents, and as I was leaving, traveling to another southeast Kansas city, I was stopped on the highway by a construction worker as I was waiting for construction to be completed. The young man that was holding the sign came back to me, and as we talked at the window I began enlisting him hopefully in support of my campaign to elect me to the Second District of Kansas. I handed him one of my fliers and he responded by saying, "I'm not involved in the process, I don't vote." And so as we continued to talk, he began explaining to me that he did not want to be a construction worker the rest of his life but that he would like to be an underwater welder like his uncle and earn lots of money. I then reached over to the side of my car where my wife normally sat and gave him a voter registration, and I explained to him that when he started earning more money and started paying taxes like the rest of us, he would want to be involved in this process and have more say-so as to how his taxes were being spent.

Specifically, I think we need to help Kansas families, Kansas working families, and there are four areas. One of them is in the area of the marriage penalty. We need to eliminate that. Another area is in terms of capital gains. We need to reduce capital gains. By reducing capital gains, we will free up more money, we will provide for better jobs and we will provide more opportunities for hard-working Kansas family members. We need to reward Kansas families. The $500 per child tax credit would be an opportunity to do that. Finally, we need to eliminate the estate, or I would like to say the death tax. When you have been taxed all of your life, there is nothing worse than one more insult from the Federal Government.

I intend, Mr. Speaker, to work hard with other freshmen, my freshman colleagues and other Members from both sides of the aisle who are willing to reduce the level of taxation on families. We need to restore back to the American public the opportunity to see more of their hard-earned and realized dollars.

THE MOST UNFAIR TAX, CAPITAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. PETERSON] is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is a pleasure today to stand and speak out against the tax that I think is the most unfair tax in this country, the capital gains tax. This is a tax that has been debated for a decade in this country and it has been debated and has not been cut because, in my view, those who oppose cutting this tax say that it would be a tax break for the rich. And who wants to give the rich a tax break? None of us.

But that is not a fair statement. When you look at the record, 37 percent of the people who pay the capital gains tax make less than $30,000 in income a year. Is that the rich? Fifty-seven percent make less than $50,000 a year. Is that the rich? Seventy-four percent make less than $75,000 a year. Is that the rich? Who does it really affect? I think one of the most detrimental effects is on our farmers, our restaurateurs, our merchants, small manufacturers, small investors, and many of our senior citizens.

I want to give Members an iron-clad example. If a couple bought a farm in 1957 for $40,000 and they just maintained that farm until today and sold it, it would probably bring about $400,000, only because of inflation, not because it is of more value, just keeping equal. That couple would pay $111,000 of that money back to the Federal Government who has done nothing to help them, only tax them, for all of that time. Is that fair? I do not think so.

Most farmers and small businesspeople do not have savings plans and do not have retirement systems. They depend on the value of their farm and their small business when they sell it as a nest egg to augment their Social Security.

Yes, the capital gains tax taxes inflation as it did with that farmer. Who taxes capital gains? The growing countries of the world, Hong Kong, the Netherlands, Germany, and Japan, do not. They do not tax capital gains. Other countries index assets for inflation so that you do not pay on a false growth. Inflation is not a growth in value.

The record is clear. In 1978 through 1985 when we cut our capital gains tax in this country 30 percent, from 50 to 20, revenues actually increased from $9 billion a year to $26.5 billion. In 1986 when we increased it from 20 percent back to 28 percent, 6 years later revenues were just equal. It did not grow. We did not benefit.

The 28 percent capital gains tax rate has locked up trillions of dollars of needed capital to reinvest in our sluggish rural economy in America. Too much of rural America is struggling to provide opportunities for our young people. It is certainly obvious to me that a capital gains tax cut is not a tax cut for the rich. It is for our family farmers. It is for the local merchants, small manufacturers, our neighbors who have invested in a business or in stocks, and many of our senior citizens who would like to sell their business and be able to enjoy the fruits of their labor.

I call upon my colleagues today to make our No. 1 priority cutting and initially eliminating the capital gains tax, because it is the greatest deterrent to economic growth and a future for our young people that we have in this country today.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, many of my colleagues have gone before me and addressed an issue which I think is of great importance to the future of our country. In fact if you look back in 1948, the average tax burden in America on the average family was about 2 percent of their income. Today the Federal tax burden is 24 percent and when we factor in State and local taxes, it gets upward of 40 percent. And if you figure the overall cost of government to the American family today, it is over 50 percent of their income.

If you look at some of the statistics that were released by the Kemp Commission last year, the fact is that we spend in this country over 5 billion man-hours a year filling out tax returns. You think about the number of people who do nothing. Three million full-time equivalent people who do nothing but fill out tax returns. I think it is ironic because that is more people than we have in our entire Armed Forces in America. That tells me one thing; that we spend more time, money, and energy in resources defending ourselves from our own tax system than we do from foreign enemies. So we have a tax system in this country that is desperately in need of overhaul, of simplification, of common sense for American families and businesses.

I would also point out that there are 471 different tax forms. I think the complexity of our Tax Code today was illustrated recently when the Internal Revenue Service expended $4 billion to come up with a computer system to process it which they discovered could not work. And so we need to simplify the Tax Code in this country in a way that makes sense for American families and American businesses and lowers the overall tax burden for our families.

One of the things that I think you will find in this town in particular is a lot of institutional resistance to that. It is ironic as well, as I was reading some time back in the Wall Street Journal, an op-ed piece which suggested that in 1964 there were some 16,000 lobbyists in Washington and today there are over 64,000 lobbyists, which is 125 for every Member of Congress. There is nothing wrong with lobbying and many of us rely on the information that they provide to us, but I think it points to the fact that government has become so inordinately complex that it takes people to interpret the laws and try and tell us and try and tell the American people what they mean. In fact lobbying, according to the article, today is an $8 billion industry which is larger than 57 economies in the world.

The other point I would make in terms of the complexity of the Tax Code, I was also reading last year in the Wall Street Journal a story about the number of people in tax writing committees of the Congress who actually fill out their own tax returns and of the 57, I think the article stated that there were 6 who confirmed that they in fact did that. I suspect that is probably because again of the complexity of the Tax Code.

And so as we look at this priority in this next session of our Congress and as we embark upon many of the things that we have laid out in terms of things that we want to accomplish and the goals, there are a number of us, many of my colleagues in the freshman class who are here today to speak to this issue, who in the course of their campaigns talked about what we can do to come up with a Tax Code that is simple, that is fair, that lowers the overall tax burden on American businesses and families.

I too would issue the call today upon my colleagues in the Congress to make this a priority, so that in this session of Congress we do something that we have lacked the courage, the will before to do, and that is to address this behemoth Tax Code which clearly has gotten out of control.

And I think that the people of this country, the men and women who fill out tax returns every day, those who are in business, those who are creating jobs and creating wealth, it was just alluded to earlier by my colleague from Pennsylvania, the enormous cost of capital in this country and how that compares with other industrialized nations in the world. And we do tax capital at a high rate and we tax labor at a high rate.

I was reading recently as well that if you look at the number of people who file tax returns in America, 72 percent spend more on payroll tax than they do on income tax. And so we need to do something to allow the economic engine in America to continue to move our country forward, to create new jobs and make our economy all that it can be. I do not believe that we will see that happen if we continue to be bogged down and mired in this complex web that we know today as our U.S. Tax Code.

And so along with my colleagues who have spoken before me and those who will follow, I today as well would ask that we make this a priority for the 105th Congress, that we be the Congress that is known and that our legacy be that we simplified and made sense of the American Tax Code.

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IT IS TIME TO REPEAL THE ESTATE TAX

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Utah [Mr. CANNON] is recognized for 5 minutes.

Mr. CANNON. Mr. Speaker, I would like to address an issue today that is very important to me and, in particular, to America's small family farms and businesses, the repeal of the estate tax or, as many like to refer to it, the death tax.

Yesterday I met with Mr. And Mrs. Mouskondis, the owners of Nicholas & Co., a family-owned and operated food distributing company in my home State of Utah. About 40 years ago, Mr. Mouskondis' father passed on his business to his son Bill. While a small company at the time, Nicholas & Co. today is steadily expanding and diversifying, and Bill now works with more than 250 employees and is constantly working to improve his company by using new technology and streamlining his service.

Yet in order to prepare to pay the estate tax, Bill is facing steep costs and may have to sell off assets or, worse yet, release employees. This is something Bill has not done since he became the owner of the company.

When the owner of a family business or farm dies, the value of the enterprise is added to the owner's estate and is taxed after exemptions. While the owner of this business has spent his entire life working hard to contribute to society, provide for his family and to establish his own American dream, in the end his family must endure the loss of him and cover the cost of his commendable life's efforts.

Not only is the tax a burden, the rates currently run between 37 and 55 percent, but the costs involved in dealing with this tax are exorbitant as well. The average family business spends $20,000 in legal fees, $11,900 for accounting fees, and $11,200 for other advisers just to pay the taxes.

But dollars do not tell the real story. Family businesses are exactly that, businesses for families. But the Small Business Administration reports that a full 33 percent of grieving relatives must sell all or part of the family business to pay the estate tax.

Is it any wonder why only 30 percent of family businesses are passed on to the second generation?

This is simply wrong, wrong because America was founded and its government established to protect the life, liberty, and pursuit of happiness of each American citizen. We here in Washington are not fulfilling our duties when we penalize Americans for working hard.

It is time to repeal the estate tax. I encourage each of you to support H.R. 902, the Cox-Kyl Family Heritage Preservation Act.

WE MUST CONTINUE TO PUSH FOR A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. BOB SCHAFFER] is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I also rise to speak on the topic of excessive taxation.

Tuesday of this week the first attempt of the 105th Congress to pass a balanced budget amendment fell short by only one pathetic vote. The failure to pass this amendment was of great disappointment not only to me and my family but to most Members of Congress and to approximately 80 percent of the American people who have repeatedly and consistently asked Congress to protect the futures of their children by the passage of a balanced budget amendment.

Now yesterday's setback is temporary, I assure you of that. We must and we will continue to push for a balanced budget amendment for the American taxpayer. But for now it is essential that we remember just whose hard-earned dollars provide for the budget, the same budget that we hope will one day be balanced. It is the retired school teacher in Cincinnati OH, small businessmen in Atlanta, GA or, closer to my home, the farmer in Lamar, CO. They are the ones who sacrifice a greater and growing portion of their strenuous effort, hard work and time away from their families in order to pay more and more cash only to be squandered here in Washington, DC, year after year after year.

Mr. Speaker, it is high time that we focused on strategies to allow these honest, hard-working producers to keep more of what they earn for themselves and for their families. They deserve a break from excessive and punitive taxation such as the capital gains tax and the inheritance tax. Mr. Speaker, these taxes do nothing more than betray the very characteristics that Americans stand for: accomplishment, success, honesty, opportunity, and optimism, but most especially responsibility.

Mr. Speaker, these are the core American values upon which our budget and Tax Code should be built, not the waste, duplicity, despair and stupidity that our Government heaps upon taxpayers every day.

Now, since the President and his party seem to have the upper hand in their zeal to kill a balanced budget, let us agree at least that the dead hand of capital gains taxes and the tax on inheritance be lifted from the worn backs of American families. Let us free the productive instincts of a Nation, unleash its creativity and competitiveness, restore the value of thrift, and preserve families and their businesses.

Mr. Speaker, I am just a new Member of Congress, but the people of Colorado did not send me here to make friends with the alligators. They expect me to help drain the swamp, and providing relief from capital gains taxes and death taxes are two important ways to help Americans rise above the muck and mire of oppressive taxation. On this topic I intend to be most persistent and to speak here often.

TAX-FREE INTERNET ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, it is only fitting that I should rise now, the Representative from the home State of the alligator, to address a particular area of our economy that I would like to set aside as not eligible for taxation, and that is the Internet.

Specifically, I have filed a bill today entitled the Tax-Free Internet Act of 1997. This legislation amends the Internal Revenue Code to declare that fees for Internet access and other online services are not and shall not be subject to Federal taxation. Furthermore, the bill would prevent any Federal department from using its funds to study the revenue potential of Internet taxation. I believe that this legislation is a strong statement in support of the free and unfettered development of this industry. My bill has already been endorsed by several online services and Internet service providers.

America Online, one of the Nation's most widely used Internet-related service providers, said, and I quote, "We commend your leadership in authoring and sponsoring the Tax-Free Internet Act of 1997. AOL strongly supports your policy efforts. Any new tax could threaten the continued growth of this global medium."

The President of Erol's online service adds, "This legislation is a very positive development, and I give it my full support."

Mr. Speaker, we must not allow this budding industry to be smothered by Federal taxation. A few of the States, including my own State of Florida, have already initiated legislation to exempt the Internet and online service access fees from State and local taxes. We on the Federal level should do likewise.

As the United States Internet Providers Association says of my bill: "We support the efforts of all informed policymakers to protect technology innovation and the growth of the industry through sound legislation. This is a step in the right direction."

Mr. Speaker, let us here resolve not to interfere with the technological phenomenon which has done so much to inform and educate so many millions of Americans. Let us restrain the reach of government so as not to smother the vitality and creativity that characterize this new frontier in communications.

PATENT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today to talk about something that really is pure Americana. It is important enough that it is noted in the U.S. Constitution. I refer to the U.S. patent which is the backbone of the United States economy, the basis for our dominant place in the world economy, and clearly the key to a more prosperous economic future. Invention is certainly pure Americana.

As I have said, by offering the strongest patent protections in the world the United States has stimulated more creativity, more new industries and tens of millions of more new jobs than anywhere else in the world throughout all of our history. Yet the small independent inventors, the future Graham Bells, the Edisons, the Henry Ford, are now having to fight tooth and nail to maintain their constitutional right to their intellectual property. It is slowly, slowly being stolen out from them by the mega corporations and foreign interests. Truly, intellectual property in the United States is under dire threat. The system we have in place may not be perfect, but at least the small independent inventor has a fighting chance against the larger multinational corporations.

A perfect illustration, Mr. Speaker, of the importance of saving our patent system is the very true story of Dr. Raymond Damadian of Long Island and the inventor of the MRI. It has taken Dr. Damadian, who is a physician at the Down State Medical Center in Brooklyn, some 25 years to uphold the patent he received back in 1970, and that is with the protections of the U.S. Constitution. In June 1970, Dr. Damadian discovered the different types of tissues taken from rats emit different signals when placed in a nuclear magnetic resonance spectrometer. Not only that, but cancerous tissues taken from the rats emit significantly different NMR signals. It immediately occurred to Dr. Damadian that if it were possible to create a large enough and powerful enough scanner to contain a human, it would be possible to detect cancer very early on.

Less than 2 years later, Dr. Damadian filed the pioneer patent application that really was the world's first MRI, a patent application that came from Dr. Damadian right from Long Island. Two years later, back in 1974, he received that patent from the U.S. Patent Office in Washington. By July 1977, Dr. Damadian and his assistants achieved the world's first whole body human MRI image. In March 1978, Dr. Damadian formed a company called FONAR and began to develop and market MRI scanners and, within 2 years, unveiled the world's first commercial MRI scanner.

The problem Dr. Damadian encountered was not really from the U.S. Patent Office, but in fact it was a failure by them to enforce his ownership of that patent. Eleven years after Dr. Damadian unveiled the world's first commercial MRI, his patent became infringed upon by several international corporations including Johnson & Johnson, General Electric, and Hitachi. For those who do not know, I mean by infringement that Dr. Damadian's patent technology for the MRI, the intellectual property that he owned, was basically copied by these large corporations.

Well, 25 years later, after literally millions of dollars in legal expenses, Dr. Damadian has finally won his day in court. He was judged by the courts to in fact be the rightful owner of the patent for the MRI. FONAR, a Long Island corporation, could today be clearly a corporation that would have retained and employed tens of thousands of Long Islanders were it not for the 25 years of legal maneuvers that kept Dr. Damadian tied up in court.

Mr. Speaker, again I think it is important to understand that the U.S. patent is really pure Americana. It is at the heart of American ingenuity and our ability, frankly, to remain No. 1 in the global marketplace. But afoot here in the Congress is something that has been evolving over the last several years, and that is to harmonize patents, to take American ingenuity and harmonize it to the lowest common denominator.

Mr. Speaker, I appreciate this chance to talk about the MRI and Dr. Damadian's important contributions.

□ 1300

AMERICA MUST REENERGIZE ITSELF IN FIGHTING THE WAR AGAINST ILLEGAL DRUGS

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, today I rise to address a matter of the greatest public concern. Illegal drug abuse is soaring in our country, and it is the most serious social problem that faces our communities, our families, and our children. We hear this from every side. It is our children themselves who are telling us this. Thirty-five percent of teenagers ages 13 through 17 identified drugs as their most serious concern.

Our law enforcement agents are telling us this as well. Thirty-one percent of the Nation's police chiefs believe that the best way to reduce violent crime is to reduce drug abuse. Drug-related activities have been identified as being at the core of the violent crimes, the property crimes, and, yes, domestic abuse which afflict our communities.

During the 1980's our Nation declared a war against drugs. I was in that battle as a Federal prosecutor. It was during that time that our families, our communities, and our law enforcement officials mobilized in a united effort to fight this war. Because of this national crusade, teenage drug abuse declined from 1985 to 1992.

Then what happened? It was then that our national commitment against this war of drugs waned. It was then that teenage drug use again started to increase, and we saw that teenage experimentation with drugs was on the incline.

Today it is my belief that we need to renew our national commitment to saving our children, to restoring the vibrancy of our inner cities, and strengthening our families. How do we do this? By reenergizing ourselves in this war on drugs. We must not retreat. It is not the time. We must not be satisfied to hide in the foxhole. It is imperative that we fight on.

It is particularly timely today that we reenergize our country because last week the administration released its report on our Nation's drug control strategy. In that report, the administration criticized the war against drugs, and said the term war against drugs was misleading. The administration preferred to adopt the language of pessimism, and say that we should more appropriately use the term cancer. To me the implication of using the word cancer in relation to our drug problems is that it implies that it is going to be with us a long time, and we simply must learn to live with it.

I believe it is a war that we must fight, and not a problem that we must learn to accept and deal with. It is the wrong message when we change the terminology. It is the wrong message to our teens, who deal in symbols and listen to the nuances of language as to whether it is a serious national problem or it is something that is acceptable in our society. It is the wrong message to send with our families, who are struggling day in and day out, and as the parent of teenagers, I understand this. They face daily the corrosive effects of drug abuse. And it is the wrong message to our law enforcement officers who daily place their lives on the line in this struggle.

In signaling a retreat from the war on drugs, we also undermine the efforts of other nations, which are looking to the United States of America for leadership. The other nations are putting the lifeblood of their leaders, in many cases, and soldiers out on the front line in an effort to stop drug production and trafficking within their own borders.

While the administration says we should not call this a war, it refused to certify certain countries for not fighting hard enough, not fighting hard enough to stop the flow of illegal drugs into America. I applaud the administration for not certifying certain countries, but our country must lead in this battle. We must not change the terminology. We must call it a war, because it is a war for our families, it is a war for our children, it is a war for our streets and our inner cities, and it is a war that we must win.

In Mexico alone, 40 drug agents were killed fighting the importation of drugs into the United States of America to satisfy the demand we see in our country. We must provide leadership to Mexico. We must provide leadership to South America. We must call it a war, because it is a war in which people's lives are being lost, not just in America, but also in other countries.

So it is my hope that this administration will reengage itself in the war against drugs, that this Congress will reenergize itself, that we will provide leadership to our American families, to our teenagers, and to set the appropriate example. I pledge that support as a Member of this body.

WE SHOULD VALUE AND CHERISH OUR NATION'S IMMIGRANTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. DAVIS] is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to draw attention to an all too familiar debate in our country, immigration and immigrants. This is an age-old topic that has taken many different faces since the founding of this Nation. Today the immigration debate seems to be focused on mostly Latino and Asian-American immigrants, or individuals from the Caribbean or African nations, people of color.

However, I am concerned that the immigration issue is too often raised in a negative manner. Why is it that we cannot talk about immigrants without mentioning the undocumented, those who may not have complied with all of the rules and regulations? The politicizing of the immigration issues and programs like Citizenship U.S.A. made by certain groups have attempted to demonize immigrants.

I submit that certain groups have been using immigrants as a scapegoat for years. Oftentimes they have been marginalized in the great divide between black and white. As illustrated in the words of W.E.B. DuBois, he pointed out that mass immigration hurt both black and white laborers, as he foreshadowed future events by noting the Republican Party platform of 1864, which advocated increased immigration in the interests of big business:

> A new flood of eager-to-work immigrant labor was brought into the country to work on the railroads and in the new industries. Northern mill owners, who had feared free farms because they might decrease the number of laborers and raise their wages, were appeased by the promotion of alien immigration. It was interesting to hear the Union Party, as the Republicans called themselves in 1864, say in their platform: "Foreign immigration, which in the past had added so much to the wealth and development of resources and the increase of power to this Nation—the aspirations of the oppressed of all nations should be fostered and encouraged by a liberal and just policy." That year the Bureau of Immigration was created. . . . In 1860 immigrants were coming in at a rate of 130,000 a year . . . but the new homestead laws began to attract them, so after the war immigration quickly rose . . . and in 1873 had reached 460,000 annually.

I feel it is important to address the issue of stereotyping our Nation's immigrants because it is unjust, it is unfair, and it is wrong. I would like people to think of the many contributions that immigrants have made. We should value and cherish immigrants. Everyone in this country, except for native Americans, are immigrants. Some came voluntarily and others, like myself, came involuntarily.

It is my hope that the next time immigration is brought up as a topic, that it conjures up a positive image in our mind, one that values the mosaical background and cultures that make up the Nation as well as the district where I live, represent, and work.

I enjoy experiencing the sights, sounds, and smells of Caribbean restaurants on Georgia Avenue, and Ethiopian cuisine in Adams Morgan. Closer to home, I also enjoy Little Italy, on Taylor street, Chinatown, at Wentworth and Surmack, Little Village in Franklin Park.

The top 10 immigrant groups that boast the great land of Lincoln as their home are a diverse group. They are from Mexico, Poland, Philippines, Germany, India, Italy, Korea, the United Kingdom, Yugoslavia, Greece, Africa, all over the world. By no means do I view them as a threat. I think they are, indeed, a great asset.

That is why it disturbs me that the INS Citizenship U.S.A. Program is in the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight. I feel it is offensive to all Americans to question the integrity and loyalty and contributions of immigrants.

This is not the first time. During World War II, Japanese-Americans and their children were rounded up and placed into internment camps. They were placed in these camps because the American Government viewed these Americans of Japanese descent as a threat to national security.

Imagine how they must have felt to be viewed as a threat to their own country. Many of those Japanese-Americans interned were actually born here. In spite of this insult, Japanese-Americans formed a special regimental combat team, which was one of the most decorated units of its size in World War II.

It should also be noted that a United States Government commission later concluded, and I quote: "Not a single documented act of espionage, sabotage, or fifth column activity was committed by an American citizen of Japanese ancestry, or by a resident Japanese alien."

This is just one fine example of the many various contributions that immigrants have made. I question the accusation that immigrants do not share the same commitment to the United States.

According to a recent study released by the Cato Institute called "In Defense of a Nation" on the military contributions of immigrants,

> The military contributions of immigrants is a story that has gone largely untold. Today, 62,560 immigrants serve on active duty in the U.S. Armed Forces. More than 20 percent of the recipients of the Congressional Medal of Honor in United States wars have been immigrants. Immigrant scientists and engineers are major developers of advanced U.S. Government laboratories and major defense firms. In fact, the submarine, the helicopter, a more advanced ironclad ship, and the atomic and hydrogen bombs were developed by immigrants.

In short, the study concludes that "Throughout history and even now, immigrants have demonstrated their loyalty to this country, and have voluntarily sacrificed to protect the freedom of civil rights and the pride of this Nation itself."

Let us stop talking about the myths and misconceptions of immigrants. Let us look at the facts. It is a fact that most immigrants enter the United States legally; about 70 percent, according to the American immigration law forum. It is a fact that most immigrants come to the United States to unite with close family members. People come to this country for the American dream of freedom, peace, economic prosperity, opportunity, and democracy. They do not come here to take advantage of the welfare system.

Contrary to popular belief, not all immigrants are Mexican or Chinese. Many are from places, African countries like Somalia, Ethiopia, Nigeria, and Ghana, escaping violent upheavals; from Haiti, fleeing war, political oppression, drought, and famine. There are many children in Romania, China, and Brazil fleeing poverty and hunger.

Many wait in places like the Philippines, where the average waiting period is as long as 12 to 15 years. There is a need for fair and more efficient immigration policy and a more efficient system.

According to a 1996 report released by the Illinois Immigrant Policy Project, immigrants make up 7.1 percent of the total State population, and 49.2 percent of the city of Chicago. Illinois immigrants pay $7.2 billion, or 10.6 percent of the $68 billion of taxes paid by all Illinois residents.

The seven taxes included in this estimate are Federal and State income, State and local tax, property, Social

Security, and unemployment insurance.

□ 1315

Additionally, immigrants only use 7 percent of major welfare and education services. The programs included in this estimate include most of the large cash and in-kind welfare programs and the basic education, SSI, AFDC, aid to the aged, blind and disabled, transitional assistance, Medicaid, and K through 12 public education. Thus when the seven major taxes are compared to the five major types of governmental services, immigrants in Illinois actually pay more taxes than services used. They are paying $6.11 for every $1 of services received.

Mr. Speaker, these findings reveal that immigrants are substantial economic contributors. And some 70 percent of immigrants' taxes flow to the Federal Government, primarily through Federal income and Social Security taxes.

It is a fact that immigrants start new businesses; 18 percent of all new small businesses are started by immigrants. These small businesses account for up to 80 percent of the new jobs available in the United States each year.

Now, having stated the facts, I would urge my fellow Members of Congress to take the partisan politics out of the immigration debate. While this issue is being politicized, there are many constituents in my district who are unable to naturalize and stand to soon lose much-needed benefits underneath the new welfare reform law.

It is my understanding that the last time an oath ceremony was performed was September 30, 1996. Why should immigrants experience longer delays due to the decisions of government bureaucracy? Citizenship USA was enacted with bipartisan support and was a good idea in order to reduce the backlog of some 1 million eligible immigrants who filed in fiscal 1995 to become U.S.citizens. This number is more than triple the number of citizens who filed in recent years. This can be largely contributed to the 1986 amnesty program, the passage of issues like proposition 187 in California, and the threat of losing benefits due to welfare reform.

I would like to note that out of the 1.3 million new citizens naturalized under Citizenship USA, only about 71,500 were found to have FBI records, which includes the following categories: INS administrative record, 34,000; misdemeanor but not a felony, 25,000; felony 10,000. Sixty-nine percent have still demonstrated good moral character, 29 percent good moral character may not have been met, further review is required. Two percent good moral character was not met, represents 168 individuals, 168 individuals out of the 1.3 million that naturalized under Citizenship USA is only about two-tenths of 1 percent.

Mr. Speaker, I suggest that this is hardly reason to exploit naturalized citizens as criminals. Prior to the program Citizenship USA, applicants waited 2 to 4 years to become citizens. Given that so many elderly and disabled people were at risk to lose much-needed benefits due to welfare reform, it is my opinion that Citizenship USA actually served as a partial solution to some of the negative effects of welfare reform and in response to the criticisms aimed at a high number of these newly naturalized citizens registered to vote, I must ask, is it not a double standard? In an election year where apathy seemed to be a common tune ringing throughout the land, why criticize any group for exercising their right to vote? Do we not teach all citizens that voting is not only the epitome of living in a democracy but a responsibility as well?

I submit that the very fabric of our social, economic, cultural, and political institutions has changed into a great, great mosaic due to our Nation's newcomers. Immigrants are an integral part of our work force, tax base, and cultural diversity. May we as a Nation of immigrants not turn on ourselves.

Mr. Speaker, I will now shift to another idea, one that we have been discussing, debating, and talking about and will continue to do so as we talk about the reauthorization of ISTEA. I appreciate having this opportunity to speak in behalf of projects which have been proposed for the Seventh Congressional District in the State of Illinois, which I have the honor to represent.

Mr. Speaker, the citizens of this country are in favor of policies and programs that meet discernible needs, create jobs, promote economic development, protect and improve the environment, and improve the overall quality of life. I shall describe four projects which are consistent with these goals and trust that they will be seriously considered by the Congress for funding, as they will greatly benefit the residents of Chicago, its western suburbs, and Cook County.

One, Marion Street mall-to-mall transit center and commuter parking facility in Oak Park, IL, is one of these projects. This project will increase rider access to several different forms of public transportation, including bus, elevated trains, and passenger rails. It will provide reciprocal access to suburban and city of Chicago residents who need public transportation to get to and from work. It will promote commercial revitalization for the villages of Oak Park and River Forest and reduce the number of cars on the roadways, thereby enhancing air quality and improvement of the overall environment.

Mr. Speaker, the second project is the funding of a preliminary engineering project to determine the feasibility and cost of widening the Union Pacific bridge over Illinois State Route 43 at Harlem Avenue.

Presently this stretch of road, which is considered a strategic arterial route, has shortcomings which cannot be easily and readily remedied. Principally the bridge embodies a dangerous center pier which severely impedes traffic flow. Simply by widening the two-spanned structure, we can decrease the potential number of accidents as well as facilitate the flow of traffic. The reduction in congestion on the bridge will diminish the amount of air pollution and gridlock on the road.

The third project calls for the establishment of an Intelligent Transportation Systems Research Institute. This institute would marshal the research capabilities of the University of Illinois at Chicago and Champaign-Urbana, the University of Wisconsin at Madison, Purdue University in Indiana, and the Argonne National Laboratory.

In an effort to employ communications technology as a solution to some of the region's inter- and intrastate traffic problems, the target area is the region spanning from Gary, IN, through Chicago, IL, and on to Milwaukee, WI. This stretch is essential for efficient commercial travel throughout the region.

An example of the technology that the Intelligent Transportation Institute will explore includes computerized traffic lights. These lights will be capable of detecting the approach of a massive public transportation bus or a commercial truck and will stay green longer to permit their passage.

Mr. Speaker, this is an idea whose time has truly come. This innovation will facilitate a way of ingress and egress from Chicago's commercial districts to the expressways linking Gary and Milwaukee. It will also expedite travel time for all workers. Through such technologies, we will be able to create a more effective transportation system.

In addition, this system will provide through the use of communications technology real-time schedules for public transportation. One will be able to access the scheduling information from work and from home. At a time when both parents work most of the day and single parents are forced to work two and three jobs, any way we can make travel time more predictable, reliable, and efficient allows American citizens to spend more time with their families. Our transportation policies can and should work to strengthen families.

Evaluation results to date show that the intelligent transportation system will yield major benefits in congestion mitigation, safety and environmental impact. To date, public and private organizations have succeeded in raising half of the financing required for the project, which has a total cost of $6 million. Therefore, the Federal share of this worthwhile endeavor will be only one half the actual cost.

The fourth project proposes a north-south computer rail line by Metra with the station in the Village of Bellwood. Bellwood is ideally located as a crossroads of the Chicago metropolitan area at the juncture of Interstates 290, 88, and 94, between O'Hare and Midway Airports. Both Metra and the Village of Bellwood view this project as a real opportunity for partnership in dealing with transportation needs and economic development for the region.

Mr. Speaker, I feel, and the people of the Seventh Congressional District in the State of Illinois feel that each one of these projects is viable, valuable, greatly needed and will seriously enhance the quality of life for the residents. of people who live in that particular area.

Now to conclude my remarks, Mr. Speaker, I shall address briefly the issue that I think is so vitally important in this country, and that is the issue of children's health. I firmly believe that the greatness of a society can be determined by how well it treats its old, its young, and those who have difficulty caring for themselves. If this is the case, then by all standards we are not moving toward greatness because we are not doing well by our children.

In my own hometown, Chicago, the city of the big shoulders, the Annie E. Casey Foundation reports that 10.9 percent of all children born are considered low birth weight. According to the Voices for Illinois Children, more than 13,200 of all new mothers in the State, 4,000 in Chicago alone, receive virtually no prenatal care. We all know that there are more than 10 million children in this country who have no health insurance. We know that a disproportionate number of our children are being born to teen parents and are destined to live in the squalor of poverty and deprivation.

□ 1330

We know that it is tough to be hungry and not have food; demoralizing to be broke and not have a job; agonizing to be cold and not have heat; and frustrating to be illiterate and not have hope. But to be sick and not be able to get health care adds another dimension to all the other problems.

The blues singer Marvin Gaye asked the question, "Who will save the baby? Who is willing to try? Who will save a world that is destined to die?" Another songwriter said that "Our children are indeed the future. Teach them well and let them lead the way."

Everybody is searching for a hero. People need somebody to look up to. And so I ask the question this day: Can the children of this Nation look to its Congress to be the hero? Can the children of this Nation look to this Congress to preserve, promote and protect the health of the Nation, the future of our country, and the destiny of our being?

So I ask the question: Will this Congress save the children? We sure can, if we are willing to try.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. (Mr. LAHOOD). Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, and notwithstanding the requirement of clause 1(a)3 of rule XLVIII, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. SKELTON of Missouri and Mr. BISHOP of Georgia.

There was no objection.

RECLAIMING 5-MINUTE SPECIAL ORDER

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to reclaim my 5 minutes. I was unfortunately delayed earlier.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

UNITED STATES SHOULD PRESERVE A STRONG PATENT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, earlier in these 5-minute speech periods we heard from one of my colleagues, the gentleman from New York [Mr. FORBES], about a fight that Mr. Ray Damadian has gone through over these last 25 years in order to secure his right of ownership to a piece of technology that he invented. We are talking about the inventor of the MRI.

This technology, which has saved thousands, perhaps even millions of lives over these last 25 years and permitted the medical profession to diagnose people without having to cut them open, as in the past, has been a tremendous boon to all of mankind. It, in fact, has been a major export item for the United States of America.

The MRI was one of those great inventions, along with the airplane, along with the light bulb, along with so many other inventions that Americans are so proud came from the United States of America. And Ray Damadian, perhaps more than anybody that I know personally, reflects this type of creative genius for which Americans are so proud and this type of creative genius that had meant everything to our standard of living and improved the well-being of people all over the world in the process.

As my colleague Mr. FORBES stated, Mr. Damadian has been in a 25-year fight to maintain his patent rights. Twenty-five years he has fought against this huge corporation, General Electric, for the rights of ownership of his own creative genius.

Why this is important is because Mr. Damadian was protected by a relatively strong patent law and a strong patent system. In fact, the United States has had the strongest patent protection of any Nation in the world. This is what has given us the edge on all our other competitors around the world. This is what has made America safe and secure. This is what has given the average person in America an opportunity and a standard of living that is basically sought after by people from all over the planet. It has been our technology and our freedom. And the American patent system is what has created this impulse, this momentum for the creating of technology.

Our patent system is under attack now. The Ray Damadians in the future, if we permit H.R. 400, a bill that is going through Congress as we speak, if H.R. 400 passes, the Ray Damadians of the world will be chewed up and spit out by the huge corporations, just like his counterparts in Japan and other countries are beaten down by the economic shoguns of their society.

What is happening is there is an attempt, and hold on to your horses here, folks, you may not have heard this before, what is happening is there is a move to make American patent law, which has been the strongest in the world, to be exactly a mirror image of the law in Japan, and they are not bringing up the Japanese standards to the protection our people have been afforded. They are bringing down the protections that have been offered to Americans.

In 20 years this will mean the United States will no longer be the technological leader of the world. The standards of our people will be under attack, and they will never know what hit them because they changed the fundamental laws.

It is happening very quietly here, and the multinational organizations have hired the best lobbyists in town to come here and influence Congress and unless the American people let their feelings be known, H.R. 400, the Steal American Technologies Act, will pass, and the Ray Damadians of the world, the men who create the technology that changes our way of life, will find themselves vulnerable and pretty soon we will not be seeing the MRI's being invented, pretty soon we will not see the technology of the Wright brothers. In fact, the Wright brothers will end up vulnerable to the Mitsubishis of the world.

If that would have been the practice back at the turn of the century, the aerospace industry could have well been developed in Japan instead of the United States and the American people would never have known what hit them. We have to stand up for the United States of America and stand up for the fact that we need to be the technological leaders of the world.

H.R. 400, believe it or not, mandates that every person who applies for a patent in the United States, after 18 months, whether or not that patent has been granted, it is going to be published for the entire world to see. Every thief, every copycat, every economic adversary, every country that hates us and wants to destroy the American way of life will have the advantage of being in possession of all of our technological secrets even before the patent has been issued.

In Ray Damadian's case that means General Electric would actually have had his information before the patent was issued to Ray and, for sure, he would not have been able to defend himself.

We will cease to be a great power. Our people will cease to have the standard of living if we cease to be the technological leader of the world. H.R. 400, the Steal American Technologies Act, will make us incredibly vulnerable to our economic adversaries. And, by the way, it also obliterates the Patent Office in the U.S. Government. It will take away the Patent Office, which was established by our Constitution, and replace it with a corporatized entity, and who knows what kind of influences will be on the patent examiners when they are now in a corporatized job rather than a Government job.

Our patent examiners have worked hard. They have been part of our system but they have been protected by civil service and other protections and the knowledge that they were Government employees. The fact is that will not be the same if we make it a corporatized entity.

H.R. 811 and 812 will fight against H.R. 400 and protect the American patent system. I ask my colleagues to support H.R. 811 and 812 and to oppose the Steal American Technologies Act, H.R. 400.

DEFINING DEVIANCY, UP AND DOWN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, let me say I think the gentleman from California has a wonderful idea and I am certainly pleased to be a cosponsor of his bill.

I wanted to talk today about something that occurred in this Chamber yesterday, something that was ridiculed by people that I consider to be radicals, dismissed by many in the media, called trivial by many observers, but in my mind we did something very significant yesterday.

We have seen over the past 30 years that the radical revolution of the left has torn this country apart at the seams. We live today in a country, as the Speaker says, that has 12-year-old children on drugs, 15-year-olds shooting each other, and 18-year-olds graduating from high school with diplomas that they cannot even read. America has lived in a valueless society that our radical policies of the past 30 years have created.

In 1994, there was a shift back to the center, and yesterday I believe that Congress passed a simple resolution that helped move us back to the right direction where our Founding Fathers wanted us to be.

So what was this dangerous piece of legislation? What was this supposedly unconstitutional resolution? What was this frightening document that the radicals said would spell an end to the separation between church and state and tear the Constitution apart at the seams? It was a very simple resolution that said a court in Alabama ought to be able to hang the Ten Commandments on the wall, the same way that the Supreme Court of the United States hangs the Ten Commandments on the wall in its building, just as we in this Congress every morning pledge allegiance and hear a prayer as we look up to the words "In God We Trust," just as Americans for the first 200 years of this civilization were not afraid to acknowledge that God and faith played a key role in the founding of this country.

Now, these radicals will tell you that this resolution we passed yesterday did violence to the Constitution and was something that the Founding Fathers would never agree with. They would also tell you that they were the ones that would have to step in to protect the Constitution, and yet I think it is very instructive at this point to look back at what the father of the Constitution said regarding the Ten Commandments. The father of the Constitution was also the fourth President of the United States, James Madison. And while drafting the Constitution, Madison said,

> We have staked the entire future of America's civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God.

So here we have the father of the Constitution telling us that the Constitution and American civilization was based upon the Ten Commandments of God. Here we have a situation where the Father of our country, George Washington, in his farewell address spoke to America and said, "It is impossible to govern rightly without God and the Ten Commandments."

We had Founding Father after Founding Father writing the Constitution, the Declaration of Independence, who recognized that we were a country, one country under God, a country who knew its Judeo-Christian heritage and did not run away from it.

It is something they do not teach in schools, it is something the radicals do not want anyone to know about, but that is how it has been in this country until recently, until we had the radicals storm the streets in the 1960's and undermine our efforts across the globe, who in the 1970's stormed Washington and think tanks, and who in the 1980's took control of Hollywood and took control of the people making the TV shows that our children see, and who in the 1990's, unfortunately, took control of some of the highest seats of power in the United States of America.

□ 1345

It is very frightening to me, and it is very frightening, because what they have sought to do and I think what they have accomplished is doing something called defining deviancy down and defining deviancy up. And those are a couple of catch phrases that Senator MOYNIHAN created and also a columnist named Charles Krauthammer created. To do that, what you try to do is you try to make the conventional seem radical and you try to make the radical seem conventional.

So we find ourselves 30 years later in a civilization where the words of Madonna, that life of Larry Flynt, and the acts of Dennis Rodman are glorified and take the place of the words of Washington, Jefferson, Lincoln, and fill this valueless void that used to be filled and made complete by our Judeo-Christian heritage. It is a dangerous situation, it is a dangerous situation for my 6-year-old boy and my 9-year-old boy, and yet all they will tell us is that there is something called the separation between church and state.

Mr. Speaker, this debate is not about religion. This debate is not about morality. This debate is not about Christianity. This debate is about America's proud heritage. I am more afraid, much, much more afraid of intolerance of ideas and of political correctness than I am of letting Americans know what their proud heritage has been and what it will be once again.

Mr. Speaker, we can build a bridge to the 21st century. I have got no problem with that. I just have a problem with radicals that would want to disconnect us from our proud heritage in the past that made America the greatest country in the history not only of Western civilization but in the history of this world.

My friend from California is here who has been talking about this for years. He has almost been like a voice crying in the wilderness while many people here did not want to talk about it while the radicals had control of power.

I yield to the gentleman from California.

Mr. ROHRABACHER. I appreciate the gentleman's comments. When we talk about the Judeo-Christian heritage of our country, and let us remember, by the way, there are many people who agree with the Judeo-Christian tenets, for example, are in the Muslim community as well. This is not an attempt to try to force any type of religious prayer or religious concept on others. But what we do and what today we are faced with is that those people who stand for certain values and certain traditions find themselves under attack.

One of the greatest parts of the Judeo-Christian heritage is a concept called individual responsibility, that you are responsible for your actions and that you will face that responsibility before God. And so really, individual freedom is part of that Judeo-Christian heritage that we talk about. That is where it ties into our Founding Fathers, who believed that freedom of religion was a right that they would fight for. That has been so turned around and so disfigured today that what we have got are people who are trying to express their own religious beliefs are being told, in the name of separation of church and state, in the name of the Constitution to shut up.

How many times do we have to hear the ACLU and others say, you cannot put a manger scene in front of city hall, before we start saying to ourselves, something is wrong here. Whose freedom are we talking about? The freedom of someone who wants to just express a belief in God, whether it is a manger scene or a Star of David during a time of religious importance to one of the great faiths of our country. There is nothing wrong with having them be able to express themselves, and we Christians or Jews or Muslims express ourselves that way. But we have the left wing who is committed to use the force of law to prevent people in our society from expressing their religious beliefs using the separation of church and state as a hammer to prevent us from expressing ourselves.

In my part of the country out in Orange County, the Boy Scouts of America are spending tens of thousands of dollars in order to defend themselves against what? Defend themselves against some liberal left-wing parent who is trying to force the Scouts to take God out of the Scout oath because his children do not want to say "God." Because his children do not want to say "God," it should not be in the Scout oath. This is absolutely an attack on the freedom of those people in the Boy Scouts and Girl Scouts of America. Yet where is the outcry in this? Where are the people who supposedly believe in freedom of speech?

The greatest threat today against people who believe in God, whether they be Christians, Jews, or Muslims, is the U.S. Government coming under the domination of atheists who want to suppress people's expression of their own religion.

Mr. SCARBOROUGH. The gentleman has touched on something, we have seen it on local school boards, he has touched on something that we have seen up here for too long now. What that is, is people parading around in a politically correct cloak that will tell us in the name of tolerance that they have a right to be intolerant, that they have a right again to preach this valueless void, where Jews, Christians, Muslims cannot express their views.

Mr. Speaker, I do not fear my 9-year-old boy, who is in public schools, hearing somebody who is of the Muslim faith speak. I do not fear my 9-year-old boy hearing an orthodox Jew speak to him or to his class or a Catholic or a Pentecostal or a Baptist. I do not fear that. America, according to Jefferson, who the radicals are now calling radical, according to Jefferson, America is the free marketplace of ideas, where the strongest ideas survive. Yet what they want to do is this sort of moral leveling, where there is this valueless void where nothing is right, nothing is wrong, nothing is black, nothing is white, nothing is legal, nothing is illegal.

We are seeing that manifest in the papers every day when officials in this administration continue to talk about moral revelancy, moral equivalency: Hey, nothing is right, nothing is wrong; I know what the law says, but it is not really important.

Mr. ROHRABACHER. If the gentleman will yield further, we have more people being told they cannot put a traditional manger scene in front of city hall or at the school yard during Christmas time. At the same time, these same people, by the way, are insisting that we are engaged in censorship if we refuse to let the NEA, the National Endowment for the Arts, give grants to people who blatantly attack religion, blatantly attack other people's faith. It is okay to subsidize it, but it is wrong for us to put up a manger scene to respect the birth of Christ or to have a Star of David to reflect our worshiping on Passover or some of the other religious holidays that we have.

This has come to the point where the Boy Scouts of America, for example, as I said, not only, people are trying to force God out of the Scout oath. Here is one of the most decent organizations in the history of our country, who has done more to help young people through these hard times in their life, when they are coming into adulthood than Scouting, the young men and young women of our country teaching great values. Now they are having to spend tens of thousands of dollars, just, No. 1, to keep God in the Scout oath and, No. 2, to have standards so that they will have standards so that scoutmasters have a certain moral standard.

There have been a lot of attacks on the religious right, and I will say that I do not attack other people's beliefs, but one thing I demand is that my beliefs that I hold true should not be attacked as well and we should have a right to express it. The religious right more often than not is simply saying and representing a group of Americans that have a set of beliefs and just want to believe that for their own family. And they are saying the Federal Government should not force us to accept another standard which we believe to be immoral.

And the Boy Scouts of America, it has to do, and I will be flat out about it, the hiring of homosexuals as scoutmasters. That is their right as a private organization to do that. And I believe that, if they did not have that standard, a lot of parents would not permit their children into the Scouts and to go out under adult supervision of someone who is sexually attracted to someone of the same sex. But that is the right of that organization.

In San Diego, in California, they said the Boy Scouts could not even use school facilities. They could not use the school facilities which their tax dollars are paying for unless they were willing to take the ban off hiring homosexuals as scoutmasters. In other words, they have to eliminate their moral standards. This is ridiculous. This is an attack on their rights.

Mr. SCARBOROUGH. What radicals do is, and what they have done by defining deviancy down as up, is radicals attack conventional beliefs, they attack the foundation of this Republic, the views by our Founding Fathers, because that is the only way they can seem less radical. They attack the Ten Commandments as being radical and unconstitutional even though the father of our Constitution says that America's civilization is based on the Ten Commandments. They attack the Boy Scouts, saying it is a radical organization.

They attack the Christian right. I have never heard them attack the Christian left. I will be really honest. It is so politically correct to attack the Christian right that many people who agree with the Christian right do not come close to them because they have been the third rail of American politics for some time, touch them and you die.

If I stand up and support something that the Christian right is doing, then I am immediately a member of a suspect class, much as in the past those on the left were seen as members of the suspect class. It is a modern version of McCarthyism.

Let me read one thing and then I will yield further to the gentleman. I want to read something that Robert Bork wrote in a great book called "Slouching Towards Gomorrah." I think this explains why radicals have been able to get away with what radicals have gotten away with for the past 30 years and why they have made the conventional seem radical.

Bork writes on page 7 of "Slouching Towards Gomorrah":

> Modern liberalism is powerful because it has enlisted our cultural elites; those who man the institutions that manufacture, manipulate and disseminate ideas, attitudes and symbols. Universities, churches, Hollywood, the national press, print and electronic, foundation staffs, the public interests, organizations, much of the congressional Democratic party, and some of the congressional Republicans as well and large sections of the judiciary, including all too often a majority of the Supreme Court.

People do not realize this. That is why one cannot turn on the news at night and get the straight news, because the same people, and they do not want you to say this. They want to revise history. They tried to revise the words of Jefferson and Madison and Lincoln. They want to revise what they did in the 1960's. The same people who marched in the streets in the 1960's and according to the North Vietnamese generals after the war, won the war for North Vietnam. That is their words, not mine. Those same people in the 1970's, in the 1980's and 1990's went straight to these areas, these cultural institutions where they could continue to shape and manufacture ideas and continue to make the conventional seem radical.

Mr. ROHRABACHER. Your basic point about those of us expressing another view becoming beaten down, I will have to say, I just expressed something a few moments ago about the hiring of homosexuals by the Boy Scouts. Let me say that I personally never criticize people's personal lives. I do not. I will answer to God for my personal life and I have my own set of beliefs. I just will not criticize people for their personal lives. But let me say, I demand the right for myself and for others to have the right to make those value judgments and to make those stands and to express them.

But I can tell you right now, I will be attacked by saying the Boy Scouts have a right to set their own standards, I will be attacked as if I am advocating an attack on somebody else. In reality, it is the opposite. It is the people with more traditional values who are under attack.

Mr. SCARBOROUGH. And you would be called a bigot because you do not sit back and say absolutely nothing. Again it is not an issue of intolerance, it is not an issue of whether I am going to judge somebody for the life they live. That is up to them. That is what America is about. But at the same time private organizations have a right to make private decisions.

Mr. ROHRABACHER. They have an obligation.

Mr. SCARBOROUGH. They have an obligation. But again this is what has happened to us over the past 30 years, why we have been cowed, why we have been beaten down. Every time we try to speak up for values and beliefs that we hold dear and that our Founding Fathers hold dear, we are attacked by extremists in an extreme manner. We are called bigots, we are called racists.

I was just in an education hearing where I simply said that I believe that parents and teachers and school board members should have a bigger say in their education than bureaucrats in Washington, DC.

□ 1400

This person testifying, supporting the President, the President's proposals, basically said that if we left it to the States, then we would have handicapped children locked in closets, that we would have private schools taking control who did not care about handicapped children, who did not care about children with dirty clothes, who did not care about all these other things.

Now I have got to tell you we have not stood up and said enough is enough, and I can tell you as a Baptist who went to a Catholic parochial school I am insulted, and I am not afraid to say it any more, I am insulted by radicals attacking us, telling us that we do not care simply because we want to give power to parents instead of give power to bureaucrats, and it is time that we stopped being cowed by these radicals that have destroyed this country over the past 30 years. It is time that we say enough is enough.

Mr. Speaker, I will yield to the gentleman from Texas.

Mr. PAUL. Yes, I find your conversation very interesting, and it reminds me of an incident that occurred not too many years ago.

I am a physician. I graduated from medical school in 1961, and at that particular time they decided that saying the Hippocratic oath was no longer necessary, and I did not recite the Hippocratic oath at my graduation.

But when my son graduated there in 1988, they allowed us to come back to say the Hippocratic oath. We were given that chance to come back because they were saying it once again, and I was very interested in this, so I went to his graduation, and at the ceremony they were reciting the Hippocratic oath. And lo and behold, when I looked carefully at it, it was not the same oath. They had changed the clause on abortion. It did not say that you should not use an instrument to do an abortion. They merely said you should follow the law, whatever the law is.

So I thought that was an interesting little story to support your case that truth seems to be easily revised in this day and age.

Mr. SCARBOROUGH. I thank the gentleman. And revisionism occurs all the time, and we are told that our Founding Fathers were racists and bigots and that they were radicals and that is—you know, that did not happen before 1994. It is very interesting that Jefferson was the hero of liberals until 1994, and then a group of us got elected quoting Jefferson, saying the government that governs least governs best, and suddenly he was not a useful hero. In fact, we had people actually writing op-eds this past year saying that the Jefferson Memorial needed to be taken down brick by brick by brick because he was a racist and because he was a radical.

Mr. Speaker, that just shows how desperate revisionists are. They would say the same thing of Abraham Lincoln if we quoted Lincoln too much, and I want to quote Lincoln because I am sure that if a President, sitting President today, said these words, he or she would be called a radical. Abraham Lincoln said this in 1863 in a proclamation.

He said we have grown in numbers, wealth and power as no other Nation has ever grown, but we have forgotten God. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace and too proud to pray to the God that made us.

My gosh. If we said that, we would be called radicals, we would be called extremists, and now what they will tell us is that this is about religion, that you are trying to make everybody a Christian or a Jew or a Muslim. It is not the case. This fight is not about establishing a religion because that is unconstitutional, and I am against it 100 percent. What this is about is reconnecting our children and our grandchildren with their heritage.

Mr. Speaker, I would like to yield to the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Speaker, you know I agree in what you are saying and being able to speak what you think, and I appreciate your quoting Lincoln because he is also one of my heroes. And it kind of ties in with a couple of things that I wanted to mention this afternoon, you know, and this is really kind of in view of our bipartisan retreat that is coming up. I kind of wanted to remind people, making an appeal that, you know the words of the great American philosopher, Pogo: We have met the enemy, and he is us.

I think there are few of us who have been entrusted with the honor of serving in this great institution that are unaware of the low esteem in which we are corporately regarded today. And you know sometimes in the interest of reelection, flawed egos or some purposes of political or personal gain, we abuse our privilege and we dishonor our predecessors and slight our fellow Americans and weaken our Nation, and you know it has been true that there have been scoundrels in the past that have thrown shadows over this great noble body. But you know we have gotten to the point where there is a great deal of distrust and cynicism out there in what we do and what goes on here, in the way we treat one another.

And so I guess I am just saying that, you know, we claim to trust God, and in His name I would like to ask us to really reason together for the good of all and, you know, let us respect one another and tolerate one another's differences and not get upset when somebody says something that they deeply believe, but try and work together and stop destroying one another and lift one another up and endeavor to achieve the height of leadership the American people not only deserve but that they expect of us. And let us seek to be a credit to our Nation and proper example to our world and a joy to our God, and I believe that Lincoln who have agreed with that. Do you not?

Mr. SCARBOROUGH. I certainly do, and I certainly appreciate your words because, I guess this is what has disappointed me over the past 2 years more than anything else.

There are Members here who I disagree with on practically every issue, Members like RON DELLUMS of California. He is on National Defense. I do not think I could find anybody on the issue of national defense that I disagree with more. I do not think I could find anybody on several other issues that I disagree with more. Quite frankly, I think his views are not the best views for America's future. The same with BARNEY FRANK from Massachusetts. But I have got to tell you I can talk to BARNEY FRANK of Massachusetts, and it helps me as a conservative, talking to a liberal who I disagree with to see whether my views are correct or to see whether I am taking an easier path than I should be taking.

The same thing with RON DELLUMS. I had a great talk with RON DELLUMS when we first got here. He came over, he walked over from that side of the aisle, over here where a lot of us were sitting, young Republicans who had just gotten elected, and we talked for a while. And he said to me, he goes: "You know,"—he said, "I don't understand why all you young guys are Republicans, why you're all conservatives. It doesn't make sense to me. Explain it to me."

And I said to him, I said, "Well, you know, Congressman, when you look on this side of the aisle, your views were shaped in the 1950's and 1960's. You saw a Republican majority that supported public discrimination, that supported a lot of the things that happened in the Southeast, where I am from, that were morally repugnant, and the party of Vietnam and Watergate. When I look on your side of the aisle, I think of where I was in 1979, 1978, 1979, 1980, when I first started becoming politically involved, or in my mind watching TV, and as I was about to start college, and I see the party of the Iran hostage crisis. I see the party of Jimmy Carter. I see the party of 21-percent interest rates. I see the party of a failed liberal policy that has bankrupted this country."

So we come from two different worlds, but we can still respect each other, and RON DELLUMS, always a gentleman, said to me, said something like, "That is really deep, man," or whatever RON said, and we respect each other. I think most everybody in this Chamber respects RON DELLUMS.

When RON was over on the Committee on National Security as chairman, hardly any Republicans and most Democrats agreed with him, but when I first got here and I started saying, well, how is this Member and how is that Member, when we talked about RON DELLUMS, they said, "Hey, don't say anything bad about RON. He may be out there in left field ideologically, but at the same time the guy is fair."

And so we can disagree without being disagreeable. We can get on the floor, and we can debate in the strongest terms possible, and we need to do that without becoming personal in our attacks.

Mrs. MYRICK. I think that is true, and that is one thing that has been missing, and it is a good point that you make because this place is such a busy place that you do not take time to build those friendships and you do not take time to walk across that aisle and get to know somebody else, and I think that has been a big mistake and I hope that all of us can start to do more of that sharing and really try and reach out, and have our disagreements because you are going to have to disagree philosophically. We will have a lot of differences; that is the way it is. But it does not mean that you cannot establish those friendships, and I commend you for doing that.

Mr. SCARBOROUGH. I thank the gentlewoman from North Carolina, and I agree with her. We do need to establish these friendships, and at the same time we do not need to create this false, bland bipartisanship where nobody is afraid to speak their mind because the American people might be upset that two independent minds in the free marketplace of ideas disagree with each other. Do not be afraid when you turn on C-SPAN and somebody is pointing across the aisle to somebody else and talking about how they disagree. That is how we move forward as a country, two competing ideas. Unfortunately many of us on the conservative side have been quiet for too long.

Early on in the Bork book he quotes a poet, William Butler Yates, in a great poem called "The Second Coming," and the last line talks about the beast slouching toward Bethlehem. The book is obviously called "Slouching Toward Gomorrah," but this is what Bork highlights, the part where it says the best lack all conviction while the worst are full of passionate intensity. For too long the best have lacked all conviction, the best have remained silent as this country has gone down a radical left path that our Founding Fathers would have been absolutely horrified in, a path that dooms our children.

It is not just cultural. It is economic, too. You know, we have got a $5.6 trillion debt, and we still do not have enough people in this town with the willpower to spend only as much money as we take in.

So what does that mean? It means that our children are going to be burdened with an incredible debt as they grow older.

My 6- and 9-year-old boys 20 years from now are going to be paying 89 percent of every dollar they make to the Federal Government, and that was not a Republican that came up with that. That came from Senator BOB KERREY's independent commission on entitlement reform, you see, because these baby boomers who are slouching toward retirement will overwhelm the system too soon.

You know, back in the 1950's there were 15 people working for every 1 person on Social Security. Today there are 3 people working for every 1 person on Social Security. And 20 years from now when baby boomers are retiring, there is going to be 1 person working for every 1 person on Social Security. So that means our children will not have 14 others in a pool to help pay the beneficiary their benefits that were promised to them. We will only have 1 person working for every 1 person on Social Security, and I have got to tell you the prospects are bleak if we do not have the moral conviction and the moral courage to step forward and save our children's future, and ensure them the same American dream that our parents and grandparents tried to pass on to us.

One member of our historic freshman class of the 104th Congress is the gentleman from South Carolina, who has been looking into how we can make Social Security solvent for our senior citizens without bankrupting our children, and there are going to be a lot of different ideas. We may not agree on what is the best approach, but I can tell you that in the free marketplace of ideas the only way that we can move forward with an agenda that can save our children and save our grandparents from economic calamity is to debate in the free marketplace of ideas and hopefully do so without people demagoging and trying to scare our eldest citizens.

□ 1415

Mr. Speaker, I yield to the gentleman from South Carolina [Mr. SANFORD] for a few minutes, and if he could, to discuss one of his proposals.

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding to me.

In our limited time I will not really go into a proposal we are working on, but what I would like to do for just a few minutes is talk about the problem that is before us, because as the gentleman suggested, we have a very considerable problem if we do nothing. There is the old saying of hear no evil, speak no evil, see no evil, the three monkeys. That seems to be the way Congress is at this point approaching Social Security. It is the most important program we have in this country and it is absolutely vital that we save it.

To save it, we have to begin, as the gentleman suggested, by talking about it. What is interesting about this problem is not what Republicans have said, not what Democrats have said, not what Ross Perot has said, but what the trustees for the trust fund itself have said; that if we do nothing, Social Security will go bankrupt in 2029, and it will begin to run deficits around 2012 when those baby boomers begin to retire, such that either we have to look at raising payroll taxes by about 16 percent, or cutting benefits by about 14 percent, or growing the deficit by roughly the same number.

What I hear from folks back home in the district is, MARK, I am struggling. The idea of raising my payroll taxes by another 16 percent makes no sense to me. When I talk to seniors, they say, MARK, I am struggling. The idea of cutting my benefits by 14 percent is not an option.

What is really interesting are the demographics behind what is driving this change. They are, one, that people are living longer. When Social Security was created in 1935, the average life expectancy was 62 years of age. Today it is 76. Every year that I grow older I hope it keeps moving in that direction, but it creates real strains on a pay-as-you-go system, which is what our system is right now.

The other demographic problem that is headed our way, and again it is, I guess, a mixed blessing, is that we have gone from having big families on the farm to having relatively few families today. As my colleague, the gentleman from Florida, suggested, again, when Social Security was created there were 42 workers for every retiree. By 1960 there were, or 1950 rather, there were around 16 workers for every retiree. Today there are 3.2 workers for every retiree. We are well on our way to having two and then one worker for every retiree.

Again, that is a demographic phenomenon we are not going to change. For me to suggest to my wife—we have three little boys—Jennie, what do you think, another six or seven children and I think we can maybe help to solve this Social Security problem, is not going to fly. So we are looking at demographic trends we cannot change.

That leaves us with a number of, I think, crazy options. We can wait and do nothing and let Social Security go bankrupt, which I do not think is an option. We can wait and do nothing and raise payroll taxes by 16 percent. I do not think that is an option. We can wait and do nothing and cut benefits by 14 percent. I do not think that is an option. We can grow the deficit by roughly 14 to 16 percent. I do not think that is an option. We can lower life expectancy or change fertility rates. Those are not options.

That leaves us with one option. That one option is letting people invest their own money in their own savings accounts and letting that grow and compound over time.

Einstein was once asked, what is the most powerful force in the universe? His reply was, compound interest. It is amazing what you can end up with at the end of a working lifetime if you put a little bit away into your own account that politicians cannot get their hands on, again, over a working lifetime.

I just wanted to touch for a few minutes on the problem. I will be back on many other visits to talk about many of the benefits that would come with change, or our specific ideas on the subject. But I did not want to interrupt my colleague, the gentleman from Florida, for more than just a couple of minutes.

Mr. SCARBOROUGH. Let me ask the gentleman quickly, I know the gentleman from Wisconsin [Mr. NEUMANN] has been talking about taking Social Security off budget. What we mean by that is right now I think Social Security is running about a $62 billion, $63 billion surplus.

When we get together and talk about balancing the budget, one of the ways we do it is say, we have $63 billion over in that trust fund. Why do we not do a little accounting trick and shift it over, and that will make our job $63 billion easier when they know they cannot get their hands on that anyway.

Unfortunately, there is a conspiracy of silence on both sides of the aisle with Congress and the President, because it is in the President's best interest to try to balance the budget. He says he is going to balance the budget, and he has a balanced budget plan. It is $62 billion out of whack. If we add the $62 billion surplus in Social Security that he is counting on to cook the books, it is $120 billion in red. The same thing with the Republicans.

If we have the courage, and I pray that we still do, if we have the courage to come forward with a plan to balance the budget, and yet if we shift $62 billion over from a Social Security trust fund in an accounting trick that we cannot use, then we are $62 billion short.

So I support the gentleman from Wisconsin [Mr. NEUMANN]. Does the gentleman from South Carolina support the gentleman from Wisconsin's proposal?

Mr. SANFORD. I do. As we both know, it will not save Social Security in the long run, because we have this giant demographic shift coming our way as the baby boomers begin to retire in 2012, and there are 730 million. They are about double the size of the generation before and double the size of the generation after.

In other words, it will not save us from that avalanche of graying in America, if you want to call it that, that is headed our way, but it would certainly be a step in the right direction. And most importantly, as the gentleman suggests, if Washington is to be trusted, we have to have, in essence, honest accounting.

For us to say a trust fund, but it is not really a trust fund, is not honest accounting. For us to use Social Security moneys to in essence mask the size of the real operating budget here in Washington again is not an honest accounting. What I hear from folks back home in my district say is that they would like to see honest accounting, and they would like trust fund money to stay in its trust fund.

Mr. SCARBOROUGH. When you talk about honest accounting, and talking about trust, I have to tell the gentleman, his job is going to be made more difficult, the job of the gentleman from Wisconsin is going to be made more difficult, and this institution's job is going to be made more difficult in this area and the entitlement area in general, because of the shameless display we saw over the past 2 years of those who would attack us because were trying to keep Medicare solvent.

The gentleman talked about the trustees. They told us that Medicare was going bankrupt. So we had a group of people step forward with a bold proposal, and the Speaker of the House, who has been fodder for every political campaign over the past 2 years, the Speaker actually had the courage to step forward and say, I know Medicare is the third rail of American politics, I know we are not supposed to touch entitlements; but it is dying and we had better fix it now. If we do not fix it now, we are going to have to pay for it later, and it is going to be seniors and middle-class taxpayers who take the biggest hit if we do not fix it now.

So we stepped forward and we had the courage to do something 2 years ago. Unfortunately, we paid for it in political terms, because there were others that used that against us.

I have to say that if I could do anything this session, it would be to once again instill in the hearts and minds of all these people the courage to step forward and do what has to be done to make Medicare solvent, to make Social Security solvent; because all these other issues about cutting a program 2 percentage points or 4 percentage points, or increasing school lunch programs 4 percentage points instead of 6 percentage points, they are irrelevant.

In the long run, they are irrelevant economically, because it is Medicare, it is Social Security, it is Medicaid that is expanding at such a rapid clip that it is going to overwhelm all of us, it is going to overwhelm this Congress, and it is going to create an economic meltdown if we do not do something about it.

Mr. SANFORD. Mr. Speaker, I thank the gentleman very much. I appreciate him letting me borrow a little of his time.

Mr. SCARBOROUGH. I thank the gentleman, because it does really play into what we were talking about before, and that is talking about creating a civilization that is more connected, more closely connected to the views of our Founding Fathers, to the views of Washington and Jefferson and Lincoln, than to the cultural views of what happened in the 1960s or what is happening now: The life of Larry Flynt or the words of Madonna or the actions of Dennis Rodman.

We have to step forward and not be afraid of our past but embrace our past, embrace the ideals of our Founding Fathers who said, "We have staked the entire future of the American civilization not on the power of government, but on the capacity of Americans to live and govern and control themselves according to the Ten Commandments of God"; or the ideals of Jefferson, who said that the government that governs least governs best.

Those are not radical ideas. Those are ideas for the 21st century. Those are ideas that are going to overwhelm the liberals anyway, that are going to overwhelm the radicals anyway. We are moving from an industrial age to an information society, where information disseminates, and just as the agrarian age had a decentralizing impact and the industrial age had a centralizing impact, the Information Age once again is going to empower the individual.

We in Washington should get out of the way and let individuals live as they choose to live, let individuals study as they choose to study, let them worship as they choose to worship, let them spend their hard-earned tax dollars as they choose to spend the money that they make, and we need to get out of their way and let them prosper.

If we do that, we will once again be the great civilization that we once were. We will once again be what Abraham Lincoln spoke about when he said America was the last great hope for a dying world. We still are. We have just gotten off track in the past 30 years.

And hopefully what we did yesterday, what we tried to do over the past 2 years, will begin to bear some fruit. We will create America, we will build a bridge to the 21st century also that will not be based on what happened over the past 30 years, but instead based on those great and lofty ideas that we find in the writings and words of our Founding Fathers.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you that in order for me to accept an appointment by Democratic Leader Richard Gephardt to a seat on the House Permanent Select Committee on Intelligence, it will be necessary for me to interrupt my service on the House Committee on Veterans' Affairs and as Ranking Member of its subcommittee on Oversight and Investigations.

Rule 19 F. of the Preamble and Rules of the Democratic Caucus provides that no Democratic Member of the Permanent Select Committee on Intelligence may serve on more than one standing committee during that Member's term of service on the select committee. However, the rule also provides that Members shall be entitled to take leaves of absence from service on any committee (or subcommittee thereof) during the period they serve on the select committee and seniority rights on such committee (and on each subcommittee) to which they were assigned at the time shall be fully protected as if they had continued to serve during the period of leave of absence.

While I will remain committed to protecting and enhancing the needs and benefits of our nation's veterans, this letter constitutes notice of my intent to take the necessary leave of absence from the Committee on Veterans' Affairs in order to accept an appointment to the Permanent Select Committee on Intelligence.

With kindest regards, I remain
Sincerely yours,
SANFORD D. BISHOP, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

CIVIL LIBERTIES, WHERE AMERICA IS HEADED, ITS PROBLEMS AND THEIR SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I have asked for this special order today to continue a discussion that I started 2 weeks ago with another special order on the subject of civil liberties, where the country is going, and what some of our problems are and how we can solve them.

I am a freshman Congressman right now serving in the 105th Congress, but I served here in the Congress a few years back. I had four terms which were ended in 1984. I now return to the U.S. Congress, and probably the most common question asked of me since I have been back is how are things different. In many ways they are very similar and in some ways that is very disappointing, but in other ways they are different and hopefully we are making some progress in solving some of our problems.

The big difference, though, that I have noticed, both here on the House floor as well as watching television over the past 2 years, is that the House floor has been used in a different manner. I think the atmosphere is somewhat less relaxed. I think Members frequently are more on edge, and there may be a little less friendship, which to me is a bit sad. But also we have noticed that the House floor can be used for personal and political attacks, which I find not to be the best way to use the House floor.

☐ 1430

As a matter of fact, I have more or less pledged to myself and to my constituents that is not the reason I have come to the Congress, to use the House floor for anything political or personal. Even if those attacks may occur against me on the House floor, I will choose not to answer them on the House floor because I do not think that is proper. If attacks occur, I will answer those attacks or charges in another way but not here on the House floor.

Mr. Speaker, in the recent special order that I did, I talked basically about the coming welfare bankruptcy of the welfare state. And I think that is one of the reasons that there are so many conflicts here on the House floor, because we are not yet seeing this in economic terms. There is still a sentiment, both in the country and in the Congress, to continue to spend a lot of money.

We have heard discussions about Social Security, and the difficulty in solving this problem and whether Social Security or any other benefits, there is a tremendous demand to continue these programs, but it is getting very, very difficult to raise the revenues. Certainly there is not an environment here today to introduce new programs and new welfare entitlements. So this difficulty in finding the funds has led to some of the problems on the House floor.

It is easy for a very wealthy country to continue to get involved in redistribution of wealth, but once the country is getting smaller and the economic conditions are such, it is a much more difficult, much more difficult problem to solve. I think that we should do everything conceivable here on the House floor to show respect to each other. I think it is important that we show friendship. And over and above all that, I think if we are serious about the ideas, there is no reason why we cannot have some enjoyment in doing this, in trying to solve our problems.

Mr. Speaker, I would like to take this moment to just quote one sentence from my previous special order dealing with the rising police state and the attack on our personal civil liberties. In that order, I say, centralizing powers and consistently expanding the role of government require an army of bureaucrats and a taxing authority upon which a police state thrives. And I am suggesting here, as I did before, that this is not the right direction to go and that many Americans are sincerely concerned about the power and the authority of the Federal Government. This has not been our tradition. This is not part of our Constitution. But certainly in the last several decades, we have had an accumulation of power here in Washington.

Also, my solution or my suggestion to solve these comes in thinking about the philosophy of government. If we do it just in a technical fashion and think that all we have to do is have a line item veto or have revenue scoring or have a balanced budget amendment, I think we are missing the whole point because I think it is a much bigger issue. I think it is a philosophic issue, not a technical or budgetary issue, and all of this is related to how we look at the important role for government.

The decision that we as Members of Congress have to make is whether or not government should have the power and the authority to do what they do. And in order to answer that question, we really have to ask it first. Does the Government really, does the Federal Government really have the power and the authority under our constitutional system of law to do as much as they are doing? I challenge that because I quiet frankly believe that we here in the Congress do not have the authority that we have exerted here over the last several decades.

Mr. Speaker, my personal philosophy is this. It conforms with what I believe the Founders believed, that is that government should be precise. Government should be there for the protection of liberty. We should not concede to the Government the right and the power and the authority to use it in order to bring about social and economic changes. Most individuals recognize that you cannot force other individuals to do things that you want them to do. But so often we allow the Government to do the same thing. We grant them this power and authority to try to mold the country, mold people's personal behavior and of course mold the world as we intervene in so many places around the world.

In many ways, I use a political golden rule to address this subject. That is that we must reject the use of force, personally and politically, to try to bring about these changes. Some would say, well, that sounds like pacifism because you do not want to confront, you do not want to use the authority of the state. I do not want to use the police. You do not want to use a gun to force people to do the things that you think are necessary and to obey the law.

But it is not pacifism. It is far from that. It is a system of government that is designed to encourage tolerance and volunteerism to solve our problems. The role of the state is limited to that of protecting liberty, providing for the national defense, and to make sure that individuals do not violate these rights as well, that individuals, when individuals exert force and violate another individual's rights, that certainly invites the role of government to come in and solve that problem.

In recent years, we have seen some, a better discussion about what we have to do. In the last Congress we have seen a step in the direction of at least trying to take some of these powers and some of the authority away from Washington and delivering it back to the States. Quite frankly though, I am not convinced that block grants is the whole answer, leaving the money in the States would be a much better way.

Mr. Speaker, at least the discussion is much better. We have now talked about returning the management and the financing of welfare back to the States. I find that encouraging. There are a lot of us in Congress now talking about the same thing about education. Nationalizing our educational system really has not done that much more for education. You can draw a graph and show that, as the funding went up for national control of education, the quality of the education went down directly. The same thing could be said about medicine.

It is easy to accept the argument by many of us here in Congress that welfare should be a State function, education should be a State or local function. But so often there is a resistance and no consensus on what we should do with the police powers, whether we are fighting the war on drugs or the war on the environment or whatever. But under the Constitution, it was never intended that police powers would gravitate as they have here in Washington.

So my suggestion here is that we should seriously think about that in the area of police activity, because now we have a national war on drugs which is a total failure, has not done any good, has done great harm. Not only has it not solved the serious problem that we face with the massive use of drugs, this very dangerous precedent, but it also has cost a lot of money, and it has been a cost to our civil liberties.

So in the name of the drug war, we have sacrificed much, both in terms of money and our liberties, while failing to solve our problem. The same could be said about the war on guns. The war on guns only started recently. It is interesting to note that the war on guns and the war on drugs really got a tremendous boost in 1934. Prior to that, it was assumed by everybody in this country, under the Constitution, that deregulation of guns would be handled by the States. Yet endlessly we are writing laws and pursuing the gun rather than the criminal. In the same way, we are making very, very strong attempts to all the educational problems and medical problems, social problems and the environmental problems, all through regulations coming from Washington.

Now, you might say, well, that really is not a police function. We, all we do here in Congress is we write regulations. We are not authorizing guns to go and perform certain acts. But regulations have the force of law, and when you have the force of law, it is at least a threat of a government agent coming with a gun and threatening an individual either with a hefty fine or with imprisonment. So the rejection of the use of force also rejects the notion that you threaten to use force because the threat of force, if you have the power to do it, is just as sinister and just as dangerous as the force itself.

Mr. Speaker, many people in this country already concede that the concept of private property rights has just about been extinguished. And some would argue and say, how could that be. We all own our homes. We own our property. We own our farms and we own our ranches. But when they stop to think about it, they look at the tax burden we have. Now total taxes are about 50 percent, but when we pay our property taxes, we are merely paying rent to the Government. But the Federal Government is very much involved in this because they are writing regulations. And they have to go through numerous bureaus and agencies just to be able to use their own land, and frequently they are not allowed to use their own land.

So the concept of private property ownership has been seriously undermined in this country, and it continues to be further threatened by the radicals who believe that individuals should not have the right to use their land as they see fit.

The concept of liberty is indeed threatened. I believe there is less liberty in this country than there was 20, 30, 50 years ago. Certainly there is less liberty than was intended by the founders of this country. And as our liberties are diminished, we see the expanding role of the Federal Government, we see the expanding role of the bureaucrats who are now quite capable of carrying guns themselves.

But one of the symbols I think that comes from the Federal Government in their policing activities that dramatizes so well a serious problem that we face, that is that frequently on TV we see that we have these attacks or these confrontations with the citizens where the TV company is called out, the news media is called out there to witness this wonderful event on how our government is enforcing the law. But very frequently, as I am sure so many of us here in the Congress have witnessed, is that our police force, whether it be the FBI or the BATF, they will wear a ski mask. Is it not interesting.

Mr. Speaker, why would they wear a ski mask in a free society to protect the people? I do not know the exact answer for that, but I would think that in a free society our policemen would be much more ready to show their badge, show their warrants and not wear ski masks. Our police are supposed to be our friends to protect us, not the kind that will break down and break into our houses with a mask on.

A lot of good intention goes into so much of our legislation here in the Congress, and yet I do not believe the good intentions themselves will be much good if we are using the wrong ideas. If we do not accept another notion about the role for government, if we do not accept the fact that economically we are facing bad times ahead because we literally cannot afford the welfare warfare state anymore, I think that conditions are going to get much worse because, as the people become frightened and concerned about their future, unfortunately there will still be a large number that will come here and lobby for more government rather than less, failing to realize that it was the size of government and the scope of government and the way we ran our monetary system that was the problem rather than the fact that we need more liberty, not more Congress, more congressional activity.

Today we have a bunch of laws on the books that permits and encourages the search and seizure and confiscation of property. We have 100 laws on the books today that allow confiscation of property without due process of law. Once the property is seized, it is up to the American citizen to prove that the property was seized incorrectly. Instead of honoring the constitutional commitment to innocent until proven guilty, it has been reversed as it is with the IRS. We are guilty until we prove ourselves innocent to the agencies who threaten our liberties.

□ 1445

Another trend that has occurred here in the last several years is disturbing to me. That is the willingness of our police agencies in the Federal Government to find the suspect rather quickly and then demonize the suspect in public.

The best recent example of course would be Richard Jewell, with the accusation that he ignited that bomb at the Olympics. Here is a man, hopefully he will get his redress in court, but it was still a perfect example of how our police officers took it to the media. That is no way for an American citizen to have their rights protected. Our goal and our obligation is to protect the rights, not to abuse and undermine the rights of our citizens.

What has all this done to us? Well, I think what it has done and has led to is that many Americans now are fearful, fearful of the Government. The Government is supposed to be our friend. We in the Government are supposed to be befriending the citizens and reaching out to them and taking care of their freedoms to make sure they are secure, secure that if they know they have a conflict, that we can settle the conflict in court, that we should be secure from outside threat.

Yet today many, many Americans feel very insecure. They feel insecure economically, they are not certain about what will happen in their economic future, but that is an economic issue. But what I am talking about here today, many of them feel insecure in their personal life. It is very intimidating to the average American if they receive a registered letter from the IRS, very, very intimidating, and it causes a great deal of anxiety. So obviously our tax system is a serious problem to all of us. But the people are not happy and they are not satisfied and they are very, very fearful of what is happening.

Now, some may write this off and say that the Congressman is just making this up because the American people are not fearful, everybody is very content and they are satisfied with the success of the welfare state and they are satisfied with the policing activities of all the agencies of government. But not too long ago, there was a poll done. The poll was very interesting. They wanted to find out how the American people felt about this very issue. They asked a rather strong question. They asked, do you feel like there is an immediate threat to your rights and freedoms from the Federal Government? The answers coming back to the Gallup Poll were slanted in one direction to such a degree that they could not even believe the results, so they went back and redid it, because they thought the people they were polling did not really understand what they were saying. So they were trying to get another answer. But the same answers came up again: 39 percent of our people feel immediate threat to their rights and to their freedoms by the Government. Maybe it is not true, but it is very important that they think that. I have seen other polls that were actually even worse than that, where people were fearful of the Government and are not satisfied with the way the Government operates.

The pollsters then decided they wanted to know, well, these must be all the right-wing extremists that are fearful of the Government and, therefore, we will just put them in a category and write them off, so they checked to find out whether these were liberals or conservatives that expressed this fear of the Government. It turned out that more liberals were fearful of the Government than the conservatives. This probably should not surprise us too much when you think of some of the law enforcement that occurs and the abuse of civil liberties in our inner cities. It was just the other day I saw something in the New York Times that said that some teenagers were shot rather quickly, unarmed teenagers and then the questions were asked afterward. I realize how difficult a situation the police get into, but it still is well known that the abuse of police powers in the inner cities is there and something has to be done about it.

Senator Wallop when he left the Senate expressed some sincere interest in this particular subject and I believe is continuing to do some work in that area. He was shocked because so many of his constituents would come up and express their fear of the Government, whether they were the environmental people or whatever, but then they would quickly add after they told him about the problems they were facing, and the constituent would say to him, "Don't do anything. I don't want you to even rock the boat, because I'm fearful that they will come and get me."

That is a serious charge, and that comes from a respectable Senator who continues to work on this problem.

A couple of years ago, there was a group of individuals who banded together because they too were concerned about the growing police powers of the Federal Government, and they wrote to the President and they were expressing to him that he should do something about this, that the police powers of the Federal Government were indeed violating the civil liberties that we were acting in a perverse manner, we were not protecting liberty, we were destroying liberty.

I want to read from that particular letter that went to the President. He said he was urging the President to review the policies and practices of all Federal law enforcement agencies and to make recommendations and steps that must be taken to ensure that such agencies comply with the law. This review is necessitated by widespread abuses of civil liberties and human rights committed by these agencies and their failure to undertake meaningful and ameliorative reforms.

Federal police officers now comprise close to 10 percent of the Nation's total law enforcement force. Today some 53 separate Federal agencies have the authority to carry guns and make arrests. This represents an enormous expansion in recent years in terms of both personnel and jurisdiction. What is lacking, however, is a systematic oversight and review of Federal police practices.

Certainly we need oversight, but we also have to raise the question of whether this is the proper place to put the police. In the Constitution there are three Federal crimes listed. Today we have literally thousands. Nobody would know because we here in the Congress write the laws and the agencies write regulations that have the force of law.

They go on in this letter to point out some of the problems that they see. Improper use of deadly force, physical and verbal abuse, use of paramilitary. That implies military law. Use of paramilitary and strike force units or tactics without justification. Use of no-knock entrances without justification. Inadequate investigation of allegations of misconduct; use of unreliable informants without sufficient verification of their allegations; use of contingency payments to informants, giving them an incentive to fabricate the information since payment is usually contingent on conviction; entrapment, unnecessary inducement of criminal activities as an investigative technique; inappropriate and disproportionate use of forfeiture proceedings to obtain financing for law enforcement equipment and activities; use of military units and equipment in the course of domestic law enforcement; pretential use of immigration laws and Immigration and Naturalization Service personnel for nonimmigration law enforcement.

Again, who is complaining to the President about this? Are these the rightwing extremists which is implied by so many in the media, a rightwing extremist attitude and idea that we have to curtail the Federal Government in their police powers? No; there are others who are interested in civil liberties as well. Let me just read a couple of names of the individuals who signed this letter to the President asking him to look into the matter. Ira Glasser, executive director of the American Civil Liberties Union; Eric Sterling, president, the Criminal Justice Policy Foundation, Arnold Trebach, president, Drug Policy Foundation; James Grew, president, International Association for Civilian Oversight and Law Enforcement; John Hingson, president, National Association of Criminal Defense Lawyers, not exactly a conservative group; Mary Broderick, director and defender, Division of the National Legal Aid and Defender Association.

So these are the people who are concerned about civil liberties. I think we all should be concerned about civil liberties. We certainly should, because we have the responsibility as we write law and as we perform oversight that our goal is to protect liberty, not write laws that end up undermining and demeaning the whole concept of liberty.

Just to use something more recent, the associate director of the American Civil Liberties Union has just written recently an editorial for Scripps-Howard, just a few months ago. In this letter, in this editorial, he says:

> A powerful nation orders its telephone companies provided with foolproof wiretap access to the national communications infrastructure. The national police agency, which in recent years has been dramatically increasing the number of wiretaps, then demands the resources to tap one of every 100 telephone lines in the country's most populous area. The government claims it needs these new powers to combat domestic terrorism, but its own records show that only a microscopic portion of its wiretaps could have anything to do with what might be called terrorist activity.

If it is not for terrorist activity, why do they need so many wiretaps? What is the purpose? He goes on to say, and in a way lectures us, he says:

> This is precisely the sort of invasion of our privacy that during colonial times caused American patriots who had experienced general searches by the British to rebel and to adopt the protection of the Fourth Amendment to the United States Constitution. I think it would do us all well if we did look and read the Constitution and specifically in regards to this subject, the Fourth Amendment.

Again, this comes from not a right-winger, but somebody from the American Civil Liberties Union, and we should not ignore that.

I would like to mention a few of the more startling cases that have occurred over the last 4 or 5 years. Some are well-known, some are less well-known, making the point that we do have specific examples of how our Government has overstepped its bounds.

One of the cases, and this first case I am going to talk about is fairly well-known. I think a lot of people and a lot of Members will have heard of it, but I just want to bring it up once again so that we do not forget because the problem has not been solved.

The first case occurred in 1992, and it involved a gentleman by the name of Don Carlson from San Diego. The DEA and the U.S. Custom agents raided his home. The claim was, the suspicion was, that it was a vacant drug storehouse. He arrived at home at 10:30 p.m. and the house was under surveillance at that time, and he walked in. If they were to issue a warrant, he was available. But he went to bed and after midnight the agents broke through the door, and he immediately thought he was being robbed. He reached for a legal firearm to defend himself, he did not fire a shot, he was shot three times, including once in the back, after he had been disarmed.

Now he did not die. He survived. He is disabled, but he has a lifetime of medical expenses as well as being disabled. No drugs or illegal weapons were found. The paid informant that gave this information had never specified which house to break into. So that is a shortcoming on the police activities of those individuals that went in.

Another case, 1991, Sina Brush, from New Mexico: 60 agents from the ATF, DEA, National Guard and the Forest Service charged that this Sina Brush possessed illegal drugs. They broke in, tore the place up, no drugs were ever found, but Mrs. Brush and her daughter who were not dressed, only partially dressed, were forced to kneel in the middle of the room during this whole episode while being handcuffed, and this all came about because of unreliable sources accusing them of being involved in the drug trade.

Another case, and this case is pretty well-known and that has to do with Donald Scott from the ranch in the Santa Monica Mountains. This was in 1992 as well. This occurred in the middle of the night. Why do they have to go in the middle of the night? This is a terrible thing for a free country to have police agents going in the middle of the night. You never hear of the same individuals going in the middle of the night into the inner city, but outside the city they are more likely to go in the middle of the night. This involved the DEA and some local police activity, and they were of course looking for drugs. The wife started screaming, and Scott grabbed a weapon because he did not even know who was coming into his house. He was quickly shot and killed.

□ 1500

No drugs were found, no illegal weapons were found in this house, and yet a man lost his life not at the expense of a burglar, but at the expense of his careless attitude about our policing activities that we have allowed to occur here in the U.S. Congress.

Another case: Louis Katona from Bucyrus, OH, a part-time police officer, had a run-in with the Federal police. He was a gun collector, and the BATF raided his house because it was said that he might have an illegal weapon.

As a matter of fact, the charge that was—that he was alleged to have committed was that he counterfeited, that he actually forged a document and signed it for the police chief. But after the dust settled they found out that he done everything properly, took the forms to the police chief and the police chief's AA, the administrative assistant, signed the bill, signed the document, and yet they went in and tore up his place with the idea of trying to find this illegal weapon.

Finally—at least finally all charges were dropped, but that is at a tremendous cost. And there was an additional problem there too because Mrs. Katona was pregnant at the time, and she was roughed up in the episode, that very night started to bleed and then subsequently had a miscarriage, and it very well could have been related, and most likely was.

I recall a personal case that occurred while I was practicing ob/gyn back in my home district, and my patient and my patient's husband appeared on the scene at a dock. They were getting off their boat. The husband went down first. He walked accidentally into a drug bust. He was quickly apprehended, thrown down on the deck, handcuffs put behind him, and he was merely standing by. He just happened to be a passerby.

When his wife spotted this, she rapidly ran down, and she was approximately 6 months pregnant, and she said, "What are you doing to my husband?" And they quickly did the same thing to her, slapped her down, put handcuffs on her back, her hands on her back, and put her on her stomach. Now fortunately she did not miscarry, but it could very well have caused a miscarriage, and yet it was all done in the name of solving this drug problem which continuously gets much worse.

Harry Lamplaugh, a gun collector from Wellsboro, PA, had a run-in as well with our national police. There were 15 to 20 ATF agents that went into his house, and these agents all wore masks in the middle of the night. Lamplaugh, his wife and his attorney, who at one time was an ATF Assistant Director, verified the story that was told afterward.

And the agents came in, and they were looking for a particular gun. But in the meantime they took all his business records, they took all his mailing lists, they took his personal records, his birth certificate, his marriage certificate, baptismal records, mortgage records, and medical records. Lamplaugh was a cancer patient. They took his medication and strewed it on the floor, spread it all over the house and was a great deal of problems to him. And then, to add insult to injury, one of the agents stepped on their cat. But that was not enough. He picked it up and threw it at a tree and killed the cat.

During the whole time it was verified that very, very abusive language was used. Mrs. Lamplaugh was threatened that if she did not inform on her husband, that she would be thrown in prison under the worst of circumstances.

These things should not happen in America, we should not permit them to happen, and hopefully they are not happening as often, but I am not totally convinced of that.

Another case, Paul and Patty Mueller of St. Louis, in 1996, a more recent case. The ATF came in, a dozen men, kicked the door down. They never knock on the door and ask. They kick the doors down. Even if they have a key, they kick the door down. They threatened to kill the dog. Mr. Mueller had his hands bound, he was pushed to the floor at gun point, and they kept yelling and screaming "ATF, ATF." These people were very innocent, and they had no idea who they were or what was happening, and they were fearful for their lives. They thought they were being wrong.

It was an hour later that the ATF officers presented a search warrant. No weapons were found, no drugs were found, but a paid informant gave the information which turned out to be wrong. There were no apologies and no payment for the damages.

There was a case up in—another case in Pennsylvania. James Corcoran, a police officer, had been arrested on a gun charge, and when it finally got to court, it came out in testimony and it was admitted by the BATF that they tampered with the weapon and made it into an automatic weapon in order to convict him of a crime. Fortunately, that case was cleared up because they were able to get the BATF to admit this.

Another case, Gilberto and Josefine Gomez, a couple years ago, Mexican citizens. They came to the United States. They were legal immigrants. They had—Gilberto had a accident, and he won in a suit, compensation suit, he won $19,000, and he was taking it back to Mexico in cash because he was not sophisticated enough to have a checking account nor do wire services or do any of that, and he had proof of it. He carried proof of where the money came from.

But when he got to the border he was arrested, the money was taken from him, and then when it was realized that this looked like legitimate honest money, they made an offer to him. They wanted him to settle out of court, and they say, we will give you back $13,000 if we can keep $6,000. That was the bargain they offered him. He refused that. I do not know for sure if that was totally settled and he got all his money back, but for the most part once the property is confiscated, once the money or property is taken by the Government, which is not by due process of the law, it is very, very difficult to get these funds back.

Just recently this past week there was an article in the Wall Street Journal that dramatizes a case that adds to this sentiment of the people, why they are not happy with the Federal Government, they are not happy with us here in the Congress because they see stories like this. But not only do they read about these stories, they know about these stories. You hear them endlessly if we just will listen to our constituents.

In March of—well, this was a story about James J. Wilson. He was a developer in Maryland, nearby here, and he is actually an American success story. He started a construction company in 1957 with nothing. He had $760, and now he has been charged with a very, very vicious crime, and he was charged with filling a wetlands with water. I mean that is serious, and unfortunately for him, he has a long way to go to win, but he is a fighter and let us hope he does win.

In his trial, which occurred just recently, he had some environmental experts testify in favor of him and say there has been absolutely no negative environmental impact on what he was doing in his development. When he started his development in Maryland, he went to the Corps of Engineers, and he got approval, and they said that there were no hazards, and he was given the approval to proceed. But in the middle of his development they came by and they reassessed it. I guess they came by right after it rained, and they saw a damp spot, and they said "Ah, ha, you have wetlands on your land. You will stop, stop the development." He did. He never once violated a cease and desist order.

But he was not very happy. He was losing a lot of money. It was something that he had been given original approval for, they changed the rules, and now they were accusing him of this vicious crime, and he was upset, so he filed suit. He had not talked to the Senator who was told by his constituents: Do not do anything, it is dangerous if you do anything. But he did not have that advice, so he went, he filed suit against the Federal Government.

And what happened? His noncriminal charges turned into criminal charges for what he had done.

Now this is interesting. It is said that he has violated the Clean Water Act of 1972. If you go back and read the Clean Water Act of 1972, it talks very clearly about not discharging any pollutant into a navigable water. That is basically what the Clean Water Act was about in 1972. But with regulations and with court rulings this has evolved into a monstrous piece of legislation which has encouraged the Wall Street Journal in their article to talk about the wetlands gestapo. And this is not just from some fringe newspaper. They are talking about a Federal Government agent running a gestapo-type agency.

And the case has pursued; he has lost one case, but it is still, hopefully, something he can win. But the Government is saying that they have the right and the authority to regulate this. Their constitutional argument is that at one time somebody knows of some beavers on that land, have not been caught and transferred over the State line. Now if that is not the most gross distortion of the interstate commerce clause I have heard, I do not know what it could be. The interstate commerce clause by our Founders was written for the purpose not to regulate interstate commerce, which was done throughout the 20th century, but it was written precisely to break down the barriers between the States, and it is doing exactly the opposite right now.

Now where Mr. Wilson deserves a lot of credit is the fact that he is not arguing this on a technicality. He is arguing this on a constitutional issue, that they do not have the right, the Federal Government does not have the right, to come in and regulate and harass as they have done.

The tragedy, of course, is that he has gone through his first trial, he is fighting on principle, he spent $5.7 million on legal fees, he lost, he got fined personally $1 million, his company was fined $3 million, and he is sentenced to 21 years in jail for being an American dream story, going from nothing, building, being a developer, doing his very best to follow the rules, providing jobs. We are going to put him in prison; that is what we are doing today.

No wonder people who are really ambitious are so often encouraged to take their businesses elsewhere. Whether it is labor law regulations, environmental regulations, or health regulations, they are just too burdensome for so many of our business people that it is so much easier to just take the business overseas, and this is a good example of why we encourage so many of our jobs to leave our country.

Big question here is: Do we in the Congress think Government is too big? I think the American people think our Government is too big and it is too abusive. And in a personal way it is too intrusive in our personal lives, whether we are wiretapping too many telephones or whether we are stopping too many people and taking their money and assuming they are convicts and criminals even without any due process of law and without probable cause. The big question is: Is this out of control? Is it reversible? That is the question we have to ask. I hope it is reversible; that is one of the reasons why I came here to Washington, because I would like to reverse some of this. It needs to be reversed because if we continue in this same direction, we are all going to suffer.

We must do something about this. This country is a great country, but we have to know what it was that made it great. We have to understand the principles of liberty. We have to understand why individual liberty precludes redistribution of wealth, protecting our rights, protecting our civil liberties, providing for a national defense, and not to micromanage every piece of property and threaten people with jail and have our doors broken down with a police, Federal police that wear masks. We have to really think seriously about this and do our very best to change it.

I understand there are some moves in the Congress to bring about a more sensible approach on the seizure of property and the forfeiture, and, hopefully, that will do some good.

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I do not think a lot will be accomplished unless we address the overriding subject of what the role of Government ought to be. Unless we decide we want a government that protects liberty, and that we have respect for our Constitution and the rule of law, I do not believe that we will get rid of the Federal police force very easily.

The agents that we see performing these acts that I am complaining about, Mr. Speaker, in some way I am critical of it, and every one of us has personal responsibility in obeying orders. Wartime is never an excuse.

But in many ways, I have a lot of sympathy for the agents. I do not place a lot of blame on the individual agents, because for the most part, I will bet if we looked at all the BATF officers and all the FBI officers, I believe they are very honest, decent American citizens, believing in their hearts that they are doing the right thing, that they are following and enforcing the law. We all know that in a civil society we have to have law and we have to have law enforcement. They probably feel very good about what they do.

I do think there has to be a limit. Certainly if we are using war gases and participating in raging fires that burn up little children, I think we should question it. I think if we are—as individuals, if the policeman is asked to shoot somebody in the back or he ends up shooting somebody in the back, or shooting an unarmed mother holding a baby, yes, there is some personal responsibility there.

But I am also convinced that the overwhelming number of individuals that work for all our agencies in Government are probably very decent American citizens trying to do their very best to obey the law and do a good job.

The agencies of Government bear some responsibility; not the agents, but the agencies. Policy is very important. The agencies we create, the administration in power, has a lot to do with policy, but policy is very, very important. So the administrator that we have of that policy, the current President, has a great deal of responsibility in how these laws and the enforcement of the laws are carried out. They bear some responsibility.

Then again, there is another group. There is another group that has a lot of responsibility, and now that is hitting closer to home. Ultimately these agents, these agencies, and this policy comes from here. It comes from the U.S. Congress.

The BATF officers and the FBI are not vigilantes. They get their authority and they get their funds from us. So if we do not like what they are doing, and I do not, I do not go and complain bitterly about the agent himself because he has an infraction, or something did not work as well as he thought. That is not the problem.

The problem here is that policy being carried out by the administration has originated here in the House and in the Senate, and we provide the funding. So if we create these agencies and allow them to happen, then the responsibility falls on us.

Ultimately, the responsibility falls on the people, because we should be a reflection of the people. So when the people object enough, maybe the Members of Congress will do something about it. But I just want to make that point one more time; it is not the individual agent who creates the problem, it is the policy. It is the philosophy of Government. It is we here in the Congress who pursue and permit these things to occur.

What will the solution be if we decide that we have overstepped our bounds? Of course, we can start repealing, we can start doing more oversight, we can start putting more rules and regulations to restrain; but overall, the real solution comes from us upholding here in the Congress our oath of office, which should be the rule of law; that is to obey the Constitution.

The Constitution does not authorize so much of what is going on. It just is not there. If we take our oath of office seriously, we will not continue to finance these agencies of Government. We here in the Congress create the agencies. The agencies are permitted then to write the regulations. The regulations themselves have the power of law.

Then we permit the agencies to become the Justice Department as well. They can be judge and jury. They do not go into civil court, they go into the administrative courts. This is part of our problem. Not only do we give them the power of the administration, we give them the power of the judiciary. We give these agencies the police powers as well. So we have created a dictatorship within our system when we create these agencies of Government.

All rules, all agency regulations, should be approved by the U.S. Congress, and we should do something to curtail the power and the authority of these agencies through limiting of their funds.

It is not difficult, Mr. Speaker, on what to do. The answers are written very clearly in the document we have sworn to uphold. If we read and obey the Constitution, the solutions will come to us. We must work for a moral and just society. We must reject the notion of violence. We should never condone the idea that the Government is there to force people to act in certain manners. And if we do this, I am totally convinced that we will have a much freer and more prosperous society.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNulty (at the request of Mr. Gephardt) for today on account of personal business.

Mr. Strickland (at the request of Mr. Gephardt) for today on account of official business.

Ms. Kilpatrick (at the request of Mr. Gephardt) for today on account of official business.

Ms. Stabenow (at the request of Mr. Gephardt) for today on account of official business.

Mrs. Maloney of New York (at the request of Mr. Gephardt) for today on account of attending the funeral of the former Speaker of the New York State Assembly, Stanley Fink.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Filner) to revise and extend their remarks and include extraneous material:)

Mr. Filner, for 5 minutes, today.

Mr. Skaggs, for 5 minutes, today.

Mr. Wise, for 5 minutes, today.

(The following Members (at the request of Mr. Pappas) to revise and extend their remarks and include extraneous material:)

Mr. Cook, for 5 minutes, today.

Mr. Pitts, for 5 minutes, on March 12.

Mr. Shimkus, for 5 minutes, today.

Mr. Hutchinson, for 5 minutes, today.

Mr. Ryun, for 5 minutes, today.

Mr. Peterson, for 5 minutes, today.

Mr. Hulshof, for 5 minutes, today.

Mr. Thune, for 5 minutes, today.

Mr. Cannon, for 5 minutes, today.

Mr. Mica, for 5 minutes, today.

Mr. Bob Schaffer of Colorado, for 5 minutes, today.

Mr. Rohrabacher, for 5 minutes, today.

Mr. Weldon of Florida, for 5 minutes, today.

(The following Member (at the request of Mr. Davis of Illinois) to revise and extend his remarks and include extraneous material:)

Mr. Etheridge, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Filner) and to include extraneous matter:)

Mr. Lantos.

Mr. Gordon.

Mr. Menendez.

Mr. Hilliard.

Mr. Deutsch.

Mr. Markey.

Ms. McCarthy of Missouri.

(The following Members (at the request of Mr. Pappas) and to include extraneous matter:)

Mr. Barrett of Nebraska.

Mr. Barr in two instances.

Mr. McCollum.

Mr. Nethercutt.

Mr. Weller.

Mr. Radanovich.

Mr. Jones.

Mr. Ramstad.

Mr. Callahan.

(The following Members (at the request of Mr. Paul) and to include extraneous matter:)

Mr. Jones.

Mr. Sununu.

Mr. Moran of Kansas.

Mr. Smith of Michigan.

Mr. Berman.

Mr. Oberstar.

Mr. Waxman.

Mr. Serrano.

Mr. Gilman.

Ms. DeLauro.

Mrs. Kennelly of Connecticut.

Mr. Solomon.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, March 10, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2113. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Tennessee [Docket No. 97–009–1] received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2114. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Poultry Inspection: Revision of Finished Product Standards With Respect to Fecal Contamination [Docket No. 94–016F] (RIN: 0583–AC25) received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2115. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 95–14, which totaled $958,239, occurred when personnel obligated fiscal year 1993 operation and maintenance, Air Force (O&M, AF) funds for work that was not needed until fiscal year 1994, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2116. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AI53) received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2117. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Restrictions on Advances to Non-Qualified Thrift Lenders [No. 97–12] received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2118. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon Designation of Areas for Air Quality Planning Purposes: Oregon [OR64–7279a, OR36–1–6298a, OR46–1–6802a; FRL–5696–8] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon [OR59–7274, OR60–7275; FRL–5696–6] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2120. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Source-Specific RACT [PA069–4040, PA078–4041, PA083–4043; FRL–5698–7] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department [AR 059–0005a; FRL–5697–3] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2122. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Brunei (Transmittal No. DTC–46–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2123. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC–51–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2124. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Arab Emirates [UAE] (Transmittal No. DTC–14–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2125. A communication from the President of the United States, transmitting a report on international agreements transmitted to Congress after the deadline for their submission, with reasons, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2126. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification that the Republic of Armenia, the Azerbaijani Republic, the Republic of Georgia, the Republic of Kazakstan, the Krygyz Republic, the Republic of Moldova, the Russian Federation, Turkmenistan, Ukraine, and the Republic of Uzbekistan are committed to the courses of action described in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160), section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), and section 502 of the FREEDOM Support Act (Public Law 102–511); to the Committee on International Relations.

2127. A letter from the Executive Director, Assassination Records Review Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2128. A letter from the Assistant Secretary (Management) and Chief Financial Officer, Department of the Treasury, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2129. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b; to the Committee on Government Reform and Oversight.

2130. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2131. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2132. A letter from the Railroad Retirement Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2133. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2134. A letter from the Secretary of Energy, transmitting the Department's report on nuclear reactor safety in Ukraine and Russia; jointly, to the Committees on National Security and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 852. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (Rept. 105–7, Pt. 1).

Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY (for himself, Mr. Horn, Mrs. Kelly, Mr. Kolbe, Mr. Boehlert, Mr. Wynn, and Mr. Traficant):

H.R. 963. A bill to prohibit employment discrimination on any basis other than factors pertaining to job performance; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR of North Carolina:

H.R. 964. A bill to authorize the marketing of breast self-examination pads without restriction; to the Committee on Commerce.

By Mr. DOOLITTLE (for himself, Mr. DeLay, Mr. Sam Johnson, Mr. Young of Alaska, Mr. Ballenger, Mrs. Chenoweth, Mr. McKeon, Mr. Radanovich, Mr. Lewis of California, Mr. Lewis of Kentucky, Mr. McInnis, Mr. Hunter, and Mr. Rohrabacher):

H.R. 965. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMBEST (for himself and Mr. Hilliard):

H.R. 966. A bill to provide reimbursement under the Medicare Program for telehealth services, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. Hyde, Mr. Solomon, Mr. Cox of California, Mr. Burton of Indiana, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Payne, and Mr. Lantos):

H.R. 967. A bill to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH (for himself, Mr. Burr of North Carolina, and Mr. Minge):

H.R. 968. A bill to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 969. A bill to establish sources of funding for the certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free-Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. Bilbray, Mr. Wise, Mr. Regula, Mr. Thornberry, Mr. Combest, Mr. Bono, Mr. Gingrich, Mr. Sherman, Mr. Tauzin, and Mr. Sessions):

H.R. 970. A bill to encourage the increased use of domestic natural gas as a transportation fuel, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, National Security, Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself, Mr. Boehlert, Mr. Franks of New Jersey, Mr. Gilman, Mrs. Kelly, Ms. Molinari, Mr. Quinn, Mr. Shays, Mr. Saxton, Mr. Sununu, Mr. Baldacci, Mr. Delahunt, Mr. Gejdenson, Mr. Hinchey, Mr. Kennedy of Rhode Island, Mr. Markey, Mr. Meehan, Mr. Olver, Ms. Slaughter, Mr. Tierney, Mr. Sanders, and Mr. Lazio of New York):

H.R. 971. A bill to implement the recommendations of the Northern Forest Lands Council; to the Committee on Agriculture.

By Mr. CHABOT (for himself, Mr. Schumer, Mr. Portman, Mr. Royce, Mr. Meehan, Mr. Taylor of Mississippi, Mr. Kind of Wisconsin, Mr. Barrett of Wisconsin, Mrs. Myrick, Mr. Owens, Mr. Shays, Mr. Doyle, Mr. Shadegg, Mr. Sanders, Mr. Andrews, Mr. Rohrabacher, Mr. Sanford, Mr. Olver, Mr. Foglietta, Mr. Kleczka, Mr. Nadler, Mr. Hinchey, Mr. Ramstad, Ms. Rivers, and Mr. Wynn):

H.R. 972. A bill to amend the Agricultural Trade Act of 1978 to eliminate the market access program; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Mr. Dellums, Mr. Evans, Mrs. Meek of Florida, and Ms. Waters):

H.R. 973. A bill to amend the United States Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FORBES (for himself and Mrs. McCarthy of New York):

H.R. 974. A bill to amend title 10, United States Code, to restore the Department of

Defense loan guarantee program for small and medium-sized business concerns that are economically dependent on defense expenditures; to the Committee on National Security.

By Mr. GALLEGLY (for himself, Mr. Cunningham, Mr. McKeon, and Mr. Schiff):

H.R. 975. A bill to remove a restriction on the authority of the Secretary of Agriculture to enter into agreements with other Federal agencies to acquire goods and services directly related to improving or utilizing firefighting capability of the Forest Service; to the Committee on Agriculture.

By Mr. HILL (for himself, Mr. Thune, and Mr. Pomeroy):

H.R. 976. A bill to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Resources.

By Mr. HYDE (for himself and Mr. Conyers):

H.R. 977. A bill to provide for the conversion of existing temporary U.S. district judgeships to permanent status, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. Brown of Ohio, Ms. Danner, Mr. Miller of California, Mrs. Meek of Florida, Ms. McKinney, Mr. Conyers, Mr. Sanders, Mr. Rahall, Mr. Evans, Mrs. Carson, Mr. Pallone, Mr. Bonior, Mr. Costello, Mr. Klink, Mr. Traficant, Mr. Pascrell, Mr. Lewis of Georgia, Mr. Tierney, Mr. Stupak, Mr. Visclosky, Mr. Doyle, Mr. Dellums, Mr. Lipinski, Mr. Kucinich, Mr. DeFazio, Mr. Lantos, Mr. Sabo, Ms. Waters, Mr. Davis of Illinois, Mr. Obey, Mr. Vento, Mr. Oberstar, Mr. Rush, Mr. Clay, Mr. Kleczka, Mr. Hilliard, Mr. Hunter, Mr. Quinn, Mr. Watts of Oklahoma, Mr. Stearns, Mr. Wamp, Mr. Bono, Mr. Metcalf, Mr. Souder, and Mr. Tiahrt):

H.R. 978. A bill to assess the impact of NAFTA, to require the renegotiation of certain provisions of NAFTA, and to provide for the withdrawal from NAFTA unless certain conditions are met; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut (for herself, Mr. Houghton, Mr. English of Pennsylvania, and Mr. Lazio of New York):

H.R. 979. A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity which may be issued in each State, and to index such amount for inflation; to the Committee on Ways and Means.

By Mr. LIVINGSTON (for himself, Mr. LaHood, Mr. Mica, Mr. Tiahrt, and Mr. Sensenbrenner):

H.R. 980. A bill to amend the Higher Education Act of 1965 to protect the speech and association rights of students attending institutions of higher education; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 981. A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals; to the Committee on Transportation and Infrastructure.

H.R. 982. A bill to amend title 23, United States Code, to provide for a national minimum sentence for a person who operates a motor vehicle while under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mrs. Morella, Ms. Eshoo, Mr. Jackson, Ms. Furse, Mr. Gonzalez, Mr. Berman, Mr. Olver, Ms. Pelosi, Ms. Eddie Bernice Johnson of Texas, Mr. Tierney, Mr. Frost, Mr. Dellums, Mr. Vento, Mr. Frank of Massachusetts, Mr. Flake, Mr. Stark, Mr. Rush, Mr. Nadler, Mr. Romero-Barceló, Mr. Faleomavaega, Mr. Fattah, and Ms. Norton):

H.R. 983. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY:

H.R. 984. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. McINNIS:

H.R. 985. A bill to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, CO, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mr. Ganske, Mr. Canady of Florida, Mr. Wicker, Mr. Istook, Mr. Dickey, Mr. Graham, Mr. Bonilla, and Mr. Kingston):

H.R. 986. A bill to amend chapter 71 of title 5, United States Code, to establish certain limitations relating to the use of official time by Federal employees, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. PETERSON of Pennsylvania (for himself, Mr. Gekas, Mr. Solomon, Mr. Doolittle, Mr. Burton of Indiana, Mr. Coburn, Mr. Barr of Georgia, Mr. Pombo, Mr. Sam Johnson, Mr. Tiahrt, Mr. Pitts, Mr. Ewing, Mr. Souder, Mr. Largent, Mr. Lewis of Kentucky, and Mr. Snowbarger):

H.R. 987. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of the regular appropriations; to the Committee on Appropriations.

By Ms. Pryce of Ohio (for herself, Mr. Roemer, Ms. Molinari, Mr. Frost, Ms. Granger, Ms. Lofgren, Mr. Solomon, Mr. Bonior, Mr. Latham, Mrs. Maloney of New York, Mrs. Fowler, Mr. Faleomavaega, Mr. Greenwood, Mr. Underwood, Mr. Walsh, Mr. Cummings, Mr. King of New York, Mr. Moran of Virginia, Mr. Shays, Mr. Filner, Mr. Klug, Ms. Jackson-Lee, Mr. Martinez, Mr. Nadler, Mr. Knollenberg, Mr. Fattah, Ms. Rivers, Mr. Bereuter, Mr. Evans, Mrs. Clayton, Mr. McHugh, Mr. Foglietta, Ms. Danner, Mr. Menendez, Mr. Deutsch, and Mr. Ackerman):

H.R. 988. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees; to the Committee on Ways and Means.

By Mr. Quinn:

H.R. 989. A bill to prohibit the distribution or receipt of restricted explosives without a Federal permit, and to require applications for such permits to include a photograph and the fingerprints of the applicant; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. McHale, Mr. Franks of New Jersey, Mr. Meehan, Mr. Doyle, Mrs. Kelly, Mr. Traficant, Mr. Smith of New Jersey, Mr. Ehlers, Mr. Lipinski, Mr. Greenwood, Mr. Frelinghuysen, Mr. Conyers, Mrs. Carson, Mr. Porter, Mr. Holden, Ms. Christian-Green, Mr. Kennedy of Rhode Island, and Mr. McHugh):

H.R. 990. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide for the development and use of brownfields, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. Oberstar, Mr. Young of Alaska, Mr. Lipinski, Mr. Borski, Mr. Petri, Mr. Mascara, Mr. Nadler, Mr. DeFazio, Mr. LaTourette, Mr. Traficant, Mr. Quinn, Mr. Boehlert, Mr. Costello, Mr. Filner, Mr. Solomon, and Mr. LaHood):

H.R. 991. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers and flight deck crews engaged in flight operations outside the United States; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas;

H.R. 992. A bill to end the Tucker Act shuffle; to the Committee on the Judiciary.

By Mr. TIAHRT (for himself, Mr. Foley, Mr. Sam Johnson, Mr. Rohrabacher, Mr. Norwood, Mr. Bartlett of Maryland, Mrs. Roukema, Mr. Christensen, Mr. Barr of Georgia, Mr. Weldon of Florida, Mr. Inglis of South Carolina, Mr. Chabot, Mr. Stump, Mr. Goodlatte, Mr. Boehner, Mr. McKeon, Mr. Souder, Mr. Kingston, Mr. Largent, Mr. Buyer, Mr. Jones, Mrs. Chenoweth, Mr. Nethercutt, Mr. Neumann, Mr. Watts of Oklahoma, Mr. Hayworth, Mr. Snowbarger, Mr. Istook, Mr. Wicker, Mr. Collins, Mr. Hilleary, Mr. Ehrlich, Mr. McIntosh, Mr. Rogan, Mr. Radanovich, Mr. Gillmor, Mr. Ensign, Mr. Scarborough, Mr. Doolittle, Mr. Coburn, Mr. Ewing, Mr. Lewis of Kentucky, Mr. Burton of Indiana, Mr. Solomon, Mr. Miller of Florida, Mr. Hostettler, Mr. Sensenbrenner, and Mr. Dan Schaefer of Colorado):

H.R. 993. A bill to amend the National and Community Service Act of 1990 to repeal the National Service Trust Program under which certain persons who perform national or community service receive stipends and educational awards for such service; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H.R. 994. A bill to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza United States Border Station"; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Florida:

H.R. 995. A bill to amend the Internal Revenue Code of 1986 to clarify that fees for Internet and other online services are not, and shall not be, subject to tax, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. Lipinski, Mr. Crane, Mr. Rush, Mr. Fawell, Mr. Jackson, Mr. Manzullo, Mr. Gutierrez, Mr. English of Pennsylvania, Mr. Blagojevich, Mr. Shays, Mr. Davis of Illinois, Mr. Costello, and Mr. Evans):

H.R. 996. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds to finance environmental remediation of contaminated sites; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. Lipinski, Mr. Crane, Mr. Rush, Mr. Fawell, Mr. Jackson, Mr. Manzullo, Mr. Gutierrez, Mr. English of Pennsylvania, Mr. Blagojevich, Mr. Shays, Mr. Davis of Illinois, Mr. Costello, and Mr. Evans):

H.R. 997. A bill to amend the Internal Revenue Code of 1986 to allow expensing and rapid amortization of certain environmental remediation expenditures; to the Committee on Ways and Means.

By Mr. CALLAHAN (for himself, Mr. Stump, Mr. Everett, and Mr. Traficant):

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen on account of birth in the United States unless a parent is a U.S. citizen at the time of the birth; to the Committee on the Judiciary.

By Mr. OWENS:

H.J. Res. 61. Joint resolution proposing an amendment to the Constitution of the United States to clarify the meaning of the Second Amendment; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. McDermott, Mr. Frost, Mr. Payne, Mr. Yates, Ms. Harman, Mr. Davis of Illinois, Mr. Stark, and Mr. Olver):

H. Con. Res. 39. Concurrent resolution supporting the commitments of the United States announced at the United Nations Fourth World Conference on Women, held in Beijing, China, in September 1995; to the Committee on International Relations.

By Ms. ESHOO (for herself, Mrs. Morella, Mrs. Lowey, Mr. Allen, and Mr. Berman):

H. Con. Res. 40. Concurrent resolution expressing the commitment of the Congress to continue the leadership of the United States in the United Nations by honoring the financial obligations of the United States to the United Nations; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. Ramstad, Mrs. Thurman, Mr. Green, Mr. Stump, Mr. Cunningham, Mr. Cook, Mr. Waxman, Mr. Ackerman, Mr. Frank of Massachusetts, Mr. Holden, Mrs. Maloney of New York, Mr. Dingell, Mr. Coyne, Mr. Evans, Mr. Filner, Mr. Frost, Ms. Molinari, Mr. Gordon, Mr. Delahunt, Mr. Goodlatte, Mr. Davis of Virginia, Mr. Foley, Mr. Neal of Massachusetts, Mr. Ensign, Mr. Rogan, Mr. Saxton, Mr. Herger, Mr. Duncan, Mr. Owens, Mr. Stark, Mr. Barrett of Wisconsin, Mr. Vento, Mr. Cramer, Ms. Jackson-Lee, Ms. Lofgren, Mrs. Kelly, Mr. Goode, Mr. Manton, Mr. Deutsch, Mr. Baldacci, Mr. Talent, Mr. McNulty, Mr. Bishop, Mr. Canady of Florida, Mr. Quinn, Mr. Young of Alaska, Mr. Pitts, Mr. Lipinski, Mr. Rush, Mr. Sandlin, Mr. Gallegly, Mr. Bereuter, Ms. Eshoo, Mr. Strickland, Ms. Furse, Mr. Brown of Ohio, Mr. Towns, Ms. DeGette, Ms. Rivers, Mr. Levin, Mr. Kildee, Ms. Kilpatrick, Mr. Barcia of Michigan, and Mr. Bonior):

H. Con. Res. 41. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty; to the Committee on Government Reform and Oversight.

By Mr. WISE:

H.J. Res. 84. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. THOMAS:

H.J. Res. 85. Resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Oversight.

By Mr. BURTON of Indiana:

H.J. Res. 86. Resolution providing amounts for the expenses of the Committee on Government Reform and Oversight in the 105th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Virginia:

H.R. 998. A bill for the relief of Lloyd B. Gamble; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 999. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for a hopper barge; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. Paul, Mr. Spence, Mr. Bliley, and Mrs. Emerson.

H.R. 15: Mr. Bachus, Ms. Eshoo, Mr. Evans, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Berry, and Mrs. Cubin.

H.R. 26: Mr. Bliley, Mr. Hayworth, Mr. Peterson of Pennsylvania, Mr. Hastings of Washington, Mr. Bunning of Kentucky, Mr. Upton, and Mr. Camp.

H.R. 58: Mr. Bishop, Mr. Levin, Mr. McNulty, and Mr. Davis of Illinois.

H.R. 66: Mr. Bentsen, Ms. Pelosi, and Mr. Tierney.

H.R. 76: Mr. Andrews, Mr. Barr of Georgia, Mr. Barton of Texas, Mr. Bilbray, Mr. Canady of Florida, Mrs. Clayton, Mr. Deutsch, Mr. English of Pennsylvania. Mr. Hastings of Florida, Ms. Lofgren, Mr. Manton, Mrs. Morella, Mr. Solomon, Mr. Stupak, Mrs. Thurman, Ms. Woolsey, Mr. Wynn, and Mr. Bishop.

H.R. 96: Mr. Gilman.

H.R. 100: Mr. Kennedy of Rhode Island and Mr. Rush.

H.R. 145: Ms. Danner, Mr. Lewis of Georgia, Mr. Stupak, Mr. Lipinski, and Mr. Ehlers.

H.R. 192: Mr. Parker and Mr. Oberstar.

H.R. 216: Ms. Kaptur, Mr. Delahunt, Mr. Boucher, Mr. Lazio of New York, Ms. Pelosi, Mr. Costello, Mr. Sandlin, Mr. Pomeroy, Mrs. Maloney of New York, Mr. Murtha, Mr. Foley, Mr. Olver, Mr. Boyd, Mr. LaFalce, Mr. Quinn, Ms. Lofgren, and Mr. Coyne.

H.R. 279: Mr. Clyburn, Mr. Manton, Mr. Cook, Mr. Kennedy of Rhode Island, Mr. Brown of Ohio, Mr. Cunningham, Ms. DeGette, Mr. Klink, Mr. Levin, Ms. McKinney, Ms. Millender-McDonald, Mr. Roemer, Ms. Stabenow, Mr. Towns, and Mr. Young of Alaska.

H.R. 339: Mr. Peterson of Pennsylvania and Mr. Hansen.

H.R. 342: Mrs. Morella and Mr. Quinn.

H.R. 343: Mr. LoBiondo.

H.R. 350: Mr. Andrews, Mrs. Thurman, Mr. Quinn, Mr. Spratt, Mr. Frost, Mr. King of New York, Mr. Dicks, Mr. Green, Mr. Baker, Mr. Adam Smith of Washington, Mr. Martinez, Mr. Bunning of Kentucky, Mr. LaTourette, Mrs. Roukema, Mr. Price of North Carolina, Mr. Lewis of Kentucky, Mr. Ramstad, Mr. Weller, Mr. Clement, Mr. Costello, Mr. McIntyre, Mr. Jones, and Mr. LaHood.

H.R. 407: Ms. Furse, Ms. Eddie Bernice Johnson of Texas, and Mr. Owens.

H.R. 411: Mr. Lewis of Georgia and Ms. DeGette.

H.R. 414: Mr. Parker and Mr. Oberstar.

H.R. 426: Mr. Ryun and Mr. Upton.

H.R. 445: Mr. LaTourette.

H.R. 446: Mr. Lewis of Kentucky.

H.R. 450: Mr. Delahunt, Mrs. Carson, Mr. Gejdenson, and Mr. Ramstad.

H.R. 471: Mr. Peterson of Pennsylvania and Mr. Lipinski.

H.R. 548: Ms. Velázquez Mr. Foglietta, Ms. DeLauro, Mr. Yates, Mr. Evans, Mr. McNulty, and Mr. Clyburn.

H.R. 551: Mr. Nadler, Mr. Lipinski, and Mr. McGovern.

H.R. 552: Mr. Ehlers.

H.R. 577: Mr. Sanders and Mr. Frank of Massachusetts.

H.R. 586: Mr. Bonior, Mr. Largent, Mr. Rohrabacher, Mrs. Linda Smith of Washington, Mr. Souder, and Mr. Yates.

H.R. 598: Mr. Parker.

H.R. 600: Mr. Yates.

H.R. 616: Mr. Bachus.

H.R. 628: Mr. Engel.

H.R. 640: Mr. Blunt and Mr. Sam Johnson.

H.R. 644: Mr. Quinn.

H.R. 659: Mr. Condit, Mr. Cunningham, Mr. Gilman, Mr. Manzullo, Mr. McInnis, Mr. Crapo, Mr. Doolittle, Mr. Largent, and Mr. Vento.

H.R. 680: Mr. Fox of Pennsylvania and Ms. Rivers.

H.R. 683: Mr. Bereuter, Mr. Bonilla, Mr. Ewing, Mr. Foley, Mr. Graham, Mr. Metcalf, and Mr. Sensenbrenner.

H.R. 684: Mr. Wynn.

H.R. 753: Mr. Hamilton, Mr. Levin, Mr. Luther, Mr. Lewis of Georgia, and Mr. Adam Smith of Washington.

H.R. 767: Mr. Smith of Michigan.

H.R. 768: Mr. Goodling.

H.R. 775: Ms. Kaptur, Mr. Serrano, Mr. Barrett of Wisconsin, Mr. Martinez, Mr. Vento, and Ms. Christian-Green.

H.R. 786: Mr. Rogers and Mr. Goode.

H.R. 793: Mr. Yates, Ms. Lofgren, and Mr. Davis of Illinois.

H.R. 804: Ms. Jackson-Lee and Mr. Sensenbrenner.

H.R. 813: Mr. Thune.

H.R. 814: Mr. Brown of California, Mrs. Meek of Florida, Mr. Yates, and Ms. Lofgren.

H.R. 832: Mr. Frost.

H.R. 845: Mr. Lipinski and Mr. Frost.

H.R. 852: Mr. LaFalce, Mr. Ewing, Mr. Skelton, Mr. Manzullo, Mr. Sisisky, Mr. Bartlett of Maryland, Mr. Flake, Mrs. Linda Smith of Washington, Mr. Luther, Mr. Ramstad, Ms. Millender-McDonald, Mr. LoBiondo, Mr. Davis of Illinois, Mrs. Kelly, Mr. Boyd, Mr. Jones, Mrs. McCarthy of New York, Mr. Souder, Mr. Pascrell, Mr. Ryun, Mr. Snowbarger, Mr. Pappas, Mr. English of Pennsylvania, Mr. McIntosh, Mrs. Emerson, Mr. Hill, and Mr. Sununu.

H.R. 911: Mrs. Maloney of New York, Mr. Nethercutt, Mr. Fawell, Mr. Hefner, and Mr. Farr of California.

H.R. 919: Mr. Barrett of Wisconsin.

H.R. 922: Mr. Sensenbrenner.

H.R. 923: Mr. Sensenbrenner.

H.R. 934: Mr. Hayworth and Mr. Norwood.

H.R. 954: Mr. Hastert and Mr. Largent.

H.J. Res. 7: Mr. Stearns, Mr. Parker, Mr. McCrery, Mr. Latham, Mr. Saxton, Mr. Crane, Mr. Watts of Oklahoma, Mr. Hulshof, Mr. Sessions, and Mr. Manzullo.

H.J. Res. 26: Mr. Shaw, Mr. Goode, and Mr. Coble.

H.J. Res. 54: Mr. Chambliss, Mr. Clyburn, Mr. Hefner, Mr. Mollohan, Mr. Moran of Kansas, Mr. Snowbarger, and Ms. Stabenow.

H.J. Res. 55: Mr. Bishop, Mr. Kingston, Mr. Lewis of Kentucky, Mr. Taylor of Mississippi, and Mr. Kim.

H.J. Res. 58: Mr. Klink, Mr. Goodlatte, and Mr. Stearns.

H. Res. 30: Mr. Fox of Pennsylvania.

H. Res. 48: Mr. Hayworth.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 811:

Mr. Barr of Georgia.

EXTENSIONS OF REMARKS

LEGISLATIVE TO INCREASE THE PRIVATE ACTIVITY BOND CAP

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, today, Mr. HOUGHTON of New York and I will introduce legislation to increase the private activity bond cap.

The current gap is the greater of $50 per capita or $150 million. It applies to issuers of tax-exempt bonds for affordable single and multifamily housing, manufacturing facilities, environmental, energy, and utility projects, redevelopment of blighted areas, and student loans. The Tax Reform Act of 1986 created the cap and forced States to allocate the authority among eligible activities.

While cap growth is limited to annual population growth, the cap has not been adjusted for inflation since 1986. Therefore, those States with declining populations have been doubly disadvantaged. This means private activity bonds have lost a huge amount of their buying power.

Demand for the private activity bond authority exceeds supply in most States. One example is the overwhelming demand for mortgage revenue bonds [MRBs], issued primarily by State housing finance agencies [HFA's] to finance modestly priced first-time homes for low- and moderate-income families. In 1995, State housing financial agencies issued $8 billion in MRB's for more than 103,000 mortgages, according to the National Council of State Housing Agencies [NCSHA].

But home ownership remains out of reach for thousands more families whom HFA's could serve with more private activity bond authority. State HFA's could have used a additional $1.8 billion in 1995 cap authority, according to HCSHA. Other private activity bond issuers face equally high unmet demand.

The current cap is strangling the ability of States and localities to make much-needed investment in their citizens and communities. Please join us in supporting a long overdue increase of the cap.

TRIBUTE TO FRANK GRAZIOSO FOR HIS WORK WITH THE ITALIAN-AMERICAN COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker, on October 20, 1996, the Connecticut Grand Lodge, Order Sons of Italy in America will honor Frank Grazioso as its Citizen of the Year. It is my great pleasure to rise today to honor Frank and all that he has contributed to the Italian-American community in New Haven.

Frank epitomizes the values that are important to the Italian-American community. Together with his wife, Mary, he has raised two wonderful children. Frank and Mary, like so many families, have worked hard to make a home for their children. I know they must be very proud of their son, Henry, who is now a physician living in Philadelphia and their daughter, Claudia Anne, who is now a screenwriter in Los Angeles. In addition to family responsibilities, Frank and Mary, through her work as a school psychologist, have made remarkable efforts to reach out to countless others. A life-long resident of the city, Frank has truly made the people of New Haven his family.

Citizen of the Year is a most appropriate honor for Frank because he is passionately involved in activities and events within the Italian-American community. Frank's work as Chair for the Columbus Day Celebration always comes to mind because he has given so much of his time, talents, and energy to planning this important day for Italian-Americans. He has also chaired the State of Connecticut Columbus 500th anniversary celebration. Frank has made the holiday a truly memorable one year after year.

In addition to his work for the Columbus Day celebration, Frank has been involved with the National Italian American Foundation (NIAF) since 1977. During this time, he was elected to the board of directors and has served on the committee on by-laws and as regional vice president of New England. In keeping with his commitment to his roots in Italy, Frank has traveled there three times to represent the NIAF at meetings and receptions. Recently, he was elected general counsel and national officer.

Nothing speaks to Frank's character more than his efforts to help victims of the 1991 earthquake in Italy. It was typical of Frank's dedication to maintaining a close connection to the people of Italy. Frank's definition of family clearly encompasses so much more than blood relatives. He was named Cavaliere in the Ordine Al Merito della Republica for his contributions.

I am proud to join the Connecticut Grand Lodge in honoring Frank with the Citizen of the Year Award. Frank has served as a link between New Haven and Italy. His enthusiasm and hard work ensures that Italian spirit and culture continue to thrive in New Haven.

TRIBUTE TO BEVERLY HILLS CITY COUNCILMEMBER ALLAN ALEXANDER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing the distinguished career of Beverly Hills City Councilmember Allan Alexander, who is retiring after many years of public service.

Councilmember Alexander served as mayor of Beverly Hills for two terms and has been a vital member of the city council since 1988. His interest in community and devotion to public service can be traced as far back as his childhood in the small agricultural town of Watsonville in Northern California.

Councilmember Alexander practiced law for 28 years prior to his election to the city council. During that time he affirmed his commitment to public service as president and director of Public Counsel, the largest pro bono law firm in the nation.

As a councilmember, Mr. Alexander continued to participate in local organizations, believing that one must be an active participant both at the community level and beyond its borders. He served as an officer and director of the Economic Resources Corp., which is working to redevelop South Central Los Angeles, and as director and president of the SOS Exceptional Youth Foundation, which provides schools for mentally challenged and delinquent children.

Councilmember Alexander made additional important contributions through his exemplary leadership in a variety of other organizations. He sat on the City Planning Commission, serving as its chair from 1986 to 1987, as founding president and director of the Southwest Beverly Hills Homeowners Association, and as a member of the Beverly Hills Chamber of Commerce and Civic Association.

While on the council, Councilmember Alexander worked to develop transportation and traffic programs, and he encouraged the creation of traffic management plans to divert traffic away from residential streets. He championed numerous causes of special importance to the city such as crime prevention, emergency preparedness, support for the Beverly Hills school system and historical preservation. The residents of Beverly Hills owe a great debt of gratitude to Allan Alexander for his exceptional record of service and achievement.

I ask my colleagues to join me in honoring Councilmember Alexander for his long and successful career in public service and in wishing him, his wife Joan, and their three sons great happiness and success in the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO ANN KOUGH

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SHERMAN. Mr. Speaker, Mr. BERMAN and I are honored today to pay tribute to Judge Ann Kough who last week was given the Distinguished Service Award by the San Fernando Valley Bar Association. Her reputation as a fair, trustworthy and accessible judge precedes her. She has created an atmosphere of openness and cooperation that surrounds all who enter her courtroom.

Mrs. Kough received a bachelor's degree in sociology from Whitworth College in Spokane, WA, and a masters degree in the same subject from California State University, Fullerton. In 1978, she graduated from UCLA School of Law, where her desire to be a judge first emerged. Once out of school she worked for the Los Angeles Deputy City Attorney for 3 years then entered into private practice. She quickly became a partner in the Los Angeles firm O'Loughlin, Kough & Katz, she handled cases involving criminal, civil, and family law.

Ms. Kough was appointed to the bench in April 1989 by Governor Deukmejian. When lawyers who have worked in her courtroom are asked about Judge Kough, they consistently comment on her pleasant demeanor and uncommonly objective sentencing. She is known for consistently listening to all sides in a case before coming to any decision and maintaining an open mind until a final verdict is reached. Judge Kough recognizes that the legal system can often overlook the personal and emotional needs of those involved, and she makes a concerted effort to take these factors into consideration on the bench.

Judge Kough prides herself on being able to say, "I've made a difference," at the end of the day. Indeed she has made a difference, and at the end of the day we are all the better for it.

LEGISLATION TO DESIGNATE THE U.S. BORDER STATION IN PHARR, TX, AS THE "KIKA DE LA GARZA U.S. BORDER STATION"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza U.S. Border Station." I am proud to author this legislation honoring a great legislator, my former House colleague, Kika de la Garza.

Kika de la Garza was born in Mercedes, TX, on September 22, 1927. He earned his law degree from St. Mary's University in San Antonio, TX, in 1952. He served in the Navy from 1945 to 1946, and in the Army from 1950 to 1952. He served in the Texas House of Representatives from 1953 to 1965. In 1964, he was elected to Congress, where he was sent back to Congress by the people of the 15th Congressional District of Texas for 16 terms.

In 1981, Kika became the chairman of the House Agriculture Committee. During his 14-year tenure as chairman, Kika compiled an impressive record of achievement and dedicated service to America's farming community. Most notably, Kika went out of his way to foster a climate of cooperation, inclusive and bipartisanship on the committee. Under his able leadership, the Agriculture Committee was able to form a consensus on a number of important and intricate agricultural issues. In the 103d Congress Kika played a lead role in the enactment of legislation revamping and streamlining the U.S. Department of Agriculture. Under his watchful eye, legislation was crafted that made many needed and important changes—without eviscerating those USDA programs that were effective and needed to help America's farmers and protect the public. The bill that ultimately became law made remarkable changes at USDA. Because of Chairman de la Garza's leadership and sage counsel, the bill represented the right way to reinvent Government.

Throughout his 32-year career in Congress, Kika never lost sight of the folks back home. He fought tirelessly for his constituents. He also proved to be an able and effective advocate for American farmers. In no small measure because of his leadership, American agriculture remains the envy of the world.

Kika also is an amateur linguist and a gourmet cook. On many occasions he conversed with foreign dignitaries in their native tongue. Personally, Kika is my friend. I am proud to sponsor this legislation and I urge all my colleagues to support the bill.

H.R. 769, H.R. 770, AND H.R. 771, THE MISCLASSIFICATION OF EMPLOYEES ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. LANTOS. Mr. Speaker, I rise today to say a few words about the job classification of workers, and to urge my colleagues to support H.R. 769, H.R. 770, and H.R. 771, the Misclassification of Employees Act. H.R. 771 clarifies our tax laws with regard to employee classification. H.R. 769 and H.R. 770 would require debarment from contracting with the Federal Government of any person who has been determined to have willfully misclassified a worker. Misclassification occurs when an employer wrongfully treats a worker as an independent contractor rather than as an employee. I have introduced H.R. 769, H.R. 770, and H.R. 771 as separate bills because they are referred to separate House committees.

Mr. Speaker, small business men and women have contacted many of us to explain some of the important reasons why Congress should take another look at how workers are classified for Federal income and employment tax purposes, as well as for many nontax purposes. We know that confusion with employee classification rules can lead to costly disputes with the IRS with devastating effects on small businesses. These costs include, among others, assessments of back taxes, interest, and penalties for businesses which misclassify workers as independent contractors, as well as the legal costs involved with coming into compliance with or defending against an IRS audit.

There are other issues relating to the misclassification of workers that arise out of the current procedures for determining who is an employee and who is an independent contractor, including the effect of misclassification on the unsuspecting worker, the effect of misclassification on the honest businessman trying to compete with a competitor who has misclassified his workers, and the effect of misclassification on the Federal budget deficit. H.R. 771 would remedy some of the unintended effects that arise out of the current procedures for determining who is an employee and who is an independent contractor.

I would like to make clear from the outset, however, that I agree with and recognize the appropriate and valuable roles of those who work as independent contractors. This country has benefitted greatly from the spirit and independence of the self-employed individual and I do not think there is anyone who wants to stifle the creativity of these individuals. It is the misuse of the independent contractor status and its serious adverse effect on both employer and worker that concerns me.

My distinguished colleague and friends, CHRIS SHAYS, and I became interested in the classification of workers several years ago when we served together on the Employment and Housing Subcommittee of the Government Operations Committee. We found that the current means for determining employment status has had several negative effects: First, it results in similarly situated employers being treated very differently under tax law; second, it allows—and actually encourages—businesses to undercut competitors through unfair practices; third, it leaves some workers exploited and unprotected; and fourth, it deprives the Federal Government of significant revenue.

Under current law, workers are classified as either employees or independent contractors in one of three ways. First, some workers are explicitly categorized as either employees or independent contractors by statute. Second, workers may be classified as independent contractors under statutory safe harbors enacted in section 530 of the Revenue Act of 1978. Third, if a worker is not classified statutorily, and cannot be classified under the statutory safe harbors, then the worker is classified by applying a very subjective common law test. Most workers fall under this third category.

Current law also allows some employers to misclassify workers if they have a reasonable basis for classifying employees as independent contractors. For example, an employer may rely upon a widespread industry practice as a reasonable basis for classifying a worker as an independent contractor. In fact, under the recently enacted Small Business Job Protection Act of 1996, the industry practice safe harbor was liberalized so that it may apply even if less than one-quarter of an industry classifies certain workers as independent contractors. Our legislation eliminates the safe harbor provisions entirely, since such provisions allow and encourage the misclassification of employees to continue. We thus restore a level playing field and eliminate the unfair competitive advantages which arise due to the misclassification of workers.

Because the common law test is extremely subjective, employers have trouble in properly determining worker classification, and revenue agents often classify workers differently even where the underlying circumstances of their employment are the same. Since a large part of the misclassification of workers is due to a lack of understanding of the laws, clearer rulings and definitions will eliminate a tremendous amount of uncertainty in this area. Our legislation eliminates the restriction on the IRS to draft regulations and rulings on the employment status of workers for tax purposes.

Mr. Speaker, our investigation found that the economic incentives for businesses to misclassify workers as independent contractors are huge. An employer who misclassifies a worker as an independent contractor escapes many obligations, including paying Social Security taxes, unemployment taxes and workers compensation insurance, withholding income taxes and providing benefits such as vacation, sick and family leave, health and life insurance, pensions, and so forth. Most employers are honest, but the law-abiding employer is put at a serious disadvantage since he or she cannot compete on a level playing field with those who illegally cut their labor costs by misclassifying workers. Law-abiding employers will not be able to compete fairly until we provide more clear, objective standards by which businesses and the Government can determine whether an individual is an employee or an independent contractor.

Mr. Speaker, employers who have unintentionally misclassified workers should be given the incentive to come into compliance. Our legislation offers a 1-year amnesty to employers who have misclassified workers on the basis of a good faith interpretation of common law or of section 503. This provision removes the devastating possibility of large assessments for back taxes, interest and penalties and insures compliance in the future.

Misclassification can also have a devastating effect on the unsuspecting worker. As a contractor, he or she may receive a higher take-home pay and may be allowed to deduct more business expenses from income taxes. But the loss of financial benefits and of the many protections which are provided to employees can be catastrophic in cases of illness, unemployment and retirement. For example, there is no unemployment compensation for the independent contractor to fall back on between jobs. Health insurance is an individual responsibility and is usually far more costly than an employer's group policy. In the case of work-related injury or illness, there is no worker's compensation available. Our legislation would require prime contractors to notify legitimate independent contractors of all their tax obligations and other statutory rights and protections.

Mr. Speaker, as you know, many Federal entitlement programs hinge on the number employees that an employer has on its books. Thus, misclassifying employees as independent contractors also can enable employers to either escape responsibility for, or allow their workers to fall within coverage of, these entitlement programs. For example, the Health Insurance Portability Act of 1996 contains a much-heralded provision allowing medical savings accounts [MSA's]. However, MSA's are not available to an employee unless that employee works for a small employer, which is defined as an employer which employed 50 or fewer employees during either of the preceding calendar years. Additionally, the Health Insurance Portability and Accountability Act only allows a total of 750,000 taxpayers to have an MSA. Under liberal worker classification proposals, it would not be at all difficult for a dishonest employer with 60 employees to reclassify 10 of them as independent contractors so that the business now qualifies as a small employer. Moreover, by doing so, this type of dishonest employer may end up causing the 750,000 MSA participant ceiling to be reached much sooner than it otherwise would be, thereby bumping out of the MSA Program employees in other small businesses who lawfully would be entitled to their own MSA's. H.R. 771 would eliminate such distortion of the system by dishonest employers.

Last, Mr. Speaker, billions of dollars in Federal and State tax revenues are being lost as a result of the intentional misclassification of workers. This is one of the few remaining areas where we can help reduce the Federal budget deficit without further cutting Government services or levying new taxes. A recent Coopers and Lybrand study found that at least $35 billion in legitimate tax revenue over the next 9 years will be lost by the Federal Government due to the misclassification of employees. At a time when critical services are on the chopping block, we can no longer allow this waste and abuse to continue. We must take steps to curb the continued misclassification of employees.

The advantages of our legislation over more lax worker classification proposals are clear. Our legislation would clarify existing law, while other worker classification proposals seek a radical change to the worker classification principles that businesses have operated under to date. Our legislation would create a level playing field, while other worker classification proposals actually encourage unfair competition between employers and dishonest employers to cheat millions of unsuspecting workers out of employee benefits. Finally, our legislation would save the Federal Government billions of dollars in lost revenues, while other worker classification proposals would cost the Government billions more in lost tax revenues.

Mr. Speaker, misclassification, and especially intentional misclassification, has continued as a festering problem in this country for too long, and it is time for Congress to finally do something about it. I urge my colleagues to support the Misclassification of Employees Act.

TRIBUTE TO RUSSELL SWINDELL

HON. BOB ETHERIDGE

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise today to mark the passing of a great North Carolinian. Russell Swindell served his State and its people in many capacities during his 90 years, and he will surely be missed by all.

Russell Swindell was born in Swan Quarter, NC, and represented Hyde County in the North Carolina House from 1951 to 1955. He loved to spend time outdoors, and was a longtime member of the First United Methodist Church in Cary.

But his greatest accomplishment, and the one that has undoubtedly impacted the lives of countless North Carolinians, was his help in creating the State's community college system.

Mr. Speaker, there is a lot of talk these days in our Nation's Capital and throughout this country about the value and importance of a quality education. Russell Swindell knew that long ago, and with his help and hard work, North Carolina set up a quality community college system that educates our young people and provides necessary training for workers still today. His vision helped thousands receive an education and vocational skills that has allowed them a brighter future in our society.

After leaving his job with the State Department of Education, he maintained his interest in the community colleges during the 20 years he was the executive director of the North Carolina Railroad Association.

We are all thankful for his wisdom and vision and for the contributions he made to our lives.

I wish to pass on my condolences to those who survive him: His wife, Martha, his daughters Sue Martin and Mary Anne Brannon, and his son A.B. Swindell, and all his grandchildren.

DELAURO HONORS JEAN HANDLEY FOR HER WORK IN NEW HAVEN

HON. ROSA L. DeLAURO

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker, on Thursday, November 14, 1996, Columbus House will hold its annual benefit. This year the benefit is entitled "It's a Small World" and is honoring two people who have given so much of themselves and have brought so much to the city of New Haven; Jean Handley and Timothy Shriver. I have known Jean for many years and her life and work embodies the benefit theme of bringing the global community to the city of New Haven.

Jean's professional life has always kept her in close contact with the people of New Haven. From 1984 through 1989, Jean was the vice president of Personnel and Corporate Relations for Southern New England Telephone Co. However, nothing speaks to Jean's character more than her dedicated patronage of the arts. Jean has lent her support to a number of local artistic organizations. She is currently serving as vice president of the New Haven Symphony Orchestra and is on the Board of Long Wharf Theater and the Creative Arts Workshop. Of particular note however, is her part in the production of the first annual International Festival of Arts and Ideas in New Haven. The brainchild of Anne Calabresi, Jean was one of the original founders and key organizers. It was Jean who brought the festival to life and made it a reality that will continue for years. The festival was a truly unique event that exhibited a rich array of talent from storytelling and puppetry to experimental theater. Perhaps the greatest achievement of the festival was the way it showcased the city of New Haven.

Jean has continually focused on promoting art in New Haven while also importing great art into the city. This is one of her focuses in her capacity on the Board of the Creative Arts Workshop. Founded in 1960, the Creative Arts Workshop holds classes for children and adults in everything from pottery and painting to weaving. Every year the workshop sponsors a holiday show that features craftspeople from all over the country. Jean understands that the creative process must involve sharing and communication between artists and she strives to facilitate these exchanges. Never satisfied to be just a name on a committee, Jean has immersed herself in every endeavor she undertakes. She is currently on the Board of Long Wharf Theater and is involved in the search for a new artistic director. She is always looking forward to the future of every organization she patronizes and her vision, time, and talent are invaluable.

I am very proud to join Columbus House in honoring Jean Handley. Jean is committed to keeping the arts vital and allowing the artistic process to continue to flower in New Haven. Jean is keenly aware that New Haven is nothing without a strong and active artistic community and she has done everything possible to allow that community to thrive. Her work reminds us all that we have an obligation to support the arts and to make art accessible to everyone. She has truly brought the world to New Haven and in doing so has enriched the lives of everyone who participates in or enjoys the arts.

SUPPORT OF ALEXIS HERMAN FOR SECRETARY OF LABOR

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to bring to the attention of this Nation, a recent editorial I read in the largest Spanish-American newspaper in the Americas. Diario Las Americas, in their February 27, 1997, edition, called for the confirmation of Ms. Alexis Herman as our next Secretary of Labor. I must agree wholeheartedly with its endorsement, and call on the Senate to confirm her, expeditiously.

As the newspaper points out, Alexis Herman has a lifetime of positive public service, which highlights her efforts to improve the progress and lives of women, African-Americans, and Hispanic-Americans. As the President's Assistant and Director of the Office of Public Liaison, she has shown us her savvy, expertise, and experience. I am also proud to say that she is a native of one of the finest States in the Union, Alabama.

The Senate Republican leader, Senator TRENT LOTT has endorsed her nomination after a series of meetings with Ms. Herman. With this fact taken into consideration, I can't think of any legitimate reason why the Senate can't complete its committee process and bring Ms. Herman's nomination to the floor for a vote. I am confident, that once the whole Senate reviews the record of Alexis Herman, they will confirm her.

Mr. Speaker, I request that the whole text of the newspaper endorsement which I mentioned, be placed in the RECORD.

[From the Diario Las Americas, Feb. 27, 1997]

ALEXIS HERMAN FOR SECRETARY OF LABOR OF THE UNITED STATES

The nomination by President Clinton of Alexis Herman for Secretary of Labor of the United States is the recognition of her professional, humanitarian and civic merits, proven by her intense public service career which began as Coordinator of the crusade to train and find jobs for youths sponsored by the Catholic Church in Mobile, Alabama, and most recently as Director of the Office of Public Liaison of the White House and Special Assistant to the President.

Her life in public service has engaged her, after graduating from Xavier University, in a rich and varied number of activities devoted to the professional betterment of Afro-American women, succeeding in her efforts as Director of the Black Women's Employment Program to have companies such as Coca-Cola and Delta appoint Afro-American women to high ranking positions.

In her efforts to improve women's progress in the work and entrepreneurial ranks she has constantly maintained the principle that the Hispanic minority must be recognized as a vital part of progress in the United States, offering her enthusiastic support to the programs sponsored by the Hispanic Catholic Centers of the Washington Archdiocese. Mrs. Herman has been the main line of communication between His Eminence James Cardinal Hickey and President Clinton for issues having to do with the development of vital social programs for Hispanic and Afro-American minorities.

At the time of the crisis brought about by the assassination of the four "Brothers to the Rescue" pilots by the totalitarian tyranny of Fidel Castro in February 1996, from her post in the Office of Public Liaison of the White House she collaborated with then UN Ambassador Madeleine K. Albright, and others, in the formulation of President Clinton's policy in reprisal to that attack.

Alexis Herman has enough merits as a woman, as a prominent member of the Afro-American minority and as a professional, to be confirmed by the Senate as Secretary of Labor. This would be good for the whole country. The Senate's Republican leader Trent Lott has said that he will support the nomination and DIARIO LAS AMERICAS considers that the Senate should approve it as soon as possible.

WILL AN AMERICAN "TOMMY" PLEASE STAND?

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. LOFGREN. Mr. Speaker, Tom Harney, an attorney in San Jose, CA, has written a thought-provoking article in a recent edition of Stars and Stripes which concerns the debt we owe our veterans and soldiers. For those who do not regularly receive Stars and Stripes, I wish to make this useful article available.

[From the Stars and Stripes, Jan. 26, 1997]

WILL AN AMERICAN "TOMMY" PLEASE STAND?

(By Thomas Roy Harney)

Rudyard Kipling's poem "Tommy" rose from the depths of my so-called brain recently, triggered and recalled from those depths by the print-media news.

Tommy, a lawyer's guide to veterans affairs, is the name of the quarterly newsletter published by the Veterans Law Section of the Federal Bar Association, but I had somehow previously failed to make the obvious connection between the poem and the newsletter.

The poem "Tommy" is from a different time, 1892; a different country, Great Britain; and almost a different language, English Cockney; yet it is right on point concerning American veterans and all Americans today.

"Tommy Atkins" or "Tommy" is the British equivalent of the American GI (e.g., Bill Mauldin's Willie and Joe in his popular cartoon series "Up Front"), and "Tommy Atkins" is the speaker in Kipling's poem.

The speaker is calling our attention to the gross disparity in the value that the citizenry places on its soldiers. The unjust disparity he observes is the miserable treatment accorded the soldier and ex-soldier in peacetime, contrasted with their treatment when the winds of war are blowing or, as Tommy puts it, when "there's trouble in the wind."

Kipling's tribute to Mr. Thomas Atkins is relevant today, because in 1996, more than 100 years after it was penned by him, an American "Tommy" wouldn't have to look too far for modern-day American examples to support his disparity contention.

Were he writing today, Kipling's Mr. Atkins could have cited the statement released by Pentagon officials recently that the military logs for an eight-day period during which thousands of American troops might have been exposed to nerve gas and other Iraqi chemical weapons shortly after the Persian Gulf war appear to have been removed or lost and cannot be located despite an exhaustive search.

There are several mysterious gaps in the otherwise meticulous combat logs. The gaps include the period in early March 1991 in which American combat engineers blew up the sprawling Kamisiyah ammunition depot in southern Iraq, an event that exposed thousands of American troops to nerve gas.

One wonders if "Mr. Tommy Atkins" would feel the need to point out that at one time the Defense Department had denied to Congress that such combat logs even existed, and the DoD released the logs last year only after a Georgia veterans group sought them under the Freedom of Information Act.

Only recently has the Pentagon acknowledged that the nerve gas sarin and other chemical weapons had definitely been stored in the Iraqi ammunition depot at Kamisiyah that was destroyed by U.S. troops in March 1991.

That event at the Kamisiyah ammunition depot exposing thousands of U.S. soldiers to a cloud of the nerve gas sarin and other deadly chemicals, poisoning from anti-nerve gas tablets, and poisoning from pesticides are the presumptive sources of the disabling physical health problems that have been plaguing veterans and children of veterans of the Persian Gulf War.

As an attorney, I respect the way Kipling's speaker, "Mister Atkins," makes his case; his supporting examples are clear and visual, his logic is straightforward and his closing line poses a clear point for all Americans to ponder.

The concerned but muted and fragmented chorus of American voices would do well to find a present-day point man like "Tommy Atkins" who, armed with fresh examples to support his disparity contention, could forcefully champion the rights of responsible Americans and blast his closing line to Pentagon officials, the Defense Department, the VA and others—shouting, with the last words of the poem, "Bloomin fools" we're not.

THE SCANDAL-A-DAY ADMINISTRATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SOLOMON. Mr. Speaker, as someone who has been looking into the dealings of the Clinton administration related to campaign fundraising, possible breaches of national and economic security and other indiscretions, this past week has been very interesting. It would appear that there is no end to the sheer arrogance and deliberate skirting of the law under which this administration has operated. No law, and certainly no ethical standard, appear to forestall any efforts by this President to further his personal and political interests and those of his associates. From dealings with a foreign company and officials with close ties to the People's Republic of China that likely jeopardized important economic and national secrets, to encouraging meetings at the White House with DNC political fundraisers, major contributors, and even Federal regulators, this administration has shown a blatant disregard for ethical behavior and the public interest in a democracy.

It would be impossible for me to call attention to all the various scandals unfolding around this administration in a reasonable amount of time. I for one am most concerned with questions pertaining to economic and other forms of espionage on behalf of foreign interests by a host of acknowledged friends and associates of the President. I believe these to be the most serious and most disturbing of the allegations that will ultimately be the focus of the media and the main source of the American people's disgust. But in the case of this administration, it more resembles the old saying "Pick your poison," because there's no telling what may finally be most damaging.

In October 1996 when I started asking questions about Clinton administration policy toward China and Vietnam, I was one of a few who found their associations and behavior suspect. Now, every major newspaper this week has had two and three front-page stories about various indiscretions under President Clinton and by President Clinton. And why is that? It's because there is an unbelievable wealth of information regarding wrongdoing out there. Yet, Attorney General Reno continues to deny the need for an independent counsel. It's hard to believe she's applying the same law we in Congress wrote just for situations like this where it is necessary to remove politics from an investigation. Clearly there is credible evidence of illegal activity and information that links principal figures, that is, President Clinton and Vice President GORE, to these actions.

I urge you, Mr. Speaker, and everyone to take a look at two editorials from the New York Times and the Washington Post on March 5, 1997, that outline another abuse at the hands of the Clinton administration. This one involving speeding up the citizenship process for potential political gain. As you can see from their tone, I'm not the only one who has grown tired of their insatiable political appetite and disrespect for honest government.

The editorials follow:

[From the Washington Post, Mar. 5, 1997]

BURNED AGAIN

On subject after subject, this turns out to be a White House that you believe at your peril. Six months ago, Republicans were accusing it of trying to make political use of the Immigration and Naturalization Service. The charge was that the White House had put the arm on the INS to speed up and cut corners in the naturalization process, the theory being that new citizens would more likely vote Democratic than Republican, and therefore the more of them, the merrier.

The administration responded that there was no way it would do a thing like that, manipulate the citizenship process for political gain, and folks believed it. We ourselves wrote sympathetically that, while "some congressional Republicans suspect a Democratic plan to load up the voter rolls . . . the administration replies that there are good and innocent reasons for [the] increase."

So now, guess what? It turns out the White House was in fact leaning on the INS to hasten the process, in part in hopes of creating new Democratic voters. There are documents that amply show as much. The attempt was described in a lengthy account in this newspaper by reporter William Branigin the other day. It was centered in the office of Vice President Gore, where they do reinventing government projects. But it wasn't just another reinvention. "The president is sick of this and wants action," Elaine Kamarck, a domestic policy adviser to Mr. Gore wrote in an e-mail last March, the "this" being that the INS wasn't moving people along at the proper speed.

The Republican charge is that, in speeding up the process, the INS made citizens of some applicants with criminal records who should have been barred. The Democratic defense—the current version—is that some of this may indeed have occurred, but not because of political interference. Rather, it was the result of simple bungling. You are told now that you shouldn't take the political meddling in this process—essentially a law enforcement process—seriously not because it didn't happen but because it was ineffectual. Now there's a comfort.

The INS has long been an agency in disrepair. It had and still has a huge naturalization backlog, partly the result of increased applications after the grant of amnesty to certain illegal aliens in the immigration act of 1986, partly now the result as well of last year's welfare bill, which cuts off benefits to immigrants who fail to naturalize. The agency was already trying to cut the backlog, as well it should and if ever there were a candidate for reinvention, it's the INS. So you had a legitimate project until the folks with the hot hands in the White House decided it should be a political project as well, at which point it was compromised.

Some of the worst ideas ginned up in the White House never got anywhere, in part apparently because of stout INS resistance. Nor is it yet clear how many people with disqualifying records were made citizens, nor how much of that was due to political pressure and how much to just plain everyday incompetence. But in a way it doesn't matter. What matters is that once again the political people couldn't keep their distance from a process that should have been respected and left alone on decency-in-government grounds, and then they were untruthful about it. Who believes them and goes bail for them next time?

[From the New York Times, Mar. 5, 1997]

THE LAW ACCORDING TO GORE

We salute Vice President Al Gore's decision to come forward and answer questions about his role in the Democrats' unrestrained fund-raising in 1996. But surely Mr. Gore and President Clinton know that the situation is too messy for the American public to accept Mr. Gore's relaxed reading of the Federal law against soliciting money on Federal property.

Mr. Gore argued that the law does not apply to his calls from the White House since he used a credit card supplied by the Democratic National Committee and was not soliciting Federal employees. The Republicans and some legal scholars seem to think the law actually means what it says, and that Mr. Gore broke it. Whatever the final resolution, Mr. Gore's forthright statement about his actions leaves no doubt that Attorney General Janet Reno has the "credible evidence" of possible law-breaking that she needs to appoint an independent counsel.

Of course, plenty more important evidence already exists, and the need for a thorough airing will only grow in the days ahead. Mr. Gore's undignified phone-athon, however demeaning to him and his office, is not the weightiest matter to be explored. What has to be determined is whether illegal foreign contributions were funneled into the President's re-election effort and whether staff members at the White House and the D.N.C. had knowledge or complicity in such an effort. The political and legislative energies of this Administration will continue to drain away until those questions are answered.

The extent to which Mr. Gore's admission dented his own Presidential hopes cannot be known immediately. What is clear is the utter tackiness and lack of restraint that prevailed within the reelection councils at this White House. Mr. Gore now bids to be remembered as the Vice President who went a clear step beyond what previous Vice Presidents and Presidents were willing to do. Typically, the party's top officeholders appear at fund-raising events and thank contributors in a general way, but they do not do the arm-twisting themselves. It is demeaning and potentially corrupting for a Vice President to ask directly for money, especially from people with business before the government.

Senior business executives called by the Vice President felt they were being shaken down, and they had a right to think so. Such transgressions against propriety have become a recurrent theme with this Administration. Whatever the final adjudication of its conduct, this White House has time and again blurred lines that other Administrations have drawn between politics and government.

After the disclosures that Democratic National Committee officers and staff members were attending White House meetings and receptions, using White House phone logs and offering the Lincoln Bedroom and other perquisites to potential donors, it should perhaps not be surprising that Mr. Gore felt it was all right to sit in his office and call contributors.

Just once we would like to hear of someone within this Administration's inner financial circle who had the strength, self-discipline and taste to say no. Failing that, most people would settle for an independent counsel to check the Vice President's reading of the law and the legality of the entire Democratic fund-raising operation.

IN HONOR OF JAMES AZARIEL AND SELINA ANASTASIA BURNETTE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SMITH of Michigan. Mr. Speaker, last Thursday, February 27, wife, Bonnie, and I were blessed with two new grandchildren. Their names are Selina Anastasia and James Azariel Burnett. They are the first children of my daughter, Elizabeth Burnett, and her husband, Fred Burnett.

Bonnie and I join James and Selina's other grandparents, Charles and Bonnie Burnette of Rustburg, VA, in welcoming them to the world.

Selina and James, like my other grandchildren, will have a tough time paying back all the money that the Federal Government is borrowing. If we don't change our ways, they will have to pay $187,000 each over their lifetimes to cover their share of the interest on the national debt.

I ask all the parents and grandparents now in Congress to work with me to minimize the debt that James, Selina and all the other children and grandchildren will have to pay back. If we continue to overspend, their chances for a good job and a high standard of living will be substantially reduced.

DELAURO COMMENDS SISTER ANN MATTHEW LORUSSO AND WILLIAM IOVANNE FOR THEIR WORK IN THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speakers, on Sunday, October 27, 1996, the American Committee on Italian Migration will honor Sister Ann Matthew Lorusso and E. William Iovanne with the 1996 Community Service Award. I am very pleased to rise today to recognize the great work of the American Committee on Italian Migration and the wonderful contributions to the community made by Sister Ann and Bill. Both of these individuals have deep roots in the New Haven community and have made great efforts to give something back to the city and the people who live here. Sister Ann has been with the hospital of St. Raphael in New Haven since 1968 and her tenure there has produced unique programs and projects. A dedicated nurse, Sister Ann spent years in nurse management at St. Raphael's because she loved to be with the patients and to work with people. She is now the parish nurse coordinator for the hospital. She oversees an interdenominational program which puts a nurse in synagogues and churches to meet the wellness needs of the congregation. Sister Ann has referred to the program as "community nursing" and she focuses on educational programs to prevent illness and disease. As health care becomes increasingly difficult to access, Sister Ann is heading a program that reaches out to people and makes sure they get the care they need.

In addition to work at the Hospital of St. Raphael, Sister Ann has served on the Mayor's Commission on Aging since 1994. It is in this capacity that she is able to address the needs of the area's elderly. Sister Ann speaks passionately about finding ways to tap into community resources to ensure that our elderly community is provided for. We are very lucky to have such a dedicated educator and advocate working on behalf of the people of New Haven.

This tribute is a most appropriate honor for Bill Iovanne because he is so proud of his Italian heritage and is deeply committed to the Italian-American community here in New Haven. A lifelong resident of Wooster Square, Bill took over the business his father started. His tenure as president of Iovanne Funeral Home has earned him the respect and admiration of many. I have known Bill for many, many years and our families remain closely connected. He has never failed to help families in their time of need. The loss of a loved one is such a trying, difficult time but Bill provides comfort and support to everyone. Indeed, Bill is not only passionately devoted to his own family, he has a reputation for treating everyone like a member of the family.

I am very proud to join the American Committee on Italian Migration as they honor these two remarkable individuals. They have dedicated their lives to working with and for others and I commend them for their commitment to their Italian-American heritage. They make me proud to be a member of the Italian-American community.

TRIBUTE TO FDA COMMISSIONER DAVID KESSLER, M.D.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. WAXMAN. Mr. Speaker, David Kessler represents the best in public service. He did his job with one purpose: to protect and promote the public health. He did so with unmatched passion, intensity, and courage. Dr. Kessler understood that the Food and Drug Administration is a scientific agency and that politics have no place in the agency's decisions. David Kessler would also be the first to tell you that he could not have accomplished anything without the hard work and dedication of his colleagues at the Food and Drug Administration.

Those accomplishments are significant and are making real differences today in the health and safety of Americans. We now have food labels that give us meaningful information we can use to improve our diets. The agency is approving new medicines at a rate that was unimaginable when he came to the agency in 1990. Today, we are protecting our children against the terrible scourge of the diseases brought on by tobacco use. Dr. Kessler has set the standard for excellence and accomplishment in government. Thank you, David Kessler, for your public service.

TRIBUTE TO AIDA ALVAREZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SERRANO. Mr. Speaker, it gives me great joy to extend my congratulations to Ms. Aida Alvarez on her confirmation to lead the U.S. Small Business Administration.

Ms. Aida Alvarez is the first Puerto Rican woman, also the first Hispanic woman, appointed to a Cabinet position in U.S. history.

Throught her long and distinguished career, Ms. Alvarez has acquired the experience and expertise that makes her exceptionally well qualified to lead the Small Business Administration [SBA]. "Small business is the heart and soul of the American economy," Ms. Alvarez said during her acceptance speech after President Clinton nominated her to head the SBA.

Ms. Alvarez was born in Aguadilla, PR, and raised in New York City. She learned first hand the importance of small businesses to fulfill the entrepreneurial spirit, build stronger communities, and spur economic growth. While still a high school student, she helped her family by working as a waitress in her mother's restaurant.

After graduating cum laude from Harvard College, she worked as a reporter for the New York Post and Channel Five in New York. Her reporting of guerrilla activities in El Salvador won her an Associated Press Award for Excellence and an Emmy nomination.

Ms. Alvarez held executive positions as an investment banker at the First Boston Corp. and Bear Stearns and, later on, as Vice President of the New York City Health and Hospital Corp.

Ms. Alvarez served as commissioner on the New York City Charter Revision Commission, member of the Governor's State Judicial Screening Committee, and as a member of the Mayor's Committee on Appointments. In addition, she has served on numerous boards including, the National Hispanic Leadership Agenda, the New York Community Trust, and the National Civil League.

Prior to her confirmation as Administrator of the SBA, President Clinton appointed Ms. Alvarez to head the newly established Office of Federal Housing Enterprise Oversight [OFHEO] in 1993. At OFHEO, she implemented regulations to insure the financial safety and soundness of the two largest housing finance institutions in the Nation—the Federal National Mortgage Association [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac]. Her leadership is characterized by efficient management.

Mr. Speaker, I ask my colleagues to join me in commending Ms. Aida Alvarez for her outstanding achievements and in wishing her continued success as Administrator of the Small Business Administration.

TRIBUTE TO WILLIAM MacLAUGHLIN

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SHERMAN. Mr. Speaker, Mr. BERMAN and I are honored today to pay tribute to Judge William MacLaughlin who last week was named 1997 Judge of the Year by the San Fernando Valley Bar Association. Judge MacLaughlin has a reputation among his coworkers as a fair, hard-working judge who brings a commonsense approach to the bench. Throughout his life he has shown exemplary service to his country and community.

Mr. MacLaughlin received his bachelor's degree and law degree from Yale in 1957 and 1960 respectively. After passing the bar exam he joined the U.s. Army first in a full-time capacity and later as a reservist, attaining the rank of captain in 1969. He then entered the legal profession, quickly becoming a partner in the firm Stone & Davis. Later in his career Mr. MacLaughlin went into practice on his own. Representing both plaintiffs and defendants, his years as an attorney saw him focus on personal injury, business, construction, and environmental areas of law. After many years and a well respected tenure as an attorney, he was appointed by Gov. Pete Wilson to the Los Angeles superior court.

In January 1992, Mr. MacLaughlin took his position on the bench. In the 5 years since, he has earned the respect of colleagues and coworkers alike as a hard-working and conscientious judge. Judge MacLaughlin is known for, among other things, conversing at length with prospective jurors, clearly explaining their role and how they fit into the larger process. When dealing with conflicting parties in a case he has commonly been known to encourage them to work together toward a solution, recognizing that a resolution reached through compromise is better than any decision imposed upon them. The judge's reputation for commonsense, middle-of-the-road rulings have earned high praise from numerous attorneys who have entered his courtroom.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the accomplishments of Judge William MacLaughlin. Truly, his even-handed administration of justice is an example to us all.

TRIBUTE TO WILLIAM KATZBERG

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize William Katzberg for being honored by the Middle East Network on the occasion of his 1,000th weekly, consecutive column for the Jewish Journal. For the past 20 years, William Katzberg has provided his readers fair and objective literary works on issues relating to Israel and the Jewish community. His journalistic contribution stems from his dedication to straightforward journalism and enduring love for the State of Israel.

In 1987, the Middle East Network in south Florida, formerly known as the Committee for Accuracy in Middle East Reporting in America, was concerned about erroneous news reports the American public was receiving regarding the Arab Infatada. The media reporting from the Middle East had fabricated the news in an attempt to capture America's interest in the battle transpiring in the Middle East. The media's deception was widely considered as a war of information—a war as devastating as the war being fought between Israel and the Arabs because it was turning world opinion against Israel. The Middle East Network held an organizational meeting to put an end to the fictitious news reports and generate fair and impartial reporting regarding Israel. William Katzberg was an invited guest because of his journalistic integrity and support of Israel. He immediately recognized the grave impact of the deceptive reports and called on the Jewish Federation of Greater Fort Lauderdale to help promote accuracy in Middle East reporting.

Over the years, William Katzberg has written a great deal about Israel and the Jewish community. His column appears in the Jewish Journal, and, on occasion, in the Miami Herald and the Fort Lauderdale Sun-Sentinel. He has become quite popular among residents in south Florida as a media journalist, a speaker, and a leader. In addition to his column, William Katzberg has helped organize mass meetings for the Middle East Network, has acted as a meeting moderator, and has produced a series of documentary films on Israel including: "Israel Under Siege," "the Hope, the Struggle, and the Miracle," "From Ellis Island to Jerusalem," and "Israel, Between Terror and Peace." These films have been shown to synagogues, churches, and colleges and universities in south Florida to help increase awareness of Israel and her people.

William Katzberg remains actively involved in the Jewish community in south Florida. He is a member of the board of directors and on the executive advisory community of the Jewish Federation of Greater Fort Lauderdale. Through his involvement at the federation, he has helped to raise hundreds of thousands of dollars for the United Jewish Appeal. He also participates in leading group trips to Israel for the Jewish Federation of Greater Fort Lauderdale and for the Temple Beth Torah, where he is also a member of the board of directors. His activity in both Jewish affairs and journalism has earned him a seat on the Jewish Telegraph Agency Board of Directors as well.

I wish William Katzberg the best on receiving this prestigious honor from the Middle East Network. I know he will continue to be an effective voice and journalist for the Jewish community in south Florida and in Israel.

THE CONSERVATION RESERVE PROGRAM FLEXIBILITY ACT

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. MORAN of Kansas. Mr. Speaker, I rise today to urge my colleagues to support legislation regarding one of this Nation's most important and effective conservation programs, the Conservation Reserve Program.

Under the Conservation Reserve Program Flexibility Act, H.R. 861, producers whose contracts expire and whose bids to re-enroll are not accepted under new USDA rules for the CRP, will be allowed to extend, for up to 1 year, their existing contracts at the countywide rental rate as established under the new enrollment criteria.

In Kansas, the Conservation Reserve Program protects 2.9 million acres of environmentally sensitive land by encouraging farmers to dedicate this land to conservation use. Contracts covering almost 2 million acres of Kansas CRP land will expire by September 31, 1997. Unfortunately, the timing of the U.S. Department of Agriculture's rulemaking process does not always coincide with needs of farmers. For producers of fall crops, like winter wheat, the enrollment decision date is simply too late.

This legislation would allow producers to explore the full range of grazing and cropping options as they bring their CRP land back into production. Due to extensions over the last 2 years, contracts representing nearly 22 million acres of this program are now expiring at once. At this point, we do not know exactly what land will be accepted, but it is estimated that 20 to 25 percent of the currently enrolled acres will not even be eligible. This represents around 4 million acres that we know will not be in CRP and will be back into production.

Mr. Speaker, adding 4 million acres into production with a limited range of planting options could be disastrous. This sort of market disruption can be avoided if we allow producers across the country to explore all of their options on how to bring this land back into production.

There are several important realities that this bill acknowledges. Under this legislation, the enrollment cap is not changed. As sign-up progresses, 36.4 million acres will still be the statutory limit on acres in the program. Even with the continuous enrollment for filter strips, riparian areas, and other high-priority areas, the current enrollment is only 32 million acres. Allowing a 1 year extension would not limit signup of new acres going into the program.

Another important factor is the payment rate. Under this 1 year extension, the payment will be either the new enrollment rate or the current rate, whichever is lower. This bill is not designed to give farmers the incentive to extend for 1 year at a substantially higher rate, it is designed to keep CRP benefits enrolled in a cost-effective manner and allow for an orderly return of this land back into production.

Mr. Speaker, massive changes have occurred in this Nation's agricultural programs within the last year. With any program changes, a smooth transition is both necessary and desired. This legislation will allow producers to make sound, market-based decisions as they bring their land back into production. Again, I urge my colleagues to join me in supporting this much needed legislation.

DeLAURO HONORS SAGE SERVICES OF NEW HAVEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker, on Friday, October 25, 1996, Sage Services will celebrate its 25th anniversary. The organization serves people over the age of 55 with a number of different programs. I am delighted to rise today to honor Sage Services and to recognize the important work they are doing. The mission of Sage Services is twofold. The organization aims to enable older people to maintain their independence, to continue to develop their skills and abilities, and to help them feel that they are valued members of the community. In addition, Sage Services educates the community to value older people, to benefit from their contributions, and to understand and address the concerns and issues older people face.

Sage Services provides a number of valuable job training and job placement programs. The organization is committed to keeping the skills older people possess up to date. For example, several computer training classes are offered which teach word processing, keyboarding and data base, and spread sheet skills. I can imagine that it gives participants a great deal of self-confidence and self-esteem to be able to keep up with the information age and the proliferation of computers.

Sage Services also offers all sorts of job placement programs. Older people are hired by local businesses for everything from office work to repairs and maintenance work. I am so pleased to see local businesses working with the organization because older people have so much to offer. If we do not reach out to them we are losing a great resource. Their talents, abilities and experiences remain relevant to the job market and it is to our advantage to tap this resource.

In addition to these great programs, Sage Services links older people with all sorts of services and assistance. I am impressed with the Sage Home Share Program which helps people remain in their homes by putting them in touch with someone who is in need of housing. Older people receive companionship and assistance and those sharing housing are able to find reasonably priced housing. I think this program goes to the heart of what Sage Services is all about; people helping each other. Sage Services keeps the idea that we are all family and we are all responsible for each other at the heart of everything it does.

I am proud to have this opportunity to congratulate Sage Services and to recognize all those who work there or volunteer their time to helping others. They are truly making an incredible difference in the lives of so many people. Sage Services is a remarkable organization and I commend everyone involved for making it such a success and for ensuring that our older citizens remain active, independent, and that they are valued by the community.

CONGRATULATING PEOPLE OF GUATEMALA ON SUCCESS OF RECENT NEGOTIATIONS TO ESTABLISH PEACE PROCESS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to join my fellow colleagues from both sides of the aisle in support of House Concurrent Resolution 17, congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala.

On December 29, peace accord ended 36 years of civil war the Government negotiated directly with the rebels.

The United States over the last 6 years participated in the peace negotiations for Guatemala as a member of the Group of Friends in conjunction with Norway, Mexico, and Spain. The group supported the work done by the United Nations to broker a peace in that war torn country. In this regard, the Guatemala peace accord is both a United Nations success story and an example of the benefits of sustained United States diplomatic engagement.

The peace accord includes the creation of a commission to implement a wide range of reforms to the political, economic, social, and judicial systems of Guatemala, including an enhanced respect for human rights and the rule of law, improved health and education services, attention to the needs of refugees and displaced persons and the role of the military in a democratic society.

Lasting peace, political stability and economic development in Guatemala is in the best interest of all nations of the Western Hemisphere, therefore, we should all be hopeful at these accomplishments made in the name of peace for the Guatemalan people.

LET ME LIE WITH SOLDIERS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. BARR of Georgia. Mr. Speaker, today, I wanted to submit the following poem as it was read by its author at the annual POW/MIA Candlelight Ceremony March 2, 1997, held at Dobbins Air Reserve Base in Marietta, GA. The poem is entitled "Let Me Lie With Soldiers," by Lt. Col. Clyde M. Reedy, U.S. Army (retired), Vietnam 1963 and 1972.

LET ME LIE WITH SOLDIERS

Let me lie with soldiers when God my spirit calls. Let me walk with warriors down heaven's hallowed halls.
Please bury me with soldiers, and let my spirit soar with kindred souls with whom I shared the brotherhood of war.
Yes, lay me down with soldiers in consecrated ground, made holy by their sacrifice, and bravery without bound.
It matters not the color of the uniform they wore, nor who sounded loud the trumpet that summoned them to war.
It matters not their era, nor weapons which they bore, nor banner which they followed into that hell called "war."
Abdulor Ivan, Hoang or Heinz, their names??? . . . I do not care. The tie that binds us all as one: the horrors that we shared.
The color their skin counts not, be it yellow, black or brown. For all of us are brothers up in God's holy ground.
The cause for which they struggled, that also matters naught. For when we're all in heaven none will ask for whom we fought.
And though our bodies crumble once are souls have gone on high, let memory of our sacrifices never never die.
Yes, let me stand with soldiers, hand-in-hand on heaven's shore, and gaze together on our homes Forever free of war.

This poem captures both the sadness and pride of America's fighting men, as well as the hope of every soldier: that the war they fight will be the last. It is an eloquent testimony to America's MIA's and POW's, who we must never forget.

TRIBUTE TO JOHN MAJOR

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SHERMAN. Mr. Speaker, Mr. BERMAN and I are honored today to pay tribute to Judge John Major who last week was recognized by the San Fernando Valley Bar Association with the Distinguished Service Award. When Mr. Major recently stepped down from the bench, our area sustained the loss of an individual that went out of his way to make the courtroom a place where both litigants and defendants were at ease and justice was served in a way that was best for all involved.

Mr. Major's early career involved a period in the Army and work in the aerospace industry. As John's professional career developed, his interest in government and law increased, leading him to enroll in law school. John's time at UCLA School of Law was difficult, as he was forced to balance school and work while holding down three jobs. Even with these adversities, John's determination to become a lawyer only increased. He completed his final 2 years of study on his own at night while working full time. He saw the fulfillment of his dreams in 1957 when, on his first attempt, he passed the California bar exam. The obstacle he overcame in his time studying law affected his later career as a judge. Whenever he saw people struggling, he told them, "you can accomplish whatever you choose to in life."

As a young lawyer, John worked for the Legal Aid Society in Santa Monica for 2 years. Shortly after that he opened his own practice that he maintained for 12 years. His career changed when he took a case defending a minor he enjoyed the tremendous positive impact he had on the young man's life. In defending the youth of our area, John found a challenging and rewarding career. Through his endeavors he became a juvenile court referee and eventually was appointed a Superior Court Commissioner. As a commissioner he worked in almost every juvenile court in Los Angeles County.

In 1984, Mr. Major was appointed to the superior court bench by Governor Deukmejian. His years on the court were his way of leaving a positive impact. According to many attorneys, he put people at ease with his humor and easy going demeanor. In handing down decisions, Judge Major did not hesitate to take into account the particular circumstances, at times straying form the usual sentence, especially in dealing with young people. The judge's calming influence and experience in dispute resolution will be sorely missed as he is an excellent communicator with a gift of engendering himself to all sides in a dispute.

When Judge Major stepped down from the bench last week, our community sustained a substantial loss. The effects of his service have reached well beyond the courtroom, as he has had a tremendous positive impact on the surrounding community. The legacy of his work will continue on for years to come in the lives of the many individuals be touched.

SUPPORT THE UNITED NATIONS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. ESHOO. Mr. Speaker, today I rise to introduce a concurrent resolution expressing the sense of Congress that the United States will continue its leadership in the United Nations by honoring the financial obligations to that institution.

Everyone agrees that United Nations is in need of reform. In fact, Joseph Connor, the Undersecretary for Administration and Management, announced yesterday that the U.N. budget will come in under its estimated 1998 budget, and the 1997 budget was a cut from the previous year.

But, if the United States continues to be a global deadbeat, the United Nations will lose its ability to carry out missions important to American foreign policy, such as promoting human rights, controlling the proliferation of weapons of mass destruction, spreading democracy, and preventing global conflicts.

The United States was a founding member of the United Nations. Throughout its half century of existence, through times of war and peace, the United Nations has stood as a pillar of stability. That is why Republicans and Democrats alike have supported not only its existence but American financial obligations. Now 61 percent of arrears to the United Nations are owed by the most powerful Nation on Earth. This is wrong. We can't allow short-term thinking in Congress to jeopardize our long-term security.

Please join me in sending a strong message to the world that the United States will lead and the United States will keep its word.

TRUCKER BUDDY INTERNATIONAL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. WELLER. Mr. Speaker, I rise today to recognize a nonprofit organization known as Trucker Buddy International.

Trucker Buddy International is a program that matches truck drivers with school classrooms as pen pals who share their respective experiences through regular correspondence and classroom visits. The program gives students a real world look at the country through the eyes of professional truck drivers who visit places and see things which they share with students through letters and picture postcards. By tracking routes and schedules, a teacher can incorporate important lessons in geography, history, math, and more into the existing curriculum. Students also improve their communications skills by writing back to their trucker buddy. As an extra tool to benefit the teacher of each class, Trucker Buddy has created the Literary Achievement Award. Each teacher will receive a Literary Achievement Award to present to the student who has improved his or her writing skills the most.

The Trucker Buddy Program was created in 1992 by Gary D. King, a professional truck driver who first started corresponding with a fourth grade class in Williams Bay, WI. Today, Trucker Buddy has nearly 5,000 drivers matched with classrooms throughout North America and in several foreign countries.

I would like to commend the Trucker Buddy Program for taking a special interest in our children and their education.

DELAURO HONORS TIMOTHY SHRIVER FOR HIS WORK WITH THE SPECIAL OLYMPICS

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker, on Thursday, November 14, 1996 Columbus House will have its annual benefit. This year the benefit is entitled "It's a Small World" and is honoring two individuals who have given an extraordinary amount of themselves to the city of New Haven; Jean Handley and Timothy Shriver. Tim's work embodies the theme of this year's benefit which is bringing the global community to the city of New Haven. I had the pleasure of working with Tim last summer when the 1995 Summer Special Olympic Games were held in New Haven. The 1995 games were the most successful world games in the 27-year history of the Special Olympics and had the added benefit of spotlighting the best that New Haven had to offer. I want to thank Tim for his great efforts on that project. His work enabled the city to shine and draw the national attention it so richly deserves. This past June, Tim was elected president and chief executive officer of Special Olympics International. I know that Tim offers Special Olympics International the vision, enthusiasm, and commitment to lead the organization into the 21st century.

Tim has spent most of his life working in education and promoting the development of children and this background makes him particularly well-suited for his new position. Tim is an educator who cares deeply about children and has made a commitment to improving their lives. He has been an administrator and teacher in the New Haven Public School System and, prior to working with the Special Olympics, Tim was the supervisor of the New Haven Public Schools' Social Development Project. The project was an initiative he began in 1987. Tim's expertise in the area of education, and the social and emotional development of children enable him to bring a distinct perspective to his work for the Special Olympics.

Tim is devoted to the Special Olympics movement and has a keen understanding of the meaning, mission and spirit of the organization. At the heart of the Special Olympics is a belief that all athletes deserve a chance to push past their own limitations and to excel. The games gives these individuals an opportunity to explore their capabilities and to reach their potential. I know that under Tim's leadership, the Special Olympics will continue to flourish and to offer so many athletes an experience they will remember for a lifetime.

I am proud to join Columbus House in honoring Tim Shriver. His work should serve as an example to us all that we can make an important difference in the lives of children with special needs. The Special Olympics also make us aware of the value, potential and uniqueness of every person.

CONGRATULATING PEOPLE OF NICARAGUA ON DEMOCRATIC ELECTIONS SUCCESS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to state my support for House Concurrent Resolution 18, congratulating the people of the Republic of Nicaragua on the success of their democratic elections.

The road to peace for the Nicaraguan people has been difficult and the path to democracy froth with conflict.

On October 20, 1996, 15.7 million ballots, 32,000 candidates, 35 political parties or associations express the wish of the Nicaraguan people for democracy. The ballots cast represented between 80 and 90 percent voter participation.

The elected positions ranged from President to city council members.

The Supreme Electoral Council of Nicaragua worked tirelessly to prepare for this election. The Chair and members of the Council showed a willingness to consult frequently and effectively with the political parties to resolve potentially serious issues before election day.

The Nicaraguan people deserve our congratulations for their patience during this long process and their determination to have democracy rule their country's destiny.

I hope that this election will pave the way for further achievements in the form of resolving the pending property issues which have resulted from appropriation of thousands of homes and businesses during the 1980's.

The Nicaraguan people have made the first step toward a stronger more vibrant Nicaragua for the 21st century.

TRIBUTE TO ROBERT E. PERKINS, JR.

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today to recognize 25 years of outstanding national service by Mr. Robert E. Perkins Jr., Director of Government Affairs for the Greater Orlando Aviation Authority, and to wish him well in his upcoming retirement.

For the past 25 years, Mr. Perkins has been an asset to both the public and private sectors of customs relations and aviation administration. His Federal career began in the U.S. Air Force Strategic Air Command during the Vietnam conflict. He served his tour of duty at the former Pine Castle Air Force Base which is, coincidentally, now the site of Orlando International Airport.

During the late 1960's and early 1970's, Mr. Perkins served with the White House Press Corps and the Military Customs' Inspection Programs for the Department of Defense. His service for the Department of Defense encompassed all services in Vietnam, Guam, Taiwan, Thailand, the Philippines, and West Germany. In addition, Mr. Perkins served as Treasury Department representative for Operation Homecoming in the Philippines in 1972.

Mr. Perkins continued his distinguished public service at Orlando International Airport. During his tenure, he witnessed its designation as a port of entry in 1976 and its original international clearance facility construction in 1979. He concluded his customs career in 1986 as district director in Tampa, FL, where he supervised the customs operations for the entire 57-county Florida area.

Following his retirement from Federal service, Mr. Perkins entered the private sector as a law enforcement systems specialist. In 1989, he became executive director of Tampa Foreign Trade Zone, Inc., working to increase the foreign trade zone program in the Tampa Bay area.

In 1991, he joined the Greater Orlando Aviation Authority as Federal Agency Administrator and was quickly promoted to Director of Governmental Affairs in 1993. As Director of Governmental Affairs he was the link between the Authority and government officials at all levels. Through his hard work and perseverance, he made GOAA's voice heard as important legislation, funding, and operational programs affecting the aviation industry were implemented.

Mr. Perkins has been a truly integral part of the Customs and aviation industries. He will undoubtedly be greatly missed. So, today I ask my colleagues to join me in salute of this exceptional man. I am sure that I speak for all when I wish him well in his well-earned retirement.

DEMOCRACY—ABOVE AND BEYOND

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. BARRETT of Nebraska. Mr. Speaker, I have received the following script, by Sarah Brozek, a fine young Nebraskan. Sarah is the Nebraska winner for the Voice of Democracy broadcast scriptwriting contest, conducted by the Veterans of Foreign Wars and the Ladies Auxiliary. I believe her statement on the costs and obligations of living in a free society are important for us to consider:

DEMOCRACY—ABOVE AND BEYOND

(By Sarah Brozek)

As Edmund Burke once said, "The only thing necessary for the triumph of evil is for good men to do nothing."

As citizens of democracy, we are compelled to take action against that which threatens our freedom. Democracy, as opposed to any autocratic style of government, depends upon that voluntary responsibility and sacrifice of its citizens, unlike other forms of government such as totalitarianism, communism and socialism which take away the responsibilities of its citizens and create dependency, instead of independence.

Therefore, as citizens of the United States, it becomes essential to rise above the mere act of belonging to a great nation. We must move beyond settling for privileges and forgetting our principles. We must be responsible enough to take action above and beyond those that satisfy our own self-serving needs. It is not enough to say our pledge to the flag and say we love our country. It is not enough to simply label our form of government as a democracy. It takes action on the part of each individual: voting, standing up for the principles we hold dear, taking responsibility for others who may be oppressed. Democracy involves moral decisions. It pursues a positive hope for the future. It implies a trust in the general integrity of men and women. It cannot survive without sacrifices. There must be a sacrifice of will: that of abiding by the majority rule. This does not mean sacrificing the integrity of self. It means taking a stand of principle on each occasion. Blind allegiance is useless to a strong, democratic country.

There must be a sacrifice of income. A democracy needs the support of its citizens. Because democracy does involve moral decisions, we must have the means to care for our people, especially those less fortunate and needing our care.

Democracy also demands a sacrifice of our time. If we let someone else do all the decision making, and let someone else serve our cities and counties, we abdicate our right to be included as a part of the majority and lose our role in our own future. It is necessary for each person to title his or her time to a community service, on a local, state or national level in order to remain aware of current events and to get all the jobs done that need to be done. It also requires a sacrifice of our time to follow and understand national and international events since we are part of the greater world and one of the world leaders. It takes informed choices to make a democracy work.

Democracy can require a sacrifice of life, sometimes. America was built on people fighting for their values and beliefs. From the revolutionary war to the present, we have had citizens who believe so strongly in the ideals of democracy on a personal level that they have willingly taken arms and laid down their lives to defend those ideals. An ideal not worth fighting for is easily trampled by others. We could lose everything without lifting a finger. As Americans we have the privilege of taking a stand for what we believe in.

We can sit on our couch and rant and rave against our politicians, but not walk across the street to vote for the one we think will be most effective. We can complain and bemoan our taxes, then curse the condition of the roads and the lack of current technology for our children to learn on at school and never volunteer to help in any community endeavor that has lost funding. We can cry at the rising criminal statistics and yell at the people whose job it is to protect us, but when asked to help in neighborhood watches or attend community meetings to help take a stand against drugs and crime we say we're too busy and what do we "hire these people for anyway?" And when we're sitting on our couch and our country is at risk, but we expect someone else to take care of it, we should not be surprised when everything we took for granted disappears in a moment. And the only one we can blame is our self. I am one of thousands who would share the blame. Democracy takes the effort of all of us. We must hold ourselves accountable. That is the heart of effective, living democracy.

Democracy is not just a noun. It is not just an object to be placed on a pedestal and dusted off any time we feel a little patriotic. Democracy is not only an adjective, just a pretty sounding word that makes us feel superior and smug when we say it. Democracy is a verb. It is action, involvement, doing and saying. It is time, and talents and great effort. It is constant reinforcement and participation. It is vitality and battle. It is continuous work in progress. As Abraham Lincoln said in the Gettysburg Address, an "unfinished work which they who fought here have thus far so nobly advanced."

HONORING JOSHUA TRENT, VFW AWARD WINNER

SPEECH OF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Mr. GORDON. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the Voice of Democracy broadcast scriptwriting contest.

This year more than 109,000 secondary school children participated in the contest competing for the 54 national scholarships which were distributed among the 54 national winners. The contest theme this year was "Democracy—Above and Beyond."

I am proud to announce that Mr. Joshua Trent from my 6th Congressional District in Tennessee won the 1997 Voice of Democracy broadcast scriptwriting contest for the State of Tennessee. Like myself, Joshua is a resident of Murfreesboro, TN.

Joshua's script exudes the spirit of enthusiasm that beckons us to feel as he does about our great Republic. That Joshua has attained such a zeal and been blessed with the talent to convey his feelings, speaks well for his future as a leader in America.

For the benefit of all, I would like to share Joshua's award winning script with you at this time.

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—TENNESSEE WINNER JOSHUA TRENT

Democracy: Above and beyond!

Man, what kind uv va assignment is this? Teacher say to write a paper on "Democracy: Above and Beyond". What in the world does zat mean?

Come: I will show you. Huh?! Who said that? Me. Who are you? What are you doing here?

I am the spirit of democracy, I am answering your question. I will show you what "democracy—above and beyond" means.

Look pal, I don's know who you are, but you'd better just go back to wherever you * * * wwhere am I? WWWhas goin' on? Wwhat did you do?

Look, tell me—who are those men?

It looks like two pictures of—oh my! That looks like Thomas Jefferson and Ben Franklin—and they're real! Hey! Fellas! Can you see me?

Quiet! No, they cannot see you, only you can see them. Listen to what they are saying.

Franklin: "Congratulations Thomas! You drafted an excellent piece of work! I especially like the part of um * * * 'We hold these truths, * * * Would you mind reading that part again?"

Jefferson: "Certainly. I am honored that you think it is good Mr. Franklin. Ahem! 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

Franklin: "Jefferson, you've got a point. That is what it's all about. All men created equal—all men having a say in government—all men having equal chances in business. Democracy, as you know, means "rule by the people". That's the idea. Common sense people running the government, not King George or anyone else.

Come, we must go now, we have more stops to make before our journey is over.

Hey, that's pretty neat! That was Ben and Tom just chattin away, and dude, they were * * *

You are missing the point. What did you learn?

Learn? Uh, well * * * Democracy means that people are level—equal—and that they rule, not some far off king.

Good. Do you see where we are now?

Why we've changed again! How do you that? Man, if I could do that * * *

Look where we are.

I see where we are, but I don't know where this is. We're in some sort of a balcony, and there are a bunch of guys in suits down there, and there is a big American flag over there. Where are we?

We are in the balcony of the House of Representatives—in Washington, DC, you are going to learn your next lesson on democracy. Listen, your Congressman is getting ready to speak.

Cngrsmn: My fellow congressmen, the Democratic style of government which we have, has provided us with over 200 years of political, social, and economic success. True, we have had our differences, disagreements and difficulties, but this system of: government by the people, free enterprise, and the idea that "all men are created equal" has propelled us to become a world super power, and has given us the title of the "greatest nation on earth." But democracy is more than American success, it is a form of government where people have freedom. It is not bound by racial or national lines, so I urge you to vote for this bill.

We must leave now. Catching on?

Hey, I just realized something. Democracy isn't limited to us! Yeah, other countries are democracies, too. Democracy has helped us succeed, and I guess that was why he wanted them to vote for that bill—so other people could succeed under democracy too!

Here we are back at your house. Tell me what "democracy: above and beyond" means.

Wait a minute! We've seen Democracy in the past and in the present, so what about the future of democracy?!!!

You determine tomorrow—the future of democracy. You are tomorrow's leaders, voters, and elected officials. Now, tell me, what did you learn?

Okay. I learned that Democracy literally means "rule by the people", and because of that fact, each vote counts, each man (or woman) matters, and every voice can be heard. Because the basic foundation to democracy is that "all men are created equal * * *", democracy is above national lines and beyond racial boundaries. "Democracy: Above and Beyond" means that democracy is above and beyond other forms of government. Democracy doesn't mean we don't have problems, but we can meet those problems head-on. Democracy in America started with our founding fathers and has given us national success. But, we are responsible for its success tomorrow. I guess that's it.

Good job. You did listen. I must go now.

But where will you be if I need you again?

As the spirit of democracy, I am alive in each American and every person in the world who yearns for government by the people. You'll be okay, just keep "democracy—above and beyond!"

ORGAN DONATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. NETHERCUTT. Mr. Speaker, between now and the end of June, the Treasury Department will be including information on organ donation with each tax refund check it mails.

I was proud to support the Health Insurance Portability and Accountability Act last year which directed the Treasury Department to provide this information with tax refund checks.

This information educates Americans about organ donation and makes it easier for people to become organ donors. It has the potential to save thousands of lives—and at minimal cost to the Federal Government. Once someone has learned about organ donation, all he or she needs to do is fill out the card and discuss the decision with his or her family.

Currently, over 50,000 Americans are awaiting organ transplants. Eight people die every day because an organ is not available. Hundreds of thousands of others could also benefit from tissue transplants and many Americans are not aware how they can become organ donors. By learning about the opportunities, individuals can, in the unfortunate event of a fatal accident, have their organs used to save someone's life.

Sometimes, we can save a life while we are still alive. For example, I have made a decision to be a bone marrow donor. When I learned that a friend of my daughter, Meredith, had a potentially fatal bone marrow disease, I had my own bone marrow tested. While there was not a match, I am keeping my bone marrow type on file should another person with a life-threatening illness requiring a transplant have a similar bone marrow type to my own. To save that person's life, all that would be required of me would be to have a small amount of my own bone marrow taken for transplant.

I encourage others to become donors, whether of organs, bone marrow, or even blood. Although easy to make, this is an important decision, and I encourage people considering it to do as I have done and sit down with their families and discuss their decision. This way, a person's family becomes aware of a donor's intentions.

I hope that by including information on organ donation with tax returns, we will remind people of the life-saving possibilities of becoming an organ donor. To become a donor is as simple as filling out a card. But, as simple as that is, the implications are tremendous. You could give someone with a life-threatening illness a new lease on life.

The inclusion of these cards with tax refunds should serve to remind us all of the importance of organ donation. It only takes a small effort to make a great contribution.

IN HONOR OF PATRICK O'KEEFFE, A DISTINGUISHED GENTLEMAN NAMED IRISHMAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a distinguished gentleman, Patrick O'Keeffe, who was named Irishmen of the Year by the Jersey City St. Patrick's Day Parade Committee. He will be honored at the committee's annual dinner dance on March 7, 1997 to be held at the Quality Inn in Jersey City.

Friday's festivities will celebrate the many contributions Mr. O'Keeffe has made to his family, community and his fellow Irish-Americans. His journey began in County Clare, Ireland where he was born on March 7, 1926. In his beloved native Ireland, Mr. O'Keeffe received his early education in a one-room schoolhouse. Later, his learning would continue under the direction of the Christian Brothers.

In 1957, the American leg of Mr. O'Keeffe's journey began when he immigrated to the United States, where he settled in what is now my district in Jersey City. Subsequently, Mr. O'Keeffe would marry and become the proud father of eight children: Michael, Margaret, Patrick, Brian, Sean, Noreen, Nuala, and Brendan. Mr. O'Keeffe has instilled a love of Irish music, dance, and literature in each of his children. They have come to exemplify Mr. O'Keeffe's motto: "It's nice to be important, but it's more important to be nice."

In addition to his devotion for his family, Mr. O'Keeffe has exhibited an unwavering commitment to fellow community members as well as all Irish-Americans. Although he is an American citizen, Mr. O'Keeffe's heart will always take him back to his roots on the Emerald Isle. For many years, he has been working toward a united Ireland. Toward this goal, Mr. O'Keeffe has joined a number of organizations, including the United Irish Counties Club of Hudson County, the Irish Immigration Reform Movement, and the Irish American Unity Conference.

It is an honor to have such an outstanding and caring individual living in my district. Patrick O'Keeffe is a true community leader. I am certain my colleagues will join me in honoring him.

CARM COZZA COACHES FINAL GAME AT YALE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker: On November 16, 1996, coach Carmen Cozza will coach his final home football game at Yale University against the Princeton Tigers. This day will be proclaimed Carm Cozza's Day in recognition of the contributions he has made to Yale University and the game of football. I am very pleased to rise today to honor Carm and to recognize his great coaching accomplishments. Carm has followed in the footsteps of another great coach and player. Walter Camp is both the father and founder of American football and was the first Yale University football coach. Carm has the impressive distinction of surpassing Walter Camp's win total at Yale in 1976. Carm's record speaks for itself. Under his leadership, the Yale Bulldogs won the Ivy League in 1967–69, 1974, 1976–77, 1979–81, and 1989. Indeed his achievements have brought him some well-deserved recognition. He was named the winner of the 1995 George C. Carens Award by the New England Football Writers Association for his outstanding contributions to New England football. He also won the 1992 Distinguished American Award by the Walter Camp Football Foundation. Carm has distinguished himself by becoming the coach with the most wins in Ivy League history.

However, all of Carm's wins do not say as much about him as the wonderful feelings and memories his former players and colleagues have for him. Everyone who has known or worked with Carm remarks about his integrity, his class, and his respect for and love of the game. What is most indicative of Carm's tenure are the things that he is most proud of. Carm boasts that 99 percent of his players have graduated and he likes to claim that he is the best premed, prelaw coach in the country. He truly cares about his players and is as proud of their academic achievements as he is of their athletic accomplishments. Carm imparts a reverence for the game, a sense of discipline, and the meaning of sportsmanship to all the players he works with. These are his legacies to the Yale University football team.

I am proud to join Carm's family, his wife Jean, his colleagues and his past and present players in saluting a lifetime of great coaching. Carm's vision, leadership, and enormous talent are his parting gifts to Yale and to the game of football. Yale has been truly blessed during his time there with a coach who cares deeply for the game and all those who play it. I wish Carm and enjoyable retirement and the very best during his final games at Yale. He will be greatly missed.

INTRODUCTION OF THE CIVIL RIGHTS PROCEDURES PROTECTION ACT OF 1997

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. MARKEY. Mr. Speaker, I am proud to join today with Representative CONNIE MORELLA and a bipartisan group of colleagues to introduce the Civil Rights Procedures Protection Act of 1997. This bill is designed to reassert workers' rights to have their claims of unlawful employment discrimination.

Recently employers and even whole industries have sought to circumvent civil rights laws by forcing employees to sign away the fundamental rights to a court hearing. As a condition of hiring or promotion, a growing number of employers are requiring workers to agree to submit any future claims of job discrimination to binding arbitration panels. This practice, called mandatory arbitration, is engaged in most prominently by the securities industry, but is also increasingly relied upon by employers in information technology, health care, engineering, and other fields. Together, they are reducing civil rights protection to the status of the company car: a perk which can be denied at will.

The U.S. Constitution guarantees every citizen equal justice under law. Forcing employees to choose between their civil rights and their job denies them their right to equal justice. Employees who consent to mandatory arbitration give up their right to due process, trial by jury, the appeals process, and full discovery.

By no means, do I wish to denounce arbitration in general. Voluntary arbitration in an impartial setting can be a fair and inexpensive way to resolve a wide range of disputes. But when it is forcibly imposed on one party with inherently less bargaining power, it ceases to be of value.

Mandatory arbitration of civil rights is wrong even if the arbitration process were a balanced one. But, too often, it has a semblance of impartiality. The securities industry, in particular, has transformed a potentially impartial and independent judicial environment into one where neutrality and independence are virtually nonexistent. A 1994 GAO study of the security industries' arbitration process found that vast majority of securities arbitrators are white men over 60 with little or no expertise in the area of employment law. At best such a setting has the appearance of unfairness; at worst, it is a tainted forum in which an employee can never be guaranteed a truly fair hearing. Like forcing employees to buy goods at the company store, the price of such so-called justice is just too high.

Our legislation would protect the rights of workers to bring claims against their employers in cases of employment discrimination. By amending seven Federal civil rights statutes to make it clear that the powers and procedures provided under those laws are the exclusive ones that apply only when a claim arises, the Civil Rights Procedures Protection Act would prevent discrimination claims from being involuntarily sent to binding arbitration. In short, this bill prevents employers in all industries from forcing employees to give up their right to go to court when they are discriminated against on account of race, sex, religion, disability, or other illegal criteria.

By reinforcing the fundamental rights established under various civil rights and fair employment practice laws, our bill restores integrity to employer-employee relationships. No employer should be permitted to ask workers to check their constitutional and civil rights at the front door.

COMMENDING HON. WARREN CHRISTOPHER FOR EXEMPLARY SERVICE

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in full support of Senate Concurrent Resolution 4, which recognizes the exemplary service of the Honorable Warren Christopher as Secretary of State.

When Warren Christopher was selected by President Clinton to serve this Nation as its Secretary of State the President could not have had any knowledge of how difficult a job it would be.

The war in the former Yugoslavia was at its height and peace seemed to be an illusive goal that only a few committed individuals believed was truly possible. Secretary Christopher was one of those committed individuals, and because of his personal resolve for peace—the Dayton accord resulted in the people of Bosnia, Croatia, and Serbia living through the last year without war.

The quiet dignity that exudes the persona of Warren Christopher is one that we can all admire. He has been a skilled negotiator when representing the interest of the United States, both here and abroad. He has been tireless in his pursuit of positions that promote peace and better understanding among our allies and advisories.

When Secretary Christopher said, "The end of the cold war has given us an unprecedented opportunity to shape a more secure world of open societies and open markets," he worked to reap those benefits for our Nation.

While Secretary Christopher was managing diplomatic relations with the world's great powers and international institutions he was also creating jobs here in the United States by opening markets abroad.

More than 200 trade agreements over the last 3 years have helped our exports grow by 34 percent since 1993 and created 16 million new jobs. Through Secretary Christopher's efforts in promotion of the North American Free-Trade Agreement, concluding the Uruguay round, and forging the Miami summit commitment to achieve free and open trade in our hemisphere by 2005—and the Asia-Pacific economic cooperation commitment to do the same in the Asia-Pacific by 2020—the United States is positioned to become even more dynamic in the global economy in the 21st century.

He worked tirelessly to provide the peace and security that the American people require by promoting constructive relations with other nations and international institutions.

From the issue of championing NATO's Partnership for Peace, the United States-European Union new transatlantic agenda, and other post-cold-war initiatives have improved European stability and strengthened United States-European economic ties and security cooperation.

With Japan, under Secretary Christopher's leadership, we have signed a security declaration and reached 21 market-opening agreements. Now United States exports to Japan are rising five times as fast as imports.

Warren Christopher has played a critical role in creating constructive relations with Russia during the transition period of their nuclear weapons arsenal, and the strengthening of vital elements of democratic reforms.

Warren Christopher has served his Nation well as its 63d Secretary of State, and is very deserving of this accolade in the form of a House concurrent resolution.

EXTENDING THE DELTA LOAN PROGRAM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. FORBES. Mr. Speaker, I rise today to bring to the attention of my colleagues a bill that I introduced to improve the Defense Loan and Technical Assistance Program, known in short as the DELTA Program. I am honored to be joined by Congresswoman CAROLYN MCCARTHY in this effort.

As a former regional administrator of the Small Business Administration, I had the opportunity to see firsthand the correlation between a thriving defense industry and a successful small business community. In the early 1990's, Congress mandated a reduction in overall defense spending. As a result of those cuts, many defense businesses and contractors across the country were forced to terminate thousands of employees, eliminate services, and close down factories. Some parts of the country were hit harder than others. On Long Island we saw the departure of our largest employer, Northrup/Grumman and 30,000 jobs lost. In fact, Long Island's economy is still experiencing a recession and we have yet to recover those lost job opportunities.

That is why as a member of the Appropriations Committee, I worked hard to make the DELTA Program a reality.

Currently, $30 million is authorized and appropriated for the DELTA Program with the specific purpose of helping defense dependent small businesses to diversify within the commercial market, while at the same time retain and create jobs. Since becoming operational in 1995, the DELTA Program has been a success. As of February 1, 1997, 94 DELTA loans have been made nationwide. I am proud to say that eight of those loans were made by the Long Island SBA office, which makes Long Island the leader in the Northeast region. Initial figures show that the DELTA Program has created more than 400 jobs and more than 700 jobs have been retained. While these are impressive numbers, it is important to note that they are not representative of the success of the program. The results of a SBA survey on the program have not been reported yet. I am confident that the survey results, coupled with SBA's initial figures on job creation and retention, will reveal that the DELTA Program has led to the creation and salvation of thousands of jobs.

No question about it—the DELTA Program is a success. And that is why I introduced legislation to make it more accessible to small businesses. My bill calls for three changes to the existing DELTA Program that will ensure that the $30 million appropriated will not go unused.

First, my bill extends the life of the DELTA Program 1 year to 1999. If unchanged, the DELTA Program will sunset at the close of fiscal year 1998. If we allow this to happen, all unused DELTA funds will revert back to the General Treasury. This is a real concern because to date of the $30 million originally set aside for the DELTA Program, only a little more than $3 million has been utilized. This means that close to $27 million is sitting unused at the SBA. I would hate to see that money transferred back to the General Treasury, especially when there are so many small businesses and jobs that hang in the balance.

Second, my bill makes the DELTA Program more accessible to small firms. As the law is written now, in order for a small business to qualify for a DELTA loan a substantial amount, 25 percent to be exact, of its prior year's revenue must be derived from defense-related contracts. However, only a small sector of the defense-dependent small firms can meet this onerous requirement. To fully grasp the impact that the defense spending cuts of the early 1990's had on small companies, it is necessary to look beyond a firm's previous year's revenues. It is too narrow of a measure. Most of the small businesses that relied on defense-related contracts are still reeling from the effects of the defense reductions. Ask any business person and they will tell you that it is impossible to project the impact that a policy change has on small businesses based on just 1 year's operating records.

That is why my legislation expands the eligibility requirement for the DELTA Program. My legislation states that in order to qualify for a DELTA loan a firm must demonstrate that during any one of its 7 preceding operating years, at least 25 percent of its sales were derived from defense-related contracts. This provides a more comprehensive and realistic standard of measure.

Third, my bill increases the loan guaranty rate from 75 to 90 percent. A higher guaranty rate is more attractive to lenders and will enable them to make more DELTA loans.

The last thing I want to see happen is the DELTA Program, a program that Congress has already committed $30 million to go to waste because Congress was not willing to make it work. My bill does not appropriate any new funds for the DELTA Program; it only fine tunes the existing program to make it more available to small businesses. I cannot stand by and let $30 million that was appropriated by Congress to help small businesses go unused. If Congress does not amend the existing DELTA loan program that will happen.

ON THE DEDICATION OF THE WILLIAM DAVIDSON GRADUATE SCHOOL OF JEWISH EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending Mr. William Davidson, president and CEO of Guardian Industries Corp. and managing partner of the National Basketball Association's Detroit Pistons Basketball Club, on the dedication today of the William Davidson Graduate School of Jewish Education at the Jewish Theological Seminary of America in New York City. This event is an important milestone in the history of the Jewish Theological Seminary and will ensure that future generations of scholars have the opportunity to study in one of America's premier centers for Jewish learning.

This new addition to the world's scholarly institutions is only the latest of Bill Davidson's outstanding contributions to the field of education and just another example of his philanthropy. As the founder of the William Davidson Institute at the University of Michigan Business School in Ann Arbor, Bill Davidson endowed an institution whose purpose is to help nations—such as the countries of Central and Eastern Europe and the Republics of the former Soviet Union—make successful transitions from command to market economies. As the founder of the William Davidson Business School at Technion—Israel Institute of Technology in Haifa, Israel, Bill Davidson created the world's first educational institution entirely dedicated to the international management of technology-based companies.

Bill Davidson's commitment to education and the Jewish people has been recognized through the awards bestowed upon him for his service over the years. Among those awards, Bill was the recipient in 1992 of the Fred M. Butzel Memorial Award for Distinguished Community Service, the Jewish community's highest award for volunteer service. He has served as chairman of the United Jewish Appeal for Detroit and as president of Congregation Sha'arey Zedek. Most recently, he has demonstrated his continuing commitment to Israel through his funding of the William Davidson Community Center in Yavne, Israel, and the restoration of the William Davidson Second Temple Period Archeological Park and Orientation Garden in the city of Jerusalem, Israel.

Mr. Speaker, the dedication of the Davidson Graduate School of Jewish Education is only the latest outstanding accomplishment in a career of philanthropy for education and Jewish causes that knows few rivals. I urge my colleagues to join me in commending Bill Davidson for his vision and commitment to education and the Jewish people.

IN HONOR OF FRANK PAGANO: FOR DISTINGUISHED SERVICE TO THE RESIDENTS OF JERSEY CITY AND BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a special gentleman, Frank Pagano, who has distinguished himself through his continuous dedication to the residents of my district. Mr. Pagano will be honored by the Bayonne Chapter of UNICO on March 8, 1997, at a black tie dinner dance to be held at the Atrium Restaurant in East Orange, NJ.

Throughout his long career, Mr. Pagano has been a businessman, model citizen, and devoted family man. His entrance into the retail grocery industry came at an early age. In 1929, Mr. Pagano, while still in high school, went to work at Tony Stagno's butcher shop located on the corner of Third and Brunswick Streets in Jersey City. His exemplary work ethic helped him to become proprietor of his own establishment. Never one to miss an opportunity to explore new horizons, Mr. Pagano added produce, groceries, and a deli to his business in 1949 and became Jersey City's first independent owner of a supermarket. The current location of Mr. Pagano's business, North Street in Bayonne, was opened in 1975 with the assistance of his son Joseph. The new store has been an institution in Bayonne for over 20 years. In 1966, Mr. Pagano was selected Man of the Year by the New Jersey Food Merchants.

Mr. Pagano's commitment to serving his fellow community members extends far beyond his business endeavors. He is a firm believer in the notion that assisting our young people to achieve their full potential is the best way for us to meet the challenges of the future. Mr. Pagano has been actively involved in organizations such as the Hudson County Sierra Club and the Jersey City Boys' Club. He is a member of the Dante Alighieri Society, past president of UNICO of Jersey City, and Alhambra Caravan 8. For his efforts, Mr. Pagano has received numerous awards, including the 1992 Everyday Hero Award, the Devoted Service Award from the Boys and Girls Club of Hudson County, and the Humanitarian Award from the Assumption Catholic War Veterans Post No. 1612.

The core of Mr. Pagano's existence is his family. He has been married to the former Anna Garguillo for 59 years. Mr. and Mrs. Pagano are the proud parents of two sons, Joseph and Neil. Joseph and his wife Charlotte have two children, Ben and Joseph; and Neil and his wife Elaine are the parents of three children Kristen, Stacy, and Stephen.

Mr. Pagano epitomizes excellence in community service, and has had a positive impact on many lives. It is an honor and a pleasure to have such a man residing in my district. I am certain that my colleagues will rise with me and honor this remarkable individual.

FREE THE CLERGY ACT, H.R. 967

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. GILMAN. Mr. Speaker, today, I am introducing the Free The Clergy Act, H.R. 967, a bill that will prohibit visas or U.S. Government sponsorship for Chinese Government officials involved in the repression of religion.

Mr. Speaker, there are hundreds of people serving long prison sentences in China and occupied Tibet for practicing their religious faith. Let me repeat that for my colleagues; hundreds of people, Catholics, Protestants, and Buddhists are spending many years of their lives in prison for following religious practices. Unfortunately, the situation is getting worse.

According to a report released by Human Rights Watch/Asia:

> The Chinese government is subjecting unauthorized Catholic and Protestant groups to intensifying harassment and persecution * * *.
>
> During the last two years, the Chinese government broadened its drive to crush all forms of dissent * * * all religious believers, and especially Christians, are seen as potential security risks.* * *

How does Beijing repress religious practitioners? The Communist government sentences a 76-year-old Protestant leader to 15 years in prison for distributing bibles. It sentences a 65-year-old evangelical elder to an 11-year prison term for belonging to an evangelical group outside the government-sanctioned religious organizations. A 60-year-old Roman Catholic priest was sentenced to 2 years of reeducation through labor for unknown charges. He had previously spent 13 years in prison because of his refusal to renounce ties with the Vatican. The 6-year-old Panchen Lama and his family have been detained for 1½ years and their whereabouts are unknown. Scores of Tibetan Buddhists who refused to participate in the Communist Chinese sham enthronement of Beijing's "Panchen Lama" have been sent to prison and one of their spiritual teachers committed suicide rather than take part in the Chinese charade.

Mr. Speaker, my colleagues, there are hundreds of such cases. Mind you these people are not spending time in prison and wasting their lives away for calling for political pluralism or democracy. They are being severely punished simply for following their religious beliefs.

The administration argues that economic liberalization will bring about political pluralism. Many policy makers articulate that position due to political pressure from business groups. It needs to be pointed out, however, that sweeping religious practitioners under the same rug for short-term economic interests could be a political mistake that will be a long-term liability. The American people are very concerned about jobs and the economy but not if it is at the expense of their core moral and religious beliefs.

Our Free the Clergy Act would prohibit visas and any United States funds to be spent on Chinese officials who are involved with the repression of religion in China and occupied Tibet. It sends a message that we find religious repression repugnant and at grave odds with important American values.

Accordingly, I urge my colleagues to support H.R. 967 and ask that the full text of our bill be printed at this point in the RECORD:

H.R. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Despite public assurances by the Government of the People's Republic of China that it would abide by the principles of the Universal Declaration of Human Rights and despite the United Nations Charter requirement that all members promote respect for and observance of basic human rights, including freedom of religion, the Chinese Government continues to place severe restrictions on religious expression and practice.

(2) It has been reported that at an internal Central Communist Party meeting in 1994, President Jiang Zemin asserted that religion is one of the biggest threats to Communist Party rule in China and Tibet.

(3) On January 31, 1994, Premier Li Peng signed decrees number 144 and 145 which restrict worship, religious education, distribution of Bibles and other religious literature, and contact with foreign coreligionists.

(4) The Chinese Government has created official religious organizations that control all religious worship, activity, and association in China and Tibet and supplant the independent authority of the Roman Catholic Church, independent Protestant churches, and independent Buddhist, Taoist, and Islamic associations.

(5) In July 1995, Ye Xiaowen, a rigid communist hostile to religion, was appointed to head the Bureau of Religious Affairs, a Chinese Government agency controlled by the United Front Work Department of the Chinese Communist Party. The Bureau of Religious Affairs has administrative control over all religious worship and activity in China and Tibet through a system of granting or denying rights through an official registration system. Those who fail to or are not allowed to register are subject to punitive measures.

(6) In the past year, the Chinese Government has expressed great concern over the spread of Christianity and particularly over the rapid growth of Christian religious institutions other than those controlled by the Chinese Government, including the Roman Catholic Church and the evangelical Christian "house churches".

(7) Soon after the establishment of the People's Republic of China in 1949, the Chinese Government imprisoned Christians who refused to relinquish their faith to become servants of communism, charging them as "counter-revolutionaries" and sentencing them to 20 years or more in "reeducation through labor camps".

(8) Hundreds of Chinese Protestants and Catholics are among those now imprisoned, detained, or continuously harassed because of their religious beliefs or activities.

(9) The prisons and labor camps which hold these religious prisoners are run by the Ministry of Public Security and the Ministry of Justice of the Chinese Government.

(10) Although some negotiations have taken place, the Chinese Government refuses to permit the appointment by the Vatican of Catholic bishops and the ordination of priests not approved by the Government and insists on appointing its own "Catholic bishops".

(11) The Tenth Panchen Lama died in January 1989 at Tashilhunpo Monastery, his traditional spiritual seat in Shigatze, Tibet's second largest city.

(12) It has always been the right and the role of the Dalai Lama to recognize the successor to the Panchen Lama. On May 14, 1995, His Holiness the Dalai Lama announced recognition of a six-year-old boy, Gedhun Choekyi Nyima, as the Eleventh Panchen Lama, according to Tibetan tradition.

(13) The young boy recognized by the Dalai Lama and his family have been brought to Beijing by Chinese authorities and have not been seen for months. The Chinese authorities announced publicly in June 1996 that they are holding Gedhun Choekyi Nyima.

(14) Chadrel Rimpoche, abbot of Tashilhunpo Monastery and head of the original search committee for the Eleventh Panchen Lama, and his assistant, Champa Chung, are believed to have been seized and detained by Chinese authorities in May of 1995.

(15) Chinese Government authorities subsequently detained other Tibetan Buddhists in connection with the selection of the Eleventh Panchen Lama, including Gyatrol Rimposhe, Shepa Kelsang, Lhakpa Tsering, and Ringkar Ngawang.

(16) The Chinese Government convened a conference in Beijing where Tibetan monks were coerced to select a rival candidate to the child recognized by the Dalai Lama as the Eleventh Panchen Lama.

(17) On November 29, 1995, officials of the Chinese Government orchestrated an elaborate ceremony designating a six-year-old boy selected by the Chinese Government as the Eleventh Panchen Lama and on December 8, 1995, a Government-sponsored ceremony was held in Shigatze, Tibet, where the boy selected by the Government was enthroned as the Eleventh Panchen Lama.

(18) By seeking to impose its own candidate as the Eleventh Panchen Lama and detaining the six-year-old boy recognized for that position in accordance with Tibetan tradition, the Chinese Government is infringing on a purely Tibetan religious matter, in blatant violation of the fundamental human rights of the Tibetan people.

SEC. 2. CONGRESSIONAL STATEMENT OF POLICY.

It is the sense of the Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.

(A) PROHIBITION.—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant "Three Self" Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who is directly involved in any of the following policies or practices or who was responsible for the supervision of persons directly involved in such policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) CERTIFICATION.—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 4. CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.

Notwithstanding any other provision of law, any national of the People's Republic of China described in paragraph (1) or (2) of section 3(a) shall be ineligible to receive visas and shall be excluded from admission into the United States.

SEC. 5. SUNSET PROVISION.

Sections 3 and 4 shall cease to have effect 4 years after the date of the enactment of this Act.

DELAURO HONORS ANNA WALSH-CUSANO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker, on Tuesday, November 26, 1996, the Atwater Senior Center will be celebrating its 31st anniversary with an open house, dedication of a health clinic and a luncheon. The new health clinic will be dedicated in honor of the previous director of Atwater, Anna Walsh-Cusano. I am delighted to rise today to congratulate Atwater on this special anniversary and to honor the memory of my friend, Anna Walsh-Cusano.

Anna Walsh-Cusano was the first director of the Atwater Senior Center. An integral part of the Fair Haven community, Atwater has meant a great deal to a countless number of elderly citizens. Anna's family likes to remember that the center meant everything to her. She truly put her heart and soul into running Atwater. After her husband, Fred, died in 1973, Anna spent almost as much time at the center as she did at her home. She became so involved in the lives of residents and she was so dear to them that they came to call her by the affectionate nickname of "Nonnie."

Anna clearly understood the need for elderly citizens to have a place to gather for recreation and social events. Senior centers like Atwater provide people with creative outlets and an opportunity to have fun with others. With activities like day and overnight trips, parties, live entertainment and line-dancing and ceramics classes, there is always plenty to do at Atwater. Seniors are an integral part our community and Atwater ensures that they remain active and involved.

As Atwater celebrates its 31st anniversary, it also celebrates the beginning of a unique partnership with the Hospital of St. Raphael. After 2 years of renovations, including a new roof and improvements on a number of rooms, Atwater is unveiling a joint venture with the hospital, the St. Raphael's Health Screening Clinic. The health center will focus on preventive care for seniors. I am very excited about this venture because the combination of these two facilities under one roof will provide seniors with better access to the care they need to stay healthy.

I am very pleased to recognize the 31st anniversary of the Atwater Senior Center. I know Atwater, with the new health center, will continue to provide important services to seniors. I applaud the present director, Norma Rodriguez-Reyes, and all the staff who work so hard every day to make Atwater the special place it is. They should all be very proud on this anniversary.

INTRODUCTION OF THE WORKPLACE FAIRNESS ACT OF 1997

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combating discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am reintroducing the Workplace Fairness Act of 1997, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piecemeal approach to discrimination law by adding special categories to those now protected under title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequence of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines "factors pertaining to job performance," which include employment history, ability, and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition, or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies, or procedures available under any other existing Federal, State, or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff—the employee or prospective employee—then the court may rule that the plaintiff may pay the expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supersede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

DISPLAY OF THE TEN COMMANDMENTS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to House Concurrent Resolution 31, which expresses the sense of Congress regarding the display of the Ten Commandments in Government offices and courthouses.

While supporters of this resolution would have the American public be fooled about the nature of this resolution, I stand to tell the American people the truth.

This resolution is in clear violation of the Constitution of the United States. It is a violation of the establishment clause of the Constitution. I am not in favor of violating the Constitution. Nor am I in favor of trying to fool the American people.

Some in this Chamber would have the American people believe that a vote against this resolution is a vote against the Ten Commandments. This is certainly not the case.

The Supreme Court has been quite clear on this subject. In Stone versus Graham, the Court struck down a Kentucky law which required the posting of the Ten Commandments in public schools. In Harvey and Cunningham versus Cobb County, the Eleventh Circuit Court of Appeals held that a display of the Ten Commandments was unconstitutional.

I am a strong supporter of the freedom of expression and religion which is inherent in the first amendment to the Constitution.

The Ten Commandments are the basic precepts upon which many society's laws are based. They have not changed. They are still taught by families and countless religious denominations in the United States and around the world.

The Ten Commandments have, and will continue to be the foundation for religious instruction.

We should continue to uphold the Constitution of the United States and reject this resolution.

TRIBUTE TO PHILANTHROPIST ALICE PETERS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Alice Peters. Mrs. Peters has demonstrated the ability to raise the spirits of people all over the Fresno community. I want to honor her today for her service to Fresno.

As noted in a recent edition of the Armenian General Benevolent Union [AGBU] magazine, Alice Peters' family moved to Lynn, MA from Bitlis in 1907. After hearing that more Bitlistsies were residing in the Fresno area, the family moved to a small farming town outside of Fresno called Del Rey. In 1943, she met and married Leon Peters, who was a farmer by day and sold pumps for water at night. The pump business grew and became one of the Nation's premier wine-making machinery plants. Eventually, the business grew to be as large as 300 employees before the couple sold it and began pursuing other interests.

Perhaps even more important than the wine-making machinery business was the formation of the Leon S. Peters Foundation in 1959. The foundation, with Mrs. Peters as the board chairman, supports many different educational causes today. Locally, the foundation aids humanitarian endeavors and university scholarships. Foundation guidelines require the money be kept in Fresno to help students locally. Specifically, the foundation also sends funding to various organizations throughout Armenia, including supporting scholarships for students studying at the American University of Armenia and funding to assist children at the Nork Children's Center.

Education is not where the work of Alice Peters ends. As one of the leading philanthropists in Fresno, Mrs. Peters was instrumental in starting the Fresno Metropolitan Museum of Art and also is a fundraiser for the Fresno Zoo and the Boy and Girl Scouts of America. Together, Mr. and Mrs. Peters have led Fresno from a small farming town to one of the largest and most thriving cities in California.

Mr. Speaker, as an active member of the Fresno community, Alice Peters has contributed to the growth and cultivation of new ideas and accomplishments in the Fresno community. She and her husband faced the challenges and the successes of the business world together. In turn, they gave back to the community that was the foundation for their successes. I ask my colleagues to join me and pay tribute to a woman who strives each day to make the Fresno community as fulfilling for other lives as it has been for her life.

SALUTE TO KERMIT HOLLY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to honor the late Mr. Kermit Wells Holly, Sr., who was born February 9, 1908, in Hinds County, MS, to the late Harvey and Abi Ellen Wells Holly.

Mr. Holly departed this life on September 28, 1995, but he left a proud legacy as a husband, father, musician, educator, and mentor. He attended the Jackson Public Schools and received a bachelor's degree from Clark College, Atlanta and the master of music degree from Chicago Musical College.

Mr. Holly began his teaching career at Clark College and later returned to Jackson College in 1930 where he made numerous contributions to the college orchestra, band, and the overall financial well-being of the college.

In 1937, Mr. Holly joined the faculty at Alcorn College in Lorman, MS, where he organized the Alcorn Marching Band, orchestra, dance band, and the Purple and Gold Serenaders. In 1941, he returned to Jackson and resumed teaching in the Jackson Public School System serving as band director and choir director at Lanier High School.

Mr. Holly retired in 1973 after 46 years in the field of music education, he is considered the father of African-American musicians in Jackson and throughout the State of Mississippi.

Mr. Speaker, I ask you to join me in saluting the family of Mr. Kermit Holly for the outstanding contributions he made to the world of music.

ENVIRONMENTAL REMEDIATION TAX CREDIT AND TAX-EXEMPT FINANCING

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. WELLER. Mr. Speaker, I come to the well today with colleagues from both sides of the aisle, and particularly from the Illinois delegation to introduce bipartisan legislation to address the problem of brownfields that plague many of our districts. I have worked closely with my colleagues and with Mayor Daley of Chicago to develop incentives to encourage the clean up and redevelopment of these abandoned industrial sites which blight our communities. State and local governments will also receive greater flexibility to assist in the financing of such efforts. Fostering private sector remediation will attract business activity, leading to economic growth and stability and will ultimately place these sites back on the tax rolls.

Current law provides disincentives for investors to buy brownfield sites for redevelopment. Today, if you own a parcel of land and contaminate it, you can take a current year deduction for the full cost of cleaning up the site. However, if you buy a contaminated site to redevelop it you must recover your clean up cost over a number of years. The number of years you must capitalize the expense depends upon the use of the property. Depending on the intended use of the property, the recovery period can be as long as 28 years.

To turn this around, our bill would allow developers to deduct up to $500,000 of the costs in year that they are incurred and capitalize the remaining costs over a much shorter period of 5 years. According to the date we have collected, close to 50 percent of the brownfield sites in America could be restored for under $500,000.

For more extensive remediation, developers often look to the local community to assist in attracting additional investment. Our second bill creates a new category of private activity bonds, namely remediation bonds. State and local jurisdictions can use this new type of bond under their existing issuance authority limit to solicit private investment to assist in the financing of redeveloping abandoned sites.

Both bills as a package have been endorsed by Mayor Daley and the majority of the Illinois delegation from both sides of the aisle. I am very proud of the work that has gone into developing an approach that has garnered broad bipartisan support and I look forward to working with my colleagues to secure enactment of this important and historic legislation.

McGILL-TOOLEN STUDENTS VISIT WASHINGTON

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. CALLAHAN. Mr. Speaker, last month, members of the McGill-Toolen Pro-Life Club traveled to Washington to take part in the March for Life. With their very presence here, these young people, all of whom are from the First Congressional District of Alabama, exercised one of the most basic, yet cherished freedoms we have in this country: the right to free speech.

I applaud these young men and women, as well as their chaperons, for taking the time to come to their Nation's Capital to let their Congressman know their views. More importantly, these students joined with the voices of thousands of other people from all over the country, to participate in a peaceful march for the right of the unborn.

When I was meeting with the students, a young man, Patrick Roberts, asked how he and his fellow classmates could get their name in the CONGRESSIONAL RECORD. Think about that, Mr. Speaker. These young people wanted the world to know they were in Washington, DC, for a purpose. And what a noble purpose it was.

So, Mr. Speaker, I ask that the names of Patrick Roberts, and all of his classmates, be entered into the RECORD, so that from this day forward, the worthy mission of the McGill-Toolen Pro-Life Club will be duly noted. In alphabetical order, the participants included: Alex Almeida, Keith Battle, Robbie Beckmann, Fred Boni, Jay Boren, Shauna Boren, Julie Busbee, Kathy Carey, Yosuke Chiba, Andrea Dumas, Tierney Eaton, Hartley Griffith, Eric Grip, Patrick Hardy, Jessica Hanson, Karen Histing, Kelly Hollister, Carolyn Hughes, Ann Marie Johnson, Jake Kilborn, Robert Kurtts, Cathy Kurtts, Claire Kurtts, Elizabeth Lilly, Sara Mareno, Toni McCammon, Theresa McCown, Andrew Mullek, Julie Ogburn, Barclay O'Brien, Pat O'Meara, Jenny Parker, Cleveland Patterson, Amy Pearson, Mary Perkins, Mandy Reimer, Patrick Roberts, Ashley Russell, Mary Schlichting, Kate Titford, Bridget Young, Father Steve Williams, and Kathy Zitnik.

CONGRATULATIONS TO THE UNIVERSITY OF MINNESOTA HOCKEY TEAM

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. RAMSTAD. Mr. Speaker, just 1 week ago, I stood here on the House floor and shared the pride and excitement my fellow Minnesotans are experiencing this winter as our University of Minnesota men's basketball team won the Big Ten Championship for the first time in 15 years.

Today, I stand doubly proud. Last Saturday evening, following the basketball team's home celebration of the Big Ten title, the University of Minnesota men's hockey team clinched the Western Collegiate Hockey Association Conference Championship with a hard fought 7–3 win over Wisconsin. In a matter of just two weeks, the Minnesota Golden Gophers have—for the first time ever—won conference championships in these two major sports in the same season.

Hockey success surely has not been rare during head coach Doug Woog's 12-year tenure as coach. Coach Woog last led his team to the WCHA championship during the 1991–1992 season and has coached each of his teams into the very selective NCAA tournament. The difference, Mr. Speaker, is this was expected to be a rebuilding year.

After losing 10 players to graduation last year, including the Nation's top scorer and half of the team's defensive corps, the young Gophers dedicated themselves to improvement to the point they were in the position to win a share of the conference title on the last day of the season.

Mr. Speaker, this achievement is especially gratifying as the University of Minnesota celebrates 75 years of Golden Gopher hockey. Coach Woog has continued our State's steep hockey tradition, one started by the father of American hockey, John Mariucci, by fielding an entire team of Minnesota-born players.

This team truly is Minnesota's pride on ice.

Mr. Speaker, this overachieving team is characterized by four dedicated, hard-working seniors who eagerly place team above self. Speedy cocaptain Nick Checco, nicknamed "Mr. March," has had a knack for scoring goals at crunch time and during tournament play.

Checco, along with forwards Dan Woog and Danny Hendrickson, paced a stingy penalty killing unit that led the conference and is seldom outworked in the gritty business of controlling the corners.

Defenseman Brian LaFluer, who missed 6 weeks with a shoulder injury, returned at the same level when he left, igniting the offense with his transitional play and solidifying the young defense.

The offense was led by All-American defenseman junior Mike Crowley, who tied for the conference scoring title. Junior sharpshooter Ryan Kraft led the team with 24 goals scored, while freshman Dave Spehar, the all-time leading high school scorer, quickly adjusted to college hockey by leading the team in game-winning goals and all WCHA freshman in points.

A talented group of sophomores have contributed to this team's success: Mike Anderson, Reggie Berg, and Eric Rasmussen—the first American selected in last year's National Hockey League amateur draft. Eric teamed with forward Wyatt Smith and freshman Ben Clymer to help lead the U.S. Junior National Team to a silver medal finish in the World Junior Tournament last December. The silver medal marked the best finish ever for a U.S. Junior National Team.

It is often said championships are won with defense. Junior goaltender Steve DeBus' play truly inspired this young team. DeBus led the conference in wins, was among conference leaders in save percentage and goals against. His calm under intense pressure and cat-quick reflexes gave his teammates confidence they had a chance in every game.

Mr. Speaker, the Gophers celebrated their championship in grand hockey tradition; 25 student-athletes, circling the ice, each holding the MacNaughton Cup and proudly hoisting it high over their head. With this show of unity, the contributions of forward Casey Hankinson are proudly displayed. Casey, a junior co-captain, is the glue that held this team together. An emotional leader, his hard work in practice, at game time, and fiery intermission orations combined to inspire his teamsmates to strive for excellence.

Mr. Speaker, today I want to offer my heartfelt congratulations to the University of Minnesota hockey team, true champions of the heart as well as the Western Collegiate Hockey Association.

HONORING THE GRANITE STATE CHAPTER NO. 1, PEARL HARBOR SURVIVORS ASSOCIATION ON THEIR 25TH ANNIVERSARY

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. SUNUNU. Mr. Speaker, today I rise to honor and recognize those members of the Granite State Chapter No. 1, Pearl Harbor Survivors Association on the occasion of their 25th anniversary.

December 7, 1941 will forever stand as one of the darkest days in our Nation's history—one of pain, one of sacrifice, and above all, one of loss. We cannot erase the terrifying images of bullets, bombs, and bloodshed from our memories, nor should we. Never before had our country experienced such an attack, not only on the territory within our borders, but on the spirit within our people.

It is for these reasons, Mr. Speaker, that I am compelled to recognize those individuals who put forth their minds, bodies, and souls to fight and survive the onslaught of the overwhelming Japanese forces on that day. The members of the Pearl Harbor Survivors Association can stand proud knowing that their courage and character is duly remembered by all citizens of a grateful Nation, and will serve as a benchmark of honor for all Americans in the future. Although the destruction of our military machinery was vast during this horrific battle, the patriotism of these heroes remained unscathed. These individuals should rest assured knowing that their colossal efforts defending our country in such an adverse situation inspired our troops to a proud victory in the end.

Mr. Speaker, it is with particular privilege that I take this opportunity to pay tribute to Granite State Chapter No. 1, Pearl Harbor Survivors Association and ask that they and those Americans who died during the invasion of Pearl Harbor be remembered on the year of the association's silver anniversary.

ANNIVERSARY OF THE FALL OF THE ALAMO, 1836

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. JONES. Mr. Speaker, today, March 6, 1997, marks the 161st anniversary of the fall of the Alamo in 1836.

One of the most treasured memorials of our national heritage is the Alamo; millions of American and Mexican citizens travel each year to see where this epic battle between America and Mexico was fought. History records that approximately 184 Americans and over 600 Mexicans gave their lives in the battle. Each country fought valiantly, driven by a sincere love for their nations.

At the Alamo, two known battle flags were flown. History teaches us that one flag was destroyed, and the other, the battle flag of the New Orleans' Greys militia unit, was captured by the Mexican leader Santa Anna. The battle flag was then sent to Mexico City as proof that the Alamo had been receiving help from rebel forces in America, and as proof to Mexico that Santa Anna had captured the Alamo.

This flag is known to exist and has been seen within the last decade by legitimate sources. It is reported to be in the same basic condition as when it was originally sent to Mexico so many years ago.

This valued and treasured artifact of Mexican and American history needs to be returned to its rightful place, the Alamo, so it can be displayed as a memorial tribute to the men who fought and died for their Nations' beliefs.

At present, the Texas State Legislature has been authorized to pursue the loan or trade of three Mexican flags captured at the subsequent battle of San Jacinto in return for the Alamo flag, and also has funding set aside to assist in the restoration and preservation of the flag upon its return.

At no previous time in history have our two nations enjoyed a better economic relationship with respect to trade and diplomatic relations. I ask that my colleagues and fellow Americans take this opportunity to reach out to our friends in Mexico, to request that the battle flag be returned to its rightful place at the Alamo.

INTRODUCTION OF A BILL AMENDING THE RAILWAY LABOR ACT ON BEHALF OF AIRLINE PILOTS ENGAGED IN FOREIGN FLYING

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. RAHALL. Mr. Speaker, I rise today to reintroduce a bill which was pending before the 104th Congress concerning the applicability of the Railway Labor Act to flight crews of United States air carriers engaged in flight operations outside the United States.

Mr. Speaker, the bill I and my colleagues have reintroduced clarifies the intent of Congress that the RLA covers the collective bargaining right of flight deck crew members employed by U.S. air carriers when they are based overseas or are performing their duties exclusively outside the United States.

Historically, airlines and the bargaining representative of their pilots have negotiated and honored numerous agreements governing their overseas operations. It is our contention that coverage of these agreements is currently available under existing law, namely the RLA. However, there have been at least two conflicting Federal court decisions over the past two decades on the issue of the enforceability of such agreements under the RLA. The opinions in these cases acknowledge that Congress has the power to apply its laws in extraterritorial circumstances, but it must do so expressly; and the courts have held that in the case of the RLA the intent of Congress to do so has not been clearly expressed.

The legislation introduced today will once and for all clarify existing law. Doing so would confirm that the terms and conditions of the overseas flight operations of U.S. airlines are subject to negotiation between their managements and the selected bargaining representatives of their pilots under the same statutory authority as the terms and conditions of their domestic flying.

The legislation does not impose our labor laws on foreign countries; it does not cover employees providing ground and related services for U.S. carriers exclusively in foreign countries; it does not preclude negotiation of wages and terms and conditions of employment tailored to flight deck crew members that perform overseas operations.

If any of my colleagues are interested in becoming cosponsors of this important legislation, or if you have any questions, please call me or Mrs. Kyle on my staff at extension 53452.

HOUSE OF REPRESENTATIVES—*Monday, March 10, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. MILLER of Florida].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 1997.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we look upon the majesty of Your world, O God, as we contemplate the wondrous gifts of Your Spirit, as we seek to learn more from others and to share in our common destiny, help us to translate those blessings into our daily lives. May the words of good will and respect that we hold together and the aspirations of each individual find fulfillment and purpose when good words become good deeds and high hopes become realized along life's way. Encourage us, O God, to say the good word and to do the good deed this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska [Mr. BARRETT] come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SPECIAL ORDERS

AGENCY RESPONSIBLE FOR THE NATION'S AIRSPACE SAFETY HAS NO DIRECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, I am deeply concerned about the state of affairs at the Federal Aviation Administration [FAA].

Vacancies at the highest levels have left the FAA leaderless, rudderless, and unable to meet its responsibilities to the aviation industry and the flying public. Last summer, then FAA Administrator David Hinson announced his plans to return to the private sector before the end of the year and in November he was gone. Since that time—and despite the months of advance notice provided—the position has been vacant.

It's now March and there is no appointed Administrator. The President has not even nominated someone for the position. Not only that, Deputy Administrator Linda Daschle, who had been serving as Acting FAA Administrator, left the agency in January. Another interim Acting Administrator was recently named, but there is now no appointed Administrator and no Deputy Administrator. Compounding that, the department heads of regulation and certification, and airports have each been on the job for less than a year.

The agency responsible for keeping the Nation's airspace safe has no direction. What's more, career employees with experience in some of the most critical departments at the agency are leaving. But I do want to make clear that there are many dedicated, experienced career personnel who, day in and day out, keep the FAA running and our skies safe under very trying conditions. Since last July, I have been urging the President to nominate a qualified permanent Administrator for the FAA. I have written to the President on three separate occasions—July 30, 1996; November 18, 1996; and January 27, 1997—urging him to act quickly on this important nomination, and I ask unanimous consent that these letters be included in the RECORD. Again today, I implore the President to act.

Last year, Congress included provisions in the FAA reauthorization legislation to establish a National Civil Aviation Review Commission to study safety, airport capital needs, and ways to meet those needs, and FAA operational needs and ways to meet those needs. The Commission must report back to Congress with detailed analysis and recommendations no later than 1 year after the date of enactment—no later than October 9, 1997. Guess what? The Commission has not begun work because its members still haven't been named. Thirteen of the 21 members of this Commission are to be appointed by the Secretary of Transportation and not a single commission member has been appointed. Only 7 months are left for the Commission to do its work. This is a critical assignment and yet nothing is happening.

Meanwhile, there's the issue of aviation taxes. We have lost $5.2 billion in aviation taxes due to funding disputes over FAA financing. These taxes expired at the end of 1995, were reinstated briefly in August 1996, expired again at the end of the year and were just recently reinstated but only for 6 months. And the FAA didn't even notice that these taxes were not being collected last year, resulting in a near crisis. Shouldn't the FAA have been working to avoid this current crisis? Is anybody there? Does anybody care?

Last year's ValuJet and TWA accidents underscored the need to improve aviation safety and airport security. The media has reported frightening tales of how fraudulent, bogus parts get inside our commercial airliners. Last year, air traffic centers all over the country experienced breakdowns in important radar and communications systems. Who at the FAA is looking at this? Is anybody there? Does anybody care?

Not only is the FAA plagued by a leadership and experience void which continues to grow, I believe the FAA is spinning its wheels and wasting too much time, attention, and energy on matters not really crucial to its critical mission of ensuring aviation safety.

Far too much time has been spent arguing about new organizational arrangements for the FAA. It happens almost like clockwork. Six months go by—so it must be time for the FAA to reorganize. Since then mid-1980's, various groups have recommended changes ranging from the creation of an independent FAA to the establishment of a private, nonprofit corporation. This was typified by a late-1980's study by the National Academy of Sciences, which included a 60-page appendix titled, "Organizational Options for the FAA." Since then, for at least 10 years, we've been arguing about how the FAA should be organized, and where it would get its money from, instead of debating how the FAA could be more efficient and effective at improving aviation safety.

More recently, after 3 years of extraordinary financial losses in the airline industry, Congress in 1992 created the National Commission to Ensure a Strong Competitive Airline Industry. That Commission's final report, issued in August 1993, recommended with little supporting evidence that the FAA be converted to a Federal corporation. With no additional evidence, the National Performance Review, headed by Vice President GORE, endorsed this recommendation in its report, issued 1 month later.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The push was then on to build support for the new Federal corporation initiative and ongoing efforts for FAA reform were shelved. Reform was seen as undermining support for the new corporation because, if effective reform were possible, maybe a corporation was not needed after all. So all reform efforts in the agency were effectively stopped during the 1992–93 timeframe.

The problem is, neither the Commission, the National Performance Review staff, nor the administration checked with the Congress to see if this corporation idea had any chance of being enacted. If they'd bothered to ask, they would have soon learned that the idea had no support on Capitol Hill. Finally, a year later, the administration realized the corporation concept had gained little support among either Democrats or Republicans in Congress. But rather than go to the heart of the problem and start the reform process, they developed a new "mega-proposal"—user fees to fully finance the FAA.

Keep in mind that only a couple of years before, the issue of financing for the agency itself was not an identified concern. We have annual budget hearings and financing concerns were never mentioned. But all of a sudden, in the late spring 1994, financing became the preeminent issue. Not aviation safety. Not management reform. But long-term funding stability.

It is still the administration's view that FAA should be made more "business like" by converting to a rate setting agency, like the old Civil Aeronautics Board, and the President's budget just recently submitted proposes to begin collecting billions of dollars in unspecified fees about 18 months from now. The administration has changed its focus, rejecting the corporation concept in favor of the push for user fee financing.

We are witnessing something very much like the legend of Nero fiddling while Rome burned. What has happened at the FAA over the past 5 years? The fiddling goes on while the agency deteriorates. While the administration stalls on nominating leaders to run the FAA, draws and redraws FAA's organizational chart, and debates who gets to foot the FAA's bills, the agency responsible for the safety of the flying public spirals downward.

Let me offer one example. Over the past 3 years, FAA cut over 5,000 people from its rolls because the Department of Transportation gave them a disproportionate share of the total reductions needed for Governmentwide downsizing. These cuts were quick and severe—allocated by a department claiming to desire "business like" operations for the FAA. Understandably, morale plummeted. Morale was so low that when buyouts were offered, the FAA was surprised at how many of its experienced people left. And all this was happening while air traffic was rising, new air carriers were being approved for operations, and economic competition in the industry was becoming more cutthroat. In short, the need for FAA safety was never more necessary.

When the Transportation Appropriations Subcommittee added funds to FAA's budget in June 1993 to hire more safety inspectors and to buy spare parts for radars and other air traffic control equipment, the agency refused the funds. They said the money wasn't needed and could not be accommodated, given the FAA's downsizing plan. When funds were added to move controllers to those locations where air traffic was increasing, the FAA said the funds were not needed.

Why was this happening? The agency's focus was not on improving its field operations, but on lobbying for corporate status. We heard in last year's testimony on the ValuJet accident about how safety inspectors in the field were told they had to work harder because the agency had no more staffing. These problems were known to employees in the field, and they could have been fixed with stable, focused management attention.

Now, suddenly, surprise—the FAA is decrying the insufficient staffing levels at the agency. In the fiscal year 1997 transportation appropriations act, Congress provided funding to support hiring 500 new air traffic controllers, 367 new aviation safety inspectors and other regulatory oversight personnel. As of January 31, 1997, only 17 new controllers had been hired. As of that same date, 133 controllers left the job.

For fiscal year 1998, the administration again proposes to increase staff in several areas deemed critical: Air traffic controller staff is to increase by another 500; safety inspectors and the certification work force is slated to increase by 273; and the security work force is to increase by 173. What happened? Why is the FAA suddenly facing a staffing crisis? Who was running the FAA and why weren't they focusing on these critical management concerns? Is anybody there? Does anybody care?

Even when the FAA has been afforded a real opportunity for management attention and reform, it has been slow to take advantage. Congress freed the FAA from what the agency said were burdensome procurement and personnel rules about 18 months ago. Yet we've seen no significant personnel reform since then, and recent GAO reports indicate that procurement reform is going slowly. We were told that such fundamental reforms would address two of the agency's major problems, and would lead to more efficiency and cost savings. Yet, because so little has been implemented, there is little evidence of improvement or savings. An independent financial assessment of the FAA said the same thing—the agency has been too slow to take advantage of these fundamental reforms.

And what about the third problem so much discussed over the past 2 years—the need for fundamental financing reform? You might remember the FAA claims that a $12 billion budget gap in their long-range forecasts required a totally new way to finance the agency. They talked of a crisis, in order to get more money to spend. But before the ink was dry, the GAO found flaws in FAA's estimates. Soon after, the FAA acknowledged the estimate was perhaps not as precise as it could be. Both general aviation and commercial airlines were clearly skeptical. To help get to the bottom of this mess, Congress legislated an independent assessment of these costs, which will be considered by a Civil Aviation Review Commission—the very Commission I mentioned earlier which has yet to be named. The assessment, conducted by Coopers and Lybrand, was recently completed and is extremely critical of FAA's financial management. It proved that the FAA's estimate of a budget gap is very soft, and there are significant opportunities for cost savings which the agency has not yet explored. They said, and I quote, "the FAA can't manage money." Coopers and Lybrand made a number of startling findings in its report, including the following: The costs to operate the FAA are uncertain; the FAA's program managers have not demonstrated an understanding of financial management; opportunities for cost savings exist in staffing and personnel as well as facility consolidation and closures. Here, too, we have a failure of management, a failure at the highest levels to deal with basic issues at the FAA.

In the meantime, though, the FAA is still managing its programs as if the shortfall were real. They are stretching out or terminating modernization programs because of a presumed lack of funding. They propose to slash airport development grants by one-third, and at the same time telling airports to now buy their own landing aids and lighting systems. They are proposing drastic reductions in human factors and aviation weather research—the two leading causes of aviation accidents. They terminate safety programs like the ASDE–3 radar which provides enhanced safety for aircraft maneuvering on the ground.

In short, we are seeing a retreat on our commitment to modernize air traffic control equipment and airports around the country while large increases in the safety work forces cause the budget to spiral out of control. New user fees are on top of the assumed continuation of existing user fees totaling $100 million approved in the fiscal year 1997 appropriations act, yet no such fees have been collected thus far. What are the details of the FAA's user fee proposal? I have asked both the FAA and the Department of Transportation for details but have received no additional information. How can we responsibly assess the administration's proposal without the fine print?

The FAA is adrift in turbulent waters, leaderless and rudderless. Although Congress helped the agency rid itself of the antiquated procurement rules, the FAA has not used that freedom to much advantage, and they have lost considerable ground in the administration's internal battles of the budget. The FAA's capital budget is going down just as the requirements are going up, and user fees are not making any difference. We have spent years arguing about how to finance and organize the air traffic control system. We have wasted years arguing whether or not this kind of tax is better than that kind of tax. If we don't stop looking—and start acting—soon, the FAA will run out of time. Is anybody there? Does anybody care?

One final point. A study prepared by Boeing suggests that based on the current rate of air travel, by the year 2015, there will be a major crash every 8 days somewhere in the world. A major crash every 8 days. What is the FAA doing to change this horrific projection?

It is imperative that steps be taken now to shore up the FAA. The President must act now to nominate an administrator and institute necessary leadership and management at the highest levels in the FAA. The FAA must focus on its critical mission—aviation safety and airport security. The flying public must be confident that the FAA is on the job, committed to fulfilling its mission of ensuring the best possible air traffic control systems and the safest skies and airports. We must be assured that the FAA is there and the FAA does care about the safety of the flying public. We will accept nothing less.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, January 27, 1997.

Hon. WILLIAM J. CLINTON,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On two previous occasions, I have written to you regarding the nomination of a permanent Administrator for the Federal Aviation Administration. In the first of those letters, dated July 30, 1996, I outlined my views of the essential qualities which the FAA Administrator should have during this critical time in the agency's history. In the second letter, dated November 18, 1996, I urged the nomination of a new Administrator as soon as possible. I have enclosed copies of those letters for your review, but in summary they suggest the following qualities of leadership for the next administrator:

1. A clear vision for the future of aviation based on a lifetime of experience and association.
2. Skills in leadership and management of a large and diverse organization.
3. Someone who is willing and able to stay in the position for at least four years, with even longer tenure being desirable.

There are now rumors circulating that individuals being considered for this position have backgrounds not steeped in aviation, safety, or management of a large and diverse workforce, but in general policy development. I hope you will consider beforehand the disastrous effect that a weak nomination could have for this agency, including its relationship with the Congress over the next few years.

It has now been nearly three months since Administrator David Hinson left the agency. This Friday, Deputy Administrator Linda Daschle (who has been serving as Administrator in an acting capacity) will leave the agency. With these departures, the agency is in desperate need of permanent executive leadership. I am very disappointed in your administration's failure to nominate a qualified individual for this critical position in a timely manner, especially since former Administrator Hinson made public his plans to leave approximately six months ago. I believe only negligence could allow this situation to continue, and I urge in the strongest terms that you nominate a qualified individual for the position of FAA Administrator within the next two weeks.

FRANK R. WOLF,
Chairman, Subcommittee on Transportation and Related Agencies.

Enclosures.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1996.

Hon. WILLIAM J. CLINTON,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing about the position of administrator of the Federal Aviation Administration. I understand that the current administrator, Mr. David Hinson, plans to return to the private sector at year's end. Having worked closely with the FAA and its administrators since my appointment in 1985 to the Subcommittee on Transportation of the House Appropriations Committee, I want to share with you some thoughts on this important posting.

Because commercial aviation is undergoing spectacular growth, because technologies associated with aviation are developing with lightning speed and because existing control systems necessary to ensure safe, rapid and reliable air travel are approaching the end of useful and effective life and must soon be replaced at tremendous cost, it may be wise to reflect on what type of special person is needed to lead the FAA as it faces these formidable challenges. This is an especially critical time for the FAA with the renewed focus on and need for air safety coupled with today's threats of terrorism targeted at the flying public.

It seems clear that the future of the FAA will most certainly not be "business as usual." Mr. Hinson's replacement must have a solid founding in the aviation community but not be a captive of it. He or she must have a clear vision for the future based on a lifetime of experience and association. There is little time to "come up to speed"; responsibilities and decisions will not wait. Whomever is selected must be steeped in aviation, inculcated in the past but not wedded to it.

It is equally important to select someone skilled in management and leadership, not only to direct this huge and diverse organization, but to help it change course as necessary. Someone is needed who can anticipate the demands of tomorrow and instill teamwork and coordination at all levels of the FAA to get the job done. For example, the job of installing a new air traffic control system is alone a massive undertaking. But to do so while continuing to ensure safe and reliable flight during the proving and conversion period adds immeasurably to the difficulty of the process. Where safety is concerned, there is little room for error.

Of equal importance is to select someone with a long term commitment to the task at hand. If there has been a shortcoming in the selection of previous administrators it is that no one has been around long enough to get the job done. Each new person has approached the task differently with different priorities, different objectives and different ways of going about things. The technology learning curve is always too steep. By the time an administrator becomes comfortable in the job, he has moved on and the process must begin anew.

During the relatively short time I have been on the Appropriations Committee, Mr. Hinson is the sixth person to serve as administrator. This seems to me to be too much turnover and too little continuity and we can no longer afford to continue this practice. I hope you will look for someone who will accept the challenge of leading the FAA for four or five or even ten years. Someone should be chosen who will be able to take an idea from the drawing board, shepherd it through development, implementation and follow-up and see it become operational. Change takes time and an administrator is needed who will be accountable for the duration of the process.

I hope you will ignore the clamor of special interests and political expedience and select as the next FAA administrator someone with experience, vision, wisdom and skill to lead the aviation community and the traveling public who rely upon it, into a long period of safe and reliable operation. I hope these thoughts are helpful to you.

Best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 18, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to urge you to appoint a new administrator of the Federal Aviation Administration as soon as possible. Given the serious outstanding issues of aviation safety, FAA reform, and aviation system financing, I believe it is imperative that a full-time administrator be in place quickly. Administrator David Hinson has left this position, and the agency is currently being led by Deputy Administrator Linda Daschle, who has indicated she would not accept the position of Administrator. Mr. Monte Belger, a career official of the agency, has been designated Acting Deputy Administrator during the interim period.

The new administrator will need some time to adjust to the position before wrestling with the many issues the agency will face over the coming year. For starters the aviation ticket tax will expire on December 31, 1996, and the airport and airway trust fund will be out of money sometime next summer. Because of this, the controversial subject of air traffic control user fees will be hotly debated this spring. The complexity of this subject and its impact on the various aviation interest groups would be a daunting task for any new administrator, and especially one who arrives in January, just as the new Congress begins working on the issues.

In addition, the FAA has many outstanding issues related to aviation safety which require full-time executive leadership. Safety and security improvements resulting from the ValuJet and TWA 800 crashes are only just beginning, and will require strong follow-up. Improved vigilance over suspected unapproved (including counterfeit) parts has started, but constant attention by top management is needed. And commissioning of new safety equipment such as the terminal doppler weather radar requires strong leadership due to local opposition in some areas.

Other important work which must be accomplished in 1997 includes development of a new compensation system and negotiation of new five-year union contracts for air traffic controllers and maintenance personnel; definition of the next generation "National Airspace System Architecture Plan"; and coordination with the Gore Commission on Aviation Safety and Security and the National Civil Aviation Review Commission. Many of these activities are already underway and will require the new Administrator's personal knowledge and intervention to be successful.

In short, this year promises to be a very challenging one for the FAA, and it is no time for the agency to be without a full-time administrator appointed by the President and approved by the Senate. I have previously expressed my view that the next administrator should have strong aviation credentials, and I am enclosing an earlier letter to you which summarizes those views. I urge you to do whatever you can to ensure that a new FAA administrator is nominated quickly—before the Christmas holiday if possible.

Sincerely,

FRANK R. WOLF,
Chairman, Subcommittee on Transportation and Related Agencies.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARRETT of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes on March 12.

Mr. PEASE, for 5 minutes on March 11.

Ms. ROS-LEHTINEN, for 5 minutes each day on March 11 and 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. MCCOLLUM.

Mr. TAYLOR of North Carolina.

Ms. ROS-LEHTINEN.

Mrs. MORELLA.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. LANTOS.

Mr. TORRES.

Mr. PASCRELL.

Mr. MILLER of California.

ADJOURNMENT

Mr. BARRETT of Nebraska. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 11, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

2135. A letter from the Animal and Plant Health Inspection Service, Congressional Review Coordinator, transmitting the Service's final rule—Asian Longhorned Beetle; Quarantine Regulations (Docket No. 96–102–1) received March 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2136. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Sulfentrazone; Establishment of Tolerances (OPP–300459; FRL–5591–9) (RIN: 2070–AB78) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2137. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Clopyralid; Pesticide Tolerance for Emergency Exemption (OPP–300458; FRL–5593–1) (RIN: 2070–AB78) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2138. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Clofencet; Pesticide Tolerances (OPP–300457; FRL–5592–2) (RIN: 2070–AB78) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2139. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions (OPP–300456; FRL–5591–7) (RIN: 2070–AC78) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2140. A letter from the Federal Deposit Insurance Corporation, Director, Office of Legislative Affairs, transmitting the Corporation's final rule—Recordkeeping and Comfirmation Requirements for Securities Transactions (RIN: 3064–AB74) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2141. A letter from the Federal Emergency Management Agency, Acting General Counsel, transmitting the Agency's final rule—National Flood Insurance Program; Standard Flood Insurance Policy (RIN: 3067–AC54) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2142. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois (IL138–1a; FRL–5660–2) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2143. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Standards for Volatile Organic Compound (VOC) Emissions (SIPTRAX NO VA059–5016a and VA060–5016a; FRL–5698–1) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2144. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Rule Pertaining to VOC RACT Requirements (VA021–5015; FRL–5697–9) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2145. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Virginia; Redesignation to Attainment of the Hampton Roads Ozone Nonattainment Area, Approval of the Maintenance Plan and Mobile Emissions Budget (VA068–5018a, VA066–5018a; FRL–5688–8) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2146. A letter from the Environmental Protection Agency, Director, Office of Regulatory Management and Information, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware, Regulation 13—Open Burning and Regulation 24—Sections 50(a)(5) and (50)(b)(3)—Non-CTG RACT (DE027–1004a, DE020–1004a; FRL–5679–4) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2147. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996 (CC Docket No. 96–237) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2148. A letter from the Defense Security Assistance Agency, Director, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 97–08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2149. A letter from the the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4); to the Committee on International Relations and ordered to be printed.

2150. A letter from the Department of State, Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2151. A letter from the Secretary of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

2152. A letter from the Council of the District of Columbia, Chairman Pro Tempore, transmitting a copy of D.C. Act 11–533, "Unemployment Compensation Federal Conformity Temporary Amendment Act of 1997" received March 6, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2153. A letter from the Council of the District of Columbia, Chairman Pro Tempore, transmitting a copy of D.C. Act 11–534, "Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Temporary Act of 1997" received March 6, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2154. A letter from the Council of the District of Columbia, Chairman Pro Tempore, transmitting a copy of D.C. Act 12–15, "District of Columbia Unemployment Compensation Tax Stabilization Temporary Amendment Act of 1997" received March 6, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2155. A letter from the Council of the District of Columbia, Chairman Pro Tempore, transmitting a copy of D.C. Act 12–5, "General Obligation Note Act of 1997" received March 6, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2156. A letter from the Commodity Futures Trading Commission, Assistant Secretary to the Commission for FOIA Matters, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2157. A letter from the Export-Import Bank of the United States, Chief Financial Officer, transmitting the Bank's management report for the fiscal year ending September 30, 1996 and a copy of the 1996 annual report, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform and Oversight.

2158. A letter from the Export-Import Bank of the United States, President and Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2159. A letter from the Export-Import Bank of the United States, President and Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2160. A letter from the Federal Maritime Commission, Chairman, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2161. A letter from the Federal Retirement Thrift Investment Board, Executive Director, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2162. A letter from the National Science Foundation, General Counsel, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2163. A letter from the Occupational Safety and Health Review Commission, Chairman, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2164. A letter from the Office of Personnel Management, Director, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2165. A letter from the Small Business Administration, Administrator, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2166. A letter from the Federal Election Commission, Congressional Affairs Officer, transmitting a letter in writing, dated March 3, 1997, which reads as follows: "The FEC's Legislative Recommendations, transmitted to you on February 19, 1997, contained an error. The enclosed Errata, which replaces the Table of Contents and pp. 23–26 of the document, corrects that error." signed, Tina VanBrakle, Congressional Affairs Officer; to the Committee on House Oversight.

2167. A letter from the National Oceanic and Atmospheric Administration, Acting Director, Office of Sustainable Fisheries, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Western Regulatory Area of the Gulf of Alaska (Docket No. 961126334–7025–02; I.D. 022897E) received March 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2168. A letter from the National Oceanic and Atmospheric Administration, Acting Director, Office of Sustainable Fisheries, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pollock in the Eastern Regulatory Area of the Gulf of Alaska (Docket No. 961126334–7025–02; I.D. 022897A) received March 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2169. A letter from the National Oceanic and Atmospheric Administration, Acting Assistant Administrator for Fisheries, transmitting the Administration's final rule—Atlantic Mackerel, Squid, and Butterfish Fisheries; 1997 Specifications (Docket No. 961126330–7039–02; I.D. 110796H) (RIN: 0648–xx72) received March 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2170. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) (Docket No. 96–NM–146–AD; Amdt. 39–9953; AD 97–05–09) (RIN: 2120–AA64) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2171. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, and TH–55A Helicopters (Federal Aviation Administration) (Docket No. 94–SW–17–AD; Amdt. 39–9950; AD 97–05–06) (RIN: 2120–AA64) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2172. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) (Docket No. 28818; Amdt. No. 1785) (RIN: 2120–AA65) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2173. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) (Docket No. 28817; Amdt. No. 1784) (RIN: 2120–AA65) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2174. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA (U.S. Coast Guard) (CGD08–97–005) (RIN: 2115–AE47) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2175. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Radar–Observer Endorsement for Operations of Uninspected Towing Vessels (U.S. Coast Guard) (CGD 94–041) (RIN: 2115–AE92) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace, York, NE (Federal Aviation Administration) (Docket No. 96–ACE–23) (RIN: 2120–AA66) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2177. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Mayport NS Mayport, FL (Federal Aviation Administration) (Airspace Docket No. 97–ASO–3) (RIN: 2120–AA66) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2178. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Dunkirk, NY (Federal Aviation Administration) (Airspace Docket No. 93–AEA–02) (RIN: 2120–AA66) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2179. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Buckland, AK (Federal Aviation Administration) (Airspace Docket No. 97–AAL–2) (RIN: 2120–AA66) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2180. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Truck Size and Weight; Technical Corrections (Federal Highway Administration) (RIN: 2125–AE08) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 97–16) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2182. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Part III—Administrative, Procedural, and Miscellaneous (Rev. Proc. 97–20) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2183. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Timing of Certain Plan Amendments Relating to Section 401(a)(9) (Announcement 97–24) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2184. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Environmental Cleanup Costs; Private Letter Rulings; Presubmission Conferences (Announcement 97–22) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2185. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Part I—Section 6621.—Determination of Interest Rate (Revenue Ruling 97–12) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 412. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District; with an amendment (Rept. 105-8). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 63. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, CA, as "Trinity Lake" (Rept. 105-9). Referred to the House Calendar.

Mr. GILMAN: Committee on International Relations. House Joint Resolution 58. Resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997; with amendment (Rept. 105-10). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOODLATTE (for himself, Mr. SMITH of Oregon, and Mr. STENHOLM):

H.R. 1000. A bill to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977; to the Committee on Agriculture.

*COM026*By Mr. THOMAS (for himself and Mr. BILIRAKIS):

H.R. 1001. A bill to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GREENWOOD, Ms. MOLINARI, Ms. DUNN of Washington, Mrs. KENNELLY of Connecticut, Mr. CARDIN, Mrs. KELLY, Mrs. MALONEY of New York, Ms. SLAUGHTER, Mr. STEARNS, Ms. FURSE, Mrs. MEEK of Florida, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. GRANGER, Mr. MCDERMOTT, Mr. KILDEE, Mr. ENGLISH of Pennsylvania, Mr. FROST, Mr. YATES, Mr. NEAL of Massachusetts, Mr. BOUCHER, Mr. EVANS, Ms. CHRISTIAN-GREEN, Mr. DAVIS of Illinois, Ms. RIVERS, Ms. JACKSON-LEE, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. MANTON, and Mr. FALEOMAVAEGA):

H.R. 1002. A bill to amend title XVIII of the Social Security Act to standardize coverage of bone mass measurements under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. MARKEY, Mrs. MEEK of Florida, Mrs. MALONEY of New York, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. STARK, Mr. OWENS, Mr. PORTER, and Mr. EHLERS):

H. Res. 87. Resolution expressing the sense of the House of Representatives that the United States and the United Nations should condemn coral reef fisheries that are harmful to coral reef ecosystems and promote the development of sustainable coral reef fishing practices worldwide; to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 338: Mr. HINCHEY.

H.R. 340: Mr. PAUL.

H.R. 418: Mr. WAXMAN, Mr. KLUG, Mr. BUNNING of Kentucky, Mr. OBERSTAR, Mr. FOGLIETTA, Ms. PRYCE of Ohio, Ms. NORTON, Ms. KILPATRICK, Ms. DELAURO, Mr. COSTELLO, Mr. DAVIS of Virginia, Ms. ESHOO, Mr. GUTIERREZ, Mr. HUTCHINSON, Mr. STUPAK, Mr. GIBBONS, Mr. FLAKE, Mr. ROTHMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 498: Mr. KLECZKA.

H.R. 587: Mr. FRANK of Massachusetts and Mr. LOFGREN.

H.R. 641: Mr. PAUL and Mr. SOUDER.

H.R. 662: Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. STARK, Mrs. MINK of Hawaii, Mr. FROST, Mr. OBERSTAR, Mr. TOWNS, Mr. PASTOR, Mr. DAVIS of Illinois, Mr. OWENS, Mr. JEFFERSON, and Ms. PELOSI.

H.R. 663: Mr. MCDERMOTT, Ms. NORTON, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Mr. HINOJOSA, Mrs. MINK of Hawaii, Mr. CLAY, Mr. FILNER, Mr. OBERSTAR, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. DAVIS of Illinois, Ms. WATERS, Ms. JACKSON-LEE, and Ms. PELOSI.

H.R. 680: Mr. BARRETT of Wisconsin, Mr. DOYLE, and Mr. NEAL of Massachusetts.

H.R. 709: Mr. CALVERT.

H.R. 750: Mr. FOX of Pennsylvania and Mr. WATTS of Oklahoma.

H.R. 784: Ms. SLAUGHTER and Mr. EVANS.

H.R. 805: Mr. LIPINSKI.

H.R. 831: Mr. PORTER.

H.R. 873: Mr. DOYLE.

H.R. 955: Mr. MANZULLO.

H.J. Res. 58: Mr. JEFFERSON, Mr. WYNN, Ms. KAPTUR, Mr. CASTLE, Mr. PAXON, and Mr. BARRETT of Wisconsin.

H. Con. Res. 24: Mr. BOEHLERT, Mr. CUNNINGHAM, Mr. MCINTOSH, Mr. WATTS of Oklahoma, Mr. FROST, Mr. SAXTON, Mr. BERRY, Ms. RIVERS, Mr. QUINN, Mrs. MORELLA, Mr. GOODE, Mr. FOX of Pennsylvania, and Mr. NORWOOD.

H. Res. 22: Mr. MATSUI and Mr. LEVIN.

H. Res. 50: Mr. HULSHOF.

H. Res. 68: Mr. FALEOMAVAEGA and Mr. MARTINEZ.

SENATE—*Monday, March 10, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have promised that "In quietness and confidence shall be our strength."—Isaiah 30:15.

Thank You for prayer in which we can commune with You, renew our convictions, receive fresh courage, and reaffirm our commitment to serve You. Here we can escape the noise of demanding voices and pressured conversation. With You there are no speeches to give, positions to defend, party loyalties to push, or acceptance to earn. In Your presence we can simply be and know that we are loved. You love us in spite of our mistakes and give us new beginnings each day. Thank You that we can depend upon Your guidance in all that is ahead of us. Suddenly we realize that this quiet moment has refreshed us. We are replenished with new hope.

Now we can return to our outer world of challenges and opportunities with greater determination to keep our priorities straight. We want to serve You by giving You our very best to the leadership of our Nation to which You have called us. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today, under a previous order, a number of Senators are scheduled to speak in morning business. At 3 p.m., following the allotted morning business, the Senate will begin consideration of Senate Resolution 39, the Governmental Affairs Committee funding resolution, which was reported out of the Rules Committee last Thursday.

As I announced on Thursday, there will be no rollcall votes today during our session, and any votes ordered today will occur on Tuesday, either early in the morning or, more than likely, after the party conference and caucus lunches. I will be continuing discussions with the Democratic leader in the hope of reaching an agreement on the resolution which would allow us to complete action early this week.

In addition, it is possible the Senate will consider the Peña nomination this week. I will notify Senators as to when that nomination is scheduled and when a vote will occur. But I presume that vote would probably not occur before late Wednesday, or Thursday more than likely.

Also, there is a likelihood this week that the Senate will consider the Hollings resolution relating to a constitutional amendment regarding campaign reform.

I thank all Senators for their attention. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from California is recognized to speak for up to 2 hours.

STATE DEPARTMENT EXPLANATION OF MEXICO'S CERTIFICATION

Mrs. FEINSTEIN. Mr. President, Senator COVERDELL may well come to the floor during this period. I hope he does. I will be happy to defer, and yield parts of my time to him as well.

Mr. President, 1 week ago I joined with Senator COVERDELL and Senator HELMS to introduce resolutions of disapproval, to overturn the President's decision to certify Mexico for antidrug cooperation.

Last week I went home and I read the State Department's Statement of Explanation, which is just 1½ pages.

I must say, I read this document with disbelief. At best, this document—which purports to make the case for Mexico's certification—is a fairy tale. At worst, it is a complete whitewash. Today, I would like to take some time and go over parts of it, and indicate my thoughts on some of the subjects mentioned and refute some of the claims.

Let me begin by saying that section 490 of the Foreign Assistance Act requires the President to certify that Mexico has "cooperated fully with the United States, or taken adequate steps on its own" to combat drug trafficking. Despite the best intentions of President Zedillo and the best efforts of the State Department to put a pretty face on the situation, the Department's Statement of Explanation, I believe, defies credibility.

The State Department claims that "The Government of Mexico's 1996 counterdrug effort produced encouraging results and notable progress in bilateral cooperation." The facts tell a different story.

Let me begin with drug seizures:

The State Department's Statement of Explanation indicates that "Drug seizures and arrests increased in 1996." While this is technically true—yes, there was a slight increase in 1996 in both drug seizures and arrests of drug traffickers—that is only because the 1995 levels were so dismal. A larger look of Mexico's record of drug seizures, going back just a few years to 1992, gives a very different perspective.

The 23.6 metric tons of cocaine seized by Mexico, while slightly higher than in 1995, is just about half of what was seized in 1993. So, you see, in 1993 they seized 46.2 metric tons of cocaine. Look how it has dropped off and leveled off since then.

Second, drug arrests did increase modestly in 1996 over 1995. But look back a few years and it tells a more compelling picture. In 1992 you had 27,369 drug arrests. In 1996 you had 11,038. That is not a stepped-up effort, it is a stepped-down effort. So, after a precipitous drop, by more than 50 percent, a barely discernible 5- or 10-percent increase, in my view, is not improvement. They are not encouraging results and there is not notable progress.

Today, Mexico is the transit station for 70 percent of the cocaine, a quarter of the heroin, 80 percent of the marijuana, and 90 percent of the ephedrine used to make methamphetamine, entering the United States.

These statistics reflect, I believe, more drugs flowing into our cities and our communities. How do we know this now? Just look at some of the street prices.

According to the California Bureau of Narcotic Enforcement, in 1993, when Mexican cocaine seizures were near their peak, a kilo of cocaine sold on the streets of Los Angeles for $21,000. Today, that same kilo of cocaine averages $16,500, and I am told that in places you can get it for $14,000 a kilo.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

You can see how these prices have dropped. The drop is even more dramatic if you look at black tar heroin, which the DEA says is nearly the exclusive province of Mexican family-operated cartels, based in Michoacan. The price per ounce has dropped from $1,200 in 1993 to $400 today.

So today, the street price of black tar heroin has dropped to one-third of its price 4 years ago.

Unfortunately, demand remains high, so when the prices drop, the obvious conclusion is that you have more supply. The falling price can be attributed to increases in the amounts of cocaine and heroin flowing across our southern border. I hardly consider this to be evidence of "encouraging results and notable progress."

When the street prices begin to climb, then I, for one, will begin to believe that the supply is being cut.

So street prices are dropping despite the fact that stepped up enforcement on the U.S. side of the border has resulted in increased seizures.

U.S. border agents at the McAllen, TX, border station seized 176,000 pounds of marijuana in 1996, 20 percent more than in 1993. But the burden of combating the increased drug shipments falls disproportionately on United States border agents because Mexico does little to enforce the border.

United States Customs and Border Patrol officials have said publicly that Mexican traffickers are today going to extraordinary lengths to move their products. They are constructing secret compartments in 18-wheelers. They are saturating areas with hundreds of mules carrying backpacks with 40 kilos of marijuana each, and even sacrificing large loads of marijuana at the border to allow more valuable shipments of cocaine and heroin to slip through behind them. And they have begun to use sea lanes in much greater proportion.

For the State Department to state that there has been improved performance by Mexico in intercepting drugs at the border is incomprehensible to me. Low seizure figures, low arrest figures, falling street prices in our cities—these are hardly indications of full cooperation by Mexican authorities in combating drug trafficking.

Let me speak about the cartels in Mexico. The State Department's Statement of Explanation touts the arrests of "several major drug traffickers," including Juan Garcia Abrego, leader of the Gulf cartel, Jose Luis Pereira Salas, linked to the Juarez and Colombian Cali cartel, and Manuel Rodriguez Lopez, linked to a minor operation called the Castrillon maritime smuggling organization.

But who the Mexicans fail to capture tells a much more important story. In fact, the State Department admits as much when it says, "the strongest groups, such as the Juarez and Tijuana cartels, have yet to be effectively confronted."

Let me repeat that: "the strongest groups * * * have yet to be effectively confronted."

So here is the State Department explaining to us that Mexico has fully cooperated with the United States, and yet telling us in the same breath that Mexico has taken no serious action against the organizations and individuals most responsible for the bulk of the drug trafficking.

This is also not how United States drug enforcement officials describe the efforts in Mexico. Let me share with my colleagues what our own drug enforcement officials say about how fully Mexico is cooperating in antidrug efforts.

DEA administrator, Thomas Constantine, has described the Mexican drug cartels, in a statement he made to a House committee the week before last, as "the leading organized crime organizations in the Western Hemisphere, and for some reason," he continues, "they seem to be operating with impunity."

His testimony is a chilling account of the extensive operations of the major Mexican drug cartels and how corruption within Mexican law enforcement agencies has allowed the cartels to conduct their deadly trade with virtual impunity. He also described how the Mexican drug cartels are expanding their criminal reach into the United States.

As we debate whether or not to disapprove of Mexico's certification, I hope all of my colleagues will take the time to read Mr. Constantine's testimony. It makes the case better than anything I have seen that Mexico's efforts have, in fact, not met the standard for certification.

Mr. President, I ask unanimous consent that Mr. Constantine's testimony be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, I understand the Government Printing Office estimates that it will cost $1,152 to print this testimony in the RECORD. I also ask unanimous consent that the Government Printing Office estimate be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. FEINSTEIN. I do this, Mr. President, because I think this is testimony that is crucial to a decision that will shortly be before the Senate. This is our No. 1 drug enforcement agency in the United States, and I think it is important that the testimony of the head of that agency be read by Members considering this issue.

Perhaps the most powerful of all cartels today is the Amado Carrillo-Fuentes organization, also known as the Juarez cartel. This organization operates out of Rancho Hacienda de la Natividad today, near Cuernavaca, Morelos, outside of Mexico City. It runs multi-ton quantities of Colombian cocaine toward Mexican distribution sites and then into the United States.

The organization runs these drug trafficking operations in Chihuahua, Mexico City, Mayarit, Nuevo Leon, Oaxaca, Sinaloa, Sonora, Jalisco, Baja, CA, Tamulipas, Veracruz, and Zacatecas, among others.

Despite the "encouraging results and notable progress" cited by the State Department, the Juarez cartel is today as strong as it has ever been. Worse, it is spreading its tentacles into the United States, and this concerns me deeply. One law enforcement official told me it controls a majority of the cocaine in Los Angeles.

Operations linked to the Amado Carrillo-Fuentes organization have today been identified in the Texas cities of El Paso, Houston, McAllen, Midland, Odessa and San Antonio, and in California's major cities such as Los Angeles, San Diego, Sacramento; also, in Nevada's major city, Las Vegas; Illinois' major city, Chicago; the major city in the State of New York, New York City; and Florida's major city, Miami.

Do we know who the leaders of this cartel are? Yes, we do, and so do the Mexican authorities. Amado Carrillo-Fuentes heads the organization and controls the cocaine, marijuana and heroin transportation to the United States. His brother, Vincente Carrillo-Fuentes, is primarily responsible for the group's marijuana trafficking operation.

These men are considered by President Zedillo to be Mexico's primary national security threat. Amado Carrillo-Fuentes has been indicted in Florida and in Texas on heroin and cocaine charges. Yet, he has never been tried in Mexico, nor has an extradition request for crimes committed in the United States been honored.

Have the Mexican authorities taken any action whatsoever that has hampered the operations of the Amado Carrillo-Fuentes organization? The answer to date is no. In fact, there is ample evidence to show that the Carrillo-Fuentes organization has federal police and government officials on their payroll, including the former head of the counternarcotics effort in Mexico, General Gutierrez, who was arrested 3 weeks ago.

Just a few days ago, Mexico did try to arrest Mr. Carrillo-Fuentes. Let me read from the Los Angeles Times, dated Saturday, March 8:

> In an apparently stepped-up search for alleged drug lord Amado Carrillo Fuentes, more than 100 troops backed by light tanks commandeered a luxury hotel in Guadalajara late Thursday night. . . .

> Carlton Hotel manager Carlos Hodria said Friday that about 150 soldiers arrived unannounced in trucks and tanks and that the operation lasted about 40 minutes, jarring most of the hotel's personnel and 296 guests. He quoted military officers as saying they were "searching for a person."

Obviously, when you roll tanks up to a hotel, whomever you are looking for is going to know that and be long gone. To my knowledge, no arrests were made.

The other major cartel at work in Mexico is the Arellano-Felix organization, also known as the Tijuana cartel. This organization transports multiton quantities of cocaine and marijuana and large quantities of heroin and methamphetamine into the United States where it is distributed by agents employed by the cartel in this country.

The cartel has its base of operations in Tijuana, but it is active in Sinaloa, Jalisco, Michoacan, Chiapas, Baja California Norte and Baja California Sur. It is of particular concern to me because Southern California is the primary entry point of most of the drugs trafficked by this organization.

The Arellano-Felix organization has spread its influence deep inside American cities, often recruiting street gangs to do its distribution and enforcement work. Orders are given to these agents in U.S. cities directly from Tijuana through sophisticated telecommunications networks.

Do we know who the leaders of the Arellano-Felix organization are? Again, we do, and so do the Mexican authorities.

Alberto Benjamin Arellano-Felix is the leader of the organization and has overall responsibility for management of the cartel's drug-trafficking operations.

His brother, Ramon Eduardo Arellano-Felix, is responsible for the group's security operations, which include well-trained paramilitary-style forces who assassinate rivals and traitors.

Has any action been taken by the Mexican authorities to rein in the operations of the Arellano-Felix organization? Have there been any arrests of its senior leaders?

No, the State Department informs us. This cartel has "yet to be effectively confronted." Is this an example of the "encouraging results and notable progress" cited by the State Department?

The Amado Carrillo-Fuentes cartel and the Arellano-Felix cartel, to the best of my knowledge, are operating with absolute impunity. But even the smaller cartels are hardly touched by Mexican authorities.

I think two recent incidents illustrate just what sort of cooperation the United States is receiving from Mexico with respect to the cartels.

On February 26 of this year, the Washington Post published an hour-long interview—hour-long interview—with Miguel Angel Caro Quintero, leader of the Sonora cartel, who is under indictment in the United States for crimes committed in the United States and for whom the United States has requested extradition.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mrs. FEINSTEIN. Mr. President, as he told the Post:

> I go to the banks, offices, just like any Mexican. Every day I pass by roadblocks, police, soldiers, and there are no problems. I'm in the streets all the time. How can they not find me? Because they're not looking for me.

According to law enforcement, the Sonora cartel cultivates, smuggles, and distributes heroin and marijuana to the United States, as well as transporting Colombian cocaine. It has operations reaching into Arizona, Texas, New Mexico, California, Illinois, Michigan, Minnesota, Nebraska, Tennessee, North Carolina, South Carolina, and Louisiana.

The Washington Post found him, but the Mexican police, up to the last few days, were not even looking for him. Perhaps the State Department would explain how this qualifies as "full cooperation" with the United States. I do not see it.

The other incident was a typical February story. I sometimes wish February would last all year round because the pressure of the March 1 certification decision seems to produce all kinds of results that we are unable to get the rest of the year, but on March 2, frequently it is business as usual.

Just hours before the President's decision on certification was to be made public, the Mexican Government announced with great fanfare the arrest of Humberto Garcia Abrego, a leader of the Gulf cartel.

Leave aside the question of why Mexican authorities were unable to arrest this man the rest of the year but miraculously found him on February 27. What happened next is critical to the integrity of the effort.

Only hours after the decision to certify Mexico was announced, Humberto Garcia Abrego simply walked out of custody. The Mexican Attorney General's office called his release "inexplicable." You could not write a script that would illustrate our problem with Mexico's inability to deal with the cartels any better than this incident.

Yet, the State Department assures us that there have been "encouraging results and notable progress." Not with respect to the cartels. I sincerely do not believe that the cartels' operations have been altered, reduced or impeded at all.

Those officials whom the cartels cannot buy they kill.

The cartels have unleashed a reign of terror on honest Mexican law enforcement officials. The DEA reports that 12 prosecutors and law enforcement officers have been assassinated in Mexico in just the last year alone, most of them in connection with the Tijuana cartel.

Let's start with an incident on February 22, 1996, just about a year ago. Approximately 40 Juarez municipal police opened fire on agents from the Mexican Attorney General's office, resulting in the death of one commandante and one agent. DEA suspects the local police were providing protection for drug traffickers.

On February 23, 1996, Sergio Armanda Silva, a former operations chief of the Baja federal police, was assassinated.

On April 17, 1996, Mexico City's previous top prosecutor, Arturo Ochoa Palacios, was gunned down while jogging.

May 1996, Mexico City's top prosecutor, Sergio Moreno Perez, was kidnapped with his adult son in Michoacan state. Their bodies were later discovered in a car in Mexico City's suburbs.

June 27, 1996, drug agency commandante Daniel Beruben-Jaime was assassinated in Jalisco.

July 19, 1996, Isaac Sanchez Perez, the former Baja federal police commander, was shot in the back of the head and killed in Mexico City.

August 17, 1996, Tijuana prosecutor Jesus Romero Magana was gunned down outside his home. He was investigating the Arellano-Felix organization.

September 14, 1996, Baja federal police commander Ernesto Ibarra Santes, two of his bodyguards and a cab driver were machine-gunned down in Mexico city.

Ibarra had vowed to go after the Arellano Felix brothers and to purge the federal police ranks of any corrupt federal agents who stood in his way. He held his post for 28 days.

September 21, the body of Hector Gonzalez-Baecenas, assistant to Garcia Vargas, was found in the trunk of another car. Also tortured.

September 23, 1996, the body of 43-year-old Jorge Garcia Vargas, Tijuana district chief of the Federal antinarcotics agency was found in the trunk of a car along with the body of Miguel Angel Silva Caballero, a former Federal police commander. Both showed signs of torture.

November 3, 1996, a former prosecutor named Martin Ramirez-Alvarez was murdered in Tijuana. His wife reported that an unknown number of individuals stopped them in a vehicle utilizing red and blue police strobe lights. They dragged Ramirez-Alvarez out of the vehicle and shot him point blank six times. It is believed the Arellano-Felix organization is responsible for the assassination.

On January 3, 1997, 27-year-old State Prosecutor Hodin Gutierrez-Rico was assassinated in front of his wife and children at his residence in Tijuana. Gutierrez-Rico was investigating the murder of a Tijuana municipal police chief and Presidential candidate Luis Donaldo Colosio. More than 120 spent shells were found on the ground, and his body was deliberately run over several times by a van.

And so it goes. These murders are, to me, the most compelling because their message is undeniable: "Get too close, and you are dead." And not one of these cases has been solved to date. This is why the corruption of the military general placed in charge of the counternarcotics effort is so paralyzing. The question remains: If the highest military man can be corrupted, then who is left?

But Mexico's failure to combat the cartels effectively is having an alarming spillover effect into American cities. Robert Walsh, special agent in charge of the San Diego office of the FBI told my office that all of the major Mexican cartels have members of United States gangs working for them.

These agents distribute the drugs shipped in by the cartels and ship the cash generated from drug sales back to Mexico. They also carry out revenge murders on orders from Tijuana or Juarez.

Prof. Peter Lupsha of the University of New Mexico, who has studied the cartels for decades, says, "I don't believe anyone in La Cosa Nostra could order a murder 2,000 miles away and expect it to be carried out. Carillo-Fuentes can do that and much more."

That is why the State Department's utter denial that the problem is getting worse is so dangerous. As much as these cartels are destroying Mexico, their reach is expanding. They have agents in many of our large and midsize cities. Their drugs are reaching our children. The gangs they hire kill ruthlessly to protect their turf in our cities.

It is no exaggeration to say that the lives of hundreds, if not thousands, of Americans are literally at stake in the war against the cartels. And the State Department's refusal to face up to facts does not protect a single child from the bullets of a drug-running gang or a driveby shooter.

Let me speak about money laundering.

The next item of progress in the State Department's statement of explanation is that "the Mexican Congress passed two critical pieces of legislation which have armed the Government of Mexico with a whole new arsenal of weapons to use to combat money laundering, chemical diversion, and organized crime."

Let us see how good the new money-laundering law is.

It is true that in May 1996, the Mexican Congress adopted a law that for the first time specifically identified money laundering as a criminal act. At that time, Finance Minister Guillermo Ortiz Martinez committed to develop the regulations that would implement this law by January 1997.

The draft of these regulations, which would require banks and other institutions to report suspicious transactions of currency, were due in January. Well, it is now March and the regulations have not been forthcoming.

No doubt, the implementation date of these regulations, now scheduled for June 1997, will slide, as will the issuance of a second set of regulations, governing the reporting of large-scale transactions.

These regulations are essential to combating money laundering. Reporting requirements discourage would-be money launderers, tip off law enforcement officials to unlawful activity, and create a paper trail that can be a powerful investigative tool.

But until Finance Minister Ortiz issues the regulations and they are implemented, it is business as usual. To date, not a single Mexican bank or exchange house has been forced to alter its operations.

And until the regulations have been issued, we have no real way of evaluating the impact of the law. Any law is only as good as its implementation. It is a giant leap of faith by the State Department to cite the passage of a money-laundering law as a sign of major progress when, to date, it has been neither implemented nor enforced.

There are some key questions that must be answered:

Will the regulations prevent bank employees or ministry staff from tipping off drug cartels about investigations?

Second, will the regulations provide immunity for employees who report a suspicious transaction and are acting in good faith? If not, they may be reluctant to report transactions as required, or killed if they do.

Third, will the regulations contain exemptions for any industries? They should not.

In addition, there is a major weakness in the new law in that it does not provide for sanctions against banks and financial institutions that fail to comply with reporting requirements. Without such sanctions, Mexico's money-laundering laws will remain woefully inadequate.

Now, there is a report today in the Financial Times of London that Mexico will introduce its antilaundering regulations this week. We shall see. Those regulations will need to be evaluated. But why has it taken Mexico until mid-March, and a crisis over certification, to get to this point? That is not a sign of a fully cooperating country.

Meanwhile, massive money laundering continues in Mexico unabated. And it is spilling across the southwest border.

California State Bureau of Narcotic Enforcement Chief George Doane testified last March that "at a money counting and shipping house in the Los Angeles area, agents located $6 million in cash and financial records in a residence occupied by three Hispanic nationals, indicating that $75 million had been counted, packaged, and shipped from the residence via a commercial bus company to Mexico."

An analysis done by the DEA of all transactions between the San Antonio Federal Reserve and area depository institutions showed a currency surplus of $2.96 billion in 1995—a clear sign that cartels have successfully laundered money to their final destination in Mexico.

The DEA's Donnie Marshall told Congress in September that a DEA investigation known as Zorro II in the Los Angeles area "resulted in the arrests of 156 people, the seizure of approximately 5,600 kilograms of cocaine, and over $17 million in U.S. currency. The majority of this $17 million was seized as it was being prepared for shipment to Mexico or seized from vehicles that were en route to Mexico."

Marshall also described cambios, or exchange houses outside the banking system, located along the borders of Texas and California, which are a significant factor in the laundering of drug proceeds where Mexican traffickers intermingle cash derived from drug sales with legitimate exchange business. My staff recently visited 22 of these exchange houses.

So the State Department sees encouraging results and notable progress in the area of money laundering as well. I say that today there is no effective effort to deter the laundering of drug money anywhere in Mexico.

CORRUPTION

The State Department's statement of explanation sees progress even where—by its own admission—none exists. This is how the Department describes Mexico's so-called progress on combating corruption:

> In an effort to confront widespread corruption within the nation's law enforcement agencies, former Attorney General Lozano dismissed over 1,250 federal police officers and technical personnel for corruption or incompetence, although some have been rehired, and the Government of Mexico indicted two former senior Government officials and a current Undersecretary of Tourism.

Now, the sentence, in a sense, refutes itself. When you say that some have been rehired, of course, if they were innocent, we would want them to be rehired. But if they were guilty, we would want them to be prosecuted. So let's look and see what happened.

According to the DEA, of the 1,250 officers dismissed for corruption, not a single one was successfully prosecuted—not one.

The rash of murders of prosecutors and law enforcement officers in Tijuana is a case in point. These assassinations have been made possible in large part because the Tijuana police have been so thoroughly corrupted by the Arellano-Felix organization.

According to the Los Angeles Times on March 3, 1997, court papers recently filed in United States district court by the Mexican Government in an extradition case contain testimony to the effect that—and let me remind you that this is from court papers submitted by the Mexican Government—"the state attorney general and almost 90 percent of the law enforcement officers, prosecutors, and judges in Tijuana and the State of Baja California . . . are on the payroll" of the Arellano-Felix organization.

In the same San Diego court documents, a former presidential guard, army lieutenant Gerardo Cruz Pacheco, told how he recruited soldiers to unload drug shipments and helped Tijuana cartel gunmen assassinate Baja federal police commander Ernesto Ibarra Santes in September.

The Federal judicial police have been so corrupted by the cartels that it is sometimes difficult to distinguish between them and the criminals. That is why some were encouraged by the prospect of increased participation of the Mexican military, which has not been so tainted by corruption, in the anti-drug effort.

But that's why the startling revelation about Gen. Jesus Gutierrez Rebollo, the head of the National Institute to Combat Drugs—Mexico's top counternarcotics official—who is a 42-year veteran of the armed forces, has cast grave doubts upon that hope.

When the Mexican Army planned a raid of the wedding of the sister of Amado Carrillo-Fuentes, the drug lord had been tipped off in advance, some say by General Gutierrez himself. As a result, he escaped arrest by leaving early or not attending. But Mexican troops found federal police providing protection for drug traffickers at the wedding.

And most concering to me is that corruption is spreading rapidly across the border into the United States. For example:

In Calexico, CA, former INS inspector Richard Felix admitted to FBI agents that he pocketed up to $500,000 in bribes for permitting loads of cocaine and marijuana to pass uninspected through his port of entry lane.

In El Paso, former Customs and INS inspector Jose Trinidad Carrillo gave drug traffickers a price list for his help in getting drugs through his border-entry lane: $10,000 per car, or $40 per pound of marijuana and $250 per pound of cocaine.

Stories of officials of U.S. border towns being bribed are now surfacing. Some of this I heard myself in the testimony of a border rancher to the Judiciary Committee last year.

President Zedillo appears to be trying his best to fight drug trafficking, and he has honest people on his side, like Elvira Ruiz, one of the few female police chiefs in Baja, whose life has been consistently threatened by the cartels.

But the efforts of these people are unfortunately being completely overwhelmed by the uncontrollable tide of corruption.

The arrest of General Gutierrez has been cited by the administration as evidence of the Mexican Government's commitment to fight corruption. But the way in which this situation was handled raises serious questions about Mexico's willingness to cooperate with the United States.

On February 6 of this year, Defense Secretary Enrique Cervantes Aguirre confronted General Gutierrez, asking him to explain how he came to live in an apartment that was beyond the means of his salary. The general began suffering a heart attack and was placed in the hospital. After 12 days of investigating, on February 18, Defense Secretary Cervantes had Gutierrez placed under arrest for accepting bribes from the Carrillo-Fuentes cartel.

Yet during that entire 12-day period, the Mexican Government gave no indication to the United States that it suspected that its top drug official was corrupt. In that time, U.S. officials continued regular contacts with Gutierrez' National Institute to Combat Drugs, not knowing that its operations were directed by a man in the pocket of drug kingpins.

General Gutierrez had been in Washington shortly before he was first questioned about his spending habits. He met with our drug czar, Gen. Barry McCaffrey, who called him a man of absolute, unquestioned integrity. Why would Mexico allow Gutierrez to visit Washington when he was suspected of corruption, and why—at the least—would they not alert the United States side?

Our own drug enforcement officials have been forced to conduct damage assessments to determine how much and what kind of intelligence was provided to the general, and perhaps passed right onto the Amado Carrillo-Fuentes. We are left to worry that the lives of our agents in the field and our informants have been placed in jeopardy.

So we can praise the Mexican Government for arresting Gutierrez, but their delay in notifying the United States of their suspicions about the general begs an important question: Is this a sign of the full cooperation for which Mexico has just been certified?

COOPERATION WITH U.S. LAW ENFORCEMENT

The State Department's statement of explanation then goes on to describe the extensive cooperation that has taken place between the Mexican and United States Governments:

> The United States and Mexico established the High-Level Contact Group on Narcotics Control (HLCG) to explore joint solutions to the shared drug threat and to coordinate bilateral anti-drug efforts. The HLCG met three times during 1996 and its technical working groups met throughout the year. Under the aegis of the HLCG, the two governments developed a joint assessment of the narcotics threat posed to both countries which will be used as the basis for a joint counter-drug strategy.

All the high-level meetings in the world don't amount to a hill of beans unless there is cooperation and coordination on the ground between law enforcement agencies of the two sides.

Once again, the State Department's assertion that these meetings are a sign of real progress misses the point. Whether or not our leaders can work together is less important than whether our cops can work together.

And plainly, at the moment, they cannot. Given the staggering level of corruption in the Mexican police, it is no wonder that DEA Administrator Constantine told the House Committee last week: "In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship."

That statement by itself should call into question Mexico's qualification to be certified. It is echoed by law enforcement agents on the ground:

On March 7, 1997, Ed Ladd, president of the California Narcotics Officers' Association, issued a statement in which he announced that the association's board had voted unanimously to support congressional efforts to overturn the decision to certify Mexico. This vote, Mr. Ladd said, "is based on our longstanding experience with the widespread corruption and lack of cooperation shown by the Mexican government."

Mr. President, I ask unanimous consent that the full text the statement of Ed Ladd, president of the California Narcotic Officers' Association, be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, is it so ordered.

(See exhibit 4.)

Mrs. FEINSTEIN. T.J. Bonner, president of the National Border Patrol Council, the union which represents nearly 5,000 Border Patrol agents, told my staff on March 4, 1997:

> The level of trust for Mexican authorities is almost non-existent. He said that "the lack of cooperation includes failure to provide assistance, aiding and abetting criminal activity, and even acts of aggression against Border Patrol Agents." He described U.S. agents observing Mexican officers who were clearly escorting aliens and drug smugglers.

The police chief of El Centro, CA, Harold Carter, told my staff that his officers are very leery of who they can trust in Mexico.

These are the views of our law enforcement officers. But the question of whether Mexico is fully cooperating with the United States can also be easily answered by looking at Mexico's policies on working with DEA agents. In this area, there have been three significant failings.

One was the failure of the Mexican Government—the same one that has just been certified as fully cooperating—to adequately fund and staff the binational border task forces that had been agreed upon by the high level contact group.

What good are high-level meetings that produce agreements on cooperation if one side then fails to live up to its end of the agreement?

Second, Mexico has hampered the ability of the United States military to contribute to interdiction efforts. Mexico refuses to allow United States Navy ships on patrol for drug smugglers in the Pacific to put into Mexican ports to refuel without 30 days notice—and without paying cash. As the cartels increasingly turn to sea-routes to smuggle their drugs, this policy seriously hampers our ability to stop them.

Also, overflights by U.S. reconnaissance aircraft are still under negotiation. These flights would enhance the ability of both sides to find and disrupt drug shipments.

The third major failing has been Mexico's refusal to allow United States drug enforcement agents to carry sidearms to protect themselves while on the Mexican side of the border. As a result, Mr. Constantine had no choice but to suspend operations in which DEA agents cross the border, because they cannot protect themselves.

In the last several days, there has been a flurry of meetings between American and Mexican officials. Did the United States gain any concessions? Well, Mexican officials were quoted as saying that "the rules have stayed exactly where they are"—which means no sidearms. There you have it. Full cooperation.

EXTRADITIONS

The State Department's statement of explanation makes another astonishing claim on the subject of extraditions. It says:

> The Government of Mexico established the important precedent of extraditing Mexican nationals to the United States under the provision of Mexico's extradition law permitting this in "exceptional circumstances."

Here is my understanding of the actual facts:

First, Mexico says it has changed its policy to allow the extradition of Mexican nationals to the United States. Of course, we are talking about Mexican nationals who are wanted for crimes committed here in the United States.

Second, to my knowledge, the Mexican government has sent three Mexican nationals to the United States. One was Juan Garcia Abrego, head of the gulf cartel, but he was expelled, not extradited, because he held American as well as Mexican citizenship. The other two were for murder and sexual abuse, not for drug charges.

Third, to date, Mexico has never—never—extradited a single Mexican national to the United States on drug-related charges. That, I believe, is a fact.

Now the Mexican Government says, and the State Department apparently believes, that Mexico is prepared to extradite Mexican nationals on drug charges in "special circumstances."

If this is truly a change of policy on the part of Mexico, let us see results. There are 52 outstanding extradition requests for Mexican nationals wanted on drug charges. Mexico should honor these requests now.

It should be pointed out that these extradition requests are for crimes committed in this country. How can a good friend, ally, and neighbor deny extradition of 52 people wanted for drug-related crimes committed here, and the statement still be made that they are fully cooperating in our antidrug efforts?

A good place for Mexico to start would be with Francisco Arellano-Felix of the Tijuana cartel, who is currently in custody in a Mexican prison and wanted on narcotics charges here in the United States. Another good start would be Miguel Caro Quintero, who walks the streets of Sonora without fear of arrest and grants interviews with the Washington Post. He has four indictments pending against him in the United States.

Mexican nationals wanted on drug charges is clearly the highest priority. These include many of the drug kingpins. But there are other sensitive cases as well that need to be resolved.

John Riley Henrique was indicted by a Federal grand jury in the eastern district of California for trafficking at least 150 kilograms of cocaine from Mexico to the United States. Henrique, an American citizen, is thought to be connected with Miguel Angel Felix Guillardo, the mastermind of the 1985 murder of DEA Agent Enrique Camarena.

Law enforcement sources told my office that John Riley Henrique was detained by Mexican law enforcement and then suddenly released without warning. He is still believed to be in Mexico. The Mexican authorities should find him, apprehend him, and extradite him.

T.J. Bonner of the National Border Patrol Council testified before the Senate Banking Committee on March 28, 1996, about the tragic fatal shooting on January 19, 1996, of a Border Patrol agent, our agent, Jefferson Barr. Agent Barr was killed while intercepting a group of marijuana smugglers along the border near Eagle Pass, TX.

Before he died, Agent Barr wounded one of his assailants. The FBI interviewed the suspect, a Mexican national, in a Mexican hospital, and the United States later charged him with murder and sought his extradition. The Government of Mexico sentenced the individual to 10 years in prison on a narcotics-related charge but has refused to extradite him.

For the State Department to say that Mexico is fully cooperating on the issue of extraditions under these circumstances dishonors the memory of Agent Jefferson Barr.

America's law enforcement officers know how serious the problem is. I would like to quote from a March 2, 1997, press release put out by the National Border Patrol Council, local 1613, of San Diego. It reads:

> The certification of Mexico is a clear blow to the efforts of U.S. Border Patrol agents in their daily efforts at thwarting the massive amounts of illegal drugs entering the country every day. Additionally, this certification is a disgrace to the memory of U.S. Border Patrol Agent Jefferson Barr.

THE NEED TO WAIVE SANCTIONS

Some worry that decertifying Mexico will harm our relationship with an important friend and ally. Others worry that it will make Mexico's drug problem worse.

Mexico is a friend and an ally, but I ask my colleagues: Do we do Mexico any favors by turning a blind eye to the depth of the problem? Do we do Mexico any favors by suggesting that the status quo is good enough? Will Mexico take the steps necessary to combat the flow of drugs if the United States keeps telling them year after year after year that they are doing enough and that they are fully cooperating?

The truth is that failure to decertify Mexico makes a mockery of the entire certification process. Columbia is decertified. Mexico is not. And today, the drugs coming from Mexico are the greatest threat. It makes no sense.

I know of few Members of this body, if any, who want to impose sanctions on Mexico. Senate Joint Resolution 21, which the Senator from Georgia and I introduced last week, decertifies Mexico but authorizes the President to waive all sanctions if it is in the vital national interest, and we will give testimony to that resolution in the Foreign Relations Committee the day after tomorrow.

The same is true of House Joint Resolution 58, which passed the House International Relations Committee by a vote of 27 to 5 last Thursday and will likely pass the full House by a large margin later this week.

I believe that we do have vital national interests in Mexico that require us not to impose sanctions at this point. All we are asking for is an honest, accurate assessment of whether Mexico has fully cooperated with us in the war on drugs, and to send the message that this cooperation must improve rapidly or Mexico will be fully decertified next year. This is what the law provides, and the facts, I believe, speak for themselves. Mexico has not met the test of full cooperation required for certification.

STEPS TOWARD RECERTIFICATION

I realize that the administration has been working feverishly to negotiate agreements with Mexico which will show that progress is being made, and I hope they can do that. But it is too late to improve Mexico's performance in 1996. The year is gone. But let me lay out some of the steps I believe Mexico needs to take in order to be eligible to be recertified, if she is decertified.

First, effective action to dismantle the major drug cartels and arrest their leaders.

Second, full and ongoing implementation of effective money-laundering legislation and rigorously enforced bank regulations with penalties for those who do not comply.

Third, compliance with all outstanding extradition requests by the United States so that cartel leaders and major traffickers can be brought to justice.

Fourth, help at the border. Mexico, as a friend, an ally, and a neighbor, should help enforce the border and prevent the flow of contraband. It is not enough to see this as simply America's problem. And this goes for the seas as well. Not to permit United States military ships to refuel in Mexican ports without 30 days' notice is unacceptable from a friend.

Fifth, improved cooperation with U.S. law enforcement officials, including allowing United States law enforcement agents to resume carrying weapons on the Mexican side of the border, and for Mexico to pay their share of the effort and be fully supportive of United States help.

Any legitimate American law enforcement officer detailed to Mexico and working drugs should be permitted to carry a sidearm—or they should not go.

Sixth, implementation of a comprehensive program to identify, to weed out, and to prosecute corrupt officials at all levels of the Mexican Government, police, and military.

If Mexico takes these steps, I would support recertification even during the current year, which the law allows if there is significant progress in a decertified country.

Mr. President, I believe I have laid out a strong case that Mexico did not earn certification as fully cooperating on counternarcotics in 1996. Have there been instances of cooperation? Of course. But can anyone credibly say that Mexico has fully cooperated with the United States? It is not even close.

It is important for us to be honest with ourselves about this issue. If we are not honest with ourselves, we unreasonably lower our guard against the incredible danger that Mexican drug trafficking poses to our children, our schools, and our communities.

If we are not honest with ourselves, we dishonor the dedication of thousands of DEA and Border Patrol agents who put their lives on the line every single day to try to keep drugs from reaching our streets. I believe today those agents have every right to feel betrayed.

Senator COVERDELL, Senator HELMS, myself, and others will continue trying to disapprove the Mexico certification and enact a vital national interest waiver. Similar legislation is moving through the House. We will make our best effort.

Mr. President, I reserve the remainder of my time and ask unanimous consent that Senator COVERDELL and Senator HUTCHINSON of Arkansas be permitted to speak during morning business charged to the time under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

Remarks by Thomas A. Constantine, Administrator, Drug Enforcement Administration, Before the House Government Reform and Oversight Committee, National Security, International Affairs, and Criminal Justice Subcommittee

Mr. Chairman, Members of the Subcommittee: I appreciate this opportunity to appear before the Subcommittee today on the subject of Mexico and the Southwest Border Initiative. My comments today will be limited to an objective assessment of the law enforcement issues involving organized crime and drug trafficking problems with specific attention on Mexico and the Southwest border. This hearing is extremely timely, and during my testimony I will provide the subcommittee with a full picture of how organized crime groups from Mexico operate and affect so many aspects of life in America today. I am not exaggerating when I say that these sophisticated drug syndicate groups from Mexico have eclipsed organized crime groups from Colombia as the premier law enforcement threat facing the United States today.

Many phrases have been used to describe the complex and sophisticated international drug trafficking groups operating out of Colombia and Mexico, and frankly, the somewhat respectable titles of "cartel" or "federation" mask the true identity of these vicious, destructive entities. The Cali organization, and the four largest drug trafficking organizations in Mexico—operating out of Juarez, Tijuana, Sonora and the Gulf region—are simply organized crime groups whose leaders are not in Brooklyn or Queens, but are safely ensconced on foreign soil. They are not legitimate businessmen as the word "cartel" implies, nor are they "federated" into a legitimate conglomerate. These syndicate leaders—the Rodriguez Orejuela brothers in Colombia to Amado Carrillo-Fuentes, Juan Garcia-Abrego, Miguel Caro-Quintero, and the Arellano-Felix Brothers—are simply the 1990's versions of the mob leaders U.S. law enforcement has fought since shortly after the turn of this century.

But these organized crime leaders are far more dangerous, far more influential and have a great deal more impact on our day-to-day lives than their domestic predecessors. While organized crime in the United States during the 1950's through the 1970's affected certain aspects of American life, their influence pales in comparison to the violence, corruption and power that today's drug syndicates wield. These individuals, from their headquarters locations, absolutely influence the choices that too many Americans make about where to live, when to venture out of their homes, or where they send their children to school. The drugs—and the attendant violence which accompanies the drug trade—have reached into every American community and have robbed many Americans of the dreams they once cherished.

Organized crime in the United States was addressed over time, but only after Americans recognized the dangers that organized crime posed to our way of life. But it did not happen overnight. American organized crime was exposed to the light of day systematically, stripping away the pretense that mob leaders were anonymous businessmen. The Appalachian raid of 1957 forced law enforcement to acknowledge that these organized syndicates did indeed exist, and strong measures were taken to go after the top leadership, a strategy used effectively throughout our national campaign against the mob. During the 1960's, Attorney General Bobby Kennedy was unequivocal in his approach to ending the reign of organized crime in America, and consistent law enforcement policies were enacted which resulted in real gains. Today, traditional organized crime, as we knew it in the United States, has been eviscerated, a fragment of what it once was.

At the height of its power, organized crime in this nation was consolidated in the hands of few major families whose key players live in this nation, and were within reach of our criminal justice system. All decisions made by organized crime were made within the United States. Orders were carried out on U.S. soil. While it was not easy to build cases against the mob leaders, law enforcement knew that once a good case was made against a boss, he could be located within the U.S., arrested and sent to jail.

That is not the case with today's organized criminal groups. They are strong, sophisticated and destructive organizations operating on a global scale. Their decisions are made in sanctuaries in Cali, Colombia, and Guadalajara, Mexico, even day-to-day operational decisions such as where to ship cocaine, which cars their workers in the United States should rent, which apartments should be leased, which markings should be on each cocaine package, which contract murders should be ordered, which official should be bribed, and how much. They are shadowy figures whose armies of workers in Colombia, Mexico and the United States answer to them via daily faxes, cellular phones, or pagers. Their armies carry out killings within the United States—one day an outspoken journalist, one day a courier who had lost a load, the next an innocent bystander caught in the line of fire—on orders of the top leadership. They operate from the safety of protected locations and are free to come and go as they please within their home countries. These syndicate bosses have at their disposal airplanes, boats, vehicles, radar, communications equipment and weapons in quantities which rival the capabilities of some legitimate governments. Whereas previous organized crime leaders were millionaires, the Cali drug traffickers and their counterparts from Mexico are billionaires.

It is difficult—sometimes nearly impossible—for U.S. law enforcement to locate and arrest these leaders without the assistance of law enforcement in other countries. Their communications are coded. they are protected by corrupt law enforcement officials, despite pledges from the Government of Mexico to apprehend the syndicate leaders, law enforcement authorities have been unable to locate them and even if they are located, the government is not obligated to extradite them to the U.S. to stand trial.

In Mexico, as is the case wherever organized crime flourishes, corruption and intimidation allow the leaders to maintain control. These sophisticated criminal groups cannot thrive unless law enforcement officials have been paid bribes, and witnesses fear for their lives. Later in my testimony I will discuss some of these problems in greater detail.

It is frustrating for all of us in law enforcement that the leaders of these criminal organizations, although well known and indicted repeatedly, have not been located, arrested or prosecuted.

THE CALI GROUP AND TRAFFICKERS FROM MEXICO

We cannot discuss the situation in Mexico today without looking at the evolution of the groups from Colombia—how they began, what their status is today, and how the groups from Mexico have learned important lessions from them, becoming major trafficking organizations in their own right.

During the late 1980's the Cali group assumed greater and greater power as their predecessors from the Medellin cartel was brash and publicly violent in their activities, the criminals, who ran their organization from Cali, labored behind the pretense of legitimacy, posing as businessmen, just carrying out their professional obligations. The Cali leaders-the Rodriguez Orejuela brothers, Santa Cruz Londono, Pacho Herrera—amassed fortunes and ran their multi-billion dollar cocaine businesses from high-rises and ranches in Colombia, Miguel Rodriguez Orejuela and his associates composed what was until then, the most powerful international organized crime group in history, employed 727 aircraft to ferry drugs to Mexico, from where they were smuggled into the United States, and then return to Colombia with the money from U.S. drug sales. Using landing areas in Mexico, they were able to evade U.S. law enforcement officials and make important alliances with transportation and distribution experts in Mexico.

With intense law enforcement pressure focused on the Cali leadership by brave men and women in the Colombian National Police during 1995 and 1996, all of the top leadership of the Cali syndicate are either in jail, or dead. The fine work done by General Serrano, who appeared before your subcommittee only two weeks ago, and other CNP officers is a testament to the commitment and dedication of Colombia's law enforcement officials in the face of great personal danger and a government whose leadership is riddled with drug corruption.

Since the Cali leaders' imprisonment on sentences which were ridiculously short and inadequate, traffickers from Mexico took on greater prominence. The alliance between the Colombian traffickers and the organizations from Mexico had benefits for both sides. Traditionally, the traffickers from Mexico have long been involved in smuggling marijuana, heroin, cocaine into the United States, and had established solid distribution routes throughout the nation. Because the Cali syndicate was concerned about the security of their loads, they brokered a commercial deal with the traffickers from Mexico, which reduced their potential losses.

This agreement entailed the Colombians moving cocaine from the Andean region to the Mexican organizations, who then assumed the responsibility of delivering the cocaine into the United States. In 1989, U.S. law enforcement officials seized 21 metric tons of cocaine in Sylmar, California; this record seizure demonstrated the extent and magnitude of the Mexican groups' capabilities to transport Colombian-produced cocaine into the United States. This huge shipment was driven across the Mexican/U.S. border in small shipments and stored in the warehouse until all transportation fees had been paid by the Calif and Medellin cartels, to the transporters from Mexico are routinely paid in multi-ton quantities of cocaine, making them formidable cocaine traffickers in their own right.

The majority of cocaine entering the United States continues to come from Colombia through Mexico and across U.S. border points of entry. Most of the cocaine enters the United States in privately owned vehicles and commercial trucks. There is a new evidence that indicates traffickers in Mexico have gone directly to sources of cocaine in Bolivia and Peru in order to circumvent Colombian middlemen. In addition to the inexhaustible supply of cocaine entering the U.S., trafficking organizations from Mexico are responsible for producing and trafficking thousands of pounds of methamphetamine, and have been major distributors of heroin and marijuana in the U.S. since the 1970's.

MAJOR TRAFFICKERS FROM MEXICO

A number of major trafficking organizations represent the highest echelons of organized crime in Mexico. Their leaders are under indictment in the United States on numerous charges. The Department of Justice has submitted Provisional Warrants for many of their arrests to the Government of Mexico, and only one, Juan Garcia Agrego, because he was a U.S. citizen has been sent to the U.S. to face justice. The other leaders are living freely in Mexico, and have so far escaped apprehension by Mexican law enforcement, and have suffered little, if any inconvenience resulting from their notorious status, I believe that in order to fully expose these syndicate leaders, it is more beneficial to refer to them by their personal names than by the names of their organizations.

Amado Carrillo-Fuentes

The most powerful drug trafficker in Mexico at the current time is Amado Carrillo-Fuentes, who, as recently reported, allegedly has ties to the former Commissioner of the INCD, Gutierrez-Rebollo. His organized crime group, based in Juarez, is associated with the Rodriguez-Orejuela organization and the Ochoa brothers, from Medellin, as well. This organization, which is also involved in heroin and marijuana trafficking, handles large cocaine shipments from Columbia. Their regional bases in Guadalajara, Hermosillo and Torreon serve as storage locations where later, the drugs are moved closer to the border for eventual shipment into the United States.

The scope of the Carrillo-Fuentes' network is staggering; he reportedly forwards $20–$30 million to Colombia for each major operation, and his illegal activities generate ten's of millions per week. He was a pioneer in the use of large aircraft to transport cocaine from Colombia to Mexico and became known as "Lord of the Skies." Carillo-Fuentes reportedly owns a fleet of aircraft and has major real estate holdings.

Like his Colombian counterparts, Carillo-Fuentes is sophisticated in the use of technology and counter surveillance methods. His network employs state of the art communications devices to conduct business. His organization has become so powerful he is even seeking to expand his markets into traditional Colombian strongholds on the east coast of the United States.

Presently, Carrillo-Fuentes is attempting to consolidate control over drug trafficking along the entire Mexican northern border, and he plans to continue to bribe border officials to ensure that his attempts are successful. Carrillo-Fuentes, who is the subject of numerous separate U.S. law enforcement investigations has been indicted in Florida and Texas and remains a fugitive on heroin and cocaine charges.

Miguel Caro-Quintero

Miguel Caro-Quintero's organization is based in Sonora, Mexico and focuses its attention on trafficking cocaine and marijuana. His brother, Rafael, is in prison in Mexico for his role in killing DEA Special Agent Kiki Camarena in 1985.

Miguel, along with two of his other brothers—Jorge and Genaro—run the organization. Miguel himself was arrested in 1992, and the USG and GOM cooperated in a bilateral prosecution. Unfortunately, that effort was thwarted when Miguel was able to use a combination of threats and bribes to have his charges dismissed by a federal judge in Hermosillo. He has operated freely since that time.

The Caro-Quintero organization specializes primarily in the cultivation, production and distribution of marijuana, a major cash-crop for drug groups from Mexico. The organization is believed to own many ranches in the northern border state of Sonora, where drugs are stored, and from which drug operations into the United States are staged. Despite its specialization in marijuana cultivation and distribution, like the other major drug organizations in Mexico, this group is polydrug in nature, also transporting and distributing cocaine and methamphetamine.

Miguel Caro-Quintero is the subject of several indictments in the United States and is currently the subject of provisional arrest warrants issued by the United States government, yet in an act of astonishing arrogance he called a radio station in Hermosillo, Mexico last May indicating that he was bothered by statements I had made that he was an innocent rancher and charges made against him by DEA were untrue. He then had the audacity to give his address and invite law enforcement officials from Mexico and the United States to visit him—yet he remains at large.

The Arellano-Felix Brothers

The Arellano-Felix Organization (AFO), often referred to as the Tijuana Cartel, is one of the most powerful and aggressive drug trafficking organizations operating from Mexico; it is undeniably the most violent. More than any other major trafficking organization from Mexico, it extends its tentacles directly from high-echelon figures in the law enforcement and judicial systems in Mexico, to street-level individuals in the United States. The AFO is responsible for the transportation, importation and distribution of multi-ton quantities of cocaine, marijuana, as well as large quantities of heroin and methamphetamine, into the United States from Mexico. The AFO operates primarily in the Mexican states of Sinaloa (their birth place), Jalisco, Michoacan, Chiapas, and Baja California South and North. From Baja, the drugs enter California, the primary point of embarkation into the United States distribution network.

The AFO does not operate without the complicity of Mexican law enforcement officials and their subordinates. According to extradition documents submitted by the Government of Mexico in San Diego, California, key family members reportedly dispense an estimated one million dollars weekly in bribes to Mexican federal, state and local officials, who assure that the movement of drugs continues to flow unimpeded to the gateway cities along the southwestern border of the United States.

The Arellano family, composed of seven brothers and four sisters, inherited the organization from Miguel Angel Felix-Gallardo upon his incarceration in Mexico in 1989 for his complicity in the murder of DEA Special Agent Enrique Camarena. Alberto Benjamin Arellano-Felix assumed leadership of the family structured criminal enterprise and provides a businessman's approach to the management of drug trafficking operations.

Ramon Eduardo Arellano-Felix, considered the most violent brother, organizes and coordinates protection details over which he exerts absolute control. The AFO maintains well-armed and well-trained security forces, described by Mexican enforcement officials as paramilitary in nature, which include international mercenaries as advisors, trainers and members. Ramon Arellano's responsibilities consist of the planning of murders of rival drug leaders and those Mexican law enforcement officials not on their payroll. Also targeted for assassination are those AFO members who fall out of favor with the AFO leadership or simply are suspected of collaborating with law enforcement officials. Enforcers are often hired from violent street gangs in cities and towns in both Mexico and the United States in the belief that these gang members are expendable. They are dispatched to assassinate targeted individuals and to send a clear message to those who attempt to utilize the Mexicali/Tijuana corridor without paying the area transit tax demanded by the AFO trafficking domain.

The AFO also maintains complex communications centers in several major cities in Mexico to conduct electronic espionage and counter-surveillance measures against law enforcement entities. The organization employs radio scanners and equipment capable of intercepting both hard line and cellular phones to ensure the security of AFO operators. In addition to technical equipment, the AFO maintains caches of sophisticated automatic weaponry secured from a variety of international sources.

A Joint Task Force composed of the Drug Enforcement Administration and the Federal Bureau of Investigation has been established in San Diego, California, to target the AFO; the Task Force is investigating AFO operations in Southern California and related regional investigations which track drug transportation, distribution and money laundering activities of the AFO throughout the United States.

Jesus Amezcua

The Amezcua-Contreras brothers operating out of Guadalajara, Mexico head up a methamphetamine production and trafficking organization with global dimensions. Directed by Jesus Amezcua, and supported by his brothers, Adan and Luis, the Amezcua drug trafficking organization today is probably the world's largest smuggler of ephedrine and clandestine producer of methamphetamine. With a growing methamphetamine abuse problem in the United States, this organization's activities impact on a number of the major population centers in the U.S. The Amezcua organization obtains large quantities of the precursor ephedrine, utilizing contacts in Thailand and India, which they supply to methamphetamine labs in Mexico and the United States. This organization has placed trusted associates in the United States to move ephedrine to Mexican methamphetamine traffickers operating in the U.S. Jose Osorio-Cabrera, a fugitive from a Los Angeles investigation until his arrest in Bangkok, was a major ephedrine purchaser for the Amezcua organization.

Joaquin Guzman-Loera

Joaquin Guzman-Loera began to make a name for himself as a trafficker and air logistics expert for the powerful Miguel Felix-Gallardo organization. Guzman-Loera broke away from Felix-Gallardo and rose to patron level among the major Mexican trafficking organizations. Presently, he is incarcerated in Mexico; however, Mexican and United States authorities still consider him to be a major international drug trafficker. The organization has not been dismantled or seriously affected by Guzman-Loera's imprisonment because his brother, Arturo Guzman-Loera, has assumed the leadership role. The Guzman-Loera organization transports cocaine from Colombia through Mexico to the United States for the Medellin and Cali organizations and is also involved in the movement, storage, and distribution of marijuana, and Mexican and Southeast Asian heroin. This organization controlled the drug smuggling tunnel between Agua Prieta, Sonora, Mexico and Douglas, Arizona through which tons of cocaine were smuggled.

Guzman-Loera, who has been named in several U.S. indictments, was arrested on June 9, 1993 in Talisman, Mexico for narcotics, homicide, and cocaine trafficking and is presently incarcerated at the Almoloya de Juarez Maximum Security Prison in Toluca, Mexico.

EFFECT OF MEXICAN ORGANIZED CRIME ON UNITED STATES

Unfortunately, the violence that is attendant to the drug trade in Mexico is spilling over the border into U.S. towns, like San Diego, California and Eagle Pass, Texas. Last summer, ranchers along the Texas/Mexico Border reported they were besieged by drug organizations smuggling cocaine and marijuana across their property—fences were torn down, livestock butchered and shots were fired at the ranchers homes at night. Ranchers reported seeing armed patrols in Mexico with night vision equipment, handheld radios and assault rifles that protected a steady stream of smugglers back packing marijuana and cocaine into the United States. The problem became so acute that the State of Texas and the Federal government sent support in the form of additional U.S. Border Patrol Agents, DEA Special Agents, Officers from the Texas Department of Public Safety and the Texas National Guard. Life has returned somewhat to normal in that area, as the drug gangs reacted to law enforcement pressure and have moved their operations elsewhere.

DEA information supports widely reported press accounts that the Arellano-Felix organization relies on a San Diego, California gang known as "Logan Heights Calle 30" to carry out executions and conduct security for their distribution operations. Six members of "Calle 30" were arrested by DEA's violent crime task force and the San Diego Police Department for the murder of a man and his son in San Diego. Since that time 49 members of "Calle 30" have been arrested by the Narcotics Task Force in San Diego on a variety of charges from trafficking to violent crimes.

On December 11, 1996, Fernando Jesus-Gutierrez was shot five times in the face during rush hour in the then exclusive neighborhood, the Silver Strand, in Coronado, California, after his death was ordered by the Arellano-Felix organization. In 1993, a turf battle over the methamphetamine market between rival drug gangs from Mexico resulted in 26 individuals being murdered in one summer in the San Diego area.

U.S. LAW ENFORCEMENT STRATEGY VERSUS ORGANIZED CRIME IN MEXICO

The Southwest Border Initiative (SWBI) is Federal law enforcement's joint response to the substantial threat posed by Mexican groups operating along the Southwest Border. The SWBI, now in its third year of operation, is an integrated, coordinated strategy that focuses the resources of DEA, FBI, the United States Attorney's Office, the Criminal Division, the U.S. Border Patrol, the U.S. Customs Service and state and local authorities on the sophisticated Mexican drug trafficking organizations operating on both sides of the U.S./Mexican border.

Through this initiative we have identified the sophisticated Mexican drug trafficking organizations operating along the entire U.S. border. These groups are transporting multiton shipments of cocaine for the Colombia groups, as well as heroin, methamphetamine and marijuana. Imitating the Colombian groups, the Mexican organizations are highly compartmentalized, using numerous workers to accomplish very specific tasks, such as driving load cars, renting houses for storage sites, distributing cocaine, and collecting profits. Through the compartmentalization process each worker performs a distinct task and has no knowledge of the other members of the organization.

We are attacking the organizations by targeting the communication systems of their command and control centers. Working in concert, DEA, FBI, U.S. Customs Service and the U.S. Attorneys offices around the country conduct wiretaps that ultimately identify their U.S. based organization from top to bottom. This strategy allows us to track the seamless continuum of cocaine traffic as it flows from Colombia through Mexico, to its eventual street distribution in the United States. However, even though this strategy is extremely effective in dismantling the U.S. based portions of the organizations, we are frustrated by not being able to use this same information to reach the organization's bosses in Mexico and their current counterparts in Colombia. Criminals, such as Carillo-Fuentes and Arellano-Felix, personally direct their organizations from safe havens in Mexico and until we garner the complete cooperation of law enforcement officials in Mexico, we will never be truly effective in stopping the flow of drugs from their country.

The Southwest Border Strategy is anchored in our belief that the only way of successfully attacking any organized crime syndicate is to build strong cases on the leadership and their command and control functions. The long-term incarceration of key members of these organization's command and control will cause a steady degradation of their ability conduct business in the United States and with the assistance of foreign governments, the long-term incarceration of the leadership will leave the entire organizations in disarray. The Cali syndicate once controlled cocaine traffic in the world from a highly organized corporate structure, with the incarceration of the Cali leaders we see the cocaine trade in Colombia has become far less monolithic and several independent unrelated organizations are controlling the exportation of cocaine to the U.S. and Mexico. This change is a direct result of the incarceration of the Cali leaders and their inability to fully control their organizations from prison.

We spoke to you last year about the successes of Zorro II, conducted under the auspices of the SWBI, during which both a Colombian distribution organization and a Mexican smuggling organization were dismantled and the infrastructure of both organizations were destroyed. Ninety court authorized wire taps resulted in the arrest of 156 people and the seizure of $17 million dollars and 5,600 kilograms of cocaine. Most importantly, neither the Colombian or Mexican organizations have been able to reconstitute these distribution organizations. Zorro II confirmed our belief that cocaine distribution in the United States is controlled by the foreign syndicates located in Colombia and Mexico.

Since Zorro II, we have continued to focus on the command and control function of other transportation and distribution cells operating along the Southwest Border and throughout the U.S. These investigations are time and resource intensive, but yield significant results. Additional investigations, of similar significance and importance as Zorro II, have been developed since that time, however due to the sensitive nature of the investigations. I am precluded from discussing them at this time.

CORRUPTION AND INTIMIDATION: TOOLS OF THE TRADE

Traditionally, organized crime has depended on the corruption of officials, and the intimidation of potential or actual witnesses, as well as violence against anyone who stands in the way of business. The Medellin and Cali traffickers were masters of corruption, intimidation and violence, and used these tools effectively to silence and coerce.

Organized crime figures in Mexico routinely use these tools as well. The recent arrest of the Commissioner of the INCD in Mexico last week is the latest illustration of how deeply rooted corruption is in Mexican anti-narcotics organizations. A good illustration of the extent of corruption in Mexico was revealed when officials, seeking the extradition of two of Arellano-Felix's contract killers, who are currently incarcerated in the United States, submitted papers indicating that the State Attorney General and almost 90 percent of the law enforcement officers, prosecutors, and judges in Tijuana and the State of Baja California have been compromised and are on the payroll of the Arellano-Felix brothers. In addition, several high ranking police officers regularly provide the names of witnesses who give statements against the Arellano-Felixes and have even provided information that assisted in locating targets for assassination. Just recently, the Federal Police in Baja California Norte were replaced with military troops, a tacit admission of the level of corruption in that area. Yet, as we observed with the arrest of Gutierrez-Rebollo, the military is not immune from corruption either.

Historically, corruption has been a central problem in DEA's relationship with Mexican counterparts. In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship. Such a relationship is absolutely essential to the conduct of business in that, or any other nation where organized crime syndicates traffic in narcotics.

In the brief time we have allotted to us today, I would like to provide you with some recent examples of the corruption which we encounter all too frequently in Mexico.

This January, the Mexican Army raided the wedding party of Amado Carillo-Fuentes' sister. When they arrived at the scene. Mexican Federal Judicial Police were guarding the party. The MFJP had alerted Carillo-Fuentes about the planned raid, and he was able to escape.

The Arellano-Felix organization routinely bribes government officials to obtain information from prosecutors' offices including information on potential witnesses.

Despite the firing of over 1,200 government officials for corruption charges by President Zedillo, no successful prosecutions of these individuals has taken place.

In March 1996, DEA Task Force Agents arrested two individuals who identified themselves as police officers from Sonora, Mexico. Eleven hundred pounds of marijuana were found on the scene, and the police admitted they worked at the stash house.

In July a Mexican Army Division arrested nine Mexican Federal Judicial Police Officers and seized 50 kilograms of cocaine and $578,000 in U.S. currency. The defendants were acting under the direction of the Commandante for Culiacan, Sinalon at the time.

While a great deal of the corruption plagues the law enforcement agencies in Mexico, the Mexican military and other institutions are also vulnerable to the corrupting influences of the narcotics trade. The Mexican Government has replaced police with military officials, who are not fully trained in all of the aspects of narcotics investigations. This situation is far from ideal. Political officials are also not immune to narcotics corruption: DEA has documented instances where public officials have allowed drug traffickers to freely operate in areas under their control. Corruption is the most serious, most pervasive obstacle to progress in addressing the drug trade in Mexico.

In addition to the serious corruption problems plaguing anti-narcotics enforcement efforts in Mexico, murders and violence are commonplace methods of silencing witnesses or rivals. Since 1993, twenty-three major drug-related assassinations have taken place in Mexico. Virtually all of these murders remain unsolved. Many of them have occurred in Tijuana or have involved victims from Tijuana. In the last year, 12 law enforcement officials or former officials have been gunned down in Tijuana and the vast majority of the 200 murders in that city are believed to have been drug-related.

A number of these incidents involving law enforcement officials are a serious indication of the depth and breadth of the power of the traffickers in Mexico.

The Arellano-Felix organization was responsible for setting off a bomb at the Camino Real Hotel in Guadalajara, where they intended to kill a rival trafficker, hosting a party for his daughter. Two men were killed and fifteen people wounded.

In September 1996, Jorge Garcia-Vargas, Sub-Director of the Tijuana office of the Institute for the Combat of Drugs (INCD) and former Commandante Miguel Angel Silva-Caballero were found shot to death in their car in Mexico City. The bodies showed signs of torture, similar to those on the bodies of Hector Gonzalez-Baecenas. Garcia-Vargas' assistant in Tijuana, and three body guards who were tortured and killed five days earlier in Mexico City. Garcia-Vargas' death came only one year after he took the job in Tijuana.

Ernest Ibarra-Santes, the Director of Federal Police Force in Tijuana, and two police officers were executed by machine-gun fire as they drove along a main street in Mexico City. Ibarra-Santes was executed just 29 days after he became Director and two days after he reprimanded his own force stating "The Police had become so corrupt they weren't just friends with the traffickers, they were their servants." A Mexican Army officer has been implicated in this murder.

Baja State Prosecutor Godin Gutierrez-Rico was assassinated in front of his residence in Tijuana on January 3, 1997. Guiterrez a supervisory state attorney and former head of a special enforcement unit that investigated high profile homicides in Tijuana, had assisted DEA in identifying several assassins for the Arellano-Felix organization. Information strongly links the Arellano-Felix's to this murder which was particularly vicious; Guiterrez-Rico was shot over 100 times, after which his body was repeatedly run over by an automobile.

It is hard to imagine that in our own nation, we would stand for such killings and for government inaction in solving the murders. The assassinations in Mexico are akin to three Assistant United States Attorneys, the Special Agent in Charge of the DEA office in San Diego, the Special Agent in Charge of the FBI office in Houston and the Chief of Police in San Diego being murdered callously by drug dealers. Americans would not accept these murders going unsolved and no arrests being made. For any country's law enforcement agencies to be viable partners in the international law enforcement arena, they must apprehend and incarcerate those criminals who murder with such impunity.

COOPERATION WITH MEXICO

The primary program for cooperative law enforcement efforts with the Government of Mexico is a proposed series of Bilateral Task Forces (BTF's). The U.S. and Mexico signed a memorandum of understanding in 1996, outlining the framework for the United States Government and the government of Mexico to conduct joint investigations against targeted drug organizations. These Bilateral Task Forces (BTF's) were established in Juarez, Tijuana and Monterrey. The task forces in Tijuana and Juarez have been limited in their ability to collect intelligence and seize drugs and they have not met their most important objectives of arresting the leaders of the major syndicates and dismantling their organizations.

During bilateral plenary meetings, Mexican officials promised they would allocate $2.4 million from seized assets the U.S. had shared with Mexico towards the financing of the BTF's; however, Francisco Molina Ruiz, the former head of the INCD, advised DEA that he had been unable to obtain the financial support necessary to make these Task Forces operational. The BTF's for the most part are staffed with enthusiastic young officers, however, they have neither received the training nor the equipment necessary to build cases on and arrest these sophisticated and wealthy drug traffickers.

The most significant shortcoming of the B.T.F.'s however, lies in its leadership. On at least two occasions, after having been advised of pending enforcement actions by their subordinates, corrupt command officers in Mexico City compromised the investigations. One involved the attempted seizure of sixteen tons of cocaine belonging to the Arellano-Felix family. To be successful in Mexico, we must be able to share intelligence with the B.T.F.'s with the confidence that it will be promptly acted on and not be compromised by corrupt officials that is not the condition that we are currently faced with in our relationship with the bi-lateral groups.

Unfortunately, I was recently forced to limit DEA participation in these B.T.F.'s, because of a decision by the Government of Mexico that would no longer allow us to guarantee the safety of our Special Agents while they were working in Mexico. The atmosphere in Mexico is volatile and threats against DEA Special Agents, along the border, have increased substantially; therefore I have rescinded travel authority for all DEA Special Agents to Mexico, to participate in counter-drug investigations, until they are provided appropriate protection, that is commensurate with the risks inherent in these dangerous assignments.

PROSPECTS FOR PROGRESS

Since coming to office, President Zedillo has promised that he would take action against organized criminal groups in Mexico. In that time period he has moved to make significant changes to the law enforcement process by sponsoring the Organized Crime Bill to provide the tools needed to successfully attack the criminal syndicates and formed the Organized Crime Task Force and the Bilateral Task Forces. However, even with the improved process, the infrastructure of the mechanism, itself, is so decimated by corruption that short-term results are very doubtful.

The real test is in the mid and long term. Unless some meaningful reforms are made in the law enforcement systems responsible for targeting and apprehending major organized crime figures in Mexico, that nation, and unfortunately our own, will continue to fight an uphill battle as drugs will continue to flow into cities and towns across the United States. To date, our inability to successfully attack the major organized crime groups in Mexico, as we have the United States and Colombia, is a direct result of our inability to arrest the leadership of these groups.

President Zedillo has acted against corrupt officials, and has stated that he is committed to professionalizing Mexican law enforcement. Yet the bottom line remains; until the major organized crime figures operating in Mexico are aggressively targeted, investigated, arrested, sentenced appropriately and jailed, both Mexico and the United States are in grave danger.

What law enforcement steps are necessary for long-lasting progress against organized crime leaders in Mexico? We faced the same questions in our mutual struggle against the Colombian organized groups during the past decade. What it took was an all-out effort by the Colombian National Police to target and incarcerate the top leaders in Cali. Until the Government of Colombia was put on notice that their lack of commitment to this goal was unacceptable, the CNP did not have the moral backing it needed to move out aggressively. In Mexico's case, it appears that the political will to rid the country of the its narco-trafficking reputation is there; however, what is lacking are clean, committed law enforcement agencies willing to take on the most powerful and influential organized crime figures operating on a global scale.

We hope that efforts towards this end will bear fruit. In November 1996, the Government of Mexico passed an Organized Crime Law which provides Law Enforcement officials with many of the tools needed to successfully attack the sophisticated drug syndicates in their country. Included as part of the Law were: authorization to conduct electronic surveillance, a witness protection program; plea bargaining; conspiracy laws; undercover operations; the use of informants by police.

For these new law enforcement tools to be utilized effectively, the new law mandated the Government of Mexico to form Organized Crime Units to conduct the investigations and further stipulated that the laws could not be enforced until the unit was formed and properly trained. The Organized Crime Units are now in place and consist of 60 officers to investigate crimes specified under the law. The Government of Mexico has agreed to insure the integrity of the Organized Crime Unit through the use of polygraphs and regular background investigations. However, like the Bilateral Task Forces, these units will not be successful and DEA might not be able to share sensitive information with them as long as their supervisors or managers are corrupt.

It is important to remember that law enforcement in the United States did not have wiretap authority and wide ranging organized crime laws such as RICO and Continuing Criminal Enterprise until the late 1960's. The Government of Mexico is effectively 35 years behind us in establishing laws that were critical in our successful dismantling of organized criminal syndicates. If they work properly, the Bilateral task forces and our Southwest Border Initiative can be favorably compared to the Strike Forces established by Bobby Kennedy in the 1960's. This 1990's version of the Strike Force is international in scope and pools the resources, expertise and laws of several federal and state institutions in the United States with those in Mexico.

It is absolutely essential that the Organized Crime Units and the Bilateral Task Forces have integrity insurance programs as part of their charter. Unless these units are trustworthy, informants who cooperate will not be safe, undercover investigations will be compromised and intelligence sharing process will not function at all. As we have seen recently, both the military and law enforcement have been grievously compromised by these criminal groups and this brings into question the ability of any program in Mexico to remain corruption free. However, last week we saw in the arrest of General Gutierrez-Rebollo, that some trustworthy units do exist and can work without compromise.

The problems of establishing a corruption-free law enforcement infrastructure are not insurmountable. However, to become credible in the law enforcement arena the Government of Mexico must ensure the integrity of the units that have the responsibility of tracking down and arresting the syndicate leaders, insuring these individuals are either prosecuted in Mexico and receive meaningful sentence commensurate with their crimes or agree to extradite them to the United States where they will receive punishment similar to that of Juan Garcia-Abrego.

EXHIBIT 2

U.S. GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, DC, March 10, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: We return herewith your manuscript entitled "Re: Remarks by Thomas A. Constantine" submitted to this Office for insertion in the Congressional Record, and respectfully invite your attention to the following regulation of the Joint Committee on Printing:

(1) No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the CONGRESSIONAL RECORD unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same.

(2) No extraneous matter shall be printed in the House proceedings or the Senate proceedings, with the following exceptions: (a) Excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate; (b) Communications from State Legislatures, and (c) Addresses or articles by the President and the Members of his Cabinet, the Vice President, or a Member of Congress.

(3) The official reporters of the House or Senate or the Public Printer shall return to the Member of the respective House any matter submitted for the CONGRESSIONAL RECORD which is in contravention of these provisions.

This manuscript is estimated to make approximately 5 pages of the Congressional Record at a cost of $1,152.00. If you still desire to have this matter published in the Record, permission must again be requested of the Senate for its inclusion and the probable cost should then be announced and this estimate attached to the manuscript sent to the Official Reporters.

Sincerely,

CHARLES C. COOK, Sr.
Superintendent, Congressional Printing Management Division.

EXHIBIT 3

[From the Washington Post, Feb. 26, 1997]

ALLEGED KINGPIN OF SONORA CARTEL UNTOUCHED BY LAW

(By John Ward Anderson)

CABORCA, MEXICO.—Miguel Angel Caro Quintero, identified by U.S. officials as one of Mexico's drug smuggling kingpins, arrived in a pickup truck at his modest horse and cattle ranch here and described life in this small desert town 60 miles south of the U.S. border.

"I go to the banks, offices, just like any Mexican," said Caro Quintero, who has four indictments pending against him in the United States on charges involving cocaine, marijuana, money laundering and racketeering. "Every day I pass by roadblocks, police, soldiers, and there are no problems."

"I'm in the streets all the time. How can they not find me?" he asked at the end of a rare, hour-long interview. "Because they're not looking for me."

Caro Quintero, 33, is identified by U.S. law enforcement officials as the head of the Sonora cartel, which they describe as one of Mexico's main drug mafias. Although arrested here in 1992 on tax charges, he has never been convicted of any crime, and Mexican authorities have never charged him with any drug violation.

U.S. officials see Caro Quintero as a prime example of how weak Mexican laws and an intricate web of corruption have permitted some alleged drug kingpins to operate their syndicates with impunity and live without fear of arrest, conviction or extradition to the United States. At the same time, high-ranking politicians, government officials, judges, prosecutors, and military and police officers have enriched themselves by protecting the syndicates, and they are rarely prosecuted or investigated.

After Caro Quintero's 1992 tax arrest, for instance, the United States and Mexico launched a joint prosecution effort. "But it was thwarted when Miguel used a combination of threats and bribes to have the charges dismissed by a federal judge in Hermosillo [capital of his home state, Sonora], and he's operated freely since that time," said an official of the U.S. Drug Enforcement Administration (DEA).

Similar allegations of high-level corruption are aired almost daily here, depicting decay in Mexico's justice system and some of its other institutions, including the military.

The recent revelations have prompted a more thorough debate among U.S. officials over whether President Clinton should certify by Saturday that Mexico is a reliable ally in the international war on drugs.

"I don't know if 'collapse' is the correct term" for what's happening to the justice system, Attorney General Jorge Madrazo Cuellar said in a recent interview. "But it's the gravest crisis Mexico has faced in the modern age." On Tuesday, Madrazo announced a "top-to-bottom" reform of his office to address the crisis—the latest in a number of such reforms announced in recent years.

The New York Times reported Sunday that two state governors—Manlio Fabio Beltrones Rivera of Sonora and Jorge Carrillo Olea of Morelos—have aided Amado Carrillo Fuentes, head of a Juarez-based smuggling cartel. Despite numerous U.S. intelligence reports detailing their drug ties, the Times reported, "both [governors] seem to enjoy a tacit immunity from concerted criminal investigation in Mexico and the United States."

A spokesman for Attorney General Madrazo said neither governor is under investigation for ties to drug smuggling.

At the same time, some of Mexico's top alleged kingpins—including Carrillo Fuentes, Caro Quintero and brothers Jesus and Luis Amezcua, who are considered among the world's biggest traffickers of methamphetamine—have no drug charges pending in Mexico. Despite indictments against each of these men in the United States, U.S. officials say they face little threat of being apprehended and extradited for trial in the United States because of tough restrictions against extradition in Mexico's constitution.

Until last year, only two Mexican citizens had been sent to the United States for trial under a 1978 extradition treaty between the two countries. But new laws permit Mexico's foreign minister to find "an exception" permitting extradition. Last year, four Mexican citizens were sent to the United States, including two accused drug dealers.

Juan Garcia Abrego, the head of the Gulf cartel who was recently sentenced to life in prison in a drug trial in Houston, was not extradited but deported to the United States because he held dual citizenship.

Mexican anti-drug officials said Carillo Fuentes has weapons and conspiracy charges pending against him. If arrested, they said, he would be held while drug trafficking charges were filed and officials considered a pending U.S. request for extradition.

Authorities thought they would nab Carillo Fuentes at his sister's wedding in early January, when private planes ferrying guests in and out of local airports led drug investigators to believe that he would make an appearance at the ceremony. But the Juarez cartel chief never showed up, and officials say he may have been tipped off by Gen. Jesus Gutierrez Rebollo, the anti-drug czar who was arrested last week after officials charged he had been an informant for Carrillo Fuentes for years. A federal judge indicted Gutierrez yesterday on charges of aiding and protecting cocaine shipments, the Associated Press reported.

While drug investigations here have been severely hampered by corruption, U.S. and Mexican officials said, until recently they were also crippled by a legal system that did not permit the use of evidence gathered by wiretaps or paid confidential informants. In November, however, Mexico's Congress approved an organized crime bill that legalizes such tactics and institutes a witness protection program.

"We didn't have any legal way to introduce into evidence taped conversations—wiretaps—or to protect witnesses who enter into plea bargains in return for evidence that can be used against kingpins," said Juan Rebolledo Jout, a top Foreign Ministry official. Without such tools, he said, "these people are powerful, they are corrupt, and they are difficult to catch."

However, Mexican officials conceded, a critical problem still remains. Because U.S. cases are often built with confidential informants and wiretaps, it is unclear whether Mexican judges will allow extraditions to move forward if they are based on U.S. cases that used wiretaps and confidential informants before they became legal in Mexico.

U.S. officials said they are beginning a major extradition push for Caro Quintero because there are no charges against him in Mexico. Mexican officials said he is under investigation.

"The problem is, we don't know why he doesn't have charges against him," said the Foreign Ministry's Rebolledo. "We are reviewing how decisions are made and investigations are being carried out."

Caro Quintero denied being involved in any way in drug trafficking. He said he and his family are the victims of a vendetta by U.S. drug agents seeking revenge for the 1985 murder in Guadalajara of DEA agent Enrique Camarena.

Miguel's brother Rafael, co-founder of the infamous Guadalajara drug cartel, was convicted in Camarena's slaying, which U.S. officials frequently cite as the event that opened their eyes to the growing power and menace of Mexico's drug mafias.

With his brother's imprisonment, "Miguel Caro Quintero now runs the organization," DEA chief Thomas Constantine told the Senate two years ago. It is one of "the four major [Mexican] drug trafficking organizations that work closely with the Cali [Colombia] mafia" to smuggle cocaine into the United States, Constantine said.

Caro Quintero called the charges "fabrications" and held up his relatively peaceful lifestyle as proof he is not wanted by the law. He added that he does not believe his brother killed Camarena.

Tall, with jet-black hair and a thick mustache, wearing bluejean pants and jacket with a plain shirt and a white cowboy hat, Caro Quintero looks like he stepped out of a cigarette ad. He said his family—he has three brothers and six sisters—grew up in the neighboring state of Sinaloa, where his father, who died five years ago, owned a cattle farm. He is married and has two sons, ages 7 and 12.

Caro Quintero said his family came to Sonora about 15 years ago. He denied reports that his family owns hotels, movie theaters and huge amounts of land in and around Caborca, which is about 75 miles southwest of the border city of Nogales, in a remote desert region known as a haven for traffickers and clandestine airstrips.

A 1994 indictment in Arizona charged that Caro Quintero negotiated with an undercover DEA agent to set up a series of such clandestine landing strips to smuggle cocaine into the United States.

Caro Quintero said he and his family own only a ranch where they raise cattle and a farm where they grow honeydews and watermelons for export to the United States. He said the family's land holdings total about 25 acres.

"If I had a cartel, I'd have a lot of money and my brother wouldn't be there [in jail]," he said.

STATEMENT OF PRESIDENT ED LADD, CALIFORNIA NARCOTICS OFFICERS ASSOCIATION

The Board of the California Narcotics Officers' Association voted today to unanimously support Senator Dianne Feinstein and Senator Paul Coverdell in their efforts to overturn the President's decision to certify Mexico. The California Narcotics Officers' Association Board, representing over 7,000 law enforcement agents and prosecutors, is the second largest professional law enforcement association in the nation. Today's vote to join with Senator Feinstein on the decertification issue is based on our longstanding experience with the widespread corruption and lack of cooperation shown by the Mexican government.

It is no secret that drugs are a huge problem in California. What may not be widely known is the alarming rate in which narcotics spill over the California border from Mexico. It is estimated that 50% to 70% of the cocaine, up to 80% of the marijuana and 20% to 30% of the heroin are imported in the United States from Mexico. Without the cooperation of the Mexican government in the war against drugs, we cannot put up a fair fight. We strongly urge Congress to overturn the President's decision to certify Mexico.

The impact drugs have on our communities exemplifies the need for the United States to demand full cooperation from the Mexican government in their efforts to stem the flow of drugs into our country. As law enforcement agents and prosecutors, we have witnessed the effects drugs have on our cities and communities first hand. Dangerous drugs are becoming more prevalent on our streets. For example, the supply of black tar heroin brought into California from Mexico is growing at such an incredible rate that the price per ounce has been cut in half in just two years—from $800 per ounce to $400 an ounce. By certifying Mexico again this year, President Clinton is allowing the drug flow to continue unchecked.

The corruption and violence created by the Mexican drug cartels will not be lessened until a strong message is sent that Mexico must improve their anti-drug efforts. The President's decision to certify does not send this message. We simply cannot stand by this decision and we strongly urge Congress to overturn it.

The members of the California Narcotics Officers' Association are happy to support Senators Feinstein and Coverdell and other members of Congress and take whatever steps are necessary to see that full cooperation occurs.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the State Department's statement of explanation on certification be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 28, 1997.

MEMORANDUM FOR THE SECRETARY OF STATE

Subject: Certification for major narcotics producing and transit countries.

By virtue of the authority vested in me by section 490(b)(1)(A) of the Foreign Assistance Act of 1961, as amended, ("the Act"), I hereby determine and certify that the following major drug producing and/or major drug transit countries/dependent territories have cooperated fully with the United States, or taken adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances: Aruba, The Bahamas, Bolivia, Brazil, Cambodia, China, Dominican Republic, Ecuador, Guatemala, Haiti, Hong Kong, India, Jamaica, Laos, Malaysia, Mexico, Panama, Paraguay, Peru, Taiwan, Thailand, Venezuela, and Vietnam.

By virtue of the authority vested in me by section 490(b)(1)(B) of the Act, I hereby determine that it is in the vital national interests of the United States to certify the following major illicit drug producing and/or transit countries: Belize, Lebanon, and Pakistan.

Analysis of the relevant U.S. vital national interests, as required under section 490(b)(3) of the Act, is attached. I have determined that the following major illicit drug producing and/or major transit countries do not meet the standards set forth in section 490(b) for certification: Afghanistan, Burma, Colombia, Iran, Nigeria, and Syria.

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 1997. Because the performance of each of these countries/dependent territories has differed, I have attached an explanatory statement for each of the countries/dependent territories subject to this determination.

You are hereby authorized and directed to report this determination to the Congress immediately and to published it in the *Federal Register*.

WILLIAM J. CLINTON.

STATE DEPARTMENT STATEMENT OF EXPLANATION

MEXICO

The Government of Mexico's (GOM) 1996 counter-drug effort produced encouraging resulting and notable progress in bilateral cooperation. President Zedillo has declared the major drug trafficking organizations, and the corruption they foster within governmental structures, to be Mexico's principal national security threat. He has intensified the country's counter-drug effort, in keeping with international human rights norms, both through legal reforms and operationally, through the expanded participation of the nation's military services.

Drug seizures and arrests increased in 1996. Mexican authorities seized 23.8 mt of cocaine, 383 kgs of heroin, 1015 mt of marijuana, 171.7 kgs of methamphetamine and 6.7 mt of ephedrine (its chemical precursor), and destroyed 20 drug labs. Police arrested 11,283 suspects on drug-related charges. Authorities arrested several major traffickers: Juan Garcia Abrego, Gulf cartel leader and one of the FBI's "Ten Most Wanted" fugitives; Jose Luis Pereira Salas, linked to the Cali and Juarez cartels; and Manuel Rodriguez Lopez, linked to the Castrillon maritime smuggling organization.

The Mexican Congress passed two critical pieces of legislation which have armed the GOM with a whole new arsenal of weapons to use to combat money laundering, chemical diversion and organized crime. The GOM established organized crime task forces in key locations in northern and western Mexico in cooperation with U.S. law enforcement. In an effort to confront widespread corruption within the nation's law enforcement agencies, former Attorney General Lozano dismissed over 1250 federal police officers and technical personnel for corruption or incompetence, although some have been rehired, and the GOM indicated two former senior GOM officials and a current Undersecretary of Tourism. He also sought to expand cooperation with the United States and other governments.

The United States and Mexico established the High-Level Contact Group on Narcotics Control (HLCG) to explore joint solutions to the shared drug threat and to coordinate bilateral anti-drug efforts. The HLCG met three times during 1996 and its technical working groups met throughout the year. Under the aegis of the HLCG, the two governments developed a joint assessment of the narcotics threat posed to both countries which will be used as the basis for a joint counter-drug strategy.

U.S.-Mexican bilateral cooperation on drug law enforcement continued to improve in 1996, particularly in the areas of money laundering, mutual legal assistance, and criminal investigations. The USG provided training, technical, and material support to personnel of the Office of the Mexican Attorney General (PGR), the National Institute to Combat Drugs (INCD), the Mexican Treasury, and the Mexican armed forces. The Government of Mexico established the important precedent of extraditing Mexican nationals to the United States under the provision of Mexico's extradition law permitting this in "exceptional circumstances." This paves the way for further advances in bringing fugitives to justice. Both governments returned record numbers of fugitives in 1996.

Even with positive results, and good cooperation with the U.S. and other governments, the problems which Mexico faces remain daunting. The Zedillo Administration has taken important beginning steps against the major drug cartels in Mexico, and towards more effective cooperation with the United States and other international partners, but the strongest groups, such as the Juarez and Tijuana cartels, have yet to be effectively confronted. The level of narcotics corruption is very serious, reaching into the very senior levels of Mexico's drug law enforcement forces, as witnessed by the February 1997 arrest of the recently-appointed national counternarcotics coordinator. President Zedillo acted courageously to remove him as soon as the internal Mexican investigation revealed the problem, but this has been a set-back for Mexico's anti-drug effort, and for bilateral cooperation.

Mexican police, military personnel, prosecutors, and the courts need additional resources, training and other support to perform the important and dangerous tasks ahead of them. Progress in establishing controls on money laundering and chemical diversion must be further enhanced and implemented. New capabilities need to be institutionalized. Above all, the GOM will have to take system-wide action against corruption and other abuses of official authority through enhanced screening of personnel in sensitive positions and putting into place ongoing integrity controls.

While there are still serious problems, and a number of areas in which the USG would like to see further progress, the two governments have agreed on the parameters of a joint approach to combat the narcotics threat, and are at work on developing this strategy. The drug issue will remain one of the top issues in the bilateral agenda and will be one of the main issues discussed during President Clinton's planned visit to Mexico in April.

Mrs. FEINSTEIN. Mr. President, the distinguished Senator from South Carolina [Mr. HOLLINGS], has asked to cosponsor Senate Joint Resolution 19, Senate Joint Resolution 20, and Senate Joint Resolution 21, and has also asked for time, which I would ask be charged to my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from California. She has, as usual, done her homework and, her persuasive arguments at last Thursday's caucus where she debated General McCaffrey changed my mind. I had hesitated endorsing her initiative. They taught us in the Army years ago, no matter how well the gunners aimed, if the recoil is going to kill the gun crew, you do not fire it.

I had to question myself on the recoil here, from this particular initiative. What good was it going to do? Would it do more harm than good? It was easily determined, after listening to Senator FEINSTEIN, that it was definitely going to do more good because, in line with the limited time, you find exactly what I have learned through hard experience, in the most recent issue of the London Economist, on page 43:

> The Americans' uncritical support of Mexico may have helped to spread drug corruption in that country over the past decade.

I will never forget, a good 15 years ago or so, when Senator Howard Baker, Senator Paul Laxalt, Senator Simpson from Wyoming, and myself, we were down in Mexico. We had a briefing at that time by President de la Madrid. At that time everything was just peaches and cream. We were getting along fine. We were moving forward on then the drug program and enforcement. I had gone downstairs and forgotten my jacket, raced back up to get it, and President de la Madrid at the time was briefing the Mexican press. My consulate there was interpreting for me. He was giving us unshirted dickens. He said, "We told those gringos from the north that we weren't going to stand for this, we weren't going to do this," that was a report of a totally different meeting than which we had.

My point is they have constantly used the United States against their particular opposition, time and again, in order to maintain office. In that light, I want to say again what I said at the hearing with Secretary Madeleine Albright at the subcommittee for State, Justice, Commerce on last Thursday afternoon, whereby I was counseling Secretary Albright, immediately after her statement about Mexico and the great progress we were making in the drug effort. I said I didn't want to sound as an upstart, I certainly did not want to sound impudent in any way, but what I had just heard from the Secretary was State Department boilerplate.

Why did I say it was State Department boilerplate? I read, back in the record, the statement made by Warren Christopher 4 years ago. It was almost word for word just exactly what Secretary Albright was saying. You can go back to Secretary of State Baker's statement and I will show you it is almost the same thing. From hard experience, I have learned that Senator FEINSTEIN is on target and doing this Nation a wonderful service. As she points out this influx of drugs is a cancer that is spreading into small towns and communities all over the Nation. It is going to take some harsh action of some kind. We have to break this notion that we are neighbors and can't speak freely about our problems. The situation in Mexico is spinning out of control. The head of the drug effort down there in Mexico, turns out to be an associate of the drug cartels. Yet we had him here for 12 days of meetings.

The problem in Mexico was highlighted in the Dallas Morning News:

> "The intelligence on corruption, especially of drug traffickers, has always been there," said Phil Jordan, who headed DEA's Dallas office from 1984 to 1994, "but we were under instructions not to say anything negative about Mexico. It was a no-no, since NAFTA was a hot political football."

Well, there you are. What we are doing is following a policy to protect our financial interests; our Wall Street, or our economic interests, which of course has not worked out. But that is the motivation. That is the influence, and not really getting to the drugs and the gangs and the corruption and the law enforcement and crime problem that we have in this country.

So, where I indicated I would withhold because I thought it would cause too much damage and I didn't have enough to work with, I went to General McCaffrey's statement. This was in an open session not—a secure briefing. When asked, "If this decertification initiative passed here and Mexico was decertified, what would happen," he said—I almost quote it word for word—"we would not be able to work with our friends on drugs."

The conclusion of this Senator is we have the wrong friends. We have the wrong friends. We have been going through, as Bob Dole says: Same act, same scene, been there, done that, again and again and again. Until we take up something like the Feinstein initiative, here, we are not going to get any results.

Immediately, there is the overreaction. The Senator from New Mexico, Senator DOMENICI, was at the hearing. He said, "Oh, I differ with Senator HOLLINGS absolutely. We don't want to overthrow President Zedillo."

I don't want to overthrow President Zedillo. I know from the politics of Mexico that is the best chance that he stays on, if the United States jumps him; then he is secure in office politically. That is not the intent. I think the man is honest. I think he is working hard at it. But I think it is too great a problem for him. And I think there are going to have to be some changes down there. I don't see how a decertification initiative of this kind, with the evidence at hand, should upset or overthrow.

I was called by the Albuquerque paper over the weekend, that I suggested we overthrow Zedillo. That is how things can get that far out of hand. That is nonsense. If he is that weak that a decertification initiative here, with the facts at hand, would cause him to lose office, then he is very weak and I think maybe that is the problem.

I think it would be a problem for me, you, or anyone else down there. This thing has grown bigger than us all and it is going to take this kind of approach to bring ourselves to any kind of results and stop this. Because it has been going on year in and year out and we have given way to our economic interests in order to continue. As the London Economist says, "The American's uncritical support of Mexico may have helped to spread drug corruption in that country over the past decade."

I agree with that statement. That is an editorial, lost in a news column. We ought to take heed and I am delighted, at this time, to join in, and I thank Senator FEINSTEIN for enlisting me as a cosponsor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I stand here today in full support of House Joint Resolution 58 and Senate Joint Resolution 21, resolutions expressing Congress' disapproval of the President's certification to Congress that Mexico has fully cooperated with United States antinarcotics efforts during the last year.

Section 490 of the Foreign Assistance Act dutifully permits Congress to disapprove Presidential certifications made under this section if it enacts a joint resolution to that effect.

The importance of Mexico's full cooperation with United States antinarcotic efforts cannot be overstated. Drug use among American teenagers has nearly doubled in the last 5 years. Most importantly, more than 70 percent of illegal narcotics entering the United States comes from the Nation of Mexico.

Mr. President, as we all know, on February 28, the Clinton administration certified that Mexico cooperated fully with United States efforts to combat international narcotics trafficking during 1996. However, on February 27, 1 day before the President issued the certification, the day before the administration received a bipartisan letter from 39 Senators, myself included, urging our Government to deny certification to Mexico, the facts unequivocally show that Mexico has not fully cooperated with the United States.

Seventy percent of the illicit drugs that enter the United States still enter through Mexico. There has been no change in those figures or on that front.

The DEA says that Mexican drug traffickers are manufacturing massive and unprecedented quantities of high purity meth and supplying it to distribution networks here in the United States which are destroying our youth and creating a new front in the drug war.

Not 1 Mexican national out of the 100 or more the United States wants currently for trial here in the United States on serious drug charges has been extradited to the United States, despite the numerous requests that our Government has issued to the Mexican Government.

Our own DEA Administrator, Thomas Constantine, has recently said:

> There has been little or no effective action taken against the major Mexican-based cartels. . . . The Mexicans are now the single most powerful trafficking group—worse [even] than the Colombian cartels.

Mexico's counternarcotics effort is plagued by corruption in the Government and in the national police. Among the evidence are that eight Mexican prosecutors and law enforcement officials have been murdered in Tijuana in recent months. The revelation that Gen. Jesus Gutierrez Rebollo, Mexico's top counternarcotics official and a 42-year veteran of the armed forces, had accepted bribes from the cartels casts grave doubts upon Mexico's ability to curb corruption at the highest levels of its own Government.

While there have been increases in the amount of heroin and marijuana seized by Mexican authorities, cocaine seizures remain low. The 1996 levels are half those seized in 1993. And the same holds true on drug-related arrests; they are half the figure of the 1992 level.

Lastly, on the eve of full certification to Mexico, the Mexican police released a notorious money launderer linked to a major drug dealer, and the United States was informed of this fact only after certification was announced.

The Mexican police officers who released the individual are now under investigation as a result of this early release.

In the face of these substantive facts, President Clinton still certified that Mexico was fully cooperating with our antidrug efforts. As a father of three, I cannot in good faith be witness to the corruption of the well-being of America's children.

Mr. President, the resolutions before us are simple. Mexico has failed with regard to antidrug cooperation; however, the President has certified giving them a passing grade.

I say to Members of the Senate, both of these resolutions contain a waiver provision that would permit the President to continue both bilateral assistance and multinational development assistance for Mexico. By adopting these resolutions we are declaring that Mexico has not fully cooperated and therefore should not receive the United States certification.

Mr. President, based on the facts, including the national interest waiver, we must send a message to the Nation of Mexico that the administration made the wrong decision and that these resolutions will set that record straight while preserving stability in our relationship with Mexico.

So, Mr. President, I urge the adoption of both House Joint Resolution 58 and S.J. Res. 21 for the good of the Nation and for the good of our children.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Will the Senator yield?

Mr. DORGAN. I would be happy to.

Mr. DEWINE. Mr. President, I ask unanimous consent that after my colleague is done speaking that I have 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I thank the Senator very much.

THE ROAD AHEAD IN TELECOMMUNICATIONS

Mr. DORGAN. Mr. President, I rise today to offer some reflections to express some concerns about the direction of the implementation of the Telecommunications Act of 1996.

It has been over a year since this landmark legislation was enacted. To my dismay, and I think to the dismay of some others, some of the concerns that I and others expressed a year ago are now concerns that are more real than when we expressed them.

As the dust begins to settle after the major titans in the telecommunications industry battled for advantage under this act, the consumers, unfortunately, appear perhaps to be the losers. I hope that will not be the case in the long run, but I am concerned it shapes up to be the case now unless the course is altered.

Some of this is directly related to the deregulation of the cable television and the media ownership rules under the act. Cable rates, for example, have risen almost three times faster than the rate of inflation, according to the Bureau of Labor Statistics. Consumers are also now getting hit by some preemptive rate increases on local telephone rates.

Finally, the concerns about the direction being taken by the Federal Communications Commission raise the prospect of future increases in telephone rates if the FCC in its universal service proceeding does not implement the Telecommunications Act as we wrote it a year ago.

When the Senate, Mr. President, passed its version of the Telecommunications Act in June 1996, I voted against it for a couple of reasons. First, I feared that the Senate measure would do more to promote concentration in media and telecommunications markets than it would to break up monopolies and to instill competitive markets. Second, in my judgment, the bill put the cart before the horse by deregulating monopoly carriers before the presence of competition.

Despite the fact that it was sold widely on the floor of the Senate as a bill to promote competition in the telecommunications industry, I believed that it would do more to foster and facilitate concentration in the telecommunications industry, producing exactly the opposite of what competition would deliver to consumers.

The Senate version deregulated broadcast ownership rules, and it would have prohibited the Justice Department from evaluating the competitive consequences of the entry into long-distance services by the Bell companies. The conference report then came back and made some improvements in these areas, and I voted for the conference report on final passage with some reservations.

But I remained concerned enough about the issue of media concentration as a result of this act that I introduced legislation to repeal the changes made in the new law on the very same day that the conference report was approved.

I also cited some concerns about increases in rates in the telecommunications services, especially cable services, as a potential problem that Congress is going to have to be concerned about and have to deal with.

Under the Telecommunications Act, the rate regulations of some cable companies were immediately deregulated before the emergence of competition. As a consequence, I am told that some 20 percent of all cable subscribers were left to the mercy of whatever a monopoly might want to do with them upon the date of that enactment.

Now that the new law has been enacted for over a year, let us look at what has happened and see what it means and what might lie ahead. Looking back, at least it seems to me the road ahead may be troublesome.

Let me first talk about local phone rates.

While the local competition rules are currently in abeyance, stayed by a Federal circuit court because of a lawsuit filed by local exchange telephone carriers and by the States, many of the Telecommunications Act's most important provisions have yet to be implemented. But before local competition emerges in any significant way, some local phone companies are already jumping the gun and saying that they want to raise local rates. Last April, most local phone companies filed comments at the FCC indicating that to them deregulation of the local price caps would allow something they called rebalancing of local telephone rates.

Now, the FCC did not follow their recommendations, but several local phone companies have taken their rebalancing efforts to the States, seeking permission to increase local residential telephone rates.

A number of regional Bell operating companies, for instance, are seeking legislation before State legislative assemblies to repeal price cap regulations, which most say will lead to an increase in local phone rates on residential customers. That was not what was contemplated by the Telecommunications Act.

This deregulation they now seek is unnecessary. They say that they want to be deregulated to balance rates with cost. They say that is a necessity for a competitive environment. "Rebalancing" means doubling residential phone rates over the next 4 years for some local phone service customers in my State of North Dakota. North Dakotans are being told that local phone rate increases are necessary "in order to implement the Federal law in a competitively fair manner," in the words of the company seeking deregulation.

I was a hesitant supporter of the final version of the Telecommunications Act that came out of the conference. I did not vote for that legislation nor do I think did my colleagues vote for that legislation to allow an increase in residential telephone rates in this country. Any suggestion by an incumbent local telephone monopoly that the Federal law requires or even contemplates deregulation of local phone rates before there is any real competition for local phone service is, in my judgment, a gross misrepresentation of both the letter of the law as well as the intent of Congress. I simply do not understand the rationale that local rates must go up because of competition when, in fact, most consumers have not seen the benefits of competition. Local competition, in my State and in most States, does not yet exist.

In the 1 year since the Telecommunications Act was enacted, there has been little change in the actual presence of local competition for telephone service. It seems that the prospect of future competition, not actual competition today, is driving up prices. That is not a derivative of this act, that is an aberration of this act. I do not believe there is one person who would have stood up on the floor of this Senate and said, "We want to pass a Telecommunications Act because we want local phone service charges to go up." This makes no sense and has no justification in law or in the act that we passed.

In fact, the conference committee specifically rejected language that would have mandated that we deregulate price caps under the Telecommunications Act. Instead, the Federal legislation correctly focused on promoting competition and establishing adequate universal service support systems that would prevent the necessity of any dramatic local phone rate increases.

When the Telecommunications Act was being developed, a number of us from rural States who sat on the Senate Commerce Committee created something called the "Farm Team." We went to great lengths to strengthen the bill's universal service provisions. Beginning with the Hollings-Danforth legislation of the 103d Congress, which was S. 1822, and through the entire legislative process in the 104th Congress, a number of us labored very, very hard to structure the legislation to make sure that consumers would not experience significant rate increases for telephone rates. Under the act, Congress mandated that universal service support mechanisms be sufficient and that rates be affordable.

To the extent that competition, actual competition, imposes changes in the traditional revenue streams that have historically been available under regulated environments for local phone companies, this act provides that universal service support mechanisms must be in place to ensure that rates remain affordable.

The Telecommunications Act once again does not sanction dramatic rate increases. There is no relationship between this Federal law that was passed last year and legislation before my home State legislature and others that seek to deregulate local monopoly phone service before there is any real price competition. It seems to me if there are circumstances in which local phone monopolies are being pinched on revenues, the debate should be about how to address that problem through the universal service support mechanisms, not through rate increases on captive customers.

I happen to think that the Bell system that serves our State of North Dakota, U S West, is an excellent company. They do a good job. They are a good strong company. I understand that their mission is to their stockholders. But where there is not effective competition, where a local provider has monopoly service, then there must be good and effective regulation by Government regulators and oversight by State authorities. That is what this issue is, not just to North Dakota, but to many other States, as well.

The Telecommunications Act anticipated a strong role for State legislatures and regulators, but the act does not anticipate that the States would exercise their authority in a manner that would leave consumers unprotected in the face of monopoly service. The objective of the Telecommunications Act is to foster competition and to encourage infrastructure investment. But as we know in rural States like North Dakota and others, competition can be a double-edged sword. In densely populated urban areas, competition can drive down consumer prices to create greater access to advanced telecommunications services. But in rural, less-populated areas, they may never see the benefits of competition, and we do not want to see monopolies extracting higher prices from captive consumers to subsidize services in markets where the carrier faces competition.

We do not want to see the same result in telecommunication services that we see in deregulation of the airlines, or for that matter, deregulation of railroads. We are served in my State with one jet service and one railroad, and in both cases we are paying higher rates than are justified. We pay higher rates in airline service following deregulation despite its promise of benefits for everyone. In our part of the country, we pay anywhere from 20 to 30 to 40 percent more for airline tickets because we do not have competition for jet service. In fact, I can get on a jet in Washington, DC, and fly twice as far and pay half of the cost. If I get on a jet here in Washington, DC, to fly to a city in North Dakota as opposed to flying all the way to the west coast, Los Angeles, I will pay twice as much to fly half as far. Why does it cost that much to fly to a State like North Dakota? Because there is no effective real competition. That is the experience we have had in deregulation of the airline industry.

The railroads, if you put a cargo of wheat on a railroad train in Bismarck and ship it to Minneapolis you pay $2,300 to ship the carload. Put the same carload of wheat on a hopper car in Minneapolis and ship it to Chicago, you do not pay $2,300, you pay $1,000. Why do we get more than double the price in North Dakota? Because between Minneapolis and Chicago there are several railroads competing to haul the wheat, and in North Dakota to Minneapolis there is one. We have long suffered as a result of deregulation, with less service and higher prices.

No one anticipated passing a Telecommunications Act in which the Congress, the regulatory authority, or States would decide that they will deregulate and provide new pricing authority from monopolies to provide local telephone service. Everyone in this room, everyone in this room who played a role in the Telecommunications Act, if this continues, will be required to respond to constituents who are going to ask them, why did you pass a piece of legislation that resulted in increasing local phone service telephone rates all across this country?

In North Dakota, the dominant local service carrier says that they need to rebalance, which means changing rates and means residential rate increases because they are not otherwise going to be able to invest in States in which they provide local phone services. But this company, like most others, has plenty of capital to invest in other things. This particular company purchased a cable company for about $11 billion—the largest cable acquisition in 1996. They also bought a couple of other cable companies for over $1 billion, and they will spend up to $300 million this year alone to upgrade those cable systems outside their local phone company region. That company in North Dakota, which is a dominant local service carrier, has 15 million access lines in its local phone region, and 250,000 of those are in North Dakota. But, it has more cable subscribers in their foreign and domestic systems than it has in local phone subscribers.

The point I am making is that there is nothing wrong with a dominant local phone service carrier having investments outside their region. There is nothing wrong with them asking for the authority to extract more revenue. But there is something wrong with deregulating prices for a monopoly providing telephone service in a region.

As I said, every Member of the Senate will have to answer to that if local telephone rates go up, and we are told that local phone rates have increased throughout most of this country because Congress passed a Telecommunications Act. Every Member of Congress will have to respond to that. The response today is for me to say that there is nothing in this act that would allow the implementation of this act in a manner now described by some of the monopoly carriers and now described by some of the State authorities. The

Telecommunication Act was not passed or was not enacted in order to provide 50 percent increases or double the price of local telephone service around this country.

Now, one other point about this. The Federal Communications Commission is in the process of developing final rules to implement a portion of the Telecommunications Act on universal service. Some of this is very dull and boring and hard to understand. But it will play a very important role in determining how much you pay for local telephone service. If the FCC makes the wrong decision—and I am concerned that they are about to do that—they will guarantee that the universal service fund doesn't work to protect consumers and phone rate users in rural areas.

I come from a county with 3,000 people. My hometown is 300 people. The county seat is 1,200 people. I saw a cost model that described what it would cost to build an infrastructure to serve Fargo, ND, with 80,000 to 100,000 people, versus Mott, ND, with 1,200 people. If you are to build an infrastructure to service phones in Mott, a small town, versus Fargo, a fairly large town, the estimate was $210 per phone for the infrastructure to provide phone service in Mott, ND, and $19 per phone to provide service to Fargo, ND. Why don't we price telephone service that way and say to the folks living in small rural areas, "We're sorry, but it cost more to get the phone service out to you, so your bill is $210 a month"? Why don't we do that? It is because we decide that phone service should be universal. It doesn't matter where you live; the presence of one phone advantages any other phone. The fact that someone in Mott, ND, has a phone makes every phone in New York City more valuable because they can call that phone. That is the notion of universal service.

All of that has been funded and developed by the present universal service system. In some areas, they provide some additional resources to support other areas. The result is that the price affordable and reasonably low phone service is maintained across the country. The FCC is now in the middle of a decision about how to restructure that universal service, as required under the act. If they make the wrong decision—and they are inching in that way, regrettably—they will decide, in my judgment, to erode the foundation of universal service.

Last week, for example, the Chairman of the Federal Communications Commission announced that the Commission is considering excluding intrastate revenue streams from the Federal universal service support mechanisms. That means only interstate revenue streams will be available for those support mechanisms. That, in my judgment, doesn't comport at all with the act that we passed.

It is imperative that the FCC, as well as local authorities, comply with not only the letter but the spirit of the Telecommunications Act that was passed by Congress. The Telecommunications Act is clear on this issue, and Congress never intended for each State to be on its own to ensure that services in rural or high-cost areas must be "reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas." That is what Congress affirmatively desired. We never intended for each State to be left to its own devices to ensure national universal service. We want this to be a universal telephone system that is universally affordable.

I hope the FCC will reject this distinction that has been referenced now by the Chairman of the Commission. To do otherwise, in my judgment, will contradict the intent and the letter of the law in the Telecommunications Act. But the FCC still has ample opportunity to address this concern, and others, under the time frame provided by this act. I was among the group of 25 Senators who sent a letter to the Chairman of the FCC last week highlighting some of the concerns we have about the FCC's deliberations. We have, between now and May of this year, to work with the FCC to develop a Federal-State universal service support system that will ensure affordable telephone rates all around this country. In the absence of accomplishing that goal, we will see a number of monopolies, increased telephone rates, and blame it on the telecommunications bill. Why will it happen? It will happen because the act and the legislation was not implemented the way Congress intended it to be implemented.

One additional point I want to raise is the issue of media concentration. I offered an amendment on the floor on this issue, and I won my amendment, actually. At that point, the majority leader was the major opponent to the amendment. I won by four or five votes. It was 4 o'clock in the afternoon. At about 7 o'clock, there was reconsideration, and another vote was taken. Some people, having eaten a dinner that I am not privy to, decided they had better judgment after dinner than before. They came with arms in casts—having been broken in several places—and they changed their vote, and I lost. My victory was short-lived. My amendment was to strike what I thought was fundamentally unwise deregulation of the 12-station broadcast television rule and the limit on 25 percent of the national audience reach. The bill proposed that we unhitch and let whatever media concentration exists in broadcast properties and television is just fine. That is really what the act did, with no regulation in radio and little regulation on television ownership.

I thought that was, in my judgment, exactly the wrong way to move. I repeatedly said so and offered an amendment and won the amendment for a few hours, and I subsequently lost. But since the enactment of the 1996 Telecommunications Act and, along with it, the lifting of broadcast ownership limits in that act, media acquisitions hit a record $48 billion in consolidation buyouts. In the first year of the act, broadcast television deals increased over 121 percent from the previous year, totaling $10.5 billion. Radio consolidation increased a whopping 315 percent since passage of the act, leading to more than 1,000 deals worth a total of $14.9 billion.

The Telecommunications Act of 1996 increased the national audience reach for television broadcast ownership from 25 to 35 percent. Already, two of the major networks are between 25 and 35 percent. It also allowed unlimited numbers of television stations to rest under one ownership.

Mr. President, I ask unanimous consent that a couple of articles from Broadcasting & Cable magazine be printed in the RECORD. These articles will provide colleagues with a sense of how rapidly the broadcast industry has been consolidating.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Broadcasting & Cable, Feb. 3, 1997]

TRADING MARKET EXPLODES—1996 SPENDING TOPS $48 BILLION

(By Donna Petrozzello)

Spurred by the Telecommunications Act of 1996, consolidation swept the broadcasting industry last year, ushering in an unprecedented era of megagroups and multibillion-dollar deals.

In June, the $4.9 billion merger of Infinity Broadcasting Corp. into Westinghouse Electric Corp./CBS Radio Inc. riveted the attention of investors and advertisers to the radio industry. In July, News Corp./Fox Television Stations Inc.'s $3 billion purchase of the remaining 80% of New World Communications Group Inc. made News Corp. the nation's leading TV station owner.

Almost without exception, brokers and group owners across the country describe the year as their busiest—and most lucrative—ever. In 1996, $25.36 billion changed hands. That is an astonishing 204.8% increase over the $8.32 billion spent on TV and radio deals in 1995, according to figures compiled by Broadcasting & Cable (see chart at right). And 1996 is the fourth consecutive year of increased station trading since the slump of 1990–92.

Expectations also are high for this year. "Last year and 1997 will represent the two highest levels of station trading in the radio industry ever, and likely will never be surpassed," says broker William J. Steding, managing director, Star Media Group Inc., Dallas.

"Nineteen ninety-six was the best year in our history," says broker Fred Kalil, of Kalil & Co., Tucson, Ariz. "And we already have enough in the hopper for 1997 to beat 1996."

Radio was the champion in 1996, with the all-radio Westinghouse/Infinity merger topping the list of the year's biggest deals (see box, page 23). The Telecommunications Act did far more to deregulate radio than television, encouraging radio-station consolidation and leaving many changes in the TV rules in the hands of the FCC.

NEW LAW DRIVES THE DEALS

"The Telcom Act drove the deal business," says broker Gary Stevens, of Gary Stevens & Co., New Canaan, Conn. "I've never seen such a quantum leap in the industry, particularly in the radio industry, in so short a time. I think it exceeded everyone's expectations, and it went much faster than anyone could have imagined."

The act allows broadcasters to own as many radio stations as they want, nationally. Locally, the most generous cap still in place allows ownership of up to eight stations in a market with 45 or more other radio stations.

The amount spent on radio in 1996, $14.87 billion, topped 1995's radio total by a whopping 315.5%. Meanwhile, dollars spent on TV stations rose 121.3%. to $10.49 billion. The number of TV deals actually dropped, however, from 112 in 1995 to 99 last year.

"Ninety-six was not as big a year as everybody thought it would be [in TV]," says Steve Pruett, senior vice president, Communications Equity Associates, New York. Early in the year, in anticipation of deregulation, TV stations were drawing multiples of 14, 15 even 16, he says. However, "buyers drew a line [and] there just weren't a lot of sellers. . . . Clearly, [TV trading] was not the deal-a-minute thing that radio was."

PRICES RISE FOR RADIO DEALS

Indeed, "1996 was the most active trading year in the history of radio broadcasting, and there was a tremendous amount of consolidation," says Scott Ginsburg, chairman, Evergreen Media Corp., Dallas. More than 1,000 radio deals were made last year, compared with 737 in 1995.

Prices also ran high as radio stations became increasingly popular investments. The average deal price was $14.64 million last year, compared with $4.86 million in 1995. Multiples, which have risen steadily since the early 1990s, "went out the window" last year, says broker Brian Cobb, of Media Venture Partners, Fairfax, Va. "We've never seen anything like this, ever."

"Consolidation has given buyers the ability to pay great prices and still get good returns on their investments," says broker Glenn Serafin, president, Serafin Bros., Tampa, Fla. "Watching the largest radio companies trade stations in the 12, 14 or 16 times cashflow range" increased trading values even in the smallest markets, Serafin says, like "a rising tide lifts all ships."

But the news wasn't all good. In October, radio companies' stock plunged as much as 20% after the Justice Department limited the number of stations and the amount of radio revenue that American Radio Systems Corp. could control in Rochester, N.Y. The previously fast-paced year went out like a lamb. But by last month, radio stocks had largely returned to pre-October levels.

Justice's "inquiries and companies" digesting earlier acquisitions tapped the brakes a little on trading in the fourth quarter." Serafin says. "But that's temporary. Stocks are rising, capital remains plentiful [and] consolidation is working."

MID-MARKET GROUPS GROW

Midsize groups also gained clout with investors in 1997 and acquired the muscle to grow at unprecedented levels.

"The Telcom Act created a structural shift in the industry that for the first time allowed the creation of middle-market companies that are large enough to be of interest to public markets," Pruett says. "We are looking at a structural change that is permanent."

Nevertheless, some brokers expect smaller, privately held radio companies to survive and perhaps even thrive in 1997. Any private companies still in business are in for the long term, Stevens says: They are not likely to accept a buyout if they haven't already.

Other brokers envision a different scenario. Richard Foreman, president, Richard A. Foreman Associates, Stamford, Conn., anticipates a time when private groups may feel unable to compete with larger entities and eventually will sell.

"In radio, we are hearing the onset of privately held groups being in the minority," Foreman says. "Their plight is that eventually someone will make them a godfather offer they can't refuse."

Operating stations in a market with larger station groups has "made competition more intense. You've got better competitors, and we're finding that the surviving companies are much more savvy and they have more resources," says Jeff Smulyan, chairman, Emmis Broadcasting Corp., Indianapolis.

GROUPS BECOME MEGAGROUPS

The biggest deals of 1996 were marriages of publicly traded radio groups: "1996 was characterized by big-on-small mergers," or big companies buying small companies, Stevens says. "In 1997, we'll see combinations of the big companies with each other."

Although brokers and owners don't expect the frenzied levels of 1996 to last through 1997, they do expect trading to remain strong through year's end.

"The trading dollar volume will be high in 1997, but the number of deals will be lower," Stevens predicts. "There will be fewer—but bigger—deals."

"In terms of the number of [radio] stations, I don't think consolidation will keep up at the same pace," says Robert F.X. Sillerman, executive chairman, SFX Broadcasting Inc., New York. But, he says, "there will be intriguing transactions taking place."

"There's still an awful lot of acquisitions to be done," especially in markets 20–100, says broker Dean Meiszer, president, Crisler Co., Cincinnati. Swaps will continue as buyers whittle down their large deals. "Companies trading [stations with similar] cash flow . . . improve their positions in markets where they want to be," he says.

The year's "hot" properties will be "strong cash-flow stations with a rock-solid niche in a format or [audience] demographic," says broker Michael Bergner, Bergner & Co., Boca Raton, Fla.

"In radio, the most sought-after situations in 1997 will be any market where there is a facility left 'unduopolized,' particularly in large and medium markets," Cobb says.

Ginsburg expects trading to pick up as the year unfolds. He describes 1996 as the first six innings of a baseball game and the first 60 days of 1997 as "the seventh-inning stretch." Now "we're ready to play the rest of the ball game," Ginsburg says. "I think it will last through 1996, but then it will be pretty much done."

"UNPRECEDENTED" TV MULTIPLES

In television, many brokers expect duopoly rules and technology and must-carry issues that have limited the industry's growth to be resolved in coming months, spurring a period of heightened trading.

While television trading stepped up in markets of all sizes last year, "medium and small markets were particularly active," Cobb says. Within the past two years, the number of TV station owners has declined by 20%, he adds. Multiples ranging from 10.5 to 15 "are the highest multiples we've seen. It's just unprecedented.

Pruett predicts "a few more strategic moves in 1997" similar to last year's $1.13 billion purchase of Renaissance Communications Corp. by Tribune Co., and the $1.2 billion merger of River City Broadcasting and Sinclair.

Stevens anticipates a higher pace of TV trading in 1997. "Television is on the cusp of further deregulation, and there will be more duopoly buys in television that will send TV down the same road as radio," he says.

Most brokers agree that 1997 will be another seller's year: "More money than ever is looking for stock values and since the beginning of 1997, radio stocks have rebounded anywhere from 20 percent to 35 percent," Steding says.

"Barring economic catastrophe, 1997 will be just as good a year as 1996," says broker Ted Hepburn, Palm Beach, Fla. "This will even extend into the next century," he says. "Consolidation just can't happen overnight."

[From Broadcasting & Cable, Jan. 27, 1997]

CONSOLIDATION YEA OR NAY

(By Chris McConnell)

WASHINGTON.—More TV consolidation may be around the corner, some broadcasters say. Others contend it has already happened.

TV broadcasters gathering in Naples, Fla., this week for the National Association of Broadcasters joint board of directors meeting will consider supporting further relaxation of the FCC's TV ownership restrictions. Some broadcasters—particularly those heading smaller groups—fear that such deregulation could open the door to placing more channels in the hands of fewer owners.

Those worries are echoed by advertisers, watchdog groups and even the Clinton administration. They fear that the buying trend—totaling more than $10 billion in TV transactions in 1996 compared with $4.7 billion in 1995—is leading toward an era of Charles Foster Kane—type media moguls.

"Monopoly power, pricing power, is not a good thing no matter what the medium is," says John Kamp, senior vice president of the American Association of Advertising Agencies.

"It's a way for the good old boys to keep everybody out," adds Andrew Schwartzman, president of the Media Access Project.

But others say that much of the feared consolidation already exists. They cite the widespread use of local marketing agreements (LMAs), which allow broadcasters to manage stations without counting them as "owned" facilities. Some 49 of the deals now exist in 45 markets.

"People have been slipping around the rule anyway," says Philip Jones. Meredith Corp. Broadcast Group president Jones—who opposes LMAs and further consolidation—also says relaxing restrictions on owing more than one TV station in a market would merely make people striking the LMA deals "feel less guilty."

"The major (deals) are probably already done," adds William Sullivan, manager of the Cordillera Communications station group.

Those LMA deals will eventually be subject to local ownership restrictions, under the proposal issued by commissioners last November. The proposal would treat new LMAs as owned stations and would grandfather existing agreements until they expire.

The move to attribute LMAs follows a series of actions in Washington to relax the ownership rules. In response to the 1996 Telecommunications Act, the FCC last year eliminated the 12-station cap on TV ownership and raised the national audience-reach limit from 25% to 35%. In 1995 the commission also eliminated the financial interest and syndication (fin-syn) rule.

Such relaxations cleared the way for Disney to buy Capital Cities/ABC and for Westinghouse to buy CBS.

But while the FCC now is proposing to tighten its "attribution" rules, it also is asking comment on whether it should relax more ownership rules to allow common ownership of two UHF stations or a UHF/VHF combination within a market.

Policymakers have differed on the question. President Clinton last fall said that he does not think that allowing common ownership of two TV stations in a market is a good idea.

"Outside of group owners, no one thinks [further concentration] is a good idea," adds Larry Irving, head of the National Telecommunications and Information Administration, "Syndicators and advertisers are scared to say anything."

FCC commissioners, however, do not rule out the notion of some ownership relaxation. FCC Commissioner James Quello says he could see a UHF/UHF or even a UHF/VHF combination in areas where the combination would not give the owner too much control over the local advertising market.

And FCC Chairman Reed Hundt last month asked whether allowing common ownership of two stations might increase diversity of viewpoint and programing in some markets.

That was the argument favored by broadcasters at this month's NATPE convention in New Orleans. Discussing the remaining restrictions, executives on one panel pitched the notion that more consolidation might mean more diversity. Clear Channel Television's Rip Riordan pointed to the use of LMAs to revive stations that otherwise would not be broadcasting.

LIN TV President James Babb, in favoring more relaxation, points to competition with cable and DBS, "We need to be active in proposing that," Babb says.

Others disagree. Hubbard Television Group President Robert Hubbard says important distinctions remain between LMAs and outright ownership. And he predicts that further relaxation of local ownership rules will spur more consolidation.

"We feel very strongly that it's not good for the industry and it's not good for consumers," says Hubbard.

"It removes from the market precisely those stations that have historically provided entry to new and different voices—minorities and women," adds Media Access Project's Schwartzman.

One issue threatening to affect the ownership status of several stations is the must-carry law pending before Supreme Court justices. Defenders of the law requiring cable carriage of local broadcast signals had a rough outing before the court last October, and several expect the court to throw out the law.

Broadcasters say that could threaten the viability of many UHF stations. "It makes the weak weaker," says Meredith's Jones.

"It could be a major negative impact," adds LIN's Babb, who predicts that a struck-down must-carry law combined with relaxed restrictions could accelerate TV consolidation.

Mr. DORGAN. This consolidation is a direct result of a green light provided under the deregulation in broadcast ownership limits in the Telecommunications Act. We have to ask ourselves if this is the result that Congress intended and, if it is, I ask all of those who stood on the floor of the Senate and said this act is going to provide much more competition: How do you square that with the notion that you have many fewer competitors? Competition means many competitors competing in a market system. Concentration is exactly the opposite of competition.

At present levels, I think every one of my colleagues ought to be alarmed. If this consolidation continues, we will soon be facing the question of how we deal with the prospect of a small handful of media moguls controlling the majority of all media sources in this country. At what point is the issue of localism and diversity so seriously compromised that the Congress finally wakes up to pay attention to this situation?

Where is responsibility in these areas? Well, I think the time for that is now. In addition to the deregulation allowed under this act with respect to broadcast ownership, the FCC is considering further ownership rule changes that could further increase concentration. In one proceeding, the FCC is considering changes to its so-called attribution rules that will allow for a more liberal use of local marketing agreements, which they call LMA's. That will allow broadcasters to manage stations without counting them under their ownership column. Currently, there are 49 LMA's in 45 markets, and if the FCC liberalizes those attribution rules, LMA's could become even more widespread. In the strictest sense, station ownership is limited to a nationwide reach of 35 percent. But these so-called LMA's permit far greater influence in many more stations beyond the 35 percent audience reach limit. Liberalizing the attribution rules will further encourage consolidation under this loophole.

In addition, the FCC is also considering changes to the newspaper and broadcast cross-ownership restriction and is seeking comments on what kind of objective criteria should the FCC consider when evaluating waivers to the newspaper/radio combinations.

The prospect of further consolidation in the media industry, I think, should be of serious concern. This wasn't what was contemplated by the Telecommunications Act, although I feared that was going to be result of it. There has been this orgy of concentration in the industry, and that is exactly the antithesis of competition.

It is interesting that on this floor we talk about what we are seeing, especially from the broadcast industry, from television, and from the airwaves, pollution that comes into our living room and hurts our children with excessive violence and course language. Where is the accountability? Where is all that produced? It is produced, apparently, on the coast to be broadcast into our living rooms, and some are fighting—myself included—to see if we can't see more responsibility in what is broadcast during times when children are watching. But you find more and more concentration in this industry, and what you will have is less and less accountability. More concentration is not moving toward more accountability; it is moving towards less accountability. And that concerns me as well.

Mr. President, I wanted to describe some of my concerns today largely because many believe—and I felt it worthy to support something that would encourage competition in an industry that was changing dramatically. The telecommunications industry is making breathtaking changes in our lives, and it can be changes for the good. But also it can be destructive, and changes that are unhelpful to the market system.

I am concerned about local phone companies demanding deregulation of rates before there is effective competition. That would mean higher telephone rates across the country. I am concerned about the FCC and the decision it is going to make on universal service funds which will determine how much someone in one of our local rural counties pays for telephone service. I am concerned about concentration in the telecommunications industry, because I believe that determines what kind of an industry we have and at what price it is made available to the consumers as well. I hope as we have oversight hearings in the Commerce Committee that we will begin to address these issues.

If the Telecommunications Act of 1996 is not implemented as intended, if its implementation is a perversion of the intent of that act, if it moves toward less competition rather than more competition, if it moves toward greater monopoly rather than toward more competition, if it moves toward higher prices for cable television, for telephone service, and for other services in that industry, then I think Congress ought to revisit this issue, because that is not what was intended.

Mr. President, let me finish with one note. I have from time to time held up a little vacuum tube to describe what this revolution is all about, and with it a little computer chip that is half the size of my little fingernail. We are all familiar with the vacuum tube, which is old technology, and the little computer chip. The computer chip is the equivalent of five million vacuum tubes. That is what we have done in this country in terms of technology.

The head of one of our major computer firms, in a report to stockholders, was talking about storage density technology. He said, "We are near a point where I can believe that we will have in the future the capability of putting on a small wafer all 14 million volumes of work which exist at the Library of Congress," which is the largest repository of recorded human knowledge anywhere on Earth. The largest deposit of recorded human knowledge anywhere on Earth is at the Library of Congress. Fourteen million volumes we will put on a wafer the size of a penny. Think of what that means—the capability of and the development and distribution of information and knowledge. It is breathtaking what is happening. But it must happen the right way to be accessible to all Americans and at an affordable price. If it doesn't, if the on ramp and off ramp doesn't exist in the smallest towns of Alaska, or the smallest towns of North Dakota, or Nebraska, then we will not have built an information superhighway that works for all Americans.

That is why the implementation of this act is so critical to the American people. And it is why I am so concerned about what I think is happening in three areas that will represent a contradiction of what Congress intended with the passage of this act.

So, Mr. President, I hope that the Commerce Committee will have oversight hearings and that we will continue to address these special and important issues.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 10 minutes.

Mr. DEWINE. I thank the Chair.

FLOOD-RAVAGED SOUTHERN OHIO

Mr. DeWINE. Mr. President, I just returned from spending 3 days in flood-ravaged southern Ohio. I had the opportunity to visit with some of the victims in Clermont County, Adams County, Brown County, Scioto County, Jackson County, Lawrence, Gallia, and Meigs counties. When you see the damage up close, it is even more terrifying than it is when you see it on the nightly news, or see it on CNN.

As I visited with the victims, I saw something that was very heartening. I saw something that simply makes you feel good. It certainly made me feel good. That was the number of people who were pulling together in a spirit of community, reaching out to each other to reassure each other, to help each other, to be with their friends, to be with their neighbors. I can't tell you how many different times I saw people who were volunteering to help someone else.

I walked into one home and talked to a woman. I said, "How did your home get cleaned up?" She was an elderly lady. She said, "I had 30 people come in here, 30 of my friends. They came in. They cleaned it up." They cleaned it up in a very short period of time.

This weekend I visited Jackson, OH, in Jackson County. We were walking down a street that had been very heavily damaged. The homes had been heavily damaged by flood water. We came across what looked like 30, 40, or 45 Boy Scouts in Boy Scout uniforms. I asked the leader what they were doing. He said, "Well, we were supposed to be camping out this weekend." These were scouts from four, five, or six different counties. "But we decided to come in here to Jackson." And they literally just started volunteering to clean up people's homes.

So I watched these Boy Scouts for a while as they went about their business moving the debris from that street, going into people's homes and helping them scrub down their floors and get the mud out. It was absolutely an unbelievable thing to see.

That same day I saw the same spirit in New Boston. The Jaycee group was in New Boston. Again, as I was walking down the street and talking to some of the victims of the flood, I saw a bunch of Jaycees. They were out doing the same thing. They were drawn from all over the State of Ohio. They just volunteered to come in that day and were doing that type of cleanup work.

On Sunday morning, yesterday morning, I participated in a church service in the village of Vinton, OH, a small village in Gallia County. Just about every family in that church had experienced some devastation from the flood. Yet, I heard words of hope from the pulpit. I heard words of hope from the members of the congregation.

Frankly, Mr. President, I was reminded of what I saw in Xenia, OH, in 1974 when Xenia went through that tornado. Then, several days later, people still went to Sunday church services. There were people who said, "Why in the world do they do that?" Again, it was, I think, a reaffirmation of faith, people's devotion to each other, devotion to God, and really a showing of spirit of coming together.

The Ohio National Guard has done a fantastic job. The Watercraft Division of the Ohio Department of Natural Resources literally came in and saved life after life—rescued people from the top of homes. The Ohio Department of Transportation is doing a phenomenal job, the Red Cross. I could go on and on. An absolutely tremendous amount of work is being done in the communities to really make a difference in the communities.

My wife, Fran, had the opportunity to work in Ohio several days last week. She worked with the Salvation Army. She worked with the Red Cross and is working with one group of Southern Baptists who are all geared up whenever there is a disaster. They come from all over the State of Ohio and from other States into an area and cook and prepare food for people. They really made a difference. She was very inspired by what she saw them doing. And as she has told me about it, I have certainly been inspired as well.

So these are just a few examples of what we are seeing in the State of Ohio. We are seeing people who are out there making a difference, people who are working with their neighbors, and people are just hanging in there.

I happened to talk to one man in New Boston. His home was flooded in a very quick flash flood. He literally had to knock a hole in the ceiling. As the water was rising inside his house, he had to knock a hole in the ceiling and put his four little children up into the attic. He and his wife then crawled up into the attic. He knocked a hole in the roof, and they were rescued from the top of their house. Yet, when I came across this man, the mayor of New Boston told me that he had been one of the chief volunteers over the last few days. This man who had lost virtually everything in his home, who went through that unbelievable experience, was out leading the cleanup, volunteering for other people. So that is the type of thing we see.

Let me also compliment the FEMA personnel who are on the scene. These are good folks who are out doing their job every day and who are really making a difference.

So the report from Ohio, Mr. President, is that there is a tremendous amount of damage. We think it is $150 million, maybe $200 million. We really will not know until the entire flood has receded and we see what damage has been done. But the good news is people are fighting back. Human spirit is strong and people are helping each other. Again, I think that is the good news that I have to report for the last 3 days I spent in the State of Ohio.

Mr. President, I will at this point yield the floor and yield back my time.

The PRESIDING OFFICER. It is the Presiding Officer's understanding that the Senator from Nebraska, as designee for the Senator from Wyoming, is allowed to speak for up to 30 minutes.

Mr. HAGEL. I thank the Chair.

THE NEED FOR LEADERSHIP ON THE BUDGET

Mr. HAGEL. Mr. President, I ran for the Senate because I wanted to help strengthen America's future. I, like my colleagues here, want to help solve problems. America is reaching out for leadership to put our fiscal house in order.

When we debate the budget, we are debating America's future, the future we leave for our children and our grandchildren—the opportunities they will have, the burdens in debt they will inherit, the America they will know.

Balancing the budget must be our top priority, not because we have some abstract fascination with accounting but because the future of every man, woman, and child hangs in the balance. The future of our very liberty is at stake.

That is why I strongly supported the proposed balanced budget amendment to the Constitution, an amendment that would have forced Congress to make the hard choices and set priorities, priorities that we have for too long avoided. Despite the support of all my Republican and 11 of my Democratic colleagues, the Senate last week defeated the balanced budget amendment. We lost by one vote.

President Kennedy told us three decades ago that real leaders "are not here to curse the darkness but to light a candle." Without the balanced budget amendment, we are still looking for a candle to guide us to a balanced budget. Now more than ever we need leadership for America's future.

However, when I read the President's budget, I do not like the future I see. This budget offers a future that continues to pile up more and more and more debt. The President's proposal keeps running deficits for as far as the eye can see. Next year, the President's budget actually increases the deficit by more than $25 billion. That is not acceptable.

Three weeks ago, I, along with 23 of my colleagues, sent a letter to the majority leader. As we told the leader, "A path to a balanced budget should be just that—a path on which the deficit decreases every year in as near equal amounts as possible until the year 2002," the year of a balanced budget.

The President has chosen another path. At the end of his path, there is still a pool of red ink. The Congressional Budget Office says the budget that the President has submitted is still $70 billion in the red in the year 2002. That is $70 billion, Mr. President, in the red in the year 2002. That is a far cry from responsible, balanced fiscal policy. That is a far cry from the balanced budget the President promised us. And it gets worse.

The President's budget offers a future where we put off tough choices until "tomorrow." We all know that in the world of the Federal budget "tomorrow" never comes. Our $5.3 trillion debt is proof enough of that fact. We have to act today if we are to balance the budget and save programs like Social Security and Medicare for years to come.

We need to act today if we are to save programs that protect education and the environment. We need to act today if we want to maintain a strong national defense that will preserve our children's freedom as it has preserved ours. We need to act today if we care about tomorrow.

The President's budget does not act today. The truth is it does not act at all; it is a fraud, and the people need to know it is a fraud. Mr. President, 98.5 percent of the deficit reduction in the President's budget comes in the last 2 years of his 7-year plan—98.5 percent. Those are not my figures. Those numbers come from the nonpartisan Congressional Budget Office. Does anybody here remember the President's first State of the Union Address when he promised to rely on CBO's figures? Well, the CBO has spoken. It says the President's numbers just do not add up.

The President's plan is very clear. He plans to put off the tough and painful choices until he is out of office and somebody else will have to make them. That is not leadership. That is business as usual. That is disaster.

But even that is not all. The President's budget offers a future where taxes go up and families must work harder to have less. The President may put off real deficit reduction until later, but he does not procrastinate when it comes to raising taxes, for example. Despite the President's claim that he will cut taxes, the Joint Committee on Taxation reports that the budget the President has submitted will result in a net increase in taxes of $23 billion over the next 10 years. There is no tax cut. This budget includes at least 39 specific tax increases, and they are permanent. By contrast, those tax cuts that the President proposes expire by the year 2002. The bottom line is simple: The President's tax cuts are temporary and conditional, but his new tax increases are permanent. That is fraudulent. That is wrong.

Last week, 13 of my colleagues joined me in a second letter to the majority leader. We made it very clear to the leader that we will not vote for any budget plan that increases taxes. Any solution to our budget problems that relies on tax increases is really no solution at all; it is just more debt.

Federal Reserve Chairman Alan Greenspan testified recently before the Senate Banking Committee that "Ultimately, you cannot solve long-term deficits from the receipt side." He added, "It's got to be from the expenditure side." That means cut spending.

That is why we are here. I came to Washington, as did many of my colleagues, to cut spending, cut taxes and cut Government. We came to take power and authority away from the Federal Government and return it to the States and to the people. We did not come to destroy. We came to renew, to renew the American dream for future generations of Americans, to renew the freedom that made this Nation great and kept it strong.

The President's budget does none of this. It increases spending. It increases taxes. It increases the power of the Federal Government.

This body must be about the work of the future, not the past. It is immoral for us to mortgage our children's and grandchildren's future. The truth is the future begins now. It is in our hands. It is time for us to lead. We must balance the budget with a real balanced budget.

Mr. President, I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Vermont and I were going to speak. I know he has a time limitation, so I yield to him.

NGAWANG CHOEPHEL

Mr. JEFFORDS. I thank my colleague. I will be very brief. I understand Senate Resolution 19, concerning the imprisonment of Tibetan ethnomusicologist Ngawang Choephel may be coming to the floor later in the day, and I want to speak in favor of it. It will be most useful if we pass this legislation, and I will be most pleased to vote for the passage of this legislation.

This case has a special resonance in Vermont because Mr. Choephel was a Fulbright scholar at Middlebury College from 1993 to 1995, and has hundreds of friends throughout the State. He is well known as a talented and compassionate individual, who cares deeply about the culture of the Tibetan people.

Indeed, it was while he was researching and recording traditional folk song and dance in Tibet in the fall of 1995 that he was arrested by the Chinese authorities and held incommunicado. It was over a year before the Chinese Government acknowledged in letters to me and other Members of Congress that he was in custody.

The charges filed against him by the Chinese Government—that he was in Tibet to spy for the Dalai Lama, shocked and outraged those of us who know Ngawang well. His subsequent conviction at a secret trial and an incredible 18-year sentence are an injustice and have been widely and justifiably condemned by society in general.

I hope this resolution will help to convince Beijing to reconsider its actions in this case, and to release Ngawang immediately and unconditionally. The Chinese Government needs to understand that its handling of this and other human rights cases, and its continued repression of the minority rights in Tibet, are serious setbacks to the Chinese-American relationship and make it difficult to pursue cooperation in other areas.

I yield to my good colleague and friend from Vermont.

Mr. LEAHY. Mr. President, I thank my friend and colleague from Vermont. I thank him for his strong support on the issue of Ngawang Choephel. He and I have heard from so many Vermonters who met Ngawang Choephel at his time in Middlebury and feel as we do.

I also thank Senator MOYNIHAN for his support of this former Middlebury College student and this Fulbright scholar, and also for his support of other prisoners of conscience in Tibet.

Senator MOYNIHAN has been a stalwart supporter of Tibet and its people for as long as I can remember. The fact he has sponsored this resolution gives added weight to it.

Like so many in Vermont, I was outraged when I heard of Mr. Choephel's 18-year prison sentence in December. This followed a secret trial and followed a year of incommunicado detention. The Chinese Government has not released a shred of evidence that Mr. Choephel committed any crime. In fact, I understand the entire 16 hours of videotape that he sent out of Tibet prior to his arrest contained only footage of traditional Tibetan music and dance. That is what he studied at Middlebury College and that is the reason he returned to Tibet.

The frustrating aspect of this is that China has done so much to destroy a lot of the tradition of Tibet, the history, the writings, the music, the dance. Mr. Choephel was simply preserving for future generations what is so important in this ancient, ancient culture. When the Chinese authorities finally acknowledged that Mr. Choephel had been arrested, and they did not do that until a year after he disappeared despite numerous inquiries on his behalf, the State Department called for his immediate release. Even after he was convicted, the Chinese Government refused to release any information to support the charge against him.

Many of us suspect that his arrest and sentence were intended to intimidate the Dalai Lama's supporters in the United States. The Dalai Lama's supporters have voiced their support for Mr. Choephel, but I am not aware of any relationship between Mr. Choephel and the Dalai Lama. If the Chinese authorities' purpose was to scare off these supporters, they are going to be disappointed. It is only going to embolden those like myself who support Tibet and its people.

I have written several letters to Chinese and United States officials, as has Senator JEFFORDS and Representative SANDERS and others. I was in Beijing in November, and I asked President Jiang Zemin personally about the case of Ngawang Choephel, and I raised the case of Ngawang Choephel with the other Chinese authorities with whom I met. Just last week I sent letters to President Jiang Zemin and Vice President GORE. The Vice President is due to travel to China in the near future. Those letters were signed by the Democratic leader, Senator DASCHLE, and by Senators FEINSTEIN, GLENN, KEMPTHORNE, and DORGAN, all of whom were on the November delegation to China.

Of course there have been all kinds of articles and editorials on Mr. Choephel's behalf in this country.

I said to the Chinese that here, at a time when we are celebrating the 50th anniversary of the Fulbright Scholarship Program, a Fulbright scholar from Vermont is arrested unjustly. It shows a lack of any sense of history on the part of the Chinese in this because, of course, the first Fulbright scholarships 50 years ago were used in China. Now, on the 50th anniversary of the Fulbright scholarship, the Chinese arrest a person who was simply recording an ancient culture.

So, our resolution calls for the release of Ngawang Choephel. It urges United States officials to raise his case in their meetings with China's officials, to support a resolution on human rights in Tibet and China at the U. N. Commission on Human Rights, to urge the Chinese Government to allow international human rights groups to monitor human rights in Tibet, and to support an exchange program for Tibetan students. It says, instead of bringing the curtain down on Tibet, open the doors to Tibet, open them to this wonderful, wonderful culture.

The resolution makes clear to the Chinese Government that the United States Senate considers improvements and respect for human rights in China and Tibet a priority. There would be no better way for the Chinese Government to demonstrate sincerity on human rights than to release Mr. Choephel.

This resolution and the support for Mr. Choephel that we all share are not intended to embarrass or unfairly single out China. We want relations between our two great countries to improve. But our purpose is to call attention to a terrible mistake that has been made in the hope that China's Government will review the case and set Mr. Choephel free. I intend to keep writing and speaking about Ngawang Choephel until that day comes. So I thank Senator MOYNIHAN for his leadership as well as the other dozens of Members of Congress, the hundreds of Vermonters, and Americans around the country who have signed letters in support of Ngawang Choephel.

The Chinese should look at the names on these resolutions. This is not a Democrat or Republican issue, not conservative or liberal issue. It goes across the political spectrum in this body. What it says is that we are as interested in human rights as anybody else. It also says, when you have an ancient culture like the Tibetans', an ancient religion, ancient music, ancient writings and speakings, they cannot be stamped out by anybody and they should not be stamped out by anybody. The Chinese should respect the culture of the Tibetans.

The Tibetans pose no threat to the People's Republic of China. But actions in trying to suppress, to eliminate, to destroy their religion, their culture, their music and their writings, that poses a threat to all, including those of us in the United States, the greatest democracy on Earth.

Mr. President, I ask unanimous consent a letter about Mr. Choephel to Vice President GORE signed by all Members of the Daschle delegation to China be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 11, 1997.

Hon. ALBERT GORE,
The White House,
Washington, DC.

DEAR MR. VICE PRESIDENT: We learned recently that you plan to visit China this spring. We were in Beijing in November, where we met with President Jiang Zemin. Among the issues Senator Leahy raised with the President was the case of a Tibetan named Ngawang Choephel, a former Fulbright scholar at Middlebury College in Vermont where he studied and taught ethnomusicology. When he returned to Tibet in 1995 to make a video about transitional music and dance, he was detained on charges of spying and held incommunicado for 15 months. Last month, after a secret trial, he was sentenced to 18 years in prison.

Mr. Choephel sent many hours of video footage to India before he was detained, which we understand deals only with traditional music and dance. Other than referring to an alleged "confession," the Chinese have never produced any evidence to support the charge that Mr. Choephel engaged in espionage on behalf of the United States or anyone else. The State Department has urged the Chinese to release him.

We believe the Chinese government has made a tragic mistake. Over forty Members of Congress have signed letters to President Jiang and the Chinese Ambassador calling for Mr. Choepel's release. We urge you to stress the administration's view that Mr. Choephel should be released, and to ask President Jiang to personally look into this case.

Sincerely yours,
PATRICK LEAHY,
THOMAS A. DASCHLE,
DIANNE FEINSTEIN,
JOHN GLENN,
BYRON L. DORGAN,
DIRK KEMPTHORNE.

Mr. LEAHY. Mr. President, I urge all Senators to support this resolution.

I do not see others on the floor seeking recognition. Could I ask the Chair what the parliamentary situation is?

The PRESIDING OFFICER. The Senate is in morning business with a limitation on speaking for 5 minutes except by unanimous consent. That time will expire at 3 p.m.

Mr. LEAHY. Mr. President, I see other Senators have come to the floor so I will yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. How many minutes do I have, Mr. President?

The PRESIDING OFFICER. Five minutes.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 415 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VETERANS SAY "RATIFY THE CHEMICAL WEAPONS CONVENTION"

Mr. JEFFORDS. Mr. President, I would like to say a few words today about the Chemical Weapons Convention [CWC], which has been submitted to the Senate for advice and consent.

Various aspects of this historic treaty are now being debated. However, I would maintain that one of the most important considerations for the Senate is how the CWC will affect our military forces in the field. Will it or will it not help reduce the threat of a poison gas attack against U.S. troops? As the Persian Gulf war demonstrated, this threat is real and must be addressed.

After reviewing the accord, I have concluded that the CWC will indeed help to protect U.S. fighting forces from chemical attack. But don't just take my word for it, consider the opinion of several respected veterans groups and military associations who have come out in favor of the CWC, including the Veterans of Foreign Wars, the Vietnam Veterans of America, the American Ex-Prisoners of War, AMVETS, the American G.I. Forum, the Korean War Veterans Association, the Jewish War Veterans of the U.S.A., and the National Association of Black Veterans.

VFW Commander in Chief James E. Nier, in calling for Senate ratification of the CWC, said: "This treaty will reduce world stockpiles of [chemical] weapons and will hopefully prevent our troops from being exposed to poison gases as we believe happened in the Gulf War."

The Vietnam Veterans of America lists ratification of the CWC among its top legislative priorities, noting that the treaty would be "a substantive step toward preventing chemical weapons exposure problems for veterans in the future similar to those experienced by Persian Gulf War veterans and the veterans of prior wars."

As a member of the Veterans' Affairs Committee, I can vouch for the fact that these groups are among the most unflinching supporters of American national security interests and would not support the CWC if they believed that it put America's fighting forces at greater risk.

Several of our Nation's best-known and most decorated veterans have spoken out in their own right in support of the CWC, including Gen. Colin Powell, Gen. Norman Schwarzkopf, and Adm. Elmo Zumwalt.

In a hearing before the Senate Veterans' Affairs Committee in January, General Schwarzkopf made no bones about his views on the matter. "We don't need chemical weapons to fight our future warfares," he told the committee, adding "By not ratifying the [CWC] we align ourselves with nations like Iran, Libya, and North Korea, and I'd just as soon not be associated with those thugs in this particular matter."

Admiral Zumwalt, in an editorial in the Washington Post, stated that those who oppose the CWC "do a grave disservice to America's men and women in uniform." "Militarily," he wrote, "this treaty will make us stronger."

Those who now lead our troops have also registered their unequivocal support for the treaty. Joint Chiefs of Staff Chairman General Shalikashvili testified last year that the CWC is "clearly in our national interest" and "would reduce the probability that U.S. forces would encounter poison gas in future conflicts." The influential Reserve Officers Association of the United States, representing over 100,000 active-duty, Reserve, and retired military officers, declared in a February 19 resolution that "ratification of the CWC will enable [the U.S.] to play a major role in the development and implementation of CWC policy, as well as providing strong moral leverage to help convince Russia of the desirability of ratifying the convention."

Mr. President, even the treaty's supporters admit that the CWC is an imperfect treaty. However, all international agreements, by their very nature, involve some compromises. This particular treaty has been signed by 161 countries and involves the most comprehensive verification regime of any international arms control accord to date. Moreover, 68 countries have already ratified the CWC, which means that the treaty will come into effect on April 29 whether or not the United States ratifies it. In view of this, the only issue at hand is whether the United States is better off within the treaty regime, working with others to reduce the threat, or on the outside, with a handful of rogue states like Libya and North Korea.

Almost 6 years ago, then-President Bush foreswore the use of chemical weapons under any circumstances and began efforts, supported by Congress, to destroy our existing stockpiles of chemical arms. That remains U.S. policy. Doesn't it make sense, as long as we're destroying our own chemical weapons, to do everything we can to make sure that others follow suit? The CWC is our most effective tool for accomplishing this task.

Those who oppose the treaty have come up with no better alternative than to have us sit on our hands. Negotiating another treaty is out of the question—there is no international interest in a new treaty and, even if there were, such a treaty would take years to negotiate. So why not embrace the strong treaty we have now and make the best use of it?

Failure to ratify this treaty will have serious negative consequences for the United States. We would cede our longstanding international leadership on multilateral arms control issues and lose influence over the way the CWC is implemented. And, ironically, the U.S. chemical industry, which strongly supports the treaty and which participated in the negotiations leading up to it, would be subject to trade restrictions that could cost it up to $600 million a year in sales.

However, the greatest consequence of failure to ratify the CWC would be that U.S. military forces would be placed at increased risk of poison gas attack.

In fiscal year 1997, the United States will spend over $800 million on chemical and biological weapons defenses. This is money well spent. Our troops must be prepared to deal with this horrible threat. However, it would be folly to spend these funds without doing something concrete to reduce the long-term threat posed by chemical weapons.

Mr. President, veterans groups and military associations have spoken with a clear voice. They want the scourge of chemical weapons eliminated and agree that the Chemical Weapons Convention advances this goal. Let's not ignore their pleas. Let's ratify the Chemical Weapons Convention as soon as possible so that we can get down to the business of rolling back chemical arms programs worldwide.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Resolution 39, which the clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 39) authorizing expenditures by the Committee on Governmental Affairs.

The Senate proceeded to consider the bill, which had been reported from the Committee on Rules and Administration, with an amendment to strike all after the resolving clause and insert the following:

That (a) Senate Resolution 54, agreed to February 13, 1997, is amended by adding at the end the following:

"AUTHORIZATION OF ADDITIONAL FUNDS

"Sec. 24. (a) In General.—A sum equal to not more than $4,350,000, for the period beginning on the date of adoption of this section and ending on December 31, 1997, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the Committee on Governmental Affairs under this resolution, of which amount not to exceed $375,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended). The expenditures by the Committee on Governmental Affairs authorized by this section supplement those authorized in section 13 and may be expended solely for the purpose stated in this section.

"(b) Purpose of Additional Funds.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) Referral To Select Committee on Ethics.—The Committee on Governmental Affairs shall refer any evidence of illegal activities involving any Member of the Senate revealed pursuant to the investigation authorized by subsection (b) to the Select Committee on Ethics.

"(d) Final Report.—The Committee on Governmental Affairs shall submit a final public report to the Senate no later than January 31, 1998, of the results of the investigation, study, and hearings conducted by the Committee pursuant to this section.".

(b) Section 16(b) of Senate Resolution 54, agreed to February 13, 1997, is amended by—

(1) striking "$1,339,109" and inserting "$1,789,109"; and

(2) striking "$200,000" and inserting "$300,000".

(c) The Committee on Rules and Administration shall continue to conduct hearings on campaign reform.

Mr. WARNER. Madam President, on Thursday of last week, the Rules Committee reported out an amendment to Senate Resolution 39, and it is my understanding that the present business is that pending amendment, which does amend, if decided by the Senate, rule 39.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Madam President, I thank the Chair. We will now proceed to discuss the amendment as passed by the Rules Committee on Thursday of last week, the 6th of March.

Madam President, the responsibility of the Rules Committee is to entertain, from all committees of the U.S. Senate, their requests for funding. We have, in Senate Resolution 54, which has been adopted by the Senate, the budgets for all of the committees of the Senate for their fiscal year, which runs from March 1 through February 28.

The Committee on Governmental Affairs, in Senate Resolution 39, submitted their request for funding. In the initial consideration of Senate Resolution 39 by the Rules Committee, the committee determined that they would grant a portion of the funding request, and that is reflected in Senate Resolution 54.

The Governmental Affairs Committee still had, under Senate Resolution 39, the balance of their request, which was considered on the 6th of March by the Rules Committee. After a full debate—and certainly in the judgment of the chairman, myself, and actively participated in by Senators on both sides, as we had nearly 100 percent attendance at the committee hearing on both sides—the committee voted to provide $4.35 million for the Committee on Governmental Affairs as a supplemental to the request as reported in Senate Resolution 54.

Now, how did we arrive at that figure? You can look at the request of the distinguished Senator from Ohio—indeed, a request that, by and large, was supported by most on that side of the aisle—that there be a definitive date for cutoff, and that date by the senior Senator from Ohio was December 31 of this calendar year, 1997.

If I took that and viewed it as a reduced period of time; namely, that the Governmental Affairs Committee could begin its work using the supplemental funds, March 15, from a practical standpoint, through December 31, 1997, it would appear to this Senator that we would have, by and large, given that committee the funding profile in dollars in proportion to the timing from which those funds may be expended.

The next question was the scope. I worked with other colleagues, primarily those on the Rules Committee, and I devised a formula, in consultation with the distinguished majority leader and others, whereby looking at the original Watergate resolution, we took from that the concept that we would allow the Governmental Affairs Committee to expend the supplemental budget for such investigations that they felt were illegal in connection with the 1996 Presidential election and congressional elections—not delineating between the House and Senate, but simply all Federal elections in calendar year 1996.

So it seems to me that the Rules Committee, in a fair manner, recognized the dollars that we needed, gave the Governmental Affairs Committee a scope of the investigation and illegal—illegal is a very broad scope. It goes beyond. And I will at a later time today put into the RECORD the definitions of illegal. But it goes beyond just criminal assertions of allegations of criminal violations. It goes beyond that. So it is a broad scope. Then the Rules Committee took from the proposal, which the senior Senator from Ohio will address momentarily, a termination date of December 31, 1997.

In addition to the Rules Committee, I think very importantly recognizing the essential need for the Senate of the United States to actively participate in determining what happened, certainly in 1996 in connection with the ever-increasing number of allegations—most of them regrettably could border on or do, in fact, constitute illegal—it was essential that the other committees of the Senate take on their responsibilities, which is traditional under the allocation in the Senate of the responsibilities among the several committees. Therefore, we charged the Rules Committee, of which I am privileged to be the chairman, the duty to continue its hearings on campaign finance reform, gave it a sum of $450,000 to be used by that committee in enlarging and broadening the scope of their operations in the overall context of campaign reform and campaign financing. So the Rules Committee will take on an added role.

In addition, if there is that development by the Governmental Affairs Committee or the Rules Committee of facts which should be examined by the Ethics Committee of the U.S. Senate as those facts relate to a Member of this body, it will be incumbent upon the Ethics Committee to review any allegations we feel merit the judgment of that committee as it relates to an individual in the U.S. Senate.

So, Madam President, I feel that the Rules Committee unanimously, regrettably—bipartisan, yet unanimous among the Republicans—has addressed this tough issue, and we are here today for the purpose of amending Senate Resolution 39 such that they can have the additional funds and under a very carefully crafted and proscribed scope of activities within a time limit of December 31, 1997.

Madam President, I yield the floor so that my distinguished colleague from Ohio can present his views.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, we are now into the second week in March. The Senate has been operating for approximately 2 months. I don't know that we have had much in the way of accomplishment during that time period. Certainly, there are national problems that should be addressed.

For example, we ought to be working on balancing the budget instead of just trying to pass amendments, which we tried to do, and it failed. We also have a series of problems with our health care system. Managed care may be saving money, but there is increasing evidence that it is happening at the expense of lower quality of health care. So, for uninsured Americans, that continues to be a major problem. As far as health care goes, we are going to have a debate, I guess, about partial-birth abortion.

In other areas, the stock market has gone through the roof. Unemployment is at a 25-year low. But there is concern about the future, and about Social Security and Medicare. But there are no serious proposals by the Republican majority to deal with these issues. Well, today we have an opportunity. We have an opportunity to have the possibility of beginning a serious discussion about a serious issue: the campaign finance system used by both political parties in the United States.

The American people are disgusted by what they see in campaign finance. And they should be. Along with the steady drumbeat of antigovernment ideologues, it is a major factor in America's loss of faith in our institutions of government. It is that serious. All you have to do is look at the polling data and such things as decreased participation in voting. If this trend continues, if America goes downhill because of the lack of confidence in our Federal Government, I say that we face a crisis that could literally threaten the foundation of democracy in the United States.

There is a remedy to avert this crisis, as I see it, and to begin the restoration of public support for this system of government. The remedy requires that we reform the campaign finance system. It is a wonderful place to start because it certainly needs reforming.

Will this get a serious examination by Congress, or will we get sidetracked by a partisan political circus? The jury is definitely out on that at this time. We have before us a resolution to fund a Senate investigation which, if the scope were made broader than it currently is, has enormous potential as a tool to stimulate public pressure on Congress to enact meaningful campaign finance reform, honest campaign finance reform.

Recent revelations about fundraising involving 1996 Federal races are disturbing. They involve both parties in both congressional and Presidential campaigns. The truth is that the current fundraising system, both Presidential and congressional, is scandalous. Having said that, in my opinion, most Members of Congress are honest elected officials, both over in the House and here in the Senate. They are honest elected officials trying to do a good job, albeit from different political philosophies. But that is our system. But the general public perception that money gets its way in determining policy is, indeed, true for too many.

There is a public perception that access follows money, and anybody who has been around Capitol Hill very long knows that sometimes it does. Access can alter the balance of arguments weighed by a Member and his or her staff when deciding a course of action, be it a vote on the floor or in committee, a colloquy on the Senate floor, introduction or cosponsorship of a piece of legislation, floor speech, insertion of language in a committee report, or a communication with an executive branch agency requesting an action, or the withholding of an action. But even when there is no connection whatsoever between a donation by a person to a politician and the latter's specific action as a legislator favoring that person, the perception of a payoff, even the possibility of a perception of a payoff, is corrosive to public trust in our Government. We must dispel this growing perception that Congress or parts of Congress are for sale if we are to reverse electoral apathy and restore faith in our Government. Gift bans have not done it. Honoraria bans have not done it. Only deep changes in the campaign finance system will do the job, and it will not be easy.

The question is what should be the relationship of the Governmental Affairs Committee investigation to the drive for effective bipartisan campaign finance reform? The resolution before us, S. 39, as amended by the Rules Committee, states that the supplemental funds to be given to the Governmental Affairs Committee for this investigation are for the sole purpose of an investigation into illegal activities in the 1996 Federal election campaign.

There are two things wrong with this statement of scope for the investigation. The first thing is that it is a baldfaced attempt by the Republican majority of the Rules Committee to undo a unanimous bipartisan agreement among the members of the Governmental Affairs Committee to have a broad investigation that would examine improper as well as illegal activities along with previous campaigns. Contrary to the claims of the Rules Committee chairman that his language tracks the Watergate resolution, the fact is that the Watergate resolution called for an investigation of improper and unethical activities as well as illegal ones.

I am looking at a copy of the Watergate resolution that was passed in the Senate back in 1973. It was submitted by Senator Ervin, Sam Ervin and Mike Mansfield. In part 15 on page 8, it says they are "to look into any other activities, circumstances, materials or transactions having a tendency to prove or disprove that persons, acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the Presidential election of 1972, or any campaign, canvas, or activity related to such election."

That is the language of one of the parts of what the Watergate Committee was to look into—any illegal, improper, or unethical activities in connection with the Presidential election of 1972.

The narrowing of the scope of the Governmental Affairs investigation by the Rules Committee is nothing more than a blatant pander to those elements in the Republican Party that do not wish to reform the campaign finance system and who are quite willing to scuttle the Governmental Affairs investigation if necessary to avoid creating public pressure to pass a decent bill.

How does narrowing the scope to illegal activities avoid this problem for the Republicans? The first thing to understand is that the problem with the campaign finance system is not just what politicians do that is illegal. It is what politicians do that is legal that is an equal scandal, and it happens every single day on Capitol Hill and with both political parties.

Let me give you an example. Let us talk about soft money. That is the best example. One of the most pernicious influences in politics these days is soft money. Let me give you an example of that. Let us say Senator X, whoever it might be, solicits $50,000 or $500,000 in soft money from a potential donor to his or her party, ostensibly for party-building purposes, get-out-the-vote drives or the like. But the party can then turn around and use the money on an issue ad during the Senator's reelection campaign that helps him or her and hurts the opponent.

According to the Department of Justice, Senator X can even do the solicitation for that $500,000 from his or her office because the solicitation is not for his or her campaign specifically but, rather, for the Senator's party.

This practice should be illegal, but it is not. Suppose Senator X wants a direct contribution to his or her campaign from a potential donor, direct to his personal campaign. In that case, Federal election law prohibits the donor from contributing more than $1,000 per person, and it must be in the donor's own name.

But that same donor can go out and collect checks of $1,000 for Senator X from everyone he knows, bundle them together, and send them to the Senator's campaign. Let us say Senator X calls from the Senator's office for those donations. If Senator X calls, he is committing an illegal act. But if Senator X calls from outside, it is OK.

Suppose Senator X is so grateful, wherever the call came from, for the donor's willingness to help that the next time the donor is in town and wants to talk to Senator X about a legislative matter he has an interest in, Senator X not only lets him into his office but he welcomes him and listens to his pitch. And suppose that Senator X is sufficiently concerned about maintaining the donor's political help that the Senator does what the donor wants on the issue and there was no discussion linking the donation to the donor's request or to the Senator's action.

In that case, there has been no bribe. But it is certainly the case that Senator X made his decision on the issue as a result of the donor having had access to the Senator, access that was based at least in part on the donation the Senator was given.

Now, suppose Senator X made the original call to the donor from the Senator's office phone instead of from an outside phone. That would be a violation of law. You cannot do that.

Let me pose the question. Which is the worst ethical lapse, making the phone call from a legally prohibited place or letting the money influence the Senator's vote? I submit that the answer is not even close. Senator X's constituents and the people generally will have been ill served if he lets money influence his decision, and that overshadows the question of whether the phone he used was a private phone or a Government phone.

What is the point of this fictitious example? Well, the resolution before us, which limits the scope of the investigation only to illegal activities, would allow an investigation of whether Senator X committed an illegal act by using a Government phone for the direct solicitation if there was an allegation that he had done so but would allow no investigation of the contribution, and if a soft money contribution was involved, whether Senator X's party had spent that money on certain ads helpful to the Senator's campaign, a legal practice but one that should be illegal.

It is not just the independent expenditures by the major parties that is the problem. There are also the independent expenditures by outside private groups including tax-exempt organizations that should be investigated for possible collusion with party organizations. The Washington Post had an article yesterday concerning nonprofits. To quote them: "Mysterious organizations that funded a flurry of attack ads at the end of the 1996 election," that were targeted mainly against Democratic candidates. No one apparently knows who supports them. One group, the Coalition for Our Children's Future, spent $700,000 on ads, mailings, phone banks, to help Republican candidates from Louisiana to California.

Another group, Citizens for Reform, spent $2 million on ads, including a mailing labeling a Democratic candidate for Congress as sexist and anticonsumer. And this organization is tax exempt. They are not supposed to deal in political matters. In the case of tax-exempt organizations, collusion with a political party would be illegal but would not involve criminal penalties. In the case of a so-called 501(c)(3) tax-exempt organization, which is prohibited from engaging in political activity, there is the question of whether the placing of certain issue ads should be considered political activity under certain circumstances.

Will this be investigated by the Governmental Affairs Committee under the funding resolutions' current scope statement? That will depend on how the word "illegal" is interpreted. I must say, at several points along the way we have had different interpretations of that word.

Madam President, I ask unanimous consent that the Washington Post article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. That is only the beginning of the problems with this resolution. It also requires that if any evidence of illegality is discovered in the 1996 campaign activities of a Member of Congress by a Member of Congress, then such evidence is to be referred to the Ethics Committee.

Does that mean the committee's investigation is to be terminated at that point? And, if the evidence comes to the attention of the committee before an investigation has even been initiated, does that mean the committee is to defer to the Ethics Committee for the investigation of the Member? Does referral to the Ethics Committee mean that Governmental Affairs will defer to the Ethics Committee on any possible criminal referral to the Department of Justice? We need answers to all of those things, obviously.

What if we are into an investigation and there is something that pops up that looks as though it might be an ethical matter and might be illegal, which this committee would be permitted to deal with? Since there is this special provision with regard to ethics in the Senate, in referring it to the Ethics Committee, do we have to stop any investigation before anything comes out beyond a point where there has been just an allegation of illegality?

So, let me return to the question of the meaning of the word "illegal" in the resolution. What is the standard to be used by the Governmental Affairs Committee to determine that an activity involves an illegality and is therefore subject to an investigation? Is illegality meant to be equivalent to criminality? Or is it broader and includes activities that are in violation of law but subject to only civil penalties or no penalties at all? The answer to this question will determine whether the activities of tax-exempt organizations engaged in political activity will be investigated.

I believe the questions I am raising need to be answered during this debate so Members will know precisely what they are voting on when the time comes. These questions also need to be answered in order to examine whether the 54 subpoenas issued thus far by the chairman of the Governmental Affairs Committee are within the new scope of the investigation.

Let me turn to some other deficiencies in the resolution. These are also deficiencies of omission. My remarks stem once again from my belief that a balanced investigation of fundraising by both parties, highlighting legal transgressions as well as their legal but ethically dubious fundraising activities, could be effective in pointing the way toward real reform. Conversely, an unbalanced, partisan investigation suggesting that the problems lie solely or even mainly with one party would be destructive to forging a consensus and would lead to political games, possibly including an attempt to pass reform legislation crafted not so much to fix the system as to give one party a fundraising advantage over the other.

As the ranking Democrat on Governmental Affairs, I have urged the chairman of the Governmental Affairs Committee to follow standard Senate practices and enter into a written agreement that the investigation will be carried out in a bipartisan manner with an agreed-upon agenda and with fairness. That involves ensuring that both the majority and minority: have contemporaneous access to all documentary evidence received by the committee; have the right to be given adequate advance notice of, to be present at, and to participate equally in all depositions and investigatory interviews; have equal opportunity to obtain and present relevant evidence on the subjects of the committee's inquiry; and, are treated equally and without discrimination in the discharge of the committee's administrative responsibilities.

I regret to say that no agreement on these matters has been reached thus far. This has most egregiously shown up in the way subpoenas have been handled thus far.

I am hopeful that passage of a funding resolution for the committee's investigation will be the occasion to put this investigation back on a bipartisan track. I believe that failure to do so will redound to the credit of no one and mark the first major stain on this committee's record of bipartisan cooperation during my 22-year tenure on it.

Finally, I must comment on that part of the resolution that provides for authorization of some $450,000 in additional funds for the Rules Committee to examine those aspects of campaign fundraising that are outside the scope of the Governmental Affairs Committee's investigation under the terms of this resolution as currently written. It is certainly true that the Rules Committee has legislative jurisdiction over campaign finance reform and, therefore, can look into soft money and independent expenditures, among other things, as policy matters.

But the Rules Committee is not basically an investigative committee. I could not recall the last time it ever issued a subpoena. We made some inquiry into this and found that no subpoenas have been issued by the committee since at least 1980. We do not know whether any were before that time or not. They may do hearings, but that is not the same as an investigation as conceived under this resolution.

Let us not deceive the public about this. Recent press reports clearly indicated that at least two members of the Rules Committee, Republican members of the Rules Committee, would not vote for the funding resolution for the investigation that originally came out of the Governmental Affairs Committee because the scope of the investigation would have included legal as well as illegal congressional fundraising practices. Those Members were concerned that the result of such an investigation might be to raise public pressure on Congress to pass campaign finance reform legislation.

The fact is, there is little support for campaign reform among my Republican colleagues. The McCain-Feingold bill has only one other Republican cosponsor, and that is Senator THOMPSON, to his credit. So we know what game is being played with the Rules Committee rewrite of the previously-agreed-to scope of the Governmental Affairs Committee's investigation. It is a game in which legal but improper congressional fundraising is kept off the table while a parade of Presidential fundraisers for the Democratic Party and the Clinton-Gore campaign are brought before the cameras at televised hearings, to give the impression that all the problems are with the Democratic Party and there is no need to change the laws.

I do not believe it will work. I do not believe the American people are that naive. I believe they will see through such a strategy were it to unfold. Chairman THOMPSON has said congressional fundraising should be on the table. I agree with him. That is one of the reasons I was disappointed when none of his first 65 subpoenas were directed toward congressional fundraising. I and my Democratic colleagues will attempt to broaden the scope to include legal activities that are improper, which is where many of the major campaign finance problems are, and which should be thoroughly investigated by the Governmental Affairs Committee. So, I hope—in fact I invite Chairman THOMPSON to join me in cosponsoring an amendment I plan to offer to broaden the scope, and I invite him to join me in voting against tabling any such amendment.

I also invite all Members of the Senate, Democratic and Republican, who truly want to change our system to join us.

Let us look at it from your children's perspective of 20 years from now. Whichever party is in the majority—and that may have changed in that time, maybe before that—but look at your children as adults out there, taking part in the political system at that time. Whichever party is in the majority at that time, I am sure we can all hope that political fundraising will not be the mess that it is today. One way to gain that end is to assure that investigations are carried out now without fear or favor and spotlighting the dark corners, whether illegal or legal, but in either event, wrong, improper, and unethical.

The resolution before us does not take us in that direction, and that is why I also urge Senator THOMPSON, even if we fail to pass such an amendment, to seek every opportunity at our committee level to examine and thoroughly investigate any alleged illegal fundraising activities by Members of Congress, in the House or Senate. That will at least be a start, and I pledge my full support to such efforts.

So I await with interest his proposed agenda and subpoenas in this area.

At the appropriate time today, before we finish this debate, I will have an amendment to submit. I would like to lay it down this evening. I doubt all the people on either side of the aisle who wish to speak on the amendment will return before we go out of session, but I would like to have time later on to submit the amendment before we go out of session this evening.

I yield the floor.

Exhibit 1

[From the Washington Post, Mar. 9, 1997]

For Their Targets, Mystery Groups' Ads Hit Like Attacks From Nowhere

(By Charles R. Babcock and Ruth Marcus)

Campaign watchdog groups and government regulators are concerned about the emergence of mysterious organizations that funded a flurry of attack ads at the end the 1996 election and could play an even larger role in coming campaigns.

The groups, with bland names such as Citizens for Reform and the Republic Education Fund, spent millions of dollars on television advertising, mailings and telephone banks in the closing weeks of the campaign, mostly on the side of the Republicans. None of their activities was reported to the Federal Election Commission (FEC).

"The public has no idea who these people are or where they're coming from or who funds them," said Charles Lewis, executive director of the Center for Public Integrity, which monitors political ethics. "They are trying to influence the political process and the public is in the dark."

For example, a group called the Coalition for Our Children's Future spent more than $700,000 on television and radio ads, mailings, and telephone banks to bolster GOP candidates in key races from Louisiana to California.

The last-minute onslaught, financed in part by a donor who demanded a written confidentiality agreement, was conducted without the knowledge or approval of the group's directors. Two of the directors resigned in protest after The Washington Post informed them of the late ads, saying they never approved the expenditures. They said they still do not know exactly what was done or the source of funding.

Former director Deborah Steelman, a GOP lobbyist, said she thought the group had been inactive since spending more than $4 million on advertising backing the GOP's legislative agenda in 1995. "Clearly, the organization created another mission of which we were not a part," she said.

Like the more identifiable AFL–CIO and environmental groups that also ran advertising, leaders of organizations such as the coalition say their television commercials were not political because they did not explicitly endorse a candidate. Since they were engaging in "issue advocacy," they said, they were not required to report to the FEC the source of their funds or how much they spent.

One group created last spring and calling itself Citizens for Reform spent $2 million in the closing days, according to its president, conservative activist Peter Flaherty. In California, it sent mailings into the district of Democratic Rep. George Brown accusing him of being sexist and anti-consumer. The Consumer Federation of America, cited as the source in one flier although it endorsed Brown, denounced the mailing as "extremely misleading and grossly unfair." In Montana, the group bought television time calling Democratic congressional candidate Bill Yellowtail a convicted criminal who "preaches family values . . . but took a swing at his wife."

Another new group called Citizens for the Republic Educaiton Fund obtained at least $1 million in late ads, according to director Lyn Nofziger, longtime political aide to Ronald Reagan. In Texas, it bought television ads against Democratic congressional candidate Nick Lampson that said he had been accused of Medicare fraud. In Erie, Pa., another television ad denounced "big labor bosses" for trying to buy "a Congress they can control."

Some ads were so inflammatory that the Republican candidates they were designed to help denounced them. And some stations would not run some ads or pulled them off the air after complaints by Democratic candidates. Leaders of the groups targeting Democrats say they operated independently and they and GOP officials said the groups were not fronts for the party.

Nofziger called it, "outrageous" that advocacy groups like his are allowed to "go and run political ads and call them education." He added, "We wouldn't have had to do it if it had not been for labor" and its attacks on GOP candidates.

The Flaherty and Nofziger groups were run by a Washington-based firm, Triad Management, that advertises itself as sort of an underground version of the Republican Party. A Triad marketing video includes testimonials from Sen. Don Nickles (R-Okla.) and several House members aimed at recruiting donors for what the video labels a "privatized Republican national coalition."

Triad's Carolyn Malenick, a former fundraiser for Oliver L. North, says on the video that labor has always been the "rapid fire" of the Democratic Party. "If the Republican Party needs that quote 'rapid fire' where're we going to find it?" she said. "If we need to move or have $100,000 put into a congressional race tomorrow where're we going to find it?" Malenick declined to be interviewed.

Mark Braden, Triad's attorney, said the group was not a front for the GOP or a particular special interest, like the tobacco industry. Malenick's donors are mostly individuals from "ideologically driven networks," he said.

While most of the late negative issue ads with mysterious sponsors targeted Democratic races, a labor-funded group, the '96 Project, paid for voter guides mailed in the name of other groups in 14 races. The project paid $50,000 for mailings in six House districts where the fliers said they were "sponsored" by local or state affiliates of the National Council of Senior Citizens, a group made up predominantly of retired union members. There was no mention of the '96 Project in the mailings.

Scott Wolf, director of the project, said there was no intent to deceive the public on who was behind the mailings, which made GOP candidates look unfavorable on key issues.

His group also paid for mailings in eight races "sponsored" by the Interfaith Alliance, a group of ministers formed as an alternative to the Christian Coalition, according to the alliance's Greg Lebel. Lebel said "it never occurred to us" voters might be misled because the eight mailings said only that the '96 Project "prepared" the voter guides.

Most of the late money from obscure groups was spent on television. And Federal Communications Commission officials who monitor political advertising say their authority over broadcasters is limited. Charles Kelley, chief of enforcement for the FCC's mass media bureau, said the agency wants to know "who is the attempted persuader" in such ads. The question, he said, is "what legal authority we have, if any, to obligate the true sponsor to step forward."

The FCC managed to do that in a case in Oregon last fall, when it discovered that a group calling itself Fairness Matters to Oregonians was being financed by the Tobacco Institute. The FCC ruled the group's ads, which opposed an increase in the state cigarette tax, could be aired but the tobacco Institute had to be identified as the sponsor.

Various campaign reform proposals in Congress attempt to address the late attacks by saying the name or image of candidates cannot be mentioned in ads in the last 60 days before the general election. But many lawmakers and interest groups say such proposals would put unconstitutional limits on their First Amendment rights.

Flaherty, who also heads the Conservative Campaign Fund PAC, said concerns about sponsorship are misplaced. "Most people when they see an ad don't focus on who put it on, but focus on the message," he said. "If the message has strength and credibility it will persuade people. If it doesn't, it won't." In applying for tax-exempt status, which allowed it to avoid paying taxes on investment income, Citizens for Reform told the IRS it had no plans to spend money "attempting to influence" elections. But asked whether the group's advertising had been effective, Flaherty said, "I think we made a big difference. It was an absolute onslaught in some of these areas by labor and liberal groups and I think we helped stanch the bleeding artery."

Perhaps the most peculiar of the late ad campaigns was the one run in the name of the Coalition for our Children's Future, which spent money in six House districts, the Louisiana Senate race and 12 Minnesota legislative races, according to Executive Director Barry Bennett.

Two directors, Dirk Van Dongen, president of the National Association of Wholesaler-Distributors, and Donald L. Fierce, a GOP consultant and former Republican National Committee aide, resigned in protest; two others, Steelman and Gary Andres, had left the board earlier.

How the unauthorized advertising campaign was launched and how races were targeted remains murky. Bennett, working in Ohio at the time of the election as chief of staff to then-Rep. Frank A. Cremeans (R), at first said he did not know of any extensive late advertising. Then he acknowledged he had signed the secrecy agreement with the donor and signed blank checks to pay a Houston political consultant who ran the advertising campaign. Bennett said he did so without telling board members.

Bennett and the group's fund-raising consultant, John Simms, said the consultant, Denis Calabrese, approached them last summer and helped connect them with some donors, who they declined to identify. Calabrese, who has worked on industry's side to make it harder to win large damage awards in lawsuits, did not return numerous phone calls.

Bennett said he had tried without success, after the Post inquiries, to obtain copies of the television scripts from Simms' firm. He said he had no idea what the coalition, organized to address federal issues, was doing in Minnesota statehouse races.

"Am I embarrassed by this?" Bennett said before he stopped returning phone calls. "Yes . . . I understand we've created a huge mystery here and that's our fault."

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia.

Mr. WARNER. Mr. President, there are others anxious to speak to this. I see Senator HATCH is here, and I want to, just in reply to my distinguished friend and colleague, say a few words here, and then Senator HATCH, hopefully, will take the floor momentarily.

First, I want to make it very clear, I am not going to personalize this debate in any way or use the word "pandering." Nobody is pandering anybody around here. What we are trying to do is how to get as quickly as possible to the point where the U.S. Senate, in several committees, can start looking into this very important issue, hopefully in a fair and objective manner, for the best interests of this institution and our country.

I have been in politics—I am almost hesitant to mention how many years—but it is a good 40-plus, and I have never in my lifetime ever seen a situation engulfing this great Nation, casting more doubt in the minds of the voters with regard to how we, those who serve in the Congress and those who serve in the executive branch as the President and Vice President, go about the process of elections, and we have to get at the bottom of this thing as quickly as possible.

I have indicated my support for Chairman FRED THOMPSON as a man I have absolute faith in, who can deal with this matter fairly and objectively, and I have said that for weeks. Never once have I deviated, and I do not think there will ever be a basis that I shall deviate. I said from the beginning that I want to support him as an individual. I want to support the work of his committee. But there is a very careful delineation of responsibilities here among the several committees, and there is clearly, within the jurisdiction of the Rules Committee, which I am privileged to chair, the right to superimpose our own judgment on the scope and activities of the other committees of the Senate as it relates to those funds under our jurisdiction.

This is in no way any bald-faced effort by myself or other members of the Rules Committee, particularly the distinguished majority leader, who was just on the floor consulting with me minutes ago, no way to try to do other than what I have just said, which is to get the Senate on the track as quickly as possible. We just have to get beyond all of this procedure business and get on with the business.

I said that I drew this scope language, drawing from the Watergate. I never said I used it. I have read it now probably 25 times and studied the history of it. I know all the words that are in it. It is interesting. In the Watergate resolution, I ask my friend, if he wants to debate it later on, whether or not you find any authority in there to investigate the Congress. I do not find it in the Watergate resolution, but it is very clearly expressed in this resolution as adopted by the Rules Committee. We in no way tried to obfuscate that issue.

This volume is the "Authority and Rules of Senate Committees" for the last fiscal year, but it is applicable to this. I would like to just read the question of jurisdiction of the Rules Committee, and it is found on page 155 of that book. It states we have the authority to investigate "corrupt practices."

Now that is about as broad as any charter can be—as broad as any charter can be. Then go to section 5:

> Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

There it is. That is the jurisdiction of the Rules Committee.

Now go over to the jurisdiction of the Governmental Affairs Committee—and I urge my colleague from Ohio to take a moment or two to look through this book so that he can reply—found on page 101, and in detail on page 102, where it says, the committee is duly authorized, or a subcommittee thereof is authorized to study and investigate.

You do not find—at least I haven't thus far in studying it—that precise language as it relates to the Rules Committee concerning jurisdiction over precisely what it is that the U.S. Senate must investigate. If anything, this volume gives clearly the authority to the Rules Committee, and I find less specificity as it relates to the Governmental Affairs Committee.

Lastly, as to campaign finance reform, the generic subject, the Rules Committee held a number of hearings last year. We already commenced our series of hearings this year. The distinguished majority leader designated the majority whip, Mr. NICKLES, and a group of us, including the Senator from Virginia speaking, and it is our responsibility to try to come up with a grouping of proposals which we have reason to believe will effect the greatest possible reform in this generic subject of campaign finance reform.

You bet there are areas which I would like to see changed. In my last campaign, I experienced spending by my opponent—and I do not castigate him in any way at this point in time, nor did I ever—but clearly he had the authority under the Supreme Court decision to spend all the money of his personal funds he wished. He set a record in the history of the U.S. Senate races from the first day this body was constituted through and including today for the greatest amount of money spent for a State per capita in the United States.

I think we should enact some legislation that would curtail, in some manner, the limit of an individual to expend millions and millions and millions of dollars. In the case of my race, it is presumably in excess, it was reported, $10 million out of personal spending. Maybe subsequent records will show an additional amount, but that is not here to argue. The point being, the only way that can be done is by a constitutional amendment. I would not want to see this body rest its entire package of reforms that a constitutional amendment is going to be adopted in this area of campaign finance reform.

My own personal opinion, it is highly unlikely that such an amendment, even though I would favor certain types of constitutional amendments on campaign reform, that that can be achieved; essentially, the first amendment, which, again, would require a constitutional amendment. There are many areas of campaign finance reform that would be solely predicated on the ability to get a constitutional amendment in order to achieve those goals.

I would not want to see this body pass a package of campaign finance reform proposals knowing full well in our hearts that the Federal court is going to strike down in large measure a number of those provisions.

So I look forward to continuing to work with the distinguished majority leader and the majority whip in seeing what we can come up with in a package of campaign finance reform proposals which can be adopted by this body and, Mr. President, can withstand the essential scrutiny that will come about by the third branch of Government, namely, the Federal court system.

Mr. President, I now yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it befalls me to make a few comments here today concerning why this investigation is so important. Before I do, I want to compliment the Rules Committee and the people on the Rules Committee who have handled this very difficult subject matter and have done it in a credible and responsible way.

I also personally believe that no two people could handle this matter better than the chairman and ranking member of the Governmental Affairs Committee. Senator THOMPSON has had extensive experience in these matters and Senator GLENN is known as an eminently fair and worthy person here in this body. I have total confidence in both of them that they will be fair, they will be thorough, they will be tough, and they will do what is right.

We simply have to get to the bottom of this. The American people are concerned about it. Certainly the media has written extensively about these matters. It is incumbent upon the Senate in its oversight capacity to investigate these matters fairly and thoroughly.

As we take up Senate Resolution 39 today, I would like to just take a few minutes to emphasize one major point: That there is a serious number of very, very troubling matters to investigate, simply at the very core of Senators THOMPSON's and GLENN's inquiry.

Merely in recent press reports—if that is all you had—there are very substantial and troubling questions that must be answered regarding whether foreign money and foreign influence has infiltrated the American political process. While numerous other allegations of improper fundraising at the White House and by the White House have surfaced in the media in the past week or so, that is not what I want to talk about today.

Even putting aside all of those allegations, the fact is that we have before us very serious allegations that China funneled funds into American elections in an attempt to influence American policy and policymakers. The gravity of these allegations should not and must not be underestimated. Were our national interests sold out? I hope they were not. But this matter must be pursued, and it must be done in a thorough, fair, and honest manner.

Later this week the Judiciary Committee will forward a letter to the Attorney General requesting that she apply for an independent counsel. To date, she has refused to do so in this matter. I do not read anything sinister into that—I believe that the Attorney General is an honorable, ethical person of integrity. She has applied for the appointment of no less than four independent counsels since she has been Attorney General. I think she has shown that she is a person who can act. But to date she has refused to act on this matter.

Accordingly, Congress must be all the more vigilant. And given the apparent conflict of interest, the public will be relying on Congress to ascertain the facts and get to the bottom of this whole affair.

The Governmental Affairs Committee inquiry into fundraising improprieties is, in my opinion, one of the most important congressional investigations in history and involves some of the most serious allegations we have seen to date about our electoral system and our Government. The press and congressional committees have uncovered material facts that prompt numerous questions:

First, did a foreign government try to influence our national elections and our domestic and/or foreign policy?

No. 2, were millions of dollars of foreign money laundered through various groups to the Democratic National Committee, particularly by three individuals—Charlie Trie, Johnny Chung, and John Huang, all of whom have some ties to China.

No. 3, were there violations of any of our existing laws, such as the Hatch Act, the Ethics in Government Act, and our current Federal elections laws?

The breadth of this particular investigation is immense. We cannot allow ourselves, in an attempt to satisfy the tendentious cause for a broad inquiry into congressional campaigns, to interfere with what is a serious matter.

Investigating the 1996 Presidential campaign alone will require a very substantial budget and a substantial amount of time—I presume even more time than the Rules Committee has allowed in this instance, which is only until the end of this year or approximately 8 months. I suspect this will go on beyond that and will have to go on beyond that because of what will be brought out. Let us focus for a moment, however, in terms of the breadth of this investigation, on one individual—Mr. John Huang. He was born in China. He worked for the Lippo Group, a huge conglomerate based in Indonesia with large business interests in China. Lippo is owned and controlled by the Riady family—Mochtar, James, and Stephen. These are also Chinese natives.

By 1994, Huang was the top Lippo executive in the United States.

Huang was appointed Deputy Assistant Secretary for International Economic Policy in our Department of Commerce in September 1994.

Let me just go down through what John Huang did while employed at Commerce—just a quick glance. He was, according to reports, given a top security clearance without the usual background check, which is all but unheard of; 78-plus visits to the White House; 70-plus calls to Lippo during this period of time; 39 classified top secret briefings dwelling on China and other countries in Asia; 30-plus phone conversations with Mark Middleton or associates; 9 phone messages from or calls to Webster Hubbell; 9 phone messages from the Chinese Embassy officials; 5 months of top secret clearance before joining the Commerce Department. In other words, even before he got in this very important position in Government, he had 5 months of top secret clearance. Why? That is a question that is going to be a big question in this matter.

Huang enjoyed a top secret clearance for 5 months of top secret clearance before joining Commerce and nearly a year after leaving Commerce to join the Democratic National Committee. Why? Why would those security clearances go with him outside of Government? Why would he be permitted this kind of access to very sensitive information? These are questions that are very important. Taken with the $780,000 severance pay Huang received from Lippo prior to joining the Commerce Department, these facts naturally raise questions.

This next chart involves a meeting at the White House to discuss the Huang transfer from the White House to the Democratic National Committee on September 13, 1995. It was an Oval Office meeting. The President was there. James Riady, the Lippo executive was there. Bruce Lindsey, the Deputy White House Counsel, was there. Joseph Giroir, who is, I believe, the former top partner in the Rose Law Firm, the Lippo joint venture partner/adviser, former Rose Law Firm partner, and, if I recall correctly, was the managing partner of that firm, and none other than John Huang, former Lippo executive, Principal Deputy Assistant, Secretary of Commerce.

At this meeting, it was decided that John Huang would move from the Commerce Department to the Democratic National Committee as vice chairman of finance.

We do not know what happened at this meeting, although some extremely troubling explanations have been reported by the media. Each one of these people, it seems to me, with the possible exception of the President, will have to be questioned regarding just what went on at that meeting, why Huang left Commerce, and why he was immediately transferred to the Democratic National Committee as the finance vice chairman, why James Riady, was even at this meeting. That is a very important meeting.

Let me put another chart up here.

This is John Huang at the Democratic National Committee. These are examples of illegal funds raised by Huang. The Wiriadinatas raised $450,000, all of which was returned by the DNC. Pauline Kanchanalak, $250,000. She has since left the country. She is now in Thailand. All funds returned by the DNC. Wogesh Gandhi, $250,000. He testified he had no assets. All funds returned by the DNC, the Democratic National Committee. Cheong Am America—or John H.K. Lee—$250,000. Like Kanchanalak and others, Cheong Am America—or John H.K. Lee—has disappeared. All of these funds were returned by the Democratic National Committee. Hsi Lai Buddhist Temple, $166,750: This comes from a temple where the residents take a vow of poverty; $74,000 of the $166,750 was returned by the DNC. All together, that we know of, John Huang raised $3.4 million, $1.6 million of which has been returned by the Democratic National Committee.

These are just a few of some of the problems that I think the Governmental Affairs Committee is going to have to go into. I do not see how they can avoid doing it. To give a picture of some of the people who seem to be involved in this, let me just highlight some of the other individuals involved in this affair.

We start with John Huang, former top Lippo executive in the United States, who had a $780,000 severance package when he went to Congress. He had multiple contacts while there with Lippo.

The former Democratic National Committee vice chairman raised more than $3.4 million, $1.6 million was returned, and he visited the White House during this period more than 75 times. C.J. Giroir, in the Lippo joint ventures, former Rose Law Firm attorney, met with James Riady, President Clinton, and Lindsey on the Huang move to DNC, and donated $25,000 to the DNC. Mark Middleton, former White House aide from Little Rock, met with James Riady and President Clinton on that occasion, Far East business interests, had unlimited access to the White House after his departure.

Charles Trie, Little Rock restauranteur, received a $60,000 loan from Lippo, and he arranged with the former Lippo executive Antonio Pan to get a Hong Kong dinner for Ron Brown. Trie also attempted to give $600,000 to the Clinton legal trust fund, and he visited the White House at least 37 times.

Mark Grobmyer, Little Rock attorney, close friend of President Clinton, consultant to Lippo, Far East business interests, met with James Riady, Huang and President Clinton. Soraya Wiriadinata, daughter of Hashin Ning, former Lippo executive, contributed $450,000 to the DNC, and it was all returned, according to the committee. Soraya has gone back to Indonesia.

S. Wang Jun, Lippo joint ventures, Chinese arms merchant, senior executive at CITIC and COSTIND, Chinese Government entities, and attended a White House conference. Webster Hubbell, former Associate Attorney General, received a $250,000 consulting fee from Lippo—would not say why he got that.

Charles DeQueljoe is the president of Lippo Securities in Jakarta, gave $70,000 to the Democratic National Committee and was appointed to the USTR office. Pauline Kanchanalak, a Thai lobbyist who worked with Huang when he was at Lippo, contributed $253,000 to the DNC, and it was all returned. She had frequent contacts with Huang. She visited the White House at least 26 times. And then we come back to John Huang himself.

Now, all of these people are going to have to be interviewed. We are going to have to find out what the facts are here. What was going on? Were there illegalities?

In that regard, these are key players who have taken the fifth amendment: John Huang, Charlie Trie, Pauline Kanchanalak, Mark Middleton, and Webster Hubbell. I do not see how anybody on the other side of the floor can argue that this set of hearings should not go on, or that this would not take almost every second of any committee's time, and I am only talking about one aspect of it. There are many other aspects to this.

The key players who have left the country—and we have not been given reasons why they left the country—are John H.K. Lee—gone. If he is going to be interviewed, it is overseas. Charlie Trie, gone, after taking the fifth. Pauline Kanchanalak, gone—as far as I know, back in Thailand, after having taken the fifth amendment. Arief and Soraya Wiriadinata, gone. Charles DeQueljoe, gone. And James and Mochtar Riady, gone. They left the country.

All this is a brief discussion of one aspect of this. There are other aspects of this, but this is a brief glimpse into some of the serious allegations the Government Oversight Committee will have to look into. I emphasize the point with which I opened, just that at the core of this investigation is a vast series of matters which must be looked into. This will be one of the most important congressional investigations in history. I hope it is not obstructed by partisan tactics and politics. I hope with all my heart it is not. I think the American people expect as much.

When I found out over the weekend that the FBI—and I did not know this before—had notified seven Members of Congress that they might be receiving laundered funds from a foreign country, mainly China, I was kind of shocked at that, because if they informed those seven Members of Congress, surely the FBI informed the White House. I have been led to believe by the FBI they informed the National Security Council. That being the case, why are all these people having such access to our White House under those circumstances? As chairman of the Judiciary Committee, as chairman of the committee that oversees the Justice Department and the FBI, naturally, I have to be concerned about it.

Now, in addition to all of this, there are newer revelations coming out every day. I challenge the Government Affairs Committee to substantiate these allegations, to look into them.

Let me just list some of the new revelations about the campaign finance scandals that were first reported after the Governmental Affairs Committee made a request of $6.5 million to investigate the scandal.

First, Deputy Chief of Staff Harold Ickes made a telephone call from Air Force One to warn of the wiring of the money to the Democratic National Committee and additional funds to nonprofit organizations. There is some indication they used Air Force One for the purpose of raising funds. I hope that is not the case.

Second, questions have been raised concerning whether the White House database was created for official—as opposed to political—purposes, since it contained individuals' Social Security numbers, nicknames, relations to the First Family, pet political issues, and sometimes a photograph.

Third, China may have sought to influence U.S. policy through the direction of foreign campaign contributions to the Democratic National Committee and actions taken at the Chinese embassy. It has been disclosed that Huang had contacts with the embassy while he worked at Commerce.

Fourth, the NSC, National Security Council, at the White House provided the White House with warnings about Johnny Chung, who has ties to the Chinese Government, who was nonetheless subsequently granted access to the White House on numerous occasions, even though they knew about those ties.

Fifth, Huang approached two business associates and offered to pay them $45,000 if they would take $250,000 from him and donate it in their own names to the Democratic National Committee. That is illegal.

Sixth, the White House fired four staff members whose salaries were being paid by the Democratic National Committee while they were working at the White House. I don't know whether that has ever been done before, but it should not be done.

There are other allegations, but let me just mention a couple of other things. The Democratic National Committee returned another $1.5 million in illegal or questionable campaign funds that have to be looked into. The FBI warned, as I have said, seven Members of Congress that the Chinese Government was laundering money into the United States' election process. The FBI warned the National Security Council as well. We checked that today. And I have to tell you, just this one set of allegations could take more than a year or two just to get into them. It's going to take overseas travel; it's going to be very difficult with people taking the fifth amendment, with people possibly hiding documents and withholding them, and with just this one problem burgeoning and getting bigger every day.

So I commend the Rules Committee and the majority leader for getting this thing off dead center and providing the money so the Governmental Affairs Committee can look into these matters and resolve them one way or the other.

I wish some of these things were not true. I certainly don't wish anyone any harm. But, unfortunately, if you look at the facts that I have just given to you today, I think it's very unlikely that these matters are going to be disproven. But I hope they can be.

It is going to be up to this Governmental Affairs Committee to look into it. I think that committee is very capable of doing this. The two leaders are among the best in the Senate. I expect them to do a terrific job. Senator THOMPSON, in particular, has had extensive experience because of his experience in the Watergate investigation and other investigations since then. He is an excellent lawyer, one of the best who has ever served in the Congress of the United States. I don't know anybody who will be more fair and more decent to the people who are being investigated. I think the same goes for the distinguished Senator from Ohio, Senator GLENN, for whom I have great friendship and fondness, and who I know will do an honest and decent job here.

I don't think we should get so caught up in this context, in some of the issues that are being raised collaterally. I know the distinguished Senator from Ohio is not raising campaign finance reform to take the edge off of these issues.

I don't want to get into that today, because I think that is irrelevant to what needs to be looked into by the Governmental Affairs Committee. Now they are going to have a charter to proceed and, I think, a fair amount of money to at least begin these investigations. Hopefully, these investigations can be completed within the time allotted. But, if not, I think the Senate is going to have to look at it and extend the time if this burgeons into what many think it will.

With that, I thought some of these matters were important to bring out today in the beginning of this debate, so people realize this isn't just some little erstwhile decision by the Rules Committee; this is a very important, well-thought-out resolution of what has been a very difficult set of problems, which had a tendency to be greatly politicized over the last few weeks.

I commend the chairman of the Rules Committee, the majority leader, and the others who have worked so hard on this important matter for the work they have done.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague, the senior Senator from Utah. Indeed, he points out, really, the tip of the iceberg here, in terms of the scope of the problem of all the issues that befall the Senate of the United States. There is plenty of work for everyone. I urge that it be done in accordance with the established rules and precedence of the U.S. Senate as to the allocation and responsibilities among the several committees.

I certainly join in the Senator's observation about the chairman of Governmental Affairs, Senator THOMPSON, and my good friend, the senior Senator from Ohio. A note of irony here. The two of us used to do a lot of the investigation for the Senate Armed Services Committee a decade or so ago, and I thought we did it rather well. By the way, Mr. President, we didn't have any charter or much money, but we got the job done and did it quite well, for the wonderful men who preceded us on the Armed Services Committee, Senators Stennis, Tower, and Jackson. They gave us special tasks and we followed through.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, with all due respect to my colleagues—and I have a lot of respect for my colleagues on the other side—I think the decision of the Rules Committee doesn't represent a step forward, it represents a great leap sideways.

The Governmental Affairs Committee had voted unanimously to have a full inquiry. The inquiry certainly was going to focus on illegalities, but also on improprieties. That's the way we should proceed. The Rules Committee has stripped down the scope. And for people in the country who care fiercely about our getting away from auctions and back to elections, for people in the country who care about our getting away from what we have right now, which is pseudo-democracy, with big money dominating, back to authentic democracy, what the Rules Committee has done represents not a step forward, but a great leap sideways. It is a great leap sideways from an investigation that has to take place.

Mr. President, I know that sometimes we don't know what we don't want to know. But, quite frankly, I don't believe that this Congress is going to be able to step sideways from a full investigation into all of the ways in which money has come to dominate politics today in the United States of America.

Mr. President, my colleague Senator GLENN, at some point in his prepared remarks, said something like: Even what is legal quite often can be scandalous when you are looking at all the ways which money and politics interact today, and it really undercuts the whole idea of representative democracy. He is absolutely correct. We all know that there are all sorts of examples of, No. 1, too much money being spent in these campaigns; No. 2, too much special interest access, we all know all about that; No. 3, too much of a money chase with Senators spending way too much time, more than any of us want to, raising money; No. 4, therefore, a system where regular people, ordinary citizens, which I do not use in a pejorative sense but in a positive way, don't even think they can play the game. That is what we are facing—money determining who gets to run, money determining who is considered a viable candidate, money determining the outcome of an election, money determining what issues are on the agenda, money determining which people are here lobbying every day and which are left out, and money determining the outcome. This really represents a corruption. But I am not talking about corruption as in the wrongdoing of individual officeholders. I am not here to bash any colleague on either side of the aisle. I am talking about a corruption which is systemwide. It is systemic. It is systemic corruption in the following sense: Too few people with this system we have right now, this rotten system we have right now, have far too much wealth, power, say, and access to decisionmakers, and the vast majority of people are left out of the loop. That is what is going on in the country.

My colleagues want to narrow the scope of inquiry. The Rules Committee basically has made an end run around the Governmental Affairs Committee. The Governmental Affairs Committee at one point in time had a unanimous vote. What happened? What happened? At one time the Governmental Affairs Committee said we are going to be a reform committee, and we are going to look at illegal behavior—by the way, we should; I am not defending any of it—and, in addition, we are going to look at improper behavior, what is inappropriate, and if people have special-color stamps for big contributors, maybe that is not appropriate, and if people take folks on trips and give them access to Republicans and Democrats based on their being big contributors, maybe that is not right. If people have special meetings, special dinners with special access to Senators because they are big givers or heavy hitters or well connected, maybe that is not right. Or if there is evidence of people being invited to help write legislation because they are big givers, maybe that is not right. Or if there is a meeting with a business community or labor community and one party or the other says, "We noticed you have made contributions to Members of the other party, and you had better not do that or you're not going to have access to us," that is not right. The list goes on and on.

What is legal is scandalous. This whole system needs to be turned not upside down—it is upside down right now—but right side up. We need to get the big money out of politics. We need to get the big money out of politics. Anybody who believes in free and open elections, anybody who believes in political equality, anybody who believes that each person in the United States of America should count as one and no more than one, should be genuinely horrified with this system that we now have.

Mr. President, I think—I hope I am proven wrong—but I think the action of the Rules Committee represents not a step forward but a great leap sideways. I have my doubts as to whether or not we are going to pass the reform that gets the big money out of politics. Given the scope now at least of Governmental Affairs, they are not going to be looking at soft money, they are not going to be looking at independent expenditure, they are not going to be looking at what the New York Times yesterday in their editorial called systematized influence peddling, which by the way is a bipartisan invention. And when we narrow the scope and don't look at all of the abuses—we can have abuses; they may not be illegal but they are abuses—it is arrogance. It is what people in the country hate. It is what destroys confidence on the part of people in our political process. When we don't look at any of that, how convenient it will be. Because, if we do not have a full inquiry into all of these abuses, into all of this improper behavior, into all of the ways in which legally big money has come to dominate politics, guess what? We don't make the case for reform.

My concern is as follows: I think if we are not careful—on this point, even though I am in sharp policy disagreement with him, I think Senator WARNER is the best when it comes to civility. I do not have any question about him at all when it comes to civility. But my concern is that we have to really be careful so that what doesn't happen here—is that you have just got people going after each other with accusations, throwing bombs at each other, and all of the rest—is that we don't get down to what should be the real business, which is when push comes to shove there is plenty of blame on all sides. I include myself as being a part of the problem. I want to be part of the solution. I have said, in my not so humble opinion, that everybody in public office should hate this system and want to change it because when you run for office you have to raise money. I just finished running for office, and I raised money. You call people. You call people to ask them to support you. We do that. You may believe—and I did believe and I do believe—that the compelling necessity to raise money in these campaigns, given the current system, that it has never once influenced any position you have taken on any issue. You may believe that. But I'll tell you something. It doesn't look that way to people. Even if you are very honest—and I think my colleagues are—it doesn't look that way to people. We have to change this system.

My real concern—and we will have an amendment or several amendments on the floor of the Senate starting tomorrow—is that what the Rules Committee has done is not moving us forward, but, as I say, it is a great step sideways. It is a great step sideways from full inquiry. It is a great step sideways so the Governmental Affairs Committee is not really looking at all of the abuses. It is a great step sideways in not looking at the full range of problems and not looking at all of the ways in which money dominates politics. Therefore, is it is a great step sideways from reform.

I mean, ultimately here is the litmus test for all of us. Speeches can be made. I am making this speech right now on the floor. Words can be uttered. But really the litmus test is, are you or are you not, regardless of political party, interested in change? Are you interested in getting this big money out of politics? Are you interested in having these Senate races with less money being spent? Are you interested in elections as opposed to auctions? Are you interested in reducing special interests access to decisionmaking? Are you interested in a system where there is a level playing field for challengers? Yes, challengers who can challenge all of us who are incumbents whether we are Democrats or Republicans. I will tell you. I do not think most people in the country think we are interested in that. I do not think most people in the country think we are going to pass any significant reform. I think most people in the country think that this is as much of a debate between ins and outs as Democrats versus Republicans, and the ins don't want to change a system that is really a great benefit to the ins; that is to say, people who hold office.

I am telling you that I think all of us are under a lot of scrutiny. And I think we had better figure out a way that we push through some significant reform, and it had better not be cosmetic, it had better not be one of these pieces of legislation that has a great acronym, a kind of made-for-Congress look; you know, sounds great, but as a matter of fact very little substance by way of really changing this system. I do not think we are heading in that direction. I think the Rules Committee decision takes us not forward, but again I think it represents, if not a retreat, the best I can say is it is a step sideways. That is why we will have an amendment or amendments on the floor demanding a full inquiry.

By the way, Mr. President, in the debates that I have been in, the argument I usually have to deal with is, "Well, this is just some kind of convenient strategy because you don't want to focus on the illegalities." Of course, we do. But there is nothing mutually exclusive about saying get the facts about illegalities, then there is a full investigation and people are held accountable, but also look at the abuses, also look at the improprieties, also look at the reform issue, also go down the path of changing the system for the better.

Mr. President, that, I think, is the missing piece. That will be our challenge on the floor of the Senate, and that is the direction that we have to go in.

Mr. WARNER. Mr. President, will the distinguished Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. WARNER. I listened very carefully to the Senator's remarks—indeed, I thank him for his comments about the Senator from Virginia. I have also found the Senator from Minnesota to have the same characteristics although I disagree with him on a number of issues.

As I listen to the Senator, it seems to me the Senator has pretty well made up his mind. The Senator has in mind already a framework of ideas and concepts that should be legislated by this body, am I not correct?

Mr. WELLSTONE. Mr. President, the Senator is correct that I can see a number of pieces of legislation, and I am going to outline some of them in a few moments, that I think would make sense, but I also am interested in the give-and-take with colleagues and fashioning compromise if I think it represents a step forward.

Mr. WARNER. Mr. President, I understand that. But I think the Senator is pretty well of a mind to let us get on with the business. The Senator knows what has to be done in exchange with colleagues. Yet, the charter given by the Rules Committee for the additional funding, that sum of money on top of the normal budget for Government Affairs, goes to December 31. You are not going to wait until December 31 to hopefully get the legislation that you have resolved to have one way or another put on the floor, am I not correct? As a matter of fact, do I have reason to believe that you would like to see that legislation enacted before July 4 of this year?

Mr. WELLSTONE. The Senator from Virginia is absolutely correct. I do think—if I could finish.

Mr. WARNER. Go ahead.

Mr. WELLSTONE. There is an A and a B part. A, I do not think people in the United States of America need to be convinced that there are huge problems, and I do not think they believe we do not already know what many of those problems are. It is not like all of a sudden we have to get all sorts of more and more investigation to know what we can do. But I think the investigation can be helpful if you have a full scope of inquiry. I think now where we have gone with the Government Affairs Committee is a step sideways, and I think we should take action.

Mr. WARNER. Mr. President, on this issue I wish to engage my colleague. Clearly, in this resolution we have added additional money for the Rules Committee. If the Senator will examine the document which I referred to earlier, the authority and rules of the Senate, you see in here the clearest of jurisdiction given by the Senate over decades to the Rules Committee to do precisely this, the broadest type of authority. You do not find in here, incidentally, the same authority for Government Affairs. Why? Because they are charged with investigating violations of law. They are not a committee that originates legislation in this area. That is for the Rules Committee.

So it is very clear to this Senator, and I think other Senators will soon recognize, that we are not sidestepping any issue, I say to my friend and colleague. We are simply adhering to the traditional guidelines, precedents and the written prescription for the committees of the Senate to perform their duties. I would urge the Senator to think about whether or not this is sidestepping, or, rather, using the rules and precedents of the Senate set forth in this volume and elsewhere with great clarity.

Mr. WELLSTONE. Mr. President, to respond to the question—and I believe my colleague has asked a question—I do not know any other way to say this but to be straightforward and honest. The proof will be in the pudding. But I think once upon a time the Governmental Affairs Committee under the leadership of Senator THOMPSON was going to look at illegalities; it was going to look at improprieties; it was going to be a full scope of inquiry, and I think we were looking in the proper direction.

With all due respect to my colleague, whom I respect, I think the majority of the Rules Committee is not interested in reform. I think the Rules Committee could very well be a burial ground for reform. Now, if I am wrong, I am pleased to be wrong. But right now, as I think about some of the people who are most active on the Rules Committee and some of the people I have heard speak on this, certainly some of them have made it crystal clear that they are not interested in any reform at all.

Mr. WARNER. Mr. President, I can certainly answer just for this Senator.

Mr. WELLSTONE. Yes. And I am not talking about the Senator from Virginia.

Mr. WARNER. I am in favor of reform, although I have not supported McCain-Feingold because I find there are serious questions as to whether the majority of that bill can be upheld in the Federal court system. That is my concern. And my concern is it totally ignores the very serious problem in this Senator's mind whereby labor unions compel their membership to donate by taking it out of their paycheck before it even gets to the union family.

But anyway, I am not here to try to raise all the red hot irons. I want to keep, hopefully, this debate focused on this volume which lays out the authority of the several committees and the fairness of the resolution in this Senator's mind. I take umbrage, personal and otherwise, at the Senator's comment—he wants to generalize—that the Rules Committee is the burial ground for campaign finance reform. Other Senators can speak to their thoughts on this. But certainly for this Senator, I am very anxious to participate in reform. As I said earlier, I am working with the distinguished majority whip in trying to bring together a series of concepts which will withstand Federal court scrutiny, in our judgment, and which will move forward in substantial reform.

So I say to my friend, I have listened very carefully to his comments, but I do urge him to look at this volume, which prescribes the duties of several committees, and to reflect once again on the fairness of the proposed resolution. We can move forward, Mr. President, with campaign finance reform irrespective of the timetable that is given, whether it is to the Rules Committee or the Governmental Affairs Committee. We can move forward. And that is a judgment call of the 100 Senators to work on collectively under their respective leaders.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. WELLSTONE. I think I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair, and I thank my colleague from Virginia. I say that I felt I was just expressing my honest opinion about what I think is going to happen in the Rules Committee. And my comment was not aimed at my friend from Virginia.

Mr. President, I will say one more time—and I will finish up because I see my colleague from Mississippi is here and I know my colleague from Mississippi is going to agree with everything I am saying so I am anxious for him to get the floor. But let me just finish up. Two points.

One, I think it is problematical, I think it is suspect, I think it is weaving and bobbing and dancing around and a big step sideways to have moved the Government Affairs Committee away from what should have been the scope of the inquiry. We are going to come out here to the floor with language which is going to make it clear that we are serious about reform. And we know that what is key to reform is an investigation not only of illegalities—and you get into a definitional battle over that—but also what is improper, what is not appropriate. You name it. And also all of the ways in which money and politics have now interacted in such a way as to severely undercut the very idea of representative democracy and really undercut the trust people have in our political process. That is No. 1.

No. 2. I just think people in the country are scratching their heads and saying, these folks in the Senate, they are saying that they actually need a lot of time to study all of these problems and they do not want to make a commitment to any date to bring up any piece of campaign reform legislation; permit us to be a little skeptical. We have this idea that politicians are pretty good at delay, and they are pretty good at sidestepping issues, and they are pretty good at not getting down to the work; permit us to be a little skeptical.

How much more do people need to know about abuses, improprieties or illegalities in order to make some change? Many of us, my colleague is right, are pushing for some action. Now, I am not arrogant enough to say that one person has all the ideas about what should be done, but I do get very concerned about sidestepping here, narrowing the scope of inquiry here, delaying here and maybe, just maybe, at the very end laboring mightily and producing a mouse—hardly any kind of reform. I want to tell you, if we do that, people in the country should hold us accountable.

I think that my colleagues, some colleagues, fail to make a distinction. I could be wrong about this. But I am coming to believe that every day there is a headline about something new. I think people read it and they just quickly go on to other stories. I think part of the reason is, unfortunately, people's expectations are not very high, and that should trouble all of us. But at the very core, what is inside of people in this country, is we do not like this system at all. We do not feel as though we are well represented. We feel ripped off and we want you to change it.

I would say to my colleagues—yes, we talked about McCain-Feingold. I support McCain-Feingold. I worked with both Senators from the word go. I think it is an important, significant reform effort.

If I had my way I would go the "Maine option," legislation which really gets the interested money and private money out; a major overhaul of the system. If not, Senator COCHRAN and I had an opportunity to be at a show last night and I said, "Look, I will come to the floor with an amendment just to prohibit soft money." We are going to take action. There are a variety of different approaches and there are other things that can be done that represent reform. But I say to my colleagues, ultimately it gets down to this. We have to dramatically reduce the amount of money that is spent. We have to dramatically reduce the influence of interested dollars and special interest access to decisionmakers. We have to dramatically reduce this money chase. And we have to move toward something that approximates, more or less, a level playing field so we have competitive elections and so challengers have a chance against incumbents.

If we do not do that, we have not done the job. I think people are going to hold us to that standard. So we might be debating kind of the process we are going through to get to the end. But we need to get there together at the end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WARNER. Will the Senator yield for just one moment?

Mr. COCHRAN. I am happy to yield to my distinguished chairman.

Mr. WARNER. Mr. President, I think the record should reflect our distinguished colleague, the senior Senator from Kentucky, has just made a statement with regard to his future. Otherwise he would be here today, participating in this debate. Senator FORD returned home to make a very important statement regarding his future. I know my colleague from Ohio has looked over that statement in which he has indicated that he no longer is going to pursue a career in the U.S. Senate, but is to return to greener fields. I just thought we should put that in the RECORD, as to his absence here today.

Mr. GLENN. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. COCHRAN. Yes. I want to praise Senator FORD, too. But we set aside this time for debate on the resolution. We had 2 hours in morning business and we will have additional morning business time, I am sure, later. I hope we could debate the resolution, but I will be happy to yield to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank my friend from Mississippi. I just want to reinforce what the Senator from Virginia just said. Senator FORD, as ranking minority member on the Rules Committee, would normally be on the floor, managing this bill. Since I had been ranking minority member over at Governmental Affairs, which is involved with this very deeply, he asked me to take his place here today. I should have noted that at the beginning of the session today, before I made my speech.

But he will be missed. I was sorry to see my good friend, WENDELL FORD, who came here the same time I did, make a decision to not run again. I know some of the pangs of going through that decision, having gone through those pangs myself just a short time ago. And I am sure I will want to say more tomorrow, but that is the reason he is not here floor-managing the bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think we should make it clear at the outset that those of us who are supporting this resolution as reported by the Rules Committee favor looking very carefully at our current campaign laws. The Federal Election Campaign Act sets out some very strict rules and guidelines and laws with respect to how our Federal election campaigns ought to be conducted. Some of us agree that those laws can be improved and are in favor of making changes. For example, I think one of the clear deficiencies in current law is the failure to require disclosure from all of those who spend money in the Federal election campaign process. There is no law against participating. We like to have full participation by all American citizens, by all of those who are eligible to vote in our country, and we need to continue to examine the process to see if we are doing a good enough job of trying to get everybody's involvement in the process. So there are a lot of things that we can do to improve the system.

But I hope that our friends who are urging immediate vote on a single proposal, certainly ought to allow a full debate to occur and a free exchange of ideas. This Committee on Rules has had a number of hearings under the leadership of the distinguished Senator from Virginia on this subject. And in this resolution there is a provision that further campaign reform issues will be examined by the Rules Committee, in the context of this resolution on this investigation.

Having said that, I think we do need to support, though, the passage of this resolution now so investigation can move forward. The Governmental Affairs Committee is charged under this resolution with responsibility of conducting an investigation into illegal activities surrounding the 1996 election campaigns. We do not single out the President's reelection campaign. We say the campaigns that were conducted in 1996, the challenge of the Republican candidate, the campaigns of all Members of Congress, the campaigns of those Senators who were up in the last cycle—all are to be the subject of the investigation by the Governmental Affairs Committee into illegal activities.

Further, if any Senator is found to have engaged in illegal activity, that is to be directly referred to the Ethics Committee for prompt attention and review.

What are these facts that support and are the basis for the resolution? I think it is important for us to look at what the facts are, to look at what the allegations are, some of the charges that have been made. One of the individuals who was mentioned by the Senator from Utah is John Huang. It is said by reports that he raised more than $3.4 million for the Democratic National Committee. Where did this money come from? That is a fair question. That is a very legitimate question, and it ought to be answered by this investigation.

John Huang was given a security clearance while he was still working for a private enterprise, the Lippo Group, and before he started to work at the Department of Commerce. A legitimate inquiry by this investigation committee is: Why did he get a security clearance before starting a job with the Department of Commerce? And he kept his security clearance, even after he left the Department of Commerce and went to work for the Democratic National Committee. Another legitimate inquiry is: Why did someone who is a full-time fundraiser for the Democratic National Committee need a security clearance? Or why was he permitted to have a security clearance?

During his tenure with the Commerce Department and at the Democratic National Committee, he had several visits with officials of the Embassy of the People's Republic of China. A legitimate inquiry: What were the purposes of these visits? Which Chinese officials at the Embassy did he visit and why?

Another person who was mentioned by Senator HATCH, as involved in the reports and who was involved actively in the election campaign of 1996, is Johnny Chung. Johnny Chung is said to have donated a total of $366,000 to the Democratic National Committee. A legitimate inquiry: Where did Chung get this money? Another reported fact: Johnny Chung visited the White House more than 50 times, despite the fact that the National Security Council staff had issued a memo describing him as a hustler, and warning officials at the White House of that. Why did Johnny Chung have such free access to the White House? That is a legitimate inquiry. Who did he see when he went to the White House on these occasions, and for what purpose? One day, during a radio address by the President of the United States, Johnny Chung brought six Chinese officials with him to be spectators, and to witness the President's radio address, 2 days after giving a $50,000 check to a senior White House official to pass on to the Democratic National Committee.

Charlie Trie is another person who has been mentioned today. Charlie Trie was a fundraiser for the Democratic National Committee and the Clinton's legal defense fund. He is said to have raised more than $600,000. What were the sources of these donations? What did he expect in return, if anything? Charlie Trie visited the White House more than 23 times. Who did he see when he was there? What were the purposes of his visits? Charlie Trie arranged to have Wang Jun, a Chinese arms dealer, attend a White House event with the President.

These are legitimate subjects of inquiry into an investigation into possible illegal conduct in connection with the 1996 Presidential election campaign. It seems to me that these are not only questionable activities that raise questions about purposes of fundraising, but connections with a foreign government which was very actively involved in developing new trade relations with our country, in testing our relationship with other countries in that region of the world, and just this past weekend there were new revelations in connection with the fact that the Chinese Government was said, by our own Federal Bureau of Investigation, to be targeting Members of Congress, to influence for the purpose of enhancing China's position with respect to legislation and national policy here in the United States.

The question that is legitimate for us to undertake to answer in this investigation is what connection do these associates of the Democratic National Committee or the President—John Huang, Charlie Trie, Johnny Chung, and others—have with this effort by the Chinese, if any? These are legitimate inquiries.

Has there been a revelation or a discussion or a briefing at the White House by the FBI on these same subjects? And when did those briefings occur? Before these people were given free access to the White House? Or later? Or when?

Did these activities on the part of the Chinese Government become common knowledge at the White House? If they did, who knew about it? Somebody is bound to have known about it. You don't have this kind of seemingly unlimited access with high-level officials in our administration without somebody knowing why they were there.

What were their interests? One, of course, was a Department of Commerce official interested in trade, organizing trade missions all around the country. But not only that, Mr. President, let me show you a chart, for the purpose of information for Senators, reflecting information that may be close as a circle of interest.

Here we have the three persons I was talking about where there is clear evidence of a lot of fundraising activity, a lot of access with the White House and with top officials in the administration, one working at the Department of Commerce. This is John Huang, who was former top U.S. Lippo executive. Lippo is the Indonesian conglomerate already described by Senator HATCH and others. He was a top Democratic National Committee fundraiser. He had a top-secret security clearance at Commerce—even before, we have now learned—and had almost unlimited White House access.

Johnny Chung visited the White House at least 50 times, brought several Communist Party officials, Chinese Government officials, to the White House, and maintains business relationships in China.

Charlie Trie, Little Rock restaurateur, has visited the White House from 20 to 30 times; owns a home and restaurant in Beijing.

All three participated in very productive fundraising activities for the Democratic National Committee or the President's legal expense fund. Approximately $4.5 million was raised by these three individuals for the Democratic National Committee. The Democratic National Committee said it is returning $2.2 million of those contributions. For the President's legal expense fund, Charlie Trie raised $639,000, all now ruled by the lawyers as returnable and should be returned.

Then look at this. These are interesting connections as well. Does this form a link, the link to China that gets the foreign government involved in our election process? It seems to me clearly to indicate a reason to go forward immediately with the passage of this resolution and to go forward with this investigation to find out what the facts are. But here are what some of the allegations are in the reported facts that we can verify with an investigation.

Wang Jun, the foreign arms dealer who was brought to the White House, chairman of Poly Technologies, a Chinese arms manufacturer. He is also chairman of CITIC, which is the largest state-run business in China. He visited the White House on February 6, 1996, as a guest of Charlie Trie.

Ng Lap Seng, a member of CPPCC. This is the Chinese Government's national advisory board. He has multiple business interests in China, Hong Kong, and Macao. He is partners with Charlie Trie in San Kin Yip International Trading Co.

And the Lippo Group, which was discussed in some detail by Senator HATCH. Mochtar and James Riady are the family members who have large interests, if not controlling interests, in the Lippo Group. Lippo has vast business interests in China, business partners with China Resources, a Chinese Government-owned entity.

The CP Group, this is the largest foreign investor in China, $2 billion investment, 130 joint ventures. Chairman Dhanin serves as economic adviser to the Chinese Government. Dhanin visited with President Clinton in the White House on June 18, 1996, arranged by Pauline Kanchanalak through John Huang.

The connections are with Huang, Chung, and Trie with investors, leading industrialists in China, in Indonesia, all with Chinese ties, all with very big stakes in the outcome of Government policies here in the United States and legislation here in the United States, and, apparently, Members of Congress were selected to be supported or encouraged or lobbied, or whatever happened, and we don't know what happened. We don't know if anything happened, but we need to find out what steps were taken to try to influence decisions in this Government by the foreign government.

The question about whether passing a bill to reform campaign finance law cures all that, of course, begs the question. That is not the question, and it is certainly not the answer. The question is, What are the illegal activities that are involved in these transactions, if any? That is not only an appropriate area for inquiry by this U.S. Senate, it is mandatory, it is a duty, it is a mandatory responsibility, it is a duty we have.

So I urge my colleagues to adopt this resolution. It is a product of an effort to try to resolve differences that some on the other side of the aisle have had with the effort that we initiated in the Governmental Affairs Committee to put together a resolution to define scope and a budget and a process.

But I have confidence, Mr. President, in the chairman and the ranking Democratic member, Senator THOMPSON and Senator GLENN, who are totally dedicated, in my view, to a fair but full inquiry of the allegations that are apparent and are begging to be investigated so that we can find out what the facts are.

If laws need to be changed, we can recommend changes in the law. If we simply need to disclose whether people are innocent of the charges that have been made against them, that is an important part of the responsibility, too. To clear those whose names may have been tarnished by published reports that we have seen in the newspapers and heard in the broadcast media, that is part of the obligation of this committee as well, which I think will be taken very, very seriously.

So I am hopeful that the Senate will approve the resolution, Mr. President. I congratulate the chairman for his leadership in this.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague.

We are particularly fortunate on the Rules Committee to have a very significant number of senior colleagues, of which my good friend, the senior Senator from Mississippi, is one. And three members of the Rules Committee, three who voted for this resolution, are also members of the Governmental Affairs Committee. That, in my judgment, is a very, very important aspect of this debate. They looked at it from both perspectives. They have counseled this chairman as well as others on the committee. I think that goes a long way to say that this was a resolution carefully crafted and thoughtfully arrived at. I thank my dear friend.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise not for a lengthy statement here, but just to say that most of the remarks on the other side of the aisle this afternoon have been involved with "The China Link," as it is called on the diagram I see on the other side right now, and with the China connection, with Mr. Huang, Mr. Chung, Mr. Trie, and what may have happened.

I am not quite sure what relevance all these things have to do with S. 39 that is before us on the floor now and which we are debating. Because everyone is agreed, everyone I know on the Rules Committee, the Governmental Affairs Committee, the White House, the President, everybody is agreed that some things went awry in this area. And even the President has said, yes, he wants to see this brought out. Let us find out what happened. Let us correct it. Let us cure it and let us get on with it.

I do not know whether our debate here on the floor is going to take up time pushing this idea that somehow, or implying at least, that we are trying to avoid some sort of discussion or the President is trying to avoid some kind of discussion on Huang, Trie, and others, because I do not think that is the case. I know the Justice Department, as I understand it—and this is just from news reports; I have not talked to the people over there—but as I understand it, they have 25 FBI agents assigned to investigate exactly this matter that we are talking about on the floor this afternoon. So if we need to, on the Governmental Affairs Committee, get into those areas because they involve, obviously, allegations of illegality, we will do so.

So I just want to make that comment that we are united, I think, in the Senate on both sides of the aisle and down to Pennsylvania Avenue to the White House on finding out what happened with Mr. Huang, Mr. Chung, and Mr. Trie, and bring that information out so we can correct whatever the situation was or get new legislation if that is needed to correct it. So we are all committed to that. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it is imperative that the public have a full picture of the questionable campaign fundraising practices which have risen to the surface in such quantity. These practices are not the sole domain of one party. Both parties raise money in comparable ways. Republican practices as well as Democratic practices must be investigated and made public. Otherwise, there is going to be no confidence and no credibility in this investigation. Unless we have an investigation into fundraising abuses by both parties, the committee's investigation—and here I am talking about the Governmental Affairs Committee's investigation—will turn into a partisan squabble.

Both Democratic and Republican activities at both ends of Pennsylvania Avenue must be investigated, and then let the chips fall where they may. There must be a full and thorough investigation into the campaign finance practices of the last election, and to the extent practices of earlier elections shed light on current practices or set the context for our consideration of current practices, the Governmental Affairs Committee should include and voted to include those election cycles in our investigation as well. Whatever we do in this investigation will also hopefully contribute to the enactment of campaign finance reform.

With those goals in mind, the members of the Governmental Affairs Committee met and together unanimously decided on language relative to the scope of this investigation. Members on both sides of the aisle were satisfied with the result and with the sense of accomplishment that we felt. Senator GLENN said just before the vote on the scope resolution:

> I think we have made really a lot of progress in this regard. . . . I think this sets down in language what we had talked about, what you, Senator Thompson had indicated you were for, what we were for.

And Senator LIEBERMAN described it as "an extraordinarily positive piece of work."

That agreed-upon scope in the Governmental Affairs Committee was not an expansion of Chairman THOMPSON's statement of scope which he made on the Senate floor on January 28 when he announced his plans for the committee's investigation. It was the embodiment, for all practical purposes, of what Senator THOMPSON had described in his floor statement. Senator THOMPSON said at that time:

> The investigation that we are now undertaking is neither a criminal investigation nor a seminar on campaign finance reform, although it involves elements of both.

And continuing, Senator THOMPSON said:

> Based on the information before us at this time, it is an inquiry into illegal and improper campaign finance activity in the 1996 Presidential campaign and related activities. . . . Now certainly our work will include any improper activities by Republicans, Democrats or other political partisans. . . . We are investigating activities here, not political parties.

We had a disagreement over how much the investigation would cost, but we did not have a disagreement over what the scope should be. We had a disagreement over the length of the investigation. Democrats on the committee thought we should have a goal for an end date so that we could responsibly, and in a reasonable amount of time, report to the Senate on our findings and conclusions. We thought, looking back at previous investigations, that a year would be appropriate. The congressional investigation into Watergate lasted just over a year. And we thought an end date as well as the funding could always be adjusted if the public interest warranted an extension depending upon the state of the evidence at the time the agreed-upon end date was reached.

We had also hoped for, and actually expected, progress on working out bipartisan procedures for the conduct of the investigation. The committee directed the staff to work on an agreement on procedures to ensure that there was bipartisan access to witnesses, documents and depositions.

So that's where we were after the last Governmental Affairs Committee meeting. We had a unanimously agreed-upon scope resolution, progress on bipartisan procedures, and differences over money and length of time. How did we get to where we are today? Well, this whole thing took a dramatic detour to, and then a dramatic detour in, the Rules Committee.

Republican members of the Rules Committee decided to narrow the unanimously adopted scope of the committee investigation. Initially, some of the Rules Committee wanted to leave Congress out of the investigation altogether. But they soon realized that that would not pass muster with the media or with the American people. So they concocted a formulation, something that made them look like they were covering Congress but, in effect, leaving out the most sensitive areas to Members: soft money and independent expenditures. Republicans raised much more soft money than Democrats, and outspent Democrats 10 to 1 in independent expenditures.

The Rules Committee majority no doubt thought that if they could get the Senate to strike the word "improper" from the Governmental Affairs Committee jurisdiction and leave the scope covering only illegal activity, then they could deflect or avoid the possible resulting pressure to pass campaign finance reform. I have no doubt that that was the goal of many members of the Rules Committee—to deflect or avoid pressure to pass campaign finance reform.

That pressure would come from the bipartisan investigation in the Governmental Affairs Committee not only into what is illegal but into what should be illegal, what is improper, to what has an odor about it, to what is excessive. That is what the Governmental Affairs Committee, on a bipartisan basis, wanted to look at. Not just as to what was illegal technically but as to what we should consider as a legislative body to make illegal.

Now, the Rules Committee decided to put in language about referring allegations of illegal conduct against Members to the Ethics Committee and referred the issue of soft money and independent expenditures, and those are the 800-pound gorillas of campaign finance in the 1990's. Soft money, independent expenditures currently—the legal portion of those activities—were referred to the Rules Committee. But it is the Rules Committee whose majority does not want the Governmental Affairs Committee to have a full-blown investigation in the first place.

Now, that is where we are. The Rules Committee is proposing to this Senate that a unanimously agreed upon resolution of a standing committee of this body to investigate improper activity should not be permitted. Now, I do not know whether this has been done before in the history of this body where you have a committee with jurisdiction which votes unanimously on an investigation, which is then denied that investigation by the Rules Committee. Perhaps it has happened before, I do not know. I have asked the Democratic staff on the Rules Committee if they know of any precedent for this. They do not know of any.

We are not talking about reducing the funding. Here we are talking about limiting the scope of an investigation within the jurisdiction of a standing committee of this body, unanimously voted upon by that standing committee. Now, anybody who has been following this sad story will see through it because I do not think, again—and I will make this challenge to my dear friend from Virginia, Senator WARNER, and he is my dear friend; I will make this challenge to him, because we should know whether or not the Rules Committee has ever in this way limited the scope of an investigation unanimously voted on by a standing committee of this body.

We are not talking about limiting the money. We are talking about saying you may not investigate improper activity. That is clearly within the jurisdiction of the Governmental Affairs Committee. There is no doubt that the Governmental Affairs Committee has jurisdiction to look into improper activities of the kind laid out in our full-scope resolution.

By the way, I have no doubt that the Rules Committee has jurisdiction to do what it has decided it wants to do, as well, that that jurisdiction is not exclusive. The Governmental Affairs Committee has the jurisdiction. There is nothing improper about its jurisdiction. For the Rules Committee to tell a standing committee of this body you may not look into improper activity within your jurisdiction, I believe, is unprecedented. If it has a precedent, then it seems to me this body ought to hear about it from the Rules Committee.

Again, to make clear what we are not talking about, we are not talking about reducing the funding, and we are not talking about the question of whether the Rules Committee has jurisdiction, as well, because clearly they have both jurisdiction to reduce the funds and to take up an issue themselves. What we are talking about is something that is clearly within the jurisdiction of the Governmental Affairs Committee and unanimously adopted by the Governmental Affairs Committee.

Now, in setting aside the Governmental Affairs Committee resolution, the Rules Committee and the resolution before the Senate struck the very key word "improper." Here is what the unanimously passed resolution of the Governmental Affairs Committee said:

> The [committee] shall conduct a Special Investigation into illegal or improper fundraising and spending practices in the 1996 Federal election campaigns. . .

Here is what the Rules Committee substitute says:

> The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

The key word missing from the Rules Committee substitute is the word "improper."

What they are restricting us to investigate on the Governmental Affairs Committee is illegal activities. We are barred from using these special funds—and I emphasize it is these special funds which are at issue—from investigating improper activities. If the Rules Committee version of this resolution passes, and I hope it will not, the Senate would go on record as affirmatively denying an investigative committee of the Senate from investigating improper campaign activities. I think that is a precedent which this body should reject on a bipartisan basis because it puts us in the exact wrong direction in terms of what this Nation wants us to do, which is to both look at illegal as well as improper practices.

Now, some people say, what about the illegal practices which have been alleged. My answer to that is we ought to look at it even though that is usually left to prosecutorial bodies and courts. We ought to look at illegal activities. We should not shy away from that—illegal activities by whomever. But we surely should look as well at improper activities, which activities, at least arguably, should be made illegal.

We are also doing something else in addition to restricting us from looking at the soft underbelly of campaign financing, which is soft money, we are also risking the very investigation of the Governmental Affairs Committee, because the legislative purpose, which is to change the laws, is being put into question by the restriction of the Rules Committee. If we could only look at illegal activity, things already illegal, and we cannot look at things which arguably should be made illegal, then the question of legislative purpose arises. That is what the courts have ruled must exist before subpoenas can be enforced.

A Federal district court in the Icardi case said that:

> The court does hold that if the committee is not pursuing a bona fide legislative purpose when it secures the testimony of any witness, it is not acting as a "competent tribunal" even though that very testimony be relevant to a matter which could be the subject of a valid legislative investigation . . .

So the resolution that is proposed by the Rules Committee substitute not only strikes the key word "improper" that would give the Governmental Affairs Committee the direct authority to investigate practices that are now legal but should be made illegal—because that is what the word improper allows us to do. What the substitute resolution of the Rules Committee does is fails to include any reference whatever to a legislative purpose. In this case, campaign finance reform. The silence on this point is deafening, and I am afraid the silence on this point, the removal of the word "improper" is also going to jeopardize the investigation which is left into the jurisdiction of the Governmental Affairs Committee.

Finally, I want to read one portion of the committee report of the Governmental Affairs Committee that supports the broader scope resolution which had been unanimously adopted by the Governmental Affairs Committee. This is what we said, Democrats, Republicans, unanimously. Or this is what the committee report, more accurately, the Governmental Affairs Committee, says about the broad scope resolution:

> The allegations that have been made are very serious and go to the fundamental workings of our democratic government. The faith of the people in their government and in their system of government is at risk. Our Constitution is premised on the fallibility of human enterprises, including governments. The founders of this Republic did not believe that the errors of Government were self-correcting. They knew that only constant examination of our shortcomings, and learning from them, would enable representative government to survive. They believed, correctly, that this process makes America stronger, not weaker. We must have the same faith.

And then the committee report of the Governmental Affairs Committee says the following:

> These allegations of improper activities must be investigated. The committee intends to investigate allegations of improper activities by all, Republicans, Democrats, or other political partisans. It will investigate specific activities, not on the political party against which the allegations are made.

The Senate, if it adopts the Rules Committee resolution, will undermine the solid, bipartisan work of the Governmental Affairs Committee. A unanimously adopted resolution of that committee that has jurisdiction to investigate improper activities will be undermined by, instead, a partisan resolution of the Rules Committee, adopted on a partisan vote, which narrows the scope of the Governmental Affairs Committee on the use of these special funds.

So, again, while my friend from the Rules Committee, the chairman, is here, let me repeat one point. There is no doubt that the Rules Committee has jurisdiction to entertain the kind of hearings that it is going to have. There is no doubt that the Rules Committee can reduce the funding that has been provided. But I don't know of—and I welcome my friend correcting me if I am wrong—a precedent where the Rules Committee has told a committee of jurisdiction in this body which unanimously adopts a resolution to investigate an activity that it may not do so with the funds that are appropriate or allocated. I know that we can use other funds for that purpose. But we are talking here about a special funding resolution and a unanimously adopted, bipartisan resolution of the Governmental Affairs Committee to investigate something within its jurisdiction. For the Rules Committee to remove the word "improper," it seems to me is unprecedented and unwise, given the tremendous necessity to change the way campaign financing is done in this country.

I yield the floor and would be happy to respond if my friend from Virginia, the chairman of the Rules Committee, desires.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague. Since he came to the Senate, I have valued his views greatly and his friendship a good deal more. Although we differ from time to time, let us see if we can't come to some fundamental understanding here. Has the Senator had an opportunity to review the document, which I referred to today, the "Authority of the Rules of the Senate on Committees?" If not, I urge that the Senator take a little time to look through it. I read it as saying very clearly, that the broadest jurisdiction possible is in the Rules Committee to look into the subject before us—namely, campaign finance reform, campaign finance violations, the whole generic subject. It is silent with respect to the Governmental Affairs Committee. Most respectfully, it is silent on that subject.

The distinguished Governmental Affairs Committee is not a legislative committee in the context of this subject. I wonder if the colleague will take the microphone and we can have a colloquy. The first question is—you have not had a chance, but you will look at this?

Mr. LEVIN. That is correct, and we would be happy to.

Mr. WARNER. Second, you agree that Governmental Affairs is not a legislative committee.

Mr. LEVIN. The investigative jurisdiction of the Governmental Affairs Committee was the question I directed to my friend.

Mr. WARNER. I want to take it step by step. But as far as legislation, to the extent that the Senate hopefully will adopt legislation on campaign finance reform and campaign finance violations, this Senator is going to—and has and will continue to—work vigorously toward that goal. At the current time, the distinguished majority leader has designated the majority whip to head a task force on this side of the aisle, and I am a part of that. I can assure we are working diligently. So that's the legislative action.

The second point I wish to make is, I don't know of anything done by the Rules Committee in this particular resolution, or in any other thing the Rules Committee has done, which would deter the Senate or forestall the Senate from taking up campaign finance reform whenever the concurrence as to the timing comes with the distinguished majority leader and the minority leader. That is traditionally the function of those two leaders. That is a subject that is being actively discussed between the leaders. So nothing we have done deters that. That is a separate timing, a separate subject.

But we see when we pick up the papers, there is something new on this subject every day. It is the most distressing period I have ever seen.

Mr. GLENN. Will my friend yield?

Mr. WARNER. Yes. This is a colloquy. Go ahead.

Mr. GLENN. I thank my friend. I reply that the Governmental Affairs Committee has more broad jurisdiction on investigations than any committee here. It doesn't mean that we do those things legislatively then, but we are a committee that does investigations. We have done broad investigations in drug matters, for instance, and investigations and hearings regarding that. Yet, we turn that legislation over, we turn our information over to other people to form the legislative background they need to bring it here to the Senate.

We have conducted hearings on espionage in the past, and we certainly don't have authority in those areas. But we are given broad investigative powers and staff and money to look into these things as part of our regular jurisdiction.

This committee was known through the years as a committee that took on organized crime. It was known back in those days, originally, as the Truman committee, PSI subcommittee that we have, and the McClellan subcommittee. We took on organized crime. But we didn't do the legislative matters, the legislating that had to be done. We turned the results over to other committees.

More recently, we have looked at fraudulent health programs involving the District of Columbia here and West Virginia and, I believe, part of Virginia, also. We didn't propose to do the legislation in those areas. For many years, I have personally been as involved as anybody in the Senate on matters regarding nuclear nonproliferation. Yet, primarily, that was not something we had to go ahead and put legislation in on, although I did use that to put legislation in many years ago. We have had investigations on terrorism, and it fell to other people to have the legislation.

Mr. WARNER. I readily accede to all this history, which is important. Indeed the Senator has been on the committee for 22 years, has he not?

Mr. GLENN. I have indeed.

Mr. WARNER. I am just pointing out that this resolution goes to the authority to investigate until December 31. Is the Senator suggesting that we are going to wait in the Senate until December 31 to review a final proposal on campaign finance reform? I hope not.

Mr. GLENN. I respond to my friend, no.

Mr. WARNER. There is a clear separation between the two trains that are moving—your investigation, which is important, and campaign finance reform, which, in my judgment, is equally as important. They are on different tracks.

Mr. LEVIN. Can I ask a factual question?

Mr. WARNER. The previous speaker said this Rules Committee resolution sidetracked campaign finance reform. I took serious question with him on that.

Mr. LEVIN. I think that is the likely outcome. We will know that. Is my friend from Virginia suggesting that the Governmental Affairs Committee does not have jurisdiction to investigate improper campaign activities?

Mr. WARNER. I didn't say that, Mr. President. The authority is very clear with respect to the Rules Committee, but it is less clear with Governmental Affairs. If the Senator sees a passage which I have missed—it is rather lengthy—but it is less clear, in my judgment.

Mr. LEVIN. Just to clarify the colloquy, I heard my friend say the committee can use regular funding to look into improper activity.

Mr. WARNER. That was my next point.

Mr. LEVIN. Is there any doubt that the committee has jurisdiction to look into improper activities under its broad jurisdiction—quoting the Governmental Affairs Committee jurisdiction—to have the duty to study the efficiency, economy, and effectiveness of all agencies and departments of Government, which would include the Federal Elections Committee.

My question of the Rules Committee chair is, Is there any question about the jurisdiction of the Governmental Affairs Committee to investigate the propriety of campaign financing and fundraising? Is there some doubt about that?

Mr. WARNER. Mr. President, we are coming to a very important point, and I was going to raise that because I had this in my hand at the time I yielded for the colloquy with the Senator from Ohio. Senate Resolution 54, the omnibus resolution of the Rules Committee for all committees, under which $4.533 million was allocated to the Governmental Affairs Committee—there is nothing in here respecting exactly how it will go about it. That is a matter that is up to the collective wisdom of the members of the committee under the leadership of the very fine chairman, and, indeed, equally fine ranking member. What the Rules Committee decided is, if you wish to have additional funds, that is within the province of the Rules Committee to say that those funds will be for a specific purpose, and that purpose being—we know exactly what it is. But it would seem to me that that action by the Rules Committee, subject to whatever the Senate does in working its will on this resolution—however this resolution emerges—hopefully, in my judgment, will emerge intact. There may be a technical change here or there. That should certainly be a precedent to the members of the Governmental Affairs Committee—a sort of guidepost as to how collectively, exercising the majority vote in this, the members should expend all the funds, in my judgment.

Mr. LEVIN. The collective wisdom of the Governmental Affairs Committee, unanimously adopted, is that we should look at both illegal and improper activities. I do not think there is a slightest doubt that both of those are within the investigative jurisdiction of the Governmental Affairs Committee. And nothing my friend from Virginia here today says anything to the contrary. Both illegal and improper activities are within the investigative jurisdiction of the Governmental Affairs Committee. And here we have a Rules Committee on a partisan vote saying to a committee of jurisdiction that has jurisdiction to investigate both illegal and improper activity: "Sorry. This additional funding can only be used on what is already illegal. You may not investigate activities which maybe should be made illegal." I believe that is unprecedented. I am not saying the Rules Committee cannot do that. I am saying it is unprecedented. I believe it is unwise for the Rules Committee to do that institutionally. More importantly, I believe that the Nation requires an investigation of both illegal and improper, and that is what with the bipartisan unanimous vote of the Governmental Affairs Committee was.

It is to me just the wrong message to send to the country that we are not going to let the investigative body look into improper activities, particularly involving soft money; independent expenditures which are now for the most part legal, not totally because there are some questions of illegality. But there are some. Most of the soft money is probably legal. Most of the independent expenditures are probably legal. But much of it deserves scrutiny and investigation.

What the Rules Committee has done is to deny—in a unanimous vote by the Governmental Affairs Committee—use of these additional funds to both look at improper and illegal activity. And I just hope the Senate as a whole will not set this precedent.

Mr. WARNER. Mr. President, with that I await the will of the Senate to work on it. But I point out that there is $4.53 million. There is no proscription in there. But I would think that however this resolution emerges it should be a guidepost for the conduct of the investigation of this committee.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to compliment my colleague from Virginia, and echo some of the comments that he has made. I happen to have the distinction, as a couple of us do, to serve on both committees. I serve on the Rules Committee, and I serve on the Governmental Affairs Committee. I think the resolution that the Senator from Virginia brought to the floor—and I compliment him for it—says that we should abide by the jurisdiction of the committees. The Rules Committee has jurisdiction over campaign finance reform. It has had that jurisdiction for years. One of the reasons I became involved in the Rules Committee, one of the reasons I participated in the committee, and one of the reasons I requested time for participating, was because I am interested in campaign finance reform legislation, not just oversight on illegal activities. That is what the Governmental Affairs Committee investigates. That committee will be investigating a lot of things that have been discussed on the floor today and tomorrow and probably will be investigating these matters for some time this year, and rightfully so.

I believe I even heard the President of the United States say that we should investigate some of the alleged laundering of foreign money to the Democratic National Committee. We should investigate whether foreign nationals have tried to influence American elections. I do think, however, that the Rules Committee can work on campaign reform and simultaneously have hearings on legal activities dealing with soft money and with independent expenditures. I do not think that it is appropriate that those hearings should be mixed up with the hearings on illegal activity.

Think about it. We are talking about having people testify under oath and perhaps, by subpoena. I know from some of the subpoenas submitted by the minority that appear to focus on money spent by these groups—groups such as the Christian Coalition, Right to Life, the Sierra Club, the unions, and so on. A lot of organizations raise money and use that money to "educate their voters." Maybe they do a lot more. Maybe they want to educate every voter in America. Organized labor put in millions of dollars in this last election. I am on the Rules Committee and I hope that we have hearings. I would say to the chairman of the Rules Committee, have hearings on soft money. What influence did it have on independent expenditures?

I think it is perfectly proper for the Rules Committee to investigate campaign finance reform. We put in an extra $450,000 in this resolution for the Rules Committee to investigate "legal but improper" activities. If somebody deems a legal act to be improper, well that is the eyes of the beholder. But the Rules Committee, the committee of jurisdiction, the committee that will be charged with writing campaign finance reform, should be the committee that is going to be trying to figure out how you handle soft money.

For those who have not really looked into campaign finance reform before, I will tell you: There is not an easy answer on soft money. Some people just say ban it. Well, if you just automatically say ban it, you probably have not thought about it very much. You probably have not thought, "Wait a minute. Are we going to tell an organization they can't communicate their views to members on legislation pending or on a Member's vote on whether they are for their side or against this side?" I do not think we want to do that. I think that can become an infringement on the people's rights of free speech. I think it may very well be declared unconstitutional. I really do not have any interest in us passing legislation just to have it to be declared unconstitutional by the courts.

So my point is that issues concerning independent expenditures and soft money are not easily dealt with. I will tell my colleagues on the other side of the aisle that I would be happy to work with others that have ideas. I think there is a real imbalance in today's electoral system. Under today's laws, individuals are limited donations of $1,000. But you have unlimited expenditures on soft money. So an individual can only put in $1,000. But you might have a wealthy person put in $10 million to try to educate the populace on a particular issue. Another example, as the Senator from Virginia found out, you might run against a very wealthy candidate that might put in $12 million or $15 million and just swamp the airwaves. Yet, a Senator or another individual, if they don't have a lot of resources, would be limited to $1,000 per election, and $2,000 for a primary and general election. There are some real imbalances here and I would like to see us work to correct those.

I think that is properly done in the Rules Committee, not the Governmental Affairs Committee. The Governmental Affairs Committee is not going to be marking up the legislation on this issue. When you are dealing with the oversight on independent expenditures, on soft money, on legal campaign activity and the investigations, the Rules Committee should lead. The investigations under the Governmental Affairs Committee is where we have the subpoena power. That is where we are talking about trying to uncover what has happened. We have constitutional responsibilities within this committee to exercise oversight and find out if the laws have been broken. That is one of our responsibilities on Government Affairs and we need to do it.

I don't think it would be fair to be calling on people who have allegedly broken the law, having them sworn in, giving depositions under oath, making statements before the Governmental Affairs Committee, and then the next week be calling in groups under the same circumstances that were acting legally under the current system. I think they would be unfairly tainted with the same broad brush of illegal activity. I do not think that is right. I think it would be a mistake.

So I compliment my colleague from Virginia. I think he has designed a good resolution, a resolution that we can pass. It is a resolution that protects the jurisdictions of each committee. We actually have three committees involved. We have the Governmental Affairs Committee, which has very broad jurisdiction.

My colleague from Michigan asked if they can not investigate everything else. The Governmental Affairs Committee basically has the authority under its legislative authority to investigate almost anything related to Government. And so some people say, why even bother trying to delineate what they can investigate? They can investigate anything. However, I think what we have come up with a solution to let the Governmental Affairs Committee investigate the illegalities of the last election, whether it be congressional or presidential. Let the Rules Committee conduct hearings on campaign finance reform and soft money and include hearings on improper activities, if there truly were improper activities. Maybe we can come to a consensus on how to handle soft money or independent expenditures. And if we find Members who have violated the rules or the laws, have those be referred to the Ethics Committee.

Some people say that the Ethics Committee is a chamber that no one hears from. I have been in the Senate now 17 years, and I can think of at least 5 Senators who are not here primarily as a result of the Ethics Committee. They do make a difference and they changed people's careers. They caused people to retire. They caused people not to run for reelection or they caused expulsion from the Senate. So the Ethics Committee does exercise its responsibility.

I compliment my colleague from Virginia. I think the delineation and protection is important. Frankly, if I was chairman of the Rules Committee, I would guarantee you I would be down here fighting for my committee's jurisdiction. We do it all the time. The Rules Committee does have jurisdiction over campaign finance reform and it should fight to protect that. It should have any hearings on independent expenditures. And my colleagues, if they want to get into it, I am all for it. Have the hearings. But to me it is in the right scenario. It is not putting people under oath and subpoenaing documents and making them submit to the same procedures as when illegal activities before a committee are under consideration.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I would be happy to yield.

Mr. WARNER. First, I as chairman wish to give assurance of the Senator, who is a member of the committee, and other members, it has been the intention of the Rules Committee to continue as we did last year with extensive hearings—six in total. We will continue this year, and we will deal with those issues relating to soft money and independent expenditures. Somebody thinks you can take a hand and remove soft money but it is just all driven into the independent expenditure. And then you come straight to the first amendment and an individual's right to speak and to spend, which the Supreme Court of the United States has basically equated under their interpretation of the Constitution. Am I not right on that?

Mr. NICKLES. I think the Senator is correct. We may well have the debate on this this week, just to answer my colleague. We may well have the debate on whether or not we will have a constitutional amendment to limit the first amendment as it pertains to speech in campaigns. Some people advocate that. I do not happen to be one.

But again that is a fair debate and one that we will probably have in the Chamber.

Mr. WARNER. Mr. President, if I could continue with the question, and I recognize two other Senators are seeking recognition so I will be brief, but several of our colleagues, and I respect their views, have come during the course of this very good debate this afternoon on this issue and tried to indicate in their judgment that this action by the Rules Committee is a deterrent, stalling or in another way impeding the progress of the Senate on the generic subject of campaign finance reform, which we have been working on now for some 2 years, and I do not think this is in any way a deterrent. As a matter of fact, the Governmental Affairs committee is to go on until next December.

It would be my hope and expectation that the distinguished majority leader and the Senator from Oklahoma in consultation with the minority leader would work on a schedule that is mutually agreeable. And I also wish to commend the Senator for taking the leadership in consultation with the majority leader to have a specific task force within our group that is now assessing what can be done and what will withstand constitutional scrutiny of the Federal courts to put a package together. It would be wrong to put a package through here if we all knew, many of us being lawyers, that it was going to be struck down by the Federal courts. But it is an easy thing to go out amidst this public concern, rightful concern about campaign finance reform, shovel the legislation out knowing that in a year's time it will be struck down by the courts. And that is wrong.

So I wonder if the Senator would just take a minute to describe the work of the task force. We have now had three meetings. In my judgment, we are making progress and I hope that the Senator shares that judgment.

Mr. NICKLES. I thank my colleague. Let me just make a couple of comments, Mr. President. One, we do have a group that is currently working on campaign finance reform. And to those who are saying that this effort of having the Rules Committee have jurisdiction over campaign reform is a stall—I think it is quite the opposite. I think having the Rules Committee retain its historical, legitimate jurisdiction over campaign reform is the right thing to do. I also think it is the best thing to do if you want to have real campaign reform, if you want to get something passed.

Now, we can work simultaneously. I believe the Governmental Affairs Committee is going to be swamped. It has numerous allegations to review. Allegations have been made almost on a daily basis for weeks and weeks now. The list is very long. If you tack on to that, an additional general oversight on campaign reform, I think that bogs down the process for, one, getting the original investigation resolved and, two, it bogs down campaign reform.

Now, I think by separating the two oversight responsibilities by having hearings on campaign reform in the Rules Committee, it will allow the Rules Committee to consider those issues and to go ahead and work on legislation. We may have to do the legislation in a couple of pieces. Some people are very adamant on passing campaign reform legislation this year and they think we can only do it in one piece. I would urge my colleagues—and I see my friend from Wisconsin here—who are really interested in campaign reform to think of possibly what we can do. What can we put together now that has bipartisan support that we can pass?

I can think of several things. Full and immediate disclosure for soft money, for independent expenditures and for all hard money. There is a lot of money under the table right now. We do not have any idea, for example, how much total money that organized labor put into the campaigns. We do not have any idea how much different groups have put in. We could require immediate disclosure, and I bet we could get an overwhelming vote, even a unanimous vote, for immediate disclosure.

I think we can do some other things. There are a lot of other good ideas but I do not know that I should throw all of them out because I am starting to negotiate on these with my Democrat colleagues who want to make some real reform. Maybe we could come up with a consensus package now that includes reform on individual and special interest money. Some people advocate confining money to being raised in their State or district. I am for looking into that. Let us negotiate and see if we cannot put together a package by having oversight in the Rules Committee to include issues of independent expenditures and soft money. Let us see if we can come up with an agreement on that. Maybe the hearings will evolve to where we can come to a consensus on these issues. Also, maybe at the conclusion of the Governmental Affairs Committee, we may find other statutes that need to be changed.

Most of the things that we are looking at investigating right now concern statutes that are fairly clear. In some cases, they have been ambiguous. I noticed the statute in section 607, where it says it shall be unlawful for any person to solicit in a Government building. And the Vice President said he is exempt from the law. I find that to be a stretch. I do not see an exemption there for the Vice President. But if he is correct, maybe we need to change the law.

And so maybe these hearings will evolve and we will learn a little bit more about what should be included in our laws. I am happy to do that. But I do not think the Rules Committee has to wait on the Governmental Affairs Committee to act. I am willing to act earlier. I am very, very serious about trying to work to see if we cannot come up with bipartisan consensus legislation. Once we have passed that, to see if we can come up with those elements that we can agree upon such as making sure, for example, that all contributions for political campaigns are voluntary. To me that is a fundamental right. We should have that in a package.

So let us put together a package, pass it and then if we determine because of the Governmental Affairs Committee hearings or the Rules Committee hearings that we need to do further work, we can address it and pass that possibly later.

So again, I compliment my friend from Virginia for his resolution. I am hopeful that we will be able to pass it soon. I am hopeful—I see my colleague from Ohio—that we will be able to work together in the Governmental Affairs Committee in a bipartisan fashion to get the facts out and to conclude. I will tell my colleague I was one that said let us try to wrap this up this year. I do not want this thing going on forever. So we will work towards that end. I thank my colleagues, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, that was a very interesting dissertation as part of this debate by the distinguished majority whip.

I would like to also note that the former chairman of the Governmental Affairs Committee, the senior Senator from Alaska, participated throughout the debate in the Rules Committee on this issue. He, as well as anyone, understands that committee, the scope of its jurisdiction, the wisdom of preserving the jurisdiction, and he voted solidly with us on this matter. So we have three members, the distinguished Senator from Oklahoma, the distinguished Senator from Alaska, and the distinguished Senator from Mississippi, who spoke today in strong support of this resolution.

So we are particularly fortunate that we have three members of the other committee that served on the Rules Committee and who gave their unqualified support for this resolution.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will not make prolonged remarks this evening, but I must reply to some of the things that have been said here because the implication, at least, has been that somehow Governmental Affairs was usurping jurisdiction or something, and that Rules are protecting their turf in making sure this jurisdiction was not taken over by Governmental Affairs. I think we need to briefly review the bidding and how we got where we are.

When all this matter of campaign finance reform first came up, there were a number of committees in the Senate that thought they had a piece of this and wanted to have hearings or were quoted in the paper as saying they might look into it. We had Commerce, Judiciary, Foreign Relations, the Rules Committee, and Governmental Affairs—all were involved. What was decided in centering this in Governmental Affairs was not a decision made on the Democratic side at all. To concentrate this in the Governmental Affairs Committee was a decision of the Republican leadership, that they did not want this strung out all over the lot. And with Governmental Affairs having the preeminent investigative authority in the Senate, they would concentrate everything there. The newspaper reports, at least, indicated that the leadership got the other committee chairmen to sign off with that approach, and it was announced that the Governmental Affairs Committee was going to take the lead in this.

That was not a decision made on the minority side. That was a decision made and carried out on the majority side. So there was no effort whatsoever by anybody to take some jurisdiction away from another committee.

Now, let us follow this through just very briefly as to what happened. When did the Rules Committee finally get interested in this and decide it was in their jurisdiction? Only after the funding request came from the Governmental Affairs Committee and the members on the Rules Committee, who really do not want campaign finance reform, blocked the funding, period, not in an official committee meeting, but in a meeting just of the Republicans on that committee.

Why did they object to the funding rules? Because they have an objection to campaign finance reform. This got into a real impasse, a real impasse with Republican leadership. So, then it became a deal cut to say we will water down what Governmental Affairs is going to do and we will let the Rules Committee handle this, because we have members opposed to campaign finance reform on the Rules Committee.

It has been pointed out that we have members now on the Rules Committee that are also on the Governmental Affairs Committee, three crossovers, three people with dual membership on both committees, who voted on the Rules Committee to do what this Senate Resolution 39 that we are debating is supposed to do. But I would point out, those are the same three members who voted unanimously on the Governmental Affairs Committee, unanimously on the scope, unanimously on what was to be looked into, unanimously there would be no-holds-barred, unanimously we would look into soft money, unanimously we would look into legal, illegal, improper, whatever—wherever the track led us. That is what they voted for on the Governmental Affairs Committee, and that is the reason it went to the Rules Committee that way.

It was only after members of the Rules Committee put this whole thing into a quagmire of dissent and were going to block any funding that this so-called compromise arrangement—or capitulation, I would term it—was worked out. And that is just exactly how this thing developed.

So, all the talk here about how the Rules Committee members voted this so it must be right because they are also on Governmental Affairs ignores that they are the ones who voted unanimously on Governmental Affairs for the scope, for everything we wanted to look into. We hoped we could work out a goal. All of these things that were voted out of committee only got objections after it got over to the Rules Committee where any funding was stopped by the people who basically do not want any campaign finance reform.

I hate to be so blunt, but that is exactly——

Mr. WARNER. Will my colleague yield for a second?

Mr. GLENN. I will yield the floor.

Mr. WARNER. I think, if you are going to have that rendition of facts, you should also include that those same members asked for $11-plus million and no time limitation, which, if I may with respect, you and your colleagues objected to. So that changed the entire formula for those three members.

Mr. GLENN. How did that change the formula, changing the money?

Mr. WARNER. When you denied them the fact they could go on without a time limitation, and the amount of money. My recollection is that you were only going to grant $1.8 million.

Mr. GLENN. No, let me correct that, because what happened on this was that was a proposal from the Democratic side. It was voted down on Republican side. And the $6.5 million was voted out of committee to the Rules Committee and the Democrats, who had thought we could get by with a much lower figure because every other committee had, going into this investigation with the idea that you always could come back and ask for money—which was done in the case of Watergate, with five different allocations of money. They voted out of committee $6.5 million. That is what went to the Rules Committee. So we had gotten past that hurdle there. We were going with $6.5 million over at Rules, and that is when Republican members on the Rules Committee objected to going forward. That was not the Democratic side. That is how we got to where we are right now.

So I am sure we are going to have more debate on this tomorrow, but I just thought I better indicate here, this was not Governmental Affairs trying to usurp jurisdiction. That jurisdiction was given to us by the Republican leadership in trying to combine all of the different committees that wanted this investigation into one investigation, under the prime investigative committee in the Senate, which is the Governmental Affairs Committee. That was a decision of the Republican leadership. We had nothing to do with that on our side of the aisle. It only came apart, even after it was voted out of the Governmental Affairs Committee unanimously, by all Republican members, and got over to the Rules Committee and ran into trouble with some who want no campaign finance reform and objected so strenuously that a deal had to be cut to let them have some jurisdiction back on the Rules Committee in the areas of soft money that they are so afraid will be changed, and brought it back over there where they would have more of a chance to control it.

We, then, on the Governmental Affairs Committee, were charged with looking into only illegalities. That is a far narrower standard, when you get to investigating matters. We had hoped to have, and what the Republican members on the Governmental Affairs Committee had all voted for, was a broad investigation, no-holds-barred, let's set the basis for campaign finance reform for the future. That is basically what is being denied now.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I shall yield momentarily to my distinguished colleague after just one further fact. The Rules Committee—we went back and checked it again—noted that concerning the request for funding from the Governmental Affairs Committee, which in the tradition of the Senate both the chairman and the ranking would sign, the distinguished ranking member of the Governmental Affairs did not sign the financial request for $11-plus million that came to our committee.

So I think there are a few other facts that should be brought to bear as we look at this situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, it was not too long ago, just last June, when I joined the senior Senator from Arizona and the senior Senator from Tennessee, as well as the senior Senator from Minnesota and other Senators, in offering in this body the first bipartisan campaign finance proposal in over a decade. Although the legislation had received unprecedented bipartisan support, including the backing of President Clinton and Ross Perot and Common Cause, 161 different editorial boards nationwide and some 60 congressional Democrats and Republicans, we in this body did fail to invoke cloture on that measure by 6 votes.

We have heard some interesting arguments during the past summer about this in the public debate, when we did finally debate campaign finance reform for just 2 days under a series of rules that would not allow us to amend the bill but would only allow us to have a debate for 2 days and then vote immediately on cloture.

That was the deal we had to accept, just to have this issue heard in this body and before the American people. But we did so because we wanted a chance to be heard.

We were told on that occasion by our opponents, led by the junior Senator from Kentucky, very clearly that he believed there really wasn't much of a problem with our current campaign finance system. We were told that the explosion in campaign spending that we had seen in 1992 and, again, in the 1994 elections was not only not a cause for alarm; we were told by some, led by the senior Senator from Kentucky, that this onslaught of campaign cash was healthy for democracy. That is what we were told, and it carried the day, although a majority of this body did vote to go forward. The status quo, we were told, was democracy at its finest, and more spending, more big spending, would only make it better.

Of course, we heard the other side of this debate from those of us who adamantly are opposed to the status quo, and at one point during the public debate over this issue, I recall very clearly hearing both the Senator from Arizona [Mr. MCCAIN], and the Senator from Tennessee [Mr. THOMPSON], predict that the 1996 elections would produce a large-scale scandal. They predicted a scandal. I also remember their stern warnings that it would be a scandal of grand magnitude that would eventually compel the Congress to pass meaningful campaign finance reform.

Mr. President, based on what has happened in the months that followed that debate, what was right? Who was right? Those who were proclaiming that money in politics was a match made in Heaven, or those who suggested that money in politics was closer to gasoline and matches?

I believe the debate we are having today, and the endless headlines and media reports of abuses by both sides of the aisle in the last election, provide a clear answer to that question. In fact, the Senator from Kentucky and others who opposed our effort last June on the grounds that we needed more campaign spending, not less, got exactly what they wanted in the last election. They got more spending all right.

The 1996 elections set an all-time record for campaign spending at $2.7 billion—$2.7 billion, Mr. President. Now, was democracy strengthened, as the Senator from Kentucky suggested it would be? I don't think so. Considering that the fewest percentage of Americans went to the ballot in 72 years in that election, I would say that we can lay to rest the theory that more campaign spending increases participation in our political system and is somehow good for democracy.

The resolution before us today provides about $4.3 million for the Governmental Affairs Committee to conduct an investigation into reported illegalities stemming from just the 1996 elections. This includes abuses both in the Presidential and congressional elections. The investigation, as we have laid out here today, must conclude by December 31, and a report must be issued by the committee within 1 month after that date.

Ultimately, I certainly will support this resolution, because I strongly believe these activities must be investigated on a bipartisan basis. That is why I have also supported an appointment of an independent counsel to investigate both Republican and Democratic abuses in the 1996 elections. I am aware that several of my colleagues originally held to the position, as the senior Senator from Ohio is pointing out, that the committee should only examine abuses in the Presidential election, but in light of the recent revelations about potential congressional campaign finance abuses in the last election, I commend the authors of this resolution for their willingness to investigate wrongdoing at both ends of Pennsylvania Avenue.

I am concerned, however, that this resolution is confined to the 1996 elections. Just in the past few days, allegations have come to light about the 1992 elections and potential wrongdoing by the current Speaker of the other body, as well as a former Vice President of the United States. These 1992 allegations are as serious, in my mind, as the 1996 allegations, and they warrant a full investigation by the oversight committees. The use of the White House and the office of the Vice President for activities related to fundraising I don't think was invented in 1996. That is just my guess, but I am pretty sure it was not invented in 1996.

Although it is imperfect, I will ultimately support the underlying resolution to allow this investigation to go forward and hope that the committee, under the strong leadership of the Senators from Tennessee and Ohio, will conduct a balanced and bipartisan investigation process.

But we have to recognize that these investigations are only one small step forward. We have to understand that these abuses, on both sides of the aisle, were an almost inevitable byproduct of a campaign finance system that has virtually no restraints on candidate or party spending and no restraints whatsoever on the so-called soft money contributions that seem to be at the focal point of so many of these abuses.

These abuses, as the Senators from Arizona and Tennessee predicted last June, were simply inevitable. Yes, it is illegal to raise campaign funds from the White House or from a Senate office. Yes, it is illegal to accept campaign contributions from nonresident foreign nationals. Now, that is clear. But let us talk about fundraising practices where the lines between what is legal and illegal and what is ethical and unethical become far more blurred. This is very, very difficult to determine whether something is simply illegal or legal.

For example, under current law, it is viewed as legal for a corporation, a labor union or a wealthy individual to hand the President of the United States or a U.S. Senator acting on behalf of their political parties a check for $400,000. As long as the check is made out to the party and not the person accepting or even soliciting the check, it is widely viewed as legal. It is called soft money, which is unlimited campaign contributions from sources which are normally restricted in their contributing, based on the reforms that were enacted some 20 years ago.

For example, corporations and labor unions, which are strictly forbidden from contributing directly to Federal candidates, can contribute unlimited sums of money to the national parties, which then funnel these funds into various House and Senate races. Mr. President, I don't think anyone in this body is going to be able to fool the American people on this. What this system is is a giant money laundering operation, and it is done openly. That is what it is. It is a giant money laundering operation, known as soft money.

It is also considered legal, apparently, for elected officials to trade access for huge campaign contributions. That is probably on the legal side of the ledger. Let me give you a couple of examples.

In 1995, the Republican National Committee promised $15,000 donors four meetings a year with House and Senate Republican leaders, as well as participation in international trade missions. That same year, the Democratic National Committee offered $10,000 donors the opportunity to participate in trade missions to Budapest, Vienna, and Paris.

This system of exchanging access to elected officials for large campaign contributions was recently referred to by a Member of this body as "the American way," that it is simply the American way to do things this way. Mr. President, if that is true, it is an awfully sad day for America.

The abuses that have been uncovered in recent elections are the symptoms, not the disease. The disease is our failed campaign finance system. Nowhere is this more visible than with the virtual explosion of so-called soft money. In the 1992 elections, about $86 million was raised by the two national parties in these so-called soft money contributions. In 1994, that figure jumped to over $100 million. And then in the 1996 elections, soft money exploded, and the two parties accumulated over $263 million in soft money contributions. That, Mr. President, is more than a 150 percent increase in just 2 years.

When is this body going to stand up and say that it should be illegal, clearly illegal, for anyone, whether you are from Jakarta or Janesville, WI, to make a $400,000 contribution?

When is this body going to stand up and say that we should reform a system that reelects incumbents well over 90 percent of the time?

When is this body going to stand up and say there is simply too much money flowing through our campaign system? And, yes, we do need—soon—comprehensive bipartisan reform.

I just got here a little while ago, got to the floor, and heard the arguments of, yes, we are going to have the investigation and, yes, we are going to have a vote on the constitutional amendment on campaign finance reform. I am hopeful no one will be fooled. That combination of limited hearings that have to do with only illegal conduct and a vote on a constitutional amendment that will lose is simply a way to sweep this issue under the rug. That is all it is. That is a deadly combination. That would be the death of campaign finance reform, to simply pretend that a vote on a constitutional amendment, with the barriers that are involved there in a limited hearing, will somehow take care of this problem.

Many of the people who are saying that they are concerned and want to work on this issue are the very ones that voted last year to not even put campaign finance reform on the agenda of the 104th Congress. So we ought to very carefully examine their claims that the combination of a couple days of debate on a constitutional amendment and limited hearings will do the job. If it can be accomplished, it will be a very neat trick. And it worked in the 104th Congress, but it will not work in the 105th Congress.

Mr. President, it will not be possible to contain this issue. It will not be possible to just sweep it under the rug.

Mr. President, make no mistake, the investigations and the issue of legislating campaign finance reform are automatically and inextricably linked to each other. Let me say, if these investigations are done right, it can help.

An investigation that shines a spotlight on the darkest corners of our campaign finance system can be a useful endeavor so long as those who benefit the most from our current campaign finance rules are willing to turn the spotlight on themselves.

Passage of this resolution, if done right, is a first step. But I do not believe its passage will change one bit the public's perception that their Government and the elected leaders are for sale.

The only way we can truly begin the process of restoring the trust and faith of the American people in their elected officials is to pass meaningful, bipartisan campaign finance reform. It is my sincere hope that opportunity presents itself in the coming months. And I look forward to a thoughtful debate on the issue as well as negotiations with regard to the specifics.

So although I will support this resolution, I will also support efforts to strengthen it by explicitly broadening its scope to include both legal and illegal fundraising activities as well as including the elections prior to 1996 where the seeds of much of this abuse were planted.

Mr. President, what I just described was the original scope of the hearings approved by the Governmental Affairs Committee on a bipartisan, unanimous vote of 16 to 0. And those who supported the narrowing of this scope owe the American people an explanation of why we are only going to examine some of the abuses but not all of the abuses.

In my view, many of the issues can be investigated even under the wording of the resolution before us. In other words, I think it is going to be very difficult to simply make a legal ruling that something was legal or illegal without looking at the facts. And I do think, however, though it would be preferable to restore the specific language regarding the detailed scope that was originally outlined by the Governmental Affairs Committee. Thank you, Mr. President. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Thank you, Mr. President.

Mr. President, I would like to ask my distinguished colleague from Wisconsin a question.

We reviewed your bill with great care in the Rules Committee. You will recall that. I think you appeared before the committee, am I not correct in that?

Mr. FEINGOLD. Mr. President, I do recall that.

Mr. WARNER. Essential to this whole debate is the question of unions. Yet my colleague from Wisconsin excluded that from consideration in his bill.

What do you say as to why you purposefully left an important part of reform out of your proposed legislation?

Mr. FEINGOLD. Mr. President, the answer to the question is, the distinguished Senator from Virginia must be talking about a different bill. This bill bans soft money. The labor unions in this country, I believe, spent $7 million this year on soft money. That is wiped out by the McCain-Feingold bill.

Second, this bill added last year, and it has in this year's version, significant limitations on political action committees. I believe the unions in this country spent about $14 million on political action committees.

Our bill says, if you want the benefit of the voluntary limits within the bill, you have to limit how much you get from political action committees to total to less than 20 percent of your total campaign contributions.

It also takes down the amount that a political action committee can give from $5,000 to $1,000 to the individual limit.

These are severe and real restrictions which I can assure you that the labor unions do not like. In fact, last year there was a meeting of various labor unions and business groups and women's groups and others saying they were very unhappy.

Finally, Mr. President, let me say, in answer to the question, the Senator from Arizona and I have said in the past we are willing to look at other provisions relating to this broader issue as long as it is fair from the point of view of looking at issues of corporate giving, of share-holding money and the giving activities of other organizations that use their members' dues. That is possible.

So we have two major limitations on unions in the bill now. And we are willing to discuss an evenhanded provision that relates to other issues. It is simply not the case——

Mr. WARNER. If I——

Mr. FEINGOLD. Let me finish. It is simply not the case, Mr. President, that anyone has barred limitations that affect unions in our bill.

Mr. WARNER. Do I understand that on the question of dues, these are in many instances deducted from the paycheck. Am I not correct in that?

Mr. FEINGOLD. Mr. President, that is one of a variety of issues that has to do with how unions operate. There are issues of how corporations take money from shareholders, profits to use on campaigns. There are issues about how the National Rifle Association, for example, takes its members' dues and uses that for their activities. These are issues that can be considered.

Now, I will agree with the Senator, we have not put a provision relating to all of this in our bill at this point because I think it is possible that if we try to take all of that on, it could kill campaign finance reform. It could make it very difficult for us to ban soft money and to put a voluntary limitation system on Members of Congress with incentives.

But the Senator from Arizona and I have been very careful in saying everything is potentially on the table, and we want to negotiate. Nothing has been stopped from being considered as this bill comes forward.

Mr. WARNER. Mr. President, I just conclude by saying that over $35 million was spent by the unions in the last election, to the best of my knowledge.

I yield the floor.

Mr. FEINGOLD. A brief rejoinder on that.

The Senator mentioned $35 million spent by the unions in the last election. As I illustrated in my remarks, our bill certainly affects at least $20 million worth of spending that unions did with regard to soft money and political action committees. And may I just point out that the amount of money spent by corporations and other interests in this country, I think, would simply dwarf the figures that are being thrown out around here. That has to be addressed as well.

I thank the chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, before I introduce my amendment, I would like to correct the statement I made in the earlier debate.

The Democrats voted against the $6.5 million recommendation that came out of the committee, but we were outvoted on that at the end. We had favored the smaller amount and letting the committee back for additional allocations of money as were required later on if paydirt was being hit, if the hearings were being fruitful.

So, the original resolution to rules went with a partisan vote on the money, but not on the scope because there was unanimous agreement on the scope. And that is what now is largely at issue here. So I just wanted to correct that so there would be no misunderstanding on it.

AMENDMENT NO. 21

(Purpose: To clarify the scope of the investigation, and for other purposes)

Mr. GLENN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 21.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, strike lines 17 through 20 and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—

"(1) IN GENERAL.—The additional funds authorized by this section are for the sole purpose of conducting an investigation into illegal or improper fundraising and spending practices in the 1996 Federal election campaigns, including the following:

"(A) Foreign contributions and the effect of those contributions on the United States political system.

"(B) Conflicts of interest involving Federal office holders and employees, and the misuse of Government offices.

"(C) Failure by Federal employees to maintain and observe legal limitations relating to fundraising and official business.

"(D) The independence of the Presidential campaigns from the political activities pursued for their benefit by outside individuals or groups.

"(E) The misuse of charitable and tax exempt organizations in connection with political or fundraising activities.

"(F) Amounts given to or spent by a political party for the purpose of influencing Federal elections generally that are not subject to the limitations or reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (commonly referred to as 'soft money') and the effect of soft money on the United States political system.

"(G) Promises or grants of special access in return for political contributions or favors.

"(H) The effect of independent expenditures (whether by corporations, labor unions, or otherwise) upon the current Federal campaign finance system, and the question as to whether such expenditures are truly independent.

"(I) Contributions to and expenditures by entities for the benefit or in the interest of Federal officers.

"(J) Practices described in subparagraphs (A) through (I) that occurred in previous Federal election campaigns to the extent that those practices are similar or analogous.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Committee on Governmental Affairs under the Senate Rules or section 13(d) of this resolution.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate go into a period of morning business for not to exceed 5 minutes for each Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 7, the Federal debt stood at $5,353,405,261,722.26.

One year ago, March 7, 1996, the Federal debt stood at $5,017,741,000,000.

Twenty-five years ago, March 7, 1972, the Federal debt stood at $427,832,000,000 which reflects a debt increase of nearly $5 trillion ($4,925,573,261,722.26) during the past 25 years.

REPORTS OF COMMITTEES

The following reports of committees were submitted on March 6, 1997:

By Mr. WARNER, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. Res. 39: An original resolution authorizing expenditures by the Committee on Government Affairs.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 56: A resolution designating March 25, 1997 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S. Res. 60: A resolution to commend students who have participated in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997.

The following report of committee was submitted on March 10, 1997:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany the resolutions (S. Res. 39) authorizing expenditures by the Committee on Governmental Affairs (Rpt. 105–7).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. DEWINE):

S. 412. A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON:

S. 413. A bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. BREAUX, and Mr. GORTON):

S. 414. A bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. THOMAS):

S. 415. A bill to amend the medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 416. A bill to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency; to the Committee on Energy and Natural Resources.

S. 417. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002; to the Committee on Energy and Natural Resources.

By Mr. WARNER:

S. 418. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 62. An executive resolution expressing the sense of the Senate regarding a declaration to resolution of ratification of the Chemical Weapons Convention; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. DEWINE):

S. 412. A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals; to the Committee on Environment and Public Works.

THE SAFE AND SOBER STREETS ACT

● Mr. LAUTENBERG. Mr. President, I introduced a bill that, if enacted, will go a long way toward reducing the deadly combination of drinking and driving. I am proud to stand with Senator MIKE DEWINE of Ohio in introducing this bill. The Safe and Sober Streets Act of 1997 sets a national illegal blood alcohol content [BAC] limit of .08 percent for drivers over 21 years of age. The bill gives States that have a limit above .08 BAC, 3 years to adopt .08 laws. States that fail to enact this limit will have a percentage of their highway construction funds withheld.

Mr. President, drunk driving continues to be a national scourge that imposes tremendous suffering on the victims of drunk driving accidents and their loved ones. In 1995, drunk driving increased for the first time in a decade. That year, 17,274 people were killed in alcohol-related crashes. Every one of those deaths could have been prevented, had the driver decided to call for a ride, handed the keys to a friend, or did anything other than taking the wheel.

Every 30 minutes someone in America—a mother, husband, child, grandchild, brother, sister—dies in an alcohol-related crash. The numbers are increasing. Our highways are turning into death traps and our concrete clover leaves into killing fields.

Mr. President, we have made progress over the past few decades in the fight against drunk driving. In 1982, 53 percent of motor vehicle fatalities involved alcohol; today, alcohol-involved motor vehicle crashes is 40.5 percent. In 1984, I authored the bill that President Ronald Reagan signed into law to increase the drinking age to 21. Since 1975, 21 drinking age laws have saved roughly 15,700 lives. And, 2 years ago, Congress passed and President Clinton signed into law a zero tolerance bill with sanctions, making it illegal for drivers under 21 years of age to drive with any amount of alcohol in their system.

While that shows promise, we know we must do more—17,274 lives lost is 17,274 too many. Instituting a national standard for impaired driving at .08 BAC is the next logical step in the fight against drunk driving.

There are those who ask why the standard for impaired driving should be .08 BAC. But I think the better question is: why should the standard be as high as .10? We know that any amount of alcohol affects motor skills and driving behavior to some degree. A 1991 study by the Insurance Institute for Highway Safety indicates that each .02 increase in the BAC of a driver with nonzero BAC, nearly doubles the risk of being in a fatal crash. This means that the risk a driver faces begins much earlier than when his or her blood alcohol content is at .10 or .08, after the first or second drink. In fact, the National Highway Traffic Safety Administration [NHTSA] reports that in single vehicle crashes, the relative fatality risk of drivers with BAC's of .05 and .09 is over 11 times greater than for drivers with a BAC of zero.

Mr. President, .08 BAC is not an insignificant level. A 170 lb. male must consume four and a half drinks in 1 hour on an empty stomach to reach .08 BAC. This is not social drinking. While most States have .10 BAC as their legal limit, it is actually at .08 BAC where driving skills are seriously compromised. At that level, the vast majority of drivers are impaired when it comes to critical driving tasks. Braking, steering, speed control, lane changing, and divided attention are all compromised at .08 BAC.

Thirteen States have .08 BAC limits, and many industrialized countries have .08 BAC limits or lower. Canada, Great Britain, Austria, and Switzerland have .08 BAC limits. France and The Netherlands have a .05 BAC limit. They adopted these laws because they know that they work. They work for these reasons:

First, .08 BAC laws have proven to reduce crashes and fatalities. Most States that have adopted the .08 BAC level have found a measurable drop in impaired driving crashes and fatalities. A study conducted by Ralph Hingson, ScD. and published in the American Journal of Public Health, showed that those States that adopted .08 BAC laws experienced a 16-percent decline in the proportion of fatal crashes involving fatally injured drivers whose BAC were .08 or higher. And, those same States experienced an 18-percent decline in the proportion of fatal crashes involving drivers whose BAC was .15 or higher. That means that not only did the rates decrease for overall drinking and driving, but also for drivers who were extremely impaired. This same study concluded that if .08 BAC were adopted nationwide, 500 to 600 lives would be saved annually. That alone should be enough to convince all of us that this should be a national standard.

Second, .08 BAC laws deter driving after drinking. Crash statistics show that even heavy drinkers, who account for a high percentage of DWI arrests, are less likely to drink and drive because of the general deterrent effect of the .08 BAC.

All of these facts, Mr. President, show us that .08 BAC needs to be a national standard, not just an option. Different standards lead to different perceptions, and in this case these differences can be deadly. In regions with high interstate traffic, a driver should not be considered "impaired" in one State, and then is legally sober by simply crossing a border. Pedestrians, passengers, and safe drivers should be protected no matter in which part of our Nation they are.

Mr. President, we know that .08 BAC laws work. We know that .08 BAC saves lives. It is incumbent upon us to make sure that .08 BAC laws are adopted. That's why my bill gives States 3 years to adopt .08 BAC laws. If a State does not meet that deadline, the Secretary of Transportation will withhold 5 percent of a State's total Interstate Maintenance, National Highway System, and Surface Transportation Program funding combined in fiscal year 2001, and 10 percent for each year thereafter until that State adopts the .08 BAC limit.

Mr. President, sanctions work. While incentive grant programs allow States to decide whether to pass laws on their own, they are notoriously underfunded and States pay little attention. Since the inclusion of the .08 BAC limit as an incentive criteria, only seven States have passed laws due to that incentive. The Federal Government has a role to play to ensure that our highways and roads are safe, and that drunk driving is decreased. The public is on our side. We must not back down.

Mr. President, .08 BAC limits save lives. This bill, if enacted into law, will work. I urge all my colleagues to join in the fight to decrease drunk driving, to make our roadways safer, and most important, to provide comfort to those victims of drunk driving and their families that the Federal Government stands behind them in the memories of their loved ones.

Mr. DEWINE. Mr. President, according to the National Highway Traffic Safety Administration, there were 17,274 alcohol-related traffic fatalities in 1995. Each year, 1 million people are injured in alcohol-related traffic crashes. Alcohol is the single greatest factor in motor vehicle deaths and injuries.

It is estimated that alcohol-related crashes cost society over $45 billion every year, when you count up items like emergency and acute health care costs, long-term care and rehabilitation, police and judicial services, insurance, disability and workers' compensation, lost productivity, and social services for those who cannot return to work and support their families. Just one alcohol-related fatality is estimated to cost society $950,000. The cost of each alcohol-related injury averages $20,000.

FIXING THE PROBLEM

The legislation we are introducing today would enact nationally a strategy that has been proven to work against alcohol-impaired driving—making it per se illegal to have a .08 level of blood alcohol content [BAC] when driving.

An illegal per se law makes it illegal in and of itself to drive with an alcohol concentration measured at or above the established legal level. Forty-eight States have established a per se law. Thirty-five States have established per se laws at .10 BAC. Thirteen others have established the law at .08 BAC.

Virtually all drivers are substantially impaired at .08 BAC. Laboratory and on-road tests show that the vast majority of drivers, even experienced drivers, are significantly impaired at .08 BAC with regard to critical driving tasks such as braking, steering, lane changing, judgment, and divided attention. The risk of being in a crash rises with each BAC level, but rises very rapidly after a driver reaches or exceeds .08 compared to drivers with no alcohol in their systems. The National Highway Traffic Safety Administration has concluded that in single-vehicle crashes, the relative risk for drivers with BAC's between .05 and .09 is over 11 times greater than for drivers with no alcohol in their systems.

The .08 laws reduce the incidence of impaired driving at .08. However, they reduce even more the incidence of impaired driving at high BAC's over .15.

Most States with a .08 law have found that it has helped decrease the incidence of alcohol-related fatalities. In California, NHTSA found that the State experienced a 12-percent reduction in alcohol-related fatalities. A recent study conducted by a professor at Boston University compared the first five States to lower their BAC limit with five nearby States with a .10 limit. Overall, the .08 States experienced a 16-percent reduction in the proportion of fatal crashes with a fatally injured driver whose BAC was .08 or higher, as well as an 18-percent reduction in crashes where the fatally injured driver's BAC was .15 or higher. The study concluded that if all States lowered their BAC limits to .08, alcohol-related highway deaths would decrease by 500–600 per year.

Furthermore, .08 laws make it easier to arrest and convict drivers with BAC's of .10 or .11 because these are no longer borderline cases.

Laws establishing a .08 per se limit serve as a powerful deterrent to drinking and driving—sending a message that the State is getting tougher on drunk driving, and making people think twice about getting behind the wheel. I strongly support this legislation.•

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. BREAUX, and Mr. GORTON):

S. 414. A bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of U.S. imports and exports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OCEAN SHIPPING REFORM ACT OF 1997

Mrs. HUTCHISON. Mr. President, last Congress, we made substantial progress toward enacting ocean shipping reform. The House passed a bill and, under the leadership of Senators LOTT and PRESSLER, we in the Senate were presented with a very workable framework for ocean shipping reform. I am pleased to make it the framework upon which we base the bill which Senators LOTT, GORTON, BREAUX, and I are introducing today. It is my hope that we can develop the consensus necessary to pass this measure in a timely way.

The next step in this process is the hearing later this month before the Surface Transportation and Merchant Marine Subcommittee, which I chair. I am looking forward to hearing from those who will be impacted by our legislative efforts. Ninety-five percent of U.S. foreign commerce is transported via ocean shipping. Half of this trade, which is carried by container liner vessels with scheduled service and is regulated under the Shipping Act of 1984, is affected by these reforms.

This legislation represents an important opportunity to ease the hand of regulation on a significant sector of commerce, and eliminate a regulatory agency altogether. Our bill terminates the Federal Maritime Commission and consolidates remaining maritime regulatory responsibilities into a renamed Surface Transportation Board. Thus, we will eliminate one regulatory agency and improve another by making its mission more reflective of the shipping world where commerce moves intermodally—over rail, road, and ocean.

This bill allows for greater flexibility in service contracting by shippers and ocean common carriers, which will permit freight to move at the most competitive prices while we continue to protect against discriminatory practices. To this end, we continue to require a form of tariff publication. However, it is much more flexible than current tariff filing. Tariffs become effective upon publication through a private system, not the Government, and tariff changes do not require Government approval. This puts the maritime industry on similar footing as other transportation industries which we have deregulated in recent years, providing carriers with much greater rate flexibility. At the same time, we preserve protections required to counter the effects of ocean carrier antitrust immunity and foreign carrier involvement in this segment of commerce.

I look forward to working with colleagues on both sides of the aisle to pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1997".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect on March 1, 1998.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and"; and

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking paragraph (5) and redesignating paragraph (4) as paragraph (5);

(2) inserting after paragraph (3) the following:

"(4) 'Board' means the Intermodal Transportation Board.";

(3) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(4) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(5) striking "in an unfinished or semi-finished state that require special handling moving in lot sizes too large for a container" in paragraph (11);

(6) striking "paper board in rolls, and paper in rolls." in paragraph (11) and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(7) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (14) and inserting "conference";

(8) striking "conference." in paragraph (14) and inserting "conference and the contract provides for a deferred rebate arrangement.";

(9) striking "carrier." in paragraph (15) and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.".

(10) striking paragraph (17) and redesignating paragraphs (18) through (27) as paragraphs (17) through (26), respectively;

(11) striking paragraph (18), as redesignated, and inserting the following:

"(18) 'ocean freight forwarder' means a person that—

"(A)(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; or

"(B) acts as a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(12) striking paragraph (20), as redesignated and inserting the following:

"(20) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party.";

(13) striking paragraph (22), as redesignated, and inserting the following:

"(22) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean freight forwarder, as defined in paragraph (18)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment, except that the amendments made by paragraphs (1) and (2) take effect on January 1, 1999.

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) OCEAN COMMON CARRIERS.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree upon any matter related to service contracts.".

(b) MARINE TERMINAL OPERATORS.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)"; and

(2) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking paragraph (8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item; and

"(9) prohibit the conference from—

"(A) prohibiting or restricting the members of the conference from engaging in negotiations for individual service contracts under section 8(c)(3) of this Act with 1 or more shippers;

"(B) requiring a member of the conference to disclose the existence of a confidential individual service contract under section 8(c)(3) of this Act, or a negotiation on an individual service contract under section 8(c)(3) of this Act, except when the conference enters into negotiations with the same shipper; and

"(C) issuing mandatory rules or requirements affecting individual service contracts under section 8(c)(3) of this Act, except as provided in subparagraph (B).

A conference may issue voluntary guidelines relating to the terms and procedures of individual service contracts under section 8(c)(3) of this Act if the guidelines explicitly state the right of members of the conference not to follow the guidelines.".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) inserting "Federal Maritime" before "Commission" in paragraph (6) of subsection (a);

(3) striking "or" at the end of subsection (b)(2);

(4) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(5) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment except the amendment made by paragraph (2) of subsection (a) takes effect on January 1, 1999.

SEC. 106. TARIFFS.

(a) IN GENERAL.—Subsection (a) of section 8 of the Shipping Act of 1984 (46 U.S.C. App. 1707) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "and" at the end of paragraph (1)(D);

(6) striking "loyalty contract," in paragraph (1)(E);

(7) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(8) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(9) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) SERVICE CONTRACTS.—Subsection (c) of that section is amended to read as follows:

"(c) SERVICE CONTRACTS.—

"(1) IN GENERAL.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

"(2) AGREEMENT SERVICE CONTRACTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an agreement shall be filed confidentially with the Commission, and at the same time, a concise statement of its essential terms shall be published and made available to the general public in tariff format, and those essential terms shall be available to all shippers similarly situated. The essential terms shall include—

"(A) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

"(B) the commodity or commodities involved;

"(C) the minimum volume;

"(D) the line-haul rate;

"(E) the duration;

"(F) service commitments; and

"(G) the liquidated damages for nonperformance, if any.

"(3) INDIVIDUAL SERVICE CONTRACTS.—Notwithstanding subsection (a) of this section and paragraph (2) of this subsection, service contracts entered into under this subsection between 1 or more shippers and an individual ocean common carrier—

"(A) may be made on a confidential basis;

"(B) are not required to be filed with the Commission; and

"(C) shall be retained by the parties to the contract for 3 years subsequent to the expiration of the contract.";

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking "30 days after filing with the Commission." in the first sentence and inserting "21 calendar days after publication.";

(2) striking "less than 30" in the next sentence and inserting "less than 21 calendar"; and

(3) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (e) of that section is amended to read as follows:

"(e) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public a schedule of rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable as an implied contract, subject to section 10 of this Act, without proof of actual knowledge of its provisions.".

(e) Automated Tariff System Requirements; Form.—Subsection (f) of that section is amended to read as follows:

"(f) Regulations.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "filed with the Commission" in the first sentence of subsection (a) and inserting a comma and "or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" each place it appears in subsection (b) and inserting "published or assessed";

(8) striking "filing with the Commission" in subsection (c) and inserting "publication";

(9) striking "Disapproval.—" in subsection (d) and inserting "Prohibition of Rates.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable." ;

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 or 11a of this Act;";

(4) redesignating paragraphs (5) through (8) as paragraphs (3) through (6), respectively;

(5) striking paragraph (9) and redesignating paragraphs (10) through (16) as paragraphs (7) through (13), respectively;

(6) in paragraph (7), as redesignated, inserting "except for service contracts," before "demand,";

(7) in paragraph (9), as redesignated —

(A) inserting "port, class or type of shipper, ocean freight forwarder," after "locality,"; and

(B) inserting a comma and "except for service contracts," after "deal or";

(8) striking "a non-vessel-operating common carrier" each place it appears in paragraphs (11) and (12), as redesignated, and inserting "an ocean freight forwarder";

(9) striking "sections 8 and 23" in paragraphs (11) and (12), as redesignated, and inserting "sections 8 and 19";

(10) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(11) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c)(5) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(5)) is amended by inserting "as defined by section 3(18)(A) of this Act," before "or limit".

(c) Section 10(d)(3) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)(3)) is amended by striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b)(8), (9), and (13)".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (5)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended—

(1) by striking "non-vessel-operating common carrier," in paragraph (1) and inserting "ocean freight forwarder,";

(2) striking "non-vessel-operating common carrier operations," in paragraph (4);

(3) by inserting "and service contracts" after "tariffs" each place it appears in subsection (e)(1)(B);

(4) by striking "filed with the Commission" in subsection (e)(1)(B); and

(5) by striking "section 13(b)(5) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(5)" in subsection (h) and inserting "section 13(b)(6) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(6))".

SEC. 112. SUBPOENAS AND DISCOVERY.

Section 12(a)(2) of the Shipping Act of 1984 (46 U.S.C. App. 1711 (a)(2)) is amended by striking "evidence." and inserting "evidence, including individual service contracts described in section 8(c)(3) of this Act.".

SEC. 113. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels of the common carrier and any such vessel may be libeled therefor in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (6)";

(2) redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by striking "or (b)(4)" and inserting "or (b)(2)".

SEC. 114. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) Reports.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 115. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 116. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 117. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking subsection (a) and inserting the following:

"(a) License.—No person in the United States may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that the Commission determines to be qualified by experience and character to act as an ocean freight forwarder.";

(2) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) inserting after subsection (a) the following:

"(b) Financial Responsibility.—

"(1) No person may act as an ocean freight forwarder unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under section 3(18) of this Act, or any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act; and

"(B) may be available to pay any claim against an ocean freight forwarder arising from its transportation-related activities under section 3(18) of this Act that is deemed valid by the surety company after providing the ocean freight forwarder the opportunity to address the validity of the claim.

"(3) An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(4) striking "a bond in accordance with subsection (a)(2)" in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1)";

(5) striking "forwarder" in paragraph (1) of subsection (e) and inserting "forwarder, as described in section 3(18),";

(6) striking "license" in paragraph (1) of subsection (e) and inserting "license, if required by subsection (a),";

(7) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(8) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean freight forwarder, as so defined; or

"(B) agree to limit the payment of compensation to an ocean freight forwarder, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the forwarding services are provided.".

SEC. 118. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) Effects on Certain Agreements and Contracts.—All agreements, contracts, modifications, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984 shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1997, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1997.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1997 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1997.".

SEC. 119. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

SEC. 120. REPLACEMENT OF FEDERAL MARITIME COMMISSION WITH INTERMODAL TRANSPORTATION BOARD.

(a) In General.—The Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) is amended by—

(1) striking "Federal Maritime Commission" each place it appears, except in sections 7(a)(6) and 20, and inserting "Intermodal Transportation Board";

(2) striking "Commission" each place it appears (including chapter and section headings), except in sections 7(a)(6) and 20, and inserting "Board"; and

(3) striking "Commission's" each place it appears and inserting "Board's".

(b) Effective Date.—The amendments made by subsection (a) take effect on January 1, 1999.

TITLE II—TRANSFER OF FUNCTIONS OF THE FEDERAL MARITIME COMMISSION TO THE INTERMODAL TRANSPORTATION BOARD

SEC. 201. TRANSFER TO THE INTERMODAL TRANSPORTATION BOARD.

(a) Change of Name of Surface Transportation Board to Intermodal Transportation Board.—The ICC Termination Act of 1995 (Pub. L. 104-88) is amended by striking "Surface Transportation Board" each place it appears and inserting "Intermodal Transportation Board".

(b) Functions of the Federal Maritime Commission.—All functions, powers and duties vested in the Federal Maritime Commission shall be administered by the Intermodal Transportation Board.

(c) Regulations.—No later than January 1, 1998, the Federal Maritime Commission, in consultation with the Surface Transportation Board, shall prescribe final regulations to implement the changes made by this Act.

(d) Authorization of Appropriations for Fiscal Year 1998.—There is authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

(e) Commissioners of the Federal Maritime Commission.—Subject to the political party restrictions of section 701(b) of title 49, United States Code, the 2 Commissioners of the Federal Maritime Commission whose terms have the latest expiration dates shall become members of the Intermodal Transportation Board. Of the 2 members of the Intermodal Transportation Board first appointed under this subsection, the one with the first expiring term (as a member of the Federal Maritime Commission) shall serve for a term ending December 31, 2000, and the other shall serve for a term ending December 31, 2002. Effective January 1, 1999, the right of any Federal Maritime Commission commissioner other than those designated under this subsection to remain in office is terminated.

(f) Membership of the Intermodal Transportation Board.—

(1) Number of members.—Section 701(b)(1) of title 49, United States Code, is amended by—

(A) striking "3 members" and inserting "5 members"; and

(B) striking "2 members" and inserting "3 members".

(2) Qualifications.—Section 701(b)(2) of title 49, United States Code, is amended by inserting after "sector." the following: "Effective January 1, 1999, at least 2 members shall be individuals with—

"(A) professional standing and demonstrated knowledge in the fields of maritime transportation or its regulation; or

"(B) professional or business experience in the maritime transportation private sector, including marine terminal or public port operation.".

(g) Effective Date.—The amendments made by this section shall take effect on January 1, 1999, except as otherwise provided.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) In General.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board";

(2) inserting "ocean freight" after "solicitations," in subsection (1)(b);

(3) striking "non-vessel-operating common carrier operations," in subsection (1)(b);

(4) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(5) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts"; and

(6) striking "Commission" each place it appears (including the heading) and inserting "Board".

(b) Special Effective Date.—The amendments made by subsection (a) take effect on the date of enactment of this Act, except that the amendments made by paragraphs (1) and (6) of that subsection take effect on January 1, 1999.

SEC. 302. TECHNICAL CORRECTIONS.

(a) Public Law 89-777.—The Act of November 6, 1966, (Pub. L. 89-777; 80 Stat. 1356; 46 U.S.C. App. 817 et seq.) is amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board"; and

(2) striking "Commission" each place it appears and inserting "Board".

(b) TITLE 28, UNITED STATES CODE, AND CROSS REFERENCE.—

(1) Section 2341 of title 28, United States Code, is amended by—

(A) striking "Commission, the Federal Maritime Commission," in paragraph (3)(A); and

(B) striking "Surface" in paragraph (3)(E) and inserting "Intermodal".

(2) Section 2342 of such title is amended by—

(A) striking paragraph (3) and inserting the following:

"(3) all rules, regulations, or final orders of the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, or 841a) or pursuant to part B or C of subtitle IV of title 49 (49 U.S.C. 13101 et seq. or 15101 et seq.);"; and

(B) striking paragraph (5) and inserting the following:

"(5) all rules, regulations, or final orders of the Intermodal Transportation Board—

"(A) made reviewable by section 2321 of this title; or

"(B) pursuant to—

"(i) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

"(ii) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

"(iii) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d));".

(c) FOREIGN SHIPPING PRACTICES ACT OF 1988.—Section 10002(i) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 1710a(i)) is amended by striking "2342(3)(B)" and inserting "2342(5)(B)".

(d) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), and (c) take effect January 1, 1999.

(2) The repeal made by subsection (d) takes effect March 1, 1998.

Mr. LOTT. Mr. President, I rise today to introduce bipartisan legislation that will update, revise and improve upon the Shipping Act of 1984. This legislation is a continuation and extension of work initiated in the last Congress by Representative BUD SHUSTER, my friend in the House of Representatives and Senator Larry Pressler, then chairman of the Senate's Commerce Committee.

Under the leadership of Senator Pressler, the proposal from the House of Representatives was examined through an initial hearing, and it was modified to address the concerns expressed by many in the industry. Only after a critical review of the key issues and concerns was a revised bipartisan amendment to the Senate bill introduced. Unfortunately, time ran out in the 104th Congress and the Senate Commerce Committee could not hold another hearing on the proposal. Still, changes continued to be incorporated into a single new version of the amendment, and in the last week of the 104th Congress the amendment was placed in the CONGRESSIONAL RECORD.

My legislative plan was simple and direct—introduce a bill and then hold a hearing so that public input would have a genuine opportunity to affect the legislative process. This remains my plan, and that is why I used my public ending point in the 104th Congress as my new beginning point in the 105th Congress.

As the process began again in this Congress, we again sought input from the maritime world as we prepared this important legislation for reintroduction. In the 104th Congress, the House of Representatives was the first to act. In the 105th Congress, the Senate will be the first to act.

Mr. President, this explanation of the legislative journey was necessary so that my colleagues will have an appreciation of the outreach that was pursued by the Senate in its drafting process regarding this shipping reform.

Let me say that I grew up in an active port community. In fact, I still live in that port city of Pascagoula. There is nothing in our legislative proposal that is intended to harm the onshore maritime community. Believe me, I know first hand the challenges faced by ports because I have lived with them. I still remember the committee hearing on the shipping act last year where I had to give lessons in how to pronounce "Pascagoula." On that day, I wanted to make sure people who develop and comment on maritime policy know and remember Pascagoula.

I would like to add one more comment about the development of this legislation before I say a few words on what the bill will accomplish. The U.S. Coast Guard detailed an officer to the Commerce, Science, and Transportation Committee to assist the committee's members and staff on both sides of the isle on issues affecting the Coast Guard and the maritime world. Last year and part of this year we have had the able assistance of Lt. Comdr. Jim Sartucci. He was instrumental in collecting comments and in drafting provisions of this proposal in both the 104th and now the 105th Congress.

I have received many unsolicited compliments about Jim's willingness to listen and merge in a meaningful way, individual proposals from all segments of the maritime world. Everyone that I have encountered has told me that Jim was both professional and fair as we worked through the process.

Mr. President, Lieutenant Commander Sartucci has clearly reflected great credit upon the Coast Guard, the Commerce Committee, and on this legislative proposal.

Mr. President, we now know how we got to this point in the legislative process. There are still two topics that need to be addressed today.

First, why do we need shipping reform and second, how does the bill accomplish that reform?

In just a few minutes, let me explain why we need shipping reform.

Last year's successful maritime reform effort addressed the critical requirement of guaranteeing an American fleet and American crews in the context of necessary sealift capabilities for deploying and supporting our military forces overseas. Our efforts in shipping reform this year focus on the needs of America's ports and Americans who work dockside. Both big and little ports. were considered as part of the process. Ports with and without cranes.

Mr. President, last year, I spoke at length with the Honorable Helen Delich Bentley, the former Maryland Congresswoman. She has been an effective defender of ports and maritime labor for years. She is a true champion, and I value her advice. I made a commitment to Helen then and I believe it has been honored this year with the legislative language. The legislation will provide adequate protection for small ports and small shippers. Also, the legislation will ensure that the collective power of some industry elements will not be allowed to abuse other segments of the industry.

Having said this, it is time to deregulate the ocean shipping industry and to sunset the FMC. The path was started by President Reagan back in 1984. Senator SLADE GORTON, my colleague and friend, was the principal author of this initial step and with his help we took the next step when we put together the proposal in the 104th Congress. I am very pleased that the author of the original act that we are amending has agreed to cosponsor this bill.

Mr. President, this year Senator KAY BAILEY HUTCHISON will be leading the charge to complete this second part of maritime reform. She has a clear understanding of what is necessary to strike the delicate balance to achieve deregulation without permitting marketplace abuses. She will do an excellent job in chairing the hearing and finalizing the legislative language for the full Senate.

Let me be very clear; this proposal only deals with liner shipping, basically container ship, legislation—not bulk cargo shipping, which represents the other half of U.S. ocean borne trade. Do not let the opponents of reform confuse the issue. The already deregulated world of bulk cargo shipping is not being disturbed.

I must also be candid. The challenge is to balance ocean common carrier antitrust issues and large ocean carrier and shipper desires for more private business relationships with meaningful oversight to produce a fair, yet competitive playing field. I believe this legislation strikes the right balance.

I must also say that at the Commerce Committee hearing back in 1995, both Senator BREAUX and I challenged the witnesses to work with us to resolve the concerns we were hearing from our constituents. The witnesses and many others did just that. They showed up and participated in extensive, good faith negotiations.

This bill is not antilabor. The shoreside and seafaring unions continue to work with us in a constructive manner. Their goal and ours is to put in place an ocean shipping framework that eliminates inefficient and burdensome regulations, promotes U.S. trade, and in so doing, preserves and creates American jobs.

This bill is not about dealing with just a couple of players in the maritime community. Many members of the industry were consulted. We provided a genuine opportunity to participate in dialog as we drafted this bill. Introduction should not stop the consensus seeking process. And, I hope the discussion will continue with Senator HUTCHISON as she prepares for the upcoming hearing and even following the hearing.

Let me now explain how this legislation accomplishes our goals to reform this critical industry.

This legislation will permit confidential contracting between individual ocean common carriers and shippers, but will continue current public filing requirements for joint ocean common carrier contracts. This action balances the desire to make the U.S. ocean liner contracting process consistent with international ocean shipping practices and other U.S. transportation modes with the unique application of ocean common carrier antitrust immunity in the ocean liner shipping industry. At recent meetings held by the Maritime Administration on the diversion of cargo from U.S. ports, the current U.S. ocean liner shipping system was identified as a contributor to this problem. This legislation will help eliminate this U.S. port handicap.

This legislation will retain common carrier tariff enforcement, but would eliminate the requirement to file tariffs with the Government. Common carriers would be able to take advantage of available modern technology by using a World Wide Web home page to satisfy the tariff publication requirement. This just makes common sense and reduces the cost of doing business while maintaining protections for small shippers.

This legislation will streamline and reform the Federal Maritime Commission [FMC], and establish a responsible time line to downsize the FMC in accordance with its new mission and merge it with the Surface Transportation Board. America will then have a single, centralized, independent, Federal agency where the distinct regulatory systems for each mode of transportation are monitored and enforced in a coherent manner.

This legislation does much to ensure that America's presence in the ocean shipping business is not subjected to unfair foreign rules or practices. The recent FMC enforcement actions taken against unfair port practices in Japan is an illustration of an essential FMC mission that is not performed by other Federal agencies. This mission will continue, and I will support it wholeheartedly.

Let me be clear. This bill will significantly change the regulations governing ocean transportation in the foreign commerce of the United States while providing Government efficiencies and genuine reforms to protect American interests. The changes will strengthen ocean common carriers' ability to competitively price their services, in turn, making American shippers more competitive.

Mr. President, the world's transportation community is now, and has been for some time, a seamless intermodal world. With this bill our Federal Government will finally be able to think and act in an intermodal manner. The American people get less Federal micro-management of our ocean shipping industry while receiving the protection of a government agency focused on preserving fair competition. An economically efficient, market oriented shipping industry provides America an advantage in the global marketplace.

Mr. President, I want to thank my colleagues for their attention, and I hope they will give serious consideration to becoming a cosponsor to this necessary bipartisan legislative reform. Remember this is not just a port State matter; it is also an exporting State concern.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. THOMAS):

S. 415. A bill to amend the Medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes; to the Committee on Finance.

THE RURAL HEALTH IMPROVEMENT ACT OF 1997

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Health Improvement Act of 1997. This bill makes rural health care more convenient, more effective, and more responsive.

The cornerstone of this bill is an extension of the successful medical assistance facility program, known as MAF's. Without the Rural Health Improvement Act, MAF will remain only a test program which could be discontinued in the future. Passing this legislation will make MAF's permanent and nationwide.

Big Timber, MT, is a good example of how MAF could help out a community. It is a small ranching and farming town on the edge of the Absaroka mountain range. People in that town of Big Timber say hi and chat when they see each other on the street. They are very friendly, very down to Earth, very basic. Every year, the town puts on the Big Timber rodeo and black powder shoot. Big Timber is a town like many in rural Montana.

A few years back, the hospital in Big Timber had to shut down, as is the case with many hospitals in our country. They could not make ends meet with the regulations of the current system. But instead of watching their health care services leave town, the people of Big Timber got together and applied for a MAF waiver.

I was fortunate enough to be in Big Timber last summer for the grand opening of their new MAF building. It was a pretty typical July day in Montana, which means it was very hot. But that did not stop the whole town from turning out for the dedication ceremony. The MAF Program not only saved Big Timber's hospital, but it renewed their sense of community spirit. It was wonderful to watch, wonderful to see. Big Timber faced the same situation many rural communities face every day. They found the solution.

Rural life has qualities you cannot find in big cities: The crime rate is low; people go out of their way to help a friend in need; and folks take the time to know their neighbors, even if that neighbor happens to live 5 miles down the road.

But challenges come with living in such remote surroundings. One of the biggest is access to quality health care. Randy Dixon, a physician's assistance at Philipsburg MAF, really hit the nail on the head when he wrote to me:

> Having arrived in your home State, I am greatly impressed with its magnitude and expanse. However, those same attributes turn into detriments when you are considering access to primary health care. My history and recent acquaintances have taught me that the people of Montana are a tough, resilient people. But those acquaintances also tell me that they have not had consistent, reliable primary care available when that "toughness" had a dent or two in it.

Randy sums up life in rural Montana pretty well, but what he really underscores is the importance of rural medical facilities. In Montana, vast distances and bad weather are about the only two things you can count on. Rural hospitals make up a network that blankets Montana and makes access to health care convenient for folks who are isolated by distance and weather. When one of these hospitals closes its doors, the network falls apart, and people can no longer depend on access to health care.

Jordan, MT, is another example. Without an MAF, the nearest health facility would be Miles City, over 80 miles away. And whether you have a serious medical emergency or simply need a routine checkup, 80 miles is too far, often, to travel.

Rural communities often don't have the patient base or the money to support a fully functional hospital. Yet, the care that these hospitals provide is irreplaceable.

Essentially, Mr. President, there are a lot of communities like Jordan, like

Big Timber, Ekalaka, and other small communities in Montana and other parts of our Nation. Under my bill, an MAF can provide emergency services during the day and have someone on call at night. In a small town, that means that the hospital can be opened at a moment's notice. Folks can still have immediate access to emergency care, and rural hospitals do not have some of the same burdens and overhead expenses and all the redtape and regulations that the big hospitals, unfortunately, often have.

MAF makes exceptions to rules like that.

The whole point of this legislation is to make the MAF waiver permanent, so that hospitals do not have to apply year after year for MAF status. Rather, once that status is determined, that status can be permanent and people in rural communities can rest a little more assured they are going to have pretty good health care.

Mr. GRASSLEY. Mr. President, I rise in support of the Rural Health Improvement Act of 1997, which I joined in introducing today with Senators BAUCUS, ROCKEFELLER, and THOMAS.

We've heard a lot lately, Mr. President, about how hospitals are doing better financially than they have in years. ProPAC's recent report to the Congress indicated that the average prospective payment margins for hospitals are becoming healthy again. In 1995, the average PPS margin was 7.9 percent; only 3 years before, the average PPS margins were negative.

This has truly been a remarkable turnaround, and I applaud hospitals for their success at improving their efficiency. We must remember, however, that anytime we use average statistics, there are those which are below the average, as well as those are above it.

In my State of Iowa, as in many areas of the United States, small rural hospitals are essential links in the chain of health care access. For these small hospitals, however, economic survival is a constant struggle.

There are limits to what we here in Congress can do to help these hospitals survive. But I believe that we have an obligation to do our best to give rural Americans a fighting chance at access to health care. And at the very least, we must not hinder small rural hospitals as they try to serve their essential role.

Unfortunately, our Medicare policies have often been an obstacle, rather than a help. Our inflexible rules and reimbursement policies have made it even harder for small, rural hospitals to survive. I am pleased to report that the legislation we have introduced today is an important step toward making the Medicare Program a true partner with these hospitals.

This bill expands two successful demonstration projects: the Montana Medical Assistance Facility project, and the Essential Access Community Hospital, and Rural Primary Care Hospital projects. These projects have been limited to eight States, with Iowa not among them. Mr. President, I believe that the purpose of demonstration projects is to see what works. Well, the results from the eight States have been very good. It is high time to make the same help available to hospitals in all 50 States. That is what this bill will do.

This legislation allows the designation of certain hospitals as critical access hospitals. To qualify, hospitals must have average lengths of stay of not more than 96 hours, referral relationships with larger hospitals, and 15 or fewer beds, which may be used either for inpatient care or as swing beds. The bill also imposes a general distance requirement of 35 miles from another hospital, but this requirement need not be met if the State certifies that the hospital is a necessary provider of services to residents in the area. The ability of States to waive the 35-mile rule is crucial to hospitals in Iowa, where the distances between communities are not as vast as in some Western states.

Critical access hospitals will be given greater flexibility in meeting Medicare regulations that were designed for larger hospitals. Most important, the legislation will help these hospitals to make their transition from acute care to less expensive primary care. This is why the General Accounting Office has found that the demonstration project has not only assisted the hospitals, and the rural Americans they serve, but that it has actually saved money for the Medicare Program.

Mr. President, as you might expect, this bill will make a big difference in Iowa. In 1995, 43 Iowa hospitals had six or fewer inpatients per day. Of these 43, 15 had negative operating margins. Many of these are not county hospitals, and thus are not subsidized by county tax revenues. These hospitals are in a real bind, and many will benefit from this legislation. Some of the small towns which are likely to be helped are Hawarden, Primghar, Eldora, Rock Valley, Corning, and Rock Rapids. For these Iowa communities, and for many others across America, the Rural Health Improvement Act of 1997 could be a lifesaver. I urge my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleagues from Montana, Iowa, and Wyoming, Senators BAUCUS, GRASSLEY, and THOMAS, in re-introducing a very important bill for rural communities. My colleague from Montana, Senator BAUCUS, has long been a strong advocate of rural health care issues and I am very pleased to be working with him on such an important issue to rural America. Since Medicare's enactment in 1965, the Medicare Program has played a vital role in making sure senior citizens living in rural areas have adequate access to health care services. A disproportionate number of the elderly live in rural areas. As a result, rural hospitals are heavily reliant on the Medicare Program.

Our legislation will provide some basic assistance to help rural hospitals keep their doors open. The changes we are recommending are based on carefully studied pilot projects in West Virginia, Montana, and other States, and we think it is time to apply some very good ideas to the rest of the Nation. I am pleased that President Clinton's budget would also expand Essential Access Community Hospital [EACH] and the Rural Primary Care Hospital [RPCH] program. We are very interested in seeing the specific details of his proposal.

Mr. President, most rural hospitals have only one choice when faced with shrinking occupancy rates, declining Medicare and Medicaid reimbursement rates, and intense market pressures to lower their costs: close their doors. That is where our bill steps in. When being a full-service hospital is no longer viable, our bill gives them a way to become what we call a critical access hospital—a way to preserve essential primary care and emergency health care services for rural America.

West Virginia is one of only seven States that is currently allowed to operate a EACH/RPCH Program. Since we introduced our bill in the 104th Congress, the EACH/RCPH Program, once again, proved to be the salvation for a rural West Virginia county that was on the brink of losing its access to primary care and emergency care services. Because of the availability of the EACH/RCPH Program in West Virginia, the local residents of Calhoun County, WV were able to merge and reorganize two existing, but financially strapped, health care providers, the Minnie Hamilton Primary Care Center and Calhoun General Hospital. A neighboring hospital, Stonewall Jackson, stepped in and offered financial and administrative assistance during this very difficult period of time. As a result, Calhoun County now has a thriving and financially stable health care provider that is meeting the health care needs of its local residents. This is huge relief to the residents of Calhoun County.

Mr. President, our bill is modeled on two separate, ongoing rural hospital demonstration projects, the EACH-RPCH Program, the other is the Montana Medical Assistance Facility [MAF] Program. The basic concept is to place limits on the number of licensed beds and patient length of stays in the participating rural hospitals, and in exchange, hospitals receive Medicare payment rates that will cover their patient care costs, along with badly needed relief from regulations that are intended for full-scale, acute care hospitals.

We believe, based on work by the General Accounting Office, that our legislation will wind up saving the Medicare Program money. We are encouraging the development of rural health networks, to help small, rural hospitals save money and improve quality by working more closely with larger, full-service hospitals.

I am very proud to note that West Virginia has been a leader in helping small, rural hospitals figure out how to adapt and cope with rapid changes in the economics of health care. Six hospitals in West Virginia are federally designated RPCH hospitals and six hospitals are federally designated EACH hospitals. I know that many other rural States and rural hospitals are anxious to enjoy the benefits of this program.

Our legislation draws on the lessons learned from the pilot programs, improves on them, and expands them so that rural hospitals and patients all across America will have the same benefits. Our legislation will give other States the same opportunities already available in California, Colorado, Kansas, New York, North Carolina, South Dakota, and West Virginia through the EACH/RPCH Program and in Montana through the MAF Program.

Our legislation is targeted at the 1,186 rural hospitals nationwide with fewer than 50 beds. While these hospitals are essential to assuring access to health care services in their local communities, these hospitals account for only 2 percent of total Medicare payments to hospitals. In return for certain limits, rural hospitals can count on Medicare payments and regulatory relief to fit their circumstances. They can form new relationships with health care providers in their community, and larger hospitals farther away, so patients have the kind of access to care where it is best to get it.

Mr. President, as we move to adopt Medicare reforms in the Finance Committee later this year, I will be working to make sure that commonsense reforms to help rural hospitals are also adopted.

By Mr. MURKOWSKI:

S. 417. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002; to the Committee on Energy and Natural Resources.

THE ENERGY POLICY AND CONSERVATION ACT AUTHORIZATION

• Mr. MURKOWSKI. Mr. President, this bill is very simple, yet it is extremely important to our Nation's energy security. This bill contains the authorizations for two vital energy security measures, the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency, which will expire at the end of this fiscal year. This bill would extend those two vital authorities, as well as several other important DOE programs, through 2002.

For every year in recent memory, we have authorized this act on a year-to-year basis, and we have faced a potential crisis as these authorizations go unrenewed until the very end of the Congress. We always seem to end up facing a situation where the President does not have authority to withdraw oil from the Strategic Petroleum Reserve if an energy emergency occurs.

Further, if these authorities are not renewed, our Government does not have authority to participate in International Energy Agency emergency actions in an international energy emergency. There will be no antitrust exemption available to our private oil companies to allow them to cooperate with the IEA and our Government to respond to the crisis. These provisions are not controversial in and of themselves, but this bill has a tendency to become a vehicle to address concerns over unrelated issues.

In an attempt to avoid the annual crisis, I am introducing legislation today that will renew these authorities for 5 years. The bill also provides for the leasing of extra capacity in our reserve facilities and changes to the antitrust exemption in the bill to comport with the policies adopted by the IEA at our request.

Although it appears to be easy for some to disregard these dangers, recent events have underscored exactly how precarious this Nation's energy security is. Events in the Middle East clearly demonstrate the instability of the region that we rely on to supply the oil that keeps this Nation moving.

The situation is only getting worse. Since the establishment of the Department of Energy, our reliance on imported oil has passed 50 percent, and is expected to rise to 71 percent by 2015. The OPEC countries are steadily regaining lost market share and it is projected to exceed 50 percent by 2000. The U.S. economy appears to be as exposed as it was in the early 1970's to supply disruptions and losses from monopoly oil pricing. We are talking about jobs and people's lives. In the face of these numbers, DOE has no real plan to stop our slide into near complete dependence on foreign sources of oil, and the President's budget contains a proposal to sell 67 million barrels of oil from the SPR in the year 2002.

I am dismayed by a recent trend toward using the SPR as a piggy bank to pay for other programs. The oil in the SPR cost an average of $27 per barrel. We have sold it for anywhere from $18 to $20 per barrel. Buying high and selling low never makes sense. We're like the man in the old joke who was buying high and selling low who claimed that he would make it up on volume.

In the face of our growing oil dependence, and the administration's proposal to sell oil from the SPR, I can't resist noting the administration's opposition to the production of our domestic oil resources. The administration does not support the domestic storage or production of oil. They do not appear to like the reality that this Nation will continue to need petroleum. However, reality doesn't cease to be reality because we ignore it.

We have already invested a great deal of taxpayer money in these stockpiles. As proven during the Persian Gulf war, the stabilizing effect of an SPR drawdown far outstrips the volume of oil sold. The simple fact that the SPR is available can have a calming influence on oil markets. The oil is there, waiting to dampen the effects of an energy emergency on our economy. However, if we don't ensure that there is authority to use the oil when we need it, we will have thrown those tax dollars away.

So, the first step is to ensure that our emergency oil reserves are fully authorized and available to dampen the effects of the most severe supply disruptions. We are talking about people's lives and jobs. The least we can do is try to limit the possibility that this measure will be held hostage to political ambition.

I urge my colleagues to support the passage of this legislation. I would also like to introduce, by request, proposed legislation transmitted by the administration. I ask unanimous consent that the administration's transmittal letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, March 6, 1997.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a legislative proposal cited as the Energy Policy and Conservation Act Amendments of 1997. This proposal would amend and extend certain authorities in the Energy Policy and Conservation Act (EPCA) which either have expired or will expire September 30, 1997, as well as a weatherization provision in the Energy Conservation and Production Act.

The EPCA was enacted in 1975. Title I authorizes creation and maintenance of the Strategic Petroleum Reserve (the Reserve), which is the Nation's first line of defense in responding to domestic and international oil supply disruptions. Title II contains authorities essential for maintaining a continuing commitment to the International Energy Program administered by the International Energy Agency (IEA) in Paris. Effective participation by the United States in the IEA is critical to assuring our allies of our mutual energy emergency preparedness in the event of a severe interruption of international oil supplies. Title III contains authorities for certain energy efficiency and conservation programs.

As a result of changes in the overall energy environment since the Reserve was authorized in 1975, the Department is conducting a comprehensive review of Reserve policy. That review will be completed during fiscal year 1997. If the review results in recommendations for changes in title I of

EPCA, the Department will submit a legislative proposal under separate cover. This would include proposals relating to title I similar to those submitted to the Congress in October 1995.

Since Reserve and other authorities under EPCA expire on September 30, 1997, it is necessary to extend, until September 30, 1998, authorization for EPCA titles I and II, and several provisions in title III, as well as the Department's weatherization program in title IV of the Energy Conservation and Production Act. The Administration also is proposing amendments to certain provisions in EPCA title II to ensure that the legal authorities for U.S. oil company participation in the IEA's emergency preparedness programs are fully in accord with current U.S. and IEA emergency response policy. The United States has long advocated a policy at the IEA of coordinated drawdown of government-controlled oil stockpiles (e.g., the Reserve) to respond to international oil supply disruptions, with reference on the IEA's emergency oil allocation program as a last resort. This is now IEA's accepted policy. Unfortunately, EPCA's current antitrust provisions do not enable U.S. oil companies to take part in the full range of IEA oil crisis planning activities. The Administration's proposed bill would amend the present limited antitrust defense available to U.S. oil companies to enable them to assist the IEA in planning or implementing a coordinated drawdown of government-controlled oil stockpiles.

The proposed legislation and a sectional analysis are enclosed. The Office of Management and Budget advises that submission of this proposal to the Congress would be in accord with the President's program.

We look forward to working with the Congress toward enactment of this legislation.

Sincerely,

CHARLES B. CURTIS,
Acting Secretary.

SECTION-BY-SECTION

SECTION 2. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Section 2 of the bill would amend the Energy Policy and Conservation Act.

Paragraph (1) would amend section 166 of EPC to authorize appropriations necessary to implement the Strategic Petroleum Reserve for fiscal year 1998.

Paragraph (2) would amend section 181 of EPCA by extending the expiration date of title I, parts B and C from September 30, 1997 to September 30, 1998.

Paragraph (3) is a technical correction which would amend section 251(e)(1) by striking section "252(1)(l)" and inserting in lieu thereof "252(k)(l)."

Paragraph (4) would amend section 252 of EPCA, which makes available to United States oil companies a limited antitrust defense and breach of contract defense for actions taken to carry out a voluntary agreement or plan of action to implement the "allocation and information provisions" of the Agreement on an International Energy Program ("IEP"). These limited defenses are now available only in connection with the companies' participation in planning for and implementation of the IEP's emergency oil sharing and information programs. The amendment would extend the section 252 antitrust defense (but not the breach of contract defense) to U.S. companies when they assist the International Energy Agency ("IEA") in planning for and implementing coordinated drawdown of government-owned or government-controlled petroleum stocks. In 1984, largely at the urging of the United States, the IEA's Governing Board adopted a decision on "Stocks and Supply Disruptions" which established a framework for coordinating the drawdown of member countries' government-owned and government-controlled petroleum stocks in those oil supply disruptions that appear capable of causing severe economic harm, whether or not sufficient to activate the IEP emergency oil sharing and information programs. During the 1990–91 Persian Gulf crisis, the IEA successfully tested the new coordinated stockdraw policy.

Subparagraph (4)(A) would amend subsection 252 (a) and (b) of EPCA. These sections would be amended by substituting the term "international emergency response provisions" for the term "allocation and information provisions of the international energy program." The new term establishes the scope of oil company activities covered by the antitrust defense and includes actions to assist the IEA in implementing coordinated drawdown of petroleum stocks.

Subparagraph (4)(B) would amend paragraph 252(d)(3) of EPCA to clarify that a plan of action submitted to the Attorney General for approval must be as specific in its description of proposed substantive actions as is reasonable "in light of circumstances known at the time of approval" rather than "in light of known circumstances."

Subparagraph (4)(C) would amend paragraph 252(e)(2) of EPCA to give the Attorney General flexibility in promulgating rules concerning the maintenance of records by oil companies related to the development and carrying out of voluntary agreements and plans of action.

Subparagraph 4(D) would amend paragraph 252(f)(2) of EPCA to clarify that the antitrust defense applies to oil company actions taken to carry out an approved voluntary agreements as well as an approved plan of action.

Subparagraph 4(E) would amend section 252(h) of EPCA to strike the reference to section 708(A) of the Defense Production Act of 1950, which was repealed by Public Law 102–558 (October 28, 1992), and the reference to the Emergency Petroleum Allocation Act of 1973, which expired in 1981.

Subparagraph 4(F) would amend subsection 252(i) of EPCA to require the Attorney General and the Federal Trade Commission to submit reports to Congress and to the President on the impact of actions authorized by section 252 on competition and on small businesses annually rather than every six months, except during an "international energy supply emergency," when the reports would be required every six months.

Subparagraph 4(G) would amend paragraph 252(k)(2) of EPCA by substituting a definition of the term "international emergency response provisions" for the present definition of "allocation and information provisions of the international energy program." The new term, which establishes the scope of company actions covered by the antitrust defense, covers (A) the allocation and information provisions of the IEP and (B) emergency response measures adopted by the IEA Governing Board for the coordinated drawdown of stocks of petroleum products held or controlled by governments and complementary actions taken by governments during an existing or impending international oil supply disruption, whether or not international allocation of petroleum products is required by the IEP.

Subparagraph 4(H) would amend subsection 252(l) of the EPCA to make clear that the antitrust defense does not extend to international allocation of petroleum unless the IEA's Emergency Sharing System has been activated.

Paragraph (5) would amend section 256(h) of EPCA to authorize appropriations for fiscal year 1998 for the activities of the interagency working group and interagency working subgroups established by section 256 of EPCA to promote exports of renewable energy and energy efficiency products and services.

Paragraph (6) would amend section 281 of EPCA by extending the expiration date of title II from September 30, 1997, to September 30, 1998.

Paragraph (7) would amend section 365(f)(1) to provide authorization for appropriations in fiscal year 1998 for State Energy Conservation Programs.

Paragraph (8) would amend section 397 to provide authorization for appropriations in fiscal year 1998 for the Energy Conservation Program for Schools and Hospitals.

Paragraph (9) would amend section 400BB to extend the authorization for the appropriation for the Alternative Fuels Truck Commercial Application Program to fiscal year 1998.

SECTION 3. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT

Section 3 would amend section 422 of the Energy Conservation and Production Act to provide authorization for appropriation for the weatherization program in fiscal year 1998.●

By Mr. WARNER:

S. 418. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

THE LORTON CORRECTIONAL COMPLEX CLOSURE ACT

Mr. WARNER. Mr. President, it is a great pleasure today that I introduce the Lorton Correctional Complex Closure Act. For, while a small penitentiary with 60 inmates might have been acceptable in rural Fairfax County in 1916, when the prison was first established as a farming work force, to have over 7,000 inmates in the middle of the heavily populated modern area of Fairfax today, this Senator finds totally unacceptable, legally, environmentally, and in terms of public safety.

The facts about Lorton clearly demonstrates that it should be removed. I say that, Mr. President, having worked on it for some 18 years that I have been here in the Senate. These facts clearly demonstrate that it must be removed in a reasonable period of time, recognizing that such removal requires careful planning, not only taking into consideration the needs of the people in the communities of Virginia, but many other considerations, among them humanitarian needs.

The current facility is inadequate and unsafe. The facilities now lack any institutional control, certainly not that measure of control that should be accorded an institution of this importance.

Also, on the question of rehabilitation, I do not think this facility today is serving to rehabilitative purpose, which is a very vital and important part of the ability to take people who have finished their sentences and equip them to return to society.

The antiquated management and physical structures mean the taxpayers in the District of Columbia get a very poor return on their investment, and a considerable part of the cost is directed to the citizens of the District of Columbia. With its far too many escapes and disastrous pollution record, this facility has continually degraded the quality of life for those living in the immediate area. This is the combination of facts that compels Congress, in my judgment, to end this unfairness to Virginia.

Now, part of the plan that the President of the United States is considering to revitalize the District includes Federal assumption of the District's correctional facilities, including those at the Lorton Prison Complex in Northern Virginia. The present proposal anticipates massive renovation of the existing prison and new construction, as well as a cost of nearly $1 billion to the Federal taxpayer.

Now, Mr. President, that is just not going to happen. I have consistently advocated the closing of Lorton prison in its entirety throughout my 18 years of Senate service. Several years ago, Mr. President, I participated with others on both sides of the aisle, and with the House of Representatives, and we secured legislation and included initial appropriations to start the relocation of the Lorton facility. The mayor at that time and other District of Columbia officials refused even to make the first steps toward a site selection. We were stonewalled even though Congress had spoken, even though Congress had anted up the necessary funds to conduct that site selection and to begin the relocation.

I know of one community in a nearby State that was more than anxious to participate in the construction of a major modern facility. District officials looked the other way. I do not intend, and I say this respectfully to the Senate and the President and his efforts, and I am not known around here as one to make threats, but I do not intend to abandon my goal to relocate Lorton. I say that again. I do not intend to abandon my effort to relocate the Lorton facility.

I wish to be fair and constructive. Consequently, I wish to make it clear that I will be a constructive working partner on the President's proposals as they relate to other aspects of the District of Columbia, because I believe the Nation's Capital needs the help on a wide range of issues. It is my hope to vote in support of a broad relief plan, provided, however, that the proposal contains a clear provision which is binding on D.C. officials, a provision that has a binding obligation on the part of those in the executive branch, the Federal Bureau of Prisons and others, to work with the District, to work with other jurisdictions on the relocation, if that is necessary. There could be a site right in the District: I know of one site that lends itself more than adequately to relocation. But unless those clear and binding provisions are in there for a relocation within a stipulated and reasonable time—and that timetable should be laid out—then I will fight this. I will fight this.

I wish to advise my colleagues that absent such clear plans to remove this facility, then I, the senior Senator from Virginia, would be forced to utilize to the fullest extent all rules of the U.S. Senate to block any proposal relating to the District of Columbia. It is as simple as that. I fervently hope I shall not do it, and I will work industriously to include that provision.

I look forward, as I say, to working with my colleagues in the Virginia delegation to have Congress finally put Lorton on the road for removal and relocation. I will work very closely with my good friend, the distinguished Representative from Virginia, Congressman TOM DAVIS, chairman of the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, who has shown incredible leadership on this issue. I cannot recall any Member of Congress on either side of the aisle who has worked more diligently and more conscientiously with very little return, if any, to him politically or otherwise, but nevertheless has plowed ahead to show leadership on resolving the tough issues relating to the Nation's Capital. TOM DAVIS is to be saluted and commended. I know Senator ROBB and Representatives FRANK WOLF and JIM MORAN from Virginia, as well, and the Governor and attorney general of Virginia, will do their best. The present Governor and attorney general, and hopefully their successors, will do their best to make the removal of Lorton a reality in the near future.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 146

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 146, a bill to permit Medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 184, a bill to provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes.

S. 221

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 221, a bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the Social Security trust funds.

S. 286

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 286, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 317

At the request of Mr. CRAIG, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Ohio [Mr. GLENN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 405

At the request of Mr. HATCH, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

SENATE JOINT RESOLUTION 19

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 19, a joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

SENATE JOINT RESOLUTION 20

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 20, a joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

SENATE JOINT RESOLUTION 21

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval.

SENATE RESOLUTION 19

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Delaware [Mr. BIDEN], the Senator from Nevada [Mr. BRYAN], the Senator from Utah [Mr. HATCH], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 19, a resolution expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

SENATE EXECUTIVE RESOLUTION 62—RELATIVE TO THE CHEMICAL WEAPONS CONVENTION

Mr. FORD submitted the following executive resolution; which was referred to the Committee on Foreign Relations:

S. EX. RES. 62

Resolved, That the Senate hereby expresses its intention to give its advice and consent to the ratification of the Chemical Weapons Convention at the appropriate time after the Senate has proceeded to the consideration of the Convention, subject to the following declaration, which would be binding upon the President:

(1) CHEMICAL WEAPONS DESTRUCTION.—Prior to the deposit of the United States instrument of ratification of the Convention, the President shall certify to the Congress that all of the following conditions are satisfied:

(A) EXPLORATION OF ALTERNATIVE TECHNOLOGIES.—The President has agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the Convention for the destruction of chemical weapons.

(B) CONVENTION EXTENDS DESTRUCTION DEADLINE.—The requirement in section 1412 of Public Law 99–145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004 will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007.

(C) AUTHORITY TO EMPLOY A DIFFERENT DESTRUCTION TECHNOLOGY.—The requirement in Article III(1)(a)(v) of the Convention for a declaration by each State party to the Convention, not later than 30 days after the date the Convention enters into force with respect to that party, on general plans of the state party for destruction of its chemical weapons does not preclude the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article.

(D) PROCEDURES FOR EXTENSION OF DEADLINE.—The President will consult with Congress on whether to submit a request to the Executive Council of the Organization for the Prohibition of Chemical Weapons for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public Law 104–208), the President determines that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

Mr. FORD. Mr. President, I rise today to submit an executive resolution placing conditions on the Chemical Weapons Convention with respect to this Nation's Chemical Demilitarization Program.

Muhammad Ali used to say that not only could he knock 'em out, but he could pick the round. There is no doubt in my mind that when the fight's over, we will knock 'em out on the issue of alternative technologies. Unfortunately, we do not have the luxury of picking which round incineration goes down for good. That means every time we have an opportunity—or see an instance where the Army might try to bob and weave—we've got to be ready to get our punches in.

I believe the passage of the Chemical Weapons Convention could present the Army with just such an opportunity to bob and weave on searching for alternatives to incineration. Fortunately, the White House has agreed to placing additional conditions on the treaty which should stop any of the Army's attempts to duck out on their responsibility.

The head of the National Security Council, Sandy Berger, has sent me a letter agreeing to my language placing conditions on the Chemical Weapons Convention. The letter not only makes it clear to the world and to the Army the President's commitment to exploring alternatives to incineration, it further clarifies the relationship between the Chemical Weapons Convention and our Chemical Weapons Demilitarization Program. I also have a copy of a letter from the President to Secretary of Defense William Cohen reiterating his strong support for finding alternatives to incineration that are safe and environmentally sound.

Why is this language so important?

First, back in 1989, as part of the Defense authorization bill, Congress set an arbitrary deadline of 2004 for the destruction of all chemical weapons. That date conflicts with the Chemical Weapons Convention which calls for destruction 10 years from the date the treaty is signed, which would be 2007. While it should be clear to everyone involved that the treaty date supersedes the congressional mandate, we don't want to give the Army a reason to bob and weave.

Second, 30 days from signing the treaty, signatories are required to submit their plan for destruction. Because the Army is already incinerating chemical weapons in the United States and has already invested billions in this method, this is the plan they will submit 30 days after the treaty has been signed.

Under my language, this treaty requirement will not preclude the United States from going through with a different method than what is originally submitted. Without my language, we have no protection against the Army holding up the official plan as a defense against looking for alternatives.

Third, many in the Nation were very concerned the Army would see the 10-year deadline as an excuse, claiming they simply wouldn't have the time to explore alternatives. In fact, the treaty allows any country to request a 5-year waiver. Under my language, the United States would automatically request that extension if an alternative method can be found.

The condition to the treaty states that if "the President determines that alternatives to incineration are available which are safer and more environmentally sound, but whose use would preclude the United States from meeting the Convention time lines, the President shall consult with the Congress on whether to request to the Executive Council of the OPSW for an extension of the Convention's destruction deadline."

Finally, adding this condition to the treaty is crucial to the effort to find alternative methods because last year's appropriations language not only has to be renewed every single year, but fails to address the treaty's deadline. Year after year, we're going to be faced with fighting the funding aspect out on the House and Senate floor, with no guarantee of winning.

But with my language attached to the treaty, the search for alternative methods won't be left entirely up to a yearly floor battle. That's because I will have effectively closed any loophole related to treaty deadlines that might allow the Army to avoid searching for alternative technologies.

In closing, let me say that up until this point I have withheld support for the Chemical Weapons Convention. But because I have been able to negotiate these critical protections of the exploration of safe, affordable, and environmentally sound alternatives to chemical weapons incineration. I will now put my support behind the treaty.

Mr. President, I ask unanimous consent that a letter from the President to Secretary of Defense William Cohen, and a letter sent to me by the Acting Assistant to the President for National Security Affairs, Sandy Berger, be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 27, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Washington DC.

DEAR BILL: Since the enactment of the FY 1997 Defense Appropriations Act (P.L. 104–208) last fall, Under Secretary Kaminski has acted quickly and diligently to begin implementation of Section 8065, establishing a pilot program to identify and demonstrate alternatives to the Army's baseline incineration process for the demilitarization of assembled chemical munitions. As I stated in a letter last July to Senator Ford, who sponsored a similar provision on the FY 1997 Defense Authorization Act, I am committed to going the extra mile to explore whether there may be safer and more environmentally sound alternatives to incineration.

I would, therefore, request that Defense give this pilot program high priority in order to ensure that the United States has the best plans and programs for meeting its chemical weapons destruction requirements.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, DC, February 27, 1997.

Hon. WENDELL H. FORD,
U.S. Senate,
Washington, DC.

DEAR WENDELL: I am pleased that we have reached agreement with you on the attached Condition to the Chemical Weapons Convention CWC resolution of ratification, making clear the President's commitment to exploring alternatives to incineration for the destruction of the U.S. chemical weapons stockpile and clarifying the relationship between the CWC and our chemical weapons demilitarization program.

We look forward to entering this historic treaty into force on April 29 with the U.S. as an original Party. As the President said in his State of the Union address, "Make no mistake about it, it will make our troops safer from chemical attack. It will help us to fight terrorism. We have no more important obligations, especially in the wake of what we now know about the Gulf War."

Again, we appreciate your support on this crucial issue.

Sincerely,

SAMUEL R. BERGER,
Acting Assistant to the President,
for National Security Affairs.

AMENDMENTS SUBMITTED

THE CHEMICAL WEAPONS CONVENTION

FORD EXECUTIVE AMENDMENT NO. 20

(Ordered referred to the Committee on Foreign Relations.)

Mr. FORD submitted an Executive amendment intended to be proposed by him to the Chemical Weapons Convention (Treaty Doc. No. 103–21); as follows:

CONDITION #15

CHEMICAL WEAPONS DESTRUCTION.—Prior to depositing the United States instrument of ratification, the President shall certify to the Senate that he is committed to exploring alternative technologies for the destruction of the U.S. chemical weapons stockpile in order to ensure that the U.S. has the best plans and programs for meeting its chemical weapons destruction requirements. The President shall also certify that—

A. the current statutory requirement for completing destruction of the U.S. chemical weapons stockpile by December 31, 2004 shall be superseded after the Convention enters into force by the CWC-mandated deadline of April 29, 2007;

B. the requirement under Article III, paragraph 1 (a)(v) of the Convention for a declaration not later than 30 days after the Convention enters into force on general plans for chemical weapons destruction does not in any way preclude the United States from deciding in the future to employ a destruction technology different than that specified in this U.S. declaration; and,

C. if, as a result of the alternative technologies program mandated in Section 8065 of the FY 1997 DOD Appropriations Bill (PL 104–208), the President determines that alternatives to incineration are available which are safer and more environmentally sound, but whose use would preclude the United States from meeting the Convention's timelines, the President shall consult with the Congress on whether to submit a request to the Executive Council of the OPCW for an extension of the Convention's destruction deadline, as provided under Part IV (A) of the Verification Annex.

COMMITTEE ON GOVERNMENTAL AFFAIRS EXPENDITURES AUTHORIZATION RESOLUTION

GLENN AMENDMENT NO. 21

Mr. GLENN proposed an amendment to the resolution, Senate Resolution 39, authorizing expenditures by the Committee on Governmental Affairs;as follows:

On page 10, strike lines 17 through 20 and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—

"(1) IN GENERAL.—The additional funds authorized by this section are for the sole purpose of conducting an investigation into illegal or improper fundraising and spending practices in the 1996 Federal election campaigns, including the following:

"(A) Foreign contributions and the effect of those contributions on the United States political system.

"(B) Conflicts of interest involving Federal office holders and employees, and the misuse of Government offices.

"(C) Failure by Federal employees to maintain and observe legal limitations relating to fundraising and official business.

"(D) The independence of the Presidential campaigns from the political activities pursued for their benefit by outside individuals or groups.

"(E) The misuse of charitable and tax-exempt organizations in connection with political or fundraising activities.

"(F) Amounts given to or spent by a political party for the purpose of influencing Federal elections generally that are not subject to the limitations or reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (commonly referred to as 'soft money') and the effect of soft money on the United States political system.

"(G) Promises or grants of special access in return for political contributions or favors.

"(H) The effect of independent expenditures (whether by corporations, labor unions, or otherwise) upon the current Federal campaign finance system, and the question as to whether such expenditures are truly independent.

"(I) Contributions to and expenditures by entities for the benefit or in the interest of Federal officers.

"(J) Practices described in subparagraphs (A) through (I) that occurred in previous Federal election campaigns to the extent that those practices are similar or analogous.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Committee on Governmental Affairs under the Senate Rules or section 13(d) of this resolution.

NOTICES OF HEARINGS

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, the Senate Committee on the Judiciary and the House Subcommittee on the Constitution will hold a joint hearing on

Tuesday, March 11, 1997, at 9:30 a.m. in room G50 of the Senate Dirksen Building, on "Partial Birth Abortion: The Truth."

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 12, 1997, at 9:30 a.m. to hold an oversight hearing on the operations of the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and the John F. Kennedy Center for the Performing Arts.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224-6678.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Employment and Training, Senate Committee on Labor and Human Resources will be held on Tuesday, March 11, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Oversight of Federal Job Training Programs. For further information, please call the committee, 202-224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Wednesday, March 12, 1997, 9:30 a.m., in SD-G50 of the Senate Dirksen Building. The subject of the hearing is Scientific Discoveries in Cloning: Challenges for public policy. For further information, please call the committee, 202-224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources will be held on Thursday, March 13, 1997, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The following are on the agenda to be considered. First, S. 4, the Family Friendly Workplace Act and second, Presidential Nominations. For further information, please call the committee, 202-224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Friday, March 14, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Higher Education Act Reauthorization. For further information, please call the committee, 202-224-5375.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Monday, March 10, 1997, at 1:30 p.m. for a hearing on overview of management issues for the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAYOR JOE RILEY

• Mr. HOLLINGS. Mr. President, the esteemed journalist David Broder profiled Mayor Joe Riley of Charleston, SC, in Sunday's Washington Post. Joe Riley has done more for Charleston and the State of South Carolina than anyone could have dreamed. He is truly one of the brightest lights in the American political scene. I strongly encourage everyone to read Mr. Broder's article and I respectfully request that it be printed in the RECORD.

The article follows:

THE RIGHT WAY TO RENEW A CITY

CHARLESTON, SC—"Sometimes, if you paint on a smaller canvas, you can make a more beautiful picture."

That's what Mayor Joseph Riley told me in his office here, just hours after he had announced that he would not be the Democratic candidate for governor of South Carolina next year. He had lost the Democratic nomination for governor by a hair in 1994 to a candidate who in turn was narrowly defeated in the general election. Riley was the Democrat's leading hope to challenge Republican Governor David Beasley in 1998, but the "painful decision," as he said in his formal statement, was dictated by his family's reluctance to face life in the fishbowl of a statewide campaign and, possibly, the governor's office.

Riley, 54, has been mayor of Charleston since 1975, and what has been achieved here under his leadership is extraordinary. The city has endured much—Hurricane Hugo's $2 billion devastation, the closing of the Navy base that was its biggest employer. But Charleston has double the population and six times the area it did when Riley became mayor, it boasts the internationally renowned Spoleto music festival, its downtown stores are thriving and it is one of the nation's favorite tourist attractions.

But it is mainly the way that Charleston treats the social problems that all old cities share that has made Riley's long reign so remarkable.

When Britain's Prince Charles visited the city, he went past the elegant homes on the harbor to the homeless shelter run by Crisis Ministries, a nonprofit, interfaith group. It is a spotlessly clean facility, which provides what former HUD secretary Henry Cisneros urged all cities to offer, "a full spectrum" of services to the men, women and children who, as the staff is trained to say, are "guests" in the building.

My guide, Debbie Waid, explained that the food is donated, the cooking is done by community volunteers and the residents keep it swept and scrubbed. But the mayor has arranged for all the support services—from the policeman on duty every night to the counselors who help the homeless get back on their feet. The soup kitchen and the daily clinic serve everyone in the city who needs help.

The other part of Cisneros's dream that has been realized in Charleston is scatter-site public housing. In previously run-down neighborhoods bordering the historic district with its magnificent antebellum homes, the city housing authority has been winning prestigious design awards of its own.

Don Cameron, who has been running the authority almost as long as Riley has been mayor, showed me single lots, or two or three adjoining lots, where town houses or duplexes or small apartment buildings have been built so handsomely that private developers have snapped up adjoining property and whole blocks have been revived.

Driving with Cameron through the decrepit East Side, where freed slaves congregated after the Civil War, you could see where one freshly painted building, erected by the city or one of the many nonprofits that have sprung up in response to Riley's leadership, is being cloned up and down the street with private capital, encouraged by federal low-income housing tax credits.

These buildings don't resemble public housing. The porches, the materials, the roof lines all have been chosen to look like other Charleston homes. Riley's dictum is that "there is no reason for government ever to build something that is not beautiful." Even his downtown parking garages have won architectural awards.

Because the subsidized housing is handsome, the NIMBY problem—Not in My Back Yard—has been minimized. Unlike the old public housing projects, with weed-choked front lawns littered with whiskey bottles, and beat-up cars at the curb, the scatter-site homes are scrupulously maintained. The cars are parked off-street, out of site. The fences are posted against trespassing, and the police see to it that vagrants do not loiter.

Riley has been at it for a long time and, with last week's decision against running for governor, may be here a lot longer. His work has had its rewards.

When I asked him how he had done in his last reelection race in 1995, he said, "I got 75 percent," then added with a laugh, "It would have been more, but we had a tornado warning in midafternoon, and some of my people never got to vote." But a more important commendation came recently at a fancy reception at The Citadel commandant's home, where a woman serving drinks whispered to the mayor, "I'm moving into public housing next week —and it is so beautiful.:

Next week, the 19th International Conference on Making Cities Livable will be held here. They are coming to the right place.•

COMMEMORATING THE MASSACRE OF TIBETAN CIVILIANS BY THE CHINESE MILITARY ON MARCH 10, 1959

• Mr. D'AMATO. Mr. President, I rise today to commemorate March 10, 1959, a dark day in history for all of us. It was on this day that Chinese troops viciously attacked and murdered 87,000 Tibetan civilians who sought to protect their beloved Dalai Lama, a man whose love of peace is known to all of us. The pattern of intimidation and human rights abuses by the Chinese Government against the people of Tibet, unfortunately, continues today. It is quite frankly unsuitable for a country like China which seeks status as a responsible member of the community of nations.

The Chinese pattern of intimidation is especially seen in the case of Ngawang Choephel, a former Fulbright scholar at Middlebury College and friend of the United States. Last December, Chinese officials sentenced Mr. Choephel to an 18-year prison term for supposed espionage activities. This is an outrage.

In January I joined with other Members of the Senate in writing a letter to the new Secretary of State Madeleine Albright expressing our concerns about Mr. Choephel's sentence. We requested that she raise Mr. Choephel's case in discussions with Chinese leaders on her trip to China.

I also cosponsored a resolution which calls on the Chinese Government to release Mr. Choephel immediately and unconditionally. I am pleased to be a part of a bipartisan effort on this important issue.

Relations with other powerful countries are by their nature complex, but we owe it to the people of Tibet and we owe it to ourselves as Americans, to stress the importance of human rights as a cornerstone of all relations. All people have a right to religious freedom. The people of Tibet certainly have that right, and they have a right to live in peace. The people of Tibet also have a right to live their lives in a dignified manner free of oppression. It is the sacred duty of all of us to make sure that happens.

I applaud the efforts of those who are gathering today in New York for Tibet National Uprising Day to show the world that vigilance does not sleep and to express solidarity with the people of Tibet. As long as people such as those who are coming together today in New York take a personal interest in the suffering of others, I have to believe that we will reach our goals of democracy and religious freedom for the suffering people of Tibet.●

TRIBUTE TO MUSIC EDUCATION IN NEVADA

● Mr. REID. Mr. President, I rise today to express my support for one of the most important parts of the education of our Nation's children—music education. Nevada has a proud music tradition and one of the groups that help keep this tradition strong is the Nevada Music Educators Association [NMEA]. It is my pleasure to speak on behalf of the NMEA, and to stress the importance of music to the education of our Nation's youth.

A recent event has made me especially proud of my State and its commitment to music education. The Hug High School band in Reno was selected to perform in President Clinton's second inaugural parade. Being chosen for the parade is truly an honor and it spoke to the quality of Hug's band and Nevada's music programs. The only way the band could make the trip from Nevada to Washington, DC, however, was to raise a lot of money. Right in the wake of the terrible New Year's flood, which caused devastating damage throughout northern Nevada, the citizens of Washoe County banded together and raised over $120,000 to send these deserving students to our Nation's Capital. Thanks to the kindness, generosity, and support of their community, the Hug High School band was able to come to Washington and perform beautifully in the inaugural parade.

Nevada is at the forefront of music education. We are leaders in the development of music standards and have active band, choir, and orchestra programs throughout the State. Recently, the bands of Edward C. Reed High School and Green Valley High School had the opportunity to represent the United States in international music festivals.

Music and the arts are vital components of the education of our youth; no school career is complete without them. Recent scientific research has shown that early childhood education in music helps develop a child's logical brain. Pediatric neurobiologists indicate that the brain circuits for math reside near those for music. Accordingly, music lessons and listening to classical music may help a child develop skills in logic and spatial reasoning and, thus, do better in math. In addition to the cultural and artistic enrichment that music education provides, it also helps our children to learn and grow in other areas. As we move into the future, our children need to be given all the tools they will need to compete and succeed. Music education is essential to this effort, and it must be supported.

I am very proud of Nevada's music programs and the bands, orchestras, and choirs that bring joy to all of our lives. It is my pleasure to speak today in appreciation of the Nevada Music Educators Association and all the teachers, administrators, and citizens whosupportmusiceducationinour schools.●

TRIBUTE TO FATHER ROBERT D. KENNEY

● Mr. BIDEN. Mr. President, each of us—not just those of us here in the Senate, but virtually every American—can remember someone; a teacher, a coach, a principal, who made a singular contribution to our lives during our school days. Someone who helped to show us the way as we passed through adolescence and into adulthood. Someone who was a role model, a mentor, a confidante, a friend.

For more than 40 years, Father Robert Kenney has been such an individual in the lives of hundreds, if not thousands, of young men who have attended Salesianum School in Wilmington, DE. As a teacher of mathematics, he prepared them for college and careers; as Athletic Director and baseball coach for 34 years, he molded the skills and the characters of young athletes, teaching lessons on the ball-field which would remain with his players throughout their adult lives. As Salesianum's principal, and later president, he maintained and broadened the school's fine reputation for building young men of character, young men whose sense of integrity, honor, compassion, and civic-mindedness were as great as their knowledge of mathematics, history, or literature. Today, Salesianum graduates can be found among the leaders in business and industry, education and the law, public service and community affairs can be found not only throughout Delaware, but across the Nation as well. A great many of them trace their leadership skills, in addition to their academic knowledge, to Father Kenney and the atmosphere he maintained at Salesianum School.

Father Kenney has been more than teacher and coach, more than principal and president, even more than mentor to scores of young men. He is a major part of the beautiful and rich history of Salesianum and the contributions that the school has made to our city, our State, and the lives of so many of us. He is, quite simply, one of the heroes of our time in the State of Delaware.

The high school I attended, Archmere Academy, is one of Salesianum's great rivals on the athletic field. There were a number of spring afternoons when I looked across the baseball diamond and hoped fervently that this would be the game when we would finally beat Father Kenney's well-coached and talented team. It never happened. Father Kenney would always figure out a way to squeeze out a win against the Archers. Often, it wasn't close.

But as much of a rivalry as existed between the two schools, Father Kenney was someone I respected immensely, for his character as a man and as an educator was legendary. During my years in public service, as I have witnessed on an even greater scale Father Kenney's contribution to our community, my admiration has only deepened.

This June, Father Kenney will be stepping down as Salesianum's president, though he will remain involved in the life of the school and the community. He calls Salesianum "my life's work," and intends to continue to work with the school, its alumni association, and the people of our community. He probably knows this, but even if his ties to school and community weren't so strong, we wouldn't let him cease to be involved.

As Salesianum's baseball coach, Father Kenney and his teams compiled a record of 411 wins against only 168 losses, for a winning percentage of .710. It is an impressive record, but I can tell you that his winning percentage in developing young men of great character is even more impressive.

On behalf of our fellow Delawareans, I wish Father Kenney the best for his newest venture. Yet I promise you, Father Kenney, Delawareans are going to keep you busy.●

SAMUEL IRWIN "SONNY" GOLDBERG

● Mr. HOLLINGS. Mr. President, I rise today to pay tribute to my fellow Charlestonian and good friend, Samuel Irwin "Sonny" Goldberg. Sonny was one of a kind, a true gentleman who was loved by all. As many others have said, if there was ever an ambassador for Charleston's King Street, it was Sonny. An esteemed businessman, he had friends in stations both high and low all over town. The origin of his name lay in his father's penchant for singing Al Jolson's "Sonny Boy." Sonny inherited his father's gift of song and everyone in the lowcountry is richer for it. Sonny sang all the old greats: "Marialana." "Embraceable You," "Honeysuckle Rose," "I've Got You Under My Skin" and a number of others. He was the King Street Singer.

Sonny's singing did not outshine his talent for business and friendship. To know him was to love him. As his good friend, Douglas Donehue, said in his eulogy, "Sonny had within him a spark of genius that won the hearts of people from all walks of life." He loved to read; he was a student of the world and an avid observer of mankind. Sonny was a man of his word, a man of his faith, strictly observing the Sabbath every Saturday, and a man of family. His wife Shirley, and his children will greatly miss him.

Sonny Goldberg gave much to the Charleston community and was especially integral in the revitalization of King Street, Charleston's main shopping district. We will greatly miss him and his gentle reminder to, "Drive carefully. We want you to get here." I respectfully request that the following editorial be printed in the RECORD.

The article follows:

[From the Charleston Post & Courier, Mar. 3, 1997]

S.I. "SONNY" GOLDBERG

They call me the King Street Singer 'cause I sing whenever I'm blue.
And if you should be feeling lonely I recommend it to you.
You may not be Mario Lanza or Fisher or Como or Bing.
But you'll feel so great in the morning
If you open your mouth and sing.

If there had ever been an election for mayor of King Street, Samuel Irwin Goldberg would have surely won. Instead Mr. Goldberg became the "King Street Singer," one of the city's most recognized personalities.

Born in Charleston in 1922, Mr. Goldberg began working in his father's King Street furniture business early in life. In the 1950s it was his decision to supplement the company's newspaper advertising with radio and TV spots—a practice he kept up after opening his own store in 1981.

In them, Mr. Goldberg—often with a ukulele in hand —would sing a few bars of Jack Gale's "Serenade of the King Street Singer" before stopping to insert a couple of lines about the great values at Goldberg's.

It was because of these ads—both print and broadcast—that Mr. Goldberg seemed to be known wherever he went. He usually would seem surprised and ask, "How do you know me?" when people would inevitably stop him on the street or in restaurants and, more often to recite the later rap version that aired: "Go Sonny Go, Go Sonny Goldberg, Go Sonny Go, Go Sonny Goldberg. . . ."

Although widely regarded for his humor, the private Mr. Goldberg was much more than "the singer."

A deeply religious man, he was an Orthodox Jew who considered his faith among the most important aspects of his life. Even when South Carolina's Blue Laws prohibited many retail stores from doing business on Sunday, Mr. Goldberg opened his. He closed on Saturday, the Jewish Sabbath. The law was amended to legalize that practice with what was called the Sabbatarian exemption. It since has been extensively revised.

Regarding the Sabbath, he said in a 1994 newspaper article, "I look forward to it every week. We're supposed to restrict ourselves from all that God did . . . from anything that creates a fire, energy, anything like that. We don't cook on Saturdays. I don't ride in the car on Saturdays. I go to the Synagogue Friday night, Saturday morning and Saturday evening. I think it's a relief that you can't put a value on."

Mr. Goldberg had that inherent knack for making those around him feel good, and people from all walks of life counted themselves among his many patrons and friends. In 1995, Sonny Goldberg closed the store that for so long was a King Street institution. When he died Thursday at 74, Charleston lost one of its favorite and most colorful citizens.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic leader, pursuant to 22 U.S.C. 2761, appoints the Senator from West Virginia [Mr. BYRD] as vice chairman of the Senate delegation to the British-American Interparliamentary Group during the 105th Congress.

ORDERS FOR TUESDAY, MARCH 11, 1997

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock a.m. on Tuesday, March 11, 1997. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of Senate Resolution 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party caucus to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of Senator GLENN's amendment to Senate Resolution 39, which the distinguished Senator just sent to the desk, the Governmental Affairs Committee funding resolution. It is the majority leader's hope that Tuesday morning we will be able to reach an agreement as to when we will vote on the Glenn amendment, hopefully soon after the recess, that is, the noonday recess of the policy luncheons.

Senators can expect rollcall votes throughout Tuesday's session of the Senate as we continue to make progress on Senate Resolution 39.

Now, Mr. President, I ask unanimous consent to exercise 5 minutes in morning business for the Senator from Virginia prior to the recess.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. WARNER. Mr. President, I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 418 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., Tuesday, March 11.

There being no objection, the Senate, at 6:40 p.m., adjourned until Tuesday, March 11, at 10 a.m.

EXTENSIONS OF REMARKS

AMERICA AND EUROPE—A TIME FOR UNITY, A TIME FOR VISION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. LANTOS. Mr. Speaker, just a few days ago, the Center for Strategic and International Studies organized an outstanding conference in Brussels of leading European and American government, parliamentary, business, and intellectual leaders. A number of our colleagues were invited to attend and participate, and the Speaker of the House and the Democratic leader both strongly encouraged Members to participate in this outstanding conference.

Mr. Speaker, we are at a critical period in the relationship between the United States and the countries of Europe. We have—gratefully—come to the end of the half-century long cold war, but as yet we have not resolved the nature of the post-cold war world. We have not yet completed this important period of change and reordering of international relationships. We are on the eve of momentous decisions regarding the expansion of the North Atlantic Treaty, and there is a solid consensus on the importance and wisdom of inviting a number of the countries of Central and Eastern Europe to become members of NATO, with the prospect of further enlargement later. The European Union is moving toward inviting several of these same countries to become full members of the European Union.

At the same time that we are facing these changes in the international arena, however, we in the United States have entered into a period of more inward focus, and our domestic preoccupation unfortunately runs directly counter to what our role ought to be at this time of great fluidity in the international system. This is a time when leadership and far-sighted international statesmanship is needed by the United States and from the United States. We must actively and constructively participate in the shaping and forming of the post-cold war international system. It is essential that we actively participate because of our extensive economic, political, cultural, and other interests throughout the world.

This CSIS conference was particularly important in reaffirming and helping key participants define and redefine the Trans-Atlantic community of interests that we in the United States share with our friends in Europe—interests that are expressed through our commitment to NATO, our relationship with the European Union and its member states, and growing multiplicity of ties with the newly emerging democracies of Central and Eastern Europe and the newly-independent republics of the former Soviet Union.

Mr. Speaker, this excellent CSIS conference was most ably chaired by Dr. Zbigniew Brzezinski, the former National Security Advisor to President Carter and a distinguished scholar, and M. Jacques Delors, the distinguished French diplomat and former President of the European Commission of the European Union. Both of these outstanding men guided the conference through a series of extremely productive discussions that more than fulfilled our hopes for this conference.

Mr. Speaker, I ask that Dr. Brzezinski's concluding remarks at the CSIS conference be placed in the CONGRESSIONAL RECORD, and I urge my colleagues to read them carefully and thoughtfully. His observations are particularly significant in putting into context the importance of the decisions we and our allies and friends in Europe face. These are choices that will affect the future of our Nation and of the world—and our choice is either actively to participate by taking positive steps to influence the future or passively to watch as conditions develop that will profoundly affect our Nation but with or without our active participation in shaping them.

AMERICA AND EUROPE: A TIME FOR UNITY, A TIME FOR VISION FEBRUARY 22, 1997

(By Dr. Zbigniew Brzezinski)

Ladies and gentlemen, let me say that I personally feel very grateful for having had the opportunity to participate in these sessions, and also to serve as co-chairman with Jacques Delors who has added so much gravitas and distinction to our proceedings.

As we come to an end of what has been a very rich, very diversified discussion, I would like to share with you my own sense of what I have extracted from our dialogue. Obviously, it would be futile to recapitulate its various fine points or to replicate the specific foci of our debates.

I come away, however, with an intensified awareness of the fact that we stand before two grand challenges to which we jointly have to respond. In effect, we have to fashion two grand bargains for the next decade. The first involves a trans-Atlantic relationship, and particularly insofar as the United States is concerned, we have to come to terms with the fact that if Europe is to be our partner, it has to be an equal partner. There is a fundamental truth in this assertion and an enormous operational difficulty. Partnership has been the American rhetoric for years. It is the official rhetoric of our bureaucracy, but it is not necessarily practiced. And I think that we will have to adjust, step by step, to the idea that if Europe is to be a partner, there will have to be operational and institutional adjustments in how we make decisions and how we share responsibilities. And that will mean some American concessions.

But it also means something else. It means that Europe has to be there. We cannot create Europe for the Europeans. A European Europe has to be built by the Europeans. If America is to be Europe's partner, and if Europe is to be America's equal partner, Europe has to be prepared to shoulder larger responsibilities, and more equal burdens. And that is a very major undertaking which sometimes is overlooked by those who insist on greater equality across the Atlantic, on equality in decision making but not necessarily on equality in the burdens of decisions. So this is a task for the two of us.

The second task is that NATO and Russia have to agree on an accommodation which acknowledges the reality of a larger Europe, and of a Europe that by virtue of being larger, involves also a larger Euro-Atlantic alliance. Russia and NATO have to agree, therefore, in that context, not only on the relationship, but on a role for Russia in the larger context of European security and in relationship to the Euro-Atlantic alliance. And that requires us to formulate serious proposals—which we are in the process of doing—for joint consultations, for some co-participation in the discussions pertinent to regional security policies and actions. But it also means that Russia has to accept reciprocal obligations. It is not only a matter of Russia having a voice which pertains—and I am being careful in my wording—not determines, but which pertains to NATO decisions. It does not only mean concessions which are reassuring to Russia regarding NATO troop deployments or weapons deployments. It also means symmetrical Russian concessions regarding NATO's voice on pertinent Russian decisions regarding troop deployments or weapons deployments. For example, NATO already has made a peremptory and preemptive concession (without even asking would-be members) on the question of NATO nuclear deployments on the soil of new members. I actually happen to feel confident that the new members would not want to have nuclear weapons on their soil, but they probably would have preferred to make that decision themselves once members of the NATO alliance. Nonetheless, NATO in its wisdom has already told the Russians that it will refrain from the deployment of nuclear weapons on the soil of new members.

I think it behooves us also to ask the Russians about the prospects for nuclear demilitarization, at the very least, of the Kaliningrad segment, which happens to be located in Central Europe and is very pertinent to the security of the Scandinavian-Baltic region. It is very pertinent to the security of Germany; it is very pertinent to the security of Poland. Similar questions could be raised regarding troop deployments on the western frontiers of Russia, particularly next to the very vulnerable Baltic Republics. In brief, the grand bargain with Russia has to involve, also, reciprocal understandings, reciprocal obligations. It is essential that these grand bargains be both completed because failure in either case would entail negative consequences.

If we do not accept, in a real sense, Europe as an equal partner, I later fear that the United States will be torn in the years to come by the opposite poles of unilateralism and isolationism. If we and Europe do not share burdens in common, do not make decisions in common, do not have a genuine reality of partnership, the American public on the one hand will occasionally veer towards isolationism; on other occasions, it will favor unilateralism and even wallow in it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And that real risk could, over time, adversely affect the quality of the very unique relationship that we have with each other.

If Europe fails to unify and thus to become a genuine partner, I think it is a fair question to ask whether the forces of historical pessimism now at work in Europe will not begin to prevail over the forces of historical optimism in Europe.

Looking at Europe from the vantage point of America, but exploiting somewhat my own European antecedents, I sense that there are conflicting forces at work in contemporary European societies. That the era of optimism, of Europeanism, may be challenged by forces which are much more inward oriented, which in some cases can be more domestically narrow minded, occasionally, even ethnically or religiously xenophobic. This would not be good for Europe. It certainly would complicate Europe's relationship with us, irrespective of what would happen in the American orientation.

If we do not reach the grand bargain with Russian, there is the risk that Russia will be more antagonistic, and that is something that we want to avoid. Though in seeking to avoid it, we should not be shy in saying publicly that the expansion of NATO will in fact help a democratic Russia. We should not be shy in saying it, and we should not be shy in coupling this with saying that the expansion of NATO will hurt an imperial Russia. And we should not be shy in saying that either, because that pertains to the fundamental question regarding Russia itself, namely what will Russia be in the future. This is a large, creative dynamic nation undergoing a profound crisis of self-definition. The collapse of the Soviet Union has brought home the reality to many Russians that the four hundred year long imperial history of Russia has come to an end. But many find it very difficult to accept that and this is particularly true of the former Soviet foreign policy establishment, which is now the Russian foreign policy establishment. The idea of the multinational Russian imperial power still is deeply rooted, providing the basis, therefore, for Russia's claim to global status. What the Russians should realize—they have to realize—is that if Russia is again to be a great country, it can only be a great country if it democratizes itself and modernizes itself, and indeed, the two probably go hand-in-hand. But the quest for an imperial restoration is futile, counterproductive, and we will not support it. And we will not pay a price to avoid Russian antagonism that the for the sake of avoiding the antagonism makes that restoration, perhaps, more feasible.

So failure to have the grand bargain would be regrettable. But even worse than that would be if NATO just expands a little bit or cuts a deal with Russia which dilutes NATO's identity by de facto making Russia a member of NATO while promising that there will be no further expansion. For that I think would be profoundly demoralizing to those who would be left out, and profoundly destabilizing, in terms of the future, for it would create a zone of disappointment, psychological vulnerability, as Congressman Lantos said yesterday, and geopolitical anxiety which would be fully justified. And it would create temptations in Russia to define itself in a historically adverse fashion. So the failure to have a grand bargain would be regrettable, but a grant bargain which dilutes NATO, and which limits the progressive expansion of the Euro-Atlantic scale would be even worse.

And the worst of all would be failure to deliver on that which we have undertaken, which is to expand, because we made a decision. We have made it, all sixteen of us have made it. We are committed. And if we now fail to go through with it, either in July, or more likely in the ratification process, we will be signaling that we have neither the will nor the capacity nor the determination to shape the kind of world we want to have which is democratic, pluralistic and secure. This is a fundamental historical challenge.

Thus at issue are three great realities: what is the global role of America, and how we share our global responsibilities with Europe as a partner who partakes of the same philosophy and values; at stake is the question whether Europe will be Europe, a real Europe, and not a truncated Europe, or worse, a Europe that is divided; and, ultimately at stake is also the question of how Russia divines itself, and whether it will someday be a party of that larger community of which America and Europe are currently engaged in constructing.

Those are the great challenges that we face. And, therefore, the kind of judgments that we were making yesterday and today are not only strategic, they are historical. And the choice, I think is clear. If we have the vision, I trust we will also have the will.

KENYA'S STRATEGIC IMPORTANCE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. McCOLLUM. Mr. Speaker, just as the international trade between Europe and East Asia and the flow of oil out of the Middle East are becoming increasingly important for the well-being and growth of the U.S. economy, a new threat to the safety of maritime transportation has emerged. Iran is rapidly moving to acquire blue water capabilities—the ability to use its navy on the high seas.

The Iranians are vastly improving their naval capabilities—a development of global strategic importance. The recent completion of a few acquisition programs of naval vessels and antishipping missiles from the PRC and the arrival of the third KILO submarine from Russia boosted Tehran's self-confidence in its ability to conduct combat operations on a far wider area. These weapons deliveries constitute a major upgrade of Iran's naval capabilities. Moreover, the recent deliveries are but the first phase of a major and far more comprehensive naval expansion program, mainly based on the acquisition of numerous surface combatants from the PRC, that will take several years to complete. By then, Iran will have the most powerful navy in the Persian Gulf region.

Ultimately, however, most significant is the doctrinal development reflecting strategic self-confidence and audacity demonstrated by Iran's recent naval operations. Iran is increasingly looking into acquiring regional blue-water capabilities. The Iranian Navy already has proven the capability to operate over long distances. Most impressive were their operations during joint naval exercises with the Pakistani Navy throughout the Arabian Sea, and the visits to Indonesia by their naval combatants. The Iranian Navy has also operated from several port facilities in Sudan and Somalia, where Iran maintains what amounts to several military and naval bases.

The significant development of early 1997 is Iran's acquisition of access to, and use of, naval facilities in Mozambique. In return for diversified military aid, the Iranian Navy will be able to use port facilities in Maputu and Ncala, where the Soviets and Cubans built military-compatible port facilities. The agreement between Iran and Mozambique specifically permits Iran to use the port facilities for its submarines, including the stationing of technical support teams in Mozambique and the maintaining of replenishment and crew-support installations.

The true significance of all these activities becomes apparent in the context of assertive military doctrine—to forestall, perhaps even launch preemptive strikes against, U.S. intervention in case of a major escalation in the Persian Gulf region.

The key to Tehran's war plan in the Persian Gulf is preventing quick U.S. military intervention. Hence, it is imperative for Tehran to be able to prevent the timely arrival of U.S. Naval Forces. Tehran is determined to acquire military capabilities to perform this mission. Considering the disparity between the United States and Iranian Navies, the only way the Iranians can affect an American intervention is by actually seeking out and engaging the United States Naval Forces far away from the Persian Gulf before they can affect other activities in the region.

Iran need not engage primary objectives such as carrier task forces. For example, the sinking of the prepositioned ships operating from Diego Garcia will significantly hinder any U.S. military buildup in the Middle East. Moreover, a credible threat to these resupply ships will compel the U.S. Navy to divert naval assets that could have been used offensively elsewhere to escort and protect the resupply efforts.

Iran's ability to maintain submarine patrols between Mozambique and the Arabian Sea constitutes this kind of threat, for they create a barrier between Diego Garcia and the Persian Gulf. One should remember that Iran is capable of threatening the shipping lanes along the Red Sea from its bases and facilities in Sudan and Somalia. Tehran is convinced that in case of a major war in the Persian Gulf, this kind of naval operation will be able to delay an intervention by the United States until it is too late to save the local Arab governments.

In the meantime, Teheran continues to raise the ante against the United States, the Arab States of the Persian Gulf, and specifically Saudi Arabia. Anticipating a new round of brinkmanship and a possible eruption in the Middle East, Teheran warns the Arab States against permitting the United States to operate against the Iranians. In early February 1997, Ayatollah Khomeini delivered explicit threats during his al-Quds Day sermon. "If any of these foreigners in the Persian Gulf makes one miscalculated move that could lead to instability, the first country that will burn will be the one that invited these foreigners here in the first place," he declared.

This strategic development is not irreversible. There are ways to remedy the situation.

The key to countering and reversing this Iranian surge lies in the West being able to operate in the area and project power from local installations. In this context Kenya's strategic importance cannot be underestimated.

Kenya's geopolitical status is critical to the international community. It is situated in a key position to dominate sea lanes running into and out of the Red Sea/Suez Canal, as well as the sea lanes along East Africa. Therefore, Kenya's ability to act as a point of naval projection into the Indian Ocean is most important, particularly in light of possible Iranian-Sudanese attempts to close the Suez Canal, and the potential Chinese incursion into the Indian Ocean. In the event of radical Chinese moves against the Southeast Asian shipping lanes, and the eventual vulnerability of Diego Garcia, only India, Australia, South Africa, and Kenya would be able to effectively provide the springboard for Western security operations in the Indian Ocean. Kenya is the closest bastion, and its port system is at the heart of, the newly expanded theater of operations of the Iranian navy.

Teheran and Khartoum are fully aware of Kenya's importance. Kenya is situated immediately adjacent to Sudan and Somalia and acts as a containing buffer against the southward spread of radical and Islamic activity. If Kenya was to embrace the radicalism being pushed down on it from Khartoum, and the anomy flowing down from Mogadishu, then any hope for stability in eastern and central Africa would be lost.

President Daniel T. Arap Moi of Kenya has so far resisted the spread of radicalism and Islamism. Kenya acts, and could act even more, as a potential source of stability for the entire central and east Africa.

Kenya has traditionally been a pro-Western free market culture as a nation-state. In this regard, Nairobi sets an example for, and acts in a leadership capacity to, the other nations of sub-Saharan Africa. President Arap Moi's ongoing commitment to Western-type ideals acts as a benchmark in sub-Saharan Africa.

Kenya has usually aligned itself with the United States and Britain in global strategic matters, and has often provided a bridge to the developing world. Now, as the so-called developing world becomes a far more dynamic and unstable strategic element in its own right, the availability of that bridge which Kenya offers is of even greater importance to Washington.

STANDARDIZE MEDICARE COVERAGE FOR BONE DENSITY TESTING

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mrs. MORELLA. Mr. Speaker, osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; 80 percent are women. The disease causes 1.5 million fractures annually at a cost of $13.8 billion—$38 million per day—in direct medical expenses, and osteoporotic fractures cost the Medicare Program 3 percent of its overall costs. In their lifetimes, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. A woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass was detected early and treated. We now have drugs that promise to reduce fractures by 50 percent. However, identification of risk factors alone cannot predict how much bone a person has and how strong bone is. Experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

Unfortunately, Medicare's coverage of bone density tests is inconsistent. Instead of national coverage of scientifically approved types of bone density tests, Medicare leaves decisions to local Medicare insurance carriers. The definition of who is qualified to receive a bone mass measurement varies from carrier to carrier. Some carriers require beneficiaries to have suffered substantial bone loss before allowing coverage for a bone density test. For example, in about 20 States, the carriers require x-ray proof of low bone mass or other abnormalities. Unfortunately, standard x-ray tests do not reveal osteoporosis until 25 to 40 percent of bone mass has been lost.

One carrier allows a premenopausal woman to have a DXA test to determine whether hormone replacement therapy [HRT] is indicated. However, it does not allow the test to determine treatment for the postmenopausal women—the majority of Medicare beneficiaries. Other carriers have no specific rules to guide reimbursement and cover the tests on a haphazard case-by-case basis.

Frequency of testing also varies from carrier to carrier. Retesting is important to monitor treatment, yet only eight States specifically allow coverage for people who are under treatment for osteoporosis.

Inconsistency of bone mass measurement coverage policy is confusing and unfair to beneficiaries. Today, Congresswoman NANCY JOHNSON and I, along with 23 of our colleagues, are introducing the Medicare Bone Mass Measurement Coverage Standardization Act. The bill would eliminate the confusion and standardize Medicare's coverage of bone mass measurement tests in order to avoid some of the 1.5 million fractures caused annually by osteoporosis. Considering that bone density tests are already covered by every Medicare carrier, this bill will not add significantly to the cost of the Medicare Program.

I urge my colleagues to join us as cosponsors of this important legislation.

HONORING MONTEBELLO CHIEF OF POLICE "STEVE" SIMONIAN FOR 30 YEARS OF SERVICE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize Montebello Chief of Police George Stephen Simonian. On Saturday, March 8, 1997, Steve's family, friends and colleagues at the city of Montebello honored him for his many years of service to the greater Montebello community.

Steve began his career as a police officer for the city of Montebello at the young age of 21, performing duties as assigned, including traffic patrol, report writing, radio dispatcher, and desk information officer. Five years later, he was one of the first officers to achieve senior officer rank. He was given the duties of a patrol officer with merit pay, in addition to training and supervisorial responsibilities. Quickly moving up the ranks, the next year, Steve was promoted to narcotics detective, where he investigated violations of narcotics laws and arrested violators. This developed into an undercover position, with Steve working as a consultant to other agencies, due to his expertise in this field.

In September 1979, Steve was again promoted, to the rank of sergeant. He remained in intelligence, supervising the unit while instilling the high standards of performance that remain today. In August 1982, Steve was selected to supervise the newly consolidated narcotics and intelligence unit. Under his leadership, narcotics seizures rose dramatically, and conviction rates increased. In 1985, Steve was promoted to the rank of captain, and 3 years later to the rank of deputy police chief. On July 1, 1989, Steve was promoted to chief of police, responsible for overseeing the operations and activities of the city of Montebello's police department.

Throughout his career with the Montebello Police Department, Steve has received over 29 awards from Federal, State and local agencies, including the American Legion's Police Officer of the Year, and has twice been bestowed with the city of Montebello's highest management award, "Manager of the Year," an accomplishment unmatched by any other city official. In addition to the numerous awards he has received, Steve has maintained membership in several professional organizations throughout his career, including the California Peace Officers Association; Latino Peace Officers Association; Oriental Peace Officers Association; International Footprint Association; San Gabriel Valley Chiefs Association; president-elect of the Los Angeles County Police Chiefs Association; and the Los Angeles County Anti-Drug Abuse Committee.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in paying tribute to a good friend and distinguished public servant, Montebello Chief of Police Steve Simonian. I proudly join the city of Montebello in honoring Steve for his lifetime of contributions to public safety and law enforcement in the greater Montebello community.

TRIBUTE TO ERIN WATSON

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. TAYLOR of North Carolina. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scripting contest. This year more than 109,000 secondary school students participated in the contest competing for the 54 national scholarships which were distributed among the 54 national winners. The contest theme this year was "Democracy-Above and Beyond."

I am proud to announce that Ms. Erin Watson from my district won the 1997 Voice of Democracy broadcast scripting contest for the entire State of North Carolina. A senior at Franklin High School in Franklin, NC, Erin is the daughter of Mr. and Mrs. Mart T. Watson of Franklin. This is indeed an honor of which all North Carolinians can be proud.

The Voice of Democracy Scholarship Program was started 50 years ago by the National Association of Broadcasters, Electronic Industries Association, and State Association of Broadcasters. In 1960, the Veterans of Foreign Wars assumed sole sponsorship responsibility. That year, a total of four scholarships were presented, totaling $3,750.

Under VFW sponsorship, the annual national scholarships have increased to 55 fully funded scholarships totaling $125,000. During this past year, 117,000 students participated, 7,900 schools, 5,200 VFW posts, and 4,200 Ladies Auxiliaries.

Mr. Speaker, I ask you and my colleagues to join me in saluting Erin Watson for contributions made to her country, North Carolina, and the Franklin community. She is a shining Example of what young people should be today and an asset to the 11th District of North Carolina, and I am honored to share her award winning remarks with all of my colleagues.

"DEMOCRACY—ABOVE AND BEYOND"

(By Erin Watson—1996-97 VFW Voice of Democracy Scholarship Program)

Who in his right mind could even consider building an industrial park in the middle of our beautiful mountain valley? The county commissioners talked like it was a done deal, and it looked like the project would be railroaded through, when the question arose, what do the people of that area think? At the public hearing, citizens from all over the county spoke emotionally against it, 10 to 1. But, when the meeting ended, it appeared that the people of this valley could not be heard.

"Why should we bother to have such a meeting?" I asked my Dad. "Did anybody say anything that mattered? Who says we have such a great country?"

Many times I have wondered why my ancestors would sell all, leave family, and suffer greatly to come to America. I have imagined their joy when into view came that tall shining figure standing on the shore with her torch held high, offering warmth, safety, and freedom. It must have been this light my ancestors sought for the promise of "life, liberty, and the pursuit of happiness." But on this night I wondered, why this country? What burning desire pushed them forward at all costs? And what did they see here that I was not seeing as I learned more about our democratic system?

Then I was given the chance to spend a month in the country of Russia. I really wasn't searching for answers when I moved in with Masha and her family in Rostov. But soon I could see everywhere people would give all for that precious gift of freedom. My Russian Mama and Papa warned me not to be opinionated in public. The freedom of speech I understood was not practiced nor allowed, Papa gently explained. I also discovered that the creativity of school students was very limited, and they were not taught how, but what to think. All students studied American History, and most of them knew English. I thought about the little Russian History I knew, and marveled that they would learn all they could about my country. It soon became apparent that these students harbored a hope of going to America, and prepared for that day.

As time passed, I began to long for my home in America, where I knew I was safe and free. Masha and her family hugged me tearfully as I boarded the departing train. I waved from the window as Masha ran alongside the train, calling "I will come to America." Then she was out of sight. I longed to take my Russian friends with me, fulfilling their lifelong dream.

On the trip home, I reflected on those brave people who saw and followed the light of America's democracy. I felt like my ancestors embarking on my own journey to freedom. My family laughed as I hugged the ground in my yard. How could they know of the pride and love I had for my country, and the newfound respect for her democracy? I, too would have given all to come home to America.

I have learned that to be an American is more than simply partaking of the freedoms we enjoy. It is our right and obligation to be a working part of our democracy, which is truly a government "of the people, by the people, and for the people" of America. I understand my part in keeping democracy's light burning bright, so others can enjoy these same freedoms. I know I must encourage others to show their love for America and take an active part in our democracy, too.

And, when I have a family of my own, I will share my experiences as I teach them to respect and love their country and the principles on which she was founded. I will teach them to be proud to be governed as a free people, and to be willing to defend and serve whenever needed. I will teach them to speak out when issues affect their homes and lives. I will teach them to vote, and be active in their communities so our light may continue to shine. I will point to our beautiful valley, and recount the events that caused the county commissioners to swallow their pride and abandon the industrial park project. I will proudly explain how the voice of the people was heard in our community, and how our democratic system worked again.

At last I do understand why America is the place my ancestors turned for hope. It is the shining light of democracy, the freedom to be what each person wishes to be. It is the freedom to succeed, and be useful and needed in a society that fosters individual creativity, and allows each person his full potential. And it is the promise that the next generation can have a better life than the last, if we uphold the values and statutes that our ancestors sacrificed for and loved so dearly.

For my friend Masha and those like her around the world, we must continue to hold our democratic ideals high. We cannot bring other nations to democracy, but we can lead so that all may see and want to follow. American Democracy, like that shining statue, does stand as a light above all others, and reaches out to those far beyond its borders.

THE MELISSA INSTITUTE FOR VIOLENCE PREVENTION AND TREATMENT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Melissa Institute for Violence Prevention and Treatment for its grassroots efforts in turning a tragic loss into something constructive for others.

Melissa Aptman was brutally murdered on May 5, 1995, just 2 weeks before she would have graduated from Washington University in St. Louis, MO. A charming and gifted young woman, she was taken from her family, friends, and society by a senseless, violent crime. Melissa grew up in Miami and was a graduate of the Dade County public schools. While in college, she worked for the school newspaper, mentored an inner-city student, participated in sorority affairs, and sat on the Panhellenic Standards Board.

Days before her death, Melissa wrote about violence against women on a college exam. "Such acts," she wrote "attempt to break the human spirit and destroy the state of mind of those involved." She added that "In spite of the brutality imposed on them, women almost always find some source of strength."

Melissa's family has drawn strength from her words. They believe that we cannot let evil win. As a result, they have turned their grief into action, launching their own battle against violence and its devastating impact on victims and their families by creating the Melissa Institute in her honor.

The mission of the Melissa Institute for Violence Prevention and Treatment is to bridge the gap between expert knowledge of the nature and impact of violence and the practical application of this knowledge. Their first major conference on violence and youth will be held on May 2, 1997, in Miami, FL.

We must work together to fight evil and violence.

PROMOTE THE DEVELOPMENT OF SUSTAINABLE CORAL REEF FISHING PRACTICES WORLDWIDE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. MILLER of California. Mr. Speaker, today, I am introducing a resolution expressing the sense of Congress that the United States and the United Nations should condemn fishing practices that are harmful to coral reef ecosystems and promote the development of sustainable coral reef fishing practices worldwide.

Coral reefs are vital to the environment and the economy of many island and coastal nations. They are among the most biologically diverse and productive ecosystems on Earth, rivaling the tropical rainforests on land. The hard structure of the reef is built up over thousands of years by the secretions of the tiny living coral animals. So, a coral reef is truly a living structure. And, as a living structure, thousands—perhaps millions—of individual coral animals are dying and others are taking their place on the reef at any one time.

The problem is that now human activities have shifted that balance and coral reefs are dying off at an alarming rate worldwide. Corals are very sensitive to water pollution, sedimentation, damage from boat groundings, and even simple physical contact by divers. These largely inadvertent injuries are a significant cause of the well-documented decline of coral reefs worldwide. Coral reefs are, in a sense, the canary in the coal mine of the oceans.

A great deal of injury is being inflicted on coral reefs, mainly in Southeast Asia, through easily preventable, largely illegal fishing techniques. Cyanide, other poisons, and surfactants like dishwashing liquids, are being used to stun and capture fish for the aquarium trade and for the live food fish trade. These chemicals kill nearby coral, and divers scrambling to get fish out of nooks and crannies in the reef often inflict further damage on the reef. Although illegal virtually everywhere, dynamite is still being used on some reefs to stun or kill fish. Afterwards, they float to the surface where they are easily harvested. The effect on the reef is obviously devastating. Most of the aquarium fish captured in this way end up in hobbyists' tanks in the United States. Most of the live food fish end up on plates in the homes and restaurants of Southeast Asia.

Although the State Department, NOAA, Department of the Interior, and other agencies are working, through the International Coral Reef Initiative, to identify and reduce threats to coral reefs, they need our help. These kinds of unsustainable fishing practices would not be occurring if powerful market forces were not at work. United States and Asian consumer demand for reef fish is, in part, driving the destruction of coral reefs. Yet how many aquarium hobbyists would purchase a wild-caught reef fish if they truly understood that in doing so, they were aiding the destruction of the reef environment that they sought to reproduce in their tank. Furthermore, if affordable alternatives to wild-caught fish were available, wouldn't the educated consumer choose them? This has worked very well in the exotic bird trade; we could do the same for reef aquarium specimens.

Many of the countries where the reefs are being destroyed—Indonesia, Malaysia, the Philippines, and others—have laws on the books protecting their reefs. But there is little money for enforcement, and the more lucrative the market, the more people are willing to risk the penalties in any case. So the keys are information and education. Only by identifying these destructive practices and the consumer demands that drive them can we begin to eliminate or modify them. And only through the development of sustainable coral reef fisheries can the reefs be saved.

That is what the resolution I am introducing today seeks to do. It is intended to raise the issue of these destructive fishing practices and associate them with the consumer demand that is driving them. It is intended to bring this issue before Congress and before the United Nations, raise the level of awareness of policymakers, and ask us to do more. The scientific and environmental communities have declared 1997 the International Year of the Coral Reef. We cannot stop ships from running aground on reefs and we may not be able to stop global warming. But what better time for us to pay attention to the global plight of coral reefs, and seek practical solutions to those threats that we can address. If we don't do something soon, there may not be any reefs left to save.

300TH ANNIVERSARY OF THE BELLEVILLE REFORMED CHURCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the outstanding achievement of the 300th anniversary of the Belleville Reformed Church, of Belleville, NJ. As one of the oldest churches in America, I have the honor of being its Representative in the U.S. Congress.

Founded by Dutch settlers in 1697, the Belleville Reformed Church was originally known as the Old Dutch Church of Second River, with its first pastor being Reverend Berthoff. Throughout its history, the church had undergone several structural improvements. Records indicate that the Belleville Reformed Church's original building was replaced in 1725. In 1804, a tornado ruined that building and as a result, in 1807, a new edifice was dedicated.

As church membership grew, there was a need for new construction and in 1853, the present building was dedicated with the fellowship hall being added in 1895. The dedication of the building included the presentation of several memorial windows which are still in the buildings. In 1915, the present 8-rank pipe organ was purchased with matching funds from the Carnegie Foundation. The console of the organ has since been replaced but the pipes are the original.

In the past as in the present, the congregation of the church has demonstrated the ability to work together with the community and other faiths. When the new buildings were being replaced, church services were permitted in the neighboring Episcopal Church. In turn, the church allowed for services to be permitted in its building by Episcopal and Methodist churches. Even today, the church is shared with the First Hispanic Reformed Church. Relations with the community have also been generous with the anniversary of the township of Belleville being held in the church. On every Memorial Day, services are held, and the church bells are rung at the conclusion of the services, keeping with tradition begun in 1890, when the town requested that the bells be rung.

Mr. Speaker, I ask that you join me, our colleagues, the congregation of the Belleville Reformed Church, and the township of Belleville, in recognizing the historic tradition of the Belleville Reformed Church and its many important contributions to the community. For its 300th anniversary, it is only appropriate that the House recognizes the Belleville Reformed Church today.

STATEMENT OF THE DALAI LAMA ON THE 38TH ANNIVERSARY OF THE TIBETAN UPRISING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1997

Mr. LANTOS. Mr. Speaker, today—March 10th—marks the 38th anniversary of the Tibetan people's national uprising. It was on this day in 1959 that the people of Tibet, chaffing under a decade of repressive Chinese Communist rule and brutal occupation, rose up in a violent rebellion against the Chinese. It was a cry of a people whose religious institutions, whose educational institutions, and whose very way of life were being systematically destroyed.

The Chinese Government responded with savage brutality. Thousands were killed. Some 100,000 Tibetans fled their homeland and were given refuge in India and Nepal. Among those who were forced to flee their homeland was His Holiness the Dalai Lama. Since 1959 the Dalai Lama has lived in India, where he has continued to speak out and work on behalf of the people of Tibet—those still living in Tibet under Chinese rule and those in exile in India and elsewhere. Despite the violence and repression that he and his people have suffered, the Dalai Lama has become a voice for peace and nonviolence. In recognition of this outstanding contribution, he was awarded the Nobel Peace Prize in 1989.

Mr. Speaker, as we mark today the 38th anniversary of the Tibetan people's national uprising, I ask that the statement of His Holiness the Dalai Lama be placed in the RECORD. I urge my colleagues to read it. This gentle man of peace has again spoke with great wisdom, great force, and great integrity. His message is one that is important for all of us to understand.

STATEMENT ON THE ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING—MAR. 10, 1997

(By the Dalai Lama)

In the closing years of the 20th century, as we commemorate the 38th anniversary of the Tibetan people's National Uprising, it is evident that the human community has reached a critical juncture in its history. The world is becoming smaller and increasingly interdependent. One nation's problem can no longer be solved by itself. Without a sense of universal responsibility our very future is in danger.

Today's problems of militarization, development, ecology, population, and the constant search for new sources of energy and raw materials require more than piece-meal actions and short term problem-solving. Modern scientific development has, to an extent, helped in solving mankind's problems. However, in tackling these global issues there is the need to cultivate not only the rational mind but also the other remarkable faculties of the human spirit: the power of love, compassion and solidarity.

A new way of thinking has become the necessary condition for responsible living and acting. If we maintain obsolete values and beliefs, a fragmented consciousness and self-centered spirit, we will continue to hold on to outdated goals and behaviors. Such an attitude by a large number of people would block the entire transition to an interdependent yet peaceful and cooperative global society.

We must draw lessons from the experience we gained. If we look back at the development in the 20th century, the most devastating cause of human suffering, of deprivation of human dignity, freedom and peace, has been the culture of violence in resolving differences and conflicts. In some ways, our century could be called the century of war and bloodshed. The challenge before us, therefore, is to make the next century a century of dialogue and non violent conflict resolution.

In human societies there will always be differences of views and interests. But the reality today is that we are all interdependent and have to co-exist on this small planet. Therefore, the only sensible and intelligent way of resolving differences and clashes of interests, whether between individuals or nations, is through dialogue. The promotion of a culture of dialogue and non-violence for the future of mankind is thus an important task of the international community. It is not enough for governments to endorse the principle of non-violence or hold it high without any appropriate action to promote it

With these convictions I have led the Tibetan freedom struggle on a path of non-violence and have sought a mutually agreeable solution to the Tibetan issue through negotiations in a spirit of reconciliation and compromise. Inspired by the Buddha's message of non-violence and compassion, we have sought to respect every form of life and abandoned war as an instrument of national policy. For us Tibetans the path of non-violence is a matter of principle. And I am convinced that this approach is the most beneficial and practical course in the long run.

As we commemorate this anniversary, we look back at yet another year of escalating repression in Tibet where the Chinese authorities continue to commit widespread and grave human rights abuses.

Under the "Strike Hard" campaign launched by the Chinese authorities in April last year, Tibetans are subjected to increased torture and imprisonment for peacefully expressing their political aspirations. Political re-education conducted by the authorities in monasteries and nunneries throughout Tibet have resulted in mass expulsion, imprisonment and death. I continue to be concerned about the fate of Gedhun Choekyi Nyima, the boy I have recognized as the 11th Panchen Lama, and whose whereabouts are still not known.

Last year China dropped all pretense of respecting the ancient religious and cultural heritage of Tibet by launching a large-scale reform of its religious policy. The new policy states that "Buddhism must conform to socialism and not socialism to Buddhism". Under the pretext that religion would have a negative influence on Tibet's economic development, the new policy aims to systematically undermine and destroy the distinct cultural and national identity of the Tibetan people.

New measures to curtail the use of the Tibetan language in schools were introduced. The Tibet University in Lhasa has been compelled to teach even Tibetan history in the Chinese language at the Tibetan Language Department. Experimental Tibetan language middle schools, established in the 1980s with the active encouragement and support of the late Panchen Lama, are being closed down. These schools were very successful and were highly appreciated by Tibetans.

These new measures in the field of culture, religion and education, coupled with the unabated influx of Chinese immigrants to Tibet, which has the effect of overwhelming Tibet's distinct cultural and religious identity and reducing the Tibetans to an insignificant minority in their own country, amounts to a policy of cultural genocide. Today, in most major towns and cities Tibetans are already marginalized. If this population transfer is allowed to continue, in a few decades Tibetan civilization will cease to exist.

Tibetans have reacted to all this repression largely peacefully and I believe all people have the right to peacefully protest injustice. However, recent reports of isolated incidents of bomb explosion in Tibet are a cause of deep concern to me. I will continue to counsel for non violence, but unless the Chinese authorities forsake the brutal methods it employs, it will be difficult to prevent the situation in Tibet from deteriorating further.

Being a Tibetan, I have been giving particular importance to reaching out to the Chinese people, whether they are in China or elsewhere. It is in the interest of both the Tibetan people and the Chinese that there be a deeper level of understanding between ourselves. It has always been my belief that the cultivation of human relationship is of great importance in the creation of an atmosphere conducive to human understanding, mutual respect and peace.

In recent times the people-to-people dialogue between the Tibetans and Chinese is fostering a better understanding of our mutual concerns and interests. The growing empathy, support and solidarity from our Chinese brothers and sisters in China as well as overseas for the plight and fundamental rights of the Tibetan people is of particular inspiration and encouragement for us Tibetans.

The recent passing away of Mr. Deng Xiaoping is a great loss to China. I have known him personally. Mr. Deng Xiaoping took the initiative to establish direct contact with us to start a dialogue to solve the Tibetan problem. Unfortunately, serious negotiations could not take place during his lifetime. It is my sincere hope that the succeeding Chinese leadership will find the courage, wisdom and vision for new openings to solve the Tibetan issue through negotiations.

The beginning of a new era in modern China presents an opportunity for constructive change and positive development. The recent military clamp down in East Turkestan (Xinjiang), aimed at quelling the Uighur people's demonstrations and the ensuing cycle of violence are tragic and unfortunate. As in the case of Tibet, similarly also in East Turkestan, a lasting and peaceful solution can be found only through dialogue. Another important task ahead for the Chinese government is the smooth transition of Hong Kong and the implementation of the pragmatic and wise concept of "one country, two systems" in spirit and letter. A constructive approach to these issues provides important opportunities to create a political climate of trust, confidence and openness, both domestically and internationally.

The growing international support for Tibet reflects the inherent human empathy for and solidarity with human suffering and universal appreciation for truth and justice. To portray the support for Tibet as a plot of Western anti-China forces is to evade the truth for political convenience. This is unfortunate because such kind of mental bamboo-walling will continue to prevent a constructive approach to solving the problem.

Ultimately, it is for the Tibetan and the Chinese peoples to find a mutually acceptable solution to the Tibetan issue. Bearing in mind this reality, we have consistently pursued a course of dialogue with the leadership in Beijing. However, Beijing's refusal to listen to and recognize the genuine grievances of our people left us with no other choice but to present our legitimate and just cause to the international community.

The Tibetan people have displayed a remarkable spirit of endurance, courage and patience in the face of the most brutal repression. I urge my fellow Tibetans to continue to resist violent acts of frustration and desperation as a means to protest against injustice and repression. If we give in to hatred, desperation and violence, we would debase ourselves to the level of the oppressors. The way of the oppressors is intimidation, coercion and the use of force. Ours is a belief in and reliance on truth, justice and reason. This distinction is our most effective weapon. The call of the time for us in this period of difficulty is to exert ourselves with greater determination, wisdom and patience.

With my homage to and prayers for the brave men and women who have died for the cause of Tibetan freedom.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 11, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 12

9:00 a.m.

Select on Intelligence

To continue hearings on the nomination of Anthony Lake, of Massachusetts, to be Director of Central Intelligence.

SH-216

9:30 a.m.

Budget

To hold joint hearings with the House Budget Committee to examine National governors' issues.

SD-106

Energy and Natural Resources

Business meeting, to mark up S. 104, to reform United States policy with regard to the management and disposal of spent nuclear fuel and high-level radioactive waste.

SD–366

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to examine scientific discoveries in cloning, focusing on challenges for public policy.

SD–G50

Rules and Administration

To hold oversight hearings on the operations of the Smithsonian Institution, the Woodrow Wilson International Center, and the John F. Kennedy Center for the Performing Arts.

SR–301

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on missile projects.

SD–192

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Justice.

SD–138

Armed Services

Airland Forces Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on Army Force XXI initiatives and Army modernization programs.

SR–222

Finance

To hold hearings to examine the Graduate Medical Education program.

SD–215

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for security assistance.

SD–419

2:00 p.m.

Armed Services

Strategic Forces Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on U.S. national security space programs and policies.

SR–222

Armed Services

Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on policies pertaining to military compensation and quality of life programs.

SR–232A

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR–253

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings on Mexican and American responses to the international narcotics threat.

SD–419

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold joint hearings with the Committee on Indian Affairs on Indian housing programs.

SD–106

Indian Affairs

To hold joint hearings with the Committee on Banking, Housing, and Urban Affairs on Indian housing programs.

SD–106

MARCH 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SD–G50

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on program eligibility.

SD–406

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine national missile defense and prospects for U.S.-Russia ABM Treaty accommodation.

SD–342

9:45 a.m.

Appropriations

District of Columbia Subcommittee

To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management and The District of Columbia with the House Government Reform and Oversight Subcommittee on the District of Columbia and the House Appropriations Subcommittee on the District of Columbia to examine the Government of the District of Columbia's perspective on the Administration's proposal for the District of Columbia.

2154 Rayburn Building

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold joint hearings with the Committee on Appropriations' Subcommittee on District of Columbia with the House Government Reform and Oversight Subcommittee on the District of Columbia and the House Appropriations Subcommittee on the District of Columbia to examine the Government of the District of Columbia's perspective on the Administration's proposal for the District of Columbia.

2154 Rayburn Building

10:00 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements.

SR–222

Foreign Relations

International Operations Subcommittee

To hold hearings on the President's proposed budget requests for fiscal year 1998 for certain International Organizations and Conferences and the U.S. Arms Control and Disarmament Agency.

SD–419

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

Business meeting, to mark up S. 4, to provide private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs to help balance the demands and needs of work and family, and to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and pending nominations.

SD–430

Joint Economic

To hold hearings to examine economic problems of the income tax system.

SD–628

Commission on Security and Cooperation in Europe

To hold hearings to examine the future of Chechnya.

SD–538

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Energy.

SD–124

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Commerce.

S–146, Capitol

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the future of intercity passenger rail service.

SR–253

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.

SD–366

Joint Printing

To hold an organizational meeting; to be followed by a hearing on oversight of the Government Printing Office (GPO).

S–128, Capitol

2:30 p.m.

Select on Intelligence

To continue hearings in closed session on the nomination of Anthony Lake, of Massachusetts, to be Director of Central Intelligence.

SH–219

MARCH 14

9:30 a.m.

Environment and Public Works

To hold hearings on the nominations of Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Brig. Gen. Robert Bernard Flowers, USA, to be a Member of the Mississippi River Commission, and Judith M. Espinosa, of New Mexico, and Michael Rappoport, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

SD–406

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

MARCH 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.

SD–124

Environment and Public Works

To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.

SD–406

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

Armed Services

To resume hearings on proposed legislation authorizing funds for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements.

SH–216

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

Labor and Human Resources

To hold hearings on the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.

SD–430

2:30 p.m.

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the United States Coast Guard.

SR–253

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine international aviation and United States-United Kingdom bilateral agreements.

SR–253

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on environmental programs and statewide and metropolitan planning.

SD–406

Labor and Human Resources

To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.

SD–430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings to review proposed budget estimates for fiscal year 1998 for the intelligence community.

S–407, Capitol

2:00 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Securities and Exchange Commission.

S–146, Capitol

Commerce, Science, and Transportation

To hold hearings on S. 377, to promote electronic commerce by facilitating the use of strong encryption.

SR–253

MARCH 20

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.

SD–124

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SH–216

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.

345 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.

SD–192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.

SD–192

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine proposals to reform the ocean shipping industry.

SR–253

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To resume hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.

SD–366

APRIL 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.

SD–138

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.

SD–124

2:00 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine child pornography issues.

S–146, Capitol

APRIL 9

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs.

SD–192

APRIL 10

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.

S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation
SD–192

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

APRIL 16

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

APRIL 17

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

CANCELLATIONS

MARCH 11

10:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.
SD–366

MARCH 13

10:00 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.
SD–430

POSTPONEMENTS

MARCH 11

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 377, to promote electronic commerce by facilitating the use of strong encryption.
SR–253

SENATE—*Tuesday, March 11, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The eyes of the Lord run to and fro throughout the whole earth, to show Himself strong on behalf of those whose heart is loyal to Him.—II Chronicles 16:9.

Almighty God, we long to be loyal to You. We are deeply moved by the reminder that our loyalty can bring joy to You, that You are in search of men and women whose commitment to You is expressed in consistency.

As we reflect on that, we realize that everything we know about loyalty we have learned from You. You are faithful and true. Your love never changes; You never give up on us; You never waver in life's battles; You never leave us.

In response, we want to be known as people who belong to You and believe in You. We want people to know where we stand in our relationship with You, Your moral absolutes, and Your ethical standards. In our relationships, we want loyalty to be the foundation of our character. That is possible only as we live in a steady flow of Your faithfulness.

Show Yourself strong in our lives today. Give us boldness and courage when we are tempted to remain silent about our commitment to You, when issues of righteousness and justice demand our witness, and when we are called to sacrificial service in living Your commandment to love. Make us strong with the staying power of Your spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today, the Senate will resume consideration of Senator GLENN's amendment to Senate Resolution 39, the Governmental Affairs funding resolution reported by the Rules Committee. I hope the Senate will continue and hopefully complete debate on the Glenn amendment so that we may vote sometime this afternoon on or in relation to the amendment. Of course, I want to notify the Senate that we, as always is the case, reserve our right to offer second-degree amendments to amendments that may be offered. I understand that additional amendments may be offered to Senate Resolution 39, and I presume that there will be a substitute that will be included among those to replace the resolution that is before us.

I am sure we will have full debate on all the amendments that may be offered as well as a possible substitute and the underlying funding resolution. Therefore, Senators can expect rollcall votes throughout the day.

I hope we will be able to conclude action on this measure today or early tomorrow. I talked with the Democratic leader last night. He indicated that he hoped that would be possible. And when we do finish this, then there are some nominations we hope to take up and get a vote on, including the nomination of Federico Peña to be Secretary of Energy. We would do that hopefully in the morning or tomorrow afternoon.

After that, after consultation with the Democratic leadership, we would expect to go to the Hollings constitutional amendment concerning free speech. So that could take the balance of the week, maybe even going over into Friday with some debate, with votes likely occurring—and, again, we will have to work this out—maybe on final passage late Monday afternoon. But we will notify Senators as we go along exactly when the votes will occur on Wednesday and Thursday and if any on Friday.

We will recess between the hours of 12:30 to 2:15 for the weekly policy conference and the caucus to meet. I also remind our colleagues that this week we may have to go late into the night one night, which will probably be Thursday night, but we will work with the leadership again and notify the Members exactly what they can expect in that regard.

Mr. President, before I yield the floor, I thank our colleagues for the debate yesterday. I thought it went well. I want to commend and congratulate the distinguished chairman of the Rules Committee. I think he is being very positive in his remarks. He is trying to get this to a conclusion, and I think we need to do that. I thank the ranking member from Ohio for the way he has handled himself.

There are big problems in this city; it is sort of like the city is burning, and we do not want to appear to be fiddling any longer with getting a resolution that would allow this committee to go forward and do its work with a reasonable amount of money and a reasonable amount of time and with the emphasis on illegal activities as it might apply to the Presidential candidates or Members of Congress.

I want to emphasize again that anything that might come out with regard to Senators doing something inappropriate or unethical, that, as has always been the case, would go to the Ethics Committee under the resolution that we are considering.

Also, I want to assure my colleagues that it is my intent that we look into the question of campaign reform. The Rules Committee has the authority, has the jurisdiction and under this resolution has additional money, $450,000 additional funds, to look into how the campaigns were conducted last year, how legal activities were handled and whether or not changes need to be made.

It is my intent in due time after proper hearings and after a lot of consultation that we will take up this issue. The inference continues to be that our goal is just to block it. We do not intend to set a magic date, whether that date is May 1, April 15, or Labor Day, for that matter. That may be a good time to set up a magic date. But we should not get locked in on dates certain. Let us just do our job.

That is what I hope the Senate will do on this resolution. That is what we intend to do in the committee of the distinguished chairman from Virginia, to have hearings on campaign finance reform and look at all these questions in regard to how soft money is used, independent expenditures, and how labor union dues are used without labor union members' permission.

What is the situation with illegal foreign contributions? Do we, in fact, have in this case, as has been suggested, the possibility of even espionage? This is serious. What we need is for a committee of credibility and jurisdiction to get started with their work, and I hope that we can do that with as little rancor today as possible.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, a question of the majority leader, if I might. With the debate proceeding this morning on my amendment and the possibility that we may be able to complete that debate this morning and move on to discussion of another amendment and knowing the schedules of all the other Senators are very tight, too, and letting them plan their activities here in the Chamber as well as other places, would it be agreeable to put the vote off until after the caucus?

Mr. LOTT. It is our intent, and I believe the minority leader has no objection—I have not discussed that with him—to have our first votes at 2:15 after the conference and caucus.

Mr. GLENN. That would be fine. I would make that as a unanimous-consent agreement, that any votes that might normally occur this morning following debate on my amendment and other amendments that might be brought up at least be stacked until—the vote on my amendment be delayed until after the caucus this afternoon.

Mr. LOTT. I reserve the right to object, Mr. President. I would like, if I could, to ask the ranking member to defer in that request for a moment and allow us to have a chance to discuss it with him and with the Democratic leader. I think that is probably what we want to do, but I just want to make sure everybody is in tune with what we are doing here.

Mr. GLENN. I would be glad to do that. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 39) authorizing expenditures by the Committee on Governmental Affairs.

The Senate resumed consideration of the resolution.

Pending:

Glenn amendment No. 21, to clarify the scope of the investigation.

AMENDMENT NO. 22 TO AMENDMENT NO. 21

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. WARNER, proposes an amendment numbered 22 to amendment No. 21.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. Mr. President, we will be working with the Democratic leadership to get a time agreement on the vote that will occur at 2:15, I presume, on this amendment. But we want to work through that and make sure we understand exactly what the voting sequence will be.

The purpose of this amendment is to reconfirm and beef up our commitment to the public and to our colleagues here in the Senate to insure that funds are authorized by this section for the sole purpose of conducting an investigation of illegal activities in connection with the 1996 Federal election campaigns. It is also to make sure that the Rules Committee has the full authority, with the support of the Senate, to get into matters relating to Federal elections generally, including the President, the Vice President and Members of Congress, and corrupt practices.

The Governmental Affairs Committee, under this amendment, shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which require investigation of a committee of the Senate revealed pursuant to the investigation authorized under subsection (b).

The Rules Committee is going to be an active committee. The Rules Committee will look into any allegations of problems with existing campaign laws or campaign finance laws. They will have hearings, and they have the jurisdiction and the authority to move legislatively.

The Governmental Affairs Committee has a budget of $4.53 million for its investigation, and it has very broad authority to conduct hearings on the 1996 Federal election campaigns. But it is the Rules Committee that has the jurisdiction to act legislatively on campaign reform.

So I emphasize, again, as I did earlier, it is our intent for the Rules Committee to act in this area. We have provided additional funding and, once again, rather than getting into a great big argument about scope, it is clear what should happen here.

First of all, there are lots of allegations of illegal activities, foreign contributions that may have come into campaigns—Presidential or congressional—the indications that maybe even a foreign government may have had an organized plan to be involved in campaigns. We know if these activities occurred, they would be illegal, but we don't know what happened. We need a process to look into these things. We need a focused investigation into these allegations.

Yet, there are those who say we need to broaden the scope widely, narrow the money, and limit the time. It is a prescription for not getting the job done. This investigation, with the additional authority that is being provided of $4.53 million, is for illegal activities, and they are rampant in this city. As I said earlier, the city seems to be burning while we are fiddling around with the process.

The Rules Committee has jurisdiction that it will take advantage of. The Governmental Affairs Committee is getting additional authority to look into illegal activities. Ethics has its responsibilities. There is attempt to cover up or avoid our responsibilities. We are going to do that.

I think this amendment that we have offered here further clarifies our intent to look into illegal activities by the special committee investigation and then to have the Rules Committee look into corrupt practices that may be involved that may not be necessarily illegal but may need to be looked at for the possibility of changing the current practices.

AMENDMENT NO. 22, AS MODIFIED

Mr. LOTT. Mr. President, with that, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 22), as modified, is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. We added only one word, I say to the distinguished ranking member. In section C "Referral to Committee on Rules and Administration," we add the word "under rule 25." We only added one word to make it grammatically correct—"under rule 25."

Mr. President, I yield the floor at this time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it is good to review how we got to the current situation we are in, because this was not our doing on Governmental Affairs. It was not our suggestion that we be given the duty of investigating campaign finance reform. It was not our suggestion that the jurisdictions of other committees that might have an interest in this be given to us.

What happened—and I am recounting this mainly from press reports of what happened, and I presume they are accurate—was that there were several committees who saw themselves as wanting part of this investigation into campaign finance reform.

You had the Commerce Committee because there were trade matters involved that there had been some allegations about. Senator MCCAIN, who has a big interest in campaign finance reform, chairs that committee and could take an active role in what might happen with campaign finance reform.

The Judiciary Committee was concerned about some of the legal matters regarding elections, and they had some things they were going to look into.

The Foreign Relations Committee certainly had an interest in this because foreign money supposedly came back in to our election campaigns here. So they wanted to find out what happened to foreign relations and foreign policy and were any of those things altered as a result of money coming back in.

The Rules Committee, which has a jurisdiction over election law, certainly had an interest in this particular area.

The Governmental Affairs Committee, of which I am the ranking member, also had their own interest in this in that we are basically the investigative committee of the Senate. We have investigated such things as drugs and drugs coming into the country and organized crime and fraudulent health programs and nonproliferation around the world of nuclear weapons and terrorism and a whole host of things that we have a broad experience investigating. Our mandate to do investigations is the broadest on Capitol Hill. We have been accustomed to doing this through many, many decades.

The suggestion was not made from the Democratic side that all these conflicting jurisdictions be combined into the Governmental Affairs Committee. This was a suggestion that was made by the Republican leadership. In fact, it was not only a suggestion, it was decided by the Republican leadership on their side of the aisle that these other jurisdictions would not be exercised and that this investigation would be focused in the Governmental Affairs Committee.

This was not a suggestion made from the Democratic side. It was Republican leadership that decided this. And so to act now as though we were somehow usurping authority of another committee by proposing a broad investigation on the Governmental Affairs Committee just is not the case. That is just not the way it happened.

I can tell you exactly what happened. And once again, this has all been out in public print. This is not something I know from being in meetings because I have not been in meetings that were involved with any of these decisions to assign it to the Governmental Affairs Committee.

But what happened, when it got to the Governmental Affairs Committee, was this: Senator THOMPSON had an interest in a broad investigation. I had an interest in a broad investigation. We had some ideas on scope. We sat down in a couple of meetings, and we worked out an agreement that was broad in scope, as it should be, because this whole investigation into campaign finance reform does not involve only illegalities, those things that are against the law. It involves much more than that.

Any fair observer of the campaign finance system agrees that in addition to illegalities, there are many, many things out there that are legal but probably should not be. All the abuses of soft money, as it is called, that came up in this last election, all those abuses were so onerous to most people across this country that they just want us to get into campaign finance reform.

Every single poll that has been done across this country shows that people want campaign finance reform. They also see that polling has been interesting in that it has indicated that they think both parties, both campaigns this last election cycle—the fault that can be pointed at one direction or another is not all one direction, it is bipartisan. We have a bipartisan problem here, and we need a bipartisan solution.

Part of it is looking into illegalities where the existing law was violated. There is no doubt that that has to be done. The other part of this problem is looking into the soft money in particular and independent expenditures that were so vile, so onerous in this last election.

So when Republican leadership assigned this overall investigation of campaign finance to the Governmental Affairs Committee, it was not at our request, but at his suggestion, at his direction, so that the responsibilities would not be in quite a number of different committees but would be centered in the basic investigative committee of the U.S. Senate.

Now what happened?

Senator THOMPSON and I, in the two meetings I mentioned, sat down and we drew out a broad scope in which we planned to look into not only illegalities but also into the equally disturbing areas of where campaign finance reform is needed that involve soft money and independent expenditures.

In this last election I remember reading a newspaper account of a Congressman who, after the election, said he wound up feeling like a ping pong ball in the middle of this and he had no control over it because there were so many outside influences coming in and putting ads on that he did not even know anything about that he felt like a ping pong ball in his own election and completely out of control of the situation.

Now, if we are going to take any fair look at campaign finance reform, it is going to have to involve illegalities, of course. We plan to look into those. But we got to have soft money. Our scope, as we had outlined it on that committee, was put out. It disturbed some people.

Let me say, when Senator THOMPSON and I agreed to the scope, it was then taken to the committee. The committee has three members on the Governmental Affairs Committee that are also members of the Rules Committee. When this was brought before them, after considerable debate, the committee agreed upon the scope of our investigation. They voted on that and approved it. It was agreed upon.

What happened when that got to the Rules Committee? The fact is that on the Rules Committee some of the people that are the most adamant against any campaign reform consideration at all disagreed strongly with what was being done and that any look be taken into the soft money area. When it got to the Rules Committee with the request for the additional funding of the $6.5 million that had gone over, that disturbed them very much.

So what happened? They delayed funding in the Rules Committee because of their objection to us looking into soft money and some of the things that are legal but probably should not be what we were going to look into. They wanted to protect their ability to raise soft money because they outdo the Democrats about two to one in soft money raising.

Obviously, it is a factor in not only having gained control of the Senate but in maintaining control of the Senate. They objected over on the Rules Committee to the funding that had to be approved by the Rules Committee for additional funding for investigations.

Now, at that point things were stymied. They dug in their heels over there and were not going to approve any money, as I understand it, for investigation unless our jurisdiction on the Governmental Affairs Committee was reduced and those jurisdictions involving things we were going to look into with regard to soft money were brought over to the Rules Committee where they obviously would have much more say in what happened to that than they would if the jurisdiction stayed with the Governmental Affairs Committee.

That is how we got to where we are. So a reduced amount was agreed upon over in the Rules Committee but with the proviso that the Governmental Affairs Committee could investigate only illegal activities. Only illegal. That took out any investigation, any investigation whatever of soft money, unless it proved to be illegal, only illegal. But most of the soft money problem is legal. I do not think it should be. Our investigations in that area were going to, I think, lay out a good case of why we need campaign finance reform changes.

That is how we got to where we are. It was at least implied here on the floor yesterday and even this morning I think it could be implied that we somehow had overextended our jurisdiction on the Governmental Affairs Committee. It was leadership on the Republican side that combined all these other committees' interest and assigned to the Governmental Affairs Committee the task of looking into all of this whole campaign finance reform area.

Now, what about the substitute amendment that is before the Senate now, the substitute to my amendment? What it does, as I see it, and I just got it a few minutes ago so I have not had a chance to look into it in that much detail, but what it does basically is say that we are taking back the authority of the Governmental Affairs Committee that we were asked to do. We did not ask to do it, we were assigned that task. They are now taking back our authority to look into any of these matters, any of the matters relating to Federal elections generally, including the election of the President, the Vice President, Members of the Congress, and corrupt practices, as I understand it.

Let me read this through. It is a short amendment.

> Strike all after "(b)" and insert the following:
>
> "The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns."

Now, my amendment would change that and change the scope back to what it was originally in the Governmental Affairs Committee. So that refers back to what we were assigned to do.

It goes on with subsection (c):

> REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—
>
> (1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and
>
> (2) corrupt practices,
>
> the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b).

What we are being told then is we have to refer back, because the Committee on Rules and Administration has jurisdiction in these matters, which we never quarreled with. That was there going in. It was Republican leadership that wanted us to take the jurisdiction and run with it on campaign finance reform.

Now, because it has become objectionable to some Members on their side and they see we are going to get into soft money, what happens? They are proposing to take that authority back from us. It was at least implied yesterday afternoon on the floor and again this morning that we somehow were in error, I guess, in what we were doing, even though we had been asked to do it by leadership. I do not quarrel with the fact that Federal elections generally are looked at by the Rules Committee. That is in their jurisdiction. I do not disagree that they can look into corrupt practices. I think maybe this could be interpreted to say that the Governmental Affairs Committee is not permitted to look into corrupt practices, whatever the definition of that is. We will have to discuss that a little, I guess.

In any event, here we are with the situation where on our side of the aisle we have been pushing for campaign finance reform this whole year. It has been brought up time and time and time again. We wanted to bring up the McCain-Feingold bill and get it voted on. There has been very little support for that on the other side of the aisle. In fact, none, practically. Senator MCCAIN and Senator THOMPSON probably are the only sponsors of that bill on the Republican side.

So the intent here is obvious. The intent is to squelch the broad-based investigation that we were going to have on the Governmental Affairs Committee and put it back in the Rules Committee where some of the Members that are most adamantly opposed to campaign finance reform are members.

So it is not a very pretty picture this morning. I was going to have a speech on the scope of my amendment this morning, and it might be good, still, to run through some of that. I hope people would see through what a subterfuge this is in trying to change the amendment that I had before us. I had not been given the opportunity yet this morning to make some comments on my amendment, the underlying amendment to this second degree. I believe I will make those comments now and then see what discussion we want to have beyond that.

The amendment I offered last evening, or laid down last evening, corrected what I saw as the legislation in Senate Resolution 39 where it is most deficient, and that is in the scope of our investigation. Let me first address Senate Resolution 39 as approved by the Rules Committee and is on the floor now as the underlying resolution to be considered.

Where campaign finance reform is concerned, the proposed legislation, as far as I am concerned, could be called coverup for Congress, coverup for Congress' legislation. I think that is what it is. It does not do this incidentally or accidentally. It is not a coverup that is incidental or accidental. It is deliberate, intentional, and I think cynical. It is specifically defined and worded to thwart and curtail much of the campaign finance investigation that was planned by the Governmental Affairs Committee this year. After much discussion with the belief that the proposed investigation and hearings could set the informational basis for much needed campaign finance reform, Chairman THOMPSON and I had agreed upon the scope of the investigation, all fully within Governmental Affairs Committee jurisdiction, I might add. We were given additional guidelines by the majority leader and on his part they would see that other committees were not delving into their individual interest areas. That scope was to include investigating allegations wherever they might lead and with nothing off limits with regard to Federal elections.

I want to point out that the agreement was approved unanimously by the Governmental Affairs Committee, three members of which are also on the Rules Committee.

That greatly disturbed some Members of the Senate who do not favor us looking at campaign finance practices on Capitol Hill and, more specifically, in the Senate. They had to find a way to control the process. Why? Why would anyone want to interfere with investigating every facet of campaign finance? So we can correct the abuses that have plagued recent elections and nearly made a mockery out of election 1996, and will be even worse next time around, unless we act to correct some of these practices.

The resolution stands good Government on its head. The amendment I proposed would change that. Let me stress that this is the very first time in my 22 years in the Senate, and on the Governmental Affairs Committee, that I have ever seen any committee approve and bring to the floor a resolution prohibiting another committee from investigating improper, unethical, or wrongful behavior in any area, whether it was special investigative funding or not. That is what is involved here. They keep pointing out that this is only the additional money. We still could use basic funds out of our committee's normal yearly basic funds to do this kind of investigating. But that would mean we would have to lay down all the other jurisdictional oversight matters that normally come before that committee. So it is deadly serious for those of us who are interested in fairness in elections and stamping out the growing abuses that have grown apace around the body politic.

What I am saying the resolution would do is prohibit another committee from investigating improper, unethical, or wrongful behavior in any area, where it was special investigative funding. Granted, that was going to be the source of how we were going to do this investigation.

The proposed resolution says that with the money provided for the Governmental Affairs Committee investigation, it may look at illegal actions and illegal actions only. Now, that is a far tougher test of what we can put on the table to be looked at. Some of those campaign activities involving both parties in Federal campaigns has smelled to high heaven, in the eyes of most citizens, and they cry out for correction, but are legal under current law. It may be legal now, but should not be if we are going to clean out the political stables.

One example of such a subject, as I mentioned, is soft money—money which, due to loopholes in the law, can be given in unlimited amounts by wealthy individuals, corporations, and unions. That is legal. Soft money was obtained and used in the 1996 Federal election in ways that turned fairness upside down and corrupted our whole political system. Few political scientists would disagree that, if left unchecked to grow in the future at the same rate as it has in the past, soft money can become an even more destructive and virulent cancer in the body politic.

I was reading a booklet yesterday entitled "A Bag of Tricks; Loopholes in the Campaign Finance System." The first sentence of chapter one reads:

> The biggest loophole by far in our campaign finance laws is soft money.

They are right—but it's legal. And now, by S. 39, we are to be prohibited from investigating soft money abuses, unless we come across some that are definitely illegal. We could look at them. But if an area is improper, if it is unethical or just flat common sense that it is wrong, we cannot look at it, even though it may be crucial to real campaign finance reform, and even though the Governmental Affairs Committee has the jurisdiction and experience to investigate.

Why, then, are we being cut back in scope to the point where only illegalities will be on the Governmental Affairs table? Why is our investigation being limited to 1996 only? Why cause such a drastic change in addressing what is properly viewed as an expanding national scandal? The basic question, I guess, is: Who is afraid of what?

The answer is not very pleasant, but it is obvious. Why the change? Because bad as the money chase may be, correcting it would upset the apple cart for those in the Senate who have learned how to work the system for their own personal or party political benefit.

Under present law, does one party have an advantage over the other in fundraising, in particular, with regard to soft money? Yes. There is a substantial difference in the usual supporting donor bases. Both Democrats and Republicans have some wealthy individual donors. But the preponderance in that area is tilted heavily in favor of wealthy Republicans. Both parties have some support from corporations and labor. Again, the tilt from labor is on the Democratic side. But, again, balancing the Democratic labor support against the Republican corporate or wealthy individual support comes out heavily in favor of the Republicans.

Let me read a few figures reported by the Federal Election Commission regarding the 1996 elections. Of the total spent on the elections—everything, not just the Senate, but across the board in the last election—the Democrats are estimated to have spent $332 million. Republicans spent $548 million. Just in the Senate campaign committees, let's look at that. In hard dollars, Democrats raised $30 million; Republicans raised $62 million. In soft money, Democrats raised $14 million; Republicans raised $27 million. That comes down just with regard to the Senate as over a 2-to-1 advantage, with Democrats having been able to raise $44 million and Republicans $89 million. So, in summary, under current law, Republicans are able to raise at least double what Democrats raised to help fund Senate races.

Now, we all know that money is certainly ahead of whatever is in second place with regard to winning an election these days. Two-thirds of the money goes to TV and other things, and so on. But with money being the biggest single factor in political control, it is no wonder Republicans in the Senate do not want to change the system. It is the "goose laying golden eggs" that was crucial to gaining, and now to retaining, their majority control in the Senate.

So we need to change S. 39. That is what my amendment would have done. In deciding whether to change it, the choice is plain and simple: Party and personal interests of the moment versus cleaning up the system, making it proper and fair for all Americans, not just a special few, for the long-term future.

Initially, those who were adamantly opposed to campaign finance reform on the Republican side—on the Republican side of the Rules Committee, which must approve Governmental Affairs Committee investigative funding above the normal committee budget—were able to prevent funding to the Governmental Affairs Committee for the investigations. Had that position prevailed, it would have entirely scheduled the hearings, and because the tarnished Republican public image which that would evoke was unacceptable to Republican leadership, the proposed resolution—S. 39—deal was cut, whereby the Governmental Affairs Committee was stripped of its authority to use money provided directly for the investigation to look into improper, unethical, or wrongful matters, unless they met the far more difficult standard of being illegal. And those jurisdictions were specifically given to the Rules Committee.

Now, I have the utmost confidence in Senator WARNER, chairman of the Rules Committee. I think he will do his best to fulfill the responsibilities given to his committee with this resolution. But therein lies a problem. Several of the most vocal Republican opponents of campaign finance reform are on the Rules Committee. They are opponents, in particular, of including Congress in investigations of what may, at the same time, be legal, but also improper, unethical, or wrong by any fair standard. These are the same people who refuse to give the Governmental Affairs investigative funding to begin with.

Now, they will be the investigators of what they so adamantly oppose. They will be the investigators of what they so adamantly oppose. Foxes guarding hen houses is indeed a good analogy. They got their way. To me, it is a high price.

The amendment I had proposed would change all this. Very simple. All it does is restore the original Governmental Affairs Committee scope of this investigation. It restores the scope the committee voted on unanimously, with not one dissenting vote on the Governmental Affairs Committee, including three members that are also members of the Rules Committee. The amendment would allow the committee to look into all sorts of campaign behavior, whether illegal, legal, improper or unethical. That is what the American people want, a complete look at this whole problem. Restoring this scope to our investigation would allow us to conduct a broad, far-reaching inquiry into our current campaign system.

I think it is a high price that Republican leadership has paid to assuage a few Members and to place them in what will probably turn out to be a controlling position of any investigation into other than just strict illegalities. The Rules Committee would be permitted to look at issues surrounding soft money and independent expenditures. Our Committee on Governmental Affairs would be permitted to look at issues surrounding soft money and independent expenditures, which are two of our biggest problems today, but in most cases our committee would only be able to look at those which are illegal, we believe are illegal going in. And the Rules Committee would have everything else except those matters which are completely illegal.

If we followed my resolution, we would restore the scope, allow us to follow the money trail, and let the chips fall where they may.

Mr. President, I am fully aware there are serious differences of opinion surrounding how this resolution, S. 39, came to the floor, and there are differences of opinion surrounding what is going to happen to it. But there are probably few minds undecided as to how they will vote on these amendments and, in particular, on my amendment before it was amended here by the majority leader. But before any votes are cast, I hope all Senators will take a long, hard look at what has been proposed by the Rules Committee in S. 39. I would ask you to look ahead, look ahead about 20 years when your kids have grown up. The majority leadership in the Senate may well have changed. It may be in different hands by that time. I am sure we would all hope that when our children and grandchildren have reached their adult years, the political system will have been improved and political fundraising will not be in the mess it is today.

One way to gain that end is to assure that investigations are carried out now without fear or favor and spotlighting the dark corners, whether illegal, legal, wrong, improper or unethical. The amendment I was proposing to S. 39 would take us in that direction. If the shoe is on the foot 20 years from now, would that change any Republican votes today? I don't know. Think about it. They have an advantage today; it is about a 2 to 1 advantage, and they are preventing us from really looking into any of these matters on a meaningful basis.

Mr. President, the substitute that was submitted by the majority leader would once again stand on its head what I think to be fairness and what the American people want. It would restrict us on the Governmental Affairs Committee as to what we can do. And I repeat what I said going in. This was not something we asked for. It was something that the Republican leadership decided to give to that committee, and then, when it turns out that some of their own members do not want us looking into some of these dark corners, they say, OK, we are going to take that assignment back. And because we have the members who are most objecting to any campaign reform on the Rules Committee, they are now going to look into some of these other areas.

I am sure the chairman of that committee, Senator WARNER, my good friend across the aisle, will do everything he can, but knowing what the membership of the committee is and knowing the views of the membership on the Rules Committee with regard to campaign finance reform, he is going to have a herculean job to try and get out meaningful legislation, legislation that is going to do anything meaningful for campaign finance reform. I do not ever go around saying I feel sorry for other Senators, but as far as getting anything out of that committee that is going to have a title of campaign finance reform on it, it is going to be a very difficult job for him. He is being a good soldier in taking this thing on.

Senator THOMPSON has said, well, OK, I guess something is better than nothing, and so he has not been involved with the debate over on the floor, so far at least, but I just think this is wrong. I think what they are trying to do with this substitute amendment to my amendment this morning is wrong. It spells out that the Rules Committee will be even more direct in denying us what we thought our investigative scope was on the Governmental Affairs Committee, a task, I repeat for the third time, we did not ask to have. It was assigned to the committee.

I want to make one other statement, too, and then I will turn this over to other people who are waiting to make their statements.

Mr. President, yesterday the big thrust by the Republican Party by any observation was we have problems with China and we have problems with campaign financing coming in from China and whether it occurred, whether it was against the law, who did it, were there any favors given, and so on. And that was being used yesterday almost as if, although it wasn't so stated, they are for investigating that and we somehow are not just as much in full agreement of investigating that because it somehow involves the Democratic administration.

Nothing could be further from the truth. I am committed to looking into anything that happened in that area. The President has said he wants to look into that area. And I do not doubt his sincerity in that. It is a blot on the whole body politic. Republican, Democrat, Senate, House, everybody else knows that has to be looked into.

So all the charts that were out on the floor yesterday showing Huang and Trie and all this and the subcategories and the fine print down here that implied there has to be some new look into that area as though we were opposing that on our side, they were for it and we were against it, that is wrong. I will borrow their charts and I will use them on the floor myself on the Democratic side if that is needed, and I am sure the President would like to have them down at the White House to show what has been dug out so far that is wrong, and he wants to correct it. So that is not one there is any difference on. Let us just make certain of that.

So for all those reasons I rise to oppose the proposal by the majority leader, the substitute amendment to the amendment that I had proposed. I will have other questions about some of the items in S. 39 as we go along.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Virginia.

Mr. WARNER. I first wish to thank my distinguished colleague for his references to the Senator from Virginia. And I wish to give him and all Members of the Senate my personal assurance that in my capacity as chairman, I will exercise due diligence, the fairest, most aggressive action by our committee in the areas delineated by the amendment that was sent to the desk here momentarily by the distinguished majority leader and joined in by myself.

We have clearly through the years—the Rules Committee—had jurisdiction in this area, and we will pursue it. I hasten to point out that the three members of the Rules Committee are members of the distinguished ranking member's committee, the Governmental Affairs Committee. Indeed, the past chairman, Senator STEVENS, has joined in supporting the amendment in the Rules Committee by the Senator from Virginia, which is now the underlying amendment here in the ardent debate this morning. To suggest that just one or two or three, or whatever it is, members of the Rules Committee can stop either the committee or the Senate from, at this juncture, a full and thorough investigation of all aspects of soft money, all aspects of other alleged areas of campaign finance or campaign reform that need to be addressed by the Senate I think is not a wise step to take at this point in time.

Mr. President, echoing, again, the very important message that the majority leader stated earlier today, we have to get on. This committee is ready to go to work. Reports are coming in that possible sources of evidence might be disappearing. I will leave that to others to discuss. But I do know that we are tied up here on process, and I hope we can move at the earliest possible time to vote on the amendment of the Senator from Ohio, and the underlying amendment, and of course the amendment by the distinguished majority leader. That will be decided upon by the leadership.

But I urge all Senators to come to the floor now. Now is the opportunity to give your thoughts on this important matter. Let us get on with it so the committees as allocated under the resolutions here can get on with their business.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I have the honor of serving on both the Rules Committee, under the able leadership of the Senator from Virginia, and the honor and distinction of serving on Governmental Affairs Committee, under the leadership of Senator THOMPSON.

I witnessed, a month ago, a rare moment of bipartisanship. Democrats and Republicans came together in the Governmental Affairs Committee. We were apart from the glare of the television lights or the pressure of partisan leadership, and we reached what I think was a sound and a good judgment. Senator THOMPSON offered honest leadership, and he came to us with a proposed scope of investigation. Senator GLENN responded by not only accepting his scope of an investigation, but he expanded it. For several weeks, while we differed on the timing and the expense, we operated in a general belief that we had defined the parameters of a review of the 1996 Federal elections in the United States. That scope offered us a chance to not only look at specific misdeeds, but to inform this institution and to educate the American people generally about the need for general campaign finance reform and how individual parts of the system were now broken.

Our concern was that we learn, not only about the 1996 Presidential campaign, but that campaign be put in perspective in how previous Presidential campaigns operated so we could learn if there was a change, and if there was a change why it happened—both to find those who may have committed wrongful acts, but also how to improve the future process.

We also reflected, I think, the reality that Presidential campaigns do not take place in a vacuum. Indeed, there is no distinguishing line between where a Presidential campaign's financing operations stop and the congressional campaigns begin. The money, the advertising, the activities, are coordinated and intertwined. So our scope included both the Presidential campaigns and congressional campaign committees and those of individual Members. Our scope also reflected two other specific areas that probably represent the greatest change in electoral politics in the United States in 1996, the use of nonprofit organizations, often as surrogates for partisan political activity, and the use of independent expenditures, where soft money is used to influence Federal campaigns.

This scope was broad, it was comprehensive, it is what this institution and the country requires. And only a month after reaching this agreement, before the first hearing is held, the first witness notified, the first lesson learned, it is being put to a premature death. There is enough cynicism in America about our electoral system. The system has already convinced enough Americans that it does not operate and it does not reflect their needs or provide room for their concerns. We risk, today, adding one more pile of dirt on this mountain of doubt. The resolution that now comes before the Senate is an extraordinary departure from the bipartisan scope that Senator GLENN and Senator THOMPSON reached previously. It has become, in my judgment, a proxy fight in the larger battle for campaign finance reform, a cynical effort that the Nation, and the Senate as an institution, can be focused on a few narrow problems so the underlying deterioration of the Nation's system of campaign finance laws will not be noticed or exposed, the pressure building in the Nation to change the laws generally will be avoided.

So, in place of this bipartisan scope for what hopefully could have been meaningful hearings, the Senate, instead, is given a new scope of activities for the Governmental Affairs Committee. It differs in several important ways, but none more significant than that it identifies the scope of these hearings not as the Presidential campaign of the last two cycles generally, the operations of congressional campaign finance or nonprofits or independent expenditures—the new standard is illegal activities.

If illegal activities are to operate as the scope of the Governmental Affairs hearings, we are then establishing a committee with sufficient money, enough time, but no purpose. Illegal activities in our system would have to be defined by the standards as a people we have come to recognize would constitute an illegal act. Illegal acts in our country are defined by a system of justice. They require a burden of proof and a requisite state of mind. Indeed, in our system of justice, we have the highest levels of establishing illegal activity, perhaps, of any nation on Earth.

During the hearings in the Rules Committee last week, I asked Senator THOMPSON whether illegal activities in his mind were synonymous with a criminal act. Indeed, we were assured that this was the purpose and illegal activity was, by definition, it appeared, a criminal act. The Senate needs to consider this definition before it accepts this scope, because a violation of the campaign finance laws by the President of the United States, or Senator Dole, or any Member of the House or Senate is not a criminal act unless there was a willful intent. Indeed, virtually none of the allegations raised in the popular press regarding the financing of congressional and Presidential campaigns would appear willful or potentially to meet the standard required to even be the subject of these hearings.

In the other body there were serious questions raised about the operation of tax-exempt foundations; whether or not the tax laws had been violated in order to engage in influencing political activity.

The operations of a tax-exempt foundation are not a criminal act unless there was a willful intent, which appears to be missing in the allegations made to date with regard to tax-exempt organizations.

Finally, there is the question of the operation of independent expenditures generally. The most significant change in the political culture in the United States in 1996 has been the operation of independent expenditures by philosophical or issue-oriented or partisan organizations to use soft money to enter the system. And yet, both that soft money and the operation of these independent expenditures would not rightfully be within the jurisdiction of this committee if we maintain the standard of illegal or criminal act.

The Senate, therefore, Mr. President, is left with a broad question of policy as we approach these hearings. If it is our intention to find specific criminal activity in the 1996 Federal campaign system, then I believe Members can rest assured that the Federal Bureau of Investigation and the Justice Department will find those acts and people will be brought to justice.

But Democrats and Republicans in the Governmental Affairs Committee began these discussions and the planning of this investigation with a different purpose. It was our goal to assure the American people that we would find not only those acts that were illegal but those that were improper. We would disclose to the American people those activities which do not belong in our system of electoral politics, expose them to the light of day in the hope that the net result would be a change of the law and a rising standard for operating political campaigns in the United States, while reassuring the American public of the integrity of the system.

That, Mr. President, is the question before the Senate: a narrow hearing, cynically designed to focus attention on one campaign of the President of the United States, or an honest conversation about the state of electoral politics in the United States today and what we can do to change it and be part of a rising standard. The vote on this resolution, on the amendments that follow, is a vote on that question.

Mr. President, there is, finally, the additional issue of the date for concluding the committee's work that needs to be part of this discussion and fully explained. While Democrats and Republicans in the Governmental Affairs Committee had generally agreed to a scope, there was always disagreement about a concluding date. I believe that Senator THOMPSON came to the Senate with the best of intentions and good purpose in his belief that there should be no concluding date for the fear that witnesses would withhold information if they knew they could wait until the committee concluded its work. But there is another competing purpose, I believe, that requires the Senate to establish a concluding date, which I now believe both Democrats and Republicans accept.

These hearings are about educating the American people and ourselves about our system of campaign finance. These hearings are about finding specific misdeeds or illegalities, but they are also about something much more practical and immediate.

Within a year, the United States will begin a system of a general Federal election. With all that we now know about the breakdown of the campaign finance laws in the United States in 1996, it is inexcusable and inexplicable if the U.S. Senate were to allow this country to proceed to another general election in 1998 without a change in how this Nation governs its laws, governs these campaigns and finances this electoral system. It is imperative that the Senate retain a concluding date for these hearings so that the U.S. Congress and the American people have the benefit of everything that is learned to proceed to reform.

It is also, I believe, Mr. President, necessary to note that while specific changes in the law may follow the conclusions of these hearings, it is generally not necessary to wait for these hearings to conclude or, indeed, even to begin to proceed generally with campaign finance reform.

The hearings by the Governmental Affairs Committee may teach us a great deal about specific misdeeds or problems in the system, but every Member of this Senate already knows enough about the breakdown of the campaign finance laws in this country to proceed immediately for a review and a change in comprehensive campaign finance reform.

And so, Mr. President, I conclude with the hope that partisanship for a moment could be set aside for a review of the 1996 elections and our campaign finance system; that this country, through the voices of this Senate, could have an honest conversation about the health of our democracy and the operations of our democratic elections. That will require a standard far different than illegal activities. It will have to be far more general in focus than the Presidential campaign of 1996. It will require a conclusion at a date certain so that we can proceed to changes in the law, and it will require that, through the exercise of honest leadership, we begin the process of campaign finance reform, even as we learn new and troubling problems about the operation of the system.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder, while my good friend from Virginia is on the floor, if he would comment on a statement which he made yesterday and which the Senator from New Jersey made reference to indirectly, and that is the question as to whether or not the word "illegal" is broader than the word "criminal."

Yesterday, the good chairman of the Rules Committee said the following, and I am wondering if the Senator from New Jersey might also listen to this, because it gets to the very critical point which was raised by his comments. The chairman of the Rules Committee said yesterday that the Rules Committee gave "the Governmental Affairs Committee a scope of the investigation and illegal," he said, "illegal is a very broad scope." He added, "It goes beyond. And I will at a later time today put in the RECORD the definitions of illegal."

But this is now the key sentence from my good friend from Virginia: "But it goes beyond just criminal assertions of allegations of criminal violations. It goes beyond that."

That is at the bottom of page 2057.

The chairman of the Rules Committee is assuring the Senate that the definition of "illegal" goes beyond "criminal," and that is in keeping with, I think, a common understanding of the word "illegal."

I don't know whether the chairman put the definitions of "illegal" into the RECORD. We were unable to find them.

So my first question of the chairman of the Rules Committee would be whether or not those definitions have now been put into the RECORD.

Mr. WARNER. Mr. President, we did discuss this in our hearing. We discussed it yesterday and essentially this is a matter that is going to be placed directly before the chairman, the distinguished ranking member, my good friend from Ohio, Mr. GLENN, and the members of the committee.

I hope, in the context of their deliberations on what they define as "illegal," they will refer to traditional sources. I have here the dictionary definition of "illegal," which I will read. We, of course, recognize it as being an adjective. It means, "not legal, contrary to existing statutes, regulations, et cetera, unauthorized."

Then I went to Black's Law Dictionary, which all of us had in law school—at least I did. That is the first book I bought. As a matter of fact, I still have it. I really have coveted that little personal item. So I went back and read in that, and I cite that. "Illegal," "against or not authorized by law." "Illegal contract," "A contract is illegal where its formation of performance is expressly forbidden by civil or criminal statute or where penalty is imposed for doing an act agreed upon."

So I say to my colleagues, there seems to be not what I would call a great wealth of debate. It is interesting we went back to examine court opinions. I would have thought in the history of our country someone would have argued that, but I am not sure that anything we found in the course of our research shed a great deal of light. Perhaps my distinguished colleague from Michigan, who is a student in many areas, could refer to some source that he has broader than what the Senator from Virginia has provided this morning.

Mr. LEVIN. No. I am happy with that assurance from the Senator.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. In just a minute.

I am very glad to hear that assurance from the Senator, that the intention of this resolution which he offered, that "illegal" includes violations of law, including civil law or other law, and goes beyond violations of criminal law. That gets us a little bit further towards what this committee ought to be doing. But nonetheless, it is an important clarification for the committee.

I would be happy to yield.

Mr. WARNER. Mr. President, if I might just reply to my good friend.

There is documentation. I examined both of those precedents at the time that I drafted the resolution.

Mr. President, the Senate is now working its will on the resolution that was proposed by the Rules Committee. This body eventually will vote and decide the issue. But I suggest, with all due respect to my colleague from Michigan and the distinguished chairman of the Committee on Governmental Affairs, the ranking member, and others, that we are making sort of legislative history as to what we think is the meaning of the term "illegal" and what we think this committee should do.

I hope that that legislative history that we are making for ourselves as a body will be the guidepost for that committee and that they will not continually be searching as to how to get around or evade what is the will of the Senate. That will be expressed eventually through a series of votes and the passage of some document in the form of a resolution. It is my hope that the resolution of the Rules Committee remains intact, but that is yet to be seen. So that will be the guidepost, the beacon.

I am confident that the chairman and the ranking member and the other members of that committee will in turn be guided by this very important debate on the scope of the jurisdiction.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. I will be happy to yield for a question.

Mr. TORRICELLI. I want to thank the Senator from Michigan for raising this issue because it appears to me we have come to the heart of the matter.

The Senate has given conflicting interpretations that make all the difference in the scope of these hearings potentially. Senator WARNER's views, as the author of the legislation, should be controlling. But it is important to note that they are in direct contradiction with testimony given to the Rules Committee by Senator THOMPSON.

Senator THOMPSON's interpretation of "illegal" is that they had to constitute a criminal act. I am very reassured by Chairman WARNER's interpretation that "illegal act" would include a violation of a civil code. I assume, therefore, that the Senate could conclude that a violation of the campaign finance laws, even if it did not include a criminal penalty, is included in Senator WARNER's definition.

I am also seeking his reassurance, through the Senator from Michigan, that a violation of the Tax Code, though perhaps not sufficiently willful to involve a criminal penalty, would be an illegal act and, therefore, part of the investigation.

Indeed, I am hoping that we can be reassured that any violation of the regulations of the U.S. Government or any of its departments or agencies, any violation of the civil or criminal law, of which there is specific information that is sufficiently credible to warrant the attention of the committee, would be the subject of these investigations—meaning, that it does not require that a member of the committee have definitive proof to establish a criminal level of culpability and it does not have to relate specifically to a criminal penalty for violation.

I was hoping to receive his assurance, as a member of both the Rules Committee and the Governmental Affairs Committee, that if I come before this committee with a specific act, based on a broad but credible allegation, for violation of code or regulation, that will be sufficient for the scope of this investigation.

Through the Senator from Michigan, that is the assurance that I am seeking.

Mr. WARNER. Mr. President, at the present time I have stated my views as to the word "illegal" and its interpretation and its breadth. I predicated that interpretation carefully upon a dictionary definition as well as one citation from Black's Law Dictionary, which is somewhat broader.

But I want to make certain that my distinguished colleague from New Jersey pauses for a moment to go back and look at the RECORD as to exactly what Chairman THOMPSON said. And, if it is agreeable—I do not want to interrupt the distinguished Senator from Michigan.

Mr. LEVIN. I will be happy to yield.

Mr. WARNER. I read from page 74 of the transcript of the hearing of the Rules Committee on March 6.

The distinguished Senator from New Jersey was speaking.

> Senator TORRICELLI. Mr. Chairman, if I could just for a moment—I do not want to delay the committee, but when the hearing began, I expressed concern, Senator Thompson, that the standard was being set extraordinarily high in order to address any campaign abuses because of the "illegal" language that is used.
>
> Do I understand that when I was absent from the room for a moment, in answer to Senator Ford's question, you have equated "illegal" with "criminal" and that in your mind they are relatively indistinguishable as the standard you are going to use in deciding which campaign activities are within our jurisdiction?

I will digress to go back to the colloquy with Senator FORD. I now read from page 65.

> Senator FORD. Understand that. And we are used to that. But am I correct that violations of Federal campaign laws are not criminal?
>
> Senator THOMPSON. Senator, I would rather not try to give you a legal opinion off the top of my head.

Then the colloquy went on, in which Senator THOMPSON further said:

> Well, my idea, campaign finance reform does not have much to do with the statutory regulatory framework that you are referring to.

So at that point it seems to me that Senator THOMPSON was not definitive on this issue.

Now I return to page 74 where the distinguished Senator from New Jersey had posed the question, and I shall read Senator THOMPSON's reply:

> Senator THOMPSON. Senator, I cannot say that in all respects, in every situation, that they are exactly the same, and I would rather not try to give you a precise legal opinion that will stay with me for the rest of the year. I think you are entitled to look into that if you want to do that, certainly. The illegal standard has been used time and time again with regard to other investigations. You allude to the high standard. It just goes to show whose ox is being gored, I suppose, in these matters, because I have been spending a lot of time answering some of my colleagues' questions about how can you subpoena somebody just on public information. You are tying up their lives. They are having to hire attorneys and all of that, and now others have a concern that we are not, it is not easy enough to get to them. In other words, the standard is too high. So those are all the things that we are going to have to balance out, but I am not sure that my top of the head legal opinion on the intricacies on the difference between illegal and criminal are as good as what you might be able to get from somebody who has got the books in front of him and can look it up.

I believe that is somewhat different from what my distinguished colleague said in his earlier comments as to the position taken by Chairman THOMPSON.

Mr. TORRICELLI. If the Senator from Michigan would yield.

Mr. LEVIN. I yield.

Mr. TORRICELLI. The discussion comes down to the phrase of Senator THOMPSON, saying that criminal and illegal may not in every situation be exactly the same.

For purposes of these hearings, if we were to do justice to what we want to achieve, it needs to be established that they specifically are not the same. It is not sufficient for the Senate to know that there may be some circumstances where illegal does not mean criminal. The point is illegal is not criminal. We seek civil jurisdiction, we seek violations of regulations, and we seek here on the floor to disassociate the two words.

I believe, for the record, the Senator from Virginia has done a great deal in allaying my fears, and I think we have separated permanently, irrevocably the two words. For purposes of this investigation they are unrelated, they are unconnected and never the two shall meet again.

I think, therefore, this discussion has been helpful.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask the indulgence of my colleagues to pose on behalf of the majority leader a unanimous consent.

On behalf of Leader LOTT I ask unanimous consent that the time between now and 12:30 be equally divided for debate between Senator WARNER and Senator GLENN, and further when the Senate reconvenes today at 2:15 there be an additional 15 minutes of debate equally divided between the two leaders or their designees, and immediately following that debate the Senate proceed to a vote on or in relation to the Lott Amendment No. 22, and no amendments be in order prior to the vote in relation to amendment 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. LEVIN. Mr. President, are we under control time?

The PRESIDING OFFICER. Between now and 12:30 the time will be equally divided.

Mr. WARNER. We are under control starting now.

Mr. LEVIN. Can I ask the Senator from Ohio to yield 5 minutes.

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the question that I put to the Senator from Virginia is very important in terms of the future of this investigation, and his answer reasserting today what he said yesterday, which is that the jurisdiction of the Governmental Affairs Committee will go beyond criminal assertions and goes to civil violations of law as well as criminal violations of law, will help clarify a very important question for the committee down the road. I thank him for that.

It leaves open a huge question as to whether we ought to be able to look into improper practices, corrupt practices that are not technically violations of law, but nonetheless it is helpful, and I want to thank my friend from Virginia for that. I want to get to this question next.

Mr. WARNER. If the Senator will yield on my time, I was very careful to say I was speaking for myself, and I used precise language from the dictionary and one legal reference. That decision as to the experience of illegal, again, is to be left to the combined judgment, hopefully, of all members of the Governmental Affairs Committee, and using as a precedent that document that will be finally agreed upon by the U.S. Senate today or tomorrow.

Now, that is the response that I gave very carefully.

Mr. LEVIN. I thank the Senator for that response, and I also point out that response comes from the chairman of the Rules Committee, who is a sponsor of the pending resolution. This Senate, I think, has a right to traditionally place great stock in the sponsors' interpretation of his own resolution. That is precisely what I believe the Senate will be doing when we vote, because even though we differ as to whether or not the scope should get to practices which should be made illegal, practices which are offensive, or practices which violate what the public wants us to be doing, nonetheless the fact that the chairman of the Rules Committee is asserting to the Senate that the word illegal in his judgment and his intention as the drafter of this resolution goes to both—goes to any violation of law, not just a criminal violation, is a very important statement for the Senate and for the future of this investigation.

Following that statement, I ask my good friend from Virginia the following: That under his interpretation, therefore, would the Governmental Affairs Committee be able to investigate violations of the Federal Elections Campaign Act?

Mr. WARNER. Mr. President, at this time I reserve the timing of my response to that question. I have very carefully laid down what I believe is the definition of illegal but I am not prepared at this time to give you a response to that question.

Mr. LEVIN. Would that be true with other specific questions?

So that what we will have when we vote will be the assurance of the chairman of the Rules Committee as to what his interpretation of the word illegal is in a general way but not a specific application.

Mr. WARNER. Mr. President, that is I hasten to point out while I am privileged to be the chairman, I am not so sure the total weight of this debate would shift to what this Senator has to say.

I come back again, the Senate will work its will. This resolution that I offered which is the underlying matter before the Senate could well be amended. I hope not, but it could be. So I want to await the final decision of the Senate before I make any further comment as to what my response will be to the question.

Mr. LEVIN. I thank my friend.

I have a parliamentary inquiry. Under the pending amendment to the amendment, the language in subsection (c) says that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—"

And then No. 2 is "corrupt practices."

Now, my parliamentary inquiry is this: Under Senate Resolution 54, does the Governmental Affairs Committee have jurisdiction as of this moment to study and investigate corruption or unethical practices and improper practices between Government personnel and corporations, individuals, companies, et cetera?

As of this moment, my parliamentary inquiry is, under Senate Resolution 54, does the Governmental Affairs Committee have jurisdiction to investigate corruption, unethical practices, and any and all improper practices, as I previously read?

The PRESIDING OFFICER. The jurisdiction of a committee is set out by rule XXV. Neither this resolution or rule XXV can explicitly change or alter without an explicit change in language.

Mr. LEVIN. Does the Governmental Affairs Committee, as of this moment, have jurisdiction, as set forth in Senate Resolution 54, to investigate corruption, unethical practices, and any and all improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, et cetera? That is my parliamentary inquiry.

The PRESIDING OFFICER. Committees, historically, have investigated areas within their jurisdiction under rule XXV. The jurisdiction of a committee is normally based on what is referred to that committee and its jurisdiction.

Mr. LEVIN. My parliamentary inquiry is, Does Senate Resolution 54 refer that subject to this Governmental Affairs Committee? That is my parliamentary inquiry.

The PRESIDING OFFICER. Matters are not referred by resolution. Matters are referred by the Presiding Officer of the Senate.

Mr. LEVIN. Mr. President, what we have here is, I believe, the first time that the U.S. Senate is going to remove from a committee of jurisdiction its right to investigate something that has been within its jurisdiction traditionally, as has corruption and improper practices. They have been looked into by the Governmental Affairs Committee over the decades. They are specifically referred, in Senate Resolution 54, to the Governmental Affairs Committee.

I don't think there is any doubt in anybody's mind—and I will ask the question again—that the Governmental Affairs Committee has jurisdiction to investigate improper practices. Now, that doesn't mean the Rules Committee doesn't have jurisdiction to legislate. It does. But it means that the committee of jurisdiction—this is one of the great investigatory committees of this body, traditionally, which has looked into illegal practices, and legal practices which should be made illegal—is being taken off the case, is being told that what is within its jurisdiction cannot be investigated, even though the unanimous vote of the Governmental Affairs Committee was to investigate improper practices.

There is no doubt, I don't think, in anybody's mind that we have that jurisdiction, which is the reason why this amendment is before us, which is to remove the jurisdiction of the committee into improper and corrupt practices with respect to the 1996 Federal elections. That is what we will be voting on today—whether or not the U.S. Senate wants to take that power away from a committee that has jurisdiction to look into and investigate improper and corrupt practices. It is unprecedented.

Now, does the Rules Committee have legislative jurisdiction? Yes. But the Governmental Affairs Committee has investigative jurisdiction. I don't think anybody doubts that we have investigative jurisdiction, should we seek to exercise it and look into improper and corrupt practices. I haven't heard anybody allege that. As a matter of fact, the reason the amendment is pending before us is to remove that jurisdiction from us when it comes to campaign finance reform. I wonder if the Senator from Ohio would yield 3 additional minutes to me.

Mr. GLENN. I yield such time as the Senator from Michigan may desire.

Mr. LEVIN. This is an unprecedented removal of jurisdiction from a Senate committee that is seeking to exercise what is within its jurisdiction by Senate rule, by Senate resolution—Senate Resolution 54—which specifically refers to improper and corrupt practices, and by precedent.

Now, why are we doing this? Why is the majority about to tell a committee that has jurisdiction to investigate that it may not do so? The answer is, the fear that there will be momentum given to campaign finance reform. That is the issue. It is that fear that so terrorizes, apparently, some in the majority of this body that if there is an investigation carried out by the Governmental Affairs Committee, which it now has jurisdiction to carry out, it will somehow or other give momentum to something which, apparently, a majority of the majority does not want.

But this is unprecedented, and we are skating now out on a pond which this Senate, I don't believe, has done before. I have heard my good friend from Virginia say, "Well, there is no legislative authority in Governmental Affairs in the area of campaign finance reform." That's true. But we have investigative authority. There is no authority in the Governmental Affairs Committee to get involved in recommending changes in the criminal law. We don't have jurisdiction to legislate in the area of the criminal law, generally. That is in the area of the Judiciary Committee. Yet, we are left with the jurisdiction here to investigate illegal activities, even though we don't have legislative jurisdiction, for the most part, in the area of criminal law.

Where is the logic here? We are told you can't legislate in the area of campaign finance reform. Therefore, we are not going to let you investigate, even though you otherwise would have jurisdiction to do so.

(Mr. INHOFE assumed the chair.)

Mr. WARNER. Mr. President, if the Senator will entertain a comment, which I hope is constructive and helpful to my good friend and colleague, you are talking about the actual Rules Committee as if we just took everything away from them. Let's go back and take a moment to see exactly what happened, because I know, having worked these 18 years with my good friend—this is on my time—that he deals in precision. We have served together side by side these many years on the Armed Services Committee.

Now, let me walk my colleague through exactly what happened. First, we have the Standing Rules of the Senate, which defines the basic parameters of the authority of the Governmental Affairs Committee. Each year, Mr. President—and it is rather interesting—the chairman of Governmental Affairs comes to the Rules Committee with a twofold request: first, for a sum of money to operate the committee for the coming fiscal year, and then a request to enlarge the jurisdiction as set forth in the Standing Rules of the Senate. That was done this year. I hasten to point out to my good friend——

Mr. FORD. Mr. President, can I get into this for a minute? I don't think we accepted the enlargement of it. It was more to carry it out than to enlarge it.

Mr. WARNER. Mr. President, I disagree with my distinguished colleague and ranking member. I would like to engage him in the colloquy at the proper time. I want to refer to Senate Resolution 54, which was passed by this body upon the recommendation of the chairman and ranking member of the Rules Committee. All I have to say to my good friend from Kentucky—and we welcome him back this morning——

Mr. FORD. You went back to the rules.

Mr. WARNER. The Rules Committee issued Senate Resolution 54, which was voted on by the Senate.

Any reading of Senate Resolution 54 shows a considerable broadening and enlargement beyond the scope of the authority vested in that committee under the Standing Rules of the Senate. That is my point. And it is, I say to my friend from Kentucky and my friend from Michigan, an enlargement. Let me read the language as recommended by the chairman and presumably the ranking member and the Rules Committee accepted it.

Mr. LEVIN. I wonder if the Senator would tell us what he is reading from.

Mr. WARNER. Yes. I am reading from Senate Resolution 54 which is that document voted on in the Senate to give $4.53 million to the committee to conduct its affairs, and this is the language of the charter.

Mr. LEVIN. On page 16?

Mr. WARNER. Page 18 of Senate Resolution 54. I will pause for a moment until my colleague has it. Section (d)(1).

> The committee or any duly authorized subcommittee thereof is authorized to study or investigate—
>
> (A) The efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

That is your language. It is broad. It includes the word "corruption," which is not in the standing rules for the Governmental Affairs Committee, which is, Mr. President, of course, in the standing rules for the Rules Committee.

So the Senator made the statement that we had taken it all away.

Mr. LEVIN. Senate Resolution 54 now is governing.

Mr. WARNER. Senate Resolution 54 governs the expenditure of $4.53 million.

Mr. LEVIN. The Senator agrees with me.

Mr. WARNER. Beg pardon?

Mr. LEVIN. Senate Resolution 54 is what is currently in effect.

Mr. WARNER. That is correct.

Mr. LEVIN. What is in effect gives the Governmental Affairs Committee the power to look at corrupt practices, just as I read—I read from the exact same Senate Resolution that the good Senator from Virginia read that we have jurisdiction in Governmental Affairs to look at corruption, unethical practices, and improper practices. That is what is in effect now and that is what would be changed by the pending resolution before us.

Mr. WARNER. Mr. President, what the Senator said, as I understood him to say, we took away all your jurisdiction. That is not correct. As to the $4.53 million, it is there. As to the second allocation of funds in the nature of a supplemental, it is quite true the Rules Committee laid down in the resolution a more precise definition as to what you do with the second allocation of funding and that is restricted to illegal activities in the 1996 campaigns, Presidential and congressional. But the Senator made the statement that it took it all away. I am pointing out the distinction. No, no, it relates to the second allocation of funding.

Mr. LEVIN. Is the Senator from Virginia saying today that relative to the allocation of funds in Senate Resolution 54, the committee is then free to look at improper practices in the area of campaign financing? Is that what the Senator is saying today? Because I thought I heard something different.

Mr. WARNER. What I am saying is the language sets forth the definition, and it is up to the chairman and ranking member and the Governmental Affairs members to decide for themselves.

Mr. LEVIN. My question—

Mr. WARNER. What I am saying for great clarity, for the second allocation, supplemental funding, the Rules Committee exercised what I regard as its authority to restrict the use of those funds to the clause "illegal" for 1996.

Mr. LEVIN. Is my friend, however, saying as to the original allocation of funds that the committee may exercise jurisdiction to look into improper practices or practices which should be made illegal? Is that what my friend from Virginia is saying?

Mr. WARNER. Mr. President, my response to that question is that the use of the first allocation of funds pursuant to this resolution is limited to this, and it is up to the Members to interpret it. And, second, it would be my hope that the members would interpret this language in accordance with whatever resolution is finally passed by the Senate today because I view that as an expression by the Senate as to what the scope should be of activities of the Governmental Affairs Committee with regard to both the underlying $4.53 million and the additional funds.

Mr. LEVIN. I want to be real clear at this point. What the Senator, the chairman of the Rules Committee, is telling us is that technically we can spend the first pot of money as we determine to do so within our jurisdiction and within Senate Resolution 54, but as to the supplemental funds, that would be governed by the pending amendment, if it passes. Is that correct?

Mr. WARNER. Not necessarily the pending amendment. The ultimate resolution passed by the Senate.

Mr. LEVIN. Ultimate resolution.

Mr. WARNER. I simply say, going back to the underlying rules of the Senate, it was enlarged in Senate Resolution 54. You can decide for yourself, but I hope you will decide within the framework of this debate and the ultimate resolution, which resolution applies to the second allocation of funds.

Mr. LEVIN. Mr. President, then if I could conclude, let me reiterate what I said as I think it is still accurate. If we adopt this resolution today, we will be removing from the Governmental Affairs Committee a jurisdiction which it now has to investigate corrupt practices, improper practices, practices which should be made illegal, practices which we could investigate within the Senate Resolution 54 jurisdiction of our committee—the current jurisdiction of our committee would allow us to look at improper practices, but what the pending resolution tells us, if it is adopted and becomes the final expression of this body's will, what the pending resolution tells us is Governmental Affairs, with this special fund which we are providing you to look into the 1996 election, you may not do what you otherwise can. You may not look into improper practices with this fund, although you could normally look into improper practices with the funds that we provide to you.

Now, why the difference? Why are we told when it comes to look at the 1996 election that we cannot exercise the same jurisdiction, look into the same type of practices, corrupt, improper practices that have an odor, why are we being told we cannot do that with the funds that are given to us specially to look into the 1996 election?

The answer is very obvious. The answer is that there is a fear on the part of a majority of the majority that such an investigation will get into the area of soft money, which is legal—part of it we believe is illegal, but most of it is probably legal. And so we are being told that with this sum of money being given specially to look at the 1996 election, we cannot look at what is legal in the area of soft money, even though it has an odor to it, even though its purpose is to evade the current law, even though it allows corporations to give millions of dollars to campaigns when the clear purpose of current law is that corporations not give money to candidates in elections.

That is the purpose of the pending amendment from the Rules Committee. We should have no doubt about what its purpose is. It is to restrict the investigation so that the Governmental Affairs Committee cannot do with this money that is given to us to look into the 1996 elections, cannot do what we have traditionally done with all other funds given to the Governmental Affairs Committee, which is to look into improper practices or unethical practices or practices which should be made illegal.

We are told that with this funding that we are being given to look into the 1996 election, that we cannot do what we could do with the funds that were given to us under Senate Resolution 54, and which have traditionally been part of the jurisdiction of the Governmental Affairs Committee.

I am going to close by reading this resolution language again because it is so important. Senate Resolution 54 is what gives the Governmental Affairs Committee its mandate. It is now the law. It is what is in place. It is what we are operating under in Governmental Affairs. And Senate Resolution 54 says, on page 16 and 17 that:

> The committee, or any duly authorized subcommittee thereof, is authorized to * * * investigate—* * * corruption * * * unethical practices * * * and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government* * *.

That authority given to us in Senate Resolution 54 to look into corruption and unethical practices and improper practices, we will not be allowed to exercise when it comes to the use of this special fund that is given to us for the purpose of looking into the 1996 elections.

The argument technically is: But you don't have legislative authority in campaign finance reform. That is true. We don't have legislative authority to amend the criminal laws either, but we are allowed to look into illegal practices. There is utterly no logic in this.

The argument which was used to restrict this funding to illegal practices was: Governmental Affairs doesn't have legislative authority—which is true—to legislate in the area of campaign finance reform. But we do not have legislative authority to legislate relative to illegal practices either, but we are allowed, in fact we are restricted, in terms of our investigation, to the area of illegal practices. So the logic for this restriction is not there. What is there, and I think a number of Members of the majority have been very open about this, is that they do not want us to give any momentum to the reform movement in the area of campaign finance. And the fear is there, that if the Governmental Affairs Committee investigates within the area of its traditional jurisdiction, improper practices, unethical practices, and corruption as we have in Senate Resolution 54—if we do that, the fear is that we will somehow or other give a boost to campaign finance reform. And to that I say: Amen, it is long overdue.

And what is unprecedented, unprecedented, is the restriction of a fund to prevent a committee from looking into an area which it has traditionally looked into. That is what is unprecedented. It is something which the public, I believe, will totally disagree with. I believe this institution will regret doing it, because it sets a precedent for this institution which is not a wise precedent. And I do not think it will withstand the scrutiny, either of the public or of the media.

What we are left with will be this. If this resolution passes in the form that it is now in from the Rules Committee, or something like it, we will then be limited to illegal, which I am happy to hear, at least in the opinion of the chairman of the Rules Committee, includes both civil as well as criminal illegality. And I presume we will do the best that we can with that. But we all ought to realize that what is off the table, as far as this investigation is concerned, by Governmental Affairs Committee—what has been removed, taken away from us, restricted, is the bright light of day into what is currently legal but which should be, at least arguably, made illegal.

I thank the Chair and I also thank my friend from Virginia. As always, he has shown great courtesy in terms of attempting to respond to inquiries on the floor, and to helping this institution work its way through some very difficult issues.

I yield the floor.

Mr. WARNER. Mr. President, I thank my colleague. But just before he departs, I hope he would recognize that, while he uses the phrase "taken it off the table," it is the jurisdiction of the Rules Committee. And I hope that you, as a colleague, will give us the benefit of the doubt, that the Rules Committee will diligently—certainly speaking for myself, and I think for many members of that committee, if not all—will diligently pursue the issues that are of great importance. I share your concern over the importance of both independent expenditures and soft money. The phrase "soft money" must be terribly complex to the American public. What is soft money? I guess we are going to get a tight definition of that at some point. But we will pursue it with diligence. And I hope you acknowledge that fact.

Mr. LEVIN. If the Senator will yield?

Mr. WARNER. Yes.

Mr. LEVIN. I thank him for that. Soft money is most of the money that is out there. It is the unregulated money. It is the millions.

As it turns out, under the current definition, if I could just ask my good friend to yield for 1 more minute, under the current definition by the Attorney General and Boyden Gray—who was the counsel for President Bush, they both agree on this—I cannot use my phone, even a cell phone, at my own expense in my office, to solicit a contribution to my campaign for $100. I cannot do that, even using my own cell phone in my office. But I can use my Government phone to solicit $1 million for the Democratic National Committee, right from my office. That is the current state of the law. That is the soft money "exception," which is really the rule, because it is most of the money which is now received.

But to answer my friend's question, I was very careful saying what is off the table, as far as the Governmental Affairs Committee investigation is concerned, if this resolution is adopted in its current form, will be the investigation into what is currently legal in the area of soft money, independent expenditures. I did not comment on what the Rules Committee might or might not do, and that is going to be in the good judgment of the Rules Committee and its chairman and ranking member.

Mr. WARNER. Mr. President, I hope the Senator will give us the benefit of the doubt that we as Senators will pursue that with equal vigor.

I thank my colleague. It was a very profitable exchange.

Mr. AKAKA. Mr. President, as a member of the Senate Governmental Affairs Committee, I am naturally interested in this debate over Senate Resolution 39—a funding resolution for the Senate Governmental Affairs Committee special investigation, as amended by the Senate Rules Committee. I object to the action taken by the Rules Committee on Thursday that forces the Governmental Affairs Committee to limit its investigation solely to illegal activities related to the 1996 elections.

I object because the Governmental Affairs Committee had a bipartisan agreement on a broad scope for this fundraising investigation. However, in an effort to appease those opposed to reforming our campaign finance laws, the Rules Committee overrode the agreement unanimously adopted by the Governmental Affairs Committee on January 30, 1997. The scope of the investigation is now so narrow that we are being forced to operate with blinders. If a fundraising activity is improper—we cannot look at it. If the activity occurred prior to 1996—we cannot look at it. If the activity involves soft money or questionable use of tax-exempt organizations—we cannot look at that, unless it is clearly illegal.

The Rules Committee resolution narrows the definition of illegal so that the Governmental Affairs Committee would have to show evidence of criminal activity beyond a reasonable doubt before an activity or individual can be investigated. Is there anyone who does not believe that there are some serious allegations that are improper rather than illegal? How can we legislate changes in our campaign finance laws if we cannot look into activities that are not currently illegal, but should be illegal?

Mr. President, I am proud to be a member of the Governmental Affairs Committee because it is one committee that continually operates in a bipartisan and fair manner. We hammered out the scope of our investigation over a period of several days and it received support from Democrats and Republicans alike.

Last Friday, I participated in a press conference called by the ranking member of the Governmental Affairs Committee, Mr. GLENN, to express concern with the newly amended funding resolution that came out of the Rules Committee. At that news conference, I said that the committee had taken the high ground by unanimously agreeing to a resolution setting forth the scope of its investigation.

Back on January 30, 1997, the committee agreed on a number of issues relating to illegal or improper fundraising and spending practices which would lead to a consensus of how to best consider the issues at hand. Regretfully, since the adoption of that agreement, there has been discord, insinuations, accusations, and other obstacles to resolving the impasse over the committee's special investigatory funding.

I object to the revision of the scope previously agreed upon by the Governmental Affairs Committee because past investigations into allegations of misconduct examined improper and unethical conduct as well as illegal conduct. Moreover, if the funding resolution before us today is adopted, we will limit the scope of the investigation to only the 1996 election cycle, thereby eliminating the possibility of looking into the issue of soft money, issue advocacy, and possible illegal use of tax-exempt organizations.

Under the amended resolution, the Governmental Affairs Committee investigation would be precluded from investigating allegations that may be embarrassing to Congress, and potential problems related to individual members would be referred to the Senate Ethics Committee. I know that most Members of Congress are honest; however, if our citizenry believes that money buys access, then we must look into allegations that point to improper use of office.

The statement of purpose of the Governmental Affairs special investigation, as amended by the Rules Committee last Thursday, authorizes funds for "the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns." We have been told that the scope agreed to in the resolution before us was patterned after the Watergate resolution. However, the omission of two key words from that original Watergate resolution—unethical and improper—will undermine any investigation into the influence of money on Federal elections.

Mr. President, I shall not belabor this issue as I know there are other Members who wish to speak. I want to reiterate, however, that the scope agreed to on January 30, 1997, was very inclusive—it would provide for an investigation into the business of fundraising by both parties. The purpose of our inquiry was to examine all aspects of campaign fundraising—both Presidential and congressional—with the eventual outcome to be substantive and effective campaign finance reform legislation. I fear that without ensuring that improper fundraising practices are included in the investigation that this may never come about. We cannot deny the public a full and thorough inquiry into allegations that may eventually lead to tough campaign finance laws.

Mr. WARNER. Mr. President, will the Chair kindly advise the Senator from Virginia and the Senator from Ohio as to the remainder of the time?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes, 14 seconds; the Senator from Ohio, 3 minutes and 17 seconds.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I offer my sincere appreciation to my distinguished friend, the chairman of the committee.

Mr. WARNER. Mr. President, I am happy to do it. It is a very important matter, and I was quite interested in what the Senator from Missouri had to say.

The Senator from Virginia yields back such time as he has remaining, and I understand my colleague from Ohio will have further remarks, at the conclusion of which we will stand in recess until the reconvening hour of 2:15.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, this debate comes down to a simple choice: You are in favor of campaign finance reform or you are opposed to campaign finance reform, and that is what the argument is all about. I believe both sides of the aisle want to correct things as far as illegalities are concerned, I don't have any question of that. But the other area that is so big is the area of independent expenditures, soft money and all the other practices that grew up and came to a peak in the 1996 election.

There was no doubt that the public was demanding that we look into this, and there were various committees that wanted a part of that activity. There was the Commerce Committee, Judiciary Committee, Foreign Relations Committee, Rules Committee, and Governmental Affairs Committee. The Republican leadership decided to talk the other committees into not exercising their jurisdictions they normally would have in this area and assign that to the Governmental Affairs Committee, which has the broadest investigative authority on Capitol Hill.

My friend, the Senator from Virginia, read into the RECORD a little while ago the Governmental Affairs Committee's jurisdiction out of Senate Resolution 54, which details what we are to look into with the money that comes out and we are given each year. It involves the whole gamut of anything to do with the Federal Government in any way, shape, or form, any type of corruption, anything we want to look into on that. We have exercised that jurisdiction through the years.

It was assigned to the committee. Senator THOMPSON, chairman of the Governmental Affairs Committee, and I worked out an agreement on what the scope of this investigation would be. We didn't have agreement on the money yet or some other things like that, but we at least had the $1.8 million we agreed to. Today, we are going up to the $4.5 million that was stated, but we object strongly to cutting back on our normal jurisdiction of what we can look into.

Why is this being cut back? Because a few members on the Rules Committee that has to pass on our additional money for investigative activity over and above our normal committee budget dug in their heels, the people who are publicly outspoken against any campaign finance reform, and they are the ones who, on the Rules Committee, were able to stop that type funding, unless they got an agreement, unless a deal was cut.

So a deal was cut that we would not be able to look into any of the things involved that we wanted to look into with regard to soft money and independent expenditures with regard to Capitol Hill, with regard to congressional campaigns, Senate or the House. They were dead set against that. They didn't want that looked into. The reason, I guess, is because Republicans outdo the Democrats about 2 to 1 in this fundraising area and particularly in the area of soft money. It was crucial, as we see it, a couple of years ago in changing the majority in the Senate, because money is the mother's milk of politics. It is really what has more impact than anything else. So they objected to any changes or to any investigation in those areas.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. I ask unanimous consent to finish my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, they wanted to cut out any investigation of Capitol Hill. That is the reason we came to this situation. It was not that most Members don't want to correct campaign finance reform on our side. We asked for campaign finance reform legislation to be brought to the floor all this year. We would like to see the McCain-Feingold proposal voted on.

But regardless of that, we think that an airing of everything to do with what happened in campaign financing over the past several elections, really, as this has built up to a crescendo that just inundated us in 1996, we think that should be looked into to lay the base for real campaign finance reform and give us that kind of educational base.

What happened? Those who were against this got a deal cut, and instead, all the things we were going to look into which was submitted as the original part of Senate Resolution 39 from the Governmental Affairs Committee to the Rules Committee for approval were all struck, the total language, and the additional funds in the last part of this that are operable in Senate Resolution 39 as brought to the floor state that funds can only be used for the sole purpose of conducting an investigation of illegal activities. That takes out all those other areas of soft money that we wanted to look into.

The amendment I proposed would restore the scope of the investigation, as the chairman and I and as all members of the Governmental Affairs Committee, including those who are on the Rules Committee, voted out of committee. They voted for these things to go into this type of scope. They did not disagree with it then. But as part of the deal that was cut then, that kind of scope was taken away from us. Now I would propose, with my amendment, to restore that.

What has happened this morning is now the majority leader has proposed an amendment to my amendment, a second-degree amendment in the nature of a substitute, that would again say that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—(1) Federal elections generally * * * [and] (2) corrupt practices * * * [and] the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities * * * [that] are not illegal but which may require investigation * * *" In other words, this takes us back where we were. It second-degrees my amendment and takes us back to the intent of Senate Resolution 39, which cut back the authority on the committee.

There has been a good discussion of this this morning. But to my way of thinking, this boils down, very, very simply, to one area. And one thing that is correct is, it is a choice. Do we want campaign finance reform or do we not?

We want the broadest possible investigation so we can come out with good campaign finance reform that I think will be follow on to McCain-Feingold if we are ever able to get it to a vote. On the other side, they do not want any investigation in this area and are opposed to campaign finance reform. That is the bottom-line choice we are talking about here.

I will end with that because my good friend from Virginia has been very kind in granting me extra time here. I have run over several minutes, I know. I thank him very much.

Mr. WARNER. I thank my colleague.

I would have to say to my good friend and colleague, we will have more debate on this as the day goes on and perhaps tomorrow. Hopefully, we can finish tonight, but I will be ready to take the floor tomorrow again.

Mr. President, he misstates the case. This Senator is for campaign finance reform of some measure. I am not able to give the parameters in totality now. The distinguished majority leader sat here and opened this debate this morning indicating what is taking place. He, together with Senator NICKLES, is conducting a task force on this side of the aisle which meets on a regular basis to examine those provisions, which, hopefully, we will insert at some point in time in a bill which is clearly campaign finance reform. So, I have to strongly disagree with my good friend and colleague on that point.

Now, Mr. President, we shall stand in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWNBACK).

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. There are 15 minutes equally divided to each side.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. WARNER. Mr. President, in the absence of anyone on this side of the aisle, I suggest a quorum be reinstated and that the time not be counted against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, we have a unanimous consent process that we will go through here that would allow for the withdrawal of the pending second-degree amendment and the offering of a new amendment. We are very close to an agreement on not only this procedure, but a number of other aspects of how we will deal with this pending resolution this afternoon.

We would like to get this consent agreed to, and then we will take a few minutes more to make sure everybody understands exactly what we are proposing to agree to, and we will come back and go through that process. It could lead to our having perhaps just one more recorded vote and final passage. But we want to make sure everybody understands and is comfortable with what we are doing to the maximum degree possible.

I ask unanimous consent, Mr. President, notwithstanding the consent agreement, that it be in order for me to withdraw amendment No. 22 in order to offer a separate amendment, and the amendment be in order notwithstanding the fact that it hits the resolution in more than one place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Glenn amendment be laid aside in order for me to offer an amendment, and no further amendments be in order prior to the vote on or in relation to my amendment.

Mr. SPECTER. Mr. President, reserving the right to object, I ask whether that is intended to preclude any further amendments on the resolution.

Mr. LOTT. At this point it is just no further amendments in order to my amendment. We are discussing the possibility of an agreement that would not provide for additional amendments, but we have not reached a final agreement on that at this point. So we would have to just talk that through with you and other Senators and make sure everybody understands and agrees before we enter that next request. But it is not applicable here.

Mr. SPECTER. As long as this unanimous consent request is not precluding further amendments to the resolution, I do not object.

Mr. DASCHLE. Reserving the right to object, I only do so for purposes of clarification.

I think what the majority leader is proposing here goes a long way to resolving one of the issues that divided Democrats and Republicans. First, I commend him and commend those responsible for offering this amendment.

What this would do is to add the word "improper" at the appropriate places within the authorization to allow us to look at both improper and illegal activity. So, as I say, this goes a long way to resolving the conflict that we have discussed now for some time and that was the subject of debate this morning. So this moves this process along. I would certainly urge all of my colleagues to agree to this unanimous consent request.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator for his comments. I might say, just for further clarification, it would add to "illegal" the words "and improper." The Glenn amendment of course has a number of descriptions. We are working on a discussion here of how that might be handled in a colloquy here today. But this would just add the words "and improper" at the appropriate places in the resolution.

The PRESIDING OFFICER. Is there further objection in regard to this request? Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that following the disposition of the Lott amendment, the Senate resume the Glenn amendment No. 21, and no amendments be in order prior to the vote on or in relation to the Glenn amendment No. 21 and he be permitted to withdraw his amendment if he chooses after our discussions take place.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 23

Mr. LOTT. Mr. President, I now send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. THOMPSON, and Mr. WARNER, proposes an amendment numbered 23.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 19 after the word "illegal" add "and improper".

On page 10, line 23 after the word "illegal" add "and improper".

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for 5 minutes to introduce a measure, after which time I will suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Will my colleague yield to make that 6 minutes so I could get a minute in?

Mr. DOMENICI. I ask unanimous consent for 7 minutes and give 3 of my minutes to Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and Mr. DODD pertaining to the introduction of S. 422 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I ask unanimous consent I may proceed for 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT ANNOUNCEMENT

Mr. FORD. Mr. President, when the 94th Congress convened in January 1975, I was 93d in Senate seniority. When the 105th Congress convened this past January, I was 12th. What a difference 22 years make.

My 22 years of service to the people of Kentucky, as their U.S. Senator, has been during a remarkable period in history. We have witnessed the end of the cold war and the fall of the Berlin Wall. We have witnessed a technological boom that was unthinkable 22 years ago and we've witnessed the growth of democracy in practically every underdeveloped nation in the world.

We have also seen the cost of a college education skyrocket. We have seen the cost of medical care skyrocket. And last but not least, we've seen the cost of a political campaign skyrocket.

The average cost of a U.S. Senate race in 1974, the first year I ran, was less than $450,000. In fact, $437,482. The average cost of a Senate race last year was approximately $4.5 million. There is no job, especially the job of public servant, that is worth or deserves the effort necessary to raise and spend that much money.

The job of being a U.S. Senator today has unfortunately become a job of raising money to be reelected instead of a job doing the people's business. Traveling to New York, California, Texas, or basically any State in the country, weekend after weekend, for the next 2 years is what candidates must do if they hope to raise the money necessary to compete in a senatorial election.

Democracy as we know it will be lost if we continue to allow government to become one bought by the highest bidder, for the highest bidder. Candidates will simply become bit players and pawns in a campaign managed and manipulated by paid consultants and hired guns.

Because of the political money chase, Washington, DC is fast becoming the center of our lives, not our people back home. The money chase has got to stop. We must reform the system so that ordinary, everyday people, who want to run for political office and make our country a better place are able to do so.

I have spent a good part of my Senate career and political life working to nudge and, occasionally shove our party back toward the center of the political road. I came to Washington as a moderate Democrat, believing then as I still do, that the will of the people comes first. I've tried to be a moderate voice and will continue to do so. I love our country too much to let the extremists ram their agenda down our throats.

There are many challenges facing the Senate and our party as we march into the next millennium. More than ever, I want to be involved in addressing some of them.

I am not in the business to get my name in lights or to appear on the national TV talk shows or make headlines in the national newspapers. My philosophy has always been and will continue to be keep a low profile, work behind the scenes with my colleagues on both sides of the aisle, and come up with a solution that benefits everyone. Compromise is not a dirty word. I plan on working this way in the months ahead.

Now of a more immediate and personal concern. Do I run again for another term in 1998? My health is good, my mind is sharp, and I enjoy what I do as much as life itself. However, because my mind is sharp, it is quick to remind me that I am 72 years old and I will be 74 in November of 1998. The good Lord has a plan for every one of us, even me. My heart says that my love affair with the people of Kentucky is not over. My head says it has been a long ride and a good ride but now it is time to pass the reins on to a younger generation.

Today I will lead with my head and not my heart. So the time has come for me to announce that I will not be a candidate for reelection in 1998.

As you try to understand my decision, let me ask you to do something for me, if you will. Don't say that I'm ready to go because I'm not and, frankly, I never will be. I still get goose bumps every time I look up at the Capitol dome on my way to and from work.

You can say that my reelection campaign would be my most expensive race ever. I do not relish—in fact, I detest—the idea of having to raise $5 million for a job that pays $133,000 a year. To reach that mark, I would have to raise $100,000 a week, starting today, for the next year.

Please don't say that my time has passed and I should be put out to pasture, because I don't believe that it has. The political philosophy that I embrace is just as relevant today as it was when I first entered public life 30 years ago. It is a philosophy centered on the fact that most Kentuckians cherish personal freedom more than either a liberal agenda or a competing conservative agenda that just uses Government in a different way to promote its goals.

I thank the people of Kentucky from the bottom of my heart for giving me the chance to be their voice for these four-plus terms here in the U.S. Senate. I have been blessed with good friends and dedicated supporters all around my State, who have been there time and time again when I have called for their help.

No one serves the people alone. He or she must have a good, bright, hardworking staff for support. I have been blessed with an abundance of such a staff. They have proven themselves more than capable of handling any situation thrown at them. Their unequaled loyalty and total devotion to their work, especially in handling constituent services, both in my district offices and here in Washington, is proven time and time again. My staff is simply the best, as the thousands of constituents who have used them will attest.

In announcing last month that he would not run again, my good friend and colleague, JOHN GLENN, put it in perspective when he said, "There still is no cure for the common birthday." I believe that 100 percent, and I want to leave here knowing that I have a lot more birthdays to celebrate with my family.

Now, speaking of family, no one—and I repeat, no one—could ask for a more supportive and loving family than mine. My wife, Jean, has been my anchor for over 50 years. My children, Shirley and Steve, have had to grow up with an absentee father a lot of the time. But they know in their hearts how much I love them. I plan on helping them in the years to come the way they have been there for me all these many years. As for my grandchildren, I can't wait to spend more time with them and, hopefully, learn a thing or two from them. I'll finally have the time to dote on them and spoil them the way a grandfather is supposed to do.

Mr. President, let me close by reading the last paragraph from a poem entitled "A Year," which I have carried with me for many, many years. My son had it right when he wrote this back during his sophomore year at Frankfort High School. He is now married and has three lovely sons and, still, he had it right much earlier than I thought he did. This is the last of four paragraphs, referring to the seasons:

> Another year has passed,
> the days not slow or fast,
> Burned deep within our brain,
> its memories will ever remain,
> And although you look back and stood,
> wishing there had been more good,
> No one can change the seasons,
> 'cept God, and he's had no reason.

I thank the Chair for giving me this time. I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for about 4 minutes in reference to the speech we just heard.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have listened to my good friend from Kentucky, who has been my good friend from the time we first met as newly elected Members of the class of 1974. We came here together, and I can honestly say, Mr. President, that I have looked to Senator FORD for guidance on every issue since then. I came from a small county office, and he came from being Governor of a State much larger than Vermont ever has been or ever will be.

I remember debates we had when we were in the majority and in the minority, and back to the majority and then back to the minority. WENDELL FORD's was one of the voices we would listen to as we tried to find the answers that made sense for the country and for each other.

WENDELL FORD also had a quality that was very much the quality of all Senators, Republican and Democrat, when he first came here—a quality that, perhaps, some today should remind themselves of, because it existed universally then, and that is the quality of when a Senator gives his word, his word is gold. There is not one single person who has served here in the 22 years that WENDELL FORD has been here who has ever questioned his word. There is not one single Senator here who found him to be someone who did not keep totally to his commitments.

What I have enjoyed in our personal relationship is that he is a man I have been able to go to for counsel and guidance and know that I could discuss anything with him without it ever being given out, if I told him it was in confidence.

Marcelle and I have been privileged to be here with Jean and WENDELL FORD. They are the kind of people that future generations of the Senate should look to for the best, not just for Kentucky, but for the country. Ultimately, what is most important in this body is not whether you are liberal, moderate, or conservative, but whether you serve with integrity for the best interests of the country. I have served with many, many people who fit that description, but I have been fortunate that, for 22 years, I have served here with a man who epitomizes that—WENDELL FORD of Kentucky.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, when I came here as a freshman, I remember the first parliamentary situation I got snarled up in, and the man who stepped up to help me unsnarl it and begin to understand the way the Senate worked was the senior Senator from Kentucky [Mr. FORD]. He sits on the other side of the center aisle from the side I sit on. We have not cast very many votes in the same way. But he has been an unfailing source of good humor and good fellowship, and he has become a close friend.

I remember, as I contemplate this occasion, one night when I was called upon for late service in the Chair. As things happened that night, the two leaders, for one reason or another, could not seem to get together, and the hour went on and on and on, and they could not call anybody to relieve me in the Chair. I was there until almost midnight. Absolutely nothing was happening on the floor; indeed, nobody was on the floor—except the Senator from Kentucky, who had duty himself that night on behalf of his party. I remember asking him, as a freshman seeking wisdom, as I was looking up in the gallery, "Why are they here at 11 o'clock at night or 11:30 at night, with nothing going on?" They sat there patiently in the gallery. Senator FORD said, "Because the zoo is closed."

He has been a delight to be around. I serve now on a task force with him, and I appreciate his candor, his directness, his clear honesty, and his great respect for this institution. This is the kind of Senator we need in terms of this respect.

There are many who come here who do not recognize the great honor it is to be here and sometimes bring a degree of dishonor to this body and the work it does on behalf of the people. Senator FORD is not in that category. He is in the other category of those who will be missed on both sides of the aisle, a good friend whom we shall look forward to seeing for many years to come even after his service here has ended because we find him such good company and such a fine, fine friend.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join those in expressing our good wishes to both the senior Senator from Kentucky and, indeed, his wife and family for their next chapter.

Yesterday afternoon, I say to my good friend from Kentucky, I interrupted the proceedings in relation to the underlying amendment to speak briefly on behalf of our good friend and colleague, who at that time was necessarily detained in that State he loves most, Kentucky. But I have been privileged now to serve as chairman of the Rules Committee with my distinguished colleague as the ranking member, and I have been a member of this committee for many, many years. We have all come to know and respect WENDELL FORD. And I think within the institution of the Senate, certainly as it relates to all the employees, no matter whether they are in the cafeteria, no matter whether they are here on the dais, wherever they are, he feels a very keen sense of responsibility for their welfare and their safety and for their ability to achieve their goals and care for themselves and their families.

He has done a remarkable job on the Rules Committee over these years, and I look forward to working with him the balance of this distinguished Senator's term. The Rules Committee is often thought of as housekeeping. Fine, call it housekeeping if you wish. We saw an example today where it occasionally is a little more than housekeeping. But whether it is the complicated issue like today or caring for any employees in this institution of the Senate and working with the House on the overall protection of the Capitol of the United States, where the two bodies share joint jurisdiction, Senator FORD is always there, keeping in mind what is in the best interests of the Congress and of the Senate and of those people who serve the Senate. I salute my good friend and wish him well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I ask unanimous consent that I be allowed to address the Senate as if in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

NUCLEAR WASTE STORAGE

Mr. GRAMS. Mr. President, as the Senate further deliberates on the nomination of Federico Pena to become the next Secretary of Energy, I rise again to discuss an issue of paramount importance to our Nation's ratepayers and taxpayers: nuclear waste storage.

While I have already discussed on this floor the long history of this debate, I believe a brief review of this history is warranted.

Since 1982, energy consumers have been required to pay almost $13 billion into a trust fund created to facilitate the disposal of our Nation's commercial nuclear waste.

In return for such payments, nuclear utilities and their ratepayers were assured that the Department of Energy would begin transporting and storing nuclear waste in a centralized Federal repository by January 31, 1998.

This deadline is less than a year away. Over $6 billion of the ratepayer's money has been spent by the Department of Energy, with very little progress being made by the Department in living up to the Federal law which requires the DOE to accept commercial nuclear waste. In fact, late last year, the DOE politically punted their problem by notifying utilities and States that it would not meet the deadline, despite a Federal court's ruling that it must do so or be liable for substantial damages.

Since then, the Department has failed to set forth a single, constructive proposal to meet its legal obligations, thereby threatening the interests of ratepayers and ultimately the taxpayers.

Who will be most affected by the lack of DOE action? Obviously, ratepayers come to mind. As I have stated before, our Nation's energy customers have already paid almost $13 billion into the Nuclear Waste Fund. At the same time, since the DOE has not met its obligations to accept nuclear waste, utilities and ratepayers have paid and will continue to pay for onsite storage at over 70 commercial nuclear powerplants. In other words, ratepayers are being hit twice because the Department of Energy has failed to meet its legal obligations to the American people.

In addition, the Energy Department's failure to move nuclear waste out of the States affects not just our Nation's consumers; it compromises our taxpayers as well.

Last year, the Federal courts ruled that the DOE will be liable if it does not accept commercial nuclear waste by January 31, 1998. But under current law, no one at the DOE itself will have to pay the damages—that bill will go to the American taxpayers at an estimated cost of 40 to 80 billion taxpayer dollars. This staggering and irresponsible potential damage liability and the DOE's reluctance to provide specific answers to resolve this situation should be an affront to the President, the Vice President, the Congress and more importantly, the American taxpayer.

To make matters worse, DOE officials under the Clinton-Gore administration have not only avoided specific responses to this fiasco, but have openly indicated that the States—not the Department—have the responsibility to address the problem in the absence of action by the Federal Government. In other words, in the last hours, the DOE is saying that it will not meet its responsibility and is tossing the ball to the States and the ratepayers to handle the DOE's mistake.

For example, in a recent hearing before the Energy and Natural Resources Committee, DOE Under Secretary Thomas Grumbly argued that nuclear waste storage problems facing States like Minnesota are not the Federal Government's responsibility.

Mr. President, I find that attitude completely arrogant, devoid of the facts, and a threat to the viability of long-term energy resources for the American public. In 1982, States, utilities and through them, ratepayers, signed a contract with the Federal Government to dispose of commercial nuclear waste, a contract upheld by the courts last year.

With that understanding, States planned for limited onsite temporary storage capacity, relying upon the Federal Government's fulfillment of its contractual obligation.

Yet, as the years passed, it became apparent that the Federal Government would not keep its word, prompting threats of potential energy crises in States with limited storage space.

For example, the depletion of storage space in my home State of Minnesota will mean that one of our utilities will lose its operating capacity by 2002 if the Federal Government does not act soon. This plainly means that consumers in Minnesota would not only lose 30 percent of their energy resources but would also have to pay higher energy prices—estimated as much as 17 percent more—as a result of Federal inaction.

Therefore, ratepayers will not get hit just once or twice, but potentially three times, if a resolution is not found on a national level.

The crisis facing both our ratepayers and taxpayers is simply unacceptable. The American people do not deserve excuses and inaction; they need real answers from the Clinton-Gore administration. They need leadership on this issue—not a crass political debate arising out of Presidential politics.

With that in mind, I took the opportunity to ask Secretary-designate Federico Peña of his specific and definitive views to resolve this issue.

Since I believe the American people deserve answers from their leaders, I sent a letter to Mr. Peña asking for a detailed response outlining the specific steps he would urge to meet the January 31, 1998, deadline.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an exchange of letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAMS. After this exchange of letters, I still felt troubled by Mr. Peña's inability to provide specific answers about how he and the Clinton-Gore administration intend to resolve our Nation's nuclear waste storage problem.

Because I have not received a sufficient response to date, I objected to an effort to expedite full consideration of Mr. Peña's nomination late last week.

Since that time, however, I had a telephone conversation with the Secretary-designate over the nuclear waste issue. While I am still concerned with his continued lack of specific answers, I was pleased to hear Mr. Peña agree with me and the Federal courts that any resolution of this issue ultimately involves Federal responsibility. Contradicting what DOE Under Secretary Grumbly stated before the Energy and Natural Resources Committee last month, Mr. Peña provided verbal assurances of his commitment that our nuclear waste storage situation is a Federal problem worthy of a Federal solution. But what that means is taxpayers will still be asked to pay extra for the DOE's failure to do its job, and it creates the possibility of taxpayer liability high enough to make the public bailout of the savings and loan collapse seem small in comparison.

While I am not completely satisfied with Mr. Peña's overall incomplete response to this quickly approaching crisis and will vote against his nomination based on his inability to provide specific answers, I will not object to moving his nomination forward for the sake of advancing this debate.

For this reason, I hope that as the new DOE Secretary, Mr. Peña will play an active role in pulling the administration's head out of the sand and becoming a constructive player in this debate.

Specifically, it is my hope that Mr. Peña will show the necessary leadership and push the administration to support the common-sense solution crafted by Senate Energy Chairman FRANK MURKOWSKI, Senator LARRY CRAIG and myself. We will mark up this bill in the Energy and Natural Resources Committee tomorrow, and I believe the chairman will deliver a bipartisan resolution.

With the January 31, 1998 deadline fast approaching, the administration and Congress owe the States, ratepayers, and the taxpayers nothing less than the assurance that promises made by the Federal Government will be promises kept.

EXHIBIT 1

WASHINGTON, DC, *March 4, 1997.*

Mr. FEDERICO PEÑA,
Secretary-designate, Department of Energy, Washington, DC.

DEAR MR. PEÑA: As the Senate Energy and Natural Resources Committee further deliberates on your nomination as Secretary of the Department of Energy (DOE), I'm writing to solicit your views on recent comments made concerning our nation's failed commercial nuclear waste disposal program.

As you know, the DOE has announced that it will be unable to meet its legal deadline of January 31, 1998 to begin accepting commercial nuclear waste despite a mandate by a federal court and the collection of over $12 billion in ratepayers' funds. As a result of this failure, the Court of Appeals will decide the appropriate amount of liability owed by the DOE to certain utilities, possibly putting taxpayers at risk because of the Department's lack of measurable action. Meanwhile, the federal government continues to collect and transport foreign-generated spent fuel for interim storage without any apparent technical or environmental risks.

In light of these activities, it was no surprise that former DOE Secretary Hazel O'Leary recently contradicted the Clinton Administration's longstanding objection to resolving the centralized interim-storage impasse for our ratepayers and, ultimately, our taxpayers. Her comments on the need to move forward with a temporary waste storage site upon completion of the viability assessment at Yucca Mountain reflect the bipartisan, common-sense reforms contained in S. 104, the Nuclear Waste Policy Act of 1997. Unfortunately, the Clinton Administration has ignored this reality by failing to become a constructive player in this process.

Although I am disappointed that Mrs. O'Leary's comments came after her tenure as Secretary, I applaud her courage in expressing her views honestly and thoroughly. I strongly believe that the next DOE Secretary must provide the committed leadership necessary to resolve this critical situation while in office. With this in mind, I want to know your specific thoughts on Mrs. O'Leary's comments that the DOE should move forward on a temporary nuclear waste storage site next year at Yucca Mountain if a viability assessment is completed at the permanent site. If you disagree with Mrs. O'Leary, I want to know what specific alternatives you would propose to meet the federal government's legal obligation to accept nuclear waste by January 31, 1998.

For too long, our nation's ratepayers and taxpayers have been held hostage to what has become a political debate. They deserve better and, more importantly, deserve an immediate solution to this issue. For that reason, I expect a specific, constructive response to my questions before the Senate votes to confirm your nomination.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for your letter of March 4, 1997 concerning the Department of Energy's civilian nuclear waste disposal program and the comments made recently by former Secretary Hazel O'Leary. I have not spoken with Secretary O'Leary about her remarks and, therefore, am not in a position to comment on them.

As I stated when I appeared before the Committee on Energy and Natural Resources, I am committed to working with the Committee and the Congress toward resolving the complex and important issue of nuclear waste storage and disposal in a timely and sensible manner, consistent with the President's policy, which is based upon sound science and the protection of public health, safety, and the environment.

I am very cognizant of the Department's contractual obligation with the utilities concerning the disposal of commercial spent fuel, and, after confirmation, I also expect to meet with representatives of the nuclear industry and other stakeholders to discuss the Department's response to the recent court decision and the consequences of the delay in meeting that contractual obligation.

As Chief of Staff Erskine Bowles emphasized in his February 27 letter to Chairman Murkowski, the Administration believes that the Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste policy. Accordingly, the Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability of the Yucca Mountain site has been determined.

In conclusion, I want to strongly emphasize again that I am committed to working with you and other members of the Committee and the Congress on these difficult issues.

Sincerely,

FEDERICO PEÑA.

WASHINGTON, DC, *March 5, 1997.*

Mr. FEDERICO PEÑA,
Secretary-designate, U.S. Department of Energy, Washington, DC.

DEAR MR. PEÑA: I received your letter, dated today, in response to my most recent questions on our nation's nuclear waste policy. Although I appreciate the timeliness of your response, I am still concerned about the absence of specific proposals from you on how best to resolve this important issue.

In your letter, you wrote that the Clinton Administration "believes that a decision on the siting of a storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998." Frankly, this response states nothing more than the position you have taken in the past, leaving questions about whether the viability study can be completed in time for the DOE to realistically accept waste by the legal deadline on January, 31, 1998 and what can be done to meet the deadline if the permanent site at Yucca Mountain is not determined to be viable.

I certainly hope you can understand my concerns, given that you yourself have publicly admitted that following this track would make it impossible for the DOE to meet the January 31, 1998 deadline.

More importantly, you did not answer my central question regarding what specific, constructive alternatives you would propose in order for the DOE to begin accepting waste from states by January 31, 1998, as outlined in statute and ordered by the courts.

With that in mind, I would again request a specific response from you—prior to the Senate vote on your confirmation—to the following question: given that the current Administration position would result in the failure of the DOE to accept waste from states by January 31, 1998, what specific, constructive alternatives would you propose to guarantee that the DOE will meet this legal, court-imposed deadline?

I look forward to your response.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 6, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: Your letter of March 5, 1997 asks me to outline the specific, constructive steps that may be taken to guarantee the Department of Energy will meet its contractual commitments to begin taking nuclear waste discharged from civilian nuclear reactors on January 31, 1998.

Let me say again that I am committed to carrying out a responsible strategy for disposing of nuclear waste. I will work with you and your colleagues toward that end, consistent with sound science and the protection of public health, safety, and the environment. I cannot, however, outline for you specific steps for meeting the January 31, 1998 date. The Department of Energy has indicated to the court and in responses to the Congress that there is no set of actions or activities that could be taken under the Nuclear Waste Policy Act to enable the Department to begin receiving spent fuel at an interim storage facility or a repository on that date. The Senate Energy and Natural Resources Committee has itself recognized that compliance with the January 31, 1998 date is not possible under the law or even under the Committee's bill reported in the last Congress.

In recognition of this state of affairs, I have indicated that following confirmation I intend to meet with representatives of the nuclear utility industry and other stakeholders to address the consequences of delay in DOE's meeting its contractual obligations and the Department's response to the recent court action.

Again, I wish to emphasize my pledge to work with the Congress in addressing this matter, consistent with the President's policy.

Sincerely,

FEDERICO PEÑA.

Mr. GRAMS. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF FEDERICO PEÑA

Mrs. HUTCHISON. Mr. President, I am going to speak until the beginning of the vote. As soon as that is called and they are ready, I would ask to be interrupted. But I want to speak briefly on the nomination of Federico Peña for Secretary of Energy. This is a very important position, and one that I think will certainly have an impact on the energy policy of our country in the future. Knowing how important having a healthy energy policy and a strong industry that can produce our own energy domestically is to this country, I think this nomination and the support for Federico Peña is important to all of the Senate.

I am cochair, along with Senator BREAUX, of the oil and gas caucus. We are going to work this year to make sure that we eliminate redundant and unnecessary regulations on the energy industry so we will be able to go out and drill in our country for our natural resources. We want tax incentives which encourage oil and gas drilling, especially marginal wells and formations which are difficult to develop. These are important because we want to have energy sufficiency in our country. Not only does it create jobs, but it creates security.

A country that is dependent on foreign oil and gas is not going to be a strong country. It is not going to be a superpower. So, having a healthy energy policy in our country will be most important for us to be able to strengthen the ability to get oil and gas on our own shores.

I see, Mr. President, that our leaders are ready to start a vote. I will stop and then hope to be able to speak on behalf of Secretary Peña's nomination at a later time.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 23

Mr. WARNER. Mr. President, I see my distinguished colleague [Mr. GLENN], is in the Chamber. So, at this time, on behalf of both leaders, I ask unanimous consent that there be 5 minutes for debate equally divided on amendment No. 23; following the debate, the Senate proceed to vote on amendment No. 23 without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not object to this proposal for 5 minutes for debate equally divided on the amendment, and following debate, we proceed to vote. There has been a lot of negotiating going on here, as has been obvious to everyone. I think we have some satisfactory procedures worked out that will be generally far more acceptable than what we had prior to that. I look forward to the vote. I think that most people on both sides will probably be happy to vote for this because this is a way we get to a final solution out of the disagreements we have had here. I look forward to the vote.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate my distinguished colleague, because I doubt that we would be where we are right now had we not had the debate yesterday and the debate this morning. I think the Senator from Ohio would concur in that.

Mr. GLENN. I would, indeed.

Mr. WARNER. Therefore, Mr. President, I express my appreciation to the distinguished Republican leader, the Republican whip and others who worked on this resolution. The amendment, which was reported out from the Rules Committee, will be amended by the distinguished majority leader, and I will be a cosponsor, whereby we add the word "improper." That reflects on the original document that I drew from; namely, the Watergate amendment which we referred to several times on the floor. That contained that particular word, and it has been throughout the various expressions by the Governmental Affairs Committee as to their desire. But that does not in any way infringe on the continuing role of the Rules Committee or the continuing role of the Ethics Committee.

Again, there is a clear division under the underlying resolution from the Rules Committee that these three committees will work together as a team and, hopefully, resolve many problems relating to campaign reform and campaign finance and otherwise. I certainly will say to my distinguished colleague, and I see on the floor the distinguished chairman of the Governmental Affairs Committee, with whom I have had a dialog just about every day, their main focus will be on the question of allegations of illegality and the presence, or lack thereof, of illegality in the generic subject of campaign finance and campaign reform.

Mr. President, unless the distinguished Senator from Ohio has further remarks, I yield back the time and we can proceed with the vote.

Mr. GLENN. Mr. President, I don't want to get into another debate before we even get around to this vote, but I think the focus on where the wrongdoing is can be either on illegalities or on improprieties with the change that has been proposed by the leaders. I would not want to let it be said right now or let it be indicated that the main focus—what the main focus will be, I think, is up to the committee chairman and the ranking minority member to work out. I think we have language in here that will do that. It might be inappropriate at sometime to take up an illegality if it was looked at as fairly minor, or a giant impropriety over that, in our judgment, needed to be looked at first. I would not agree at this point that this vote we are about to take specifies exactly which direction we would go. I hope that my colleague will agree with that.

Mr. WARNER. Mr. President, at this time, I think all time has expired, has it not?

The PRESIDING OFFICER. The Senator has 30 seconds remaining. The Senator from Ohio also has 30 seconds remaining.

Mr. GLENN. I yield such time as I have to the Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we can ask directly, the Senator, with this amendment, is not establishing any priorities between illegality and impropriety; is that correct? Either one would be within the scope, is that accurate?

Mr. WARNER. Very clearly we have drafted the language so that the word "improper" is added to the underlying resolution of the Rules Committee in two places.

Mr. LEVIN. And it is not given any lesser strength than the word "illegality," is that correct?

Mr. WARNER. I say to the Senator, we simply added one word. It speaks for itself.

Mr. LEVIN. Except that our good friend from Virginia suggested there might be a greater emphasis on one than the other. Is there anything in this——

Mr. WARNER. If I did, I did not wish to infer that. I thank my colleague.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 23, offered by the Senators from Mississippi, Tennessee, and Virginia.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Before the roll is called—I withdraw my request, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll on amendment No. 23.

The assistant legislative clerk called the roll.

Mr. DODD (when his name was called). Present.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR) Gordon H.
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

ANSWERED "PRESENT"—1

Dodd

The amendment (No. 23) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 23, AS MODIFIED

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment No. 23 just agreed to be modified so that the word "and" is replaced with the word "or" each time it appears.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 23), as modified, is as follows:

On page 10, line 19 after the word "illegal" add "or improper".

On page 10, line 23 after the word "illegal" add "or improper".

Mr. LIEBERMAN. Mr. President, I rise today to support the Senate's wise decision to amend the scope provision of Senate Resolution 39, the funding resolution for the Governmental Affairs Committee investigation into campaign finance. I had planned to offer this afternoon an amendment virtually identical to what the Senate has now adopted. This amendment addresses what most deeply troubled me about that resolution: the restriction in the version that came to the Senate floor of the scope of the investigation that previously every member of the Governmental Affairs Committee unanimously agreed to. Each and every member of our committee—Republican and Democrat alike—had voted to authorize an investigation into both illegal and improper campaign finance activities. Unfortunately, before our funding resolution got to the floor it had been modified in the rules committee to preclude the Governmental

Affairs Committee from exercising authority to look into "improper" activities, arguing that it was enough for us to look into only "illegal" activities.

Mr. President, I applaud the bipartisan decision to reverse that decision and to return the term "improper" to the scope of the Governmental Affairs Committee's investigation. Without the return of that authority, I was concerned that our committee's hopes of conducting a thorough and bipartisan investigation would have been dashed. We would have been forced to conduct an investigation that I feared would have failed to expose the ills of our campaign finance system and would have further undermined the public's confidence in the working of our political institutions.

The continuing revelations about the state of our campaign finance system may not only shake the American people's confidence in the integrity of our political system, but our own confidence and self-respect. It is therefore our obligation in Congress to conduct a thorough investigation into the cause and scope of those problems, into the extent of any illegal and improper activities that occurred, and then, on the basis of those inquiries, to decide what action Congress must take to prevent these things from ever happening again and what activities should be illegal. For that reason, and like each and every one of my colleagues on the Governmental Affairs Committee—Republican and Democrat alike—I voted to conduct a broad-based inquiry into the problems that have plagued our campaign finance system. In a unified and strong voice, our Committee declared an intention to explore and expose all improper activities taken during recent Federal campaigns. If there were illegal activities taken by anyone, we declared—whether they be in the White House, in the national parties or in the Congress—we planned to investigate them. If there were activities taken that some would call illegal, but because of a technicality in the law, may not be—still, we declared, we want to investigate them. And, if there were activities taken that clearly were not illegal, but just as clearly were improper and so threatened to undermine the integrity of our political system, we declared, then we must be able to investigate those too, so that we could decide what behavior is now legal that we want to make illegal. That is what we mean by campaign finance reform. On January 30, 1997, I joined all of my colleagues on the Governmental Affairs Committee—Republicans and Democrats alike—in voting to authorize an investigation that would do all of those things.

Unfortunately, some disagreed with the Governmental Affairs Committee's desire to expose all improprieties in our campaign finance system, not just acts that are illegal. In what I have been told is an unprecedented action, there was an effort to deny the Governmental Affairs Committee this jurisdiction.

Accepting that vote and limiting the scope of the Governmental Affairs Committee's investigation to merely "illegal" activities would have limited us in investigating what most people agree is wrong with the system; it would have damaged our ability to obtain evidence and subpoena witnesses; and it ultimately may have led to a partisan breakdown on the Governmental Affairs Committee over the meaning of the term "illegal." The net effect clearly would have been to make it less likely for Congress to adopt campaign finance reform this session.

Let me give just a couple of examples of how this restricted scope would have caused problems for the Governmental Affairs Committee investigation. Most people seem to agree that our committee should look into the influence of so-called foreign money. Those supporting the limitation of our investigatory scope to illegal activities argue that that limitation has no impact on our ability to investigate foreign money. And, it is true that we have a statute, section 441e of title 2 of the United States Code that makes it—and I quote—"unlawful for a foreign national * * * to make any contribution * * * in connection with an election to any political office * * * or for any person to solicit, accept, or receive any such contribution from a foreign national." This provision has been cited for the proposition that any and all contributions by non-U.S. citizens or greencard holders to political parties is a criminal offense.

But as is often true with the law, not everything is as it seems. Instead, under the election law's own definition of the term "contribution" and the Supreme Court's previous interpretations of election law terms similar to "in connection with an election,"—provisions, I might add, that those seeking to limit our investigation seem not to want to change—under those laws it is highly likely that the Court would find that section 441e does not criminalize so-called soft money contributions to national parties by foreigners. Let me say that again: soft money donations from non-U.S. citizens likely are not "illegal." That is because under the way our campaign laws now are drafted, soft money contributions are, by definition, not made in connection with an election, and only contributions made in connection with an election are illegal. Instead, "soft money" contributions go to fund party building and grassroots activities, as well as to help pursue issues advocacy, and apparently no statute says that foreign money cannot go to that. In fact, it is a similar statutory term that allows corporations and unions to give millions of dollars to the national parties, despite the fact that our Federal election laws make it illegal for those entities to make contributions in connection with elections for Federal office.

In short, under a strict reading of the statute, if foreign money goes for issues advocacy or for grassroots activity or for practically anything else but to fund a particular candidate's direct campaign, it is likely not illegal, and therefore the Governmental Affairs Committee, absent this amendment, would not have been able to investigate it.

Now I know that some will say that I am splitting legal hairs, and I would agree with you. It is splitting legal hairs. But, as a former State Attorney General, I can tell you that the splitting of legal hairs is precisely what often goes into making a determination of what is legal and what is illegal. For as long as our Bill of Rights has been in place, the enforcement of our laws—and particularly of our criminal laws—has not rested on what we think a criminal statute should have said or what we wish it did say. Instead, it rests with what Congress actually did say, regardless of whether you or I in hindsight wish we had said something different. And the reason for this is a very good one. Our Constitution requires that everyone of us have clear notice of what is and is not legal, and consequently requires us in Congress to say in precise and clear terms what is criminal and what is not. Whenever there is any doubt about whether a statute makes conduct criminal or not, the Supreme Court has told us on innumerable occasions, the law requires a finding against criminality. And I can say with confidence that that is precisely the finding our courts would make if asked whether foreign contributions for issues advocacy and grassroots activities violate our laws. So again, we would not have been able to investigate a critically important issue.

Let me give you another example of what would not have been within our investigation's scope had we not expanded it to cover improper as well as illegal activities. There has been a lot of criticism about soliciting or receiving contributions in the White House. Some have claimed that there was a violation of the criminal law based on a statute that says that "it shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties * * *." But, as Attorney General Reno declared the other day, and for reasons similar to the ones I just cited, that provision does not make it unlawful to receive all contributions in the White House. Instead, it only applies to what the campaign laws define as a contribution—what we usually call "hard money."

This, of course, does not mean that it is proper for anyone to solicit or receive any contributions in the White House. And, even more importantly, it clearly does not mean that foreigners should be able to contribute to the DNC or the RNC—I think that neither is proper and that we need to fully investigate whether our elections were in any way wrongly influenced by people who have no business being involved in our political system. What it does, of course, mean is that we need to reflect upon the fact that our laws don't make these things illegal and to change our laws to make sure it doesn't happen again.

Now, none of this matters so long as the Governmental Affairs Committee can investigate both illegal and improper activities, because I can tell you for sure that foreign contributions—regardless of their legality—are improper and should be investigated and exposed. But had we not amended the Rules Committee's scope provision, we likely would not have been able to investigate these things because they are not illegal.

The problems with limiting our committee's scope to just illegal activities would not have ended with being forced to exclude critical issues from our investigation. No—there were many more problems with this definition of our scope. For one, it would have seriously jeopardized our committee's ability to obtain evidence and get witnesses to testify, and it therefore would have threatened the very ability of our committee to proceed with its investigation. After all, our committee has authority to subpoena only those documents that are related to the legitimate scope of its inquiry. If the scope of our committee's investigation were limited to illegal activities alone, then I would suggest that any attorney representing a client whose documents have been subpoenaed would have responded by saying "my client did nothing illegal and therefore you have no rights to these documents." Our investigation would have been stopped dead in its tracks right there.

In sum, it would have been wrong on every level to limit our investigation to just illegal activities. It would have prevented us from investigating things that should be investigated, it would have led us to prolonged battles with witnesses who otherwise would be obliged to come forward and cooperate and it would have made it likely that the partisan rift we have thus far been seeing on the committee would grow wider rather than undergo the seriously needed repair we began making today. But the worst of it could have been the harm our institution will suffer in the minds of the public. Had we not expanded the scope of this investigation, the U.S. Senate would have gone on record, in full public view, opposing the investigation of unethical and improper campaign activities of Members of Congress. If that would not have been perceived as a stonewall and a coverup, I don't know what would be.

Finally, let me say just a few words about one other issue: That the Rules Committee could have separately investigated the improprieties I wish to see exposed by our committee. With all due respect to the members of the Rules Committee, for whom I have tremendous respect, that simply is not a viable—or a rational—option. As the examples I gave above demonstrate, although some of what is now under scrutiny may be illegal, most of it probably is just improper. The task of investigating the massive universe of improper activities is therefore an enormous one, as is deciding what should be illegal. In light of the facts that many of the same people will have committed both improper and illegal activities and that much of the conduct under investigation arguably would fall into both categories, it just would not have made sense for the Rules Committee to conduct an investigation that will, in many ways, duplicate what our committee will be doing. In fact, it was this precise insight—that it did not make sense from a resource allocation standpoint to spend taxpayer funds on duplicative investigations—that led the majority at the beginning of this Congress to wisely decide to consolidate all investigations in the Governmental Affairs Committee.

Mr. President, let me just close with a few thoughts on what the goal of this investigation should be. We're about to enter a long, dark tunnel, and the question of whether that tunnel has a dead end, or there is light at the other end, hinges entirely on whether we get serious about this campaign finance investigation and about campaign finance reform. The public didn't send us here to bicker; that's essentially what President's Bush and Clinton had to say in their inaugural addresses. They also didn't send us here to dicker endlessly, especially on matters of importance to them like investigating and straightening out our campaign finance laws. I hope that the showing of bipartisanship we made today in agreeing to return a broader scope to the Governmental Affairs Committee's investigation can continue through the rest of our investigation and, I hope just as strongly, can bring us together to enact the reforms that our campaign finance system so sorely needs.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now stand in recess until 4:45 p.m. today.

There being no objection, the Senate, at 4:18 p.m., until 4:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. The assistant majority leader is recognized.

RECESS

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate stand in recess until the hour of 5 o'clock.

There being no objection, at 4:45 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRESIDENT OF THE ARAB REPUBLIC OF EGYPT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into recess for 5 minutes for the purpose of receiving the President of Egypt, President Mubarak.

[Applause.]

RECESS

There being no objection, at 5:07 p.m., the Senate recessed until 5:12 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF FEDERICO PEÑA

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 on Wednesday, March 12, the Senate proceed to executive session to consider the nomination of Federico Peña to be Secretary of Energy, and it be considered under the following agreement: The first 30 minutes under the control of Senator GRAMS; 10 minutes equally divided, then, between the chairman and the ranking member of the committee; and that following the conclusion or yielding back of that time, the Senate proceed to vote on the confirmation without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with consideration of the resolution.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, at the beginning, I thank all concerned for the efforts that have been put into coming to this agreement, especially the Democratic leader. There has been a lot of discussion involving Senators on both sides of the aisle and all the different committees involved. I think this is the right thing to do and we can move on, then, with the proper investigation, in a bipartisan way.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Glenn amendment No. 21 be withdrawn, and the committee substitute, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 21) was withdrawn.

The committee substitute, as amended, was agreed to.

Mr. LOTT. I further ask unanimous consent that there be 1 hour equally divided between the two leaders or their designees, with an additional 10 minutes under the control of Senator SPECTER—I want to emphasize that I presume that time will be 30 minutes on our side, under the control of Senator THOMPSON, and 30 minutes on the other side, under the control of Senator GLENN—and following the conclusion or yielding back of the time, the Senate proceed to vote on adoption of Senate Resolution 39, as amended, without further action or debate, and that the vote occur at 6:30 p.m. this evening.

Mr. DASCHLE. Reserving the right to object, let me just use this opportunity to thank the majority leader and all of his senior leadership on the committees, as well as the leadership on our side, Senator GLENN, Senator LEVIN, and certainly Senator FORD, and all of those responsible for bringing us to this point. This has not been easy. This has been a matter that has divided us for too long a period of time.

For us now to be able to come together on this matter, I think, is a good omen. I am very appreciative of the contribution made by so many colleagues on both sides of the aisle, and I hope that with unanimity we can support this request this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me add, Mr. President, I had intended to offer an amendment this afternoon to the resolution calling for the appointment of an independent counsel. However, I had agreed earlier with the Democratic leader to withhold that until at least this Thursday to allow the Judiciary Committee to discuss the issue of appointment of independent counsel and see if there is some way that a bipartisan agreement could be reached there, also.

In view of that commitment that I believe we basically entered into a week ago, I felt it was important that I keep that commitment, and therefore we will withhold action until we see what comes out of the Judiciary Committee on the independent counsel issue.

Mr. DASCHLE. If I could, Mr. President, indicate that we had intended to offer an amendment dealing with a date certain for taking up campaign finance reform, and obviously because we have made so much progress on this issue and because the majority leader has indicated his desire to work with us on the issue of an independent counsel, as well, we will defer that until another time and another circumstance. We are not intending at this point to offer legislation which would direct the Senate in that regard.

I appreciate, again, the cooperation and consensus that we have been able to work out on both sides on both these matters.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. THOMPSON. Mr. President, I think that we have made substantial progress. In fact, I think remarkable progress. I cannot express the extent of my delight in the cooperation we have seen here in the last few hours in the U.S. Senate.

The minority leader is absolutely correct in that we have tended to get off track and we have done a little too much disagreeing and not enough coming together. What we have done now is, really, I think for the first time, focused on some of these issues. I think that many of our Members have not had the opportunity to really focus on the legal and procedural issues and what some of these things will mean to us as we go down the road in trying to conduct an investigation. I think Members on both sides, when you come right down to it, and they stop and think about it and focus on these issues, really have a whole lot more in agreement than in disagreement.

I think we all want to see this investigation done in a fair manner, in a thorough manner, and as expeditiously as possible. That is what we tried to set out in January when I took the floor and tried to set out what I thought should be the scope of the investigation and where I thought we were going and how we were going to do it. We have not always, every day, been able to adhere to that.

Today, I think that we really are back on track again. I want to compliment the majority leader. There have been strong feelings on all sides of these issues, a lot of misunderstandings, and a lack of focus in terms of really what was involved and at stake here. He has brought us all together, I think, and required us to do that, along with the minority leader. The two of them working together, with Senator GLENN and others, has resulted in something that I think is very, very good today.

The Governmental Affairs Committee, on the scope issue, came with what we felt was a good, broad scope of things we should look at. The Rules Committee came back with what many felt was too narrow a scope. And now we are somewhere in the middle of that, with the ability to look at not only illegal activities, but improper activities. That is where we ought to be, there is no question about that. It's not that we gain so much by having it in our mandate, it is what we lose if we don't have it in our mandate. We could not be in a position of not looking at improper activities, and Members on both sides came to that conclusion once they focused in on it.

We have had a good debate. I watched most of the debate yesterday that we had. Members were heard on both sides. Many of the Republican Members pointed out the serious accusations and reports that are out there—some of the most grievous things that this country has seen, if they prove to be true, having to do with foreign influence in our country and what they were trying to obtain with regard to foreign contributions and things of that nature. Of course, they were right in that. Other Members, from the Democratic side, pointed out the fact that we needed to make sure that our scope was not so narrow as to look like we were either trying to protect ourselves or trying to keep from looking at things that might prove embarrassing to one side or another. They were correct, also. What today represents is a coming together of both of those approaches that we saw in the debate yesterday.

The scope we have now of looking at illegal and improper activities is in the tradition of the Governmental Affairs Committee. As Senator GLENN pointed out yesterday, this is the McClellan committee, the Kefauver committee, the Truman committee; this is the primary investigative committee of this body. So, therefore, it's certainly now more in the traditional range of what the jurisdiction and scope of Governmental Affairs' activity has been in times past. Does it mean that we have solved all of our problems? Certainly not.

We are going to have to be judges. The committee is going to have to make determinations right along as to what is illegal or improper allegations that might lead to illegalities, or might lead to evidence of improprieties, or what is the threshold. Is there a credible report, or is there credible evidence that there might be illegalities? Or are they illegalities or improprieties? Those are things that people, in good faith, can have different views of. I am convinced that we, as a committee, as we consider these matters, will come to the right conclusion. Whether it is merely illegalities, as the jurisdiction was before this compromise, or whether its illegalities and improprieties, as it is now, we are in the same position that we were in and Senator INOUYE was in during the Watergate investigation. Determinations had to be made at that time as to what was allegedly illegal or improper. So we are really in no different position, in terms of that, than we have been in in times past. It will not always be pleasant for the members of the committee to have to make these determinations. But that is a part of our job, and we can do that job.

I think now, with this broader scope, it makes it more clear in some areas that things can be appropriately looked at and looked into, which perhaps were murky before we reached this agreement. I do not think that it is wise for me or anyone else to prejudge an individual, or an activity, or anything of that nature before you know what the facts are. But I think it's fair to say that some of these activities that we have heard about are more clear now in terms of whether or not we have the jurisdiction to look at them. Some of them are still not clear.

We will just have to sit down again, in good faith, and work out with each other what activities merit our attention, what activities merit our investigation. I should say that not everyone who receives a subpoena, for example, or not everyone who is asked to appear as a witness is being accused of an illegality or an impropriety. Sometimes people have evidence of illegalities or improprieties, or information that could be helpful, and they themselves have no problems at all. So that issue has been raised in some form, and I think we need to put people's minds at ease about that.

I think it is also clear that—as I have said many times before—we will have to set priorities. I do not think we ought to say that anything in terms of illegal or improper is off the table. It is all there for us to look at. You can have what some people might refer to as a minor illegality or technicality on a very serious impropriety, and you would have to take that into consideration. But I think it is fair to say that we should look at the more serious matters first.

What are the more serious matters? We will have to make those determinations. In my own estimation, certainly matters that have to do with national security, matters that have to do with the security of this country, clearly illegal matters that we would not have any good-faith disagreement on, matters that are clearly illegal, matters of that category would certainly have to be at the top of the list, not only because of obvious reasons, but because of very practical reasons, and that is that people in a clearly criminal category tend to be the ones who leave the country, the ones who make determinations to take the fifth amendment, the ones to get together with other people in that category and reach agreements of silence, and things of that nature. They tend to be the ones to destroy documents that might incriminate them. We have had some evidence of that. It has been in the public domain. So by their very nature they have to be ranked pretty high.

So we will have to constantly prioritize. That does not mean we have to wait months and months to get into some matters that do not fit into that category I have just mentioned. It just means we operate in good faith, with common sense, prioritize, keep our eyes on the ball, make sure that we as Republicans are mindful that procedural safeguards have to be instituted. It is important not only that we be fair, but that we perceive to be fair, as we proceed.

It's important that the Democrats understand that we in the majority always have the responsibility of carrying the ball forward and pushing it forward and getting into these serious matters that affect all of us as citizens, whether we are Democrats or Republicans. There is no reason we can't do that, Mr. President.

I think this is an opportunity here to start a new day. I know that in the little battles we have had back and forth here on these issues, some procedural issues and subpoenas, and so forth, that if I had decisions to make over again, I would make them in a different way than I have in times past. I have tried to adhere to what I said from the first day, and that is to walk that tightrope between toughness and thoroughness on the one hand, and fairness and bipartisanship on the other. That is not always an easy tightrope to walk. I haven't always walked it as well as I would liked to have walked it, but I am committed to starting forward from today and making sure that we get back on track.

The Watergate committee was mentioned several times in the last couple days, and I was just thinking about the fact that the Watergate committee, I believe, was created by a vote of this body 99 to nothing, the creation of the committee. I do not believe, in its entire existence, and it was about a year and a half—I am not sure what the official time was, but it took about a year and a half for the report to be filed—that there was ever any battle over jurisdiction; there was never any partisan fight over money; there was never any fight over scope; and there was never any fight over duration because they worked together through those tough problems.

There is no reason why we cannot do that either. There is no reason why we cannot do the same thing either, because at the end of the day, if we have conducted ourselves well, gone through these tough times, had our disagreements—and we will have our disagreements, but if we have done it in a fair way and everybody has tried to do their best and is willing to go forward with an investigation that a lot of people are not going to like, at the end of the day these procedural matters and these fights that we have, skirmishes that we have had are not going to mean very much. Where we come out on these things that we are resolving today is not going to mean very much if we do the right thing and have a good investigation, a good set of hearings promptly and make a report back to the American people as to what we found.

So, again, I want to commend the majority leader especially and also the minority leader, Senator GLENN, and others who have worked this scope problem out. I think we can go forward now. That has been my primary concern here for the last several days. There were some times there when I wondered if it was going to go forward. But I believe that our better selves were shown today, and we refocused on this matter. And hopefully now we are back on the right road.

I understand that my colleagues will have some questions concerning my own views on some of what we have done, and I stand ready to respond to any questions my colleagues might have.

I yield back the remainder of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I welcome the remarks by Senator THOMPSON. I think his statement is excellent. I think it does provide a new basis for starting ahead with these investigations, a better basis than where we were before, I am sure he would agree. It is a new day, and we can make a fresh start. We can set priorities, and those priorities can be set as a matter of judgment between us on not only just what is illegal, you would have something that is barely illegal but some giant thing that is improper that we now can look at on a priority basis, and we can make those judgments. And that is fine. I agree with that.

I think what we have called scope, or whether you want to call it jurisdiction, we are on a much better basis than we were before, and I think we are now prepared to move ahead. I will have some other remarks in the colloquy that is to be provided in this half hour. I know that Senator DORGAN had a couple of particular things he wanted to mention. He has another commitment. And I ask if he might be able to do that now. How much time?

Mr. DORGAN. Mr. President, if I might just ask the Senator from Ohio to yield for a question that I could then perhaps direct to the Senator from Tennessee as well.

Mr. GLENN. Go ahead and address your questions. Five minutes?

Mr. DORGAN. That would be sufficient.

Mr. GLENN. Fine.

Mr. DORGAN. Mr. President, my question was on the procedure with respect to subpoenas. I listened to the Senator from Tennessee—I have great respect for the Senator from Tennessee—and the discussions on the work of this committee dealing with very serious questions and sensitive issues. I trust that that work will be carried out in a way that will make the American people confident and proud that Congress did its job.

On the question of subpoenas, the question that I was wanting to ask was about procedure. The select committee on the Watergate issue, for example, had a procedure which seems to me to make a lot of sense. And the procedure was, if the chairman or the vice chairman of a committee were proposing a subpoena, for example, a vice chairman of that committee, the procedure was if that vice chairman proposed a subpoena that the chair might have objected to, the vice chair had a right to go to the committee to get a vote of the committee on that subpoena question.

It seems to me to be the right kind of procedure in order to protect both the chairman and also the ranking member of a committee like this, especially with respect to the subpoena power. And I was wanting to understand whether there has been any agreement on that kind of procedure as between the chairman of the committee and the ranking member.

Mr. THOMPSON. There has been no agreement with regard to that, but I think that is a sound procedure. I have not revisited that in several years, as you might imagine. I do recall now that the Senator mentions it that that was the procedure during the Watergate committee hearings, and that gives the minority an opportunity to make their views known to the majority that they might not otherwise have. I tend to view that favorably. I would bring that to the attention of the committee, I say to the Senator. For myself, I would tend to view that favorably.

Mr. DORGAN. Mr. President, if I might, I had noticed an amendment that I would have intended to offer on this. The unanimous consent precludes me from doing that. I accepted that judgment on the basis of the discussion I had had previously with Senator LEVIN, Senator GLENN, Senator THOMPSON, and others.

I am heartened by the Senator's answer. My expectation would be then that when you have had an opportunity to present this to the committee, the committee would probably want to adopt this procedure.

This procedure seems to me to be sound and fair and the right kind of approach to deal with these very difficult issues. And certainly subpoena powers represent one of the most difficult issues.

Mr. THOMPSON. It does. It has already proven to be a delicate situation. We got off on a bit of a wrong foot with regard to subpoenas. I take my share of blame for that. I do not think Senator GLENN was fully aware of all of the work that went into preparing our first subpoena list. But on the other hand, I did nothing personally to make him aware of that. I was depending on a lot of staff work. But what happened was that we came forth with several subpoenas that some people categorized as Republican subpoenas on Democrats and only a couple of Democrat subpoenas on Republicans.

I did not look at it that way. They were subpoenas which basically ultimately Senator GLENN, I do not think, really had any problem with. I thought they were more or less basic documents that we could get into business with.

But it is a delicate matter. It is a very powerful tool and can be a powerful weapon in the wrong hands. I appreciate that. We need to make sure that we work a little closer together as we prepare these subpoena lists because there is nothing—if you want to divide up into sides—there is nothing that one side cannot do to the other side. You might not have the ultimate authority to get the subpoenas out, but you can obstruct and do other things that Senator GLENN knows better than anybody, the tools that a minority has to protect them. I know them, too. But we do not want to get bogged down into that. We want to try to get on past that, and I think we can. I think the Senator's suggestion has a lot of merit to it.

Mr. DORGAN. Mr. President, let me point out that my suggestion and my inclination to offer an amendment was not prejudging whether one might or might not have misused subpoena power at all. It seemed to me this represented a procedure that made a great deal of sense. My understanding is that the Senator will be presenting this and let the committee make a judgment on it, and I am confident that the committee would reach the right conclusion.

I, again, appreciate the answer of the Senator from Tennessee and the Senator from Ohio.

Mr. GLENN. I thank the Senator.

Mr. President, the colloquy we had proposed earlier, I, in my part of this, can be rather brief, and I would allot myself such time as I may require. I feel very certain that the distinguished Senator from Tennessee, my chairman, will agree with this. But let me just put this forward as a colloquy so we can help clarify some of the understanding that has gone into this today.

With the addition of the term "improper," to expand the scope of the investigation to be conducted by our committee, the Governmental Affairs Committee, it is my understanding that the committee's jurisdiction to investigate now includes activities which are improper, even though they may not be in violation of any law or regulation. The term "improper" means not conforming to appropriate standards, and that is a broad term. I believe that the scope of the committee's investigation would cover—and this is the important part here—would cover the areas set forth in the prior unanimously approved scope of the committee's investigation that was voted out unanimously by the committee.

I would also assume that allegations of illegality or impropriety by a reputable source, such as the sources previously used by the committee to issue the subpoenas, shall be sufficient for us to initiate investigative action if necessary.

Would that be basically the Senator's understanding of what we have done here today?

Mr. THOMPSON. As I look over the original scope that the Senator referred to that came out of the Governmental Affairs Committee, a few things jump out at me that I think clearly come within our jurisdiction, or in the scope as we now have it. Foreign contributions are clearly illegal, not only improper; conflicts of interest resulting in misuse of Government offices, failure by Federal Government employees to maintain or observe legal barriers between fundraising and official business, certainly are within the scope of illegal or improper.

I think there are others here that fit that category. Frankly, I think there are some other categories where it is not so clear. We are dealing with categories of activities here. It is very difficult for me to, with great precision, say what category in any given set of circumstances might or might not fall within our scope. Many times the answer depends upon the facts of the case. You might have a certain activity that may or may not be improper, depending on facts that we do not know yet.

So, while, in summary, and in answer to the Senator's question, I think that certainly there is a good deal here of the delineation of the scope that came out of Governmental Affairs that certainly is picked up by this expanded scope that we have here today, but I would not want to pass judgment on, as one individual member of the committee when the committee itself will have to make the determinations on individual situations—I would not, as one member, want to pass judgment on any particular activity or group of people or anything like that, without knowing more about the facts.

Mr. GLENN. I understand that. I appreciate that answer. I guess a different way to state it would be: Are there any parts of that original proposal that the chairman would specifically rule out as for any consideration under impropriety?

Mr. THOMPSON. You are asking me to be pretty specific. Again, we are talking about categories of activities and situations that depend on the facts. I will say that the prelude to the specific areas that we are talking about now, foreign contributions, misuse of Government offices, et cetera, says that we should look into illegal or improper activities or practices in the 1996 campaigns, "including but not limited to * * *." So I think the original scope kind of speaks for itself there. There is a further delineation, but it still has to be improper or illegal.

You have to understand, now, I am just one member talking, as far as my own views are concerned on this. But I would assume that there would still be, for example, some soft money activity that would not either be illegal or improper. If the rules and regulations permit it, it was done in a correct way, there was no collusion involved, it was not done from a Federal building—which of course in and of itself is problematic, depending upon your legal interpretation. If someone gave a $20,000 soft money contribution, I am not prepared, today, to say that that is improper.

These are the kinds of things that the committee will have to decide. I can assure you that we will have an opportunity for full discussion on any area the Senator brings up.

Mr. GLENN. OK. I will certainly accept that answer now. I think the indication of what has happened here today with regard to the compromise in this particular area and on this bill is something that I think, with all the discussion, both on the floor here and privately with the different groups that have met today, shows we have made a lot of progress. It is our view that I am not going to try and pin the Senator down on every single one of these points and go through them one by one. I don't think that is necessary. I think what he has indicated is in general we are going to look into these things where there is impropriety involved, in addition to illegality, and we will make judgments on what is most important.

We have broadened the scope tremendously from what it was before and it certainly fits more into the line of what was unanimously approved as the scope by the Governmental Affairs Committee by a unanimous vote. That has been the trend of this today, and I think this gives us a whole new broadened level of investigation and one that we welcome, because I think it will lay a better base for campaign finance reform over the long term. That is going to be very good, something that people of this country certainly need. I think, had this been just restricted just to straight violations of law, to illegalities, we would not have had that kind of scope.

I know, with the time limits we have here today, I would like to move on. I certainly accept the Senator's view of these things as he has expressed them. I know Senator LEVIN had some concerns he was going to express about the processes, and have a colloquy in that particular area to try and delineate some of these things a little better and I yield him such time as he may require.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am very pleased that we have been able to make significant progress this afternoon on this resolution. Adding back the term "improper" has brought this investigation, basically, back to where members of the Governmental Affairs Committee unanimously intended it to be. We returned to a broader investigation: both ends of Pennsylvania Avenue, both parties. It is only through this kind of a bipartisan investigation will this investigation, indeed, bear fruit. It is a positive conclusion to what was turning out to be an unfortunate development in the history of the Senate in its power to investigate.

On the other hand, on the procedures questions, I was going to offer an amendment to attempt to establish procedures for how we conduct this investigation on a bipartisan basis. Based on the progress that we made in restoring the breadth of the investigation, and based on private conversations that we have had with Senator THOMPSON and Senators GLENN, DASCHLE, LOTT and others, I became sufficiently optimistic about the conduct of this investigation that I was able to waive my right to offer an amendment as others have waived their rights to offer amendments relative to this resolution.

I have looked at 10 prior resolutions, which initiated major congressional investigations, and in all 10 cases, bipartisan procedures were adopted either in the resolution creating the investigation or by the committee shortly thereafter. So I would like to engage the chairman of the committee, the distinguished chairman, in a colloquy and ask a few questions about procedures. One of them is a general question.

I am wondering whether or not my friend, the chairman, would agree that one of the first orders of business for the committee following approval of this resolution would be to attempt to establish procedures, bipartisan procedures, for the conduct of the investigation?

Mr. THOMPSON. Yes, I would agree with that.

Mr. LEVIN. Is it the chairman's hope and intention that the committee's depositions be conducted jointly?

Mr. THOMPSON. Yes. I think that without any question it is important that we attempt to have joint participation in the depositions. I think that whichever side notices the deposition, there should be a certain period of time when the other side is notified and given the opportunity to attend the deposition. There might be instances where that's impossible, in terms of someone participating, but the notice should always go. The notice should always be there.

And we need to have a firm procedure as to who has notices given, so there is no question about the fact that notice has been given. And we need to exercise a little good faith and leeway. If the time that is agreed upon is not fully needed, for example, the side not taking the deposition should not insist on it. If a little more time is needed for scheduling purposes, the side scheduling the deposition should be reasonable there. But I think it is very important, to maintain the credibility of what we are doing, that if at all possible we have both sides at the depositions unless there is an agreement that it is not significant enough a deposition for both sides to be there. So, those are the goals that I would work toward.

Mr. LEVIN. I thank the chairman for that. Is it also the chairman's hope, or intention, that, where feasible, and I emphasize the words, "where feasible," investigative interviews be conducted—I ask this question knowing that there will be occasions when it is impossible to notify the other side of a telephone conversation or some other conversation—but that there would be a good-faith effort, where feasible, to have investigative interviews be conducted jointly?

Mr. THOMPSON. Yes. I think we need to use our best efforts to ensure that by providing reasonable notice under those circumstances, at least of all significant interviews. As you say, as these things go, there are going to be people scattered out in various places, and I think on many occasions they can go in teams. I think that will be good. But many times they are not going to be able to do that.

As the Senator knows, we have been talking about procedures a lot here for the last couple of months. Now we have to get down to the heavy lifting. We have people to interview all across this country and people in other parts of the world. We are not going to always be able to do it side by side. But best efforts should be made to provide reasonable notice for all significant interviews, whether taken by the majority or the minority, so that the other side will have the opportunity to be there.

I think the other important part of that is that regardless of whether or not there is participation or presence, that there is access to the information that comes from that interview. Although the opportunity to question might be lost if the person is not present, they still should have access to that information. That should be a part of the agreement also.

Mr. LEVIN. I thank the chairman for that, and that was, indeed, my next question relative to access to information, documents, and, through a number of discussions, I think it is safe for me to say it is the chairman's intention that both the majority and minority would have equal and contemporaneous access to all documents and be given adequate notice of the filing of those documents?

Mr. THOMPSON. That is correct.

Mr. LEVIN. The chairman, in his conversation with Senator DORGAN, addressed one very important issue and did so in a way which was very reassuring to the minority, and that was relative to the calling of a committee meeting relative to a request to issue a subpoena on the part of the minority in the event that the committee chair does not think that subpoena should issue, and I will not go further into that subject other than to say I welcome the chairman's assurance on that.

Finally, on a related subject, we have had some problem relative to subpoenas because we haven't had the sufficient consultation in advance of a decision to issue them and the presentation of those subpoenas to the minority. I think the chairman has addressed this issue, too, in a way which is satisfactory when he said, I believe, a few moments ago that he looks forward to a process where we would work together preparing a subpoena list. I assume from that comment that that would be in advance of the formal presentation of subpoenas, which trigger that 72-hour rule. I think when that is done, we are going to find ourselves agreeing on a lot more of these subpoenas than would otherwise be the case.

Mr. THOMPSON. I think the Senator is probably right. But let's talk about what we are really concerned about here. I think the Senator is wanting to be included in the front end of the consideration, basically. I think that is reasonable. It is not required by the rules. None of this is required by the rules of the Governmental Affairs Committee. This is my attempt to go beyond the rules in order to do something that I think is right and the fair thing to do.

Let me not mislead you here. I think these are things that I always felt were best worked out at the staff level, but I think we are going to have to address them now. I do not think it is ever practical to have Senators sit down around the table for the very first conversation about who we are going to subpoena. I think we have to let the staff do their work. They have to come to us individually and as a group. They have to come to me as chairman and Senator GLENN with their ideas. There has to be opportunity to have free discussion back and forth, and if somebody writes a list of names or companies down that they feel should have top priority, they should not have to be apologetic about that. It has to start somewhere.

So we need to let the staff do their work, then we need to have the staff submit that to the members, and then the members need to talk to each other. That is my idea of proceeding.

Now, if you want to do it otherwise, if you really think that it is good for us to involve ourselves that much on the front end, I will consider something else. But I think you want to consider that very, very carefully, because I don't think that is the highest and best use of our time.

Prior to now, in the 54 subpoenas that were issued, I believe, if Senators will check, they will find that the staff did work together. There was considerable time; there was a requirement to give 72-hour notice. We gave more than that, all on the staff level. But there was lots of discussion. Whether or not somebody came up with a list before they started talking or they made the list in the presence of each other, I don't really care, and I don't think we should care.

But what happened was, I think where we broke down was, I didn't call Senator GLENN and tell him, basically, what was going on at the staff level, and I think that was a mistake on my part.

So I hear what you are saying. You want to be included on the front end of the discussion. But we are going to get into some busy activity around here. We all are going to be challenged tremendously, not only with regard to this investigation, but with regard to our regular business. It is going to be fast and furious for a long time, and I don't want to be accused anymore of being unfair to anybody.

So I want to lay it on the table on the front end. If you want more than I think right now is reasonable, I will be willing to discuss that. What I think is reasonable is to let the staff do their job, then report to the members, then the members sit down. The crucial part is not what is written down on a piece of paper; the crucial part is what comes out the other end.

The rules require 72-hour notice. We will try our best to have consultation over and above what the rules require. I don't see any reason why we can't learn from past experience and be able to have a procedure where both sides are satisfied on the subpoena issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. I think the chairman is correct when he says we shouldn't be involved in the front end of every subpoena discussion. I couldn't agree with you more on that issue. But my question was whether or not, prior to a presentation of a decision to the ranking member, it would be agreeable that there be some kind of a working-together, informal discussion.

Mr. THOMPSON. I will strive toward that end. I think that is what I should have done last time and didn't. Although it is not required, it is something I should have done in retrospect, because I think it sent a signal that I didn't mean to send. There are going to be times when I may not be able to do that, but I will make my best efforts along those lines.

Mr. LEVIN. I am sorry, the Chair apparently indicated my time has expired. I wonder if the Senator from Ohio will yield 1 additional minute to me. Apparently, we are under controlled time. I just need 1 additional minute, basically, to thank the chairman.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. This discussion relative to procedures is helpful. It is something that we worked on this afternoon as part of this unanimous-consent agreement, and I think it can help put us back on track.

It is something with today's action that I think we not only have basically adopted the committee's original scope and resolved the funding issue and an end date, but we also, I think, made some progress in terms of taking the next step toward adopting some bipartisan procedures. All of that is going to help this committee have a thorough bipartisan investigation which covers, again, both ends of Pennsylvania Avenue, both parties, soft money and independent expenditures and illegalities and whatever else the committee in its good conscience feels is appropriate for investigation because it is either improper or illegal. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Ohio.

Mr. GLENN. Mr. President, may I ask how much time is remaining on each side?

The PRESIDING OFFICER. There are 5 minutes on your side and 15 minutes on the other side.

Mr. GLENN. How much for the other side?

The PRESIDING OFFICER. Fifteen minutes on the other side.

Mr. GLENN. I will yield to Senator LIEBERMAN. But let me add, Senator LIEBERMAN and Senator LEVIN have worked and worked on this particular situation. I certainly appreciate their efforts, as all the Governmental Affairs Committee members have on the Democratic side, and I appreciate all their efforts.

I yield some time to Senator LIEBERMAN.

How much time do you need?

Mr. LIEBERMAN. Four minutes.

Mr. GLENN. Four minutes. We have 5 left. That is fair enough.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Perhaps, in the spirit of bipartisanship that is on the floor now, if I use the remaining 4 minutes of Senator GLENN's time, I may turn to Senator THOMPSON and ask him to yield a few.

Mr. President, I want to thank everyone involved in what occurred here today. This is an extraordinarily significant accomplishment, not only on its face but in what it says about the willingness of the U.S. Senate to deal directly with the problem of too much money in American politics to deign to do something about it.

This is a significant victory which is attributable in large measure to the leadership of the Senate, the majority leader, Democratic leader, and the leadership of the committee, the Senator from Tennessee, the chairman, and the Senator from Ohio. But it is, in truth, as has been said on other occasions, not a victory for any person or any party, it is truly a victory for the public interest.

Mr. President, over the last couple of weeks there was a strange and troubling discontinuity between the growing avalanche of revelations about the impact of money on American politics and the impression it gives that American democracy is for sale, on the one hand, and the seeming movement here in the Senate, particularly in the vote in the Rules Committee last week. I am not saying this was the intention, but it certainly gave the impression of going into a kind of bunker of not being willing to have a full and open investigation of the problem of the way in which campaigns are financed in this country. By limiting the jurisdiction of the investigation to be performed by the Governmental Affairs Committee to illegal activities in association with the 1996 Federal elections, the impact would have been effectively to have crippled the investigation, in my opinion.

Who would have decided what was illegal? Could not anyone subpoenaed by the committee have claimed that their client had not done anything illegal, and therefore the subpoena was improper?

Of course, the basic purpose here, if we are serious about campaign finance reform, should be to investigate and reveal and inform, as the chairman of the committee said in one of his opening statements in this investigation, to inform the public about what is legal today but ought to be illegal, what is improper or unclear but ought to be illegal. That is what campaign finance reform is all about, taking some of the vagaries of the current system, some things that are not vague but are clearly improper, not illegal, and making them illegal.

And as disappointing as the vote of the Rules Committee was last Thursday, I believe the vote of the Senate today, bipartisan as it is, is heartening. Reason has prevailed. I think Members of the Senate on both sides of the aisle focused in on the impact of this constricting jurisdiction for the investigative committee and decided it was not right. And that resulted in the addition of these simple two words, "or improper." But there is a world of difference in those.

A significant step forward has been taken today on the road to campaign finance reform. What is most important is that we have done it together, Republicans and Democrats, acting not as Republicans and Democrats, but as Americans facing a very serious challenge to our democracy.

Mr. President, I wonder if I might ask the Senator from Tennessee if he would yield me 2 minutes of his time?

Mr. THOMPSON. I would be happy to yield that time.

The PRESIDING OFFICER. The Senator has an additional 2 minutes.

Mr. LIEBERMAN. I thank the chairman.

Mr. President, this is serious business. There are some people, I think, who rightly say the American people do not really care about all this campaign finance trouble, maybe because they are numb to these kinds of revelations. Some say maybe, "Oh, they all think it goes on anyways, so what's the difference. Everybody does it."

I do not know whether the American people are listening or watching. I believe they really are. But I know that history is watching. And I know that we will be judged as to how we respond to this fundamental challenge to our democracy: the basic premise of equal access to Government, the basic premise of a Government in which one person has one vote and one person who may have a lot of money to put in politics does not have any more influence than that one person with one vote.

But when people can walk in and give hundreds of thousands of dollars, and money moves from committees to committees, when people in politics, as we know because we are there, have to spend as much time as they do and feel the relentless pressure that they do to meet the competition, to raise the money to pay for the advertisements, then the standards of each one of us are tested and the standards of the system are challenged.

A lot has been made in this debate and in the media about allegations that foreign countries or interests may have attempted to purchase influence, used campaign contributions. Mr. President, I will tell you that that is despicable behavior. But what we have to say to our ourselves is, they have done so because they believe, apparently, if these allegations are right, that American democracy is for sale. None of us want to leave that impression. And the way to correct it is by reforming our campaign finance laws. The way to begin that process is to do the kind of full and open investigation that the Senate, by this amendment, will now authorize. I have great confidence in the chairman of the committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I have great confidence in our ranking Democrat. And I believe together we are going to go forward to cleanse and elevate the way campaigns are financed in America and to reestablish and rebuild the basic core of our Democratic system.

I thank the Chair, and I thank the chairman of the committee and the ranking Democrat. I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield myself 2 minutes.

I thank the Senator from Connecticut for his usual eloquent remarks. I think I agree with everything that he said. I am one of those who have thought for a long time that we needed to make some significant changes in our campaign finance reform system. And I still believe that way stronger today than ever before.

But I want to leave one thought, not in response to what the Senator said, but from watching the talk shows and some of the comments that some of the people at the White House have made, and so forth, about this. When talking about the issue of the need for campaign finance reform, my remarks on the floor on January 28 were referred to earlier. Something rang home with me, so I got them. And here is one of the things I said then. I said:

> But those of us with responsibility in this area, whether it be the President or Members of Congress, cannot let the call for campaign finance reform serve to gloss over serious violations of existing law. If we do that, the reform debate will be cast in a totally partisan context and ensure that once again campaign finance reform will be killed.

So it occurred to me that once again we must be reminded of the fact that those of us who want campaign finance reform must remember that the best thing we can do for campaign finance reform is to continue to talk about it if we want to, but also make sure we do a good set of tough bipartisan hearings that the American people have some confidence in.

For those who want campaign finance reform, let us get about the money laundering, the foreign contributions, the allegations of selling public policy, allegations of violations of the Hatch Act, the Ethics Act, and the serious matters, that will do more for campaign finance reform than anything else.

I thank the President and yield back the balance of the 2 minutes I was referring to.

How much time is remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes of his own right and the Senator from Tennessee continues to have 10 minutes.

Mr. THOMPSON. The Senator is welcome to use either 10.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Tennessee for allowing me some of his time, as well as the 10 minutes. I will try to be relatively brief to move the process along.

Mr. President, this has been a good showing by the U.S. Senate today as we have come together on a bipartisan basis, Republicans and Democrats, trying to structure an inquiry and hearings which will help reform the American campaign system where virtually everyone agrees there is too much money in it, and it is a very troublesome factor.

The vote was 99 to 0, with one abstention, to broaden the scope of this investigation to include improper as well as illegal activities. I think we have achieved a very significant broadening of the committee's charge. It really is very close to what the committee did initially on a unanimous vote, nine Republicans and seven Democrats, saying we would investigate both illegal and improper activities. It was narrowed by the Rules Committee, and now it has been broadened again, and for very important reasons.

One reason is that we may expect everything our committee does to be subjected to the most microscopic minute examination and legal challenge. Already, there have been two challenges by those under subpoena on subpoenas already issued by the committee. If we had a charter which allowed us to look only at illegal activities, it might well be held by a court someday that such an investigation was beyond the scope of what the Congress or the Senate could do, because our function is to legislate or our function is to have oversight. Our function is not to prosecute. Our function is not to go into matters that just are illegal. When we go into matters which are improper, then it is with a view to changing the law. This is our legitimate function.

Now, it could be said that we could look into illegal matters from a narrower point of view to change the penalty, but that is very constrictive and might well fail. We could have been tied up for a long period of time if we only had illegal activity with someone mounting a challenge that it was beyond the scope of what Congress could do.

Also, if we are dealing only with illegal activity, there are many interpretations that might be made as to what is legal and what is illegal, and when those issues are raised they go to court and that can take a very long time. For example, Dick Morris, the President's campaign impresario, wrote in his book that President Clinton was personally involved in editing the commercials which were paid for by the Democratic National Committee with so-called soft money.

Now that would appear on its face to be illegal because you may have independent expenditures but you may not have coordinated expenditures when someone has accepted public financing. But the argument was made that what was done was legal. I am not saying the President did it. This accusation is written in a book and it is inadmissible hearsay. We have to find out about it. Someone could challenge our inquiry if we were limited to illegal activities, although on the face, if true, this allegation certainly has all the appearance of illegality.

Last Thursday the Attorney General said that it was not a contribution under the statute for someone to give thousands of dollars, millions of dollars, in soft money because that is used only on issue advocacy instead of urging the election or defeat of a specific candidate. So that if someone gave $1,000 where the money is used to, say, elect John Jones or defeat Frank Smith, that would be a contribution, but the millions of dollars in soft money would not be a contribution under the statute. In my legal judgment, that is palpably incorrect, but someone could raise that kind of a consideration.

So I think we have taken a very, very significant step forward here in expanding the scope to cover improper and illegal activities, and as the distinguished chairman pointed out, that gives us an opportunity to serve the American public by having campaign finance reform.

Mr. President, I had asked for this special 10 minutes because of another deep concern I have in the resolution that is currently drawn, and that is with an ending date of December 31, 1997. When you have a cutoff date, it is an open invitation to people who want to avoid the investigation to engage in legal maneuvers which might well be construed to be stalling tactics, although they have a right to do so, which could delay the matter long past the expiration day. For example, where someone is subpoenaed and the person then pleads the privilege against self-incrimination under the fifth amendment, which the individual would have a constitutional right to do, it would be up to the committee and the Congress to bring forward a charge of contempt of Congress because the Congress cannot impose a penalty but has to go for enforcement to the U.S. District Court for the District of Columbia. That all takes time. Then if the individual loses, they have a right to take an appeal to the circuit court of appeals, then appeal for a petition for certiorari to the Supreme Court of the United States.

So one of the important items I think we need to have a discussion on here today is what we will do when we face that situation. The mood of the Senate was not such that we could get into extensive amendments of this resolution and we agreed not to offer amendments. I think we can cover this matter reasonably well by having a discussion with the distinguished chairman, the distinguished ranking member. The committee can always come back to Congress and ask for an extension.

What I seek to do here today, Mr. President, is to get a sense from the managers as to the circumstances where we would ask for an extension. I do not say these are the sole circumstances, but illustratively, if someone is subpoenaed and that individual pleads the fifth amendment, privilege against self-incrimination, granted immunity, ordered to answer, refuses to answer, and there is a contempt citation, it goes to the district court and the circuit court and then the Supreme Court, I ask my distinguished colleague from Tennessee, the chairman of the committee, if that would be an appropriate time for our committee to ask for an extension, and I will ask the same question of the distinguished ranking member, Senator GLENN, if that would be an appropriate circumstance for our committee to seek an extension and obtain an extension from the full Senate for whatever time we lost by those legal proceedings to compel an answer to that question, and, also, then to complete whatever leads that may result? We know it is not just the answer that the witness would give but it might lead to other evidence, and otherwise if we did not have an extension of time we would be stymied on our legitimate investigation.

I ask my colleague from Tennessee if that would be an occasion for us to get an extension beyond the December 31 cutoff.

Mr. THOMPSON. In response, I think that would be one of the circumstances that might lead us to ask for an extension of time.

It would depend, I think, on the totality of the circumstances. We would need to feel that we really needed the additional information that was important to our investigation. With that being the case, that would be one of those circumstances.

I might add, the Senator makes a very good and valid point, and one that I raised in January on this floor. It is one that I raised in the Governmental Affairs Committee when we were discussing scope and duration. I also raised it in the Rules Committee the other day. The Senator points out the fact that a good defense can sometimes take you past any cutoff date that you might establish out there as a target.

I do not know if the Senator will ask about other circumstances, but I can certainly think of a couple of other circumstances that would cause the same problem. The White House, for example, in times past, has taken positions with regard to questions of executive privilege that were not valid. If you want the documents or the testimony, usually documents, then you have to go through a process, and you have to wind up in court, if you think the documents are important. So that is another situation where it would certainly be appropriate, if you needed that information, to come back before the Senate and ask for an extension of time.

Third, and most obvious circumstance, would be simply where you run into additional leads that are material and substantial and that you need to follow up on to make a credible and complete report back to the U.S. Senate. All along the way, I have pointed out this problem, as has the Senator from Pennsylvania. What we have reached here today on that issue is a bit troubling to me, quite frankly. I have tried to point out that, although we have a so-called cutoff date of December 31, we have said that when those circumstances arise—the three we have discussed here—or any other circumstances arise where we have just cause to come back, that we will be back. I have been assured by members of both parties, and the Governmental Affairs Committee and the Rules Committee, that they would be right there with us in attempting to get an extension under those circumstances.

Mr. SPECTER. Mr. President, I thank my colleague for those answers. He has expanded beyond the example I gave of a stalling witness to take in other matters. There might be a challenge to our entire investigation, which is not possible for us to anticipate today, and legal challenges might occur, or other impediments, which may come before the investigation or may occur to lead us to seek additional time. I am glad to hear the Senator say—and he put it in the RECORD—that he discussed it with the leadership and members of the Rules Committee, as I have.

Frankly, I don't like the cutoff date. But people who might tend to delay or wear us down will be on notice that we are not unaware of that, and that we have anticipated it, to the maximum extent possible.

I would like to address a question to the ranking member, the Senator from Ohio, and ask if he agrees with what the chairman has replied to in the colloquy.

Mr. GLENN. Basically, yes, Mr. President. I think it is right that the Senator from Pennsylvania brings this up out of his own prosecutorial background. He knows how long court cases can be extended. He has had more experience, probably, than anybody in the Senate Chamber on that. So he sees a pitfall that we will have to deal with. I agree with that.

I agree, also, that it is impossible for us at this point to say what might occur in this area and what court cases there might be or other delays or leads that we are having to follow up on that may not be wound up or not be brought to conclusion at that exact date. I think what it points out is that, as members of that committee, and as chairman and as a member of that committee, we just have to be aware that if anything like that starts to occur, we bring it back to the floor as fast as possible. That is rather key to this whole thing, because our authority is only as the Senate gives it to us to go ahead with this.

So it is incumbent upon us to bring it back here as fast as possible to get an extension every time, or whatever else is necessary to do. I hypothesize here as to whether this happens or that happens, but the point the Senator makes is an excellent point and one we are going to have to be aware of through the years.

Mr. SPECTER. I thank my colleague for that answer. We do know that investigations take a very long time, and it is not my preference to have a cutoff date of December 31. I think that is very difficult. But the reality is that we faced obstacles in the Rules Committee which limited the scope, and now we have broadened them and limited the time. You have Independent Counsel Kenneth Starr, who has been on an investigation for 3 years. You have had independent counsel on Iran-Contra on the investigation for many years. The Senator from Tennessee and I, in 1995, were on an investigation of Ruby Ridge. We had 15 days of hearings and 70-some witnesses. We filed a 150-plus page report, all from Labor Day to the end of the year, in 4 months. And the Department of Justice has undertaken an investigation involving four FBI agents who may not have told the entire story. They started that inquiry in late 1995, and 15, 16, 17 months have passed.

I recently wrote to the Attorney General and asked her when she is going to finish the investigation so we can conclude, and I got a reply that it is still months away.

The Senator from Ohio is correct. When I was district attorney of Philadelphia, I ran lots of grand jury proceedings and investigations. I know from experience that we are going to face the most tenacious and microscopic examinations by the best lawyers in the country coming to look at everything we do. I don't like to see a December 31 date. But now it has been established, as best we can on the floor, as a target date. We are going to respond, and we will extend the time if we have to.

Let us put people on notice that they cannot gain anything by delaying with frivolous lawsuits. If they take up our time, we are going to get an extension of the time. I thank my colleagues and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I would like to engage the senior Senator from Virginia and the Senator from Tennessee in a colloquy regarding the issue of referrals to the Ethics Committee. The resolution before us, as amended, states that "the Committee on Governmental Affairs shall refer any evidence of illegal or improper activities involving any Member of the Senate revealed pursuant to the investigation authorized by subsection (b) to the Select Committee on Ethics."

In the event the Governmental Affairs Committee develops facts which implicate a Senator or Senators in any illegal or improper activities, as those terms are used in this resolution, they shall report such findings promptly to the Ethics Committee; however, such reporting does not preclude the Governmental Affairs Committee from continuing its investigation, provided it is not for the specific purpose of determining the culpability, or lack thereof, of such Senator or Senators.

Do my distinguished colleagues agree?

Mr. WARNER. Yes, I agree with the interpretation of the senior Senator from Ohio.

Mr. THOMPSON. Yes, I also agree with this interpretation by the ranking member of the Government Affairs Committee.

Mr. DASCHLE. Mr. President, shortly after I was elected to this body, I made a call on one of my heroes. His office walls were covered with photographs. One of them was an old picture of two men standing next to an airplane. I couldn't make out the faces, but there was no mistaking the signature. It read simply, "To our good friend Claude Pepper, Wilbur and Orville Wright."

Next to that was a picture of an astronaut standing on the surface of the Moon. I couldn't see his face. But again, the signature was clear. It read, "To my good friend Claude Pepper, Neil Armstrong."

Here was a man who had seen practically the whole scope of the 20th century. He'd served in both the House and the Senate. I asked him what advice he had for a new Senator from South Dakota.

He told me, "The election's over now. It doesn't matter any more whether you're an 'R' or a 'D.' What matters now is whether you're a 'C' or a 'D'—a 'constructive' or a 'destructive.' I've been here a long time. I've seen a lot of people try to tear this country down, and too few people who have tried to build it up."

"America needs more constructives," he told me.

I've thought of that conversation many times during the past few weeks as we have debated, on and off this floor, how this investigation should proceed.

As the Governmental Affairs Committee has proceeded—hiring lawyers and issuing subpoenas—Democrats have raised concerns about how this investigation was being structured.

Our purpose was not to stall this inquiry, but to ensure that it serves a constructive purpose, not a destructive one. We have always wanted the investigation to go forward. But we also want it to shed light on illegal and improper activities—wherever they may have occurred. And, most important, we want this investigation to provide a road map for real reform of our campaign finance laws.

How can we make sure this process results in reform, not merely revenge? That's what the debate over these last few weeks has been about.

To a large extent, that debate has now been resolved. And Democrats are resolved, in turn, to join with Republicans to see that this inquiry addresses the significant concerns we all have about the problems that surfaced during the last campaign cycle.

I want to thank Senator GLENN for all he has done to get us to this point. He and his staff have been dogged in their determination to make sure that this inquiry is truly bipartisan, and that it will lead to legislative solutions.

I also want to thank Senator THOMPSON.

We agreed with Senator THOMPSON when he first said that the investigation should examine illegal and improper activities in all Federal elections, Presidential and congressional. We fought when others tried to narrow that scope.

We objected to a budget request that was unprecedented and, in our opinion, lacked accountability. At the same time, we proposed a process to allow the committee to request additional funds and ensure that this inquiry does not lapse prematurely.

We insisted that Congress set at least a tentative date by which the inquiry would end, just as earlier Congresses did with investigations into the Iran-Contra and Whitewater affairs. Again, we said that process could be extended, if necessary.

We said the Governmental Affairs Committee must produce a public report after it completes its work. If the American people are going to invest $5 million taxpayer dollars in this investigation, they deserve to know what we learn. So we fought for accountability.

Finally, we believe it's not enough to document the problems in the glare of television lights. When the lights are turned off, we have to be serious about the hard work of solving the problems. So we asked for a commitment from our colleagues that the Senate would debate campaign finance reform this year.

These are the issues we raised—that we were obligated to raise.

Nearly all of our concerns have been incorporated into the funding resolution we will adopt today. Their inclusion is a victory not for one party or another, but for the integrity of the inquiry itself.

It is the strength of our system of government that, when the debate has ended and the real work begins, both parties cooperate where they can to address public concerns. This, I believe and hope, is where we now stand.

On the central question, Democrats and Republicans agree: this is an important investigation.

Most critical of all is the question of improper foreign influence in U.S. elections, and on U.S. policy. This is an American issue, not a partisan issue. Have foreign governments sought to influence the outcome of American elections?

Democrats support and will join in the most vigorous inquiry into this troubling question. American elections must be decided by American voters and funded by Americans, and only Americans.

Another question, perhaps looming over all the others, is how could we get to this point? How could the campaign finance laws break down, or appear to break down, so completely that we now must conduct an investigation of unprecedented scope and size?

Many of our Republican colleagues insist that the system is working. Yet, in asking for nearly $5 million to conduct this investigation, they admit more tellingly than words alone that there is a cancer at the core our election laws and their enforcement.

Congress can't convene hearings of this kind after every election to address questions of illegal fundraising. It will have to rely on appropriate laws—and effective enforcement. Ensuring sound laws and energetic enforcement is the real test of whether the hearings we are about to begin make a lasting contribution.

So, for each of the activities the hearings examine, relevant questions need to be asked:

How widespread was illegal or improper questionable activity? Will we find various but discrete episodes, or a pattern to circumvent campaign finance laws?

Who was responsible for failing to oversee compliance? Were the violations a result of individual misconduct, or a climate of indifference to the law?

What was the law at the time? Was it clear or unclear? Where we find misconduct, was it deliberate, reckless, or inadvertent?

Where were the lawyers?

Where was the FEC? What notice was given to the FEC that these practices were occurring? What actions, if any, did the FEC take? Are there still actions the FEC should take?

Did the public records, including reports on file with the FEC, reflect the misconduct? Or are they inadequate to the task of informing the public that something is seriously amiss in the financing of campaigns?

These are critical questions. If we will ask these and other questions—without fear or favor—we can achieve historic reforms.

Will we seize this opportunity, or squander it?

Will we be "constructives" or "destructives?"

The choice is up to us.

Mr. THOMPSON. Does the Senator from Ohio need additional time?

The PRESIDING OFFICER. The Senator from Tennessee has 4 minutes 30 seconds. The Senator from Ohio has 1 minute.

Mr. GLENN. I think the vote was called for 6:30. I think we have about exhausted everything we need to comment on.

I will yield back my time.

Mr. THOMPSON. I will yield back the balance of my time, also.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DODD. (When his name was called) Present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

ANSWERED "PRESENT"—1

Dodd

So the resolution (S. Res. 39), as amended, was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH and Mr. MOYNIHAN pertaining to the introduction of S. 425 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO MARTY SLATE

Mr. KENNEDY. Mr. President, all of us who knew Marty Slate and who worked with him over the years were saddened to learn of his recent, untimely death.

Marty was an exceptionally dedicated public servant. He worked effectively throughout his extraordinary career to improve the quality of life for working men and women. He served well in many capacities, directing the field operations of the Equal Employment Opportunity Commission, leading the ERISA Division of the Internal Revenue Service, and as Executive Director of the Pension Benefit Guaranty Corporation. Marty also worked hard, on a daily basis, to improve the quality of life of those around him, particularly his staff and coworkers.

Marty was a brilliant lawyer and a gifted manager who knew how to get things done. He inspired the people who worked for him and helped make them some of the most effective and productive public servants in the Nation. Everywhere he went, his ability and dedication brought out the very best in his colleagues and his staff.

Marty was a superb legislative strategist who understood the role of Government and the impact that Government could have on working Americans. He was the moving force behind the Retirement Protection Act, the pension funding legislation that Congress approved in 1994.

Early in the Clinton administration, Marty brought together representatives of the PBGC, Treasury, IRS, Labor, Commerce, OMB, and other Federal agencies as part of an impressive task force. The task force worked effectively under Marty's leadership to identify the problems that caused pension underfunding, and the best solutions to those problems. As chairman of the task force, Marty's door was always open. No person or group was ever shut out of the process. Needless to say, the task force issued its findings and recommendations in a timely manner.

After the task force report was issued, Marty looked to the future, and worked closely with Congress on legislation to address the problem of pension underfunding. As my Senate colleagues will recall, we approved the funding reforms in the Retirement Protection Act, the most significant pension legislation since the enactment of the Employee Retirement Income Security Act in 1974. It was an extraordinary bipartisan accomplishment, and it was Marty's accomplishment, too. Millions of working men and women have pensions that are more secure today because of Marty Slate.

In his years at the Equal Employment Opportunity Commission, Marty worked hard to assure that workers did not suffer from discrimination.

Under his leadership, the EEOC wiped out case backlogs and vigorously prosecuted discrimination complaints. As director of field operations for the agency, he was responsible for the day-to-day activities of 46 field offices. The large numbers of working men and women who were protected from discrimination because of Marty's efforts owe him an enormous debt of gratitude.

When Marty left the EEOC to work for the Internal Revenue Service, he established the Georgetown-IRS Masters of Taxation Fellowship Program." This program was designed to help those who were not historically represented in the fields of taxation and pensions because of discrimination and lack of opportunity. Under this program, students applied for admission to Georgetown's Masters of Taxation Program, while simultaneously applying for a job at the IRS. The IRS, the university, and the student-fellow would share the costs of tuition.

When Marty left the IRS in 1993, he created a similar fellowship program at the PBGC. The fellowship programs that Marty created have been extremely successful, and have enabled many African-Americans and other minority students to break through longstanding barriers and find jobs in the fields of taxation and pensions. One graduate of this program is now a professor at Catholic University.

In ways like these, Marty Slate didn't just talk about fair play and equal opportunity. He helped to assure that new opportunities for African-Americans and other minorities actually existed, and the graduates of these fellowship programs will carry on Marty's fine work.

Marty is warmly remembered by those who worked with him as a person who took genuine personal interest in helping them to advance their careers. With all his myriad of responsibilities, he was never too busy to write a letter or place a phone call to help someone develop their career. He was never too busy to reach out. He was there for the people he led and managed because he cared deeply about them.

Marty also loved sports. He was a true Boston Red Sox fan and he had a great love for sports trivia. A local radio station in this area has a call-in trivia contest for sports fans, which takes place in the middle of the night. Marty would regularly set his alarm for 2 o'clock or 3 o'clock in the morning and get up and call into the talk show. He called so often that he was known on the show as "Marty from Bethesda." Marty almost always knew the answer and would win Baltimore Orioles tickets. He would then share the tickets he won with his friends.

As a Boston Red Sox fan myself, I am particularly fond of a story from Marty's childhood. One day, when he was about 6 years old, he wanted to go to Fenway Park to watch the Red Sox play. His parents were concerned, because they couldn't go that day, and they didn't want him to go alone.

Marty found a way to heed his parents' advice. The Red Sox won and he had a wonderful time. But when he came back, police and emergency vehicles were parked on his street. They were there because 6-year old Marty had, in fact, listened to his parents. He did take someone to the game. The problem was that it was the 3-year-old child of a neighbor. And the police were looking for the missing child in the neighborhood. Even at that young age, Marty was demonstrating his extraordinary sense of responsibility.

Now that he has left us, all of us who were touched by Marty's brilliance and compassion will work harder to carry on his work. That's the way Marty would have wanted it.

My heartfelt condolences go to the Slate family, to Marty's wife, Dr. Caroline Poplin, to his parents, Albert and Selma Slate, to his brother, Dr. Jerome Slate, to his sister, Emily Slate, and to all of Marty's friends and coworkers. He touched all our lives, and we will never forget him.

THE HARSH IMPACT OF THE WELFARE BILL ON IMMIGRANTS

Mr. KENNEDY. Mr. President, last year Congress passed a comprehensive welfare reform bill that drastically restricted the ability of legal immigrants to participate in public assistance programs. It prohibits legal immigrants from receiving food stamps, SSI, and Federal non-emergency Medicaid benefits. The bill also gives States the option to ban legal immigrants from State Medicaid services and temporary assistance to needy families (formerly AFDC).

In the past 2 months, we have begun to see the harsh impact of this bill on legal immigrant families in all parts of the country. Many face being turned out of nursing homes, and cut off from disability payments. These human tragedies will only continue to grow in number and severity without congressional action.

Last month, President Clinton proposed some changes to the law to prevent these harsh effects. I urge Congress to act quickly on these proposals, and I ask unanimous consent that recent news stories on this crisis may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsday, Feb. 28, 1997]

ON THEIR OWN—ELDERLY, AILING NONCITIZENS FACE LOSS OF FEDERAL BENEFITS

(By Geoffrey Mohan)

Gladys Boyack will be 106 by the time tough new federal regulations on welfare go in to effect in August.

She'll also find herself cut from the rolls of a federal program designed to be a safety net for the elderly, disabled and blind.

A British citizen who has lived in the United States for 40 years, working most of those years as a nanny, Boyack never applied for U.S. citizenship. Now, the Islip resident regrets her omission; welfare regulations enacted by Congress are expected to cut nearly 5,000 elderly, blind and disabled immigrants on Long Island from Supplemental Security Income rolls. All of them are legal permanent residents, a status that is a step below citizenship.

Among them is Lucrecia Lopez, 75, of Freeport, a Dominican immigrant who has been in Freeport for 17 years and labored for eight years in a local factory assembling artificial Christmas trees.

Boyack and Lopez received letters this month saying they will lose their monthly payments—$556 and $570, respectively—because neither became a citizen during their stay in the United States.

"I couldn't believe it when I got that letter," said Susan Levin, Boyack's granddaughther, who takes care of Boyack in a first-floor apartment at Levin's house. "There's nothing we can do. The last check will come in July."

Boyack and Lopez face a difficult choice at a late juncture in life: struggle through the forms, tests and language requirements of naturalization, or enroll in local aid programs.

Boyack is household and nearly deaf. Lopez, who speaks only Spanish, would have to learn English at 75.

So both will probably apply for less-generous state aid, and depend on their families or charities to make up the difference.

"She's 75 years old," said Lopez' son Jose, an import-export businessman from Miami who supports a wife and two children. "Who's going to take the load? As we say in the Dominican Republic, we have to put more water in the soup."

Boyack and Lopez are just two of 4,929 immigrants on Long Island considered likely to lose their SSI benefits as part of Congress' get-tough welfare policies, adopted in August and scheduled to take effect Aug. 22.

The changes, aimed at saving the federal government $9 billion over four years, will cut off all but a narrow sector or noncitizen immigrants from SSI.

Similar cuts are looming in the food stamp, Medicaid and Aid to Families With Dependent Children programs.

Congress enacted the cutbacks in an effort to slow so-called chain migration, which occurs when immigrants who obtain citizenship petition to bring elderly family members to America from their home country. The elderly relatives often have a few wage-earning and taxpaying years ahead of them and little means of support from their sponsors.

"We are paying for the sinners who abuse the system," Jose Lopez said.

Congress also made sponsors' pledges of support as legally binding as a contract and increased the period of time in which the sponsors' income can be considered in calculating the new immigrant's need for federal aid.

In part, the moves were inspired by statistics showing that the number of immigrants using welfare programs has greatly increased. For example, the number or immigrants receiving SSI quadrupled in a decade ending in 1993, and immigrants rose from 4 percent of all SSI clients to more than 11 percent over that time period, according to the General Accounting Office, Congress' investigative arm.

"The SSI system is available to people who come to this country and never pay into the system and didn't work," said Dan Stein, executive director of the Federation for American Immigration Reform, which supported the welfare revisions.

But Stein acknowledged that Congress may not have intended to pull the safety net away from unemployable immigrants over age 64 who worked and paid taxes.

"The fact that there are tough cases out there has underscored the need for some grandfathering of hardship cases," Stein said. "But we won't support this if we encourage more chain immigration."

On this point only, Stein agrees with activists like Margie McHugh, executive director of the New York Immigration Coalition. "We still don't believe the American people really intended to throw elderly people out onto the street in the name of welfare reform," she said.

"No one that I know of argues with the idea of people being responsible for the folks they bring into the country, but I think that for immigrants, like everyone else, unforeseen things happen," McHugh added.

Federal officials have since loosened citizenship rules for the disabled, but have not moved to reinstate benefits to unforeseen hardship cases, McHugh said.

Pro-immigration activists like McHugh worry that the philosophical shift from federal to local responsibility implied in welfare overhauls is not accompanied by a shift of money from federal to local coffers.

Such may be the case for SSI. Current state budget proposals would provide a maximum of $350 in vouchers to people like Boyack and Lopez, according to Terrance McGarth, spokesman of the State Department of Social Services.

So if both qualify for the maximum, their families or charities would have to bridge the $200-plus gap between their SSI benefits and the new state benefits.

Not all noncitizens face this peril. Immigrants granted asylum and refugees were excluded, and anyone who can show roughly 10 years of work, even combined with their spouse's work history, can remain on the rolls.

SSI benefits are administered by the Social Security Administration, but they come from general tax revenues, not Social Security taxes.

Boyack, who worked off the books as a nanny, never paid federal income taxes. Lopez did, but not for the required 10 years. Neither woman's husband ever came to the United States, so they cannot be counted in the work experience minimum; both men are deceased.

Activists say women like Lopez and Boyack are victims of flawed reasoning behind welfare cuts for immigrants, a population that frequently works off the books or has not been in the United States long enough to draw meaningful Social Security benefits. SSI becomes their only alternative, by default.

That option is about to disappear.

"I feel very worried and sad," said Lucrecia Lopez. "I asked myself, 'How am I going to support myself?' And so many people are having the same thing happen." SSI and Welfare law.

Supplemental Security Income was established in 1974 to provide monthly payments for the aged, blind and disabled. It is run by the Social Security Administration, but draws its resource from general tax revenues. SSI pays out about $2.4 billion per month to nearly 6 million beneficiaries.

Nationwide, 12 percent of those recipients are legal immigrants, or were when they applied for SSI benefits. On Long Island, 19.8 percent of recipients are legal immigrants, or were when they applied.

Nationwide, 522,000 immigrant SSI recipients could become ineligible under welfare revisions to take effect in August. On Long Island, 4,929 are likely to lose SSI. An additional 2,552 will be asked to show evidence of eligibility, but are not considered in jeopardy.

According to the Social Security Administration, welfare changes will cut off all noncitizen immigrants from SSI benefits except:

Refugees and immigrants granted asylum, who are eligible only for the first five years after arrival.

Immigrants whose deportation has been suspended; eligibility is limited to the first five years after arrival.

Certain active-duty military personnel, including honorably discharged veterans, their spouses and dependent children.

Permanent residents who can document 10 years of work by themselves or in conjunction with a spouse. * * * Immigrants and SSI Percent of SSI recipients who are classified by the Social Security Administration as legal immigrants:

WELFARE REFORM STARTS HITTING HOME

(By Kathy Matheson)

Changes mandated by federal welfare reform are beginning to ripple slowly through Montgomery County, but not slowly enough for Silver Spring resident Marta Medina.

Medina, who came to America in 1987 after fleeing civil war and communism back home in Nicaragua, received notice earlier this month that her Supplemental Security Income benefits will end in August unless she becomes an American citizen or meets one of five other narrow criteria.

Medina has received SSI checks for three years since breaking her arm and injuring her back while working at a hotel in San Antonio. SSI, which is run by the Social Security Administration, is a federal assistance program for elderly and disabled people with low incomes.

Through an interpreter, Medina said she needs the monthly $484 SSI check she receives from the government to buy medication for lingering physical and emotional problems she suffered as a result of the accident. She is currently unemployed.

To find out how she may still qualify for disability benefits, Medina and her husband, Luis, met with SSI officials last week at a special office in Wheaton Plaza.

"We want to know what we can do," said Luis Medina.

The Medinas are not alone. Under the Welfare Reform Act signed by President Clinton last year, most legal immigrants are no longer eligible for SSI.

Approximately 4,000 Montgomery County immigrant residents receive SSI checks each month, and they, too, will be getting notification letters soon. About 400 letters are going out each week, and recipients have 90 days to respond and have their eligibility reevaluated.

To meet the anticipated response, officials at the Wheaton Social Security office have leased a former Crestar Bank facility at Wheaton Plaza and staffed it with five new workers to evaluate cases like Medina's.

Rich Fenton, manager of the Wheaton office, said the temporary site currently handles about 25 to 30 people per day. But he expects visits from as many as 50 to 60 people each day as more residents are notified.

"I'm expecting that the volume will increase pretty substantially," Fenton said.

SSA spokesman Tom Margenau said out of 6.5 million SSI recipients nationwide, approximately 900,000 are legal immigrants. Benefit checks will stop flowing to an estimated 500,000 of those, according to federal officials, resulting in government savings of $9.9 billion through 2002.

The government also will save money by cracking down on SSI fraud, officials said. SSA's Office of the Inspector General closed 833 fraud cases in fiscal 1996, spokesman Dan Devlin said.

States also may save money when immigrants lose their SSI benefits. As non-citizen residents are removed from SSI, Margenau said most also will lose Medicaid benefits, which come from a state program administered through the county Department of Health and Human Services.

Local officials are unsure how many people may be dropped.

"We don't have a good sense yet of what the numbers are," said Corinne Stevens, chief of Montgomery County's Crisis, Income and Victim Services. "So many people, if they're able to, are really moving toward citizenship."

Marta Medina said she would like to be a U.S. citizen, especially since Helane DiGravio, an interpreter and manager of the temporary SSI site in Wheaton, said it doesn't look like Medina will qualify for SSI any other way.

"She's going to apply for citizenship, but she knows it'll take a while," DiGravio said.

Medina, who holds a college degree from a university in Guatemala, has lived in the United States for 10 years, twice as long as needed to become a citizen. Her husband, who is unemployed but does not receive SSI, has been here since 1989.

Marta Medina said she knows education and work are needed to get ahead in America, and she'd like to take training courses for home health care workers offered by the county's Workforce Development Corp., formerly called the Private Industry Council.

But Medina said that as a result of her emotional problems and injuries from her hotel job, she hasn't felt well enough to enroll in job training or English classes, or to study for the citizenship test.

Some experts argue that the test, which requires knowledge of the English language as well as American government, is not difficult to pass—especially for someone who has been here as long as Medina.

"The language exams are extraordinarily easy," said Robert Rector of the Heritage Foundation, a conservative think tank based in Washington. "The language exam does not pose much of a barrier, partly because you can take it over and over and over."

Rector was a major congressional adviser during the welfare reform debate in 1996. When the law was finally signed, Clinton was criticized for excluding legal residents from SSI benefits, since many have worked and paid taxes for years just like U.S. citizens.

Some states, including Maryland, are considering picking up the tab for immigrant residents denied SSI. Margenau said there are 9,645 immigrant SSI recipients in Maryland—about half of whom live in Montgomery County—receiving average monthly benefits of $345.

Gov. Parris N. Glendening has said he wants to continue food and medical support for children of legal immigrants who would otherwise be cut off, Glendening spokesman Ray Feldmann said.

The governor appointed a Task Force on the Loss of SSI Benefits for Legal Immigrants in Maryland, which issued a draft report Feb. 6. Its findings have not yet been made public.

[From the Nogales International, Feb. 21, 1997]

HUNDREDS OF NON-CITIZENS HERE LEGALLY FACE AID LOSS

(By Kathy Vandervoet)

Hundreds of non-citizens living legally in Nogales or other Santa Cruz County communities will lose their supplemental Social Security income this summer under the new federal welfare reform law.

They will no longer be eligible for food stamps, cash welfare, Medicaid and disability.

Roberto Mendez, manager of the Nogales Social Security Administration office, said there are 1,300 individuals receiving the supplemental payments.

Of those, 475 are legal residents, but not citizens of the United States. All are subject to losing their monthly benefits checks in about four months, he said.

"But there aren't going to be that many. There will be exceptions," Mendez said.

It's up to the men and women to visit the office, located at 441 No. Grand Ave., to determine if they fit under the exceptions clause.

The 475 recipients are being notified by a letter, which are being sent out in weekly batches. Some will receive their letter earlier than others, Mendez said.

They then have 90 days to comply if they want to retain their monthly check.

Those who will qualify for continued aid have worked and earned 40 quarters of coverage, Mendez said.

It can be the individual, a parent, a husband, a wife or the combination of a couple's work to arrive at the 40 quarters total, he said.

Mendez said he is urging concerned recipients, some of whom have lived in the United States for 20 or 30 years, to earn their U.S. citizenship.

"I refer a lot of them to the public library for their citizenship program," Mendez said. He's been told it takes about eight months from the time a person applies until he or she meets the citizenship requirements.

As well, the person must have been a permanent U.S. resident for five years. Those married to a citizen can apply after three years.

Mendez said he's heard from worried residents who say they will have to give up their independence and move in with a family member, while others will be left with no choice but to leave Nogales and move to Mexico.

For additional information, call the Social Security Administration at 1–800–772–1213.

TRIBUTE TO SENATOR WENDELL H. FORD OF KENTUCKY

Ms. MIKULSKI. Mr. President, with sadness, I rise today to pay tribute to a remarkable Member of this body and a very dear friend, the senior Senator from Kentucky, WENDELL FORD. Senator FORD has announced his retirement after a third of a century in public service, including the last 22 years in the U.S. Senate. When WENDELL FORD leaves the Senate at the end of next year to return to his family and his beloved Kentucky, I will miss his leadership and his friendship tremendously.

For the past 3 years, it has been my pleasure to serve with Senator FORD in the Democratic leadership in my capacity as conference secretary. Since 1990 Senator FORD has served in the leadership as Democratic whip, where he has been an energetic leader and has had a positive impact on the Senate's agenda. During the years I have served with him I have appreciated his good advice and his no-nonsense style. Senator FORD's insights into the issues and problems we address in the Senate, as well as his good word, have made him a valuable and trusted leader. Our leadership, the Senate, and most of all the State of Kentucky have greatly benefited from his service.

Throughout his career in public service, Senator FORD has remained true to his constituents by being a strong advocate for his home State of Kentucky. He knows that a Senator's ultimate responsibility is to the people of his State. As a result of his advocacy and his honesty, Kentucky voters have returned him to Washington three times with landslide election victories.

Senator FORD has also served as an advocate for the Senate. As chairman of the Rules Committee he has helped ensure the smooth operation of the Senate and has been a leader in looking for ways to make the Senate work more efficiently. As a member of the Committees on Commerce, Science, and Transportation, as well as Energy and Natural Resources, Senator FORD has been at the center of many of our most important national debates.

I believe that I speak for all of my colleagues when I say that the departure of Senator FORD will leave a huge void in this institution. He has been an effective leader, a strong legislator, a fearless defender of his State, and a good friend. As he approaches retirement, I want to thank WENDELL FORD for his service to his country and congratulate him for his extraordinary career. We will truly miss him.

THE 86TH BIRTHDAY OF ARNOLD ARONSON

Mr. LEAHY. Mr. President, I come to the Senate floor to wish Arnie Aronson a happy 86th birthday and to commend him on his many achievements.

Arnie has been working for civil rights for over 50 years. He began at a time when help wanted ads openly specified "Gentile only" or "Irish need not apply." In the early 1940's he organized a coalition of religious, ethnic, civil rights, social welfare, and labor organizations into the Chicago Council Against Religious and Racial Discrimination. By 1950 he was working with Roy Wilkins and many others to organize support for President Truman's proposed civil rights effort and engineered the combination of national organizations that created the Leadership Conference on Civil Rights.

He and the leadership Conference were instrumental in the enactment of the first extensive Federal civil rights laws since Reconstruction, the landmark 1964 Civil Rights Act, the fundamental Voting Rights Act of 1965, and the pivotal Fair Housing Act of 1968. They have been critical to our civil rights efforts at every turn ever since.

The statement of purpose he drafted for the Leadership Conference says a great deal about this extraordinary man and his dedication to the rights of all:

> We are committed to an integrated, democratic, plural society in which every individual is accorded equal rights, equal opportunities and equal justice and in which every group is accorded an equal opportunity to enter fully into the general life of the society with mutual acceptance and regard for difference.

Arnie went on to help organize clergy, churches, and synagogues. He was a founding member of the National Urban Coalition and a charter member of Common Cause. In the last 10 years, while well in his 70's, he assumed the presidency of the Leadership Conference Education Fund and helped invigorate its educational and public service activities.

While he gave leadership and inspiration to the country he never forgot his family. I know the influence he had on his niece and nephew, Jenette and Si Kahn.

Their lives were changed as were ours. I wish him a happy birthday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 10, the Federal debt stood at $5,354,330,021,048.50.

One year ago, March 10, 1996, the Federal debt stood at $5,017,404,000,000.

Five years ago, March 10, 1992, the Federal debt stood at $3,848,675,000,000.

Ten years ago, March 10, 1987, the Federal debt stood at $2,249,369,000,000.

Fifteen years ago, March 10, 1982, the Federal debt stood at $1,048,663,000,000 which reflects a debt increase of more than $4 trillion, $4,305,667,021,048.50 during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1342. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures from April 1 through September 30, 1996; to the Committee on Appropriations.

EC–1343. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Child Nutrition Programs, (RIN0584–AC15) received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1344. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to approval of applications, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1345. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to financial reports, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1346. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to contract market review, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1347. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to brucellosis in cattle, received on March 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1348. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to quarantine regulations, received on March 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1349. A communication from the Assistant Secretary for Human Resources and Administration, Department of Energy, transmitting, pursuant to law, the 1996 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–1350. A communication from the Director of Fiscal Services, Department of the Interior, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1351. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1352. A communication from the Assistant Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1353. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1996 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC–1354. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1995 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC–1355. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1356. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1357. A communication from the General Counsel of the National Science Foundation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1358. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1359. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1360. A communication from the Acting Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1361. A communication from the Secretary of Defense, transmitting, pursuant to law, the notice concerning a retirement; to the Committee on Armed Services.

EC–1362. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a rule entitled "National Flood Insurance Program" (RIN3067–AC54) received on March 6, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1363. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the report relative to Regular Trade Adjustment Assistance for fiscal year 1997; to the Committee on Finance.

EC–1364. A communication from the Director of the U.S. Information Agency, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999; to the Committee on Foreign Relations.

EC–1365. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "The National Vaccine Injury Compensation Program" (RIN0906–AA36) received on March 10, 1997; to the Committee on Labor and Human Resources.

EC–1366. A communication from the Congressional Affairs Officer of the Federal Election Commission, transmitting, an errata sheet; to the Committee on Rules and Administration.

EC–1367. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Veterans' Affairs.

EC–1368. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of rules received on March 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1369. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty rules including a rule relative to Airworthiness Directives (RIN2120–AA64, AA65, AA66, AE47, AE92); to the Committee on Commerce, Science, and Transportation.

EC–1370. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology for 1996; to the Committee on Commerce, Science, and Transportation.

EC–1371. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, five rules including a rule entitled "American Lobster Fishery" (RIN0648–XX81, AJ48, XX72); to the Committee on Commerce, Science, and Transportation.

EC–1372. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a program for flood damage reduction; to the Committee on Environment and Public Works.

EC–1373. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules including a rule entitled "Clofencet" (FRL5679–4, 5591–9, 5593–1, 5592–2, 5591–7) received on March 6, 1997; to the Committee on Environment and Public Works.

EC–1374. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Truck Size and Weight" (RIN2125–AE08) received on March 6, 1997; to the Committee on Environment and Public Works.

EC–1375. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered Status" (RIN1018–AC85) received on March 10, 1997; to the Committee on Environment and Public Works.

EC–1376. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1377. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–1378. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Executive Agency Ethics Training Program Regulation Amendments" (RIN3209–AA07) received on March 6, 1997; to the Committee on Governmental Affairs.

EC–1379. A communication from the Human Resources Manager of CoBank, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Governmental Affairs.

EC–1380. A communication from the Executive Director of the D.C. Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report concerning procurement; to the Committee on Governmental Affairs.

EC–1381. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, a report for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1382. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the correctional complex in Lorton, Virginia; to the Committee on Governmental Affairs.

EC–1383. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–533 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC–1384. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–534 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC–1385. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–15 adopted by the Council on February 4, 1997; to the Committee on Governmental Affairs.

EC–1386. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–5 adopted by the Council on February 4, 1997; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Keith R. Hall, of Maryland, to be an Assistant Secretary of the Air Force.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND (for himself, Mr. Lott, Mr. Hollings, Mr. Hutchinson, Mr. Cochran, Mr. Kohl, Mr. Inouye, Mr. Moynihan, Mr. Chafee, Mr. Daschle, Mr. Breaux, Mr. Helms, Mr. Wyden, Mr. Kerrey, Mr. Faircloth, Ms. Moseley-Braun, Mr. Bingaman, and Mr. Dorgan):

S. 419. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself and Mr. Bumpers):

S. 420. A bill to amend the Internal Revenue Code of 1986 to phase in by the year 2000 a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 421. A bill to amend title 35, United States Code, to establish the Patent and Trademark Office as a Government corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. Jeffords, and Mr. Dodd):

S. 422. A bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act; to the Committee on Labor and Human Resources.

By Mr. ROBB (for himself and Mr. WARNER):

S. 423. A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to adjust the Federal medical assistance percentage determined for Alaska under the medicaid program to reflect Alaska's cost-of-living; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 425. A bill to provide for an accurate determination of the cost of living; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. LOTT, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. KOHL, Mr. INOUYE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE and Mr. BREAUX):

S. 419. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

THE BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BOND. Mr. President, I rise today to introduce the Birth Defects Prevention Act of 1997. I introduce this on behalf of myself, Senators LOTT, DASCHLE, HOLLINGS, HUTCHINSON of Arkansas, COCHRAN, KOHL, INOUYE, MOYNIHAN, CHAFEE, and BREAUX.

The March of Dimes and their volunteers are here today to lend support to an often overlooked, but a very compelling health care problem in the United States today. Many people do not realize that birth defects are the leading cause of infant deaths in the United States. This year alone, an estimated 150,000 babies will be born with a serious birth defect, and one out of every five of these babies will die. Nationally, birth defects affect 3 percent of all births, and among the babies who survive, birth defects are a significant cause of lifelong disability. Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation and other services may be required into adulthood, costing billions of dollars each year.

A 1995 Centers for Disease Control and Prevention report revealed that the lifetime cost for just 18 common birth defects occurring in a single year is $8 billion. Yet, only about 22 percent of those born with birth defects are included in these figures. And, of course, it is impossible to measure the pain and the heartache that birth defects cause.

Let me share with you just a couple of experiences I have had in Missouri. I have worked for a long time to improve children's health. I appropriated money in the early 1970's in Missouri to fund the high-cost, but highly effective, neonatal care units at our hospitals. They do a wonderful job of saving very-low-birth-weight babies and babies with severe defects. But that is not enough. We can do some things to lower the incidence of birth defects, and birth defects can strike any family.

I know, many people say one of the real problems is we have too many young women, often unmarried, who do not know that you cannot use tobacco or alcohol or drugs during pregnancy without expecting a bad birth outcome.

But there are many other things that we have only recently learned that are extremely important. Four hundred milligrams a day of folic acid, vitamin B, for women of childbearing years can substantially reduce the risk of a child born with spina bifida. A very good friend of ours had a child born with spina bifida. He was a wonderful young man, but he has had to go through many expensive operations. His parents went through much heartache, and he still is not able to move as the rest of us can.

Birth defects can be dealt with if we have a concerted national strategy to direct the Centers for Disease Control to collect the information on birth defects, to provide funding and support in research at the State level and to set up five regional centers to deal with birth defects. A few years ago, the incidence of birth defects became a very major concern in certain Hispanic communities in southwest Texas, and, as a result, the Hispanic caucus joined with me in past years, in past sessions of Congress, to sponsor this legislation.

We were able to appropriate some moneys for the Centers for Disease Control, but we have not been able to establish a national strategy, maybe because there are not lobbyists for those who have not yet been born who may be at risk of birth defects, but there are effective spokespeople, like the March of Dimes, the American Academy of Pediatrics, and a long list of distinguished organizations.

The time has come to join with them, with the Easter Seals Society, the American Hospital Association, and all of the other organizations, in developing and directing the Centers for Disease Control to work with States and local governments to survey birth defects, to bring together the information on birth defects so that researchers have a means of dealing with it.

Mr. President, birth defects are the leading cause of infant death in the United States. This year alone, an estimated 150,000 babies will be born with a serious birth defect, and 1 out of every 5 of these babies will die.

In addition, birth defects affect 3 percent of all births nationally.

Among babies who survive, birth defects are a significant cause of lifelong disability. Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation, and other services may be required into adulthood—costing billions of dollars each year.

A 1995 Centers for Disease Control and Prevention report revealed that the lifetime cost for just 18 common birth defects occurring in a single year is $8 billion—yet only about 22 percent of those born with birth defects are included in these figures.

And, of course, it is impossible to measure the pain and heartache that birth defects cause.

It may surprise you to learn that the United States does not have a coordinated strategy for reducing the incidence of birth defects. It is both shocking and disappointing how few Federal resources are devoted to prevent this tragic, perhaps even partly preventable public health problem.

So today, in an effort to tackle this devastating problem head on, I am introducing the Birth Defects Prevention Act of 1997. Congressmen SOLOMON ORTIZ and HENRY BONILLA are simultaneously introducing this bill in the House of Representatives.

This bill will prioritize our efforts and make congressional intent clear—more resources should be directed to the prevention of the leading killer of babies, birth defects.

An unfortunate situation in the State of Texas a few years ago exemplifies how the lack of a birth defects prevention strategy delayed the response to an outbreak of birth defects and may have needlessly cost innocent lives. Health professionals in Texas observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fetal birth defect characterized by an absence of brain tissue.

The Texas Department of Health conducted a study after this information was reported. The study revealed that since 1989, at least 30 infants in south Texas had been born without or with little brain tissue. However, because Texas did not have a birth defects surveillance program, the severity of the problem was not recognized until the incidence of anencephaly was so high that it was difficult to miss.

This tragic event in south Texas underscores the need for a coordinated national effort to research the causes of birth defects and to prevent such defects from occurring in the first place. A little prevention goes a long way in preventing family pain and heartache. It is up to our Nation to seize on this excellent opportunity to protect our most vulnerable resources—our children.

To achieve the goal of protecting our Nation's kids, this legislation does several things.

First, the bill provides Federal grants to State health authorities for the purpose of collecting, analyzing, and reporting birth defects statistics. Today, only about half of the States have some kind of birth defects surveillance system.

Second, this legislation calls for the establishment of at least five regional centers of birth defects prevention research. These regional programs will collect and analyze information on the number, incidence, and causes of birth defects within a region as well as provide education and training for health professionals aimed at the prevention of birth defects.

At least one of the centers will focus on birth defects among ethnic minorities.

Third, the Centers for Disease Control and Prevention [CDC] is directed to be the coordinating agency for birth defects prevention activities. The CDC will serve as a clearinghouse for the collection and storage of data generated from State and regional birth defects monitoring programs.

Finally, grants will be available to State departments of health, universities, or other private, or nonprofit entities to develop and implement birth defect prevention strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance strategies to prevent fetal alcohol syndrome.

Again, when we talk about birth defects, it is important to note that many birth defects are preventable. For instance, we now know that a simple 400 mg dose of the B vitamin folic acid each day could prevent 50 to 70 percent of all cases of spina bifida and anencephaly—saving about $245 million annually and more importantly, saving some families the heart ache that many of us have witnessed friends and families go through.

We must broaden public and professional awareness of birth defects and prevention opportunities, and we must have a coordinated national strategy to achieve this goal.

The economic and emotional burden of birth defects on families and society as a whole presents a vivid, human picture of the need for a national research and prevention strategy.

Although infant mortality in the United States has been falling steadily over the past few decades, 25 other countries have lower infant mortality rates than the United States.

This bill is an important step in improving the health of our Nation. The tragedy of birth defects compels our Nation to become a stronger partner for charitable and medical groups in fulfilling our obligation to protect our Nation's most vulnerable population. Let us hope that more tragedies are not necessary to push Congress into action.

This legislation has the support of many national organizations, including: the March of Dimes Foundation, the Spina Bifida Association of America, American Academy of Pediatrics, National Association of Children's Hospitals, the National Easter Seals Society, American Association of Mental Retardation, Association of Maternal and Child Health Programs, and the American Hospital Association.

The bill also has broad bipartisan support.

Let me conclude by taking special note of the help of the National and Missouri March of Dimes, as well as numerous health and child advocate organizations, for their assistance in developing and advocating this legislation. Specifically, I wish to thank Dr. Jennifer Howse, Jo Merrill, and Marina Weiss of the March of Dimes for their persistence and commitment to this endeavor.

Mr. President, I send a copy of the bill to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—The Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

SEC. 2. BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317F the following:

"BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAMS

"SEC. 317G. (a) NATIONAL BIRTH DEFECTS SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control, may award grants to, enter into cooperative agreements with, or provide direct technical assistance in lieu of cash to States, State health authorities, or health agencies of political subdivisions of a State for collection, analysis, and reporting of birth defects statistics from birth certificates, infant death certificates, hospital records, or other sources and to collect and disaggregate such statistics by gender and racial and ethnic group.

"(b) CENTERS OF BIRTH DEFECTS PREVENTION RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish at least five regional birth defects monitoring and research programs for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of birth defects, to include information regarding gender and different racial and ethnic groups, including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(2) AUTHORITY FOR AWARDS.—For purposes of paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control, may award grants or enter into cooperative agreements with State departments of health, universities, or other private, nonprofit entities engaged in research to enable such entities to serve as Centers of Birth Defects Prevention Research.

"(3) APPLICATION.—To be eligible for grants or cooperative agreements under paragraph (2), the entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may prescribe, including assurances that—

"(A) the program will collect, analyze, and report birth defects data according to guidelines prescribed by the Director of the Centers for Disease Control;

"(B) the program will coordinate States birth defects surveillance and prevention efforts within a region;

"(C) education, training, and clinical skills improvement for health professionals aimed at the prevention and control of birth defects will be included in the program activities;

"(D) development and evaluation of birth defects prevention strategies will be included in the program activities, as appropriate; and

"(E) the program funds will not be used to supplant or duplicate State efforts.

"(4) CENTERS TO FOCUS ON RACIAL AND ETHNIC DISPARITIES IN BIRTH DEFECTS.—One of the Centers of Birth Defects Prevention Research shall focus on birth defects among ethnic minorities, and shall be located in a standard metropolitan statistical area that has over a 60 percent ethnic minority population, is federally designated as a health professional shortage area, and has an incidence of one or more birth defects more than four times the national average.

"(c) CLEARINGHOUSE.—The Centers for Disease Control shall serve as the coordinating agency for birth defects prevention activities through establishment of a clearinghouse for the collection and storage of data and generated from birth defects monitoring programs developed under subsections (a) and (b). Functions of such clearinghouse shall include facilitating the coordination of research and policy development to prevent birth defects. The clearinghouse shall disaggregate data by gender and by racial and ethnic groups, the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(d) PREVENTION STRATEGIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, shall award grants to or enter into cooperative agreements with State departments of health, universities, or other private, or nonprofit entities to enable such entities to develop, evaluate and implement prevention strategies designed to reduce the incidence and effects or birth defects including—

"(A) demonstration projects for the prevention of birth defects, including—

"(i) at least one project aimed at enhancing prevention services in a 'high-risk area' that has a proportion of birth to minority women above the national average, is federally designated as a health professional shortage area, and has a high incidence of one or more birth defects; and

"(ii) at least one outcome research project to study the effectiveness of infant interventions aimed at amelioration of birth defects; and

"(B) public information and education programs for the prevention of birth defects, including but not limited to programs aimed at educating women on the need to consume the daily amount of folic acid (pteroylmon oglutomic acid) as recommended by the Public Health Service and preventing alcohol and illicit drug use during pregnancy in a manner which is sensitive to the cultural and linguistic context of a given community.

"(2) CONSULTATION.—In carrying out programs under this subsection, the Secretary, acting through the Centers for Disease Control and Prevention, shall consult with State and local governmental agencies, managed care organizations, nonprofit organizations, physicians, and other health professionals and organizations.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish an Advisory Committee for Birth Defects Prevention (in this subsection referred to as the 'Committee'). The Committee shall provide advice and recommendations on prevention and amelioration of birth defects to the Secretary and the Director of the Centers for Disease Control.

"(2) FUNCTIONS.—With respect to birth defects prevention, the Committee shall—

"(A) make recommendations regarding prevention research and intervention priorities;

"(B) study and recommend ways to prevent birth defects, with emphasis on emerging technologies;

"(C) identify annually the important areas of government and nongovernment cooperation needed to implement prevention strategies;

"(D) identify research and prevention strategies which would be successful in addressing birth defects disparities among the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans; and

"(E) review and recommend policies and guidance related to birth defects research and prevention.

"(3) COMPOSITION.—The Committee shall be composed of 15 members appointed by the Secretary, including—

"(A) four health professionals, who are not employees of the United States, who have expertise in issues related to prevention of or care for children with birth defects;

"(B) two representatives from health professional associations;

"(C) four representatives from voluntary health agencies concerned with conditions leading to birth defects or childhood disability;

"(D) five members of the general public, of whom at least three shall be parents of children with birth defects or persons having birth defects; and

"(E) representatives of the Public Health Service agencies involved in birth defects research and prevention programs and representatives of other appropriate Federal agencies, including but not limited to the Department of Education and the Environmental Protection Agency, shall be appointed as ex officio, liaison members for purposes of informing the Committee regarding Federal agency policies and practices;

"(4) STRUCTURE.—

"(A) TERM OF OFFICE.—Appointed members of the Committee shall be appointed for a term of office of 3 years, except that of the members first appointed, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of 3 years, as determined by the Secretary.

"(B) MEETINGS.—The Committee shall meet not less than three times per year and at the call of the chair.

"(C) COMPENSATION.—Members of the Committee who are employees of the Federal Government shall serve without compensation. Members of the Committee who are not employees of the Federal Government shall be compensated at a rate not to exceed the daily equivalent of the rate in effect for grade GS–18.

"(f) REPORT.—The Secretary shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a biennial report regarding the incidence of birth defects, the contribution of birth defects to infant mortality, the outcome of implementation of prevention strategies, and identified needs for research and policy development to include information regarding the various racial and ethnic groups, including Hispanic, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(g) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) For the purpose of carrying out subsections (a), (b), and (c), there are authorized to be appropriated $15,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.

"(2) For the purpose of carrying out subsection (d), there are authorized to be appropriated $15,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.

"(3) For the purpose of carrying out subsections (e) and (f), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1998 through 2001.".

By Mr. DORGAN (for himself and Mr. BUMPERS):

S. 420. A bill to amend the Internal Revenue Code of 1986 to phase in by the year 2000 a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Finance.

THE HEALTH INSURANCE COST TAX EQUITY ACT OF 1997

• Mr. DORGAN. Mr. President, today I rise to introduce the Health Insurance Cost Tax Equity Act of 1997, which is legislation to finally put our Nation's sole proprietors on par with their larger corporate competitors with respect to the tax treatment of health insurance costs.

Last summer in the Health Insurance Portability and Accountability Act, Congress took a great stride in addressing one of urgent tax matters facing our family farmers and ranchers. This act, which was passed by Congress and signed into law by the President, included a proposal to increase the amount that farmers, ranchers and other sole proprietors may deduct for their health insurance costs to 80 percent by the year 2006, a significant improvement from its current level of 40 percent.

But we cannot stop at this point. It is indefensible that our tax laws tell some of our biggest corporations that they still can deduct 100 percent of their health insurance costs, while others, mostly smaller businesses, are told they can deduct only a smaller share of their health insurance costs.

This provision is absolutely critical to the health care concerns of farmers, ranchers and small business owners who conduct their businesses as sole proprietors. That is why I'm reintroducing legislation this year to ensure complete fairness in the Tax Code for sole proprietors who acquire health insurance coverage for themselves and their families. My bill will increase the deduction for the health insurance costs of the self-employed to 60 percent and 80 percent in 1998 and 1999, respectively. After that, Americans who work for themselves could deduct 100 percent of their insurance costs, just as large corporations do.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact.

I urge my colleagues to cosponsor this legislation. It promotes tax justice and the well-being of our independent producers and the entire country.•

By Mr. LAUTENBERG:

S. 421. A bill to amend title 35, United States Code, to establish the Patent and Trademark Office as a Government corporation, and for other purposes; to the Committee on the Judiciary.

THE PATENT AND TRADEMARK OFFICE REFORM ACT

• Mr. LAUTENBERG. Mr. President, today I reintroduce the Patent and Trademark Office Reform Act, a bill to establish the Patent and Trademark Office as a Government corporation and to provide needed reforms to its operations. The handful of changes I have made from the legislation I sponsored in the last Congress are designed to provide assurance to the Office's users that their fees will only be applied toward Patent and Trademark Office purposes and additional protections to the Office's employees.

Our country's Patent and Trademark Office is one of the finest in the world. It has been and continues to be integral to America's competitiveness and economic growth. It is no exaggeration to state that tens of millions of jobs have been created as a result of the PTO's actions. I have seen first-hand the benefits of this Office in my home State of New Jersey, which although it is the ninth most populated State in the Union, receives the third largest number of patents per capita. Despite the comparative quality of work of the current PTO, laws and regulations outside of the control of the PTO's management have prevented it from being as efficient as it should be, and as its users deserve. And unless remedied by legislation, certain circumstances that I will detail below will cause PTO's performance to decrease dramatically.

The Patent and Trademark Office is currently subject to the same procurement and personnel requirements, including personnel ceilings, as other Federal agencies. While these requirements make sense and, indeed, are essential for other Government entities, they hinder the effectiveness of the PTO and are not appropriate for a completely user fee-funded agency. By converting the PTO into a Government corporation, we would free the Office from most of these laws and regulations, but would keep its inherently governmental function within the Federal Government and its work would be continued by federal employees.

Mr. President, the new PTO will be a wholly owned Government corporation run by a commissioner and two assistants. They will report to the Secretary of Commerce on patent and trademark policy matters only. Like my bill from the last Congress, I have inserted a firewall to prevent the Commerce Department from interfering with internal management decisions of the Office, as opposed to policy decisions. My legislation establishes an Office of the Under Secretary for Intellectual Property within the Commerce Department. The Under Secretary will ensure both attention to intellectual property issues at the Cabinet level and a coordinated Government approach to these matters.

The new PTO will be able to procure equipment, supplies, even office space without the constraints of the Brooks Act, the Public Buildings Act, and the Federal Property and Administrative Services Act. These changes are in response to criticism of undue procurement delays that have resulted in lower quality products at higher costs to the Office. My legislation would also permit PTO to lease, buy, or build office space that is more practical for PTO's needs. Currently, PTO is spread throughout over a dozen buildings, which is not only inconvenient for its employees, it's inefficient.

Much of the work performed at the PTO requires specialized skills. Those skills are the main reason that the PTO's employees are so highly sought by the private sector. Limited by the general schedule and an overly structured employee classification system, the Office has been hindered in its ability to retain a large number of its workers. My legislation will enable the new PTO to provide its employees with competitive pay so that it might keep and hire top talent. The Office will no longer be subject to personnel ceilings, including those established in the Federal WorkForce Restructuring Act of 1994. There will also be a one-year carry-over of all PTO employees during the transition from the current PTO to the PTO as a Government corporation.

One of the more significant differences between the bill I am introducing today and the one I sponsored last Congress involves personnel issues. Although both bills give the new PTO the flexibility to competitively compensate its employees, S. 421 permits collective bargaining over pay and other important terms and conditions of employment. This increased employee participation will provide an essential balance to needed managerial flexibility. I have also established a floor on basic pay for current PTO employees so that they will be assured of receiving no less than they do now after PTO becomes a Government corporation.

Mr. President, this bill would give the users, who have fully funded the Office's operations since 1991, an advisory role over such matters as PTO's performance, fees, and budget. This advisory board will review and recommend changes to promote the Office's patent and trademark operations. This board will be comprised of 12 persons selected by the President and Congress who will serve for 4-year terms and who will meet at least quarterly. The Commissioner is required to consult with the board prior to changing or proposing to change fees or regulations. The board will submit an annual report containing its review of the Office to the President, the Commissioner, and Congress.

In addition to the oversight of the Office's operations provided by the advisory board, I have included safeguards to ensure the new PTO remains accountable to Congress and its users. The new Office will have its own inspector general, who will be appointed by the President, to investigate waste, fraud, and abuse. The Office's annual financial statements will be audited by either an independent CPA or the Comptroller General, and the results of such audits shall be provided to Congress. Furthermore, the new PTO is required to submit annual management reports to Congress and business-like budgets to the President. These reports and budgets must include statements on cash flows, operations, financial position, and internal accounting and administrative control systems.

Congress will continue to set the user fees for the new Office, and thus, control, to a large extent, the PTO's revenue stream. This should provide comfort to my colleagues and the PTO's users concerned that, with its newfound freedom, the Office will move into plush offices or pay its employees unwarranted sums. I realize the decision to keep the fee-setting authority with Congress is counter to most government corporations. Hopefully we can revisit this issue in a few years after we see how well the new PTO is performing.

Mr. President, there is one last difference between S. 421 and the bill I introduced 2 years ago that I would like to discuss today and that involves the patent surcharge fee. When Congress created the patent surcharge fee in the Omnibus Budget Reconciliation Act of 1990, it was done to make the Office completely user fee funded, and therefore, to reduce the budget deficit. Although the surcharge, which amounted to an almost 70 percent increase in fees, was intended to be applied only to Patent and Trademark Office uses, Congress has diverted approximately $140 million over the past 6 fiscal years for unrelated purposes. Until this year, the administration has not advocated, nor even supported, such action. In the President's proposed budget for fiscal year 1998, however, over $90 million of the patent surcharge account will be applied for deficit reduction. In following fiscal years, the administration has proposed diverting all of the patent surcharge fees through 2002.

As the ranking Democrat on the Budget Committee, I understand the strain on the administration and on this body to balance the budget. This is a goal supported by colleagues on both sides of the aisle. While I share the administration's budget priorities and commend the President for putting forth a budget that balances in 2002, I regretfully disagree with this component of his budget. Should this proposed diversion be enacted, the PTO would be prevented from hiring over 500 patent examiners this year, and patent pendency rates would double from the current 21 months to an estimated 42 months by 2003. The PTO projects that this delay will reduce PTO's revenues by over $400 million in lost issue and maintenance fees on top of the lost $570 million in surcharge fees. Not only will PTO suffer from this diversion, our economy will as well. Doubling the pendency times will slow the development of new technologies, hurt our productivity, and put us at a competitive disadvantage in the world marketplace.

Mr. President, the legislation I introduced in the last Congress would have ended the patent surcharge fee in October 1, 1998. However, I am now convinced that the PTO needs the fees it should receive from the surcharge to make necessary hires and improvements to the Office's operations. Therefore, S. 421 continues the surcharge but reclassifies it as an "offsetting collection" like all other PTO user fees rather than an "offsetting receipt." This modification to the 1990 OBRA would ensure that these fees are only applied toward PTO uses.

Mr. President, although I might disagree with the administration on the surcharge diversion issue, the President and the Vice-President, in particular, deserve commendation for their support of reinventing the Patent and Trademark Office. The Vice President has been a tireless advocate on reforming Government and making it more responsive to the public. It is my understanding that the administration will soon send its own PTO reform legislation to Capitol Hill. The legislation I am introducing today is merely the starting point for discussion and I look forward to working with the administration to advance the concepts I have described above.

I would also like to acknowledge the efforts of my colleagues and former colleagues in both Houses for their contributions on this issue. Unbeknownst to many Members, we came very close to enacting PTO government corporation legislation in the last Congress, largely due to the work of Senator HATCH and former Representatives Moorhead and Schroeder. I am pleased to note that Representative Moorhead's successor, Representative COBLE, has continued the momentum and his Judiciary subcommittee favorably reported out a patent bill last week that contained a PTO government corporation section as well as protection against patent surcharge fee diversion.

Mr. President, I hope my colleagues will support this bill, which will provide the means to improve the Patent and Trademark Office's operations and which will make the Office more accountable to its users. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Reform Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES PATENT AND TRADEMARK OFFICE

Sec. 101. Establishment of Patent and Trademark Office as a Government corporation.
Sec. 102. Powers and duties.
Sec. 103. Organization and management.
Sec. 104. Management Advisory Board.
Sec. 105. Conforming amendments.
Sec. 106. Trademark Trial and Appeal Board.
Sec. 107. Board of Patent Appeals and Interferences.
Sec. 108. Suits by and against the Office.
Sec. 109. Annual report of Commissioner.
Sec. 110. Suspension or exclusion from practice.
Sec. 111. Funding.
Sec. 112. Audits.
Sec. 113. Transfers.
Sec. 114. Nonapplicability of Federal workforce reductions.

TITLE II—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 201. Effective date.
Sec. 202. Technical and conforming amendments.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. References.
Sec. 302. Exercise of authorities.
Sec. 303. Savings provisions.
Sec. 304. Transfer of assets.
Sec. 305. Delegation and assignment.
Sec. 306. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 307. Certain vesting of functions considered transfers.
Sec. 308. Availability of existing funds.
Sec. 309. Definitions.

TITLE IV—UNDER SECRETARY FOR INTELLECTUAL PROPERTY

Sec. 401. Under Secretary for Intellectual Property.

TITLE I—UNITED STATES PATENT AND TRADEMARK OFFICE

SEC. 101. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A GOVERNMENT CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

"§1. Establishment

"(a) ESTABLISHMENT.—The United States Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, separate from any department of the United States, and shall be an agency of the United States under the policy direction of the Secretary of Commerce. For purposes of internal management, the United States Patent and Trademark Office shall be a corporate body not subject to direction or supervision by any department of the United States, except as otherwise provided in this title.

"(b) OFFICES.—The United States Patent and Trademark Office shall maintain its principal office in the metropolitan Washington, D.C. area, for the service of process and papers and for the purpose of carrying out its functions. The United States Patent and Trademark Office shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located, except where jurisdiction is otherwise provided by law. The United States Patent and Trademark Office may establish satellite offices in such other places as it considers necessary and appropriate in the conduct of its business.

"(c) REFERENCE.—For purposes of this title, the United States Patent and Trademark Office shall also be referred to as the 'Office' and the 'Patent and Trademark Office'.".

SEC. 102. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

"§2. Powers and duties

"(a) IN GENERAL.—The United States Patent and Trademark Office shall be responsible for—

"(1) the granting and issuing of patents and the registration of trademarks;

"(2) conducting studies, programs, or exchanges of items or services regarding domestic and international law of patents, trademarks, and related matters, the administration of the Office, or any other function vested in the Office by law, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

"(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

"(4) disseminating to the public information with respect to patents and trademarks.

"(b) SPECIFIC POWERS.—The Office—

"(1) shall have perpetual succession;

"(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

"(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 7;

"(4) may indemnify the Commissioner, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

"(5) may adopt, amend, and repeal bylaws, rules, regulations, and determinations, which—

"(A) shall govern the manner in which its business will be conducted and the powers granted to it by law will be exercised;

"(B) shall be made after notice and opportunity for full participation by interested public and private parties;

"(C) shall facilitate and expedite the processing of patent applications, particularly those which can be filed, stored, processed, searched, and retrieved electronically, subject to the provisions of section 122 relating to the confidential status of applications; and

"(D) may govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office;

"(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

"(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following), the Public Buildings Act (40 U.S.C. 601 and following), and the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 and following); and

"(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

"(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

"(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(10) when the Commissioner determines that it is practicable, efficient, and cost-effective to do so, may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

"(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946');

"(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, including for research and development and capital investment;

"(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents' estates;

"(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

"(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers; and

"(16) may provide for liability insurance and insurance against any loss in connection with its property, other assets, or operations either by contract or by self-insurance.

"(c) Construction.—Nothing in this section shall be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the United States Patent and Trademark Office.".

SEC. 103. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

"§ 3. Officers and employees

"(a) Commissioner.—

"(1) In general.—The management of the United States Patent and Trademark Office shall be vested in a Commissioner of the United States Patent and Trademark Office (in this title referred to as the 'Commissioner'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent or trademark law, is especially qualified to manage the Office.

"(2) Duties.—

"(A) In general.—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks, and shall perform these duties in a fair, impartial, and equitable manner.

"(B) Advising the President.—The Commissioner shall advise the President, through the Secretary of Commerce, on the operation of the Office.

"(C) Consulting with the Management Advisory Board.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

"(D) Security clearances.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

"(3) Term.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

"(4) Oath.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

"(5) Compensation.—The Commissioner shall receive compensation at the rate of pay in effect for level II of the Executive Schedule under section 5313 of title 5 and, in addition, may receive as a bonus awarded by the Secretary, an amount up to the equivalent of the annual rate of basic pay for such level II, based upon an evaluation by the Secretary of Commerce of the Commissioner's performance as defined in an annual performance agreement between the Commissioner and the Secretary. The annual performance agreement shall incorporate measurable goals as delineated in an annual performance plan agreed to by the Commissioner and the Secretary.

"(6) Removal.—The Commissioner may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

"(7) Designee of commissioner.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

"(b) Officers and Employees of the Office.—

"(1) Assistant commissioners.—The Commissioner shall appoint an Assistant Commissioner for Patents and an Assistant Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Assistant Commissioner for Patents shall be a person with demonstrated experience in patent law and the Assistant Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Assistant Commissioner for Patents and the Assistant Commissioner for Trademarks shall be the principal policy and management advisers to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

"(2) Other officers and employees.—

"(A) In general.—The Commissioner shall—

"(i) appoint such officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out the functions of the Office;

"(ii) fix the compensation of such officers and employees, except as otherwise provided in this section; and

"(iii) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

"(B) Limitations.—The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation.

"(c) Limits on Compensation.—Except as otherwise provided by law, the annual rate of basic pay of an officer or employee of the Office may not be fixed at a rate that exceeds, and total compensation payable to any such officer or employee for any year may not exceed, the annual rate of basic pay in effect for the Commissioner for that year involved. The Commissioner shall prescribe such regulations as may be necessary to carry out this subsection.

"(d) Inapplicability of Title 5 Generally.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

"(e) Continued Applicability of Certain Provision of Title 5.—

"(1) In general.—The following provisions of title 5 shall apply to the Office and its officers and employees:

"(A) Section 2302 (relating to prohibited personnel practices).

"(B) Section 3110 (relating to employment of relatives; restrictions).

"(C) Subchapter II of chapter 55 (relating to withholding pay).

"(D) Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively).

"(E) Chapter 71 (relating to labor-management relations), subject to paragraph (2) and subsection (g).

"(F) Section 3303 (relating to political recommendations).

"(G) Subchapter II of chapter 61 (relating to flexible and compressed work schedules).

"(2) Compensation subject to collective bargaining.—

"(A) In general.—Notwithstanding any other provision of law, for purposes of applying chapter 71 of title 5 pursuant to paragraph (1)(D), basic pay and other forms of compensation shall be considered to be among the matters as to which the duty to bargain in good faith extends under such chapter.

"(B) Exceptions.—The duty to bargain in good faith shall not, by reason of subparagraph (A), be considered to extend to any benefit under title 5 which is afforded by paragraph (1), (2), (3), or (4) of subsection (f).

"(C) Limitations apply.—Nothing in this subsection shall be considered to allow any limitation under subsection (c) to be exceeded.

"(f) Provisions of Title 5 That Continue to Apply, Subject to Certain Requirements.—

"(1) RETIREMENT.—(A) The provisions of subchapter III of chapter 83 and chapter 84 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

"(B)(i) The amount required of the Office under the second sentence of section 8334(a)(1) of title 5 with respect to any particular individual shall, instead of the amount which would otherwise apply, be equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

"(ii) The amount required of the Office under section 8334(k)(1)(B) of title 5 with respect to any particular individual shall be equal to an amount computed in a manner similar to that specified in clause (i), as determined in accordance with clause (iii).

"(iii) Any regulations necessary to carry out this subparagraph shall be prescribed by the Office of Personnel Management.

"(C) The United States Patent and Trademark Office may supplement the benefits provided under the preceding provisions of this paragraph.

"(2) HEALTH BENEFITS.—(A) The provisions of chapter 89 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

"(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office pursuant to subsection (h) and before separation.

"(ii) The Government contributions authorized by section 8906 of title 5 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

"(iii) For purposes of this subparagraph, the term 'annuitant' has the meaning given such term by section 8901(3) of title 5.

"(C) The Office may supplement the benefits provided under the preceding provisions of this paragraph.

"(3) LIFE INSURANCE.—(A) The provisions of chapter 87 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

"(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2) of such title, but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

"(ii) Government contributions under section 8708(d) of such title on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

"(C) The Office may supplement the benefits provided under the preceding provisions of this paragraph.

"(4) EMPLOYEES' COMPENSATION FUND.—(A) Officers and employees of the Office shall not become ineligible to participate in the program under chapter 81 of title 5, relating to compensation for work injuries, by reason of subsection (d).

"(B) The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Reform Act in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

"(g) LABOR-MANAGEMENT RELATIONS.—

"(1) LABOR RELATIONS AND EMPLOYEE RELATIONS PROGRAMS.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity, efficiency, and the quality of working life of Office employees, incorporating the following principles:

"(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

"(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2108, 3308 through 3318, and 3320 of title 5.

"(C)(i) The right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

"(ii) No person shall be required, as a condition of employment or continuation of employment—

"(I) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

"(II) to become or remain a member of a labor organization;

"(III) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

"(IV) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or

"(V) to be recommended, approved, referred, or cleared by or through a labor organization.

"(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a 'supervisor', 'management official', or 'confidential employee' as those terms are defined in section 7103(a) (10), (11), and (13) of such title.

"(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

"(2) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Reform Act, with respect to such Office (as then in effect).

"(h) CARRYOVER OF PERSONNEL.—

"(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Reform Act, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office established under this Act or may be reassigned to the Office of the Under Secretary for Intellectual Property, without a break in service.

"(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Reform Act, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

"(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

"(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

"(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

"(3) NONSEPARATION.—No person who becomes an officer or employee of the Office under this subsection shall, for a period of 1 year after the effective date of the Patent and Trademark Office Reform Act, be subject to separation as a consequence of the establishment of the Office.

"(4) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by those becoming officers or employees of the Office pursuant to this subsection, are obligations of the Office.

"(5) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Reform Act shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the board under such procedures as it may prescribe.

"(6) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Reform Act may serve as the Assistant Commissioner for Patents until the date on which an Assistant Commissioner for Patents is appointed under subsection (b).

"(B) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Reform Act may serve as the Assistant Commissioner for Trademarks until the date on which an Assistant Commissioner for Trademarks is appointed under subsection (b).

"(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Reform Act, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

"(j) SAVINGS PROVISIONS.—

"(1) IN GENERAL.—Compensation, benefits, and other terms and conditions of employment in effect immediately before the effective date of the Patent and Trademark Office Reform Act, whether provided by statute or by rules and regulations of the former Patent and Trademark Office or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Office, until changed in accordance with this section (whether by action of the Director or otherwise).

"(2) PROVISIONS SPECIFIC TO BASIC PAY.—(A) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the rate of basic pay for such officer or employee may not, on or after the effective date of the Patent and Trademark Office Reform Act, be less than the rate in effect immediately before such effective date, except—

"(i) pursuant to a collective-bargaining agreement entered into under this section; or

"(ii) for inefficiency, neglect of duty, or misconduct, on the part of such individual.

"(B) For purposes of this paragraph, the term 'basic pay' includes any amount considered to be part of basic pay for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

"(k) REMOVAL OF QUASI-JUDICIAL EXAMINERS.—The Office may remove a patent examiner or examiner-in-chief, or a trademark examiner or member of a Trademark Trial and Appeal Board, only for such cause as will promote the efficiency of the Office.".

SEC. 104. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

"§ 5. Patent and Trademark Office Management Advisory Board

"(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

"(1) APPOINTMENT.—The United States Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the 'Board') of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives, and 4 of whom shall be appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

"(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

"(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 4 years.

"(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Reform Act, and vacancies shall be filled within 3 months after they occur.

"(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor is appointed.

"(6) COMMITTEES.—The Chair shall designate members of the Board to serve on a committee on patent operations and on a committee on trademark operations to perform the duties set forth in subsection (e) as they relate specifically to the Office's patent operations, and the Office's trademark operations, respectively.

"(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the United States Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

"(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

"(d) MEETINGS.—The Board shall meet at least quarterly and at any time at the call of the chair to consider an agenda set by the chair.

"(e) DUTIES.—The Board shall—

"(1) review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office, and advise the Commissioner on these matters; and

"(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President, the Commissioner, and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

"(f) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(g) ACCESS TO ASSISTANCE AND INFORMATION.—

"(1) ASSISTANCE.—The Office shall provide at the request of the Board such assistance as is necessary for the Board to perform its functions.

"(2) INFORMATION.—Members of the Board shall be provided access to records and information in the United States Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122.".

SEC. 105. CONFORMING AMENDMENTS.

(a) DUTIES.—Chapter 1 of title 35, United States Code, is amended by striking section 6.

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, and the item relating to such section in the table of sections for chapter 3 of title 35, United States Code, are repealed.

SEC. 106. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.".

SEC. 107. BOARD OF PATENT APPEALS AND INTERFERENCES.

Chapter 1 of title 35, United States Code, is amended by striking section 7 and inserting after section 5 the following:

"§ 6. Board of Patent Appeals and Interferences

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the United States Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a). Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 108. SUITS BY AND AGAINST THE OFFICE.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 6 the following new section:

"§ 7. Suits by and against the Office

"(a) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the United States Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

"(b) REPRESENTATION BY THE DEPARTMENT OF JUSTICE.—The United States Patent and Trademark Office shall be deemed an agency of the United States for purposes of section 516 of title 28.

"(c) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.".

SEC. 109. ANNUAL REPORT OF COMMISSIONER.

Section 14 of title 35, United States Code, is amended to read as follows:

"§ 14. Annual report to Congress

"Not later than 180 days after the end of each fiscal year, the Commissioner shall report to Congress the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the United States Patent and Trademark Office under section 9106 of title 31, and the Commissioner shall not file a separate report under such section.".

SEC. 110. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the United States Patent and Trademark Office to conduct the hearing required by this section.".

SEC. 111. FUNDING.

(a) IN GENERAL.—Chapter 4 of title 35, United States Code, is amended by striking section 42 and inserting the following:

"§ 42. Patent and Trademark Office funding

"(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the United States Patent and Trademark Office shall be payable to the Office.

"(b) USE OF MONEYS.—Moneys from fees shall be available to the United States Patent and Trademark Office to carry out the functions of the Office. Moneys of the Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Office under this title shall be used for the processing of patent applications and for other services and materials relating to patents. Fees available to the Office under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1113), shall be used only for the processing of trademark registrations and for other services and materials relating to trademarks.

"(c) BORROWING AUTHORITY.—The United States Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (hereafter in this subsection referred to as 'obligations') to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriations Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any borrowing under this subsection shall be repaid only from fees paid to the Office. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the United States Patent and Trademark Office shall be treated as public debt transactions of the United States.

"(d) REFUND.—The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.".

(b) EXTENSION OF SURCHARGES ON PATENT FEES.—

(1) IN GENERAL.—Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended by striking subsections (a) through (c) and inserting the following:

"(a) SURCHARGES.—There shall be a surcharge on all fees authorized by subsections (a) and (b) of section 41 of title 35, United States Code, in order to ensure that the amounts specified in subsection (c) are collected.

"(b) USE OF SURCHARGES.—Notwithstanding section 3302 of title 31, United States Code, all surcharges collected by the United States Patent and Trademark Office—

"(1) shall be credited to a separate account established in the Treasury and ascribed to the United States Patent and Trademark Office activities in the Department of Commerce as offsetting collections;

"(2) shall be collected by and made available to the United States Patent and Trademark Office for all authorized activities and operations of the Office, including all direct and indirect costs of services provided by the Office; and

"(3) shall remain available until expended.

"(c) ESTABLISHMENT OF SURCHARGES.—The Commissioner of the United States Patent and Trademark Office shall establish surcharges under subsection (a), subject to the provisions of section 553 of title 5, United States Code, in order to ensure that $119,000,000, but not more than $119,000,000, are collected in fiscal year 1999 and each fiscal year thereafter.

"(d) APPROPRIATIONS ACT REQUIRED.—Notwithstanding subsections (a) through (c), no fee established by subsection (a) shall be collected nor shall be available for spending without prior authorization in appropriations Acts.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

SEC. 112. AUDITS.

Chapter 4 of title 35, United States Code, is amended by adding at the end the following new section:

"§ 43. Audits

"(a) IN GENERAL.—Financial statements of the United States Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the United States Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

"(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

"(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

"(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.".

SEC. 113. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except to the extent that such functions, powers, and duties relate to the direction of patent or trademark policy, there are transferred to, and vested in, the United States Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this Act, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the United States Patent and Trademark Office, on the effective date of this Act, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable, which are related to functions, powers, and duties which are vested in the United States Patent and Trademark Office by this Act.

SEC. 114. NONAPPLICABILITY OF FEDERAL WORKFORCE REDUCTIONS.

No full-time equivalent position in the United States Patent and Trademark Office shall be eliminated to meet the requirements of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note).

TITLE II—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 201. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 4 months after the date of the enactment of this Act.

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—

(1) The item relating to part I in the table of parts for chapter 35, United States Code, is amended to read as follows:

"I. United States Patent and Trademark Office .... 1".

(2) The heading for part I of title 35, United States Code, is amended to read as follows:

"PART I—UNITED STATES PATENT AND TRADEMARK OFFICE".

(3) The table of chapters for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

"1. Establishment, Officers and Employees, Functions .... 1".

(4) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

"Sec.

"1. Establishment.
"2. Powers and duties.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Patent and Trademark Office Management Advisory Board.
"6. Board of Patent Appeals and Interferences.
"7. Suits by and against the Office.
"8. Library.
"9. Classification of patents.
"10. Certified copies of records.
"11. Publications.
"12. Exchange of copies of patents with foreign countries.
"13. Copies of patents for public libraries.
"14. Annual report to Congress.".

(5) The table of sections for chapter 4 of title 35, United States Code, is amended by adding after the item relating to section 42 the following:

"43. Audits.".

(6) Section 41(a)(8)(A) of title 35, United States Code, is amended by striking "On" and inserting "on".

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the United States Patent and Trademark Office.".

(2) Section 500(e) of title 5, United States Code, is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking "Patent and Trademark Office, Department of Commerce" and inserting "United States Patent and Trademark Office".

(4) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Intellectual Property, Department of Commerce.".

(5) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Inspector General, United States Patent and Trademark Office.".

(6) Section 5316 of title 5, United States Code (5 U.S.C. 5316) is amended by striking "Commissioner of Patents, Department of Commerce.", "Deputy Commissioner of Patents and Trademarks.", "Assistant Commissioner for Patents.", and "Assistant Commissioner for Trademarks.".

(7) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)) is amended to read as follows:

"(B) the Commissioner of the United States Patent and Trademark Office; and".

(8) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking "(d) Patent and Trademark Office;" and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(9) Section 1127 of title 15, United States Code, is amended by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(10) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r) is amended—

(A) by striking "Patent and Trademark Office of the United States" and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(11) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary for Intellectual Property".

(12) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)) is amended by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary for Intellectual Property".

(13) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(14) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking "Patent and Trademark Office of the Department of Commerce" and inserting "United States Patent and Trademark Office".

(15) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(16) Section 2151t–1(b)(1) of title 22, United States Code, is amended by striking "Patent and Trademark Office" and inserting "Under Secretary for Intellectual Property".

(17) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking "United States Patent Office" and inserting "United States Patent and Trademark Office".

(18) Section 1744 of title 28, United States Code is amended—

(A) by striking "Patent Office" each place it appears in the text and section heading and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(19) Section 1295(a)(4) of title 28, United States Code, is amended—

(A) in subparagraph (A) by inserting "United States" before "Patent and Trademark"; and

(B) in subparagraph (B) by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(20) Section 1745 of title 28, United States Code, is amended by striking "United States Patent Office" and inserting "United States Patent and Trademark Office".

(21) Section 1928 of title 28, United States Code, is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(22) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181) is amended in subsections c. and d. by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(23) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended by striking "Commissioner of Patents and Trademarks" each place it appears and inserting "Commissioner of the United States Patent and Trademark Office".

(24) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking "United States Patent Office" and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(25) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(26) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Commissioner of the United States Patent and Trademark Office".

(27) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(28) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(29) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(30) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(31) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(32) Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1)—

(i) by striking "and" before "the chief executive officer of the Resolution Trust Corporation;";

(ii) by striking "and" before "the Chairperson of the Federal Deposit Insurance Corporation;";

(iii) by striking "or" before "the Commissioner of Social Security,"; and

(iv) by inserting "or the Commissioner of the United States Patent and Trademark Office;" after "Social Security Administration;"; and

(B) in paragraph (2)—

(i) by striking "or" before "the Veterans' Administration,"; and

(ii) by striking "or the Social Security Administration" and inserting "the Social Security Administration, or the United States Patent and Trademark Office".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this Act—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 302. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this Act may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

SEC. 303. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this Act, or any other Government official, or by

a court of competent jurisdiction, in the performance of any function that is transferred by this Act, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the effective date of this Act before an office transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this Act, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this Act.

SEC. 304. TRANSFER OF ASSETS.

Except as otherwise provided in this Act, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this Act shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 305. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this Act, an official to whom functions are transferred under this Act (including the head of any office to which functions are transferred under this Act) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this Act shall relieve the official to whom a function is transferred under this Act of responsibility for the administration of the function.

SEC. 306. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under this Act.

(b) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

SEC. 307. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this Act, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 308. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this Act shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 309. DEFINITIONS.

For purposes of this Act—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term "office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

TITLE IV—UNDER SECRETARY FOR INTELLECTUAL PROPERTY

SEC. 401. UNDER SECRETARY FOR INTELLECTUAL PROPERTY.

(a) APPOINTMENT.—There is established in the Department of Commerce, an Under Secretary for Intellectual Property, who shall be appointed by the President by and with the advice and consent of the Senate. Pending appointment of the Under Secretary by and with the advice and consent of the Senate, the individual serving as Commissioner of Patents and Trademarks prior to the enactment of the Act shall perform the functions of the Under Secretary.

(b) FUNCTIONS.—The Under Secretary for Intellectual Property, under the direction of the Secretary of Commerce, shall—

(1) advise the President, through the Secretary of Commerce, on national and international intellectual property policy issues;

(2) advise the Secretary of Commerce on international trade issues concerning intellectual property;

(3) promote in international trade the United States industries that rely on intellectual property;

(4) advise Federal agencies on ways to improve intellectual property protection in other countries through economic assistance and international trade;

(5) review and coordinate all proposals by agencies to assist foreign governments and international intergovernmental agencies in improving intellectual property protection;

(6) carry on studies related to the effectiveness of intellectual property protection throughout the world; and

(7) in coordination with the Department of State, carry on studies cooperatively with foreign intellectual property offices and international organizations.

(c) CONSULTATION.—In connection with the performance of this section, the Under Secretary for Intellectual Property shall, in advance of major policy initiatives, consult with the Commissioner of the United States Patent and Trademark Office and the Register of Copyrights.●

By Mr. DOMENICI (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 422. A bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this act; to the Committee on Labor and Human Resources.

THE GENETIC CONFIDENTIALITY AND NONDISCRIMINATION ACT OF 1997

Mr. DOMENICI. Mr. President, fellow Senators, I rise today to introduce a measure, the title of which will be the Genetic Confidentiality and Nondiscrimination Act of 1997.

Let me just suggest, during the last 2 weeks at every turn we have seen and heard reports of the latest achievements in the advancement of genetic technologies. Man has been controlling the genetics of domestic animals and plants for many thousands of years, but the latest announcements about the cloning of sheep and monkeys have been particularly dramatic. Most of the drama arises from the media speculation that follows about the possibility of cloning human beings.

Such an event is widely viewed as next to impossible because the scientific community and officers of Federal funding and oversight vigorously reject the concept of creating genetic copies of human beings. But what these new events do bring home to us, and what is of significance to us, is that genetics is important in our daily lives now.

Let me suggest that the time has come to protect information about human genetics that has been obtained by researchers or otherwise from individual human beings, individual citizens of this country.

I have a rather detailed bill, in which Senator DODD is joining me, as is Senator JEFFORDS, the chairman of the Labor, Health and Human Resources Committee. This will actually say that what we are going to have to get is the consent of the person whose genetic information we intend to use in almost any way. We know that genetic information is just as significant as fingerprints of the past in terms of identifying people.

Much can be determined about a person's life, about a person's future, from genetic information. Now is the time to have a serious debate in the U.S. Congress about how that information should be protected. The bill which I introduce will begin that dialogue in the appropriate committee.

I send to the desk the bill. For those who have been giving us constructive information about it, this is the very last draft after many people in industry, in the biotechnology community, and in the community of genetics have given us information. I have a side by side on this bill and a detailed statement explaining it. I send them all to the desk and ask that the bill be referred to the appropriate committee.

Now I yield to my good friend, Senator DODD, from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. Let me begin my brief remarks by commending our colleague from New Mexico for, once again, taking leadership on a significant health issue. I have had the privilege, Mr. President, of working with my colleague from New Mexico, Senator DOMENICI, on numerous issues, most recently things like frivolous lawsuits and mental health. I am delighted to join him as a principal cosponsor of this proposal of the Genetic Confidentiality and Nondiscrimination Act of 1997.

Mr. President, this legislation is critically important. It deals with basic concerns that people have today. It is of critical importance to our country, important to individuals and to researchers. We are not claiming here this is perfect, but the kind of work that Senator DOMENICI has done already, in communication with those who would be most directly interested in the legislation, I think has taken us a long way.

We are fortunate, Mr. President, to live in an extraordinary—an extraordinary—crossroads in the history of our Nation and, indeed, of our species. I can only compare it, Mr. President, to the dawn of the nuclear age. Then, by the elemental act of splitting an atom, we became able to generate seemingly unlimited energy but, also, as we all know, the ability to destroy all forms of human life.

Today, Mr. President, we stand at the dawn of the genetic age and once again confront heretofore unknown power over our destiny on this small planet. The recent reports of the cloning of mammals places this power in sharp relief. Within a few short years, Mr. President, the human genome project will decipher the entire human genetic code. The entire genetic human code will be deciphered in our lifetime, providing a blueprint of a human being's most personal and potent information.

This blueprint, Mr. President, will hopefully allow us to understand and remedy illnesses in all its forms. We are already reaping some of the benefits of this newfound knowledge of our genetic makeup. Genetic testing, as many are already aware, is available for several serious diseases and illnesses, including breast cancer and colon cancer. Armed with this genetic information, individuals can take additional steps to safeguard their health. For instance, more frequent screenings and checkups.

However, Mr. President, it will allow the exploitation of the human frailty to which one might be genetically predisposed, and concerns have been raised about the privacy of this information. Many Americans are concerned that dissemination of this information could lead to job discrimination and difficulty in getting or maintaining health insurance or life insurance. These are important issues.

Clearly, in this area of increasing medical technology, we must be able to ensure a balance between scientific advancement and the privacy rights of individuals. This bill that my colleague from New Mexico has offered begins that critical process. It requires strict informed consent procedures while allowing genetic scientific research to continue. Specifically, this legislation provides protections against unwarranted disclosure of genetic information to employers and insurance companies.

Mr. President, I am cosponsoring this legislation because I believe it is important that we address these issues today rather than wait. I know some have voiced concerns about this legislation. We hear them. We recognize this is a complex area of law with many important interests at stake. In fact, Mr. President, we will be having a hearing in the Labor Committee this week on the issue of cloning, to which our colleague from New Mexico will be testifying—not specifically about this bill, but I suspect this bill may be the subject of some dialog in that hearing.

So we are already beginning to look to try and raise the questions that people, I think, would want us to address, protecting people's privacy rights, so that that information that we are able to glean will not be misused. I think this is an important step in that effort. I commend my colleague from New Mexico. I am delighted to cosponsor his bill.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I did not, in my statement, mean to tie cloning into this bill. It is just that all of that is part of this explosion of the science of genetics and its application for various aspects of both human and animal life in America and in the world.

Let me suggest that if we are going to continue research, we have this major American project called the Genome Project wherein all of the chromosomes of the human being are going to be mapped, all 23 pairs of them. We will know where most of the diseases are located within the chromosome system of the human being. Our scientists can then take this information and begin the long journey toward curing most of humankind's serious diseases over time.

While all that is going on, the one thing we do not need, we do not need an abuse of the information by either researchers, scientists, insurance companies or the like, such that it would excite the American people to turn against such research. One thing we ought to do in that regard is pass some kind of protection for genetic information. That is what this bill attempts to do.

Obviously, there is a whole field of ethics that must be really put together and nourished across the land regarding this, or we will cause breakouts to occur in terms of abuse of genetic information, all of which could be very harmful to the greatest wellness effort in humankind, in human history. That is, finding out the basic genetic structure of the human being.

Mr. President, during the past 2 weeks, at every turn, we have been seen and heard reports of the latest achievement in the advance of genetic technologies. Man has been controlling the genetics of domestic animals and plants for many thousands of years, but the latest announcements about cloning sheep and monkeys have been particularly dramatic. And most of the drama arises from the media speculation that follows about the possibility of cloning humans. Such an event is widely viewed as next to impossible because the scientific community and offices of Federal funding and oversight vigorously reject the concept of creating genetic copies of human beings. But what these new events do bring home to us is the grave significance of genetics in our daily lives.

I rise today to revisit a timely and momentous issue in the discovery and elucidation of human genetic information—the issue of genetic confidentiality and nondiscrimination.

The human genome project is rapidly proceeding toward its goal of deciphering the human genetic code. Current projections tell us that the goal of reading the entire genetic script of 3 billion nucleotides and some 100,000 genes of the human genome will be reached by the year 2005, which will be several years earlier than was initially projected when the project was undertaken in 1990.

When the project is complete, we will have knowledge of man's complete genetic blueprint—a blueprint that is the most personal and most private information that any human being can have.

We will have a wealth of knowledge of how our countless individual traits are determined. And perhaps more important, we will have fundamental knowledge about the 3,000 or more genes that can cause sickness and sometimes even death. And we will have realized one of mankind's greatest scientific achievements.

At the time the human genome project was first brought to my attention 11 years ago, I realized that deciphering our genetic code would have immense implications for our medical welfare. But equally important, if not more so, were the implications of genetic information with respect to ethics and the law. This is why I insisted that the budget for the human genome project include funds specifically allocated for addressing the ethical, legal, and social implications of our new genetic technologies.

Now that we have the know-how to generate genetic information on individuals and their families, we find ourselves asking some very basic questions about who has a right to control access to personal genetic information. Should our personal physicians know this information? Our families and friends? Our insurers and employers? As we begin to consider these questions, we find that they are deeply troublesome issues that reach into the lives of many Americans.

Today I place before you a bill that addresses the broad issues of genetic confidentiality and nondiscrimination. This legislation will affirm the right of the individual to have some control over his or her most personal information. To be sure, much of our genetic information is similar—even identical—among all human beings. This is what makes us all members of the family of man. But much of our genetic information is also unique—it is the information that makes each human distinct from all others. And it is information that can be deciphered from cells in a drop of blood or cells that are stored in a laboratory after we have medical tests.

Our personal and unique genetic information is the essence of our individuality. And today we seek to protect this information from public scrutiny or disclosure without the express consent of the individual who is the source of the information.

So, today, I, and my colleagues, Senator JEFFORDS and Senator DODD introduce the Genetic Confidentiality and Nondiscrimination Act of 1997. This legislation is designed to reinforce the statutes that some 19 state legislatures have enacted. This legislation echoes the concerns of many of my colleagues in this Chamber as we all seek to come to grips with this pressing and ubiquitous issue. I hope that this bill will invite exhaustive debate and legislative review, so that we will achieve a firm national standard for individual privacy with respect to genetic information.

The bill that I introduce today focuses on two areas of serious concern.

The first issue is the relationship between the interests of genetics research and the individuals who selflessly participate as subjects in hundreds of genetics research projects. The past year, 1996, witnessed the 50th anniversary of the birth of the Nuremberg Code and the public acknowledgement of the doctrine of informed consent for participation in research. Over this half century, we have repeatedly affirmed the right of the individual to be fully informed about any research project that he or she is asked to participate in and to give voluntary consent to participation.

In this present bill we will extend the concept of informed consent to give each individual the right to control the deciphering of his or her most personal information and the disclosure of that information to other persons. And we will create a partnership between researchers and the people—the subjects—who are the foundation of research in genetics.

We might consider a recent example of genetic testing that was carried out on a collection of samples that had been retained for some years in a genetics laboratory. These samples had been gathered for the purpose of detecting carriers of a recessive gene for Tay Sachs disease, a disease that invariably causes the death of infants who get a double dose of the gene, one from each parent. The more recent question concerned the frequency of one of the breast cancer genes in that population. So samples that were originally collected for one purpose were later used for another purpose, without the permission of the people who had donated the samples and without the possibility of getting any new information back to the people who had donated the samples.

Both protection and partnership are critical as we continue to define our genetic legacies, particularly because genetics has implications in many facets of our everyday lives, including medicine, employment, insurance, education, forensics, finance, and even our own self-perceptions.

The second issue addressed in this legislation is the relationship between individuals, on the one hand, and employers and health insurers, on the other. This legislation will very simply preclude employers or health insurers from requesting or requiring genotype information as a condition of employment or health insurance.

Many people in our society have already been discriminated against because other people had access to information about their genes. We want to avoid any more situations in which healthy people are denied employment or insurance when they disclose information about their genes. Consider, for example, the man who acknowledged that he had genes for hemochromatosis. This is a disease that can be devastating if untreated, but it can be successfully treated. This man was successfully treated and was completely healthy, but he was denied insurance simply because of his genes, and this should not happen.

We do, however, carve out one exception to the general rule, for protecting employees and coworkers from hazardous conditions or situations in the workplace. For example, an employer may have a valid reason to know whether an employee has a genetic susceptibility to a certain chemical that is a part of the work environment. So the exception allows a request for genetic information if it is a matter of immediate business necessity.

I would like to be very clear that this legislation does not make it illegal to collect, or store, or analyze, or even disclose, an individual's genetic information. It simply gives the individual control over this process through a rigorous procedure for written, informed consent. The only exceptions for individual control are questions of compulsory process, such as criminal investigations, or court-ordered analyses.

Specifically, the purposes of this legislation are:

First, to define the circumstances under which DNA samples and genetic information may be collected, stored, analyzed, and disclosed; second, to define the rights of individuals with respect to genetic information; third, to define the responsibilities of third parties with respect to genetic information; fourth, to protect individuals and families from genetic discrimination; and fifth, to establish uniform rules that protect individual genetic privacy.

The need for this legislation is clear and pressing. I look forward to working with my colleagues in the Senate and in the House to bring this issue to a satisfactory resolution for the American people. The Human Genome Project holds the greatest promise of benefits for mankind, but these benefits will elude us if people are afraid of the consequences of deciphering their own genetic formulas.

I forward a summary of this bill to the desk and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

By Mr. ROBB (for himself and Mr. WARNER):

S. 423. A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Energy and Natural Resources.

THE GEORGE MASON MEMORIAL ESTABLISHMENT ACT OF 1997

• Mr. ROBB. Mr. President, I introduce a bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor a distinguished Virginian, George Mason.

In 1776, George Mason wrote the Virginia Declaration of Rights, the first document in America calling for freedom of the press, freedom of religion, proscription of unreasonable searches, and the right to a speedy trial. The Virginia Declaration of Rights not only served as a model for our national Bill of Rights; but historians believe that Mason's refusal to sign the Constitution for its failure, initially, to include a declaration of rights was a major impetus for eventual adoption of the first 10 amendments to the Constitution.

George Mason sacrificed friendships by insisting that a strong national government could not be purchased at the cost of individual rights, and Mason inevitably chose his family over politics. He retired from public office following the Constitutional Convention and died just a few years later in 1792. His contemporaries, Thomas Jefferson and James Madison, lived decades longer and were elected Presidents of the United States, and thus Mason's contributions were soon overshadowed.

Efforts were combined during the 101st Congress to at last honor America's "Forgotten Founder." Legislation authorizing a private, nonprofit organization to establish a memorial to George Mason on Federal land in the District of Columbia passed and was signed by then-President George Bush. In the 102d Congress, a resolution concurred that George Mason was an individual "of preeminent historical significance to the nation," and authorized the placement of the memorial within select area I lands, in sight of the memorials of two of Mason's closest friends: George Washington and Thomas Jefferson. The legislation was signed into law on April 28, 1992, and approved by the National Capital Memorial Committee in December 1993.

To pay homage to a man whose ideas played a prominent role in the founding of the American Republic, a fitting memorial has been designed for this supreme site, located between Ohio Drive and the 14th Street Bridge, overlooking the Tidal Basin. The memorial designs have been completed and submitted for review to all necessary advisory and review boards and by agreement, the United States Park Service is to maintain the memorial once completed. In accordance with the Commemorative Works Act of 1986, $1 million must be raised in non-Federal funds to construct this gift to Washington and all Americans and ground-breaking is ordered to occur no later than August 1997. The Board of Regents of Gunston Hall Plantation, a historical organization that oversees Mason's family home in Fairfax County, is dedicated to raising the necessary funds for the monument and seeing this important project through to its completion, however, the August 1997 deadline is rapidly approaching. At this time, it seems that the fundraising effort will not be completed and that's why today I introduce the necessary legislation granting an extension until August 2000.

The Commemorative Works Act, passed into law to prevent overcrowding on the Mall, requires two separate acts of Congress before a memorial may be placed in area I lands, and both of these hurdles have been cleared. The final battle is a fundraising one and the Board of Regents of Gunston Hall has a plan of attack. Last year, they launched Liberty 2000, a campaign to share George Mason's legacy of liberty. The Board of Regents hope to build an endowment fund to ensure a secure future for Gunston Hall and attain the necessary non-Federal funds to break ground and complete their efforts to bring George Mason's legacy to the Mall. I ask that you join me in swiftly supporting this 3-year extension so we may properly commemorate this great statesman and Virginian, George Mason.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to adjust the Federal medical assistance percentage determined for Alaska under the Medicaid Program to reflect Alaska's cost of living; to the Committee on Finance.

THE ALASKA MEDICAID EQUITY ACT OF 1997

• Mr. MURKOWSKI. Mr. President, I, along with my distinguished colleague, Senator STEVENS, introduce legislation that will more accurately reflect the appropriate Federal/State funding formula for Alaska's Medicaid Program.

One-sixth of Alaska's population is eligible to receive Medicaid, and the population is growing. These Medicaid recipients are the needy children, pregnant women, disabled, and elderly poor of Alaska.

Ever since the Medicaid Program was established in 1965, the Federal/State funding formula has failed to recognize the extraordinarily high cost of living that all Alaskans face. Under current law, the funding formula that is used to determine the Federal matching payment is based on a comparison between average per capita income in the United States and each individual State's per capita income.

Under the current formula, the minimum Federal Medicaid match is 50 percent. The highest Federal match is 77.2 percent and is provided to the State with the lowest per capita income—Mississippi. By contrast, Alaska has a 50/50 Federal/State match based on the fact that it has the seventh highest per capita income in the United States, $17,961 based on 1993 data.

However, many Federal programs recognize that per capita income, by itself, is not a fair measure of wealth. For example, a special Federal Government cost-of-living adjustment is provided to Federal employees in Alaska to reflect our cost differential. Other Federal formulas, such as the formula for the Federal School Lunch Program, Food Stamp Program, and certain housing programs each recognize and take into consideration Alaska's high cost of living.

Mr. President, I recognize that Alaska's $17,961 per capita income suggests it is one of the wealthier States. However, when the 25 percent higher cost of living is factored in, the State looks far less wealthy. In fact, when Alaska's high cost of living is factored into the equation, it would appear that an Alaskan with an income of $17,961 lives at the same economic level as a person in Iowa with a per capita income of $14,399. Yet Iowa enjoys a 62/38 Federal/State Medicaid match.

Why is Alaska's cost of living higher than the lower 48 States? The answer is primarily because of the high cost of shipping goods to Alaska. Almost everything of substantial size or volume comes to Alaska by water, and despite healthy competition among carriers, prices remain high due to the distance traveled and the fact that Alaska remains an importer of goods, not an exporter. That means most vessels are unable to carry a backhaul cargo that would lower the overall cost of the round trip. Moreover, because of an undeveloped road structure, most food transported to remote villages in Alaska rely exclusively on air freight.

What this high shipping cost means is that it costs a family of four in Bethel, Alaska's largest rural community, nearly $30 more each week to feed their family, compared to the average family in the United States. And, it is these rural Alaska areas that have the highest number of Medicaid recipients.

The present Medicaid formula is fundamentally unfair because it doesn't reflect these facts. What it means is that more people in Alaska are eligible for Medicaid, but the Federal match isn't adjusted accordingly. Basically, the current Federal formula gives us more Medicaid users and provides less money to pay for their services. to exacerbate this inequity—health care costs in Alaska are estimated to be 71 percent higher than the national average.

The legislation we are introducing today, The Alaska Medicaid Equity Act, finally resolves this inequity. It adjusts the Medicaid formula for Alaska to factor in the State's high cost of living. Passage of this legislation would result in an estimated savings of $40 to $50 million for the State of Alaska Legislature.

This adjustment was included in legislation that was reported from the Senate Finance Committee as part of the reconciliation bill that was adopted in 1995. However, that omnibus bill was ultimately vetoed for unrelated reasons.

Mr. President, we in Alaska have endured this historic inequity for nearly a third of a century. I hope my colleagues will agree, the time to right this wrong is this year.●

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 425. A bill to provide for an accurate determination of the cost of living; to the Committee on Finance.

COST-OF-LIVING BOARD ACT OF 1997

Mr. ROTH. Mr. President, today my good friend, Senator MOYNIHAN, and I are introducing a landmark piece of legislation to create a cost-of-living board that will improve our Government's ability to index Federal programs with a more accurate measurement of inflation. Clearly, there are a number of ways to address the accurate measure of inflation with regard to our indexed Federal tax and benefit programs. In my view, this bill represents one possible way to achieve greater accuracy. It is not the only way, but I believe it is our best effort to create a mechanism to fairly compensate taxpayers and benefit recipients alike.

One of the most significant issues that faces Congress this year is the accuracy of the Consumer Price Index, and I believe that Congress and the President need to seriously address the economic ramifications of an inaccurate measure of the cost of living. The five-member board created in our bill will meet throughout the year to, first, review the statistical evidence about inflation produced by the Bureau of Labor Statistics and others, and after careful review of all the evidence regarding inflation, the board will then produce a cost-of-living adjustment by a majority vote of the members of the commission not later than November 1 of each year.

This inflation adjustment number will serve as a number for which all Federal benefit programs and tax items will be indexed for the coming year without further action by the Congress or the President. If, however, the cost-of-living board fails by a majority vote to produce a cost-of-living adjustment, then current law applies. That is to say, that the BLS-produced CPI will be used to index tax and benefit programs.

Let me be clear. This cost-of-living board will not—and I emphasize not—study the accuracy of the Consumer Price Index. We have already had the Boskin commission which did just that. The report was widely praised within the Economic Community, including many highly respected economists, such as Dr. Alan Greenspan and Dr. Martin Feldstein.

One of the roles in Government is to protect American families from inflation. In doing so, it is important that we are able to measure inflation as precisely as possible, and I view this board as our best hope of accurately measuring inflation.

I cannot emphasize too greatly the importance of an accurate measurement of inflation. If the index is too high, it overcompensates retirees and others and undertaxes many taxpayers. If it is too low, it undercompensates retirees and overtaxes the taxpayer. What we want is fairness to all with as accurate an index as possible.

I want to stress that any action we take on this issue must be broadly and deeply bipartisan. We must have the full cooperation and leadership by President Clinton. I hope the President will not miss an opportunity to consider this board as one possible option that will "take the politics out of it" and fulfill his goals set out in his State of the Union Address to "do the right thing for the country." Clearly, this reform will not be successful without the President's leadership.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cost-of-Living Board Act of 1997".

SEC. 2. COST-OF-LIVING ADJUSTMENTS.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PART D—COST-OF-LIVING ADJUSTMENTS

"DETERMINATION OF INFLATION ADJUSTMENT

"SEC. 1180. (a) IN GENERAL.—The Cost-of-Living Board established under section 1181 shall each calendar year after 1996 attempt to determine a single percentage increase or decrease in the cost-of-living which shall apply to any cost-of-living adjustment taking effect during the next calendar year.

"(b) ADOPTION OR REJECTION OF PERCENTAGE.—

"(1) ADOPTION.—

"(A) IN GENERAL.—If the Cost-of-Living Board adopts by majority vote a single percentage increase or decrease under subsection (a), then, notwithstanding any other provision of law, any cost-of-living adjustment to take effect during the following calendar year shall be made by using such percentage and not by using the change in the Consumer Price Index (or any component thereof).

"(B) APPROPRIATE MODIFICATIONS.—The Cost-of-Living Board shall make appropriate modifications to the single percentage applied to any cost-of-living adjustment if—

"(i) the period during which the change in the cost-of-living is measured for such adjustment is different than the period used by the Cost-of-Living Board; or

"(ii) the adjustment is based on a component of an index rather than the entire index.

"(2) REJECTION.—If the Cost-of-Living Board fails by majority vote to adopt a single percentage increase or decrease under subsection (a) for any calendar year, then any cost-of-living adjustment to take effect during the following calendar year shall be determined without regard to this part.

"(c) REPORT.—Not later than November 1 of each year, the Cost-of-Living Board shall submit a report to the President and Congress containing a detailed statement with respect to—

"(1) the percentage (if any) agreed to by the Board under subsection (a); and

"(2) the decision of the Board on whether or not to adopt such a percentage.

"(d) JUDICIAL REVIEW.—Any determination by the Cost-of Living Board under subsection (a) or (b)(1)(B) shall not be subject to judicial review.

"(e) DEFINITION OF COST-OF-LIVING ADJUSTMENT.—In this part, the term 'cost-of-living adjustment' means any adjustment under any of the following which is determined by reference to any Consumer Price Index (or any component thereof):

"(1) The Internal Revenue Code of 1986.

"(2) Titles II, XVI, XVIII, and XIX of this Act.

"(3) Any other Federal program.

"COST-OF-LIVING BOARD

"SEC. 1181. (a) ESTABLISHMENT OF BOARD.—

"(1) ESTABLISHMENT.—There is established a board to be known as the Cost-of-Living Board (in this section referred to as the 'Board').

"(2) MEMBERSHIP.—

"(A) COMPOSITION.—The Board shall be composed of 5 members of whom—

"(i) 1 shall be the Chairman of the Board of Governors of the Federal Reserve System;

"(ii) 1 shall be the Chairman of the President's Council of Economic Advisers; and

"(iii) 3 shall be appointed by the President, by and with the advice and consent of the Senate.

The President shall consult with the leadership of the House of Representatives and the Senate in the appointment of the Board members under clause (iii).

"(B) EXPERTISE.—The members of the Board appointed under subparagraph (A)(iii) shall be experts in the field of economics and should be familiar with the issues related to the calculation of changes in the cost of living. In appointing members under subparagraph (A)(iii), the President shall consider appointing—

"(i) former members of the President's Council of Economic Advisers;

"(ii) former Treasury department officials;

"(iii) former members of the Board of Governors of the Federal Reserve System;

"(iv) other individuals with relevant prior government experience in positions requiring appointment by the President and Senate confirmation; and

"(v) academic experts in the field of price statistics.

"(C) Date.—

"(i) Nominations.—Not later than 30 days after the date of enactment of the Cost of Living Board Act of 1997, the President shall submit the nominations of the members of the Board described in subparagraph (A)(iii) to the Senate.

"(ii) Senate action.—Not later than 60 days after the Senate receives the nominations under clause (i), the Senate shall vote on confirmation of the nominations.

"(3) Terms and vacancies.—

"(A) Terms.—A member of the Board appointed under paragraph (2)(A)(iii) shall be appointed for a term of 5 years, except that of the members first appointed under that paragraph—

"(i) 1 member shall be appointed for a term of 1 year;

"(ii) 1 member shall be appointed for a term of 3 years; and

"(iii) 1 member shall be appointed for a term of 5 years.

"(B) Vacancies.—

"(i) In general.—A vacancy on the Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(ii) Filling unexpired term.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(C) Expiration of terms.—The term of any member appointed under paragraph (2)(A)(iii) shall not expire before the date on which the member's successor takes office.

"(4) Initial meeting.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting. Subsequent meetings shall be determined by the Board by majority vote.

"(5) Open meetings.—Notwithstanding section 552b of title 5, United States Code, or section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Board may, by majority vote, close any meeting of the Board to the public otherwise required to be open under that section. The Board shall make the records of any such closed meeting available to the public not later than 30 days of that meeting.

"(6) Quorum.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

"(7) Chairperson and vice chairperson.—The Board shall select a Chairperson and Vice Chairperson from among the members appointed under paragraph (2)(A)(iii).

"(b) Powers of the Board.—

"(1) Hearings.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this part.

"(2) Information from federal agencies.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this part, including the published and unpublished data and analytical products of the Bureau of Labor Statistics. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

"(3) Postal services.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) Gifts.—The Board may accept, use, and dispose of gifts or donations of services or property.

"(c) Board Personnel Matters.—

"(1) Compensation of members.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who otherwise are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) Travel expenses.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(3) Staff.—

"(A) In general.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

"(B) Compensation.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of such title.

"(4) Detail of government employees.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

"(5) Procurement of temporary and intermittent services.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(d) Termination.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this part.".

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I am honored to be a cosponsor of this measure which our revered chairman has brought to the floor. I would like to endorse each and every thing he has said.

This legislation would create an independent Cost of Living Board to determine annually what cost of living adjustments should be made for the following calendar year. In the event a majority of the Board cannot agree on a decision, then by default the automatic adjustments would be based on the change in the Consumer Price Index as calculated by the Bureau of Labor Statistics.

The Board would have five members and would be comprised as follows: the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the President's Council of Economic Advisers; and three others appointed by the President with the advice and consent of the Senate. The bill specifies that members of the board shall be professional economists familiar with issues related to the calculation of changes in the cost of living, such as index number theory.

There is a growing consensus that the CPI overstates the cost of living. In December 1996, the Advisory Commission to Study the Consumer Price Index appointed by the Finance Committee—the Boskin Commission—concluded that the Consumer Price Index overstates the inflation by 1.1 percentage points. The distinguished Chairman of the Board of Governors of the Federal Reserve, Alan Greenspan, agrees. And in testimony before the Finance Committee, Chairman Greenspan provided the definitive response to those who have argued that this issue should not be "politicized." He said:

> There has been considerable objection that such a . . . procedure would be a political fix. To the contrary assuming zero for the . . . bias is the political fix. On this issue, we should let evidence, not politics, drive policy.

I referred earlier to index number theory. I might add that in the last decade or two, there has been very considerable advancement in the subfield of index number theory—the point where mathematics meets economics. We know a lot more than we did. We can do it better than we do. There are persons who have specialized in this.

The first particular study goes back to 1961, when the National Bureau of Economic Research, at the request of the then Bureau of the Budget, gave us a report by a committee chaired by George J. Stigler, soon to be a Nobel laureate, on the price indexes of the Federal Government. It concluded the indexes overstated changes in the cost of living.

They did not have any estimates of the bias at the time, but they knew there was a bias. And in the manner of academic work, people addressed it. For what it is worth, perhaps one of the most distinguished practitioners now teaches at the University of British Columbia. In any event, we are able to do so much more than we have done, and the need to get it right is paramount, it is our obligation, as persons responsible for the public fisc.

This bill represents the next step in a logical progression. We are beyond a fact-finding commission. The overwhelming evidence is that the CPI overstates the change in the cost of living by between 0.5 and 1.5 percentage points.

It is now time to consider how to go about getting the number right—and getting it right every year henceforth. As the chairman indicated, it is our intention in introducing this bill to suggest one possible mechanism. Certainly there are other options, and I would not rule out any alternative at this point. Our purpose today is to keep attention focused and keep the dialogue moving on this issue, for delay is costly. If we get our numbers right—and that is all we propose to do—then we save $1 trillion over 12 years. If we delay for 2 years, then the savings are reduced to $750 billion.

I believe this Board, with the Chairman of the Federal Reserve Board, the Chairman of the Council of Economic Advisers, and the three economists nominated by the President and confirmed by the Senate, is a superb approach. We hope it will be given the attention it deserves now that it has been made clear by the White House that they see the necessity for doing this.

Our distinguished majority leader, over there in the corner even as I speak, has spoken to this matter. And now we have a proposal for legislative action. With great and renewed thanks for our chairman, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Let me start out by thanking the distinguished Senator from New York for his leadership in this critically important matter. I can say, fairly, that nothing would have happened if it had not been for his willingness to step out early on and take measures that I think are in the best interests of this Nation and the people of this great country.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center".

S. 359

At the request of Mr. THOMAS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 359, a bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans.

S. 405

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 406

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 406, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 418

At the request of Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 418, a bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes.

SENATE RESOLUTION 50

At the request of Mr. ROTH, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nebraska [Mr. HAGEL], the Senator from Colorado [Mr. ALLARD], the Senator from Wyoming [Mr. ENZI], the Senator from Virginia [Mr. ROBB], the Senator from Nevada [Mr. BRYAN], the Senator from Wisconsin [Mr. KOHL], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 50, a resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments.

AMENDMENTS SUBMITTED

COMMITTEE ON GOVERNMENTAL AFFAIRS EXPENDITURES AUTHORIZATION RESOLUTION

LOTT (AND WARNER) AMENDMENT NO. 22

Mr. LOTT (for himself and Mr. WARNER) proposed an amendment to amendment No. 21 proposed by Mr. GLENN to the resolution (S. Res. 39) authorizing expenditures by the Committee on Government Affairs; as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction (rule 25) over all proposed legislation and other matters relating to—

"(1) federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

LOTT (AND OTHERS) AMENDMENT NO. 23

Mr. LOTT (for himself, Mr. THOMPSON, and Mr. WARNER) proposed an amendment to the resolution (S. Res. 39) supra; as follows:

On page 10, line 19 after the word "illegal" add "and improper".

On page 10, line 23 after the word "illegal" add "and improper".

NOTICES OF HEARINGS

JOINT COMMITTEE ON PRINTING

Mr. WARNER. Mr. President, I wish to announce that the Joint Committee on Printing will meet in S–128 of the Capitol on Thursday, March 13, 1997, at 2 p.m. to hold an organizational meeting of the Joint Committee on Printing and an oversight hearing of the Government Printing Office.

For further information, please contact Eric Peterson of the Joint Committee on Printing at 224–7774.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Energy and Natural Resources to receive testimony regarding S. 417, a bill "to extend energy conservation programs under the Energy

Policy and Conservation Act through September 30, 2002," S. 416, a bill "to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency," and S. 186, a bill "to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes." The hearing will take place on Tuesday, March 18, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 11, 1997, at 10 a.m. in open session, to receive testimony from the unified commanders on their military strategies and operational requirements in review of the Defense authorization request for fiscal year 1998 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 11, 1997, at 9 a.m. in SR–328A to receive testimony regarding agriculture research reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 11, 1997, beginning at 10:30 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 11, at 9:30 a.m. for a hearing on Census 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, March 11, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building to approve the committee's letter to the Committee on the Budget relating to budget views and estimates for fiscal year 1998 for Indian Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary and the House Subcommittee on the Constitution be authorized to hold a joint hearing on Tuesday, March 11, 1997, at 9:30 a.m. in room G50 of the Senate Dirksen Building, on "Partial Birth Abortion: The Truth."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Employment and Training Subcommittee Hearing on Oversight of Federal Job Training Programs, during the session of the Senate on Tuesday, March 11, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 11, 1997, at 2:30 p.m. to hold an open hearing on the nomination of Anthony Lake to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:15 p.m. on Tuesday, March 11, 1997, in open session, to receive testimony on the Science and Technology Programs in the Department of Defense authorization request for fiscal year 1998 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TED STONE

● Mr. FAIRCLOTH. Mr. President, today I would like to recognize a great American from my home State, a man who is working to show all Americans that individuals can make a difference in the war against drugs. Ted Stone, a native of Durham, NC, wanted to do something to raise awareness about our Nation's drug problems. Ted has been a motivational speaker for over 20 years now on the subject of drug abuse. He has spoken to millions of people in churches, schools, civic organizations, prisons, and drug treatment facilities. But he wanted to do something more.

On March 14, 1996, here in Washington, DC, on the steps of our Nation's Capitol, Ted began a 3,700 mile walk across America. He completed that trek on November 19 of last year in Los Angeles, CA on the steps of city hall.

Ted's dramatic journey across America took him to the State capitals of Texas, New Mexico, and Arizona, where he brought his antidrug message personally to Gov. George W. Bush, Gov. Gary Johnson, and Governor Fife Symington.

Ted carried an American flag with him throughout his walk across our beautiful country as a symbol that the American spirit can turn the tide in our Nation's war on drugs. Working together in our local communities I, too, believe we can raise awareness of our Nation's drug abuse problems.

At one point on his journey, a little boy asked Ted if he was like Forrest Gump. Ted replied:

> No, because when people asked Forrest Gump why he was walking, he didn't know. I'm walking so that boys like you can grow up in a country that is drug-free.

Ted believes, as I do, that the war on drugs will not be won in the courtroom or even here in Congress, but in our local communities. And in fact, Ted knows personally about winning the war on drugs, because he himself is a recovered amphetamine addict. He is living proof that individuals can overcome drug addiction.

Today I hope my colleagues will join me in saluting a great American, Ted Stone, for his efforts to keep our Nation drug-free.●

MAYOR DENNIS ARCHER

● Mr. LEVIN. Mr. President, I have the honor of paying tribute to my friend, Mayor Dennis Archer of Detroit, who will be recognized by the Hartford Optimists Club of Detroit as 1997 Optimist of the Year. Mayor Archer is being honored for his efforts to "optimistically build a renaissance in Detroit for the 21st century."

Since he was elected mayor in 1993, Dennis Archer's energy and efforts have infused the people of Detroit with a new spirit of hope. While Detroit faces many challenges, Mayor Archer's work is convincing people from Michigan to Washington, DC that Detroit is in the midst of a great comeback.

Mayor Archer has worked to build partnerships with community and civic groups, businesses, and the State and Federal Governments. These partnerships have led to success in creating jobs, improving public safety, and raising the standard of living for many of Detroit's residents. In fact, Detroit's unemployment rate has been cut in half since Mayor Archer took office.

Under Mayor Archer's stewardship, residential and business development is moving forward at a dynamic pace. In

November, taxpayers approved a plan to build new baseball and football stadiums in the city. Twenty-five new residential developments are under construction, as are new retail developments. General Motors recently decided to keep its world headquarters in Detroit, purchasing and moving to the Renaissance Center. And Detroit's empowerment zone leads those in all other cities in job creation.

Dennis Archer has always had confidence in the city of Detroit and in its people, and the results of his first 3 years are proving his optimism to be well-founded. While no one expects Detroit's problems to be solved overnight, the city's progress under the Mayor's leadership is undeniable.

Mr. President, I hope my colleagues will join me in saluting Mayor Dennis Archer of Detroit, who truly deserves to be honored as 1997 Optimist of the Year.●

NATIONAL SPORTSMANSHIP DAY

● Mr. CHAFEE. Mr. President, I am pleased to commemorate the seventh annual celebration of National Sportsmanship Day, which took place on March 5. Designed to promote ethics, integrity, and good sportsmanship in athletics, National Sportsmanship Day was established by the Institute for International Sport at the University of Rhode Island. This year, over 8000 schools in all 50 States and 75 countries overseas participated in National Sportsmanship Day.

There seems to be no shortage of stories about assaults on referees, players, and even press photographers. I am particularly pleased, therefore, that the Institute for International Sport tackled the issue of violence in sports head-on. As part of National Sportsmanship Day, the Institute held a daylong town meeting where athletes, coaches, journalists, students, and educators engaged in a lengthy discussion about the causes and possible solutions for violence on the playing field. I think that the Institute's work to foster this kind of dialogue among our young people is critical.

In addition to the town meeting, the Institute for International Sport also sponsored an essay contest in which students wrote and shared their views on good sportsmanship, fair play, and courtesy on the playing field. Several winning essays were published in USA Today and the Providence Journal Bulletin, and I ask that they be printed in the RECORD at the conclusion of my remarks.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who participated in this inspiring event. Likewise, I congratulate all of those at the Institute for International Sport, whose hard work and dedication over the last 7 years have made this program so successful.

The material follows:

[From the Providence Journal-Bulletin, Mar. 4, 1997]

WHETHER THEY REALIZE IT OR NOT, NATIONAL ATHLETES ARE ROLE MODELS

(By Steven E. Sylven, Jr.)

Sportsmanship. Today, it seems to be as valuable as my '86 Escort, which died a month ago. Is it any wonder though? Look around at some of the players in any of the pro leagues. You'll find guys who headbutt officials, spit on umpires, throw towels at their coaches, and kick cameramen. These "professional" athletes just ooze with sportsmanship and set a great example for kids don't they?

Some of these players say they don't want to be considered role models; that children should not look toward them as one. Well, news flash fellas, you are role models. There is no getting around this because you are professional athletes and are forever in the spotlight. Kids see your every move and they will imitate it. Why? Because they see you get away with it and they think it's cool.

When I was a kid, I loved playing sports and, like most kids, I would pretend to be my favorite player when playing. When I was playing baseball, I was Dwight Evans; when playing hockey, I was Mike Bossy; football, I was Dan Marino; and when playing tennis, I was John McEnroe. Yes, John "I will yell at anything that does not go my way" McEnroe.

I won't kid around here, I liked him for one reason and only one reason, he could shoot his mouth off at anyone and get away with it. I thought he was the best thing since sliced bread, plus he was a good tennis player to boot. Talk with any of my childhood friends who would play with me, they'd probably tell you I put McEnroe to shame. I was bad.

There was one time I was playing and I missed a shot on a critical point. Well, as critical a point as you can have when you are playing your friend in a park; but I wasn't a kid, I was John McEnroe and this was Wimbledon.

Anyway, I went off on about a five-minute tirade, spewing forth any and every obscenity you can think of and then some. It was so bad that a lady who was clear on the other side of the park, came over and asked me to stop my mouth because she had her little children with her. I just brushed her off. After all, she was not my mother and besides McEnroe does it. Why couldn't I?

Incidentally, this screaming after points became a habit with me whenever I played and continued through high school. So bad was it that I would almost get into fist fights with opponents from other schools. One time, during the state doubles championships, I was running my mouth so bad that my coach almost pulled my partner and I out of the tournament * * * and we were in the quarterfinals. Playing tennis the way John McEnroe did was the only style I came to know.

Now, I'm not saying that all kids who imitate the bad behavior of professional athletes are going to behave that way for the rest of their lives. Nor am I saying that kids only pay attention to the conduct of unruly players, for there are far more players exhibiting the qualities of sportsmanship than there are not.

What I am saying is that a player who screams and shouts when things don't go his or her way and gets away with it, may spark the interest of a child more than someone who just accepts the fate the sports gods lay out for them. I speak from experience here.

So as we celebrate National Sportsmanship Day today, it would be nice if the not-so-sportsmanlike athletes of the nation would take the time to recognize the value of sportsmanship. If not for themselves or respected leagues, at least for the little Wayne Gretzkys, Pete Samprases, and Kerri Struggs out there.

SPORTS' CODE: BE YOUR BEST AT ALL TIMES

(By Brian Bert, Grade 5, Metcalf School, Exeter, R.I.)

I think good sportsmanship is not who wins or loses, but playing your best. You have to remember it is just a game. A good sport does not insult other teammates. He helps other players up when they fall.

When I play sports I see a lot of good and bad sportsmanship. Sometimes I see players who won't shake other players' hand at the end of the game. I sometimes see teammates blaming other teammates for losing the game. I see coaches arguing with refs.

I also a lot of good sportsmanship like helping other teammates up when they fall. Most good players shake hands at the end of the game and say "good game." A good sport would say to others "don't worry about your mistakes, it is just a game".

I felt I show good sportsmanship. I enjoy playing the game. It does not matter who wins, I feel good sportsmanship will help me through my life. It is a good lesson to learn.

WIN OR LOSE, STRONG HEARTS NEVER DIE

(By Erin K. Hannon, Grade 10, Exeter/West Greenwich High)

The 1996 Exeter/West Greenwich High School football team showed opponents that winning is not everything. Despite their nine losses, these young men displayed outstanding sportsmanship and character throughout the season. Their love and devotion to the game of football kept their spirits alive whenever hope seemed to be fleeting. Although they did not achieve the win they had been looking for they gained the respect of many last year.

The tradition of football is just beginning to blossom in the rural towns of Exeter and West Greenwich. This past season was only the second year that the school had had a team. Experience was the key to playing the game, and many of these boys had never played organized football before. With only 19 boys on the roster, including only one senior, these young men found it difficult to compete with larger, more experienced teams across the state. However, giving up was out of the question. They stood tall and repeatedly showed that they deserved the respect that all of the opposing teams were receiving. These boys continued to give all that they had until the last whistle of the season had been blown.

As the manager and statistician of the team, I witnessed the pain in the eyes of each and every young man after a loss. They put forth tremendous effort not only during the games, but every day in practice. Their coaches, Mark Graholski, John Houseman and Craig Belanger, pushed every one of the boys until they could be pushed no further. They taught the boys the fundamentals on the football field, and more importantly, how the football team becomes a family during the season. They learned how to stick together through thick and thin and that although losing is not the greatest, earning respect and dignity is far greater than winning.

One of the team's greater accomplishments last year was receiving the Dick Reynolds Outstanding Sportsmanship Award. This honor recognized not only the talent, but the impetus and determination that came from within each and every young man on the team. It also allowed the team to be noticed by all not for their winning percentage, but for the way they played the game. The players realized that winning was only the icing on the cake and they were proud in what they had accomplished overall.

The members on the Exeter/West Greenwich football team learned more than the game of football last year, they learned many aspects of the game of life. They learned that being able to stand tall with a smile on your face is a far better goal to achieve than winning. Their character and sense of pride through a season filled with struggles showed that they had the will to continue and the power to be successful, win or lose. Although the pain and anguish of losing will fade away, the character and sportsmanship of these young men will remain for years to come.

Professional Athletes Need To Learn Self-Control

(By Kaycee Roberts, Grade 7, Westerly's Babcock School)

The behavior of professional atheletes today is extremely out of hand. Players and coaches alike go to the outler limits to win, and often, to make the other team look bad. Referees allow many more things to go on (and so do coaches) than they should. Sports are played mainly for fun, but if athletes and coaches keep acting in such an impolite and downright ridiuculous manner, they will take the fun right out of it. Therefore the behavior of role models in sports needs to be improved.

First, children are watching these morally irresponsible actions. They will see their idols commit these acts. So, of course, they will act the same way. For example, when you see a baseball player throw the bat and swear at the umpire, children will think it is cool to do that, and they will go out and repeat the same action. It is not right to introduce this behavior to the youth of America.

Second, they celebrate and taunt, yet they are only doing their job. When football players shout and dance because they score a touchdown, they are celebrating actions they are expected to perform. The football players are supposed to score for their team. These flamboyant actions are totally uncalled for. It would be like a stockholder screaming and boasting because he sold stocks. They need to put aside their ridiculous and foolish antics and play the game.

Last is the obvious fact that such behavior has absolutely no point and does not benefit anyone. It certainly doesn't benefit the subject of the taunt, nor does it benefit anyone watching the game. Finally, role models in professional sports desperately need to improve their attitudes. We are going to be living in a very sad world if people cannot simply control their tempers and behavior . We want to see athletes set aside silly and childish ways and promote the youth of America by freshly nourishing them in a good way.

[From the USA Today, Mar. 4, 1997]

Pushing To Improve Is Mark of a Winner

(By Daryl Myer, Edinboro (PA) University)

His gait is modest and true, his body strong yet unpretentious. His eyes glow with the vibrancy for life all too few know. His smile is contagious. Ask any of his friends, and they will tell you the truth: His work ethic and will to win rate second to none. He is always trying to become better, not only on the track, but in life as well.

It is practice time, and his teammates and coach have gathered on the track for another workout. His coach reads aloud the workout, and all the others quietly whine and complain. He hears one teammate complaining about a blister on his toe and another about a headache. He remains quiet, showing no signs of apprehension about the pain that awaits him. Ultimately, he realizes that his sore muscles and screaming lungs will make him stronger and more proficient. His goal is to become a national champion.

Many people might guess that he does poorly in track meets. The exact opposite is true. His desire to win is incomparable. He trains hard and races hard. He speaks only a choice few words. What he says is profound, and he never speaks about himself. In a day and age where athletes draw attention to themselves in any way possible, he chooses to place the emphasis on his team, not himself. Others taunt and point fingers; he simply congratulates his competitors for a job well done.

He is a true gentleman in every facet of the word. He accepts responsibility for his actions and remains humble at all costs. Honesty and integrity are of the same importance as gold medals and records. His goals are high, but his will is strong. He will be fair and just.

These are the ideals of a true sportsman, ideals my mother and father taught me. It is my desire to follow their lead. I want to become like "him."

Competitors Should Raise Bar on Ethics

(By Brian Bokor, Senior, Shorecrest Prep, St. Petersburg, FL)

We live in a world where winning supersedes all other considerations. Moral values have been clouded by the desire to win at any price. This is evident in business, politics and in sports.

I have played organized sports for the last six years of my life, and I have learned about sacrifice, hard work, self-discipline and working with others. However, there is also a dark side to the lessons taught in competition. Many athletes will do whatever it takes to achieve a competitive edge.

I remember reading a couple of years ago about Colorado defeating Missouri in a football game. After review of the game film, it was discovered that Colorado scored on a fifth-down play. The mistake was acknowledged, but Colorado refused to forfeit the game. The Colorado coaches blamed the "mistake" on the referees. Later that season, Colorado won a share of the national championship. I believe this "win" proves that most people consider winning to be far more important than being fair.

My parents and I had discussed my concerns of a "must-win" attitude in many aspects of society. Most people now accept "unfair business practices," "dirty tricks politics" and "academic irregularities" as the norm. I now question whether sports has encouraged this attitude in society or whether society has imposed these practices on sports. No matter what the answer, I believe society and sports need to adopt a new code of ethics.

Sports participation has helped prepare me for success in a competitive society. However, the unethical practices illustrated in sports have led many competitors into confusing what fairness and sportsmanship are all about. I feel a responsibility to replace the "winning-at-all-costs" attitude with an attitude of fairness and sportsmanship that was the original intent of competitive sports.

Good Starting Point Is Positive Attitude

(By Meghan Murray, Sixth-grader, Unqua School, Massapequa, NY)

What is sportsmanship? The definition is the qualities or conduct of a sportsman, fair play. To me, sportsmanship's a kind of attitude you have to a person or anything else. The attitude can be positive or negative. To other people, sportsmanship can relate only to sports. But, in fact, sportsmanship doesn't relate only to sports. Jobs, homes, schools, and friends can relate to sportsmanship.

Positive sportsmanship is a person who can take constructive criticism, learn from it and turn it into positive abilities, You can achieve sportsmanship by expressing your skills. You have to earn positive sportsmanship by working hard and concentrating on the challenging situations that may arise.

Another thing about sportsmanship is the attitude. You can shake the other team's hand after you win or lose a game. That shows respect to the players as well as the coaches and fans. If you don't shake the other team's hands, people might think you are disrespectful toward the game.

After losing a game, disappointment may occur but this should not reflect a bad attitude. A bad team player would walk off the field mad. A good team player would want to meet with his coach and team to see what went wrong and maybe fix it for the next game.

Winning or losing should always result in good sportsmanship. If you win and rub it in, you are not practicing good sportsmanship! Don't be unkind and disrespectful.

To be the most effective team player, you must start by giving of yourself 100%. Such as attending all practices, respect all team players and your coaches. Following all rules and regulations of the game. Give all that you've got. Keep up your grades at school. Take charge of what is your destiny and take the responsibilities that may come.●

INTERNATIONAL WOMEN'S DAY

● Mr. FEINGOLD. Mr. President, I rise today to mark the recent celebration of International Women's Day, which took place on March 8, 1997. Women have made great strides in the past century, both here in the United States and around the globe. As we prepare to enter a new century, however, we must recognize that there is still much work to be done in the areas of equality and human rights for all women.

Here in the United States, women are making impressive contributions at all levels of society. They are daughters, mothers, wives, and sisters; they are entrepreneurs, research scientists, teachers, and scholars; they serve our Nation in the military, as civil servants, and as Members of the House, of the Senate and of the President's Cabinet.

This year, I was proud to be a Member of the Senate which unanimously approved the nomination of the first female Secretary of State, Madeleine K. Albright. More women serve in the 105th Congress than any other Congress in history, with 9 women in the Senate and 53 in the House. While women have made great progress in running for and attaining public office, we cannot forget that women are still vastly underrepresented at virtually every level of government.

In 1996, American women celebrated the 75th anniversary of winning the right to vote. Sadly, many women—and men—in the United States fail to take advantage of this aspect of democracy. As we prepare to enter the next century, we ought to encourage women to participate fully in our democracy, as informed voters and as candidates for public office at the local, State, and National level.

One striking inequity that persists for American women is in their earnings as compared to men. According to 1995 data from the U.S. Census Bureau, women earn only 71 percent of the wages of men. This wage gap varies by race: compared to white men, African-American women earn only 64 cents on the dollar, Hispanic women earn only 53 cents, and white women earn 71 cents.

Sixty percent of women are employed in traditionally female jobs. Women also make up a large segment of the United States contingent work force, which includes independent contractors, part-time and temporary workers, day laborers, and on-call workers. According to the American Association of Retired Persons (AARP), participation in this contingent work force has a significant impact on women aged 45 and above because contingent workers receive lower pay and fewer benefits and have less opportunity for advancement than do full-time workers. Women are more likely than men to be contingent employees due to an unequal distribution of parenting and household responsibilities which prevent many women from seeking full-time employment.

Only part of this disparity is explained by differences in men's and women's career paths. Women and men employed in the same job also receive unequal pay. According to 1995 data from the U.S. Bureau of Labor Statistics, women received equal pay for only 2 of 90 occupations that were studied.

As we look toward the 21st century, we must continue to fight for equal pay for equal work and continue to reform our Nation's health care and Social Security systems for all Americans. While we have made great progress with the Family and Medical Leave Act and the Health Insurance Portability and Accountability Act, there is still much work to be done.

Women abroad have also made progress over the past century. As the ranking member of the Subcommittee on African Affairs, I have had the opportunity to review the status of women on that continent. Last year, I was pleased to be a part of a hearing, chaired by Senator KASSEBAUM, which explored the status of African women. African women are becoming more active in the economy, in politics, and in solving national problems than they ever have before. Many development indicators that affect women—the number of girls attending primary school and life expectancy, for example—are also improving.

But with all these advancements, we cannot forget the challenges that women face in Africa. In many countries, women are legally prevented from owning property or signing official documents without the consent of their husbands. Women comprise a substantial majority of the nearly 7 million refugees in Africa. And, in Africa, women suffer more from the HIV virus than do men.

As we prepare to enter the 21st century, the great strides made by African women, and women in others areas of the world, should be applauded, but the fact that there is still much work to be done should not be forgotten.

In closing, Mr. President, I see International Women's Day as both an opportunity to celebrate the advancements of the last century and to outline goals for the next century.●

MIT: THE IMPACT OF INNOVATION

● Mr. KERRY. Mr. President, I commend the attention of the Senate to a significant new study released this week by BankBoston regarding the impact of the Massachusetts Institute of Technology on the economy of the United States and of the world.

Mr. President, we in Massachusetts have always known that MIT plays an outsized role in the economy of Massachusetts and of the United States, but this new study by BankBoston quantifies the impact. And the impact is staggering.

The report shows that MIT graduates are responsible for the formation of over 4,000 companies worldwide, and the creation of over 1.1 million jobs, including 733,000 jobs in the United States.

If MIT graduates constituted an economy all by themselves, they would be the 24th largest economy in the world.

Just as significant, the report shows that fully 80 percent of the jobs created by MIT-related companies are manufacturing jobs, and that MIT-related companies are heavily invested in the production of goods and services for export outside the United States.

In other words, the fruit of the sophisticated research and training offered at MIT is real jobs for real working Americans, and real net wealth for the U.S. economy.

We are proud of MIT and its accomplishments, but what this Congress should appreciate about the new MIT study is not what it says about MIT, but what it says about our research universities throughout the country, for the MIT story is one that could easily be told at research universities throughout the United States.

The moral of this story is that our historic Federal commitment to university-based research, and to support higher education, has paid off in jobs and in new wealth for this country, not to mention superior national security and continued advances for human health.

As we face tough fiscal choices this year on the way to a sustainable balanced budget, we must keep the lessons of the MIT study in mind. We will ill serve this country if, in the name of sustaining our economy through a balanced budget, we underinvest in the very things—research and education—that have made this country the unquestioned economic leader it is today.

I ask that the following article, "Study Reveals Major Impact of Companies Started by MIT Alums," be printed in the RECORD.

The article follows:

STUDY REVEALS MAJOR IMPACT OF COMPANIES STARTED BY MIT ALUMS

(By Kenneth D. Campbell)

In the first national study of the economic impact of a research university, BankBoston reported today that graduates of MIT have founded 4,000 firms which, in 1994 alone, employed 1.1 million people and generated $232 billion of world sales.

"If the companies founded by MIT graduates and faculty formed an independent nation, the revenues produced by the companies would make that nation the 24th-largest economy in the world," said the report, entitled "MIT: The Impact of Innovation."

Within the United States, the companies employed a total of 733,000 people in 1994 at more than 8,500 plants and offices in the 50 states—equal to one out of every 170 jobs in America. Eighty percent of the jobs in the MIT-related firms are in manufacturing (compared to 16 percent nationally), and a high percentage of products are exported.

The 36-page BankBoston report, which is the result of an MIT survey of 1,300 CEOs and two years of fact-gathering and checking by MIT and the bank, "represents a case study of the significant effect that research universities have on the economies of the nation and its 50 states." The study notes that many of the MIT-related founders also have degrees from other universities, and that these entrepreneurs maintain close ties with MIT or other research universities and colleges.

"In a national economy that is increasingly emphasizing innovation, these findings extend our understanding of how MIT has been instrumental in generating new businesses nationwide," said Wayne M. Ayers, chief economist of BankBoston. "MIT is not the only university that has had a national impact of this kind, but because of its historical and continuing importance, it illustrates the contribution of research universities to the evolving national economy."

MIT President Charles M. Vest, commenting on the report, said, "About 90 percent of these companies have been founded in the past 50 years, in the period of the great research partnership between the federal government and research universities. The development of these business enterprises is one of the many beneficial spinoffs of federally funded research, which has brought great advances in such fields as health care, computing and communications."

The five states benefiting most from MIT-related jobs are California (162,000), Massachusetts (125,000), Texas (84,000), New Jersey (34,000) and Pennsylvania (21,000). Thirteen other states have more than 10,000 MIT-related jobs—from west to east, Washington, 10,000; Oregon, 10,000; Colorado, 15,000; Kansas, 13,000; Iowa, 13,000; Wisconsin, 12,000; Illinois, 12,000; Ohio, 18,000; Virginia, 15,000; Georgia, 14,000; Florida, 15,000; New York, 15,000; and Connecticut, 10,000.

Another 25 states have 1,000 to 9,000 jobs from MIT-related companies—Alabama, South Carolina, Missouri, and New Hampshire, 9,000; North Carolina, 8,000; Arizona and Michigan, 7,000; Maryland and Tennessee, 6,000; Kentucky, Minnesota, New Mexico, and Idaho, 5,000; Oklahoma, Indiana, Utah, Rhode Island and Arkansas, 2,500 to 5,000; Delaware, Louisiana, Maine, Nebraska, Nevada, West Virginia and Mississippi, 1,000 to 2,500 jobs. Only seven low-population states and the District of Columbia had less than 1,000 jobs from MIT-related companies.

More than 2,400 companies have headquarters outside the Northeast.

The report noted, "MIT-related companies have a major presence in the San Francisco Bay area (Silicon Valley), southern California, the Washington-Baltimore-Philadelphia belt, the Pacific Northwest, the Chicago area, southern Florida, Dallas and Houston, and the industrial cities of Ohio, Michigan and Pennsylvania."

The report said the MIT-related companies "are not typical of the economy as a whole; they tend to be knowledge-based companies in software, manufacturing (electronics, biotech, instruments, machinery) or consulting (architects, business consultants, engineers). These companies have a disproportionate importance to their local economies because they usually sell to out-of-state and world markets, and because they so often represent advanced technologies." Other industries represented include manufacturing firms in chemicals, drugs, materials and aerospace, as well as energy, publishing and finance companies.

"Firms in software, electronics (including instruments, semiconductors and computers) and biotech form a special subset of MIT-related companies. They are at the cutting edge of what we think of as high technology. They are more likely to be planning expansion than companies in other industries. They tend to export a higher percentage of their products, hold one or more patents, and spend more of their revenues on research and development," the report said.

In interviews, MIT graduates cited several factors at MIT which spurred them on to take the risk of starting their own companies: faculty mentors, cutting-edge technologies, entrepreneurial spirit and ideas. The study profiled seven MIT founders who started companies in Maryland, Massachusetts, California, Washington state, Illinois and Florida. Nearly half of all company founders who responded to the MIT survey maintain significant ties to MIT and other research universities in their area.

The findings of the study also reveal:

MIT graduates and faculty have been forming an average of 150 new firms a year since 1990.

In Massachusetts, the 1,065 MIT-related companies represent 5 percent of total state employment and 10 percent of the state's economic base (sales in other states and the world). MIT-related firms account for about 25 percent of sales of all manufacturing firms and 33 percent of all software sales in the state.

The study also looked at employment around the nation and the world from MIT-related companies. Massachusetts firms related to MIT had world employment of 353,000; California firms had 348,000 world jobs. Other major world employers included firms in Texas, 70,000; Missouri, 63,000; New Jersey, 48,000; Pennsylvania, 41,000; and New Hampshire, 35,000.

In determining the location of a new business, the 1,300 entrepreneurs surveyed said the quality of life in their community, proximity to key markets and access to skilled professionals were the most important factors, followed by access to skilled labor, low business cost, and access to MIT and other universities.

The companies include 220 companies based outside the United States, employing 28,000 people worldwide.

Some of the earliest known MIT-related companies still active are Arthur D. Little, Inc. (1886), Stone and Webster (1889), Campbell Soup (1900) and Gillette (1901).

The report said the MIT-related companies would rank as the 24th-largest world economy because the $232 billion in world sales "is roughly equal to a gross domestic product of $116 billion, which is a little less than the GDP of South Africa and more than the GDP of Thailand." •

FATHER WILLIAM CUNNINGHAM

• Mr. LEVIN. Mr. President, I rise to pay tribute to Father William T. Cunningham, who will be recognized by the Hartford Optimist Club of Detroit as 1997 Optimist of the Year. Father Cunningham is being honored for his efforts to "optimistically build a renaissance in Detroit for the 21st century."

A longtime advocate of social justice and racial equality, Father Cunningham is one of the most respected and admired people in Michigan. In 1968, he and cofounder Eleanor Josaitis began a civil and human rights organization in Detroit called Focus:HOPE. Focus:HOPE provides a unique combination of programs which seek to improve race relations, deliver food to 86,000 low-income women, children and elderly each month, and provide advanced technology training for low-income young men and women. Father Cunningham and Focus:HOPE have changed the lives of thousands of people throughout metropolitan Detroit by bringing to life the proverb "Give a person a fish and you feed him for a day; teach him to fish and you feed him for a lifetime."

Father Cunningham's commitment to the people of Detroit has never wavered. I have been proud to be with President Clinton, Gen. Colin Powell, Ron Brown and many others on tours of Focus:HOPE. While each of these dignitaries has walked away impressed by the size and scope of Focus:HOPE's mission, they have been equally inspired by the spiritual nature of Focus:HOPE and by the man whose vision and hard work have made Focus:HOPE the success it is today.

Today, Mr. President, Father Cunningham's optimism is in full public view as he fights a battle against cancer. His determination to continue his legendary career serving the people of Detroit is as strong as ever. Father Cunningham's faith and courage is an inspiration to all who witness it.

Father William Cunningham is an American treasure. I know my colleagues will join me in congratulating Father Cunningham as he receives the "1997 Optimist of the Year" award, and in wishing him good health and continued success in the years ahead.•

CARM LOUIS COZZA

• Mr. LIEBERMAN. Mr. President, the State of Connecticut, sports fans, and alumni of Yale University said goodbye to a true national coaching legend when Carm Cozza stepped down as coach of the Yale University football team last fall.

Carm was Yale's head coach for 32 years, winning a school-record 179 games and coaching 1,300 players. He led the Elis to 10 Ivy League championships and coached future National Football League stars like Calvin Hill, who went on to win a championship with the Dallas Cowboys in the 1970's and Gary Fencik, a member of the Super Bowl XX champion Chicago Bears. He is a Connecticut and American coaching icon.

"I think Cozza epitomizes the champion that all of us try to be, that we strive to be," said Fencik, an All-American in 1975, in a recent interview with the New Haven Register.

"You learn a lot more about a man under adversity and Carm had tremendous adversity that first year. My first year we didn't even have a winning record and he treated that season the same as the next two when we won league titles," said Hill in the same story.

Cozza began his coaching career at Yale at a time when Ivy League football was truly top-notch college football. But as the prestige of Ivy League football faded, and Division I-AA football slipped in general, Carm stayed at Yale. He was offered jobs at the University of Virginia and Princeton, but elected to stay in Connecticut. And we're grateful for that, because he's touched the lives of so many Ivy League athletes and so many other people in our State. A true testament of how successful Cozza's former players have become is in the numbers—Seven NCAA post-graduate scholarship winners, seven GTE /CoSIDA District I academic All-Americans, five National Football Foundation Hall of Fame Scholar-Athletes, and five Rhodes Scholars. These numbers make Cozza the proudest and the best of leaders.

His coaches have also gone on to bigger and better positions. Eleven of his assistant coaches became head coaches on the college level. Included on the list are Buddy Amendola, who led Central Connecticut State University, Jim Root—William & Mary—Bill Mallory—Indiana—Bill Narduzzi—Youngstown State.

Cozza's football coaching career commenced at the high school level at Gilmour Academy and Collinwood High, both in Ohio, before he became the head freshman coach at Miami in 1956. Five seasons later, he joined the varsity as an assistant. He left Miami in 1963 to join John Pont's staff at Yale and after Pont resigned to become head coach at Indiana, Cozza became the Bulldogs' new head coach.

The lives he touched—let's just say they all remember. They all are grateful. At a farewell dinner last fall, all but one of his captains came back to pay tribute. The only one who didn't appear was on business and couldn't get away. Each shared a story about him.

Sending written tributes, congratulating the coach on an incredible career, were President Clinton and former Presidents Bush and Ford. Gov. John Rowland proclaimed the day he coached his final game Carm Cozza Day and New Haven Mayor John DeStefano did the same for the city.

Carmen Louis Cozza was born on June 10, 1930, in Parma, OH. He earned 11 varsity letters in football, basketball, track, and baseball, while serving as class president his last 3 years, at Parma High and was inducted into the school's Hall of Fame in 1982. Cozza and his wife, the former Jean Annable, reside in Orange, not far from his beloved Yale.

We'll all miss this living legend's presence on the football field. But his presence in our hearts and the memories of his great career will live on.●

HUMAN RIGHTS ABUSES IN EAST TEMOR

● Mr. FEINGOLD. Mr. President, on Sunday, March 2, 1997, the Washington Post ran two op-eds profiling how the award of the Nobel Peace Prizes to Asian democratic activists in recent years have helped draw attention to the terrible human rights situation in Burma and in East Timor. The two companion articles highlighted the work of 1991 Nobel winner Aung San Suu Syi and the 1996 cowinners Bishop Carlos Ximenes Belo and Jose Ramos Horta.

I had the pleasure of meeting Mr. Ramos Horta late last month, and he told me how—since the Nobel Committee's announcement in October—the attention of international policymakers and the press on the plight of East Timor has increased dramatically.

Mr. President, the joint award to Bishop Belo and Mr. Ramos Horta, followed by the attention in the United States focused on political campaign contributions from Indonesians, has made United States policy toward Indonesia and human rights issues related to East Timor the subject of heightened interest. The Nobel Committee said it hoped the 1996 award would draw international attention to the situation in East Timor, and help build momentum for resolution of the conflict there.

I commend the Nobel Committee's decision, because I believe the more light that the international community sheds on the horrible abuses taking place in East Timor, the sooner we will come to a resolution of this conflict.

Mr. President, I ask unanimous consent that the text of the March 2, 1997, Washington Post article be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 2, 1997]

IN EAST TIMOR, TEETERING ON THE EDGE OF MORE BLOODSHED

(By Matthew Jardine)

"Hello, Mister. Where are you from?"

I had just arrived at the tiny airport in Dili, capital of Indonesian-occupied East Timor. The man, clad in civilian clothes, didn't identify himself except to say he was from Java, Indonesia's principal island. His questions—and the respect he seemed to command from uniformed officials at the airport—led me to believe he was an intelligence agent. As the only obviously non-Indonesian or East Timorese on this daily flight from Bali a few months ago, I attracted his attention.

"Are you a journalist?" the man asked, examining my passport. "Where are you planning to stay?"

I mentioned a local hotel and told him I was a tourist, a common lie that journalists tell to avoid immediate expulsion from places such as East Timor. I wasn't surprised by the scrutiny: During my first trip to East Timor in 1992, I was frequently followed and questioned as I traveled around the tropical, mountainous territory, which makes up half of an uncommonly beautiful island at the eastern end of the Indonesian archipelago, 400 miles north of Australia.

But the beauty belies a harsh reality. In the more than 21 years since Indonesia invaded East Timor and annexed it, more than 200,000 people—about one-third of the country's pre-invasion population—have died as a result of the invasion, Indonesia's subsequent campaign of repression, the ensuing famine and East Timorese resistance to the ongoing occupation, according to Amnesty International.

East Timor was a backwater of the Portuguese colonial empire until April 1974, when the military dictatorship in Lisbon was overthrown. Two pro-independence political parties sprung up in East Timor; this development scared the Indonesian military, which feared that an independent East Timor could incite secessionist movements elsewhere in the ethnically diverse archipelago or serve as a platform for leftist subversion.

Indonesian intelligence agents began covertly interfering in East Timor's decolonization, helping to provoke a brief civil war between the two pro-independence parties. Amid the chaos, Portugal abandoned its rule of the island. Soon after, Indonesian troops attacked from West Timor (Indonesia has governed the island's western half since its own independence in 1949), culminating in a full-scale invasion on Dec. 7, 1975. They met with fierce resistance from Falintil, the East Timorese guerrilla army. But the war turned in Indonesia's favor with the procurement of counterinsurgency aircraft from the Carter administration.

The Indonesian military was able to bomb and napalm the population into submission, almost destroying the resistance as well. An Australian parliamentary report later called it "indiscriminate killing on a scale unprecedented in post-World War II history."

Until 1989, East Timor was virtually closed to the outside world. Then the Indonesian government "opened" the territory to tourism and foreign investment, but continued to restrict visits by international human rights monitors and journalists.

As my taxi left the airport, I saw immediate evidence of change since my 1992 visit: On a wall near the airport entrance, someone had boldly spray-painted "Viva Bishop Belo," a tribute to Carlos Filipe Ximenes Belo, the head of East Timor's Catholic Church. Belo and José Ramos Horta were awarded the 1996 Nobel Peace Prize for their opposition to Indonesian oppression.

During my 1992 visit, most East Timorese seemed too afraid to make direct eye contact with me. This time, many people greeted me as I walked the streets in Dili, a picturesque city of 150,000. Some, particularly younger people, flashed a "V" sign for victory, a display of their nationalist sympathies.

East Timorese with the means to own a parabolic antenna can now watch Portuguese state television (RTP)—which beams its signal into the territory over Indonesia's objections—and catch glimpses of pro-independence leaders in exile or those hiding in the mountains. During my visit, RTP broadcast a documentary on Falintil, which now numbers around 600 guerrillas. The documentary, clandestinely made by a British filmaker, contained footage of David Alex, a 21-year veteran in the struggle against the Indonesian military and third in the Falintil command. He is well known to the East Timorse, but few had ever seen him or heard his voice until the broadcast.

Despite these openings, East Timor remains a place where few dare to speak their minds in public and even fewer dare to invite foreigners into their homes. "We are very happy that the world has recognized our suffering with the Nobel Prize," a middle-aged woman told me in a brief conversation on a shady street, "but we still live in a prison." Our talk ended abruptly when a stranger appeared.

The streets of Dili are empty by 9 p.m. Accordingly to several people I interviewed, Indonesian soldiers randomly attack people, especially youths, who are outside at night. Matters are worse in rural areas, where the Catholic Church has less of a presence. "Outside the towns, people are at the total mercy of the Indonesian military," one priest said.

Increasing international scrutiny has forced Indonesia to be more discreet in dealing with suspected pro-independence activists. But arrests, torture and extrajudicial executions are still common, human rights researchers say.

Such repression, however, has not stilled opposition to Indonesia's authority. Open protests have been a sporadic occurrence since November 1994, when 28 East Timorese students and workers occupied the U.S. Embassy in Jakarta during President Clinton's visit to Indonesia. Demonstrations and riot erupted in Dili and in other towns.

Protesters sometimes target Indonesian settlers and businesses, a manifestation of the deep resentment caused by the large scale migration of Indonesians into the territory. There are upwards of 150,000 Indonesian migrants in East Timor (out of a population of 800,000 to 900,000), according to researchers. This influx, combined with administrative corruption and the destruction caused by the war, has overwhelmed the indigenous population. Joblessness and underemployment, especially among the young East Timorese, are high.

Indonesia maintains order through a highly visible military force of 20,000 to 30,000 troops and an extensive administrative apparatus. But a sophisticated underground resistance in the towns and villages challenges its authority. The underground has strong links to Falintil guerrillas in the mountains and to the resistance's diplomatic front abroad, led by Ramos Horta.

I saw this firsthand when I spent 24 hours during my trip with David Alex and 10 of the 150 Falintil guerrillas under his command. Underground activists drove me to a rural safe house, where I was taken on a lengthy hike to the guerrillas' mountain camp. My transport in and out of the region relied on the cooperation of numerous people from many walks of life, exposing the hollowness of Indonesia's claims that the resistance is marginalized and isolated within East Timor.

Many East Timorese told me that only the United States, Indonesia's longtime military and economic patron, has the clout to pressure the Jakarta government into resolving the conflict. Successive U.S. administrations have provided Indonesia with billions in aid since the 1975 invasion, despite United Nations resolutions calling upon Indonesia to withdraw and allow the East Timorese to determine their own future.

Bill Clinton, who called U.S. policy toward East Timor "unconscionable" before he became president, seems just as beholden as his predecessors to the lure of Indonesia, which Richard Nixon once called "by far the greatest prize" in Southeast Asia. The Clinton administration has provided Indonesia with almost $400 million in economic aid, has sold or licensed the sale of $270 million in weaponry.

Meanwhile, East Timor teeters on the edge of increased violence. On Dec. 24, 100,000 people gathered in Dili to welcome Bishop Belo back from receiving the Nobel Prize in Oslo. Youths in the crowd, apparently fueled by rumors of an Indonesian military plot to assassinate Belo, attacked two men who they suspected of being in the Indonesian military and killed another carrying a pistol and a walkie-talkie. (Belo had announced a month before that the military had twice made attempts on his life.)

In the past three weeks, rioting has broken out in two different regions of the territory. Indonesian troops have responded with a major crackdown and numerous arrests. Rep. Frank Wolf (R-Va.), after a recent three-day visit to East Timor, described the atmosphere as one of "terror" and "total and complete fear."

Some East Timorese I met on my recent visit expressed fears that the violence and repression will intensify. "The people here are desperate," one priest said. "If the situation does not change soon, there will be much more bloodshed."●

MR. HERMAN C. GILBERT: A MAN WHO MADE A DIFFERENCE

● Ms. MOSELEY-BRAUN. Mr. President, later today, a number of the friends of Herman C. Gilbert will come together to remember a man whose life embodied the core values we hold so dear. While many people will attend tonight's service at Cosmopolitan Community Church in Chicago, however, they will be only a very small fraction of those whose lives he touched, and those whose lives he made better.

Herman Gilbert was a leader; he was a doer; he made things happen. All of his life, he worked to make his community a better place in which to live. All of his life he worked to open the doors of opportunity. All of his life he strove to turn what Dr. Martin Luther King called the American "Declaration of Intent" into the reality of life for every American.

Herman Gilbert led in many fields. He was a publisher; he cofounded Path Press to publish books by and about African-Americans. He was a political leader; he was one of the cofounders of the Chicago League of Negro Voters in 1959, and he served as chief of staff to Congressman Gus Savage for 2 years. He was a civil rights leader, working closely with Dr. King and Mayor Harold Washington of Chicago to fulfill the promise of America for minority Americans. He was a labor leader, active in the United Packinghouse Workers, a progressive union.

Herman Gilbert was a strong man, with strong views. He brought determination, intelligence, good judgment, and perhaps most importantly, a real commitment to principle and to fundamental values, in everything he did. He knew that nothing worth having comes easily, that real achievement is built on hard work—and he worked hard all of his life for his family, for his community, for African-Americans as a people, and for his country.

I know he will be greatly missed by his wife, Ivy, by his sister, Addie Lawrence, by his son, Vincent, by his daughter, Dorothea, by his stepdaughter, Lynnette Tate, and by his grandchildren. He will also be missed by the people of Mariana, AR, where he was born, by the people of Cairo, IL, where his family moved in 1937, by the people of the city of Chicago, where he spent most of his life, and by people all across this country who have so benefited from his lifetime of effort on their behalf, and on behalf of us all.

I will greatly miss him, Mr. President. His was a life that made a difference for many, many people; his was a life that made an important difference for me. Like the others whose lives he touched, I have greatly benefited from the legacy embodied in the life and work of Herman C. Gilbert.●

COMMENDATION UPON THE RETIREMENT OF KAY DOWHOWER

● Mr. DORGAN. Mr. President, it is with great honor that I rise to commend Kay S. Dowhower. After more than 9 years of committed service, Kay is leaving her role as director of the Evangelical Lutheran Church's governmental affairs office in the Nation's capital to pursue other advocacy efforts within the church. The Evangelical Lutheran Church in America is a church with a membership of over 5.2 million people and 11,000 congregations.

During those 9 years, she has worked tirelessly for social justice in the formulation of public policy. She has been a committed spokesperson for the poor and the powerless in this Nation and abroad. Her competent work has provided her church, her colleagues, and those in Government with encouragement and a model of excellence.

Kay Dowhower, you will be missed. We have been the better because of your unwavering efforts to challenge us to do what is just for the least of these in our Nation and in the world.●

RURAL HEALTH IMPROVEMENT ACT

● Mr. THOMAS. Mr. President, I would like to take this opportunity and make a few comments about a bill that my colleague, Senator MAX BAUCUS introduced yesterday. The bill, known as the Rural Health Improvement Act, is designed to help struggling, small, rural hospitals across America.

I am pleased to join Senator BAUCUS as an original cosponsor of this important bill. It will go a long way in helping people served by rural facilities.

As cochairman of the Senate Rural Health Caucus, I have worked long and hard to ensure rural families have access to quality care. This is an issue that concerns not just a select few, but all Senators because every State has at lease some low-population areas.

Unfortunately, too many of our small hospitals are confronted with the decision of having to close because they can no longer contend with declining inpatient stays, costly regulations, and low Medicare reimbursement rates. However, closing hospitals is not an acceptable option in Wyoming. In my

State, if a town loses its most important point of service—the emergency reoom—it is typical for patients to drive 100 miles or more to the closest tertiary care center.

With the Medicare trust fund going broke, it also is understood that underutilized facilities cannot continue to be subsidized. However, an alternative must still be available. That is why it is necessary to give small rural hospitals the ability to downsize without having to maintain a full-service operation.

Mr. President, the Rural Health Improvement Act allows facilities to reconfigure their service and reduce excess bed capacity while retaining access to emergency care. In short, the bill presents communities with a viable option. It accommodates different levels of medical care throughout a State while providing stabilization services needed in remote areas.

The bill is one in a series of measures the Rural Health Caucus is working on designed to improve quality medical care in rural America. It is similar to legislation I introduced as a Member of the House of Representatives, and I look forward to working with Senator BAUCUS to pass this important, bipartisan piece of legislation.●

SAFE AND SOBER STREETS ACT

● Mr. LAUTENBERG. Mr. President, on March 10, 1997, I introduced S. 412, the Safe and Sober Streets Act of 1997. I now ask that the text of the bill be printed in the RECORD.

The bill text follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Sober Streets Act of 1997".

SEC. 2. STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. National standard to prohibit the operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2000, if the State does not meet the requirement of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2001, and on October 1, of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

"(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

"(A) while intoxicated; or

"(B) under the influence of alcohol.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which those funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to that State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld from apportionment under subsection (a) are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets that requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year during which those funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld from apportionment under subsection (a) are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), those funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.".

"(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National standard to prohibit the operation of motor vehicles by intoxicated individuals.".●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the Senator from Arizona [Mr. MCCAIN] to the Board of Trustees of Gallaudet University.

The Chair, on behalf of the Vice President, in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: Calendar No. 41.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Lyle Weir Swenson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

REGARDING UNITED STATES OPPOSITION TO THE PRISON SENTENCE OF TIBETAN ETHNOMUSICOLOGIST NGAWANG CHOEPHEL

Mr. ROTH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar order No. 22, Senate Resolution 19.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 19) expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Ngawang Choephel is lonely, locked up in a Chinese prison in Tibet. I do hope, Mr. President, that somehow, through Radio Free Asia or other means, he will learn that the Senate of the United States is sincerely concerned about him and will continue to work for his freedom—as we will for all prisoners of conscience in China and Tibet.

Senate Resolution 19 proposes to put the U.S. Senate on record in support of the release of Mr. Choephel, a strong resolution on China and Tibet at the U.N. Human Rights Commission in Geneva and access to Tibet for internationally recognized human rights group.

This resolution assures Tibetans—those in Nepal and India where they wait for the day they can reclaim their homeland, and those inside Tibet where they resist the cultural, religious, and political oppression of the Chinese Central Government—we in the United States have not forgotten you. We are with you. We will always be with you.

Yesterday, March 10, was Tibet National Uprising Day, the anniversary of Tibet's 1959 uprising against the Chinese occupation.

For almost 40 years, the Tibetan people have been resisting Chinese occupation, while working to preserve their culture in exile in India and Nepal. Repression inside Tibet has been raised to a level not seen since the Cultural Revolution. China has absorbed large portions of Tibet into neighboring provinces and conducted a concerted campaign to dilute Tibet's population through the relocation of Han Chinese. Tibet's leaders fear that Tibetans are now in the minority inside Tibet.

China seeks to limit the number of young people who enter religious life. Monks are forced to undergo political indoctrination and to renounce the Dalai Lama. The Dalai Lama himself is the focus of virulent attacks. His photograph is banned. China has detained the Panchen Lama, a young boy who is the reincarnation of Tibet's second most important religious figure, and selected its own rival Panchen Lama. The number of political prisoners has increased dramatically—Ngawang Choephel, the subject of this resolution is just one case. There are many, many others.

Yesterday was also the opening day of the U.N. Human Rights Commission in Geneva. Mr. President, Senate Resolution 19 reminds President Clinton and his administration of their responsibility to support and bring about the passage of a strong resolution on China and Tibet at Geneva, and to raise relentlessly Mr. Choephel's case, and other cases, with the Chinese Government, while pressing for access to Tibet by human rights monitors.

The administration must take this responsibility seriously and sincerely. However, according to news reports, the administration's position on a China resolution at the Commission is just a bargaining chip in United States-China relations. There are frequent reports that the United States may drop, or soften, a resolution at Geneva in exchange for some future progress on human rights in China.

We have been down this road before with the administration. It is difficult to fathom what the administration believes it is achieving by rushing to entice China with softer positions on human rights, on proliferation, or on Hong Kong. Last year, the administration itself reports, human rights in China deteriorated. The President himself admitted that his engagement policy has not brought results. It makes no sense to mute or abandon our objections to China's record at the U.N. Human Rights Commission in exchange for nebulous commitments. The administration must tell the truth at Geneva.

In Burma, as well, the administration has recognized a marked deterioration in human rights over the past year. For several months, the administration has been reviewing its policy toward Burma in order to determine whether to impose a ban on new United States investment. The administration last year signed into a law specifying criteria for imposing an investment ban—first, restrictions on, physical harm to, or the exile of Aung San Suu Kyi, or second, widespread repression of the democratic opposition.

The SLORC regime is doing both, and the administration knows it. Since last summer, the SLORC has conducted a campaign of intimidation, arrests, disappearances, and some executions of democratic activists, and those close to them. Aung San Suu Kyi has repeatedly been kept from meeting and communicating with her supporters. Her phone service has been periodically cut. Her car was attacked.

Throughout all of this, the administration continued to review the law. It's time to follow the law. By failing to do so, the administration has signaled both the SLORC and our allies in the region that the United States isn't serious about supporting democracy or combating drug trafficking in Burma.

Now comes a new tragedy in Burma. For the past few weeks, the SLORC has been waging a campaign against the ethnic Karen rebels, the only major ethnic army which has not yet signed a cease-fire with the regime. The Karen, who are Christian, will not submit to SLORC's control. The Thai Army has been repatriating refugees to Burma—in violation of international law. The carnage on the border provides yet another reason to invoke sanctions on the SLORC regime not just because it's the decent thing to do, but because U.S. law requires it.

The Karen National Union was one of several ethnic nationalities which agreed in January to a common platform of support for democracy, opposition to Burma's membership in ASEAN, rejection of the rigged constitutional convention and the SLORC's cosmetic actions against narcotics production and trafficking, and opposition to foreign investment.

The Karen National Union is part of the democratic opposition in Burma. The massive and brutal attacks on the KNU by the SLORC regime clearly trigger the Cohen-Feinstein condition on widespread repression of the democratic opposition.

Mr. MOYNIHAN. Mr. President, yesterday, March 10, marked the 38th anniversary of the Tibetan uprising, at a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese Army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations. The United States Senate will mark the occasion by adopting this resolution Senate Resolution 19, introduced on the first day of the 105th Congress, condemning the egregious prison sentence imposed by the Chinese Government on Hgawang Choephel. The Foreign Relations Committee has considered the measure and unanimously reported-out the resolution last week.

Mr. Choephel, a Tibetan ethnomusicologist and Fulbright Scholar, returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts. He was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

On December 26, 1996, the Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights following a secret trial. This is the most severe sentence of a Tibetan by the Chinese Government in 7 years.

The imprisonment of Ngawang Choephel reflects the broader conflict between Tibetans and Chinese. Mr. Choephel's arrest, and harsh sentence, appear to stem from his collecting information to preserve Tibetan performing arts. Such treatment of Tibetans is indicative of the extreme measures the Chinese Government continues to take to repress all forms of Tibetan cultural expression. To the Chinese Government, which views Tibetan religion and culture as an impediment to successfully unifying Tibet with the "motherland," such efforts are reactionary. As we have seen, they are so threatening that Mr. Choephel has been sentenced to 18 years imprisonment for his efforts. The New York Times editorial on January 2 explains:

> The basis of Ngawang Choephel's conviction is unclear, but even taping Tibetan culture for export could qualify as espionage under Chinese law. Since its invasion of Tibet in 1950, Beijing has gradually increased its efforts to erase Tibet's identity. China has arrested those who protested the takeover and tried to eradicate the people's affection for the leader of Tibetan Buddhism, the Dalai Lama.

My first encounter with this transcending issue came with my appointment as Ambassador to India a near quarter-century ago. In 1975, along with my daughter Maura Moynihan, I visited China as a guest of George Bush, who was then Chief of our U.S. Liaison Office in Peking. By this time, I was persuaded the Soviet Union would break up along ethnic lines. But I was not prepared for the intensity of ethnic tensions in the People's Republic. One was met at the Canton railroad station by a giant mural of Mao surrounded by ecstatic non-Chinese peoples who occupy more than half the nominal territory of the People's Republic. In Beijing, 3-year-olds in the Neighborhood Revolutionary Committee of Chi Eh Tao nursery school sang a patriotic song for us which began:

> We will grow up quickly to settle the border regions. We will denounce and crush Lin Piao and Confucious

A refrain which ended:

> We will each grow a pair of industrial hands.

Much of that Stalinoid dementia has disappeared from the coastal regions of China, at least for the moment, but not from Tibet. My daughter Maura has traveled to Tibet several times. After her most recent trip last year, she wrote in the Washington Post of the Chinese assault on Tibetan religion and culture:

> Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The resolution before us records the United States Senate's response to these Chinese policies. We reject Chinese efforts to "erase Tibet's identity" and their "assault on Tibetan culture." Tibetans must be free, not only to preserve their identity and culture, but to determine their future for themselves.

In the words of the International Commission of Jurists in 1960, "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law." The Government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

I thank all my colleagues who have cosponsored this resolution. In particular I would like to recognize the long commitment that the chairman of the Foreign Relations Committee Senator HELMS, has shown in support of Tibetans and thank him for joining me in this effort today. I would also thank both Senators from Vermont, who have remained engaged in this matter since it was made known and for their joining me as a cosponsor of this measure.

Mr. FEINGOLD. Mr. President, I rise today to commend the Senate's passage of Senate Resolution 19, regarding United States opposition to the prison sentence of Tibetan ethno-musicologist Ngawang Choephel by the Government of the People's Republic of China. I am proud to be an original cosponsor of this resolution, which was introduced by Senator MOYNIHAN, and was successfully reported out of the Senate Foreign Relations Committee last week.

This resolution expresses the Senate's strong sense that Ngawang Choephel should be released from the prison where he has been held in since 1995. It also urges the United States to raise the issue of his release with Chinese officials, to promote a resolution at the U.N. Human Rights Commission, and to seek access for human rights monitors in Tibet.

Mr. Choephel, a Tibetan national who—with the support of a Fulbright scholarship—studied ethno-musicology at Middlebury College in Vermont, was detained by the Chinese authorities in Tibet in August 1995. After being held incommunicado for a year, he was charged with espionage in October 1996. In December of that year, the Chinese sentenced him to a 18-year prison term following a secret trial.

Mr. Choephel was preparing a documentary film about traditional Tibetan performing arts when he was detained. The State Department says there is no evidence that his activities were anything but academic. Unfortunately, Mr. Choephel's arrest and sentence appear consistent with previous Chinese actions to repress cultural expression in Tibet.

The U.S. State Department and several human rights organizations, including Amnesty International and Human Rights Watch, note that China consistently denies Tibetans their fundamental human rights. According to the most recent State Department Human Rights report, Chinese authorities continue to commit widespread and well-documented human rights abuse, in violation of internationally accepted norms. Credible reports include instances of death in detention, torture, arbitrary arrest, detention without public trial, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans.

Since its occupation of Tibet in 1949, the Chinese have also been responsible for the destruction of much of Tibetan civilization. The arrest of Mr. Choephel, who was engaged in efforts to preserve Tibetan culture, reflects China's systematic attempt to repress cultural expression in Tibet.

It is crucial that the Senate continue to send the signal that human rights abuses should not be tolerated, and should figure prominently in foreign policy deliberations. As a member of the Senate Subcommittee on Asia, I feel that the United States must continue to urge China to respect Tibet's unique religious, linguistic, and cultural traditions and observe fundamental human rights in Tibet and elsewhere.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 19) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 19

Whereas the Chinese Government sentenced Ngawang Choephel to an 18 year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial;

Whereas Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968;

Whereas Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India;

Whereas Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts;

Whereas Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996;

Whereas there is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research;

Whereas the Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations including Amnesty International and Human Rights Watch, Asia;

Whereas the Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949;

Whereas the arrest of a Tibetan scholar, such as Mr. Choephel who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet;

Whereas the Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life;

Whereas the Government of the People's Republic of China, withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans;

Whereas the Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979;

Whereas the United States Government has not developed an effective plan to win support in international fora, such as the United Nations Commission on Human Rights, to bring international pressure to bear on the Government of the People's Republic of China to improve human rights and to negotiate with the Dalai Lama;

Whereas the Chinese have displayed provocative disregard for American concerns by arresting and sentencing prominent dissidents around the time that senior United States Government officials have visited China; and

Whereas United States Government policy seeks to foster negotiations between the Government of the People's Republic of China and the Dalai Lama, and presses China to respect Tibet's unique religious, linguistic, and cultural traditions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should take prompt action to sponsor and promote a resolution at the United Nations Commission on Human Rights regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama;

(4) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and,

(5) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

ORDERS FOR WEDNESDAY, MARCH 12, 1997

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, March 12. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to executive session to consider the Peña nomination, as under the previous order.

I further ask unanimous consent that following the debate on the Peña nomination, the nomination be temporarily set aside, and at 12:30 on Wednesday the Senate return to executive session and proceed to a vote on the confirmation of the nomination. I further ask unanimous consent that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

I now ask unanimous consent that following the debate on the nomination, the Senate return to legislative session and there then be a period of morning business until the hour of 12:30, with Senators to speak for up to 5 minutes each, with the following exceptions: Senator SESSIONS, 30 minutes; Senator MURKOWSKI, 15 minutes; Senator DOMENICI, 10 minutes; Senator DORGAN 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that following the 12:30 vote on Wednesday, the Senate then begin consideration of Senate Joint Resolution 18, the Hollings resolution regarding a constitutional amendment on campaign financing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, following the 40 minutes of debate tomorrow morning on the Peña nomination, the Senate will temporarily set aside the nomination with the vote occurring on confirmation at 12:30, Wednesday afternoon. Following the morning debate, there will be a period of morning business in order to accommodate a number of Senators. Following the morning business period and the 12:30 vote, the Senate will begin consideration of Senate Joint Resolution 18, which is the Hollings resolution on a constitutional amendment on campaign financing. Senators can, therefore, expect additional rollcall votes throughout Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Wednesday, March 12, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1997:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 1999, VICE JACK EDWARDS, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION [illegible]:

To be major general

BRIG. GEN. JOHN J. BATBIE, JR., 7759.
BRIG. GEN. WINFRED N. CARROLL, 8742.
BRIG. GEN. DENNIS M. GRAY, 5184.
BRIG. GEN. GRANT R. MULDER, 6734.
BRIG. GEN. VIRGIL J. TONEY, JR., 3240.

To be brigadier general

COL. WILLIAM E. ALBERTSON, 6512.
COL. PAUL R. COOPER, 1006.
COL. GERALD P. FITZGERALD, 6393.
COL. PATRICK J. GALLAGHER, 3723.
COL. EDWARD J. MECHENBIER, 3853.
COL. JEFFREY M. MUSFELDT, 8617.
COL. ALLAN R. POULIN, 0569.
COL. GIUSEPPE P. SANTANIELLO, 7772.
COL. ROBERT B. SIEGFRIED, 5248.
COL. ROBERT C. STUMPF, 5111.
COL. WILLIAM E. THOMLINSON, 6969.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. JAMES R. BATTAGLINI, 5336.
COL. JAMES E. CARTWRIGHT, 5961.
COL. STEPHEN A. CHENEY, 1702.
COL. CHRISTOPHER CORTEZ, 9054.
COL. ROBERT M. FLANAGAN, 2865.
COL. JOHN F. GOODMAN, 3509.
COL. GARY H. HUGHEY, 9286.
COL. THOMAS S. JONES, 2831.
COL. RICHARD L. KELLY, 9290.
COL. RALPH E. PARKER, JR., 6337.
COL. JOHN F. SATTLER, 0580.
COL. WILLIAM A. WHITLOW, 5394.
COL. FRANCES C. WILSON, 7788.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

DOUGLAS R. YATES, 4392.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

EDWARD H. LUNDQUIST, 5867.

To be lieutenant commander

MATTHEW P. FORD, 4599.
JOHN D. O'BOYLE, 6241.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 1, 1997:

DEPARTMENT OF JUSTICE

LYLE WEIR SWENSON, OF SOUTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Tuesday, March 11, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EHLERS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1997.

I hereby designate the Honorable VERNON J. EHLERS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

CHILDREN'S HEALTH INSURANCE

Mr. PALLONE. Mr. Speaker, last Thursday the Washington Times reported that at long last House Republicans have finally developed an agenda for the 105th Congress. The news was also accompanied by a report that in the first 2 months of the 105th Congress the House was in session for a grand total of 58 hours, compared with 296 hours in the first 2 months of the last Congress.

Mr. Speaker, one would think that with all this spare time and with daily pressure from congressional Democrats, the Republicans would have included as a goal in their agenda the implementation of a plan to provide health insurance for the Nation's 10 million uninsured children. As far as the Republican agenda goes, however, health care for children is apparently not meant to be. There is no mention of any kind of children's health insurance plan in the Republican's vision of the future.

Since last spring, Democrats have been working to push the issue of children's only health care to the top of Congress' agenda, and our Families First agenda included a children's only plan. Day after day in this Congress Democrats have taken to the floor to protest the Republicans' failure to basically address anything more substantive than the propriety of hanging the Ten Commandments on the walls of Government buildings and courthouses. This is what we dealt with last week.

Mr. Speaker, Democrats are intent on passing a children's only health bill. Two weeks ago our Minority Leader GEPHARDT and our Senate Minority Leader DASCHLE sent a letter to Republican leaders GINGRICH and LOTT asking them to allow this issue to move forward. Last week we sent another letter, signed by over 175 members of the Democratic Caucus, asking the Speaker to provide a date certain for the consideration of a children's only health bill, and to date the Democrats have literally heard nothing from the Republicans on this issue.

I have to say, though, we have heard plenty from elsewhere around the country. We learned the week before last from New York City's public advocate that despite the existence of a State plan to insure children in New York, the rate of uninsured children in New York City grew by 6 percent in the last 5 years. We also learned that this happened at a time when many of New York's parents were working for companies that had over 1,000 employees. The public advocate's report, Mr. Speaker, underscored the need for a Federal children's only health plan for parents who make too much money to qualify for Medicaid but not enough to afford health insurance for their children.

Again I would say that, not having time to wait for this Congress to do something, many States around the country have taken matters into their own hands. Massachusetts, for instance, has implemented a children's only plan, similar to various proposals developed by congressional Democrats, that assists parents who would otherwise be unable to afford health insurance for their children. The Massachusetts plan is an important example to cite, in that it illustrates the value of not only providing health care for a sick child but of providing preventative care that obviates the need for more expensive care further down the line.

I want to stress how important preventative care is. It is wise not only for budgetary reasons but, simply put, it is the humane thing to do. More than half of the uninsured children with asthma, just as an example, never see a doctor during the year. Many of these children end up hospitalized with problems that could have been prevented and could have cost less to treat. Similarly, one-third of uninsured children with recurring ear infections never see the doctor. Many suffer permanent hearing loss.

Democrats believe these problems should be prevented because they can be prevented. Our concern, again, Mr. Speaker, is rooted firmly in the notion that the right thing to do is to make sure every child in this country has access to medical care.

I have to point out that in their agenda released last week the GOP claims it wants to strengthen America's families by fighting child abuse and neglect. I find it ironic that this goal can be included in their agenda and yet they propose to do absolutely nothing about health insurance for children.

Mr. Speaker, I believe the GOP needs to go back to the drawing board. It is incredible that a health plan for children did not make it into their agenda, and I hope, and we will continue to press, that they will change their minds and bring up legislation that addresses the issue of kids' health insurance.

WHY BALANCE THE BUDGET?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to address the most imperative issue facing this Nation, and, that is, the Federal budget.

The last time our Nation, the greatest Nation on Earth, balanced its books, Nixon was President, the first moon landing occurred, and the Mod Squad was a top TV show. It was 1969. And in the 28 years that followed, the Federal Government has spent almost $6 trillion more money than it has taken in. Put simply, this irresponsibility, this addiction to deficit spending, poses the greatest national threat to our future, to the financial security of our Nation, and to the economic well-being of our families. A balanced budget is not simply a desirable ideal. It is absolutely necessary.

And not simply because of our precarious situation as a Nation, but because putting a stop to deficit spending is good for all Americans. It means a

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lower cost of living, lower interest rates and a financially stable Government.

A study by McGraw Hill projects that a balanced budget would yield a 2-percent drop in interest rates. This means yearly savings of $1,230 on a $50,000 home loan, $200 on an auto loan, and $216 on a student loan. Perhaps even more important is the moral responsibility to stop robbing future generations of their opportunities and a chance to achieve prosperity. A child born today owes nearly $200,000 in taxes over his or her lifetime just to pay the interest on the national debt. Is such a crushing legacy something we want to leave to our children and our grandchildren?

It is important to note that balancing the Federal budget does not require drastic spending cuts or massive tax increases as many would have the American public believe. Instead it requires exercising common sense and leadership. I know that I have to stay within a budget in running my congressional office and caring for my family. This is nothing new. Most of us have to stay within our means. Why can the Federal Government not do the same thing? The truth is it can. Look at what we did in the 104th Congress. Over a 2-year span we reduced Federal spending by $53 billion from the level proposed by the President, not by slashing prudent and necessary Government programs but by eliminating 300 wasteful and duplicative programs, projects, and grants.

I cannot stress the following statement enough: Our national debt does not result from the American people being taxed too little, it is a product of Government that overspends.

Since 1981, there have been 19 separate tax increases, the largest being President Clinton's tax hike in 1993. Yet the debt continues to rise. Today Americans pay more in taxes than ever before in history. In fact the average American family pays 40 percent of its income in taxes. That is more than it spends on housing, food, and clothing combined. Taking more money from the taxpayers has not proven the ability for us to reduce our debt. It has, however, proven to increase the size of the Federal bureaucracy. We in Congress and in the White House have an obligation to serve the public interest, a responsibility to work toward a balanced budget while taking less money from hardworking Americans.

There is a right way and a wrong way to prepare our Nation for the next century. Following the right way, we should reach a balanced budget by the year 2002 and we should keep the budget balanced without tax hikes or gimmicks. We should provide permanent tax relief for families, and we should offer an honest means of extending the life of vital and important programs, like Medicare and Social Security. Earlier this year President Clinton submitted his budget proposal. Despite his claims and promises, his budget fell well short of these criteria.

First of all, the President's budget will not reach balance in 2002, or in any year before or after. Applying the methods used by Congress in making budget projections, Mr. Clinton's budget will be $69 billion in the red in 2002. In fact, he would have us run deficits in the $120-billion range until after he left office. Under his plan, an amazing 98 percent of the proposed spending reduction would occur in the years 2001 and 2002, when he has retired to Little Rock.

Shakespeare said it best over 400 years ago, "Though it be honest, it is never good to bring bad news." True, President Clinton's budget deserves little praise, but this is not a case of partisan carping. Every President since President Nixon, Republican and Democrat, have at least put forth a proposal on paper that would achieve a balanced budget. Yet here we are today with a debt of almost $6 trillion.

Nevertheless, there is something that we can do to bring about economic sanity. Congress can pass the balanced budget amendment to the Constitution.

The fact that for over 20 years the temporary residents of the White House have offered plans to balance the budget underscores the need for this amendment. We must remove the concept from policy papers and the rhetoric of politicians and bureaucrats and instead place it in the Constitution of the United States. Rather than talking about eliminating deficit spending, let's do it. An amendment is the only way to ensure that Washington permanently changes its ways, to make the Government accountable for every one of your tax dollars, and to prevent the next generation from being saddled with the cost of our profligacy.

This is not a partisan issue. We must not be separated by party affiliation. We must come together and share a vision for our Nation's future.

Knowing that facts do not sustain their cause, supporters of the status quo will fall back on their most potent weapon—fear. President Clinton has already brandished this weapon through his partisan charge that the amendment is a threat to Social Security. But remember what the late Paul Tsongas had to say, "I'm embarrassed as a Democrat to watch a Democratic President raise the scare tactics of Social Security to defeat the balanced budget amendment."

Although I support taking Social Security off budget, the immutable truth is, the greatest threat to Social Security is the national debt itself. Of the 5.5 trillion dollars of debt, almost $600 billion is owed to the Social Security trust funds. If we do not balance the budget, that debt will double. Do you really think that if the Government goes bankrupt it can pay that $1.2 trillion debt back to the trust funds without hyperinflation or a depression? The future solvency of Social Security depends solely on putting our fiscal house in order—it depends on approving the balanced budget amendment.

This is not a time to stand helplessly to the side. This is one of those moments that will define our country's destiny. First and foremost, Congress and the President should come together to affect real and meaningful fiscal change and to bolster our efforts, we should feel obligated to send to the States the balanced budget amendment. Our future is at risk, and that means everything is at risk.

In conclusion, Mr. Speaker, I earnestly urge Members to consider and vote for a balanced budget amendment to the Constitution.

EQUALITY FOR PUERTO RICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, Wednesday, February 26 was a historic day. It was a historic day for the 3.8 million United States citizens of Puerto Rico and for our Nation as a whole.

On Wednesday, February 26, a group of more than 75 Members of Congress of both parties introduced H.R. 856, the United States-Puerto Rico Political Status Act. It marked what I hope will be the beginning of the end of Puerto Rico's long journey toward enfranchisement and full self-government.

It was almost 100 years ago, in 1898, that Spain ceded Puerto Rico to the United States as a result of the Spanish-American War.

In 1917 Puerto Ricans became U.S. citizens, a citizenship that we have cherished and valued ever since and defended with our blood. In 1952 the island became a so-called Commonwealth of the United States, a change that did not affect the island's status as an unincorporated territory of the United States subject to the jurisdiction of Congress.

But if the Chinese proverb that a journey of a thousand miles must begin with a single step is true, then the actions to finally decolonize and end the disenfranchisement of the United States citizens of Puerto Rico is merely the first step.

H.R. 856 is undoubtedly the most important step that we have taken in this journey to resolve the issue of political and economic inequality that has infused the people of Puerto Rico for the last 100 years.

I have devoted most of my adult life to this struggle and to leading my people in this long and treacherous journey. As former mayor of San Juan, Puerto Rico's capital city, as former Governor and now a Member of Congress, I have heard my people's voices and have shared their dreams and aspirations. These voices, questions, and aspirations resonate loudly in the island, although to most Americans living in the continental United States they may seem as distant echoes reflecting the deep unease and disenchantment with our current relationship.

College students in Puerto Rico ask me if our present status will deny them equal treatment in Federal education programs that they desperately need to succeed in today's competitive world. Young couples ask me why they have to move to the States in order to search for opportunities that are not available in Puerto Rico. Puerto Rican veterans who have served the United States gallantly in all of the Nation's wars and conflicts in this century ask me why they cannot vote for the President that as Commander in Chief may also send their sons and daughters to fight and die in times of war. The elderly ask me why their health benefits and other support programs are less than if they resided in New York, Illinois, California, Florida, or any other State of the Union. I have heard the voice of a grandmother wondering why her son who died in Vietnam gave his life for a country that denies her and her grandchildren the right to participate on equal terms. The answer to this question is clear. We are unequals because we are not partners.

□ 1245

We are unequals because we are submerged in a colonial relationship in which our economic, social, and political affairs are controlled to a large degree by a government in which we have no voting influence and in which we do not participate. We are unequals because we cannot vote for the President of the Nation of which we are citizens of and because we do not have a proportional and voting representation in the Congress that determines our rules of conduct and our future.

Mr. Speaker, this great Nation of ours, the example and inspiration of democracies throughout the world, the inspiration to the Chinese that revolted in Tiananmen, the inspiration of the revolt, the Hasidic Revolt in Poland, the inspiration of the unification of Germany, the inspiration of many other countries throughout the world, the inspiration of the peaceful revolt in Russia, cannot continue to uphold the policy that denies political participation and disenfranchises 3.8 million of its own citizens. We cannot continue to hide our heads in the sand like ostriches and pretend that nothing is happening. We are talking about the lives, the well-being, and the voting rights of 3.8 million U.S. citizens. We are not talking about illegal immigrants or legal residents. We are talking about U.S. citizens.

I am encouraged by the fact that we have been able to gather so much bipartisan support for this legislation in so little time. A similar version of this bill will be introduced in the Senate within the next weeks, and the support there seems to be as strong and as bipartisan as it is here in the House.

We are more than halfway through the 1990's, a decade that the United Nations General Assembly declared to be the international decade for the eradication of colonialism. Next year Puerto Rico will commemorate its 100th year as a United States colony. Should we celebrate or should we mourn? Will we see a silver lining in the sky by 1998 or will we see more of the same?

Our Nation cannot seek to promote and at times enforce democracy elsewhere in the world while it relegates 3.8 million of its own citizens to indefinite second class status, disenfranchised, discriminated against, and unable to exercise the most basic right in a democracy, the right to vote and participate in its government.

Mr. Speaker, to ignore the situation of Puerto Rico is to betray the spirit of our democratic values and traditions.

THE MILITARY VOTING RIGHTS ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Texas, [Mr. SAM JOHNSON] is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the voting rights of America's servicemen and servicewomen are being challenged. You know, in 1952, President Harry Truman said,

> Many of those in uniform are serving overseas or in parts of the country distant from their homes. If they are unable to return to their States, they are unable either to register or to vote. Yet these men and women who are serving their country and, in many cases risking their lives, deserve, above all others, the right to vote in an election year. At a time when these young people are defending our country and its free institutions, the least we can do at home is make sure they are able to enjoy the rights that they are being asked to fight to preserve.

Having been in the military, I can personally vouch for the importance of continuing the right of military personnel to vote in Federal, State, and local elections wherever they may be assigned in the world. During my 29 years in the Air Force, I often found myself thousands of miles away from my hometown of Plano, TX, but regardless of whether I was in Asia, Europe, or another far-off place, I was still a citizen of the United States and the State of Texas, and I shared the same interests and concerns as my fellow Texans.

Through my years in the military I saw countless acts of sacrifice by members of our Armed Forces to protect and ensure the rights of others less fortunate than us. I cannot imagine coming to a time in our history when someone would take action to deny the right of our servicemen and servicewomen to vote.

Unfortunately, that point was reached last November in Val Verde County in southern Texas when the votes of 800 military personnel were questioned in a general election. The margin in the sheriff's election was 257 votes, and for county commissioner it was 113. The Texas Rural Legal Aid has alleged that 800 military absentee ballots were improperly counted, and subsequently U.S. District Judge Fred Biery violated, in my view, the opinion and the will of the people and issued a preliminary injunction to prevent the sheriff and county commissioner from taking office. Texas Rural Legal Aid is a taxpayer funded group that is supposed to provide legal services for the poor. They receive about 80 percent of their funding from the Legal Services Corporation, an organization that is fully funded by U.S. taxpayers.

While the Legal Services Corporation's purpose is supposed to provide legal services to the poor, it is frequently embroiled in controversial cases which it works to advance liberal social policies. In fact, in this particular case the Legal Service Corporation efforts have been to the detriment of the poor, who are in need of legal help, but because they are so consumed with the Val Verde case, there is no one to offer legal services for those truly in need.

This raises a question: Does the taxpayer funded legal services agency have a political agenda? The lengths to which they are willing to go to make the case was illustrated in a 23-page questionnaire that was sent to all 800 military personnel whose ballots were rejected. They were instructed to return their notarized answers within 3 days.

The questionnaire is intrusive and totally out of line. It asked for personal information such as "What is the address where your spouse sleeps at night?" and to top it all off, taxpayer money was used again to produce and mail this intrusive questionnaire.

The response on Capitol Hill has been overwhelming. On January 6, Senators GRAMM and HUTCHINSON and Representative BONILLA wrote to Attorney General Janet Reno and asked her to intervene on behalf of the military voters. The Department of Justice answered that they cannot act on this until a judgment is rendered. The Senators also received the Legal Service's chairman to investigate the lawsuit and cut off all Federal funds.

On February 5, Senators GRAMM and HUTCHINSON introduced the Military Voting Rights Act of 1997. This bill will guarantee the right of all active military personnel, Merchant Marine, and dependents to vote in Federal, State, and local elections. This same bill has been introduced in the House by HENRY BONILLA and myself. We are fighting the battle here in Washington, and others are on the frontlines in Texas. A united front will stop this kind of reckless activism from encroaching on the rights of all Americans.

I think this ridiculous lawsuit is a blatant challenge to the military's right to vote and sets a dangerous precedent for the denial of basic rights, the power of judges to interfere with valid election results. It used to be standard practice to impeach judges who nullify elections. Maybe it ought to be again.

VOTE AGAINST HOUSE JOINT RESOLUTION 58 TO DECERTIFY MEXICO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. REYES] is recognized during morning hour debates for 5 minutes.

Mr. REYES. Mr. Speaker, I rise this morning to urge my colleagues to support the President's decision to certify Mexico and vote against House Joint Resolution 58 to decertify Mexico.

Mr. Speaker, this is an issue that I know something about. Before being elected to Congress, I spent more than 26 years as a member of the U.S. Border Patrol enforcing this Nation's interdiction laws. I have personally observed Mexico's commitment to stem the tide of drug trafficking and have witnessed its strong cross-border drug interdiction efforts. I have been on the front lines in the so-called war on drugs, and I am here today to tell my colleagues that this resolution to decertify Mexico may be only symbolic to us, but it has with it some serious implications and consequences to those of us that live along the border, and I do not mean just people that live exclusively in Mexico.

We have developed a spirit of cooperation with Mexico in many areas: trade, environment, immigration, as well as drug interdiction. Our economies are interdependent along the border. In fact, more than 280 million people passed back and forth between Mexico and the United States during fiscal year 1996.

A vote to decertify Mexico would greatly jeopardize the spirit of cooperation we have developed with Mexico. In addition, the threat of decertification causes the peso to plunge, as we saw late last month, which not only has an adverse effect on the Mexican economy, but can also increase the pressures on our border communities and has the potential to increase illegal immigration.

Drug trafficking is not just a Mexican problem or issue. We on the northern side of the border must do more to stem the demand for illicit drugs. The good news is that the number of people using drugs last month declined. The bad news is an estimated 12.8 million Americans, or about 6 percent of the household population aged 12 and older, have used illicit drugs within the past 30 days.

Illegal drugs are readily available almost anywhere in the United States. We have not done enough to deter drug use among our Nation's children and in our Nation's neighborhoods. Illegal drug trafficking is not just a Mexican problem, it is our problem, and we must do more to reduce drug use and not just point fingers at our neighbor to the south.

Mexico has taken a number of steps in the last year to strengthen its efforts to fight the spread of illegal drugs, and they have done so by aggressively fighting corruption, they have done so by overhauling Federal agencies and recruiting qualified personnel. They have done so by strengthening counter-drug cooperation with the United States, and they have done so by improving their extradition policy. All of these things produce positive results in Mexico's fight on drugs.

The Republic of Mexico has been certified since 1986, and, moreover, the historical relationship between Mexico and the United States has been one of increasing cooperation and furtherance of mutual interests. Over the past 10 years our southern neighbor has cooperated with our efforts to stem drug trafficking while at the same time dealing with severe economic, political, and serious trade developments.

Mr. Speaker, if we want to address the basic problems surrounding the certification process, then let us do that. If we are serious about our efforts to combat drug abuse, then we need to do better on our side of the border. But this resolution does not resolve anything. It does not do anything to take drug dealers off the street, it does not do anything to help law enforcement agencies on our border, and it does not do anything to promote good will and understanding with our neighbors in Mexico. It only strains our relationship with our neighbor, and it is very counterproductive.

When all is said and done, Mr. Speaker, more is said than actually done. I urge all of my colleagues to refrain from political posturing in the name of fighting drug trafficking and to oppose this resolution.

OPPOSE HASTY ACTION ON REVISING THE CONSUMER PRICE INDEX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning hour debates for 5 minutes.

Mr. SAXTON. Mr. Speaker, I rise this morning to express my strong opposition to hasty action on the issue of revising the Consumer Price Index to adjust Federal income tax and benefit programs. Congress should closely examine the technical issues involving the Consumer Price Index until it has all the information needed to make policy changes in this area. A trillion dollars in tax increases and benefit restraints in programs like Social Security would affect too many millions of people to make decisions on the basis of incomplete information.

After all, it took a panel of five professional economists 2 years to sort out these issues in producing a report, which is known as the Boskin report, which came out last December. Members of Congress need to carefully consider the main issues in this report and judge for themselves whether its recommendations for congressional action are warranted or not.

The Consumer Price Index is produced by the Bureau of Labor Statistics, the same agency that generates employment and unemployment figures. The CPI is a fairly old statistic, and a committee headed by George Stigler reported to the JEC in 1961 its finding on issues related to this index involving product substitution, product quality changes, updating market baskets, treatment of new products, and a number of other issues. More recently, the Boskin Commission report reviewed many of these same issues, and this report has sparked considerable controversy.

I think it is fair to say that although there is consensus that the CPI may be overstating inflation, the extent of the overstatement is very debatable and questionable. It is also worthwhile to note that Congress, rightly or wrongly, choose to index a variety of Federal benefits and tax provisions after the Stigler committee issued its report in 1961. There would seem to be ample reason for Congress to examine these issues carefully before making hasty policy decisions.

□ 1300

Now, as I have pointed out, the policy decisions made regarding the CPI would affect millions of Americans. According to a recent Joint Economic Committee analysis, about 40 percent of the direct effects of legislative reductions to the CPI would comprise tax increases. That is, taxes would go up if the CPI is adjusted downward, and that would of course be primarily on middle class taxpayers, with tax increases averaging over $400 per year by the year 2008, and the remainder of the adjustments would fall on entitlement beneficiaries like Social Security recipients who would get lower annual cost-of-living adjustments. Congress should consider whether this mix of policy for deficit reduction achieves the desired results in the best way.

To date, the debate has been framed by the Boskin Commission report, but additional information and analysis is needed for balanced decisionmaking on this complicated issue. For this reason

I have requested an indepth Bureau of Labor Statistics study of the technical issues raised by the Boskin Commission.

It is my hope that the BLS will complete its investigation and report this summer. In fairness to the many millions of Americans that could be affected by these policy changes, I would hope that Congress would receive and digest the forthcoming BLS study before hasty actions are taken. Though the BLS is certainly not above criticism and perhaps should have acted more strongly in this area heretofore, more than one perspective is needed, and the BLS can provide that perspective for sound policymaking with respect to the CPI.

Mr. Speaker, the American people have seen enough tax increases, and they are entitled to know that Social Security cost-of-living adjustments will be safe. They do not need these programs tampered with through the back-door adjustment of the CPI.

OUR CHILDREN MUST BE OUR PRIORITY

The SPEAKER pro tempore (Mr. EHLERS). Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, this Thursday, House Democrats will introduce one of the major planks of the families first agenda: the Children's Health Care Act.

Mr. Speaker, one child in seven living in the United States is without health insurance. That is about 10 million uninsured kids. This statistic is not really startling, it is simply unacceptable. It is unacceptable for a nation as wealthy and as powerful as ours to be denying our kids the health coverage that they need and that they deserve.

Mr. Speaker, I did not have to look very far to see firsthand evidence of this national crisis. Just 2 years ago in my home State of Massachusetts, 23 percent of children under the age of 18, or some 160,000 kids, were without even basic health insurance. And it does not take a pediatrician to understand what this meant for Massachusetts. Uninsured children are at risk of contracting preventable illnesses, illnesses that cost far more to treat than they do to prevent. Millions of kids without insurance means millions of kids without a secure future and millions of dreams deferred.

Families with uninsured kids do not want their children to be vulnerable, but they live from month to month and paycheck to paycheck with little money in the family budget to spare. These families are hard-working families, forced by their economic position to choose between paying for things like food and rent, hot water and electricity, and paying for things like prescriptions or doctor visits for their kids.

So what happens when a child's health needs are deferred? Well, their families pay dearly. For example, one-third of uninsured children with reoccurring ear infections never see a doctor. Many suffer hearing loss that is permanent and, what is worse, was preventable.

But the health care crisis goes beyond health and money; it affects our children's very capacity to learn and to grow. When I was a little kid, I remember having trouble learning in school. I was getting terrible headaches all the time and I had a lot of trouble concentrating. I remember vividly the day that my parents took me to the doctor to get my eyesight checked. As it turned out, I was getting headaches because I could not see the blackboard, and there was a simple solution: I needed eyeglasses.

Now, I would be lying if I said I was really excited about the prospect of getting eyeglasses as a kid. But as I was able to read what the teacher wrote on the board and as my headaches began to disappear and as my concentration began to improve, I was so inspired that I told my parents I wanted to grow up to be an eye doctor. To be frank, my mother still thinks that I should have become an eye doctor rather than the career path that I chose. But I learned a valuable lesson from that firsthand experience, and that is keeping our kids healthy is the best way to secure their future.

Now, my own State of Massachusetts has seen some very positive changes concerning health care in the past few years. Massachusetts worked hard to craft a bill called An Act to Improve Health Care Access. Now the law of the Commonwealth, this landmark piece of legislation is on the verge of giving basic coverage to some 125,000 kids in Massachusetts. That is 80 percent of the uninsured children in the State of Massachusetts.

So how was something like this financed? Well, Massachusetts has found the funds to undertake this bold plan in two areas. First, administrators found savings by streamlining and fine-tuning the way these programs are managed. Second, Massachusetts implemented a 25-cent-per-pack cigarette tax, a move that made my home State eligible for more Federal funding. Massachusetts is watching that revenue do what every State in the Nation should do, and that is cover children's health care.

Mr. Speaker, we must understand that it is in the best interests of our country to recognize and provide for children in need. As Members of Congress, we would not send troops into battle knowing that one-seventh of their equipment was faulty. As Government officials, we would not agree to build bridges if 1 in 7 fell to the ground. And as parents, we would never send our children to schools in which 1 student in 7 did not see a teacher.

Massachusetts should serve as an inspiration for the rest of our Nation. Mr. Speaker, it is a national scandal that 40 million Americans are without health insurance in this country, but it is absolutely unconscionable that nearly 10 million kids find themselves without proper health care. Every Member of this body earns an enormous salary and enjoys a first-rate health care plan. Why should our children deserve any less?

Now, I have no illusions about our present political environment. I understand that this Republican Congress is nowhere near heeding the call for universal health care coverage. But while we cannot cover everyone yet, we must do what we can today. So let us make sure that our kids are covered. As Members of Congress, we have a responsibility to prepare our children to be leaders tomorrow by insuring that they receive a healthy start today. Our children deserve no less.

OUR CHILDREN NEED OUR HELP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia [Mr. LEWIS] is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I am dismayed that in our great country, there are children who do not have health insurance. There are 10 million children. That is not right. That is not fair. That does not make sense.

Our country is too rich, too powerful, too strong to have children without health insurance. We cannot call ourselves truly great when we do not provide for our most vulnerable and most precious, our children.

This is a problem that we can fix and we must fix. As a nation we made a commitment to educate our children. We do this because it is good for them and it is good for all of us. Now we must make another commitment. It is time to keep all of our children healthy. Each and every child, rich and poor, black and white, in the big cities to the suburbs of rural America. Each and every child should be able to see a doctor, to get medicine when they are sick, to have medical care when they need help. A sick child cannot go to school, cannot learn. A sick child cannot build for the future. A healthy child can study, work, and dream.

Mr. Speaker, there is no one right way to solve this problem, but we must solve it. We must focus our collective energy, the House, the Senate, and the White House, to solve this problem for the sake of all of our children. Let us come together and make a real commitment to find a solution. Let us put aside partisan differences, and let us join together to help each and every one of our children.

None of our children, not one, should be left out or left behind. We can, we must work together to provide health care for all of our children. The future of our children and the future of our Nation depends upon it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Reverend Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge that You have made us in Your own image, so we pray: Look with love and compassion on Your whole human family. Take away from any of us the arrogance we may have for our own importance and significance. Dissolve any hatred that infects our hearts and inflicts our spirits. Break down the walls that may separate us one from the other. And, through our struggle and confusion, use our work to bring about Your purpose, so that in Your good time and season our work and our efforts and our decisions may serve the common good of all Your people, and in quiet harmony may they promote Your will and goodness. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 U.S.C. 1024(a), the Chair appoints the following Members of the House to the Joint Economic Committee: Messrs. STARK, HAMILTON, HINCHEY, and Mrs. MALONEY of New York.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of the Committee on Small Business:

> HOUSE OF REPRESENTATIVES,
> *Washington, DC, March 10, 1997.*
>
> Hon. NEWT GINGRICH,
> *Speaker of the House, Capitol,*
> *Washington, DC.*
>
> DEAR MR. SPEAKER: I request that I be granted a leave of absence from the House Committee on Small Business in order to accept an appointment to the House Permanent Select Committee on Intelligence.
>
> Thank you very much for your time and cooperation.
>
> Sincerely,
> IKE SKELTON,
> *Member of Congress.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

MARKET ACCESS PROGRAM ELIMINATION ACT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, a lot of the backroom deals in this town involve taking money away from middle-class people who work for it and then giving it to special interests who lobby for it.

One of the most outrageous transfer programs around now is called the Market Access Program, or MAP. In this particular scheme the Government takes money away from taxpayers and gives it to corporate trade associations to advertise their products overseas. We are dipping into the pockets of average Americans in order to subsidize private, politically preferred business dealings. So when I say the program is outrageous, I mean just that. It should cause outrage. It is about as close to legalized theft as you can get.

If businesses want to advertise overseas, great. They should do it, but with their own money. They should not beg Congress to squeeze the taxpayers even more than they are already squeezed with the high taxes we have in this country.

That is why the gentleman from New York [Mr. SCHUMER] and I have introduced H.R. 972, the Market Access Program Elimination Act. If you want taxpayers to be able to keep more of their own money rather than having it go to groups like the Dry Pea and Lentil Council, please join us in this effort. Let us get rid of the Market Access Program.

AMERICA SOLD LOCK, STOCK, AND PORK BARREL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, news reports say that China tried to influence and buy last year's Federal elections, including the Presidency. All of America is in an uproar. Newspapers are in shock and people are calling the talk shows on the radio and saying they believe America is for sale. Can you blame them?

China gets most-favored-nation trade status but sells missiles to our enemies. Japan keeps raping our marketplace, approaching $70 billion in surpluses, and they keep denying our products. Mexico gets billions of dollars from us and they ship narcotics to our streets. And now American companies overseas are advertising in the newspaper for American workers to move overseas and get a good, livable wage job.

Beam me up, Mr. Speaker. America is not for sale. I think America has already been sold, and I think Congress should start looking into it. Sold, lock, stock, and pork barrel.

PROTECT AMERICA'S BORDERS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I like those last remarks.

Mr. Speaker, I am outraged, also, at the President's lack of leadership in protecting our borders from the invasion of Mexican drug lords.

An article in the Dallas Morning News yesterday illustrated the national disaster we now have on the Texas border. Our ranchers, their families, live in constant fear. Their cattle and dogs are being killed by the drug guys. Their houses are being robbed. Recently a Border Patrol guard was gunned down by drug smugglers. These Americans live in a virtual war zone with no relief in sight.

Eight months ago our drug czar stood in Texas and announced swift action must be taken. Congress responded by authorizing 1,000 new drug agents in each of the next 5 years. Guess what? Our President only actually implemented 500.

It is time for this President to stop paying lip service to a problem that demands attention now. No one in America should be held hostage in their own house. We protect the borders around the world. It is time we started protecting our own.

HEALTH CARE FOR CHILDREN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, during the time it takes me to give these remarks today, two American children will lose their health insurance. One minute, two children. Three thousand three hundred every day of the year added to the ranks of the uninsured. Children are losing their health insurance at twice the rate of adults. This is truly a national crisis.

Last weekend in Hershey, PA, Members of the Congress from both sides of the aisle came together for a bipartisan retreat. We talked about the importance of working together and finding common ground on important issues that face American families.

Surely we can all agree that there is no issue more important to our families than our children, for they are the future of this Nation. Let us pledge to work together, Democrats and Republicans, to see that every child in America has basic health care coverage. Let us come together and pledge to strengthen our families and to put the expansion of health care for children at the top of our legislative agenda.

TRIBUTE TO ROBERT PASCHAL

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a great man and a great institution, Robert Paschal, the founder and owner of Paschal's Motor Hotel and Restaurant, who recently passed away.

Mr. Paschal moved to Atlanta at a young age and opened a soda fountain and a hot dog stand. The small stand grew into an Atlanta institution, an establishment famous for its fried chicken. He helped build a business the old-fashioned way, the hard way, through hard work.

My first meal in Atlanta was at Paschal's during the civil rights movement. This man practically fed the entire movement. Paschal's was one of the few places blacks and whites could socialize and discuss the order of the day. It was there we talked about the Selma march, the Poor People's Campaign, and the Mississippi summer project. It was there we checked the pulse of the movement. Paschal's was referred to as the Paschal precinct, and to this day it is a meeting place, a gathering place for all Atlanta.

So when Robert Paschal left us, we lost a part of Atlanta, part of our history and our hearts. He will be missed by our city and our State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

WAIVING CERTAIN PROVISIONS OF TRADE ACT OF 1974 RELATING TO APPOINTMENT OF U.S. TRADE REPRESENTATIVE

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 5) waiving certain provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative.

The Clerk read as follows:

S.J. RES. 5

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) became effective on January 1, 1996, and provides certain limitations with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to any individual who was serving as the United States Trade Representative or Deputy United States Trade Representative on the effective date of such paragraph (3) and who continued to serve in that position;

Whereas Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, with the advice and consent of the Senate, and was serving in that position on January 1, 1996;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to Charlene Barshefsky in her capacity as Deputy United States Trade Representative; and

Whereas in light of the foregoing, it is appropriate to continue to waive the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 with respect to the appointment of Charlene Barshefsky as the United States Trade Representative: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Charlene Barshefsky as the United States Trade Representative.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate Joint Resolution 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of Senate Joint Resolution 5.

I strongly support Ambassador Barshefsky's nomination as USTR. In her capacity as Deputy USTR, Acting USTR and USTR-Designate, she has served the United States admirably, forging a number of important trade agreements which opened markets for U.S. exports.

Unfortunately, because of a provision adopted last Congress that amends the Trade Act of 1974, we must take action in the House today in order to permit Ambassador Barshefsky to serve as USTR. In very vague terms, current law bans the nomination of anyone as USTR or Deputy USTR if that person has ever aided, represented, or advised a foreign government in a trade negotiation or trade dispute. We must seek this waiver today because Ambassador Barshefsky had a minimal advisory role to the Canadian Government a number of years ago and would therefore be automatically precluded from serving as USTR despite this very, very minor role.

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Now I agree we should not have individuals in positions of authority over our trade policy if there is any doubt of their loyalty to the United States and commitment to trade policies that benefit our economy, businesses and workers. However, I believe that this provision is an intrusion into the current confirmation process, which already permits Congress to consider the background of candidates and whether prior representation is relevant to the ability of an otherwise qualified individual to carry out the tasks of any of these positions. Indeed, it severely limits the pool of qualified candidates for these positions in a way that may well be unconstitutional.

In fact, when the provision was being considered last year, the Justice Department wrote to the gentleman from Illinois [Mr. HYDE] of the Committee on the Judiciary that the provision raises serious constitutional concerns because it limits the President's constitutional prerogatives to nominate persons to a senior executive position, particularly in the trade area, a letter that I am submitting for the RECORD today.

Accordingly, I urge my colleagues to support the waiver of this provision for Ambassador Barshefsky's nomination as USTR. I believe she has done a good job in her other capacities, and I think she will do a good job in the future.

Mr. Speaker, I include the following for the RECORD:

Agency Views

U.S. Department of Justice,
Office of Legislative Affairs,
Washington, DC, November 7, 1995.

Hon. Henry Hyde,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

Dear Mr. Chairman: This provides the views of the Department of Justice on S. 1060, the "Lobbying Disclosure Act of 1995," as passed by the Senate. We understand that the House may act on this legislation later this year.

The Department strongly supports the purpose of this bill and its central provisions. It will ensure that federal officials are aware of the outside sources of information and opinion made available to them and will significantly enhance public understanding of the lobbying process.

Certain features of the bill, however, present difficulties that can and should be remedied.

First, the Department has constitutional concerns about the role the bill gives to the Secretary of the Senate and the Clerk of the House; the bill's disqualification of certain persons from serving as United States Trade Representative or Deputy United States Trade Representative; and the specific manner in which the bill seeks to protect the exercise of religion, a goal with which the Administration strongly agrees.

Second, the Department has policy concerns about the relationship between the bill and the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq. (FARA).

Accordingly, we recommend that Congress pass this legislation with certain changes to ensure that it is both constitutional and effective.

Constitutional concerns

1. The bill provides that lobbyists would need to file disclosure statements with the Secretary of the Senate and the Clerk of the House of Representatives. If those officials determined that a lobbyist's statement did not comply with the law, they would notify the lobbyist. If the lobbyist did not correct the deficiency to their satisfaction, they could forward the matter to the United States Attorney for the District of Columbia, who could bring an action for a civil file. See §§4–7, S. 1060. The bill would define a civil offense consisting of the knowing failure to "remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives." See §7(2).

This arrangement would raise serious constitutional problems. Congress may not provide for its agents to execute the law. Bowsher v. Synar, 478 U.S. 714, 726, 733–34 (1986); see also Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc., 501 U.S. 252 (1991). Here, in contrast to the current law that gives agents of the Congress the responsibility only to collect and publish information, see 2 U.S.C. §§261–70, the bill would provide that an action for one type of civil offense could be initiated against a lobbyist only if the congressional agents, pursuant to their interpretation of the statute, issued a notice finding the lobbyist's filing to be deficient.[1] The Secretary of the Senate and the Clerk of the House of Representatives thus would be performing executives functions of Buckley v. Valeo, 424 U.S. 1, 140–41 (1976) (executive functions include giving "advisory opinions" and making "determinations of eligibility for funds and even for federal elective office itself"), even though Congress may vest such functions only in officials in the executive branch.

2. The bill would forbid the appointment, as United States Trade Representative or Deputy United States Trade Representative, of anyone who had ever "directly represented, aided, or advised * * * a foreign [government or political party] in any trade negotiation or trade dispute with the United States." This provision, too, would raise serious constitutional concerns. The Department of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." See, e.g., United States v. Louisiana, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador, 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. See, e.g., Civil Service Commission, 13 Op. Att'y Gen. 516, 520–21 (1871).

3. Section 3(8)(B)(xviii) would exempt lobbying contacts by churches and other religious organizations from the registration requirements. The Administration supports the strongest possible protection for the exercise of religion. We are concerned however, that the exemption now included in the bill could be susceptible to valid constitutional challenge in the courts. The Supreme Court has held that the Establishment Clause of the First Amendment prohibits the government from singling out religious organizations for especially favorable treatment, whether in the form of an exemption from a government requirement or in the form of a direct benefit. See, e.g., *Board of Educ. of Kiryas Joel* v. *Grumet*, 114 St. Ct. 2481, 2487 (1994) (plurality opinion) invalidating creation of a special school district for religious community) (Establishment Clauses requires that the government "pursue a course of neutrality toward religion, favoring neither one religions over other nor religious adherents collectively over nonadherents") (internal quotation omitted). In *Texas Monthly* v. *Bullock*, 489 U.S. 1 (1989), for instance, the Supreme Court held that the Establishment Clause prohibits a state from exempting certain periodicals distributed by religious organizations, and no other periodicals, from its sales and use tax.

At the same time, the Court has permitted the government in certain circumstances to provide an exclusive "accommodation" to religion. See *Corporation of Presiding Bishop* v. *Amos*, 483 U.S. 327 (1987) (upholding exemption of secular nonprofit activities of religious organization from Title VII prohibition on employment discrimination based on religion). The accommodation doctrine permits the government to provide religion with an exclusive exemption from a regulatory scheme when the exemption would "remov(e) a significant state-imposed deterrence to the free exercise of religion" *Texas Monthly*, 489 U.S. at 15 (plurality opinion); see also *Amos*, 483 U.S. AT 335 (government may act to "alleviate significant governmental interference" with religious exercise). Under the Court's accommodation doctrine, section 3(8)(B)(xviii) would be far less susceptible to constitutional challenge if it were rewritten to apply only when the operation of the Act would in fact burden the exercise of religion. Specifically, we recommend the following language, which tracks the standards enunciated by the Supreme Court and incorporated in the Religious Freedom Restoration Act, 42 U.S.C. 2000bb–4:

(B) The term "lobbying contract" does not include a communication that is * * *

(xviii) of such a nature that its coverage under this Act would substantially burden any person's exercise of religion. In determining whether coverage under this Act of any lobbying contact would substantially burden a person's exercise of religion, the standards of the Religious Freedom restoration Act, 42 U.S.C. 2000bb–2000bb–4, shall apply.

The bill could also include a provision that "any regulation promulgated hereunder shall incorporate the maximum protection under the Constitution and laws of the United States for the exercise of religion by lobbyists or clients."

Alternatively, a more general exemption, reaching non-religious as well as religious organizations, would not raise Establishment Clause problems. See *Texas Monthly*, 489 U.S. at 15–16 (plurality opinion); id. at 27–28 (Blackmun, J., concurring). The Establishment Clause would be implicated by a provision permitting churches and religious organizations to use the narrower definition of lobbying contained in 26 U.S.C. §499(d), which would relieve them of some of the burdens of the legislation in a manner similar to that afforded other non-profit organizations.

Relationship to Foreign Agents Registration Act

In addition to these constitutional concerns, we are concerned about the relationship between the bill and FARA set forth in sections 3(8)(B)(iv) and 9(3) of S. 1060. Exempting from registration under FARA all agents of foreign principals who register under this bill would significantly reduce public disclosure about such agents. It would also reduce the Department's receipts under its FARA user fees program, which may implicate the "Pay-As-You-Go" provisions of the Omnibus Budget Reconciliation Act of 1990.

FARA reflects a judgment that broad disclosure is particularly important with respect to foreign influences on the political process. Accordingly, the extent of disclosure with respect of activities, receipts and disbursements, including political contributions, required of agents of foreign principals under FARA is significantly more detailed than that required of all lobbyists under S. 1060. FARA also covers a broader range of political activities than this bill, including advertising, public relations activities and political fund-raising. The result of enactment of section 9(3) of the bill would be to exempt many agents of foreign principals from the wider and more detailed disclosure of their activities FARA intended, whenever they make a covered "lobbying contract" under this bill.

The Department recommends, therefore, that agents of foreign principals who are required to register under FARA, and who in fact do so, be exempted from registration under the Lobbying Disclosure Act. This approach would maintain the higher scrutiny

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[1] The Secretary of the Senate and the Clerk of the House of Representatives would also "develop common standards, rules, and procedures for compliance" with the Act.

Congress has historically applied to foreign influences on the domestic political process. It also has the advantage of maintaining government "user fee" revenues, because FARA recovers the costs of the administration from the agent population, and the present bill has no comparable revenue producing mechanism.

In summary, we strongly support the laudable goals of S. 1060 and its central provisions. We stand ready to assist in the important effort to achieve reform in this area. Please do not hesitate to contact us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I would prefer to let my distinguished colleague on the minority side take precedence over me.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky. The Ambassador has broad bipartisan support and deserves to be our next Trade Representative.

Last week the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99 to 1 and 98 to 2, respectively. During her 4 years, nearly 4 years, of service at the Office of the USTR, first as Deputy USTR and since April of last year as Acting USTR, Ambassador Barshefsky has compiled an impressive record, opening foreign markets for U.S. exporters and defending U.S. trade interests. Recently, she concluded successful multinational agreements which will reduce or eliminate tariffs worldwide on trade and information technology products and which will open foreign markets for basic telecommunication services.

Last December, she concluded a bilateral agreement with Japan on insurance, which opens that market for United States insurance providers. Last year she also struck an agreement with China providing for stronger enforcement of United States intellectual property rights in that country.

Clearly, the Ambassador has shown that she is tough and a skillful negotiator internationally. More important, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and future of all Americans. For that reason she consults closely with Members of Congress and the public at large on her action, and she clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries her responsibilities out accordingly.

For those who have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studied her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know, admire, and work with Ambassador Barshefsky, who is a tireless, dedicated person on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador Barshefsky will be a U.S. Trade Representative of which all of us will be proud.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from New York.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 1, THE WORKING FAMILIES FLEXIBILITY ACT

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of making an announcement.

Mr. Speaker, the Committee on Rules is planning to meet the week of March 17 to grant a rule which may limit the amendment process for H.R. 1, the Working Families Flexibility Act. The Committee on Education and the Workforce ordered the bill reported on March 5. Amendments should be drafted to the text of the bill as reported, which will be filed tomorrow, Wednesday, March 12. Copies are also available at the Committee on Education and the Workforce office should Members wish to view the bill today.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 17, to the Committee on Rules, at room 312 in the Capitol. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that amendments comply with the rules of the House.

Again, I call my colleagues' attention to, if they want amendments considered to this legislation, they must prefile them with the Committee on Rules prior to noon on Monday, March 17.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of Senate Resolution 5, which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. The Senate has also done this on occasion when there has been an outstanding candidate before them also. I would like to note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute, nor does it have implications for any other prospective nominee to serve as the U.S. Trade Representative.

As a member of the Committee on Ways and Means, I have indeed been fortunate to work with Ambassador Barshefsky and know very much how well she carries out her duties. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy and has successfully completed many negotiations, but what I like best about the ambassador is she is able and willing to get up from the table and walk away when nothing is being offered. Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared. I have worked with few people who possess the ability to discuss the minimal, little, arcane, terribly, terribly difficult to understand details of a trade pact and then could look at the whole picture and explain it to people who have to understand it.

I am confident that the ambassador will continue to pursue a strong and fair trade agenda that seeks to promote our national interests. We could not be better represented than having this woman as our USTR.

Mr. CRANE. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. MATSUI], the ranking minority member on the Subcommittee on Trade.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Illinois, the chair of the Subcommittee on Trade for yielding me this time. Of course I thank the ranking member of the committee as well. I appreciate this. This is in the spirit of Hershey and bipartisanship.

Mr. Speaker, I would only like to support Senate Joint Resolution 5 as well. I think that this resolution is vitally needed given the fact that we need a waiver and a grandfather specifically for the next U.S. Trade Representative, Ambassador Charlene Barshefsky. As everyone knows, Ambassador Barshefsky has been the Deputy USTR now for 4 years, and she has been perhaps one of the greatest representatives we have had in terms of overseas negotiations.

Most recently under her leadership as acting USTR, the United States completed a multilateral agreement, the Information Technology Agreement, which will cover over $500 billion in global trade, and just recently, in the last month, she and her staff have completed the basic Telecommunications Services Agreement, which will actually cover over 90 percent of the global population and perhaps have an additional to $600 billion worth of trade, and so I urge that we adopt Senate Joint Resolution 5 to make Charlene Barshefsky the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of Senate Joint Resolution 5. As chairman of the Committee on Agriculture, I believe it is vital that the person representing the United States in trade negotiations and resolutions of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, in 1996, Mr. Speaker, agricultural exports totaled $60 billion, and the agricultural trade surplus exceeded $26 billion. There is nevertheless ample opportunity for expansion. It is incumbent upon the administration, through the Office of Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I had the opportunity to meet Ambassador Barshefsky, and she assures me that her knowledge of agriculture and her commitment to ensuring the proper emphasis will be on agriculture export issues. In our discussion we agreed that agriculture is the No. 1 high technology export and that it is also the No. 1 priority with the U.S. Trade Representative. In my discussions with the Ambassador, she assures me that agriculture will be her top priority, and that is why I support Senate Joint Resolution 5 and the waiver needed to assure that she will be indeed the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of Senate Joint Resolution 5 regarding the appointment of Charlene Barshefsky as U.S. Trade Representative. I had the opportunity to work closely with the Ambassador and Deputy Trade Representative Jeff Lang during negotiations on the WTO Telecommunications Agreement, and I must say that I was pleased with her determination to consult regularly with Congress during these talks, and I do mean regularly. They were most helpful.

Perhaps more to the point, I was deeply impressed by what was achieved in Geneva. The agreement covers 95 percent of rural telecom revenue, giving United States firms unprecedented access to markets in Europe, Asia, and Latin America, and covers some 70 countries in its sweep.

In my opinion, the agreement is proof that Charlene Barshefsky's reputation as a tough, stalwart negotiator is well-deserved, and I would certainly support the waiver. I am just sorry that we really have to have a waiver because I think the provision in current law is too xenophobic and unrealistic.

On a related matter I want to correct a continued misperception that was repeated on the floor of the other body during debate on this measure. The gentleman from South Carolina took a statement from the RECORD made by the chairman of the House Committee on Commerce, the gentleman from Virginia [Mr. BLILEY], and inferred from it that the administration, by inference USTR, asked this Member to amend section 310(b) of the Communications Act on their behalf.

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This is simply not so. The statement alluded to our efforts during debate on the Telecommunications Act to satisfy the concerns of the executive branch regarding international investment in U.S. telecommunications firms. However, the chief changes made were in the area of national security, and we worked very closely with the FBI and National Security Agency and the CIA, and the effect was to tighten the law, not the loosen it.

The input we received from the executive branch came at the request of the cosponsor, the gentleman from Michigan [Mr. DINGELL], and the advice we received came primarily from the security agencies, as I recall, not from the Office of the Trade Representative.

Of course, I did consult with USTR on the effect my language would have on their negotiations, as any responsible legislator would, but these consultations came at my request, not the other way around, and I wanted to point that out for the record.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I oppose the resolution, I oppose the waivers.

Current law says that no one may be appointed as U.S. Trade Representative or Deputy Trade Representative if they have ever in their past represented a foreign government in a trade dispute or a trade negotiation with the United States. Now look, I think Charlene Barshefsky is a great woman, a great American, and may be doing a great job. However, one of the reasons we passed this legislation is some of these trade representatives, after they leave, go on the employ of some of these foreign governments and companies overseas.

Now, we just passed this law a year ago, and now we are about to waive it, with Japan approaching $70 billion in trade surpluses, China approaching $50 billion in trade surpluses. I have nothing against Charlene Barshefsky, but here is the question I pose to the Congress of the United States: Can we not find one qualified American to be the trade representative of our country that has never been in the employ of, represented a foreign interest, or had a connection in resolving or monitoring or negotiating or resolving a trade matter on behalf of a foreign country with our Nation? I think that is the issue.

I am certainly not going to ask for a vote, and I know this is going to pass overwhelmingly, but it is no surprise our young people are responding to ads in the newspaper box so-and-so where the job is in Mexico and overseas. There is not going to be a damn job left in this country.

The only thing that bothers me, I am beginning to wonder if we have anybody in the right circle that could actually apply for these positions that has never had a tie to a foreign nation. Beam me up, here. I am a "no." I am not going to ask for a vote, but I am opposed to this waiver, and I think the Congress should follow the laws that they pass that have some common sense attached to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. GOODLATTE). The Chair would remind all Members to refrain from the use of profanity in their speech on the floor.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, let me say no one needs to be beamed up on this vote. This is a vote to confirm not only the appointment of Charlene Barshefsky, who is now our Deputy Trade Representative, to the Trade Representative, but also to pass a waiver that is necessary for that confirmation to be complete.

I want to first congratulate her on a near unanimous confirmation in the Senate and the near unanimous vote in the Senate on behalf of this resolution.

Let me point out that Charlene Barshefsky was already at USTR as Deputy Trade Representative when the law in question was passed last year. So this grandfathering is in fact a recognition of her already and continuous service at the USTR.

Let me also state that as chairman of the Subcommittee on Telecommunications and Trade of the Committee on Commerce, we have all been extraordinarily impressed with the caliber of service that this ambassador has already provided to this country. She has worked cooperatively with our committee in keeping us informed and interacting with us throughout all the WTO negotiations in Geneva that led to the successful passage of the recent agreement in Geneva on telecommunications and opening up those markets all over the world to U.S. investment.

That action alone is going to create opportunities for American jobs and businesses throughout the world in telecommunications. It is patterned very much after the 1996 Telecommunications Act that this House and the Senate so unanimously joined in just 1996 to create an open market for the United States in telecommunications.

I look forward as chairman of the subcommittee very soon to receiving the testimony of Ms. Barshefsky before our subcommittee, in not only reporting on that successful negotiation of which we are all so proud, but on the continuing efforts to bring other countries in with new and improved offers so that we can continue to open up markets for telecommunications services throughout the world for American businesses and American jobs. I urge the adoption of this resolution.

Mr. RANGEL. Mr. Speaker, I have no further requests for time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 5 in the nomination of Ambassador Charlene Barshefsky to serve as U.S. Trade Representative. I have had the pleasure of working with Ambassador Barshefsky over the last few years. I cannot say enough about her toughness, her tenacity and her aggressive advocacy on behalf of U.S. interests.

I know Ambassador Barshefsky is tough because the companies in my district have benefited from her toughness. The Eighth Congressional District of Illinois, my district, is home to some of the leading high-technology companies in the country, and they have gained market share, increased their export sales, and hired new workers in part due to Ambassador Barshefsky's tenacity. It is because of her toughness that the cellular phone market in Japan is now more open than ever, that China has signed a rigorous agreement protecting intellectual property rights, and that Motorola, to take just one example from my district, has gained greater access to the Chinese market.

I have seen her in action. A year ago Ambassador Barshefsky started building support among the Quad nations for a landmark information technology agreement. At the WTO ministerial meeting in Singapore last December, I watched her work around the clock to hold together an alliance and put in place an unprecedented market-opening agreement. It was an honor and a pleasure to see her rolling up her sleeves, getting the nitty-gritty detail and coming out with a superior deal. She does not give up and she does not give in. I am very hopeful that under her leadership at USTR we would be able to pass fast-track legislation that would permit the negotiation of further market-opening initiatives.

It has been a real pleasure to work with Ambassador Barshefsky in large part because of her rare ability to reach across party lines and work with Members from both sides of the aisle to craft good deals that best serve our companies and our workers. Good jobs and a strong economy are American goals, not Republican or Democrat goals. Ambassador Barshefsky helps us reach those goals together by putting aside politics and hammering out good policy that opens markets, increases exports, creates jobs and strengthens the American economy so that we can remain the world's most competitive Nation into the next century and beyond.

Mr. Speaker, I agree with the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, that we should not be forced to consider a waiver today because the underlining provision that we seek to waive is ill-advised and should not be in place. I would like to place in the RECORD a resolution and report recently adopted by the American Bar Association which clearly and cogently set forth the arguments in opposition to the preemployment restrictions imposed by the underlying provision.

Mr. Speaker, I strongly support the nomination of Ambassador Barshefsky as U.S. Trade Representative and urge my colleagues to vote for the waiver on Senate Joint Resolution 5.

American Bar Association Section of International Law and Practice Recommendation to the House of Delegates

RECOMMENDATION

Be it resolved, That the American Bar Association urges the Government of the United States to proceed as follows:

I. Congress should avoid statutory provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented.

II. Congress and the Administration should continue to utilize traditional mechanisms (including the Senate's power of confirmation), rather than special pre- or post-employment rules, to ensure that senior executive and judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity.

III. Ethics-in-government rules, whether addressed to pre- or post-government employment activities, should not single out foreign policy or trade functions for special, restrictive treatment. Congress should repeal the 1995 amendments to 18 U.S.C. §207 and 19 U.S.C. §2171(b), whose effect is to restrict the pre- and post-employment activities of U.S. Trade Representatives ("USTRs") and Deputy USTRs on behalf of foreign interests, and should not extend those provisions to cover other senior government positions.

American Bar Association Section of International Law and Practice Report to the House of Delegates

I. INTRODUCTION

On July 24, 1995, while debating the Lobbying Disclosure Act of 1995 ("LDA"),[1] the Senate accepted an amendment creating a new restriction on who could serve as United States Trade Representative ("USTR") or Deputy USTR.[2] Specifically, the statute defining the positions of USTR and Deputy USTR, 19 U.S.C. §2171(b), was amended to disqualify from eligibility anyone who at any time in the past had directly represented, aided or advised a foreign government or political party in a trade negotiation or trade dispute with the United States. A related section of the LDA created new restrictions on the post-employment conduct of persons who have served as USTR or Deputy USTR. Prior law had contained a special restriction, enacted in 1992, against a former USTR's representing, aiding or assisting any foreign government within three years of having served as USTR.[3] The LDA extended the ban's duration to a lifetime ban and its coverage to include Deputy USTRs.

The Senate accepted these two provisions (hereinafter the "USTR Amendment," reproduced in full at Appendix I to this Report) virtually without debate, and the provisions passed the House after some unsuccessful attempts to expand their reach. The President signed the Lobbying Disclosure Act, including the USTR Amendment, while recognizing the Justice Department's concern that the new pre-government employment restrictions may unconstitutionally impinge on the President's appointments power. In 1996, more bills were introduced to expand these restrictions to other government officials, but none were enacted.

The American Bar Association ("ABA") urges repeal of the USTR Amendment. While both the pre- and post-employment restrictions are objectionable, as discussed below, it is the pre-employment disqualification that raises the most serious issues, and it is this provision that most urgently should be repealed. The provision sets a dangerous precedent for limiting the availability of qualified candidates to serve in the U.S. Government. It automatically disqualifies potential nominees solely based on a prior relationship with a particular type of client. Such a rule, which effectively equates an advocate's personal views with those of his or her client, reflects an unwarranted and incorrect view of the lawyer/client relationship, especially in view of the ethical obligations of lawyers and the constitutionally-recognized right to counsel. In addition, such a rule takes no account of the nature, length, significance or contemporaneity of

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Footnotes at end of article.

the relationship with the former client. With regard to the new lifetime post-employment restrictions for USTRs and Deputy USTRs, there has been no demonstration that such a ban is needed to address any real problem, and there are compelling reasons not to restrict the post-employment conduct of trade negotiators in such an unusual and severe manner.

In sum, the Report supports the accompanying ABA resolution urging that the Congress: avoid enacting disqualifications for service in the U.S. Government which presume that lawyers and other advisors take on the views of their clients; avoid singling out foreign policy and trade functions for extra-restrictive pre- or post-government employment rules; and promptly repeal the USTR Amendment.

II. THE PRE-EMPLOYMENT RESTRICTIONS

The new pre-employment restriction is unique among provisions in the U.S. Code creating "primary officers" of the U.S. Government (i.e., positions requiring nomination by the President and the advice and consent of the Senate). Of the hundreds of appointees in this category, only USTR and Deputy USTR candidates can be disqualified based solely on the identity of their former clients.

There is a serious constitutional objection to this new pre-employment restriction, in that it infringes on the President's appointments power. The ABA notes, but does not rest its concerns on, that objection. The new pre-employment restriction is also troubling on several policy grounds: (1) it arbitrarily limits the flexibility of the President to choose and the Senate to confirm, the best possible person for a particular government position; (2) it presumes, without justification, that a person advising a foreign government personally embraces and retains views antithetical to those of the U.S. Government; (3) it creates perverse anomalies unconnected to any legitimate interest in ensuring the loyalty of senior appointees; and (4) comparable disqualifications could easily be enacted, based on the same flawed rationale, for other government positions.

A. The New Disqualification Is of Doubtful Constitutionality

As mentioned above, there is virtually no legislative history accompanying the USTR Amendment and thus, unlike the debate surrounding provisions restricting post-government employment activities, no discussion by the Congress of the legality of the new pre-employment restriction. As also noted above, before the USTR Amendment there were no statutory provisions disqualifying any class of persons from service as USTR or Deputy USTR.

It is well accepted that the Congress has the constitutional responsibility for creating the various government offices not specifically enumerated in the Constitution.[4] Further, it is well accepted that the Congress can attach qualifications to those government offices:

> While Congress may not appoint those who execute the laws, it may lay down qualifications of age, experience and so on. Sometimes these qualifications significantly narrow the field of choice. However, any Congressionally imposed qualifications must have a reasonable relation to the office. Otherwise, Congress would be, in effect, creating the appointing power in Congress, rather than in the President.

Congress may, in short, create the office but may not appoint the officer. To distinguish between these two powers, the Court has developed a germaneness test.[5]

The Department of Justice articulated just such serious constitutional concerns with the USTR Amendment as it relates to the President's appointments power:

> The Department of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." *See, e.g., United States* v. *Louisiana*, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador. 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. *See, e.g., Civil Service Commission*, 13 Op. Att'y Gen. 516, 520–21 (1871).[6]

After passage of the Lobbying Disclosure Act by both the Senate and the House, Justice continued to express serious concerns about the new pre-employment provision, but did not recommend that the President veto the Act on this basis.[7] The President in signing the bill noted the constitutional issue.[8]

The new disqualification raises serious separation of powers questions. When such provisions are enacted without hearings, with virtually no floor debate or legislative history, and despite constitutional objections noted by the Department of Justice, the justifications underlying them should be carefully examined. Where such provisions are not only constitutionally suspect but also premised on a mistaken and troublesome view of the lawyer-client relationship, they should be removed.

B. It Is In The Public Interest for the President to Be Free to Appoint the Most Highly Qualified Nominees, Regardless of Past Clients

The new disqualification rules out many qualified individuals who could otherwise serve the nation effectively as senior trade negotiators. The best qualified candidate for a particular USTR or Deputy USTR appointment may be someone who has some experience advising foreign clients. (We note, in this regard, the adage that it is useful for a prosecutor to have experience serving as defense counsel.) Yet, the USTR Amendment would prevent such a person from serving.

While it is wrong to presume a link between advocacy and personal belief, it is even more wrong to freeze such a presumption into a statute. Categorical and difficult-to-amend statutory disqualifications cannot take into account the nuances of a particular candidate's history. These are precisely the factors that the President should weigh in choosing a nominee and the Senate should review in the confirmation process.

The new disqualification does not only restrict the President's appointments power. It also represents a failure to respect the Senate's constitutional role to consider, and where appropriate disapprove, the President's nominees. The Senate should preserve its prerogative to consider a particular nominee's record of advocacy for foreign clients, or foreign government clients, in the confirmation process and to determine whether anything in that record is sufficiently troubling to justify withholding confirmation.[9]

C. The Unstated Premise of the New Disqualification—That An Advocate is Either Tainted By or Continuously Captive to the Interests of a Former Client—Is Inconsistent with U.S. Traditions and Values

During the 1974 Senate consideration of legislation to establish the office of special prosecutor and to depoliticize the position of Attorney General, former Supreme Court Justice Arthur Goldberg described the attorney-client relationship in the following manner:[10]

> One of the traditional concepts applicable to the bar at large is too often overlooked in senatorial confirmation hearings involving nominees for Attorney General, Assistant Attorney General, Deputy, and U.S. Attorneys. That concept—which I fear, Mr. Chairman, in the day of the organization man and big interests which lawyers are called upon to serve, is too often overlooked—is that the bar is independent, that it is not a servant of a client, but services a client; and that the men and women of the bar are independent and give counsel and advise independently. The principal law enforcement officers of the Government should be lawyers in that sense, ... Any nominee of a different mind or character should not be confirmed by the Senate.

For just such reasons, it is widely accepted that a lawyer should not be ineligible for nomination as a judge solely because of past representation of, for example, criminal defendants.

The USTR Amendment, and the proposals to extend the disqualification so that it applies to other government positions, adopts a different and inaccurate view of the relationship between advocates and their clients. It is wrong to assume that an outside adviser, such as a lawyer, necessarily concurs with the views or actions of his or her client, or will apply those views in carrying out the duties of a public office. Certainly, if someone represents more than one group of clients—for example, foreign governments in some matters and U.S. corporations in others—it cannot fairly be presumed that the foreign government representation determines or more accurately represents the person's own beliefs.

When an individual leaves the private sector and becomes a government official, he or she takes on totally new responsibilities and must move beyond all prior client interests—those of domestic and foreign clients alike. Other than preserving their confidences, an appointee has no continuing obligation to prior clients. The USTR Amendment wrongly ignores this aspect of public service.

Reflecting its inconsistency with U.S. traditions and values, the new disqualification is utterly without precedent in the U.S. Code. Appendix 2 to this Report identifies 126 statutory provisions, relating to U.S. Government civilian offices, that impose qualifications in addition to Senate confirmation.[11] As shown there, those 126 provisions fall into seven groupings: 3 provisions requiring that appointees be U.S. citizens; 19 provisions requiring that appointees be civilians at the time of their appointment; provisions that establish minimum representation on a board or commission of certain constituent groups; provisions requiring technical expertise; 6 provisions imposing "cooling off" periods to ensure civilian control of the military; 7 provisions imposing other temporary "cooling off" periods (e.g., sitting members of the U.S. Postal Service Board of Governors may not simultaneously be representatives of "special interests using the Postal Service"); and 2 provisions containing permanent, uncurable, disqualifications. Of these, only the USTR disqualification is based on advocacy activities. The other provides that members of the permanent board of the Federal Agriculture Mortgage Corporation shall not be, or have been, officers or directors of a financial institution.

D. The New Disqualification Creates Perverse Anomalies

Before the USTR Amendment, there were no statutory qualifications upon who could be nominated and confirmed to serve as USTR or Deputy USTR. Not even U.S. citizenship, or a record free of criminal behavior, was (or is) statutorily required. Thus, the effect of the new pre-government employment restriction is that a non-citizen, a felon or even a juvenile could in principle be nominated and confirmed as USTR, while a highly skilled trade specialist who briefly advised a foreign government twenty years ago could not.

Such a rule could also deprive the nation of highly skilled and effective public servants. Had it been in effect at the time, the USTR Amendment might have disqualified one of President Reagan's USTRs, Dr. Clayton K. Yeutter, for activities that apparently did not dominate his pre-government professional work.[12] Extending the principle, as some have proposed, to representing, aiding or advising foreign private companies might have disqualified President Bush's USTR, Carla Hills.[13] Again, to the extent that questions arise in a particular case about the overlap between prior advocacy efforts and the advocate's own current beliefs, such questions can be effectively explored during the Senate confirmation process.

Broad and seemingly arbitrary interpretations of the USTR Amendment are possible given the lack of definitions, in either the statute or the legislative history, for crucial and open-ended terms such as, but not limited to, "aided" and "advised." For example, if a Senator meets with foreign government officials in an attempt to find a mutually advantageous solution to a particular bilateral trade dispute, it could be argued that he or she has "aided" or "advised" the foreign government in such a manner as to trigger disqualification from future service as USTR. On the other hand, it has been observed that the USTR Amendment would not prevent appointment of a corporate executive who, in order to increase profits at his ailing company, negotiates an enormous tax subsidy from a foreign government in order to move parts of his factory abroad and subsequently fires hundreds of his U.S. workers.[14]

E. The New Disqualification Sets an Undesirable Precedent for Other Government Positions

A significant danger of the USTR Amendment is that the same principle could be applied to other government positions involving disciplines other than international trade negotiation. Persons could be disqualified, by statute, from being federal judges because they had at some time in their past represented criminal defendants, even if their representations had been the result of occasional court appointment. Positions at the Environmental Protection Agency could be conditioned, by statute, on never having represented, aided or assisted clients in favor of, or opposed to, toxic dump cleanup. Positions at the Department of Energy could be conditioned, by statute, on never having represented, aided or assisted clients in favor of, or opposed to, offshore drilling. Positions at the Consumer Product Safety Commission could be conditioned, by statute, on never having represented, aided or assisted clients supporting, or opposing, specific product liability actions. More broadly, anyone who has given advice to entities in a regulated industry could be disqualified from putting his or her expertise to use as a regulator in that industry. Such a rule would dramatically restrict the pool of qualified regulators.

The ABA historically has advanced the view that rigid *i.e.*, statutory) pre-employment restrictions for government appointments should be avoided. For example, in the wake of the perceived politicization of Justice Department functions during the Watergate period, during consideration of what eventually became the Ethics in Government Act of 1978, the ABA was asked to comment on possible eligibility restrictions for senior law enforcement positions:

Question. There have been many recommendations to set the statutory requirements for appointees to the Offices of Attorney General, Deputy Attorney General, Director of the FBI, and others. Do you generally believe it is a good idea to set rigid eligibility standards by statute, considering that many highly qualified individuals would be arbitrarily excluded from consideration by such standards? If so, what sorts of standards would you suggest?

Answer. The ABA has not suggested rigid standards for appointment to any of the above-mentioned positions nor does it believe rigid standards are advisable.[15]

The USTR Amendment, by contrast, fails the test of narrow drafting and scope. It reaches backward in time without limit, disqualifying otherwise qualified candidates by reason of any covered representation or assistance at any earlier point in their careers. The amendment reaches candidates who agreed to assist foreign governments with no idea that doing so might preclude later public service. The amendment applies not to a carefully circumscribed category of activities, but to any representation or assistance, whether significant or insignificant, to any foreign government on any trade "negotiation" or "dispute" involving the United States. Finally, the amendment confuses the advocate's required role with his or her personal views.

III. THE POST-EMPLOYMENT RESTRICTIONS

A. Post-Employment Restrictions of General Application

There have been restrictions on the post-employment activities of various categories of federal workers since 1872.[16] The earliest versions approximating the current provisions were adopted in 1962, as part of an overall revision of the conflict-of-interest statutes.[17] In short, a full and generally effective array of government-wide post-employment restrictions has been in place for many years. Those restrictions, subjected to substantial revision and fine-tuning in the Ethics in Government Act of 1978[18] and the Ethics Reform Act of 1989,[19] include: a lifetime ban on appearing before or communicating with any U.S. Government body on behalf of a party other than the United States, on matters in which the official "participated personally and substantially" while a federal employee;[20] a two-year ban on appearing or communicating with any U.S. Government body on behalf of a party other than the United States on matters that were pending under his or her official responsibility in the year prior to departure from the agency;[21] a one-year ban for enumerated senior officials on all substantive contact with the former agency on behalf of a party other than the United States, which for Cabinet officers and certain other very senior officials extends to contacts with specified top officers of other agencies as well;[22] and a one-year ban prohibiting senior officials of all departments and agencies from (i) representing the interests of a foreign government or political party before any agency or department or (ii) aiding or advising a foreign government or political party with the intent to influence a decision of any department or agency.[23]

The last of these provisions, a special rule against senior officials' representing or advising foreign governments, drew a number of policy and constitutional objections prior to and at the time of its enactment.[24] This Report does not address the propriety of a broad, government-wide, one-year ban on post-employment activity for foreign governments. It is noteworthy, however, that this provision was justified against due process attack on the ground that it presented no absolute bar to pursuit of employment by covered officials, but "merely imposed a waiting period" of one year.[25]

These post-employment restrictions establish a comprehensive set of rules that apply across the board to federal officials and employees in all agencies and departments. For the most part, these rules appear to have worked successfully.[26] They apply with full force to USTRs and Deputy USTRs, and thereby provide a solid framework for protecting the public interest in regulating the post-employment activity of persons who occupy those positions.

B. Special Restrictions Placed Upon Senior Trade Negotiators

Beginning in 1992 and by expansion in the 1995 USTR Amendment, Congress created a special rule that singles out former USTRs and Deputy USTRs for special, more restrictive treatment than other, similarly-situated, former senior officials. Congress did so with virtually no meaningful deliberation or explanation. It is the ABA's view that, in so doing, Congress created a separate category of post-employment treatment for the senior U.S. trade officials that cannot be justified and should be eliminated.

The fist step along this path occurred in 1992, when Congress, as part of an appropriations bill, enacted a new Section 207(f)(2) which lengthened to three years the foreign entity ban as it applied to the USTR.[27] The Senate report describing this provision contained no meaningful explanation or justification of the longer period.[28] In signing the bill, President Bush took strong objection, noting that the change had been passed without any public discussion of the merits, without consideration of its relationship to the comprehensive amendments passed in the Ethics Reform Act of 1989, and without evaluation of "the implications of targeting for coverage just one position."[29] President Bush signed the bill because it was a necessary funding measure.

Continuing this pattern of acting without legislative hearings or development, the 1995 USTR Amendment enlarged this special USTR restriction to a lifetime ban, and expanded the ban to cover Deputy USTRs as well as USTRs. Like the initial 1992 creation of the special post-employment rules of the Ethics in Government Act of 1978 or the Ethics Reform Act of 1989, each of which underwent extensive legislative consideration—the USTR Amendment did so without any meaningful legislative background.

This action raises serious legal and policy questions. In departing from the "waiting period" rationale that underlay the general one-year ban on representation of foreign governments in the Ethics Reform Act of 1989,[30] the new lifetime ban raises the very constitutional questions that led the Justice Department and other witnesses to express concern during the 1989 reform legislation. One of the bills leading to the 1989 Act contained a lifetime ban on certain high ranking officials representing or advising foreign entities. In hearings on that bill, a Justice Department spokesman agreed that the lifetime ban raised a serious constitutional problem.[31] Another Justice Department official doubted that reducing the ban to 10 years would remove the constitutional problem.[32] Commenting on a substitute version of the bill, a spokesperson for Common Cause agreed with shifting away from a lifetime ban on representing foreign governments in favor of a shorter period. While believing that the period for the ban should be longer than for other representations, Common Cause was "very troubled by a lifetime ban and would not recommend that."[33] Others testified that even a 10-year ban was too long.[34] The ACLU suggested that "[a]t the very least such a prohibition should expire if the party controlling the White House changes in the interim."[35]

More importantly, no persuasive rationale has been advanced for applying special rules to senior trade officials. Former USTRs were barred by pre-1992 law, for example: from ever assisting foreign governments in any matter in which they had direct involvement while in government;[36] for communicating with USTR officials on my policy issue for a period of the one year;[37] from communicating with USTR officials within two years on any matter that was active within USTR during the last year of the former USTR's service;[38] and from appearing before any agency, within one year after leaving government, on behalf of a foreign government or political party.[39]

Taken together, these rules adequately protect against the possibility, and against the appearance of "influence peddling" or "misuse of inside information" by former trade officials on behalf of foreign interests.

There are at least three other compelling reasons to repeal the new post-employment restrictions. First, the restrictions could easily hinder advancement of U.S. interests by diminishing the pool of qualified senior trade negotiator candidates. Among the factors cited in discouraging people from public service are increasingly severe post-employment restrictions. Past USTRs and Deputy USTRs have not made a full career of public service; like other senior appointees, they have returned to their communities and their private practices after serving in public office. Qualified candidates may decline to serve if their livelihoods—often after a relatively short period of government service—would thereby by materially jeopardized. Second, there has been no documented misconduct by former USTRs or Deputy USTRs which would justify the new, heightened restrictions. Third, there is no principled reason to single out trade negotiators; rather, the new restrictions simply penalize or demonize the representation of foreigners. Other government officials—e.g., the Secretaries of Defense or Transportation, or the Attorney General—could just as easily be subject to the same lifetime ban.

Meanwhile, there has been absolutely no showing that the general rules applicable to all other government officials insufficiently protect the interests of the United States. The public interest is in having nominees who become public officials adhere to the highest standards while executing the duties of their office. After someone leaves office, the government's interest is properly limited to preventing the misuse of its confidential information and the misuse of influence.[40]

IV. CONCLUSIONS AND RECOMMENDATIONS

For the reasons set out above, it is the view of the ABA that: Congress should avoid statutory provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented. Congress and the Administration should continue to utilize traditional mechanisms (including the Senate's power of confirmation), rather than special pre- or post-employment rules, to ensure that senior executive or judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity. Ethics-in-government rules, whether addressed to pre- or post-government employment activities, should not single out foreign policy or trade functions for special, restrictive treatment. Congress should repeal the 1995 amendments to 18 U.S.C. §207 and 19 U.S.C. §2171(b), whose effect is to restrict the pre- and post-employment activities of U.S. Trade Representatives ("USTRs") and Deputy USTRs on behalf of foreign interests, and should not extend those provisions to cover other senior government positions.

Respectfully submitted,
LUCINDA A. LOW,
Chair, Section of International
Law and Practice.

FOOTNOTES

[1] Pub. L. No. 104–65, 109 Stat. 691 (1995).

[2] See 141 Cong. Rec. S10560–61 (daily ed. July 24, 1995).

[3] Pub. L. No. 102–395, 106 Stat. 1873, codified at 18 U.S.C. §207(f)(2).

[4] See generally Laurence H. Tribe, American Constitutional Law 244 (2d ed. 1988) (analyzing the wording of Art. II, §2, cl. 2).

[5] John E. Nowak & Ronald D. Rotunda, Constitutional Law 265 (5th ed. 1995) (footnotes omitted).

[6] Letter from Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Hon. Henry Hyde, Chairman, House Committee on the Judiciary, concerning S. 1060 [the Senate bill pending before the House] 2–3 (Nov. 7, 1995).

[7] Letter from Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Hon. Alice M. Rivlin, Director, Office of Management and Budget concerning S. 1060 2 (Dec. 18, 1995).

[8] See 51 Weekly Compilation of Presidential Documents 2205–06 (December 25, 1995).

[9] The unwarranted breadth of the new disqualification is demonstrated by the more narrowly drawn alternatives that Congress did not select. Even assuming arguendo that assertive use of the Senate's confirmation authority is insufficient, narrower solutions are available. One is mandatory recusal with penalties for failure to do so, combined with strict reporting of prior activities. See, e.g., 28 U.S.C. §528 (Justice Department employees). Recent USTR and Deputy USTR nominees have disclosed prior representations, including foreign representations, and have voluntarily recused themselves (temporarily or permanently, as appropriate) with respect to issues involving those particular clients. Hearing to consider nomination of Michael Kantor Before Senate Comm. on Finance, 103rd Cong., 1st Sess. (1993); Nomination of Carla Anderson Hills: Before Senate Comm. on Finance, 101st Cong., 1st Sess. (1989). Nominations of Rufus Hawkins Yerza, Charlene Barshefsky, Walter Broadnex, Avis Lavelle, Jerry Klegner, David Ellwood, Kenneth Apfel, Bruce Vladeck, Hariet Rabb and Jean Hanson: Before Senate Comm. on Finance, 103rd Cong., 1st Sess. (1993). Other trade officials have done likewise. See, e.g., Rick Jenkins, "Trade Nominations Raises 'Revolving Door' Issue," Christian Science Monitor at 8 (Jan. 14, 1994). Another alternative is more extensive mandatory reporting of pre-employment activities over a set period before Senate confirmation, enhancing the Senate's ability to reject a nominee based on prior activities if it wishes. See, e.g., Hearings on S. 555 (Public Officials Integrity Act of 1977, Blind Trusts and Other Conflict of Interest Matters) Before the Senate Comm. on Governmental Affairs, 95th Cong., 1st Sess. 108–09 (1977) (testimony of Fred Wertheimer, Vice President for Operations, Common Cause). Requiring disclosure of clients is not without its problems. As noted by the ABA in 1977, such a regime could place a professional person in the position of having to violate the confidentiality of a privileged relationship. See Financial Disclosure Act: Hearings on H.R. 1, H.R. 9, H.R. 6954, and Companion Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 95th Cong., 1st Sess. 487, 490 (1977) (testimony of Prof. Livingston Hall and Prof. Herbert S. Miller on behalf of the American Bar Association).

[10] Removing Politics from the Administration of Justice: Hearings on S. 2803, S. 2978 Before the Subcommittee on Separation of Powers of the Senate Comm. on the Judiciary, 93rd Cong., 2d Sess. 62 (1974).

[11] These are all the provisions that could be identified through review of the U.S. Code, 1994 Edition, and Supplement I to that Edition. Some of these provisions are also subject to statutory requirements designed to ensure a balance of political affiliation on Boards and Commissions, e.g., an equal number of Democrats and Republicans on the U.S. International Trade Commission. Additionally, in some cases an office is required by statute to be filled by an existing federal, state or local government official. Appendix II largely ignores such requirements.

[12] Dr. Yeutter had served on the board of directors of the Swiss Commodities and Futures Association and had been the first American businessman invited to Japan (in 1982) under a Japanese government program to improve trade relations with the United States. See Hearing on the Nomination of Dr. Clayton K. Yeutter Before the Senate Comm. on Finance, 99th Cong., 1st Sess. 28–29, (1985) (vita submitted on behalf of Dr. Yeutter).

[13] According to third-party testimony at the time of her appointment, Ambassador Hills had previously been registered under the Foreign Agents Registration Act as an agent for Daewoo Industrial Co. See Hearing on the Nomination of Carla Anderson Hills Before the Senate Comm. on Finance, 101st Cong., 1st Sess. 32, 51 (1989) (testimony of Anthony Harrigan, President, U.S. Business and Industrial Council).

[14] See Donald DeKieffer, "The 1995 'Irrelevant Qualifications Act'" Journal of Commerce at 7A (Dec. 30, 1996).

[15] Watergate Reorganization and Reform Act of 1975: Hearings on S. 495 Before the Senate Comm. on Government Operations, 94th Cong., 1st Sess., pt. 2 at 174 (1976) (testimony of William B. Spann, Jr., President-Elect Nominee of the American Bar Association and Chairman, American Bar Association Special Committee to Study Federal Law Enforcement Agencies). The ABA did recommend limited measures to address perceived problems of politicization of the Department of Justice. See also id. at 270–71, 295, 298.

[16] See S. Rep. No. 99–396, 99th Cong., 2d Sess. 13–14 (1986); S. Rep. No. 100–101, 100th Cong., 1st Sess. 8–9 (1987).

[17] Prior provisions had barred former employees from prosecuting claims against the United States for two years after terminating government employment. See H. Rep. No. 748, 87th Cong., 1st Sess. 2–4 (1961).

[18] Pub. L. No. 95–521, 92 Stat. 1824, 1864–66 (1978).

[19] Pub. L. No. 101–194, 103 Stat. 1716–24 (Nov. 30, 1989).

[20] 18 U.S.C. §207(a)(1) (1996).

[21] 18 U.S.C. §207(a)(2).

[22] 18 U.S.C. §§207(c), (d).

[23] 18 U.S.C. §207(f).

[24] H. Rep. No. 1068, 100th Cong., 2d Sess. 13 (1988) (regarding H.R. 5043); Post-Employment Conflicts of Interest: Hearings on H.R. 5097 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 99th Cong., 2d Sess. 79–80 (1986) (testimony of John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice, on legislation leading up to the 1989 Act, arguing that post-employment restrictions could prohibit representations which were in the national interest). Similar views were forwarded by the ACLU, which maintained that a statute prohibiting the representation of foreign interests regulated political activity and, to be upheld, must withstand strict judicial scrutiny. See Post-Employment Restrictions for Federal Officers and Employees: Hearings on H.R.

2267 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 101st Cong., 1st Sess. 200, 204–06 (1989). See also Appendix III to this Report.

[25] S. Rep. No. 101, 100th Cong., 1st Sess. 14 (1987).

[26] The ABA may, of course, have occasion in the future to comment or suggest improvements that would enhance the effectiveness of these rules. That is not the subject of this Report.

[27] Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Section 609, Pub. L. No. 102–395, 106 Stat. 1828, 1873 (1992).

[28] See S. Rep. No. 102–331, 102d Cong., 2d Sess. 118 (1992).

[29] 28 Weekly Compilation of Presidential Documents 1874 (Oct. 12, 1992) (statement by President George Bush upon signing H.R. 5678).

[30] See supra, fn. 25.

[31] Integrity in Post Employment Act of 1986: Hearings on S. 2334 Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 37–38, 41–43, 66 (1986) (testimony of John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice).

[32] Id. at 87–88 (testimony of Stephen S. Trott, Assistant Attorney General for the Criminal Division, Department of Justice).

[33] See id. at 179 (testimony of Ann McBride, Senior Vice President, Common Cause); Post-Employment Conflicts of Interest: Hearings on H.R. 5097 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 99th Cong., 2d Sess. 103–04 (1986) (testimony of Ann McBride, Senior Vice President, Common Cause).

[34] See id. at 183, 186 (testimony of Norman J. Ornstein, American Enterprise Institute).

[35] Hearings on S. 2334 (Integrity in Post Employment Act of 1986) Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 199 (1986) (testimony of Morton H. Halperin and Jerry J. Berman on behalf of the American Civil Liberties Union).

[36] 18 U.S.C. §207(a)(1) (1989).

[37] 18 U.S.C. §207(c).

[38] 18 U.S.C. §207(a)(2).

[39] 18 U.S.C. §207(f).

[40] See Integrity in Post Employment Act of 1986: Hearings on S. 2334 Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 79–80 (1986) (testimony of David H. Martin, Director, Office of Government Ethics). The American Civil Liberties Union ("ACLU") also opined that the misuse of inside information should be the focus of ethics laws, rather than the identity of the client. Id. at 198 (testimony of Morton H. Halperin and Jerry J. Berman on behalf of the American Civil Liberties Union); Hearings on H.R. 2267 and Related Bills (Post-Employment Restrictions for Federal Officers and Employees) Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 101st Cong., 1st Sess. 200, 210–11 (1989).

Mr. HILL. Mr. Speaker, I rise today to express my deep concern about our action to waive provisions of section 21 of the 1974 Trade Act relating to the appointment of the U.S. Trade Representative. As you know, Senate Joint Resolution 5 waives the prohibition banning individuals who represent or have previously represented foreign governments from serving as America's top trade representative.

Mr. Speaker, the law we are asked to waive today is not some arcane law that has been in the books for decades which may have run its time. It is a law that was approved only 2 years ago to prevent lobbyists of foreign governments from obtaining an appointment to be our chief trade negotiator. While I do not doubt the competency and ability of Ambassador Barshefsky to dedicate her best efforts as she has done as the Deputy U.S. Trade Representative, her association as a lobbyist for Canada touches a raw nerve in Montana.

Mr. Speaker, the farmers and ranchers of my home State of Montana are suspicious of the administration's commitment to ensure that NAFTA implementation is fair. To this point, evidence suggests it isn't. The Lobby Act says that anyone who has worked against the United States in trade negotiations ought to be excluded from U.S. Government service as trade representative. When the President signed the Lobby Act he singled out this provision for praise. Without being too political, it is an unusual request to waive the law just enacted. Though the issue is a material matter of law, it also goes to the heart of trust. For my farmers and ranchers in Montana, there is a constant threat of subsidized Canadian wheat and barley being dumped in United States markets. These actions threaten Montanan's livelihood and seriously question the free-trade agreements with our northern neighbor.

As you know, Mr. Speaker, I consider Canada a strong ally of the United States. We share the longest unfortified border in the world and a similar past of standing up against tyranny and for the values of democracy. However, many Montanans are greatly troubled by Canada's current trade practices. Despite the implementation of the North American Free-Trade Agreement [NAFTA], Canada continues to subsidize its various industries and commodities, including timber, beef, and grain.

Clearly, we need someone to vigorously negotiate and highlight American interests in our growing international trade. The stakes have never been higher for farmers and ranchers in my State of Montana. Our farmers need to find markets and secure agreements for free and fair trade. And they need to have confidence that Washington is behind them 100 percent. We passed a law to give them that confidence. Now is not the time to waiver.

Mr. Speaker, I believe that granting the waiver sends the wrong signal. Waiving the law only raises suspicion about our long-term dedication to free trade.

Mr. NEAL of Massachusetts. Mr. Speaker, I support the legislation before us which grandfathers Ambassador Barshefsky from certain provisions of the Lobbying Disclosure Act of 1995. When this legislation was considered in the Senate, Ambassador Barshefsky was grandfathered as Deputy U.S. Trade Representative [USTR]. This resolution would extend that grandfather to Ambassador Barshefsky as she moves up to the position of USTR.

I have served on the Subcommittee on Trade for 4 years and have had the opportunity to work closely with Ambassador Barshefsky. Prior to joining USTR, Ambassador Barshefsky specialized in trade law and policy for 18 years. She brings expertise to the position of USTR.

In her 4 years at USTR, Ambassador Barshefsky negotiated many major bilateral and multilateral agreements. With respect to Japan, Ambassador Barshefsky has been the key policymaker and negotiator. Her work has resulted in agreements on the following issues: Government procurement of telecommunications equipment and services, Government procurement of medical equipment and technology, insurance, flat glass, and cellular phones and equipment and agreements.

Ambassador Barshefsky was instrumental in reaching the intellectual property rights enforcement agreement with China. I admire her determination in reaching agreements when there were many skeptics. Several times it was down to the wire and she was able to come out with a solid agreement.

I urge you to vote for this resolution. I look forward to working with Ambassador Barshefsky in her role as USTR.

Mr. RANGEL. Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky.

Ambassador Barshefsky has broad bipartisan support and deserves to be our next U.S. Trade Representative. Last week, the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99–1 and 98–2, respectively.

During her nearly 4 years of service at the Office of the USTR, first as Deputy USTR and since April of last year Acting USTR, Ambassador Barshefsky has compiled an impressive record opening foreign markets for U.S. exporters and defending U.S. trade interests. For example, she recently concluded successful multilateral agreements which will reduce or eliminate tariffs worldwide on trade in information technology products, and which will open foreign markets for basic telecommunications services. Last December she concluded a bilateral agreement with Japan on insurance which opens that market for U.S. insurance providers. Last year, she also struck an agreement with China providing for stronger enforcement of U.S. intellectual property rights in that country.

Clearly, Ambassador Barshefsky has shown that she is a tough and skillful negotiator internationally. More importantly, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and futures of Americans. For that reason, she consults closely with Members of Congress and the public at large on her actions. She clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries out her responsibilities accordingly.

For those who may have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that, as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studies her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know and admire Ambassador Barshefsky's work and tireless dedication on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador Barshefsky will be a U.S. Trade Representative of which we will all be proud.

Mrs. KENNELLY. Mr. Speaker, I rise today in support of Senate Joint Resolution 5 which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. On occasion the Senate has granted similar waivers when a statutory provision would have barred a highly qualified nominee from serving our Nation's executive branch. Let me note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute nor does it have implications for any other prospective nominees to serve as the U.S. Trade Representative or as Deputy USTR.

As a Member of the Ways and Means Committee, I have had the pleasure of working with Ambassador Barshefsky during her time at USTR, first as deputy to Mickey Kantor and recently in the acting capacity. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy having successfully completed several multilateral trade and investment treaties. Not only has she demonstrated her commitment securing agreements beneficial to U.S. trade interests, she has also demonstrated her willingness to walk away from the table when other countries have made insufficient offers.

Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared for her role as Trade Representative. Her professional achievements, her tough negotiating skills and her knowledge of her subject are most remarkable. I have worked with few people who possess the ability to discuss both the intricate details of trade minutia and the whole picture with such clarity and coherence.

We are embarking on a new age in the global marketplace. If we are to remain competitive, we must be able to compete in foreign markets. The United States has vigorously pursued agreements and commitments from our trading partners to open their markets and reduce their trade barriers in both goods and services. These opportunities should benefit both American companies and consumers. That must be our goal in seeking expanded trade in the future; our economic well-being depends on it.

I am confident that Ambassador Barshefsky will continue to pursue a strong and fair trade agenda that seeks to promote our national interests abroad and at home. I urge my colleagues to support the waiver and vote for Senate Joint Resolution 5.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of Senate Joint Resolution 5, a joint resolution waiving provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative. As the chairman of the Committee on Agriculture I believe that it is vital that the person representing the United States in trade negotiations and resolution of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, if not for agriculture exports the U.S. trade deficit would be larger than it currently is. In 1996, U.S. agriculture exports totaled $60 billion and the agriculture trade surplus exceeded $26 billion. There is, nevertheless, ample opportunity for expansion of agriculture trade into the 21st century. It is incumbent on the administration, through the Office of the Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I have had the opportunity to meet with Ambassador-Designate Barshefsky and she assures me of her knowledge of agriculture and her commitment to ensuring the proper emphasis on agriculture export issues. In our discussions we agreed that agriculture is the No. 1 high-tech export and the No. 1 priority with the USTR. Historically, agriculture has been a leader in biotechnology, a process through which researchers develop improved seeds and crops, such as those naturally protected from diseases and insects. This process has enabled farmers and ranchers to increase yields and thereby exports. It has also brought challenges from our trading partners. These challenges must be vigorously defended by the administration and Ambassador-Designate Barshefsky assures me that she will do so.

The Uruguay Round agreement included provisions on sanitary and phytosanitary disputes and provided that sound science be the basis for resolution of such disputes. Countries' use of nontariff trade barriers to restrict imports, especially those related to sanitary and phytosanitary issues, do great harm to American agriculture exports and thereby the income of our farmers and ranchers. This must be a high priority with the administration.

The Committee on Agriculture will hold a hearing on March 18, 1997, to discuss agriculture trade and the barriers that face exporters. The Secretary of Agriculture and the U.S. Trade Representative have been invited to testify. This will be an opportunity for the representatives of the administration to discuss implementation of trade agreements, the monitoring of the implementation of these agreements by other countries, and to delineate how they will secure fair treatment for American commodities in world trade.

In my discussions with Ambassador-Designate Barshefsky she assures me that agriculture will be a top priority under her watch. That is why I will support Senate Joint Resolution 5 and the waiver needed to allow her to assume the position of USTR.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 5.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate Joint Resolution was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 852, PAPERWORK ELIMINATION ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–15) on the resolution (H.Res. 88) providing for consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF ENERGY STANDARDIZATION ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 649) to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

The Clerk read as follows:

H.R. 649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Standardization Act of 1997".

SEC. 2. STANDARDIZATION OF DEPARTMENT OF ENERGY REQUIREMENTS WITH GOVERNMENT-WIDE REQUIREMENTS.

(a) DEPARTMENT OF ENERGY REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking subsections (b) and (d),

(2) by redesignating subsection (c) as subsection (b) and by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively, and

(3) in subsection (c) (as so redesignated), by striking "subsections (b), (c), and (d)" and inserting "subsection (b)".

(b) SPECIAL REQUIREMENTS AFFECTING ADVISORY COMMITTEES.—

(1) SECTION 624.—Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended by—

(A) striking "(a)"; and

(B) striking subsection (b).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 649 is a very straightforward measure and simply seeks to eliminate some of the unnecessary duplication that we have now within the DOE.

Currently, DOE is subject to two different standards for public notification and response to public comment. One set exists in the governmentwide Administrative Procedure Act and a separate set exists in the DOE organizational act. Likewise, DOE's advisory committees are subject to a separate and more restrictive public participation than required of other Federal agencies.

This measure would simply put DOE on the same par with other Federal agencies for public notice and response to comments. DOE would be fully subject to the provisions of the Administrative Procedure Act for advisory committees. This change simply allows DOE greater flexibility in closing off advisory committees to the public, fully consistent with the provisions of the Federal Advisory Committee Act.

During my time in Congress, I have been a very strong supporter of public participation in the political process. H.R. 649 will in no way diminish the ability of the public to participate in DOE's decisionmaking process, and will relieve some of DOE's administrative burden in complying with two different sets of standards.

I would especially like to thank the ranking member of the Subcommittee on Energy and Power, and fellow sponsor of this bill, the gentleman from Texas [Mr. HALL], for working with me in a very cooperative mood. We will have many more chances to work together in such a bipartisan effort and spirit as we move on.

H.R. 649 is supported by the Department of Energy. It is a bipartisan bill, and is a good, commonsense piece of legislation. I would recommend its adoption by the whole House.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I will be brief, Mr. Speaker, because the gentleman from Colorado, Mr. DAN SCHAEFER has pretty well closed in on the issue before us. However, I just want to say that I rise today very much in support of H.R. 649, the Department of Energy Standardization Act, which I had the pleasure of helping to introduce with my good friend and chairman of the Subcommittee on Energy and Power, the gentleman from Colorado, Mr. DAN SCHAEFER.

Actually, the DOE Standardization Act simply addresses the duplicative regulation being placed on the Energy Department in its public involvement process. This is a critical process, and it is a very critical process in any Federal decisionmaking, and it is defined within the boundaries of the Administrative Procedure Act and Federal Advisory Committee Act.

However, I think it was stated that the Department of Energy Organization Act and the Federal Administration Act of 1974 include provisions that are inconsistent with these two other acts. So because DOE is having to comply with different standards within various rulemaking statutes, H.R. 649 attempts to streamline these regulations by eliminating those provisions of the DOE Act and Federal Energy Administration Act of 1974 which conflict with or which overlap the requirements of the Administrative Procedure Act and Federal Advisory Committee Act.

So of course, streamlining these regulations is estimated to result in a savings of about a half a million dollars a year for the Federal Government, and I think that the gentleman from Colorado, Mr. DAN SCHAEFER, the chairman of the subcommittee, and all of our colleagues on both sides of the aisle can agree that cutting wasteful spending should always be a top priority in Congress, however small or however great, and I certainly urge my colleagues to vote "yes."

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

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Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER that the House suspend the rules and pass the bill, H.R. 649.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 649, the bill just passed and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 651) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 8864, the Commission shall, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—An extension under subsection (a) shall take effect for a project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas, Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, under section 13 of the Federal Power Act, hydro project construction must begin within 4 years of the issuance of a license. If construction has not begun by that time, the FERC cannot extend the deadline and must terminate that license.

H.R. 651 and another bill we are going to be considering very shortly, H.R. 652, provide for up to three additional 2-year extensions of the construction deadline if the sponsor pursues the commencement of construction in good faith and with due diligence.

Mr. Speaker, these types of bills have not been controversial in the past. The bills do not change the license requirement in any way and do not change environmental standards, but merely extend the statutory deadline for commencement of construction. There is a need to act now, since the construction deadlines for these projects will soon expire. If Congress does not act, FERC will terminate the license, the project sponsors will lose many of the dollars they have invested in the projects, and communities will lose the prospect of significant job creation and added revenues.

H.R. 651 will authorize FERC to extend the deadline for the construction on the Calligan Creek project, a 5-megawatt project in King County, Washington, for up to 6 additional years. There is a reason to act quickly, since the construction deadline expires on May 13, 1997. FERC has no objection to H.R. 651.

I urge my colleagues to support H.R. 651.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 651, introduced by my good friend, the gentleman from Washington, Mr. RICK WHITE. This bill simply extends a construction deadline applicable to hydroelectric projects in the State of Washington, licensed by the Federal Energy Regulatory Commission.

The chairman has adequately explained the ramifications of the bill. I think FERC does oppose affording licensees more than a 10-year extension from the issuance date of the license, but in this case H.R. 651 extends the deadline up to 6 years, which in totality would extend the project from the beginning to exactly 10 years, in accordance with the law.

In accordance with the 10-year rule, FERC has no objection to the bill.

It is not without warranted reason that these hydroelectric projects are in need of license extensions. In the case of the project in Washington State, the lack of power purchase agreements is the main reason construction has not commenced. Without these power purchase agreements, the project is not economically viable because it cannot be financed; all the while the deadline clock is running. And these circumstances make it critical for a construction license to be granted in accordance with the 10-year rule and FERC's agreement.

This is an easy bill with no objection from FERC, and I strongly urge my colleagues to join me in voting.

Mr. Speaker, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington, RICK WHITE, who is the sponsor of the bill.

Mr. WHITE. I will be very brief, Mr. Speaker. I want to thank the chairman and ranking member for helping us bring these bills to the floor. I simply want to reiterate what they said.

Mr. Speaker, this is one of these bills that it is a great pleasure to work on, because I think we are all in agreement that this is the sort of thing we should do. These bills, both of them, H.R. 651 and 652, simply extend the deadline for construction of these dams within the 10-year period that FERC prefers. I want to thank both the chairman and the ranking member once again for allowing these bills to come forward.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 651.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 651 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 652) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 9025, the Commission shall, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—An extension under subsection (a) shall take effect for a project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER], and the gentleman from Texas, [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 652, similar to H.R. 651, would authorize FERC to extend the deadline for the construction of the Hancock Creek Project, a 6-megawatt project in King County, WA, for up to three additional 2-year periods.

According to the project's sponsor, construction has not commenced for the lack of a power purchase agreement. There is a reason for the subcommittee to act as the construction deadline expires on June 21 of 1997. FERC has no objection to this bill, H.R. 652, and I would urge support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today again I rise in support of H.R. 652, also introduced by a fine young man, the gentleman from Washington, Mr. RICK WHITE. This bill simply allows the Federal Energy Regulatory Commission to extend the construction deadline for the Hancock Creek project in King County, WA.

As the chairman stated, this is exactly like H.R. 651, a similar bill we just finished speaking in support of. H.R. 652 authorizes FERC to extend the commencement of the construction for the 6.3-megawatt project in Washington State for up to 6 years. With this extension, the hydroelectric project would have a full 10 years.

I strongly urge Members to vote in support of H.R. 652 and allow this project sufficient time to commence its construction.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, once again I thank the chairman and ranking member for bringing this bill forward. It is exactly like H.R. 651. They both should pass for the same reasons.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. Dan Schaefer, that the House suspend the rules and pass the bill, H.R. 652.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 652, and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TRINITY LAKE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 63) to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

The Clerk read as follows:

H.R. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF TRINITY LAKE.

(a) Designation.—The reservoir created by Trinity Dam in the Central Valley project, California, and designated as "Clair Engle Lake" by Public Law 88–662 (78 Stat. 1093) is hereby redesignated as "Trinity Lake".

(b) References.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in subsection (a) shall be considered to be a reference to "Trinity Lake".

(c) Repeal of Earlier Designation.—Public Law 88–662 (78 Stat. 1093) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. Doolittle] and the gentleman from Hawaii [Mr. Abercrombie] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. Doolittle].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this basically is a simple name change to relieve a lot of confusion surrounding the name of this particular reservoir. Everything else in the area is referred to as Trinity Dam or Trinity Power Plant. Making this Trinity Lake would relieve the confusion and would, frankly, enhance the efforts of the communities to appeal more to tourism, which is what they are hoping to do.

Mr. Speaker, I know of no opposition to this. Similar legislation passed the House in the last Congress, but the Senate took no action. This did not have any problem coming out of our committee, and I urge our colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note for the Record that Clair Engle was a distinguished member of the House of Representatives from California, and also a U.S. Senator, and that we recognize the practical reasons for this name change.

We also note that this action in no way diminishes the respect we have for Clair Engle. The committee report suggests that another facility may in the future be designated in honor of Clair Engle, and I believe that would be an appropriate action to honor his memory.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Let me say I concur with the gentleman's sentiment. It is entirely appropriate that we have something named in honor of Senator Engel. This area was, generally speaking, the area from which he came. We would certainly support an appropriate designation in his honor. This, however, is I think necessary to assist the community in clearing up considerable confusion that does exist.

Mr. FAZIO of California. Mr. Speaker, I rise in reluctant support of this bill today. Certainly, it is important that Congress take the lead from the wisdom of local government when it is appropriate, and I understand that the genesis of this bill is a unanimous resolution by the Trinity County Board of Supervisors asking that Clair Engle Lake be renamed.

However, Congress does not act lightly in honoring one of its Members. Not every Member of Congress is honored by a congressional resolution which names a public facility in honor of a Member's service, and Congress make a diligent effort to choose a suitable honor commensurate with the Member's contributions to his State and the Nation. These decisions are not made lightly and should not lightly be cast off as our memories of significant achievements fade.

The committee report states the intention to name a suitable Central Valley Project facility for Clair Engle in exchange for the change of name for this lake. I would feel less anxious about our action today if that renaming was part of the resolution in front of us.

Some may remember one of Clair Engle's last acts, when shortly before his death and partially paralyzed, he was wheeled twice into the U.S. Senate chamber to vote, first to end debate on the landmark Civil Rights Act of 1964 and a second time to vote on final passage. These heroic acts exemplified his long record of opposition to racial discrimination. He died 1 month later.

But we in California also remember him for his long service to our State, especially his chairmanship of the House Interior and Insular Affairs Committee and his championing of improvements to the Central Valley Reclamation Project and to public power development.

Engle was born in Bakersfield in 1911 and won election as the youngest county district attorney in California's history, just 1 year after his graduation from the University of California Hastings College of Law in 1933. He had graduated from Chico State College in 1930.

He served as Tehama County district attorney from 1934 to 1942. Engle then spent one term in the State senate before winning election to the House of Representatives in a 1943 special election for a district which covered one-third of the State's land area—from the Mojave Desert to Oregon.

A member of the Interior and Insular Affairs Committee beginning in 1951, he became its chair in 1955 and served until 1958, when he was elected to the U.S. Senate.

"Congressman Fireball," as Clair Engle was sometimes known, was an active and outspoken Member of Congress and provided leadership at a key moment in our history. I believe it was fitting that his long service to California was recognized in naming Clair Engle Lake in 1964, and I hope Congress will find a suitable substitute as quickly as possible.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Doolittle] that the House suspend the rules and pass the bill, H.R. 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 63.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY THE HAWAII LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 32) to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

The Clerk read as follows:

H.J. Res. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat.

4), the United States consents to the following amendments to the Hawaiian Homes Commission Act, adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 339 of the Session Laws of Hawaii, 1993.

(2) Act 37 of the Session Laws of Hawaii, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a statement that I intend to submit for the RECORD. But in that this resolution indeed is authored by a member of our committee, the gentleman from Hawaii [Mr. ABERCROMBIE], I will reserve the balance of my time and yield to him to explain the joint resolution.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California for offering me the opportunity to explain this resolution.

Mr. Speaker, I rise today in support of my joint resolution, House Joint Resolution 32, to consent to certain amendments by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

Over 75 years have elapsed since Congress passed the Hawaiian Homes Commission Act of 1920. Under the Hawaiian Homes Commission Act, approximately 203,500 acres of public lands was set aside for the rehabilitation of native Hawaiians through a Government-sponsored homesteading project.

Two major factors prompted Congress to pass this act. First, native Hawaiians were a dying race. Population data showed that the number of full-blooded Hawaiians in the territory, the then-territory of Hawaii, had decreased from an 1826 estimate of 142,650 to 22,600 in 1919.

Second, Congress saw that previous systems of land distribution were ineffective when judged practically by the benefits accruing to native Hawaiians. The Hawaiian Homes Commission Act was originally intended for rural homesteading; that is, for native Hawaiians to leave urban areas and return to lands to become subsistence or commercial farmers and ranchers.

□ 1500

Yet the demand of native Hawaiians for residential house lots has far exceeded the demand for agricultural or pastoral lots.

The Hawaii Statehood Act of 1959 shifted the responsibility for the administration of the Hawaii Homes Commission Act from the Territory to the State of Hawaii. In accordance with the Statehood Act, title to the available lands was transferred to the new State. The Statehood Act, however, also included certain requirements regarding the State of Hawaii's administration of the Hawaii homes program, and it is these that give rise to joint resolution.

Section 4 of the Hawaii Statehood Act provides that, and I quote, "the consent of the United States," unquote, would be required for certain amendments by the State to the Hawaiian Homes Commission Act. As part of the administrative responsibility the Department of the Interior undertook in 1983 as, quote, "lead Federal agency," unquote, for purposes of the Hawaiian Homes Commission Act, the department and the Governor of Hawaii informally agreed in 1987 to a procedure under which the department would become involved in securing consent to State amendments to the Hawaiian Homes Commission Act.

Congress has previously enacted two statutes consenting to various amendments to the Hawaiian Homes Commission Act by the State of Hawaii: Public Laws 99-577 and 100-398.

Generally, it has been the position of the Department of the Interior in connection with State amendments to the Hawaiian Homes Commission Act to refrain from second-guessing the Hawaii State Legislature and Governor of Hawaii with respect to merits of the amendments.

The following two amendments have been determined to require the consent of the United States and again by extension therefore are meeting on the floor today on this resolution:

One of them is Act 339 of the Session Laws of Hawaii, 1993. This statute establishes the Hawaiian Hurricane Relief Fund. Section 7 authorized the Department of Hawaiian Home Lands to obtain homeowner's insurance coverage for lessees and to issue revenue bonds. Section 15 of the bill consists of a severability clause which provides that consent requirement, if any, that applies to the Hawaiian Home Lands provisions of the act shall not be deemed to have the validity of the other provisions of the act. The Department of the Interior has taken the position that State enactments which include a severability clause, in the exercise of caution, be submitted to Congress for approval.

The second measure, Mr. Speaker, is Act 37 of the Session Laws of 1994. This statute allows homestead lessees to designate as a successor to the lease a grandchild who is at least 25 percent native Hawaiian. Under the current law, as adopted by Hawaii in 1982, a lessee may designate his or her spouse or children as a successor under the lease if they are 25 percent native Hawaiian. The bill would thus allow a similar designation with respect to grandchildren. The Department of the Interior concurs with the State's position that congressional consent is required for this legislation in that it amends the 50-percent blood quantum requirement included in the Hawaiian Homes Commission Act.

So in summary, Mr. Speaker, these two measures involve the establishment of Hawaiian Hurricane Act, obviously we are subject to such phenomenon, natural phenomena in the Hawaiian Islands, and it is necessary for us to establish that fund. And by extension, for the reasons mentioned, to request the United States, that is, the House of Representatives and the Senate, to concur. And second, to provide an opportunity because of the passage of time for lessees to designate their grandchildren as well as their spouse or children if they meet the 25 percent native Hawaiian requirement.

For these reasons and with respect to that history and legacy of the Hawaiian Homes Commission Act, Mr. Speaker, I ask my colleagues to support these worthwhile measures.

Mr. DOOLITTLE. Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the gentleman from Hawaii for being the chief sponsor of this piece of legislation, and I thank the gentleman from California for his cooperation in bringing this piece of legislation to the floor. This legislation passed unanimously the House Committee on Resources last week, and I am very happy that we are now bringing it for floor consideration.

Mr. Speaker, I rise today in strong support of House Joint Resolution 32, a resolution providing congressional consent to certain amendments proposed to the Hawaiian Homes Commission Act of 1920. This consent is required by the 1959 Hawaii Statehood Admissions Act.

Mr. Speaker, I have risen often on this floor to speak out in support of native Hawaiians and against some of the more oppressive actions taken by the United States against the native Hawaiians. Our illegal and unlawful support of the overthrow by force of the lawful Kingdom of Hawaii is not one of the proud moments of our history, I must submit. However, Congress did have the foresight at least to make a commitment to preserve some of the traditional lands in the Hawaiian Islands for native Hawaiians.

Under current law, a native Hawaiian with a leasehold interest in Hawaiian homelands can designate that interest to a spouse or child who is at least 25 percent native Hawaiian. But to designate that same interest to a grandchild, the grandchild would have to be at least 50 percent native Hawaiian. To tell you honestly, Mr. Speaker, this blood quantum really boils me to no end. I have never heard of a human being given blood quantum, 50 percent, 25 percent. As far as I am concerned, they are human beings.

This legislation would consent to a change adopted by the legislature of the State of Hawaii to permit a designation to a grandchild who is at least 25 percent native Hawaiian, the same criterion applied for spouses and children.

Another section of this resolution provides congressional consent to a 1993 Hawaii State law which established the Hawaiian Hurricane Relief Fund. While it is not clear that congressional consent is required for this State statute to be valid, the Department of the Interior, in its usual cautious fashion, has indicted that the prudent approach would be to obtain congressional consent. From my perspective, Mr. Speaker, the policy implemented by the State law is sound, and Congress should act promptly to alleviate any possibility of the State statute being found invalid by reason of a lack of congressional consent.

One final comment, Mr. Speaker, while I am in full support of the legislation we are considering today, I do not want my statement to be interpreted as a change of my position on blood quantum requirements. We did it with the native Indians, we did it with the native Hawaiians and we did it with Samoans. I continue to find eligibility criteria based on blood quantum abhorrent, and I continue to oppose any such restriction.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

I will conclude merely by commenting on my colleague from American Samoa's remarks, that it is indeed the case that the blood quantum requirement has created misunderstanding and difficulty over the years. We need to keep in mind that the act was passed originally in 1920 and that native Hawaiians themselves are coming to grips with this question, and we hope for a resolution that may find its way for presentation to this body in the near future.

With that, Mr. Speaker, I request a favorable attention of the Members of the House to this resolution and I hope that it will receive the necessary votes in order to pass. The people of Hawaii will be very grateful for that outcome, and native Hawaiians in particular will be the beneficiaries.

Mr. Speaker, I thank the gentleman from California for his remarks and his insight. I am very appreciative.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the changes contained in the gentleman's resolution are meritorious and desirable. They emphasize the principles of self-reliance and of the extended family, and I would strongly urge the House to approve this resolution.

Mr. Speaker, these two amendments to the Hawaiian Homes Commission Act of 1920 would have no effect on the Federal budget. However, they are important to the Native Hawaiian community and these particular provisions of the Hawaii statute cannot go into effect until this the Congress acts. Under the Hawaii Statehood Admissions Act of 1959, Congress retains the authority to consent to any changes to the Hawaiian Homes Commission Act of 1920.

The State of Hawaii acted to create the Hawaii hurricane relief fund after the devastation of Hurricane Iniki in 1993 and included provisions for Native Hawaiians affected on Hawaiian home lands. Act 339 of 1993 of the State of Hawaii proposes to authorize the issuance of hurricane insurance coverage for lessees of Hawaiian home lands and revenue bonds to establish the necessary reserves for payment of claims in excess of reserves. This is the first amendment identified in House Joint Resolution 32.

The second change to the Hawaiian Homes Commission Act proposed by the State of Hawaii by Act 37 of 1994 permits grandchildren of a Native Hawaiian with at least 25 percent Native Hawaiian blood quantum to assume a grandparent's lease upon the death of the grandparent. It is not uncommon for Native Hawaiian grandchildren to be raised by their grandparents. This measure will support the traditional extended family values among the Native Hawaiian community.

The House consented to these same changes to the Hawaiian Homes Commission Act upon passage of H.R. 1332 in the 104th Congress. That measure, sponsored by Mr. GALLEGLY, then chairman of the subcommittee with jurisdiction over these matters in the 104th Congress, contained language identical to the text of the current resolution by Mr. ABERCROMBIE of Hawaii which is cosponsored by Mr. GALLEGLY and Mr. FALEOMAVAEGA. The other body was prepared last year to accept this provision as contained in H.R. 1332 and now as in House Joint Resolution 32, but adjourned before it could be taken up.

Both of the proposed changes to the Hawaiian Homes Commission Act by the State of Hawaii are meritorious and deserve the approval of the House today. These measure are sound and directly benefit Native Hawaiians by emphasizing the importance of the extended family and self-reliance. I urge my colleagues to approve House Joint Resolution 32 so that these measures can promptly begin to benefit Native Hawaiian families.

Mr. Speaker, I yield back the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of House Joint Resolution 32, which provides congressional approval of two amendments to the Hawaiian Homes Act of 1920 passed by the Hawaii State Legislature. These amendments involve the establishment of a Hawaiian hurricane relief fund and rules governing eligible successors to a Hawaiian homes lease.

It may seem strange to some that the Congress has to approve changes made by a State legislature. But this action is required as a result of the unique history of the Hawaiian Homes Commission Act.

The Hawaiian Homes Commission Act was passed by the Congress in 1921 to set aside some 200,000 acres of land for the use and benefit of the Native Hawaiian people, whose government had been illegally overthrown with the assistance of the U.S. Government in 1893.

The Federal Government maintained primary responsibility for the administration of these lands until Hawaii became a State in 1959. The Hawaii Statehood of Admissions Act transferred the day-to-day administration of the lands to the State of Hawaii, but the Federal Government retained oversight responsibility of the Hawaiian Homes Commission Act. Accordingly, the Hawaii Statehood Admissions Act requires that any changes made by the Hawaii State Legislature affecting the administration of the Hawaiian home lands be approved by the Congress.

House Joint Resolution 32 seeks to approve two such amendments to the act. The first is a 1993 law establishing a Hawaiian hurricane relief fund and authorizing the Hawaii Department of Hawaiian Home Lands to obtain homeowner's insurance for lessees.

The Hawaiian Islands are vulnerable to devastating hurricanes, as demonstrated by Hurricane Iniki in 1992, which virtually wiped out an entire island. It has been difficult for homeowners in Hawaii to obtain insurance against such potential disasters. For homesteaders on Hawaiian homes lands the effort is even more difficult because of they are not land owners.

The law passed by the State legislature for which we seek approval today will assist many Hawaiian homesteaders in obtaining adequate hurricane insurance coverage.

The second amendment approved by the Hawaii State legislature allows homestead lessees to designate grandchildren who are at least 25 percent Native Hawaiian as successors to the lease. The original Hawaiian Homestead Act limited leases to those of 50 percent or more Native Hawaiian blood. This amendment approved by our State Legislature will allow Hawaiian homesteads to stay within the family for another generation.

These changes adopted by the elected body of the State of Hawaii reflect the will of the people of Hawaii in administering this important law. I would ask my colleagues to support the actions of our State and support House Joint Resolution 32.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 32.

The question was taken.

Ms. SANCHEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ABERCROMBIE. Mr. Speaker, could the Chair advise how many votes are required, how many Members have to be standing? I did not see the required number of votes.

The SPEAKER pro tempore. The Chair counted one-fifth of those Members present as standing. The yeas and nays are ordered.

Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1997

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 709) to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes, as amended.

The Clerk read as follows:

H.R. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Reauthorization Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) in enacting the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), Congress found, among other things, that—

(A) during the 2 decades preceding enactment of that Act, the production of geologic maps had been drastically curtailed;

(B) geologic maps are the primary data base for virtually all applied and basic earth-science investigations;

(C) Federal agencies, State and local governments, private industry, and the general public depend on the information provided by geologic maps to determine the extent of potential environmental damage before embarking on projects that could lead to preventable, costly environmental problems or litigation;

(D) the lack of proper geologic maps has led to the poor design of such structures as dams and waste-disposal facilities;

(E) geologic maps have proven indispensable in the search for needed fossil fuel and mineral resources; and

(F) a comprehensive nationwide program of geologic mapping is required in order to systematically build the Nation's geologic-map data base at a pace that responds to increasing demand;

(2) the geologic mapping program called for by that Act has not been fully implemented; and

(3) it is time for this important program to be fully implemented.

SEC. 3. REAUTHORIZATION AND AMENDMENT.

(a) DEFINITIONS.—Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) by striking "As used in this Act:" and inserting "In this Act:";

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (7), respectively;

(3) by inserting after paragraph (1) the following:

"(2) ASSOCIATION.—The term 'Association' means the Association of American State Geologists.";

(4) by inserting after paragraph (5) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

"(6) STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands."; and

(5) in each paragraph that does not have a heading, by inserting a heading, in the same style as the heading in paragraph (2), as added by paragraph (3), the text of which is comprised of the term defined in the paragraph.

(b) GEOLOGIC MAPPING PROGRAM.—Section 4 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a national cooperative geologic mapping program between the United States Geological Survey and the State geological surveys, acting through the Association.

"(2) DESIGN, DEVELOPMENT, AND ADMINISTRATION.—The cooperative geologic mapping program shall be—

"(A) designed and administered to achieve the objectives set forth in subsection (c);

"(B) developed in consultation with the advisory committee; and

"(C) administered through the Survey.";

(2) in subsection (b)—

(A) in the subsection heading by striking "USGS" and inserting "THE SURVEY";

(B) in paragraph (1)—

(i) by single-indenting the paragraph, double-indenting the subparagraphs, and triple indenting the clauses;

(ii) by inserting "LEAD AGENCY.—" before "The Survey";

(iii) in subparagraph (A)—

(I) by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and

(II) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997";

(iv) in subparagraph (B)—

(I) by striking "State geological surveys" and inserting "Association"; and

(II) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997"; and

(v) in subparagraph (C)—

(I) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997";

(II) by striking "Committee on Natural Resources" and inserting "Committee on Resources";

(III) in clauses (i) and (ii) by inserting "and the Association" after "the Survey";

(IV) by adding "and" at the end of clause (ii); and

(V) by striking "; and" at the end of clause (iii) and all that follows through the end of the subparagraph and inserting a period;

(C) in paragraph (2)—

(i) by inserting "RESPONSIBILITIES OF THE SECRETARY.—" before "In addition to"; and

(ii) in subparagraph (A) by striking "State geological surveys" and inserting "Association"; and

(D) by single-indenting the paragraph and double-indenting the subparagraphs;

(3) in subsection (c)—

(A) in paragraph (2) by striking "interpretive" and inserting "interpretative"; and

(B) in paragraph (4) by striking "awareness for" and inserting "awareness of"; and

(4) in subsection (d)—

(A) in paragraph (1) by inserting "FEDERAL COMPONENT.—" before "A Federal";

(B) in paragraph (2)—

(i) by inserting "SUPPORT COMPONENT.—" before "A geologic"; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) geochronologic and isotopic investigations that—

"(i) provide radiometric age dates for geologic-map units; and

"(ii) fingerprint the geothermometry, geobarometry, and alteration history of geologic-map units,

which investigations shall be contributed to a national geochronologic data base;";

(C) in paragraph (3) by inserting "STATE COMPONENT.—" before "A State"; and

(D) by striking paragraph (4) and inserting the following:

"(4) EDUCATION COMPONENT.—A geologic mapping education component—

"(A) the objectives of which shall be—

"(i) to develop the academic programs that teach earth-science students the fundamental principles of geologic mapping and field analysis; and

"(ii) to provide for broad education in geologic mapping and field analysis through support of field studies;

"(B) investigations under which shall be integrated with the other mapping components of the geologic mapping program and shall respond to priorities identified for those components; and

"(C) Federal funding for which shall be matched by non-Federal sources on a 1-to-1 basis.".

(c) ADVISORY COMMITTEE.—Section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There shall be established a 10-member geologic mapping advisory committee to advise the Director on planning and implementation of the geologic mapping program.

"(2) MEMBERS EX OFFICIO.—Federal agency members shall include the Administrator of the Environmental Protection Agency or a designee, the Secretary of Energy or a designee, the Secretary of Agriculture or a designee, and the Assistant to the President for Science and Technology or a designee.

"(3) APPOINTED MEMBERS.—Not later than 90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997, in consultation with the Association, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 2 representatives from the State geological surveys, 1 representative from academia, and 1 representative from the private sector."; and

(2) in subsection (b)(3) by striking "and State" and inserting ", State, and university".

(d) GEOLOGIC MAPPING PROGRAM IMPLEMENTATION PLAN.—Section 6 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31e) is amended—

(1) in paragraph (1) by inserting "cooperative" after "national";

(2) by striking paragraph (3)(C) and inserting the following:

"(C) for the State geologic mapping component, a priority-setting mechanism that responds to—

"(i) specific intrastate needs for geologic-map information; and

"(ii) interstate needs shared by adjacent entities that have common requirements; and";

(3) by striking paragraphs (4) and (5) and inserting the following:

"(4) a mechanism for adopting scientific and technical mapping standards for preparing and publishing general-purpose and special-purpose geologic maps to—

"(A) ensure uniformity of cartographic and scientific conventions; and

"(B) provide a basis for judgment as to the comparability and quality of map products; and"; and

(4) by redesignating paragraph (6) as paragraph (5).

(e) NATIONAL GEOLOGIC-MAP DATA BASE.—Section 7 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f) is amended by striking subsection (b) and inserting the following:

"(b) STANDARDIZATION.—

"(1) IN GENERAL.—Geologic maps contributed to the national archives shall have format, symbols, and technical attributes that adhere to standards so that archival information can be accessed, exchanged, and compared efficiently and accurately, as required by Executive Order 12906 (59 Fed. Reg. 17,671 (1994)), which established the National Spatial Data Infrastructure.

"(2) DEVELOPMENT OF STANDARDS.—Entities that contribute geologic maps to the national archives shall develop the standards described in paragraph (1) in cooperation with the Federal Geographic Data Committee, which is charged with standards development and other data coordination activities as described in Office of Management and Budget revised Circular A-16.".

(f) ANNUAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended in the first sentence—

(1) by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and

(2) by striking "program, and describing and evaluating progress" and inserting "program and describing and evaluating the progress".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the national cooperative geologic mapping program under this Act—

"(1) $26,000,000 for fiscal year 1998;

"(2) $28,000,000 for fiscal year 1999; and

"(3) $30,000,000 for fiscal year 2000.

"(b) ALLOCATION OF APPROPRIATED FUNDS.—

"(1) IN GENERAL.—Of the amount of funds that are appropriated under subsection (a) for any fiscal year up to the amount that is equal to the amount appropriated to carry out the national cooperative geologic mapping program for fiscal year 1996—

"(A) not less than 20 percent shall be allocated to State mapping activities; and

"(B) not less than 2 percent shall be allocated to educational mapping activities.

"(2) INCREASED APPROPRIATIONS.—Of the amount of funds that are appropriated under subsection (a) for any fiscal year up to the amount that exceeds the amount appropriated to carry out the national cooperative geologic mapping program for fiscal year 1996—

"(A) for fiscal year 1998—

"(i) 75 percent shall be allocated for Federal mapping and support mapping activities;

"(ii) 23 percent shall be allocated for State mapping activities; and

"(iii) 2 percent shall be allocated for educational mapping activities;

"(B) for fiscal year 1999—

"(i) 74 percent shall be allocated for Federal mapping and support mapping activities;

"(ii) 24 percent shall be allocated for State mapping activities; and

"(iii) 2 percent shall be allocated for educational mapping activities; and

"(C) for fiscal year 2000—

"(i) 73 percent shall be allocated for Federal mapping and support mapping activities;

"(ii) 25 percent shall be allocated for State mapping activities; and

"(iii) 2 percent shall be allocated for educational mapping activities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming [Mrs. CUBIN] and the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ], each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 709, a bill to amend the National Geologic Mapping Act of 1992. This law is a codification of cooperative federalism. It expressly authorizes the practice of the U.S. Geological Survey using a small but significant portion of its geologic mapping budget to find mapping projects of priority to the State geologic surveys on a 50-50 matching share basis. In this manner, the act promotes the basic scientific endeavor the mapping the bedrock geology and superficial deposits of this country. Most people do not realize the importance of geologic mapping. It meets society's needs for geologic hazards identification and abatement, for groundwater protection, land use planning and mineral resources identification.

H.R. 709 reauthorizes this cooperative program for three years, 1998 to the year 2000. It establishes thresholds for the sharing of funds between Federal, State, and academic components. In general, the administration has agreed to dedicate not less than 20 percent of the budget line for geologic mapping to the cooperative State map component and not less than 2 percent to the education mapping or ed map component. The ed map function is to ensure small amounts of granted moneys will be available for student training in fields of mapping skills.

This bill was amended in subcommittee by my friends, the ranking member, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] and the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN]. The sum of those amendments clarified the definition of State to include the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

I do believe, Mr. Speaker, that the matching funds requirement is important because it assures greater scrutiny of budget requests than would otherwise be the case. The various State legislatures making funds available for their geological surveys, as well as the committee and the Congress overseeing Federal budgets, must be satisfied the mapping program brings useful results. I believe the program is indeed an important part of the U.S. Geological Survey's mission, and I urge my colleagues to support H.R. 709.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to thank the gentlewoman from Wyoming [Mrs. CUBIN], our chair of the subcommittee, for her attitude and openness and her cooperation in the process of this bill. It has been a real pleasure working with her as the ranking member, and I look forward to a lot more of this bipartisan cooperation that we have had in this bill.

Mr. Speaker, we bring this bill, reauthorizing the National Geologic Mapping Act of 1992, to the floor today with the full support of the Committee on Resources. Democrats and Republicans alike voted to favorably report this bill to the House, and the Clinton administration has endorsed the bill.

We need geologic mapping in our society for many worthwhile purposes, including emergency preparedness, environmental protection, land use planning and resource extraction.

The Earth provides the physical foundation for our society. We live upon it and we use its resources. Therefore, we need to work toward a better understanding of the Earth's resources and its inherent dangers.

Geologic maps are one effective way to convey the Earth science information needed for better understanding and decision-making by all of us: people in Federal agencies, State and local government, private industry and citizens alike.

The National Geologic Mapping Act of 1992 authorized the USGS to organize a national program of geologic mapping through a partnership with State geologic surveys, academia and the private sector. This cooperative relationship is essential to develop the extensive amount of material for informed decision-making.

I understand that nothing in current law or the reauthorization bill prevents Puerto Rico or other territories from participating in this valuable program. However, we wanted to be absolutely clear on this issue. Therefore, the gentlewoman from the Virgin Islands, Delegate CHRISTIAN-GREEN, and I offered amendments in the Committee on Resources that designate the Commonwealth of Puerto Rico and the other territories and the District of Columbia as eligible to participate in the geologic mapping program. The bill before us today contains these amendments.

Accordingly, it is my pleasure to support the adoption of the bill, and I urge all my colleagues on both sides of the aisle to vote yes on H.R. 709, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I would like to begin by thanking the gentlewoman from Wyoming for her diligent work on H.R. 709, the National Geologic Mapping Reauthorization Act of 1997. This legislation becomes very important when we address the issues of safety in the environment. H.R. 709 reauthorizes the Geologic Mapping Act of 1992, which was a legislative response to troubles in the National Academy of Sciences with their lack of basic geologic mapping efforts in this country.

Being a geologist myself, I can personally attest to the importance that mapping has on many aspects of our society. Geologic maps benefit safety regulations, telling us where natural disasters may occur. They also map fault lines and water flow patterns, which are important to identify when building infrastructure for transportation. Without a detailed geologic map of the United States, we will continue to address issues such as safe drinking water and environmental systems understanding, in the same way someone drives a car at night without headlights.

It is important for us to explore and understand what resources we have and how best to use them before we foolhardily make unscientific decisions without the full knowledge of our underlying environment.

I also believe detailed geologic mapping provides the basic information for solving a broad range of societal problems. These include delineation and protection of our sources of safe drinking water, environmental systems understanding and foundations of ecosystem management, the identification and mitigation of natural hazards, such as earthquake-prone areas, volcanic eruptions, landslides and other ground failures, as well as many other land use planning requirements.

This legislation would provide an array of benefits for States. It would assist State and local communities with land and water decisions, aid farmers and ranchers with crop decisions, encourage habitat protection for endangered species, and aid the mining industry with site determination for mineral resources.

Another benefit of this legislation is its funding formula. The appropriation from the National Geologic Mapping Reauthorization Act of 1997, which requires a 50–50 matching of Federal funds from non-Federal sources, will involve State colleges and universities. This, I believe, sets an excellent precedent, allowing the Federal Government, States, and colleges to cooperate in a unified, intelligent manner.

H.R. 709 authorizes in the fiscal year 1998 $26 million to be appropriated, 75 percent for Federal mapping and supporting mapping activities, 23 percent for State mapping activities, and 2 percent for educational mapping activities. Funds for fiscal year 1999 are $28 million and for fiscal year 2000 are $30 million. Each year the funding formula decreases the Federal mapping activities by 1 percent and increases State mapping activities accordingly. Since fiscal year 1993, approximately $7.5 million in Federal appropriated funds have been matched by State moneys in this cooperative peer review process of producing geologic maps.

It appears that only about one-fifth of this Nation is mapped to adequately address the issues described in section 2 of this bill. Congress has finally begun to understand the importance of geologic mapping, and it is time that we use our dollars wisely to bring about the best science to this country. H.R. 709 will achieve this goal in a cooperative partnership with little money and a big return on science that benefits our constituents.

To close, Mr. Speaker, the reauthorization of the National Geologic Mapping Act of 1992 will allow a joint venture of Federal, State and academic institutions to continue on the appropriate path of mapping the geology of this Nation. As section 2, paragraph (B) states, "Geologic maps are the primary database for virtually all applied and basic Earth science investigation." It is because of this continued need for core science that I urge all Members to support H.R. 709, and I believe this bill is in the best interest of science and this Nation as well.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlewoman from Wyoming, the chairlady of our subcommittee, that has taken the initiative and leadership in passing unanimously by our Committee on Resources this very important piece of legislation. I thank my good friends from Puerto Rico and our Democrat ranking member of the subcommittee for bringing to the attention of the Members what I consider to be a little oversight in the fact that the National Geological Mapping Reauthorization Act did not include the insular areas.

I am very happy that the gentlewoman from Wyoming has taken the initiative, with my good friend from Puerto Rico, to see that the proper amendments are made to change this reauthorization act.

Mr. Speaker, I am also happy to see my good friend from Nevada. Who could be a better expert than a person who is knowledgeable about geological issues, a geologist himself, my good friend, the gentlewoman from Nevada [Mr. GIBBONS]. Mr. Speaker, I urge my colleagues to consider his expertise and the importance of this piece of legislation, and I urge my colleagues to support H.R. 709.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in support of H.R. 709, the National Geological Mapping Reauthorization Act of 1997 and urge my colleagues to support its passage.

I want to begin by commending my colleague, the gentlewoman from Wyoming, chair of the Subcommittee on Energy and Mineral Resources, the Honorable BARBARA CUBIN for her leadership in guiding H.R. 709 through the subcommittee, as well as, the full Resources Committee and on to the floor of the House today.

I also want to commend the gentleman from Puerto Rico, the ranking member of the Energy and Mineral Resources Subcommittee, the Honorable CARLOS ROMERO-BARCELÓ for his leadership on this bill as well.

Mr. Speaker, H.R. 709 would reauthorize the National Geological Mapping Act of 1992 through the year 2000. It would also amend the act to designate that 20 percent of the total amount appropriated be allocated to the State component of the program. During the markup of H.R. 709 in the subcommittee, my colleague, Mr. ROMERO offered an amendment to correct an apparent oversight and make the Commonwealth of Puerto Rico, Guam, and my district of the Virgin Islands eligible to participate in the State mapping component of the bill. I then offered an amendment to my colleague's amendment to make the District of Columbia and the Commonwealth of the Northern Mariana Islands also eligible for participation in H.R. 709's program components.

I want to thank my friend, Mr. ROMERO for offering his amendment on the behalf of those of us from the U.S. non-State areas. To often we are overlooked or ignored making actions such as his amendment necessary. I also want to thank Mr. ROMERO and Chairman CUBIN for accepting my amendment to H.R. 709 as well.

H.R. 709 is a worthwhile piece of legislation, Mr. Speaker and I urge my colleagues to support its enactment.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume to state that I certainly appreciate the help of the ranking minority member in adding the other additions to the bill that were originally left out. I, too, feel it was more of an oversight, that it is very important and certainly does improve the quality of the bill.

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 709, as amended.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming [Mrs. CUBIN] that the House suspend the rules and pass the bill, H.R. 709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONCERNING URGENT NEED TO IMPROVE LIVING STANDARDS OF SOUTH ASIANS LIVING IN THE GANGES AND BRAHMAPUTRA RIVER BASIN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 16) concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin, as amended.

The Clerk read as follows:

H. CON. RES. 16

Whereas some 400,000,000 people live in Bangladesh,, northern India, and Nepal near the Ganges and Brahmaputra Rivers and their tributaries;

Whereas these people comprise the largest concentration of poor people in the world;

Whereas this region lacks the resources, especially the infrastructure, that can pull its residents out of poverty;

Whereas almost every year flooding by the Ganges and Brahmaputra Rivers produces death and destruction, sometimes on a vast scale;

Whereas during the dry seasons, water supplies do not meet the needs of the region's people, especially farmers;

Whereas despite these problems, the region has great potential for development;

Whereas Bangladesh, India, and Nepal have recognized for many years that the water resources of the region, if properly managed, could contribute greatly to the welfare of millions of people in the region;

Whereas the Governments of Bangladesh and India signed a 30-year agreement on December 12, 1996, for the purpose of sharing the water of the Ganges River; and

Whereas in 1996 the Governments of India and Nepal signed and ratified a treaty enabling the joint development of the water resources of the Mahakali River: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Governments of Bangladesh and India for their recent agreement on sharing the water of the Ganges River;

(2) congratulates the Governments of India and Nepal on their treaty enabling the joint development of the water resources of the Mahakali River;

(3) respectfully offers its encouragement for the three governments to continue their cooperation which can do much to relieve the poverty of those people living the Ganges and Brahmaputra River Basin; and

(4) urges international financial institutions, such as the World Bank and the Asian Development Bank, and the international community to offer whatever advice, encouragement, and assistance is appropriate to help in this effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman and ranking minority member of the Subcommittee on Asia and the Pacific for crafting House Concurrent Resolution 16, a concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

Bangladesh, India, and Nepal all depend on the Ganges and the Brahmaputra Rivers for their vital irrigation needs. The recent signing of the 30-year water sharing treaty between India and Bangladesh and the ratification of the India-Nepal water resources treaty are both historic agreements that will enable the people in these lands to better plan and utilize their precious resources.

Bangladesh's recent Presidential election gives new hope to the fragile democracy there, and the water sharing agreement will help to put it on more solid ground. We commend them for their efforts.

Mr. Speaker, I support the resolution, and I urge my colleagues to vote for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

House Concurrent Resolution 16 does concern the need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

This bipartisan resolution was introduced on February 6, 1997 by this Member and cosponsored by the distinguished gentleman from New York, the chairman of the Committee on International Relations, Mr. GILMAN; the ranking Democrat on the Subcommittee on Asia and the Pacific, the gentleman from California, Mr. BERMAN; the distinguished gentleman from New York, Mr. ACKERMAN; and the distinguished gentleman from California, Mr. ROYCE.

Other Members have subsequently cosponsored this resolution. This Member commends the help and cooperation these Members have demonstrated in moving forward on this important issue.

The Committee on International Relations unanimously approved this resolution last Thursday and asked it be placed on the suspension calendar this week. The resolution expresses the sense of the House of Representatives that there is an urgent need to improve the lives of those people of the Bangladesh, India and Nepal countries who live near the Ganges and Brahmaputra Rivers and their tributaries.

This river basin has the greatest concentration of poor people in the world, greater than any area in Africa, for example. The region has great potential, but, regrettably, it is beset by natural disasters, including flooding during the monsoon seasons, droughts during the dry seasons, and occasional cyclones.

Members will recall, perhaps, that during the last Congress this Member and the distinguished ranking member, the gentleman from California, Mr. BERMAN, introduced House Concurrent Resolution 213, which expressed the hope that the countries of that region would work together to relieve the poverty of the region's residents, focusing primarily on the need to address the critical problems of flooding and drought. That resolution was favorably reported by the Subcommittee on Asia and the Pacific just before the end of the 104th Congress.

This Member is pleased to say that since that action, Bangladesh and India have signed a 30-year agreement on sharing the waters of the Ganges River. India and Nepal also have ratified a treaty that will permit their joint development of the Mahakali River water resources. These developments are very welcome.

House Concurrent Resolution 16, therefore, congratulates the governments of Bangladesh, India, and Nepal for these achievements and respectfully encourages them to continue their cooperation, which could do much to relieve the poverty of those people living in the Ganges and Brahmaputra River Basins.

This resolution also urges the world community, including the international financial institutions such as the World Bank and the Asian Development Bank, to provide whatever assistance is appropriate in this effort.

Mr. Speaker, the Department of State has informed this Member that the agreement between Bangladesh and India on sharing the Ganges River water was signed on December 12, 1996, not January 13, 1997, as specified in House Concurrent Resolution 16. Therefore, the date has been changed to December 12, 1996.

This Member urges his colleagues to vote for House Concurrent Resolution 16.

□ 1530

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I congratulate the gentleman from Nebraska for bringing this resolution before this body. The problem of equitable water sharing among the countries of South Asia has long plagued the region, and in many cases prevented the people of the region from enjoying anything beyond a bare minimum standard of living. In the past few months, however, India, Bangladesh, and Nepal have reached several water sharing and development agreements that will greatly contribute to the well-being of hundreds of millions of their citizens. This enlightened diplomacy should be encouraged generally, and really it is the whole purpose of this resolution.

I thank the gentleman for leading the fight in this fashion on this resolution, and I urge my colleagues to support it.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I appreciate the opportunity to address my colleagues on this. I do support the resolution.

I want to commend also the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, the sponsor of the resolution.

Mr. Speaker, I recently visited India, and I had the opportunity to meet with Prime Minister Gowda at the time. In citing the achievements of his multiparty coalition government, the Prime Minister mentioned with great pride the agreement that India signed last December with Bangladesh to share the water resources of one of the world's great rivers, the Ganges. While some critics have questioned whether such a broad coalition with so many diverse parties can govern effectively, the Prime Minister demonstrated that strong leadership can be brought to bear on an issue that literally affects the lives of hundreds of millions of people, and the agreement is a tribute to the leadership of both nations.

Also last year, as was noted, the Governments of India and Nepal signed and ratified a treaty enabling the joint development of the water resources of the Mahakali River, again a tribute to cooperation between neighbors in a part of the world that has often been more marked by conflict.

Mr. Speaker, the Ganges and the Brahmaputra River Basin comprises an area less than one-fifth the size of the United States but with twice as many people. Millions of people who reside in this area suffer from poverty and the effects of environment degradation. Yet, the area has great potential in terms of irrigation, fisheries, hydropower generation, and navigation.

The agreements we celebrate today with this concurrent resolution begin the process of allowing that potential to be realized for the benefit of all the people in the region, but the people of these nations need some help and technical assistance. That is why it is important for us to encourage the World Bank, the Asian Development Bank, and the international community in general to provide the necessary support and encouragement, as this resolution does.

Mr. Speaker, I wanted to say as cochairman of the bipartisan Congressional Caucus on India and Indian-Americans, I have tried to lobby our colleagues here as well as the administration to make America's relations with India a higher priority. India this year celebrates the 50th anniversary of its independence. It is a democracy, and the country has for the past 5 years been pursuing a historic policy of economic reform. This is the second most populous nation on Earth and it offers huge potential for trade and investment. I am convinced that the current Government of India is committed to this path, as are the Indian people.

Mr. Speaker, too often the relations between these two democracies, the United States and India, are marred by misunderstandings or simply by benign neglect. That is why it is important to send positive signals whenever possible. The resolution that we debate today will send just such a positive signal that the United States recognizes the efforts of the South Asian nations to foster greater regional cooperation and that we support these efforts. We hope these efforts will be the beginning of greater cooperation in South Asia and will serve as a model for other developing regions to better utilize their resources for the benefits of all their people.

I want to congratulate again the gentleman from Nebraska [Mr. BEREUTER] and the others that have cosponsored this resolution.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to support this resolution which congratulates the Governments of India, Bangladesh, and Nepal for their diplomacy and cooperation on water treaties that will improve the lives of over 400 million people that live near the Ganges and the Brahmaputra River Basins.

I would commend the gentleman from Nebraska [Mr. BEREUTER], the chairman of the House International Relations Subcommittee on Asia and the Pacific, for introducing this legislation. I further would like to commend the gentleman from New York [Mr. GILMAN], the full committee chairman; the gentleman from California [Mr. BERMAN], the ranking member of the Subcommittee on Asia and the Pacific; and the gentleman from New York [Mr. ACKERMAN], and the gentleman from California [Mr. ROYCE] for their support of this measure as original cosponsors.

Mr. Speaker, this resolution supports the efforts of the Governments of India, Bangladesh, and Nepal over the past year to cooperate in sharing the waters of the Ganges River, as well as the joint development of the resources of the Mahakali River. Their efforts in negotiating treaties will help in the future to control water resources in the region, reducing flooding during rains, and providing water during droughts. Through this admirable cooperation by these Governments, it is projected that deaths and property destruction will be substantially reduced for the region's 400 million residents.

Mr. Speaker, the resolution further urges international financial institutions and the world community to assist the Governments of India, Bangladesh, and Nepal in this worthy endeavor.

I strongly endorse this measure that supports progress to improve the lives of close to half a billion people in South Asia, and certainly would like to commend the gentleman from Indiana [Mr. HAMILTON], the senior ranking member of our Committee on International Relations, for his full support of this legislation.

Mr. HILLIARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 16, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE JOINT RESOLUTION 32, GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY HAWAIIAN LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that the House vacate the ordering of the yeas and nays on House Joint Resolution 32.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair will put the question de novo when proceedings resume at 5 p.m.

There was no objection.

SENSE OF HOUSE CONCERNING TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN UNITED STATES AND JAPAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 68) stating the sense of the House of Representatives that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the nations of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the treaty's implementation, as amended.

The Clerk read as follows:

H. RES. 68

Whereas the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is critical to the security interests of the United States, Japan, and the countries of the Asia-Pacific region.

Whereas the security relationship between the United States and Japan is the foundation for the security strategy of the United States in the Asia-Pacific region;

Whereas strong bilateral security ties between the two countries provide a key stabilizing influence in an uncertain post-cold war world;

Whereas this bilateral security relationship makes it possible for the United States and Japan to preserve their interests in the Asia-Pacific region;

Whereas forward-deployed forces of the United States are welcomed by allies of the United States in the region because such forces are critical for maintaining stability in East Asia;

Whereas regional stability has undergirded East Asia's economic growth and prosperity;

Whereas the recognition by allies of the United States of the importance of United States armed forces for security in the Asia-Pacific region confers on the United States irreplaceable good will and diplomatic influence in that region;

Whereas Japan's host nation support is a key element in the ability of the United States to maintain forward-deployed forces in that country;

Whereas the Governments of the United States and Japan, in the Special Action Committee on Okinawa Final Report issued by the United States-Japan Security Consultative Committee established by the two countries, made commitments to reducing the burdens of United States armed forces on the people of Japan, especially the people of Okinawa;

Whereas such commitments must maintain the operational capability and readiness of United States forces; and

Whereas gaining the understanding and support of the people of Japan, especially the people of Okinawa, in fulfilling these commitments is crucial to the effective implementation of the Treaty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Treaty of Mutual Cooperation and Security Between the United States of America and Japan remains vital to the security interests of the United States and Japan, as well as the countries of the Asia-Pacific region; and

(2) the people of Japan, especially the people of Okinawa, deserve special recognition and gratitude for their contributions toward ensuring the Treaty's implementation and regional peace and stability.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises in strong support of House Resolution 68. This Member commends the distinguished gentleman from Indiana [Mr. HAMILTON] for raising this issue and bringing us this legislation. This Member would note that our good friend from Indiana has consistently been a voice in support of United States security interests, and the gentleman's resolution regarding the United States-Japan security agreement and the people of Okinawa is no exception. He is to be congratulated for his initiative. This Member is pleased, together with the distinguished gentleman from California [Mr. BERMAN], to be an original cosponsor of H. Res. 68.

Mr. Speaker, the United States-Japan alliance is the cornerstone of United States security strategy for the Asia-Pacific region and serves as the anchor for the United States military presence in the region. Not only do United States forward based forces in Japan contribute to Japanese security, but these assets are absolutely essential for any contingency on the Korean Peninsula. Our bases on the Japanese mainland and on Okinawa enable us to protect and advance our interests throughout the Pacific. In addition, elements of these forward-based forces were among the first to arrive in the Persian Gulf during Operation Desert Shield.

There is no question that American forces in Japan contribute to a sense of regional stability. This Member has often commented that all the nations of Asia, with the possible exception of North Korea, welcome the presence of United States forces and want us to remain in the region. Indeed, the commitment of the Clinton administration to keep 100,000 troops in Asia has become an important issue psychologically with the countries of the region, who look constantly for reassurance that the United States military will remain in the region.

This Member would also note that the Government of Japan pays the overwhelming majority of expenses of forward basing of American troops in Japan. In what is a model basing agreement, the Japanese pay approximately 75 percent of our basing costs. Frankly, even considering all direct and indirect costs, it is cheaper to keep our troops in Japan than it is to base them in the United States. As House Resolution 68 notes, we would not be able to maintain such a vigorous presence in the Pacific were it not for the host nation's support provided by the Japanese.

Mr. Speaker, House Resolution 68 offers special recognition of the importance of the United States-Japan Treaty of Mutual Cooperation and Security. The resolution also takes note of the contribution of the people of Okinawa, who have been expected to bear a disproportionate share of the burden of hosting our troops. This is a good and useful resolution, Mr. Speaker, and this Member urges approval of House Resolution 68.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I also want to thank the gentleman from California [Mr. BERMAN] and the gentleman from Nebraska [Mr. BEREUTER], the ranking member and chairman, respectively, of the Subcommittee on Asia and the Pacific, as well as the gentleman from New York [Mr. GILMAN], the chairman of the committee, for the help and leadership they have all extended in moving this resolution to the floor.

Former Ambassador Mike Mansfield, who called the relationship between the United States and Japan the most important bilateral relationship in the world, bar none, would love to see this moved. Our bilateral alliance has endured and remains strong because the United States and Japan are united not by a common enemy but by a common interest.

In December 1996 the United States and Japan agreed to measures to renew and strengthen our security relationship. In particular, our two Governments agreed to lessen the burden borne by the people of Okinawa whose small island prefecture hosts over half of the forward-deployed United States forces in Japan.

This is the right moment to restate the fundamental importance of the United States-Japan Mutual Security Treaty to the peace and prosperity of the entire Asia-Pacific region. It is also the right time to recognize the contribution of the people of Okinawa toward ensuring regional peace and security.

My Republican colleague, Senator WILLIAM ROTH, has introduced an identical measure in the other body. This is a bipartisan effort. Our relationship with Japan is crucially important. For this reason and the others I have mentioned, I urge the adoption of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. I thank my good friend for yielding me this time.

Mr. Speaker, I am pleased to be a cosponsor of this resolution which reaffirms that the security treaty between the United States and Japan remains the anchor of American engagement and the foundation for regional stability in the Asia-Pacific region.

I would commend the gentleman from Indiana [Mr. HAMILTON], the ranking member of the Committee on International Relations, for introducing this excellent piece of legislation. I would further commend the gentleman from New York [Mr. GILMAN], the full committee chairman; the gentleman from Nebraska [Mr. BEREUTER], chairman of the Subcommittee on Asia and the Pacific; and the gentleman from California [Mr. BERMAN], the ranking member of the Subcommittee on Asia and the Pacific, for their strong support and work on this measure.

Mr. Speaker, House Resolution 68 sends the message that although the cold war era has ended, the security alliance between the United States and Japan remains more critical than ever—and is in the best interests of both countries as well as the nations of the Asia-Pacific region.

Mr. Speaker, this measure underscores the important role that United States Armed Forces deployed in Japan and the Pacific have played in ensuring peace, that our allies have welcomed our presence, and that the regional stability provided by our forces have materially contributed to Asia's tremendous growth and economic prosperity.

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The resolution further recognizes, Mr. Speaker, the vital contributions of Japan as the host nation. I find it very appropriate that the people of Okinawa, who have borne the heaviest burden in supporting the American bases, are honored by this measure through special recognition and thanks for their sacrifices and invaluable contributions.

Mr. Speaker, I would urge my colleagues to adopt this excellent resolution which supports the United States-Japan security alliance, thereby furthering peace and stability for all throughout the Asian Pacific region.

Mr. HILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I rise today in support of House Resolution 68.

The Treaty of Mutual Cooperation and Security between the United States and Japan is the framework that supports our commitment to the Asia-Pacific region. The Japanese-American relationship provides the stable conditions which promote trade and commerce in the region and provides further advancements in the peaceful relations of all peoples of the Asia and the Pacific region.

The security of the Asia-Pacific region is of vital interest to the United States, and no community of the United States is more acutely aware of this than Guam, my home island. In the post-cold war environment U.S. forward deployed forces have been welcomed by our allies in the theater. This forward deployment is made possible by the special friendship shared between the United States and Japan that is signified by the Treaty of Mutual Cooperation. In the coming years, as our friendship with Japan continues, let us not just focus on the numerical commitment of 100,000 troops to the region, but ensure that the United States maintains its capabilities in the changing Asian Pacific region.

The United States commitment to the Asia-Pacific region has required sacrifices from many people, sacrifices by our soldiers, our sailors, our airmen and marines who defend our Nation's interests in the region; also the contributions by the people of Japan and, most importantly, the people of Okinawa. Okinawa has continued to play a pivotal role in ensuring the security environment of the region. This community has contributed much, and this resolution extends to them our sincere appreciation.

During my recent visit to Okinawa, I saw firsthand some of the concerns they face supporting a large contingent of U.S. forces. Even after the Special Action Committee on Okinawa recognized the need to reduce the presence of United States Armed Forces on Japan, our commitment to the people of Okinawa's concerns cannot and should not be lessened. The people of Guam have a distinct understanding of their concerns, and to them as well as the people of Japan we express our sincere appreciation.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am not going to push this to the point of a vote, but I want to express my disagreement with the resolution. I am sorry to spoil the good cheer, and I admire the people of Okinawa, but I think we should make it very clear that there is considerable unhappiness in the United States and here in the Congress with the one-sidedness of this relationship, particularly financially.

Mr. Speaker, I insert into the RECORD an article, from which I want to read briefly.

The article referred to is as follows:

[From the New York Times, Feb. 15, 1997]

JAPAN HESITANT ABOUT U.S. ANTIMISSILE PROJECT

(By Clifford Krauss)

WASHINGTON, Feb. 14—After three years of exploratory talks, Administration officials say Japan has all but decided against taking part in an antimissile defense project with the United States for fear of offending China and overspending scarce military resources.

Tokyo's hesitation stems from reluctance to spend billions of dollars when its own economy is weak, and concerns that developing a missile system would anger Japan's deeply pacifist electorate and frighten Asian neighbors wary of any signs of a Japanese military buildup.

A decision not to join the project would be a setback to American military contractors that hope to supply Japan with hardware. And it could swell United States military budgets for Asia because the United States would have to bear the cost of such a system alone.

Senior Administration officials said that no Japanese decision would be announced for months and that the United States would press ahead with its own plans to develop antimissile systems to protect American forces in Japan from any North Korean or Chinese attack.

The feasibility of an effective antimissile shield is still a matter of debate, but Pentagon officials say the Patriot missiles, which displayed a mixed record during the Persian Gulf war, have been updated and improved in recent years.

Administration officials also say a decision by Tokyo not to take part would not hurt its relations with Washington.

Discussions on how to pool technology, engineering talent and money to set up a "theater missile defense" began shortly after North Korea test-fired a Rodong 1 missile 300 miles into the Sea of Japan in 1993. A middle-level working group of Japanese and American defense planners has met nine times to discuss regional threats, deployment timetables and various types of land- and sea-based antiballistic weaponry.

Japan has been wary of the project ever since the Clinton Administration first broached the idea in October 1993. But American hopes were raised after Japan allocated $2.7 million in its 1996 budget to study building an antimissile system, 20 times what Tokyo spent the year before on the project. American officials were also encouraged when President Clinton and Prime Minister Ryutaro Hashimoto met in Tokyo last April and promised to broaden their military alliance.

A Japanese Foreign Ministry official said the group would continue meeting until the summer, after which time Tokyo would decide what role to play. "At this moment, we have not made any decision and we cannot predict or prejudge any result or conclusion," he said.

But after a meeting in Tokyo last weekend, senior American officials have concluded that Japan is simply not ready to pursue a project that could cost them as much as $10 billion a year—more than one-fourth of Japan's current $35 billion military budget—for four or five years. They said the project has a few powerful supporters in Japan's military establishment, but is opposed by many in the Foreign Ministry and by most of the nation's top economic officials.

"Japan is financially constrained, and they don't have the strategic consensus," said a senior Pentagon official involved in making Japan policy. "Japan is most nervous about China, even through they talk about North Korea. A decision to build this would be perceived by the Chinese to be a blatant act. So I'm sure Japan will not go down this line."

Another Administration official, who noted that China has repeatedly warned Japan that it would view deployment of an antimissile system as a hostile act, added, "This is not something that will happen anytime soon."

The Chinese have argued that a Japanese antimissile program would undermine regional arms-control efforts.

> Given the pacifist strain that runs through the Japanese electorate, American officials said, Prime Minister Hashimoto and other members of the political elite cannot be expected to commit themselves to any such program without a thorough debate in Parliament. And there is no sign, they said, that Parliament will take up the issue any time soon.
>
> The Pentagon has proposed at least four antimissile options for deployment by 2004, including enhanced Patriot surface-to-air missiles designed to intercept low-altitude missiles and Thaad antiballistic systems for high-altitude interceptions. American officials have also discussed the possibility of sharing with Japan early-warning data from satellites that are now being developed to detect infrared radiation at the time of a launching.
>
> "Our interest is that we would like to see American troops in Japan protected from ballistic missile attacks," said Joseph Nye, a former Assistant Secretary of Defense, who is dean of the Kennedy School of Government at Harvard University. "But Japan is very sensitive to the political repercussions in China and North Korea."
>
> Many American military experts still say Japan will eventually join the project, but perhaps not for another five years or more.
>
> "These things take time," said John M. Deutch, the Director of Central Intelligence, who pushed for a joint project when he served as a senior Defense Department official in the early 1990's. "Inevitably, the Japanese Government will see that it needs to be concerned with antimissile defense."
>
> Despite the setback, Administration officials say they are committed to building or upgrading regional antimissile systems to protect American troops in all potentially hazardous regions, including Saudi Arabia, Kuwait and South Korea. The Administration's proposed $265 billion military budget for 1998 calls for a 3 percent cut in spending from the 1997 budget, but it adds $320 million for antimissile systems.
>
> "The goal is to develop, procure and deploy systems that can protect forward-deployed U.S. forces, as well as allied and friendly nations, from theater-range ballistic missiles," Secretary of Defense William S. Cohen said this week while testifying on the budget before Congress. "These programs are structured to proceed at the fastest pace that technology will allow."

New York Times, February 14:

> Japan has all but decided against taking part in an antimissile defense project with the United States for fear of offending China and overspending scarce military resources.

Needless to say, the scarce military resources they are afraid of overspending are theirs. They are quite willing to spend ours.

As the article points out this "could swell United States military budgets for Asia because the United States would have to bear the cost of such a system alone."

And where is this system going to go if the Japanese do not want to pay for it? Then we are going to have to pay for it in Japan. This is a system that we are going to install in Japan to protect American soldiers that are in Japan, in part to protect Japan from North Korea or China, but the Japanese do not want to offend North Korea or China; they want us to be over there to offend North Korea and China presumably, and they do not want to spend their money because they have budget problems.

The worst of it is the article then concludes in relevant part: "Administration officials say a decision by Tokyo not to take part would not hurt its relations with Washington."

Well, I have to say that maybe it does not hurt relations with the administration, but the administration is wrong to say so. The notion that the American taxpayer, and we are going to balance the budget, and we are going to be making cuts in education and environment and housing and health care and very important domestic programs so that we can spend billions of dollars to build an antimissile system in Japan to protect American troops that are in Japan to help Japan, and the Japanese tell us they cannot afford to do it because they do not have enough money; they have got budget problems.

We have got to put an end to the one-sidedness and subsidy of the Japanese nation.

Mr. HILLIARD. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

In light of what the gentleman from Massachusetts [Mr. FRANK] has just said, I would remind my colleagues that American military might, 100,000 personnel, a little bit less than that at the moment, are in the Asia-Pacific region because of our national interests. If we maintain a security balance in the region, it is far less likely that American troops will ever have to be wounded and die in that part of the world in the future.

Make no mistake about it. Our forces are located in Okinawa and elsewhere because it is in our national interests to have them there.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the resolution sponsored by my colleague, Mr. HAMILTON. I commend him for his efforts to draw attention to the significance of the Asia-Pacific region.

This resolution highlights the unique and important relationship between the United States and Japan. It also addresses the important role that the people of Okinawa have played in ensuring peace and stability in the region.

The significance of the Asia-Pacific region will continue to grow in the 21st century. As we continue to review the defense treaty between the United States and Japan, it is important that the people of Japan know that we are committed to the long-term stability of the region. The United States-Japan relationship remains the cornerstone of our engagement in the region.

As a nation, we must continue to strengthen our ties with Japan. In Hawaii, the stability of our economy is tied to the stability of the region and largely to Japan. The people of Hawaii have developed broadbased ties with Japan, to include a strong relationship with the Prefecture of Okinawa.

As a result of these ties, the people of Hawaii continue to be concerned about the land issues being addressed in Okinawa with regard to basing of United States military forces. Unfortunately, it took the rape of a 12-year-old school girl in 1995 to turn the attention of the world toward the issues raised in Okinawa with respect to their land use concerns. Today, we are making steady progress on these very sensitive issues which need to be resolved between the Okinawa Prefecture and the Government of Japan.

It is no exaggeration to say that Okinawa's people view their homeland as occupied territory. They see the overwhelming presence of United States military forces there as confirmation and they remain the poorest prefecture in Japan.

Some 50 years after the end of World War II in the Pacific, Okinawa is the only unresolved residual issue of any significance between Japan and the United States. The people of Okinawa are the least culpable of all those thrust into World War II. For centuries past, they have been known in the region for promoting peace. They are friendly to the interests and people of the United States. Yet they bear the most burden generations later.

They have given up a great deal in terms of economic prosperity and deserve to be recognized for their contributions toward ensuring the treaty's implementation and regional peace and security.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution (H.Res. 68), as amended.

The question was taken.

Ms. SANCHEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just considered and also on House Concurrent Resolution 16.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

HONG KONG REVERSION ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 750) to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China, as amended.

The Clerk read as follows:

H.R. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hong Kong Reversion Act".

SEC. 2. STATEMENT OF PURPOSE.

The purpose of this Act is to support the autonomous governance of Hong Kong and the future well-being of the Hong Kong people by ensuring the continuity of United States laws with respect to Hong Kong after its reversion to the People's Republic of China on July 1, 1997, and to outline circumstances under which the President of the United States could modify the application of United States laws with respect to Hong Kong if the People's Republic of China fails to honor its commitment to give the Special Administrative Region of Hong Kong a high degree of autonomy.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984, is a binding international agreement which sets forth the commitments made by both governments on the reversion of Hong Kong to the People's Republic of China on July 1, 1997.

(2) The People's Republic of China in the Joint Declaration pledges, among other things, that "the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs. . .," that basic human rights and freedoms "will be ensured by law. . .," and that "[t]he legislature of the Hong Kong Special Administrative Region shall be constituted by elections.".

(3) Senior government officials of the People's Republic of China have repeatedly assured a smooth transfer of Hong Kong to Chinese sovereignty, a successful implementation of the "one country, two systems" policy, long-term prosperity for Hong Kong, and continued respect for the basic rights of the Hong Kong people.

(4) Despite general assertions guaranteeing the autonomous governance of Hong Kong, several official acts and statements by senior officials of the Government of the People's Republic of China reflect an attempt to infringe upon the current and future levels of autonomy in Hong Kong. These acts or statements include, but are not limited to—

(A) initial proposals, which were later withdrawn, by officials of the Government of the People's Republic of China to obtain confidential files on civil servants of the Hong Kong Government or require such civil servants to take "loyalty oaths";

(B) the decision of the Government of the People's Republic of China to dissolve the democratically elected Legislative Council on July 1, 1997, and the appointment of a provisional legislature in December of 1996;

(C) the delineation by officials concerning the types of speech and association which will be permitted by the Government of the People's Republic of China after the reversion;

(D) initial warnings, which were later withdrawn, to religious institutions not to hold certain gatherings after the reversion; and

(E) the decision on February 23, 1997, of the Standing Committee of the National People's Congress of the People's Republic of China to repeal or amend certain Hong Kong ordinances, including the Bill of Rights Ordinance, the Societies Ordinance of 1992 (relating to freedom of association), and the Public Order Ordinance of 1995 (relating to freedom of assembly).

(5) The reversion of Hong Kong to the People's Republic of China has important implications for both United States national interests and the interests of the Hong Kong people. The United States Government has a responsibility to ensure that United States interests are protected during and after this transition, and it has a profound interest in ensuring that basic and fundamental human rights of the Hong Kong people are also protected.

(6) The United States-Hong Kong Policy Act of 1992 sets forth United States policy concerning Hong Kong's reversion to the People's Republic of China on July 1, 1997, and Hong Kong's special status as a Special Administrative Region of that country. It ensures the continuity of United States laws regarding Hong Kong while establishing a mechanism in section 202 of that Act whereby the President can modify the application of United States laws with respect to Hong Kong if the President "determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China".

(7) One of the principal purposes of the Congress in enacting the United States Hong Kong Policy Act of 1992 was to maintain Hong Kong's autonomy by ensuring that the United States will continue to treat Hong Kong as a distinct legal entity, separate and apart from the People's Republic of China, for all purposes, in those areas in which the People's Republic of China has agreed that Hong Kong will continue to enjoy a high degree of autonomy, unless the President makes a determination under section 202 of that Act.

(8) Although the United States Government can have an impact on ensuring the future autonomy of the Hong Kong Government and in protecting the well-being of the Hong Kong people, ultimately the future of Hong Kong will be determined by the willingness of the Government of the People's Republic of China to maintain the freedoms now enjoyed by the people of Hong Kong and to rely on the people of Hong Kong to govern themselves.

SEC. 4. CONGRESSIONAL DECLARATIONS.

The Congress makes the following declarations:

(1) Recognizing that the United States Government and the Hong Kong Government have long enjoyed a close and beneficial working relationship, for example between the United States Customs Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Secret Service, and their corresponding agencies of the Hong Kong Government, the United States urges the two governments to continue their effective cooperation.

(2) Recognizing that the preservation of Hong Kong's autonomous customs territory has important security and commercial implications for the United States and the people of Hong Kong, the United States calls upon the People's Republic of China to fully respect the autonomy of the Hong Kong customs territory.

(3) Recognizing that Hong Kong has historically been an important port of call for United States naval vessels, the United States urges the Government of the People's Republic of China to consider in a timely and routine manner United States requests for port calls at Hong Kong.

(4) Recognizing that Hong Kong enjoys a robust and professional free press with important guarantees on the freedom of information, the United States declares that a free press and access to information are fundamentally important to the economic and commercial success of Hong Kong and calls upon the Government of the People's Republic of China to fully respect these essential rights of the Hong Kong people.

(5) Recognizing that the first fully democratic elections of a legislature in Hong Kong took place in 1995, following nearly 150 years of colonial rule, the United States recognizes that the Joint Declaration of 1984 requires that the Special Administrative Region legislature "shall be constituted by elections", declares that the failure to have an elected legislature would be a violation of the Joint Declaration of 1984, and calls upon the Government of the People's Republic of China to honor its treaty obligations.

(6) Recognizing that the United Kingdom belatedly reformed Hong Kong laws with respect to the civil rights of the Hong Kong people, the Hong Kong people have nevertheless long enjoyed essential rights and freedoms as enumerated in the Universal Declaration of Human Rights; therefore, the United States declares that the decision of the National People's Congress to repeal or amend certain ordinances is a serious threat to the Hong Kong people's continued enjoyment of their freedom of association, speech, and other essential human rights, unless those rights are reestablished no later than July 1, 1997, and calls upon the National People's Congress to reconsider its decision.

(7) Recognizing that under the terms of the Joint Declaration of 1984 the provisions of the International Covenant on Civil and Political Rights will continue to apply in Hong Kong, the United States welcomes the public statement by the Chief Executive-designate of Hong Kong that the legislation which will replace repealed or amended sections of the Societies Ordinance and Public Order Ordinance will be the subject of public consultation, and urges that the new legislation should reflect both the clearly expressed wishes of the people of Hong Kong and the provisions of the International Covenant on Civil and Political Rights.

(8) Recognizing that Hong Kong currently maintains an efficient capitalist economy and trade system by strictly adhering to the rule of law, by honoring the sanctity of contract, and by operating without corruption and with minimum and transparent regulation, the United States calls upon the Government of the People's Republic of China to fully respect the autonomy and independence of the chief executive, the civil service, the judiciary, the police of Hong Kong, and the Independent Commission Against Corruption.

SEC. 5. PRESIDENTIAL DETERMINATION UNDER SECTION 202 OF THE UNITED STATES-HONG KONG POLICY ACT OF 1992 AND ADDITIONAL REPORTING REQUIREMENTS.

(a) IN GENERAL.—In determining whether "Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China," as required by section 202(a) of the United States-Hong Kong Policy Act of 1992, the President of the United States, based upon the assessments made pursuant to subsection (b) of this section, as well as other information included in the reports submitted under section 301 of the United States-Hong Kong Policy Act of 1992, shall consider the performance of the Hong Kong Government and the actions of the Government of the People's Republic of China.

(b) REQUIREMENTS FOR REPORTS TO CONGRESS.—The Secretary of State shall include, in each report required by section 301 of the United States-Hong Kong Policy Act of 1992, the following:

(1) SUCCESSFUL AND TIMELY CONCLUSION OF AGREEMENTS AND TREATIES.—An assessment by the Secretary of State of whether the Hong Kong Government or the People's Republic of China, or both, as the case may be, have cooperated with the United States Government in securing the following agreements or treaties:

(A) A bilateral investment treaty.

(B) An extradition treaty.

(C) An agreement on consular access in Hong Kong for United States citizens comparable to that provided for in the consular convention between the United States and the People's Republic of China.

(D) An agreement to preserve the United States consulate, with privileges and immunities for United States personnel.

(E) A mutual legal assistance agreement.

(F) A prison transfer agreement.

(G) A civil aviation agreement.

(2) CONTINUED COOPERATION FROM THE AGENCIES OF THE HONG KONG GOVERNMENT.—An assessment by the Secretary of State of whether agencies of the Hong Kong Government continue to cooperate with United States Government agencies. The Secretary of State shall cite in the report any evidence of diminished cooperation in the areas of customs enforcement, drug interdiction, and prosecution and prevention of money laundering, counterfeiting, credit card fraud, and organized crime.

(3) PRESERVATION OF GOOD GOVERNANCE AND RULE OF LAW IN HONG KONG.—An assessment by the Secretary of State of whether the Hong Kong Government remains autonomous and relatively free of corruption and whether the rule of law is respected in Hong Kong. The Secretary of State shall cite in the report any—

(A) efforts to annul or curtail the application of the Bill of Rights of Hong Kong;

(B) efforts to prosecute for violations of, or broaden the application of, laws against treason, secession, sedition, and subversion;

(C) acts or threats against nonviolent civil disobedience;

(D) interference in the autonomy of the chief executive, the civil service, the judiciary, or the police;

(E) increased corruption in the Hong Kong Government; and

(F) efforts to suppress freedom of the press or restrict the free flow of information.

(4) PRESERVATION OF THE AUTONOMY OF THE CUSTOMS TERRITORY OF HONG KONG.—An assessment by the Secretary of State of whether the customs territory of Hong Kong is administered in an autonomous manner. The Secretary of State shall cite in the report any—

(A) failure to respect United States textile laws and quotas;

(B) failure to enforce United States export control laws or export license requirements;

(C) unauthorized diversions from Hong Kong of high technology exports from the United States to Hong Kong;

(D) unprecedented diversion of Chinese exports through Hong Kong in order to attain preferential treatment in United States markets; and

(E) misuse of the customs territory of Hong Kong to implement the foreign policy or trade goals of the Government of the People's Republic of China.

SEC. 6. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington, D.C. on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation, H.R. 750, is to support the autonomous governance of Hong Kong and the future well-being of the Hong Kong people. This bipartisan legislation was introduced by this Member on February 13, 1997, and unanimously approved last week by the House Committee on International Relations. It has been approved for consideration under the suspension calendar of course. That is why it is here today.

This bipartisan bill has a long list of cosponsors, including as original cosponsor the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, with a long and distinguished record as a leader in promoting democracy and human rights. His contributions and amendment have greatly strengthened this legislation. In addition, both the distinguished gentleman from Indiana [Mr. HAMILTON], the ranking Democrat on the House Committee on International Relations, and the distinguished gentleman from California [Mr. BERMAN], the ranking Democrat on the Subcommittee on Asia and the Pacific, are also original cosponsors. Other original cosponsors include the distinguished gentleman from New York [Mr. SOLOMON], the distinguished gentleman from Nebraska [Mr. BARRETT], the distinguished gentleman from California [Mr. DREIER], the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA], the distinguished gentleman from Arizona [Mr. SALMON], the distinguished gentleman from California [Mr. COX], and the distinguished gentleman from Arizona [Mr. KOLBE]. Other distinguished Members have added their names subsequently, including two gentleman we will hear from, the gentleman from California [Mr. CAMPBELL] and the gentleman from Illinois [Mr. PORTER].

Mr. Speaker, it is important that we consider and approve this legislation quickly because in less than 5 months the British rule ends and Hong Kong will become a special administrative region of China. Nobody knows exactly what will happen in Hong Kong on that night or the days, months and years thereafter.

This reversion is unprecedented in its complexity. Hong Kong, one of the world's most efficient economies, will become part of an emerging giant that has yet to integrate itself fully into the world economy and which has only begun to experiment with democracy at the village level.

The United Kingdom and the People's Republic of China have largely agreed on the basic rules for Hong Kong's reversion in the Sino-British Joint Declaration of 1984. For its part China has agreed to grant Hong Kong more autonomy, more autonomy than international law requires. In Hong Kong's constitution, the Basic Law of 1989, the National People's Congress unveiled a "one country two systems" arrangement for 50 years. During that time Hong Kong is supposed to enjoy a high degree of autonomy except in the areas of foreign affairs and defense.

It is rumored that more than 7,000 journalists from around the world will be on hand at midnight on June 30, 1997, to witness the official handover. In large part the attention focused on Hong Kong by the international press has been fueled by misguided efforts by the Chinese Government to disband the current legislative council and replace it with a provisional legislature, to alter civil rights protections in Hong Kong, and to improperly influence the extremely efficient civil service there. Clearly, these actions must not go unnoticed by the international community and by the United States Government.

Therefore, today we are considering the Hong Kong Reversion Act, H.R. 750, to object to these troubling proposals and developments and to express and act to protect the United States' national interests in Hong Kong. Most importantly, this legislation is absolutely clear in demanding that the People's Republic of China fully respect the autonomy that it has promised Hong Kong in the Joint Declaration of 1984.

Despite the overwhelming attention to the important issues of the legislative council and civil rights of Hong Kong, American foreign policy makers must also be concerned about more mundane traditional and transition issues which affect fundamental United States interests. For example, negotiations are currently underway between the United States and Hong Kong and the United States and China over a myriad of technical issues, including an extradition treaty, a bilateral investment treaty, consular functions and many more very important issues. Moreover, we must be very careful to assure that Hong Kong continues to honor U.S. export control laws and regulations after the transition.

The Hong Kong Reversion Act will aid the Congress in examining all the important issues in this complex transition by building on the Hong Kong Policy Act of 1992. It requires assessments and reports by the Secretary of State in very specific areas so the President can knowledgeably determine under his existing authority whether to maintain current U.S. relations with Hong Kong.

In light of these facts and the importance of this legislation, this Member urges his colleagues to vote for the Hong Kong Reversion Act, H.R. 750.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill, and I want to commend the gentleman from Nebraska [Mr. BEREUTER] for his leadership in bringing the bill before this body.

It is no secret that many Members are concerned about what lies in store for Hong Kong after China regains sovereignty on June 30 of this year. This legislation is intended to alert the PRC to these concerns and to put the leaders in Beijing on notice that the Members of Congress care deeply about the well-being of the people of Hong Kong.

This is not meant as a threat but a statement of political reality. If Americans come to believe that China is subverting the freedom Hong Kong people currently enjoy, then it will be more difficult in maintaining the public and congressional support for recent and decent relations with China.

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If, on the other hand, the transition in Hong Kong goes smoothly and the people of Hong Kong are permitted to retain their current freedoms, then I am confident that the public and the Members of Congress will continue to support a policy of engagement with China.

This bill is our way of saying to China, if you value your relationship with the United States, then respect the rights and liberties of the Hong Kong people. This bill also makes some useful changes regarding the report on Hong Kong the Secretary of State periodically submits to Congress and the legal arrangement that will govern Hong Kong diplomatic representatives in the United States after June 30.

The administration supports this bill. Indeed, the State Department specifically asked for the authority granted in section 6 regarding privileges and immunities. I support this bill, and I ask my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 750, the Hong Kong Reversion Act. As the House sponsor of the Hong Kong Policy Act of 1992, I would like to commend my colleague, the gentleman from Nebraska [Mr. BEREUTER], for taking the lead in the final preparations for the United States Government to legally accommodate the reversion of Hong Kong to Chinese sovereignty.

This legislation is very important to the continuation of the goals of the Hong Kong Policy Act, ensuring that Hong Kong retains its special treatment as a place unique and separate from the mainland in many ways, and that the laws of the United States reflect our desire to maintain a distinct relationship with Hong Kong. Therefore, it has my very strong support.

The return of Hong Kong, the world's freest economy, to the jurisdiction of the People's Republic of China and the events leading up to it will have a major impact on United States-China relations. Whether this impact will be positive or negative remains to be seen. What is clear is that the United States is well positioned to play a role in securing a favorable outcome.

Members of the business community, both here and in Hong Kong, have, by and large, remained optimistic that they will be able to continue to operate in Hong Kong as they have in the past. This optimism stems from the fact that the island's free market and legal institutions foster economic growth and opportunity, and the maintaining of this atmosphere is in China's best interest.

Given the dramatic opening of the mainland economy in recent years and the benefits that have followed, I believe that the business community is correct in thinking that China values the economic freedom of Hong Kong and will try to preserve it.

Unfortunately, I am afraid that the Chinese Government does not fully appreciate that preserving Hong Kong's market economy requires that they also preserve personal liberty and the rule of law. It is clear that the fate of United States interests in Hong Kong is inexorably linked to the democrats, to the journalists, to the Chinese dissidents, to the religious minorities and others whose rights will be threatened if Hong Kong is governed with the same heavy hand as the mainland.

The United States must pursue a policy which respects the primacy of the joint declaration as the document which governs the transition, a policy which recognizes the peculiar tensions of our own relationship with the awakening power of China, and the policy which clearly enunciates the values of democracy, individual liberties, marketplace opportunity, and the rule of law, and makes clear our intention to standup for these values in Hong Kong.

This is a difficult task but not an impossible one. It is a task we must accomplish if we are to preserve Hong Kong and the remarkable, vibrant, exciting, and free place that it is today.

Mr. Speaker, the Hong Kong Reversion Act is a vital part of this balancing act and will codify our concerns about the transition. By giving the Hong Kong economic and trade office diplomatic privileges and immunities separate from the People's Republic of China, we reinforce the unique relationship we have with Hong Kong and our expectation that we will work directly with the Hong Kong government on matters of mutual concern. This is one of the most important elements of this legislation.

Further, this bill expresses our strong support for the autonomy and independence of Hong Kong in the management of its own affairs. By continuing to work directly with Hong Kong's law enforcement agencies, maintain separate treaty obligations with Hong Kong and declare our strong support for Hong Kong's institutions, the Congress will be a forceful voice for a true, one-country, two-systems approach to Hong Kong.

Finally, we must take every opportunity to send the strongest possible message to Beijing that the future of Hong Kong is important to the United States, not just for economic reasons, but for moral ones as well. A free, stable, prosperous Hong Kong serves as a positive example in a region where none of these qualities is the norm.

I hope and believe that Hong Kong can be a window on the future of Asia, especially China. We should all work to ensure that Hong Kong changes China more than China changes Hong Kong as a result of this historic process. This bill is part of that work, and I wholeheartedly commend it to my colleagues in the House.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I appreciate the gentleman yielding me this time.

I rise in support of the Hong Kong Reversion Act, which affirms United States support for the autonomy of Hong Kong. When 21 other House Members and I visited Hong Kong and China in January, we saw firsthand the need for this legislation. Chinese Government representatives assured us that they would pursue the one China, two systems policy. The question was then and is now whether this means two political as well as two economic systems, whether political freedom will be preserved in Hong Kong alongside economic freedom.

We are concerned about this because of the intrinsic value of political freedom itself, because political freedom enhances economic freedom, and because, as shown by nations like Singapore, economic freedom does not necessarily lead to political freedom.

That is why we told C.H. Tung, China's supported chief executive for Hong Kong, that we were concerned about Beijing's decision to dissolve the democratically elected legislative counsel of Hong Kong. I asked Mr. Tung directly, "Do you personally assure us that within a year after July 1 there will be a democratically elected legislative body in Hong Kong?" He said "yes." We should insist that Mr. Tung abide by this promise to restore democracy next year.

Unfortunately, events since we left Hong Kong have pointed in a different direction, restriction of the rights to speech, assembly, and association. This bill makes clear the resolute expectation of the House that two systems within one China should mean political as well as economic freedom for Hong Kong. For in the end, the future of human rights in Hong Kong will impact the future of human rights in mainland China and indeed the future of human rights throughout the world.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. CAMPBELL], a member of the committee.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding me this time and also for his generosity in accepting the amendments that I offered in this process. I rise to make a matter of legislative history what those amendments were and why I offered them, why I believe our colleagues on the Committee on International Relations accepted them, and why I hope today our colleagues on the floor of the House of Representatives will vote in favor of them.

The first deals with section 5, clause b(4)(d), and in it we deal with the provisions that the Secretary of State is to include in her report regarding the compliance of the new autonomous region, with our expectations, and I think the world's expectations, on economic behavior. A different part of the bill deals with our expectations on political behavior.

The committee added, at my suggestion, the following, "That included in that would be unprecedented diversion of Chinese exports through Hong Kong in order to attain preferential treatment in United States markets." The reason why I thought that was an important index of behavior was just this, that China not be encouraged to use Hong Kong as the means for having access to duty-free and preferential treatment throughout the world without changing a bit the economy of the other provinces of China, that Hong Kong is in a special tariff area and it be preserved in that area, but it not be isolated with the price then that the rest of China could continue in a less than free market economy, but that, rather, having seen the benefits available, particularly in the acceptance in the world economy for the special tariff region of Hong Kong, that the rest of China would be encouraged to do the same, and thereby also obtain access to the World Trade Organization opportunities when those are available, as they are presently available to Hong Kong, and other opportunities available under American law.

So I am looking to see that China does not simply send its exports more and more through Hong Kong, which would not have the beneficial effect on the rest of the country, but rather the Hong Kong example would be emulated in the rest of China.

Mr. Speaker, the other change the committee made at my suggestion is in section 4, clause 6. In this we deal with a statement of what we are hoping for with the new government. My colleague from Michigan referred to a meeting with C.H. Tung, the likely new governor, and in that I also had the privilege of meeting with him in August. I thought I would put on the record that the Chinese sentiment is real, that the British time in Hong Kong and the British particular dictating of terms in Hong Kong was contrary to Chinese sovereignty during the entire time of the occupation, that the taking of Hong Kong in the opium war was not a high point, let us say, in human rights practiced by the United Kingdom, and that whatever one might think about the validity of the rules that the British offered during the last period of their occupation of Hong Kong during the time, especially since the agreement for the reversion of Hong Kong, that it was China's right to set these rules; it was not by leave of Britain, it was China's right.

So I asked the change to be made, that we look to the reestablishment of all of those rights which have now been taken away, particularly the rights for assembly and for political activity, that were granted during this period of time under the governorship of Chris Patten, but had not been granted theretofore, that we look to see these restored, but we see them restored when China retakes sovereignty over Hong Kong. And so a simple change to refer to is that anticipation that this occur no later than July 1, to give that at least symbolic and very important, not simply symbolic day for China, to say that now that we are sovereign again, we choose to establish guarantees of political freedom and assembly, as the sovereign and in our own right, and not simply because Britain had done so during its period of rule.

Those are the legislative historical reasons for these two amendments. I thank my colleague for giving me the opportunity to explain them.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend for yielding me this time.

I am honored to be an original cosponsor of H.R. 750, which expresses United States support for the autonomy of Hong Kong and establishes requirements to determine whether the People's Republic of China is honoring commitments under the Joint Declaration of 1984 to retain Hong Kong's autonomy.

I would be remiss if I did not express my appreciation to my good friend from Nebraska [Mr. BEREUTER] for introducing this legislation, and I certainly would like to commend both the chairman of our committee, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], the ranking Democratic member of the full committee for their sponsorship and support of this important measure.

Mr. Speaker, this legislation has bipartisan support. The transfer of Hong Kong from British to Chinese sovereignty on July 1 will indeed be a historic event. In ending Britain's colonial rule of Hong Kong, I am hopeful that China will abide by its commitment under the Joint Declaration to extend a high degree of autonomy to Hong Kong under the one-country, two-system policy.

Although the recent actions taken by China regarding Hong Kong are troubling, as raised by some of my colleagues, I would hope that we would allow China some breathing space, Mr. Speaker, as the transition occurs.

□ 1615

On that note, I would like to associate myself with the comments made earlier by the gentleman from California [Mr. CAMPBELL] regarding the fact that Hong Kong was literally a British colony. Now, all of a sudden we are talking about protection of democratic principles, personal freedoms, and more autonomy for the residents of this British colony, when years before they never had the privilege.

Mr. Speaker, what happens in Hong Kong will have serious implications on Taiwan. What happens with Taiwan's future will determine the stability of the entire Asian-Pacific region.

If China does not comply with its obligations for Hong Kong's autonomy, under the Joint Declaration, H.R. 750, will give our Government a mechanism for determining whether the current United States laws and policies toward Hong Kong should be maintained.

Again, I thank my good friend, the gentleman from Nebraska, for his introduction of this important measure. I ask my colleagues to support the legislation.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to commend the gentleman from Nebraska, the chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, and the ranking minority member, the gentleman from California [Mr. BERMAN] for crafting this measure, a resolution to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China.

Hong Kong's autonomy is clearly under attack. The Government of the People's Republic of China has decided to dissolve Hong Kong's democratically elected legislative council on July 1 of this year and appoint a provisional legislature.

Early in February of this year, the preparatory committee appointed by the People's Republic of China recommended the repeal and the amendment of Hong Kong ordinances, including the bill of rights, the societies ordinance relating to freedom of association, and the public order ordinance relating to freedom of assembly.

These two actions and the many threats by Communist officials regarding the types of speech and association, in addition to warnings to religious institutions, are ominous indicators of what the courageous people of Hong Kong are facing as their territory reverts back to Communist China.

It is without a doubt that Hong Kong's autonomy is lost without an elected legislature, and with the repeal of the bill of rights and other ordinances that protect its citizenry against Beijing's intrusion into their freedom.

H.R. 750 directs the Secretary of State to study these matters and take action in order to protect our Nation's relationship with Hong Kong. Accordingly, I urge my colleagues to fully support this measure.

Mr. Speaker, I would like also to note my appreciation for the cooperation of the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, in connection with our proceedings here today. Chairman ARCHER agreed to waive jurisdiction of this bill in his committee in order to allow us to proceed with its expeditious consideration on the floor.

Mr. Speaker, I include for the RECORD correspondence between Chairman ARCHER and myself related to this matter.

The material referred to is as follows:

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, March 10, 1997.
Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing about H.R. 750, which was recently introduced by Representative Doug Bereuter and referred solely to this Committee. On March 6, 1997, our Committee marked up this bill and agreed to a resolution asking that I seek its consideration on the suspension calendar. The leadership has scheduled its consideration for tomorrow.

I am advised that the Committee on Ways and Means has jurisdictional interest in this bill, in part because, in section 5, the bill adds criteria to be considered by the President in making determinations under section 22 of the U.S.-Hong Kong Policy Act of 1992.

As you know, this bill has widespread support and the provisions that may involve Ways and Means jurisdiction are minor ones, on which our staffs have previously been in touch and about which no substantive problems were raised. Accordingly, I would appreciate your agreeing to the bill's consideration on the suspension calendar notwithstanding the fact that it was not referred to the Ways and Means Committee.

With best wishes,
Sincerely,
BENJAMIN A. GILMAN,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 10, 1997.
Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 750, the Hong Kong Reversion Act, which was approved by the Committee on International Relations on March 6, 1997 and is scheduled for consideration in the House on March 11, 1997.

In addition to addressing general economic and trade relations between the United States and Hong Kong after its reversion to the People's Republic of China on July 1, 1997, the bill contains several specific provisions that could affect the future treatment of Hong Kong under various U.S. trade laws which fall within the jurisdiction of the Committee on Ways and Means.

Section 5 of H.R. 750 requires the President, when determining, under Section 202(a) of the United States-Hong Kong Policy Act of 1992, whether Hong Kong is sufficiently autonomous to justify treatment under the laws of the United States, including U.S. trade laws, different from that accorded to the People's Republic of China, to consider information provided by the Secretary of State in the report required under section 301 of the United States Hong Kong Policy Act of 1992. This would modify the President's authority to waive the applicability of U.S. law, including import and other trade and tariff laws, with respect to Hong Kong. Section 5(b) requires that the Secretary of State include in this report an assessment of whether the Hong Kong Government and the People's Republic of China have cooperated in securing a bilateral investment treaty and whether there is diminished cooperation in areas of customs enforcement, drug interdiction and money laundering. Section 5(b) also requires the Secretary of State to cite any failure by these governments to respect United States textile laws and quotas and any misuse of the customs territory of Hong Kong to implement the foreign policy or trade goals of the Government of the People's Republic of China. All of these provisions could affect the future of U.S. commercial relations with Hong Kong.

In view of your desire for early House action on this bill, the non-controversial nature of the trade-related provisions, and the fact that they do not directly change existing U.S. trade laws or policies, it will not be necessary for the Committee on Ways and Means to mark up H.R. 750. This is being done only with the understanding that this action in the instance in no way establishes a precedent or prejudices the Committee on Ways and Means' jurisdiction over provisions of the type described above. I would appreciate your confirmation of this understanding and reference to this exchange of letters during House consideration of the bill.

I look forward to prompt consideration of this important legislation by the House.

Sincerely,
BILL ARCHER,
Chairman.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD a cost estimate on the impact of H.R. 750 by the Congressional Budget Office, and note that the cost is estimated to be zero.

The material referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 1997.
Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 750, the Hong Kong Reversion Act, as ordered reported by the House Committee on International Relations on March 6, 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill.

Sincerely,
JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 750, HONG KONG REVERSION ACT—AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS ON MARCH 6, 1997

CBO estimates that the bill would result in no significant costs to the federal government. Because it would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 750 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no costs on state, local, or tribal governments.

The United States-Hong Kong Policy Act of 1992 (Public Law 102-383) allows the laws of the United States to be applied to Hong Kong without change after its reversion to China so long as Hong Kong remains sufficiently autonomous to justify a separate treatment. H.R. 750 would require that the Secretary of State's report on conditions in Hong Kong required by the earlier act address specific issues regarding Hong Kong's cooperation with U.S. agencies and continued autonomy.

In addition, H.R. 750 would continue, after Hong Kong reverts to China, some of the privileges and immunities that employees of the Hong Kong economic and trade offices currently enjoy as part of the British consular presence.

The CBO staff contact for this estimate is Joseph C. Whitehill. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Ms. PELOSI. Mr. Speaker, I rise today in support of H.R. 570, the Hong Kong Reversion Act. I commend Chairman BEREUTER and Ranking Member BERMAN for bringing this bill to the floor today. While there are differing views in Congress about the direction which United States-China policy should take, we are all united in our concern about the future of Hong Kong. On July 1, 1997, less than 4 months from now, control over Hong Kong will revert to China. This action defines the future for a freedom-loving people, who will find themselves under the jurisdiction of an authoritarian regime.

There is much at stake with this takeover and the people of Hong Kong are not the only ones who will feel its effects. Hong Kong's very viability as a global financial center will be threatened if the Chinese Government does not act responsibly and does not respect internationally recognized basic human rights and fundamental principles. Transparency, access to unbiased information in real time, and recourse to an independent judicial system are all critical components of long-term economic growth. Restrictions on freedom of the press and freedom of speech stifle a citizenry and undermine its economy. Unfortunately, the future picture for Hong Kong is already clouded.

In 1984, the United Kingdom and China in 1984 created a framework for Hong Kong's reversion in the Sino-British Joint Declaration. The Joint Declaration established a "one-country, two-system" arrangement, under which Hong Kong would enjoy a "high degree of autonomy" in its operation for the next 50 years. Recently, serious questions have arisen about China's intentions to adhere to its agreement in light of actions by Beijing, including abolishing Hong Kong's democratically elected legislature, and repealing its Bill of Rights and other ordinances ensuring the rights of freedom of association and assembly.

H.R. 750 reaffirms congressional support for the automony of Hong Kong and implements a series of reports and guidelines to determine whether China is fulfilling its obligations under the 1984 Joint Declaration. Under the bill, the President of the United States could modify current United States law and policies involving Hong Kong, should he determine that "Hong Kong is not sufficiently autonomous * * *". While this bill does not go as far as I believe it should go in protecting the people of Hong Kong, it is an important step.

No discussion of Hong Kong's future would be complete without acknowledging the ongoing struggle of its brave prodemocracy movement to ensure basic freedoms for its people. The courage and commitment of Hong Kong's prodemocracy activists, led by Martin Lee, and including Emily Lau and Christine Loh, is exemplary. We must speak out on their behalf to support their efforts and to ensure their safety.

Mr. HILLIARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 750, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

MAKING CERTAIN TECHNICAL CORRECTIONS IN HIGHER EDUCATION ACT OF 1965 RELATING TO GRADUATION DATA DISCLOSURES

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 914) to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

The Clerk read as follows:

H.R. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. McKEON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. McKEON]

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are taking up H.R. 914, which the gentleman from Michigan [Mr. KILDEE] and I introduced, and which was reported by the Committee on Education and the Workforce by voice vote.

H.R. 914 makes a technical correction to the student right-to-know provisions of the Higher Education Act. The student right-to-know provisions of the Higher Education Act require institutions of higher education to report graduation rates for their student body.

These statistics are compiled for the student body at large and for student athletes as well. Unfortunately, a change made in the fiscal year 1996 omnibus appropriations bill resulted in these rates being calculated at different points in time during the academic year. Rates for the student body at large are calculated as of June 30, while rates for student athletes are calculated as of August 30.

As a result of this mistake, institutions will be required to keep two sets of records for calculating and reporting graduation rates. This amendment corrects the problem by conforming the section of the Higher Education Act dealing with the reporting date for student athletes to the section of the Higher Education Act that requires preparation of graduation rates for all students.

This amendment will set August 31 as the uniform reporting date, which allows institutions to more accurately reflect the manner in which they collect the data on graduation rates, and eliminates the burdensome task of preparing two distinct sets of graduation rates.

The amendment is drafted to allow institutions to comply with the revised dates immediately, as it is our understanding that a majority of institutions wish to use the revised date, and we encourage them to do so.

However, we do not want to penalize those institutions that, for whatever reason, could not immediately comply with the date change. For this reason, the effective date for mandatory compliance with this amendment begins on July 1, 1998. This should allow sufficient time for all institutions to make any system changes necessary to comply with the date change. The higher education community requested our assistance in conforming the reporting dates for graduation rates, with the concurrence of the Department of Education. The technical correction has no budget impact.

I want to thank the gentleman from Michigan for his cooperation in moving ahead with this technical correction, and I urge my colleagues to support H.R. 914.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge adoption of this amendment, of which I am a cosponsor. It is purely a technical amendment. It would change the August 30 date in the Federal right-to-know law in two places in order to reflect the fact that the month of August actually has 31 days.

The overall importance of the amendment, however, cannot be minimized. The provision to be amended relieves institutions of higher education from collecting separate sets of graduation rates in order to comply with the Federal law. Institutions would be allowed to use data that they are already collecting in order to meet the requirements of the Federal law. The simple date change from August 30 to August 31 will accomplish that objective once and hopefully forever. I urge the amendment's approval.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MCKEON] that the House suspend the rules and pass the bill, H.R. 914, as amended.

The question was taken; and (two-thirds having voted in favor therefore) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 914.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. STEARNS] at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Joint Resolution 32, de novo;

House Concurrent Resolution 16, by the yeas and nays;

House Resolution 68, by the yeas and nays; and

H.R. 750, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY HAWAIIAN LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the joint resolution, House Joint Resolution 32.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 32.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONCERNING URGENT NEED TO IMPROVE LIVING STANDARDS OF SOUTH ASIANS LIVING IN THE GANGES AND BRAHMAPUTRA RIVER BASIN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 16, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 16, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 16, as follows:

[Roll No. 36]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall

Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Andrews
Carson
Clyburn
Coble
Flake
Furse
Gejdenson
Gephardt
Kaptur
Largent
McCarthy (MO)
Millender-McDonald
Owens
Roukema
Rush
Towns

☐ 1725

Mr. OLVER and Mr. WAMP changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 36, on House Concurrent Resolution 16. I was detained in transit. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The Chair is informed that the cloakroom beepers may not be working and Members should not rely on them in responding to the next two votes.

SENSE OF HOUSE CONCERNING TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 68, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution, House Resolution 68, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 13, as follows:

[Roll No. 37]

YEAS—403

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—16

Bilbray
Buyer
Danner
DeFazio
Fowler
Frank (MA)
Hunter
McKeon
Paul
Scarborough
Schaefer, Dan
Souder
Spence
Taylor (MS)
Traficant
Yates

NOT VOTING—13

Andrews
Carson
Coble
Flake
Furse
Gephardt
Kaptur
Largent
Millender-McDonald
Owens
Roukema
Rush
Towns

☐ 1737

Mr. MCKEON and Mr. BUYER changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "A resolution stating the sense of the House of Representatives that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the nations of the Asia-Pacific region, and that the people of Japan, especially the people of Okinawa, deserve recognition for their contributions toward ensuring the treaty's implementation."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONG KONG REVERSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 750, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 750, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 15, as follows:

[Roll No. 38]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—15

Andrews
Carson
Coble
Flake
Furse
Gephardt
Greenwood
Kaptur
Largent
Millender-McDonald
Owens
Pryce (OH)
Roukema
Rush
Towns

□ 1747

So (two-thirds having voted in favor thereof), the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on rollcall No. 38, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. STABENOW. Mr. Speaker, I rise to indicate that on Thursday, March 6, I was on a leave of absence for official business, having had the pleasure of escorting the President of the United States to my district to discuss education issues.

As a result, I missed rollcall votes 32 through 35. Had I been present, I would have voted "nay" on rollcall votes 32 and 35, and "yea" on rollcall votes 33 and 34.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IMPROVING THE COMMUTE TO WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. BLUMENAUER] is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, throughout the Capitol this week, we are being visited by men and women who are the leaders of our transit agencies around the country. I hope that as they are visiting with us today dealing with the things that make a difference to Americans, that we in Congress will be particularly aware of two pieces of legislation that they are seeking our assistance for that will make a difference for American families.

After all, notwithstanding a lot of what passes for topical political rhetoric in our Capitol, really what American families care about most is they want to be safe, they want their families economically secure, they want them healthy. I am here today to argue on behalf of two of these bills that will do that in terms of having a more balanced transportation system.

One, House Resolution 37, would give congressional employees here in the District of Columbia and in our district offices the opportunity to contribute to the livability of their communities by using transit. As local elected officials we have had the opportunity of implementing such programs in our community, and we found that transit passes made a great deal of difference. They improved morale of our employees, they decreased the demand for parking, they helped clean the air, they decreased congestion, and they actually ended up saving our employees money.

Sadly, the House of Representatives is behind the curve in offering transit benefits. Since 1984, private sector employers have offered their employees transit benefits for their commute to work. Even our colleagues in the U.S. Senate have successfully operated a transit pass program since 1992. Today over 2,000 employees of the Congressional Budget Office, the Architect of the Capitol, and the Senate participate in an employer-sponsored transit pass program. With the passage of the Federal Employees Clean Air Incentives Act of 1993, the House is authorized to offer its employees the same incentive.

Unfortunately, we have yet to do so. This is a bipartisan resolution, already with over 3 dozen cosponsors, that would give House offices the option to underwrite part of the cost of monthly passes for our employees. No additional revenue is needed to approve the program, since our employee transit passes would be funded out of existing transit office budgets.

The Washington Metropolitan Area Transit Authority, WMATA, is extremely supportive of this legislation, and is ready to help the House implement the transit benefit program here in the D.C. metro area as soon as we are willing to work with them.

Additionally, we are hearing from our transit friends about another important piece of legislation. This is the Commuter Choice Act, H.R. 873, that is primarily sponsored by our colleague, the gentleman from Georgia [Mr. LEWIS].

Most of us understand that the overwhelming reliance on single-occupant vehicles is responsible for unsafe air, unsafe streets, and gridlock that is increasingly paralyzing our communities. Yet, sadly, our tax policy encourages commuting by car over any other means of transportation. It is not enough that in America we spend more advertising the automobile than supporting transit. We have a tax system that discriminates against people who would like to do the right thing and not use their private automobile.

Employers can currently provide free parking up to $170 a month tax-free, but a transit pass or car pool benefits are allowed for only one-third of that value. The Commuter Choice Act would eliminate this imbalance, and encourage energy savings without penalizing drivers.

It would increase the nontaxable transit pass benefit to the same $170 per month as the tax-free parking benefit.

□ 1800

In addition, this bill will take away the disincentive for people who choose alternative transportation modes. Right now, if an employer decides that they are going to give $25 a month as an incentive for people to walk, run, or bike to work, that will make the other benefits that they provide potentially taxable, including tax-free parking.

This bill would provide the opportunity for a stipend of $15 to $50 per month. This cash benefit would support employees who choose to walk, bike, run, rollerblade to work. We have had opportunities in the State of California, where this has been implemented by some employers.

I urge my colleagues to support these two bills.

SOCIAL SECURITY

The SPEAKER pro tempore [Mr. STEARNS]. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am a member of the Committee on the Budget. Last week Alan Greenspan, the Chairman of the Federal Reserve, came before our committee. Today Secretary Rubin, Secretary of the Treasury, came before our committee. They made, I think, a very important point that everybody should be aware of. That is that Social Security has very serious problems for the future.

Mr. Speaker, I would just like to talk about some of the things that are happening in Social Security that means that the benefits for existing retirees are threatened as well as the potential for retirement benefits for workers that are going to retire in the future.

In terms of the Federal budget, Social Security uses up now 22 percent of the total Federal budget. What is happening is we have a system in Social Security where existing workers pay their taxes in to support the retirement benefits of existing retirees, a pay as you GOPAC.

That is the way it is today. That is the way it always has been since Social Security started in 1935. What is happening is there is a fewer number of workers. The birth rate is going down, so we are seeing a fewer number of workers paying in their taxes to support an increasing number of retirees. For example, in 1945, there were 42 people working paying in their taxes to support the benefits of each retiree. By 1950, that went down to 17 individuals working paying in their taxes to support each retiree. Today there are three people working, paying in their taxes to support each retiree.

What has happened at the same time is an increasing number of retirees. The life span is much longer. When we started Social Security, the average age of death was 61, even though the retirement age was 65. And today the average age of death is almost 74 years. If you are fortunate enough to live to be 65 years old, then the average age of death is 84 years old. So a tremendous increase in the number of retirees which is going to be compounded by the fact that the baby boomers, that huge population growth after World War II, are going to start to retire in about 2011.

So everybody is guessing we are going to run out of money, there is not enough money coming in to pay the outgo after 2011. Dorcas Hardy, a former Social Security Commissioner, estimates that we are going to run out of money as early as 2005.

Let me give you an example of the increased cost of Social Security. This year on average we are paying out for Social Security benefits $700,000 a minute. By 2029, we will be paying out $5,600,000 a minute. Today $700,000, by 2029 it is going to be $5,600,000. A tremendous increase in cost.

How do we solve the problem? I have introduced a bill last session that makes 12 modest changes for future retirees, that holds safe existing retirees, but it slightly slows down the increase in benefits for higher income retirees. It adds an additional year that you are going to have to work to be eligible for retirement. It has some changes in the bend points. It makes changes in the requirements of a spouse receiving Social Security benefits that did not work, but the point is how do we make the changes. How are we going to come to grips with changes in a program that has been called the third rail, that if politicians start touching this like they did Medicare, they are going to be chastised in the next election.

I urge my colleagues to come forward. Let us start taking our heads out of the sand.

Mr. President, I ask you, Secretary Rubin, I ask you, colleagues, I ask you, let us start dealing with this program. If we delay the solutions of solving Social Security, that simply means that the solutions are going to be much more drastic. It is important that we start today working on these solutions for Social Security.

I invite my colleagues to examine my bill. Let us run this idea up the flag pole. Let us come up with better solutions, but let us not put this decision off by simply appointing a commission that is going to come back 2 or 3 or 4 years later with three different proposals on how to solve it.

ROSE-HULMAN INSTITUTE OF TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, I rise today to pay tribute to Rose-Hulman Institute of Technology at Terre Haute, IN. Rose-Hulman recently received the 1997 Theodore Hesburgh Award from the American Council on Education, which honors exceptional faculty development programs designed to enhance undergraduate teaching and learning. Additionally, the institute received a certificate of excellence for its development of faculty interdisciplinary teams who recited the integrated, first-year curriculum in science, engineering, and mathematics. This innovative program has a national impact on undergraduate engineering education and will likely affect many other levels of learning in the engineering field as well.

The State of Indiana is proud to be home to such an extraordinary educational facility. Rose-Hulman has a reputation for excellence, as evidenced by the fact that 90 percent of its freshmen return, 75 percent of them graduate, and 30 percent go on to graduate school. Its admission standards have resulted in the average SAT scores of Rose-Hulman students being the highest of any college or university in the State of Indiana; 90 percent of its freshmen place in the top 10 percent of their high school graduating classes.

The student-to-faculty ratio is 12 to 1, which is further evidence of the exceptional standards and focus on teaching and learning in this institution; 95 percent of the remarkable faculty at Rose-Hulman hold the Ph.D. degree.

These and other factors have placed Rose-Hulman among our Nation's finest educational institutions, a model for the Nation and the world in teaching, research, and service, and a deserving recipient of the 1997 Theodore Hesburgh Award from the American Council on Education.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have had a very active weekend and likewise very active several weeks. The whole issue has been around the horrors and hysteria of campaign finance reform or campaign finance offense. Let me first acknowledge, Mr. Speaker, that Members of the U.S. Congress, from my perspective, come here to work and work on behalf of their constituents. They hold near and dear the Constitution of the United States. They appreciate that average people can run for office and represent Americans in this august and important body. They recognize that it is not their job to come here and be led by those who are filled with special interests and who pay for those special interests to be brought to the floor of the House. But they do recognize that average citizens like you and me fund different PAC's and give opportunity for their voices to be heard.

I think it is important that we recognize what democracy is. It means that teachers can gather and organize and speak about issues of education. It means that nurses can organize and talk about health issues. Senior citizens are able as well to comment on Social Security and Medicare and Medicaid. It means that everyone's voice can be heard.

Campaign finance is an equal opportunity offender. I believe in campaign finance reform. I do not believe in campaign finance hysteria.

I am very glad, as we have studied the polls, that the American people are likewise. They want to see things that are wrong corrected, but they do understand that this hysteria gets to be a little political sometimes. We need to all look at ways to improve how moneys are funded, how the message is gotten out, how the media is utilized. And I would almost say that there needs to be some ordering of how media, the electronic media, the print media is utilized so the voting public can understand who the candidates are and that the average man and woman and young person will have the opportunity to run for public office and in particular a position in the U.S. Senate or the U.S. House of Representatives.

That is what the Founding Fathers, and I hate to say there were no founding mothers, intended. They wanted the average layman, the farmer, they wanted the printer, they wanted the local philosopher to have the opportunity to be in the United States Congress. That is what I believe is right.

Is there something to having guests at the White House? Well, I might add that many of our early Presidents simply opened the doors and said, bring them off of the streets and let them stay here. It is the people's house. And if there needs to be some corrections made on how it is utilized, so be it. But do not deny the first family the opportunity to entertain their guests or maybe to say, come on in, my neighbor and my friend, to visit.

I do support campaign finance reform. But I think we are wrong to be engaged in hysteria. I think we are wrong to suggest that individuals who come here are bought and paid for. I think we are wrong to take a litmus test and not really to get to understand the 435 persons in this House and the 100 persons in the Senate and, yes, the President of the United States who comes here truly committed to doing what is right for the citizens of the United States of America.

There is some talk about a special prosecutor. I am absolutely opposed and I will tell you why. Special prosecutor connotes that someone has purposely done something illegal that may be on the verge of criminal activities. We have a body that is now set and the moneys have been voted for the U.S. Senate to begin investigating any activities that may have occurred that may be illegal or may infringe upon our rules with respect to campaign finance reform.

I say let the process go forward. Let the witnesses be subpoenaed. Let the Members who have something to say say it. Let the investigation be thorough. Let it be of Republicans. Let it be of Independents. Let it be of Democrats. Let the American people see it in the clearness of the day and let us have your input as to how best to get the message out so that we who are average citizens who come to this body can best run and not be controlled by dollars but still have the opportunity, each of us, whatever our backgrounds, to come to this body and to be able to serve you in the way that we should.

The American people have never given in to hysteria. That is why we have a body of government that has lasted almost 400 years. I ask that we not give in to hysteria, that we not allow the media frenzy and the siege upon this Government to take over from what we should be doing: dealing with NATO enlargement, national security, dealing with the drug drudgery that is plaguing our society and young people, dealing with children's health, Medicare and Medicaid, the budget.

Campaign finance reform, let us do it with reason and fairness. Let us do it with equality and opportunity for all.

CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow marks the first anniversary of the signing into law of the Cuban Liberty and Democratic Solidarity Act, better known as the Helms-Burton law.

This historic legislation set a precedent for the protection of the property rights of all Americans. It tells foreign investors that if they traffick in illegally confiscated American property in Cuba, they will be subject to lawsuits in American courts and may be denied entry into our country.

As a secondary goal, the law targets the reduction of foreign investments in Cuba which the Castro regime has been using to reinforce its totalitarian state since the downfall of the Soviet Union and the end of Soviet subsidies.

□ 1815

On both respects, Mr. Speaker, in protecting American property rights and in reducing the hard currency obtained by the Castro dictatorship, the Helms-Burton law has been effective. Indeed, it has been a success.

Despite the decision by the Clinton administration to waive title III of the law, which is the provision that grants U.S. citizens the right to file a lawsuit against those investors who traffic in their property, the Helms-Burton law has had a significant chilling effect on the level of foreign investments flowing to the Castro regime.

Even top officials of the Castro regime have asserted the damaging effects of Helms-Burton on Castro's slave economy.

Dozens of companies have pulled out of Cuba following the implementation of the law. Some of them included Bow Valley Industries of Canada, Grupo Vitro of Mexico, Guitart of Spain, and Pemex of Mexico, among others.

Other firms, like British BAT and Beta Gran Caribe and Heenan Blaey of Canada put their operations on hold to reassess their commercial and legal risks under Helms-Burton.

Also, Grupo Domos, the large Mexican telecommunications conglomerate, recently announced plans to withdraw its offer to create a joint venture with the Cuban regime to rehabilitate the Cuban domestic telephone system.

Grupo Domos, which last year, along with the Cuban Government, announced with great fanfare this contract, failed to obtain the necessary financing to cover its obligations under the agreement.

Perhaps the most damaging effect has been on Castro's ability to finance Cuba's sugar crop, one of the regime's main sources of hard currency.

Last fall the Dutch bank, ING, pulled its financing of equipment destined for Cuba's sugar harvest. As a result, the Cuban sugar harvest is expected to be below what was expected before.

The report states that top Castro officials fault the Helms-Burton law as the cause of the problems for the regime.

Helms-Burton has helped reduce the growth of Castro's slave economy, thus weakening the regime's ability to hold on to power.

Let us remember that before the Helms-Burton law took effect, foreign investors were free to profit from legitimate American property stolen by Fidel Castro in order to exploit the Cuban worker, who enjoys no rights and no freedoms.

Castro's economy was described by a Canadian business journal as a pot of gold at the end of the rainbow. And why not? In Cuba's slave economy, the one in which many of our allies willingly and immorally participate, Castro profits while the Cuban worker suffers.

Once foreign companies are approved by the regime for investments, the Cuban Government selects the workers who will labor in the industry. The Cuban Government collects the worker's wages in dollars, estimated at about $2,000 a month, and then pays the worker in worthless Cuban pesos, about $10 a month.

Moreover, the companies do not have to worry about bothersome workers' rights, including the right to form labor unions, and there are no health standards nor environmental standards. Castro has one mission, obtain foreign currency, and he will do it by sacrificing the Cuban worker, or anything else that he has at his disposal.

While Helms-Burton has undoubtedly served its purpose so far, disappointing has been the reaction of our allies, particularly Canada and the European Union. The European Union has already filed a ridiculous and irresponsible challenge to Helms-Burton before the World Trade Organization. Apparently our European friends believe that our Nation has no right to determine our own foreign policy.

Even more shameful has been the behavior of Canada, a nation that has sacrificed its long reputation of promoting human rights and democracy in favor of making a quick profit off of stolen property and the exploited Cuban worker.

On a recent visit to Canada to lambast the Helms-Burton law, Canadian Foreign Minister Lloyd Axworthy highlighted the signature of an agreement with the Castro regime supporting the protection of human rights. At almost the same moment that fake document was signed, dozens of dissidents and independent journalists were being rounded up by Castro's thugs.

Helms-Burton has been a success, and we will not wait in our attempts to making sure that property rights of American citizens will be protected.

MEXICO DOES NOT DESERVE CERTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight to talk about the question of whether or not the House should certify Mexico or decertify Mexico.

As my colleagues may know, the administration just recently certified Mexico as being cooperative in trying to stem the flow of drugs and illegal narcotics from that country under a certification law that, as a staffer in the other body some years ago, I had a chance to help develop.

Today, we have seen around the Capitol, scurrying around the Capitol Building, the Ambassador from Mexico and various lobbyists on various sides of the issue. But I come before the House tonight to say not to weaken, not to cave in to the Ambassador, not to cave in to interests, trade interests or other interests, and put them before the only interests we, as representatives of the people, should be representing in the people's House, and that is the safety of our children, the safety of our schools, the safety of our streets and the very security of this Nation that I think is at jeopardy with the current situation.

Now, the question before us is whether Mexico is helping to eradicate and stop the flow of drugs. Let me talk not about what I know, but the facts that we have gathered and what others have said.

Mr. Speaker, I serve on the Subcommittee on National Security, International Affairs, and Criminal Justice that does the oversight on our national drug policy. Just prior to the certification in the House of Representatives, I was stunned, as a member of that committee, to hear Tom Constantine, the head of our Drug Enforcement Administration, the head of DEA, when he came before us just days before this administration certified Mexico. What did he say? Let me quote. "There is not a single law enforcement institution in Mexico with whom DEA has a trusting relationship."

Those are his words, not my words, words before Congress about who we can trust with cooperation. I was stunned today to hear the Ambassador from Mexico tell me that a level of cooperation unprecedented exists. Well, how can a level of cooperation exist when the DEA head says that there is not a single law enforcement institution in Mexico with whom DEA, our chief law enforcement in the drug war, has a relationship?

Assistant Secretary of State Robert Gelbard came before our committee, again just days within this certification by the administration, and said, "There is persistent and widespread official corruption throughout Mexico." And then today the administration sent folks up here to lobby us not to decertify Mexico.

Now, I know trade is important in our relationship with Mexico. It is important and there is probably billions of dollars at stake here. But there are the lives of our young people, the safety of our streets. Our senior citizens cannot sleep in their own beds at night because of fear of being broken in by someone.

Just look at the statistics. At least 200 tons of cocaine entered the United States from Mexico last year. That is 70 percent of the cocaine. This used to come through Colombia, now it comes through Mexico. In testimony before our subcommittee it was stated that just a small amount a few years ago of brown heroin came through Mexico. Now, 30 percent of all the heroin that is killing our children and our people is coming through Mexico. Over 150 tons of methamphetamines that are destroying young people in the Midwest and the West, and heading toward the East Coast, and has become the new drug of choice, is coming through Mexico.

Mexico has failed to cooperate. They have failed to extradite. They have failed to put radar on their borders. They have failed to allow our DEA agents to go there. They have denied allowing our DEA agents to protect themselves by arming themselves. They have also subverted our attempts to have a solid maritime agreement. They have also left vetted units, which we have trained in Mexico City.

They are not doing the job. They do not deserve our certification, and they deserve this week to be decertified for these actions.

UNITED STATES ONLY ADVANCED NATION NOT TO PROVIDE HEALTH CARE FOR ALL ITS PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, today, like every day in America, 788 babies will be born at a low birthweight. They will start life at risk. We rank 18th in the industrialized world in the percentage of babies born at dangerously low birth weight.

Let me put it another way: No industrialized country in the world does worse. Our infant mortality rate is 8.4 per 1,000 live births. We rank 18th in the industrialized world in infant mortality.

Sometimes it takes a poet to put our feelings into words when we hear such statistics. Gwendolyn Brooks, poet laureate of Illinois, penned this question: "What shall I give my children who are poor, who are judged the least wise of the land?"

Mr. Speaker, we keep asking the question, "What shall we give our children?" We are the only advanced Nation in the world that does not provide health care for all of its people.

According to the GAO, some 10 million children, 1 in 7 in the United States, are uninsured, the highest level since 1987, before Medicaid expansions for children and pregnant women. One child in four in the United States is now covered by Medicaid. The percentage of children with private insurance reached the lowest level in 8 years: 65.6 percent.

How do we describe the emotion of seeing a child suffering a severe asthma attack; turning blue while their chest and stomach attempts to breathe? Yet more than half of the uninsured children with asthma will not see a doctor this year. Some of them will die from asthma, a preventable disease.

How do we describe the cries of a child with an ear infection? Only a parent knows the feeling of helplessness that comes when you cannot relieve your child's pain. Yet one-third of the uninsured children with recurrent ear infections never see a doctor. Many suffer permanent hearing loss.

Only 75 percent of preschoolers are getting the recommended vaccinations. Some 1 million still need one or more doses. In many of our big cities, like Chicago, the immunization rate is less than 65 percent.

What shall we give our children?

Twelve percent of child deaths are excess deaths. Excess is the medical term meaning that these deaths were preventable. How can a Nation such as ours accept 12 percent excessive deaths?

What shall we give our children?

Almost 45 percent of all 3- and 4-year-olds from low-income families participate in center-based care. By every measure of health care status, low birth weight, prematurity, infant mortality, likelihood of injury, malnutrition, incidence of infectious disease, poor children fare worse than any others. However, only Head Start routinely provides preventive health and dental care treatment.

It is estimated that the $54 billion cut from the safety net last year will push more than 1 million additional children into poverty and millions more will be pushed even deeper into poverty.

The poet June Jordan warned us "Our children will not survive our habits of thinking, our failures of the spirit." If all of the promise of democracy is to mean anything, if all of the incredible wealth we have accumulated is to mean anything, if all of the work, the struggle, the suffering, the dreaming, the devotion that make this country what it is today is to mean anything, then we must answer the question: "What shall we give our children?"

Let us give them a chance. Let us at least make their health a right and not a privilege. Let us make sure that in this Congress every child will have access to quality health care when he or she is sick, regardless of the ability of their parents to pay. Let us make sure that every mother receives prenatal care regardless of ability to pay. Let us make sure that every child receives preventive care regardless of the ability of their parents to pay.

□ 1830

A guarantee of quality accessible health care for every child cannot be the full answer to the question, but we must give our children nothing less.

SOCIAL SECURITY

The SPEAKER pro tempore [Mr. STEARNS]. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I had the good fortune this past weekend of going to the bipartisan retreat in Hershey, PA. There we discussed many issues, many problems common to the Congress, but one thing that we did not discuss was a thing called Social Security.

What is interesting about this issue is that not only is Congress not talking about it right now but the White House is not talking about it. Yet by anybody's definition, Social Security is on its way toward bankruptcy because what the trustees have said, and let me say that again, what the trustees have said, not what Republicans have said, not what Democrats have said, not what Ross Perot has said, but what the trustees have said is that if we do nothing, Social Security will go bankrupt in 2029 and it will begin to run deficits in 2012 such that either current benefits have to be cut by about 14 percent at that time or payroll taxes have to be raised by about 16 percent.

Any of the young folks that I talk to say, "I don't like the idea of payroll taxes going up by another 16 percent." Any of the older folks I talk to say, MARK, the idea of cutting benefits by 14 percent is just not acceptable."

And so what you are struck with is, is there another way out? I think that brings us to some very good news that there is another way out because what has been tried in a host of places around the globe, whether it is in a number of countries in South America or whether it is with changes being made in Australia or with changes being made in Great Britain or in a number of countries or even States within our own country, what folks have tried is the idea of personal savings accounts. When you switch from a system of sending your money to Washington and then hoping it comes back 30 or 40 years later to instead a series of personal savings accounts, wherein it is a public-private partnership, it is still a mandatory savings, it is still watched by the Government. Again, if one wants to, I guess, go gambling, you would go to Las Vegas, you would not use these accounts, so it is controlled, but by having money in your own personal savings accounts, a number of very good things seem to happen. One is that you save Social Security because again by the trustees' own numbers, the current rate of return for most people out there working today and paying into Social Security is 1.9 percent. If you let somebody earn more than 1.9 percent on their retirement savings, then consequently they end up with more at the end of the day and can retire with more, again have more each month day in and day out in their retirement years which is what I hear from most people working today as something that they would very much like.

Another benefit that I think is worth mentioning is that you can choose for you when you want to retire. In my home State of South Carolina, we have a fellow by the name of STROM THURMOND who wants to work until he is 100. I say go for it. Yet I have got a lot of other friends who say, "You know, work is fine, MARK, but fishing is even better. I would like to retire when I'm 50."

With a personal savings account, you could do that. Why should a Congressman or a Senator or a bureaucrat in Washington choose for you when you want to retire? Yet with a pay-as-you-go system, that has to happen, because for one person to retire early while the other person was working would mean one person subsidizing the other and that could not happen.

Or, for that matter, another benefit, I think, of personal savings accounts would be moving it off the political playing field. Right now seniors very intently listen to all those political ads as one politician points his finger at the other saying what the other one is going to do with his Social Security check for good reason and, that is, Washington controls it. If you move that control out of Washington again back to the individual, you would not have to listen to those ads.

Another great benefit again of personal savings accounts. Let me stress here, what we are talking about is a voluntary program. I do not believe that you should go out and yank the rug out from underneath seniors. What we are talking about is leaving Social Security the way it is for people that are retired and simply giving people the choice. If one wants to stay on existing Social Security, do that and if you do not, that is fine, too. But by doing that, another one of the benefits would be saving more. We have a very low savings rate in this country. It is around 3 percent. In China it is around 40 percent. In Singapore it is in the mid 30's. In Chile it is about 30 percent. It is actually about 29 percent. A host of places around the globe have higher savings rates which means that they can invest more in, whether it is a chain saw or whether it is a plant that makes American workers more productive, and that is something that we need to be cognizant of and watch out for.

Again, this is not anything that is going to happen anytime soon in Congress. It is not even being talked about in Congress. But I think for us to avoid the avalanche that is coming our way, we need to begin talking about it. Again what we need to begin talking about is a way of transitioning from Social Security and leaving seniors alone. I do not think we should ever yank the rug out from underneath seniors, but again transitioning to a system that would allow young people the choice.

HEALTH INSURANCE FOR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, for several weeks now I have been coming to the House floor on a daily basis to talk about the need for this Congress to enact legislation that would ensure every child in the country has access to health insurance. Many of my statements have focused on how the Republicans were blocking progress on the various Democratic proposals to provide health insurance to the Nation's 10 million uninsured children. I stress that again, 10 million uninsured children in this country.

It is now 3 months into the 105th Congress and literally we have really barely done a thing. Today was just another indication of that. Just last week, the House Republicans basically put together an agenda. It appeared in the Washington Times, and I talked about it a little bit this morning. Again, much of this agenda is just a rehash of what the Republicans had been talking about since they took control of the Congress back in 1994.

Most importantly, nowhere in this 12-point agenda is there a plan to pass a health insurance plan or a health coverage plan for children. Despite the fact that these 10 million children remain uninsured, despite the fact that the congressional Democrats have expressed a willingness to work with the Republicans to fashion a bipartisan agreement, the GOP still could not find it in its heart to make children's health insurance a congressional priority.

I do not know why they left this out of their agenda. I find it truly disturbing. I will continue to mention it. Over the last several weeks there has been a steady stream of studies, visits by children's organizations, and media reports detailing the problem with the lack of health insurance coverage for children. Yet, still nothing from the Republican leadership.

This week we had 4 different children's organizations, the March of Dimes, the Children's Defense Fund, the Child Welfare League, and the National Association of Children's Hospitals, had been and are still making visits to congressional offices all over the Capitol. They are not limiting their visits to Democratic officials. They have, Mr. Speaker, been urging all Members of Congress to do something about the growing number of children who do not have any kind of health coverage at all.

With respect to stories in the newspapers, and they continue to grow, in yesterday's USA Today there was a lead story on the front page which really did a very good job of outlining the problem with the 10 million kids in the country that lack health insurance. The article talks about various proposals floating around the Congress that address the problem. It provides many details about the nature of the problem, including the observation that 86 percent of uninsured children live in families with one working parent, 63 percent live in two-parent families, 500,000 of the uninsured are infants younger than 1 year old, and 65 percent live in families with annual incomes of $25,000 or less. A lot of interesting information here that shows increasingly that this is a problem that affects primarily working families, two-parent families, people whose incomes are not as low as one might expect.

Another disturbing trend noted in this article and others within the last few weeks is the decline in employer-based coverage. Between 1985 and 1995 the percentage of children covered by private employer-based coverage has dropped 12 percent, from 65 percent to 53 percent. This decline in worker-based coverage is an indication that working parents are finding it increasingly more difficult to purchase insurance for their children.

I think a lot of people increasingly, or many people think that if you are working, particularly if both parents are working, that they are going to be covered through their employer by a health insurance policy for the kids. Increasingly, that is simply not the case.

The article in USA Today also provides examples of those struggling to live without health coverage for their kids. I like to use examples because, as much as we talk about statistics, it is always better to have specific examples where you can bring the problem down and show how it affects an individual.

I wanted to mention in the USA Today article a person named Dee Sweat of Liberty, MT. She works at a salary of $14,000 a year. She does not have health insurance for her 15-year-old daughter. Paying out of pocket, in the last year she paid $1,700 or 12 percent of her yearly salary for medical treatment for her daughter. She has not been able to take her daughter to the dentist for 5 years. Five years without going to the dentist. I repeat that. She simply cannot afford health insurance. I wonder how many in this body have gone 5 years or would even contemplate letting their children go 5 years without going to the dentist.

The working parents that are mentioned in this USA Today article, who oftentimes earn too much money to qualify for Medicaid but not enough to afford health insurance for the kids, are the individuals the Democrats are essentially trying to help. If you and your children qualify for Medicaid, we will work to get you enrolled. For those who do not, we will continue working to convince the Republicans that the time to act is now.

Every day that goes by is a day that another parent stays up late at night suffering through the hard reality of not being able to provide for a sick child. As a parent myself, Mr. Speaker, I can think of few things that could be more difficult to confront.

In the coming weeks, Democrats will be redoubling their effort to jump-start this process. We have asked Speaker GINGRICH for a date certain for consideration of legislation that would ensure that every child in America has health insurance.

I just wanted to talk a little bit about the issue and about what I think should be the basic principles of a kids' health insurance proposal. As far as the issue is concerned, the figure of 10 million American children has been mentioned several times. The number of kids with no health insurance coverage reached an all-time high of this 10 million figure in 1994, according to a recent General Accounting Office report, and that is one out of seven children.

Again, the problem is getting worse. According to the Children's Defense Fund, 3,300 kids get dropped from private health insurance coverage every day. If this trend continues, there will be 12.6 million uninsured children by 2000.

Again, this is a problem of working families. Nine out of 10 children without insurance have working parents. Medicaid helps the poorest children, and families who are well off can afford private coverage. But millions of working parents are trapped in the middle, unable to afford health insurance for their kids. Again, many of these parents, I am sure, are staying awake at night worrying about what would happen if their child fell seriously ill.

Also, what we really need is preventative care. It may be that when a child gets very sick, that they can go to the emergency room and have access to care. But children deserve to see family doctors and not go to the emergency room. Many children without health insurance never see a family doctor. The only time they get health care is when they are so sick that they need to be taken to the emergency room, where they often get treated for medical conditions that could have been prevented through regular care at much less cost.

For those who talk about the cost, I think they have to continue and should realize that in the long run the lack of preventative care, the lack of having a child being able to visit a doctor on a regular basis, in the long run only costs more when the child gets sick and has to have more serious care that involves hospitalization or other kinds of institutionalization.

□ 1845

Well, I think it is important when I continue to talk about the problem of our Nation's children, or 10 million of them not being insured, that I have to basically say what we would do about it; what would be the outlines, if you will, of a children's health bill. And basically if you think about the basic principles the Democrats have been talking about, we have been saying that a children's health proposal must first make health insurance available for every uninsured child up to at least age 18; second, make insurance generally affordable for all families; third, give all uninsured children access to policies that provide for the range of appropriate benefits; fourth, provide for prenatal care for uninsured pregnant women; and, last, build on, not replace, the current employer-based system, Medicaid and public private programs that already exist in a number of States.

The Children's Defense Fund has done an excellent job of putting together a fact sheet that basically gives some further details about the nature of the problem, and I do not want to read the entire fact sheet, but I just wanted to highlight some of the things that they brought out because they have been going around visiting with Members of Congress this week, as I mentioned before, and I think they basically summarized the nature of the problem very well.

What they have been saying again is the fact that Medicaid helps the poorest children, but that millions of working parents in the middle cannot provide their children with health insurance.

Again, why are these 10 million children uninsured? Because a lot of people are saying to themselves, you know, how is it that they fall through the cracks? Why are they uninsured? And what we are finding is that increasingly, again, it is the problem of working parents.

Since 1989, the number of children without private coverage has grown by an average of 1.2 million a year. In 1980, the majority of employees at medium and large companies had employers who paid the full costs of family coverage. By 1993, more than three-fourths of these employees were required to help pay such costs. Most employers now require large payments for family coverage. For health insurance that covers the entire family the average employee must pay over $1,600 a year, $1,900 in small companies. And when families cannot pay these costs, basically their children go uninsured. Other parents work for employers who offer no health coverage. Self-employed, part-time or temporary workers, independent contractors and parents working for very small businesses or service sector companies often have employers who offer no health insurance. Parents also must pay very high prices, $6,000 a year or more, if they buy family health insurance on their own rather than through an employer, and, as many cannot afford these costs, the children go uninsured.

So if a parent is not able to tap into a health insurance policy for their kids through their employer, you can see the level of a premium up to $6,000 a year or more and why that would simply be unaffordable for somebody unless they are making a very large salary.

Why is it crucial to help working parents buy health insurance for their children? And again this gets into the whole issue of prevention and how providing health insurance for kids in the long run would be saving the government money.

Uninsured children are at risk of preventable illness. Most families with uninsured children live from paycheck to paycheck with little room to spare in the family budget. Many such families must choose between paying the full costs of prescriptions or doctor visits for an uninsured child and other basic family needs, including food and utility bills. So they are sitting there in the house deciding if they are going to pay for health insurance versus the rent versus utilities versus putting food on the table. Essentially it is a game of Russian roulette with their children's health, delaying care and hoping that no harm results.

Again some information about the children with untreated health problems. They are very much less likely to learn in school. Many children with undiagnosed vision problems do not get glasses and cannot even see the blackboard. Children in pain or discomfort may have trouble concentrating. I guess that is obvious. If lead paint poisoning is not detected and treated early, children can suffer permanent mental retardation. Certainly the Federal Government has addressed the issue of lead poisoning from paint and its impact on children, but again without health insurance, without regular checkups, it will not be detected.

And finally taxpayers save money when their children receive early preventive care. Each dollar invested to immunize a child saves between $3.40 and $16.34 in direct medical costs. Nine months of prenatal care costs $1,100. One day of neonatal intensive hospital care for a low birth weight baby costs $1,000. On average hospital costs for a low birth weight baby are 10 times the cost of prenatal care.

Just an example, and again this is from the Children's Defense Fund, when one rural county in Florida provided all children and pregnant women access to outpatient health care, the rate of premature births dropped by 39 percent, the percentage of children receiving checkups doubled, and emergency room visits were cut by nearly 50 percent. In every industrialized country children get better health coverage than in America in terms of the percentages that are actually covered. Every other industrialized country provides health coverage to all its people. America does not even cover all its children. The United States ranks eighteenth in overall infant mortality. Only Portugal does worse. If the United States matched Japan's infant mortality rate, more than 15,000 American babies who died before their first birthday in 1994 would be alive. And the United States ranks eighteenth in the percentage of babies born at dangerously low weight. No industrialized country does worse than that.

Now again I do not want to keep coming up here and giving horror stories and talking about all the problems that we face because of the fact that the 10 million kids are not covered. But I think that the magnitude of this problem is such that if we do not do something quickly and if this House and this Congress does not address the problem fairly quickly, the problem only gets worse, the costs only get greater, and from a humane point of view it simply is something that we need to address, and so myself and other Democrats will be here on a regular basis tomorrow, the next few weeks or the next few months until our Republican colleagues on the other side of the aisle agree to take this up in a timely fashion.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 89, REQUESTING THE PRESIDENT SUBMIT A BALANCED BUDGET

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–18) on the resolution (H. Res. 90) providing for consideration of the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies, which was referred to the House Calendar and ordered to be printed.

A POSITIVE AGENDA FOR THE 105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank you for the time for us to have this special order to speak not only of the importance of moving ahead with a positive agenda for the 105th Congress, but also I rise today in the spirit of the Hershey accords, the achievements of our recent weekend in Hershey, PA, to join my colleagues in offering this special order. Probably the most important bipartisan issue we can address for the citizens of this country is the balancing of the Federal budget.

I rise here today and will be joined by several of my distinguished colleagues, not least of which is GIL GUTKNECHT, a Congressman from Minnesota, and urge the President to work with us using the same economic assumptions, meeting the requests made by the Congress following the number of elections and producing a budget that responsibly balances our budget by the year 2002. Once we can see where the President's priorities are in the free market of a balanced bucket then we can begin a civil debate over the policy differences among the various proposals.

I just want to say at the outset that my feelings are that having talked to Republicans and Democrats alike this past weekend, our issues of balancing the budget, campaign finance reform, working on things like FDA reform, improving our transportation and working on other issues of common concern throughout the Congress certainly can be accomplished because the bipartisan spirit that I felt and the finding the common ground, I think, was very special.

You know for many of us, who may be one party or the other, we do not meet other Members of the aisle, the opposite Members of the aisle, unless we are on their committee or we come from their State. This particular retreat gave us for the first time in a long time a chance for us to meet on a personal level other Members who we do not serve within the same committee or from the same State, and by that we are able to at least find common ground, and while we do not want anybody to give up their principles, we do not want anybody to give up their agenda, we do want to make sure that we, as Members of Congress, will always remain civil, Mr. Speaker, and to make sure that we can do more and be more productive because we give the mutual respect they each deserve.

I wanted to ask CONGRESSMAN GUTKNECHT, who was an active participant at the conference, what his impressions were before we get into the issues of balanced budget and other items that are on your agenda, and I know how active you have been on your committee work, GIL. Could you tell a little bit of what your impressions were of the retreat and whether you thought it succeeded in achieving the goals that it set out to begin with.

Mr. GUTKNECHT. Well, I would have to say it this way, that I was one of those who was not all that eager to go along, and it was guilt that got me to go to Hershey, PA. It may have been the chocolate that kept me there after the first several hours. But I must tell you as the weekend went along it was a very valuable experience, not only for me, but I hope for my colleagues and, most importantly, I think, for the American people.

I think that the American people sent us sort of a message in the last congressional elections. What they said in effect was that we want the Republicans to continue to control the House of Representatives and the Senate, but we want President Clinton, the Democrat, to run the executive branch of Government, and we want there to be some checks and balances, but what they also said is they want us to work together as much as we possibly can.

And one of the valuable things, I think, that came out of Hershey is we now, all of us who were there at least, have a little better understanding of a sense of history, and if you look at this institution, the House of Representatives, there have been some rather bloody fights on this House floor. I mean there have been Members who have been caned, there have been fist fights, there have been arguments——

Mr. FOX of Pennsylvania. The caning was in the Senate, the fist fights were in the House.

Mr. GUTKNECHT. But we have had more than our share of fisticuffs that were associated with the debate here on the floor. We have also had periods where there was consensus building, cooperation, and much more agreement and ability to work together in a civilized way.

□ 1900

I think what will happen as a result of what we saw in Hershey is hopefully both sides will begin to reach out to the other side. I think in the end what we really need to do is agree where we can agree, have honest debate where we disagree. And I think the American people expect that, but I think they also expect us to compromise where we can.

Mr. Speaker, I would hope that over the next several months and over the balance of this 105th Congress we will see more civilized debate. There has been entirely too much trivializing, too much demonizing, too much personalizing the debate that occurs on the floor of this House.

We are going to have an honest discussion tonight about the budget. We obviously have a somewhat different view of the President's budget and the need to balance the budget perhaps than some of our colleagues. I brought with me some charts, and I am going to walk down there in a few minutes, and we are going to talk about what the President has proposed, what we might dispose. But I think most importantly we need to talk about, what does this mean to the average American family? What is this balancing the budget all about? Is it just some kind of an accounting exercise, or does it really ultimately impact real families and real Americans in homes and in the neighborhoods where they live?

Mr. Speaker, I think as we go through and talk a little bit about this, I think we can demonstrate that this really does have a dramatic impact not only on Americans today but, more importantly, on Americans in the future. We have some very serious problems, but I think, if we approach them in a cooperative relationship, a respectful relationship where we can have a civil and honest debate about the great issues facing our country today, then I think both the Congress and the American people will have been well served by what transpired up in Hershey, PA.

I would just say publicly for the benefit of those who may be watching back in Pennsylvania, I know we cannot refer to them, but I would like to thank them and all the folks from Pennsylvania for everything that they put into the weekend, because they really did a wonderful job and showed us tremendous hospitality. It was a beautiful setting, wonderful people. I think I gained about 4 pounds in 3 days, but it was just fantastic.

I would also just share one more thing that relates to Pennsylvania. I reminded some of the folks who were in my group, and I intend to do a 1-minute tomorrow morning and talk about, among other things, one of the things that Benjamin Franklin said. During the Continental Congress, there were some rather bitter and vicious debates that took place on the floor of those meetings. And after several days of very bitter rancor, debate going on in the Continental Congress, one morning Benjamin Franklin of Pennsylvania rose slowly at the back of the House Chambers and he said, "Let us for a moment, Mr. Speaker, contemplate our own fallibility."

Mr. Speaker, one of the things that we discussed in some of our sessions in Hershey was that there are two things that I think we need more of in this body. One is a little more humility, and second is a little more humor. Hopefully, we can bring that about in the coming days and weeks of this debate.

Tonight we want to talk about the budget, what it means to average Americans; talk a little bit about why the President's budget leaves a little to be desired. It is a starting point but something we have to work on with our colleagues here in the Congress and with the folks down at 1600 Pennsylvania Avenue. I am going to move down here and turn it back to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I wanted to mention that for a first bipartisan conference in Hershey I was very pleased to see 220 Members, both sides of the aisle being there. I think that augurs well for the future, when the next event I hope that we will have three-quarters, if not seven-eighths of the House present. Not only was Speaker GINGRICH there, but a Democratic leader, minority leader, RICHARD GEPHARDT was there, which shows that this was a bipartisan effort. Those who came to the bipartisan conference certainly left with the idea that we are going to do our part to raise the level of civility and professionalism and to make sure that we try to find a common ground without giving up principles and without giving up important items on our agenda, not only in our State, but in our country.

Mr. Speaker, one other item I think I should mention, a very important thing, is we found out that we have different regional needs. The Midwest has needs that the South does not need, and the South has needs that need to be respected as well. So one of the outcomes that I think are going to happen, we are going to find Members visiting in those other regions. So while I am talking about how important mass transit is to the East so we do not have mass gridlock, overloading the roadways and increasing pollution and trying to help us get more trains and those initiatives, I can understand the Midwest having some interest in agriculture programs, and over in the Pacific Northwest and some of their environmental concerns.

So we need to have this shared vision for America where we all come together and work as well as we can.

Mr. Speaker, I think in looking at the balanced budget, in starting that discussion tonight, I think that is something that the Republicans and Democrats need to work on. The Clinton budget, I might say at the outset, leaves a deficit of $70 billion in 2002, and it also, according to the Joint Committee on Taxation, is going to increase taxes by $23 billion by 2002.

Mr. Speaker, I am interested in hearing the analysis of the gentleman from Minnesota [Mr. GUTKNECHT] of the Clinton budget as a starting point for this House to move on. And I hope that we will have the gentleman from New Jersey [Mr. SAXTON] join us, who is the chairman of the Joint Economic Committee, and I would hope that he could join us as well.

Mr. Speaker, if the gentleman from Minnesota could start us on his outline of the Clinton budget, I know it would be a good starting point for tonight's discussion.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman. As I said earlier, we need to have an honest debate about the numbers. Before we can have an honest and civil debate about the budget, we have to be speaking the same language. We cannot have a debate where I am speaking in German and someone else is speaking in French and someone else is speaking in another language altogether.

One of the problems we have in terms of our debate about the budget is we tend to be speaking in Congressional Budget Office terms, and the President this year is speaking in terms of the Office of Management and Budget. They take different assumptions.

Right now the Congressional Budget Office has gone through the budget that the President submitted, and what they have told us is that actually total deficit goes up under the President's plan in the first couple of years and then begins to come down; but even in the last year of the President's budget, the year 2002, he is still about $69 billion short.

Now, we do not really want to have a debate about the Congressional Budget Office, who is more accurate, the CBO or the OMB or whomever, because I think sometimes the American people do not understand that. But what I hope they will understand is that, before we can have a debate about the budget, we all have to be speaking the same language. So one of the things I think we need to get in agreement with the White House on over the next couple of weeks is what are the assumptions we are going to use.

One of the things we could do, and I learned this when I was in the State legislature and served on the Pension Commission, is that assumptions are everything. If we assume an economic growth rate, for example, of 3.5 percent over the next 5 years, frankly you do not have to make much in terms of budget changes in terms of the spending side, because the economic growth will solve it. If we assume a very low interest rate, it has a dramatic impact on the deficit. As a matter of fact, we were told by the Congressional Budget Office in the Committee on the Budget a couple of weeks ago that, if interest rates change by one-quarter of 1 percent, either up or down, it changes the deficit by $50 billion over the next 5 years.

So one of the things we want to do is hopefully get the White House and the Congress to at least be using the same assumptions so that we are speaking the same language. As I say, then we can have a civil and honest debate about which items we are going to increase and which ones we are going to reduce.

I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding. First let me commend the gentleman from Pennsylvania [Mr. FOX] and the gentleman from Minnesota [Mr. GUTKNECHT] for sponsoring this discussion tonight. If I may just ask the gentleman's explanation of deficit in the Clinton budget.

The gentleman mentioned the scoring that takes place by two different agencies, the CBO and OMB. In spite of the fact that they do different scoring, they both agree, do they not, that the deficit goes up initially and then falls ever so slightly during the 1998–99 time frame, and then during the last 2 years of the 5-year plan, the President's 5-year plan, the deficit reduction that takes place is about 70 percent of the total deficit reduction that takes place during the whole plan. So we are essentially, under this proposal, pushing most of the deficit reduction off until after the year 2000, when we then promise the American people we will get to it. Is that fair to say under both sets of scoring?

Mr. GUTKNECHT. Mr. Speaker, under both sets of scoring, and I think that is an accurate point, both the Congressional Budget Office and OMB acknowledge that in the first year, and this is really the only budget that counts for this Congress, is the budget we are going to debate for fiscal year 1998, both would agree that the deficit actually goes up this year, which in the view of some of us is a step in the wrong direction, because we have been moving in the right direction. Partly, and let us give some credit, we want to give credit to the White House and to the economy and other things, but part of it is that the 104th Congress did confront some of those spending issues.

Mr. Speaker, we did make some real reductions in discretionary domestic spending, and it is showing some impact. The deficit now is about half of what it was when Congressman FOX and I first came to Washington. As a matter of fact, it is less than half of what it was when we first came to Washington.

I would point out this other chart. This again is according to the Congressional Budget Office, which is the official scorekeeper for the House and the Senate, that the deficit will be about $69 billion in the year 2002.

To get to the other point that the gentleman from New Jersey [Mr. SAXTON] made, 98 percent of the deficit reduction comes in the last 2 years of the President's budget plan. That is one of the concerns we have that is entirely too heavily what we call backend-loaded. Actually, according to the CBO, the increase in the deficit will be about $24 billion more than it would have been if this Congress did nothing.

Mr. SAXTON. Mr. Speaker, it just seems to me, and this chart points it out even more clearly, I said that 70 percent of the reduction takes place in the last weeks of the last 2 years, and my colleague is saying that virtually all of the deficit reduction under the President's plan, 98 percent, takes place during the last 2 years. It would seem to me that, if we are going to be serious about deficit reduction and getting to a balanced budget, that we ought to start in earnest right away to make a serious step down of the deficit to take place beginning in 1998 and not waiting until the year 2000. Would my colleague agree with that analysis?

Mr. GUTKNECHT. If the gentleman would yield back, that is one of the debates that we have had, and over the last couple of years Congresses have used what we called a manana budget. It is real easy to cut the budget after we leave office. So what we are really concentrating on is what can we do in fiscal year 1998 to put us on a path toward a balanced budget.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is very clear that your leadership and the leadership of Congressman SAXTON is needed to move us forward to have a balanced budget. I know that Congressman SAXTON is the chairman of the Joint Economic Committee and has been trying to work to make sure we get that balanced budget, because by doing that, we reduce the interest cost, whether it is for car loans, for mortgages, for student loans, all of the items in life where we can make a cost difference for families back in our districts. That is what it is all about.

Mr. Speaker, I would like to at this time to include with our discussion tonight the gentleman from Utah [Mr. COOK], who has been doing a great deal of work and has been speaking out about fiscal responsibility when he ran for the office and in his early weeks here as a Congressman has displayed that kind of fiscal responsibility. I would like to call on Congressman COOK now, if he could give us some of his thoughts on this issue and just where we should be going in this 105th Congress on the balanced budget.

Mr. COOK. Mr. Speaker, I really appreciate this opportunity to speak briefly on a subject that is very dear to me. As a longtime advocate of a balanced budget and tax reform, I am not really happy about President Clinton's proposed 1998 budget. I think in many ways this budget is a mockery of the American people's desire for a balanced budget and responsible spending in Washington.

President Clinton promised us a plan that would balance the budget by 2002. However, as my colleagues have been saying, the Congressional Budget Office reports that Clinton's budget would have a deficit of $69 billion in 2002. Under the President's spending plan, the budget deficit would even drop to last year's level of $107 billion until 2000. Between now and then, the deficit would balloon, to allow the President to increase aid to foreign countries and pad our welfare program, six new entitlement programs. And he would increase welfare spending alone by $21 billion over the next 5 years.

President Clinton is proposing a budget that carries tax-and-spend ways through, I believe, the rest of his administration, leaving the bulk of his own deficit reductions for another President to implement. Play now, pay later.

The American people expect better of their President. This splurge now, starve later tactic, I think, is an offense to our people who are really looking hopefully to Washington for the fiscal responsibility they yearn for from their leaders.

I am a strong supporter of tax reform and tax relief for struggling American families. As a longtime proponent of tax reform, I really question the President's claim that he too wants to help working American families when he heaps $23 billion in proposed permanent tax increases on those families.

□ 1915

His promise of the family-friendly tax cut, the $500 per child tax cut, would only be good for the next 3 years if the economy does not perform the way he hopes it will. The much-touted education tax credit would only apply to families with children in college during the next 3 years on the same basis.

President Clinton offers his tax breaks that last only while he is around to take credit. Conveniently, his tax increases, too, do not start until after he leaves office, but unlike the tax breaks, they are very permanent. Indeed, his proposed legacy of $23 billion in tax increases will linger, I am afraid, decades after he is gone.

With those tax increases, he will make it harder for American families to pull one end close enough to meet the other. He barters our children's future with tax increases and false promises of a balanced budget, ironically while claiming to build a bridge to that future.

The Democrats' success in defeating the balanced budget amendment in the Senate was a disappointment to many, many of us and, I think, to the American people who hoped this year would finally be the year when Congress made that tough decision. We must keep faith with those Americans who must balance their own budgets and rightfully expect Congress to do likewise.

We cannot approve yet another White House tax-and-spend budget. If President Clinton does not have the courage to begin whittling Federal spending down, I think while he is around to take some of the heat himself, we do have that courage. We made an agreement, I think, with the American people, an agreement that included fiscal prudence and meaningful tax relief.

The idealism and confidence of those promises are the reasons I wanted to come to Washington. I was proud to come back here this year and stand with those who in 1994 promised a better way. We have had a rough few years with the White House fighting every inch of progress in keeping our word to the American people. Some who have stood for this have lost their bids for reelection along the way.

But keeping our word is not about our own political careers. It is not about popularity in the polls. It is about restoring integrity to government. It is about once again deserving the trust of the American people.

Mr. SAXTON. If the gentleman will yield on the one point that he made on his mention of taxes, I think it is very important to point this out, and I think the gentleman is right on, relative to this issue, when we talk about balancing the budget. There are undoubtedly some in this Chamber, as apparently the President is, apparently at least partly in favor of tax increases to try to move toward a balanced budget.

I think it is a very foolish course to follow, because history shows that every time Congress has increased taxes, Congress has also seen fit to increase spending by $1.59 for every dollar we have increased taxes. So in spite of the fact that we had tax increases in 1990 and tax increases in 1993, in both cases, in a stated attempt to balance the budget, in both cases the deficit got worse. There are reasons for that that I will not go into, but they had to do with the way the economy performs when we raise taxes and the way it performs in a positive way when taxes are reduced.

I happen to favor a version of the balanced budget amendment which creates a supermajority provision to raise taxes. In other words, if we as an institution decide that it might be a good idea to raise taxes instead of cutting spending to balance the budget, then we ought to do it, in my view, with a supermajority two-thirds vote.

It makes imminently common sense to me, because history has shown that over and over and over again, this institution and the President have chosen to try to control the deficit by increasing taxes. It has not worked. We need to recognize that. The supermajority provision in the balanced budget amendment seems to me to be one safeguard against the Congress falling into that trap yet again.

Mr. FOX of Pennsylvania. Mr. Speaker, I have to agree with the comments made by the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Utah [Mr. COOK]. They are very poignant regarding the importance of balancing the budget.

Mr. Speaker, I would yield back the balance of my time and ask the Speaker to consider making the Speaker's designee the gentleman from Wisconsin [Mr. GUTKNECHT]

BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for the remainder of the 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I yield to my colleague, the gentleman from the great State of New Jersey [MIKE PAPPAS] who has joined the discussion tonight to talk a little bit about the budget and balancing the budget and from his perspective as a new Member of this body. We welcome him to this special order tonight and hope it will not be the last time he will join us.

Mr. PAPPAS. Mr. Speaker, I thank my colleague for yielding to me.

Mr. Speaker, I ran for Congress last year because I believe very strongly that if we as a nation could not get our Nation's fiscal house in order, the future will not be as bright as it should be. Everyone in this city says they are for a balanced budget, yet some of those same people opposed the balanced budget amendment, which would have forced both the administration and the Congress to do what every American in this country has to do each and every year: balance their own budget; that every small business person has to do each year, to balance their budget.

I think it is unfortunate that while they say they want to balance the budget, they present a plan, a plan, not a budget but a plan, that sees the budget in imbalance to the tune of $69 billion.

I can recall back in 1992 when Mr. Clinton was running for office, that he said that he had a plan to balance the budget in 5 years. Now we are in the fifth year of his administration, and yet we are looking beyond to another 4 or 5 years when he is out of office. I am here to act, I am here to vote. I am here to do what the people of the 12th District in central New Jersey sent me to do, to see a balanced budget within our lifetime. I am absolutely committed to do that.

I am disappointed, yet at the same time I am hopeful, because at least now within the administration there is at least agreement that we need to balance our budget. That is tremendous progress from what we may have seen many, many years ago, where there was even a difference of agreement with regard to that.

So I am here to literally roll up my sleeves, to make the tough decisions now, over the next year or two, at least within this term while I am serving the people of my district. Back home in New Jersey our State government, our county, our municipal governments, our school districts, each are required by our Constitution to have a balanced budget. I think it works very well for the people that I represent.

There are those I have even heard that have said, at least in New Jersey, those that have opposed the concept and voted against balancing the budget, they have said that when they were a local official in their community that they balanced their budget. They did not add that the Constitution requires them to balance their budget, and if that requirement was not in existence, I have to wonder and we all would have to wonder whether that would be the reality.

So I am here just to add my voice to the chorus here on both sides of this aisle that wants to see this budget balanced. I want to, as I said earlier, roll up my sleeves, make the very, very tough decisions that each of the people out there, throughout this country, have to make every day. People elected us to do that. They did not elect us to come up with a plan.

It seems even in some of the committees that I serve on, there are people that talk about specific needs that need to be filled for various segments of our population. Some of those things I think have to be addressed today, or within the next year or two, versus saying we have a plan and we are going to project that in 10 years or in 8 years, that this particular need will be met and that this particular program will be initiated.

It is great to have a plan, but the plan is only as good as the paper it is written on. If we do not follow the plan that the American people have expected us to do, or expect me to be part of instituting, then I think we will have failed. I do not think they want us to do that. I do not want to do that, and I believe that the majority of the people, at least in this Chamber, do not desire to do that.

Mr. GUTKNECHT. I thank the gentleman for his comments. I would just share, just to follow up with some of those comments, that what the gentleman was talking about, I think if the voters had been told last fall that part of the plan would be to increase the deficit by $24 billion this year, and ultimately wind up with a 5-year plan, and that according to our official scorekeepers, the Congressional Budget Office, that would actually leave us with a $69 billion deficit in the year 2002, my sense is that the voters would have been incensed. They would have said no way.

I want to point out, this is one more chart that describes what we are talking about. In some respects it is like a person who says I am going to go on a diet. I am going to lose 50 pounds. But first I am going to gain 10 pounds. I will actually do most of the weight loss program in the last week of this plan of the diet.

That is crazy. That is not the way the world works. That is not the way human beings work. Frankly, we know that is probably not going to happen. At least we have a start.

I want to point out some other things. I want to get the gentleman from New Jersey [Mr. SAXTON] back involved in the discussion as well. Today the Secretary of the Treasury, Mr. Rubin, came and testified before the Committee on the Budget. I wrote down some quotes of things that he said. I agreed with much of what he said today. I did not agree with his analysis, I did not agree with his final budget plan, but at least there were a number of points that he did say that I really agree with.

One of them, he said, was that we have an historic opportunity. I think that is absolutely true. One of the unfortunate things, and the gentleman from New Jersey used the term "disappointing," and I think disappointment is the right term. For the first time in a very long time we have an electorate who wants us to make those tough decisions, we have a body politic who has said we want to balance the budget, we have a President who says that he wants to balance the budget, and we have a Congress that is prepared to make the tough choices.

Unfortunately, when we start with this kind of a plan, it makes the job even tougher. That is why I think it is disappointing.

He also said, and this is a quote:

> Financial markets will punish bad behavior and they will reward good fiscal behavior.

It was interesting, because the Secretary previously had been, I believe, the CEO of Goldman Sachs, and they recently put out a newsletter, an economic analysis of what was happening in Washington. The headline on this newsletter was "No Meaningful Fiscal Restraint Before the Millenium."

They go on to say, "The prospects for a balanced budget agreement remain excellent. Republicans plan to use the Clinton plan as a starting point in the construction of their own proposal," which I think is accurate. Then they say, "The bad news is that it appears increasingly likely that a deal will not result in meaningful fiscal restraint until the next millenium. In the Clinton budget plan the fiscal restraint is extremely backloaded," which we have pointed out. Here is the point: "This suggests that a budget deal will not have near term implications for the conduct of monetary policy."

What does that mean to the average family who wants to buy a new home and a new car? What it means is that interest rates probably will not come down. As a matter of fact, they may go up. That goes back to the point that the Secretary made: Financial markets punish bad behavior. They reward good fiscal behavior.

What does this mean to families? We need to talk a little bit about that, and I want to get the gentleman from New Jersey involved in this discussion, because he probably understands this better than I do, but it is a chart I want to show of what happens to interest rates. They mean a lot because it affects what people can buy. It affects how many new homes are built and how many new cars are purchased. That affects how many new jobs are available, and good-paying jobs to the people who need them. In the end, this is really about how is it going to affect the American family.

This is an interesting chart. I think it tells some interesting things. This was November 1994, when I and 72 of my colleagues became part of the Republican majority, and we called ourselves the majority makers. You can see interest rates were trending up until the election day. Then they trended down all through 1995, until we got to where the budget negotiations broke down. Then, guess what? Interest rates started to trend back up.

After the elections of 1996 and conservative majorities were kept in the House and Senate, interest rates started trending back down. The President introduced his budget, interest rates have trended up slightly since then. Maybe it is just coincidence, but I think it is too great a coincidence. I think money markets do watch what we do here in Washington. They do reward good behavior and they do punish bad behavior.

Ultimately what this means—we want to talk a little bit about what a balanced budget ultimately means to the families. If we can balance the budget without raising taxes, a number of the leading economists in this country have said we can expect significantly lower interest rates.

☐ 1930

As a matter of fact, we can expect somewhere between 1.5 to 2 percent lower interest rates. That means a savings of $1,230 per year on the average home mortgage for a small home. For a larger home it can mean as much as $2,100, $2,160. On an average car loan, we are talking about a difference of $180 a year; on a student loan, $216 a year. That is real money.

What that means is if American families have to spend less for interest, if the Federal Government has to spend less for interest, it means that we have more money to spend on other things. It means we can afford more homes and cars. It means that families can afford to send their kids to college.

In the end, that is what this debate is all about. It really is about improving the quality of life for American families.

I wonder if Congressman SAXTON would want to jump back in here and talk a little bit about the impact. You have probably studied the correlation between taxes and between spending and budget balancing and interest rates and how it is going to affect families more than anybody else in the Congress.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding on this point. I think it is a very important one.

Obviously, a good part of what has caused the economic growth to take place, this growth period started in 1991 incidentally, the last quarter of 1991, the growth that has taken place has been encouraged to a large degree by the Fed holding down short-term interest rates. And I think it is very important to recognize that that is one of the factors that has caused the economic growth that we have sustained through that period of time to take place.

It has been dampened somewhat, however, and I think most economists will agree that the tax increases that occurred in 1990 and 1993 had just the opposite effect. While the Fed was trying to hold down short-term rates to cause growth in the economy, at the same time Congress put a damper or a wet blanket on economic growth and caused what I see as moderate, at best, economic growth taking place.

If we had not had the tax increases on the other hand and if the economy had performed in a more robust way, while interest rates were low, we certainly would have had more job opportunities. We would have had higher wages, in my opinion, and certainly a higher rate of growth in the economy generally. So interest rates have played a very, very key role in this entire scenario.

Aside from the Fed controlling to some degree short-term rates, long-term rates are controlled to a large extent by investor expectation. If investors expect that inflation will be low and if investors expect that we are going to do our job and stop borrowing on the Federal level to the extent that we have and then they will expect that credit will loosen, then that expectation causes long-term rates to come down as well, which is all certainly very, very positive for job growth, growth in wages and growth in the economy generally.

Our job here is to be partners with the Fed and the Fed has done its job extremely well in controlling short-term rates. Our job is to help control long-term rates by doing the responsible thing and moving in a steady decline in terms of deficit spending to the point where we actually have a balanced budget and every American family will benefit through a program like that, particularly when it comes, as you correctly point out, Mr. GUTKNECHT, to interest rates coming down.

Mr. GUTKNECHT. And that affects families. That affects their ability to buy, their ability to buy new homes, remodel homes.

I want to point out one other thing, I want to get Mr. PAPPAS back involved in this discussion a bit, too, but this chart sort of shows some of the bad news that we are, according to the Congressional Budget Office, we are still about $69 billion short under the President's plan in the year 2002. That is sort of the bad news. But it gets worse. Because if this chart were extended, and we are going to have to get this chart extended, if you just leave everything else the same, when people my age begin to retire in about the year

2011, 2012, when we begin to really make demands upon the Social Security system, the Medicare system, and other things, and as our income levels begin to go into retirement mode, this chart begins to go right straight up. It is almost like an F-16 taking off in a completely vertical takeoff.

While I think this chart is kind of bad news, it gets a lot worse if we do not get serious about solving Medicare, solving Social Security, a lot of those underlying problems and begin to make some modest changes today so we can save the fund for the future.

I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman. I notice on the chart that it shows on the President's plan that the deficit begins to decrease rather rapidly after or the last year of his administration or after that. The problem with that expectation is that is making certain assumptions about what the next administration would propose and what that Congress would dispose.

And those are assumptions that I think could be rather dangerous if, again, we are just working off of a plan. Again, I think we have to do what we can do when we can do it. And today is the time that I believe that the people that we represent, each of us represent, expect us to act.

I think the chart that you are demonstrating or displaying once again shows that the difficult decisions are being passed on to the next President and to a subsequent Congress. We are here to act now. And I think that if I wrote back or if I was at a town hall meeting in my district and I told people that I am representing that you are going to have to reelect me three or four more times before we are going to start making some meaningful decisions to bring that budget into balance, I do not think they would be very happy with me.

Mr. GUTKNECHT. I might just point out, too, that I was with some school kids yesterday. One of the things, when I am with school kids, I show them my congressional pin and this nice little card case and this voting card, which one of our colleagues, I think 2 years ago, reminded me is the most expensive credit card ever invented in the history of human beings. And it is on this credit card that previous Congresses have run up about $5.3 trillion worth of debt on those schoolchildren.

I think it is very graphic when you explain this to schoolchildren. I think most Americans can relate to credit card debt. Every so often we read about someone or we hear about a friend or a neighbor or maybe it is us where we get into trouble with our credit cards, where we are charging more and we have reached a point where we are having more and more difficulty just making the monthly minimum and paying the interest. The Federal Government in some respects is like that person who is having some problems with their credit card debt. They are having more and more difficulty just making the interest payments.

If you had a person like that, the last thing you would do for that person, the last thing you would do is say, why do you not start out by going up and running up another $24 billion worth of debt on that credit card.

No, I think the American people say, the first thing you ought to do is cut out the credit card. Stop spending more than you take in and do it quickly. Do not do it 5 years from now; do not do it 3 years from now. Do it this year and next year, because every dollar that we can save this year begins to multiply in the outyears.

One of the reasons we are doing as well as we are, and they were modest changes but I think they will have a profound impact long-term, are the cuts that were made in the last Congress where we eliminated some 289 different programs. Some of them were not great big programs but when you pull a program out by the roots, you do not have to feed it year after year. So the savings actually multiply as you go forward.

This is the number that concerns me, and I think it concerns the gentleman from Ohio [Mr. KASICH] and the Committee on the Budget and, frankly, should be of concern to all the Members of Congress and the American people, because you do not start out going on a diet by gaining 10 pounds. That is just not good. And you do not try to solve your credit card debt problems by running up even more debt on your credit card in the very first year of the budget.

Mr. SAXTON. Mr. Speaker, I just want to make a point here. I think this is very important, because I would not want any of our colleagues or anybody who might be listening to this discussion to get the notion that we stand here talking about this ready to dismantle on a large scale Federal programs that are important to people.

Two years ago, we began to slow the growth of some programs, which is what we still think we need to do in order to accomplish the objectives that we are talking about here tonight. We suggested, for example, that the School Lunch Program that was growing at a rate in excess of 10 percent, seems to me it was growing at something like 11.5 percent, every year we were spending 11.5 percent more than we had spent the year before, and we suggested that one way to begin to get a handle on the huge increases that we had seen in Federal spending that was driving this deficit and national debt problem would be to slow that growth rate down from about 11.5 percent, I think it was to about 7 percent. And we suggested similar kinds of things in many programs that had been growing at very high rates across the board.

At the same time, during all those years, in real terms, we were reducing defense spending. So we had a disproportionate increase in some programs and no growth at all in other programs. And what we said was, what we say today is that if we can continue to hold down those programs that are currently held down and begin to get a handle on the large increases in the programs that are growing too fast, that we can maintain the services to the American people in a very similar mode that we are today and that we have over the past several years, but they just will not grow as fast. And so I think that is an important part of the discussion as well.

There is one other point that I would like to make. I do not want to confuse the discussion about how important it is, for all the economic reasons and all the reasons that had to do with families, that we balance the budget. But there is one idea that is floating around here that I think we ought to be very cautious with, and that is that recently a commission gave a report on the Consumer Price Index. And the report suggested that the Consumer Price Index is not accurate, that it overstates the rate of inflation.

And I think it is very important to understand that, yes, while we want accurate data in terms of the Consumer Price Index, that the CPI is used in our tax code to determine how much taxes people pay from year to year. The brackets in the marginal rate structure of our Internal Revenue Code actually are indexed to go up with inflation. And if we rush out without having all the information that we can possibly get and arbitrarily legislate a change in the Consumer Price Index, it will mean a tax increase that a JEC study recently pointed out that at the end of a 12-year period will be an additional $405 a year that the average taxpayer will pay in taxes, a very significant tax increase.

So while we want to balance the budget, we do not want to look for the oversimplified ways to do it which means slashing programs that are going to hurt people or finding a gimmicky thing like adjusting the Consumer Price Index. Because an adjustment downward in the Consumer Price Index of 1.1 percent, as the Boskin Commission suggested, means at the end of 12 years every American taxpayer will be paying an additional $405 every year in taxes.

Mr. GUTKNECHT. I am glad that you made that point. I certainly did not want to suggest that we are going to eliminate important programs that Americans count on. But I do want to make the point that there is an enormous amount of duplication, and there are a lot of programs that the Federal Government funds even today that are not necessarily effective.

We have so much duplication, overlap between the States, the Feds, and so forth. I think you also make a very good point about whether or not we should tamper with the CPI for political or budget reasons. If we are going to change the CPI, it ought to be done by professionals, and it ought to be done for the right reasons, not simply just to balance our budget.

Mr. SAXTON. As a matter of fact, if the gentleman will continue to yield on that point, the Bureau of Labor Statistics, which has the responsibility, along with calculating employment and unemployment figures, also is responsible for managing the Consumer Price Index process and the formula through which they measure the rate of increase in prices or price stability.

The Bureau of Labor Statistics I have asked to report back to us by this summer on the structural makeup of the Consumer Price Index process and to make recommendations as to how the situation might be managed without legislating an arbitrary reduction which I think would be a mistake.

I think your point is absolutely correct. There are people who eat and live and breathe issues that have to do with statistical analysis and how to measure the basket of goods that the Consumer Price Index measures. Our leadership is incidentally making a lot of these same points. So I am very pleased about that and hope that we will show some restraint and not look at this as an easy fix to move toward a balanced budget because I am not so sure it gets us there.

Mr. GUTKNECHT. The other gentleman from New Jersey [Mr. PAPPAS], any other closing thoughts?

Mr. PAPPAS. I was just going to ask my colleague from New Jersey, since he has been a long-standing member of the Joint Economic Committee and he has been here in the House for a few terms, if he would tell us through his tenure here, when just the early part of this decade, when there was a tax increase that was instituted, what was the, I think we all know but just from your perspective here as a member of that committee, what was the response by the Congress and just the response of the economy to that way to address what was perceived the way to go about making progress on the deficit?

□ 1945

Mr. SAXTON. Well, today, the economy is growing at a little over 2 percent. Some quarters had been better. I think we had 3.9 percent growth in the last quarter of, I guess it was the last quarter of last year. But overall, the economy has grown since 1990, the last quarter of 1991 by a little over 2 percent.

Now, the average growth since World War II has been over 3 percent. That is 1 percentage point, but it makes a big difference, because while 1 percentage point, when we are talking 2 or 3 percent, is like 50 percent faster at 3 percent than at 2 percent.

So it is very important to realize that for some reason all of us agree that the economy is not performing as well as we would like it to. We would like it to be growing at least at the historic average since World War II, which is over 3 percent and it is growing at 2.

So when we begin to look at why that could be, one of the unmistakable conclusions we have to come to is we had the biggest tax increase in 1990, followed by an even bigger one in 1993. That, to me, seems to be what we did differently. And therefore this recovery, which I believe is part of the normal economic cycle, we are now in a growth period, this growth period is slower than I believe any other growth period since World War II.

I personally believe that it is because of the two tax increases, the gentleman correctly points out, and certainly has had an effect on our economy.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman. And I asked him that question because I believe that balancing the budget is tied into, and achieving the kinds of economic growth we all want to see is tied into significant across-the-board tax relief.

Many people argue that no, we need to cut spending first before we can then do something about taxes. Again, I will go back to a point I made earlier. If that had been the case, then we would not be talking about graphs, showing graphs where we are seeing the deficit remain in existence or going up before it is going down. We would not be talking about that. We would be talking about all the other new things that we are able to do for the American people because we have the kind of economic growth that we all desire to have.

If we do not cut taxes and see the kind of economic growth that we have seen, that we saw in the early 1960's under President KENNEDY, under President Reagan in the early 1980's, we will not see the kind of growth that will in fact raise revenues and assist us in cutting that deficit.

Mr. GUTKNECHT. More important even than that, Congressman PAPPAS, is it will help those people.

We passed very important welfare reform last year and it is already beginning to show some benefits. We are seeing welfare rolls going down. I have been doing some research in my home State, and we have seen a dramatic drop in welfare rolls just since we passed that legislation last year. The real answer is we need more jobs in the private sector. We need more people on payrolls.

When we talk about economic growth, that can become almost a nebulous term that people do not understand, but they do understand good-paying jobs and more of them. That is really what we are talking about, is making it possible so that more folks who need good-paying jobs can find those good-paying jobs in the communities and in the neighborhoods where they live.

Mr. PAPPAS. If the gentleman would continue to yield, I have to make one other point. I think one of the things that is only fair to expect from the administration under the President and the Vice President, who we all assume is going to aspire to succeed Mr. Clinton, our President, is what will the plan be? Quite frankly, whoever might be President after President Clinton leaves office, what is their plan?

If in fact this is the only thing that we are able to see enacted or proposed by the administration, what is the plan to move forward beyond that time? Again, I do not want to wait. I want to act now.

Mr. GUTKNECHT. We only have about 10 minutes left, but we have been joined by our distinguished colleague from Georgia [Mr. KINGSTON], if he wishes to grace us with some of his thoughts relative to the budget.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I wanted to respond to the gentleman from New Jersey [Mr. SAXTON] the distinguished chairman of the Joint Economic Committee, regarding his comments to Mr. PAPPAS' comments about the tax proposal and the reduction in taxes.

I am not on the Joint Economic Committee, and quite often I see their 30- and 40-page documents, and I have difficulty reading them; but I was an economics major at the University of Georgia and one of the things that we often did with economics is we delved into the theory. But it is good to just shut the book every now and then and to think about the man on the street; what it would mean to him.

Throw out the theory for a second and think about what would happen if we had more money in our pockets. If we had a guy just running around, and I will call him a friend of mine, Bill Granger. Bill is a working guy. He is a friend of mine and lives in Alma, GA. I am going to change some of the names of the cities to be a little careful here. I do not have his permission.

Say Bill gets a $500 per child tax credit. He has three kids, so he will have $1,500 more in his pocket. Let us say his dad does not get that, his dad gets something from Social Security earnings limitations. Whatever the case, we confiscate less money out of their wallets in Alma, GA. What that means is they would have anywhere from, I will go ridiculously low, from $50 a person to maybe as much as $1,000 a person.

That means they will be able to buy more shoes, more shirts, go out to eat more often, maybe go for a longer vacation, go to Atlanta and have a big time for the weekend or something like that. When they do that, they stimulate the economy.

Let us think about approximately 150 million people with $50 more in their wallet because we are confiscating less through a tax. So what happens is we have all that money out on the street; people going out to eat more, buying more toys, more clothes, shoes, and so forth. When they do that, small businesses expand because they are stimulated by the new growth, the new prosperity out there. When they do that, they create more jobs. And the more jobs that are created, the more people that can find work.

All the folks on welfare now, there would be a lot more job opportunities for them. They go to work. Less people are on public assistance and more revenues coming in.

Both President Kennedy and Reagan cut taxes, and when they did, actual money paid in to taxes in Washington increased. It did not decrease it.

We always hear from some people how are we going to pay for the tax cut? It is not a matter of paying for the tax cut. The revenues, because of the taxes being out on the street, the revenues actually increase. So we do have this phenomenon that if we cut taxes, revenues will increase and America has more prosperity.

I think it is a very basic thing that the person on the street can understand and appreciate. They do not need to have the charts and diagrams about it because they know. Give them their money and they can spend it better than we can.

Mr. SAXTON. If I may, I want to commend the gentleman from Georgia for the very articulate analysis or statement on behalf of what this will do for the American family.

One thing I am sure he did not mean to do, but he left out something, which is also important that causes economic growth to take place, is some of that money on the street will get saved, put into a savings account or go into a mutual fund, which creates a supply of savings which others can borrow to increase the size of their business and hire more people.

That is what creates the business cycle, when economic activities take place. Whether we believe it is the supply that creates the better economy or the demand, either way, by the inefficient Federal Government consuming less of GDP and people who are out working in the private sector consuming more of GDP, it makes the economy better when the efficient part of our economy handles the money rather than the inefficient part.

So I wanted to say that I think that the gentleman's statement on behalf of the average American worker is very well placed.

Mr. GUTKNECHT. If I could, gentlemen, our time is just about expired. We will have to wrap it up here, but I do want to thank my colleagues for participating tonight.

I want to say, in part, with the spirit of what transpired in Hershey, PA, that we do look forward to an honest and civil debate about the great issues facing this country, and nothing can be more important than stopping the business of mortgaging our children's future and, in the end, it provides real benefits.

Not only is it the morally right thing to do to balance the budget, but it is the economically smart thing to do. I think if we work together and have a civil debate, then I think we ultimately can succeed in that.

Important now is that we all begin to speak the same language. If the President is speaking OMB and we are speaking CBO, it is going to make that job even more difficult. So in the next several weeks, what we hope to do is try to get the White House and the Congress to at least be speaking the same language.

Then we can have that civil debate and, ultimately, I think we can reach an agreement during this Congress which will be historic, which will leave a legacy that we can all be proud of and ultimately lead to a stronger economic growth, more jobs, better jobs, and the ability of more American families to have the American dream.

So again I want to thank my colleagues for joining me.

TRIBUTE TO ARNOLD ARONSON, A GREAT CIVIL RIGHTS LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 60 minutes.

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute this evening to one of our Nation's greatest civil rights leaders: Arnold Aronson. Arnold Aronson has been active in civil rights for nearly 60 years.

In 1941, he, along with A. Philip Randolph, mobilized a campaign that led to President Roosevelt's Executive order which banned discrimination on the basis of race, creed or national origin in war-related industries. This Executive order established the first Fair Employment Practice Committee.

In 1941, Mr. Aronson headed the Bureau of Jewish Employment Problems, a one-person agency located in Chicago. Discrimination against Jews at that time was overt and widespread. Help wanted ads specifying gentile only were commonplace, and employment agencies accepted and filled orders in accordance with such specifications.

Rather than attempting to deal with the problem as it affected Jews alone, he decided to attack employment discrimination per se, no matter the victim. Accordingly, he organized the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights and social welfare organizations. As council secretary, Arnold Aronson directed the campaign that led to the first municipal Fair Employment Practices Commission in the Nation.

In 1943, he organized a statewide coalition, the Illinois Fair Employment Council, and initiated the campaign for a State FEP legislation.

In 1945, he became program director of the National Jewish Community Relations Advisory Council, a coalition of national and local Jewish agencies. He developed policies and programs for Jewish agency involvement on issues of civil rights, civil liberties, immigration reform, church and State separation, Soviet Jewish immigration and support for Israel.

In 1946, Arnold Aronson became secretary of the National Council for a Permanent FEPC, a coalition which was headed by A. Philip Randolph, and together they directed campaigns for Federal civil rights legislation in the 79th and 80th Congresses.

In 1949, he became the secretary of the National Emergency Civil Rights Mobilization, which was chaired by Roy Wilkins, and together they organized a lobby in support of President Truman's proposed civil rights program.

Around this same time, Mr. Speaker, Arnold Aronson and a few men, a small group, set out to professionalize people who were working in civil rights and allied fields by establishing the National Association of Intergroup Relations Officials. The name of that group has since been changed, and today it is called the National Association of Human Rights Workers.

Arnold Aronson held many offices in that organization, including a term as president. In fact, it is my great honor to have been one of his successor presidents in this organization, and I was pleased to meet with them in Shreveport, LA, 3 weeks ago, and look forward to their annual meeting in October of this year.

□ 2000

During Arnold Aronson's term as president, he established the Journal of Intergroup Relations, which continues to the present time and is an organization to which I very often contribute.

Mr. Speaker, I think that Arnold Aronson's lasting legacy, although he has been involved in every major civil rights effort in this century, is his enduring legacy with the Leadership Conference on Civil Rights which he cofounded with NAACP President Roy Wilkins. In 1950, he and Mr. Wilkins convened over 4,000 delegates from all over the country to urge the Congress to enact employment, antidiscrimination, and antilynching laws.

Along with Martin Luther King, Jr., Arnold Aronson was one of the 10 organizers of the 1963 March on Washington. During the Leadership Conference's first 13 years, Arnold Aronson served as its secretary and directed the day-to-day operations of the organization. Along with NAACP Washington bureau director Clarence Mitchell, Aronson and the Leadership Conference coordinated the successful lobbying efforts which resulted in the passage of the 1957 and 1964 Civil Rights Acts, the 1965 Voting Rights Act, and the 1968 Fair Housing Act.

Arnold Aronson's lasting legacy, I believe, is summed up in a quote of his, and I would like to quote it. Arnold Aronson once wrote: The struggle of civil rights cannot be won by any one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American.

Mr. Speaker, Arnold Aronson's life is a model for us all. I consider it a privilege to have known him and to have worked with him. I am honored to join with my colleagues this evening in saluting this giant on today, his 86th birthday. Happy birthday, Arnold Aronson, and we thank you.

Mr. Speaker, joining with me in this special order this evening are Congresswoman ELEANOR HOLMES NORTON, Congresswoman SHEILA JACKSON-LEE, and Congressman JOHN LEWIS.

It is my pleasure at this time, Mr. Speaker, to yield to Congressman JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and friend from the great State of South Carolina for yielding. I want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for organizing this special order in honor of our friend Arnold Aronson. It is fitting and appropriate that we gather here on the floor of the House of Representatives to pay tribute to this great man on this, the occasion of his 86th birthday. I want to personally wish Mr. Aronson a happy, a very happy birthday.

As Americans, we owe a debt of gratitude to Arnold Aronson. We live in a better country, a better society, and a better world because of the work of this civil rights pioneer. I would not be here, I would not be a Member of Congress but for the hard work, dedication, and commitment by Arnold Aronson and others like him.

These were people who took up the cause of equal rights and civil rights long before they became politically popular, before they became the fashion of the day. Arnold Aronson was one of the original founders of the Leadership Conference on Civil Rights, and for this he should be commended and remembered. But Mr. Aronson was more than that, I can tell you. He was the glue that held the civil rights movement together.

I remember many meetings during the 1960's, many meetings here in Washington during some heated discussion, sometimes heated debates. It was always Arnold Aronson that held us together. In order to have people and individuals, the gentlewoman from the District of Columbia [Ms. NORTON] will remember, the gentleman from South Carolina [Mr. CLYBURN] and others, to have an A. Philip Randolph, a Martin Luther King, Jr., a Roy Wilkins, a James Farmer, a Bayard Rustin, and the young people from the Student Nonviolent Coordinating Committee and others in the same room, it was a great deal to try to control.

This man, this good man, was a soldier of conscience, a warrior in a nonviolent crusade to bring equality to America. While the civil rights climate ebbed and flowed in the course of his 60-year career, Arnold Aronson stood like a mighty oak planted by the bank of the river. He never swayed, he never wavered, he never faltered. He knew what was right and he worked every day to make that vision a reality.

Under his day-to-day leadership as secretary of the Leadership Conference on Civil Rights, Arnold Aronson lobbied and fought successfully for the passage of the 1957 and the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act. To this day he remains an active member of the Leadership Conference. Due in part to his leadership and his ability, his capacity to build a coalition, the Leadership Conference today includes 180 viable organizations and groups and fights against all forms of racial, religious, national origin, gender, and sexual orientation bigotry and discrimination.

Tonight, Mr. Speaker, I want to note in particular the vital and historic role that Mr. Aronson played in uniting the black and Jewish communities in the struggle for civil rights. It is a bond and a friendship that continues to this very day. For example, in my city of Atlanta and many other cities, there is a black-Jewish coalition working together due in large part to the road paved by our friend Arnold Aronson.

As I said when I started, it is more than fitting and appropriate that we gather here today. Few Americans have done more to bring us together, more to unite us as a nation and as a people than has Arnold Aronson. My late mentor, Dr. Martin Luther King, Jr., talked during the 1960's of building a beloved community, a nation at peace with itself, where people were judged not by the color of their skin but by the content of their character. Arnold Aronson has done as much as any man in this Nation to help build that beloved community. For that he will always be, in my heart and in the hearts of millions of others, beloved.

Thank you, Mr. Aronson. Thank you for your hard work.

Mr. CLYBURN. I thank the gentleman from Georgia [Mr. LEWIS] for his statement.

Mr. Speaker, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I thank my esteemed colleague from South Carolina both for his leadership and his long service in the area of human and civil rights.

Let me thank the gentlewoman from the District of Columbia [Ms. NORTON] for her wisdom in organizing this tribute. Mr. Aronson, as one of the newer members of this Congress, let me thank you for giving me the opportunity now to serve a very diverse constituency in the U.S. Congress from the 18th Congressional District in Texas. I rise today to commend and support this special order recognizing Mr. Arnold Aronson, one of the Nation's greatest champions of the civil rights movement.

This special order fittingly comes on Mr. Aronson's 86th birthday and I tip my hat to you. Arnold Aronson has long been seen as a key figure in the history of this country's struggle for civil rights. The well-documented story of Mr. Aronson's legacy to the chapters of this Nation's civil rights movement have been chronicled by countless historians. Since the New Deal era, Arnold Aronson has spoken on behalf of this Nation's disenfranchised by advocating unity and not division.

I might say to you in a city that one might study and give rise to whether there would be opportunities for Jewish-black coalitions, let me say that I have had the privilege in the city of Houston to serve a number of years in a very thriving and ongoing dialog between the African-American and Jewish community.

Out of that very bond grew a young man by the name of Mickey Leland who served in the U.S. Congress and was one of my predecessors in this position. Mickey Leland was infused with the energy of bringing communities together and particularly worked to join the black and Jewish community.

In tribute to you, Mr. Aronson, let me say that we still have in Houston today a Mickey Leland kibbutz program that sends young men and women to Israel from the inner city African-American and Hispanic and Asian communities in order to bring about a lasting coalition.

Let me say that your words spoken so early on the struggle for the civil rights movement cannot be won by one group alone has carried many of us forward, recognizing that we are all in this same leaky boat together and we must rise together or certainly sink together.

Mr. Aronson was noted as one of the most noted founders of the Leadership Conference on Civil Rights, known in the 1950's as the Leadership Conference. Let me applaud not only the coalition but the friendship of Roy Wilkins and Arnold Aronson wherein this coalition was born. It is so very important that at the time that Mr. Aronson made the commitment to continue work with the Leadership Conference, he was not just sitting by with idle time. He was working full time as program director of the National Community Relations Advisory Council, a coalition of major Jewish organizations.

Mr. Aronson began his struggle against discrimination in 1941 as head of the Bureau on Jewish Employment at a time when open discrimination against Jews was widespread. Help wanted ads specifying gentile only were commonplace and employment agencies accepted and filled orders in accordance with such specifications. Instead of regarding discrimination only as a Jewish program as one might have expected, he had a broader view of the true magnitude of the problem, and following his conscience, he formed the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights and social welfare organizations. He coined the phrase coalition. He did not speak it, he lived it, and in tribute to him, it is continuing.

Mr. Aronson, countless generations will come to know and can appreciate the benefits that your life's work has brought to the unity of this Nation. Thank you for your dedication and commitment during those early steps in the civil rights movement that began the road to making the Constitution of this country extend its rights and protections to all of its citizens.

Finally, in closing, let me add that as we continue to try to forge coalitions, a name that comes to mind certainly is Dr. Martin Luther King. As the previous speaker noted his words, let me say that in those days of the Montgomery bus march and boycott, those were days that were both light and dark. One of the statements that Dr. King noted is that the history would recall that there were great people who decided to do the right thing and that what would be written is that they decided, first of all, never to turn back.

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We thank you, Mr. Arnold Aronson, on this your 86th birthday for having the greatness of mind and conscious to be able to say we will never turn the clock back, and it is this day that we write of you and give tribute to you as a great American. The history books will recall your greatness as well.

Mr. Speaker, I rise today to commend and support this special order recognizing Mr. Arnold Aronson, one of this Nation's greatest champions of the civil rights movement.

This special order fittingly comes on Mr. Aronson's 86th birthday. Arnold Aronson has long been seen as a key figure in the history of this country's struggle for civil rights.

The well documented story of Mr. Aronson's legacy to the chapters of this Nation's civil rights movement have been chronicled by countless historians. Since the New Deal era Arnold Aronson has spoken on behalf of this Nation's disenfranchised by advocating unity and not division.

He said,

> The struggle for civil rights cannot be won by one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American.

Mr. Aronson brokered his words into a coalition of Mr. Roy Wilkins and Mr. Aronson wherein the Leadership Conference on Civil Rights was born.

Mr. Aronson was one of the most noted founders of the Leadership Conference on Civil Rights known in the 1950's as the Leadership Conference.

Summoned by Roy Wilkins, chairman of the event and Arnold Aronson, secretary, 4,269 delegates from 23 States, which included 291 brave souls from the South, representing 58 national organizations, converged on the Capital to take part in what its conveners called the National Emergency Civil Rights Mobilization.

The actions of Mr. Arnold Aronson and Mr. Roy Wilkins was in direct response to a report issued by President Truman's Citizens Committee on Civil Rights, in 1947, titled "To Secure These Rights," it was felt that the findings of the report could leave no Member of Congress in doubt regarding the scope and substance of racial injustice. The Truman committee found that the sensational news stories of lynching, Klan attacks, and race riots, the Truman committee found were only the most shocking manifestations of a strain of prejudice that was everywhere in American society.

This strain of prejudice permeated not only the broad areas of employment, housing, education, health care, and voting; but in many parts of the country, it infiltrated the most ordinary aspects of life, so that to be black in America was to experience daily humiliation.

Black youngsters were barred from amusement and national marble contests. Black shoppers were often unable to try on suits or dresses in department stores or eat at the lunch counters like other customers. Black travelers had to suffer the indignity of segregated seating sections, waiting rooms, rest rooms, and drinking fountains and had to often spend long, exhausting hours on the road before finding a place to stay or even a place to relieve themselves. Such conditions prevailed not only in the South, but even in our Nation's Capital.

The Congress had not enacted any civil rights law since 1875, and it appeared that it would take much more than the meeting of those delegates to change that fact.

But Mr. Aronson was not deterred and on December 17, 1951, as secretary of both the council and the mobilization, called representatives of the cooperating organizations together to plan another Washington meeting: a Leadership Conference on Civil Rights to be held in February of the following year to campaign mainly for a revision in the Senate rules that would allow a simple majority of that body to limit and close debate.

It was under the Leadership Conference name that the coalition continued from then on.

For the next 13 years the Leadership Conference was housed in a desk drawer and filing cabinet in Mr. Aronson's Manhattan office. The conference like many just causes had no money. Through the dedication and commitment of Mr. Wilkins and Mr. Aronson the organization survived these lean years.

At the time Mr. Aronson made the commitment to continue work with the Leadership Conference he was working full time as program director of the National Community Relations Advisory Council, a coalition of major Jewish organizations.

Mr. Aronson began his struggle against discrimination in 1941 as head of the Bureau of Jewish employment at a time when open discrimination against Jews was widespread.

Help wanted ads specifying "Gentile only" were commonplace and employment agencies accepted and filled orders in accordance with such specifications.

Instead of regarding discrimination as only a Jewish program he had a broader view of the true magnitude of the problem. Following his conscience he formed the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights, and social welfare organizations.

As the council secretary, Aronson directed the campaign that led to the first Municipal Fair Employment Practices Commission in the Nation.

In 1943, he organized a Statewide coalition, the Illinois Fair Employment Council and initiated the campaign for State fair employment practices legislation.

The first fair employment practices legislation was passed in the State of New York in 1945. In the ensuing decade, at least a dozen States enacted fair employment practices laws with Aronson serving as a consultant in several of the campaigns.

From 1945 to 1976 he served as program director for the National Jewish Community Relations Advisory Council, which is a coalition of national and local Jewish agencies. Mr. Aronson developed policies and programs for Jewish agency involvement on issues of civil rights, civil liberties, immigration reform, church-state separation, Soviet Jewish immigration, and support for Israel.

He was clearly a man ahead of his time.

In 1954, he organized the Consultative Conference on Desegregation, and Interreligious Coalition with the heads of the National Council of Churches, the Synagogue Council of America, and a representative of the national Catholic Welfare Conference as cochairman and himself as secretary. The purpose of the Consultative Conference on Desegregation was to provide an opportunity for clergymen who were under fire for speaking out in support of the Court's decision in Brown might, under the cloak of anonymity, might be able to get together with colleagues and civil rights leaders who were similarly situated for an exchange of views, experience, and for mutual reinforcement. In the few years it was in existence, the organization was able to save the pulpits of several men who had been threatened with dismissal and, in other instances to find places for clergymen who had in fact been fired for voicing support of desegregation.

Mr. Aronson, countless generations to come can know and appreciate the benefits that your life's work has brought to the unity of this Nation. Thank you for your dedication and commitment during those early steps in the civil rights movement that began the road to making the Constitution of this country extend its rights and protections to all of its citizens.

Mr. CLYBURN. I thank the gentlewoman from Texas for her statement and thank her for her service to her constituents and to our Nation.

Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today to honor a giant in the civil rights movement. Arnie Aronson is one of the true champions of civil rights in this country. As one of the founders of the Leadership Conference on Civil Rights, Arnie has been a lifelong crusader for civil rights. Over the years Arnie has avoided publicity, but his lack of publicity does not diminish how indebted we all are to him.

Arnie turns 86 today, and I can think of no better place to honor him than on this House floor, where some of his toughest battles were fought and won. Arnie's championship of human rights in this country has shaped the Nation's policies since the Roosevelt administration. From Roosevelt's Executive order barring discrimination in war-related industries, to the 1964 Civil Rights Act, to the 1965 Voting Rights Act and the 1968 Fair Housing Act, Arnie has helped coordinate the efforts to pass every landmark civil rights legislation this body has considered.

Arnie also devoted his life to uniting the Jewish and African-American communities in the struggle against discrimination. The strong ties that exist between these two communities today are a testament to Arnie's hard work.

I think Vernon Jordan said it best when describing the impact Arnie's work has had. He said, "You have the gratitude of countless millions who may never have heard of your name but whose lives are better, whose prospects are brighter and whose dreams are coming true, thanks to you."

Mr. Speaker, I am proud to stand today in honor of Arnie Aronson. His commitment to racial justice has touched all of our lives and the lives of many others who will never know his name but benefit from his legacy.

Happy birthday, Arnie.

Mr. CLYBURN. I thank the gentlewoman for her statement.

Mr. Speaker, I would like now to yield to the gentlewoman from the District of Columbia [Ms. NORTON] who organized this special order for this evening and thank her for having done so.

Ms. NORTON. Mr. Speaker, I first want to say how indebted I am to the gentleman from South Carolina [Mr. CLYBURN]. After I organized this special order it became necessary for me to leave the House, and on very short notice he was willing to conduct this special order. He is a most appropriate gentleman to conduct it, and I very much thank him for the grace and skill with which he has done just that.

Mr. Speaker, I am not sure that the best way to celebrate your 86th birthday is listening to a bunch of Members of Congress, but leave it to Arnold Aronson, always at work, to spend his 86th birthday just that way.

Now, you know there is a cliche about unsung heroes. But in a very real sense Arnold Aronson gives that phrase new meaning largely because he never sought the credit and the praise that is rightfully his in a movement where people are not exactly shy in stepping forward to claim credit. It is not every good man who is honored on his 86th birthday. It is certainly not every good man that brings Members of the House for a special order of indebtedness to his work.

But Arnold Aronson deserves that, and he deserves more, and the fact is that he will probably not get a lot more. He will probably not get a lot more because in a real sense he has lived a life in which he has not sought a lot more. It is up to those of us who know his work and appreciate his work to spread the word of his work, and not only, I might say, to do tribute to his work because in a very real sense the work of Arnold Aronson deserves recognition today because it deserves repeating today and because there are too few willing to stand in the exact place where he stood, hoisting the flag of the principles that make him a great American.

I come before you this evening with particular humility as a former chair of the Equal Employment Opportunity Commission, as a child of the civil rights movement. I know my own personal indebtedness to Arnold Aronson. I know quite well that the agency that it was my great honor and privilege to chair, the law I came to administer did not simply pop up on the lawbooks one day as this House decided to do the right thing.

What is too little appreciated today is the kind of work and the kind of atmosphere in which that work had to be done. What is too little appreciated today is what it was like 56 years ago, when Arnold Aronson was there with A. Philip Randolph and where our country was at war, proudly marching off to war, with an army segregated to the core and thinking not one thing about it, marching off in peace and freedom to fight a war against the ultimate bigotry in a segregated army, and there were very few who understood that irony or even understood that it was wrong to step forward then. If you were white or if you were black was to separate yourself from the great masses. Blacks were deprived of every conceivable right. Whites, even those who knew the difference between racial right and racial wrong, seldom had the courage to act on what they knew.

Arnold Aronson has never lacked that courage. We did not get here by ourselves. We got here marching behind others, and Arnold Aronson stands among those at the front of that line.

The agency I came to chair, the Equal Employment Opportunity Commission, had its origins in the Fair Employment Practices Committee, which Arnold Aronson, working with such stalwarts as A. Philip Randolph, helped to achieve. Even the beloved Franklin D. Roosevelt did not step forward because it occurred to him that maybe black people working in the war industry ought to have equal opportunity in jobs. Somebody had to suggest it to him. And in fact there were a small band of great men who did so, and history will remember them:

Joseph Rowell, Bayard Rustin, Clarence Mitchell, Arnold Aronson.

There are names of the 1990's, but we had best remember the names of the 1940's if we want to know truly how we got here.

Arnold Aronson wrote some of the most compelling reports of the period, the reports, the documents that made people especially those in high places, like President Truman, understand that it was time to move forward. One of the most compelling of those was to secure these rights drafted indeed by Arnold Aronson.

Today, when we are trying to get more funds for the EEOC, it perhaps seems impossible to believe that the idea of a permanent FEPC, or Fair Employment Practice Committee, was a radical idea. Money for it? The point was should there be any such committee at all.

As late as 1950 Arnold Aronson was at the forefront of those struggling for a permanent FEPC. Even the wartime experience, so successful, had not led to a permanent agency, and we were not to get one until 1964, when Arnold Aronson, unbroken in his work in the movement, helped lead the march on Washington that got finally a permanent FEPC, the Equal Employment Opportunity Commission.

The fact is that as late as the 1950's Arnold Aronson was working with Roy Wilkins to get an antilynching bill; that is what they called it when I was a child and perhaps even when my colleagues were children. They called it antilynching bills. It operated at that level of terror. We did not call it civil rights acts in order to keep people from engaging in violence, and it was at the raw level that Arnold Aronson and his colleagues were trying to convince people that you should not lynch people. That was not self-evident. That was not evident to most Americans. Somebody had to stand up and keep saying it and not relent and find ways to make it come true in a country born in racism, determined in its racism.

And what was the cry for an anti-lynching statute was to develop into the success of the 1960's, and when the 20th century closes its eyes and bids farewell and they name the half dozen pieces of legislation that made this century and made this country, the laws which Arnold Aronson helped achieve, particularly in the 1960's, will be numbered in that group.

In 1961, Mr. Aronson wrote the pioneering work Federal Support of Discrimination. That is what it was all about, Federal funds, the great might and weight of the Federal Government in support of discrimination. Somebody had to make this country face that fact, that the greatest support for discrimination came from the greatest country on the face of the Earth.

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Somebody had to do it without hanging back and without dropping the ball and had to do it from one decade to the next, because even today the work is not done, and the work has been left to those who refuse to lay down their swords and retire, but recognize that they had to go forward into yet another decade, and that was Arnold Aronson.

When I was in law school and I would come down in the summers to Mississippi, to the March on Washington, to New York where it was being organized, to wherever there was work to be done, the fine hand of Arnold Aronson was always there.

He belongs to that extraordinary coterie of men to whom this country owes everything. We owe our dignity as a country; we owe the elimination of the greatest scar on the American polity; we owe it to them. We could never be a great country until that scar was wiped away and the great civil rights laws finally achieved, in no small part out of their personal labors, and especially the labor of Arnold Aronson wiped away that scar and helped us to emerge finally as a great Nation.

Let me finally say something about an issue that needs to be confronted as we are celebrating the life of Arnold Aronson. We live now in a country where people go off into their respective ethnic and racial corners. In a real sense there was more discourse across racial lines when I was a girl in the civil rights movement. We have lost some of the spirit that guided the times and events of Arnold Aronson, and I would ask us tonight not simply to honor him on his 86th birthday, but to try to reclaim and recapture the moral authority of Arnold Aronson. He had that authority because he knew no prejudice, first and foremost; because he lived the word that we were all created equal.

So today the great alliance between African-Americans and Jews needs to come alive again, needs to come alive again if we are to remember from whence we came and who were there with us when nobody else was there.

I have to say it, Mr. Speaker. The one thing I cannot understand is black anti-Semitism, because the one group of people who were always there with African-Americans were American Jews. I cannot understand it, and we need to confront it, and we need to remind people how we got there.

Arnold Aronson, for most of his life, worked for the National Jewish Community Relations Council and worked in that capacity for full rights for American Jews and American blacks. If indeed we mean to finally finish this struggle, we can only finish it if we rededicate ourselves to the principles that made it a great struggle. If it is only about our rights, it is about nobody's rights. It means nothing if we take on the very mantle of prejudice that we are ourselves so long have criticized others for wearing.

So this evening let the life of Arnold Aronson take us back to basics, to our first principles that all men and women are created equal, that if I am a black I will stand up first against anti-Semitism. If I am an Hispanic, I will stand up first against racism. The rest of you will have to stand after me. Only then and only with that resolve, only with that sense of coalition and moral authority will we complete the work so valiantly carried on by Arnold Aronson. He does us great honor by allowing us to honor him this evening.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman very much for her very moving statement on behalf of our honoree this evening.

Mr. Speaker, as was said earlier, Arnold Aronson in 1943 started the move toward FEP agencies, but it was in 1945, I believe was the year, that the first State FEP agency was enacted into law, and that was in New York. It is my great pleasure now to yield time to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I want to congratulate the gentleman from South Carolina [Mr. CLYBURN] for taking out this most appropriate special order to honor Arnold Aronson.

Arnold Aronson represents a breed that gets lost, the people behind the scenes who do all the hard work. Often geniuses at an organization get lost. The headlines never pick them up, and history is of course filled with people of this kind, and the American dream would not be realized unless there were so many Americans of this kind out there always.

They were there during the civil rights struggle in great abundance, and they are still there to some degree. They have been intimidated by some of the loud voices and intimidated by the fact that there is such cynical reporting in the media, and have not exercised their full power.

But we are the majority; we are not beggars, the people who care. I call it the coalition of a caring majority, and I often talk about it as being a natural coalition. I say that almost in desperation, a natural coalition, because what we really need is a real coalition, and we have had real coalitions, well organized coalitions.

The Leadership Conference on Civil Rights represents a well organized coalition, a coalition that was needed at a particular time, and if it had not been there we would have a very different scenario for American history. The civil rights struggle and the results from that struggle would be very different.

It is important, and I do not want to be redundant because I think his accomplishments have been cited by a number of speakers, but it is important that we send a message to our young people, young people of all groups, all races, but particularly young people who are African-American. There is so much cynicism, there are so many loud voices competing for their attention in trying to divert them from a course of coalition, that we have to take this opportunity to emphasize the fact that coalitions are the only way to win in America. Mr. Speaker, we only get the majority if we are a coalition in America, if we happen to be a member of a minority.

In fact, the history of the world and the history of prejudice and of oppression shows that one of the reasons that people are oppressed is that they are in a minority. I mean there is no other reason.

When we look at all of the various reasons that oppressors give, they often say that this group was oppressed because it had an inferior education, it had bad hygiene habits, bad sex mores, it had an inferior IQ, the IQ was not high enough. We get that kind of argument sometimes. But get another argument that they were too brilliant, they knew too much, they dominated too many positions in the judiciary, they dominated too many positions in the intellectual circles, and you get the same kind of oppression because the oppressor looks for a reason behind the reason.

The real reason is that because they are in a minority and they are weak, they are fodder for demagogues. I think the senior Benjamin Netanyahu, who has written a book about the inquisition, the Spanish Inquisition, one of his conclusions is that the Jews were oppressed in Egypt, and he searched for all the reasons and found that for no other reason than they were the minority and they were weak and easy prey to demagogues, and the pattern of oppression against the Jews in other places was the same. They were just there, easy fodder for demagogues.

Any minority in any society is easy fodder for demagogues. Therefore, all minorities should always place a high premium on forming coalitions, all minorities. Certainly African-Americans in America should understand that we cannot survive without coalitions. Coalitions are our only means for survival.

Yes, we have had a lot of progress, and of course we are trumpeting and paying tribute to some of the progress that has been made as a result of some of the people like Arnold Aronson, but the message to the young people should be that this is the way it was then, this is the way it has to be now, this is the way it must continue to be. Coalitions. You win with coalitions. The caring majority in America is larger than any other group. When you put it all together, the caring majority is big, the caring majority can make America work.

Most people in America do not want to live by somebody else's sweat, they do not want to live by somebody's else's blood. They do not want to be unfair. Most people in America are ready to follow leadership that calls out the best in them. But unfortunately, the leadership that gets the high visibility, the leadership that gets the media attention, the leadership that gets the microphone most of the time are leadership members who are calling for the worst in people.

This is true unfortunately not only in the majority, but also in some minorities. In our own minority we have had loud voices that have called for separatism, isolationism; loud voices that have gone into extremism; loud voices that have sought to tear asunder long-existing coalitions. Arnold Aronson behind the scenes was one of those people who was always working to knit together that coalition and to make that coalition effective.

Throughout history there have been a whole lot of them. White men, white women, have played a major role in the liberation of black people in America. When slaves were totally powerless, when slaves had no organization to form coalitions with, it was the abolitionists, it was the whites who had to carry the ball.

In the crucial days following the end of the Civil War, it was white Thaddeus Stevens from Pennsylvania, it was white Charles Sumner and others who had to forge ahead and against evil forces that were seeking to undermine the victory won in the Civil War, the end of slavery. They had to forge ahead and help push the 13th amendment and the 14th amendment and the 15th amendment. Whites had to do that, and whites did it, in many cases all alone.

The abolitionists formed coalitions, and those coalitions began to take root after blacks were able to organize. But we are here, and for all of those young people who think we have not gone far enough: too much lack of opportunity, too much discrimination, economic oppression now is the problem, and therefore they want to become cynical about attempting to move forward in coalition with others, I say to those young people, history unfortunately moves too slow.

History unfortunately is a captive of strong men who sometimes are evil men. History unfortunately does not realize the full potential of the human spirit, but history does move forward like an inchworm. Maybe it is a wounded inchworm sometimes, but it moves forward.

We would not be where we are today if it had not been for history moving forward. It is made to move forward because there are people like Arnold Aronson that we do not hear about. They swarm like beautiful butterflies; we do not know they are there, but we only need leadership to call them forth. And among our young people, they could be and should be part of those swarming butterflies moving together to make America great; behind the scenes, unsung, doing the hard work necessary to realize the dreams that are here.

We have a great potential in this country. We are the richest country that exists on the face of the earth. Productivity, prosperity, everything is booming forward at this point. Why are there so many people suffering? Why are there such evil ideas being put forth? It is because so many people have given up; so many people do not recognize that when we put the coalition forward, we are the majority, we do not have to be beggars.

Arnold Aronson understood that. He understood the price we have to pay in energy and time and patience to make the coalitions work. I salute Arnold Aronson, and I hope the young people will go searching; when they do their book reports and they make their various presentations during Black History Month, as well as any other time, that they single out people who have not been highlighted in the encyclopedias enough, people who have not been portrayed on the calendars, but the people who have made history what it is in terms of the positive movement forward in America, people like Arnold Aronson. I congratulate Arnold Aronson on his 86th birthday.

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I congratulate Arnold Aronson on his 86th birthday. I thank the gentleman for being here.

Mr. CLYBURN. I thank the gentleman for his statement. Mr. Speaker, in closing this special order this evening, I thought as I listened to the remarks being made by my colleagues this evening, I thought about the last time I shared a lunch, I believe it was in Kansas City, with Arnold Aronson and the things we talked about.

I thought about many of his successors as president of the National Association of Human Rights Workers: Dick Lexum in Michigan, Leon Russell, and Albert Nelson in Florida, Mary Snead in South Carolina, Marjorie Connor in Michigan, and many, many others.

I thought about Martin Luther King, Jr.'s letter from the Birmingham city jail. A lot of us read that letter. I try to read it at least once a year. There is a place in that letter where King spoke or wrote about people like Arnold Aronson. He wrote at one place in his letter that we are going to be made to repent in this generation, not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.

I am pleased to join with my colleagues tonight thanking Arnold Aronson for being among the good people who refused to remain silent. Because he spoke up and because he stood up, many of us are here in this body this evening, and many of us are in similar bodies all across this country. I can think of no better way to help him celebrate his 86th birthday than to have participated in this special order tonight.

Finally, Mr. Speaker, I want to wish Arnold Aronson many, many more birthdays.

Mr. BISHOP. Mr. Speaker, I rise today to applaud the work and character of Arnold Aronson. His distinguished career in civil rights spans nearly 60 years. Mr. Aronson is most noted for being one of the founders of the Leadership Conference on Civil Rights in 1950 and his draft of the report "To Secure these Rights." This report was later issued by President Truman's Citizens Committee on Civil Rights in 1947 and eventually became the basis for the 1957 Civil Rights Act. Mr. Aronson was also one of the ten organizers and leaders of the historic 1963 march on Washington.

Throughout his career, Aronson has worked with many organizations spanning the entire spectrum of the civil rights movement. He was program director of the National Jewish Community Relations Council and founder and president of the Leadership Conference on Civil Rights Education Fund. He is also noted for his attempts to rally Jewish and black communities in the interest of racial tolerance.

I salute the dedication and contributions of Arnold Aronson to civil rights.

GENERAL LEAVE

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

TAX AND SPEND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the Chair recognizes the gentleman from Maryland [Mr. EHRLICH] for 60 minutes.

Mr. EHRLICH. Mr. Speaker, I am going to be joined by a number of our colleagues tonight on the majority side to talk about a couple of issues of great importance to the American people. The gentleman from California [Mr. COX] and I want to talk about an issue near and dear to our hearts, reform of estate taxation and the way we tax success in this country.

We are going to talk about the balanced budget, and the hope for cutting the capital gains tax rate in this country.

Mr. Speaker, what we are really talking about tonight is tax and spend: how we tax and why we spend so much in this country.

There are really two issues, when we think about it. One is how we put the brakes on government, because the nature of government is to grow always, at every level of government: local, State, and Federal. That is pretty natural when we think about it, because it is the nature of elected officials to want to please their constituents.

Unfortunately, that desire to please has given us an almost $6 trillion budget deficit in this country, an issue we will be talking about in greater detail in the course of the evening.

How do we put the brakes on the nature of government? In Maryland, in the Maryland Legislature, the Maryland General Assembly, where I came from for 8 wonderful years, we have a constitutional requirement for a balanced budget. We are striving for that same policy goal in this House, as Members well know.

The second part of the equation is empowering people, how we are going to empower the individual and not government. That is the logical second part of the equation.

First of all, putting the brakes to government. I am pleased to sit on the Committee on the Budget under the chairman, the gentleman from Ohio [Mr. KASICH]. I am pleased to sit with Members from both sides of the aisle who are serious about actually balancing the budget, what should be a noncontroversial goal in American political discourse, but it is. An awful lot of folks we represent do not understand why it is so controversial.

As I said earlier, Mr. Speaker, it is the natural inclination of people to please. It is the natural inclination of folks in public office to please. We are politicians. We run for elections. We want votes from folks. Usually we get those votes by promising people something. Unfortunately, on both sides of the aisle over the last 3 decades in this town, we have garnered votes by promising more government.

For whatever societal ill has come about, whatever real or perceived problem is high on the national agenda, politicians have promised more government because it is the easy thing to do. It is always easier to say yes than say no. It is always easier to create one more law, to put out one more regulation, to create one more agency, to pass one more statute, because unfortunately, an awful lot of us run for election on records, and those records are composed of what bills we have passed in the legislature.

We do not measure success by how we have downsized government, we measure success by how we have increased the scope of government in our daily lives. That is very unfortunate. I think a lot of the folks elected around here in the last couple of terms understand that is not the appropriate measure of what we should be doing in this town, because we simply cannot afford it.

There is a distinction between politics and leaders, between politicians and leaders. Politicians respond to the natural inclination for government to grow. Leaders will make the right decisions. Leaders will say no, because part of leadership is saying no, and that is where the Committee on the Budget is, particularly in the 105th Congress. That is what we are going to deliver to the American people, a real balanced budget with honest numbers.

The second part of the equation is, once we get government to stop growing, how do we empower people? People want to be empowered. As government loses power, individuals gain power. One, we empower people to put more money in their pockets so they can decide how they will spend their own hard-earned money.

There are two issues I would like to discuss with my colleague, the gentleman from California [Mr. COX] this evening, and we may be joined by another colleague, the gentleman from California [Mr. RADANOVICH]. They pertain to two major issues in the 104th Congress with a common goal: how we will empower individuals, how we will empower people to be successful in life.

I am joined by Mr. COX, and I would first like to compliment him on the great leadership he has shown with respect to the first issue, which is the way we penalize success in this country through estate taxation at the Federal level.

I know the gentleman has a number of comments on this subject, so I yield to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker I thank the gentleman for yielding to me, and I thank the gentleman for coauthoring this legislation with me. We now have, as he knows, well over 100 sponsors, Democrats and Republicans, in this Congress to do what California did by an initiative of the people; that is, repeal death taxes, the taxes on after-tax life savings, at the end of a lifetime of hard work.

A liberal, and I know he is a liberal because he describes himself as such in testimony before Congress, professor from the University of Southern California where I went to college said, as an unrequited liberal he was opposed to death taxes because they are so antiliberal. He called them virtue taxes.

If we think about it, it makes sense. We are familiar with the notion of a sin tax, taxing tobacco or taxing alcohol or taxing gambling. These are called sin taxes. But a virtue tax would be a levy by the government on virtuous behavior, such as saving, investing, working, avoiding conspicuous consumption and instead helping other people.

That, however, is what the death tax is. It tells someone during her or his life that what they should really do if they can acquire any earnings from their work is consume it. Do not save it, do not invest it; use it up, use it up, but surely do not try and use it for the purpose of making your family better off.

It is ironic, because what that does is act as a repealer on human nature. After you get done putting food on the table and clothes on your back and a roof over your head, as a human being the most powerful incentive that you have to continue working is to help those that you love.

So Congress in its infinite wisdom came up with a tax on that virtuous behavior, on continued hard work even beyond what you need for yourself, on saving, on investment, on the avoidance of conspicuous consumption, and called it a death tax, for the reason that, I suppose, we could extract a third time from someone that we had already taxed on income during life, on capital gains during life, more money for the benefit of everyone else.

That would be a great thing if it worked, but it does not, for two big reasons. First, it does not yield much revenue. Less than 1 percent of all of our Federal revenues is provided by death taxes, even though every American knows that there is an army of tax lawyers and tax accountants at work in the industry of avoiding this tax.

The second thing is, to the extent it is paid at all, rich people are not the ones paying it. Rich people like Jacqueline Kennedy Onassis can avoid this tax, as she did when she passed on her estate to her already wealthy heirs with a state-of-the-art trust. Most of that tax liability is thereby foregone.

Peter O'Malley, who many Americans who live outside of California have now come to know as the owner of the Dodgers, at age 59 decided that he had an estate planning problem. The Dodgers were a family owned business. They are a local franchise and a local asset for us in southern California. We certainly do not want it busted up.

But the O'Malley family, and Peter O'Malley specifically, looked at the problems that would be faced for that family-owned business if he were to die and he had not liquidated or sold the Dodgers and passed them on to some corporate owner. So with the death tax at 55 percent, somebody like Peter O'Malley has a pretty big incentive to convert that tax liability into a capital gains tax liability by selling the team while he is still alive, and then taking those liquid assets and putting them in the form of a trust or whatever, the fancy tax lawyers and accountants come up with to avoid the tax at death, as wealthy people are wont to do.

Rich people do not pay it, and it does not provide any revenues. It does not work. It fails the test of empiricism, but what it does do is change behavior all over America. Even worse than that, it busts up small businesses; not, typically, Peter O'Malley's Dodgers. They will not be busted up by the estate tax on Peter O'Malley's death, although they might be moved out of L.A. as a by-product of the death tax. But family farms, ranches, small businesses run by people who are cash-poor, who have trouble meeting the payroll on a weekly basis, will get busted up. Seven out of 10 family businesses, 7 out of 10 small businesses in America do not survive the death of the founder. In 9 out of 10 cases it is because of death taxes.

What happens is that if you own something that is an ongoing businesses, the death tax is applied not to your income, not to your wealth, not to your cash or liquid assets, but to the property, and the only way to satisfy that tax is to sell the property in order to create a liquid asset, since the Government will not accept your business in exchange for the tax liability. They want cash.

□ 2100

You have got to liquidate the business. You have to bust it up. And what happens? The job creating potential of that business is destroyed so no new people will be employed there. But worse yet, the people who did work there lose their jobs. And what is their rate of tax? It is not even the 55 percent, which is a confiscatory rate for a tax on after-tax life savings. It is 100 percent. They pay a 100-percent tax because their entire income has been wiped out. They have just lost their jobs.

This is what is happening to family businesses, to small businesses, to ranches, farms across America. It is responsible for the loss of both new job opportunities and existing jobs.

The White House Conference on Small Business, whose conferees were appointed by President Bill Clinton, made repeal of death taxes, not moderation of death taxes, not reform of death taxes, but repeal of death taxes their No. 4 priority out of over 50 legislative proposals to help small business in America. This is how great a concern this issue is to small business.

We talk a lot about tax simplification. Do you know how many pages of the Internal Revenue Code are cluttered up with the death tax alone? Eighty-two pages of legalese that no American can possibly understand without the help of a fancy tax lawyer and tax accountant. That is just the Code itself.

Then there are several hundreds of pages of tax regulations interpreting those 82 pages that, again, you have got to have paid professionals to interpret and understand.

So what happens is that while the Government does not get the revenue from the tax, as I said, less than 1 percent of our Federal revenues comes from this source, tax lawyers are getting some money. Tax accountants are getting some money. There are a lot of trusts and avoidance techniques that are set up that people are investing in. All of it is make work. No economic product as a result of all this. It is an insipid, wasteful and, I daresay, immoral system.

I will close with this point and yield back to the gentleman by explaining why I go so far as to say this is immoral. I mentioned the reasons that this is a virtue tax, that it directly discriminates against savings, work, investment, the avoidance of conspicuous consumption, so on, but it is even worse than that. It goes further than that in the injury that it inflicts on Americans.

I was talking to a city council representative in one of the cities that I represent. It is a part-time city council. And in his real life, in his working life, outside of politics, he is an estate planner and a tax lawyer. He told me that in a recent day, just before I had spoken with him, he had spent the afternoon with one of his clients on his client's deathbed as that man was passing away. And in the hours that he spent with him, he had him sign documents.

This was at a time when his wife and his children, his family would have loved to be with him and spend their last moments with him while he was spending his last day on Earth. But instead he was with a lawyer signing documents.

This lawyer said to me, this city councilman who also represented his neighbors on the city council, that none of the papers that he had his client sign had any economic effect. There was really no real life consequence to any of these things except this: that if you signed the papers, you did not owe the tax and if you failed to sign the papers, your family would lose the life savings that you had put together so that they could keep on going.

So the man signed the papers, was deprived of those final moments with his family. The Government got no money. The tax lawyer got paid and the tax lawyer came to his Congressman and complained, this is not what Government should do to American citizens in their final moments on Earth.

It is an immoral tax besides being a failed exercise in collecting revenue. I mentioned, less than 1 percent of the revenues are provided by death taxes. Sixty-five cents of every dollar collected are consumed either in administrative costs by the IRS or compliance costs by Americans who are seeking to avoid their tax liability through legal means, hiring tax lawyers and accountants and so on, who are hiring tax lawyers and tax accountants to help them fill out the paperwork so they can pay the death taxes that the Government is not getting appreciable revenue from in the first place.

This is a miserable idea to have on the books. It is a failed exercise. Whatever good intention there may have been behind putting it on the books in the first place, we now have nearly a century of experience with it. It deserves to die. The death tax deserves to die, and we should repeal it. And that is why I am so happy to see so many Members here on the floor fighting for that effort.

Mr. EHRLICH. Mr. Speaker, I again congratulate the gentleman on his great leadership with respect to this issue. We have been joined by two of our great colleagues, Mr. RADANOVICH of California and Mr. HAYWORTH of Arizona. What I would like to do is, Mr. COX, I would like for you to comment on this question as well, because you have pointed up some very pertinent facts concerning the history of this very unfair tax.

You pointed out that it began as essentially a tax on the very, very wealthy. And it has come to represent a real punishment scheme against middle class folks in this country, particularly small business people. I will just cite a recent study from the Center for the Study of Taxation wherein it is estimated that over a 7-year period, GDP would increase $79.2 billion, 228,000 more jobs would be created and private capital would increase $630 billion simply by the repeal of this very unfair tax.

And I have to point out one further fact, the wonderful thing about measuring Government not by how much it grows but by how much it contracts is your bill, H.R. 902. How many pages did you earlier state this particular tax takes up in the code?

Mr. COX of California. In the Internal Revenue Code, 82 pages.

Mr. EHRLICH. Your repeal takes up 7 lines. That is what we should be about in this town.

I know I have a small businessman, a good friend, Mr. RADANOVICH, waiting to speak on this issue. I welcome the gentleman and I welcome my friend, Mr. HAYWORTH from Arizona. I yield to the gentleman from California, Mr. RADANOVICH.

Mr. RADANOVICH. Thank you very much, Mr. EHRLICH.

As my friend and colleague, CHRIS COX from California is one of the many from the 52 Members of the California delegation that traveled to his State back and forth, many of us spend long hours, as do you from Arizona, on the airplane back and forth. I managed to get hold of an incredible book that I would spend my time reading going back and forth across this country. It is called "Undaunted Courage." It is by Stephen Ambrose. It is the story of the discovery or actually the mapping of the Louisiana Purchase by Meriwether Lewis. And he was sent out in the 1800's, 1804, by the third President of the United States, Thomas Jefferson, to explore what was recently purchased as an addition to the United States. I read with fascination and interest the stories of risk that that man took, Lewis and Clark, both of them, and their party, in coming across to discover this new land and map out this continent.

I cannot help but think what either Meriwether Lewis or Thomas Jefferson would have thought had they realized that this country had come to the point where the U.S. Government is taking away wealth from not even the rich, I mean this is middle-class stuff here, and that they are actually into income redistribution.

It was fascinating to make that comparison of when you go back and you are privy to so much here in Washington about how this country started and the founding principles and the people and the ideas they had and such hope that they had for the American people, then come to find out that we are in a situation where we are charging capital gains and we are imposing a death tax on the American people. Frankly, I just do not think it was really what they intended when they put this country together with the ideas that they, the founding ideas that they came up with.

So it is unfortunate, I think, that we have come to this position, what we the American people have allowed to become commonplace, which ought to be considered either the extreme or the absurd by us in this, in the form of those types of taxes.

Granted, there are those that would argue that income redistribution is good for the poor and gives a leg up to the poor and needy. And I just have to say that that is not the case and that the American people, who are very generous people and who are encouraged under freedom to take care of their weaker neighbors, do not have to resort to a government-imposed tax to redistribute wealth in this country.

It punishes accomplishment. It punishes success. It is an infringement on the rights of the family institution in this country and really is counterproductive. Unfortunately we have gotten to the point in this country, I guess that is my observation, that this is accepted. This is the norm. I cannot help but think about those early explorers of this continent and the Founders of this Nation who had, if they had any idea what kind of taxes this Government was imposing for the various reasons that they do, they would be rolling over in their graves right now.

Mr. EHRLICH. I agree with the gentleman and I really think the gentleman has hit the bottom line. At some point in this country, in this very House, the collective decision was made to punish success and punish risk in the capitalistic society. When you think about that, it really makes no sense.

I have another question for the gentleman from California, but first I want to recognize our good friend, Mr. HAYWORTH of Arizona, who I know has some very articulate views on these two issues.

Mr. HAYWORTH. Well, I thank my colleague from Maryland.

Mr. Speaker, as I was listening to my two colleagues from California, I thought some incredibly valid points were made this evening in this Chamber to the rest of the American people. My colleague from Orange County pointing out in a very poignant fashion the human toll, the emotional equation that was sacrificed in the name of accounting brought about by this radical redistribution of wealth, this success tax, this death tax, and my colleague from northern California, the first vintner to work in elective office as a constitutional officer since the third President of the United States, Mr. Jefferson, history will provide us the answer whether or not my colleague from northern California will follow Mr. Jefferson as time passes, but you ask the question historically, what would our founders say, not only explorers such as Meriwether Lewis, not only figures such as Thomas Jefferson, but one of those great men who really had a life that in many ways paralleled Jefferson's, overlapped, Jefferson's indeed one of the other founders of this Nation, Dr. Franklin of Pennsylvania, Benjamin Franklin, not only one of our founders but, at the time of this emergence on the American scene, one of our great humorists and philosophers. And I believe it was Dr. Franklin, in his writings for Poor Richard's Almanac, who said there were two certainties in this life: death and taxes.

But I do not believe even Dr. Franklin, with his prescience, could have told us that today this constitutional republic would tax people upon their death. Of course, in the wake of the largest tax increase in American history visited upon the American Nation of the 103d Congress, when our current majority was in the minority, when three of us amongst the four were private citizens, a retroactive tax increase at that.

Mr. Speaker, colleagues, I have been across the width and breadth of the Sixth District of Arizona, visiting with a variety of constituents in a variety of town hall settings. And from retirement communities in Sun Lakes to high school classes in Fountain Hills to gatherings in Flagstaff and, indeed, this Saturday in Payson, AZ, on topic continues to come up. It is this death tax so onerous, so oppressive that we pay with a human toll that even as eloquent as the numbers my colleague from Maryland offered tonight, takes a human toll not only on the families affected, as my colleague from Orange County, CA pointed out, but also upon what could be the creation of new jobs, the expansion of wealth, the preservation of small businesses.

That is why I am so pleased that my colleague, Mr. COX, has introduced his legislation. That is why I am honored, as the first Arizonan to serve on the House Committee on Ways and Means, where we have jurisdiction over these issues of taxation.

□ 2115

While I am so enthralled with the majority on that committee, the gentleman from Texas, Mr. ARCHER, and many others, who want to throw off the yoke of oppressive taxation to offer true compassion to the American people, not some formula for the radical redistribution of wealth that would tell the American public that Washington knows best, but a notion that people could truly put their families first and in so doing could provide for others through the virtues of our free market, that is the challenge that confronts us today.

From Fountain Hill to Sun Lakes to Flagstaff, I am hearing from constituents of all ages of their very genuine concern about the death tax, their very real reservations about our entire system of taxation, and a notion that, yes, some tax must be paid, of course, but why would we punish success? Why would we punish people who have taken risk, who have provided jobs, who have helped to build the economy? What is inherently selfish about that? For it is not greed; it is, instead, benevolence and true compassion through the free market to offer jobs.

While many in this Chamber may disagree, and if there is a major philosophical divide in this 105th Congress amidst this era of good feelings and bipartisanship, it is of course the notion that our opponents believe, many of them, that a centralized government redistributing the wealth knows what is best. We say the contrary is true; that the American people, working families, since this tax extends now not to the super wealthy but to those of moderate means, who have worked all their lives, to, yes indeed, working families, by allowing those families to provide for themselves, by allowing the fruits of their labor to be invested, we will in fact continue to build this economy and continue to be the envy of the world.

So I am honored to be here. I certainly appreciate the efforts of my colleague from southern California, and I thank the gentleman from northern California, and my good friend, who makes, in essence, a half an hour or 45-minute commute from his district in Maryland, and we invite him out West to catch up on his reading from time to time and also visit with some of our constituents. I think we understand what is a truth which stretches from coast to coast and, indeed, to the 49th and 50th States of our Union as well.

Mr. EHRLICH. I thank the gentleman for his invitation, it is accepted.

Mr. HAYWORTH. Indeed.

Mr. EHRLICH. I wanted the gentleman from Arizona and my classmate, the gentleman from California, to respond to this question, but I will first direct it to the senior member of this group, the other gentleman from California, Mr. COX.

We have talked about the state of the law. We have not talked about how it got to be what it is. We talk about success, and the gentleman from Arizona and the gentleman from California were very eloquent, but when we think about it, risk is really at the bottom of success, because what do we do in a free society? We encourage folks, companies, individuals, sole proprietors to go out and risk sometimes their life savings to start a business, to expand their business. Within successful risk we have jobs and jobs creation.

I have a quote from Chairman Greenspan, who appeared before the House Committee on the Budget last week and in front of the Senate Committee on Banking, Housing and Urban Affairs in February. On capital gains this time. Think about these words: "I think it is a very poor tax for raising revenue." This is a quote. "And, indeed, its major impact, as best I can judge, is to impede entrepreneurial activity and capital formation. While all taxes impede economic growth to one extent or another, the capital gains tax, in my judgment, is at the far end of the scale."

Think about those words from the chairman. Think about what we know. Think about what the gentleman hears in Arizona, what the two gentlemen hear in California, what we hear every day, what we have lived. And my question to Mr. COX is, how did we get to where we are? How did the gentleman, who has been a great leader on these issues, and others in this body have been great leaders on these issues, how did we fail to send the right message to the American people that we will no longer penalize risk in this free society?

Mr. COX of California. Like so many things, and I thank the gentleman for yielding, these taxes were born of good intentions. Like so many government programs, they started out as simple things and grew into complexity and, in fact, inefficient complexity, so much so that they fail utterly in achieving the intended purpose. Capital gains is a perfect example.

As recently as 1978, capital gains taxes were even higher than they are now. And in 1978 there was a bipartisan effort to reduce that rate of tax on capital gains. Because back then, in 1978, people knew if we called it capital gains, the country might not understand what we were talking about. They understood it for what it really was, a penalty tax on savings and investment.

On a bipartisan basis, I remember the gentleman from California, my Senator, Alan Cranston, my Democratic Senator, fought very hard to reduce that penalty tax on savings and investment because it was depriving people of the opportunity to work. It was killing jobs, to put it quite simply.

So we reduced the rate of tax in 1978 from a very punitive nearly 50 percent down to 28 percent. And the truth is that, although all the government revenue estimators predicted that we would lose money, because after all we made the rate of tax lower, the next year, what happened? The Treasury of the United States collected more money in so-called capital gains taxes, it is actually a penalty tax on savings and investment, than they had the year before. And the same thing happened the next year and the next year.

It was $9 billion that the government got in 1978. They were getting $11 billion from that tax at a lower rate of 28 percent in 1980.

Mr. KINGSTON. Would the gentleman yield for a question?

Mr. COX of California. Of course. Be happy to yield to my colleague.

Mr. KINGSTON. Would the revenue from capital gains taxes go up because there were more transactions, because people no longer hoarded their money but they went back into the marketplace and traded goods?

Mr. COX of California. That is precisely what happened. Capital gains realization, and we have the data on that as well as we do on revenues, skyrocketed. So what happened in 1981? We passed the Economic Recovery Tax Act and reduced that rate of tax still further, all the way down to 20 percent from an initial high rate of 48 percent.

And once again the government revenue estimators said if we reduce the rate of tax on capital gains of course we will get less taxes. And they ignored 3 years of history when they said that. But we then found in 1981, 1982, 1983, 1984, 1985, all the way to 1986 that revenues went up and up and up, from that basic $9 billion at the high rate of 48 percent, to $50 billion at a rate of 20 percent.

And why did it stop in 1986? The gentleman asked how we got here from there. Because Congress decided this had been such a successful experiment moving the rates down, they wondered what would happen empirically if we raised them, and they raised the rate of tax on capital gains back up again. Revenues fell off to $33 billion from $50 billion in 1 year.

And as of now, as we debate here tonight, the Internal Revenue Service's most recent data are that we still have not got back up to the level of capital gains revenues to the Treasury of the United States that we had in 1986, 10 years later.

That is how we got there from here, with the best of intentions. And our Government revenue estimators, even now in 1997, are telling this Congress that if we reduce the rate of tax on capital gains, the Government will lose revenues. Where have we heard that before?

If we did not like all the empirical evidence from America, we could look at Mexico and other countries that have had this same experience and we could find that, as my colleague points out, there is more economic activity stimulated. When we have a more moderate rate of tax, the Treasury makes out better.

So if we are worried about education, the environment, transportation, national defense, national security, anything that we would expect our national Government to do, we would have more resources to do it by plucking the goose more gently. But these punitive high rates of tax on savings and investment are killing the country, killing job creation.

Ultimately, the rich do not pay because the rich have salted away enough already. The people that pay are the ones who pay with their jobs. If we have a death tax that literally causes the business, their place of employment to be busted up, of course they lose their jobs. Of course they pay a 100-percent rate of tax. Of course they are the ones bearing the entire burden on their shoulders.

I wanted to make one more point and yield back. We have talked about how we are punishing success with the death tax. We are also not just punishing people of modest means, we are punishing people who can barely scrape by, because there is nothing in the death tax that says you have to be making money.

What the death tax says is even though individuals paid property taxes on their assets throughout the lifetime of their business, year in and year out, even though they paid income taxes, we do not care if they have any net income in this business, we will take a look at their balance sheet and see what assets they have, and we will force them to liquidate them and pay taxes on their net asset value.

So let us say that an individual is, as farmers like to call themselves often, cash poor and land rich. The only way an individual could have any money is to sell off the whole farm. That is what the Government wants them to do. That is what they want that family to do. They want the family farm to suffer. Bust it up, sell it, corporatize it, get rid of it, as long as the Government gets its death taxes.

The only people that are unlucky enough to be in this position are the folks who are cash poor because they could not hire the tax lawyers, the fancy accountants to do the tax avoidance trusts that all the rich do to avoid paying this tax, which is why less than 1 percent of our Federal revenues come from this.

Even then this is the most inefficient way that the Government could imagine to collect tax because, guess what? We do not know what this is worth. We do not know what the property is worth. If it has been a family business for a long time, they have not been selling it back and forth, it is not a marketable asset. And if they are busting up the business, it is no longer a going concern, so what is this asset worth all by itself?

So the family, the heirs, the people who are trying to carry on that business, but cannot, have to get in a lawsuit with the IRS. And how often does this happen? Right now, as we debate here tonight, there are 10,000 active lawsuits over the question of valuing the estate under the death tax. That eats up all the money that the Federal Government might have gotten out of it because we have to argue for years in court about what the thing is worth.

It is a hideous example of government run amok. Perhaps with the best of intentions it was put on the books in the first place, but it does not work and the death tax deserves to die.

Mr. EHRLICH. I thank the gentleman for the history lesson. I appreciate it very much. I think we all do.

Only in this town do people think that when we raise taxes we generate additional revenue. It just does not work that way, and the gentleman's numbers speak for themselves. History, the empirical evidence, speaks for itself.

We have been joined by our friend, the gentleman from Georgia, Mr. KINGSTON, who I know is over there chomping at the bit as well. I welcome him to our discussion here tonight.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding. I wanted to talk about three people who I know to be constituents and I have changed their names only.

One is a man who worked hard all his life and had a good income, was not wealthy, he made about $40,000 a year his last couple of years. That was the peak of his income. He saved his money all his life, buying Exxon stock or IBM, the blue chip stuff in the 1960's and the 1970's. Now that stock has tripled in value and he has accumulated assets and he cannot sell it for a medical emergency or long-term care in his retirement now because of the huge capital gains tax.

Another person. A widow. Lives out on Whitmarsh Island. I represent the coast of Georgia. Whitmarsh Island is a beautiful barrier island. Actually, it is not a barrier island, but it is an island. Waterfront property. The woman bought the land with her husband in the 1960's, and in the 1960's this property, which is 2 or 3 acres, was worth $25,000. Today that same piece of property is worth $500,000. Husband is dead. She is now a widow. She is on a fixed income and she has a fixed income of about $15,000 a year.

If she sells the property to raise money for long-term care, she is taxed at the $500,000 tax bracket or whatever she can get for the property. Again, she would be helped by a capital gains tax relief.

□ 2130

Another one, a young person, somebody who is about 38 years old, bought some land in a commercial-residential mix area, an area that was going commercial. It was a house. He paid $35,000 for it 10 years ago. Today that land is worth about $50,000. So he would have a gain of about $15,000. Revco came in, the drug store, and offered to buy that land from him. He did the math on it and found out that after paying the capital gains on it, he would not have made any money off it after holding it for 10 years. So he says to Revco, "No, I don't choose to sell." What does Revco do? They move elsewhere. That is two or three jobs right there in his neighborhood that would have been created, that needed to be created, that could not be created because the capital gains tax said no deal.

The tax system is slowing down the economy, slowing up potential for growth, and penalizing our elderly. Those are 3 real life examples that I know of.

Mr. EHRLICH. I thank the gentleman from Georgia. I think it is very important that we in these discussions talk about real people in real life in real situations facing real problems because of the real burden we place on people in this town.

Speaking of real small business people, I know the gentleman from California [Mr. RADANOVICH] recently married, and we all congratulate the gentleman, our good friend. He has a real life story of his own.

Mr. RADANOVICH. My appreciation to the gentleman from Maryland and my wife in the gallery says to say hello.

Mr. Speaker, the comment that I did want to make is that, first, in reference to starting business and what you had eloquently said earlier about the fact that those who take the risk should get the reward.

One of the things I find very, very interesting in having taken a certain amount of risk on my own in the private sector is that there are a lot of people that are there that want a piece of that that may not have taken that certain element of risk and it is very, very important to understand that that is part of the reward from stepping out and doing something that might be out of the norm, in creating wealth or in any venture. Those who take the risk deserve the reward. They should not be redistributed.

The final point that I want to make, unfortunately I have to leave the Chamber, it is when government begins to get too big, when it becomes too large in the great scheme of things in America, when it begins to assume too many responsibilities from the American people, when it becomes activist in social issues and begins to get involved in social engineering, you do have to dream up quite a few different ways to raise revenue. What might be the norm, and how to levy taxes on, say, sales tax or income tax, which has even been accepted as the norm these days, you can go the extreme on issues such as capital gains and estate taxes. It is because I believe that government has gotten far too involved in social issues that they have gone so far as to levy taxes in areas where the Constitution never meant them to be in the first place.

Again, it is not the responsibility, I think, of the Federal Government to be enhancing the social network or to be getting involved in social activism. I would read in the Good Book that there is a story in the Bible that talked about the man who gave equal amounts of money to three different people and he punished the one who hoarded the money. It is the responsibility of Americans, I think, with the money that they have been blessed to be able to earn, to regenerate that, to create jobs with it, to reinvest it in their community, to create jobs for many, many people. It is not up to the Government to take that money away and penalize that person for their own initiative and somehow be responsible for that moral obligation of creating wealth and providing jobs in the community of Mariposa or Timonium or in Tempe or in some of those other areas. It is not Government's responsibility to be doing that. It is the individual wealth creator's responsibility to be doing that. Again, it is just another example of somehow, somewhere through the process of government getting way too big and getting involved in way too many things that they have dreamt up this idea that they should social engineer this country and, oh, by the way they are going to impose a death tax and they are going to impose a capital gains tax to fund this thing and, by the way, is the social fabric of this country any better over the last 30, 40, 50 years? I say no, absolutely not. Not only have they decided to get into the business of social activism by imposing taxes of such an abnormal nature as these, they have made things worse and they have done a poorer job of it.

I think that is sum and total what we face when we are in Washington, us being freshmen and having the privilege of being here with the gentleman from California [Mr. COX] and the gentleman from Georgia [Mr. KINGSTON], is that we have the ability now to change something like that. But somebody has to understand whose responsibility is it to create wealth in this country, whose responsibility is it to create jobs, and that is something that is a moral imperative that should not be the responsibility of the Government.

Mr. EHRLICH. Well put. I thank our colleague from California.

The gentleman from Arizona earlier used the phrase that folks, quote, want us to throw off the yoke of oppressive taxation.

My inquiry to my good friend is, is there anybody in Arizona who thinks they could do better with a few more bucks in their pocket, who believes that a cut in the capital gains rate, or elimination of capital gains differential in this country, will result in an awful lot more economic freedom and capital formation and jobs and wealth creation?

Mr. HAYWORTH. I thank the gentleman for yielding. To answer his question, what I hear from people of various political persuasions, indeed if we return briefly to the political season, one of the areas of discussion was the notion of helping working families. As our colleague from southern California has pointed out, as our colleague the gentleman from Georgia has recounted with real-life experiences, as I hear in town hall meeting after town hall meeting, there is an insistence, not born of greed but of genuine compassion and old-fashioned Yankee ingenuity, that people want to hang on to more of their money to save, spend and invest as they see fit on their families, not rejecting the notion of compassion but to truly be compassionate. And so what I hear, to answer my colleague's question, is widespread interest in changing, repealing as my colleague from southern California says, death to the death tax, and rethinking and reducing the capital gains taxes.

Indeed, we might point out, Mr. Speaker, for some of the American people who join us here, as my colleagues from Maryland, California, and Georgia have been talking tonight, just a brief lapse into previous terminology. When we talk about the death tax, it is truth in labeling, because under the current scheme, in the current lexicon, people talk about estate taxes as if this were some sort of palatial gains. It does not tell us the truth. It is a tax literally upon people who die, there is a penalty for dying, and my colleague from California pointed it out.

I just wonder, Mr. Speaker, if we should also come up with a new term for the capital gains tax. As my colleague from Maryland pointed out, since people want to see a reduction in those rates, should we then rename that the success tax, because you are taxing and penalizing success.

Mr. COX of California. You might have to call a significant part of it the inflation tax because, just like with death taxes, there is no rule that says you have to be successful in order to have to pay it. The capital gains tax, or what I prefer to call the penalty tax on savings and investment, might also be called the inflation tax because, as we all know, we have inflation in this country and over time it adds up a great bit.

If you buy a piece of land, you buy an asset, you start a small business, just to use an obvious example of a corner grocery store, although we do not have too many of those, partly for this reason, in America, but let us say you have got a corner grocery store. And so you buy the store. The Tax Code says that is a capital asset. If you paid $10,000 for it 20 years ago, with inflation, what is that worth today?

I do not have my calculator, but anyone can figure out it is not 10 grand anymore. If you sell the grocery store for less money than you paid for it in the first place, the nominal selling price, because of inflation, is going to be more than you paid for it and you are going to be taxed on the difference. So even though in real life you lost money, you are not a rich person, they are going to start requiring you to pay tax on that sales price.

The truth is that because we have not indexed for inflation a property tax, you do not have to make money, you can be losing money and still owe a significant tax. It can be a tax that wipes out any hope that you have of even surviving, particularly if that was your life savings, particularly if that is your only asset in life. To take someone's entire life earnings, their entire life's work and tax it all in one accounting period as if it is just income from a job, particularly when they paid income tax on it all through their life, is not only double taxation but it is punitive and it is an inflation tax, QED.

Mr. KINGSTON. If the gentleman will yield, there is also certainly class envy in this to some degree that we do have certain politicians playing on class envy because they can get reelected easier if they stir up income groups against other income groups. Nowadays it just seems to be horrible to be successful.

For example, in Atlanta we have CNN. Ted Turner brought it in. If we have a capital gains tax reduction, will Ted Turner make out? Yes, he will, and I do not think it is a virtue for me to bash him for that. Is CNN good for Atlanta? Yes. Has Ted Turner brought lots and lots of jobs to Georgia? He certainly has. Has he taken lots of risk? Yes, he has. For that he has been rewarded through the accumulation of personal wealth, and I do not think because of that that I need to sit back and say, well, let us tax him more because he has been successful.

I was talking to a group of people one time, I said, "When you die, should your house be cut in half and part of it go to the Government? If you have two cars, for example, should one go to your children and the other one go to Uncle Sam?" They said certainly not. I said, "You realize," and maybe the gentleman could correct me if I am wrong, but I believe the threshold is $3 million, "if you have an estate of $3 million, the tax rate becomes 53 percent, I believe, or thereabouts."

Mr. COX of California. Fifty-five percent, actually.

Mr. KINGSTON. OK, 55 percent. So if you have an estate of $3 million, when you die Uncle Sam is going to get half of it. Not your children, not your grandchildren, not your friends, not a charity, but Uncle Sam. You talk to people about that, they do not realize that, because most of us will not accumulate $3 million, unfortunately. But still, just because they have been successful, they have to have a 55 percent tax rate when they die.

Mr. COX of California. If the gentleman will yield, it is very important to stress this point. It is the one that my colleague from Arizona just made a moment ago. This is not a tax on estates as in mansions or what have you.

Imagine, for example, a real-life example of a tree farm. Let us imagine that the land that underlies the tree farm is worth $3 million. But let us imagine that this tree farm, as it currently exists, has been very carefully husbanded by, as is true in this case of the Mississippi tree farmer, the grandson of slaves, who has gotten not only his family but a whole lot of the people in the area employed there.

And then let us imagine that this man is getting on in his years, and he is beside himself because he cannot think of any fancy estate planning technique that will keep that tree farm alive. When he dies, he is looking death in the eyes now because he is on in years, he knows that his family, his sons and what he considers to be his extended family, the people who work on that farm, are going to lose their opportunity to run it, the thing that he built up throughout his life, because they are going to have to liquidate it, sell it, put it on the auction block in order to pay the tax man, and there will be no more tree farm.

Do you know what is going to happen to that land? It is going to be developed. It is going to be subdivided, it is going to be purchased by somebody who is going to put houses on it, a shopping center, a strip mall or whatever it takes commercially to take advantage of the fact that after capital gains taxes, after death taxes and so on, this has some economic viability. So somebody who buys this property is going to want to make money on it, because that is life, and we now have, with death taxes, an additional casualty.

□ 2145

Not just Mr. Thigpen, the name of the man in this real life example, and his family and the people who work there who pay 100 percent tax when they lose their jobs, not just the loss to society of this tree farm, which has won environmental awards, not just the fact that the whole business is going to be wiped out, not just the unfairness of it all, but environmental destruction on top of it, improper stewardship of our natural resources, because the Government is so ham fisted and foolish about the way it collects revenue.

Mr. EHRLICH. Mr. Speaker, the gentleman from Georgia brings up a really interesting point which was really part of our earlier discussions concerning how we got here, how we got to where we punish people who go out and take risks and accumulate capital and create jobs. And the gentleman talked about class jealousy, class warfare, and is it not true that unfortunately in American politics today class warfare, successfully argued, leads to votes? Is that not a proven formula? Is that not unfortunate? Is that not an unfortunate comment about the state of debate in our country today when it comes to what should be relatively—and I understand the gentleman from Arizona talked about earlier there are philosophical differences, legitimate philosophical differences, on the other side, but the fact is and the evidence, as the gentleman from California has articulated tonight, the evidence is such that decreasing taxes, ceasing the punishment of success results in economic growth, but not necessarily votes.

Mr. COX of California. If I might just interject, one of the reasons you see some Californians out here on the floor is that California repealed our death tax by the initiative of the people, and every time you hear somebody say class warfare, you know only some small segment of the population will go for repealing death taxes, do not believe it. The most populous State in the Union repealed our death taxes by an initiative of the people, and we can do it in the people's House.

Mr. KINGSTON. If the gentleman will yield, you know what this is about, as Mr. COX just said, this is not about protecting the assets of wealthy families so that when the oldest person or whoever dies that it can be passed on and then the rich can remain rich. This is about economic prosperity, creating an American dream that is accessible for everybody where the unemployed can get a job, get on the economic ladder and go out and share in the American dream through upward mobility. We are talking about a tax system not to protect the rich but to create opportunities for everyone so that the American dream is accessible.

Mr. EHRLICH. I thank the gentleman from Georgia.

The last word goes to my colleague from Arizona.

Mr. HAYWORTH. I thank my colleague from Maryland for organizing this special order this evening, Mr. Speaker. I would simply point out another real life example that reaffirms the fact that this even affects working families.

Once on national television, on C-SPAN I, one morning one of my constituents called in discussing his situation in Pinetop/Lakeside, the fact that he was a working man, and as my colleague from California pointed out, because of inflation involving some of his land holdings, land that he had invested in, pinching pennies, if you will, trying to take care of his family and also provide for them. When he chose to sell that land, he was penalized; he remained in essence cash poor. That is the unfairness of the success and inflation tax otherwise known as the capital gains tax.

I thank my colleague from California for giving us a real life example of what happens when a group of people say death to the death tax. It can provide new economic life and vitality for scores of Americans. It offers true compassion not through the radical redistribution of wealth, executed by Washington bureaucrats, but through the drive, energy, tenacity, and ingenuity of the American people who are willing to save, spend, and invest in their own families, give of their own hearts to charity and in essence help provide for the next generation.

Mr. EHRLICH. Mr. Speaker, I thank all my colleagues.

TIME TO END CORPORATE WELFARE AS WE KNOW IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, it is time to end corporate welfare as we know it, and many of the kinds of tax cuts we are talking about before for individuals, certainly the capital gains tax on homes, would be eliminated or could be eliminated if we were to go after our Tax Code and make the necessary adjustments and close the loopholes and end corporate welfare. It is time to end corporate welfare as we know it. Great injustices have been done over the past 2 years as we have sought to cut back on expenditures. We have gone after the poor, we have used a microscope and focused it on the weakest and poorest of Americans.

A great injustice has been done in the welfare cuts. It is estimated that as many as 2 million children will go hungry as a result of welfare cuts. A great injustice has been done in the immigration reform. The cuts that take place as a result of immigration reform are elderly people who are not citizens, who in large numbers will end up going hungry, and some will starve, you know. And now we have a situation where we place a microscope on the poor who receive Social Security and other groups that receive a cost of living index increase from year to year, but mostly it is people on Social Security.

A lot of us worry about tampering with Social Security. Yes, they are tampering with Social Security, they have already tampered with it when they made a great cut and took away the entitlement for Aid to Families with Dependent Children. That is part of the Social Security Act.

Now the CPI discussion, the discussion about how to change or tamper with, sabotage, the Consumer Price Index is another method, another tool, for oppressing the poorest and the weakest people in our society. The microscope is now on the poor people who receive cost of living increases. Most of those people are on Social Security.

So instead of doing that, you know, why do not we go after the really big money? Instead of squeezing the little people, you know the cuts in welfare produced small amounts of money because you were dealing with 1 percent of the total Federal budget. If you go after corporate welfare cuts, you are dealing with the really big money. The big money is in corporate welfare. The big money is in the Tax Code, the tax giveaways, and today I am going to talk about the big money is there because the Internal Revenue Service refuses to enforce the Tax Code properly.

Mr. Speaker, their refusal to enforce the Tax Code properly wastes large amounts of money. We can get as much as $70 billion in this present year if they would just enforce the Tax Code properly. We can realize a $70 billion windfall as a result of enforcing the Tax Code properly. That 70 billion or more, I am going to talk about that in a minute.

I wanted to emphasize two important dates. One date is March 12, tomorrow, Wednesday, when the progressive caucus will launch the war against corporate welfare. We are being joined by members of the Black Caucus. There are a number of other Members that do not belong to any caucus. We are being joined in launching a full-scale war against corporate welfare. That is going to take place tomorrow with a press conference to start the process where we will list 15 items, 15 corporate welfare items, items where large amounts of money will be generated.

Now, we are doing this under the aegis of the Progressive Caucus, but we are happy to announce and would like to call the attention to everybody that the chairman of the Committee on the Budget, Mr. KASICH, is also waging his own small-scale war on corporate welfare. At least he is using the right language, but he does not want a real war; he wants a few brush fights. We want to go further and lay it out for the American people: Yes, your taxes ought to be cut.

I agree with the substance of what the gentlemen were saying before. We ought to cut taxes for ordinary individuals, we ought to cut taxes for families. The problem is that the swindle comes when you have had over the last 20 years a tremendous increase in the taxes on families and individuals while corporate taxes have gone way down. Corporate taxes were almost at 40 percent at one time while individual taxes were 27 percent. Now corporate taxes are down to the level of about 11 percent, and individual taxes and individual family taxes are up at 44 percent.

So one of the days that we want you to watch is tomorrow when we launch the war against corporate welfare, and we will lay out the details as to where you can get billions of dollars from the loopholes that will be closed and the various other programs that will be eliminated that constitute corporate welfare.

We are going to add to that, and part of that list is a step to enforce the Tax Code that exists now which does not require any legislation.

The other day I want you to remember, and you cannot forget it, is April 15. April 15 is the deadline for filing income tax returns. Nobody forgets that. Most Americans, vast number of Americans, the great majority, obey the Tax Code. We have more tax compliance in this country than we have in most other industrialized nations.

Americans obey the Tax Code; they respect the law. Individuals and families respect the law, and they obey the Tax Code.

On the surface corporations obey the Tax Code, but if you look closely, there are some instances where not only are the corporations not obeying the Tax Code, the Tax Code that already exists, but they are also not being bothered by the IRS.

The Internal Revenue Service is not seeking to enforce the Tax Code. We are going to talk about that.

Why is the focus always on the poor and extracting more from the poor, and we never seem to see the obvious, and that is that great amounts of money are being wasted in the Tax Code. Great amount of moneys are not being collected. We are giving a free ride to corporations.

Now I have sent out, and this is complicated. I intend to take it slow and submit for the RECORD, for those who are interested, a number of documents that will help you if you want to find out what the background is all about. I have sent a letter to my colleagues asking all of my colleagues who are interested to sign this letter to the Internal Revenue Commissioner. We have sent out a letter to the Honorable Margaret Milner Richardson, and we are going to send a letter out as soon as we get some additional signatures, and this letter is just saying Dear Commissioner Richardson, please enforce the law; please read the Tax Code and enforce the law. There is a simple section of the Tax Code, Sections 531 to 537 of the Internal Revenue Code, which deals with violations related to unreasonable accumulation of surplus, and that is the part we want you to enforce, and if you enforce that, we will realize a minimum of $70 billion in this year because we are talking about the law not being enforced for the past 3 years.

If you go back and look at the failure to enforce the law, you will find that a number of corporations have violated in large numbers, and if you apply a penalty, and it is a pretty stiff penalty, the penalty is 39.6 percent. That is a penalty. If you apply the penalty for the people who have violated it, it will generate a windfall of $70 billion.

This is a letter to my colleagues asking them to sign on, and I hope that those who are listening will take a look at the letter to Commissioner Richardson and will sign the letter.

Needless to say, we are preparing detailed proposals for the expenditure of this windfall of revenues resulting from enforcement of the law and the collection of the penalties. We want to deal with this year's budget in the process of balancing off expenditures against revenue.

The progressives and liberals have not dealt with revenue in a proper fashion over the last 50 years. We have always been concerned with how will the Government take care of the needs of the people in terms of expenditures. We have not looked enough at how the revenue side works, where the taxes are coming from and what the injustices are there.

The pattern I have described repeatedly here is that over the years because of the fact the progressives and liberals and people who care about the majority of Americans have not looked at the tax side, they have swindled us by steadily reducing the tax burden of corporations while they steadily raise the burden on individuals.

So I want to call this letter to your attention, and for those who are interested I want to submit it in its entirety. Mr. Speaker, I want to submit 2 items for the RECORD. One is a Dear Colleague letter to my colleagues in the Congress asking them to join me in this communication with the Tax Commissioner, and the other is the letter, the actual text of the letter to Internal Revenue Service Commissioner Margaret Milner Richardson.

Now this is part of the opening war against the war that will begin tomorrow against corporate welfare. Mr. Speaker, I submit in its entirety for the RECORD, these two documents:

FEBRUARY 12, 1997.

DEAR COLLEAGUE: I am writing to request your support and signature for a letter to the Commissioner of the Internal Revenue Service which may immediately generate more than 70 billion dollars in revenue. No legislation is required. No new rule-making is required. This effort only requires the Department of Internal Revenue to enforce existing law.

Please read the attached letter. In summary, it contends that many corporations have been acting in violation of the law. Since these corporations have been purchasing large quantities of their own stock, they have been acting in violation of the "unreasonable-accumulation-of-surplus" provisions of sections 531–537 of the Internal Revenue Code. At present these violations are accelerating.

Please read the attached letter thoroughly. Within five days we will be forwarding it to the Internal Revenue Commissioner and we need your signature. To offer your support please call Kenya Reid or Jack Seder at (202) 225–6231.

Needless to say, we are preparing detailed proposals for the expenditure of the windfall revenues resulting from an enforcement of the law and a collection of the penalties. Probably we will propose that one half of all such penalty revenues collected should be used to reduce the deficit. The remaining half should be used for one-time capital expenditures for education, job training and job producing work projects.

A clearly enunciated, innovative but practical tax and revenue policy is a long overdue need for Progressives, Liberals and all others who represent the Caring Majority in America. Before the completion of the budget and appropriations process we must enunciate such a policy. While a wise, compassionate and practical spending program must remain a priority, we must elevate our advocacy of tax and revenue measures to the same priority level.

At the center of the Caring Majority's policy must be the commitment to significantly reduce taxes for middle and low-income families and individuals in America. To offset such reductions in the overall income tax revenues we must increase income taxes paid by corporations.

It must be noted that the overwhelming reliance on income taxes is a subject that deserves thorough discussion. It is time to examine more closely the possible revenues that might be derived from selling and/or leasing the spectrum which is owned by all Americans. Greater revenues from the sale and/or lease of other citizen owned property must also be on the agenda of prospective sources. A "value added" or some similar big ticket item consumer tax must not be ruled out.

These are all tax and revenue considerations to be discussed over the next few weeks. The business at hand now is the enforcement of the present tax code. This should be the core of our 105th Congress budget and appropriations program. I look forward to hearing from you.

Sincerely Yours,

MAJOR R. OWENS,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 1997.

HON. MARGARET MILNER RICHARDSON,
Commissioner, Internal Revenue Service,
Washington, DC.

DEAR COMMISSIONER RICHARDSON: My colleagues in Congress who have joined me in signing this letter are very much concerned about a major loss of federal tax revenue resulting from the failure of the Internal Revenue Service to apply against giant corporations the unreasonable-accumulation-of-surplus provisions of sections 531–537 of the Internal Revenue Code.

We believe that the IRS could—and should—immediately assess section 531 penalties on the more than $275 billion that America's largest corporations have spent to buy their own stock in 1994, 1995, and 1996. These penalties at 39.6% would total over 100 billion dollars. Stock buybacks by America's great public corporations are all the rage these days, according to the financial media. Total buybacks by corporations are reported to have risen from $20–35 billion per year in 1990–93 to $70 billion in 1994, just under $100 billion in 1995 and probably over $110 billion in 1996.

These enormous buybacks demonstrate clearly that America's largest corporations are accumulating profits and earned surplus far beyond the reasonable needs of their businesses, and in virtually every case they are paying dividends that are a very small fraction of their earnings, often less than 20%. For example, in the two years 1955–56, IBM earned about $9 billion, or $21.00 plus per share. Of this amount, it paid out common dividends of only about $1.4 billion (2.80 per share). All of the rest—and then some—went to buy its own stock * * * $5.5 billion in 1995 ($4.6 billion common and $870 million Preferred) and $2.3 billion in the first half of 1996, with the two-year total probably $10–11 billion. (True, IBM has a multi-billion capital spending program, but this is much more than on amply covered by its huge additional cash flow of $10–12 billion for the two years, from sale of capital assets and from items that are deducted on the earnings statement but do not involve cash outlays, principally depreciation, amortization and deferral of income taxes.)

We ask you this. Is there not here, and in dozens of similar cases, a clear cut case for immediate assessment of the 39.6% penalty on all amounts used for stock buybacks? Is there any need to get into an elaborate discussion of reasonable needs of the business as envisioned by sections 533 and 537?

To be specific:

(1) These corporations are paying very small dividends, amounting to a small fraction of their earnings.

(2) Therefore, since prima facie the surplus they have used to buy their own stock has been accumulated beyond the reasonable needs of the business, the 39.6% penalty should be assessed. Our study of earnings statements, cash flow statements, and balance sheets leads us to conclude that in many cases the 39.6% penalty might reasonably be applied to even larger amounts than the stock buyback amounts. But that would trigger an extended discussion of needs of the business and other considerations.

It seems to us that our suggestion has the virtue of elegant simplicity: "You spent a billion dollars on stock buybacks. Your penalty is 39.6% or $396 million." We suspect that the Commissioner could do this in a one-page notice * * * or two pages at most.

We suggest penalties for 1994–96 because it was during this period that public company stock buybacks exploded to 12-figure totals. In addition, we are not clear as to whether the statute of limitations would bar these penalties for 1993 and earlier years. Even if it does, we suspect that many 1993-and-earlier corporate returns are still open while other issues are being discussed and negotiated. In this connection, we ask you to take note of the fact that, while the dramatic surge in stock buybacks began in late 1994, some very large amounts were spent many years earlier.

Several giant corporations have been buying back their stock for ten years or more.

As you know, the unreasonable-accumulation-of-surplus penalty provisions have been in the income tax law since it was adopted in 1913. Despite the fact that the statute as originally enacted (and re-enacted a couple of dozen times in successive revenue acts) made absolutely no distinction between publicly-owned and private companies, the practice and the general understanding was otherwise. As Mr. Justice Harlan put it in 1969, quoting (or paraphrasing) Bittker and Eustice, "In practice, the provisions are applied only to closely-held corporations, controlled by relatively few shareholders." (U.S. v. Donruss, 393 U.S. 297).

However, this de facto moratorium on application to public companies ended abruptly in 1985. Congress in the Revenue Act of 1984 amended the statute by adding section 532(c), "The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation."

Please understand, Commissioner, that this is a simple request from elected representatives of the American people that your office immediately take steps to enforce the law.

We look forward to an early response from the Internal Revenue Service.

Sincerely Yours,

MAJOR R. OWENS,
Member of Congress.

□ 2200

Mr. Speaker, I am one of those who is not ashamed to be called a liberal. In fact, I am proud of it. I am a liberal, I am progressive, all of those kinds of things that people seem to shrink away from. Our group has not disappeared. Contrary to rumor and some of the talking heads on TV, we are alive and well and there are more of us than some people think.

We really represent the majority of Americans. If you care about people, if you want to see the wealth of America distributed in a way that benefits all Americans, if you want to see our society hold together, the society, if it holds together, will protect everybody, and the people that have the most to gain from a society that holds together are the rich. The rich have the most to lose if our society breaks apart as a result of extremism and rampant injustice.

What is happening now in Albania, the society is about to fall apart because the government did not regulate the capitalists. It is as clear as that. The Communists had been ruling in Albania for all of those years, and finally the poor people of Albania had a break, they had democracy, they had capitalism, and they allowed swindlers to come in with pyramid schemes that probably most Americans would clearly understand. But these people were new to capitalism, and the new pennies they had, they put them into pyramid schemes. And they were swindled to the point where we had a revolution break out, a violent upheaval break out in Albania.

So it is to the benefit of everybody that the society hold together and, therefore, a just system of taxation is very important for that to happen.

The Soviet Union's economy is collapsing because nobody wants to obey the Tax Code. When the big corporations stop paying and they cannot collect from them, we have chaos. So if they cannot pay the Social Security, equivalent of Social Security in the Soviet Union, pensions, they cannot pay it, they cannot pay government workers.

Mr. Speaker, the head of the Soviet Nuclear Science Development recently committed suicide because this man who headed a very prestigious organization, guided his country into the pinnacles of nuclear war weaponry, was a person with great status among other scientists with great status, found himself in a position where he could not get his scientists paid, his technicians; the whole establishment could not get paid. They were behind many months in pay and they were promised that they would be paid. And when the paycheck finally arrived, it was 1 month only. He took out a gun and blew out his brains. It is that bad in the Soviet Union.

When you have a complete collapse of a society because there is no respect for the Tax Code, no respect for the tax laws, that is what happens. There is a great danger, if you let any segment of the society ignore the tax laws, there is a great danger that you will get into a situation where you cannot enforce any of them. The little guys, the people out there who would be rushing to pay their taxes on April 15 or before April 15 obeying the law would not like to see the situation mushroom that I am going to talk about tonight, and that is a part of the Tax Code is being totally ignored and no effort is being made to enforce it.

Mr. Speaker, we are calling on the Commissioner of the Internal Revenue Service to enforce the law. We do not need legislation, we do not need any hearings, just enforce the law that already exists.

It is not true, it is a bum rap that liberals have a one-track mind. We are accused of wanting only for the Government to spend more. We want to end waste, we want to trim the budget, we want to streamline government, we want the most efficient and the most effective government.

I am profoundly troubled by our huge deficits and the fact that, although they have declined in the last few years, it looks as though they will start growing again in the next century. What kind of national debt will we leave to our grandchildren? We hear a lot of talk about this from the other side of the aisle, but we are all concerned. Some wild guesses from the right are that we will leave a $6 trillion or maybe even a $10 trillion debt. When these people talk about leaving this debt, they do not talk about excesses of the kind that we have experienced over the last 2 years where $13 billion was added to the Department of Defense budget, $13 billion more than the President had requested.

I think the President had requested too much. The cold war is over, but we are still spending at an enormously high rate for our defense. We still have the same size operations for the CIA. The CIA budget has not been reduced. It is a secret budget, of course, so I cannot stand here and say that I definitely know that to be a fact. The budget is still secret, which is one more indication of how backward we are. The cold war is over, but the CIA budget remains secret.

We have evidence cropping up all the time, evidence being revealed that there is a great deal of waste at the CIA. The people that are being paid to spy are selling the secrets of the people they are spying on. And as a result, not only are we wasting money, but people are dying. Lives are being lost as a result of our inefficient, ineffective CIA that will not even reveal its budget to us.

So we want to end the waste. Liberals want to end the waste. Progressives want to end the waste. We need the money in Brownsville, a part of my district that is the poorest district, we need the money in Flatbush, we need the money in Flatbush, we need the money back in the district to rebuild schools. We need the money in 1,000 different ways which will benefit the society far more than pouring it down the drain through corporate welfare and unnecessary expenditures for the CIA and for the Department of Defense.

Mr. Speaker, I am disturbed and troubled by this, and so are many more of my fellow liberals in Congress and elsewhere. But something else that disturbs me and troubles me is the view that the entire burden of balancing the budget should be borne by children whose parents happen to be drawing welfare checks. I am pleased and delighted to hear my colleague, the gentleman from Ohio [Mr. KASICH], tell us again and again that, if we are going to cut back on aid to dependent children, we should go after corporate welfare too.

I congratulate Mr. KASICH, the Republican chairman of the Committee on the Budget. That takes a lot of guts. He is willing to at least fight a brush war with the corporate welfare people. That is a beginning. With his powerful voice, we hope that he will continue to forge forward and begin to listen to what we have to say to him as we launch our war against corporate welfare from the level of the Progressive Caucus and the Black Caucus and others who want to finally see some justice take place in our revenue system.

In fact, corporate welfare costs the taxpayers much, much more than personal welfare. If we add together the amount the Government spends for various corporate subsidies and the amounts of revenue that the Government loses through all kinds of varieties of tax breaks and loopholes for business, the total of corporate welfare takes a much larger part of the Federal budget than income support for the very small, those people who are under 65 and who need it.

Also, we might add to that the people who are going to suffer as a result of Medicare cuts and Medicaid cuts. If you have the CPI, if you bring in changes to the Consumer Price Index, which eliminates or reduces the cost-of-living increase, the COLA, for the elderly, we are making them suffer unnecessarily, and the amount of money that is involved there is far less than the amount of money that is going to waste via corporate welfare.

Mr. Speaker, I am deeply concerned about how much corporate welfare is costing the taxpayer. I will be joining with the other 56 Members of the House progressive caucus tomorrow, as I said before, March 12. I will be joining with them to present a plan for eliminating, or at least cutting back, 10 of the most egregious and outrageous budget-busting corporate welfare programs. I think we raised that number to about 15. We are going to add a few items, about 15 items that are budget-busting corporate welfare programs that we will describe. We will lay out a plan for reducing them tomorrow at the progressive caucus press conference to launch our war against corporate welfare.

Our caucus has been researching and putting together a program to cut back on corporate welfare and save the taxpayers billions of dollars in 1 year and over $250 billion to $300 billion in 5 years. I am proud to say that we have now added to our program, as I said, my own corporate welfare measure that would save the taxpayers maybe $60 billion to $70 billion in the first year of savings. Within that amount, it will be $60 billion to $70 billion of that total, and over the total program it will save far more, twice as much as that.

One of the most flagrant examples of corporate welfare results from a failure of the Internal Revenue Service, as I said before, to enforce a provision of the corporate income tax law that is already on the books. It does not take a new bill in Congress or a new law. All it takes is for the IRS to obey the mandate of the present law.

By the way, I am not talking about something that is new in the present law or was recently added to the present law. This is a provision that was adopted in 1913. It was adopted in 1913 as an integral part of the basic income tax law. I am saying that the taxpayers have lost over $60 billion through its failure to enforce the law. This is over the past 3 years. It should assess at least that amount against dozens of large corporations right now in 1997.

The corporate income tax law mandates a very heavy tax penalty on corporations that let their profits pile up far beyond the reasonable needs of their businesses instead of paying dividends to their stockholders or owners. The law mandates a penalty of 39.6 percent of the amount involved. That is the same as the top personal income tax rate on those with incomes well over $100,000.

This is a very stiff penalty, 39.6 percent. That is how you will realize a great amount of money if that penalty is invoked. If it is utilized, that weapon of the Internal Revenue Service is applied, if the corporations are forced to obey the law, we are going to have those kinds of payments coming due.

Let me just read that again: The corporate income tax law mandates a very heavy tax penalty on corporations that let their profits pile up far beyond the reasonable needs of their businesses instead of paying dividends to their stockholders or owners. The law mandates a penalty of 39.6 percent of the amount involved. That is the same as the top personal income tax rate on those with incomes well over $100,000.

Hundreds of corporations have adopted the practice of letting their profits accumulate, and then, instead of paying dividends, as they should, using the accumulated millions or tens of millions, or in some cases billions, to buy back their own stocks on the New York Stock Exchange or the over-the-counter market.

The amounts involved are in the billions of dollars, in fact probably at least $300 billion in the 3 years, 1994, 1995, and 1996. Hundreds of corporations have adopted the practice of letting their profits accumulate, and then, instead of paying dividends, as they should, using the accumulated millions or tens of millions, or in some cases, billions, to buy back their own stock.

Mr. Speaker, one huge corporation, whose name is a household word known to every American, earned over $5 billion, or $10 per share, in 1996; earned over $5 billion, or $10 per share, in 1996, but it paid its common stockholders only about 14 percent of that amount in dividends, $700 million, or $1.30 per share. It has used most of its earnings, upwards of $3.5 billion, to buy back its stock on the New York Stock Exchange.

I hope my colleagues are listening to these numbers. I hope my colleagues heard the previous discussion about spreading the wealth, how people should get their taxes back, more money in the pockets of Americans to generate a more vigorous economy.

Would we not generate a more vigorous economy in America if we had the stockholders pay their dividends? Huge profits are made. Instead of taking those profits and hoarding them in the corporate structure, buying back the stock, why not spread the money out into the economy, give it to the people who deserve the dividends, have earned the dividends, and let them invest the money as they see fit. We could have a more diverse, more vigorous economy if the corporations paid dividends instead of hoarding the money in these buy-backs.

Why did the corporations do this? Well, they do not invite me to their board meetings, and they are very careful not to say much about what they are doing in their earnings reports or in their press releases or other communications to their stockholders and the public. That includes they do not say much to the SEC, the Securities and Exchange Commission, about this either. The agency that regulates them does not get much information of this kind.

The reason seems fairly obvious. It is amazing that there is no discussion of the press, that some of these Senators and Members of Congress are not talking about the problem of buy-backs where billions of dollars are being hoarded and the economy is being adversely affected and the tax law is not being obeyed. They are not talking about it. Instead, they focus on the Consumer Price Index. People who ought to know better are turning away from a discussion of where the real money is to a discussion of how can we squeeze more money out of the poor, how can we change the Consumer Price Index, how can we tamper with that in a way which will produce savings on the backs of the poorest people in America?

□ 2215

Buying back their stock supports the price of the stock when a corporation does that. Maybe it moves it higher. It makes the stockholders happy, those who do not exactly know what is happening and would prefer to have the stock. Nobody gives them the choice of whether they would like to have their stocks at a higher level or the dividends. Nobody really gives them that choice, but it does make them happy to see the stocks rise. It also gives the executives bigger profits on their stock options and maybe they get bigger bonuses as a result.

It makes some of the stockholders happy for another reason. It saves them from having to pay taxes that they would have to pay on large dividends that the company paid to them. Thus, many companies are using accumulated profits to buy back the stock in order to protect their stockholders from income taxes that they would pay if the company gave them a decent dividend instead of a tiny one.

The law says when a corporation does this it must pay a penalty, a high 39.6 percent penalty. Listen carefully. What I am saying is that it is against the law. It is against the law to plot to assist the stockholders in avoiding the payment of income taxes. It is against the law. That is what this is all about. The law says when a corporation does this it must pay a penalty, a high 39.6 percent penalty.

All it takes to inspire greater respect for the law is for the IRS to assess these penalties on several hundred corporations, but it does not seem to be doing this, as far as I can find out. If you would enforce the law on some corporations the word would go out, because over the years they have stayed away from doing this; but in the last 10 to 15 years there has been a gradual increase of corporations hoarding their money, buying back their stock, watching over their shoulder to see if the IRS would do anything about it, probably. They have the best legal minds, so it is not by accident they are doing what they are doing.

But it is against the law. You pay your income taxes on April 15. You obey the law. I am sure you want everybody else to obey the law. Yes, the law can be changed. Often it is changed in favor of the people who have the most clout, the most money.

We have a big scandal raging with a focus on the White House, and excessive taxes being used to solicit contributions, collect contributions. All kinds of things are happening. They focus it on the White House, but if you have an objective study and you focus it in other directions, you will find it is also happening in the other party, also.

It happens that there is too great an amount of money that is required to run for office. We know that. We are too cowardly to do anything about it. We need a constitutional amendment which definitely allows Congress to set limits on the amount of money spent for campaigns.

This is a problem that we can solve, but nobody has the guts to really go after it. Anybody who talks about the problem and does not want to go all the way to a constitutional amendment to limit the amount of expenditures on campaigns is a hypocrite. They really do not want to solve the problem. They want to play games with the American people. Too much money is needed to run for office. There are too many opportunities to bribe anybody running for office indirectly. Legal bribery is taking place all the time. We need to deal with that.

Corporations certainly have a lot of money. They are able to lobby hard. They are able to influence how the Tax Code is written. If they won through that avenue, we have to wave a white flag and surrender. But they did not win that way. I am sure they tried to change the law. The law has not been changed.

I want to make it clear that I have not seen any corporation's income tax return and I do not ever expect to. Not only the tax returns themselves, but also all discussions and negotiations between the IRS and any taxpayer, corporate or individual, are totally private and secret. That is the way it should be. I do not speak from knowledge of having examined anybody's tax returns anywhere.

But large publicly owned companies do publish their financial statements. My staff has examined hundreds of quarterly and annual earnings reports for 1994, 1995, and 1996. We have found more than two dozen companies with stock buy-backs amounting to $1 billion. Over the 3 years a dozen corporations have over $2 billion of buy-backs, and a handful over $5 billion in buy-backs. These are the buy-backs which are not legal.

If the IRS were to assess the 39.6 percent penalties against these dozen corporations, the tax penalties would amount to several hundred million dollars in almost every case, and well over $1 billion for a few of the individual corporations.

As I said before, I estimated the total for all corporations would be at least $60 billion in penalties, $60 billion or more in penalties that would be collected over a 3-year period. So even though I have not been privy to any discussion between the IRS and any corporation, it seems very clear that the IRS is not assessing these unreasonable accumulations of surplus penalties against large publicly owned corporations. That is what the penalty is. It is called an unreasonable accumulation of surpluses. You cannot do that.

There are two requirements for this penalty to apply. One is that the earnings and the profits of the corporations are permitted to accumulate beyond the reasonable needs of the business. The penalty will apply if you have permitted the earnings and profits of corporations to accumulate beyond the reasonable needs of the business.

The other is that the accumulation is "for the purpose of avoiding the income tax with respect to its shareholders." I am quoting from the Tax

Code. For the benefit of anybody who might have just joined us and is listening, this is very technical. I realize that. It is something which is very simple in the law. A few simple sentences say clearly what has to be done, but I am going through this long explanation because of the fact that for some reason the law is not being enforced.

I do not want to have a situation where people are able to pretend that the simplicity is not there. It is there. I am describing something which does not require hearings. It does not require more legislation. It is right there already in the law.

Mr. Speaker, I submit for the RECORD a document entitled "Tax Penalty on Corporations that Accumulate Surplus Profits in Excess of the Reasonable Needs of the Business, Legal Background." I want it in the RECORD so anybody who wants to look at it in great detail may examine it. It will be in the CONGRESSIONAL RECORD. Members may read it if they want to go into deep details.

The material referred to is as follows:

Tax Penalty on Corporations That Accumulate Surplus (Profits) in Excess of the Reasonable Needs of the Business

LEGAL BACKGROUND

One of the basic principles of the tax law in the U.S. is that a corporation is a legal entity that is separate and distinct from its stockholder-owners. It is sometimes called a "fictitious person."

Thus, the shareholder-owners are not personally liable for the debts and liabilities of the corporation. This distinguishes a corporation from a sole proprietorship or partnership, where the owners of the business share all of the assets, liabilities, debts and obligations of the business. Limited liability is one of the most important and most advantageous characteristics of the corporate form of doing business and is the principal reason that the corporate form is used by virtually all businesses, large and small, in the U.S. and throughout the world.

Because the corporation is a separate and independent entity, its profits are subject to a corporate income tax. Then, when profits are distributed to the stockholder-owners as dividends, the stockholders pay a personal income tax on those dividends. This so-called "double tax" is vigorously and bitterly opposed by the business and investment communities, but it is a basic part of our tax law.

The so-called "double tax" provides a powerful incentive for corporate business managements to let profits pile up in the corporation, rather than distribute them as taxable dividends. In order to prevent this, the U.S. tax law imposes a severe penalty on corporations that accumulate surplus (profits) in excess of "the reasonable needs of the business."

This penalty on accumulations of corporate surplus (profits) in excess of the reasonable needs of the business is not something new—it is a fundamental part of our tax law and has been since the income tax was first adopted in 1913.

In the original 1913 income tax law, the penalty was applied against the stockholder-owners. Then, in 1921, the law was changed so that the penalty applies (and has applied ever since) against the corporation itself.

Since its adoption in 1913, the Internal Revenue Code has been reenacted many times. The rate of penalty has been changed a number of times, and various amendments have added relatively technical provisions involving notice to taxpayers, burden of proof and the like. Otherwise, the penalty provision has remained in the tax law since 1913 without interruption and with only two significant changes. One changed the application from the stockholders to the corporation itself, and the other in 1984 made clear that the penalty applied to large public corporations. (See below.) The penalty provision is found in Sections 531–537 of the Internal Revenue Code.

The penalty tax rate is 39.6% of surplus accumulated in excess of the reasonable needs of the business; it was increased from 28% to 39.6% in 1993.

CONSTITUTIONALITY, VALIDITY AND ENFORCEABILITY OF THE PENALTY

This penalty tax provision has been before the U.S. Supreme Court three times. The first time was in 1938, when corporate taxpayers challenged the penalty and alleged a number of reasons why it believed it was unconstitutional, invalid and unenforceable. The Supreme Court dismissed all of these challenges summarily and without serious discussion, and it unequivocally affirmed the constitutionality and enforceability of the penalty. (*National Grocery Co.*, 38–2 USTC 9312, 304 U.S. 282, 58 Sct. 932.)

The U.S. Supreme Court considered the penalty provision again in 1969 and in 1975. In one case the issue was the motive or purpose for accumulating surplus. (*U.S.* v. *Donruss*, 393 U.S. 297.) In the other, there was a dispute about how to calculate the amount of accumulated surplus. (*Ivan Allen Co.*, 422 U.S. 617.) The constitutionality and enforceability of the penalty provision was taken for granted in these cases. It was never mentioned in either of the opinions.

APPLICABILITY OF THE PENALTY PROVISION TO LARGE, PUBLICLY-OWNED CORPORATIONS

There is nothing in the Internal Revenue Code or regulations that exempts publicly-owned companies from the penalty for unreasonable accumulation of surplus (profits). However, the legal community somehow developed the notion that the penalty was intended to apply only to closely-held or family companies. An exemption for publicly-owned companies evolved, even though it has no support in the statute itself.

In a case that became a landmark, *Golconda* v. *Commissioner*, 507 F.2d 594, the Ninth Circuit Court of Appeals held that the penalty should not be applied against publicly-owned companies unless a small group controlled 50% or more of the stock. The Court said, "There is, of course, no distinction in the statutory language between publicly and closely held corporations . . . [but] Treasury regulations and interpretations long continued without substantial change, applying to unamended or substantially re-enacted statutes, are deemed to have received Congressional approval and to have the effect of law."

The Internal Revenue Service responded to the *Golconda* decision by announcing that it did not agree with it and would not follow it. (Revenue Ruling 75-305). The IRS stated, "The position of the Service is that there is no legal impediment in applying, in an appropriate case, the accumulated earnings tax to a publicly held corporation."

The IRS never gave any support to the theory of an exemption for publicly-owned companies. True, it did not (as far as can be determined) to try appeal the *Golconda* decision to the Supreme Court. But, that may be because it was afraid it would lose. Despite the 1974 *Golconda* decision, the IRS pursued another publicly-owned company successfully; it obtained a brief opinion by the Court of Claims that "the accumulated earnings tax can apply to publicly-held corporation" (*Alphatype Corp.* v. *U.S.*, 10/21/76, 76–2 USTC 9730). In its opinion, the Court stated that there is not the slightest evidence that the Commissioner has by ruling, regulation or official policy exempted such (publicly owned) corporations from liability for the accumulated earning tax.

In 1954, in one of the periodic re-enactments of the tax code, including the penalty provision, the House attempted to add a provision exempting publicly-owned companies if no group controlled more that 10% of the stock. This proposed amendment was dropped in conference.

In 1985 the world changed. The Revenue Act of 1984, effective in 1985, amended the law by adding section 532(c). The relevant section of the Revenue Act of 1984 is as follows:

"Section 58. Amendments to the Accumulated Earnings Tax.

(a) CLARIFICATION THAT TAX APPLIES TO CORPORATIONS WHICH ARE NOT CLOSELY HELD.—Section 532 (relating to corporations subject to accumulated earnings tax) is amended by adding thereto the following new subsection:

"APPLICATION DETERMINED WITHOUT REGARD TO NUMBER OF SHAREHOLDERS.—The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation."

The above section, which remains in the law, effectively and permanently ended the de facto exemption for publicly-owned companies.

In 11 years since the law was changed, the IRS appears to have failed to apply the penalty to publicly owned companies that are buying back their own stock.

The change in the law in 1985 eliminated any doubt as to whether publicly-owned companies were exempt from the penalty—they are not. Yet, there appears to be only one court case on the matter. In 1993, the Tax Court resoundingly affirmed the opinions stated here; namely, that the 1985 tax law change "nullified" the earlier *Golconda* decision and made completely clear that publicly owned companies are not exempt from the penalty (*Technalysis* v. *Commissioner*, 101 TC 397).

Discussions and negotiations between the IRS and a corporate or individual taxpayer are extremely confidential, and it is not possible for outsiders to know whether the IRS has raised the issue, unless and until a particular taxpayer takes the IRS to court. However, the amounts of money involved here—the penalties may measure in the billions—are such that the matter would surely have come to public attention if the IRS were active in any significant way.

For example, if a publicly owned company is hit with a multimillion dollar tax penalty that will significantly affect its earnings, financial position, net worth and dividend policy, it is required to make that information public immediately, under rules of the Securities and Exchange Commission, the New York Stock Exchange, and also the National Association of Securities Dealers (NASD) which regulates companies with stocks traded over-the-counter.

The penalty should be applied against publicly-owned companies that pay small dividends and spend large amounts to buy back their own shares if the buy back amounts far exceed the amounts needed for employee stock purchase plans, executive stock options, and so forth.

The tax law, in section 531–537 of the Internal Revenue Code, provides that the accumulated earnings tax will apply to any corporation . . .

"Availed of for the purpose of avoiding the income tax with respect to its shareholders . . . by permitting earnings and profits to accumulate instead of being distributed." (Section 532.)

". . . the fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders, unless the corporation . . . shall prove to the contrary." (Section 533.)

Thus, for the penalty to apply, two tests must be met:

1. there must be an intent or purpose to save the shareholders from income taxes on dividends, and
2. the accumulation of earnings must exceed the reasonable needs of the business. . . .

"Reasonable needs of the business" is a factual test involving a number of factors: the amount of earnings, future plans that require large capital investment, the amount of dividends paid, etc.

The argument is made here that many large publicly owned companies are accumulating profits far in excess of the reasonable needs of the business, evidenced by the following:

consistently, they are paying out in dividends 20% or less of their earnings, AND

consistently, they are accumulating cash far in excess of their needs for capital expenditures, AND

consistently, they are passing up opportunities to borrow money on very favorable terms or are even reducing outstanding debt, AND

consistently, they are using accumulated earnings not to pay dividends but to buy back their own shares at prices far in excess of book value. (Thus, if the book value of their net assets, as shown on their own published balanced sheets is, for example, $10 per common share, and if they are buying back their stock at $20 or $30 per share, they are reducing the book value of their remaining shares.)

It is argued there that this pattern of behavior clearly indicates that the earning used for stock buy backs were accumulated in excess of the reasonable needs of the business.

Corporate managements will argue that, "Well, we have to buy shares back because at the same time are selling shares through employees stock purchases plans, executive stock options and dividend reinvestment plans available to stockholders, and we also (in some cases) need shares for conversion of convertible preferred stock or debentures.

These arguments are absolutely valid but many large companies are buying back twice or three times or five times or eight times as many shares as they need for these purposes.

Under Section 533, quoted in above, if a corporation fails the "reasonable needs of the business" test the burden of proof is on the corporation to show that it did not meet the other test, namely, intent to protect the stockholders from dividends.

Thus, the Internal Revenue Commissioner can reasonably take the following position: Corporations that have failed the "reasonable needs of the business" test on the fact will be assessed a penalty of 39.6%; and the burden of proof is on the corporation to show that it did not have the intent to protect stockholders from dividends.

Sections 531–537 of the Internal Revenue Code must be enforced immediately.

These are the actual words of the statutes I have read before. It is sections 531, 532, and 533 of the Internal Revenue Code. As we move toward April 15, make a note to go and examine sections 531, 532, and 533 of the Internal Revenue Code.

Accumulation of profits is OK for the reasonable needs of businesses, even in large amounts. Whether the accumulation is justified is a factual question. It depends on an analysis of the particular situation of each corporation. There is no formula or rule that applies to every business.

A corporation may be justified in accumulating profits without paying them out as dividends to finance the planned building of a new plant, the purchase of new equipment, to replace old items or to expand the business, to finance other kinds of expansion, such as the launching of a new product or the entry into new markets in other parts of the country or in other countries.

They may do it for working capital needed to carry the inventories and receivables of a growing business. They do it to retire debt incurred in the course of a business or to make loans and advances to customers or suppliers to enable them to continue doing business with the corporation; to buy another business, to build reserves for product liability losses or reserves for property losses from storm damage; to finance expenditures required to meet environmental regulations; to finance research for the development of new products. They may accumulate capital. Nobody is talking about the government interfering with the amassing of large amounts of capital for business needs.

It goes on and on. There are many good, justifiable reasons of a business which can justify the accumulation of profits. These have been examined and ruled upon in hundreds of cases in tax court and other courts in the 80 years-plus since the income tax and tax penalty were adopted.

But buying back the stock just to run its price up and to protect the stockholders from income taxes on dividends, these are prohibited actions. You cannot do that legally. If the corporations want to pay the profits available to the stockholders, paying dividends is the way they should do it. If you want them to get the benefit of the profits, pay them the dividends; do not protect them by holding onto the money and lowering their own tax bill. That is clearly prohibited.

Mr. Speaker, let me now take a few minutes to examine the reasons for and the history of this provision for a heavy tax penalty on the unreasonable accumulation of corporate profits and surplus. One of the very basic provisions of law and tax law in our country and throughout the world relates to the fact that a corporation is a legal entity that is distinct and separate from its owners, the stockholders.

A corporation has been called a fictitious person. This separateness is crucially important to the stockholders, because it insulates them from the debts and obligations and liabilities of a corporation and its business. If a corporation has problems, loses money, and eventually goes bankrupt or out of business, the stockholders may lose everything they invested in the stock, but that is all they will lose. The creditors cannot come after their personal assets. This is a device which has worked over a long period of time, and it is a device which you have to pay a price for.

This limited liability distinguishes an incorporated business from a partnership or a proprietorship, sole proprietorship. If those businesses go under, the owners may lose not only the amounts they invested but also their cars, their homes, their savings, and any other investment or assets.

This lesson was painfully learned by many wealthy Americans, British, and others who invested in the unincorporated Lloyds of London. Many of these names, people who were the investors in Lloyds of London, had to file personal bankruptcy when Lloyds incurred huge insurance losses for several years in a row and assessed those losses against the investors personally.

Because of this limited liability feature of the corporations, however, virtually all businesses are incorporated. Lloyds is one of the few huge operations in the world that operates that way. Even the law firms and accounting firms have recently figured out a way to organize professional corporations so that the partners can avoid unlimited personal liability.

Because of the separate identity of a corporation, it is required to file its own income tax return and to pay a corporate income tax on profits. The corporation, for all the reasons I have just given you, is treated as an individual and is required to file its own income tax return and pay a corporate income tax on its profits.

To prevent the excessive pileup of earnings, Congress established the tax penalty in the original Internal Revenue Code adopted in 1913. The code has since been renewed and revised and overhauled and amended many times.

The penalty tax rates have changed a number of times, but the basic provision has remained in the law every year without significant change, with the sole exception of an amendment in 1984. That amendment only strengthened the law. It was an amendment to make clear that the penalty provision applies to publicly owned companies.

The only big amendment recently was in 1984, when they amended the Tax Code to make it clear that the provision applies to publicly owned companies. There was a time when they said it was only privately owned companies, closely held corporations. But now it is quite clear as of 1984.

This tax penalty is somewhat unusual in that the law does not say that excessive accumulation of corporate profits is a crime. You know, a lot of individuals that I know are in serious trouble with the IRS. The last time I was in an IRS office I saw the place full of people who were obviously poor people, and they were not being allowed to get away with anything. They were going to have to do whatever was necessary to pay the taxes that they owed. If they did not do that, if they told some lies, they would end up in jail. I know of a situation now where there is a guy who told a few lies, and they have got the U.S. attorney investigating him now. He may go to jail.

But this tax penalty is unusual. The law does not say that excess accumulation of corporate profits is a crime. The law does say instead that corporations should not do it. If they do it they will have to pay a penalty. In other words, no corporation, executive board, or anybody is going to jail for violating this part of the Tax Code. It is very interesting. But they do assess a very heavy penalty.

In the early days of the income tax, the IRS was diligent in applying this tax penalty to closely held or family companies, as I pointed out. It sometimes lost in court, but in hundreds of cases it did collect the penalties, in hundreds of cases.

But for some strange reason, in the early days the IRS rarely applied the penalty to publicly owned companies. Perhaps the reason was that it was customary in those days for large companies to pay out good-sized dividends rather than using their profits to buy back their own shares. There is nothing in the Internal Revenue Code or regulation that gives publicly owned companies an exemption from this penalty on accumulation of profits in excess of reasonable needs of business.

The notion sort of grew up like Topsy, but it has no basis. Somehow, perhaps because it was thought smaller companies were the worst offenders, it became customary for the IRS to leave large corporations alone, and so without any support in the language of the law, a de facto exemption for public companies evolved and eventually took on the force of law.

The IRS never agreed to it, they never agreed to it, and indeed it went out of its way to publicly state its disagreement with the appellate court decision that confirmed the exemption in the landmark Golconda case in 1974.

□ 2230

There was one case that did go to the Supreme Court, the Golconda case in 1974, where they, the Court ruled that it did not apply to publicly owned large corporations. That was 1974.

However, all that is history, all that is irrelevant now because in 1984, Congress amended the basic penalty provision to make it clear that it applied to all corporations regardless of the number of stockholders. Congress looked at what happened with the case in 1974 and Congress 10 years later amended the law to make it clear that this provision applies to all corporations regardless of the number of stockholders.

In other words, the amendment eliminated an exemption that had previously been thought to apply to large publicly owned corporations with dozens or hundreds or even thousands of stockholders.

Mr. Speaker, I would like to explain why I believe this 39.6-percent penalty should be applied against these huge corporations that are buying back their own stock in huge amounts.

Again, for the benefit of anybody who just joined us, I am concerned about the fact that the Congress of the United States, the CBO, the Office of Management and Budget, great Senators, some of them from New York State, have focused their attention recently on gaining more revenue, gaining more money to save through an adjustment of the Consumer Price Index, lowering the cost of living increases for everybody on Social Security in order to help balance the budget.

My question is, why do you not look at the Internal Revenue Code and demand that the Commissioner enforce the law that already exists and tomorrow, March 12, Wednesday, we are going to talk about other corporate loopholes, other corporate welfare that ought to be closed.

Why is it that everybody in Washington who is in high places, leadership, the White House, why are they blind to the existence of great abuses that are being committed by corporations? Why are they instead focusing their microscopes on programs that serve poor people and squeezing everything they can, every dollar they can out of those programs.

Mr. Speaker, I would like to explain why I believe, why I believe this 39.6-percent penalty should be applied against these huge corporations that are buying back their own stock in huge amounts. The law mandates that the penalty should be assessed if two tests are met. First, that profits are permitted to accumulate beyond the reasonable needs of business and, second, that this is done, quoting again from the statute, for the purpose of avoiding the income tax with respect to the shareholders.

In other words, there has to be the fact of the accumulation, also the intent to protect the stockholders from income taxes. The officers and directors of large American corporations can read the statute as well as I can or better. They are way ahead of me in having platoons of well-paid lawyers to advise them and keep them out of trouble. I suspect, although I cannot prove it, that these high-priced lawyers have advised them that they are vulnerable to this penalty. I suspect that the lawyers have told them to be very careful in their public statements and to avoid bragging to the stockholders that they are protecting them from income taxes by using accumulated profits to buy back stock rather than paying dividends.

My staff and I, as I said before, have examined literally hundreds of quarterly and annual earnings reports of publicly owned corporations from 1994, 1995, and 1996, and we were struck by how very little these corporations had to say about their stock buyback programs and the reasons for them.

Here is one exception, one example we found of an exception. This is a case where the lawyers probably fell down on the job and let the veil slip. A very large American corporation, the name is a household name known to everybody, but it said, I will not name the corporation, but it said in its 1995 annual report, quoting from the report, "some shareholders have asked us why we are repurchasing shares rather than increasing our dividend as we did in years past. We believe that most shareholders prefer gains in stock price to receiving dividends because those payments are taxable annually."

There is a clear statement by a corporation of their intent to violate the law. They are not supposed to help shareholders escape paying more taxes. The management of this large corporation made a mistake. They let the veil slip. They let the real truth come out and, as I said, this is one of the rare exceptions, one of the few instances we were able to find where they admitted the real reason for buying back their stock. Of course, the Wall Street community and the business community will put the opposite interpretations on all of these earnings reports. They will say, we did not have an intent or a motive to protect the stockholders from income taxes. That is not why we were buying back the stock. The proof is that none of our earnings reports will mention such a thing. That proves that the intent is not there, except for one unfortunate company that slipped.

I am sorry but I have to say that that comes under the heading of very sophisticated baloney. This is one of those situations where everybody knows what they are doing and the reason they are doing it but nobody will say, nobody will speak the real truth. The point I am making here is that the Commissioner of Internal Revenue, if she considered assessing these unreasonable accumulations of surplus penalties, as I am urging her to do, she might conclude that there was not sufficient proof of intent to protect the stockholders from income tax. It is hard to prove intent, hard to prove what is in someone's mind. This is something that comes up often in our legal system.

I am very pleased to be able to say that the Internal Revenue Commissioner does not have to prove intent. The Internal Revenue Commissioner does not have to prove intent. Rather the way the law is written, the burden of proof is on the corporation to disprove intent. The corporation must disprove that it intended to save money for its stockholders.

Here is the actual language of section 533 of the Internal Revenue Code. "The fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders unless the corporation by the preponderance of the evidence shall prove to the contrary." Reading from section 533 of the Internal Revenue Code: "The fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders unless the corporation by the preponderance of the evidence shall prove to the contrary."

Mr. Speaker, we have seen that there are two tests for this penalty to apply. The first test is the fact of an unreasonable accumulation of earnings. The second test is the intent to protect the stockholders from income taxes. But the Internal Revenue Commissioner does not have to prove the second test, the intent. If the first test, the fact test, is met, the Commissioner does not have to prove intent. Rather it is up to the corporation to disprove intent. It might be hard for the Commissioner to prove intent. That is true, but she does not have to prove intent. The burden of proof as to intent is on the corporation, not the IRS. That is what the clear language of the statute says.

Of course, Mr. Speaker, any corporation and any taxpayer has a right to object to any tax or tax penalty and to attempt to show that it has not been properly assessed. Discussions and negotiations between a corporation and the IRS are private and they are confidential. And if the discussions reach an impasse, the corporation can sue the IRS in tax court or Federal district court and let the court determine whether the tax is properly assessed. The penalty would have to be reduced or even dropped. Maybe a corporation could show that it was justified by the reasonable needs of its business in buying back its stock.

But I believe the Commissioner of Internal Revenue should find out if the penalties are justified and the way to do that is to assess the penalties, let the corporations protest, and to settle the matter in the course of negotiations the IRS normally conducts with individuals and taxpayers.

Treat the corporations the way they treat millions of Americans who file their taxes on April 15. Enforce the law. Enforce the law and let them deal with the attempt of the IRS to enforce the law. It certainly looks as though large penalties are justified based on my examination of the public financial statements of dozens of large American corporations and probably hundreds of others, too.

Many large corporations have now established a pattern that includes most or all of the following: Consistently year after year they pay dividends on their common shares that amount to only 15, 20, or 25 percent of their earnings. And consistently year after year, their accumulated earnings together with their cash-flows outside the earnings statement, from depreciation, amortization, deferred income taxes, provide far more cash than they need for capital spending and other necessary programs. And consistently year after year they do not use excess cash to pay down debt. Indeed in some cases, they actually increase debt by borrowing additional money and using it for the stock buy backs. And consistently year after year they accumulated large amounts of cash and profits far beyond the dividends they pay and the reasonable needs of the business, and they use large amounts of this money to buy back their common shares.

For dozens of corporations, probably hundreds of corporations this pattern has been present in 1994, 1995, and 1996. I believe the Commissioner of Internal Revenue, Margaret Milner Richardson, should assess 39.6 percent tax penalties as mandated by sections 531 to 537 of the Internal Revenue Code, not on all the accumulated profits but on the amounts of accumulated profits used for net buy backs of stock.

I believe that the amounts involved for all publicly owned American corporations are at least $200 or $300 billion or more. The 39.6-percent penalty on these amounts will total at least $60 billion and possibly $70 or $80 billion of additional Federal tax revenue in this year fiscal 1997, ending September 30, 1997.

Mr. Speaker, I have said that I believe the penalties should be applied to the amount of the net buy backs which is smaller than the amount of the total buy backs. Let me discuss this point for a moment because it is a very important one and it involves the counterargument that corporations make and will make against the charge that they are accumulating profits beyond the reasonable needs of the business.

Many, in fact most publicly owned corporations have employer stock purchase plans, stock options for executives, key employees and directors, and dividend reinvestment plans for stockholders. In addition, some corporations have convertible preferred stocks or debentures which can than be converted at the option of the holder to common shares. All of these programs involve the sale or issuance of additional common shares which may be shares held in the corporate treasury or newly issued shares.

As a result, they are selling and issuing other shares under these options, purchase and conversion programs. Indeed, this is the reason that they often give for their buy-back program.

Mr. Speaker, this argument is absolutely valid. I agree that if a corporations buys back its shares, it is justified in doing so, if it issues or sells the same number of shares under these various programs. Unfortunately for their argument we have found that for many corporations the stock buy backs far exceed the number of shares issued.

In examining the published financial statements of large American corporations, we found many that bought back in 1994, 1995, and 1996, they bought back 2 or 2\1/2\ times as many shares as they issued; we have found several that have bought back 5 or 6 or 7; 8 times as many shares as they issued; we even found that one bought back over 16 times as much as they issued.

I think clearly we cannot expect the Commissioner of Internal Revenue to assess the penalties on amounts of stock bought and then reissued in the same year on option and purchase programs. It is for that reason that I am asking the Commissioner to assess penalties on the amounts of the net buy backs rather than the total buy backs.

Finally, Mr. Speaker, I would like to address the question of how much money is involved here, how much corporate tax revenues could be raised if the Internal Revenue Commissioner assesses the penalties that I believe she should. I cannot estimate the amount with any kind of real accuracy, but I am absolutely certain that the amount is huge. It is enormous.

I want the Congressional Budget Office to take a look at this. I would like the Congressional Budget Office to give us a reading on exactly how much money is involved here. In fact the Progressive Caucus budget, the combination Black Caucus and Progressive Caucus budget will include this as one of the items in the budget. And we will, our alternative budget will ask for an assessment, a reading of the Congressional Budget Office on exactly what amounts will be generated.

Those who read the financial press and watch business programs on TV or surf the Internet are well aware of the amount of buy-back activity that is increasing all the time. We have asked the people in the Congressional Research Service to help us. So far we were not able to accumulate a tabulation, but there are people who are looking at this for commercial purposes. There is a buy-back letter that a California man puts out. There is all kinds of activity going on showing that this is a profitable activity.

Let me conclude by saying that I have given a rather lengthy treatise here on a subject that I am not an expert in. I serve on the Committee on Education and the Workforce. I do not serve on the Committee on Ways and Means. I am puzzled and baffled by the failure of members of the Committee on Ways and Means to see the obvious. I am baffled and puzzled by the failure of the CBO, the Office of Management and Budget to see the obvious. Why are we studying ways in which we can cut programs for the poor? Why are we looking at the CPI and hoping to cut the cost-of-living increases for people on Social Security in order to help balance our budget when we have abuses of this magnitude? Why? Why is there a strain on the American character which allows leadership to always prey upon the poorest and the weakest? That strain was evidenced in the way we handled Native Americans, the people who owned this land when we got here. They were weak and we outmanned them and our weapons were superior and we took advantage of the weak.

□ 2245

We took advantage of slaves that we transported here from Africa. For 232 years we held them in bondage. Why is there a strain that goes after the weakest people in a merciless way?

In this sophisticated day, when we assume that we are more moral, that we have higher standards of morality and we assume that we are the indispensable Nation for the rest of the world and we set standards for the rest of the world and we talk about human rights, why are the people in our leadership focusing on ways to squeeze the poor while there are obvious ways to raise the necessary revenue?

Progressives, liberals, have not paid enough attention to the revenue side of the budget process. We have not paid enough attention to the fact that the Internal Revenue Code is where we have the largest amount of giveaways. Corporate welfare is the biggest welfare program in America. We must end corporate welfare as we know it. We must end corporate welfare.

We will begin our process tomorrow when the Progressive Caucus announces its war against corporate welfare. We welcome the gentleman from Ohio [Mr. KASICH], and all the other elements in this Capitol on the Senate side or the House side, wherever there are people who want justice; people who recognize that the place where there is the greatest amount of prosperity, where people are making money in great amounts right now is in the corporate world.

Our corporations are not suffering. If we need to balance the budget, the steps to balancing the budget should be taken in the effort to end corporate welfare. Corporate welfare should be our target. Those who have the most and who have had the greatest number of advantages are also guilty of the greatest abuses.

The corporate segment, the corporate proportion of the income tax burden fell to the present 11 percent. The total income tax burden. Only 11 percent of that is borne by corporations, while 44 percent now is borne by families and individuals. I have given one of the reasons that is true: these kinds of abuses, this kind of failure to enforce the law. We do not need hearings. We do not need legislation. All we need to do is tell the Internal Revenue Service to enforce the law.

April 15 is the date that we all go out and obey the law. Why not have the law apply to all Americans at every level, including corporations that are treated as individuals for their own profit and economic sake?

THE POOR AND NEEDY WITHIN OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes.

Mr. HULSHOF. Mr. Speaker, I hope in the moments that I have in this late hour to answer part of the debate and some of the questions that the distinguished gentleman from New York has asked, specifically regarding the poor and the needy within our society.

Mr. Speaker, many of us who have run for office, in fact our own elected President, has oft quoted the statement that the era of big Government is over. I believe that the last Congress, the 104th Congress, helped make that claim a reality when it began to wrest away control from the Federal bureaucracy and began to send power and control back to State governments and city councils and county commissions and local school boards.

One of the major accomplishments of the last Congress was the end to the Federal entitlement to welfare. And I recognize that there are many skeptics, many doomsayers who wail and lament and beat their chests and say that society, specifically those poor and needy in our communities, that they are doomed. Mr. Speaker, just as the era of big government is waning, volunteers and faith-based charities and community outreach are moving in to fill that void.

Of course, we recognize how tough it is. There are single parents. There are two-income families that are struggling to juggle family and jobs. There are businesses that are swimming mightily against the tide of regulation and bureaucracy which often dissuades them from getting involved in community outreach. But I believe we must begin to forge a new vision, and our vision in this new era must be to empower communities to address the needs and problems within those communities.

We have to reignite volunteerism among the young and among the young at heart. Yes, the Government will continue to provide a safety net, but individuals helping individuals is the kind of positive action that weaves a strong social fabric.

Mr. PAPPAS. Mr. Speaker, if the gentleman would yield.

Mr. HULSHOF. I would be happy to yield to my friend and colleague from New Jersey.

Mr. PAPPAS. I thank the gentleman, Mr. Speaker, for raising this issue and would like to just add my thoughts to what I think is an exciting time to be here in the Congress and talk a little bit about my service to my constituency, or a portion of my present constituency, prior to the time I came to Congress.

I served as a local and county official and was exposed to many examples of how our Nation's communities have been able to find creative solutions to the issues facing those neediest citizens that we represent.

Back in New Jersey, a constituent of mine, Rev. Buster Soaries of Franklin Township, is blazing a trail of progress in Somerset County. Reverend Soaries has been able to mobilize thousands of members of his church as well as two communities, New Brunswick and Franklin Township, to work together to develop a project known as Renaissance 2000.

That vision for the program combines economic and community development, neighborhood revitalization, community and business partnering, housing rehabilitation, and a commitment of both youth and the adult members of these two communities to take what many consider to be a blighted and underutilized area and turn it into a thriving and successful new community center.

I have worked and watched Reverend Soaries take the kernel of a dream and begin to turn it into a model, a model that could very well be used in other parts of our Nation.

Additionally, prior to my election to Congress, I served as the chairman of my county, Somerset County Board of Social Services, which in New Jersey, the county boards of social services are the major organizations that oversee the majority of the welfare programs. In that capacity I was proud to have been involved in an initiative in which we successfully tapped our religious communities to work along with county government to reach out to families on welfare and provide that extra element of assistance.

Many churches, synagogues, and other religiously based organizations back home agreed to lend a hand in many ways, and they include an agreement or a desire to mentor families on welfare in an effort to keep them together and to help them find gainful employment.

In some instances there were churches that have been asked or have stepped forward to provide scholarships for doing. Many of these religious institutions, churches and some synagogues, operate and house day care facilities. And now many clients on welfare are being matched with one of these facilities, and these congregations are granting free scholarships, quote end quote, to these, in many instances, single parents, single women with one or more children on welfare, and allowing them to move off of welfare, have gainful employment, and have that assistance in the form of free day care which is so important.

Lastly, a coordination with some business owners from one particular congregation has stepped forward, and many of these individuals who are business owners are now wanting to make themselves and their businesses available to teach a skill or a trade to an individual who is wanting to move off of welfare and on to work.

A fourth point I want to add is there is another church that sponsors three different sports camps during the summer, the Zarephath Community Chapel; a soccer camp, a baseball camp, and a basketball camp. And these three camps now, I think 10 or 12 scholarships for each of the three camps, have now been made available; free scholarships again being given to those that choose to take advantage of them.

Another program that addresses an issue so important, even in affluent counties, such as many of the communities that I represent, but the Interfaith Hospitality Network has teamed together with religious institutions, congregations, churches, and synagogues who have organized among themselves to accept and to house homeless families for the period of about a week. Many other congregations support by providing meals and other support services, and this action has literally saved the taxpayers thousands and thousands of dollars because sometimes costly emergency shelters have not had to be utilized.

I really have been impressed in the way in which people have stepped forward. And this is a program that is not unique to my county. We can find these all across our Nation.

Another program that has really been amazing and very impressive is another aspect of community renewal, an idea that was suggested by Rev. Steve Rozelle of Saint Mark's Episcopal Church in Basking Ridge, also in Somerset County. His idea, rather ingenious, was to utilize our county government's existing curbside pickup of recyclables, which takes place twice a week, and to provide one or more orange plastic bags, that are distributed the end of May or early June of each year, and 2 weeks later, at the next pickup. While the trucks picking up the recyclables go through neighborhoods, they pick up these orange bags, and contained in the bags are canned goods that people are donating. These canned goods are then distributed to one or two of the food banks that service the residents of our county. It has been a huge success and the response and the support by the community has been overwhelming.

Many times the food banks find that at that time of year things are pretty sparse. Christmastime and Thanksgiving there is a lot of activity and people are focused on that, but not in summer.

This has, obviously, benefited those food banks that run short on funds and run short on donations. The cooperation that the County Board of Freeholders has shown, our public works department, nonprofit agencies, many volunteers, young people as well as senior citizens, focusing on a common goal, has been very gratifying and encouraging to these food banks who are really overworked in many instances, and do a great deal with very little.

Reverend Rozelle has taken this idea to our State Association of Counties and is trying to see it replicated elsewhere and, maybe through this and other efforts, maybe his dream to see this nationwide will become a reality.

All of these projects and programs that I have just mentioned, I would say to my colleague, are capitalized on resources from the communities, and that is what brought them to fruition. Government was a partner, not the entire ensurer that these programs would become realities.

I daresay that there are probably many localities across the Nation that can point to initiatives that they have taken upon themselves to begin to contribute to the renewal of their own communities. I believe we in Congress and the Federal Government can learn a great deal from community initiatives such as this, such as those that I have mentioned.

I certainly applaud some of our colleagues who this week will be focusing upon community renewal, and certainly would like to continue to work with them and volunteers such as those that I have mentioned from my district back in central New Jersey, to ensure that all communities, whatever their level of need, can be renewed and improved upon.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned some very creative and innovative ways that individuals who have these creative ideas have worked as a partner rather than as a parent, especially the Reverend in his district whose mission is to help those who are hungry.

It is, of course, noteworthy that when hunger strikes, it does not ask for party affiliation. Hunger does not care if one is a liberal or a conservative or a Democrat or a Republican. In fact, when the pangs of hunger are most sharply felt, it is often by those 13 million who are not even old enough to vote. But the good news, I suppose, is that hunger is a curable disease.

Hunger relief is in transition, but I think as the Federal Government, Mr. Speaker, steps out of the equation, then the solution does shift to the faith-based and community-based charities to reach out to those in need. And I think this transition actually strengthens the resolve of those creative people, those ministers, lay ministers, and others within the communities, to reach out to those in need.

□ 2300

I have begun as my friend from New Jersey has to examine those scattered throughout the Ninth Congressional District of Missouri and have begun to actually witness the commitment that those individuals have to reaching out as individuals within their own communities, to reach out to those in need.

One of those hunger relief agencies of particular note that I would like to mention, Mr. Speaker, that is making a true difference is the Central Missouri Food Bank. The Central Missouri Food Bank is probably considered a medium-sized organization but yet distributes about 3.5 million pounds of food each year. There is a network of over 120 agencies, its service area is about 29 counties in central and northeast Missouri, and much of that area is overlapped by my congressional district, about 17,000 square miles, with a total population of about half a million. The demographics of that particular region are largely rural and much agricultural-based. Central Missouri Food Bank has actually a paid staff of nine full-time employees and one part-time with an operating budget of less than a half million dollars, about $490,000, and not one penny comes from the Federal Government. The director of the Central Missouri Food Bank is a very fiery sparkplug named Peggy Kirkpatrick. I think it is interesting to note that she has been the director of the Central Missouri Food Bank for about 5 years and has shared with many of us in our district how she first got involved in hunger relief. As she worked and walked daily to her job, she would walk past various dumpsters that were surrounding the University of Missouri campus and how she was touched by witnessing and watching those homeless and hungry who were foraging in the dumpsters for food. She decided to try to make a difference, one individual, with a lot of energy and a lot of great ideas, and became director of the Central Missouri Food Bank. That is something that I think each of us has encountered at least once in our lives, especially here in this city, where we may have panhandlers that walk up to us asking for some spare change, or we pull into a convenience store and we see the contingent of so-called societal misfits who appear like a patchwork quilt outside the convenience stores. Yet if we actually take the time to notice, we either have one or two reactions. We may struggle within ourselves, do we try to provide some help in our small way, do we dig into our pockets for loose change or do we shrug deeper into our coats and think that, well, the Federal Government is there to help and the Federal Government will help those individuals. But that misses the point, Mr. Speaker.

These men and women live as individuals within our communities. And as members of our communities, I believe then we have that individual responsibility to reach out to those in need. The Central Missouri Food Bank recently had its report card, an annual awards banquet. Here are some of the things that the Central Missouri Food Bank has been able to accomplish. There were enough supplies to supply soup kitchens and shelters and pantries, day care centers, and senior programs to provide 200,000 meals to over 60,000 people. The estimated wholesale value of the food was about $5.6 million. The Central Missouri Food Bank initiated two Warehouse on Wheels which actually transported food to the far reaches of its area to help distribute those foodstuffs in a more timely and efficient fashion. In fact, they even acquired a semitrailer to help accomplish that goal. They started the green team, which is a pilot gardening project along with our local Boone County sheriff's department that utilizes prisoners who raise fresh produce for the hungry; recruited seven new food pantries in high need areas; worked with the media and others to stimulate and reach out to the community. In fact, one of the innovative ways that they reached out to local businesses was the Score Against Hunger Campaign. It is interesting that the Central Missouri Food Bank, unlike many other food banks, in fact, the Central Missouri Food Bank is one of only two second harvest food banks in the entire Nation that does not participate in the shared maintenance program. What that means is that the foodstuffs they collect, they do not charge food pantries and shelters for. They give it away for free. Their decision to do that was at a crisis time. It was back in 1993, and in the Midwest I am sure my friend from New Jersey watched accounts of how the flood of 1993 really had a devastating impact upon a lot of us. Against that backdrop, the Central Missouri Food Bank took the bold step and decided at that time they would no longer charge for the food they collected as they distributed it. As a result, they had an enormous outpouring, the business community was more than ready and willing to give additional moneys, and the Score Against Hunger Campaign was one innovative way in which the Central Missouri Food Bank teamed up with our local university at the University of Missouri in Columbia, now has actually extended the program to other colleges in the Ninth Congressional District, in conjunction with the football season. And if the home team scores a certain number of points, then there is a corresponding amount of donations that comes in that have been pledged by individuals. Even when the USDA cut the commodities that were going to these food pantries, they continued to innovate and utilize these efforts to reach out to those thousands and thousands of hungry people that they serve.

But many of the challenges and probably one of the most frustrating things in visiting with the Central Missouri Food Bank, those who continue to see their mission to feed the hungry without Federal Government involvement, some of the obstacles even come from within. In fact, a couple of weeks ago a hunger relief agency issued a national press release as this hunger relief agency was coming to Washington, DC, to try to create and promote a legislative agenda. In the context, the very text of the press release, this was what this hunger relief agency said:

> The charitable response to hunger is no substitute for good social policy and the appropriate allocation of public resources. It is the responsibility of the Federal and State governments to cure hunger.

This is an agency whose mission it is to help the hungry across the country. I suppose, Mr. Speaker, that even as we try to do the best we can, occasionally we lose sight of our mission, and sometimes our vision gets blurred.

I think the gentleman mentioned tomorrow, there are some new visionaries, and I think in a true bipartisan spirit Representatives JIM TALENT from the Second District of Missouri, whose district adjoins mine, as well as J. C. WATTS from Oklahoma and also Mr. FLOYD FLAKE, a good Congressman from New York, a Democrat, are going to launch the American Community Renewal Act.

Has the gentleman heard much about their efforts in that regard?

Mr. PAPPAS. If the gentleman will yield, I certainly have been hearing amongst our colleagues and have heard and am very much encouraged that there is such an effort that is ongoing and that is bipartisan. I have always been a strong believer that there should not be a Republican or Democrat approach to renewing our communities, be they urban areas or rural areas that have economic difficulties or even some suburban areas where there has been changes in the economic structure and many large corporations downsizing, there are different needs in various communities. I am very encouraged.

One of the things I would hope that as we move forward in reviewing the package that they are presenting to the House for consideration, that they would do something that we have done in our county back home, is that when we have asked some of these religious institutions to step forward, be it to provide those scholarships for day care or for the sports camps that I have mentioned, that our county board made a decision that we were not going to ask these religious institutions, these congregations, to step forward and to fill what we believe to be a very critical need for these families and these individuals that are on welfare and wanting to move off of it, but that many of their programs are steeped in their own religious traditions, and that we were not going to ask them to stop that; that we were going to make it clear to the welfare recipient that if they would want to consider their child or themselves being involved in this particular program that was purely voluntary on both parts, both the congregation as well as the welfare recipient, that they may be invited to participate or that they may be exposed to a prayer or some religious instruction, and that again it was voluntary, that the congregation was stepping forward to sponsor this and that we were not going to ask them to stop doing what they have been doing.

The response has been very, very positive. Again people realize it is voluntary, and I certainly hope that in the community renewal initiative that the gentleman has spoken about and we are speaking about this evening that we would follow suit.

Mr. HULSHOF. There are so many ideas, innovative ideas that are sprouting up like seeds all across this country. I think it is incumbent upon us as a body, a legislative body, Mr. Speaker, and again certainly the Government has a role, but I think that role should be a limited role and that government should get out of the way, as the gentleman mentioned, and allow some of these projects to take place and to allow them to grow.

A couple of weeks ago, Mr. Speaker, I recall that Ralph Reed of the Christian Coalition announced his group's new Samaritan Project which was dubbed as a very bold and compassionate plan to combat poverty and to restore hope, and that project, the Samaritan Project, actually took aim at the economic and moral deficits that pervade a lot of the black and Hispanic inner city neighborhoods. As the gentleman from New Jersey mentioned, the impetus from those programs would also come from the church which is one of the few institutions in some of these communities that is willing and able to undertake such a task. I recall watching the press conference of that unveiling, Mr. Speaker, and along with Ralph Reed of the Christian Coalition, also standing next to him was the Rev. Earl Jackson. Rev. Earl Jackson was a Harvard Law graduate who also attended Harvard Divinity School. The Rev. Earl Jackson had this to say as he teamed up with Ralph Reed:

"I'm a black pastor who has worked in the black community for 20 years before heading up this project, and the ministers supporting this program are leaders in their communities in their own right." The quote again from Rev. Earl Jackson.

I believe, Mr. Speaker, that these ministers and activists are, of course, intelligent, I believe they are rational individuals, I believe they are quite knowledgeable, and they care deeply about the troubles afflicting their communities. This is an example of the new type of visionary that I believe will be filling the void as big Government moves out.

I look forward, Mr. Speaker, tomorrow as our colleagues, both Republicans and Democrats, introduce the community renewal project which builds upon efforts in the last Congress.

In summary, Mr. Speaker, I think it would be a terrible thing if the efforts of these visionaries across this country, as they rethink our approach to government and poverty and inner city and rural problems were simply dismissed as some new gloss on an old agenda, because, Mr. Speaker, I happen to believe fervently that the era of big Government is over, but that the era of big citizenship is dawning.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. ARMEY) for today on account of Judiciary Committee business.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. STABENOW) to revise and extend their remarks and include extraneous material):

Mr. BLUMENAUER, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material):

Mr. CHRISTENSEN, for 5 minutes, on March 12.

Mr. SOUDER, for 5 minutes each day, today and on March 12.

Mr. GOSS, for 5 minutes, on March 13.

Mr. MICA, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on March 12.

Mr. MANZULLO, for 5 minutes each day, on March 12 and 13.

Mr. SMITH of Michigan, for 5 minutes each day, on March 12 and 13.

Mr. KINGSTON, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. STABENOW) to revise and extend their remarks and include extraneous material):

Mr. HALL of Texas.
Ms. CARSON.
Mr. BENTSEN.
Mr. NEAL of Massachusetts.
Mr. HOYER.
Ms. RIVERS.
Mr. KANJORSKI.
Mr. VISCLOSKY.
Mr. FROST.
Ms. ESHOO.
Ms. KAPTUR.
Mr. TRAFICANT.
Mr. UNDERWOOD.
Mr. POMEROY.
Mr. DELLUMS.
Mr. ANDREWS.
Ms. DELAURO.
Mr. KILDEE.
Mr. BARRETT of Wisconsin.
Mr. CLEMENT.
Mrs. MINK of Hawaii.
Ms. CHRISTIAN-GREEN.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material):

Mr. YOUNG of Alaska.
Mr. QUINN.
Mrs. KELLY.
Mr. PACKARD.
Mr. WELDON of Pennsylvania.
Mr. HORN.
Mr. ENSIGN.
Mr. CAMPBELL.
Mr. GILMAN.
Mr. SOLOMON.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 12, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

2186. A letter from the Department of Defense, Under Secretary of Defense (Comptroller), transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case number 94-01, which occurred when the Huntsville Division, U.S. Army Corps of Engineers [USACE], accepted and processed a reimbursable order from the Air Force citing fiscal year 1992 operation and maintenance, Defense-wide funds to acquire furnishings and equipment for future requirements at the Nellis Medical Facility, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2187. A letter from the Department of Labor, Assistant Secretary for Employment Standards, transmitting the Department's final rule—Migrant and Seasonal Agricultural Worker Protection Act (Employment Standards Administration) (RIN: 1215-AA93) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2188. A letter from the Pension Benefit Guaranty Corporation, Deputy Executive Director and Chief Operating Officer, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2189. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Galena and Baxter Springs, Kansas) [MM Docket No. 96-177] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2190. A letter from the National Endowment for the Humanities, Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2191. A letter from the National Endowment of the Arts, Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2192. A letter from the National Railroad Passenger Corporation [AMTRAK], Vice President for Government Affairs, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2193. A letter from the Office of Personnel Management, Director, transmitting the Office's final rule—Reduction in Force and Mandatory Exceptions (RIN: 3206-AH64) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2194. A letter from the Secretary of Veterans Affairs, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5

U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2195. A letter from the Thrift Depositor Protection Oversight Board, Acting Executive Director, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2196. A letter from the Department of the Interior, Acting Director, Fish and Wildlife Service, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Cactus Ferruginous Pygmy-Owl in Arizona (Fish and Wildlife Service) (RIN: 1018–AC85) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2197. A letter from the National Oceanic and Atmospheric Administration, Acting Assistant Administrator for Fisheries, transmitting the Administration's final rule—American Lobster Fishery; Technical Amendment [Docket No. 970219034–7034–01; I.D. 021097D] (RIN: 0648–xx81) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2198. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Removal of Class E Airspace; Fall River, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–45] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Removal of Class D and E Airspace; South Weymouth, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–44] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Springfield/Chicopee, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–46] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA (Federal Aviation Administration) [Airspace Docket No. 97–ANE–11] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Amendment of Class E Airspace; Jackson, Wyoming (Federal Aviation Administration) [Airspace Docket No. 96–ANM–033] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Amendment to Class D and E2 Airspace; Orlando, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–40] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Stewart, GA (Federal Aviation Administration) [Airspace Docket No. 96–ASO–41] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2205. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class D, E2 and E4 Airspace; Gainesville, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–39] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace, Fremont, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–2] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration [Docket No. 28821; Amdt. No. 1786] (RIN: 2120–AA65) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability [Rev. Proc. 97–21] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. 105–11). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 651. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 652. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105–13). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 914. A bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures (Rept. 105–14). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 88. Resolution providing for the consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (Rept. 105–15). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. House Joint Resolution 32. Resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920 (Rept. 105–16). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 709. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; with an amendment (Rept. 105–17). Referred to the Committee on the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 90. Resolution providing for consideration of the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies (Rept. 105–18). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas (for himself, Mr. BAKER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHNER, Mr. BONILLA, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. CONDIT, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DOYLE, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. GANSKE Mr. GOODLATTE, Mr. GRAHAM, Mr. GREEN, Mr. GUTKNECHT, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KING of New York, Mr. KLINK, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCHUGH, Mr. MANTON, Mr. MANZULLO, Mr. MASCARA, Mr. MICA, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETRI, Mr. POSHARD, Mr. QUINN, Mr. RAHALL, Mr. DAN SCHAEFER of Colorado, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SHIMKUS, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr.

Solomon, Mr. Souder, Mr. Stearns, Mr. Stenholm, Mr. Stump, Mr. Talent, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Tiahrt, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Weldon of Florida, and Mr. Wicker):

H.R. 1003. A bill to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide; to the Committee on Commerce, and in addition, for a period ending not later than 30 calendar days after the Committee on Commerce reports to the House, to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Government Reform and Oversight, Resources, and International Relations, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

*COM026*By Mr. BOEHNER:

H.R. 1004. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus real property and surplus personal property to nonprofit organizations for housing use, and to authorize the transfer of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; to the Committee on Government Reform and Oversight.

By Mr. KING of New York (for himself, Mr. Petri, Mr. Christensen, Mr. Rohrabacher, Mr. Hilleary, Mr. Lipinski, Mrs. Kelly, Mr. Royce, Mr. Stump, Mr. Taylor of North Carolina, Mr. Ney, Mr. Bono, Mr. Barrett of Nebraska, Mr. LaHood, Mr. Manzullo, Mr. Weldon of Florida, and Mrs. Roukema):

H.R. 1005. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX of Pennsylvania (for himself and Mr. McHale):

H.R. 1006. A bill to amend title 5, United States Code, to provide veterans' preference status to certain individuals who served on active duty in the Armed Forces in connection with Operation Desert Shield or Operation Desert Storm, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FOX of Pennsylvania (for himself, Mr. Norwood, Mr. McHale, Mr. Saxton, Mr. Holden, Mr. Watts of Oklahoma, Mrs. Kelly, Mr. Hayworth, Mr. McHugh, Mr. Tiahrt, Mr. Bereuter, Mr. Fattah, Mr. English of Pennsylvania, Mr. Whitfield, Mr. Davis of Virginia, Mr. Coburn, Mr. Peterson of Pennsylvania, Mr. Faleomavaega, Mr. Calvert, Mr. Pickett, Mr. Filner, and Mr. Deal of Georgia):

H.R. 1007. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to offer a loan guaranteed by an adjustable rate mortgage under chapter 37 of such title; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania (for himself, Mr. Stump, Mr. Evans, Mr. Quinn, and Mr. Filner):

H.R. 1008. A bill to amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the U.S. Court of Veterans Appeals; to the Committee on Veterans' Affairs.

By Mrs. CHENOWETH (for herself, Mr. Goode, Mr. Young of Alaska, Mr. Skeen, Mr. Paul, Mr. Coburn, Mr. Hostettler, Mr. Gibbons, Mr. Herger, Mr. Lewis of Kentucky, Mr. Doolittle, and Mrs. Cubin):

H.R. 1009. A bill to repeal section 658 of Public Law 104–208, commonly referred to as the Lautenberg Amendment; to the Committee on the Judiciary.

By Mr. CONDIT (for himself, Mr. Portman, Mr. Smith of Michigan, Mr. Herger, and Mr. Watts of Oklahoma):

H.R. 1010. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Rules.

By Ms. DANNER:

H.R. 1011. A bill to direct the Secretary of Transportation to carry out a comprehensive program to assist States in adopting a nationwide emergency telephone number for cellular telephone users, and for other purposes; to the Committee on Commerce.

By Mr. DICKEY:

H.R. 1012. A bill to make emergency supplemental appropriations, for relief from the tornadoes that occurred in the State of Arkansas, for the fiscal year ending September 30, 1997; to the Committee on Appropriations.

By Ms. ESHOO (for herself, Mr. Gillmor, Mr. Klug, Mr. Price of North Carolina, Mr. Dicks, Mr. Horn, Mr. Ehlers, Mr. Bereuter, Mr. English of Pennsylvania, Mr. McCrery, Mr. Klink, Mr. Peterson of Minnesota, Mr. Manton, Mr. Boucher, Mr. Blumenauer, Mr. Stupak, Mr. Deal of Georgia, Mr. McNulty, Ms. Rivers, Mr. Dingell, Mr. Dellums, and Mr. Barrett of Wisconsin):

H.R. 1013. A bill to amend the Communications Act of 1934 to facilitate utilization of volunteer resources on behalf of the amateur radio service; to the Committee on Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. Kennedy of Massachusetts, Mr. Gonzalez, Mr. Jackson, Mr. Gutierrez, Mr. Schumer, Mr. Stark, Mr. McDermott, Mr. Kleczka, Mrs. Carson, Mr. LaFalce, Mr. Kanjorski, Mr. Hinchey, Ms. Roybal-Allard, Mr. Watt of North Carolina, and Ms. Norton):

H.R. 1014. A bill to amend the United States Housing Act of 1937 to authorize public housing agencies to establish rental payment amounts for assisted families that do not discourage members of such families from obtaining employment, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GUTIERREZ (for himself, Mr. Evans, Mr. Filner, Mr. Dellums, Mr. Abercrombie, Mr. Serrano, Mr. Frank of Massachusetts, Ms. Waters, Mr. Stark, Mr. Torres, Mr. Gonzalez, Mr. Pastor, Ms. Roybal-Allard, Ms. Velázquez, Mr. Hinojosa, Mr. Romero-Barceló, Mr. Green, Mr. Meehan, Mr. Watt of North Carolina, Mr. Vento, Mr. Ford, Ms. Jackson-Lee, Ms. Christian-Green, Mr. Frost, Mr. Sabo, Mr. Oberstar, Mr. Davis of Illinois, and Mr. Brown of California):

H.R. 1015. A bill to rescind restrictions on welfare and public benefits for legal immigrants enacted by title 4 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to reduce corporate welfare, to strengthen tax provisions regarding persons who relinquish U.S. citizenship, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1016. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. Moran of Virginia, Mr. Filner, Mr. Dellums, Mr. Gejdenson, and Ms. Jackson-Lee):

H.R. 1017. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish a toll-free telephone number and a computer network site for the collection of complaints concerning violence and other patently offensive material on broadcast and cable television, and for other purposes; to the Committee on Commerce.

By Mr. LaFALCE (for himself, Mr. Greenwood, Ms. Velázquez, Mr. Olver, Ms. Rivers, Mr. Frank of Massachusetts, Mr. Moran of Virginia, Mr. Ackerman, Mr. Sanders, Mr. Gutierrez, Mr. Frost, Mrs. Maloney of New York, Ms. Lofgren, Mr. Hinchey, Mr. Evans, Mr. Pastor, Ms. Slaughter, Mr. Skeen, Ms. Eshoo, Mr. DeFazio, Mr. Foglietta, Mr. Gejdenson, and Mrs. Johnson of Connecticut):

H.R. 1018. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain beta interferons and other biologicals and drugs approved by the Food and Drug Administration for treatment of multiple sclerosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINNIS:

H.R. 1019. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys; to the Committee on Resources.

H.R. 1020. A bill to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest; to the Committee on Resources.

H.R. 1021. A bill to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mr. Frank of Massachusetts, Mr. Coble, Mrs. Fowler, Mr. Frost, Mr. Traficant, Mr. Bentsen, Mr. Shays, Mr. Flake, Mr. Gilman, Mr. Nethercutt, Mr. Boehlert, Mr. DeFazio, Mr. Quinn, and Mr. Solomon):

H.R. 1022. A bill to authorize manufacturers and dealers of cars, trucks, buses, and multipurpose passenger vehicles and motor vehicle repair businesses to install switches to be used by drivers to deactivate air bags in cars, trucks, buses, and multipurpose passenger vehicles; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ARCHER, Mr. BAKER, Mr. BALDACCI, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BENTSEN, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BUNNING of Kentucky, Mrs. CARSON, Mr. CASTLE, Mr. CLAY, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. CONYERS, Mr. COYNE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DIAZ-BALART, Ms. DUNN of Washington, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. GONZALEZ, Mr. GREEN, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HEFNER, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Ms. JACKSON-LEE, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mrs. KELLY, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Mr. KING of New York, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAFALCE, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Georgia, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Mr. MCHUGH, Mr. MCKEON, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOAKLEY, Ms. MOLINARI, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NORWOOD, Mr. OLVER, Mr. OWENS, Mr. OXLEY, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. RUSH, Mr. SABO, Mr. DAN SCHAEFER of Colorado, Mr. SCHUMER, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. STARK, Mr. STEARNS, Mr. STOKES, Mr. STUPAK, Mr. TALENT, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. VISCLOSKY, Mr. WALSH, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. WYNN, Mr. YATES, Mr. WELLER, Mr. SCHIFF, Mr. BISHOP, Mr. BOEHLERT, Mr. BROWN of California, and Mr. SPRATT):

H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as Dhemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 1024. A bill to establish requirements for the cancellation of automobile insurance policies; to the Committee on Commerce.

H.R. 1025. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money to influence any campaign for election for Federal office; to the Committee on House Oversight.

By Mr. PACKARD (for himself, Mrs. KENNELLY of Connecticut, Mr. PAPPAS, Mr. FOLEY, Mr. BAKER, Mr. BARCIA of Michigan, Mr. FILNER, Mrs. KELLY, Mr. MCKEON, Mr. SENSENBRENNER, Mr. SHAYS, and Mr. WELDON of Pennsylvania):

H.R. 1026. A bill to amend the Internal Revenue Code of 1986 to allow a capital loss deduction with respect to the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PAXON:

H.R. 1027. A bill to amend title 28, United States Code, to provide for a three-judge court to hear and determine any application for an injunction against the enforcement of a State or Federal law on the ground of unconstitutionality, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1028. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income of certain retirement benefits received by taxpayers who have attained age 65; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 1029. A bill to protect the personal privacy rights of insurance customers and claimants, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. HALL of Texas, Mr. SHADEGG, Mr. ANDREWS, Mr. TAYLOR of Mississippi, Mr. ADERHOLT, Mr. ARMEY, Mr. BAKER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BONO, Mr. BRADY, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. CRANE, Mr. DEAL of Georgia, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GIBBONS, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Ms. GRANGER, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PETERSON of Pennsylvania, Mr. RIGGS, Mr. ROGAN, Mr. ROHRABACHER, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. POMBO, Mr. HUNTER, Mrs. FOWLER, Mr. CANNON, and Mr. SOLOMON):

H.J. Res. 62. Joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. PAXON:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 12 years; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. LIPINSKI, Mr. TRAFICANT, and Mrs. MYRICK):

H. Con. Res. 42. Concurrent resolution regarding the waiver of diplomatic immunity in cases involving serious criminal offenses; to the Committee on International Relations.

By Mr. FRANKS of New Jersey (for himself, Mr. BORSKI, Mr. GILCHREST, Mr. LAHOOD, Mr. QUINN, Mr. NADLER, Mr. LOBIONDO, Mr. MCGOVERN, Mr. PASCRELL, Mr. SHAYS, Mr. FRELINGHUYSEN, Mrs. MORELLA, Mrs. KENNELLY of Connecticut, Mrs. KELLY, Mr. MARKEY, Mr. CARDIN, Mr. KENNEDY of Massachusetts, Mr. MCHUGH, Mr. CASTLE, Ms. DELAURO, Mr. MCHALE, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. HOLDEN, and Mr. ROTHMAN):

H. Con. Res. 43. Concurrent resolution expressing the sense of Congress that the Intermodal Surface Transportation Efficiency Act of 1991 should not be radically overhauled, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. GILMAN, Ms. PELOSI, Mr. WOLF, and Mr. CAPPS):

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China, and that the United States should sponsor and promote a resolution at the U.N. Commission on Human Rights regarding China and Tibet; to the Committee on International Relations.

By Mr. STUPAK:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor Bishop Frederic Baraga; to the Committee on Government Reform and Oversight.

By Mr. SUNUNU (for himself, Ms. Granger, and Mr. Pitts):

H.J. Res. 89. Resolution requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies; to the Committee on the Budget.

By Mr. THOMAS:

H.J. Res. 91. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOEKSTRA introduced a bill (H.R. 1030) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *W.G. Jackson;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. Cook.

H.R. 14: Mr. Coble, Mr. Sessions, Mr. McKeon, Mr. Deutsch, Mr. Clement, Mr. Bliley, Mr. Greenwood, Mr. Klug, Mr. Goodlatte, and Mr. Gibbons.

H.R. 17: Mr. Frost and Mr. Jefferson.

H.R. 18: Ms. Furse, Mr. Sensenbrenner, Mr. Doyle, Mr. Hefley, Mr. Towns, Mr. Kucinich, Mr. Wicker, Mr. Wynn, and Mr. McGovern.

H.R. 27: Mr. Bliley, Mr. Paul, Mr. Jones, and Mr. Burr of North Carolina.

H.R. 38: Mr. Borski and Mr. Barcia of Michigan.

H.R. 45: Mr. Peterson of Minnesota, Mr. Sandlin, and Mr. Kanjorski.

H.R. 65: Mr. Borski, Mr. Bishop, and Mr. Green.

H.R. 71: Mr. Wynn and Mr. Sensenbrenner.

H.R. 86: Mr. Riggs and Mr. LaTourette.

H.R. 96: Mr. Leach and Mr. Inglis of South Carolina.

H.R. 98: Mr. Baldacci, Mr. Cook, Ms. Pelosi, and Mr. Brown of California.

H.R. 107: Mr. King of New York, Mr. Sawyer, Mr. Wynn, Mr. Evans, Mr. Bishop, Mr. Bonior, Ms. Woolsey, Mr. Green, and Mr. Diaz-Balart.

H.R. 122: Mr. Paul and Mr. Hunter.

H.R. 135: Ms. Eddie Bernice Johnson of Texas, Mr. Kleczka, Mr. Kucinich, Ms. McKinney, Ms. Stabenow, Mr. Wise, and Mr. Reyes.

H.R. 157: Mr. Fox of Pennsylvania.

H.R. 158: Mr. Riggs and Mr. Neal of Massachusetts.

H.R. 162: Mr. Watkins.

H.R. 169: Mr. Baker and Mr. Hobson.

H.R. 173: Mr. Horn, Mr. Schiff, Mr. Hyde, Mr. Brown of California, Mr. Blumenauer, Mr. Herger, and Mr. Packard.

H.R. 218: Mrs. Kelly and Mr. Wise.

H.R. 292: Mr. Souder.

H.R. 297: Mr. Faleomavaega, Ms. Lofgren, and Mr. Evans.

H.R. 298: Mr. Frost and Mrs. Maloney of New York.

H.R. 301: Mr. Faleomavaega, Ms. Lofgren, and Mr. Evans.

H.R. 303: Mr. Borski, Mr. Bishop, and Mr. Green.

H.R. 328: Mr. Hefley.

H.R. 336: Mr. Quinn.

H.R. 366: Mrs. Mink of Hawaii.

H.R. 383: Mr. Fox of Pennsylvania, Mr. Underwood, Mr. Torres, Mr. Green, and Mr. Jefferson.

H.R. 400: Mr. Wexler, Mr. Delahunt, Mr. Farr of California, Mrs. Meek of Florida, Mr. Houghton, Mr. Nadler, and Ms. Furse.

H.R. 406: Mr. Weldon of Pennsylvania, Mr. Walsh, and Mr. Hinchey.

H.R. 417: Mr. Lewis of Georgia, Mrs. Lowey, Mr. Sanders, Mr. McDermott, Ms. Kilpatrick, Mr. Quinn, Mr. Coyne, Mr. Flake, and Mr. McGovern.

H.R. 437: Mr. Serrano, Mr. Flake, Mr. Shaw, Mr. Scarborough, Mr. Shays, and Mr. Cardin.

H.R. 446: Mr. Skeen.

H.R. 464: Mr. Towns.

H.R. 465: Mr. Bentsen.

H.R. 478: Mr. Radanovich, Mr. Rohrabacher, Mr. Doolittle, Mr. Lewis of California, Mr. Hostettler, Mr. Young of Alaska, Mr. Hulshof, Mr. Nethercutt, Mr. Smith of Oregon, Mrs. Emerson, Mrs. Chenoweth, Mr. Largent, and Mr. McIntosh.

H.R. 521: Mr. Davis of Illinois, Mrs. Chenoweth, Mr. Boucher, Mr. Kildee, Mr. Stearns, Mr. Goss, Mr. Jefferson, Mr. Cunningham, Mr. Kanjorski, Mr. Wexler, and Mr. Gordon.

H.R. 525: Mr. Herger, Mr. Sam Johnson, and Ms. Dunn of Washington.

H.R. 534: Mr. Rangel, Mr. Kleczka, Mr. Neal of Massachusetts, Mr. Cardin, and Mr. Flake.

H.R. 538: Ms. Lofgren and Mr. Abercrombie.

H.R. 553: Ms. DeGette, Mr. Evans, Mr. Foglietta, Ms. Lofgren, Mr. Underwood, Mr. Weygand, Mr. Kucinich, Ms. Woolsey, Mr. Faleomavaega, Mr. Sandlin, and Mr. Hefley.

H.R. 577: Mrs. Meek of Florida, Ms. Jackson-Lee, Ms. Rivers, Ms. Norton, and Mr. Bonior.

H.R. 586: Mr. Doyle, Mr. Dingell, Mr. Jones, Mr. Kanjorski, Mr. Kucinich, and Ms. Roybal-Allard.

H.R. 607: Mr. Brown of California, Mr. Royce, Mr. Kucinich, Ms. Norton, and Mr. Sessions.

H.R. 617: Mr. Quinn, Mr. Fox of Pennsylvania, Mr. Costello, Mr. McGovern, and Mr. Green.

H.R. 622: Mr. Smith of Oregon.

H.R. 628: Mr. McCollum, Mr. Shadegg, and Mr. Sandlin.

H.R. 680: Mr. Evans, Mr. Reyes, and Mr. Horn.

H.R. 687: Mr. Lewis of Georgia, Mrs. Carson, Mr. Tierney, Mr. Wynn, Mr. Moakley, Mr. Kucinich, and Mr. McDermott.

H.R. 688: Mr. Klink and Mr. Fox of Pennsylvania.

H.R. 715: Mr. Sensenbrenner, Mr. Torres, Ms. Norton, and Mr. Jefferson.

H.R. 716: Mr. Goss, Mr. Miller of Florida, Mr. McIntosh, and Mr. Bob Schaffer.

H.R. 739: Mrs. Carson.

H.R. 750: Mr. Underwood and Mr. Shadegg.

H.R. 752: Mr. Lucas of Oklahoma.

H.R. 755: Mr. Kucinich, Mr. Solomon, and Mr. Reyes.

H.R. 767: Mr. Burr of North Carolina.

H.R. 773: Mr. Sandlin and Mr. Leach.

H.R. 805: Mr. Bilbray.

H.R. 811: Mr. Bonior, Mr. McDade, Mr. Ballenger, Mr. Cramer, Ms. Danner, Mr. Gibbons, Mr. LaTourette, Mr. McIntosh, Mr. Pombo, Mr. Scarborough, Mr. Talent, and Mr. Young of Alaska.

H.R. 815: Mr. Ehlers, Mr. Bonior, Ms. Woolsey, Mr. Torres, Mr. Coburn, Mr. Wise, Mr. Cummings, Mr. Sandlin, Mr. Gordon, and Mrs. Myrick.

H.R. 820: Mr. Sanders, Mr. Kennedy of Massachusetts, Mr. Boucher, Mr. Kennedy of Rhode Island, Mr. Nadler, Mr. Brown of Ohio, Mr. Green, Mr. Conyers, Ms. McCarthy of Missouri, Mr. Tierney, Mr. Olver, Mr. Frank of Massachusetts, Ms. Pelosi, and Mr. Flake.

H.R. 832: Mr. Evans.

H.R. 840: Mr. Bentsen.

H.R. 841: Mr. Rangel.

H.R. 849: Mr. Kingston, Mr. Hayworth, and Mr. Stump.

H.R. 852: Mr. Weller and Mr. Weygand.

H.R. 871: Mrs. Carson, Mr. Evans, Ms. Roybal-Allard, Mr. Kucinich, and Mr. Faleomavaega.

H.R. 883: Mr. Boucher.

H.R. 902: Mr. Barcia of Michigan, Ms. Danner, Mr. Boehlert, Mr. McDade, Mr. Camp, and Mr. Wicker.

H.R. 907: Mr. Parker, Mr. Neumann, Mr. Bachus, Mr. Bryant, and Mr. Burton of Indiana.

H.R. 918: Mr. Upton.

H.R. 919: Mr. Kucinich, Ms. Christian-Green, and Mr. Kildee.

H.R. 925: Mr. Ganske and Mr. Parker.

H.R. 928: Mrs. Myrick, Mr. Nethercutt, Mr. English of Pennsylvania, and Mr. Miller of Florida.

H.R. 930: Mr. Sanford and Mr. Davis of Virginia.

H.R. 949: Mr. Pascrell.

H.R. 950: Mr. Schumer, Mr. Sanders, Mr. McGovern, Mrs. Mink of Hawaii, and Ms. McKinney.

H.R. 954: Mr. Klug.

H.R. 956: Mr. Barrett of Wisconsin and Mr. Wolf.

H.R. 977: Mr. LaHood.

H.J. Res. 1: Mr. Livingston.

H.J. Res. 26: Mr. Bereuter, Mr. Paul, and Mr. Burr of North Carolina.

H.J. Res. 40: Mr. Burton of Indiana.

H.J. Res. 45: Ms. Pelosi, Mr. Maloney of Connecticut, and Mr. Bishop.

H.J. Res. 54: Mr. Bonilla, Mrs. Chenoweth, Mr. Gingrich, Mr. Lewis of Kentucky, Mr. Luther, Mr. Ryun, and Mr. Sanford.

H. Con. Res. 13: Mr. Sawyer, Mr. Callahan, Mr. Bishop, Mr. Campbell, Mr. Goodlatte, Mr. Kucinich, Mr. Dingell, Mr. Dellums, Mr. Lantos, Mr. Wamp, Ms. Woolsey, Ms. Danner, Mr. Blunt, Mr. Allen, Mr. Foglietta, Mr. Collins, and Ms. Lofgren.

H. Con. Res. 16: Mr. Payne.

H. Con. Res. 23: Mr. Torres and Ms. DeLauro.

H. Con. Res. 32: Mr. Shays, Ms. Roybal-Allard, and Mr. Kucinich.

H. Con. Res. 38: Mr. Engel, Mr. Underwood, and Mr. Faleomavaega.

H. Res. 15: Mr. Engel, Mr. Lewis of Georgia, Mrs. Maloney of New York, Mr. Schumer, and Mr. Menendez.

H. Res. 30: Mr. Nethercutt.

H. Res. 39: Mr. Foglietta, Mr. Lipinski, Ms. Pelosi, Mr. LaFalce, Mr. Berman, Mr. Frank of Massachusetts, and Mr. Stark.

EXTENSIONS OF REMARKS

TRIBUTE TO BONNIE MILLER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Bonnie Miller, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Bonnie Miller, a member of the board of directors of the Fair Oaks Community Center, conducted several fundraising efforts which resulted in the group being able to provide food for many people who would otherwise have gone without. She organized her community to make the Taft School a drug-free zone, and was a founding member of a coalition which developed the Taft/Healthy Start Family Center in 1995. She is the owner of a small business and has been active in the Women's Financial Information Program, a 7-week course that was designed to help women conquer their fear of finances. She has raised seven children and received the Unsung Hero Award from the Redwood City Interservice Club and the Sequoia Award for Outstanding Volunteerism.

Mr. Speaker, Bonnie Miller is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

HONORING BRADFORD MILLER FOR HIS AWARD OF HIGHEST HONOR FROM THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. CLEMENT. Mr. Speaker, I rise today to congratulate Bradford Miller for winning the American Road and Transportation Builders Association Award, the ARTBA's most prestigious award.

Mr. Miller is the current executive vice president of the Tennessee Road Builders Association [TRBA]. Under his leadership, the TRBA has grown to nearly 380 members and is one of the largest and most supportive chapters in ARTBA.

Since Mr. Miller has served as executive vice president, TRBA has passed significant legislation for our State's transportation system in the Tennessee General Assembly and has seen its highway construction program grow from $250 million to a record $540 million in 1996. Mr. Miller has developed close relationships with the Tennessee delegation, which prompted the passage of numerous pieces of legislation that have greatly benefited the highway, paving, and aggregate industries in Tennessee. He has been able to gain the support of the legislature for highway and ARTBA issues. In fact, Tennessee was one of the few and the largest State delegation where all the House Members voted in favor of removing the transportation trust funds from the unified Federal budget.

Mr. Miller, a graduate of Middle Tennessee State University, has led an active life, dedicated to leadership. Before becoming the association executive, he owned and operated a grading, base, paving and rock quarry company, an asphalt paving company, and two water, sewer, and gas line companies. He has served as chairman of the ARTBA Council of State Executives in 1990 and is an active member of the ARTBA bridges and structure committee.

Mr. Miller is a respected citizen in the community. He is married to June Miller, has four children and six grandchildren. He is a devoted family man and a devoted representative of TRBA and ARTBA. I congratulate him on his award and wish him the best of luck.

RECOGNIZING ARNOLD ARONSON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. DELLUMS. Mr. Speaker, I rise today to commemorate the 87th birthday of Arnold Aronson, an ardent crusader for civil rights. Arnold Aronson's distinguished career in civil rights transcends several generations including Franklin Roosevelt's New Deal. Mr. Aronson, with Roy Wilkins launched the National Emergency Civil Rights Mobilization, an organization, which later became known as the Leadership Conference on Civil Rights. This civil rights organization marched on Washington to protest intolerable race-based injustices and lobbied for greater civil rights protections for Black Americans. Arnold Aronson drafted a report assessing needs of Black Americans which later became the 1957 Civil Rights Act.

While at the helm of the Leadership Conference for the first 13 years of its origin, this champion of civil rights also was the program director of the National Jewish Community Relations. Throughout his activist career, Aronson allied the Jewish and Black communities in the struggle for civil rights. He is one of the original 10 organizers and leaders of the 1963 March on Washington. A tremendous amount of legislation was initiated under his direction at the Leadership Conference. Most notably included are the 1957 and 1964 Civil Rights Acts, the 1965 Voting Rights Act, and the 1968 Fair Housing Act.

In the early days of the Leadership Conference, Mr. Aronson worked closely with my uncle, C.L. Dellums, and A. Phillip Randolph the legendary president of the Brotherhood of Sleeping Car Porters, to prompt President Roosevelt to issue an Executive Order which barred discrimination on the basis of race, creed, or national origin in any war-related industries.

I proudly join with others to salute the efforts of Arnold Aronson to bring civility to the United States through positive action. To date Arnold Aronson is an active member of the Leadership Conference. Largely due to Mr. Aronson's perseverance and coalition building, today's Leadership Conference includes nearly 200 organizations and continues to confront all fronts of racial, religious, national origin, gender and sexual orientation bigotry and discriminations.

TRIBUTE TO JEAN MILLER ON HER RETIREMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. ANDREWS. Mr. Speaker, within every community, there are individuals who, through their acts of kindness and selflessness, touch many lives. Quite often, they are the silent leaders following a path that many others have traveled. Those who travel with them find prosperity at the end. One such leader is Jean Miller.

In April 1997, Ms. Miller will be retiring as president of the Southern Chester County, PA, Emergency Medical Services, Inc. For Ms. Miller, this marks the end of an impressive and rewarding career. She served 25 years in the Navy, including three tours as a surgical nurse during the Vietnam war. Ms. Miller was also an active member of the West Grove Fire Co. She has been admired by her colleagues for her skills in the operating room as well as the warmth she displayed in the recovery room.

Credited for improving ambulatory services in the Chester County community, Ms. Miller expanded the services to include routine ambulance transportation and emergency basic life support services. In addition, she was the guide for providing basic life support professional staff to local ambulance services, augmenting such services during daytime hours when volunteer help was limited.

On March 16, the citizens of Chester County will honor Jean Miller for a lifetime of unselfish service. As she receives accolades from the citizens present at this event, individuals across the country who were touched by Ms. Miller's caring hands will once again feel her touch as the last chapter of an illustrious career comes to an end.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As chairman of the Congressional Fire Service Caucus, it is my honor to pay tribute to Ms. Miller on behalf of the 320 Fire Caucus members.

IN HONOR OF MARTHA GRIFFITHS ON THE 25TH ANNIVERSARY OF THE EQUAL RIGHTS AMENDMENT

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. RIVERS. Mr. Speaker, for the record, I would like to pay tribute to an exceptional person whose vision for equality raised the consciousness of our Nation. During her 20 years in the House, Martha Griffiths dedicated herself to fighting for equal rights for women and minorities.

Elected to Congress in 1954, Ms. Griffiths made the introduction of legislation prohibiting wage discrimination on the basis of sex one of her first priorities in the 84th Congress. Breaking gender barriers, Ms. Griffiths became the first woman representative to win appointment to the Committee on Ways and Means in 1962. One of her many great achievements in Congress was the inclusion of her amendment prohibiting sex discrimination in the landmark 1964 Civil Rights Act. Ms. Griffiths untiring efforts to create an equal playing field for women led to the passage of the Federal Equal Rights Amendment in the 91st Congress. Although, ultimately, the Equal Rights Amendment was not adopted into law, the legacy of Ms. Griffiths' efforts continue to serve as an inspiration to all of us.

On March 22, 1997, Ms. Griffiths will be in Washington, DC, celebrating the 25th anniversary of the Equal Rights Amendment's passage in Congress. On that day, we will celebrate Ms. Griffiths lifetime dedication to furthering equality for all Americans.

TRIBUTE TO FRANCISCA DE CASTRO GUEVARRA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Francisca De Castro Guevarra, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Francisca De Castro Guevarra was born in San Francisco and is the daughter of Filipino immigrants. She has been an exemplary community volunteer for the past 28 years. She left her banking career in 1969 to join the Volunteer Center where she has been instrumental in broadening the focus of service to groups and regions that had not previously been served. In 1990, she organized the bay area's first Volunteer Center Conference on Cultural Diversity and Voluntarism, which has served as a model for many subsequent conferences throughout the bay area. She has been tireless in her efforts to involve youth in voluntarism and service, and conducted a management training session for representatives of 18 European countries at the 1996 Volunteurope Conference in Rome.

Mr. Speaker, Francisca De Castro Guevarra is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

A GREAT TEACHER . . . AN INSPIRATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. UNDERWOOD. Mr. Speaker, this past February 24 would have been the 52d birthday of Helen Leon Guerrero Carriveau should she have survived here bout with cancer. Helen Carriveau left a lasting impression on her family, her friends, her colleagues, and most importantly her many students. A resident of Latte Heights, Mangilao, Helen taught in the Guam Public School System for 28 years. She began her teaching career on Guam in 1968 at George Washington High School. The next year she transferred to Dededo Junior High School, now known as Dededo Middle School, and taught there until 1986 when she transferred to John F. Kennedy High School. For the next 10 years, Helen worked avidly advising and supporting almost every student organization on campus.

Helen worked endlessly during the seventies and eighties toward the preservation of the Chamorro language and culture. Through her role as a language teacher, Helen used her charisma to coach her many students who participated in the various islandwide oratorical contests. Part of her role included coordinating the various campus activities at Dededo Middle School where she was teaching at the time.

Helen's work at John F. Kennedy High School during her 10 years of service were especially rewarding to her many students. She was the main advisor for the John F. Kennedy High School student government program, WAY. During her term as faculty advisor, the WAY Program developed from a student government class to an active school and community-based operation. Students made major decisions affecting school fundraising, activities, calendars, and financial management. Through her work, the student government office became equipped with computers, printers, a facsimile machine, a copy machine, and a direct telephone line. With her encouragement, WAY defined its role as umbrella organization for the other student entities throughout the school. Together, they supplied the school with trashcans for litter, provided a public address system for school functions, and acquired display cases for the art classes. Helen helped form and organize several other student organizations including HITA—Helping Islanders to Achieve—and the community-based JFK chapter of the SHOUT Program. She was an advisor to the S Club, several class councils, as well as the National Honor Society.

Together with Connie Guerrero, another educator, Helen became a lead facilitator and organizer of the Guam Close-up Program which literally brought hundreds of our island students to our Nation's Capital for participation in workshops and lectures developed to spark and maintain student interest in government and democracy. Under Helen's leadership several other programs were introduced to Guam students. These included the Pacific Basin Program, the Citizen Bee, and the Geography Bee.

Helen's friend and colleague, Robert Abaday gave the following eulogy at her memorial services:

> Helen began writing her autobiography on December 5th, 1996 and penned the last entry on January 6th, 1997—the day before she entered the hospital. She never got to finish the story, but I, as a colleague at JFK High School and as her friend, will do my best to relate some things about her as I remember her.
>
> Helen's enthusiasm for teaching excited her students; encouraged them to do their best; and, in some lit the passion for teaching. Her classroom was alive with colors, art, music, exotic foods, posters, piñatas, and student assignments for social studies and Spanish. She shared her knowledge of Guam, history, and Spain. Helen initiated the JFK Cinco de Mayo celebration, which has since become an annual event. She was involved in the school and loved the students. Helen was an "Islander" who led us in school spirit and fiercely believed her school and students were the best on island.
>
> Teaching was not a job that ended at 2:30—it was a lifestyle that included evenings, weekends and vacations. Helen was always ready to stop by school for meetings or to chaperone. She was always ready to listen to student's problems; help them find solutions; encourage them to continue; and when she needed to, straighten them out. She allowed others to experiment and to make their own mistakes. Students in Spanish, history and student government loved her classes and knew Helen was there for them. Students returning from college on vacation would seek her out, once again, to share their triumphs and their worries.
>
> Helen had a very active life. Look at the lists over the years for committees, workshops, and chaperons and Helen's name will be included. Close-up, National Honor Society, SHOUT, Peer Counseling, and Geography BEE were only a few of her many activities. She shared her knowledge of Guam and its history during the Golden Salute by leading tours for Veterans.
>
> Helen was well-organized, responsible, and thorough. Whatever activity or event she ran would be sure to be smoothly planned and implemented.
>
> Those who worked with her could expect to be recruited for some event or job, but we knew Helen would be there working right along with us. She believed in working together and asked for input from others. She always had a few minutes available to bounce ideas and phrases around. Helen could make you feel your ideas were good and you were an important port of any endeavor.
>
> Helen made others feel welcome—new students at the orientations, new classes, new colleagues-faculty, staff, and administrators. People were drawn to Helen. They enjoyed

> her company, she loved a good story and was a great storyteller. She was a charter member of the Social Studies Party Animals. Helen made everyone feel better just being around her. She enjoyed laughing and made us laugh along with her. You could always tell when Helen was holding back a laugh though—her eyes danced.
>
> Friendship was very important to Helen. Her father told her that if you had friends—you were rich. Helen had many friends. If you ever needed any help, Helen was there. I have pictures of Helen and Liz Huey sweeping water out of classrooms after a typhoon, sweating and laughing. Helen taught a group of us how to play pinochle a few weeks before Christmas. She was considerate, encouraged us to "go for it", and went out of her way for others. Her generous nature made us feel honored to be accepted as her friends.
>
> When you needed a spokesperson, a mediator or a dragon fighter, Helen was there. Helen was known for her high sense of values, family pride, love for life and integrity. Compassionate and dignified could be used to describe this gracious and joyful woman. She showed us what it meant to have courage and to value family, friends, and life. She shared her life with all of us—moment by moment. She encouraged us, she challenged us, she brought out the best in us. Helen taught all of us. She taught us how to enjoy every bit of life. She taught us, through her own example, how to live."

Her thoughtfulness and influence extended far past the campus of John F. Kennedy High School. She can count on many other students as her pupils. Joshua Tenorio, one of my legislative assistants is included as one of those students. He met her many years ago during a trip to Washington he had made to participate in the Close-up Program. As a representative of the Guam Youth Congress, Joshua did not have an advisor. Helen adopted his group and they bonded from then on. Joshua told me:

> She was a true inspiration to us all. She was always encouraging and provided us with her full support. Her death is a loss to the entire island of Guam for she represented everything positive about being an educator. She lives on in the minds of the hundreds of students she touched with her heart. I know that her husband and her children can safely say that she led the best possible life. That is why we should celebrate it whenever we think of her. One thing is for sure, she will never be forgotten.

Helen was my colleague in various projects over the years. She was intelligent, committed, and a positive influence on everyone she came into contact with. I will miss her, her students will miss her, and the people of Guam have lost a great educator.

Mr. Speaker, it is with great pride that I submit this statement for the RECORD. May others take note and use her as an example of the best that we can be. My sincere condolences go out to her husband, Kenneth, and her children and their spouses, Kenneth and Llolanda, Monique, and Brett, and her two grandchildren, Katherine and Kieran.

IN MEMORY OF JANIE TIJERINA OF HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a valuable member of the Houston community, Mrs. Janie Gonzales Tijerina, who passed away on Sunday, March 2, 1997. Mrs. Tijerina was among Houston's most prominent community leaders, but perhaps will be most remembered as the owner of Felix Mexican Restaurants which she founded with her husband, the late Felix Tijerina, Sr., in the 1930's. Following her husband's death in 1965, Mrs. Tijerina continued to run the restaurants with her family until her death last week. As much as the community of Houston loved and respected Mrs. Tijerina, her family has suffered an even greater loss.

Mrs. Tijerina touched the lives of many generations in Houston. While I was a regular customer at her restaurant since almost birth—in fact both of my daughters can claim to have eaten at Felix's under her watchful eyes within one week of their respective births—I came to know Mrs. Tijerina while serving as chairman of the Harris County Democratic Party, when we leased space in the flagship restaurant on Westheimer for use as a polling place. I will always remember her enthusiastic greeting and her meticulous dedication to satisfying her customers. She truly ran what is now a Houston institution. She was one-of-a-kind and will be greatly missed by generations, including four in my family, who were fortunate enough to have met her and spent time with her.

Janie Tijerina treated everyone in Houston as a family member, and now that family mourns her passing. I ask unanimous consent to insert in the RECORD at this point an article and obituary which appeared in the Houston Chronicle on March 4, 1997.

RESTAURATEUR JANIE TIJERINA DIES AT AGE 88

Services will be held Wednesday for Janie Gonzales Tijerina, who helped her husband, Felix Sr., launch Felix Mexican Restaurants 60 years ago.

She died Sunday at age 88 after a long illness.

Tijerina had served on the Municipal Arts Commission and numerous other boards.

"Her death helps mark the passing of the founding generation of the truly prominent Hispanic Houstonians who began to attract citywide attention," said historian Thomas H. Kreneck.

Tijerina's husband, likewise deeply involved in civic projects, was national president of the League of United Latin American Citizens before his death in 1965.

In the 1930s, the Tijerinas were a struggling couple in Houston. He had tried to launch a restaurant, and they were living in a spare, one-room house.

One day, her boss at a variety store gave her $50 to bet on a horse at Epsom Downs, the area's former horse track. He was such a skinflint, she knew he wouldn't risk that much money unless he was sure the horse would win.

She had promised her husband to stop gambling but couldn't resist betting on the same horse. She hocked her jewelry and furs and their car, plus got a few dollars from other shop girls, and bet $450.

The horse won, but Felix, then a beer truck driver, was shocked and said: "Janie, what have you done?"

She confessed about reneging on her promise, gave him the winnings (about $1,100 after their property was redeemed), told him to open a restaurant and pledged, "You're going to be the only boss."

Tijerina is survived by a son, Felix Jr., and a daughter, Janie.

JANIE GONZALES TIJERINA

Janie Gonzales Tijerina (Mrs. Felix Tijerina, Sr.), 88, owner of Felix Mexican Restaurants, died Sunday, March 2, 1997 in Houston. Mrs. Tijerina was born December 20, 1908, in Sandyfork, Texas. She was a member of St. Anne Catholic Church, was past president of the Downtown Women of Rotary and was the first woman granted a membership in the Rotary Club of Houston, (Downtown). She was past president of the Pilot Club of Houston, a member of the Salvation Army, the Chamber of Commerce of Houston, South Houston and Pasadena, was a former board member of the National Hotel Association of Mexico City, member of the City Art Commission, past member of the Board of Directors of The University of Houston, Sheltering arms, and the Houston Women's Club.

She was preceded in death by her husband, Felix Tijerina, Sr. and is survived by her daughter Janie Tijerina; son Felix Tijerina, Jr. and wife Sandra Kay; grandchildren Cary Jordan Tijerina and Katherine Ann Tijerina.

Friends may call at Geo. H. Lewis & Sons, 1010 Bering Drive, after 12:00 noon Tuesday, where a Rosary in English will be recited at 6:30 p.m., and in Spanish at 7:30 p.m. The funeral mass will be celebrated at 1:30 p.m. Wednesday, March 5, 1997, at St. Anne Catholic Church, 2140 Westheimer, with Rev. David Zapalac celebrant. Rite of Committal will follow in the Garden of Gethsemane, Forest Park Lawndale Cemetery. Active Pallbearers will be Eugene Galindo, Alejandro Parra, Sia Ravari, Cary Tijerina, Janie B. Tijerina and James E. Wiggins. Honorary Pallbearers will be Frank Barrera, Joe Gonzalez, Hewitt Jenkins, Thomas Kreneck, Paul Pressler, Sr. and Joseph Soper. For those desiring, memorial contributions may be given to The University of Houston System, 1600 Smith, Suite 3400, Houston, Texas, 77002 Attn: General Endowment Fund for Scholarships, or to a charity of your choice.

IN MEMORY OF MARTIN SLATE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. POMEROY. Mr. Speaker, today I wish to take a few moments to express my sadness at the passing of a truly dedicated public servant. His name was Martin Slate, Since 1993, Mr. Slate had served as executive director of the Pension Benefit Guaranty Corporation [PBGC]. In this capacity, he was charged with safeguarding the hard-earned pension benefits of millions of working Americans. It was a job he did brilliantly. He arrived at the PBGC at a time when the agency was in danger of failing in its mission to guarantee the pension benefits of American workers. He developed a plan to set things right and went about doing so. Director Slate led the effort to make needed reforms in the pension laws, he restored the PBGC to a level of solvency it had not seen in decades, and he spearheaded a new initiative to track down missing pension participants and provide them with the benefits they had earned but not received.

While at PBGC, Director Slate worked closely with leaders from Capitol Hill, particularly with former Congressman J.J. "Jake" Pickle. Writing to Director Slate's spouse last week, Congressman Pickle remarked:

> We should give eternal thanks for Marty's leadership in the Pension Benefit Guaranty Program. For years neither the Administration nor Congress could remove road blocks that kept badly-needed pension reform from enactment. Marty Slate knew the problem, and knew how to chart a course of action. As Chairman of the Congressional Subcommittee that had jurisdiction over pension reform, I can vouch that Marty, more than anyone, led the fight that resulted in the passage of the Retirement Protection Act of 1994. Countless millions of American workers, now and in the future, owe a deep debt of gratitude to this great man.

Having worked closely with Director Slate on pension policy over the past several years, I share Congressman Pickle's enormous gratitude for the leadership and vision he provided in advancing the retirement security of the American people. Our Nation has lost a valuable ally in the critical struggle to achieve economic security for our Nation's retirees.

Fortunately for our Nation, however, Director Slate's 4 years of success at the PBGC were not a temporary foray into government service but the capstone of a lifelong career of service to the public. Prior to coming to the PBGC, Mr. Slate oversaw employee benefit plans for the Internal Revenue Service and served in a variety of capacities at the Equal Employment Opportunity Commission. Marty's lifelong dedication to ensuring equal opportunity and preserving workplace benefit security brought tangible results to millions of working Americans. His life stands as a testament to the fact that one can achieve great good in service to one's country.

Mr. Speaker, this past Thursday I attended a memorial service for Director Slate. While this required me to miss several recorded votes here in the House, I was proud to count myself among the hundreds of colleagues and friends who gathered to pay tribute to this exceptional man. Speaker after speaker rose to celebrate the life and mourn the passing of this quintessential public servant and vibrant friend. For those of us who had known him only professionally, we learned in moving terms that Marty's dedication to his country was matched by dedication to his friends and family. Country, colleagues, family, friends—all will miss him terribly.

Mr. Speaker, I ask my colleagues in this Chamber to join me in sending heartfelt condolences to Marty's wife, Dr. Caroline Poplin, and to the other members of Marty's family. At this difficult time, I know that we all join in expressing our sincere gratitude for Marty's many years of dedicated service to this Nation and his fellow citizens.

DECERTIFYING MEXICO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. GILMAN. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD a letter to President Clinton from Grant Woods, attorney general from the State of Arizona; and Daniel E. Lungren, attorney general from the State of California. I call our colleagues' attention to the important message conveyed in this letter from two leaders on the frontlines in the struggle against illegal drugs.

Their message is clear: United States law enforcement resources have been compromised by corruption among their counterparts in Mexico. They call upon this Congress to decertify Mexico.

Mr. Speaker, in consultation with our colleagues, we will present legislation on Thursday that will decertify Mexico and send a bipartisan message to President Clinton and to the Mexican Government on steps that should be taken to stem the flow of drugs into the United States from Mexico.

I commend our friends from California and Arizona and urge my colleagues to study the wise counsel conveyed in their letter.

STATE OF ARIZONA,
OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 27, 1997.

Hon. BILL CLINTON,
Office of The President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON: As the chief law and law enforcement officers of our respective States, we are gravely concerned with recent reports that our cooperative efforts with law enforcement officials of the Republic of Mexico in the fight against illegal drugs may have been seriously compromised. This is intolerable. It threatens the integrity of our own enforcement efforts in our respective States, States which border Mexico and which are heavily impacted by the devastating cross-border illegal drug trade. Frankly, we are concerned about the consequences to state and national drug enforcement personnel, programs, strategies, data, equipment and criminal intelligence sources.

Accordingly, we urge you to take the appropriate action under sections 489 and 490 of the Foreign Assistance Act of 1961 to decertify the Republic of Mexico as a country "fully cooperating" with the United States to end drug production, trafficking and related activities. While this step appears to be drastic, we are unaware of any credible alternative means of impressing upon the appropriate agencies of national authority in Mexico the seriousness of these breaches of security. We cannot continue to cooperate in sensitive operations fighting drugs under these circumstances.

Sincerely,

GRANT WOODS,
Attorney General,
State of Arizona.
DANIEL E. LUNGREN,
Attorney General,
State of California.

HONORING BILL HARDMAN, SR., FOR HIS SERVICE TO THE STATE OF TENNESSEE AND OTHER SOUTHEAST STATES IN THE AREA OF TOURISM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Bill Hardman, Sr., and his service to the State of Tennessee and other Southeast States in the area of tourism.

Mr. Hardman, who has served as the president and CEO of the Southeast Tourism Society [STS] since its inception in 1983, is relinquishing his duties on March 15, 1997. He will be greatly missed.

Mr. Hardman is a legend in the tourism industry. He began his career in 1959 when he became Georgia's first tourism director, a position he held for 12 years. One of Mr. Hardman's first projects was to construct welcome centers at Georgia's State borders. The State was the first in the Southeast other than Florida to form a welcome center program. Before he left, he had planned and coordinated eight welcome centers. Following his successful program, other Southeastern States began constructing welcome centers and today, all Southeastern States have strong welcome center programs.

Mr. Hardman instituted the first Governor's Conference on Tourism in the United States in Georgia and other States followed. In 1965, he created and served as the first president for the Southern Travel Directors Council, which later became known as Travel South USA. He developed a high impact advertising program in television, radio, and newspaper and attended trade shows for the State of Georgia all over America and Europe.

Mr. Hardman was involved in Presidential Inaugurations and entered Georgia floats in the Kennedy, Johnson, and Nixon inaugurations. He was instrumental in obtaining favorable legislation for tourism in Georgia. For several years, he had Georgia floats in the tournament of Roses Parade. He won a number of awards including the Sweepstakes Award. Hardman organized the Jimmy Carter Inaugural Special train to Washington for the inauguration of his home State President Jimmy Carter. The special train sold out in 2 days and several cars on the regular train from Atlanta to Washington were sold to the Jimmy Carter group.

Mr. Hardman left his State of Georgia employment in 1971 to go into his own business, a travel agency, travel advertising and promotion accounts, attraction development, trade show management and other areas of the tourism industry. In 1983, he got the idea for a regional travel organization. In September 1983, 21 people from 7 Southeastern States met in Atlanta to determine if there was a need for such an organization. The result was the formation of the Southeast Tourism Society, which currently has a membership of 450 people representing 10 Southeastern States. STS is the strongest regional travel organization in the nation. The purpose of STS is to market and develop tourism and travel to and within the Southeastern States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Mr. Hardman currently serves on the White House Conference Travel and Safety Committee. He has won numerous awards including the coveted Travel Industry Association of America Knight of the Golden Horseshoe Award in 1973.

Mr. Hardman's organizational and people skills have been the key to 10 States working together as though there are no State borders and working for the good of the region as a whole. The Southeast States enjoy an abundance of tourism, due, in part, to the efforts of Mr. Hardman. He is a good friend, not only to the States represented by STS, but also to me personally. Tennessee has been served well by his many successes. But, I don't expect him to sit idly by, so I hope we will be hearing from him often. Mr. Hardman will certainly be missed in his position at STS. I wish him the best of luck.

TRIBUTE TO MARYANN MEDINA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Maryann Medina, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Maryann Medina, one of the few Latina women working for the San Francisco Post Office in 1966, recognized the importance of lending a helping hand and became the first woman president of the Latin American Postal Workers. While continuing to work full time, she earned her AA degree in 1981 and a BS degree in public administration in 1985. In 1989, she was elected Western region coordinator of the APWU Post Office Women for Equal Rights. She organized her union's Childcare Committee and worked for a 24-hour childcare facility for postal workers. She joined Toastmaster International, became a public speaker, and attended the Fourth World Conference on Women in Beijing in 1995, and she now makes frequent public presentations about the conference. She is a member of the Soroptimists and volunteers as a facilitator in the Women's Financial Information Program.

Mr. Speaker, Maryann Medina is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

WE DON'T ALL DO IT

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. CAMPBELL. Mr. Speaker, the most disappointing phrase anyone serving in public office can hear today is they all do it. That is, essentially, the White House defense of the crass sale of Presidential perks to major donors to the President's party. From the public polling data, it appears the President and Vice President are winning with this defense. Since everyone does it, it sounds almost hypocritical for critics to point out the unique venality of the White House political machine. There is a surmise that Members of Congress also sell perks of office for campaign advantage. In fact, we do not.

Let me contrast what we have learned about the President and Vice President with what is typical of a congressional office. In my congressional office, I receive letters of praise and letters of criticism. I do not send the letters of praise over to my campaign office so that funds can be solicited from those who wrote. I receive an extra ticket to the State of the Union address and to speeches by visiting heads of state to Congress. I do not auction those off, but give them to my staff. When people ask to get on my schedule to talk about a political topic, I schedule the meetings for the coffee shop across from my district office in California; in Washington, I schedule them at the private Capitol Hill Club. I don't make fundraising calls from my congressional office—and I don't know any Members of Congress who do. I know that Government locations are for carrying out the Nation's business, not for dialing-up contributors. So does everyone with any ethical sense above numbness.

That's why I found the Vice President's excuse that he thought the law didn't apply to him so bizarre.

In his White House news conference, which some in the press called surreal, the Vice President stated—no less than seven times—that counsel had advised him that "there was no controlling legal authority" showing him in violation of the law.

First—there is such "controlling legal authority." It's called the U.S. Code.

Section 607, of title 18, of the United States Code states that, "It shall be unlawful for any person to solicit or receive any contribution * * * in any room or building occupied in the discharge of official duties by any person mentioned in section 603 * * *." Section 603 of title 18, defines "any person" to include "an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for service from money derived from the Treasury of the United States * * *." Violators of section 607 can be fined and/or imprisoned for up to 3 years. How much more clear can it be?

Second—put the law to one side. What about a sense of personal ethics? Do we really need a law to say—"Don't use the public's money for personal political gain?"

Mr. Speaker, in light of the President and Vice President's actions, Congress needs to send a signal of hope and self-confidence to the entire country that we don't all do it. Regrettably, many people looking at Congress think each of us does pretty much the same sort of thing, or at least looks the other way when one of our colleagues does. Well, as a matter of fact, not everyone does use public office for personal political gain. And not every one of us looks the other way, either.

UNIVERSITY OF TEXAS AT ARLINGTON MOVIN' MAVS AND DUNCANVILLE HIGH SCHOOL'S GIRLS' BASKETBALL TEAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. FROST. Mr. Speaker, I rise today to pay tribute to two amazing athletic achievements that were recently accomplished by basketball teams in my district. On March 2, the University of Texas at Arlington wheelchair basketball team, the Movin' Mavs, captured their fifth National Intercollegiate Wheelchair Basketball Championship. They were the first wheelchair basketball team to visit the White House.

I am also very proud of the Duncanville High School's girls basketball team. The girls team recently won their 18 State tournament title after finishing the season with a 38–0 record.

Both of these extraordinary teams deserve both praise and national recognition of their achievements. Each individual member of the Movin' Mavs has waged a personal battle to overcome disability and become a champion. And the Duncanville team's incredible run of 38 consecutive wins makes it a team for the record books.

My congratulations go to the 1996–97 UTA "Movin Mavs" wheelchair basketball team: James Hayes, coach; Adrian Casell, manager; Jackie Middleton, trainer; Javier Gonzalez, Danny moor, Cezar Olivas, Enoch Ablorh, T.K. Dannelley, Takk Kerst, Jack Ricks, Jon Rydberg; and to the 1996–97 Duncanville High School girls basketball team: Sara Hackerott, coach; Christie Sparks, assistant coach; Andrea Bentley, Kenya Larkin, Remy McElroy, Dawn Owens, LaDonna Palmer, Tanika Catchings, Shunda Murray, Portia Lowe, Alana Griffin, Julie Jesperen, Angela Francis, Jalle Mitchell, Dana Godfrey, Jessica Barr-Long, Brianna Brown.

THE HOMEOWNERS CAPITAL LOSS RELIEF ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. PACKARD. Mr. Speaker, current tax laws discourage homeowners from selling their homes. By keeping them in homes they can't afford to lose money on, we are making it harder for families just starting out to purchase their first home. My bill will free up those homes for first-time buyers. I am working to make the American dream a reality for as many families as possible.

Recently, I introduced bipartisan legislation which would allow homeowners to deduct losses taken on the sale of their home from their taxes. The Homeowners Capital Loss Relief Act would enable many homeowners to sell their homes below the price they paid and deduct this loss from their taxes. I know that our families work to scrimp and save for their piece of the American dream. They should not be penalized for a depressed real estate market and a drop in the value of their homes.

Mr. Speaker, this pro-homeowner provision was originally passed as part of the Balanced Budget Act of 1995. I was disappointed that this provision did not become law. Today, I am working to change that and provide much-needed tax relief to America's homeowners.

This bill recognizes that owning a home is more than just an investment—it is an important goal for many Americans. In addition, by enabling more families to purchase their first home, my legislation will encourage more investments in our communities.

Mr. Speaker, the American people have looked to us again and again for tax relief. It is time to give them the results they deserve. We must provide for our current and future homeowners.

TRIBUTE TO JESSICA FRANK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Jessica Frank, a dedicated youth leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Jessica Frank is a recipient of the National Council of Teachers of English Writing Award and has won accolades from her teachers for her creativity and determination. She has volunteered as a teacher's aide with emotionally disturbed third and fourth graders, has tutored a runaway youth who speaks English as a second language, and is a member of Moving On Racial Equality. Jessica has created projects that combine community service and social justice for her 400-member church youth organization and helped renovate an elementary school in a low-income area in San Francisco. She has organized and conducted a workshop on homelessness and spent last summer tutoring on a Navajo reservation. She is an inventive and committed community volunteer who gives generously of her time and talents to help others.

Jessica Frank is outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO STANLEY D. STEINBORN

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. RIVERS. Mr. Speaker, I am pleased to take this opportunity to recognize the upcoming retirement of Mr. Stanley D. Steinborn, the deputy attorney general for the State of Michigan. Mr. Steinborn's 34 years of government service with Michigan's Office of Attorney General reflect the commitment, talent, and integrity he has brought to our State government.

Raised in Alpena, MI, the son of a bricklayer, Mr. Steinborn graduated from Michigan State University and obtained his law degree from Northwestern University in Chicago. He voluntarily interrupted his education to serve in the Korean war. He returned to Alpena to practice law, where he became friends with a recently settled local lawyer, Frank J. Kelley, who later became Michigan's attorney general. Mr. Steinborn joined Mr. Kelley in Lansing as an assistant attorney general in 1963, and has served as chief assistant and deputy attorney general since 1973, overseeing a staff of 250 lawyers.

The mark Mr. Steinborn has made on Michigan State government is reflected by the comments of so many who have worked with him. Mr. Frank Kelley, who remains our Nation's longest serving State attorney general recently said: "Mr. Steinborn has had a long and distinguished career as a public servant with the Office of Attorney General. He has been not only a colleague in law, but he has been my friend." Mr. Steinborn's contributions are recognized across party lines. Lucille Taylor, Governor Engler's top legal counsel, has nothing but praise for Mr. Steinborn:

> I have worked very closely with Stan Steinborn during the past six years—sometimes on an almost daily basis. I respect the way he has performed his job. I have learned a lot from him, and I think he is an example of committed civil servant—a person who is really committed to his work and to the state. I admire him. If I ever had his job, I would do it exactly like he has.

Through the years, Mr. Steinborn has held firm to his ideals and convictions, while never losing sight of his priorities. Foremost in his life is his family. He and his wife of 42 years, Annette, have raised four children whose chosen careers mirror the values instilled in them by their parents—a medical social worker in my district, a civil engineer employed by the State of California, an attorney in private practice in Washington, DC, and a schoolteacher in the city of Detroit. It is a source of great family pride that all of the Steinborn's hold at least one degree from Michigan State University. Mr. Steinborn and his wife no doubt will stay busy in the years ahead enjoying their extended family that now includes four grandchildren.

Mr. Steinborn touched so many with whom he has worked. His dedication to the high ideals of our legal system and our democratic form of governance will surely serve as an important example for the many who have known and worked with him. It is my distinct pleasure to recognize his many important contributions to our State. Thank you, Mr. Speaker.

COMMENDING THE LAUREL VOLUNTEER RESCUE SQUAD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. HOYER. Mr. Speaker, it gives me great pleasure to rise today and recognize the Laurel Volunteer Rescue Squad as they prepare to celebrate their 45th anniversary on March 15 1997. The history of this rescue squad dates back to 1952 and is filled with many significant and historic accomplishments which makes Laurel home to one of the most successful and decorated rescue squads in the Nation.

Since the first ambulance service and rescue squad was formed in 1952, the citizens of Laurel have always supported the men and women who are on the front lines of public safety every day. Additionally, the rescue squad has been at the forefront of teaching and developing heavy rescue techniques for the Maryland Fire and Rescue Institute and the Prince Georges County Fire Department. However, the hard work and dedication of the rescue squad has been felt well beyond the town limits of Laurel. They have provided emergency care for five Presidents at their inaugural ceremonies and administered emergency care to Alabama Governor George Wallace after the attempted assassination in Laurel in 1972. They were also first on the scene when my good friend, Congresswoman Gladys Noon Spellman, fell ill.

Mr. Speaker, one of the greatest legacies of the Laurel Volunteer Rescue Squad has been its accomplishments in the international first aid competition arena. Dating back to 1965, both the men and women's teams have captured the world championship in first aid and rescue competition on several occasions. Last year, they surpassed all expectations, winning an unprecedented first and second place in the emergency medical technician competition.

Mr. Speaker, from the beginning, this rescue squad has excelled. They have seen a steady increase in membership, responsibility, and expertise and it is my honor to be able to recognize their many accomplishments as they celebrate their 45th anniversary. I commend the over 250 members of the Laurel Rescue Squad who embody the dedication and commitment that defines volunteer service.

John F. Kennedy once described the essence of public service as the following: "The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it, and the glow from that fire can truly light the world." I can think of no organization which embodies the values of public service and volunteerism, and which lights our country every day, more than the Laurel Volunteer Rescue Squad.

Mr. Speaker, it gives me great pleasure to rise today to congratulate the Laurel Rescue Squad on this great achievement and to wish them continued success as they serve our community and our State for many years to come.

AUTOMOBILE INSURANCE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing a bill to require notice to automobile insurance policyholders before a paid up policy can be either canceled or renewal refused.

Many of my constituents without warning or for insignificant reasons are being cut off of automobile insurance coverage and with little time allowed to find another company.

My bill will require at least 180 days notice before a cancellation or decision not to renew can take effect provided the premiums are fully paid up and there is no court order canceling the holder's driver's license.

In many places in my district the only means of transportation is one's automobile. To have to drive without insurance coverage is a public hazard. People need to be told well in advance if a company is refusing to renew or plans to discontinue coverage.

This is not interference with the company's right to decide who to cover or not cover. It is only a requirement of due notice. I urge my colleagues to support this bill.

TRIBUTE TO CAROLYN NOBLES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Carolyn Nobles, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Carolyn Nobles has energetically and generously served her community for many years. She recently organized an effort to raise $120,000 to build a playground in the North Fair Oaks community, and was a founding member of the Probe Auxiliary, which raised $100,000 to benefit children's programs in Redwood City. She was a founding member of Friends of Redwood City and Redwood City's Citizens against Racism, which sponsors scholarships for minority students attending Cañada College. She has been honored by the Sierra Club, Soroptimists International, the Volunteer Center, the Junior League, the California State Assembly, the San Mateo County Board of Supervisors, and the Save San Francisco Bay Association.

Mr. Speaker, Carolyn Nobles is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

IN MEMORY OF REV. MAC CHARLES JONES

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. MCCARTHY. Mr. Speaker, I rise today to pay tribute to a nationally respected clergyman, Rev. Mac Charles Jones. Reverend Jones' untimely death is a loss for the Kansas City community and the Nation.

Reverend Jones served as a deputy general secretary for the National Council of Churches and was en route to a meeting of that group's racial justice committee when he died. He also served as a member of the World Council of Churches central committee.

As an ordained minister in the National Baptist Convention of America, Inc., he served as pastor of St. Stephen's Baptist Church in Kansas City, MO. Because of Reverend Jones' initiative and drive St. Stephen's was the annual host of the local celebration honoring the birthday of the Reverend Martin Luther King. Reverend Jones was instrumental in convening the 1993 National Urban Peace and Justice Summit at St. Stephen which drew more than 100 current and former gang members together to discuss improving inner-city conditions.

Last June, Reverend Jones organized a group of clergymen, many from affected churches, to meet with President Clinton, Attorney General Reno, and Treasury Secretary Rubin to focus the Government's attention on the arson fires at African-American churches. His efforts played an important role in raising the national consciousness about this problem. A noted evangelist, Reverend Jones was an important leader in Kansas City. He made a difference in the lives of its residents. I ask the House to join me in expressing condolences to his wife, Jannela, and his children Ayinde Jones and Lacey Jones.

ASSISTED SUICIDE RESTRICTION ACT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. HALL of Texas. Mr. Speaker, I rise to call my colleagues attention to the Assisted Suicide Funding Restriction Act of 1997, which I am introducing in the House of Representatives today. This bipartisan bill, which already has 100 cosponsors, will prevent the use of Federal tax dollars to subsidize or promote the practice of assisted suicide.

A Wirthlin worldwide poll conducted last November indicated that 87 percent of taxpayers objected to their tax dollars subsidizing assisted suicide. The Supreme Court has heard arguments arising from Second and Ninth Circuit Courts of Appeals that ruled that assisted suicide is a constitutional right. Unless the Supreme Court overturns these opinions, physician-assisted suicide could become a legal, routine practice throughout our Nation, and taxpayers could discover that they are funding assisted suicide, regardless of their conscientious objections to the practice.

The Assisted Suicide Funding Restriction Act of 1997 will preempt the use of taxpayer dollars by preventing programs funded by the Public Health Service block grants and others, such as Medicaid, Medicare, Indian health care, the military health care system and the Federal Employee Benefit plans, from paying for assisted suicide, euthanasia, or mercy killing.

The bill does not affect a patient's right to reject or to discontinue medical treatment. It respects the wishes of the patient, and it respects the sanctity of the doctor-patient relationship. It does not create any limitation regarding the withholding or withdrawing of medical treatment or of nutrition or hydration, nor does it affect funding for alleviating pain or discomfort for patients.

In sum, the bill has the modest goal of keeping the Federal Government out of the business of assisted suicide. Mr. Speaker, I believe that we must be proactive in addressing this issue—rather than be forced to deal with it after the fact—and that is what we hope to accomplish with this legislation.

I urge my colleagues to give this bill their serious consideration and support.

TRIBUTE TO THE LAKE AREA UNITED WAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. VISCLOSKY. Mr. Speaker, the United States has been built by great citizens who unselfishly dedicate their time to community service and volunteerism. The Lake Area United Way and its volunteers have worked diligently to assist those in need throughout Indiana's First Congressional District. The Lake Area United Way has organized a black tie fundraising gala in which all proceeds go to benefit its umbrella organizations. This affair will take place at the Raddison Star Plaza in Merrillville, IN on March 22, 1997.

This outstanding benefit would not take place without devoted individuals to make the event possible. These volunteers include: Mr. Vic DeMeyer, manager of Corporate Consumer & Community Development for the Northern Indiana Public Service Co.; Mr. Tom McDermott, president of the Northwest Indiana Forum; Mr. John Davies, senior team leader of the Northwest Indiana Forum; Mr. Norbert Dreyer, area manager of Ameritech-Indiana; Mr. Jeff Fox, branch manager for Bank One, Merrillville N.A.; Mr. John Gauder, director of marketing for U.S. Cable of Northern Indiana; Ms. Pat Giannini, community relations consultant for Amoco Oil Co.; Ms. Barbara Haas, group vice president of consumer service for the Northern Indiana Public Service Co.; Mr. Jim Hornak, president of the United Brotherhood Carpenters & Joiners; Ms. Kaydell Knarr, administrator for the school city of Hammond; Mr. George Kuebler, public relations manager for St. Anthony Medical Center; Mr. Peter Manous, attorney-at-law for John M. Kopack & Associates; Ms. Jan Moran, president of Moran Designs Corp.; Mr. Daniel Root, general manager for the Center for Visual & Performing Arts; and Ms. Delores Williams, assistant vice president of Nursing for Northlake Methodist Hospital.

In addition, this event could not be possible without the dedicated Lake Area United Way staff, including: Mr. Louis Martinez, president; Ms. Mary Ellen Nichols, executive assistant; Ms. Diane Karp, vice president of fund raising; Mr. Bob Scott, director of the fund raising campaign; Ms. Colleen Gallagher, senior manager of the fund raising campaign; Ms. Janiece Cerjeski, campaign associate, Mr. Steve Hunter, campaign assistant; Mr. Alex Monanteras, vice president of finance and administration; Mr. Pat McNiece, director of information systems; Ms. Mariann Munro, manager of financial accounting and human resources; Ms. Tracy Williams, finance assistant; Mr.

David Sikes, director of allocations; Mr. Jerry Powell, director of labor and information and referral; and Ms. Chelsea Stalling, director of marketing and communications.

The mission of the Lake Area United Way is to bring together the resources of our community to assist people in helping themselves and one another. The Lake Area United Way is an organization that strives for continuous improvement in the quality of relationships with one another, volunteers, and all individuals and businesses in the community. The Lake Area United Way strives to achieve this goal by treating all people in a courteous and professional manner in order to instill confidence and trust in their organization. Their hallmark is the delivery of timely, high-quality service by being accessible and responsive to ensure satisfaction. At the same time, the organization works hard to effectively communicate the appropriate information in order to achieve the individual and organizational goals. The Lake Area United Way also strives to identify and resolve problems in a timely and satisfactory manner, while disseminating information about the funded services that help people, as well as the places where help is available.

Mr. Speaker, I ask you and my other colleagues to join me in commending these distinguished volunteers and staff members of the Lake Area United Way for their continuing effort to improve the quality of life for Indiana's First Congressional District. In closing, I would like to extend my congratulations to the Lake Area United Way, as well as best wishes for a successful gala on March 22.

TRIBUTE TO MS. THALIA DONDERO OF LAS VEGAS, NV

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. ENSIGN. Mr. Speaker, I rise today to pay tribute to Ms. Thalia Dondero of Las Vegas, NV, who is being honored on March 12, 1997, at the Bishop Gorman High School Knight of the Gael. Throughout the years, this event has chosen to honor citizens who have made outstanding contributions to the Las Vegas community and to the State of Nevada.

During her tenure as a Clark County commissioner, Ms. Dondero served three terms as chairman of the board of county commissioners. In addition, she was elected by her fellow commissioners to chair the University Medical Center Board of Trustees, the Liquor and Gaming License Board, the Kyle Canyon Water District Board of Trustees, the Big Bend Water District Board of Trustees, and to serve as president of the Las Vegas Valley Water District Board of Directors. She was also appointed as a member of the Las Vegas Convention and Visitors Authority, the Regional Planning Council, the Regional Flood Control District, the Nevada Business Service Job Training Board, and the Equal Opportunity Board.

Over the years, Ms. Dondero has been appointed to numerous boards and committees on the State and Federal level. Her gubernatorial appointments include the Governor's DUI Task Force, the Commission on Nuclear Projects, the Nevada Energy Commission, the Nevada Commission on Aging, the Tourism Commission, the Nevada State Parks Board, and the Nevada State Intergovernmental Board. At the request of the Department of Agriculture, Ms. Dondero served as a member of the National Forest System Law Enforcement Advisory Council, and the Department of the Interior appointed her to the National Bureau of Land Management Committee.

Ms. Dondero's commitment to the community is evident in her involvement as former executive director of the Frontier Girl Scout Council, former president of the Nevada and Clark County Parent-Teacher Associations, and former chairman of the Council of Social Agencies. She is an active member of an impressive number of civic organizations including the Soroptomist Club, the Nevada Dance Theater, the United Way Service, Inc., Rotarian International, Opportunity Village, and the Las Vegas Center for Children.

In closing, Mr. Speaker, I take this opportunity to personally commend Ms. Dondero for her years of distinguished public service and dedication to both the Las Vegas community and the State of Nevada. Ms. Dondero exemplifies the virtue of service to others. I join all southern Nevadans in wishing her the best in her newest endeavor as a regent of the University and Community College System of Nevada.

SLEEPY HOLLOW

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mrs. KELLY. Mr. Speaker:

> In the bosom of one of those spacious coves which indent the eastern shore of the Hudson, at that broad expansion of the river denominated by the ancient Dutch navigators the Tappan Zee, and where they always prudently shortened sail and implored the protection of St. Nicholas when they crossed, there lies a small market town or rural port, which by some is called Greensburgh, but which is more generally and properly known by the name of Tarry Town.—Washington Irving.

These immortal words penned by Washington Irving more than 150 years ago describe a beautiful Hudson Valley village which I am proud to represent in Congress. Now, however, Washington Irving's fiction has become fact: the village of North Tarrytown, has been renamed the village of Sleepy Hollow to recognize the importance that Washington Irving's story, "The Legend of Sleepy Hollow," plays in the annals of America literature.

In December of 1996 the village of North Tarrytown, NY, in the town of Mt. Pleasant, officially changed its name to the village of Sleepy Hollow. I rise today to pay tribute to the village of Sleepy Hollow and to recognize the truly historical nature of this village that is nestled in the "bosom of the one of those spacious coves which indent the eastern shore of the Hudson . . ."

The village of Sleepy Hollow is home to not only the great legend which Washington Irving created, but also sites of historical significance such as Patriots Park where American patriots, during the Revolutionary War, captured the British spy Maj. John Andre as he made his escape after having been given the plans to West Point by Benedict Arnold. Sleepy Hollow is also home to the Sunnyside Estate which was the home of Washington Irving and of Kykuit, home to four generations of the Rockefeller family.

The village of Sleepy Hollow, NY holds a special place in the hearts of all Americans, from young children enjoying the thrill of reading Washington Irving's story for the first time, to the rest of us who appreciate the true courage and sacrifices made by American patriots during the Revolutionary War. Therefore, I rise today to pay tribute to the village of Sleepy Hollow and the townspeople who worked so diligently to see this name change become a reality. They have helped to preserve a piece of American history and future generations of Americans will be truly grateful for their efforts.

TRIBUTE TO LYNDA BURTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Lynda Burton, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Lynda Burton has served the community as an attorney at the Legal Aid Society of San Mateo County since 1981, representing low-income clients in family law, domestic violence, landlord-tenant, and consumer protection cases. She has made important contributions to the County Task force on Violence Against Women, the Family Law Center, Sor Juana Inez, and the Center for Domestic Violence Protection. She gives generously of her time to Planned Parenthood and is a strong supporter of human rights in Latin America. She participated in the Fourth World Conference on Women in Beijing and has brought the news of this and many other important meetings to the Spanish speaking women of San Mateo County. She is an exemplary public servant, dedicated to making our legal system accessible and effective for the poor and disadvantaged.

Mr. Speaker, Lynda Burton is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO THE POLISH SINGING CIRCLE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. QUINN. Mr. Speaker, I rise today to recognize the Polish Singing Circle on the occasion of its 100th Anniversary.

Founded in September of 1897, the Polish Singing Circle was created to promote American and Polish culture through song. Throughout its 100 year history, the Polish Singing Circle has continued to exhibit a strong and dedicated commitment to the Polish community, the city of Buffalo, and to the spirit of community service and volunteerism that has always been the hallmark of our western New York community.

The Polish Singing Circle has helped raise funds for charitable organizations such as the American Red Cross, the Immaculate Heart of Mary Orphanage, and the Villa Maria Academy.

The commitment of service exhibited by this historic group has also been expressed through military service, as many members defended our Nation during times of war. And, in a great show of patriotism, members of the America Polish Singing Circle came home from war and dedicated their time to performing for the injured veterans hospitalized in the VA Medical Center. This unselfish gesture truly highlights the Polish Singing Circle's exceptional 100 year history.

Mr. Speaker, today I would like to join with the group's members, and indeed, our entire western New York community, to honor the Polish Singing Circle on the occasion of its 100 anniversary. On behalf of the 30th Congressional District of New York, please accept my personal best wishes for another hundred.

LONG BEACH AUTHORS FESTIVAL—A MODEL FOR OTHER CITIES TO FOLLOW

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. HORN. Mr. Speaker, I rise today to honor the Long Beach Authors Festival. Celebrating its 20th anniversary this year, this highly successful program was founded by Long Beach high school teacher Joan Hansen.

Ms. Hansen started by bringing authors on campus to speak and interact with students. Authors would describe the writing process and students became motivated to read the author's book, leading to other books. From this beginning, the program has grown to reach every school in the Long Beach Unified School District—every child, from kindergarten to 12th grade, is reached. To prepare for the Authors Festival, teachers and librarians will have devised reading and writing activities to prepare their students: Reading their author's books, illustrating favorite scenes, outlining questions to be asked, and writing poems or proclamations of welcome for their authors.

This year, 104 authors are involved in the program, making a total of 118 visits to the school district. At the March 19 anniversary celebration, 15 authors will be honored who have been with the program from the start. They are: Caroline Arnold, Virginia Bradley, Terry Dunnahoo, Ella Thorp Ellis, John Gardiner, Laura Glusha, Marilyn Gould, Shirely Gordon, Monica Gunning, Betty Hager, Lael Littke, Ed Radlauer, Ruth Radlauer, Susan Goldman Rubin, Alice Schertle, Yetta Speevak, and Martha Tolles.

The Authors Festival is a model of an effective collaboration with the public schools, the libraries, and public spirited community organizations. It is also an example of a true grassroots, low-budget program. Funding comes from local organizations and local arts councils. In Long Beach, the Public Corporation for the Arts is a contributor. Every PTA organization in the district contributes to the festival, no matter how small the donation. Local families host the authors overnight. Private schools participate in the program as well.

The popularity and effectiveness of this program is beginning to spread. The festival has inspired others in the region, from Orange County to Los Angeles County. The city of Downey will be hosting its Second Authors Festival on April 15. In addition to each school's contribution, the Downey Unified School District provided an additional $200 to each school to buy the authors' books. The Downey Public Library also sells the books, hosts the authors for book signings, and personal autographs for the students, and facilitates one-on-one discussions with the new fans.

The Authors Festival is a winner of the prestigious "Golden Bell Award" from the California State School Boards Association. Ms. Hansen, who in addition to founding the program also chairs all the festivals, describes this program as "a meaningful bridge between writer and reader, between the written word and its audience, and between the creative urge, the finished product, and its young consumers."

Mr. Speaker, this is a program of which every parent and child can be proud. I am glad to wholeheartedly support it and the gifted authors who write to educate and inspire our children and who stimulate a child's love for books. I congratulate the Authors Festival on its 20th anniversary, and wish them many more years of success.

TRIBUTE TO OFFICER GEORGE J. FAULKNER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor and pay tribute to a man who has devoted much of his life to helping and improving the lives of others through dedication to police service and his community. After many years of service, George J. Faulkner retired from the Norwood Police Department in late December, 1996.

For 30 years officer Faulkner was a key leader in local law enforcement and the surrounding community. George fully committed himself to police service, and received many commendations. In addition, George served as a volunteer fire fighter for over 33 years for the Norwood Fire Fighting Company of Pennsylvania.

George is well versed in many different aspects of police procedure, and has attended over 40 courses in police education. George was directly responsible for the training of many officers in the use of police computers. The knowledge George passed on in his years of service were essential to many law enforcement officials, and helped them better serve the community.

While on duty as a police officer, George often went above and beyond the call of duty. During his years of duty George was personally involved in rescuing individuals from four separate house fires. He received commendations for all of these rescues, as well as obtaining an Outstanding Community Service award for life saving efforts in Norwood Memorial Park of Pennsylvania.

George has often been acclaimed for his exemplary police service and hard work in the community. He received a letter of commendation from the Norwood Boys Club for the arrest of four individuals that burglarized the club's storage facilities. He also obtained a letter of commendation for Cooperation and Assistance in Performing Police Duties from the Norwood American Legion Post. Furthermore, in 3 separate years George received from the Levan-Smith Rabley Veterans of Foreign Wars Post the "Certificate of Appreciation for Unyielding Adherence to the Highest Ideals of Law Enforcement in Maintaining, Preserving, and Protecting the Lawful Rights of All Citizens."

George has taken great pride in his years of police and community service. Because of his efforts, and those such as him that are dedicated to service, the communities of Pennsylvania and the United States are better off. Mr. Speaker, I know you and my colleagues join me today in celebrating the many accomplishments and achievements of officer George Faulkner, and wishing him good luck in his retirement.

TRIBUTE TO JOAN WRIGLEY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. SOLOMON. Mr. Speaker, one of my greatest privileges as a Congressman is the opportunity which I get to honor the invaluable individuals in my district whose contributions to their community improve the quality of life of their neighbors every day. Today I am afforded just such an opportunity, as I bring your attention to the remarkable career of Joan Wrigley, who will retire on April 15, 1997 from her position as the district manager at the Columbia County Soil and Conservation District. When Joan began working at the district office 35 years ago, no one had any notion of the profound impact she would have on the program's evolution. Joan began as a part-time employee, hired to answer the telephone, take shorthand, and color soil maps. However, her creativity and ingenuity could not be contained for long. Inspired to help further the district's programs, Joan became increasingly interested and involved in the projects, often coming up with ideas to improve operations and increase the success of the undertakings. Proving herself invaluable to the future of the district, Joan soon became a full-time office employee, artfully balancing her demanding career with newborn twins.

Through 35 years and four locations, Joan worked tirelessly to deal with critical issues to the fast growing county. When the district office's operations required expansion to a larger location, most discounted the cause as hopeless, since the district could not borrow money. However, Joan did not give up, submitting a proposal to the Board of Supervisors for the construction of a new building. At that time, the county planner gave Joan one symbolic dollar bill, with his hope that the building would one day become a reality. Thanks to the continued attention Joan gave to the problem, it remained on the front-burner, and eventually, Joan's impressive persistence paid off. With the approval of the State, the soil and water conservation district building and learning center was built. The new building is located adjacent to a wetland, which serves as a live learning center, accessible to the public, further promoting the district's purposes by educating people about the interaction between different aspects of our environment. Joan has kept the dollar bill given to her by the City Planner framed in her office and labeled "The buck that built the building"; it is a symbol of the seemingly impossible tasks which may be accomplished with hard work and persistence.

Mr. Speaker, my measure of a truly valuable person and a great American is based upon the positive impact which an individual has on his or her community. To me, Joan Wrigley epitomizes the foundation of this great Nation: hard work, ingenuity, and a desire to protect and give back to the world in which she lives. I ask all Members to join me in tribute to Joan and he outstanding record of public service of this great American, and in wishing her all the best in her retirement. Although she will no longer be working at the soil and water conservation district, Joan's legacy will remain for many years to come.

IN HONOR OF THE HONORABLE WILLIAM ROSCOE KINTNER

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. FOX. Mr. Speaker, I rise today to honor a great man who left his Montgomery County, Pennsylvania community to serve the people of the United States in a variety of capacities.

Dr. William Kintner was a patriot in the full sense of the word—a man who lived by the motto of the U.S. Military Academy from which he graduated, "duty, honor and country." Born in Loch Haven, PA on April 21, 1915, the eighth child in a family of nine. Soon his family moved to Johnstown, PA where his father, a successful lawyer, was very involved in local politics and served as district attorney.

The stock market crash of 1929 changed the lives of the members of the Kintner family and, because of a lack of funds for college, Bill Kintner spent a year after his high school graduation in 1932 working in New York City as a typist while earning money for the Academy of the New Church College. It was at this time he learned to appreciate the value of life's necessities. He finished Junior College at the Academy in 1935 and entered the U.S. Military Academy the next year. He graduated in 1940, the same year he married Xandree Hyatt with whom he would raise their four children, three daughters—Kay, Jan and Gail—and a son, Carl. Today, there are 15 grandchildren, 2 great grandchildren in the Kintner clan. After Xandree died in 1986, Bill met and married Faith Childs Halterman who worked with him and tenderly cared for him during his final illness.

That is his family history, Mr. Speaker, but as I have said, Bill Kintner was a patriot in every sense of the word. Patriotism is not just a matter of flag waiving or doing one's duty by voting. Patriotism is an attitude of life. It is measured by our willingness to sacrifice and give of ourselves for the common good. By that barometer, Bill Kintner was an extraordinary patriot.

At noon on June 6, 1944, then Major Kintner landed with the allied troops at Omaha Beach as part of the Normandy Invasion. He survived the shock of death all around him in that bloody invasion and wondered where God would take him after sparing his life. Bill Kintner served his Nation again in Korea as a Battalion Commander and Regimental Executive of the 17th Infantry, 7th Division during the battle of Pork Chop Hill. In 1961, now Colonel Kintner retired from the military. While in the service in 1948, he earned his Ph.D. from Georgetown University. His graduate thesis, published under the title "The Front Is Everywhere," was his first of many books he authored. This and his subsequent books earned him wide respect in the field of foreign affairs. While in the military, Bill's assignments sent him around the world many times over and he became more and more involved in our Nation's foreign affairs. His final assignment was as Chief of Long-Range Plans for the Strategy Analysis Section Coordination Group serving the Chief of Staff of the U.S. Army.

Upon leaving the service, he became a professor of political science at the University of Pennsylvania, retiring as professor emeritus in 1985. While at the University, he also served as deputy director and then director of the Foreign Policy Research Institute and as editor of ORBIS. At the same time, he worked for President Richard M. Nixon on the team which wrote the President's famous Checkers Speech. President Nixon sent Bill Kintner on a secret assignment to pave the way for the President's historic visit to China in 1972. The next year, Nixon appointed him Ambassador to Thailand, a post he held for 2 years.

Many great men and women of our time have known and respected Bill Kintner. Among them are Henry Kissinger, Secretary of State under President Nixon; President Dwight Eisenhower; General Alexander Haig; former United Nations Ambassador Jean Kirkpatrick; Yitzhak Rabin, the Prime Minister of Israel who was assassinated during his quest for peace, and former Vice President Nelson Rockefeller.

In 1986, President Ronald Reagan appointed him to the U.S. Peace Institute which is a think tank recommending solutions to conflicts before they grow into large-scale warfare. In 1989, he was appointed by President Bush to the President's Commission on White House Fellowships.

This was a long and impressive career in service to the nation he loved, the career of a patriot.

Bill Kintner's final publication, completed last November, is titled "The Role of Ancient Israel 'Written With The Finger of God'" with a subtitle: "A Swedenborgian Perspective on the History of the Israelites from Abraham to Jesus." This book was his way of expressing his life-long dedication to the church he loved.

We see in the life of Bill Kintner a model of dedication to the affairs of state. His was a steady pursuit of peace on Earth. Through the experience of war, he sought peace. His faith bestows blessings on the peacemakers calling them "the children of God." But he knew that peacemakers must often engage in war to make true peace possible as was the case when he battled the Third Reich and Nazi tyranny. The family and friends of Bill Kintner will remember him, not just as a friend, or father, or loved one, not just for his thoughtful commitment to world affairs, not just for his many accomplishments, but for his courage in seeking peace, for his dedication to duty, honor, and country.

We will all miss him.

TRIBUTE TO EUGENIA CHEN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Eugenia Chen, a dedicated young leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Eugenia Chen is an exemplary student who has taken the most rigorous academic program at Mills High School, achieving first place in her class of 327 students and being honored as a National Merit semi-finalist. She serves her school and her fellow students as student body president, is an accomplished musician playing both piano and flute, and was chosen most valuable player in tennis and badminton. Eugenia has been chosen National Youth Ambassador for the Organization for Chinese-Americans and will travel across the country, representing Chinese-American youth. She was elected Supreme Court Justice at last summer's Girls' State, and is serving as an intern with the San Mateo County Board of Supervisors. She is an extraordinary student and athlete, and gives generously of her time to her community.

Eugenia Chen is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

HUMMINGBIRDS, LEAKY PLUMBING, AND WILDERNESS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. YOUNG. Mr. Speaker, hardly a day goes by without hearing about some outrageous ruling by a Federal agency that defies common sense and victimizes average citizens.

Syndicated columnist and environmental scholar Dr. Alston Chase has an uncanny ability to uncover these bureaucratic excesses and explain them in plain English. One of his recent columns entitled "Hummingbirds and Other Prey of the EPA" began by asking the following question. "What do rescuing hummingbirds, owning leaky plumbing, getting lost in the wilderness, and smuggling refrigerator coolants have in common?"

This column, which appeared in the February 28, 1997 edition of the Washington Times, cited specific horror stories involving how Federal agencies dealt with all these items. I urge my colleagues to read this well-written column by Dr. Alston Chase.

[From the Washington Times, Feb. 28, 1997]

HUMMINGBIRDS AND OTHER PREY OF EPA

(By Alston Chase)

Question: What do rescuing hummingbirds, owning leaky plumbing, getting lost in the wilderness, and smuggling refrigerator coolants have in common?

Answer: They're all crimes against nature, punishable by stiff fines or imprisonment or both. And if one federal agency has its way, our jails may soon be filled with folks who have committed equally harmless offenses.

As to hummingbirds, last fall one of these creatures, having summered around Billings, Mont., didn't migrate south as it should have. Bad decision. Probably, it had been surprised by the sudden cold snap that made that autumn the second most frigid on record. Whatever the reason, a kindly couple found the shivering bird and took it to Jill Herzog, owner of a local bird store. Miss Herzog was making arrangements to ship it south when officials of the U.S. fish and Wildlife Service knocked at her door.

Release the bird immediately, they told her, or pay a $10,000 fine. So, release it she did. By this time it was January, and outdoor temperatures hovered around 18 below zero. End of hummingbird.

As to the other criminals:

In November, a New York court convicted Kent and Glenda Druell of 164 counts of pollution. The couple, who are of modest means, face $32.6 million in fines and 1,000 years in prison. Their crime? Owning a leaky septic system. The case is on appeal, as the state never adduced a shred of evidence to show that this effluent was contaminating state waters, as charged.

In December, race car driver Bobby Unser got lost in a blizzard when snowmobiling in Colorado. While trying to find his way, he accidentally strayed a half-mile into federal wilderness. For this offense, the U.S. Forest Service brought charges against Mr. Unser that carry a $5,000 fine and a six-month prison term.

Then, there's the case of the banned coolant. In January, federal authorities brought charges against several people and businesses for smuggling the refrigerant Freon into the United States. Relying on what many scientists believe is a flawed theory claiming this substance causes stratospheric ozone depletion, the government forbids its manufacture or import. Yet since millions of air conditioners cannot run without it, prices are skyrocketing, which leads to widespread smuggling.

And lest you think that's the end of the matter, Freon substitutes—so-called HCFCs—which are currently being installed in new car air conditioners, are slated to be banned by the year 2020, thus promising to generate another lucrative illegal trade when supplies run out.

Notice the pattern? Each year, the list of eco-crimes gets longer. Each year, more erstwhile law-abiding behavior is declared illegal. Each year, environmental agencies extend their police powers. Each year, Americans lose a little more liberty to laws that don't protect plants and animals but do put people at risk.

This process proceeds by such incremental steps that few take notice. But it continues as you read this. Consider regulations currently proposed by the Bureau of Land Management:

Two days after last November's general election, the bureau published in the Federal Register rule changes for law enforcement. These revisions are touted as merely stylistic, as only rephrasings couched in "plain English" to help ordinary citizens understand them. But actually, that's a deception. Under the guise of simplifying law, the bureau is pursuing vast extensions of its police powers.

The proposed regulations would criminalize thousands of minor offenses that previously were not deemed criminal. They would give bureau police unparalleled authority of arrest, search and seizure. They would extend federal enforcement to surrounding private properties. They would raise the maximum punishment for violations from $1,000 to $100,000 and authorize bureau agents to enforce not only their own rules but all other local, state and federal laws as well.

And they redefine guilt. No longer would ignorance of the law be an excuse. Instead, one could be declared criminally responsible for breaking a rule few ever heard of.

Thus, individuals could go to jail for violating "any regulation, authorization or order"—such as walking a dog in a recreation area without a leash, not wearing a seat belt, failing to display a state inspection sticker on one's car or entering "wilderness areas without a permit, where permits are required by BLM."

The bureau has set a March 7 deadline for receiving public comments on these provisions. And on March 20, the House Subcommittee on Parks and Public Lands will hold hearings on them.

Let's hope Congress can stop this power grab. Otherwise, those who hike in wilderness may discover the greatest dangers they face are neither bad weather nor grizzly bears but green police, and that their most essential survival tool is neither tent nor cook stove but a copy of the Federal Code of Regulations.

IN TRIBUTE TO MORDECAI LEE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, it is an honor and a privilege for me to pay tribute today to one of the most respected community leaders in my hometown of Milwaukee, WI: Mordecai Lee.

The name Mordecai Lee has long been associated with excellence and one of our highest standards of civic pride. Mordecai Lee is moving on from his position as executive director of the Milwaukee Jewish Council for Community Relations after 6 years of outstanding service to the people of Milwaukee.

Mr. Speaker, our communities and our country have always relied on the contributions of those individuals who have the ability to rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. Mordecai Lee has demonstrated an unfailing and tireless commitment to the betterment of Milwaukee County, the State of Wisconsin, and the entire Nation. With his steady guidance and strong leadership, Milwaukee's Jewish community has emerged as a powerful voice in Milwaukee.

We are surrounded by global conflicts, and the path to the peace is often a difficult road to travel. Yet we are constantly reminded of the necessity to pursue peace. Mr. Lee, with his dedication to the Middle East peace process, has been a voice of stability when many had doubts about advancing peace in the region and almost everyone had different approaches.

When someone leaves a post of importance, it is often said that his or her shoes will be hard to fill. But I can say without hesitation that, in Mordecai Lee's case, this is an understatement. In addition to his excellent work on behalf of Milwaukee's Jewish community, his influence has been felt far and wide—from the leaders of nations abroad, to college freshmen in Milwaukee.

Indeed, we need more people with his vision and energy to tackle the vast challenges we all face. Mr. Lee will continue his distinguished service to the people of Milwaukee as an assistant professor of governmental affairs at the University of Wisconsin-Milwaukee's Division of Outreach and Continuing Education Extension. Mordecai Lee deserves our heartfelt thanks for his years of dedicated service as executive director of the Milwaukee Jewish Federation and our best wishes for the future.

JACQUELINE ALEX

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Jacqueline Alex of Oregon, OH, in my district. Mrs. Alex is the National Catholic War Veterans Auxiliary president, and is being honored for her work with a testimonial dinner on March 8, 1997.

Jackie and her husband, John, were married in 1947. Together they raised two sons, James and John. Her husband passed away only 10 years later, in 1957. A year later, Jackie joined the Toledo Logsdon-Walla Catholic War Veterans Post 639 Auxiliary, serving the auxiliary in every capacity. She was elected auxiliary president several times through those years, and in 1971 Jackie was named president of the Department of Ohio's Auxiliary. She began her service with the National Department in 1985, and served as the president of the 1995 Auxiliary National Convention.

Her tireless efforts have been recognized by the organization, and Mrs. Alex has been awarded numerous honors: the National Auxiliary President's Gold Medal Award For Outstanding Service; the Ohio Auxiliary President's Award; the Ann Senft Award For Meritorious Service to the Auxiliary; the National Auxiliary's St. Agnes Medal; Department of Ohio Auxiliary 1988 Woman of the Year; and a citation for meritorious service from the Chapel of Four Chaplains in Gettysburg.

Our Nation pays tribute to its veterans in various ways, but often overlooked in such recognition is the role of women, wives, and families who served here on the homefront. For whether they bought war bonds, planted a victory garden, worked in a munitions factory, went to work to support a family, or played both mother and father to a family growing up, they kept our Nation running in times of war. Their contributions created a strong backup system to those engaged in combat and in service to our Nation. Their ideals of service are upheld through their auxiliaries, which are the sinew that binds a veterans post together.

For nearly 40 years, Jacqueline Alex has served our Nation and its veterans honorably. I am pleased to join with her sons, grandchildren, colleagues, and friends in a deep and heartfelt salute of gratitude.

HONORABLE MENTION AWARDED BY READING IS FUNDAMENTAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to congratulate Abigail Bauman, a 7-year-old second grader in Sciota, PA. Abigail is a student at Hamilton Elementary in Sciota.

Abigail was one of 41 honorable mentions in this year's poster contest sponsored by Reading is Fundamental [RIF]. Abigail's poster was chosen out of over 300,000 entries.

The theme of this year's National Poster Contest was "Read! Imagine!" Abigail's poster showed a tremendous effort to display this message to the youth of America. Her efforts in this endeavor earned her a commemorative certificate along with a dictionary and gift books.

In this year's State of the Union Address, President Clinton touched on the importance of literacy in America. Teaching children to read at a young age, and getting them interested in books is fundamental to improving literacy in the United States. Using posters as a tool to achieve this is a creative vehicle to do so, avidly conveyed through Abigail's drawing.

It is essential for our children to read and love books if they are to compete, as well as excel in tomorrow's world. The key to the high paying jobs and opportunities of tomorrow is for each and every American citizen to be able to read.

Aibigail's colorful poster helps to make reading more fun and interesting for elementary school children. I contgratulate her on using art to communicate such an important message.

HONORING SUSAN RICHTER

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. WHITFIELD. Mr. Speaker, every day it seems as if we pick up a newspaper or turn on the evening news and hear about the troubles of our young people. Critics argue they are disengaged with school, disinterested in their communities, and disinclined to become productive citizens of our country.

Not everyone agrees with this dismal view of our Nation's youth. Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy audio-essay scholarship program. This program was started in 1947 by the National Association of Broadcasters, the Electronic Industries Association, and the State Association of Broadcasters. Since 1961–62, the Veterans of Foreign Wars has been the sole sponsor of the program with over 5,200 VFW posts and 4,200 auxiliaries participating. The program requires high school entrants to write and record a 3 to 5 minute essay on an announced patriotic theme. This year, more than 109,000 secondary school students participated in the contest competing for 54 national scholarships. The contest theme was "Democracy—Above and Beyond."

I rise today to honor Susan Richter, a senior at Calloway County High School in Murray, KY, who won the 1997 Voice of Democracy broadcast script writing contest in Kentucky. Susan is the youngest child of Fred and Margaret Richter of Murray, KY. She hopes to attend Transylvania University in Lexington, KY, where she plans to pursue a degree in radio/TV broadcasting.

In addition to participating in essay contests, Susan keeps busy at Calloway County High School with a full plate of activities. She is the news anchor of the morning show on WCSD–TV 28, a school-run local cable channel, and an officer in the Student Council, the Co-ed Y Club, the Beta Club, and the Foreign Language Club. Outside of school, she enjoys playing the piano, reading, and working on her computer.

Please allow me to share with you Susan's award-winning essay, which appears below.

"DEMOCRACY—ABOVE AND BEYOND"

Democracy is a general term used to describe both a form of government and an ideal. Throughout the years, our country has thrived on the idea of creating a more perfect union through the means of a plan known as democracy. I believe democracy is a superior way of life and I believe that it will help carry our nation onward to meet its most fantastic goals.

Democracy is often referred to as "rule by the majority." However, another phrase I prefer seems to more clearly define democracy. It relates that democracy is the absence of hereditary class distinctions or privileges. In other words, democracy allows for any person, regardless of age, race, gender, or social status to have his say in the workings of our country. According to Robert Hutchins, "Democracy is the only form of government that is founded on the dignity of man, not the dignity of some men, of rich men, of educated men, or of white men, but of all men." I agree with this statement and claim this type of equal dignity and representation to be a major reason why democracy is a form of government above the rest.

Also, democracy is superior for its emphasis on individual freedom. As a general rule, it allows persons both the right and the responsibility of shaping their future. Each person is allowed to make his own choices, both in life and in governmental issues. However, not only is one given the ability to do so, he also has a responsibility both to the government and to himself to carry out his decisions. This individual freedom is necessary for a democracy and is another reason why democracy is a step above the rest.

However, not only is democracy an excellent program for the present, it is also a bright path into the future, a yellow brick road to tomorrow.

One feature of democracy that will help lead to a prosperous future is its ability to ensure peaceful change. Democratic methods for making changes negate the need for violent uprisings. Many economic and social changes have been made recently, and most have happened with little turbulence, other than perhaps a peaceful protest march, or other such means allowed by the Constitution. Also, democracy allows for the peaceful change of political leaders. Free elections are held when time for the transfer of power, and the people vote upon who should next receive the responsibility of representing them in government. This power of the people ensures that they can make decisions peacefully. In a country founded on war, this assurance of peacefulness is a key to a bright future.

Another way democracy will take us beyond is due to its practicality. Generations to come will be able to follow in our democratic footsteps, just as we have been following our ancestors' paths as far back as the founding days. Why? Because democracy is easily applicable to a daily life. The process of electing officials and making decisions based upon majority vote can be seen from the capital to the classroom. The right to "Life, Liberty, and the Pursuit of Happiness" is something not just penned in the Constitution, but is also a motto for daily life. The ability to still apply democracy some 2,600 years after its origin in Greece only stands as proof that it is a form of government stable enough to lead us beyond the realms of today and into tomorrow.

In conclusion, democracy is both a form of government and an ideal. Our country has been built and has grown as a result of this plan we call democracy. I believe that democracy is a way of life above and beyond any other man-made plan, and I am proud our country subscribes to this mode of self-government and equality for all.

INTRODUCTION OF THE AMATEUR RADIO VOLUNTEER SERVICES ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to announce the introduction of the Amateur Radio Volunteer Services Act of 1997. Similar to a unanimously accepted amendment I offered last year to the FCC reauthorization bill in the Commerce Committee, this bill would help protect the personal liability of volunteer amateur radio operators while performing duties on behalf of the Federal Government.

Amateur radio operators are self-regulated, with volunteer operators monitoring the airwaves for violations and administering licensing exams. This volunteer corps saves countless hours of staff time and resources for the Federal Communications Commission [FCC]; however, because they are not Federal employees, they put their personal assets at risk in the event of actions taken against them as a result of their volunteer service to the Government.

It is simply unfair that these volunteers who are saving the Government time and resources should have to risk their personal assets in carrying out their service. The Amateur Radio Volunteer Services Act would classify those individuals donating their time and expertise to maintaining the quality of the amateur radio airwaves as Federal employees only for the purpose of actions taken against them in the performance of their duties as self-regulators. This action will ensure the continued viability of the amateur radio community and continue to save the FCC and the Federal Government time and money that would otherwise need to be expended.

Thank you, Mr. Speaker, and I urge my colleagues to support this worthy legislation.

TRIBUTE TO THE SPRINGFIELD LIONS CLUB

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. NEAL. Mr. Speaker, it gives me great joy to extend my congratulations to the Springfield Lions Club, one of the most prestigious organizations in my district, who will celebrate their 50th anniversary on March 29, 1997. With this in mind, I take this opportunity to enter the history of the club into the CONGRESSIONAL RECORD.

In the Spring of 1947 a member of the Springfield Lions Club invited a group of men from Sixteen Acres to a meeting in the old brick schoolhouse on the corner of Parker St. and Old Acre Rd. At the meeting he described the purpose of a Lions Club and what being a member would entail. Fifty-three men signed up that day and a Lions Club was formed in Sixteen Acres.

The Sixteen Acres Lions Club was organized April 25, 1947 and was chartered June 18th. Charter Night was held at Belli's with many members from other Lions Clubs in attendance.

Meetings were held for a short time in the schoolhouse with a caterer providing the meals. The meetings were later held for long periods in Belli's and Foster Memorial Church and for brief periods at various area restaurants. While meeting in the original Foster Church building the members meals were prepared by their wives at home and then brought to the meeting. Meetings are not held at Church in the Acres.

When the Club was formed a public dump existed where Duggan Jr. High now stands. Many people apparently found it more convenient to dump their rubbish at the side of the road. Under pressure from the Lions Club they had the rubbish removed.

In the 1950's the club purchased a motion picture projector and screen and for several years movies were shown on Saturday afternoons in an upstairs room of the old schoolhouse. the purpose was to give the younger children a place to go during the winter months. A charge of ten cents was made to help defray the cost of the film. It should be noted, however, that no child was turned away due to lack of a dime.

The Lions Orthoptic Clinic was originated in 1951 by the late Russell Koch, a past president of the Sixteen Acres Lions Club, who, with the approval of the club, enlisted the aid of other clubs in the district to get it organized. The clinic offers treatment of eye problems which have been referred to local ophthalmologists. A charge is made according to the patients ability to pay.

A sport program was organized under the direction of Fred Hoarle. He was successful in developing a number of teams and getting area men to coach them. The program was expanded to include soccer, softball, and basketball as well as the baseball teams. For several years the club held a soccer tournament on Memorial Day weekend attended by soccer teams from as far away as Virginia.

For 17 years the club has given food baskets to families at Christmas time. A week's food supply plus small toys for children are included in these baskets. For the past several years money for this has been raised by selling raffle tickets for a gift certificate for food at a local market. It has been extremely successful and appreciated venture.

The club has also sponsored glaucoma and diabetes testing clinics, paid for eye examinations and eye glasses for needy families and supported eye research, emergency sight and hearing fund, LCIF and various other projects. It has sponsored community events like the Fourth of July and Halloween parades and parties, Easter egg hunts, pancakes and spaghetti suppers, tag sales, dances, light bulb sales and many other house to house sales.

In 1986 the club embarked on a new fundraising project. After many years of work by many members, L'il Toot was completed. L'il Toot is a locomotive train with two passenger cars which can be rented out to provide rides for children at fairs and carnivals. To date success seems assured.

The Sixteen Acres Lions Club is proud to have four of its members elected district governor. Robert Scott, Fred Hoarle, John Ingalls and Richard Leary have each served as a district governor and are held in high esteem by their associates.

The success of many projects was due to the dedication and hard work of its members.

I wish to commend the Springfield Lions Club for their vital role in the Springfield area. The achievements of these men are a tremendous source of pride for not only the city of Springfield but the entire Second Congressional District. I am honored to represent such outstanding individuals and I join with the citizens of the Second Congressional District in offering a most heartfelt congratulations.

DELAURO HONORS JOHN KINGSTON AS HE ENDS OVER 25 YEARS OF SERVICE ON THE CONNECTICUT BOARD OF LABOR RELATIONS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. DELAURO. Mr. Speaker, on April 1, 1997, John Kingston is retiring from the Connecticut State Board of Labor Relations. I am pleased to rise today to commend Jack on a great career in State service and an outstanding tenure with the Connecticut State Board of Labor Relations.

For more than 25 years, Jack has served as agent to the board of labor relations. His hard work, strong leadership and commitment to excellence have left an indelible mark on the board of labor relations. Jack has seen a number of changes over the last quarter century. During Jack's tenure on the board, the Connecticut State Employee Relations Act was passed. Jack handled the first petitions filed by State employees in their efforts to organize. He also conducted elections for the 30,000 State employees under the new act. His experience in the area of State employee union negotiations is invaluable and his colleagues and coworkers rely on his encyclopedic knowledge of the labor board processes and procedures.

Over the course of his career, Jack has become one of the most highly respected and admired people in the labor relations field. The fact that both advocates for both labor and management frequently call for his advice and counsel, speaks volumes about his reputation. Everyone who knows Jack seems to recall one thing in particular when asked about him and his career. They recall his integrity and sense of fairness. They also talk about Jack's commitment to settling disputes and bringing sides together. Under his leadership, the board has boasted an 87-percent settlement rate for the 1,000 cases they handle per year.

I have been told that as word of Jack's retirement made its way through the State, everyone who heard asked "What are we going to do without Jack?" What is absolutely clear is Jack's commitment to doing his job well so that both labor and management come out ahead.

I am proud to join the entire labor community in congratulating Jack as he retires. He has continually demonstrated his commitment to service. He should take great pride in this moment and enjoy a much deserved tribute. I know that he will continue to do great things in his retirement. I wish him many years of good health and happiness. He truly deserves it.

KILDEE HONORS PAULINE PRYOR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. KILDEE. Mr. Speaker, it is my pleasure to rise before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding woman from my hometown of Flint, MI, Ms. Pauline Pryor who is retiring from the Flint Branch of Michigan National Bank after 33 years of service. Ms. Pryor has served as the assistant vice president of the Community Development Office for the past 10 years.

As the assistant vice president of the Community Development Office, Ms. Pryor's professionalism and integrity were instrumental in securing many of the much needed investments in the Flint community. Ms. Pryor believed in the need to rebuild our city through new opportunities in jobs and housing. It is a privilege to know such a dedicated, active, and concerned human being as Ms. Pryor.

Ms. Pryor is also an active member of the Foss Avenue Baptist Church in Flint. Through her volunteer work with her church, she continues to promote the prosperity of the surrounding communities even after her formal workday. Ms. Pryor has contributed in every aspect of her church: from being a Sunday school teacher to serving as the church treasurer. As a result of both her professional and personal devotion, Ms. Pryor has received numerous distinguished service awards in our community over the years.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise today before my colleagues in the House of Representatives to pay tribute to Pauline Pryor. She is a woman of high moral character committed to improving the welfare and dignity of those in need. I wish her many years of joy in her retirement.

TRIBUTE TO LILLIAN HECKER FREED

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Lillian Hecker Freed, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Lillian Hecker Freed has been a champion for those less fortunate and a political activist since she was a teenager. She became her employer's first female departmental supervisor in the 1950's, and was a leader in her company, encouraging and assisting other women. She was a peace activist during the Vietnam war and led union opposition to racial discrimination in San Francisco. Lillian Hecker Freed is now 80 years of age, and gives generously of her time and talents to the San Mateo Central Labor Council, the Yerba Buena Center for the Arts, the Contra Costa Hills Conservation Club, the Peace Action Association, the Talmalpais Conservation Club, and the California Alpine Club. She is president of the Federation of Retired Union Members and continues her valiant fight for social justice.

Mr. Speaker, Lillian Hecker Freed is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

REMEMBERING THE RAJAH

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mrs. CARSON. Mr. Speaker, Indianapolis lost one of its outstanding citizens last Tuesday. He was Roger Brown, the first player ever signed to the Indiana Pacers and a pillar of the Indianapolis community following his basketball career.

A graduate of the University of Dayton, Mr. Brown was the third all-time leading scorer for the Pacers, scoring 10,058 points over his career in the American Basketball Association. Had it not been for a gambling scandal during his college career, which he was cleared of, Roger (The Rajah) Brown would be in basketball's Hall of Fame.

Those who saw him play consider him one of the best to play the game. Oscar Robertson, himself a NBA star and a native of Indianapolis, advised the Pacer organization to seek out Brown in the early 1970's and sign him to the team.

Yet Mr. Brown was not merely one of the best to play the game. He also contributed much to his inherited community of Indianapolis. He served as a city-county councilman and worked with local law enforcement officials to improve Indianapolis' streets and help protect our young people.

The community remembered him for this as well. When Mr. Brown was diagnosed with cancer of the liver, he was faced with mounting medical bills due to his lack of medical coverage. The community of Indianapolis chipped in, with teammates, fans, and local businesses helping the Rajah pay for his medical care.

Perhaps the most poignant testimony of Roger Brown was his statement after learning about his cancer. "If I was to die tomorrow, I've lived a hell of a life," said Mr. Brown. "I've dealt with my mortality. I did that coming out of Brooklyn, because you don't know if you're going to make it to the next day. The quality of life is what's important, because everybody's got to go."

Mr. Speaker, perhaps this body could learn a little from Roger Brown, a person who lived his life unassumingly but understood that in the end, it was the value of a life well-lived that mattered the most. For Mr. Brown, we should continue to look for ways to ensure that all have the quality of life they deserve. In the words of Pacers coach Larry Brown, "we have lost a good friend."

INTRODUCTION OF LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. TRAFICANT. Mr. Speaker, on February 27, 1997, I reintroduced legislation, H.R. 897, that would require the National Aeronautics and Space Administration to take advantage of abandoned and underutilized buildings and grounds in economically depressed areas of the country when selecting new site facilities. I ask all of my colleagues to become cosponsors of H.R. 897.

In this age of reinvestment in our large cities, programs such as enterprise zones and HUD grants offer economically depressed communities the opportunity to pick themselves up and forge ahead with their recovery. However, Federal agencies, such as NASA, should look at those same communities when looking to expand their facilities. Much like a major sports team, NASA expansion into an economically depressed area would boost the area's financial status, self esteem, and morale. Often these last two items simply cannot be fixed with a simple government-sponsored grant.

H.R. 897 would also allow older buildings and underused facilities in decaying cities the chance to be fully utilized, thereby furthering the economic and cosmetic recovery of those cities. And because those facilities would already be in place, NASA would not have to spend a fortune on constructing all new buildings and support infrastructure.

Mr. Speaker, NASA's operations should not just be something we see pictures of on television. Once again, I urge all House Members to cosponsor H.R. 897.

TRIBUTE TO JOANNE RON GILBERT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Joanne Ron Gilbert, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Joanne Ron Gilbert is an educator who specializes in at risk students. According to her nomination, she "has received no formal awards, but is recognized by those who know her as someone who has transformed lives." Transferred from Detroit to San Mateo County in 1984, newly divorced with a teenaged son, her job was soon eliminated. She worked out a homesharing plan to provide her son with a secure environment, returned to school to earn a teaching credential, got a full-time teaching job, and developed a private tutoring practice. She also managed to volunteer as a landlord-tenant dispute mediator, coordinate events for the Jazz for the Homeless Program, and worked in local political campaigns. As a member of the county Human Relations Commission, she developed the first and only County Hate Crimes Conference. In 1992, finally able to buy her own condominium and seeing her son enter law school, she was diagnosed with thyroid cancer. During her battle with this disease, which left her voiceless and unable to work for 3 months, she maintained correspondence with her students, providing them with support and counsel. Back at work since February 1995, she is taking classes in alternative dispute resolution and educational therapy.

Mr. Speaker, Joanne Ron Gilbert is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

PAYING TRIBUTE TO ST. JOSEPH PARISH, LEBANON, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. COSTELLO. Mr. Speaker, I want to ask my colleagues to join me in paying tribute to St. Joseph Parish in Lebanon, IL, which is celebrating its 135th anniversary this month. For over a century, St. Joseph Parish has provided essential services to its parishioners, local residents, and to communities throughout the diocese through a number of organizations and programs.

Locally, St. Joseph Parish works with other parishes to provide substantial financial assistance to Christian Home Care Services, an ecumenical nonprofit organizations. With the help of St. Joseph's, this group focuses on keeping people in their homes as long as possible by providing low-cost, nonmedical care in the form of companionship, transportation, light housekeeping, and meal preparation for the elderly and disabled in the community. St. Joseph Parish seeks to meet the emotional needs of the community as well through its participation in the family care ministry which helps strengthen individuals and families by providing low-cost counseling. The most immediate needs of local residents are not overlooked by St. Joseph Parish, which also contributes to a local food pantry and provides financial resources to transient individuals, and to individuals needing rental assistance.

The parish's tradition of giving extends well beyond the local community. Through its local chapter of Saint Vincent dePaul, St. Joseph Parish provides children in the neighboring community of East St. Louis with school supplies during the school year and Christmas gifts during the holiday. St. Joseph's also aids the community by donating clothing, furniture, and household items, and has participated in various flood relief efforts in recent years through these means.

St. Joseph's has a rich history of helping others and has become one of the mainstays of this small, close-knit community. I ask my colleagues to join me in congratulating St. Joseph Parish's parishioners and friends on their 135th anniversary.

HONORING STEPHANIE CAVANAUGH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. MURTHA. Mr. Speaker, I'd like to take this opportunity before the House to congratulate Ms. Stephanie J. Cavanaugh on her 22 years of commitment to the ladies auxiliary to the Veterans of Foreign Wars No. 554 in Somerset, PA.

Stephanie has served in a variety of positions within the organization, including four terms as auxiliary president and one term as district president. She has chaired numerous programs, at times while simultaneously serving in her leadership positions or serving her community as president of the Somerset County Council, which she did for two terms. Additionally, she was elected to the high offices of department guard, in 1991, and department president, in 1996. She has garnered numerous awards, including a national award for best promotional materials during her tenure as membership chairman from 1993 to 1994.

Stephanie followed her late father's example of leadership and service to fellow citizens. William S. (Bill) Orban served in the U.S. Army Air Corps during World War II and was a founding member and first commander of Post No. 7565 in Hooversville, PA.

Stephanie is also a trained paramedic, has worked with mentally handicapped. In the scenic mountain wilderness of scenic Somerset County, she was a member of the County Sheriff's Department search and rescue team, certified in as a tracker, dog handler, and in rope rescue.

I hope you will all join me in applauding Stephanie Cavanaugh for her stellar achievements in the service of her community and the ladies auxiliary.

TRIBUTE TO MARGARET TAYLOR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Margaret Taylor, an extraordinary, dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Margaret Taylor, as the director of San Mateo County's Health Services Agency, has distinguished herself as a regional and statewide leader in health care. She has ably guided the department to prepare for the future of healthcare delivery well into the 21st century. Margaret Taylor is the very first woman ever appointed head of a San Mateo County government department. She consistently sets the highest of standards and goals, and turns them into reality.

Margaret Taylor is the first chairperson and founding member of the Health Plan of San Mateo, a model, countywide managed care program for 52,000 Medi-Cal beneficiaries. She also is co-chairperson of the executive committee of Nuestro Canto de Salud, a joint project between El Concilio and Health Services, responsible for $2 million in health education and health care grants. As an executive board member and past president of the County Health Executives Association of California, she works with all of California's county health directors to develop public health policy for elected officials. Additionally, she is a board member of the San Mateo County Hospital Consortium, the Association of Bay Area Health Officials, and the California Association of Public Hospitals.

Margaret Taylor is deeply concerned about the health needs of women. She has developed prenatal care programs and created conferences on breast cancer and cancer education. She is an executive committee member of the California Women's Health Council, the first advisory group to the State Department of Health Services on all women's health issues.

Margaret Taylor joined with the San Mateo Rotary Club in developing a health professions mentorship project for young women and minorities, and has developed many partnerships with community organizations to enable them to enhance the care of those they serve. Her work with the Hispanic Concilio resulted in the award of a prestigious Robert Wood Johnson Foundation grant. Margaret Taylor is a woman of vision, and because of her public service, tens of thousands of people's lives have been bettered.

Mr. Speaker, Margaret Taylor is an outstanding citizen, a long-time colleague, and my trusted friend. I salute her for her remarkable contributions and commitment to our community and our country and I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

SENATE—*Wednesday, March 12, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we praise You that it is Your nature to go beyond what You've done before. Whatever we've experienced of Your grace and glory as individuals and as a nation, it is small in comparison to the revelation You have prepared for us. There's always an element of surprise in our relationship with You. You give us fresh knowledge when we foolishly think we know it all. What we have learned is only a fraction of what You have stored up for us.

As we look ahead to the challenges and decisions facing us today, You remind us of how in the past You met us at every fork of the road with clear guidance and fresh grace. We beheld Your glory. Now we hear You saying that what we have discovered before is minuscule in comparison to the mighty acts You will do. Excitement and expectation fill our hearts. Dear God, continue to bless America.

Fill our minds with vision and our hearts with hope so that we can believe that all things are possible with You. There's no limit to what You can and will do to manifest Your glory. Thank You for the difference thinking positively about Your power has made for our attitude to this new day. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. GRAMS. Thank you, Mr. President.

SCHEDULE

Mr. GRAMS. Mr. President, on behalf of the majority leader, I announce that today the Senate will proceed to executive session to consider the nomination of Federico Peña to be Secretary of Energy. Following debate, the nomination will be temporarily set aside and by previous order, at 12:30 p.m., a rollcall vote will occur on the nomination. Also by previous order, following debate on the Peña nomination, the Senate will be in a period of morning business until the hour of 12:30 p.m. After the 12:30 p.m. vote, the Senate will begin consideration of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment on campaign financing. The majority leader has announced that Senators can expect additional rollcall votes throughout the day's session.

I thank my colleagues.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF FEDERICO PEÑA, OF COLORADO, TO BE SECRETARY OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Federico Peña to be Secretary of Energy, which the clerk will report.

The assistant legislative clerk read the nomination of Federico Peña, of Colorado, to be Secretary of Energy.

The PRESIDING OFFICER. There will now be 30 minutes under the control of the Senator from Minnesota, [Mr. GRAMS].

Mr. GRAMS. Mr. President, before I begin my statement dealing with the nomination today, I yield 3 minutes to my colleague from Colorado, Senator CAMPBELL.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Senator from Minnesota. I appreciate being able to speak on behalf of Mr. Peña for a couple of minutes.

I have known Federico Peña personally and professionally for over 15 years, Mr. President. I know him first as a friend and I know him as a professional with the highest integrity. He was that kind of a legislator when he was the minority leader of our State legislature. He was that kind of a mayor, as the mayor of our largest city of Denver. He was that kind of person when he was Secretary of the Department of Transportation.

His résumé reflects an unsurpassed commitment and dedication to public service. His achievements display remarkable leadership, vision, and hard work.

Mr. Peña leaves an indelible mark on every project he undertakes. The now famous Denver International Airport was a product of his foresight and leadership. The Department of Transportation, where he served as a Secretary for 4 years, is now leaner and more effective than it once was—success in taming and trimming a vast bureaucracy that can only be accomplished with discipline, determination, and hard work that Federico Peña was willing to put in.

Despite the many professional attributes Mr. Peña has, and the many dimensions of professionalism he brings to public service, perhaps none are so important in our work as his honesty and integrity. This is a quality the Federal Government cannot afford to turn down.

Having known him for the many years that I have, I am convinced that Federico Peña will bring to the Department of Energy the same integrity, honesty, and leadership for which he is known. That is his indelible mark that he has left on our State and our U.S. Government.

I simply urge my colleagues to support the nomination when it comes up this afternoon, and I thank the Senator for yielding these couple of minutes. I yield back the balance of my time.

Mr. GRAMS. Mr. President, I take a few minutes this morning to talk about today's pending nomination, and also some of the problems that are surrounding one of our most important issues, and that is the storage of this country's nuclear waste.

Mr. President, as the full Senate takes up the nomination of Federico Peña to become the next Secretary of Energy, I rise today to discuss an issue of critical importance that has become necessarily linked to the Peña nomination again, that is our Nation's nuclear waste storage problem.

I say the two are linked because it has been the failure of the very agency Mr. Peña has been appointed to lead—the U.S. Department of Energy—to carry out its legal obligations that has led to the nearly critical situation in which we currently find ourselves. It is this very failure on the part of the DOE which threatens utility ratepayers today and taxpayers in the future.

For the Senate to fully appreciate the gravity of the situation, I believe that a brief summary of the history of this problem is in order.

Since 1982, utility ratepayers have been required to pay the Federal Government nearly $13 billion of their hard-earned dollars in exchange for the promise that the Department of Energy would transport and store commercially generated nuclear waste in a centralized facility by January 31, 1998.

However, with this deadline less than a year away and with over $6 billion spent by the Department of Energy, there has been very little progress to date toward keeping this 15-year-old

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

promise of establishing a centralized Federal storage facility.

In fact, though there has been measurable progress at the Yucca Mountain, NV facility, a permanent repository will not be completed until well into the next century. Mr. President, the 80 nuclear wastesites on this chart graphically illustrate the extent of this growing problem.

Clearly, if the DOE is to meet the January 31, 1998 deadline, it must begin accepting nuclear waste at an interim storage facility, yet, that has not happened. In fact, the DOE recently notified States and utilities that it would not accept their commercial nuclear waste despite the law and the Federal court's effort to enforce it. Worse yet, even in the face of significant taxpayer liability for such irresponsible behavior by the Federal Government, the DOE has failed to offer a single constructive proposal to even begin the process of fulfilling its responsibility to the American people.

Despite those facts, utility ratepayers are still being required to pay for a mismanaged program. In fact, over $630 million from the ratepayers go into the nuclear waste fund each year—without any tangible benefits or results to show for them.

Our Nation's utility consumers and their pocketbooks aren't just hit once, either. Because of the DOE's failure to act, ratepayers are currently being forced to pay their hard-earned dollars to store waste onsite at commercial utility plants—a burden that would not be necessary had the Energy Department lived up to its legal obligations.

Take, for example, the situation facing ratepayers in my home State of Minnesota. Since 1982, Minnesota's nuclear energy consumers have paid over $250 million into the nuclear waste fund believing that the Federal Government would fulfill its obligation to transport nuclear waste out of the State of Minnesota. But as time went on and the DOE continued to ignore their responsibilities, utilities in Minnesota and around the country were forced to temporarily store their waste within the confines of their own facilities. When it became clear to many utilities that storage space was running out and the Department of Energy would not accept waste by the established deadline, then the utilities had to go to their States to ask for additional onsite storage or else be forced to shut down those operations.

For example, ratepayers in Minnesota, North Dakota, South Dakota, and Wisconsin were forced to pay for onsite storage in cooling pools at Prairie Island in southeastern Minnesota. In 1994, with storage space running out, the Minnesota Legislature—after a bruising battle—voted to allow for limited onsite dry cask storage until the year 2002.

Mr. President, the cost associated with this onsite storage is simply staggering—ratepayers in our service area alone have paid over $50 million for these costs and are estimated to pay another $111 million by the year 2015, in addition to the required payments to the Federal Government, the nuclear storage fund.

To make matters worse, storage space will run out at Prairie Island in 2002, forcing the plant to close unless the State legislature once again makes up for the DOE's inaction. This will threaten over 30 percent of Minnesota's overall energy resources and will likely lead to even higher costs for Minnesota's ratepayers. In fact, the Minnesota Department of Public Service estimates that the increase in costs could reach as high as 17 percent, forcing ratepayers to eventually pay three times: Once to the nuclear waste fund, again up to $100 million for onsite storage and yet again for increased energy costs.

And Minnesota is not alone in facing this unacceptable situation. Thirty six other States across the Nation will be facing similar circumstances of either shutting down their energy-generating capacity or continuing to bail out the Federal Government and its failure to act.

Ratepayers are not the only ones who face serious consequences because of inaction by the DOE; taxpayers are threatened as well.

Last year, the Federal courts ruled that the DOE will be liable for damages if it does not accept commercial nuclear waste by January 31, 1998. Under current law, these damages will not be paid for by anyone at the DOE, it will go to the American taxpayers—at an estimated cost of somewhere between $40 and $80 billion. Such a tremendous liability burden on taxpayers would make the public bailout of the savings and loan collapse seem small in comparison.

What's worse is that while our States, utility ratepayers, and taxpayers are being unfairly punished by the Department of Energy's inaction, the Federal Government has been active in meeting the interim nuclear waste storage needs of foreign countries.

Under the Atoms for Peace Program, the DOE has resumed collecting nuclear spent fuel from a total of 41 countries. In fact, since last September, the DOE Savannah River facility has already received foreign spent fuel from Chile, Columbia, Germany, Switzerland, Sweden, and Canada.

Ultimately, as I learned during a recent trip to the Savannah River site, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period.

In addition, our Government is actively helping other countries reduce their nuclear waste stockpiles. With the Department of Defense spending up to $400 million on designing and constructing an interim nuclear waste storage facility in Russia to help dismantle the cold war threat, the world will certainly be a safer place.

Now, Mr. President, as a Senator who is concerned about our national security needs, I understand the rationale behind reducing our international nuclear dangers.

But, what I, and many others cannot comprehend is how our Government has made it a priority to help foreign countries with their nuclear waste problems while simultaneously ignoring the concerns right here in our own country; not only that, but denying it has the responsibility and is going to court to stop it.

It seems clear to me that while States, utilities, and ratepayers have kept their end of the bargain, the DOE has not done its part. And that sends the wrong message to the American people about trusting the promises of the Federal Government.

Maybe that's why the National Association of Regulatory Utility Commissioners, 46 State agencies and 36 utilities have joined forces in a lawsuit to stop ratepayers' payments into the nuclear waste fund and to escrow $600 million that will soon go into the fund.

For too long, our States, utilities, and ratepayers have acted in good faith, relying upon the Federal Government to live up to its obligations. Evidently, they have had enough of the DOE's excuses for inaction and have proposed their own recourse.

This issue has created strange bedfellows as well. In a recent interview, former DOE Secretary Hazel O'Leary agreed that action on interim site is needed as soon as possible.

It's unfortunate that Secretary O'Leary waited until she was free from the administration to openly support interim storage, but I think her comments point not only to the need to resolve the interim storage impasse but also the political nature of this issue—again, I say the political nature of this issue. It is not science or technology, it's politics. She specifically stated that certain high-ranking officials connected with Vice President AL GORE see this issue in terms of politics, not policy.

In addition, the former head of the Office of Civilian Radioactive Waste Management under the Clinton administration, Daniel Dreyfus, believes the DOE must move to meet the January 31, 1998, deadline.

Key labor unions have even joined the fight to restore the DOE's promises.

J.J. Barry, president of the International Brotherhood of Electrical Workers, recently wrote me, saying:

> I am calling on you and your colleagues to put partisan politics aside for the good of our nation and America's workers and their families. We must address this problem now or else face serious economic and environmental consequences later. Please support passage of S. 104.

I am also pleased that we have received the support of the Building and Construction Trades Union in this effort.

Mr. President, I ask unanimous consent that these letters of labor support be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAMS. Despite this widespread, bipartisan support for our efforts to resolve the storage problem, the White House, under the dictates of Vice President AL GORE, still has not offered an alternative to either our bipartisan legislation, which they oppose, or the failed status quo.

The American people deserve leadership from the Clinton-Gore administration, not just the consequences of Presidential aspirations.

If such leadership will not come from the Clinton-Gore administration, then it will come from Congress. Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI, Senator LARRY CRAIG and I crafted a bipartisan proposal, S. 104, identical to legislation supported last year by 63 Senators.

We have put this proposal forward as a good faith effort to help resolve this situation for the sake of protecting our environment and the legitimate interests of our ratepayers and taxpayers.

As I've stated, Congress has an obligation to protect the American public from the estimated $40 to $80 billion they face in liability expenses.

Our bill will reform our current civilian nuclear waste program to avoid the squandering of billions of dollars of ratepayers' and taxpayers' money. It will make our environment safer, eliminate the current need for on-site storage at our Nation's nuclear plants, keep plants from shutting down prematurely due to lack of storage space, and keep energy prices stable.

Our legislation also assures that transportation of nuclear waste will continue to be conducted in a safe manner. In fact, there have already been 2,400 shipments of high-level nuclear waste in our Nation, including numerous shipments of naval spent fuel. The safety record of these shipments speaks for itself.

There are many other aspects of this bill which will help resolve the crisis facing the American public. Today, we on the Senate Energy and Natural Resources Committee will take a giant step forward in moving that bill closer to Senate passage.

I applaud my distinguished colleague from Alaska, Chairman MURKOWSKI, for his efforts in moving ahead with this much-needed, historic legislation.

Keeping in mind the Clinton-Gore administration's stated opposition to our legislation, I took the opportunity to ask Secretary-designate Peña for any specific, constructive alternatives he would propose to resolve this issue and help the Federal Government meet its legal obligations.

Mr. Peña's failure to offer specific responses during an Energy and Natural Resources Committee hearing prompted me to send a letter to him asking for a detailed response outlining the specific steps he would urge to meet the January 31, 1998, deadline.

After exchanging a series of letters with Mr. Peña, I have become completely unsatisfied with the lack of specificity in his responses to my questions. While I appreciate Mr. Peña's stated willingness to work with us toward an eventual resolution of this issue and his belief that this is a federal problem worthy of a Federal solution, I believe the American people deserve more.

They deserve specific answers from an administration that has buried its head in the sand and an independent leader at the helm of the DOE who will affect a change in policy.

I have concluded that at this point in time, no one recommended by the Clinton-Gore administration to head the DOE will be allowed to lead.

For the benefit of my colleagues, I would like to read a portion of Mr. Peña's letter dated March 6 that best illustrates my point.

Mr. Peña writes:

> I cannot, however, outline for you specific steps for meeting the January 31, 1998 date. The Department of Energy has indicated to the court and in responses to the Congress that there is no set of actions or activities that could be taken under the Nuclear Waste Policy Act to enable the Department to begin receiving spent fuel at an interim storage facility or a repository on that date.

Frankly, Mr. President, as an elected representative of the ratepayers who have had over $6 billion thrown away by a department without a single answer to their problems and as an elected representative of the taxpayers who will ultimately assume tens of billions of dollars in liability if progress is not made, I find that answer insufficient and devoid of the leadership we so desperately need at the DOE.

I believe that Mr. Peña is a decent and honorable man, but I also believe that he has not provided the needed answers or displayed the leadership necessary to help resolve this pressing national issue.

Even though I shall do my best in working with him in the future, I cannot, in good conscience, today vote to confirm Mr. Peña to be our next Secretary of Energy.

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS
Washington, DC, March 7, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: I am writing on behalf of the 750,000 members of the International Brotherhood of Electrical Workers (IBEW), to ask you to support S. 104, the Nuclear Waste Policy Act of 1997. Nuclear energy cleanly produces 20 percent of our nation's electricity, reduces our reliance on foreign energy sources, and provides quality jobs for thousands of Americans, including 15,000 of our members at 46 commercial nuclear plants.

The IBEW is concerned that the government's program to manage used nuclear fuel at these plants is woefully out of touch with reality. I am sure that you are aware of the U.S. Court of Appeals' ruling last July in favor of a lawsuit by states and utilities, which stated in clear and unambiguous terms that the federal government must keep its contractual obligation to begin removing used fuel by 1998.

The Department of Energy (DOE), however, says it will not begin accepting used fuel for storage before 2010 at the earliest. By that date, 80 nuclear stations will have rune out of existing storage space. This could result in premature plant closings, loss of jobs, and other devastating economic consequences. By providing for central storage by the turn of the century, S. 104 gives the DOE a framework for meeting its legal obligation.

The Congress has been debating the storage issues for years without reaching a conclusion. It is time for a decision. Yucca Mountain is the best possible choice that is available. Unless Congress acts now to select Yucca Mountain, the wastes will continue to be stored near communities around the country, with all of the dire ramifications that such a decision can pose.

I am calling on you and your colleagues to put partisan politics aside for the good of our nation and America's workers and their families. We must address this problem now or else face serious economic and environmental consequences later. Please support passage of S. 104.

Sincerely,

J.J. BARRY,
International President.

AMERICAN FEDERATION OF LABOR,
BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, DC, February 10, 1997.

DEAR SENATOR: I write to urge you to vote for S. 104, the Nuclear Waste Policy Act of 1997. It will be considered by your Committee this week. Unless the Congress votes to approve this measure now, the terrible nuclear waste problem that confronts communities across America will soon be intolerable. Every town in the United States is vulnerable to the possibility of sudden and uncontrollable disaster. This issue must be given priority by the members of the Committee.

In testimony last week, the Committee heard Undersecretary of Energy, Thomas P. Grumbly, reveal the Department has more than 100 million gallons of high-level radioactive waste residing at facilities in the States of Washington, Idaho and South Carolina. And, additional and significant nuclear waste is being stored in varying degrees of safety by commercial power companies around the nation.

The Congress has been debating the storage issue for years without reaching a conclusion. It is time for a decision. Yucca Mountain is the best possible choice that is available. Unless the Committee acts now to select Yucca Mountain, the wastes will continue to be stored up in communities around the country, with all of the dire ramifications that such a decision can pose.

The Building and Construction Trades Department, AFL–CIO, the 15 national and international unions it represents, urge you to let our safe and well-trained members begin the hard work that needs to be done to make Yucca Mountain the most secure storage area for nuclear fuel that is available on the face of the earth. If the Committee allows this opportunity to pass, it is estimated that within the next decade, some 55 sites in 30 states will be filled with spent nuclear fuel totaling some 11,000 metric tons of uranium.

Chairman Murkowski expressed concern during the hearing with the thought of letting spent fuel accumulate at reactor sites. That concern is justified, and, possibly is understated. Despite the reluctance of the Administration to take action on this controversial issue, it is clear that the time for debate is long past, and a courageous decision by the Congress is necessary if the nation is to avert a serious environmental disaster of its own making.

Please vote S. 104 out of committee so that the full Senate can debate this critical issue as soon as possible.

With kind personal regards, I remain

Sincerely,

ROBERT A. GEORGINE,

President.

Mr. GRAMS. I thank the Chair.

I yield my remaining time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, let me wish the occupant of the chair, my good friend from Utah, a good morning. I extend my good wishes.

Mr. President, I will proceed in accordance with the anticipated vote this afternoon on the Peña nomination, and I believe both the chairman of the Energy Committee, myself, and Senator BUMPERS, the ranking member, have 10 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I heard the comments expressed by my good friend, the Senator from Minnesota, Senator GRAMS, relative to his concern and the concern of his State over the disposition of high-level nuclear waste that is in some 80 locations in 41 States throughout the country, and the inability of the current administration to address its responsibility and hence the responsibility of Congress to meet the contractual commitments made some years ago to take that nuclear waste next year, in 1998.

The reality is that the ratepayers in this country have paid over that period of time some $12 billion which has gone into the general fund. And, as consequence, we are facing a reality that next year we are not going to be able to meet the obligation of taking that waste. So we can anticipate an opportunity for full employment for the lawyers that are associated with this issue because there is going to be a giant liability that is coming to the American taxpayer. It is estimated to be somewhere in the area of $40 billion to $80 billion. The current estimate is about $59 billion. But usually it goes up from there. This is the liability, or at least a portion of it, which the Federal Government will be subjected to as a consequence of its inability to perform on its contractual commitment. I do not take that lightly. As a consequence, as we address on the floor later on today the nomination of the Secretary of Energy, Federico Peña, I think this is a significant question.

I rise today in support of that nomination. I also rise to advise my colleagues that the delay in considering the nomination has not been about the nominee's qualifications. The nominee is qualified. The committee has held hearings on the nomination. We have investigated matters brought to our attention. We found him to be qualified and reported the nomination favorably on a 19-to-0 vote with one Member voting "present." But there has been an issue, and that issue has been whether the new Secretary is going to have the ability, the flexibility, and the authority to work with Congress to solve the looming nuclear waste storage problem. As I indicated earlier, this waste is stacking up in our towns and in our communities near our homes and schools at 80 locations in 41 States.

Some have said, "How important is nuclear energy?" Well, nuclear energy is contributing about 22 percent of the total power generated in the United States today. People look at power. They take it for granted. They expect it to work. It is always there. It is almost an entitlement. But it has to come from somewhere. It has to come from investment and from transmissions. It has to come from some kind of energy source, and nuclear is an important contributor. Nearly a quarter of the energy produced in the United States. But the waste, as a consequence of these nuclear power plants, has been stacking up. A Federal court has said that the Government must take that waste by 1998.

As I have said before, Americans put $12 billion into the nuclear waste fund. What do we have to show for it? Nothing. The problem that is unique about this is that nobody wants it. Absolutely no State wants to have this waste. You can throw it up in the air. It has to come down somewhere. It will not stay up there. That is the basic problem. The States in question are running out of space. These are the States that have reactors, and the storage that they have is not permanent storage. It wasn't designed for long-term storage. It was designed for short-term storage. That space is filling up. As a consequence, they may have to limit the construction of new storage capacities. States might not license for new storage capacity.

Mr. President, I ask for another 4 minutes under the time remaining on the 30 minutes that was given to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

The reality is that the final repository won't be ready until the year 2015. That is where we are; the permanent repository. We need that. But it will not be ready.

We have a 50–50 chance of taking that waste. This poses an environmental and public safety challenge. I have indicated the risk to the taxpayers—currently $59 billion. Some electricity production may be shut down.

Mr. President, we simply need the action now. However, we had a problem when the administration, in a communication by the Vice President, told a congressional leadership group this was not a matter that was up for consideration at that meeting. He inferred that we could leave the waste where it was until Yucca Mountain was built.

After I heard about that statement, I postponed consideration of S. 104 and the vote on Mr. Peña so we could begin a process of attempting to work with the administration to get this back on track. In a meeting with the White House Chief of Staff, Erskine Bowles, I asked him to empower the new Energy Secretary to work with us. I said the Senate cannot accept the Vice President's "leave it there" policy. I asked Mr. Bowles to send down a nominee who had flexibility. I have had several conversations with Mr. Peña, Mr. Bowles, and the White House, and judging from those conversations and a recent letter from Mr. Bowles, it seems that the administration has now decided to choose dialog over the Vice President's stonewalling, which is the only way I can put it. I am glad to see that the new Energy Secretary will now have a portfolio to work with the Congress.

I ask unanimous consent that the letter from Mr. Bowles to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
CHIEF OF STAFF TO THE PRESIDENT,
February 27, 1997.

Hon. FRANK MURKOWSKI,
Chairman, Senate Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATOR MURKOWSKI: The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's longstanding commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President

> has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability determination of a permanent geological repository at Yucca Mountain has been determined.
>
> Following confirmation, Secretary Pena has the portfolio in the Administration to work cooperatively with the Committee and others in Congress on nuclear waste disposal issues within the confines of the President's policy as stated above. Secretary Pena will also be meeting with representatives of the nuclear industry and other stakeholders to discuss DOE's response to a recent court decision on the Department's contractual obligations regarding nuclear waste.
>
> Sincerely,
>
> ERSKINE B. BOWLES.

Mr. MURKOWSKI. In light of that, I am prepared to urge my colleagues to vote favorably on Mr. Peña's nomination this morning, and I look forward to working with him and members of my committee on the nuclear waste issue as well as other issues facing the Department of Energy.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I strongly support the President's nomination of Federico Peña as Secretary of Energy. He comes before the Senate today with 4 years of experience as Secretary of Transportation. This experience will stand him in good stead in his new position since the Department of Transportation has a number of features that are in common with the Department of Energy.

Both agencies were formed by fusing organizational elements taken from various other departments and agencies.

Both agencies currently have responsibility for a wide range of divergent issues and programs, and in recent years both agencies have had to square the desires of their traditional core constituencies with new environmental considerations and sensitivities.

Only two of Secretary Peña's predecessors, James Schlesinger and James Watkins, were able to come before the Senate at the time of their nomination with comparable credentials as managers of large and complex Federal organizations. The Department of Transportation's budget is more than $30 billion, nearly twice the budget of the Department of Energy. It employs nearly 100,000 Federal employees compared to the 20,000 employed at the Department of Energy.

Secretary-designate Peña has faced some important challenges as Secretary of Transportation. He will face even more important challenges as Secretary of Energy.

As the first order of business, he will need to develop a close working relationship with the Department of Defense. Cooperation with the Department of Defense is essential to the success of the Department of Energy in carrying out its national security missions. His track record at the Department of Transportation is very encouraging in this respect. Secretary Peña went out of his way while at the Department of Transportation to establish constructive partnerships with the Department of Defense on issues of mutual concern, such as shipbuilding technology. He also worked closely and successfully with DOD on commercialization of global positioning satellite systems.

A second major challenge for the new Secretary is to preserve and enhance the research and development capabilities of the Department. Our nominee's track record at the Department of Transportation is also impressive in this area. Under Secretary Peña's leadership, the Department of Transportation posted a 60-percent increase in research and development spending, with substantial growth in nearly every part of the Department. Few Federal agencies over the last 4 years can make the same claim.

Secretary Peña also reorganized and improved the coordination of the Department of Transportation research and development programs, establishing joint program offices cutting across internal departmental boundaries. I am looking forward to Secretary Peña's strong leadership in this area in the future.

A final challenge facing Secretary-designate Peña will be to carry out the Department's missions in an environmentally responsible manner. The Department of Energy lost public trust and credibility in some previous years by pursuing its programs without sufficient regard to human and environmental consequences and to the need for public participation in decisionmaking. Recovering that public trust has been a slow and difficult process. It is essential to maintain momentum in this direction if the Department is to regain that public trust. Secretary Peña has a track record here that augers well.

At the same time that he accelerated progress at the Department of Transportation on the construction of new highways and transportation projects, he also increased the speed of the Department of Transportation's response to natural disasters and he brought new emphasis to environmental considerations in transportation management planning.

Mr. President, the Senate's action on this nomination is long overdue. It should have occurred a month ago. The committee's delay in bringing the nomination to the floor, as the chairman of the committee has said, had nothing to do with Secretary Peña's integrity or qualifications for the job. The delay resulted from Senators trying to hold his nomination hostage to attempt to persuade the President to change his position on nuclear waste legislation.

The President has stated serious and well-founded concerns about the nuclear waste bill which is being marked up in the Energy Committee today and the effect that bill would have on the long-term solution to the nuclear waste problem. I share many of those concerns, as do other Senators. To his credit, the President has not been bullied into changing his mind on the substance of that bill, but he has agreed that Secretary Peña, once confirmed, can work with those of us in Congress to try to find a solution to this very difficult and complex problem.

Ironically, we are going forward today in the Energy Committee to mark up the nuclear waste bill. This is at a time, of course, before Secretary Peña will be sworn into office and before he will have had a chance to work with us to resolve some of the differences which have arisen with regard to this legislation.

I believe Secretary Peña will be a great Secretary of Energy. I hope we will confirm him today. I am looking forward to working with him on all the important issues—national security, energy policy, environmental protection and technological competitiveness, and I urge my colleagues to support his nomination.

Mr. DOMENICI. Mr. President, Mr. Peña has an impressive set of challenges ahead of him. From our meetings as well as his committee hearing, I'm confident that he understands the responsibilities of this new assignment and that he is willing to make key changes in the Department to enable future success.

Mr. Peña listed the key priorities for the Department, including the need to ensure a safe and reliable nuclear weapons stockpile while reducing the global nuclear danger. He spoke to the importance of cleanup of former nuclear weapons sites and to finding a timely path for disposing of nuclear waste. He emphasized the importance of using and leveraging science and technology throughout the Department. Those are appropriate priorities.

Responsibility for the Nation's nuclear weapons and nuclear weapons technologies was rightly prominent on his list. Perhaps no other challenge requires as much of his personal attention. The safety and security of the Nation's nuclear arsenal must be assured. The Nation will place this responsibility squarely on his shoulders.

We talked about the importance of avoiding over dependence on his staff and about moving forward with some key recommendations of the Galvin Commission to minimize micromanagement by the Department.

He assured me that the nuclear weapons program will receive annual budget support above $4 billion for the foreseeable future. Below that level I doubt we can maintain the stockpile at the level of confidence, safety, and security that the nuclear weapon responsibilities demand. He assured me that the Department will continue to fully meet the requirements of the Department of Defense, including weapons production capabilities and a reliable tritium supply, and that the Science Based Stockpile Stewardship Program will remain a cornerstone of the nuclear weapons programs.

He assured me that the Department will continue to pursue strong nonproliferation programs with the former Soviet Union, and seek opportunities for the Department to increase its contributions.

He assured me that the Department will move forward with stronger coordination of policy and budgets, and that an independent review of the Department's overdependence on the NEPA process will be forthcoming. He assured me that he will explore rapid movement away from the Department's self-regulation toward outside regulation. And he assured me that the Department will support not only opening of WIPP this November, but also release of funds to construct the WIPP bypass system in New Mexico.

Based on these assurances of appropriate support for the Department's programs of critical national and global importance, as well as those programs that directly impact on the State of New Mexico, I look forward to working with Secretary of Energy Peña on these challenges over the next 4 years.

Mr. THURMOND. Mr. President, I rise to discuss the pending nomination of Mr. Federico Peña, who has been nominated to serve as Secretary of Energy.

The Armed Services Committee held a hearing on Mr. Peña's nomination last February to assess his views and positions on the Department of Energy's programs that fall within the jurisdiction of the Armed Services Committee. We felt this hearing was necessary because Mr. Peña has no background in national security matters and, until very recently had no identifiable position on defense issues that Senators could use to assess his suitability to manage the Department's diverse national security activities.

I, and other members of the Armed Services Committee, continue to have some concern about the Department's plans to certify the safety and reliability of nuclear warheads, restore tritium production in a timely manner, and maintain the capabilities of the Department's production plants. We also want to see more progress in environmental cleanup at DOE's former defense facilities. These are critical issues that the Secretary of Energy will have to address. I must say that we have not reached complete agreement with Mr. Peña on all of these issues. I intend to work very closely with Mr. Peña to resolve our differences once he is confirmed and I am hopeful that we can make progress on these difficult issues.

Another area of concern that Mr. Peña will be required to address is how to move forward with a permanent repository for the Nation's growing stockpile of spent nuclear fuel. Mr. Peña must avoid playing politics with this issue. He should engage the Congress and work cooperatively to develop a credible solution to this mounting problem. I am hopeful that he will do so.

There is an inconsistency in the Department's actions with regard to spent fuel. The Department has refused to accept U.S. commercial spent nuclear fuel, even after collecting billions of dollars from U.S. rate payers and being ordered to do so by the courts. However, the Department has paid to ship foreign research reactor fuel back to the United States—to the Savannah River Site in South Carolina—where it will likely be stored indefinitely at U.S. taxpayers' expense. Mr. President, this is an outrage. If the Department of Energy can pay to ship spent fuel from First World countries such as Germany and Sweden, why can't they find a way to accept spent nuclear fuel from Minnesota and California. There is no reason President Clinton should not support the legislation pending in the Senate to fix this problem. I strongly encourage the President to allow Mr. Peña to work with the Congress to move forward with a solution to this problem before more taxpayer's dollars are wasted.

Mr. President, despite my remaining concerns, Mr. Peña impresses me as a highly capable manager and I intend to vote favorably on his nomination today. I also want to offer to sit down with Mr. Peña in the coming months to jointly address the issues I have raised. My hope is that he will accept this offer and that we will be able solve these problems for the benefit of the American people.

Mr. GRASSLEY. Mr. President, I rise today to comment on the recent decision of the Justice Department regarding a qui tam lawsuit filed under the false claims act against Energy Secretary-designate Federico Peña. Now, as a Senator I will not comment on the merits of an on-going court case. However, I do believe that it is appropriate to comment on what may be considered an unusual circumstance.

As many of my colleagues may know, when someone files a qui tam lawsuit, the Department of Justice has to make a decision as to whether to intervene in the case or to decline to intervene in the case. Now, this time period is generally from 6 months to 1 year because qui tam lawsuits can be so complex.

With regard to the Peña case, the Justice Department has had the lawsuit for about 1 month and they have already made a decision—to ask the court to dismiss Secretary Peña from the lawsuit. Now, I realize that Secretary Peña is a cabinet nominee and a former Cabinet Member and this case might warrant expedited consideration. But this seems like a rush to judgment. It seems unwise and it raises questions in my mind as to whether the Justice Department's decision in this case is due more to political pressure than to a genuine desire to protect taxpayer dollars.

There are several troubling questions which remain regarding the role of the Department of Transportation, Secretary Peña and other top Transportation Department officials in seeking the reinstatement of a Government contract with the D.M.E. Corp. which the Coast Guard had terminated in March 1994. According to documents supplied to me by the Coast Guard, the D.M.E. Corp. was simply unable to satisfy the contract. Also, according to a memo prepared by the legal adviser to the Coast Guard, a financial audit revealed such serious irregularities that the FBI recommended that D.M.E. be prosecuted for fraud. Did Department of Transportation officials know of the FBI's recommendation when they pressured the Coast Guard to sign a memorandum of understanding committing the Coast Guard to reinstate the D.M.E. contract?

As it happens, Ms. Lus Hopewell, who was Mr. Peña's top aid for the affirmative action programs for the Transportation Department had been the executive director of the Latin American Management Association immediately prior to working for the Transportation Department. Mr. Luis Mola who was the president of D.M.E.—the company whose contract was terminated—sat on the board of directors for the Latin American Management Association. Should Ms. Hopewell have recused herself? Did she disclose to her superiors that she had in effect worked for Mola only months before at her previous job as she was working to get D.M.E. reinstated?

So far, as I understand it, Secretary Peña's defense has been that Coast Guard officials somehow got the mistaken impression that he had met with D.M.E. officials and was involved in reinstating the contract. So, in essence the revealing documents which I have received, which were created contemporaneously and by people with no apparent motive to lie, are mistaken. This explanation is almost identical to a an explanation supplied by Secretary Peña when he was the mayor of Denver. According to a March 26, 1995 article in the Denver Post newspaper, Alvarado Construction Co. received a $13 million contract to build an administration at the new Denver airport. Alvarado got the bid, however, even though its first bid was disqualified. In order to ensure that Alvarado got the bid, someone voided the first round of bidding for the contract and set up a new round of bidding. Alvarado got the contract on the second round. According to George Doughty, who was the Aviation Director at the time, Peña made the ultimate decision to void the first round of bidding. Secretary Peña said he wasn't involved and he didn't even know that Alvarado had received the bid. Finally, Alvarado was a strong financial backer of Secretary Peña when he was the mayor of Denver as well as a member of the Latin American Management Association. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Mar. 26, 1995]

MR. PEÑA AND A PAIR OF PROBES

(By Gil Spencer)

At the top of the Sunday, March 12, front page was this Denver Post headline: "Probe Zeros in on Peña."

At the top of the Friday front page just six days later, was this Denver Post headline: "Peña Inquiry Dropped."

With Commerce Secretary Ron Brown under investigation, with former Agricultural Secretary Mike Espy under investigation, with Housing Secretary Henry Cisneros under investigation, and with the president himself under investigation for financial dealings while he was governor of Arkansas, it is worth more than a mere mention that Transportation Secretary Federico Peña has been cleared by Attorney General Janet Reno, who is not under investigation.

I last talked to Federico Peña almost exactly three years ago. The topic was his integrity, which, if pushed, he might liken to a cross between the Hope Diamond and the Holy Grail. He thinks very highly of his integrity, and not very highly of anyone who might question it, which he said The Denver Post did.

Keeping Mr. Peña's opinion of his integrity in mind, imagine his reaction when some blabber-mouths in Los Angeles started making noises about Peña's former investment firm, which he founded after he left the mayor's office and which he sold in 1992, still bearing his name. The firm, Peña Investment Advisors, was awarded a rather succulent contract to manage a $5 million Los Angeles transit pension fund.

Peña Investment Advisors got the transit contract less than three weeks after its namesake became transportation secretary. The timing of the contract award and the investment firm's pedigree intrigued certain parties in Los Angeles and inspired an intriguing comment by the manager of the transit pension fund, one Melvin Marquardt.

Marquardt, a candid soul, was quoted as saying the investment firm would not have been retained if President Clinton hadn't made Peña secretary of transportation.

Enter Janet Reno. Investigation opens. Investigation closes. Federico and his integrity ride on.

That seems about right. There may possibly have been a case. If so, it was hardly visible to the naked eye. In the other words, the only thing on the table was timing: Peña gets a big job and his old firm gets a big contract. If the firm had been a hopeless loser, Ms. Reno's alarm would have gone off. It would have had to. As it was, the firm seemed qualified and, of course, richer. Life in big-time politics.

Incidentially, in dismissing the contract allegation, Janet Reno also closed down a Justice Department investigation into whether the city—both Peña and Webb—was illegally diverting revenue from Stapleton and using it for non-airport services.

Peña's own department is continuing to investigate that charge, for what it may or may not be worth. And because I know you're absolutely on the edge of your chair, we'll keep you advised.

So Federico Peña is in the clear and has issued a statement that he is pleased but not surprised, adding that his focus has been and remains on serving the president and the American people.

In that spirit, he might turn back the calendar to May 1991. He was mayor Denver and the Alvarado Construction Co. had been awarded a $13 million contract to build the administration building at the new airport. That contract drew political fire 10 months later, when it was learned that Alvarado's first-round low bid had been defective and thus was disqualified.

Standard procedure would have had the contract awarded to the second low bidder, which in this case appeared fully qualified. Didn't happen. The city rejected all bids, saying it did so in the city's best interest, and Alvarado wound up with the contract.

Alvarado got the contract on the second bounce. Mayor Peña said he didn't even know Alvarado had the contract. Aviation Director George Doughty said it was Peña's ultimate decision. Peña said somebody must have had the impression that he made a decision he didn't make.

There's a fat lie in there somewhere.

Peña said he didn't know Alvarado had a $13 million city contract? Peña's world was alive with Alvarados—enjoying his support before the city council, contributing to his '87 campaign and his post-mayorial investment firm (Linda Alvarado became a director of that firm in 1993). He didn't know?

It's been three years since Peña damned The Denver Post for questioning his integrity in connection with the Alvarado contract—three years since the issue was buried whole. This isn't the first time I have written about the issue and it isn't the second. There may be a fourth. That contract has a certain fragrance. Then there was the lying. But maybe we're got it all wrong. Care to straighten us out, Mr. Secretary?

Mr. GRASSLEY. Mr. President, I would also like to point out that D.M.E. has received approximately $30 million in contracts with the Transportation Department. Roughly one-half of those contracts were entered into after the Coast Guard audit detected financial irregularities. Did the questionable practices of D.M.E. at least cause concern within the Transportation Department?

Now these concerns shouldn't necessarily prevent Secretary Peña's nomination from going forward at this time, but there are serious questions about public integrity which require serious answers—not politically expedient ones.

Mr. DASCHLE. Mr. President, I am pleased that we have finally arrived at this point in the process to confirm Federico Peña as the new Secretary of Energy. In my view, it has already taken too long to bring this nomination to the floor of the Senate and I hope and expect that he will be confirmed overwhelmingly today.

The delays in bringing this nomination to the floor have had nothing to do with Secretary Peña's qualifications for the job. His reputation and integrity are unblemished. Through his long and distinguished career in public service, Secretary Peña has established an outstanding reputation as a creative and able administrator, including his work as mayor of Denver, CO, and more recently as Secretary of Transportation.

The questions that have been raised about his fitness for this job have all been answered through extensive questioning before the Senate Energy and Armed Services Committees. No one can argue credibly that Secretary Peña does not have the experience or leadership to head the Department of Energy.

The delay in bringing this nomination to the floor has resulted from efforts to force the administration into accepting an ill-conceived plan to establish an interim nuclear waste depository in Nevada. This effort to link this confirmation to changes in administration policy has been unfair to the administration and to Secretary Peña, who has pledged to work with Congress to try and find a solution to this complex and daunting problem in a manner that is acceptable to all involved.

The Energy Department needs a Secretary now to address the range of issues and challenges that lie before it, including nuclear waste disposal, electric utility deregulation, hazardous materials cleanup, and the broad questions about our Nation's future energy supply. Federico Peña will be an excellent Secretary of Energy and I fully expect that he will guide that Department through these many challenges in a decisive and competent manner.

I urge all my colleagues to join me in supporting the nomination of Federico Peña to be Secretary of Energy and to work cooperatively with him in the future to address responsibly the challenges that face our great Nation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Alabama is recognized to speak for up to 30 minutes.

JUVENILE VIOLENCE

Mr. SESSIONS. Mr. President, I have been asked to chair the subcommittee of the Judiciary Committee on juvenile violence. It is an issue and a problem that I have dealt with for many years. I have been a Federal and State prosecutor for 17 years. I know juvenile judges, I know sheriffs, I know police chiefs, I know juvenile probation officers and those who work with them. I have been involved in organizations that have dealt with youth crime for many, many years. I think it is a rare opportunity to have the possibility of contributing to an issue as important as this one.

I am particularly pleased that we have a bipartisan interest in real reform of juvenile justice in America. Not long ago, the Republican conference of this body listed juvenile violence as one of its top 10 priorities. The President has made it so in his remarks and in his recent address to the Nation. Just a few weeks ago, the majority leader, TRENT LOTT, met with the President, and they agreed to work to pass a good and effective juvenile reform bill. Senator LOTT had the occasion to talk with me about that, and his instructions to me were: "JEFF, we want the best crime bill that we can get, something that will effectively reduce juvenile violence in America."

Mr. President, let me discuss with you what our problems are. Understanding the situation we are in is important. The incidence of adult crime in America, since the early 1980's, has essentially been flat. During that time, we have doubled, tripled, and in some areas of the country, quadrupled the prison capacity for adult offenders in America. Many States have quadrupled their capacity. We have effectively targeted these repeat and dangerous offenders. Those offenders are not now out on the street, committing additional crimes, and we have, at great cost and at great pain, and I regret to say great loss of productivity, incarcerated people who needed to be incarcerated. But we have maintained more safety on our streets than would have been the case.

During this same period of time we have observed that juvenile violence has increased rapidly. We have not dealt with that in any effective way. Since 1982, violent crime committed by juveniles in America has doubled. Murder rates have increased 128 percent since 1982. This violent crime rate has been projected by the Department of Justice to double again by the year 2010. Indeed, by the year 2000 we will have 500,000 more crime-prone males, age 14 to 17. Many experts predict that these numbers alone will drive the juvenile violence rate even higher.

I think we must systematically and deliberately confront this problem, find real solutions to it, and deal with what I consider to be the real problem, which is a juvenile justice system that is simply not working. Those who have seen it, who have worked in it, who have been a part of it, know that. We care about it. We want to improve it. But we have to be honest: It is simply not working.

Let me tell you what is happening in America today. Recently, in Montgomery, AL, a night watchman was killed. I had one of my staff check to see about the three juveniles who had been arrested for that offense. One had 8 prior arrests, another had 8 prior arrests, and the third had 15 prior arrests. That is the kind of thing that is happening all over America. We do not effectively deal with juvenile violence and serious juvenile crime. We act as if it is the same kind of crime that existed 30 or 40 years ago when juvenile crime primarily involved vandalism or petty theft.

Can we do anything about it? Can we, as a nation, effectively deal with these instances of ever increasing violence by young offenders, and make the system work better? As somebody who has been in it, I believe sincerely that we can. It strikes me that we have a system which is so badly constituted that we have great opportunities to make it more productive and work better.

Mr. President, let me give you an outline of some of the proposals that will be in our bill and I think will be supported by the Department of Justice and the President. Senator JOSEPH BIDEN, the ranking Democratic member on our subcommittee, and others should be in general agreement with the proposals I am going to make. I certainly hope they will be.

First, we do have to make the Federal system work better. It is as a practical matter impossible at this time to effectively prosecute a juvenile offense in Federal court. The prosecutor must certify that the offender cannot be prosecuted in State court. Then the prosecutor must certify the offender as an adult. Then the offender has a right, at that point, to appeal the certification, to the U.S. Circuit Court of Appeals, which delays the trial as much as a year while the public waits on the results of that appeal. That is not necessary.

We believe that our bill, with the support of the President, and the Department of Justice, can eliminate those problems and allow the Federal prosecutors to effectively be engaged in prosecuting appropriate violent juvenile cases. But we have to be honest with ourselves: 99.9 percent of juvenile crime cases—99.99 percent—are being tried in State court. Overwhelmingly, those cases ought to continue to be in State court. We do not need to have the Federal bureaucracy, here in Washington, DC, taking over the prosecution of juvenile crime in the States.

What we need to do in this Nation, and what this Senate needs to do, and what our Federal Government needs to do, is develop ways to assist the juvenile systems throughout America to be more productive in prosecuting cases within their own counties, cities and localities. This is the most important thing. First, we need to fix the Federal system, but we do not need to ever think for one moment that that is going to be a serious detriment to the overall growth and threat of violence in our young offenders.

How do we improve the States' systems? We have to deal with it systemically, addressing the day-to-day things that are happening there. I would like to share with you some proposals that will be included in our bill, and share with you some of the problems that we face. First, let me tell you what is happening today all over this country, when young offenders are arrested.

Let us take this example. A young offender in a stolen car is arrested at 2 a.m. by a local deputy sheriff, caught flat-footed. What typically happens is, if there is not a juvenile facility nearby—and normally there are only a few approved juvenile facilities within the State—that offender cannot be kept overnight in a separate part of a local or city jail. Those offenders cannot be kept at the local jail because Federal mandates say they cannot be housed in any institution in which adults are housed. They cannot even be in an institution that shares the same dining facility. So they either have to be released that night, or they have to be taken to a juvenile facility that may be in a distant locality and may be at full capacity. So, routinely what happens is that young offender, caught flat-footed in a stolen automobile, is released that night to his parents. He is back on the street that night.

It is not just bad for him, that he receives a horrible message, but it is also bad for his younger brothers, perhaps, or his running buddies, his would-be criminal associates, because they know Billy got caught. They know the police caught him in a stolen car. They see him back on the street that very night or the next morning. They see him laughing about it. They do not respect the system, and that procedure undermines the moral authority of the police and the legal system in America. It encourages crime and it does not deter crime, and we have to deal with that fundamental problem. We can do so, and I have some ideas I would like to share with you.

As a matter of fact, as I traveled the State of Alabama as attorney general, talking to local police, that is the single most frustrating situation for local police officers throughout Alabama, and I think the Nation, in juvenile crime, because these officers say to me over and over, "Jeff, they are laughing at us. They don't think we can do anything to them, and we can't." This creates crime by sending a clear message to all involved that these young offenders are getting away with their crimes.

How do we deal with that? We need to end these irrational Federal mandates that require total separation. We do not need to have young offenders in the same cell with hardened criminals. Nobody proposes that. But on separate floors, in separate wings, separate parts of jails can be carved out where young offenders can be kept, at least for short periods of time, totally apart from adult offenders. That can and should be done, and it is the only sane and logical thing to do. I believe there is a growing consensus in America to do that, and our bill will do that. I think we can have bipartisan support to end these regulations. This will free up, at little or no cost, significant amounts of bed space for juvenile offenders.

In addition, we need to put some money into juvenile facilities. Adult facilities, as I have said, have doubled and tripled and quadrupled in America, but facilities for young offenders have not increased. In fact, in some States, their jail space for juveniles has decreased. Florida, after decreasing juvenile jails for a number of years, has now recognized the need to increase their available space. Our bill will provide financial support to State and local governments who need to undertake to expand their existing facilities, such as by putting on a separate wing for juvenile offenders. That way, at a reasonable cost, we can add jail capacity.

A sheriff in Alabama told me just a few weeks ago that he was arresting and incarcerating people under a new Alabama law that our Attorney General's office helped get passed, but he did not realize he was also in violation of Federal mandates and he was called on the carpet by Federal officials who forced him to stop. His policy was to hold young offenders for several days when the charges were serious, taking them promptly to court, and having prompt hearings. As a result of that tough approach, his juvenile crime rate dropped significantly. He was just furious that he could no longer carry out that policy, because he was absolutely convinced that if he was given the capacity to identify the serious offenders, take them to court, and detain them, then he could make progress in reducing crime. That is what we want. We want to deter criminal conduct. We want to have a system that does, in fact, cause juveniles to think about the consequences of their actions before they are tempted to commit a crime. I am convinced that our plan will do that.

Some of these matters I will be talking about on the floor in the future in more detail, but I want to mention several other parts of this program that I think will have bipartisan support and which will be effective in thousands of everyday criminal cases in juvenile court, so that we can deter these young offenders from going further along. We need to make that first brush with the law their last.

Drug testing. I have always thought it was virtually irrational or insane for us to arrest offenders, when we know statistically as high as 60 and 70 percent of serious offenders test positive for an illegal substance in their body at the time of their arrest, and not drug test them to determine whether or not they have a drug problem. They will say they do not. Routinely, they will deny it, but through regular drug testing, we can identify those young offenders who are using drugs. We can identify those who can, through their own willpower and the discipline of the court get off drugs, and those who are seriously addicted and need treatment. We can involve their families, if they have families, in that process. We can give the judge the kind of information he needs to know. When he is crafting an appropriate sentence, he needs to know whether or not this person standing before him, the one he is about to sentence, has a serious drug problem, and the sure way to do that is drug testing. It is relatively inexpensive.

So we will be proposing legislation that will provide money for State and local juvenile courts to test young offenders. If they test positive, they can put them on a very intensive drug-testing program, and if they continue to flunk, they will either go to jail or some serious treatment facility. We need to stay on them. We do not do them a favor to act as if their drug problem does not exist and allow them to continue life as usual. We need to work on that very hard.

Another matter that is extremely important is recordkeeping. For years, we have had in the National Crime Information Center the capacity to put every adult person's criminal history in our national computer system, so when they are arrested, a law officer can call up the National Crime Information Center from any police department in America, and, indeed, many police officers have today in their vehicles the capacity to tap into that system to find out if the person they just stopped out on the highway is a fugitive from justice for a serious offense. It is one of the most worthwhile, productive criminal justice innovations this Nation has ever implemented. It is not being done for juveniles.

The greatest predictor of adult violence is a history of violence and crime as a youngster. We know that. That makes common sense. Yet, with regard to the young people who are being arrested, because of the secrecy laws around the country and an aversion for putting these records in the NCIC, the judges may not know about a history of violence and crime. They may know it if the offender committed a crime in their local community, but they will not know it if they committed it in another community.

Additionally, in the case of a 24-year-old, for example, who the judge is about to sentence, that judge would need to know, in crafting an appropriate sentence, whether that offender standing before him had committed two armed robberies as a juvenile in a distant city. We have made a serious mistake over the years in not putting those records in the National Crime Information Center, and our bill will end that policy. I think it is something long overdue.

I think it is appropriate for the Federal Government to provide training for State and local officials. It would be good to provide a national center, that no one State could afford to put together, to train probation officers who will be working with young offenders, to train sheriff deputies and police officers who will be working with young offenders, to train prosecutors who will be working with young offenders and, yes, provide the latest and finest training for juvenile judges so that they can be effective. I would love to see us establish training centers and scholarship programs so that virtually every young prosecutor, every new probation officer for juvenile offenders could have 1 week or 2 or 3 weeks in intensive training on what it means to have their job and how to best conduct themselves in it.

We also need, and it is appropriate for the Federal Government who has all 50 States under its jurisdiction, to provide a research center to study what programs work and what programs don't work, to give authoritative data to local officials as they struggle to decide what to do about juvenile violence in their community.

I sense, as I travel Alabama—and I know this is true nationally—that people in local communities are very concerned about juvenile crime, and they want to develop programs to do something. They are willing to invest money in that. They are just not certain what to do.

For example, a number of years ago, Congress developed a boot camp program in America. We had one of those in my hometown of Mobile. I was involved in helping to get it established. We had great expectations for it. The U.S. Department of Justice did an intensive study of the boot camps around and the studies produced, unfortunately, mixed results. The studies concluded that whereas many young offenders appear to be quite changed when they finish their short-term incarceration and intensive military-like discipline and really seem to be better, once they were released and went back into the community from which they came, they developed the same friends and same associates and the recidivist rates, the rearrest rates, did not change very much.

So since then, boot camps, because of that study and others, have adopted an aftercare program where the graduates have to come back to the training center with their parents or parent and go through a counseling and intense monitoring program. This has helped expand the productivity of the boot camp system and has helped keep more of these people from going back into a life of crime.

That is the kind of thing that is difficult for a State to do on its own. It is appropriate for the Federal Government to do that. That is not a Federal takeover of juvenile justice, but a Federal helping hand to give States the information that they need.

So, Mr. President, I would just say that we are dealing with an issue of great national importance. I cannot tell you how delighted I am that the President, that the Department of Justice, that the Democratic leadership of this body and the Republican leadership of this body are united in being committed to developing a workable plan that will actually and realistically improve our ability to deal with this juvenile crime problem, because if we don't, it will get worse. And I am excited about our prospects.

This proposal that I have outlined for you today will provide more jail space so that when young offenders violate their probation, so that when they commit crimes, they can be immediately incarcerated and disciplined by their judge. If the judge has no capacity to do that, then that judge is losing control of his courtroom; and the police officers who went out and made the arrest, their moral authority is undermined.

We need drug testing to find out which ones of these young people are addicted to dangerous drugs which may be the accelerant to their criminal activity.

We need better recordkeeping to identify serious dangerous offenders throughout this Nation as they move throughout this Nation.

We need a training center to train local and State law enforcement.

And we need a research center to identify the greatest and best ways to fight juvenile crime so that we can assist Federal and State activity in improving that effort.

Mr. President, I am excited about the potential for doing something good for America, for making our streets safer. I must point out that in some areas of this country almost the leading, if not the leading, cause of death of young people is murder. That is a horrible thing to say, because it is not just the young people who are committing crimes, they are also the victims of young criminals. It is something we have to put an end to if we care about our country.

It is a core function of government that we make our streets safe. This bill will help take us a long way toward that goal. I thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF TIME OF VOTE

Mr. HATCH. Mr. President, I ask unanimous consent that the previously ordered vote at 12:30 p.m. today now occur at 12:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Thank you, Mr. President.

Mr. President, parliamentary inquiry. I presume we are still in morning business; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 426 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is morning business time reserved at this point?

The PRESIDING OFFICER. The Senate is conducting morning business until 12:45.

Mr. DORGAN. Let me yield myself such time as I may consume, Mr. President. There is 1 hour calculated and my colleagues will also be taking some time. A couple of colleagues are not here yet.

THE BUDGET

Mr. DORGAN. Mr. President, we wanted to come to the floor today because we have watched for a number of weeks a discussion on the floor of the Senate about changing the United States Constitution to require a balanced budget. In fact, for a good many weeks we had a stack almost 5-foot tall of books. Apparently they represented budget books and budgets that were submitted by Presidents to Congress and described various budget deficits over many years. And that 5-foot stack of books resided on the desk over there for I think 3 or 4 weeks in the Chamber. The discussion was: "Let us change the Constitution to require a balanced budget." We had that vote. Those books are now gone. Now, of course, comes the real work. Altering the Constitution of the United States is one thing. Balancing the budget by writing a yearly budget, which the Congress is required to do following the submission of a budget by the President, is quite another thing. I made the point during the debate on the constitutional amendment to balance the budget that we could alter the Constitution at 12 o'clock noon that requires a balanced budget and at 12:01 there would be no difference in either Federal debt or Federal deficit. Why? Because that is required to be done in the individual yearly choices of taxing and spending decisions here in the Congress.

I do not see anybody out here on the floor on the other side with nearly as much energy on the proposition of writing a budget that will really balance the budget. In fact, no one is here now, and there hasn't been for some long while anyone here to address the question of will there be a budget brought to the floor of the Senate? The deadline for the Budget Committee to act on a budget is April 1. That is not very many days away. The deadline for the adoption of a budget resolution by the Congress is April 15, about a month away. That leaves only 7 working days here in the Senate between now and the deadline by which the Budget Committee shall have acted to comply with its responsibilities. And it is only 14 working days in the Congress to actually pass a conference report on the floor of the Senate and the House to comply with the requirements of the budget act. But, contrary to 5 feet of documents when we discussed altering the Constitution, you can't find a single page scavenging anywhere in this Chamber. Not in the darkest recesses of the deepest drawer in these Senate desks will you find a page that explains what the plan is for actually balancing the budget—not altering the Constitution; the plan for actually balancing the budget.

We say we are ready. We want a plan to balance the budget. The President has submitted a plan. Now let's see the alternatives, and talk about them and describe the choices and what are the priorities.

Why do we not see a plan? And why do we see so little energy on this issue of actually dealing with the budget on the floor of the Senate?

I want to hold up a chart that describes why I think we are in this situation. The Joint Tax Committee disclosed to us that in the first 5 years of the coming budget the cost of the proposed tax cuts by the Republicans here in Congress will mean $200 billion in lost revenue but that in the first 10 years the lost revenue will be $525 billion. In other words, you lose a couple hundred billion dollars in the first 5 years, and then much, much more than that in the second 5 years; in 10 years, nearly half a trillion dollars.

What does that mean? It means, if you have that much less revenue—and, incidentally, most all of this tax cut will be borrowed and will be added to the Federal debt—every dollar of tax cut proposed before the budget is balanced is going to be borrowed. But the point is when you are proposing very deep cuts in your revenue, then what happens? You have to make deeper and deeper and deeper cuts in some of the programs that people rely on. Then you have to answer the question that people in this Chamber ask and people around the country ask. What does this mean in terms of the programs that affect me, such as the Medicare Program? What does it mean in terms of the investments in education? What does it mean in terms of building and repairing highways and roads? What does it mean in terms of funding of the National Institutes of Health?

Those are the questions that you have to ask in order to construct a budget that will balance the budget, and those are the questions that are not being asked. I guess the reason is there are not answers.

So we come to the floor of the Senate today to say we are 7 working days in the Senate away from the requirement in law that the Budget Committee act on a budget resolution. It appears no such action will take place. The majority leader on the other side of this Capitol said they may act on some kind of a plan in May. He was unclear about that. That is not what the law requires. The law doesn't require anything other than that on April 1 a budget resolution be adopted by the Budget Committees and by April 15 adopted by the Congress.

As I said previously, it is easy enough to come to the floor of the Senate and breeze on about altering the Constitution of the United States, apparently allowing some people to believe that, if you can alter the Constitution, you would have balanced the budget. Of course, nothing could be further from the truth. Altering the Constitution will not alter the deficit by 1 cent. That will be done by making individual tough choices in taxing and spending decisions. Why are those choices not now being made? Why does there appear that there is no preparation on the part of those who anguished so hard to change the Constitution? Why does there seem to be no preparation on their part to anguish as hard and toil as long to create a budget that will actually balance the budget? Because I think that they have with their cans and brushes painted themselves into a corner promising tax cuts to the tune of $200 billion in 5 years, and $500 billion in 10 years; tax cuts undoubtedly that are popular but tax cuts that they know will require them to make enormously deep cuts in a wide range of programs that are very important in this country.

I believe they simply don't want to describe what those cuts will be and which programs those cuts will come from.

Mr. President, I would be happy to yield such time as may be consumed to the Senator from Illinois, Senator DURBIN.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. I thank my colleague for yielding, and I join him in this statement this morning.

For the last several weeks we have listened to the Republican leaders standing next to stacks of budget books in full-throated pride for balanced budgets, the key to America's economic future, the rallying point for this Nation to come together to balance the budget.

Their call for a constitutional amendment did not pass. It failed by one vote. I voted against it. And what I said then I will say now. The job before us is not to amend the Constitution but to balance the budget. And the two are not the same. Amending the Constitution is no guarantee that we will have a balanced budget tomorrow or the next day. The only guarantee that we can offer the American people is to our actions, actions in this Chamber and the House coming together with the President and reaching an agreement.

Many years ago, there was a Senator from Illinois whose name was Everett McKinley Dirksen. He served with my colleague from West Virginia. Senator Dirksen, in the early 1960's, made a momentous decision and decided to support civil rights legislation for the first time in his career. When Senator Dirksen was asked why, after years of resistance, he came to the point where he supported this legislation, he said, "There is nothing more pregnant than an idea whose time has come."

If the idea of a balanced budget has come, the obvious question is why the Republican leadership in control of the Senate and the House has not met their responsibility under the law to put together a budget, to bring it forward so the American people can see what their priorities are. Why in the name of all that is holy would they hold back from this responsibility?

I can tell you why. It is fairly clear. They have a serious problem. The Republicans have overpromised. They have promised tax cuts that create serious problems in balancing the budget. These tax cuts that have been promised by the Republicans this year are in excess of the tax cuts promised in the heralded Contract With America, which was presented for 2 years before Congress. Do you remember that scenario? At that time, the Republicans came forward and said, in the Contract With America, we are going to make the following tax cuts. And in order to pay for those tax cuts, we are going to cut programs.

When you took a close look at those tax cuts, you realized that they primarily went to wealthy people. A lot of us on the Democratic side of the aisle said, now, is that fair, to propose a package of tax cuts at a time when we are trying to balance the budget, when the tax cuts go to the wealthiest people in America? Then we took a look as well and said, well, how will they pay for them?

The proposals coming from the Republican side suggested deep cuts in Medicare, in Medicaid, in environmental protection programs, and college student loan programs, to name but a few. The President said: I will not buy it; it is not fair; we have to balance the budget, but we cannot do it at the expense of these critical programs like Medicare and college student loans and protection of the environment. So the President vetoed their bill.

They said, if that is what the President wants, we will close down the Government, and they did—two separate occasions, the longest shutdowns in the history of U.S. Government occasioned because of the inability of Democrats and Republicans to reach an agreement on balancing the budget.

After that experience came an election, and the American people, I thought, were given one of the clearest choices in our history—on one side, the Dole and Gingrich approach, and on the other side the Clinton-Gore approach and that supported by many of us as Democrats.

I think those were two sharply contrasting views of the world, and I expected the American electorate to speak in one voice and say, given this fork in the road, this is the course we want to travel.

The American people made a decision in the election last November, and they decided they wanted both. They wanted to preserve the Democratic leadership in the White House with the President, but they wanted to preserve Republican leadership in Congress.

Now this odd couple comes together, a Republican Congress and a Democratic President, trying to divine exactly what is the message sent by the American people. I think the message is easy to divine, and here is what I think it is. Balance the budget. Be fiscally responsible. But do it in a way that does not harm the most important programs to American families.

I do not think that is an unreasonable request, and I think it reflects where most Americans stand when they look to our future. Now the President has stepped forward and met his share of the burden. He has produced a budget which comes to balance by 2002, a budget which makes cuts and makes changes that he believes and I believe will reach balance without cutting important programs, and the President adds a safety valve. If he is wrong, if 5 or 6 years from now he has guessed wrong and we end up out of balance, the President has a trigger mechanism that comes in and makes an across-the-board cut to reach balance. Even the Congressional Budget Office, which has not been friendly to many Democratic proposals recently, has had to concede that is a way of balancing the budget. It is a trigger mechanism which will, in fact, make certain that the budget comes to balance.

So the President put his proposal on the table, and if you follow recent history, in the natural course of events it is now the turn of the Republican leadership in Congress to come forward with their proposal. As was said by my friend from North Dakota, after viewing for weeks stacks of budget books that were viewed with derision by those who supported a constitutional amendment, we cannot find a single sheaf of paper on the Republican side suggesting how they will reach a balanced budget.

The reason? They have painted themselves in a corner. They find themselves in an impossible position. They have overpromised on tax cuts for wealthy people, even more than in the Contract With America, and they cannot figure out how to pay for it and balance the budget. So they have stepped back, removed themselves from the fray, and have basically said to the President, give us another budget now. You gave us one. Let us see a second one.

I am sorry, but the legislation that we have passed involving the budget and the history of these institutions suggests the President has met his responsibility and now it is the responsibility of the Republican leadership to come forward. They understand that if they are going to protect and preserve the tax cuts they have called for, it will force even deeper cuts in Medicare, even deeper cuts in college student loans, even deeper cuts in environmental protection than they suggested 2 years ago. They are in that corner and do not know the way out.

Let me suggest there is a way out. Reduce these tax cuts to those the President has targeted to help working families, make certain they are tax cuts we can afford, make certain as well that we preserve basic programs like college student loans and environmental protection. Let us work together in a bipartisan fashion to chart a course for Medicare that will bring it not only solvency but stability for years to come, and we can come up with this balanced budget. But it is time for the Republican leadership to step forward and to meet their responsibility.

Mr. DODD. Will my colleague yield?

Mr. DURBIN. I will be happy to yield to my colleague from Connecticut.

Mr. DODD. I thank my colleague for yielding. I wanted to make some of the same points. I see my colleague from California here as well.

There has been a lot of discussion about budgets, Mr. President. There has been an additional request now that the President submit yet another budget. Let me just suggest that I think the reception of the President's budget was, initially, encouraging. Our Republican colleagues can be commended for not declaring it "dead on arrival," as we have seen all too often in past budgets. But as has been pointed out, year in and year out there is a dual responsibility not only for the executive branch to submit budgets, but also for those of us in the coequal branch of Government, the legislative branch of Government, which has control over the purse strings, to respond. We must respond in a way that gives the American public an opportunity, one, to either endorse what the President has suggested or, two, to offer alternatives that can be identified and seen so comparisons can be made.

I hope at this juncture the majority here would demonstrate leadership. The Budget Act requires that budgets be sent to the full Congress; that we then submit a budget, have our own budget here, that either duplicates the President or offers some alternatives so that we can then debate out the process and move in the direction that I think all of us have endorsed regardless of where anyone stood on the proposed constitutional amendment. I didn't hear a single Member of this body indicate anything but strong support for achieving a balanced budget as soon as possible, hopefully by the year 2002, for all of the very obvious reasons that the distinguished Senator from West Virginia and others articulated during that lengthy debate. Our colleague from Illinois has already pointed out—and these charts here, I think, give some indication of what we are looking at—the tax breaks that are being proposed. They are actually even larger than last year's proposals.

There are Members who endorse last year's proposals and I presume are in favor of having even larger ones. But I think the American public ought to know what the implications are. As it is right now, over the next 5 years we will be looking, here, at additional tax breaks that are relatively large even over the first 5 years, but then move up considerably over a 10-year period. That ought to be a concern to everyone here. Because, obviously, if we find ourselves again in a deficit situation, even a larger one than we were in the past 10 years, then we will be right back again debating, I presume, constitutional amendments and the like. So we have an obligation to be fiscally responsible.

Mr. DURBIN. Will the Senator yield on that point?

Mr. DODD. Of course. The Senator has the floor.

Mr. DURBIN. Naturally, every politician wants to propose a tax cut. Is there anything that draws more applause in a town meeting than the line that "we want to cut your taxes"?

Mr. DODD. Of course not.

Mr. DURBIN. But think of what happened when Senator Dole proposed a substantial tax cut as the keystone of his campaign. It fell flat. The American people are skeptical. They want to make sure we keep our eye on the ball, and we have to move toward balancing the budget. Tax cuts are important, but if they are at the expense of balancing the budget, or at the expense of important programs, the American people say, "Wait."

Mr. DODD. My colleague is absolutely correct. They not only say "wait," but they also ask the basic question that we all have to ask. If I were to stand here before you and suggest spending increases of $200.5 billion in the first 5 years, and spending increases of $525.8 billion over 10 years, the words would not be out of my mouth before one of my colleagues, either on this side or the other side, would ask me the very fundamental question, the steely-eyed question we are all asked to address today of, "Senator, how do you intend to pay for this?" And, if you cannot answer that threshold question, then you have to go back to the drawing boards.

All we are suggesting here is to put our constituencies and the American public on notice of what we are looking at here, that comparing these numbers over the next 10 years, the requests are even larger than they were before, and that we ought to be asking that question, without getting into the specificity of particular tax proposals here, how do we pay for them so we do not find ourselves in the situation that we have been placed in over the last 10 or 15 years with huge deficits?

Let me draw my colleagues' attention as well to this next chart which lays it out exactly. These numbers, by the way, are prepared by the Congressional Budget Office and the Joint Tax Committee. They are not prepared by some partisan group. This is a nonpartisan analysis, a bipartisan analysis. It says, if you took these tax cuts and carried them out to the year 2007, given the baseline deficits already projected, that you are looking at these huge new deficits. This year it is about $120 billion. But if unchecked and unpaid for, those deficits rise to $348 billion, exceeding by almost $50 billion the high-water mark for deficits in the last year, 4 years ago, of $290 billion. So those deficits continue to climb. By the year 2007, or before, we will be right back in the situation we were before. So, I draw the attention of my colleagues to that because I think it needs to be addressed.

How do you pay for these? Again, Members can offer their own solutions. But we are not talking about small change here. These are huge items. Obviously, if you look at the budget, where are the big ticket items that could pay for those kinds of proposals? It has been suggested that Medicare, Social Security, health, education, training, veterans, agriculture, infrastructure—these are the big ticket items, particularly up in this part of the bracket, the Medicare, Social Security, natural resources, health and education. Those are the larger items—veterans as well. Defense could fall into this area, obviously. So we ought to be addressing those issues that are before us.

So we raise this today because we think it is important that we engage in this debate. We are a legislative body. It is deliberate, it is slow, it can be ponderous. But we are trying to prepare, now, a budget, in the wake of the proposed constitutional amendment to try to get us into balance, to keep those interest rates down so businesses can grow and expand and hire people. We have enjoyed 6 years of sustained economic growth now, in no small measure because we collectively have made progress. And I will not engage in the finger-pointing about who deserves credit or who is responsible—but the fact of the matter is, we have brought those deficits down, now, from $290 billion to $120 billion, actually down to $107 billion at one point. And we ought to be doing everything in our power to see to it we continue on that glidepath so those interest rates do not spike up again, costing American families and this Nation the burdens those increases would bring.

So we are suggesting here today, let us begin work on these. Making a request of the President on a daily basis or hourly basis, "submit yet another budget, yet another budget, yet another budget" is not productive. We bear the responsibility as legislators, those who control the purse strings, to respond to the budget the President has sent to us, either by rejecting it and submitting our own, or by proposing, in a clear way for the American public to see, exactly what the priorities will be and how you will pay for them.

Whether it is a spending increase or a tax expenditure, the American public wants to know the simple answer to the question: How do you intend to pay for this? So we are here today to urge our colleagues, who are in the position to most specifically respond to these matters, that in the coming days, rather than spending time by issuing press releases challenging the President to submit yet another budget, to fulfill our constitutional obligations here and to step forward and explain to the American public exactly what our proposals are.

Let me just conclude by saying there are a number of these tax cut proposals that are being suggested which I support. I am not opposed to them. Just as there are spending proposals of which I am in favor. But whether it is a spending proposal I am in favor of or a tax cut I am in favor of, the same question must be asked of either point: How do you pay for them?

So, whether it is capital gains tax cuts, estate tax cuts, or child care credits—there are all sorts of things people are proposing. Whatever it is, what the bulk of it is, the question must be raised: How do you pay for it? If, in fact, these tax cut proposals, as some have suggested, would drive us back into the very situation we found ourselves in only a few short years ago, then I think we have to meet our responsibility, that has not yet been met, of following our legislative mandates and responsibilities.

With that, I see my colleague from California here. I will leave these charts here for her to peruse, and for others who may want to come over and take a look at them. I know she shares similar concerns and thoughts, coming from the largest State in our Union, a State which has contributed much to the general welfare and health of our country. Obviously, whether you live in a small State like mine, Connecticut, or a large State like California, people on the respective coasts and everyone in between in this country want to know the answers to these questions.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator from Connecticut leaves the floor, I just wanted to thank him, because we are really running into some statutory deadlines here, and, as he pointed out, because we do sit on the Budget Committee together, these are not just written down for fun. They are serious.

By April 1, the Budget Committee is statutorily required to vote out a budget. On April 15, the Congress is statutorily required to vote out a budget. We, on this side of the aisle, do not control the agenda around here. That is one very strong power of the majority. And believe me, we are sad that we do not have the ability to move an agenda, because if we did, we would have this budget on the floor today. We would be debating it.

Why do I say that? It is because the budget of the United States of America is, in fact, the priorities of this Nation. What we spend on really says to us what we are about as a country. Do we invest in education? The President in his budget says yes.

Do we make sure that our seniors are protected from deep, deep cuts in Medicare and Social Security? Yes, we care. The President cares.

Does the President think we should do more to clean up the toxic waste sites and enforce environmental laws? Yes, he does.

Does he think we ought to invest in NIH, the National Institutes of Health, so we can find cures for diseases, be it breast cancer or prostate cancer or Alzheimer's or scleroderma, all of these things which cry out for attention? The President says yes.

The President says we should put more police on streets into community policing. That is all in his budget.

A budget reflects the priorities of a nation. It tells the country who we are, what we think is most important, and, by the way, all in the context of a balanced budget, so certified by the Congressional Budget Office. So the President has put forward his effort. It is certified by the Congressional Budget Office to balance in 5 years. We have it in writing. We have the letter.

Now we are saying to our Republican friends who control this—they have 55 Senators, we have 45; they are in charge—that it is their responsibility now to bring to the Budget Committee their budget. They do not like the President's budget. They have criticized the President's budget. They have done it day after day. Where is their budget? They are playing hide-and-seek with their budget, and I think it is time for show and tell. Show us your budget. Where are your priorities?

We only know one thing from Republicans. We know that they want to institute a huge tax cut. The President has a tax cut proposal, and it is modest. It is $98 billion over 5 years. That is what it costs, and it is paid for. What does he do? He calls for tax relief to help middle-income Americans. He calls for a $500 tax credit for dependent children, a $10,000 deduction for postsecondary education, and a proposal to allow married taxpayers to exclude from capital gains taxes up to $500,000 in gains from selling a home. Single taxpayers could exclude up to $250,000. This would exempt about 99 percent of home sales from capital gains taxes. These are the President's tax proposals.

The Republicans have said they want to do $200 billion of tax-cut proposals. So we are saying, "How are you going to pay for it? Where are your priorities?"

There are two ways to do it in the Budget Committee. One way is for the Republicans to offer their own budget. They have talked for weeks about a balanced budget amendment to the Constitution. Where is their balanced budget? They want an amendment to the Constitution, but where is their actual budget? They don't have it. We don't know what it is. We only know they want to cut taxes over 5 years by $200 billion, over 10 years by $500 billion. Are they going to go back to the big cuts in Medicare, big cuts in education that we fought off last year? Remember? The Government shut down over these very proposals because President Clinton and the Democrats in Congress said, "Absolutely not, we're not going to do that to benefit the very wealthy."

A recent study shows that the top 1 percent of taxpayers would get an average tax break of more than $21,000, and that is extraordinary—the top 1 percent.

Mr. President, I reiterate that right now, the Senate has only 7 working days prior to the April 1 deadline for the Budget Committee to bring a budget to the floor—7 working days—and the Budget Committee, on which I am proud to serve, does not even have a markup scheduled. Why is this? The President put his budget forward. The CBO has certified that it does reach balance in 5 years. June O'Neill signed the letter. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1997.

Hon. FRANK R. LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: You asked whether the alternative set of policies proposed by the President in the event that Congressional Budget Office projections are used in the budget process would achieve unified budget balance in fiscal year 2002.

As we described in our March 3 preliminary analysis of the President's 1998 budgetary proposals. "the alternative policies proposed by the President were designed to fill exactly any size deficit hole that CBO might project under the basic policies."

I hope that this answer meets your needs.

Sincerely,

JUNE E. O'NEILL.

Mrs. BOXER. Mr. President, the President has submitted a balanced budget. In that balanced budget, he protects Medicare and he protects Social Security. He moves forward with an investment and commitment in education and the environment and health research and transportation and putting more community police on the streets. This is a good budget, and if the Republicans don't like it—and I don't expect them to like it, that is why there is a difference in the parties here, we know we have different priorities—let them come forward with a budget instead of playing hide-and-seek.

We only know one thing they want, and that is tax breaks to the very wealthy. They have put that out there. The President calls for $98 billion of tax cuts over a 5-year period. Those are targeted to the middle class so that when you sell your home, you will not have to pay capital gains taxes; so if you send your child to college, you can write off $10,000; so if you have children, you can exercise tax credits. These are modest tax breaks for the middle class.

The Republicans, on the other hand, have a tax break that is so huge that it is going to cost $200 billion. A recent study shows the top 1 percent of taxpayers would get an average tax break of more than $21,000 while 99 percent of the rest of us do not get that benefit. So it seems to me we are going back to the battle that we had last year when the Government shut down.

But this is even worse. They will not show us their budget. Where is it? We know the tax cut part. Where is the spending part? Where are we going to get the money to balance in the year 2002 to pay for those tax cuts? Are you going to do what you did the last time, take $200 billion out of Medicare? I hope not. That brought the Government to a shutdown.

So I just am very confused. I can understand why my Republican colleagues would not like the President's budget. I can understand that. Frankly, I think the budget the President put forward is an excellent product, and it makes the investments we need to make while protecting our priorities. It has tax breaks for the middle class. It balances by 2002. I think it is a budget that the American people will get behind. But I know that my Republican colleagues criticize everything this President does, and they are going to find some things in that budget they do not like. It is fair. It is absolutely fair for them.

But I will tell you what is unfair. It is unfair for them to point the finger at this President, by the way, and tell him to go back and redo it. That is what they are telling him to do. "Go back and do a second budget," they say, when they have not even put a first budget forward. Let us see their first budget. Let us see their first budget. Maybe if they do a first budget, they will have some authority to say they want a second budget from the President.

But the President has put his best case forward, certified by the CBO to balance, that protects Medicare, protects Medicaid, invests in our children, invests in the environment, invests in health research, puts more cops on the beat. And it is being ridiculed and criticized, and they say, go back and do it all again. Look, it is irresponsible at this point that we do not have a markup of a budget.

If they do not want to produce a budget, I have another scenario. Let them take the President's budget, which they do not like, and amend it.

If they want to make the tax cuts bigger, make the tax cuts bigger. Offer an amendment to make the tax cuts bigger, and show us how you are going to pay for it.

You want to cut education? Have the guts to do it. Write an amendment. Tell the American people you do not think it is a priority.

You want to cut out Environmental Protection Agency enforcement? Have the guts to offer an amendment.

You want to spend less on health research, transportation? That is fine. That is your right. But what I do not think is your right is to criticize and point fingers at the President, tell him he has to go back and write a new budget before you even put your budget out there, all but your tax cuts—all but your tax cuts.

Well, that is the easy part, folks. I love to talk about the tax cuts in the President's budget because I have to think they are very helpful to our society. But at the same time we have to make some tough choices in the budget, some tough choices all the way across the board. And that is what the President has done.

So we have 7 working days to meet the April 1 deadline for the Budget Committee. We have only 14 working days before the deadline for final congressional passage. And the Republicans have no budget, or if they have a budget, it is in somebody's pocket or it is in some back room. It has not been brought out yet. I just think we are asking for trouble. We are going to miss these deadlines and are not going to do our work.

As I said when I listened to the debate on the balanced budget amendment, I believed that people on both sides of that issue wanted to balance the budget. They had disagreements over whether you need to put it in the Constitution, but I surely believed once we disposed of that issue, we voted on it, we would get to the hard business of balancing the budget. But it is awfully difficult to do it when the only one who has put out a balanced budget is President Clinton, and the other side is poking holes at it, pointing fingers at it, telling him to go back and do it again.

They have yet to come out with a budget. This is not a level playing field around here. It just does not make sense. It is not fair. And I think the American people will understand.

There is a lot of time around here to dedicate yourself to lots of other issues—finger pointing and all the rest on campaign contributions and all of that. And I say, campaign finance reform is very important. We ought to bring that to the floor, too. That would probably be a real step forward for the American people. Bring forward the budget debate, bring forward the debate on campaign finance reform, two issues that are important to the country. But I do not see either of these headed for the Senate floor. I think that is most unfortunate.

There is lots of time for other things, but not the things that I believe are very pressing matters. Certainly the most pressing is the budget, because the budget is what our priorities are about.

When you sit down with the family and go over the monthly expenditures, you make some very important decisions, don't you? If we buy a new car, how much do we need to set aside for that car payment? Gee, maybe we should put that off a year and do something else. Maybe it is time that the family took a family vacation. So you decide to put off the new car, take the family vacation. We make these decisions in our families.

The American family needs to make its decisions, and it is called a budget. It is where we make the very important decisions. How much do we need to defend this country against all enemies foreign and domestic? How much do we need to get our children ready for that work force?

Today, we had a wonderful east-west initiative, a very bipartisan initiative. It included Senator HATCH, Senator FAIRCLOTH, Senator KENNEDY, Senator MURRAY and myself; Massachusetts, California, Utah, Washington State, and North Carolina. This was a great bipartisan initiative. It is about job creation, and it is about our working together to make sure that in this country we make the investments we need in new technologies, we make the investments we need in education, we make the investments we need at the FDA so new drug approvals move swiftly. These are the issues that Republicans and Democrats alike came together around today.

I will tell you, if we do not get moving on a budget, Mr. President, if we do not come together as Republicans and Democrats and work together, we are just going to come to a dead stop because out in the real world they meet deadlines—they meet deadlines.

If you have a new product and you have to get it out to the marketplace, you better not have delays, because if you have delays in getting that product out to market, you can go bankrupt.

Well, around here, statutory deadlines do not seem to mean much. Maybe I am wrong. Maybe my budget chairman right now is preparing to offer the Republican budget. He will lay it down next to the Democratic Clinton budget. We will look at the similarities. We will join hands. We will look at the differences. We will fight those out. We will look at the tax cuts. We will come together and move on.

But I would say—and the reason several of us came over here today to talk about this—that time is moving, the clock is ticking. We have not seen the budget. We know what your tax cuts are. Where are your cuts? What are your priorities?

I just hope that we can get back to why we were sent here. I mean, everybody said after this election it is time to put behind the rancor. But I think there is rancor when you point the finger at the President, in spite of the fact that the CBO said his budget balances, and tell him first, it does not balance, and second, do it again, when you have not even put your product on the table, except for your tax cuts, which benefit 1 percent, the top 1 percent of the people in this country instead of the middle class.

We have a lot of work to do. I look forward to seeing the Republican budget, finding those areas of agreement, working on those areas of disagreement, getting this budget down to the floor by the statutory deadline and moving forward.

Mr. President, I have the honor of not only serving on the Budget Committee but serving on the Appropriations Committee. This is, really, an extraordinary opportunity for the Senator from California to have both those assignments. I have an opportunity to debate the large priorities and then get it down to within those priorities—what is the most important investment to make, and in the context of a balanced budget, I might add. And I voted for several of those, one that Senator CONRAD wrote, and one that former Senator Bill Bradley wrote.

I am ready to make those tough choices. I like to believe my colleagues on the other side of the aisle are ready to make those tough choices. We should come together. The clock is ticking. So, we should do it, Mr. President. I hope we will back off this finger pointing at the White House. I hope we will look at this President's budget. I hope the Republicans will present their budget and we proceed to mark it up and proceed down the path of bipartisan cooperation so this country has a budget which is, in fact, our priorities.

Thank you, Mr. President.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The galleries will refrain from any demonstration of clapping, please.

The Senator from West Virginia.

Mr. BYRD. I thank the Chair for calling the attention of the Senate rules to the galleries.

UNANIMOUS-CONSENT REQUEST—PERMISSION FOR COMMITTEE TO MEET

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 12, for the purpose of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider S. 104, to amend the Nuclear Waste Policy Act of 1982.

Mrs. BOXER. Mr. President, I object on behalf of two Senators.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be further heard on this, and I will be relatively brief, I must say, I think this objection is, at the very least, very unfortunate. It has been my understanding that we are operating in good faith with respect to the confirmation of Mr. Peña and the markup of the nuclear waste bill.

I have made a special effort to get this nomination up this morning. We had a lot of communication with the ranking member, the chairman and other Members interested in the confirmation of the Secretary of Energy designee, with the understanding, clearly, that the nuclear waste bill could go forward.

Since this objection has now been raised, the Energy Committee cannot complete its business with respect to reporting out the nuclear waste bill today. It is my understanding they will reconvene tomorrow at 9:30 in order to take action on this very important nuclear waste bill.

I say again, I have been trying to be cooperative in trying to move nominations. I worked with those who had objections in the committee. I helped work out a process where the chairman could schedule this nominee for a vote, and then I worked with the other objections we had on this side of the aisle from the Senator from Minnesota, Senator GRAMS. He was able to make his remarks this morning.

We agreed that we would have a vote at 12:30, or quarter to 1, I believe, now, all this under the assumption that we were working in good faith. Now we have an objection to the committee meeting to report out a bill which has overwhelming support of the full Senate and will have overwhelming support in the committee.

This is not a good sign, but it is just one of many bad signs that we are seeing, in my view, from the standpoint of being able to work together for the good of the country. So it is a very unfortunate decision, and it will not be without consequences. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as the majority leader knows, every Senator has a right to make such an objection, and two of our Senators decided to exercise their right. I think that has to be put into context that every Senator is sent here primarily to represent his or her constituency in his or her own State.

I don't think the majority leader would suggest that Senators do not have the right to protect their constituency. I wanted to make that point because two Senators, who believe that this is not in the best interest of their State, had asked us to exercise their full and given rights as Senators to object to this meeting.

Mr. BYRD. Mr. President, I understand that the Senate will vote at 12:45.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak until 12:45 as if in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF FEDERICO PEÑA TO BE SECRETARY OF ENERGY

Mr. BYRD. Mr. President, I wish to voice my support for the nomination of Federico Peña to be Secretary of Energy during President Clinton's second term in office.

Mr. Peña served ably as Secretary of Transportation during the first Clinton Administration, and I look forward to working with him as he assumes new responsibilities at the Department of Energy. The challenges at DOE are vast, and Mr. Peña's management skills and ability to work with different groups should prove very useful in responding to the complex issues which are the responsibility of the Department of Energy.

Prior to joining the Clinton Administration, Mr. Peña served as Mayor of Denver from 1983 to 1991, and as a Colorado legislator. During his tenure as mayor, Mr. Peña played an active role in reviving the Denver economy from its mid-1980s decline through a series of bold initiatives. At a time when major new international airports were not being built in this country, he gained approval for one of the largest and most technological advanced airports in the world. As Secretary of Transportation, Mr. Peña proudly participated in the dedication of Denver International Airport in February, 1995.

While he served as Secretary of Transportation, I worked closely with Secretary Peña regarding the transportation issues in my home state of West Virginia. He now moves to a department that has responsibility for a different set of issues, but issues that are very important to the current and future economic prosperity of my state. Coal is not only a major economic and employment influence in West Virginia, but coal is a critical component of our national energy picture. At the present time, and projected into the future, fossil fuels remain the dominant source for our energy supply picture. At present, fossil fuels supply 85 percent of our energy requirements. Coal is the source of 55 percent of our nation's electricity. So policies that affect coal and the role of fossil fuels in our energy picture are of great interest—not just to the states that are the source of these fuels but also to the nation as a whole because of the potential for significant disruption if abrupt changes are recommended without giving the economy a chance to prepare and adjust.

As Ranking Minority Member of the Senate Appropriations Committee, I look forward to working with Secretary-designate Peña on our energy policy issues. In addition to serving as the Ranking Member on the Interior Appropriations Subcommittee, I also serve on the Energy and Water Development Subcommittee—both of which have jurisdiction over parts of the DOE budget. At a time of constrained budgets and pressure to downsize the Federal workforce, we must also be attentive to the realities of our energy supply picture. Thus, I have been, and will continue to be, supportive of investments in technology development that will contribute to our using and producing energy more efficiently, as well as producing energy in more environmentally-sensitive ways. The Department of Energy has a visible physical presence in West Virginia at the Federal Energy Technology Center facility in Morgantown, which employs some 550 persons directly and under contract. I look forward to working with Mr. Peña to ensure a continued future for this important part of our Federal technical infrastructure.

There is a need within the Administration for a strong voice on behalf of fossil energy, and particularly coal, and I believe Mr. Peña is capable of meeting this challenge. I wish him well in his new job, and urge my colleagues to support his confirmation. I yield the floor.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent we extend for 2 minutes the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed for 2 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I want to say I do support the nomination of Secretary Peña. However, I think it is very important that this new Secretary take the opportunity to set an energy policy in this country that says to the American people that energy self-sufficiency is our goal. We should be able to create energy through our own natural resources, not only to create jobs in America, but also to make sure that our country is strong with energy self-sufficiency.

I am going to work with Senator JOHN BREAUX, my cochair of the Oil and Gas Caucus, to try to make sure that we take the duplication of regulation off of our oil and gas industry. Where State regulators are able to handle the issues, we should let it happen at the State level rather than the Federal Government duplicating the regulations which become costly and burdensome to our oil and gas industry. Why not put that money into new capital creations, to create new jobs in our country, rather than going through more bureaucratic morass that so hampers our businesses?

I also want to give incentives, incentives to drill and explore for our own natural resources, especially marginal drilling that is more expensive. Why not give incentives so we can create the jobs in America and also create energy resources for our country that would make us more able to be sufficient?

Mr. President, it is very important that the new Secretary come with the full support of the Senate. I hope that he will be committed to a strong energy policy for our country and that he will also take seriously the requirement that we work for the new alternative MOX fuels that will, I hope, come from the nuclear weapons that we are in the process of dismantling. I hope he will take the opportunity to visit Pantex in Amarillo to see what can be done with this great MOX fuel opportunity, to use the aging nuclear weapons in our arsenal.

In supporting this nomination, I would like to briefly discuss two issues of importance to my State of Texas and the Nation.

Mr. President, a healthy and competitive oil and gas industry—capable of producing adequate and affordable energy supplies—is crucially important to the U.S. economy and to the welfare of the American people. This is especially the case at a time when U.S. companies and workers face growing competition in the global economy.

As cochairman, of the Congressional Oil and Gas Caucus, I am concerned that U.S. policy, taken as a whole, has overtly encouraged increasing oil imports over expanding domestic production. I look forward to working with Secretary Peña to reverse this trend and to create conditions that foster a competitive and healthy oil and gas industry.

This year, I will be working with my colleagues in the House and Senate to continue our goal of reducing or eliminating redundant or unnecessary regulations on this industry. For example, there are many regulatory requirements to address the same concern imposed at both the Statese co- and Federal level. Where possible, we should eliminate one level of identical regulations, which have destroyed jobs, raised consumer prices, and sent American business to foreign countries. I look forward to working with Secretary Peña on these objectives.

I believe in most cases the State regulations should be given the greater deference.

I will also be working with my colleagues to provide tax incentives which encourage oil and gas drilling and production, especially for marginal wells and formations which are difficult to develop.

I know all the members of the Congressional Oil and Gas Caucus look forward to working with Secretary Peña on these issues and to ensure that Government policies which affect the oil and gas industry are the result of sound and informed decision making.

Mr. President, I would like to turn briefly to a second and final issue of concern to Texans and the Nation—the continued transformation of our Nation's nuclear weapons complex and the important work being performed at he Pantex Plant near Amarillo, TX.

Our victory in the cold war signaled the end of the arms race, but it has focused our current efforts on arms reductions. A benefit from these reductions is the potential energy source of special nuclear materials from dismantled weapons.

Just a few months ago, Department of Energy officials announced their intention to process excess plutonium into mixed-oxide, or MOX, fuel for use in commercial nuclear reactors.

Pantex has been the Nation's premiere nuclear weapons production site since 1951. Today, it is the only authorized site to assemble and disassemble weapons. Currently, the plant stores all the plutonium removed from dismantled weapons.

The 3,400 workers at Pantex played a key role in our cold war victory and their expertise in safety and security handling and storing plutonium should not be ignored as the Department searches for a MOX fuel fabrication site. The excellent safety record, cost savings and efficiencies established at Pantex over the last 40 years make it the ideal candidate for new DOE work.

As DOE proceeds with its assessments of potential sites, I invite Secretary Peña to visit Pantex so he can see firsthand the world class facilities and professionals available to the Department of Energy near Amarillo and in the Texas Panhandle.

I also ask Secretary Peña to take a close look at the safety and reliability of our nuclear stockpile. I am concerned that with an end to our nuclear testing, computer modeling alone will not be sufficient to maintain our deterrent nuclear capability. I hope that together with the Secretary of Defense, Secretary Peña will take a close look at how we manage and maintain this critical capability.

I look forward to working with Secretary Peña on these and other important issues. The next Secretary of Energy has a great opportunity to give our country an energy policy that values energy sufficiency for our country.

I thank you for this opportunity to speak on behalf of Secretary Peña. I yield the floor.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Regarding soon-to-be-confirmed Secretary of Energy Peña, I want to tell the Senate I know him and his family very well, in particular his wife, who went to school with my children. We are good friends. I do not support him on that basis only. I think he is ready to undertake this very difficult job. I wish him well.

I think we can work together to make the Department of Energy a better department under his administration. I look forward to working to that end. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF FEDERICO PENA, OF COLORADO, TO BE SECRETARY OF ENERGY

The PRESIDING OFFICER. Under the previous order the Senate will now go into executive session and proceed to vote on the Peña nomination.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Federico Peña, of Colorado, to be Secretary of Energy? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Grams

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

CAMPAIGN FINANCE AMENDMENT TO THE CONSTITUTION

Mr. HOLLINGS. Mr. President, in accordance with the unanimous-consent agreement, I call up Senate Joint Resolution 18 on behalf of myself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mrs. BOXER, Mr. BRYAN, Mr. BIDEN, Mrs. FEINSTEIN, Mr. REED, Mr. REID, Mr. CONRAD, Mr. DORGAN, Mr. FORD, and Mr. HARKIN, and ask the clerk to report.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 18, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

The Senate proceeded to consider the joint resolution.

Mr. HOLLINGS. Mr. President, in a line, what we say is that the Congress is hereby authorized to regulate or control expenditures in Federal elections.

Let me say that I come now to this particular subject of a constitutional amendment, which we have been on for over 10 years, with some hope, because I noticed on yesterday, Mr. President, we had a fit of conscience. We were about to pass a resolution that said Congress was only going to look at illegal contributions and not at improper ones, and, finally, in a fit of conscience, the Congress, particularly here in the Senate, decided that was not going to fly. It would appear to be, if we took that course, a coverup whereby we did not want to get into soft money and all of these other extravaganzas, legal as they are, says the Supreme Court, but as improper as can be.

That is what is causing the headlines and the consternation and the money chase that we read in the headlines and news stories. We had a fit of conscience when we passed the 1974 act. This act came about due to the untoward activity in the 1967 and 1971 Presidential races. In the 1967 race, President Nixon had designated Maurice Stans, later the Secretary of Commerce, to collect the money.

And I will never forget; he came to the State of South Carolina, and he told our textile friends, "your fair share is $350,000," almost like the United Fund or Community Chest. Well, I had been their Governor and everything else and had never gotten $350,000 out of the textile industry, and they were all my friends. But the ten of them, at $35,000 apiece, got up the money, and more than that. There were other large contributions, including one of $2 million from Chicago.

The fact was, after President Nixon took office, Treasury Secretary John Connally went to the President and said, "Mr. President, you have got a lot of good support and you have not even met these individuals much less thanked them. Why not come down to the ranch and we will put on a barbecue and you can meet and thank them." President Nixon said, "fine business," and they did. But as they turned into the weekend ranch barbecue on the Connally Ranch in Texas, there was a big Brinks truck. Dick Tuck, the prankster from the Kennedy campaign, had stationed a truck with signs out there. A picture of it was taken. And we in Washington, Republican and Democrat, said, "heavens above, the Government's up for sale." Thereafter, you had the extremes of Watergate, which everyone is familiar with. So, in 1974 we had a fit of conscience. Yes, everybody thought they had advantages with respect to getting the money. They had gotten here on the ground rules as they then appeared, and said "Why change? I can operate as the rules are."

But, with that fit of conscience, we came and passed the 1974 act. I want to remind everyone that this was a very deliberate, bipartisan effort at the time. It set spending limits on campaigns, limited candidates' personal spending on their own behalf, limited expenditures by independent persons or groups for or against candidates, set voluntary spending limits as a condition for receiving public funding, set disclosure requirements for campaign spending and receipts, set limits on contributions for individuals and political committees, and created the Federal Election Commission.

When you hear the debates, some of the new Members will come on the floor talking about what we really need is disclosure. That is what we have, still, under that 1974 act. I am required to record every dollar in and out with both the Secretary of the Senate on the one hand and the secretary of state back in the capital of my State, Columbia, SC, on the other. We have complete disclosure. You cannot take cash. I had always thought it was illegal to take a contribution on Government property. And we thought we had soft money and independent contributions regulated.

But, in Buckley versus Valeo they stood the original intent of the Congress on its head. It is this original intent of limited expenditures in Federal elections that our constitutional amendment is offered, in a bipartisan fashion, with the distinguished Senator from Pennsylvania, Senator SPECTER, and myself in the lead, along with the strong support of those I have enumerated.

Now, back to the fit of conscience. I initiated this particular approach, in frustration, over 10 years ago, after realizing, like a dog chasing its tail, we were not getting anywhere. We had voluntariness prescribed by giving certain amounts of money if you voluntarily limited. There was free TV. You had public financing. You had all the different little tidbits of the different bills that have come around.

Necessarily, I support them for the simple reason I am looking for votes. I am looking to finally get a concurrent majority of 67 Senators, so I do not want to turn off any of these sponsors, even though I know there are constitutional questions under the Buckley versus Valeo decision. But the real opposition is not the freedom of speech under the first amendment in the Bill of Rights to the Constitution. The real opposition, if you please, is a small group among us Senators who feel like this money is a tremendous advantage and they are not going to give it up.

I know where the opposition lies. It is in the very thought that we are not spending enough. As was said in the debates here on the floor: "On Kibbles and Bits cat and dog food we spend $4 billion; why don't we spend $4 billion on national elections?" So I hope we can flush those who really believe this to come up and debate this idea on its merits.

They will come under the cover of the freedom of speech. It is very interesting that what we have under consideration is paid speech, not free speech. Heavens above, we have all the free speech that you can think of.

I remember for 20 years in politics we had more or less a one-party system in my State. We would go around stump speaking, as we call it, from county to county. In some of the larger counties several speeches were made. Each of the candidates would come and get up on the stump and say what they stood for. The battle was not in the financial arena; the battle was in the political arena. It was not who had the most money but who had the better ideas, the better initiatives, the better vision, the better programs. But they have tried, following the Buckley decision, to equate just exactly that. What you pay for is free.

It amuses me when they come up here and read the Washington Post editorials. Go down to the Washington Post and say, "Now I want some of that free speech. I would like about a quarter page of that free speech, or a half page of that free speech you just editorialized about." And they will say, "Son, bug off. There is nothing free down here in this newspaper. You are going to have to pay for it, and you are going to have to pay for it under our rules and our regulations and our limits." The very crowd editorializing about free speech is the very crowd that is demanding their pay—paid speech. So let us not come here with an adulteration of the first amendment.

As Judge J. S. Wright stated in the Yale Law Journal, "Nothing in the first amendment commits us to the dogma that money is speech." That was their finding. But, unfortunately, the Supreme Court found that you should have total freedom with respect to spending, speech, and politics. But when it came to the contributions, the court's Buckley decision amended them. They may come now and say the first amendment has never been amended in 200 years. They are very authoritative, but Buckley versus Valeo amended the first amendment. It limited speech of those who contribute.

What did Chief Justice Burger say about that? I will quote from the Buckley versus Valeo dissent of the Chief Justice.

> The Court's attempt to distinguish the communications inherent in political contributions from speech aspects of political expenditures simply will not wash.

That was Chief Justice Burger. And, as everybody with common sense knows, here was the original intent. Here were the big ads. Here were the big contributors. Here was all the cash and the corruptive influence of large amounts of money. And after Congress acted in a bipartisan fashion in 1974, here came the United States Supreme Court, in a 5-to-4 decision, if you please, and by a 1-vote margin, with this distortion, this more or less amendment of the first amendment.

Certainly it is an amendment with respect to contributors' speech. If I am a contributor and I want to contribute to the distinguished Presiding Officer, I am limited in my speech, my political expression. I can only give him $1,000 in his primary and $1,000 in his general election. That is the limit in Buckley versus Valeo, amending, if you please, the first amendment to the Constitution of the United States.

We act as if, Mr. President, there is some sanctimony or sanctified position of the first amendment, and, of course, the Senator would agree in a breath that there should be. We should really approach amending the Constitution of the United States with trepidation. I know some of the arguments are: Wait a minute, the President's got one on victims rights, and others have one on prayer in school. Somebody else has a constitutional amendment about the flag. Someone else has another constitutional amendment. This is an exception, already written in the Constitution and recognized in the Constitution in the 24th amendment, the influence of money on political expression, the influence of money on the freedom of political speech.

I have to emulate the distinguished leader from West Virginia, the Honorable Senator ROBERT BYRD, who says he carries his contract up here in his left-hand pocket, and I find that is a pretty good habit.

Let me read amendment 24, section 1:

> The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.
>
> Section 2. The Congress shall have power to enforce this article by appropriate legislation.

So they said, if you are going to put a financial burden on the voter that he can't participate in the freedom of political expression because of a tax, that is unconstitutional, and we have expressed already in that 24th amendment our abhorrence of the financial influence and corruption, so to speak, upon political expression.

In a sense, it gives us one man, one vote. The poorest of the poor can cancel out the richest of the rich. I can take Bill Gates and say, "Ha-ha, I vote the other way," and his vote is gone. I can take Steve Forbes and say, "Ah, yeah, you can pay your own $35 million," or whatever it was, "to get in the race at the last minute and mess up Bob Dole." I better not get off on too candid a delivery here this afternoon. But, in any event, Steve Forbes cannot only buy a vote, he can buy several States in the primaries. He has proven that. But when it comes down to one vote, I can cancel him. That is the greatness of our democracy, our republic form of Government.

Here we are coming around and talking totally out of mystery and nonsense about the unlimited freedom of speech, that it has never been amended in 200 years. I want the Senator from Kentucky to come, because we are going to read those amendments. One, obviously, is with respect to public safety. You can't walk into a theater and shout, "Fire." That is a limit on your freedom of speech and an amendment of the first amendment.

You have the exemption for national security with respect to disclosing secrets of the Government itself. Senator MOYNIHAN just sent around a book this thick about secrets and classifications and everything else. Perhaps the distinguished Senator is correct, we ought to do away with at least half of them, because when you see that book, you say, "We are overwhelmed now with the so-called classified, the so-called eyes only, the so-called top secret."

Although we have the best of the best intelligence systems, we didn't even know about the fall of the wall. It happened, and we all got the news within 24 hours. The intelligence community —and I was on the Intelligence Committee at the time—had nothing to say. We were talking about all the other extraneous things, but nothing about the greatest happening, in a sense, in the last generation of our time.

So we have the exception, too, for fighting words, where they would provoke retaliation or cause retaliation. We know about that one.

We know about the exception for obscenity. In fact, the FCC has been given the authority—we had the seven or eight little dirty words on a radio station out on the west coast, and that decision, Pacifica, went all the way up to the U.S. Supreme Court, and we found out that, yes, the Federal Communications Commission, the entity and agency of the executive branch, the administrative body, could determine whether or not it was a violation on the public airwaves of obscene talk and speech, and that is limited. We said it could be limited. We legislated that it could be limited.

False and deceptive advertising. If you want to come up to just 2 weeks ago, Mr. President, they had the buffer zone—I hate to raise the question of abortion—but by legislation, they put a buffer zone around these abortion clinics, and those who demonstrate and say, "Wait a minute, we have the freedom of speech," the Supreme Court ruled 2 weeks ago, "No, you don't, not in that buffer zone, keep your mouth shut, stay out of that zone, your freedom of speech is limited."

Mr. President, I certainly want to hear from the distinguished Senator from Nevada. He has been a strong supporter and leader in this particular cause, and he has other commitments. So, at the present time, I yield the floor.

Mr. BRYAN. Mr. President, I thank my good friend for his courtesy and his most generous remarks and to say, again, as I have on previous occasions, that I am very pleased to be a supporter of this constitutional amendment that he has authored each and every Congress that I have been here since 1989. I believe what we are discussing today is central to the issue of meaningful campaign reform, and I want to publicly commend him for his leadership and express my admiration for him and my conviction that I share with him that this is the essence of what we need to do.

Let me just say that I believe that the most corrosive force in our political culture today, and what lies at the heart of many problems in our political system, is the amount of money required to run a campaign for elective office. Money has become the dominant factor in deciding who runs, who wins and, too often, who has the influence and power in the halls of Government.

Mr. President, I don't say that with a partisan vein. That is true with respect to the system that we are all a part of—Democrats, Republicans and Independents alike.

Every year, the expense of campaigning increases, and the pressure to seek financial support, wherever it can be found, intensifies. Clearly, good people are trapped in a system where the amount of money needed to run a campaign can overshadow their views and the issues. Too often, candidates are forced to spend as much time raising money as going out and meeting the voters or to develop responsible solutions to the critical issues that face our society.

It is a fact that all of us would acknowledge that every night here in Washington someone has a political fundraiser, either a Democrat or a Republican running for office, running for reelection.

And much like an ever-escalating arms race, the cost of Senate campaigns have increased sixfold over the last 20 years, from $609,100 in 1976, to $3.6 million in 1996.

The average cost for a winning House candidate during that same period of time increased from $87,000 in 1976, to $661,000 in 1996.

And between 1992 and 1996, fundraising by political parties increased 73 percent.

Simply put, Mr. President, there is too much money in the political process.

Mr. President, the recently concluded Presidential and congressional campaigns were the most costly ever in American political history, with combined amounts of more than $2 billion. The two parties raised $263.5 million in soft money in the 1996 campaign, almost three times the amount raised in the 1992 election.

Unless the rules are changed, candidates and their parties will continue to pursue the money chase and the amount of money involved in future campaigns will continue to grow exponentially.

Mr. President, I might make an aside here, if the distinguished primary sponsor has a moment for me to expand for just a moment.

Mr. HOLLINGS. Sure.

Mr. BRYAN. And I say that we all lament the declining participation in the political electoral process in America. The 1996 election turnout was said to be the lowest since 1920. I would offer this as at least a significant contributing factor. There is no question the folks back home are pretty upset with those of us who serve in the Congress. I believe that that is their thought, seeing each party and each of us who are part of this system—I want to be clear, Mr. President, I include myself as being part of this system—who are forced to go out there and raise these inordinate, scandalous amounts of money to be competitive—to be competitive.

In the State of Nevada, it was about $3.5 million for my last campaign for reelection to the U.S. Senate. They see this. And I think it has engendered a sense of public cynicism that all of this money that is involved—I believe in the public mind, they frequently link the big money, the big contributors to the political system that we have today. And because most of them are not in the category of being big money contributors, they have been turned off. The system no longer works for them, the system is no longer responsive to their needs, is their perception.

So, as a result, I hear good people, Democrats and Republicans alike, in increasing and in alarming numbers saying, "I'm not going to vote. I'm not going to vote." I do not agree with that proposition and get into spirited discussions. "What difference does my vote make? Look, the folks who have got the money, they're the ones who really control the electoral process in America today. Why should I get involved?" And I must say, as we see these campaign expenditures continue to mount, I believe that we provide the evidence for their rising levels of cynicism.

I was a young man in the State legislature in the 1970's, and the centerpiece to the Watergate reform was, as the distinguished junior Senator from South Carolina has pointed out, the concept of controlling and limiting the amount of money that is spent in running for office.

The other provisions which continue to survive—individual campaign contribution limits and the Federal Election Commission disclosures, the distinction between soft money and hard money—which are still very much a part of the political environment, have survived, to some extent, successive legal challenges in the courts.

But the centerpiece, limiting the amount of money spent for running for office, has essentially been eviscerated by the Buckley versus Valeo decision. I was in the legislature and responding to some of the reforms that came out of the Watergate Congress. We adopted, in the State of Nevada, a series of campaign limitations. Those, too, fell by the wayside by the Supreme Court's decision in the Buckley versus Valeo case in 1976, which I believe to be an ill-considered decision, but which, as everybody in this Chamber knows, essentially equated political expenditures on behalf of the individual candidate as being tantamount to free speech, and any attempt to limit the amount of money that a candidate can spend is constitutionally infirm.

I must say, recent decisions in the Court, and the recent Colorado decision, give us no hope to believe that the Court is about to reconsider its position. It is my humble opinion that the Colorado case has made matters even more difficult and has continued to shred what vestiges remain of a comprehensive and, I think, carefully thought-out campaign finance reform legislation in the aftermath of the Watergate.

Amending the Constitution is not something that should be undertaken lightly. That admonition is frequently given by our colleagues. And they are right. We ought not just to do that. We ought not to think of the Constitution as a rough draft that we can improve upon with a wholesale series of amendments. I agree with that admonition.

But I would say, Mr. President, with great respect, that our forefathers could never have anticipated the consequences of the electoral system they put in place, with all of its checks and balances and with the genius that we all revere, Democrat and Republican alike, that this has increasingly become a money chase. So it seems to me we have two choices: To either do nothing and to allow a situation which I believe to be appalling to get measurably worse, or we can take corrective action.

The American people want us to take corrective action. The American people do not fully understand that it is the Court's decision itself that prevents us from legislative action to impose a limit on the amount of money as candidates we spend in running for the Congress and in other elective offices in America.

I believe one of the most important steps we can take to restore public confidence in our political process is to pass the amendment, which I am proud to cosponsor with my friend and colleague from South Carolina, and to give the Congress and to give State legislatures power that they thought that they possessed in the 1970's and to impose limitations on the amount of money that is spent in running for public office.

Individuals who want to run for Congress and other elective offices ought to be able to run on the basis of the ideas that they represent, the vitality that they bring to the process, not as is so often the case, "Can I raise $3 million or $4 million or $10 million or, in some instances, $20 million?"

Unless we can find a way to limit the amount of money spent on Federal campaigns and place a greater emphasis on getting support from the people back home that we represent, we will fall short of real reform. Any serious reform proposal must start with the constitutional amendment to allow the States and Congress to craft measures that would take Government out of the pockets of the special interests and back in the hands of the American people who we represent.

Mr. President, I am not unmindful of the fact that our task is difficult. Many of our colleagues do not agree. But I must say that as I talk with my own constituents, I think there is an overwhelming interest across a broad spectrum, Republican, Democrat, liberal and conservative, to do something about this political process that we are all a part of.

In the Nevada legislature this year there is a proposal that will require further disclosure on the amount of campaign contributions. That, so far, the Supreme Court has said is legal, and that enjoys bipartisan support and is likely to pass overwhelmingly.

A ballot proposition on the Nevada ballot this past fall which sought to further limit the amounts of individual campaign contributions in statewide and local races passed by 71 percent.

I understand if you ask people about things that concern them most in life, they are not going to list campaign finance reform. They are interested in crime, in schools, in drugs, and those kinds of issues, which I understand. But I have yet to be in an audience of any size in which you ask people about this system that we are part of, and they do not say, "I hope that you will do something to reform it. Campaign finance reform is something that you should undertake." They understand, as do each of us in this Chamber, it will not come about without bipartisan support.

Mr. President, let me again commend my friend and colleague, who has really been the laboring force on behalf of this constitutional amendment, for his courage and tenacity and, I think, the wisdom of his proposal. I am proud to support in this Congress, as I have previous Congresses, such a constitutional amendment.

I thank him for his courtesy in allowing me to speak, as I need to return to a committee hearing.

Mr. HOLLINGS. The distinguished Senator from Nevada made a very valuable contribution to the consideration of this all-important initiative.

Our democracy has cancer. It has to be excised. As I explained in my opening remarks, and as has been emphasized by the distinguished Senator from Nevada, all of these little things that come about—whether you get the money from the State, whether you get the money from bundling, soft money, hard money, voluntarism, free TV—just go around and everybody has an eye on it. But if you put a limit, as the 1974 act said, of so much per registered voter, then you have stopped, once and for all, that problem, because with disclosure you can see exactly what you have on top of the table.

I remember in one of the debates we had with the distinguished then-Senator from Louisiana, Senator Russell Long, and we both agreed that if I appeared, by my disclosure, to get a substantial sum of contributors from the textile industry, call me the textile Senator. There it is. I defend it. I frankly brag about it. If he gets the contributions all from the oil industry and is known as the oil Senator, so be it. The distinguished Presiding Officer, the farm Senator, the agriculture Senator, because his leading talent has been in that field over the years.

But by disclosure you can see it, and by the limit you cut out all of the shenanigans of the soft money, hard money, bundling and all of the roundabout end course taken to get around the law.

This amendment, Mr. President, is absolutely neutral. My friend from Kentucky, Senator MCCONNELL, who has been the leader in opposition, can still prevail under the amendment. The amendment says Congress is authorized to limit. It does not say limit; it does not say not to limit. It just gives the authority to Congress to act so that when we do get out here, we can have a majority vote so without going through the legal hurdles and delay and put off that we have been going through now for 30 years. That is why I say a constitutional amendment is our only recourse.

I got into a debate on this in 1967 when we passed an act. It is now 1997. We have been trying to get our hands around this problem of campaign finance without a constitutional amendment. Having made the good college try now over the many, many years and listened to all the others, and analyzed as they put up McCain-Feingold and the many other fine initiatives, you can look at the Supreme Court, particularly in the Colorado case, not just the Buckley case, and you can say you are wasting your time. The voluntarism we know in politics means temporary. You saw this in the race up in Massachusetts. They voluntarily said they would have a limit. They got down to the wire and that limit went out of the window.

What we are trying to do is give everybody back their freedom of speech. Namely, that I may not be extinguished by money. When I say that I say that advisedly. I know the mechanics of political campaigns, and when you have an opponent with $100,000 and I have $1 million, all I need do is just lay low. He only has $100,000 and I know that he wants to wait until October when the people finally turn their interest to the general election in November. Say he is only in print, in polls, and what have you, he spent over $25,000 and you cannot get a good poll for less than $26,000 or $27,000, but he only has $50,000 to $75,000 left, and then I let go, come October 10. That is 3 to 4 weeks leading into the campaign, and I have yard signs, billboards, newspapers, TV, radio for the farmer in the early morning, I have early morning driving-to-work radio, I have radio for the college students. I know how to tailor make with my million bucks, and I can tell you by November 1, after 3 weeks of that, my opponent's family has said what is the matter? Why are you not answering? Are you not interested anymore?

I have, through wealth, taken away his speech. I know that, you know that, that is the reality, the political game. That is what we are talking about, making it so that you cannot take away that freedom of speech, so that you can reinstill the meaning of the first amendment. It was adult rated by the five-vote majority against the four minority in Buckley versus Valeo.

We will see what the Court said and go to some of the expressions, Mr. President. Here is not what politician HOLLINGS said, but what a Supreme Court Chief Justice says, "The Court's result does violence to the intent of Congress." Can I say that again for all those who are listening? That is exactly the belief of this Senator. I am not saying because I need money or want money or I think I have a financial advantage or whatever it is.

Incidentally, I can get on to the point of incumbency. We just swore in some 15 new Senators about 6 or 8 weeks ago. All my incumbents, friends I used to sit around with, are just about gone. I know it is less than 10 years average in the House of Representatives, and I think it is exactly that on the Senate side. What did incumbent minority assistant leader Senator WENDELL FORD of Kentucky say just the day before yesterday about money? He said, "I neither have the time nor the inclination to collect that $14,000 to $20,000." He has to get $5 million in Kentucky. I think he mentioned $100,000. But he said "Look, in order to qualify as a candidate, I have to defend my incumbency role, and my incumbency role involves thousands of votes." I can say to the other side of the aisle, I have been in the game. They are very clever. They know how to put up and force-feed votes on very, very, controversial amendments or subjects.

How do you explain in this day and age in a 30-second sound bite, a particular vote? You take 5 minutes, and you can go down to WRC, right here in Washington, with all the money they talk about, or freedom of speech as they call it, with the wealth of Bill Gates, and say I want to buy an hour on the eve of the election, the night before the election. They will tell him to bug off, it is not for sale. It is limited. It is paid speech.

Free speech—I am trying to reinstill a freedom of speech among those who are financially limited so we make certain that our democracy is not imperiled.

I read again what Chief Justice Burger said. "The Court's result does violence to the intent of Congress." He is exactly right. I was there in 1974.

> In the comprehensive scheme of campaign finance, the Court's result does violence to the intent of Congress. By dissecting bit by bit and casting off vital parts, the Court fails to recognize the whole of this act is greater than the sum of its parts. Congress intended to regulate all aspects of Federal campaign finances but what remains after today's holding leaves no more than a shadow of what Congress contemplated.

Now, I cannot say it any better. That is exactly what we had in mind, to limit the spending. And that is exactly what they did not do. They limited the contributions on the premise that it gave the appearance of corruption, or was corruption itself, but not the expenditures. Let's see what Byron Raymond White, the Associate Justice said:

> Congress was plainly of the view that these expenditures also have corruptive potential, but the Court strikes down the provision, strangely enough, claiming more insight as to what may improperly influence candidates than is possessed by the majority of Congress that passed this bill and the President who signed it. Those supporting the bill undeniably included many seasoned professionals who have been deeply involved in the elective processes and who have viewed them at close range over many years. It would make little sense to me—and apparently made none to Congress—to limit the amounts an individual may give to a candidate or spend with his approval, but fail to limit the amounts that could be spent on his behalf.

There, again, I could not say it better. That was Justice Byron White.

I quote him further:

> The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the act and that the communicative efforts of these campaigns would not seriously suffer. In this posture (section 264 of the case) there is no sound basis for invalidating the expenditure limitations so long as a purpose is served or is legitimately and sufficiently substantial, which, in my view, they are.

We might get into the debate, Mr. President, about the word "reasonable." That word appears, if you please, because of the suggestion by the commission on the constitutional system. They wanted "reasonable" limits. I think they were right. I am going back to the Court's decision, trying to aim the gun barrel down the constitutionality of the better constitutional thought in these dissenting opinions.

> Expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption.

That is exactly what common sense would indicate. Here is a court finding that expenditures do not contribute at all to any kind of corruption whatsoever and, therefore, spend to the ceilings. We will have a chart here and put it up and show you how, as the Senator from Nevada said, a Senate race used to be. In 1980, it was about $1 million. By 1986, it was $2 million. By 1990, it was $3 million. By 1994, the average one was $4 million. So it keeps going up, up and away. Expenditures in the Presidential race are up around $670 million. It has gone through the roof.

Now, Mr. President, I will quote further Justice White:

> I have little doubt that, in addition, limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways connected with the fundraising function. There is nothing objectionable, and indeed it seems to me a weighty interest in favor of the provision, in the attempt to insulate the political expression of Federal candidates from the influence inevitably exerted by the endless job of raising increasingly large sums of money. I regret that the Court has returned them all to the treadmill.

Here, this was written 20 years ago. How pathetic. "Treadmill." When I was first here in the U.S. Senate, from time to time we would rearrange the fundraisers in accordance with the schedule that we had. You would not dare go up to a leader on either side of the aisle and say: Mr. Leader, I hope we can get a window, or whatever it is, because I have a fundraiser. He would look at you and—if nothing else, I guess it was unethical. They ought to refer that to the Ethics Committee. But we have given up on that now. It is like the tail is wagging the dog. It is now turned around, and we schedule the Senate around the fundraising schedules—what 20 years ago Justice White called the treadmill. You are just constantly having a fundraiser to get on TV, to have a fundraiser to get on TV, to have a fundraiser to get on TV; all paid speech, not free. I haven't seen anything free yet out of that TV crowd. They will charge you for it one way or the other.

I will quote Justice Marshall, and then I will yield. I see that my colleague is prepared to comment. Justice Marshall said:

> It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start. Of course, the less wealthy candidate can potentially overcome the disparity and resources through the contributions from others. But ability to generate contributions may itself depend upon a showing of a financial base for the campaign or some demonstration of preexisting support, which in turn is facilitated by expenditures of substantial personal sums. Thus, the wealthy candidate's immediate access to a substantial personal fortune may give him an initial advantage that his less wealthy opponent can never overcome. And even if the advantage can be overcome, the perception that personal wealth wins elections may not only discourage potential candidates without significant personal wealth from entering the political arena, but also undermine public confidence in the integrity of the electoral process.

And here we continue and oppose, willy-nilly, any effort, really, to excise this cancer.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, this is a very important debate, which I always enjoy with my distinguished colleague from South Carolina, who fully admits that the various campaign finance reform bills we have tried to pass here in the last few years are unconstitutional. He is right, and I commend him for his observation.

That having been stated, clearly, the only way you can do the kinds of reform bills that have been proposed around here in the last 10 years is to amend the Constitution—amend the first amendment for the first time in history, to give the Government the power to control the speech of individuals, groups, candidates, and parties. The American Civil Liberties Union calls that a recipe for repression. It clearly is, and I am happy today that we are finally having the debate on this amendment, which is indeed a recipe for repression.

I see my good friend, the Senator from Kansas, here, who is anxious to speak on this. I yield to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I come to this issue not only as a Member of the Senate, but also as a former newspaperman. So when we get to the freedom-of-speech issue, I have some pretty strong feelings. In saying that, I want to make it abundantly clear—very clear—that I do not, in any way, question the intent of the supporters, but I do question their practical effect.

When I was presiding, I listened intently to the distinguished Senator from South Carolina, whom I respect. I was very interested in his comments with regard to the kind of political debate that he would like to go back to, that I would like to go back to. He calls it a stump speech. In South Carolina, it is a stump speech. My wife is from South Carolina. Many times I have listened to the distinguished Senators from South Carolina. It is a privilege to hear them discuss the issues—old-style campaigning and politics, grassroots politics. In Kansas we call it "listening tours." I had the privilege before serving in this body to be in the lower body. I represented 66 counties. I went on a listening tour every August. It took about 5,000 miles and about 3 weeks. That is the old style of discussing the issues for people where they come to the courthouse and the sale barn or the Rotary Club. And we would discuss the issues. I enjoyed that. The Senator from South Carolina is a master. That is why the people doubtless send him back to represent that outstanding State.

In entering this debate I am reminded that America has been here before. It seems to me that our task today is a moral and ethical and philosophical exploration of free speech, and its role in the political affairs of mankind. It is that serious. It is that encompassing.

"Tyranny, like Hell, is not easily conquered," said the patriot Thomas Paine in "Common Sense."

This resolution—not the intent, but this resolution—in terms of practical effect is tyranny. Adopt it and wonder whether "Common Sense" could exist in our time in terms of public distribution and dissemination and understanding.

This resolution is tyranny of the worst kind: Government tyranny. Adopt it and wonder whether "The Federalist Papers," written by James Madison and John Jay to influence voters in New York to adopt a new Constitution, could, in fact, exist in our time.

Listen carefully to this resolution where Congress and the States are given unlimited power to set limits. Limits on what? Limits on "* * * the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to a candidate for nomination for election to, or for election to * * *" Federal, State, and local offices.

Now my colleagues, I urge you. Do not be misled. The debate today is not about elections. It is not about campaign finance reform. We are all for that, more especially in regard to public disclosure, as the distinguished Senator from South Carolina certainly has described in his remarks. It is not about Republicans, or Democrats, or what party controls the Congress. That is not what it is about.

It is, rather, about the most basic right of individuals guaranteed by our Constitution—the right of free speech, the right written first, the right without which no other right can long exist.

Listen carefully again to the language of the first amendment, which we proposed to change:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

My colleagues, those words have magic. They are among the most important accomplishments of mankind. Democracy is an experiment in progress. Yet, the rights guaranteed in the first amendment have stood for more than 200 years. Seldom have legislative assaults on the first amendment been so far-reaching and so onerous as the resolution that we debate today.

Columnist George Will has called this effort more dangerous than the infamous Alien and Sedition Acts passed in 1798. Those laws placed Government controls on specific kinds of speech. This resolution proposes general Government controls on both the quantity and the quality of political speech.

The Alien and Sedition Acts were passed by a young country that had adopted, but did not fully appreciate, the first amendment rights of free speech. They were passed because some in the Government didn't like what some of its citizens were saying about politicians, politics, and Government.

Like we are today, some in the Government were worried, of course, about the national security. But it is instructive to note that Government's attempt to limit free speech is like walking in a swamp—your good intentions are tugged and pulled simply from all sides.

Abigail Adams, for example, urged passage of the acts to deal with Benjamin Franklin Bache. He was an editor who had referred to her husband as "old, querulous, bald"—I can sympathize with that—"blind, crippled, toothless."

He was arrested but died before he could be prosecuted, according to historians Jean Folkerts and Dwight Teeter in their book, Voices of a Nation.

Twenty-five persons were charged under the sedition laws. Included was one unlucky customer in a Newark tavern who staggered into the sunlight to make a negative comment about John Adams' anatomy as the President's carriage passed by.

Only after the rights of American citizens to speak freely were trampled by their Government did our young country come to appreciate the real meaning of the first amendment.

James Madison and Thomas Jefferson objected to the attack on free speech with their Virginia and Kentucky resolutions.

Madison presented the importance of free speech to democratic government. His argument has great relevance to our discussion today as he drew the connection between free speech and elections.

"Let it be recollected, lastly, that the right of electing members of the government constitutes more particularly the essence of a free and responsible government. The value and efficacy of this right depends on the knowledge of the comparative merits and demerits of the candidates for public trust; and on the equal freedom, consequently of examining and discussing these merits and demerits of the candidates respectively."

That is the essence of free political speech. That is the essence of the philosophy advanced by the great philosophers like John Milton, John Locke, John Stuart Mill: The consent of a marketplace of ideas based on unfettered speech and thought.

Mill argued that people could trade their false notions for true ones only if they could hear the true ones. And he denounced all government attempts to censure expression.

One of America's great jurists, Louis Brandeis, warned us to "be most on guard to protect liberty when the Government's purposes are beneficent * * *"

We could substitute "reform" for "beneficent."

"* * * the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Well, the advocates of this resolution want us to believe that the need for Congress to limit campaign spending is so great that the first amendment's rights are secondary. Well, first let me lay to rest any notion that virtually everybody in this distinguished body is somehow against campaign reform. It is the definition of campaign reform in the practical effect that is exceedingly important. But the proponents of this legislation further argue that limits on campaign spending are really not limits on speech at all. I think that is the point that was made by the distinguished Senator from South Carolina.

The Supreme Court, in its Buckley decision, dispensed with that argument in this way: Yes. It was a 5-to-4 vote. Yes. I know it is controversial. But listen.

"A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.

I can go to 66 counties or 105 counties in Kansas, and I can meet with every farmer, businessman, any member of a civic group, and I can discuss the issues. And when I am done, I have probably touched 1 percent of the populace.

This decision by the Supreme Court certainly applies.

"This is because," and I am quoting again, "virtually every means of communicating ideas in today's mass society requires the expenditure of money."

I wish it was not so, but, that is the case.

"The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event."

"The electorate's increasing dependence on television, radio"—and I am quoting again from the Buckley decision—"and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech."

Now, in Kansas, Mr. President, a full-page advertisement in the Topeka Capital Journal costs $4,400. One 30-second television ad to reach across the State costs more than $33,000. Too much? Well, I would think it would be too much. Of course, if you are the publisher of the Capital Journal, or the advertising manager, or the same in regard to the TV station and you look at your costs and the comparative costs of what is happening in today's mass communications, it might not be too much. That is the going rate. I do not think we can legislate that rate. Even speech via the Internet or the Postal Service requires the spending of resources.

Now, suppose we adopt this resolution and that it is ratified by the States. What will we tell the Kansas business owner who wishes to petition his Government either for a redress of any kind of a grievance or to criticize a candidate or to urge the election of another candidate? Will we say that free political speech is only a half-page of advertisement? In our infinite wisdom as incumbents in office, will we say free speech only applies to 15 seconds at one TV station?

Mr. McCONNELL. Will the Senator yield?

Mr. ROBERTS. I would be delighted to yield to the distinguished Senator.

Mr. McCONNELL. Reading from the Hollings amendment, it says, "A State"—this is referring to the power given to the States. Same power to the Federal Government. "A State shall have the power to set reasonable limits." I say to my good friend, the Senator from Kansas, put another way, the Government would decide how much speech is reasonable. Is that the interpretation of my good friend?

Mr. ROBERTS. The incumbents of the Government, whether it be State, I suppose county, or in the Congress of the United States, would decide what is appropriate in terms of spending limits not only for themselves but for their challengers.

Mr. McCONNELL. Will the Senator yield for a further question?

Mr. ROBERTS. I would be delighted to yield.

Mr. McCONNELL. So it would not be inconceivable then that all of us in the Senate and House might decide that what is a reasonable amount of speech for a challenger could be $5,000 in the next election.

Mr. ROBERTS. That might be a little harsh.

Mr. MCCONNELL. We have total power to do that under the amendment.

Mr. ROBERTS. That is correct.

Mr. MCCONNELL. I say to my good friend from Kansas, if the candidates in the next election in a typical race were limited to spending $5,000, who does my good friend from Kansas think would win?

Mr. ROBERTS. I think probably the incumbent would have an edge.

Mr. MCCONNELL. Just might. So the Government here has the power to determine how much speech there may be. I thank my good friend from Kansas.

Mr. ROBERTS. I thank the Senator from Kentucky for his contribution and his leadership.

If this resolution is adopted, what will we tell the local citizens group working to elect a new mayor or a city council? Will we say that free speech extends no further than the classified advertisements? Remember, we have full-page ads costing x and we have 30-second television ads costing x but you put a limit on it: Sorry, no TV. Maybe it will get on the news, maybe not.

The Supreme Court in Buckley put it this way: "Being free to engage in unlimited public expression subject to a ceiling on expenditures is like being free to drive an automobile as far and as often as one desires on a single tank of gasoline." You can't get there from here to Kansas on a single tank of gasoline—whether it is traveling the State or in regards to any kind of expression in regard to any kind of politics or any kind of campaigning.

The tyranny of this resolution, like tyranny forever, is based on a false assumption that somehow we have too much, too much political speech and it should be limited. How much political speech in a democracy is too much?

Last year, millions of Americans gave $2.6 billion to fill 476 offices. Again, columnist George Will points out they still had enough left over to spend $4.5 billion on potato chips. We spent more on yogurt in this year than we spent on political discourse, discussing the great issues of the day. Or put another way, one Super Bowl ad could finance two campaigns for Congress. One Super Bowl ad, 2½ districts in the Congress. How much is enough? I submit we need more political speech, not less. And further, what will be the chilling impact of this resolution on citizen involvement in the election and the governmental process?

The Senator from Nevada said people are sick and tired of politics and business as usual and they are not choosing to vote. I submit it is not because we need to give more power to the Federal Election Commission and limit political debate. The problem is, in my view, that too many candidates do not speak out on the issues in candor and say they are for something that identifies with the individual who is going to vote.

Our democracy survives solely on the consent of the governed. That is pretty basic. That consent is given as long as the governed have confidence in the men and women they elect to public office.

We have in place a number of filters through which candidates must be sifted to ensure those who survive receive a consensus. These filters give the electorate opportunities to eliminate candidates, many candidates who aspire to public office but quite frankly, judged in the eyes of the public, are not serious candidates, they sift out those who cannot attract a consensus. We do this in order that our form of government can so long exist.

I want to ask the question. There is a feeling here in this body that Senators feel put upon that they have to sit, hopefully in another office, and raise campaign funds. My word, what a terrible chore. What a condescending, elitist point of view, that we should be free of asking people for their trust and their support, their investment in good government, their partnership in good faith so we can shine the light of truth in the darkness and discuss these issues free from that terrible burden. What a terrible burden.

Is a candidate's ability to attract campaign funds—let me repeat this. Is a candidate's ability to attract campaign funds any less important to this process than his or her ability to attract votes? How can a candidate expect to get the consent of the governed if he or she cannot attract their support in funds to wage a campaign?

Make no mistake. Our debate today is important. It is about freedom. Said the distinguished Hugo Black: "There are grim reminders all around this world that the distance between individual liberty and firing squads is not always as far as it seems."

The great men and women who debated this issue before us arrived at a simple but eloquent conclusion—to limit political speech is to limit and lose freedom. We are called again to reach this same conclusion. I urge rejection of the resolution. Said the statesman George Mason: "No free Government, or the blessings of liberty, can be preserved to any people, but by frequent recurrence to fundamental principles."

First amendment freedoms are fundamental principles. Let us preserve the blessings of liberty.

I thank the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank my distinguished colleague from Kansas for an excellent speech. I ask him if he has just one more moment here before he leaves the floor?

Mr. ROBERTS. I will be delighted to respond.

Mr. MCCONNELL. I say to my friend from Kansas, in looking at the Hollings amendment, in addition to giving to the Government the power to control the speech of candidates, as we just discussed in our earlier colloquy, which could be, presumably, $5,000, which would certainly guarantee the election of every incumbent, I would also ask my good friend how he would interpret the following power given to the Government. It says the Government could limit the amount of expenditures that may be made "by"—I assume that is the candidate—"in support of the candidate, or in opposition to the candidate."

Now, let me ask my good friend from Kansas, since we would be making the rules here in Congress, and since we would be given the permission to make these rules since this is an amendment to the first amendment of the Constitution of the United States for the first time in history, I ask my good friend from Kansas, might it not be a shrewd move on the part of all incumbents to say that those in support of or in opposition to a candidate cannot speak at all?

Mr. ROBERTS. I really had not thought of that proposal because it is so farfetched from democracy as we know it and participation in the election process as we know it. It could happen. It could happen. I have confidence it would not happen, but, then, one never knows.

Could I ask the distinguished Senator a question? And that is this: Right now, in the campaign process, we have regular contributions. As the distinguished Senator from South Carolina has pointed out, there are limits in terms of giving; in terms of individuals it is $1,000 an individual, et cetera. And he uses that as a reference point from which to control the total spending.

But in the real world, what we have found, more specifically in this last election cycle, those regular contributions are reported. If there is one thing I agree very strongly with the Senator from South Carolina on, it is we need full public disclosure. He referred to Steve Forbes. As a matter of fact, he was very candid with regard to Mr. Forbes' candidacy, and what happened to my dear friend and former senior Senator from Kansas, Bob Dole, in his campaign. So, public disclosure, I think, is very important. I think the American people are six jumps ahead of the whole process. If they discover where the money comes from and the amount of money spent, they make the appropriate decision.

But we have other contributions. We have independent expenditures, and in the Colorado case it is very clear where the court is. So here is the challenger and the incumbent limited in terms of spending, and then in comes a "independent expenditure," which we all know in some cases are not quite so independent.

Then, second, we have other expenditures. They are called "educational ads."

How on Earth do we control those expenditures with the campaign limits envisioned in many of the alleged campaign reform bills? I can tell you, we have colleagues who subscribe to State campaign limits, only to find we have these other contributions coming in, these other expenditures, and, frankly, they were beaten about the head and shoulders so much in the last part of the campaign, they had to violate that campaign limit or they would have been defeated, paying a fine, filling out paperwork. It is a very unfair system. I do not see anything in this particular endeavor that would prevent that.

That is a long question for the Senator to answer.

Mr. McCONNELL. I would say to my friend from Kansas, most of us in the political arena do not like independent expenditures. But the court has made it quite clear that it is constitutionally protected speech. No matter how much we do not like it when people criticize us, these individuals and groups have a constitutional right to engage in these independent expenditures. As a result of the Colorado case, parties do as well.

In looking at the Hollings amendment, it seems to me that Congress would be given the power to completely shut up these groups. They could say, "No longer can you speak at all." That way, we would be able to silence all of these people who do not like what we stand for, totally—totally—under this. If Congress is given the power to control the amount of expenditures that may be made "by"—I assume that is the candidate—"in support of," referring to outside groups, or "in opposition to," referring to outside groups, why, by golly, under this amendment we could shut them up entirely. Our lives would be a lot easier. We could just limit spending in the campaign to about $5,000, eliminate all the speech of these outside groups. Boy, you would never have any turnover here, would you?

Mr. ROBERTS. If I could ask one other question of the Senator, I think an additional two questions that people should be asking are: Who decides? Who decides what the limit is?

Mr. McCONNELL. We do.

Mr. ROBERTS. That is the incumbency, with all due respect. And second, who is going to enforce all this? We are going to need a SWAT team down at the Federal Election Commission.

Mr. McCONNELL. If I may say to my friend, I often say the FEC would soon be the size of the rest of the administration. There would be battalions of auditors and lawyers crawling all over the books, not just of candidates for public office but every organized group out in America seeking to express itself in the course of the campaign. They would be crawling all over them. Let some little group in Kansas utter a peep in the next race against Senator ROBERTS, and the FEC could come down on them like a house of bricks saying, "Shut up. Congress has said you don't get to speak. You don't get to say how you feel in the election—or any other time. Shut up."

All of that is possible under this amendment, to amend the first amendment for the first time in history, to give this Congress the power to quiet the voices; quiet the voices, not just of Members of Congress and the people who may oppose them, but anybody else who may oppose it, any individual, any group, anybody. We could shut them all up. And in what way would America be better for that?

Mr. ROBERTS. I thank the Senator for his contribution and again would only summarize by saying that we could get at much of the problem here with real campaign reform legislation that centers on public disclosure. I repeat my remarks that I think the American people are six jumps ahead of the process here. It has been my experience, if they know how much money is being spent and where the money is coming from, they make a pretty good decision. Candidates cannot—well, in some cases it might work —but in most cases they cannot buy elections. It works against them. I will put my money on the free press and free speech and public disclosure, and I urge rejection of this resolution.

I thank the Senator for yielding.

Mr. McCONNELL. Mr. President, once again I thank the distinguished Senator from Kansas for an outstanding speech. I appreciate his contribution to this debate.

The question before us, as I have said, as we all know, is whether to amend the first amendment for the first time in history to give to the Government the power to control the political discourse in this country across the board; the political speech of candidates, political speech of individuals, the political speech of groups—all of this, because we have concluded that there is too much political discourse in this country.

Senator ROBERTS mentioned, and others are familiar with, some of the statistics. Of all the commercials run in the previous year, 1 percent of them were about politics; 1 percent of them. The notion that we have an excessive amount of political discussion in this country is absurd on its face. It is absurd on its face.

The good thing about the debate that we are having is it is an honest debate. The Hollings amendment concedes that there is very little you can do, consistent with the first amendment, in the campaign finance reform field that the Supreme Court will not strike down. The measure most commonly referred to by the reformers, the McCain-Feingold proposal, is unconstitutional at least 12 different ways. It would be dead on arrival in the Federal courts. At least this debate helps sum up what is really needed if Senators believe that there is too much political discussion in our country.

It should not be surprising, Mr. President, that this amendment has almost no constituents. Common Cause, the group most often thought of when you think of the subject of campaign finance reform, opposes this constitutional amendment. The Washington Post, which writes a story on these kinds of issues virtually daily, opposes this amendment. The New York Times opposes this amendment. The American Civil Liberties Union opposes this amendment.

In short, even the proponents of some kind of effort to restrict the speech of people who are involved in the American political process look at this particular effort to carve a big hunk out of the first amendment for the first time in history as an overreaching and ill-advised step in the wrong direction.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I received from the ACLU dated March 6, 1997, in opposition to the constitutional amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON NATIONAL OFFICE,
Washington, DC, March 6, 1997.

DEAR SENATOR: The American Civil Liberties Union strongly opposes S.J. Res. 18, the proposed constitutional amendment that permits Congress and the states to enact laws regulating federal campaign expenditures and contributions.

Whatever one's position may be on campaign finance reform and how best to achieve it, a constitutional amendment of the kind here proposed is not the solution. Amending the First Amendment for the first time in our history in the way that S.J. Res. 18 proposes would challenge all pre-existing First Amendment jurisprudence and would give to Congress and the states unprecedented, sweeping and undefined authority to restrict speech protected by the First Amendment since 1791.

Because it is vague and over-broad, S.J. Res. 18 would give Congress a virtual "blank check" to enact any legislation that may abridge a vast array of free speech and free association rights that we now enjoy. In addition, this measure should be opposed because it provides no guarantee that Congress or the states will have the political will, after the amendment's adoption, to enact legislation that will correct the problems in our current electoral system. This amendment misleads the American people because it tells them that only if they sacrifice their First Amendment rights, will Congress correct the problems in our system. Not only is this too high a price to demand in the name of reform, it is unwise to promise the American people such an unlikely outcome.

Rather than assuring that the electoral processes will be improved, a constitutional amendment merely places new state and federal campaign finance law beyond the reach of First Amendment jurisprudence. All Congress and the states would have to demonstrate is that its laws were "reasonable." "Reasonable" laws do not necessarily solve the problems of those who are harmed by or locked out of the electoral process on the basis of their third party status, lack of wealth or non-incumbency. The First Amendment properly prevents the government from being arbitrary when making these distinctions, but S.J. Res. 18 would enable the Congress to set limitations on expenditures and contributions notwithstanding current constitutional understandings.

Once S.J. Res. 18 is adopted, Congress and local governments could easily further distort the political process in numerous ways. Congress and state governments could pass new laws that operate to the detriment of dark-horse and third party candidates. For example, with the intention of creating a "level playing field" Congress could establish equal contribution and expenditure limits that would ultimately operate to the benefit of incumbents who generally have a higher name recognition than their opponents, and who are often able to do more with less funding. Thus, rather than assure fair and free elections, the proposal would enable those in power to perpetuate their own power and incumbency advantage to the disadvantage of those who would challenge the status quo.

S.J. Res. 18 would also give Congress and every state legislature the power, heretofore denied by the First Amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed articles or commentary printed at the publisher's expense are more certainly expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.

Even if Congress exempted the press from the amendment, what rational basis would it use to distinguish between certain kinds of speech? For example, why would it be justified for Congress to allow a newspaper publisher to run unlimited editorials on behalf of a candidate, but to make it unlawful for a wealthy individual to purchase an unlimited number of billboards for the same candidate? Likewise, why would it be permissible for a major weekly news magazine to run an unlimited number of editorials opposing a candidate, but impermissible for the candidate or his supporters to raise or spend enough money to purchase advertisements in the same publication? At what point is a journal or magazine that is published by an advocacy group different from a major daily newspaper, when it comes to the endorsement of candidates for federal office? Should one type of media outlet be given broader free expression privileges than the other? Should national media outlets have to abide by fifty different state and local standards for expenditures? These are questions that Congress has not adequately addressed or answered.

Moreover, the proposed amendment appears to reach not only expenditures by candidates or their agents but also the truly independent expenditures by individual citizens and groups—the very kind of speech that the First Amendment was designed to protect.

If Congress or the states want to change our campaign finance system, then it need not throw out the First Amendment in order to do so. Congress can adopt meaningful federal campaign finance reform measures without abrogating the First Amendment and without contravening the Supreme Court's decision in *Buckley* v. *Valeo*. Some of these reform measures include: public financing for all legally qualified candidates—financing that serves as a floor, not a ceiling for campaign expenditures; extending the franking privilege to all legally qualified candidates; providing assistance in some form for broadcast advertising through vouchers or reduced advertising rates; improving the resources for the FEC so that it can provide timely disclosure of contributions and expenditures; and providing vouchers for travel.

Rather than argue for these proposals, many members of Congress continue to propose unconstitutional measures, such as the McCain/Feingold bill that are limit-driven methods of campaign finance reform that place campaign regulation on a collision course with the First Amendment. Before Senators vote to eliminate certain First Amendment rights, the ACLU urges the Congress to consider other legislative options, and to give these alternatives its considered review through the hearing process.

The ACLU urges Senators to oppose S.J. Res. 18.

Sincerely,

LAURA W. MURPHY.

Mr. McCONNELL. Also, I ask unanimous consent that a Washington Post editorial of Monday, December 2, 1996, in opposition to the constitutional amendment, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRONG WAY ON CAMPAIGN FINANCE

Campaign finance reform is hard in part because it so quickly bumps up against the First Amendment. To keep offices and officeholders from being bought, proponents seek to limit what candidates for office can raise and spend. That's reasonable enough, except that the Supreme Court has ruled—we think correctly—that the giving and spending of campaign funds is a form of political speech, and the Constitution is pretty explicit about that sort of thing. "Congress shall make no law * * * abridging the freedom of speech" is the majestic sentence. So however laudable the goal, you end up having to regulate lightly and indirectly in this area, which means you are almost bound to achieve an imperfect result.

As a way out of this dilemma, Senate Minority Leader Tom Daschle added his name the other day to the list of those who say the Constitution should be amended to permit the regulation of campaign spending. He wasn't just trying to duck the issue by raising it to a higher level as some would-be amenders have in the past. Rather, his argument is that you can't win the war without the weapons, which in the case of campaign finance means the power not just to create incentives to limit spending but to impose spending limits directly.

But that's what everyone who wants to put an asterisk after the First Amendment says: We have a war to fight that we can win only if given the power to suppress. It's a terrible precedent even if in a virtuous cause, and of course, it is always in a virtuous cause. The people who want a flag-burning amendment think of themselves as defenders of civic virtue too. These amendments are always for the one cause only. Just this once, the supporters say. But having punched the one hole, you make it impossible to argue on principle against punching the next. The question becomes not whether you have exceptions to the free speech clause, but which ones?

Nor is it clear that an amendment would solve the problem. It would offer a means but not the will. The system we have is a system that benefits incumbents. That's one of the reasons we continue to have it, and future incumbents are no more likely to want to junk it than is the current crop.

The campaign finance issue tends to wax and wane, depending on how obscene the fund-raising was, or seemed, in the last election. The last election being what it was, Congress is under a fair amount of pressure to toughen the law. The Democrats doubtless feel it most, thanks to the revelations of suspect fund-raising on the part of the president's campaign, though the Republicans have their own sins to answer for—not least their long record of resistance to reform. with all respect to Mr. Daschle, a constitutional amendment will solve none of this.

The American political system is never going to be sanitized nor, given the civic cost of the regulations that would be required (even assuming that a definition of the sanitary state could be agreed upon), should that be anyone's goal. Rather, the goal should be simply to moderate the role of money in determining elections and of course the policies to which the elections lead. The right approach remains the same: Give candidates some of the money they need to run, but exact in return a promise to limit their spending. And then enforce the promise. Private money would still be spent, but at a genuine and greater distance from the candidates themselves. It wouldn't be a perfect world, and that would be its virtue as well as a flaw.

Mr. McCONNELL. Senator ROBERTS referred to the recent George Will column entitled "Government Gag," which appeared in the Washington Post of February 13, 1997. I ask unanimous consent that that also be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

GOVERNMENT GAG

To promote the fair and effective functioning of the democratic process, Congress, with respect to elections for federal office, and States, for all other elections, including initiatives and referenda, may adopt reasonable regulations of funds expended, including contributions, to influence the outcome of elections, provided that such regulations do not impair the right of the public to a full and free discussion of all issues and do not prevent any candidate for elected office from amassing the resources necessary for effective advocacy.

Such governments may reasonably define which expenditures are deemed to be for the purpose of influencing elections, so long as such definition does not interfere with the right of the people fully to debate issues.

No regulation adopted under this authority may regulate the content of any expression of opinion or communication.—Proposed amendment to the Constitution

Like the imperturbable Sir Francis Drake, who did not allow the Spanish Armada's arrival off England to interrupt a game of bowling, supposed friends of the First Amendment are showing notable sang-froid in the face of ominous developments. Freedom of speech is today under more serious attack than at any time in at least the last 199 years—since enactment of the Alien and Sedition Acts. Actually, today's threat, launched in the name of political hygiene, is graver than that posed by those acts, for three reasons.

First, the 1798 acts, by which Federalists attempted to suppress criticism of the government they then controlled, were bound to perish with fluctuations in the balance of partisan forces. Today's attack on free speech advances under a bland bipartisan banner of cleanliness.

Second, the 1798 acts restricted certain categories of political speech and activities, defined, albeit quite broadly, by content and objectives. Today's enemies of the First Amendment aim to abridge the right of free political speech generally. It is not any particular content but the quantity of political speech they find objectionable.

Third, the 1798 acts had expiration dates and were allowed to expire. However, if today's speech-restrictors put in place their structure of restriction (see above), its anticonstitutional premise and program probably will be permanent.

Its premise is that Americans engage in too much communication of political advocacy, and that government—that is, incumbents in elective offices—should be trusted to decide and enforce the correct amount. This attempt to put the exercise of the most elemental civil right under government regulation is the most fundamental principle of the nation's Founders.

The principle is that limited government must be limited especially severely concerning regulation of the rights most essential to an open society. Thus the First Amendment says "Congress shall make no law * * * abridging the freedom of speech," not "Congress may abridge the freedom of speech with such laws as Congress considers reasonable."

The text of the proposed amendment comes from Rep. Richard Gephardt, House minority leader, who has the courage of his alarming convictions when he says: "What we have is two important values in conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both."

However, he also says: "I know this is a serious step to amend the First Amendment. * * * But * * * this is not an effort to diminish free speech." Nonsense. Otherwise Gephardt would not acknowledge that the First Amendment is an impediment.

The reformers' problem is the Supreme Court, which has affirmed the obvious: Restrictions on the means of making speech heard, including spending for the dissemination of political advocacy, are restrictions on speech. It would be absurd to say, for example: "Congress shall make no law abridging the right to place one's views before the public in advertisements or on billboards but Congress can abridge—reasonably, of course—the right to spend for such things."

Insincerity oozes from the text of the proposed amendment. When Congress, emancipated from the First Amendment's restrictions, weaves its web of restraints on political communication, it will do so to promote its understanding of what is the "fair" and "effective" functioning of democracy, and "effective" advocacy. Yet all this regulation will be consistent with "the right of the people fully to debate issues," and with "full and free discussion of all issues"—as the political class chooses to define "full" and "free" and the "issues."

In 1588 England was saved not just by Drake but by luck—the "Protestant wind" that dispersed the Armada. Perhaps today the strangely silent friends of freedom—why are not editorial pages erupting against the proposed vandalism against the Bill of Rights?—are counting on some similar intervention to forestall today's "reformers," who aim not just to water the wine of freedom but to regulate the consumption of free speech.

Mr. McCONNELL. Mr. President, a couple of years ago, George Will, in his Newsweek column, wrote an article in opposition to the constitutional amendment. The headline is, "So, We Talk Too Much?"

The Supreme Court's two-word opinion of the Senate's reform bill may be, "Good grief."

I ask unanimous consent that that also be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, June 28, 1993]

SO, WE TALK TOO MUCH?

(By George Will)

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two-word opinion: "Good grief!"

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve "too much" money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who choose not to sell their First Amendment rights for taxpayers' dollars and who exceed the government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing. ("Food stamps for politicians," says Sen. Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.) So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates whose opponents spend/speak in excess of government limits. The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of people's contributions to a privately funded candidate would be expropriated and given to his opponent. This is part of the punishment system designed to produce "voluntary" acceptance of spending limits.

But the Court says the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made a high constitutional privilege." The Court says that the "power to tax the exercise of a right is the power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

Sen. Fritz Hollings, the South Carolina Democrat, is a passionate advocate of spending limits but at least has the gumption to attack the First Amendment frontally. The Senate bill amounts, he says candidly, to "coercing people to accept spending limits while pretending it is voluntary." Because "everyone knows what we are doing is unconstitutional," he proposes to make coercion constitutional. He would withdraw First Amendment protection from the most important speech—political discourse. And the Senate has adopted (52-43) his resolution urging Congress to send to the states this constitutional amendment: Congress and the states "shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election" for federal, state or local office.

Hollings claims—you have to admire his brass—that carving this huge hole in the First Amendment would be "a big boost to free speech." But by "free" he means "fair," and by "fair" he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and state legislatures. Note also the power to limit spending not only "by" but even "in support of, or in opposition to" candidates. The 52 senators who voted for this included many who three years ago stoutly (and rightly) opposed carving out even a small exception to First Amendment protections in order to ban flag-burning. But now these incumbents want to empower incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Government micromanagement: The Senate bill would ban or limit spending by political action committees. It would require privately funded candidates to say in their broadcast advertisements that "the candidate has not agreed to voluntary campaign limits." (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the First Amendment protects the freedom to choose "both what to say and what not to say.") All this government micromanagement of political speech is supposed to usher in the reign of "fairness (as incumbents define it, of course).

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the federal budget—$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.

It is instructive that when the Senate voted to empower government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like government regulation of (other people's) lives. Besides, journalists know that government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements (PACs), so government control is needed to make the nation's political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

Mr. McCONNELL. Finally, Mr. President, in terms of insertions into the RECORD, I ask unanimous consent that a letter dated March 12, by Common Cause, opposing the constitutional amendment which is before us, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, DC, March 12, 1997.

DEAR SENATOR: The Senate is expected to vote later this week on a proposed constitutional amendment to provide Congress with the ability to impose mandatory limits on campaign spending, thus overriding a portion of the Supreme Court's 1976 decision in Buckley versus Valeo.

Common Cause opposes the constitutional amendment because it will serve as a diversionary tactic that could prevent Congress from passing campaign finance reform this year. We believe that a constitutional amendment is not necessary in order to achieve meaningful and comprehensive reform.

Under existing Supreme Court doctrine, Congress has significant scope to enact tough and effective campaign finance reform consistent with the Court's interpretation of the First Amendment in Buckley.

The McCain-Feingold bill, S.25, provides for significant reform within the framework of the Buckley decision. The legislation would: ban soft money; provide reduced postage rates and free or reduced cost television time as incentives for congressional candidates to agree to restrain their spending; close loopholes related to independent expenditures and campaign ads that masquerade as "issue advocacy"; reduce the influence of special-interest political action committee (PAC) money; strengthen disclosure and enforcement.

A recent letter to Senators McCain and Feingold from constitutional scholar Burt Neuborne, the Legal Director of the Brennan Center for Justice and a past National Legal Director of the ACLU, sets forth the case that the McCain-Feingold bill is constitutional. Professor Neuborne finds that the key provisions of the bill are within the Court's existing interpretation of the First Amendment, and he thus demonstrates that a constitutional amendment is not necessary to enact reform.

Professor Neuborne concludes that the voluntary spending limits the McCain-Feingold bill are consistent with the Supreme Court's ruling in Buckley. He further concludes that "Congress possesses clear power to close the soft money loophole by restricting the source and size of contributions to political parties. . . ." He also concludes that efforts to close loopholes relating to independent expenditures and so-called "issue ads" are also within Congress' existing authority.

It is, therefore, not necessary to amend the Constitution in order to enact meaningful campaign finance reform. Congress has the power, consistent with the First Amendment, to enact comprehensive reform by statute.

A constitutional amendment for campaign finance reform should not be used as a way to delay reform legislation. Typically, amending the Constitution takes years. After both Houses of Congress adopt an amendment by a two-thirds vote, it has to be approved by three-quarters of the state legislatures. Even then, the Congress would still have to take up enacting legislation. This is a lengthy and arduous process.

Congress needs to act now to address the growing scandal in the campaign finance system. Congress can act now—and constitutionally—to adopt major reforms. Congress need not and should not start a reform process that will take years to complete by pursuing campaign finance reform through a constitutional amendment. Instead, the Senate should focus its efforts on enacting S.25, comprehensive bipartisan legislation that represents real reform. It is balanced, fair, and should be enacted this year to ensure meaningful reform of the way congressional elections are financed.

Sincerely,

ANN MCBRIDE,
President.

Mr. McCONNELL. Mr. President, the question before us, the resolution by the junior Senator from South Carolina to amend the Constitution, grounds the campaign finance debate right where it needs to be and where it is, in the first amendment. That is where this debate should be centered. Lest anyone outside of the Senate construe this as an endorsement, I hasten to clarify that I regard this proposal as totally abhorrent. However, this is a debate we needed to have. This is an important discussion which clarifies that the campaign finance issue is really about political speech and about participation in our democracy. That is what this is about. That is the whole discussion.

In an effort to pave the way for restrictive legislation, such as the McCain-Feingold campaign finance bill, the amendment before us would amend the Constitution to grant Congress and the States the power to "set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, or in support of, or in opposition to, a candidate."

When Senator ROBERTS was here a few minutes ago, we talked about just what that means. Clearly, this amendment would give incumbent Members of Congress the ability to make it impossible to lose, short of some commission of a felony or some outrageous act on the part of an incumbent that brought total disfavor upon his or her head in their constituency. It would give to the Congress the power to totally mug, muzzle, shut up critics out in our constituencies who may have organized together. In fact, about the only group it leaves untouched are our friends in the gallery, the press, who would have enhanced power as a result of an effort to shut up everybody else. If you are going to go down this route, some would even advocate telling the press how much they can criticize us.

While we are messing with the first amendment, if we wanted to make it totally impossible for us to be defeated, why not, in addition to shutting up our challengers in the next election and muzzling all of the groups outside that may or may not like what we do, let's just go on and trash some of the rest of the first amendment. We can get rid of those nasty editorials that all of us despise, put some restrictions on those pesky little reporters who tend to point out our shortcomings, as they see them.

In short, there is no end to how much of this speech we could contain if we really wanted to do it. I mean, it is a short step, it seems to me, from amending the first amendment to give the Government the power to shut up its critics in a campaign to giving the Congress the power to shut up its critics in the gallery, and pretty soon, of course, the first amendment doesn't have any resemblance whatsoever to what it has today.

This amendment that we are debating applies to Federal, State, and local elections. Any future Congress would have a free hand to regulate, restrict, or even prohibit any activity which is perceived by the Government—perceived by the Government—to constitute an expenditure by, in support of, or in opposition to a candidate.

Mr. President, the words are few; their ramifications are simply stunning. Quite simply, this amendment empowers future Congresses to severely restrict—I would argue eliminate—the universe of political spending/speech which is deemed by Congress or some Government bureaucracy to effect an election. Candidate spending, independent expenditures, even issue advocacy by private citizens and groups, all of it could be muzzled under this amendment.

Senate Joint Resolution 18, which is the amendment before us, is a blank check for a Congress 10, 50, 100 years from now, or maybe tomorrow, the day after this is approved, to gag American citizens, candidates, groups, and parties. They could do it with a Constitution altered by this resolution. And some call this reform.

Mr. President, maybe some people believe that the 105th Congress or the 106th Congress would not do much damage with the power granted by this resolution, but I ask our friends on the left: Are you confident that some Republican-controlled Congress in the future with a 60-plus majority, with a Republican in the White House, will not seize the occasion to limit political activities by liberal-leaning groups, labor unions, the media, and others? Would you not like the Court to be able to stop such an effort on the grounds that it violated the first amendment?

My conservative friends, I ask you: Are you not relieved the Supreme Court was able to strike down the draconian restrictions on independent expenditures in campaigns in the 1978 campaign finance law?

I say to my conservative friends: Are you confident that liberal Democrats would never be in a position to enact into law a regulatory scheme on campaign finance that restricts your ability to communicate while leaving the media and labor unions unfettered and even more powerful than they already are? All of that, Mr. President, would be possible under this amendment.

No campaign finance bill will pass this or any Congress that was not drafted and amended by people fully cognizant of the partisan implications. That is why it is so important to have the impartial reasoning of the Supreme Court. The Supreme Court is the backstop. It saves the country from legislative excess, ignorance, and mischief.

Having said that, it doesn't mean I agree with all the Supreme Court's decisions or I will not scrutinize Supreme Court nominees, but I do recognize that the Court, be it of liberal or conservative leaning—it is interesting to note in the Buckley case there were many liberals on the Court at that time. The Court was much more liberal than it is now when the Buckley case was rendered, a very sound decision, which the Court has only expanded in the direction of more permissible speech during the years, including the Colorado case last summer.

The Court is an essential check on legislative and executive branches. This amendment seeks to take the Court out of the picture where campaign finance is concerned so that those who desire campaign spending limits and restrictions on independent expenditures and issue advocacy will not be inconvenienced, will not be inconvenienced by Court action such as the Buckley decision.

The Supreme Court got in the way. The Supreme Court got in the way and said you cannot do that, that it is impermissible for the Government to dole out political speech to candidates, individuals, or groups.

Revolting as the Clinton reelection team's fundraising practices were, or anybody else's, they do not justify restricting the rights of law-abiding American citizens in the future to participate in politics and spend as much as they want on their own campaigns for office. American democracy should not be diminished because a 1996 reelection effort violated current laws and flouted commonsense decency out of a ruthless, ruthless desperation to get reelected or some self-righteousness that their success was essential to the country, that the ends justified even illegal and unethical means.

Freedom should not be negotiable because one political party or other benefits disproportionately at a given point in time from some form of political speech or participation. Nor should freedom, Mr. President, be dialed back—dialed back—because some level of campaign spending violates somebody's notion of what is proper. The future should not be made to suffer so that some may appear to atone for misdeeds in the present or impose on the country their own view of what is an appropriate level of campaign spending.

Mr. President, God bless their souls, the Founding Fathers had the wisdom and the courage to construct the Constitution of the United States. Though I have much admiration for my colleagues in this Senate, I do not think we have the collective wisdom to improve upon the first amendment ratified by the States in 1791.

The amendment says:

> Congress shall make no law [no law] respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The critical part is "abridging the freedom of speech." That is what the Buckley case is about. And that is what this amendment seeks to revise.

Mr. President, reflecting upon the formulation of the Constitution, De Tocqueville observed in the 19th century that:

> The course of time always gives birth to different interests, and sanctions different principles, among the same people; and when a general constitution is to be established, these interests and principles are so many natural obstacles to the rigorous application of any political system with all its consequences. The early stages of national existence are the only periods at which it is possible to make legislation strictly logical; and when we perceive a nation in the enjoyment of this advantage, we should not hastily conclude that it is wise, but only remember that it is young.

I would contend that our Nation 200 years ago was both young and its leaders wise. I have also considered the environment in which the Founding Fathers toiled, free of the harsh glare of our modern media, unfettered by the influence of present-day polling, and blissfully unacquainted with grassroots lobbying machines.

Absent those factors, I suspect much in the legislation in this body, most especially campaign finance reform, would have a different outcome. Then again, we did not have to face down the Red Coats, and I am confident that the confluence of greatness which gave us the Constitution would have done so by candlelight or klieg lights.

The first amendment has served our Nation well for over 200 years. If this Senate will resist the temptation to scale it back, it can serve our descendants for 200 years more. The first amendment's speech protections are a legacy we are extremely fortunate to have inherited. It is the one we most certainly ought to bequeath, in turn, to generations to come.

The first amendment is America's premier political reform. It is at the heart of the campaign finance debate. This is not just my view. It is the opinion of the U.S. Supreme Court and the American Civil Liberties Union—America's specialists on the first amendment. As the Court stated in the 1976 Buckley case:

> The first amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise.

That gets right to the heart of it. The first amendment prohibits the Government from determining "that spending to promote one's political views is wasteful, excessive or unwise." In other words, when it comes to our political speech, we can be wasteful, we can be excessive and we can be unwise, and it is none of the Government's business.

> In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

So the proponents of this amendment look at that decision and say we need to cut a niche out of the first amendment and hand over to the Government the power to determine what is reasonable speech. In short, they could determine that no speech was reasonable under this amendment.

The Court has been clear and consistent on campaign finance, stating further in Buckley:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

It just does. The Court observed that even "distribution of the humblest handbill" costs money. Further, the Court stated that the electorate's increasing dependence on television and radio for news and information makes "these expensive modes of communication indispensable [the Court said "indispensable"] instruments of effective political speech."

"Indispensable." Under this amendment there would be nothing to keep the Congress from saying you do not get to use television at all—at all.

Quite simply, the Government may no more ration the political speech of an American citizen via campaign spending regulations than it can tell the Washington Post how many newspapers it may distribute or how many hours a day CNN may broadcast. Nor can the Government dictate the content of campaign ads, just as it cannot control the content of television news programs.

Mr. President, there is no reason sufficient to justify, in the eyes of the Court, campaign spending limits. Not to alleviate the appearance of corruption: The Court held there is "nothing invidious, improper or unhealthy" in campaigns spending money to communicate—nothing. Not to stem the growth in campaign spending. Again, the Court was clear:

> . . . the mere growth in the cost of federal election campaigns in and of itself provides no basis [no basis] for governmental restrictions on the quantity of campaign spending. . .

And not to level the political playing field, a notion flatly rejected by the Court in Buckley.

> . . . the concept that the government . . .

This is in response to the level playing field argument, Mr. President. In the Buckley case the Court said:

> . . . the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.

"Wholly foreign."

So, Mr. President, the Government cannot, by congressional edict or regulatory fiat, impede or impair the ability of candidates, groups, individuals or parties to communicate with the electorate. Nor can Congress, as the American Civil Liberties Union has observed, coerce what it cannot command. In other words, spending limits that are voluntary in name only, such as in the McCain-Feingold bill, would have in the Court a half-life of an ice cube on a sun-baked Constitution Avenue on the 4th of July. That is about how long that would last.

There is nothing in Buckley, or any subsequent Supreme Court decision, upon this to pin hope that McCain-Feingold or any similarly coercive bills would be upheld. Buckley was not an aberration. In fact, the Court is increasingly of a deregulatory mind on campaign finance, as evidenced by last June's Colorado decision allowing the political parties to make independent expenditures.

Now, some seek to nullify the Court, and thereby pave the way for bills like McCain-Feingold, by amending the first amendment, and that is the issue before us—amending the first amendment for the first time in two centuries and thus make the unconstitutional, constitutional. They would rewrite the first amendment, a frontal assault on American freedom that the ACLU has characterized as "a recipe for repression."

That is what is before the Senate today. What is before us today has no constituency. Common Cause is against it. The New York Times is against it. The Washington Post is against it. The ACLU is against it. Importantly, an overwhelming number of Senators will be against it.

I personally recoil at the prospect of a Constitution so altered, while I relish the debate itself. This is an honest debate because it shows what you have to do to carve a big hunk out of the first amendment, if you will try to achieve the result that some are trying to achieve. This is an honest debate. It draws a clear line between those like myself who look on last year's record election spending as illustrative of a robust national debate over the future of the Nation, and those who believe you cannot have both freedom of speech and a healthy democracy.

Looking upon the first amendment as an impediment to reform, rather than reform, itself steers even well-intentioned reformers on a path of Government regulation, restriction, and even prohibition of fundamental political freedoms. A myopic determination to restrict campaign spending can result, as it has today, in an effort to essentially repeal the first amendment's protection of political speech. That is what is before the Senate today.

The Court stated in the 1937 case Palko versus Connecticut that freedom of speech "is the matrix, the indispensable condition, of nearly every other form of freedom."

Whatever one believes about the current state of campaign finance or the validity of the Buckley decision, surely it is not cause to carve out of the first amendment fundamental protection for core political speech by American citizens. The first amendment was borne of extraordinary people in an extraordinary time. Let us not diminish that freedom, 200 years later, out of frustration with Court decisions.

The campaign finance reform debate is necessarily difficult. It is difficult because the ramifications of any significant change in this area are serious. A ban on soft money, for instance, will have serious repercussions, because—like it or not—the political parties do some good things. For one, they are the only entity in the system that will support challengers without regard to ideology.

The Democratic Party committees support challengers—pro-choice or pro-life, or pro-gun control or con-gun control, you name the issue and they have supported candidates of their side. In the case of the Democratic committee, because they are Democrats; in the case of the Republicans, because they are Republicans.

Our criteria is, first and foremost, a candidate's party affiliation. Then we consider their ability and the availability of money to help their candidates. The political party's helping challengers is often all that stands between an incumbent having real competition and not just a coronation on election day.

Much is said about independent expenditures and issue advocacy. The truth is, politicians hate independent expenditures because by definition they are out of our control. We do not get to control them. A group that thinks your reelection is the most important goal may make independent expenditures that are intended to help you but, in fact, inject into the election an issue you wish was not going to be discussed. In other words, a group can love you to death with independent expenditures. That is why politicians would like to have complete control of elections. That is what they would be given under this amendment—complete control.

Mr. President, the candidates do not own the elections. They are the people's elections, not the candidates. They are the people's elections to influence through independent expenditures, issues advocacy, and through the support of candidates and political parties of their choosing. These reform bills would take elections away from private citizens, groups, and parties and hand them over, exclusively, to the candidates and to the media.

Issue advocacy is a recent addition to the reform lexicon. Some reformers profess to be horrified by all the issue advocacy that occurred last year because—news flash—they affected the election. They decry issue advocacy as another loophole that has been blasted through allowing groups to circumvent campaign finance restrictions.

A funny thing about citizens, groups, and parties who wish to make themselves heard in a democracy: They always seem to find a way around Government speech roadblocks.

If Congress ever does impose Government regulations on issue advocacy and the courts do not strike them down, the first amendment will be a hollow shell. Soft money limits, independent expenditure limits, issue advocacy regulations, spending limits, PAC limits—these are all euphemisms for speech limits.

Under this amendment before the Senate—by carving out a huge chunk of the first amendment—Congress could succeed in imposing all of these speech limits. America would then spend less on elections. Elections would be quieter, politics—at least, on the surface—would be more civil because dissent would be tightly regulated by this Congress and incumbents would be less bothered by fundraising. And we will have gutted American democracy.

Mr. President, I am confident this amendment is not going to be approved. I hope it will be rejected overwhelmingly. It is one of the most frightening proposals we have had before this body in the 13 years I have been here. The first amendment should be the touchstone of reform, and the Buckley case, its guide.

Within those parameters, we could enact bipartisan reform to strengthen, rather than diminish, our democracy. I hope at some point that is what we will be doing.

The PRESIDING OFFICER (Mrs. COLLINS). The Senator from South Carolina.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Madam President, I ask unanimous consent that Maury Lane be permitted privileges of the floor during the consideration of Senate Joint Resolution 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, there were certain statements made that I am sure should be corrected immediately. I ask unanimous consent the statement in support of overturning Buckley versus Valeo, some 50 law professors from the various schools, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement in Support of Overturning Buckley Versus Valeo

In its 1976 decision. Buckley v. Valeo, the United States Supreme Court held that limiting political expenditures by law is an unconstitutional denial of free speech in violation of the First Amendment.

We believe that the Buckley decision is wrong and should be overturned. The decision did not declare a valuable principle that we should hesitate to challenge. On the contrary, it misunderstood not only what free speech really is but what it really means for free people to govern themselves.

We the undersigned call for the reconsideration and reversal of the Buckley decision.

Bruce Ackerman, Professor of Law and Political Science, Yale Law School
Ellen April, Professor, Loyola Law School
Peter Arenella, Professor of Law, UCLA Law School
Robert Aronson, Professor of Law, University of Washington Law School
Robert Benson, Professor of Law, Loyola Law School
Steve Bachmann, General Counsel, ACORN
Gary L. Blasi, Professor of Law, UCLA Law School
John Bonifaz, Executive Director, National Voting Rights Institute
Richard M. Buxbaum, Dean of International and Areas Studies, Boalt Hall Law School
John Calmore, Professor of Law, Loyola Law School
Erwin Chemerinsky, Professor of Law, University of Southern California Law School
Joshua Cohen, Professor of Political Science, Massachusetts Institution of Technology
James W. Doig, Professor, Woodrow Wilson School, Dept. of Politics, Princeton University
Ronald Dworkin, Professor of Law, New York University School of Law
Roger Findley, Professor of Law, Loyola Law School
Catherine Fisk, Professor of Law, Loyola Law School
Edward B. Foley, Associate Professor, Ohio State University College of Law
Milton S. Gwirtzman, member, Senior Advisory Board, Institute of Politics, John F. Kennedy School of Government, Harvard University
Richard L. Hasen, Assistant Professor of Law, Chicago-Kent College of Law
Roland Homet, Principal, Public Purpose Presentation
Lisa Ikemoto, Professor of Law, Loyola Law School
Gregory C. Keating, Professor of Law, University of Southern California Law School
Stephen Loffredo, Associate Professor of Law, CUNY Law School
Harry Lonsdale, Founder, Campaign for Democracy
Karl Manheim, Professor of Law, Loyola Law School
Frank Michelman, Professor, Harvard Law School
Ralph Nader, Center for the Study of Responsive Law
Burt Neuborne, Professor of Law, New York University School of Law
John Nockleby, Professor of Law, Loyola Law School
H. Jefferson Powell, Professor of Law, Duke University Law School
William Quigley, Associate Professor, Loyola University School of Law
Jamin Raskin, Associate Dean, American University Washington College of Law
John Rawls, University Professor, emeritus, Harvard University
Clifford Rechtschaffen, Professor of Law, Golden Gate University School of Law
Joel Rogers, Professor of Law, Political Science and Sociology, University of Wisconsin-Madison
E. Joshua Rosenkranz, Executive Director, Brennan Center for Justice at New York University School of Law
Thomas M. Scanlon, Jr., Professor of Philosophy, Harvard University
Whitney North Seymour Jr., former U.S. Attorney, Southern District of New York
W. David Slawson, Professor of Law, University of Southern California Law School
Rayman L. Solomon, Associate Dean, Northwestern University School of Law
Peter Tiersma, Professor of Law, Loyola Law School
Georgene Vairo, Professor of Law, Loyola Law School
Jim Wheaton, Founder, First Amendment Project
Louis Wolcher, Professor of Law, University of Washington School of Law

Mr. HOLLINGS. Madam President, I ask unanimous consent that the 24 State attorneys general also asking for reversal of Buckley versus Valeo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Twenty-four State Attorneys General Issue Call for the Reversal of Buckley versus Valeo

DES MOINES, IOWA—The attorneys general for twenty-four states released a joint statement Tuesday calling for the reversal of a 1976 Supreme Court decision which struck down mandatory campaign spending limits on free speech grounds. The attorneys general statement comes amidst a growing national debate about the validity of that court ruling; *Buckley v. Valeo.*

Former U.S. Senator Bill Bradley has denounced the decision and has helped lead the recent push in the U.S. Congress for a constitutional amendment to allow for mandatory spending limits in federal elections. The City of Cincinnati is litigating the first direct court challenge to the ruling, defending an ordinance passed in 1995 by the City Council which sets limits in city council races. And, in late October 1996, a group of prominent constitutional scholars from around the nation signed a statement calling for the reversal of Buckley.

The attorneys general statement reads as follows:

"Over two decades ago, the United States Supreme Court, in *Buckley v. Valeo*, 424 U.S. 1 (1976), declared mandatory campaign expenditure limits unconstitutional on First Amendment grounds. We, the undersigned state attorneys general, believe the time has come for that holding to be revisited and reversed.

"U.S. Supreme Court Justice Louis Brandeis once wrote '[I]n cases involving the Federal Constitution, where correction through legislative action is practically impossible, this court has often overruled its earlier decisions. The court bows to the lessons of experience and the force of better reasoning * * *' *Burnet v. Coronado Oil & Gas Co.*, 285 U.S. 393, 406–408 (1932) (Brandeis, J., dissenting).

"As state attorneys general—many of us elected—we believe the experience of campaigns teaches the lesson that unlimited campaign spending threatens the integrity of the election process. As the chief legal officers of our respective states, we believe that the force of better reasoning compels the conclusion that it is the absence of limits on campaign expenditures—not the restrictions—which strike 'at the core of our electoral process and of the First Amendment freedoms.' *Buckley v. Valeo*, 424 U.S. 1, 39 (1976) (quoting *Williams v. Rhodes*, 393 U.S. 23, 32 (1968)."

The United States has witnessed a more than a 700% increase in the cost of federal elections since the *Buckley* ruling. The presidential and congressional campaigns combined spent more than $2 billion this past election cycle, making the 1996 elections the costliest ever in U.S. history.

Iowa Attorney General Tom Miller, Nevada Attorney General Frankie Sue Del Papa, Arizona Attorney General Grant Woods, and the National Voting Rights Institute of Boston initiated Tuesday's statement. The Institute is a non-profit organization engaged in constitutional challenges across the country to the current campaign finance system. The Institute serves as special counsel for the City of Cincinnati in its challenge to *Buckley*, now in federal district court in Cincinnati and due for its first court hearing on January 31.

"*Buckley* stands today as a barrier to American democracy," says Attorney General Del Papa. "As state attorneys general, we are committed to helping remove that barrier." Del Papa says the twenty-four state attorneys general will seek to play an active role in efforts to reverse the *Buckley* decision, including the submission of friend-of-the-court briefs in emerging court cases which address the ruling.

"Maybe it wasn't clear in 1976, but it is clear today that financing of campaigns has gotten totally out of control," says Iowa Attorney General Tom Miller. "The state has a compelling interest in bringing campaign finances back under control and protecting the integrity of the electoral process."

Arizona Attorney General Grant Woods adds, "I believe that it is a major stretch to say that the First Amendment requires that no restrictions be placed on individual campaign spending. The practical results, where millionaires dominate the process to the detriment of nearly everyone who cannot compete financially, have perverted the electoral process in America."

The full listing of signatories is as follows:

Attorney General Grant Woods of Arizona (R)
Attorney General Richard Blumenthal of Connecticut (D)
Attorney General Robert Butterworth of Florida (D)
Attorney General Alan G. Lance of Idaho (R)
Attorney General Tom Miller of Iowa (D)
Attorney General Carla J. Stovall of Kansas (R)
Attorney General Albert B. Chandler III of Kentucky (D)
Attorney General Andrew Ketterer of Maine (D)
Attorney General Scott Harshbarger of Massachusetts (D)
Attorney General Frank Kelley of Michigan (D)
Attorney General Hubert H. Humphrey of Minnesota (D)
Attorney General Mike Moore of Mississippi (D)
Attorney General Joseph P. Mazurek of Montana (D)
Attorney General Frankie Sue Del Papa of Nevada (D)
Attorney General Jeff Howard of New Hampshire (R)
Attorney General Tom Udall of New Mexico (D)
Attorney General Heidi Heitkamp of North Dakota (D)
Attorney General Drew Edmondson of Oklahoma (D)
Attorney General Charles W. Burson of Tennessee (D)
Attorney General Jan Graham of Utah (D)
Attorney General Wallace Malley of Vermont (R)
Attorney General Darrel V. McGraw of West Virginia (D)
Attorney General Christine O. Gregoire of Washington (D)
Attorney General James Doyle of Wisconsin (D)

Mr. HOLLINGS. Madam President, I ask unanimous consent to have printed in the RECORD the rollcall of May 1993, of the majority of the U.S. Senate expressing the sense of the Senate that the Congress should be empowered constitutionally, the Constitution should be amended to authorize the Congress to regulate or control expenditures in Federal elections.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE No. 129, MAY 27, 1993

YEAS (52)

Democrats (46 or 85%): Akaka, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Byrd, Campbell, Conrad, Daschle, DeConcini, Dodd, Dorgan, Exon, Feingold, Feinstein, Ford, Glenn, Graham, Harkin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Levin, Lieberman, Mathews, Metzenbaum, Mitchell, Moseley-Braun, Murray, Nunn, Pryor, Reid, Riegle, Robb, Sarbanes, Sasser, Shelby, Simon, Wellstone, Wofford.

Republicans (6 or 15%): D'Amato, Hatfield, Kassebaum, Pressler, Roth, Specter.

NAYS (43)

Democrats (8 or 15%): Boxer, Kerrey, Kohl, Leahy, Mikulski, Moynihan, Pell, Rockefeller.

Republicans (35 or 85%): Bennett, Bond, Brown, Burns, Chafee, Coats, Cochran, Cohen, Coverdell, Craig, Danforth, Dole, Domenici, Durenberger, Faircloth, Gorton, Gramm, Grassley, Gregg, Helms, Jeffords, Kempthorne, Lott, Lugar, Mack, McCain, McConnell, Murkowski, Nickles, Packwood, Simpson, Smith, Stevens, Wallop, Warner.

NOT VOTING (5)

Democrats (3): Baucus, Heflin, Krueger.

Republicans (2): Hatch, Thurmond.

Mr. HOLLINGS. I thank the distinguished Chair.

When you sit up limply and say there is no constituency for this, the constituency is building. There is no question about that.

It is bipartisan. It is very clever in trying to say that the Hollings resolution is the Hollings-Specter, when it is bipartisan. They will talk with conviction that McCain-Feingold is bipartisan, but not Hollings-Specter. The fact of the matter is, Madam President, that we had a news conference—we have had various ones over the 10-year period—and hardly anyone attended. On yesterday, the room was overflowing, in the context that they realize now that after all the endeavors made to try to reconcile this situation, the only route left for us now to correct this cancer that imperils our democracy is authority for the Congress to act.

Now, they, in sanctimony, stand and talk about Buckley versus Valeo, and in the same breath, "200 years," "the first amendment," "loopholes," "let's don't have a loophole or gut out the first amendment"— my opponent is very erudite, a very learned Senator, and he has been working on this particular subject for quite some time, and he has to know that Buckley versus Valeo does exactly that.

Buckley versus Valeo limited the speech, the first amendment rights, of contributors. Say I make a contribution to the Senator from Utah for only $1,000 in the primary and $1,000 in the general election; my freedom of speech has gutted a hole in the first amendment by Buckley versus Valeo, because my freedom of speech to contribute and participate has already been limited by Congress, of all people, and upheld by the U.S. Supreme Court. I gave example after example of the safety measures with respect to not being able to shout "fire" in a theater. I went to the national security. I went to the obscenity provisions. I wish I had the time and disposition here this afternoon to put in Laurence Tribe's restatement of the freedom of speech, and you would have a powerful grasp of what is in order and what is not in order. You can bet your boots that this has been building.

In 1993, we had a sense-of-the-Senate resolution, and a majority of the U.S. Senate said that they should have a constitutional amendment, such as is here now introduced. The Senator comes and limply says, "I have Common Cause, the Washington Post, the New York Times, and the ACLU, and the Senator from South Carolina has no constituency." We have the constituency. We know about the newspapers. They don't want to recognize the fact that we are talking about "paid" speech in this constitutional amendment—expenditures—not "free" speech. "Limit the amount of contributions that may be accepted by and the amount of expenditures that may be made by"—expenditures for speech, paid speech, not free speech.

A State shall have the power to set reasonable limits on the amount of expenditures made. So they don't have to go to the straw man. I got interested in the straw man. They said Congress could come around and limit you to $5,000 in a campaign and get rid of all of these groups. I hadn't thought of that. That would probably be a pretty good idea, because we know all the groups are really not interested, except in beating those candidates, getting over them.

Our colleagues on the other side of the aisle very cleverly got out in Saturday's Washington Post—I will have to get a copy of that article about all of these different groups. You wonder where their names come from. I remember one out in California, with some spurious name, and they found out that Philip Morris, the tobacco folks, were behind it. Upon that being discovered, they said they had to take credit for that particular group. But you have them all bouncing up and down. The gimmick today is to get a group for "free Government," or for "free speech," or "for clean politics," or anything that sounds pretty. You will find out that it is politically motivated by either national party.

I can tell you, our national groups are there and they are really ruining the political process. But the Senator from South Carolina just says "expenditures." Once you limit the expenditures, you can get those groups, you can get the bundling, you can get the soft money, you can get the direct money, you can get whatever you are going to get. If you have the wrong kind of support, then your opponent is going to be quick to point it out and expose it because you have disclosure. That's what we had in the 1974 act, and that's what we must continue.

But this has to do with expenditures and paid speech. Of all people to really talk—let me comment, Madam President, about the limits of speech. We know that there is good reason to limit speech. The U.S. Senate, the U.S. House of Representatives, the U.S. Congress knows better than any that you must limit speech in order to get a good product. Over on the House side, you are given, under the rule, 1 minute or 3 minutes, and over here, we have bragged about the unlimited speech. But the fact of the matter is that we can cut off the filibuster, and we further limit it. Rather than the two-thirds—you need the accepted large majority of a 60-vote majority to limit the speech, cut it off.

I was at a committee hearing and we had a 5-minute rule. We accept that. So all the Senators limit speech. You are not allowed to stand up and say: Wait a minute, the first amendment, we can't gut a hole in this first amendment for the first time in 200 years.

That is hogwash. Buckley versus Valeo limits speech—the very authority that the opposition uses here to maintain and oppose the joint resolution to amend the Constitution, so that we can reinstill the freedom of speech that is robbed by way of financial power from an individual trying to express himself. That is the nature of the campaign financing now.

As I explained earlier, you could take an individual with $100,000 and me with $1 million. I can tell you that any candidate who is going to start anywhere to get recognition, he is going to spend half of his money on polls. Then he is going to come in in October with $50,000 for TV. I will have a million, and I will squash him; I can tell you that right now. I could come in there and take over the airwaves and billboards and newspapers, and radio at various times, for the various groups, and his family will wonder why he is not interested in his campaign. He is not interested for the simple reason that he is not financially capable of responding. That is what Buckley versus Valeo provides.

That is why Chief Justice Burger, in the dissenting opinion, said this differing of contributions, where it can be limited from expenditures, which cannot be limited, "simply won't wash." That is Chief Justice Burger's expression. You can go right on down the various comments I have given. But then there is the same argument, the same straw man, what the Congress might do. They assume the actions of Congress. That is why we put "reasonable limits."

They talk about, I think, the ACLU. I could not get the copies of the other ones just inserted into the RECORD, but I have the ACLU letter. It says, reasonable limits is vague and overbroad.

That is why we said "reasonable" because of the straw men that have been erected back in all of these elections. They could limit here, they could do this, or they could do that. We assume that the Congress is going to be reasonable and that the Congress and the courts are not going to stand for any egregious conduct on the part of the Congress that would do as they threaten this particular constitutional amendment would. These straw men that they put up and knock down: Who is going to enforce? We are going to have to put a SWAT team down there, and everything else of that kind. And that, oh, horrors, this applies not only to the Federal but the States and the local elections.

Madam PRESIDENT, I can tell you that the State elections are included because they requested the Senator from South Carolina that they be included. There is no question in my mind that this would be ratified in the 1998 elections in November of next year; no question. I will bet anybody on it. You come and put this before the American people. They have been denied the right by the Senator from Kentucky and others who come around and try to erect straw men talking about 200 years of freedom of speech, when the very authority, the Supreme Court, already has in Buckley versus Valeo. But they said, "please include State elections." I have already inserted the statement of the States' attorney generals in the RECORD, There is a driving force that this Congress has prohibited now for the last 10 years because we put it in. We have had a majority vote. The majority of the Senators themselves expressed the sense of the Senate. They now say that the majority of the Senate is not any constituency. I don't know of a better constituency, if I can get the 67. That is what we need; not just the majority. If I can get the 67, we would really be in a good state.

The Washington Post says we should have limits on advertising, but a constitutional amendment is a bad idea. "It would be an exception to the free speech clause." Oh, no. It is an exception to the paid speech clause. "And once that clause is free for one purpose, who is to say how many others may follow?" That is a misgiving. That is a concern. That is a concern in this Senator's mind. It was after 10 years was wasted—from 1976 to 1987. We tried all of these things and got nowhere that you could see, by the way the Court was talking, and particularly now with the Colorado decision. There is no question in my mind that the Court is not going to reverse Buckley versus Valeo. They have pretty well thrown all caution out of the window, and said, "So long as it is not coordinated, these separate groups can come in and come to the national parties," and, by Jove, they spend the money, and, obviously, it is going to be to the benefit of this particular candidate.

That is what we call soft money. It has adulterated the process so that I have business friends at fundraisers when that occurred that said, "My heavens, Senator. I gave the $1,000, and I am willing to give the second $1,000. But I am getting calls on the phone now to raise $100,000. What in the world? They are calling and asking for $50,000 and $100,000, and so forth, for soft money to give to the party." They say that you will benefit from it. They might under oath say something differently. But everybody knows what the national parties are doing, and that is why we have this investigation going on.

It says here again in that particular Washington Post editorial that "The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections in Federal offices. But that is much too vague." It says "vague." I do not think it is vague at all. I think it has worked out in accordance with the wording of the Buckley versus Valeo decision. It is not vague at all—not as the ACLU would state it, and not my good friend George Will. We have his particular comments. That is the gentleman who believes that we ought to have term limits for Senators but not for editorial writers. I think we ought to have term limits for these editorial writers. It is sort of getting boring. You can look at the name, and you pass over it because you know what is going to be written. They are hired hands for a particular viewpoint, and on and on again.

I am quoting from the editorial by George Will:

"Hollings claims—and you have to admire his brass—that carving this huge hole in the first amendment"—that is where they get the "carving," the pejorative expressions without any real substantive argument—"would be a big boost to free speech."

Mr. Will says there isn't any question that "by 'free' I mean 'fair.'" No; I mean "free." I do not mean "paid speech." I mean what I say: "Free speech." By limiting contributions you have come in and stated that they are going to have a corruptive influence and that is why contributions need to be limited. If that is the case, most assuredly the amount of spending, not just the contributions, in campaigns is most corrupt.

When Mr. Will refers to "amounts of speech," he means the permissible amounts to be decided by incumbents in Congress and State legislatures. Well, when he says "incumbents in Congress", he is speaking in the pejorative again because he doesn't like incumbents. He just likes incumbent news editorialists but not incumbent Congressmen or incumbent Senators.

Will continues, "Note also the power to limit spending not only by but even in support of or in opposition to candidates."

That is exactly right.

"The 32 Senators who voted for this include many who 3 years ago stoutly opposed carving out a small exception to the first amendment protections in order to ban flag burning."

I am going to come back to that. He jogs my memory.

"But now these incumbents want" —that is the third time he has used "incumbent" in this passage—"to hack away at the Bill of Rights" —this is not to hack away at the Bill of Rights; we are trying to restore the Bill of Rights freedom of speech for the impoverished individual in this country in order to strengthen the permissible amount.

"Government micromanagement," Will says. Well, that is exactly what Buckley versus Valeo sustains. It says you can only give $1,000. A PAC, no matter how large the organization, can only give $5,000. We had individuals at the time we passed this in 1974 giving $500,000, giving $1 million, and giving $2 million in cash. Now we know with the Colorado decision and the investigation that will ensue, that we all voted for yesterday, that we are back to the millions, the $500,000, the $100,000 contributions. It destroys the confidence of the people in their representative government. They think "representative." It is, by gosh, bought-and-paid-for government. Whoever has the money is going to control.

Going back to the Will writings,

> Government micromanagement: The Senate bill would ban or limit spending by political action committees. It will require privately funded candidates to say in their broadcast advertisements that the candidates have not agreed to voluntary campaign limits.

Well, that is not in any Hollings joint resolution whatsoever.

"All this Government micromanagement of political speech is supposed to usher in the reign of 'fairness' as incumbents define it, of course." Here is a strawman. Vote against incumbents. If you read this, get rid of the incumbents. He is back to term limits again. Let me read the next paragraph.

"Incumbents," it starts off—this is the sixth time in 10 lines that he has used the word "incumbents." He knows how to get a drumbeat going. "Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically, and spending is the way challengers can combat incumbents advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the Federal budget—$1.5 trillion and rising * * * Federal spending often is vote buying."

Now, he even blames us for passing a budget, and he calls that political. Why can't we get a vote on the budget? We have been here since January. It is the middle of March. We cannot even get the Republicans to put up a budget. I remember back on December 18, 1994, on "Meet The Press," they had Mr. GINGRICH and Mr. KASICH and Mr. DOMENICI, the two budget chairmen and the Speaker, and they said we are going to have three budgets. We do not care about the President. We are going to pass them and he is going to sign them or else, that the President is irrelevant.

That was the argument in the first part of 1995. They came on on "Meet The Press" and they had three budgets. Now I cannot get one of them. But George Will says it is a political document and an advantage to the incumbents. The incumbents do not think so. Nobody wants to support any budget because nobody wants to pay for it. It is not complicated at all. But so much for the Mr. ACLU and Mr. George Will and Mr. Washington Post and Mr. New York Times.

I want these gentlemen talking about free speech to go to the New York Times and say I want a half-page. See how free it is. Go to the Washington Post and say I want a quarter-page, I want to put this ad in here. There is nothing free about it.

From time to time they will take an editorial, but they will have to review it and like it or else they will not take it. I can tell you that, because I have been trying to point out one that has been refused for many years as to the matter of now having to spend $1 billion a day just on interest costs on the national debt. It amounts, in essence, because you add it to the debt, to increasing taxes $1 billion a day. We are on that particular treadmill of a $1 billion-a-day increase in taxes.

The American people have no idea of it. They have no idea that the deficits for the past 15 years on an average have been $277 billion. It has been $277 billion in Government that we are giving them but we are not willing to pay for. But the American public, depending on the free press, does not know that because the free press does not report that.

And back now to their so-called freedom of speech and first amendments, you are not going to get any freedom of speech there at all. It will be ratified by the States. It is not the first time, in all candor, for the strawman that they have been proposing here. But let me read this that was stated in "Politics and Money" by Elizabeth Drew. I quote:

> Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his opponent wins, though in races that are otherwise close this tends to be the case. What matters is what the chasing of money does to the candidates and to the victor's subsequent behavior. The candidate's desperation for money and the desire to effect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well armed interests have a head start over the rest of the citizenry, for that often is not even a contest. It is not even relevant what interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative Government, the soul of this country.

That is 15 years ago now, Madam President, by the distinguished writer Elizabeth Drew in "Politics and Money."

I think that is what we have to get our media to have, is that fit of conscience developed that we saw developed on the floor of the Senate on yesterday afternoon. In that fit of conscience, we got together in a unanimous vote, a unanimous vote—one Senator abstained under the rules, but the other 99 Senators, Republican and Democrat, Conservative and Liberal, all joined in to not only investigate the illegal but the improper.

Now, there was a little band over there that fought that. They fought Chairman THOMPSON's idea that he was going after not only the illegal but the improper. Under the Klieglight of the free press, not the paid or the expenditures but the free press and the free speech, not the paid speech, under the free press and the free speech, they realized that it was going to be tremendously embarrassing, appear as a coverup.

That is the kind of fit of conscience that must be developed if we are really going to come to grips with this cancer on the body politic. As Justice Jackson says, "The Constitution is not a suicide compact." We do not have to look at the Constitution in a casual way, but we do not have to look upon it as having any relation to this particular predicament. The Founding Fathers had no idea of television. They had no idea of the expense. They had no idea of the time. They had no idea of the effort. They had no idea of the corruption. There is no better word for the process than what is demanded now, as you can see, is going up, up and away. As Justice Byron "Whizzer" White said, "We are going on a treadmill and you can see its direction." All election spending back in 1976—I have it all here estimated—was only $540 million. Now, by 1996, in 20 years, it has gone up 641 percent, to $4 billion.

Necessarily, the newspapers who are looking for these paid ads are going to say, "free press, free press." No: Paid speech. "Free speech, free speech," they will caterwaul. The truth of the matter is, we are talking about expenditures, and paid speech. There it is. It is going up, up, and away. I do not know how we are ever going to get a grip on that unless we give Congress the authority.

Once again, I emphasize not what, ipso facto, will happen under these straw men that the Senator from Kentucky puts up. I have no idea of those things he talked about, of limiting the campaign to $5,000, and only the incumbents could run, and do away with all the committees and everything else of that kind. He just arranged a hall of horrors with respect to an amendment. It simply does just exactly what that 24th amendment did when they found the freedom of speech, namely the most solemn act of political speech, voting, was adulterated by money, namely a poll tax. The Congress came immediately back in the 24th amendment to the Constitution and said thou shalt not exact a poll tax or any other kind of tax, as a financial burden on that vote.

Here, now, we have a financial burden on the entire political process. The decision is not being made in the political marketplace, the marketplace of ideas and vision and programs. The decision is being made in the financial marketplace. And then we go around and ask each other, why don't the people have more confidence in the Congress and the Government up here in Washington?

I see my colleague is momentarily wanting to speak. Madam President, I thank the Senators for listening and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I appreciate the opportunity to visit on this subject. My mind goes back to a little history lesson, which many probably know but I would like to rehearse, just as a background for this.

The Constitution was written primarily by one man, James Madison. After it went through the convention in Philadelphia, James Madison went back home to Virginia to campaign for its ratification.

Ratification of the Constitution really depended on two States. Yes, it required that it be ratified by three-fourths of the States, but if New York and Virginia had not ratified, it would not have mattered if every other State did because those were the two dominant States in the confederacy and without their ratification and joining the new federation, created by the Constitution, the country would not have survived.

So, Madison's role in getting ratification by Virginia was as important to the survival of the Constitution as his role in writing it. He had a significant opponent in the State of Virginia, arguably the most popular and powerful political figure in that State, five times, I believe, Governor of that State, a man named Patrick Henry. Patrick Henry took the stump in opposition to the Constitution, put his full prestige and oratorical powers behind the forces that were in opposition, and his reason was, among others, that the Constitution did not include a list—or, in 18th century language, a bill—of rights.

It is not necessary, said Madison in the debates, because the rights of the individuals of this new country, created by this Constitution, are all implied in the Constitution itself. They do not need to be listed. If they are listed, they will be limited only to those rights on the list. So the best thing we can do, said Madison, is ratify the Constitution as it stands, rather than talk about a list or Bill of Rights.

Patrick Henry wasn't buying it. And he was powerful enough in the State of Virginia, that he could have blocked ratification of the Constitution by virtue of his political power. Well, Madison being the practical politician he was, as well as the theoretician, said to the voters of Virginia: I'll make a deal with you. If you will ratify this Constitution, I will run for Congress and in my first term as a Member of the House of Representatives, I will propose a Bill of Rights. And Madison prevailed in that debate, Virginia ratified the Constitution, it became the basic document upon which this country was built, and Madison was true to his political promises. He came to the House of Representatives and Representative James Madison of Virginia proposed 12 amendments to the Constitution, every one of them outlining rights of individuals. Ten of those were adopted and have come to be known as the Bill of Rights.

As a historical footnote, the 11th one that was lost to history for over 200 years got discovered a few years ago and ratified. So that the so-called Madison amendment now, which was No. 11 of his 12 listed amendments to the Constitution, as the Bill of Rights, is now also part of the Constitution. The 12th one is gone and deserves to be gone, it is so tied to that period of time it has no relevance to us today and nobody wants to revive it.

The first of those amendments offered by Representative Madison was, of course, the amendment outlining freedom of speech, freedom of religion, freedom to petition the Government for redress of your grievances. That is his generation's term for lobbying, Madam President—lobbying is a protected, constitutionally recognized activity that is a key part of our democracy. I like to remind people of that, as they stand up and talk about the evils of lobbying. Heaven help us if the day ever comes when citizens are denied the right to petition the Government for redress of their grievances or are told that they cannot hire an advocate more articulate than they are, to do it for them. That would diminish our constitutional rights.

That is all in that first of those amendments offered by Madison. Patrick Henry lost the battle in terms of the ratification, but this country owes Patrick Henry a tremendous debt of gratitude for his forcing James Madison into that political deal and putting down on paper those rights that we have listed for us in the Bill of Rights.

What does that have to do with this debate? What does that have to do with this discussion about campaign finance reform? I stand here, not as a lawyer, but I hope as one who can read the English language and one who has made something of a study of the Constitution throughout his life. I put myself in the context of that debate between Madison and Henry, and I say: Mr. Henry, would you be satisfied with the reassurance of the following words:

> Congress shall have the power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

I think Mr. Henry would say, "I will accept James Madison's assurances that all of our rights are, by implication, in the Constitution, before I will accept the notion that Congress has the right to set reasonable limits on what people do in support of or in opposition to a candidate."

Now, it is presumptuous of me to try to put words in Patrick Henry's mouth. I don't think any of us in this body is a good enough orator to make that attempt. But I, for one, feel that the spirit of Patrick Henry says we have to be a whole lot more specific than this, if we are going to amend the fundamental document that stands as the basis of this Nation.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I will be happy to yield.

Mr. McCONNELL. Given the general anxiety that candidates for public office experience when independent expenditures, constitutionally protected speech, is directed for or against us, could my friend from Utah not envision a situation in which the Congress would conclude that there should be none, no expenditures in support of, or in opposition to, a candidate? Might not the Congress, in its wisdom, conclude that it was reasonable to have no such expressions by outsiders in the course of the campaign under this amendment?

Mr. BENNETT. As I read the language of this amendment, the determination of what is reasonable and what is not reasonable is left to the Congress. And under those circumstances, I can see a Congress of incumbents deciding that it was eminently reasonable not to allow anyone to oppose them.

Indeed, if I may quote, to the Senator from Kentucky the rationale currently being given by the White House for the excesses to which they went in extracting expenditures which now have had to be returned in the millions of dollars. Their rationale was that they were facing the possibility that the Republicans would win the election, and that that possibility was so overwhelmingly devastating to the future of the country that they had no choice but to go to the absolute limits of propriety and, on occasion, beyond in order to prevent that from happening.

If someone believes that is reasonable, certainly I agree with the implications of the question from the Senator from Kentucky that Members of Congress might agree that it is reasonable to put such low limits on the amount that could be spent in opposition to an incumbent that, in fact, the net result would be zero in support.

Mr. McCONNELL. I ask my good friend from Utah, might not the Congress, full of incumbents, by arguing that the expenditure of money is such a tainting thing in our democracy, conclude that maybe there should be a $10,000 or a $20,000 limit on expenditures by candidates in the next election, thereby virtually guaranteeing the reelection of every one of these incumbents?

Mr. BENNETT. I agree completely that the Congress might do that. Now, to be honest, I would have to say to my friend from Kentucky, the outcry that would arise from the press, the groups who watch what we do, would be very, very severe if Congress were to do that, and they would scream that that was not reasonable and would demand that the limit be raised.

But you would create, in that circumstance, a political thicket, to use a phrase that the Supreme Court, I understand, has used on occasion, wherein the threads of intelligent debate would be lost completely. You would spend all of your time in that election arguing whether a $5,000 limit or a $10,000 limit or a $100,000 limit, or wherever it might be, was the right limit, and you would never spend your time talking about the important issues facing your country.

Frankly, we are in a microcosm of that right now. We are arguing about the things that get in the way, I think, of more substantive issues.

Mr. McCONNELL. If the Senator will yield, I wonder if the press would argue for more spending. They seem to believe—most of them—that spending is a tainting thing in our democracy. To the extent the campaigns are, basically, out of business, in terms of their own expenditures, to convey their own message to their own constituencies, would that not enhance the power of the press enormously?

Mr. BENNETT. I think it would enhance the power of the press enormously, but I say this to my friend from Kentucky. If we had those kinds of limits, I think the people on the editorial page would begin to hear from the people on the business page, or, that is, on the management side of the paper, saying Congress has just prevented us from selling ads to anybody on any public issue—and there is very significant revenue connected with this—and we think you editorial writers ought to ease up to the point where we can begin to get some of the advertising dollars back that we used to have.

In that circumstance, I agree with my friend from South Carolina, that as a practical matter in a campaign, this speech is not monetarily free. I draw a distinction between "monetarily free" and "philosophically free." I believe when I buy an ad in a newspaper, as the purchaser of that space, I am, therefore, philosophically free to say whatever I want. Indeed, I have heard radio ads where, in advance of the ad, the radio commentator has come on and said, "The ad you are about to hear contains language which this radio station is forbidden to broadcast under normal circumstances, but it is a political ad, and, therefore, the station cannot censor it in any way," and people are warned that the ad they are about to hear comes under the freedom of political candidates to say whatever they want.

The ad then used words that, in fact, the station would never otherwise allow. I can say, the candidate who purchased the ad got about 2 percent of the vote, but he was out for the shock value, and he got it in the State of California. Then after the ad was run, the station announcer came back, once again, to disclaim any connection with this but to say we had no choice, since this was a political speech, to allow it to go forward untrammeled and unchanged.

If you want free speech, the Senator from South Carolina is right, in today's world, you have to buy space on the media in order to have it, but if we put limits on the amount of money that can be spent, the net effect of that is to destroy my right to have free speech and to turn the debate over to the commentators who have access to the airwaves and the newsprint without any limitation.

Mr. McCONNELL. One final question for my friend from Utah, following up on the observations he astutely made about the transfer of power to the media when you mandate less speech by the candidates and by groups in support of candidates. Might it not then be the next step for Congress to conclude that since now the press has all the power, that maybe we ought to amend the first amendment a little further and give the Congress the power to maybe say how many hours a day a station may broadcast, because we might conclude that they were engaging in an excessive amount of discussion of our issues, or we might conclude that the circulation of a newspaper might be limited to a certain number, because there was an excessive amount of news out there, an excessive amount of discourse about daily events?

That is also part of the first amendment, is it not, and that is also part of the discourse that goes on in this free society. That would be potentially the next step, might it not?

Mr. BENNETT. Certainly it would be a logical extension of the reasoning behind this. I agree with my friend from Kentucky that would be the case.

My friend from Kentucky raises another issue with respect to the language of this amendment, when it refers to expenditures that may be made in support of, or in opposition to, a candidate.

Let us suppose this circumstance, Madam President. Let us suppose that a corporation—we will call it the ABC Corporation so as to not taint any existing company—purchases half an hour of television time for a news broadcast; in other words, it becomes the sponsor of "The McConnell-Bennett Hour," assuming for just a moment that both my friend from Kentucky and I have concluded our service in the Senate honorably and are looking to extend our careers in the public arena. And McConnell-Bennett, sponsored by the ABC Corp., has a half-hour news show.

In that, McConnell proceeds to say nice things about the Senator from Texas, who has joined us on the floor. And the Senator from Texas has an opponent who immediately calls the network and says, by putting "The McConnell-Bennett Hour" on, the ABC Corp. has made an expenditure in support of the Senator from Texas. If the ABC Corp. would just pull their support and sponsorship of that program, McCONNELL would not have the opportunity to say all those nice things about GRAMM. And GRAMM's opponent says the expenditures made by the ABC Corp. in sponsoring that program are in violation of the Constitution.

If this sounds somewhat silly, Madam President, it is because it is.

I yield to my friend from Kentucky.

Mr. McCONNELL. I thank the Senator, and think the Senator from Texas would be interested in this as well.

The ACLU, in a letter to me dated March 6, says that this language before us may well give the Congress the power to interfere with editorializing in newspapers. Let me just read this observation for my colleagues and for those who are interested.

> Senate Joint Resolution 18 [referring to the resolution before us] would also give Congress and every state legislature the power, heretofore denied by the First Amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed articles or commentary printed at the publisher's expense are most certainly

> expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.

So what we have here, America's experts on the first amendment—sometimes we agree with them; sometimes we do not—but clearly America's experts on the first amendment, the ACLU, say that this amendment before us gives the Congress, us, the power to control editorial comment in this country.

Mr. BENNETT. If I may, Madam President. I have just thought of an example that I think is a real-life example and not one of the theoretical examples we have been talking about.

I hope I am not offending anyone to say that the new magazine called the Weekly Standard, in my opinion, is not making any money. I know enough about the business world to look at the number of ads in the Weekly Standard and know what it costs to produce the Weekly Standard to say that the Weekly Standard is at the moment a loser financially.

I also know enough about the business world to know that Rupert Murdoch, who is funding the Weekly Standard, hopes that that will change. I know that he is not doing this strictly out of the goodness of his heart. And he has sound past history behind him.

Sports Illustrated, published by Time magazine, did not make any money for years and years and years while it built a constituency for its product. It is now, I understand, the most profitable publication Time magazine has. Undoubtedly, Rupert Murdoch is hoping for a similar track record for the Weekly Standard. But as of now, the Weekly Standard is not making any money.

Anyone who reads the editorials of the Weekly Standard knows that it is in support of candidates for nomination for office. And Rupert Murdoch is bankrolling it. He is bankrolling it with corporate funds. These are not his personal dollars. He is bankrolling that magazine with corporate funds.

Suppose we pass this amendment and put limits on candidates to the point where they felt they could not get their message out, and a candidate then went, under cover of night, to Rupert Murdoch's office and said, "Rupert, I am in terrible trouble. Will you please editorialize in the Weekly Standard on my behalf and reprint 400,000 copies and send them as promotional issues to every voter in my home State?"—a corporate contribution made in the name of seeking circulation improvement. It is not an unreasonable scenario.

And the point that it illustrates is the point that the Senator from Kentucky has made since the day I walked in this Chamber and heard him address this issue. And that is this: Somehow, some way, somewhere the inventive American mind will find a way to spend money on political campaigns no matter what we do. Somehow, somewhere—I love his analogy: Like putting jello on a rock, the thing will find someplace else to go.

It seems to me, if we want free, honest, open, fair, direct elections, we should focus on the issue of disclosure rather than limits, because the limits have proven time and again throughout our history never to work.

We talk about how terrible this present situation is. Madam President, I lived through the Watergate era. Indeed, I lived through the Watergate era much closer to the Watergate scandal than I wanted to be.

When I ran for the Senate in 1992, the entire campaign against me mounted by my Democratic opponent was that I was somehow tainted by my association with all of the figures in Watergate. And there are still occasions when I am in these parades on the Fourth of July in the rural towns of Utah where people who are not my political friends holler out, "Hey, Watergate" at me hoping the taint will still stick. FRED THOMPSON and I are probably the two Members of this body who know more about Watergate from a personal inside experience than anybody.

Virtually the entire system that we have right now was constructed in response to Watergate. And we were promised at the time it was constructed in a way that it would solve all of our problems. We were promised that with the creation of political action committees, special interest money would disappear. We were promised that with limitations on individuals, we would get democracy like we have never seen it before in campaigns. We were promised that everything would go away if we would just simply adopt these reforms in the name of clean elections.

Twenty years later, what do we hear? From the same people who made those promises, we are told if we adopt this constitutional amendment all will be wonderful, everything will now suddenly take on a rosy hue and there will be no corruption in American politics again.

Madam President, I did not believe them then. And I do not believe them now. And I think the track record of the last 20 years indicates that I was right not to believe them then. I hope we do not have a track record for any of us to find out from actual experience that we should believe them now.

Let me conclude with a personal experience. Everybody always says, no, you should not tell your personal stories. But this is a story I know the best.

I looked at all of the proposals for campaign reform that were around when I ran. And I realized very quickly they were designed for one purpose—to protect incumbents. Of course, you want to have a spending limit if you are an incumbent. The challenger cannot take you on if there is a spending limit. I ran against an incumbent Congressman.

What did that mean? That meant when he put out a press release, the taxpayers paid for it because he had a press Secretary that was on his congressional staff. When I put out a press release, I had to pay somebody out of campaign funds in order to write it and disseminate it.

When he went to see someone in the home State after traveling to Washington, the taxpayers paid for it because he had a travel allowance. When I came to Washington to try to see somebody to raise some money for myself, I had to pay for it myself out of my campaign funds because I did not have any travel allowance. And so on down the list.

Plus the fact, he had all those years of being invited to Rotary clubs and Kiwanis clubs and Lions clubs to be the speaker. I have been involved with trying to line up speakers for clubs. You are always delighted when you can get someone like a Congressman to come talk to you. I had not been to any of those clubs. None of them was interested in talking to me.

So you know what I had to do, Madam President, in order to get anybody to listen to me in that campaign? I had to buy them lunch. When I filed my FEC report, I had $86,000 for food. Because the only way I could get anybody to listen to me: I bought them lunch, I bought them breakfast, I bought them dinner. They would come with no intention of voting for me, but they wanted the free meal. I just hoped if I could get in the room long enough and talk to them, maybe I could pry a few of them away.

I started out in that first campaign for the Republican nomination, and there were four of us running for the Republican nomination. One candidate was at 56 percent, in first place. I was at 3 percent, in fourth place, and there was a 4-point margin of error, so I could possibly have been minus 1.

Would the incumbents have loved a spending limit faced with the opportunity that BOB BENNETT might challenge him? Absolutely, absolutely. And a spending limit would be marvelous because then I could not spend all that money for lunch because I simply could not have done it.

Now, I have said facetiously to some of my Republican friends around here, look, we were opposed to this when we were in the minority. Now that we are in the majority, why are we not for it, because it will return our incumbents and hold the other side down, because their challengers cannot beat us. I am afraid I am not that cynical. I still remember what it is like to be a challenger and the recognition that if we are going to have free and open elections, we have to give the challengers the opportunities to take on the incumbents, and the opportunities to take on the incumbents on the part of the challenger means that the challengers have to have the opportunity to raise the money to pay for the press secretary that the taxpayer pays for for the incumbents, to pay for the travel budget that the taxpayer pays for for the incumbents, to pay for the lunches so they can get in before the audience, that the incumbents get for free. If we put this limit on and say we are going to hold everybody to the same limit, we have just automatically said we are going to take care of the incumbents.

The only thing that makes any sense to me in terms of campaign finance reform is to increase the level of disclosure, not put any limits, recognizing the reality of what the Senator from Kentucky says, that the money will find a way to be spent. The more limits you put on it, the more you make sure it is the rascals who survive and the naive who get caught. The only way you will get the naive, the fellow who has not figured out all of the ins and outs, who has not worked his way through all of the labyrinth and opportunity to serve in public office is to remove the ins and outs and wipe away the labyrinth.

I am sure we will have more to say on this as it goes on. I see my friend from Texas has something to say, as he always does. I will listen with interest, as I always do.

I will leave it at this, Mr. President, but I will return at some future point. I end this as I began.

Patrick Henry was right when he said, you nail it down, you put it on paper, and you make it very clear. James Madison was right when he caved in to Patrick Henry on that argument, and did it in writing, the Bill of Rights, instead of accepting the assurances that everything would be OK.

I cannot accept the assurance that Congress will automatically come up with what is the right definition of reasonable. I cannot accept the assurance that expenditures made in support of or opposition to a candidate will be reasonably handled by the Congress. I cannot support putting that kind of language into the Constitution of the United States and thereby creating a circumstance of uncertainty over which lawyers will argue for the next 200 years.

I was part of the majority that defeated this amendment the last time it came up. I will be part of what I hope will be the majority that defeats it this time. I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the very honorable and distinguished Senator from Texas.

Mr. GRAMM. Thank you, Mr. President. I begin my discussion of the resolution before the Senate by reading two things. The first thing I will read is the first amendment to the Constitution. I will then read a statement made by the principal proponent of this amendment as it has evolved through the legislative process, the distinguished minority leader of the House of Representatives, Richard Gephardt. And then I will discuss the fact that for the first time in the debate on campaign finance reform, for the first time ever, we are debating the real issue.

To this point, as is often so true, even in this greatest of deliberative bodies on the planet, we have not really debated the underlying issue, because often either one side or both sides of an argument has an incentive to cloud the real issue so that people do not understand.

The one thing that I am very thankful for, and that I want to congratulate our colleague from South Carolina for in proposing this amendment, is that for the first time in the debate on campaign finance reform, we are finally debating the real issue that is being contested here—I rejoice in having this opportunity to debate.

I will debate the issue a little, then I want to talk about the underlying issue, and then I will say something about our distinguished colleague from Kentucky.

The first amendment to the Constitution, which has been memorized by most schoolchildren in our country, is one of the most recognizable part of the Constitution, and says the following thing:

> Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances.

That is the first amendment to the Constitution of the United States, and that is the massive thorn in the side, the impediment, and the giant mountain that serves as a barrier to those who want to reform American campaigns to limit the ability of people to raise and spend money. It is this impediment that they face which makes it impossible, without trampling this amendment into constitutional dust, to achieve what they want.

Today, we are debating this issue in a proposal to amend the Constitution and to amend, in particular, the free speech clause of the first amendment.

Now, I want to next read a quote from the distinguished minority leader of the House, Richard Gephardt. This is a quote where Mr. Gephardt is talking about his amendment. He says:

> What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both.

Now, let me read that again: "What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both."

Now, Mr. President, I wish the Founding Fathers could have heard that statement and could have realized that the distinguished leader of the Democratic Party in the House of Representatives, in setting out what he views as desired healthy campaigns and desired healthy democracy, believes that free speech must die for these healthy campaigns to occur. This logic would have rightly been rejected by every single Founding Father. I know it because when they wrote the Constitution and when the first Congress adopted the Bill of Rights, they picked one amendment to be first, and that amendment is very clear: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech * * *"

Now, why this amendment is so important, why this debate is so critical to the debate on campaign finance reform is that, for the first time, we are now discussing the real issue: Do you believe in freedom of speech or not? I do. Therefore, I am opposed to this amendment, and I am opposed to what is posing as campaign finance reform. Or do you believe that Government ought to be given the power to circumscribe free speech to achieve the Government's decision of what, in essence, good elections are? That is what the issue is. For the first time in this long, convoluted debate, we are really now down to that key issue.

I hope and I believe that we are going to reject this amendment and that we are going to say, once and for all, that we believe in free speech. In fact, how can you have genuine elections without free speech? Ultimately, the speech that our Founding Fathers were most concerned about was political speech. Yet, we have an amendment before us that would amend the Constitution and that would limit free speech in the name of—to go back to Leader GEPHARDT's language—"promoting healthy campaigns in a healthy democracy."

Mr. President, what Mr. GEPHARDT wants to do, and what proponents of this amendment want to do, is to limit free speech because they want to change the balance of power in the political process. Those who believe that the first amendment is a sacred part of the Constitution have to reject this amendment out of hand—and I do. And I believe the majority will as well.

But let me go one step deeper into the process to try to at least give my view as to what this whole debate is about. If you went out in the public, which is reading all of these stories written by all these groups who are promoting various ideas about campaign finance reform, I think what the American people would be saying is that they are concerned that too many groups exert too much control over Government and they would like to fix it. Well, it is interesting, because the Framers of this document, the Constitution, were concerned about exactly the same thing. But maybe because their world was simpler than ours, maybe because their vision was clearer than ours, they understood that the solution to bad speech or ineffective speech or speech you disagree with is not limiting speech, but opening speech up and guaranteeing free speech.

Now, here is the problem. People are worried about interest groups influencing the Government. But, let me go back one more basic step. What is it about Government that people want to influence? Well, what it is about Government that people want to influence is that Government does things that are very valuable. Government sets the price of things. Government runs programs where we set interest rates, where we set rents, where we set the price of commodities, where we impose regulations that benefit some people and hurt others. Government is a major player in the economy as a setter of prices and regulations that accumulate and destroy fortunes. So people want to influence Government.

The second reason people want to influence Government is that Government spends a lot of money and people want part of it.

A third reason people want to influence Government is they care about it. They care about the future of their children. They love their country, and they have philosophies that they believe in. They have a vital interest in their children and grandchildren and they take seriously either their obligations as a citizen, defined in the Constitution, or the biblical admonition, "Render unto Caesar what is Caesar's."

Now, nobody wants to limit the third kind of influence, I don't think. If somebody loves America and they want to be involved, or if somebody believes our colleague from North Carolina is the next Thomas Jefferson and they want to support him because they believe in him, nobody in this debate claims they want to interfere with that right.

It has always amazed me that never once in the campaign debate has anybody proposed eliminating the power that people are trying to affect by engaging in campaigns. If we are worried that milk producers are going to give money to candidates to raise the price of milk, why not stop having the Government set the price of milk? Then, if milk producers are involved in the debate, you do not have to worry about why they are involved. They are involved because they care and they have opinions and they have an interest in the country.

If we are worried that people are wanting to sleep in the Lincoln bedroom or go to a coffee with the President because they want a contract from HUD, and we think that is the wrong use of political power, why not get HUD out of the contract business? Why do we not mandate competitive bidding? Why not eliminate all of this discretion? If we are worried that people want a contract or a benefit or something, why do we not go after that power and eliminate it? That is what the Founders would have said we should do, yet nowhere is that being proposed.

What is being proposed, then, is not eliminating all the reasons people want to influence the Government for their own benefit, but what is proposed is changing who is allowed to intervene in that debate. The basic argument, which on its face is a self-contradiction, always seems to be that we want to limit the ability of citizens to contribute to the candidate of their choice so that this candidate can express his views.

I have heard nobody object to the AFL–CIO endorsing a candidate, which is worth millions of votes nationally, is worth hundreds of thousands of volunteers, and has the monetary equivalent of millions of dollars. Nobody says there is anything wrong with that. Nobody says that there is something wrong with the teacher's union, the National Education Association, endorsing the President and putting thousands of teachers into phone banks and doing all kinds of letters to their members to promote the President.

But there is an effort to single out one particular type of involvement, and that involvement is where a person puts up their time, talent, and especially their money to support a candidate. There is somehow supposed to be something wrong with somebody writing a check to support their local candidate or their State candidate or their national candidate. But notice that if we ban contributions completely so that nobody could spend any money and so that the only people who would have the ability to communicate would be big, powerful organizations like the AFL–CIO, organizations that are able to manipulate the media—like environmental groups or Ralph Nader—people who are rich enough to own newspapers, and people who were simply influential enough to command attention for their ideas. I have a constituent, Ross Perot, who is worth over a billion dollars. When you are worth over a billion dollars, people listen to what you have to say.

But the point is that this effort to limit the ability of free people to contribute does not eliminate what people do not like about the system; it simply makes other groups more powerful.

I would like to establish a principle which I think it is made very clear by this proposed amendment. What we are seeing here is an effort not to eliminate political power, but to redistribute it. Limiting the ability of people to raise money or contribute money or spend money would clearly eliminate part of the competition in the battle for ideas in America. But it would leave all the other competitive groups in place and would clearly tilt the balance of power.

What is really being said here is that something pretty fundamental has happened in America. It is really the confluence of two forces, and if I were on the other side of this political debate, it would scare me to death. No. 1, people don't write small checks, by and large, to Democrats. I have had the great honor of heading up the National Republican Senatorial Committee, where we had a power that our Democratic colleagues never had. We could send out a letter to millions of people and we could get hundreds of thousands of people to write us checks for $25, $50, or $75. Never was there a day while I was chairman of the National Republican Senatorial Committee when the Democrats average donor did not give somewhere between 3 and 10 times as much, in terms of the amount of money, as our average donor. The plain truth is, if your agenda is more government, more taxes, and less freedom, you have a hard time sending out a fundraising letter and getting people to give. You have to let them sleep in the Lincoln Bedroom. You have to hold meetings with them. You have to make them believe they might be getting something for it. So, obviously, if you are on the losing end of this battle of free speech, you want to limit free speech.

The other force that is coming to bear in this confluence is that Reconstruction is over. Reconstruction in the South ended in 1994 when we elected a Republican majority of House Members, Senators, and Governors from the Old South. It is hard to believe that the Civil War and Reconstruction took that long to work its way through the system. But it did, and it is forever changed.

So what we are really seeing here—and, unfortunately, it is aided and abetted by those who want the change to occur because it makes them more powerful—is an effort to change the political landscape of America to give more power to editorial writers, to unions, to teachers, to groups that can manipulate the media, and to take power away from working men and women who are willing to voluntarily contribute their time, their talent, and their money.

Unfortunately, the people who give report cards on this debate and write nasty editorials about our dear colleague from Kentucky are editorial writers who are probably the biggest beneficiaries of this proposed amendment. After all, if we are limited in our ability to either spend our own money or to raise money from other people and then spend it, then editorial writers become very, very important. On the other hand, if you have the ability to raise money and to tell your story, they become far less important. As I have said to those friends that I have had in meetings with editorial boards, "Endorse my opponent on the editorial page, and write a good story about me on the front page." Editorial endorsements are not nearly so important when people can engage in free exercise of free speech.

The issue here is freedom. You either believe in it or you don't. And I do. I have never bought, and I will never buy, the logic that somehow, if you have 88,000 people in your State who have contributed to your Senate campaign, which I do, that somehow we ought to have a law that says we can allow up to 50,000 people to contribute, but when we reach the point of that 50,000th person that has contributed, the 50,001st person will not be allowed to participate. I totally and absolutely reject that. The whole purpose of this amendment is to limit the free speech of that last person because Congress is going to decide who will have power, who will exercise it, and how that power will be exercised.

The founders of this nation, in this debate, would reject this proposal. They would have said that if you are worried about Congress setting the price of a product, and you are worried that people will give money to politicians to try to get a higher price to benefit themselves and line their pockets, then take the power to set prices away from Congress. If you are worried about construction contracting, eliminate the discretion in giving contracts and limit the number of contracts that Government is engaged in. But do not limit the ability of people to speak and to express their opinion.

I think it is interesting to note—and it is not a debate that I want to get involved in, but I think it is interesting to note—that in the amendment before us, when the amendment says that it gives Congress the power "to limit the amount of expenditures," it is pretty clear that this is very, very broad language. That language could be interpreted, it seems to me, to mean something far more than the authors of this amendment intended.

The authors of this amendment intend to limit one particular kind of free speech; that is, free speech by a candidate and by that candidate's supporters. They clearly do not intend to eliminate free speech by editorial writers, by unions, or by whomever else. But the point is that this amendment is probably so broad that ultimately it could mean the limitation of that free speech as well.

We have to make a choice as to what we are for. I submit that it is very tempting, in looking at these bills, to say, "What benefits me?" And it is very easy for me to devise a campaign finance reform system that benefits me. In fact, I think it is easy for any of us to do that. It might well benefit me to limit contributions because then someone running against me would have no real opportunity to get the kind of exposure I am getting by speaking on television right now with millions of people watching C–SPAN. But I think we have to take a longer view of what these changes are going to mean to people, 20 years from now, who are going to be standing right here where we are standing today.

Limiting free speech is not in America's interest. This is a very bad amendment. The intentions of it are basically founded on the principle that free speech and healthy democracy are in conflict. Free speech and healthy democracy can never be in conflict because when free speech dies, democracy dies. If dead democracy is healthy democracy, then you would view that as a good thing. But I do not view it as a good thing.

The final point on the amendment: We have voted on this as an amendment to the balanced budget amendment. I believe that we have touched on it with other issues. But today this is a freestanding proposed amendment to the Constitution of the United States. I hope some of the people who voted for it, as a way of making it harder for us to pass the balanced budget amendment, will today vote against it on the merits. I know no simpler way of defining what it is about than to quote its author when he said, as I have already read two previous times, "What we have is two important values in direct conflict, freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both." If that is the choice—and it is the choice—do we not choose free speech? Do we not believe in the end, to quote a biblical admonition, "Ye shall know the truth, and the truth shall set you free"?

Before I yield the floor, I want to say something about our colleague from Kentucky, Senator MCCONNELL.

These issues are very difficult issues. It is not very popular to get into a discussion about these issues, and there is one Member of the Senate who, more than anybody else, has been willing to stand up on these issues, and his leadership and his courage have become fundamental to protecting our constitutional rights.

I just want to say to my colleague from Kentucky that there are millions of Americans who will never know your name, who will never know what you have done, and certainly there are hundreds of editorial writers who will castigate you for it. But I want to tell you in the opinion of one of your colleagues, you have earned our great and permanent appreciation for the courage you have shown on these kinds of issues in standing up for our fundamental constitutional rights. And you have certainly earned our admiration and affection for doing it. Millions of people who will never know your name, will never know about this debate, are beneficiaries of the great leadership you have provided.

I wanted to say that on the floor of the Senate because I believe it.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from Texas for his brilliant discourse on the potential damaging effects of this amendment. I thank him deeply for his comments about my work on this first amendment issue. He has been a steadfast ally throughout this debate, and I appreciate very much his being there when we all needed the Senator to be there when we needed to protect the first amendment.

Mr. President, the Senator from Wyoming is here patiently waiting to address the body, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Wyoming, Mr. ENZI.

Mr. ENZI. I thank the Chair.

I am pleased to be here today and have an opportunity to address Senate Joint Resolution 18, the proposed constitutional amendment to limit campaign contributions and expenditures. I am a freshman Senator. I came through an election last fall and have a number of things I would like to see addressed on campaign reform, but I have to say that I do not think a constitutional amendment is the right forum for beginning that debate.

This attempt to exclude core political speech from the first amendment's protection is a terrible assault on one of the very cornerstones of American representative democracy, the freedom of private citizens to participate in the public forum of political discourse through freedom of speech.

This constitutional amendment is dangerous both in its design and its broad and sweeping scope. This expansive amendment would grant Congress the future power to prohibit independent citizens from distributing leaflets, writing editorials, producing independent commercials, and/or handing out voter guides if Congress finds these measures to be "in support of or in opposition to a candidate for Federal office." This is precisely the kind of Government intrusion our Founders feared when they drafted and adopted the first amendment to the Constitution. The first amendment was designed to protect citizens against the dangers of a tyrannical Federal Government. It was adopted because our Founders rightly realized that there are some freedoms that are so intrinsic to the nature of a representative democracy that they must be protected from the momentary wishes of a majority in the Federal Congress.

When asked what use the Bill of Rights served in our popular Government, James Madison explained, "The political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free Government, and as they become incorporated with the national sentiment, counteract the impulses of interest and passion." In other words, it was to protect against such impulses as those now suggested by many of the would-be reformers that the founders drafted the first amendment's protection of speech in broad and unequivocal terms. "Congress shall pass no law abridging the freedom of speech."

A brief analysis of the effects of this amendment should terrify even the most ardent reformers. A few examples should show the chilling effect this amendment could have on political freedom of speech. This amendment gives Congress the power to set limits on the amount of expenditures that may be made in support of or in opposition to a candidate for Federal office.

I will start with the worst example first. Suppose that one party again gains control of both Houses of Congress and the Presidency. In order to maintain its monopoly on Government, this Congress could pass a law limiting the expenditures of congressional challengers to $5,000. What sort of possibility would this give any challenger. Such a proposal would all but guarantee a perpetual Congress of incumbents. As outlandish as such a proposal sounds on its face, it would be legal under this amendment.

Again, even the freedom of the press could fall under the vast scope of this amendment. Let us consider a proposal which would prohibit any editorial against a candidate or a group of candidates. Such a law could well be passed under this amendment if Congress decides that such editorials are expenditures by the newspaper "in opposition to" a candidate for Federal office. Congress could have the power to limit or even prohibit press reports for or against a particular candidate since expenditures must be made to print and distribute a newspaper or broadcast a television or radio news report.

Finally, let us consider the case where a private citizen wishes to write an editorial or hand out leaflets in favor of a particular candidate or his or her positions. Again, this amendment would give Congress the power to prohibit such activities. Expenditures must be made to write and publish editorials or hand out handbills. Congress could pass a law outlawing such expenditures in support of candidates if it so desired. This amendment would have a drastic and dangerous impact on the free discussion of ideas in this country.

Newspapers also might not come under the law but we might come under an expenditure law, so they could write things about the candidate to which they may now not be able to respond in light of not having sufficient funds within the limited amounts.

Proponents of this constitutional amendment have accepted as their first premise in the campaign reform debate that the first amendment to our Constitution is incompatible with a healthy electoral process. One of the original House sponsors of this gutting of the first amendment proclaimed unabashedly: "What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy Democracy. You can't have both."

This remarkable confession by one of the leading reformers is as startling for its boldness as it is for its inaccuracy. We should beware of any campaign reform which can only be achieved by destroying the first amendment. This false conflict between free speech and democracy was rejected by our Founding Fathers, and it should be rejected by the Members of this Senate. Our Founding Fathers rightly understood that it is precisely the unhindered protection of freedom and open political speech that makes democracy possible.

I find it fascinating that in the 2 months I have been honored to serve in this deliberative body we have debated now two proposed constitutional amendments. These two amendments could not be more opposed in their purpose or their effect. The balanced budget constitutional amendment, of which I was a proud cosponsor, would have placed constitutional limits on Congress' power to squander away our children's economic future. Senate Joint Resolution 18 would give Congress expansive and unprecedented new powers of prohibiting core political speech. The balanced budget amendment would have limited the Congress' power by restricting its ability to spend money it does not have. Senate Joint Resolution 18 would constitutionally expand Congress' power to regulate the speech of candidates, businesses, private citizens, and perhaps the press and media.

I support the balanced budget constitutional amendment because I believe that by forcing Congress to live within its means, we give our States, our communities and, most important, our families more freedom to make the decisions which most affect their lives and their futures. I have to oppose this constitutional amendment because it would grant Federal and State governments the power to stifle one of the most basic political freedoms: the freedom of individual citizens to express themselves freely and without restraint in the public forum.

I urge my colleagues to join me in affirming the time-honored wisdom of the first amendment of the Constitution by rejecting Senate Joint Resolution 18.

I yield the floor.

Mr. McCONNELL. Mr. President, I thank the distinguished junior Senator from Wyoming for his very articulate, knowledgeable speech in support of the first amendment. He has made an important contribution to this debate, and I am very much appreciative, as are my colleagues who feel this is a step in the wrong direction. I very much appreciate his contribution.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today in opposition to the constitutional amendment offered by my distinguished colleague from South Carolina. Allow me to say how much I respect my friend Senator HOLLINGS and the years of service he has given to this great body and to America. During this time he has seen more than his share of scandals and has surely grown tired of and frustrated with what seems to be almost daily revelations of political wrongdoing. My argument is not with the Senator's motives or his quest for a better campaign finance system. I think we all agree with that. My argument is with this particular solution.

In many ways it could not be more fitting for this body to begin the important debate over campaign finance reform than with this proposed constitutional amendment. As my colleague Senator ENZI said, by proposing a constitutional amendment, my distinguished colleague from South Carolina concedes what many who support restricting political speech fail to recognize: that denying an American citizen his or her constitutional right to contribute to a candidate of choice requires a fundamental rewriting of our country's most sacred document, our Constitution.

I hope that my colleagues who support this measure will take pause and recognize the significance of what they intend to do. In particular, I hope that my colleagues who support this measure will realize, as Senator ENZI noted, the irony of the fact that less than 2 weeks ago this body killed a constitutional amendment that would have ensured our citizens and future generations a balanced Federal budget. Now, some of my colleagues wish to pass a constitutional amendment that would restrict one of our most basic constitutional rights—freedom of speech.

The people know that we do not need to amend our Constitution, we need to amend our ways. We need to amend ourselves.

Mr. President, I, like all of my colleagues, am concerned about corruption in our political system. And I believe this Congress will find ways to improve upon our campaign finance system. But, like corruption in any organization or system, it is the people who are corrupt, not the system. Why do we blame the system and excuse the violators?

Where is the outrage with those who subvert the system and deliberately break the rules and laws already in place?

The fact is, we already have campaign finance laws. We have a Federal Election Commission to enforce those laws. We do not need to continually add more layers of laws, regulations, and bureaucracy and pass those off to the American people as solutions to the problem. We need to deal severely with those who break the law and violate the trust and confidence the people have placed in them. We need to make certain those who seek public office and their campaign teams follow the current law and we need full and complete disclosure of all campaign receipts and expenditures for and against candidates, by candidates' campaigns, and by all political bodies.

I do not believe we need to pass a constitutional amendment restricting the rights of our citizens. We need to focus on individual violations of current law. We need to focus on individual conduct and behavior, individual responsibility and accountability. I have often said to my colleagues, if each of us in public office conducted our campaigns—every aspect of our campaigns—in a manner that our constituents could be proud of, then we would not be engaged in this debate about campaign finance reform.

I listened with interest to the political posturing and spins of the White House over the weekend and was amused but, more honestly, dismayed by what seemed to be an attitude of the end justifying the means. As the Wall Street Journal rightly noted in an editorial yesterday:

> Public life . . . is about mainly one thing—the law—the rules that all consent to abide by and enforce so that life can be civil.

The role of a public servant, Mr. President, is to protect the laws and make sure they are being followed for the good of society. Our role is not to bend, mold, stretch or interpret the law to our own benefit or arrogantly disregard it in order to achieve a goal of our own making that we may find more noble than others. That is not what we are about.

If it seems that we have heard this all before it's because we have. Senator HOLLINGS knows that. That is why Senator HOLLINGS has taken the floor, trying to resolve this issue. For decades, we have debated important social issues such as crime and welfare, and that violations of our laws were really not the responsibility of individuals—it was the system that we needed to fix. Individual accountability really was not very important. Life was unfair. "If we truly want to find a solution to all of our problems," many argued "then we should glide over individual responsibility and focus on how we can change the system." More laws, more rules, more regulation.

Where is the outrage with men and women who have gained the public trust but violated it by not being held to the highest ethical and moral standards? What we are too often lacking is leadership and doing the right thing. We have the laws, we have the regulations, we have the enforcement mechanism. But we do not always have leaders who do the right thing.

Mr. President, have we so lowered our standards and expectations in politics and society that the only way we can think to curtail individual wrongdoing is by amending the constitution? I refuse to accept that. I think we are better than that. This country, this society, our people are better than that.

Where is the outrage over individuals who break the law and refuse to take responsibility for their actions? Where are the voices demanding personal responsibility and accountability? I believe that for too long we have been creating a society less dependent on the voluntary rule of good behavior by the citizen than on the oppressive mandate of Government.

We must not be swayed by the emotion of the moment, or the pundits and politicians who would rather lead us down a dangerous path of restricting everyone's rights than have the courage to just do the right thing. The proposed constitutional amendment before us today would be an enormous step in the wrong direction for a society that has already become too dependent on regulation and procedure, and too little influenced by the behavior of its individual citizens.

The goal of meaningful campaign finance reform should be to involve more people in the political process—not to curtail their constitutional rights.

More than two centuries ago, the Framers of our Constitution set out to build a nation dedicated to government by consent of the governed. That Constitution draws its power from only one source: "We the people."

For two centuries, we the people have shaped this Nation and made it great.

For two centuries, we the people have chosen our leaders from among ourselves and have held them to the highest standards.

For two centuries, we the people have taken responsibility for the Federal Government of the United States of America.

I sought the privilege to serve in the U.S. Senate with some of my distinguished colleagues like Senator HOLLINGS, because I want to take power and authority away from the Government and return it to the people. I cannot support any proposal that seeks to limit the ability of the people to speak—and takes the power to shape our public debate away from the public and gives it to the Government. That is what this debate is about.

In Buckley versus Valeo, the Supreme Court ruled that the debate about campaign finances is about the fundamental role of the people in our democratic society. The Court wrote:

> In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Mr. President, the system has not failed us. Our problems stem from a failure of leadership. I am outraged, not by the system, but by the deplorable conduct of those few men and women who abuse it. That is what outrages the American people.

Before we reform the Constitution, we should first look at how we might reform ourselves.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Nebraska for his very important contribution to this debate. He is, indeed, correct: What we have before us is an effort to amend the first amendment for the first time in the history of this country to give to the Government the power to control the speech of individuals, groups, candidates and parties. In short, a complete takeover of political discourse in this country by the Government.

I thank the Senator from Nebraska for his important contribution to this debate. This amendment needs to be defeated, and defeated soundly, in the name of protecting the first amendment. I am sure the Senator from Nebraska is as pleased as I am that even the reform group, Common Cause, is against this. Even the Washington Post is against this. Even the New York Times is against this. I mean, even the reformers think this is a bad idea. So this should be rejected and rejected firmly.

The good thing about this debate is it finally focuses the campaign finance debate where it needs to be focused. This is all about political speech. I thank the Senator from Nebraska for his important contribution.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair for his friendship, even though we don't agree on a particular point, and particularly my friend from Nebraska. There is no question that if he and I could handle this particular problem—like he says, we would have to amend our ways and he and I can amend our ways immediately—we wouldn't have the problem that confronts us.

The Senator from Nebraska did have a comment that was encouraging to me. He said let's not be swayed by the emotion of the moment. I think that is the only way we are going to get something done, is get an emotion of the moment, a fit of conscience, like you saw on the floor of the U.S. Senate yesterday afternoon. We had the emotion of the moment when we realized that it was a total fraud and farce to just investigate illegal activities. The Justice Department is there and fully aware and fully performing the investigation of illegal activities. Ours in the legislative branch is to investigate the improper activities and see what laws we can do to rectify that situation, particularly soft money.

Some who have been on the floor today are the leading opponents of soft money, and that brings me right to the opening statement of the distinguished occupant of the Chair. He said the constitutional amendment is not the way to begin the debate on campaign finance reform. I agree. That is not the way to begin the debate on campaign finance reform. But the distinguished Senator should understand that we began this debate in 1966. The Congress adopted public financing for Presidential elections.

Then, in 1967, we repealed the public financing for Presidential elections.

In 1971, we had the passage of the Federal Election Campaign Act, and by 1974, we passed, which is the major act of today, the amendments to the Federal Election Campaign Act.

In 1976, again we had the amendment of the Federal Election Campaign Act.

In 1985, we had the Boren-Goldwater amendment that changed the contribution limits and eliminated the PAC bundling. But, Mr. President, that was tabled back at that particular time.

In 1986, we had the Boren-Goldwater amendment adopted.

In 1988, we had nine votes on the motion to instruct the Sergeant at Arms to request attendance while trying to get a vote on S. 2. In fact, I think it was at that time we even had to arrest Senators. We are not just beginning the debate on campaign finance reform. We had to arrest Senators and everybody else to try to get a vote. But in 1988, we had a Hollings constitutional amendment to limit campaign expenditures. We had to finally file cloture, and that failed by a vote of 53 to 37.

In 1989, we had S. 139, comprehensive reform, which passed the Senate but never made it out of the conference.

In 1991, we had S. 3. We did pass comprehensive reform of campaign financing, and President Bush vetoed it.

In 1993, we had the Hollings sense of the Senate that Congress should adopt a constitutional amendment limiting campaign expenditures.

In 1993, we had a majority of the Senate vote for it—not the Washington Post, not the New York Times, not the Common Cause crowd or the ACLU group, but the U.S. Senators, the representatives of the people who have been in the game and know it best. The majority said that we ought to have a constitutional amendment limiting campaign expenditures.

In 1993, we had S. 3, comprehensive reform, pass the Senate, but it never made it out of the conference.

I say to our distinguished Presiding Officer, in 1995, again, we had the Hollings constitutional amendment to limit campaign expenditures offered to the balanced budget amendment, but that was tabled by a majority of the Senate on a vote of 52 to 45, and they had a real chance to do it.

Then, in 1995, we passed the sense-of-the-Senate amendment to address campaign finance reform during the 104th Congress, sort of urging us along. We finally are going to get to it. And, in 1996, cloture on the McCain-Feingold campaign finance reform failed by a vote of 54 to 46.

Mr. President, you are right, a constitutional amendment is not the way to start, but after 30 years of everything that we could get out of Common Cause and the Washington Post and all of those disparate groups like the ACLU, it is time, I hope, that, as the Senator said, that we get swayed by the emotion of the moment, that we get a sort of fit of conscience so that we can really act here and realize that if we don't, we really are in the hands of the Philistines with this Supreme Court.

Read this one. Colorado Republican Federal Campaign Committee versus the Federal Election Commission:

> Before the Colorado Republican Party selected its 1986 senatorial candidate, its Federal Campaign Committee (Colorado Party), the petitioner here, bought radio advertisements attacking the Democratic Party's likely candidate.

That is not the candidate that is likely. They are ahead of the curve.

> The Federal Election Commission brought suit charging that the Colorado party had violated the party expenditure provision of the Federal Election Campaign Act of 1971 which imposes dollar limits upon political party expenditures in connection with the general election campaign of a congressional candidate.
>
> The Colorado party defended, in part, by claiming that the expenditure limitations violated the first amendment as applied to its advertisements, and filed a counterclaim seeking to raise a facial challenge to the Provision as a whole.
>
> The district court interpreted the "in connection with" language narrowly and held that the Provision did not cover the expenditure at issue. It therefore entered summary judgment for the Colorado party, dismissing the counterclaim as moot.
>
> In ordering judgement for the FEC, the Court of Appeals adopted a somewhat broader interpretation of the Provision which it said both covered this expenditure and satisfied the Constitution.

So the judgment was vacated and the case was remanded. But Judge Breyer, joined by Justices O'Connor and Souter, concluded that the first amendment prohibits the application of the party expenditure provision, not the kind of expenditure at issue here, an expenditure that the political party has made independently without coordination of any candidate.

That has thrown open the door. That is the soft money. That is the headlines. That is the debate. That is the grinding the Government to a halt. They talk about closing down the Government in Washington. Well, we very actively closed it down with that Colorado decision, because you can see the headlines. "The Poor Party Had to Rent the Lincoln Bedroom to Get Money." Anything they could do to get money, for Heaven's sake.

If you can believe the distinguished Senator from Texas coming on the floor, and if you are convinced that the Republicans are the small givers and the Democrats are the big givers, that the Republican Party is the party of the poor and the Democratic Party is the party of the rich, you will believe that the world is flat. This is just flat nonsense.

I mean, come on. They come in here with all this erudition and quote something about a gentleman over on the House side stating that there are two important values: The freedom of speech and our desire for a healthy campaign and a healthy democracy. And you cannot have both. And the free speech must die in order to have a healthy democracy. Nobody believes that, including the gentleman on the House side. I can tell you that here and now.

The Senator from Texas says, "Do you believe in free speech or not? That is the question." We all believe in free speech. And we go about this with trepidation. Only after 30 years and all the initiatives and arresting the Members and cloture votes after cloture votes, and, yes, coming back to the people in a sense of that is what we need do, that is what we need do. And then when we start to do it, we come on the floor of the U.S. Senate and talk about Patrick Henry and freedom of speech and everything else.

This has to do with whether or not you believe in limits on campaign spending. Every one of you believes in limits of the free speech of political contributions. That is the Buckley versus Valeo decision. None of these speakers coming up here opposing this particular initiative have come forward and said, "Oh, wait a minute. Let's take the limits off on contributions." They would not have the unmitigated gall to say that because they know that the evil here is too much money.

If you are going to take the limits off on the contributions and everything else, we are gone as a republic, you are not going to decide anything in the marketplace of ideas. It is all going to be in the financial marketplace. The very idea that we had, the intent of the national Congress, in 1974 was that you cannot buy the office. Under the Buckley versus Valeo decision, now coupled with this Colorado soft money nonsense, you must buy the office.

What did the Senator from Kentucky say, as to withdrawing from running again, on the day before yesterday? That he resented the idea of having to get up all that kind of money. What did the Senator from Ohio say? The same thing. We who have been in it and everything else—I resent it, you resent it.

It is time now that we act. And do not give us this Patrick Henry. The Senator from Utah was quoting Patrick Henry. And the Senator from Texas followed him, and he said about free speech, "You bet your boots, Patrick Henry had free speech in the campaign." There was not any radio to buy. There was not any TV to buy. There was not any political consultant to buy. There was not any money to get out the vote to buy.

You can go on down the list of all the things. That is when the Constitution had free speech. But as J. Skelly Wright stated—and I want to get that right—J. Skelly Wright, the eminent jurist, he said here, Judge Wright in the Yale Law Journal—and I quote:

"Nothing in the first amendment commits us to the dogma that speech is money."

We are not talking about what is free. We are talking about what is expensive, what is paid for. They know it. You know it. I know it. You have all the free speech you want.

When they talk about the newspapers, you can take the present law. They raise these straw men again and again. The Senator from Utah, he got up and said that the Congress could come back and put such low limits on candidates that only the incumbents would prevail, that we incumbents would come in here and Congress might decide not to let anyone oppose them by putting just a limit of $100. Now where have you heard such a thing?

None of this is in the Senator from South Carolina's constitutional amendment. The Senator from North Dakota, the Senator from Pennsylvania—it is bipartisan. I could go on down the list of none of that nonsense of the straw men that could happen. I am going to give one example and then yield to my distinguished colleague.

I know what can happen under the present law because I had it happen to me. The Senator from Texas ran that campaign against me in 1992. And we will get to some issues there in a minute. Since he acknowledged he had that experience, I want to tell you about his experience and what he charged falsely.

But getting right to the point, right before we were going to vote, the week before the election day—they are very clever. They had, first, the Wall Street Journal come out with three articles. The Wall Street Journal has never mentioned me before or since. They could care less about HOLLINGS from South Carolina. But they had three spitball articles in there about the right to work and how I was against business.

They even had coordinated it with the London Economist with "Quits for Fritz." Robert Novak, he came on Saturday night in "Capitol Gang." And he said it is also, "Quits for Fritz," "The white-headed Senator from South Carolina will bite the dust." Well, I am here.

But if you want to use their logic, I would sue Dow Jones. I would sue the Wall Street Journal, that they own, for coming in and making a contribution to my opponent under the present law. Now everybody knows that is out of the question. The press is going to have freedom of the press, and we all defend it.

But under the silly roundabout analysis they give in erecting these straw men on the floor—and I think even the distinguished Senator from Wyoming said that while they did not think newspapers were covered, newspapers could write, but you would not have the money to rebut it. You see the dilemma of the Senator from South Carolina. That is exactly the way it was. I did not have the money to rebut it. I had to let it go the last weekend, going right into that election. There was not any way to buy time to rebut it. There was not any way to answer it at all.

We have that under the present law. But if you limit, as we intended back in 1974, spending as well as expenditures, then all this bundling, soft money and everything else, comes under control because you have to disclose, you have a limited amount. We will still exercise free speech, get out and hustle, like I used to do in the early days of my political career.

I ran for the legislature on $100. I went all over the county and I shook hands and saw everybody. I lucked out. I was elected. I was almost elected by free speech. So I enjoy free speech. When it is so expensive that all you can to is collect money to get on TV to collect money to get on TV to collect money to get on TV, all as expressed by Justice Byron White in the dissenting opinion of Buckley versus Valeo, "put the Congress back on a treadmill." That is his expression, and so aptly expressed. You can see exactly what we have.

Mr. President, I yield the floor to my distinguished colleague. I appreciate his leadership on this floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the initiative offered today by the Senator from South Carolina. I do not very often come to the floor supporting constitutional amendments. I think we ought to change the Constitution very rarely.

I think the Supreme Court has made an error here in the Buckley versus Valeo decision. It was a decision by one vote in the Supreme Court, and the decision stands logic on its head. The Supreme Court said it is perfectly constitutional to limit campaign contributions but it is not constitutional to limit campaign spending. Limiting campaign spending, they say, is an abridgement of free speech. I have no idea how the Supreme Court can conceive a logic like that that says it is fine to limit campaign contributions, but you cannot limit spending. We ought to be able to have reasonable spending limits in campaigns.

The Senator from South Carolina brings an initiative to the floor that is the first initiative, in my judgment, in this Congress that says let's reform our campaign finance system in this country. If you need evidence that that needs doing, pick up any paper and go to any page in the last 6 weeks. If you still need evidence, it means you cannot read. All around us there is evidence that we must reform this campaign finance system.

Will Rogers once said something that is probably appropriate to quote in this Chamber, a Chamber that used to have spittoons between every desk, he said, "When there is no place left to spit, you either have to swallow your tobacco juice or change with the times." We either have people willing to vote for this and change with the times, understanding this is necessary and it is necessary now, or I hope they will sit around here and swallow their tobacco juice, because if you still believe campaign finance reform is not necessary, if you still believe, as some do, that there is not enough spending in campaigns and we ought to spend more, and there are people here who believe that, then you are sadly off track with what the American people know about American politics.

I want to refer to a chart. The chart shows spending since 1992. Wages have gone up 13 percent since 1992. Spending on education has increased 17 percent since 1992. So in 4 years, 1992 to 1996, wages in America went up 13 percent, spending on education went up 17 percent, and spending on politics in our country went up 73 percent, 73 percent.

There are people still in this Congress who say and have said repeatedly there is not enough spending in American politics. I have no idea what part of the world you would look in order to find their head. How on Earth can you decide with the kind of political inflation we have seen, where the spending on politics in America outstrips by multiples the spending on other things, how on Earth can you conclude there is not enough spending in politics? The fact is there is too much spending in politics.

Now, we could change that by ourselves. We do not need changes to the Constitution. In 1992, the election that Senator HOLLINGS was speaking of, I was running for the Senate in 1992. I said to my opponent, let us provide in North Dakota the most unusual campaign in America. I was already an incumbent, a Member of the House of Representatives, so I said I am better known than you are, but let me make you a deal. I said I will propose this. Let us decide between the two of us not to do any advertising—no television, no newspapers, no radio, no advertising at all, neither of us. We pledge to do that, and instead pool our money, and from September 1, Labor Day, to the election day in November, let us, once a week, buy prime time television statewide in North Dakota, pool our money, pay half the costs, each of us. We come to this, 1 hour, each week, prime time, with no notes, no handlers, just us, and no moderator, and we spend an hour a week on prime time television, the two of us, telling North Dakotans why we are running for public office, what we believe in, what our passion is, what we believe is necessary for the future of this country. At the end of those 8 weeks you will be as well-known as I am, because I am an incumbent, I am already well-known, you will be as well-known as I am. Prime time, an hour a week, 8 weeks, we could simulcast throughout the State, and at the end of the 8 weeks, North Dakota would have the most unique campaign in the country. No slash and burn 30-second ads, none. There would only have been 8 hours of debate between two people who desired to hold public office and who told the people why they aspire to be able to be given this public trust, why they wanted to hold public office, what their dreams were for the future of this country, what their vision was in public policy changes for America's future.

It would have been the most unique campaign in the country. I regret my opponent said no. I do not know why he said no. He said no. It was a mistake on his part. I am here, so I can say it was a mistake on his part. I think it would have been a better campaign for him and for me had he accepted it, and certainly a better campaign for North Dakotans. But he chose to run the kind of campaign that I had to respond to with 30-second ads here and 30-second ads there, and those are not very informative.

Despite the fact that we have these techniques in the 30-second ads, I might say to my friend, the Senator from South Carolina, I introduced a bill dealing with that in the Congress, the 30-second ads. Do you know that in political spending, a substantial amount of the money in all campaigns goes to television. The law requires that the television stations provide the lowest rate that they provide for their commercial advertisers, the lowest rate for political advertising. So I suggested that we require that the law say that the lowest rate for political advertising will only apply to commercials that are at least 1 minute in length, and only commercials in which the candidate appears on the commercial—75 percent of the commercial. Get rid of the slash and burn 30-second ads, no more of the anonymous voices with slash and burn negatives. I think that is the right incentive, but that is a different subject for a different date.

My point is, there is no one I think who can credibly argue that we are not spending enough in politics. Clearly, political spending is mushrooming in this country. What shall we or could we do about it? The Senator from South Carolina offers a solution. His solution is one that says let us provide that with the right approach we could reasonably limit campaign expenditures. The Supreme Court has said that is unconstitutional. The Senator from South Carolina says, well, change the Constitution. We should never approach that easily or quickly, but I am with him. Frankly, I guess I would like to see us go to the Supreme Court a second time, and say will you not correct the error you made the first time? I think there might be a chance of getting that done because it was a decision by one vote.

In any event, I think that one of the solutions for campaign finance reform is to limit campaign spending. Is that an inhibition of free speech? Is it an inhibition of free speech to tell somebody who has $100 million, "You can't spend $30 million buying a seat someplace"? Is that what the Framers of the Constitution decided democracy was about—to make some money, ante up to the trough, and plunk down $30 million and buy a seat? I don't think so. I don't think that's what the method of selecting people who serve in representative government was envisioned to be by the Framers of our Constitution.

This is the first effort to say to my colleagues: Do you believe in campaign finance reform, or don't you? Campaign finance reform. Boy, if we need more discussion about that, then this must be an empty well; this must be a pit without a bottom.

I want to describe what we have had on campaign finance reform in a decade. We have had 6,700 pages of hearings, 3,300 floor speeches, 2,700 pages of Congressional Research Service reports, 113 Senate votes, 522 witnesses, 49 days of testimony, 29 different sets of hearings by 8 different congressional committees, 17 filibusters, 8 cloture votes on one bill alone, and one Senator arrested and dragged to the floor of the Senate. I wasn't here at that point, but I assume Senator HOLLINGS was and could describe in remarkable detail whoever was dragged to the floor. And there were 15 reports issued by 6 different congressional committees.

Now, given that history, can we find some Senators who say we are not ready and it is not time for campaign finance reform? The honest answer, by some, is: Let's not have any reform. Some would say: Let's decide there ought to be more money spent. Let's make campaigning a commercial product. Let's have campaigns compete with Rolaids, dog food, gasoline, and automobiles, in terms of consumer preference. Whoever has the most money can advertise the most.

But the Senator from South Carolina has raised, for most of this afternoon, the right questions. We can spend forever now, talking about what happened in the past. We will and we should. There isn't anything about campaign finance abuses that ought not be investigated if there are reasonable and credible claims of abuses. The FBI is investigating some questions. The Justice Department is investigating some questions. Yesterday, we decided—and I voted for it, as did the Senator from South Carolina—that a committee ought to investigate some of these questions.

There are some serious questions about foreign countries intending to influence American elections that ought to be investigated, and they will be. The American people deserve to know that is the case. But the American people deserve more than just a look back. The American people deserve a Congress that is going to look ahead and say, how do we respond to this question of galloping inflation in campaign finance spending? The galloping inflation of a campaign system that seems almost out of control—spending more and more and more money in State after State, in district after district. There are a hundred reasons to prevent something, and it is easy to do.

The Senator from South Carolina had the job this afternoon of coming and supporting an affirmative proposition, the first proposition on the floor of the Senate to respond to campaign finance reform. I think it was Mark Twain who was asked once to be a participant in a debate. He said, "Of course, I will be happy to debate, provided I get to take the negative side." He was told, "But you have not asked what the subject was." And he said, "The subject doesn't matter. You don't need any preparation to be on the negative side."

That is pretty much true with any debate. The easiest proposition in the world is to be on the negative side. Senator HOLLINGS brings to the floor a proposition that is very simple. This proposition is that what is wrong with campaigns in American politics today is too much money is spent. There is too much money around. This is not a democracy that was on the auction block, for sale.

The Framers of our Constitution did not envision that representative government was part of a bidding process. We have tried, in a number of different ways, to propose that we have reasonable limits that competitors in this political system would agree to, and we have discovered that the Supreme Court says those limits are unconstitutional. As much as I disagree with the Supreme Court, their decision stands. The Senator from South Carolina now says, let us alter that by making the change he proposes. Does it infringe on free speech? I don't think so. Would it hurt our political system? No, it would help our political system. Would it restore the confidence of the American people in this system? I think so. Would it do the right thing in trying to propose some sensible spending limits that are enforceable? Sure.

Now, we can turn this down, and there may be the votes to do that. But the question everyone ought to ask for those who turn this down is, what next? If you decide this is not the way, then what is the way? Or do you like things just as they are? Do you find recreational reading about campaigns, about the political system in our country, up to its neck in money, do you find that interesting and fun to read about? Or do you really believe that there are ways for us to make some sense out of campaign finance reform in a way that would improve this system?

We had campaign finance reform over 20 years ago, in the 1970's, and it worked for awhile. I think there are people on all sides of the political spectrum who have stretched that and distorted it and discolored it in dozens of ways and found loopholes and hired the best minds to figure out how you jump the fence and get under the fence and through the fence, and the 1970's reforms don't work anymore. So the question will be, should we reform this system now? Or should we just let this roll along and decide it is just fine?

The American people know the answer to that. The American people understand that things are not just fine. The American people support campaign finance reform. This is the first bill and the first opportunity Members of the Senate will have to say: I want to stand up for campaign finance reform.

I ask those who say "no" to this, then what? Do you believe the current system works? If you do, you can fit in a mighty small phone booth with all the rest of the American people who believe as you do. If you believe this system is broken and needs to be repaired, if you believe this ought to be fixed, that we ought to stand up for our political system and for its future health, then I think this is a reasonable approach to decide that spending limits make sense. I intend to vote for it. I was pleased to cosponsor the initiative offered by the Senator from South Carolina.

I yield the floor.

Mr. HOLLINGS. Mr. President, I understand that we are about to close debate for this afternoon. Let me thank the distinguished Senator from North Dakota, because he put the issue involved in a very calm and succinct fashion. What we have done here was done with tremendous caution. We haven't come and said, "Here is the solution." We have come and said, "Here is the authority to solve it." Now, they bring in these red herrings and everything about the freedom of speech. We are not disturbing the freedom of speech at all. We would not disturb the freedom of speech, except for Buckley versus Valeo, which did put a hole in that first amendment, as they use that expression.

They say we are limiting the freedom of speech for the political contributor. He can only give so much. If that is what it is, if money is the expression, then that group is limited. But the real evil in causing our dilemma here over the past 30 years, particularly with this Colorado decision now that puts a premium on buying the office by the national parties, if we don't act now to at least have the authority, we don't say in this amendment that the distinguished Senator from Kentucky is right. We don't say that the distinguished Senator from Kentucky is wrong. He may later on, with the authority, prevail. They might increase spending. Like I say, we are not spending more on yogurt and Crackerjacks, and whatever else they had around here. I have forgotten the things they brought up. I would not have dared to stand up as a candidate and say I spent $86,000 for food. I could not hope to get elected in South Carolina buying $86,000 worth of lunches. That, perhaps, points to the dilemma.

The public that I represent and have worked with over the years really is asking and begging. That is why they included the States.

Mr. President, we know that, as in warfare, he who controls the air controls the battlefield. In politics, he who controls the airwaves controls the campaign. That is where all the money is. That is what we are trying to limit. But I do not say that by voting for this that you limit. I only say that by voting for this you give constitutional authority because you see the extremes of the Supreme Court—it is the "Extreme Court of the United States"—when they come with the Buckley versus Valeo distortion. It is the "Extreme Court of the United States" that comes with Colorado Republican Federal Campaign Committee against the Federal Election Commission.

So, right to the point, we are saying that we can amend this Constitution, that the last five of six amendments dealt with elections, that certainly the weight of money as qualifying a vote was constitutionally outlawed in the 24th amendment. We ought to outlaw extreme and expensive expenditures in this. That would be the 28th amendment, I think. They approved these particular amendments in 18.1 months, which was the average. We know we can get this approved next year in 1998, and we will be on the road to really getting campaign finance reform.

This is the acid test. Do you believe in limiting, or do you not believe in limiting? We are talking about expenditure of paid speech—not free speech. It does not affect free speech whatever. You don't affect it under the Constitution. We wouldn't dare try to affect it under the Constitution. And, of course, after the 30 years and all of the debates in three Congresses having given us a majority here in the U.S. Senate saying we believe in a constitutional amendment and let's see if we can at least get that majority, they are really coming now and are so opposed to McCain-Feingold and are so opposed to any campaign finance reform as to vote this down. Then we will know exactly where they stand.

I thank my distinguished colleague from Kentucky. I appreciate the debate this afternoon.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 11, the Federal debt stood at $5,357,359,481,153.10.

One year ago, March 11, 1996, the Federal debt stood at $5,017,404,000,000.

Five years ago, March 11, 1992, the Federal debt stood at $3,848,675,000,000.

Ten years ago, March 11, 1987, the Federal debt stood at $2,249,369,000,000.

Fifteen years ago, March 11, 1982, the Federal debt stood at $1,048,663,000,000 which reflects a debt increase of more than $4 trillion ($4,308,696,481,153.10) during the past 15 years.

NOMINATION OF FEDERICO PEÑA

Mr. KYL. Mr. President, today, I voted in favor of Federico Peña to be the new Secretary of Energy for the Clinton administration in the sincere hope that he will be able to provide the Department of Energy with the leadership and direction it needs to provide the proper stewardship of our national energy and security needs in the 21st century.

I have addressed the Energy and Natural Resources Committee with my grave concerns about the current direction of the Department of Energy, especially with respect to the maintenance and stewardship of our nuclear weapons complex. I wish to use this forum, and the occasion of the Senate vote on Federico Peña, to restate my concerns and to reiterate my hope that the current trend at the Department of Energy will be reversed.

Of particular concern has been former Secretary Hazel O'Leary's technically insupportable insistence that the United States can both maintain a credible nuclear deterrent and permanently forego nuclear testing. What is more, her lack of familiarity with the critical work of the Nation's nuclear weapons laboratories appears to have emboldened her to exert immense pressure on their directors to abandon the labs' longstanding view that the nuclear stockpile cannot be certified without periodic underground testing.

Indeed, the nuclear weapons complex that the next Secretary of Energy will inherit from former Secretary Hazel O'Leary is a shadow of its former self, thanks in no small measure to a Clinton administration policy which the distinguished chairman of the House National Security Committee, Representatives FLOYD SPENCE, has called erosion by design. In releasing a study of this reckless policy on October 30, 1996, Representative SPENCE observed that:

"The past four years have witnessed the dramatic decline of the U.S. nuclear weapons complex and the uniquely skilled workforce that is responsible for maintaining our nuclear deterrent. The Administration's laissez-faire approach to stewardship of the nuclear stockpile, within the broader context of its support for a Comprehensive Test Ban Treaty, is clearly threatening the Nation's long-term ability to maintain a safe and reliable nuclear stockpile. * * * In my mind, it's no longer a question of the Administration's "benign neglect' of our Nation's nuclear forces, but instead, a compelling case can be made that is a matter of 'erosion by design."

Mr. President, I share the concerns expressed in Representative SPENCE's study about the implications of the Clinton-O'Leary program for denuclearizing the United States. In this regard, two portions of the Spence report deserve special attention.

Stockpile stewardship:

> The Clinton Administration's Stockpile Stewardship and Management Program [SSMP] entails significant technological risks and uncertainties. Certification that U.S. nuclear weapons are safe and reliable—in the context of a Comprehensive Test Ban Treaty—depends on developing highly advanced scientific diagnostic tools that do not yet exist and may not work as advertised. Funding shortfalls, legal challenges and other problems are almost certain to continue to impede progress in achieving the program's ambitious goals, and raise serious doubts about the ability of the program to serve as an effective substitute for nuclear testing. The Administration's commitment to implementing the SSMP and, more broadly, to maintaining the U.S. nuclear stockpile is called into question by DOE's failure to adequately fund the SSMP and to conduct important experiments.

Dismantling the DOE weapons complex:

> Unprecedented reductions and disruptive reorganizations in the nuclear weapons scientific and industrial base have compromised the ability to maintain a safe and reliable nuclear stockpile. The cessation of nuclear-related production and manufacturing activities has resulted in the loss of thousands of jobs and critical capabilities * * *. DOE still lacks concrete plans for resuming the production of tritium * * *. Unlike Russia or China, the United States no longer retains the capacity for large-scale plutonium "pit" production and DOE's plans to reconstitute such a capacity may be inadequate.

INFORMATION AND PHYSICAL SECURITY PROBLEMS

Yet another alarming legacy of former Secretary O'Leary's tenure as Secretary of Energy could be the repercussions of her determination to declassify some of the Nation's most closely held information. As a result, efforts by unfriendly nations—and perhaps subnational groups—bent on acquiring nuclear weapons capabilities have been afforded undesirable insights into designs, developmental experiences and vulnerabilities of U.S. nuclear devices.

Of particular concern is the fact that data concerning the precise quantities and whereabouts of U.S. weapons grade material have been made public, potentially greatly increasing the risk of terrorist operations aimed at stealing or exposing Americans to attack with such materials. Incredibly, Clinton administration budgets have significantly reduced the funding available for securing and protecting such sites.

In fact, the 1997 Energy Department annual report on the Status of Safeguards and Security concluded that there is a $157 million shortfall in these accounts. Ironically, that almost exactly equals the amount contributed by the Department of Energy to the so-called cooperative treaty reduction, or Nunn-Lugar, program that is being spent ostensibly to improve the safety and security of former Soviet nuclear weapons and materials.

THE CUBAN NUCLEAR DANGER

Last but not least in this illustrative listing of the challenges facing the next Secretary of Energy is another nuclear issue confronting this Nation—the prospect that one or both of the two defective nuclear reactors being built by Fidel Castro in Juragua, Cuba, will be brought online and then fail catastrophically. Should that happen, millions of Americans living downwind could be exposed to lethal levels of radioactive fallout.

On September 11, 1995, Secretary O'Leary confirmed this danger in a letter to the distinguished chairman of the Foreign Relations Committee, Senator HELMS. She wrote:

> If construction [of these reactors] were resumed and the reactors completed, their poor construction and lack of regulatory oversight, and uncertainties about the qualification and experience of its operators would pose serious safety risks. Written answers accompanying the O'Leary letter in response to questions posed by Senator HELMS about the Cuban nuclear program cited the following concerns: "the quality of civil construction, the condition of critical reactor components, the regulatory structure and nuclear operating base, the plant staff training programs and industrial infrastructure in Cuba required to support operation and maintenance of nuclear power plants."

The O'Leary Energy Department even went so far as to state:

> If a poorly designed, defectively constructed nuclear reactor began operation in Cuba, there would be an unacceptably high possibility that a large accidental release of radioactive material would occur. Dependent on the meteorological conditions at the time of a major accident, people on the U.S. mainland could be exposed to significant airborne (radioactive) contamination.

In response to questions I posed to Secretary Peña during his confirmation hearing before this committee, I have been advised that he subscribes to the positions taken in the September 1995 O'Leary letter to Senator HELMS. The trouble is that Mrs. O'Leary took no perceptible steps to address the menace posed by Castro's nuclear project.

This may have been due to the Department's view, as evidenced in some of the answers to Senator HELMS' questions, that the Soviet VVER-440 (Model 318) design might prove to be safe, after all—notwithstanding the fact that one has never been constructed or operated before. Alternatively, Mrs. O'Leary may have been satisfied, as suggested by other answers, that the levels of radiation from a Cuban meltdown would only contaminate the U.S. food supply—not directly harm the American people. Yet another explanation could be the O'Leary team's evident willingness to accept Russian claims that the Juragua reactors are designed to withstand seismic shocks up to 7 on the Richter scale. The response to Senator HELMS that Mr. Peña has endorsed did not take note of the fact that there was a 7.0 magnitude quake in the nearby Caribbean Plate in 1995.

Mr. President, I am concerned that Fidel Castro's nuclear ambitions could pose a significant threat to the United

States. Others who have warned of this danger include: the General Accounting Office, the House International Relations Subcommittee on the Western Hemisphere, NBC News and several Cuban defectors who had first-hand experience with the dismal quality control and safety aspects of the Juragua project. It is astounding—and unacceptable—that preventing such a danger from materializing is not a top priority for the leadership of the Department of Energy and the executive branch more generally.

CONCLUSION

I would conclude by recommending to Secretary Peña that he carefully study, and try to emulate, the leadership of the first Secretary of Energy, James Schlesinger. Dr. Schlesinger brought to his position extraordinary experience and first-hand knowledge of the national security dimensions of the job. As a former chairman of the Atomic Energy Commission, Director of Central Intelligence and Secretary of Defense and by dint of his work in the private sector at the RAND and Mitre Corp., he was exceptionally well equipped to address the nuclear weapons-related issues of the day.

It was largely to Dr. Schlesinger's credit that the antinuclear agenda of an earlier Democratic administration did not result in an ill-advised Comprehensive Test Ban. Secretary Schlesinger saw to it that the best professional advice—not the politically correct or coerced assertions—of those charged with certifying the Nation's nuclear arsenal were presented faithfully to the President and the Congress. It was clear that the considered judgment of the directors of the nuclear weapons laboratories and other responsible experts was that a small number of low-yield tests would be required each year to avoid reaching the point where confident weapon certification was no longer possible.

As a result, the case was convincingly made that such tests were the essential last step in the scientific process—the experimental validation of the hypothesis that our weapons would work as designed. It was documented that many of the problems that appeared sooner or later in one-third of all designs deployed would never have been discovered if testing has not continued after the weapons were deployed. And it was established that without periodic testing, it would be impossible over time to retain the skilled design physicists and engineers responsible for daily judgments about the Nation's nuclear weapons. In the face of these compelling arguments, President Carter ultimately abandoned the idea of a zero-yield Comprehensive Test Ban.

We are now confronted with another President committed to a zero-yield CTB. Indeed, the Senate will shortly be asked to consider such a treaty negotiated by the Clinton administration. I believe it is imperative, as the debate on the CTBT gets underway, that the next Secretary of Energy provide his subordinates in the Department and its laboratories with the same opportunity for honest, unpoliticized analysis and testimony as was afforded by Dr. Schlesinger nearly 20 years ago.

I am hopeful that Secretary Peña will take these comments as they are meant—as an illustrative list of issues which must have his attention. I also hope he will understand the importance of these national security matters to Members of Congress and that Federico Peña will ensure that an environment is recreated in the Department of Energy in which national security responsibilities and rigorous scientific practice are given primacy over dubious arms control agendas and wishful thinking.

If the vote today were on the Clinton energy policy, it would be a resounding "no." Mr PenAC T='6'>a is not an architect of the policy—yet. It is my hope that when Mr. Peña next appears before us he will demonstrate a willingness to lead and not be an apologist for a continued failed policy.

PARTIAL BIRTH ABORTION

Mr. ABRAHAM. Mr. President, I rise to address recent revelations concerning partial birth abortion. I also rise to draw my colleagues' attention to the letter sent to President Clinton by a group of American Roman Catholic leaders and read this past Sunday by Cardinal Adam Maida at the Blessed Sacrament Cathedral in Detroit. That letter urged the President to ensure respect for all human rights—including those of the unborn—and called our attention to the misinformation distributed by some of those defending partial birth abortion.

Mr. President, the abortion issue has been a difficult and divisive one for this country. But the unfortunate procedure of partial birth abortion need not be. The vast majority of Americans, even those who do not share my own strongly pro-life convictions, oppose partial birth abortion. This overwhelming opposition helped produce legislation during the last Congress that would have banned that morally troubling procedure. Unfortunately, that legislation was vetoed by President Clinton. Now it turns out that that veto was based in part on inaccurate information.

Mr. President, those who sought to defend partial birth abortion did so on the grounds that it was rare, undertaken only in cases of severe fetal deformity and strictly a late-term procedure. These arguments served to make the procedure seem less morally troubling to some in the pro-choice camp. But it turns out that these supposedly mitigating factors do not exist. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, is quoted in the February 26 New York Times as saying that he "lied through [his] teeth" in making each of these claims.

It turns out, Mr. President, that literally thousands of partial birth abortions are performed in this country every year. It also turns out that the vast majority of these regrettable procedures are undertaken voluntarily—aborting perfectly healthy unborn children. And it turns out that partial birth abortions are being carried out on mothers in their second trimester of pregnancy.

I know that abortion is an issue that raises troubling issues for many people. I know that I cannot help but take a strong pro-life position, because of my faith and because of my own personal experiences. My experience, having witnessed the births of my three children and having just had a nephew born 12 weeks premature, tells me that the loss of an unborn life is a great tragedy. My nephew was born during a time in his mother's pregnancy when many unborn children are still subject to partial birth abortion.

I know that not everyone shares the pro-life position. But in my view it is clear that any reservations about restricting abortion need not and should not apply to partial birth abortion. The fact that the defenders of this procedure felt it necessary to mislead the public, Members of this body and the President, shows how little support their position really commands. Regardless of where one stands in the broader abortion debate, then, all of us should be able to see partial birth abortion for what it is: an unjustifiable and wholly unnecessary tragedy.

Mr. President, it is my sincere hope that we will return as quickly as possible to the issue of partial birth abortion. It is also my hope that my colleagues will keep in mind this incident as they consider the factors supposedly mitigating this unfortunate procedure, and vote to end it once and for all.

Mr. President, I ask unanimous consent that an article from the Detroit News appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit News, Mar. 10, 1997]

IN DETROIT: MAIDA, OTHER CARDINALS URGE BAN ON PARTIAL-BIRTH ABORTIONS

(By Oralandar Brand-Williams)

Cardinal Adam Maida urged President Clinton to reconsider a ban on partial-birth abortions during a public reading Sunday of a letter sent to the president by a group of U.S. Roman Catholic leaders.

"The public learned that partial-birth abortions are performed not a few hundred times a year, but thousands of times each year," Maida said during mass at Blessed Sacrament Cathedral in Detroit.

Last April, Clinton vetoed a bill that would have banned the controversial procedure in which a fetus is partially extracted, feet-first, from the birth canal. The brain is then suctioned out.

Critics call the procedure infanticide.

Congress failed to override Clinton's veto.

The letter to Clinton was also read Sunday by the six other American cardinals who also lead archidioceses in the United States and the head of the U.S. Conference of Catholic Bishops. All signed the letter with Maida, which Clinton received Friday.

"Mr. President, you are in a unique position to ensure respect for all human rights, including the right to me which is denied to infants who are brutally killed in partial-birth abortion," urged the letter.

The letter asks Clinton to acknowledge that he was misled about partial-birth abortion, and urges him to ask Congress to pass a bill banning them. The letter also seeks a pledge that Clinton will sign it into law.

Two weeks ago, Ron Fizsimmons, executive director of the National Coalition of Abortion Providers, said he intentionally misled the public in previous remarks about the procedure. Fitzsimmons said he feared that if the truth were known about the frequency of partial-birth abortions, it would damage the cause of abortion rights.

Blessed Sacrament parishioner Canary Erving of Highland Park said she supports Madia's efforts to get a ban on partial-birth abortions.

"It's important that we keep our children," Erving said. "If you have to have it and give it away, it's better than destroying the life."

DR. ERNEST S. GRIFFITH

Mr. WARNER. Mr. President, I rise today to pay tribute to the father of the Congressional Research Service, Dr. Ernest S. Griffith, who recently passed away at the age of 100.

Dr. Griffith came to the Legislative Reference Service—now the Congressional Research Service—in 1940, at a time when the U.S. political landscape was dominated largely by the executive branch. Legislation was enacted based on information provided by the President, with little opportunity for independent research and analysis by the Congress. Indeed, with an average of only two or three personal assistants per Member and a mere handful of committee staff, Members of Congress had nowhere to turn for accurate, reliable research and analysis. Nowhere, that is, until Ernest Griffith assumed the reins of the Legislative Reference Service.

Fueled by his belief that "the Congress of the United States is the world's best hope of representative government," Dr. Griffith dedicated himself to transforming the fledgling LRS into a vital source of objective, nonpartisan information and analysis for Members of Congress and their staffs. He recruited experts in disciplines ranging from tax policy to transportation, and greatly expanded the services offered by the LRS. He also appointed senior specialists who, under the terms of the Legislative Reorganization Act of 1946, could be called upon by congressional committees at a moment's notice to work on important legislative initiatives. These senior specialists laid the foundation for our modern legislative information infrastructure, and, in so doing, with others enabled the legislative branch to re-assert itself as the Nation's first branch of Government.

When asked to describe his greatest achievement as the Director of the LRS, Dr. Griffith once responded: "I think I am proudest of the fact that we have operated independently of the executive branch in a technical age." Mr. President, I too am proud of Dr. Griffith's achievement in this area. It is something of which we should all be proud.

Dr. Griffith left the LRS in 1958 to become the founding dean of the American University School of International Service. A Rhodes scholar, he received his undergraduate education at Hamilton College and his Ph.D. from Oxford University. He taught economics at Princeton and government at Harvard, and was the undergraduate dean at Syracuse University before moving to Washington in 1935.

Among his many academic distinctions, Dr. Griffith was a Fulbright visiting professor at Oxford. He also lectured at New York, Birmingham, and Manchester Universities, Swarthmore College, the University of Oslo, and the University College of Swansea. He was visiting professor at the International Christian University and Rykko University in Japan, and lectured on American Government in Turkey and Brazil. He was professor of American Government at Alice Lloyd College in Kentucky in his middle eighties.

In his spare time, Dr. Griffith taught Sunday school and served as a delegate to the Third World Council of Churches. He founded the Pioneers, a forerunner of the Cub Scouts, and chaired the Council of Social Agencies, a predecessor of the United Way. He chaired the policy board of an inter-university training center for Peace Corps volunteers, was vice president of the American Political Science Association and president of the National Academy of Economics and Political Science. He climbed mountains into his nineties.

Mr. President, it is with great sadness that we bid farewell to Ernest Griffith, who was memorialized last Saturday at the Metropolitan Memorial United Methodist Church here in Washington. He was a pioneering public servant, a brilliant student of American Government, and a true friend to the community around him. He will be sorely missed—not only by his children, grandchildren, and great-grandchildren, but also by us.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

The message also announced that the Speaker appoints the following Members of the House to the Joint Economic Committee: Mr. STARK, Mr. HAMILTON, Mr. HINCHEY, and Mrs. MALONEY.

The message also announced that the House has passed to the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

H.R. 651. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 652. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 750. An act to support the autonomous governance of Hong Kong after its revision to the People's Republic of China.

H.R. 914. An act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures.

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

ENROLLED JOINT RESOLUTION SIGNED

At 6:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed subsequently, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

MEASURE REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred ad indicated:

H.R. 497. An Act to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes; to the Committee on Government Affairs.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 63. An Act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources.

H.R. 649. An Act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974; to the Committee on Energy and Natural Resources; to the Committee on Energy and Natural Resources.

H.R. 651. An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 652. An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 709. An Act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 750. An Act to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on Foreign Relations.

H.R. 914. An Act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures; to the Committee on Labor and Human Resources.

The following Joint Resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

The following resolution was read and referred as indicated:

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1387. A communication from the Acting Secretary of Energy, transmitting a draft of proposed legislation entitled "The Energy and Conservation Act Amendments of 1997"; to the Committee on Energy and Natural Resources.

EC–1388. A communication from the Administrator of the Federal Highway Administration, transmitting, pursuant to law, a status report relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

EC–1389. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a notice concerning the National Guard; to the Committee on Armed Services.

EC–1390. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison; to the Committee on Armed Services.

EC–1391. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–1392. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–01; to the Committee on Appropriations.

EC–1393. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule relative to single-employer plans, received on March 11, 1997; to the Committee on Labor and Human Resources.

EC–1394. A communication from the Assistant Secretary of Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule relative to migrant and season agricultural worker, (RIN1215–AA93) received on March 11, 1997; to the Committee on Labor and Human Resources.

EC–1395. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of 53 rules including 1 rule relative to food labeling, received on March 11, 1997; to the Committee on Labor and Human Resources.

EC–1396. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule relative to reduction in force, (RIN3206–AH64) received on March 11, 1997; to the Committee on Governmental Affairs.

EC–1397. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of fifteen rules including one rule relative to federal acquisition, received on March 11, 1997; to the Committee on Governmental Affairs.

EC–1398. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of certification and relative justifications; to the Committee on Foreign Affairs.

EC–1399. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–21, received on March 10, 1997; to the Committee on Finance.

EC–1400. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–15, received on March 11, 1997; to the Committee on Finance.

EC–1401. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1997, referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs and to the Committee on the Judiciary.

EC–1402. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1403. A communication from the Office of the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska" received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1404. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled "Summer Flounder Fishery" (RIN0648–XX76AI65) received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1405. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1406. A communication from the Archivist of the United States, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1407. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-41. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Governmental Affairs.

Senate Resolution No. 18

Whereas, in spite of the constitutional recognition of the authority of states, Congress, using its authority to regulate commerce among the states, has repeatedly preempted state laws. Congressional actions affecting state laws involve many issues, including health, transportation, communications, banking, environment, and civil justice. These actions have reduced the states' ability to respond to local needs; and

Whereas, more than half of all federal laws preempting states have been enacted by Congress since 1969. This trend has intensified an erosion of state power that leaves an essential part of our constitutional structure—federalism—standing precariously; and

Whereas, the United States Constitution anticipates that our American federalism will allow differences among state laws. This structure expects people to seek change through their own state legislative bodies without federal legislators from other states imposing national laws; and

Whereas, the relationship between the states and the federal government established in the "Supreme Law of the Land" is predicated on the states having genuine authority and powers not usurped at the federal level; and

Whereas, less federal preemption means states can act as laboratories for democracy and act on novel social and economic policies without risk to the entire nation; and

Whereas, during the 104th Congress, our federal lawmakers considered legislation to provide specific mechanisms to help protect the authority of the states. This legislation, known as "The Tenth Amendment Enforcement Act of 1996," would have set in place mechanisms for all three branches of the federal government to follow. For example, the legislative branch would be required to include a statement of constitutional authority and an expression of intent. The executive branch agencies would be curbed from exceeding their authority. The judicial branch would defer to state laws where Congress is not clear in its intent to preempt; and

Whereas, legislation like the Tenth Amendment Enforcement Act of 1996 addresses fundamental issues of federalism and is timely and needed. Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to provide for the enforcement of the Tenth Amendment to the United States Constitution; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the Senate, February 26, 1997.

POM-42. A Joint Resolution adopted by the Legislature of the State of Wyoming; to the Committee on the Judiciary.

Joint Resolution No. 2

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars or twenty thousand dollars for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its People, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the People, as repesented by their elected State Legislatures; and opposition by a small minority repeatedly has thwarted the will of the People that a Balanced Budget Amendment to the Constitution should be submitted to the States for ratification; and

Whereas, the Legislature of the State of Wyoming prefers that a constitutional convention not be called to address this issue and the implementation of this resolution by Congress will effectively eliminate the necessity for such a convention: Now, therefore, be it

Resolved by the members of the Legislature of the State of Wyoming, That the Congress of the United States expeditiously pass, and propose to the Legislatures of the several States for ratification, an amendment to the Constitution of the United States requiring in the absence of a natinoal emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved, That the Secretary of State transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Wyoming Congressional Delegation, and the Secretary of State and the presiding officers of both Houses of the Legislatures of each of the other States in the Union.

POM-43. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on the Judiciary.

Senate Resolution No. 14

Whereas, the continuing practice of annual budget deficits has severely hampered our nation's economy. In the years since Congress and the President last provided a balanced federal budget in 1969, our country's debt has skyrocketed. As a result, we must direct badly needed tax dollars to paying interest on our debt instead of utilizing tax dollars to their fullest capability and, ultimately, reducing the tax burden facing our citizens and businesses; and

Whereas, there are a host of benefits to our country to be gained from a balanced budget constitutional amendment. With less demand on credit, interest rates would decline. This would enable individuals to attain worthwhile goals for themselves and their families. Money for homes, cars, and higher education would be more readily available. With the added potential for investment, businesses could expand to provide more and better jobs. Many of the budgetary questions that cloud our future would be answered as we channel funds to far more rewarding endeavors than paying interest on a continual escalation of debt; and

Whereas, the American people, who are accustomed to their state and local governments throughout almost the entire country having to balance their annual budgets, are in favor of similar responsibility in the federal government: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to pass and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a balanced federal budget with Social Security and Medicare removed from consideration so long as the funds in those programs are guaranteed and are not used to offset, or otherwise be made to serve as collateral for, debt expenditure elsewhere in the federal budget; and be it further

Resolved, That we urge that the proposed balanced budget amendment provide for line item veto for cutting appropriations as measures to achieve a balanced budget; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the Senate, February 27, 1997.

POM-44. A concurrent resolution adopted by the House of the Legislature of the State of South Dakota; to the Committee on Rules and Administration.

House Concurrent Resolution No. 1006

Whereas, the expenditures for election campaigns for Congress have been rising each election year; and

Whereas, the State of South Dakota just experienced an election campaign for the position of United States Senator where the candidates spent eight million dollars on campaign expenses and bombarded our citizens with campaign advertisements for a year prior to the election; and

Whereas, despite the huge cost of this election in South Dakota, it is a mere drop in the bucket when compared to similar elections in more heavily populated states; and

Whereas, the increasing cost of Congressional elections has led to a never-ending solicitation by candidates for contributions from businesses, political action committees, and individuals; and

Whereas, these high campaign expenditures and the corresponding need for campaign contributions has given the voters of the State of South Dakota and the nation the perception that campaign contributions buy influence in Congress; and

Whereas, these expenditures and contributions tarnish the image of representative government and fuel voter apathy; and

Whereas, the Congress must pass meaningful election finance campaign reform to help restore voter confidence in our federal election process: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-Second Legislature of the State of South Dakota, the Senate concurring therein, That the Congress of the United States pass election campaign finance reform which would call for campaign expenditure limits on each candidate for the United States House of Representatives and on each candidate for the United States Senate; and be it further

Resolved, That the Congress of the United States should also provide in such legislation for campaign limits on in-kind contributions for each candidate for the United States House of Representatives and for each candidate for the United States Senate; and be it further

Resolved, That copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and each Member of the South Dakota Congressional Delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 426. A bill to amend the Higher Education Act of 1965 to adjust the needs analysis to protect more of a student's earnings; to the Committee on Labor and Human Resources.

By Mr. THOMAS (for himself and Mr. SHELBY):

S. 427. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Finance.

By Mr. KOHL (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. CHAFEE):

S. 428. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 429. A bill to amend the Internal Revenue Code of 1986 to allow certain cash rent farm landlords to deduct soil and water conservation expenditures; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 430. A bill to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. BURNS, Mr. CRAIG, Mr. KEMPTHORNE, and Mr. SMITH):

S. 431. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. DEWINE, Mr. HUTCHINSON, and Mr. COATS):

S. 432. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. KYL, Mr. ALLARD, Mr. COATS, Mr. ENZI, Mr. HAGEL, and Mr. SESSIONS):

S. 433. A bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. BYRD):

S. 434. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 426. A bill to amend the Higher Education Act of 1965 to adjust the needs analysis to protect more of a student's earnings; to the Committee on Labor and Human Resources.

THE BETTER FINANCIAL AID FOR WORKING STUDENTS ACT OF 1997

Mr. DODD. Mr. President, I rise here this morning to introduce a piece of legislation which I have entitled the Better Financial Aid for Working Students Act of 1997. At the appropriate time here, Mr. President, I will send the bill to the desk and ask that it be referred to the appropriate committee. But let me take a few minutes, if I can, to explain what I am trying to do with this proposal.

This legislation is designed, Mr. President, to assist America's working students to cope with the growing financial burdens of a college education. One hardly even needs to use the words "growing financial burden." It is to state the obvious.

There is not a family in America that does not have children in school or going on to college or who have already been there that does not appreciate what a significant burden the cost of a higher education is in our country.

For the parents of college-aged children, of course, this is a trying time of year, not only for the parents, but for those who are anticipating going on to higher education. These parents and students are today anxiously awaiting the acceptance letters or rejection letters from our Nation's colleges and universities around the country.

However, for the vast majority of families, beyond waiting for an acceptance or rejection letter in March and April from institutions they have applied to, the biggest concern is not whether they are going to get into college or into a community college or into a university; the biggest question, the biggest challenge facing these families is: How are we going to pay for this? If they get in, how are we possibly going to finance this incredible burden that we see increasing all the time?

In fact, Mr. President, I think this week or maybe the past week one of our national magazines—I believe it was Time magazine—has a special issue out on the cost of higher education. It is their cover story. I commend them for it. I believe it was Time, I apologize if it was another periodical. But it is at an appropriate point with these acceptance and rejection letters coming to seniors in high school and others who have been out of school for some time but anxious to get back in.

So I am stating again the obvious. This is a time of some anxiety. But I would argue, the greatest anxiety is not "whether or not I'm going to be able to go on to a higher educational opportunity," but rather, "How am I possibly going to afford this? How are we going to afford this so our children or myself will be able to acquire the skills and educational levels that are going to be necessary for us to succeed or for my children to succeed in the future?"

That is why the letter they await, Mr. President, with the most anxiety, of course, is the financial aid letter. Working families understand as well as anyone that a college education has never been more important than it is today.

Thirty years ago, Mr. President, a high school diploma could get you a good job, not the best job, but you would get a good job. You could raise a family. You could buy a home. You could have a good life, retire with a decent level of financial security.

I suspect that the Presiding Officer, his family, my family, certainly we saw that in case after case in our communities, whether it was Arkansas or Connecticut. Today, both of us understand that whether it is Arkansas or Connecticut, that is just not the case any longer.

Even though you need a high school diploma today, you have to have even more education if you are going to fit into the economy of the 21st century. Presently, the mean income of a high school graduate in the United States is $18,700 a year; that's the mean income. That would be barely enough to sustain a working family. In fact, if you have a family of four, $18,700 just doesn't do it today; I don't care where you live in the United States. But with a bachelor's degree, earnings nearly double, to $32,600 a year. So that additional 4 years can make a fantastic and huge difference in an individual's ability to provide for themselves and their families.

As you might anticipate, Mr. President, the higher the education, the greater the financial benefits. On average, a holder of a professional degree earns more than $74,500 a year. But making the college opportunity a reality for our children, and for those adults who are going on to higher education, is important beyond simply individual earnings. That is obviously a benefit. But beyond the dollars and cents, beyond the ability of individuals to earn a higher salary, there are benefits to the economy as a whole. According to a new Wall Street Journal survey, Mr. President, two-thirds of academic economists agree that the right Government policies in education would provide a needed shot in the arm to the American economy. The fact is, in today's global economy, higher education is vital if we are to maintain our international competitiveness and to keep our economy strong.

Since the passage of the GI bill, Mr. President—which millions of Americans are familiar with—there may be those who are retired today who remember, after coming out of World War II or the Korean conflict, what a difference the GI bill meant to them. There was a significant debate that many may recall about whether or not we could afford to pay for the GI bill.

I think in today's dollars, Mr. President, the GI bill—if we tried to adopt something like it today, in 1997—would amount to about $9,000 for every single student who took advantage of it. Obviously, the bulk of them took advantage of it in the late forties and fifties, the generation that came out of World War II and Korea. But can you imagine that, today, if you and I were to stand on the floor of the U.S. Senate and be advocates for something like $9,000 for every eligible person who wanted to go on to a higher education? There is no way in the world we could pass anything like that—not to mention finding the resources to pay for it.

So it was a remarkable accomplishment, with all the debt we had at the end of World War II and Korea that hadn't been paid off at that particular time. There was a collective understanding of the value to the country beyond the individual benefit of having a generation that could never, ever have thought about affording a higher education. We, as a country, at the national level, said, let's see if we can't come up and find some resources to help these people who could not afford to go on to school, so they have the resources to do it. I think it is fascinating to note the analysis of how that has worked out. There was an analysis not long ago, Mr. President, that said that, for every dollar spent on the GI bill, the Nation reaped a benefit of $7 in additional revenues—a 7-to-1 ratio. So as expensive as it was, our country as a whole benefited tremendously beyond the obvious individual benefits that those men—primarily men, but men and women—who were recipients of the GI bill received. The country as a whole was a tremendous beneficiary of that program.

At any rate, from this very first effort in higher education—on to policies today—the hallmark of the Federal Government's role in education is not to set aside the curricula in our higher education institutions, or be involved in the workings of these institutions; our role is to try and come up with creative ways to help students and families afford the financial burden of a higher education.

Today, Mr. President, student assistance is determined by a complicated analysis of family and student assets and earnings. I am destined to make my colleagues' eyes glaze over if I try to explain it on the Senate floor, but suffice it to say, it is a rather significant morass of various loans, grants, and other forms of assistance. However, what must remain crystal clear is that, for millions of Americans, college is not simply a time of tranquil learning and weekend parties or weekend gatherings on campuses. For many college students today, Mr. President—if not most—full and part-time work is a fundamental part of their college education.

This bill that I am introducing this morning would help protect these students and ensure that when considering students' financial needs, work is rewarding. Today, Mr. President, under current law, $1,750 of a student's earning from work is shielded when determining need for financial aid. Beyond that initial $1,750, students' earnings are assessed at a rate of 50 percent.

The proposal I have for us to consider would double that amount, from $1,750 to $3,500, which we would shield, so those students would not have to allocate 50 percent of every dollar over $1,750 to their higher education. It would establish a graduated assessment, from $3,500 to $5,000, which would be assessed at 35 percent, and anything over $5,000 in earnings would be assessed at the 50 percent that today is assessed at $1,750. I don't know exactly when, Mr. President, the $1,750 was set aside. It may have been when the number of students that were actually working to pay for their education was relatively small and that work may have been something that people did to acquire some independent financial means to take care of their daily needs.

But as I would say again, no matter where you live in the country, most of our students today are on loans and are out working. College isn't a 4-year deal where you go straight through anymore. You have to have some work experience. This would allow them—since many are paying their own rent, buying their own food, paying for their own transportation—by raising the $1,750 to $3,500, graduated up to $5,000, this would allow them to retain more of that income that they need for their legitimate expenses, before assessing it at a high level that would deprive them of that ability.

Again, this is not going to be a panacea for everything students need, but I think it is realistic. We are going to consider major reforms in the Higher Education Act. I anticipate and hope that this bill might be a part of that proposal. This legislation would ensure that the efforts of these families will be rewarded; work would be rewarded and encouraged. However, this effort should not stand alone, Mr. President. Clearly, there are other groups who may require changes, and other groups of legislation that may require changes. Specifically, I think we need to be sure that single students—particularly those with children—are not penalized because they are forced to work in order to pay for their education.

The bill I am introducing today is, I think, an important first step. In my view, it will guarantee that low-income students receive the financial aid they so urgently need. I look forward to working on this legislation with my colleagues on both sides of the aisle here. I put it out for people's consideration. They may have some ideas to moderate it one way or another.

Again, I think that given the common interest and common concern about higher education and how we can at least lighten the burdens of those out there trying to get that education and also holding down jobs, I encourage my colleagues' attention to this proposal.

With that, I send the bill to the desk and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

By Mr. THOMAS (for himself and Mr. SHELBY):

S. 427. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Finance.

LEGISLATION TO EXEMPT LOBBYING AT THE STATE LEVEL

• Mr. THOMAS. Mr. President, today I am introducing legislation, along with my colleague Senator SHELBY, that exempts expenses incurred to address legislation at the State level from the current law provision that denies this deduction. This change would give lobbying at the State level the same tax deductible treatment currently given to expenses incurred to lobby at the local level.

The provisions of this bill will allow businesses to once again deduct legitimate expenses they incur at the State level to respond to legislative proposals that can affect their livelihood and even their very existence. I ask my colleagues to join us in cosponsoring this important legislation.

As part of the Budget Reconciliation Act of 1993, Congress approved a proposal recommended by President Clinton to deny the deductibility of expenses incurred to influence legislation. As passed, the bill creates a "lobbying tax" by denying a business tax deduction for legitimate expenses incurred to influence legislation at both the State and Federal level. In addition, expenses incurred to influence the official actions of certain Executive branch officials are not deductible. Expenses incurred to influence the legislative actions of local governments, however, are exempt from the lobbying tax.

When the deductibility for lobbying expenses was partially repealed in 1993, the debate centered on lobbying at the Federal level. The fact that lobbying to influence legislative actions at the local level is exempt indicates that the 1993 change did not intend to cover all lobbying activities. Lobbying at the State level was not part of the debate, even though it was included in the final legislation that was approved by Congress.

At the State level, there is more active business participation at all levels of the legislative process. This is partly because State legislatures have smaller staffs and meet less frequently than Congress. In most States, the job of State legislator is part time. Additionally, many Governors appoint "blue ribbon commissions" and other advisory groups to recommend legislative solutions to problems peculiar to a specific State. These advisory groups depend on input from members of the business, professional, and agricultural community knowledgeable about particular issues. The recordkeeping requirements and tax penalties associated with the lobbying tax discourages and penalizes this participation.

The denial of a deduction for legitimate business expense incurred to lobby at the State level is an unwarranted intrusion of the Federal government on the activity of State governments. While many of the reasons to restore this deduction at the State level can also apply to lobbying at the Federal level, this additional intergovernmental argument emphasizes the need to extend the current exemption from the lobbying tax at the local level to lobbying at the State level.

Perhaps one of the best reasons for restoring the deductibility of State lobbying expenses is the paperwork burden that this law has placed on many businesses and organizations. This is especially true for the many State trade associations, most of whom are small operations and not equipped to comply with the pages and pages of confusing Federal regulations implementing this law. Compliance is both time consuming and complicated, and detracts from the legitimate and necessary work and services they perform for their members, who are primarily small businesses and who depend on these associations to look after their interests.

This bill is very simple. It restores the deductibility of business expenses incurred for activities to influence legislation at the State level, and gives them the same treatment that exists under current law for similar activities at the local level. It is good legislation, it deserves your support, and it should be enacted into law.●

By Mr. KOHL (for himself, Mrs. BOXER, Mr. DURBIN and Mr. CHAFFE):

S. 428. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

THE CHILD SAFETY LOCK ACT OF 1997

● Mr. KOHL. Mr. President, today I introduce an important piece of legislation, The Child Safety Lock Act of 1997. Our measure will save thousands of children's lives by curtailing the senseless deaths that occur when improperly stored and unlocked handguns come within the reach of children. Let me tell you about the tragic death of 4 year-old Dylan Pierce of Eaton, WI, which illustrates why we need this law.

Last August, Dylan and his 8-year-old brother Cody stumbled upon an unlocked cabinet while their parents were at work. The cabinet contained a .357-magnum handgun and several rifles. Although the boys' parents told them not to play with the guns, the children were naturally curious. The boys loaded the handgun with ammunition that was kept separate from the guns and began playing with the loaded handgun. While Dylan was handling the gun, it fired, shooting him in the head. Dylan was instantly killed by the bullet. Now, the lives of this family are forever changed, forever damaged.

Unfortunately, statistics show that the Pierce family's tragedy represents part of an everincreasing trend in the United States. Currently, children in the United States are 12 times as likely to die because of a firearm than children in the other 25 largest industrialized countries. Even more startling, the Centers for Disease Control recently reported that nearly 1.2 million latch-key children alone have access to loaded firearms. These figures become even more disturbing when you account for the tragedies that could have been prevented by safety locks.

And while most gun owners properly store their firearms, the sad fact is that a substantial number do not, leaving their guns loaded and within the reach of children.

Mr. President, children's natural curiosity should not lead to their unnatural deaths. We need to ensure that young people who stumble upon handguns do not meet the same fate as Dylan Pierce or the many other children who have died or been injured in handgun accidents. This legislation is especially necessary as long as some adults continue to carelessly store their guns, and in places where children may reach them. Preventing these tragic accidents is the sole purpose of the Child Safety Lock Act.

Our legislation is simple, effective and straightforward. First, it requires that whenever a handgun is sold, a child safety device—or trigger lock—is also sold. These devices vary in form, but the most common resemble a padlock that wraps around the gun trigger and immobilizes it. Trigger locks are already used by thousands of responsible gun owners to protect their firearms from unauthorized use, and they can be purchased in virtually any gun store for less than ten dollars.

Second, the measure requires that a warning be enclosed with the purchase of every firearm. This warning serves as a wake up call to make gun owners aware of the risks associated with improper storage, and it also makes them aware of potential state civil and criminal penalties for failing to use child safety devices.

Mr. President, this bill is not a panacea, but it will help prevent the tragic accidents and deaths associated with unauthorized, unlocked firearms. And it will help ensure that American children do not die as a result of adult carelessness. President Clinton challenged us to enact child safety lock legislation in his State of the Union Address: Today we respond to his challenge.

Senators BOXER, DURBIN, and CHAFEE join me as cosponsors of this bipartisan bill. We ask our other colleagues to join as well.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Lock Act of 1997".

SEC. 2. HANDGUN SAFETY.

(a) DEFINITION OF LOCKING DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'locking device' means—

"(A) a device that, if installed on a firearm and secured by means of a key or a mechanically-, electronically-, or electromechanically-operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically-, electronically-, or electromechanically-operated combination lock; or

"(B) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) LOCKING DEVICES AND WARNINGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), beginning 90 days after the date of enactment of the Child Safety Lock Act of 1997, it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun—

"(A) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun; or

"(B) to any person, unless the handgun is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun:

"'THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED

AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN.' 'FAILURE TO PROPERLY LOCK AND STORE YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY UNDER STATE LAW. IN ADDITION, FEDERAL LAW PROHIBITS THE POSSESSION OF A HANDGUN BY A MINOR IN MOST CIRCUMSTANCES.'

"(2) Exceptions.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(iii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on- or off-duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on- or off-duty).".

(c) Civil Penalties.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) Penalties Relating to Locking Devices and Warnings.—

"(1) In general.—

"(A) Suspension or revocation of license; civil penalties.—With respect to each violation of subparagraph (A) or (B) of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) Review.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) Administrative remedies.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".●

By Mr. GRASSLEY:

S. 429. A bill to amend the Internal Revenue Code of 1986 to allow certain cash rent farm landlords to deduct soil and water conservation expenditures; to the Committee on Finance.

TAX LEGISLATION

Mr. GRASSLEY. Mr. President, I introduce important tax legislation to improve our Nation's soil conservation and water quality. This measure will extend the conservation expense income tax deduction to farmers who improve soil and water conservation and need to rent that farmland to family members on a cash basis. This legislation builds upon an existing and successful income tax provision that applies to similar improvements on sharecrop rentals. I encourage my colleagues to cosponsor this legislation and thereby endorse an environmental tax policy that uniformly encourages conservation improvements on our Nation's farms.

Across all of our Nation's farmland, 4 out of 5 acres rely on private landowners and tenants to care for the natural resources. Even though all farmers should be encouraged to become good stewards of the land, current tax policy does not provide incentives to encourage all private landowners and tenants to make conservation improvements that are consistent with good environmental policy. On the one hand, farm landlords operating on a sharecrop basis are rewarded with an income tax deduction for soil and water conservation improvements. However, cash rent landlords who make the same conservation improvements are denied a similar income tax deduction. My legislation will eliminate this inequality.

Mr. President, 43 percent of our Nation's farmland is rented. Of that farmland, 35 percent is rented on a sharecrop basis, and 65 percent is rented on a cash basis. Sharecrop rentals are arrangements where landlords typically contribute the real estate and improvements, and tenants contribute the labor. Cash rentals are also arrangements where landlords usually contribute the real estate and improvements. However, the landlords also contribute labor since these agreements exist many times within a family farm environment.

To further compare, sharecrop landlords may deduct certain costs paid or incurred for the treatment or moving of earth for soil and water conservation, including the leveling, conditioning, grading, and terracing of farmland. Likewise, sharecrop landlords may also deduct costs incurred to build and maintain drainage ditches and earthen dams. Cash rentals, however, are not provided a tax deduction even though they practice similar conservation methods. In other words, though the substance of these rentals is similar, the tax treatment of conservation expenses is vastly different.

Mr. President, it may surprise you to know that many family farmers are cash rent landlords. The life cycle of a family farm is one where aging parents gradually pass the family farm to their sons or daughters. In many cases, because the children cannot initially afford to purchase the family farms from their parents, a parent-child business relationship often starts out as a rental. Sometimes it is a sharecrop rental, other times they agree to a cash rent relationship.

Unfortunately, our tax and environmental policy toward these two relationships remains irrational. If a landlord sharecrops with a stranger, then that landlord can deduct conservation expenditures. However, if a widowed farm wife cash rents farmland to her daughter and watches over the grandchildren while the daughter works the crops in the field, the grandmother cannot deduct conservation expenditures. Similarly, a retired father who cash rents to his son and provides labor assistance during harvest is likewise denied a conservation tax deduction.

I believe that our tax policy should encourage and reward sound soil conservation practices regardless of the situation of the farmers. At a minimum, our tax policy should reward family farmers who make long term soil conservation improvements to any of their farmland. In fact, these sound conservation practices have already aided many farmers in reducing our level of soil erosion. The USDA reported in its "1992 Natural Resources Inventory" that soil erosion has decreased by 1 billion tons annually. The USDA attributes one half of that decrease to improved conservation efforts by farmers. Nonetheless, our Nation's tax policy requires that family farmers on a cash-rent basis bear much of the expense of this successful environmental policy. My legislation fixes this problem. Surely, it will yield even further soil and water conservation of our Nation's most valuable nonrenewable resource: Farmland.

I encourage all of my colleagues to cosponsor this important legislation.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 430. A bill to amend the act of June 20, 1910, to protect trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

THE NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. DOMENICI. Mr. President, I introduce legislation to amend the New Mexico Enabling Act of 1910. I am pleased to have as a cosponsor, my colleague from New Mexico, Senator Bingaman. I am also very pleased that identical legislation is being introduced today in the House by New Mexico's Representatives Skeen and Schiff.

Mr. President, the Enabling Act of 1910 provided the people of the New Mexico with the authority to convene a State constitutional convention and to organize a State government. As was the case with almost every State west of the Mississippi River, New Mexico was also granted certain public domain lands to be held in trust for the purposes of supporting the State's public educational institutions.

The New Mexico State Land Commissioner's office has a proud history of producing sustained revenues from these State trust lands. These revenues have served the public schools of our State as they were intended, by providing for investments in a permanent fund. Mandates for managing the trust lands to sustain the permanent fund, as well as the control of and distributions from the fund are a part of our State constitution. In order to amend the constitutional mandates related to the

State trust lands and the permanent fund, the Enabling Act requires that Congress give its consent to the amendments. Today, we begin the process of allowing New Mexico greater flexibility for investment, and protection of the permanent fund from the effects of inflation.

In New Mexico, the State Investment Council is charged with managing our State's permanent fund. The council is currently constrained by constitutional mandate, and the Enabling Act, from making certain types of investments that would have provided millions of additional dollars for our State's educational institutions over the past 20 years. Additionally, they are currently required to distribute, on an annual basis, the dividends and income from the permanent fund, regardless of the impacts of inflation on the value of its assets. This requirement has also cost the beneficiaries through periodic market value erosion of the fund's assets.

Mr. President, the voters of New Mexico have spoken. On November 5, 1996, 67 percent approved amendments to our State constitution that will improve the situation. These amendments give the State Investment Council the necessary flexibility to prudently invest the assets of the permanent fund. Additionally, they restrict the distribution of revenues to a fixed percentage of a rolling 5-year average market value of those assets.

This proposal has broad bipartisan support in our State legislature, and from our Governor, Gary Johnson. At this point, I ask unanimous consent to submit for the record a letter of support signed by Governor Johnson, and the bipartisan leadership of the New Mexico House of Representatives and Senate.

Mr. President, the bill I am introducing today does two things. First, it amends the enabling act of 1910, so that it will be consistent with the investment flexibility and permanent fund protection clauses of the amendments to our State constitution, already approved by the voters of New Mexico. Second, it provides the legal requirement of congressional consent to the amendments, so that they can be implemented by our State government. Combined with the State constitutional amendments approved this past November, this bill will provide our State Investment Council with the authority to greatly improve their investment strategies, bringing them to par with the vast majority of other public and private endowed fund management authorities.

In closing, Mr. President, I urge my colleagues to support this important legislation for the State of New Mexico, and I ask unanimous consent that the text of the bill be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the "New Mexico Statehood and Enabling Act Amendments of 1997".

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking "the income therefrom only to be used" and inserting "distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used";

(2) in section 9, by striking "the interest of which only shall be expended" and inserting "distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended"; and

(3) in the first paragraph of section 10, by adding at the end the following: "The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico.".

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled "A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State's permanent funds against inflation by limiting distributions to a percentage of each fund's market value and by modifying certain investment restrictions to allow optimal diversification of investments", approved by the voters of the State of New Mexico on November 5, 1996.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Santa Fe, NM, February 24, 1997.
U.S. Senator PETE V. DOMENICI,
Federal Place,
Santa Fe, NM.

DEAR SENATOR DOMENICI: We hereby respectfully request the U.S. Congress amend the Enabling Act for New Mexico. This Amendment is necessary to protect the fund from inflation and to reduce risk by diversifying investments and establishing a distribution formula similar to that used by most other endowments. The Legislature and 67% of the voters from New Mexico voted in favor of amending Article 12, Sections 2, 4 and 7 of the New Mexico Constitution to accomplish these objectives. Since these funds are derived from Federal land granted to the State under the Enabling Act of 1910, it is necessary to obtain the consent of the U.S. Congress before the Amendment can be implemented. The Amendment can be implemented without any cost to the Federal Government.

The Amendment changes the method of making distributions to the institutional beneficiaries (primarily public schools, universities and other public institutions) to one based on a fixed percentage (4.7%) of the five-year average market value of the funds, instead of one based solely on interest and dividend income. This method of making distributions should ensure that the fund will grow with inflation, therefore protecting the fund for future generations.

Anything you can do to expedite the process of amending the Enabling Act so that we can invest the State's Permanent Funds more professionally and implement the new distribution formula will be sincerely appreciated.

Thank you for your help and support of this request.

Very truly yours,
GARY E. JOHNSON,
Governor.
RAYMOND G. SANCHEZ,
Speaker of the House of Representatives.
KIP W. NICELY,
Minority Leader of the House of Representatives.
MANNY M. ARAGON,
Pro Tempore, of the Senate.
RAYMOND KYSAR,
Minority Leader of the Senate.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. BURNS, Mr. CRAIG, Mr. KEMPTHORNE, and Mr. SMITH of Oregon):

S. 431. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I am pleased to be joined by my colleagues, Senators STEVENS, GORTON, BURNS, CRAIG, KEMPTHORNE, and Senator SMITH of Oregon, in introducing the Ninth Circuit Court of Appeals Reorganization Act of 1997.

Our legislation will create a new twelfth circuit comprised of Alaska, Washington, Oregon, Idaho, and Montana. This legislation will ease the current burdens of the ninth circuit, as well as effectively create a new northwest circuit that is historically, economically, culturally, and philosophically united.

Mr. President, one look at the contours of the ninth circuit reveals the need for this reorganization. Stretching from the Arctic Circle to the Mexican border, past the tropics of Hawaii and across the international dateline to Guam and the Marianna Islands, by any means of measurement, the ninth circuit is the largest of all U.S. circuit courts of appeal.

There is also no denying the ninth circuit's mammoth caseload. It serves a population of more than 45 million people, well over one-third more than the next largest circuit.

Last year, the ninth circuit had an astounding 7,146 new filings.

By 2010, the Census Bureau estimates that the ninth circuit's population will be more than 63 million—a 40-percent increase in just 13 years, which inevitably will create an even more daunting caseload.

We believe that this legislation is long overdue. Because of its size, the entire appellate process in the ninth circuit is the second slowest in the Nation. As former Chief Judge Wallace of the ninth circuit stated: "It takes about 4 months longer to complete an appeal in our court as compared to the national median time." Mr. President, what this means is that while the national median time for filing a notice of appeal to final disposition is 315 days, the ninth circuit median time is 1 year and 2 months.

Furthermore, the massive size of the ninth circuit often results in a decrease in the ability to keep abreast of legal developments within its own jurisdiction. This unwieldy caseload creates an inconsistency in constitutional interpretation. In fact, ninth circuit cases have an extraordinarily high reversal rate by the Supreme Court. During the Supreme Court's 1994–95 session, the Supreme Court overturned 82 percent of the ninth circuit cases heard by the Court. This lack of constitutional consistency discourages settlements and leads to unnecessary litigation.

Mr. President, the legislation I am introducing is not novel. Since the day the circuit was founded, over a century ago, there were discussions of a split. Nearly a quarter century ago, in 1973, the Congressional Commission on the Revision of the Federal Court of Appellate System recommended that the ninth circuit be divided.

Additionally, the American Bar Association has adopted a resolution expressing the benefits of dividing the ninth district.

Since 1983, Senator GORTON and many others in this Chamber have initiated legislation to split the circuit.

There have been Senate hearings. In December 1995, Senator HATCH stated in a committee report that:

> The legislative history, in conjunction with available statistics and research concerning the Ninth Circuit, provides an ample record for an informed decision at this point as to whether to divide the Ninth Circuit . . . Upon careful consideration the time has indeed come.

Furthermore, splitting a circuit to respond to caseload and population growth is by no means unprecedented. Congress divided the original eighth circuit to create the tenth circuit in 1929, and divided the former fifth circuit to create the 11th circuit in 1980.

The legislation that I and my colleagues introduce today is the sensible reorganization of the ninth circuit. The new ninth circuit would embrace California, Nevada, Arizona, Hawaii, and the U.S. territories. And the new 12th circuit would be comprised solely of States in the Northwest region. Most importantly, this split would respect the economic, historical, cultural, and legal ties which exist between the States involved.

Mr. President, no one court can effectively exercise its power in an area that extends from the Arctic Circle to the tropics. The legislation introduction today will create a regional commonality which will lead to greater consistency and dependency in legal decisions.

Mr. President, we have waited long enough. The 45 million residents of the ninth circuit are the persons that suffer. Many wait years before cases are heard and decided, prompting many to forego the entire appellate process. In brief, the ninth circuit has become a circuit where justice is not swift and not always served.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ninth Circuit Court of Appeals Reorganization Act of 1997".

SEC. 2. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking "thirteen" and inserting "fourteen";

(2) in the table, by striking the item relating to the ninth circuit and inserting the following new item:

"Ninth	Arizona, California, Hawaii, Nevada, Guam, Northern Mariana Islands."

and

(3) between the last 2 items of the table, by inserting the following new item:

"Twelfth	Alaska, Idaho, Montana, Oregon, Washington."

SEC. 3. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

and

(1) by striking the item relating to the ninth circuit and inserting the following new item:

(2) by inserting between the last 2 items at the end thereof the following new item:

SEC. 4. PLACES OF CIRCUIT COURT.

The table in section 48 of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

"Ninth	San Francisco, Los Angeles."

and

(2) by inserting between the last 2 items at the end thereof the following new item:

"Twelfth	Portland, Seattle."

SEC. 5. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this Act—

(1) is in Arizona, California, Hawaii, Nevada, Guam, or the Northern Mariana Islands is assigned as a circuit judge of the new ninth circuit; and

(2) is in Alaska, Idaho, Montana, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

SEC. 6. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 7. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 8. APPLICATION TO CASES.

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which it would have gone had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1) of this section, shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this Act had not been enacted.

SEC. 9. DEFINITIONS.

For purposes of this Act, the term—

(1) "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 2(2) of this Act; and

(3) "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 2(3) of this Act.

SEC. 10. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act. Such court shall cease to exist for administrative purposes on July 1, 1999.

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 1997.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. DEWINE, Mr. HUTCHINSON, and Mr. COATS):

S. 432. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Finance.

THE AMERICAN COMMUNITY RENEWAL ACT OF 1997

• Mr. ABRAHAM. Mr. President, today, I am proud to join colleagues on both sides of the Capitol and both sides of the aisle in introducing the American Community Renewal Act of 1997. This legislation addresses the social and economic pathologies currently besetting this country. It helps bring back economic growth and the sense of community we need to maintain safe streets, strong families, and vibrant neighborhoods. And it does so be bridging the gap between tax policies designed to stimulate economic growth and social policies designed to strengthen our moral fabric.

This bipartisan, bicameral bill has the support of members from diverse States and diverse political perspectives. Here in the Senate, I am joined by Senators LIEBERMAN, DEWINE, HUTCHINSON of Arkansas, and COATS. Meanwhile, Congressmen WATTS, FLAKE, and TALENT are introducing a similar bill in the House of Representatives.

Mr. President, the tragedy of broken homes, drugs, violence, and welfare dependency is so prevalent that some Americans accept it as normal. But broken families are not normal, and neither is the hopelessness that lies at the root of community decay. We can and must work to renew our distressed communities, both for the sake of the people living there and for all Americans.

We spent $5.4 trillion on the War on Poverty, yet today's poverty rate is essentially the same as it was in 1966. The problem was not our good intentions. Nor was it that community decay is an unbeatable adversary. Rather, the problem with the war on poverty was that it looked toward Washington rather than to the communities themselves.

Mr. President, the Washington knows best approach is a recipe for disaster. Washington can neither end poverty nor give people the habits of hard work, civility, and personal responsibility necessary for community renewal. But Washington can do something. It can remove barriers and free entrepreneurs and community leaders to reconstruct the fundamental institutions, beliefs, and practices upon which any health community must rely.

Which leaders are we talking about? People like Indianapolis Mayor Steve Goldsmith, who is working with local groups like the Indianapolis Housing Project and Westside Cooperative Organization. Together they are cutting redtape and encouraging community development. They are revitalizing neighborhoods that previously had been written off.

In Detroit, Mayor Archer's clean sweep program last year brought together over 20,000 volunteers in and around that city, along with dozens of local community organizations. Their efforts resulted in the removal of over 300,000 bags of trash from our city. Community pride was harnessed, and developed, in this worthwhile endeavor.

These are the kinds of cooperative efforts that can revitalize our distressed communities. Such efforts lie behind the American Community Renewal Act of 1997. By replacing barriers with incentives, this legislation aims to increase private investment, strengthen family ties, and effectively fight drugs abuse by reintegrating faith-based institutions into the public life of our distressed areas. Building on the pioneering legislation sponsored by then-Congressman Jack Kemp in the 1970's, it will create 100 community renewal zones with targeted, pro-growth tax and regulatory relief, housing assistance and provisions encouraging savings, education and investment.

A community must meet several criteria to qualify. First, its residents must have incomes well below the average while at least a fifth fall below the poverty line. Other measures such as unemployment levels and eligibility for certain Federal assistance programs are also considered.

Second, the community must bring to the table its own package of incentives including lower taxes, increased local services, a crime reduction strategy, and fewer economic regulations. Mr. President, part of rejecting the Washington knows best philosophy is acknowledging that not all barriers to economic and social growth come from the Federal Government.

This legislation calls on local governments to do their part. In return for these concessions, Mr. President, the community will receive a number of powerful benefits designed to encourage new businesses, job creation, and economic growth.

First, we eliminate the capital gains tax for the sale of any renewal property or business held for at lest 5 years, we increase the expensing allowance for small businesses for those who locate in the zone, and we target low-income workers with a 20-percent wage credit if they are hired by a renewal community business.

Next, we target additional capital at renewal communities by allowing banks to receive Community Reinvestment Act credit for investments in, or loans to, community groups within the zone. The idea is that these groups would then provide loans to local small businesses and residents.

Finally, we target environmental blight by providing tax incentives for cleaning up of old commercial and industrial properties located within the renewal communities. There are tens of thousands of these so-called brownfields across the country, Mr. President, and in many communities they represent the No. 1 obstacle to redevelopment and economic growth. Providing these tax breaks eliminates a barrier to investment in our renewal communities as it helps preserve undeveloped lands inside and outside these communities. For every brownfield that gets cleaned and reused, a greenfield is preserved.

Important as they are, however, investment and job creation incentives are not enough. That is why the Community Renewal Act also targets families and organizations. For families living within renewal communities, the bill provides new opportunities for saving, owning a home, and sending their children to the school of their choice.

The bill provides renewal zone residents with family development accounts. These super-IRA's will encourage low-income families to save part of their income by making the deposits—up to $2,000 per year—deductible and the withdrawals tax free if used for purposes like buying a house or meeting educational expenses.

The bill also provides for the sale of unoccupied or substandard local HUD homes and housing projects to community development corporations. This provision increases housing opportunities for low-income families, helping them stay together, invest in their homes, and care for their neighborhoods by making them stakeholders in renewal communities.

Finally, there is an opportunity scholarship program. This means-tested program allows low-income parents to send their children to the school they think best.

Our bill also targets community organizations for assistance. As has been noted previously, for every social problem we face, there is an organization out there that is addressing that problem. This legislation's goal is to stimulate and encourage those organizations in their work.

In San Antonio, Pastor Freddie Garcia runs Victory Fellowship. This faith based drug rehabilitation program has saved thousands of addicts in some of the city's toughest neighborhoods. Victory Fellowship offers addicts a safe haven, a chance to recover, job training, and a chance for addicts to provide for themselves and their families and 13,000 people have been helped there, with a success rate of over 80 percent. But, because Victory Fellowship is faith based, it has not received any

Federal help. Also because it is faith based, no one receiving Federal assistance is allowed to go there.

Mr. President, the American Community Renewal Act would allow local, faith based substance abuse treatment centers like Pastor Garica's to receive Federal assistance. It does so without endangering the independence of the Victory Fellowship and other centers doing similar work, and it does so without forcing religious doctrine upon those who seek assistance.

And, finally, this legislation stimulates charitable giving in all American communities by creating a new charity tax credit for private donations to qualified charities. Mr. President, back in 1986, Congress eliminated the charitable deduction for families who do not itemize. This change in the Tax Code hurt the ability of charities to attract private support. To correct this problem, this new credit would be available to all families, even those who do not itemize. To keep the cost reasonable, we have capped qualified donations for taxpayers who must also personally volunteer at the recipient charity. Nevertheless, we believe this provision will provide taxpayers with a powerful incentive to add their hard-earned money to the war on poverty and drugs.

Mr. President, the American Community Renewal Act places its faith in individuals, organizations, and communities all across America to address our social and economic ills. It does so by bridging the gap between economic and social policy, and the gap between traditionally Republican and Democratic solutions. I am glad to have joined hands with my colleagues to move this initiative forward, and I look forward to seeing this legislation enacted into law this Congress.

Mr. President, I ask unanimous consent that a detailed summary of the American Community Renewal Act be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE AMERICAN COMMUNITY RENEWAL ACT OF 1997—OUTLINE

This legislation focuses on three broad themes: moral and family renewal, personal economic empowerment, and fostering private charity. Our bill allows for up to 100 "Renewal Communities" to be established on a competitive basis in both urban and rural areas. To be designated a Renewal Community, state and local governments would have to work together with neighborhood groups to relax zoning, housing, tax, and business rules and regulations.

TITLE I: DESIGNATION AND EVALUATION OF RENEWAL COMMUNITIES

Establish up to 100 Renewal Communities along the following guidelines:

(1) The Secretary of Housing and Urban Development has the authority to designate these "renewal communities," 25 percent of which must be in rural areas. Designations would be effective for seven years.

(2) Areas nominated would have to meet certain criteria and would be ranked on the degree to which they exceeded these criteria. The criteria are as follows: (a) have an unemployment rate of at least 1½ times the national rate; (b) have a poverty rate of at least 20 percent; and (c) at least 70 percent of the households in the area have incomes below 80 percent of the median income of households in the metropolitan statistical area.

Nominated areas also would have to meet certain population criteria. These requirements are: (1) the areas must be within the jurisdiction of local governments; (2) the boundary must be continuous; and (3) if it is in a metropolitan statistical area, the population, based on the most recent census data, must be at least 4,000 (1,000 in the case of rural areas) or be entirely within an Indian reservation.

(3) Within four months of enactment, the Secretary of Housing and Urban Development would be required to issue regulations to: (1) establish the procedures for nominating areas; (2) determine the parameters relating to the size and population characteristics of "renewal communities;" and (3) the manner in which nominated areas will be evaluated based on the eligibility criteria.

(4) The Secretary of Housing and Urban Development could not designate an area a "renewal community" unless: (1) the local governments and the state have the authority to nominate an area; (2) agree to the requirements on state and local governments (described below); and (3) provide assurances that these commitments will be fulfilled; and (4) the Secretary of Housing and Urban Development determines that the information furnished is reasonably accurate.

(5) Before being considered for "renewal community" status, state and local governments must enter into a written contract with neighborhoods organizations to do at least five of the following: (1) reduce taxrates and fees within the "renewal community;" (2) increase the level of efficiency of local services within the renewal community; (3) crime reduction strategies; (4) actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community; (5) involve private entities in providing social services; (6) allow for state and local income tax benefits for fees paid or accrued for services performed by a nongovernmental entity but which formerly had been performed by government; and (7) allow the gift (or sale at below fair market value) of surplus realty (land, homes, commercial or industrial structures) in the "renewal community" to neighborhoods organizations, community development corporations, or private companies.

Communities would receive credit for past activities with respect to these activities.

(6) In addition, before being considered for "renewal community" status, state and local governments must agree to suspend or otherwise not enforce the following types of restrictions on entry into business or occupations: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3). permit requirements for street vendors that do not create a public nuisance; (4). zoning or other restrictions that impeded the formation of schools or child care centers; or (5). franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling. State and local authorities may apply such regulations of businesses and occupations within the "renewal communities" as are necessary and well-tailored to protect public health, safety, or order.

(7) State and local governments must agree to participate in the low-income scholarship program provided for in Title IV of this bill.

(8) With respect to existing Empowerment Zones and Enterprise Communities, the first 50 designations of Renewal Communities will be offered to existing zones on a first come, first serve basis.

TITLE II: ECONOMIC EMPOWERMENT AND TAX ADVANTAGES

The tax benefits for Renewal Communities are substantial. The tax incentives are as follows:

(1) A 100 percent exclusion from capital gains for certain qualified Renewal Community assets held for more than five years;

(2) An additional $35,000 of expensing under IRS Code Section 179 for qualified Renewal Community enterprises;

(3) A work opportunity tax credit to offset the cost of hiring individuals who are either on Temporary Assistance for Needy Families (TANF), are considered high-risk youth, or are in need of some type of vocational rehabilitation. The maximum credit can be up to $3,000 of first-year wages. The credit only applies to businesses located within the Renewal Community over a seven year period.

(4) A commercial revitalization tax credit for the renovation and rehabilitation of qualified, non-residential buildings located within a Renewal Community. The credit is worth up to 20% of the cost of renovation of 5% a year for ten years;

(5) Permits taxpayers to expense costs incurred in the abatement of environmental contaminants located within a Renewal Community.

Provides Family Development Accounts for the working poor residing in "renewal communities" along the following guidelines:

(1) As an incentive for low-income working families to save, EITC recipients would be able to put a portion of their credit into a savings account and be rewarded with a federal match. The intent of this section is to provide low-income working families an incentive to accumulate assets and help achieve economic self-sufficiency. Withdrawals from these accounts, known as Family Development Accounts, would be tax-free for the purchase of a home, post-secondary education, emergency healthcare costs or the creation of a small business. Contributions to the account would be limited to $2,000 in unmatched income for a one year period.

(2) These FDA accounts may be matched by public and private funds to help low-income families build family assets and become independent from government programs. Matches could be provided by local churches, service organizations, corporations, foundations, and state or local governments. A federal match of this money would also be deposited into the Family Development Account in at least 25 "renewal communities." The funds for these demonstration programs will come from the $1 billion extra Social Service Block Grant program created in the 1993 enterprise zone bill.

Provide a new tax credit for charitable giving to private organizations which aid the poor along the following guidelines:

(1) The credit would equal 75 percent of the value of donations to qualified charities. The maximum gift for which such credit would be claimed would be $100 for a single filer ($200 for a joint-filing household). This credit would only be active for a three year period.

In order to be eligible for the credit, the filer must have completed at least 10 hours of volunteer service for the designated organization over a one year period.

(2) In order for the credit to be claimed, the charity which receives the gift: (a). must be predominately involved in the provision of services to persons whose annual incomes do not exceed 185 percent of poverty; (b). must allocate at least 70 percent of its total expenditures to direct services to low-income persons.

TITLE III: LOW-INCOME EDUCATIONAL OPPORTUNITY SCHOLARSHIP PROGRAM

Establish an educational choice scholarship program in each "renewal community" along the following guidelines:

(1) Parents of children who receive assistance under this program will be free to choose the school which their children will attend from a wide range of types of schools, including: alternative public schools, charter schools, private schools, and private religious schools.

(2) Funds under the program may be used (a). to cover the reasonable cost of transportation to alternative public schools or (b). to provide scholarships to pay for tuition and reasonable transportation costs to private, and private religious schools.

(3) Each locality will determine the value of scholarships for children in their locality. The maximum value of the scholarship shall not exceed the per capita cost of educating children in a public school in the locality. The scholarship shall have a minimum value which shall not fall below the lesser of: (a). 66 percent of the per capita costs of educating children in the public schools in the locality; or (b). the normal tuition charged by the private school.

(4) A parent shall be able to redeem a scholarship at any private or private religious school within the locality which meets the health and educational standards for private schools within the locality which existed as of January 1, 1996. All schools which receive these scholarships shall comply with the antidiscrimination provision of Section 601 of Title VI of the Civil Rights Act of 1964 and may not discriminate on the basis of race.

(5) The locality may not prohibit parents from using scholarships to pay for tuition in religious schools and may not discriminate in any way against parents who choose to place their child in a religious school. The Senate version of the bill ensures that state and local funds are not used for scholarships where it is prohibited by state law or state constitution.

(6) Education funds under this act shall be provided into two tiers: Tier I funds shall be based on the number of school-age children with family incomes below 185 percent of poverty; Tier II funds shall be based on the level of private and public contribution to scholarships in the locality.

The level of Tier I funds, which each community shall receive, shall be pro-rated based on the number of school-age children in families residing in the community with incomes below 185 percent of poverty relative to the total number of such children in all localities eligible for funding. 80 percent of the funds shall be dedicated to Tier I.

Tier II funds shall equal 20 percent of all education funds under this Act and shall be proportional to the level of contribution to scholarships from non-federal funds (public or private) within the locality.

(7) No individual shall be entitled to scholarships. A locality shall allocate scholarships and transportation aid to eligible parents who apply for aid on a first-come, first-served basis or through another mechanism of selection determined by the locality which does not discriminate on the basis of the type of school selected by the parent.

(8) If the funds allocated to a locality under this act exceed the total expenditures on transportation aid and scholarships in a locality in a given year, the locality may use the surplus funds to provide for the education of low-income children within the public school system.

TITLE IV: FAITH-BASED SERVICE PROVIDER EMPOWERMENT AND HOMEOWNERSHIP

The act would empower neighbhorhood groups, including religious institutions, who want to provide drug treatment and drug counseling activities in the following manner:

(1) Modifies existing drug counseling and drug rehabilitation programs. A state may provide drug counseling and drug rehabilitation services through contracts with religious organizations or other private organizations; or may provide beneficiaries with vouchers or certificates which are redeemable for services provided by such organizations.

(2) Funds may be used for drug counseling and rehabilitation programs which have a religious content and character, as long as the beneficiary is able to choose among a range of service providers, including those which are religious in character. Such use of funds shall conform to the Supreme Courts interpretation of the Establishment Clause as provided in Mueller v. Allen and Witters v. Department of Services for the Blind.

(3) No beneficiary shall be required to participate in a service or program which is religious in character. In all cases beneficiaries shall be given the option of selecting services from a non-religious provider.

(4) Except as provided in #3 above, neither the federal government nor a state receiving funds may discriminate against an organization which seeks to provide services or be a contractor on the basis that the organization has a religious character.

(5) States would be required to undertake a review of credentialing requirements for drug rehabilitation programs. The goal of this review would be to improve efficiency and effectiveness of programs by reducing credentialing requirements.

More low-income families will have the opportunity to buy their first home through the Renewal Community home-ownership provisions. These measures provide for the sale of unoccupied or substandard homes and housing projects located within Renewal Communities and owned by HUD to community development corporations.

Finally, the bill would encourage bank lending within "renewal communities." The bill amends section 804 of the Community Reinvestment Act of 1977 and allows financial institutions to receive CRA credit for investments in, loans to, or other ventures with community development financial institutions as defined by the Bank Enterprise Act of 1991 and which are located within "renewal communities."•

• Mr. LIEBERMAN. Mr. President, from the time I came to the Senate in 1989, I have been proud to advocate enterprise zones for America's troubled neighborhoods. I think this issue is at the heart of the whole question of what America must do to redeem the promise of economic opportunity for all Americans. I was pleased to work with Jack Kemp on this issue when he was Secretary of HUD, for the past 2 years with Senator ABRAHAM, and now with Representatives WATTS, FLAKE, and TALENT.

We all believe that not enough is being done to empower those people who live, work, and want to start businesses in our poorest urban and rural areas of the country. Any response to the economic distress in urban and rural areas which does not include a mechanism to attract businesses and jobs back to these areas is a response that is destined to fail.

We took a step toward empowering poor Americans and identifying and helping impoverished communities by passing 1993 legislation creating empowerment zones and enterprise communities in more than 100 neighborhoods across the country. With the passage of that legislation, Congress recognized something that our States have acknowledged for many years: Government loses the war on poverty when it fights alone. What we really need to do is figure out a way to pull the people and the places with little or no stake in our economic system, into our system. We need to answer "yes" to the question posed by Paul Pryde, coauthor of "Black Entrepreneurship in America." That question is, "Can we make the market work for the discouraged, isolated and frequently embittered underclass?"

We can, and need, to answer, "yes." The 1993 legislation marked a fundamental change in urban policy, by recognizing that American business can and must play a role in revitalizing poor neighborhoods. Indeed, American business involvement is essential if we are to break the cycle of poverty and the related ills confronting too many cities and rural areas today—crime, drug abuse, illiteracy, and unemployment.

The 1993 breakthrough was a good start, but we did not go far enough. That's why I am pleased to join with my colleague, Senator SPENCER ABRAHAM, on a bipartisan basis, in announcing the American Community Renewal Act of 1997. We want to help economically distressed urban and rural areas by creating 100 community renewal zones, including current empowerment zones and enterprise communities created by OBRA 1993, and additional communities meeting poverty and local commitment criteria. Specifically, these zones must have a 20 percent or more poverty rate, unemployment of at least 15 percent the national rate, and at least 70 percent of households with incomes below 80 percent median household income. Renewal communities will commit to reducing barriers to business, such as reductions in local taxes and fees, elimination of State and local sales tax, and waiver of local and State occupational licensing regulations except for those specifically needed to protect health and safety.

This legislation will offer targeted, pro-growth tax and regulatory relief to encourage private sector job creation and economic activity in impoverished areas. To enhance business and community partnerships, we have included provisions to facilitate additional housing opportunities, encourage savings, and offer additional education and investment opportunities. The CRA credit will facilitate additional investment and lending to community development financial institutions, and family development accounts will encourage low-income families to save part of their income or EITC refund. Family development account funds will be deductible for tax purposes and can be withdrawn tax-free if used for qualified purposes. Family and community ties will be strengthened through new private investment opportunities and expanded access to drug treatment in these communities.

We cannot give up on our inner cities and impoverished areas. Government, itself, cannot revitalize these areas. Communities must be strengthened through expanded economic opportunities, jobs, and private sector development in people's own local neighborhoods. Only then, can our communities save themselves from the vicious cycle of poverty and prepare our children for the future. Local partnerships and the commitment of business and communities to improving the economy of our poorest areas will provide the cornerstone of the future.

Through limited government involvement, enhanced personal responsibility, and the economic freedom of business to grow and develop, poor communities can become players in our Nation's economy. The American Community Renewal Act helps poor Americans of all backgrounds pursue happiness, and escape from the trap of poverty that defines too many of their lives today.●

By Mr. BROWNBACK (for himself, Mr. KYL, Mr. ALLARD, Mr. COATS, Mr. ENZI, Mr. HAGEL, and Mr. SESSIONS):

S. 433. A bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws; to the Committee on Governmental Affairs.

THE CONGRESSIONAL RESPONSIBILITY ACT OF 1997

● Mr. BROWNBACK. Mr. President, I introduce a piece of legislation that is being cosponsored by five of my colleagues. This legislation is the Congressional Responsibility Act of 1997.

But first of all I would like to recognize the tremendous work of Congressman J.D. HAYWORTH in pushing this legislation during the last Congress. As leader of the Constitutional Caucus J.D. has worked hard to return to Congress its constitutionally granted authority over the lawmaking process, and it is a privilege to be able to work with him on this legislation during the 105th. Congressman J.D. HAYWORTH will introduce the Congressional Responsibility Act of 1997 along with 30 of his House colleagues in the U.S. House of Representatives later today.

I believe the Congressional Responsibility Act of 1997 will provide a powerful tool in returning to Congress the constitutional responsibility it has abdicated for much of this century to unaccountable executive branch bureaucrats.

Ultimately this bill is about returning the constitutional responsibility of Congress back to the Congress.

Article I, section 1 of the Constitution states, "All legislative powers herein granted shall be vested in a Congress."

I believe that for too long Congress has ignored this provision by purposely writing excessively broad laws that are left not to Congress for interpretation but instead to unaccountable bureaucrats. As it stands now; Congress writes a law, an executive branch agency then interprets the law and promulgates regulations, and then the agency enforces the regulation. The agency in effect becomes both the maker and the enforcer of law.

This is wrong.

I agree with Madison, who wrote in the Federalist Papers that the consolidation of power into one branch of government is tyrannical.

This type of consolidation separates the American people from the process of lawmaking by separating the Congress from the promulgation of rules and regulations.

Taxation without representation was the charge levied at the British Government at the birth of our country. I believe a new charge levied at our own Government is regulation without representation. I believe it is a charge that we must answer.

The American people have a right to be heard in the lawmaking process; and we have a constitutional responsibility to make the law. Congress cannot and must not continue to carelessly delegate its authority away to executive branch agencies. In fact, it must take back that which it has already given away.

We must be responsible.

My bill will make us responsible. The Congressional Responsibility Act of 1997 will force Congress to vote on the rules and regulations promulgated by executive branch agencies before the rules and regulations can take effect.

Some will argue that this process will place an increased burden on the Congress who, they argue, already has little enough time to consider all the issues that come before it. This is an understandable concern.

The obvious answer is that regardless of the time burden it is still our constitutional responsibility to oversee the lawmaking process.

But our bill does address some of these concerns. For example, our bill will require Congress to vote on every proposed rule or regulation in an expedited manner, unless a majority of Members vote to send it through the normal legislative process. Under the expedited procedure the majority leader of both Houses, by request, must submit a bill comprised of the text of the regulation for consideration. The bill must then come before the respective Chamber for a vote within 60 days with debate limited to 1 hour and not amendable. If the bill is sent through the normal legislative process it is amendable. If the bill is not introduced the regulation is effectively killed. Congress must act for the regulation to take effect.

It is our responsibility to represent our constituents, to create a better Government, and to ensure the integrity of our democracy by always striving to give those who don't have a voice, a voice. It is our duty—it is what we were sent here to do.

Constitutional experts from across the country have expressed their strong support for this legislation.

Judge Robert Bork and Stephen Breyer have both expressed support for this issue. As well Professor David Schoenbrod at New York Law School and Professor Marci Hamilton at Cardozo have written letters strongly recommending that we adopt this bill and reassert our constitutional responsibility over the creation of laws. KU law professors Henry Butler and Steve McCallister have signed on as well. Professor John Hart Eli of the University of Miami has endorsed this bill as well.

This is a bipartisan concept that has, in the past, enjoyed the support of people like Senator Bill Bradley, and Nadine Strossen, president of the ACLU. Judge Robert Bork has expressed his support for this concept as well.

It is my sincere hope that Congress will act as it ought to act and in so doing pass the Congressional Responsibility Act of 1997 and once and for all return to Congress the authority it should have never given away.

I urge speedy consideration of this timely and vitally important piece of legislation.●

● Mr. HAGEL. Mr. President, I rise today as an original cosponsor of the Congressional Responsibility Act. I commend my distinguished colleague from Kansas, Senator BROWNBACK, for his leadership on this matter.

This legislation is an important step toward restoring the intent of our Constitution's framers that Congress—not the executive branch—makes the law. For too long, unelected bureaucrats in Federal departments and agencies have issued rules and regulations that have the force of law but that have never been deliberated by the people's elected representatives in Congress. That's not democracy. That's not accountability. America is not supposed to work that way.

We all know stories of Federal regulations run amok. We know of rules that make no sense, of regulations whose costs far outweigh their benefits, of rules that either don't solve the problem or prove worse than doing nothing at all.

Time and again, these senseless regulations hurt real people—people who expect accountability from their Government. Regulations have become one of the largest burdens on America's small businesses, farmers, ranchers, and private property owners. If Americans are to maintain faith in our democracy, the onslaught of regulation must be stopped.

Of course, Congress is not perfect either—but at least we are accountable to the people. That is why the Framers intended that Congress would make laws, and the executive branch would only carry them out. Regulatory agencies should interpret the laws passed by Congress—not make laws of their own. That is why we need to restore the Constitution's intended separation of powers.

This legislation would do just that. It would prevent any Federal regulation from taking effect until Congress votes on it. In essence, it transforms the Federal regulators into Federal advisors—suggesting regulations that Congress may or may not approve.

Last year, Congress enacted the Congressional Review Act, which permitted Congress to review major Federal regulations. That was an important first step. This legislation we are introducing today goes a step beyond that—it requires Congress to approve all Federal regulations. If Congress does not approve, the regulators cannot regulate.

Mr. President, this bill is an important tool to return accountability to the regulatory process. This is about cutting Government and renewing the basic principle of our democracy—that the people, through their elected Representatives, control the Government, and not the other way around.

I am proud to be an original cosponsor of this legislation, and I urge all of my colleagues to support it.•

By Mr. MOYNIHAN (for himself and Mr. BYRD):

S. 434. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Finance.

THE STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

• Mr. MOYNIHAN. Mr. President, today I am introducing legislation to prohibit the use of tax-exempt financing for professional sports stadiums, the Stop Tax-exempt Arena Debt Issuance Act [STADIA], with one modification.

The bill I introduce today is identical to S. 122, the previously introduced version of the STADIA bill, in all respects save one. The new version, rather than generally applying to bonds issued on or after the date of first committee action, as specified in S. 122, will be effective generally for bonds issued on or after the date of enactment.

On February 27, during the floor debate regarding the reinstatement of the airport and airway trust fund taxes, the senior Senator from Pennsylvania, Senator SPECTER, raised an objection to the majority leader's request that the aviation tax bill be taken up and passed. Senator SPECTER's objection was based on his concerns about the effective date of S. 122. In view of the importance of the aviation tax legislation, which is critical to the funding of air safety measures, I agreed to revised the effective date of my bill. Senator SPECTER then withdrew his objection to passage of the aviation tax legislation, which the Senateproceededtopassbyunanimous consent.•

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 66

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 114

At the request of Mr. INOUYE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 222

At the request of Mr. DOMENICI, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 368

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 368, a bill to prohibit the use of Federal funds for human cloning research.

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Kansas [Mr. BROWNBACK], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

SENATE RESOLUTION 59

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Delaware [Mr. BIDEN], the Senator from Connecticut [Mr. DODD], the Senator from California [Mrs. BOXER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. CONRAD], the Senator from Georgia [Mr. CLELAND], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. DEWINE], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Delaware [Mr. ROTH], the Senator from North Dakota [Mr. DORGAN], the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. REED], the Senator from Nevada [Mr. REID], the Senator from Maryland

[Mr. SARBANES], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 59, a resolution designating the month of March of each year as "Irish American Heritage Month."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 417, a bill "to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002," S. 416, a bill "to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency," and S. 186, a bill "to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States and for other purposes," has been postponed.

The hearing was scheduled to take place on Tuesday, March 18, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC, and will be reschedule later.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 2:30 p.m. in room 106 of the Dirksen Senate Building with the Committee of Banking, Housing, and Urban Affairs to conduct a joint oversight hearing on Indian housing programs operated by the Department of Housing and Urban Development [HUD].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 12, 1997, at 2 p.m. on universal service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 12, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Scientific Discoveries in Cloning: Challenges for public policy, during the session of the Senate on Wednesday, March 12, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 12, 1997 beginning at 9:30 a.m. until business is completed, to hold an oversight hearing on the operations of the Smithsonian Institution, the Woodrow Wilson Center for International Scholars, and the John F. Kennedy Center for the Performing Arts.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 12, 1997 at 9 a.m. to hold an open hearing on the Nomination of Anthony Lake to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces be authorized to meet on Wednesday, March 12, 1997, at 10 a.m. in open session, to receive testimony on the Defense authorization request for fiscal year 1998 and the future years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 12, 1997, at 2 p.m. in open session, to receive testimony on Department of Defense policies pertaining to military compensation and quality of life programs in review of the Defense authorization request for fiscal year 1998 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 12, 1997 to receive testimony on U.S. National Security Space Programs and Policies and the Department of Defense budget request for fiscal year 1998 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 1 p.m. to hold a briefing, and at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REVERSAL RATE OF THE NINTH CIRCUIT COURT OF APPEALS

• Mr. KYL. Mr. President, I rise to make a few remarks concerning the Ninth Circuit Court of Appeals and the Senate's role in confirming judges.

The ninth circuit is enormous. It spans nine states and two territories covering 1.4 million square miles. It serves a population of more than 45 million people; the next largest, the sixth circuit, serves fewer than 29 million people, and every other Federal circuit serves fewer than 24 million. By 2010, the Census Bureau estimates that the population of the ninth circuit will be more than 63 million—a 40-percent increase in just 15 years. Given the demographic trends in our country, it is clear that the population of the States in the ninth circuit, and thus the caseload of the Federal judiciary sitting in those States, will continue to increase at a rate significantly ahead of most other regions of the country.

To serve its enormous population, the ninth circuit already has 28 judgeships, making it by far the largest circuit—and, in fact, larger than the first U.S. Senate. The next largest circuit, the fifth circuit, has 17 judgeships, while the first circuit has six and the seventh and eighth each have 11. The average number of judgeships in the Federal circuits other than the ninth is 12.6. Further, the ninth circuit has requested an additional nine judgeships, which would take it to 37 active judges, in addition to senior judges.

Unfortunately, too often the decisions reached by this circuit have had to be reversed on appeal. According to statistics published in the National Law Journal, in the last six terms of the U.S. Supreme Court—from the 1990-91 term to the 1995-96 term—the Supreme Court reversal rate for the ninth circuit was 73 percent, 69 of 94 cases were reversed. The average reversal rate for the other circuits was 61 percent, 268 of 442. And so far this term, the high court has overturned 10 of the 11 ninth circuit cases it has reviewed. Since circuit judges are simply supposed to apply the law enunciated by the Supreme Court, the obvious question is why the ninth circuit gets it wrong almost three-fourths of the time the Supreme Court reviews its decisions.

Consider, for example, the 11 decisions handed down by the Supreme Court on February 18 and 19. Three of the eleven decisions reviewed ninth circuit cases. In all three cases, the ninth circuit was in conflict with other circuits. In fact, in one case, the ninth circuit disagreed with five other circuits. In all three cases, the Supreme Court unanimously reversed the ninth circuit.

Such decisive reversals are not an aberration. Most recently, on March 3, in a unanimous decision by Justice Ginsburg, the Supreme Court reversed an en banc ninth circuit decision that Arizona could not require State employees to speak only English on the job. The Supreme Court ordered a State employee's challenge to Arizona's English-only constitutional amendment to be dismissed as moot because the worker resigned 7 years ago. The high court castigated the ninth circuit. As the New York Times, March 4, 1997, stated, "Justice Ginsburg was pointed in her criticism of how * * * the Ninth Circuit * * * handled this case." For example, Justice Ginsburg wrote, "The ninth circuit had no warrant to proceed as it did." Previous opinions have been even more damning.

The Supreme Court is able to review only a small number of the ninth circuit's decisions. Thus, in all but a tiny fraction of cases, the ninth circuit is the court of last resort for more than 45 million Americans. To have so many subject to a circuit that so often errs should concern us.

Some have attributed the ninth circuit reversal rate to the unwieldy size of the bench. Others point to a history of judicial activism, sometimes in pursuit of political results. I suspect there is more than one reason for the problem. Whatever the case, the Senate will need to be especially sensitive to this problem when it provides its advise and consent on nominations to fill court vacancies. The nominees will need to demonstrate exceptional ability and objectivity. The Senate will obviously have an easier time evaluating candidates who have a record on a lower court bench. Such records are often good indications of whether a judge is—or is likely to be—a judicial activist, and whether he or she is frequently reversed. Nominees who do not have a judicial background or who have a more political background may be more difficult to evaluate.

As President Clinton noted in response to Senator Dole's criticism—of "activist" judges—in the last campaign, the Senate has as much responsibility as the President for those who end up being confirmed. We need to take that responsibility seriously —among other things, to begin the process of reducing the reversal rate of our largest circuit.•

DIVERSIFIED INTERGENERATIONAL CARE, INC.

• Mr. LIEBERMAN. Mr. President, I rise today to honor Diversified Intergenerational Care, Inc., in recognition of the grand opening of their facility at the West Haven Medical Center on March 21, 1997. This facility, which is the first of its kind in the Nation, will provide child care services and care for the mildly ill and elderly.

The sole principals of the company, Scott L. Shafer and Bernard L. Ginsberg, were able to make this facility a reality through a lease they were awarded by the Department of Veterans Affairs. They were selected for the Department's enhanced-use lease through a highly competitive process involving companies nationwide.

Diversified Intergenerational Care, Inc., considers it an honor to work with the Department of Veterans Affairs. They intend to continue their partnership by developing other intergenerational facilities. Their goal is to satisfy the unmet need for child care services while also providing care for mildly ill children and the elderly at VA medical centers across the country.

I congratulate Diversified Intergenerational Care, Inc., the Department of Veterans Affairs in Washington, DC, and the Connecticut Healthcare System for creating this very worthwhile facility, and thank them for working to make these vital services available to those in need.•

TRIBUTE TO GILES NORRINGTON, USN

• Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to a fellow Navy man, Capt. Giles Roderick Norrington, who will be reaching a milestone this Friday, March 14, 1997—the 24th anniversary of his release from captivity in North Vietnam.

On May 5, 1968, Captain Norrington was shot down on a reconnaissance mission over North Vietnam while piloting his RA5C aircraft. He was held in various prisons in North Vietnam where he endured great physical and mental hardships as a POW for 5 years. During those difficult times, Captain Norrington and his fellow POW's never lost faith in their country. They persevered and they returned with honor. All Americans owe these brave men a great debt of gratitude for their sacrifices on our behalf.

Indeed, Captain Norrington's service and loyalty to his country has been commendable, not just during his captivity in North Vietnam, but throughout his 34 years of active duty naval service. After his retirement from the Navy, he dedicated himself to his community as an outstanding member of the Rotary Club of Bailey's Crossroads in the State of Virginia. Recently, his fellow Rotarians expressed their continued support for Captain Norrington by electing him as their next vice-president.

On Friday, March 14, 1997, Captain Norrington will be surrounded by his family and close friends who will be gathering to pay tribute to him. As a Vietnam veteran who also served in the Navy, I consider it an honor and privilege to share in this tribute, and I look forward to thanking Captain Norrington personally for his heartfelt service to our great Nation and to his own community.•

CONGRATULATING THE UNIVERSITY OF GEORGIA'S BULLDOGS AND LADY BULLDOGS

• Mr. CLELAND. Mr. President, I am delighted to have this opportunity to congratulate the University of Georgia men's and women's basketball teams on their outstanding seasons. Georgia fans all over the country have had the pleasure of watching these two teams play great basketball in a conference known for its competitiveness. Tubby Smith's Bulldogs and Andy Landers' Lady Bulldogs earned No. 3 and No. 2 regional seeds, respectively, in the NCAA Tournament, making Georgia one of only three schools in the Nation to claim two top four seeds in the tournament.

Coach Tubby Smith, came to Georgia from the University of Tulsa in 1995. He led the 1996 Bulldogs to a 21-10 record and their first NCAA Tournament bid in 5 years. The team won their first NCAA Tournament game in 9 years and made it to the Sweet 16. This year, Coach Smith took a team with no returning starters and tied for the most wins in Georgia men's basketball's 91-year history. As a result of their 24-8 record, they received the No. 3 seed in the NCAA southeast regional.

Coach Andy Landers has been coaching the Lady Bulldogs since 1979. During his 17 seasons at Georgia, Landers has become one of our Nation's elite women's basketball coaches. The Lady

Bulldogs have appeared in 13 NCAA Tournaments, 4 NCAA final fours, and won 5 SEC titles during Coach Landers' tenure. These achievements have earned him the honors of National Coach of the Year for 3 years and SEC Coach of the Year for 3 years. The Lady Bulldogs were the SEC regular season champions and have a record of 22–5.

The University of Georgia is fortunate to have individuals of the caliber of Tubby Smith and Andy Landers coaching their basketball teams. Not only are these fine coaches teaching their players basketball skills, but important lessons for life—courage, stamina, tenacity, and grace under pressure. Although they have enjoyed great success throughout their coaching careers, their achievements go far beyond their great talents in coaching. They have given back to their community in countless ways. Coach Landers contributes his time and energy to the United Way of Northeast Georgia, and Coach Smith is also involved in the United Way of Northeast Georgia, as well as the American Cancer Society and the American Heart Association. I would be hard pressed to enumerate all of their contributions to the University of Georgia, the Athens community and to all of the athletes whose lives they have touched.

All of the athletes and coaches of University of Georgia Bulldogs and Lady Bulldogs have displayed their skills and dedication to excellence in basketball throughout this entire season. I extend my best wishes to the Bulldogs' and Lady Bulldogs' basketball teams as they begin play in the NCAA Tournament, and to the University of Georgia Athletic Department for its continued success.●

CAFE STANDARDS

● Mr. ABRAHAM. Mr. President, I rise today to speak once again on the matter of corporate average fuel economy standards. Last month, 12 Senators, from both sides of the aisle, joined with me to introduce legislation—S. 286—to return to Congress the authority for changing CAFE standards.

This issue is attracting an increased amount of attention as Americans begin to understand the consequences of increased fuel economy standards: less consumer choice, more dangerous vehicles, and reduced competitiveness for domestic automobile manufacturers. Perhaps, Mr. President, some of these repercussions could be easier to accept if the supposed benefits of increased CAFE standards were ever realized. Unfortunately, this has not occurred. In the two decades since CAFE standards were first mandated, this Nation's oil imports have grown to account for nearly half our annual consumption and the average number of miles driven by Americans has increased.

Mr. President, an excellent editorial in yesterday's Detroit News illustrates the problems associated with increased CAFE standards, and I ask that this article be inserted in the RECORD immediately following my remarks.

The article follows:

CAFE SOCIETY

Vehicle fuel efficiency standards represent regulation at its worst: unelected bureaucrats endangering the public at considerable cost while failing to achieve the promised result. Unfortunately, eliminating the existing standards appears to be politically unfeasible. But Congress should seize the opportunity recently provided by members of the Michigan delegation to halt new, more punishing mileage requirements.

The issue has taken on renewed urgency with news that the Big Three will fail to meet this year's fuel economy standards—and thus face stiff penalties that would place them at a competitive disadvantage. Fleet mileage averages have fallen with brisk sales of light trucks, sport utility vehicles and vans, which comprise a whopping 44 percent of the new vehicle market—up from 20 percent in 1980.

That consumers prefer less fuel-efficient vehicles proves how the Corporate Average Fuel Economy (CAFE) law has failed to reduce U.S. dependence on foreign oil. Nonetheless, the Clinton administration favors stricter standards convinced that increased fuel efficiency will somehow save us from environmental apocalypse.

Economic catastrophe would likely hit first. Fortunately, Michigan Sen. Spencer Abraham has introduced legislation to freeze mileage standards at current levels, while requiring Congress to approve any future increase. A companion measure has been introduced in the House by Rep. Fred Upton, the Benton Harbor-St. Joseph Republican. Both bills warrant swift passage.

The current federal standard is 27.5 miles per gallon for passenger cars and 20.7 for light trucks. Congress required car standards in the Energy Policy and Conservation Act of 1975. They left light truck levels to be set by the National Highway Traffic Safety Administration.

The fact is, consumers respond most directly to market signals, not government dictates. Oil is cheap and plentiful. It is no surprise, then, that the top 10 most fuel efficient cars represent less than 1 percent of overall car and light truck sales.

If anything, higher fuel efficiency invites more driving, not less. The average American drove about 9,000 miles per year in 1980, but 11,400 in 1995.

Absent an oil crisis, the Clinton administration is left to argue for stricter CAFE standards on environmental grounds. But its case is muddy at best—and deceitful at worst. All new cars must meet the same emission standards regardless of CAFE requirements. Tightening CAFE requirements would do nothing to temper global warming.

Stricter standards would cost a good many Americans their jobs—and lives. European and Japanese automakers long have catered to more mileage-conscious markets, which has kept their fleet mileage comparatively high. Tightening CAFE standards would require costly re-engineering by the Big Three, paring the profit margins on their best-selling and most profitable products.

Meanwhile, the vehicle downsizing required to boost mileage would only increase highway fatalities and injuries. Current standards are responsible for an estimated 3,000 additional highway deaths and innumerable injuries each year.

For two years, Michigan lawmakers have withheld funds that would otherwise have enabled regulators to increase CAFE standards. It makes more sense to rescind NHTSA's authority to change CAFE requirements. That done, Michigan's congressional delegation can turn its attention to outright repeal of what ranks among society's most costly and dangerous regulations.●

TRIBUTE TO BILL O'NEILL

● Mr. DODD. Mr. President, I rise today to pay tribute to a great citizen, a true humanitarian and a dear friend—William F. O'Neill, Jr., of Norwich, CT.

On March 14, Bill will be receiving the Outstanding Citizen Award from the Connecticut Rivers Council, Boy Scouts of America for a lifetime of humanitarian and altruistic deeds.

A World War II veteran, Bill has, and continues to make, untold contributions to the people of Connecticut. He's been a community activist and humanitarian throughout his life, holding leadership positions in the Norwich Chamber of Commerce; the Knights of Columbus; the Lions' Club; March of Dimes; and the Norwich Centenary Committee, to name only a few.

Bill has dedicated his life to making his community a better place for people to live and raise a family. Perhaps his greatest accomplishment was the founding of the Rose Arts Festival. Every year thousands of nutmeggers flock to Norwich to take part in this community event, where they enjoy entertainment, arts and crafts, and good food.

Bill has been recognized on numerous occasions for his tireless efforts, perhaps most notably in 1988, when he was presented with the Knight of St. Gregory Award by Pope John Paul II, for his many years of service to the Roman Catholic Church.

Most recently Bill received the Successful Aging Award from Connecticut Care, which honors those over age 70 who continue to play an active and vital role in the affairs of their community. Clearly, Bill has touched hundreds, if not thousands, of lives.

I have been fortunate to know Bill and his family for many years, and I can attest that he is a man of great integrity, character, and talent.

But, Bill is more than just a close, personal friend, he was also a dear friend to my mother and father. Currently, Bill is the chairman of the Thomas and Grace Dodd Memorial Scholarship—in memory of my parents.

Bill's work on behalf of my parents' and their memory is something for which I will always be grateful. But, I am just one of many who have been touched by Bill's generosity and acts of kindness.

Connecticut is indeed privileged to be able to call William F. O'Neill, Jr. one of its own, and I join all of those who have known Bill in wishing him congratulationsandtheverybestforthe future.●

ORDER FOR STAR PRINT—S. 24

Mr. McCONNELL. Mr. President, I ask unanimous consent that S. 24 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 410 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 410) to extend the effective date of the Investment Advisers Supervision Coordination Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, the Chairman of the Securities and Exchange Commission, Arthur Levitt, has requested that the Securities and Exchange Commission be given additional time to prepare for the historic changes enacted by the last Congress to the Investment Advisers Act. Chairman Levitt requests an additional 90 days before those changes become effective.

After careful review and discussion with my colleagues, and with the members of the affected industries, I believe that it would not only be proper but also desirable to give the SEC an additional 90 days to prepare appropriate regulations and take other steps necessary to implement last year's legislation.

I support this extension, S. 410, of which I am a cosponsor, primarily out of a desire that the necessary rulemaking be done carefully and responsibly. In most respects, I believe that the draft regulations published by the SEC for comment faithfully implement the language of the National Securities Markets Improvement Act and the intent of the Congress. In several instances, in fact, I believe that the SEC has done a particularly fine job in anticipating and responding in detail to the various questions that would arise as we implement the division of regulatory responsibility mandated in last year's historic legislation.

As we adopt this bill today, however, I feel compelled to express concern about one point in particular in which the draft SEC regulations are deficient. The good work of the Commission in other areas of implementing regulations makes this error so glaring. The draft regulations propose to define an investment adviser representative's "place of business" in a way that runs totally counter to the spirit of the legislation, the intent of the Congress, and the clear, plain reading of the language of the law.

I am aware that there are those who oppose bringing rationality to the system of securities regulation, who wish to retain superfluous layers of regulatory oversight, and who are not bothered by subjecting securities professionals to redundant supervision by the Federal Government and by a multitude of State governments. However, the fact is that Congress acted last year to eliminate where possible multiple State supervision of securities market professionals, and the SEC rules should not contradict the statute.

Under the plain provisions of the law as enacted last year, investment adviser representatives subject to SEC supervision may also be supervised to a limited degree by the Government of the State where the representatives has a "place of business." When I think of place of business for an investment adviser representative, I certainly do not think of a restaurant, an automobile, an airport lobby, or a phone booth, and I would consider it bizarre to think of an adviser's client as a "place of business." The implementing regulations must not indulge in the creation of this confusion, either.

Mr. President, I urge my colleagues today to agree to this legislation to give the SEC an additional 90 days to implement the investment advisers title of the National Securities Markets Improvement Act, and I do so explicitly so that the SEC will use this time wisely to correct the deficiencies in the proposed regulations, such as the place-of-business definition, and thereby implement last year's act and the will of the Congress, not frustrate it.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 410) was deemed read for a third time, and passed as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EFFECTIVE DATE.

Section 308(a) of the Investment Advisers Supervision Coordination Act (110 Stat. 3440) is amended by striking "180" and inserting "270".

ORDERS FOR THURSDAY, MARCH 13, 1997

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, March 13. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that there then be a period for morning business until the hour of 12:30 p.m. with Senators to speak for up to 5 minutes each, with the exception of Senator DOMENICI in control of 1 hour, Senator BINGAMAN in control of 1 hour, and Senator BURNS for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, following morning business tomorrow the Senate will resume consideration of Senate Joint Resolution 18, the Hollings resolution regarding a constitutional amendment on campaign expenditures. It is the majority leader's hope that on Thursday we will be able to reach an agreement as to when the Senate will complete action on this resolution. Rollcall votes are, therefore, possible throughout Thursday's session of the Senate, and the Senate may be asked to consider other legislative or executive matters that can be cleared.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator TORRICELLI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that the order allowing for remarks by Senator TORRICELLI be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Thursday, March 13, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1997:

DEPARTMENT OF STATE

LETITIA CHAMBERS, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES CATHERWOOD HORMEL, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PREZELL R. ROBINSON, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 12, 1997:

DEPARTMENT OF ENERGY

FEDERICO PEÑA, OF COLORADO, TO BE SECRETARY OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, March 12, 1997*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May peace and unity decide our acts
for others' gain,
so that each moment would provide
a time for thought to reign.
O God who blesses each good deed
and loathes all undue pride,
encourage us by every creed,
our wills in peace allied. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 44, not voting 18, as follows:

[Roll No. 39]

YEAS—370

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coburn
Collins
Combest
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—44

Abercrombie
Bonior
Borski
Brown (CA)
Clay
Clyburn
Condit
DeFazio
English
Ensign
Everett
Fazio
Filner
Foglietta
Gephardt
Gibbons
Green
Gutknecht
Hefley
Hilliard
Hinchey
Kucinich
Maloney (NY)
Martinez
McDermott
McGovern
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Pombo
Ramstad
Sabo
Sherman
Stenholm
Taylor (MS)
Thompson
Velázquez
Vento
Visclosky
Watts (OK)
Weller
Wolf

NOT VOTING—18

Ackerman
Coble
Cooksey
Dixon
Greenwood
Kaptur
Lewis (GA)
Linder
Menendez
Molinari
Nussle
Olver
Owens
Payne
Roukema
Rush
Sanders
Torres

□ 1124

Mr. PASCRELL changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. GILLMOR). Will the gentleman from Texas [Mr. BRADY] come forward and lead the House in the Pledge of Allegiance.

Mr. BRADY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces it will entertain ten 1-minute requests on each side.

HERSHEY RETREAT PAVES THE WAY TO MORE CIVIL DISCOURSE

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. LaHOOD. Mr. Speaker, I rise today in the spirit of bipartisanship on this side of the aisle to express my thanks and gratitude to the 200 Members who attended the bipartisan retreat that was held in Hershey, PA. It was an enormous success. We had about 150 spouses and over 100 children, and the headline in the Harrisburg paper on Sunday I think really depicts the outcome, which says: "Retreat declared success." And it was a success, in part because so many Members came, so many families came, and people really had an opportunity to build friendships and relationships that I believe will last well beyond our careers in Congress and, I think, will lead us to opportunities to really have meaningful dialog and debate in I hope what will be a much more civil atmosphere.

I want to express my deep gratitude to the gentleman from Colorado [Mr. SKAGGS], who cochaired this with me, the steering committee, the Speaker of the House [NEWT GINGRICH] and the Democratic leader [DICK GEPHARDT] for the extraordinary leadership that they showed in assisting us in getting the Members to come.

It was a great weekend, it was a great start. It is not the panacea, it is not the solution, but we have begun what I believe is an important event that will lead us to more civil discourse and continue, I think, to build the idea that the House of Representatives is the highest legislative body and the work that we do here is very important and should be held in high regard.

□ 1130

ALL U.S. ALLIES SHOULD BE TREATED FAIRLY

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I recently returned from a trip to Israel where I reviewed important aspects of the longstanding United States-Israel defense relationship. Nobody can visit this region without being struck by the fragility of the peace process and the looming potential for violence. During our meeting, Defense Minister Yitzhak Mordechi emphasized both the military risks in the region and the willingness of Israel to take risks in pursuit of peace. I am deeply concerned, however, that the United States appears to be holding Israel to one standard and her peace partners to another. Friends and allies may disagree over the appropriateness or timing of building in Har Homa, but this administration's handling of the issue is surprising and potentially counterproductive—not to mention confusing.

The administration should be congratulated for standing up in the United Nations and vetoing the anti-Israel resolution brought before the Security Council earlier this month. While condemning the Israeli Government's decision to build Jewish housing in Har Homa, the resolution did not address the failure of the Palestinians to live up to many of their commitments under the Oslo accords. The resolution made no mention of the many steps Israel has taken for peace, including redeploying Israeli security forces in Hebron, releasing terrorists convicted of killing Israelis and proposing to cede additional lands in the West Bank. The proposed United Nations resolution would have been extremely damaging to the peace process. The American veto told the world that we would not let our friend and ally be bullied, nor our concern for rational discourse and diplomacy be railroaded.

However, the actions this administration has taken since the U.N. veto—publicly criticizing Israel and agreeing to take part in an international conference in Gaza to which Israel was not even invited—threaten to undermine not only the positive effects of the veto, but the honest broker role the United States must play to promote peace in the Middle East.

Over the last week, the world has seen the President of the United States standing with Yassir Arafat and Egyptian President Mubarak, harshly criticizing Israel while ignoring the tangible risks she has taken. These public reprimands and actions do not serve the cause of peace and can only increase the potential for violent confrontation.

Mr. Speaker, the administration needs to treat all of our allies fairly. It has not done so in this case.

POSITIVE EXPERIENCE IN HERSHEY, PA

(Mr. DeLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeLAY. Mr. Speaker, this past weekend I had the distinct pleasure to make some history with more than 200 of my colleagues in Hershey, PA at the bipartisan retreat. I want to congratulate the gentleman from Illinois [Mr. LaHOOD] and the gentleman from Colorado [Mr. SKAGGS] and everyone who worked so hard in putting this retreat together.

My experience in Hershey was very positive, and I want to thank my colleagues on both sides of the aisle for their cooperation in making this event a real success.

For most of the world, the U.S. House of Representatives means democracy. We, as Members of Congress, have a profound responsibility to treat this institution with respect, to uphold its rules, and to realize that the House and its traditions are bigger than any one person or party.

I also would like to remind my colleagues that disagreement in policy, disagreement in philosophy, disagreement in ideology is the wellspring of democracy, and I welcome spirited debate.

In the weeks, months, and years to come, I can guarantee one thing: We will all disagree. But after this weekend, I hope that those disagreements are made with the understanding that we all, as elected Members of Congress, are trying to do the best for our Nation.

KEEPING THE MOMENTUM OF HERSHEY GOING

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, I wanted to follow the good lead of my colleague from Illinois [Mr. LaHOOD] in addressing this side of the House in the spirit of the weekend just concluded, where we had a remarkable event occur: almost half of this body, with many spouses and children, spending some time together, doing the fundamental business of any institution, which is getting to know each other, developing some minimum level of trust and respect so that we can conduct our business here on the basis of policy, not on the basis of going after each other personally.

We realized something very important over this weekend, which is that we are in charge here and we have the power, if we wish to exercise it, to change a bit the culture of the House. Many terrific ideas came out of the weekend, very practical, very much able to be implemented with the goodwill and support of the leadership on both sides which happily were in attendance for the weekend.

We will be meeting again, the organizing committee and the coleader teams tomorrow, to start to work on keeping the momentum going forward in the effort that was begun this weekend. I thank the gentleman from Illinois [Mr. LaHOOD]; I thank all of my colleagues, both Democratic and Republican, for the spirit with which they approached this undertaking, and we are deeply in the debt of the Pew Charitable Trusts for their support in underwriting this experiment in making the democracy work better.

GETTING TO KNOW EACH OTHER IN HERSHEY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker and my colleagues, I too spent the weekend with my family at Hershey, PA. I want to congratulate the Members on both sides of the aisle that put the event together, and really congratulate the some 200 Members of our Congress who came to Hershey with an open mind about how we can proceed in this very difficult environment where we do have disagreements, but how we can proceed in a way that continues to allow the American people to have respect for their institution.

We are going to have our disagreements, but it does not mean that we need to be disagreeable to each other.

Probably the most long-lasting part of the weekend was the opportunity for each of us to better get to know each other. I have been here 6 years, and over the last 6 years we virtually have a brandnew Congress. Some 70 percent of this Congress has been elected since 1990, and over the last several cycles we have had large classes with little opportunity to begin to understand each other.

As we understand each other better, understand where we are coming from and why we hold the beliefs that we do, I think it allows us to have better respect and more respect for the diversity of opinion that we certainly find here in Congress.

It was a great weekend, it was a good start, and there is a lot more that needs to be done, and we need to work each and every day on helping ourselves and our colleagues deal with our disagreements in a more professional way.

UNITED STATES MILITARY WEARING COMBAT BOOTS MADE IN CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is no wonder that millions of Chinese dollars have popped up in American politics. I mean, check it out: China alone gets $45 billion from American taxpayers in a sweetheart deal known as most-favored-nation trade status.

Now, to me, that is absolutely disgusting, with the 17 cents an hour labor wage. But if that is not enough to rip one of those false made-in-America labels on one of those Chinese imports, check this out: The United States Air Force just issued military combat boots to our troops that were made in China. That is right. American military personnel are wearing combat boots now made in China.

Beam me up, Mr. Speaker. What is next, marines in Mao suits? I think it is time to take a look at what China has done and take a look at every one of these sweetheart trade deals.

I yield back the balance of all American shoe wear that has cost jobs in this country.

WORKING TOGETHER TO MAKE AMERICA BETTER

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last weekend my family and I joined 200-plus Members of this Chamber. We gathered together in Hershey, PA to restore trust and build friendships and, of course, to eat chocolate.

Now, obviously there were many friendships and relationships in existence before Hershey, but sometimes the reach across the aisle is very short. Sometimes we look around and we cannot recognize a Member, or we have not met them or we do not know their name.

Well, at Hershey, Republicans and Democrats came together to try to change the situation. Perhaps some of the tension that occurred in the last Congress was because we did not know each other well enough.

Now, we do know that we will not always agree; we quite often disagree. But we should work to maintain rigorous standards of respect and dignity, both on and off the floor of the House.

Mr. Speaker, I believe that, working together, we can make America better.

LET US GET TO WORK ON BALANCING THE BUDGET

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, we need to put together a budget. Every day Republicans force poor American families to balance their budgets or plunge into poverty. Meanwhile, as the deadline draws near for our national budget to be balanced, my colleagues on the other side of the aisle submit nothing and delay action. Real people have to balance their budgets; so should we.

Consider the human face of this debate. Hardworking people have to make painful decisions on a daily basis about keeping a roof over their family's head or putting food on their table. While you waste your time on political posturing, families I represent in Williamsburg and Brooklyn, NY, study their bank statement, trying to make ends meet. They cannot postpone their budget; neither should we.

My colleagues, everyone in this Chamber supports a balanced budget, and there are already two proposals we could be working on. Mr. Speaker, Mr. Majority Leader, Americans cannot wait any longer. Let us get working.

MUTUAL RESPECT IS VITAL FOR MEMBERS OF CONGRESS

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, replacing bitterness and a mean-spirited tack with mutual respect is vital to the effectiveness of this most democrat of institutions. Here in Congress, as we approach the challenges of this great Nation, we must renew our focus on the manner in which we do our work. It is here that the spirit of civility and bipartisanship must come alive if we are to build on the richness that is our heritage.

Every one of us has a vested interest to ensure that we as Members of Congress work together with abiding respect and uncompromising civility. Our ability to honor one another, while engaging in vigorous and thoughtful debate, goes to the heart of this institution and the people's faith in each and every one of us. Ultimately, restoring trust, dignity and comity will lead us to succeed on behalf of all of the American people. The people deserve nothing less, and they demand it.

☐ 1145

A HERSHEY'S KISS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I want to join my colleagues in thanking the gentleman from Illinois [Mr. LaHood] and the gentleman from Colorado [Mr. Skaggs] for bringing us all together, over 220 Members, together for a bipartisan retreat.

In that retreat we all acknowledged we are going to have conservative, liberal, urban, rural differences for whatever philosophical reasons, but that we should try to eliminate the obstacles to civility as much as possible.

One of the things my group recommended, for example, is before we give our speeches ask ourselves these questions: Is the speech fair, is it accurate, is it true? If it was the last speech you were going to give, is this the one you want to be remembered by? If your mama was sitting in the gallery, would you still give this speech?

Mr. Speaker, I think if we go through these batteries of questions and just ask ourselves to reach for a higher level, then I think it might not be necessarily easier for Republicans to kiss a Democrat or for a Democrat to kiss a Republican, but it will be easier for us all to give each other a Hershey's kiss.

BALANCE THE BUDGET

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, today there will be a lot of rhetoric, and I hope civil rhetoric, from the other side of the aisle about the President's budget. My Republican colleagues will go as far as to demand that the President submit another budget.

Mr. Speaker, the American people know that the Constitution says, and I quote, "All bills for raising revenue shall originate in the House of Representatives." It is our duty, it has been our obligation, and will continue to be this House's responsibility to approve all appropriation bills, including the budget.

Republicans are now demanding that the President resubmit his budget. This is a complete reversal of their approach of the last Congress. The American people certainly remember how the Republican majority virtually shredded the President's proposals in pursuit of a radical agenda.

I call upon my friends to seize the moment, steer the proper course, and use the President's proposal as an historic opportunity to balance the budget. The President wants this done, Democrats want this done, and the American public wants it done.

I believe that beneath their current political rhetoric the majority wants a balanced budget as well.

LET US FULLY IMPLEMENT THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 1 year ago today, the Cuban Liberty and Democratic Solidarity Act was signed into law with the overwhelming support of this body.

In just 1 year, the Helms-Burton law has successfully served its purpose of protecting the property rights of American citizens as well as reducing the level of foreign investments that help keep the Castro dictatorship in power.

Despite the Clinton administration's failure to fully implement the law, dozens of companies have stopped their operations in Cuba, while many others have postponed their plans to invest in Castro's slave economy.

The European Union, in a last-ditch attempt to profit from American stolen property and exploit the Cuban worker, has filed an irresponsible challenge before the World Trade Organization against Helms-Burton that threatens to undermine our Nation's ability to dictate our own foreign policy. We call on the President to invoke the national security clause in this battle.

A year after its passage, Mr. Speaker, this body can be proud that it stood firm in support of the Cuban people's struggle for freedom. Now let us fully implement this successful law.

KIDS' HEALTH CARE MUST BE OUR PRIORITY

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, just 2 years ago in my home State of Massachusetts, 23 percent of children under the age of 18, or some 160,000 kids, were without even basic health insurance. The people of the Commonwealth understood that this statistic was not only startling, it was absolutely unacceptable.

So Massachusetts passed the landmark piece of legislation that is on the verge of giving basic coverage to some 125,000 kids, or 80 percent of the uninsured children in my State.

By streamlining the administration of this program and by instituting a 25-cents per pack cigarette tax, Massachusetts has come up with more funds to protect children, and has become eligible for more Federal funding in return. Now Massachusetts is doing what every State in this Nation should be doing: covering children's health.

But the crisis is not over. One child in seven living in the United States today is uninsured. That is absolutely unconscionable. .

Massachusetts should serve as an inspiration for the rest of our Nation. We in this Congress have an awesome responsibility before us. We have a responsibility to prepare our children to be the leaders of tomorrow by ensuring that they receive a healthy start today. Let us make health care for our kids a priority.

EPA'S IRRATIONAL POLICIES

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, today is the end of the public comment period for the EPA first phase implementation of their irrational policies.

This chart, Mr. Speaker, is not a map that shows all the great bipartisan spirit of Hershey, but this is a bipartisan issue, because where you see red on this map, Mr. Speaker, are areas throughout the United States, Democrat and Republican representation, that are going to be in jeopardy because working families are going to be at a very high risk of losing their very livelihoods and way of life because of irrational policies by the EPA.

Today ends the public commentary period. George Wolfe, an EPA scientist, stated himself before one of our hearings that these proposals are based on a policy decision by the director instead of sound science.

It is time to stop this because, Mr. Speaker, the policies they are going to try to implement are not going to do anything to make a betterment for people, but it is going to do one thing; it is going to take away working Americans' jobs, it is going to hurt the school systems, and the communities. It is time to fight these proposals.

REPUBLICANS SHOULD LEARN TO TREAT LEGAL IMMIGRANTS WITH THE SAME RESPECT LEGAL IMMIGRANTS GIVE TO AMERICA

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, the Republicans have announced that America can expect their budget plan in May.

I hope they mean May 1997. I should be concerned. That is 1 month after the legal deadline for submitting a budget. But I want to be positive so I will assume this delay is caused by tireless Republican efforts to craft a budget that restores programs taken away from law-abiding legal immigrants.

I will assume Republicans are crunching numbers and saying, "How can we restore critical benefits to our needy seniors, our blind and disabled, to mothers and their children? How can we treat our legal immigrant population with decency and fairness?"

That "should" be the reason for the delay, because legal immigrants deserve better than this Congress has given them.

Immigrants work hard. The fact is they pay far more in taxes than they receive in benefits. They play by the rules. They are in our Nation legally, contributing their energy, hopes, and dreams to our Nation.

May is a long time from now. It should be long enough for my Republican friends to learn to treat legal immigrants with the same respect legal immigrants give to America.

THE ELEMENTS OF A CIVIL DEBATE ON THE FLOOR OF THE HOUSE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I have been a Member of this Congress now for 2 years, and too often I have seen Members come to the well of this House and demonize, trivialize, and personalize the debate. I was happy to have participated in the conference up in Hershey, PA, because I think it is time that we stop this poisoning of the well of this great Chamber.

I told a story that happened back in the Continental Congress. Benjamin Franklin one time, at the end of a couple of days of very, very bitter debate in the Continental Congress, rose slowly at the back of the Chamber one morning and he said, "Let us for a moment, Mr. Speaker, contemplate our own fallibility."

Mr. Speaker, let us commit ourselves to vigorous but fair debate. Let us do it with humility. Let us do it with humor. If we do, I think both this body and the body politic will be well served.

NINE DAYS REMAIN FOR THE HOUSE TO SUBMIT A PLAN TO BALANCE THE BUDGET

(Ms. STABENOW asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. STABENOW. Mr. Speaker, I first would like to commend the gentleman from Illinois [Mr. LaHood] and the gentleman from Colorado [Mr. Skaggs] for what was an outstanding weekend for us to come together and to talk as human beings about our differences and about the ways in which we can get things done.

I would hope that the first way that we would show our constituents that we were serious about getting things done would be to start by balancing the budget. We do not need to have a constitutional amendment to balance the budget, as they say, we just need to do it. We need to do it in the way our families do, at kitchen tables all across the country, making sure their own priorities, protecting the interests of their families are at stake, and at the same time making sure that their own budgets are balanced.

The lessons of Hershey are that we need to work together and to get something done. We have a limited amount of time, 9 legislative days, to present a budget. We need to get serious. We need to get busy and show our constituents that we intend to have the political will to balance the budget this year.

DEMAGOGUERY CAN BLOCK BIPARTISAN CIVILITY AND COOPERATION IN SOLVING AMERICA'S PROBLEMS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

ANNOUNCING THE BIRTH OF TWIN GRANDCHILDREN SELINA ANASTASIA AND JAMES AZARIEL BURNETT

Mr. SMITH of Michigan. Mr. Speaker, I was going to spend my 1 minute talking about the dangers of changing the CPI until we come up with provisions to make sure we protect the Social Security trust fund. I was not able to go to Hershey because my wife, Bonnie, and I had grandchildren a few days before, and they were twins. My daughter Elizabeth and her husband, Fred Burnett, now have twins. Their names are Selina Anastasia and James Azariel Burnett. So I am glad to announce that.

But on the issue of civility, on the Committee on the Budget we have talked about the serious problems of dealing with Medicare and Social Security, tremendous financial obligations and problems for the future. So I would just urge all my colleagues that the greatest enemy of solving these problems is demagoguery, because it is so easy in campaigns to scare people. I think it is so vital that we work together in solving very tough problems.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. Miller].

The question was taken; and the Speaker pro tempore [Mr. Gillmor] announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 26, nays 392, not voting 14, as follows:

[Roll No. 40]

YEAS—26

Berry
Brown (OH)
Conyers
DeFazio
Delahunt
Dingell
Eshoo
Fazio
Filner
Frank (MA)
Gephardt
Kennedy (RI)
Martinez
McDermott
McGovern
Miller (CA)
Mink
Neal
Olver
Owens
Pelosi
Sabo
Sandlin
Strickland
Towns
Wynn

NAYS—392

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker

Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Ballenger
Brown (CA)
Coble
Cooksey
Hall (OH)
Kaptur
Mollohan
Pomeroy
Quinn
Riggs
Sensenbrenner
Torres
Weygand

□ 1213

Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. EWING, LaHOOD, SHUSTER, ROHRABACHER, HASTINGS of Washington, BOB SCHAFFER of Colorado, BECERRA, LARGENT, and FATTAH changed their vote from "yea" to "nay."

Mr. McDERMOTT and Mr. DELAHUNT changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 600

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 600.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, is it true that there will not be another vote for about an hour on the floor, and that we are about to take up a rule which will consume about an hour?

The SPEAKER pro tempore. The House is about to take up a rule, on which an hour's time is allocated, so that would be a likely conclusion.

Mr. SOLOMON. The reason I inquire, Mr. Speaker, is to get some order in the House so that Members can either leave the Chamber or take seats.

REQUESTING THE PRESIDENT SUBMIT A BALANCED BUDGET

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 90 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 90

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the Resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies. The resolution shall be considered as read for amendment. The resolution shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or a designee. If including instructions, the motion to recommit shall be debatable for five minutes by its proponent and five minutes by an opponent.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 90 provides for consideration in the House of House Resolution 89, which is a resolution requesting the President to submit a balanced budget under a structured rule. The rule provides for 2 hours of debate, divided equally between the chairman and ranking minority members of the Committee on the Budget or their designees.

Mr. Speaker, in trying to be as fair as possible, the rule also provides for one motion to recommit, which may contain instructions if offered by the minority leader or his designee. If it includes instructions, the motion to recommit is debatable for 5 minutes by a proponent and 5 minutes by an opponent, keeping in mind that there will have already been 2 hours of debate on this entire issue.

Under the rules of the House, a motion to recommit is not required to be given to the minority for the consideration of a House resolution. However, the Committee on Rules sought to provide such a motion to the minority for the purpose of the consideration of this bill to be, again, as fair as possible.

Mr. Speaker, after the 1996 elections when the American people returned bipartisan political leadership to Washington, the Republican Congress offered to begin budget negotiations right away. As a result of this bipartisan spirit, formal and informal discussions between the Congress and the White House on reaching a balanced budget has been ongoing. While these talks have been productive, they are not yet complete, an that is the way it has been year in and year out. It takes time.

As we all know, on February 6 of this year, President Clinton sent his budget to Congress, a budget which, according to the President, produced a surplus of $17 billion in the year 2002, 5 years from now. Upon the receipt of that budget, the Republican Congress reacted in the same spirit of bipartisan cooperation. The budget was not declared dead on arrival, as was so often the case when Republican Presidents would present their budget. Even though many of the budget specifics do not meet the expectation of many in this Congress, we still have kept an open mind on it.

Furthermore, Mr. Speaker, the Republican Congress sought to give the administration every opportunity to explain and sell that budget to Congress and to sell it to the American people through the regular committee process, and that is as it should be.

After a thorough analysis by the committees, the bipartisan membership, and the Congressional Budget Office, the President's budget fails four specific tests, and I think that all Members in their offices, or wherever they might be, should pay particular attention to this, because it is what they were sent here to do, and that is bring some fiscal sanity to this body.

First, it does not achieve a balance in the year 2002; it actually leaves a deficit of almost $70 billion. So what have we succeeded in doing? The truth is nothing in dealing with this terribly important issue.

Second, it does not specifically reduce spending in the first 3 years. It actually allows, listen to this, it actually allows the 1998 deficit to increase; not decrease but to increase. That is this coming year, to increase by $24 billion. And even more so important, listen to this, it saves 98 percent of the deficit reduction in this whole 5-year period, 98 percent of any cuts, for the last 2 years.

Well, we all know what that means. It means we will not get there.

Third, it does not save Medicare from bankruptcy. It actually does less to save Medicare than even the last Clinton budget of last year.

Fourth, it does not provide permanent tax relief for American families. It actually increases taxes in the last 2 years. Imagine that. We are going to be coming down here and voting to increase taxes when the American people are already the most heavily taxed people in the world. As a result, the President's budget is found, believe me, found wanting.

Mr. Speaker, while we as the Congress are committed to negotiating a balanced budget agreement with the White House, there is one nonnegotiable item determined by the American people, by the American taxpayer: Any budget agreement must achieve balance in the year 2002 using the same deck of cards; in other words, comparing apples to apples. And that means using the Congressional Budget Office scoring so that we all can be playing with that same deck, as I said before.

This is a goal both the President and the Congress have embraced publicly and privately, and was perhaps the only item agreed upon during the budget negotiations of the last 2 years. Mr. Speaker, without an agreement on the parameters of the numbers, no real discussion on specifics can begin because no one will believe what we are talking about.

The President committed to this last year by submitting two budgets scored in balance by CBO. However, his most recent budget, the one we have before us, reflects an abandonment of that commitment. We have to ask ourselves why.

The resolution before us today calls on the President to reaffirm that commitment to balancing the budget by 2002, using honest numbers and upfront cuts; up front in the first few years, not the last few years.

In contrast, the President's budget uses Gramm-Rudman. Now, many of my colleagues were not here back in the days of Gramm-Rudman, but that was even a Republican budget, and in that budget we had the cuts in the latter years. And guess what? We never got there, because in the last 2 years it was too doggone difficult and we could not do it. We did not have the guts to do it.

We cannot let that happen again. We cannot add another trillion dollars to this accumulated debt. That Gramm-Rudman budget took credit for cuts then, but they wanted to make the cuts at a later time and it just did not work.

Now, once we agree on these goals and what those goals mean, Congress and the President together can sit down and we can work out agreements on the details, details like this. Here is $800 billion in cuts. Take your choice, Mr. President; take your choice, Congress. But we have to do it. We cannot just ignore it and let it go on year after year. Until that time, budget negotiations will be little more than partisan bickering and will never get us to where we all say we want to be.

Some of my colleagues will argue this resolution is meaningless because Congress has not yet produced its own budget. Well, in response I would like to just make three observations, and we will discuss this during the 2-hour general debate coming up in a few minutes.

First, the current laws governing the budget process required action by both the President and the Congress. Both of us. First the President then the Congress. That is what the law says. It is in here. Read it on page 802.

Now, it is true that the President has submitted a budget, which my colleagues must remember was actually submitted to Congress late, and that is the way it usually always is. And I will admit there is nothing in current law that requires the President to submit that balanced budget, although many of us would argue that. However, for the past 2 years and during the entire Presidential campaign of 1996, all discussions of the budget have assumed a balanced budget. We all began talking along that line, balancing the budget.

By submitting a budget not in balance, the President has submitted a budget that in reality cannot be considered by this Congress. I, for one, will not let that go through the Committee on Rules. Either it will be balanced and it is going to be honest, without smoke and mirrors, or it is not coming out of that Committee on Rules.

My colleagues may also remember that for the past 2 years the Committee on Rules has required that all budgets, whether offered by Republicans, whether offered by Democrats, whether offered by the Blue Dogs, or the Black Caucus or anybody else, had to be scored by CBO and they lived up to it. They went and they had their budgets scored. My own budget was scored by CBO. They were all honest. That is not a new requirement. This is what we agreed to in the last Congress and, by golly, this is what we are going to agree to in this Congress.

This resolution, therefore, calls upon the President to follow that process. If we were to take up the President's current budget, it would have to be scored by CBO, which shows that it is, in fact, not a balanced budget. Without a new budget, Congress' hands are tied by the rules of the Budget Act.

Second, we must remember that over the past 20 years Congress, under Democrat and Republican majorities, have only met the April 15 deadline for considering the budget resolution once. Once over the last 20 years. And not one of those budget resolutions was a balanced budget.

Furthermore, according to my calendar, it is only March 12. We have more than a month to work until that April 15 deadline.

Third and finally, if my colleagues went back and reviewed the history, they would find that every year in which a budget agreement was reached between Congress and the White House, whoever the President was, the budget resolution was adopted later than the deadline. Why? Because both sides sought to reach agreement on the priorities of the budget up front. The actual implementation of that agreement came later in the year, as we all know, through the appropriation process.

□ 1230

That is exactly what Congress is trying to do this year. The Republican Congress is acting in a cooperative way and I believe a very productive manner by offering to use an honestly balanced budget presented by the President as a basis for the debate. In the long run, this will set the context for an effective and productive debate.

The President needs to lead by presenting his visions and his priorities of how the country can reach its goals. However, he fails to achieve the goal of a balanced budget. In these budget negotiations, actually achieving balance through real and significant spending cuts, it is the whole ball game, my friends. If we do not do that, there is no reason to go through this whole exercise. The resolution calls on the President as an exercise of good faith to actually submit a balanced budget. Let us hope that he does.

Let me just show Members, there is a chart down in the well, I will not bother presenting it now, but this is what Members better be thinking about when voting on the resolution today. The deficit of $69 billion in 2002, that is what Members would be voting on if they voted on the President's budget today: a $70 billion further deficit in that year, an accumulated deficit all during the 5-year period, 98 percent of the deficit reductions in the last 2 years.

That is not fair, to even come on this floor and talk about that. If we have not got the guts to vote on those cuts up front in year 1, in year 2, in year 3, then we should not be in this Congress. In this year alone we would, under the President's budget, increase the deficit by $24 billion rather than staying on that glide path to a balanced budget over 5 years.

This is what this is all about today. We are urging the President to give us that balanced budget, scored by CBO, so that we can compare apples to apples and we can at least hopefully attain the balanced budget that we all are fighting so hard for.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend, the gentleman from New York [Mr. SOLOMON], for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I had hoped that last weekend's promise of new collegiality would last longer than 3 days, but this rule and this balanced budget bill have melted away that bipartisanship all too quickly.

Mr. Speaker, it should not come as much of a shock to anyone that my Republican colleagues do not like President Clinton's budget. If they do not like what the President does in the White House, I do not expect them to like what is in the President's budget. But how the President balances his budget is not the issue, Mr. Speaker. The real issue is the Republican budget, which nobody has seen.

The most persistent and urgent question at this point, Mr. Speaker, is where is the Republican budget? They have got 10 days left to produce it. The House can spend all the time it wants trying to tell President Clinton what to do, but the fact is the budget needs to come from the House of Representatives. It does not matter how the President balances his budget. It does not matter even if the President has a budget, because the budget has to come from the House of Representatives before April 15.

Mr. Speaker, section 301(a) of the Congressional Budget Act of 1974, as amended, says, "On or before April 15 of each year, the Congress should complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year."

In other words, Mr. Speaker, the budget needs to come from the House. Section 301(a) does not even mention the President. The House and Senate have to agree on a budget by April 15, and as I said, we have got 10 legislative days left to get it done. It is that simple. Yesterday House majority leader DICK ARMEY announced that Congress will not consider a budget resolution until May, one month after the deadline that has been imposed by the law.

I might add, Mr. Speaker, that President Clinton submitted his budget on February 6. His budget has been pored over for more than a month while the Republican budget is still a figment of somebody's imagination.

At this point it is easy for my colleagues to like the Republican budget. Nobody has seen it. And although how much someone likes President Clinton's budget is irrelevant, I would like to add, Mr. Speaker, that according to the Office of Management and Budget, President Clinton's budget is in balance. Even the Congressional Budget Office's March 3 analysis of the President's budget shows that it is balanced by the year 2002.

President Clinton has said in his own words that if the CBO's deficits are larger than the OMB's, the President will make sure that his budget balances with the higher deficit numbers. What could be fairer than that? He will make additional discretionary cuts, about 4 percent; he will make entitlement cuts, about 2.25 percent; and he will sunset some taxes. It does not get any better than that, Mr. Speaker.

But that is not the issue here today. The budget issue is the responsibility of the Congress. Putting together a budget with which both the House and Senate agree is the responsibility of the Congress. Meeting the April 15 deadline is the responsibility of the Congress. No amount of finger-pointing or politics is going to change that, Mr. Speaker.

So I suggest to my Republican colleagues that we remember last week's collegiality retreat and we work together constructively. The American people are not going to stand to have their Government closed down for the second year in a row because of Republican politics. And no matter how long the House waits, it is going to have to come up with a budget someday.

So I urge my colleagues, on this matter, to defeat the previous question, to make in order the Minge-Tauscher-Stenholm alternative.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, we are dealing with a very difficult question here this afternoon, and that is, how does this institution reconcile the serious political differences that exist in the country with respect to the budget of the United States of America?

The President took a stab at this when he sent to Congress a budget in early February. Unfortunately, he did not have the benefit of the Congressional Budget Office in projecting revenues and expenditures in making up this budget. CBO had not yet reached that stage in its analysis that it could provide that type of assistance. Once the budget arrived, CBO did attempt to evaluate, or score, the budget. In the meantime, the Office of Management and Budget had provided the President with that guidance.

We now find that the Office of Management and Budget and the Congressional Budget Office disagree. The President attempted to address this difficult situation by having a so-called fail-safe or trigger mechanism, that tax cuts and certain expenditure programs would be sunsetted, reduced, if the budget was not balanced by the year 2002. For this reason, the Congressional Budget Office said that technically it can balance by 2002.

Now, it would be nice if the President would simply respond to each request that we send to him from the Hill, submit new budgets, and in a sense be negotiating with himself. But the position that we have taken and the amendment that we ask to be allowed in order to this particular resolution would simply recognize that we cannot depend on the President to do all of this. We have a responsibility here in Congress.

Some of us have put together a budget proposal which the Congressional Budget Office has indicated will balance by the year 2002 without the use of triggers, but unfortunately that budget is not being sponsored by the leadership of either party. We feel, those of us that are asking that our amendment be recognized as a viable alternative, that the leadership of this institution has a responsibility that is parallel to the President's, to introduce its own budget. Then we will have some choices on the table.

We are saying, introduce that budget on the majority side and ask the President to send up a revised budget simultaneously. We feel that this simultaneous obligation will move our process forward so that indeed we can be effective, efficient and timely. We would request that this amendment so be allowed, and if it is allowed, we would have the opportunity for an intelligent vote.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the esteemed majority leader. He is one of the reasons we have moved toward fiscal sanity in this body in the last several years.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding me this time. If I may, let me give my regards to my good friend from Boston.

It is a pleasure for me to be able to participate in this debate, but I do feel that I want to raise a note of caution. As we all know in this town, it is all too often, I think, possible for people to gain a wrong impression of what is intended and how we act. Sometimes that is because we perhaps act in a clumsy manner. But if I could have my wish for how the President and the White House and members of his party would respond to or accept this action we are taking today, I would hope that they could accept it as an invitation and as an encouragement.

The President went out and campaigned, as well he should, for reelection, and he campaigned on a commitment to achieve a balanced budget that achieved many things, including tax relief for the American people and including saving Medicare from pending insolvency. And the President was reelected. Having won a reelection to the Office of the President of the United States, it is absolutely clear to all of us he won the right and I daresay the obligation to provide Presidential leadership to this first, most important concern of the American people.

When the President submitted his budget before us, we understood and I think we need to understand the White House went through a fairly large personnel change, two new persons at the White House, in particular, that I have enjoyed working with: Erskine Bowles the President's new Chief of Staff, and Frank Raines, his new Budget Director. It is perfectly well understandable that, given this change, that their first initial submission may have had some disappointments.

We have received the President's budget with all the consideration and all the respect that a President's budget should receive, and we have had it examined and scored by those agencies that must examine and score and see how a budget measures up.

The clear definitive agency that the President himself has spoken of so eloquently, even in front of this body in his State of the Union Message, that is definitive, is the Congressional Budget Office. What have we found? To our disappointment, and I have to say from my conversations, I will accept to the genuine surprise and concern of Erskine Bowles and Frank Raines, the President's budget just simply did not do a good job of making the mark.

His current budget raises taxes instead of cutting taxes. It delays 98 percent of the spending cuts until 2 years after the President leaves office. If we did nothing, we would be better off with respect to deficit reduction next year than if you passed the President's budget.

☐ 1245

I do not believe the President and I do not believe the people that I have spoken to in the administration would find that an acceptable level of achievement, given the commitment that has been so eloquently expressed from the White House by the President, by the Vice President, and by so many of the people in the administration, and what we try to do today is extend an invitation.

Mr. President, as my mama told me so many, many times: "Don't harbor a disappointment, don't let yourself be defeated. If at first you don't succeed, try, try again."

Please let us work together. We are more than ready to welcome another submission, to get down and look at that. We must acknowledge one responsibility that this Congress has, and it is the responsibility this Congress will not step down from, and that is to get before the American people in this year a truly balanced budget that makes the hard choices, that fulfills the rigorous demands, that calls on all of us to stretch ourselves out a little bit and achieves the promised goals of a balanced budget by the year 2000, of saving Medicare from the threat of insolvency and providing tax relief for the American people.

I truly believe that this year is the best year for us to get together, this body and the other body, working together and, in all that process, to work with the inclusion and the enthusiastic support and encouragement, one for another, with the administration. We can do that. We ought to do that.

Therefore, I, as we have discussed this whole question of putting this resolution on the floor today, have said from the outset we should do so, and we should do so as an invitation and as an encouragement to the administration to understand they put better work before us, and it will receive even more respect than that work which they put before us. We have understood their disappointments as the Congressional Budget Office and Joint Tax Committee have examined their work, and we want to work with them, and on that spirit I would encourage us all to vote for this resolution and encourage the White House to work with us.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM], the ranking minority member on the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, the tenor of the last speaker, my friend and colleague from Texas, is exactly why I wonder why we are doing this today. It is just like last night when I appeared before the Committee on Rules. It seemed like we were in more agreement than disagreement, and yet I have to come to the floor expressing my extreme disappointment that the amendment that the gentleman from Minnesota [Mr. MINGE], the gentlewoman from California [Mrs. TAUSCHER], and I have suggested for today would not even be made in order, that we would not have the opportunity to even vote upon that.

Mr. SOLOMON. Mr. Speaker, would the gentleman yield at that point?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, we discussed this at length, and we specifically cleared with the parliamentarian both of the amendments that he and the gentleman from Minnesota [Mr. MINGE] were seeking, and they are germane and they can be offered.

Mr. STENHOLM. But only as an offer to recommittal, and I am reclaiming my time.

Mr. SOLOMON. But with a clean up or down vote on this subject.

Mr. STENHOLM. But there again we both know that those are more partisan than they are actual activities on the floor of the House.

Mr. Speaker, the purpose of our alternative is to try to put an end to finger pointing and the blame game that has distracted us from doing the serious work to balance the budget. I was reminded of a speech that I was making not too long ago. When they point a finger at the other side, they should take a good look at themselves; there are three aimed back at them.

Our amendment recognizes that both the Congress and the President must demonstrate more leadership than they have to date in order to reach a balanced budget. We should not allow Congress or the President to avoid this obligation.

The Minge-Stenholm-Tauscher amendment contains the exact same language as the underlying resolution requesting that the President submit a new budget by April 7. However, our amendment would hold Congress to the same standard as the President by requiring the House Committee on the Budget to report a balanced budget by April 7 as well.

Although the underlying resolution calls on the House to consider a balanced budget resolution, it sets no deadline or timetable for action. This will allow us to continue to postpone action and continue the current stalemate. We should not vote to exempt ourselves from responsibility to produce a credible balanced budget.

I believe it is very dangerous, in spite of the very eloquent words of my colleague from Texas a moment ago. I believe it is very dangerous for Congress, as an institution, to continue to shift responsibility for the budget to the President. Article I of the Constitution gives Congress primary authority over legislation dealing with tax and spending and borrowing money.

I encourage my colleagues to read an opinion editorial on our desk in last week's Washington Times by Professor Thomas DiBacco, who pointed out that for most of our history, Congress had the primary responsibility for budgets. Although Congress has given the President more authority in budgeting in order to bring more discipline to the process, the increased presidential role in the budget process has actually coincided with increased deficits.

I would remind my Republican colleagues of the words of a previous Republican Speaker, Joe Cannon, who said, "When Congress consents to the Executive Branch making the budget, it will have surrendered the most important part of governing. I think we had better stick pretty close to the Constitution with its division of powers well defined and powers close to the people."

The resolution before us today allows Congress to avoid its constitutional obligations on budget issues. What they are saying in their resolution is "Mr. President, you submit the budget." Our responsibilities in this body are for us to submit the budget, and I am ready to reach out and work on both sides of the aisle on going through the regular legislative process. That is what our amendment would make in order.

I urge my colleagues, if they agree with the tenor of my conversation and the concerns about the Constitution, I urge them to defeat the previous question, allow our amendment to come up in which we say to us and the President, "Let's get on with the business of the American people."

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Speaker, I rise in strong opposition to the rule before us today, and I object to House Resolution 89. I am disappointed that the Committee on Rules has chosen to restrict debate on this measure, and I hope my colleagues will vote to defeat the previous question and allow us to offer the Minge-Stenholm-Tauscher substitute.

Our substitute, Mr. Speaker, is quite simple. It says that not only should the President have a CBO-scored balanced budget plan by April 7, but that the House Committee on the Budget must present one as well.

This is a reasonable request, and it is one that is made in the spirit of bipartisanship. It is an effort to place all the parties on a level playing field and to help facilitate useful discussions on balancing the budget.

Mr. Speaker, I regret that we are here today not to debate the merits of different budget proposals, but it looks like it is a cynical attempt to make the President look bad. It is counterproductive to be considering House Resolution 89, but it is even worse that the rule prevents us from offering an amendment to apply the provisions of House Resolution 89 to the Committee on the Budget as well as the President. My colleagues on the Republican side say they are simply trying to get the President to submit a budget using CBO numbers, but that begs the question: Where is the Republican budget?

I came to Congress with a commitment to make the difficult choices necessary to balance the federal budget. I am proud to be a cosponsor of the Blue Dog Coalition budget proposal that makes those choices. Now it is time for the Committee on the Budget to do the same. The Minge-Stenholm-Tauscher substitute would apply the same rules of the game to each participant.

I urge my colleagues to defeat the previous question and support this evenhanded alternative to House Resolution 89.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my friend from New York [Mr. SOLOMON], the distinguished chairman, and I also appreciate the assistance of the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished former chairman, who spoke fondly of our last weekend retreat on collegiality. It was not, however, a retreat from our commitment to balance the budget. I thank those involved in this debate because it is an important debate.

This resolution is very direct and very simple, and in fact there is a provision in the motion to recommit for other views. It asks the President to live up to his word with a budget that reaches balance by 2002, as scored by the independent Congressional Budget Office. They are the scorekeepers on this; they are the referees. Far from balancing, the latest Clinton budget is projected to have a $70 billion deficit in 2002 by the scorekeepers. So we do not have a balanced budget from the White House.

Now, some will contend that we should place Congress' own budget on the table because of the President's failure to balance the budget. Indeed we have heard that today. They say we need to begin now to do the heavy lifting necessary to balance the budget, and I could not agree more. I think we do need to get on with this, and I can assure my colleagues this process is underway. But the fact is the President must submit a budget. That is required under the law.

It is here; I could refer to it. It is page 872 of the House Rules Manual, and when we get into the law and we get into chapter 11 of title XXXI of the United States Code, section 1105, my colleagues will find in fact several pages of very fine print about what the President must do and when he must do it. And he has not done it in the sense of providing us a balanced budget. That is just the fact.

So, as the majority leader said, we are sending an invitation.

Now judging by President Clinton's track record, I think it is best to follow President Reagan's advice in these matters, and his advice was trust and verify.

President Clinton used his first State of the Union Address to endorse the CBO, and at that time it was important to use CBO estimates, he said, "so we could argue from the same set of numbers." I agree with that. Yet President Clinton fails to follow that pledge at this time.

Many believe President Clinton effectively killed the balanced budget amendment by demagoguing Social Security. A few weeks after sending us a budget that utilizes Social Security trust funds for deficit reduction, it is a rather curious situation.

So given these actions, is it not reasonable for Congress to question the strength of President Clinton's commitment to balance the budget and ask him for a balanced budget?

Mr. Speaker, the American people, I think, have had enough of the rosy scenarios and the political gestures that have no particular substance. If we are to be true partners in the process toward a balanced budget, we need to know that both sides are working off the same sheet. The people I represent expect those in charge to do the job. It is therefore appropriate for us to ask the President to send up a balanced budget.

Mr. Speaker, that is what this resolution does.

I urge support for this rule, which is very straightforward, and I urge support for this resolution, which is also very straightforward and gets the job done.

Mr. MOAKLEY. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. SPRATT], the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, House Resolution 89 is a waste of time. To understand what I mean one has to look no further than its title: House Resolution 89, a one-House resolution, totally ineffectual to accomplish the purpose it proclaims, which is to make the President send up the second budget because it could not possibly affect the President, does not even bind the other body.

So we are doing today something we are spending 3-hours plus on what amounts to next to nothing.

Now if we are going to take up a matter like this because a majority feels that there is some purpose served by having a resolution like this debated in the House, then why not have a full and open debate? This is not a delicate, sensitive matter that cannot be entrusted to amendment on the House floor. Why can we not have full and open debate and an open rule?

Instead, we have got this rule before us, this resolution, which takes this debate and makes it even more pointless, more useless, by imposing upon it a closed rule and precluding virtually any amendments to the language that is before us in the Resolution No. 89.

Now we all know that the Budget Act calls for the President to submit his budget in early February. The President did that. He sent us a budget which complies fully with the Budget Act, scored by his budget shop, the Office of Management and Budget, not only to be balanced in the year 2002, but to be in surplus in the year 2002 by $17 billion.

□ 1300

Mr. Speaker, we all know as well that section 301(a) then calls for the Congress, this House, to produce a concurrent budget resolution by April 15. That is a tighttime frame, but it is a rule that we imposed upon ourselves; we wrote that law.

We have missed that date for the last 2 years and we are going to miss it again this year. As I stand here today, ranking member of the Committee on the Budget, I am aware of no date in the middle of March that has been set for the markup of a House budget resolution. I am aware of no date that has been set for floor consideration of a budget resolution. In fact, I am aware of no budget resolution.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's remarks. I just want to ask the gentleman, he said that we have not reached the April 15 deadline in the last 2 years. Is the gentleman aware we have not reached that deadline in the last 18 years out of the last 19 years?

Mr. SPRATT. Mr. Speaker, in the House, the House Committee on the Budget in 6 out of 8 years that it was under House Democratic control, 6 of those 8 years, we reported and considered and passed a budget resolution in 6 out of those 8 years.

Mr. DELAY. Mr. Speaker, will the gentleman yield, because I have a chart here——

Mr. SPRATT. We did not have the current budget resolution, but we had the House budget resolution before April 15. We at least got our work done here in the House.

Mr. DELAY. But if the gentleman would yield, the deadline is for a conference report by April 15, and this House has not reached that deadline in the last 18 years.

Mr. SPRATT. Mr. Speaker, that is beyond our control. That happened in the other body. We got our work done on time. If they had been moving in parallel process, we probably would have met that date.

The reason that we are doing what we are doing today is that we are about some diversion, distraction. We are trying to keep the American people from understanding that Congress is not doing its job, the majority is not doing its job. We are trying to shift attention from the fact that we do not have a budget resolution before us, have not scheduled one to be brought to the floor, by shifting the blame to the President of the United States when he has done what the law calls for him to do. He has sent us a budget scored by his budget shop as being in balance.

Everybody in this House knows what regular order calls for at this point. It calls for a House budget resolution, and that is what I call for today. Let us have a House budget resolution.

The gentleman from New York [Mr. SOLOMON] said, and I agree with him, we need to sit down and negotiate. There are lots of things in the President's budget that are not going to happen, I know that, and a lot of things in the various budget proposals are not going to happen either. But the way to frame those negotiations, since the President has put his budget on the table, is for my colleagues to put their budget on the table. We beg the question of the debate today, why have my colleagues not done that?

Mr. Speaker, let me just back up and say where we stand with the President's budget. As my colleagues all know, the Congressional Budget Office, the CBO, took the President's budget and scored it as producing a deficit in the year we are shooting for, the terminal year of 2002, of $69 billion, not a surplus of 17. CBO took the President's budget and said, per our economic forecasts and our technical analysis, this budget will not be in surplus in the year 2002 by $17 billion, it will be in deficit by $69 billion.

Mr. Speaker, one of the reasons that they found this budget in deficit is that the President has requested $98 billion in tax cuts. He has offset those tax cuts by $76 billion in tax renewals and extenders and the repeal of certain tax expenditures, so there is a net revenue loss in the President's budget of $22 billion.

In addition, the President has sent up over a 5-year period of time new entitlement initiatives, spending increases, that come over 5 years to about $68 billion, according to the estimates of his budget shop, OMB. By the scoring placed upon this budget by the Congressional Budget Office, this budget can accommodate these tax cuts and these spending increases without producing a deficit; in this case the deficit is $69 billion.

But I say to my colleagues, if the present budget cannot accommodate a $90 billion package of tax cuts and entitlement spending increases, then neither can a budget scored by CBO accommodate $190 billion in tax cuts, which is what the Republicans, my friends on the other side of the aisle, have been talking about. That is the range of magnitude that they have been proposing. That is why we are here today.

Mr. Speaker, they are unable to put before the House a budget resolution which can accommodate the tax cuts they are proposing without also necessitating deeper cuts in Medicare, Medicaid and education than they want to be seen openly proposing because the American people do not support it.

The gentleman from New York [Mr. SOLOMON] says that Congress has never met the date; the gentleman from Texas [Mr. DELAY] said the same thing. As I mentioned, 6 out of 8 years the House Committee on the Budget had its resolution on the floor by April 15.

But the key point is this: Why chastise Congress for not meeting the date that we have imposed upon ourselves with a resolution that calls upon the President to do something else? If we want to chastise ourselves for being tardy in the past, why not have a resolution today that sort of calls for hunkering down, for putting our hand to the wheel, for getting ahead with the problem, leaning into it.

We have a hearing today at 2:30 before the Committee on the Budget that deals with one of the most critical components in the solution to this whole problem, the so-called CPI, Consumer Price Index. Before us will be the Commissioner of the Bureau of Labor Statistics testifying about ways that the CPI can work out some of the biases that lead to overstatement of inflation in our economy.

It is a critically important hearing. Many of us on the Committee on the Budget, because we have to be on the floor to debate this resolution which amounts to nothing, will not be able to attend. That is not the critical path. That is not what we need to be doing if we are going to meet the self-imposed deadlines that we put in the Budget Act ourselves.

So the best way to proceed with the resolution of the budget, proceed toward a balanced budget is to vote against the previous question here, vote against the rule, and vote for putting the budget process back on the critical path and not chasing after red herrings like this resolution.

Mr. SOLOMON. Mr. Speaker, another reason why we have moved toward some fiscal sanity in this Congress in recent years is because of the gentleman from Texas [Mr. DELAY], our distinguished majority whip, and I yield such time as he might consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I appreciate those words more than we can imagine, and I do appreciate it. Mr. Speaker, I rise in support of this rule because I rise in strong support of this very important resolution.

We said from the beginning of this Congress that we want to negotiate with the President, but we cannot negotiate with a President that does not want to balance the budget. We do not want to negotiate over whether to balance the budget or not; we want him to submit a budget that balances by CBO which he called for. We will negotiate with him in the parameters of a balanced budget and negotiate over the priorities within that balanced budget.

But if the President cannot submit one, how do we negotiate apples with oranges? You know, the saying goes, if at first you do not succeed, try, try again.

The President's first attempt at a budget this year did not balance, so we are giving him a chance to try it again. The President has said that he supports a balanced budget, and I hope he is honest in his statement. He also said that we did not need a balanced budget amendment to the Constitution if we had the will to balance the budget. But this President, Mr. Speaker, has done everything he can to derail the balanced budget process; first, by vetoing the first balanced budget in a generation, the last Congress; then, by working overtime to kill the balanced budget amendment to the Constitution; and, finally, by submitting another budget that simply does not balance.

Why is balancing the budget so important? Why should we care whether we pile up more debt on future generations? Mr. Speaker, I will tell my colleagues why. At our bipartisan retreat this last weekend a lot of Members in both parties brought their children. The place was overflowing with kids. It was so much fun to see these kids having a good time. We are balancing the budget for their sake.

The President should explain to those kids why he will not take steps today to make their futures brighter tomorrow. The President should justify why he did not have the political will to make commonsense changes to entitlement programs so that those programs could survive when those children decided to retire.

Mr. Speaker, this debate should not be about green eyeshades, it should be about preserving the future for America's children.

So I just urge the President to be responsible and to resubmit his budget. America's children deserve better than they are getting from this President's current unbalanced budget.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, it is a pleasure to follow my colleague from Texas [Mr. DELAY] on the floor, and I look over and see the gentleman from New York [Mr. SOLOMON], the chairman. We have worked together on lots of bills, Mr. Speaker, but obviously today we disagree on the need for this rule and also the need for the resolution.

We only have 11 days left until Congress by law must pass a budget plan. But here we are today debating a rule and debating a resolution that says, Mr. President, send us your second budget, and yet we do not even have our first here from Congress.

While the President and Democrats have fielded criticism for weeks now from the Republicans on the President's budget plan, we have not yet seen their alternative. The Republicans need to respond with their own budget before they can ask the President for a second budget. That is what is called give and take, and that is what this process is about.

This resolution calls for the President to submit another budget because of the claims that the CBO found that the current budget proposal from the President would not be balanced in the year 2002. I happen to see a letter from March 4 that the director of CBO analyzed the President's budget and showed that it would indeed be balanced by the year 2002.

As Democrats, we are not opposed to criticism if it is accompanied by concrete and realistic proposals. In fact, we have the moderate, conservative group of Democrats who have a budget plan, but where is the Republican majority budget plan? They do not have one. The President has one out on the table, the moderate, conservative Democrats have one, and yet the Republican majority does not have one.

We have had enough time to develop a budget alternative proposal through our committee process. But yet, like my ranking member of the Committee on the Budget said, we are spending time debating resolutions instead of working in the Committee on the Budget.

In the 1980's we heard the slogan, "where's the beef," and now we are asking, "where is the meat?" Where is the meat in the Republican budget from our colleagues? If they want to have a balanced budget, let us see that meat that they have in their budget.

Mr. Speaker, I think it is ironic that I stand here because being honored to serve 20 years in the legislature, I saw our Governor submit budgets to us as a legislature, just like the President has done. And most of the time we would say, thank you, we can present it; and then we would work off of our own document. That is what Congress has been doing for many years, up until now. Now we are going to let the President provide that leadership?

I am not willing as a Member of this Congress to advocate that to the executive branch, no matter who is there. That is why I think it is so important that we have a congressional budget plan. I may disagree with it, but the Republicans here in the majority, they need to get up and find the meat and to do it instead of saying, well, Mr. President, you need to do a second plan because we do not like your first. Let us see what we can offer as a Congress to say, OK, Mr. President, this is our plan.

Mr. SOLOMON. Mr. Speaker, one of the really respected Members of this body is a former fighter pilot and a great Congressman from California [Mr. CUNNINGHAM]. I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there may be a perception that this is not important to the other side, but the reality is important. For 28 years we have not been able to balance the budget because it has proven too difficult. In Gramm-Rudman, the deal was that for every tax dollar we take in, we will cut it by 3, and we will push out the cuts into the last year. We could not do that because the cuts were too hard.

Remember when George Bush moved his lips? The deal was that for every tax dollar we take in, we are going to cut spending by 3, and we are going to give you an absolute way to do that. We are going to put firewalls between each of the appropriation committees and we are going to put a cap. The leadership on my colleagues' side, how did they get around it? With emergency spending. We found outlandish emergency spending things on there, and the continuing resolutions that just carried over the spending. And it was not viable.

Remember in the 104th when the President gave us three balanced budgets? All increased the deficit by $175 billion. And then in the fourth one he gave us, he balanced it using CBO numbers in 7 years, and 72 percent of the cuts came in the last year.

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It is not realistic, even if the President gave us a second budget balanced but most of the cuts take place in the last year. We know that that is not feasible. It is smoke and mirrors. It also happens to be before the Committee on National Security, when the President has said that he is going to increase modernization for DOD. Do Members think that the more liberal Members on this side are going to decrease social spending and increase national security in those same 2 years? It is not feasible, Mr. Speaker.

We need to take a look at what reality is. We want a balanced budget. They say we do not have one. Well, have the President give us a balanced budget as he campaigned in the middle of the road and many of the Democratic leadership said, we are not going to support that. We do not want a balanced budget. That is what they are opposing this resolution for, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge a note vote on the previous question. If the previous question is defeated, I intend to offer a motion which makes in order the Minge-Tauscher-Stenholm amendments which would require both the President and the House Committee on the Budget to produce budget plans by April 7 that achieve a balanced budget by the year 2002 using CBO assumptions. I believe that Members of the House should have the opportunity to vote on this.

Mr. Speaker, I include for the RECORD the amendment:

AMENDMENT TO H. RES. 90

On page two, line three, strike "The resolution" and all that follows and insert in lieu thereof the following:

"The previous question shall be considered as ordered on the resolution and on any amendments thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; (2) the amendments printed in section 2 of this resolution, which shall be considered as read, and which shall be debatable for a separate hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions. If including instructions, the motion to recommit shall be debatable for five minutes by its proponent and five minutes by an opponent.

"Sec. 2.

AMENDMENT (IN THE NATURE OF A SUBSTITUTE) TO H. RES. 90

OFFERED BY MR. MINGE OF MINNESOTA OR HIS DESIGNEE

Strike all after the resolving clause and insert the following:

That the House of Representatives requests the President to submit to the House, not later than April 7, 1997, a detailed plan to achieve a balanced budget by fiscal year 2002. The House further requests that the Committee on the Budget report, not later than April 7, 1997, a concurrent resolution on the budget containing reconciliation instructions to achieve a balanced budget by fiscal year 2002. Both the budget submitted by the President and the concurrent resolution reported by the Committee on the Budget shall—

(1) use the most recent economic and technical assumptions of the Congressional Budget Office;

(2) reduce the deficit through programmatic reforms rather than through such budgetary procedures as automatic spending cuts and the sunsetting of tax cuts;

(3) realize a significant proportion of its total savings in the first 3 years; and

(4) offer sufficient Medicare reforms to forestall the imminent insolvency of the Medicare trust funds for a substantial period.

PREAMBLE AMENDMENT TO H. RES. 90

OFFERED BY MR. MINGE OF MINNESOTA OR HIS DESIGNEE

Amended the preamble to read as follows:

Whereas a substantial majority of the Members of Congress are on record in support of a balanced budget amendment to the Constitution;

Whereas the President has observed on numerous occasions that a constitutional amendment is not necessary to balance the budget, observing in his State of the Union Address that ". . . we don't need a constitutional amendment, we need action.";

Whereas the President and the congressional leadership have repeatedly agreed to balance the budget by fiscal year 2002 based on the estimates of the nonpartisan Congressional Budget Office;

Whereas the Congressional Budget Office has officially estimated that the President's budget would increase the deficit by $24,000,000,000 in fiscal year 1998 and result in a deficit of at least $69,000,000,000 in fiscal year 2002;

Whereas the Committee on the Budget has not proposed a budget resolution that could be scored by the Congressional Budget Office, and the only tax proposals introduced by the congressional leadership would increase the deficit;

Whereas article I, section 8 of the United States Constitution grants Congress the power to lay and collect taxes and to borrow money on the credit of the United States and article I, section 9 grants Congress the power to draw money from the Treasury; and

Whereas section 301 of the Congressional Budget Act of 1974 requires that Congress shall complete action on a concurrent resolution on the budget before April 15: Now, therefore, be it".

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from New York [Mr. SOLOMON] has 4 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as Ronald Reagan used to say, Ladies and gentlemen, I do not know what all the argument is about.

I really do not know why anyone can complain about this resolution that is on the floor here today. Let me just read the key part of it:

"The House of Representatives requests the President to submit to the House, not later than April 7, 1997, a detailed plan to achieve a balanced budget by fiscal year 2002 for the United States, as estimated by the Congressional Budget Office."

That is so we can play from the same deck of cards. What is wrong with that? That is what we did last year. That is what we did 2 years ago. The President agreed to it.

Now, we also asked that he use these assumptions:

"Uses the most recent economic and technical assumptions of the Congressional Budget Office," that is No. 1. Who can disagree with that?

No. 2, that "reduces the deficit through programmatic reforms rather than alternative budget procedures such as automatic spending cuts and the sunsetting of taxes."

What does that mean? That means we do not want to cut Head Start the same as we cut legal services. In other words, let us offer the real amendment. Let us see what you are actually doing, not across the board where you are cutting good things and not cutting bad things at all. Then taxes, what are we doing? In other words, the President in his budget is sunsetting the tax cuts so that 2 years, 3 years from now they go back into effect. What kind of smoke and mirrors is that?

No. 3, "realizes a significant proportion of its total savings in the first 3 years."

Look at this, the President's budget. The deficit at the end of 2002 is $70 billion. We have not done anything. We said, we put out our press releases and, boy, are we brave. We are going to balance the budget. But when are we going to do it? We are going to do it 5 years from now. We are not going to do any cuts in year 1, 2, 3 or 4. Is that being fair to the American people?

No. 4, "offer sufficient Medicare reforms to forestall the imminent bankruptcy of the Medicare trust funds for a substantial period."

The President actually agreed to those reforms last year. We enacted them, but now is reneging on them.

Then finally somebody said, let us point fingers at each other. That is exactly what we did. We wrote in to this budget resolution, it says that the House of Representatives shall consider a budget plan to achieve a balanced budget by fiscal year 2002 that is in compliance with what I have just said, what we are asking the President to do. So we are asking ourselves to do the same thing.

I could go on down through this President's budget. I could talk about CBO by the way, their report on the President's budget. It says on page 2, in 1998, in fact, the net effect of the President's policies is to push the deficit $24 billion above the baseline level. This says, this coming year. In other words, instead of cutting the deficit down, we are actually going to raise the deficit by $24 billion. That is why we need this resolution.

We treat ourselves the same as we do the President. We say, Mr. President, Congressmen and women, let us act fiscally responsibly. Let us pass this resolution here today.

Some Members say to defeat the previous question so that the gentleman from Minnesota [Mr. MINGE] and others can offer their resolution.

I went to the Parliamentarian. They told me that these two amendments that they wanted to offer are germane, can be offered in the motion to recommit and if they want to do that, fine. They are going to have 2 hours of debate on it and then they will have an up or down vote on the Minge amendments. That is being fair to everybody. I move the previous question at this time and I ask everybody to come over and vote for the previous question and for the rule and finally for the resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 6, as follows:

[Roll No. 41]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)

Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Coble
Dingell
Dixon
Kaptur
Kennedy (RI)
Torres

Mr. FAZIO of California changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 5, as follows:

[Roll No. 42]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
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Taylor (NC)
Thomas
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White
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Wolf
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NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
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Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
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Lampson
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Lewis (GA)
Lipinski
Lofgren
Lowey
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Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Coble
Dixon
Herger
Kaptur
Torres

☐ 1350

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SUNUNU. Mr. Speaker, pursuant to House Resolution 90, I call up the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 89 is as follows:

H. RES. 89

Whereas the President has observed on numerous occasions that a constitutional amendment is not necessary to balance the budget, observing in his State of the Union address that "* * * we don't need a constitutional amendment, we need action.";

Whereas the President has also repeatedly agreed, most recently on January 28, 1997, to balance the budget by fiscal year 2002 based on the estimates of the nonpartisan Congressional Budget Office; and

Whereas the Congressional Budget Office has officially estimated that the President's budget would increase the deficit by $24 billion in fiscal year 1998 and result in a deficit of at least $69 billion in fiscal year 2002: Now, therefore, be it

Resolved, That (a) the House of Representatives requests the President to submit to the House, not later than April 7, 1997, a detailed plan to achieve a balanced budget by fiscal year 2002 for the United States, as estimated by the Congressional Budget Office, that—

(1) uses the most recent economic and technical assumptions of the Congressional Budget Office;

(2) reduces the deficit through programmatic reforms rather than alternative budgetary procedures such as automatic spending cuts and the sunsetting of tax cuts;

(3) realizes a significant proportion of its total savings in the first three years; and

(4) offers sufficient Medicare reforms to forestall the imminent bankruptcy of the Medicare trust funds for a substantial period.

(b) The House of Representatives shall consider a budget plan to achieve a balanced budget by fiscal year 2002 for the United States that is in compliance with paragraphs (1) through (4) of subsection (a).

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 90, the gentleman from New Hampshire [Mr. SUNUNU] and the gentleman from South Carolina [Mr. SPRATT] each will control 1 hour.

The Chair recognizes the gentleman from New Hampshire [Mr. SUNUNU].

Mr. SUNUNU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today with what we feel is an open hand to the President of the United States.

Yesterday the Washington Post ran a story stating that 75 percent of the American people feel that it is incumbent on the Congress and the President to work together to balance the budget. They know that a balanced budget will bring them economic benefits in the form of lower interest rates, more jobs and higher wages.

Here in Washington it is our job to hammer out an agreement that will balance the budget. Both Congress and the President agree that we must accomplish this goal. In fact, in his State of the Union Address the President spoke clearly. He affirmed his commitment to balancing the budget, and he affirmed his commitment and his agreement to use the estimates of the nonpartisan Congressional Budget Office. In a departure from common practice the Congress agreed not to declare the President's budget dead on arrival and to try to use that budget as the basis for our negotiations.

Unfortunately, when the President finally submitted his 5-year plan we found that it was inadequate. That is why we are here this afternoon. If we are going to heed America's call for a balanced budget, we must get to work today.

This resolution moves us forward by sending an important message to this House. To this House and to the President and to the people of America, we send a message that we must take seriously and deal honestly with the commitment we have made to balance our Nation's books.

This resolution calls quite simply for the President to work with this House toward a balanced budget agreement. We ask that the President submit a budget that meets a set of basic criteria, and in the spirit of bipartisanship we call on this Congress to abide by the exact same standards.

This resolution is fair, it is clear, and it is intended to provide an opportunity to work together with the President from a platform that he provides.

Just what are these standards that we ask the President to meet in his 5-year budget plan?

First, we ask that the budget proposal balance in the year 2002, using estimates of the Congressional Budget Office. We feel it is essential that we work from a common set of assumptions. We need to work from a common set of assumptions in a dialogue as important as this. The administration's current plan shows a deficit of $69 billion in the year 2002.

Second, we ask that the budget proposal not rely on sunsetted tax relief for automatic across-the-board cuts in order to achieve balance. The administration's current plan uses such accounting provisions that are triggered in its final years.

Third, we ask that the budget proposal achieve a substantial amount of its deficit savings during the next 3 years. Unfortunately, the President's current plan defers over 98 percent of the deficit savings to the last 2 years of his budget after he leaves office.

Finally, we ask that the budget proposal preserve and protect Medicare for our children and for future generations. The administration's current plan simply postpones the bankruptcy of the Medicare trust fund for another 2 years.

By asking both Congress and the President to meet these four basic requirements in the submission of their budget plans we will establish a credible platform from which we can move forward together. A budget that increases spending by 200 billion over the next 3 years, it leaves a deficit of $69 billion in the year 2002, will not put money back in the pockets of working Americans, will not put money back in the pockets of American families. The results of this kind of overspending will be higher interest rates, higher costs to our families and stagnating wages. We owe the American people more than that.

Some people have argued that this resolution is a waste of time. I am sorry that they feel that way, but I believe that the substance of this debate and its impact on America's families is too important to just ignore or dismiss.

□ 1400

Honest and reasoned debate of our differences is essential to the strength and substance of this institution. Others have argued that it is inappropriate somehow to ask the President to submit a new budget when we have yet to complete work on our own. The fact is that Congress is moving forward on its own budget. We will propose a budget to the President, and this country, in compliance with budget law.

Two years ago critics claimed the Congress prepared its budget too quickly and did not take the President's import, did not take his concern into regard. Today these same critics argue that the pace is too deliberate and too slow.

Many of us were not here in the last Congress, but I do know the debate over the budget deteriorated to what a lot of American people thought was petty bickering. This year we want to change that mode of operation. We want to make things work, with the administration's cooperation, and fashion a solid budget agreement that balances in the year 2002.

But to do this we need the President to provide a realistic platform for budget discussions. I am determined to keep my faith, to keep the commitments I made to the constituents of the State of New Hampshire to fight for an honest balanced budget. I urge your support for this resolution that will enable Congress and the President to wage this fight together.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to House Resolution 89. This resolution demands that the President send us a second budget that meets the specifications of the Republican leadership. All it does is demand. It huffs and it puffs, but in the end it accomplishes nothing, because it is a one-House resolution. Look at its title, House Resolution 89. It is not binding on the President; it is not even binding on the other body. That is why I said earlier in the debate that this resolution is a waste of time.

It has been said that the President is obliged to send us a budget that balances, balances according to CBO scoring. If you will simply turn to the Congressional Budget Act and look at section 300, you will see that it says the timetable with respect to the congressional budget process for any fiscal year is as follows: First Monday in February, President submits his budget.

That is what it says: President submits his budget.

The President missed that by just a few days this year because he first wanted to make his State of the Union before he submitted his budget, but he has sent us a budget scored by his budget shop, the Office of Management and Budget, as being in balance; not just being in balance, being in surplus by the year 2002 to the tune of $17 billion.

Let me back up a few years and just observe why it is that we are here today earnestly talking about balancing the budget by the year 2002.

We are here today credibly talking about that goal which we commonly share because 4 years ago when President Clinton came to office, he took this challenge head on. I am sure there were other things he would have preferred to do first.

The first thing he found on his desk when he arrived there was the Economic Report of the President left behind a week before by President George Bush, and in it Michael Boskin, chairman of the Council of Economic Advisors for President Bush, on page 69 predicted the deficit for fiscal year 1993 would be $332 billion.

Now, Bill Clinton has been blamed for a lot of things, but he was in Little Rock when that bill was run up. He cannot be blamed for that.

On February 17, he laid on the doorstep of Congress a plan to get rid of that deficit, or at least cut it in half, over a period of 4 years. It did not pass the House by any substantial margin, two votes. It went right to the wire. It passed the other body by one vote. There were predictions it would cut the economy off at the knees.

But here we are, 4 years later, and here is what happened. In 1993, when we closed the books on fiscal 1993, the deficit was not $332 billion, it was $255 billion. One year later, the first full year under that Deficit Reduction Act of 1993, the deficit was $203 billion. When we closed the books on 1995, the deficit was $164 billion. And last September 30, 1996, the deficit was down to $107.3 billion, down 65 percent in less than 4 years, 1.4 percent of GDP.

That makes it the lowest deficit as a percent of GDP since 1974, the lowest deficit in nominal dollars since Ronald Reagan's second year in office. That is what has been accomplished on his watch. Say what you will about his budget, the reason we are here and debating a plan to get the budget in balance within 5 years is that those 4 years were put to good purpose under a plan that he proposed.

Now, he set up a budget based upon a forecast of the economy done by his budget shop. Every President does that. That is what OMB is there for. According to their forecast, this budget will balance by the year 2002.

Now, there are things that I do not accept about that, and I have traditionally been a supporter myself of using CBO estimates, but there are some things in this forecast where I think OMB has the better half of the argument.

For example, OMB assumes that corporate income shares as a percentage of our GDP will not decline. They have increased substantially over the last few years because corporations are improving their balance sheets and improving their P&L's. That makes for a third of the difference between the two forecasts.

These are things that can be argued between reasonable people, reasonable economists, and there is no use to have a showdown on the budget today. We all know what the process calls for. We know what regular order is. We wrote the act. The Congressional Budget Act, section 301(a), says the Congress shall "complete action on the budget resolution on or before April 15th." The Congress shall complete action. The President started the ball rolling. Now it is our time to complete the action.

Since my friends on the other side of the aisle, the Republicans, have been in the majority here in the House, the conference agreement on the budget resolution has not cleared the House on April 15 in any of those years; not until June, as a matter of fact, 2 months after the deadline. In fact, the House Committee on the Budget in the last 2 years has not even marked up the budget resolution until a month after the April 15 deadline. This kind of slippage, this kind of inattention to the Budget Act and the deadlines we have laid down for ourselves, led to 14 continuing resolutions and 2 Government shutdowns in the last Congress.

I do not want to see that happen again. That is why I think this diversionary tactic, to distract us from what we need to be doing, off in pursuit of this red herring, is a total waste of time.

Let me say something else. It is now 10 minutes after 2. At 2:30 the House Committee on the Budget will have one of the most important hearings we will hold on the subject of how to get our hands around this problem and bring it to resolution.

We will have before us Dr. Catherine Abraham, who is the Commissioner of the Bureau of Labor Statistics, and her responsibility is something called the CPI, the Consumer Price Index. That is a critical component to resolving this problem.

And where is the Committee on the Budget? We are over here debating a resolution that is totally ineffectual. Instead of leaning into the problem, earnestly trying to find a solution to the problem, attending the hearing and asking intelligent questions and hearing what she has to tell us, we are over here on the floor.

This is the first time in 14 years in the House that I have seen a major piece of legislation or a piece of legislation come to the floor at the time the committee of jurisdiction is holding a hearing. That is why this is a total waste of time. But we are debating it.

The fact of the matter is, what we are trying to do is distract attention from the fact that the majority would prefer not to have to put up its own resolution. The reason they do not want to do this is the same reason that they are able to use and criticize the President's budget. The President's budget as scored by CBO does not produce a surplus in the year 2002. According to CBO, per its economic forecast, it generates a deficit of $69 billion.

But if you use that same economic forecast and apply it to a reconstruction of what I would guess to be the Republican resolution, which would incorporate tax cuts up to $190 billion, then the deficit is twice the size of the President's recommendation; or there will have to be deeper cuts in Medicare and Medicaid and education and other things that the American people broadly support, that they would not rather embrace themselves. So they want to be allowed to have the President take the hits on this.

If we are going to get this done, the President has sent a budget up here, we need to have a budget resolution with the other side. That will frame the debate and we can then sit down and negotiate, and we will have to make concessions on both sides.

The President's budget is not going to be fully carried out, I know that, nor is your budget going to be fully realized, and I think you know that. The sooner we get around to that reality and start talking, the better. The way to get there is for you to complete the process and frame the negotiation by putting your resolution on the table, bringing it to the House floor, getting it passed and getting a concurrent budget resolution adopted by April 15 or shortly thereafter.

For all of these reasons, I suggest that the House vote down this resolution, send the Committee on the Budget back to its work, and not after this pursuit of a red herring that leads us nowhere and accomplishes nothing.

Mr. Speaker, I reserve the balance of my time.

Mr. SUNUNU. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, as a member of the Committee on the Budget, I rise to support House Resolution 89 and join the House in asking the President to send a balanced budget to Congress.

The President's budget was eagerly anticipated this year and there is a genuine desire to work constructively with him to enact a historic balanced budget plan that will eliminate the deficit by the year 2002. The budget committees of both Houses have spent the past several weeks examining the President's ideas in order to give them a full hearing and find the areas where we can work together constructively.

This is a very different approach than previous years when the Capitol was a morgue for the storage of budget plans declared dead on arrival. This year, however, the Capitol has been an emergency room, and though we are working hard to save it, the President's budget is gravely ill, primarily because it is $69 billion in the hole, backloaded to the extreme, and fails to save Medicare for any significant period of time.

I can recall, as many can, the President campaigning that he was going to save the Medicare trust fund for 10 years. I do not see that. Where is it? Let us talk about it. If the President still wants his budget proposal to be the starting point for consideration this year, and I believe that can still happen, he needs to send us a budget that meets the minimum threshold for consideration, a budget that balances in 2002 according to the estimates which he said he would use, the estimates of the independent budget office. I remember hearing him say that right here in this House.

No gimmicks, Mr. President. Our friends on the other side of the aisle are challenging us to offer our own budget now, but my answer to them today is, we have already passed 2 years of balanced budgets in this Chamber. Those two budgets were the first of their kind in 26 years. We do not need to prove to anybody on this side of the aisle that we are committed to balancing the budget. The only reason it is in front and center of the congressional list of priorities right now, and the American people, is because we put it there. I am quite comfortable with our record of writing, supporting, and passing balanced budgets in this Chamber.

Frankly, the President should be thankful that he has been given a second chance to fulfill the promises he made to this country. I hope he takes advantage of this second opportunity, and I hope he sends us a true budget that does balance without a lot of gimmicks after he is not even President of the United States anymore.

Mr. SPRATT. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, at this mellow time of interest in bipartisanship and collegiality, I have to say that, frankly, this is a weird resolution. Some might call it a back to the future resolution. Do my colleagues remember the movie about going back to the future? Well, this is going back all the way to the days of the Government shutdowns of 1995. Those who liked those shutdowns will remember those good old days. It only cost the American taxpayer $1.5 billion for the kind of stunts that occurred in this House during 1995.

President Clinton in 1995 came forward and submitted a budget. It was scored by OMB. Our Republican colleagues, as they have said today, came forward and they said, "We want it scored. We want it scored by CBO, and we are going to shut the Government down until it is." I think some of them wanted to shut the Government down until it was scored by HBO. But they delayed and they shut the Government down in order to get the kind of budget that they wanted.

Well, those costly Government shutdowns were not simply the product of extremism. They were the product of this Congress messing around on resolutions like the one we have before us today, instead of getting down to the hard work of trying to get a budget agreement.

The Committee on the Budget did not comply with the law and get the budget resolution heard and adopted on time. The appropriations committees did not approve the appropriation bills. They did not approve more than about half of them before it was time for the Government to be shut down.

□ 1415

So we got caught in a trap that was very expensive for the American taxpayer. Today we are headed down the same path. History is repeating itself. The Republican Congress has done practically nothing for the last 2 months, and today, instead of working to try to achieve a budget agreement, they are basically saying: We have not done our job, but, Mr. President, you have completed your job and we want you to do it again.

When it comes to the budget, the porridge is always too hot; and, if the President submitted another budget, it would be too cold. It is never just right for these folks.

Anyone who has ever bought a car or a house knows there is offer and counteroffer. What they need to do is to shut down these kinds of silly resolutions instead of shutting down the government and get to work negotiating a balanced budget.

Mr. SUNUNU. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas [Ms. GRANGER], who is a member of the Committee on the Budget and has put in a great deal of effort and time in her commitment to making sure that this country balances its Federal budget.

Ms. GRANGER. Mr. Speaker, I am pleased to join my colleagues from New Hampshire and Pennsylvania in offering this resolution. Our resolution is not about shutdowns. Our resolution is not about CBO or OMB, and it is not about politics or partisanship. It is not even about how we score budgets. This resolution is about our America's children, about our daughters and our sons.

Today our children face a $5.6 trillion debt, $122,400 for every American. I have two sons and one daughter. That means my children owe $67,200. Every child born in our country today will owe nearly $200,000 in taxes over their lifetimes just to pay interest on the debt. That is because the Federal Government, the Federal budget has not been balanced in a generation.

Who among our children will be able to share in the American dream if each of them must pay $200,000 just to pay interest on the debt?

The answer is that our children will not be able to realize the American dream, and they will not look forward to a future of hope, growth and opportunity tomorrow unless we balance our budget today. We can have a balanced budget for the first time in a generation. During the campaign both the President, President Clinton, and leaders of Congress promised that balancing the budget would be their top priority. Now is the time for both the President and Congress to come together to make good on this commitment. A fellow Texan, Sam Rayburn, once said that anything ever achieved by Congress was done in a bipartisan way.

Achieving a balanced budget would be a lasting accomplishment for America's families. A balanced budget would reduce interest rates, slashing the cost of a typical family's mortgage by $38,000. The cost of student loans would be cut nearly $9,000. An estimated 4\1/4\ million new jobs would be created, and family incomes would rise.

This resolution will make this great achievement possible by establishing the crucial first step for both the President and Congress to come together to balance the budget. Step one is for both the President and Congress to use the same numbers when considering budgets and for both the President and Congress to balance the Federal books the same way that hard-working families balance their checkbooks each month. That is all this resolution does.

Families have to use accurate numbers when they balance their checkbooks, and our resolution asks the President to submit a budget that uses the most careful and accurate economic numbers of the Congressional Budget Office. Families must watch their spending each month. They cannot wait until the last week to use coupons or think about how they will pay the electric bill. So our resolution asks the President and Congress to present budgets that begin to save money today, not tomorrow.

And families cannot ignore their most important obligations like paying their mortgage. Similarly our resolution asks the President and Congress to submit budgets that meet the Government's obligation to our seniors by preserving Medicare and asks both the President and the Congress for budgets that preserve Medicare not just for the next election but for the next generation. It is not just American families who must meet the standards contained in our resolution. Last year the blue dog Democrats, the Congressional Black Caucus and the Republican majority and others all submitted budgets that met these basic and simple standards. Each these budgets use the most accurate CBO numbers, each of these budgets achieve budget balance through programmatic changes. Each of these budgets help to address the long-term problem of Medicare. That is why each of these budgets would have met the commonsense standards of our resolution.

Unfortunately, the budget that the administration submitted to Congress last month did not meet these basic requirements. The administration's budget increased the deficit while this administration is in office promising to balance the budget after the President leaves office. That is just not right for our children.

This budget increased the deficit by $24 billion this year and would leave the budget unbalanced in 2002. That is just not right for our children.

It used rosy scenarios and accounting contingencies, not tough choices, to achieve deficit reduction. That is just not right for our children. It failed to protect Medicare for this generation, let alone the future. That is not right for our children, for their parents or for their grandparents.

This resolution simply asks the President to meet the same standard that the majority, the blue dog Democrats, and the Congressional Black Caucus met last year. Since we must all work together to balance the budget, it asks all of us to use the same basic standards in our budget resolution.

I urge my colleagues to support this resolution to establish a bipartisan, common ground for agreement on a balanced budget. Let us ask both the President and the Congress to submit budgets that meet the same basic requirements, the requirements that our families meet every day.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the ranking member for offering me this time to participate in this debate.

I find it very strange that we are having this debate in the first instance on the floor of the House. This matter should be debated in our committee. I am a member of the Committee on the Budget. We have yet to really sit down and discuss exactly what kind of budget resolution we are going to offer this House. We have a statutory obligation to have this work done by April 15, and we have not begun this job.

It is simply irresponsible for the majority to abdicate its statutory duty. There is no way that they can pass the buck to the President. Under the Constitution, he offers his budget and it is for us to dispose of it. It is not to say to him, send another or send another because we do not agree with the minutia of its contents. It is for us to decide the details first within our committee.

So I find this a very shameful operation here today. Besides which, the head of the CBO that everybody is lauding today has said that there is substantial agreement and that the administration's budget actually comes to a balance. We may not agree how it balances it, but the fact is the majority chose 2002 as the magic date and the President has come up with a budget that essentially does the job.

Now, who is the responsible body to make judgments as to forecasts? Forecasts are very difficult. It depends upon what the individual assumptions are, how we look at the future, the unemployment rate, how much taxes are coming in, and so forth.

I have a chart here which I would like to point to my colleagues where the Congressional Budget Office is off the mark. They are very, very conservative. Each year they projected far deeper deficits than occurred. And as a result, we cannot put much confidence on the CBO estimates.

To make the final point, the budget figures which the President offers have been equally conservative and equally conservative in looking at the economic projections. They have not been any further away from it than the CBO. So at this point bringing this resolution today out of the Rules Committee, charging that rosy scenarios are the culprit on the part of the administration budget, is absolutely wrong, not based upon fact and, I think, pure politics.

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to draw attention to the fact that since 1993 there have been 20 deficit projections by OMB and CBO, and in 16 of those 20 projections CBO was more accurate than OMB in predicting the deficit.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Mississippi [Mr. PICKERING].

Mr. PICKERING. Mr. Speaker, today I rise in support of the resolution as a new Member of Congress, coming with what I hope will be a new start, a clean slate. There is much at stake, and we have great opportunity to do something that has not been done in 28 years. That is to actually reach agreement on balancing our budget.

I am disappointed in the President's budget that, as both the President and Members of Congress, Republicans and Democrats, we all ran on the same themes of a smaller government, of balanced budgets, of tax relief for families. Unfortunately, the facts of the President's budget do not meet the words and the rhetoric.

The facts are that the President's budget increased taxes, increases taxes $23 billion over the next 10 years. In fiscal year 1998, it increases the deficit $24 billion. It undoes more than 50 percent of the savings in last year's welfare reform bill. It is $69 billion short of a balanced budget in the year 2002. And instead of providing entitlement reform, it creates $70 billion in new entitlement spending over the next 5 years.

The saddest or the most troubling component is that it leaves 98 percent of deficit reduction until after the President leaves office.

Those are the facts, but it affects our families. I am here today representing the Third District of Mississippi, which has been represented in a tremendous way by G.V. (Sonny) Montgomery. He met the challenge of his day. He built a strong defense, contained Communism. Helped win the cold war. My children today have freedom and prosperity in large part because he was willing, and his generation was willing to sacrifice.

I have four small children, four boys, ages 7, 5, 3 and 1. At the end of my days, I want to say, I was part of giving them the same freedom, the same opportunity, the same prosperity. To do so, we must create a new foundation, a new framework to reach a balanced budget.

Mr. Speaker, today I rise in support of House Resolution 89 as a new Member of Congress, coming with the hope for a new start, a clean slate. I am here today not only as a Representative from the great State of Mississippi, or the successor to the legendary G.V. "Sonny" Montgomery, but as the father of four young boys.

There is much at stake in this budget cycle, and we have a great opportunity to do something that has not been done in 28 years. That is to actually reach agreement on balancing the Federal budget. I am disappointed in President Clinton's rhetoric concerning a balanced budget because his words do not match his actions.

As the father of four boys, age 7, 5, 3, and 1, I would like to leave a nation as great as the one I received from my father. Unfortunately, at the rate our Government spends money, my four boys, and millions of other children across this great land, will not receive an inheritance from those of us in this generation.

No, Mr. Speaker, we cannot be confused, the children of today will not inherit the legacy that we did. They will not inherit the classic American dream. They will inherit our debt.

The President spoke often during the campaign of his bridge to the 21st century. And I look forward to the start of the 21st century—the next American century.

However, we will not, and cannot stand by while this administration builds a bridge to the 21st century on the backs of our children.

As of today, each child in the United States, will inherit over $188,000 of debt from us.

Mr. Speaker, that is not the American dream. This is not the American way. This is not how we restore public trust in our Government.

In America we have always passed on the hope for a better, bigger, and brighter future. Yet the children of today can only look forward to debt, our debt.

Mr. Speaker, this is not the right thing to do. Nor is it right for the President to promise a balanced budget during the election and then provide us with yet another budget that simply does not balance.

While the President claims his budget comes into balance by 2002, it includes new spending initiatives and savings gimmicks that could cause the deficit to balloon in the subsequent years.

The tax cuts he provides are temporary while his tax increases will be part of the inheritance for our children.

Mr. Speaker, the tax increases are permanent while the tax cuts are temporary. In the President's budget, if the deficit reduction targets, based on rosy economic scenarios, aren't met, the President repeals the tax cuts in 2001 but the tax cuts are still in place.

We have many choices to make in this Congress that will effect the next generation. While we contemplate and debate which path to take, I recommend that we use our God given common sense.

I would suggest that it is only common sense to balance the budget. Millions of families across the Nation balance their checkbooks on a monthly basis. Is it too much to ask that the Federal Government does the same thing?

Mr. Speaker, I would suggest that while we journey toward the 21st century that we take the road to action to ensure that our children are not stuck in a future with little or no hope.

We have made great strides toward balancing the budget, but we have more to do. Balancing the budget is just the first step.

House Resolution 89 will ensure cooperation between the Congress and the White House in working toward a balanced budget.

By using the same economic assumptions we can find the middle ground necessary to make the tough choices that lie ahead.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, we are engaged today in a very fraudulent exercise. I will enter into the RECORD a letter from Dr.O'Neill, the head of the Congressional Budget Office.

The question was asked whether the alternative set of policies proposed by the President would achieve a budget balance in fiscal year 2002, which would be balanced.

And her answer is, "Our analysis, which provides CBO's estimate of the effect on the deficit of the President's alternative budgetary policies, shows a zero deficit in fiscal year 2002."

The President has submitted a bill, a budget that is balanced, according to the very person that we hear the Members on the other side saying they would worship at her feet. If she says it is balanced, it is zero, if the deficit is zero, that is good enough for them. We have the letter. This is fraudulent.

The question we have to ask ourselves is, why are we going through this exercise? I will tell you. It is very simple: 1995–96, the Republicans got burned by coming out here with policies that were unacceptable to the American people.

☐ 1430

And now we are engaged in what I call the grand stall. The budget is supposed to be ready by the 15th of April. Will that budget be done on the 15th of April? We have 13 working days between now and then and we are not in the committee.

We have not had a single discussion about any alternative or a modification that we will make to the President's proposal. We are getting a case built here that the reason we did not do it on the 15th of April was because the President never submitted us a budget.

Now, some of the freshmen out here do not understand the game. But let me tell them what it is. We will blame it on the President as long as we can, and then, finally, we will try to jam something through here without any discussion, the discussions about taking away quality of care for senior citizens and a variety of other things.

Mr. Speaker, I urge my colleagues to vote against this.

The information referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1997.

Hon. FRANK R. LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: You asked whether the alternative set of policies proposed by the President in the event that Congressional Budget Office projections are used in the budget process would achieve unified budget balance in fiscal year 2002.

As we described in our March 3 preliminary analysis of the President's 1998 budgetary proposals, "the alternative policies proposed by the President were designed to fill exactly any size deficit hole that CBO might project under the basic policies." Therefore, Table 6 in our analysis which provides CBO's estimate of the effect on the deficit of the President's alternative budgetary policies shows a zero deficit for fiscal year 2002.

I hope that this answer meets your needs.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. SUNUNU. Mr. Speaker, I yield myself such time as I may consume to draw attention to the CBO report. In fact, to be clear, I will quote from it directly. "The CBO estimates that there will be a deficit of $69 billion in 2002 under the President's basic policy proposals."

Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Missouri, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I am pleased to be here to support this resolution. I think it is no accident that this resolution is introduced by fellow freshmen, the gentleman from Pennsylvania, Mr. PITTS; the gentleman from New Hampshire, Mr. SUNUNU; and the gentlewoman from Texas, Ms. GRANGER, who are joining me in this Congress and who come to this Congress from an understanding of how we believe responsibility ought to be taken in the real world and in real world budgeting.

Really, responsibility has to begin at the top. And this Congress, the last Congress, has shown the willingness to do that by giving the President for the first time ever the line item veto, saying to the President, we know there are some things that you can do that nobody can do as well. The President really has to lead in this area, and for the President to lead in this area effectively, we all do have to talk about the same numbers.

A great Missourian, Mark Twain, said that forecasting is always difficult, particularly when you are talking about the future. And it is difficult when we are talking about the future to predict. Everybody understands that. Everybody understands that we ought to be talking about the same numbers.

The President has said over and over again that we ought to be using the same numbers. Over and over again the President has turned to the Congressional Budget Office and verified that their numbers, over the course of time, have been better than other numbers available. As late as January, the President said we will work with the Congress to use numbers that everybody believes, numbers that come from the Congressional Budget Office.

This budget is out of balance. It has to be brought back into balance. We need the President to submit that budget.

The Federal Government is not doing a lot of terrible things. The tough choices in life are not between bad things and good things. The tough choices in life are determining what kinds of things really have to have priority, and that is what submitting a budget is really all about, submitting a budget with priorities.

I was a president before I came here. Was not the President of the United States. I was the president of a private university. We had a $23 million budget. We had 300 employees. They all vigorously advocated what they needed to have happen. We were able to balance that budget over and over again primarily because we made those tough choices. We prioritized.

That is what we need the President to do with this budget. We need to get started with numbers that we can work with and agree with and move toward paying the bills of the country for the first time in 28 years.

Mr. SUNUNU. Mr. Speaker, I yield 1\1/2\ minutes to the gentleman from Ohio, Mr. KASICH, the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, let me make it clear that we will, of course, have a budget and it will be delivered to the House. This is not out of the ordinary, that the Congress has not brought this budget up. In the last 20 years, 19 of the times the budget resolution has come beyond a certain date required in the law.

The issue is not a hard fixed date, really. The issue at hand is whether we are able to either reach agreement with the administration and be able to bring a proposal forward; and absent an agreement with the administration, we will bring one forward that we will draft ourselves and that we will have an opportunity to consider in this House.

The issue today is really rather one of no matter what budgets come to this floor, they ought to be counted as being in balance. The Blue Dogs have brought a budget. It is in balance. They are going to appear before the Committee on the Budget. I have praised the Blue Dogs for their budget. The Black Caucus, in the past, has brought balanced budgets, as has the Republican majority, and we will bring one.

We are going to bring one on some date certain. I have already said that the administration could bring a budget and slip a date. Who cares about the specific date on a calendar? It is the work product we are most concerned about and the quality of the product.

So today what we are trying to say, both to the administration and to the Congress, and to anybody else that wants to draft a budget, use honest numbers. No gimmicks. Balance the budget and put the children first.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume, before yielding to the gentleman from North Dakota, to simply note for the record that in 1993 the House Committee on the Budget produced a budget resolution on March 10; in 1994, on March 3.

Unfortunately, the last 2 years we have been May 10 and May 9, and under the current schedule, debating things like this, that seems to be where we are headed this year.

Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the people I represent in North Dakota are tired of the debate in this House where one side points to the other side and says they are terrible and get a "they are terrible" back, and more of the fracas just continues. Unfortunately, a lot of the debate this afternoon sounds much like that tired old partisan dialogue.

We can do better than that. We stand at a great point of opportunity. The deficit is down 63 percent from where it was 4 years ago. We have made real headway. There is just that final push to get us to a balanced budget. What is more, we stand at this point in time in agreement that there ought to be a balanced budget. We stand at this point in time that we ought to have that balanced budget achieved by 2002.

So with so much agreement, it seems to me we ought to be working hard at negotiating our way to a balanced budget rather than having a spurious debate of the kind before us.

No budget plan is perfect. There will always be a great deal of give and take in crafting the final product. Now, the budget process is structured in a formalized way. The President advances his budget, and at that point in time all eyes turn to the majority party for their budget plan. When they have their budget plan on the table, the sides get together and negotiations begin in great earnestness in terms of how the differences can be resolved.

So the President has advanced his budget. All eyes turn to the majority caucus. They do not have a plan. They, in fact, want to waste our time this afternoon asking the President to submit another budget. They know very well the process. The process is it is their turn. Bring a budget forward. It takes two to tango. It takes two budget plans to get negotiated.

For the freshmen that for the first time are directing, I think impressively, a floor debate, I would just say they are in Congress now. There is something wonderful that comes with that. If they do not like the President's budget, they should write their own. The Blue Dog Democrats have already done precisely that. Other Democrat plans, I expect, will emerge.

Rather than carp and gripe about the shortcomings of the President's plan, just put pen to paper and come up with one. That would advance the process very significantly. That would get us to the table with the differences clearly etched so that they might be negotiated.

One final comment. We do not have much time. We want to get this done by 2002. We need 5 years to get it done. If we fritter away this year in partisan finger-pointing nonsense instead of earnest negotiation to a settlement, it will be only much harder to do in the future.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. SUNUNU. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I wish to inform the Chair that I will be yielding my time to the gentleman from Washington [Mr. McDERMOTT] before I go to a committee hearing.

Mr. SUNUNU. Mr. Speaker, I yield 2\1/2\ minutes to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, they say the difference between a good baseball player and a great baseball player is the followthrough. Now is the time for Congress and the President to knock one out of the park for the American people and followthrough on the promise to balance the budget.

The distinguished gentleman from Washington referred to a comment about my freshmen colleagues, and said, well, the freshmen do not understand the games that are played in Washington. I agree that perhaps we do not, and the American public does not. Whenever the President promises to submit a balanced budget, and it is scored as not being in balance, the American public understands that there is a need for the President to go back to the drawing board, to resubmit his budget, and that is what this resolution calls for.

The President has thrown us a curve ball with the budget he has submitted. It claims to be in balance by the year 2002, and yet it is not. The nonpartisan Congressional Budget Office, which the President has agreed to abide by, concludes that the administration's budget will produce a $69 billion deficit by the year 2002. This takes us in the wrong direction. And in fact next year, if no action was taken under the President's budget, there would be a $24 billion increase in the deficit. We cannot get to zero by going the wrong direction.

I am concerned about the families of America. A government that spends 15 percent of its income on interest on the debt is an impediment to hope and prosperity for the average taxpayer. The American people cannot bear the weight of an excessive and out-of-control Federal Government.

We need only to look at the difficulties faced by the average American family. There was a time in the not too distant past, when I grew up as a child, when one parent could work in a factory or a store or an office and the other stay home in order to take care of the family.

My parents are examples of this. My father had a high school education and was limited in his job opportunities. He worked as an inspector in a chicken plant in northwest Arkansas, but yet despite the modest income, he was able to provide for his family, raise his children, allowing Mom to stay at home, and that is because the government did not eat up his paycheck as is done today.

The American family cannot do that today and that is why we need to balance the budget and that is why I support this resolution to give us hope in America once again.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank my friend for yielding me this time.

Mr. Speaker, in the 11 years I have been in Congress to receive Presidential budgets, this budget is the best received I have ever seen by our colleagues. And there is good reason for that. The track record of the Clinton administration has been excellent in reducing the deficit.

It is the first administration in recent times that had 4 years in a row in reducing the deficit. It has submitted a budget that balances in the year 2002, according to OMB projections. There is a disagreement between CBO and OMB. Why do we not look at the track record and look at the past 4 years? In the past 4 years, OMB has been more accurate than CBO. The deficits have actually been smaller than we thought they were going to be. The President's has been more accurate.

The President goes one step further. He says if his economic projections are wrong, he puts an enforcement mechanism in his budget that guarantees us a balanced budget by the year 2002. That is why the gentleman from Washington is correct when he says that Dr. O'Neill has said that the President's budget will have a zero deficit in the year 2002.

The Congressional Budget Act says the President should submit his budget by February. He has done that. It then says that Congress shall pass a concurrent resolution by April 15.

Now, we have heard from the distinguished chairman of the Committee on the Budget that we are not going to meet that deadline. I know that the leadership has instituted a new process known as Correction Day. Maybe we should put the Congressional Budget Act on Correction Day and eliminate the time limits that are put in here.

Rather than wasting our time on this resolution, I would support a resolution that would direct the Committee on the Budget to bring out its budget in time so that we can act by April 15.

□ 1445

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to note that with regard to the triggers that have been discussed, there is a fair amount of accuracy. There are triggers in the President's budget, and here is what the triggers do: Head Start cut $400 million over 2 years; special education cut $370 million over 2 years; Pell grants cut $680 million over 2 years; veterans' hospitals cut $1.4 billion over 2 years. That is what a trigger is all about.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, I commend him for bringing this resolution forward, and I support it.

Let me begin by pointing out that this resolution does matter. I sat on the Budget Committee 2 years ago when Alan Greenspan pointed out that if this Congress could balance the budget, it would make a real difference to Americans. Interest rates would drop.

This chart shows that following the 1994 elections, interest rates began to drop. But when we failed to agree with the President on a plan that would balance the budget, interest rates began to go back up. This debate does matter. It is critical that we balance the budget.

Mr. Speaker, I sat in this room and listened to the President announce that the era of big government is over. I sat in this Chamber and listened to him pronounce that this should be the Congress which finally balances the budget, and yet the budget which the President has submitted does not do that.

I rise in good faith to ask the President to join us in this effort, and to point out that a budget which increases the deficit in the coming year by $24 billion over doing nothing is not, in good faith, an effort to balance the budget; that a budget such as the President has submitted, which results in a $69 billion deficit in the year 2002 when it is supposed to be balanced, is not a good faith effort.

This is not a partisan fight. Both sides of the aisle agree we must balance the budget. I call on the President to join us in this fight, to join us so that we can benefit the American people by the kind of falling interest rates which will occur, the lower car loans, the lower student loans, the lower home mortgage loan interest rates that Americans would enjoy if we had a balanced budget. I call upon the President to submit a budget which does balance and to join in this effort.

Mr. MCDERMOTT. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I rise in opposition to this resolution. This is nothing but a diversion, a political exercise and a futile attempt to shift the blame where it does not belong.

My colleagues on the other side of the aisle are trying to cover their tracks. Having promised too much in their recent election campaigns, they now find that they are unable to produce a budget that is both in balance and fair. So instead they are taking the highly unprecedented step of requesting the President to submit a second budget, something which we have not seen with previous administrations, including those who submitted budgets that were out of balance.

Before we vote, we should consider some important facts. The Constitution of the United States clearly states that it is the Congress and not the executive branch which enacts laws and appropriates funds. Article 1, section 8, clause 18 states:

> The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

So, therefore, the Constitution is quite clear as to who is responsible for forming a budget. It is the Congress. Second, while the Congressional Budget Act of 1973 sets the procedure for the President to submit a budget for consideration by the Congress, ultimately it is up to the Congress to pass the laws enacting a budget for the United States. In fact, if we are to rely on the 1973 act, we find that the 105th Congress is woefully behind, with only 10 legislative days left in which the Committees on the Budget are to submit and the Congress to adopt a budget resolution. Yet only yesterday the Republican leadership stated that no budget would be submitted or debated until May.

We all know the President has submitted a budget, and while it may not be perfect, and few budgets are, he has met his goals in both form and substance. The administration can honestly state that using the assumptions of the Office of Management and Budget, the President's budget achieves balance by 2002. I might add that the CBO has also agreed with that statement. We can disagree with the President over assumptions and substance, but we cannot disagree with the fact that he has submitted his budget and it is in balance using his assumptions.

So what is the problem that requires the other side to ask that the administration submit a new budget? They have the power to submit their own budget. Many of my colleagues on the other side were here during the Reagan and Bush years. No one ever asked them to submit another budget when in fact their budgets were never in balance.

The problem, my colleagues, is that the Republican leadership cannot produce a balanced budget that cuts taxes by nearly $200 billion and does not make deep cuts in Medicare, Medicaid, education, and the environment. They have simply overpromised and now they are stuck. They want the President to do the heavy lifting and that is why we are considering a bill here today that is nothing more than subterfuge. Let us be honest. The President has his budget, the Blue Dogs have their budget. It is time for the Republicans to put their budget on the table and let the American people compare.

Mr. SUNUNU. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I want to compliment the gentleman from New Hampshire [Mr. SUNUNU] and the other freshmen who have put this together because far from being a senseless debate, as we have heard from some of our colleagues on the other side, this is a very important debate. Let me explain the consequences. Who is right and who is wrong is not as important as what happens if we are wrong.

As we have seen, we believe the President's budget is not in balance. That is important. That is significant. The deficit actually goes up and at the end of the budget cycle, according to the Congressional Budget Office, which is our official scorekeeper, the budget is still out of balance by $69 billion come the year 2002.

What does that mean? What are the consequences? The gentleman from New Hampshire [Mr. SUNUNU] tried to explain, and I think Members need to understand that if the Congressional Budget Office is correct, here is what is going to happen in the year 2002. I daresay no Republicans nor no Democrats want to vote for this, because it means that Head Start will be cut $422 million, special education will be cut $369 million, education to the disadvantaged will be cut $707 million, Pell grants for college students will have to be cut $680 million, the National Institutes of Health will have to be cut over $1 billion.

Veterans hospitals, does anybody want to have to vote in the year 2002 to cut veterans hospitals by $1.4 billion? Or the women, infants and children program, the WIC Program, by $353 million? The FBI would have to be cut by $230 million; the Immigration and Naturalization Service, $147 million; the Federal Aviation Administration, they are the people who keep our airways safe, by $783 million; Federal highways by $1.4 billion; the National Science Foundation, $269 million worth of cuts if the President's triggers go into effect. Finally let me say, and we all care about national parks, do my colleagues really want to vote for a budget that could cause national parks to be cut by $105 million?

I say the answer to that question is no. That is not the budget that we want. The debate that we are having today is an important debate for this reason, and I am still wearing my name tag from Hershey because I think we need a bipartisan budget. I think we have to work together. I think we have to have an honest debate. But how can we have an honest debate about the most important issue this Congress will deal with, the budget, if one side is speaking Greek and the other side is speaking Latin?

What this debate is about today, what this vote is about today is let us all speak the same language, because if we are right and the President is wrong, it is going to have dramatic consequences for lots of our constituents. That is not what we want, that is not what you want, and frankly I do not think that is what the President wants. What we want is an honest and fair debate using honest and fair numbers. Let us agree on the assumptions, let us agree on the language, then let us have an honest debate.

Mr. McDERMOTT. Mr. Speaker, I take 1 second to remind the gentleman that last year he proposed the same kind of trigger in Medicare. He trusted it then. I am not sure why he does not trust it now.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, I have some prepared comments which I would like to submit, but I would like to depart from those if I could, because in this discussion and debate today I have found some unusual rhetoric that I think really does not strike home to anybody outside of the beltway. I am just a poor kid from Pawtucket, RI, and when we talk about work, we mean about rolling up your sleeves, working together, agreeing to disagree but coming out with a budget.

What we have seen, though, unfortunately is a lot of political rhetoric about it is not fair to the children, we are not following through, this is a curve ball. The fact of the matter is whether you are in Pawtucket, RI; Westerly, RI; Texas; Washington; or Washington, DC, the issue before us is, let us get together and work on a budget that works.

The President submitted a budget on February 6. It balances by 2002. The Blue Dogs submitted a budget. The Black Caucus submitted a budget. But the Republicans have not yet, not today and not tomorrow, submitted one issue that is regarding a budget. Not even an amendment. Not a plan.

If we are really talking about bipartisanship, if we are talking about Hershey, PA, if we are talking about doing the things that all the people in my district in Rhode Island believe in, we should be then debating the issues of the President's budget, the Blue Dog budget, the minority caucus budget, and hopefully elements that you believe in, but let us debate them. Let us put them on the table.

Let us work to resolve the issue, rather than this political buffoonery that is before us today. This is wrong. This is not legislation. These are people being political pawns, and quite frankly everyone outside of the beltway is cringing today and saying, "What is wrong with these people in Washington? They just don't get it." Let us get it, let us get on with it, let us pass a budget that balances.

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to note that of the budgets mentioned in the last presentation, the coalition budget meets the criteria placed for it here. The budget put forward by this Congress 2 years ago meets the criteria in this resolution. The Black Caucus budget discussed meets the criteria in this resolution. This resolution simply calls for Congress and the President both to fall into the criteria outlined here.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. PITTS] who has put forward a great amount of work in supporting this resolution and working toward a balanced budget.

Mr. PITTS. Mr. Speaker, I rise to support the resolution urging President Clinton to submit a budget that balances by 2002. We are all aware that balancing the budget is a top priority with the American people.

The budget submitted by President Clinton was touted as a legitimate plan to balance the budget by the year 2002. It does not do that. According to the Congressional Budget Office, the independent source which the President himself has suggested we use, this effort falls short of the balance goal by $69 billion. Not only does the President's budget not balance by 2002, it leaves 98 percent of the deficit reduction until after he leaves office.

President Clinton increases the deficit by $24 billion next year over what would be if we did nothing, which is considered the baseline. If we maintained spending next year at the same level as it is today, we will have a budget deficit next year of $121 billion. That is the first year. The President would increase that deficit spending by $24 billion over that baseline, to $145 billion. That deficit spending increases and continues every year until 2002. So we would be better off if we did nothing, rather than using the President's plan.

Also, Mr. Speaker, looking at the President's budget, on page 331 we see the amount of the debt over a 5-year period, the debt today being $5.4 trillion, in 2002, $6.6 trillion. I would like to submit this for the RECORD. In other words, we increase the debt in this 5-year period by $1.2 trillion. Need I say more about needing a balanced budget?

We have not balanced the budget since 1969. To quote Thomas Jefferson, "There is nothing more important for our children and the next generation of Americans than to leave them a Nation that is debt free."

For the sake of our children and our grandchildren, the out-of-control spending must come to an end.

President Clinton said, "We don't need a balanced budget amendment. We need action."

Well, we need action. He has given us neither. It is action that we are calling for with this resolution, action that does not mean higher taxes. This proposal does raise taxes. According to the independent Joint Committee on Taxation, the President's budget would increase taxes by $23 billion through 2007, hitting middle-income taxpayers first. This will directly impact over 100 million workers across the country. Another tax hike in the President's budget penalizes American companies that create export jobs, changing the tax formula to increase the amount of their taxes on income derived from sales abroad.

□ 1500

That is a real disincentive for companies who rely on trade and exports.

Another harmful tax is the capital gains tax, which is a tax hike on 10 to 15 million Americans that will occur. They are predominantly middle-income families who own mutual funds and stocks, and these tax hikes are all permanent, but the tax cuts are temporary. For example, the $500 child tax credit is scheduled to disappear when a child reaches age 13, just about the time when kids get expensive. That means that single moms are left out in the cold after their kids are 13 and growing.

That is irresponsible. To shut down a tax credit when the going gets tough on parents like single moms is unwise.

The President's budget also calls for this tax credit to expire on December 31, year 2000, just when he leaves office.

Mr. Speaker, it is vital that the President resubmit a budget that serves as a starting point for discussion. Step one to an agreement is the need to use the same numbers. By assuring that both the President and the Congress use the same numbers, we begin to travel down the same road to a balanced budget, and this resolution would do that.

Mr. Speaker, we are hearing a lot about ethics today in Washington. I would like to ask a question. Is it ethical to spend money that we do not have and to stick our kids and grandkids with the bill? Most of us, when our parents die, expect maybe to inherit a house or maybe some savings, but how would my colleagues feel if their parents went into such debt that they had to spend the rest of their life just retiring their debt? That is what we are doing to the next generation. The only people who lose in this deal are the kids.

Mr. Speaker, I urge the Members to support this resolution.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, this resolution really trivializes what is perhaps the most significant legislative initiative we will undertake this session. Our colleagues may disagree with the President's budget, but it does indeed balance. Our colleagues may not like how it balances, they may think it should balance early, but CBO really said, "If you use his assumptions and his trigger, it would balance at the year that he indicated it would." The budget, however, provides guidance for how we spend our resources, who will we spend it on; it determines indeed what our resources will be spent on and indeed who is important.

The budget for our Nation is the most important plan that our people will have. We will decide whether small family businesses spanning generations will be able to survive through relief from unfair estate tax, we will decide the kind of assistance we will give to those who are aspiring for education, higher education, for Head Start, we decide whether American children will get a healthy start or any assistance at all. So this is no small matter talking about the budget, but it is a small matter what we are doing on this floor.

Mr. Speaker, right now as we are talking about this budget the Committee on the Budget is having a hearing that is on the issue that we should all be there. It is no accident they establish a date of April 15, tax day, the day that our citizens assume their share of the budget of our Nation that we in Congress should have a budget resolution. But at the rate we are going we will not meet that goal. Why? Because of such activities as we are having today.

The President's budget has been submitted.

Now there are some issues I disagree with, but nevertheless I am generally pleased by that budget and know that there are issues that I disagree with and I will have an opportunity to express. I urge my Republican colleagues to use that same effort: Go to the hearings, express their view, submit their budget, find a better way to improve this budget. If they want to submit a balanced budget, why not put that balanced budget on the floor?

Mr. Speaker, I urge that this resolution should not be voted on, and it should not be on the floor in the first place, and certainly we should vote against it.

Mr. SUNUNU. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, let me begin by observing that in my opinion both sides in this discussion are fundamentally committed to balancing the budget. Nobody ever said that that goal would be easy to attain. If it were easy, I suspect it would have been done long ago. But it is now clear that reaching that goal will require not only determination, but real leadership if we are to fundamentally change Washington spending habits.

Against that backdrop the budget submitted by the President, in my judgment, defers simply too many of the tough decisions. It leaves them for someone else to figure out.

According to the CBO, fully 98 percent of the savings needed to balance the budget will not come until the last 2 years. In those years that responsibility will fall to a different Congress and indeed a different President.

But let us be honest. Any plan to balance the budget relies on the greatest portion of savings to be achieved in the final years. That is because when we make changes in the way that Washington spends money we do not see instant results. It takes time to accumulate substantial savings. But the President's budget simply relies too heavily on back-loaded savings.

But there is a different problem, and it is just around the corner. For 4 consecutive years the deficit has been going down. That is to the President's credit and to ours. But the deficit now we find is at its lowest level in 15 years, but next year for a variety of reasons the deficit will begin going back up.

All of us should find that change in direction very troubling, and we should seek to limit the increase in next year's deficit to the greatest extent possible. But unfortunately that is not what the President's budget would do. According to CBO, the deficit next year will be $24 billion worse than if his budget had been lost on its way up to Capitol Hill. The CBO estimates that if we stayed on our current path and did nothing, the deficit next year would be $121 billion. That is $24 billion lower than under the President's recommended spending plan.

There is another reality that we simply must face. We cannot expect to credibly balance the budget and keep it in balance beyond 2002 without making some structural changes in entitlement spending. Entitlements now account for over 55 percent of all Federal savings, and they are going up every year at an astonishing rate. We owe it to the American people to make the changes needed to keep entitlement spending under control while preserving the essential purposes of those programs.

We are committed to working with the President to end deficit spending. This resolution takes us in that direction by asking the President to take a second look at his proposal.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New Jersey [Mr. FRANKS] makes the best case for not reducing taxes. The President's budget would continue down if we did not reduce taxes.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, the American people sent us here to get the job done, not to play games. As a freshman member of the Committee on the Budget, I am eager to get to work on a plan that will balance the budget, but here it is the second week of March and we have yet to really begin an open and honest discussion as to Federal spending and the priorities that we must face as a Congress.

There are legitimate differences over the merits of a tax cut and how to best achieve savings in Medicare and Medicaid spending, but we must start to work through these difficulties and begin debating the issues. Unfortunately, today the House is debating a resolution which serves no useful purpose. At best this resolution is a waste of time; at worst it is a diversion from our work in the Committee on the Budget, which should be meeting right now.

We have a legal obligation to submit a budget resolution by April 15. We have an obligation to our constituents to work toward a plan which will balance the budget. The time for action is now. The responsibility is ours as a Congress. We should commit ourselves to reconciling our differing visions of how to balance the budget and get to work on an honest and open debate on the issues before us.

Mr. SUNUNU. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from New Hampshire [Mr. SUNUNU] for yielding me the time. I would just like to take a look at what the President is proposing in the area of education.

We all recognize that much work needs to be done in education. We are currently engaged in a process which we call Education at a Crossroads which examines what is working and what is wasted in education in America today. We are taking a look at the Washington response, which is 760 programs going through 39 different agencies, spending about a $120 billion per year, and what we believe is that before we put another overlay of new programs and spending on this education bureaucracy, let us take a look at what is working and what is wasted, and, if we have new priorities, let us find some money in the old programs that appear not to be working, and let us reestablish priorities.

There is enough money in education. We do not need more money.

The President is proposing a building program, recognizing that when we put Federal dollars into building programs we prohibit the use of volunteers on those projects and we have to pay premiums through the Davis-Bacon law. And then the President on the other hand wants to encourage volunteerism by expanding the Corporation for National Service, its involvement in tutoring programs. So on one hand we are saying volunteers are bad, on the other hand we are going to say we are going to have more volunteers paid $27,000 per year involved in teaching our kids to read. It is great that they are teaching our kids to read because the Corporation for National Service cannot keep its books, and just recently there was another report that said their trust fund is now unauditable. These people cannot teach our kids math, so maybe they can help on reading.

What is the President's vision for education? He wants to build our schools, put in the technology, develop the correct curriculum, test our kids, certify our teachers, teach them about sex, teach them about drugs, feed them breakfast, feed them lunch, do midnight basketball, and other than that it is your school. He has got a vision of big government and more spending, proposing $55 billion of increased spending, new spending, $11 billion per year for the next 5 years. That means that 2.2 million American families will have to pay $5,000 a year for increased spending on education when that money already exists.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan [Mr. HOEKSTRA] raises the question. I say Put your alternative on the table; we would love to see it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, today's debate sounds like a line from a popular song: "Isn't It Ironic?"

Is it not ironic that the majority party is demanding the President submit a second budget when they have not yet come about to present any budget plan? Is it not ironic that the budget process is behind schedule for the third year in a row under Republican leadership? Is it not ironic that one Member of the majority party's leadership has stated it would be inappropriate for Republicans to produce a budget while another Member of the same leadership had said they will produce a budget resolution in May. Is it not ironic?

Enough of this budget gridlock, Mr. Speaker. The President has submitted a budget; the Republicans have not.

Today's resolution is nothing more than a diversion. It is simply an attempt to distract, an attempt to distract the American people from the fact that the majority is not doing its job.

Do not fall for this trick. Vote no on House Resolution 89.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, earlier this afternoon we had before us the proposition of whether we should adopt a rule that controls the debate on this matter that is pending. We did adopt a rule, and unfortunately that rule denied the minority a chance at asking this body to vote on an equitable proposition. That proposition would have challenged both the leadership of this Congress and the administration to produce a budget that complies with the standards that are set forth and have been so frequently addressed here.

I for one feel that these standards are important, that we should have conservative forecasting, that we should have a glidepath to deficit reduction or eliminating the deficit, that we should deal with the problems of the Medicare system.

□ 1515

Unfortunately, we are now grappling with just the politics of how this is to be presented. It is cosmetics, and that is one of the tragedies. We should be insisting, as newer Members of Congress, that both the Republican leadership and the Democratic White House meet the same standard and do so simultaneously. Both groups should be putting their cards on the table and saying, this is what our hand looks like, now let us sit down and negotiate the next step.

We all know those negotiations have to take place. The longer we delay those negotiations, the greater the risk that we will again experience the tragic shutdown of the Federal Government that occurred in 1995.

It is my fervent wish that we put to one side this type of a dilatory tactic and say: time to get on with the task; time, as Republican leaders to present a budget; time for the White House to present a budget that complies with the standards that we all know ought to be the standards that govern budgeting in this institution.

Mr. SUNUNU. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from New Hampshire for yielding and congratulate him on his work in this area.

I do rise in support of the resolution, but I really take the floor not so much because of this resolution, which I do not consider to be either dilatory or a waste of time, because it is getting its focus on what I think we should be talking about here in the U.S. Congress today, and that is balancing the budget of our country. I think it is absolutely vital.

Let us not forget that people such as Mr. Greenspan has said that we will reduce interest rates by 2 percent if we can balance the budget. We are all talking about balancing the budget, and I think we should go with doing it. I think this is a good exercise to put some of these issues on the floor.

I am not critical of the White House. As a matter of fact, I had a very good meeting this morning with Mr. Franklin Raines, the budget director, and Mr. Gene Sperling of the White House, and about a dozen of us to talk about the budget issues, the numbers. I think they showed some flexibility in terms of revisiting, relooking at some of the numbers which are here.

However, I do become concerned when we do not move forward, and I do become concerned with some of the numbers that we are dealing with with respect to this particular budget. I think, first and foremost, it really has not recognized the parameters of using the Congressional Budget Office estimates and assumptions, and I think we should get to that point so we can at least argue from the same set of numbers. I realize there will still be some differences, but we did promise to do that.

I think without the same economic baseline and numbers used for comparison purposes, it is too difficult to decide which is more and which is less. It simply allows no political accountability under the President's assumptions as we have now.

I do congratulate, by the way, the Blue Dog Coalition budget makers. I think they did an extremely good job of recognizing the issues before us that are making the kind of hard decisions that I think each of the 435 of us should make and the President and his advisors should make with respect to balancing the budget.

I might point out that it is not only the Republicans that called on the President to issue a balanced budget, but the nonpartisan Concord Coalition as well, that concurs with the Congressional Budget Office that his budget postpones most spending cuts until after the year 2000 and after he actually leaves the White House.

So we have some serious problems with the delays, and I think we need to address these and deal with it, and I hope we can keep moving forward.

Mr. McDERMOTT. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, we are called here in this Chamber today not to do the people's business but to engage in what I think is dilatory tactics. We are called upon to spend a day in this Chamber not making laws, but engaged in a ritualistic attack on President Clinton and his fiscal record. So I figured we ought to take a minute just to look at the President's fiscal record.

This chart here shows where we were headed in terms of a deficit before President Clinton took office. We see this line exceeding $100 trillion. Now, I have only served in Congress for a short time. I remember when $1 billion was a lot of money. And we used to explain it as a line of $100 bills going from Washington all the way across the country or a stack of $1 bills all the way to the Moon. We were headed for a $100 trillion deficit. That is a stack of $100 bills going all the way to whatever planet Yoda lives on.

Instead, we have fiscal responsibility in the White House, and we have been able to bring long-term prospects represented by that lower line to a position where a balanced budget, a long-term and permanent balanced budget, is within reach.

Now, the laws says that we are supposed to have a budget resolution just 10 legislative days from today. Instead of passing resolutions, we should start by writing a budget in the Committee on the Budget. And I felt, why have the Republican majority not put forward a budget? And I thought maybe it was in absence of pen and paper and a chance to sit down and actually write some numbers down. So I brought this here.

Mr. Speaker, as we can see, it sets forth everything we have been told about the majority's budget. It comes equipped with a pen, and I would hope that in the spirit of Hershey, PA, some of my colleagues from the other side of the aisle would come down here and give us some numbers, because a journey toward a trillion-dollar budget starts with the first digit.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, last weekend half of the Members in this House participated in a bipartisan congressional retreat to help restore civility in our debate. The American people want us to do the people's work and to do so in a bipartisan fashion.

Today's resolution requesting the President to submit a second balanced budget is partisan and counterproductive. The President submitted a balanced budget in February. While we may honestly disagree about the President's budget priorities, the Constitution gives this Congress the power of the purse. Section 301(a) of the Congressional Budget Act requires this Congress to complete action on the budget resolution on or before April 15, 1997. That date is less than 5 weeks away. To request a second balanced budget from the President is simply irresponsible. He has done his job.

The Committee on the Budget must not duck the tough choices necessary to balance the Federal budget, but that is what is going on today. Let us do our job. Let us vote against this resolution and urge the Committee on the Budget to submit a budget resolution to this Congress by April 15.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms.VELÁZQUEZ. Mr. Speaker, this resolution is a waste of time. Why do my colleagues on the other side of the aisle want to stall the budget process? I thought that the clock was ticking for us to enact a balanced budget, which I support. In the rush to pass a fiscal year 1998 budget, the Republicans are setting up another scenario for last-minute legislation. In that rush, the most vulnerable populations will be targeted again for the highest spending cuts and the lowest assistance. It is remarkable how far the Republicans will single out poor families.

The deadline grows near for our national budget to be balanced. Note that my Republican colleagues have not submitted a budget proposal. They must not be serious about negotiating a balanced budget agreement. What is their strategy now? To shut down the Federal Government again? Remember, it did not work before; it will not work again.

I ask my colleagues to consider the human face on this debate. Consider Miguel Pena from Brooklyn, a 72-year-old Dominican legal immigrant with mental illness who will lose his SSI disability benefits within months because he is not a citizen. He, like hundreds of thousands of other legal immigrants, has no other source of income.

Consider the 30 percent of the 30,000 Hasidic children in Williamsburg who will lose their Federal assistance. Consider Maria Rodriguez, 27 years old, a legal secretary with two children and no subsidized daycare options. Hard-working people have to make painful decisions on a daily basis about keeping a roof over their heads or putting food on their table. We should not be spending precious time on political posturing at the expense of America's future.

The families I represent in Brooklyn, Manhattan, and Queens carefully manage their limited incomes to make ends meet. They cannot postpone their budget; neither should we. Let us get on with the people's business.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, today we are considering a resolution which demands that the President submit yet another balanced budget plan. Apparently the first one was not to the House leadership's liking. Such an ironic twist and somewhat bold in light of the fact that the House leadership has failed to submit a balanced budget plan of their own, one that meets the criteria that they have set forth that they have asked the President to meet. To date we have the President's balanced budget plan, we have the coalition's balanced budget plan, and I have yet to see a plan from the Republican leadership.

Now, reasonable people can disagree over what should or should not be in the plan to balance the but. The President's plan is very strong on education and children's health care, and some may disagree about that. But the President made a good-faith effort to meet the demands of the House leadership, only to be told that he must submit a second budget before they even submit the first one.

The President has submitted a detailed balanced budget plan that includes the economic and accounting analysis, information on Federal receipts and collections and detailed priorities. It is a good-size document weighing more than a few pounds with a little over 1,200 pages of great detail.

I urge my colleagues who dislike the President's budget plan to meet him halfway and submit a plan of their own. The President cannot negotiate with himself and should not be asked to submit a new plan until those who disagree with him have an approach all their own.

Mr. SUNUNU. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Speaker, I want to talk about one particular aspect of the budget that is before us and the subject of the comments today, and that is the issue of tax relief. The fact of the matter is that over the next 10 years this budget proposes a tax increase of over $23 billion.

Mr. Speaker, if a budget is going to promise tax relief, it should be permanent tax relief. It is better to have no tax relief than phony tax relief. The child care tax credit for children under 13 is only $300 for the first 3 years. Then it supposedly increases to $500. But the budget also proposes that all the tax reductions will automatically be repealed in the year 2000 if the rosy scenario and the imaginative arithmetic conflict with reality, as CBO has said it will, and it turns out the budget then will not be balanced.

A tax credit for children should not be scheduled to expire in a few years. Neither should a tax credit for children disappear when the child turns 13, just when children become the most expensive. You know, when they eat everything in sight and go through two or complete wardrobes a year. Under the administration's plan, a family will get relief only if its children were born between 1985 and 1999.

While promising tax relief with one hand and taking it away with the other, the budget also belies the President's assertion that the age of big Government is over. The President claims to have reduced the Federal civilian work force by 299,600 employees from 1993 through 1998. This is misleading on several counts, including the following: two-thirds of these reductions are from the Department of Defense. These personnel reductions actually come from the Defense downsizing of the Bush administration, which occurred because the United States and its allies won the cold war under the leadership of the Reagan-Bush administrations. The new budget claims to reduce 26,600 additional employees by the end of fiscal year 1998. But the President fails to emphasize the fact that he is actually cutting 27,800 workers from the Department of Defense, when the non-DOD Government labor force will actually increase by 1,200.

The administration's budget also uses creative accounting to hide increased spending. The President's budget actually makes substantial increases in discretionary spending. Compared to 1997 levels the budget increases discretionary spending by $100 billion over next 5 years.

I served in the Kansas State Legislature for 12 years. During that time I worked with Republican and Democratic Governors, and reached principled compromises. I want the Congress and the President to reach an agreement on a budget that is balanced, and that will stay balanced. But it has to be an honest agreement, with honest numbers. The only way to accomplish that is for the President to submit a budget that is truly balanced. Then we can engage in the true give-and-take of the legislative process.

The difference between the President's current budget and what needs to be done on this issue is the difference between saying we're going to balance the budget and actually balancing it. To pretend we are balancing the budget when we're not dishonors us, betrays our constituents, and endangers programs like Social Security, which the President insists he wants to protect. In the long run, the promises of a bankrupt Federal Government are worthless. The best thing we can do to ensure that Social Security is here tomorrow is to start balancing the budget today.

For these reasons the House must pass this resolution calling on the President to prepare another budget, one that really balances.

□ 1530

A tax credit for children should not be scheduled to expire in a few years. Neither should a tax credit for children disappear when a child turns 13, just when the child becomes most expensive: when they eat everything in sight and go through two or more wardrobes a year.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. speaker, one of my first experiences in this body in 1987 came when we were voting on the floor on four competing budget resolutions, including one offered by the majority party, as is always done, at least until this year.

I remember at the end of the day it struck me that 140 Members of this body had voted "no" on all four resolutions, in the spirit of a comment made by the then-minority whip, Mr. LOTT, who said, "You do not ever get into trouble for those budgets which you vote against."

I am sure Members in this body also remember 1993, when we passed a 5-year budget plan that has since reduced the deficit by $700 billion. Yet we barely passed that plan, by only one vote in both Houses.

It is easiest to vote "no," and it is hard to produce a budget, but it is our obligation to produce a budget. Particularly, it is the obligation of the majority party to deliver what every majority party has delivered in the past: A budget proposal which then serves as a blueprint for subsequent congressional action.

The majority apparently does not want to put its fingerprints on any budgetary unpleasantness, so they are trying to shift the blame onto the President. But the President has already produced a budget. No one is claiming that it is perfect, but our Republican friends are exaggerating the difference between CBO and OMB projections as a diversionary tactic, trying to divert attention from their own failure to do the tough work of writing and passing a budget resolution. If they do not like the President's budget they can produce a different budget, but it is the Republican majority's turn to put its own budget on the table so we can move forward to confront the country's challenges.

Surely we do not want to repeat the scenario of deadlock and Government shutdown. Time is almost up. The statutory deadline is April 15. Only 9 legislative days remain to pass a budget resolution. The majority party is way overdue in putting their own budget on the table, a budget proposal which we could be debating today rather than this irrelevant and diversionary resolution.

Let us get the budget process back on track. Defeat this resolution and bring a budget resolution to the floor, as the majority party has always done and is still obligated to do.

Mr. SUNUNU. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. EHRLICH], a distinguished member of the Committee on the Budget.

Mr. EHRLICH. Mr. Speaker, I thank the gentleman for yielding time to me, and congratulate him for his important work on this issue.

Mr. Speaker, this is about principle. We have talked about what the President has said, and the President's words are important. The President has said, and we have repeatedly relied on these statements, because words should have meanings, Mr. Speaker; the President said, I have made it clear we will work with Congress, the Congressional Budget Office, and we are going to do this. We are going to do the right thing.

We are taking the President at his word. We are taking the President at his word that he means to make the difficult decision and that he means to be a leader and not a politician.

Politics have ruled this debate for too long on both sides of the aisle. I have heard about Hershey and the spirit of bipartisanship, and we need to treat each other civil. We should not have to be reminded about that. We are adult politicians. But the fact is that we have very legitimate policy differences, and they are subjective differences.

What is objective, Mr. Speaker, is that the President has said he will abide by CBO. CBO has said his budget is not in balance. We expect the President to give us a balanced budget. We want the President to give us a balanced budget. The American people deserve a balanced budget.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, yesterday the majority leader announced that the Congress will not consider a budget resolution until May, 3 months after the President submitted to this House a balanced budget plan. Yet today my colleagues on the other side of the aisle want to vote on a resolution to force the President to submit another balanced budget. They continue to criticize the President's plan, despite a letter from the director of the Congressional Budget Office asserting that the President's plan is truly a balanced budget.

Where may I ask is a Republican plan to balance the budget? My colleagues on the other side of the aisle are too busy with partisan attacks to focus on actually submitting a budget proposal of their own.

It is time for House Republicans to stop holding press conferences and to start crunching numbers. The only bill today reflecting the Republican budget priorities is a proposal by the majority leader of the Senate, and it is a tax bill. This legislation, according to Citizens for Tax Justice, would mostly benefit the wealthiest 5 percent of Americans.

It sounds to me like the Republicans are up to their old tricks: Balancing the budget on the backs of working American families while cutting taxes for the rich. The American people deserve to see how the Republicans plan to pay for these large tax cuts. Let us work together on the issues that matter to the American people.

We cannot afford to have another Government shutdown because the Republicans are too busy attacking the President to work on a balanced budget. It is time for us to work together on the issues that matter to the American people.

We have seen the Democratic proposal to balance the budget. The American people deserve to see the Republican budget proposal.

Mr. SUNUNU. Mr. Speaker, I yield myself 30 seconds to note that this resolution is precisely about working together. This resolution is about working to get a platform from the President from which we can conduct bipartisan budget negotiations.

If we truly want to move in that direction, we need a substantive balanced budget, one that does not include triggers, one that does not include a $69 billion deficit in the year 2002, one that does not increase the deficit $24 billion in 1998. That is all we seek. We lay out criteria that will give us this platform, and we apply the exact same standards to this House that we ask the President to abide by.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the matter before us today is viewed by many as a useless exercise in political finger-pointing. That is precisely the way it was defined in the Committee on Rules yesterday.

Perhaps we are being a bit too subtle. This is not an attack on the President or on his budget. House Resolution 89 is simply a message to the White House. It is an appeal to the President to recognize the historical opportunity available to him to actively participate in a bipartisan effort to finally craft a balanced Federal budget.

There is a genuine desire on the part of the Republican Members of this House to work with the President in such an effort. We anxiously awaited submission of his budget last month in order to let him establish the starting point in this process. My feeling is that he passed on that opportunity. Instead, he sent us a political document. I think perhaps it is the best political document that I have seen in my tenure here in the House.

Still, many of us remain prepared to work with the President and our colleagues on the other side of the aisle. That is what this resolution is all about. We need to debate policies, programs, and spending cuts. Instead, we are debating, once again, whose economic assumptions, either the OMB or CBO, should be the basis for more substantive debate.

The fact is, the House will use CBO assumptions. The matter is no longer subject to debate. The Committee on the Budget will present a balanced budget, a proposal scored by CBO, in the near future. This process could be eased somewhat if the President worked from the same assumptions. In the past he said that he would, but as his budget proposal demonstrates, he will not.

This exercise today is simply one last appeal to him to join us, rather than confronting us. It is my belief that we will work with him.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, what we have is seemingly a disagreement between two groups of economists about what might happen some 5 years out in terms of the largest economy in the world, a slight difference of opinion about that between the President's economists and the CBO. But we should not waste our time here today with this resolution. This has no import or impact on the President of the United States in terms of any legal meaning.

The result of the passage of this resolution is just that the House will have taken up the time of the House, rather than working on producing a budget that could be scored by CBO and that could take into account the President's priorities which, by the way, are the Americans' priorities, as illustrated in the last election. The public wants more investment in education and environmental protection. These are issues we should be debating, we should be working toward. This political one-upsmanship between the House and the White House does not make a lot of sense.

We have a role here in the Congress to play. We are one of two Houses, and along with the White House, and we have to do the most important thing we do every year, which is to pass a budget. I would ask that my colleagues vote "no" on the resolution, and then urge ourselves to get to work, not through the words we speak on the floor, but in the hard work of designing a budget to take this Nation into the next century.

Mr. SUNUNU. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have been listening to this debate from the beginning. One of the things I am very impressed with is the demeanor on both sides of the aisle. I am particularly impressed with the contributions of the freshmen Members from both sides of the aisle, and my colleague who introduced this resolution, the gentleman from New Hampshire [Mr. SUNUNU]. We are talking about ideas, we are talking about policies, and we are talking about the direction this country should head.

This congressional majority has three major objectives. We want to balance the Federal budget and get our financial house in order; we want to save our trust funds for not only future generations but for present generations, because Medicare in particular is running out of money; and third, we want to transform this caretaking society into a caring society. We want to transform this caretaking social and corporate and agricultural welfare state into a caring opportunity society.

In the process of doing all three of those things, we want to move the power and the money and the influence back home and away from Washington. That is our objective. That is what we will seek to do. That is what we will do with our budget when we present our budget, which we will do, and which we are required to do.

The President deserves a tremendous amount of credit for deficit reduction since he has been present. The first 2 years he achieved deficit reduction with a Democrat majority by tax increases. The last 2 years of his 4 years as President he reduced the deficit, with the help of this new Republican majority, by spending cuts. It is clear that we are going to continue to go on a downward path by spending reductions, not tax increases.

What is alarming, however, is the President still insists on not using the same budget numbers that we are required to use, the Congressional Budget Office. This resolution soundly requires that we use the same set of numbers so we do not have a Government shutdown. It argues that we not have automatic spending cuts so we do not have a Government shutdown. It argues as well that major savings take place in the first 3 years, not the fourth and fifth year, so we do not have a Government shutdown.

Why is it important? Because we are in Congress for the next 2 years. And why is that significant? Under the President's budget, scored by CBO, they say the deficit goes up $24 billion. This year it would go up an additional $1 billion from his plan, and next year it would go up an additional $24 billion, to a $145 billion deficit.

For 4 years the President and Congress have succeeded in going down, and under his plan it is now going up. It goes up the next year and the year after that, and only slightly goes down the third year, and then the fourth and fifth year, when we are not in Congress, when he in fact is not President, in the fifth year we do most of the deficit reduction.

Mr. Speaker, I have a big problem with the argument on the other side that it is balanced in the fifth year. It is balanced in the fifth year. It is like the person who says I am going to lose 50 pounds in the next 5 years, and seeks to gain pounds in the first 2 years, and then in the fifth year basically says, I am going to lose 49 pounds out of my 50.

□ 1545

Technically, it is balanced, but it is just a fraud. We know the next White House cannot do that, and we know that the Congress, from the next one and the one beyond, will not do that. We have got to make constructive reductions each and every year.

This resolution requires that we work together in both the White House and Congress and in using the same budget numbers so we can compare apples to apples, so we do not have automatic spending cuts. It requires Congress to do that as well and that we make substantive savings in the first 3 years of the 5-year plan, not in the fifth year. So for that, Mr. Speaker, I am very proud to be associated with this effort.

Mr. McDERMOTT. Mr. Speaker, the gentleman from Connecticut heard Mr. Rubin yesterday say that if the——

POINT OF ORDER

Mr. SHAYS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will state his point of order.

Mr. SHAYS. Mr. Speaker, I mean this graciously, but if the gentleman would yield time instead of just speaking without yielding himself time, I think it would be fair for both sides.

Mr. McDERMOTT. Mr. Speaker, I think the gentleman recognizes it is taken off my time by the timekeeper.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume. The gentleman from Connecticut knows that, if we took the tax increase out of the President's budget, we would have balance now. The question is, where is the gentleman's budget? The gentleman says everything is wrong with the President's budget, but he will not put anything on the table.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise in opposition to House Resolution 89. This resolution unnecessarily singles out the President by telling him to submit a second budget while ignoring the fact that the Republican leadership has yet to present a budget of its own.

We are fast approaching the statutory deadline by which we must adopt a budget resolution. Now, I have seen plenty of budgets around here: the President's, the blue dog budget, the progressive budget and several others; I might add, all of which were put forward by the Democrats. Some of them I like some pieces. Some I do not agree with. I, for one, believe we can balance the budget before the year 2002. But the problem is, without having a budget from the Republican leadership, we have nothing to talk about and no debate to go on.

Today's vote is really a waste of time, and it is so sad that we show up here every day, doing the work of the people and have nothing to show for it in the end.

It is time that we get beyond this. It is time that we get to work. I ask the other side to please put forward their budget, and I ask my colleagues to stand strong and work together to bring forward a budget that the American people can live with for the next year.

Mr. SUNUNU. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, it is difficult not to be discouraged by this debate today. Why in the world are we wasting time debating a meaningless one-sided resolution which has little or no value other than seeking political points?

I must clarify several points. First, those of us who were gagged by the closed rule today are not interested in letting the President off of the hook. We wanted to include every single requirement on the President, even though he had already met his legal responsibilities that the majority created. We simply wanted to demand the same sort of responsible behavior from the Congress. We were denied an opportunity to debate our amendment.

Second, the last-minute provision added by this resolution's sponsors does not set the same requirement on Congress. It does not set a deadline for action. It does not acknowledge Congress's constitutional and statutory responsibilities. It does not reference, in an equal manner to the President's budget, the shortcomings or the outright absence of the Republican budget efforts. It is a false statement to make on the House floor that the resolution creates the exact same standard for Congress as it does for the President.

Americans are tired of us making unfulfilled promises about balancing our budget and trying to place the blame on the other side. The public wants us to roll up our sleeves and just do it. The current standoff in which both the congressional leadership and the President refuse to move until the other side goes first simply increases the public cynicism about us all.

That is why the blue dogs have stepped up to the plate with a balanced budget plan that we believe represents a credible fair approach to balancing the budget. We have already received a good deal of editorial praise for our approach. We have the support of the most credible fiscal group out there, the Concord Coalition, received warm reception on the Senate Budget Committee the other day. Frankly, I appreciate the praise, but we would like to have some support.

That is what we are looking for now. I appreciate the fact that we are beginning to sense that on both sides of the aisle.

The chart that I have up here, the blue line shows the blue dog budget. It brings the deficit down. The other line, the red line, is the criticism that we join in on the President's budget because it does increase the deficit. But the yellow line is the baseline with the Senate recommended tax cuts, which we have to assume. And I know this is a relatively cheap shot and I am not taking it as a cheap shot. I am just pointing out that, until we have a budget resolution, that is all we have to go by.

I share the disappointment, as I mentioned, the shortcomings of the President's budget. And I know that my good friend, the gentleman from Ohio [Mr. KASICH], the chairman, is soon to be on the floor with a budget. And I know that, once we get through this little exercise today, we are not doing irreparable harm, but it has been a great disappointment that we are even here debating this today. It is not helpful in finding a solution when we have a one-sided finger-pointing operation.

Mr. SUNUNU. Mr. Speaker, may I have a quantification of the time left for each side?

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. SUNUNU] has 10\1/4\ minutes remaining, and the gentleman from Washington [Mr. MCDERMOTT] has 11 minutes remaining.

Mr. SUNUNU. Mr. Speaker, I would like to thank the previous speaker for his generous qualification of his rhetoric as a relatively cheap shot, and I want to further commend him in all seriousness for the quality of the budget that the coalition has put forward.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McDERMOTT. Mr. Speaker, may I inquire on a parliamentary basis, is this being credited against the gentleman's time?

The SPEAKER pro tempore. Yes, it is, indeed; as was that of the gentleman from Washington, the Chair might state for the record.

Mr. SUNUNU. Mr. Speaker, the coalition budget, as I have mentioned in remarks before, has met the four criteria placed out in this resolution. This resolution further asks that Congress consider a budget that meets these criteria and that the President submit a budget that meets these criteria. It is in the essence of fairness and bipartisanship that we put this resolution forward.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, in hearing the debate today, I wanted to announce myself as being one of those freshmen of the class of 1994 who during the course of the 104th Congress had the unfortunate, felt the unfortunate necessity of voting to shut down the Government. A little bit earlier in the debate it was mentioned that the reason that we voted to shut down the Government was because of the fact that we did not get the budget that we wanted. I wanted to come down and clarify the record that the reason that we unfortunately had to go through a Government shutdown 2 years ago is that we felt that rhetoric was not being matched with deed as far as the seriousness of putting forward straight proposals to balance the budget.

The budget process, many of us believe, is an opportunity to accomplish four things for this country, for America. The budget process could end with better health for Americans. It could end with better protection for every senior citizen in this country, better environmental protection and better education. A budget that serves as a blueprint toward these things would work. Unfortunately we have to get serious about our budget. This one is not serious.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, what is happening today is a classic saying of an old adage, the Republicans are doing that, it is, do as I say and not as I do. They are criticizing the President for purportedly not submitting a balanced budget when in fact they have not submitted a balanced budget. They have not submitted any budget at all.

So how can they be critical of the President's budget when they have not even put forward their plan? We saw the Republican plan last Congress in the 104th Congress when they put forth their balanced budget, which gave huge tax breaks for the rich at the expense of cutting Medicare and cutting Medicaid and giving us the largest education cuts in the history of the United States and gutting the environment and hurting working men and women in this country. That was their proposal for a balanced budget in the 104th Congress. They were burned by it. The voters saw what it was, and the voters answered it. And a lot of them were burned by it.

So being afraid to be burned again, they are just sitting tight on their hands, not submitting a budget, and pointing fingers at the President. It would seem to me that it is absolutely preposterous to point a finger at the President when at least he submitted a budget. You may disagree with his budget. You may not like his budget. You may say it is not balanced, and that is in question. Some say it is; some say it is not. But how do you point a finger and criticize when you have not even put forward one of your own?

The fact of the matter is, under this President the deficit has gone down 3 years in a row. That has not happened since Truman's administration. It has gone down. It needs to come down further. We need to have a balanced budget. No one is disputing that. But it would seem to me in a deliberative body like this, when we have to make decisions, we need to have a budget. We need to have the Republican budget.

And so we have the President's budget and the Republican budget and then we can compromise somewhere in the middle. But when you have not even played the game and you will not play the game, how do you point a finger at anybody else? This is preposterous and this resolution ought to be defeated.

Mr. SUNUNU. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Speaker, we have heard the argument that we are wasting our time. Nothing could be more important than relentlessly pressing for a budget that truly balances by the year 2002.

On a bipartisan basis, the President's plan has left many Members very disappointed. We just heard a representative of the blue dogs recognize that Clinton's plan does not balance. The concern is not just coming from Republicans. Members of the press have expressed dissatisfaction. Even Members on the other side in the Committee on the Budget have expressed concern about backloading tough decisions.

We do not want to punish President Clinton for a disappointing first attempt. We just want him to try again and use the same numbers that Congress has to use, CBO numbers. Unless we use the same numbers, we are never going to reach agreement. I urge Members to pass the resolution.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, before I begin I would just like to make a brief comment about the gentleman from California's suggestion just a few moments ago that he was guided by principle when it came to shutting down the Government. The most telling quote about the Government shutdown came from that sage of wisdom in the Republican leadership on the Senate side when he looked at the House at that grim moment and said, "It is time for adult leadership over in the House." For anybody to suggest that the Government shutdown ought to be used as an example for not getting the budget resolution out on time fails under any sort of scrutiny.

As of last night in this institution, we had cast about 38 rollcall votes. We have been in session since the beginning of January and we have had few legislative days. Now I know we all would say that that is a welcome contrast to what we had done 2 years ago. But who even in this institution today speaks of the Contract With America? Who even remembers the term the "Contract With America"?

What I think is more telling is that there must indeed be a middle ground between what we did 2 years ago and what we are doing so far in the 105th Congress.

It strikes me as being odd that while we have had, since January 3 or January 4, an opportunity to proceed with a budget resolution, that we have accomplished so little.

I used to do a lot of contract negotiations. I can tell you that in successful contract negotiations, both sides offer up opening positions. To have meaningful, substantive accomplishment at the end of the day, we simply go back and forth until we reach a resolution that all might not love, but all can learn to live with. Have we seen any evidence of that from the other side? The flat response is, absolutely not. We should have seen some guidelines for spending. We have seen none on this occasion.

□ 1600

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to note that this resolution is not about Government shutdowns. In fact, the three principal sponsors of this resolution are the three new members of the Republican Committee on the Budget. We were not here 2 years ago.

Our interest is not in moving to the past, it is to move forward and it is to move forward in cooperation with this President.

Mr. Speaker, I yield 1\1/2\ minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, wasting time pointing fingers is not what we are about here. This resolution is about working together in a bipartisan way to balance the budget. That is why our resolution invites our President to take the lead and for this Congress to follow the President's leadership.

As a freshman, I was sent by my district to work in a bipartisan way to solve our problems. They believed and I believe also that we can solve the problem of the deficit if we work together. This resolution makes this possible by asking the President and the Congress to use the same numbers.

I spoke about our responsibility to children, the children of this Nation. I have spoken to the young people who have sat in this Chamber listening to this debate. We must work in a bipartisan way to leave them a nation that does not spend their future.

I say no to partisanship rancor and debate over numbers, but I do say yes to bipartisanship and a balanced budget.

Mr. Speaker, I support this resolution and hope we have support in this Chamber.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, working families from the Eighth Congressional District in the State of New Jersey elected me to solve problems, to work together across the aisle and, specifically, to bring closure on issues such as campaign finance reform, environmental sensibility, and balancing the budget.

Mr. Speaker, it is ironic that the majority is bringing a resolution to the floor to demand that the President submit a second budget when the majority has yet to present their first budget. Where is the Republican budget?

Section 301(a), the Congressional Budget Act, requires that the Congress complete action on the budget resolution on or before April 15. Since the majority became the majority party in the House, the conference agreement on the budget resolution has not cleared both houses until June, 2 months after the deadline.

Over the last 10 years, the House Committee on the Budget marked up the budget resolution well in advance of the April 15 deadline. Six out of the eight times it was controlled by the Democrats. In 1992, the Committee on the Budget markup was on February 27. In 1993 the markup was on March 10, and March 3 in 1994.

This budget resolution is behind schedule for the third year in a row under Republican leadership. And there is a simple reason why Republicans have not released the budget. They want $200 billion in net tax cuts, but they have not figured out how to balance the budget and enact huge tax cuts without imposing deep cuts in programs such as Medicare, Medicaid, and education.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for allowing me this time.

Mr. Speaker, I think we are confused here this afternoon. We are confused because even in the Washington Times it clearly says that for most of the Nation's history, Congress simply did the budgeting.

This resolution shows that we are overly confused. The President has done what he needed to do, and that is to offer us an advisory budget. The Congressional Budget Office indicated that the estimate of the effect on the deficit of the President's alternative budgetary policy shows a zero deficit for fiscal year 2002. What more do we want?

Actually, what we are saying is that the President has offered a balanced budget; but while we need to move forward and discuss Medicare and Medicaid, affordable housing in the 18th Congressional District, the need to preserve education and higher education for our youth around the Nation, and, yes, in my district, NASA and the space station, and ISTEA 69 and the provisions for transportation, we are here debating whether the President has offered a budget.

If we ask the American public, they recognize that not only has the President offered a budget, but he has his philosophy. He agrees we should enforce and be concerned about children's health care, he believes we should be the education Congress and the education Nation, he believes that Americans should have affordable housing.

The real issue is that we will be jeopardizing our business if we, in this Congress and the Republican leadership, do not insist upon putting forth a budget that does not have the drastic tax cuts that will have a negative effect on bringing down the deficit.

The failed balanced budget amendment took up most of the time when we here can actually balance the budget. I voted for a balanced budget, and I believe we can do it, considering the responsibilities to education, to senior citizens, to affordable housing, to transportation, to the space station, to science. We can balance the budget. The real question becomes: Do we know our job to handle the pursestrings for America and to do it right?

Mr. Speaker, I rise today to speak to the absurdity of this motion. The Constitution gives Congress authority over the Nation's purse strings. This authority bring with it responsibility. And it is a responsibility that the Republicans seems eager to dodge.

The President is required by law to submit his budget proposals to Congress. He has done so. The President's budget proposal is not law, it is precisely that, a proposal. It is nothing more than his request or recommendation to Congress. Once he has made these recommendations, it is the responsibility of the Members of this Congress to review the budget and to pass a concurrent resolution on the budget by April 15.

I believe the President's budget, deserves our serious consideration. In it he provides $100 million for a new access to jobs and training initiative; $10 million to expand HUD's Bridges-to-Work project, which links low-income people in central cities to job opportunities in surrounding suburbs; provides an increase of funding by more than 50 percent for basic skill, high school equivalency, and English classes for disadvantaged adults; and expand the Community Development Financial Institutions fund, thereby expanding the availability of credit, investment capital, financial services, and other development services in distressed urban and rural communities.

But whether you support every item of the President's budget proposal, or even support the budget as a whole, is irrelevant. The point is that we need to move forward. It is our responsibility to move forward. If there are problems with the budget, we can hammer them out here.

The Republicans have yet to show us an alternative to the budget proposal that is now on the table. Obviously, they have discovered that it is awfully easy to sit back and criticize and poke holes. It is considerably more difficult to actually put together a responsible constructive proposal.

Let's stop this posturing, vote against this motion, and move forward with the people's business.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time to close in the same manner that I started.

This resolution before us today accomplishes very little. We will have a vote in just a little while. The House will declare itself, probably in favor of asking the President to send up another budget, and little will be noted after that.

I understand the other body has no intention to follow up and, in any event, this is designated House Resolution 89. It is not binding on anybody, barely binding on us. What we need to do is take the resolution, the earnestness that we have seen here on the floor today, and put it to work getting a budget resolution produced by the Committee on the Budget and on the floor of this House according to regular order, according to the Congressional Budget Office.

Mr. Speaker, I will offer at the close of debate a motion to recommit which will go just to that objective, getting on with the business at hand, getting the budget resolution passed in the House, sending it to the Senate so that we can complete our work on time this year.

Mr. Speaker, I yield back the balance of my time.

Mr. SUNUNU. Mr. Speaker, I yield myself 1 minute to offer a closing note before yielding to the chairman of the Committee on the Budget.

I want to make the point, Mr. Speaker, that we have attempted today to carry on a reasoned debate about an important subject matter, not a waste of time. Terms like "political buffoonery" were used, and I do not think that those are the most appropriate terms to discuss the important matter of balancing this Nation's budget, of putting money back in the pockets of working American families, and trying to move forward in a bipartisan way with the President.

We have encouraged the President with this resolution to put forward a budget that can be used as a platform for bipartisan negotiations. That is the intention of the resolution. The goal of the resolution is to apply to the President the exact same set of standards that we applied to this House of Representatives.

By treating each other fairly, by trying to move forward together, by trying to work with a budget that the President submits, meeting some basic criteria of fairness and financial legitimacy, I think we will have that opportunity.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, let us try to get to this all in perspective. The President came up here several years ago and stood right at this podium and the President said, we are going to use the same arithmetic; Congress is going to use the arithmetic that I use, I am going to use the arithmetic they use, and we will use the most conservative numbers.

Some of the Republicans booed him when he said that, but we decided to take him up on the challenge. We might argue a lot about policy, but we should not argue about arithmetic.

The simple fact of the matter is the President sent us a budget and it is not in balance. It is $69 billion short. So for the Americans out there hoping that we can finally get this done, they need to understand that we now have the first part of this. The President sent us a budget. It does not balance. It is almost $70 billion in the hole in the last year. Plus, in the very first year, the first real test of the intent of the President's budget, the deficit is $24 billion higher than if the President's budget had never gotten here.

In other words, if the guy coming from the White House with the documents up to Capitol Hill stopped at a pizza shop and somebody broke into his car and stole the documents, next year's deficit numbers would be $24 billion less than if that budget had never gotten up here. So in the very first year we go up.

Let me say there are also six new entitlement programs. The President says he wants to declare an end to the era of big government. He can hardly declare an end to the era of big government while creating six new entitlement programs to drain resources from hardworking families in this country. We want to let families keep more of what they earn so that they can stay together, be stronger and more prosperous.

In addition to that, we have the typical Washington diet budget. The typical Washington diet is, I am going to lose 50 pounds this year. In the first 51 weeks, I am going to lose 1 pound, but in the last week, I am going to lose 49. Now, that is the way we do things in Washington. And it is time to stop that process.

In other words, let us start doing the job right today. Let us not push up the deficit, push up the spending, keep the spending real high, and then when the President leaves office, it falls off of a cliff using a bunch of gimmicks.

We do not want to do that anymore, and I do not think the President wants to do it, honestly. This is really an opportunity for the President to come back and to complete his job, to give us a document that meets the arithmetic as he promised.

Now, what about us? What about our budget? Why have we not seen it yet?

What is interesting is that the President of the United States is the leader of the free world. He is the big man. He ought to be. He is the man we revere and respect regardless of what party or what personality. He is the leader. The country, the American people have a right to examine carefully, closely, and take some time in understanding exactly what the leader of the free world is proposing for the way the Government of the United States ought to look.

Frankly, what we are saying today is the President has fallen short. We need a better effort on his part. And Congress will have to meet the same standard. Congress cannot weasel out. We cannot wiggle out. We cannot go out the back door. We have to send the budget that has the integrity where the arithmetic adds up.

And when will we bring it here? We are going to bring it here really very soon, and we are going to bring it here like we have, and I have been involved with, since 1989. I brought budgets up here in 1989, and 1990, and 1991, and in 1993. Two in 1993 with Penny-Kasich, and in 1994, and in 1995, and 1996, and there will be one in 1997.

Have no doubt we will produce a budget and have no doubt that it is going to meet the arithmetic challenge. In fact, we will start to improve the lives of Americans by beginning that road to improving their standard of living by raising wages and giving their children a chance at the future.

Let me just suggest to my colleagues here today that the bigger disappointment in some respects than the President not balancing the budget is he does not have a plan to save Medicare. He does not have a plan to solve the long-term problems of Medicaid. He has not addressed the Consumer Price Index and the way in which we can have more accurate projections. These are big issues and we have to get at them and we have to get at them together.

At the end of the day, we will come forward with our plan. Maybe before we come forward with our plan, we will be able to reach an agreement with the White House. But that plan ought to put us on the road to using honest arithmetic, leveling with the American people, starting the progress now, letting people keep more of what they earn, addressing the problems that provide security for our senior citizens while, at the same time, not bankrupting our adult children, and beginning to restore the American dream as we all knew it as children.

Mr. Speaker, I would say to this House, let us pass this resolution. And this is not just a signal to the President of the United States. Frankly, it is a signal to my colleagues as well. My Republican friends, we have to do it. We will do it right and we want the President to join us.

Mr. THOMAS. Mr. Speaker, I am supporting House Resolution 89 today because it is vital that the President submit a true balanced budget proposal so that serious bipartisan talks on balancing the budget can begin. Unless both the President and Congress are willing to confront the hard choices a balanced budget requires, we cannot succeed. The burden of starting the process rests squarely on the President.

The truth is that there are no gimmicks, no sleight-of-hand tricks or silver bullets to magically make the Federal budget balance. We have to cut spending and change programs to spending cuts work. We cannot flip-flop, reversing our course depending on how close we are to an election. Republicans offered the President clear examples of the hard choices that need to be made when we offered our Balanced Budget Act of 1995—much of which the President would later sign into law. For a true bipartisan effort, we need the President's budget to show where he and his party are willing to make hard choices now.

The President's February budget does not do the job. First, it will leave us with nearly a $120 billion deficit in the year he leaves office and a $69 billion deficit 2 years after he is gone. In fact, the Congressional Budget Office says 98 percent of the spending cuts proposed in his budget are scheduled to occur after the President leaves office. The new spending he proposes, including $60 billion in new entitlements, goes on forever.

The President's budget also produces a $23 billion tax increase, not a tax cut, over its lifetime. The targeted tax breaks he offered people for education, savings, and several other things completely vanish in 3 years when he leaves office. The tax increases he proposes are permanent.

With regard to Medicare, the President certainly missed the mark. We should be striving to save Medicare for current and future retirees by dealing with the factors that make Medicare spending grow by billions of dollars every year. The President's budget proposes to hide Medicare's problems through illusory savings that are actually accounting tricks.

We want a bipartisan budget that gets results. The President claims to want one but he opposes amending the Constitution to require a balanced budget. If he's serious about making discipline the key to Federal budgeting, he can end the mistrust of his policies by submitting a new budget that actually meets the goals he says he wants to meet.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to this resolution calling for the President to submit a new budget using the most recent CBO assumptions. Last month, our President presented a budget that did exactly what both parties have identified as a priority and that is having a balanced Federal budget in 2002. The President's budget proposal makes tough choices but is responsible economic policy.

I strongly oppose the efforts of this resolution. The President should not be required to submit two budgets before Congress even comes up with one. Does this resolution's sponsors have a prepared alternative for us to review? Since the President introduced his budget, there have been no concrete alternatives proposed by the Republican leadership. In fact, the Republican leadership has indicated it would be May before a budget resolution is passed. By law, the conference report is supposed to be done by April 15. Even as recently as 1992, with a Democratic Congress and a Republican administration, this body has passed the budget resolution on March 5—well over a month before the required April 15 deadline.

Mr. Speaker, I urge my colleagues to defeat the previous question so that we can move on to the real work before this Congress, and that is getting the budget resolution ready as quickly as possible. The President has done his part; this body must do ours.

□ 1615

The SPEAKER pro tempore (Mr. FOLEY). All time for debate has expired.

Pursuant to House Resolution 90, the resolution is considered as read for amendment and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman the designee of the minority leader?

Mr. SPRATT. I am, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. SPRATT. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SPRATT moves to recommit the resolution, House Resolution 89, to the Committee on the Budget with instructions to report a detailed budget plan to achieve a balanced budget by fiscal year 2002 in sufficient time for the House of Representatives to fulfill its obligations under section 301(a) of the Congressional Budget Act of 1974, which requires Congress to complete action on or before April 15 on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes in support of his motion.

Mr. SPRATT. Mr. Speaker, I do not need to take the allotted time of 5 minutes to explain this motion because it does not need much explanation.

What we are calling for is purely and simply regular order. What we are asking for in this motion to recommit is to follow the procedures that this House, this Congress has laid down for our own internal processes that have been observed ever since the Budget Act of 1974 was first adopted, for more than 20 years.

This resolution, House Resolution 89, does not advance the budget process. It does not move us one single inch. In fact, it retards the process. It slows us down. It does not focus the House on the hard decisions that have to be made, on what needs to be done here in the House itself, in the Committee on the Budget, and on the floor, in the well of this House.

What we need to be about is the formulation of a budget, making the hard choices that will go into our budget resolution and bringing them to debate here on the House floor before April 15, well before April 15. Instead, what we do with this resolution is shift attention from the work at hand by trying to shift the blame, by pointing the finger at the President and saying to him that he should come, present another budget even though he has complied, literally complied with the Budget Act by sending his budget up within the time that is required under the law.

This is no way to advance the budget process. This is no way to move us toward a balanced budget in 5 years, pointing fingers, wasting a whole legislative day on a fruitless resolution.

The gentleman from Ohio [Mr. KASICH] says the President needs to send us a plan to save Medicare. He sent a plan up to save Medicare. Part A would be rendered solvent for years to come. They do not agree with the manner in which the President does it. They do not want to see part of the cost of home health care shifted out of part A into part B. Fine. Put up your substitute. Put up your alternative. Put up your plan to save Medicare.

The same with Medicaid. The President has taken a bold step there, bold enough that almost all the Governors in this Nation have opposed him. He says we are saving substantial sums because the cost of Medicaid has come down 4 percent in 1995, 3.3 percent in 1996. We need to hold those cost savings in place, and if we can, we can realize as much savings in Medicaid or more than we were attempting in the last session of Congress.

He has proposed per capita caps. The chairman of the Committee on the Budget does not support per capita caps. Fine. That is what this process is all about. Put up your alternative. That is the point which we are now on. What we need to do is frame this debate.

The other part of the frame that is missing and required at this point in time is a budget resolution adopted by the House which we can put on the table, and at that point we can then sit down and talk about everything, including CPI adjustments as part of the whole mix.

We need to be about regular order, we need to be focused on the procedure that is time-tested and been shown to work. We need to be about our own business. We need to bring a budget resolution to this floor so that we can have a concurrent resolution by April 15. That is exactly what this motion to recommit calls for, regular order toward a successful outcome.

Mr. Speaker, I urge everyone to support this motion to recommit so we can get on with the business at hand.

Mr. KASICH. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, it is a good thing I have been lifting weights. This is what I could accumulate in terms of what the Republicans and any budget team that I have been associated with since 1989 have put together in terms of details. See this? This is pretty heavy. Most Americans would probably have a little trouble, and I am not sure if the gentleman from South Carolina [Mr. SPRATT] could hold this up, actually. This is pretty heavy. But, nevertheless, all that is detailed work to provide for a balanced budget.

This was an effort that some of us started in 1989. When it was not cool to be for balanced budgets, we were out here doing it. We got as many votes as you could put in a telephone booth, but the fact is that we came in 1989 and I came on this floor against a Republican President. I came on this floor in 1990 against a Republican President.

I came on this floor twice in 1990, the first time in 1990, the second time I went to the Rules Committee with about $780 billion worth of savings and the Rules Committee would not let me offer it on the House floor because it was $10 billion short. Then in 1993 the President said show us your budget, and the Committee on the Budget wrote the most detailed and extensive budget ever produced since the Budget Act of 1974. And then we came back in 1994 and then we came back in 1995 and in 1996.

I have got to tell you this. I am so proud of my colleagues, the ones that voted for the first effort, frankly the first effort, real effort since 1969 to actually put our detailed program on the floor. You have got to give me a break when you start wondering whether we are going to have a budget. Of course we are.

This motion to recommit is designed to send this back to committee and kill this whole idea that the President has fallen short in his arithmetic. The simple fact of the matter is that we have got to defeat the motion to recommit, we have got to pass the resolution, and of course we are working. We are working right now with the administration. We are working right now internally to develop our package, and at the end of this year I suppose I will be able to come back and add to this amount that is the most detailed work by any congressional committee in recent memory to actually meet this challenge, and I suspect at the end of the day I am going to have to have lifted more weights, because that next document is going to make this even heavier.

So let us defeat the motion to recommit, pass the resolution, and let us get off to a good start in terms of fairness for America, a good future for our children, and a stronger American family.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I think the gentleman makes my case. All of that is the handiwork of the Budget Committee. We have done it in years past. All this resolution calls for is that we do it again this year, all of that effort there.

Mr. KASICH. Let me tell the gentleman two things. First of all, I am the one that worked to get the President the economics as early as was possible, and I am the one that said to the President and his administration officials, "You don't have to meet some deadline on your budget. If you need more time, you take it." You see, I think that deadlines and calendars are not the key. What is key is the quality of the work.

Unfortunately the quality just is not there with the President when it comes to meeting the challenge. The quality has been there for us in the past. No one ever criticized the intellectual honesty of our proposals. You may disagree with the policies.

And we are going to try to come in with an April 15 deadline if we can, but deadline is not the deal. What is important is that we reach agreement, and we will, and you have got my word on it in terms of coming before us with a proposal.

Let us not send this thing back to committee and kill this whole resolution. Let us reject that, let us get on with it, and this resolution will force the Congress to do precisely what we are asking the President to do. If we ask for anything less than that, it would not be fair. Let us pass the resolution and defeat the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SPRATT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 225, not voting 5, as follows:

[Roll No. 43]

YEAS—202

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Andrews
Dixon
Kaptur
Livingston
Souder

☐ 1642

Messrs. DUNCAN, BONO and POMBO and Mrs. CUBIN changed their vote from "yea" to "nay."

Mr. FLAKE and Ms. VELÁZQUEZ changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. GRANGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 197, not voting 4, as follows:

[Roll No. 44]

YEAS—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—4

Andrews
Dixon
Kaptur
Souder

☐ 1700

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SUNUNU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on House Resolution 89, the resolution just passed.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

APPOINTMENT OF MEMBER TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Member of the House to the United States Holocaust Memorial Council:

Mr. YATES of Illinois.

There was no objection.

APPOINTMENT AS MEMBERS OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93-191, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Congressional Mailing Standards:

Mr. THOMAS of California, chairman;
Mr. NEY of Ohio,
Mr. BOEHNER of Ohio,
Mr. HOYER of Maryland,
Mr. CLAY of Missouri, and
Mr. FROST of Texas.

There was no objection.

APPOINTMENT AS MEMBER OF SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 703 of the Social Security Act (42 U.S.C. 903) as amended by Section 103 of Public Law 103-296, the Chair announces the Speaker's appointment of the following member to the Social Security Advisory Board to fill the existing vacancy thereon:

Ms. Jo Anne Barnhart, Arlington, Virginia.

There was no objection.

SCHOOL FUNDING IN AMERICA NEEDS OUR HELP

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. FORD. Mr. Speaker, I rise today to draw attention to an article that appeared yesterday in the USA Today written by columnist DeWayne Wickham entitled "Cash-Short Schools Need Nike More Than Twain."

In order to make up for shortfalls in their educational budget, the school system in Seattle has figured out a creative way to gather and galvanize funds for the school system. They have invited commercial advertisers into school grounds and school property to advertise to help make up for the shortfall.

I say to this Chamber and I say to colleagues on both sides of the aisle, what kind of message are we sending people in America? We can find money for programs throughout the budget. When it comes to children, we have to ask corporate America, and I salute our private citizens and the private sector for coming forward, but at a time when prison construction is growing at a rapid and exponential rate, Mr. Speaker and Members on both sides of the aisle, in this bipartisan fervor, what kind of message are we sending the children, schools, parents, and teachers throughout this Nation when we do not have the courage, the temerity or the will to step up to the plate and make sure that future generations of America are prepared, equipped, and ready for the challenges that we face in the 21st century marketplace.

[From USA Today, Mar. 11, 1997]

CASH-SHORT SCHOOLS NEED NIKE MORE THAN TWAIN

(By DeWayne Wickham)

The Washington Bullets do it. So do the Indianapolis Colts, Boston Celtics and New York Yankees. But if opponents get their way, Seattle's school system won't be following the lead of these and other major sports franchises. While the moguls of pro sports are lining their pockets with revenue from deals that transform sporting venues into giant billboards, Seattle's cash-strapped system is embroiled in a debate over whether to allow "reputable" companies to advertise their products on school grounds. Cigarette and liquor ads would not be allowed.

The system's bean counters predict that the sale of advertising on athletic field scoreboards and at selected locations inside school buildings might generate $1 million annually. That's roughly 8.5% of the $35 million funding shortfall facing Seattle schools over the next three years.

But the plan, approved by the school board in November, is under attack. Last week, it tabled a call by its school superintendent to suspend the proposal. The superintendent's request followed complaints from people who want Seattle's schools to be an advertising-free zone. Like the constitutional separation of church and state, they think this divide should be a basic tenet of our way of life. I think they need a reality check.

Schools already are overrun with advertising. The free kind. Most of it is worn into classrooms by schoolchildren. They are human ads for Tommy Hilfiger, Calvin Klein, Nike and a host of other name-brand makers. Banning advertising won't stop the walking commercials that many fashion-conscious students have become. The only thing this policy reversal will do is deepen the school system's financial problems.

The projected budget deficit, a result of caps on state education aid and property tax rates, has forced the board to consider requiring thousands of middle and high school students to ride public buses to save on transportation costs. As this revenue crisis deepens, opponents remain unmoved. They say students are a captive audience, and it isn't fair to allow companies to target them, even if it would bring in some badly needed cash. But if the job of schools is to prepare youngsters for the real world, why not introduce them to it by opening the doors to advertisers? The benefit of doing so can be more than financial.

School systems that permit advertising are in a better position to influence the kinds of ads students see. They can reject moronic, tasteless ads. Conditioning advertisers to make more intelligent, less socially offensive commercials can produce some valuable, long-term rewards. Commercial ads are an important part of this nation's pop culture. Like it or not, the Energizer Bunny is probably better known to most schoolchildren than Mark Twain. But that can change.

Forced to compete for the chance to put their images before youngsters—many of whom will be making lifelong product choices—advertisers will bend over backward to satisfy the demands of educators for the highest quality commercial messages. Enter Mark Twain.

That's the kind of change school officials ought to be climbing over each other to achieve. Students who grow up with smart ads will become adults who expect no less from product promoters. That's a small but important victory against the dumbing of America.

Seattle can turn its fiscal crisis into an educational triumph for students—and advertisers. Or it can fool itself into believing that by refusing to accept paid ads, city schools will be commercial-free zones.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DECERTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. HINOJOSA] is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today to express my feelings about certification of Mexico. I feel very strongly about this issue because I despise what drugs are doing to this Nation. It is a scourge that is ravishing our most precious resource: our youth.

Unfortunately, we know this all too well in the area of the Nation that I represent, south Texas. Daily in our papers and on the news, we see the devastation that is occurring with the impact that drugs are having on our children and our communities. It is a problem that I am committed to addressing, and one that is a priority of mine.

I know, however, that this is not a problem that I alone can solve. If we are to win the war, it will take a united effort. By that I mean efforts must be made on every level: local, State, and Federal. Just as important are the efforts we must make in our own homes. Only by joining together in combating this epidemic will we ever be able to declare victory.

That is why the issue of certification is so important to me. We are all aware that the drug problem is not unique nor internal to our Nation. It is an international crisis. As it affects us, so does it affect our neighbor to the north and our neighbor to the south. So when I say we must work together, I mean all of us, because we share borders. By doing so, and only by doing so, can we begin to turn the tide.

On March 1 the President certified Mexico, and since then we have heard from many who feel this was not a wise decision, that they are not making enough of an effort in this battle. I, however, feel that to take any action other than certification would be counterproductive, injurious, and unfair. I say this because I think it is we, in the long run as a nation, who ultimately will lose.

First, let us look at the facts. Last year Mexico seized 30 percent more marijuana than in 1995, 78 percent more heroin than in 1995, 7 percent more cocaine than in that same year, and arrested 14 percent more drug traffickers than this in 1995. Those are substantial numbers, showing the improvement that has been made. They are impressive numbers. What these figures tell me is that Mexico is making the effort, that Mexico is cooperating. Why then do we want to send back a message that says, nice try, but you failed?

In addition, Mexico has greatly improved its record on extraditions. During 1996 Mexico extradited a record number of individuals. Two of these were Mexican nationals wanted in the United States for drug-related crimes.

Additionally, Mexico expelled drug kingpin Juan Garcia Abrego. These facts speak for themselves, showing that diligent efforts are being made by the Government of Mexico.

In my hand I have a letter from the Ambassador of Mexico responding to the charges that have been leveled against our neighbor to the south.

I would like to quote the following:

> Mexico is aware that much more needs to be done by us and other countries in the fight against drugs. This is a permanent fight, not just an annual exercise. While there have been failures and setbacks, they are mostly due to the magnitude of the problem and the power of the enemy, not to a lack of political will by our country.
>
> The reason why we fight against drugs is not to get a grade or a certification from anyone. We fight against drugs because we want to preserve our institutions, because

we want to protect our youth, and because we are convinced that we need international cooperation to effectively deal with this gigantic problem.

Decertification will also result in severe economic, social, and cultural ramifications along our Nation's border. When bad things happen to Mexico, bad things happen to us in south Texas. When Mexico goes into a recession, my counties go into a recession. When illegal immigration increases due to crises in Mexico, then it increases in my 11 counties.

□ 1715

When the peso drops, retail and real estate sales drop. When friendly relations with Mexico are strained, the people of my district also suffer. To turn our backs on our neighbor is to jeopardize the progress they have made. We need to recognize their commitment and the work they have done to date.

Again, let me reiterate, the facts show there have been positive results, and that Mexican President Zedillo's administration has taken aggressive steps. They have fought corruption. They have reduced narcotics trafficking. They have strengthened counterdrug cooperation with U.S. agencies. They have passed major anticrime legislation.

Certainly there is more, much more to do. Decertification, however, is not the answer. We need to support United States certification, and pledge our continued support to help Mexico in their ongoing fight. It is a win-win situation for us all.

Mr. Speaker, I would like to say that I appreciate the opportunity to have been able to have given my first 5 minutes.

ORDER OF BUSINESS

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to proceed out of order and present my 5-minute remarks at this time.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

UNFAIR GOVERNMENT COMPETITION WITH SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, when the White House Conference on Small Business met in 1995, it listed unfair government competition with small businesses as one of its top concerns and most serious problems. This is not a new problem. In fact, during the Eisenhower administration in 1955, the administration felt it necessary to adopt as official U.S. policy the following statement:

> The Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

Yet every day in almost every congressional district, big government agencies are competing with small businesses. This is why I have introduced H.R. 716, the Freedom From Government Competition Act. This legislation is supported very strongly by the U.S. Chamber of Commerce, the Business Coalition for Fair Competition, and numerous other professional associations, too many to list at this time.

In addition, H.R. 716 already has more than 20 cosponsors from both parties and Senator CRAIG THOMAS has introduced a companion bill in the Senate. This legislation will require that Federal agencies get out of private industry and stick to performing those functions that only Government can do well. At the same time, it will allow our great private free enterprise system to do those things it does best, providing commercial goods and services in a competitive environment.

Under the Freedom From Government Competition Act, Federal agencies will be required to identify those Government activities that can be performed more cost effectively and efficiently by the private sector. After these areas are identified, the private sector will have the opportunity to compete for providing those goods and services. In 1987, the Congressional Budget Office estimated that 1.4 million Federal employees were engaged in so-called commercial activities. The Heritage Foundation has estimated that if we contracted out those commercial activities to private industry, we could save taxpayers at least $9 billion a year.

In addition to saving taxpayers money, the Freedom From Government Competition Act will help spur the growth of private businesses. This, in turn, will increase our tax base. In other words, we can reduce Federal spending and increase the revenues taken in by the Federal Government at the same time without raising taxes.

With a debt of almost $5.5 trillion, this is the kind of legislation we need to actively pursue. H.R. 716 is a modest proposal. It does not require the Government to contract out everything. I realize that the Government performs a number of functions that only the Government should do. In fact, this legislation specifically exempts those functions which are inherently governmental. If the Government can do something cheaper and better than the private sector, then it will be allowed to continue to do so under this legislation.

Nonetheless, all too often Government agencies are involved in activities that it cannot do well. In the end, this winds up hurting small businesses costing taxpayers hundreds of millions if not billions of dollars and hurts the economic growth of our private sector.

Frankly, Mr. Speaker, we should pin a medal on anyone who can survive in small business today. Everything we do in big government seems only to benefit extremely big business. I have nothing against big business. However, big businesses seem to get almost all of the tax breaks, the big government contracts, the favorable regulatory rulings and all sorts of incentives such as free land or other inducements. We do very little for small businesses, and this is why so many of them are going under or are in a real struggle to survive. This is one thing we can do for small businesses. This is a small step in the whole scheme of things. However, this legislation will go a long way toward helping our small businesses survive.

Mr. Speaker, if the Government were the answer to all of our problems, then the Soviet Union would have been heaven on Earth. But our Founding Fathers felt that most problems could be solved through the private sector and that Government should only do those things that the people could not do for themselves. The Freedom From Government Competition Act will return this great country to the type of governing system that our Founding Fathers envisioned. I hope my colleagues will help me stop big government agencies from competing with small businesses and join me in supporting the Freedom From Government Competition Act.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 412, OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–19) on the resolution (H. Res. 94) providing for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 58, DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–20) on the resolution (H. Res. 95) providing for consideration of the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the

Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997, which was referred to the House Calendar and ordered to be printed.

RULES OF PROCEDURE FOR THE COMMITTEE ON SCIENCE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules governing procedure for the Committee on Science for the 105th Congress, adopted on March 12, 1997.

RULE 1. GENERAL PROVISIONS

(a) The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable motions of high privilege in the committee and its subcommittees. The rules of the committee, as applicable, shall be the rule of its subcommittees.

OVERSIGHT REPORTS

(b) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

RULE 2. COMMITTEE MEETINGS

TIME AND PLACE

(a) Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

(b) The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

(c) The Chairman shall make public announcement of the date, time, place and subject matter or any of its hearings at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

(d) Meetings and hearings of the committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by the member designated by the Chairman as the Vice Chairman of the committee, or by the ranking majority member of the committee present as Acting Chairman.

ORDER OF BUSINESS

(e) The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

MEMBERSHIP

(f) A majority of the majority Members of the committee shall determine an appropriate ratio of majority to minority Members of each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

SPECIAL MEETINGS

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

RULE 3. COMMITTEE PROCEDURES

QUORUM

(a)(1) One-third of the Members of the committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of the Rule.

(2) A majority of the Members of the committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close committee meetings or hearing pursuant to Rules 3(i) and 3(j); and (C) authorize the issuance of subpoenas pursuant to Rule 4(g).

(3) Two Members of the committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

PROXIES

(b) No Member may authorize a vote by proxy with respect to any measure or matter before the committee.

WITNESSES

(c)(1) Insofar as is practicable, each witness who is to appear before the committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a five-minute summary, provided that additional time may be granted by the Chairman when appropriate.

(2) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(d) Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

INVESTIGATIVE HEARING PROCEDURES

(e) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpoena).

SUBJECT MATTER

(f) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g).

(g) No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

(h)(1) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

OPEN MEETINGS

(i) Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public, including to radio, television, and still photography coverage, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This Rule does not apply to open committee hearings which are provided for by Rule 3(j) contained herein.

(j) Each hearing conducted by the committee shall be open to the public including radio, television, and still photography coverage except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(g), a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(1) may vote to close the hearing for the sole purpose of discussing whether testimony

or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(2) may vote to close the hearing, as provided in rule XI 2(k)(5) of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this Rule for closing hearings to the public: Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of the hearing.

(3) Whenever a hearing or meeting conducted by the committee is open to the public, there proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 3(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

REQUESTS FOR ROLLCALL VOTES AT FULL COMMITTEE

(k) A rollcall vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

AUTOMATIC ROLLCALL VOTE FOR AMENDMENTS WHICH AFFECT THE USE OF FEDERAL RESOURCES

(l)(1) A rollcall vote shall be automatic on any amendment which specifies the use of federal resources in addition to, or more explicitly (inclusively or exclusively) than that specified in the underlying text of the measure being considered.

(2) No legislative report filed by the committee on any measure or matter reported by the committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

(m)(1) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

(2) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee.

(3) To the maximum extent feasible, the committee shall make its publications available in electronic form.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

(n) The transcripts of those hearings conducted by the committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests by those Members, staff or witnesses to correct any errors other than errors, in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the committee and shall be included as part of the legislative report unless waived by the Chairman.

OPENING STATEMENTS; 5-MINUTE RULE

(o) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rules of germaneness will be enforced by the Chairman.

(p) Notwithstanding rule 3(o), upon a motion, the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of Members from each party to question a witness for a period not longer than 30 minutes, or, upon a motion, may designate staff from each party to question a witness for equal specific periods.

REQUESTS FOR WRITTEN MOTIONS

(q) Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

RULE 4. SUBCOMMITTEES

STRUCTURE AND JURISDICTION

(a) The committee shall have the following standing subcommittees with the jurisdiction indicated.

(1) Subcommittee on Basic Research.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure, overhead and partnerships; science scholarships; government-owned, contractor-operated, Department of Energy laboratories; computer, communications, and information science; earthquake and fire research programs; research and development relating to health, biomedical, and nutritional programs; and to the extent appropriate, agricultural, geological, biological and life sciences research.

(2) Subcommittee on Energy and Environment.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy and environmental research, development, and demonstration including: Department of Energy research, development, and demonstration programs; federally owned and operated Department of Energy laboratories; energy supply research and development activities; nuclear and other advanced energy technologies; general science and research activities; uranium supply, enrichment, and waste management activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; measures relating to the commercial application of energy technology; science and risk assessment activities of the Federal Government; Environmental Protection Agency research and development programs; and National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research.

(3) Subcommittee on Space and Aeronautics.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications, space communications and related matters; and earth remote sensing policy.

(4) Subcommittee on Technology.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness including: standards and standardization of measurement; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization; technology transfer; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy.

REFERRAL OF LEGISLATION

(b) The Chairman shall refer all legislation and other matters referred to the committee to the subcommittee or subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

EX-OFFICIO MEMBERS

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the subcommittee.

PROCEDURES

(d) No subcommittee shall meet for markup or approval when any other subcommittee of the committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative, investigative, and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

(f) Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 4(c).

(g) During any subcommittee proceeding for markup or approval, a rollcall vote may be had at the request of one or more Members of that subcommittee.

POWER TO SIT AND ACT; SUBPOENA POWER

(h)(1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) The Chairman of the full Committee, with the concurrence of the Ranking Minority Member of the full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days.

NATIONAL SECURITY INFORMATION

(i) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

(j) Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

RULE 5. REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

(a) The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(A)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [Rule XI 2(l)(3)(B)];

(3) with respect to reports on a bill or joint resolution of a public character, a "Constitutional Authority Statement" citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted;

(4) with respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the committee report on the measure or matter;

(5) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7(d)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII 3];

(7) a transcript of the markup of the measure or matter unless waived under Rule 3(m).

(b)(1) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee [Rule XI 2(1)(3)(C)];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under Rule X2(b)(2) of the Rules of the House of Representatives, separately set out and identified [Rule XI2(1)(3)(D)].

(2) Notwithstanding paragraph (2) of this Rule, if the committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS

(c) If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (a) of Rule 4(j)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(d) The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views the two subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

(e) Reports and recommendations of a subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

TIMING AND FILING OF COMMITTEE REPORTS

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

(g) The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by the majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(h)(1) Any document published by the committee as a House Report, other than a report of the committee on a measure which has been approved by the committee, shall be approved by the committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 5(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a committee print which in his discretion he determines to be useful for the information of the committee.

(3) Any document to be published as a committee print which purports to express the views, findings, conclusions, or recommendations of the committee or any of its subcommittees must be approved by the Full Committee or its subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this committee and one or more other committee(s) may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment of the last regular session of a Congress sine die, the Chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the committee, provided that a copy of the report has been available to each member of the committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

NOTIFICATION TO APPROPRIATIONS COMMITTEE

(l) No later than May 15 of each year, the Chairman shall report to the Chairman of the Committee on Appropriations any departments, agencies, or programs under the jurisdiction of the Committee on Science for which no authorization exists for the next fiscal year. The Chairman shall further report to the Chairman of the Committee on Appropriations when authorizations are subsequently enacted prior to enactment of the relevant annual appropriations bill.

OVERSIGHT

(m) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(n) The Chairman of the committee, or of any subcommittee, shall not undertake any investigation in the name of the committee without formal approval by the Chairman of the committee after consultation with the Ranking Minority Member of the Full Committee.

OTHER PROCEDURES AND REGULATIONS

(o) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

(p) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

"Rule X. Establishment of Standing Committees.

"The Committees and Their Jurisdiction.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

"(n) Committee on Science.

"(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

"(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

"(3) Civil aviation research and development.

"(4) Environmental research and development.

"(5) Marine research.

"(6) Measures relating to the commercial application of energy technology.

"(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

"(8) National Aeronautics and Space Administration.

"(9) National Space Council.

"(10) National Science Foundation.

"(11) National Weather Service.

"(12) Outer space, including exploration and control thereof.

"(13) Science Scholarships.

"(14) Scientific research, development, and demonstration, and projects therefor.

"In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development."

SPECIAL OVERSIGHT FUNCTIONS

3. (f) The Committee on Science shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development.

AMENDMENT TO THE RULES OF PROCEDURE FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SHUSTER] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I am submitting for printing in the RECORD a copy of the amendment, adopted by the Committee on Transportation and Infrastructure on March 12, 1997, to the rules previously submitted in accordance with clause 2(a) of rule XI of the rules of the House.

AMENDMENT TO THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Rule XIV(a) of the Rules of the Committee on Transportation and Infrastructure is amended by striking subparagraphs (1) through (6) and inserting the following:

(1) Subcommittee on Aviation (34 Members: 19 majority, 15 minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (9 Members: 5 majority, 4 minority).

(3) Subcommittee on Public Buildings and Economic Development (11 Members: 6 majority, 5 minority).

(4) Subcommittee on Railroads (20 Members: 11 majority, 9 minority).

(5) Subcommittee on Surface Transportation (50 Members: 28 majority, 22 minority).

(6) Subcommittee on Water Resources and the Environment (36 Members: 20 majority, 16 minority).

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, it was only a year ago today that the Helms-Burton law was signed into law after this Chamber, in all of its wisdom and its support of the oppressed people of Cuba, passed that landmark and historic legislation by an overwhelming majority. A year later the Members of the House of Representatives who supported this bill known as the Cuban Liberty and Democratic Solidarity Act can be proud of casting their vote in favor of the bill because after only 1 year of its implementation, it has proven to be an effective weapon in the battle to rid Cuba of the Castro dictatorship.

Mr. Speaker, evidence of the success of the Helms-Burton Act can be found in various statements by top Castro officials who have faulted Helms-Burton for, among other things, the decision by the Mexican conglomerate, Grupo Domos, to withdraw from its agreement to reconstruct Cuba's domestic telecommunications system, and these same Castro officials have stated that Helms-Burton is responsible for the lack of private financing for equipment that is needed for Cuba's important sugar harvest.

Just today the Castro regime's foreign minister, Roberto Robaina, on a stop in Brazil, stated that Helms-Burton has had a very strong psychological effect and has frustrated investments. He added that the Cuban economy has not grown as expected in large part due to this legislation.

But whether or not Castro's thugs agree that Helms-Burton has been successful or not, it is clear that this legislation has stopped in its tracks Castro's efforts to sell Cuba as an investment paradise, a paradise where workers who enjoy no rights are virtual slaves to the wicked partnership of Castro and the foreign investors who profit from American stolen property.

All of this, Mr. Speaker, has taken place despite the failure of the Clinton administration to fully implement the law. The President has ignored congressional intent and has twice waived title III of Helms-Burton. This is the provision that grants American citizens the right to sue in American courts those foreign investors who traffic in their stolen American property in Cuba.

Similarly, title IV of the legislation that denies entry to the United States of those officials of corporations that are investing in illegally confiscated American property in Cuba, has only been enforced against two corporations: Sherritt of Canada and Grupo Domos of Mexico, despite evidence that other companies like Spain's hotel builders, Sol-Melia, are doing business with United States confiscated properties.

The Castro regime's desperation to silence any support for Helms-Burton inside the island was translated a few months ago into an antidote law that virtually prohibits any positive talk of Helms-Burton on the island.

Articles 8 and 9 of this totalitarian law makes it a crime for any Cuban citizen to facilitate the implementation of Helms-Burton. The main victims but not the only victims of this new oppressive law have been the independent journalists on the island who bravely attempt to offer the people of Cuba and the outside world an objective view of the repressive situation on the island.

Raul Rivero, who presides over Cuba Press, an independent journalist association in Cuba, and many other colleagues who bravely attempt to break Castro's information monopoly, have been systematically harassed and arrested by Castro's thugs since this draconian law took effect.

These journalists are subject to so-called repudiation acts, which are government sponsored mobs, which in the middle of the night scream insults such as "traitor," and in fact they vandalize these reporters' homes.

Unfortunately, Mr. Speaker, many of our allies have followed Castro's lead. They have mounted a campaign of their own to revoke Helms-Burton in order to be able to continue to profit and participate in Castro's slave economy.

Mr. Speaker, only by denying Castro the resources he needs to maintain power can we help the people of Cuba in their struggle to eliminate the last dictator of our hemisphere, Fidel Castro.

BRAVERY AND VALOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LAMPSON] is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, bravery and valor are qualities we do not hear much about anymore. Recently though, Galveston County, TX, was the site for two notable displays of those qualities, and their heroes deserve our praise.

Mr. Speaker, my sister is a quadriplegic. I cannot think of anything more frightening than her being caught in a fire. That is the tragedy that befell a man in Santa Fe, TX, last week. As he slept, his home caught fire. Officers were dispatched to the scene. When Sgt. Lee Stephenson and Officers Carl Nunn and David Thomas arrived, they were told by neighbors that the occupant was wheelchair-bound. Unable to get through either door due to the flames and smoke, the officers broke through a bedroom window, located the man and carried him to safety.

Every day, men and women who have devoted their lives to protecting our communities put themselves at risk. We should honor them every day, and I am pleased to tell their story. Before this U.S. House of Representatives, I recognize and I salute the bravery and valor displayed by Santa Fe police officers Lee Stephenson, Carl Nunn, and David Thomas. I also wish to recognize the efforts of the Santa Fe Volunteer Fire Department for their hard work and dedicated public service.

An even scarier situation emerged last month in Galveston County when a man driving with his two toddler daughters in the car had a seizure while approaching the Galveston Bay Causeway on Interstate 45. The car flew off the highway and fell 15 feet into the water, landing fortunately at a shallow point.

Five young people were following a few hundred yards behind. They saw the tragedy unfold, pulled over and rushed into the water to help. They pulled the two little girls and their father to safety so they could receive medical attention. Before this House of Representatives, I recognize and I salute the bravery and valor displayed by Mark Kneip of Texas City, TX, and Shawn Cook, Katherine Holmes, Paul Holmes, and Evelyn Urban, all of Dickinson, TX.

I am understandably proud to come before this body and tell the American people these stories of heroism from my district.

Finally, Mr. Speaker, I would like to thank my colleagues and the charitable interests who organized last weekend's bipartisan retreat.

□ 1730

As a new Member of this body, I appreciated the opportunity to discuss the operation of the people's House without regard to party affiliation or seniority.

I and most of my freshmen colleagues recognize that we were elected in part as a response to the marked partisanship of the previous Congress. This weekend was a giant leap forward toward a more collegial and, therefore, more productive House of Representatives.

MARGIE JANOVICH'S SACRIFICE

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, today in Omaha, NE, we had a funeral for a young lady that has meant a lot to me over the last 2 years. Her name was Margie Janovich. Margie was an inspiration, I think, not only to Omaha, but after people hear about her story, will be an inspiration to every family in this country.

Margie was diagnosed about 2 years ago with thyroid cancer, and she was 5 months pregnant at the time she was diagnosed with thyroid cancer. She was a strong, committed believer of the right of the unborn child. Margie felt compelled to forego the treatments on her thyroid and to forego the chemotherapy until her baby was born 4 months later.

Margie already had 8 children: Nick, 21; Tina, 19; Terri, 17; Jim, 16; Mike, 12; Joe, 9; Dan, 7 years old; and Andy, 3. So they had a wonderful family and Margie thought that she could not bring herself to endanger her unborn child. So she forewent the chemotherapy and delivered little baby Mary safely.

During those 4 months that she decided not to go through treatments, the cancer spread. It spread to her lungs and it spread on into the rest of her body. For the last 20 months Margie has fought cancer, and it took her life Sunday night and we buried her today.

During those last 20 months, I have had an opportunity to spend a lot of time with her. I have gone over to her house several times, had pizza delivered a couple of times, and every time I was over there Margie always had the greatest attitude. She never once was concerned about her own self. It was, how are you doing, what is going on in Congress, are you going to get that partial birth abortion bill through this year. She was very, very, very sick, but she always was concerned about other people.

During the last 20 months she home schooled three of her children. Neighbors surrounded them, took a lot of food over and tried to help out however they could. Ron was always there, a tremendous husband. But this is a story about the quality of life and the respect for life for this little child, Mary Beth Janovich.

Mary Beth is only 15 months old, but someday, when she is old enough to understand the sacrifice that her mother gave, it will be quite a story that Ron will be able to sit down and tell her about.

Mr. Speaker, I think about next week or the week following when we start debating the partial birth abortion again, and 10 days ago in the hospital I told Margie that we would pass the partial birth abortion bill and that we would get it through the Senate and, with God's help, we would override a veto this year. Because I believe that probably the most important thing that we can do for Margie, for the Janovich family, is to pass a bill that respects life, that respects the unborn child, that gives hope and opportunity to every unborn child.

Mr. Speaker, as I think about the President's dilemma, as he was presented so much false evidence last time by the pro-abortion lobby, I would hope and I would pray that our President would think seriously again about this legislation; that when it comes before him this year that he would think about the Janoviches, that he think about the sacrifice that Margie Janovich gave and made for her child.

Life is precious. As he talked last week during his speech on the cloning issue, talking about that an embryo has a soul, well, Mr. Speaker, I would hearken to advise the President that, yes, an embryo has a soul and that embryo is an unborn child only 9 months later.

So Margie was a tremendous inspiration to me, Ron and the kids. I want to thank them for everything that they have done because it has been a story that has touched every life in Omaha, NE, in the Midwest, and I believe that as America finds out about Margie Janovich, we will once again turn our hearts toward the value of life and the value of the unborn child. May God bless her.

THE PERSIAN GULF WAR HELP LINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, tonight I want to report some good news for our Nation's Persian Gulf war veterans. The Veterans Administration has set up a help line phone number that gulf war veterans can call for health examinations. Veterans who are in need of care or who wish to take advantage of the physical examination under the Persian Gulf registry or who have general questions about their experience in the Persian Gulf war can call the VA's Persian Gulf information hot line. That number is 1–800–PGW–VETS. Or, if they need the numbers, 1–800–749–8387.

Active-duty service members who were deployed to the gulf during the war may receive a health examination through military treatment facilities by calling 1–800–796–9699. The VA encourages all gulf war veterans to participate in this important program.

I am proud to support President Clinton's action to make it easier for Persian Gulf war veterans to collect compensation benefits for undiagnosed illnesses resulting from this war. At the urging of Veterans Affairs Secretary Jesse Brown, the President agreed to extend the period during which undiagnosed illnesses, such as Persian Gulf war syndrome, will be considered related to a veteran's service in the gulf, thereby entitling that veteran to compensation benefits.

Congress had begun to address this problem prior to President Clinton's decision. My esteemed colleague, the gentleman from Illinois, Mr. LANE EVANS, the ranking member on the House Committee on Veterans' Affairs, introduced a bill earlier this year that would lengthen the time that gulf war veterans can file for disability compensation. I was proud to be an original cosponsor of this bill, the Persian Gulf War Veterans Compensation Act.

President Clinton listened to Congress, and to the thousands of veterans across the Nation who are suffering from the mysterious illness known as Persian Gulf War Syndrome. Mr. Speaker, our inability to find an exact cause of gulf war syndrome requires that we give our veterans the benefit of the doubt. We must move forward and provide care for our suffering Persian Gulf war veterans even as the search continues for a cause of this syndrome.

America and this Congress must not shirk its responsibilities to its veterans. I applaud the actions taken by President Clinton and the Veterans Administration to give our veterans the care that they need and deserve.

Remember that help line phone number. It is 1–800–749–8387. Please get the help that is now offered through the Veterans Administration.

BIPARTISAN RETREAT IN HERSHEY A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KIND] is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to my colleagues in the House, both Republican and Democrat alike, who attended the bipartisan retreat in Hershey, PA, last weekend, but especially to commend the gentleman from Illinois, Republican Representative RAY LAHOOD, and the gentleman from Colorado, Democratic Representative DAVID SKAGGS, for their vision and all the hard work they put into making the retreat last weekend, I think, an unqualified success.

I would also like to commend the political leadership of both parties, the gentleman from Georgia, Speaker GINGRICH, and the gentleman from Missouri, DICK GEPHARDT, for their presence, without whom this whole attempt to try to find greater civility in the House of Representatives will not go anywhere.

I also want to thank the Pew Charitable Trust and the Aspen Institute for investing in this retreat and making sure not one taxpayer dollar went for this retreat, and to give the Members a chance to explore civility.

The premise for this historic gathering, unprecedented in our Nation's history, was very simple, and that is for any legislature to function, its members must have a level of trust and understanding of one another. That trust can only develop when the members have an opportunity to get to know one another a little bit better, as people, and outside the partisan political arena.

When people know each other and their spouses and their children, they are less likely to let policy differences turn into personal animosity or hostility or to question one another's motives. In short, it is a lot harder to demonize someone when you know them on an individual and personal level.

Over 200 Members came together in an attempt to explore ways in which to bring greater civility to the House of Representatives. No legislative business was conducted, no political games, just Members and their families taking time to get together, to get to know one another a little better, and to examine the environment in the House of Representatives and figure out how we can do the Nation's work at a level of decorum that this great democracy deserves.

This was not a hug-fest. We continue to recognize that there will be deep, passionate policy differences between the parties. I think today's debate on the House resolution was a classic example, and we have no desire to blur those distinctions. Conflict in Congress is unavoidable, and the Nation is well served by healthy and vigorous debate.

In fact, it is crucial to the functioning of this democracy.

The retreat, rather, was about handling those disagreements constructively and honoring our democracy with debates that are more civil, more respectful and, ultimately, more productive; in short, to explore ways where we can disagree without being disagreeable.

To build upon the future, we have to have knowledge of the past. History teaches us that when we unite as a country for a grand purpose there is nothing that we cannot accomplish. It was altogether fitting that during the course of the retreat some of us Members took time to tour the Gettysburg National Battlefield. That is the site where the northern and southern armies met by chance during 3 days in July 1863 and engaged in the largest military battle in the Western Hemisphere. When the armies marched away, they left behind more than 51,000 dead, wounded, or missing soldiers in a battle that many historians believed determined the fate of the Nation. These were men who in President Lincoln's words gave their last full measure of devotion so this Nation might endure.

I wanted to especially thank National Park Service employee Eric Campbell for his terrific guided tour of the battlefield. In fact, he described in vivid detail the battle over Little Round Top, which many military historians felt was the crucial ingredient to the outcome of the battle. During that battle there was a lieutenant by the name of Joshua Campbell, who was trying to hold the high ground for the Northern army, the strategic high ground. And when his men ran out of ammunition, they had two options that they faced: Either retreat and give up the high ground, and perhaps forfeit the strategic battleground and possibly the entire military conflict; or to charge ahead. And they opted to lead a bayonet charge down the hill, which swept off the Confederate forces and saved the day for the Union Army there.

When we think about the sacrifices that the men gave on that battlefield, what they gave for their country, and then to ask the House to, in a more civil way, conduct this Nation's business, I do not think that is a lot to ask from us as representatives of the country.

Perhaps that is why the institution has become more uncivil recently. We forget this is not about us as Members or as individuals. It is really about the country, about all of us in this Nation, those who came before us, those who will come after us, our children and our children's children.

It is perhaps when we start thinking of it in personal terms that we begin acting aggressive, defensive and rude, all those things that everybody does when we feel threatened. This is not about us as individual Members, it is rather about this great country, everybody, who have come together to fight for the principles this country was founded on.

All of us, I think, crave to be part of something larger than ourselves, which is probably why most of us ran for the House of Representatives to begin with. That is why we have families, why we participate in church, join organizations, just to be a part of something significant, noble, decent, and right.

There is no simple cure for the incivility we see too often in American society, just as there is no simple cure for the rancor and mistrust in the House at times.

□ 1745

Last weekend's retreat is no panacea but it is a start. As Members of Congress, we have an enormous responsibility to the Nation. Our country deserves better from all of us, but we look upon our leaders to set the standard, as we should, and with some luck and good will, what has begun last weekend will help us better meet that great responsibility to the Nation.

FIRST ANNIVERSARY OF HELMS-BURTON LEGISLATION

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a plea has gone out by the President of the National Commission, Jose Marti, the National Commission on Human Rights in Cuba, Professor Amador Blanco Hernandez, for three political prisoners who are in a very, very difficult situation right now. They have been on a hunger strike since February 20 because of the brutal, inconceivably inhumane conditions that they have been facing. One of them, and I will read their names, Juan Bruno Lopez Vazquez, Herminio Gonzalez Torna, and one of them, Levin Cordova Garcia, is near death.

Now, Professor Blanco Hernandez is seeking some signs of solidarity and outrage in the international community. I today remember and my thoughts go out to all the Cuban political prisoners, but especially to these three, such dignified representatives of the Cuban people who are facing that extraordinarily difficult situation, and have had to embark on hunger strikes to try to get some attention of the world community so that their conditions will be looked at and pressure will be put on the Cuban dictatorship so that their conditions can improve.

Mr. Speaker, it has been a year since President Clinton signed the Helms-Burton law, March 12, 1996. Sometimes it seems difficult to believe that it has been only a year, considering all that has happened since. Not just Castro but all those who seek to take advantage of the degradation and exploitation imposed by the dictator on the Cuban people received a blow by the adoption of Helms-Burton. With urgency, those who have invested or who are thinking of doing so in Castro's feudal, antiworker, slave economy have had to reconsider their actions or their intentions in light of the risk of being physically excluded from the world's largest market, the United States.

That is why the European Union, in an act that classifies it as an unscrupulous merchandiser, has taken its complaint against U.S. sanctions to the World Trade Organization.

The strongest blow in Helms-Burton against those who seek the definitive consolidation of the degradation of the Cuban people, of the oppression and the humiliation that they have to bear at the hands of the Castro brothers and the handful of their minions who also live the "dolce vita," however, is not what is most discussed and debated about Helms-Burton. It has nothing to do with the exclusion of foreigners from the United States who knowingly traffic in properties stolen from Americans, nor with lawsuits against those traffickers.

What is most painful for those who seek the permanence of the oppression of the Cuban people is that the United States sanctions against the dictatorship can no longer be lifted by the President until there is a genuine Democratic transition on the island.

Castro's defenders and the unscrupulous merchandisers had great hopes for President Clinton. They saw how he, in coordination with some large business interests, lifted the embargo on Vietnam and reestablished diplomatic relations with that country. With normalization of relations, a wide gamut of credits and other financing possibilities are opened to those who seek to do business with a recently legitimized regime.

They sought the same for Cuba. It does not matter that Castro has no money to buy anything from the unscrupulous merchandisers. The financing mechanisms would take care of that. That is what they are there for. That is why those financing mechanisms have money from the United States taxpayer.

Ever since Helms-Burton, the dreams that some had of being able to obtain massive financing for lucrative business deals with the Cuban dictator have gone down the drain. Congress has made absolutely clear that the President cannot lift the embargo and facilitate credits for those who seek to profit from deals in Cuba, nor authorize massive United States tourism to Cuba, until there is a government in Cuba that respects the Cuban people, a government that liberates all political prisoners, that legalizes all political activity and that agrees to hold free and fair elections. That requirement in Helms-Burton, known as the codification of the embargo, is definitive and will be decisive in Cuba's salvation.

CERTIFICATION REGARDING FOREIGN ASSISTANCE FOR MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight, before an important vote tomorrow, and that vote tomorrow is the question of whether the Congress will vote in fact to decertify Mexico and override the certification granted by this administration and this President.

Certification, and as a staffer some years ago in the other body, I had the opportunity to work on drafting that certification legislation, is predicated on several factors. One is enforcement and eradication and stopping drugs at their source. The other is the cooperative effort of a nation. Then there are certain sanctions and penalties that we impose on countries that do not cooperate, and we either certify them or decertify them.

Tomorrow this Congress will decide on whether we agree with the administration, and I think they made a grave error and a grave mistake. If we take a few minutes and examine the record, look at what has happened with drug flow into the United States, and let us look at heroin, let us look at cocaine, let us look at methamphetamines.

Just a few years ago, most of the heroin came in in very small amounts from Mexico and it was a brown heroin. Today 30 percent of all the heroin coming into the United States is coming in from Mexico. Cocaine, there is no cocaine to my knowledge produced in Mexico. Most of it is produced in Bolivia and Peru, a little bit in Colombia. But 70 percent of all cocaine coming into the United States, and this is by DEA's estimates, is now coming in from Mexico.

Eighty percent of all the marijuana coming into the United States is coming in from Mexico. And methamphetamines, which I spoke of, from mid 1993 to early 1995 Mexican traffickers reportedly produced, and last year, produced 150 tons of methamphetamine, or speed, coming into the United States from that country.

So the record has gotten worse and worse and worse, of drug eradication. The problem is getting greater and greater. What is worse for our country and our children and our neighborhoods and our communities is, it is affecting our children. Heroin use is up by teenagers dramatically. Emergency room visits are also up.

And then we look at the question of whether we should certify Mexico based on cooperation. We asked Mexico to do some of the following things, and let me say in every one of these areas they have dragged their feet or failed to comply with our request.

First, agree to extradition. You will hear them say they extradited 16 people. That is false. Only 3 have been extradited according to our requests and only one who had some record of involvement with drugs, and he was extradited because he had dual citizenship, both American and Mexican. Failed on extradition.

Failed to allow our DEA to protect themselves with firearms. Failed to allow 20 more DEA agents to be placed in Mexico. Failed to share intelligence with the United States. Failed to install antidrug radars in the south of Mexico. Failed to comply or put together a permanent maritime pact. And they failed to arrest and prosecute drug traffickers and drug money in their own country and really enforce their new laundering money laws.

They have failed to take concrete steps to comply. So by no measure do they deserve certification.

Mr. Speaker, tomorrow I urge my colleagues to come to the floor. Trade is important with Mexico, cooperation is important with Mexico. They are our southern neighbor and an important part of this hemisphere. But when their actions, their lack of cooperation is destroying our schools, our children's future, our neighborhoods and our communities, this Congress must act in a responsible manner to stop that action against us by our neighbors.

Mr. Speaker, tomorrow we must come as a Congress and send a very clear message to Mexico, not based on finance or business but on the future of this country and, again, our children and what is happening.

The alternative is what? We have almost 2 million Americans in jail. Seventy percent of the people in our prisons and penal facilities are there because of drug-related convictions. Where is that narcotic coming from, those illegal drugs coming from? They are coming from, I submit, and we have proved here, Mexico. We must send this message and we must do it as a united Congress tomorrow.

THE CASE FOR SAVING AMERICA'S FAMILIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight I want to share with my colleagues a project that we have been working on for a number of months. We call it the Case for Saving America's Families.

In this project, we are attempting to build a case for government that does only what government can and should do. Too often in Washington we have begun to ask Washington, this city, to do things that are better done at a State and local level and in many cases are better done not by bureaucracies and bureaucrats in Washington but are better done by families, by nonprofit faith-based institutions or by the private enterprise system. We have asked this city to make too many decisions that it is ill-equipped to make and that could be made much better in other parts of America.

We have to look at this Washington bureaucracy. This street going down over on the right side used to be called Independence Avenue but if you take a look at the buildings that line that street, it is maybe an appropriate time to rename that street Dependence Avenue, because it demonstrates the dependency that the rest of America has developed on Washington, a dependency where we ask bureaucrats to take a larger role in raising our children, bureaucrats and bureaucracies taking a larger role in building our communities, bureaucrats taking a larger role in creating jobs. We have identified and we constantly are on the lookout for specific examples where we can identify what the Washington bureaucracy is doing, whether it is working or whether it is failing, where it abuses power, where it wastes money, where it does things which perhaps to the American citizen, the average citizen, actually makes no sense.

☐ 1800

We have begun a project of collecting these real life examples. These are things which the Washington bureaucracy actually do, and we compile these on a monthly basis. These are in your office; we send them to your office each and every month, and it is called, A Tale of Two Visions. The newsletter features actual examples of real life stories of what is happening in Washington and then compares and contrasts what Washington is doing to what successful entrepreneurs, successful individuals, and successful organizations are doing at the local level. It highlights the struggle that many Americans have with the Washington bureaucracy.

Let me just highlight some of the examples that we have in our February issue, and again these are in your offices, where we highlight some things that Washington believes it is best at deciding and it believes that it is appropriate to use American taxpayer dollars to fund these kind of activities.

As many of you know, we fund public housing projects around the country, and when we fund these projects it is only appropriate that Washington attaches strings to those dollars to make sure that the people who build those buildings build them to the codes that we want established and the criteria that we have established in Washington, that the people that manage those projects manage them the way that we want them to manage them, that the people who live in them live in them the way that we want them to live and that the pets that are in those public housing projects are treated with the dignity and respect that we want them to be treated with.

So in 1996 our Secretary of HUD decided that we had to protect the pets in public housing because this was a national crisis and this is something that Washington had to be involved with. We developed rules regarding pet ownerships by elderly and disabled in public housing. Included in this, and this is section 5.350, paragraph 2, actual language from HUD, Washington saying people at the local level, an individual, cannot make this decision, Washington has to help them, let us write these rules and regulations, let us make sure they are aware of them so that people can listen to this and that they can abide by the rules and regulations that we have established.

Paragraph 2: "In the case of cats and other pets using litter boxes the pet rules may require the pet owner to change the litter," in parentheses, "but not more than twice each week, may require pet owners to separate pet waste from litter, but not more than once each day, then may prescribe methods for the disposal of pet waste and used litter."

Thank you, Secretary Cisneros. That is going to help us, and those were Federal dollars well spent.

On a more serious note, back in 1996, we are facing a drug problem in our country, and so what is the appropriate response? It is when a product became available that would enable parents to better gauge and understand if their kids were using illegal drugs, the FDA said, "No, it's not appropriate that we make this technology available to parents." It is not that the tests were unsafe, it is not that they were ineffective. The same tests are used routinely by hospitals, employers and parole officers. It is not that they were too difficult for a parent to understand how to use it correctly. The FDA was fighting to keep this product off the shelves because the parents cannot, and this is quote, "be trusted to handle the results," end of quote. They fear that these tests would have a harmful effect on the parent-child relationships. After intense pressure, hallelujah, the FDA later approved the tests.

We also now are carding 27-year-olds for the purchase of cigarettes. We are taking a look at, and this is probably the most frustrating thing, when we have wise bureaucrats in all of these buildings, and they are good people, but when these people, one bureaucrat working in one office decides what the right thing is to do, and then somebody in another building decides that maybe they have got something that is a little bit different—think about this. The National Institutes of Health required one university to replace all of the school's rabbit cages. This carried a pricetag of $250,000. That may have been the right thing to do for the rabbits. However, less than a year later the Agriculture Department declared that the cages were the wrong size and the university had to once again replace the cages.

Now I kind of like rabbits, but I am not sure that we need two agencies in Washington who are focused and believe that it is their primary responsibility and purpose in life to design and define for people at a local level what the appropriate size and design and construction of a rabbit cage should be. This appears to be a little bit of overkill.

Now let us take a look at the exciting things that are going on. There are things that are going on in the private sector that really indicate that people at the local level maybe actually have a higher degree of common sense, have a higher degree of commitment to their community and their neighbors, that they have a higher degree and sense of responsibility than what we so frequently will give them or give them credit for.

The case of a father, a Catholic priest, working on job training: This is a case of Father Ronald Marino, and he took a look at what was going on in his community and said, "This isn't good enough." He took a look at how government job training programs worked, and he found that this was not working. So on his own he began teaching English to immigrants, and once they had successfully mastered it he taught them a skill with on-the-job training through an apprenticeship, the participants either in pay and advancing from their salaries. They got advances on their salaries. They were teaching them things that would enable them to get a job, and this is an individual in the community going out and taking a look at government programs and saying they do not work, I can do better, and I have got a sense of commitment to my community, I am going to improve my community.

A grandmother helped 70 kids after school, takes no Federal funds. A 57-year-old grandmother in southeast Washington, DC runs an afterschool program which provides hot meals, homework help, computer instruction, Bible study, and a safe place to play for at-risk children. Miss Hannah Hawkins founded a nonprofit organization called Children of Mine after her husband was murdered in 1970.

Margaret Alasky writes Hawkins insists that social progress comes not when professionals take on needy children as clients, but when ordinary people treat the semi-abandoned children of others as their own. People have an intense concern and love for their community, and they demonstrate it in much more effective ways than what we so often do here in Washington.

These are just a few of the examples. We continue to build this litany of examples of where Washington, well-intentioned, goes out and tries to solve problems, but in many cases does not do it very effectively, and when you take a look at the alternatives that are available: local organizations, faith-based institutions, individuals, the free enterprise system, it is kind of like why are we sucking dollars out of the community and bringing them to Washington when if they were left in the community we might be able to deliver better results and have a better impact on solving some of these very difficult problems if we just let communities have the resources for themselves.

This is our vision. Our vision is of a government which costs less so that families can survive on one income. Our vision is of a government which does not compete with or attack parents or families but builds them up. Our vision is of a stronger, more vibrant private sector which is creating jobs free from the excesses of burden of taxation and regulation.

I think it is time for us to step out here in the House and, as Republicans, to more clearly articulate our vision for what we want America to be, and one of the projects that we have been debating today and one of the things that we have been talking about is the President's budget, a President's budget which increases spending, which does not reach balance, and we are talking about whether that is good for America, whether that is good for our citizens, and whether that is good for our kids.

But I think we ought to outline a vision about what we would like to see in a budget.

The President has laid down a benchmark. I am not satisfied with it. I do not believe it meets some criteria that are very important to me. I believe that in the long run we should be working toward a Federal Government, a budget, that can be funded by a one-wage-earner family. We have way too many families today where one person is working to support the family and the other person is working to support the Federal Government. We need to move back to the point where a two-wage-earner family is an option and not a requirement.

We have to have a budget that is in balance with and protects the core institutions of our society: families, private enterprise and faith-based and nonprivate institutions. We have to have a budget that is based on the assumption that the dollars that come to Washington are the American people's dollars and that they are best equipped to make the choices about how to spend them. We have to have a budget that respects the needs and the interests of today as well as future generations.

We need a budget that protects our kids. We need a budget that reflects a learning from the long 29-year experience of deficit spending, deficit spending that developed out of an overexuberance about what people believe government could do and what people believe government could do better than what local institutions could do.

Do we really want to do for our kids in education what over the last 30 years we did for the needy and welfare and public housing? No, I think we can do a whole lot better than that, and we need to do a whole lot better than that.

Why does not the President's criteria, or why does not the President's budget, meet this criteria? The President's budget does not meet this criteria because what he wants to do is to continue to move dollars and spending to Washington rather than leaving the money back home.

This is not about a budget that is level, that gets to balance because revenues are increasing. This is about a President who wants to grow spending in one key category. Take a look at what happens to discretionary spending. This President wants more money to fund Washington bureaucrats and Washington bureaucracy. This is a $165 billion increase in discretionary spending between 1998 and the year 2002.

Now I just did a little figuring, and I come from a small- or medium-sized town in west Michigan, and I am not used to numbers this big, and I used to work for a company that finally, shortly after I left, finally got to be a billion-dollar company. A billion dollars is a lot of money, $100 million is a lot of money, but if you divide $168 billion by 5,000, which maybe is about the average tax that a family of four pays each year, you divide that 5,000 into 168 billion; do that at your own offices; and you find out that it is a lot of families who are going to have to pay for this increased spending.

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If we run the numbers, and then if we divide it by the 5 years, it is about, on average, to fund the increasing spending that this President wants, about 6 million families each year, or 6 million more American families are going to have to send about $5,000 to Washington.

Does that move us closer to a budget that could be funded by a one-wage-earner family? I do not think so. I think asking for $165 billion more of spending in Washington is going to create more two-wage-earner families, not because of a choice, but out of necessity.

Does this protect our core institutions of our society, families, private enterprise, faith-based and nonprofit institutions? No. This is Washington sucking money away from those agencies.

Does this say we believe that the American people are best equipped to make the choices that they would like to make? No. It says the American people are not equipped to make choices; Washington can make better choices of this $165 billion than what the American people can.

Does this respect the needs and the interests of today as well as for our kids? Does this protect our kids? We could get to balance and surplus a whole lot sooner for our kids.

Most of this money in increased spending we are going to have to borrow. We are going to have to borrow it, so our kids are going to have a higher debt that they are going to have to pay back. Each and every year they are also going to have to pay interest on this. No, this does not save our kids, it does not protect our kids, it puts a bigger burden on our kids.

Does this learn the lessons of deficit spending? No, it continues the overexuberance of believing what Washington can and cannot do.

This is a bad budget for a number of reasons. It does not respect the family, it does not clarify choices, and it does not reflect the lessons that we should have learned. Those are the kinds of criteria that we need to establish as we move forward and create a new budget.

As Republicans outline what we want, and what we want to do, it is a matter of it is time to stop increasing spending; it is time to recognize that the most important thing is to start developing a surplus budget so that we can start protecting our kids, so that we can start moving power and authority and control to the places where the best solutions are, which is at the local level.

I now want to move on to another project that we have been working on which we call Lessons in Education. We have been working, a number of us, my colleagues, the gentleman from California [Mr. McKEON], and the gentleman from California [Mr. RIGGS], we are working on a project which we call Education at a Crossroads. Education at a Crossroads: What Works and What is Wasted.

The purpose of our effort is to really find out what is going on in education today. The paper that we developed is lessons in education. It is a series. What are we learning as we go through this process of having hearings around the country, as we have parents, students, teachers, principals, entrepreneurs, innovators, as they testify, what have we learned about education?

We have learned, not surprisingly, although I sometimes think when we try to develop programs here in Washington we forget some of these basics. The first lesson we learned: Parents care the most about their children's education. We go around to a charter school in Los Angeles and a parent gets up and says, you know what I really like about this school? We finally have been able to take back our school. The people who are running this school no longer have to look to the L.A. unified school district about what they can do.

One of the testimonies of the person running the school, she said: "You know, when I ran this school and I was part of the L.A. unified school district, I worried about the three Bs."

You would think as a principal she would be worried about the three Rs, but no, the three Bs. She said: "I was always measured and the people at headquarters did not ask me how well I was doing with my kids. They wanted to know what was happening with busing, what was happening with my budgets. And then I would always run into the third B, which is the bucks." What do you mean, the bucks? She says: "Every time I had a good idea that I thought would benefit the kids in my school and I would go to my rules and regulations and I would find out, I cannot do that; but I wanted to do it because it is what I needed to do for my kids."

I would go to the headquarters of the L.A. unified school district and I would say: This is what my kids need. This is what the parents of my kids want. That is what we have jointly decided is best for the kids in our school to make sure that they have the learning environment that enables them to get the most effective learning.

I would go to headquarters, and the answer would be: Well, that is not a bad idea, but you cannot do it, because this and that, or that. Sometimes: It may be a good idea, but if we let you do that, we would have to let everybody else do that too. We cannot have that happen.

Successful education, as we are struggling with education and the educational issues around the country, let us not forget the fact that the person who knows the kid's name and the person that named the child probably cares the most about their education and about their future. And they care more than the bureaucrat at the State bureaucracy or at the Washington bureaucracy who do not even know the name of the child. Let us not lose sight of that. Too often we are losing sight of the fact that parents care most. We have also learned that good intentions do not equal good policy.

Lesson No. 2: We care about kids in Washington. We care so much about the education that our children receive in Washington that we have created program after program after program after program so that the end of 20 to 30 years of Washington having good intentions and Washington caring about our children that we now have 760 different programs running through 39 different agencies, spending $120 billion per year, and the education system is in crisis.

Mr. Speaker, good intentions do not equal good policy. Just because we care does not mean that the answer has to be a new program with a nice sounding title and a few dollars associated with it, does not mean that we are actually helping our children.

Lesson No. 3: More money or more does not always equal better; 760 programs probably is not better than 700 programs, and 600 programs probably is not better than 5 hub programs. More money in a failed system may sound good, but more money into a system that does not work does not do anybody any good and it does not help our kids one bit.

Mr. Speaker, the interesting thing is we have developed 760 programs. There is now a cottage industry, a cottage industry that you would think would be going to schools and saying: Here is some of the research that has just been done; and this is the most effective way for kids to learn how to read; or these are some of the really interesting new tools that we have developed to help teach children math or science. Here is the latest technology that, as you get these computers into your classroom, here is what you do with them.

No. The cottage industry is here: Here are two binders that tell you about 500 different education programs; they tell you, these booklets tell you what programs exist, who is eligible, and they tell you how to write the grant to get the money.

They do not tell you how to write the grant to reflect and answer the questions in a way that is honest and truthful; they tell you how to write the grant so that you have the highest probability of getting the money. So now we have school districts all around the country not hiring instructional specialists, but they are hiring grantwriters to kind of go through these 500 programs and to see if they can strike gold by finding some grants that a local school district may qualify for. Wrong priorities, wrong decisions, and a bad way to spend our money.

Mr. Speaker, we have created such a maze of programs that we now have to have specialists to go through this maze to figure out, this money that we sent through the IRS, how that money can get back to the local school district.

Do not worry about it, we do it very efficiently. When you send a dollar to the IRS and when you send a dollar to Washington for education, you can be sure that we get about 60 to 65 cents back to the teacher and back to the classroom. That is not a bad investment.

The bureaucrats in Washington, the bureaucrats in your State education association, they only steal 35 cents of that dollar from our kids. They are sucking away 35 cents that could be used in the classroom. The issue in education is not finding more money to spend in a system that sucks 35 cents out. The question is, how do we get more of that dollar that we send to Washington back to the classroom. It is not about spending $1.10 so we can get 70 cents to the classroom. It is about finding a way to get this dollar and getting 80 cents, 85 cents, 90 cents, 95 cents, back to what the purpose is of education. The purpose of education is not to make and hire bureaucrats, it is to educate kids.

Education needs to be child-centered, is the lesson that we are working on now.

Mr. Speaker, there are too many programs today where the focus is on the bureaucrat, it is on the bureaucracy, and it is not on the student. The system today, the students way down there at the end, there is a bureaucrat at the State level, there are some other bureaucrats through this process that work at this bureaucracy in Washington, and the student is not the focal point. The system today is about Government, it is about bureaucrats, it is about bureaucracy.

The system really should be not the student at the end of the process; the student needs to be the center of the process. The people most influential on that student are the teachers in the classroom and the parents. These are the people that know that student's name, they know where they live, they know the problems and the concerns that this student faces, the special problems. They care about them. These people care.

The bureaucrats care, but do they really care and know if they cannot give you the name of the student that they are trying to help? The resources and the dollars have to be focused on the student. These bureaucrats today, they are worried about writing the rules and the regulations for 760 programs here, not all in one building. Seven hundred sixty might be OK if they were all in one building in this town, but think about it. Some of the programs are in a building called the Education Department. Other programs come out of the Defense Department. Other programs come out of HUD. Other programs come out of the Agriculture Department. It is not one building, it is not 5 buildings, it is 39 different buildings, 39 different bureaucracies spending $120 billion a year.

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We had a great hearing yesterday in the Committee on the Budget. I asked Secretary Rubin, Secretary of the Treasury, I asked the Secretary, who is the focal point? Who is the person that is setting education strategy at the Washington level? Who is focused on coordinating this effort and making sure that these different entities come together? The answer was, the President.

I am sorry, Mr. Rubin, I do not believe that the President is actually spending a whole lot of time trying to coordinate 760 programs through 39 different agencies. I think he has a few other things to do. I know education is important to him, but I believe that there are some other things on his mind.

What has been the result of this ever-increasing bureaucracy? I look at this, and coming from a business standpoint I think there is some reason to be concerned about this. I do not really think this is the best way to do it. But maybe in Washington this works. Maybe this really works in Washington. It does not work in the business world, but maybe in government all these pieces somehow magically come together.

What are the results? One-half of all adult Americans are functionally illiterate. Fifty-six percent of all college freshmen require remedial education. In California, we had a hearing and we had some of the chief officers and the key people in higher education in California come and testify. They said, please, please, as you are taking a look at the budget, do not cut our funds for remedial education.

We would say, explain that a little bit more. These are students that you have accepted into your university. What kind of remedial education are you looking for? What are these dollars exactly being used for? Remedial seems like a pretty serious term.

The answer is, well, one out of four students entering higher education in California, one out of four students cannot read or write at an eighth grade level. Excuse me? One out of four students in California entering higher ed, and this is not going into high school, this is going into higher education, one out of four cannot read or write at an eighth grade level? This is not remedial, this is a crisis. This is a big problem. Why are you not going down to the high schools, the middle schools, and the grade schools and talking to the teachers there and taking a look at what is going on in the classroom?

Remember, these teachers are graduating from your universities. They are now going into the classroom, and the children going through this system are now coming to you and they cannot read or write at an eighth grade level. Are you maybe failing the students that are going through your college that are becoming teachers? Are we failing the kids who are in grade school? Absolutely. They cannot read or write when they get out. This is a big problem. Sixty-four percent of 12th graders do not read at a proficient level. SAT scores have dropped by 60 points in 3 decades.

There are two ways to look at what we are going to do as a result, as we face what I think are some disappointing results in education, something we should all be concerned about. We can continue this Washington-centered approach. We can continue saying, you know, just a few more programs and a few more dollars, a few more bureaucrats and a few more buildings and a few more bigger buildings and we will be all right. We will solve this problem.

No, I do not think so. It is time to start maybe rethinking what is going on in these buildings, but it is not a time to add more buildings, more people, and more dollars.

We need to think in this way: How do we empower parents and teachers, the people closest to the students, closest to the kids, how do we empower them to make sure that this child gets the kind of results that we need? It is about teachers, it is about students, and it is about parents. It is not about bureaucracy and bureaucrats who have the student at the end of the system.

We ought to take a look at what the President is proposing: $165 billion more spending. The President has not learned our lessons.

This assumes that we need more money in Washington and that Washington bureaucrats care more about our children than parents do. That is lesson one. This does not assume this. Much of this spending is going for education, $55 billion more of spending for education over the next 5 years in Washington. This does not demonstrate a lesson learned; that parents care most. This also does not meet the criteria.

He did not learn lesson two. The President's programs are well-intended, but come on, do we really think that 770 programs spending $130 billion per year going through 30 or 40 agencies is going to work better than 760 programs, spending $120 billion? I do not think so. This does not recognize that more money in a failed system is not good policy. This is pouring more money into the same bad system that we have today.

The end result, if we pass what the President wants to do, if we give him more spending, what will these bureaucracies and bureaucrats do for our children?

Think about it. The President wants a building program, so it means that bureaucrats in Washington will now do the building, they will build our buildings at a local level. When we build in Washington, we apply lots of rules and restrictions.

Think about just one thing. when we build buildings and we put Federal dollars in construction projects, in Washington we apply a little-known law called Davis-Bacon. People may recognize that as prevailing wage, which means we have to pay probably higher wages. It means bureaucrats at the local level, individuals at the local level, have to come to Washington to find out the salaries they have to pay their contractors, rather than through competitive bidding.

But another little-known feature of Davis-Bacon, and think about this as we go through the process, Davis-Bacon prohibits the use of volunteer labor. So if you are going to build your school or if you are going to renovate your school, and you say, hey, this would be kind of nice, maybe the government can buy the paint and some of the materials and volunteers can paint our classrooms; if we are going to redo the playground, maybe the government can buy some of the materials and the parents can come and clean up the playground and do some of the construction; sorry, they cannot do that anymore.

Davis-Bacon Federal building laws prohibit the use of volunteer labor on these projects. Not a smart thing, especially when we consider some of the other things the President wants to do.

But we will have bureaucrats who build our buildings. These bureaucrats will then decide about what kind of technology goes in because we are going to put in money for technology, so bureaucrats will decide the technology that goes into the buildings. The President wants to set standards at a national level, which means that he will have a strong role in developing curriculum. He wants to do national testing, so he will test our kids. He wants to certify our teachers, so the bureaucrats in Washington will be certifying our teachers.

We already have programs that teach kids about safe sex, about appropriate or inappropriate drug use. Bureaucrats in Washington are going to continue doing those types of things. Bureaucrats in Washington already decide what our kids can eat for breakfast, what our kids can eat for lunch. We are going to have after-school programs. We are going to have midnight basketball. But other than that, it is your school.

We are going to build the buildings, put in the technology, develop the curriculum, test your kids, certify your teachers, feed them breakfast, feed them lunch, teach them about sex, teach them about drugs, after-school programs, midnight basketball, but hey, other than that, it is your school.

This is an approach that is Washington-centered, making these buildings bigger and more powerful, and we are moving away from parents and teachers and local control. Make no mistake about it, this is a massive shift of power and control to a Washington bureaucracy, away from parents, away from teachers, away from the students, and moving it to people who could not even give you the names of the kids going to the school.

I want to highlight just one other thing that happens here. Remember, our kids cannot read. So rather than going into the classroom and saying our kids are spending 7 to 8 hours in the classroom or 6 to 7 hours in the classroom per day and they cannot read, reading is kind of a fundamental thing, let us take a look at what is going on in the classroom. The student-centered approach would say let us take a look at what is happening with this student, with that teacher in the classroom, and why can this kid not learn to read? We would focus on the classroom.

The Washington approach says, now, let us develop another Band-Aid. Let us develop another program, and let us have tutors. Let us fund the Corporation for National Service to the tune of an extra $200 million. Let me get my pen out. That is $200 million per year. That is how many families paying $5,000 in taxes? That is a family of four. For the next 5 years let us have 40,000 American families pay, not to improve what is going on in the classroom, but to put a Band-Aid on a broken system through the corporation, so they can develop and get what? So they can find volunteers.

Wait a minute. Davis-Bacon and construction, we are going to discourage volunteers; but now for reading, we are going to encourage volunteers. Boy, Washington sure sends some mixed signals. Actually, we are redefining the role of volunteers. We are now redefining volunteers as people who make up to $27,000 per year. That is the Washington bureaucratic definition of a volunteer.

Now, let us go one step further. We are not fixing the system, we are applying a Band-Aid to a system. The only thing that I can say is the President did get one thing right, maybe right in this process. The President had to make a choice. If he believes in doing volunteers in this approach, through a bureaucratic approach, he at least made the right decision, that he was going to use the Corporation for National Service to teach our kids reading. It may or may not work, but we know that they cannot teach our kids math.

The Corporation for National Service, this bureaucracy in Washington with these bureaucrats, the model organization a few months ago had an independent auditing firm come in and say, you know, can your books be audited? Can you tell us where roughly $500 million or $600 million per year is spent, where it goes, how it is spent? It is kind of like the auditors came back and said, sorry, Congress, sorry, oversight subcommittee, asking the kinds of questions we should be asking about where this money is spent, the Corporation for National Service, its books are not auditable.

That is very frustrating, but the President has decided to pour $200 million more into that. We know they cannot teach our kids math. That is a sad enough story as it can be, but we know how AmeriCorps works. Students work, they get paid a stipend. Then they go to college, because they have built up a reserve that says, you know, if you are part of AmeriCorps we are going to set aside money for you to go to college. That money is set aside in a trust fund. This is fairly straightforward. You are part of AmeriCorps. We set aside money. You work, you fill out and complete your time of service, you go to college, AmeriCorps sends a check to the college to help pay your tuition, a fairly straightforward transaction; started from scratch, no new programs, nothing to corrupt the process, it started from scratch.

Bring in the accountants and say, okay, this program has now been working for 3 years. What is the state of the trust account? Are the trust funds auditable? Can you tell us with any sense of integrity who the people are that worked, that actually fulfilled their obligation to receive the college tuition grant, and have we set the money aside, and do we know with any sense of surety that when these people ask for this money, that the right people will be getting the money?

□ 1845

This is not complex math. Fortune 500 companies, a small business person, the little entrepreneur, all of their books have to be auditable each and every year. If they are not, I do not think the IRS would be very happy with them. The Corporation for National Service, not only are its regular books not auditable; the fund that it started from scratch, the trust fund, is also not auditable.

But you can be sure of a couple of things. Under this model, even though it is absolutely miserable performance, where the books are not auditable, it is a first level of integrity that you have to have in any organization that, even though the books are not auditable, that the trust funds are not auditable, you can be sure that the bureaucrats will receive their salary, that the people who administer these programs at a State and local level will receive their salaries. And that is just a sad example that, even though when we do not get the results at the level of the student through these 760 programs, we do not get the level of performance or results that we need at a student level, bureaucrats and bureaucracy will continue to be paid. And under the current model that we have today, where people, some people believe that more is better, not only for miserable performance but the Corporation for National Service, when they cannot keep their own books, is going to, the President wants a $200 million increase, somewhere in the neighborhood of a 33- to 50-percent increase in their annual funding. That is the reward for not meeting the basics. Think about it. That is in Washington, that is the reward for doing a lousy job. We go back and ask you to do more.

Mr. Speaker, it is about time that we rethought the model and went back to parents and teachers. The difference here in Washington is when we cannot keep the books on an $800 million program, now in my home town the mayor invited my wife and I to a dinner. And we went to dinner and saw that many of the other council members did not have their spouses along.

After a few minutes I kind of asked him, I said, why is my wife here and there is a couple of other wives, but why aren't some of the other spouses here? The answer was, well, every dinner costs us $11 and we really do not have it all in our budget.

At a local level, people are worrying about dollars, $10, $100, $1,000; $1,000 is a lot to many people at the local level. In Washington when a $400 million, $600 million agency cannot keep its books, remember what that means. It means that we cannot tell where the money is going or whether the money has been used for the intended purpose that Congress allocated that money to that institution for. When an organization in Washington says we cannot tell you where the money went, our response is: Great job, we need your help, we are going to expand your role, and we are going to give you $200 million more.

Mr. Speaker, that is why this system feeds bureaucracy, feeds bureaucrats and has at the end of its system, way down at the end is a student. That is why in Washington today, when the dollar comes into Washington, the bureaucracy sucks up 35 to 40 cents of every dollar and never lets us get it back to the student.

I just want to give one more anecdote about why we do not need a million new tutors in Washington. It is already being done. The State of Delaware had a hearing in Delaware, has one Congressman. There are 434 of us, 435 of us. In one congressional district, the State of Delaware, they already have 5,000 volunteers. And do you know what? It is because parents and teachers wanted to help students, and they made the decision all on their own.

What we now have in Washington is saying, they cannot do that. They need a bureaucracy to tell them. Let us spend $200 million doing that and we do not. In my hometown, churches are embracing schools. They are sending tutors in, professionals are going in and helping children. It is already happening. We do not need to move $200 million. We do not need to move $5,000 from 40,000 American families to Washington to get tutors to our kids. It is already happening.

Mr. Speaker, if we take a look at some of the other things that we learned about what the President is proposing from our hearing in Delaware, Delaware had some problems with education. They are making a turnaround. The Governor talked about and many other witnesses talked about what is enabling Delaware to make a difference. Now no, it is not more Federal programs. Like I said, with tutoring they made the difference on their own without any Federal help. Local ownership is what enabled them to produce excellent standards. They worked on developing standards.

They do not need a Federal mandate. They do not want national standards. Federal standards, the President wants to establish standards and work on curriculum and wants to do it in a Washington bureaucracy. What did we learn about standards? Think about what a standard is. A standard is what we are going to tell and teach this student in a classroom. It is one of the most important things that we have in education.

What do we expect this student to learn during this period of time in the classroom, working with that teacher and this parent? There are some that believe that we can develop these standards in Washington, funnel them through some bureaucrats and put it to the student. Sorry. Delaware's experience says, this is a very important issue. When you are talking about this student, when you are talking about this parent who knows the name of this student and that teacher who cares about that student, they are not real interested in a standard coming from Washington. They want to be an active participant in designing the standards for what that student will learn. They may want some help from outside agencies talking about what other people are doing, but they want to work through that process.

Mr. Speaker, in Delaware they went through it. They took 3 years to develop standards. But at the end of that 3-year process, parents, students, and teachers are brought in and agree with much of what was developed because they were involved in the process. A parent understands why there are certain criteria. They understand what is going on be taught and how it is going to be taught. It is a difficult process, but when you are dealing with education and you try to cut the corners and when you try to cut out parents and when you try to cut out teachers, it just does not work.

There is no way a Federal mandated standard will ever work, and, if the Federal mandated standard does not work, Federal testing will never work because what parent is going to feel good about a national test based on a national standard that they do not buy into. We need parents involved in this process, and we cannot short-circuit this process through a bureaucracy.

Mr. Ferguson, the acting State superintendent, said, regarding their standards, the important thing about these standards is that they are our standards. They are the standards of this community. They are the standards of this State. They are the standards of this parent and these teachers, and they were not given to us, they have a sense of ownership.

We have gone around the country. We have taken a look at all different kinds of innovations. We have seen that the wonderful thing about working on this project is on a national basis you hear some of the horror stories about what is going on in education and we are concerned about that.

The other thing that we are seeing is whether you are in New York City, whether you are in LA, whether you are in Phoenix, whether you are in Chicago in a public housing project, whether you are in Cleveland or whether you are in Milwaukee or Detroit, or whether you are in west Michigan, we are seeing some great schools. The thing about these great schools is that in most cases, if not all cases, in those communities parents, students and teachers have been given the flexibility to design the school and the system that works for them.

Mr. Speaker, they are not facing a mandate. This is the kind of school that you need to have. They are working on designing things because in each of those areas the schools need to be different because the needs of the students in each community are different. Not the need for what they are going to learn, they need to learn the same kinds or similar things, but where they come from, the environment that they come from, and so each school has different challenges. Each school has different opportunities and communities need the flexibility.

That is why you see charters. And the charters in Delaware are different than the charters in Delaware, which are different than the charter schools in Phoenix and these choices in local communities. The choice in Delaware allows full public school choice so a parent can choose the program and the school and the curriculum that best meets the needs of their child. It is enabling parents to become consumers of education. It is empowering parents. It is empowering students and it is empowering teachers.

One of the most exciting things that is happening is that the National Education Association, the National Education Association, the organization that represents teachers, they are going to get involved in the charter school effort. They are going to start I believe four charter schools in different parts of the country. If anybody should be establishing charter schools, I want our teachers to do it. They should be more knowledgeable and better equipped about what needs to go on in the classroom than almost anybody else in our society, those front-line teachers. I am excited about the opportunity and the learning that we can achieve when the National Education Association sets up its charter schools and how that may be a catalyst for learning and for change that can just go throughout our entire public school system, unleashing teachers from the rules and the regulations and the bureaucrats and the bureaucracies that have been defining for them what they need to do, rather than empowering them to do what they want to do and how they can best help their kids.

Can you imagine empowered teachers working with consumers of education, parents, all focused on what the student needs? What a wonderful opportunity to improve education in America and what a much better picture and what a much more optimistic picture that is for America and American education than one which focuses on bureaucracy and bureaucrats.

ARTS AND EDUCATION

The SPEAKER pro tempore (Mr. GEKAS). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 60 minutes as the designee of the minority leader.

Ms. SLAUGHTER. Mr. Speaker, I rise today to talk about one of the best things that we can do in education for our children. It has been proven over and over again what a wonderful effect it has on them.

Would it surprise you to know that a child in a school in the United States that has 4 years of arts programs, the verbal scores on the SAT's go up 67 points and the math scores go up 45? Would it amaze you to know that the most important thing we can do to cut the dropout rate and the absenteeism is to have children participate in art, proven over and over and over again.

One of the most important ways that we can give a child self-esteem, and so many of them need it, is to give them the ability to create. And once again, we have learned over and over and over again that children who create do not destroy.

All this is done in simple programs in schools all over the United States. And every parent that has ever put on the refrigerator door the drawing brought from home or the little plaster cast of the hand, the things that we keep forever, I think probably everything that my children ever touched is stored away in a box somewhere where I like to take them out and look at them for my memories, every parent who has ever experienced that knows the wonderful feeling that that child has of being able to create and to express.

We are losing whole generations of children these days to violence, to absenteeism, to disinterest, the inability to learn.

□ 1900

What happens? A country faced with problems like that, that says at the same time we are going to turn our back on the one simple cheap thing that we can do to benefit these children. Does it work? You bet.

I wrote legislation to educate homeless children in the United States. It is an astonishing fact that every day in this country between 750,000 and 1 million children are homeless. It is not their fault. Their parents used to work; they just do not anymore.

A lot of people do not understand what homelessness means to a child. They can go to a shelter, but they can only stay there a certain number of days and then they have to move. Or they can live in a State park or a local park maybe 2 weeks, and then they have to move. It is in every respect a nomadic existence.

So we have these numbers of children in the United States unable to get their education, because many times they do not have their birth certificate. It was always a very important thing for us in the United States. No child went to school without their inoculations, their birth certificate, and a permanent address.

This was not an indigenous population in the United States. We had never really took any plans or even discussed any plans on what we would do about kids without a permanent address or who maybe lost their birth certificate in one of those many moves they had to make. So a family that is confronted, let us say, with putting food on a table or duplicating a birth certificate for $10, logically and sensibly is going to opt for food on the table for the children.

So we wrote a little piece of legislation here that said we do not care whether they have their birth certificate or not. We know they are born, they are standing in front of us. We want them educated. The United States cannot go into the next century with children who are unhealthy, untrained, and uneducated.

One of the most important things, again, that has been important to this population and consequently to us is the arts programs, is that we were able to provide these children with the ability to be able to express themselves, to be able to deal with what had happened to them, for the first time to be able to open up to a stranger as they discussed the work that they had done.

So the United States over the years has decided that art may not be too important to us, or that maybe it is only for the rich people who want to go to the museums or the art galleries, and for the rest of us it does not really matter. Well, we could be meeting here in a Quonset hut but we are not.

We are here in a work of art that every day makes all of us who work here not only understand how lucky we are to have been elected, but how blessed we are to work in this building with the American eagle overhead and our first President's wonderful portrait by Stuart over there that every schoolchild knows. The first thing that occurred to me when I got here was that was the original. We have Lafayette over here on the other side and all the wonderful carvings of people who have come before us.

What is it that really tells us what kind of a nation, one that has disappeared off the earth, was like? When we excavate, how do we determine whether they were enlightened, whether they were civilized? Simple. By the art they left behind.

How do we explain to children growing up in the United States what it was like for the pioneers, the people in Conastoga wagons, the people who opened up the West, the patriots? By the art left behind. This Capitol is full of it. This city is full of it. This city is in many ways a work of art.

Can this country afford to be the only industrial country on the face of the earth that determines that art is not important? I do not think so. There is not an industrial country anywhere on the planet that does not have a national budget for the arts; sometimes 1 or 2 percent of their total budget.

What do we do? President Nixon started the National Endowment for the Arts because he thought the United States ought to make some statement as well. And over the years we have whittled away at the money and whittled away at it until now, this year, we are being asked to pay $136 million for arts programs in every nook and cranny in the United States, $136 million, which is a great deal less than the United States spends every year for military bands.

It does not amount to a whole lot in the scheme of things when we think about what it does. Let me give my colleagues some idea of what happens there. Let us talk not about the beauty of it but the economy.

The arts support 1.3 million jobs. The nonprofit arts community generates $36.8 billion annually in economic activity. The arts produces $790 million in local government revenue and $1.2 billion in State government revenue. And for the $136 million that we hope we can vote this year to put in, we will get back almost $4 billion in taxes paid into the Federal Treasury.

This is not an idle piece of work. I know of no other thing in this Government, and I have served three terms on the Committee on the Budget, I promise my colleagues I know of no other expenditure that we make that brings back that kind of monetary return. It just does not happen.

So if we add to that what we can do for the children in school, something that we struggle every day with, and we just heard the previous speaker talking about children not being able to read or to talk and all these kinds of things, we can see that some of these programs can open them up and help them to do that. Why would we not want to?

Now, I am not going to ask anyone to take my word for it, because I do not altogether understand it myself. But there is a direct correlation between dance and math. No two ways about it. Today, classical music is supposed to stimulate some part of the brain and that then that individual will have a better idea of spacial concepts. That is wonderful.

We do not know how all this works, but we are right now in the decade of the brain. All these wonderful studies have been taking place and we see how certain parts of the brain light up under certain stimulation and we have found out so much.

We have found out, for one thing, that we have to begin at birth, with a baby, to stimulate it, to educate it. We have a short window of opportunity, really, to open up that little mind to be everything that it can be.

It is critically important that we look at the United States and whether we are going to be a participant in this, in this decade of the brain, or are we again going to turn our backs on it.

Mr. Speaker, I want to yield 4 minutes to the gentleman from Georgia [Mr. LEWIS]; and then we will next be joined by my colleague from California [Mr. FARR].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and my good friend from New York [Ms. SLAUGHTER] for holding this special order.

Mr. Speaker, in 1965, Congress established the National Endowment for the Arts. The idea behind the endowment was to create a climate for freedom, freedom of thought, freedom of imagination. Congress found that while no government can create a great artist or a great scholar, it is necessary and appropriate for the Federal Government to encourage freedom of thought, freedom of expression. I believe that we must provide the resources to support these freedoms.

Since that time, our Nation has changed dramatically. We have witnessed what I like to call a nonviolent revolution with the civil rights movement. We have seen a technological revolution in all areas of society. We have seen our Nation grow and really change.

Mr. Speaker, I grew up in rural Alabama, in an area without a telephone, without running water, without power. My father was a tenant farmer, a sharecropper. He was not allowed to vote or sit in some public places. But today we can fly through the air like a bird and swim through the water like a fish. We put a man on the Moon. We communicate by satellite, by computer on the Internet.

These revolutions—our social revolutions, our cultural revolutions, our revolutions in science and technology, are the results of our collective imagination as a Nation, our sense of direction and our need for growth and change.

Throughout history, as the Nation has grown and changed, it is imagination, it is art, that has uplifted us and guided us and defined us. It is imagination that has made our dreams come true.

Just 2 weeks ago I had a great experience, a wonderful experience. I visited an elementary school in Atlanta called Mary Lin Elementary. I was impressed and amazed by all of the students at this little school. Children as young as 4, in kindergarten, 4 years old, but also children of all ages had drawn pictures of what they understood to be the civil rights movement. These young students, these young bright minds, had decorated every hall in every building with their colorful vision, each drawing different, each drawing unique. Every student was involved. Every student understood something about history through their imagination, through art.

Just yesterday I had lunch with an art teacher from the Atlanta public schools, Ms. Deborah Laden. She told me that she received less than $1 for each student in her class for art education. It is a shame and a disgrace that in a Nation as rich and as powerful as the United States, in a Nation, yes, that has put a man on the Moon, we do not invest more in our children, in their ability to dream dreams and to share and express those dreams.

In the same way children learn through art, we all are inspired by professional artists and others who have taken time to explore human existence and human history. It was President John Fitzgerald Kennedy who once said,

> Behind the storm of daily conflict and crisis, the dramatic confrontations, the tumult of political struggle, the poet, the artist, the musician, continue their quiet work of centuries, building bridges of experience between people, reminding man of the universality of his feelings and desires and despairs, and reminding him that the forces that unite are deeper than those that divide.

President Kennedy went on to say,

> I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist. If art is to nourish the roots of our culture, society must set the artist free to follow his vision.

Today, more than 35 years later, these words are more important than ever. We are in the midst of the information age. Our workers must be able to learn quickly. They must be imaginative thinkers and creative individuals. They must handle the tools of technology with a sense of philosophy, a sense of history, a sense of vision, a sense of community.

With a modest investment, just a little bit, a modest investment, we can help fill in the gaps of American education and encourage art education in our schools. With a very modest investment, we can help decorate every hallway of every school in every State with creative vision of our youngest minds, uplifted and inspired by their own imagination and the imagination of each other.

These young children, because of art, because of their imagination, may grow up to be visionaries, to be scientists, artists, doctors, lawyers, ministers. These young children will lead us into the 21st century.

Some of my colleagues today may ask if we can afford to invest in the arts. Our answer must be, how can we afford not to? Free the artists, provide the necessary resources, let the imagination, the minds run wild. It is what our country, it is what our society is all about.

Mr. Speaker, I thank the gentlewoman again for holding this special order on the arts.

Ms. SLAUGHTER. And, Mr. Speaker, I thank the gentleman for his participation. That was wonderful and I appreciate that very much.

Now, Mr. Speaker, I would yield to my colleague from California, [Mr. FARR] and we will have a few discussions here on this same subject.

□ 1915

Mr. FARR of California. I thank my distinguished colleague from New York for yielding, and the Speaker tonight. We spent a wonderful weekend in his beautiful State of Pennsylvania.

Walking over to the Capitol tonight to join in this colloquy on the arts, I could not help but think as I looked up at the sky and saw the crescent Moon up there, just the wisp of a crescent Moon over the Capitol, how this building is indeed a living museum of art. It is a living museum of history, a living museum of democracy in the United States. Yet more than ever what this building demonstrates is the creative talent, the historic talent of this country displayed in paintings, displayed in photographs, displayed in works of sculpture in Statuary Hall, displayed in the architecture of the building, displayed as a symbol to the greatest democracy in the world.

And yet Members who serve in Congress like to think that there is an option in this country, that arts are essentially a disposable commodity, that it is something frilly. I cannot help but think, as we talk so much about the need for this country's underlying security and its economic creativity, that the most creative aspect of America is in the diversity of its arts. It is the engine of our economy, and where that begins is in schools. It also begins in the home. It also begins in the political families that we live with.

This weekend when we went on the retreat, the bipartisan retreat to talk about how we can bring more civility to Congress, to this House, to this very Chamber we are in tonight, I could not help but think that as the families engaged in this discussion with their children there, that what the leadership of this House provided was essentially a weekend of arts for the children. That is what they chose, as we discussed among ourselves. They chose to give the children art so that the children could be very creative, and every parent blessed that.

And yet some of those parents come here at the same time the next day or this next week or the next month and will do everything they can to discourage the funding of arts through the public sector. What we are about is education in America. What education is about is an educated work force. And what a work force is about is building an economy. And what that economy is about is in a global, competitive society, is being a little bit more creative. It is not just the creative mind. It is the creative fingers, it is the creative toes. Therefore, if we really want this country to be strong and independent, we have got to invest in the arts.

When I was in the State legislature in California, I cochaired the Joint Committee on the Arts. We invested in the arts in California. Why? Not because it was an optional thing to do; it was because industrial development in California demands it. The Los Angeles Chamber of Commerce demands that we invest in arts because they sell arts very well in Los Angeles. San Francisco demands that you invest in the arts because San Francisco is known for its arts.

New York, where you come from, what would New York be without the arts? What would the city of New York be? Look how much money the city puts into it, private sector and public sector money. And yet again where we fail to really commit ourselves to the arts is in our public school education program.

In California we have made it so important that we require that in order to graduate from high school, every student must take at least a year of arts, or we give them the option of a year of foreign languages. Both of those are, we think, skills necessary to compete in the 21st century.

We are here tonight to remind our colleagues that the arts are not a frivolous, disposable commodity in America. They are essential not only to our cultural well-being but to our economic well-being.

I applaud the gentlewoman for her dedication to the arts, for forming the Arts Caucus, for allowing high school children from all over the United States to be in competitive contests in their districts and hang their art here in the Capitol so that they can be role models to the thousands, to the millions of students who walk through this Capitol and see children their own age being able to promote the arts.

I thank the gentlewoman for allowing me to join in on her colloquy on the arts, and I would remind all our colleagues that the arts are some of the most essential products of American freedom in a democratic society, an expression of one's self, of community and of nation.

Ms. SLAUGHTER. I thank the gentleman from California [Mr. FARR].

I yield to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentlewoman for yielding. Mr. Speaker, I rise today to recognize the importance of the arts in our Nation and our communities.

The National Endowment for the Arts, the NEA, and the National Endowment for the Humanities, the NEH, serve important educational, cultural and economic roles in our society. The benefits of the Endowments for the Arts and Humanities have often been overlooked. While much attention has been paid to a few controversial grants, most NEA money goes to support important community programs such as museums, libraries, schools, and orchestras. The NEA is a great investment in the economic growth of every community and country. The nonprofit arts industry alone generates $36.8 billion annually in economic activity and supports 1.3 million jobs and returns $3.4 billion to the Federal Government in income taxes.

In terms of dollars and cents, the United States spends only 64 cents per person to support the arts each year, a level 50 times lower than other industrialized countries. The arts industry attracts tourist dollars, stimulates business development, spurs urban renewal, and improves the total quality of life for our cities and towns.

Additionally, the National Endowments for the Arts and Humanities broaden public access to the arts so all Americans can participate in and enjoy and learn from the arts, improving the quality of life of our children and families. The NEA supports educational programs such as teacher institutes, museum exhibitions and advanced study grants that enrich the cultural livelihood of our communities and our Nation.

Not only do these programs ensure accessibility to our museums, universities and libraries, but they also serve as a vital link to our children's education. These programs are an integral part of our comprehensive education that help broaden the horizons of our children and instill in them a love of learning. They represent our Nation's cultural heritage, creativity, and pride.

Without the assistance of the NEA, various programs vital to my district would not be possible. The Museum of Fine Arts of Houston, the Alley Theater of Houston, the Dance on Tour Program and the Houston Grand Opera would be in jeopardy.

Young Audiences of Houston is another valuable organization which works in my district, that demonstrates the beneficial impacts and contributions the arts have in our communities. Celebrating its 40th anniversary this year, Young Audiences of Houston is 1 of 32 independent chapters of Young Audiences, Inc. that form the Nation's largest nonprofit arts and education organization and the only arts organization to be a 1994 recipient of the National Medal of Arts. Young Audiences is dedicated to educating children through the arts and to making the arts an integral part of the school curriculum.

Young Audiences' highly participatory, curriculum-related arts programs reinforce classroom instruction, foster creative thinking skills, awaken interest in learning and broaden student understanding of world arts and cultures. Emphasis is placed on multicultural programming and on serving children at risk in schools with high need. The arts provide positive role models, enhance self-esteem, foster academic achievement, encourage students' sense of ownership in the educational process and help young people elect to remain in school. Furthermore, Young Audiences contributes to the economic vigor that a healthy cultural climate brings to the city and helps keep Houston in the forefront of arts education reform.

I congratulate Young Audiences on their 40th anniversary and commend them for their dedication to educating children and communities through the arts. The NEA and the NEH are at the forefront in the preservation of our historical and cultural heritage, encouraging the use of technology, strengthening education, and broadening access to the arts for all Americans to participate in and enjoy. Our continued support of the arts will enhance our children's future, their educational development, economic growth and their quality of life.

Ms. SLAUGHTER. I thank the gentleman from Texas [Mr. BENTSEN] for coming and joining us this evening. That was a very important message. We are trying to reinforce what art means to children in making better students, cutting out the dropout rate, all the wonderful things we want for the children at risk.

I yield to the gentleman from California [Mr. HORN], the co-chair of the Congressional Members Organization for the Arts.

Mr. HORN. I thank my colleague from New York. She had done just a splendid job when she chaired the arts caucus a few years ago when I first came here in 1993, and I am delighted that she is reinvigorating it, because there are many Members in this Chamber that have strong support for the arts.

Increasingly in our communities, there is stronger and stronger support for the arts. One of the reasons there is stronger support is that the National Endowment for the Arts has done, on the whole, a splendid job. So has the National Endowment for the Humanities. So has the Institute for Museum Services. These are minusculely funded by the Federal Government, but they make a difference, because we have the opportunity to engage with partnerships at the local level. The match money is very effective in involving people.

I am fortunate in my district, which includes Long Beach to Downey in southern California, Los Angeles County, that we have vigorous arts groups, and we have had excellent support from the NEA. That is very important to our museums. The Long Beach Museum of Art, the California State University Art Museum. All of those have been recognized as having high quality, that involve people, involve young people.

The symphonies in several of the cities in my district go out and reach out into the schools so young people can see what I had the opportunity to see when I was 5 or 6 years old. I did not know much about music at the age of 5 and 6 except the piano and singing around the table with everybody else. But one night in Hollister, CA, population 3,500 at that time, in San Benito County whose total population even though it was 60 miles long was about 13,000 people, to the high school came a wonderful musical organization, a symphony. Everybody dressed in the magical black tie and their instruments shiny. How did they end up in Hollister, CA, where there were not too many people? It is because the Works Progress Administration, the WPA, had funded them to go into the rural areas of our State where all of us were growing up pretty much on ranches, a few grew up in the towns, and they performed some of the great music that night. It made a difference in my life. I decided I wanted to be a music major, which I was through high school. I did not pursue it that much in college because I realized I did not have the world's greatest talent on the French horn. I was OK, but not the greatest talent, and that my desire to be a conductor would probably be a dubious desire, although I had been the conductor of all the student orchestras. But that made a difference in my life, and that has made a difference in millions of young people's lives.

A dean I had at California State University Long Beach when I was president, I made her Dean of Fine Arts, Maxine Merlino. She is in her eighties. She holds the world's swimming championship for her age group. She was doing murals here in Washington, DC in what we know as the Old Post Office down a few blocks from the White House, and those murals are still here, and they are bringing joy to people as they look at those murals.

We can replicate that, in towns, in communities, in rural areas, in mountain areas, and in our great urban areas. It is tremendously important to continue these endowments. We have got a few critics. Yes, they object to 10 grants out of the 100,000 made. That is not bad. That beats baseball's scoring. It beats football's scoring. Obviously when you are in the arts, some things are going to be controversial. That does not mean we need to approve them. Just do not go see them. Go look at something else. Art has different tastes for different people. We have got to remember, this is a country of great diversity, and we need to bring out in the various immigrant groups, as we have in Long Beach with the Cambodian group, the groups from Laos and their beautiful work that is on display in the various museums in the city of Long Beach.

Arts are also increasingly entrepreneurial. Yesterday my colleague from New York and I had the pleasure of sponsoring with several of our colleagues the visit of Bill Strickland from Pittsburgh. He has been awarded the Genius Award of the MacArthur Foundation, and he truly is a genius. He was a young man who could barely read, who dropped out, who took up ceramics and from that artistic career he gained the self-esteem that he needed, and by one chance after the other, he incrementally has built one of the major centers of not only the arts but a number of other things, because one thing led to the other. And he has worked with out-of-work members from the steel mills, welfare mothers and others, and, as we all know, we are talking about the welfare bill in here and how do you get people into the job market that have never had an opportunity to be in the job market? He has shown it can be done.

□ 1930

What has he developed? As I say, he started with ceramics, and pretty soon people sold some of the ceramics work. He trained them as artists. Then he worked with industry, and he had pharmaceutical training, he had television training, he had a whole series of things: flower gardens, horticulture, a catering service developed to feed the students that came to his school, an integrated thing, a small community in one of the worst districts in Pittsburgh where people would often be afraid to even go to an event at night. And in his beautifully designed buildings, which have been the work of both corporations, individual philanthropists and just plain knowing how to make the money in your food operations and your sale of art he has developed a marvelous pinnacle and vista where young people and young and old can come and appreciate what has happened.

Mr. Speaker, I thank my colleague for the time she has given me, and I wish her well in this endeavor.

Ms. SLAUGHTER. Mr. Horn, you know one of the things that he told us yesterday that really stuck with me was that he has this wonderful building and all these students who come there, and they have been there for 10 years, and 2 blocks away is the school that he went to as a youngster, and it has bars on the windows and police cars outside and people patrolling the perimeter. But in his facility two blocks away he said that he needs no guards in the daytime, there has never been any graffiti, and despite all of the important and expensive equipment and things he has inside that building nothing has ever been touched.

Mr. HORN. That is right, and he also said that since he happens to be African-American and the African-American black students that go there, and white students go there, there has never been one incident, not one.

Ms. SLAUGHTER. Once again we just find that arts brings people together and does the kind of thing that we want for human beings, and it really would be dreadful if we made a statement here on this floor that it did not matter to us.

Mr. HORN. And it seems to me that whether it be the WPA Orchestra in 1935 that I saw or the hundreds of orchestras that have benefited from grants from the endowment and their outreach into schools they can change people's vision, and we all know about the books.

One of the professors at California State University Long Beach wrote a best seller called "Drawing on the Right Side of the Brain"; Dr. Betty Edwards of our department of art, and another one on "Drawing on the Artist Within." A million copies of the first book, half a million copies of the second.

People can learn to be artists not necessarily for the commercial aspects but for their own enjoyment, and I have felt for 30 years at least that if we stress the right side of the brain in the schools, not just the left side of the brain, important though that is with mathematics and all the rest, we would build self-esteem in these children, and we would then transfer them into success in some of the mathematical, history, whatever subjects, languages, all the rest. But we need to help people develop their creative talents, and it has made a difference.

Ms. SLAUGHTER. And we find that once that right brain is developed it spills over on to the left-hand side, and, as I pointed out earlier, that just 4 years of art, the verbal scores on SAT's will go up 65 points, and math, 45, and I know of no other thing we can do for these students to get that kind of result.

Mr. HORN. I happened to go to a high school where we had an outstanding music department. We had a 100-piece concert band, a 60-voice choir and a 60-piece orchestra. Now that was in a school of 500 where only maybe 10 out of the 110 graduates went on to college, but it made a difference in peoples' lives to hear Tchaikovsky, to hear Brahms, to hear Beethoven, to have tears come to your eyes. It makes you a human being, and that is what we ought to be encouraging in this country.

Think of this king of this or that country had not been funding money to Beethoven or to Mozart. Those were the patrons of their day two centuries ago. What a difference their music has made in our lives. Mozart died, as we all know, at a very young age, in his thirties, and Tchaikovsky and others had patrons.

Well, there are still patrons for our symphonies, and some large symphonies frankly I do not worry about; they can get the money in a major city. But it is those middle-sized cities and those very small cities that are just beginning in a musical adventure that we need to give encouragement and stimulus to.

Ms. SLAUGHTER. That is the best thing about the NEA. It wants to make sure that every nook and cranny from sea to shining sea has the same opportunity.

I yield now to my colleague, Connie Morella, from Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from New York, my good friend, Mrs. Slaughter, for yielding to me and for the special order on an issue that we all believe is so very important.

I rise, Mr. Speaker, to express my support for the arts and to highlight the important world of the arts and the educational development of our children and the economic growth of our country.

The arts and humanities have absorbed their fair share of budget cuts over the past 2 years. Funding for the National Endowment for the Arts and the National Endowment for the Humanities has been slashed by 40 percent. I oppose any efforts to eliminate or make further cuts in funding for the NEA and the NEH.

I wholeheartedly believe that Government should support the arts, and according to a Lou Harris Poll I am in sync with most of the Nation. The latest Lou Harris public opinion poll concludes that 79 percent of the American public favors a governmental role in funding the arts. Sixty-one percent would pay $5 more in taxes to support the arts, and 56 percent would pay $10 more in taxes for the arts.

Mr. Speaker, 86 percent of America's adults participate in one or more of the arts. Frankly you know that is 33 percent more than participate; by that I mean vote in Presidential elections. Cultural funding is a mere two one-hundredths of 1 percent of our multibillion-dollar budget. We spend 70 cents per person on the humanities, 64 cents per person on the arts, on history, English literature, foreign languages, sociology, anthropology, and other disciplines. Seventy cents a person buys teacher training programs. These programs provide professional development opportunities for our teachers to increase their knowledge in their field and pass it on to their students. It is estimated that the 1,000 teachers who participate each summer in NEH-funded summer institutes directly impact 85,000 students per year.

In Maryland the arts are an important part of the economy. In 1995, for example, the arts contributed $634 million to the State's economy through direct spending by arts organizations and audiences. More than $21 million was generated in State and local taxes paid by arts organizations and audiences, and 19,000 jobs were generated. On our National Arts Advocacy Day, March 11, 1997, members of the Maryland Citizens for the Arts visited Capitol Hill and brought with them a special message: "The arts stimulate economic growth." For every dollar the NEA invests in communities there is a twenty-fold return in jobs, services and contracts.

The arts invest in our communities, the arts develop in our citizens a sense of community, and they contribute to the liveability for families in that community.

The arts are basic to a thorough education. Student achievement and test scores in academic subjects can improve when the arts are used to assist learning in mathematics, social studies, creative writing and communication skills, and I am particularly proud that the chairman of the Maryland Citizens for the Arts is Eliot Pfanstiel who is a constituent of mine.

Mr. Speaker, our legislative agenda could have far reaching implications for the cultural vitality of our Nation. Art is the symbolic expression of who we are. It is how we remember. It is important, even vital, that we support and encourage the promotion of the arts and humanities so that the rich and cultural story of our past can be made available to future generations.

I have often liked the expression that the arts are the border of flowers around the pot of civilization, but I would say they are more than the border of flowers. They really are also the border of nutrients, what we really need for our subsistence and for our cultural vitality and for the greatness of our country.

I thank the gentlewoman from New York again for arranging this special order, and I know she is so important to all of us.

Ms. SLAUGHTER. I thank you so much for being here, and I appreciate your message.

Mr. Speaker, I want to close with two very brief examples of what we were talking about with the revitalization of towns' economy through art. The Northeast has suffered out migration, as you know, over a number of years, and one little town in New York State called Peekskill was really in very bad condition. The downtown area was basically dead, theatres had closed, restaurants closed. It was not much happening there until a sort of spillover from New York City. A famous artist came into Peekskill, and a well-known sculptor took over the old movie theater. It was perfect for his massive work, and galleries began to open, and then there was a massive change in Peekskill. People began to come in droves. The restaurants opened up again because people needed someplace to live, they needed a place to stay, they needed a place to buy gasoline, they needed a place for snacks, they needed things for souvenirs for their children, and that economy was brought back because of the art that was in Peekskill.

Providence, RI has just recently embarked on the same kind of an adventure in their downtown area. They have turned parts of abandoned factories and other buildings into places where performing artists and other artists can work in a group in one square mile of downtown Providence. It has been absolutely an amazing revitalization. It has brought back that city of 160,000 people to life and has stopped the out migration to other parts of the State and to the country.

Art speaks for itself, but I do think it is important for me and for my colleagues to say to you that we are not asking here for anything that is frivolous, for anything that does not pay its own way, for anything that does not help our children in incalculable ways.

So, Mr. Speaker, when art reauthorization comes to the floor of the House, I urge my colleagues to support it, and I hope that everybody in America will as well.

Mr. NADLER. Mr. Speaker, I rise tonight to celebrate the arts in America and to call on my colleagues to fully fund the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute of Museum and Library Services [IMLS].

Whether it is visual art, performance art, music, poetry, literature, or historical preservation, the NEA, the NEH, and the IMLS have all served our Nation well, and America is stronger because of them.

I am proud that my district includes most of the Broadway theater and many of the nonprofit theater institutions, including Lincoln Center and the New York Shakespeare Festival. It also includes the SoHo art galleries, museums, radio and television studios, record and film companies, and hundreds of individual artists, writers, dancers, and musicians. The positive economic impact of this arts community has long been documented. The contributions they make to the economy and to the quality of life in New York is immense. In fact, when people nationally and internationally think about New York City, they often think about its cultural richness.

Other cities are beginning to realize that the arts draw people into the city and provide a valuable economic boost to the local economy. As a result, mayors across the country are rushing to build arts and cultural centers in their own cities and are seeking national support for their efforts. Just as the arts community in New York receives a portion of Federal support, so too should these newly emerging artistic centers. That is just one reason why we will need to increase arts funding to expand the reach of the arts to people throughout the Nation.

Another reason to support the national endowments is the nature of the projects they fund. Let me give you some examples. The NEA supported a consortium project to expand Alvin Ailey's summer dance camps for inner-city youths in Philadelphia and Chicago; the NEA supported a program to create a national model for an integrated kindergarten through sixth grade arts curriculum to improve learning in all subjects and offer new ways to engage students; the NEA supported an initiative to provide music instruction for financially disadvantaged minority children in New York City public schools; the NEA supported a program to teach playwriting to young people ages 9 to 13 in one of New York City's toughest neighborhoods; and the NEA supported a project to produce and broadcast telecasts of the public television series "Live from Lincoln Center." Now it is possible for folks in Wyoming and Indiana, not just New York City, to enjoy Lincoln Center performances. Helping children learn, reaching out to disadvantaged communities, boosting the economy, and providing national access to great performances—this is what the NEA is doing in 1997 to support the arts and to improve America, and that is why we in Congress must continue our bipartisan support for the arts. In fact, more projects like these deserve to be supported by the Federal Government to inspire our young people, to encourage them to nurture their natural talents, and to live up to their potential.

Therefore, not only must we preserve our cultural agencies, but we must increase their funding substantially, so that they can better serve our people.

Without these cultural agencies many beneficial projects would not exist, and America would be weaker without them. Think about how the arts touch and improve all of our lives. One way to do this is to imagine what the world would be like without art. Some have suggested to me that we ought to have a national arts awareness day. A day when we try to live without art. When we wake up without music, when we work in offices without wall hangings, when TV's don't work, when the theaters and opera houses are closed, when museums and libraries don't open their doors, and when even the reading of books is not allowed. A day when all of our national monuments are cloaked in black and art is taken out of our public spaces. The Capitol building itself would have to close down, because in every corridor and on every wall there are examples of public support for the arts—statues, paintings, and historic documents all serve to enrich this building and those of us who work here. Even the thought of a day without art is frightening. So, we must all recognize how integral the arts are to our life experiences, how they serve to improve the lives of Americans, and how they enrich us as a people and as a nation.

The Congress must continue its support for the arts if America, as President Clinton noted in his State of the Union Address, is to remain as a beacon, not only of liberty, but of creativity.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to denounce the shameful war being waged on the arts and humanities. The National Endowment for the Arts [NEA] and National Endowment for the Humanities [NEH] have had fundamental impacts on our lives and our children's lives over the past 30 years. It is difficult to comprehend reasons behind vicious attacks on the very things that enrich our lives through music, art, dance, history, and other means of celebrating culture.

The appropriations process of the 104th Congress severely cut funding for the NEA and NEH. The NEA suffered a cut of 39 percent from $162 million in fiscal year 1995 to $99.5 million in fiscal year 1997, and the NEH, a cut of 36 percent from $172 million in fiscal year 1995 to $110 million in fiscal year 1997. These cuts have forced the NEA and NEH to reduce staff and grants to States, which has hurt local communities in every congressional district.

Some would have gone farther and had these agencies slated for termination—the NEA by September 30, 1997, and the NEH by September 30, 1998. Fortunately, such proposals were eliminated before final passage of the Omnibus Consolidated Appropriations Act of 1997. We must keep them from ever becoming law and prevent the NEA and NEH from being eliminated.

Legislation to reauthorize the NEA and NEH—only to have them phased out—was rushed last year through the formerly named Economic and Educational Opportunities Committee. The arguments used then against both agencies were skewed. Those wanting to eliminate the NEA overemphasized a few, select projects believed improper for the Government to fund. Efforts to typify these projects which make up a very small percentage of all projects handled by the NEA jeopardized all other educational and meaningful theater, dance, orchestra, literature, folk arts, arts education, and many other activities enjoyed in our communities. The NEH was likewise brought into the mix.

Such tactics are still being employed particularly by NEA opponents, despite several changes in the operation of this agency under the leadership of its Chair, Jane Alexander. Throughout 1994, the NEA performed a comprehensive review of grant review and monitoring procedures, tightened guidelines, and eliminated subgranting to third party entities which had allowed projects to bypass strict NEA application review. In 1995, the NEA conducted a reduction-in-force by 40 percent, while being threatened with further restrictions by Congress to eliminate grants to individual artists and abolish seasonal operating support to organizations. These additional restrictions became law in April 1996, following weeks of an unprecedented Government shutdown, included in the omnibus appropriations bill. At the end of 1996, the NEA released its first round of grants under a newly revamped grant structure, approving more than 300 projects totaling almost $18 million.

The NEA has clearly been responding to direction from Congress to rework the way it operates. It is wrong for this agency to be further subjected to unreasonable scrutiny and criticism.

Similar hostility toward the NEH is unwarranted and unjustified.

This Congress must approve President Clinton's request to restore funding for the NEA and NEH to adequate levels at $136 million for each agency. Many State budgets are already strained and cannot substitute for Federal support for the NEA and NEH.

In fiscal year 1997 in the State of Hawaii alone, the NEA funded the Hawaii Alliance for Arts in Education at $50,000 for Hula Ki'i—a complex of Hawaiian traditional arts to be integrated into school curricula on the islands of Moloka'i, Oahu, and Kaua'i. The NEA has also funded the State Foundation on Culture and the Arts in Honolulu to support a 2-year statewide traditional arts apprenticeship program and production of a radio series featuring documentary interviews with apprenticeship participants. I find these and other projects given grants in the past to be very worthwhile and valuable to residents of Hawaii, as well as tourists visiting my State.

The NEH has, since 1977, approved challenge grants to Hawaii totaling $910,700, which has allowed humanities institutions to raise more than $2.7 million in private funding.

For example, Hawaii Pacific University is using a $575,000 NEH challenge grant to raise more than $1.7 million in private gifts for a self-sustaining endowment that will support a visiting professorship in the humanities, a senior chair in world history, and information technology acquisitions. NEH also helped in the wake of destruction caused by Hurricane Iniki by making eight emergency grants to damaged libraries, archives, and museums totaling $202,000.

We must continue to support the NEA and NEH on the merits of positive impacts these agencies have in our local communities. I urge my colleagues to support restoration of funding for both agencies, and continued dedication to arts and humanities.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in expressing my support for continued Federal funding for the arts, which play a critical role in our communities and our schools. I would like to thank my colleague from New York, Congresswoman SLAUGHTER, for scheduling this special order.

As a member of the Congressional Arts Caucus, I take a special interest in protecting the future of art programs. Because most cultural programs cannot survive solely on private funding, we must continue to ensure they receive adequate public support.

The arts play an essential role throughout our Nation, in both rural and urban areas. In my district of Queens, I am pleased to represent a number of theaters, museums, and dance groups who enrich our neighborhoods with their talents. Funding cuts would be devastating for these organizations. In fiscal year 1997, I was pleased to see 12 cultural groups in my district received Federal grants for their projects. In addition, I have been pleased to participate in the congressional art competition, where one of my young constituents, Ji Mi Yang, was the most recent winner from the Seventh District. I look forward to participating in this competition again in 1997.

Art programs play a vital role in our communities and in our schools. By enhancing art programs in our schools, we encourage the creative side of students while producing more well-rounded, self-confident individuals. Art programs enhance our communities. People of all social classes enjoy music, theater, art, and dance. Bringing these enjoyments to our neighborhoods strengthens the local economy while enhancing cultural understanding.

President Clinton articulated his strong support for the arts and humanities during his State of the Union speech. Recently, the President's Committee on the Arts and Humanities released a report, "Creative America," which reemphasized the need to support art programs and made several recommendations for strengthening cultural support in our society.

During the 105th Congress, we will continue to debate the future of Federal funding for the arts and I urge my colleagues to join me in continuing to support funding for vital cultural programs.

Mrs. MALONEY of New York. Mr. Speaker, what I have found to be most inspiring in my life is the act of giving from people and organizations that have very little for themselves. This exemplary behavior is often exhibited by citizens in our nonprofit groups who, despite serious budget constraints, seem to be able to reach down deep and come up with a little more for those around them. The NEA and NEH are two such agencies.

The U.S. Conference of Mayors has again written a letter urging the President, Speaker NEWT GINGRICH, and Speaker LOTT to consider that,

> The arts and humanities serve as an essential and forceful vehicle to educate our citizens, help our struggling youth, spur economic growth in our communities, and bring us together as a nation.

And I could not agree with this sentiment more.

As a proud Representative of one of the world's most celebrated cultural centers, I am appalled that this body would consider zeroing out funds for two of the most judicious and economical organizations by any business' standards. The fact is, that since the 40-percent reduction in arts funding, the American public spends only 38 cents per person to fund the largest cultural voice in America. The fact is, all other developed nations spend more than 2 to 10 times as much as the United States. The fact is, through its public-private partnerships, the NEA draws roughly $12 for every $1 in Federal funding it is awarded. The fact is, the arts have generated billions of dollars through many of our industries and return over 10 percent of what it earns through taxes. The fact is, the nonprofit arts industry represents nearly 1 percent of our work force.

There are many, many more economic reasons to support the NEA and NEH—we all know them, and yet the Republican leadership is still on the warpath to kill Federal sponsorship of the arts. As far as I am concerned, the fight to end our Federal arts institutions is yet another assault on children. These are not the children of the privileged as the Republican leadership would have us believe, but the kids who are, at their best, culturally deprived, and at their worst, at-risk youth with little in their life to keep them going.

I am extremely honored to serve and be served by what I consider the single greatest arts region in the world. New York City is not only revered for its famous collections and prosperous operas and dance productions, but because it has a rich tradition of sharing these treasures with those less fortunate within the community and throughout the United States. The wealthy will most likely always have their cultivation, but Federal dollars through the NEA and NEH provides access for those who would not. And even though Harris polls still show that Americans want higher investment in the arts, I think that we have no idea how these agencies touch our lives.

We can find so much waste in our Government departments, not least of all Defense, but the NEA and NEH have the most flawless budgetary records. The radical right has been very clever in distorting small glitches in NEA grants and have purposely misled the public. In reality, the NEA and the NEH are the greatest gifts we can offer our children and future generations and one of the most generous outreach services we can provide to the public.

I think it is important to remember that only positive energy comes from these programs. We cannot lose when we invest in the arts. This meager investment helps us to learn more about our history and ourselves and conveys to us our common humanity and I would loathe to see the dying of this outstanding legacy.

I fully stand by the President's decision to restore funding to these agencies to what they were a few years ago and am pleased to stand with my colleagues from across the aisle who understand what the value of these agencies is to the greatest Nation in the world. I would also like to thank my friend and colleague, LOUISE SLAUGHTER, for her tireless efforts in defending the arts and for her most recent undertaking in rejuvenating the Congressional Member Organization for the Arts.

Please support including the arts in our national agenda by fully funding the NEA, NEH, and IMLS at the President's suggested levels.

Mr. LAZIO of New York. Mr. Speaker, we often lose sight of the positive effect that music, painting, theater, and dance have on our lives and the lives of our children. With that, I rise today as a reminder of the importance of the arts.

Beyond the metropolitan theaters and museums, the arts touch our remote suburbs and rural areas through dance troupes and local choirs. Folk art festivals across the country provide an arena for creative expression that might be overlooked by the commercial arts industry. These local initiatives, in turn, spur the economy through increased tourism, and encourage a sense of community.

In my home county of Suffolk, NY, approximately 100 arts organizations employ 400 full-time employees and over 2,000 part-time employees. The arts generate nearly $150 million in revenue for that county alone.

However, exposure to the arts does much more than expand the job market. Support for the arts carries over into the classroom and the workplace. Recent studies have shown higher SAT scores among high school students with an art background and stronger math skills among children who study music at an early age.

Perhaps more important are the analytic and creative skills developed through involvement with the arts. These skills not only help children excel in our classrooms, but help adults excel in the workplace. Think of your own office. Just as we in Congress expect innovative thinking from our staff, all industry relies on resourceful and imaginative workers to remain strong.

The arts have the potential to enrich the lives of all Americans. Without our support, they may simply become the privilege of an urban elite. I urge my colleagues to consider the many benefits of the arts.

Mr. CONYERS. Mr. Speaker, tomorrow the Appropriations Subcommittee on Interior will receive testimony on fiscal year 1998 appropriations for the National Endowment for the Arts. These are very important deliberations. I believe they will provide a very important barometer as to whether the 105th Congress will return this body to a course of bipartisan sanity and civility.

I believe those who pursued a strategy of defunding and dismantling the NEA in the 104th Congress made a mistake. I believe those who seized upon a few questionable grants to attempt to undo what has been achieved in 31 years, with consistent bipartisan support, were misguided. I hope that this Congress will reverse that course and support the President's proposal to strengthen the NEA.

I believe efforts to defund the NEA in the 104th were bad public policy. It was bad public policy because it was indiscriminate in its effort to correct a perceived wrong. If indeed the peer panel review system, in a few instances, made decisions of questionable taste with regard to what the American people would want to support with public funds, that was not a sufficient reason to reduce the NEA's appropriation by nearly 40 percent.

When we reflect on what the arts mean to this society, I think we will all see that supporting the NEA is something on which we should all agree. We need to reflect on the power of the arts to bring the many ingredients of the American melting pot, or as Marc Morial, the mayor of New Orleans, recently called it, the American gumbo, together in savory harmony.

This harmony is not always easy or obvious. Nevertheless, I can't think of anything else that is more in the national interest than the promotion of understanding and the exploration of the complexity of our identity. As the agency best equipped and most directly tasked to encourage the purposes of art, the NEA should be treated as a budgetary priority, not as a budgetary luxury. The NEA should not be viewed as expendable because it is, in fact, essential.

Do we really want to jeopardize programs like the Mosaic Youth Theater of Detroit, an afterschool program that develops young theater talent in a multicultural setting? Through this program young people receive movement and voice training. They are instructed in scriptwriting and technical production. They create original works and apply what they have learned in performances at community centers, hospitals, and nursing homes. Through a 1-week residency at a college campus, these youth are exposed to university life. I submit to you that this program is far more typical of what the NEA supports than the handful of grants that were used to shock the 104th Congress into reducing support for that agency.

The American people have made it clear that they want change, and that they expect this change to spring from bipartisan efforts. Americans want thoughtful change. In the 104th Congress, NEA funding came under indiscriminate attack. Fortunately, these attacks were moderated, and I look forward to working with my colleagues in the 105th Congress to further show our support for the arts.

As a result of NEA funding cuts in the 104th Congress, my district, the 14th District of Michigan, received exactly zero in direct funds for fiscal year 1996. NEA funding for Michigan went from $697,000 in fiscal year 1995 to $520,000 in fiscal year 1996, a reduction of 25 percent. By the way, these levels of funding demonstrate just how specious the budget-busting argument is when applied to the NEA. One needs the most powerful of electron microscopes to find such amounts in a Federal budget that has topped $1.5 trillion in the last several fiscal years.

As many of you know, I have had a longstanding and deep commitment to American music, especially jazz. The downsizing of the NEA, dictated by the 104th Congress, led to an elimination of the NEA's music program and of all individual grants to jazz artists, with the exception of the Jazz Masters Awards.

How does that sound? The world's greatest democracy eradicates its music program? The world's greatest democracy eliminates funding for individuals who travel the globe as cultural ambassadors, demonstrating in their very art the superiority of the democratic form of government? I would say it sounds like the Nation's leading arts agency was forced to virtually abandon what the 100th Congress, in House Concurrent Resolution 57, which "designated as a rare and valuable national American treasure * * *."

I am sure that there are thousands of artists and creative workers of all disciplines who feel similarly abandoned. I hope that the 105th Congress will be remembered for many positive achievements, foremost among them, the restoration and strengthening of the NEA.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

INTRODUCTION OF THE JAMES GUELFF BODY ARMOR ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized for 13 minutes.

Mr. STUPAK. Mr. Speaker, before the gentlewoman from New York retires from the floor I would just like to add that as a member of the congressional arts caucus I certainly do support her position here tonight, and I enjoyed listening to her special order, and I would just like to add that I think that the arts signify the heart and soul of a nation and its people, and the U.S. Congress should continue its funding of the arts and humanities, and I join with you in that effort.

Mr. Speaker, I rise tonight to announce that last week I reintroduced legislation which would prohibit the mail-order sale of bulletproof vests and body armor to all individuals except law enforcement or public safety officers. My legislation, H.R. 959, would require that the sale, transfer, or acquisition of body armor to anyone other than law enforcement or public safety officers be conducted in person. In essence, what my bill does, it prevents the mail order of body armor. You can still purchase it, but you would no longer be able to purchase it through the mail.

My bill is entitled the James Guelff Body Armor Act of 1997 and is named for a San Francisco police officer named Guelff who was killed in 1994 by a gunman wearing a bulletproof vest and Kevlar helmet. More than 100 police officers of the San Francisco police department were called to a residential area where the gunmen fired in excess of 200 rounds of ammunition. Several officers actually ran out of ammunition in their attempt to stop the heavily armed gunmen and heavily protected gunmen. Mr. Guelff, who was killed, was raised in my northern Michigan district in Marquette, MI.

□ 1945

As a former law enforcement officer, I know all too well the challenges confronting those who serve to protect public safety and fight crime. We all saw the vivid and terrifying film from the botched California bank robbery last week, demonstrating that body armor gives criminals an unfair advantage during gunfights with police. Eleven Los Angeles police officers and six civilians were injured in that gunfight. Thousands of rounds were fired by two criminals, both of whom were wearing full protective body armor.

Witnesses from the crime scene reported that the bullets fired from the police officers' guns bounced off the bank robbers and mushroomed as they fell to the ground. Had my legislation become law in the 104th Congress, it would have made it more difficult for those criminals to obtain body armor that protected them during the gunfight with police.

We just do not have to look to California for examples of the way criminals use body armor. Last year in Michigan a 14-year-old driving a stolen car in the early morning hours was dressed in body armor from head to toe. You do not need body armor to steal a car, and police believe that the youth was going to kill an individual. It was a contract murder.

I have heard from law enforcement officers all across America about the increasing occurrences of drug dealers and other suspects who possess and use body armor in their confrontations with the police. Criminal elements are being transformed into unstoppable terminators with virtually no fear of the police or other people who are trying to apprehend them. These heavily protected criminals are capable of unleashing total devastation on civilians and police officers alike, and the increasing availability of body armor in the wrong hands portends a future of greater danger to America, greater danger to the American people, and a growing threat to our institutions.

For the past 3 years now I have advocated the passage of this legislation. Despite some verbal assurances, the chairman of the Subcommittee on Crime, the gentleman from Florida, has not allowed a hearing on my bill. I hope he will now reconsider.

So tonight I urge my colleagues and the folks listening at home to support and urge their Members of Congress to cosponsor my new bill, H.R. 959. It is a good step toward making our streets safer for America and the law enforcement community. Let us quickly pass my new bill, H.R. 959, and prevent these kinds of gunfights from happening in the future.

I would like to give special tribute tonight to police officer Kurt Skarjune for his continual efforts in helping me in our effort of trying to ban the sale of mail-order body armor. I hope the U.S. Congress will join with me and Officer Kurt Skarjune in this 3-year fight, and hopefully we can have the mail-order body armor banned so no one can obtain it through the mail.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). The Chair would remind the gentleman that his remarks should be confined to the Chair and not to the listening audience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KAPTUR (at the request of Mr. GEPHARDT) for March 11 and 12, on account of personal business.

Mr. COBLE (at the request of Mr. ARMEY) for today until 3 p.m. on account of Committee on the Judiciary business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.
Mr. SKAGGS, for 5 minutes, today.
Mr. LAMPSON, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, on March 13.
Mr. DUNCAN, for 5 minutes, today.
Mr. GOSS, for 5 minutes each day, on March 13 and 18.
Mr. MICA, for 5 minutes, today.
Mr. SENSENBRENNER, for 5 minutes, today.
Mr. SCARBOROUGH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. LEVIN.
Mr. SCHUMER.
Mr. BENTSEN.
Mr. HILLIARD.
Mr. VISCLOSKY.
Mr. SMITH of Washington.
Mr. HAMILTON.
Ms. SANCHEZ.
Mrs. MINK of Hawaii.
Mr. WISE.
Mr. ACKERMAN.
Mr. DOOLEY.
Mr. PASCRELL.
Mrs. MALONEY of New York.
Ms. NORTON in two instances.
Ms. JACKSON-LEE of Texas.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Ms. DUNN of Washington.
Mr. RADANOVICH.
Mr. GOODLING.
Mr. STEARNS.
Mr. PAUL.
Mr. DEAL.
Mr. GEKAS.
Mr. BARRETT of Nebraska.
Mr. HERGER.
Mr. OXLEY.
Mrs. NORTHUP.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 5. A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

ADJOURNMENT

Mr. STUPAK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, March 13, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

2209. A letter from the Department of Defense, Director, Defense Finance and Accounting Service, transmitting notification of the Department's intent to conduct a cost comparison study of all Department of Defense Education Activity [DoDEA] finance, accounting, and disbursing functions, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2210. A letter from the Department of Defense, Under Secretary for Acquisition and Technology, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during fiscal year 1996, pursuant to 10 U.S.C. 2350a; to the Committee on National Security.

2211. A letter from the Department of Defense, Director, Test, Systems Engineering and Evaluation, transmitting a letter notifying Congress of the intent to obligate existing fiscal year 1997 Foreign Comparative Testing [FCT] funds for an out-of-cycle FCT project designated "Digital Voice and Data System," pursuant to 10 U.S.C. 2350a(g)(3); to the Committee on National Security.

2212. A letter from the Department of Defense, General Counsel, transmitting a letter informing Congress of a delay in the establishment of a panel to review the various authorities for court-martial and nonjudicial punishment for the National Guard, when not in Federal service, and the use of those authorities; to the Committee on National Security.

2213. A letter from the National Skill Standards Board, Executive Director, transmitting the report to Congress on the activities of the Board from October 1995 to January 1997, pursuant to 20 U.S.C. 5936; to the Committee on Education and the Workforce.

2214. A letter from the Department of Energy, General Counsel, transmitting the Department's final rule—Policy and Planning Guidance for Community Transition Activities—received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2215. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's "Major" final rule—Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act—Competitive Bidding (Second Report and Order, WT Docket 96-18 and PP Docket 93-253) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2216. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's "Major" final rule—Promoting Wholesale Competition Through Open Access Non-discrimination Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Order No. 888–A) and Open Access Same-Time Information System [OASIS] and Standards of Conduct (Order No. 889–A) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2217. A letter from the Securities and Exchange Commission, Secretary, transmitting the Commission's final rule—Anti-manipulation Rules Concerning Securities Offerings (Release Nos. 33–7375; 34–38067; IC–22412; International Series Release No. 1039; File No. S7–11–95) (RIN: 3235–AF54) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2218. A letter from the Defense Security Assistance Agency, Acting Director, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the first quarter of fiscal year 1997, October 1, 1996—December 31, 1996, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2219. A letter from the Agency for International Development, Senior Deputy Assistant Administrator, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

2220. A letter from the Department of the Treasury, Chief Counsel, Office of Foreign Assets Control, transmitting the Department's final rule—Narcotics Trafficking Sanctions Regulations (Office of Foreign Assets Control) (31 CFR Part 536) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2221. A letter from the U.S. Arms Control and Disarmament Agency, Director, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1998 and 1999, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

2222. A letter from the CoBank, Human Resources Manager, transmitting the annual report to the Congress and the Comptroller General of the United States for CoBank, ACB retirement plan for the year ending December 31, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

2223. A letter from the National Aeronautics and Space Administration, Administrator, transmitting a report that during calendar year 1996, the NASA Contract Adjustment Board did not meet to consider any cases and granted no requests for extraordinary contractual relief under Public Law 85–804, pursuant to 50 U.S.C. 1434; to the Committee on Government Reform and Oversight.

2224. A letter from the Federal Election Commission, Chairman, transmitting 56 recommendations for legislative action, pursuant to 2 U.S.C. 437d(d)(2); to the Committee on House Oversight.

2225. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled "Saving Law Enforcement Officers' Lives Act of 1997"; to the Committee on the Judiciary.

2226. A letter from the Office of Government Ethics, Director, transmitting the Office's final rule—Executive Agency Ethics Training Program Regulation Amendments (5 CFR Part 2638) (RIN: 3209–AA07) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2227. A letter from the Federal Aviation Administration, Acting Administrator, transmitting a report to Congress on the feasibility of offshore platforms for terminal Doppler weather radars to serve John F. Kennedy International and LaGuardia Airports, New York, NY, pursuant to Public Law 104–264, Section 1217 (110 Stat. 3285); to the Committee on Transportation and Infrastructure.

2228. A letter from the Secretary of Commerce, transmitting the 1996 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology [NIST], U.S. Department of Commerce, pursuant to Public Law 100–418, Section 5131(b) (102 Stat. 1443); to the Committee on Science.

2229. A letter from the Acting Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2230. A letter from the Federal Reserve System, Chairman, Board of Governors, transmitting the Board's monetary policy report to the Congress pursuant to the Full Employment and Balanced Growth Act of 1978, pursuant to 12 U.S.C. 225a; jointly, to the Committees on Banking and Financial Services and Education and the Workforce.

2231. A letter from the General Services Administration, Administrator, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly, to the Committees on Transportation and Infrastructure and Education and the Workforce.

2232. A letter from the General Services Administraton, Acting Administrator, transmitting a draft of proposed legislation entitled the "Pennsylvania Avenue Development Corporation Authorities Correction Act of 1997"; jointly, to the Committees on Resources, Government Reform and Oversight, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 94. Resolution providing for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District (Rept. 105–19). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 95. Resolution providing for consideration of the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997 (Rept. 105–20). Referred to the House Calendar.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; with an amendment (Rept. 105–21). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 437. A bill to reauthorize the National Sea Grant College Program Act, and for other purposes referred to the Committee on Science for a period ending not later than April 28, 1997, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X. (Rept. 105–22 pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WATTS of Oklahoma (for himself, Mr. FLAKE, and Mr. TALENT):

H.R. 1031. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Banking and Financial Services, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself and Mr. GREENWOOD):

H.R. 1032. A bill to prohibit certain abortions; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington (for herself, Mr. HERGER, Mr. METCALF, Mr. WATTS of Oklahoma, Mr. NETHERCUTT, Mr. CHRISTENSEN, Mr. MCCRERY, Mr. ENSIGN, Mr. COLLINS, Mr. HASTINGS of Washington, and Mr. BARR of Georgia):

H.R. 1033. A bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50-percent deduction for capital gains, to increase the exclusion for gain on qualified small business stock, to index the basis of certain capital assets, to allow the capital loss deduction for losses on the sale or exchange of an individual's principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. GILMAN, Mr. HASTERT, and Mr. MICA):

H.R. 1034. A bill to approve the determination of the President that Colombia is a major illicit drug producing country and/or a major drug-transit country and has failed to fully cooperate with the United States in its anti-narcotic efforts, and to provide for a waiver of the requirement to withhold United States assistance for Colombia for fiscal year 1997 pursuant to that determination; to the Committee on International Relations.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SAM JOHNSON, and Mr. PETERSON of Pennsylvania):

H.R. 1035. A bill to provide for modification of State agreements under title II of the Social Security Act with respect to certain students; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. BACHUS, Mr. BAKER, Mr. CHABOT, Mr. COBURN, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. GRAHAM, Mr. HANSEN, Mr. HERGER, Mr. HOSTETTLER, Mr. KIM, Mr. KINGSTON, Mr. MCINTOSH, Mr. MCKEON, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PITTS, Mr. RADANOVICH, Mr. ROYCE, Mr. SALMON, Mr. BOB SCHAFFER, Mr. STUMP, Mr. TALENT, Mr. TIAHRT, Mr. TRAFICANT, and Mr. WELDON of Florida):

H.R. 1036. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. JEFFERSON, Mr. CRANE, Ms. DUNN of Washington, Mr. SAM JOHNSON, Mr. HULSHOF, Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Mr. CARDIN, Mr. PACKARD, Mr. DREIER, Mr. KING of New York, and Mr. MCCOLLUM):

H.R. 1037. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. FILNER, Ms. PELOSI, Mr. DELLUMS, and Mr. DEFAZIO):

H.R. 1038. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 1039. A bill to reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY:

H.R. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 1041. A bill to amend the Solid Waste Disposal Act to provide grants to States to stabilize and remove large tire piles that are near drinking water sources and sensitive populations; to the Committee on Commerce.

By By Mr. LIPINSKI:

H.R. 1042. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to extend the Illinois and Michigan Canal Heritage Corridor Commission; to the Committee on Resources.

By Mr. LUTHER (for himself, Mr. MCGOVERN, Mr. SCHIFF, Mr. FILNER, Ms. RIVERS, Mr. EDWARDS, Mr. BISHOP, Ms. MCKINNEY, and Mr. EVANS):

H.R. 1043. A bill to amend title 10, United States Code, to temporarily expand the Department of Defense program by which State and local law enforcement agencies may procure certain law enforcement equipment through the Department; to the Committee on National Security.

By Ms. MILLENDER-McDONALD:

H.R. 1044. A bill to promote the fitting of firearms with child safety locks; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 1045. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON (for herself, Mrs. CARSON, Mr. FILNER, Mr. HILLIARD, Mrs. JOHNSON of Connecticut, Mrs. MEEK of Florida, Mrs. MORELLA, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, and Mr. WYNN):

H.R. 1046. A bill to allow each Member of the House of Representatives to hire one additional employee, if the employee is hired from the welfare rolls, and to provide that, if such employment is in the District of Columbia, the jurisdiction represented by the Member may count the employment toward its welfare participation rate requirement; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. BARRETT of Wisconsin, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. LIPINSKI, Ms. LOFGREN, Ms. NORTON, Mr. SERRANO, Mr. TIERNEY, Mr. YATES, and Mr. MANTON):

H.R. 1047. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 1048. A bill to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MALONEY of Connecticut):

H.R. 1049. A bill to require the Administrator of the Environmental Protection Agency and the Secretary of Housing and Urban Development to provide financial assistance to support the assessment, cleanup, and economic redevelopment of brownfield sites; to amend the Internal Revenue Code of 1986 to encourage the cleanup of such sites by allowing the expensing of environmental remediation costs, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELLUMS (for himself, Mr. BROWN of California, Mr. CONYERS, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. KAPTUR, Mr. LANTOS, Mr. MARTINEZ, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Ms. MCKINNEY, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Ms. PELOSI, Mr. SANDERS, Mr. TORRES, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, and Mr. YATES):

H.R. 1050. A bill to establish a living wage, jobs for all policy by instituting overall planning to develop those living wage job opportunities essential to fulfillment of basic rights and responsibilities in a healthy democratic society; by facilitating conversion from unneeded military programs to civilian activities that meet important human needs; by producing a Federal capital budget through appropriate distinctions between operating and investment outlays; and by reducing poverty, violence, and the undue concentration of income, wealth, and power, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, National Security, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKEEN (for himself and Mr. SCHIFF):

H.R. 1051. A bill to amend the act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Resources.

By Mr. FATTAH:

H. Con. Res. 46. Concurrent resolution expressing the sense of Congress that investigations of campaign fundraising practices should be left to the Federal Election Commission; to the Committee on House Oversight.

By Mr. FOGLIETTA (for himself, Mr. FRANK of Massachusetts, Mr. SCHUMER, Ms. NORTON, Mr. SERRANO, Mr. MANTON, Mrs. KELLY, Mr. RAMSTAD, Mr. FROST, Mr. WOLF, Mr. KIND of Wisconsin, Mr. FILNER, Mr. MCGOVERN, Mr. KLINK, Mr. WELLER, Mr. ROTHMAN, Mr. ADAM SMITH of Washington, Mr. SAXTON, Mr. HALL of Texas, Mr. LIPINSKI, Mr. KLECZKA, and Mr. STUPAK):

H. Con. Res. 47. Concurrent resolution to designate a flag-pole upon which the flag of the United States is to be set at half-staff whenever a law enforcement officer is slain in the line of duty; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. Kennedy of Massachusetts, and Mr. Gonzalez):

H. Res. 92. Resolution expressing the sense of the House of Representatives that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index; to the Committee on Education and the Workforce.

By Mr. FOX of Pennsylvania (for himself, Mrs. Maloney of New York, Mr. Kennedy of Massachusetts, and Mr. English of Pennsylvania):

H. Res. 93. Resolution expressing the sense of the House of Representatives that the Bureau of Labor Statistic alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. Davis of Illinois, Ms. Pelosi, Ms. McKinney, Mr. McDermott, Mr. Yates, Mr. Olver, Ms. Jackson-Lee, Mr. Gejdenson, Ms. Harman, and Mr. Payne):

H. Res. 96. Resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

23. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 13, memorializing the President of the United States to effect the immediate transfer of the ground communications-electronics workload from the Sacramento Air Logistics Center to the Tobyhanna Army Depot; to the Committee on National Security.

24. Also, memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1006, requesting the Congress of the United States to pass legislation providing election campaign finance reform; to the Committee on House Oversight.

25. Also, memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 18, to memorialize the Congress of the United States to enact legislation to provide for the enforcement of the 10th amendment to the U.S. Constitution; to the Committee on the Judiciary.

26. Also, memorial of the House of Representatives of the State of Wyoming, relative to House Joint Resolution No. 2, requesting that the balanced budget amendment to the U.S. Constitution be submitted to the States for ratification; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. Jones, Mr. Salmon, Mr. Hastings of Washington, Mr. Paxon, Mr. Calvert, Mr. Ganske, Mr. Manzullo, and Mrs. Cubin.

H.R. 29: Mr. Dixon, Mrs. Kennelly of Connecticut, Mr. Poshard, Mr. Brown of California, Mr. Gejdenson, Mr. Pastor, Mr. Clay, Mr. Engel, Mr. Schumer, Mr. Vento, Mr. Dellums, Mr. McDade, Mr. Kucinich, Mr. McGovern, Mr. Farr of California, Mr. Faleomavaega, Mr. Quinn, Mr. Scott, Mr. LaFalce, Mr. Frost, Mrs. Mink of Hawaii, Mrs. Carson, Mr. Snyder, Mr. McNulty, and Mr. Levin.

H.R. 58: Mr. Watkins, Mr. Kanjorski, Mr. Stokes, Mr. Stump, Mr. Allen, Mr. Saxton, Mr. McGovern, Mr. Peterson of Minnesota, Mr. Dicks, Mr. Cook, Mr. Shaw, Mr. Wise, Mr. Metcalf, Mr. Bartlett of Maryland, Mr. Goode, Mr. Young of Florida, and Mr. Bunning of Kentucky.

H.R. 69: Mr. Evans, Mr. Foglietta, Mr. Jefferson, and Mr. Norwood.

H.R. 147: Mr. Brown of California.

H.R. 148: Ms. Christian-Green and Mr. Davis of Illinois.

H.R. 155: Mr. Clement and Mr. Ackerman.

H.R. 173: Mr. Kind of Wisconsin, Mr. Thomas, Mr. Boehlert, Mr. Barcia of Michigan, Mr. Callahan, and Mr. DeFazio.

H.R. 216: Mr. Camp, Mr. Boehlert, Mr. Capps, and Ms. Woolsey.

H.R. 234: Ms. Kilpatrick, Mr. Watt of North Carolina, Mr. Owens, Mr. Towns, and Ms. Roybal-Allard.

H.R. 240: Mr. Borski, Mr. Luther, and Mr. Fazio of California.

H.R. 304: Mr. Ackerman, Mr. Evans, and Mr. McGovern.

H.R. 306: Mr. Fox of Pennsylvania, Ms. Sanchez, Mr. Thompson, Mr. Martinez, and Mr. Wynn.

H.R. 407: Mr. Jefferson and Mr. Foglietta.

H.R. 423: Mrs. Chenoweth and Ms. Millender-McDonald.

H.R. 437: Mr. Spratt and Mr. Metcalf.

H.R. 446: Mr. Coyne, Ms. Furse, and Mr. Wynn.

H.R. 450: Mrs. Johnson of Connecticut, Mr. Bunning of Kentucky, Mr. Sam Johnson, and Mr. English of Pennsylvania.

H.R. 466: Mr. Rahall, Mr. Stupak, Mr. Ackerman, Mr. Sanders, Mr. Boucher, Mr. Parker, and Mr. McHale.

H.R. 475: Mr. Ehlers, Mr. Saxton, and Mrs. Maloney of New York.

H.R. 484: Mr. Graham and Mr. McIntosh.

H.R. 491: Mr. Davis of Illinois, Mr. Doyle, Mr. Yates, and Mr. Frank of Massachusetts.

H.R. 493: Mr. Metcalf.

H.R. 498: Mr. Skelton, Mr. Klug, Mr. Poshard, and Mr. Metcalf.

H.R. 500: Mr. McGovern.

H.R. 533: Mr. Quinn and Mr. Jefferson.

H.R. 556: Mr. Towns.

H.R. 586: Mr. Capps, Mrs. Emerson, Mr. Forbes, Mr. Hoekstra, Mr. Rothman, Mr. McDade, Mr. Sandlin, Mr. Bob Schaffer, Mr. Tiahrt, and Mr. Wamp.

H.R. 600: Mr. Green.

H.R. 612: Ms. Eddie Bernice Johnson of Texas, Mr. Kildee, Ms. Brown of Florida, Mr. Thornberry, Mr. Ganske, Ms. Norton, Mrs. Morella, Mr. Flake, Mr. Edwards, Mr. Parker, Mr. Klink, and Mr. Pastor.

H.R. 616: Mr. Yates, Mr. Riggs, Mr. Dellums, Mr. Crapo, and Mrs. Carson.

H.R. 625: Ms. Molinari, Mr. Gejdenson, Mr. Fazio of California, Ms. Kaptur, Mr. Lewis of Georgia, and Mr. Weygand.

H.R. 633: Mr. Evans.

H.R. 635: Mrs. Kennelly of Connecticut and Mr. Barcia of Michigan.

H.R. 643: Mr. Kucinich.

H.R. 647: Mr. Graham.

H.R. 659: Mr. Hefley, Mr. Clyburn, and Mr. DeLay.

H.R. 667: Mr. Waxman, Ms. Pelosi, Mr. Evans, Mr. Ackerman, Mr. Towns, Mr. Green, and Mr. Foglietta.

H.R. 686: Mr. Peterson of Minnesota.

H.R. 693: Mr. Canady of Florida and Mr. Sensenbrenner.

H.R. 710: Mr. Dellums, Mr. Kucinich, and Mr. Holden.

H.R. 716: Mr. Baker and Mrs. Myrick.

H.R. 722: Ms. Dunn of Washington, Mr. Kingston, Mr. Radanovich, Mr. Bob Schaffer, Mr. Goodlatte, Mr. Crapo, Mr. Doolittle, Ms. Stabenow, Mr. Barrett of Nebraska, Mr. DeLay, Mr. Miller of Florida, and Mr. Fox of Pennsylvania.

H.R. 737: Mr. Coburn.

H.R. 740: Mr. Manzullo.

H.R. 752: Mr. Shadegg.

H.R. 755: Mr. Lewis of Kentucky.

H.R. 766: Mr. Thompson, Ms. DeLauro, Mr. Jefferson, and Mr. Conyers.

H.R. 774: Mr. Bereuter, Mr. Filner, Mr. LaFalce, Ms. Slaughter, Mr. Hinchey, Mr. Farr of California, Mr. Oberstar, Mr. Rothman, Mr. Barrett of Wisconsin, Mrs. Maloney of New York, and Mr. Berman.

H.R. 816: Mr. Klug.

H.R. 845: Mr. Evans.

H.R. 852: Mr. Baldacci.

H.R. 857: Mr. Traficant, Mr. Quinn, and Mr. Talent.

H.R. 875: Mr. Frank of Massachusetts.

H.R. 879: Mr. Jefferson.

H.R. 880: Mr. Dan Schaefer of Colorado, Mr. Burr of North Carolina, Mr. Cooksey, Mr. Bryant, Mr. Wicker, Mr. Solomon, and Mr. Norwood.

H.R. 883: Mr. English of Pennsylvania and Mr. Baker.

H.R. 900: Mr. Stokes, Mr. Lewis of Georgia, Mr. Porter, Mr. Tierney, Mr. Schumer, Ms. Roybal-Allard, Mr. Capps, and Mr. Blumenauer.

H.R. 907: Mr. Lewis of Kentucky, Mr. Stearns, Mr. Tanner, and Mr. Canady of Florida.

H.R. 934: Mr. Largent.

H.R. 956: Mr. LaFalce, Mr. Chabot, Mr. Lipinski, Mr. Dellums, Mr. Conyers, Mr. McDermott, and Mr. Underwood.

H.R. 979: Mr. Bentsen, Mr. Coyne, Mr. Frost, Mr. Jefferson, Mr. Parker, and Mr. Cramer.

H.R. 983: Ms. DeGette, Mr. Evans, and Mr. Neal of Massachusetts.

H.R. 993: Mr. Hefley, Mr. Manzullo, Mr. Ryun, Mr. Hastert, and Mr. Calvert.

H.J. Res. 54: Mr. Kanjorski, Mr. Salmon, and Mr. Upton.

H.J. Res. 56: Mr. Tiahrt, Mr. Clement, Mr. Bentsen, Ms. Rivers, Mr. McNulty, Mr. Diaz-Balart, Mr. English of Pennsylvania, Mr. Quinn, Mr. Flake, Mr. Sandlin, and Ms. Molinari.

H. Con. Res. 15: Mr. McNulty.

H. Res. 37: Mrs. Maloney of New York, Mr. Brown of California, Mr. Davis of Illinois, Mr. Quinn, Mr. Clyburn, Mr. Traficant, Mr. Moran of Virginia, Mr. Frank of Massachusetts, and Mr. Stark.

H. Res. 45: Ms. Slaughter, Mr. Torres, Mr. Yates, Mr. Evans, Ms. Woolsey, Mr. Lewis of Georgia, Ms. Jackson-Lee, Mr. Meehan, Mr. Dellums, and Ms. Furse.

H. Res. 64: Mr. Sanford.

H. Res. 89: Mr. Pickering.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 600:

Mr. Abercrombie.

EXTENSIONS OF REMARKS

TRINITY LAKE

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HERGER. Mr. Speaker, for the opportunity to testify in support of my legislation, H.R. 63, which proposes to redesignate Clair Engle Lake in northern California to its better known, common name of "Trinity Lake." I appear today on behalf of the Trinity County Board of Supervisors and the residents of Trinity County, who have requested I introduce this legislation.

Local support for this legislation is overwhelming. One poll, conducted by a local newspaper, showed an almost unanimous vote in favor of changing the lake's name to Trinity Lake. It has also been unanimously endorsed by the Trinity Board of Supervisors, who passed a resolution calling for this action in 1995.

Since the reservoir was created by the construction of the Trinity Dam, locals have referred to it as "Trinity Lake." It earned this name because of its location in Trinity County and its proximity to the Trinity Alps. Reference to the name "Trinity Lake" has been so attractive that it has been adopted by virtually every segment of the general public as well as local, State, and Federal authorities. It has been used extensively by the local tourist industry and public officials to promote the recreational aspects of the lake, since the name "Trinity Lake" creates stronger promotional imagery than does the name "Clair Engle Lake." In fact, the Trinity Lake designation has become so pervasive that about the only people who don't refer to the lake as "Trinity Lake" are those nonresidents and tourists who have never been to the lake itself.

Understandably, this has created a great deal of confusion for visitors to the lake and, consequently, has had a negative economic impact on the lake communities. by changing the name, my legislation will eliminate this confusion and enhance the benefits that the lake brings to Trinity County. Mr. Speaker, in view of the overwhelming sentiment in favor of this legislation, and the worthwhile objectives of eliminating confusion and enhancing economic benefits for Trinity County, I respectfully request the support and endorsement of this House of Representatives in answering the urgent plea of Trinity County residents by giving them back their lake through redesignation of Clair Engle Lake to its more popular name, "Trinity Lake."

RECOGNITION GIVEN TO C. RASEH NAGI OF BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SCHUMER. Mr. Speaker, today I wish for my colleagues and friends to join me honoring a shining star in my community, Ms. C. Raseh Nagi. Ms. Nagi has been a true leader in the movement to improve educational opportunity for over 35 years. Beginning as a teacher in I.S. 78, she moved on to initiate important programs in foreign language studies and a center for intellectually gifted students. More recently as community superintendent of district 28 she has continued to make vital contributions in education all worthy of mention and praise.

She was instrumental in establishing the District 28 Academy, an alternative program for at-risk junior high school students. Improving on the initial program for gifted students, she created and implemented a districtwide talented and gifted program. Her talents have also served the education community well outside the classroom. She initiated and supported the preparation of competitive and legislative proposals which supplemented the funding available to the district's schools. She encouraged and engaged representatives from all school constituencies to participate in the educational process. She has worked diligently to make education in the community a comprehensive endeavor.

Ms. Nagi has demonstrated a commitment to excellence in the teaching and learning process, focusing on the achievement of high standards for all. I would like to take this moment to recognize Ms. Nagi for her accomplishments and to thank her on behalf of the children and parents she has touched. C. Raseh Nagi has been a true friend and strong leader for the professional staff of district 28 and, she has felt all children have the ability and potential to be anything they want to be.

Thank you, Ms. Nagi.

MEDICAID

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 12, 1997, into the CONGRESSIONAL RECORD.

MEDICAID

All of us are aware of the high cost of health care. For many Americans, meeting health care needs is a financial strain, but it is an overwhelming prospect for those with the lowest incomes. Medicaid is a joint federal-state entitlement program that helps provide health insurance for 38 million low-income Americans, including the blind, disabled, or parents of dependent children.

For more than three decades Medicaid has had a major impact on the lives of poor Americans, helping to protect the health of the most vulnerable. It has also grown into one of the most costly programs in the federal budget—only Social Security, Medicare, and national defense cost more. Yet despite the importance and size of Medicaid, many people are not very familiar with it. I often hear from Hoosiers asking about the basic structure of the program.

Who is eligible for Medicaid? Since 1965 Medicaid has had a positive impact on the health of our most vulnerable populations: indigent elderly and disabled persons, women and children. Covering 1 of 5 children, ⅓ of all births, and ¼ of nursing home costs, Medicaid has clearly been important. Around 14% of the overall population and some 600,000 Hoosiers benefit from Medicaid services.

Some 70% of those receiving Medicaid are non-elderly poor, but almost 70% of the program costs go to the other 30% of recipients: the blind, disabled, and poor elderly. Not all people earning low incomes are covered by Medicaid. This is largely because people must meet other eligibility criteria besides having low income. For example, single adults or childless couples who are not disabled or aged are ineligible for Medicaid no matter how poor they are. In Indiana more than half of Medicaid recipients are children under 21. President Clinton has proposed improving efforts to reach the 3 million children nationally who are currently eligible for Medicaid but are not signed up.

Because Medicaid is administered jointly by the federal and state governments, states have some discretion in determining eligibility. The federal Medicaid law defines some 50 groups as potentially eligible. Some must be covered by the states, others are optional. In general, only U.S. citizens may qualify for Medicaid.

What services does Medicaid cover? The federal government requires state Medicaid programs to cover a minimum set of benefits for all eligible recipients, including hospital care, nursing home care, physician services, and laboratory and x-ray services. A substantial portion, almost 40%, of Medicaid spending goes for long-term care services such as nursing home care and home care. In fact, Medicaid is the primary source of long-term care coverage.

Beyond these minimum required services, states have the discretion to cover more. For example, all states voluntarily cover prescription drugs; some also cover institutional care for mentally handicapped individuals and dental and vision care for adults. Indiana is fairly generous, relative to other states, in the optional services its Medicaid program provides. States receive federal matching funds for these additional services.

What is the cost of Medicaid? The federal government does not shoulder the cost of Medicaid alone; it is a shared commitment with the state governments. The federal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

share is at least 50% in every state, but can exceed 80% depending on a state's per capita income. State participation is voluntary but all states are currently in the program.

The federal government spent $92 billion on Medicaid in 1996 and the states spent $69 billion. For the Indiana program, the federal and state shares combined were around $2.5 billion. Although much uncertainty surrounds projections of growth in Medicaid, costs are expected to climb significantly simply because of overall inflation in the price of health care and an increased number of eligible Americans.

What has been done to curb costs? The rate of federal Medicaid growth from 1968 to 1993 was substantial, averaging almost 20% per year. The Medicaid caseload jumped sharply in the last decade as court decisions and legislation extended coverage. Congress enacted reforms in 1991 and 1993 to curb growth of the program.

1996 was a year of dramatically lower growth in Medicaid costs, only 3.3%. However, it is unlikely to stay that low, with program growth estimated to average almost 8% annually over the next 6 years.

Because of the extremely high rate of Medicaid growth, Congress has examined ways to reform the program. The previous Congress enacted a welfare reform law which is expected to reduce Medicaid spending by $4 billion over 7 years largely because of restrictions on eligibility of non-citizens for Medicaid. In addition, a proposal to turn Medicaid over to the states was included in a budget bill vetoed by the President.

What are the issues in Medicaid? The issues Congress faces this session include whether Medicaid should remain an entitlement, what national standards should be retained, and how federal funds should be allocated among the states. I favor retaining the entitlement status because eliminating it would increase the number of disadvantaged persons without coverage. I also favor greater flexibility in the administration of Medicaid, including ways to organize and deliver care, reimburse providers, and assure quality of care. But I do believe it is necessary to maintain uniform national standards, especially regarding who should be covered and what basic services should be provided. Today federal Medicaid funds are provided to states on an open-ended basis. Some limits on growth are necessary, possibly on how much can be spent for each patient.

Conclusion. For me the key questions in Medicaid are how to improve coverage without imposing excessive burdens on the taxpayers and how to curb excessive spending without imposing unacceptable hardship on the poor. Congress is looking hard at ways to improve the program and rein in its costs. Much effort is necessary to slow the growth of spending by making more efficient the delivery of health care. Part of the answer is to expand enrollment in managed care and community-based care to control acute care expenses. The undesirable alternatives are to cut eligibility or services, raise taxes, or cutback reimbursement to doctors or hospitals. Great care must be taken not to reduce needed services to the elderly, the poor, and people with disabilities.

EDWARD WILLIAMS, EAST CHICAGOAN OF THE YEAR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my honor to commend Mr. Edward Williams, an outstanding citizen of Indiana's First Congressional District. On Thursday, March 13, 1997, Edward will be named East Chicagoan of the Year during a recognition banquet at the Knights of Columbus Hall in East Chicago, IN.

Edward, a native of East Chicago, is a graduate of Indiana University in Bloomington. He is currently the director of education and development for the Showboat Mardi Gras Casino. Prior to holding this position, Edward was the president and chief executive officer of Lakeshore Employment and Training Partnership. In this capacity, Edward utilized his aggressive motivational and leadership qualities, which led Lakeshore to successfully train and secure employment for thousands of young adults and other unemployed residents of Lake County, IN.

Not only has Edward excelled in his professional life, but he has been a great community leader as well. Edward's emphasis on the needs of our youth has challenged countless young people to be the very best they can be. He is an accomplished speaker and has addressed thousands of citizens on such diverse topics as education, motivation, economic, and community development, family issues, religion, and community involvement. Edward is a member of several professional associations, and he has received numerous appointments to local, State, and national boards. For example, Edward is a member of the East Chicago Library Board, a trustee of Antioch Baptist Church, and a Lilly Fellow.

Along with the distinguished award of East Chicagoan of the year, Edward has been bestowed with the State of Indiana's highest public service award. The Sagamore of the Wabash. The award was issued by Gov. Evan Bayh.

Mr. Speaker, I ask you and my other esteemed colleagues to join me in congratulating Edward on being honored as East Chicagoan of the Year. His children, Kelly, Kirk, and Kevin, can be proud of their father's accomplishments. His unselfish dedication will be marked forever in history.

CONGRATULATIONS TO ADAM RICHARDSON, WINNER OF THE 1997 VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST FOR THE STATE OF GEORGIA, SPONSORED BY THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. DEAL of Georgia. Mr. Speaker, I submit the following for the RECORD:

DEMOCRACY—ABOVE AND BEYOND

(By Adam Richardson)

When Alexander Hamilton was a child, his family was traveling along the North Carolina coast by boat. He was so terrified of the surroundings he vowed that if he ever became capable, he would build a lighthouse so large and bright that all those that resided in its glow would have nothing to fear. In 1802 Hamilton as Secretary of the Treasury used his influence to get a lighthouse constructed on Cape Hatteras, and to this day it stands, the tallest on the East Coast. Our American democracy that we have built with our blood, sweat, and tears is much the same as this lighthouse. Democracy, like a lighthouse, starts with a dream and strong foundation. This foundation was made with the lives of the men and women who first dreamed the dream to allow democracy to soar above and beyond.

As our democracy grows, we are indebted to be a caretaker of the lighthouse and keep it strong so that the ideal that we uphold, the beam of light, can be seen from farther away with the clarity it commands. This beam of light, seen first by our forefathers, led them out of oppressive darkness to thrive in unforeseen opportunity. But the obstacles were untold, and to aid others who would follow them, they built our lighthouse to carry their vision above and beyond. We were indeed fortunate to have received a raw country instead of being given one stifled in outdated institutions.

Democracy still stands strong, yet it has its enemies. As a lighthouse is constructed, the salt, sand, wind and water attack it, intent on destruction. But when finished, a lighthouse is nearly indestructible and will stand up to the winds of change. When democracy stands tall and strong, it is the envy of its enemies and cannot be considered safe, because there is always a sea spray to diminish the radiance that gives democracy the ability to illuminate the darkness. The democratic vision stands above and reaches beyond all barriers—but not without a struggle. The waves of ignorance often inhibit the gains of democracy. In many countries a child goes without an education because religious differences hurl bullets through the schoolyard. In the former Yugoslavia 250,000 lives have been lost and millions displaced because of a campaign of ethnic cleansing. We in America are made strong by people with the same goals but not necessarily the same gods. Likewise, the winds of inequality topple the hopes of people in countries where one man's vote will not count as much as another's or possibly will not be counted at all.

On the other side of the lighthouse, where all is calm, are the opportunities and the peace of mind that comes with a democratic nation. In America, like a harbor with its protected waters and secured ships, is a country with the betterment of the people the main issue. When democracy has fallen into rigidity, the government has always bent to refuse breaking—in the form of new laws, updating of old ones, and the acceptance of new schools of thought when the old way had proved itself ineffectual. Because this harbor is guarded by democracy and maintained by the power of the people, children can receive an education in the manner they should. Within this harbor a man goes to vote, and his ballot is cast without the worry, "Will I be heard?" or "If so, will I be given a chance?"

Even though the wind and the waves can be kept out, certain elements cannot be held at bay. There is a fog that we cannot see through, even with attuned senses. If we leave this fog unattended, it will be our terrible demise. Many great civilizations have fallen to this killer that comes on cat feet. This killer that lurks in the fog is complacency. We must not become immune to what is going on around us because beyond the fog and beyond the safety of our democracy, the wind and waves are always surging. We must remain vigilant.

THE 50TH ANNIVERSARY OF THE RICHARD J. GROSS VFW POST 8896

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. GOODLING. Mr. Speaker, I rise today to honor the Richard J. Gross VFW Post 8896 on the occasion of its 50th anniversary. Located in East Berlin, PA, this post is named in honor of a fallen hero of World War II, Richard J. Gross. A radio operator-gunner on a B–24 Liberator, Gross was lost when his plane was shot down during a combat mission over New Guinea.

Fifty years ago, this post first organized at an informal meeting. On February 13, 1947, the first official meeting was held. The staff of officers was selected and the official business of organizing the post and finding a permanent meeting place was underway. These were but the first few steps of a long journey of community service, fellowship, and remembrance of the sacrifices veterans have made for the United States.

On March 13, 1947, the Department of Pennsylvania, Veterans of Foreign Wars approved the charter submitted to it, and the VFW Post 8896 officially existed. The men who were a part of this organization were strong and self-reliant; they raised funds and worked themselves to build a suitable place for meetings. The men who constructed this structure did so in their spare time, often after a long day of work. Many times they labored well into the night to complete the structure.

Post 8896 quickly became an important part of the community in East Berlin, PA. Throughout the past 50 years, its members have been actively involved in making their town a better place to live. Both they and the man that the post honors serve as reminders for the community at large: One for making the supreme sacrifice for his country during war, and the others for their service to the United States, and the values it holds important.

Mr. Speaker, I ask that my colleagues join me today in recognition of VFW Post 8896's anniversary. I am proud to say that I am a member of this post. I salute my fellow veterans for 50 years of service, and wish them at least another 50.

HONORING ASSISTANCE LEAGUE OF THE EASTSIDE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. DUNN of Washington. Mr. Speaker, I ask my colleagues to join me today in commemorating the chartering of Assistance League of the Eastside [ALE] in Redmond, WA, as the 98th chapter of the National Assistance League. For 8 years Assistance League of the Eastside has existed to develop and carry out philanthropic projects to meet the needs of the greater eastside community. This all-volunteer, nonprofit organization has made a difference in the lives of literally thousands of needy citizens with programs that are tailored to meet real-world emergencies. For example, Operation School Bell has provided more than 1,000 at-risk children with new clothing, school supplies, and hygiene items. Victims of rape and assault have benefited from the Assistance League's dissemination of assault survivor kits, a program that provides sweat suits and personal care items to those seeking refuge from an aggressor. And the ALE's caring and sharing program has brightened the lives of senior citizens at the Emerald Heights assisted living facility in Redmond by providing birthday and holiday parties for the residents. ALE, through the efforts of its 65 very active and good-hearted members, is making a difference in ways that go far beyond the capabilities of government programs because the volunteers are impelled by compassion for their fellow eastsiders. That spirit deserves not only recognition, but commendation and celebration. America needs more people like the citizens who devote their spare time to the many good projects of Assistance League of the Eastside.

Therefore it is fitting that today, as ALE gains chapterhood status with the National Assistance League based on compliance with that organization's bylaws, policies, and standards, I am proud to draw the attention of the House to the great work of this organization. And I am honored to join Redmond Mayor Rosemarie Ives in setting aside March 12, 1997, as a day to honor Assistance League of the Eastside. I join Mayor Ives in urging all citizens of Washington State to recognize this all-volunteer organization and encourage its continued philanthropic work benefiting our eastside community.

TRIBUTE TO MUSIC EDUCATION IN WASHINGTON STATE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SMITH of Washington. Mr. Speaker, it gives me great pleasure to pay tribute to the students and teachers of Washington State for their accomplishments in the area of music education in our State. Research shows that music is an important tool for building a more creative and intelligent populace and music study helps students to perform better in academic and social settings. March is Music in Our Schools Month and an appropriate time to pay tribute to the students, parents, and teachers in our State who work diligently throughout the year to call attention to the importance of music education in our schools.

I would like to pay a special tribute to Grass Lake Elementary School in Kent, WA, for their contribution to the Music Educator's 13th Annual World's Largest Concert which will be shown nationwide. The hard work and dedication of the individuals involved with this project deserve recognition for their important efforts for bringing attention to music education in our community.

PERSONAL EXPLANATION

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. STRICKLAND. Mr. Speaker, as you all are aware, over the past week, the Midwest has experienced devastating flood waters. Because of these floods, major portions of the Sixth Congressional District of Ohio have been declared a Federal disaster area. To help the people back home, I remained in the district last week and therefore missed the following votes:

Wednesday, March 5, 1997: Had I been present, I would have voted: "yea" on Rollcall Vote 29, House Concurrent Resolution 17, the Guatemalan Peace Process; "yea" on Rollcall Vote 30, House Concurrent Resolution 18, the Nicaraguan Democratic Elections; and "nay" on Rollcall Vote 31, House Concurrent Resolution 31, Display of the Ten Commandments.

Thursday, March 6, 1997: "yea" on Rollcall Vote 32, Motion to Adjourn; "yea" on Rollcall Vote 33, the Journal; "yea" on Rollcall Vote 34, Washington, DC, City Council Contract Reform; and "yea" on Rollcall Vote 35, Motion to Adjourn.

IN RECOGNITION OF THE LA PORTE EDUCATION FOUNDATION

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. BENTSEN. Mr. Speaker, I rise to recognize the good work of the La Porte Education Foundation and to congratulate foundation members as they prepare for the fourth annual Education Celebration Event on March 13, 1997. The foundation's efforts to improve educational opportunities are forging a stronger community today and building a brighter future for our children.

The foundation's mission is to strengthen the La Porte community through education. A nonprofit organization operating separately from the La Porte School System, the foundation funds innovative, creative, and instructional projects for both students and teachers in La Porte schools.

The La Porte Education Foundation was established in 1993 because the community understood that there is a strong linkage between the quality of life in La Porte and the quality of its education system. Its organizers understand that, sometimes, the best way to meet a challenge is to roll up your sleeves and get involved.

The foundation's endowment has provided a steady, new source of funds outside the general revenue fund for expanding the educational opportunities available to La Porte's students. And it has worked.

The La Porte Foundation Board decided early on that the entire community needed to be actively involved in the foundation's efforts to enhance education in La Porte schools. As a means to involve citizens, the board chose to sponsor an event which would celebrate public education in La Porte on an annual basis. The first celebration was held at Sylvan Beach Pavilion and was developed and presented by a foundation committee consisting of teachers, community members, PTO and area industry representatives, and foundation board members. The first celebration was an overwhelming success with over 1,000 citizens enjoying booths from each school and entertainment from many students.

The second annual celebration was moved to La Porte High School to accommodate large crowds. Now in the fourth year, this year's celebration will highlight grant projects by LPISD teachers which were funded by the foundation. This unique event continues to draw enthusiastic crowds numbering over 1,000 each year.

I wish the foundation continued success as they celebrate another Education Celebration Event and continue their mission to improve the education and lives of the children of La Porte.

THE DEFENSE JOBS AND TRADE PROMOTION ACT OF 1997

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HERGER. Mr. Speaker, today Mr. Jefferson, Mr. Crane, Ms. Dunn, Mr. Sam Johnson of Texas, Mr. Hulshof, Mr. Hayworth, Mr. English, Mr. Cardin, Mr. Packard, Mr. Dreier, Mr. King, and Mr. McCollum join me in introducing legislation that eliminates a provision of tax law which discriminates against U.S. exporters of defense products. The Defense Jobs and Trade Promotion Act of 1977 will help defense contractors improve their competitiveness, will protect our defense industrial base, and will help insure that American defense workers—who have already had to adjust to sharply declining defense budgets—do not see their jobs lost to overseas competitors because of a harmful quirk in our own tax law.

The Internal Revenue Code allows U.S. companies to establish Foreign Sales Corporations [FSC's], under which they can exempt from U.S. taxation a portion of their earnings from foreign sales. This provision is designed to help U.S. firms compete against companies in other countries which rely more on value-added taxes [VAT's] than on corporate income taxes. When products are exported from such countries, the VAT is rebated, effectively lowering their prices. U.S. companies, in contrast, must charge relatively higher prices in order to obtain a reasonable net profit after taxes have been paid. By permitting a share of the profits derived from exports to be excluded from corporate income taxes, the FSC in effect allows companies to charge lower prices and partially compensates for the differences between the U.S. tax system and that of most of our competitors.

In 1976, Mr. Speaker, the tax law was amended to reduce the tax benefits for defense products to 50 percent, while retaining the full benefits for all other products. The rationale for this discriminatory treatment—that U.S. defense exporters faced little competition—no longer exists. Whatever the veracity of that premise 20 years ago, today's military exports are subject to fierce international competition in every area. Twenty years ago, roughly one-half of all the nations purchasing defense products benefited from U.S. military assistance. Today, U.S. military assistance has been sharply curtailed and is essentially limited to two countries. Moreover, with the sharp decline in the defense budget over the past decade, exports of defense products have become even more critical to maintaining a viable U.S. defense industrial base. The aerospace industry alone provides over 800,000 jobs for U.S. workers. Roughly one-third of these jobs are tied directly to export sales. In 1996, for example, total industry sales were $112 billion, $37 billion of which was for exports. Of the three fighter aircraft under production in this country, two are dependent on foreign customers.

No valid economic or policy reason exists for continuing a tax policy that discriminates against a particular class of manufactured products. Furthermore, repealing this section will not impact the foreign policy of the United States. Military sales will continue to be subject to the license requirements of the Arms Export Control Act.

Mr. Speaker, improvement of the U.S. trade imbalance is fundamental to the health of our economy. The benefits provided by the FSC provisions contribute significantly to the ability of U.S. exporters to compete effectively in foreign markets. The FSC limitation on the exemption for defense exports hampers the ability of U.S. companies, many of whom already have access to large foreign markets, to compete effectively abroad with many of their products. Section 923(a)(5) should be repealed immediately to remove this impediment to international competitiveness and to improve the health of our defense industry.

Let me briefly describe the historical context in which the FSC provisions were enacted, as it helps to explain why this section of the law should now be repealed.

The genesis of the FSC was the Domestic International Sales Corporation or DISC. Congress had enacted the DISC provisions in 1971 to stimulate exports and grant a Federal income tax deferral opportunity to U.S. firms engaged in exporting through domestic corporations. A DISC was not subject to Federal income tax on its earnings. Rather, the DISC's parent company was taxed each year on part of the DISC's earnings as if the parent company had received a dividend from the DISC. The DISC's remaining earnings were not taxed until actually distributed to the parent company. Until 1976, up to 50 percent of the DISC's annual export profits could be deferred in this manner, including profits from the sale of military products.

From the outset, Mr. Speaker, the DISC program was the subject of a dispute between the United States and other signatories of the General Agreement on Tariffs and Trade [GATT]. Some countries contended that the DISC provisions essentially created an illegal export subsidy that violated the GATT.

Partly in response to these criticisms, Congress reduced DISC benefits in the Tax Reform Act of 1976. First, Congress changed the tax rules in such a way that less than 25 percent, rather than 50 percent, of a corporation's earnings from exports could be deferred from U.S. taxation. Second, DISC benefits for the sale of military products were cut back. The House originally proposed to terminate all DISC benefits for military sales, except if the products were to be used solely for nonmilitary purposes. The Senate recommended that all DISC benefits be terminated for military sales unless it was determined that the property was competitive with foreign-manufactured property.

The compromise reached was that the DISC benefits would be terminated for 50 percent of military sales—whether or not competitive—made after October 2, 1975. For this purpose, military property was defined to include any article that is inherently military in character without regard to its intended use, such as communications satellites and their components, launch vehicles, and many aircraft and their components.

DISC remained a serious irritant in U.S. trade relations with other countries, particularly the European Economic Community, and in October 1982, the United States informed the GATT Council that it would propose to Congress legislation addressing the concerns of its trading partners over DISC.

In March 1983, the administration announced the general elements of an alternative to the DISC program. Legislation on the proposed alternative was introduced on August 4, 1983, to replace DISC's with Foreign Sales Corporations [FSCs]. The FSC provisions were signed into law on July 18, 1984, as part of the Deficit Reduction Act of 1984.

The FSC provisions are similar to the DISC provisions in that they were designed to encourage exports by allowing exporters to exempt a percentage of export income from taxation. FSC benefits are provided for property manufactured or produced in the United States. The exemption on the sale of military goods, again, is half the amount otherwise allowed for other types of property. The legislative history shows that this special rule for military property was simply a carryover from the DISC provisions which were based on the premise that military products were not sold in a competitive environment.

Mr. Speaker, with the sharp decline in our defense budget over the past decade, exports of defense products have become even more critical to maintain or increase employment in the United States and to preserve the skills and facilities necessary to maintain a viable U.S. defense industrial base. But today, our defense companies face intense competition from companies in Europe and around the world. Indeed, global competition is even further intensified because Russia and other former Communist countries are now considered acceptable suppliers by countries that would not have purchased from them during the cold war. This increased global competition has contributed heavily to declining American sales abroad. Indeed, over the 10-year period between 1984 and 1994, U.S. defense exports declined an astounding 37 percent when measured in constant dollars.

The U.S. public and U.S. industry have made a tremendous investment in our defense industrial base. Decisions on whether or not to allow a defense export should continue to be made on foreign policy grounds. However, once a decision has been made that an export is consistent with those interests, surely our Government should encourage such sales to go to U.S. companies and workers, not our competitors. Discriminating against these sales in the Tax Code puts our defense industry at great disadvantage and makes no sense in today's environment.

The repeal of section 923(a)(5) would put defense companies on a more level playing field with other competitors with respect not only to military products but also to commercial products. This is true because companies that have developed skills and expertise producing goods for military use are most likely to apply those in commercial markets by developing new uses for military products or close derivatives from those products. Since the FSC provisions rely on a definition of military products that focuses on the source of the product's development and its potential use rather than on its actual intended use, almost all products currently produced by the aerospace industry are subject to the 50-percent FSC limitation under current law. This is the case even if these products or close derivatives are exported for strictly commercial purposes.

Mr. Speaker, let me close by stressing that no valid economic or policy reason exists for continuing a tax policy that discriminates against one class of manufactured products. To the contrary, thousands of good U.S. jobs, the maintenance of a healthy defense industrial base, and the improvement of our balance of trade argue for abolishing this unfair policy.

We must repeal this part of the Tax Code in order to provide fair and equal treatment to our defense industry and its workers, and to enable our defense companies to compete more successfully in the increasingly challenging international market. I would urge my colleagues to join me—and the bipartisan group of original cosponsors—in supporting the Defense Jobs and Trade Promotion Act of 1997.

WHY GINGRICH SHOULD STEP DOWN AS SPEAKER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HILLIARD. Mr. Speaker. I wish to insert the following statement into the RECORD, regarding my vote in connection to the resolution of reprimand against Speaker GINGRICH in January, regarding his Ethics Committee problems.

STATEMENT BY CONGRESSMAN EARL F. HILLIARD

I voted against the House Resolution providing a reprimand and a monetary penalty of $300,000 for Speaker Gingrich because it was less than a slap on the wrist. The fine itself is insufficient. Paying a simple fine is no deterrent for what the Speaker has done. In his position as Speaker of the House of Representatives, one of the highest positions within our government, and given the amount of power at his control, a reprimand and a monetary fine do not fit the misconduct which has been committed. How simple it will be for this Speaker to raise $300,000 to pay a fine imposed upon him because of his wrongful fund raising activities.

The Speaker should have been censored, at a minimum, by the House of Representatives. In addition, he should voluntarily and immediately step down as Speaker. In his own words, he has stated that he: "brought down on the people's House a controversy which could weaken the faith the people have in the government." Through an abuse and misuse of power, Gingrich broke laws to enhance himself, strengthen his role within the Republican Party and strategically position himself to be Speaker of the House. Therefore, he intentionally and deliberately created a situation where he could become Speaker. He exists as Speaker today, only because he broke the rules.

Today's vote sends a message to the American people that money supersedes laws. Today's vote tells the American people that it is okay to break laws in order to become powerful because you will only have to pay a fine if you get caught. Today's vote shows the American people that the wealthy and powerful are given preferential treatment. Every time such a situation is allowed, we chip away at one of the pillars of democracy—and that is equal justice for all, regardless of financial status. While the Speaker received less than a slap on the wrist, one of the pillars of democracy received a fatal blow. While the Speaker is free to continue fund raising, the ideal of equal justice under the law is held captive on a $300,000 bond. I voted against today's House Resolution because it fundamentally failed to adequately address the Speaker's wrong doing.

TRIBUTE TO PATRICIA GORDON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. LEVIN. Mr. Speaker, I rise today to recognize Patricia Gordon, a certified professional secretary, on the occasion of winning the 1997 Secretary of the Year. This award is an honor of distinction based on business experience, education, and Professional Secretaries International activities.

Ms. Gordon has been an office professional for 23 years, with the last 10 years spent in service to East Detroit public schools. She also has earned her real estate license and is the mother of four. She is looking forward to continuing her education earning a degree in business.

She has been active in the Macomb Chapter of Professional Secretaries International organization since 1993 and served her organization as the cochairperson for the 1996 Michigan Division Annual Meeting.

And so, Mr. Speaker, today, I commend and congratulate Patricia Gordon on the honor of winning 1997 Secretary of the Year. I extend my best wishes and good luck in the future.

RECOGNIZING SEARCHY MARSHALL AS THE PETER J. SALMON NATIONAL BLIND EMPLOYEE OF THE YEAR

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mrs. NORTHUP. Mr. Speaker, Congress passed the Wagner-O'Day Act in 1938 to provide employment opportunities for Americans who are blind. Amended as the Javits-Wagner-O'Day Act in 1971, today, this program continues to provide employment and other support services to thousands of people who are blind or have other severe disabilities throughout the United States.

Many of the individuals who participate in the Javits-Wagner-O'Day [JWOD] Program are not capable of competitive employment, or do not desire competitive employment. The JWOD Act has been a successful initiative which has provided gainful and renumerative employment to many people who would otherwise have had no employment options.

Many of the persons served have overcome obstacles to lead fulfilling lives. Each year the National Industries for the Blind [NIB], the central nonprofit agency for industries for the blind participating in the JOWD, selects one outstanding worker as the Peter J. Salmon National Blind Employee of the Year. This year one of my constituents, Mr. Searchy Marshall, has been nominated to receive this impressive honor. I applaud Mr. Marshall for his determination to succeed and his dedication to his work. He is truly an inspiration to us all.

TRIBUTE TO NEAL H. BROXMEYER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to share with my colleagues in the House of Representatives the story of a man whose life, which ended all too soon at age 43, was dedicated to the pursuit of truth.

Neal Howard Broxmeyer searched for truth with a great intensity. He was long immersed in spiritual work which brought tremendous peace. A beloved and respected leader of the School of Practical Philosophy, he played a major role in establishing its Abraham Lincoln School for Boys and Girls on the upper east side in Manhattan. His 8-year-old son is a student there, and is very proud of the role his Dad played. Indeed, it was one of Neal's precious dreams to see the school flourish and grow.

Neal's devotion to his family was exemplary. He naturally included within his family the many people whose lives intersected with his. In that sense, Neal's family included his associates and colleagues at Fairfield Properties, where he was a partner. His brothers have said that he was an excellent businessman, known for his honesty and his integrity. He was seen as the "heart and soul" of his business, and he was referred to as "the light of the office."

Neal Broxmeyer was a man who always looked beyond his own needs. He led his life in keeping with the maxim: "Set no limits in service," and encouraged others to do the same. He was always available to others. He cherished the community in which he lived and was very happy to be part of the community association. He led the way in establishing the security patrol in the community, and always said "How could I not take it on?"

Neal was a simple man who was extraordinary. Always there, steady and balanced; never looking for faults in others, but instead finding the goodness in everyone. Everything and everyone who benefited from his attention, concern, insight, wisdom, counsel, and warmth understands that there was "absence of claim." Although not rigid, Neal was highly disciplined. His life, though very short, was filled with a quality beyond most. Nothing, it seems, was wasted.

Neal is survived by his loving family: His beloved wife Susan; their children, Dara, Jennifer, and David; by his parents, Muriel and Joseph; and by his brothers Mark and Gary.

Mr. Speaker, it is my privilege and distinct honor to bring the brief life of Neal Howard Broxmeyer to the attention of my colleagues and hope they will join me in paying tribute to an outstanding human being.

"THE ATTACK CULTURE"

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. OXLEY. Mr. Speaker, as usual, the columnist Robert J. Samuelson has written very clearly and concisely about the scandals and the so-called attack culture that we find ourselves in today. I recommend the following column to my colleagues:

THE ATTACK CULTURE

(By Robert J. Samuelson)

"Scandal" is the latest word to lose its meaning. The threshold for scandal has moved so low that Washington is almost never without one. The newest is the "campaign finance" scandal, but we are still dealing with the Whitewater scandal and the Gingrich scandal. We have a permanent apparatus of investigators, partisans and reporters working full time to discover and publicize alleged wrongdoing—and calling everything they examine a scandal or potential scandal. Growing outrage is expressed over offenses that seem ever more obscure or trivial.

Of course, there are genuine scandals, and the behavior of our highest (or lowest) officials must be open to scrutiny. Government and the people who run it can be accountable only if their activities can be inspected. But the process has become twisted into a parody. At last week's press conference, President Clinton was asked 18 questions; 15 concerned campaign fund-raising. Was that the only important matter?

What we're seeing is the attack culture. By attack culture, I mean a mind-set and set of practices that go beyond ordinary partisanship, criticism, debate and investigation. What defines the attack culture is that its animating spirit—unexpressed, but obvious—is to destroy and bring down. Does anyone doubt that the assorted Whitewater investigations aim to destroy President Clinton and the first lady? Does anyone doubt that the charges against House Speaker Gingrich were motivated less by ethical sensitivities than the desire to annihilate him politically?

Investigation, always a political weapon, is now more so than ever. In a 1990 book ("Politics by Other Means"), political scientists Benjamin Ginsberg and Martin Shefter correctly observed: "American politics has recently undergone a fundamental transformation. . . . [C]ontending forces are increasingly relying on such institutional weapons of political struggle as legislative investigations, media revelations, and judicial proceedings to weaken their political rivals and gain power for themselves."

The attack culture originated with Watergate, and Nixon—destroyed and forced to resign—remains the standard of success. The mimicking of Watergate is increasingly undemocratic and breeds disrespect for the law, politics and (if anyone cares) the press. Most Americans sense that the process is out of control, because no one—no one, that is, who doesn't study these scandals for countless hours—can understand what they're about.

What was Gingrich's great offense? Well, he taught a college course (a sin?). Then, some videotapes of the course were used for political promotion (gee, a politician acting political). But wait: The course was financed by tax-deductible charitable donations, which aren't allowed for politics. Therefore, Gingrich committed a no-no and compounded it by providing false information to Congress (an innocent mistake, he claims; a willful deception, say his foes). Clinton may be guilty of a crime in Whitewater, but three investigations—costing more than $24 million—have yet to disclose what it is.

I am no fan of Clinton's or Gingrich's; nor am I defending their behavior and certainly wouldn't offer it as a model to my children. But we have elections for voters to decide whether, all things considered, they want to retain their elected leaders. Except in rare cases, that job shouldn't be hijacked by courts, prosecutors or the press with investigations that are increasingly inquisitional. They aim to prejudice people against their target, even if no serious charges are ultimately sustained. The process is abused, because the investigations are selective (often triggered by the target's prominence) and aim (by adverse publicity) to convict and punish the target.

The attack culture subsists on personal ambition and various political agendas. Reports want a big story; prosecutors seek convictions; partisans crave power. And the mere act of investigation creates pressures for results. Resources have been committed; reputations are at stake. Hardly anyone wants to say: "Sorry, nothing here" or "It's trivial." Every mistake, error or personal excess is elevated to a great evil. Sinister motives are alleged or implied. If it's not a scandal, why bother?

It's also guilty until proven innocent. Some investigations are self-fulfilling. There are so many laws and regulations that anyone who is investigated exhaustively may be found to have violated something. And some targets, flustered or embarrassed, blunder into criminal coverups. Nor are the targets only prominent officials. The federal Office of Research Integrity recently cleared an experienced scientist of misconduct. But for three years, he was subject to congressional hearings and had his research branded fraudulent. Those years, he said, "have been holy hell. They took away my position, my reputation, my work."

People are smeared because the attack culture is heavy-handed and single-minded. The current furor over campaign financing fits the pattern. It is driven by a coalition of Clinton haters, campaign-finance reformers and the press. The story surely seems compelling: the president (apparently) brokering the Lincoln bedroom for contributions; a host of seedy characters schmoozing at the White House; Al gore dialing for dollars from his office.

What's missing is perspective. The $2.96 million returned by the Democratic National Committee constitutes only 1.3 percent of all DNC contributions. Questionable gifts didn't affect the election's outcome, and there's no evidence that donations changed any major policy. Much fund-raising is sleazy. But no one should forget that giving money to a candidate or party is a form of political speech. Donations can't easily be limited without compromising free speech. The present hysteria—nurtured by self-proclaimed reformers—intentionally obscures this point.

All the crusading doesn't reassure the public. Just the opposite. Because most people grasp that the process has been corrupted—being moved by ambition and politics—they put the attackers and the accused increasingly on the same moral plane. A plague on everyone. We become desensitized to genuine scandal because the artificial variety is so common. All democracies need to examine their officials; an enduring dilemma is how to prevent legitimate inquiry from sliding into sanctioned tyranny. When everything's a scandal, we're losing the proper balance.

THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 5, 1997, into the CONGRESSIONAL RECORD.

THE ECONOMY

One of the nation's leading economists recently said that the economic performance of the United States today is like being at the top of a mountain. He said, "There is an exhilaration form getting there and the view is great, but all paths are downhill." In a fundamental sense, of course, he was right, because the challenge confronting policymakers today is to preserve the expansion and the economic good times we are now enjoying.

STATE OF ECONOMY

The fundamentals in the American economy today look very solid. Experts tell us that the economy is on track with no imbalances, only moderate inflation, an outlook for solid growth at sustainable levels, with nothing obvious on the horizon that would throw the economy off track.

The facts are impressive. The economic expansion has been growing at a solid, noninflationary pace in recent years, last year growing by 2.5 percent. Much of the recent growth has been fueled by stronger investment and exports. The 70-month expansion that the economy is enjoying has outlasted all but two of the other eight post-war expansions. The unemployment rate stands at

5.4 percent, down from 7.5 percent in 1992. Much of the job growth has been in sectors paying above-average wages. Inflation, which peaked at 6.1 percent in 1990, has remained below 3 percent in recent years. The combination of low unemployment and stable inflation has given the U.S. the lowest "misery index" since the 1960s. The federal budget deficit, which peaked at $290 billion in 1992, was down to $107 billion last year. That has helped keep long-term interest rates low.

There is a broad consensus among the experts that the nation's growth, inflation, and unemployment rates this year will be similar to those of 1996, and that unless something unexpected develops, interest rates will fluctuate within relatively narrow ranges. So the U.S. economy is heading into its seventh straight year of expansion.

OTHER COUNTRIES

It is not hard to find good things to say about the American economy, especially when comparing to what's happening in other countries. The United States was again recently judged to be first in international competitiveness, and our global market share of goods continues to increase. Our trade deficit is still too large, but it has declined by almost 50 percent as a percentage of our gross domestic product (GDP).

In addition, the United States continues to lead the world in per capita GDP. We lead the major industrial nations in growth, and have achieved the lowest budget deficit as a percentage of GDP of any of the industrial countries. Job creation in the United States has exceeded all the other major industrial countries combined, and the U.S. unemployment rate has dropped below that of all industrialized countries but Japan.

CONCERNS

But we ought not to spend too much time congratulating ourselves. The U.S. economy still shows some vulnerabilities and there are some areas of concern.

One is wage stagnation and inequality. Although we have seen some improvement recently, median family income has in recent years stagnated and the wage gap between the rich and the poor has widened. Wage inequality in the United States is more pronounced than in all the other industrialized countries. It bothers me that large segments of our population have seen little or no growth in their own incomes.

Even though the federal budget deficit has been reduced sharply in recent years, it is important to remember that the United States is still the world's largest debtor. I am very uneasy with the fact that the world's largest and richest economy, the great superpower, has become such a huge and chronic borrower.

We continue to have shortfalls in savings. We have the lowest personal savings rate among the industrialized countries and it has declined from 4.9% in 1985 to only 4.4% in 1995. The domestic savings simply are not meeting the nation's investment needs. That means we have to rely more on foreign capital and we reduce funds available to invest in future growth.

Although investment has increased in the 1990s, we are still not investing enough. Real U.S. investment in plant and equipment has declined since 1985. While we continue to lead the world in spending on research and development, our long-term investment as a percentage of our total wealth is falling just as other competitor nations are increasing their programs. While we spend more money than other countries on education, most of the education experts say that our overall performance, especially in the basic science and math skills, is disappointing. And productivity growth in the United States has been less than 1% over the past decade. That is the second lowest rate among the major industrial countries.

PRIORITIES

It is not difficult to identify where our national priorities in economic policy should be. The education and skill levels of the workforce need to be improved. Savings and investment must increase. The budget deficit has to continue to come down to increase savings, and science and technology policy and regulatory reform need urgent attention.

Looking to the future, what worries me the most is the increasing performance of the world's lower-wage economies. They are now competing more effectively in global markets. I worry about our ability to sustain high-wage jobs in that kind of competitive environment. The challenge from these countries is both direct competition in product services but also with firms which might otherwise be located in the United States moving to these countries. I think we have to focus much more urgently on boosting productivity, stepping up the rate of private sector investment, and improving and broadening the skills of the American work force.

CONCLUSION

The U.S. economy has improved in recent years, but more needs to be done. We especially need to bring the budget deficit down further and expand our investment in education, research, and infrastructure. These help build the foundation for the long-term economic health of our country, and should help improve the lives of average working families.

IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SCHUMER. Mr. Speaker, I submit the following for the RECORD:

Resolution for the 22d Annual Brooklyn Irish American Parade, Park Slope, New York

Commending the Brooklyn Irish American Parade Committee on its Twenty Second Annual Parade March 16, 1997.

Whereas this parade encourages an appreciation of an ancient Irish heritage; and

Whereas this event is a celebration of Brooklyn's cultural diversity and richness; and

Whereas this parade takes place on the historic site of the Battle of Brooklyn in which Irish Freedom Fighters—Marylanders and other ethnic groups gave their lives to secure independence for our America; and

Whereas the Spirit of '76 was, and still is, the ideal of the Brooklyn Irish American Parade; and

Whereas this year the Parade Committee, its members and officers remember "The Great Famine" (An Gorta Mor) 1845–1850 and Erin's Exiles; and

Whereas "The Great Famine" caused the death of over 1,500,000 in Ireland and tens of thousands on the coffinships which sailed to America; and

Whereas America is a nation of immigrants and a home to the descendants of the victims and survivors of "The Great Famine" and the Irish Diaspora; and

Whereas it is only fitting that this year's Grand Marshal is Father Colm Joseph Campbell of North Belfast, Chaplain & Co-Ordinator of the Irish Apostolate, Diocese of Brooklyn and Queens and a friend and spiritual counselor to the newest sons and daughters of Erin; now therefore, be it

Resolved, That this Legislative Body pause in its deliberations to commend the Brooklyn Irish American Parade Committee on its twenty second Annual Parade to be held on Sunday, March 16, 1997; its Grand Marshal, Father Colm Joseph Campbell, Chaplain & Co-Ordinator of the Irish Apostolate, Diocese of Brooklyn and Queens and his Aides; Eleanor Morrissey, Ladies A.O.H. Kings County; Brian Joseph Coughlan (Irish Culture) Pipe Major, Pipes & Drums of the NYC Police Department Emerald Society; Edward J. Cush (Labor/Business) Iron Workers Union Local #361; Vincent O'Connor (Education) Retired District Supervisor Board of Education; Treasa Goodwin (Gaelic Sports) N.Y. Young Irelands Camogie Club; Cody McCone (Kings County Ancient Order of Hibernians); John McGrath (Grand Council United Emerald Societies/Sanitation Dept.); Parade Chairperson, Kathleen McDonagh; Dance Chairperson, Eileen O'Dea; Journal Chairperson, Martin Cottingham; Raffle Chairperson, Ronnie Killen; Parade Officers, Members and all the citizens of Brooklyn, participating in this important and memorable event; and be it further

Resolved, That copies of this Resolution, suitably engrossed be transmitted to Father Colm Joseph Campbell, his Aides and the Brooklyn Irish American Parade Committee in Brooklyn.

HONG KONG REVERSION ACT

SPEECH OF

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. RADANOVICH. Mr. Speaker, on July 1, 1997, Hong Kong concludes one challenging but prosperous chapter, and inaugurates another of equal potential. While continued prosperity marks Hong Kong's future, a thriving economic, and autonomous course is not guaranteed under the shadow of mainland China's stale political and economic policies. The United States must strive to assist Hong Kong and its people in preserving and pursuing economic and political values so close to our own.

Thus, I support the objectives of H.R. 750, the Hong Kong Reversion Act. This bill reiterates an unyielding support for the autonomy of Hong Kong and future well-being of its people. The act is not insignificant. For the benefit of my colleagues in understanding the importance of this measure, I include for the record April Lynch's analytical account in today's San Francisco Chronicle. The author skillfully catalogs the concerns Californians have respecting Chinese rule over Hong Kong. Let us hope, Mr. Speaker, that our action today is clearly understood in Beijing. The Hong Kong people deserve no less than our unwavering support.

[From the San Francisco Chronicle, Mar. 11, 1997]

Bay Area's Big Stake in Hong Kong—Economic, Cultural Ties at Risk Under China Rule

(By April Lynch)

When the flag of the People's Republic of China is raised over Hong Kong this summer, few other places will have more at stake than the Bay Area and California.

A web of multimillion-dollar businesses, strong cultural ties and 150 years of shared history link the Gold State and the City on china's southern coast. Hong Kong and San Francisco, founded about the same time, have long exchanged money, people and plans for the future of the Pacific Rim.

“California and Hong Kong are like neighbors, even with an ocean in the middle,” said Richard So, 29, a computer consultant who grew up in Hong Kong, went to school in this country and now commutes to work between Sunnyvale and Hong Kong. “It is hard to imagine one without the other.” The Bay Area is a favorite destination for people leaving Hong Kong for the United States—since 1993, 25 percent of them settled in San Francisco, Oakland or San Jose.

With only 6 million people, tiny Hong Kong is California's ninth-largest export market, buying about $2.6 billion in goods from the state in the first nine months of last year. China, by comparison, has one-fifth of the world's population but ranks 16th on California's list of export buyers. More than 100 California companies—including Bank of America, Walt Disney and Netscape—have offices or their Asia headquarters in Hong Kong.

Now, four months before Britain turns one of the world's most lively capitalist hubs over to the world's biggest communist country on July 1, those ties face an uncertain future.

People with business or family links to Hong Kong hope that China will allow the territory to remain an economic powerhouse, and many Chinese and Chinese Americans take pride that Hong Kong's transition will all but end the Western colonial presence in China. But those feelings are tempered with caution.

“Hong Kong will continue to be of paramount importance,” said Jesus Arredondo, spokesman for the California Department of Trade. “It all depends on what the Chinese government does.”

COLONY'S ESTABLISHMENT

Since the mid-1800s, California and Hong Kong have never been far apart. Once a few scattered fishing villages, Hong Kong was seized by Great Britain in 1842, after the first Opium War. The colony's establishment encouraged foreign interests that wanted trade and influence in China, but it was a humiliation China has never forgotten.

Britain expanded the colony in 1860 with the Kowloon Peninsula and the New Territories in 1898 and along the way turned Hong Kong into a major international port. San Francisco interests quickly looked to Hong Kong to recruit laborers to work the state's gold mines and the railroads.

Trade, travel and immigration between Hong Kong and California grew—especially after the colony rebuilt from the devastation of World War II and became Asia's financial hub. Hong Kong now has about as many people and covers as much territory as the Bay Area, but it boasts the world's eighth-largest trading economy and stock market, the world's busiest container port and 9 million visitor-arrivals each year.

The mix of Chinese and foreign residents—about 120,000 people in Hong Kong are from other parts of the world, including the United States, England, India, the Philippines and Vietnam—has created a striking cultural blend. A day in Hong Kong can easily mean speaking more than one language at work, choosing between Shanghai, Italian or Indian cuisine for dinner, playing a mean game of billiards and finishing the night with a plate of chow fun at a street-corner stall.

The Chinese Communist party stopped short of seizing the colony when it took control of China in 1949 but always made it clear that it wanted Hong Kong back in 1997, when a key lease that gave Britain most of the territory was to expire. In 1984, the two countries reached a deal that would return Hong Kong to China in 1997 but allow the territory remain a “special administrative region” with its basic systems intact for 50 years.

TIANANMEN CRACKDOWN

Goodwill about that plan fell apart with the Tiananmen Square crackdown in 1989. More than 1 million people filled Hong Kong's streets to protest the bloodshed. Emigration from the colony jumped, and many of Hong Kong's business leaders began moving their holdings or strengthening ties overseas, including in California.

Take, for example, Jimmy Lai, the Hong Kong founder of the Giordano clothing chain and publisher of several popular magazines and newspapers. Giordano recently followed many Hong Kong companies in moving its incorporation to Bermuda, and Lai has expressed interest in investing in Silicon Valley. He has good reason to want to expand his business overseas.

After the Tiananmen Square crackdown in Beijing, Giordano printed up tens of thousands of bright red bumper stickers decrying the bloodshed and distributed them for free. The stickers became a must-wear item at the huge protests that filled Hong Kong streets. In 1994, Chinese officials shut down Giordano's Beijing store after Lai wrote a magazine editorial describing Chinese premier Li Peng as a “turtle's egg with a zero IQ.” Lai resigned as chairman of Giordano shortly thereafter.

Lawrence Chan, head of the Hong Kong-based Park Lane Hotels International chain, owns both the Parc Fifty Five Hotel in San Francisco and the Parc Oakland Hotel. He said the people who drive Hong Kong's economic machine will take a constructive but cautious approach to the transition.

“As businessmen in Hong Kong, we don't listen much to rhetoric,” said Chan, who is also president of the Hong Kong Association, a prominent local business group. “We look for what is going on. We look for actions. . . . Recently, we have been seeing the Chinese government pouring huge amounts of capital into Hong Kong, and that is encouraging. China has a huge stake in Hong Kong's future.”

CORRUPTION WORRIES

Some China watchers are not so optimistic. There are worries that the corruption that has accompanied China's economic reforms will spill into Hong Kong and that the Chinese government will be fundamentally uncomfortable with having so much free enterprise and private property within its borders.

“I can't see Hong Kong operating at its current level once China takes over,” said George Lee, professor of international business at San Francisco State University. “The Communist officials are going to try to control everything they can get their hands on.”

Those worries go beyond big business and multinational corporations to the crowded highrise neighborhoods and outlying islands where most of Hong Kong's people live. Hundreds of thousands of Chinese emigrants have passed through Hong Kong on their way to the United States since 1850, with a sharp increase after anti-Chinese immigration restrictions were lifted after World War II.

Thousands have chosen the Bay Area as their new home—about 20,000 in the past 10 years, according to U.S. immigration statistics.

For many Hong Kong immigrants, the coming changes bring concern for friends and relatives still there.

Underneath its fancy facade, Hong Kong is an expensive place to live. A small flat in a crowded jumble of concrete highrises can cost hundreds of thousands of dollars, and many families have worked for decades to buy a home or business. Now, with the handover, people worry that their friends or family see the life they have built slip away.

“There is a lot of apprehension and mixed feelings,” said Rose Pak, spokeswoman for San Francisco's Chinese Chamber of Commerce, who was born in Hong Kong and moved here in 1967. “There is pride in reuniting with China. But no one wants to see people there lose their property, or their freedom to travel or speak their mind.”

Still, people in California know there is not much they can do. China's economic modernization in the past decade gives some faith that the Chinese government will shore up Hong Kong, not undermine it. Any unraveling of Hong Kong's economic might would also be a huge loss of face for Beijing, where many Chinese leaders want to show the world they can improve on the way Great Britain ran the colony.

“There is so much there worth keeping and expanding on,” said So, the computer consultant. “The big highrises with their wild architecture that stand over little markets a few streets away, and the harbor full of big tankers next to old Chinese junks and fishing boats. It can be a crazy place, but it is always exciting. I hope it will all survive.”

HONG KONG AT A GLANCE

Hong Kong is about the same size and has about as many people as the Bay Area—but the territory has become one of the world's economic powerhouses. Its pivotal role in the economies of Asia and the Pacific Rim, as well as Hong Kong's long-standing cultural ties to California, give the Bay Area a huge stake in Hong Kong's future.

Population: 6.2 million.

Origins: Once a group of quiet Chinese fishing villages, Hong Kong was seized by Great Britain in 1842 following the first Opium War. Great Britain expanded the size of the colony in 1860 with the Kowloon Peninsula and the New Territories in 1898.

Economy: Hong Kong has thrived on unfettered capitalism, with an import-export economy driven by its huge harbor, powerful banks, many small factories and busy stock market. The colony exported about $150 billion worth of goods all over the world in 1994.

Politics: Hong Kong is run by a British governor, a locally elected legislature and a powerful civil service. China has been increasing its influence behind the scenes in recent years. Following the Tiananmen Square crackdown in 1989, a million Hong Kong people took to the streets to protest the bloodshed and to call for greater democracy.

Culture: Hong Kong's population has always been predominately Chinese, but expatriates from all over the world have long flocked to the colony. The mix has created a blend of cultures and traditions that exists nowhere else. Many of Asia's top artists, film-makers, chefs and designers have come from Hong Kong.

Dollars to California: Hong Kong is California's ninth-largest export market, importing $3.8 billion in California goods in 1995. Top goods purchased included electronics and industrial machinery. Exports to Hong Kong support more than 70,000 jobs in the state.

California, a favorite destination: In recent years, about 25 percent of all immigrants from Hong Kong to the United States settled in the Bay Area. Hong Kong has been a major point of departure for hundreds of thousands of immigrants headed to California for 150 years.

The future: China will retake control of Hong Kong on July 1 under an agreement reached with Great Britain in 1984. The plan called for making Hong Kong a special region within China and leaving Hong Kong's systems in place for 50 years. Since then, however, China has moved to replace the elected legislature with one made up of representatives approved by Beijing and will undo parts of a Bill of Rights passed four years ago. Chinese leaders continue to say Hong Kong's economy and other systems will be left untouched.

TRIBUTE TO MAGNUS ELLEN, SR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the memory of Magnus Ellen, Sr. of Passaic, NJ, who passed away recently on February 25, 1997.

Magnus' life was one of dedication and commitment to the community, serving the city of Passaic as its only African-American councilman and as a member of the board of the United Passaic Organization, the city's branch of the National Association for the Advancement of Colored People.

As well as being a community activist, Magnus also served the community as deacon of St. Paul Baptist Church, and as chairman of the board of directors at St. Paul Baptist Church for two decades. Through his involvement in the community, Deacon Ellen—as he was affectionately known—led several citywide improvement campaigns which included an antilitter program that saw the participation of hundreds of residents and students picking up trash from the city's streets while city officials were debating the management of the program.

A giving and honest man, Deacon Ellen never turned away those in need of help and even unofficially adopted two young musicians from St. Paul Baptist Church, who were members of the Inspirational Choir, a program organized by Deacon Ellen. Another popular church program begun by Deacon Ellen is the annually celebrated, Youth Day.

In addition to being a community activist and a man of God, Deacon Ellen was also a traveler who counted as one of his greatest personal achievements, a trip made to Jerusalem nearly two decades ago.

Deacon Ellen and his wife, Christine, who passed away 4 years ago, had raised a loving family of five children including Magnus, Jr., a retired Passaic detective, and Carl, owner of the Ellen Agency, his insurance company.

Deacon Ellen was planning to remarry on August 2, of this year to his fiancée, Loretta Bradley.

Surviving Deacon Ellen are his five children, a sister living in Chicago, and many grandchildren and great-grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Deacon Ellen's fiancée Loretta, his family, and the city of Passaic in remembering Deacon Magnus Ellen, Sr., and his many invaluable contributions to the community.

SALUTING KARL ANTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the members and friends of the Long Island, Nassau/Suffolk Chapter of the Juvenile Diabetes Foundation International as they gather on March 15, at the Garden City Hotel to celebrate their outstanding accomplishments and honor a most unique and dedicated individual, Karl V. Anton, Jr.

When describing Karl Anton, one usually says, "He has ink in his blood." This healthy dose of printer's ink was given to him by his father, who published a community paper in Freeport, as well as the Nassau News. It very soon became the family tradition to both report and create history. As Karl became more involved with his father's journalistic efforts, the concept of community service took hold and very soon merged with his dedication to publishing. What resulted were newspapers that served to both enhance and inform the community. Many of today's Long Island newspapers have greatly benefited from contact with Karl Anton.

Karl is indefatigable in all he undertakes and successful in all his endeavors. The intimate knowledge of the community gained by Karl through his newspapers generated a sense of duty to the various neighborhoods he covered. Very quickly he became a multifaceted workman devoting his knowledge and skills to a variety of community organizations and projects.

Karl Anton's involvement in the Juvenile Diabetes Foundation came about when his oldest granddaughter, Christine, was diagnosed with the illness. Since then, a second daughter, Mary, was similarly diagnosed. Much to the great love and dedication of Karl, these children have been blessed with a compassionate, selfless and dedicated grandfather who has devoted his total self in aiding the search for a cure.

Mr. Speaker, at a time when we search for heroes to lead us by dint of personality and hard work, we have been blessed with such a man as Karl Anton. I ask all my colleagues in the House of Representatives to join me now in saluting Karl Anton for a lifetime of selfless contribution to his community.

BLACK HISTORY MILITARY HERITAGE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. STEARNS. Mr. Speaker, last month I had the opportunity to attend a ground breaking ceremony for the Afro-American Memorial Museum at Camp Blanding, FL. The museum hopes to foster understanding, interest and pride in the military history of Florida and in particular of black Floridians.

The dedicating speech at this event was given by Prof. Robert Hawk, a former Navy corpsman and current professor of American and Florida history. To put it simply, Professor Hawk is the exemplification of the museum itself. He has authored many books on the Armed Forces and on Florida; he has worked for the Florida Department of Military Affairs as a historical site interpreter; he has assembled and published 150 volumes of archival material on Florida history; and he has co-designed and created three public museums devoted to Florida history. We all have a lot to learn from a man like Professor Hawk. His speech at the ground breaking struck a chord with me; it enlightened me; and it made me proud to be an American and a Floridian.

Mr. Speaker, attached is the text of Professor Hawk's speech from the ground breaking. it is to be made part of the RECORD. I urge my colleagues, and indeed all Americans, to read through what he has to say. His message is invaluable in understanding the history behind our great country, and is therefore invaluable in understanding the pride in being an American, a Floridian, and a neighbor of great men like Professor Hawk.

BLACK FLORIDA MILITARY HERITAGE

(By Robert Hawk)

A narrative version, based on the notes prepared, of the speech I gave the Black History Month groundbreaking ceremony for the "Walk Through Time" memorial project at Camp Blanding, Florida; February 21, 1997. Its pretty rough as it was designed as a speech and not a finished product for publication. Anyway, here it is as best I could reconstruct it! I am also enclosing a copy of the historical background material for the project grant that was handed out at the ceremony as I wrote that as well and it tells the story a bit more coherently.

As a professional historian and teacher, I am frequently surprised, indeed depressed to realize how very little the average American knows of our country's history. And for Florida history; even among individuals born and raised here, with long family histories associated with the state, their knowledge of our state's history is generally extremely limited, often non-existent. There is virtually no knowledge or appreciation of our peninsula's long, interesting and distinguished history which extends over more than four centuries.

And knowledge of Florida's Black military historical heritage? Even less is known.

Contemporary, popular or "politically correct" view of Florida, and its Black history, suggests cotton fields and slaves and, for virtually everyone, Florida history begins when the Americans take over in 1821.

But this view completely overlooks the more than 350 years of Florida's history which precedes American control and, it ignores the important military service which Black Floridians have given their new world home for all those preceding centuries.

Our "Walk Through Time" memorial is designed to commemorate the entire 430 years of dedicated military service by Black Floridians. And that unique heritage begins where it should; at the beginning!

1565

When Pedro Menendez de Aviles established the military or presidio settlement of St. Augustine in September 1565, he mustered all his troops and the settler militia. The company of local militia contained at least two men of African origins. As a note, under Spanish law, in a presidio or military settlement, all males, black/white, free and slave; Indians, mixed bloods; even convicts were liable for military or militia service.

From 1565 on, there was never a time when there were no men of African origin serving in the Florida militia or local garrison. By the middle of the 17th century, at least one entire company of Florida militia infantry was composed entirely of free and slave black local residents.

During the War of Jenkins Ear, Florida was partially defended by a Black infantry company of former slaves and free citizens attached to the Fort Mose settlement north of St. Augustine commanded by Francisco Menendez, a former slave and now wealthy free man of color in Florida. In June 1740 after the British invaded Florida and laid siege to the city of St. Augustine, those Black soldier, along with their Spanish Regular compatriots, successfully assaulted the British positions at the occupied Ft. Mose, precipitating the subsequent evacuation of Florida by the British.

Few Floridians and fewer Americans seem aware that Florida was a Loyalist colony during the war of the American Revolution. The colony raised a regiment of East Florida Rangers of nine companies, at least one of which was entirely composed of local Black citizens. The Rangers fought the Rebels from the north several times and never lost a battle, eventually helping the British occupy east Georgia which they held until war's end.

During the Second Spanish period following the Revolution, Florida had many Black infantry and artillery militiamen.

In 1821 the Americans took over Florida. Things would change as the Americans had different institutions and values. There would be a much reduced, almost non-existent role for Blacks in the local militia but some Florida Blacks did serve in the Seminole Indians Wars.

And then there is America's most devastating war; the Civil War or the War of Northern Aggression.

Most people believe all Southern Blacks who serve in the war did so in the Union Army. Not so. Throughout the South, approximately 40,000 Southern Blacks, both free men and slave, actively served in or with the Confederate Army and they fought for their homeland; the South.

Some did serve in the Union Army. From Florida, most local Blacks who served the Union did so in the 1st South Carolina, later re-named the 33rd US Colored Infantry.

But other Florida Blacks served the South. For example, at least twelve local men of color served in Company B, 3rd Florida Infantry, Confederate States Army, one of whom was Corporal Emmanuel Osborne. His brother Samuel Osborne, served as a Private in the 33rd US Colored Infantry, Union Army. Not only white families were divided by this terrible war.

After the Civil War, Florida, and America's military and militia units were segregated. Black militia units in Florida did not receive official recognition but Black Floridians continued to organize and train their own militia units right up to the beginning of the First World War. Some Florida Blacks served in the Black Regiments of the Army fighting Indians in the West, in Cuba and the Philippines. At least three members of those regiments from Florida were killed in action at the Battle of San Juan Hill in 1898 and are buried in the National cemetery in St. Augustine.

During World War I and World War II, America's military remained segregated. But thousands of Black Floridians served in the military, some died and some were killed in action fighting the Germans in the First War and Germans and Japanese during the Second.

Largely desegregated after the Second War, Black Floridians continued to serve their state and nation in Korea, Vietnam, Desert Storm and in all the many military deployments and associated activities of our nation since 1945.

And, finally, three African American Floridians have received our nation's highest medal for valor; the Medal of Honor. Adam Paine, Clifford Sims and Robert Jenkins.

Adam Paine was a Seminole Negro Indian Scout with the 4th US Cavalry and earned his medal 20 September 1874 on the Staked Plains of Texas. He was born in Florida and moved to Mexico just before the outbreak of the Civil War and crossed into Texas after the war to join the Army. To quote from his citation; "Seminole Negro Indian Scout Adam Paine; for gallantry when attacked by a hugely superior party of Indians. This is a Scout of great courage" signed Colonel Ranald MacKenzie; commanding the regiment.

Clifford Sims of Port St. Joe, Florida, was a Staff Sergeant with the 101st Airborne in Vietnam when he earned his medal 21 February 1968 in a battle associated with the Communist Tet Offensive near Hue.

He was a squad leader leading his men in an attack against heavily fortified enemy positions. He exhibited excellent leadership throughout the battle and saved his men from serious injury when an enemy ammo position exploded. Shortly afterward, when the unmistakable sound of an enemy booby trap being sprung was heard, he threw himself on the enemy device and was killed. His men lived.

Robert Jenkins Jr., of Interlachen, Florida was a Private First Class in the United States Marine Corps when he earned his medal on 5 March 1969 near the DMZ in northern Vietnam. He was serving as a machine gunner with Recon unit when his position was assaulted by NVA Regular troops. He and his assistant gunner fought back effectively, but when an enemy grenade was thrown into their position, Jenkins, without hesitation, placed himself between the grenade and his comrade, thus receiving the wounds from which he died later that day. His fellow Marine lived. He came to visit Robert's grave in Florida just this past year.

Well, this is but a sample of Florida's Black military heritage which we wish to commemorate with this memorial project. It is an interesting, unusual and distinguished heritage; one that needs to be made known to all Floridians. Out "Walk Through Time" memorial exhibit will be a start toward making this part of our state's long and incredibly diverse history available to the general public.

We extend our most profound thanks and appreciation to all of those who have, or who will, assist us in the creation and completion of this project.

RECOGNITION OF THE AMERICAN JEWISH COMMITTEE FOR THEIR SIGNIFICANT DONATION TO THE GAY'S HILL BAPTIST CHURCH IN MILLEN, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. KINGSTON. Mr. Speaker, in response to the malicious burning of the Gay's Hill Baptist Church in Millen, GA, the American Jewish Committee presented a donation of more than $87,000 to the church's congregants for reconstruction on December 15, 1996. The remarks that David A. Harris, the executive director of the American Jewish Committee, gave at the presentation were especially inspirational and carried the message of racial healing. Mr. Harris' apt remarks follow:

GAY'S HILL BAPTIST CHURCH GROUNDBREAKING CEREMONY

(By David A. Harris, Executive Director, American Jewish Committee)

Reverend Baldwin, Ladies and Gentlemen, Brothers and Sisters, Perhaps they're out there right now, maybe hiding behind that tree, or over in that field, or behind that car. I'm speaking of those who would commit such an act as burning a church. Maybe they're out there right now, watching us. I hope so.

Perhaps they thought they had found an isolated church to burn down, a church no one would notice, much less care about.

They were wrong. This church is now at the center of the universe. It might as well be located in the middle of Times Square in New York, or between the White House and the U.S. Congress in Washington.

Perhaps they thought only Baptists would care.

They were wrong. It's not just Baptists who care. It's all caring people who care. And if this was an assault against Baptists, then all of us—of many religions—are today Baptists.

Perhaps they thought only African Americans would care.

They were wrong. It's not just African Americans who care. It's all caring people who care. And if this was an assault against African Americans, then all of us—of many races—are today African Americans.

Perhaps they thought only Christians would care.

They were wrong. It's not just Christians who care. It's all caring people who care. And if this was an assault against Christians, then all of us—of many faiths—are today Christians.

Perhaps they thought their hate would prevail.

They were wrong. Our love will. Our bonds—across race, religion, geography—will prevail. As we stand here today, hand in hand, arm in arm, shoulder to shoulder, we know that to be true.

Perhaps they thought destruction would prevail.

They were wrong. Construction will prevail. We are builders, not destroyers. The rebuilding of this church is but one example.

Perhaps they thought an exclusive view of America would prevail.

They were wrong. An inclusive vision of America—of all its people and their rich diversity—will prevail. We reaffirm that vision today, as we must every day. An America where we will learn to live together as brothers and sisters, else we die together as fools, as the late Reverend King so poignantly stated.

Ladies and Gentlemen, Brothers and Sisters,

When we at the American Jewish Committee learned about the spate of church burnings, we wanted to extend a helping hand—not just in words, words can be quite cheap, but in deeds. We wanted to rise up as part of the community of conscience and stand with those in pain and in need. We wanted to do something tangible.

For many of us, the sight of church burnings was all too familiar. Near and far, we have witnessed many of our synagogues, far too many, go down in ashes—targets of hate. We have experienced the sense of fear, of vulnerability, of anger, and of isolation that comes with such tragedies. And we know what can happen when we are alone. Yes, we know.

For too long, we were alone, as you have been alone.

But no more. Enough. Many good people are waking up and want to be counted. You are not alone. We are not alone. Just this past week, for example, Jews around the world were celebrating the holiday of Chanukah, the eight days marking the first recorded struggle for religious freedom, the freedom to be different. A Jewish family outside Philadelphia experienced a frightening event.

During the night, someone came, broke a window and destroyed the candelabra, the menorah as we call it, shining bright in their window. But what happened next? By the end of that day, virtually every home in the immediate neighborhood, Christian and Jewish, had placed a menorah in their front window. And something very similar happened in Billings, Montana three years earlier when thousands of Christian homes placed menorahs in their windows after a similar attack.

That's true faith, that's genuine kindness, that's real brotherly and sisterly love.

No, none of us should be alone. None of us should ever again experience the fear of isolation. And none of us should ever again remain quiet or inactive at such moments. That would be akin to acquiescence, to defeat.

And that's why we wanted to help, to stand up and be counted, to affirm that we are all God's children, all created in the Divine image. In doing so, we were motivated by the words of Samuel:

"The Lord declares to you that He, the Lord, will build a house for you . . . He shall build a house for God's name . . . Be pleased, therefore, to bless your servant's house, that it may abide before You forever; for You, O Lord God, have spoken. May your servant's house be blessed forever by Your blessing."

Joining me here today are a number of American Jewish Committee colleagues whom I'd like to ask to join me now. From Atlanta: Lois Frank, Steve Kleber, Sherry Frank and Sunny Stern. From Philadelphia: Lisa Weinberger and Eric Kantor.

And though technically not a colleague, I'd also like to ask my 17-year-old son, Danny, to come up. I asked Danny if he would come with me from New York because I wanted him to experience this day for himself and hopefully to draw strength and inspiration from it.

Reverend Baldwin, my colleagues and I at the American Jewish Committee said we wanted to do something tangible. As you know, we and the whole family of the American Jewish Committee undertook a fund raising effort to help you and your congregation rebuild the Gay's Hill Baptist Church. I am pleased today to be able to give you these checks totalling more than $87,000 that resulted from the effort.

And now, may I ask you all—Christian and Jew, black and white, we who seek to build, not destroy; to love, not hate; to heal, not wound—to join hands for a moment of prayer.

"Our God and God of all Generations, We rejoice at the gift of friendship and fellowship that is ours this day.

We ask Your blessing upon those who lead and serve this Congregation. Bless them in their endeavors to build a new House of Prayer.

Give special strength, wisdom and courage to those who will labor to build this new House. Be with them in the days and months ahead.

And may they achieve the goal we all seek, the gift we Jews call Shalom, the gift of peace. And let us say, Amen."

TRIBUTE TO GIRL SCOUTS OF THE USA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to join in celebration of the 85th anniversary of the Girl Scouts of the USA. The Girl Scouts of the USA, since its inception in 1912, has stood for the highest principles of honesty, fairness, and service to others.

Juliette Gordon Low registered the first group of 18 Girl Scouts on March 12, 1912, in Savannah, GA—conceiving the idea from England's Sir Robert Baden-Powell, who in 1911 had founded an organization called the Boy Scouts.

The birth of the Girl Scouts of the USA in the early part of this century introduced unprecedented opportunities for girls to expand their lives. While girls and women in those years were unable to break into traditionally male activities, sports, fields of academics and jobs, the Girl Scouts of the USA handbook in 1913 included instructions on how to fly an airplane.

The Girl Scouts sisterhood gained enormous popularity in the years to follow, leading to its incorporation in Washington, DC, on June 10, 1915, its first nationally organized cookie sale in 1936, and its chartering by the U.S. Congress on March 16, 1950.

In the decades since then, the Girl Scouts of the USA has grown to nearly 3½ million members—2.6 million Daisy, Brownie, Junior, Cadette and Senior Girl Scouts, and 827,000 adult volunteer leaders, consultants, board members, and staff specialists. First Lady Hillary Rodham Clinton serves as its National Honorary President. A total of 174 million boxes of Girl Scout cookies sold last year for $435 million, to support activities of 331 local councils established nationwide. The Girl Scouts of the USA has enjoyed tremendous success.

We must continue to support and acknowledge the value of an organization that teaches a young girl through its basic law to do her best, to be honest, to be fair, to help where she is needed, to be cheerful, to be friendly and considerate, to be a sister to every Girl Scout, to respect authority, to use resources wisely, to protect and improve the world around her, and to show respect for herself and others through her words and actions.

These responsibilities in Girl Scout Law and words in the Girl Scout Promise to "serve God and my country" have prevailed throughout the 85 years of its organization, despite new challenges marked by evolving times. In cities such as Milwaukee, Honolulu, and here in Washington DC. Girl Scout troops are having an incredible impact on the lives of girls. Today's Girl Scouts are taught duty and obligation to others and themselves, and are offered opportunities to do so through a broad range of activities. Girl Scouts each week are participating in positive activities to discover the worlds of science, the arts, the outdoors, and people—as well as to find their ability to excel in these worlds.

The Girl Scouts of the USA will continue to mean for millions of our girls a source of friendship, a positive creed by which to live, and endless opportunities at self-discovery. Happy 85th birthday, Girl Scouts of the USA. I wish you many more to come.

"DEMOCRACY—ABOVE AND BEYOND"

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. WISE. Mr. Speaker, I would like to introduce for the RECORD a script written by Mr. William "Jamie" O'Brien, a constituent of mine from Buckhannon, WV. This script was West Virginia's winning entry into the Veterans of Foreign Wars—Voice of Democracy broadcast scriptwriting contest.

Jamie's script does a tremendous job of blending the history of our country with examples of the shortcomings of other types of government to explain why, "Democracy, against all other forms of government, is above and beyond." I encourage my colleagues to keep Jamie's script in mind as we seek to find effective solutions to the problems that currently face our Nation.

"DEMOCRACY—ABOVE AND BEYOND"

(By William O'Brien)

As I watched the sun set upon the Pennsylvania battlefield, I could see the men charging forth over the crest of the hill. Valor raging in their eyes. The name Gettysburg itself carries a foreboding presence, but being there to witness the landscape is an eye opening experience. This place is one example, of many, where brave men laid down their lives for the protection of the precious institution democracy.

Throughout the history of the United States, we have strived to protect freedom and be an example of democracy at work. When the very existence of the nation was threatened in the 1860's, President Lincoln's main objective was not the Emancipation Proclamation or to punish the South for its defiance. His chief war aim was to preserve the Union. Lincoln knew that the war would shape us into a new nation. When Lincoln visited the Gettysburg battlefield to dedicate a cemetery, he included in his remarks an eloquent description of democracy—"a government of the people, by the people, and for the people, shall not perish from the earth."

Just down the road from the battlefield is the Eisenhower farm. Eisenhower worked his whole life for the cause of peace. He served his country in the struggle against the Nazi party in World War II. After all his military accomplishments he returned to his homeland and retired to this spot in Pennsylvania. As president of the United States and as leader of the free world, "IKE" returned here—bringing many world leaders. The leader of the communist USSR, Nikita Khrushchev, viewed and walked this same ground. The communist leader's famous phrase, "we shall bury you," is now only ashes.

Democracy, being derived from the highlights of other governments, is the best form of government. A monarchy is too naive, to think that one person can rule a diverse group of people. It's strong suit is that it puts one person at the head so things can get done quickly. Totalitarianism is not good for an advancing society. If the government controlled all aspects of life creativity would be lost. The government has the responsibility, however, to control the safety of its people. The tyrannical power of a dictator does not allow people to be free in their own homes. At any time, their life can be expended. They have no rights. Yet, the maintaining of an army for defense and the war is essential. For these reasons, democracy is above all forms of government.

The protection of the people and their rights are two of democracy's greatest assets. But most important is how apt the government is to change. Our government is not defined by the time in which it was developed. It's molded by the present. The United States Constitution is a living document. The soldier at Gettysburg, President Lincoln, and General Eisenhower, all fought to preserve the Constitution and what it stands for. Depending on what is needed by the people, our government provides. Our democracy has lasted for over two hundred years, while other governments have fallen to the wayside. Democracy goes beyond all forms of government.

I have no fear that when I reach adulthood, democracy will be able to provide for me. We shall shape it for ourselves. Because democracy, against all other forms of government, is above and beyond.

TRIBUTE TO LARRY MANCINO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SCHUMER. Mr. Speaker, at its most recent convention, the Communications Workers of America elected as vice president of its district I, Larry Mancino.

District I is the largest jurisdiction in CWA in terms of membership, with nearly 100,000 dues payers residing in the States spanning the area between New Jersey and Maine.

I take special pride in Larry's election because he is not only a native of the Empire State, but also was born in Brooklyn.

Most significant, Larry Mancino brings a proven track record to the position of vice president, having served for more than 30 years as an effective and enlightened labor leader.

After completing military duty in the Air Force, he began work as a communications technician with the Western Union Telegraph Co. In 1966, Larry assisted the CWA by becoming the collective bargaining representative for the 4,000 employees of Western Union. Six years later, he was appointed to CWA's national staff. He later advanced to director of the union's downstate region, including New York City.

Most noteworthy, Larry was promoted in 1991 to assistant to Morton Bahr, the president of CWA. A responsibility that Larry carried out diligently and successfully until his election as vice president of district I.

Mr. Speaker, Larry Mancino is not only eminently qualified to be vice president of CWA but he and the world's largest telecommunications union are a nearly perfect match.

The CWA is a prime example of an outstanding "public citizen" in our pluralistic society, an organization that enhances the quality of life of all Americans. It is an activist organization with grassroots rank-and-file members residing in all 50 States and in each of the 435 congressional districts.

I am pleased that the leadership of CWA's district I is in the hands of Larry Mancino. He is an invaluable asset not only to CWA but also to working families throughout the Nation.

I also want to acknowledge Larry's indispensable partner, Connie, their three children and their grandson. I know that they are proud of his extraordinary career and the latest honor he has richly earned.

LEGISLATION TO ENCOURAGE HOUSE MEMBERS TO HIRE WELFARE RECIPIENTS BY INCREASING THE MEMBER STAFF ALLOTMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. NORTON. Mr. Speaker, today I introduce a bill to encourage Members of the House of Representatives to act in the spirit of welfare reform and to set an example by hiring at least one welfare recipient to work in either their Capitol Hill or their district office. The bill increases the number of staff that Members are now permitted to hire from 22 to 23 without any increase in their budgets, provided that the extra staff member is full-time and a welfare recipient. Members may hire welfare recipients now, as some have done, but others feel constrained by the limit on the total number of employees. By allowing an additional position, this legislation may also encourage the hiring of welfare recipients who are hard to place because of lack of experience and opportunities. Members may credit a welfare recipient from this city or region to her own home State's work participation rate, if desired.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that, by the year 2002, 50 percent of all families—including 90 percent of two-parent families—receiving welfare be in the workforce or in work activities. In only 1 year, this year, half that number or 25 percent must be working—including 75 percent of two-parent families. This is a daunting goal to achieve nationwide, especially considering the wide differences in the economies of the States, cities, and rural areas and great differences in the skills and background of welfare recipients today. Yet large penalties ultimately totaling up to 21 percent of a State's grant may result if the quotas are not met. At a time when we are asking private employers to hire welfare recipients, we must take the lead.

The President has directed Federal agencies to take steps within the next 30 days to hire welfare recipients. Congress must also do its part. While this revenue neutral bill contemplates no increase in a Member's allowance, it removes a hurdle to hiring a welfare recipient for offices that already have the authorized number of staff or must use their full complement.

Under current rules, Members are allowed to hire 22 staff members, 18 permanent and 4 nonpermanent, in their Washington and district offices. The last time the number of permanent staffers was increased was in 1975—from 16 to 18—and the 4 nonpermanent staff positions were added in 1979. There is no corresponding increase in Member allowance.

Several Members have already begun to hire recipients of public assistance. This legislation encourages others to follow by reducing one possible impediment. This legislation is also in the spirit of the Congressional Accountability Act that applies the same laws to Congress as to other Americans. Employers are not required to hire welfare recipients, and neither are we. They are encouraged to hire welfare recipients, and so should we. I urge each and every Member to cosponsor this bill and to help ensure its early passage.

JOHN T. BARTOSIEWICZ HONORED AS MAN OF THE YEAR BY THE PULASKI ASSOCIATION OF BUSINESS AND PROFESSIONAL MEN, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to John Bartosiewicz of Greenpoint, Brooklyn, who is being honored this Sunday as the Pulaski Association of Business and Professional Men's Man of the Year.

John grew up in a musical family, and his success as a musician was identified quickly. During his childhood, he was known for his musical talent whether he was singing or playing an instrument. In 1967, he joined the St.

Cecilia Choir of St. Stanislaus Kostka Church in Greenpoint, Brooklyn, as a bass section voice. In 1974, John took over as the music director and conductor of the choir. Under his aggressive and masterful style of teaching and conducting, the St. Cecilia Choir has recorded four record albums, made numerous television appearances, and performed numerous times throughout the New York metropolitan area including at an ecumenical service for Pope John Paul II.

In addition to his musical achievements, John has also been involved in politics, business, and community affairs throughout his entire life. While attending St. Francis College and majoring in political science, he interned with the newly city councilman, Abraham G. Gerges. Bartosiewicz worked on the successful election campaign and became part of the councilman's staff for almost 2 years. From 1976 to 1988, John managed six campaigns for reelection to the New York State Senate on behalf of his brother, Tom Bartosiewicz. He worked closely with community leaders, volunteers, and a dedicated hard-working staff, and that work resulted in landslide victories. Following his brother's retirement from the Senate, John kept active in Greenpoint politics.

In 1976, John Bartosiewicz joined his mother and father in the family-owned business of Newell Fuel Co. as general manager. Through his efforts the company modernized its operations and office location establishing itself as a creative energy efficient leader in the fuel oil industry.

John is also very active in fund-raising campaigns benefiting his parish of St. Stanislaus Kostka Church and the community. In particular, he was instrumental in raising funds for the Pope John Paul II Cultural Center in Washington, DC.

In June 1996, Bartosiewicz joined Vijax Fuel Corp., where he presently serves as marketing and heating installations manager. Through Vijax, John instituted a "give back to the community" program which benefits the youth of Greenpoint. Entitled "Energy for Youth," the program provided financial support to the activities of the Greenpoint YMCA, the St. Stanislaus Kostka Athletic League, and the Greenpoint Lions Club Toys for Tots Program.

Mr. Speaker, I ask that my colleagues join me in congratulating John Bartosiewicz on this well-deserved honor.

IN HONOR OF THE 25TH ANNIVERSARY OF THE FRESNO SERVICE CENTER OF THE INTERNAL REVENUE SERVICE

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. DOOLEY. Mr. Speaker, I rise before my colleagues today in order to pay tribute to the Fresno Service Center of the Internal Revenue Service which celebrates its 25th anniversary this year.

The Fresno Service Center of the Internal Revenue Service has made countless contributions to its community. More than 40,000 local residents have received valuable job training and developed lasting careers at the service center. The Fresno facility has been commended for providing meaningful job opportunities to youth, veterans, and the disabled.

In addition to job creation, the service center has played an important financial role in the community. Since it opened in 1972, the service center has contributed nearly two and a half billion dollars to the local economy through employment and related expenditures. Due to the generosity of the service center's employees, over two million dollars has been donated to local charities through the Combined Federal Campaign.

I commend the Fresno Service Center's dedicated employees—past and present—for their admirable service, and I hope that their fellow citizens will continue to support them with vigorous appreciation.

WACO

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. PAUL. Mr. Speaker, I was encouraged to come across this recent review in the Austin American-Statesman of a new movie which did well at the recent Sundance Film Festival. The film, "Waco: The Rules of Engagement," deals with the horrible events which occurred in Waco, TX, in 1993. This review correctly describes the hideous event—as shown in the nonfiction "Waco" documentary—which left so many innocent children dead, and so many questions left unanswered. The film apparently answers some of the questions, revealing never-before-released recordings of the conversations between Federal police and the Davidians, as well as never-before-seen footage of the final minutes of the siege. I am pleased to share this review with my colleagues.

[From the Austin American-Statesman, Jan. 20, 1997]

CELEBRATING INDEPENDENCE—FROM AUSTIN TO WACO, TEXAS IS WELL COVERED AS SUNDANCE FILM FESTIVAL KICKS OFF

(By Ann Hornaday)

"Waco" had crowds riveted.

As usual, many of the stand-outs of the festival have been in the non-fiction categories. Friday morning was brightened considerably with the world premier of "Riding the Rails," a film about the generation of teenagers who took to riding boxcars during the Depression. And the envelope wasn't just pushed, it was exploded by the most powerful film to be shown yet at Sundance.

Director William Gazecki presented "Waco: The Rules of Engagement" to a packed screening room on Saturday when it made its world premiere as part of the noncompetitive American Spectrum sidebar. This harrowing tale of the siege at the Branch Davidian compound and its tragic end unearths shattering evidence of hidden agenda, dishonesty, religious persecution and fatal culpability on the part of the U.S. government. With tapes of never-before-heard negotiations between David Koresh and agents of the Bureau of Alcohol, Tobacco and Firearms and the FBI, video shot by the FBI at the compound and infrared photography, as well as interviews and congressional testimony, Gazecki leads the audience to the chilling conclusion that, as one former FBI special agent puts it, the Davidians who died in the fire on April 19, 1993 "were victims of a homicide" at the hands of their own government. The audience, most of whom stayed for the three-hour entirety of "Waco," remained riveted up until its disturbing final shot—an almost unheard-of phenomenon at a Sundance screening, let alone one where everyone knows the ending.

RETURN CAPITAL TO THE AMERICAN PEOPLE ACT (RECAP ACT)

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. DUNN of Washington. Mr. Speaker, I rise today to introduce the Return Capital to the American People Act (ReCAP Act). This legislation provides a capital gains reduction for both individuals and corporations and will do more to boost our Nation's economy, more to create jobs, more to enhance U.S. competitiveness worldwide, and more to increase savings and investment than any other single legislative change we can enact.

For established, successful businesses, for struggling entrepreneurs, and for middle-class families across the country, this measure represents the most serious effort to unlock billions of dollars in investment providing for expanded growth and job creation.

While there are many reasons to support a reduction in the capital gains rate, I would like to highlight what I believe to be the most compelling case for enactment of the ReCAP Act.

A low capital gains rate benefits all Americans. This bill is fair to all income groups and sectors of our economy. Many of the so-called rich who would benefit from a cut in capital gains taxes are only rich for one year. A family in Eatonville that sells its house, an owner in Issaquah who sells a small business, a worker in Bellevue selling stock received through an employee stock option, and a retiree in Auburn selling an asset and planning to live off the proceeds would all be considered wealthy on current tax distribution tables. For example, a review by the Joint Committee on Taxation on capital gains realizations for the period 1979–1983 shows that nearly 44 percent of tax returns claiming a capital gain during the 5-year period claimed only one capital gain. Most of these people aren't rich, regardless of what statistics say. They merely have one year of inflated income because they realized a big capital gain.

Furthermore, an analysis of 1993 tax returns found that nearly 50 percent of the tax returns reporting capital gains were filed by taxpayers with less than $40,000 in adjusted gross income. Of tax returns claiming a capital gain, nearly 60 percent of those returns are filed by taxpayers with less than $50,000 in adjusted gross income.

Low capital gains rate is important for our future and our Nation's ability to save and invest. Americans do not save enough. If you look at our tax laws, you will see why. Instead of encouraging people to save, the tax code often punishes people who save and invest. This is primarily due to the fact that the income tax hits savings more than once—first when income is earned and again when interest and dividends on the investment supported by the original savings are received. This system is inherently unfair because the individual or company that saves and invests pays more taxes over time than if all income were consumed and no savings took place. We need to change this. Without savings, a person cannot buy a house, a business cannot purchase new equipment, and our economy cannot create jobs. Unless we can raise our national savings rate, our standard of living, and our children's and grandchildren's standards of living will not grow.

Lowering the capital gains rate unlocks investment and America's true economic potential. High capital gains taxes can prevent someone from selling an asset and paying the tax. This is the lock-in effect: when a person will not sell an investment and reinvest the proceeds in a higher paying alternative if the capital gains taxes he or she would owe exceed the expected higher return on the original investment.

This lock-in effect limits economic growth and job creation. Capital stays locked in an investment instead of being free to go to a person who wants to hire new employees in her consulting business. Lower capital gains taxes will reduce the lock-in effect and free up capital for small businesses, first-time home buyers, and entrepreneurs.

Lower capital gains will increase Federal revenues and thus help reach the goal of a balanced budget. History indicates that lower capital gains taxes have a positive impact on Federal revenues. During the period of 1978 to 1985 the marginal Federal tax rate on capital gains was cut from almost 50 percent to 20 percent—but total individual capital gains tax receipts increased from $9.1 billion to $26.5 billion. After surging to $326 billion in 1986 (the year before the 1986 rate increase took effect), capital gains realizations have trended down and remained at less than $130 billion per year in the 1990's.

Given the increases in the stock market, inflation, and growth of the economy since the late 1980's, realizations and taxes paid are certainly being depressed by the current high capital gains rates.

CONCLUSION

Rather than discouraging American workers and businesses, the Federal Government ought to simply get out of the way. Lower capital gains taxes—as embodied in this bill—leave more vital capital in the hands of businesses, investors, and entrepreneurs. They know a lot more than the Federal Government ever can or will about creating jobs and products in a competitive marketplace.

History proves that capital gains tax reduction is the right course to take. In the past, reductions always have boosted the Nation's economy and increased tax revenues to the Federal Government. If a goal of this Congress is to pass legislation promoting economic opportunity and growth in America, then common sense suggests that we enact the ReCAP Act.

CONGRATULATIONS TO THE USCG AIR STATION, SAVANNAH, GA FOR A JOB WELL DONE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. KINGSTON. Mr. Speaker, when no one else was able to help, U.S. Coast Guard helicopter 6573, based at the USCG Air Station in Savannah, GA, swung into action to carry a 3-year-old burn victim from Statesboro, GA to much-needed treatment in Savannah, GA. The air station staff's heroic actions are detailed in the following letter from Bulloch Co. EMS/Rescue Director Lee Eckles:

BULLOCH COUNTY EMS/RESCUE,
Statesboro, GA, September 27, 1996.

Adm. ROBERT E. KRAMEK,
Commandant, U.S. Coast Guard,
Washington, DC.

DEAR ADMIRAL KRAMEK: I realize how busy you must be, but when it comes to expressing ones thanks for saving the life of a child, I felt like you just might have a few minutes to read this letter.

On September 25, 1996, our department was dispatched to respond to a "burn patient" some ten (10) miles away from our station. With no other information available, we responded. Arriving at the scene, our staff found a three year old female with second and third degree burns covering over seventy percent of her body. Within twenty-five minutes of our dispatch time, the child was receiving primary care treatment at our local hospital.

It was clear from first observations that this three year old would need the specialized care of the "Burn Center" ninety miles to our west, in order to have any chance of survival. Due to the extent and severity of the burns, and the fact that she had suffered extensive airway burns, transport time to the burn center would have a significant impact on her survival. Air transport was the only option. The regional Trauma Center in Savannah, fifty miles to our east has the only civilian medivac helicopter available in all of South Georgia. Upon making the request, I was notified that their helicopter was out of service for maintenance. They did however, quickly refer us to the military M.A.S.T. helicopter unit at Fort Stewart. As I dialed the phone, I remembered from my military tour of duty with the Coast Guard, (1978–1981), the bureaucratic process that would have to be overcome in order for a military aircraft to be approved for use on a civilian medivac mission. The desk sergeant quickly transferred my call to the duty officer. My first comment to the Major was to apologize for my sense of urgency, but a child's life was on the line. Simply stated, I ask if his M.A.S.T. Helicopter could be airborne in five minutes or less for a medivac flight. His response was brief and very direct. "It will take me at least thirty minutes to find someone who is capable of giving authorization." I thanked him for his time, and hung up the phone.

I realized at that point we were out of options. One of my staff members, feeling helpless said "why don't you call the Coast Guard, I know they have a helicopter." With nothing but the cost of a phone call to lose, I called the Coast Guard Air Station in Savannah Georgia. Once again, I explained the urgency of my request. This time, however, the response was different. Within five minutes, USCG 6573 was airborne and enroute to the Statesboro Municipal Airport. To make a long story short, the Coast Guard answered the call for help when no one else was available. The medivac mission was carried out without a hitch. Our every request was quickly accommodated.

Everyone involved, from the pilots and air crew to the individuals operating the telephone played an extremely crucial role in the critical care transport of Stacie Martin. At this point in time, I am not certain about Stacie's outcome because of the extent and severity of her injuries. One thing that I certainly know, is the role played by All Coast Guard Personnel involved will be credited with every positive milestone that Stacie overcomes on her long road to recovery.

For four years, stationed at USCG GROUP CHARLESTON, being a SAR small boat coxswain, the Coast Guard Motto, Semper Paratus, seldom took on a very significant meaning. However, on Wednesday, September 25, 1996, being "Always ready" had a much greater meaning than each and every day of my brief Coast Guard career. On that Wednesday, it seemed that the bureaucracy worked against Stacie, until Coast Guard assistance was requested. No bureaucracy, no delay, no excuses, simply immediate response, few questions, and extraordinary execution of duty and responsibility by all USCG personnel involved. I have always been proud of the many roles that I was involved in while a member of the Coast Guard, but never as impressed as I was on Wednesday the 25th.

I realize how truly insignificant our language and my own vocabulary really is when trying to express my sincere Gratitude and Thanks to everybody at the Coast Guard Air Station in Savannah, and to the personnel at the District Office in Miami. This is truly a case of one of the most outstanding humanitarian missions ever undertaken by my former branch of service.

There were probably many people who were involved whose names I did not have a chance to document, but those names I do have are as follows: Captain Clark, OSR Miami; Captain Thomas W. Sechler, OIC, Coast Guard Air Station Savannah; Lieutenant Richard Craig, Pilot; Lieutenant Thomas Gaffney, Pilot; Glenn Boggs, ADI; William (Bill) DeCamp, ASM2; Lieutenant Pat Ryan; Rob Jerger, AM3; and Mike Forchette, AE1.

I know these people and all others involved in this mission were only doing their job, but, speaking in behalf of the family of Stacie Martin, the Bulloch County Department of Public Safety, Bulloch County EMS/RESCUE, and our entire community, I wish again to express a very heartfelt thanks. The entire United States Coast Guard came through in our time of need. It was truly an answered prayer.

I know we at EMS/RESCUE in Bulloch County will never be able to repay all those involved, but, if you ever have any need here in our community, please don't hesitate to call.

Very sincerely,

LEE ECKLES,
Director.

HOUSE RESOLUTION 83 RELATIVE TO BIOMEDICAL RESEARCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. GEKAS. Mr. Speaker, I am pleased to join my colleagues, Mr. DEFAZIO, Mr. GILMAN, Mr. PORTER, Mr. SHAW and Mr. STEARNS, in introducing a resolution to double the investment in medical research at the National Institutes of Health over the next 5 years. I want to set forth the reasons why the investment in biomedical research has provided major benefits to our people.

The National Institutes of Health is the engine that drives medical research for our Nation and the world. Scientists funded by the NIH have produced a steady flow of discoveries leading to the prevention and treatment of many devastating diseases; their efforts are leveraged when their research leads privately funded U.S. researchers and researchers outside the United States to follow a lead. The congressional biomedical caucus, which I proudly Co-Chair with Representatives NANCY PELOSI, SONNY CALLAHAN, and JOSEPH KENNEDY, has brought some of this country's finest scientists to Congress to describe the amazing stories of how NIH funding has armed U.S. researchers as they lead the battle to successfully discover the causes of cancer, heart conditions, Alzheimer's disease, AIDS and other conditions which devastate millions of American families. Whether it is the recent discovery of genetic causes of some breast cancers, the development of Protease inhibitor treatment of AIDS, or the completion, which is within our grasp, of the map of all human genes; every day we hear of exciting advances in medical research which were made possible by the National Institutes of Health. I have sought advice and leadership from the five scientific societies which compose the Joint Steering Committee for Public Policy [JSC]: American Society for Cell Biology, American Society for Biochemistry and Molecular Biology, Biophysical Society, Genetics Society of America, American Association of Anatomists and the Association of Anatomy, Cell Biology and Neurobiology Chairpersons. I appreciate the quality and new information that the caucus briefings present under the leadership of Dr. J. Michael Bishop, University of California, San Francisco. I look forward to working with the JSC Chair Dr. Eric Lander, Director of the Whitehead Institute, Genome Center at MIT; Dr. Marc Kirschner, Chairman of Cell Biology, Harvard Medical School, and Dr. Tom Pollard, President of the Salk Institute, La Jolla, CA, to make this resolution a reality.

But this Nation's investment in the NIH is justified not just to relieve human suffering, but also to contribute to the national economy, and, in the long run, help reduce our deficit. As the world leader in biomedical research, some 50,000 scientists in 1,700 institutions throughout the country received NIH funding. It is estimated that NIH funding leads to an annual contribution to the U.S. economy of $44.6 billion in sales, $17.9 billion in salaries and 726,000 jobs. Our country's leading pharmaceutical and biotechnology industries are dependent upon the research findings of NIH-funded research.

Spectacular savings are affected by singular breakthroughs: Newborn screening and treatment for hypothyroidism now prevents lifelong mental retardation for thousands of people and saves $200 to $400 million per year; lithium treatment for bi-polar disorder has saved an astounding $145 billion in hospitalization costs since its introduction in the seventies. And it is estimated that delaying the onset of Alzheimer's disease by just 1 year would save $5 billion annually.

There is no shortcut to curing disease: Only the accumulated efforts of thousands of scientists, predominately funded by the National Institutes of Health, can and will result in the realization of the promise to prevent and cure disease.

MUSIC EDUCATION: NEBRASKA LEADS THE WAY

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. BARRETT of Nebraska. Mr. Speaker, I've been asked by the Nebraska Music Educators Association to share some important news with my colleagues.

According to the association, Nebraska is implementing national standards in the visual and performing arts through the design and implementation of the Nebraska K–12 curriculum frameworks in the visual and performing arts, a project funded by the Secretary of Education's education innovation fund.

It is important our youth have a good understanding of the arts and music. I well remember growing up in Lexington, NE, where my music teachers helped instill in me a fond appreciation for music. Because of their tutelage and my parents insistence, I was able to turn my piano and trombone lessons into a job with a jazz band that helped pay my way through college. Because of music, I have developed lifelong friends and savor the memories of events on the road with the band.

There is one particular event that comes to mind. One day our jazz band was traveling in southern Kansas and we stopped to have lunch at a roadside diner. The owner of the diner informed us he wouldn't serve a black member of our band. We walked out of the diner in protest. This was my first experience in seeing racial discrimination in practice, and it made me realize that a vast segment of our population was being treated as second-class citizens. It was heartening to see later that same day people coming to the nightclub who didn't care if a member of our band was black. The music broke through racial prejudices.

Ideally, music appreciation should start at an early age and ought to be encouraged by parents. I'm pleased to see that Nebraska music and art educators are working hard to provide our youth with opportunities to learn—not just about musical scores and art technics, but about how life should be enjoyed. I'm pleased Nebraska is leading the way once again.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. SANCHEZ. Mr. Speaker, please let the record show that had I been here I would have voted "nay" on rollcall No. 32; "aye" on rollcall No. 33; "aye" on rollcall No. 34; and "aye" on rollcall No. 35.

PARTIAL-BIRTH ABORTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. PACKARD. Mr. Speaker, I rise today to urge support for a vote on the disturbing practice of partial-birth abortions.

Last year, President Clinton vetoed a bill to end partial-birth abortions except in the case when the mother's life was in imminent danger. In his defense, the President cited the testimony of Ron Fitzsimmons, director of the National Coalition of Abortion Providers, who claimed that the procedure was used just 500 times when no other alternative was possible.

Just last week, the President's defense was pulled right out from under him. Fitzsimmons said he "lied through his teeth" about the number of times the procedure was performed. Fitzsimmons admitted what many had already known—that partial-birth abortions are performed frequently and indiscriminately.

Mr. Speaker, this is not a pro-life or pro-choice vote. It is a common sense measure to end a procedure that amounts to infanticide. There can only be shame in promoting this horrifying practice.

I hope we can send this bill again to the President. He should admit his error and be thankful of this second chance to do what is right and sign this legislation.

BIPARTISANSHIP, COLLEGIALITY AND THE HERSHEY CONFERENCE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. NORTON. Mr. Speaker, after last weekend, Hershey, PA, may have acquired an additional identity. Congress went to Hershey to make peace. What began as a question mark turned into an exclamation point. What emerged was a truism that has not always been true: Collegiality across party lines is an essential ingredient to the work of a legislative body. This is an idea whose time has come—some would say long ago. The Nation will be watching to see whether the idea lives on in the House past last weekend.

ACTIONS SPEAK LOUDER THAN WORDS

HON. MARK E. SOUDER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 12, 1997

Mr. SOUDER. Mr. Speaker, it appears that once again the President has broken his promise to the American people. As you may recall, President Clinton once promised us the most ethical administration in history. When He signed the Lobbying Disclosure Act during the last Congress, the President also spoke of a renewed tradition in Washington that would mirror President Jackson's famous words, "Equal opportunity for all; special privileges for none." Further, he said that he would abide by the law and uphold section 21(b) of this Act. As you know, section 21(b) forbids anyone who had ever represented another country in trade negotiations with the United States to serve as the U.S. Trade Representative or Deputy U.S. Trade Representative.

Well, yesterday the House was faced with its first test of section 21(b) as we considered the President's request for a waiver of the section for Ambassador Charlene Barshefsky—someone who has represented Canada in trade negotiations with our country in the past—as the United States Trade Representative. This Chamber followed the Senate in approving the waiver. Unfortunately, I did not have the opportunity to oppose this measure at the time. Here are the President's own words on his so-called commitment to section 21(b) of the Lobbying Disclosure Act:

> Because as a policy matter I agree with the goal of ensuring the undivided loyalty of our representatives in trade negotiations, I intend, as a matter of practice, to act in accordance with this provision.

While I do not question Ambassador Barshefsky's ability to serve as the U.S. Trade Representative, and I understand her to be very capable and well-suited for this position, this matter is not about that. The President's appointment of Ambassador Barshefsky shows that he has chosen yet again not to uphold his promise to the American people. Mr. Speaker, waiving the law when it is convenient for him is certainly not the way for the President to win the American people's trust or to build a tradition of "no special privileges." Once again, the President's actions do not match his rhetoric.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 13, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

9:30 a.m.
Environment and Public Works
To hold hearings on the nominations of Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Brig. Gen. Robert Bernard Flowers, USA, to be a Member of the Mississippi River Commission, and Judith M. Espinosa, of New Mexico, and Michael Rappoport, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.
SD-406

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on Pell grants and tax policy.
SD-430

MARCH 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.
SD-124

Environment and Public Works
To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.
SD-406

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.
SD-138

Armed Services
To resume hearings on proposed legislation authorizing funds for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements.
SR-222

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on issues facing China in the post Deng era.
SD-419

Labor and Human Resources
To hold hearings on the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.
SD-430

2:30 p.m.
Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the United States Coast Guard.
SR-253

MARCH 19

9:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine Internet crimes affecting consumers.
SD-226

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine international aviation and United States-United Kingdom bilateral agreements.
SR-253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on environmental programs and statewide and metropolitan planning.
SD-406

Labor and Human Resources
To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.
SD-430

Veterans Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to review proposed budget estimates for fiscal year 1998 for the intelligence community.
S-407, Capitol

Joint Economic
To hold hearings to examine the problems of the current automobile insurance system and how American motorists could benefit from reform of the industry.
2226 Rayburn Building

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Securities and Exchange Commission.
S-146, Capitol

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year

1998 for the Department of Defense and the future years defense program, focusing on military readiness accounts.
SR-232A

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program.
SR-222

Commerce, Science, and Transportation
To hold hearings on S. 377, to promote electronic commerce by facilitating the use of strong encryption.
SR-253

Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.
SD-124

Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SH-216

Rules and Administration
To hold oversight hearings to review the operations and budget of the Congressional Research Service and the Library of Congress.
SR-301

Veterans Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD-192

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

Joint Economic
To hold hearings to examine the current economic outlook and monetary policy.
Room to be announced

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports.
SR-253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To resume hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.
SD-366

MARCH 21

11:00 a.m.
Commission on Security and Cooperation in Europe
To hold a briefing on prospects for elections, reintegration, and democratization in Croatia.
2200 Rayburn Building

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD-138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine child pornography issues.
S-146, Capitol

APRIL 9

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs.
SD-192

APRIL 10

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD-192

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD-138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S-146, Capitol

APRIL 16

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD-124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S-146, Capitol

APRIL 17

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S-146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates, for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Services.
SD–124

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

CANCELLATIONS

MARCH 13

10:00 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.
SD–430

SENATE—*Thursday, March 13, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord, You stand knocking at the door of our hearts and this Senate Chamber. Once again You make the first move. You come to us in a new way each day. We have learned that yesterday's experience of fellowship with You or guidance from You will not be sufficient for today's challenges. You seek entrance into every facet of our lives and our work. The latch always is on the inside. Today, we have a choice to open the door or leave it shut in Your face.

All-powerful Lord, You have the secret of victorious living. It is Your indwelling, impelling power within us that makes the difference between a great or a grim day. We are alarmed by the number of days spent in self-propelled effort, simply because we didn't begin the day by opening the door of our hearts to You.

Who are we to deserve such attention from You? Then we remember that it is Your grace and not our goodness that motivates Your persistence. You have work to do here in this Senate and You plan to do it through us. Come, Lord; You are welcome. Reign supreme in this Chamber and in our hearts. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

THE CHAPLAIN

Mr. LOTT. Mr. President, I want to say what a great pleasure it is to have a Chaplain who puts us to bed with prayer at night, as he did last night at the Library of Congress, and gets us started off with prayer in the morning on the floor of the Senate. We appreciate him very much.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will resume consideration of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment on campaign expenditures. It is my hope the minority leader and I can reach an agreement as to when the Senate will complete action on this resolution. I have discussed this with the Senator from South Carolina. I still think maybe there is a possibility we can get an agreement and get a vote on it tonight, but if not tonight, we will converse with the sponsor of Senate Joint Resolution 18 and see when we could get a vote on it. If not tonight, it could actually not occur until Tuesday morning. But we will discuss that and make an announcement later on today.

Rollcall votes are possible throughout today's session. It is also possible that prior to completing our business this week, the Senate may be asked to consider the independent counsel resolution. The Judiciary Committee is scheduled to meet today. Hopefully, they can take some action in this area, hopefully in a bipartisan way. That would be helpful.

In addition, it is my hope we will be able to reach a time agreement for consideration of the nomination of Merrick Garland to be the U.S. circuit judge for the District Circuit. I am thinking about the probability of that occurring on Tuesday, maybe Tuesday morning, with a time agreement. We had been thinking perhaps 3 hours equally divided would be sufficient, but we will need to get a final arrangement on that. We do have some Senators who want to speak on this nomination.

I think a lot of the concern on this one is not so much with the nominee as with the circuit. The D.C. circuit actually has one of the lowest caseloads in the country, and it is declining. It has declined pretty perceptively, even in the last year or so. There is a question about how much need there is for additional judges on that circuit. So there will be some discussion about that.

Again, I hope that rollcall vote can occur on Tuesday morning. We maybe could have done it today or Friday, but because of the constitutional amendment and other issues pending, we felt Tuesday morning would give us time to work it out. I expect the Senate to convene on Monday, but this time I do not anticipate any rollcall votes during Monday's session. I would like to note that, again, for the Democratic leader, that while we may be in session, I don't foresee at this time the need to have a recorded vote during the day on Monday. I do know there are Senators who have commitments who necessarily have to be away from the city, but we will want to have votes as soon as we can on Tuesday.

Mr. President, I have no further comments at this time. I will be glad to yield the floor to the Democratic leader.

The PRESIDING OFFICER (Mr. ROBERTS). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me thank the distinguished majority leader for his announcements regarding the schedule. I agree completely with his assessment of the need to define a time agreement for Merrick Garland. I hope 3 hours can be sufficient. I can't imagine that we would need more than that amount of time. Obviously, there are issues unrelated to Mr. Garland that need to be addressed.

I was interested in the Judicial Conference statement just this week, the 27-judge group, chaired by Chief Rehnquist, actually called upon Congress to create more judges. The group agreed to seek the authorization for 12 new appellate judgeships, 26 trial court judgeships, and 18 bankruptcy court judgeships, over and above the 93 vacancies that exist today. This is going to become an increasingly important matter for the Senate.

I intend to work closely with the majority leader to see if we can't resolve the question of nominations and confirmations relating to judges. I appreciate very much his leadership and cooperation that he has demonstrated in working through the Cabinet-level appointments that we have been able to address so far this year.

Mr. President, I will also say, in talking with a number of my colleagues who want the opportunity to express themselves on the constitutional amendment, I am not sure that our side will be prepared to agree to a time certain for a vote today, but I will certainly work with the distinguished majority leader to see if we can't find a mutually convenient time with which to begin bringing this debate to a close.

Mr. LOTT. Will the distinguished Senator yield?

Mr. DASCHLE. Yes, I will yield.

Mr. LOTT. Mr. President, if we need additional time, we can have time tomorrow and could even have some time on Monday for debate. I am not trying to push it to an early conclusion. I just want to make sure Members are aware that when everybody feels like they have had their say, we will be prepared to set the vote, whether it is this afternoon or Tuesday.

Mr. DASCHLE. Mr. President, if I can regain the floor for a moment to say, given the accommodation of the majority leader, I think it is imperative that we use this time. I was pleased yesterday. I don't think there was a quorum call, and I think it was indicative of the kind of interest there is on the issue and the kind of debate

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that it generated. I hope we don't see quorum calls today. I hope we can maximize the use of the time. I think we all know the outcome of this debate, so it isn't necessarily the outcome that is driving the interest as much as just the philosophical approach we take to a very important issue.

But, nonetheless, I appreciate very much the majority leader's interest in accommodating Senators to allow for the debate and we maximize the use of the time. I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, there will be 1 hour under the control of the Senator from New Mexico.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask unanimous consent 10 minutes be yielded to me from the time of the Senator from New Mexico. I request about 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRIST, Mr. DOMENICI, Mr. BENNETT and Mr. SPECTER pertaining to the submission of Senate Resolution 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. Mr. President, in the absence of any other Senators on the floor seeking recognition, I ask unanimous consent to proceed as in morning business for a period of up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR THE FBI

Mr. SPECTER. Mr. President, I have sought recognition to voice support for FBI Director Louis Freeh, who has been subject to some criticism in a variety of quarters, including on the floor of the U.S. Senate. I do so as someone who is thoroughly familiar with the work of FBI Director Freeh and of his organization. I have worked with the Federal Bureau of Investigation for many, many years, going back to my days as an assistant district attorney of Philadelphia, when I prosecuted the Local 107 Teamsters and got the first conviction of teamsters resulting from the McClellan committee investigation. I worked with the FBI as an assistant counsel on the Warren Commission. I have seen a great deal of the FBI's work since being in the Senate and working as a member of the Judiciary Committee.

I think the FBI does a good job—not a perfect job, not a job without substantial problems, and not a job where, on some occasions, they don't make mistakes, but a good job. I have seen Director Freeh's work in some detail, specifically, on the oversight hearings that the Senate Subcommittee on Terrorism conducted on Ruby Ridge, where I served as chairman.

Ruby Ridge was a national tragedy. Randy Weaver did some things he should not have done, but he didn't deserve the armada of law enforcement that descended on his mountain in Idaho. That was a sad story, because the Alcohol, Tobacco, and Firearms unit had misrepresented Weaver's record. They said he had a prior record of convictions, which was false. They said he was a suspect in a bank robbery case, which was false. That brought the hostage rescue team from the FBI and the killing of a U.S. Marshal, William Deacon, the killing of Mrs. Randy Weaver and their son, Sam Weaver, age 14.

To the credit of FBI Director Freeh, he was willing to concede the errors. He changed the rules of engagement, he changed the FBI standards on use of deadly force, and he changed the use of the hostage rescue team. This was in stark contrast to what the Alcohol, Tobacco, and Firearms did. They would not concede their errors. The Department of the Treasury, which managed Alcohol, Tobacco, and Firearms, stood by their conduct, even though it was palpably wrong, as disclosed in the extensive hearings the subcommittee had over the course of 2 months, 16 hearings, and a long report in excess of 150 pages.

I have seen what Director Freeh has done in combating domestic violence in the Oklahoma City bombing, and I have seen what the FBI has done in the Unabomber case. Where the FBI has made mistakes, Director Freeh has come forward and conceded that. Where there was unwarranted publicity on the Atlanta Olympics pipe bomb case, for example, when someone unfairly leaked information, Director Freeh conceded that a mistake was made.

While I applaud his concessions on the unfair publicity, I have problems with our inability to properly conduct oversight on that Atlanta pipe bombing case. We have not been able to move that ahead. So that when I evaluate Director Freeh, I do so in the context of someone who sees problems and has been critical, as well as someone who praises the Bureau's overall performance.

Director Freeh has been criticized on the so-called VANPAC case, which involved the murder of a Federal judge and a civil rights leader. Director Freeh prosecuted this case—he has had a very remarkable career as an assistant U.S. Attorney, a Federal judge, and he left the Federal bench to become Director of the FBI. He was recently criticized because there were alleged errors made by the FBI laboratory in connection with the VANPAC case. The FBI laboratory has admittedly had serious problems. That was one of the aspects that was investigated by the Senate subcommittee on Ruby Ridge, because there were problems with their work there, as well.

As the prosecuting attorney in that criminal prosecution, Director Freeh relied on evidence from the FBI laboratory, some of which may have been faulty. But when Director Freeh found out that that was an area of concern in September of 1995, he recused himself from the investigation of the FBI laboratory. That means he took himself out of the case and did not pass judgment on it.

The inspector general, who is about as independent as you can be within the Federal branch—has been looking into the FBI laboratory. We have these inspector generals in a variety of departments. My legislation brought the inspector general to the CIA, the only reform legislation coming out of the Iran-Contra affair. Inspectors general are not perfect because it is hard to be totally independent. But to the extent you can have independence, the IGs are independent. They report directly to Congress. They are as good a mechanism as you can have for that sort of an investigation, unless you have congressional oversight. There ought to be more of that.

But, at any rate, Director Freeh did what was possible by recusing himself and referring the matter to the inspector general, who brought in five independent scientists. He has been out of the case, and he is prepared to make whatever changes are necessary within the FBI laboratory.

The FBI is currently conducting a very sensitive investigation on campaign irregularities, which may go to the highest levels of Government. Not a great deal can be said about that investigation at this time. But from what I have observed Director Freeh has been independent, has been forthright, and has done his job in a professional way. In that kind of an investigation there are inevitable pressures, either express or implicit. I have some familiarity with what the Bureau is doing and what the Director is doing. I have confidence in him. I do so with some understanding of investigative work on grand juries and criminal matters and the kind of sensitivity which is involved. There are matters on which I consult with him with some frequency in terms of oversight.

As of this moment, I am not yet satisfied with what has been done on Ruby Ridge. The Department of Justice has conducted an investigation on a number of the FBI agents, one of whom was the former Deputy Director, Larry Potts. It may well be as I said, in those hearings, that Director Freeh did not exercise the best judgment with respect to Deputy Director Potts. But at the same time I have said publicly that Deputy Director Potts and others are entitled to have the matter resolved, and that the Department of Justice has been investigating that since the fall of 1995—some 18-month lapse—which is unwarranted. I know that case thoroughly because of the hearings we had. I know investigative practice. That matter should have been concluded. That is not a matter under Director Freeh's purview. It is in the Department of Justice.

I recently wrote to the Attorney General complaining about the delays and got an unresponsive response saying that the investigation will take several more months due to the complicated nature of this matter. It is not all that complicated. We have the Atlanta pipe bomber case where I have been trying to get an oversight hearing since October-November. I am not delighted with what the FBI has done on that in terms of not being as responsive as I think they might be. They have internal investigations which are really very difficult and which delay congressional oversight. But overall my view is that Director Freeh has done a good job. And when you pick up some of these matters on the FBI laboratory, I think he has provided appropriate management and appropriate oversight.

Mr. President, I think my time has probably lapsed. But in the absence of any other Senator on the floor, I ask unanimous consent for an additional 10 minutes to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

HEALTHY CHILDREN'S PILOT PROGRAM ACT OF 1997

Mr. SPECTER. Mr. President, today I am introducing legislation directed at providing health coverage to children who lack health insurance in America.

This issue has been recognized as one of the leading—if not the leading—problems on incremental health coverage in America today. I am glad that President Clinton's health care plan proposed in 1993 was not adopted. That was a matter that was fought out on the Senate floor in some great detail in 1994. I participated in that debate. When I read President Clinton's health plan, I was amazed by the number of agencies, boards, and commissions, and asked an assistant to make a list of all of them. My assistant made a chart instead of a list. I had that chart on this floor and many other places, and I shall spare you the chart today. Bob Woodward of the Washington Post said that chart was the key factor in defeating the Clinton health care plan because it showed on one page in red more than 100 new agencies, boards, and commissions, and in green about 50 existing bureaus giving new jobs. Then we proceeded, I think wisely, with the Kassebaum-Kennedy bill on incremental health coverage. Now I think we need to go ahead and provide for coverage for children in America.

Very briefly, let me summarize my proposal before going into specifics. It is said that there are 10 million children who lack health insurance. My analysis shows that there is a critical group, perhaps the most critical group, of some 4 million children which my bill addresses in an incremental way; 3 million other children are eligible for Medicaid coverage but not enrolled, and 3 million other children are in families which would not be eligible for health insurance under my plan because their family income levels are too high. My legislation will provide a pilot program which would provide vouchers to States for families which earn up to 235 percent of the poverty level to purchase health insurance in the marketplace.

Later today I am going to have a news conference with the Brandt family from Pennsylvania, because they are illustrative of this issue. I would now like to discuss the key elements of my proposal and why I have asked the Brandts to travel to Washington today.

Mr. President, it is no less true for being a commonplace that nothing could be more important to our Nation than our children. I am introducing today legislation aimed at beginning to fill an enormous and unacceptable gap in our country's support for the health and well-being of our children.

Mr. President, as President Clinton discussed during the State of the Union Address last month, there are today approximately 10 million American children who have no health insurance coverage from any source—private or public—and who therefore lack access to the kinds of preventive and primary care services which can be the difference between staying healthy and getting sick or between minor illness and serious, disabling or even mortal illness.

Now, let me say at the outset that this is not a Republican or Democrat issue. Our two parties do have different approaches to the roles and the cost of our Federal Government but there is not one party that cares about kids and one party indifferent to our childrens' health. Let us work constructively on this and actually address the problem rather than just trying to wrack up political points.

As with most statistics conjured up for social policy debates, the President's figure of 10 million uninsured children needs further discussion to get to the heart of the matter. Of these 10 million uninsured, approximately 3 million children live in families with incomes which make them eligible for Medicaid. I support outreach efforts by the States to enroll these children in Medicaid but, because coverage is accessible to these families if they avail themselves of it, this problem is not the gaping hole in our health care system of which I spoke a moment ago.

Likewise, of the 10 million uninsured children, another approximately 3 million live in families with incomes greater than the median household income. There are even uninsured children in more than a few high income families.

Those numbers are deeply disturbing, but I see them as a clarion call for greater parental responsibility, rather than for legislative or governmental action. I know it is easy for those of us with substantial incomes and employer-paid health benefits—such as we here in the Senate—to preach to families without these protections, but I cannot imagine any higher priority for a family with any more than just enough income to keep food on the table and a roof over their heads than to provide health insurance for their kids. And I see it as clearly inappropriate—despite some proposals on the other side of the aisle to do so—to spend tax dollars to subsidize health insurance for higher income families. The cutoff level I propose in this bill, approximately $38,000 for a family of four is already a bit higher than median household income in the United States—$34,076—$34,524 in my own State of Pennsylvania. In other words, taken together, Medicaid and the new initiative I am proposing would allow eligibility by income for more than half of the households in our country. To go beyond that is to do what too many Government programs already do—tax those who have less for the benefit of those who have more, Robin Hood in reverse.

This leaves approximately 4 million children, ineligible for Medicaid but living in families without the resources to obtain coverage on their own. This is an American tragedy—the tragedy of the working poor. Mom, Dad, or both going to work every day, often more than 5 days per week, but being paid low wages, without health benefits. These are honest taxpaying citizens, but their kids' futures are in jeopardy. They are falling through a crack in our health care system which must be sealed off.

Some States, including my own State of Pennsylvania, are attempting to address this problem. In Pennsylvania, a public/private partnership, combining a publicly funded program called BlueCHIP, the Children's Health Insurance Program, on which Governor Ridge will spend $39 million this year, and a private initiative called the Caring Program for Children are reaching 60,000 out of the estimated 300,000 uninsured Pennsylvania children who are not eligible for Medicaid.

But, as this statistic indicates, even generous State and private resources are wholly inadequate to meet the need. And this need, this hole in our health care system, is not a statistic. It is real.

I would like to speak to you today about some Pennsylvanians whose stories demonstrate both the real need for action on the matter of uninsured children and the effectiveness of a program, such as the one I am proposing today, in helping real people face life's storms. These good people have been helped by Pennsylvania's existing efforts to provide health coverage to children and their story is the best argument which can be made for a national effort to solve this problem.

Here with me today is the Brandt family, from Tarentum, PA, in Allegheny County: mother, Scarlett; father, Richard; daughter, Lindsay, age 11; and son Chad, age 7.

First, I would like to thank the Brandts very deeply for their willingness to be here today, not only because it involves a precious day off from work for both Scarlett and Richard, a day out of school for both Lindsay and Chad and a long car ride to Washington and back, but even more so because it involves a family decision to put pride aside and to be willing to face the press as symbols for a policy debate. This is not an easy position for people to put themselves in--and even less so their children—but the Brandts believe in the need to tell America about this too long ignored problem of uninsured children and about the way life brightens with just a little help to fill this basic need. I am very grateful to them for putting their desire to help others ahead of their own privacy.

Scarlett and Richard both have full time jobs; Scarlett is a hairdresser and Richard is a truck driver. But neither of their employers offer health benefits and this hard working, taxpaying family simply doesn't earn enough money to go out and purchase private health insurance on their own. Before the Pennsylvania programs began helping the Brandts in 1993, Lindsay had lived the first 7 years of her life without any health insurance coverage and her little brother Chad had gone without coverage from birth until he was 3 years old.

Here, then, are counter examples for the think tank commentators who argue against Federal action on children's health insurance by pointing to examples of children who are only uninsured for transitional periods of months as their parents change jobs. Here, in Lindsay and Chad, are examples of the heart of this problem—the long-term uninsured children of the working poor.

How did Scarlett and Richard make due without health insurance for their kids? They scrounged what services they could from community health clinics and they used emergency rooms in ways that, when multiplied by all those who act similarly, damage and drain our entire health care system. They also restricted the activities of their children—and recent studies indicate this is a common coping strategy for parents in their shoes—cracking down on sports and even bike riding to try to avoid injuries. When Chad became ill as a toddler, with recurring ear infections, the family had to rotate payments to their creditors—some months skipping a utility bill, some months cutting back on groceries—just to be able to afford the prescription medicines for their little boy.

Even with all of these ways of dealing with their situation, the Brandts lived every day under a cloud of fear about their children's health and their family's future and Lindsay and Chad lived with unmet health care needs—for physician care, for vision care, and for dental care.

In 1993 the Brandt family got help from the programs operated by Western Pennsylvania's Caring Foundation for Children. It turned out that this assistance proved even more necessary than they knew at the time.

In April 1996, Lindsay Brandt was diagnosed with hemiplegic migraines. This condition causes stroke-like symptoms. When an incident occurs, Lindsay suffers paralysis on the side of her body opposite from the headache, her speech slurs, her vision is blurred, and she becomes confused. Although she has needed five ambulance trips to the hospital since developing this condition, Lindsay is now on medication to prevent further episodes.

Obviously, all of this care has been expensive. Obviously, the sort of problem the Brandts feared in their uninsured years came to pass. It might well have destroyed this family had it happened before they got health insurance coverage for their kids. Thank God, it did not.

The legislation I am introducing today is a measured response to this major problem. We must react with both compassion and consideration.

Here is my proposal:

A 5-year pilot program funded with discretionary dollars—rather than a permanent entitlement—to provide block grants to the States in support of health insurance for uninsured children who are not eligible for Medicaid or for employer-based private health insurance and whose families have incomes up to 235 percent of the poverty level, $37,718 for a family of four.

States which are already providing health insurance coverage to children eligible under this bill, such as under their own Medicaid plans, would be required to maintain their efforts but would, in effect, receive credit from the Federal Government in the form of dollars equal to the costs of the coverage they are providing to children in families up to the bill's cutoff level of 235 percent of poverty.

My bill would offer full vouchers, with the level determined by the Secretary of HHS based on costs for an insurance policy covering preventive, primary, and acute care services for a child, for families earning up to approximately $29,700 per year for a family of four and partial subsidies from that income level until phased out at approximately $38,000 for a family of four.

By limiting eligibility to children who do not have access to employer-based private health insurance, we avoid creating a disincentive to private coverage. We should all applaud the employers who are covering their employees, including lower wage employees, with family health insurance. Indeed, there are approximately 10 million American children in families earning between the poverty line and 235 percent of poverty who do receive private health insurance coverage, compared to the 4 million who do not. This is another example of the overall effectiveness of our market-based health care system even as it is also the most striking example of a particular case of market failure.

By making this a 5-year pilot program, we admit the complexity of the health care system and the task of health care reform. This approach, with block grants and vouchers, may well prove to be the best way to cover kids who need health insurance, but we all know about the unintended consequences of social policy initiatives and we all know how hard it is to reform an entitlement, even if it has truly perverse effects, and so I am proposing a 5-year demonstration of this approach in the appropriately humble spirit of "trial and correction" which I have many times before said on this floor should inform our entire project of health reform.

By making this program subject to appropriations, we ensure that we undertake this important effort in a fiscally responsible manner.

Specifically, to provide sufficient funds to properly test this approach to children's health coverage in a way that does not bust the budget, my bill establishes the "Healthy Kids Trust Fund," on budget, funded through the sale of available broadcast and nonbroadcast spectrum assets. I am not wedded to this offset but offer it to make clear my intention to see this program paid for with hard dollars, not confederate money.

Furthermore, my proposal provides that:

The first year of the program, fiscal year 1998, would be devoted to HHS and State planning, with the new insurance coverage commencing on or about October 1, 1998.

Coverage would be phased in, beginning with children 0–5 years old in fiscal year 1999 and expanding in subsequent years to cover children 6–9, 10–12, and 13–17.

In the 104th Congress, I was pleased to cosponsor the Health Insurance Portability and Accountability Act of 1996, better known as the Kassebaum-Kennedy bill (S. 1028). There is no question that Kassebaum-Kennedy made significant steps forward in addressing troubling issues in health care. The bill's incremental approach to health care reform is what allowed it to generate consensus support in the Senate; we knew that it did not address every single problem in the health care delivery system, but it would make life better for millions of American men, women, and children.

In retrospect, I urge my colleagues to note a most important fact—the Kassebaum-Kennedy bill was enacted only after some Democrats abandoned their hopes for passing a nationalized, big government health care scheme, and some Republicans abandoned their position that access to health care is really not a major problem in the United States demanding Federal action.

Although we succeeded in enacting incremental insurance market reforms, there is still much we need to do to improve our health care system. Additional reforms must be enacted if we are serious about our commitment to meet the needs of the American people. I am hopeful that my colleagues understand how important it is to our constituents that we continue to reform the health care system. Just look at the Brandt children and multiply their need by millions. Looking back at our success with the Kassebaum-Kennedy bill, I am equally hopeful that my colleagues have come to realize that if we are to continue to be successful in meeting our constituents' needs, the solutions to our Nation's health care problems must come from the political center, not from the extremes.

Mr. President, I hope the legislation I am introducing today can be the basis for taking this next, crucial step in our process of bipartisan, incremental health reform. My proposal seeks to achieve incremental expansion of health care through a conservative means—a fully funded program with carefully crafted eligibility rules for a limited period of time, a program based on State administration and personal choice and responsibility. Let us take this step. Let us make this test. Let us see to it that the anguish and Russian roulette endured by all those situated similarly to the Brandt family are stopped and millions more of our Nation's greatest assets are given a basic ingredient for decent and productive lives.

Mr. President, how much time do I have remaining on the additional time which I sought independent of Senator DOMENICI's time?

The PRESIDING OFFICER. The Senator has 7 minutes and 10 seconds remaining. The Senator from New Mexico has 39 minutes remaining in regard to the previous order.

Mr. SPECTER. I thank the Chair.

MAMMOGRAMS

Mr. SPECTER. Mr. President, the final subject I wish to address briefly involves the problem of mammograms for women age 40 to 49.

Mr. President, this subject came into sharp focus when a National Institutes of Health panel on January 23 issued a report that mammograms were not warranted for women in the 40 to 49 category. That was immediately met with very widespread criticism, including criticism from Dr. Richard Klausner, the Director of the National Cancer Institute, who said that he was shocked by that conclusion. As the facts later developed, a press release was inadvertently disclosed. Some of the members of the panel had held that mammograms were not warranted. But, as I understand it, that had not been thoroughly analyzed and agreed upon by the panel. But once this press release came out they stood by the release. And there has been enormous confusion in America on this issue of women 40 to 49.

The subcommittee, which I chair and which has jurisdiction over the Department of Health and Human Services, had a hearing on February 5 at which Dr. Klausner restated his shock about the matter. He thought that the advantages of mammograms for women 40 to 49 had not been appropriately emphasized, and the disadvantages had been emphasized too heavily. He also said that he was going to await a meeting of the National Cancer Institute later in February—on February 24 and 25. It was my understanding that the matter would be resolved at that time. But, in fact, it was not.

When the Secretary of Health and Human Services testified before our subcommittee on March 4 she said that there would be a 2-month delay, which I said in those hearings was unacceptable. I have since pressed Dr. Klausner as to why there would be such a delay.

I wrote to him on March 5, 1997. I ask unanimous consent that the text of that letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, when I was dissatisfied with his response, I wrote to Dr. Harold Varmus, Director of the National Institutes of Health, the overall supervisor, on March 6, 1997 asking that there be some acceleration of this determination because no further tests were necessary but only a judgment was needed. What I found was that the matter was being referred to a 7-person subcommittee which was going to deliberate on the issue and then take it up by an 18-person full committee.

I ask unanimous consent that my letter to Dr. Varmus and a subsequent letter to Dr. Klausner be included in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. I am concerned that the delays in mammograms could constitute a health hazard for women 40 to 49. And, beyond that, that there is much confusion in America on that subject. The upshot of it has been that there now appears that the subcommittee will render its report to the full committee on this Friday, and there will be a final report rendered next Tuesday which will eliminate the need for accelerated hearings in our subcommittee to try to come to a conclusion on this important matter.

I emphasize that I appreciate the need for an independent medical judgment on this important subject.

It seems to me that where all the tests have been performed and it is a matter of issuing guidelines, coming to closure and judgment on this should not require such a lengthy period of time. I believe that there is not a sufficient sense of urgency generally, and in Government specifically, as this issue has been addressed. My views are expressed more fully in these letters, and I shall not take a greater period of time to elaborate upon them here.

In coming to my own judgment that mammograms are warranted for women 40 to 49, the subcommittee held hearings in Pittsburgh, in Hershey, and in Philadelphia, where we heard from a long array of witnesses. A report has been prepared by my able staff member, Betty Lou Taylor, and also by Craig Higgins. I ask unanimous consent that this statement be printed in the RECORD following my oral statement. It sets forth the findings of prominent doctors in Pennsylvania and quite a number of women in the 40-to-

49 category who give firsthand testimony about the importance of mammograms for them and the importance of mammograms generally for women in the 40-to-49 category.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SPECTER. It is my hope, Mr. President, that we will have a definitive statement, as I say, next Tuesday. We need the definitive statement so that we come to closure on the issue, and then it is a matter for scientists acting on their independent judgment. It is my hope and expectation that the abundance of scientific tests which are already available will show that mammograms are important for women 40 to 49.

When I talk about medical tests, I speak from some personal experience, having had an MRI which disclosed a very serious problem. On these medical examinations, the earlier the better, so I hope we move ahead as promptly as we can.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 5, 1997.

RICHARD D. KLAUSNER, M.D.,
Director, National Cancer Institute, Bethesda, MD.

DEAR DOCTOR KLAUSNER: I was very distressed to hear Secretary Shalala's testimony yesterday that there will be another two-month delay on having the National Cancer Institute reach a conclusion on whether mammograms are warranted for women aged 40 to 49.

As disclosed in our previous hearing, the NIH consensus development conference panel press statement of January 23, 1997, was probably inadvertently released. That resulted in a lot of anxiety for women in the 40 to 49 age category and beyond. When you testified before the Subcommittee on February 5, 1997, the expectation was that the matter would be resolved by further NCI proceedings on February 25, 1997. Now we hear that there will not be a definitive statement until early May.

During the intervening 60 days, thousands of women in the 40 to 49 age category might be screened which could result in the saving of many lives.

I would appreciate your immediate response as to why the National Cancer Institute cannot make a prompt decision, or in the alternative, give our Subcommittee an earlier date.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 6, 1997.

Dr. HAROLD VARMUS,
Director, National Institutes of Health, Bethesda, MD.

DEAR DOCTOR VARMUS: With this letter, I am sending you a copy of a letter I sent to Dr. Klausner yesterday.

Earlier today Dr. Klausner and I had a conversation which I considered totally unsatisfactory. Dr. Klausner had set a time limit of 60 days for the subcommittee to report back to him; and when I said I thought that was unreasonably long, he said they would do it as soon as possible. When I asked him how long that would be, he said he didn't know and referred me to Dr. Barbara Rimer.

When my Chief of Staff, Craig Snyder, called Dr. Rimer, she advised that 60 days was the outside period with the hope that her subcommittee could act more promptly. Dr. Rimer then outlined a procedure where she had drafted a proposed statement for her subcommittee of 7 members which was circulated today with the response time a week from today. After that, Dr. Rimer expected to have a conference call among 18 members of the full committee to resolve the issue with the hope that all of that could be concluded within 10 days.

In my opinion, this is an extraordinarily unwieldy procedure and judgments could really be made at the National Cancer Institute since no additional research is necessary.

If the procedure outlined by Dr. Rimer is followed, I urge you to escalate the pace by having the comments of the 7 subcommittee members returnable next Monday with the conference call of the full 18 members of the National Cancer Advisory Board to be completed promptly thereafter so that the final comments can be completed by the end of next week.

Again, in my opinion, the Department of Health and Human Services, NIH and NCI do not have an appropriate sense of urgency on this matter. I do not have to tell you how many lives could be saved with prompt screening of women 40 to 49 without the kind of delay occasioned since the first release of January 23.

I would appreciate your immediate response on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 11, 1997.

RICHARD D. KLAUSNER, M.D.,
Director, National Cancer Institute, Bethesda, MD.

DEAR DOCTOR KLAUSNER: I had asked my staff yesterday to set the hearing for the National Institutes of Health including the National Cancer Institute for March 18 because of my concern about the prospective 60-day delay on the issue of mammograms for women 40 to 49.

When I heard you were going to be out of the country from March 14 to March 21, I sought to schedule the hearing for this week, on March 13, because the Senate will be out of session from March 24 through April 6 and I did not want to wait so long on this mammogram issue.

I have since been advised that the NIH subcommittee will circulate its decision to the full committee this Friday and the full NIH committee will act on March 18. While I really believe there has been too much delay up to now on the resolution of this issue, at this point I suppose that's about as expeditious a decision as can be made.

As I think you understand, my point all along has been that the matter ought to be resolved one way or another. I appreciate and understand the importance of independent medical judgment but the time delays for the NIH subcommittee and full committee frankly puzzle me. When you had expressed your own "shock" on the NIH panel finding back on January 23, and the bulk of the evidence supports mammograms for women 40 to 49, I had thought the matter to be pretty much resolved since there were no further tests to be conducted but only a judgment to be made. It was my thinking that 60 more days from the testimony of Secretary Shalala on March 4 was unacceptable.

In any event we will await the final guidelines on March 18 and we will defer the NIH/NCI hearing until April at which time we will take up the procedures which you have employed on the issue as well as the other substantive matters affecting the National Institutes of Health including the National Cancer Institute.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

Mr. President, in recent weeks, I have been holding hearings here in Washington and around my home state of Pennsylvania on the recommendation made on January 23, 1997 by the NIH Consensus Development Conference Concerning Breast Cancer Screening for Women Between the Ages of 40 and 49. The panel concluded, "that the available data did not warrant a single recommendation for mammography for all women in their forties." Instead, the panel reiterated the 1993 recommendations of the NCI that each women between the ages of 40 and 49 should decide for herself whether to undergo mammography.

On January 23, 1997 after the press release was issued by the Consensus Panel, Dr. Richard Klausner stated that his own reading of the studies and information presented to the conference, in contrast to past years, was that we now have available more convincing evidence. The evidence is primarily from Swedish population screening studies that there is a statistically significant benefit in terms of reduced death from breast cancer for women who begin screening in their forties. Women in that age group who decide to begin screening should be aware of the increased evidence of benefit and of any potential risk. A women's decision to be screened or not screened should be made on the basis of knowledge.

Breast cancer is the second leading cause of cancer death in American women and according to the American Cancer Society, nearly 44,000 women will die from the disease this year, and 10,000 of these women will be in their forties, making breast cancer the number one cause of death in this age group. It seems to me that those numbers alone should signal an alarm that women in this age bracket are at great risk. And while mammography is not perfect, it is the best tool currently available.

FEBRUARY 5, 1997, WASHINGTON, DC

On February 5, 1997, at a hearing here in Washington, I discussed this issue with a panel of distinguished scientists, including Dr. Richard Klausner, the Director of the National Cancer Institute, Dr. Susan J. Blumenthal, Deputy Assistant Secretary for Women's Health, Dr. David Hoel, a Member of the NIH Consensus Development Conference, Dr. Marilyn Leitch, Associate Professor of Surgery at the University of Texas Southwestern Medical School in Dallas, Texas, and Dr. Barbara Monsees, Associate Professor of Radiology and Chief of the Breast Imaging Section of the Mallinckrodt Institute of Radiology, Washington School of Medicine in St. Louis, Missouri.

Dr. Klausner expressed concern that the balance and tone of the Panel's draft report overly minimized the benefits and overly emphasized the risks for women in their 40s. Dr. Klausner also stated the National Cancer

Advisory Board would discuss the screening issue at their next meeting. That meeting took place on February 25, and resulted in the formation of a special subcommittee to develop clear recommendations to the NCI on screening mammography. Dr. Klausner told the subcommittee that the Board intends to complete the process in two months.

Dr. Blumenthal discussed the Department's efforts to improve breast cancer detection and diagnosis to ensure that today's mammography techniques are of the highest quality. She also stated that breast cancer is perhaps the most dreaded and feared disease in women and that it has become an epidemic in our country: the number of women affected by this disease has increased from 1 in 20 over a time in the 1950s to 1 in 8 today.

Dr. Blumenthal spoke of the new frontiers in breast imaging such as ultrasound, digital mammography, breast MRI and Positron Emission Tomography as ways to improve early breast cancer detection. She also described the "Missiles to Mammograms" initiative to adapt advanced defense, space, and intelligence imaging technologies from the DOD, CIA and NASA, to more accurately detect breast cancer.

Next, the Subcommittee heard testimony from David G. Hoel, Ph.D., who is Professor and Chairman of the Department of Biometry and Epidemiology at the Medical University of South Carolina. Dr. Hoel, who is a member of the NIH Consensus Panel briefly outlined the process by which the Panel reviewed available research on the subject and derived its conclusions. Dr. Hoel also detailed the specific questions the panel was charged with answering and further noted that the Panel was restricted to providing answers to specific questions. The Panel is currently involved in completing its work and stated that the Panel's final conclusions would accurately represent the consensus view of its members.

We then heard from a panel of expert witnesses representing the American Cancer Society, the Breast Cancer Foundation, and the National Breast Cancer Coalition.

Speaking on behalf of the American Cancer Society was Marilyn Leitch, M.D., who is Associate Professor of Surgery at the University of Texas Southwestern Medical School at Dallas. She reaffirmed the American Cancer Society's position that the conclusions reached by the Consensus Panel are at variance with the data presented by both European and U.S. scientists, and therefore did not offer women and their physicians the best guidance possible. She noted that the National Cancer Institute and eleven other organizations in 1989 concluded that women in their forties should have regular mammograms. That position was reaffirmed in 1992 after a subsequent review of the scientific evidence.

In 1993, however, NCI withdrew its recommendation on the grounds that randomized clinical trials had not shown a statistically significant reduction in mortality among women under age 50. Since that time, however, two Swedish studies and a statistical compilation of eight clinical studies have been released showing solid epidemiological and clinical evidence that routine screening is effective in reducing breast cancer mortality. The Swedish studies showed statistically significant reductions in mortality of 36 percent and 44 percent, respectively, for groups invited to be screened.

Dr. Leitch conveyed the American Cancer Society's disappointment that the Consensus Panel placed undue emphasis on two issues: the risk of radiation-induced cancer and the issue of false positives and false negatives. She noted that the Society currently recommend that women in their forties be screened every one to two years. Later this month, the Society will convene its own expert panel, however, to determine if, based on new evidence, the mortality benefit might be even greater if women are screened annually.

The Subcommittee then heard from Ms. Susan Braun and Ms. Diane Rowden, both representing the Susan G. Komen Breast Cancer Foundation, a nonprofit organization that supports research on breast cancer.

Ms. Braun noted that when breast cancer is found in its earliest stages, the likelihood of 5-year survival is over 95 percent, but when found after it has metastasized, that survival rate drops precipitously—to 20 percent. Clearly, early detection is a key to longevity. And while she points out that mammography is far from a perfect tool, it has proven to save lives. Ms. Braum contends that the benefits of early screening outweigh the risks, and that is why the Komen Foundation guidelines recommend screening every one to two years, beginning at age 40. Ms. Rowden reaffirmed that position. She cited data estimating that in 1996, women in their forties would account for 18.1 percent of newly diagnosed invasive breast cancers, compared with 16.8 percent for women in their fifties.

We next heard from Frances M. Visco, Esquire, the first President of the National Breast Cancer Coalition and a member of its Board of Directors. Ms. Visco told the Subcommittee that her breast cancer was diagnosed through a mammogram when she was 39 years old. She stated that we cannot act as though the issue whether to recommend screening for women age 40 to 49 is the most important question surrounding breast cancer and that our outrage should be saved for the fact that we do not know how to prevent the disease, how to cure it, how to detect it at an early stage, or what to do for a women once we do find it.

Ms. Visco went on to ask what is the goal? A simple message that is less confusing? She stated that in this situation, the simple message is wrong. She further stated that we want mammography to work for all women. It does not. We want to reduce breast cancer to a sound byte. It cannot be. We should be devoting our resources to designing mechanisms to get the message out to women; to get them to understand the risks, the benefits, the pros, the cons, so they can make their own decision.

Ms. Visco also told the Subcommittee in her view $590 million should be devoted at the NIH to research on breast cancer and $150 should be spent for research purposes at the Department of Defense.

Ms. Visco concluded that women cannot continue to be given false hope. If women in their 40s are told to get a mammogram every year, we are saying ignorance is bliss. What we need to tell them is that there are pros and cons, there are risks and benefits. That is the information they need to get. Then let them decide the course of their own care.

Our last witness was Barbara Monsees, M.D., who is Chief of the Breast Imaging Section at Mallinckrodt Institute of Radiology at the Washington University School of Medicine in St. Louis. She shared her unique perspectives as both a medical professional and as a woman who survived early breast cancer detected by a mammogram.

Dr. Monsees confirmed the fact that there appears to be clear scientific evidence that early screening can substantially reduce the death rate from breast cancer. She, too, cited the findings from five major population-based screening programs in Sweden. Two of the trials showed mortality reductions of 44 percent and 35 percent, respectively, while an overview study of all five indicated a 23 percent mortality reduction.

Unfortunately, according to Dr. Monsees, the NIH Consensus Panel chose to ignore this most recent data, resulting in "an unbalanced presentation of the facts . . ." Dr. Monsees raised some provocative questions, such as "Could this issue have taxed the NIH consensus development model beyond its intended purpose?" And "Were the panelists given adequate time, information and instruction regarding the rules of evidence in order to formulate their report?" In conclusion, she voiced hope that the National Cancer Advisory Board will re-examine all the evidence in an unbiased fashion, and conclude that screening women in their forties does save lives.

FEBRUARY 20, 1997, PHILADELPHIA, PENNSYLVANIA

On February 20th, 1997, I reconvened the Subcommittee for our hearing in Philadelphia.

I opened the hearing with a report on a promising opportunity I learned of last year, whereby certain defense imaging technology may prove useful in more accurately detecting breast cancer in its early stages. I saw to it that this project received the necessary funding, and I look forward to seeing the results.

Once again, we heard from a very distinguished group of witnesses, led off by Dina F. Caroline, M.D., Chief of the Division of Gastrointestinal Radiology and Mammography at Temple University Hospital.

Dr. Caroline began by tracing the history of mammographic screening for women in their forties, beginning in 1977, when the National Cancer Institute and the American College of Surgeons recommended it for women with first degree relatives with breast cancer. Where the controversy came to a head was in 1993, when NCI reversed its stance, stating that experts do not agree on the value of routine screening for women in their forties.

In subsequent testimony, Dr. Caroline noted the concerns of the NIH Consensus Panel with respect to false positive results. But as she points out, until technology improves, we must expect false positive readings simply because the whole purpose of screening is not to miss any opportunity to identify breast cancer. False negatives are also a problem. But with new techniques in development, hopefully these will begin to diminish in number.

In conclusion, Dr. Caroline finds the available data sufficient enough to advocate screening for women in their forties.

Our next witness was Stephen Feig, M.D., Director of Breast Imaging and Professor of Radiology at Jefferson Medical College. Like other witnesses, Dr. Feig cited the latest clinical studies which found that current mammographic techniques should be able to reduce breast cancer deaths by at least 40 percent. He went on to point out that 20 percent of all breast cancer deaths and 33 percent of all years of life expectancy lost to breast cancer are due to cancer found in women in their forties. Not to advise screening in this age group, he contends, is unconscionable.

The Subcommittee then heard from Daniel C. Sullivan, M.D., the Chief of Breast Imaging at the Hospital of the University of Pennsylvania, and a member of the NIH Consensus Panel. Dr. Sullivan was careful to point out that the Panel's statement that has raised so much controversy is only a draft version. More importantly perhaps, Dr. Sullivan advocates annual mammography for women in their forties and emphasized his hope that the Panel's final statement will reflect that position. He went on to underscore the need for more research, as well as improved access to mammography through more consistent insurance coverage.

Bonita Falkner, M.D., a Professor of Medicine and Pediatrics at the MCP Hahnemann School of Medicine at the Allegheny University of the Health Sciences and Acting Director of the Institute for Women's Health noted in her testimony that the controversy over the scientific merit of mammography in younger women should not confuse the facts for women 50 and above. She also stated that all women in their 40s should have access to a physicians counseling on mammography, and she found it particularly troubling that the Panel's failure to endorse screening has the potential to lead to a failure on the part of insurers to pay for the procedure. Dr. Falkner stated with the increased mortality rate among minority and disadvantaged women, particular efforts must be made to provide access to physician counseling and breast screening for these women at all ages.

The Committee then heard from Robert C. Young, M.D. Dr. Young is the President of the Fox Chase Cancer Center and in his testimony, Dr. Young maintains that for women under age 40, without other risk factors, the risk of breast cancer is quite low and there is no convincing argument for mammography screening at all. Where the gray zone occurs, he notes, is in women between the ages of 40 and 50, where there is generally a lower incidence of breast cancer, difficulty in detecting the disease, and differences in the biology of the tumors themselves. Because of these complications, small or short-term studies fail to yield clear results. In order to arrive at more definitive results, larger, long-term trials are required. And as he points out, trials such as those done in Sweden have shown small but definite improvement in survival rates.

Moreover, Dr. Young made an important point in his testimony: That guidelines are just that—guidelines. And in the case of mammography screening for women in their forties, even though the benefit may be small, the risk is minuscule. He contends that ultimately the solutions will be found through research that addresses the more fundamental questions and leads to new ways to prevent or eliminate this horrible disease.

The next witness to appear before the Subcommittee was Ms. Barbara De Luca, the Executive Director of the Linda Creed Breast Cancer Foundation. Ms. De Luca highlighted the Consensus Panel's conclusion that there is no clear indication that yearly mammograms for women in their forties save lives. She contends that the Panel's conclusion was based on economic reasons, that mammograms cost money. She went on to report on a small sampling of her Foundation's members. The women she surveyed were diagnosed with breast cancer in their forties. While mammograms had failed to discover their cancer, each of those surveyed felt strongly that women in their forties, nevertheless, should be encouraged to undergo screening every year.

Ms. De Luca reported that a mammogram done seven years ago had failed to identify her breast cancer, but that since that time new modes of detection have been developed, including the MRI and digital mammography. She recommended that tools like MRI should be made more accessible and less expensive. She urged more research be directed to finding a blood test or other methods to turn off cancer cells and arrest the disease. This, coupled with early detection, can mean finding an effective cure for breast cancer.

Ms. Lu Ann Cahn, a reporter for WCAU-TV testified that her experience was similar to Ms. De Luca, in that her mammogram failed to detect the cancer. And also like Ms. De Luca, she was appalled by the Consensus Panel's failure to recommend annual mammograms for women in their forties. She noted that this year 6,000 women in their forties will die of breast cancer, while the NIH is relaying a confused message that many women will take to mean they need not worry.

In a very compelling fashion, Ms. Cahn concludes that the recommendation of the consensus panel has given every woman who wants to avoid mammograms an excuse to do so.

The Subcommittee once again heard from Ms. Frances M. Visco, Esq., the President of the National Breast Cancer Coalition and a breast cancer survivor. Ms. Visco spoke out in support of the consensus panel's findings. But more importantly she urged that we devote our resources to empowering women to understand the available information and discuss it with their physician. She issued a call to arms of sorts, urging us to focus more of our resources and energy on convincing more women in their fifties to be screened and to support a greater investment in research to find a cure, effective treatment, and more accurate ways to detect breast cancer. And she called for a greater commitment to guaranteeing access to quality health care for all women and their families.

Ms. Visco once again told the Committee, as she did in Washington, DC on February 5, 1997, that the National Breast Cancer Coalition is recommending $590 million in research dollars at the NIH and $150 million for the Department of Defense Breast Cancer Research Program. Ms. Visco stated that these figures were based on the percentage of proposals that are scientifically valid, but are not funded because of the lack of resources.

We then heard from Barbara Mallory, M.S.N., R.N., who represented the Nurses of Pennsylvania, an advocacy group for nurses and patients. Her contention is that every health professional she knows suspects that far too much consideration was given to the financial rather than the human costs associated with mammograms.

Her organization has been very active in this field, drafting legislation ending so-called drive-through mastectomies. In her position as a nurse she has encountered many women, some as young as 33, who have had breast cancer diagnosed as a result of self-examinations and mammograms.

Ms. Mallory went on to cite statistics about Ductal Carcinoma In Situ (DCIS), where, since the mid-1980s, there has been a 200 percent increase in the number of lesions detected by mammography. About one-half of these lesions have been found in women under age 50. Up to 25 percent will lead to invasive cancers. While mammography techniques need to be improved, she argues that ambiguous messages and too much attention to the financial bottom-line do a great disservice to the women of this Country.

Our last witness for the day was Lawrence Robinson, M.D., M.P.H., the Deputy Commissioner of the Philadelphia Department of Public Health.

Dr. Robinson told of his strong support for mammography screening for women between the ages of 40–49 and stressed this particularly for African American and Hispanic women. Dr. Robinson reported on a study done at a health event sponsored by the Philadelphia Health Department, the Pennsylvania National Guard and the Fox Chase Cancer Center where a mobile mammography unit performed 43 mammograms. Many of the women screened were under 50. The screening found 6 abnormal readings or 15% of those screened. This result points out the need to do screening particularly in underserved areas.

FEBRUARY 24, 1997, PITTSBURGH, PENNSYLVANIA

The third in a series of special hearings was convened on February 24th in Pittsburgh. I opened the hearing by telling the witnesses that the more I hear about this subject, the stronger I feel that the National Cancer Institute should take whatever steps are necessary to resolve this issue in favor of recommending regular mammograms for women in their forties.

At this hearing, we heard from two panels of distinguished witnesses, led off by Thomas S. Chang, M.D., who is Assistant Professor of Radiology at the University of Pittsburgh School of Medicine and staff radiologist at Magee-Women's Hospital.

Dr. Chang specializes in women's imaging, with a significant portion of his practice devoted to breast imaging. As an expert in this field, he reported being disappointed by the Consensus Panel's inconclusiveness on this issue, noting that the Panel did nothing to clear the confusion that now exists. While the panel may have concluded that insurers should pay for mammograms for women who want one, he is concerned that companies will interpret the Panel's overall conclusions as not requiring them to reimburse the cost of this procedure. In short, many women—especially those who are economically disadvantaged—will have their minds made up for them as a result of financial constraints.

Dr. Chang went on to report that breast cancer is far more common in women in their forties than some have implied. In 1996, in fact, there were more breast cancers diagnosed in women in their forties (33,400) than women in their fifties (30,900).

Dr. Chang is convinced that mammography saves lives and is a medically effective screening test for women in their forties. He advises his patients to have regular mammograms once a year, and encouraged the NIH to make the same recommendation.

Dr. Howard A. Zaren, Director of the Mercy Breast Center for the Pittsburgh Mercy Health Systems told the Subcommittee that in 1997, 11,000 new cases and 2,700 deaths from breast cancer will occur in Pennsylvania. These figures place Pennsylvania within the top five states for highest incidence and mortality from breast cancer. He further stated that almost 20 percent of all breast cancer deaths, and 34 percent of all years of life expectancy lost, result from cancers that are found among women younger than the age of 50 years.

Dr. Zaren also stated that epidemiologic studies show a shift towards diagnosing breast cancer at earlier stages in women 40–49, and this is regarded as indirect evidence of a possible benefit from screening these women. He also cited the statistics of Dr. Stephen A. Feig, from Thomas Jefferson University, who had testified before the Subcommittee in Pittsburgh, that a mortality reduction of up to 35 percent can be expected if annual screening mammograms are performed in the 40–49 age group with current mammographic techniques and two-views per breast.

Our next witness was Dr. Victor G. Vogel, Professor of Medicine and Epidemiology and Director of the Comprehensive Breast Cancer Program at the University of Pittsburgh Cancer Institute and Magee-Women's Hospital. Dr. Vogel told the committee that mammographic screening holds the promise of early detection of breast cancer in a curable stage. He also commented on the eight randomized studies on which the consensus panel based their recommendation. He stated that the studies show unequivocally that for women ages 50 to 59 years, mammography reduced the chance of dying from breast cancer by approximately 30 percent. However, only one study was designed specifically to investigate screening in women 40 to 49 and that study was seriously flawed. However, meta-analysis from screening studies demonstrates a 24% reduction in breast cancer mortality attributed to screening when women in their 40s are compared with women of the same age who are not screened.

Dr. Vogel also cited some very interesting statistics stating that in Pennsylvania there are nearly 1 million women between the ages of 40 and 49, and nearly 2,000 will be diagnosed with breast cancer this year. Tragically, as many as 1,000 of these women may die. In his opinion, that number could be reduced by approximately 250 deaths if women between the ages of 40 and 49 were screened annually with mammography.

Our next witnesses was D. Lawrence Wickerham, M.D. Associate Chairman and Director of Operations for the National Surgical Adjuvant Breast and Bowel Project. Dr. Wickerham stated that his greatest concern is that the consensus statement not be used by insurance carriers as a reason to deny coverage for mammograms. He further stated that he did not disagree with the consensus statement which directs women to decide for themselves whether to undergo mammography. He felt that in order to make an informed choice, women and their health care providers need to have the best possible educational materials to aid them in these decisions. He felt that there is likely to be a sliding scale of benefit for women in their 40's and that potential benefits can be assessed by a woman in consultation with her health care provider and based on her individual circumstances.

Diane F. Clayton testified she is a breast cancer survivor mainly due to early detection. The ductile carcinoma in-situ was found during a routine mammogram—she was 46 years old.

Ms. Clayton questions the NIH consensus panel's motives. Was it money driving their direction? Was it ignorance? Was it politics? Who could be against preserving extending the lives of mom, sis, Aunt Mary and grandma? Her hope was the recommendation was an honest effort that just went bad. She felt that if it was a mistake then we should admit it and go forward by doing the right thing; advice and counsel women in their forties to have routine mammograms.

The Subcommittee then heard from Ms. Judy Pottgen, a 47 year old woman who was diagnosed with breast cancer when she was 43. Ms. Pottgen found her breast cancer by self breast exam. She is passionate about educating women about self breast exam. She described a program called "check it out", a Pittsburgh program sponsored by the American Cancer Society, Hadassah, and the Allegheny County Board of Health. The program teaches junior and senior high school girls the proper way to do self breast exam.

Ms. Pottgen summed up her testimony by telling the Subcommittee that preventive medicine is a lot cheaper than therapeutic medicine and that a mammogram is a lot cheaper than major surgery followed by radiation and chemotherapy. She cited the NIH recommendation, many years ago, that yearly Pap smears were unnecessary and wondered how many women missed the opportunity to have their cervical cancer diagnosed at an early stage. She wondered if it would be the same with mammograms, and questioned how many women will lose their breasts or be disfigured or die from this dreaded disease before NIH realizes the tremendous diagnostic benefit of mammograms.

The next witness was Ms. Yvonne D. Durham, an African American breast cancer survivor who found her cancer through self breast exam. She was 46 years old. She stated that she was deeply troubled by the Consensus Panel's decision not to recommend regular mammogram screening for women beginning at age 40 and told the Subcommittee that the recommendation sends a confusing message to the public.

Ms. Durham cited statistics based on data from 1987, that African American women, age 35–44, had a breast cancer mortality rate 2 times that of white women at the same age. Yet African Americans, as well as Hispanic Americans, have some of the lowest mammogram screening rates in the United States.

Ms. Durham concluded her testimony by stating that the benefit of mammography far outweighs any risks associated with this screening test. She also urged continued support for research efforts that may offer a clearer understanding of how breast cancer disease affects minority populations.

The last witness of the day was Ms. Laurie S. Moser, the Executive Director of the Pittsburgh Susan G. Komen Breast Cancer Foundation Race for the Cure. Ms. Moser was diagnosed with ductal carcinoma in-situ in 1987 at the age of 40.

She stated that the Komen Foundation strongly disagrees with the latest decision from the NIH Consensus Development Conference on Breast Cancer Screening for Women Ages 40–49. She also told the Subcommittee that an estimated 16.5 percent of new breast cancer cases were women in their 40s. The position of the Foundation is that the Panel's position overstated potential risks and understated the benefits of mammography. The fact is that many consumers look to the opinion of a body of experts to interpret data and provide recommendations which they can weigh as they make decisions. The current Panel statement does nothing more than confuse the public about an extremely important issue.

Ms. Moser stated that when the Race for the Cure began in Pittsburgh in 1993, a woman died every 11 minutes from breast cancer. Today, a woman dies every 12 minutes. Over 2,000 additional lives are saved each year with early detection. The goal should be to add a minute each year in the hope that more and more women will survive breast cancer.

Ms. Moser concluded that she hoped Dr. Klausner and his colleagues at the cancer institute take a closer look at the conference recommendation and see to it that women are given the highest degree of encouragement to get screening earlier, rather than later.

MARCH 3, 1997, HERSHEY, PENNSYLVANIA

On March 3, I convened a hearing at the Hershey Medical Center.

The Subcommittee's first panel consisted of a distinguished group of physicians from the local medical centers. Our first witness was James F. Evans, M.D., Director, of Surgical Oncology and Assistant director of General Surgery from the Geisinger Clinic.

Dr. Evans, expressing his personal opinions, stated that he had studied the clinical trial data and if he were to write his own consensus statement, it would say that the available data specifically does not warrant a single guideline recommendation for women between the ages of 40 and 70 years, namely annual screening. However, guidelines are not recommendations for individual women. He further stated that we would all like to have enough data to make specific recommendations for each individual based on personal profiles and highly specific reliable research data. But that data does not exist. The best data we have comes from trials and that data supports a guideline recommendation for annual screening beginning at age 40. Clinicians and women themselves should then use additional but less reliable data that we have to make decisions for individuals.

Our next panelist was Mary Simmonds, M.D., Chief of the Division of Medical Oncology for Pinnacle Health Systems in Harrisburg. Dr. Simmonds stated that she supported the American Cancer Society recommendations that women in their 40s should undergo screening mammography every one to two years.

Dr. Simmonds also shared with the Committee a copy of Recommendations for a Statewide Plan for the Early Detection of Breast Cancer formulated as a result of deliberations of a Pennsylvania Breast Cancer Awareness Consensus Conference. The recommendations from this conference were that (1) mammography saves lives; (2) women should have a mammogram even if you don't have any symptoms; (3) women should ask their doctor for information about mammography and for access to mammography (4) follow the American Cancer Society guidelines for the frequency of mammography and physical examination of the breast as well as the performance of breast self examination.

Testifying on behalf of the Hershey Medical Center was David M. Van Hook M.D., and Assistant Professor of Radiology and Chief of Mammography at the medical center. Dr. Van Hook told the Subcommittee that although an analysis of the combined data from the seven population-based randomized-controlled trials, which included over 170,000 women in their 40s, demonstrated a statistically significant benefit in reducing mortality from breast cancer, and data from several other studies also support a benefit to women 40–49. But, the problem seems to be that thus far there has been no single randomized-controlled trial which has showed statistically-significant proof of benefit from mammography screening for women ages 40–49. Dr. Van Hook further stated that much more is at stake here than just dollars spent to save lives and that the decisions regarding health care intervention which affects our society should perhaps, involve not only science, but should also take into account the willingness of those most affected by those decisions. To accept some degree of uncertainly, especially when there is controversy or less than scientific proof of benefit. Dr. Van Hook concluded by saying that the beneficiaries of breast cancer screening, those who stand to gain or lose the most from it, our mothers, wives, and daughters are willing to do just that.

The Committee then turned to Lois A. Anderson, Co-Facilitator and Founder of A surviving Breast Cancer Support group and Co-

Captain of York County Pennsylvania Breast Cancer Coalition. Ms. Anderson expressed her outrage by the NIH Consensus Conference's decision on mammography screening for women 40 to 49.

Ms. Anderson described her own experience with breast cancer. She was diagnosed when she was 40 years old. Her mammogram failed to detect the disease and after some suspicious bruising, Ms. Anderson found a lump while doing a self breast exam. A mastectomy was performed one month later and 5 of 11 lymph nodes were found to be cancerous. These findings made her a stage III breast cancer patient with less than a 40 percent chance of surviving 5 years.

Ms. Anderson said that the incidence of breast cancer in younger women is increasing and the NIHs decision to NOT recommend mammograms for women below 50 years of age will certainly cause an increase in the death rate from breast cancer.

Ms. Anderson presented the Subcommittee with letters from over 226 women under the age of 50 who have been diagnosed with Breast cancer through the use of a mammogram.

Ms. Anderson told the Committee that while the mammogram is not perfect, it is the best tool we have for detecting breast cancer early and that deadly confusion over screening mammography will result from the NIH's decision if these guidelines are not changed.

Next the Subcommittee heard from Ms. Lorene Knight, a volunteer with the American Cancer Society and a member of the Pennsylvania Breast Cancer Coalition. Ms. Knight is a 54 year old African American women, and, a 7-year breast cancer survivor. Ms. Knight told the Subcommittee that her first mammogram was performed at the age of 36 because of the presence of fibrocystic tissue and a family history of breast cancer. Her sister lost her life to the disease at the age of 43 and her mother is a 5 year breast cancer survivor.

Ms. Knight stated that she was most disturbed by the findings of the NIH Consensus Development Conference statement and felt that their statement would lure entirely too many women of all races, and in their 40s, into a false sense of security about the odds that breast cancer will not likely happen to them during this decade of their lives.

Citing recent statistics from 4 hospitals in Lancaster County, Ms. Knight stated that one hospital, during the 95–96 fiscal year, 105 women underwent breast cancer surgery and nearly 36% of them were under the age of 50. At a second hospital, 21 women underwent breast cancer surgery and 8 of the 21 women were under the age of 50. She also told the Subcommittee that as a volunteer with the American Cancer Society's Reach to Recovery program, she has yet to visit one recovering breast cancer patient that is African American. She believes that this is because not enough African American women are having early detection procedures. The breast cancer mortality rate for African American women increased by 2.6% at a time when the mortality rate in white women declined by 5.5%.

Ms. Knight concluded that every women, of every race, in every community should have access to mammography at age 40 if that is what she determines to be necessary for her, dictated by family history, her physician and her personal health factors.

Our last witness of the day was Representative Katie True, who represents the 37th legislative district in Pennsylvania. Ms. True told the Subcommittee that one of the weapons that she has chosen to fight breast cancer is House Bill 134. This bill which has already passed the House, would provide for a state income tax checkoff for breast cancer research. The donation is deducted from the tax refund and does not constitute a change against the income tax revenue's to the State.

Representative True also stated that the second weapon used to battle breast cancer is education. She stated that self breast exams combined with mammograms can save many lives. Women still hesitate to look after themselves first, usually putting others needs before their own.

Representative True concluded that the recommendation of the NIH Consensus Development Conference on Breast Cancer Screening is irresponsible, and she questioned the motives behind such a recommendation—plain and simple—their message is wrong and deadly.

MARCH 4, 1997—WASHINGTON, DC

On March 4, 1997, Secretary of Health and Human Services Donna Shalala appeared before the Subcommittee on Labor, Health and Human Services and Education to discuss the fiscal year 1998 budget.

At that hearing, I took the opportunity to discuss the NIH Consensus Development Conference recommendations with the Secretary and asked her to take immediate steps towards encouraging women ages 40–49 to undergo mammogram screening. I told the Secretary that the panel finding that mammograms were not warranted for women in the age bracket 40 to 49 has caused quite a stir. And that my own view is that the evidence is substantial, if not overwhelming, that mammograms are very helpful for women of this age group, they do save lives, and that there ought to be a prompt conclusion by HHS to that effect. When there is a public determination that mammograms are not warranted for women 40–49, many women are reading that to mean that a mammogram is not necessary. I also told the Secretary that I felt that there is not a sufficient sense of urgency in the approach that the Department is taking with regard to this issue in allowing another 60 days to pass before a final judgment is made on this issue. I further stated that when it's a matter of dollars and cents, and there is no clear scientific evidence to the contrary, I think the word ought to come from the Secretary of Health and Human Services that, notwithstanding the cost, we're going to make sure that mammograms are made available to women ages 40–49.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I thank my distinguished friend, Senator DOMENICI, for allowing me to go next. I will limit my remarks to 5 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of S. 436 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

I was pleased to accommodate the distinguished chairman of the Finance Committee.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 437 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I ask unanimous consent I be yielded 10 minutes from the time that is allocated to the Democratic side here, under the auspices of Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. LAUTENBERG. Madam President, one of the subjects that dominates the landscape these days, of course, is the budget. How we are going to function as a society, what are the priorities, how will we finance these priorities and at the same time reach an objective that all of us care about, and of course that is getting a balanced budget by the year 2002. Of course, that is getting a balanced budget by the year 2002.

The President has presented a budget to achieve that objective. There are disputes about how we reach that objective, where do we cut further, what is the revenue stream. I, therefore, Madam President, use this opportunity to comment on what I see as the lack of a budget proposal from the Republican side, from the majority side.

The President has put down a budget. We have talked about it in the Budget Committee. I am the ranking Democrat on the Budget Committee. We have had numerous hearings as we explored various avenues, various parts of the equation with proponents and some opponents trying to dissuade us from proceeding with the President's budget.

On the other hand, we have not seen anything yet from the Republican side, the majority side, I point out, Madam President. They have produced one piece of budget legislation this year, but it is not a balanced budget. It is the notion that we ought to be giving a big tax break, primarily devoted to the wealthy in our country. The Republican tax break will blow a huge hole in the deficit, even as we struggle to get down to a zero budget deficit by the year 2002.

In the first 5 years, the Republican plan would cost $200 billion. In the next 5 years, these costs would increase 60 percent to $325 billion for a total of $526 billion over the 10-year period. This chart will help explain exactly where it is we are going.

It causes a ballooning of the deficit. We see it from 1997, which is on the chart projected at $120 billion and expected to be less by the time we reach the end of the fiscal year, September 30. It continues to expand. In the year 2002, when we are striving to have a zero budget deficit, we are at $239 billion, unless some way is found to pay for these tax breaks. They are not free. If we adopt the Republican tax scheme, we would have to make deeper cuts someplace. I guess that would have to come from Medicare, Medicaid, education, transportation, crimefighting, and environmental protection.

These tax breaks are also backloaded. Their costs explode, as we can see by the expansion of the deficit, after the year 2002. And, believe it or not, these tax breaks are bigger than those that were originally in the Contract With America, larger than the tax breaks that were proposed last year.

This chart is from the Joint Committee on Taxation. It is now at $200 billion, expanded to $525 billion. These are the tax cuts as planned, to $525 billion. That would be a terrible consequence. That is in the year 2007.

Finally, the Republican tax breaks are overwhelmingly tilted toward the very wealthy. According to one analysis, on average, the Republican tax scheme would give a tax break each year of $21,000 for those who make $645,000 a year, the top 1 percent of the income earners in our country. But if you are in the middle 20 percent of our wage earners and you make $27,000 a year, you would get $186 worth of tax relief, 50 cents a day—50 cents a day—for the average hard-working family.

It borders on insulting to suggest that someone who makes $645,000 is entitled to a tax break of $21,000—I hardly think that those people need any help—and if you make $27,000, which is the per capita income of the middle 20 percent, $186 for the year. It is hard to comprehend how that is going to help our society or help hard-working families make ends meet, plan for their child's education, plan for a roof over their heads, plan for health care, plan for helping their parents, the elderly, achieve the tranquility and the peace that they need in their older age. Madam President, this is not a good way to do business.

We have been down this road before. The Reagan administration gave us a tax break for the wealthy, and what was the result? The deficit exploded. It is time to get down to serious budgeting. It is time to balance the budget.

I urge the Republican leadership, the good friends that I have on the Republican side of the aisle who are concerned about balancing a budget, to produce a budget that does the job. If the Republican leadership is committed to their tax scheme, they ought to put up a budget that reflects it. Show us how they would pay for it. But we can't continuously engage in this dialog without, at some point, having to put up a budget that reflects how they intend to get us to where they say they would like to be: Tax breaks for the wealthy, purportedly investments in our society to produce jobs, et cetera, while someone making $27,000 a year is going to get a $186 tax reduction.

It is not fair, it is not just, it is not acceptable. The American people won't accept it, even though we could be bowled over by a majority vote. It is an outrageous scheme for doing things, the constant refusal to produce any kind of a response to a Democratic budget. We in the Democratic Party are not in charge. The Republicans are in charge, and if they are in charge, they ought to take the responsibilities of leadership. Produce a budget, show us exactly what you mean. Enough of this nonsense where they talk about a tax cut and no one willing to say where it is going to come from. If we have a $200 billion extra cost for our society, where are we going to get the money?

People are worried about their future; they are anxious about their jobs. Yes, there has been good growth in our economy, but the anxiety factor has continued to expand because people do not believe that they have the security they need for the years ahead.

So, Madam President, I hope that we will be able to soon get on with our business, have the budget produced by the Republican majority, and tell us how they are going to pay for it.

Let us have an honest debate about it. Let the American people know what is going on here and not hide behind a smokescreen that says, well, we want to give this huge tax cut but we are not going to tell you how we are going to pay for it.

Madam President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Chair.

Madam President, I come here to echo the words that I caught of my predecessor in speaking, and that is Senator FRANK LAUTENBERG from New Jersey, who is the ranking Democrat on the Budget Committee.

I, too, am frustrated. I mean, there are lots of things to be frustrated about this year. The pace has been slow. There are things we should have been doing. There are distractions hither and yon.

One thing we should be doing is the budget. The budget is the statement of priorities of the Congress, representing to the American people what needs to be done in this Nation. The budget, although it comes in a very thick book and has a very sterile appearance, in fact is a powerful and humane document about what our priorities are. It is the ultimate statement of what you believe in.

I do not want to see a Government furlough, and I do not want to see a shutdown. I know the Presiding Officer does not want to see that. The American people certainly do not. In fact, it had a rather devastating consequence, far beyond what I thought would be the case, in States not only close to Washington, DC, but around the country.

There is another reason I worry, and that is what we do know about the Republican budget, which to this point basically is tax cuts. It is not just a question of tax cuts, but the fact that the tax cuts are not paid for. There is no statement or sense or hint of where the money will come from.

So, first, there is not a budget, and, second, to the extent there is a budget, it only relates to tax cuts. The Republican tax cuts add up to $526 billion over a 10-year period. They backloaded it so that, to the public, the more reasonable approach to a tax cut would be the first part, and then at the end the tax cut really bulges and the beneficiaries of that really benefit.

What is interesting is that we have been through this exercise. The American people, and I thought the Republicans themselves, had rejected the idea that we could do the kinds of tax cuts that we were talking about and that we are now talking about, and that is tax cuts that favor the rich, tax cuts that do not favor working American families, the American middle class. Yet here they are back again.

That is frustrating to me. I do not understand that. I am not being partisan in saying this. I am genuinely perplexed by it. I am more than perplexed, I am annoyed by that. But, first of all, I am perplexed.

Why this statement of $526 billion? Incidentally, $526 billion—in the last 4 years of the 10 years, 325 billion of those dollars flow into the back pockets of those who benefit. So, therefore, those who benefit and those who do not is obviously very important. And I will get to that in a moment.

There is a child tax credit the Republicans have put forward and a child tax credit the Democrats have put forward. That is something I feel very, very positively about, both in terms of Republicans and Democrats—with one exception.

There was a policy that I helped advance, along with at that time Gov. Bill Clinton, on something called the National Commission on Children and Families, which I chaired for 4 years. We put forward the idea of the $1,000 child tax credit. It is put forward really by both parties to the extent of $500, but there is a difference.

The Democrats adjust theirs, change theirs, with inflation. It is very expensive to bring up a child in this country. People do not think of it that way. You know, they do not quantify so much per child. But it costs about $7,000 a year on average to bring up an individual child in this country. If you have four, then it costs $28,000 a year. That is averaging in from the time that you are buying Pampers to the time you are paying college tuition. Obviously, it is an average, but it is a very expensive average. So it is a very good proposition, the idea of a tax credit, but it ought to be indexed to inflation. The Democratic tax cut is. The Republican tax cut is not.

So, if my colleagues would just listen for a moment about what the experts found out about the Republican tax cut proposals and who gains and who does not, more than 75 percent of the Republican tax cuts would go to the top 20 percent of taxpayers. Well, that does not ring right. And it should not ring right.

I mean, this is a country which is constantly—we have all watched, hopefully, the public broadcasting thing on Thomas Jefferson who wrote the Declaration of Independence. In that he talked about life, liberty, and the pursuit of happiness. There was a sense of equality. People were created to be equal, to have equal opportunity.

Well, that does not mean that all people work as hard as others. But does it mean that if you are in the middle class and you are a working family, much less a two-parent working family, and you are working very, very hard and you are working at a job that pays a lot less money, then should you be treated substantially differently than somebody who works hard but makes a whole lot of money or somebody who does not work hard and who makes a whole lot of money through unearned income? The fact of the matter is that only 8.6 percent of the benefit of the $526 billion in Republican tax cuts would go to the bottom 60 percent of the American people. Let us call it 9 percent. Nine percent of the benefit of $526 billion would go to 60 percent of the American people who happen to be at the bottom of the economic scale, that is, to the extent that you are within the 60 percent. It ranges, obviously.

This means that middle-income Americans with an average income of $26,900, which is high cotton in West Virginia, would get a $186 tax cut from the Republican tax package. That is just the fact. But the top 1 percent of Americans, myself included, I suppose, and people whose incomes average $645,000, would get $21,000—actually $21,306 in tax cuts.

That is not the American way. That is not why we are what we are as a country. I understand that some people do better than others in life. And I understand that some people are propelled, through good fortune or through exceptional brain power, to be in a position to make more money. Often that is a circumstance of birth and often that is a circumstance of education, often that is simply a circumstance of life. And sometimes it is simply a matter that you really did it and you deserve it.

But you cannot take something called the working middle class, people who work in steel mills, who work in factories, who work in grocery stores but who work all the time and work every day and pay taxes, and for whom every $10 or $100 is important, and say to them, "You don't count." You do not do that in a budget. We do not do that, at least in a Democratic budget.

So, Madam President, I appreciate your courtesy in listening to these short pronouncements on my part. But I think the budget process should begin. I think we should take the crazy idea of trying to cut $526 billion of taxes, much less figure out how to pay for it, take it and sort of lay it outside the door and let it rest there for time immemorial. In the meantime, let us do a budget.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITHUANIA

Mr. DURBIN. Madam President, I rise to speak this morning on an issue of great importance to American foreign policy and to the future of Europe.

This week, on March 11, Lithuanians and Lithuanian-Americans celebrated the seventh anniversary of the restoration of independence from Russia. Lithuania, for those who are not familiar, is a country of fewer than 4 million people. It is smaller than the State of South Carolina, and it is located between Belarus and the Baltic Sea. Historically, it has been the neighbor, sometimes friendly and sometimes not, of Russia and the Soviet Union. It is a nation that has had to struggle time and again for its freedom. Today, it is struggling to recover from the devastation of a half-century of Soviet occupation.

The history of this little country is very interesting. During the middle ages, it was one of Europe's most powerful countries. In the 15th century, it was combined with Poland to create a new kingdom. In the late 18th century, when Poland was partitioned, Lithuania was divided between Russia and Prussia. The czars tried to Russify Lithuania during the 19th century, but their attempts to destroy Lithuanian culture gave rise to a Lithuanian nationalist movement supported by the Catholic Church. Ironically, it was this effort by the czars to Russify Lithuania which resulted in my being on the floor of the Senate today, because these efforts by the Russians led my mother's family to pick her up as a small girl and emigrate from Lithuania to the United States. They came here to preserve their Lithuanian culture, their Roman Catholic religion, and, of course, for the economic opportunity that the United States offered.

In February 1918, Lithuania finally declared its independence from Russia. But, of course, World War II took its toll.

In 1940, as a result of the Hitler-Stalin nonaggression pact, known as the Molotov-Ribbentrop agreement, Lithuania was taken over by the Soviet Union. In 1941, Hitler invaded Lithuania. After World War II, Stalin resumed his brutal repression and Sovietization of Lithuania, forbidding democratic institutions and subjugating the church. Countless thousands of Lithuanians gave their lives during the war and were then subjected to the Stalinist regime and deportation to Siberia.

But the Lithuanian national movement would not die, and it rose again as the Soviet Union crumbled. Of the many things which I have been fortunate enough to witness in my lifetime, one of the most memorable was the restoration of Lithuania's independence. On February 24, 1990, while still occupied by the Soviet Union, Lithuania held free elections to the Lithuanian Supreme Soviet. I was there on the day of the election, as part of a delegation sent by the Speaker of the House of Representatives. The best efforts of the Soviets to keep us out of the country were not successful. The Lithuanian Reform Movement, called Sajudis, won the elections. Keep in mind, this tiny country was still considered by the Soviets to be part of the Soviet Union.

On March 11, 1990, Lithuania declared the restoration of complete independence from the Soviet Union. In January, 1991, the Soviets struck back. A Soviet coup was attempted in Lithuania, leaving 13 Lithuanian civilians dead.

After the failed August coup in Moscow, the United States recognized the Lithuanian Government on September 2, 1991.

Since the restoration of independence, Lithuania and the other independent Baltic countries, Latvia and Estonia, have held numerous free elections. In Lithuania's case, there have been three—in October 1992, February 1993, and October 1996.

If you look at the relationship between Lithuania and the United States, it is one of mutual cooperation and support. The United States recognized Lithuania as an independent country in 1922 and never recognized the annexation of Lithuania by the Soviet Union as a result of the Molotov-Ribbentrop agreement.

During the years of the Soviet occupation of Eastern and Central Europe, the Senate and the House continued to pass resolutions and proclamations commemorating Captive Nations

Week, and asking Americans across the country to join us in recognizing the fundamental freedom and independence of Lithuania, Latvia, and Estonia.

In 1991, the United States recognized the Lithuanian Government, free of Soviet domination. And the United States continued to play a very important role because, even after Lithuania had restored its independence, there were 70,000 Soviet troops still on Lithuanian soil. President Clinton deserves credit for working very hard, through diplomatic channels, for the removal of those troops. When the troops finally left in August 1993, due to the President's good efforts, once and for all, the Lithuanians were free of occupation troops.

Today, however, we are debating the next chapter, and an important one in the history of Lithuania, Latvia, Estonia, and modern Europe. We are debating the enlargement of NATO, and the question of how much of a say Russia should have in this process. This summer, in Madrid, Spain, the members of the NATO alliance will gather together to consider whether new members will be allowed to join the alliance.

All of us are aware of the important role that NATO played after World War II. NATO was the bulwark of Western democracy against the expansion of communism. The allies who came together in that alliance not only were setting out to protect themselves but to establish commonality in terms of values and culture—a commitment to democracy, a commitment to free markets. The NATO alliance has been successful. The Berlin Wall came down. The cold war came to an end.

Now we are talking about a new NATO alliance, and asking ourselves what this NATO alliance would bring to the world. Certainly more than defense, because I do not think that is the paramount concern to Europe. It would be, in the words of Secretary Albright, an effort to "gain new allies who are eager and increasingly able to contribute to our common agenda for security, from fighting terrorism and weapons proliferation to ensuring stability."

The reason I have come to the floor today is to speak about the situation in Lithuania and the challenge we face on the question of NATO membership. It is said that Poland, Hungary, and the Czech Republic are likely to be invited to join NATO. I fully support that. My visit to Poland, I can tell you, was dominated by discussion about the future of NATO and whether Poland would be a part of it after all that Poland has suffered in the war and since. It is only right that this great nation be brought into an alliance with NATO. I fully support that. Nor do I object at all to Hungary and the Czech Republic being considered.

What gives me pause, though, is the fact that there has been little mention by the United States or NATO allies about including the Baltic countries—Estonia, Latvia, and particularly Lithuania.

I hope those who are considering this issue will pause for a moment and reflect on the importance of NATO membership to these small countries. I hope also that they will join me in asking this administration to think anew about the issue of membership in NATO for the Baltic countries.

The Baltic countries, meanwhile, wonder about our intentions, and they worry that Russia will misinterpret our hesitation to include their countries in the NATO alliance as a signal that we still see the Baltics in some sort of "gray zone." I can tell you this: the people in Lithuania, Latvia, and Estonia do not consider themselves in a "gray zone." They want to be a part of modern Europe.

There are some who say that including the Baltic countries in NATO might inflame the ultra-nationalists in Russia and destabilize the Yeltsin government. I think we should listen to leaders of the Baltics who have had some experience, in fact, more experience, close at hand, than the United States in dealing with the Russians. They know that any ambiguity in U.S. policy only emboldens the radicals in Russia. They know that if we are firm and fair, Russia will accept NATO enlargement. We should be mindful of Russian views but not fearful of their reaction.

The Baltics, you see, are very fragile. This map may not be easy to see, but I would like to point out a few things of importance.

This tiny little yellow area here is still part of Russia. It is known as Kaliningrad. The Russians have held on to it even though, as you can see, it is detached from Russia. It is, of course, a port on the Baltic Sea. But, even more importantly, it is a major military installation for the Russians. The Russians have 40,000 troops in Kaliningrad today, and they frequently traverse Poland, Belarus, and Lithuania with materials and troops going to and from Kaliningrad.

Then, next to Lithuania you will see this former Soviet Republic, now an independent state, Belarus. There are 60,000 troops in Belarus, backed up by Russian troops.

So here on its west, directly south and west of Lithuania, there are 40,000 Russian troops, and immediately to its east at least 60,000 troops. While this is happening, Lithuania has a very tiny defense force. It wouldn't even be characterized as an army by most modern definitions. Naturally, Lithuania is concerned about its own security.

The three Baltic States came together to talk about common defense. They want to make certain that they maintain their independence regardless of the whims of history. They are not seeking to expand their territory. They are looking for peaceful development and only defensive capacity. They are making reforms within their militaries and within their countries to be ready to join NATO. They have provided troops for NATO-led operations in Bosnia.

Let me tell you one brief story that I think is illustrative of the commitment of Lithuania to becoming a viable partner in NATO.

When President Clinton and the United States decided to move forward to stop the genocide that was occurring in Bosnia, we created what is known as the IFOR group. These were armies from allied countries coming together to try to bring peace to the Balkans, a daunting task that has challenged generations, if not centuries, of those who live in the region. The tiny country of Lithuania, with 3.7 million people, which has a very, very small army, made an IFOR commitment, sending a small group to be part of this effort. Sadly, one of the casualties in Bosnia, as the result of a landmine, was a Lithuanian soldier who literally gave his life as part of this peacekeeping effort in Europe. A curious thing happened after that tragedy, because the Lithuanian Parliament then had to vote almost immediately on whether to send more troops to IFOR.

Think about it for a moment. What would that have meant in the Senate of the United States or the House of Representatives if our country had lost proportionately as many as Lithuania had lost in this effort, and we had to then debate whether to expand the force that we had sent in? It would have been tough. Some would have said, "Wait a minute; if it means loss of life and bloodshed, perhaps we should think it over."

But the Lithuanian Parliament understood Lithuania's commitment and voted, even after the loss of this soldier's life, to expand its commitment to IFOR—to send even more troops into the area to cooperate with the United States and all of the NATO allies as part of IFOR. I think that says a lot about whether Lithuania wants to be a part of the future of the free world.

The Baltics have also welcomed the placement in their countries of what is called the Regional Airspace Initiative, which is going to increase NATO's security and be located on Baltic soil. They want to make sure that the Baltics are integrated, through this defense capacity, into all of modern Europe. All three of the Baltic countries have joined the Council of Europe, and all three formally have applied for membership in the European Union, which is important for the prosperity of that region.

So now we come to the point where we have to ask the hard question about whether or not Lithuania and the other

Baltic countries should be members of NATO. I firmly believe they should be. I think the United States should make a clear and unequivocal commitment to Lithuania, to Latvia and to Estonia that they will be part of NATO, and welcome them into this new Europe, a Europe which brings together East and West finally in a combined, peaceful strategy and alliance.

I am troubled by the fact that we have been at best ambivalent on this issue. Our official spokesmen in the State Department, the Department of Defense and other channels have been careful not to mention the Baltic countries. One of our leaders in Government has said that, "Well, we don't want to make the Russians too nervous. You know they are fearful of encirclement."

If you visited Estonia, Latvia, and Lithuania today, you would be hard pressed to suggest that any of these countries have any type of motive to expand their territory or to in any way jeopardize the future of Russia. Yet a country like Lithuania, with 40,000 Russian troops in Kaliningrad and 60,000 troops in Belarus, can very well feel threatened by the current situation.

During my visit to Lithuania and Poland a few weeks ago, I met with many representatives of government from every political party. And I can tell you, Madam President, that this issue cuts clearly across party lines—conservatives, liberals, right and left and center. Those who were formerly members of the Communist Party and now a part of democratic efforts in these countries all believe the same thing. NATO is the key to the future.

I think the United States can be proud of the fact that it stood with the Baltic countries during those dark days after World War II, when they were forced into the Soviet Union and became, unwittingly and unwillingly, republics that were part of the Soviet Union. We said in the United States that we would never accept that. We viewed them as freedom-loving people. I was proud of that, proud as a Lithuanian-American whose mother was born in a small village in the southwest part of Lithuania, proud that we stood by them during 50 years of Soviet occupation. Then the moment came for their freedom, a moment that was marked with bloodshed. I regretted the fact that the United States wasn't the first in line to recognize their independence. In fact, 32 other nations in the world came forward to recognize a free and democratic Lithuania before the United States did. I am sorry that we were 33d, but I am glad that we did it. I am glad that we reaffirmed our commitment to the Baltic countries.

During the course of my visit to Vilnius, the Capital of Lithuania, I visited a cemetery with a monument known as the Pieta. It is a monument to those who gave their lives during this recent struggle for independence in Lithuania. I was struck by the fact, as I walked along the gravestones of those martyrs to freedom in Lithuania, how many of them were teenagers, or in their early 20's, who lost their lives in the hope that Lithuania would be free. Many of them in their lifetimes had never known anything but Soviet domination, Communist domination, a domination where the Soviets tried to Russify the Lithuanian language, take away Lithuanian culture and traditions, close down Catholic churches and literally close down the press. They saw that.

I saw as well, when I visited, in Kaunas, the archbishop, His Excellency Sigitas Tamkevicius, who is considered a saint, having spent many years in a Soviet prison for the audacity of publishing an underground journal, how much this country has been through, how much it has suffered. It is not unreasonable for us as leaders of democracy and freedom in the world to understand why Lithuania, Latvia, and Estonia want to be part of our peace-loving and democratic alliance.

I sincerely hope that the United States, starting first with the meeting between the President and President Yeltsin in Helsinki this coming week, and then again in Madrid this coming summer, will really try to show the initiative, to broach this discussion about Lithuania and the Baltic countries becoming part of the NATO alliance. I think it is important for us to say unequivocally that this will happen and we are committed to it, and to say as well, now let us discuss with these countries and with Russia when this will occur and how this will occur.

It should be a transparent process. By that I mean we should say to the Russians this is clearly defensive in nature. These tiny countries are only looking for the assurance that they will have freedom and great opportunity in the future.

I will close, Madam President, by saying that one of the more memorable moments in my trip to Lithuania was on Independence Day, on February 16, when on Sunday I stood in the square in front of the parliament in Vilnius and saw the people gathered singing the Lithuanian national anthem and then went to the cathedral for a Mass celebrated by the Cardinal of Lithuania. At the end of this Mass they once again sang the Lithuanian national anthem, and then closed with a Catholic hymn entitled "Maria, Maria." My brother and I were standing there and looked around and saw men and women with tears rolling down their cheeks. This was the hymn that the Lithuanians turned to in their churches many times in clandestine masses to give them hope that they could survive the occupation by the Russians, the occupation by the Nazis, the occupation by the Soviets. These men and women have suffered so much in the name of freedom and independence, and now they are asking us today as leaders in the free world to invite them into this family of freedom-loving and peace-loving nations.

I hope I can prevail on my colleagues in the Senate to join with me in encouraging the United States to include the Baltic countries, as well as Poland, the Czech Republic, Hungary, and all the other countries that are genuinely interested in becoming peace-loving partners in NATO. I think that will continue the great legacy that really defines America.

We are not out to conquer territory. We have defied history by being the conquerors in World War II and literally working as hard as we could to rebuild the vanquished, and now we have again the chance to say as we embark on this 21st century that this NATO alliance will guarantee that a new Europe, East and West together, will be a peaceful Europe for decades to come.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIXED SIGNALS ON ISRAELI SETTLEMENTS

Mr. BYRD. Mr. President, I was disappointed to note that the United States, alone among its allies on the United Nations Security Council, vetoed a proposed resolution urging Israel to abandon its plans to build housing for Israeli settlers in East Jerusalem. This housing initiative, which was reported last week to have been pushed by the right wing of Prime Minister Netanyahu's party, threw a cold towel on the peace process that had been so painfully promoted through U.S. intermediation.

Indeed, the President and the Secretary of State, Ms. Albright, both correctly criticized Israel's position on this issue. It is unfortunate that the President felt compelled to mix that clear signal of American displeasure with an American veto of essentially the same policy position, expressed in a United Nations Security Council resolution. American policy on this very important matter needs more consistency if the United States intends to maximize its influence and leadership on the peace process between Israel and the Palestinians. It is unfortunate that the message of displeasure has been diluted, because that softening risks emboldening the hard-liners in Israel who act as if they do not want that process to succeed.

I believe that the policy of the administration rightly remains opposed to the recently announced settlement initiative by the Israeli government, and I spoke out on the floor a few days ago in support of that position. It does not seem logically consistent that a Security Council resolution essentially expressing the same disapproval could in any way itself "jeopardize efforts to keep the peace process moving", as was reported by the Washington Post on March 8, 1997. Strong leadership on this matter requires sustained consistency in all foras, both national and international regarding American policy, and I hope that there will be further opportunities to make our very correct position in opposition to this new housing initiative abundantly clear.

The Israeli leader stands at a pivotal point in the Middle East. The peace process is clearly very fragile, and great efforts are needed on a sustained basis by all the parties, not some of the parties, for it to succeed. The alarming exchange of letters between King Hussein and Prime Minister Netanyahu, released publicly yesterday reveals the damage that the Israeli housing initiative is causing. Neither the U.S., not the Palestenians, nor the Israeli people should passively allow the Israeli right wing to sabotage this process anytime it decides it has gone far enough for their taste. I congratulate the President for sending an American envoy to meet in Gaza with Mr. Arafat on the overall situation.

I make an urgent plea to Prime Minister Netanyahu to look history in the face and to take a bold step and reverse his decision on the housing matter, regardless of the merits of the initiative in his mind from a narrow geographical perspective. This decision has become the central indicator of his government's commitment to peace in the Middle East. It is clear that, regardless of any merits which may attach to the housing decision, it is causing grave damage to the peace process which our governments have worked so painfully to engender. Therefore, I urge the Israeli Prime Minister to reverse that decision. This would certainly require considerable personal courage and political difficulty on his part, but it would mark him as a true leader at a time when such leadership is desperately needed. He alone is in the position to make a crucial change in the present explosive atmosphere. The process of peace in the Middle East has reached a vital juncture, and its future is highly dependent on the action he takes now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

THE DECISION TO CERTIFY MEXICO

Mr. TORRICELLI. Mr. President, the decision by the administration to certify Mexico as an ally in the fight against narcotics raises a broader issue. In my judgment, it is time to reach several difficult but obvious conclusions about United States policy toward Mexico and our bilateral relations. Indeed, perhaps, if there was a contribution offered by the unfortunate decision to certify Mexico in the war against narcotraffickers, it is the growing sense in the United States of the need for a moment of honest reflection about Mexican-American relations. In short, it is time to simply tell the truth about Mexico.

Mexican-American policy in these years has been based, in my judgment, on three broad deceptions, deceptions not only of ourselves but, perhaps more importantly, of the Mexican people themselves. Deceptions which I recognize have been made, sometimes, with the best of intentions. The United States has understood that some historic injustices create particular sensitivities in Mexico. There is always the need to account for nationalist pride and the obvious concern of internal interference. But not telling the truth to our own people, or to the people of Mexico, allows the Mexican people to avoid dealing with the realities of their own country. This conspiracy of silence about the realities in Mexico prevents the United States from constructing real policies to defend our own interests, and hampers our ability to work with Mexico in protecting its own interests.

These three deceptions are, in my judgment, convincing the American people that Mexico is, in fact, making the transition to a vibrant democracy; that Mexico has a genuinely free economy; and, finally, that Mexico is, indeed, participating in waging a war on narcotics. I believe that an analysis of these assumptions will establish that none of them are true.

First is the question of the Mexican economy. In 1993, in an effort to support the North American Free-Trade Agreement, the American people were told that if only Mexico had access to the American market, then Mexico would complete its historic transition to a free and open economy. I understood the reasons to support NAFTA. A free-trade agreement for North America makes sense. But a condition precedent of a North American Free-Trade Agreement is that each of the participants genuinely has a free and an open economy. Therefore, this Congress could not have affirmatively accepted the treaty without being convinced that Mexico, like Canada and the United States, would accept the rules of a market economy.

The simple reality is that in 1997, despite assurances to the contrary, Mexico retains strong elements of a centrally directed economy, officially controlled and unofficially corrupt. The most important elements of the Mexican economy are either under state sponsorship or government control, including banking, finance, and petroleum. The result has been, predictably, anemic growth which stimulates increased migration and denys the Mexican people real economic opportunity.

Last year, 1.2 million young Mexicans attempted to join the national work force, only to find employment available for a fraction of those seeking work. Since the 1980's, irregular or low levels of growth in the economy have been the exception in the region. Throughout that decade, annual growth in Mexico, the GNP, averaged 1 percent. In some years in the 1990's it grew, but the results were uneven for the people themselves.

The reasons are clear. It is not enough for the national leadership to declare Mexico a free economy. Making pledges to the United States in order to get access to NAFTA accomplishes nothing if the fundamentals of a free economy are not established. Most obvious is the need to allow the development of a free trade union movement. But, indeed, Mexico will conclude the 20th century as one of the last nations in our hemisphere to still not permit the development of independent trade unions.

The results are declining real wages of a magnitude of 70 percent in the last 20 years, a minimum wage which decreased by 13 percent in 1995 and fell by an additional 11 percent in 1996.

A free economy means a free market for labor. Real competition requires that people can engage in collective bargaining. Similarly frustrating to the development of a free economy in Mexico has been the failure to privatize important sectors of the economy. In September of 1995, the Mexican Government announced the sale of 61 petrochemical plants that would be open to the free economy and to foreign investment. It was an attractive response to the promise of NAFTA. On October 13, 1996, the Mexican Government reversed its policy and has maintained Government control over this vital center of the Mexican economy.

As a result of this failure to permit the free exchange of labor, foreign investment, and privatization, Mexico is one of the few countries in the world where, because of declining wages, life expectancy has leveled off and may actually be declining.

The Mexican peso, because of a failure to adequately control both debts and the currency, literally collapsed in 1994, requiring $40 billion of external financing from the United States and other international institutions. And in 1997, the international community faces the same prospect, because the peso is, again, overvalued and, again, facing downward pressure.

The first simple truth, therefore, is we need to be honest with ourselves, investors, and the Mexican people. The promise of establishing a free market in Mexico, the ending of state-sponsored industries, has not been kept. Words do not suffice. The promises mean nothing. Mexico remains a state-controlled and directed economy where market forces are not allowed to operate. And for whatever price that may hold for American investors, or Mexico's new trade partners in NAFTA, the price is principally borne by the Mexican people themselves, who, despite their labors and their sacrifices and their desire to free their economy, are on a downward spiral of opportunity and living standards.

The second truth concerns the promise of democracy in Mexico. For 7 decades, the Mexican people have been victimized by a one-party authoritarian state. It is self-perpetuating and it is not a democracy under any contemporary definition. Successive Mexican administrations choose the next government. Power has been maintained through corruption and outright electoral theft. As recently as 1988, Mexico's ruling PRI party had to resort to outright fraud to guarantee the election of President Carlos Salinas. In 1994, the leading presidential candidate was assassinated, with credible allegations that elements of his own party conspired in the assassination because of his opposition to electoral reforms that might have fulfilled elements of the promise of democracy.

The level of corruption and denial of democratic freedoms has not involved simply the presidency, but almost every level of government. This includes disputed state elections throughout the 1980's and during this decade. In at least four recent gubernatorial elections the opposition PAN party ultimately took control or demonstrated a strong presence because of court challenges and public opposition.

In 1996, despite promises of electoral reform, the PRI majority in the Mexican Congress placed restrictions on electoral procedures and public financing that greatly restricted the ability of opposition parties to participate in, and have a chance of succeeding in, Mexican elections.

Promises of electoral reform in Mexico have simply not been realized. Access to the media, public finance, and control of government institutions to the advantage of the ruling party have all gone without change. Despite public protests and international challenges which have resulted in some successes in state gubernatorial elections, the simple truth is the 20th century will end without Mexico having experienced the peaceful transfer of power from the ruling party to the opposition. That, Mr. President, is a contradiction of any claim that Mexico is operating under contemporary standards of democratic elections.

Mexico has not been alone in having difficulty making the transition from one-party government to a competitive pluralist system. What makes Mexico different is that, unlike in Japan or Italy which had similar monopolies on power in the postwar period, but whose governments bore American encouragement and sometimes criticism, there has been a conspiracy of silence about the realities of Mexican politics and its economy.

Those who remain silent or fail to inform our people or the Mexican people of the truth of their national experience bear responsibility.

There are, indeed, many victims of the realities of Mexican politics. The failure to democratize has caused just as much suffering as the loss of economic opportunity. Suffering which forces thousands of Mexicans to migrate or live with the downward spiral of the Mexican economy.

In 1996, Amnesty International's annual report accused Mexican security forces of outright human rights abuses including the murder and torture of leftist rebels. They also uncovered the use of torture, and the many disappearances which have occurred throughout the areas of conflict. The Mexican media are no less a target. Journalists have been intimidated, abducted, and even killed, with cases as late as 1995 still unresolved.

Public financing of the media, the corruption of journalists, and the monopoly of government power still distorts the view of the Mexican people about their own country and its problems, with predictable results. The Mexican people are unable to express themselves equally through the media, and are unable to gain control of their own lives through the electoral system. They face a declining standard of living because of the monopoly of government power in the economy, and are tragically, but predictably, now involved in guerrilla operations in fully eight of Mexico's states.

Third and finally, Mr. President, is the truth about narcotrafficking in Mexico. Not only is it true that the Mexican people are paying an extraordinary price for the failure to develop a genuine market economy, and democratic institutions, but they, together with the American people, are paying an enormous price for the failure to control or even cooperate in controlling illegal drugs.

The administration has been asked a simple question: Is, or is not Mexico an ally in the fight against narcotrafficking? The administration has answered by explaining that we have to consider the past difficulties in Mexican-American history. They have responded that Mexico is an increasing source of American investment. Those, Mr. President, were not the questions.

The question is this: Is, or is not Mexico cooperating? The simple truth is that the highest levels of the Mexican Government have been corrupted and are, at a minimum, working at cross-purposes with the U.S. Government in controlling the flow of narcotics.

Indeed, the administration's own reports conclude that fully two-thirds of all of the cocaine entering the United States is being transshipped through Mexico. The State Department has concluded that Mexico is now the most important location in the Western Hemisphere for the laundering of narcotics funds.

On March 1, we learned that General Gutierrez, the drug czar of Mexico, was himself arrested for complicity and conspiracy with drug traffickers.

Mr. President, the decision to certify Mexico as an ally in the war against narcotics was a decision to protect the Mexican Government from criticism. It was the wrong decision. The simple truth is that every day, in every way, Mexican officials are permitting the transshipment of narcotics to our country. New laws to stop the laundering of funds in Mexican banks have not been enforced. Not a single Mexican bank has had to alter its operations to comply with new legislation.

Of the 1,250 police officers dismissed for corruption because of narcotics in Mexico, not a single officer has been prosecuted.

Despite 52 outstanding extradition requests to send corrupt officials to the United States, not one has been complied with. Indeed, not a single Mexican national has been extradited to the United States because of drug-related charges.

Most discouraging of all, the head of the DEA, Thomas Constantine, concluded before this Congress:

> There is not one single law enforcement institution in Mexico with whom the DEA has an entirely trusting relationship.

Mr. President, there were times during the cold war, indeed times during moments of national peril when the United States needed to compromise an honest look at the world because of issues of national security. The end of the cold war has ended that time.

We need to honestly assess our relationship with Mexico. We need to tell the American people the truth about the state of Mexican democracy, its economy, and its fight against narcotrafficking. Change will never come without the truth. Ending the certification process will begin that national debate in this Chamber.

I urge the Senate to reject the administration's conclusion, which cannot be borne out by the facts. Let us tell the truth about Mexico.

Thank you, Mr. President. I yield the floor.

ELDERLY IMMIGRANTS AT RISK OF LOSING SSI

Mr. KENNEDY. Mr. President, we have received early reports from the

Social Security Administration large numbers of of elderly legal immigrants who will lose their SSI benefits under the new welfare law unless Congress acts to help them.

In Social Security field offices across the country, the same reports are being heard. Elderly immigrants come into the field offices after receiving a notice that their SSI benefits will be terminated unless the immigrants can prove U.S. citizenship. Many of these immigrants are citizens, but they cannot remember where they stored their naturalization certificate. Most are very old and often infirm. Sometimes they are too infirm to remember whether they were naturalized or not.

For example, two elderly women, both over 90 years old, were senile, and confined to a convalescent home. They sought help from SSA after receiving the notice that their SSI payments would be terminated. Both women say they were born in the United States, but they cannot prove their citizenship.

Another woman, born in Ireland over 80 years ago, came to the US when she was 2. Her parents were naturalized, but she has no proof that she was. She has never left the United States, and believes she is a citizen, but she has no way to prove it.

The Social Security office in New York City reports that a woman's 85-year-old daughter came to inquire about her 105-year-old mother's termination notice. She stated that her mother was born in New York City, but has no birth certificate. Her mother has been receiving SSI benefits since 1976. The only way to find a record of her birth is to search the New York City birth records from 105 years ago. No one knows if the birth was even recorded.

These are just a few stories of the hundreds coming into Social Security offices since the termination notices were mailed a few weeks ago. Several recent news articles have reported stories of legal immigrants about to lose their benefits. I ask unanimous consent that these stories may be placed in the RECORD following my statement. Unless Congress intervenes, the consequences of the welfare bill will be too harsh.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Mar. 3, 1997]

OVERWHELMED BY OVERHAUL

(By Shirley Salemy)

Israel and Faina Staroselsky are snared in the intricacies of the new welfare overhaul law.

The couple, both 68, fled anti-Semitism in Ukraine five years ago. They applied to become naturalized U.S. citizens seven months ago. They're still waiting, they say.

And if they don't get citizenship soon, they'll lose their Supplementary Security Income.

"We got this letter," said Israel Staroselsky, pointing to a memo from the Social Security Administration. "If we are not able to prove our American citizenship by May, we will lose all sources of life."

If the federal welfare overhaul is a gigantic jigsaw puzzle, the pieces that shape assistance to poor, elderly and disabled legal immigrants may be the most intricate—the ones that remain on the card table the longest.

The rules are complicated, and people like the Staroselskys aren't the only ones confused. Lawmakers are, too.

A DRAMATIC CHANGE

"Generally, I think the Legislature is real confused" about the ins and outs of the law, said Sen. Maggie Tinsman, R-Bettendorf and co-chairwoman of the joint human services appropriations subcommittee.

"It's always confusing when the law changes," Tinsman said. "This is a dramatic change. And people always think the worst."

Generally, the new law prohibits non-citizens who are not new refugees, U.S. military veterans or have not worked and paid taxes in America for at least 10 years from getting most forms of public assistance—that is, Supplemental Security Income, food stamps, Medicaid and cash assistance for families.

It also bars new arrivals—immigrants who came to the United States after Aug. 22, 1996, the day President Clinton signed the bill—from receiving most public benefits during the first five years in the country.

But the states have some options to provide more help. Iowa officials say that's what they will try to do.

The Department of Human Services is proposing to continue benefits for some of the immigrants who would be cut off. State welfare officials are holding community forums around the state to explain the new law.

For immigrants who were already here when Clinton signed the law, DHS intends to continue providing cash assistance in its core program, called the Family Investment Program, and Medicaid.

"We felt it was a humanitarian thing to do," said Ann Wiebers, DHS welfare reform coordinator.

APPROPRIATION NEEDED

But it's up to the Iowa Legislature to appropriate money for the program. Tinsman thinks lawmakers will concur with the department's decision.

The department would need to use a pool of state funds to help new arrivals in those programs. For the Family Investment Program alone, the estimated cost over the next two years would be an additional $702,237.

Tinsman said lawmakers are concerned about legal immigrants who haven't become citizens.

"We suspect most of them are elderly and in nursing homes," she said. "We have money in the budget to take care of that."

She said new arrivals must have sponsors to come to the United States. Sponsors must now sign binding affidavits of support—which means they're held financially liable for immigrants who fall into distress.

"I think they're going to be covered, just not by government," she said.

Sen. Johnie Hammond, D-Ames, who also serves on the subcommittee, said the panel hasn't talked about the way the new law affects legal immigrants.

"We need to look at who's falling through the cracks and do we really want them to fall through the cracks," Hammond said.

EFFECTS AREN'T KNOWN

Advocates, meanwhile, say the way the new law will play out in Iowa is still unclear.

"The law is still so new," said Ta-Yu Yang, a Des Moines attorney who specializes in immigration law. "We are still talking on the macro stage of what to do here in Iowa, whether to continue some of the benefits or not."

But Yang, who is president of both the Asian-American Council and the Taiwanese Association, said: "I don't think there's any question that so much of the legislation is going to have discriminatory impact. I don't know if they intended it to be that way or not."

Terry Meek, executive director of Proteus, a nonprofit group that serves migrant and seasonal farm workers, said such laborers will likely be affected by new food-stamp rules. Now, legal immigrants must work and pay taxes for 10 years before they're eligible.

But many farm workers are paid in cash or through crew leaders, Meek said. She's not sure how those workers will document their work history.

Sandra Soto, an immigrant-rights advocate at the American Friends Service Committee, thinks that the new law asks welfare workers to become specialists in immigration law and that it's creating a lot of confusion at local welfare offices.

THERE'S CONFUSION

"I'm not saying they're denying benefits for the sake of it," Soto said. "I'm saying there's confusion. Getting involved in immigration is difficult, because there are huge numbers of proofs of immigrant status."

She, too, worries about immigrants who may not have documents to prove their years of work.

She points to Blanca Vivas, 44, who came to this country illegally in 1986 from Nicaragua. Vivas, speaking Spanish translated by Soto, said she first worked in the fields of the Southwest, received amnesty and eventually came to Iowa and worked in the meatpacking industry. She earned money with a temporary work permit that was renewed last year.

Debilitating pain in her shoulders and back from the heavy lifting she did prevents her from working any more. She lacks the documents to prove her years of work. And her work permit is no longer valid.

She now lives in Des Moines with the support of her boyfriend. She'd like to get food stamps and medical help but knows she's not eligible.

"I think ignorance has led us to many bad things," she said. "It's one of the major barriers. Even if we have good work ethics, we are coming to a country where the culture, the language and many other things are different."

NEW CITIZENS

Immigration and Naturalization Service officials conservatively anticipate more than 2,000 immigrants will naturalize during fiscal 1997.

The welfare law is playing a role in the boom, said Michael Went, deputy director of the INS office in Omaha, which oversees Iowa. But he also thinks people are simply taking the final step in the immigration process.

The Staroselskys believe it's their only chance.

"If we will not become citizens according to the new law, we will lose all of this," Israel Staroselsky said, sitting at a table in the couple's one-bedroom apartment.

They left Kiev as refugees. He was a cardiologist, she was a pediatrician. They aren't certified to practice medicine in the United States, so he worked for two years as a researcher in Des Moines, then retired.

If they had known about these changes when they were still in Ukraine, their decision to come might have been different.

"We came five years before," Israel Staroselsky said. "If we had known about this law, it could be another decision."

Blanca Vivas, 44, is one of many workers hurt by new requirements that legal immigrants must work and pay taxes 10 years before they can get food stamps. She's worked in this country since 1986 but lacks documents to prove it. Now she's disabled, and her work permit is no longer valid.

[From the Raleigh (NC) News & Observer, Mar. 2, 1997]

Older Immigrants Face Welfare Dilemma

Charlotte—Immigrants in North Carolina face longer waits for naturalization than most other states, making worries about losing welfare benefits more realistic for newcomers from overseas.

The Charlotte office of the U.S. Immigration and Naturalization Service is ranked among the nation's slowest processing offices, according to a report released Saturday by the American Immigration Lawyers Association.

North Carolinians, who apply for naturalization at the Charlotte INS office, can face between 21 and 28 months of waiting before their citizenship records are processed.

The wait might mean disabled and elderly immigrants could lose some federal benefits. Under the welfare reforms, recipients of some benefits must become citizens to keep them.

Those who aren't U.S. citizens and have lived here at least five years are receiving letters saying food stamps and Supplemental Security Income could be eliminated as soon as May. The letter, from the Social Security Administration, also says Medicaid could be eliminated by summer.

"There was no exception made for them (in the new welfare law), and that's one of our biggest sore spots," said Marlene Myers, coordinator of the N.C. Refugee Office, one of several groups that have met with INS officials to find a way to help these immigrants. "(The elderly or disabled) are kind of caught in a crack."

The Charlotte INS benefits staff processed 2,500 naturalization applications two years ago. This year, they expect to handle more than 7,000. Once the welfare law took effect, the office was swamped with applicants.

"No one likes to have people wait," said Donald Young, officer in charge of the INS office in Charlotte. "We go along, day in, day out, trudging along. But again, that slowdown is nationwide, not just Charlotte."

[From the Christian Science Monitor, Mar. 4, 1997]

Amid Welfare Cuts, States Try to Aid Immigrants

(By Skip Thurman)

An Iranian man living in Denver can't muster the courage to tell his elderly mother—a legal immigrant who has lived in America for almost 20 years—that her monthly checks from the federal government are about to end. His best hope now is that the state of Colorado will continue some of her subsidies.

Legal immigrants across the US are beginning to see that states as their last best hope to offset the imminent loss of all federal benefits—a cutoff required by the new national welfare-reform law.

State officials by and large seem to be sympathetic. Of 40 states that have filed spending plans, 36 report they will continue benefits to legal immigrants who fall off the federal rolls.

"In the small world of welfare, we are in pretty good shape," says Dick Powers of the Massachusetts Department of Transitional Assistance. The state has enough money to help needy legal immigrants—at least for now—because it's currently getting more money from Washington than it needs for cash assistance to a dwindling welfare caseload.

But states with large numbers of immigrants may not have the same luxury. New York Gov. George Pataki (R) anticipates spending an estimated $240 million to cover legal immigrants who will lose federal aid.

In Texas, Gov. George W. Bush (R) argues that changing the rules for legal immigrants already in the US was unfair.

"He has no concern about prospectively saying to future immigrants, 'You will no longer be eligible,'¿¿" says Bush spokeswoman Karen Hughes. "But he is calling on the federal government to provide funding for this part of the population."

The National Governors Association says many governors, including Mr. Bush, are asking for extra help.

"We aren't talking about reopening the welfare bill. We are talking about amending a little thing on the edge of it," says Nolan Jones at the NGA.

President Clinton has put forward a plan to restore many benefits to 350,000 of the 500,000 immigrants most severely affected by welfare reform. Benefits most at risk include Supplemental Security Income (SSI), a monthly benefit (averaging $400 per recipient) that augments the incomes of the aged or disabled; Medicaid, which helps the same group pay medical bills; and food stamps.

But many lawmakers say revising the law to soften its impact on immigrants is unlikely.

"It's just not going to happen," says Rep. Clay Shaw Jr. (R) of Florida, who led the charge for welfare reform in the last Congress.

For one, federal budgeteers would fight such a move. About one-fourth of the savings expected from welfare cuts will come from ending benefits to legal immigrants.

While Congressman Shaw expects to feel more pressure to revise the law as welfare reform kicks into effect over the next four months, he says. "We've really got to believe in what we are going to accomplish with this, because we are going to be dogged all the way." He points out that 51 percent of SSI benefits go to elderly noncitizens, something he says was never intended by the authors of the original legislation.

Shaw and other Republicans are open to one possible compromise that would provide states with additional block-grant money for programs like food stamps. Mr. Clinton has sought to restore $10 billion in benefits. But Republicans on Capitol Hill would approve no more than a total of $2 billion for states.

The pending cut in benefits has prompted a large number of legal immigrants to apply for US citizenship. Almost 2 million are expected to apply this year, three times more than applied in 1995.

But for elderly immigrants, the naturalization process can be daunting. The US Immigration and Naturalization Service reports that only 9 percent of immigrants older than 65 ever naturalize. Such is the case for the elderly Iranian woman now living in Denver. Her son, who asked not to be named, explains that the entire family fled to the US after the Khomeni government took power in the late 1970s.

"She has gone through this before. She was a wealthy woman and had everything taken from her." he says. Undergoing the naturalization process, including the exams to become a citizen, would be difficult. "Her English is still not very good," he says "There is no way she could pass the test."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 12, the Federal debt stood at $5,361,482,510,992.32.

One year ago, March 12, 1996, the Federal debt stood at $5,017,284,000,000.

Five years ago, March 12, 1992, the Federal debt stood at $3,854,311,000,000.

Ten years ago, March 12, 1987, the Federal debt stood at $2,247,042,000,000.

Fifteen years ago, March 12, 1982, the Federal debt stood at $1,048,967,000,000 which reflects a debt increase of more than $4 trillion—$4,312,515,510,992.32—during the past 15 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending March 7, the United States imported 7,510,000 barrels of oil each day, 195,000 barrels more than the 7,315,000 imported during the same week a year ago.

Americans relied on foreign oil for 53.8 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,510,000 barrels a day.

RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION

Mr. KENNEDY. Mr. President, it is time—long past time—for the Senate to end the embarrassing delay and ratify the Chemical Weapons Convention. The convention is the most significant nonproliferation agreement to come before the Senate since the 1968 Nuclear Non-Proliferation Treaty. It is a major step toward eliminating this entire class of weapons of mass destruction. U.S. ratification of the convention, before it takes effect on April 29 of this year, is vital to our national security. U.S. support for the convention will demonstrate our continued commitment to halting the spread of these weapons of mass destruction. This is far too important a subject for further delays. It is time to end the stalling and bring the convention to a vote. There is no justification for a handful of Senate opponents of the convention to bottle it up in the Foreign Relations Committee.

This treaty is clearly bipartisan. It was negotiated under President Reagan, concluded and signed by President Bush, and submitted to the Senate for advice and consent by President Clinton. It has broad bipartisan support in the Senate, and it should be voted on by the Senate, now.

The Chemical Weapons Convention deserves this broad support, because it makes sense for America's national security. We have the opportunity now to move forward and rid the world of these senseless weapons.

The United States initially led by example, by unilaterally destroying our stockpile of chemical weapons. The Chemical Weapons Convention will extend this requirement to all other nations that approve the convention.

The convention also provides for monitoring and controls to reduce the proliferation of the chemicals and technology used to make such weapons. These restrictions will make it much more difficult for terrorists and rogue nations to develop these weapons of mass destruction. The convention also contains provisions to investigate and punish violators, including short-notice inspections of chemical manufacturing sites and other facilities.

Opponents of the convention argue that since it is not being ratified by all nations, it will not stop rogue countries from acquiring these deadly weapons. But no international treaty starts with worldwide support. Countries suspected of chemical arms violations will be subjected to broad economic and arms embargoes. In fact, the convention specifically restricts the export or transfer of controlled chemicals to nonparticipating nations, a clear deterrent to rogue countries.

American leadership is essential to halt the proliferation of these deadly weapons. It is already a serious international embarrassment that the United States, the leading country in the development of the convention, has taken over 4 years to ratify it. If not us, who? If not now, when? As of today, 71 nations have ratified the treaty, including the United Kingdom, France, Germany, and Canada. We stand with Iraq, North Korea, Libya, and Syria as nonsigners. The Senate needs to act now to end the unconscionable delay in ratifying this urgently needed convention. The longer we delay, the greater the danger of the proliferation of these devastating weapons.

Protecting our own soldiers and civilians from chemical attack is and will continue to be a high priority. Without U.S. support for this convention, rogue nations will have a greater incentive to acquire chemical weapons, and our military and civilian populations will face greater risk of chemical attack. The Joint Chiefs of Staff, those directly responsible for the men and women who are most at risk from chemical attack, fully support this convention.

It is clearly in our national interest to ratify the convention before April 29, so that this country can be involved in the initial implementation legislation, the budget negotiations, and the verification provisions for tracking chemical weapons worldwide.

Critics of the convention say that it will impose high costs on the U.S. chemical industry. But our industry and defense representatives have been involved in the development of the convention from the beginning. They helped draft the convention's language to ensure that their interests will not be compromised. The chemical industry supports ratification, because they know that if the convention enters into force without U.S. support, they will lose hundreds of millions of dollars in annual trade. This economic burden more than offsets the marginal costs that compliance with the convention will impose on the industry.

Opponents also argue that the convention will reveal U.S. trade secrets to foreign inspectors. But the United States will always be the target of industrial espionage, with or without this agreement. Issues relating to the confidentiality of product and processes received a great deal of attention during the negotiations, and they are addressed in detail in the convention.

In addition, the Commerce Department's expertise in protecting the proprietary interests of U.S. companies will continue to assist our chemical industry. The strong support for the convention by the Chemical Manufacturers Association, the Pharmaceutical Manufacturers Association, and the National Federation of Independent Business is a tribute to the fact that the concerns of these industries are fully protected.

Ratification of the Chemical Weapons Convention is vital to America's national security. I commend all those who have done so much to make this achievement possible. It represents arms control at its best, and I urge my colleagues to vote for ratification.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CAMPAIGN FINANCE AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the pending business.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

The Senate resumed consideration of the joint resolution.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. I rise today to oppose the proposed constitutional amendment offered by the junior Senator from South Carolina and the senior Senator from Pennsylvania.

Mr. President, first I would like to say a few words about the Senator from South Carolina. Our colleague, Senator HOLLINGS, has been calling for meaningful campaign finance reform for perhaps longer than any other Member of the U.S. Senate. I disagree with this particular approach. But I certainly do not question his sincerity or commitment to reform.

Mr. President, when the U.S. Senate last had an extended debate on the issue of campaign finance reform back in 1993, the junior Senator from South Carolina offered a sense-of-the-Senate amendment to take up a constitutional amendment very similar to the one that is before us today.

I remember we had a very short period of time before that vote came up, and I made a decision and I voted with the Senator from South Carolina on that day. I did so because I believed that other than balancing the Federal budget, there was perhaps no more fundamental issue facing our country than the need to reform our election laws.

Such a serious topic I believed at the time merited at least a consideration of a constitutional amendment. And I will confess to a certain level of frustration at that time with the fact that the Senate and the other body had not yet acted to pass meaningful campaign finance reform in that Congress.

But, Mr. President, to be candid, I immediately realized, even as I was returning to my office, that that might not have been the best vote I ever cast. I started rethinking right away whether I really wanted the U.S. Senate to seriously consider amending the first amendment to address even this subject of which I and so many other Americans feel passionately about.

Then, 18 months later, my perspective on this question began to change even more as I was presented with two new developments here in the U.S. Senate.

First, I was given the privilege of serving on the Senate Judiciary Committee, and, second, I would soon learn that the new 104th Congress was to become the engine for a trainload of proposed amendments to the U.S. Constitution. As a member of the Judiciary Committee, I had a very good seat to witness first hand what was being attempted here with regard to the basic document of our country, the Constitution.

It started with a proposal right away for a balanced budget constitutional amendment, and we were considering a term limits constitutional amendment, and then a flag desecration constitutional amendment, then a school prayer amendment, then a supermajority tax increase amendment, and then a victims rights amendment. In all, Mr. President, 135 constitutional amendments were introduced in the last Congress.

As I saw legislator after legislator suggest that every social, economic, and political problem we have in this country could be solved merely with enactment of a constitutional amendment, I chose to strongly oppose not only this constitutional amendment but others that also sought to undermine our most treasured founding principle. I firmly believe we must continue this reflective practice of attempting to cure each and every political and social ill of our Nation by tampering with the U.S. Constitution. Mr. President, the Constitution of this country was not a rough draft. We must stop treating it as such.

I want to say, because the Senator from South Carolina has just arrived and I know that he is not one who has engaged in such an attitude toward the Constitution, I know very well he only makes a proposal like this with the most serious consideration and for the goal of trying to do something about campaign spending. What I am addressing here, what I saw in the last Congress was a wholesale attempt to try to amend what seemed to be almost virtually every part of the U.S. Constitution.

We must also understand that even if this constitutional amendment were to pass this body today, which it will not, but even if it did, it would not take us one single, solitary step closer to campaign finance reform. It is not a silver bullet. This constitutional amendment merely empowers the Congress to set mandatory spending limits on congressional candidates. Those are the same kind of mandatory limits that were struck down in the landmark Buckley versus Valeo decision.

Here is the question I pose for supporters of this amendment: If this constitutional amendment were to pass the Congress and be ratified by the States, would campaign finance reformers have the necessary 51 votes—or more likely what would be required would be 60 votes—to pass legislation that included mandatory spending limits?

Mr. President, in January I joined the senior Senator from Arizona in introducing the first bipartisan campaign finance reform proposal in over a decade. That proposal, unlike the law that was considered in Buckley versus Valeo, includes voluntary spending limits. That is to say, Mr. President, we offer incentives in the form of free and discounted television time to encourage but not require candidates to limit their campaign spending. When the Senator from Arizona and I bring that legislation to the floor of the Senate, I have no doubt that we will be met with strong resistance from a number of Senators. So the notion that this constitutional amendment will somehow magically pave the way for legislation that includes mandatory spending limits simply ignores the reality of the opposition that campaign finance reformers face here in the Senate and I think would face in the Senate at the time of ratification of any such amendment.

Mr. President, this amendment certainly, if ratified, would remove the obstacle of the Supreme Court. But it will not remove the obstacle of those Senators such as the junior Senator from Kentucky who believe that we need more money, not less, in our political system.

Most disconcerting to me, Mr. President, is what this proposed constitutional amendment would mean to the first amendment. I find nothing more sacred and treasured in our Nation's history than the first amendment. It is perhaps the one tenet of our Constitution that sets our country apart from every mold of government form and tested by mankind throughout history. No other country has a provision quite like the first amendment.

The first amendment is the bedrock of the Bill of Rights. It has as its underpinnings the notion that each individual has a natural and fundamental right to disagree with their elected leaders. It says that a newspaper has an unfettered right to publish expressions of political or moral thought. It says that the Government may not establish a State-based religion that would infringe on the rights of those individuals who seek to be freed from such a religious environment.

Last year I stood here on the floor of the Senate with a number of my colleagues to oppose a proposed constitutional amendment that would have prohibited the desecration of the U.S. flag. I did so because that amendment as proposed, for the first time in our history, would have taken a chisel to the first amendment and said that individuals have a constitutional right to express themselves unless they are expressing themselves by burning a flag.

Now, Mr. President, I deplore as much as anyone in this body any individual who would take a match to the flag of the United States. And I am firmly convinced that unrestrained spending on congressional campaigns has eroded the confidence of the American people in their Government and their leaders. I believe we should speak out against those who desecrate the flag. I believe we should take immediate steps to fundamentally overhaul our system of financing campaigns. Mr. President, I do not believe, as the supporters of this constitutional amendment and other amendments believe, that we need to amend the U.S. Constitution to bring reform to our system of financing campaigns.

Mr. President, sometime in the next day or so, this constitutional amendment will lose. That has been predetermined, or the supporters of this amendment probably would not have been granted consideration here on the floor of the Senate in this manner. This debate has some characteristics of a charade. Again, that is not because of the author, who is sincerely advancing this provision because he believes in it and he thinks it should become part of the Constitution. The ultimate outcome of the charade is everyone knows this will not pass. There are those who want this to sort of be the campaign finance reform debate for this Congress. Have a couple of days of talk, no amendments, have a vote, and be done with it. Be done with campaign finance reform.

Mr. President, believe me, I know the feeling. The Senator from Arizona and I have been there. We were there last year, last summer. We were allowed to bring our bipartisan campaign finance reform legislation to the floor last June, but here was the deal: No amendments, just 2 days of debate, and then we had to vote on cloture, whether we will filibuster, just after 2 days. That was it. No chance to fix the bill up or make it appealing to other Members like we do in other things. That is very similar to what is going on here. We were only allowed to do that after the votes had been counted and assurances given that our bill would suffer a quick and painless death. It was not entirely painless, but it was not unanticipated. We did get a majority of the votes in this body on the first try, 54 out of the required 60 votes but, of course, when the process is set up like this, this simply with these few options, we know the outcome and we know what will happen here.

Mr. President, I want to point out that things just look a little different this year on the issue of campaign finance reform than they did a year ago. A few things have happened. The McCain-Feingold bill has not been placed on the Senate Calendar this time. It does not appear that the majority leader is terribly interested in bringing it up before the March recess, the Memorial Day recess, or possibly even before the turn of the century. We can speculate about the meaning of that, but one thing is clear: This constitutional amendment will not pass this body, and until this body makes a commitment to considering meaningful, bipartisan campaign finance reform, campaign spending in this country will continue to go completely unrestrained.

Nothing in this constitutional amendment before the Senate today would prevent what we witnessed in the last election—the allegation of illegality and improprieties, the accusations of abuse, and the selling of access to high-ranking Government officials would continue no matter what the outcome of the vote we had on this constitutional amendment. Only the enactment of legislation, Mr. President, that bans soft money contributions and that encourages candidates to voluntarily limit how much they spend on their campaigns will make a meaningful difference.

Mr. President, I see Members of the Senate as having, really, three choices. First, they can vote for constitutional amendments and partisan reform proposals that basically have predetermined fates of never becoming law. That allows you to say you voted for something and put the matter aside. Second, they can stand with the junior Senator from Kentucky and others who stood here on the Senate floor last June and told us all was well with our campaign finance system and we should all be thrilled that so much money was pouring into the campaign coffers of candidates and parties. That is a second option that some folks are still pursuing. A third option, Mr. President, Senators can join with the Senator from Arizona and myself and others who have tried to approach this problem from a bipartisan perspective and have tried to craft a reform proposal that is fair to all.

We have said on countless occasions that our proposal is open to negotiation. We simply have two goals: To encourage Senate candidates to spend less on their campaign and to give challengers an opportunity to run a fair and competitive campaign against well-entrenched incumbents. If you share those goals, we can work together to produce a meaningful reform proposal.

Let me say our proposal is picking up steam. We seem to be adding new cosponsors a couple of times a week.

Three days ago, I was challenged on the floor by a stated opponent of our bill as to why I was unwilling to address, he said, a particular aspect of our campaign finance system. Now, this surprised me very much because, in the 18 months since this legislation was originally introduced, this Senator had not approached me one single time to ask if I would be willing to address that issue. I told this Senator the other night, and I say to all my other colleagues, if you share those two basic goals of reducing campaign spending and leveling the playing field with the Senator from Arizona and I, we are willing to work with you to address those concerns.

Let's do this in the context of a real effort, a real debate, not a charade. That real debate will begin when a comprehensive bipartisan campaign finance reform bill is brought to the floor of the U.S. Senate. After this amendment fails, and as the Governmental Affairs Committee proceeds with the investigation into illegal and improper conduct by Presidential and congressional candidates in the last election, it is my hope that there will be an opportunity for an open and full debate on the issue of campaign finance reform.

Mr. President, without meaningful bipartisan campaign finance reform, the American people will continue to perceive their elected leaders as being for sale. Unfortunately, they will continue to distrust and doubt the integrity of their own Government.

So, Mr. President, I urge the Members of the Senate to reject this amendment, again, with the understanding that I greatly admire the sincerity and commitment that its author brings forward on this issue.

Mr. HOLLINGS. Mr. President, I have tremendous respect for my colleague from Wisconsin. I voted for McCain-Feingold. But in a breath, when the Senator says he wants meaningful campaign finance reform, he is asking that the only real meaningful campaign finance reform be tabled or rejected.

Let's look, for example, at the Senator's own initiative here. In McCain-Feingold, it says that voluntary spending limits are set according to a State's population. You get free broadcast time—30 minutes of prime time—and then you get half-price broadcast discounts and reduced postal rates. How much is that going to mean to the Huffington-type campaigns that we see, where they are ready to spend $30 million, or the Steve Forbes-type campaigner, who is ready to spend $35 million? That is not even going to give them a burp in their campaign.

The candidate's individual contribution limits would be raised from $1,000 to $2,000, if the opponent does not agree to the voluntary limits or declares an intent to spend $250,000 or more of their personal funds. But that is just the interest on the money the amounts of money we are talking about, were it to be loaned. But they have it available. So that really doesn't control the buying of the office. It doesn't control the buying of the office. It is not meaningful campaign finance reform.

The Senator wants to ban soft money. Now, here it is. With respect to the Colorado Republican Federal Campaign Committee against the Federal Election Commission, the Federal Election Commission brought suit charging that the Colorado party had violated the party expenditure provision of law by buying radio advertisements attacking the Democratic Party's likely candidate. This is the evil that you have in these decisions. It went on, and the Colorado Republican Party won out. Why? On account of a key little word: coordinated. You have to prove affirmatively that the candidate himself called up and suggested it or coordinated it, as they say, even if it is proven he called up. It has to be coordinated.

Now, I want you all to know the reality of my particular comment. In next year's campaign, newspapers have already run a poll where they have shown that the former Governor of South Carolina, Carol Campbell, if we had the election this afternoon, would beat me. All I have to do is tell that friend there to tell that friend over there to get the third friend to tell the Democratic Party of South Carolina to start running radio advertisements attacking the former Governor as a likely candidate. He hasn't announced, but he is a likely candidate.

But they say everything is fair in love and war and in a political campaign. This is the mischief. It is not just the money, it is the mischief that this nonsense promotes. You can't get to it, Mr. President, without a constitutional amendment. You can't get to it. The distinguished Presiding Officer and I went through this yesterday afternoon. I read down the 20 to 25 campaign finance initiatives we have had over the last 30 years, trying to get a grasp and a grab and a handle on this evil, this corruption. We have tried every way in the world, from having cloture after cloture vote, to arresting the Members and bringing them to the floor. We have tried everything. The best offer now, they say, is McCain-Feingold, but I have gone down it. It has voluntarism. We know from the campaign in Massachusetts what "voluntary" means in politics; it means temporary. When the two gentlemen that ran last year got down to the end of the campaign, they said of the public agreement they had agreed to—both of them are affluent—they said, "Let's forget about this limit and let's get affluent." Then they started spending like gangbusters. There you go, voluntary limits and everything else. We have to nail this buzzard with a limit, a constitutional authority to limit.

I hasten to add that I don't prescribe the specific limit. It is still up to Senator MCCONNELL, if he has a majority, to prevail. Unfortunately, we see the machine. We see the orchestration. When I first presented this, we got many Republican cosponsors, and we had a majority, bipartisan vote. Again, on two other occasions, we had a bipartisan vote and the support of a majority. But I can see right now the orchestrated drumbeat of first amendment. And they go back to Patrick Henry and James Madison, and every other kind of fanciful position, to try to get everybody's mind on "let's not rip a hole in the first amendment." And the very authority they are using that money is speech, or speech is money, is

Buckley versus Valeo, which does what? It rips a hole in the first amendment. That is their very holy grail that speaks of money. "The first time in 200 years" I don't know how they have the unmitigated gall to come out and say "the first time in 200 years," when in the same breath they are saying, "Buckley versus Valeo, speech is money." Buckley versus Valeo limited the freedom of speech. It "ripped a hole," as they phrase it, "in the first amendment." We can read it.

I read from Buckley versus Valeo, the majority opinion:

> It is unnecessary to look beyond the actual primary purpose to limit the actuality and appearance of corruption, resulting from large individual financial contributions, in order to find a constitutionally sufficient justification for a $1,000 contribution limitation . . .

I will read that again.

> . . . resulting from large individual financial contributions, in order to find a constitutionally sufficient justification for a $1,000 contribution limitation on political discourse.

They limited the freedom of speech of the contributor when they equated speech with money in this famous decision. Everybody knows it. But they want to totally ignore; like this fellow from South Carolina is going to rip a hole for the first time in 200 years in the first amendment. What a charade. They are hiding. They do not want to get serious. They don't want to limit expenditures. They don't want what they overwhelmingly supported 20 years ago with the original Federal Election Campaign Practices Act that said you are not going to be able to buy the office. Now, with Buckley versus Valeo, and particularly with the Colorado decision, you have to buy the office. And they show you how to do it. Two years ahead of time you can see a potential opponent. Just let the party start savaging him on radio and TV. If the gentleman were disposed to announce, by the time he got ready to announce he would announce for the State border trying to escape. They would make him an outright rascal by that time with money.

That is not free and open discourse in the political arena. That is discourse in the financial arena. The financial marketplace is where we are allowing the decision to be made. And everybody in America knows it. That is why we had the investigating committee by unanimous vote of this body day before yesterday saying we cannot countenance this conduct any longer, and we can't dance about on illegalities. We have to look at the improper as well as the illegal. So we unanimously voted it. But now we are trying to cover up on a party position.

Someone asked me, "Senator, how many votes?" I said, "Well, I came yesterday with hope. But after I saw the particular activity among some of the finest Members that you will ever have in this body, and come along giving me James Madison, Patrick Henry, and the Founding Fathers, they didn't have to get in the horse and wagon and go out and collect $14,000 a week in order to get the office. They didn't have to go around with their national party asking to cut up the opponent before he could even announce. They didn't ask him to spend an average of over $4 million.

The Senator from Kentucky, who just withdrew, said he would have to get $5 million. So that is more than $14,000 a week—not a day, a week—each and every week between now and election time. Patrick Henry had the freedom of speech and a strong democracy trying to counter—of course, what the distinguished Senator from Texas commented on, the Gephardt remark. The truth of the matter is they had it in those days as I had it in my days of the beginning political arena. We went around on the stump. You had to get there, or you were embarrassed. "Why weren't you there?" You had to answer the questions. It wasn't all of that expense. It wasn't this third party activity in soft money.

So don't come now on the floor joining the stonewalling on the other side of the aisle that we have an advantage—that we have a financial advantage in spite of all the shenanigans that President Clinton and Vice President GORE engage in. "We have $150 million more. Whatever they did, we did better." You remember that song in the Broadway play. Whatever the Democrats did we can do better on money. And do not be toying around. Get in there and support that Constitution, and read. And they come out and religiously read it. You can't pass any laws, or do anything with the freedom of speech. And, in the next breath, they say whoopee for Valeo. Money is speech in politics. And we have to protect and limit the contributors. That in and of itself sets aside their thrust here today.

I can read on. Maybe, if we have the time, we will read on because I would be prepared. Some of the colleagues said they would come. But I can see that there is very little interest. I was wondering why the majority leader allowed me to get this on an up-and-down vote. I know I had the amendment on the balanced budget amendment to the Constitution. And the distinguished Senator said, "Now, look. If you set this aside, withdraw your amendment, we will give you an up-and-down vote and sufficient time." I can see after yesterday afternoon, Mr. President, that I have had sufficient time because whatever we say here, they are cast now in the sort of party preference of spending, spending, spending. I hope we can expose it because that wasn't the real opinion over on the other side of the aisle. I had Senator Kassebaum from Kansas. I had Senator ROTH from Delaware. We still have, I am pretty sure, the distinguished Senator from Pennsylvania because he had a personal experience. When he comes to the floor you ought to listen very carefully because you can see in reality what this bifurcation finding that contributions are corruptive, or gives rather the appearance of corruption, whereas the explosive expenditures in campaigns, "Oh, that particularly has to be allowed to reign free because we have the free public discourse in politics." You can see the "free." None of this is free when it says here—"bought" radio advertisements. You can bet your boots the word "bought" b-o-u-g-h-t—"bought" radio advertising; the word "free." Basically every one knows we are not talking about free speech.

We have to go along with the Supreme Court in our discourse for the present time. But if we can come now with this proposed constitutional amendment which is stated is needed by a majority of the Senate now three times, by the law professors, by the State attorneys general. And the gentleman here says he has—that was interesting. He has the Washington Post and the New York Times.

Let's see now. I heard just a minute ago from the Senator from Wisconsin. So let's see what the Wisconsin State Journal has to say.

Our former colleague stood there as sort of the one man on S. 2—that supersonic plane that we can all spend billions on, and now the market has barely supported it financially. The Europeans with subsidies have to support it. But the entire Pentagon with all of their minions over here and big budget and everything else, one little Senator, Senator Proxmire of Wisconsin, stood there time and time again with a staff. And he finally conquered not just the Pentagon but the consciences of all of Senators, and we voted along with him.

Now let's see, on Monday, March 10, the Wisconsin State Journal, and I quote:

> Part of the American dream is that any child can grow up to be President. Our Government is of, by and for the people, and ordinary citizens should have the opportunity to attain office by virtue of their ideas, their talent and their integrity.
>
> Unfortunately, the ideal of self-government has succumbed to rampant special interest money in elections that only an amendment to the U.S. Constitution can restore. Our elections are now auctions, with the average price for a seat in Congress costing more than $500,000.

In the Senate, the average cost of a seat exceeds $4 million. As former Senator Proxmire said:

> Few Americans have the desire or ability to raise that sort of money.

It is not only the time devoted to fundraising that we take away from the people's business, but also the fact that really good candidates are deterred from running for public office because they see the financial obstacles raised against them. For example, as was the case recently in Colorado, the party trying to defend an incumbent can come in and start savaging the likely opponent without any announcement and without any controls over their spending because there is no way to prove coordination. As a result of this flood of money, the regular, average, sane and prudent man or woman is deterred from running for office and democracy itself is corrupted.

It is just not family concerns that causes candidates to bow out. It is the fact that if candidates get serious, they will get savaged. Often I run into friends of fairly good affluence who say, look, I can't expose my family to all this complete disclosure.

People do not want to expose themselves to such public notoriety. If you want a free genealogical study of your family, Mr. President, all you have to do is announce for public office. Opposition researchers will dig up the place you were born, find out what kind of house you had, where you bought a washing machine on credit, automobiles, how much you contribute to the church, what is in your doctor's records and everything else you can think of. Most of it has little to do with one's qualifications for public office, but that is the nature of the beast—not the issues, not the ideas, not the candidate's integrity, but insinuations that can be distorted and used against an individual in the court of public opinion.

But the real corruption is in the amount of money necessary in this day and age to run a modern political campaign.

Let me go back to the quote of our former colleague, former Senator Proxmire from Wisconsin.

> The latest headlines focus on Democratic donors buying coffee at the White House and on the Republicans $250,000-a-person "season tickets" designed to give the largest donors more access to the elected officials. But the problem is not that interested people have given money and in return received access—politicians will always grant audiences to their donors. The problem is that few Americans can play in this big money game. Majority rule takes on a whole new meaning when the majority of campaign cash comes from just one quarter of 1 percent of Americans.
>
> Well-heeled interests have largely usurped power from the people. Big money determines who runs for public office and who wins elections. Last November, the House candidates who spent the most won their races 96 percent of the time. In Wisconsin, this held true in all but two races.
>
> We know the solution is to limit what anyone can spend on elections, whether they are running for office themselves or giving money to a candidate, party or independent advocacy campaign. But here we run into the problem of the foxes guarding the chicken coop—incumbents have little incentive to change a system they have mastered.
>
> However, even incumbents can act when public pressure is high.

Let me say that again. "Even incumbents can act when public pressure is high." We saw a perfect example of that the day before yesterday. The Republicans they had it greased; they had a majority in that Rules Committee. The leader came out and said this is the scope of the hearings that we are going to have, like it or not. We are only going to examine alleged illegalities and not the broader question of improper campaign financing. But, as they say, public pressure will change that, and public pressure did.

As a result, we had 99 Senators vote on the day before yesterday for broader investigation into improper as well as illegal actions.

After Watergate, Congress took bold steps and set limits on campaign cash. But in the now infamous 1976 case, Buckley versus Valeo, the Supreme Court struck down most of the law, ruling that unlimited spending on campaigns deserves protection as free speech. Again, quoting Senator Proxmire:

> When we equate spending money with speech, then speech is no longer free.

I must read that again, because it is so basic.

> When we equate spending money with speech, then speech is no longer free.
>
> Moneyed interests can pay the price and the rest of us are free to be silent. The Buckley ruling is simply wrong. Twenty-four State attorneys general have recently called for Buckley to be reversed, as have a host of constitutional scholars. But the current court appears unlikely to do so.
>
> As in the past democratic struggles to end slavery and give women the vote, the only certain recourse is to amend the Constitution and overturn the Court. We must clearly authorize Congress and the States to limit campaign contributions and expenditures.
>
> A majority of the Senate has voted to support such an amendment in the past but a two-thirds vote is required. Another vote is likely soon. Senator Russ Feingold, D-Wis., has voted for the constitutional amendment in the past but now says he is against it. Senator Herbert Kohl, D-Wis., also has a mixed voting record. He has voted once for and once against a similar amendment. Let's hope that this time they read the headlines about fundraising scandals and decide to change them by voting for the amendment.

We must take down the For Sale sign on Capitol Hill by authorizing limits on campaign cash with a constitutional amendment. Let us not be daunted by how difficult such a task may appear, for the price of inaction is far too great.

Mr. President, I thought that we might be daunted by how difficult the task would appear. That argument has been made previously by our good friend Lloyd Cutler. He said it would take 4 to 20 years to get a constitutional amendment enacted, and therefore we were wasting our time. But it has been 20 years since the Buckley decision. Let us not talk about wasting time. That is what we have been doing since Buckley.

How are you going to stop doing that? A constitutional amendment. The arguments were, "It would take too long," or, "I don't believe in a constitutional amendment; leave it as it is."

Now, we know the distinguished Senator from Kentucky, and the distinguished Senator from Kansas, Senator ROBERTS, engaged in their little sweetheart exchange on the floor yesterday. They both believe in amending the Constitution. They both voted to amend the Constitution in order to prevent the desecration of the American flag. In fairness to Senator MCCONNELL, he said it was a mistake. Fine business. The Court made a mistake when they outlawed the Federal income tax. So, what did the body politic do? The Congress passed a joint resolution and the people of the United States ratified the 16th amendment. Let us read how you can correct a mistake. Amendment 16:

> The Congress shall have the power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States, and without regard to any census or enumeration.

That is not what they are talking about now, because we know mistakes are corrected; mistakes with respect to elections have been corrected. The 21st, 22d, 23d, 24th, and 25th amendments to the Constitution, all except the last one, have dealt with elections. So we corrected those mistakes. One important mistake, perhaps most significant, was the poll tax. The people said, "Wait a minute, disqualifying people from voting through a poll tax—we are not going to allow it." So we adopted that amendment to the Constitution.

Now we want to disqualify candidates, parties, and everyone else from running for office by allowing the explosive spending of money; thousands of dollars, $200,000 for this, $500,000 for that. It is just outrageous. Yet, they do not want to recognize it. They want to give me Patrick Henry and go back to the first amendment and read it to mean that any restriction "rips a hole" in our freedom of speech. But it is not so when for the safety of people, we prohibit shouting "fire" in a theater; not when for national security reasons, we prohibit disclosure of classified documents; not so in the matter of obscenity and false and deceptive advertising. Just the other day, concerning a buffer zone around an abortion clinic—the Supreme Court said, oh, no, you don't have a freedom of speech in that buffer zone. That restriction is constitutional.

The contention was made that unless people were given the right to be heard in that particular area, you were ripping a hole in the first amendment. The Supreme Court said no. Get out. Don't get into this buffer zone.

So we have example after example, but none better than the Senate itself that says you cannot have unlimited debate here in this body; we can get a 60-vote majority and hush you. Over on the House side, they have to follow the 3-minute rule; the 5-minute rule. In committees, we regularly agree and conform to a 5-minute rule for all the members. We know the value of limiting speech. Don't come here with this sanctimony about the first amendment and Patrick Henry and talking about ripping a hole in the first amendment for the first time in 200 years. Buckley versus Valeo—the very basic authority that you use when you come to the floor of the U.S. Senate saying speech is money, or money is speech—ripped a hole in the first amendment. That is the exact finding of Buckley versus Valeo.

So, that will not wash.

Mr. President, I have not only the Wisconsin State Journal, I have the Cleveland Plain Dealer. I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, Mar. 12, 1997]

ONLY A CONSTITUTIONAL AMENDMENT CAN LIMIT CAMPAIGN CASH

(By Seth Taft and Amy Simpson)

Part of the American dream is that any child can grow up to be president. Our government is to be of, by and for the people, and ordinary citizens should be elected to office by virtue of their ideas, talent and integrity.

Unfortunately, the ideal of self-government has succumbed to special-interest money in elections and only an amendment to the Constitution will restore it. The average cost of a congressional campaign exceeds $500,000. Few Americans have the desire or ability to raise that sort of money.

The latest headlines focus on Democratic donors buying coffee at the White House and on the Republicans' $250,000 a-person "season tickets" designed to give the largest donors more face-to-face time with elected officials.

But the problem is not that interested people have given money and in return received access; politicians will always grant audiences to their donors.

The problem is that an extremely small number of Americans can play in this big-money game. Majority rule takes on a whole new meaning when the majority of campaign cash comes from just one quarter of 1 percent (0.25 percent) of Americans.

Big contributions frequently determine who runs for public office and who wins elections. In Ohio's congressional races last year, the candidates who spent the most succeeded in capturing the House seat 84 percent of the time.

We know the solution is to limit what anyone can spend on elections, whether he is running for office or giving money to a candidate, a party or an independent advocacy campaign. But current incumbents have little incentive to change a system they have mastered.

However, even incumbents can act when public pressure is high. After Watergate, Congress took bold steps and set limits on campaign cash. But, in the now infamous 1976 decision in Buckley vs. Valeo, the Supreme Court struck down most of the law, ruling that unlimited spending on campaigns deserved protection as free speech.

Since 1994, voters in five states have passed initiatives to set low contribution limits, $100 in most races, for state elections. These initiatives have been overturned in two states by courts that thought themselves better able than the public to set "reasonable" limits. Proposals that would require candidates to raise their funds from within their districts face a similar fate.

When we equate spending money with speech, then speech is no longer free. Wealthy interests can pay the price, and the rest of us are free to be silent. The Buckley ruling is simply wrong. Twenty-four state attorneys general recently called for its reversal, as have a host of constitutional scholars. But the current court appears unlikely to do so.

As in the democratic struggles to end slavery and give women the vote, the only certain recourse is to amend the Constitution and overturn the court. We must clearly authorize Congress and the states to limit campaign contributions and expenditures.

A majority of the U.S. Senate has voted to support such an amendment in the past, but a two-thirds vote is required. Another vote is likely within the next week.

In the past, Sen. Mike DeWine has voted against and Sen. John Glenn has voted for such an amendment. Let's hope that this time, they read the headlines about fund-raising scandals and decide to change them by voting for the amendment.

We don't like using the Constitution for this purpose, but the Buckley-Valeo decision makes it necessary. Campaign spending limits that do not apply to independent committees and individuals become meaningless.

Mr. HOLLINGS. These liberal eastern papers, the Washington Post and the New York Times make the argument of free speech. I hope you midwesterners do not get bitten by that. I want to see you stay in the U.S. Senate. I want to see you all continue to serve. The best way is not to get wrapped around and go back to the Midwest and say that the ACLU is a wonderful authority. I know how to lose an election. I have lost before. I don't know any quicker way to lose one than to run around in my backyard or your backyard, Mr. President, quoting the ACLU. You folks have to be embarrassed with this kind of argument about first amendment and the ACLU. And even more embarrassing is the anecdotal nonsense they put up relative to what could happen. The Senator from Utah even said Congress might decide not to let anyone oppose them.

He got into a wonderful discourse with the Senator from Kentucky. He said if this amendment passed, Congress could put such low limits that the opponent's name would never become known and that Congress might decide not to let anyone oppose them.

Of course, in the next breath they say it is vague, because the language says "reasonable," "reasonable limits."

The courts said they are going to decide what is reasonable. But they put up all kinds of examples about how newspapers might write an editorial against someone. And they said that could be a contribution for or a contribution against.

Right now the newspapers do write editorials for and do write editorials against. We have the free press. No one has the gall to contend that is a contribution in the context of being a violation. No one is going to contend that now, and they are not going to contend it later on.

But these are all straw men, because they do not have the argument. But they have the frontal assault of Patrick Henry and the first amendment. And trying to say, as the Senator from Texas said, the simple question is "Do you believe in free speech or not?" He says if he can answer this question, then he is home free. All 100 of us believe in that. That is not what we are voting on. The question is, Do you believe in limiting spending or not? They know it. And they do not want to hear of it. So they bring out the volume and repetition of numerous Senators talking about 200 years and the first amendment and Patrick Henry. If you pass this, you can go back to what we voted for in 1974 and have complete disclosure, rules against bundling, rules against soft money, rules against individual wealth buying elections. It would free up the speech of the poor. Buckley really freed up the speech of the rich, but it has taken away freedom of speech from the poor. That is the actual effect of the decision, and we are suffering from it.

We have lost the confidence of the people in the political institutions up here because we do not want to deal with it. We tried and tried and tried over a 30-year period without success and now we are using the octopus approach. We want to sneak off in the dark ink of a charade about Patrick Henry, the first amendment, and what may happen.

Mr. President, let us go back to better times. Let us go back to better times.

What happened was, in better times, we had the orderly process of several hearings before the Judiciary Committee. We had several witnesses. And I come to the distinguished Mr. Lloyd Cutler, who served as Counsel for the President.

But he says now on the House side:

> An amendment would take too long to adopt, 4 to 10 years.

He did not testify on behalf of the Commission for the Constitutional System heretofore, but he says now that it would take too long. We know that is totally wrong. The last five amendments preceding the most recent one, which took 200 years, took an average of 20 months to ratify.

The gentleman, I think, is suffering from battle fatigue because he said: This could be a camel's-nose-under-the-tent aspect. He did not see a camel's-nose-under-the-tent aspect when he was representing the Commission for the Constitutional System. He says that the Hollings resolution in the Senate authorizes "reasonable regulation of expenditures. Only the Supreme Court can draw the line between reasonable and unreasonable."

The courts are always directing the jurors in determining if they have gotten a reasonable decision, the "reasonable, sane and prudent man," in law talk, is the test. We did not have "reasonable" when we first drafted it, but we put it in there so the amendment will not look categorical and result in a legal contest. The Supreme Court is certainly going to decide if it is unreasonable, as they have decided that the matter of contributions is constitutional, if limited to that speech, but unconstitutional if you limit the speech of those who spend it.

Let me read parts of the hearing here that we had before the Judiciary Committee some 10 years ago. We had already been on this a dog-chasing-its-tail solution for 10 years.

> My name is Lloyd N. Cutler. Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a Co-Chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.
>
> One of the most glaring weaknesses, of course, is the rapidly escalating cost of political campaigns, and the growing dependence of incumbents and candidates on money from interest groups who expect the recipient to vote in favor of their particular interests. Incumbents and candidates must devote large portions of their time to begging for money; they are often tempted to vote the conflicting interests of their contributors and to create a hodgepodge of conflicting and indefensible policies; and in turn public frustration with these policies creates cynicism and contempt for the entire political process.
>
> A serious attempt to deal with the campaign financing problem was made in the Federal Election Campaign Act of 1974 and the 1976 amendments, which set maximum limits on the amounts of individual contributions and on the aggregate expenditures of candidates and so-called independent committees supporting such candidates. The constitutionality of these provisions was challenged in the famous case of *Buckley* v. *Valeo*, 424 U.S. 1, in which I had the honor of sharing the argument in support of the statute with Professor Archibald Cox. While the Supreme Court sustained the constitutionality of the limits on contributions, it struck down the provision limiting expenditures for candidates and independent committees supporting such candidates. It found an inseparable connection between an expenditure limit and the extent of a candidate's or committee's political speech, which did not exist in the case of a limit on the size of each contribution by a non-speaker unaccompanied by any limit on the aggregate amount a candidate could raise. It also found little if any proven connection between corruption and the size of a candidate's aggregate expenditures, as distinguished from the size of individual contributions to a candidate.
>
> The Court did, however, approve the Presidential Campaign Financing Fund created by the 1976 amendments, including the condition it imposed barring any presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees on behalf of a candidate. In recent presidential elections these independent expenditures on behalf of one candidate exceeded the amount of federal funding he accepted. Moreover, so long as the Congress remains deadlocked on proposed legislation for the public financing of Congressional campaigns, it is not possible to use the public financing device as a means of limiting Congressional campaign expenditures.

Mind you, Mr. President, as I cover this particular testimony, it is 10 years ago. They are talking about the dilemma, the problem, and how it was exacerbating at that particular time. You can tell the frustration from the wording of this testimony.

I go to the quote of Mr. Cutler:

> Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment.

Now, my colleague from Kentucky says you do not have any authority and there is no constituency. The fact of the matter is that this particular committee is a group of several hundred present and former legislators, executive branch officials, political party officials, professors, and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

Not the ACLU. I do not rely on the ACLU for my case. I want to win this thing. I do not want to be spreading the dark ink of the ACLU in the Washington Post. Go down to the Washington Post and ask them for free speech. Say, "I want a little free speech. Not a whole page, a half, maybe a quarter of a page." They will not give you a little tidbit of a column free.

Going back to the testimony before the Judiciary Committee:

> The amendment would be a very simple one consisting of only 46 words. It would state merely that "Congress shall have power to set reasonable limits on campaign expenditures by or in support of any candidate in the primary or general election for federal office. The States shall have the same power with respect to campaign expenditures in elections for state and local offices."

This was 10 years ago, Mr. President, and those who have been working on this particular problem copied the language, adopted the suggestion. It was a reasonable thing because here are the best of minds, without a particular Republican bent or Democratic bent or interest, who said here is the way to do it not only constitutionally but in a constitutionally sound manner so that the court could properly interpret it.

Let me go back to the testimony of Mr. Cutler:

> Our proposed amendment would enable Congress to set limits not only on direct expenditures by candidates and their own committees, but also on expenditures by so-called independent committees in support of such a candidate. The details of the actual limits would be contained in future legislation and could be changed from time to time as Congress in its judgment sees fit.
>
> It may of course be argued that the proposed amendment, by authorizing reasonable limits on expenditures, would necessarily set limits on the quantity of speech on behalf of a candidate and that any limits, no matter how ample, is undesirable. But in our view the evidence is overwhelming by now that unlimited campaign expenditures will eventually grow to the point where they consume so much of our political energies and so fracture our political consensus that they will make the political process incapable of governing effectively.

Mr. President, I divert here to emphasize just exactly that concern that our political consensus will be so fractured that it will make "the political process incapable of governing effectively." Put that on as a test to this particular Congress. If you think we have governed effectively, I have grave misgivings with that opinion. I think that is exactly where we are, and exactly was the concern 10 years ago.

And I continue to quote the testimony of Mr. Cutler:

> Even Congress has found that unlimited speech can destroy the power to govern; that is why the House of Representatives has imposed time limits on Members' speeches for decades and why the Senator has adopted a rule permitting 60 Senators to end a filibuster. One might fairly paraphrase Lord Acton's famous aphorism about power by saying, "All political money corrupts; unlimited political money corrupts absolutely."

There is no question in this Senator's mind. Quoting further:

> Finally, Mr. Chairman, I would not be discouraged from taking the amendment route by any feeling that constitutional amendments take too long to get ratified.

You see, Cutler has come over from the other side earlier this year and he said it would take too long. He was not worried then, some 10 years ago, because he knew exactly that. The last five amendments at that particular time were all ratified within the 20-month period. Now he has misgivings.

Let me quote further:

> The fact is that the great majority of amendments submitted by Congress to the States during the last 50 years have been ratified within 20 months after they were submitted. All polls show that the public strongly supports limits on campaign expenditures. The principal delay will be in getting the amendment through Congress. Since that is going to be a difficult task, we ought to start immediately. Unlimited campaign expenditures and the political diseases they cause are going to increase at least as rapidly as new cases of AIDS, and it is high time to start getting serious about the problem.
>
> Mr. Chairman, on three past occasions we the people have amended the Constitution to correct weaknesses in that rightly revered document as interpreted by the Supreme Court. On at least two of these occasions—the Dred Scott decision and the decision striking down federal income taxes, history

> has subsequently confirmed that the amendments were essential to our development as a healthy, just and powerful society. A third such challenge is now before us. The time has come to meet it.

That was in March 1988.

Now, Mr. President, I see my distinguished colleagues on the Senate floor. At this time I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, are we operating on a time agreement now?

The PRESIDING OFFICER. There is no time agreement.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say that it is not often on matters such as this one that I am on the floor in opposition to something that Senator HOLLINGS favors. We normally are here on either economic matters or budget matters or the like. I want to say right up front while I totally disagree that we should adopt this constitutional amendment and send it out to the States for ratification, I believe it is fair to say that among the Senators who have been talking about limiting or dramatically changing the campaign laws of this land, of limiting of the amount of money that can be spent, at least this amendment is honest.

It faces the reality right between the eyes, and the Supreme Court of the United States has said that you can't do that because you are limiting freedom of speech. And the distinguished Senator has said, OK, if that is the case, I want to change the Constitution, so we can do it. At least that is a straightforward position, instead of coming here and trying to get around the Supreme Court decisions and around the clause in the U.S. Constitution that protects freedom of speech.

Having said that, I want to take a couple of minutes to talk with the Senate about my views and version of why we should not adopt this amendment. First of all, I believe that I should lead off by saying, yesterday afternoon, I was in my office when some speeches were being delivered on the floor of the Senate. I don't think I am much different from most Senators. Normally, if you have your set on and somebody is speaking on the floor, even though we all love them dearly and they are great speakers and they have great things to say, we don't listen very often—at least, if we are busy in the office, and we do other things.

But I took time out to listen to Senator PHIL GRAMM of Texas, and I tried to tell him this personally so it would precede me saying it on the floor, I thought his remarks yesterday afternoon were very eloquent. They expressed a very good picture of the history of our Constitution and, in particular, of that part of our Constitution that we so glibly say is freedom of speech, protected by that wonderful document and the Bill of Rights.

Having said that, I was not prepared to argue that this amendment is broad enough to perhaps some day affect the editorial policy of the newspapers. I didn't come here particularly prepared to argue that point. But over the evening I read it again and read my remarks. I am prepared to say that I believe the Congress of the United States, if this amendment ever became law, will clearly then be able to determine how we can change freedom of speech in the manner described, and to what extent and when and who will be affected by our changes. I think where this amendment says that the amount of expenditures that may be made by, in support of, or in opposition to a candidate for nomination for election to a Federal office, and where it is said that you are able to put limitations on the amount of contributions that may be accepted, I believe it is entirely possible that some time out in the future, if this were in fact the law of the land, Congress could decide that a newspaper could only write one editorial a week on behalf of its favorite U.S. Senate candidate because they might equate that with an expenditure. In fact, they might be able to ask, what's the newspaper charging for advertising? And then they might say, when you write something in that paper about a candidate expressing your views, we are going to assume that it is worth at least the advertising costs of the paper.

Now, frankly, I am giving you kind of a shirt-sleeve lawyer's opinion. But I can see out there in the future where, under the right circumstances, with a Congress that is being beaten up by newspapers, or perhaps the majority party being beaten up by newspapers or editorials on television, they might indeed decide that they are going to determine the expenditures that can be made and attempt to change our most protected basic right.

Now, having said that I believe the first amendment guaranteeing free speech is the matrix of every other freedom we have, and the most fundamental and urgent application of free speech is to conduct campaigns for political office. Elections and campaigns that lead up to those elections are how the democratic process works. Therefore, I repeat, the amendment guaranteeing freedom of speech is the matrix of every other freedom because it is through the democratic process, the selection of candidates, perhaps even the selection of the philosophy or the ideology of candidates and parties, that decisions are made about our lives and are made about our future. And, therefore, freedom of speech, if controlled, can control that which affects our lives in a most profound way.

I regret to say that while I am not one who comes to the floor very often and chooses to become popular at home by beating up on Congress—in fact, I don't think I have done that very often in my life—I believe it is a mistake to put this power in the hands of a partisan Congress, with the potential for a President of the same party with a huge majority in the Congress, this absolute power to abridge freedom of speech and decide just how much can be spent by whom, what organizations can spend how much on which candidates. The power to determine how much a right-to-life organization can spend on behalf of its candidates or party, or its opposition organization in America, how much they can spend, and a myriad of other organizations that are out there trying to affect Government and how Government works and how we vote—for Congress to be able to regulate that means we are placing in the hands of Congress and a President of the party in control the absolute and unequivocal future destiny of the election process. They will determine it either directly or indirectly, just as certain as you write in black ink on white paper so that it will be most legible.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. McCONNELL. Since independent expenditures and so-called legislative advocacy ads, which have been so widely condemned by the reformers, are constitutionally protected speech, doesn't the Senator think it is entirely possible that the Congress, given the power to control that speech by those outside groups, might decide to shut it off entirely, conclude there is nothing reasonable about any of those kinds of expressions, if this amendment were to be passed?

Mr. DOMENICI. I think, given the right circumstances, that is entirely possible. I can dream up a scenario in my mind where it would probably be constitutional under this amendment. You could have a situation in the country where Congress would make a finding, which may be backed up by what's going out in society. Those kinds of expenditures could cause harm in America, at least to some major group that thought the unlimited use of propaganda —this is they would call it—has been harmful to the country, so they will say that we will have none of it.

Let me say, that is one issue, it is clear to me, that in and of itself ought to cause us to say no to this amendment. I think there is even a more serious one. I guess I will choose to say, as my point No. 2, that it's hard enough to win a fight with someone who buys paper by the ton and ink by the barrel. That leads me to ask, who uses freedom of speech most in the United States? Who does? The media of America. The media of America, be it the newspapers, radio, television, or whatever other media we have. That is the principal use of freedom of speech in the United States. They, combined, are the big makers of news. They are the ones who write the news, who talk the news, who present the issues on TV. Frankly, the media sets the agenda. They have even been called the "fourth estate," meaning that we have three branches of government, and they are also a branch of government. Well, we say: Protect them.

As a matter of fact, the U.S. Supreme Court, in a very historic case, New York Times versus Sullivan, a 1964 case, has even held that for a public personage to have a cause of action against the media, which has the right to freedom of speech, to have the right to sue because they told an untruth, you can't sustain a cause of action unless it is made with actual malice, with knowledge that the statement was false or with reckless disregard of whether it is false or not. That is how important we think that right is.

Should it surprise anyone that those who use freedom of the speech in the press of America—that they have their prejudices? Should it surprise anyone that they pick and choose candidates? Should it surprise anyone that they have a philosophy? Should it surprise anyone, even though they are my good friends, that they are predominantly liberal and predominantly Democrats in terms of party affiliation? That just happens to be true. If they were without opinion and used no discretion, what good would they be as the fourth estate in America? For they would be dullsville, and nobody would care what they said. So they are not that. And they can really influence a candidate or an elected officer's future. They can even do it by neglect, if they choose. They can fail to cover what somebody does in their elected office because they, either directly or in some other way, are prejudiced by what Senator Jones from Kansas says, and so it doesn't appear in the newspapers in the State of Kansas. Or, at least in one chain perhaps, or at least, if that is too far-fetched, a certain reporter won't write about Senator Jones, and he is the reporter that writes the front page story all of the time. That is kind of the benign neglect of the media.

What we know is happening in America is that we have moved away from editorial writing only appearing on the editorial pages of the paper. It now also is appearing in the stories in the media. TV has gone from just reporting news to interpreting the news and interpreting situations in America. News shows which do that abound. Should it surprise anyone that sometimes the media take a position in opposition to a President, in opposition to a Senator, in opposition to a party, in opposition to a philosophy of government?

Mr. President, if that is the case, where is the candidate or elected officeholder going to get the resources to tell his side of the story? I know where they are getting that kind of resource today. They are getting it because people contribute to their campaign, and they run ads, or they buy time, or they put out brochures, or they get on a radio show and pay for the time. And they say, "If the media and my opponent can get on and get free time, I want to get on and pay for it." Whatever the media puts on is their choice, and they are free to do as much as they want.

I am not going to stand here and be critical of that. In fact, I am suggesting that they are important in this society. It leads me to the conclusion that they have a right to try to be effective in trying to change public opinion. When they do that and exercise that prerogative, they create a situation which in the combat over political ideas requires that, if you are going to respond and have a chance of being heard, you must compete either in ink, or in paper, or in voice over the radio network, or in your picture and voice on television. Or else, how can you get the message across?

Having said that, I am absolutely convinced that while I stand here and give credence to the United States Congress having great authority, and I would even say that over history, I trust its collective wisdom, I can already in my time in the U.S. Senate find many occasions when I think we weren't very wise and we passed laws that weren't the very best. But even if I were to say over time that we perhaps come out on the wise side more times than not, I am not prepared to give the United States Congress the authority to control the destiny and the lives of political figures today or in the future when it comes to how much of their resources, or resources that others want to give to them, that they can use to make their case.

I believe it is a greater and more frightening evil to control the opportunity for candidates to make their case through the exercise of free speech. That is a far more serious problem for America than the concern over too much campaign spending.

We can pass reasonable rules and regulations regarding campaign contributions. Clearly we already have. We have limited PAC contributions. We have individual contributions limited. But when it comes to those things that the U.S. Supreme Court has already said are protected because they are political speech, isn't it interesting? Some people, including this Senator, had trouble understanding what they were talking about when they said that spending is equal to free speech. If you want to spend your money on a campaign, the use of that money is speech, they said. Well, I understand it now. I hope I have expressed it today. It is precisely what I have been talking about. For what other way than through the use of resources can you get your speech heard and exercise that freedom I speak of? How can you get your message out to the public if you are limited as to how much, or when, or which organization can spend how much in behalf of your candidacy, your position, or your ideology?

So from my standpoint the issue is really very, very clear and very simple. We should not change the Constitution of the United States when it comes to that part of this protected speech that has to do with candidates and political parties getting their message across through the use of resources. Nothing, in my opinion, will suffice other than to leave the decision of what is needed and how it will be used in the hands of the person claiming the freedom. To place it in the hands of somebody else to determine for that person claiming that freedom will, in my opinion, render the freedom useless. For the more you try to tell somebody how to exercise their right to free speech and when they can exercise it, the more the freedom becomes a nonfreedom. It becomes control rather than opportunity to enter into combat in a way that is equal and able to meet any circumstance. I am fully aware that there are many other approaches that we can take to modifying our campaign laws. And some of those being discussed will be constitutional without this change.

But I for one want to close today saying to the U.S. Senate, and to the people of the United States, do you really want Congress to be the one that manages by statute the use of this freedom, political freedom, the freedom of political parties and people running for office to use resources in a way that they think is best to get their message out, their cause, and to exercise their rights?

Mr. President, I want to make 5 points about this resolution and to make them clearly, strongly and simply.

Point one: This is an attempt to make the unconstitutional constitutional.

The first amendment guaranteeing free speech is the matrix of every other freedom we have.

The most fundamental and urgent application of free speech is to conduct campaigns for political office.

Elections and the campaigns leading up to those elections, after all, are how the democratic process works.

Point two: It's hard enough to win a fight with someone who buys paper by the ton and ink by the barrel. This amendment would make it impossible to win that fight.

The liberal news media exercises its free speech rights more than any other individual or entity in the United States. They are the Big Opinion Makers. They compose the editorials, write the news, talk the news, present the issues on TV. Frankly, they set the agenda.

The media are the ones who exercise freedom of speech as it pertains to politics. They are on the airwaves every day. It used to be that there was political speech on the news at 6 p.m. and 10 p.m. In 1997, there is news at 6 a.m., 7 a.m., noon, 4 p.m., 5 p.m., 6 p.m., 10 p.m., and 11 p.m. on the regular channels. We also have numerous 24-hour news channels.

No one would tolerate a suggestion that reporting and editorializing should be censored or otherwise limited or that there should be—to use the language of the proposed amendment —"reasonable limits."

All of the political speech contained on the news is protected. In New York Times versus Sullivan (1964) the Supreme Court held that public officials could maintain defamation actions only upon proof that the media's statement was made with "actual malice" defined by the Court as made "with knowledge that it [the statement] was false or with reckless disregard of whether it was false or not." As a result, the "comfort zone of protection" given to a political figure or candidate for public office under the defamation actions for libel and slander is very small. Public figures are given little protection.

Defamation stands virtually alone in the 20th century tort law. Every other major substantive area has expanded a plaintiff's right to recover, while in defamation the balance has shifted, and quite dramatically, in favor of the media defendant.

Point three: Government rationing of political speech by candidates will increase the power of the media, which has an unlimited free speech right.

The makers of the Constitution, influenced not only by their own experience but also by theorists such as Montesquieu, consciously provided for allocation of national authority among the executive, the legislative and the judicial branches. By insisting upon separation of powers, the Framers sought to protect against tyranny. Over the years, the media has emerged as the fourth branch of Government. Creating an elite of those with unlimited free speech will dangerously upset the balance of power and make the Fourth Estate the most powerful. This runs contrary to our fundamental notions of freedom and effective democracy.

The members of the fourth estate are mere mortals and they have strong biases.

Reporters are opinionated. Arguably, they are the most politically homogenous and biased group in American politics today. Most studies of media voting behavior show 9 out of 10 reporters and editors voting for liberal Democratic candidates. And the media coverage mimics the media's voting pattern.

A study by the Center for Media and Public Affairs, a nonpartisan Washington research group, shows that TV coverage overwhelmingly favored President Clinton this past election season.

In September, Clinton received 54 percent positive coverage on the networks' evening news programs, compared with only 30 percent for Bob Dole. The networks criticized Dole's economic views 81 percent of the time, his social policies 78 percent of the time; and his conduct as a candidate 81 percent of the time. Yet, voters view the media as balanced.

We have TV commentators who criticize ideology, personalities, and lifestyle. Yet, the quantity, quality, and content of the media programs and articles are totally protected and unrestricted.

A paper could editorialize every day of the week, every week of the year against a candidate. If an elected official or candidate wants to respond, he has to buy an ad. He has to make an expenditure.

At the other extreme, a Senator could toil tirelessly day in and day out in meetings, in committee, on the Senate floor. An unfriendly paper could ignore his efforts during his entire term. If that Senator wants to let voters know of his accomplishments he has to buy an ad. He has to make an expenditure to compensate for the medias' benign neglect of his efforts. The Supreme Court is correct, free speech is a fundamental right essential to getting reelected. The Constitution is right to protect this fundamental right.

My question to Senators is: Do you really think it is wise to exclusively vest the power of unlimited speech in the fourth branch? If the Founding Fathers were wise enough to resist tyranny by requiring a balance of power among the branches that existed when they wrote the Constitution, we should recognize this amendment as a baldfaced attempt to shift the balance of power from the candidates involved in the legislative and executive branches, over to the media. In practical terms this reserves to the media the control of freedom itself.

The ACLU has called this proposal a recipe for disaster. This amendment makes mincemeat out of the first amendment. Mincemeat belongs on a menu, not in the Constitution.

Point four: Being an incumbent is a formidable advantage and this amendment would make this advantage insurmountable.

Spending is the way challengers combat the inherent advantages of incumbency, such as name recognition, access to media, and franked mail.

Besides, the most important and plentiful money spent for political purposes is call the Federal budget—$1.6 trillion and rising.

Federal spending—along with the myriad regulations and subsidizing activities such as protectionist measures—often amounts to vote-buying.

Write a tax bill and wealth is redistributed.

This amendment will allow incumbents to write limits on campaign spending. These limits, when coupled with the inherent advantages of incumbency, will make it more difficult for challengers to compete.

History gave us 40 years of House control by Democrats. If this amendment had been law, the "reasonable" limits would have been written decade after decade in a self-preserving fashion to favor the ruling party. Is there any doubt that the spending limits would give any challenger a fighting chance?

Point five: When amending the constitution, err on the side of caution—you better be very careful.

Mr. President, today truly is a remarkable day. In the name of "campaign finance reform," some of our distinguished colleagues have come to the floor to offer a resolution which strikes at the very heart of one of the fundamental freedoms the Founding Fathers of this great Nation sought to protect. While I agree that our campaign finance laws are in need of change, amending the first amendment to allow the Government to restrict political speech simply is not the way to reform the system.

The authors of the first amendment were very straightforward: "Congress shall make no law * * * abridging the freedom of speech."

Mr. President, surely none of us here today agrees with all of the "speech" people in this county make, especially in this town. I don't like the fact that pornography exists. I don't like violence on TV But regardless of what I like, the first amendment protects this type of speech. While the protections of the first amendment are not absolute in all circumstances—we all know that the amendment does not protect one's right to yell "fire" in a crowded theater—the right to free speech is nearly absolute when that speech is directed toward the political process.

Throughout its jurisprudence, the Supreme Court has reaffirmed this notion time and time again. In recounting the history of the first amendment, the Court in the past has observed that: "there is practically universal agreement that a major purpose of the first amendment was to protect the free discussion of governmental affairs * * * of course including discussions of candidates." The Court also has noted that: "It can hardly be doubted that the constitutional guarantee [of the right to free speech] has its fullest and most urgent application precisely to the conduct for campaigns for political office."

The Court extended these principles to campaign spending in the Buckley case and held that restrictions on campaign expenditures are improper under the first amendment. The Court's decision can be summed up very simply: restrictions on the resources needed to make political speech heard are restrictions on political speech itself. As the Court has said, "the distribution of the humblest handbill" costs money and the Court consistently and properly has refused to make a distinction between the humble handbill and other forms of political speech. They all deserve first amendment protection.

The authors of this proposal are not so straightforward. It will regulate who may speak, when, where, for how long, and for what purpose.

For some, this debate will be about the wisdom of the Supreme Court's decision in the Buckley case and those decisions which followed it. Supporters of this amendment believe that, if spending equals speech, then only those with a lot of money will be able to participate in the political process.

I look at the problem from a different perspective: is it at all proper to amend the organic law of this land to allow the Government to begin regulating the political speech of individuals and groups? It runs contrary to the spirit of the entire Constitution to answer that question in the affirmative.

Thomas Jefferson once wrote that "there are rights which it is useless to surrender to the government, and which governments yet have always sought to invade. Among these are the rights of thinking and publishing our thoughts by speaking and writing." This amendment would be the first step toward surrender, the first step toward putting the Federal Government in control of all political speech in America.

Let us take a look at the language of the proposed amendment, because there are two areas which I believe need to be mentioned.

First, the resolution gives Congress the power to set reasonable limits on campaign contributions and expenditures. Proponents of this amendment and campaign finance reform bills like McCain-Feingold claim that the current system favors wealthy candidates and protects incumbents able to raise large amounts of money because of their name recognition, seniority or membership on important committees.

Yet—under this amendment—who would be responsible for making the initial determination of what is "reasonable"? Incumbents. Members of Congress. Setting aside whether it is at all wise to allow the Government to regulate political speech, I also wonder whether this amendment would accomplish the goals many of its supporters would hope for. Government micromanagement of political speech, particularly by those already entrenched in government, to me seems like a recipe for more of the same problems we currently face.

The proposed amendment also allows Congress to regulate contributions and expenditures "made by, in support of, or in opposition to" a candidate. Under this language, Congress can regulate the political speech of candidates, parties, individuals and groups. One group that apparently remains unregulatable is the media. By limiting all political speech, except that by the media, the role and importance of the media in the political process would grow exponentially. I have already discussed that. Yet despite the power it would provide to the press, the Washington Post and New York Times oppose this amendment. I think I know why.

The first amendment is at the heart of the basic freedoms all Americans enjoy, including the freedom to promote one's political views. If we amend the first amendment to limit the political speech of candidates and parties, what is to stop us from amending the press's free speech rights if we become unhappy with their role?

While we all have felt the sting of a harsh editorial on the pages of a State or national newspaper, I do not believe that any of us feel comfortable with the possibility that Congress could be in the business of regulating the content of newspapers. Yet that seems like the logical next step if this amendment were to pass.

I understand my colleagues on the other side of this issue who seek to "level the playing field" or make the campaign finance system more equitable for all participants in the political process. We all would like to see candidates unburdened by the "money chase" and campaigns free of excessive negative ads. But this is not the way for us to get our house in order.

President Eisenhower once told Congress that "freedom has been defined as the opportunity for self-discipline * * * Should we persistently fail to discipline ourselves, eventually there will be increasing pressure on government to redress the failure. By that process freedom will step by step disappear." I think that comment sums up where we are headed with this amendment.

As politicians, we have failed to bring discipline to the campaign process. Rather than give in to the pressure to redress our failure by restricting the freedoms offered by the first amendment, I believe that we should look to other, less onerous, means to achieve our goals. I support reasonable campaign finance reform legislation, and have done so in the past. But this proposal goes way beyond reform. It makes mincemeat of the first amendment.

If the concern is that money corrupts and a lot of money corrupts absolutely, there are steps that can be taken that don't require amending the Constitution. Full disclosure is a good way to provide good government.

I urge my colleagues to reject this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank my distinguished colleague from New Mexico for an outstanding speech. I think he is right on the mark. The issue here is who is going to control political discourse in this country. And the Supreme Court has said no one may do that. That is protected first amendment speech.

I just wish to thank my good friend from New Mexico for his thoughts on the first amendment and say I agree with him entirely.

Mr. DOMENICI. Might I ask the Senator a question?

Mr. McCONNELL. Yes.

Mr. DOMENICI. I alluded to a couple of organizations that are openly engaged in trying to get their points across with the electorate and with those seeking election. Are there a number of groups that are involved in that kind of activity with the American people and with candidates that have expressed their views on this amendment?

Mr. McCONNELL. There certainly are, I say to my friend from New Mexico. There are periodic meetings in my office with a coalition in defense of the first amendment that includes a set of groups that have never met each other before. On the left, the American Civil Liberties Union and the National Education Association; on the right, Right to Life, Christian Coalition, and all shades of philosophies in between, all of whom have one thing in common—they do not want Congress to push them out, do not want them to push them off the playing field and keep them from participating in American elections.

So this coalition is very active. You would think, listening to the broadcast media and reading the Washington Post, that there was nobody on the other side of this debate, that Common Cause was the only conscience out there pressing for these kinds of reforms. Ironically, Common Cause is against the Hollings constitutional amendment as well. But there is a broad coalition, I would say to my friend from New Mexico. They are very active, very involved, and do not intend to be taken off the playing field.

Mr. DOMENICI. Does the Senator have any idea why they would be opposed to it? Can the Senator express what they said to him?

Mr. McCONNELL. What they say is they believe the Supreme Court was correct when it said they had a right to support or oppose whomever they choose in the American political system. They know that if Congress is given the power, either through a constitutional amendment or through a measure such as McCain-Feingold, their voices will be quieted, their ability to participate will be capped, limited. They are quite concerned about that and feel that this is not a step in the right direction, that in fact it is the worst possible thing you can do. If you look out at America, we are a seething cauldron of interests. The Founding Fathers envisioned that. The Supreme Court has made it clear that all those interests have an opportunity, a right, a constitutional right to participate in the American political system, and these groups don't want to be pushed out. They think their causes are important. They want to be able to advocate them. They want to be able to support whomever they choose.

Mr. DOMENICI. So it seems to me that if the National Education Association opposes this amendment and the National Rifle Association opposes this amendment, then they must be saying that if this were the law of the land, that some Congress in the future could do violence to one or the other of them in terms of their promoting their cause with the American people and with candidates. In fact, they must be worried about whether there might be some picking and choosing among those who might have the right to promote or to participate in the process of trying to influence candidates and elections. Is that not correct?

Mr. McCONNELL. That is absolutely the case, I say to my friend from New Mexico. They fear that a Congress, that a future Congress, will try to quiet their voices, to push them out of the process, to make it impossible for them to support candidates of their choice. We know that there are schemes around to do that. There is a bill that we will be debating this year absolutely designed to put a limit on how many people can participate. So their fear is well-founded, I say to my friend from New Mexico.

Mr. DOMENICI. Mr. President, I just want to continue for a couple more minutes. I thought I was finished but I am prompted to say I am not.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Am I recognized, Mr. President?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

I am not here saying that Congress absolutely would do this, that this would be something that we could just expect in ordinary times, but I believe bad laws are made in unordinary times. I believe bad laws are made when things are not going well and somebody decides that they know why they are not going well. That is why I am reluctant to say Congress, over the scheme of history, would not act in some almost aberrational way to limit speech if things just were not going right and it was their decision there was just too much going on out there in the political arena. Those kinds of things have happened in our history. They have happened and you look back and say, how could it have happened? Historians say all of these different things came together at the same time and, of course, some people thought they knew precisely why and they acted accordingly.

Now, I also commented about the media collectively as being the big user of this freedom and, indeed, I think that is a fair statement. Frankly, I do not think anybody individually within that collective media would question this statement. They are not always right either. They are not always right in their conclusions, individually and collectively. Even if they are not disposed to be philosophically one way or another, they are frequently wrong. And yet their wrongness is protected by the Constitution. The quantity of that is protected in that if they have enough money and own enough papers, they can be as big as they want. Or if they happen to be a personality that now gets on the nightly news and has reached an esteemed position, then clearly they can say what they like and it becomes kind of what people think, what people talk about the next day. And they might be wrong.

So it seems to me that when you put all that together, you do not want to change that. That is a great part of America. We want to live with that. Some of us do not think that Congress ought, with that being the reality, to have the authority to say how much you can spend in a campaign to tell your side of those same facts that others are pushing on the public either through the exercise of their right or by campaigning and being in the political arena.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I thank the Senator from New Mexico for a very important contribution to this debate.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, the Senator from Rhode Island has been in the Chamber waiting to be recognized, so I will just take a few moments and ask unanimous consent to insert in the RECORD the "American Constitutional Law Restatement on the Freedom of Speech," by Laurence Tribe, Ralph S. Tyler, Jr. Professor of Constitutional Law at Harvard University.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM "AMERICAN CONSTITUTIONAL LAW"

(By Laurence H. Tribe)

* * * * *

COMMUNICATION AND EXPRESSION

§12–2. The Two Ways in Which Government Might "Abridge" Speech—And the Two Corresponding "Tracks" of First Amendment Analysis

Government can "abridge" speech in either of two ways. First, government can aim at ideas or information, in the sense of singling out actions for government control or penalty either (a) because the specific message or viewpoint such actions express, or (b) because of the effects produced by awareness of the information or ideas such actions impart. Government punishment of publications critical of the state would illustrate (a), as would government discharge of public employees found in possession of "subversive" literature. Government prohibition of any act making consumers aware of the prices of over-the-counter drugs would illustrate (b), as would a ban on the teaching of a foreign language or a prohibition against discussing a political candidate on the last day of an election. Second, without aiming at ideas or information in either of the above senses, government can constrict the flow of information and ideas while pursuing other goals, either (a) by limiting an activity through which information and ideas might be conveyed, or (b) by enforcing rules compliance with which might discourage the communication of ideas or information. Government prohibitions against loudspeakers in residential areas would illustrate (a). Governmental demands for testimony before grand juries notwithstanding the desire of informants to remain anonymous would illustrate (b), as would ceilings on campaign contributions. The first form of abridgment may be summarized as encompassing government actions aimed at communicative impact; the second, as encompassing government actions aimed at noncommunicative impact but nonetheless having adverse effects on communicative opportunity.

Any adverse government action aimed at communicative impact is presumptively at odds with the first amendment. For if the constitutional guarantee means anything, it means that, ordinarily at least, "government has no power to restrict expression because of its message, its ideas, its subject matter, or its content * * *." And if the constitutional guarantee is not to be trivialized, it must mean that government cannot justify restrictions on free expression by reference to the adverse consequences of allowing certain ideas or information to enter the realm of discussion and awareness. Whatever might in theory be said either way, the choice between "the dangers of suppressing information and the dangers of its misuse if it is freely available" is, ultimately, a choice "that the First Amendment makes for us."

A government action belonging to the second category is of a different order altogether. If it is thought intolerable for government to ban all distribution of handbills in order to combat litter, for example, the objection must be that the values of free expression are more important constitutionally than those of clean streets at low cost; if a ban on noisy picketing in a hospital zone is acceptable, the reason must be that the harmful consequences of this particular form of expressive behavior, quite apart from any ideas it might convey, outweigh the good. Where government aims at the noncommunicative impact of an act, the correct result in any particular case thus reflects some "balancing" of the competing interests; regulatory choices aimed at harms not caused by ideas or information as such are acceptable so long as they do not unduly

> constrict the flow of information and ideas. In such cases, the first amendment does not make the choice, but instead requires a "thumb" on the scale to assure that the balance struck in any particular situation properly reflects the central position of free expression in the constitutional scheme.
>
> The Supreme Court has evolved two distinct approaches to the resolution of first amendment claims; the two correspond to the two ways in which government may "abridge" speech. If a government regulation is aimed at the communicative impact of an act, analysis should proceed along what we will call track one. On that track, a regulation is unconstitutional unless government shows that the message being suppressed poses a "clear and present danger," constitutes a defamatory falsehood, or otherwise falls on the unprotected side of one of the lines the Court has drawn to distinguish those expressive acts privileged by the first amendment from those open to government regulation with only minimal due process scrutiny. If a government regulation is aimed at the noncommunicative impact of an act, its analysis proceeds on what we will call track two. On that track, a regulation is constitutional, even as applied to expressive conduct, so long as it does not unduly constrict the flow of information and ideas. On track two, the "balance" between the values of freedom of expression and the government's regulatory interests is struck on a case-by-case basis, guided by whatever unifying principles may be articulated.
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> A recurring debate in first amendment jurisprudence has been whether first amendment rights are "absolute" in the sense that government may not "abridge" them at all, or whether the first amendment requires the "balancing" of competing interests in the sense that free speech values and the government's competing justifications must be isolated and weighed in each case. The two poles of this debate are best understood as corresponding to the two approaches, track one and track two; on the first, the absolutists essentially prevail; on the second, the balancers are by and large victorious. While the "absolutes"—"balancing" controversy may have been "unfortunate, misleading and unnecessary," it has generated several important observations. First, the "balancers" are right in concluding that it is impossible to escape the task of weighing the competing considerations. Although only the case-by-case approach of track two takes the form of an explicit evaluation of the importance of the governmental interests said to justify each challenged regulation, similar judgments underlie the categorical definitions on track one. Any exclusion of a class of activities from first amendment safeguards represents an implicit conclusion that the governmental interests in regulating those activities are such as to justify whatever limitation is thereby placed on the free expression of ideas. Thus, determinations of the reach of first amendment protections on either track presuppose some form of "balancing" whether or not they appear to do so. The question is whether the "balance" should be struck for all cases in the process of framing particular categorical definitions, or whether the "balance" should be calibrated anew on a case-by-case basis.
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> The "absolutists" may well have been right in believing that their approach was better calculated to protect freedoms of expression, especially in times of crisis. If the judicial branch is to protect dissenters from a majority's tyranny, it cannot be satisfied with a process of review that requires a court to assess after each incident a myriad of facts, to guess at the risks created by expressive conduct, and to assign a specific value to the hard-to-measure worth of particular instances of free expression. The results of any such process of review will be some "famous victories" for the cause of free expression, but will leave no one very sure that any particular expressive act will find a constitutional shield. When the Supreme Court draws categorical lines, creating rules of privilege defined in terms of a few factors largely independent of context, judicial authority speaks directly to the legislature by means of a facial examination of laws without regard to the context in which they are applied. And categorical rules, by drawing clear lines, are usually less open to manipulation because they leave less room for the prejudices of the factfinder to insinuate themselves into a decision. The jury after all is a majoritarian institution, and judges historically have been drawn from more conservative groups. Categorical rules thus tend to protect the system of free expression better because they are more likely to work in spite of the defects in the human machinery on which we must rely to preserve fundamental liberties. The balancing approach is contrastingly a slippery slope; once an issue is seen as a matter of degree, first amendment protections become especially reliant on the sympathetic administration of the law.
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> On track two, when government does not seek to suppress any idea or message as such, there seems little escape from this quagmire of ad hoc judgment, although a few categorical rules are possible. But on track one, when the government's concern is with message content, it has proven both possible and necessary to proceed categorically.

Mr. HOLLINGS. Mr. President, this explains the subjects outside our first amendment protections. It mentions the Sullivan case, New York Times, and others.

One. We are not talking here about free speech. We are talking about paid speech. My amendment reads "expenditures." It has nothing to do with the free press. The very horrors that are mentioned could happen today, and in fact, happened to this particular Senator in his race for reelection back in 1992 with the Wall Street Journal.

I will get into that in depth, but I am delighted at this time, Mr. President, to yield, and I hope the Senator from Rhode Island can be recognized.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. REED. Mr. President, I rise this afternoon in support of the Hollings amendment which I think is a wonderful first step to begin to reform our campaign finance system. As many of my distinguished colleagues have mentioned in the course of this debate, at any time when you attempt to amend the Constitution of the United States, you do so with trepidation. This is the fundamental organic document of our Government. It deserves great respect and reverence, and we do not do this lightly.

But today we are facing a crisis of public confidence in the democratic order in the United States with respect to campaign finance reform. If the Constitution and the Court had remained silent on this issue, we would not be here today. But the Court has spoken, first in the case of Buckley versus Valeo, several years ago, and in its progeny. Their voice has concluded, and some would argue not correctly, but concluded that the first amendment prevents Congress from imposing limits on campaign expenditures.

If the Court refuses to reassess its ruling, we have no choice but to propose to the people of the United States that in their wisdom they consider an amendment to the Constitution of the United States, and that is why we are here today. We are not doing this in a vacuum. We are doing this because of a crisis in confidence by the public.

To be kind, the public is disenchanted with the American political system, particularly the American political campaign finance system. They see far too much money going to campaigns. They are concerned that this money is extracting special interest favors. All of this undermines a sense of democracy, a sense of participation, a sense of what it is to be a citizen in this great country. Last year's election saw record fundraising and record expenditures. An unprecedented $2.7 billion was spent in Federal elections last year, three times the amount that was spent the year the Buckley versus Valeo case was decided. As this money is poured in, the public is becoming increasingly disenchanted and increasingly disenfranchised from the process.

In a 1992 poll, 84 percent of the electorate stated that Congress was owned by special interests, a direct reflection, I think, of the perception of how the campaign finance system may work. For the first time in decades, last year's Presidential elections saw less than half of the eligible voters going to the polls to register their votes. The American public sees a great problem. Months ago, in the Washington Post, 80 percent of those surveyed indicated there was too much money in campaigns and favored the adoption of campaign spending limits.

For the well-being of our democracy, for the confidence we must have of its citizens, as we go about doing our work, I feel this amendment is in order and indeed must be enacted.

As I mentioned before, the great stumbling block to effective limits on campaign expenditures is the Supreme Court decision in Buckley versus Valeo. At the core of that 1976 decision, there is this language:

> The first amendment denies Government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution, it is not the Government but the people, individually as citizens and candidates, and collectively as associations and political committees, who must retain control over the quantity and range of

> debate on public issues in a political campaign.

That seems to be the core sense of why the Court decided it. But I suggest the notion that citizens and even candidates are controlling the system today has been overwhelmed by events, overwhelmed by an avalanche of money coming into political campaigns. In fact, the system that was created under Buckley versus Valeo has collapsed, in effect, inundated by independent expenditures, special interest expenditures, money by the torrent coming into campaigns. It is not surprising, then, that the Washington Post detailed that the special interests coming into a campaign in Pennsylvania's 21st Congressional District outspent either one of the candidates. In effect, the candidates control neither the dialog nor the issues; it was outside forces, some of them anonymous or at least ambiguous.

All of this contributed not to what we think an election should be about, two candidates or several candidates presenting their ideas, arguing eloquently, reaching out to people. In effect, the candidates became a sideshow. It was the battle between special interests. That is not what the American people want to see in their elections, and if we are to control that and constrain that, we must have, in this particular moment, a constitutional amendment to do so.

The issue about the Buckley versus Valeo decision is one that constrained our thought about campaign financing for many, many years. My colleagues in this body have offered many proposals, legislatively, to correct it. There is the Feingold-McCain bill. There is other legislation. Leader DASCHLE has introduced legislation. I support all of these. But my fear is if we adopt any one of them, and I hope we do adopt campaign finance reform legislatively, the ingenuity and creativity of lawyers and consultants will find ways around it, simply because ultimately we cannot control the amount of money going into campaigns. This amendment will give us that authority.

The concept, also, that unlimited spending is good, I think, has to be looked at very skeptically. Unlimited spending can drown out free speech, can squelch someone who does not have the resources to compete. It may not, in fact, always advance the concept of a free exchange of ideas in an electoral campaign.

Many of our leading constitutional scholars, in fact, have reached this conclusion. Paul Freund, the distinguished professor at Harvard Law School wrote:

> Campaign contributors are operating vicariously through the power of their purse, rather than through the power of their ideas. I would scale that relatively lower in the hierarchy of First Amendment values. We are dealing here not so much with the right of personal expression or even association, but with dollars and decibels, and just as the volume of sounds may be limited by law, so may the volume of dollars, without violating the First Amendment.

Judge Skelly Wright, one of our most distinguished jurists wrote:

> Nothing in the First Amendment commits us to the dogma that money is speech. Far from stifling First Amendment values, campaign limits actually promote them. In place of unlimited spending, limits encourage all to emphasize less expensive, face-to-face communications, exactly the kind of activities that promote real dialogue and leave much less room for manipulation and avoidance of the issues.

In the words of a distinguished New York School of Law professor, Ronald Dworkin:

> The Buckley decision was a mistake, unsupported by precedent and contrary to the best understanding of prior first amendment jurisprudence. It misunderstood not only what free speech really is, but what it really means for free people to govern themselves.

All these experts would conclude that Buckley versus Valeo in effect is wrong. But Buckley versus Valeo as it stands today is the law and, recognizing that, we are attempting to give the people of this country a chance, through the amendment process, to change that decision, that position of the Court.

If you look at Buckley versus Valeo, though, perhaps the best argument I found against it was contained within the very confines of the decision. It was the dissenting opinion of Justice White. I do not think anyone has to vouch for Justice White's fidelity to the first amendment and the values that it holds that are dear to us all. First of all, time has proven Justice White to be very perceptive, indeed prophetic. Because he wrote:

> Without limits on total expenditures, campaign costs will inevitably and endlessly escalate, pressure to raise funds will constantly build, and with it the temptation to resort to those sources of large sums, who, history shows, are sufficiently confident of not being caught to risk flouting contribution limits.

This is in 1976. Again, recall, since he wrote those words, campaign spending has tripled.

He also went on to add:

> I have little doubt that limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways unconnected with the fundraising function. I regret that, by rejecting a limit, the Court has returned them all to the treadmill.

I would argue there is no one here in this body who would suggest that that treadmill is not still there.

I have heard in the debate notions about how this would infringe on treasured values of the first amendment. But Justice White, in his opinion, pointed out that this is not a unique issue, that the limiting of the quantity of speech is done routinely.

As he said:

> Compulsory bargaining and the right to strike, both provided for or protected by Federal law, inevitably have increased the labor costs of those who publish newspapers. Federal and State taxation directly removes from company coffers large amounts of money that might be spent on larger and better newspapers. But it has not been suggested, nor could it be successfully, that these laws, and many others, are invalid because they siphon off or prevent the accumulation of large sums that would otherwise be available for communicative activities.

We do on a routine basis require newspapers, the great champions of the first amendment, the most vociferous defenders of the first amendment, to comply with laws that effectively limit the quantity of speech that they can put out. So this notion that what we are doing today trods on the sacred core of the first amendment, I do not think is right.

Indeed, I think we would be better off to have the Court reassess its opinion of Buckley and find that these limits are appropriate under the first amendment. But today, we are left with presenting to the American people the opportunity to make that judgment. I hope that, as I said, Buckley could be reviewed and indeed be recognized by the Court to be inappropriate based on the facts today. They have the authority to do that.

We have the authority to present to the American public this constitutional amendment. I urge that we do so.

I want to commend the sponsor, Senator HOLLINGS, for his leadership, for his perception of the issue, and for his unflinching commitment to develop a campaign finance system that is fair to all.

One last point. I have also heard in this debate the notion that this Congress would impose irresponsible and reckless limits. In reality, any limits we impose we would all have to recognize and work within. They would be the same as applied to Republican candidates or Democratic candidates. They would limit the amount of money that right-wing, special-interest groups could put in or left-wing, special-interest groups could put in.

They would, in effect, return our elections to the democratic process that our citizens believe we should have, a process by which they can listen to the voices of the candidates, they can communicate their views, they can, in effect, not be drowned out by an avalanche of money and 30-second sound bites. In fact, an election can be a dialog about democracy and not about who raises how much money. I urge my colleagues to support this amendment.

Again, I commend the Senator for his great leadership.

Mr. HOLLINGS addressed the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. I will yield in a second to the distinguished Senator from Washington.

I want to thank the distinguished Senator from Rhode Island. He was tortured with the same problem as a Member of the House. As a good old West Point graduate and with the discipline and the analytical approach that he has learned over the many years in public service, we really appreciate his contribution here today.

Mr. REED. Thank you.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, Senate Joint Resolution 18 almost certainly represents the most serious and fundamental attack on first amendment rights of free speech in the 210-year history of that first amendment.

Senate Joint Resolution 18 is not aimed at the entire ambit of free speech rights. It in no way grants Congress authority over obscenity, over beer advertising, over fine arts. It is focused solely on allowing the Congress sweeping authority over the freedom of political speech, not just of politicians but of all citizens and of the news media that serve those citizens.

The first Congress of the United States responded to the most serious objection to the ratification of our Constitution that was presented during those ratification debates—the absence of a bill of rights and, most particularly, the absence of a constitutional guarantee of free speech.

When James Madison and his colleagues drafted the first amendment and worked on its protection of free speech, they were not concerned, Mr. President, about defending obscenity. They were not concerned with limitations on beer advertising. They were not concerned with playwrights. They were concerned with debate over the political future of the people of the United States of America.

They believed, as did almost all of the citizens who worried about a new Constitution, that the new Government might, like its British predecessors, attempt to gag newspapers and individuals in their pursuit of a free and open debate over matters political. So they wrote a first amendment that was unconditional in that respect. They wrote a first amendment that said, "Congress shall make no law . . . abridging the freedom of speech . . ." They did not write, as this resolution would, in paraphrase, "Congress shall make no law abridging the freedom of speech except such restrictions as Congress may deem reasonable."

Mr. President, you and I and all the other Members of this body and every American who has ever run for office recognizes that, other than that vitally important meeting of people as individuals on a one-to-one basis, doorbelling, canvassing, and the like, important even to those of us who run for the U.S. Senate but obviously an impossible tactic when one represents hundreds of thousands or millions of voters, that there are fundamentally four ways in which we can communicate political ideas in the course of the campaign to the people who are constituents or whom we seek to represent.

The first of those, Mr. President, is through our own campaign committees. "Gorton '94," "McConnell '96," "Hollings '98," formally organized and set up, receiving campaign contributions, writing advertisements, scheduling the candidates, doing so in a fairly transparent fashion. That is the first one.

The second way which our ideas can be communicated to those whom we seek to represent is through the party organizations with which we are affiliated. All candidates for Federal office are members of organized political parties. Most candidates for State office and many for local office are as well. In fact, in almost every State the only identifier on the ballot in addition to the name of the candidate is the political party that candidate identifies with. So the Republican Party and the Democratic Party, and the Socialist Worker Party also, involves itself in campaigns communicating en mass in the ways that they consider to be most effective with the voters.

The third way of communicating political ideas, Mr. President, is by the independent activity of individuals or organizations who are not, under most circumstances, directly connected with either the candidate or with any political party but who have a vital interest, on behalf of themselves as individuals or as members of organizations in which they are a part in the political future of the country, in who is elected to particular offices.

As I say, they may be individuals, they may be very wealthy individuals, they may be organizations from one end of the political spectrum to another, but they communicate quite freely and without any censorship from Congress their ideas about political elections, their support for candidates, their opposition to candidates.

Finally, the fourth way in which political ideas about elections get to the voters is through our mass media—through radio, television and the newspapers—many of which are vitally interested in these ideas, many of which literally editorialize and endorse, but even when they don't, they communicate such ideas as they deem relevant in explaining the positions of the various candidates.

Senate Joint Resolution 18 is, I must say, philosophically consistent and intellectually honest in that it permits Congress to regulate all four of those activities. It allows Congress to put reasonable limits on contributions or expenditures by, in support of, or in opposition to candidates for Federal office. That covers the candidates' committees, that covers the political parties, that covers the totally independent individuals and groups, and that covers the newspapers and television stations and radio stations that participate in these political campaigns.

I say, Mr. President, that this proposal is philosophically consistent and logical and principled in making no real distinction among those four methods of contribution, because, of course, the present campaign law does not. The law under which we operate today puts very real limits on candidates' campaign organizations, limits which, by the operation of inflation, have grown smaller in each successive election cycle on contributions from organizations or from individuals to those candidates, significant disclosure requirements on the source of those contributions, so significant that on many occasions, it would seem that our newspapers spend more time and more column inches reporting contributions than they do on reporting ideas.

The 1974 law imposes some, but vaguer, restrictions on contributions to and expenditures by political parties. It was unable, as a matter of constitutional law, to impose any significant restrictions on independent expenditures, and it made no attempt to impose any restrictions on the news media, recognizing even then the unconstitutionality of doing so.

What has been the net impact of the set of restrictions that we have today? In almost direct ratio to the restrictions on the amount of money that individuals and organizations can contribute to candidates, it has caused those individuals and organizations, when they feel passionately about a candidate, either for or against, to funnel their contributions to the political parties whom they know would support those candidates. And so we have the challenge of soft money today, largely because those who contribute soft money to political parties cannot contribute that money in hard form to the candidates themselves.

This, all by itself, has made political campaigns less satisfactory and candidates less responsible. Each of us as a candidate is responsible directly for the way in which he or she conducts his or her campaign. When our name is on the disclaimer of a television ad, we cannot disown it. When we have reported a contribution from an individual or a group, we cannot disown it. But even when that advertisement or that political activity comes from our political party, we can, to a certain extent, disassociate ourselves from the ideas or the messages involved. We may very well, we hope, benefit from it when they support us, but we cannot guarantee that we will gain such a benefit.

Now we have waiting in the wings, subject to validation only, I believe, if we adopt this constitutional amendment, a set of similar restrictions on political parties. If we adopt such a system of restrictions on political parties, Mr. President, it seems to me we know clearly what will happen, because it is already happening. Those same groups, those same individuals who feel passionately about Federal elections today and who are barred from providing the support they want to provide to the candidate directly, are barred from providing that support to the candidate's political party, will simply do it on their own.

Last Sunday's Washington Post had an interesting article about the 1996 campaigns, the headline of which is: "For Their Targets, Mystery Groups' Ads Hit Like Attacks From Nowhere." The airwaves were filled with this kind of activity at the end of 1996—organizations with fictional names engaged mostly in negative advertising against particular candidates, the source of support for which was unknown and, therefore, the responsibility for the content of which was unknown. But as long as we have a Congress that impinges on every aspect of our social and individual and economic lives, we will have individuals who wish to participate and will participate in that fashion if they are not allowed to participate more directly and more openly.

So Senate Joint Resolution 18 very clearly will allow Congress to put limits on that kind of political participation. So it will say, in the ultimate analysis, we can do whatever we think is reasonable to shut people up when it comes to political debates.

Now, that still leaves the fourth element of communication: the radio, television stations, and the newspapers of this country. Very likely, the first bill that went through Congress after this constitutional amendment passed would not affect them, but they would sure be in clover, Mr. President, because then, with the candidate and the candidate's supporters and the candidate's proponents all muzzled, the only source of information would be the mass news media.

But now this passionately devoted and wealthy individual or this passionately devoted organization would soon find the answer to that question: Buy a newspaper; buy a television station. Then you are entirely free to spend all the money you want on political communication, totally divorced from any responsibility on the part of the candidate at all.

So the next law, Mr. President, will limit what the newspapers and the television stations and radio stations can do.

Mr. McCONNELL. Will the Senator yield?

Mr. GORTON. I am happy to yield to the Senator.

Mr. McCONNELL. There is a bill we will be discussing later this year called McCain-Feingold, which seeks, in this Senator's judgment, to essentially shut down legislative-advocacy-type independent expressions and to make almost impossible the ability of outside groups to engage in independent expenditures.

My question to my friend from Washington is, given the fact that we have bills that go that far now, given this authority under this constitutional amendment to set "reasonable limits," is it not possible that Congress might decide such expenditures should be shut down entirely, that there is nothing reasonable about them, and that those voices should be quieted altogether?

Mr. GORTON. Congress, if this should be part of the Constitution, might well make just such a decision on the relatively rational grounds that all political speech they want to be directly attributable to candidates and not to permit anyone to engage in a partisan political debate except through the candidate's committees.

Now, I must say to my friend from Kentucky, I doubt that would happen in the Congress immediately after the adoption of a constitutional amendment like this. The sponsors of this constitutional amendment are all supporters of the McCain-Feingold proposal, and my inclination is that they would be content with the passage of that legislation with this constitutional provision in effect.

They know, or at least the most thoughtful and principled of them know, that McCain-Feingold is blatantly unconstitutional under the first amendment as the first amendment exists today. I rather imagine they would be satisfied with this reform as their predecessors were satisfied with the 1974 reforms. As soon as this reform showed itself to be as ineffective as 1974 has, as soon as it had pushed communication into another channel, they would be back to close off that channel.

At the present time, their frustration stems almost entirely from the fact that they are only permitted to dam one channel of the river, and all the water just goes around the other side of the island and flows into the political system to the same extent or to a greater extent than it does at the present time. This constitutional amendment allows them to dam the whole river for good and permanently.

It is for exactly that reason that I say, Mr. President, this is certainly the most fundamental attack on the most fundamental of American freedoms that has taken place in this body in the 14-plus years during which I have served and, I think, probably in the 210 years since the first amendment was adopted by the first Congress.

Mr. McCONNELL. Will the Senator yield?

Mr. GORTON. I am happy to yield to the Senator.

Mr. McCONNELL. Since the Congress composed entirely of incumbents has the power to determine what is a reasonable limit directly on campaigns, would it not be entirely conceivable, I ask my friend from Washington, in the very near future, if not in the very same Congress, after this became part of the Constitution, that these incumbents might seek to limit spending in campaigns directly by the candidates themselves standing for reelection and a challenger, quite dramatically?

Most incumbents start out with a pretty substantial lead unless they are running against a famous athlete, a movie star, or sitting Governor. It has often been described as the incumbent looking at it as a football field, and the incumbent at the beginning of the campaign is at the 40-yard line and sprinting toward the goalline; the challenger is back on the 5-yard line with 95 yards to go. Might not this Congress composed entirely of incumbents decide to set a spending limit of, say, $50,000 per House of Representatives race and declare that reasonable?

Mr. GORTON. Congress would certainly have the authority to pass just such a law, I say, Mr. President, to my friend from Kentucky. I think as a former State attorney general, he has argued a number of cases in the Supreme Court. I would probably be willing to take that challenge on a reasonable basis to the Supreme Court of the United States, and I might well win at that $50,000 figure.

But the vice of this constitutional amendment is that I would have to do that in the first place, and there would be an argument that that was a reasonable limitation. When we start down this road, we put the right of free speech and political matters of the people of the United States into the hands of Congress.

As the Senator from New Mexico said earlier, each of us believes sufficiently in this system to hold the opinion that most of the time we do the right thing and that almost all of the time we try to do the right thing. We are probably least likely to do the right thing when it affects our own individual fates and our own individual careers. Even when we are, we sometimes, at least, can make mistakes. That, I must say, is obviously the reason that Madison and the first Congress wrote the first amendment in unequivocal terms with a primary focus on political speech. They simply did not wish to give this authority to Congress, and they were right.

The Supreme Court of the United States, in dealing with the 1974 law in Buckley versus Valeo, I think put the issue in the simplest and clearest fashion when it says,

> In the free society ordained by our Constitution, it is not the Government, but the people individually as citizens and candidates, and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign.

That is the central issue here. Is this a matter that is up to the judgment of the people as individuals and as members of organizations? Or is it up to the Government—in this case a self-interested Government—to say what is reasonable? You and I, Mr. President, and the Senator from Kentucky and I believe that this is a matter for people as individuals and as members of voluntary associations. The proponents of this constitutional amendment believe this is a matter for the Government. Between us, there is a great gulf fixed which cannot be bridged. We stand on the Constitution as it was written by the Founding Fathers. We stand on a faith in the people, and we reject the interference of the Federal Government on this question.

Mr. McCONNELL. Mr. President, I want to thank the distinguished Senator from Washington for his eloquent defense of the first amendment. He certainly encapsulated, better than I could ever, exactly what the heart of this debate is. I thank him very much for his support and contribution.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Arizona.

Mr. McCAIN. Mr. President, daily we are learning of new allegations and revelations regarding how last year's elections were financed. Just yesterday, we learned that the Chinese Government created a $1.8 million fund with which it sought to influence up to 30 Members of Congress with campaign contributions.

The Congress now faces a monumental task. How can the system be effectively and fairly changed? The answer is both simple and daunting: by passing comprehensive, bipartisan campaign finance reform. Some openly oppose campaign finance reform. One of the leaders, if not the leader, my friend, Senator McCONNELL, is there. I admire him and respect the fact that he is a standup guy. He does not hide that fact. Others have said to me, "I am for campaign finance reform, just not yours." I challenge my colleagues and say that every aspect of Senator FEINGOLD's and my bill is open for debate. Everyone is welcome at the table. I believe there is no excuse for inaction.

Real reform must do two things. It must limit the influence of money in campaigns, and it must level the playing field between challengers and incumbents. I believe those two principles cannot be compromised, but the rest is up for negotiation.

I find that there are fewer and fewer Americans—in fact, recent polls show that 9 out of 10 Americans believe that we must repair this system and that it is out of control. I just heard my colleagues talking about how in 1974 it didn't work, and if we passed further campaign finance reform, somehow that would be bad, as it was bad in 1974.

Now, Mr. President, I wasn't in Congress in 1974, but I am very aware that, in 1972, there were people walking around this town with valises full of hundred dollar bills. The stories I have heard concerned people being asked to contribute 1 or 2 percent of their gross income. Somehow to allege that the changes made in 1974 didn't help reform the system I think, frankly, flies in the face of facts. The facts are that, as a result of the 1974 reforms, we did fix the system for quite a while. Mr. President, when I was elected to Congress in 1982, there was a far different environment than exists today in fundraising. The fact is, it worked for quite a while, and then loopholes were exploited, Supreme Court decisions gave additional avenues for the funneling of so-called "soft money" into campaigns, and it is out of control again.

Mr. President, in 1986, we reformed the tax system in this country—supported overwhelmingly here in Congress—and closed some tax loopholes. We took several million people off the tax rolls, and it was generally applauded. We fixed the system to a significant degree. We all know now, in 1997, we need to fix the tax system again. I say to you, in 1974, much needed reforms were enacted by an overwhelming majority of Congress. They did some good things. It did clean up the system dramatically.

Now circumstances and times have changed. We all know the problems, Mr. President. We all know the problems. They are made abundantly clear by picking up any newspaper today. The pursuit of funds and money has become a full-time occupation, and the average citizen no longer has the same voice in Washington, DC, that they did years ago.

Earlier this week, a man who I have not only grown to respect and admire enormously, but I have also become a good friend with over the many years I have been here and worked very closely with, is Senator FORD from the other side of the aisle. I think many would describe Senator FORD, with admiration, as a partisan member of his party. I also know that there are many others of us who have had the opportunity of working with him for many, many years. If you want to reach a legislative result and you want to reach it in a nonpartisan and, if necessary, bipartisan fashion, you sit down with WENDELL FORD, along with, by the way, my friend from South Carolina, Senator HOLLINGS. Example: At the end of last year, we were able to pass legislation which was the most massive change in aviation, how we fund and structure it, since 1978 when we deregulated the airline industry. WENDELL FORD, acting in a bipartisan fashion, made that legislation possible. I intend, as is appropriate, when the time comes, to elaborate on my feelings of affection and respect for Senator FORD.

One of the things Senator FORD mentioned as the reason why he was not going to seek reelection was because he was going to have to raise $100,000 a week between now and election day. He also added, in his own inimitable style, that his wife would not allow him to rent out the spare bedroom. But the fact is, Mr. President, that every time one of our Members leaves this body, they cite the money chase. They cite the problem that money has become the overriding factor in the determination of candidacy and outcome. That should not be, Mr. President.

Ask anyone who is considering running for public office. They come here to Washington, DC, because they need the support of the party people and the money and the PAC's and the interest groups, and they will tell you they are only asked one question when they announce they are going to seek election, and one question only. It's not, "How do you stand on taxes?" or "on the role of Government," or "how do you feel about national defense?" There is only one question they are asked, Mr. President: "Where are you going to get the money?"

When we get into a full-blown debate on this issue—which I hope we will because I still hold the fervent hope and belief that we will address campaign finance reform on this floor in one way or another before this year is out, and I don't know when that will be—I suggest that it will only be done in a meaningful fashion when there is sufficient anger and outrage on the part of the American people who demand that we fix this broken system, and not until.

I don't think we really ought to debate this until we are ready to achieve a legislative result. I don't know when that will be, Mr. President. But I can tell you, we are a heck of a lot closer to that point than we were, say, 6 months ago. I believe 3 months from now, or 2 months from now—after the hearings Senator THOMPSON is going to be holding—there will be a much greater impetus and desire on the part of the American people that we more thoroughly and completely address this issue and try to fix the broken system. I believe that we can and should and will. It used to be that we waged a battle of ideas between candidates. The battle was well fought and hard won on the election battlefield. Now it is the battle of the bucks.

Again, at an appropriate time, I will talk about the well-known public facts and how much campaign costs have risen, how much it costs to run a Senate race, how much it costs in order to buy television, and how much soft money has grown in exponential numbers to the point where, according to the Washington Post not long ago, the cost of Federal campaigns was well over $2 billion, whether they be small States or large States.

Mr. President, I do not believe that the constitutional amendment is the answer. We can enact campaign finance reform without a constitutional amendment. S. 25, the McCain-Feingold bill, is fully consistent with the law. I can point out many more constitutional scholars, including a former chief counsel of the ACLU, as to constitutionality because it is based primarily on voluntary spending limits.

The Supreme Court has ruled that we cannot stop someone who is willing to spend an unlimited amount of money to campaign for a Federal office from doing so.

This bill provides strong incentives for candidates to voluntarily comply with spending limits regardless of personal wealth. Candidates who choose to spend unlimited amounts of their own money receive none of the benefits under our legislation.

Mr. President, there is an argument that is being bandied about that somehow we cannot place a limit on soft money, that it would be unconstitutional to do so. I find that curious. I find that curious because the courts have clearly allowed the Congress to place limits on contributions to campaigns. We have placed an individual limit of $2,000. We placed a PAC limit of $10,000. We do not allow a corporation or a union to provide any direct contributions. Yet somehow people on this floor are saying somehow it would be unconstitutional to place limits on soft money. There is no rational constitutional argument there in my view. There is no justifiable need for soft money. All contributions made to the party should be done using hard, fully traceable, fully disclosed dollars. There is no constitutional right to soft money. The courts have stated that any contribution can be limited.

I will submit for the RECORD those court decisions that have stated that any contribution can be limited.

As you know, Mr. President, my good friend Paul Taylor has worked tirelessly to promote the idea of free broadcast time. Broadcasters use spectrum that is owned by the American people. As such, the Congress and the courts have agreed that when the Government gives out licenses to the broadcasters—enabling them to operate—that such licenses may be conditioned on certain activities deemed to be in the public interest.

When each broadcaster receives a license, they sign on that license that they agree to act in the public interest.

Some of the opponents of the McCain-Feingold legislation complain incorrectly that the bill will limit individuals free speech. As I have just explained, the bill is compatible with the Constitution. But there is even a greater question that must be asked. If spending is akin to free speech, then how much speech does an individual without means have? If money is free speech, how much free speech does a person without money have?

On March 2, on CNN a woman from Bartlesville, OK, called in, and, said, "I have a question for you. I'm a Republican, supposedly. I'm more Independent than anything else. But I want to ask you something. At $735 a month, how much freedom of speech do I have? I cannot contribute to these big campaigns."

Mr. President, men and women all over America ask in response to the equation of money and free speech about how much freedom of speech they have if they are a moderate- or low-income American. Where is her voice? Where is the voice of the woman from Bartlesville, OK? What can be done to ensure that her voice is not overwhelmed by the voices of monied special interests?

Spending limits will do more to both level the playing field between challengers and incumbents and give a voice to individuals who either give little or can afford to give nothing at all.

The most money tends to win elections. And this is the incumbent protection system. The reality is that the current, perverse system under which the richest takes all has resulted in entrenched incumbents.

The Congressional Research Service has compiled an analysis of congressional races in recent years, and the conclusion of that study is that the candidate who raises and spends the most money, even if that money is his or her own, usually wins the elections. As I have said before, elections should be about message and ideas. I do not believe it was an accident that in the last election we had the lowest voter turnout in any time in the history of Presidential elections in this century.

Mr. President, I have a letter from Common Cause. I quote:

> Dear Senator: The Senate is expected to vote later this week on a proposed constitutional amendment to provide Congress with the ability to impose mandatory limits on campaign spending, thus overriding a portion of the Supreme Court's 1976 decision in Buckley v. Valeo.
>
> Common Cause opposes the constitutional amendment because it will serve as a diversionary tactic that could prevent Congress from passing campaign reform this year. We believe that a constitutional amendment is not necessary in order to achieve meaningful and comprehensive reform.
>
> Congress needs to act now to address the growing scandal in the campaign finance system. Congress can act now—and constitutionally—to adopt major reforms. Congress need not and should not start a reform process that will take years to complete by pursuing campaign finance reform through a constitutional amendment. Instead, the Senate should focus its efforts on enacting S. 25, comprehensive bipartisan legislation that represents real reform. It is balanced, fair, and should be enacted this year to ensure meaningful reform of the way congressional elections are financed.

Mr. President, I ask unanimous consent that this letter be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, DC, March 12, 1997.

DEAR SENATOR: The Senate is expected to vote later this week on a proposed constitutional amendment to provide Congress with the ability to impose mandatory limits on campaign spending, thus overriding a portion of the Supreme Court's 1976 decision in Buckley v. Valeo.

Common Cause opposes the constitutional amendment because it will serve as a diversionary tactic that could prevent Congress from passing campaign finance reform this year. We believe that a constitutional amendment is not necessary in order to achieve meaningful and comprehensive reform.

Under existing Supreme Court doctrine, Congress has significant scope to enact tough and effective campaign finance reform consistent with the Court's interpretation of the First Amendment in Buckley.

The McCain-Feingold bill, S. 25, provides for significant reform within the framework of the Buckley decision. The legislation would: ban soft money; provide reduced postage rates and free or reduced cost television time as incentives for congressional candidates to agree to restrain their spending; close loopholes related to independent expenditures and campaign ads that masquerade as "issue advocacy"; reduce the influence of special-interest political action committee (PAC) money; strengthen disclosure and enforcement.

A recent letter to Senators McCain and Feingold from constitutional scholar Burt Neuborne, the Legal Director of the Brennan Center for Justice and a past National Legal Director of the ACLU, sets forth the case that the McCain-Feingold bill is constitutional. Professor Neuborne finds that the key provisions of the bill are within the Court's existing interpretation of the First Amendment, and he thus demonstrates that a constitutional amendment is not necessary to enact reform.

Professor Neuborne concludes that the voluntary spending limits in the McCain-Feingold bill are consistent with the Supreme Court's ruling in Buckley. He further concludes that "Congress possesses clear power to close the soft money loophole by restricting the source and size of contributions to political parties. . . ." He also concludes that efforts to close loopholes relating to independent expenditures and so-called "issue ads" are also within Congress' existing authority.

It is, therefore, not necessary to amend the Constitution in order to enact meaningful campaign finance reform. Congress has the power, consistent with the First Amendment, to enact comprehensive reform by statute.

A constitutional amendment for campaign finance reform should not be used as a way to delay reform legislation. Typically, amending the Constitution takes years. After both Houses of Congress adopt an amendment by a two-thirds vote, it has to be approved by three-quarters of the state legislatures. Even then, the Congress would still have to take up enacting legislation. This is a lengthy and arduous process.

Congress needs to act now to address the growing scandal in the campaign finance system. Congress can act now—and constitutionally—to adopt major reforms. Congress need not and should not start a reform process that will take years to complete by pursuing campaign finance reform through a constitutional amendment. Instead, the Senate should focus its efforts on enacting S. 25, comprehensive bipartisan legislation that represents real reform. It is balanced, fair, and should be enacted this year to ensure meaningful reform of the way congressional elections are financed.

Sincerely,

ANN MCBRIDE,
President.

Mr. MCCAIN. Mr. President, I also would like at this time to have printed in the RECORD by unanimous consent a letter that is by Mr. Burt Neuborne who is the Legal Director at the Brennan Center for Justice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRENNAN CENTER FOR JUSTICE,
New York, NY, March 3, 1996.

Hon. JOHN MCCAIN,
Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND FEINGOLD. I am writing in response to a letter to Senator Mitch McConnell, dated February 20, 1997, from the American Civil Liberties Union, arguing that critical provisions of S. 25, the Bipartisan Campaign Reform Act of 1997, are unconstitutional under existing Supreme Court precedent. I am the John Norton Pomeroy Professor of Law at New York University and Legal Director of the Brennan Center for Justice. I served as National Legal Director of the American Civil Liberties Union during the 1980's, and remain active in defense of the First Amendment. I continue to serve as an ACLU volunteer counsel. I believe, however, that the ACLU letter on S.25 is simply wrong in a number of assertions, despite the fact that it was written by an able lawyer whom I respect and admire.

In assessing the ACLU's views on the constitutionality of S.25, it is important to recall that the ACLU believes that an restriction on campaign financing is unconstitutional, even those restrictions upheld by the Supreme Court in Buckley v. Valeo. The only Justice on the current Court who accepts the ACLU's position is Justice Clarence Thomas. Thus, the ACLU is quite right in predicting that Justice Thomas would find S.25 unconstitutional—but quite wrong in claiming that a majority of the Court would condemn critical parts of the statue.

I. EFFORTS TO PERSUADE CANDIDATES TO LIMIT CAMPAIGN SPENDING VOLUNTARILY BY PROVIDING THEM WITH VALUABLE INDUCEMENTS LIKE FREE TELEVISION TIME ARE CONSTITUTIONAL

The ACLU argues that Title I of S.25, which asks candidates to limit campaign spending in return for free or subsidized broadcast time and subsidized mailing rates, is unconstitutional. But, in Buckley, the Court approved precisely such an approach when it upheld the offer of campaign subsidies to Presidential candidates in return for a promise to limit campaign spending.

The fact is that the ACLU still believes the Buckley Court was wrong when it upheld Congress right to condition public campaign subsidies on a promise to limit campaign spending. But the ACLU lost that argument. It is, to say the least, difficult for the ACLU to argue that a far lesser set of inducements in S.25 would violate the First Amendment. In effect, the ACLU argues that virtually any inducement offered to a candidate to persuade her to limit campaign spending is unconstitutional as a form of indirect "coercion". But the Buckley Court clearly distinguished between inducements designed to elicit a voluntary decision to limit spending, and coercive mandates that impose involuntary spending ceilings. If giving a Presidential candidate a $60,000,000 subsidy is a constitutional inducement, surely providing free television time and reduced postal rates falls into the same category of acceptable inducement. Merely because a deal is too good to pass up does not render it unconstitutionally "coercive".

II. CEILINGS ON CONTRIBUTIONS BY PACS ARE CONSTITUTIONAL

The ACLU argues that a $1,000 cap on contributions from PACs, and a 20% limit on PAC contributions to a particular candidate violate the First Amendment. Once again, the ACLU's constitutional position is traceable to an issue that it lost in Buckley, but continues to re-argue in Congress.

In Buckley, the ACLU challenged the $1,000 ceiling on campaign contributions, arguing that campaign contributions were entitled to the same level of free speech protection as campaign expenditures. The Supreme Court rejected the ACLU's argument, and upheld the ceiling on contributions. Indeed, in the years since Buckley, the Supreme Court has upheld every contribution limit that has come before it in an election context. California Medical Ass'n v. FEC, 453 U.S. 182 (1981); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). If Congress may limit contributions from individuals to $1,000, surely the First Amendment does not require preferential treatment of PACS. If individuals can be restricted to $1,000, so can PACS.

Moreover, Congress may surely determine that the greatest risk of corruption occurs in connection with campaign contributions from self-interested, interest PACS. Accordingly, placing a 20% ceiling on PAC contributions in well within Congress' power to prevent corruption, or the appearance, or the appearance of corruption, by placing limits on overtly self-interested campaign contributions.

III. LIMITS ON ENORMOUS CAMPAIGN CONTRIBUTIONS TO POLITICAL PARTIES FROM CORPORATIONS, LABOR UNIONS, AND WEALTHY CONTRIBUTORS ARE CONSTITUTIONAL

The ACLU argues that the First Amendment prevents Congress from closing the notorious "soft money" loophole that threatens to destroy the integrity of the Presidential campaign process. In the most recent Presidential campaign, donors poured more than $250 million through the soft money loophole to political parties, ostensibly for use in building local parties, registering voters, and increasing voter turnout. The vast bulk of soft money contributions came from corporations and labor unions, barred by law from participating directly in federal campaigns, or from wealthy individuals anxious to contribute in excess of existing contribution ceilings.

The ACLU argues that the First Amendment prohibits Congress from closing the loophole. But, once again, the ACLU's constitutional position is simply a reprise of arguments it has lost in the Supreme Court. In Buckley, the ACLU argued that any effort to limit campaign contributions violated the First Amendment, an argument the Court rejected. In later cases, the Court also dismissed the argument that corporations and labor unions have a right to use their money to influence federal elections. See, e.g., Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990); FEC v. Nat'l Right to Work Comm., 459 U.S. 197 (1982).

In 1978, the FEC, reversing an earlier ruling, opened a seemingly modest loophole in the contribution rules by allowing corporations, labor unions, and wealthy individuals to contribute funds directly to a political party free from the usual restrictions on contributions, as long as the funds were to be used in connection with local party building, voter registration or other activity not directly connected to a federal election. In the years since, the soft money loophole has become a threat to the integrity of the regulatory system. Hundreds of millions of dollars pour through the loophole each year to both major political parties from contributors who are barred from contributing directly to a federal campaign. The funds are often solicited by federal candidates and spent in ways designed to advance their candidacies. More ominously, the forbidden donors, if their contributions are large enough, are rewarded by both parties with preferred access to public officials, creating precisely the appearance of corruption that justifies restricting large campaign contributions in the first place. Thus, unless one accepts the ACLU's premise that contributions can never be limited no matter what the size and no matter what the source (and even Justice Thomas has not gone that far), Congress possesses clear power to close the soft money loophole by restricting the source and size of contributions to political parties just as it does for contributions to candidates.

The ACLU's suggestion that the recent Supreme Court decision in Colorado Republican Party provides First Amendment support for a soft money loophole is flatly wrong. Colorado Republican Party was an "expenditure" case, not a "contribution" case, and it involved hard money, not soft. It held, merely, that when a political party makes an expenditure attacking the candidate of another party six months before selecting its own candidate, the expenditure should be treated as an independent expenditure, as long as the funds come in small amounts from donors who are eligible to contribute to a federal campaign. The Court did not hold that ineligible donors, like corporations, labor unions and wealthy individuals, have a constitutional right to buy preferred access to public officials by pouring unlimited amounts of cash into a political party's coffers.

The most relevant Supreme Court decision is not Colorado Republican Party, but Austin v. Michigan Chamber of Commerce, where the Supreme Court held that corporations can be walled off from the electoral process by forbidding both corporate contributions and corporate independent expenditures because they have the capacity to distort the democratic process. Surely, the law cannot be that Congress has the power to prevent corporations from giving money directly to a candidate, or from expending money on behalf of a candidate, but lacks the power to prevent the corporation from pouring unlimited funds into the candidate's political party in order to buy preferred access to him after the election.

IV. THE NARROW LIMITS ON COORDINATED EXPENDITURES BY POLITICAL PARTIES IMPOSED BY S. 25 ARE CONSTITUTIONAL

Colorado Republican Party holds that political parties are entitled to make truly independent expenditures on the same terms and conditions as other entities. Since the expenditure at issue in Colorado Republican Party was made six months before the party's candidate was selected, there obviously was no coordination between the party and the candidate. The case says nothing, however, about coordinated expenditures. Indeed, the critical swing Justices—Justices Breyer, Souter, and O'Connor—explicitly refused to decide how to treat coordinated expenditures, noting that if coordinated expenditures were treated like independent expenditures, the critical line between contribution and expenditure would be destroyed, since every forbidden contribution could be recycled as a coordinated expenditure.

S. 25 attempts to deal with coordinated expenditures by providing that once a political party makes contributions, and engages in coordinated activities with its candidate, it can no longer be said to be making truly independent expenditures. The provision is merely a common sense effort to police the distinction between truly independent and coordinated expenditures. Since the ACLU rejects the critical distinction between expenditures and contributions put forth in Buckley, it believes that any restriction on the party's right to spend money, even a de facto contribution made in the form of a coordinated expenditure, is absolutely protected. But, if you accept the Supreme Court's ruling in Buckley that contributions may be regulated, it becomes critical to decide when an expenditure is truly independent, and when it turns into a *de facto* contribution. Thus, once again, the ACLU's opinion on the effort in S. 25 to draw a careful line between truly independent expenditures and coordinated contributions is an exercise in wishful thinking, not an accurate description of existing law.

V. THE EFFORT IN S. 25 TO DISTINGUISH BETWEEN AN INDEPENDENT EXPENDITURE DESIGNED TO AFFECT THE OUTCOME OF AN ELECTION, AND ISSUE ADVOCACY DESIGNED TO INFORM THE PUBLIC, IS CONSTITUTIONAL

Independent expenditures designed to affect the outcome of a federal election are subject to one important restriction—funds contributed to finance the expenditure must come from sources that would be lawful if contributed directly to the candidate and in limited amounts. Issue advocacy designed to inform the public is, on the other hand, subject to no restrictions, either as to funding or disclosure.

The last election was characterized by numerous groups purporting to engage in public education outside the reach of the campaign laws. For example, both major parties spent substantial sums on so-called "issue ads", paid for by donors who were barred from contributing directly to a federal election campaign. Numerous private groups targeted close races and poured funds into them in the guise of issue education, even though the funds came from forbidden sources and in amounts that could not be contributed. S. 25 attempts to close that loophole by setting forth two tests to differentiate between campaign speech and genuine issue advocacy. Throughout most of an election cycle, the test is whether the speaker's purpose and effect was to advocate the election or defeat of an identified candidate. Within 60 days of the election, however, the test dispenses with an examination of the speaker's purpose and looks only to whether, applying certain enumerated criteria, a reasonable person would understand the ad to be advocating the election or defeat of a named candidate.

It is, in my opinion, unclear whether the latter test is sufficiently precise. I believe that the better approach would be to apply throughout the election cycle a purpose-and-effect test along the lines of the first one described above, but perhaps slightly more demanding. Speech should be viewed as campaign speech only if the speaker's predominant intent was to affect the outcome of a specific election, and the FEC should be required to establish the relevant intent by clear and convincing evidence, or, even, beyond a reasonable doubt before labeling speech as campaign-related. Such an approach would prevent egregious evasion of the rules governing campaign contributions, while providing ample space for genuine public education.

VI. THE EFFORT IN S. 25 TO ENHANCE THE ENFORCEMENT CAPABILITY OF THE FEC IS LONG OVERDUE

The FEC is currently powerless to cope with massive violations of existing law. For example, the last campaign saw both major parties accept illegal donations, and engage in blatantly illegal spending activities, like running phony "issue ads", or making phony "independent" expenditures in order to evade contribution restrictions. The FEC stood by like a helpless spectator while the law was turned into a mockery. S. 25 provides needed authority to seek injunctive relief against blatant violations. I would, however, tighten the enforcement provisions to permit injunctive relief only for clearly established violations. I would place a significant burden on the FEC in order to permit action against egregious violations, while preventing undue intrusion into the electoral process.

Finally, I would break the FEC's monopoly on enforcing the campaign funding laws. The FEC's current structure permits either major party to veto the enforcement activities of the FEC. The result has been an enforcement history that harasses minor parties and independents, but rarely challenges the questionable activities of the major parties. We will, I predict, never see an FEC proceeding against either or both major parties for their activities during the last campaign.

The solution is a private cause of action for violating the FEC. Abuse of such a private right of action could be minimized by provisions for attorneys fees and Rule 11 sanctions for frivolous claims.

Reasonable people can disagree over the merits of S. 25. Some believe that efforts to regulate campaign financing are misguided and doomed to failure. But opposition to the wisdom of S. 25 should not take the form of distorted descriptions of existing constitutional law. The complexity of existing campaign financing law in the Supreme Court makes it impossible to state with certainty what path the future Court will follow. But I believe that the best reading of existing precedent renders the foregoing provisions of S. 25 constitutionally defensible. Only Justice Thomas has embraced the ACLU's absolutist refusal to permit any regulation of campaign financing.

Respectfully submitted,

BURT NEUBORNE,
Legal Director, Brennan Center for Justice.

Mr. MCCAIN. Mr. President, the reason I asked that the letter be included in the RECORD is that he says:

I am writing in response to a letter to Senator Mitch McConnell, dated February 20, 1997, from the American Civil Liberties Union, arguing that critical provisions of S. 25, the Bipartisan Campaign Reform Act of 1997, are unconstitutional under existing Supreme Court precedent. I am the John Norton Pomeroy Professor of Law at New York University and Legal Director of the Brennan Center for Justice. I served as National Legal Director of the American Civil Liberties Union during the 1980's, and remain active in defense of the First Amendment. I continue to serve as an ACLU volunteer counsel. I believe, however, that the ACLU letter on S. 25 is simply wrong in a number of assertions, despite the fact that it was written by an able lawyer whom I respect and admire.

Mr. President, I think it is an interesting rebuttal to the position that the ACLU has taken on S. 25.

I would also like to point out that I have great respect for the ACLU. But there are very few occasions on which I have agreed with the positions that the ACLU has taken on a broad variety of issues.

We can argue the constitutionality of this issue, and, if we win, we will get into the major debate. But I will have a very large body of constitutional opinion—not just the ACLU—as to the constitutionality of the McCain-Feingold bill.

I also suggest again that we have to clean up this system. It is broken. It is out of control. Almost every American agrees with that. Poll after poll after poll is telling us that the American people are cynical about us, the way we are selected, and the system under which money seems to be the determinant factor in the selection of our public servants.

I will continue to seek support both inside the Halls of Congress and outside the beltway, and I and Senator FEINGOLD fully intend to bring this bill up this year. The ideal way that we would seek to do that would be us all sitting down together and coming up with a package as we did on the gift ban, as we did on lobbying reform, as we did on the line-item veto, as we have on a broad variety of reforms we have enacted by near unanimous if not total unanimous agreement.

My message to those who say I am now in favor of campaign finance reform is, as you know, so am I, so are many others, so are most Americans. So let us sit down adhering to principles and recognize what the problems are and sit down as mature individuals and move forward and reform this system for the benefit not only of those of us who have the honor and opportunity to serve today but provide an opportunity for dedicated and outstanding young men and women to serve this Nation in the future in elected office.

I intend to continue to conduct this debate with respect and appreciation for the views of my colleague from Kentucky, Senator MCCONNELL, who disagrees with me, my colleague from the State of Washington, Senator GORTON, and others. I believe that we can strongly disagree on this issue and respect each other's views, and I think the American people deserve a debate that is conducted in an environment of mutual respect. I am happy to say that at least in my view we have conducted this debate on that level during this period of time, recognizing that it is a very emotional issue on both sides. But I think the American people will be far better off if we continue to conduct this debate on the Hollings bill today as well as our overall debate on campaign finance reform in that vein in the future, and I commit to my colleagues that I will conduct it in that fashion.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am honored to be here today with two great Senators who have been leading the discussion on a very important matter to this country.

During my campaign last fall, I was involved in a campaign in which I had two opponents spend over $1 million of their own money on a primary election, two others spent over half a million dollars—$5 million was spent really against me in the primary, which I eventually won, and we had a very contested race in the fall.

I know how difficult it is to raise money, how distasteful it is, how frustrating it is to have to deal with that problem. I came here with an idea that I would be quite willing to consider whatever reforms we could undertake to improve that system. I have given it thought. The results of my thoughts are that I have concluded that we are at a point where we have to admit the primacy of the first amendment and free speech and I have come down on that side.

We had in my general election campaign the trial lawyers association that spend hundreds of thousands of dollars, maybe over $1 million, opposing my candidacy. That frustrated me. Some of it was not properly reported. It was not required to be reported in a timely fashion to the public. So it was difficult to know where that money was coming from, and I do not think that was correct.

I ask, after having given it a lot of thought, how can we say that a group of trial lawyers, a group of business people, a group of union people cannot get together and go on television and speak at the time of an election about candidates or issues in which they believe deeply. This is so fundamental. Some say, well, you can talk about issues; you just cannot do it at the election cycle.

Well, when else do we want to talk about it? When is it more important than when we are trying to decide the direction this country is going, when we are facing it during an election cycle. I do not see how we can avoid that.

The amendment of the Senator from South Carolina I think is an honest attempt to deal with the problem because I do not believe under the present constitutional structure we can make many of the changes that have been suggested to date. So I respect him for that. But I consider that it would be an astounding, a thunderous, a remarkable change of policy for America to adopt this proposed amendment.

It says Congress shall have the power to limit expenditures made by a candidate in an election. That is a remarkable thing to say, that a person cannot go out and say to the people, through their own resources or the resources of others, why they ought to vote for them or against their opponent. I think that is a fundamental alteration of the great democratic trends or tendencies of this Nation.

I do not think it is a complicated case. We can have professors and scholars, and they can write briefs and all this stuff, but look at this. This is a restriction on free debate in America. It is a fundamental issue that this country is dealing with, and I must say that I do not believe we should support it. I think it would be one of the most regressive actions, one of the greatest retreats from the democratic ideal that would have occurred in my lifetime, maybe in the history of this Nation.

I just wanted to take a few minutes to share those comments. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Before the Senator from Alabama leaves the floor, I want to commend him for his statesmanship when he made the observation that our first inclination after a campaign is to think, boy, I would sure like to have shut up those people who were out there trying to beat me; wouldn't it have been easy if I could have just quieted those voices who were against what I was trying to do?

But as the Senator from Alabama has pointed out so well, America is a seething cauldron of voices, either individually or in groups who take an interest in the future of this country and try to sway our free elections one way or the other.

That is exactly what the founders of this country envisioned. And so what the amendment before us seeks to do is to take a big hunk out of the first amendment, which when it was passed over 200 years ago was almost entirely about political speech, and say that the Government now has the power to control how much not only we get to speak in our own campaigns but the Senator from Alabama knows, because he was referring to this amendment, not just the campaign that we are conducting against our opponent but this says in addition Congress may set reasonable limits on those in support of us or in opposition to us.

Given all the discussion that we have observed here in the last few months about the expressions of outside groups, whether it was through legislative activity or independent expenditures, I would just ask my friend from Alabama, does he not think it is conceivable that Congress might decide that kind of speech is unreasonable and eliminate it entirely in this environment?

Mr. SESSIONS. I think that is a very realistic possibility, and it is so incapable of enforcement or definition. Do you say that a private group that believes deeply in interests like pro-life or pro-choice cannot raise money and say don't vote for John Doe because he is opposed to our views? I think that is what America is all about. We have to be able to take the heat and defend our positions as best we can, and we should not turn that over just to the news media to do so.

Mr. McCONNELL. I say to my friend from Alabama, I agree with him; we should not do that, but I think under this amendment we could do it.

Mr. SESSIONS. It troubles me greatly. I have read that language in this proposed amendment. I consider it frightening. That is the reason I felt obligated to come and express my opinions today, not for any other reason. I think we should not amend the Constitution in this fashion, and I want to be on record opposing it.

Mr. McCONNELL. I thank my friend from Alabama.

The only other point I will make, now that he is an incumbent, like the Senator from Kentucky, and since all of us incumbents would get to decide what is reasonable, is it not, I ask my friend from Alabama, conceivable to think that Congress might decide it was reasonable to shut up all the outside groups and have such a low spending ceiling that a challenger to us could never get off the ground? All in the name of getting that nasty money out of the system; we want to get rid of that, want to control all that spending, stop the money chase. We could all stand up here in a chorus of 100 of us and say we are going to stop the money chase. Each of us here are going to set the spending limit in our respective States exactly where we think it is reasonable.

The Senators from Alabama would set the spending limit in Alabama, the Senators from Kentucky would set the spending limit in Kentucky, and the Senators from Idaho would set the spending limit in Idaho. I bet you we would all come up with just the right amount to make sure that nobody had a shot at us. I mean nobody. We would make sure the groups could not talk at all. We would make sure our opponent could not talk much. And, of course, under this, you could tell somebody they could not spend their own money to express themselves, the difficulty with which the Senator from Alabama was confronted in the primary. We could shut them all up under this. This in the name of healthy democracy?

The Democratic leader of the House—I just happened to have it posted. I do not want to detain the Senator from Alabama, but several people have mentioned this. I just wanted those who might be viewing to see it. The Democratic leader in the House, in support of an amendment like this, said, with a straight face, apparently—apparently with a straight face:

> What we have is two important values in direct conflict: Freedom of speech [on the one hand] and our desire for healthy campaigns in a healthy democracy. You cannot have both.

I am told he did not snicker when he said that. Everyone who heard it broke out laughing. This is one of the most astonishing comments in the history of American politics, made in behalf of a constitutional amendment, similar to the one before us today, to carve a niche out of the first amendment and give the Government, us, the Congress, the power to shut everybody up. That is what is before us today. This is about free speech. It is about political discourse in this country.

I thank the distinguished Senator from Alabama for a very important contribution to this most important debate.

Mr. SESSIONS. I thank the Senator from Kentucky. I agree with the Senator, the statement as printed behind him there on that chart is an astounding and very troubling statement. I think it reflects accurately, though, what thicket we get into when we attempt to pass laws to regulate speech in the campaign. I do not see how we can get out of this.

I think we need to make sure people report what they give so the public can know who is supporting whom. But I think this would be a historic retreat, the greatest retreat from free speech since the founding of this Nation, if we were to adopt it. It is bad policy, and I must speak in opposition to it.

I thank the Senator from Kentucky for his leadership in this effort.

Mr. McCONNELL. I thank the Senator from Alabama.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senator from Oregon, Senator WYDEN, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina has the floor.

Mr. HOLLINGS. I thank the Chair. I had hoped, when I see the distinguished Senator, that he and others on the other side would have an open mind. I know there was a time when that occurred. But, obviously, you can see from their strategy here that they are taking the party position. It is unfortunate when you do that and try to hide behind free speech, which is not at issue. We are talking about paid speech. But instead, they hide behind James Madison and Patrick Henry and do not want to recognize the truth.

I would be ready to vote this afternoon. I can see at a glance that time and again we face a false charge. Time and again my opponents come up with the same false representation. And time and again we met with anecdotal "could be's," and "what would happen's."

For example, the distinguished Senator from Alabama just said, "This is remarkable. This goes to a fundamental issue. Congress should not be amending the Constitution."

And under my amendment, Congress is not. Instead, it will be up to the people of America. This amendment simply is a joint resolution giving authority to the Congress to limit expenditures, should the States approve this. We have to get 34 States to approve of this joint resolution, and this joint resolution only gives to the people an opportunity to vote. I wrote the first version of this resolution 10 years ago with, "The Congress is hereby authorized to regulate or control expenditures in Federal elections." The States and the Governors and everyone else said, "Include us." So we amended the joint resolution giving the people a chance to vote. So it is not Congress that is running around amending the Constitution.

Then the Senator from Washington, Senator GORTON, "When we put the rights of free speech in the hands of Congress"—we have done it. But we did it with respect to false and deceptive advertising. On television and radio, we gave Congress the right to regulate free speech when Congress acted in controlling obscenity. We told the Federal Communications Commission, as the administrative arm of the Congress, "We want you to watch these programs and rule out obscenity." And then in Buckley, in a 5-to-4 decision by the Supreme Court, they held—as the Senator from Washington says, if we put the rights of free speech in the hands of Congress, oh, that would be a terrible thing. But if we look closely at the Buckley decision, it has been put there and has been found constitutional by none other than the U.S. Supreme Court.

When the Congress acted in 1974 to control expenditures in Federal elections, the U.S. Supreme Court, in Buckley v. Valeo, to use the opposition's expression, took a big hunk out of the first amendment. And there are those who would, in political discourse, see their freedom of speech to contribute as they choose limited. So don't come around here with the call of horrors—"this is fundamental"; "this is so terrible"; or, "this is remarkable."

Their conduct in the treatment of this joint resolution is what is remarkable. They don't want to admit that what is involved here is limiting spending, not freedom. There is nothing free here at all but our chance to limit expenditures in political campaigns. If you want to limit spending, if you want to excise the cancer on the body politic that has grown so now that we can't even do our business except in a party fashion, so be it.

We have tried over the years in every way. I don't want to clutter the RECORD with the entire article in Congressional Quarterly a few years back discussing the need for campaign finance reform, but it I will read part of it:

> Most Democrats supported spending limits which would allow challengers to spend on a level equal to incumbents. Under the 1976 Supreme Court decision in Buckley v. Valeo, spending limits had to be voluntary. The Court said that public financing was a legitimate carrot to encourage compliance with those voluntary limits, a concept some Democrats supported anyway, calling public funding "clean money." Most Republicans, however, strenuously oppose taxpayer financing of congressional campaigns which they liken to welfare for politicians. Many Republicans also argued that spending limits locked in incumbent advantages. They said challengers needed the option to outspend incumbents to make themselves equally viable to voters.

Then, Mr. President, going along:

> In 1987, debate over these issues threw the Senate into a virtually unprecedented procedural fit. Consideration of a bill that included spending limits and Federal funding stretched over 9 months and forced a record 8 cloture votes in an effort to break a Republican filibuster, a 53-hour-24-minute session and a Senator injured and dragged to the floor under arrest highlighted the episode. In the end, the Senate failed to overcome partisan divisions, and the bill succumbed to the process.

The article goes on to talk about a bill in 1992. They wrote:

> In the years that followed with a Republican in the White House pledging to veto any bill approved by the Democratic Congress, neither party showed much interest in restaging the drama. Instead, when an ethics scandal broke, such as the Keating Five affair in 1990 and 1991, in which five Senators were accused of accepting favors from a savings and loan magnet, campaign finance legislation was trotted out as a symbol of reform. The two Chambers reached agreement on a bill in 1992, after the House came under siege over the House bank scandal. That bill stapled a plan House Democrats had crafted for their campaigns to an entirely different plan Senate Democrats had sanctioned. Both plans, however, included spending limits and public finance and, as promised, President Bush vetoed the bill.

I only mention this because it has been a long, hard road, and I hoped, as that article said, that we would have another fit here. I thought that we would get a fit of conscience here and really do away with the partisanship stonewalling, because they know that is what is involved. They have the advantage, in spite of all that the White House did in the last Presidential race. Just mark it down in Senator THOMPSON's hearing that the Republicans got $150 million more. So whatever the Democrats did, the Republicans did better. We all know it, and you can ask anybody in the public.

We have been in the game, we have watched it, we have read about it, everybody knows about it, and we have tried over the years to correct it. In 1966, Congress adopted public financing for Presidential elections, and then in 1967, they repealed public financing for Presidential elections.

In 1971, there was the passage of the Federal Election Campaign Act.

In 1974, the amendments to that.

In 1976, a further amendment.

In 1979, another amendment.

By 1985, we had the Boren-Goldwater amendment—we had bipartisanship then—to change the contribution limits and eliminate the PAC bundling, but that was tabled.

Then, in 1986, the Boren-Goldwater amendment was adopted, but then it didn't go far.

In 1988, Senator BYRD forced nine votes on the motion to instruct the Sergeant at Arms and request the attendance while trying to get a vote on S. 2. That is when they arrested a Senator, only the second time in history, dragging him in.

In 1988, we had the Hollings constitutional amendment to limit campaign expenditures, and we got a 53 to 47 vote on cloture. Of course, we needed 60 votes at that particular time, and the majority didn't control.

In 1989, S. 139, a comprehensive reform passed the Senate but never made it out of the conference.

In 1991, of course, as I just mentioned, a comprehensive reform passed, which President Bush vetoed.

In 1993, we had a sense of the Senate by this Senator that Congress should adopt a constitutional amendment limiting campaign expenditures which passed 52 to 43.

In 1993, we had a comprehensive reform pass the Senate but it never made it out of conference.

In 1995, again the Hollings constitutional amendment to limit campaign expenditures offered as amendment to the balanced budget amendment. That was tabled by a vote of 52 to 45.

And, in 1995, the Senate passed the sense-of-the-Senate amendment to address the campaign finance reform during the 104th Congress. Again, we got a majority vote.

Then, in 1996, we had cloture on the McCain-Feingold campaign finance reform, and that cloture vote failed by a vote of 54 to 46.

So we keep hammering and hammering and trying every kind of which way. But we know that the intent in 1974 was to prevent individuals from buying their way into office. And now we are continuing our fight in trying to overturn the Buckley decision that held the office must be bought. We are trying to remove that requirement, because the money in campaigns has gone up, up, and away. Good people are being withheld from public service, and the public is losing confidence in the democratic process.

The only way to save this democracy is amend the Constitution. And rather than recognize this fact, the opposition simply raises strawman after strawman.

The distinguished Senator from Kentucky and the Senator from New Mexico, Senator DOMENICI, say, "Might a Congress not come up and cut off speech entirely?" The Senator from New Mexico says, "I could dream up a scenario where that would be constitutional." He said he did not think it was going to happen, but he could think of that later on at a time when Congress would act in an inordinate fashion.

Then he turns to the Senator from Washington. He asks, "Can't you think of a Congress that may shut down entirely any opposition that just comes?" Well, Senator GORTON, the Senator from Washington, said, "I doubt that that would happen, but it is the most fundamental attack on the freedom of speech since the adoption of the Constitution."

So they continue the same rhetoric about the freedom of speech. But if Buckley says that freedom of speech can be limited with respect to those contributing in politics, then why not for those spending? They do not want to answer that question.

Chief Justice Burger, in the better of the opinions in that case, said they are two sides of the same coin, contributions and expenditures.

To quote exactly, he said, "The Court's attempt to distinguish the communication inherent in political contributions from the speech aspects of political expenditures simply will not wash."

But, no, we come here with the Senator from Alabama, "Congress should not amend the Constitution." I agree with him. It cannot. But instead, we let five Justices of the Supreme Court—over the opposition of four individuals—amend the Constitution whereby they limit freedom of speech as to contributions.

I put it word for word in this particular joint resolution. I wanted to show how we had come and aimed right down the barrel of the U.S. Supreme Court on the so-called freedom of speech. "Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by * * *." That is word for word the Buckley versus Valeo decision. You can limit the amount of contributions.

That is what Congress did in the 1974 act. It is a frustrating thing that is going on today because we try and try over a 30-year period. We arrest people, get into a 9-month debate, and have cloture resolutions.

But now they ignore the need for action. They go in the back room and say, we are going to vote as a party so do not worry about it. We let it go on over the weekend, discuss it maybe on Friday or Monday, and vote on Tuesday, because no one is going to listen. All that is required is for someone to come out from time to time, mention freedom of speech, and talk about how remarkable, how untoward, how drastic this amendment is.

Then they have the Senator from Kentucky get up and say, "Don't you think the Congress could do all these horrible things?" Well, it has already occurred. Congress passed the 1974 act, and the Supreme Court has held it binding. Our mistake was in figuring that conscience and common sense would say, as Chief Justice Burger said: two sides of the same coin.

We say, "Congress shall have power to set reasonable limits on the amount of contributions that may be accepted * * *." We have done it, and we are doing it. Then we add "* * * and the amount of expenditures"—which is what we try to get—"that may be made in these campaigns." That is all it is. And it is said, let the people vote on it.

I wish I could get enough publicity to get the people focused on what is involved here and break down the stonewall thrown up by most on the other side of the aisle against limiting expenditures. We tried in a bipartisan way in 1974 to limit expenditures, and we said so much per our votes at that particular time.

After Watergate, Congress did not say, "Heavens above, let's limit the campaigns to $50,000," or any such thing. We had limits in a small State like South Carolina where we could spend $510,000, and inflate that over the 20-year period. That is not $50,000. But no, they come up and say what Congress could do and how the U.S. Supreme Court, under the mandate of being reasonable, would agree with them.

You know and I know that is a straw man. It should not even be considered seriously. But they come here with a very analytical argument about, "The media sets the agenda, the fourth branch," and try add to their parade of horribles as to what the media could do. Well, look at this particular joint resolution. It has nothing to do with the freedom of the press, absolutely nothing to do with the freedom of the press. And on the other hand, you have that freedom of the press right now.

I related in the debate yesterday that I was running along with a nice little lead going into the election in 1992, and along comes the Wall Street Journal and Paul Gigot. We had not heard of him before and we have not heard of him since. But it was coordinated with the London Economist and Robert Novak and others. Articles started being written about the right to work. They know South Carolina is a right-to-work State. And they said, by cracky, I was opposed to it, but in fact I voted for it as a member of the State legislature and have stuck with it throughout my political career. Organized labor knows that.

My opponents try to make the claim that I could say that the editorial was a contribution against me or a contribution for my opponent and therefore set it aside. Nonsense. They know that.

If you get a violent, caustic, scavenging editorial against you as a politician, wake up, because you are in the game. As Harry says, you have to take the heat or get out of the kitchen. If you are in the kitchen of politics, that is going to happen. There is no such thing as stopping it under our Constitution. Certainly not this amendment, which is to limit campaign expenditures, not the free press.

But they try to distort and stretch with this strawman exercise and charade that we have been going through here all day today. Here and now, and I have experienced it, that kind of activity has already occurred.

What we say here, and it is as simple as was testified before the Judiciary Committee in 1988, is 43 very simple, very clear-cut, words to limit expenditures in Federal, State, and local elections. That is all it is. Shall we do it? Shall we have the authority? It does not address those questions. It does not say how you do it or that you must do it.

The Senator from Kentucky, Senator McCONNELL, has been forthright. He says we have not spent enough money on politics. He talks about how we spend way more money on cat food and dog food and Kibbles 'n Bits and yogurt. You would think that there would be some kind of dignity in the silly things they put out as real arguments against this particular mission. But the Senator from Kentucky has come forward and said we are not spending enough. Well, that is forthright. Maybe he can persuade others, as he has persuaded the stonewalling opposition here today, and he might get it increased. Then we can all get out and let the idle rich come in here and make the laws for the people of America, because we will not have any regular folks that are willing to listen to the people, who demand we get this money out of politics, that we limit this thing, that we get this corruption out of politics.

Everybody admits to it and everybody says, "I am for reform, reform, reform, campaign finance reform." But you cannot get reform unless you have the authority. This has been proven over the last 30 years by all of these failed attempts. So if you want new authority, which does not say whether or not to do it, does not try to limit newspapers, does not say what it is expenditures, vote for this amendment. As a politician, you are not going to get anything free from the free press. Go to them and ask them for a quarter- or half-page ad and they will laugh at you. They just do not give free coverage. I have not ever heard of a newspaper doing it yet.

The same with the radio and the TV advertisements. Go tell them how much you want to buy, and we are couched in a very sinister way into these 30-second ads. You cannot discuss intelligently the issues before the American people. That is the real burden on an incumbent. They say, "Well, HOLLINGS, you voted in 1974 one way and now in 1994 you are voting another way." Well, you come forward and try to explain that, but you cannot explain that in a 20-second bite on TV. And try to buy 5 minutes. They will say, "No, we are not selling that, and there is nothing you can do about it. Nothing you can do about it. We control the prime time that you need to do it. We control that freedom of your speech."

It is already controlled here in the U.S. Senate with the filibuster rules, and over on the House side with the 1-minute, 2-minute, 5-minute rules, and in the committee with 5 minutes per Senator to examine the witnesses. We all agree and understand and know the reason for the limits, but then they bring on the dog and pony show, saying "remarkable, fundamental, never heard of it before." Who believes that?

Mr. President, for 21 years Buckley versus Valeo has been on the books and we have abided by it, as the distinguished Senator from Arizona says. We have the PAC limits and individual contribution limits. But there is no limit on the individual candidate. That is what we were after back in 1974. I was there. I voted. We said, "Mr. Rich Man, you cannot buy this office." Now with this half a haircut solution, what we have is the ones who contribute are totally limited, but the ones with the wealth are totally unlimited. In reality, then, you have taken away the speech of the poor. You have indirectly limited the speech of the poor in spending.

The Supreme Court, five individuals against four, have amended that Constitution. You know it and I know it, but yet you come up here and talk about what is remarkable and fundamental and "the first time in 200 years" and on and on and on. Congress was given the authority to prohibit false and deceptive advertising and it has been upheld by the Court. Congress has amended the right of free speech with respect to obscenity. It has been exercised, and in the decision of the U.S. Supreme Court upheld. In a sense, we now have the rights of free speech in the hands of Congress. They said that is fundamental, and do not ever do that. Like this is something new, putting the right of free speech in the hands of Congress. But Congress has done it, and it has been upheld in Buckley versus Valeo. To use their expression, the Court "took a big hunk" out of the first amendment, and found that among those who want to exercise their free speech by contributing, free speech is limited.

So we should get the real facts out about what we have here. We have a bottom line. Do not come here congratulating on a misdescription by the Senator from Texas as to whether or not you are for free speech. We say expenditure. We do not say anything about "free" in this amendment. It has nothing to do with free. It has to do with paid speech, paid expression.

I was really moved by the Senator from Texas, who tried to change the debate. That is what you have constantly with the stonewall against limiting spending on the other side of the aisle. That is what we have. They do not want to limit spending. They will say, "Well, you have the advantages of people. You have the AFL–CIO, the organization labor fellows, but we have the banks and we have the money and you expect us to give up our money."

Well, well, well, I think that both sides have the cancer of money. They ought to be able to recognize the reality that faces us after the 30-year trying. They ought to give the people of America the right to vote and amend the Constitution.

When my Southern State and a lot of other Southern States had the poll test, we amended the Constitution. I told the story about the poor minority that presented himself to the polls in the early years and we had the literacy test. They said to the poor minority, "Boy, read that paper." They gave him a Chinese newspaper. What goes around comes around; we are back to China. And the poor individual just looked at it and he said, "Yes, sir, I can read it." He said, "You can? What does it say?" "It says, 'Ain't no poor minority fellow going to vote in South Carolina today.'" Yes, he could get the message. There were all kinds of devices to prevent some from voting. However, we have amended the Constitution to fix that.

If Madison, Patrick Henry, and Jefferson and all that crowd that the other side has been celebrating were so good, with their slaves, why did we have to pass the 14th amendment? We didn't agree with what they found, so we had the discrimination cases and the civil rights movement. In my lifetime, we have had the poll test. We changed the Constitution to fix that.

We changed the Constitution when we made a mistake in Prohibition. We changed the Constitution when we made a mistake with respect to the Federal income tax law.

Now, professors, all the studied minds, jurists, attorneys general, and the like have, said the Supreme Court made a mistake in Buckley versus Valeo, and the only way to correct it is with a forthright, restricted, limited kind of constitutional amendment. An amendment that says expenditures are limited in Federal, State, and local elections. It is not free speech, it is paid speech. We are just as assiduous as any other Senator in the protection of the freedom of speech. We know its value, but we know it must have exceptions.

I put in the RECORD, Mr. President, a statement by Prof. Lawrence Tribe of the freedom of speech and some of its exceptions that have developed over the years. So don't come here on the floor of the Senate with the act about fundamental, how remarkable this is. Egads, the U.S. Senate has voted for a constitutional amendment to grant Congress the authority to limit campaign spending three times. We just voted 4 years ago for a Sense of the Senate Resolution. Is there any sense of history and experience around here that we can finally come to grips with the fundamental—yes, it is a fundamental—money is a cancer on the body politic.

If money corrupts in political campaigns, then unlimited money corrupts absolutely in political campaigns. We know that, in warfare, he who controls the air controls the battle. We know and understand and appreciate that, in campaigns, he who controls the airwaves controls the campaign.

What you have here is the rich, as we saw 2 years ago in California, spending $30 million to be a Senator, and we think that is legitimate. It is a disgrace. It is buying the office, and everybody knows it.

The rich who walk in and say, "I am making so much money, but I need another tax cut, a flat tax," and they sell it by controlling the airwaves with their millions of dollars in a Presidential race—they ought to hang our heads in shame. That kind of activity is going on and is even covered by the free press. They ought to understand that freedoms really are in jeopardy when we allow the rich to come along and buy the office.

My amendment says reasonable limits on expenditures, not on speech.

Mr. President, if others want to be heard, I will be glad to yield the floor, but I have plenty here with respect to the authorities and the witnesses that appeared before the Judiciary Committee. We have had hearings. The former Senator from Illinois, Paul Simon, was on the other side. He withheld in that committee for a long time. I had to struggle to get a majority vote. But we had the witnesses. They were heard, and a majority of the Judiciary Committee voted the amendment out and to the floor.

Please, my gracious, they reported it out. Once out, we didn't get it passed, but we got a sense of the Senate that it should be passed. Senators want to get that political credit. It's a pollster politician that says, "I am for reform and that is what we ought to do." "Yes, sir, I believe we ought to limit this financial cancer." "Yes, I voted reform when it was only a Sense of the Senate." And then when they get to real reform, they put on this big show here trying to quote Mr. GEPHARDT and saying, "You can't have a strong democracy and freedom of speech." They know and I know, this democracy is strong because of free speech—none of us believe otherwise. I think it is a distortion. I think it is a distortion perhaps of what the gentleman said, but be that as it may, no one ascribes to that in this particular body.

Everybody knows how we got here. Incidentally, we all got here not through free speech—unless somebody was appointed, and I can't think of any appointments now that we have had the election—but every one of the 100 have had to pay through the nose to be heard on the TV, to be covered in the newspapers, to be heard on the radio, and seen on the television, billboards, and yard signs. So we know all about the paid speech.

That is what we are trying to do, put an ultimate limit on it because, once done, then we can get a handle on some of the real abuses. Then we control all of the monkeyshines that go on.

Once you get it limited and fully disclosed, like in the 1974 act where every dollar that I receive in a campaign is recorded in the secretary of the senate's office in my State capital and with the Secretary of the Senate, then you get it under control. With that limit and disclosure, you can see from whence they come, and who has, if at all, tried to buy or has been subject to undue influence.

After all, it is the people who are the ultimate jury. They decide on election day. You can refer to that public record and say, see, he is bought and paid for by such and such an industry or such and such an interest, whatever it is that comes out in the campaign. That is what the disclosure requires. You can't receive huge sums and have it obscured.

We ran it the right way back in 1974. But the justices who amended the Constitution in that Buckley decision, they created the system we have been tortured with now for the past 20 years. And every time we make the good college try to fix it, they come out here, and I am surprised, frankly, at this particular charade because they got a lot of good conscientious Members that have come to the Senate, and they say we will not fix it.

Some of those Members have run on the proposition of trying to limit spending. Here is the one opportunity to ask the American people if that is what they want to do. HOLLINGS is not amending the Constitution. The Senate is not amending the Constitution. The Congress is not amending the Constitution. We simply, in a little closely worded amendment, said the people will have a chance to vote on it in the several States.

The last amendment to the Constitution took 200 years to pass. That is the 27th amendment. "No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened."

Congress submitted the text of the 27th amendment to the States as a part of the proposed Bill of Rights on September 25, 1789. The amendment was not ratified with the first 10 amendments, which became effective on December 15, 1791. The 27th amendment was ratified on May 7, 1992, by the vote of the State of Michigan.

Just like the 27th amendment, you can put this Hollings-Specter amendment up and let the people decide. You don't have to talk about this amendment being so remarkable. It is not remarkable to let the people decide. Only the people will change our fundamental rights. Don't believe those who say it is going to guarantee incumbency or any other of those parade of horrors that they bring up. Just remember, we are just giving the people, the good, commonsense American people, the chance to vote.

When the people looked at the 27th amendment, it wasn't until 203 years later, in 1992, that they finally got the State of Michigan to ratify it and the people decided. So there you are. It is just a chance to give the people chance to clear up this Buckley versus Valeo decision.

The distinguished Chief Justice said, "The Court's result does violence to the intent of Congress." There isn't any doubt about it. I was there. Chief Justice Burger,

> The Court's result does violence to the intent of Congress in this comprehensive scheme of campaign finance. By dissecting the act bit by bit and casting off vital parts, the Court fails to recognize the whole of this act is greater than the sum of its parts. Congress intended to regulate all aspects of Federal campaign finances.

I read again Chief Justice Burger:

> Congress intended to regulate all aspects of Federal campaign finances. But what remains after today's holding leaves no more than a shadow of what Congress contemplated.

This decision, a 5-to-4 decision, and they are talking about what Congress might do. Look at what those five individuals have done.

Look what Justice White said in dissent,

> The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the act and that the communicative efforts of these campaigns would not seriously suffer. In this posture of the case, there is no sound basis for invalidating the expenditure limitations so long as the purposes they serve are legitimate and sufficiently substantial, which in my view they are.

So there is Justice White finding them "substantial" back 20 years ago, long before any kind of Keating Five, long before the Lincoln Bedroom, long before the soft money scourge with the Colorado decision. Long before all these things, there was "substantial" then, and they are more than "substantial" today. "Expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption."

Justice Byron "Whizzer" White couldn't be more correct. He couldn't be more on target. We know it. The American people outside this Chamber know it. They have asked for a chance to correct it. Let me read further from Justice White.

> I have little doubt, in addition, that limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways unconnected with the fundraising function. There is nothing objectionable, indeed, it seems to me, of weighing the interest in favor of the provision in the attempt to insulate the political expression of Federal candidates from the influence inevitably exerted by the endless job of raising increasingly large sums of money. I regret that the Court has returned them all to the treadmill.

Mr. President, when you talk of that treadmill, you can't ignore the description that was used by the distinguished writer some 15 years ago, Elizabeth Drew, in the New Yorker when she described, if you please, the same situation with respect to that treadmill in her article "Politics and Money." And I read:

> Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his proponent who wins—though in races that are otherwise close, this tends to be the case. What matters is what the chasing of money does to the candidate and to the victor's subsequent behavior. The candidates' desperation for money and the interests' desire to affect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry—or that often it is not even a contest . . .
>
> It is not even relevant which interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative Government, the soul of this country.

That was written in 1982, some 15 years ago. We were worried then about Buckley versus Valeo. That was 6 years after everybody had looked at it and seen the treadmill, exactly as Justice White called it, and the damage to the soul of the country as a result of this treadmill. It was an injury to our democracy, according to Elizabeth Drew.

There is no question that this has to be dealt with. They might run, as Joe Louis said, but they can't hide. I am not going to let them hide behind this freedom of speech babble. I have it in here word for word. Mr. and Mrs. American people, you are given the authority to vote. You are not controlling it unless you vote yea, allowing Congress to have the power to set reasonable limits on the amount of contributions.

That is already in place under the Buckley versus Valeo constitutional decision. We have that limit on the freedom of speech which is so remarkable and so fundamental that they inaccurately continue to caterwaul about. Now, we are attempting to limit the amount of expenditures, not freedom of speech. It is limits on the amount of contributions, limits on the amount of expenditures, nothing free. It is contributions and it is expenditures, and it is limits thereof, and it is whether or not the American people shall have the right to vote on it after this 30-year trial.

Otherwise, as Justice Thurgood Marshall in another one of the distinguished dissenting opinions stated, and I quote:

> It would appear to follow that the candidate with the substantial personal fortune at his disposal is off to a significant head start. Of course, the wealthy candidate can potentially overcome the disparity in resources through contributions from others, but ability to generate contributions may itself depend upon a showing of a financial base for the campaign or some demonstration of preexisting support, which in turn is facilitated by expenditures of substantial personal sums. Thus, the wealthy candidate's immediate access to a substantial personal fortune may give him an initial advantage that his less wealthy opponent can never overcome. And even if the advantage can be overcome, the perception that personal wealth wins elections may not only discourage potential candidates without significant wealth from entering into the political arena but also undermine public confidence in the integrity of the electoral process.

There it is, that last phrase—"not only discourage potential candidates without significant personal wealth, but also undermine public confidence in the integrity of the electoral process." That is exactly what is occurring

That is the trouble. As Marshall said:

> Large contributions are the less wealthy candidate's only hope of countering the wealthy candidate's immediate access to substantial sums of money. With that option removed, the less wealthy candidate is without the means to match the large initial expenditures of money of which the wealthy candidate is capable. In short, the limitation on contributions puts a premium on a candidate's personal wealth.

Think about that. This is, as expressed, "a big hunk of the first amendment," as expressed by my distinguished colleague from Kentucky. We are capable of limitation on contributions. And that is sustained here by the U.S. Supreme Court in the Buckley case. That puts a premium on a candidate's personal wealth because the only way that a less wealthy candidate can catch up is with large expenditures. But the Court, has "limited the freedom of speech for the first time in 200 years." I will use their expression and see if anybody believes it. This happened in 1976. It happened after many other times the Court has upheld limits, but let us use their expression if that is what everybody wants to believe. The Supreme Court, in Buckley versus Valeo, for the first time in 200 years, limited a contributor, his expression, and his freedom of speech in politics and therefore has put a premium on the candidate's personal wealth. He is penalized. The speech of the less affluent candidate is taken away because the less affluent candidate can only make it up, if he has no personal wealth, by larger contributions. But the Court, in limiting contributions, limited free speech for the first time in 200 years.

Maybe that is the way they will understand it. I do not know how to get their attention and get them out from this stonewalling on limiting spending in political campaigns.

Everywhere we go, they all say, what about campaign finance reform, Senator? I say, "Oh, yeah, I am for reform." And then one chance we get here this week to vote for it, we decide to put it off until next week. We hope it does not appear on the Sunday programs or anything of that kind so the people will never know we had that chance. And once we have done that, then they will tell Senator FEINGOLD and Senator MCCAIN, "Well, you had your vote; you can see Congress does not want to limit it. We cannot spend a whole year on reform. You have had your chance, and the majority voted against that chance. You did not pass the joint resolution of Hollings-Specter so let's go on to something else." Thereby, the entire thing is supposed to be swept under the rug. Well, it was almost swept under the rug on Monday. On Monday, they had it greased. They had a majority vote out of that Rules Committee, Mr. President, to just look at the illegal and not look at the improper, and they thought they had a majority vote along party lines. But Senator THOMPSON of Tennessee won out. He said we had a fit of conscience of at least eight or nine on that side. They were going to have egg on their faces. They were going to lose to a Democratic amendment.

"My gracious, we cannot ever let that happen. We are so bipartisan around here," they said. My Aunt Ida.

Instead they said, "we just cannot have a Democratic amendment prevail in this particular score. So, we will just all join in, then, and vote the 99 votes and adopt it." They had a fit of conscience.

Maybe we will get a fit of conscience. Maybe not today, maybe not tomorrow or next week, but we will keep coming back. We have had it three other times. We will get this the fourth time. We keep picking up steam.

My difficulty over the years has been in trying to put up an amendment again and again, because they tell me at the desk, that according to parliamentary rules, you cannot amend a simple bill—three readings in the House, three in the Senate, signed by the President—because this is a joint resolution. It is not to be signed by the President, but to go directly to the people for their ratification in the several States.

So, if I bring it up on any and every bill—which I am prepared to do, because I know the people are demanding it, and we will finally make a breakthrough—I have to wait for a joint resolution. That is why I finally got it up on the balanced budget amendment to the Constitution, for the simple reason that last year Senator Dole would not let me up. He just would not bring up a joint resolution on anything. When he got his unanimous consent to bring up the balanced budget amendment, I told them that I had an amendment to offer. They said later on, "Oh, that is not relevant and our agreement meant relevant amendments on the balanced budget amendment to the Constitution."

So I struggled all last year, 1996, and could not even get it up. I am going to look for any joint resolution that quietly comes by, and I will draft my resolution so that it is separate and apart from the other resolution, so that it would not interrupt it, and we, maybe we can get an up or down vote at that particular time again. But I can tell what the strategy is here, now. It is to get an arguable reason to stonewall McCain-Feingold. We can say, "Well, we have had enough debate. We debated it 3 or 4 days, and everything else. Everybody has considered it. They are not going to limit campaign expenditures, so why do McCain-Feingold? If you do this, you are going to limit it. If you do that, we are going to limit it. We have already voted on limits in the Hollings amendment and that is it. Forget about it and let us all go home and say we all tried. We were all for reform."

Oh, yes, we are all for limiting it any time it is in a sense of the Senate. It is kind of hard to hide behind that. Maybe that is what I will continue to do, on every bill, get a sense-of-the-Senate resolution. I think you have to get 25—we can get 25 Senators to cosponsor that right easily, and keep bringing it up until they get that fit of conscience.

They do not have it now. They are not interested in the soul of democracy. They are not proud to be in public service. What they are proud to do is outmaneuver; what they are proud to do is avoid and evade; what they are proud to do is finesse, in a clever, parliamentary way. What they are proud of is parliamentary maneuver. So, then they all vote up or down on this. They smile at each other. And they will give that praise to the Senator from South Carolina. They will say, "We know he is sincere, but he is so misdirected, the poor fellow. He has tried hard. We respect him for trying so hard, but, bug off, son. You are not going to pass anything here that has to do with limiting expenditures in Federal elections."

That is what we have considered, time and time and time again. And it is not freedom of speech—it is the protection of speech. But if they want to say it is the freedom of speech, then we have drafted it after Buckley versus Valeo, which said that part of the speech is already limited. Let us give a neat little other side. There are two sides to the Buckley coin, as Justice Burger said. Let us take care of the expenditures themselves and not dance around the mulberry bush with Patrick Henry and James Madison and anybody else from the time that they believed in slavery.

That is the forefathers. I think we have come a long way. They did not have to go down the road in the wagon and solicit $14,000 every week. They did have freedom of speech and free elections.

They did a pretty good job, though. We got a good Constitution, generally. But we have had to amend it because they did believe in slavery and we have outgrown that particular cancer. We are trying this afternoon to outgrow this particular cancer. We can get elections back to the issues and the confidence of the people back in their Congress and their democracy. And we can get participation. But why did less than 50 percent come out to vote? The votes say, "What is the reason? The money controls the whole blooming thing."

Look at what is in the headlines, that is all we have had—January, February, down into March. There is another shoe that falls every day. They begin to think this political contribution character is a centipede. I have never seen so many shoes falling.

We go from Indonesia to China to all these different countries to everything else of that kind. It would be helpful to me if they all would say: "Look, we tried to compete. We stretched every law. We intentionally stretched every law. We asked Philadelphia lawyers, 'Can you do it?' And when the Philadelphia lawyers said, 'You can do it,' then we said, 'We have to do it, because that Republican crowd is going to outraise us anyway you look at it.'" And they did. They raised over $150 million more than the Democrats were able to raise.

So, why don't they admit to what exactly occurred and then let us pass this amendment and give the people an opportunity to vote on what they have been asking for 30 years now. I went down the litany of failed reforms, Senator, from 1966 right on.

But when we get the distinguished former chairman of the Judiciary Committee, and now ranking member of the Foreign Relations Committee, to come to the floor, the Senator from South Carolina knows when to hush. I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to apologize to my friend from South Carolina because, as usual, he has been carrying the heavy load here. He has been carrying the water for all of us. I do apologize for not being here, to be more engaged in this debate. Frankly, I say to my friend from South Carolina, everything else we talk about—all the other talk about what we are going to do about campaign financing and campaign finance reform, and who has more money and who has less money, and how to avoid the stain and stink of money—ultimately, cannot make a difference until, we do what you have been telling us we need to do for the last decade or more.

We have a Supreme Court that has interpreted the first amendment in a bizarre way. This is not only with regard to the Buckley case. Take, for example, all this talk about soft money. We would not be in the spot we are in with soft money in terms of both political parties had it not been for the Supreme Court decision last year. At least there used to be a couple of veils left in this dance of seven veils. Now, you have major, major contributors who can come in and just change the whole dynamic of Senate and House races.

I just came from a meeting on chemical weapons. This is sort of the biological agent of politics that we are trying to eliminate here. Two years ago, in the last cycle, if somebody wanted to come in and put up $100,000, $500,000, $1 million, $5 million—if they did it all by themselves, did not coordinate it with a political party, put up billboards and advertisements and did not collude with the one or the other political parties against a specific candidate, then they could spend all the money they wanted. But there was this little veil that sat there. It did not allow the multimillionaire to pick up the phone and call the chairman of the Democratic Party or Republican Party in Delaware and say, look, I want to defeat BIDEN or I want to defeat the other guy and I have a million bucks; how do you want me to spend it?

The Supreme Court came along—a fellow I voted for, a brilliant guy—and wrote an opinion and said in effect, "Oh, no, there's no distinction between you going out and spending it yourself, in first amendment terms, and giving it to and coordinating with a political party."

What happened? We have a thousand dollar limit on individual contributions. But what does that mean? In my campaign this last time out, all of a sudden I find—I assume in coordination with the political party; by the way, I am not saying Democrats would do the same thing if they had the money—all of a sudden, I am finding all these ads on the radio with our good friend Malcolm Wallop. He was a good friend; he is a good man. He was heading up Americans for Freedom or some organization with a name like that.

He said, "This is Americans for Freedom. Do you realize Senator JOE BIDEN is taking away your freedom?" Another group came in and did specific radio ads against me, coordinated by the Republicans.

All of a sudden, my opponent had money. When he had to go out and get little pieces at a time, he had a hard time convincing people to give him the money. But, you get a couple of those big guys, they come along, and here is 10, 20, 50, 70, 100,000 bucks.

The point I am making is, all that is legal now. So what are we going to do? We can pass all the laws. I support McCain-Feingold. I am going to vote for it. But, I am reminded of that person who once said, "You know, moderate reform is like moderate chastity." That is about what we are getting here with legislation.

When I arrived here, one of the first things I did, to the best of my recollection—it was Dick Clark and JOE BIDEN—was propose Federal funding of elections, congressional elections, because I wanted to get the private money out of this deal. I wanted to challenge incumbents, to let challengers have the same money incumbents had. I did not want public officials to be beholden to anybody but the American taxpayer.

I will never forget, some Democratic Senators, God bless their souls, like Warren Magnuson—"Maggie," as we used to call him—from Washington State, and some very prominent Republicans, looked at me and said, "Kid, do you know what you're doing here? Do you understand this?" I am not joking about this. "Do you understand this?"

One Senator I will not name but has long since passed, called me into the Cloakroom, pulled me aside and said, "JOE, come here." I was 30 years old at the time. I walked in and said, "Yes, sir?"

He said, "Enough of this stuff now, all right?"

I said, "Enough of what?"

He said, "This thing about giving the other guy the same amount of money we get." He said, "I worked too"—I won't quote him precisely—"I worked too darn hard to get to the point where some little sniveling brat will get the same money I have to run against me."

Well, that is why nobody in here wants to have it that way. I am not crazy about the fact. I have been around longer now. I am a senior Senator, so I can raise more money than the other guy. But, the other guy should have as much money as me to run, and neither of us should have to go around with our hats in hand saying, "Will you help me?" because it is a corrosive process, especially for a new guy and a new woman.

The reason I am saying that is this. I believe the vast majority of people who contribute to campaigns contribute to campaigns because they, in fact, find a Senator who already has a position they agree with. The problem I worry about is the young person who decides to run for the first time.

I will repeat this story. I told it in a hearing once, and I paid for it. But I will repeat it again and probably will pay for it again.

Toward the end of my first campaign, when I was 29 years old, I had no money, didn't have a thing—no television money—and all of a sudden, the guy that couldn't possibly be beaten, I am within a point of him, the polls said.

About 10 days before the election, I get a phone call from a group of men I never heard from before in an area of my State, I say to the Presiding Officer, where we used to only ride through and say, "My God, look at the size of those houses." I get a phone call. They were decent men, by the way, decent, honorable men. They called me, and we went out to this place they call "the hunt country" in my area. You know it. You know some of the people. I was just so flattered they invited me.

I was thinking, 10 days. My brother, who is 6 years younger than me, was my campaign finance chairman. You can tell how effective we were. We had no money. He was 24 years old. The Senator from South Carolina knows my brother. Jimmy says, while driving me out there, "You know, Joe, we got a call from the radio stations. If tomorrow we don't have the check for next week, we're off the air." Now, like anybody who is running for office, you pour your heart, your soul, everything into this.

Mr. HOLLINGS. That's what they call free speech.

Mr. BIDEN. Right, free speech. You pour everything into it. So I was sitting there, and I was within a point, according to the polls, of pulling off at that time, that year, what was viewed as the upset of the year. I wasn't even old enough, Mr. President, to be sworn in the day I got elected.

So I was riding out there. I walked into this room with nice big leather couches. I get offered, like we do in the Foreign Relations Committee, a sherry. That is a kind of foreign relations thing, sherry. I get offered a sherry. I don't drink, so I politely said, "No thanks."

These guys are real nice guys, five or six of them, and most of them made a living, God bless them—I don't begrudge them this—by clipping coupons. They came from wealthy families with a lot of money, and they are decent guys. Two of them had already been helping me. They thought this was a nice little revolution, this kid coming up doing this.

They sat there and looked at me. The one guy who was the older of this group—I say I was 29, so they were probably between the ages of 32 and 40. One guy looks at me and says, "JOE, can you tell us your position on capital gains?" Now, Mr. President, I knew the right answer for $30,000. I knew the right answer. Capital gains had not been an issue in the campaign. I had never spoken out on capital gains. No one had talked about it, but I am not stupid.

I was sitting there—and this is the God's truth—I was sitting in that room seeing what I worked for for 2 years about to go down the drain because I don't have $20,000 to keep my radio ads on the air. $20,000 wouldn't get you anything these days, but it would have kept me on the air for 10 more days with my radio ads, which were very effective, as it turned out.

I sat there, and I don't know why I did it—not because I am so honorable and brave or anything—I just blurted out, "I don't think we have to change the capital gains structure." That was the end of the conversation. Everybody was very polite to me, said, "Great idea,"d talked about a few other things. They said, "JOE, lots of luck in your senior year." I got up and left. I didn't raise any money from them.

I could have said, "You know, gentlemen, I think the capital gains rate should be reduced." I knew that is how they all made their living. By the way, there is a legitimate, serious argument that capital gains should be reduced. It is not like it is something that is immoral or bad. I just happen to disagree with it. The truth is, I had not even thought that much about it, so it would not have been like I was selling my soul had I changed a position. But, the contrariant instinct got the better of me. I heard the words come out of my mouth and I thought, "Oh, my God, what did I just say?"

Maybe I should not be so honest, but I have been around here too long. I have been here 24 years. And, this story illustrates the corrupting nature of the process. I have never known anybody I have worked with where a contributor says, "Here, I got some money for you if you go ahead and take a certain position." That is not how it works. That is not the corruption. The corruption is sort of an insidious thing. It is insidious. But, in the public's mind, it is all bad now, even when we get support from people for positions we die for politically—whether somebody contributed to us or not, we would hold them dear, we would go down.

I always say to young people when they say they want to run for office, answer one question: Is there something you are willing to lose over? If you are not willing to lose over something, you should not get involved in politics; you should go do something else.

And for all the women and men in the Senate, there are positions over which they are willing to give up their seats rather than yield on. Somebody who contributes to them, who happens to share their view on that issue—now it is tainted in the public's mind. When we get support from people who are supporting us because we are of like mind, not because we changed our mind to get their support, we are viewed in a way that we must have done it because of the contribution. That is how bad it has gotten.

So what I do not understand, I say to my friend from South Carolina, is, you would think out of mere self-preservation and our own honor——

Mr. HOLLINGS. Right.

Mr. BIDEN. You would think we would want to change the system. I would say, to the best of my knowledge, all 100 Senators here are honest and decent people. But the perception out there is that there must be—must be—something wrong because all this money is in here.

So, it seems to me, I say to my friend from South Carolina—and I am not being solicitous—as usual, you have cut to the quick of the matter. Nothing can fundamentally change—fundamentally change—with regard to the way in which the process works until we have the ability under the law to limit the amount of money we spend, to determine how we can raise it, and to limit certain outside excesses that presently exist. If we did the things that we all would agree privately we have to do, the Supreme Court, I believe, would rule under their recent case law that it was a violation of the first amendment.

So what I am saying to my friend from South Carolina is, besides thank you, that you are dead, dead, dead right. I am going to vote for things in addition to this amendment, but not because I think without this amendment they are going to work, but because I think they are the only things we can do. And, I hope that I am wrong in terms of my reading of the Court's assessment of the first amendment.

My colleagues sometimes kid me, Mr. President, because they know I teach constitutional law in law school now. I think it must send shutters through Justice Scalia and others that I have been teaching the last 5 years a course on constitutional law and separation of powers issues. But you know what they say, if you want to learn a subject, teach it. If you want to learn a subject, teach it.

I am an adjunct professor at Widener University Law School, and I have taught a seminar on constitutional law for the past 5 years on Saturday mornings. I might add for the record, I do it without any conflicts to my job in the Senate. I do it Saturday mornings, on my time. Nobody helps me with it.

I am telling you, Senator HOLLINGS, you are right. Without changing the Constitution and giving us the power to determine what parameters we set or how we raise money for elections or how much we can spend, then anything we do here is subject to significant change by the Supreme Court.

Twenty-one years ago the Supreme Court ruled that spending money was the same thing as speech. The Court said that writing a check for a candidate was speech, but writing a check to a candidate was not speech.

The Supreme Court made a supremely bad and, I believe, supremely wrong decision. By saying that Congress shall make no law abridging the freedom to write a check, the Court is saying that Congress cannot take the responsible step of limiting how much money politicians can spend in trying to get elected. And we have to start putting limits on this because money is just permeating the system.

I am sure I am going to repeat a few things here that have been said by others, but I think they are worth being repeated.

In just the last 4 years, the total amount of money given to the political parties has increased 73 percent—73 percent. The total amount of money spent on races for Congress has increased 600 percent in the last 20 years. These are in real dollars—600 percent.

I ask you, how do these young pages, some of whom hopefully have dreams and aspirations of standing where I am right now—hopefully, a number of you have that aspiration—how do they get started.

When I started to get involved in public office, I had to raise the awful sum of $150,000 to make the race credible, $250,000 to be in the game, and $350,000 to win in little old Delaware.

Today, somebody who wants to beat an incumbent, me or BILL ROTH, they better be able to raise a minimum of $2 million. But guess what? We only have 700,000 people in my whole State. But you know why they need so much money in Delaware? The reason is, we are in the fourth most expensive media market in the country. And as everybody knows, just to get to the point where 60 percent of the people in your State know enough about you to make a judgment whether they should vote for you or not, costs a lot of money. Just to get to know you—nothing else, not even to get to the point where they have any idea what your views are. Just to get to the point you are known. You know what it costs, I say to my friends who are from States much bigger than mine but in places where it is a lot cheaper to buy television? You know what it costs to air one 30-second ad at a good time on Philadelphia television on one of the network stations? It is $30,000 for 30 seconds.

Mr. HOLLINGS. You do not have a TV station.

Mr. BIDEN. I do not have a TV station. I believe we are the only State in the Nation that does not have its own commercial television station. That is not because we are good, bad, or indifferent. It is because it would make no economic sense. I live within 22 miles of the antennae of every one of the major stations—every one of the major networks in America. They are located in Philadelphia. I live in Delaware.

And so what happens when I buy an ad or my opponent buys an ad on television? For every 100 people who see the ad, 96 of them live in New Jersey, Maryland, or Pennsylvania and are unable to vote for or against me. But I have to pay for them all. Now I am not complaining because I have an advantage. I am an incumbent. It is an advantage and a disadvantage. The disadvantage is that you are an incumbent. People do not like incumbents. The advantage is that people know your name.

If you are an unknown person running, like I was the first time, how do you get to the point where even enough people know your name—unless you have a lot of money? And, my goodness, what it must be in the State of Michigan or Pennsylvania or South Carolina. Nevada is a little bigger now, but when I got here we were bigger than Nevada. Those States are bigger in population than Delaware.

I can speak knowledgeably only about one of our colleagues who did not run the last time. I will not mention his name. I know why he did not run. He would have won, and most people say he would have won. The State he happened to represent required him to raise at least, he thought, $12 million. He did not want to do that anymore—did not want to do that.

Look, the way we can raise the money is we can raise it at $1,000 a shot. That is the most we can raise from an individual. How many phone calls—from non-Federal property—do you make to be able to raise, in $1,000 increments, $12 million? That is a lot of money.

But guess what that does now? It means that you have to go from a circle of people who you know—and you know you do not have to worry about their backgrounds, their circumstances, where they came from, what their objectives were—to the universe. And, I want to tell you there is not a single U.S. Senator, myself included, who, I believe, could vouch for the character or motive or motivation of all the people who contributed to them unless they have the FBI working for them. We would have to spend more money than we raise to do background checks.

You know what I always think of, I say to my friend from South Carolina? I think of the guy who was probably more chaste than Caesar's wife, Jimmy Carter. I will never forget when he was running for President. He showed up at a fundraiser, and there was a guy named John Gacy—remember him, the mass murderer? Seriously, I am not joking. This literally happened. Gacy walks in and he contributes to Carter. And he is standing between Rosalynn Carter and Jimmy Carter. Then, later, we find out that the guy is a mass murderer. I say that not just because it is kind of humorous and we all laugh about it. But, I say that because there is no way, no matter how thorough you are as a candidate, that you can know about all your contributors. And I would have thought by now that we would all be worried about how it reflects on our reputation if a contributor turns out to be somebody that should not have contributed.

For example, recently there was a name of somebody who was an unsavory contributor, as it turned out, in the newspaper. It was a Chinese man. One of my guys said, "My God, we have a man by that name that contributed to you," and I said, Oh, my God, find out who this guy is. It is a name that is a relatively common Chinese name, I found out later, like Smith or Jones. Guess what? It turns out the guy with that name who contributed to me was a librarian with the Library of Congress. I will never forget sitting in my seat going, Oh, thank God, thank God. Because, really and truly, what would have happened if it turned out to be the guy everybody was writing about? If I were up for election I would have to spend $100,000 in television ads to prove I did not know the guy.

Now, maybe we are counting on the people being so cynical that they will not hold anybody accountable for this. But I just think for pure self-preservation—not self-preservation of our jobs, self-preservation of our reputations and our integrity—that we would very much like the system to change.

I might add, you know how they kid around here. We joke when we have colleagues who announce they are not running again and they have been here for some time. We always joke and say things like, Well, now you will be able to tell them what you think. There was a guy that my friend from South Carolina knows well, and I will never forget him. Remember Steve Young—Senator Young from Ohio? Senator Young had been out of office about 2 or 4 years, but he was a guy I think who was widowed at that time, a man in his eighties, if I am not mistaken. And, he hung around here. He did not lobby anybody but he hung around, in the gym, in the dining room.

You may remember this story, Senator HOLLINGS, and I apologize for being so personal. But, the reason I am telling these stories is I want to communicate to the American people who are listening in real personal terms how this system works. I will never forget the effort of the distinguished Senator from South Carolina who took me under his wing when my first wife was killed in an automobile accident. When I got remarried and wanted to introduce my new wife, Jill, to the people, he had a reception for me up in the famous caucus room and everyone from the Vice President, President, the Supreme Court, really laid it out to welcome my wife. And, I might add, as they say, a point of personal privilege, I still appreciate that.

I will never forget there was a reception line and, Senator HOLLINGS, you introduced me to people. Later in the night the reception line was still going on but you were having to entertain some of the people you brought along. Old Steve Young came in the line, Senator Young was being nice, welcoming people who were coming in. This is a true story. And, a guy walked up to Senator Young—he was to my left—put out his hand, and said, "Senator, I bet you don't know my name." I can't quote what Senator Young said exactly because I am on the Senate floor and it would be inappropriate, but Senator Young turned to me and said, "Joe, will you tell this horse's tail his name? He has forgotten it."

All of us would like to say that once in a while. So we joke and we say when someone leaves this place, Well, guess you will be able to tell them what you think now. The implication in that comment is that how nice would it be if you were totally unfettered, even indirectly, totally unfettered? I envy, and I mean this sincerely, the women and men in here who have close to unlimited wealth, and I do not begrudge that. I mean that sincerely. I would love nothing better than to be able to run for office and say I do not want anybody's money. I do not want one single penny from anybody, thank you very much, because then I know people would look at me and no one would be able to even think or imply that anything I did was because of anything anybody contributed to me.

I do not know why there is not a stronger instinct on this floor for that notion of not having to be beholden to any contributors—and more support for public funding. We may never get to the point where we even get television time made available to challengers. We may never get to the point, and I am a distinct minority, where we have public financing, so the taxpayers are deciding whether they in fact, support a candidate. But, at least we could get to the point, if we have the Senator's amendment, where we could limit the amount of money in the process for everybody across the board, for everybody. Boy oh boy, do you not think it would be nice not to have to go out and do all those fundraisers?

Let me say what our friend from Nebraska, Senator KERREY, says. The danger in having this kind of discussion is that we imply that the 99 percent of the honorable people who contribute to us are somehow motivated by a bad reason. The vast majority of people who contribute to both political parties are people who contribute because it is their way of participating in the system and they want to promote the person whose ideas they agree with. That sounds naive to say after all these years, but it is true. I understand why the public does not believe any of it. I understand why the public does not believe any of that.

I will conclude, Mr. President, because I see there are others here who wish to speak. I will never forget thinking as a young man when I arrived here that the best thing to do, and I still think it is, is to bring everything out in the cold light of day. That is why I have spent time explaining how the system works. I am often reminded of that phrase, that saying, that comment attributed to Bismarck in Germany. Bismarck allegedly said there are two things you should never watch being made. One is sausage and the other is legislation. I would amend that slightly. Once the American people got a chance to see exactly how this worked, with all the disclosures which I think are necessary and good in the long run, I think the thing that suffered was our collective integrity—our collective integrity.

To the average person like my dad, anybody who was able to contribute $1,000 to a public official for a campaign must be doing it for a reason, and maybe is not so altruistic.

So, what does it say now that they pick up the paper and realize that individuals and corporations and unions and anybody else can contribute $20,000, $30,000, $50,000, $100,000, $1 million? Why do we expect them to say, "Well, it must be nobly motivated, it is not for selfish reasons." In many cases it probably is totally nobly motivated.

Mr. President, I think that the single most important thing that has to be done from a purely practical sense is to amend the Constitution and give us the right to limit the amount of money that candidates are able to spend. I lay you 8 to 5 that if you ask every Senator to stand up and say whether or not they thought too much money was being spent in public elections, 90 out of 100 would say yes. I bet that if you asked them, do you think we should limit the amount of money that is spent, at least 70 would say yes. But if you asked them, "Will you or your party lose political advantage if you do that?" they may change their views. The truth is that it is not just the Republicans who don't want this reform; it is some Democrats, too. And, the truth of the matter is, if we do what you and I, Senator HOLLINGS, talked about a long time ago—essentially make it available for everybody to have the same amount of money, either by establishing a limit so that everybody would be able to be equal, or by providing public funding—every one of us would have a race every time. None of us like having those races.

Mr. HOLLINGS. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. HOLLINGS. I know others want to be recognized, and I am hopeful to hear from them. As usual, you are unfettered, and you don't wait until you get out of office to do that. You have been masterful, because in this exchange we have had, talking about charades, there is no charade in your presentation here this afternoon; it is right on target. I thank the Senator for yielding and for his talk today.

Mr. BIDEN. I thank the Senator. I must tell you that there is a piece of me that says keep the system the way it is, because it is awful hard to beat me the way the system is. There is a Senator we used to know who was very powerful here. I would say, "Senator, how in the Lord's name did you get that person to contribute to me?" He said he told them, "It's not so much what BIDEN can do for you; it's what BIDEN can do to you."

The truth of the matter is, if you are here and you have gained seniority and you are in a good position—better in the majority than the minority—it is a lot easier for you to stay if you are challenged. So I have to admit to you that I know if I ever prevail in making sure everybody running has the same amount of money, or by practically making it low enough so everybody could raise the same amount of money—I might say, "Oh, my God, what have I done?" But it is the right thing to do. I don't have a lot of hope that we can do it.

I thought when I got here in the midst of Watergate that maybe that episode would shock us into doing something serious—and we did it, until the Supreme Court overruled it. I hope we take advantage of the current situation and have the courage to act at a time when the spotlight is going to be on not only potentially illegal, but clearly unseemly, aspects of how these funds are raised.

I want to make it clear that I am not suggesting that I am any better or worse than anybody else in this body. I am merely suggesting that we should change, for our own safety's sake and for our reputations, the way we do it now. I don't know how to really do it unless you first have the authority under the Constitution to be able to do it.

I thank the Chair and yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the gentleman for yielding, and I appreciate the opportunity to speak on this issue because I think it is so important. When we are talking about amending the Constitution, and especially the first amendment to the Constitution, which is, in effect, what this would do, I suggest that we think very carefully about the ramifications.

So what are we doing here? We are actually considering an amendment that would open the door for restriction on first amendment political speech and freedom of association of many kinds. It seems to me, if we are rating the amendments, the free speech amendment is one of if not the most revered in our country. If we are going to dissect the freedom of speech that we have known for over 200 years in our country and effectively establish various levels of free speech, I think we must examine the impact this would have. By allowing restrictions on political speech, as this amendment would do, but not other forms of speech, we are opening the door to rendering political speech secondary to commercial advertising or even pornography. What could we be thinking? Of all of the rights we have, the ability to have freedom of political expression is perhaps the greatest, and must be preserved at least as vigorously as other rights.

Additionally, Mr. President, I would suggest that this amendment might also be called the Incumbency Protection Act of 1997. If we unduly restrict the ability of people to spend money to support the candidate of their choice and to likewise have the ability to raise adequate funds to run against incumbents in political office, as this amendment would allow, what we are doing is saying that, forever more, incumbents will have an advantage that challengers will not have. In fact, the reason we have the ability to have relatively free access to campaign funds or free access to the news media by challengers is so our democracy will work. Our democracy will only work if everyone gets a fair chance to do his or her very best to run against an incumbent or anyone else for political office. The idea that we would allow for almost limitless restrictions on that fundamental right is unthinkable.

Mr. President, many of us believe that campaign reform is essential, that we would look at our system and that we would make sure that there is accountability, openness, and transparency—that whoever contributes to campaigns would be known to the voting public. We need to make sure that is the case. But to say that we would open the door to allowing restrictions on free access to the media or that we would require the media to, in effect, give access to anyone who might decide that they are going to pay a filing fee is really an inhibition not only of free speech but of the right of free press, which is also a crucial element of our first amendment. This resolution raises this as a real possibility and encroaches unacceptably on our hallowed Bill of Rights—that document that has made our democracy work and has kept our Government in the hands of the people. Our democracy will simply not be as strong if we do not preserve the freedom to be able to go out into the news media, or the sidewalk, or anyplace else and proclaim why we are running and what cause we care about for public office.

So I applaud Senator MCCONNELL for standing up for the first amendment, for making sure that we do not do something that would amend our Constitution without careful consideration.

I know that many in this body are frustrated. They are frustrated with our campaign system. I am sure that Senator HOLLINGS is frustrated and is clearly trying to fix a system that has problems. I would just say to my colleague from South Carolina that I think we need to address campaign reform, but this is not the vehicle. Amending the Constitution to provide for the ability for any State legislature or any Congress in the future to limit access to the airwaves or freedom of speech or association or of any organization to lawfully contribute to a campaign is simply not the way to go.

Let us in Congress come together on real campaign finance reform so that the people of America will be informed voters. But whatever we do, we should never relegate political speech to second-class status. Rather, we must work to ensure that the basic right to speak one's mind in the political marketplace of ideas remains the most protected of all of our rights.

Thank you, Mr. President.

Mr. MCCONNELL. Mr. President, I want to congratulate the Senator from Texas for a very important contribution to this important debate. We have finally gotten on to the real subject. The real subject is the first amendment, free speech, and protecting political discourse in this country. I just wanted to congratulate the Senator from Texas for her contributions today.

Mrs. HUTCHISON. Mr. President, I appreciate the opportunity to speak today, and I appreciate the Senator from Kentucky managing this amendment in opposition because we are exercising that free political speech that we enjoy. I think the ability for us to disagree while not being disagreeable is very important in the process.

I thank the Senator from Kentucky for leading the opposition.

Thank you, Mr. President. I yield the floor.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by my friend Senator HOLLINGS. I respect his leadership on campaign finance reform, but it is a mistake to write it into the Constitution.

The current system of financing elections clearly needs reform. Something must be done to curtail excessive spending on the campaign trail. The billions of dollars spent by candidates and the massive exploitation of loopholes in current law have led to a growing cynicism and distrust of our system of government. We must act on reform, but amending the Constitution is the wrong way to do it.

In the entire history of the Constitution, we have never amended the Bill of Rights, and now is no time to start. It would be wrong to carve an exception in the first amendment. Campaign finance reform is a serious problem, but it does not require that we twist the meaning of the Constitution.

Campaign finance reform is clearly possible without a constitutional amendment. The Buckley decision does not make it impossible for Congress to pass legislation achieving far-reaching reform. In fact, a large number of experts believe that the Supreme Court's 1976 decision in Buckley versus Valeo went too far, and that the Court is likely to reconsider it in an appropriate case. Over 50 prominent lawyers have said that the Buckley decision is "a mistake, unsupported by precedent and contrary to the best understanding of prior first amendment jurisprudence."

These lawyers and other constitutional scholars believe that Congress should pass campaign finance reform legislation and give the Supreme Court the opportunity to revise the Buckley decision.

The McCain-Feingold legislation provides us with that opportunity. As President Clinton commented during his State of the Union Address, Senator MCCAIN and Senator FEINGOLD have reached across party lines to develop a solution to uncontrolled campaign spending. Contrary to what Majority Leader LOTT believes, this legislation is not, "food stamps for politicians." It is a serious bipartisan effort to solve this problem, and the Senate should make it a priority.

The constitutional amendment before us today—unlike statutory reform—will not make a difference. It merely empowers Congress to pass legislation that would place mandatory limits on campaign spending in Federal elections. After the long ratification process, Congress would still have to actually pass legislation setting those limits. Though well-intended, this constitutional amendment is simply a distraction. We should get on with the business of enacting reform, without waiting for ratification of a constitutional amendment, and certainly without tampering with the Bill of Rights.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Joint Resolution 18 at 11:30 a.m. on Tuesday, March 18, and that there be 1 hour remaining for closing remarks to be equally divided between myself and Senator HOLLINGS; that the Senate then resume consideration of the resolution at 2:15 p.m. on Tuesday for 30 minutes equally divided; and, finally, following that time on Tuesday, the joint resolution be read for the third time and the Senate proceed to voté on passage of S.J. Res. 18 with no intervening action or debate with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, as a reminder to all Senators, this consent agreement allows for a rollcall vote on the measure currently before us at approximately 2:45 on Tuesday, March 18.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

Mr. REID. Mr. President, I am a sponsor of Senate Joint Resolution 18. I am proud to be a sponsor of that resolution.

What we have to understand is that the present system must change. It is hard for me to comprehend that since I was first elected to Congress more than 14 years ago the system is still the same as it was. It has not gotten better. It has gotten worse. Ten years ago when I was elected to the Senate, I came to this floor, and one of the first speeches I gave was about the need for campaign finance reform. It is hard for me to really believe that here it is 10 years later and it has not gotten better. It has gotten worse. I thought it might stay the same. In my most pessimistic thoughts I thought there was a possibility that the system would remain the same. It has gotten worse.

What our friend from Delaware just talked about in this very remarkable good speech is what other abuses take place. Independent expenditures—we didn't have independent expenditures when I was first elected to Congress. What is an independent expenditure? That is a good question. No one really knows. But they are legal. They are legal. They are not illegal. If a group gets together, they don't have to identify themselves. They can make up a name. Senator BRYAN, for example, was Governor of the State Nevada, and he ran for the Senate. A group of individuals got together and they represented the automobile industry. They ran a bunch of ads, hundreds of thousands of dollars' worth of ads, tens of thousands. I don't know how much money. There is no way to know. They do not have to list how much they spent against Senator BRYAN, using Social Security as their issue. It had nothing to do with their field of interest. But it was a way to embarrass my friend, the Governor of the State of Nevada, who was running for the Senate. That is an independent expenditure.

In my race the last time I ran for the Senate, a wealthy person from Las Vegas ran ads against me dealing with something about the military on submarines and aircraft carriers because I didn't visit with one of his grandchildren when they came to Washington. I was busy. I don't know what it was. I didn't visit with his grandchild when they came to Washington to visit me. He is a rich man who spent money trying to defeat me. He doesn't have to list where the money comes from. That is an independent expenditure.

Early this century Congress outlawed corporate money in Federal elections. They are not illegal anymore. The Supreme Court ruled last year that you can give unlimited amounts to State parties, and they can spend the money any way they want. That is what happened this election. That is what all this campaign mess is about—State parties spending all of their money.

So things have gotten worse; they have not gotten better since I have been in the Congress. It is really too bad that the system has reached a point where it is.

I have heard a lot of speeches here today about our Founding Fathers and about the first amendment. Well, the Founding Fathers who drew up this little instrument, the Constitution of the United States, would turn over in their graves if they saw how money was being used in campaigns. The first amendment wasn't meant to allow unlimited spending of money in campaigns. Should we wind up in this Congress with 535—it can't just be a millionaire—multimillionaires? The answer is no, that isn't the way it should be.

When I first was elected to the House of Representatives, we had a plumber, a tradesman, who represented a congressional district from Missouri. He ran and he won. He could not win working on those wages anymore; he couldn't win.

We cannot let what has now become the status quo—which is worse than the status quo of the election before—continue. Under the current campaign finance laws, Government is restricted from regulating campaign spending. This is a result, as we have heard here several times, of a U.S. Supreme Court in a 5 to 4 decision equating spending money in a campaign to free speech.

There are all of these speeches here about first amendment rights. If the resolution of the Senator from South Carolina passes, there is nothing that will violate the first amendment. Every day that we come on this floor to pass legislation we have to be aware of the first amendment. We are not going to do anything to denigrate the first amendment rights. The Supreme Court struck down the expenditure limits imposed by the Federal Campaign Practices Act of 1974 as an unconstitutional restriction on free speech. The intent of that legislation which restricted campaign spending was to equalize the ability to run for office between persons of differing wealth. The Supreme Court, through their decision, made the playing field not level.

What happens in a relatively small State like Nevada is, if someone wants to come in and spend, it will cost now $4 million to run in the State of Nevada, or more. What if somebody wants to come in and spend $10 million, a third as much as was spent in the California race an election ago where a man came in and spent $30 million of his own money—$30 million. He could save $20 million if he decided to move to Nevada.

I have to say, as popular as the present Governor is in the State of Nevada, as popular as my friend, the junior Senator from Nevada is, $10 million would test their ability. The airwaves would be drowned with TV messages, radio, and, of course, newspapers throughout the State. Is that fair? I really do not think it is. I think that we need to be able to stop that. The playing field is not level.

Most Americans believe that the current system is flawed. Their central concern is special interest influence. It is ironic that the Court equated free speech with money. Their decision has the opposite effect. It actually ensures that those with money can talk and those without money cannot talk.

I want to also spread across the record of this Senate my appreciation for the courage of the Senator from South Carolina for continuing on this issue. We are only here today as a result of the persistence of the Senator from South Carolina. We are here by virtue of a unanimous consent agreement that was entered into sometime ago saying we are going to debate this issue or I am not going to let something else move forward on the Senate floor. That is what the Senator from South Carolina did. And it took someone with experience, prestige, and abilities to get us to the point where we can at least talk about it.

I also say to my friend from South Carolina, I think we know we are not going to get 67 votes. I am disappointed. And maybe a miracle will happen. But that does not mean we are not right. That does not mean what the Senator from South Carolina is leading is not right. And we are going to win some day. It is only a question of when. I say thank you from the people of the State of Nevada to the Senator from South Carolina for allowing us to have the opportunity to talk about this.

Campaign finance is a sore that is festering in the body politic of America, and we have to do something to change it. We may not change it with this resolution passing, but we are going to change it because we are going to keep talking about it, because what is going on now is wrong. It is wrong you have independent expenditures, somebody spending money against people because they refused to see their grandchild. And in the middle of the night they go to the TV station and run these ads because they are wealthy. Is that the way to conduct business in this country? I say no.

I say people can stand up and say, well, it is free speech; they can do what they want. But they can play by the rules everybody else plays by. If somebody wants to contribute to my campaign under the Federal law that I thought existed when I came here—you have to list how much they give and they cannot give more than $1,000 an election, their occupation, where they live—why shouldn't they have to do the same. You do not know who these groups are that come in the middle of the night. I did not learn until after the election someone was mad at me because I did not see their grandchild.

I repeat, the Supreme Court equated free speech with money. Their decision has the opposite effect. It actually ensures that those with money can talk and those without money cannot talk.

Over the last decade we have seen an unsettling trend in American politics. Most of our candidates for Federal office have money. There are some estimates which say $1.6 billion was spent on campaigns this past year. And campaigns have become more expensive with each election. You can call it free speech; call it whatever you want. That is wrong. You cannot make something wrong right by saying it is wrong enough times. It is wrong to have the ability to be elected depend on how much money you have.

Thomas Jefferson was a bad speaker. He could not be elected today. As much of a genius as Thomas Jefferson was, he could not be elected today unless we change these rules.

The skyrocketing costs are prohibitive and serve as a deterrent for average Americans who want to participate in the political process. As long as costs continue to rise, so will the need for more money. Limiting spending is the only way of keeping the cost of campaigns down.

I wish we had a way of shortening the election cycle. The Presidential election just finished and people are already beginning to run for President.

Over the past 10 years, Congress has tried to get around the Buckley decision with at least 100 different proposals. There are numerous proposals now pending. But we are never going to slow the amount of money associated with campaigns until we address the Buckley decision head on. That is what the Senator of South Carolina has done.

Congress must undo the Buckley decision and reinstate campaign spending limits. This legislation amends the Constitution to authorize Congress to cap campaign expenditures in Federal elections. I do not take lightly amending the Constitution or our precious freedom of speech, but it is the only way to undo the Buckley decision.

No one is in favor of free speech more than I am, and I think I have the record to indicate that. I represented newspapers before I came here. Some of my clients went to court on first amendment cases. But equating free speech with campaign spending simply creates a constitutional protection for wealthy candidates to buy Federal elections.

An alternative to this amendment is to continue to spin our wheels, working on hundreds of different initiatives designed to provide public financing, financial inducements in exchange for voluntary spending limits or one of the other failed proposals we have debated over the years.

I have been in the Senate 10 years, so I do not want to go back further than that, but let me read to my friend, the prime sponsor of this resolution this year and the years gone by: During the years I have been in the Senate, we have had 6,742 pages of hearings. We have had 3,361 speeches, 62 now with this one, 1,063 pages of committee hearings, 113 Senate votes on campaign finance reform, and we even had one bipartisan Federal commission which went nowhere. The vast majority of those votes, I would say 90 of the 113 votes were for cloture—stop debate so we could get to vote on one of the issues.

Now, I am a cosponsor of McCain-Feingold, an imperfect piece of legislation, but I say I do not know how we could make things worse than what they now are. I support McCain-Feingold; I hope it passes, but I think the chances of passing are pretty remote. I have to tell you that. I hope it passes. I am a sponsor of it. But until we do what the Senator from South Carolina suggests we do—and I am cosponsoring the amendment, an original cosponsor—I think we are just going to add to this. We are going to have probably by the time this year is over 7,500 pages of hearings, maybe 500 floor speeches, maybe 1,300 pages of committee reports, and probably 125 votes rather than 113, and accomplish nothing.

So I think we have to stop talking about limiting spending and look for a way to hit Buckley head on. We cannot enact powerful campaign spending limitations as long as this is the law.

Overall funding for the Democratic and Republican Parties totaled almost $1 billion last year, a 73 percent increase over the same period during the 1992 cycle. We can get up and say all we want that this is just part of free speech. I do not buy that. I do not think we can be whipsawed into cowering because the free speech argument is raised. I am not going to be. I am going to talk about this issue every chance I get.

I would like to be able to spend more of my time debating issues dealing with education, dealing with the trade deficit, dealing with juvenile crime, adult crime; I have some environmental things I would like to come here and talk about. That is one of my prime responsibilities on the Environment and Public Works Committee. I would like to come here and talk about that. I would like to spend some time talking about the ISTEA bill. But, frankly, a lot of us have to spend a lot of time making phone calls to raise money.

It is too bad, isn't it.

Mr. HOLLINGS. Yes, siree.

Mr. REID. The public believes that escalating cost of elections puts a price tag on our democracy. So why is there this call for campaign finance reform? Let us go over the issues.

No. 1, record-breaking spending. As I said, we hear all kinds of estimates, but just the parties spent over $1 billion; in overall spending, $1.6 billion at least.

No. 2, Americans feel shut out. Americans, more than ever, believe that the emphasis on money in elections excludes them from meaningful participation. They believe that special interests who contribute large sums of money have more influence on elected officials and that candidates are forced to spend too much time raising funds and too little time listening to voters' concerns.

No. 3, campaigns are too expensive. Campaigns have become more expensive with each election. The skyrocketing costs are prohibitive and serve as a deterrent to the average American who wants to participate in the political process. As long as the costs continue to rise, so will the need for more money. Limiting spending is the only way of keeping these costs down.

My friend, the Senator from Delaware, talked about these pages. We have serving in the U.S. Senate today a fine senior Senator from the State of Connecticut who was a page. I am sure, years ago, he sat where you young people are sitting and heard speeches delivered by various Senators. I am almost embarrassed to stand here and talk to you four young people about this issue. It is embarrassing to me, to admit the system is failing. I don't like to talk about the system failing. I started last summer coming on this floor talking about how good Government was, that we should be proud of Government. And I do believe that. There are many things we should be proud of: Our National Park System, how well FEMA reacts to crisis, our Consumer Safety Products Commission—many, many things we should be very proud and happy over. But this is one thing I am not proud of. I am embarrassed to come here and admit a Government failure, and that is what this is. I hope you young people are not so turned off by the speeches that are relating to this proposed constitutional amendment that you turn against Government, because you should not.

No. 4, comprehensive reform is the only lasting solution, and comprehensive reform can only come about as a result of our amending the Constitution to allow us to get around the 5-4 decision made by the Supreme Court.

We need bipartisan action. I say to my friend, the junior Senator from South Carolina, that we have a sponsor on this resolution, Mr. SPECTER, who is second in line. The second sponsor of this amendment is the Senator from Pennsylvania, the senior Senator from Pennsylvania [Mr. SPECTER]. I commend and applaud his courage for stepping out on this issue. We need more bipartisanship. This is a bipartisan resolution. I wish we had a few more from the other side of the aisle, but this is bipartisan and I, again, want to congratulate my friend from the State of Pennsylvania for having the guts to step forward and say he also believes that this resolution should pass.

No one can say anything about his ability to analyze the law. I have heard him give hours of speeches here, with detailed legal analysis. I am sure he has spent time, recognizing we are not violating any free speech. If there is no other reason that we should feel good about this, it would be because we have bipartisan support from a Senator who has joined us who has great qualifications as a legal scholar. So we need bipartisan action and I think we need to move forward now and pass this resolution.

I hope that I am wrong. I hope that over the weekend—we are going to vote on this early next week—I hope that people get the idea that this is the only way to go and that we are surprised and get 67 votes, enough to pass this constitutional amendment. I hope so.

The time to act is now. Over the next 2 years, Congress will deal with changes in regulations and programs that affect virtually every American, from clean air and water to education programs for our children and Medicare and Medicaid for our Nation's elderly. In order to address these concerns, Congress must first act to reform itself. That is what we are talking about. We talk about reforming everybody else, why don't we reform ourselves? Why don't we reform ourselves? Because the present system is pretty comfortable. We, who have access, have the ability to raise money and, unless you are independently wealthy, access is really, really important. Why don't we do something that would level the playing field, like we tried to do in 1974?

So I close with the plea that we can reform the way we handle campaigns in this country. The only way we can reform the way we handle campaigns in this country is if we follow the admonition and the courageous activities of the junior Senator from South Carolina, ERNEST F. HOLLINGS, who has worked so hard and so long on this issue. I am proud to be a cosponsor of this resolution.

Mr. HOLLINGS. Would the distinguished Senator yield? I know others want to be recognized, so before you yield the floor, let me take this opportunity to thank the distinguished Senator from Nevada. He has really given a very, very cogent analysis of the dilemma that we face, the real-life experience, now, that we have all engaged in, and what we are trying, in the best of our ability, to reform, and reform ourselves, as you so sincerely pointed out.

So I cannot thank you enough for your presentation and joining with us. I have been delighted to work, over the many years that we have been here, together. This is one more time. I, again, admire the Senator from Nevada. He has sincerity and bipartisanship. I have seen him work with the other side of the aisle so often. So he is looking at getting something done and making headway rather than headlines. It is with that knowledge, listening again this afternoon to your sincerity of purpose, that I truly thank you for your support and your cosponsorship.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 438 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the pending business, the constitutional amendment which will authorize the Congress or State legislatures to control campaign finance spending. I believe it is a matter of great urgency that the Congress of the United States deal with the subject of campaign finance reform.

Day after day we have seen disclosures about very serious violations of existing Federal law and disclosures of very substantial improprieties which call for additional Federal legislation. Regrettably, the opportunities for Federal legislation are sharply restricted by decisions of the Supreme Court of the United States which have limited Congress' ability to act on the stated grounds that such action would violate the first amendment relating to freedom of speech.

The case of Buckley versus Valeo, decided on January 30, 1976, equated speech with money in a very curious manner. It said that an individual could spend as much of his or her money as he or she chose, but upheld congressional limitations on what others could spend in support of a person's candidacy.

The Court also left an exception on what is called the independent expenditure. That decision was a very forceful one for me personally, because at that time I was a candidate for the Republican nomination for U.S. Senate. I was running against John Heinz, who later became a colleague of mine in the U.S. Senate and a very, very close personal friend. At that time, we were friends, too, but we were political opponents.

Senator Heinz at that time was a Congressman. I had been district attorney of Philadelphia, and we entered that race in April looking forward to the primary. The Federal election provided that someone running in a primary in Pennsylvania would be limited to spending $35,000, computed on a per capita basis for the size of the State. That was about as much money as I had, having been in the practice of law for a short time after having been district attorney of Philadelphia. So it was an even playing field.

On January 30, the Supreme Court of the United States said that an individual could spend as much of his money as he chose, and John Heinz chose to spend millions. I was limited to my own bank account which was $35,000. As a matter of fact, I spent that.

At that time, I had a brother who could have financed my campaign, although not on the size perhaps of some others. But my brother, Mort Specter, was limited by law to contributing $1,000 to my campaign.

It struck me then, and strikes me now, as being curious. Mort Specter's speech was limited to $1,000 in support of his brother, but John Heinz' speech was unlimited. There have been cases of others having come to this body after having spent into the millions of dollars and overwhelming their opponents. Last year, we saw a Presidential election where Steve Forbes came into the field and declined to be bound by Federal spending limits and spent in excess of $30 million, as the reports have demonstrated.

I believe that there ought to be authority in the Congress to regulate campaign expenditures. The Supreme Court in Buckley and a number of my colleagues here in the Senate have stated that limiting campaign spending would violate first amendment protection of freedom of speech. I take second place to no one in defense of the first amendment and the freedom of speech clause, as well as freedom of religion, freedom of right to assembly, freedom of right to petition the Government. But I believe, as someone who studied the Constitution in depth for some years, that the Buckley decision was wrong as a matter of legal interpretation.

There are many who agree with that. In fact, on November 10, 1996 some 26 scholars joined together to urge the Supreme Court to reconsider and reverse the decision in Buckley versus Valeo. Among them are some of the most prominent constitutional scholars in the United States, including Pro. Bruce Ackerman of the Yale Law School, Pro. Ronald Dworkin of the New York University Law School, Pro. Peter Arenella of the University of California Law School, Pro. Robert Aronson of the University of Washington Law School, and many, many others.

Following the statement of the professors, the attorneys general of 24 States called for the reversal of the Buckley decision in January 1997.

The simple fact is that the Buckley decision makes no sense as a matter of law. Why should an individual be able to spend an unlimited amounted of money when an individual's brother is limited to $1,000 in speech? If freedom of speech applies to a candidate, why does not the same freedom of speech apply to a candidate's brother?

Freedom of speech has traditionally been limited by Supreme Court decisions. It is not an unlimited, absolute right. You have the famous decision by Oliver Wendell Holmes on clear and present danger. If there is a clear and present danger, speech may be limited.

The most famous example of limiting free speech is the rule that you cannot cry "fire" in a crowded theater. If you cry "fire" in a crowded theater that endangers other people who would be injured in the stampede for the exits.

Likewise, you are not free to use a racial or religious slur against somebody. There is a famous Supreme Court opinion on this issue by Justice Murphy. An individual had uttered a racial slur and the target of the slur punched the speaker in the nose. The speaker then sued the individual who hit him for assault and battery. Justice Murphy ruled that the person who had uttered the slur and was punched could not sue. He held that racial slurs were fighting words, and you cannot utter fighting words even within the context of freedom of speech.

We know from very complex decisions by the Supreme Court that there is a limit as to what you can say in the way of obscenity. If material appeals to the prurient interest, if it is contrary to accepted moral standards, it can be restricted.

In addition, this body has gotten involved in some very controversial issues in the effort to protect children's viewing on television. So there are clearly limits to first amendment protection.

As I say, I take second place to no one in wishing to safeguard the first amendment. But I have heard a lot of talk in the U.S. Senate that this amendment would be an invasion of cherished freedoms of speech. I disagree. Money is not speech. Just on its face it is not speech. And to enable the wealthy to, in effect, buy elections is not sound public policy. Congress ought to have the authority to make that change.

We have seen the most recent decision of the Supreme Court of the United States on the subject in Colorado Republican Campaign Committee versus Federal Election Commission, a 1996 decision which defies logic, defies reason, and defies reading to understand what this opinion means.

There is an opinion by Justice Kennedy concurring in the judgment and dissenting in part with Chief Justice Rehnquist, and Justice Scalia joining.

There is an opinion by Justice Thomas, concurring in the judgment and dissenting in part, in which Chief Justice Rehnquist and Justice Scalia joined in part.

There is an opinion by Justice Stevens with a dissenting opinion, with Justice Ginsburg joining.

There is another opinion by Justice Breyer joined by Justice O'Connor and Justice Souter.

All that to the viewing audience on C–SPAN sounds extraordinarily complicated, but you "ain't heard nothing yet." It is a lot more complicated than that.

In order to have an opinion of the Supreme Court, you have to have five Justices who state a judgment and then articulate an opinion so you know what the ruling of the Court is. There is no opinion which five Justices joined in. You have four Justices saying they have one conclusion, which leads them to the judgment that results, and other Justices saying they have different reasons leading to a judgment. In other words, you have a majority of the Justices agreeing on the conclusion but not agreeing on the reasons.

You hear the Supreme Court often criticize legislative intent, criticize what the Congress of the United States does because it is not clear. Some Justices, Justice Scalia in particular, say they do not pay any attention to legislative intent because they cannot find it.

We spend a lot of time on the floor of this Senate seeking to clarify legislative intent: stating what we are trying to accomplish and asking the managers if they agree with that and expect that to be followed, trying to give some guidance because we cannot anticipate every last conclusion and every last consequence when we have legislated. But our muddled congressional activities and actions are clear as crystal compared to what the Supreme Court does frequently as illustrated in this Colorado case.

By the time you finish reading this case about what parties can do and about what soft money can do, there is absolutely no guidance. That guidance ought to be presented by the Congress of the United States. If we had a constitutional amendment on campaign spending, all of the confusion of the Buckley opinion and the Colorado opinion would be eliminated.

You have an extraordinary situation where the President of the United States is reported, in the book by his campaign director, Dick Morris, as sitting down and editing the campaign commercials paid for by millions of dollars of soft money collected by the Democratic National Committee.

Federal election law provides that soft money must be spent on independent expenditures. But money is certainly not being spent independently of President Clinton's campaign if President Clinton sits and edits the commercials. But that is precisely what President Clinton did.

Some have argued that President Clinton did not violate the election law because the DNC spent soft money and the soft money was used for issue advocacy instead of express advocacy on behalf of a specific candidate.

The general rule of what constitutes express advocacy for a specific candidate is "vote for Senator BENNETT." That would be express advocacy. Or "vote against Senator BENNETT." But if someone engages in issue advocacy and lists all the votes which Senator BENNETT has made which they claim are undesirable and mentions all of the good qualities of Senator BENNETT's opponent, that is often considered issue advocacy. That is often not controlled by the Federal election laws. Let's face it, the line between issue advocacy and express advocacy is impossible to draw.

We are approaching the issue of campaign finance reform in the activities of the Governmental Affairs Committee. This was the subject of heated discussion on this floor, though maybe not as heated as it was in the Republican caucus. The distinguished Presiding Officer was there. I might say, parenthetically, it is very troublesome to have our deliberations among Republican Senators in the caucus reported to the press. I was called by the press. My standard answer is, "I will tell you what I said, but I won't tell you what anybody else said." Then the reporter says, "Well, do you mind confirming this?" And they repeat exactly what happened in the Republican caucus, which was limited to Republican Senators. Very distressing. That really is a confidential communication that ought to be respected.

But when we looked at that issue, we came to the conclusion that we have to have a wider scope which includes not only illegal but improper activities. That is because we want to correct what has gone on, and not only with the use of these millions of dollars in soft money, but what has gone on in foreign expenditures. We have seen very substantial moneys contributed illegally by foreigners. We know it is illegal because the Democratic National Committee has returned the money.

When I talk about the Democratic National Committee, I do not wish to be unduly partisan. I favor an inquiry which would take in not only the Democratic Presidential campaign, but the Republican Presidential campaign, and not only the Presidential campaigns but congressional campaigns, so that we would take a look across the board and not with a limited scope.

But the foreign contributions as disclosed to the media have been received by the Democratic National Committee. And we know they are illegal because the Democratic National Committee has returned a great many. We do not know if they returned them all. This is a matter that we ought to look into.

Although contributions by foreigners, noncitizens, are illegal, maybe we ought to extend our laws beyond the bounds which we have now. If we are to really be able to regulate campaign money, we are going to have to have the authority to do it without having the Supreme Court hand down the Colorado case and without having loopholes virtually as broad as the planet.

These are issues of great importance. We have really seen our democracy, our Republic, on the line in terms of what has happened on campaign irregularities. This is something that the Congress ought to take up. The Congress cannot take it up realistically unless we have a constitutional amendment.

I see my distinguished colleague, Senator HOLLINGS, has come back to the floor. I am happy to start again. I am not sure where he came in.

Mr. HOLLINGS. If the Senator will yield, I came in at the very beginning. I could not repeat it better than what the distinguished Senator from Nevada said when he congratulated the Senator from Pennsylvania not just on the guts to be able to cosponsor this, because he takes it from his side—there is no more erudite attorney and legal scholar within this body. I would not miss a word of it.

Mr. SPECTER. I am glad I know that Senator HOLLINGS was here. Otherwise, he would not have made those flattering, complimentary statements.

I know Senator HOLLINGS has been here all day today and all day yesterday, because I came over to look for an opportunity to speak yesterday and the floor was taken, and earlier today I was looking for a chance to speak, and I came out of hearings on the Agriculture Subcommittee where we have a major problem with dairy pricing in Pennsylvania, which occupied me all afternoon.

As I was about to say, Senator HOLLINGS has been the leader on this, and it has been the Hollings-Specter constitutional amendment for the better part of a decade. Senator HOLLINGS asked me to join him in the news conference Tuesday morning at 11:30 where we talked about this amendment and campaign finance reform generally, and then questions from the media got into the issue of what the Governmental Affairs Committee would be doing, more broadly than the constitutional amendment. Some of that got on to the wires and stimulated some of the discussion we had later at the Republican caucus. It was synergistic and moved the issue right along.

It is very difficult to pass this amendment because it takes a two-thirds vote. There is no doubt about that. On May 27, 1993 the Senate adopted by a vote of 52–43 a sense-of-the-Senate resolution that this amendment should be passed, and my sense is that one day this constitutional amendment will pass. It will take a lot of effort. I am not optimistic about its chances at the present time. I do not believe there will be campaign finance reform until the Congress has to act.

We have in here a conflict of interest in passing campaign finance reform because it benefits incumbents. Some say that the absence of campaign finance reform benefits the Republican Party. I disagree with that. I believe the Republican Party would do just fine with campaign finance reform. I think it would be tougher on incumbents, but we are not going to get it until we do overturn Buckley versus Valeo.

The Supreme Court has often reversed itself when the Court was wrong, and there have been constitutional amendments when the Court was wrong. We have an amendment process where two-thirds of the House of Representatives and the Senate, and three-fourths of the States, can change the Constitution—because the U.S. Supreme Court is not the last word. They can be overturned.

There have been proposals to overturn Supreme Court decisions by a two-thirds vote of the Senate. I would hate to see that happen because we muster two-thirds of the Senate sometimes on issues which may not really reflect long-range interests of the United States. I think it is important to have a high barrier to have a constitutional amendment. I think one day the public alarm, the public dismay, the repugnance of the public will reach a level which will motivate the Congress to have campaign finance reform and to have a constitutional amendment.

I think it is a solid constitutional principle that money ought not to be equated with speech, and we ought to overturn Buckley versus Valeo and then Congress ought to have sensible legislation to ensure that democracy is protected and our Republic is protected.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I want to thank the cooperation of the Senator from South Carolina and all the other Senators involved in this debate for their cooperation. It certainly has been a full debate and not a lot of quorum calls were taken. I believe we have entered into, now, an agreement where we will get a final vote on this on Tuesday at 2:45.

Mr. HOLLINGS. That is correct.

Mr. LOTT. We will have further debate on the issue?

Mr. HOLLINGS. Early Tuesday morning, just immediately after the party caucuses.

Mr. LOTT. So all Members will understand there will be a vote on this issue, then, on Tuesday at 2:45.

We are about ready to propound a unanimous-consent request and/or take other action if it is necessary. We have been communicating with the Democratic leader about getting some agreements entered into that could affect Monday and Tuesday and perhaps even Wednesday.

So that we can have a final opportunity to consult, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO PROFS. ROBERT F. CURL AND RICHARD E. SMALLEY

Mr. GRAMM. Mr. President, I would like to congratulate Profs. Robert F. Curl and Richard E. Smalley of Rice University in Houston for their work in the field of molecular chemistry. Along with Prof. Harold Kroto of England, Professors Curl and Smalley were awarded the 1996 Nobel Prize in chemistry for their discovery of the third molecular form of carbon.

Professor Curl, a native Texan from Alice, and Professor Smalley are co-discoverers of the carbon molecule called Buckminsterfullerene. It was named after R. Buckminster Fuller, the architect famous for his geodesic domes, because this new molecule closely resembles his designs. In fact, the term used to describe these molecules is "buckyballs."

This breakthrough discovery by Professors Curl and Smalley promises to revolutionize the world we live in. This new carbon molecule will have scientific and practical applications across a wide variety of fields, from electrical conduction to the delivery of medicine into the human body. These extremely stable molecules are impervious to radiation and chemical destruction, and can be joined to form carbon nanotubes which are 10,000 times smaller than a human hair, yet 100 times stronger than steel. Buckyballs will establish a whole new class of materials for the construction of many products, from airplane wings and automobile bodies to clothing and packaging material.

The work of Professors Curl and Smalley is just one example of the excellent work being done at Rice University and at the many other fine research institutions in Texas. Rice University has long been a premier research center, and with the new Center for Nanoscale Science and Technology, Rice is the first university in the United States to focus on submicroscopic methods for fabricating new structures on the atomic and molecular scale. As Professor Smalley himself described it, "This is the ultimate frontier in the game of building things."

Given that nanoscale science and technology requires an interdisciplinary approach, Rice University is the ideal setting for this new center for nanoscale research. The collaborative scientific approach, which is common at Rice but less customary at larger research institutions, encourages the sort of scientific breakthroughs exemplified by the discovery of buckyballs. These discoveries are essential if we are to guarantee that America will remain the world leader in research. We must be sure we do all we can to support our Nation's scientists, because our Nation's future depends upon the work of people like Professor Smalley and Professor Curl.

Once again, I congratulate Professor Robert Curl and Professor Richard Smalley, as well as Rice University, for earning the Nobel Prize in chemistry. Their contribution to the body of scientific knowledge has been invaluable and will touch the lives of millions.

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker appoints Ms. Jo Anne Barnhart of Virginia as a member from private life on the part of the House to the Social Security Advisory Board to fill the existing vacancy thereon.

The message also announced that the Speaker appoints the following Member on the part of the House to the U.S. Holocaust Memorial Council: Mr. YATES.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1408. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the notice of a multi-function cost comparison; to the Committee on Armed Services.

EC-1409. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Government Securities Sales Practices" (RIN1557-AB52) received on March 12, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1410. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a rule entitled "Policy and Planning Guidance" received on March 6, 1997; to the Committee on Energy and Natural Resources.

EC-1411. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a memorandum of justification and a schedule of proposed obligations; to the Committee on Foreign Relations.

EC-1412. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Saving Law Enforcement Officers' Lives Act of 1997"; to the Committee on the Judiciary.

EC-1413. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, seven rules received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1414. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of indemnification actions approved during calendar year 1996; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Th following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 435. A bill to provide children with improved access to health care; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself, Mr. Moynihan, Mr. Lautenberg, Mr. Wyden, Mr. Jeffords, Mr. Biden, Mr. Kerry, Mr. DeWine, Mr. Leahy, and Mr. Specter):

S. 436. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. Inouye, Mr. Campbell, Mr. Johnson, Mr. Murkowski, Mr. Stevens, and Mr. Bingaman):

S. 437. A bill to improve Indian reservation roads and related transportation services, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 438. A bill to provide for implementation of prohibitions against payment of social security benefits to prisoners, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. Akaka, Mr. Domenici, and Mr. Kyl):

S. 439. A bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. Brownback):

S. 440. A bill to deauthorize the Animas-La Plata Federal reclamation project and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. Specter):

S. 441. A bill to improve health care quality and reduce health care costs by establishing a National Fund for Health Research that would significantly expand the nation's investment in medical research; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. Kerry):

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. Dodd, Mr. Cochran, Ms. Mikulski, Mr. Bennett, Mr. Lieberman, Mr. Kempthorne, Mr. Dorgan, Mr. Frist, Mr. Cleland, Mr. Roberts, and Mr. Specter):

S. Res. 63. A resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Warner, and Mr. Akaka):

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed; to the Committee on Governmental Affairs.

By Mr. ROBB:

S. Con. Res. 8. A concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should be effective on the same date as other cost-of-living adjustments given to federal retirement programs; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. Domenici, Mr. Dodd, Mr. McCain, Mr. Biden, and Mr. Lugar):

S. Con. Res. 9. A concurrent resolution expressing the sense of Congress regarding cooperation between the United States and Mexico on counter-drug activities; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. Con. Res. 10. A concurrent resolution expressing the sense of the Congress regarding certification of Mexico pursuant to section 490 of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. GREGG (for himself, Ms. Mikulski, Mr. Jeffords, and Mr. Kennedy):

S. Con. Res. 11. A concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. Moynihan, Mr. Lautenberg, Mr. Wyden, Mr. Jeffords, Mr. Biden, Mr. Kerry, Mr. DeWine, Mr. Leahy, and Mr. Specter):

S. 436. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; to the Committee on Finance.

AMTRAK TRUST FUND LEGISLATION

Mr. ROTH. Mr. President, I rise to introduce legislation that would create a dedicated source of capital funding for Amtrak. Joining me as cosponsors are Senators Moynihan, Lautenberg, Wyden, Jeffords, Biden, Kerry, DeWine, Leahy, and Specter.

Mr. President, all major modes of transportation have a dedicated source of capital funding, except for intercity passenger rail.

My legislation would correct this inequity and create a secure and reliable capital trust fund for Amtrak, no different than what other major modes of transportation now have.

My legislation would transfer one-half cent of the 4.3 cent per gallon motor fuels tax currently going to the general fund, to a new intercity passenger rail trust fund.

This rail trust fund would total approximately $3.9 billion dollars over 5 years to be used for capital improvement projects. After the fifth year, the revenues from the half cent would revert back to the general fund. My bill would create contract authority to allow Amtrak to enter into contracts necessary for long-term capital projects. For States that do not have Amtrak service, it would provide funding for qualified transportation expenses.

This capital funding proposal is critical to Amtrak's future.

Amtrak needs capital funding to bring it's equipment, facilities, and tracks into a state of good repair. Much of Amtrak's equipment and infrastructure has exceeded its projected useful life. The costs of maintaining this aging fleet and the need to modernize and overhaul facilities through capital improvements to the system are serious financial challenges for Amtrak. My proposal would help reverse these problems and give Amtrak the resources necessary to meet its capital investment needs.

Mr. President, Amtrak, and the National Commission on Intermodal Transportation have called for a secure source of capital funding for Amtrak. I believe that now is the time for this Congress to reverse our current policy that favors building more highways at the expense of alternative means of transportation such as intercity passenger rail. Despite rail's proven safety, efficiency, and reliability in Europe, Japan, and elsewhere, intercity passenger rail remains severely underfunded in the United States. In fact, over half of the Department of Transportation's spending authority is devoted to highways and another quarter to aviation; rail still ranks last with roughly 3 percent of total spending authority.

Last year we spent $20 billion for highways while capital investment for Amtrak was less than $450 million.

In relative terms, between fiscal year 1980 and fiscal year 1994, transportation outlays for highways increased 73 percent, aviation increased 170 percent, and transportation outlays for rail went down by 62 percent. In terms of growth, between 1982 and 1992 highway spending grew by 5 percent, aviation by 10 percent, while rail decreased by 9 percent.

A problem that is going to increase is the congestion on our roads. Between 1983 and 1990, Vehicle Miles Traveled increased nationwide by 41 percent. If current trends continue, delays due to congestion will increase by more than 400 percent on our highways and by more than 1000 percent on urban roads. Highway congestion costs the United States $100 billion annually, and this figure does not include the economic and societal costs of increased pollution and wasted energy resources.

Air travel is equally congested. Commercial airlines in the U.S. presently transport over 450 million passengers each year. A recent transportation safety board study revealed that 21 of the 26 major airports experienced serious delays and it is projected to get worse. Again, the costs are enormous. A 1990 DOT study estimated the financial cost of air congestion at $5 billion each year, and it expects this number to reach $8 billion by 2000.

Congestion is a problem and it must be addressed. However, the current path we are on directs more money for highways and airports. For us in the Northeast, building more roads is simply not an option. We do not have the land nor the financial resources to build more highways or more airports. For these reasons, we must provide more than just good roads but a good passenger rail system as well.

Adequately funded passenger rail can successfully address highway gridlock and ease airport congestion. Passenger rail ridership between New York and Washington is equal to 7,500 fully booked 757's or 10,000 DC–9's. Between New York and Washington, Amtrak has over 40 percent of the air-rail market.

Improved Northeast rail service will also have the same positive impact on road congestion—5.9 billion passenger miles were taken on Amtrak in 1994. These are trips that were not taken on crowded highways and airways. Improved rail service in the Northeast is projected to eliminate over 300,000 auto trips each year from highways as well as reduce auto congestion around the airports.

Improved rail service will also have a positive affect on rural areas. Twenty-two of Amtrak's 55 million passengers depend on Amtrak for travel between urban centers and rural locations which have no alternative modes of transportation.

Mr. President, now is the time to invest in our rail system.

Opponents of my legislation have said that we should not use revenues from our motor fuels tax to pay for Amtrak. I disagree. States are currently using revenues collected from our motor fuels tax for many non-highway uses. For example, Virginia uses its motor fuels tax receipts on mass transit and ports; New Hampshire uses its motor fuels receipts to bolster their Fish and Game Department; Wyoming uses its portion of the motor fuels tax for snowmobile trails and boating facilities; Florida and Arkansas use the motor fuels tax for environmental protection. Like these States have already done, I believe Congress should spend the revenues raised by the motor fuels tax on those programs it feels best serve our transportation needs. I think passenger rail should be one of those programs.

Another argument I often hear is that we should stop subsidizing Amtrak. Amtrak needs to be self-sufficient.

I would like to see that happen, but to date, I am not aware of any transportation system that supports itself without Federal assistance. Further, I am not aware of any transportation system that supports itself through user fees. According to the Department of Transportation, in fiscal year 1994 nearly $6 billion more was spent on highways than was collected in user fees.

In fiscal year 1995 nearly $8 billion more was spent on highways than was collected in user fees. Transit which is exempt from the motor fuels tax, received $3 billion in revenues in motor fuels revenues last year. I repeat, no mode is self-financed.

In closing, our national passenger rail system is important.

My legislation would provide capital funding to help improve and maintain the corporation's infrastructure. Amtrak will not be able to make it to zero operating subsidies by the year 2002 without it. If we are to adequately fund our passenger rail system like we fund our highways and other major modes of transportation, Amtrak will need this trust fund.

By Mr. DOMENICI (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. JOHNSON, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BINGAMAN):

S. 437. A bill to improve Indian reservation roads and related transportation services, and for other purposes; to the Committee on Indian Affairs.

THE AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

Mr. DOMENICI. Mr. President, I rise to introduce a bill on behalf of myself, Senator INOUYE, Senator CAMPBELL, Senator JOHNSON, Senator MURKOWSKI, Senator STEVENS, and Senator BINGAMAN.

Our bill, the American Indian Transportation Improvement Act of 1997, says that the U.S. Congress desires to treat the Indian people of the United States fairly when we pass a new ISTEA; that is, a new highway and transportation and transit bill. As everybody who knows anything about our Indian reservations and Indian pueblos knows, the Indian people buy gasoline just like average Americans. They have cars and pickup trucks. But they have a road system that is maintained for the most part by the Bureau of Indian Affairs. Now, if there is not a dedicated source of revenue, then obviously you have to take money out of the Bureau of Indian Affairs general funding to build roads.

For a number of years we have decided—and I am pleased that I took the leadership—to set aside some significant portion of money out of the highway trust fund that should go to Indian roads.

Today, I am introducing a bill that says to our 557 Indian tribes and the Alaskan Native villages, which are served by about 50,000 miles of road—about 42 percent of these roads are Bureau of Indian Affairs roads, as I indicated—we are going to try to begin a program that will not only build some more roads but will maintain them and will give the Indian people their share of each category of ISTEA money for their road needs, be it construction of bridges, transit programs, highway safety, scenic byways, or the like.

Mr. President, our Nation's 557 Indian tribes and Alaska Native villages are served by over 50,000 miles of roads. About 42 percent of these roads are Bureau of Indian Affairs [BIA] system roads. Beginning in the 1982 Surface Transportation Assistance Act, these BIA system roads were included in the national highway trust fund for the first time in history. The gasoline tax, paid by every Indian who buys gasoline, was invested on Indian reservations through the Indian Reservation Roads [IRR] Program. Indian tribes were included in subsequent major highway legislation, most recently in the Intermodal Surface Transportation Efficiency Act [ISTEA], where annual funding has been $191 million for the past 5 years. Prior to ISTEA, annual IRR funding was $80 million per year.

Our best estimates indicate that at least $300 million is needed annually to begin to bring the IRR system up to par with the rest of American roads and highways. Today, I am proud to be joined by Senators INOUYE, CAMPBELL, and JOHNSON in introducing the American Indian Transportation Improvement Act of 1997. Our legislation increases the Indian Reservation Roads Program from $191 million per year to $250 million in fiscal year 1998; $275 million in fiscal year 1999; and $300 million each year for fiscal years 2000 through 2002. These funds are primarily used for the design and construction of the BIA road system in Indian country. It is significant to most tribes that our bill also includes road maintenance as an eligible activity.

In addition to increasing the planning, design, construction, and maintenance money in our bill, we make other significant changes in the IRR Program and related ISTEA Programs to improve the transportation system on our Nation's Indian reservations. These changes will improve the bridge construction program; provide a set-aside for transit systems; allow DOT certification to directly operate DOT programs; provide a set-aside for highway enhancements like lighting and transfer points to buses; create a competitive grant process for scenic byways; exclude State roads on tribal lands from the apportionment adjustment provisions of ISTEA; and increase funding for Indian Technical Centers from $200,000 each to one million dollars each for the six existing centers.

In the ISTEA Bridge Program, which now requires each State to set aside 1 percent of its ISTEA Bridge Program funds for Indian tribes, our bill would consolidate the 50 separate State set-asides into one national pool. This national set-aside is then distributed to all tribes using to the BIA National Bridge Inventory Standards Program. This BIA Bridge Program rates each Indian bridge and gives it a national ranking by deficiency. Funding priorities for all tribes would be set through the BIA bridge ranking system.

To encourage and expand transit systems on Indian reservations, The American Indian Transportation Improvement Act of 1997 [TAITIA] would also establish a 1 percent set-aside from ISTEA—and its successor—transit programs. While a national formula to allocate transit funds is developed in consultation with tribes, the Federal Transit Administration of the U.S. Department of Transportation [DOT] would allocate the funds. Without the new set-aside, tribes would have to continue to compete within each State for transit moneys. Our bill also allows the conversion of up to 3 percent of IRR construction and design funds for local transit purposes.

Under current law, tribes are not included as eligible entities for direct certification by DOT. This situation is clearly detrimental to tribes hoping to directly operate DOT highway programs other than those operated by the BIA. While only a handful of tribes, like the Navajo Nation, are potentially capable of meeting the DOT certification standards, none are allowed to be certified under the terms of current law. Without changing any of DOT's certification standards, this bill would allow tribes that qualify to become certified by DOT to directly operate Federal highway programs.

In a related certification issue, any tribe certified by DOT, as States are now certified, would be allowed direct access to DOT highway safety program funds. Other tribes—most tribes—would continue to fund their highway safety programs through the BIA–DOT program.

Indian tribes need better access to the Highway Enhancements Program for such improvements as lighting, bike trails, transfer points to buses, and other enhancements. States are allowed to use up to 10 percent of their ISTEA funds for these types of enhancements. Our bill creates a national Indian set-aside of 1 percent and would be administered through the Federal Highway Administration competitive grant process. Each tribe would be eligible to compete for these funds.

The Scenic Byways Program of ISTEA is essential to many tribes for enhanced access to scenic areas for improved economic development activities and other purposes. The Jicarilla Apache Tribe in New Mexico, for example, has committed $3 million of its IRR funds—about 2 years of its total allocations—to complete its portion of the narrow gauge scenic highway to Colorado. To improve critical roads like this one without detracting from the more basic highway needs, our bill would create a 1 percent set-aside for Indian scenic byways. The Federal Highway Administration would allocate these funds through a competitive process with priority consideration given to tribes with the greatest potential for tourism and other economic development activities for tribal members.

Many States commit ISTEA resources to public lands highways on Indian reservations. Under current law, there are apportionment adjustment hold harmless provisions between donor and donee States. If a donee State like New Mexico decides to allocate funds for a public land highway through an Indian reservation, that donee State's allocation for the following year is reduced by the amount of money committed to the public land highway through the Indian reservation—as well as public land highways elsewhere in the State. To encourage States to commit their ISTEA resources to these critical highways on Indian land, like New Mexico highway 537 on the Jicarilla Apache Tribe's reservation, our bill exempts State commitments to public lands highways that are built on Indian land.

If The American Indian Transportation Improvement Act of 1997 were law today, the State of New Mexico and similar donee States would not be penalized for committing their resources to State roads like New Mexico highway 537. Our bill does not address the more general issue of the apportionment adjustment hold harmless provisions in ISTEA, we simply exempt Indian land highways from those provisions.

Finally, The American Indian Transportation Improvement Act of 1997 increases the allocation of IRR funds to the Indian technical centers from $200,000 per center for six centers to $1 million per center for the same six centers. These centers provide training to Indian tribes in all phases of highway planning, design, construction, maintenance, procurement, and related bridge programs. Increasing the ability of these centers to train Indian highway administrators, engineers, and others involved in the IRR Program will significantly enhance the ability of tribes to operate their own programs and improve their transportation systems.

Mr. President, The American Indian Transportation Improvement Act of 1997, was developed in close consultation with Indian leaders. I would like to give special recognition to Paulson Chaco and Sam Johns of the Navajo Nation Transportation Department and Arnold Cassador of the Jicarilla Apache Tribe and Mark Wright, their tribal roads engineer. Their assistance in developing this bill has been essential and their knowledge of these highway programs is impressive.

The American Indian Transportation Improvement Act of 1997 will be a considerable improvement in the current way we do business for the BIA roads system. This system serves over a million American Indians who live on or near a reservation. In my home State of New Mexico, IRR funds have made a large difference in the past decade. It is time to accelerate this effort for the direct benefit of Indian people in America.

Under the current relative needs formula for distributing the IRR money, the Navajo Nation—in New Mexico and Arizona—is now scheduled to receive about $55 million annually in IRR funds. New Mexico Pueblos receive about $12 million and the Apache Tribes receive about $3 million in New Mexico. I know from personal observation, that these funds are generally well spent and much needed throughout Indian country. I believe they are critical funds for improving the poor employment opportunities on most Indian reservations. I urge my colleagues to study the importance of Indian roads for economic development opportunities, and support our effort to greatly improve the Indian Reservation Road Program as described in our bill. Our bill will go a long way toward helping American Indians make the best use of our Nation's highway programs to improve their daily lives.

We have not heretofore broadly applied this degree of Indian participation in the trust fund we set up for highways and mass transit. We have, in the past, principally put money in to build roads. This year, the new bill that we introduced with the cosponsors that I have spoken of, will increase the ISTEA Indian Reservation Road Program to $250 million in 1998, to $275 million in 1999, then $300 million in each of the years 2000, 2001 and 2002. The ISTEA Indian Reservation [IRR] Roads program is currently funded at $191 million per year.

I want to have a list printed in the RECORD at this point to show the current distribution of IRR funds by the

BIA regional offices. Mr. President, I ask unanimous consent that this be printed in the RECORD, and I ask that a program activity allocation, showing how this IRR money is currently allocated among the participating Federal agencies, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDIAN RESERVATION ROADS PROGRAM, DESIGN AND CONSTRUCTION

[Dollars in millions]

	RNF (percent)[1]	Amount
Bureau of Indian Affairs, Central Office, $191 million:		
Aberdeen	9.109	$15.2
Anadarko	2.987	5.0
Billings	6.052	10.1
Juneau	9.460	15.8
Minneapolis	5.045	8.4
Muskogee	7.705	12.9
Phoenix	9.327	15.6
Sacramento	2.863	4.8
Albuquerque	7.026	11.8
Navajo	32.752	54.8
Portland	5.700	9.5
Eastern	1.974	3.3
Total	100	[2] 167.25

[1] RNF=Relative Needs Formula (Allocation distribution).,

[2] Approximate amount available for design and construction after deductions for different categories.

INDIAN RESERVATION ROADS [IRR] PROGRAM ALLOCATION PLAN

IRR Program Activity	Allocation (percent)	Million
Yearly Authorization	....	$191.0
Less FHWA Administration	Δ3.00	5.7
Less BIA Administration	Δ5.00	9.0
Less IRR Transportation Planning	Δ2.00	3.8
Less 2 percent Tribal Transportation Planning}	2.00	3.8
Less Mapping	Δ.13	.25
Less LTAP	Delta.63	1.2
Available for design and construction	....	167.25

*]23 U.S.C., Section 204(j)(b)-Up to 2% of funds made available for Indian Reservation Roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary (of Transportation).

Mr. DOMENICI. Mr. President, I send the bill to the desk and ask it be referred to the appropriate committee or committees.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. DOMENICI. Mr. President, I send a summary of the provisions, the purpose and various provisions. This document will show that Indian reservation bridges, for example, will be handled in a better way. Our bill continues the basic design and construction of Indian roads. We also add road maintenance as an eligible activity. We also provide transit, scenic byways, highway enhancements, and other Indian set-asides in our bill.

We include scenic byways, especially those that will help to develop reservation economies. We think if there are byways that are scenic in Indian country and can add to the reservation economy, they ought to get their share of these highway trust funds. We allow DOT certification for tribes who can qualify to directly operate DOT programs without going through the Bureau of Indian Affairs. We increase funding for Indian technical centers to enhance tribal capabilities in the entire range of highway planning, design, construction, and maintenance.

I ask that this bill summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

PURPOSE

To increase the Indian Reservation Roads (IRR) Program of the Intermodal Surface Transportation Improvement Act (ISTEA) from $191,000,000 per year to $300,000,000 per year, and to include Indian tribes in other relevant programs of ISTEA as described below.

IRR FUNDING AMOUNTS AND ROAD MAINTENANCE

IRR Program funding will be increased from $191 million in fiscal year 1997 to $250 million in fiscal year 1998; $275 million in FY 1999; and $300 million in fiscal years 2000 through 2002. Road maintenance is made an eligible activity.

INDIAN RESERVATION BRIDGES

The current Indian reservation bridge program in ISTEA is operated through the states. Each state has a set-aside of one percent for Indian bridges. The American Indian Transportation Improvement Act of 1997 (TAITIA) creates a single national bridge program from amounts previously allocated to the states. TAITIA allocates one percent to the Secretary of Transportation for Indian bridges. Priorities for distribution among tribes will be determined by the Bureau of Indian Affairs' (BIA) National Bridge Inspection Standards Program which determines deficiency levels for Indian reservation bridges. Priority for TAITIA funds will be given to bridges with the highest level of deficiency.

INDIAN TRANSIT SET-ASIDE

In The American Indian Transportation Improvement Act of 1997, one percent of the ISTEA Mass Transit funds will be set aside for transportation services to Indian tribes. The Secretary of Transportation will develop an allocation formula in consultation with tribes. Until the allocation formula is formally developed, the Administrator of the Federal Transit Administration of DOT will establish a temporary allocation formula. the funds through a temporary formula.

SCENIC BYWAYS PROGRAM

One percent of the funds for scenic byways are set-aside for Indian tribes in a competitive grant process for the planning, design, and development of Indian tribe scenic byway programs. These scenic byways are important for tribal economic development programs.

CERTIFICATION ACCEPTANCE AND HIGHWAY SAFETY

The American Indian Transportation Improvement Act of 1997 allows tribes with advanced transportation planning and construction capabilities to be certified by DOT for direct participation in DOT programs in a manner that is now allowed for qualified states. Under current law, even a qualified tribe is not allowed to be certified by DOT. This certification acceptance provision will allow tribes that are able to meet the national standards to be accepted by DOT. TAITIA makes no changes in the certification standards.

Tribes that are able to achieve certification acceptance by DOT will also be eligible for direct access to DOT highway safety funds, Section 402 of ISTEA. These activities include traffic safety, traffic law education, seatbelt law enforcement, and free infant restraints.

INDIAN TECHNICAL CENTERS

The six Indian Technical Centers are now funded at a level of $200,000 each. To improve tribal capacity to plan, design, construct, maintain, and otherwise operate their own Indian Reservation Roads Programs, TAITIA will increase each center's amount to one million dollars, adding $4.8 million for this vital function.

TRANSPORTATION ENHANCEMENT ACTIVITIES

ISTEA allows each state to use up to ten percent of its allocation for transportation enhancements such as bike trails, transfer points to buses, and lighting. Tribes are allowed to compete for these funds in each state. TAITIA sets aside one percent of the national transportation enhancement pool to be used by the Secretary of Transportation to make competitive grants to Indian tribes.

PUBLIC LANDS HIGHWAYS

TAITIA exempts states from the apportionment adjustment provisions of ISTEA for Public Lands Highways built on Indian reservations. Although these are not IRR funds, states are currently discouraged from committing their resources to Public Lands Highways in Indian Country due to the hold harmless provisions of the apportionment adjustment requirements. This exemption is intended to encourage states to make commitments of state ISTEA resources to Public Lands Highways on Indian reservations.

Mr. DOMENICI. Mr. President, I would like to indicate the distinguished former chairman of the Indian Affairs Committee, Senator McCAIN, is very interested in the bill, and has indicated his support when it reaches his committee.

• Mr. CAMPBELL. Mr. President, as Chairman of the Committee on Indian Affairs, I am pleased to join Senator DOMENICI and Vice Chairman INOUYE in introducing the American Indian Transportation Improvement Act of 1997, to amend the Intermodal Surface Transportation Efficiency Act. [ISTEA].

More than any other communities in the United States, Indian tribes and Alaska Native villages suffer from a lack of adequate infrastructure, and the necessary tools to build and maintain that infrastructure. The United States has a special responsibility to Indian tribal governments to help them achieve economic self-sufficiency and political self-determination.

Economies today, whether State, tribal, or national, are increasingly dependent on interstate and international commerce for their livelihoods. Solid physical infrastructure is the foundation for those economies.

Federal ISTEA funding to tribal governments has lagged behind spending for States and local governments over the years, despite acute and unmet needs in Indian country. Poor and unsafe roads and highways, crumbling bridges, and nonexistent transit and transportation systems all contribute to and result in tribal economies that are third world in nature.

In addition to facilitating the delivery of basic social services such as health, education, and nutrition to tribal members, solid physical infrastructures act as an incentive to outside investors to invest in tribal economies and to locate their businesses on tribal lands.

The legislation I am cosponsoring today recognizes the special Federal obligations, and will assist in the development and maintenance of Indian transportation infrastructures and in the process pave the way for higher levels of economic growth and job creation.

By increasing the funds available for the Indian reservation roads program, this bill will provide immediate relief to those tribes that have a backlog of road development and maintenance. By strengthening the capacity of tribes through transportation enhancement activities, the reservation bridges programs, and technical centers, this legislation will ensure that Indian tribes are not precluded from building stronger, more vibrant communities.

I urge my colleagues to join in enacting this legislation so critical to tribal governments and economies across the Nation.●

Mr. INOUYE. Mr. President, I rise today to join my esteemed colleague, Senator PETE V. DOMENICI of New Mexico, as a cosponsor of legislation that he has authored which proposes an increase in the funding for the Indian Reservation Roads Program and which would improve the quality of Indian roads by directly including Indian tribes in Federal transportation service programs.

Indian reservation roads are the lifeline of tribal economic and social wellbeing, with about 50,000 miles of roads serving Indian tribes and Alaska Native villages nationwide. Over 90 percent of these roads are comprised of State and county roads and roads constructed and maintained by the Bureau of Indian Affairs.

The Bureau of Indian Affairs' road system includes approximately 21,000 miles of roads which comprise about 42 percent of all roads serving Indian country. The overwhelming majority of these Bureau of Indian Affairs' roads—about 89 percent—are rated as being in poor condition. This is an alarming statistic which this legislation is designed to remedy.

Historically, funding for the construction and maintenance of Bureau of Indian Affairs' roads has failed to keep pace with tribal transportation needs and the result has been inferior Indian road conditions. In the 1950's, BIA funding reached a high of $10 million per fiscal year. By 1979, funding levels rose to $80 million per year. Thereafter, BIA funding significantly declined.

The Surface Transportation Assistance Act of 1982 made the Indian Reservation Roads Program eligible for support from the Highway Trust Fund at $100 million for fiscal years 1984 to 1986. Between 1987 and 1991, funding from the Highway Trust Fund decreased to $80 million. In 1992, funding rose to $159 million and from 1993 to 1997, funding for Indian roads increased to $191 million.

Although funding for Indian reservation road construction and maintenance improved, the increases were nonetheless woefully inadequate to meet tribal construction needs and to improve Indian roads so that they might be able to meet national standards. Furthermore, the current funding level of $191 million falls well short of the estimated national tribal transportation need of $300 million annually. Unless funding is increased, tribal roads will continue to fall behind national standards to the economic and social detriment of Indian tribes.

The American Indian Transportation Improvement Act of 1997 includes necessary funding increases and significant changes to the Indian Reservation Roads Program and to relevant Federal transportation programs that will provide Indian tribes with greater opportunities to meet their transportation needs. The improvements to Indian transportation include the following:

One, funding for the Indian Reservation Roads Program would be increased from $191 million annually to $250 million for fiscal year 1998, $275 million for fiscal year 1999, and $300 million for fiscal years 2000 through 2002. Funds are primarily to be used for the design and construction of roads in the BIA system.

Two, identified as high priority by tribes, the bill includes Indian reservation road maintenance as an eligible activity for funding under the Indian Reservation Roads Program. For BIA roads, Indian Reservation Roads Program funds would be used to supplement the nominal funding provided for road maintenance.

Three, to encourage donee States to fund public land highway projects that serve Indian country, the bill exempts funds expended on a public land highway constructed on an Indian reservation from the apportionment adjustment hold harmless requirement which has in the past had the effect of decreasing a State's surface transportation program allocation by the amount a State expended on a public land highway located on or running through an Indian reservation.

Four, this bill would establish a 1-percent set-aside of funds allocated for the National Scenic Byway Program for the development of an Indian scenic byway program to enhance access to scenic areas for economic development and other purposes with funding to be distributed through competitive grants.

Five, currently, tribes qualified to meet the requirements of direct certification in order to operate their own Federal highway programs are not eligible to do so. The bill overcomes this impediment by authorizing the eligibility of Indian tribes for certification by the State or tribal highway department to directly operate Federal highway programs. For example, certified tribal governments will have direct access to Federal highway safety funds and be able to manage the highway safety programs.

Six, to promote tribal highway enhancement activities on Indian roads, including bus transfer points and highway lighting, the bill authorizes the transfer of 1 percent of the funds available to States for transportation enhancement for competitive grants to Indian tribes.

Seven, in order to remedy the inefficient distribution of Indian bridge funds, the bill would establish a national Indian bridge program by consolidating the 1 percent of funds the States set aside for Indian bridges. The Secretary of Transportation would distribute the funding with priority given to bridges with the highest level of deficiency as determined by the BIA National Bridge Inspection Standards. This process efficiently allocates Indian bridge funds based on demonstrable need.

Eight, to enhance the capability of Indian tribes to improve their transportation systems and qualify for direct certification, $1 million per fiscal year is authorized for each of six Indian technical centers where tribal members receive training in areas including highway planning, construction, and maintenance.

Nine, finally, to address the inability of Indian tribes to apply directly for mass transportation funds and to meet increasing transit needs, the bill provides authority for a 1-percent set-aside of mass transportation funding for tribes with the allocation formula to be established by the Secretary of Transportation following negotiations with the tribes. In addition, the bill authorizes the conversion of up to 3 percent of Indian reservation road funds to provide mass transportation services to Indian tribes.

The American Indian Transportation Improvement Act of 1997 will significantly improve surface transportation service on or near Indian Reservations—improvements that will provide greater mobility for tribal members, increase economic opportunities for the tribe, including much-needed employment, and improve the overall quality of life.

Mr. President, I want to recognize the outstanding leadership demonstrated by Senator PETE DOMENICI in developing this important legislation. I urge my colleagues to join the chairman of the Indian Affairs Committee, the Honorable Senator BEN NIGHTHORSE CAMPBELL, Senator PETE DOMENICI, and me in acting favorably on this bill when it comes before the Senate for consideration.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about the American Indian Transportation Improvement Act of 1997. This is an act that is long overdue. It would ensure that the native American communities in our country received the necessary funding to keep up with their growing infrastructure needs, in this case, roads. This bill would also ensure that we continue the Federal responsibility and commitment to native Americans. In addition, Mr. President, the American Indian Transportation Improvement Act would go a long way toward providing native American communities the necessary means toward economic and rural development to attract more business enterprises, tourism and thereby, job creation.

As my distinguished colleague from New Mexico, Senator DOMENICI, has aptly described today, Indian tribes and Alaskan communities must maintain over 50,000 miles of roadways. Many of our Nation's bridges and roadways are in great need of repair and upgrade, and tribal roads and bridges are by no means an exception. This year as we work toward ISTEA reauthorization, we must address many complicated issues. For example, we must determine whether and to what extent distribution formulas should be adjusted, whether to provide States added flexibility in administering programs, and whether and to what extent current environmental protections should be enhanced.

But as we toil to address these issues, we must realize that tribal communities are facing and must address transportation issues just as challenging as those we address on a State and national Level. Tribes have the same needs and are just as interested as our Nation's urban dwellers in improving roads and bridges. Tribal communities are interested in establishing and maintaining mass transit systems especially to assist their elderly, disabled, and youth get to and from places for goods, services, health care, and after-school activities.

Mr. President, our investment in city, State, county, and tribal transportation systems is an investment from which we will certainly reap larger economic benefits and a much greater quality of life for communities greatly in need of help.

By Mr. GRASSLEY:

S. 438. A bill to provide for implementation of prohibitions against payment of Social Security benefits to prisoners, and for other purposes; to the Committee on Finance.

THE NO CASH FOR CONVICTS ACT

• Mr. GRASSLEY. Mr. President, today I am introducing legislation to prohibit the payment of Social Security benefits to convicted criminals who are incarcerated at the expense of hard-working taxpayers.

The fate of the Social Security program has become a major topic of debate in Washington and in the homes of the American people. In the news, on Capitol Hill, and in the conversations of people all across this country the question of how to address the pending financial problems of Social Security has caused considerable anxiety. Congress must face one of its stiffest challenges in the next couple of years to enact legislation that will rescue the Social Security program for the long term.

However, there are other flaws in the Social Security program that we must not overlook. Because Social Security provides a lifelong entitlement to cash and health care, it is often a target of fraud and abuse. In the last couple of years, we have taken action to suspend benefits paid to drug addicts and alcoholics and have increased funding so the Social Security Administration can perform continuing disability reviews which ensure that beneficiaries who may have recovered are no longer receiving benefits.

Just last year, Congress enacted legislation to help SSA identify prisoners who received benefits from the Supplemental Security Income Program. Unfortunately, Congress was unable to provide similar help to the Social Security Disability Insurance Program.

No one incarcerated for a crime should continue to collect Social Security Disability Insurance. Criminals should not be allowed to double dip and receive Federal money earmarked for the purchase of food and clothing while they are part of a prison system which provides these necessities already. The average SSDI payment in January of 1996 was $682. When an individual's shelter, food, and clothing needs are already being paid for at government expense—at least $13,000 a year in some States—paying out additional Federal funds is inexcusable.

Under current law, criminals are prohibited from collecting disability insurance benefits if they are incarcerated and if that incarceration arises from a conviction punishable by imprisonment of more than one year. However, this narrow standard applies to a limited number of criminals.

In order to fully confront this problem we must enact legislation that accomplishes two goals. First, the law needs to be expanded to close the existing loophole that allows criminals who are serving time for misdemeanors or who receive a sentence of less than one year to continue to collect benefits. Second, we must amend the law to facilitate the flow of information between Federal, State, county and local officials.

Right now, SSA is able to identify only a few of the individuals who have been imprisoned to stop their benefits. The Social Security Act already requires that any Federal, State, county or local agency send the SSA the names and social security numbers of anyone who is confined to a penal institution or correctional facility in writing.

What's needed is an incentive for State and local law enforcement authorities to report to the SSA any inmate illegally collecting DI benefits. In testimony to the House Ways and Means Oversight Committee on March 4, 1996, the General Accounting Office testified that SSA lacks timely and accurate information to stop benefit payments to prisoners.

My bill provides State and local law enforcement agencies with a financial incentive to report convicted criminals who are receiving benefits while serving time in jail. The bill awards $400 for each criminal reported to SSA within the first 30 days of confinement, and $200 if the required information is reported to SSA after the 30 day period ends. If the local authorities do not notify SSA within 90 days after confinement begins, no award will be made.

Last year, as part of welfare reform we took steps to stop the flagrant abuse of the Social Security system with respect to SSI payments. Now we must finish the job by extending the law to include the illegal collection of DI benefits.

By passing this legislation we will protect the financial soundness of Social Security disability insurance and preserve the program for the people it is meant to assist. The only way to protect the hard-earned money of the American taxpayer is to insure that every penny is being spent properly. This legislation is projected to save $35 million over the next 7 years. In this day of hundreds of billions of dollars in deficit this may not seem overwhelming, but it will ease the administrative burden on SSA and most importantly, help restore confidence in this vital program.•

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. DOMENICI, and Mr. KYL):

S. 439. A bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL POWER ACT AMENDMENT ACT OF 1997

• Mr. MURKOWSKI. Mr. President, along with Senators AKAKA, DOMENICI, and KYL, I am today introducing legislation to address several issues associated with hydroelectric projects.

Section 1 gives the State of Alaska jurisdiction over small hydroelectric projects 5 megawatts or smaller. Section 2 precludes the voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii. Section 3 provides an exemption from licensing for the transmission line portion of a hydroelectric project located in the State of New Mexico. Section 4 gives the FERC the authority to extend for up to 10 years the deadline for commencement of construction of hydroelectric projects.

Sections 1, 2, and 3 of this bill are virtually identical to sections 7, 8, and 9 of S. 737 as reported in the 104th Congress. By unanimous vote, S. 737 was ordered reported by the Committee on Energy and Natural Resources (Report No. 104–77). On September 27, 1996, the Senate unanimously passed S. 737 (Senate Calendar No. 100). Unfortunately, just a few days later, on October 6, the House of Representatives went out of session not having acted on the Senate-passed bill.

Sections 2 and 3 are of direct interest to Senators AKAKA and DOMENICI, and they will speak separately on their merits. I will discuss sections 1 and 4, which are of direct interest to me.

Section 1 gives the State of Alaska jurisdiction over hydroelectric projects 5 megawatts or smaller. It goes into effect when the Governor of Alaska notifies the Secretary of Energy that the State has in place a comprehensive process for regulating these facilities. The required process is modeled on the one contained in the Federal Power Act for the FERC. The authority granted to the State of Alaska would apply only to projects that are located entirely within the State. Moreover, these projects may not be located on an Indian reservation, a unit of the National Park System, a component of the Wild and Scenic Rivers System, or a segment of a river designated for study for potential addition to such system. In the case of a project that is already licensed by the FERC, the project sponsor may elect to make it subject to State authority. Projects located on Federal lands are subject to the approval of the Secretary of the Federal agency having jurisdiction, and that Secretary may include such terms and conditions as may be necessary for the protection of the public interest. The provisions specifically provide that nothing preempts the application of Federal environmental, natural, or cultural resources protection laws according to their terms.

Section 4 amends section 13 of the Federal Power Act to give the FERC authority to extend for up to 10 years the deadline for the commencement of a hydroelectric project. Under existing law, a project must commence construction within 2 years of the date of the issuance of the license. That deadline can be extended by the FERC one time for as much as 2 additional years, for a total of 4 years. If construction has not commenced at the end of the statutory time period, the license must be terminated by the FERC. Termination not only results in the licensee losing its investment of time and many tens of thousands of dollars to obtain the license, it also delays the construction of the project by requiring a new licensee to start the licensing process all over.

In the past, 4 years was adequate time to commence construction. However, with growing uncertainty in the electric power market, it is proving increasingly difficult for licensees to obtain the power purchase contract necessary to secure financing so as to permit commencement of construction. This has resulted in a number of individual requests to Congress to legislatively extend on a case-by-case basis the commencement of construction deadline. During the 104th Congress, for example, 28 bills were introduced in the House and Senate to extend the deadline for individual projects. Acting on these individual requests proved to be very time consuming for the committee and for the Congress. Had this provision been enacted, all of these requests could have been accommodated administratively by the FERC. Hence, I am introducing this bill to give the FERC the generic authority to extend the deadline for the commencement of construction for up to 10 years.

Mr. President, it is for these reasons that I am introducing this legislation along with Senators AKAKA, DOMENICI, and KYL.•

• Mr. AKAKA. Mr. President, the State of Hawaii, its delegation in Congress, and conservation organizations throughout the State are deeply concerned about Federal efforts to regulate hydroelectric power projects on State waters. The question of who should have authority for hydropower regulation—the State or the Federal Government—is very contentious.

Those who care for Hawaii's rivers and streams recognize that continued Federal intervention may have serious repercussions for our fresh water resources and the ecosystems that depend upon them. Whenever a hydroelectric power project is proposed, a number of environmental considerations must be weighed before approval is granted. Important issues must be evaluated, such as whether the proposed dam or diversion will impair the stream's essential flow characteristics, or what effect the hydropower project will have on the physical nature of the stream bed or the chemical makeup of the water. Will a dam or diversion diminish flow rates and reduce the scenic value of one of Hawaii's waterfalls? Will it harm recreational opportunities? These, and other questions must be answered.

The effect of a new dam or diversion on the State's disappearing wetlands must be weighed. Wetlands provide vital sanctuary for migratory birds, as well as habitat for endangered Hawaiian waterfowl. They serve as reservoirs for storm water, filtering water-borne pollutants before they reach the fragile coastal habitat, and provide a recharge area for groundwater.

Historic resources may be at risk on streams when hydropower projects are proposed. When Polynesians first settled our islands, Hawaiian culture was linked to streams as much as it was linked to the sea. The remnants of ancient Hawaiian settlements can be found along many State rivers. Will the Federal Government give adequate attention to stream resources that have unique natural or cultural significance when it issues a hydroelectric license or permit?

Most important of all, hydropower development must be compatible with preserving native aquatic resources. Hawaiian streams support many species that depend on undisturbed habitat. Perhaps the most remarkable of these species is the gobie, which can climb waterfalls and colonize stream sections that are inaccessible to other fish. These are some of the complex factors that must be considered during Federal hydropower decisionmaking.

Federal agencies that have responsibility for fish, wildlife, and natural resource protection have raised questions about the State of Hawaii's commitment to protecting stream resources. They assert that the Federal Energy Regulatory Commission is better equipped than the State to protect environmental values.

Nothing could be further from truth. The State of Hawaii has demonstrated its commitment to protect stream resources by instituting a new water code, adopting instream flow standards, launching a comprehensive Hawaii stream assessment, and organizing a stream protection and management task force.

Meanwhile, FERC has shown little regard for stream protection and has granted a preliminary permit to a hydropower developer on the Hanalei River. This is the same river that the Fish and Wildlife Service is fighting to preserve. The Hanalei National Wildlife Refuge is the largest refuge on the island of Kauai, and is home to four endangered water birds. Sixty percent of the State's taro crop is grown in the wetlands adjacent to the river. When it comes to protecting environmental values, FERC is off to a very poor start.

The experience with the proposed Hanalei hydropower project raises serious questions about appropriateness of the Federal efforts to regulate hydropower in Hawaii. Our rivers and streams bear no resemblance to the wide, deep, long, and relatively flat rivers of the continental United States. Hawaiian streams generally comprise groups of short riffles, runs, falls, and deep pools. There are only five streams with a length of 40 miles or more. Only two streams have a median flow rate greater than 100 cubic feet per second. By comparison, the mean discharge of the Mississippi River is nearly 40,000 times the annual flow of Hawaii's longest river, the Kiikii River.

The Federal interest in protecting the vast interconnected river systems of North America is misplaced in our isolated mid-Pacific location. When it comes to regulating hydropower in Hawaii, FERC is a fish out of water.

Chairman MURKOWSKI has agreed to include the text of my legislation to exempt Hawaii from the FERC hydropower jurisdiction in section 2 of the hydropower legislation he introduced today. Section 2 would terminate FERC's jurisdiction over hydropower projects on the fresh water of the State of Hawaii. Section 2 is identical to the legislation passed by the Senate during the 103d Congress as part of an omnibus hydropower bill, but the House and Senate could not resolve their differences on the bill. In the 104th Congress, the Senate Energy and Natural Resources Committee again approved the bill. I will continue to fight for the passage of this legislation during the 105th Congress.•

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. 440. A bill to deauthorize the Animas-La Plata Federal reclamation project and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe; to the Committee on Energy and Natural Resources.

ANIMAS-LA PLATA PROJECT LEGISLATION

• Mr. FEINGOLD. Mr. President, today I am introducing legislation to deauthorize the construction of the Animas-La Plata water project in Colorado. I am very pleased to be joined in this effort by the Senator from Kansas [Mr. BROWNBACK]. This measure is identical to a bipartisan effort in the other body introduced on February 13, 1997, by my colleague from Wisconsin [Mr. PETRI] and my colleague from Oregon [Mr. DEFAZIO].

The Animas-La Plata project is a $744 million water development project planned for southwest Colorado and northwest New Mexico that is largely taxpayer funded. Designed to supply 191,230 feet of water, it will consist of 2 major reservoirs, 7 pumping plants, and 200 miles of canals and pipes. The project will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000, to supply municipal, industrial, and irrigation interests.

The legislation I am introducing today deauthorizes the Animas-La Plata Federal reclamation project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain Ute Tribes to find an alternative to satisfy their water rights needs. It is supported by a broad coalition of taxpayer and environmental groups that includes: Taxpayers for Common Sense, Americans for Tax Reform, Citizens Against Government Waste, Citizens for a Sound Economy, and National Taxpayers Union. This legislation was also profiled in the 1997 Green Scissors Report, and the Animas project has shown up on a number of deficit reduction target lists, including one recently proposed by the Chairman of the Budget Committee of the other body [Mr. KASICH].

I believe that Federal legislation to terminate the Animas-La Plata project is needed for four reasons. First, as a Senator who is extremely concerned about the Federal deficit and debt, this project has an extremely high price tag—a projected total cost of $744 million in fiscal year 1998. That total projected cost estimate has increased $30 million over the fiscal year 1997 estimate of $714 million. The Federal share of that cost now exceeds half a billion dollars, $503 million to be exact, which is nearly 68 percent of the total cost. I believe, especially in these times of tight budgets, that commencement of significant Federal discretionary spending should be critically evaluated.

By no measure or metric is this project cost effective, Mr. President. A July 1995 economic analysis by the Bureau of Reclamation, the only analysis that used economic procedures approved for Bureau analyses and a current discount rate, reported that the project's benefit-cost ratio is 0.36:1. In other words, Mr. President, the project will return only 36 cents for every taxpayer dollar invested. I am additionally concerned, Mr. President, because recent GAO reports have highlighted that Federal water projects, once built, do not recoup the costs of the projects from the users, who are supposed to be paying the government back for its investment. Municipal and industrial users are required under the Water Supply Act of 1958 to fully repay all the construction costs and operation and maintenance costs attributable to the supply of municipal and industrial water. Those repayment contracts are to be in place before construction begins. Currently, the Bureau has signed a repayment contract with two non-Indian project beneficiaries. Those that have been signed do not cover the construction costs of the full project, due to cost increases. It is questionable if the project will ever comply with the law and obtain full reimbursement of municipal and industrial costs from the project beneficiaries.

Second, I am introducing this legislation because I believe that the Congress should support the State of Colorado's ongoing dialog over lower cost alternatives rather than proceed to initiate construction. The Animas-La Plata project has been the focus of controversy and litigation for many years. In response to legislative activities last Congress, which I will describe in further detail, Colorado Gov. Roy Romer and Lt. Gov. Gail Schoettler convened a discussion process in October 1996 with the Bureau of Reclamation, the Southern Ute and Ute Mountain Ute Tribes, interested water districts, irrigators, and environmentalists in an attempt to resolve disputes among the parties. To assist in the success of this process, the Bureau and the other parties executed a legal "stand still" agreement establishing basic ground rules for the dialog and identifying the activities that could take place outside the process. While the eventual outcome is not known, a recommendation for a different formulation of the project is possible.

Thus far, the Department of the Interior, acting through the Bureau, is committed to finding a solution acceptable to the parties in general, and to the Colorado Ute Tribes specifically, due to the Federal Government's tribal trust responsibility. My legislation will codify that direction by specifically directing the Bureau to continue with these negotiations, rather than proceed with Animas-La Plata.

Third, this legislation has been drafted to acknowledge the importance of demonstrating support for ensuring that the Federal Government's obligations to the Colorado Ute Tribes are fulfilled. During debate over the fiscal year 1997 energy and water appropriations bill, colleagues will remember that I offered an amendment to terminate funding for Animas-La Plata. I believe that amendment was not successful last year due to concerns by colleagues that the project is necessary to fulfill Ute tribal water rights.

As I made clear to colleagues during the appropriations debate, despite the contention that the project will address the Ute claims, Animas-La Plata was not initiated as a way to address these claims. This project was authorized in 1968 to supply irrigation water to farmers growing forage crops in arid areas. Even back then, in the heyday of big water projects, this one was riddled with so many problems it couldn't get going. In 1988, nearly 20 years after it was authorized, the settlement of the Ute Indian water rights claims became an additional justification for pushing this project through.

Construction of this project has not yet begun because of a variety of factors, including concerns raised about the adequacy of the April 1996 Supplemental Environmental Impact Statement, issues surrounding cost-sharing and repayment agreements, and compliance problems with New Mexico's water quality standards.

Both the Ute Mountain Ute and the Southern Ute tribal governments formally support construction of Animas-La Plata. The water that the Utes will be provided from the project, however, is only a fraction of the project's total capacity. Of the 191,230 acre-feet of water the project will supply, two-thirds will go to nontribal interests with only 62,000 acre feet of the total to be supplied to both tribes. There is dissent within the Southern Ute Tribe about the wisdom of this project, and I am pleased that this legislation terminating the project has received the support of the Southern Ute Grassroots Organization.

I am concerned that the Animas-La Plata as currently proposed cannot meet the needs of the tribes because the initial construction phase of the project will neither provide the delivery system nor the quantity of water needed to fully honor the Federal Government's commitments. We should not spend hundreds of million of dollars and still find the tribal needs potentially unmet. Rather, I want to see that the Bureau is engaged in actively solving these problems rather than half-heartedly moving forward with construction and at the negotiating table to examine alternatives. The Ute Tribes' water rights settlement says that if the project isn't built and fully functional by the year 2000, the tribes may void the settlement and go back into negotiations or litigation. Last year, the Bureau indicated that it cannot complete the project before 2003. It is not unreasonable to expect that the Utes may seek to void their settlement, wherein the non-Indian irrigators will get their expensive project and Congress in the year 2005 or so will have to fund a new water rights settlement.

Finally, I believe that there needs to be a proactive legislative solution put forward to address the Animas-La Plata project because the political support for continued appropriations for this project is eroding. Last year, during the 104th Congress, the other body voted 221 to 200 to stop the funding for the Animas-La Plata project as it is currently designed. The chairman of the Budget Committee in the other body has put Animas-La Plata on a target list of corporate welfare cuts. I believe that during the appropriations cycle for fiscal year 1998, the other body will again vote to terminate funding for this project.

Politically, we may go back and forth for a few years with the other body terminating funding and this body restoring the money. But eventually, both Houses of Congress will resist and we will have wasted millions of dollars.

My bill seeks to put this project back on a positive track. It directs the Bureau of Reclamation to address legitimate water needs and explore all the alternatives to meeting those needs, and terminates this project that we can no longer afford. I ask unanimous consent that this measure be printed in the RECORD.

Three being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEAUTHORIZATION OF ANIMAS-LA PLATA FEDERAL RECLAMATION PROJECT.

(a) DEAUTHORIZATION.—The Animas-La Plata Project, Colorado and New Mexico (a participating project under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.), and the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.)) is not authorized after the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—The first section of the Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620), is amended in the proviso by striking "Animas-La Plata,".

(c) NEGOTIATIONS.—The Secretary of the Interior shall promptly seek to enter into negotiations with the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe to satisfy, in a manner consistent with all Federal laws, the water rights interests of those tribes that were intended to be satisfied with water supplied from the Animas-La Plata Project.●

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 441. A bill to improve health care quality and reduce health care costs by establishing a national fund for health research that would significantly expand the Nation's investment in medical research; to the Committee on Finance.

THE NATIONAL FUND FOR HEALTH RESEARCH ACT

Mr. HARKIN. Mr. President, I rise today with Senator SPECTER to introduce the National Fund for Health Research Act. This legislation is similar to legislation I introduced with Senator Hatfield during the last Congress which gained broad bipartisan support in both the House and Senate.

Our proposal would establish a national fund for health research to provide additional resources for health research over and above those provided to the National Institutes of Health [NIH] in the annual appropriations process. The fund would greatly enhance the quality of health care by investing more in finding preventive measures, cures, and cost-effective treatments for the major illnesses and conditions that strike Americans.

To finance the fund, health plans would set aside approximately 1 percent of all health premiums and transfer the funds to the Department of the Treasury. The Department of the Treasury would then transfer the money to the national fund for health research.

Each year under our proposal amounts within the national fund for health research would automatically be allocated to each of the NIH Institutes and Centers. Each Institute and Center would receive the same percentage as they received of the total NIH appropriation for that fiscal year. The set aside should generate sufficient funds to provide for a nearly 50-percent increase in funding for the NIH.

In 1994, I argued that any health care reform plan should include additional funding for health research. Health care reform has been taken off the front burner but the need to increase our Nation's commitment to health research has not diminished.

While health care spending devours nearly $1 trillion annually our medical research budget is dying of starvation. The United States devotes less than 2 percent of its total health care budget to health research. The Defense Department spends 15 percent of its budget on research. Does this make sense? The cold war is over but the war against disease and disability continues.

Increased investment in health research is key to reducing health costs in the long run. If we can find the cure for a disease like Alzheimer's the savings would be enormous. Today, federally supported funding for research on Alzheimer's disease totals $300 million yet it is estimated that nearly $100 billion is expended annually on caring for people with Alzheimer's.

Gene therapy and treatments for cystic fibrosis and Parkinson's could eliminate years of chronic care costs, while saving lives and improving patients' quality of life.

Mr. President, Senator SPECTER and I do everything we can to increase funding for NIH through the appropriations process. But, given the current budget situation and freeze in discretionary spending what we can do is limited. Without action, our investment in medical research through the NIH is likely to continue to decline in real terms.

The NIH is not able to fund even 25 percent of competing research projects or grant applications deemed worthy of funding. This is compared to rates of 30 percent or more just a decade ago. Science and cutting edge medical research is being put on hold. We may be giving up possible cures for diabetes, Alzheimer's, Parkinson's, and countless other diseases.

Our lack of investment in research may also be discouraging our young people from pursuing careers in medical research. The number of people under the age of 36 even applying for NIH grants dropped by 54 percent between 1985 and 1993. This is due to a host of factors but I'm afraid that the lower success rates among applicants is making biomedical research less and less attractive to young people. If the perception is that funding for research is impossible to obtain, young people that may have chosen medical research 10 years ago will choose other career paths.

Mr. President, I am pleased that over 130 groups representing patients, hospitals, medical schools, researchers, and millions of Americans have already endorsed our proposal.

Mr. President, health research is an investment in our future—it is an investment in our children and grandchildren. It holds the promise of cure or treatment for millions of Americans.

By Mr. WYDEN (for himself and Mr. KERRY):

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERNET TAX FREEDOM ACT

• Mr. WYDEN. Mr. President, a few weeks ago, I met with a group of small business folks at an Internet cafe in Portland. We talked about the promise electronic commerce holds for businesses and consumers. The Internet can give a small businessperson in Astoria, OR access to the entire global marketplace. It can give consumers, especially in rural areas, entry to a supernational shopping mall.

For governments, the Internet offers a different type of promise—the chance to be a new cash cow. As Federal funds decrease, States and local governments are looking to the Internet as a new source of revenue. Some have already begun building tollbooths on the information superhighway. For sales taxes alone, there are nearly 6,500 different taxing authorities in this country. One businessman at the Internet cafe told me he is wary of getting into electronic commerce because of the prospect of as many as 30,000 different pairs of hands reaching into his pockets to collect taxes. If current trends continue, State and local levies will transform the Internet from a bright and exciting new frontier for commerce into a dark jungle of foreboding taxes.

Under today's mishmash of State and local Internet taxes, everyone is puzzled. Take a customer at his home computer who purchases an item from a virtual catalogue. With the click of his mouse, the purchase is logged, his account billed and payment made by wire transfer and the order sent. The vendor is in another State, or even another country. His bank is in a third State and the purchase is a gift being sent to a relative in another State. Where did this transaction take place? Where was there nexus for tax purposes—the vendor State? The customer's State? The bank's location? Or the State where the gift is being sent? Is the answer all of the above, some of the above, or none of the above?

The enormity of the problem is underscored by the fact that the hottest selling software today is software to help entrepreneurs and companies figure out various State tax policies.

When a consumer in Corvallis, OR uses an Internet search engine in California, is that search a taxable service? When a housewife in Houston uses Virginia-based America Online to make a virtual purchase from a furniture company in North Carolina, what gets taxed where? Is an Internet service provider a public utility, as one State has ruled? Even if a State has enacted an online tax law, collection and enforcement are often haphazard. This system rewards ignorance and punishes the boy scout businesses that play by the rules.

The purpose of the bill I am introducing today with Congressman CHRIS COX is to allow everyone to step back and take a deep breath. It says let's suspend this crazy tax quilting bee so that everyone can come together in a rational way to figure out what policy makes the most sense.

The Internet Tax Freedom Act has three parts. First, it would impose an indefinite moratorium on subnational taxes on electronic commerce. Where States and local governments have already imposed taxes on electronic commerce, their taxes would be grand fathered to the extent that they are net income taxes, fairly apportioned business license taxes or where the tax is collected in an identical way for mail or telephone orders. This will assure uniformity and fairness, while targeting inequitable technology taxes. Our intent is that the new tax moratorium apply to all Internet and interactive computer services, regardless of the technology—such as cable systems and wireless networks—being used to deliver those services. It will give us a functionally equivalent and technologically equitable tax policy. It will assure equity and fairness among all business entities and across technologies.

Second, the bill would call upon the administration to bring together State and local governments, businesses and consumers, and any others with a stake in the Internet and online commerce to develop policy recommendations on taxation of the Internet and use of the Internet to deliver products and services. The Executive would have 2 years in which to prepare policy recommendations on taxation of the Internet.

Third, the bill directs the executive branch to seek an international agreement making the Internet a duty-free zone. Just as we seek a rational policy on electronic commerce taxation here in the United States, our businesses cannot be expected to compete overseas if they faced more than 160 different foreign tariff policies covering global electronic commerce. Although about 75 percent of Web users live in North America, most electronic commerce is between companies, rather than companies and consumers. Forrester Research of Massachusetts predicts business-to-business commerce will soon be worth $67 billion a year.

Trying to find out exactly which States and local authorities are imposing taxes on electronic commerce and what types of taxes they are imposing is a daunting—if not outright impossible—task in itself. The Vice President for a good-sized Internet service provider in California said he would need a whole department to untangle the various Internet tax laws around the country, "It's in my nightmare pile," he observed. If this has stumped some of the best accounting firms in the country, how in the world can a small business that wants to sell over the Internet figure out its various tax liabilities? The difference between States in electronic commerce tax policy is mind-numbing.

Twenty States and the District of Columbia impose one or more taxes on electronic commerce. New York levies taxes on gross receipts on the "furnishing of information," but not on personal or individual information. Ohio taxes electronic transmissions and real estate data bases because they provide objective data but exempts news services because they provide analysis. Texas taxes the transmission of electronic information and software in whatever form, but does not tax software sent out of State on a disk. Alabama's Revenue Department ruled last fall that a utility tax applies to Internet service providers, forcing them to pay a 4-percent public utilities tax.

Last year in Florida a small Internet service provider asked the State's Department of Revenue whether he should add a sales tax to his customers' monthly bills. He was certain he wouldn't have to since all net surfers there already pay 10 percent or more in taxes for the telephone service they use to link to the Internet. To his surprise, the Revenue Department said his customers should have been paying a 7-percent service tax under a decade-old telecommunications law. Then, adding shock to surprise, the Department told him his company was subject to an additional 2.5-percent tax on its gross annual receipts. The uproar from users and providers led the Governor to suspend the taxes until a panel could study the implications.

The legislation is constructed in such a way as to set up a dynamic and productive tension. It gives those that seek revenue from electronic commerce—the States and local governments—an incentive to work with the administration in developing policy recommendations on Internet taxation. Indeed, the National Conference of State Legislatures wrote me on February 21 that they have been "working with a number of other State organizations as well as the impacted private sector industries to find the common ground which will lead to the coordination and uniformity of State tax structures which the draft legislation desires." And an official with the Federal of Tax Administrators observed last summer that "States need to figure out how to tax it [the Internet] and to make it a level playing field with other services." I will also continue to work with the Multistate Tax Commission to assure their efforts move forward.

But the question remains: Will the simple imperative for good public policy outweigh the desire of cash-strapped States to tap a new source of revenue? Without a moratorium, as proposed in this legislation, I fear those State and local governments hungry for new sources of revenue have little, if any, incentive to work for a fair and equitable Internet tax policy.

I want to thank a number of groups that have helped us craft this legislation, and which have indicated their support for this bill: the American Electronics Association, the Software Publishers Association, the Association of Online Professionals, the Committee on State Taxation, the Direct Marketing Association, the Business Software Alliance, the Information Technology Association of America, the U.S. Telephone Association, the California State Board of Taxation, the Massachusetts High Tech Council, CommerceNet, the Silicon Valley Software Industry Coalition, IBM, AT&T, and other companies.

I view the legislation being introduced today as the beginning of a process, not the end. It remains a work in progress and will hopefully continue to be refined throughout the congressional hearing process.

There is a great deal to learn in these unchartered waters. All of us—Congress, State and local governments, businesses and consumers—must educate each other about how this new electronic medium works. We must all work together to help it achieve its full potential as a marketplace of ideas, products, and services.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Freedom Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) As a massive global network spanning not only State but international borders, the Internet is inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under Article I, Section 8 of the United States Constitution.

(2) Even within the United States, the Internet does not respect State lines and operates independently of State boundaries. Addresses on the Internet are designed to be geographically indifferent. Internet transmissions are insensitive to physical distance and can have multiple geographical addresses.

(3) Because transmissions over the Internet are made through packet-switching it is impossible to determine with any degree of certainty the precise geographic route or endpoints of specific Internet transmissions and infeasible to separate intrastate from interstate, and domestic from foreign, Internet transmissions.

(4) Inconsistent and inadministrable taxes imposed on Internet activity by State and local governments threaten not only to subject consumers, businesses, and other users engaged in interstate and foreign commerce to multiply, confusing, and burdensome taxation, but also to restrict the growth and continued technological maturation of the Internet itself, and to call into question the continued viability of this dynamic medium.

(5) Because the tax laws and regulations of so many jurisdictions were established before the Internet or interactive computer services, their application to this new medium in unintended and unpredictable ways threatens every Internet user, access provider, vendor, and interactive computer service provider.

(6) The electronic marketplace of services, products, and ideas available through the Internet or interactive computer services can be especially beneficial to senior citizens, the physically challenged, citizens in rural areas, and small businesses. It also offers a variety of uses and benefits for educational institutions and charitable organizations.

(7) Consumers, businesses, and others engaging in interstate and foreign commerce through the Internet or interactive computer services could become subject to more than 30,000 separate taxing jurisdictions in the United States alone.

(8) The consistent and coherent national policy regarding taxation of Internet activity, and the concomitant uniformity, simplicity, and fairness that is needed to avoid burdening this evolving form of interstate and foreign commerce can best be achieved by the United States exercising its authority under Article I, Section 8, Clause 3 of the United States Constitution.

SEC. 3. MORATORIUM ON IMPOSITION OF TAXES ON INTERNET OR INTERACTIVE COMPUTER SERVICES.

(a) Moratorium.—Except as otherwise provided in this section, no State or political subdivision thereof may impose, assess, or attempt to collect a tax directly or indirectly on—

(1) the Internet or interactive computer services; or

(2) the use of the Internet or interactive computer services.

(b) Preservation of State and Local Taxing Authority.—Subsection (a)—

(1) does not apply to taxes imposed on or measured by net income derived from the Internet or interactive computer services;

(2) does not apply to fairly apportioned business license taxes applied to businesses having a business location in the taxing jurisdiction; and

(3) does not affect a State or political subdivision thereof of authority to impose a sales or use tax on sales or other transactions effected by the use of the Internet or interactive computer services if—

(A) the tax is the same as the tax generally imposed and collected by that State or political subdivision thereof on interstate sales or transactions effected by mail order, telephone, or other remote means within its taxing jurisdiction; and

(B) the obligation to collect the tax from sales or other transactions effected by the use of the Internet or interactive computer services is imposed on the same person or entity as in the case of sales or transactions effected by mail order, telephone, or other remote means.

SEC. 4. ADMINISTRATION POLICY RECOMMENDATIONS TO CONGRESS.

(a) Consultative Group.—The Secretaries of the Treasury, Commerce, and State, in consultation with appropriate committees of the Congress, consumer and business groups, States and political subdivisions thereof, and other appropriate groups, shall—

(1) undertake an examination of United States and international taxation of the Internet and interactive computer services, as well as commerce conducted thereon; and

(2) jointly submit appropriate policy recommendations concerning United States domestic and foreign policies toward taxation of the Internet and interactive computer services, if any, to the President within 18 months after the date of enactment of this Act.

(b) President.—Not later than 2 years after the date of enactment of this Act, the President shall transmit to the appropriate committees of Congress policy recommendations on the taxation of sales and other transactions affected on the Internet or through interactive computer services.

(c) Recommendations To Be Consistent With Telecommunications Act of 1996 Policy Statement.—The Secretaries and the President shall take care to ensure that any policy recommendations are fully consistent with the policy set forth in paragraphs (1) and (2) of section 230(b) of the Communications Act of 1934 (47 U.S.C. 230(b)).

SEC. 5. DECLARATION THAT THE INTERNET BE FREE OF FOREIGN TARIFFS, TRADE BARRIERS, AND OTHER RESTRICTIONS.

It is the sense of the Congress that the President should seek bilateral and multilateral agreements through the World Trade Organization, the Organization for Economic Cooperation Council, or other appropriate international fora to establish that activity on the Internet and interactive computer services is free from tariff and taxation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) Internet; interactive computer service.—The terms "Internet" and "interactive computer service" have the meaning given

such terms by paragraphs (1) and (2), respectively, of section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)).

(2) Tax.—The term "tax" includes any tax, license, or fee that is imposed by any governmental entity, and includes the imposition of the seller of an obligation to collect and remit a tax imposed on the buyer.

THE INTERNET TAX FREEDOM ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short title: "The Internet Tax Freedom Act"

Section 2: Findings. Sets forth a series of findings, including that the Internet is inherently a matter of interstate commerce; that the Internet operates independently of State lines; that inconsistent and unadministrable taxes imposed on Internet activity by State and local governments subject consumers and businesses to multiple, confusing and burdensome taxation and are creating compliance problems for Internet access providers, vendors and interactive computer service providers; that consumers, businesses and others engaging in interstate commerce through the Internet or interactive computer services could become subject to some 30,000 separate taxing jurisdictions in the United States; and that uniformity, simplicity and fairness are needed regarding taxation of Internet activity to avoid burdening this evolving form of interstate commerce.

Section 3: Moratorium on Imposition of Taxes on Internet or Interactive Computer Services—

Subsection (a), establishes a moratorium on direct and indirect state or local taxes on the Internet or interactive computer services or the use of those services.

Subsection (b), preserves state and local authority for taxes for the following types of taxes:

(1) taxes on or measured by net income derived from these services,

(2) fairly apportioned business license taxes, and

(3) sales and use taxes on interstate electronic transactions that are consistent with taxes on mail order and telephone transactions.

Section 4: Administration Policy Recommendations to Congress.

Subsection (a), Establishes a consultative group of the Secretaries of the Treasury, Commerce and State that will work with State and local governments, consumer and business groups and others to examine U.S. and international taxation of Internet and interactive computer services and submit policy recommendations to the President within 18 months of enactment.

Subsection (b), directs the President to transmit to Congress any policy recommendations within two years of enactment.

Subsection (c), seeks to ensure that any policy recommendations are consistent with the 1996 Telecommunications Act policy statement regarding promotion of the Internet and interactive computer services.

Section 5: Declaration that the Internet Be Free of Foreign Tariffs, Trade Barriers, and Other Restrictions

Sets forth the sense of the Congress that the President should seek bilateral and multinational agreements through various international trade organizations to keep the Internet and interactive computer services free from tariffs and taxation.

Section 6: Definitions

(1) Internet and interactive computer service terms are defined as they are in the Communications Act of 1934, as amended by the 1996 Telecommunications Act.

(2) Defines tax to include any tax, license or fee imposed by any governmental entity and includes the imposition on the seller of an obligation to collect and remit a tax imposed on the buyer.●

ADDITIONAL COSPONSORS

S. 72

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 72, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers, and for other purposes.

S. 73

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 73, a bill to amend the Internal Revenue Code of 1986 to repeal the corporate alternative minimum tax.

S. 74

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 74, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 75

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 76

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 76, a bill to amend the Internal Revenue Code of 1986 to increase the expensing limitation to $250,000.

S. 102

At the request of Mr. BREAUX, the names of the Senator from Maine [Ms. COLLINS], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. BRYAN], the Senator from Oklahoma [Mr. INHOFE], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 181

At the request of Mr. DORGAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 252

At the request of Mr. GREGG, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 252, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax for assets held more than 2 years, to impose a surcharge on short-term capital gains, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 278

At the request of Mr. GRAMM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 357

At the request of Mr. BENNETT, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 357, a bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument, and for other purposes.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 373, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for protection of consumers in managed care plans and other health plans.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Colorado [Mr. ALLARD], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal/private sector mandates, and for other purposes.

S. 419

At the request of Mr. BOND, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

SENATE RESOLUTION 57

At the request of Mr. DORGAN, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

SENATE CONCURRENT RESOLUTION 7—RELATIVE TO COST-OF-LIVING ADJUSTMENTS

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER and Mr. AKAKA) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 7

Whereas over the years, Federal employees and retirees have regularly been forced to bear a disproportionate share in connection with deficit reduction: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that cost-of-living adjustments for Federal retirees should be paid beginning in January of each year, as current law prescribes, and should not be delayed, whether as part of a budget agreement or otherwise.

Mr. SARBANES. Mr. President, I am pleased to submit along with Senators MIKULSKI, WARNER, and AKAKA, this sense-of-the-Congress resolution. It is a simple resolution which clearly states that it is the sense of the Congress that Federal retiree COLA's should not be delayed.

After 3 years of having their cost-of-living adjustments delayed, Federal retirees finally saw equity restored this year when their COLA adjustment became effective in January instead of April. Federal retirees should continue to receive their COLA on time, in line with all other Federal cost-of-living adjustments.

According to the Congressional Budget Office, the average Federal retiree would lose an estimated $915 over the next 5 years if a three-month COLA delay is reinstated. To many of our Nation's more than 2 million Federal retirees, this can mean a significant difference in the calculation of their yearly living expenses.

Further delaying Federal retiree COLA's would, in my view, set a dangerous, unfounded precedent where cutting or altering Federal retiree and employee benefits to effect cost savings becomes an all too regular and accepted practice.

Mr. President, Federal retirees have served this Nation with the expectation that the benefits they have earned will be excluded from the pressures of achieving arbitrary budgetary targets. Disparate treatment of COLA recipients goes against longstanding congressional policy that for more than 25 years has ensured COLA equity for all retirees, and I urge my colleagues to join me in support of this important resolution.

• Ms. MIKULSKI. Mr. President, today I am joining with my colleagues, Senator SARBANES, Senator WARNER, and Senator AKAKA to submit a very important resolution. Our resolution states a simple fact—federal retirees should not be singled out for delays in their cost of living adjustments.

As my colleagues know, 1997 was the first year since 1993 that Federal retirees received a timely COLA. Their COLA's were delayed until April for the last 3 years as part of the 1993 deficit reduction plan. They were willing to accept this delay because they knew that they would have to do their fair share to help us control the budget deficit. Many of them said to me, "Senator, I'm willing to tighten my belt another notch to help this country, as long as everyone else is asked to do the same."

Now we have a situation where retirees are being asked to tighten the belt again. Except this time they are being singled out for special treatment. We have proposals to delay Federal retiree COLA's for another 4 years. I don't think that's right —it's not fair and its not equitable. I think all COLA's—Federal, military, and Social Security should be paid on time. They should be reliable and they should be accurate. We owe our seniors, our Government retirees, and our military retirees nothing less.

I am very disturbed by the recent trend of promises broken to Federal employees, and retirees. I believe that promises made should be promises kept. When Federal employees signed up for service, they agreed to defer some compensation until retirement. They knew that they would make less salary than in the private sector, but they also knew that they would have a stable benefits package of health insurance, life insurance, and retirement. If we delay their COLA's again we are telling them—sorry, we did not exactly tell you the truth when you signed up for service. We are telling them that they cannot rely on the benefits that they planned their retirements around.

I do not think this is the way we should run our Government, and it's not the way we should treat our Government retirees. I am working to make sure we honor our commitments, and I urge all my colleagues to do the same and support this resolution.•

Mr. WARNER. Mr. President, I rise today as a cosponsor of legislation expressing the sense of Congress that Federal retirement cost-of-living adjustments [COLA's] should not be delayed.

I join with my colleagues Senator SARBANES and Senator MIKULSKI of Maryland, and Senator AKAKA of Hawaii in opposing President Clinton's fiscal year 1998 budget proposal to delay Federal retiree cost-of-living adjustments [COLA's].

It was a matter of great satisfaction to me that the balanced budget proposal approved by the Congress in 1995 provided for full CPI-based COLA's for Federal retirees each January through the year 2002. That legislation was vetoed by President Bill Clinton on December 6, 1995.

The President has once again indicated his lack of support for COLA equity by submitting his fiscal year 1998 budget proposal including delayed Federal retiree COLA's. It is my intention to strenuously oppose the President's inequitable COLA policy whenever possible. I will be looking to the Federal retiree community for support in this effort as the fiscal year 1998 budget process continues.

Federal retirees must be treated equitably in terms of cost-of-living adjustments [COLA's] and income security. You may recall that in 1986, I was an original cosponsor of the COLA equity amendment, landmark legislation which guaranteed equal COLA treatment for all participants in Government retirement programs—Social Security, civil service, and military. From that point until President Clinton's Deficit Reduction Act of 1993, full CPI-based COLA's were provided for all retirees each January 1.

Regrettably, President Clinton's 1993 budget departed from the policy of COLA equity in that a series of COLA deferrals were put in place for civil service, and military retirees. As you know, Social Security recipients were not affected. What you may not know is that last year, I sponsored legislation which was enacted into law to at least retain COLA equity for the military and civil service. A damaging proposal had surfaced to further delay civil service COLA's to help fund military COLA's, an unworkable and unfair proposition. I vigorously opposed it and fought for its defeat.

It is time once again to stand and oppose this COLA inequity for Federal retirees. I urge my colleagues to support this resolution to restore equity for all retirees.

SENATE CONCURRENT RESOLUTION 8—RELATIVE TO COST-OF-LIVING ADJUSTMENTS

Mr. ROBB submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 8

Whereas over the years Federal retirees have been asked to share in efforts to reduce the deficit by delaying their annual cost-of-living adjustment while retirees under other Federal programs who also receive cost-of-living adjustments were not delayed:

Whereas it would be inequitable to continue delaying cost-of-living adjustments for Federal retirees when like delays for similarly situated retirees under other systems are not under consideration: Now, therefore, be it

Resolved by the United States Senate (the House concurring), That it is the sense of the Congress that cost-of-living adjustments for Federal retirees should be paid at the same time as other retirees receiving federal cost-of-living adjustments.

Mr. ROBB. Madam President, I submit a concurrent resolution expressing the sense of the Congress that all Federal annuitants should receive their cost-of-living adjustments at the same time.

This resolution is very similar to one submitted by my colleague from Maryland, and cosponsored by the other distinguished Senator from Maryland and my own esteemed colleague, the senior Senator from Virginia. And while I agree with them in spirit, I could not support the wording of their resolution so I am here to offer my own.

As we are all aware by now, the President's budget proposal would delay Federal retiree cost-of-living adjustments from their statutory date of January 1 to April 1 until the year 2002. This same budget proposal, however, would leave the effective date for COLA's for other Federal COLA recipients at January 1, thus singling out Federal civilian retirees as the only Federal beneficiaries with their COLA's delayed. This seems blatantly unfair and violates the principle of COLA equity that so many of us have espoused over the years. If the budget justification is there to delay one group, then why isn't it there for the others? Conversely, if there is a policy justification for not delaying certain retirees, then why are Federal retirees any different?

I could not join my colleagues in cosponsoring their resolution because I can see a point where a policy decision to treat everyone equitably could result in delaying COLA's across all of these programs. That is not what I believe we need to do this year, and I'll continue to support efforts to equalize COLA's in January. I could not, however, in good conscience cosponsor a resolution which I might contradict at a later point in time.

As an alternative, I am offering a concurrent resolution which expresses the sense of the Congress that COLA's for all of these Federal annuitants and beneficiaries should be paid at the same time. The resolution deliberately does not state a date certain, simply that the principle of equity between them should prevail.

SENATE CONCURRENT RESOLUTION 9—RELATIVE TO COUNTER-DRUG ACTIVITIES

Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 9

Whereas the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law;

Whereas approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 smokers of marijuana;

Whereas illegal drug use occurs among members of every ethnic and socioeconomic group in the United States;

Whereas 10.9 percent of all children between 12 years and 17 years of age use illegal drugs, and one child in four claims to have been offered illegal drugs in the last year;

Whereas drug-related illness, death, and crime cost the United States approximately $66,900,000,000 in 1996, including costs for lost productivity, premature death, and incarceration;

Whereas effective treatment and prevention is required to break the cycle that links illegal drugs to violent crime in the United States and to reduce the social and economic costs to the United States of illegal drug use;

Whereas such treatment and prevention depend on our ability to prevent the flow of illegal drugs through our orders through effective cooperation with other nations;

Whereas according to the Department of State, Mexico is the source of between 20 and 30 percent of the heroin and 70 percent of the marijuana shipped into the United States and is a transit point for between 50 and 70 percent of the cocaine shipped into the United States;

Whereas drug traffickers along the United States border with Mexico smuggle approximately $10,000,000,000 worth of narcotics into the United States annually, and the drug trade generates approximately $30,000,000,000 annually for the Mexican economy;

Whereas there has been a failure to take effective action against drug cartels and other significant narcotics traffickers in Mexico, including the Juarez and Tijuana drug cartels;

Whereas Mexico has failed to honor requests by the United States for extradition of Mexican nationals indicted in our courts on drug-related charges;

Whereas the number of drug seizures in Mexico in 1996 was only half the number of seizures in 1993, and the number of drug-related arrests in Mexico in 1996 was only half the number of such arrests in 1992;

Whereas there is evidence of official corruption in the counter-drug forces of Mexico, including the recent arrest of General Jesus Gutierrez Rebollo, the highest-ranking counter-drug official of the Government of Mexico;

Whereas the Government of Mexico has refused to permit United States agents to carry their weapons on the Mexican side of the United States border with Mexico;

Whereas the banking and financial sectors in Mexico lack mechanisms to prevent money laundering; and

Whereas the Department of Treasury estimates the amount of drug-related money-laundering in Mexico in 1996 at nearly $10,000,000,000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) to express concern about ineffective and insufficient progress by Mexico in halting the production in and transit through Mexico of illegal drugs; and

(2) to urge the President of the United States and the President of Mexico to expand and strengthen their cooperative relationship in order to make additional progress in halting the production in and transit through Mexico of illegal drugs, including meaningful progress in—

(A) the dismantlement of major drug cartels in Mexico and the arrest of their leaders;

(B) the implementation by Mexico of effective money-laundering legislation;

(C) the compliance of Mexico with outstanding extradition requests by the United States, particularly those requested for extradition of Mexican nationals indicted in our courts on drug-related charges;

(D) the interdiction of the flow of narcotics and other controlled substances across the land and sea border between the United States and Mexico;

(E) the cooperation of Mexico with United States law enforcement officials engaged in counter-drug activities, including permission for United States agents to carry weapons on the Mexico side of the United States border; and

(F) the implementation by Mexico of a wide-ranging program to identify, eliminate, and prosecute officials in Mexico, including government, police, and military officials, who are engaged in or corrupted by drug-related activities.

SENATE CONCURRENT RESOLUTION 10—RELATIVE TO MEXICO

Mr. GRASSLEY submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 10

Whereas Mexico is one of the major source countries for narcotic and psychotropic drugs and other controlled substances entering the United States;

Whereas Mexico is a major transit country for cocaine;

Whereas 70 percent to 80 percent of all foreign-grown marijuana in the United States originates in Mexico;

Whereas criminal organizations in Mexico are involved in smuggling across the United States border;

Whereas criminal organizations in Mexico are engaged in the routine corruption of Mexican officials;

Whereas Mexico has not taken adequate steps to prevent or punish bribery and other forms of corruption;

Whereas Mexican President Ernesto Zedillo has stated his commitment to "create a nation of law," combat drug trafficking, investigate assassinations, and punish official corruption at all levels;

Whereas Mexico has not taken adequate steps to arrest or extradite major drug cartel leaders;

Whereas the continued, large-scale transportation of narcotic and psychotropic drugs and other controlled substances from Mexico to the United States is detrimental to the vital national interests of the United States;

Whereas the Government of Mexico has not taken sufficient steps to control its borders against airborne and seaborne smuggling or to implement a promise by President Ernesto Zedillo to develop a radar network along Mexico's border and to take adequate steps to arrest or extradite major drug cartel leaders; and

Whereas the President determined and reported to Congress pursuant to section 490(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(b)) that Mexico had taken sufficient steps to combat international narcotics trafficking: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should not certify Mexico pursuant to section 490(b)(1) of the Foreign Assistance Act (22 U.S.C. 2291j(b)(1)) on March 1, 1998, unless the Government of Mexico demonstrates clear progress in the following matters:

(1) Taking steps to develop and deploy a southern tier of radars to monitor aircraft flying into Mexico and to deploy interception capability to close the air bridge into Mexico.

(2) Arresting or extraditing major drug trafficking kingpins and taking adequate steps to disrupt the operations of major criminal organizations operating in and through Mexico.

(3) Taking adequate steps to stop the corruption of Mexican officials at all levels of government and investigating accusations against State governors and public officials.

(4) Taking swift action to implement recent money-laundering and anti-crime legislation.

(5) Permitting United States law enforcement officials on the United States-Mexico border to cross the border with their weapons and reaching agreement to allow United States law enforcement personnel to continue into Mexico while in "hot pursuit" of suspects.

(7) Reaching an agreement to allow refueling for maritime and air interdiction assets.

(8) Reaching an agreement to permit adequate cooperation with United States law enforcement personnel for intercepting maritime smugglers.

(9) Developing and implementing measures to control and monitor maritime smuggling through major ports and container facilities.

(10) Deploying and using vetted units of specially selected and trained law enforcement personnel to disrupt drug trafficking organizations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. GRASSLEY. Mr. President, there is no dispute that a lot of drugs reach this country through Mexico. Not we, not the administration, not Mexico challenge this fact. Just as clearly, we must be concerned about this traffic in illegal drugs. We must be concerned for what this poisonous trade is doing to our country and to our kids. We must be concerned for what the drug money that results from this trade is doing to build criminal empires able to challenge and corrupt whole countries. For these reasons, the United States and Mexico have a shared interest in stopping an illegal trade that is so damaging to both our peoples and our institutions.

Mexico acknowledges its responsibility to help in combating the production and transit of illegal drugs. The production and transit of these drugs are illegal under Mexican law. Mexico is a party to a variety of international agreements to stop these practices. It also has bilateral agreements with the United States to the same effect. Thus, by solemn agreement, Mexico, along with most others countries, is committed in principle and practice to taking effective action to stop illegal drug production and transit.

The United States has a long and deeply intertwined relationship with Mexico, a relationship that is very important to both countries. Whether for good or ill, we are linked to Mexico and Mexico to us. Thus, we must be particularly thoughtful in how we treat that relationship.

The resolution I am offering today does not amend the certification process. It does not change the President's decision to certify Mexico—today. What it does do is send a clear, strong message from Congress that, while we have heard many promises, we have seen little action. And actions—appropriate actions—are paramount. While a change in the certification process may be necessary, doing so without taking the time to hold hearings or look at the possible solutions is hasty. We need to consider our next steps carefully.

There has been a lot of discussion in the last few days on what to do about Mexico. The discussion has tended to go from conditions that proposed to go too far, in my judgment, to approaches that do not go far enough. Clearly, striking the right balance on this important issue is not easy. In my view, however, we must lay down benchmarks with a clear time frame for deciding what Congress regards as the minimum we expect. After all that has been said and done in the last several days, to do less falls shy of doing anything.

My resolution affords the Congress the time to make a reasoned determination about what to do. It requires the Administration to base its decision next March 1 on a specific set of measurable benchmarks. In brief, my proposal requires progress on nine specific issues. These include progress on establishing an interdiction network of radars, progress on extradition, progress on dealing with corruption, steps to resolve carry weapons, steps to reach a maritime agreement, and steps to resolve refueling rights.

I believe that this approach and these measures give us the reasonable terms of reference for how to proceed. This approach gives us the opportunity and time to develop the cooperation on the drug issue that I believe we all want.

This resolution outlines both the concerns that have been expressed by Congress and what we expect Mexico to accomplish before March 1, 1998. Not rhetoric, but actions. We ought to proceed with care before we take steps to fundamentally alter the United States-Mexican relationship. But we must keep faith with our responsibilities to the public.

SENATE CONCURRENT RESOLUTION 11—RELATIVE TO A NUTRITION PROGRAM

Mr. GREGG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 11

Whereas older individuals who receive proper nutrition tend to live longer, healthier lives;

Whereas older individuals who receive meals through the nutrition programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) have better nutrition than older individuals who do not participate in the programs;

Whereas through the programs 123,000,000 meals were served to approximately 2,500,000 older individuals in congregate settings, and 119,000,000 meals were served to approximately 989,000 homebound older individuals in 1995;

Whereas older individuals who participate in congregate nutrition programs carried out under the Act benefit not only from meals, but also from social interaction with their peers, which has a positive influence on their mental health;

Whereas every dollar provided for nutrition services under the Older Americans Act of 1965 is supplemented by $1.70 from State, local, tribal, and other Federal funds;

Whereas home-delivered meals provided under the Act are an important part of every community's home and community based long-term care program to assist older individuals to remain independent in their homes;

Whereas the home-delivered meals represent a lifeline to many vulnerable older individuals who are not able to shop and prepare meals for themselves;

Whereas the nutrition programs carried out under the Act successfully target the older individuals who are in greatest need and most vulnerable in the community; and

Whereas the nutrition programs have assisted millions of older individuals beginning with the enactment of Public Law 92–258, which established the first Federal nutrition program for older individuals, and continuing throughout the 25-year history of the programs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) celebrates the 25th anniversary of the first amendment to the Older Americans Act of 1965 to establish a nutrition program for older individuals, and

(2) recognizes that nutrition programs carried out under the Older Americans Act of 1965 continuously have made an invaluable contribution to the well-being of older individuals.

SENATE RESOLUTION 63—PROCLAIMING "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, Mr. CLELAND, Mr. ROBERTS, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 63

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our Nation and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, "Effective character education is based on core ethical values which form the foundation of democratic society.";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of October 19 through October 25, 1997, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

Mr. FRIST. Mr. President, I rise today to join my colleagues, both Republican and Democrat—and especially Senator DOMENICI—in submitting this year's resolution to designate the week of October 19–25 as Character Counts Week.

I believe it is important that we put character back into our vocabulary. The American people are crying out for virtue and values—character does count and it's essential that we focus our efforts in extending this message.

The Character Counts movement, which emphasizes trustworthiness, respect, responsibility, fairness, caring, and citizenship, seeks to teach the core elements of good character to our Nation's young people.

One of the most important things we can ever do for our children is to help them learn and understand the value of virtue and the importance of character.

The Character Counts Coalition is gaining momentum across the country, and I am proud to be a part of that effort.

I think it is clear from the reports every night on the news, that such a movement has never been more timely. I am proud that the citizens of my home State, Tennessee, have joined the call for character renewal.

Last year, I spoke of the city of Greeneville, TN, which put together a character education program featuring 10 community virtues including self-respect, respect for others, perseverance, courtesy, fairness and justice, responsibility, honesty, kindness, self-discipline, and courage. Since then, Greeneville has extended its character education program from the city schools to the county school district, too.

Mr. President, I am proud that Hamblen County schools in Morristown, TN, have adopted the Character Counts Program with the leadership provided by their school superintendent, Ernest Walker. In addition, they have a local advisory board composed of parents and leaders involved with youth activities in their professional and volunteer capacities.

Gary Chesney, a school board member has said "It's good for schools to reinforce the job parents do at home with their kids."

I had the opportunity to attend the kickoff event for the Sullivan County schools' Character Counts Program. Juvenile Court Judge, Steve Jones, helped initiate this effort and is an outstanding example of how one person can make a difference in a community. Judge Jones calls Character Counts "the ultimate prevention program."

In a way, the Character Counts movement—I believe—is an act of renewal. By welcoming our children into a world of shared values and ideals, we invite them to continue the task of preserving the principles we hold most dear.

Mr. President, Tennesseans have joined the national effort to save our children from the moral decay we see all around us because they recognize that the only way to preserve this great democracy—this system that requires so much from each of us—and our American way of life, is to instill virtue and moral fortitude in the next generation of Americans.

This will not happen without our effort, and without the incredible leadership of movement like Character Counts. Again, I commend Senator DOMENICI, and all those who are working so hard, to make character count once again in the United States of America.

Mr. DOMENICI. Mr. President, might I first say to my good friend, Senator FRIST, from Tennessee, I compliment you on your remarks and thank you very much for what you are doing. I believe we are on to something. I believe people in your State and in my State and in every State in America are beginning to understand that the time is now—in fact, it might be past—for us to empower our teachers and parents once again to inject a very common, ordinary idea into the classroom where our children spend much of their time. Students, in an attempt to learn how to be grownup, self-sustaining citizens need to be empowered in our classrooms, in various ways, with character education, plain and simple.

Before this movement, many teachers were frightened to talk about trustworthiness, which means you should not lie, which means there is a virtue to honesty, which means that you ought to be loyal. When you make a commitment, you ought to live up to it.

Many of our teachers and principals and superintendents were frightened of the notion that we would talk with our young people about responsibility. They thought that was an infringement some way or another on somebody, somewhere, somehow who ought to be teaching this.

Respect: Our teachers were frightened with the notion that we ought to actually use that word and get our young people to understand the word "respect" has meaning and to find ways to instill into our classrooms, and thus into our children, the idea of basic human respect, one person for another.

Or fairness, or caring, or citizenship.

Those six simple words—the six pillars—form the nucleus for what is commonly known as Character Counts that is associated with the Character Counts Coalition of America.

Today, for the fourth year, with the assistance of the original cosponsors, Senators DODD, COCHRAN, MIKULSKI, BENNETT, LIEBERMAN, KEMPTHORNE, DORGAN, FRIST, and CLELAND, and I am sure many others will join us, we are going to adopt soon in this Senate a resolution setting aside a week in our Nation when our communities, our schools, and our businesses will participate in character development programs. These six pillars of character that I have just described will come once again to the forefront and will become commonplace words for the participatory activities of the previous year and with renewed commitments in the future.

I am very proud to say that since the Aspen Declaration was adopted—an event which occurred sometime in 1990 or thereabouts under the auspices of an ethics foundation known as the Josephson Foundation, headed by an ethics professional and lawyer named Michael Josephson—an event attended by about 70 or 80 Americans from all walks of life, after 2 or 3 days of discussions they came forth with these six pillars of character and this notion of Character Counts. These six pillars are words that we should get back into our children's vocabulary and into their daily lives. Since that meeting, the program relies almost exclusively on action at the grassroots. There is a modest national effort directing this program, but the real efforts are at the grassroots to take those six words and put them into our daily lives.

I am proud to say, and perhaps brag, that the State among all the States that is doing the most in this area is the State of New Mexico. I took this notion to my home city of Albuquerque and asked Mayor Chavez to help me, and together we started a Character Counts Program for the city. Believe it or not, it has spread from that community to almost every community in New Mexico. I will soon, just for the record, state the counties, municipalities, and school districts wherein Character Counts is now a vital part of daily life.

Now, fellow Senators, if you want to do something exciting, you get Character Counts started in your States. You go on one of your recesses to visit a grade school, a grade school that has the six pillars of character not only in the vocabulary day by day in that school but in the month-by-month selection of one of those words as the word of the month, whereby all the students practice the word "responsibility."

Now, they all do it differently. Nobody has a book on this. Nobody says exactly how it ought to be done. But if you want to do something exciting, start this program and get your school boards committed, the superintendents committed, and then get the teachers committed, and you will see something very dramatic happen. The teachers are excited that for once they have been relieved of the fear of discussing good character, and you will find that with parent groups and others this is becoming a vital and important part of the daily education life.

I frequently go to these schools when they are having their monthly assembly. That is how most of them do it. They have a monthly assembly, they commend people, grant certificates, give awards. I am reminded of one where the grade school was putting on a play with reference to the monthly word which was "responsibility." Something very, very funny happened. They had chosen Little Red Riding Hood as their skit. I had a lot of difficulty understanding how that had to do with the word of the month, "responsibility." As that wonderful skit completed, they recalled how Little Red Riding Hood did not quite follow the instructions that were given to her by her parents and went astray and, as a result, all these things happened, including in the one version where the grandma got eaten up by the wolf. When they finished the play, they all stood up front, and their meaning of "responsibility" was that if Little Red Riding Hood had followed the directions given by her parents and been more responsive, and thus responsible, then nothing bad would have happened to grandma. I am not sure everybody takes the story that way, but in a sense it shows you how young people, helped by adults, can get the message across.

I was recently in a community of Clovis, NM. A grade school there has been heavily involved in Character Counts. As my wife and I walked in to visit, they had just recently composed, under the direction of their wonderful music teacher, a song with its own melody and its words about the six pillars of character, and everyone in the school would soon know it. Part of the participation in the Character Counts program is this kind of activity.

This resolution endorses character education for children. It clearly states that children need, first and foremost, strong and constructive guidance from their families. In addition, children's communities—including schools, youth organizations, religious institutions, and civic groups—play an important supportive role in fostering and promoting good character. The resolution identifies six core elements of character that transcend cultural, religious, and socioeconomic differences that are intrinsic to the well-being of individuals, communities, and society as a whole: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship.

These six simple elements are commonly referred to as the six pillars of character. They represent the values that define us at our best—the common ground we can build upon—individual by individual, family by family, community by community. Arguably, there can be many additions to this list. These six, however, are ones that can serve as the core elements of good character.

Since introduction of the first "National Character Counts Week" resolution, we are witnessing an enormous groundswell of interest in the issue of character education. Secretary of Education Riley speaks to this issue often in his public addresses, and countless other educators have programs and training sessions to promote character development activities. More important, however, is the extraordinary support of character education at the local level. This is where character development programs are the best because they involve the children and the community at large. And, character education is not just for children, it is for everyone who cares deeply about the social and cultural pulse of this country.

As the resolution quotes from the Aspen Declaration: "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character."

From everything I have seen in the State of New Mexico, children and adults alike are embracing the six pillars of character. They are finding ways to spread the message—from plays, to musical groups, to school lessons, to printing the messages on billboards. Let me just briefly outline a few of the community initiatives and related activities that support the character-building idea:

The Albuquerque Public School (APS) system has endorsed the incorporation of character education programs in all of its 119 schools. It estimates that between 80–90 percent of its 89,000 students have been introduced to the Character Counts program.

The Archdiocese of Santa Fe Catholic Schools system has incorporated Character Counts programs in all of its 21 schools—from preschool through seniors in high school—and has interwoven the six pillars of character in all of its classes.

The New Mexico television and radio media have jointly cooperated to promote Character Counts through news coverage, public service announcements, and incorporating Character Counts in most of their other public affairs projects. For example, there is now an annual Character Counts Care Fair each December. All of the television stations take part, illustrating their Christmas charitable projects; they used the Character Counts theme in all of their air promotions for their holiday collection drives. Additionally, the KOB–TV/Hubbard Foundation made Character Counts one of the foundation's major grantees in 1996, with the award of $5,000 to be used by the Albuquerque Character Counts Coalition to help promote the character education initiative.

In Farmington, the San Juan County Character Counts group has translated each of the six pillars into the Navajo language and produces posters for the children.

In Gallup, the McKinley County School District incorporates Character Counts into its schools, and the local Character Counts organization is developing a business community program to help support school and civic activities.

The Las Cruces Character Counts Partnership Taskforce selected three students for special recognition for their Character Counts achievements. The elementary and secondary student winners received a day with the mayor and the Governor of New Mexico, and the high school winner received a 3-day visit to Washington, DC, including attendance at the inauguration of President Clinton.

The New Mexico State Department of Education has initiated plans to commence an overall assessment program to provide basic data to determine future needs, changes, additions, and modifications of the program throughout the State.

The Lea County Coalition for Character Counts planned an entire week of activities for last year's Character Counts Week. It included an art show of children's works at the city library depicting people in situations showing respect and responsibility. It also included a chamber of commerce-sponsored hotline that ran public service announcements for Character Counts Week.

The Character Counts student council from Gadsden High School formed committees for cleaning up the school and school grounds, developed door contests in the school and public announcements at football games on the six pillar words, and participated in the school talent show with Character Counts lessons.

The Roswell Character Counts Partnership Taskforce has initiated training programs for all youth league program coaches and volunteers to include character programs in summer youth activities.

T-VI—Technical Vocational Institute—in Albuquerque now offers two 5-week sessions on Character Counts.

I have given but just a fraction of the exciting programs and initiatives under way in the State of New Mexico to promote the six pillars of good character. Literally thousands and thousands of children and families, schools, youth organizations and businesses are involved in these endeavors. Simply put, the people of the State have said it is OK to talk about and practice the traits of trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Practicing the principles of character goes beyond the schools too. In Albuquerque, and now other communities are picking up the idea, an entirely new program is being launched: Character Counts in the Workplace, sponsored by regional chambers of commerce. The stated goal of this program is to put the six pillars of character into the workplace "so we can count on one another to make principle-based decisions rather than merely expedient ones throughout the New Mexico business community." As one New Mexican said, "People may not believe what you say, but they do believe what you do."

Practicing the principles of good character is for everyone. I am immensely proud of what the people of New Mexico have done in 4 short years to awaken one another to the benefits of practicing good character traits. It is an effort that has brought all ages of people together, in all professions, to work a little harder to bring civility in our relationships with one another.

I would like to close with some words from His Excellency, Michael J. Sheehan, Archbishop of Santa Fe, in his letter endorsing the Character Counts program in the 21 Catholic schools in the Santa Fe Archdiocese:

> Our Catholic schools assist parents in their efforts to help their children understand that God commands us to be honest, just, truthful, faithful, kind, generous, and forgiving. Character Counts provides the common language for citizens of all ages and all walks of life. Every educator knows the key to an effective education is consistency and repetition—from the pulpit to the boardroom to the playground. Let us be consistent with our brothers and sisters in our Nation's community by integrating this common language into our everyday encounters with our children, our families, our colleagues.

Mr. President, National Character Counts Week represents an important time to set aside and observe the thousands of local programs and individuals who believe we can endorse and practice six pillars of good character. It is families, schools, civic and social organizations, local and State governments, businesses, and ordinary citizens who are participating in this movement. We, too, can be a part of this movement by supporting this resolution.

So, I could not be more pleased, even thrilled at what is happening in my State. I am hopeful within a couple of years we will be able to measure the positive consequences that we think are going to flow from building these six words into the everyday vocabulary of our children, incorporating them just in the ordinary teaching every day so that trustworthiness, respect, responsibility, fairness, caring and citizenship might become a way of life. If ever we needed change in that direction and help in promulgating character, it is now. In fact, it is long past due.

I am very hopeful that we are giving parents, children, teachers and the entire community a vehicle to promote better character and build character around these six very, very acceptable words that I have repeated at least once or twice—three times here on the floor. That is the essence of the Character Counts Program. Get these six pillars into the classroom, into the daily vocabulary, into the teaching—those ways that are used to teach our young people. And then use innovation and creativity to instill them.

I urge my colleagues to join us again this year in cosponsoring and adopting "National Character Counts Week." Thank you.

I know other Senators are waiting to be heard, so I will yield especially to my friend who is a cosponsor and one of the early founders of this coalition in the Senate, the distinguished Senator BENNETT from the State of Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I want to thank my friend from New Mexico not only for his statement here today but for his leadership on this issue. I remember, when he first called me several Congresses ago and said he was getting involved in this and would I be interested in helping him, I was delighted to do what I could to help him because when the Senator from New Mexico leads out, helping is always pretty easy. With him as the leader, things always move well and strongly and in the right direction.

I can report that in the State of Utah we have not been as focused on the six pillars of character as they have been in the State of New Mexico, but we have not been lax in this particular area.

1996 was Utah's centennial year, 100 years since we had achieved statehood, and the Governor of Utah, in the spirit of the Character Counts initiative, called for a discussion of values. He created the Governors Commission on Centennial Values. As a result of that creation and the discussion that occurred, we now have in Utah 12 values in common that we talk about. I will read them and get them into the RECORD so we can understand how this effort to get character into the school curriculum and into the lives of our young people is going forward all across the country.

In Utah we value families. We value a commitment to our community and country. We value integrity. We value honesty. We value respect for self and others. We value lifelong learning. We value caring service. We value work. We value personal responsibility. We value respect for the rule of law. We value justice, fairness and freedoms, and we value respect for the environment.

Those are the 12 values that came out of the Governor's Centennial Commission, and I believe they are certainly compatible with the six pillars of character that are supported by the Character Counts coalition. Perhaps now that our centennial is past and we are into 1997, we can meld these two efforts and get the Character Counts curriculum into the schools in the manner that the Senator from New Mexico has done so well in his own State.

Mr. President, I am honored to be one of the cosponsors of this effort, to join with my friend from New Mexico and to recognize, once again, his leadership and service in this because this has been, for him, not just something to make a speech about on the Senate floor and then forget; it has been something that he has pursued with vigor in his own State and kept alive on the part of the rest of us, who joined with him in the initial effort.

I hope that all Senators will recognize that this is not just motherhood and apple pie, a quick thing to talk about and then move on. "Our Nation is indeed at risk," to use the phrase that came out of the educational effort done during the Presidency of President Reagan, and headed by an educator from Utah, Terence Bell. It is at risk not only because our young people have deficiencies in their education in technical skills, it is at risk because there are deficiencies of the moral education of our young people. We have to have something like Character Counts to help us move in the direction of reducing that risk. I am honored to be a part of the effort and pledge that I will do what I can to see to it that the Senator from New Mexico and the others in this program are given the support they need.

Mr. SPECTER. Mr. President, I thank the Chair and my colleague from New Mexico. I congratulate him for this resolution focusing on character. He has been a leader since his election in 1972. Again, he has demonstrated that today with this resolution on character. I am pleased to join as a cosponsor of the resolution. It is an effort to focus national attention on values and morality, and to try to instill in our young people and our older people, as well, a sense that character does count.

This is in line with legislation that Senator SANTORUM and I have introduced on abstinence. I have found that the issue of abortion, the pro-life/pro-choice controversy, is the most divisive issue facing this country since slavery, and that one way to try to pull the country together is to focus on issues where we all agree. When you talk about premarital sex among teenagers, leading to unintended pregnancies, and therefore ultimately abortions, we can all agree that such behavior must be discouraged. That is an effort in a specific, targeted way to try to develop and promote character. So I am pleased to join with my distinguished colleague on that important subject.

• Mr. LIEBERMAN. Mr. President, today I join my friend and colleague, Senator DOMENICI in cosponsoring a resolution to designate a week in October as "National Character Counts Week."

This will mark the fourth consecutive year that we have considered such a resolution to honor the Character Counts movement. It is small gesture, but a meaningful one all the same. By recognizing this program, Congress is making an important statement about both the value of character education and the state of our values. We are saying affirmatively that our public schools can and must play a central role in shaping the character and values of our children. And we are saying that this kind of commitment, a commitment to the principles undergirding the Character Counts Program, is needed now more than ever.

The reality, Mr. President, is that the state of our values is not well. The American people are deeply concerned about the abundant evidence they see of a real moral breakdown in our society—so much so that polls taken over the last few years routinely show that the public is more worried about the country's moral decline than its economic decline.

What's driving this concern, which many of us in this Chamber share, is an understanding that our growing inability to make moral distinctions, to draw lines about right and wrong and set boundaries about what is acceptable behavior, is having real consequences. We are recognizing that this moral breakdown is contributing to and exacerbating some of our society's most profound social ills, such as the rising tide of ever more random and vicious violence committed by ever more younger killers, the disintegration of the family, the crisis of teenage illegitimacy, the coarsening of our culture, and the loss of civility in our polity and our everyday lives.

More and more these days there is a sense that our country is spiraling out of control, and at the root of that feeling is what might be called a values vacuum. The traditional transmitters of values that we have depended on for generations to build character and bind our moral safety net have lost much of their power. One of those transmitters is the family, which is under enormous economic pressure these days and is prey to divorce and other forms of breakdown. Another transmitter is the community and the loose connection of local civic institutions we refer to as civil society, which has weakened to the point that an entire movement has sprung up to renew it.

Then there are our public schools. For generations the public school system was the backbone of our democracy, where children were not just taught what is good grammar but what it means to be a good citizen, and where children of all backgrounds were versed in a common set of core values. But in recent years public schools have increasingly lost that mission, and too often shied away from questions of values and the formation of character. In the eyes of many families, some schools might as well had signs out front declaring them value-neutral zones.

What is perhaps most disturbing about this trend is that the values vacuum the schools have helped create is being filled more and more these days by the electronic media and the frequently destructive messages it is bombarding our children with. The collective force of television, movies, music, and video games is so influential that many parents I talk to feel as if they are in a competition with the culture to raise their children and give them strong values. The character traits they are trying to instill in their children are being openly contradicted by the bulk of the messages kids are receiving about the acceptability and the inconsequentiality of casual sex, the contempt for all forms of authority, and the appropriateness of settling a dispute by putting a bullet through the other person's temple. The result is the prevalence of what one leading expert on child development calls the culture of disrespect.

The media's inability to make moral distinctions and draw lines about right and wrong makes it all the more important for us to strengthen our traditional values transmitters. And that is why the Character Counts movement deserves all the support we can provide. Rebuilding our families and our communities will be a long, painstaking process. But reviving the role of schools in helping our children learn about the fundamentals of character is a challenge we can meet easily and quickly.

In fact, the Character Counts program has already done the hard part, identifying the core values and principles that we can all agree that we want our schools to instill and reinforce in our children. The question of whose values? that is often asked has been answered, with a consensus behind our values—trustworthiness, respect, responsibility, fairness, caring for others, and citizenship.

I am heartened to know that the Character Counts program is rapidly spreading through communities across the country, and I am particularly proud that my State of Connecticut has made a long-term commitment to bring character education into every school district in the State. With the aid of a $250,000 grant from the U.S. Department of Education last year, the State took the first major step toward that goal by selecting four communities for funding to introduce the Character Counts Program on a districtwide basis.

Some Connecticut schools have already embraced this program on their own, and I can report to my colleagues that it is bearing fruit. Let me offer one compelling example. Last year a nine-year-old from the town of Torrington named Joshua Dy found an envelope on the ground that contained three $100 bills. Joshua said he initially thought of keeping the money for himself, but he then thought of what he learned in Character Counts at the Southwest School and from his father about honesty and integrity, and decided the right thing would be to turn the money over to the police. Joshua was rewarded for his honesty when the police returned the money to him after no one claimed it and when President Clinton saluted his good character with a letter of congratulations.

Mr. President, I would encourage my colleagues to find their own ways to reward and recognize the good deeds that are germinating from the seeds of Character Counts. A good place to start is with this resolution, which will help raise public awareness of this valuable values program and make Character Counts really count. Let me close by praising Senator DOMENICI for his leadership on this issue, and by asking that my remarks be placed in the appropriate place in the RECORD to accompany the Character Counts resolution.●

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico and a bipartisan group of my colleagues in cosponsoring this Senate resolution designating October 19–25 as "National Character Counts Week."

This morning, like every morning before it and every morning to come, young Americans are headed off to learn their three "R's"—reading, writing, and arithmetic—in our Nation's schools. But as we all know, the school day involves more than just the transmission of facts or the relaying of concepts. It's also about character. In the best classrooms in America our children are given the opportunity to learn and practice basic character traits such as sharing, cooperation, and respect.

The Character Counts initiative calls on all Americans to embrace the development of six attributes—trustworthiness, respect, responsibility, fairness, caring, citizenship—as a fundamental aspect of our children's education and as a critically important means of strengthening our Nation. The lessons our young people learn as children are the ones that will stay with them the rest of their lives. As Eleanor Roosevelt once said: "Character building begins in our infancy, and continues until death."

We live in a time when teenage pregnancy and juvenile crime are spiraling out of control. A recent poll suggests that two-thirds of Americans believe most people can't be trusted, half say most people would cheat others if they could and in the end are only looking out for themselves. These statistics and the seeming erosion in the basic norms of civility, even among our Nation's children, are ample evidence of the need for programs that promote character development.

No one would argue that Character Counts is a panacea for these complex problems. First and foremost, we need better education, stronger families, and healthy doses of individual responsibility.

Clearly the primary obligation for the building of our children's values and belief systems lies with our Nation's families. There is only so much government can and should do. But, with parents being forced to spend more and more time out of the house, our Nation's schools can and should do everything they can to work with parents in helping to build character among America's children.

There is nothing inappropriate or heavyhanded about teaching character in our schools. These programs don't impose morality or any one group's world view. These programs teach honesty, courage, respect, responsibility, fairness, caring, citizenship, and loyalty, attributes that I believe all Americans agree upon.

These principles transcend religion, race, philosophy, and even political affiliation. For those Americans who share the goal of energizing our democracy and strengthening our Nation's character these initiatives are simply common sense.

What's more, these programs garner tangible benefits. In Connecticut, the Southwest Elementary School in Torrington implemented a character education program in September of last year and has witnessed positive effects as a result of its efforts. Attendance is up, students are more respectful toward their teachers, and school administrators are convinced that Character Counts is responsible. The school engages parents in the effort, who along with educators and the students themselves, love the program.

Additionally, this year in Connecticut, the Leadership Committee of Character Counts will undertake a comprehensive training program to qualify 35 instructors to educate students about the importance of strength of character. These instructors will bring the ideals stressed by Character Counts directly to the students of Connecticut, reaching 100,000 students by year's end. While character education may not be a magical solution to all of America's problems, it represents a positive effort to make a real difference in our children's lives. Character development programs for our children strengthen our lives, our communities, and our Nation as a whole.

I commend my friend and colleague from New Mexico for all of his work in this area. And I invite all my colleagues from both sides of the aisle to join us in supporting character education as a vital means of molding better individuals, strengthening families, and creating a responsible American citizenry.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the National Character Counts Week resolution submitted by my esteemed colleague, Senator DOMENICI. I have cosponsored similar resolutions for the past 3 years, and am honored to have the opportunity to do so again this year.

At a time when we are exposed to a constant stream of violence, profanity, and immorality—both through the media and in every day life—the issue of character is of vital importance. Those of us in this Chamber spend a great deal of time trying to develop ways to improve the Nation. I can think of few things we could do to better achieve this goal than to emphasize the importance of character to younger generations.

Those of us in positions of leadership, especially in the Government, have a special duty when it comes to character. Whether we realize it or not, we are role models and we have a duty to demonstrate those same attributes of character—trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship—which National Character Counts Week highlights. Unfortunately, far too many Americans have come to believe, wrongly in most cases, that these qualities no longer exist in the Government. I urge all of my colleagues to begin today to make that extra effort to show the people we serve that the faith they demonstrated when they voted for us has not been misplaced. In the words of President George Washington, "Let us raise a standard to which the wise and honest can repair."

Mr. President, I recently chaired an Armed Services Personnel Subcommittee hearing in which the issue of character was prominent. During the hearing I was deeply disturbed to hear that the lack of character, values, and discipline is making it harder and harder for the Armed Forces to recruit the high quality people we need to serve in our military. Testimony supplied at the hearing indicated that an ever-increasing number of potential recruits are unacceptable, in terms of ethics, education, and values, for the armed services. I am not talking about difficult kids who simply lack discipline, the military has always done a fine job handling those recruits. I am talking about young people who have no respect for authority, no respect for their peers, no respect for our society, and often, no respect for themselves. As a result, they lack basic values such as compassion, honesty, and integrity. Our military commanders cannot be expected to instill those kind of values in individuals who have lacked them throughout their entire lives. That process must begin at birth and in the home.

Mr. President, with this resolution, we are taking a step forward in trying to teach younger generations about the importance of character. I am pleased to note that schools, churches, and civic organizations around the Nation are also seizing the initiative on this important issue. But our efforts, whether on the national or local level, must not end here. Actually, to be more precise, our efforts must not begin here. While there are certainly things we can do as a government, or as a community, to teach character to young people, these lessons must begin at home. We cannot hope to improve the overall character of the Nation unless the fundamental values described in National Character Counts Week are instilled in the home. No amount of moral instruction from outside the home can replace the guidance of a loving and supportive family.

Recognizing a national week to stress the importance of character is but a small step in addressing the crisis of ethics the Nation faces. At the same time, it is an important step which I believe all of us should support. I would like to thank Senator DOMENICI for his continued leadership on National Character Counts Week, and urge my colleagues to cosponsor the resolution.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, March 20, 1997, at 9:30 a.m. to hold an oversight hearing on the operations and budget of the Congressional Research Service and the Library of Congress.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 13, 1997, at 9 a.m. in SR–328A to receive testimony regarding agriculture research reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 p.m. on Thursday, March 13, 1997, to receive testimony from the unified commanders on their military strategies and operational requirements in review of the defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 13, for purposes of conducting a Full Committee Business Meeting which is scheduled to begin at 9:30 a.m. The purpose of this Business Meeting is to consider S. 104, to amend the Nuclear Waste Policy Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 13, for purposes of conducting a Subcommittee on National Parks, Historic Preservation, and Recreation hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to address the future of the National Park System and to identify and discuss needs, requirements and innovative programs that will ensure the Park Service will continue to meet its many responsibilities well into the next century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 13, 1997, beginning at 9:30 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 13, 1997, beginning at 2 p.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. The Committee on the Judiciary requests unanimous consent to hold an executive business meeting on Thursday, March 13, 1997, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Government Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Thursday, March 13, at 9:30 a.m. for a hearing on "National Missile Defense and Prospects of United States—Russia ABM Treaty Accommodation".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Thursday, March 13, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 13, 1997 at 2:30 p.m. to hold a closed hearing on the nomination of Anthony Lake to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON PRINTING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, March 13, 1997, beginning at 2 p.m. until business is completed, to hold an organizational meeting of the Joint Committee on Printing and an oversight hearing on the Government Printing Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, March 13, at 9:20 a.m., hearing room SD–406, on the Intermodal Surface Transportation Efficiency Act [ISTEA] and program eligibility.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 13, 1997, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on March 13, 1997, at 2 p.m. on the future of intercity passenger rail service.

The PRESIDING OFFICER. Without objection, it so ordered.

ADDITIONAL STATEMENTS

COMMITMENT TO INVEST IN LOW-INCOME COMMUNITIES

• Mr. SARBANES. Mr. President, as a nation we have a deep commitment to a decent home and suitable living environment for every American family. Housing is the cornerstone for healthy communities, a vibrant economy, and a competitive nation. Although we have significantly improved housing conditions in the last 60 years, we still have a long way to go. The latest figures in HUD's Report to Congress on the worst case housing needs estimate that 5.3 million very low-income renter households pay more than half of their income in rent or live in poor-quality housing. They receive no help. Many of those people are elderly or people with disabilities.

Today, four of the leading non-profit affordable housing producers—The Enterprise Foundation, LISC—the Local Initiatives Support Corp.— Habitat for Humanity International, and the National Neighborworks Network—are committing to a $13 billion investment in low-income communities across the country over the next 4 years. Each have built successful partnerships, leveraging both public and private resources. These partnerships have been critical in supporting local nonprofits to not only build affordable housing but also provide services and encourage economic development to revitalize these neighborhoods. The success of these organizations reverberates in low- and moderate-income communities across the country as they address our widespread affordable housing needs. Their work is supported by Federal programs such as HOME, the Community Development Block Grant, and the Low-Income Housing Tax Credit.

The Enterprise Foundation, based in Columbia, MD, is a true success story in the affordable housing industry. Founded by Jim Rouse in 1982, Enterprise has raised and committed more than $1.8 billion in grants, loans, and equity to finance the development of 61,000 affordable homes. They have a number of initiatives including the Enterprise Social Investment Corp. [EISC] which works with 176 major American corporations to help them find new ways to invest in affordable housing. Much of this activity has been made possible by the low-income housing tax credit. In addition, Enterprise, along with Fannie Mae, has created the Cornerstone Housing Corp., a nonprofit that buys and preserves large blocks of multifamily rental housing for low-income families. Enterprise also runs an intensive training program to assist nonprofit organizations in increasing their technical and management abilities.

Habitat for Humanity International, since 1976, has provided approximately 55,000 homes through 1,336 local affiliates across the country. Using volunteer labor and tax-deductible donations, Habitat builds new homes and rehabilitates existing homes. An average three-bedroom Habitat home costs approximately $38,300, making homeownership for many low-income families a reality.

The Local Initiatives Support Corporation, established in 1979, supports 1,400 community development corporations throughout the country. This partnership has created over 64,000 homes and 9.6 million square feet of commercial and industrial space.

Neighborworks is a network of local resident-led partnerships supported by the Neighborhood Reinvestment Corporation, a public nonprofit chartered by Congress in 1978. The Neighborworks Network has produced 38,831 units of affordable housing since its inception and in the last 5 years has leveraged $1.5 billion in investment within communities.

In Maryland, I have seen these partnerships work. The Enterprise Foundation, along with its subsidiaries, have developed more than 3,700 units of affordable housing and have committed more than $12.3 million in loans and $90.3 million in equity. In Sandtown-Winchester, Enterprise's Neighborhood Transformation Program has rebuilt more than 700 abandoned homes through a comprehensive community revitalization effort that works in partnership with local residents and the city of Baltimore. Neighborworks has three neighborhood housing services affiliates in Maryland—in Baltimore, Salisbury, and Cumberland. Between 1994 and 1996 alone these three Neighborworks affiliates produced over 600 units of affordable housing and leveraged over $24 million in investments within these Maryland communities. Habitat for Humanity has 16 affiliates in Maryland which have built 89 new homes and rehabilitated another 227 homes.

Today these four organizations are challenging themselves and challenging us to continue our successful partnerships through the Community Development Block Grant, HOME, and the Low-Income Housing Tax Credit. These are programs I have supported and programs which have been critical in the production of affordable housing. The HOME Investment Partnership, for example, is an initiative I championed. HOME provides flexible grants to States and units of general government to implement local housing strategies designed to increase homeownership for low-income people. By requiring a 25 percent match, HOME encourages the public-private partnerships that have proven so successful in the production of affordable housing.

Mr. President, I commend the work of these organizations and applaud Enterprise, LISC, Habitat, and Neighborworks for their commitment to invest $13 billion in our low-income communities. I fully support our continued role in this effective and successful partnership through Federal programs like HOME, the Low-Income Housing Tax Credit, and the Community Development Block Grant and urge my colleagues to do the same. This is an excellent step in the right direction, and I am pleased to have the opportunity to highlight the work of these organizations and the Federal programs that support them.•

A PROMISING DAY FOR AFFORDABLE HOUSING AND OUR NATION'S COMMUNITIES

• Mr. KERRY. Mr. President, today four of this Nation's most remarkable nonprofit organizations are announcing the largest private sector investment in our Nation's affordable housing of all time. The Local Initiatives Support Corporation, Habitat for Humanity, the Enterprise Foundation and the National NeighborWorks Network have joined together and pledged to create 13 billion dollars' worth of housing over the next 4 years. This investment in our Nation's most economically challenged areas is testament to the dedication and commitment of these organizations to our inner cities and impoverished rural areas. Theirs is a visionary and comprehensive plan to leverage renewal—this unprecedented investment not only will create nearly 200,000 affordable homes but also rebuild entire communities once left to waste.

As the ranking Democrat on the Housing Subcommittee, I am often privy to some of the most distressing cases of deprivation experienced by some of our fellow citizens. Joblessness, homelessness, lack of medical care, crumbling schools, rising cases of AIDS and other infectious diseases, and crime-riddled streets—those are too often the touchstones in the mosaic of urban America. However, today, the news is quite different as this pledge will stimulate tens of billions of dollars in additional private investment which in turn will create tens of thousands of jobs and new businesses in nearly 2,500 communities across the Nation.

And, Mr. President, some of those communities are located in the Commonwealth of Massachusetts. This investment will further strengthen the efforts of the Urban Edge Community Development Corp. in Jamaica Plain and the Codman Square Community Development Corp., to name just two of the many renewal success stories in Massachusetts. Mr. President, my home State enjoys a well-deserved reputation as the incubator of the Nation's most sophisticated, mature and comprehensive approaches to development in which housing is the cornerstone but the provision of goods and services and jobs forms the foundation. For many years, local community-based development groups and affordable housing advocates have worked with corporations and philanthropies like Bank Boston, Polaroid, the Boston Foundation, and the Hyams Foundation to generate and dedicate millions of dollars to urban renewal.

Mr. President, I salute the commitment embodied in this pledge and I recognize that the challenge to match this dedication is ours. In these tough budgetary times, we must not allow important programs which stimulate economic and community renewal to wither in the sometimes blinding devotional light of the year 2002. I have stood in this Chamber on many occasions and discussed the importance of YouthBuild, CDBG's, the Low Income Housing Tax Credit, the Housing Preservation Program, and the Community Reinvestment Act. And today I stand resolute to bolster the Federal role in community-based development. Clearly, our national democracy is strengthened through this type of public-private partnership and I will redouble my efforts to assist community and local organizations which are making a vital and needed difference in towns and cities throughout our Nation.

This is a day of good news, hope, and promise, Mr. President. Let us respond to the challenge with commensurate dedication to our Nation's communities.•

THE MEDICARE CANCER CLINICAL TRIAL ACT

• Mr. ABRAHAM. Mr. President, I rise today to express my support for the Medicare Cancer Clinical Trial Act of 1997. This bill will provide important assistance to the national battle against cancer.

In so many ways, this disease brutally impacts the lives of millions of Americans and their families. In my State of Michigan, for example, over 50,000 residents were diagnosed with cancer last year alone. Half of all those diagnosed with cancer are Medicare beneficiaries, who also account for 60 percent of all cancer deaths.

One of the most effective weapons available in this war on cancer is research. Each year, scientists and medical clinicians provide valuable insights about the causes of various cancers as well as new therapies to treat them. The legislation I endorse today will provide cancer patients with greater access to clinical trials. One of the most important benefits of these particular trials is determining the effects of treatments on persons over the age of 65. Should these experimental therapies prove successful, this legislation will offer Federal agencies information to help them determine whether or not these treatments should be expanded to include all Medicare beneficiaries.

In my opinion, Michigan and the rest of the Nation can wait no longer to determine the applicability of these potentially groundbreaking treatments. I believe that America's elderly population should be given every means available to wage a war on cancer in which they can be the victors. In addition, this Nation should have the opportunity to utilize those treatments that are cost-effective and successful in treating the millions of Americans affected by cancer every year.

For these reasons, I am very proud to cosponsor this legislation and urge my colleagues to do the same.•

TRIBUTE TO CRUZ OLAGUE

• Mr. REID. Mr. President, I rise today to pay tribute to one of Nevada's leaders and activists, Cruz Olague. On March 15, 1997, the Los Amigos de Cruz Olague will honor former Mayor Cruz Olague—a fine Arizonan and Nevadan—at their first testimonial dinner. I have known Cruz for many years, and he is truly deserving of this honor.

Born February 26, 1934, in Winslow, AZ, Cruz later moved to Henderson, NV after serving 4 years in the U.S. Navy. Afterward, he worked as an office manager in a supermarket while completing his accounting studies at the University of Nevada-Las Vegas.

In 1971, Cruz was persuaded to run for the Henderson City Council. After receiving 53 percent of the popular vote in the primary, a general election was deemed unnecessary and Cruz was declared the winner. This was the first and only time such an event has occurred in the history of Nevada local politics. Moreover, Cruz won this seat on the City Council with a campaign budget of a mere $3,000. Following this tremendous feat, Mr. Olague went on to become a popular mayor of Henderson, and served in this capacity until 1975.

Cruz is a man with deep religious convictions and a remarkably calm demeanor. Even when driving home a contentious point, he always maintains a gentleman's dignity and an even temperament. With his kindness, Cruz easily won people over. Consequently, it came as no surprise when he was selected Mayor of the Year in 1974.

This prominent member of the Hispanic community has long believed that our racial and ethnic diversity is our Nation's greatest strength. Cruz Olague has spent his life tirelessly fighting on behalf of minorities, the elderly, and the poor. He has used his abilities for those who often lack a voice in our society. The work of this outstanding citizen has left a lasting impact on the lives of many Nevadans.

Across southern Nevada, Cruz Olague will always be known as an individual of great integrity and conviction with a passion for good government. For 27 years, it has been a privilege to call Cruz Olague a friend. It is my pleasure to speak today in tribute to Cruz, and congratulate him on this special honor.•

SECRETARY PEÑA'S NOMINATION

• Mr. MCCONNELL. Mr. President, I want to take a moment to express my concern with the Department of Energy's handling of the appliance energy efficiency standards regulations. My concerns regarding this matter are well known. In the last Congress, I authored an amendment to impose a 1-year moratorium on new DOE appliance standards rulemaking activities. That action became necessary because it was clear that DOE's energy efficiency standards program was placing jobs and investment in the manufacturing industry at risk, not just in Kentucky, but in other States around the Nation.

DOE's response to the moratorium was an interpretive rule that was designed to institutionalize a variety of reforms. While I commend DOE for identifying and correcting their own shortcomings, DOE's first test is before us now in the form of new energy efficiency standards for refrigerators. In my estimation, DOE deserves a failing grade.

I have raised the refrigerator standards issue with Secretary Peña during his confirmation hearing before the Senate Energy Committee, but I have not received a satisfactory answer to my questions. While I realize Secretary Peña did not create this controversy, Congress will hold Secretary Peña responsible for the outcome and the consequences of this rulemaking.

Mr. President, I am disturbed by the fact that DOE has changed its position outlined in the August 1996, notice of proposed rulemaking, which established a 2003 standard as its preferred option. This option was supported by manufacturers. DOE has since changed its position and now supports implementing the new standards for refrigerators in the year 2000. As a result of this flip-flop, manufacturers will be required to make costly investments twice—once to comply with the DOE energy standards in 2000, and again when regulations mandate the elimination of HCFC insulation as required in the year 2003.

Mr. President, it is important to note that these burdensome and duplicative regulations are not necessary. Once it was determined that DOE was not going to abide by its preferred option, manufacturers offered a good-faith compromise that would set a more stringent level of energy savings than proposed by DOE to be implemented in 2003. This proposal would save more energy while minimizing the re-engineering and regulatory burden, which will add unnecessary costs to manufacturers and consumers.

What is more disturbing is that DOE has ignored its own contractor's analysis in setting these standards. I am informed that the analysis by Lawrence Berkeley Laboratories confirms that the energy savings attributable to the 2003 standard would exceed the benefits of the 2000 standards. Unfortunately, DOE has chosen to ignore this analysis and not include it in establishing these standards.

Mr. President, this is not the only procedural defect in DOE's proposed rule. The Department has failed to comply with the requirements of law regarding the Department of Justice's role in this rulemaking. DOE has failed to obtain an updated competitive impact determination from the Department of Justice that takes into account new evidence of the potential impact of the proposed rule. I believe such analysis is essential to maintaining a competitive marketplace.

Mr. President, considering the latest analysis by DOE's own contractor, it has become apparent to me that this battle is no longer about securing the greatest energy savings. Rather, it seems this is about punishing manufacturers more than a legitimate or responsible basis for regulation. The only regulation that makes sense is the one that takes effect in 2003.

This controversy raises fundamental questions about whether DOE will faithfully administer the appliance standards program as currently authorized. I will continue to follow this matter very closely and keep my legislative option open.

I urge Secretary Peña to assume responsibility for assuring that the law is properly applied and the correct decision reached.•

CONFIRMATION OF FEDERICO PEÑA TO BE SECRETARY OF ENERGY

• Mr. GORTON. Mr. President, yesterday the Senate voted to confirm Federico Peña to be Secretary of Energy. As a member of the Senate Committee on Energy and Natural Resources, I have met with Secretary Peña and discussed issues of importance to Washington State, the Northwest, and the Nation. I understand that some Senators had reservations about Secretary Peña because he does not have a great deal of experience on energy related issues. I do not hold this same reservation. I do not necessarily view Secretary Peña's lack of expertise on energy issues as a liability, but rather as an opportunity to educate the new Secretary on issues important to the people of Washington State and the region.

Two issues immediately come to mind—Hanford and electricity deregulation.

I look forward to working with Secretary Peña on the many challenges facing the Hanford Nuclear Reservation in the southeastern part of my State. While there are many difficult issues facing Hanford, there are also many exciting opportunities.

One of these opportunities is the Fast Flux Test Facility [FFTF]. FFTF is a valuable asset for our national security interests and a potential cure for diseases and other medical conditions. Scientists believe FFTF can begin producing tritium—an essential part of our nuclear deterrent—within 5 years. Moreover, nearly 70 of our Nation's leading medical researchers have validated claims that FFTF is essential to the production of medical isotopes which could one day be a valuable weapon in the fight against cancer.

FFTF is by no means the only important issue that Secretary Peña will face at Hanford in his new position. In addition, I look forward to working with him on maintaining an adequate budget to meet the site's cleanup mission.

It's no secret that Hanford has been one of the most contaminated sites owned by the Federal Government. Despite the enormity of the cleanup, I believe we are making real progress due in large part to the extraordinary efforts and talents of the people who work at the site and make up the surrounding Hanford communities.

The DOE, in coordination with Congress, is also playing an important role prioritizing, streamlining, and increasing efficiency at Hanford, I look foward to continuing my already strong working relationship with Secretary Peña in his new role to preserve continuity in funding at Hanford and other DOE sites.

On the subject of electricity deregulation, it is critical that Secretary Peña listen and work closely with the Northwest congressional delegation on electricity issues unique to the Northwest. The Northwest has its own peculiar set of challenges—namely the ability of the Bonneville Power Administration to market its power while paying nearly $500 million in annual fish and wildlife costs. Secretary Peña and I have discussed these issues and he has committed to work with the Northwest Members of the Senate Energy Committee on these difficult Northwest issues. I intend to take Secretary Peña up on his offer, and hope that together with my Northwest colleagues that we can work on these issues critical to Northwest ratepayers and the environment.•

UNANIMOUS CONSENT AGREEMENT—SENATE JOINT RESOLUTION 22

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 24, Senate Joint Resolution 22, at 10 a.m., on Friday, March 14, and no amendments or motions be in order during the pendency of the joint resolution on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that the Senate resume debate on that joint resolution at 1 p.m., on Monday, March 17, and that amendments may be offered beginning at 3 p.m., on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask that immediately following the vote on Senate Joint Resolution 18, which is the constitutional amendment, being debated on Tuesday—and that occurs at 2:45—the Senate resume Calendar No. 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, this agreement would allow the Senate to begin debate on this very important joint resolution regarding the appointment of an independent counsel at 10 a.m., on Friday. It is my understanding that the Democratic leader is discussing what amendments would be offered to this resolution. Perhaps he is meeting on that at this time. When the Senate resumes its consideration, then, on Monday, we would begin to take up the amendments, if any. In addition, it is my hope that, prior to the close of business on Friday, I will be able to inform the Senate as to not only the number of amendments we can expect, again, if any, on the other side of the aisle, but also I will be able to set a consent time for final passage, potentially as early as Wednesday of next week. It is our hope that we can get a vote on the independent counsel issue by Wednesday of next week. Then we will be able, on Wednesday afternoon or Thursday, to deal with the Mexico certification issue, assuming we have that worked out in a way we would want to bring it to the floor at that time.

Again, I am still discussing that with the Democratic leader, and there is communication from both sides of the aisle with the administration. So we don't know yet if that will happen, or what form it will be in. I look forward to further discussions with the minority leader on this issue. I hope it will not be necessary to file a cloture motion on this resolution in order to bring it to conclusion by mid-week. I haven't had an indication that that will be the case. I am thankful for the cooperation we have had in getting this agreement worked out.

In light of this agreement, and the agreement reached earlier calling for a vote on the constitutional amendment for campaign expenditures at 2:45 Tuesday, I am pleased to announce there will be no votes during Friday's or Monday's session of the Senate. The next vote will occur 2:45 Tuesday, March 18.

ORDERS FOR FRIDAY, MARCH 14, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Friday, March 14. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate then proceed immediately to the consideration of Senate Joint Resolution 22, the independent counsel resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, again, for the information of all Senators, the Senate will begin consideration of Senate Joint Resolution 22 on Friday, and further, no amendments would be in order during consideration of the resolution on Friday. I think it is important that we begin to express our feelings as strong as we can—hopefully in a bipartisan way—that there is a need for independent counsel. I will note that a letter has gone forward now from the majority members of the Judiciary Committee indicating the need for this independent counsel and their indication that the necessary requirements have been met under the law, so that the process should begin, and will begin as a result of this letter, of looking into the appointment of independent counsel.

It is my hope that we will continue debate on the resolution on Monday. And amendments then would be in order during Monday's session.

I will continue discussions with the minority leader, and hope that we will be able to reach an agreement on this very important resolution so we can complete consideration next week by Wednesday, I hope.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Friday, March 14, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, March 13, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our words, O God, speak from our hearts and cause understanding for all, may our songs praise Your blessings to us and our Nation, and may our deeds be done in service to those we are called to serve. Whether we speak or sing or act, we pray that we will do the words of justice and mercy, trusting in Your good grace. In the busy moments of the day when so many voices need to be heard, may we remember those words of peace and hope that enlighten our minds and give comfort to our very souls. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California [Ms. ROYBAL-ALLARD] come forward and lead the House in the Pledge of Allegiance.

Ms. ROYBAL-ALLARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 410. An act to extend the effective date of the Investment Advisers Supervision Coordination Act.

The message also announced that pursuant to Public Law 83-420, as amended by Public Law 99-371, the Chair, on behalf of the Vice President, appoints the Senator from Arizona [Mr. McCAIN] to the Board of Trustees of Gallaudet University.

The message also announced that pursuant to section 2761 to title 22, United States Code, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, appoints the Senator from West Virginia [Mr. BYRD] as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, the Chair, on behalf of the Vice President, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will recognize ten 1-minutes on each side.

BIPARTISANSHIP

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I simply wanted to rise to report to my colleagues and to our citizens that we had a very useful weekend retreat in Hershey on a bipartisan basis to talk about, I think, one of the most difficult and complex things that people do: How to engage in passionate and difficult differences, how to bring to this room 435 people who represent the entire country, and how to do so in a way in which disagreement does not become disagreeable and in which the fact that people may have different dreams and different visions and sometimes different ideologies does not become so separating us and so divisive that it becomes difficult or impossible for us to do the people's business.

This House has a long and a proud history of handling great conflicts in a very civil and orderly manner. Some of the greatest debates in this country's history have taken place in this building between people of great compassion who felt deeply what they were saying, but who recognized the legitimacy of the other person feeling equally deeply what they were saying.

In addition to just the sense of handling debate, the more bipartisan our spirit can be, the more we can work together without the division of faction, as George Washington described it, the more good ideas we will have because on many topics, I would argue on most topics, the ideas are individual. They are not Democrat or Republican, liberal or conservative. They are just better, smarter, more effective ways to get the job done.

So I hope that coming out of the experience we had in Hershey, that we begin to set this House back on a track of working together, of getting things done, or recognizing we may have deep differences at times but there are other times when we have many, many things that bring us together and many common interests, and that if we work at it, together we can do a better job for all the American people.

MORE ON BIPARTISANSHIP

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I rise to second the thought that the Speaker just made on the floor about the bipartisan retreat that happened this weekend in Hershey. It was a historic event, the only time that I know that Members from both sides of the aisle and their families have had a chance to take a 2-day period to understand how we could better work together to solve the problems that we are all sworn to try to solve for the American people.

I think it succeeded, if for no other reason that human relationships were established that had not been established before. There has been tremendous turnover in the House. We have many, many new Members who do not know one another, and certainly older Members who do not know younger Members who have come in the last few years. I think those relationships were begun.

David McCullough, the noted historian, gave a speech on the first afternoon that we arrived in Hershey that I will never forget, and I urge all Members to get a copy of the speech and read it. He reminded us of how difficult it was in the early history of the Congress to work together, how many times altercations broke out between Members, how difficult it was to find consensus, and how negative people were about the future of the Congress and the country.

We have come a long way; we have a long way to go. Hershey is a beginning. From the Democratic side, I pledge our best efforts to carry the spirit of that meeting forward with tangible results in trying to work together better in a variety of ways. I thank all the Members who came, and I urge the House to entertain the idea of having a succeeding event for Members who could not come so that everyone can begin to show progress in this very important regard.

I thank the Speaker for allowing me to speak, and I look forward to being able to work on the projects that were begun in Hershey.

THE MID-EAST SITUATION

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I take the floor this morning with a heavy heart over reports that violence has again claimed innocent lives in Israel. In the shadow of this tragedy, it concerns me deeply that President Clinton has reportedly agreed to United States participation in Yasser Arafat's meeting in Gaza this weekend.

Although Israeli representatives will be excluded from this meeting, Chairman Arafat has invited other diplomats worldwide to criticize recent developments in Israeli-Palestinian relations. This meeting will obviously provide a platform for one-sided presentation of very complicated issues that are the subject of ongoing negotiations between Israel and the Palestinians.

Rather than encouraging counterproductive rhetoric, Mr. President, you should be protecting the traditional United States role of Mideast peace broker. The United States participation in the Gaza meeting will jeopardize that role.

Mr. President, now is the time to stand firm on principle. I urge you not to send a United States representative to the Gaza meeting this weekend.

CHILD AND TEEN SUICIDE

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, child and teen suicide is a national tragedy in our country. The national suicide rate among 10- to 14-year-olds has increased by 120 percent since 1980. One in 12 high school students attempted suicide in 1995, and each year more than 270,000 teenagers attempt to end their lives. More than a desire to die, these children say their attempt was a cry for help.

This tragedy impacts all Americans. In affluent Palos Verdes a 15-year-old girl took her life by jumping off a cliff because she felt hopeless and anguished. In east Los Angeles a 15-year-old boy, devastated over his parents' separation, hung himself.

Child and teen suicide is a painful and critical tragedy which cannot be ignored. Members of Congress and indeed all Americans must work together to save our children. It is literally a matter of life and death.

ADMINISTRATION PROPOSES TOLLS ON INTERSTATES

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if we needed proof that the President is really a tax-and-spend liberal just look at this headline in the Washington Times: Clinton Proposes Tolls on Interstates.

The Clinton administration has proposed that the Federal Government do away with a 40-year restriction on States charging tolls on Federal highways. The White House claims this is a modest proposal, but it appears that the bridge to the 21st century has a toll booth on it.

Mr. Speaker, the American people do not need another tax. Over half of the family income goes to taxes at all levels, and to suggest that American families need to pay more taxes for the highways that they have already paid for is too much. The President says he wants to balance the budget, but he has submitted a budget that does not balance. He says he wants tax relief, but he just announced a new tax increase.

Mr. Speaker, the President should go back to the drawing board and start with a real balanced budget, one without a tax increase on hardworking Americans.

FREEDOM FOR VIOLENT CRIMINALS IN FLORIDA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, against the wishes of Florida officials, the Supreme Court has allowed 500 violent criminals in Florida to go free. When they restored time off to relieve overcrowding, the court said promises were made.

Now, check this out:

Mitchell Sexton stabbed his father to death and he was released. Norm Eastman beat a 2-year-old to death. He was released. John Yearby beat a homeless man to death with a baseball bat. He was released.

Now, if that is not enough to overturn your convictions and add insult to injury, ladies and gentlemen, listen to the news: All victims will be notified of these violent offender releases.

Beam me up, Mr. Speaker. In my opinion, America has murder, rape and violence in record numbers because some of our judges are so dumb they could throw themselves at the ground and miss. Maybe, just maybe, if judges start supporting the rights of innocent victims, we would not have so much murder.

ISRAEL AND THE UNITED NATIONS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as we discuss our relationship with the United Nations this session, I believe one of our priorities should be to seek an end to the isolation within the United Nations of our Democratic ally Israel. Participation in the Security Council as well as all committees of the United Nations is predicated on a country's participation in a regional group. Due to the objections raised by a number of rejectionist States, Israel has been denied membership in its natural geographic group. Israel is therefore shut out of the entire committee system where the real day-to-day work of the United Nations is conducted.

One solution is to move beyond mere geography and look to the shared values of the democratic nations of western Europe. This group already spans 3 continents. Together with Congressman STEVE ROTHMAN and other colleagues, we have sent a letter to the ambassadors of the western European nations asking them to end Israel's unjust isolation by providing a legal home for their fellow democracy, the State of Israel.

REPUBLICAN BUDGET MERRY-GO-ROUND

(Mr. HILLIARD asked and was given permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, the Republicans in this House are continuing to delay our Nation's budget. Their leader now says it will not be ready until May, over 3 months past the legal deadline.

It is the radical Republicans in Congress who are always saying that Congress must adhere to the rules which govern everyone, until the rules pertain to them. Then, like spoiled little kids, they make their own rules to suit themselves or they will not play the game. I hope that they realize that this Republican merry-go-round must soon end. The American people do not want Republicans to play games with their lives like Republicans did when they closed down this government.

Mr. Speaker, it is high time that your party act like grownups and follow the rules. The budget submitted by the President is a balanced budget. Where is the Republican budget?

BIPARTISANSHIP AND THE BUDGET

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, last year I had the privilege of campaigning for the U.S. Congress as a Republican from California, and in my district I made no bones in going to groups where I spoke to both Democrats and Republicans and telling them that I intended to come to Congress and work in a bipartisan fashion with the President to balance the budget.

A month ago I had the honor of sitting in this Chamber for the first time and seeing a President of the United States deliver in person a State of the Union message. In that message he told us and he told the country that he would submit and we would balance the budget. I believed the President then and I still believe that he intends to work toward that goal. But, Mr. Speaker, as we know, the budget that the President submitted to this Congress does not balance, and that fact has been made clear by the Congressional Budget Office, which is bipartisan.

Mr. Speaker, yesterday we passed a resolution calling on the President to again submit a budget to this Congress that is balanced and, Mr. Speaker, as a Republican I pledge to this House and to the country that when the President does take that action, I will work with him and work with my colleagues across the aisle to ensure that we fulfill that obligation to the American people.

□ 1015

ANNOUNCEMENT OF FORMATION OF CONGRESSIONAL CHILDREN'S CAUCUS

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to say to the American people that we do care, and I am very proud to announce the formation of the Congressional Children's Caucus, comprised of Democrats and Republicans who are concerned about children, and I think one of our early charges is to ensure that our children all over America have health care.

Mr. Speaker, 1 in 7 children are uninsured. We find that 9 out of 10 children without insurance have working parents every single day.

As a local elected official, I offered to our local community the importance of preventive health care to work with our families to ensure that our children were immunized and that our children saw the kind of health care that will give them a better quality of life.

Now, according to the report issued by the Census Bureau, one-third of American children do not have private health insurance, and yesterday the Children's Defense Fund said unless action is taken now 12.6 million children will be uninsured by the year 2000.

We must have a child health care insurance, and we must ensure that we care. Let America know that we care.

BECAUSE WE ARE BEING FLOODED BY COCAINE FROM MEXICO WE MUST TAKE STRONG STEPS

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, we have an important vote coming up today on decertification of Mexico, and this is not a battle over whether we are friends or not friends. Like it or not in Mexico and like it or not in America, we are going to have to work together like close friends have to work together, and part of working together is trying to address joint problems.

There is a feeling sometimes that we are trying, as Big Brother, to force our will on Mexico without reducing our own demand. We are working aggressively to reduce our demand. In America we have drug dogs in our schools, we are building more prisons then we ever dreamed we needed to, we have upped our treatment and our prevention budgets by 50 percent. But the reason we are doing this is an example front-page headline in Ft. Wayne last week: "I–69 Crash Linked To Cocaine And Pot."

A youngster on cocaine and marijuana flipped his car, landed on a pickup driven by another young person, which then landed on a car driven by another person, which forced it into another vehicle and veered into the median, which then hit a pile up into a sixth vehicle.

Because we are being flooded with cocaine coming in from Mexico we have to take strong steps.

CHILDREN'S HEALTH CARE SHOULD TOP OUR LEGISLATIVE AGENDA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday the Children's Defense Fund released its annual state of America's children. The news is heartbreaking; 1 out of every 7 American children are living today without health insurance; 1 out of every 7 kids. It is a national disgrace. The vast majority of these kids live in families where one or both of their parents work. Their folks work hard and they play by the rules, but they are caught in the middle, not poor enough to qualify for Medicaid, but unable to afford private health insurance for their families.

It is time for the Republican leadership to focus on this problem. There are 10 million reasons why we must do this: For the 10 million children in this country who are living without health insurance. But we only need one, the fact that the American people are counting on us to make this world a better place for their families.

We cannot have healthy families without healthy kids. We need to address this crisis, we need to move this issue on to the top of the legislative agenda.

REPUBLICAN AGENDA DOES NOT ADDRESS THE NATION'S UNINSURED CHILDREN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, following up on my colleague from Connecticut [Ms. DELAURO], I want to reiterate again this report that came out from the Children's Defense Fund that was in today's Washington Post. Once again there is another article in another major newspaper on the number of children in this country who do not have health insurance.

According to the General Accounting Office, this is an all time high. Not only one out of seven children, as was mentioned, do not have health insurance, but if we do not make this a top priority, we are going to have even more serious problems. The Children's Defense Fund report says that unless action is taken now 12.6 million children will be uninsured by the year 2000.

This news is only for the Republicans. Since last spring Democrats have been developing legislative plans to provide health insurance to the Nation's 10 million uninsured children, but to date there is not a single Republican plan to address this situation. Nor does it look like the GOP has any intention of giving this issue the attention it deserves. The House Republican agenda announced last week made no mention of a plan to insure the Nation's uninsured children.

ONE OUT OF SEVEN CHILDREN IN UNITED STATES DO NOT HAVE HEALTH INSURANCE

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, 2 years ago the President of the United States said he wanted to give all Americans health care that could never be taken away, affordable health care that could never be taken away.

Now Members of the then minority and now majority take great pride in saying they stopped the President from advancing that particular change in our public policy. The result has been that more and more people are without health insurance in this country.

Now the article in today's Washington Post, page 3, says that one out of seven children in this country do not have insurance. Even more damming than that figure is that 9 out of 10 of those children live in a family where one adult works. These are people who are doing what the American system says we should do: We should work, we should get a job, we should try and take care of our families, but they do not have jobs where they get health care benefits.

Now we have waited for 2 years for the Republicans to offer any proposal, and there is none, and there is no budget that deals with it now.

WE MUST DO MORE TO PROTECT CHILDREN IN OUR SOCIETY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, never in the history of the world have we had a country with resources abandon its own children. I say to my colleagues, "It is one thing to say that you are poor, that you don't have the money, that you don't have the resources to get the job done. Well, we have the resources, and in this Congress we're making the choice not to put them where they are needed."

Frankly, the cost is far more. Many of these children, once crippled by their illnesses, end up in emergency rooms where the cost far exceeds anything that coverage would cost.

This Congress embarrasses itself to talk about bipartisanship and family values and not have the audacity to sit back and take the action. We sit back, we take no action when it comes to the most helpless in our society.

These children are without care. We are a country with the resources. There is no other country today in the world with the resources we have that does not protect its own children.

APPROPRIATE BEHAVIOR CONCERNING COMMENTS ABOUT FEDERAL EXPRESS

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, I rise this morning deeply concerned and deeply disturbed about the comments of a well-known Republican leader who approached the largest employer in my district, Federal Express, and informed them that it would be duly noted "if the Federal Express PAC continues to give to the Democrats at the Republican takeover of Congress."

Furthermore, Mr. Speaker, this Republican leader said that business PACs such as Federal Express would "squirm considerably" if they continue to give to Democrats.

Mr. Speaker, the employees of Federal Express contributed to their PAC with the expectations that they will not be pressured to promote the interests of one particular party.

Mr. Speaker, this type of actions and conduct is what leads to the grave cynicism and distrust that pervades the American public.

On behalf of the 30,000 employees of Federal Express, the hundreds of thousands of constituents in my district who benefit from the presence of Federal Express, I am asking the appropriate committees in both bodies, as well as the Justice Department, to answer the question: Is this appropriate behavior of one of our well-known Republican leaders?

DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 95 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 95

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and on any amendments thereto to final passage without intervening motion or demand for division of the question except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) the amendment recommended by the Committee on International Relations now printed in the joint resolution, which shall be considered as read, shall be in order without intervention of any point of order, and shall not be separately debatable; (3) the further amendment specified in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report, which shall be considered as read, shall be in order without intervention of any point of order, and shall separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I ask unanimous consent that, in the consideration of House Joint Resolution 58 pursuant to House Resolution 95, the amendment printed in House Report 105-20 be considered as modified by (1) striking "the impact of such process on financial markets" from the text designated as section 6(C); and (2) striking "on currency markets, international financial markets and merchandise trade flow" from the text designated as section 6(g)(1)(B) and inserting in lieu thereof "in enhancing international counter narcotics cooperation".

The SPEAKER pro tempore [Mr. FOLEY]. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH], the distinguished Speaker of the House.

Mr. GINGRICH. Mr. Speaker, I wanted to take the floor to begin this debate today on the drug war and the specific question of certifying Mexico's role in the drug war to make several points to all of my colleagues which I hope will be noted throughout the debate, and I hope on our side of the aisle that the managers both of the debate on the rule and the debate on the actual bill will help communicate. This is an effort on our part to help the people of Mexico to help the people of Colombia and to help the American people.

All of us are faced with a terrible challenge of international drug lords who are ruthless and who use the profits of American money from sales to Americans in order to sustain a level of violence that is tragic. No American can look at the thousands of Colombians who have died, no American can look at the Mexican prosecutors, the Mexican police who have died risking their lives to try to free their countries from the scourge of drug dealers and then talk in a self-righteous manner about these countries.

We have a challenge in America of ending the drug trade protecting our children and cutting off the flow of money to drug lords wherever they are. We have a challenge as good neighbors to recognize that we need to reach out to help the people of Mexico and to help the people of Colombia, and yes, there are concerns about decertification, and yes, if you read the law and you answer honestly the questions written in the law, we find ourselves at the point, as the attorney generals of California and Arizona reported, that they felt decertification was appropriate. But we will be offering an amendment later to give the Clinton administration an additional 90 days to find ways to work with the Mexican Government to avoid any such decertification because we believe the key as good neighbors is to work together and to work to honor the memory of those in Colombia and Mexico who have lost their life fighting the drug dealers and to recognize that only by a true team effort in which the American Government and the American people also take on an all-out challenge of defeating the drug dealers here and stopping the drug purchases here and eliminating the flow of American money to other countries.

So I hope all of our colleagues will approach this debate in a positive effort to create a spirit across the Americas of defeating the drug dealers as allies together for civilization.

□ 1030

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

This is a straightforward rule that allows us to bring a resolution with strong bipartisan backing to the floor for timely consideration, as the Speaker has just indicated. The rule allows 2 hours of debate, equally divided between the chairman and ranking member of the Committee on International Relations. It makes in order as the base text House Joint Resolution 58 as amended by the Committee on International Relations and reported by a strong 27 to 5 bipartisan vote.

In addition, it provides for the consideration of an amendment by the gentleman from Illinois [Mr. HASTERT] debatable for 20 minutes, equally divided between the proponent and an opponent. All points of order against the committee amendment and the Hastert amendment are waived. Finally, the rule allows for one motion to recommit, with or without instructions.

Mr. Speaker, I think it is with a certain degree of reluctance that the House takes up this resolution. I believe collectively this body has been a strong supporter of the democratization and stabilization process in Mexico, but it is simply impossible to overlook the evidence we are confronting today on the matter of full cooperation in the war on drugs. That is the test under the certification process.

Mexico has been identified as the source or transfer point for a full 70 percent or thereabouts of the elicit drugs that flow into the United States every year. That is an extraordinary amount. As we seek closer cooperation with Mexico on trade and other areas, we do our closest Latin American neighbors and ourselves no favor if we close our eyes to the endemic corruption that is confounding our efforts in Mexico.

Frankly, many of us were perplexed to see Mexico receive full certification by President Clinton, when countries like Colombia, where the National Police have fought a courageous battle against its drug cartels, were fully decertified. There seems to be a bit of a double standard there.

I think it is true, as we have seen in the certification process this year, that the process is imperfect, some might even say counterproductive. But for today it is the law we have to work with. And if we don't like the certification process, I would refer your attention to provisions in the Hastert amendment to reconsider that process and provide for a high-level counternarcotics commission.

But what are we looking for in Mexico? We are looking for reliable drug enforcement officials to work with us, willingly, effectively and cooperatively.

Many applauded when Mexico mobilized its military in the war on drugs, including myself, making the recent revelations unfortunately about General Gutierrez all the more troubling to us. It seems we were sharing sensitive information about drug cartels with a military man who was involved in fact with those cartels.

We also need evidence that once captured, notorious criminals like Humberto Garcia will be charged, tried and sentenced, not simply allowed to walk out of custody.

Our goal is not to take a step back from the many positive aspects of our relationship with Mexico, and they are many, and we are proud of them. I think the Committee on International Relations resolution does strike the right tone. It is tough, but it is fair, and the Hastert amendment is an additional opportunity for positive cooperation between our two countries.

It is my hope that once the initial reaction has passed, the Mexican Government will respond with a concerted effort to address the specific vital issues outlined in the Hastert amendment, where the United States and Mexico can do a better job of fighting drug traffic together.

Mr. Speaker, notice that I included the United States in the "can do better" category, because we all know the problem is not entirely one of Mexico's making. There are demand issues to deal with in the United States and some lingering questions about the commitment and efficiency of our own administration to the fight against drugs. We are working on that. Having said all of that, I urge my colleagues to join me in supporting the rule and in passing House Joint Resolution 58.

A little candor on the situation in Mexico will advance our cause a lot further than glossing over the rough spots. That is what friends are for.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to a bad rule for a questionable bill and a truly terrible substitute.

Mr. Speaker, this joint resolution is a slap in the face of our Nation's neighbor to the south, and the substitute, which was brought to the Committee on Rules, is a slap in the face of the President of the United States.

It is unrealistic to expect that the Government of a sovereign nation would be willing to cooperate with the United States if Congress passes legislation such as this. It is ludicrous to think that the President would sign anything which directly condemns him, as does the substitute made in order here.

The fact that this resolution has been brought to the floor in this manner, without opportunity to amend it with a more reasonable approach to a problem that everyone agrees is of critical national importance, demonstrates that the majority in this House is not interested in narcotics control. Rather, the majority is demonstrating its first priority is to bash the President and his administration, and then to bash the Government of one of our Nation's closest neighbors.

Mr. Speaker, no would can deny that drugs are the scourge of our society. Mr. Speaker, no one can deny that the influx of drugs from Mexico is a serious problem that affects every level of our society.

While the Mexican Government and President Zedillo have taken important steps toward implementing a meaningful drug control program, many, many serious deficiencies exist, and evidence of corruption is alarming.

None of us can deny that more must be done, much more. The Government of Mexico has not done everything to fully cooperate with our law enforcement agencies, and, despite 52 requests for drug-related extraditions, has not extradited a single Mexican national. This is serious business. But how can we expect another sovereign nation to work with us, to cooperate in our efforts to stem the tide of the influx of this poison into our country, when we move ahead with legislation like House Joint Resolution 58?

We need to step back, Mr. Speaker, and examine the implications of this legislation carefully and rationally. The lives of American children depend upon our actions.

Yesterday the gentleman from New Mexico [Mr. SCHIFF], a Member of the other party, came to the Committee on Rules and made a compelling case for a sense of the Congress resolution which he proposed as a substitute to the committee bill and the substitute offered by the gentleman from Illinois [Mr. HASTERT].

The Schiff substitute recognizes the direct threat that drugs represent to the United States and that the Government of Mexico has failed to undertake measures which would significantly curb the drug trade and corruption in that country. The language is strong and right on target.

But the Schiff resolution calls on our Government to continue to work with the Mexican Government to dismantle drug cartels and arrest and prosecute their leaders, to achieve compliance with our extradition requests, to increase interdiction, to step up efforts to enhance law enforcement efforts on both sides of the border, and, finally, to identify and eliminate corruption at every level of the Government of Mexico.

The Schiff resolution would have, had this House been permitted to consider it, sent a strong message to the Government of Mexico but would not have sent along with it a direct slap in the face. I offered an amendment to the rule to include the Schiff resolution in the amendments to be considered today, but my amendment was defeated on a straight party-line vote, with all the Republican Members voting against the substitute offered by their own fellow Republican [Mr. SCHIFF].

Mr. Speaker, the ranking member of the Committee on International Relations told the Committee on Rules yesterday afternoon that the current situation with Mexico and the certification process mandated by section 490 of the Foreign Assistance Act of 1961 shows that the law does not work. The President was faced with an extremely difficult choice when he was presented with the choice of certifying or decertifying Mexico. There is little disagreement that this law does not allow the President adequate flexibility to deal both with the drug problem and with the totality of U.S. national interests. The law should be changed.

But in the meantime, there is little reason to believe that the Republican majority should use this outdated law as an opportunity to specifically condemn the President of the United States by bringing forward a substitute resolution which contains language which specifically states that the administration's policies of the past 4 years amount to, "the failed antidrug policy."

So, Mr. Speaker, I intend to oppose ordering the previous question on this resolution in order to try to amend the rule to allow the House to consider the sense of Congress resolution proposed by the gentleman from New Mexico [Mr. SCHIFF]. His proposal is reasonable and sends a strong message and encourages greater cooperation between the United States and Mexico. If we are serious about stemming the flow of narcotics into our country, reason and not insults should prevail.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, here on the floor and back in your offices, you know, there is a war going on in this country. Unfortunately, it is a one-sided war. The only people that are fighting are the drug lords, the people that are killing our young children. And we, including our allies, are doing little to fight that war.

I do not have to tell my colleagues I have spoken out many times on this floor about the illegal drug use in this country, criticizing the Mexican Government, the Colombian Government, and yes, criticizing the American Government, and yes, criticizing this Congress as well for not fighting that war.

In my view, if we are going to get results in our foreign affairs, we simply must be willing to use the stick once in a while. We cannot just hang that carrot out there and threaten and keep letting them eat the carrots. That is what we do all too often with our foreign policy.

In this case, unless we are prepared to suspend our aid to Mexico, they will know there will never be a penalty for their lack of cooperation in this war.

Has there been cooperation? Not very much.

Consider the comment from Tom Constantine, head of our Drug Enforcement Agency, one of the most credible law enforcement officers in America. I was proud to work with him in the New York State government for many, many years.

He said, "There is not one single law enforcement institution in Mexico with whom the DEA has an entirely trusting relationship."

Can you imagine that? That, my friends, is a damning indictment. And that is why I feel Mexico should be decertified.

Let me read some statistics. Seventy-five percent of all the violent crime in America today is committed against our women and children and it is drug-related, 75 percent of all violent crime in America today.

Did we all know that? Does that not mean anything to us?

And let me tell my colleagues something else that is so startling. The Rand Corp. says that 75 percent of all the illegal drug purchases in America today are made by whom? They are made by upper-middle class Americans. I guess my colleagues and I could be put in that category. But recreational drug users who use a little cocaine, sniff a little cocaine or smoke a little marijuana over the weekend, and they come into the innercities and they buy these illegal drugs. That is what creates the territories, and that is what creates the murder.

Did my colleagues know that marijuana use in American 12- and 13-year-olds is up 127 percent over the last 4 years? Did we know among 14- and 15-year-olds that marijuana use is up 200 percent? And it goes higher and higher as you get up.

We are destroying a whole new generation of Americans, financially and physically. And that is why it is part of our fault, because we are not fighting the war inside our boundaries.

But listen to this, 50 to 70 percent of the cocaine entering the United States of America today transits through Mexico. Seventy percent? And 20 to 30 percent of heroin crosses the borders from Mexico. Eighty percent of grown marijuana comes in from Mexico.

Mr. Speaker, we need to fight a battle here, and that is why I would have liked to have seen a much stronger bill than the one we are considering here today. But this House is a body of compromise. And if we were to send any kind of message expressing our dissatisfaction to Mexico, it was necessary to reach a compromise that took care of the concerns, legitimate concerns, like the gentleman sitting over here from Texas that represents border States. We have to take those considerations into consideration, because they believe that a straight decertification would be destabilizing in Mexico.

While this bill grants a waiver of sanctions to the President and while the Hastert amendment made in order by the rule delays decertification for 90 days, it still does send a strong message of our dissatisfaction with Mexico's level of cooperation in the drug war. That is why I am going to do what Ronald Reagan taught me to do, you cannot always have it your own way, you have to compromise. To me, this is a reasonable compromise.

But, Mr. Speaker, after we do this, let us get on with fighting that war to save our children, please.

☐ 1045

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I appreciate the time to speak on a very, very emotional issue, and a very important issue to us. I want to say to my colleagues in the House that I deeply appreciate the comments made this morning both by the Speaker and the Democratic leader in the context of the Hershey retreat that half of us attended over the weekend. I think it is important that we listen to what the Speaker said immediately preceding these arguments on the rule.

I stand this morning against the rule because I think at times those of us that understand, those of us that have the experience of the impact of decisions made in Congress and how they impact border communities, not border countries, but border communities on both sides of the international boundary are often disregarded and not taken into account.

We have heard this morning, and probably will hear some more, some rhetorical statements such as there is a war going on, that this issue is tough, but fair, that 75 percent of crime committed in this country is related to drugs, and that drug use is up 100 and something percent. We all know this; I know this.

Yet, over the course of the last week or so, I have been talking to my colleagues on both sides of the aisle to try to educate them about the implications of something we are about to do that is going to have long-term and profound impact on the relationship that this country has with our neighbor to the south, namely, Mexico.

I think certification of Mexico is critical. I think it is critical not as an issue of checking off on a report card, but, I think it is critical from the context of, we cannot expect cooperation, we cannot expect teamwork if we do not provide our fellow members of the team an opportunity to work with us.

I can tell my colleagues from personal experience, experience predicated on 26\1/2\ years of working this Nation's border to enforce immigration and narcotic laws, that the issue is tough, the issue is serious. What we are about to do here in voting to decertify Mexico and voting on the alternative amendment is serious business.

This morning we are being watched and monitored throughout Latin America. This morning we are being monitored because people south of our border know that we do not have our own house in order, yet we are taking a position that we are making an attempt to tell people that they have to have their house in order.

I think it is critically important that we understand that a vote for this rule is a vote that ultimately will come back to haunt us in many different ways, including a profound way where our neighbor to the south may choose a path and a road that ultimately comes back to haunt not just us, not those of us in this Congress today, but ultimately future relationships with future generations of this country. I think we deserve better; I think our children deserve better.

I think we need to step back and we need to have a cooling-off period. From that perspective, I appreciate having had an opportunity to be heard by the Speaker, by the leader, and by Members of both sides of the aisle in terms of what I offer in terms of my experience on that border.

I would urge my colleagues to vote against this rule because it is the wrong thing to do at the wrong time and gives us the wrong kinds of consequences.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

I am sorry that my friends on the other side of the aisle do not seem to grasp that one of the essences of democracy is permanent dissatisfaction. I am among those who believe that the resolution that came out of the Committee on International Relations, decertifying the Mexican Government for its blatant and obvious actions, is not fulfilling the responsibilities of all governments in fighting drug trafficking.

I would have supported that resolution if I had been in the Committee on International Relations, and would have preferred that it be the final product today in this House. But as a consequence of a negotiation, a bipartisan negotiation, a very intense negotiation over the last couple of days, there is an amendment that is made in order by this rule that I fully support, an amendment by the gentleman from Illinois [Mr. HASTERT], that while not satisfying many of us, I think at least moves forward in a way that both sides of the aisle and all positions should appreciate this morning.

The gentleman from Illinois [Mr. HASTERT] says that it postpones decertification of the Mexican Government for 90 days, and gives an opportunity to the Mexican Government to show good faith in very concrete ways in the field against the fight against narco trafficking within these 90 days, and avoid decertification if those steps are taken. I think that is a reasonable measure, a reasonable measure that both sides of the aisle should support. People from the border States as well as from the rest of the country should support and express gratitude to the gentleman from Illinois [Mr. HASTERT] and the Speaker and all others who have so diligently worked for that compromise on both sides of the aisle.

However, I think that even a more important aspect of the Hastert amendment is that this obviously hypocritical and fatally flawed certification process is put under the microscope, and a commission will be created to look at this process, a process that while it says that the Colombian Government, and obviously there is a very serious allegation of the President of Colombia having taken money directly from drug traffickers during his campaign, that is a very serious allegation; while Colombia is decertified, though Colombia has perhaps given the largest quota of blood against the narcotraffickers, the soldiers, the policemen of Colombia, they have given the largest quota of blood against the drug traffickers programs in the entire hemisphere, yet they are decertified.

At the same time, the Mexican Government, infiltrated to the teeth by narcotraffickers, infiltrated to the extent that hours after our President certified Mexico, a major drug trafficker was let out and apparently given a Mercedes to leave, despite that, Mexico was certified and Colombia is decertified.

And wait a minute. The most corrupt government in the hemisphere, even more corrupt than the PRI government, the government of gangsters, by gangsters and for gangsters, the government of the dictator Castro, no, our Government said no, they should not be on the list of people that have to be certified. They are cooperating, Castro is cooperating.

That is what the administration says, despite the fact that I have on video our local drug-fighting authorities in south Florida saying that over 50 percent of the cocaine that comes in through the Caribbean comes by and through Cuba, and yet the Clinton administration says no, they should not be on the list.

This certification process is flawed, it is hypocritical, it is discriminatory, it has to be put under the microscope. The amendment of the gentleman from Illinois [Mr. HASTERT] does that.

Let us look at this process, let us see if there is a better way to cut back on drug trafficking, to reduce consumption and avoid the politicization of this process which is obviously occurring, and I think that my friends on the other side of the aisle would agree. So let us support the Hastert amendment, let us be bipartisan, let us be serious, and let us avoid petty politics.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a President of the other party, Mr. Nixon, once observed, watch what I do, not what I say.

The folks on the other side are following that advice, of course. They are claiming to be bipartisan, claiming sweetness and light, and then they bring forward the Hastert amendment on which Democrats were not consulted. They brought it to the Committee on Rules, imposed on a straight party line vote, and they used the Hastert amendment to attack the President and his administration. Let me read from the Hastert amendment which they are presenting as this wonderful compromise.

On page 4:

> United States Government strategy has been weak in responding to statutory deadlines, has been characterized by an absence of statutorily mandated measurable goals, lack of effective coordination and program accountability, and often untargeted and insufficient funding, from the smallest agencies involved in the drug war up to and including the White House Drug Policy Office.

They are not talking about another country, they are talking about our President in our own country.

They further say:

United States Government policy has emphasized additional funding for unproven drug treatment techniques at the expense of accountable drug prevention programs that effectively teach a right-wrong distinction.

And then they go on to say:

> For the past four years, United States Government strategy has failed to use the media to communicate a consistent, intense anti-drug message to young people.

The folks on the other side, in praising this compromise, I guess they are compromising between their right wing and their far right wing, the amendment offered by the gentleman from Illinois [Mr. HASTERT], neglect to tell us that what they are doing is condemning the President of the United

States, condemning the activities of our own Government in trying to counteract this drug trade.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for his kindness.

Mr. Speaker, I rise with the same kind of outrage that has been expressed by my colleagues, but I also understand the frustration and the pleas that has been made by the gentleman from Texas [Mr. REYES]. So I rise in opposition to the rule because I believe there is more that could have been done.

It is crucial that we acknowledge that this is not, this question of drug usage and drug devastation, it is not a Democratic problem or a Republican problem, it is an American problem. I think it is important for us to rise on this floor and come together to associate ourselves with a resolution that is an American resolution.

The Federal Government now spends currently $15 billion per year in the war on drugs. But, interestingly enough, as it is under President Clinton, it has not been substantially or was not substantially different under President Bush. We focused a lot on border control, interdiction, law enforcement, punishment, and prevention. We do work some with education, treatment, and rehabilitation.

Individuals in my community suffer extensively. Black men comprise 12 percent of the total population; 13 percent of drug users, 35 percent of arrests and 55 percent of convictions.

I want a real solution. I want to acknowledge that there are problems with Mexico, but yet we can find data that says that the Mexican officials seized 30 percent more marijuana in 1995, which in turn was up 40 percent over 1994. Cocaine seizures went from 22.2 tons to 23.8 tons, and heroin seizures increased 78 percent from 1995.

So I think we need to recognize that work has been done. We have sufficiently cooperated with many Mexican officials so that the extradition process has been expanded.

I want to see us come together around solutions, to emphasize treatment, to emphasize the importance of bringing down the desire for drugs in our community. I do not want to see us not recognize the problems in Colombia or Mexico, but I do realize that we must do more about international smuggling, we must do more about money laundering, and in that instance I am disappointed that the Schiff amendment substitute was not considered to be brought to the floor of the House. I appreciate that there were those who supported this in the Committee on Rules.

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This had viable solutions by offering it as a sense of Congress:

First, the suggestion to dismantle major drug cartels and arrest and prosecute leaders of such cartels; that we would continue to work to implement effective legislation for Mexico to prohibit money laundering.

We would also like to achieve compliance with Mexico with outstanding extradition requests, and that effort has been enhanced; we need more of that. That we would work to increase the interdiction of narcotics and other controlled substances, and we would do more on prevention and treatment, I might add.

It again does this Congress no good and it does us great ill, if you will, in international relations and working with countries to improve this cooperative effort in fighting drugs if we castigate an administration that has shown itself well with the drug czar, that we are concerned about decreasing the amount of drugs that have come into this country, and to have an amendment on the floor that has been offered now that gives some and then takes some away by castigating the hard work of DEA agents, border control agents, and the various other Federal employees that have worked so hard with local government, with the President, and treatment programs, it does not show itself well, and does not get the job done in terms of helping Mexico do what it is supposed to do.

I am frustrated by this process. I want action, but I want us to recognize that it is an American problem and we must treat it as such, to make sure we can fight this drug problem and help the American citizens get rid of it.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, today, we are potentially faced with a vote to decertify Mexico for not cooperating with the United States to adequately fight the war on drugs. This is yet another of the truly frustrating votes in which a Member of Congress is forced to choose between two alternatives, both of which mandate not only an unconstitutional use of American taxpayer's dollars but pursue an ineffective policy action.

President Clinton recently certified Mexico as a good drug warrior. However, absent some procedural maneuvering to remove a waiver that allows the President to release Mexican foreign assistance notwithstanding decertification, the only choice we as Members of Congress will be left with is: First, certify Mexico and further encourage an obviously corrupt political regime to continue its corruption-based, prohibition-era-style activities with a check from the United States taxpayers in the amount of $25 million; or, second, decertify Mexico and pressure that same regime to increase its corruption-based, prohibition-era-style activities with a check from the United States taxpayers in the amount of $25 million.

Voting against certification does little more than pressure Mexico to pretend it's cracking down on drug producers. Voting for certification condones the President's position that Mexico is doing everything possible and the corruption remains both ignored and subsidized. This vote has become meaningless; the process of Mexican certification has become a kind of political dog and pony show. Unfortunately for the American taxpayer, foreign aid will continue to flow to Mexico regardless of the vote and regardless of whether this money accomplishes anything positive or productive.

Today's war on drugs consists of inherently defective tactics and, as such, a new approach to the drug problem is desperately warranted. If we are going to be honest with ourselves, we would have to decertify our border guards, prison wardens, and school principals; after all, we cannot even keep drugs out of our own country, prisons, or schools.

We never seem to learn anything from our failures. Two years ago Texas banned smoking in all prisons. The price of a 99-cent pack of cigarettes suddenly soared to $25 within the prison system, yet smoking continues while corruption thrives. Just last year, 40 prison employees faced felony charges for dealing in cigarettes.

I cannot possibly vote to certify Mexico as a drug warrior obediently taking orders from the United States Government. How can I in good conscience vote for a resolution to decertify Mexico whether it has teeth in it or not since our whole approach to the drug problem is flawed and doomed to fail. Most Members recognize this and thus, the frustration with this resolution.

This resolution, whether it passes or fails, embraces and subsidizes the same flaws prohibition-era approach and does little more than increase potential corruption and crime. The sooner we realize and acknowledge this, the better.

I urge a no vote on the rule.

Mr. GOSS. Mr. Speaker, I yield 3\1/2\ minutes to the distinguished gentleman from New York [Mr. GILMAN] the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Resolution 95, the rule for consideration of House Joint Resolution 58.

First, I would like to thank the gentleman from Florida [Mr. GOSS] for his skillful work on this proposed rule, and the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, for his support of our resolution.

House Joint Resolution 58, introduced by the gentleman from Florida [Mr. SHAW], disapproves the President's recent certification that Mexico had cooperated fully with the United States' antidrug efforts last year. This resolution of disapproval was reported favorably by the Committee on International Relations by a bipartisan vote of 27 to 5. This measure is supported by our ranking member, the gentleman from Indiana [Mr. HAMILTON] as well as the leadership of both parties.

Mr. Speaker, the latest data indicates that 60 percent of the illegal drugs entering our Nation passed through Mexico. That figure may be higher. It is a conservative estimate. If we do not work together to confront this problem, thousands of Mexican and American citizens, particularly our young people, will pay a terrible price. That is why we expect that our friends in Mexico would give their very best efforts, along with our Nation, to confront this terrible threat.

Regrettably, I have reached the conclusion that Mexico's government up until now has not shown the kind of full commitment that is needed.

We acknowledge that Mexico has indeed been open to new antidrug initiatives. For that we commend them. But that cooperation was completely undermined because Mexico's antidrug chief was actually on the payroll of that country's most powerful cartel. He is now in prison.

We also recognize that several massive drug syndicates continue to operate with impunity in Mexico.

Mr. Speaker, our DEA administrator, Tom Constantine, told Congress just a few days before the President's certification that there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship.

In short, this administration gives Mexico a failing grade for its antidrug cooperation last year. But it would allow the President to maintain aid programs that are important to us, including some forms of counternarcotics aid that might otherwise be prohibited to a decertified country.

I believe that is a responsible approach to this thorny issue.

Mr. Speaker, House Resolution 95 provides for a full and fair debate on this issue. It is time we establish a relationship that is trusting and meaningful. We must end the divisiveness that surround drugs, and the best way to do this is to lance this boil and develop real, substantive counterdrug cooperation.

Mr. Speaker, I would like to call our colleagues' attention to a New York Times editorial of March 12 of this month entitled "Mexico Without Illusions," in coming out for decertification, stating: "Unless President Zedillo attacks these problems boldly by initiating a thorough housecleaning of corporate officials, Congress should override Mexico certification."

I urge our Members to support the rule on House Joint Resolution 58 and to support final passage of the measure.

Mr. Speaker, I include for the RECORD the editorial I mentioned.

The material referred to is as follows:

[From the New York Times, Mar. 12, 1997]

MEXICO WITHOUT ILLUSIONS

Congress and the Clinton Administration appear headed for a collision over Mexico. Just weeks before President Clinton is scheduled to visit Mexico, Congress is moving to override the Administration's disingenuous certification that its Government is fully cooperating in the fight against illegal drugs. A successful override would invite a diplomatic confrontation with Mexico. But the crisis would be worth enduring if it led Washington to a more realistic appreciation of Mexico's problems and of President Ernesto Zedillo's failure to address them with sufficient resolve.

The Administration invited a Congressional rebuff when it pretended all was well with Mexican drug enforcement. It acted immediately after a series of embarrassing incidents made plain that pervasive corruption in Mexico's police, military and ruling party has blunted drug enforcement and led Mexican officials to withhold vital information from American authorities.

Only days before the certification decision came word that Mexico's recently appointed drug enforcement chief had been arrested for corruption, and that news of his downfall had been kept secret for nearly two weeks.

Largely because of this breakdown of enforcement and cooperation, well over half the cocaine entering the United States now passes through Mexico. Mexico has become the principal conduit for South American cocaine as well as a supplier of homegrown marijuana and heroin.

Mexico already resents the idea of a Washington report card on its law enforcement efforts. The insult would be far greater if Mexico received a failing grade, even if the Administration, as it surely would, waived the economic penalties that decertification could bring. The annual drug certification review is a useful process. But as long as it is required by law, Washington does best to tell the American people, and itself, the truth.

In Mexico's case, that truth is cause for considerable concern. The drug enforcement problems are symptomatic of a deeper crisis in Mexican political life.

The old regime, represented by the Institutional Revolutionary Party, or PRI, has used patronage networks and, on occasion, electoral fraud to monopolize Mexico's presidency and dominate its politics for nearly seven decades. It is now in deep disarray, unable to reform itself and unwilling to give way to a more democratic and accountable system. President Zedillo is a weak but decent leader, apparently too beholden to the PRI establishment to reform it.

He has failed, for example, to move aggressively to clean up the notoriously drug-corrupted Federal Judicial Police. Mr. Zedillo has instead relied on regular army generals who are themselves proving vulnerable to bribery and other abuses. New reports link army drug fighters to a series of mysterious kidnapping incidents. Mr. Zedillo has failed to challenge federal and state politicians whose failure to halt drug trafficking in their areas of jurisdiction suggests either active complicity or incompetence.

With a long common boarder and a wide array of common interests the United States has compelling reasons to maintain constructive relations with Mexico. But such relations can only be based on an honest assessment of Mexican conditions, including the obvious problems now afflicting its drug enforcement programs.

Unless President Zedillo attacks these problems boldly by initiating a thorough housecleaning of corrupt officials, Congress should override Mexico's certification.

Mr. GOSS. Mr. Speaker, I yield 2 minutes and 30 seconds to our colleague and friend, the distinguished gentleman from California [Mr. DREIER], vice chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Sanibel, FL, for yielding me this time.

I would like to say to the House that sometimes we have a tendency around here to do what makes us feel good, rather than what is actually the right thing to do. Clearly, the politically expedient best thing to do is to bash the living hell out of Mexico.

I have plenty of grist for criticism of what we have seen from Mexico, but we have to ask this question, Mr. Speaker: What does it get us? What does decertification get us? What does listing a whole load of items that would exacerbate the anti-gringo sentiment from Mexico get us in this war which, frankly, we are in large part responsible for?

If Members will look at a country that is trying to emerge and bring about economic reforms and political reforms, as Mexico is, and it is a long and difficult struggle, and it has not been as successful as we would like, but if we look at the problems that exist there and then look at the magnet of $30 billion which we in this country are providing, it obviously has to impose quite a strain on Mexico.

There is a sense that every government official in Mexico is corrupt. We know that is not the case. There have been 25 assassinations which have taken place in Mexico. Loads of judges, police officers, and a wide range of other people are strongly committed in Mexico to dealing with this scourge of drugs. But obviously the $30 billion which we are providing as consumers here in the United States has clearly played a role in creating that corruption.

I will support the manager's amendment compromise, but I have trouble with it. Why? Because as we look at that litany of criticisms that we are going to be imposing, which we are going to be leveling at the Mexican Government, it seems to me it will make it tougher for them to try and deal with many of these items.

Why? Because of the political problems that exist in Mexico, as I said earlier, that anti-gringo sentiment. So I will say that reluctantly I will join in support of this compromise, and hope that we can do so in a bipartisan way and deal with this very, very serious problem.

Mr. FROST. Mr. Speaker, I yield 4 additional minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I appreciate the gentleman yielding the additional time to me.

Mr. Speaker, I would call attention to a Dear Colleague letter that I sent out to my colleagues yesterday. It is a followup to another letter that I had sent last week, and before I read a portion of this, I would like for my colleagues in the House to know that when I first heard about the question of certification of Mexico for this year, I was in El Paso. I sent a letter to the President urging him to certify Mexico. I did so because the impact that decertification would have on border communities on both sides of the international border would be devastating.

We have a border that is interdependent economically. We have a border where we have made significant progress since the passage of NAFTA, and I know that NAFTA for some of my colleagues on both sides of the aisle is still an issue of controversy. But the progress that we have made is significant.

One of the things that I want the record to reflect that has not been mentioned here is that Mexico has not been sitting on its hands. Mexico has lost a presidential candidate to their effort on the war on drugs. Mexico has lost a bishop to the war on drugs. Mexico has lost a number of clergy that stand up and address drug trafficking and the scourge of the impact of drugs on the society in Mexico, and they have paid with their lives, they have paid with their lives.

Mexico has in the past lost lives of its policemen and soldiers fighting in remote regions of that country against very well-financed and well-armed drug traffickers. So the price Mexico has paid has been significant.

I think when we get caught up in the rhetoric and in the language even of the certification process, where we say we have to have proof that they have fully cooperated, well fully can mean different things to different people. One of the issues here has to be clearly defined and attainable goals in the context of what we expect on this war on drugs, clearly defined objectives, even of what we expect of ourselves.

We should not be on the floor taking this opportunity to again take it out on Mexico in terms of the frustration that we all feel about the impact of drugs in our communities. I think we can reach consensus on this floor on both sides of the aisle that all of us are opposed to narcotics, all of us are opposed to seeing what is going on, even in the neighborhoods around this great institution.

I think we have to understand that from the perspective of the Mexican Government, from the perspective of the Mexican people, decertification, even decertification with a waiver, even with the amendment that we will be voting on and are considering this morning, in all probability, even with all of those things being fully understood by Mexico and Mexican citizens, it is still an affront to them, and an affront to the price they have paid in helping us to try to deal with what can best be termed, from my experience, as an issue of national security for this country. But we forget in the process that it is also a threat on the national stability and the national security of Mexico.

I would urge my colleagues to step back and rethink their position on this. I thank the gentleman for the time.

Mr. GOSS. Mr. Speaker, I am happy to yield 1 minute and 15 seconds to the distinguished gentleman from Ohio [Mr. OXLEY], well known in the areas of commerce.

Mr. OXLEY. Mr. Speaker, I served 10 years on the Select Committee on Narcotics Abuse and Control, and having dealt with this issue for a number of years, I truly come to the floor today with mixed emotions. One of the things I learned, I think, long ago when I came to this body was to listen to the folks who are closest to the problem.

When I listen to my colleagues from Texas, from Arizona, from southern California, and they explain to me the difficulties of the decertification process, and what it is going to mean to our relations with our neighbors to the South, I think it behooves us to listen to those arguments.

This is not a partisan issue. While I agree with all of the failed antidrug policy indictments in this resolution with this administration, that is really beside the point. The point is how do we solve the problem of drugs coming in through our borders from Mexico.

I am not certain that the approach we take today, whether it is the Hastert approach or the approach from the committee, really gets that job done. If I had a problem in the Great Lakes region, I would hope that other Members from other parts of the country would listen to my particular problem and pay me some heed, because I might know what I am talking about.

I think we ought to really take a look at the arguments being made by our friends on the southern border, and take that into account before we cast this important vote.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

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Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me the time.

I rise with some degree of uneasiness because I believe I have established a reputation in this body as one of the strongest antidrug crusaders that there is. With the distinguished chairman of the Committee on Rules [Mr. SOLOMON], we have been successful in having a rule put in that sometime in this Congress there needs to be a drug testing plan put in for Members of Congress. At one time I had a full-time antidrug coordinator on my staff in Texas.

I have consistently voted for the most tough and effective measures to fight the war on drugs so that it would appear that I would stand in support of the rule and in support of the resolution to decertify Mexico. I am not going to do that. I spent 2 days in Mexico this past weekend. I am convinced that, while they have problems in their antidrug efforts, President Zedillo and his Government are making a good-faith effort to be a good-faith partner with the United States in the war against drugs.

If we go ahead today, report this rule, report the resolution and pass either the Gilman resolution that came out of committee or the Hastert substitute, what we are doing is an exercise in self-flagellation. Neither of those has true sanctions. One waives the sanctions, the other delays it for 90 days.

So we have a symbolic effort where we are pointing fingers at Mexico with no teeth behind the finger pointing which is going to infuriate not the Mexican Government but the Mexican people. When the gentleman from Florida [Mr. STEARNS] and the gentleman from Virginia [Mr. BOUCHER] and myself were in Mexico over the weekend, all the Mexican papers had front-page headlines that Mexico viewed this as a very serious issue of national sovereignty. Quite frankly, they could not understand how we could be thinking about decertifying their Government without decertifying our Government.

For example, there are 20,000 Mexican troops in the field eradicating marijuana crops. How many law enforcement officials are in the United States eradicating marijuana crops? My information is the answer in the United States is zero. Last year the Mexican Government extradited or expelled 16 people to this country that were wanted on either murder charges or drug charges or charges of that nature. How many did we expel to Mexico? My understanding is the answer is zero.

I could go on and on, and in the debate later in the afternoon I will go into some detail. But the pure point of the matter is, if we continue with this exercise, we are going to make the House of Representatives irrelevant in a true dialog with Mexico and the administration on the war against drugs. We need to be involved. We have got expertise in this House that needs to be involved, but a symbolic vote that is a 1-day political victory is not the answer. I hope we would vote against the rule and, if that passes, vote against the resolution.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, and I was an original cosponsor of the bill. I support the bill. I do not mean to demean or condemn the President, I am just a pragmatist and I keep a look at the scoreboard. As high as 50 to 70 percent of all narcotics comes through and from Mexico, and, if there is a war on drugs going on in America, I am Stonewall Jackson. I liken certifying Mexico as a cooperative partner in our war against drugs as giving a special tax exemption to Al Capone during Prohibition to sell booze.

Nothing personal against Mexico. It is not working. American cities are busting at the seams with narcotics.

Let me say this to the Congress. Other than a nuclear threat, that is the greatest national security threat our Nation faces and every citizens feels it in every city across this country. In fact, I do not think the bill goes far enough. I recommend to the majority party that they bring to the floor the Traficant bill that does not mandate but allows for the deployment of military troops falling out of chairs without armrests all over the world, put them on our border, not to make arrests but simply to detain and keep both illegal immigrants and narcotics out. Mr. Speaker, if we are going to have a war on drugs, we cannot do it with the Peace Corps. It is time to start fighting. I support the rule. I support the bill.

I thank the gentleman for yielding me the time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I am going to vote against the rule, and I am going to vote against the Hastert amendment. Let me tell my colleagues why.

In the 1980's, I helped draft the certification laws as a staffer in the other body. If we read the Hastert amendment, it requires a studying, the decertification process. I come before my colleagues to say that we do not need to study the decertification process. We need to toughen the decertification process and the penalties against countries that traffic in drugs. The 1986 Antidrug Abuse Act established four very clear criteria, tests of cooperation. Let me read them.

It requires steps that would prevent smuggling. And how can anyone in their consciousness certify Mexico when Mexico has 70 percent of the cocaine coming into the United States, when they do not even produce one gram of cocaine that is not naturally produced there? So it is all being smuggled. So by that criteria, do they judge cooperation? Punish money laundering? They have not prosecuted one person under their money laundering law.

Achieve maximum reductions in drug production? Achieve maximum reductions? Eighty percent of the marijuana is coming out of Mexico; 30 percent of the heroin flooding our streets and our neighborhoods and our schools. Are they cooperating with the letter of the law? No.

Do they facilitate the prosecution of traffickers, as the law says to the maximum extent possible? This is what Tom Constantine, the head of DEA, told our subcommittee just before certification.

> There is not one single law enforcement institution in Mexico with whom DEA has a trusting relationship.

Mr. GOSS. Mr. Speaker, I yield 1\1/2\ minutes to the distinguished gentleman from Florida [Mr. SHAW], my colleague who is in fact the original proposer of the resolution.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

I ask to speak immediately after one of the cosponsors of the resolution that is going to be before the House today, my friend, the gentleman from Florida [Mr. MICA].

I rise in support of this particular rule. Plain and simple, regardless of where you come down on the Hastert amendment, if you want to vote on the decertification process you must pass this rule. Otherwise, it is not going to happen. It is a question of do you just want to have a sense of the Congress, business as usual in our war against drugs, then vote against the rule. It is that simple.

Now, the fact that we vote for the rule does not mean that we have to vote for the Hastert amendment. I have some very, very serious problems with the Hastert amendment and in all probability will vote against it. However, this is a good rule. I think there are plenty of good things in the Hastert amendment, but there are some things that I would have dropped out.

I think to put the criticism of the administration, even though I think it is deserved, but I think to put that into the bill and then ask the Democrats to vote for it is going to be pretty much of a tough call.

I think also the question of setting up a commission should be done by a separate bill, and I think it should have moved separately through the House. But please, if Members feel that Mexico has not fully cooperated, the bill says, the certification process says, that the President certifies that Mexico has cooperated, fully cooperated, with us, they cannot possibly vote for certification. Therefore, approve the rule and vote for the bill.

Mr. GOSS. Mr. Speaker, I yield 1\1/2\ minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, as one of the original cosponsors of the resolution calling for the decertification of Mexico, I rise today in support, not wholehearted support of this rule but in support of it nonetheless because it is important, Mr. Speaker, to at least take one small step for the people of this country and let the Government of Mexico know that its days of getting a free ride and having us worry more about Mexico's self-esteem and our children and drugs on our streets has, indeed, come.

We have witnessed some rather strange things during even this preliminary debate on the rule, Mr. Speaker. We have heard Members call for a cooling-off period. A cooling-off period? We have had a cooling-off period for several years in this country which has given us an unprecedented level of teen drug usage.

We have also witnessed a cooling-off period in this country over the last few years that has skyrocketed the amount of drugs coming into this country, and not from 134 counties thousands of miles away but from Mexico itself, which stands before us today trying to convince the American people and this Congress that it is doing everything that it can to stop that flow. Nothing could be further from the truth.

We have also heard Members take to the well of this great body and try to make us feel guilty about standing up and saying the time has come to say that Mexico is not doing everything it can. Rather than a cooling-off period, Mr. Speaker, we need to turn up the heat, and the only way that we can do that is to stand up and say, Mexico must be decertified.

There may be circumstances prevailing here that allow for a waiver, but it must be decertified because, Mr. Speaker, that is the truth. That reflects reality, and it is time to get real in the fight, in the war against drugs which this administration has not seen fit to do.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

There is a serious matter here that is being discussed, of course. And we are saying that this rule is unfair. We are not suggesting that there is not a serious drug problem, that we have serious reasons to question the degree to which we have gotten cooperation, none of that is under question here.

The question is what is the most reasonable policy to make sure that Mexico will in fact continue to cooperate with the United States and continue to do the things necessary to decrease the flow of drugs into our country.

This is not a fair rule that the majority reported out of the committee. They rejected the amendment offered by one of their own Members, a sense of Congress amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

I include the Schiff amendment for the RECORD at this point:

AMENDMENT OFFERED AS A SUBSTITUTE TO THE COMMITTEE AMENDMENT TO H.J. RES. 58

OFFERED BY MR. SCHIFF OF NEW MEXICO

In lieu of the matter proposed to be inserted insert the following:

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) 12,800,000 Americans use illegal drugs representing all ethnic and socioeconomic groups, including 1,500,000 cocaine users, 600,000 addicted to heroin, and 9,800,000 smokers of marijuana.

(3) 10.9 percent of all young Americans between 12 and 17 years of age use illegal drugs, and 1 in 4 children say they have been offered drugs in the last year.

(4) Drug-related illness, death, and crime cost the Nation approximately $66,900,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(5) The effort to reduce the social and economic costs imposed by drugs on United States society is contingent on the ability to stop drugs at the Nation's borders and to forge effective cooperative relationships with other nations.

(6) According to the Department of State, Mexico is the source of 20–30 percent of heroin, up to 70 percent of the foreign grown marijuana, and a transit point for 50–70 percent of the cocaine shipped to the United States.

(7) Drug traffickers along the United States-Mexico border smuggle about $10,000,000,000 worth of narcotics into the United States annually, and the drug trade generates $30,000,000,000 for the Mexican economy.

(8) There has been a failure to take effective action against drug cartels and other significant narcotics traffickers in Mexico, and the Department of State reports that there has been insufficient effort to confront the Juarez and Tijuana drug cartels.

(9) The Government of Mexico has to date failed to honor a single United States extradition request for Mexican nationals indicted in our courts on charges of narcotics trafficking.

(10) The number of drug seizures in Mexico in 1996 was only half the number of seizures in 1993, and the number of drug-related arrests in Mexico in 1996 was only half the number of such arrests in 1992.

(11) There is evidence of official corruption in counter-drug efforts in Mexico, including the recent arrest of General Jesus Gutierrez, the Government of Mexico's highest ranking counter-drug official.

(12) There has been insufficient coordination between United States and Mexican drug enforcement agencies, including Mexico's refusal to allow United States agents to carry weapons on the Mexican side of the United States-Mexico border.

(13) The banking and financial sectors in Mexico lack mechanisms necessary to prevent money laundering, estimated at nearly $10,000,000,000 in 1996 by the Department of the Treasury.

(14) The Department of State reports that Mexico has become a majority money laundering center and the preferred international placement point for United States dollars.

SEC. 2. SENSE OF THE CONGRESS REGARDING EFFORTS BY MEXICO TO STOP THE PRODUCTION AND TRANSIT OF ILLICIT NARCOTICS.

It is the sense of the Congress that—

(1) the Government of Mexico has made ineffective and insufficient progress to stop the production and transit of illicit narcotics or drugs or other controlled substances; and

(2) the President should work with the Government of Mexico—

(A) to dismantle major drug cartels and to arrest and prosecute the leaders of such drug cartels;

(B) to implement effective legislation in Mexico to prohibit money laundering;

(C) to achieve compliance by Mexico with outstanding extradition requests by the United States, particularly compliance with requests for the extradition of Mexican nationals indicted in the United States on charges of narcotics trafficking;

(D) to increase the interdiction of narcotics and other controlled substances coming across the United States-Mexico border;

(E) to increase cooperation between the Government of Mexico and United States law enforcement officials by allowing such officials to resume carrying weapons on the Mexican side of the United States-Mexico border; and

(F) to establish and carry out a program designed to identify and eliminate public corruption, and to prosecute officials who are involved in such corruption, at every level of the Government of Mexico, including the Mexican police and military.

SENSE OF THE CONGRESS RESOLUTION ON MEXICO CERTIFICATION

Whereas, the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law; and,

Whereas, 12.8 million Americans use illegal drugs representing all ethnic and socioeconomic groups including, 1.5 million cocaine users, 600,000 addicted to heroin, and 9.8 million smokers of marijuana; and,

Whereas, 10.9 percent of all young Americans between twelve and seventeen years of age use illegal drugs; and, one in four children say they have been offered drugs in the last year,

Whereas, drug-related illness, death, and crime cost the nation approximately $66.9 billion in 1996 including costs for lost productivity, premature death, and incarceration; and,

Whereas, the effort to reduce the social and economic costs imposed by drugs on U.S. society is contingent on the ability to stop drugs at the nation's borders and to forge effective cooperative relationships with other nations, and,

Whereas, according to the U.S. State Department, Mexico is the source of 20–30% of heroin, up to 70% of the foreign grown marijuana, and transit point for 50–70% of the cocaine shipped to the United States; and,

Whereas, drug traffickers along the U.S.-Mexico border smuggle about $10 billion worth of narcotics into the United States annually; and the drug trade generates $30 billion for the Mexican economy,

Whereas, there has been a failure to take effective action against drug cartels and other significant narcotics traffickers in Mexico, and the U.S. State Department reports that there has been insufficient effort to confront the Juarez and Tijuana Drug Cartels; and,

Whereas, the number of drug seizures in Mexico in 1996 was only half the number of seizures in 1993, and the number of drug-related arrests in Mexico in 1996 was only half the number of such arrests in 1992; and,

Whereas, there is evidence of official corruption in counter-drug efforts in Mexico; including the recent arrest of General Jesus Gutierrez, the Government of Mexico's highest-ranking, counter-drug official; and,

Whereas, there has been insufficient coordination between U.S. and Mexican drug enforcement agencies, including Mexico's refusal to allow U.S. agents to carry weapons on the Mexico side of the United States border with Mexico; and

Whereas, the banking and financial sectors in Mexico lack mechanisms necessary to prevent money laundering, estimated at nearly $10 billion in 1996 by the U.S. Department of the * * *.

Mr. FROST. Mr. Speaker, the committee did not give us a reasonable series of choices. What they presented was the bill out of the committee, out of the Committee on International Relations, and then their own substitute, a Republican crafted substitute in which they took great pains to criticize the President of the United States.

There are Members on their own side of the aisle, on their side of the aisle who do not agree with this position. We should have had a range of choices. There should have been a sense of Congress alternative offer. That is clearly what is going to be done in the other body. That is clearly what is being presented by the Senator from my State, a member of their own party, Senator HUTCHISON. That is what the Senate perhaps will vote on soon. Yet they deny us the right to vote on that option in the House of Representatives.

I would urge that the House vote no on this rule, send this back to the Committee on Rules so that a fair rule may be crafted on this most controversial and most delicate matter of relationships between us and our neighbor to the south, Mexico.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we all know that the war on drugs is not a partisan matter. It is going to take the full cooperation of all of us in this country and all our friends and allies around the world that are involved. And that, of course, includes Mexico.

The issue today is the question of certification and the facts are very simple. As ranking member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON] said yesterday, there is just simply no possible way that you can come to a rational conclusion that we can possibly certify Mexico as being fully cooperative in the efforts that we are taking together on the war on drugs.

□ 1130

I think that is very strong. I respect the gentleman from Indiana [Mr. HAMILTON], I always have, and I am glad to find myself in agreement with him on this conclusion.

I think that under Chairman GILMAN'S leadership that HIRC has brought forward a very good resolution. I think the Hastert amendment adds to it in a positive way by giving us some specific matters that we wish to set out in areas that we will measure in terms of cooperation from the Mexican Government as well as it brings into question, can we do better than the certification process that we are using now? I believe the answer is yes, we certainly can do better than the process we have now, and I think the key word here is together with Mexico we can make a huge dent in the war on drugs. That is why I strongly urge passage of this rule and passage of the resolution and the Hastert amendment as well.

I would point out that the Schiff amendment is a sense of Congress and does not address the specific issues that we are talking about in the Hastert amendment nor does it get to the question of overcoming the President's certification situation that he has left us with today.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 209, not voting 10, as follows:

[Roll No. 45]

YEAS—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek
Metcalf
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shadegg
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Clayton
Cooksey
Cox
Delahunt
Ethèridge
Hutchinson
Kaptur
Kingston
McIntyre
Price (NC)

□ 1153

Messrs. CUMMINGS, WISE, DELLUMS, SAM JOHNSON of Texas, UPTON, and BONILLA changed their vote from "yea" to "nay."

Messrs. SHAYS, CHRISTENSEN, and LEACH changed their vote from "nay" to "yea."

Mr. SKEEN changed his vote from "present" to "yea."

Mrs. JOHNSON of Connecticut and Mr. PAUL changed their vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HUTCHINSON. Mr. Speaker, official business off the Hill kept me detained during the vote on House Resolution 95, the rule accompanying House Joint Resolution 58. Had I been present for this vote—rollcall No. 45—I would have voted aye.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 95, I call up the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 95, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 1 hour.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

□ 1200

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BECERRA] be permitted to control 30 minutes of my debate time, and that he be permitted to yield that time at his discretion.

Mr. GILMAN. Mr. Speaker, the minority is pleased to yield 5 minutes to the gentleman from California [Mr. BECERRA], and I ask unanimous consent that the gentleman be permitted to yield that time at his discretion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN]?

There was no objection.

The SPEAKER pro tempore [Mr. FOLEY]. The gentleman from California [Mr. BECERRA] will control 35 minutes.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 58.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Joint Resolution 58, expresses congressional disapproval of the President's February 28, 1997, certification to Congress that Mexico has fully cooperated with our Nation's antinarcotics efforts during the past year. I am pleased to be joined by the gentleman from Florida [Mr. SHAW] in support of our substitute to his original bill, which did not contain any waiver of imposition of sanctions.

Mr. Speaker, the issue before today is nothing less than a matter of vital U.S. national interest, dealing directly with the well-being of our Nation's children and their future. It is not about the value of the peso nor the health of the Mexican economy nor the status of diplomatic relations between our two nations. These critical issues, while extremely important, must not override the importance of fighting drugs in our bilateral relations.

The importance of Mexico's cooperation with our antidrug efforts cannot be overstated, Mr. Speaker. In the past 4 years, drug use among American teenagers has nearly doubled. It has been estimated that 60 percent of our Nation's illegal drugs entering our country come from Mexico. The societal costs for the impact of these illicit drugs and the drug-related crime, incarceration, health care, among other costs, is staggering, in the billions of dollars.

The President unwisely certified that Mexico has fully cooperated with our antinarcotics efforts, but the facts show the opposite.

Last month, the Mexican equivalent of our DEA administrator, General Gutierrez, was arrested for conspiring with Mexico's largest drug cartel. Only 4 hours after President Clinton certified Mexico's cooperation, the police allowed a top money launderer to walk out of custody as a free man. Mexico withheld that revelation from our officials with whom they were supposed to be fully cooperating.

Drug cartels have penetrated the highest level of Mexico's antinarcotics law enforcement agencies. Our own DEA Administrator, Mr. Constantine admits, "There is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship." Mr. Speaker, such a relationship is absolutely essential.

Tom Constantine of DEA, according to newspaper accounts, also states that the damage from this most recent Mexican law enforcement scandal to our war on drugs appears to be worse than that done by the United States spy, Aldrich Ames.

The New York Times editorial of March 12 on this issue of drug-related corruption said, "Unless Mexican President Zedilla attacks these problems boldly by initiating a thorough housecleaning of corrupt officials, Congress should override Mexico's certification." That is the New York Times March 12 editorial.

The administration's statement that the prompt arrest of General Gutierrez, the head of their DEA, demonstrates Mexico's full cooperation on drugs is sadly analogous to a young man who attempts murder on his parents and throws himself on the mercy of the courts, since he is now an orphan.

The resolution before us is simple. It gives Mexico's drug cooperation a failing grade instead of the President's passing grade. Not only are we changing Mexico's grade on drugs, we are also sending a message to this administration that its international narcotics control strategy is sadly lacking.

In addition, based upon our experience last year when Colombian decertification unintentionally cut off key antidrug support, this resolution gives the President the authority to continue United States assistance to Mexico, particularly military assistance, which is likely our last best hope down there if he certifies it is in our vital national interests.

We have already provided 20 excess Vietnam-era Huey helicopters to the Mexican military to fight drugs along our common border and 53 more will soon follow. To suspend FMS assistance and IMET training for the Mexican military now would be counterproductive and render this excess military equipment useless, and that is why we reiterated the waiver.

The strong 27 to 5 vote in our Committee on International Relations vote on March 6 in support of this resolution was evidence of the strong bipartisan sentiment against the President's ill-advised determination of Mexico's real performance in fighting drugs.

Mr. Speaker, I submit to my colleagues that the President made the wrong decision, and this resolution will help us set the record straight, while preserving appropriate assistance and stability in our relations with the Government of Mexico.

Mr. Speaker, I reserve the balance of my time.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to a good friend, the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise in strong opposition to this ill-conceived piece of legislation and in strong support of the position of the President of the United States.

Mr. Chairman, it is important that we keep this issue in perspective. The drug problem is an American problem. It is our problem. It is a demand-driven issue. If there were no demand for drugs in the United States, the drug lords in Mexico and elsewhere would not be able to sell their products.

Now, it is very easy to vote against Mexico. It is very easy to decertify. But our question should be what can we do to most effectively help the fight against illegal drugs?

Passing this ill-conceived legislation will make the Mexican Government less likely to cooperate with us, and it will make the Mexican people justifiably outraged.

There are far too many courageous Mexican policemen, soldiers, judges, journalists, government officials who have lost their lives in the fight against the drug lords. It is an insult to them to attempt to decertify this Government, which has given us better cooperation than we have ever had from Mexico.

Mr. Chairman, we all understand that the cases of corruption in Mexico are appalling. We understand that there are high-level people who have been paid off, and not all of them are as yet imprisoned. But do we decertify the New York City Police Department when there is corruption? Do we decertify the FBI or the CIA when there is corruption and even the sale of our national secrets?

Mr. Chairman, this legislation today has much more to do with political posturing than with helping fight the drug war. There are no negative political consequences for Members in this House from insulting the Government of Mexico.

Last November, the American people made it clear that they want a bipartisan approach to solving the drug problem. This resolution and its amendment is an insult to the President. The President clearly understands that Mexico's record is far from perfect, but it is better than it has been, and it is critical that this Mexican Government work with us in fighting against illegal drugs.

Mr. Chairman, I urge all of my colleagues to oppose this resolution.

Mr. HAMILTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I support the committee-reported version of House Joint Resolution 58. Let me briefly explain what that language does. It disapproves the President's decision to certify that results in the decertification of Mexico. It permits the President, however, to waive the sanctions associated with decertification if he determines it is in the vital national interests of the United States to do so.

Mr. Speaker, we are confronted here with the application of a law which this Chamber passed. That law requires Mexico, in order to be certified, to have fully cooperated with the United States or to have taken adequate steps to deal with the narcotics problem.

I simply do not believe that Mexico's record over the past year meets the law's high standard for full certification.

I am quick to acknowledge that the president here faced a tough decision. He could certify Mexico as having fully cooperated, and that is what he did; he could decertify Mexico, and of course that raises a lot of difficult foreign policy problems for the United States and Mexico; or he could have decertified but exercised the vital national interest waiver that the law provides.

The President made the judgment that he would certify Mexico. By so doing, he found that Mexico had fully cooperated with the United States in the fight against drugs.

I disagree with that judgment. I believe that this decertification-certification statute should be repealed. It forces the President to make a legal assessment without providing adequate options for the policy dilemma that he faced. It forces him to make a narrow judgment about each country at issue. But, my friends in this Chamber, we do not have the privilege of ignoring the law. We may not like the law, and I do not like the law, but we should not evade the law. And the law provides today, the law which most of us in this Chamber voted for, the law provides that Mexico must fully cooperate. Not partially cooperate, not cooperate more today than it did 2 years ago or 4 years ago. The law provides that they must fully cooperate, and I do not think any person can find full cooperation by the Mexican Government in the fight against drugs. Some cooperation, yes. Maybe it is better than a year or 2 years ago, but not full cooperation.

Mr. Speaker, we cannot play fast and loose with the requirements of the law, because we are the body that makes the law.

Now, let me say if you look back over the past 6 or 7 years, what we have done again and again and again is to find that the Mexicans have cooperated, that they have had great success in combating drugs. Every President has found that now for 7 or 8 years.

We have been deceiving ourselves. We would better serve the national interest, in my view, if we spoke the truth about that cooperation. Some good things, some bad things, but not full cooperation. We should speak the truth, the good and the bad, and we should apply the law. We should not evade the law.

Everybody in this Chamber knows the Mexican record. It does have some good features. The administration believes at the very highest levels of the Mexican Government we are getting good cooperation today. You go down each of the major measures of cooperation, corruption, extradition, the task force, the number of arrests, cooperation on overflight rights and marine agreements and all of the rest, and you cannot find cooperation.

□ 1215

So I believe the best choice here, and the choices are not easy, is to say that the Mexicans should be decertified. But because this relationship with Mexico is so important, because we understand that the national interest of the United States is to stop the flow of drugs into this country, because we understand that we are not going to be able to do that successfully without the cooperation of Mexico, the better thing to do here is to decertify Mexico because they have not fully cooperated, because that is what the statute demands of us, and then to say, because of the importance of this relationship and all of its aspects, we waive, under the national security waiver, and that is the position I think this body should adopt.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Indiana [Mr. HAMILTON], our ranking minority member, for his very strong support of our resolution.

Mr. Speaker, I want to take this moment to respond to the gentleman from California [Mr. LANTOS] that said if we did not have demand here at home, we would not have the problem. Amazingly, we used to hear that the U.S. demand is a problem when we discussed this issue with other nations. Not anymore, as these other nations' drug use soars and we see their democratic institutions corrupted and threatened from within and destroyed by the drug barons.

It is even sadder to hear it right here at home. Sure, we must do something about demand, and we are. But an unlimited supply of ever purer, cheaper, and more addictive drugs also creates demand. So we must fight this problem on both the supply and demand side. But we must recognize that the purer and additional supplies coming into our country creates demand, and that is why we are so concerned about the lack of cooperation south of our border.

I would like to note also that the Governor of California, Mr. Wilson, in an article in the Washington Times on March 13 stated, "Let us stipulate to the existence of a tragically large market for illegal drugs and to our own obligation to reduce demand for them by every available means, but the drug trade is one business in which the abundant supply creates demand." That is the Washington Times today by Governor Wilson of California.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the committee, for yielding to me, and also for his leadership in this area.

I would just say to my colleagues that now is the time to tell the truth. We have a law which is on the books that orders us to make a judgment, and it is time to make that judgment, and I think that the anecdotal evidence and the statistical evidence that tells us that a large part of the drug trade in Mexico and the drug trade through Mexico to America's children is large segments of the government in Mexico. The government is heavily involved in the drug trade.

Now, if we tell that truth, and that is a truth that is manifested in hundreds of case files, in hundreds of cases that are in the possession of the U.S. attorneys and are on the front pages, if you tell that truth, we cannot in good conscience certify that Mexico has been cooperative in the war against drugs.

About 10 years ago, Kiki Camerena, our drug enforcement agent, was murdered in Guadalajara, and Carroll Quintero, who was later jailed for that murder, coasted down the runway before he took off and toasted our DEA agents with a bottle of champagne as they tried to stop him at the Guadalajara airport, and we said, never again.

We entered a new series of talks with Mexico and thought we would have a new bright dawn, a new era. We thought that that era would rejuvenate, when NAFTA was passed, over the objections of some of us, but that was supposed to boost cooperation with respect to the war against drugs, and that did not work.

Last year, Jefferson Barr was murdered in Texas, and we tried to extradite the killer of Mr. Barr, and Mexico did not give us any more cooperation in extraditing that killer than they did with the killers of Enrique Camerena 10 years earlier.

So I would just say to my colleagues, we have a duty, and it is a simple duty, it is an easy duty to discharge, it is a duty to tell the truth. If we erect that fiction that somehow they have cooperated with us when we know they have not, we disserve the people of the United States, we disserve the hardworking people in Mexico and the people who have died in Mexico, the good prosecutors who were assassinated trying to turn this war around, and most of all, we disserve our children.

There is no interest more important than our children and their well-being, and there is no way you can make an argument that somehow making this certification helps them.

Please support the bill.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I thank the ranking member for allowing me this time.

Mr. Speaker, I rise in strong support of the committee's bipartisan bill to decertify Mexico with the waiver. The fact of the matter is that 75 percent of the cocaine that comes into the United States comes from Mexico. Approximately 25 percent of the heroin that comes into this country comes from Mexico.

Now, my point today is not to lambast the Mexican people. They are certainly fine people. Not to lambast the Mexican police. Many have given their lives for this cause. But the fact of the matter is that the Mexican Government has not complied with our law with respect to full cooperation. That is American law. We only certify if there is full cooperation. There is not full cooperation.

The fact of the matter is that the Mexican drug czar is in league with drug cartels. The fact of the matter is that he lived in a luxury apartment supplied by a major drug dealer. The fact of the matter is that our DEA could not track him because Mexican officials were tracking them. The fact of the matter is there are 150 extradition requests still pending in Mexico where we have requested that they send drug traffickers back to this country for prosecution.

I have to say that I am very concerned when I hear people say, well, this is totally a demand problem. It is not a demand problem, but it is easy to wag your finger at poor kids in the ghettos. It is much harder to take on official corruption, and that is the dual standard that I take offense at.

We should not smooth over this incident. We should say that Mexico has not cooperated fully. But rather, people would like to have harsher penalties on teenagers and mandatory sentences for teenagers. Well, there is a place for that. But there is also a place to stand up and say to the Mexican Government that we expect better performance, we expect a higher standard.

We should not continue to allow business as usual. We will never convince kids in poor communities that we are serious about fighting the war against drugs when all they see is us shaking hands with governments that do business with drug dealers.

Mr. Speaker, I think we can do better; I think the committee has proposed a fair policy, which is to decertify with the waiver.

Mr. GILMAN. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Texas [Mr. BRADY], a member of our committee.

Mr. BRADY. Mr. Speaker, today's vote is a difficult one. As a Texan, we share the largest border with Mexico of any State in the country. Mexico is a valued friend and a neighbor of Texas and of the United States. Clearly America and Mexico have an equal stake in stopping the sale and use of illegal drugs in our countries.

My goal is to support legislation of the United States that will effectively and significantly cut off both the supply and the demand for illegal drugs. I recognize the strong commitment of President Zedillo and the stand taken by individual prosecutors, of judges and law enforcement officials in Mexico to challenge the powerful drug cartels. It is a stand which is often life threatening, and more than 20 times in the past year has resulted in torture, in death, and in assassination for our heroic fighters in the international war on drugs.

But what is even more tragic is that the leadership of President Zedillo and the sacrifice of these individuals has been undone by an all too pervasive corruption within the Mexican Government, within its police force, and within the judiciary. It has been undone by an estimated $6 billion worth of bribes from the drug cartels, $6 billion which General Barry McCaffrey says has severely impaired Mexico's law enforcement system and, in his words, are ruining cooperative United States-Mexico antidrug operations.

In hearings before our committee America's Drug Enforcement Agency confirms that despite repeated efforts, no Mexican law enforcement agency exists today that the United States can trust, no law enforcement agency with which the cooperative antidrug operations can occur without either compromising the operation itself or the agents, honest agents on both sides of the border, in America and in Mexico.

Now, think about this a minute. Think about how the lack of a single law enforcement agency undermines literally every antidrug initiative our two countries undertake. Imagine the likelihood in America. If the FBI, the Drug Enforcement Agency, every State police, every law enforcement agency could not be trusted, no matter the will of Congress, the will of the President, the chance for success in fighting drugs in our country would be hopeless.

I respect Mexico too much to overlook this fatal flaw, and without the immediate creation of a law enforcement agency we can trust, that both countries can trust, our successes will be isolated, our gains temporary, and our cooperation cosmetic at best.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, for years Mexico has served as a gateway to the United States for drug traffickers. In fact, just 3 weeks ago, Mexico's drug czar was arrested on charges that he took bribes from cocaine dealers. This was just after he received highly sensitive information from U.S. officials detailing our antinarcotic strategy.

Thus, if decertification is what happens to those who have hurt our efforts in the drug war, we must not only decertify Mexico and Colombia, we must also decertify our other unreliable partner in the drug war, the CIA.

Last year the San Jose Mercury News reported that the CIA has had a major role in the flow of illegal narcotics from Mexico and other Latin American countries into the United States. Former financiers of the Nicaraguan Contras, testifying under oath, admitted that the CIA was an active participant in the drug trade and then used the profits to fund covert military operations.

The administration's decision to certify Mexico, decertify Colombia, and sidestep the CIA has made a joke of the entire certification process. I call on the administration and Congress to report to the American people what role the CIA has played in moving drugs in our country.

While drug dealers are preying on America's youth in the inner cities, millions of dollars are being laundered in American banks. Our prisons are brimming over, young people are dying in the streets, and the message that the administration sends is that a buck of trade is worth more than the tears of our mothers, the deaths of our brothers, and the shattered lives of too many American people.

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Some of us have just, quite frankly, had enough.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise today to oppose House Joint Resolution 58, as well as the amendment to be offered by the distinguished gentleman from Illinois [Mr. HASTERT], because I believe the resolution and the amendment send the wrong message to Mexico at a very critical time.

Even with a waiver of the sanctions, the damage will have already been done. Clearly the President had and we have a difficult and unpleasant decision to make. Mexico has serious problems, which no one doubts. The arrest of General Gutierrez-Rebollo, the former commissioner of the National Counternarcotics Institute; the release of Humberto Garcia Abrego, a reputed money launderer; and the general pervasiveness of corruption in Mexico all indicate the depth of the problem.

At the same time, we must recognize the circumstances that President Zedillo and the Mexican Government face. Mexico is striving to defeat the narcotraffickers at a time of wrenching social and political change. It would be naive to assume that any Mexican leader could produce the kind of change we want in a short time and without enormous effort. So the point of this process ought to be the measurement of the progress Mexico has made, not just a regurgitation of the problems that Mexico has.

A few months ago Mexico had a corrupt drug czar and nobody knew. Two weeks ago, at a crucial point in the certification process, President Zedillo announced that they had arrested their drug czar for bribery and corruption. Had their President not taken this step, we would likely have certified Mexico without much fuss. Now that he has, he is rewarded for his courage with the threat of decertification.

The message here is, do not expose corrupt officials and do not cooperate with the United States. Decertification would have terrible consequences for our relationship with Mexico and for the future of our reform efforts. Already the Mexican Congress has reacted badly to the decertification vote in our Committee on International Relations. With midterm elections coming in July, does anyone think that Mexican politicians who advocate closer ties with the United States will not pay a price? How would a Mexican Congress that we cause to be hostile to the United States help us in the fight against drugs?

And lastly, decertifying Mexico would tell the financial markets that there is greater investment risk, which would lead to higher borrowing costs, higher inflation, lower growth, undermining the economic recovery that benefits us as well as Mexico.

I believe that the better message to send would be to certify Mexico and continue to work with President Zedillo to reduce the flow of drugs into the United States. It is just common sense.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise today to talk about House Joint Resolution 58. While I will not support it on final passage, I do intend to vote for the Hastert amendment to it.

Let me begin by saying that I have grave concerns about the whole decertification process and whether we should be acting to decertify any country. But I do think that the Hastert amendment represents a real compromise. It is a good-faith effort to try to make the process work better. It stays decertification for 90 days, and it gives the United States and Mexican Governments and diplomatic people time to work on resolving some of the common problems we have.

I am not very optimistic about reaching agreement on those, given the glare of this amendment—of this bill—by putting people under the gun. But I do think it is a much better solution than full and immediate decertification.

Mr. Speaker, I think everyone in this Congress and everyone in this country wants the same thing. We want the eradication of the poison of narcotics and the scourge of them in our society. And I think everybody agrees we are losing this battle. In the last 4 years we have seen drug use double. We have seen that happen after a 12-year decline in drug use by adolescents. Over the past 3 years, 227 agent positions have been eliminated by the administration from the Drug Enforcement Agency. That is 227 fewer agents at a time when drug use among our youth is increasing.

I represent a district in Arizona along the border. Because we share this common border with Mexico, we see it; we are right on the front lines of this drug war. I can tell the Members from experience, we need more DEA agents, not less. We have to get the support we need on the front lines, and we need it today.

Yes, there is a problem of cooperation with Mexico. We saw that the Mexican drug czar, Gutierrez-Rebollo, was arrested recently. It shows the deep roots of corruption in Mexico. We want to see more progress in this area. But I do not think decertification is the solution. In fact, it is a big part of the problem. Rather than enhancing international cooperation with our neighbors, the process has a boomerang effect. It results in a further deterioration in our international relations.

Like it or not, deterioration of our bilateral relations spills over into cooperation or lack of cooperation in a number of other areas, including drug control. I think the Hastert amendment, while representing a compromise, is likely to prove this out when we come to negotiations on these specific issues.

The conditions placed on Mexico puts them in an almost impossible political situation. If progress is made in the six specified areas, it will be seen in Mexico as kowtowing to the will of the United States. Such a perception puts all reform-minded politicians in Mexico in a box. Even if they want to meet the conditions, it will be politically impossible for them to do so, and remember they have elections in just 90 days there.

Mexico is a proud country. Some might even say it is a nationalistic country. There is a saying in Mexico: Every time the United States sneezes, Mexico gets the flu. There is no question that today's vote is going to have an impact on Mexico and our cooperative efforts to stop narcotics trafficking. Let me tell the Members, I think it is going to have an adverse impact. That is why, in the end, I will vote against the bill on final passage.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, Members are looking at a desperate woman, a woman who is worried and distressed by what I see going on in our country. I have been elected to do something about this problem. I have tried my very best. It has pretty much gone on ears who do not realize what is happening in the inner cities of this community, the community of this world of ours.

I applaud the efforts that have been made by the Clinton administration, the drug czar. I applaud what Mexico has done. But I say to the Members, it is not enough. It is just not enough. The cooperation, the safeguards and all, have not been enough. Mexico has not fully cooperated. They have cooperated, but not fully.

Therefore, I beg this Congress to vote "yes" on decertifying Mexico so the message will be taken that until they straighten up and fly right, we are going to stop the flow of drugs coming into our communities. My constituents say to me, CARRIE MEEK, why can't you do something to stop the drugs coming into inner cities, into the housing projects, killing our senior citizens, killing our children? Why? Why can't you do something? We know, they say to me, that this can be stopped. Whatever the Government wants to stop, they have the resources to stop.

So as much as I would like to help Mexico and all other countries, now we have to save our children, Mr. Speaker. It is just that desperate. We have got to take desperate action. We can no longer say, let us equivocate and try to help. I do not want to help anymore. I want some action. I want to see that the crimes committed in my community by addicts who are selling drugs that were dropped off, and remember, drugs are not brought into the black community by the store, they are brought there by people who are making a living out of this. There is a trade. There is trafficking.

Let us take some drastic action, Mr. Speaker, and see if we can call on this country to stop the flow of drugs by decertifying Mexico or any other country that is assisting this traffic.

Mr. BECERRA. Mr. Speaker, I am pleased to yield yield 3 minutes to the gentleman from Michigan, Mr. BART STUPAK.

Mr. STUPAK. Mr. Speaker, when I came down here I was going to speak about extradition and the concerns I have, but as I have listened to the debate, what has gone on here, being a former law enforcement officer for 12 years, I want to tell the Members a little what I see here.

What I see here today is everybody pointing fingers. Everyone is saying this person is corrupt, that person is no good, this policy is wrong. Mr. Speaker, if we take a look at it from a law enforcement point of view, they are probably very cynical about what is going on here. They are probably very frustrated about what they see in the U.S. Congress.

We cannot be changing policy every 2 years and expect to win a drug war. It is going to take more than 2 years; it is going to take more than 5 years. It is going to take more than 6 or 7 years. From a law enforcement point of view, we cannot be fighting a war on drugs or crime in the United States if we are changing policy.

We are going to have an amendment later today, the Hastert amendment, which basically condemns the administration. In 1993 the administration put forth a crime bill. I did not agree with all of it, but it passed. It became the law of the land. So what happened in 1995? We tried to repeal it. What is going to happen in 1997? We are going to try to repeal it again. What happens in 2000? We will have a new President and they come with a new drug policy, a new drug war, a new get tough on crime.

Mr. Speaker, if we are serious about fighting drugs, whether it is here in the United States or abroad, we must have a sustained policy. By sustained I mean more than 2 years, more than the next election. I know it is not politically expedient, but I ask Members to look at the long-term effect of what we are doing here. It is going to take more than 2 years.

Mr. Speaker, I would hope that as we vote today, I would hope we would all recognize there is no magic bullet in the war against drugs. If there was, we would have recognized it by now and we would not have a drug problem here in the United States. I would hope that we take a look at what is going on, that we set a course, a policy, and stick to it more than the next election, longer than the next Presidential term, but look at it over the long haul and put our resources and our investments in education, in economic opportunities for everyone, and in working with our partners abroad to fight the drug war.

Mr. Speaker, I do not think Mexico has been there, but let us take a bigger view. Let us take a broader view of this whole thing. Again, from the law enforcement point of view, we are not helping any of us by changing policy every 2 years. The poor ATF agent, the CIA, DEA, ATF, the Customs, the Secret Service, they do not know if they are on foot or horseback, because we keep changing policy. We share some responsibility here.

Before we all point fingers, I hope we would just at least look at what we are doing. I implore the Members to put forth a long-term policy, more than one election's worth.

Mr. Speaker, as we debate whether to disapprove the certification of Mexico as fully cooperating in antinarcotics efforts I feel compelled to voice my concerns on a related matter, the extradition of criminals to the United States from Mexico.

Although I am pleased by recent State Department reports suggesting improvements have been made regarding Mexico's compliance to extradition agreements, I am still extremely concerned with the low number of extraditions being fully carried out. There are currently 110 pending extraditions that the United States Government has requested from Mexico. Fifty-two of these requests are related to drug trafficking.

I am most concerned with Mexico's lack of willingness to extradite Mexican nationals. The Mexican Constitution prohibits extradition of Mexican nationals except under "extraordinary circumstances." Mr. Speaker, no Mexican national has ever been extradited to the United States.

In September of last year, Mexico's President Zedillo delivered his State-of-the-Nation address. In this address, he emphasized the need for a "new culture of respect" for law and law enforcement officials in order to fight crime. We need more than just words to foster an atmosphere of respect. By continuing to allow these criminals freedom from extradition, Mexico is actually endorsing criminal activity. Until the Mexican Government fully follows through with their promises to extradite criminals, a culture of respect will not be possible.

I am truly hopeful that recently held talks between U.S. drug czar Barry McCaffrey and President Zedillo which did address this problem, will result in drastic improvements in the area of extradition. I am aware that President Zedillo's administration has made tremendous strides. Before President Zedillo's administration we never saw any extradition from Mexico, but in 1995 we saw 5, and in 1996 we saw 13.

If we vote to decertify, there is no reason to believe Mexico will continue on their path of progress, or that we will ever see an extradition of a Mexican national. Although the Mexican Government is far from where it should be, we cannot ignore, and should acknowledge the progress they have made. It is because of this progress that I will vote against House Joint Resolution 58.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Speaker, I rise in strong support of the bipartisan resolution, and I commend our distinguished chairman, the gentleman from New York [Mr. GILMAN] for his strong leadership in this area.

As my colleagues know, our Nation's chief drug enforcement officer on February 25 said, "There is not one single law enforcement institution in Mexico with whom the DEA has an entirely trusting relationship." Yet on February 28, just 3 days later, President Clinton determined that Mexico has cooperated fully with the United States in the war against drugs.

Finding that determination incredible, I asked a DEA official at a hearing last week if in fact his drug-fighting agency could cooperate in fighting against drugs in this country when there has not been full cooperation, and when we cannot fully trust and depend upon that particular country and the agencies there. He said absolutely not.

We have a serious drug problem in this country, and as the gentleman from California [Mr. LANTOS] in committee and I and many others recognize, we in this country certainly share some of the blame. There is a demand from this country, and we have to fight against that demand coming from this country. But we must also understand that the demand within our own borders is so much easier to satisfy because of the tremendous amount of narcotics flowing across the borders from Mexico.

The State Department, the very agency that is defending President Clinton's decision to certify here on Capitol Hill, reports to us that approximately 80 percent of the marijuana entering this country comes through Mexico, 70 percent of the cocaine, 30 percent of the heroin. We have learned Mexico now dominates the methamphetamine market. Yet in recent days President Clinton has stepped up his efforts to uphold his determination that Mexico is fully cooperating in the war against drugs.

That, I believe, sends a very bad message to the American people, Mr. Speaker, and it sends a bad message to Mexico as well. Mr. Speaker, some of those who oppose this resolution maintain that decertification of Mexico will lead to destabilization of Mexico. I disagree. In fact, I agree with the New York Times, a paper I do not always agree with. They say that decertification is certainly something we have to consider.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. RANGEL], the ranking member of the Committee on Ways and Means.

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Mr. RANGEL. Mr. Speaker, it is ironic that 25 years ago we had the same debate, and Mexico was cooperating then. We have had any number of declarations of war, and yet it seems as though we send the DEA, we send so many people over there, not with the bullets and the resources even to attempt to negotiate a truce as the situation worsens.

How ironic, the gentleman from New York [Mr. GILMAN] over there and me over here having drafted the bill on which we are working today; and I think everyone is saying, it just does not work. For those that join with the gentleman from Indiana [Mr. HAMILTON] and some on the other side to say, let us get out of the business of certification, let me join. It was a good-faith effort. I thought war meant war. But I do not throw sand in people's faces unless I am prepared to bury them.

There is no sense running around insulting people and threatening people if you do not intend to do anything. With all the wars that we have had, one office has never been on our side in the war, and that is Secretary of State, no matter whether it was a Democrat or Republican administration.

I am on the Committee on Ways and Means. I have negotiated with them on the North American Free Trade Agreement. Do my colleagues think we might be able to talk about drugs when we are talking about this historic treaty? No, the State Department says, that is apples and oranges. The Trade Representative said: You cannot insult the Mexicans in talking about drugs when you are talking about legitimate trade.

So now we have sanctions here. I tell my colleagues who is going to get the sanctions: Cuba, Iran, Syria, Afghanistan, any country that does not matter to us as it relates to trade or diplomatic relationships. So what have we done? We have just embarrassed ourselves. Now we are just dealing with the sensitivities of the offending nations. I do not think a Nation as great as ours should be shaking their finger at the people on the other side of the border where they know, if we have the decertification or not, nothing, nothing is going to change.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I rise in opposition to House Joint Resolution 58 and in support of Mexico's certification as an ally in our war on drugs. We should not see the Government of Mexico as our enemy on the war on drugs but as our most important ally. This is a pivotal issue governing our relations with one another. If we take steps to counter the President's decision to recertify Mexico, we will reverse the progress that we have made, even limited progress.

The Mexican Government has made significant steps in their own internal efforts to curb trafficking of illegal drugs. President Zedillo's administration has been engaged in a campaign to reform the judicial system and crack down on government corruption. Some of our colleagues have cited the occurrences of corruption amongst high-level Mexican officials charged with drug trafficking crimes and other such activities as the basis for decertification.

However, the record demonstrates that the Mexican Government has the political will to purge such characters from its system and that the preponderance of the officials risk their lives and work hard to cooperate on the war on drugs. We need to show our confidence and support of our allies and our friends in Mexico's resolve to counter this internal problem, and we do not do that by slapping Mexico around.

The drug problem runs deeper than the certification and decertification of countries as our allies in the war against drugs. As long as there are large numbers of drug consumers in our country, the dealers will have great incentives to seek other routes to bring the drugs in. If they do not bring it through Mexico, and I know this from representing an island thousands of miles from Mexico, they certainly will bring it in from other countries. We need to remember that, as long as we have this social scourge in our midst, we will continue to have problems regardless of what happens in Mexico.

We must continue our joint efforts and expand on the progress we have already made and not be caught up in a short-sighted, bad neighbor policy with one of our friends and closest neighbors.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, this is a historic vote. In fact, this is the first time in the history of the House of Representatives that we have voted to decertify a nation. It is our duty under the Constitution to protect our citizens against all enemies foreign and domestic, but I submit to my colleagues that our Nation, our way of life, and our children's future are in fact under attack by the scourge of drugs that are entering our lands.

If Mexico were to lob missiles across our border, they could not do as much damage as they have done in expediting the flow of drugs into our Nation. I know Mexico is our friend and neighbor, but friends are not accomplices in the painful deaths of our children. Neighbors do not turn away when crime is committed in their backyard. This is the headline from my paper. It has been said by those who support certification of Mexico that we may endanger United States trade and business. To that argument one must ask, can we ignore the slaughter on our streets for the sake of a few dollars on Wall Street? Tens of thousands of Americans have lost their lives as Mexico has reached the status of a narco capital of the world.

What has Mexico done to deserve certification? You heard the statistics. The cocaine, 70 percent of all the cocaine. I submit to my colleagues that a few years ago there was hardly a blip of cocaine coming through. They do not even produce 1 ounce of cocaine in Mexico, and it is coming in, 70 percent, destroying us. Heroin, marijuana, tons of metamphetamines. So my colleagues, I ask, just take a few minutes, look at the facts. It is our responsibility and duty under the laws of this Nation, under the Constitution to pass this certification and decertify Mexico.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. Barrett].

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in strong support of the measure that came out of the committee that decertifies Mexico and gives a vital national security interest. The issue today is not whether we like Mexico or whether we like the Mexican Government. The issue today is whether Mexico has fully cooperated with us in trying to stop the inflow of drugs into this country.

I do not see how there is a person in this room who can say they have fully cooperated when the fact is 70 percent of the cocaine in this country today has come through Mexico. I am sensitive to the concerns of offending Mexico. But it is also a reality that, if we were going to offend them, if we were going to cause economic damage to them, we would not give them a vital national security interest.

All we are doing today is stating the obvious. The obvious is Mexico has not fully cooperated with us. But I am also sensitive to the young men and women in the district I represent in the inner city of Milwaukee who come to me and say: This Government is not serious about the war on drugs; because if this Government were serious about the war on drugs, they would be doing more to stop the drugs from coming into this country. There are many people in my district who think that the Government is part and parcel of this entire scheme. And we have to be sensitive to them and we have to do what we can to send the message that we do not want those drugs in inner cities. We also have to look at this issue in relation to the jobs that have left this country.

When I look at the people in my district, I see many jobs that have now gone to Mexico. What do we get in return? Cocaine on our streets. It is time that the companies that have moved their jobs to Mexico start putting more pressure on the Mexican Government as well. Yes, there is corruption in the Mexican police force. Part of the corruption is due to the fact that they are not paid enough. But you have corporations that have moved down to Mexico to reap huge profits, and they are not paying to increase the professional nature of the Mexican police force.

That is how we are going to end the corruption in the police force in Mexico. But to stand here today and say that there has been full cooperation simply belies reality. We have to recognize what is going on, and we have to send the message that we want full cooperation.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me the time.

While I agree with some of what my colleague from Wisconsin just spoke about, I have to say this is an emotional resolution. This is from the heart and not from the head. That is what the problem is that we are dealing with today.

There is no question we are all frustrated with Mexico. We are frustrated that they have not made the progress that we want them to make. But if we look at Mexico in this last century, they are a changed country. They have made progress. They are moving from a one-party dictatorship to a multiparty democracy. For those of us who have lived along the border, those of us who have traveled and studied in Mexico, the change has been tremendous.

This resolution does not move us forward. It moves us backward. Yes, we do not want more drugs on our streets, we want the Mexicans to do more, but we want to engage the Mexicans to do more. We do not want to push them back into that corner, and that is what this resolution would do. It would do it in a number of ways. First, we would be thumbing our nose at them. Second, we would be undercutting them in the financial markets throughout the world. We want to maintain confidence in the Mexican economy and stabilize the peso so it does not continue to devalue against the dollar so it does not create more exports into the United States but creates more exports back into Mexico.

We want to build up their economy so they have a strong middle class, so they can pay the police officers, pay the military officers, fight off the drug dealers, just like we need to do here in our own country. This resolution takes us in the wrong direction for doing it. Why should we undercut the Zedillo government when it is the really true reform government that is in there trying to make these changes? That does not make any sense whatsoever.

Now, I appreciate that we want to try and do things. I appreciate that we want to try and move them, but we are not going to do it with this resolution. It is in the wrong direction. It is wrong headed. It will not solve the problems with Mexico. It will not belie the fact that we will tomorrow, after we pass this, continue to share a 2000-mile border. They will continue to be our third largest trading partner. They will continue to trade with every State here.

Let us not make this mistake today because of emotions. Let us do what is right.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Mr. Speaker, the only thing perhaps more troubling than this administration's lack of a true drug strategy is the inconsistency of its policies with which it seeks to carry out a non-strategy.

We are certifying or this administration is seeking to certify Mexico saying they are an A No. 1 full-fledged cooperating partner in the war against drugs, and we are decertifying Colombia which although it has its problems, I think over the course of the last year during which it has been forced to work under the disability of decertification, has made progress.

That is one reason, to bring a little bit more consistency back, that I have introduced a bill, with a number of other very distinguished proponents of consistency in our foreign policies and in our drug policies, that would continue the decertification against Colombia but grant a very important waiver.

Let us talk very briefly about what the debate today concerning Mexico is about and what it is not about. It is not about building up Mexico's self-esteem. It is not about NAFTA. It is not about loans to prop up Mexico's economy. It is not about interfering in a sovereign state.

What we are talking about here is placing limitations on what we are giving to Mexico. That is not interfering in anybody's sovereignty. There is no way, Mr. Speaker, that when one looks at Mexico's sorry, sorry record in the war against drugs that one can reach any conclusion other than the fact that they are not a full-fledged A No. 1, fully cooperating partner in the war against drugs. And to claim that is to lose whatever shred of credibility this administration might have or might have able to salvage in the war against drugs.

Mexico does not deserve the imprimatur of a certified country in the war against drugs, and we are not going to do anything whatsoever to get it to get its own House in order by certifying it and say that what you are doing is just fine with us, keep on giving us more of the same.

Those who say, what would decertification get us, are asking the wrong question. We must ask, what has certification gotten us. Nothing.

At least it is time to stand up and do something, Mr. Speaker. I urge support for the resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Speaker, I rise today to oppose the administration's certification of Mexico as a country cooperating in the war on drugs and to support the bipartisan committee version of House Joint Resolution 58.

Mr. Speaker, my State, Louisiana, is being overrun by drug traffic from Mexico. And my city, New Orleans, is fighting the reputation as the murder capital of our Nation, largely because drugs entering Louisiana from Mexico are driving a spiraling crime rate. Drug merchants battling over drug money and drug turf are killing each other on the streets of our city and across America, often catching innocent citizens, even our children, in the crossfire.

Mr. Speaker, I recognize that because Mexico has been a traditional political and economic ally, it is difficult to now declare that it is not an ally with us in our war against drugs. But the issue here is not politics or the economy. The issue is, how do we find a way to close the floodgates out of Mexico through which the vast majority of marijuana and cocaine and a large percentage of the heroin flow into our country.

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I am not sure how effective our present certification policy is to address this question. I do not know if its inflexible requirement of a pass/fail grade, an A or an F is preferable to a multitiered grading system. And I am far from certain that it makes sense for us to have a certification policy that cuts off antidrug support to countries with the poorest drug fighting records, ensuring that they will do even less, and that punishes the innocent citizens of the decertified countries through the imposition of sanctions that cut off international monetary assistance to their countries while leaving drug kingpins in these countries unaffected and free to continue their illegal drug enterprises.

I do not know, therefore, Mr. Speaker, if we would not be better off to scrap the entire approach of the decertification process and replace it with a law better designed to achieve a more targeted campaign against drug importation.

But this I do know. So long as we have our present policy of listing decertified countries, Mexico deserves its place on that list.

Mr. Speaker, I look forward to the day when our country has a better and more effective policy to achieve cooperation with Mexico and other countries in stemming the flow of smuggled drugs.

Common sense and compliance with current law demand that we now vote to overturn the certification of Mexico, and I urge the Congress to do so.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, President Clinton was right in certifying to Congress Mexican cooperation on narcotics matters with the United States. Critics of the President's decision are mistaken in arguing that there has been little progress on narcotics cooperation. In recommending decertification, they exhibit a limited understanding of the fundamental changes that are occurring in Mexico and the enormous stakes for the United States of continued cooperation with one of this country's most important partners.

At this delicate time in Mexican history, a decision on the part of the United States to decertify Mexico could seriously jeopardize Mexico's efforts to strengthen the rule of law and the collaboration that we have in the war against the drug lords. It would also dampen the Mexico-United States relationship, from trade, to immigration, even to border environmental concerns.

The financial markets would react poorly to a rumble in bilateral relations, undermining the painstaking efforts that Mexico has made to stabilize its currency and to strengthen its economy. It is the Mexican people who would end up paying the economic price for decertification, not drug traffickers.

And as one who has family in Mexico who fights every day to stop this drug trafficking, it is an affront that this Congress would think that the Mexican people are not working hard to stop drug trafficking. By certifying Mexico, the United States can continue the progress achieved thus far, mindful of the fact that drug trafficking is as much an American problem as it is a Mexican problem.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of House Joint Resolution 58.

The President's decision to certify Mexico's nonexistent antidrug efforts is just one more step in his ongoing retreat from the war on drugs. And this Congress should not allow it to stand.

First he cut funding for our own Nation's antidrug programs and emasculated the drug czar's office and now he is saying to Latin America, the status quo is just fine with us.

But take a look at the status quo. It's putrid. Fifty to seventy percent of the cocaine entering the United States comes through Mexico. Twenty to thirty percent of the heroin coming into our country is supplied by Mexico. Eighty percent of the foreign-grown marijuana entering our country comes from Mexico.

With statistics like this staring us in the face, we cannot and should not pretend that the Government of Mexico is making any kind of good-faith effort to stem the tide of corruption and money laundering and drug activity that currently exists in that nation.

I urge my colleagues to support the Hastert amendment to delay certification for 90 days unless the President obtains real assurances that the Government of Mexico intends to cooperate in our antidrug efforts.

Certifying Mexico now would send the wrong message to our friends in Latin America and around the world. If we are serious about fighting drugs, we have to show Mexico we are serious now.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the chairman for yielding me this time. I especially appreciate his integrity because he knows I am going to come up here to speak against the resolution.

Mr. Speaker, there is no difference here in my view of the facts than those who are speaking in favor of this decertification resolution. The issue is, what is the approach to get the better cooperation of the Government of Mexico with the United States in reducing the drug trade which affects both of our countries?

I propose that the best approach is a sense of Congress that would embody many of the statements we have heard here today. I tried to make that in order with the Rules Committee. They chose not to make it in order. If decertification ultimately is not approved, I will still again propose a sense of Congress resolution.

Why do we vote for decertification? Well, first we have been told it is required that we vote for decertification under the law, because Mexico is not fully complying with cooperation in the antidrug trade. But the definition of being fully cooperative seems to be that every official at every level has to be doing his or her utmost, in this case in Mexico, to fight the drug trade.

If that is the standard, Mr. Speaker, there is no country that could probably be certified under that kind of guideline. In fact, if one looks at the Hastert amendment, which states numerous criticisms of the Clinton administration toward fighting the drug trade, one could argue that our own Government could be not fully certified under this exact same criteria if it were being examined from the outside.

The fact of the matter is I believe that we should look at the top of the government, at the top officials. I have heard both Chairman GILMAN and ranking member HAMILTON say that they believe that President Zedillo and his top people in government are committed to fighting the drug trade.

I believe that there are governments in this world where there is no such commitment, and for those governments I do support decertification. But we have to look at the impact of having the President and the top government officials of Mexico on our side.

Several speakers have already mentioned the fact that the recently appointed drug czar in Mexico was removed from that position because he might have ties to the drug trade in that country. How was that gentleman identified as possibly being involved in the drug trade? It was not by our government's intelligence. In fact, my recollection is that General McCaffrey, our own drug czar, was lavish in his praise for the Mexican drug czar, General Gutierrez Rebollo.

It was the Mexican Government that identified this person's connection to the drug trade in Mexico. It was the Mexican Government that removed him publicly from office, knowing that they would take a severe international hit for that kind of action, that it would be a severe international embarrassment for them. They did it, anyway. I believe that we should be working to cooperate with Mexico and not to just trade insults with them.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank the gentleman from New York [Mr. GILMAN], the chairman of the committee.

I rise in support of the committee resolution and do not wish to question whether or not this is the perfect vehicle. It is the only vehicle that we have. And though the certification-decertification process may not please any one of us completely, at least it provides us with a way of ending the denial by both Governments, the United States and Mexico, of what is going on with our respective countries.

In fact, I think we should hold a session of Congress at the border. As a member of the Committee on Agriculture, I have traveled along that border and have had our own border agents tell us, "Well, Congresswoman, you know if you really want to move drugs, you don't do it through this checkpoint. You just drive an over-the-road vehicle a mile away where there aren't any inspectors. And, by the way, hear that airplane up there? We know where that's headed."

Our own Government knows that the border is a sieve. We know of the corruption throughout Mexico related to the drug trade. And today this is the only vehicle that we have to express our displeasure at this administration's actions and prior administrations' actions that continue denial.

I ask myself, why the denial, what are we afraid of as a country? We know we only inspect maybe 1 of every 100 to 200 trucks and vehicles that now come over the border. We have a $40 billion trade deficit over the last 2 years with Mexico and it is growing. We cannot possibly inspect all of the vehicles that come over that border, and the drug traders know it. They are even picking which vegetable crates to put the stuff in and whether they put it in steel drums or auto rims. It is that cleverly done.

The GAO tells us that Mexico is the primary transit route for cocaine coming in from Colombia. So we decertify Colombia and the administration sort of closes its eyes with Mexico. What sense does that make?

Mr. Speaker, I support the resolution, but I hope that we would move in more expeditious ways, beginning with a session at the border. I would urge the chairman's consideration of that alternative.

Mr. Speaker, I include the following newspaper article for the RECORD:

[From the San Diego Union-Tribune, Aug. 4, 1996]

THE DRUG TRADE CLIMBS ABOARD SHIPMENTS OF GOODS FROM MEXICO

(By Peter Andreas)

Mexico has long been enmeshed in the drug trade, but its involvement has been transformed in the last decade. Primarily, Mexico has emerged as the primary shipping point for Colombian cocaine into the United States.

The State Department estimates that the percentage of the cocaine bound for the U.S. market entering through Mexico was negligible during the mid-1980s but increased to as much as 70 percent by 1995. Mexico also supplies up to 30 percent of the heroin consumed in the United States and up to 80 percent of the imported marijuana, according to a March 1996 State Department report.

Mexico earns more than $7 billion a year from the illegal drug trade, Drug Enforcement Administration estimates. Some Mexican estimates place the figure much higher. The prosecutor general's office estimates that drug traffickers operating in Mexico accumulated revenues of approximately $30 billion in 1994.

Mexico's growing role in the drug trade has significantly increased the power and wealth of Mexico's trafficking organizations and that has, in turn, exacerbated well-entrenched political corruption.

Corrupt officials sell an essential service to drug traffickers: the nonenforcement of the law. Not surprisingly, as Mexico's role in the illicit drug trade has grown, so too has the buying off of law enforcement—not only within Mexico, but on the U.S. side as well.

Not coincidentally, Mexico's expanding role in the drug trade parallels the opening of the Mexican economy and the deepening of U.S.-Mexican economic integration.

Colombian cocaine traffickers began turning to Mexico as a major entry point to the U.S. market in the early 1980s after the United States cracked down on cocaine shipping through the Caribbean. By now a strategic alliance exists between Colombian and Mexican traffickers. The Colombians process the cocaine and ship it to Mexico, the Mexicans smuggle it into the United States.

Mexican imports of legal goods from Colombia increased from $17 million in 1980 to $121 million in 1985. At the same time, Mexican imports from the rest of Latin America decreased from $768 million to $630 million.

Legal exports from Mexico to the United States doubled between 1986 and 1993. Hiding drug shipments within the growing volume of goods exported from Mexico to the United States has become an increasingly favored method of smuggling cocaine.

These trends thrive under the North American Free Trade Agreement.

A report written by an intelligence officer at the U.S. embassy in Mexico City claims that cocaine traffickers established factories, warehouses and trucking companies as fronts in Mexico in anticipation of the cross-border commerce boom under NAFTA.

"If NAFTA provides opportunity for legitimate businesses, it may clearly provide opportunities for illegitimate businessmen," Assistant U.S. Attorney Glenn MacTaggart has said.

Trucking provides the most concrete illustration of this trend. According to one senior customs official, to inspect every truck coming across the border would create a traffic jam as far as Mexico City. So only a small percentage of trucks are fully inspected.

Under the NAFTA agreement, trucking into the United States from Mexico is increasing rapidly. In 1994, 2.8 million trucks crossed over from Mexico. In 1993, on the eve of NAFTA, the number was 1.9 million. The U.S. Southwest Border Capital Improvement Program will upgrade the road network so that it will be able to handle more than double today's traffic level—as many as 8.4 million trucks annually.

Mexican truckers will soon be allowed to operate throughout the border states of Arizona, California, New Mexico and Texas. They will eventually be able to travel anywhere in the United States and Canada.

Trucks can carry illegal goods as easily as legal goods. One truck that was stopped near San Diego carried 8 tons of cocaine stuffed into cans of jalapeno peppers. Law enforcement officials believe that the cocaine belonged to a businessman who owns one of the biggest trucking companies in Mexico.

As part of an effort to hide drugs within trans-border shipments of legal goods, some Mexican traffickers have reportedly hired trade consultants to determine which products move most quickly through border inspection under NAFTA guidelines. "They have very specific issues," notes Craig Chretien, the special agent in charge of the DEA's San Diego office. "Does a perishable get through quicker than a load of steel? What kind of cargoes go through faster than others?"

Concerns about drug control were not discussed during the negotiations over NAFTA. "This was in the 'too hot to handle' category," says Gary Hufbauer, an economist at the Institute for International Economics in Washington, D.C. Reportedly, U.S. customs and drug enforcement personnel openly call NAFTA the "North American Drug Trade Agreement."

Meanwhile, the privatization of state-owned enterprises and the deregulation of the Mexican banking system facilitate the laundering of drug profits.

And the cutting of government subsidies in Mexico's rural areas are increasing the incentive for peasant farmers to produce illegal crops such as marijuana.

An internal DEA report—obtained by the National Security Archive through the Freedom of Information Act—concludes that "increased illicit drug production will probably be a direct result of the discontinuation of subsistence crop subsidies." Drug production is expanding in Mexico's more remote rural regions.

Efforts to cut the foreign drug supply into the United States have a long history of failure. And the likelihood of success diminishes further as market liberalization and economic integration propel ever more extensive cross-border exchange.

Evaluations of free market reform are largely divorced and insulated from evaluations of drug market prohibition. Thus, congressional committees and government agencies endlessly debate how to attack the drug supply and gain greater cooperation from Mexico and other Latin America countries.

Meanwhile, those concerned with the implementation of market-based reforms carefully monitor an assortment of economic indicators. The reports they publish rarely even mention the drug trade, let alone discuss its ties to the formal economy.

It is as if drug trafficking were not an economic matter at all. But while such institutionalized denial may be politically convenient, it perpetuates both a fundamental misreading of the problem and unworkable strategies for dealing with it.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, the level of drug corruption in Mexico is indeed a real and serious problem. I sympathize with many of our colleagues who are frustrated with America's own drug addiction and are in search of quick solutions. However, Mr. Speaker, humiliating Mexico with the threat of decertification is not the answer. Neither is cutting off Mexico's bilateral aid and access to multilateral bank loans, which decertification mandates, while thrusting Mexico in the company of Iran, Burma and Afghanistan.

Mr. Speaker, I believe that Mexican President Zedillo has acted in good faith in stating narcotics trafficking is the greatest threat to Mexico's own national security. Certainly his administration has taken steps to combat the tremendous drug trade.

Mr. Speaker, in February, Mexico's appointed drug czar, General Rebollo, was arrested for ties to drug lords. While many of our Members were outraged and saw this as a sign of pervasive corruption in the Mexican Government, I see it differently. I believe President Zedillo should be commended for his courage in revealing this embarrassing and damaging incident at a highly sensitive time, and his administration's commitment to pursue corruption at the highest levels should be recognized and commended.

Mr. Speaker, in examining the situation in Mexico, it raises doubts in my mind about the entire drug certification process conducted by our own country. I find it hypocritical that we sit here and condescendingly judge other sovereign nations on their antidrug efforts while America constitutes one of the largest consumer narcotics markets in the world.

Mr. Speaker, I ask, how many Americans, not foreigners, how many American drug lords have we prosecuted lately? How would it sit with us if other countries suddenly based their relations with our Nation on foreign assessments of how rigorously and successfully we are combating drug consumption in America? Is it any wonder that this month the Mexican Congress voted unanimously to condemn the United States certification process as being insulting to their national dignity?

Mr. Speaker, decertifying Mexico will only deny the real accomplishments of President Zedillo, discourage Mexican cooperation in the future for joint narcotics interdiction, and alienate the good people of Mexico.

Mr. GILMAN. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Florida [Mr. MCCOLLUM], chairman of the Judiciary Subcommittee on Crime and an acknowledged longtime fighter and expert on the drug war.

Mr. McCOLLUM. I thank the gentleman for yielding me this time.

Mr. Speaker, I think that everybody here understands that today in our history the United States has a supply of drugs that is cheaper, more potent and more available than any time in our history. One of the primary reasons why that is so is because the Government of Mexico has not been fully cooperating with the United States in the war on drugs. It is by no means the only reason why we have this problem. I think up front we need to say that President Zedillo has been cooperating, he personally has been, and some of the top people in his administration have been cooperating. They have been encouraging money laundering laws to be established, they have been doing things recently to vet the situation there for their law enforcement community to get rid of the corruption that is rampant. But the truth of the matter is that Mexico is not fully cooperating, which is what the certification laws require. They have clearly not been fully cooperating when we look at the question of the fact that our Drug Enforcement Administration officers that interface the most in law enforcement on the drug issue have been unable to accept the word or trust anybody in law enforcement in Mexico for some time, and when they did put their faith recently in one individual, they got burned. It is not fully cooperating when that condition exists. And so the resolution is very appropriate today. We need to pass it. I believe the Hastert amendment is also appropriate, not only because the certification process is flawed in my judgment and we need the commission that is in there, but also because it lays forth some of the other facts that I think are very critical to us today in this war on drugs.

The fact of the matter is that we cannot win the war on drugs unless we have a balanced program. The particular program that we are looking for is to say two things: First, in the interdiction area with regard to Mexico, there is going to be a 90-day period in this Hastert amendment which if the administration, our administration, gets Mexico to cooperate more on, then the decertification trigger will not even happen.

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One of those things is to get more law enforcement agents of the United States inside Mexico. If they will show progress toward doing that, that will be one of the things that will help, and that these DEA agents, if they are inside Mexico, can carry arms for their safe protection, and there are more radar sites to be handled, and so on. If certain things happen, then there would not even be a decertification of the Hastert amendment occurring and the debate will not even be there.

The other thing is the Hastert amendment shows and spells out the fact that we have not been doing enough in the United States in a balanced approach to win this war on drugs. Too much emphasis, and I think we should have some on rehabilitation, and not enough emphasis on education, and most of all not enough emphasis on the interdiction program, on the resources we need to supply; our own Government has not been doing enough, and it is spelled out in the Hastert amendment.

So I urge the adoption of the amendment and the adoption of this decertification resolution.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, as my colleagues know, as a former law enforcement official I am deeply concerned about the certification and the effect that it will have because we do have cooperation on both sides, and I wonder how many of us has taken time to travel to the border and to talk to judges from both sides of the border, to talk to police on both sides of the border, because believe me, now we have a tier, a level, of cooperation that begins here all the way down. We are looking at the top. Well, what about the cooperation between State, county and cities? If we decertify Mexico, we destroy this foundation that has taken time to build.

I know this. I used to be a sheriff in south Texas. There exists a tremendous working relationship between officers who care, officers who have given of their life, whose families have been threatened. But they have been dedicated to making both countries a better place for their children and my children to reside.

It is not easy; it is hard. But the dedication continues to be there, their loyalty to make our areas better. Do we want to destroy this foundation that has taken time to build? We cannot afford to do that.

As my colleagues know, last year Mexico captured and extradited to the States, Humberto Garcia Abrego, a world-renown lord, the head of the Gulf cartel. Garcia Abrego was recently sentenced to life in prison. That was an act of enormous national political courage on Mexico's part.

As my colleagues know, both sides of the border are poor. We have enormous problems on both sides of the border. I was in law enforcement for 15 years before I came to this House. There is a lot of things that go on that we do not see. A lot of information is traded back and forth between local, State, county officials on both sides, and I implore to my friends: Let us take time before we do anything that we will regret for a long time. There is a lot at stake.

Mexico is a country that has pride, sure. Bad apples? We got them on our side, and we continue to lose friends, and I am talking about this great country, because we seem to want to appear worldwide as a knight in shining armor. Everybody is wrong; we are the only ones that are correct and right.

Let us not make this mistake. Let us not decertify Mexico.

Mr. GILMAN. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Indiana [Mr. BURTON], the distinguished chairman of the Committee on Government Reform and Oversight and a senior member of our Committee on International Relations, a gentleman who has stood shoulder to shoulder in this war against drugs, especially with helping our allies, the Colombian National Police.

Mr. BURTON of Indiana. Mr. Speaker, let me just say that there is enough blame to go around. Obviously we do have a consumption problem here in the United States, but a major part of the responsibility for the drug problem in America rests in Mexico, and for people to deny that and say that it is all our problem is in my opinion a ludicrous argument. Let me just give you some facts:

Seven hours after the President's certification of Mexico was made public Mexico's attorney general issued a statement that its own senior officials had allowed Humberto Garcia Abrego, a reputed money launderer and brother of convicted drug kingpin Juan Garcia Abrego, to walk free from police custody. They waited until the certification took place, and then they released this known drug dealer.

Thomas Constantine, the administrator of the U.S. DEA said on February 25, "Historically, corruption has been a central problem in DEA's relationship with counterparts. In short, there is not," now get this, "In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship," not one in all of Mexico.

According to the DEA, 70 percent of the cocaine entering the United States comes across the Mexican-American border, and that is up from 50 percent just about 3 or 4 years ago, a huge increase. Despite an apparent increased level of production in transit, Mexico's cocaine seizures in 1996 are less than half of what they were 5 years ago. There has been an increase, but the seizures are down by more than 50 percent, 23.8 metric tons in 1996 compared to 50.3 metric tons in 1991.

The bottom line is they are not cooperating. Should we reward that kind of activity? It makes no sense to me. The Mexican Government takes credit for firing 1,200 officials for corruption, but not one of those people has been prosecuted, not 1 out of 1,200. U.S. extradition documents cite evidence in a single case that the attorney general and 90 percent, get that, 90 percent of the police, prosecutors and judges in Tijuana and the State of Baja California are on the payroll of a major drug cartel, 90 percent of them. That is amazing.

Although the United States Department of Justice has submitted provisional warrants for the arrest of Mexican drug kingpins, only one, Juan Garcia Abrego, a dual national, has been sent to the United States to face justice.

And finally, drug-related arrests in Mexico are down dramatically, dramatically down in the last 4 years; 11,283 in 1996 compared to almost 28,000 just a few years ago.

Mr. Speaker, we need to send the strongest possible message to Mexico right now. Let them start helping us. America is fighting a losing battle against drugs, and we need their help.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. McGOVERN].

Mr. McGOVERN. Mr. Speaker, I rise in support of the Gilman-Hamilton bipartisan committee proposal and in opposition to the Hastert amendment.

Mr. Speaker, on March 8 the Mexican police and the State of Chiapas illegally detained two Jesuit priests and two Mayan Indians. The two priests, Fathers Rosas and Hernandez, had been beaten, tortured and continued to be imprisoned on the outrageously false charges of participating in the deaths of two policemen. The priests were actually at a religious conference at the time the deaths occurred.

Mr. Speaker, I wish to enter into the RECORD at this time the announcement of this abuse by the Society of Jesus in Mexico and a summary of the news articles. We can no longer turn a blind eye to such human rights abuses in Mexico, and again I urge a no vote on the Hastert amendment in order to get to a yes vote on the Gilman-Hamilton proposal.

Yesterday, the 8th of March, the Government of Chiapas illegally detained two priests of the Society of Jesus, Gonzalo Rosas Morales and Jeronimo Alberto Hernandez Lopez, as well as Francisco Gonzalez Gutierrez and Ramon Parcero Martinez whom it attempted to like to a supposed ambush in which two members of the State Public Security Police were supposed killed.

The Society of Jesus in Mexico utterly rejects the version of the events that has been given out by the State Government of Chiapas. It similarly rejects that these detained persons had any responsibility in the illicit acts of which they are accused. The State Government of Chiapas has falsified reality and in so doing has given serious provocation against the rule of law and order, against the peace and against human rights.

Fathers Rosas and Hernandez have distinguished themselves in their work of several years of pastoral accompaniment in solidarity with the Indian peoples of the northern part of Chiapas State. In like manner, they have participated in processes of organization and initiative that the indigenous communities have been furthering in their search for a greater justice, welfare and fraternity between peoples. We affirm categorically then they had no involvement in the acts for which they have been wantonly accused.

For its part, the Coordinator of Social Organizations, Xi'Nich',—and not "Arriera Nocturna" which the State Government mentions—is a legal group made up of indigenous people who are struggling peacefully to satisfy their most basic needs. The false accusation against Xi'Nich' and against its detained members represent an aggressive message against those who keep within the legal framework to find a solution to their demands.

In the difficult context of violence that is being experienced in the State of Chiapas, this provocation is extremely irresponsible.

We ask for the immediate and unconditional release of all the detained persons. We ask for the truthful clarification of the events and the cessation of all police harassment. We repeat that, despite the defamations of this type, the work of the Jesuits will be maintained, faithful to our mission in the service of the faith and the promotion of justice.

Reuters News Service reported today that two Jesuits had been arrested, beaten and charged "with leading a deadly ambush against police" in the Mexico state of Chiapas.

Arrested were Frs. Gonzalo Rosas and Jeronimo Hemandez. The arrests took place on Saturday afternoon at Palenque, a tourist city 150 km. east of the state capital Tuxtla Gutierrez.

Two Mayan Indian leaders were also arrested—Francisco Gonzalez and Ramon Parcero. The four were charged with "taking part on Friday in an ambush of state police who hours earlier forcibly removed peasants from farms they had illegally occupied. In the ambush two policemen were killed and five others injured."

Diocesan officials in San Cristobal de las Casas contradicted the police version, however, saying the two priests were in that city "at the time of the ambush after having taken part in a religious conference."

Reuters reported that dozens of plainclothes and uniformed police violently yanked the pair from their car. The police showed no arrest warrant and have since added false weapons possession charges against one of the priests.

According to Reuters, after the police removed the peasants on Friday from two local collective farms they had occupied since 1994, members of a local Indian rights group called Xi-Nich blocked a local highway to protest the police operation and demand the release of their arrested comrades. Police claim they peacefully broke up the protest and were later ambushed by the priests and the two Xi-Nich leaders.

Xi-Nich, however, said in a statement on Sunday that police, backed by helicopters, began firing at the highway protesters, who fired back.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a distinguished member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of House Joint Resolution 58. As one of the 10 original cosponsors of this bill, I want to commend the distinguished gentleman from Florida for his leadership in sending this important message that the status quo on the war on drugs is not good enough.

The deadly tide of illegal narcotics, much of which flows to the United States through our southern border, should be a top national health and security priority. What other external threat has such a direct impact on our communities, our streets, and our children every day?

The President's decision on February 28 that Mexico had fully cooperated with the United States in the battle against illegal narcotics sends the wrong message at the wrong time. Mexico sadly has simply failed to make the progress in joining us in the war on drugs that we had every right to expect.

Our message today is that this is totally unacceptable. Much of the violence on our streets of our cities is related to the torrent of illegal narcotics flooding into our country. This is a matter of life and death for many of our citizens.

As the gentleman from Georgia earlier noted, the President felt it was important to send a message to Colombia again this year by decertifying them and withholding assistance. If this was a good drug policy, then I believe it is critical to make clear to Mexico that our assistance to them is conditioned on strong bilateral cooperation and domestic action. To do otherwise is to hold out a double standard, which is not in the long-term best interests of the citizens of Mexico or the citizens of the United States.

In my view this resolution finds the appropriate balance between an honest assessment of Mexico's performance in drug interdiction efforts and continued support for those in Mexico committed to arresting, prosecuting, and convicting drug traffickers.

Mr. Speaker, I urge all of my colleagues to join in support of this important resolution.

Mr. Speaker, I rise in strong support for House Joint Resolution 58, Disapproving the Certification of the President Regarding Foreign Assistance to Mexico. As one of 10 original cosponsors of this bill, I want to commend the distinguished gentleman from Florida for his leadership in sending this important message that the status quo in the war on drugs is not good enough.

The deadly tide of illegal narcotics, much of which flows to the United States through our southern border, should be a top national and security priority. What other external threat has such a direct impact on our communities, streets, and children each day? The President's decision on February 28, that Mexico had fully cooperated with the United States in the battle against illegal narcotics sends the wrong message at the wrong time. Mexico, sadly, has simply failed to make the progress in joining us in the war on drugs that we had every right to expect.

Our message today is that this is unacceptable. Much of the violence blighting the streets of our cities is related to the torrent of illegal narcotics flooding our country. This is a matter of life and death for many of our citizens. As the gentleman from Georgia noted, the President felt it was important to send a message to Colombia again this year by decertifying them and withholding assistance. If this is good drug policy, then I believe it is critical to make clear to Mexico that our assistance is conditioned on strong bilateral cooperation and their vigorous domestic action. To do otherwise is to hold out a double standard which is not in the long-term best interests of the citizens of Mexico or the citizens of the United States.

This resolution finds the appropriate balance between an honest assessment of Mexico's performance in drug interdiction efforts and continued support for those in Mexico committed to arresting, prosecuting, and convicting drug traffickers. Thomas Constantine, Administrator of the U.S. Drug Enforcement Administration, told a congressional committee on February 25:

> Historically corruption has been a central problem in DEA's relationship with Mexican counterparts. In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship.

We should not make a mockery of the annual certification process by turning a blind eye to the shortcomings of Mexican efforts.

Mexico's criminal cartels are now our No. 1 threat when it comes to drugs; 70 percent of the cocaine that enters the United States comes from the southwest border and we even see this poison in my district on the U.S. northern border. Increasingly we are seeing larger levels of methamphetamine, marijuana, and heroin moving across our border. Last year, Mexico's drug cartels shipped approximately 300 tons of cocaine, 150 tons of methamphetamine and 15 tons of heroin to the United States. Moreover, the Mexican Government has refused to let the 20 new DEA agents Congress appropriated money for to enter Mexico, and barred U.S. law enforcement agents from carrying weapons. This is inexcusable and vitiates any argument about full cooperation and partnership.

Omniously, illegal drug use has been on the rise in recent years among our young people in America. It is clear that the wrong response to this tragic increase is to be satisfied with where we are. While as some have argued here we need to work harder in our communities to limit the demand for narcotics which kill dreams and kids, we should not be telling our children that the status quo is adequate, when it is not. We should not be telling Mexico and the predatory drug cartels which operate in Mexico, that our Nation is apathetic to outcomes. We are no longer satisfied with an annual public relations gesture; the time has come to condition assistance on results not promises. This resolution does just that and has my wholehearted support.

I urge my colleagues to support this resolution, oppose the Clinton administration's ill conceived policy of expediency, and send a message that Congress won't tolerate the Mexican drug trade any longer.

Mr. BECERRA. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. REYES], a distinguished new Member and a good friend.

Mr. REYES. Mr. Speaker, I appreciate this opportunity to come again for the third time, I think, today to urge my colleagues to stop and think about the ramifications and the serious consequences of what we are doing in this great institution today. I say that with a tremendous amount of trepidation because, having firsthand experience, having the background that I share in common with my colleague from Florida [Mr. SHAW], my colleague from Texas [Mr. ORTIZ], it is difficult to sit here and watch what is going on here in terms of the statements that are going on the RECORD that will be scrutinized not only by our constituents in respect to our districts, but also will be scrutinized very carefully by the people of Mexico, by the Government of Mexico and the people of Latin America.

I think there have been a number of points that have been made here. I think there have been way too many statistics that have been thrown around. I think we have obfuscated the real issue and the real context of what we ought to be doing in this body representing the people of this great Nation.

I know that all of us share a frustration about what the scourge of drugs has done to our neighborhoods, what it has done to our children, what it is doing to our institutions, but no one understands these issues better than the Government of Mexico, better than the citizens of Mexico. Certainly nobody has paid a higher price than the Government of Mexico, nobody has paid a price and continues to pay the price and will continue to pay the price if we stand here and allow the amendment or the resolution to go forward to decertify Mexico.

I am proud to tell this body that I was probably the first to urge the President to certify Mexico. I think to not certify Mexico would be very counterproductive. Not only does it send the wrong message to the Mexican Government, but it sends clearly the wrong message to the Mexican people, a people that collectively have paid a very high price.

□ 1330

I ask my colleagues in this Congress to listen to the implications, to listen to the consequences. For anyone to think that a decertification move on Mexico would not have serious political consequences and would not destabilize the country and would not lead to economic destabilization, is to me incredible. But then in the context of the argument, in the context of what we have discussed, in the context of what I have heard in this Chamber today, that, for me at least, would not be surprising.

Mr. Speaker, I just hope that sanity and reason prevail. I hope that we understand the implications of what we are about to do if we do not stand with the President and agree to certify Mexico.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to strongly emphasize that all of us in this Chamber take the responsibility to listen to this debate, to come to some resolution. We are missing the mark, and I think to a large extent overpoliticizing this statement about certifying or decertifying.

We have got to get together, decent, honest Americans, must get together with decent, honest Mexicans. It is as simple as that.

There are drug profiteers in Mexico; there are drug profiteers in the United States. It is an external problem; it is an internal problem.

Let us be clear on just a couple of points. The United States is responsible for 60 to 70 percent of the world's consumption of drugs. It is a lucrative, lucrative business.

The Mexican Government is spending billions of dollars trying to fight this. They are confronted with tens of billions of dollars on the other side which we, the American consumers of drugs, are supplying to Mexico.

As has been documented, Mexico's problems arise because the shift in the drugs from the Caribbean up from Colombia through Mexico has taken place in dramatic proportions in the last few years. Amazingly, we are now discussing at a point when Mexico is moving into an arena where they can begin, however small, in a very small way, to begin to resist the drug cartels. We are talking about decertifying Mexico as though it was somehow Mexico's problem, Mexico's problem, to save us from ourselves.

We have all these laws which say just say no. Now, we say it with our laws, but we do not seem to say it with our noses. We always seem to be pointing the finger at the wrong people.

Mr. Speaker, it is always politically convenient to blame somebody else. It is time that we demand from Mexico what we must demand from ourselves.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I thank the ranking member of the committee for yielding me time.

I rise in strong opposition to House Joint Resolution 58 in its totality and to all amendments. This effort to disprove the decertification of Mexico as a fully cooperating partner in the fight against drugs is misguided. If Congress adopts this resolution, the United States is sending the wrong message to the government and the people of Mexico.

We should be strengthening our ties to Mexico and helping the Mexican Government in its fight against drugs rather than punishing them with punitive measures that will hurt, not help, the fight against drug trafficking.

By any reasonable standard, the efforts and policies that President Zedillo has instituted over the last several years to combat the scourge of drugs in his country have been a success. Marijuana, cocaine, and heroine seizures are all up by 40 percent since 1994. Drug-related arrests are up significantly. The extradition process has been strengthened. Major anticrime legislation dealing with money laundering and organized crime in Mexico have been passed and adopted into law.

I know many Members see the arrest of General Rebollo on ties to the Mexican drug cartels as an indication of systematic, systemwide failure on the part of the Mexican Government. If nothing else, the swift arrest of General Rebollo is a strong indication of President Zedillo's commitment to punish corruption and to ensure that no one else is seen as above the law.

The United States Government must continue to keep the pressure on and work with those elements of the Mexican Government that are on the side of change. But decertifying Mexico and cutting off the minimal assistance we do provide would be a major mistake.

We have made great strides with Mexico in the last several years, and we should not undermine that success with this vote. Decertifying Mexico will only hurt the Mexican economy, fuel nationalistic resentment, and set back United States-Mexican relations.

We have to be aware of the fact that it is the insatiable craving for drugs in this country that does as much to undermine Colombia and Mexico and others who have developed these huge narco-drug trafficking involvements. These folks are suffering far more than many Americans who we represent here on the House floor.

We have got to get our House in order. We have got to reduce our demand through every possible means, not just in terms of corrections and law enforcement, but in terms of helping people in this country through education and treatment.

Mr. Speaker, when we take those steps, then perhaps we will be in a better position to take an attitude of somewhat self-righteous criticism toward our friends to the south.

So I urge a no vote at this time on H.R. 58 and on the Hastert amendment.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. Gekas], a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, when I first came to the Congress during the Presidency of Ronald Reagan, that President faced a situation in which he needed to have our Congress commit an additional $10 billion to the International Monetary Fund.

You might say what does that have to do with the issue at hand? But it laid the background for this Member on how I finally cast my vote on the pending measure.

The President saw that many of us were reluctant to commit additional American dollars for an International Monetary Fund where we could not see immediate benefits or additions to the national security. But the President then, Ronald Reagan, at a meeting we had in the Oval Office, termed it and turned the question into one of foreign policy. He felt that support for the additional $10 billion was to support the President in a foreign policy initiative.

That was enough for many of us. We turned around and did support the infusion of new American dollars into the International Monetary Fund.

Faced with that same configuration here, at first my inclination was to support the President, because I termed it first in my own heart as a foreign policy question, should we not support the President in a foreign policy initiative? But that would mean I would have to overlook the statute, which is the organ at issue here. And in doing so, I would be, in trying to support the President, flaunting the congressional act which is at the core of this entire issue.

So, reluctantly here, I differentiated from a foreign policy question, and I simply term it as one of implementation of current law as we, the Members of Congress, fashioned it, and as we are bound to enforce it.

Mr. Speaker, with that background, I support the resolution at hand.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas, [Mr. Barton].

Mr. BARTON of Texas. Mr. Speaker, we are here today engaged in a debate about whether the government of Mexico has fully complied in their efforts to cooperate with the United States of America in the war against drugs.

We seem to be putting a lot of emphasis on the word "fully." I want to ask the Members of this body, have we fully cooperated with ourselves? How many Members of this body have a drug testing program in their office? One, two. I have got mandatory, and the gentleman from Florida [Mr. Shaw] has one. That is 2 out of 435.

How many Members of this body have a full-time antidrug coordinator on their congressional staffs in their district and how many Members of this body have done everything possible in terms of education and outreach in their congressional districts?

I think we should first look at ourselves before we look south of the border. But let us look south of the border, and look at what happened just in the last year.

Is Mexico trying to do its part? In 1996, they eradicated 56,000 acres of marijuana production. How many did we eradicate in this country? In 1996, they eradicated 36,000 acres of poppy production. In 1996, they seized 24,000 kilograms of cocaine, they seized 363 kilograms of heroin, and they seized 1,006 of marijuana.

Let us look at extradition. There seems to be quite a bit of concern in the Congress about extradition. Before 1995, the Government of Mexico had never extradited anyone, nada, zero. In 1995, they extradited 5 non-Mexicans. In 1996, last year, 16, of which 2 were Mexican nationals. In the 2 months of this year, January and February, they have extradited six people.

We have pending 135 active requests for extradition, of which we classify 14 as priority. Eight of those are drug related, three are murder related, and two are violent crimes-related. Eleven of them are Mexican nationals, one is a United States citizen, and one is a Cuban. I feel very confident that throughout the legislative process this year, many of those people will be extradited once they have been apprehended in Mexico.

Let us look internally. In 1996, Mexico arrested within their borders 28 major drug kingpins. They made over 11,000 total arrests. Within their own law enforcement agencies they arrested, detained, or dismissed 1,200 of their 4,500 national antidrug force.

They have passed and changed their Constitution to have the first organized crime statutes on their books. That was not passed until October 1996. They changed their Constitution and changed their penal code to make money laundering illegal. That was done in the latter part of this year, begun in May 1996. They have decided they cannot totally cleanse their antidrug law enforcement agencies as they are, so they are starting from scratch to rebuild in totality. Overall, they spent $1.7 billion, which is double as a percent of their Federal budget what we spent on antidrug efforts.

Are they doing enough? No, they are not. Should we decertify them because they are not doing anything? No, we should not. Please vote against these resolutions.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Florida [Mr. Shaw] has 18\1/2\ minutes remaining, the gentleman from Indiana [Mr. Hamilton] has 7\1/4\ minutes remaining, and the gentleman from California [Mr. Becerra] has 8\1/2\ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out to the gentleman who just left the well that not one of those extraditions has been a Mexican national on a drug offense. That is the problem that we are facing.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman New York [Mr. Paxon].

Mr. PAXON. Mr. Speaker, I rise in support of House Joint Resolution 58, a resolution to reverse the President's February 28 certification of Mexico as a nation fully cooperating with the United States in its war on drugs. The facts, unfortunately, show otherwise.

Mexico is the entry point of most of the drugs that are sold in the United

States. It is the transfer point of 70 percent of the cocaine and up to 80 percent of the marijuana brought into this country and sold on the streets of the United States.

However, this is not and should not be just a debate about Mexico and its failed war on drugs. Rather, unfortunately, this debate is underscoring the lack of leadership from our own administration in the war on drugs.

One of the President's first actions was to slash the budget of the drug czar. Then his Attorney General suggested we reduce mandatory minimum sentences for drug traffickers. But the icing on the cake if you will remember back was when one of the top leaders of his administration suggested legalizing marijuana.

□ 1345

It is ironic, I believe, that the President was claiming success in the war on drugs during his press conference certifying Mexico at the exact same time that the Partnership for a Drug-Free America was releasing a study showing that the domestic war on drugs is a total and utter failure.

Mr. Speaker, what are the results of this failed leadership? Well, let me tell my colleagues. The war on drugs was successful in the 1980's, and drug use went down steadily for 11 years prior to 1992. Since 1992, drug use by teenagers has risen 105 percent. The Partnership study released last week showed that in 1 year drug use doubled amongst teenagers, from 1995 to 1996, doubled amongst teenagers. We have now found, according to the Partnership, that 1 in 4 children nationwide was offered drugs in 1996.

Most of these drugs end up in the hands of children in our communities, in our home towns. But let me emphasize, this is not a debate on statistics, this is a debate on real lives, the lives of the children in our country today.

I believe very strongly that the sponsors of House Joint Resolution 58 are right on track. We need to make very clear to the Government of Mexico we are serious, but it must not stop there. If the administration in this country is not willing to take the leadership in fighting the war on drugs, this Congress will have to step up to the plate and exercise our leadership to make sure that the war on drugs is real and that the future of our children is saved for the generations to come.

Before I yield back I would note that the attorneys general of both Arizona and California, Attorney General Grant Woods and Attorney General Dan Lungren, have sent a letter to the President, of which we have obtained copies, underscoring their support for the effort to decertify Mexico and to take this very strong and clear stand today.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today in support of the committee's resolution and against the Hastert amendment. I have to say that I come to this floor reluctantly. I regret that I and many other Members find themselves in the unfortunate position of having to support the decertification and waiver for Mexico as an ally in the drug war.

Over the last several weeks, Democrats and Republicans working together authored legislation that would decertify, but waive sanctions. I commend the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] for their hard work.

The bill also includes language requiring that the administration begin to consult and work with Congress in addressing the problem facing both of our countries with regard to drugs.

There are many who oppose this effort and I deeply respect their opinions. But I believe that under the law, we have to respond, and the response that I think has to be given is decertification, but waiver. I hope that in the days ahead we get a chance to consider changing the underlying law. I am uncomfortable with certifying or decertifying Colombia or Mexico or other countries, or our own efforts with regard to the war against drugs.

Unfortunately, the Republican leadership yesterday chose to allow an amendment to be offered that gratuitously attacks the President's actions to address the problem of drugs in this country. To me, this is simply an effort to gain partisan advantage from the fear that we all share about the impact of drugs in our country.

The war on drugs should not be a political football. Parents across America deserve to know that their leaders are working together to solve these problems. They want to be able to send their kids to school and to play with their friends free from the fear that drugs will be offered.

The question before us today is whether or not Mexico has fully cooperated to fight the war on drugs. This is not a question of motive. It is a question of fact. I deeply respect those who are valiantly fighting against the drug lords and cartels in Mexico. Many valiant police officers and prosecutors and government officials in Mexico are giving their lives and fighting on a daily basis to stop this problem. They must be honored in all that we do.

Mostly, we cannot validate the status quo. None of us can be satisfied with what we are doing, what America is doing, what Mexico is doing, what Colombia is doing, what we are all doing to fight this problem of drugs. It is an evil influence that is stalking our people. What we are doing is not working. Blame is everywhere.

I hope that if nothing else comes out of this debate and this action today, that in the days ahead we can find new ways and more effective ways of fighting this problem of drugs. If all we do today is place blame, we have failed again. If what comes out of today is renewed vigor and enthusiasm to fight this problem in Mexico and to fight it in the United States, then this will have been a day well spent.

I appreciate the efforts of the gentleman from California [Mr. BECERRA], my friend, and the other members of our caucus who have worked on this. I congratulate the ranking member, I congratulate the chairman, and I hope that we will come out of this today with a renewed sense of purpose to work together to solve the problem and to change the facts of today.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the minority leader [Mr. GEPHARDT], for his strong arguments in support of this legislation, and hopefully, by working together on both sides of the aisle, and on both sides of the border, we will find a better way to fight this war on drugs.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, it is important in the decertification process that we not only look toward the future but, indeed, that whole process has to look somewhat toward the past as well, not only on what Mexico has been doing but acknowledging in the Hastert amendment some things that we did not do. We cut back our interdiction funding, we cut back our source country funding, so we acknowledge that we have made some mistakes in our country, too.

But the evidence and the facts are staring us straight in the face. If indeed we are going to have a decertification process, if the drugs coming into our country increase, if up to 90 percent of the police forces in Tijuana and Baja California, are corrupt, so corrupt that we have pulled our DEA back; if we have questions about the top leadership of the country, I mean one of the things even that the administration passed out said that the defense department and the national police in Mexico cooperated more together last year. Yes, they moved a guy who was on the payroll of the cartel from the defense department over to the drug czar, and they cooperated in giving the information to the drug dealers.

I personally believe that President Zedillo and his top staff are committed to changing their Nation. He understands the terrorist threat of the narcotraffickers there. But we have to make this decision today based on the facts that are in front of us, and the facts that are in front of us say a 90-day delay is helpful, they have more time to do that; we are not putting the sanctions in effect with the decertification in the Hastert amendment. I support that in the sense of giving them additional time.

When I met with President Zedillo, along with the gentleman from Illinois [Mr. HASTERT] and Senator COVERDELL, he expressed his concern about his son being approached by drug dealers in Mexico and what was happening to his country. I am concerned about my sons being approached at school as well. I am concerned about my daughter in college.

We cannot, in Fort Wayne, IN, or anywhere else in this country, we cannot get enough drug dogs, we cannot get enough prisons, we cannot do enough in prevention programs and treatment programs if the supply keeps pouring in the way it is. We have to work in partnership with our friends in the south. We need maritime agreements, we need DEA agreements, we need extradition agreements, and then they do not have to fear decertification.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished ranking member of his kindness, and I would like to thank the Committee on International Relations for its hard work, and certainly the chairman.

Mr. Speaker, I rose on the floor earlier to express my opposition to the rule because I believe there is much more opportunity for us to discuss what is really at issue, and that is the devastation of drugs in our community. I just had an opportunity to talk to a constituent, a banker in our community, and he spoke the truth: Find the money and you will find the drugs.

So I rise today to make this an issue about drugs and the abuse that is going on in our Nation. I want to see us discuss real laws dealing with money laundering. I want to see us have real legislation that helps to eradicate drugs in our community. The inner cities see young African-American men convicted 55 percent on drugs charges, most of them under 25 years old. I would like to see legislation that truly helps to eliminate the crossing over of drugs over the border into our inner cities and communities, eradicating the transfer of drugs that come from the border into my city and community. I would like to see the eradication of the viciousness and the travesty that it impacts on the lives of citizens.

I will vote for a drug czar proposal by General McCaffrey to be able to fight on two fronts, and that is to be able to fight the illegal utilization of moneys that help to create opportunities for drugs in our community, and to fight for hard-core, no-nonsense prevention and treatment with money that directly gets to the victims of drug abuse and not to the bureaucrats.

I will not vote, however, for drug bashing, and I will recognize that it is extremely important that this debate be turned around to make it a debate on how we can end the ravages of drugs in America. I hope we will turn to that.

With that in mind, maybe we will help solve the problem and begin real legislation that faces what I am concerned about, which is the loss of lives in our Nation.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I think it is no secret that this Member came from the southern parts of San Diego County to this institution, in no little way to try to sensitize this institution in Washington, DC, to the extent and the massiveness of the problems along our frontier and the problems that we encounter, those of us that live along the border.

I find myself in a very, very interesting position here today, because I have to say quite frankly that I think that we are seeing this week Washington and Congress finally starting to talk about and realize the magnitude of the problem that lies across our border to the south, and along our border and the entire area that we call the Frontera.

I have to say to my colleagues that I find it hard to believe that this institution did not realize, and does not realize today, the magnitude of the quest and the challenge the people of the Republic of Mexico have faced for many years and face today in trying to liberate their country from the tyranny of drug traffickers. Their national sovereignty is being threatened not by a force from outside, but from within. I think for us to underestimate the magnitude of that impact and that challenge is really demeaning to both of us.

Mr. Speaker, let me point out, Mexico has done things to fight drug trafficking that we in the United States have not been brave enough to do. Mexico has not found it easier to put only half as many agents at the border as has been authorized by Congress. So I will say that about the administration. But I will also say this about the majority in Congress. Mexico has put troops at the border, not because they want armed troops at the border, but because they realize the problem is so big that they cannot find excuses not to do everything humanly possible.

So I would ask the administration, put the resources to cooperate with Mexico along the frontier, but I would also ask the majority, look at the bipartisan Traficant-Hunter bill and tell me, have we done everything, everything possible to be certified as being one who is willing to take on this battle and be able to judge Mexico?

Mr. Speaker, I ask that we do not judge those who are doing more than we have ever dreamed. Let us cooperate with them and move forward.

□ 1400

Mr. GILMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this resolution is certainly not intended to bash Mexico or to insult the Mexican people. Millions of Mexicans are in the cross hairs of the drug cartels, just as a number of our people are in the same situation. We stand together with those honest Mexican officials in facing the fact that their government is simply not doing enough to help us front the scourge of drugs on both sides of the border.

Mr. Speaker, I would like to point out that we have been doing something in our own Nation about drug use. When we fought the scourge on the supply as well as on the demand side simultaneously, we reduced monthly cocaine use by nearly 80 percent between 1985 and 1992. We reduced monthly cocaine users from 5.8 million in 1985 down to 1.3 in 1992, so the old argument that nothing works is not true, and that we must reduce demand is pure nonsense. It has to be fought on every level.

In a recent letter by the Mexican Ambassador, Silva Herzog, said to me in concluding his letter, "It is important to stress three basic points: First, Mexico and the United States have carried on with an intense agenda of cooperation against drug trafficking. It has been, despite political and external interests, an uninterrupted work at all levels of government. Second, to truly fight drug lords and drugs present on both sides of the border, we have to work effectively on both sides; third, regardless of any circumstances," he states that Mexico will continue to fight against drug trafficking.

We want to enhance that cooperation. What we are seeking is a more effective policy on both sides of the border.

Mr. Speaker, let me also take this opportunity to thank our courageous DEA agents who, day in and day out, fight the battle for future generations. We have lost a number of them in the drug battle.

Mr. Speaker, I reserve the balance of my time.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, even on its own terms I think the variants of this resolution are kind of silly.

As I understand it, what they say is we will decertify Mexico but we will immediately then waive the decertification so it will have no tangible effect. This is a new policy. It is called substituting insult for injury. We will not deny anything substantive to Mexico, we will just call them some names.

People seem to think somehow that this will help. I do not understand how they think it will. It may help some people politically. It clearly will not help promote cooperation with Mexico.

What it says is, we will decertify you and immediately thereafter make sure the decertification has no effect except to hurt your feelings and make you angry. We spent all last week congratulating, this is our first step on the way to legislate, and as of now I would say that my colleagues seem to be better congratulators rather than legislators because I do not understand what this does, except make it worse.

Second, it is fundamentally flawed. The notion, and my friends have forgotten, particularly on the other side, what they, I thought, knew about a free market. The notion that in a free society, where tens of millions of people come and go on a regular basis monthly, where goods come and go, the notion that you can physically keep something in great demand out as your main strategy is seriously flawed.

The resolution that came from the Republican leadership denounces drug treatment, untested drug treatment, and says we should rely instead on physical interdiction. That has it absolutely backward. The notion that this country points the fingers of blame and objects to others because they meet an unfortunate high demand in this country absolves us of responsibility, plays political games. It does nothing to really advance the problem.

What we ought to do is to allow the President to go forward, change our legislation, and focus our resources on the kind of efforts within our own country, which is the only place we can deal with this problem.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida [Mr. SHAW], the main sponsor of this provision.

Mr. SHAW. Mr. Speaker, I want to congratulate the chairman and the gentleman from Indiana [Mr. LEE HAMILTON], and I want to congratulate both the Democratic ranking member and the chairman for working so hard to bring this legislation forward and in doing it in such a bipartisan manner. I hope the spirit of that bipartisanship continues through the amendment process and that we get a good, unified vote out of here. I will have more to say about the amendment when my turn comes to do so.

Mr. Speaker, much has been said about the certification process itself on the House floor. Let us turn our attention just a moment to whether or not this is really interfering within the internal affairs of Mexico. The question has been made, why would we insult them, why would we embarrass them? Let us look at some of the things we use to judge our foreign policy toward other countries and what we look at in determining what our foreign policy is to be.

Every year we go through a debate on the human rights in China, and the human rights and the way people treat their own citizens is always a consideration in our own foreign policy. We even look at the economic system that other countries have. We look at how they vote in the United Nations. We look at what their trade laws are, whether they protect our copyrights, their banking laws. We look at all of these things. We even look at the way they treat dolphins in deciding what our foreign policy and trade law is going to be with other countries.

Surely we can also judge them as to how they treat our kids, how they treat our drug laws, how they assist us in a problem that is tearing the fabric out of America today.

We have long worried about hostile countries throughout the world and the weapons of giant destruction they have. We go in and take out and bomb plants that have the ability to create and build weapons of great destruction. Surely we can enforce our own laws.

We are talking about has Mexico fully cooperated. Fully cooperated. The answer under any measure, as the gentleman said in his opening statement, is of course not; they have not fully cooperated. In fact, it could be argued whether they have hardly cooperated.

Let me run down a few items that I think must be placed on the table and must be considered by this body when we go to our vote today on decertification. Well over 50 percent of the illegal drugs coming into the country today come in through Mexico. They supply 20 to 30 percent of the heroin in the United States. Eighty percent of the foreign-grown marijuana comes in from Mexico, and they supply it.

The corruption in Mexico and their law enforcement is monumental. A nation with between $10 and $30 billion in an annual drug trade, this is Mexico we are talking about. Almost half a billion dollars a year is spent in bribes, and they have failed to extradite one single Mexican national on a drug offense.

Mr. Speaker, surely we should not tiptoe around and worry about offending them. I want every Member of this body this afternoon, when they come down to vote, to think about looking in the eyes of their children, their grandchildren, the innercity kids, the kids whose future is being destroyed, look at those who are struggling to get out of welfare today. Over 1 million of them are going to need drug rehabilitation before we can even find jobs for them. Think of all the people who are flunking drug tests and cannot be hired today because of policies that corporations have. Then look and see where these drugs are coming from.

For a moment, dream with me about a drug-free America. Should this not be the No. 1 issue on our foreign policy today? The gentleman from New York [Mr. RANGEL] talked about it a few moments ago. There was a question of where does it stand on the priority list of our State Department. I am not talking about just the Clinton administration, I am talking about previous administrations, too.

It should be No. 1. It should be No. 1. There should not be one single issue that should rise above the question of the drug problem here in the United States. That is where we are going to lose our country. That is where we are going to lose our future if we do not get serious about it.

This is a small step. The gentleman from Massachusetts [Mr. FRANK] said this is only an insult. Let us begin with an insult. But we have to bring about the reality of what is going on, what is going on in the world today. We have a certification process. Let us use it. Let us go forward. Let us continue this bipartisan effort that we have to pass this most important piece of legislation.

Mr. HAMILTON. Mr. Speaker, I yield the balance of my time on general debate to the distinguished gentleman from Wisconsin [Mr. OBEY]

The SPEAKER pro tempore [Mr. CHAMBLISS]. The gentleman from Wisconsin [Mr. OBEY] is recognized for 1\1/4\ minutes.

Mr. OBEY. Mr. Speaker, I do not agree with the administration policy on Mexico. I certainly do not agree with their policy on NAFTA. But I am going to support the committee proposition because I think this entire process is ridiculous.

Under the certification process, what happens is that the Congress requires the President to certify that the world is perfect and the conduct of other people in the world is perfect. Then when he has to do that to further the interests of American foreign policy, the Congress as an institution then poses for political holy pictures because he has to do it when we put him in a box and virtually require him to do it in the first place.

It seems to me the question is not whether Mexico has cooperated. Of course they have not, certainly not to the degree we would like to see them cooperate. But the question is whether or not we will take an action which will make it more difficult to obtain the goal we want with respect to drug control, because we give additional arguments to those in the struggle against drugs who are not our friends.

That is the issue. The issue is simply what action can be taken by the Congress today which will produce the best results for our kids and for our country. I submit that that action is to stick with the committee, not to get into other political arguments. So I would strongly urge that we support the committee's position.

Mr. BECERRA. Mr. Speaker, I yield myself such time as I may consume.

Let me begin by first thanking the chairman of the Committee on International Relations and also the ranking member for having yielded me time for this debate.

Mr. Speaker, let me also take a moment to give appreciation to all those who have risen today and spoken against the political Goliath that is decertification. Let me begin by saying that our goal, I hope our goal here, is to keep the drugs off of the streets and out of the homes of America. Decertifying Mexico, however, dampens our cooperation with Mexico, and I fear will do just the opposite of keeping those drugs out of those homes and off of those streets.

Let me call Members' attention to some statistics and some studies. Almost 13 million Americans today use illicit drugs, and they spend, by most estimates, somewhere between $50 billion to perhaps as much as $150 billion to satisfy that desire.

According to a 1994 Rand Corp. study, if we want to reduce the consumption of drugs, we are going to have to spend a ton of money, but for every $1 million we spend on trying to reduce the demand on our side, drug rehabilitation, trying to keep kids off of drugs to begin with, to do the same amount of work we do with keeping the demand down, we have to spend $23 million to try to stop or help do the eradication in some of the foreign countries that are producing the drugs in the first place; $1 million to try to curtail the demand, $23 million to try to do the eradication.

If Members think that is bad, how much do they think it costs to eradicate, as opposed to trying to reduce the demand? For every $1 million you spend to reduce the demand domestically, you have to spend $11 million to try to interdict those same drugs that otherwise would be used.

Certainly it is more cost-effective for us to try to reduce the demand, make sure they never hit the streets, those drugs never hit the streets, and that we do the best job we can to rehabilitate those who are using drugs.

Third, a former DEA official has been quoted to say that the average drug organization can afford to lose between 70 to 80 percent of its product and still be profitable. With that type of losses being sustainable, it is going to take a lot to stop someone from producing and shipping drugs into this country. When you can lose fully 70 to 80 percent of your product and still come out ahead, you know there is going to be a big supply.

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Well, what helps make that supply so efficient? There are estimates that somewhere between $10 billion, or 60 percent, of the annual proceeds that drug cartels receive is placed by them into corruption financing, buying off elected officials, buying off law enforcement, buying off business people to help them launder the money, $6 billion available to drug cartels just to buy people off. Is it any wonder that on both sides of our border and not just the United States-Mexican border but the United States-Canadian border, we find that there are so many people willing to help allow these drugs to flow into our borders.

Mr. Speaker, I think the problem is one that goes beyond the issue of who is right, who is wrong, who is helped, who is not helped. Let me talk for a moment about the issue of cooperation. I know many folks have cited already some of the work that has been done by the Mexican Government and of course our own Government to try to stop the flow of drugs. But I should note for the record that, since President Zedillo took office in 1995, the Attorney General from Mexico has dismissed more than 1,250 Federal law enforcement officers and technical personnel for corruption or incompetence and placed those individuals' names on a national register to ensure that they would not be rehired by any other agency.

Further, Mexico has eradicated per year more hectares that have marijuana than any other country in the hemisphere. Those are all statistics that point out that cooperation is necessary, not attacks. If we go the route of cooperation, what we will find is that we will be able to do a better job of interdicting the drugs that come into our country.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

As I prepare to conclude our arguments, I would like to note some thoughts expressed by an experienced drug fighter, DEA Deputy Administrator Stephen Green, who recently stated that the Mexican nationalism is no excuse for its failure to stop drugs and went on to say, I always question the argument that United States law enforcement is infringing on Mexican nationalism and that they do not need United States help. He went on to say, if that is the case, they should do what they say they are capable of doing.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I would like to begin by expressing my appreciation to the committee of jurisdiction, the gentleman from New York, chairman of the committee, and our distinguished colleague from Indiana [Mr. HAMILTON], who recently disappointed us all with his announcement that he may soon retire from this body.

Mr. Speaker, I understand how difficult it was for the committee to deal with this issue. There are a great many facets of this action that deserve consideration, and there are many troubling things, not the least of which is the point made just a few minutes ago by the gentleman from Wisconsin that perhaps the whole process of certification is a process we might want to reexamine.

But we really have to address things where we are. As we do that, we have to have a really sharp focus about what is it really about. We are concerned about the political stability of Mexico, and we are concerned about the economic prosperity of Mexico. And I think I can say that this Congress, this body has on many, many occasions expressed their concern on both those points with concrete actions. We want for the people of Mexico everything we want for the people of the United States in political stability and economic well-being.

So the possibility that an action that we take on this floor might impair either of these two goals for the people of Mexico is a possibility that weighs heavily on our hearts as we bring a resolution to the floor. But that, Mr. Speaker, is not what this resolution is about. This resolution is about whether or not this Congress will put its stamp of approval on a certification of an effort by the Government of Mexico to control the flow of drugs through their nation and into our Nation.

We are concerned with our focus here about the adequacy of our own Government's effort to control drug usage in this country, and there have been many statements in this debate about the inadequacy of that effort. I do not have to recite chapter and verse. So the essential question is, is this Congress going to demonstrate a resolve to save not only our children but the children of Mexico as well from what can only be described as the horrors of drug usage and drug trafficking, the attendance crime, the attendance violence, the personal and critical danger that each child faces if they are lured into this trap of drug usage or drug trafficking? Can we demonstrate a resolve to the children of this Nation and the children of our friends and neighbors south of the border by doing anything less than saying with this resolution that this Congress believes too much about the importance of these children, cares too much about the outcome in their lives, demands too much in the effort that would be made by any government in the interest of protecting these children to allow a certification by a government that has failed in its own responsibilities on behalf of another government that, too, has not fulfilled all its responsibilities for those very same precious children in both countries?

That is what it is about, Mr. Speaker. That is what it is about. It is not about this Congress' duty to this Government. It is not about this Congress' duty to the Mexican Government. It is not about this Congress' duty to things that are real and yet somewhat abstract in the lives of real people in their ordinary business of life called political stability and economic growth. It is about the safety, security, happiness of the children of both countries, and the sacred moral obligation of all governments, all places to protect the children from harm, violence, moral decay, and personal tragedy.

We must stand in support of both the Hastert amendment and the resolution brought by this committee because the children are precious, and the children is why we address this issue; in doing so, do so in all respect and a wish of Godspeed for the prosperity of the Mexican people and a tranquil stability in the politics of our friends to the south as well as a resolve to fulfill our responsibility in this Congress and this government for all these children.

Mr. GILMAN. Mr. Speaker, I thank the distinguished majority leader for his supporting arguments of our proposal, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I supported House Joint Resolution 58 today to decertify Mexico as fully cooperating in the war on drugs. There are few threats to the health and welfare of our country more dangerous than the flood of illegal drugs which is inundating our borders. President Clinton was correct when he decertified Colombia as a fully cooperating partner in the international war on drugs, but his certification of Mexico's efforts is completely unjustified.

My constituents and all Americans face a very grave danger from illegal drugs from Mexico. Let's examine just a few of the facts. In each of the last 4 years Mexico has been certified as fully cooperating in the war on drugs. But, in 1993, 50 percent of all the cocaine entering the United States came from Mexico. During this period of fully cooperating, the amount of cocaine entering the United States from Mexico increased by 40 percent. Today, Mexico is the source of 70 percent of all of the cocaine entering the United States. I do not understand how any thinking person can characterize this as fully cooperating.

There are many examples of the corruption within Mexico's law enforcement agencies, but the two most recent examples, which occurred in the days just before the State Department certified Mexico's cooperation, are nothing short of outrageous. Gen. Jesus Gutierrez Rebollo, the top official in Mexico's counternarcotics program was arrested last month because of his close association with one of that country's most notorious drug lords. How can this happen? The man who was commanding Mexico's war on drugs is an associate of a drug lord? Unbelievable.

Or, take the example of Humberto Garcia Abrego, the brother of the head of the Gulf Cartel. He was arrested on a money-laundering charge, released by a local court because it was an illegal arrest, taken into custody again on another court order, and then he simply walked out of the National Institute for Combating Drugs. The explanation from the Mexican Government was that Abrego "left * * * before the investigation was completed. These are examples of Mexican behavior during a period of heightened sensitivity toward the impending certification deadline.

This level of cooperation is unacceptable and must not be tolerated. Certification of Mexico at this time will only send the message that the United States is more than willing to give a wink and nod to Mexico's corruption and inadequate law enforcement. If our war on drugs is going to succeed, we must vigorously enforce our policies and hold Mexico accountable for its clear lack of cooperation in our efforts.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on the final passage of House Joint Resolution 58, the decertification of Mexico. This is not a Democratic problem or a Republican problem, this is indeed an American problem. I do not think we need a resolution passed by the House castigating the administration's drug policy. My colleagues, this problem should be solved in a more constructive manner. I propose that we pass a sense of Congress resolution that does not attack the President of the United States but that is critical of Mexico. In the case of Mexico, it is generally estimated that the illegal drug trade generates $30 billion per year and the U.S. Treasury estimates that Mexican financial institutions launder in the neighborhood of $10 billion per year. It is true that at least four-fifths of all the illicit drugs consumed in the United States are of foreign origin, including all the cocaine and heroin. It is also true that most of the cocaine is produced and transported through Mexico. However, the real problem is not what is going on in Mexico, but what is going on with the drug trade in America, and in my own 18th Congressional District of Houston. In 1994, 47 percent of all drug arrestees nationwide were in the city of Houston. We must combat the drug problem at home and we must impress upon our Mexican neighbors that if they want to continue a good working relationship with the United States, then they must improve their enforcement of the drug trafficking into the United States. However, decertification in this case might not be the best answer. Mr. Speaker, I am calling for a sense of the Congress resolution that would compel Mexico to cooperate with the United States when it comes to extradition of major drug traffickers, cutting down on organized crime, and arresting and convicting Mexican drug lords. There are other and more constructive ways the Congress can act in this matter, but decertification right now might not be the way to go. Cutting the source of money through tougher money laundering laws, however should be one of our major considerations.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in support of the administration's decision to certify Mexico. If we are serious abut combating money laundering and drug trafficking, we must help Mexico and keep them as our ally. They should not be expected to fight this war alone.

Money laundering and narcotic trafficking are a global epidemic—not just Mexico's. The Mexican Government—itself—recognizes these activities as the principal security risk to that nation. It is up to us to help Mexico constructively, instead of slamming the door on a strong and close friend.

My colleagues, if we do not support the administration, we will be sending the wrong message to the Government of Mexico. We should make it clear to our neighbor that we truly intend to fight this war together. I urge all of you to support the administration's Mexico certification decision and to oppose this resolution.

Mr. BONILLA. Mr. Speaker, the legislation to decertify Mexico, reflects the failed practice of legislating foreign policy. My friends, history has clearly demonstrated that doesn't work. This Congress has no authority over foreign nations and our efforts to legislate another country's actions will either be ignored or fan the flames of anti-Americanism.

The fact is that the normal diplomatic process provides the tried and true means to voice our concerns. Traditional actions such as withdrawing our Ambassador, limiting or stopping cooperation, opposing loan requests and a variety of other measures that impact the day-to-day relations between nations are by far the most effective means of forcing other nations to consider our concerns.

What we really should be voting on today is scraping the entire failed certification process. Policies, like decertification, which are waived once they are implemented only serve to increase contempt, while lessening respect, for American power. Decertification has not stopped the flow a single dollar's worth of drugs from Colombia and decertification of Mexico will prove no more effective. I represent well over 600 miles of our border with Mexico. I know first hand that our current domestic policies are not working. Too many of my constituents are living in fear of the drug smugglers. This must stop.

Our Government needs to take substantive action to get more cooperation from Mexico. Further statements, such as decertification, promise only to deliver further failures in the war on drugs while possibly threatening the stability of the Mexican economy leading to increasing illegal immigration. My colleagues, please join me in rolling up your sleeves and do the hard work of stopping the flow of drugs rather than continuing the business-as-usual decertification approach of empty promises.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of House Joint Resolution 58, and the Hastert amendment. The President failed to exercise good judgement when, on February 28, he certified Mexico as a fully cooperating ally in the war against drugs. Some 30 percent of the heroin, 70 percent of the marijuana, and 60 percent of the cocaine imported into the United States originates in or is shipped through Mexico.

That fact alone demonstrates that the brave men and women of Mexico and Latin America who are our allies in the war against drugs face tremendous odds. They face corruption in their governments. The evil influence of drug kingpins threatens their lives, livelihoods, and families day after day. We should recognize the very real and personal sacrifices they make to fight an enemy who, by every measure, is stronger, richer, and more brutal than they are. All of us salute those allies south of the border who fight individual wars against illegal drugs not because the financial and professional rewards are great, but because they believe it is right. Though they are not Americans, they are fighting on behalf of our children, our families, and our country. We owe them a debt of gratitude.

These allies in the war against drugs simply do not get the support they need from north of the border.

The enormous global enterprise that is the illegal drug trade simply would not exist if there was not an available and willing American market to purchase its deadly product. If there was no domestic demand for illegal drugs, if illegal drug abuse was seen by all of us socially unacceptable, these international drug kingpins and their ill-gotten wealth would vanish.

Unfortunately, there is a domestic market for illegal drugs. It is our young people.

Among 12- to 17-year-olds, since 1992:

Marijuana use has doubled. More importantly for our children, today's marijuana is far more potent than the drug abused in the 1960's.

LSD use has climbed to record highs.

And the number of young people who have used any illegal drug has risen an appalling 78 percent.

Furthermore, while teen drug abuse has climbed the past 4 years, leadership in Washington has been pulling in different directions. A parent whose child has lost a life to drugs does not care which politicians bicker for partisan advantage. They want to know what has been done, and what needs to be done.

What kind of leadership has President Clinton exercised in the war against drugs?

In 1992, an MTV interviewer asked Bill Clinton whether he would "inhale" given the chance to "do it over again." Of course, we're talking about inhaling a marijuana joint. Bill Clinton's reply: "Sure, if I could. I tried before."

President Clinton slashed the drug czar's office 83 percent.

When President Clinton had a Democratic Congress, they cut Safe and Drug Free Schools, by $111 million in fiscal year 1994, and by an additional $21 million in 1995. Meanwhile, lack of oversight at the Department of Education gave over the program to waste and fraud. Safe and Drug Free Schools money was spent in Michigan on giant plastic teeth and toothbrushes, on the idea that kids who brush don't abuse drugs. In Fairfax County, it was spent on a $176,000 staff retreat, on Funds for Lumber for a step aerobics class, and on a field trip to Deep Run Lodge.

The President's negotiating team, seeking to expand antidrug activities in Mexico just days before the President's 1997 certification was due, came away from those negotiations emptyhanded—and then recommended recertification of Mexico as an ally in the war on drugs.

The President's National Security Council placed the war on drugs as its 29th priority out of 29—dead last on its list of national security priorities.

Faced with these facts, Lee Brown, the President's drug policy director, wrote in 1995 about a "troubling" decline in drug prosecutions. And a senior Democratic Congressman, CHARLIE RANGEL, who is very active on the drug issue, said "I have never, never, never seen a President who cares less about this issue."

Despite the ambiguous message from the White House, Congress has taken decisive action in the war against drugs.

We have provided level funding for the Safe and Drug Free Schools Program, while fighting fraud and abuse. No cuts.

We increased the drug czar's office, the DEA budget, Coast Guard antidrug operations, the State Department's international narcotics control program, the Southwest Border States Anti-drug Information System, and several other programs like military drug interdiction over the President's request.

We are taking action against crystal meth, which is a major problem in California and the Southwest, and against trafficking of so-called roofies, otherwise known as the date-rape drug.

Without a doubt, more must be done. The Border Patrol and the Customs Service should be provided additional resources, beyond the essentially status-quo levels in the President's budget, to fight illegal drugs at the border and at our ports of entry to combat the supply of illegal drugs. And domestic demand for illegal drugs can be reduced through more stringent law enforcement, random drug testing campaigns, and a relentless campaign of public education. No one will help our children better than those closest to them—their parents, pastors, neighbors, teachers, local police, and community leaders. When we all publicly agree that drugs kill, and that their use will not be tolerated, and repeat that message with clarity over and over and over again, only then will we make headway in the war on drugs.

We cannot win the war on drugs with the Keystone Kops. The unsung heroes who are fighting drugs every day, in Mexico and across Latin America, and in homes and schools across the United States, demand a vote of confidence in their work. Let us take up their battle and fight to win.

I am attaching two articles that Members may find of interest. The first outlines the Clinton administration's complete failure to properly advance the war on drugs in Latin America. The second is an op-ed I wrote last fall, making a call to arms against illegal drug abuse.

[From the San Diego Union-Tribune, Mar. 12, 1997]

U.S. FAILED TO GET MEXICO TO RESHAPE WAR ON DRUGS

(By Marcus Stern)

WASHINGTON—Eight days before President Clinton's Feb. 28 decision to give Mexico's anti-drug program his seal of approval, U.S. Attorney General Janet Reno issued a tongue-lashing to Mexico Foreign Minister Jose Angel Gurria.

The icy rebuke delivered in her stately conference room and Gurria's angry reaction to it set a confrontational tone for the next eight days as U.S. officials tried—and ultimately failed—to wring meaningful concessions from Mexico to reshape the fight against drugs.

Mexico's refusal to grant immediate concessions could influence a House vote expected this week to try to overturn Clinton's controversial decision to label Mexico a cooperative partner in the war on drugs.

Throughout the week leading up to Clinton's decision, Reno and other U.S. officials aggressively pushed Mexico on numerous nettlesome issues, such as a broader extradition policy and permission for U.S. anti-drug agents to carry guns in Mexico.

But, even though they came away empty-handed at the end of the week, senior Clinton administration officials nonetheless walked into the Cabinet Room of the White House on Feb. 28 and urged the president to certify Mexico. Those who were troubled by continuing signs of corruption in Mexico, including Reno, nonetheless concluded that certification was the only realistic political option.

"Some people thought it was the right thing to do," said one of those in attendance, "and some people thought it was the only choice."

But many members of Congress are rejecting the administration's view that yanking Mexico's certification could jeopardize its economic recovery, undermine President Ernesto Zedillo's political standing and lead to less cooperation.

With sentiment running heavily against the president, the House is expected to vote this week on whether to overturn Clinton's decision, and the full Senate is expected to consider similar legislation as soon as next week.

Clinton administration officials insist that no effort was made to pressure Mexico into concessions in exchange for certification. However, the discussions have been shrouded in secrecy and confusion. Conflicting and ambiguous statements have been issued by both sides about what transpired between the two countries during the days leading up to the president's decision.

Unofficial accounts of the flurry of diplomatic exchanges suggest that concerted efforts were made to win concessions from Mexico during that period. However, the tone of the exchanges became marked by confrontation rather than conciliation, and by the end of the week there were no signals coming from Mexican officials that they were ready to consider clear concessions.

The U.S. push for them began when Foreign Minister Gurria landed in Washington on Feb. 20 for two days of talks with administration officials.

It was his first visit since U.S. officials had been stunned by news that Gen. Jesus Gutierrez Rebollo, the newly installed coordinator of Mexico's anti-drug program, had been arrested after allegations that he had maintained a long association with one of Mexico's most power drug cartel leaders.

After making a stop at the State Department, Gurria headed to the Justice Department for a 45-minute meeting with Reno, who would play the role of the bad cop during the U.S. negotiations with Gurria that week.

"It was not a pleasant meeting," said a senior Mexican official. "The attorney general was very tough. She said they were very upset about the whole incident of Gutierrez Rebollo. She said it turned the whole question of certification upside down."

Reno raised a range of issues on which quick progress was needed.

"We clearly understood them as requirements the U.S. administration felt it needed either to certify or to justify a decision to certify," the Mexican official said. "We knew there was a lot of infighting within the administration and without some of these issues being resolved it was going to be very difficult for them to certify us."

The next morning, Gurria met Clinton's drug czar, Gen. Barry McCaffrey.

"The tone was the same," said a White House official. "Gen. McCaffrey expressed how extremely distraught he was with what happened with Gutierrez Rebollo. He told Gurria we face a problem with Congress and that progress in some areas would be extremely helpful."

Gurria flew back to Mexico City and during the days ahead he publicly warned the Clinton administration that anything less than full certification would "make us doubt whether cooperating with the United States would bring anything other than a lot of grief."

The tough rhetoric was partly a precaution to avoid public impressions in Mexico that he was yielding to demands from Washington, but it was also a genuine statement of his pique with the pressure from U.S. officials, said officials close to Gurria.

"I don't think he was happy with the way things were being played out," said a senior Mexican official. "All of his statements in Mexico City are a clear indication of that."

At one point during the week, Gurria reportedly called Reno and gave her an unusually blunt piece of his mind over the pressure being applied.

The night before Clinton was to announce his decision on whether he would certify Mexico, there were still no signs from Mexican officials that they intended to act on the points raised by Reno, McCaffrey and others. Officials in Mexico City remained in the dark about whether Mexico would be certified the next day.

Shortly after noon Feb. 28, a group of senior officials filed into the White House Cabinet Room, where they soon were joined by the president. Among those in the room were Reno, McCaffrey, Treasury Secretary Robert Rubin and Secretary of State Madeleine Albright. She would make the official recommendation to the president.

Despite the failure to conclude any concrete agreements with Mexico during the previous eight days, the president accepted Albright's recommendation that he certify.

[From the San Diego Union-Tribune, Sept. 24, 1996]

A CALL TO ARMS AGAINST YOUTH DRUG ABUSE

(By Randy "Duke" Cunningham)

America's young people are in danger.

Alarming new statistics show drug use skyrocketing among teen-agers. Drugs have invaded our classrooms, our homes and our communities. They have destroyed promising young lives, torn families apart and crushed hope. We can continue to go down this destructive path, or we can act now to save our children's future.

Illustrating the depth of this crisis are reports from the Department of Health and Human Services that show overall drug use among 12- to 17-year-olds has increased an appalling 78 percent from 1992 to 1995. Among 14- and 15-year-olds, marijuana use has jumped 200 percent. Use of LSD and other hallucinogens has nearly tripled among young people during the same time.

In 1994, emergency-room reports of cocaine-related episodes were at their highest level over. And emergency room reports for methamphetamine ("meth"), a powerful and deadly drug widely popular among teens in San Diego and the western United States, are up a whopping 308 percent.

These are not mere statistics. Behind every number is a young person whose life has taken a dangerous turn. We must take this crisis seriously. We must strengthen America's families by having a real war on drugs at our borders, in our communities, schools and homes. We can win this war, but only with a serious commitment from everyone—parents, teachers, clergy, local police, entertainers, the media, Congress and the president of the United States.

We cannot, however, win this war with the current cavalier attitude toward illicit drug use. It has sent a powerful and dangerous message to America's children that drugs are OK. We don't need parents or society saying drugs are just a passing fancy that we all go through. We don't need the entertainment industry to falsely romanticize drugs in movies or TV shows. And we don't need President Clinton to maintain the attitude of candidate Clinton, who told teens on MTV that he would inhale if he had the chance to do it again.

What we need from our policy leaders and law enforcement is a real war on drugs. We must get tough on drug dealers, fully fund the war on drugs, and stop drugs at the border. We must reverse the Clinton record: 80 percent cuts in the Office of National Drug Control Policy staff, fewer drug-enforcement agents, reduced drug-interdiction efforts, declining drug prosecutions, reduced mandatory-minimum sentences for drug trafficking and "soft on crime" liberal judges.

Congress has already begun to revitalize the drug war by pumping $7.1 billion into anti-drug programs. We are going right to the source, focusing our efforts on countries where drugs originate. And to help halt the flow of drugs into America, our immigration-reform bill doubles our Border Patrol over the next five years. We also passed a law that stops activist federal judges from ordering the early release of violent criminals and drug traffickers. Those who would peddle destruction on our children must pay dearly.

To give states the resources and flexibility to crack down to juvenile drug use and violent crime, I introduced the Juvenile Crime Prevention Act. It established mandatory-minimum prison sentences for juveniles who use firearms during drug-trafficking offenses.

And the bill gives states the tools they need to hold youth accountable for their actions before they become serious, violent criminals. We recognize that if we turn troubled young persons around, we give them another chance at the American Dream.

Crucial to winning the war on drugs and education and community campaigns. So on Thursday, my House Subcommittee on Early Childhood, Youth and Families will team up with Government Reform Oversight to send a strong message to Americans: Drugs kill. We will hear from health and community experts on what can be done to reverse the drug crisis. And we will also examine ways to marshal community leadership and resources to start local anti-drug coalitions.

Finally, I believe we must revive in word and deed the simple phrase, "Just Say No," coined by Nancy Reagan in the 1980s. While cynical elites once joked about its effectiveness, I believe it played a significant role in reducing drug use.

Many successful community-based initiatives were modeled on this campaign. It helped establish the mind-set among America's teens that zero tolerance for drugs was "cool," an attitude that is in jeopardy today.

While Washington sets a standard and provides resources to fight the drug war, no one can help our children better than those closest to them—parents, teachers, local law enforcement and community leaders. We cannot fail our children by dismissing drug use with a wink and a nod, ignoring it, or slashing funds to fight it. We must meet the challenge head-on. We must let our children know that drugs kill, and their use will not be tolerated. Only then will we be victorious.

The SPEAKER pro tempore (Mr. CHAMBLISS). All time for debate has expired.

Pursuant to House Resolution 95, the joint resolution is considered read for amendment.

The text of House Joint Resolution 58 is as follows:

H.J. RES. 58

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), the Congress disapproves the determination of the President with respect to Mexico for fiscal year 1997 that is contained in the certification (transmittal No. 97–18) submitted to the Congress by the President under subsection (b) of that section on February 28, 1997.

The Clerk will designate the committee amendment printed in the joint resolution.

The text of the committee amendment in the nature of a substitute is as follows:

Strike out all after the enacting clause and insert:

H.J. RES. 58*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO.

Pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), Congress disapproves the determination of the President with respect to Mexico for fiscal year 1997 that is contained in the certification (transmittal No. 97–18) submitted to Congress by the President under subsection (b) of that section on February 28, 1997.

SEC 2. WAIVER OF REQUIREMENT TO WITHHOLD ASSISTANCE FOR MEXICO.

(a) WAIVER.—Notwithstanding subsections (e) and (f) of section 490 of the Foreign Assistance Act of 1961, the requirement to withhold United States assistance and to vote against multilateral development bank assistance contained in such subsection (e) shall not apply with respect to Mexico until March 1, 1998, if at any time after the date of the enactment of this joint resolution, the President submits to Congress a determination and certification described in subsection (b) of this section.

(b) DETERMINATION AND CERTIFICATION.—A determination and certification described in this subsection is a determination and certification consistent with section 490(b)(1)(B) of the Foreign Assistance Act of 1961 that the vital national interests of the United States require that the assistance withheld pursuant to section 490(e)(1) of such Act be provided for Mexico and that the United States not vote against multilateral development bank assistance for Mexico pursuant to section 490(e)(2) of such Act.

SEC. 3. RULE OF CONSTRUCTION.

For purposes of section 490(d) of the Foreign Assistance Act of 1961, this joint resolution shall be deemed to have been enacted within 30 calendar days after February 28, 1997.

SEC. 4. CONSULTATIONS WITH THE CONGRESS.

(a) CONSULTATIONS.—The President shall consult with the Congress on the status of counter-narcotics cooperation between the United States and each major illicit drug producing country or major drug-transit country.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the consultations under subsection (a) shall be to facilitate improved discussion and understanding between the Congress and the President on United States counter-narcotics goals and objectives with regard to the countries described in subsection (a), including the strategy for achieving such goals and objectives.

(2) REGULAR AND SPECIAL CONSULTATIONS.—In order to carry out paragraph (1), the President (or senior officials designated by the President who are responsible for international narcotics programs and policies) shall meet with Members of Congress—

(A) on a quarterly basis for discussions and consultations; and

(B) whenever time-sensitive issues arise.

The SPEAKER pro tempore. It is now in order to consider the further amendment specified in House Report 105–20, as modified by the order of the House of today.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HASTERT

Mr. HASTERT. Mr. Speaker, I offer an amendment, as modified.

The SPEAKER pro tempore. The Clerk will designate the amendment, as modified.

The text of amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. HASTERT:

Page 2, after line 7, insert the following:

SECTION 1. CONGRESSIONAL FINDINGS; DECLARATION OF POLICY.

(a) GENERAL FINDINGS.—The Congress finds the following:

(1) International drug traffickers, aided by individuals in the United States and across the Western Hemisphere who sell and distribute deadly drugs, pose the largest threat to Americans since the end of the Cold War.

(2) The United States is faced with a supply of drugs that is cheaper, more potent, and more available than at any time in our history.

(3) The drug cartels are becoming wealthier, bolder, and closer to the United States, and their corruption of officials is beginning to reach inside the United States.

(4)(A) No single action is a sufficient response to the threat posed to our society by illegal drugs.

(B) The goal of the United States is to save our children by eliminating the illegal drug trade.

(C) The United States Government must set forth a comprehensive strategy that dedicates the resources necessary to decisively win the war on drugs.

(b) THREAT DRUGS POSE TO OUR CHILDREN.—The Congress further finds the following:

(1)(A) Casual teenage drug use trends have suffered a marked reversal over the past 5 years. Casual teenage drug use has dramatically increased for virtually every childhood age group and for virtually every illicit drug, including heroin, crack, cocaine hydrochloride, lysergic acid diethylamide (LSD), non-LSD hallucinogens, methamphetamine, inhalants, stimulants, and marijuana (often laced with phencyclidine (PCP) and cocaine).

(B) Specifically, illicit drug use among 8th and 10th graders has doubled in the last 5 years. 8 percent of 6th graders, 23 percent of 7th graders, and 33 percent of 8th graders have tried marijuana. Since 1993, the number of 8th graders using marijuana has increased 146 percent and overall teen drug use is up 50 percent.

(2) Rising casual teenage drug use is closely correlated with rising juvenile violent crime, as reported by the Department of Justice.

(3) If rising teenage drug use and the close correlation with violent juvenile crime continue to rise on their current path, the United States will experience a doubling of violent crime by 2010, according to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

(4) The nature of casual teenage drug use is changing, such that annual or infrequent teenage experimentation with illegal drugs is being replaced by regular, monthly, or addictive teenage drug use.

(5) Nationwide, drug-related emergencies are at an all-time high, having risen for 5 straight years by increments of between 10 and 30 percentage points per year for each drug measured.

(6) The nationwide street price for most illicit drugs is lower than at any time in recent years, and the potency of those same drugs, particularly heroin, crack and marijuana, is higher.

(c) THE FAILED ANTIDRUG POLICY.—The Congress further finds the following:

(1) United States Government strategy has dramatically shifted precious antidrug resources away from United States priorities set in the 1980's—away from the prior emphasis on drug prevention for children, drug interdiction, and international source country programs.

(2) United States Government strategy has been weak in responding to statutory deadlines, has been characterized by an absence of statutorily mandated measurable goals, lack of effective coordination and program accountability, and often untargeted and insufficient funding, from the smallest agencies involved in the drug war up to and including the White House Drug Policy Office.

(3) It has been reported that United States Government policy reduced the national security priority placed on international drug trafficking from the top tier (number 3) to the bottom tier (number 29).

(4) United States Government policy has emphasized additional funding for unproven drug treatment techniques at the expense of accountable drug prevention programs that effectively teach a right-wrong distinction.

(5) The United States Government has failed to assess the outcomes of $3,000,000,000 spent per year in drug rehabilitation and has failed to shift resources from ineffective programs to programs that save lives.

(6) United States Government policy has not offered sufficient flexibility to local and State law enforcement agencies to combat drug abuse through measures such as additional block grant funding.

(7) United States Government strategy has not properly emphasized the important, increased role that can legitimately be played by the National Guard, the United States military, and United States intelligence agencies in confronting the rising drug trafficking threat.

(8) United States Government strategy underemphasizes community and parental actions and the need to engage children at an early age in prevention activities.

(9) For the past four years, United States Government strategy has failed to use the media to communicate a consistent, intense antidrug message to young people.

(d) DECLARATION OF POLICY.—The Congress declares that—

(1) a thorough review of the United States counternarcotics strategy is urgently needed; and

(2) the establishment of a commission on international narcotics control in accordance with section 6 will assist in such review.

Page 2, line 8, strike "**section 1**" and insert "**sec. 2**".

Page 2, line 10, strike "Pursuant to" and insert "(a) IN GENERAL.—Pursuant to".

Page 2, line 11, insert before "Congress" the following: "effective 90 days after the date of the enactment of this joint resolution".

Page 2, after line 16, insert the following:

(b) EXCEPTION.—Subsection (a) shall not take effect if, within 90 days after the date of the enactment of this joint resolution, the President determines and reports in writing to the Congress that the President has obtained reliable assurances of substantial progress toward—

(1) obtaining authorization from the Government of Mexico to allow additional agents of the Drug Enforcement Administration, or other United States law enforcement agents (as of February 28, 1997), for critical narcotics control operations in Mexico, including authorization of appropriate privileges and immunities for such agents;

(2) obtaining authorization from the Government of Mexico to allow United States law enforcement agents in Mexico to carry firearms for self-defense in areas where required to cooperate with the Government of Mexico on narcotics control efforts;

(3) obtaining assurances of substantial progress by, and commitments from, the Government of Mexico that the Government will take concrete measures to find and eliminate law enforcement corruption in Mexico and will cooperate fully with United States law enforcement personnel on narcotics control matters;

(4) obtaining assurances of substantial progress by, and commitments from, the Government of Mexico that the Government will extradite Mexican nationals wanted by the United States Government for drug trafficking and other drug-related offenses;

(5) obtaining assurances from the Government of Mexico that the Government is making substantial progress in securing aircraft overflight and refueling rights that are necessary for full cooperation with the United States on narcotics control efforts, including adequate aircraft radar coverage to monitor and detect all aircraft entering and transiting through Mexico that are suspected of involvement in drug trafficking; and

(6) obtaining assurances from the Government of Mexico that the Government is making substantial progress toward a permanent maritime agreement with the United States to allow vessels of the United States Coast Guard and other appropriate vessels to halt and hold drug traffickers pursued into Mexican waters.

Page 2, line 17, strike "**sec. 2**" and insert "**sec. 3**".

Page 3, line 12, strike "**sec. 3**" and insert "**sec. 4**".

Page 3, line 17, strike "**sec. 4**" and insert "**sec. 5**".

Page 4, after line 12, add the following:

SEC. 6. HIGH LEVEL COMMISSION ON INTERNATIONAL NARCOTICS CONTROL.

(a) FINDINGS.—The Congress finds the following:

(1) The consumption of narcotics in the United States is a serious problem that is

ravaging the United States, especially America's youth.

(2) Despite the dedicated and persistent efforts of the United States and other nations, international narcotics trafficking and consumption remains a serious problem.

(3) The total eradication of international narcotics trafficking requires a long-term strategy that necessitates close international cooperation.

(4) The annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is flawed because—

(A) the process addresses only whether or not the source country is cooperating with United States narcotics control efforts and does not take into account all underlying factors;

(B) the process reviews narcotics control efforts only on an annual basis; and

(C) the process fails to account for the divergent economic, political, and social circumstances of countries under review which can influence the decision by the United States to decertify a foreign nation, thereby leading to unpredictability, non-transparency, and lack of international credibility in the process.

(5) The problem of international narcotics trafficking is not being effectively addressed by the annual certification process under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(b) ESTABLISHMENT.—There is established a commission to be known as the High Level Commission on International Narcotics Control (hereinafter referred to as the "Commission").

(c) DUTIES.—The Commission shall conduct a review of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) to determine the effectiveness of such process in curtailing international drug trafficking, and the effectiveness of such process in reducing drug use and consumption within the United States.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall consist of 14 members, as follows:

(A) The Secretary of State or the Secretary's designee.

(B) The Secretary of the Treasury or the Secretary's designee.

(C) The Attorney General or the Attorney General's designee.

(D) The Director of the Office of National Drug Control Policy or the Director's designee.

(E) The Governors of the States of Arizona, California, New Mexico, and Texas, or their designees.

(F) The following Members of Congress appointed not later than 30 days after the date of the enactment of this joint resolution as follows:

(i)(I) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(II) 1 member of the House of Representatives appointed by the minority leader of the House of Representatives.

(ii)(I) 2 Members of the Senate appointed by the majority leader of the Senate.

(II) 1 member of the Senate appointed by the minority leader of the Senate.

(2) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.

(5) BASIC PAY.—Each member shall serve without pay. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(7) MEETINGS.—The Commission shall meet at the call of the chairperson.

(e) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by the chairperson subject to rules prescribed by the Commission.

(2) STAFF.—Subject to rules prescribed by the Commission, the chairperson may appoint and fix the pay of such additional personnel as the chairperson considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The director and staff of the Commission may be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the requirements of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(4) EXPERTS AND CONSULTANTS.—The chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties.

(f) POWERS.—

(1) OBTAINING OFFICIAL DATA.—The chairperson may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties. Upon request of the chairperson, the head of the agency shall furnish such information to the Commission to the extent such information is not prohibited from disclosure by law.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(3) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties.

(4) CONTRACT AUTHORITY.—The chairperson may contract with and compensate government and private agencies or persons for the purpose of conducting research, surveys, and other services necessary to enable the Commission to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this joint resolution, the Commission shall prepare and submit to the President and the Congress an interim report on the following:

(A) The overall effectiveness of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C 2291j) in curtailing international drug trafficking.

(B) The impact of such annual certification process in enhancing international counternarcotics cooperation.

(C) The transparency and predictability of such annual certification process in curtailing international drug trafficking.

(D) Recommendations for actions that are necessary—

(i) to eliminate international narcotics trafficking;

(ii) to improve cooperation among countries in efforts to curtail international narcotics trafficking, including necessary steps to identify all areas in which inter-American cooperation can be initiated and institutionalized; and

(iii) to improve the transparency and predictability of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(E) Any additional measures to win the war on drugs.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this joint resolution, the Commission shall prepare and submit to the President and the Congress a final report that, at a minimum, contains the following:

(A) Information that meets the requirements of the information described in the initial report under paragraph (1) and that has been updated since the date of the submission of the interim report, as appropriate.

(B) Any other related information that the Commission considers to be appropriate.

(h) TERMINATION.—The Commission shall terminate 6 months after the date on which the Commission submits its final report under subsection (g)(2).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to House Resolution 95, the gentleman from Illinois [Mr. HASTERT] and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN] and certainly the ranking member, the gentleman from Indiana [Mr. HAMILTON] for the fine work that they have done on this issue.

Let me say that my amendment, first of all, does not change the decertification of Mexico. What we do is to stay that decertification for 90 days. What we are trying to say is there has got to be a commonsense approach with our Government, who is not without fault, certainly, in the drug program, we have the demand problems and, certainly, with the Government of Mexico who I do not think anybody can argue that they have fully cooperated over the years and deserve certification.

What we are saying is that our President and our State Department reach out to the people of Mexico and the President of Mexico to get, over a 90-day period, assurances of substantial progress in several areas, several areas such as our law enforcement agents being able to work in Mexico and being able to defend themselves, assurances that Mexico does not become a safe haven for dangerous drug felons who commit crimes. We need to be able to, both countries, get the extradition agreements that we need to have.

We need to get vital antidrug radars in place in the south of Mexico. That needs to happen. We need to get permanent maritime agreements to stop drug traffickers who are skirting our law enforcement agencies and duck into Mexican waters. Twenty out of twenty six countries in the Caribbean have that agreement.

And we need to get concrete progress on rooting out corruption, not only on our side of the border but also on the Mexican side of the border. That needs to happen.

Who benefits from this? Is it the Mexican Government? No. Is it our Government? No. But let me tell Members about my district.

I have the cities of Aurora and Elgin, IL. Aurora, IL, where my brother teaches in junior high, has had one of his Mexican American children, Hispanic children killed this year by narcotics traffickers, shot down in the streets next to his home. Why? Because the drugs come across our borders. It is not just American kids who get killed. It is kids that are of a Hispanic origin, American and Mexican origins. We need to work together to solve the problem.

People have said that this whole issue of certification is flawed. We need to have a commission to take a look at it and find a commonsense way to treat it. This amendment is a commonsense way that our Government can work together, that we stay the decertification for 90 days, that we find a way to solve the problem.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore [Mr. LAHOOD]. Is the gentleman from Indiana [Mr. HAMILTON] opposed to the amendment?

Mr. HAMILTON. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, let me say that what we are faced with here is a diversion from Hershey. We have great discussions about bipartisanship and rather than dealing with the responsibilities that are before us, we take up the campaign rhetoric over the debate on how to proceed internally in this country on the issue of fighting drugs. A legitimate issue, we ought to take it up.

You are in the majority. Bring a bill to the floor that provides a new drug policy. But the challenge before the Congress, as it came from the Committee on International Relations, is a challenge that has to deal with the issue of whether or not we feel that our Mexican neighbor has met the requirements in laws established in this Congress to deal with fighting of drugs and fighting the shipment of drugs and the operations in the drug industry.

When we look at the bottom of page 3, page 4 and page 5, we are not dealing with Mexican certification. We are taking the Dole campaign language or some variation on it. We are going after the Clinton administration. You may want to go after the Clinton administration and maybe you ought to be after the Clinton administration on drug policy. Maybe you have differences.

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That is not what we ought to be doing here today. What we ought to do here today is fulfill our responsibilities. There are some people here that say the Mexicans have tried, they maybe have not made it, but it would be very damaging to reject the Mexicans altogether.

Some of us on the Committee on International Relations understand the pressure the President was under to help a President of Mexico he was working with, and he certified them. Some other people, myself included, joined with the gentleman from New York [Mr. GILMAN] to say, "Maybe they tried but they haven't met the law and we don't think they've met certification, they haven't really fulfilled their responsibility, but we think it is in the vital national interest to continue to work with the Mexicans."

That is not what this amendment is about. This amendment is about bashing the administration. That is a great sideshow. But we ought to make a decision here. If we are going to have speeches about bipartisanship, about sticking to the substance, then we ought to do it. There are legitimate positions to argue here. Some people argue, "Certify them, they're trying, they've lost lots of police officers, they're making an effort and this would hurt the Mexican Government if we don't do it."

Some feel, "Yes, you've made an effort, you haven't met the law, we ought to use our vital national interests of both countries to certify." That is not what this amendment is about.

Mr. Speaker, I ask my friends on both sides of the aisle to reject this amendment if we want to do the work we were sent here to do. If we want to play politics and rerun the Presidential campaign, then vote for this amendment. If we want to deal with the national policies on how we fight drugs here in more than political rhetoric, bring the bill forward, bring the budget forward. If we want to deal with the responsibilities we have, then let us deal with this issue in the way it was meant to be dealt with.

Mr. HASTERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am very pleased to rise in support of the amendment of the gentleman from Illinois [Mr. HASTERT]. He has worked long and hard in the fight against illicit narcotics from abroad.

Staying the effect of decertification for 90 days until we see evidence presented by the President of increased Mexican cooperation in fighting drugs is a sound idea.

Extraditions of Mexican nationals on real drug charges so that they can stand trial here in the United States, maritime boarding agreements, and the effective assignment of more DEA agents to Mexico; these are significant efforts forward. They can seriously help fight the war on drugs along our long Mexican border to the South.

For far too long, the administration has been satisfied with business as usual in this serious drug situation with Mexico, and glossed over it with high-level official photo ops, while these items languished unresolved.

No more. Congress wants to see real, concrete action by the administration to bring about real change in stemming the flow of nearly 50 to 60 percent of the illicit drugs coming to our Nation across Mexico, and later destroying our kids.

For those critics who might say nothing works, and the United States demand is the major factor in the crisis of drugs, let me remind them of a little recent history.

Not long ago, this nation was able to reduce monthly cocaine use by nearly 80 percent during a sustained period from 1985 to 1992. We went from 5.8 million monthly cocaine users down to just 1.3 million cocaine users, each month. Few Federal programs can point to such success.

Nancy Reagan's "Just Say No" policy, combined with tough eradication, interdiction, and strong law enforcement on the supply side, along with education, treatment, and rehabilitation on the demand side, worked.

The administration needs to get back to basics.

Accordingly, I urge my colleagues to support the Hastert amendment to House Joint Resolution 58.

Let's send a message both to this administration and to the Mexican Government that the American people have spoken, enough is enough. Let our children and our future generations not have to endure the scourge of illicit drugs from abroad.

Mr. HASTERT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN] who is well noted for his work on both supply and demand reduction in this country.

Mr. PORTMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am rising today because I am in strong support of this approach, the Hastert amendment. I think it is a balanced and reasonable approach. As the gentleman said, I have been involved in this issue, actually not on the supply side, on the demand side. I have focused more on prevention, on education, on trying to help in our communities to change kids' attitudes so they do not do drugs, trying to make a real difference in reversing what is a very tragic trend around our country of younger and younger kids using drugs more and more.

One thing I like about this amendment is I do not think it does point the finger at Mexico. Let me read something in the amendment. It clearly states in the findings, "No single action is a sufficient response to the threat posed to our society by illegal drugs." It goes on. It talks about the need to emphasize in our drug control policy prevention, education, community action, parents, getting our parents to talk to their kids about the dangers of drug abuse, why it is wrong. If we do that, we are really going to make a difference. I do not think anything is more important.

But this fight also needs to be fought at every level. How can we say we are really serious about fighting the drug war if, in the face of all the evidence we have, we simply certify Mexico? It just does not make any sense.

It does not need to be partisan, it should be bipartisan, but how can we in our communities push this, do everything we can in Congress? And I was just testifying on the bill we have got before a subcommittee on the community side of this thing. We need to do more, all of us, both sides of the aisle. And Congress needs to do more.

But how can we with any legitimacy be out there pushing this drug war and then say Mexico deserves certification? They cannot get a clean bill of health. It just does not make sense.

Instead we need to do something reasonable. I think this is reasonable. We do not decertify Mexico. Instead we give the President 90 days. We say the President can work with Mexico for 90 days on 6 what I think are very tangible, very concrete and legitimate concerns. If the President works with Mexico during this 90-day period, certification can result. The effort to reduce drugs in this country, the future of our kids, is too important for us not to do all we can to get Mexico to do the right thing.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise both Members that the gentleman from Indiana [Mr. HAMILTON] has the right to close on this amendment.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, in the years that I have been in Congress, I cannot think of one time that I have disagreed with the gentleman from New York [Mr. GILMAN] or the gentleman from Illinois [Mr. HASTERT] on a question having to do with the war on drugs. Both of these gentlemen have been in the forefront of every worthwhile project. And I must say, in looking at the amendment that has been filed and that is before the House at this time, that the 6 points are very well thought out and should be in this bill.

However, going on to the second provision in the bill, we find what for many of our Democrat friends will be a poison pill. It is unnecessary. It does not add to the meaning of the bill and it should not be part of this particular bill. I regret that it is in there, and therefore I must reluctantly oppose this particular amendment.

I think it is time for us to build an alliance on what we agree upon and not try to, when we find that we are coming together on an issue and working on such an important issue, with Democrats and Republicans working together and building an alliance, we should not trample on that alliance by putting something into an amendment that is going to be a difficult poison pill for our friends on the Democrat side to swallow. Therefore, I disagree with this particular provision within the amendment.

I think it is vitally important, and I would speak now to my Republican side, it is vitally important that we come out of this particular session and this vote with a huge majority. We need to send a message down to the Senate that we are serious about what we are talking about on decertification.

We need as many on the Democrat side as we can possible get. It is a difficult vote for them voting to override the certification that the Democrat President has placed upon Mexico. Let us not make it tougher. Let us work together.

These 6 points, I am confident that they add so much to the bill that they will end up in the bill that will finally come back after the conference, because it is a good amendment until you get to the poison pill. But we do not have the ability here to separate the amendment. We do not have the ability under the rule to separate out that particular portion. But we do have the ability in conference to put back the good, sound thinking of the gentleman from Illinois [Mr. HASTERT] on the part of the amendment that really makes sense and has substance to it.

Therefore, I would ask that the Republicans look at this as a chance to build bridges to the other side and to build on this alliance. Drug policy has never been and should not be a partisan issue. We will have plenty of times to talk about the record of Mr. Clinton as far as the drug issue. As a Republican, I cannot say that anything I disagree with is in the bill, but this is no place for it. It should not be in this amendment. Therefore, I ask all the members to vote "no" on this amendment.

Mr. HASTERT. Mr. Speaker, I ask the Chair how much time do I have left?

The SPEAKER pro tempore. The gentleman from Illinois has 5 minutes remaining.

Mr. HASTERT. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, the reason that we are here, of course, is that last month Mexican President Zedillo had a tough decision to make and he made it. The arrest of General Gutierrez at the same time makes it impossible for us today to say that Mexico has met the standard in our statute that would permit us to certify them as fully cooperating in the war on drugs. That is because, according to our own administrator of the Drug Enforcement Administration, General Gutierrez's damage, the damage that he did to ongoing operations in the United States and in Mexico, was so serious that it ranks with the damage caused to our international intelligence operations by admitted spy Aldrich Ames. The conditions in the law have not been met, and we cannot certify. And yet the President has already done so.

There is some talk on the floor of the need for bipartisanship, but every Democrat and every Republican on the committee that sent this bill to the floor, even though there was unanimity, found himself or herself in direct opposition to the Clinton administration because the President and the administration have already certified Mexico even though all of us agree that is wrong.

If, therefore, the committee bill is passed, we have this inexorable result. Not only will the Senate not take it up, and we know that our colleagues in the other body have told us that nothing will come of this if we pass it unamended, but the President will ignore it, and the committee itself put a waiver in it which if somehow this were to become law, the President would exercise. So after a lot of sound and fury and possibly injury to our bilateral relations with Mexico, we would have accomplished precisely nothing. But with this considered amendment, we have an opportunity to do significantly more than nothing. We have an opportunity to take the decertification process, itself a blunt instrument, and make it a more delicate one, one that will encourage both the United States and Mexico to redouble their efforts in the war on drugs. Our goal should be not simply to decertify Mexico as a partner in the war on drugs but in fact to fully certify them, to bring them to the point where they are in compliance and to bring the United States efforts up to par where we will not have to admit honestly to ourselves that drug use among adults has gone up every year in this country since 1992, the first sustained increase since the 1970s; where we will have to no longer admit to ourselves that marijuana use among teens is doubling.

We and Mexico both have steps that we must take. By decertifying, as this amendment will do, because it leaves the committee bill intact in that respect, and staying that for 90 days during which time the administration of President Clinton and the administration of President Zedillo can work and take positive, constructive steps to satisfy our concerns that cause us now to say we cannot certify, we will have done far more, both in fighting the war on drugs and for improving our relations with Mexico.

Our goal should not be in the end even to have Mexico as a fully certified partner in the drug war, but to have Mexico as a full partner in all matters, civil, societal, cultural, defense, and national security. They should be our close ally. Many people in Mexico intend for that indeed to be our relationship.

The arrest of General Gutierrez and the exposure of all the damage he caused is the reason we are here today. Let us make sure that this is an opportunity for us to move forward and not a permanent setback.

Mr. HAMILTON. Mr. Speaker, I think we have the right to close. We have only one other speaker here. I believe they have time remaining.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HASTERT] has 1 minute remaining and the gentleman from Indiana [Mr. HAMILTON] has 1 minute remaining.

Mr. HASTERT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank my colleague from Illinois for allowing me this opportunity to close the debate.

Mr. Speaker, I was down in Mexico last weekend when the headlines appeared in the newspaper and President Zedillo said that the sovereignty of Mexico was at stake. What became apparent to me is that this country (Mexico) would react very unfavorably to a motion to decertify. I think the motion that the gentleman from Illinois [Mr. HASTERT] has outlined is an able compromise that we should all get behind, particularly on this side of the aisle. For those Members who are considering that this is not a compromise, it is a compromise, because we could get something that could be much more damaging to economic progress in Mexico and to their feeling that their integrity is being questioned. There is no doubt we could improve our relationships, improve our drug programs between the two countries. We need to improve our drug program here too. So I pose this question to all my colleagues. How does the money get from the people who use drugs here in the United States back to the Mexican drug cartels? Does the United States not have a level of responsibility here? These are huge sums of money, billions of dollars.

Mr. Speaker, I honestly think the best solution is to vote for the Hastert amendment.

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of my time.

First let me say a word of appreciation to the gentleman from New York [Mr. GILMAN], the chairman of the House International Relations Committee. He has cooperated with me and with the minority throughout this process and I am deeply grateful to him. I think the work product of the committee is still the best option before us, and he deserves a lot of credit for that. Second, although I am not able to support the amendment of the gentleman from Illinois [Mr. HASTERT], I recognize that he has tried very hard to build a consensus on a critical issue, he has done it in a very nice manner, and I want to let him know that I appreciate his willingness to talk with me and try to develop a consensus.

☐ 1445

I am not able, however, to support the Hastert amendment. Before I mention specifically the reasons, I think it is important to recognize in this debate that there really are a lot of areas of agreement. Debate tends to emphasize the areas of disagreement.

We all want to stop drugs flowing into this country. We all know we need the cooperation of the Mexican Government in order to stop the flow. We all know we are wrestling here with a difficult law in many respects. We are applying a present law here more than we are drafting a new law, and that law puts us in some difficult positions.

There are two reasons I think why I cannot support the Hastert amendment. One of them is that I really think it is highly partisan and will not permit us to adopt a bipartisan posture which I think is most important here. In many ways the amendment is a vehicle for criticizing the President's drug policy.

I do not need to quote a lot of things here, but it talks about the U.S. Government strategy being weak, it talks about our policy reducing the national security policies, it talks about supporting unproven drug treatment techniques, and in general has a pretty strong attack against the President. I think it ensures that the President would not be able to sign it, and that means the amendment that we are debating and discussing and will vote on in just a few minutes will not be enacted into law.

I say to my colleagues, "If you adopt the Hastert amendment, you abandon the opportunity we have had under the bill reported by Chairman GILMAN for a clear bipartisan message to the world about the seriousness with which the Members of Congress on both sides of the aisle consider narcotics."

Now, second, I want to say on the substance of the Hastert amendment that I think it puts President Zedillo in a real box. The U.S. national interest here is clear. We want to stop the flow of drugs through Mexico to the United States, we have got to have the cooperation of Mexico, but what this does is to require the President to report to the Congress in 90 days that he has obtained reliable assurances and substantial progress toward 6 critical areas of United States-Mexican cooperation on counternarcotics.

I want to remind my colleagues that 90 days from now we have national elections in Mexico. The United States congressional decertification debate has generated a nationalist fury in Mexico, and we can be sure that no one in Mexico, and especially not the President, will be able to advance these critical initiatives without being accused of conspiring with the United States to infringe on Mexican sovereignty. What we do here is we put President Zedillo, I think, in a box by detailing the demands for Mexico in this amendment, and he simply cannot be seen, especially in these next 90 days, as capitulating to a long list of American demands. And during that 90-day period we put him in the spotlight, and anything that he does to cooperate with the United States will be revoked and criticized by opposition politicians and by nationalists within his own party. And so I think we threaten the prospect of cooperation.

Let me urge if we defeat Hastert, then we will vote immediately on the committee product, and I urge that course.

The SPEAKER pro tempore (Mr. LAHOOD). All time having expired, pursuant to House Resolution 95 the previous question is ordered on the joint resolution and on the pending amendments.

The question is on the amendment, as modified, offered by the gentleman from Illinois [Mr. HASTERT] to the committee amendment in the nature of a substitute.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAMILTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 205, answered "present" 9, not voting 7, as follows:

[Roll No. 46]

YEAS—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McKinney
Metcalf
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Chenoweth
Clay
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roukema
Rush
Sabo
Sanders
Sandlin
Sawyer
Scarborough
Schiff
Schumer
Scott
Serrano
Shaw
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Turner
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—9

Becerra
Filner
Gutierrez
Lofgren
Ortiz
Roybal-Allard
Sanchez
Torres
Velázquez

NOT VOTING—7

Clayton
Etheridge
Kingston
McHugh
McIntyre
Price (NC)
Watts (OK)

☐ 1507

Messrs, KIND, CLEMENT, and MORAN of Virginia changed their vote from "yea" to "nay."

Messrs. SHUSTER, GILLMOR, PARKER, BILBRAY, and DAN SCHAEFER of Colorado changed their vote from "nay" to "yea."

Ms. ROYBAL-ALLARD changed her vote from "nay" to "present."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, on rollcall No. 46, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LaHood). The question is on the committee amendment in the nature of a substitute, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 195, not voting 9, as follows:

[Roll No. 47]

AYES—229

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McInnis
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)

Brown (OH)
Cannon
Capps
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pascrell
Paul
Pelosi
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Clayton
Dellums
Etheridge
Harman
Kingston
McHugh
McIntyre
Payne
Price (NC)

□ 1525

Mrs. MEEK of Florida changed her vote from "aye" to "no."

Mr. KUCINICH changed his vote from "no" to "aye."

So the committee amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HAMILTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. HAMILTON. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HAMILTON moves to recommit the joint resolution, House Joint Resolution 58, to the Committee on International Relations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 175, not voting 7, as follows:

[Roll No. 48]

AYES—251

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boyd
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Klug
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (OH)
Cannon
Capps
Cardin
Carson
Clay
Clyburn
Coburn
Coyne
Cummings
Davis (IL)
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shadegg
Shays
Sherman
Skaggs
Snyder
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thornberry
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Clayton
Conyers
Etheridge
Kingston
McHugh
McIntyre
Price (NC)

☐ 1546

Mr. DICKS, and Mr. STRICKLAND changed their vote from "aye" to "no."

So the joint resolution was passed.

The result of vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAPERWORK ELIMINATION ACT OF 1997

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 88 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution provides for consideration of H.R. 852, the Paperwork Elimination Act of 1997, under an open rule. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Small Business. Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments, if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit with or without instructions.

I am pleased that this bill will be considered under an open rule which was unanimously approved by the Committee on Rules. While the chairman of the Committee on Small Business testified to the Committee on Rules that he did not expect any amendments, this rule will provide the entire House with sufficient time to offer amendments.

The Paperwork Elimination Act will decrease the burden of Federal paperwork by requiring all Federal agencies to give small businesses, educational and nonprofit organizations, State and local governments the option of filing required information by means of electronic submission, such as e-mail, fax, and other means. This new ability will enable all of these organizations to save time and money, help ease the paperwork and regulatory burden on them and other taxpayers, and improve the efficiency and accuracy of Federal information collection.

My colleagues may remember that we unanimously passed identical legislation in the 104th Congress. Unfortunately, it was never considered by the other body.

I am glad we are again going to have the opportunity to free small businesses and other organizations from the shackles of oppressive, excessive Federal regulations. As a small business owner myself, I can say that too much time is spent filling out forms in order to comply with endless Federal regulation. Decreasing this burden will be very beneficial to all small business owners, as they will now be able spend their time and money on productive activities that will lead to the expansion of their business.

Finally, the Paperwork Elimination Act is a much-needed continuation of the popular Paperwork Reduction Act of 1995, which the President signed into law on May 22, 1995. I was very supportive of the Paperwork Reduction Act, which reduced the information collection burdens on the public and ensured a more efficient and productive administration of information resources.

The legislation we will consider today builds upon that progress and paperwork reduction.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague from North Carolina [Mrs. MYRICK] for yielding me the time.

This is an open rule. It will allow for full and fair debate on H.R. 852. It is a bill to reduce the burden of Federal paperwork requirements for small businesses, educational and nonprofit institutions, Federal contractors, State and local governments and others. The bill is virtually identical to the one, H.R. 2715, that was passed unanimously by the House last year. This measure is a continuation of Congress's effort to reduce the demands made on our citizens as a result of Federal regulation.

As my colleague from North Carolina has described, this rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments. No hearings were conducted on this bill during the 105th Congress. However, eliminating this step is appropriate because of the extensive legislative history of H.R. 2715 from the 104th Congress, and the agreement was worked out between the chairman and the ranking minority member of the Committee on Small Business.

Mr. Speaker, I urge adoption of this open rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Speaker, I thank my colleague from North Carolina [Mrs. MYRICK], a valuable new member of our Committee on Rules, for yielding me this time. I rise in full support of this rule and this bill. As my colleague has described, this is a very open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time as long as it is consistent with the normal rules of the House.

Bills reported from the Committee on Small Business have traditionally been considered under open rules and this is no exception. The Paperwork Elimination Act is a timely, straightforward effort to bring the Federal Government further into the information age while at the same time reducing the public cost of meeting government's information needs. Unfortunately, but not surprisingly, the Federal Government is lagging behind the rest of the Nation in using new technology.

As the report on H.R. 852 points out, many individuals today can send and receive mail, take care of their personal finances or even read a newspaper, all from a personal computer. Those same individuals should be able to conduct much of their business with the Federal Government electronically as well.

That is what this legislation sets out to do. H.R. 852 will help minimize the burden of Federal paperwork demands on small businesses and other entities by requiring executive branch agencies to provide for optional use of electronic technology to meet the information needs of the Federal Government.

The winners will not only be America's small businesses but also educational and nonprofit institutions, Federal contractors, State, and local governments and others who face a disproportionate share of the burden of complying with the myriad of Federal regulations.

Mr. Speaker, I knew the regulatory burden on small business was heavy to begin with, but I was amazed to learn that the amount of time and effort spent in meeting the Government's paperwork demands has a dollar value roughly equivalent to 9 percent of the Nation's gross domestic product. Congress must lighten this load. By enabling the Federal Government to take advantage of the information age, this legislation will enable small business owners across America to utilize smart technology available today to reduce those costs and to eliminate barriers to job creation and economic productivity. That means less time spent filing forms and more time innovating, expanding, and providing goods and services to our economy.

□ 1600

Mr. Speaker, I congratulate the gentleman from Missouri [Mr. TALENT], the chairman of the committee, for bringing this important legislation forward and for crafting a commonsense solution to what has become a serious regulatory headache for many of our small businesses.

I urge adoption of this very fair and reasonable rule and this commonsense legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank my colleague for yielding the time.

Mr. Speaker, let me begin by complimenting the committee, the gentlewoman from North Carolina [Mrs. MYRICK] and my Republican colleagues for bringing out this open rule and for bringing out this important piece of legislation which would reduce the paperwork that our constituents are burdened with in today's society.

I come to the floor this afternoon in support of the substance of this bill, but I want to raise another issue. The issue I want to raise is the question of campaign finance reform. We set our priorities in this institution by press conference, by meetings, by bipartisan meetings, and what is painfully missing from our set of priorities is a scheduled time in which this institution, all of us participating, under an open rule, similar to what we will be debating this bill under, can discuss an issue that is burning within the country. That issue is how do we solve this crisis that we have with campaign finance reform?

I do not believe, Mr. Speaker, that there is much disagreement on either side of the aisle that the way we finance our political campaigns in this country is broken. We all know that. The American people are increasingly becoming aware that it is broken. Each and every election demonstrates that it is broken.

In 1996 an estimated $2.7 billion, with a B, was spent on political campaigns. Now with recent court rulings, we know that the rules are wide open. We can spend what we want the way we want to spend it, virtually. We have got to do something to limit the influence of money in our campaigns. We need to fix the system. We need to limit the amount of money. We need to stop the negative advertising. We need to get on with voting again.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, my good friend has been a Member of this body for 20 years, longer than I have. He knows that rule XIV requires us to speak to the subject matter before us. His statement does not.

I am not going to interfere if the gentleman is going to finish his statement in his allotted time, but if I see other people doing this, we are going to have to abide by the rules of the House. I would say that out of respect to the gentleman as the minority whip that he certainly could continue, but I would hope that he would use his influence to make sure that we do abide by the rest of the rules.

I do thank the gentleman for yielding.

Mr. BONIOR. The gentleman is welcome.

Mr. Speaker, I am talking this afternoon about the priorities. While paperwork reduction is a priority, and it is a good one, it may not be Earth-shattering but it is important. As I listened carefully to what the gentlewoman from Ohio [Ms. PRYCE] had to say, it consumes 9 percent, as I understand from her remarks, of the GNP in the country. That is a very big burden on this country. But it is also a burden on this country to be spending $2.7 billion on a system that we know is broke, that is eroding the confidence of the American people that this institution works, and I think that ought to be a priority as well.

Let me just say to my friends and colleagues this afternoon, on the opening day of this Congress we on this side of the aisle offered a proposal that would bring campaign finance reform to the floor within the first 100 days of this Congress. That obviously does not look like it is going to happen.

A few weeks ago, we had a bipartisan discussion to agree on a common agenda for this Congress. We did it over in the Senate. We did it with the President, Republicans, and Democrats, and this issue was not raised again.

Last week the gentleman from California [Mr. MILLER] began a series of procedural votes to protest the failure to schedule a debate on campaign finance reform. Today, in conclusion, I might add to my friend from New York, we are going to be offering on the previous question a motion that will say basically we have to debate this issue in an open and full way by May 31, before the Memorial Day recess, so we can meet the goal of trying to finish this by the Fourth of July.

We need a full and a fair debate on this proposal, as we are having and will have on the Paperwork Reduction Act. Every day that passes, the country becomes more and more disgusted with our failure to act. We need to get our people involved in the political process once again.

I want, Mr. Speaker, the election day in this country to mean something. I want every citizen of this country to feel an urgency and a seriousness about voting. And, most important, I want our schoolchildren studying the Declaration of Independence or the Constitution today to feel the same excitement that the authors felt more than 200 years ago.

So I urge my colleagues, vote today. It is not about a particular bill or a solution. I am not calling for any particular solution to this. What I am calling for is we set a time in which we can debate this. This is about setting up a process to debate the campaign finance reform bill, and I urge my colleagues, vote no on the previous question so that we can debate real campaign finance reform on the House floor before Memorial Day.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding time.

Mr. Speaker, I too agree with the gentleman from Michigan [Mr. BONIOR], the minority whip, who was just in the well, that this is about our priorities and this rule is about our priorities and the previous question will be about our priorities. One hundred and eleven Members of this Congress at the beginning of this year or even before the first of this year, on a bipartisan basis, wrote to the Speaker of the House and asked that we have campaign finance reform in the first 100 days of this session of Congress. We are awaiting an answer from the Speaker on that issue. The silence is deafening.

At the same time, we see the minority leader in the Senate, [Mr. DASCHLE], has made campaign finance reform the top issue in their agenda and has asked the majority leader to do the same. The gentleman from Missouri [Mr. GEPHARDT], minority leader in this House, has asked that we consider this within the first 100 days. President Clinton has called for action by July 4. Yet we hear nothing from the Republican leadership about campaign finance reform. Again, the silence is not only deafening, it is paralyzing us and an ability to deal with a system that the American public has come to disrespect, to understand is corrosive, to understand is corrupting, and yet we see nothing from the Republican side of the aisle to deal with campaign finance reform.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman yield for an inquiry?

Mr. MILLER of California. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, in order for us to determine whether debate being engaged in by the minority as an attempt to defeat the previous question is relevant to the pending rule and the legislation it makes in order, it is necessary for us to have a copy of the minority's proposed amendment to the rule, and I would just ask if the Chair has been provided with the amendment and, if so, could the Chair provide us with a copy? The minority has not provided our side with it.

Mr. MILLER of California. Mr. Speaker, if I may continue——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SOLOMON. Mr. Speaker, is there a copy at the desk?

The SPEAKER pro tempore. The Chair is not aware of an amendment.

The gentleman from California [Mr. MILLER] may proceed.

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman from California yield for the parliamentary inquiry?

Mr. MILLER of California. I yield to the gentleman from Connecticut.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEJDENSON. Is it not in order to simply oppose the rule?

Mr. SOLOMON. Sure. Absolutely.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] may proceed.

Mr. MILLER of California. Mr. Speaker, I think if the gentleman wants to discuss paperwork reduction, we can think of all of those corporations and all of those small businesses that are getting hit with subpoenas and interrogatories about whether or not they are a small business, whether or not they exist, whether or not the person that gave the money and their name is really a real person, whether the business is real or not.

Mr. Speaker, the point is this: The top priority of this Congress ought to be to get its house in order, and the cancer that is spreading throughout this institution and is spreading throughout our Government is the lack of decent, open, and fair ways to finance our campaigns. The current system is broken, it is corrupting of this institution, it is corrosive of our democratic institutions.

The American people deserve something better, and we deserve an answer from the Republicans as to a date certain when they will bring campaign finance reform to the floor of the House of Representatives so this House can work its will. There is no question but there is a majority of people on this floor to reform the existing system. We should not be denied an opportunity to do that, and we ought to rearrange the priorities of this Congress. We have been here now 3 months and we have rarely been in session. Yet somehow we cannot find time to deal with this most urgent matter in terms of the preserve of the best of our democratic institutions, the integrity of this House and the freedom of the American people to have a fair election and a fair outcome.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. I thank the gentleman for yielding time.

Mr. Speaker, if the spirit of bipartisanship that we have heard much about over the course of the last few days is to be any more meaningful than "I'll smile at you if you'll smile at me," then I think that a place to start with true bipartisanship is to allow the people, Republican and Democrat alike, who want to do something about the increasingly corrupting influence of money and politics at all levels of our Federal elections, to give them an opportunity to come forward and craft a bipartisan solution to this tremendous problem.

Thoughts of bipartisanship and of campaign finance reform are hardly new to this institution. Indeed, in 1995 in New Hampshire, in the summer, in front of a senior citizens' group, we had many smiles from President Clinton and Speaker GINGRICH looking at each other, shaking hands, being very bipartisan and collegial and friendly over the concept of campaign finance reform. And what happened after that? Absolutely nothing. It took from that summer until the next summer before we got something in this House called reform week, which ended up being a reform hour, which denied to us an opportunity to consider the bipartisan Clean Congress Act, a measure that by its very name had broad bipartisan support and was designed to do something about the influence of money in our campaigns.

I believe the American people want us to address this problem. And so this afternoon, in the course of this particular bill, it is appropriate to talk about two things: priorities and paper.

When it comes to paper, I would maintain that the type of paperwork reduction that the American people are most concerned about at this time, when they are hearing about the Lincoln bedroom, when they are hearing about Republicans down at Palm Beach meeting with people that gave $100,000 in soft money to the Republican Party, the kind of paper that we ought to be concerned about reducing is the kind that says pay to the order of, pay to the order of whichever candidate or political committee or whatever is involved. We ought to be concerned about reducing that.

The only reason that we did not get a chance to address that issue in the last Congress and were cut off from a bipartisan opportunity to consider this national scandal, the only reason is because instead of paperwork reduction, our Speaker has been very candid in saying that he favors paperwork expansion. He does not think there is enough paper in the political process. He thinks we need more paper, we need more checks, we need to spend even more special interest money than is being expended at the current time in our political system.

I believe we need to be concerned about real paperwork reduction, and that is to reduce the influence of special interest money in our campaigns.

□ 1615

Hundreds of millions of dollars of so-called soft money that gets outside of the course of the current campaign financing laws, as deficient as they are, are being expended by both parties. There is no one perfect solution to this problem, there is no one perfect Democratic or Republican solution. Rather, we ought to have the opportunity on the floor of this House to come together and offer our different ideas, to not be restricted to an hour, as we were 2 years ago, and denied the opportunity to consider the only bipartisan proposal that was advanced at that time. We ought to be able to come together, reason together, and work out a solution to this most critical paperwork problem.

As my colleagues know, it is not for want of time that we have not considered this issue. We spent a week here last week whereby all we did was commend the Nicaraguans and Guatemalans, and I know that was a hard load for some, but I believe we can take on the harder jobs.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, there is nothing I would rather stand up here and talk about than what happened with the Lincoln bedroom, and what happened with economic espionage in this administration, what happened with the breaches of national security in this country by the administration. This is not the time to be discussing that, but I would be glad to take the well and discuss all of this at the appropriate time.

My parliamentary inquiry is this, Mr. Speaker: Under House Rule XIV, which requires that a Member must confine himself to the question under debate, is it relevant to the debate on either this rule or the bill it makes in order to engage in a discussion on the merits of campaign finance law?

Would the Speaker please rule on that?

The SPEAKER pro tempore. The Chair would be happy to refer all Members to page 529 of the Rules of the House, which says that debate on a special order providing for the consideration of a bill may range, and "range" is the appropriate word here, to the merits of a measure to be considered under that special order, but may not range to the merits of a bill, but should not range to the merits of a measure not to be considered.

Mr. SOLOMON. Mr. Speaker, what you have just said is that we must confine our statements to the merits of the legislation before us, and I would just ask the Chair to please enforce the rules of the House.

I have been informed by my good friend over here, and he is a good friend and trying to be congenial, but he now tells me he has a number of speakers that are going to pursue this issue that is not germane to the issue before us, and we just cannot have that. We have to abide by the rules of the House, and I would ask the Speaker to enforce the rules of the House from here on out.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to the previous question, and let me tell my colleagues why.

As we rise today to take up another burning issue on the GOP agenda, the Paperwork Reduction Act, I ask my Republican colleagues to allow us to debate a more meaningful reduction of paper. Let us talk about how we reduce the amount of paper money that exists in political campaigns today.

Our system of financing political campaigns is broken, and it is time for us to fix it. We may not all agree on the best way to fix the problem, but surely we can all agree on one thing, that there is too much paper money in political campaigns, it costs too much money to run for public office, we spend too much time raising money for our campaigns, and at the end of the day it takes our time away from the more important duties we are engaged in.

I know it, my colleagues know it. Most importantly, the American people know it.

Republicans in the House and Senate have asked for several million dollars to investigate campaign financing in the last election. Those investigations are important, and they should move forward, and they should not be used as an excuse to delay action on campaign finance reform.

All the Democrats are asking is this: Give us an open, unrestricted debate on campaign finance reform by May 31, by Memorial Day. We can get money out of politics and pass meaningful campaign finance reform, but first we need an open and a fair debate. Only one person can schedule a vote on campaign finance reform, and that is the Speaker of this House.

Mr. Speaker, it is time to stop wasting time. Let us schedule a vote on campaign finance reform. Congress surely could stand a little paperwork reduction, but let us reduce the amount of money in politics.

Vote "no" on the previous question.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I support the Paperwork Reduction Act, but I think it could be made better, and I think we can make it better and really reduce paperwork if we pass true, honest to goodness campaign finance reform. The American people want it, certainly my constituents want it, the President has asked for it. Why has the Republican leadership not made campaign finance reform a number one priority?

The Paperwork Reduction Act before us today is all fine and nice, and as I said, I do support it, but is this really our number one priority? Is this the number one priority of this Nation?

Mr. Speaker, I ask the majority leadership to bring campaign finance reform to the floor of this House by Memorial Day. Time is being lost, and the public disgust and skepticism is rising. We must act now on real campaign finance reform. I urge my colleagues to oppose the previous question, and I urge the Republican leadership to please make campaign finance reform a number one priority.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise on the debate on the rule on paperwork reduction. This is a debate that determines the procedures of the House, and this is the only way in which we can deal with the law that will come after this debate, the law on paperwork reduction. The only way we can get a debate on a new law is to schedule that debate on the floor, and I rise to the issue that this rule does not go far enough because it has not scheduled the real paperwork reduction in America, which is the reduction in the amount of money that flows into campaigns.

Mr. Speaker, we ought to be debating the law on campaign reform. It was asked for by the President, it was promised by the Speaker, and it is certainly in demand by Members who are here today on both sides of the aisle.

We have bills before Congress. The work has been done on writing that law. There are many versions of it. But that law cannot reach the floor until the Committee on Rules sets the date, and the date ought to be before this country's next national birthday on July 4.

If we did, indeed, deal with this rule, we would be talking about real reduction, we would be talking about reduction in the time it takes to raise money, time that could be better spent in managing this Nation's affairs. We would be spending less time, certainly less paperwork, because there would be less checks written to campaigns. There would be less money flowing into Washington. There would be less time fund-raising. There would be more time spent governing.

So, Mr. Speaker, I ask my colleagues to oppose this rule because this rule does not go far enough, because this rule fails to bring what this Nation demands, and that is the real law of reform to this floor, which is campaign law reform.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us worked very hard to bring to the American public the acknowledgment that we understood how hard they worked. The Paperwork Reduction Act simply says that we recognize that the business of America is to create jobs and not to be entangled with hostile paperwork and regulations, but yet we also recognize our responsibility in the U.S. Congress.

I think it is disappointing that this rule has not had or given us the opportunity to confront the real question that the American people are asking us: Can we clean up our own House? Can we reduce the entanglement and regulations of a misdirected campaign finance structure that really does not allow those who come here to work to work without the shackles of confusion and the shackles of debate on how we raise money to make sure that the voices of all Americans are heard?

I truly believe in the integrity of the Members of this House, that they come here, most of all, to represent their constituents and represent America, but until we get out in front and deal with the question of how we finance these elections, how we reemphasize the importance of making sure the average person has access to this U.S. Congress, I happen to be a supporter of the Farr bill. But what I think most of all is important in terms of campaign finance reform is that this House shows it means business and that it gets down to the business of both raising the question of campaign finance reform, debating the question of finance reform, and not hiding the ball.

It is crucial that we, as Members of this House, acknowledge to the American people that we are not tied up by the interests of others other than the interests of them that bring us to this body.

Mr. Speaker, it is so very important that this rule include campaign finance reform.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I was taken earlier by Speaker GINGRICH and by Minority Leader GEPHARDT when they came to the floor and they talked about the need for comity in this body. But we are really being hard pressed here today. I know that this is Thursday, there is no session tomorrow, and Members do want to go home, but I feel moved to bring a point of order against the Members that are standing up talking about issues that are not germane to this issue, and certainly that would be upheld by the Chair because they are not germane. That of course would be subject to an appeal, if the minority saw fit to do. That would drag Members over here. That would prolong the measures again. It would probably cause all kinds of problems.

So I am not going to press a point of order today. I am going to let my colleagues use up the balance of their time, but we just have to say out of courtesy to Members on both sides that we have to stick to the rules of the House. Rule 14 says that we must speak to the germaneness of the issues before us.

So I just wanted Members to do that, and I hope Members have a nice weekend.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I want to express my appreciation to the gentleman from New York [Mr. SOLOMON] for his gentleness today. We are in the minority. We do not have a lot of control over the process here.

This is really a fight over control. When we were in control in 1975–76, we passed campaign finance reform. When I led the effort, we passed it twice, once vetoed by President Bush, and under our rules I am not allowed to name the Senator from Kentucky, but I can reference the gentleman from the other body in the majority party who has filibustered campaign reform to death in the past and threatens to do it again. I commend the committee for bringing this Paperwork Reduction Act before us. It is something we ought to do. But as we weigh our responsibilities as Members of Congress, one of the things happening is all our credibility is diminished by the present situation.

As my colleagues know, I think we ought to do something simple now. We ought to put a limit of $100, we ought to tax advertising so we have the resources to make a public match so every American can feel empowered to be part of this process.

Now I know that if we brought that bill and four or five others—I do not know that mine would win, but in that debate I know we would help build confidence in this system, we would at the end of the day take a step forward, and that is what this debate is really all about.

There are lots of vehicles that we will try to use, as the minority. Those guys have the majority; I recognize that. They make the rules; they make the decision as to what bills come to the floor and what bills do not come to the floor.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, the gentleman from Connecticut is talking about how he is in the minority now. I am relatively new to the institution.

Mr. GEJDENSON. But the gentleman from Florida is doing real well for a new guy.

Mr. SCARBOROUGH. The gentleman is, too, and I like his hair in the spirit of Hershey and comity.

Mr. GEJDENSON. I thank the gentleman.

Mr. SCARBOROUGH. But, as my colleagues know, if the gentleman could give me a little historical perspective as a relatively new Member here, I believe that they were all in the majority in 1993 and 1994, and I also believe that they had somebody in the White House who was also a Democrat. Could the gentleman tell me if they all passed campaign finance in 1993 or 1994 or if the gentleman's selective memory prevents him from doing this?

□ 1630

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, I would just say to the gentleman's question, we passed campaign finance reform and President George Bush vetoed it. We passed it through this House. It got to the Senate, and I can only reference the gentleman in the other body in the Republican Party from Kentucky who filibustered it to death, and in the opening days of this Congress he threatened to filibuster any new campaign reform bill to death.

We passed it, it got vetoed by President Bush. We passed it through the House, it was filibustered to death in the Senate.

What we are saying is, let us join together and pass a limit on spending. Let us limit the amount of money. Let us rebuild confidence in this system so we can work to reduce paperwork, so we can reduce the amount of time we spend raising money, and put our attention back on the people's business to take care of children, to make sure they have health care, to make sure the people losing their benefits have jobs and not street corners to hang out on.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. LAHOOD). The Chair would advise Members to avoid making references to Members of the other body.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, how much time is left on either side, and was the clock running when the gentleman used up all his time?

The SPEAKER pro tempore. The Chair would advise the gentleman from New York the Chair is keeping very good time.

The gentleman from Ohio [Mr. HALL] has 4\1/2\ minutes remaining, and the gentlewoman from North Carolina [Mrs. MYRICK] has 23 minutes remaining.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman for yielding me time, and I certainly hope I have the same timekeeper on my two minutes as the previous speaker had on his one.

Mr. Speaker, I would just like to say to the previous speaker that the question that was asked was what happened while the Democrats had control in 1993 and 1994 and when they had control in the White House in 1993 and 1994.

The previous speaker almost moved me to tears in his very self-righteous indignation, and then blamed George Bush for killing it.

I may be a dumb country lawyer, I may have graduated from the University of Alabama, but my recollection was that George Bush was not President in 1993 or in 1994, that that was in fact William Jefferson Clinton.

I see some people shaking their heads, so maybe, maybe I am incorrect in this. But they can be self-righteous all they want. They had control over this Chamber over the two-year period in 1993 and 1994, they had the President of the United States, and they did not want to do anything on campaign finance reform.

Now they come to this well in self-righteous indignation trying to distract people. . . . And if they want to be self-righteous, if they want to get on the well of the floor and debate this, we will gladly do it for as long as you want to do it, because you do not have the moral high ground. And when you had a chance to change things, you did not do it, and you cannot rewrite history, as much as you would like to try.

So beat your chest in self-righteous indignation, but pray for the children tonight, pray for America and whatever you want to do, but the fact of the matter is, that you are being hypocrites.

Mr. HEFNER. Mr. Speaker, I ask that the gentleman's words be taken down when he said that the White House had sold influence to Communist China and other things. There is no proof of that, and that is absolutely ridiculous, to come into this body and accuse the President of the United States of selling influence to a Communist nation.

I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman from Florida will suspend.

The Clerk will report the words objected to.

□ 1636

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Florida [Mr. SCARBOROUGH] seek recognition?

Mr. SCARBOROUGH. Yes, Mr. Speaker, I do.

Mr. Speaker, I ask unanimous consent to withdraw my words about specifically mentioning the President . . . since while Newsweek has written an article about that those have not been proven yet, so I will specifically withdraw the statement regarding the President . . . .

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HEFNER. Mr. Speaker, I thank the gentleman for making the correction, and that saves us a trip back to Hershey.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. SCARBOROUGH] has expired.

The gentleman from Ohio [Mr. HALL] is recognized. The gentleman from Ohio has 4\1/2\ minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the text of the amendment I intend to offer, if the previous question is defeated, be printed in the RECORD immediately preceding the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment referred to is as follows:

At the end of the resolution, add the following new section:

"Section 2. No later than May 31, 1997, the House shall consider comprehensive campaign finance reform legislation under an open amendment process."

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude my remarks by reminding my colleagues that defeating the previous question is an exercise in futility, because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. So the vote is without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, at this point in the RECORD, I ask unanimous consent to insert an explanation of the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The explanation follows:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 187, not voting 26, as follows:

[Roll No. 49]

YEAS—219

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nūssle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra

Bentsen
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—26

Baker
Barton
Berman
Carson
Clay
Clayton
Costello
Dicks
Etheridge
Foglietta
Gallegly
Gutierrez
John
Kingston
Leach
Manton
McCarthy (MO)
McHugh
McIntyre
Meehan
Ortiz
Price (NC)
Roukema
Schaefer, Dan
Smith (TX)
Young (FL)

□ 1659

Messrs. MATSUI, PASTOR, and SPRATT changed their vote from "yea" to "nay."

Mr. FOLEY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcalls No. 48 and 49 I was unavoidably detained in transit. Had I been present, I would have voted "no" on rollcall No. 48 and "no" on rollcall No. 49.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 88 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 852.

The Chair designates the gentleman from Nebraska [Mr. BARRETT] as Chairman of the Committee of the Whole, and requests the gentleman from Wisconsin [Mr. SENSENBRENNER] to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies with Mr. SENSENBRENNER (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri [Mr. TALENT] will be recognized for 30 minutes, and the gentlewoman from New York [Mrs. MCCARTHY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I ask unanimous consent that debate on this bill be limited to 20 minutes, 10 minutes on each side, which I understand the gentlewoman has no objection to.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. TALENT] will be recognized for 10 minutes, and the gentlewoman from New York [Mrs. MCCARTHY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, This is a noncontroversial but very significant bill, Mr. Chairman. It is a supplement to the Paperwork Reduction Act of 1996. We call it the Paperwork Elimination Act. What the bill does, in fine, is require that regulatory agencies give the people that they regulate, not just small businesses but everybody, the option to store and supply the information they have to supply by electronic means: modems, computers, faxes, where that is appropriate. This is done within the framework of the Paperwork Reduction Act, which we passed unanimously last year.

This bill itself passed the House last year unanimously, moved over to the Senate, was discharged from committee, but never reached the Senate floor. It came out of the Committee on Small Business unanimously. It is supported by the ranking member, the gentleman from New York [Mr. LAFALCE], and myself. It is a good bill and a good step forward in trying to provide some additional options to people who are trying to supply information to the government in an efficient way at as little cost as possible.

Mr. Chairman, I rise today to encourage quick passage of H.R. 852, entitled the "Paperwork Elimination Act of 1997."

Paperwork demands of the Federal Government place a tremendous burden upon all Americans. Some estimates place the total burden at more than 6 billion hours a year. To place this staggering number in perspective, 6 billion hours of labor is equivalent to 3 million employees working full-time to satisfy the often repetitive and duplicative requests of various Federal agencies. This is a expense which small business can ill afford.

According to a 1995 study by Thomas Hopkins of the Rochester Institute of Technology, small businesses with less than 20 employees pay an average of $5,106 per employee annually in regulatory costs. This is in strong contrast to the average of $3,404 in regulatory costs per employer which businesses with more than 500 employees pay. Much of this regulatory cost stems from paperwork—paperwork which this legislation intends to eliminate.

The Paperwork Elimination Act builds upon the Paperwork Reduction Act of 1995 to further minimize the burden of Federal paperwork demands upon small businesses and others. H.R. 852 would accomplish this by advancing the use of alternative information technologies including electronic maintenance, submission, and disclosure of information. Essentially, this would mean that anyone with access to a personal computer or even a phone would be able to meet the Federal Government's information requests in an easier and less timely fashion.

It is important to note that the Paperwork Elimination Act requires Federal agencies to provide for only the optical use of alternative technologies in complying with informational demands. This legislation should not in any way be construed as a mandate on individuals. Those without the ability or desire to comply with Federal regulatory demands electronically would not be required to do so against their will.

H.R. 852 is identical to legislation passed by the House in the 104th Congress. In the last Congress, after a thorough hearing by the Small Business Subcommittee on Government Programs, our committee adopted this measure by voice vote and the House went on to pass it unanimously. Unfortunately, even though this measure was discharged by the Senate Committee on Governmental Affairs, the Senate was not able to take final action before the close of the 104th Congress. After consulting with Mr. LAFALCE, our ranking member, we decided that we could move this legislation through committee without the need for an additional hearing. The committee held a mark-up on this legislation last Thursday, March 6. We reported this measure out unanimously by voice vote without amendment, and filed our report later that day.

In conclusion, let me commend many out there for moving into the information age with such great speed and enthusiasm. I have observed businesses of all sizes eagerly accepting and embracing all forms of new technology. No office seems complete these days without a computer and fax machine. Products are being advertised, orders being taken, bills being paid, all by electronic means. Why should the Federal Government be any different?

I urge my colleagues to vote yes on H.R. 852, the Paperwork Elimination Act.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair notes that control and duration of time for general debate was set by order of the House, meaning essentially 30 minutes per side. While the previous request in the Committee of the Whole is not controlling, under the circumstances, however, the Chair notes that each side may yield back any time that they may desire.

Mrs. McCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 852, the Paperwork Elimination Act of 1997, which the Committee on Small Business reported out unanimously last week. I commend the chairman and the ranking member for bringing this bipartisan legislation to the floor.

In approving this legislation, the Committee on Small Business, which has long been a forum for and a voice of the small business community, took another step forward, responding to one of the principal ongoing concerns of small business owners: the paperwork burdens imposed on them by the Federal Government.

Mr. Chairman, the ambitious title of the legislation notwithstanding, I do not foresee a day in my lifetime when we will eliminate paperwork. Nor do I foresee the day when we will altogether eliminate regulations. What we can do, however, and what this bill does, is take advantage of existing technology capabilities and ease the regulatory burden on small businesses by reducing the amount of paper they must fill out, mail, and file.

This legislation itself imposes no burden. It has no mandates. It allows those small business owners, educators, State and local governments and others the option of communicating with the Federal Government via computer.

Mr. Chairman, I see much progress and no problems accompanying this bill, and therefore I urge all of my distinguished colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. TALENT. Mr. Chairman, I am pleased to yield 1 minute to my friend, the gentleman from New Jersey [Mr. LOBIONDO.]

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this legislation. I would like to point out that according to the Small Business Administration, small business owners spend at least 1 billion, that is right, 1 billion hours a year in filling out government forms, at an annual cost of $100 billion.

As someone who has spent more than 25 years in a small business, I can testify to the accuracy of this statistic. I spent more than my fair share of time filling out form after form after form. The paperwork required by the Government was seemingly endless. The Paperwork Elimination Act will alleviate the paper burden by giving small business owners and employees the option to submit information by electronic means.

Over the last several years, we have seen historic changes in the field of telecommunications. This bill will bring the Government into the information age. Many small businesses already take advantage of various technologies used for communication. This initiative would give businesses the option to use this technology to submit information to the Government. If it does not have the capability or the desire to exchange information electronically, if a business does not want to do that, they will not be penalized under this bill.

I hope the days of filling out forms in triplicates will be behind us. Passing this bill will be a giant step closer to that end.

In the last Congress, this legislation passed the House of Representatives with unanimous support but it never saw action on the Senate floor. In this session I hope we can put this bill on the President's desk, and I urge all of my colleagues to strongly support the legislation.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE], the distinguished ranking member of the committee.

Mr. LAFALCE. Mr. Chairman, I want to praise the gentleman from Missouri [Mr. TALENT], the new chairman of the Committee on Small Business, and all the members of the Committee on Small Business, especially the freshman members on both sides, for the great work they have done so far.

I call upon everyone to support this bill.

Mr. Chairman, I rise in support and as a cosponsor of the Paperwork Elimination Act of 1997, introduced by my good friend and the chairman of the Small Business Committee, Congressman JIM TALENT.

Last year the Congress passed and the President signed the Paperwork Reduction Act, which mandates fixed percentage cuts in paperwork burdens over the next few years. The Paperwork Elimination Act builds on that law by encouraging the electronic submission and disclosure of regulations and submission of information for regulatory compliance.

This legislation is easy to extol as all affected parties are a winner. It urges the Federal Government to disseminate and receive information by computer where appropriate. As this involves putting already existing technology to better use, the Government will incur little, if any, additional administrative or financial cost to comply with the provisions of this legislation.

Small businesses, nonprofits, and State and local governments stand to gain because they may, if they choose, comply with Federal requirements for information by furnishing it electronically rather than on paper. If this serves to reduce paperwork storage and compliance time, then the burden of the small business owner and others becomes a bit lighter.

In the last several years on the Hill we have seen in our own offices an amazing increase in our reliance on computers and other forms of information transmission and storage. We have seen our ability to communicate become faster and more efficient. It is time we take the next logical step and prod Federal agencies to open the door to electronic communication with the businesses, States and towns of America. The Paperwork Elimination Act is the next logical step.

Mr. Chairman, I urge all my colleagues to support this legislation.

Mr. TALENT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Chairman, in my office and in offices throughout our country, e-mail has become an alternative and efficient way for people in one office and different offices to transfer information. Within minutes of sending a message, memo, or document, a recipient in the next office, or someone who is five States away, receives information. It is quick, easy, and it saves paper.

The technological advances of our Nation have changed the face of doing business, whether it is using e-mail, having a WEB site, or even teleconferencing businesses are taking advantages of these technological advances in order to speed up the transfer of information.

By passing the Paperwork Elimination Act, the Federal Government can use these new advances in technology to reduce the burden on many small businesses. The Government can receive, disseminate, and respond to inquiries, input information, and save thousands of pieces of paper by implementing these new advances. The 104th Congress took a giant step forward in reducing the burdensome paperwork that consumes many businesses by passing the Paperwork Reduction Act. The 105th Congress has an opportunity to build on that and pass the Paperwork Elimination Act.

□ 1715

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time. I commend her efforts in bringing this legislation to the floor.

The Paperwork Elimination Act is an excellent piece of legislation. I believe it will enjoy overwhelming bipartisan support. The importance of small businesses in New Jersey cannot be emphasized enough. They are the backbone of the State's economy. Of the 187,000 full-time business firms in New Jersey, 98 percent are small businesses, which are independent businesses with fewer than 500 workers. The aim of this act is to minimize the burden of Federal paperwork on small businesses through the use of electronic information technology.

To use an extreme example, some small businesses are required to file forms with up to 50 different Federal, State and local agencies. This is impossible. These bureaucratic demands can strangle a small business. This bill ameliorates this burden by requiring all Federal agencies to provide the option of electronic submission of information to all those who must comply with Federal regulations. I believe it will accomplish the goal that is set out in the summary of the bill.

Small businesses play too significant of a role in our economy. We need job creation. We need productivity, and we need expansion. I strongly urge my colleagues to support H.R. 852.

Mr. TALENT. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Chairman, with that provision let me make just two points in the interest of time. First of all, I am very much supportive of any efforts on the part of agencies to allow electronic submission to take advantage of both efficiency and economy that is allowed by electronic submissions.

The second point I would like to make, however, is we must make sure that the legislative history is clear on this, that this is the option of the small business and governments that this is meant to provide some relief for and it is not at the option of the agency.

Mr. Chairman, I rise in support of the Paperwork Elimination Act of 1997. This legislation provides an option to small businesses and others, who have the capacity to comply with regulations by computer and other means, to take advantage of electronic technology. This is an effort to make it easier and less costly to do business with the Government, and I would encourage Government agencies to improve their effectiveness in utilizing information technology. I would like to point out that OMB is required to oversee and promote the use of electronic information technology.

However, we should make it very clear that the use of electronic technology is optional on the part of those required to comply with Government paperwork mandates. I support this legislation that will enable small businesses to cut down the billion or so hours they spend each year filling out Government forms, and, hopefully, lower their costs of $100 billion.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I thank the gentlewoman from New York for yielding me the time.

I would first of all like to compliment our ranking member, from New York [Mr. LAFALCE] and our chairman, the gentleman from Missouri [Mr. TALENT]. If there is anything that we have been talking about over the last couple months, it is bipartisanship. This bill is probably the best example of what anybody could call bipartisan legislation. It is here today. It may be small. But it is indeed the first effort that we have seen in this Congress of a bipartisan piece of legislation, so I compliment them both.

As a former small business owner, Mr. Chairman, I, like many of our colleagues, was besieged with Federal paperwork, working nights and weekends, taking time away from my family and my clients to be able to fill in those forms. This act will help change that.

More importantly, one of the things that we have heard in this Congress time and time again is that we must teach our children about computers and being more literate in that electronic field. This now forces us to also recognize the Federal Government must be literate in that area. It forces them to be on the state of the art in terms of technology. It forces us to finally get into the 21st century. It is a great piece of legislation. It may be small, but it moves us in the right direction, not only for businesses but for a bipartisan Congress. I hope Members will all support it.

Mr. TALENT. Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I first of all would like to commend and congratulate Chairman TALENT AND THE GENTLEMAN FROM NEW YORK [MR. LAFALCE], the ranking member, for the exemplary leadership that they provided in bringing this legislation to the floor.

I want to concur and agree with the words that have already been spoken by most of my colleagues and would simply echo their sentiments. But I would like to add that I hope that in the implementation of this act that even those businesses that we call micro businesses, the ma and pa shops, the cleaners, the beauty shops, the barber shops, those that do not even have computers, I would hope that the legislation would be implemented in such a way that there would be a facility someplace that they could go and receive assistance so that they, too, could benefit from this legislation.

I think it is an excellent display of bipartisanship, and I hope that we can display in the near future the same kind of bipartisanship, the same kind of concern for campaign finance reform so that the people of this country can have the same assurances that small businesses will have, that they will get the most from their government.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield back the balance of my time.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

I want to thank all the speakers for their kind words about the bill and about the process. I do need to thank some other people, Mr. Chairman, very briefly. The Committee on Small Business shares jurisdiction over issues involving paperwork reduction with the Committee on Government Reform and Oversight. I want to thank the gentleman from Indiana [Mr. BURTON], the chairman, and his staff for agreeing to waive their primary jurisdiction over the legislation. I also want to thank the gentleman from Indiana [Mr. MCINTOSH], a member of the Committee on Small Business who in his role as chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Committee on Government Reform and Oversight, has along with his staff also assisted greatly in helping us move this measure forward in a speedy fashion.

I would also like to thank our ranking member, the gentleman from New York [Mr. LAFALCE], for his help in moving the bill through the committee at information age speed. It could not have been done without him. I would also like to thank the Committee on Small Business staff who worked on the legislation: Jeff Polich, Emily Murphy, Laurie Rains, and Harry Katrichis for the majority, and Patricia Hennessey and Tom Powers for the minority.

With that, I urge my colleagues to vote yes on this important bill, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 852, the Paperwork Reduction Act. This bill is an important step into the technological age.

H.R. 852 will allow businesses to choose to submit required information to the Government by electronic filing. It will benefit businesses by allowing them to use the most efficient means available to communicate with the Government.

H.R. 852 brings both business and government into the modern age where information is transferred quickly and efficiently through the electronic medium. In so doing, it has the important effect of conserving resources—both human and material—and eliminating waste.

In the 104th Congress, we recognized the merits of H.R. 852 and voted unanimously in favor of similar legislation. Our colleagues in the Senate, however, did not act. I hope that in this new session, the House and Senate will stand together in support of this important legislation. However, as we work to reduce paperwork—a real discussion on campaign finance reform, should become a part of the House agenda. That is a necessary part of this body's work.

Thank you, Mr. Speaker.

Mrs. KELLY. Mr. Chairman, I rise today in strong and enthusiastic support of H.R. 852, the Paperwork Elimination Act of 1997. This is important legislation that will assist in the process of lowering the paperwork burden that the Federal Government places on small businesses throughout this country, and will facilitate Federal agencies' efforts to fulfill their requirements under the Paperwork Reduction Act.

We all know that the Federal Government places an enormous paperwork burden on small business owners. The amount of forms that it requires to be maintained or submitted is staggering.

One study that was conducted by the General Accounting Office estimates the Government-wide paperwork burden to be 7 billion hours per year.

Because of this burden that it creates, the Federal Government has an obligation to make compliance with these demands as easy and straightforward as possible. That is what the Paperwork Elimination Act is designed to address. It simply states that the Federal Government should recognize the advancements in information technology management that have been made in recent years, and allow small business owners to utilize them when meeting the demands that the Government makes.

As chair of the Small Business Committee's Regulatory Reform and Paperwork Reduction Subcommittee, I constantly hear from small business owners across the country who are desperate for additional paperwork relief. As a former small business owner, I know first hand and can testify to the demands that paperwork and recordkeeping can place on the busy schedule of those trying to successfully operate their own business. H.R. 852 simply provides an additional tool for these individuals to have at their disposal.

The one other important aspect of this legislation that I would like to highlight today is the flexibility it provides small business. While requiring that Federal agencies accommodate alternative information technologies, these amendments to the Paperwork Reduction Act leave the decision of employing such technologies squarely in the hands of the small business owner. We did not need another mandate from the Government telling small businessmen and women how they must comply. Rather, we need to give them the option of deciding the best way in which they can meet the requirements placed upon them.

I would like to commend the gentleman from Missouri [Mr. TALENT] for introducing this legislation. As we all know, this bill overwhelmingly passed this Chamber during the 104th Congress. I would like to urge all Members to support H.R. 852 and help make this important legislation become law.

Thank you, Mr. Chairman.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section. Each section shall be considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Elimination Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSES.

The purpose of this Act is to—

(1) minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information to substitute for paper; and

(2) more effectively enable Federal agencies to achieve the purposes of chapter 35 of title 44, United States Code, popularly known as the "Paperwork Reduction Act".

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORITY AND FUNCTIONS OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) DIRECTION AND OVERSIGHT OF INFORMATION TECHNOLOGY.—Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including the use of alternative information technologies, such as the use of electronic submission, maintenance, or disclosure of information to substitute for paper.".

(b) PROMOTION OF USE OF ELECTRONIC INFORMATION TECHNOLOGY.—Section 3504(h) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) specifically promote the optional use of electronic maintenance, submission, or disclosure of information where appropriate, as an alternative information technology to substitute for paper.".

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. ASSIGNMENT OF TASKS AND DEADLINES.

Section 3505(a)(3) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following:

"(D) a description of progress in providing for the use of electronic submission, maintenance, or disclosure of information to substitute for paper, including the extent to which such progress accomplishes reduction of burden on small businesses or other persons.".

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. FEDERAL AGENCY RESPONSIBILITIES.

(a) PROVIDING FOR USE OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(1)(B) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) provides for the optional use, where appropriate, of electronic maintenance, submission, or disclosure of information; and".

(b) PROMOTION OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(3)(C) of title 44, United States Code, is amended by striking "or" after the semicolon at the end of clause (ii), by adding "or" after the semicolon at the end of clause (iii), and by adding at the end the following:

"(iv) the promotion and optional use, where appropriate, of electronic maintenance, submission, or disclosure of information.".

(c) USE OF ALTERNATIVE INFORMATION TECHNOLOGIES.—Section 3506(c)(3)(J) of title 44, United States Code, is amended to read as follows:

"(J) to the maximum extent practicable, uses alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information, to reduce burden and improve data quality, agency efficiency and responsiveness to the public.".

The CHAIRMAN. Are there amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION.

Section 3507(a)(1)(D)(ii) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subclause (V), by adding "and" after the semicolon at the end of subclause (VI), and by adding at the end the following:

"(VII) a description of how respondents may, if appropriate, electronically maintain, submit, or disclose information under the collection of information.".

The CHAIRMAN. Are there any amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. RESPONSIVENESS TO CONGRESS.

Section 3514(a)(2) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting "; and", and by adding at the end the following:

"(E) reduced the collection of information burden on small businesses and other persons through the use of electronic maintenance, submission, or disclosure of information to substitute for paper maintenance, submission, or disclosure of information, including—

"(i) a description of instances where such substitution has added to burden; and

"(ii) specific identification of such instances relating to the Internal Revenue Service.".

The CHAIRMAN. Are there any amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. EFFECTIVE DATE.

This Act shall take effect October 1, 1998.

The CHAIRMAN. Are there any amendments to section 8 or to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, pursuant to House Resolution 88, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 50]

YEAS—395

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—37

Baker
Barton
Becerra
Berman
Blumenauer
Boucher
Brown (CA)
Callahan
Clay
Clayton
Dicks
Etheridge
Everett
Gallegly
Hyde
John
Johnson (CT)
Kingston
Klug
Largent
Manton
McCarthy (MO)
McCrery
McHugh
McIntyre
Meehan
Nethercutt
Ortiz
Price (NC)
Ros-Lehtinen
Roukema
Ryun
Sanchez
Schaefer, Dan
Smith (TX)
Smith, Adam
Young (FL)

□ 1743

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, please let the RECORD show that had I been present I would have voted "aye" on rollcall No. 50.

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise to engage in a colloquy with my friend from New York [Mr. SOLOMON] about the schedule for the remainder of the week and for next week.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from New York.

Mr. SOLOMON. My good friend, the minority whip, I would say to him, Mr. Speaker, that we are pleased to announce the House has completed its work for the week and there will be no more votes today or for the rest of the week.

The House will next meet at 2 p.m. on the infamous day of Monday, March 17; I think some others than the Scotch that I am would refer to that as St. Patrick's Day; for a pro forma session. Of course there will be no legislative business and no votes on that day.

On Tuesday, March 18, we will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that any recorded votes will be postponed until 5 p.m. on Tuesday, March 18.

Mr. Speaker, on Tuesday we hope to consider the following five bills under suspension of the rules. They are:

H.R. 924, the Victim Allocution Clarification Act of 1997; H.R. 927, the U.S. Marshals Improvement Act; H.R. 672, a bill containing technical amendments to copyright laws; H.R. 908, a bill to establish a commission on structural alternatives for the Federal Court of Appeals, and H.R. 514, a bill to permit the waiver of D.C. residency requirements for certain employees of the office of the D.C. Inspector General.

Also on Tuesday, March 18, the House will consider under an open rule H.R. 412, the Oroville-Tonasket Claims Settlement Act; that is under an open rule.

The House will meet for legislative business at 11 a.m. on Wednesday, March 19, and at 10 a.m. on Thursday, March 20. We plan to take up the following measures, all of which will be subject to rules:

H.R. 1, the Working Families Flexibility Act of 1997; H.R. 929, a bill to ban partial-birth abortions, and H. Res. 91, a resolution providing amounts for the expenses of certain House committees for the 105th Congress.

We hope to conclude business and begin the spring district work period by 6 p.m. on Thursday, March 20, and I would thank the gentleman for yielding to me to explain this to the membership.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his explanation. I have just a couple of questions I would like to pose to him if he would indulge me for a second here.

On Tuesday H.R. 412, the bill that follows the suspension, the Oroville-Tonasket Claim Settlement Act; that is under an open rule on the floor. Does the gentleman from New York expect to complete that bill on Tuesday?

Mr. SOLOMON. Yes, we do.

Mr. BONIOR. So it could be into the evening on Tuesday?

Mr. SOLOMON. I do not expect we would go—that is not a very controversial bill, and I would expect we would be out sixish or even sooner perhaps.

Mr. BONIOR. Just so that the gentleman is aware, there is opposition to it on our side of the aisle, and I just want the gentleman——

Mr. SOLOMON. I know of one significant amendment that we discussed in the Committee on Rules.

Mr. BONIOR. So it may take a while and Members might be apprised that it may run a little bit beyond 6 o'clock. I just want the gentleman to know that.

And on Wednesday and Thursday, 19 and 20, my colleague mentioned the three bills. Does he know which day he is going to bring them up yet? H.R. 1?

Mr. SOLOMON. I say to the minority whip that he is a former member of the Committee on Rules and served there with me for many years. We expect to take up on the floor the Working Families Flexibility Act. It will be under a fair structured rule. That will certainly be the first taken up.

Mr. BONIOR. Wednesday maybe for that bill?

Mr. SOLOMON. Excuse me?

Mr. BONIOR. Is the gentleman from New York anticipating maybe Wednesday for that particular bill?

Mr. SOLOMON. Yes.

Mr. BONIOR. OK.

Mr. SOLOMON. And we are uncertain as to which of the next two would be brought up first, the ban on partial-birth abortions and the resolution providing amounts for the expenses of certain House committees for the 105th Congress. They both will most likely be brought up on Thursday.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman from Michigan yield to me.

Mr. BONIOR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I was delighted to hear my friend from New York say that the flexibility bill would be brought up under a fair structured rule, obviously meaning amendments would be allowed.

May I safely assume that the other two important bills would also be brought up under fair structured rules and allowing amendments that week?

Mr. SOLOMON. I can assure the gentleman. He knows that I made a personal commitment, as did Speaker GINGRICH, that we would be at least as fair as the Democrats were always to us and probably much fairer.

Mr. FRANK of Massachusetts. If the gentleman would yield again, I am glad to know he is flexible. May I ask my question again? The gentleman said there would be a fair structured rule. Does that mean that there would also be a fair structured rule of the same sort to the other bills?

Mr. SOLOMON. I would think so, although we have a fair Committee on Rules and we always take the minority in consultation, and we will have to make that decision. I certainly do not want to speak for all nine of them.

Mr. FRANK of Massachusetts. We will settle for the gentleman's commitment.

Mr. SOLOMON. My commitment is always to be fair.

Mr. BONIOR. I just want the gentleman to understand on the committee funding bill there is an immense amount of controversy on that bill and concern on our side with respect to the division of funding, and I hope it is not the last thing we do before we break for spring because I just want the gentleman to be aware that there are very strong feelings by our ranking and senior Members with respect to the funding of that bill.

So I hope we can work some things out next week on it, but if we cannot, I do not think it would be wise to make that the last order of business.

Finally, Mr. Speaker, let me just mention that the gentleman was patient in the debate we had this afternoon with respect to the paperwork reduction bill, specifically the previous question that dealt with campaign finance reform. I just want the gentleman to know with the deepest amount of respect how strongly we feel on our side of the aisle about that bill, about having—not that bill, that process, and having something coming to the floor. We can discuss a variety of bills and approaches, and we will be pressing that—as the gentleman probably was able to ascertain from our efforts today, we will be pressing that on a regular basis, and we are hopeful that in a fair, bipartisan manner we can have this out on the floor where we get a full debate and we can do it in a timely fashion.

Now we do not expect it to be done next week or perhaps within the next month. We expect some idea of when we as a body can address this issue, which is a growing cancer on the Democratic institution that we love so much here.

So I just want the gentleman to know up front where we are coming from, if he has not figured it out, and I am sure he has by now, about how strongly we feel about this, and I thank him so much.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, first of all I want to thank him for thanking me for being patient this afternoon. Sometimes that is hard to do, but we certainly are trying to have some comity in the House that will allow us to have meaningful work produced, and, as the gentleman knows, campaign finance reform is a very complex and important issue.

Unfortunately, or fortunately, whichever way one looks at it, we are bound by the U.S. Constitution. There are people like me that would like to bring a bill to the floor yesterday for full financial disclosure on everything, and I feel very strongly about that, just as strongly as the gentleman does on other aspects. But because it is complex, because we are bound by the Constitution, we have to make sure that what we do is going to stand the constitutional test, and that is going to take some time, but I do believe that this issue is going to be dealt with, and the gentleman has my assurances to help him make sure that we bring a meaningful bill to the floor that can be enforced, not like the present laws, which have been broken, as the gentleman knows, and which need to be enforced.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I would say in just brief response that it is just not a bill that we are interested in. We are interested in having their idea come to the floor as well as the myriad of ideas that we have out here to resolve this. The Senate is already moving on dealing with a constitutional amendment, and it seems to me that we ought to be at least discussing when, in fact, we will have our day. I frankly think this needs a week, a full week at least, of discussion on the floor because of its importance to the Democratic process and our lives, and our lives, which in many ways are out of control because of what we have got to go through, the hurdles that all of us have to go through, to compete in this insane system that we are living in.

So I thank my colleague, and I want to make sure that his disclosure bill has an opportunity, and I may indeed support it, but I think other opportunities ought to be available as well, and we wish the gentleman from New York a good weekend.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield, I also want to say this is my day to be delighted at the resolution of my friend from New York. I was particularly pleased to hear him pledge absolute fealty to the Supreme Court's interpretation of the Constitution as governing what we do, and I look forward to our being very closely governed by what the Supreme Court says we can and cannot do for the rest of the year.

Mr. SOLOMON. Mr. Speaker, if the gentleman will just yield further, I know Members probably want to go home for the evening, but I am just sure that no American expects a doctor to prescribe surgery until he has done a thorough examination, and I am going to tell the gentleman my colleagues all know I have been very much involved in what has been going on with what I consider scandals on not only breaking campaign laws. Those are very important laws. As my colleague knows, one single little violation is subject to a $5,000 fine and/or 5 years in jail and, lord knows, there have been so many violations, and we really need to get to the bottom of those, see what it is, and I think that will lead us into maybe some meaningful legislation to perhaps correct some of those illegal activities that have been going on.

And I thank the gentleman, and I wish him a very happy weekend as well.

ADJOURNMENT TO MONDAY, MARCH 17, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 18, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 17, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, March 18, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1800

PEACE AND STABILITY SOUGHT IN MIDDLE EAST

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, the people of Israel have endured a history of military threat that would have crushed a lesser nation. They have fought for and earned freedom and the right to be recognized as a nation of resolve.

The Palestinian people have also faced many challenges and difficult trials. The peace process has been as much a blessing to them as it has to the people of Israel. It was a major success for our Nation to have helped facilitate peace negotiations between the leaders of Israel and Palestine, and it is a delicate balance to maintain this most promising dialog. But recent reports that Yasser Arafat has invited diplomatic officials from several nations, including the United States, to criticize Israel for building in Jerusalem and redeployment from the West Bank can be a major impediment to the peace process.

I am deeply troubled by the fact that Israel has not been invited to participate in this meeting. I am even more troubled that the United States has apparently agreed to attend what would appear to be a one-sided meeting. Just as we cannot hear the sound of one hand clapping, we cannot expect to resolve conflicts by hearing only one side of the story.

Over the years our Nation, under several Presidents, has invested too much to blemish the wonderful image that we all have of Yasser Arafat and Yitzhak Rabin shaking hands in front of President Clinton at the White House, signifying that an era of mutual respect was replacing one of hostility.

I implore President Clinton and Secretary Albright to reconsider our participation in the meeting in Gaza. Please do not allow the news of the moment to overwhelm the work of a generation of leaders. Do not attend this meeting unless both parties to the negotiations agree that it will contribute to stability and our ultimate goal of peace in the Middle East.

APPOINTMENT OF MEMBER TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Member of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, Chairman.

There was no objection.

APPOINTMENT OF MEMBER TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provision of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, Chairman.

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 3 of Public Law 93–304, as amended by Section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH of New Jersey, cochairman; and Messrs. PORTER, WOLF, SALMON, and CHRISTENSEN.

There was no objection.

APPOINTMENT TO NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 306(k)(3)(a) of the Public Health Service Act (42 U.S.C. 242k(k)), as amended by section 263 of Public Law 104–191, the Chair announces the Speaker's appointment of Mr. Jeffrey S. Blair of Atlanta, Georgia to the National Committee on Vital and Health Statistics on the part of the House.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to commend the outstanding work of Lou Hinds, who has managed the J.N. "Ding" Darling National Wildlife Refuge on my home Island of Sanibel for the last 7 years. It came as no surprise when I heard that Lou was recently named "Refugé Manager of the Year" by the National Wildlife Refuge Association. He will receive his award in Washington on Monday, March 17. Throughout his service, Lou has taken a partnership approach to managing the refuge, involving local students, residents, tourists and community leaders. The community outreach program under Lou's direction is one of the most innovative in the country and many other refuges are working to replicate it.

The involvement of the community has been crucial to the success of the refuge. Realizing that the current visitor's center cannot adequately meet demand, refuge volunteers are spearheading a drive to improve the visitor's center through the use of private funds.

The refuge also works extensively with local students. Most notably, the Junior Naturalist Program, an educational partnership with an elementary school adjacent to the refuge, has been a terrific success.

This community-oriented approach has benefitted the refuge in terms of more space, equipment, and volunteers, but more important, it has allowed the refuge to serve as an educational resource for residents of southwest Florida and our many visitors from around the world. As a result, many have learned firsthand that by pursuing a sensible approach to safeguarding our resources, we can maintain a reasonable balance between growth and environmental protection.

Lou's work has made "Ding" Darling one of the finest refuges in the Nation, and I know that I speak for southwest Florida in expressing gratitude for the time and energy he has given so enthusiastically over the years. I want to extend sincere congratulations for a well-deserved honor.

EXPORT PROMOTION PROGRAMS KEEP JOBS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, we are engaged in a massive war, not with communist enemies or terrorist states, but with our friends and allies. This is not a military conflict, but a global economic war, competing for billions and billions' worth of export opportunities.

The battlefields are the towns and the factories spread throughout this great land of ours, and the foot soldiers in this war are the hard-working individuals whose efforts receive little recognition, but who drive the economy. They get up every morning, pack their lunch, get their kids off to school, go to their jobs and put a meaningful day's work in, and return home to their families, often unaware that a global economic war swirls around them.

This year Congress will reexamine several export promotion programs, including the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Agency, the International Trade Administration, and the Commerce Department.

All of these programs are vital strategic arms, helping these forgotten Americans keep their jobs in this global battle for market share. Yet some in Congress would ignore this reality and abolish some or all of these programs. They think these programs are unnecessary or corporate welfare. But just as unilateral disarmament did not work against the Soviet Union during the cold war, efforts to cut or eliminate U.S. government export promotion programs will not stop foreign government subsidies of exports.

Who do you think would win if the U.S. withdraws support for the Export-Import Bank or OPIC? Only our vigorous competitors in Europe, Japan, and Canada would be the winners.

Japan supports more than 32 percent of its exports with some form of export credit. France finances 18.6 percent. Yet the U.S. supports only 2 percent of its own exports, and some in Congress would do away even with this.

No one particularly likes Government support for exports. I wish I could waive a magic wand and everyone, completely based solely on quality and price, would be able to compete. But, unfortunately, that is not reality in the global arena.

Let me give you one specific example that impacted the district I am privileged to represent. Beloit Corp., with operations in Beloit, WI and Rockton, IL is a manufacturer of paper-making machines. There are only two other companies in the world that make similar equipment, one located in Finland, the other in Germany. Beloit wished to sell two machines to Asia Pulp and Pacific worth $330 million. This sale represents 40 percent of total sales for Beloit, translating into 2 years of steady work for 2,000 high wage, highly skilled union employees.

Obviously a sale of this magnitude takes several months and lots of hard work to compete. At every step of the way, Beloit's competitors from Finland and Germany were waiting outside the door of Asia Pulp and Pacific to take advantage of any opportunity. These foreign companies had already lined up support of their home government's export credit finance agency for their machines. Recently Ex-Im Bank came through with a $270 million loan that provided the winning edge for Beloit to finalize the contract.

If Ex-Im was not there, Finland or Germany certainly would have filled the gap, and hundreds of forgotten Americans in Beloit, WI, and Rockton, IL would have been out of work. Ex-Im's actions were vital in solidifying America's position and in the global marketplace in the paper-making industry.

It is because of examples like Beloit Corp. that inspire me to fight for these export promotion programs. They are vital strategic weapons, not frivolous. In 1995, Ex-Im helped generate $13.5 billion in exports for the U.S. economy, which directly supported about 200,000 high-wage U.S. jobs. Last year OPIC backed projects generated nearly $10 billion in U.S. exports. The Trade Development Agency has helped generate $9 billion in exports since its creation in 1981.

These are not faceless statistics; they are backed by hundreds of examples all across America, like Beloit, where a little help from these U.S. agencies and the Commerce Department proved to be the winning edge in securing a foreign contract.

Until all countries do away with all government export subsidies in a multilateral framework, these programs deserve our full support.

MARCH 1997 NATIONAL EYE DONOR MONTH PROCLAMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Bilirakis] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, since 1983, Congress has joined with the Eye Bank Association of America in proclaiming March as National Eye Donor Month. March is a time to encourage all Americans to register their eyes for donation. Throughout the country, the miracle of transplant surgery is drastically improving people's lives.

Today I rise to request that my colleagues take a few minutes to focus on eye donations. Some of you may not realize that a person's vision can be restored through corneal transplantation. Every year, thousands of corneal transplants are performed across the country, restoring precious sight to both the young and old. In 1995, over 44,000 corneas were made available by our Nation's eye banks for transplantation procedures.

While figures for 1996 are still being tallied, even greater totals are expected.

In fact, just outside my district, the Lions Club of Tampa, FL, operates one of the largest eye banks in the world. The Central Florida Eye and Tissue Bank restores sight to over 2,000 people every year. Nevertheless, the need for corneal transplants continues.

The benefits of sight-restoring transplant surgeries extend well beyond the people who receive the transplants. The benefits also extend to the transplant recipients' families, friends and communities.

In recent years, the public education campaigns launched by Congress, educators, and the media have had a positive impact on the success of eye donation programs.

Since 1961, when the Eye Bank Association of America was founded, member eye banks have made over a half million corneal transplants possible. The success rate of these transplants, Mr. Speaker, exceeds 95 percent.

Let me stress an important point. Anyone can be an eye donor. It does not matter if people have cataracts, poor eyesight, or other eye ailments. They can still contribute to improving the life of fellow human being, regardless of age or health status.

Another area that is somewhat confusing is how one becomes an organ donor. Many States have potential organ donors declare their intentions on their driving licenses. However, in order to guarantee that an organ donation will occur, a person must share, and I repeat, must share these intentions with his or her next of kin and other family members.

In some cases, the deceased person's next of kin may object to their loved one becoming an organ donor because the matter was never discussed. If an individual's next of kin objects to their loved one becoming an organ donor, those wishes are usually respected. It is extremely important that potential organ donors make their intentions clear with family members before it is too late.

Today, Mr. Speaker, we have a tremendous opportunity to educate our fellow Americans about eye donations. We must take this occasion to encourage all Americans to give the gift of sight.

What better legacy to leave than to have our eyes become someone else's miracle?

□ 1815

CONSERVATION RESERVE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member comes to the floor to raise concerns about the Conservation Reserve Program signup which began on March 3.

Over the past decade, the Conservation Reserve Program, the CRP, has proven to be enormously successful. It is a national investment which provides dividends to farmers, environmentalists, sportsmen, conservationists, the general public, and wildlife. The CRP is a voluntary program established by Congress in 1985 that provides incentives for farmers to convert land poorly suited for row crops into grasslands and tree cover. Grasslands and trees in turn prevent topsoil erosion, improve water quality, and provide critical wildlife habitat.

The CRP has now reached a critical point as previous contracts expire and new land is enrolled in the program. This September, the contracts on more than 60 percent of existing CRP acres will expire. That is 60 percent. Last month, the U.S. Department of Agriculture issued its long-delayed rules to govern the enrollment of new land into the program. The new rules make two-thirds of all existing U.S. farmland eligible for the program. It is possible that half the program's acres could be enrolled during this upcoming signup period.

These facts make it clear that a careful, thoughtful approach is needed to ensure that the benefits of this successful program are not lost. Unfortunately, this Member must be concerned that the complex new rules combined with the short time frame in place to implement them could lead to an unmitigated disaster which could tarnish this program for many years to come.

By taking so long to issue the rules, the USDA left a ridiculously short amount of time to inform producers and employees about the changes, conduct the signup and reach decisions about which bids to accept. Mr. Speaker, this is clearly a recipe for a bureaucratic disaster. While the intent of the new rules to focus on more environmentally sensitive land is, indeed, laudable, and supported by this Member, this Member is also concerned that the rushed and haphazard signup process will make this goal much more difficult to reach.

Although local USDA employees are doing their best to implement these new rules, they have clearly been given a demanding task which has been made even more difficult by shifting instructions. Recent changes in the rating system during the signup process has only added to the frustration of producers.

Another concern about the signup is that the proposed rental rates announced by the Farm Service Agency office do not reflect the grassroots input that was solicited and furnished last fall. A related concern is that the resulting rates in many instances could significantly distort any signup efforts.

A local County Conservation Review Group recently reviewed the rental rates for counties in southeastern Nebraska which were announced by the USDA. In one instance, the same type of soil is projected for a rental value of $84 per acre in one county but only $58 per acre across the road in another county. Disparities such as this are simply too great.

Mr. Speaker, this Nation has invested too much in the CRP to risk it on a rushed signup process. This Member believes it would be wise, and yes, absolutely necessary to offer an extension for existing contracts which expire this year. Such action would allow sufficient time to carefully analyze the new guidelines and determine whether any corrections are needed before the majority of CRP signups take place.

I would like to start it now because so much is involved in the signup period, but simply, we have waited too long at the USDA. It would be extremely detrimental if irreversible damage is done to the CRP during this signup period. This Member believes that the new process should be tested to determine whether the new rules are feasible and beneficial. Action must be taken now before it is too late.

THE SIGNIFICANCE OF ST. PATRICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I want to speak about something a little bit out of the ordinary of what has been discussed today. I want to talk about St. Patrick. We are coming up on St. Patrick's Day, and though many people celebrate it in this country, few in America understand or recognize the significance of St. Patrick in the history of western civilization.

In fact, I have been reading a book called "How The Irish Saved Civilization," and it lays out wonderfully the story of St. Patrick who, at the age of 16, was a member of a British family in the fourth century and was also a member of the Roman Empire.

Late one night he was actually kidnapped by Irish barbarians and sold into the slave trade in the fourth century, and from the age of 16 to the age of 22 he stayed out in the cold and the rain as a shepherd. He was poorly clothed, he was not fed well at all, and in fact he spent his evenings nearly freezing to death in barns along with the other slaves.

In the middle of the night, of one of his nights in his 22d year, God came to him in a vision and told him to go south, a ship would be waiting for him. So Patrick journeyed south and sure enough, a ship was waiting for him that took him back to Great Britain.

The story of Patrick goes that he went back to Great Britain, once again was reunited with his family, was educated, and a few years later God came to him again in a dream and told Patrick that it was his duty to go back and spread the gospel to the people of Ireland.

This was a first, and in fact, I will be reading from "How The Irish Saved Civilization." Thomas Cahill writes:

> However blind his British contemporaries in the 4th century may have been, the greatness of Patrick is beyond dispute. He was the first human being in the history of the world to speak out unequivocally against slavery. He was also a first as the first missionary to barbarians beyond the reach of the Roman law. The step he took was in a way as bold as Columbus', and a thousand times more humane, speaking out against slavery and going to barbarians to spread the Gospel. He himself was aware of its radical nature.

"The Gospel," he reminded his accusers later in life, "has been preached to the point beyond which there is no one," nothing but the ocean. Nor was he blind to his dangers, for even in his last years, he said, "Every day I am ready to be murdered, betrayed, enslaved, whatever may come my way." But in his last years, he could probably look out over an Ireland that was transformed by his teaching.

With the Irish, and even with the kings, Patrick succeeded beyond measure. Within his lifetime or soon after his death, the Irish slave trade which had once enslaved him came to a screeching halt, and other forms of violence, such as murder and intertribal warfare, decreased greatly.

However, Patrick's emotional grasp of Christian truth may have been his greatest success, and greater than Augustine's. Augustine looked into his own heart and found there the inexpressible anguish of each individual, which enabled him to articulate a theory of sin that has no equal, which is the dark side of Christianity.

Patrick prayed, made peace with God, and then looked not only into his own heart but into the hearts of others. What he saw convinced him of the bright side, that even slave traders can be turned into liberators, even murderers can act as peacemakers, and even barbarians can take their places among the nobility of heaven.

Hopefully, Mr. Speaker, on this St. Patrick's Day that is a lesson that all of us can learn.

HEALTH CARE FOR OUR NATION'S CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, once again, today I rise to draw the attention of my colleagues to the problem of so many children in our country who do not have health insurance, and I am very pleased that I am going to be joined today by the gentlewoman from Oregon [Ms. HOOLEY], who is here also to talk about the same issue because of her concern about the fact that this Congress so far has not addressed the issue.

I have been talking over the last few weeks, and I guess a couple of months now, about various reports that have come out in various States; we had one in New York City, and we had another one in Massachusetts. We have had accounts in some of the Nation's major newspapers pointing to the problem of increasing numbers of children that do not have health insurance in this country.

Well, yesterday the Children's Defense Fund, which is certainly one of the leading organizations that is an advocate for children, and particularly on the issue of health care for children, released its annual report on the state of America's children. And like so many other reports congressional Democrats have been talking about here on the House floor in recent weeks, the Children's Defense Fund report is full of disturbing information about the number of children that lack health insurance.

It is information, of course, that congressional Democrats have cited time and again in our ongoing effort to convince the Republicans that the issue of uninsured children is one of the most, if not the most important issue the 105th Congress should examine. I emphasize the word should, Mr. Speaker, because to date the Republicans have yet to incorporate a health insurance program for children into their agenda for Congress.

Well, among the all too familiar information contained in the Children's Defense Fund report is the total number of uninsured children in this country: some 10 million American kids lack health coverage. Since 1989, the number of children without private health insurance has risen by an average of 1.2 million per year. I stress that: 1.2 million per year. Nearly 90 percent of uninsured children have at least one working parent, and 64 percent have a parent who works full time, so we are talking about working parents here. Every day that goes by without congressional action, 3,300 more kids are added to the ranks of the uninsured, a trend that has been exacerbated in recent years by the growing number of working parents who do not qualify for Medicaid but remain unable to afford insurance for their kids. As I said, these numbers continue to grow.

I have to say, though, that we must be careful not to get too caught up in the practice of simply reading the numbers. I do that a lot, and I do not want to just emphasize that. The emphasis has to be placed on who exactly are the uninsured children, why they are uninsured, and what are the consequences. Perhaps if we can help our Republican colleagues understand the consequences, we will have greater success in convincing them that providing health insurance to children is of the utmost importance.

I just wanted to talk a little about this CDF report. It does an excellent job of explaining what really is the issue here. Just a quote from the report. It says:

> The human costs of children's lack of health coverage are high. Study after study have shown that children and adults lacking health insurance are more likely to see doctors less often, even when they are sick, or to go without preventive care and to emergency rooms when they need treatment.
>
> Seven of 10 uninsured children live in families with incomes below 200 percent of poverty. Many such families must choose between paying the full cost of prescriptions and doctor visits for uninsured children and paying for other basic family needs like the rent, utility bills or whatever. Care is sometimes delayed when children are sick, with parents hoping that no harm results.

Mr. Speaker, we are talking about families where one or both parents work. These hard-working parents, as the CDF report puts it, are playing by the rules, and more often than not their wishful thinking does not work.

The report notes, and I just want to mention this quote, because I think it is really true, that the report notes that "perhaps less obvious, quote, perhaps less obvious, but no less damaging are the educational, social and economic costs to the children who lack health insurance and to the Nation."

Children who are unnecessarily ill can miss days, weeks, or even months of school and their parents can miss significant periods of work. A child who cannot see the blackboard well and his parents cannot afford a visit to the eye doctor or eyeglasses cannot learn up to his or her potential. Uninsured pregnant women without adequate prenatal care are more likely to deliver babies with dangerously low birth weights, and the average hospital costs for a low-birth-weight baby are 10 times the cost of prenatal care.

Mr. Speaker, this is the yearbook that the Children's Defense Fund put out. It is called "The State of America's Children," and I would suggest that every one of our colleagues take a look at this document.

This afternoon, actually this morning, I had a number of physicians from my district that were down to visit me from the New Jersey Medical Society, and some of them were on a cable TV show that I had earlier this afternoon. I asked about the issue of preventative care, and one of the physicians was an eye doctor. He specifically pointed out how in the case of eye disease, prevention and being able to see an eye doctor and getting help when problems start is so crucial and really prevents serious eye disorders down the road.

□ 1830

Also, I would note how very inexpensive it was to deal with preventative care to make sure children were seeing a doctor, as opposed to having to go to a hospital or having a very expensive operation later.

At some point during our special order, I would like to talk about some of the legislation that my Democratic colleagues have put forward to try to solve this problem, as well as the proposals that have been put forward by President Clinton.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, in some of these things I will be repeating the same as the gentleman from New Jersey, but I think they are worth repeating. It is alarming, the number of children in this country who do not have any health care. Again, it is over 10 million children with no health care. Every minute, every minute, three children lose their health care coverage. By the year 2000 if nothing changes, as many as 12.6 million kids will have to depend on an emergency room as opposed to a family physician.

Let me try to tell the Members what that means for our kids. Most of the uninsured children are at risk for preventable illnesses. For example, one in two uninsured children who have asthma do not visit the doctor during the year. As a consequence, these kids end up in the hospital with problems that could have been prevented with proper care. All we need to do is look at the kids that are uninsured who have ear infections, a very common problem for kids. One in three never see a doctor, and many end up with permanent hearing loss.

It is situations like these that make me think about the parents who lay awake each night wondering what they can do when their kids get sick. There is no instinct as basic as that instinct to protect one's children and care for one's children.

Today there are too many parents in America who cannot act on that instinct. The real tragedy of the situation is that these are parents who play by the rules. Nine out of ten uninsured children have parents who work. These are not deadbeat parents, these are parents who work, but their employers do not provide coverage for their employees' children.

We have Medicaid that helps the very poorest of the children, and we have families that are well off that can afford insurance, and we have some people that work for employers who provide that insurance; but we have millions of parents who work every day, who are trapped in the middle. They have just enough money to cover their food or their housing and clothing for their children, and they simply do not have the money to pay for health insurance. But we can help. I think it is time that we provide some kind of targeted tax credit that will help working families provide that health insurance that their kids so desperately need.

This is not a new government program. We can do it within our current structure. It is a way to make the current health system work for working families.

Mr. Speaker, I think it is a very practical, commonsense solution to a growing problem. It is a problem that every parent caught in the middle has to deal with, and we need to make sure that these parents can provide for their children. We cannot afford to do anything different.

Mr. PALLONE. Mr. Speaker, again I think the Children's Defense Fund report that both of us are making reference to really explains to us what the nature of the problem is.

Some people have said to me, why is it that the number of children who do not have insurance has gone up in recent years, because Congress has made an effort over the last 10 or 20 years to expand Medicaid, which of course is the program for those below a certain income, and many States have actually instituted programs to try to cover those children who were not eligible for Medicaid on their own. So we had this effort over the last 10 or 20 years to expand Medicaid on the Federal level and to also have States address the problem.

I think the Children's Defense Fund report explains very well, the reason why those efforts have not been enough is because during that same period, the last 10 years or so, we have seen fewer and fewer employers that provide any health insurance coverage for children, and also they increasingly charge the employee either the full cost of a group plan or a significant portion of the cost, which makes it unaffordable.

We also have the phenomenon now increasingly where an employer will pay either all or part of the cost to the employee, but not for the family. That was not the case so much in the past.

Just to give some statistics again from the report, it says that more workers are on jobs that either provide no health insurance benefits or require employees to pay unaffordable amounts. In 1993, more than three-quarters of employees at medium and large companies had to pay some or all of the cost of family health insurance provided through their employers. In 1980 the proportion was less than half.

Then it gives some statistics from the Health Insurance Association of America that says the total cost of family health coverage in 1992 averaged $4,500 to $5,000 a year, but in 1993 employees of medium and large companies themselves paid an average of $1,300 a year for family coverages. Employees of small companies were even worse off. They paid an average of $1,900 a year.

So what we see is moderate-income working families who live from paycheck to paycheck who simply cannot afford, even if the employer offers a policy, they cannot afford that coverage. That is why all our efforts, and of course they were good efforts on the part of Congress and the State legislature, have helped, but we continue to slide back because of increasingly the situation with people not getting health benefits through their employer.

Ms. HOOLEY of Oregon. Last weekend I was at home, Mr. Speaker, in Oregon, and I was at a community health program. I talked to some of the people there. I think it is helpful to hear some real life stories. I can give a lot of them, but let me just repeat a couple.

I was talking to one woman who had three children, two smaller ones and a child that was 9. She had no health care coverage. She was working. She worked for $6.50 an hour. She was working about 26 hours a week. Her employer provided no health insurance for either her or her children. Her husband worked. He had a very low base pay. He worked on commissions. Some months he made better than others.

In Oregon we have what is called an Oregon Health Plan, but because you have to be consistently at a certain pay level, some months he made more so he was not eligible, and then the months that he made less, by the time he got eligible he was into a month where he made more. But the fact is, they never had enough money for insurance.

So they have three children, both parents are working, he is working full-time, she is working more than half-time, neither company provides insurance for their children. They are living really month to month, and in this instance, they were able to go to a community health program where they paid on a sliding scale and got some attention, but it is very difficult. It is a community health program that has too many patients, no more room to expand, so they are also restricting the number of people they can see.

Another person I talked to was a father of four kids, two sets of twins, and his youngest child got sick, one of the younger twins. He took that child, he said, all day long from clinic to clinic to clinic, and he was turned away. He was turned away at the emergency room, trying to find some place to take his child. Again, no health care.

He was a person that worked hard, worked full-time. He worked three different jobs, but he traveled, so he worked 3 months or 4 months or 5 months on one job, another 4 or 5 months on another job, and so again the employer did not cover the cost because he was not there full-time. But he was not a person that was not working very hard at what he was doing, but barely able to make ends meet. That is a very common story.

Mr. PALLONE. I think what the gentlewoman described is a very typical situation. I know in New Jersey I have people come into my office with very similar types of situations, either because maybe they are not working full time at the same job, or they have several jobs. It is just very common.

Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI], who has been out front on the issue of health care coverage for a long time.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his leadership on this and so many other issues of importance to the people of our country, and for calling this special order. I am pleased to join him and one of our new Members of Congress, the gentlewoman from Oregon, and I thank her for her leadership on all of these issues, as well.

Mr. Speaker, I serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations. On that committee we deal with the welfare of America's children in many ways: their health, their education and well-being, and the economic security of their families, which is related to their well-being, that is for sure.

What we see in that committee from the scientists who come in and tell us what the possibilities are now in science, and what we know about the development of children's brains, is how important it is for them to have the proper nutrition and care before they are born even, and how essential that is, and that investments in their good health are very good investments for our country indeed.

The opportunities are great. Knowledge that we have gives us plenty more opportunity to help our children not only reach their own personal fulfillment, not only strengthen the families from which they come, but also enrich our own country in terms of our family values and our economic strength. So we all have a responsibility to these children.

Every parent, of course, has a responsibility to his or her child, but on our committee we are trained to think of every child in America as our child, all the children as our children, because indeed they are our responsibility.

So in Congress, we have a responsibility, as well as State legislatures have a responsibility, to expand health care coverage to insure America's nearly 10 million—as has been referenced by my colleague—uninsured children. These are important efforts.

We also have responsibilities as a society, every segment of the society has a responsibility to help children receive necessary health care. Parents should use every opportunity to buy health insurance and provide for the care of their children. Employers must renew their willingness to provide workers with family health coverage and other family supporting benefits. They should stop dropping coverage for children and pay premiums for family coverage. States should ensure that all eligible children are enrolled in Medicaid, and should adopt good child health programs like those adopted in 1966 in New York and in Massachusetts.

Again, the Federal Government must also help working families obtain health insurance for their uninsured children. A child's chances of growing up healthy and strong should not depend on what State he or she is from. We have a Federal responsibility.

Any initiative on children's health coverage must be effective, not symbolic or cosmetic, and should include certain basic principles.

I too want to acknowledge the good work of the Children's Defense Fund for helping to define the problem, to quantify it in statistics, the challenge we face, and to qualify it in terms of the nature of the problem we are faced with. I associate myself with the principles they have advanced that state that uninsured children, at least through age 18, and uninsured pregnant women should receive coverage for all the full range of necessary services, including care required for children with special needs.

The proposal should build on successful private, State, and Federal efforts to help working families afford health insurance for their children, and while there is a broad consensus that working parents should help pay for their children's private insurance, the cost must be affordable, it must be based on family income, and must allow all families to obtain coverage and seek care for their children.

While I think it is very important for employers to retain and in some cases obtain health insurance for their workers, I think that the sad part of all of this debate about children in America is it is so obvious that it is such a good investment, that these children will be stronger in every way if they are invested in in terms of their good health. But also the fact that we have to talk about a public role I think speaks to the fact that wages in America have not risen with our great economic success. In some ways, government is once again being called upon to subsidize a low wage in America.

Every working parent should either have health insurance with his or her job, or have the ability to purchase health insurance for their children. No wonder some people find it a matter of survival to have to go on welfare in order to receive Medicaid benefits if their children are sick and they simply have no other recourse. Let us not have seeking health care be an incentive to go on welfare. That is exactly the wrong direction. But also let us look to the needs of not only people on welfare, but to the working poor in America and their health care needs.

I thank the gentleman once again for his leadership on this.

Mr. PALLONE. I want to thank the gentlewoman, and I think particularly what she said at the end there about how unfair it is, or the disincentive it creates, that in fact people who are working oftentimes do not have health insurance for their children, and yet people who fall below a certain income are on welfare, and end up having health insurance.

We certainly do not want to encourage people not to work, which is basically the disincentive that is sometimes built into the system. I think that is very important. I appreciate her comments in that regard.

□ 1845

I wanted to also mention, going back to what my colleague from Oregon said, the situation with regard to self-employed, part-time temporary workers, independent contractors, parents working for very small businesses or service sector companies. These are the areas that the Children's Defense Fund points out where they are very likely to have parents who work, but they are not having any health coverage for their children.

What is interesting about it is, if we look at it from a cost point of view, because we always have to be worried about cost in the Congress, is that the parents who do not have access to a group policy through their employer often have to pay $6,000 a year or more, according to the Children's Defense Fund, if they buy a family health policy on their own.

Obviously when you talk in those kinds of numbers, it is completely out of the question for many of these working families. The other thing, going back to prevention, because I think we continually have to stress that, the cost that is saved, the amount of money that is saved through preventative measures, and they give some very good examples with the Children's Defense Fund report where they talk about preventative care and say that each dollar invested to immunize a child saves between $3.40 and $16.34 in direct medical costs. Nine months of prenatal care costs $1,100, 1 day of neonatal intensive hospital care for a low-birth-weight baby costs $1,000. On the average, hospital costs for low-birthweight babies are 10 times the costs of prenatal care.

Mr. Speaker, they give an example in Florida where a rural county provided all children and pregnant women access to outpatient health care and the rate of premature births dropped by 39 percent. The percentage of children receiving checkups doubled and emergency room visits were cut by nearly 50 percent.

We had some discussion in our children's health care task force that the Democrats have about the costs and estimates basically around $500 per child if we were actually covering every one of the 10 million children who do not have insurance. So compare that $500 to the cost that some of these families are paying annually, well, they can't afford it. But if they could afford it, I mean the bottom line is that, if you devise a program that takes in most of these children, it can be a very relatively, a very cheap policy as opposed to the costs of insuring an adult or senior citizen.

Ms. HOOLEY of Oregon. A lot of these parents, they cannot afford a full policy. They find it unaffordable. It is not that they are not willing to pay some money and squeeze out some money out of a very limited budget for some health insurance. It is the cost. Mr. Speaker, if we go out and buy individually for a family or what we were talking about, if they work for a small business, they are a part-time worker, there is maybe not a policy in their company, and for them to go out and buy that individually is very expensive. But these are, if it were a little more affordable, these are people willing to help and pitch in to pay for part of it. They just cannot afford the whole coverage.

It reminds me when we talk about the cost and about prevention, I do not know if we remember the old television ad: You can pay me now or pay me later. It is one of those, if we do not take care of them now, we really do pay so much more later on.

Mr. PALLONE. Exactly. That is true.

Mr. Speaker, I just wanted to mention briefly that obviously there are various proposals that Democrats have put forward about how to deal with this problem. The President has a proposal, some of our leaders in the House of Representatives have proposals. I just thought I would mention a few of them. We do not, not necessarily saying which ones are better than others. One of the things is to just mandate that insurance companies provide a kids-only policy because there are a lot of parents who cannot afford, for example, or may decide that they do not want to cover themselves but still want to cover the children.

My understanding is it is very difficult to buy that kind of policy. So you could actually say that any insurance company that does business with the Federal Government, for example, has to provide a kids-only insurance policy.

The other options that have been put forward, one is H.R. 560 by the gentleman from California [Mr. STARK] that establishes a new Medicare-like entitlement program for children under age 18, so we could expand Medicare. We could expand Medicaid to bring in some of the children.

The other one, another one, H.R. 561, by Representative STARK again, authorizes a refundable tax credit for 95 percent of the costs of children's health insurance. So again, we could use tax credits as a way of trying to provide coverage.

I wanted to also mention Senator DASCHLE has S. 13, which establishes a Federal program of subsidies for children and families with income under 75,000. So we could basically subsidize care, based on sort of a sliding scale, based on what a person can afford. And of course the one that, the proposal that has probably had the most coverage in the media was what President Clinton proposed in his budget. Basically he has a number of provisions to expand health insurance. He has a State administered program of temporary health insurance premium assistance for unemployed workers and their families. He has a Federal grant program to encourage the development of voluntary health insurance purchasing cooperatives, and then he has grants to States who expand children's health insurance.

Mr. Speaker, I just mention these because there really are a variety of ways to accomplish this. Frankly, it is not that costly. The more children you include, the less the cost actually becomes per child.

I think that I want to leave everybody with this tonight, and of course we have been saying this over and over on the floor the last couple of weeks or the last couple of months now, is that as Democrats we feel very strongly that this issue needs to come to the House floor. We would like the Republican leadership to give us a date certain and say as of such and such a date, I think the President throughout the date of July 4, that as of such-and-such a date, a children's health insurance proposal or some combination thereof will come to the House floor. We will have an opportunity to consider it and to vote on it.

What was really bothering me is that in discussing their priorities, the GOP basically has not included this issue. And I think that is wrong because it is an issue that must be addressed. That is why we are going to be here almost every day or at least several times a week talking about the nature of the problem.

Ms. HOOLEY of Oregon. Again, all I want is a chance for it to be brought up so we can look at all of the different ways. I think we can do it within the current system, but I would like to see it brought up so we can have that debate on how do we solve this problem, how do we cover our kids with health insurance, a critical issue, one facing an incredible number of families. Just think about it, three kids every single minute. We have been talking I do not know how many minutes, but three kids each of those minutes we have been talking loses their health insurance. It is an issue we just have to face.

Mr. PALLONE. I yield to the gentleman from New York [Mr. SERRANO], who has been on the floor several times in the last month or so talking about this issue.

Mr. SERRANO. Mr. Speaker, I would like to thank once again the gentleman from New Jersey for bringing us together, as you have on different occasions, to discuss this subject.

I was back in my office at the beginning of this hour listening to the comments of both of you as well as other Members. It dawns on me that one of the things we see in this House quite a bit of and throughout the Nation recently is in the last few years people celebrating the fact that the cold war is over and that we have played a major role in bringing that about and that we were very influential in changing the way different countries behaved.

I think we have to celebrate that. I think it is good. It is a good sign about who we are as a people and a nation.

But I think that when we do that, we also have a responsibility and that is to every so often look inward and take a look to see what we are accomplishing right here at home.

When you look at the figures, for instance, in my city of New York, where 25 percent of all the residents under 65 are not covered by health insurance and where 20 percent of all children under 18 are not covered by health insurance, we know that this is a very serious problem. But what is interesting about it, both of you brought this up, is that 22 percent of those who are insured work for corporations, for companies that have more than 1,000 employees. That is an alarming statistic.

We thought that if you were working, one, two, working for a large outfit, everything would be fine. Here we have the wealthiest city in the world in the wealthiest Nation on Earth with 25 percent of its population not insured.

Then there is a contradiction in that we say, if you are very poor, as so many are in my south Bronx district, we will cut you here and there, but we will try to find a way to take care of you. But what you have to do is get yourself out of the condition and move forward. And when some people do by their bootstraps and in some cases with past government help move out of that condition, they find themselves then not having the availability of health insurance for themselves and for their children.

How are we judged throughout the world? How do we judge ourselves? Well, some of us would say that because we have a great army, which is always ready, that we are a great nation, and that because we have accomplished so much in technology and other fields, we are a great nation. And we are and those are good signs of what we have done.

But I think that there is taking a bite out of our existence and our future as a great nation and our present as a great nation the fact that so many of our children are uninsured. And I do not understand why anyone in charge of this House would say, we are not going to include that as an issue for discussion.

I represent a district that has many titles. It is one of the more compact districts in the Nation. You can walk my district from one side to the other in 30 minutes. That is good for me. It is also bad because my opponent can walk it in 30 minutes also. It is one of the youngest districts in the Nation. It is at times one of the poorest districts in the Nation.

And I have had friends of mine come to visit the district, and the first thing they say to me is, there are so many children: children who are going to school, children who are living in the neighborhood, children who are looking towards the future. The majority of those children have parents who are working, and yet the reason we are here tonight and the reason we have been here before and the reason we will continue to be here is because there is something terribly wrong at this moment in our country when we have allowed the situation to get out of hand to the point where if you did not know that you were watching Members of the U.S. Congress, you would think that you were watching members of another parliament or another government discussing conditions in their country. These are American children, and we are the country that claims that we have solved so many problems.

I would make the same request that I made when I joined the gentleman from New Jersey before, and that is, if you are a parent, if you are a guardian of a child who is not going through this condition, as you help that child with his or her homework tonight, as you put that child to sleep, as you cuddle and tuck that child in bed and pray with him and feel good about the fact that you have got a good family which is doing well, maybe perhaps you will just take another 15 minutes and write to a Member of Congress and say, I put my child to sleep. My child has health care. My child is OK. I may complain about other things in this society and what Government is doing, but this is OK. I do not have a problem with you if you deal with this issue so that other children can have what my child has and that other parents can feel as good as I feel about my child's safety.

I think what we need to do is to begin to have people who are in a better situation than others to defend the need for those folks to have something a little better than what they have now.

I think that eventually we will be measured amongst many things in terms of how we treat our children. If we have to continuously get up to bring up this subject and it does not get solved, then that will be our failure. So I would hope that we come together, that we continue to do this. And once again, I want to thank you for the opportunity to join you tonight and to continue to ask you to continue this fight. You have been the leader on it for such a long time. Do not give it up. It is the right thing, and we will stand by you together as we do this.

Mr. PALLONE. I thank the gentleman. And I particularly appreciate what he says about getting our constituents to reach out and other constituents to reach out to their Members of Congress to make them aware of the fact that this is a crisis and that it needs to be addressed.

I do not like to give out what I would consider unfavorable statistics about our country, because I am so proud of our country, but you mentioned about our situation here in America versus other countries. If you look at, again, this is from the Children's Defense Fund, this report we have been talking about this evening, they point out that in every industrialized country children get better health coverage than in the United States. Every other industrialized country provides health coverage to all its people.

America, of course, does not even cover all its children. The United States ranks 18th in overall infant mortality. Only Portugal does worse. And if the United States matched Japan's infant mortality rate, more than 15,000 American babies who died before their first birthday in 1994 would be alive today.

□ 1900

The United States ranks 18th in the percentage of babies born at dangerously low weight. No industrialized country does worse. Again, it is not because we want to point out bad things about our country, but it is really shocking and it is really shameful that in the greatest country and the wealthiest country in the world that we have to point out those statistics with regard to infant mortality and health care.

Mr. SERRANO. If the gentleman will yield, I think he makes an interesting and a very important point. This is not about knocking ourselves, about turning our backs on our country. This is not about an unpatriotic act.

This is about the fact that the strength of the country is in the future of its children, and if at the present we cannot provide them with health care, not to mention other harm we may bring to them, if we cannot provide them with basic health care, if we cannot allow a parent to feel the safety of knowing that that child will get sick and will be covered by health insurance in a country where you have to pay for medical care, if we cannot do that and if we keep quiet about it, then we are not honoring our country, I think. We are just dishonoring the country.

We have to speak up and say this is a problem. But we are not saying, "This is a problem, fix it." We are saying, "This is a problem. You as a majority party bring the issue to the table and give us the opportunity to participate with you in finding solutions."

Again, and I will close with this, as I said before, we have solutions. We have covered X amount of people. If we were inventing a health care system in this country, that would be a problem. If no one was covered and we had to start from scratch to cover people, that would be a problem. But most Americans are covered by a health plan. So what we have to do is make sure that others are covered. We do not have to reinvent the wheel.

This should not be so difficult if the willingness is there, if the desire is there, if we begin to accept the fact that there are people in this society in certain conditions not because they chose those conditions or brought them on themselves, if we get out of that mentality and say, "Yes, I am my brother's keeper. If there is a 9-month-old baby who is not covered, that is my problem, too. If there is someone uncovered somewhere else, that is my problem, too."

If we get into that mentality, then I believe we can deal with this issue. We do not have to reinvent the wheel or set up a new plan, just deal with what we have in this country, just make sure it is fair and expanded to all.

Mr. PALLONE. I agree completely. Again, I want to thank not only the gentleman but also the gentlewoman from Oregon because she continues to point out, I think a major point here, we are talking about working people who are willing to pay either all or some of the cost of the health insurance for their children. But unless we establish some system, as the gentleman from New York said, to build on the existing plans that are out there, they just do not have access to it, or it is too costly for them because they do not get it through a group plan, through their employer or whatever. We are talking about working people.

We are going to continue to do this over the next few weeks and the next few months, I hope not the next few months because I hope our colleagues on the Republican side of the aisle will be willing to bring this up at some point in the next few months. But we have to keep talking about it because it really is a crisis, as the Children's Defense Fund report points out.

CONGRESSIONAL POLICYMAKING FOR WORKING PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, the previous discussion, I think, is really a good prelude to what I have to say, it really dovetails neatly. We have a situation in America where we cannot take care of, or we refuse to take care of, a large part of the population of our children. We refuse to take care of it, even though the gross national product is quite healthy, the profits are booming on Wall Street, we have an unprecedented period of prosperity, no recessions for a long time, and yet we are refusing to take the necessary steps to take care of the health needs of the children of America.

We have already dropped any discussion of a universal health plan. That is off the board completely. Beyond the children, there are 40 million Americans who are not covered, and that number is increasing all the time. We are not even discussing it. This is an era where those who have the most are in charge. In the last election, unfortunately, large numbers of people did not bother to come out and exercise their democratic right and vote, so there is a great deal of contempt for people out there who have needs and did not bother to go vote to protect their rights or their needs.

So as a Member of the House of Representatives' Education and the Workforce Committee, I would like to talk today about the state of affairs with respect to policymaking for working people in this Congress, what is ahead of us, what are the dangers, what does it mean to have the first bill introduced by the Republican majority, a bill known as H.R. 1, what does it mean to have that bill focus on the elimination of overtime cash payments.

The Republicans are coming for your overtime, working people. The Republicans are coming for your overtime. They have made it their highest priority. It is the first bill introduced by the Republicans, a bill to change the Fair Labor Standards Act so that the Fair Labor Standards Act will no longer require that all employers pay overtime in cash. The Fair Labor Standards Act says you must receive time and a half for any hours worked over 40 hours per week. That is the present law. They want to change the law to say that the employers can pay you in comp time. They will give you an hour and a half off for every hour you work overtime instead of cash.

That is what H.R. 1 is all about. I call it the Employer Cash Enhancement Act. It is an act which will put large amounts of money in the hands of employers that they did not have before, because really do you think there are many employers who will make the choice to pay an employee, an hourly worker or a salaried worker who is required to receive overtime in cash, how many employers would make the choice to pay them in cash if they can pay them with comp time, time that they can take off later? You cannot invest comp time on the stock market. You cannot invest it in new plant, new equipment. You can invest cash. And always the tendency will be to move toward the employee who chooses to take comp time instead of cash.

The bill talks about choice and says it will be a violation of the labor law if any employer refuses to give the employee a choice, but it does not say how that can be monitored. It does not talk about the details in terms of here is the employer who holds a great deal of leverage over the employee, here is the employer who decides whether they stay on the job or not. He does not have to keep them.

Here is the employer who does not have to say to them, "I demand that you take your overtime in comp time instead of cash." The employer can just say, "Who wants to take their overtime in comp time and who wants to take it in cash?" We will suddenly find that all the people who choose to take their comp time in cash, refuse to take their overtime in comp time, are suddenly in a few weeks laid off, or dismissed.

There is no reason why private employers have to keep people on, they have a lot of leeway, and they are replaced with other people. All the people who choose to take comp time, want an hour and a half for every hour they work, they are kept on. All the people who chose to take it in cash, they are gone. The message will get out there very rapidly.

In fact, working people in situations without the protection of unions and even in many cases with unions, they know very well where they stand with respect to their employers. They will get the message very rapidly.

So here is the Fair Labor Standards Act that was brought in by Franklin D. Roosevelt as part of the New Deal because you had exploitation and oppression of workers, workers were made to work endless hours without being compensated at a rate for the overtime greater than the regular rate. This Fair Labor Standards Act has many other provisions, and it came along at a time when we created a number of pieces of labor law which still exist. And suddenly we are going to reach in and take out this piece of the labor law which says an employee must be paid in cash, the rate plus 50 percent in overtime, they are going to suddenly take away that protection in the law and leave it to the employers to work it out with the employees.

Many unions already bargain and they have bargained this situation where some employees take comp time instead of cash, et cetera. That is allowed. My problem is this. We have a steamroller rolling, we are going to have this on the floor next week. It is H.R. 1.

We have done a lot of playing around on the floor so far. The House has not conducted any serious business of any great magnitude in affecting the lives of the American people. This act will affect the lives of millions of Americans, and it will be on the floor next week to be voted on.

In our committee deliberations we have already lost the vote. It was a foregone conclusion that the majority had enough votes to pass H.R. 1, so despite the fact that we tried to improve H.R. 1, it has passed, it has passed the committee. It is now headed to the floor and next week it will be on the floor.

What we have on the floor is a situation where there are those who say we want to vote for H.R. 1, which takes away this right and does not provide any protections for the workers, and then there are those who say we are going to vote against it, we are going to vote no. The White House has said clearly to us, we will veto the bill if it comes to us in the present form.

So it looks as if we have a united Democratic position versus the majority Republican position in the House, and probably the other body will have the same position as the Republicans in this House. So they have the majority. It is going to pass. Despite the fact the Democrats will loyally, vehemently, maybe emotionally say no, it is going to pass in this House. The Senate will pass their bill, which may be different in some respects, more moderate, maybe provide a few more protections, but basically what the Senate will pass will be pretty much the same as what the House has.

So we are going to have a bill which has removed the protections of the Fair Labor Standards Act and a bill that is in many quarters popular in America. There are many families, there are many segments of the population who would like to have comp time instead of cash. They would like to have that flexibility. They do not want to be under a law which says they must take their overtime in cash. There are families that are comfortable, with enough cash, a reasonable amount of cash, many families with two people working, making $70,000, $80,000. The time they spend with the family, their quality of life is what means the most to them, and they would like to have a situation where they have maximum opportunity to make that choice. I am all in favor of having those families make those choices.

My problem is that there are other families whose quality of life depends on the amount of work, the amount of cash that the wage earners can bring home each week, each month and put on the table. You cannot put food on the table with comp time. There are many workers whose lifestyle, whose quality of life, whose survival will be affected by dropping their wages because they are working and depending on the overtime pay to be added to their regular wages.

In fact, what we did was look at the statistics, and two-thirds of the work force in America are earning $10 an hour or less, two-thirds of the people who are working. We are not talking about people on welfare, we are not talking about workfare, interns, we are talking about working people. Two-thirds of the workforce are earning $10 or less. That is $20,000, approximately, a year. Eighty percent of the women working, 80 percent of the women in the workforce are earning $10 an hour or less.

Now, can they afford to really give up any opportunities to bring home some cash in overtime? Has anybody asked them? No. We do not have any polls, we do not have any surveys of working people making $10 an hour or less and what they think. What we have is a general sentiment in the population of opinionmakers.

The opinionmakers are higher income people, the opinionmakers are more educated people, they are a little more comfortable in terms of the dollars they bring home, and they are opting for more opportunities for comp time. I think they can be accommodated. The problem is, whenever we talk about accommodating them and separating out the folks who are making $10 an hour or less, nobody wants to hear it. None of the proposals that are going to be on the floor at this point deal with the fact that we can protect or we should act to protect those who are making $10 an hour or less by keeping them under the Fair Labor Standards Act.

□ 1915

In fact the way we word it, and I introduced an amendment; the amendment is that those who make 2.5 times, no more than 2.5 times, the minimum wage so that in years to come, as the salaries rise, wages rise, you will have that ratio and not be fixed into a solid figure like $10 an hour. It is 2.5 times the minimum wage is the way the amendment is worded.

That amendment was defeated, and the problem is that there is nothing else now being offered after we passed the committee and that amendment was offered. The only things on the floor now are: vote no, just say no, to the Republicans, or vote for the Republican majority bill because what happens is that if the Democrats are introducing a substitute, the only substitute being prepared at this point does not deal with the protection of the people who make $10 an hour less.

There is a Committee on Rules meeting coming. Those of you who know a little bit about the process before we go to the floor, we will have an opportunity to go to the Rules Committee and beg to offer the amendments that we want to offer to change the bill. That is a process that is still honored, you know, in a fragmentary way in the way the Republicans have run the House in the last 2 years and for this year. They have not been very gracious about offering amendments that run counter to what they want to do on the floor, but occasionally they do. So we can have a substitute bill, and maybe we can have an amendment, but so far that is not in the program. It is highly improbable that my amendment will be allowed on the floor, and of course there are enough votes to vote it down.

So why am I here? Why do I think it important to make this presentation and appeal to the common sense of Americans to go to work?

Voters, Americans out there, your common sense showed the people in this capital that education was important over the last 2 years when terrible things were being proposed with respect to the Federal role in education. We appealed from this podium, we appeal over and over again to the people in America, to let the legislators at every level, let the legislators here in the House and the Senate know, let the White House know, that common sense says you ought to do it this way, you know.

This protection that I am talking about, a simple matter of exempting all workers who make $10 or less, is so simple it is beyond the reach of the imagination of most folks here. They just cannot comprehend this is a simple answer to the problem.

We are talking a lot about bipartisan cooperation or bipartisan compromise. They do not want any deadlock. We just, Democrats and Republicans, went away, and they had a conference, unprecedented retreat, bipartisan retreat, Democrats and Republicans face to face, talking with each other, and from all reports that I hear—I was not able to go, but from all reports I hear it was a very positive weekend.

So you know some people have looked upon this as being dangerous. I think Ralph Reed of the Christian Coalition says that there is a great danger in all this muddle minded moderation, and they worried about this. But I am all in favor of it. Why can we not have some bipartisan cooperation and say that no matter what goes forward, we are going to build in this protection for the workers who need it most? The people who are making $10 an hour or less will not be impacted. Let us go ahead if we have to.

I am not in favor of changing the Fair Labor Standards Act at all. I am one of those people who just wants to say no because in the bill which proposes to change it, that changes Fair Labor Standards Act, they are not willing to give the protections that are necessary. In fact, at this point I will just read my opening statement, which covers more than just the matter of $10 per hour workers being protected. It talks about some other aspects of the bill.

My first position is just say no, and I have letters here from various unions, Department of Labor, the President, that all say just say no. The problem with just saying no and letting it go is that it will pass the House, it will pass the Senate. In conference the House and Senate will agree. It goes to the President or the President will be called to negotiate with the House and Senate, and we are all out of it. All the other legislators, all the Members of the House, we are out of the process. The public is out of the process.

I want to get the public in the process right now. You need to let your Congressman know now, you need to let the President know now, that you want protection no matter what is done. If you must go forward with this change of the Fair Labor Standards Act, you want protection for the people who make $10 an hour or less.

But let us talk about why we want to say no to the whole bill as it is now. I speak as the ranking Democrat on the Subcommittee on Workforce Protections. Subcommittee on Workforce Protections is charged with dealing with all of these various labor laws, including the Fair Labor Standards Act. This is my third year in that role.

H.R. 1; I am quoting the statement that I made as an opening statement at the—I submitted as an opening statement at the markup. The markup is where we decide on changing the bill and putting it into final form and then passing it. That has taken place, and the bill passed with a straight party line vote. All Democrats voted against it; all Republicans voted for it.

H.R. 1 is bad public policy because it will reduce the income of that large segment of the work force which has benefitted the least from the current national prosperity. Instead of leaving more cash in the hands of prosperous employers, we need legislative initiatives which will improve the lot of those whose incomes have stagnated or declined over the last 10 years. I oppose this kind of mutilation of the Fair Labor Standards Act because it is bad economics and a cruel injustice for working Americans. In addition to being negative in substance and policy, H.R. 1 is a badly drafted bill, and this loose construction makes it impossible to move toward a bipartisan compromise with integrity. You cannot use the bill that exists now as a basis for making a compromise because it is such a bad bill. The sweeping language and the excessive amount of general assumptions in this bill placed the workers at great risk and offers the employers many temptations and opportunities for deregulated exploitation.

As written, it is the enhancement of the employers' accumulation of cash that is achieved. I want to repeat. As the bill is presently written, it is the enhancement of the employers' accumulation of cash that is achieved. Any movement toward a bipartisan compromise will have to first reshape the language of the bill to make it consistent with the stated intent of the bill. On the surface the bill proposes to give employees a choice. In numerous ways the language of the bill fails to support and enforce this proposition. The drafters of the bill have studiously avoided making the employers accountable. In negotiating the decision to choose compensatory time instead of cash, there is no balance of power between employer and employee. All factors weigh down on the side of the employer.

We have already proposed obvious remedies for many of these shortcomings; however, there has been no movement from its hardened position by the Republican majority. If we are in an era of compromise, bipartisan compromise of cooperation, then why do we have a bill, H.R. 1, before us now which is very much the same as the bill that was introduced in the last Congress? In the 104th Congress, where the majority clearly adopted a position of extremism on many other issues, and they moderated those extreme positions, why are they coming now with the same bill that they had in that Congress? Is it a statement that on labor issues the extremism is still here? The majority, Republican majority, has the same extremist positions as it had before on labor issues. We are going to compromise, we are going to work together, and I applaud that on education.

Everybody seems to be falling into a basic groove that says we have neglected our duty, we have been derelict in our duty, on education; the Federal Government is not responsible primarily for education, but it needs to do more to help the States to help the localities. I am quite overjoyed, I am quite pleased, happy. I smile all the time when I think of where we have come on matters related to education and how we can look forward to a very productive Congress, 105th Congress, with respect to education. But on labor, on issues effecting working people, we are in trouble. The extremist position of the majority is still there.

It means that while we work hard to try to improve conditions for children and schools, the poor children of America will be going home to less food, less money for clothing, less money for shelter, because we are going to take away their overtime. The Republicans are still coming for your cash payments of overtime.

To return to my opening statement, among the simpler improvements that could easily be achieved is the requirement for the establishment of an escrow account or some other kind of assurance device to eliminate the risk of employees losing rightfully accumulated income when businesses go bankrupt or illegally disappear.

I am trying to highlight some of the problems with the bill other than the basic problem that I want to deal with tonight, and that is the vulnerability, the lack of protection, for the workers who need the income the most.

There are problems for other workers. Businesses could go bankrupt or illegally disappear in some way, and the comp time people have accumulated is gone. You know, you go find it.

There is a statement always that we get from the Republican majority when we make this statement: Well, if there is a bankruptcy,. people's wages are first in line for payment. Anybody who has ever been involved with a bankruptcy case, you know how ironic, how ridiculous, that can become. You are first in line, but you cannot find the line in many cases.

At any rate, the protection could be built in there with an escrow account. You could require the employers pay into an escrow account the comp time money, the money that people received that took their overtime in cash. So everybody with comp time would be protected. If the business goes out of existence, they can collect the cash that was due them. They will not do that.

A study by the Economic Policy Foundation—this is a business group, an employers group—a study by the Economic Policy Foundation shows that there is approximately $19 billion, $19 billion—listen—in unpaid overtime lost each year. A study by the Economic Policy Foundation shows that there is approximately $19 billion in unpaid overtime lost each year.

I could not believe the figure. I said this is a cumulative figure over many years? No, this is lost each year, various tricks, machinations, maneuvers, various things done by employers to swindle employees out of overtime, and $19 billion per year is the estimate. This is a business group, a business group saying $19 billion.

Reasonable penalties for employers who violate the code of negotiated choice should be written into the act, given with the fact that we know from experience, we have studies to show, we have statistics to prove that there is a problem with employers swindling employees out of overtime pay. Why do we not write into the act penalties which would threaten the employer and make them be less likely to try to swindle any of the employees?

Clear language to guarantee the crediting of time worked to the pension, Social Security, and other records also must be provided. At this point there is fuzziness about if you are working and your pay is geared to your pension and geared to the amount of money you are going to get in your Social Security, there are a number of things that your actual pay in dollars drives. Those things can be corrected. The bill can take steps to make certain that there is no question about this. But they refuse to do it.

You know, we have a situation where the bully is standing in front of the babies and saying to the babies, you know we going to do it my way because I have the power to rule this hour, I am going to do what I want to do. I am not going to do anything to make obvious improvements in this bill, and that is the situation we are up against.

These are a few of the modifications that a good-faith negotiating process should accept. You know, the danger is that if you just say no to what they are proposing, many of these things are going to be left in there, and somewhere down the road an agreement is going to be reached behind closed doors in the conference between the Senate and the House, with the White House representatives there, and all these protections that we have requested will not be put into the bill. A few compromises will be made here and there on the surface, and we are going to end up with the work force of America, including the people who want the comp time, being in a far worse position than after the passage of the legislation than they are now.

But let me get to the heart of the matter again. Beyond deceptive drafting, beyond deceptive drafting, however, there are some greater problems of substance. While public opinion polls show that families with 2 wage earners and comfortable incomes are in favor of more compensatory time, the available evidence also shows that workers earning less than $10 an hour, or its equivalent, prefer and need more take-home pay.

□ 1930

The prevailing evidence clearly shows that workers earning less than $10 an hour or its equivalent prefer and need more take-home pay. Is it hard for us to understand? Why should that be beyond the reach of the imagination of the Members of Congress. If you are making such a little amount of money, cash in your check each week means a great deal.

Nearly two-thirds of the work force is stuck in this low wage category. You are talking about two-thirds of the people out there going to work every day, and they are making $10 an hour or less.

A constructive compromise would be enhanced by exempting these members of the work force, a constructive compromise. If you really want a bipartisan agreement, then exempt these people.

I offered an amendment which would accomplish this by leaving all workers who earn less than 2.5 times the minimum wage under the Fair Labor Standards Act, leave them under it. Do not touch them. They should be protected by the Fair Labor Standards Act. Leave them there.

I have had inquiries saying, "Congressman OWENS, we have heard that you are ready to sell us out by cooperating with these people and proposing a compromise. You wanted to have a bipartisan agreement." No. I say just say no, vote no, as a first starting position.

On the other hand, let me invite you laymen, working people, ordinary citizens, let me invite you into the political process. Let me invite you into the political management of this issue.

The political management of this issue requires that your voice be heard now. Public opinion needs to come in right now. Voters need to talk right now to their legislators and tell them that you wanted some people protected.

If you are going to have this, again, there is a steam roller coming. I will talk more about that in a few minutes, why it is a steam roller. And I am saying protect the most vulnerable.

The following are some other reasonable compromises that should be considered. You could consider a 2-year sunset experiment with workers at the top of the earning scale only, an experiment which is almost what I said before. Deal with the people at the top of the earnings scale. They are the ones that want to have the choice.

This could be a win-win situation for everybody. It could be a win-win situation instead of a win-lose situation at this point, a phase-in process that first includes workers at the top of the wage scale and requires Congress to revisit the issue every 2 years. That could be another compromise.

It would also provide for surveys and studies which objectively measure the impact on workers and on the overall economy. A 2-year waiver of the Fair Labor Standards Act in certain segments of the job markets where objective surveys and polls show strong worker support for the choice of compensatory time over cash.

There are a number of ways you can do this. There has been much said since the opening of the 105th Congress about a spirit of bipartisan cooperation. Since H.R. 1 is the first piece of legislation being offered this year, it represents the first opportunity to exhibit a true bipartisan effort. Democratic bipartisanship means that all segments of the American population must be represented in the negotiating process. No self-appointed oligarchy operating from a command and control mode behind closed doors in a conference will be able to produce an experiment in this critical area which is practical and also has integrity and justice for the workers preserved.

I have voiced clearly what my position is, what my fear is. Let me make it perfectly clear that this is not the position of the Democratic Party. The Democratic Caucus did not take a position. There is a statement that most of the Democratic Party people will vote no. That is not a position beyond voting no. Beyond voting no, there are no positions on this, except a substitute will be offered, may be offered. We do not know whether that is going to be accepted by the Committee on Rules or not, and then they would vote yes or no for the substitute.

At first I was in favor of voting yes for the substitute. What I am saying now is the substitute is poisoned too. If you vote yes for the substitute, you are leaving out two-thirds of the work force. As I know the substitute at this point, and I do not have a copy in my hand, the proposed substitute does not deal with exempting those people who make $10 an hour or less. It deals with a lot of other things, but it chooses not to do that.

Mr. Speaker, I do not know why exempting people who make $10 an hour or less is beyond the reach of the imagination of Democratic Party legislators. I do not know why. At this point I have not heard why.

I do know that the employers, the people who want this bill, the people who have given it the highest priority, they want the cash. They do not want fairness. They do not want a win-win situation for every level of working Americans, all the levels. They do not want that. They want cash. And they cannot tolerate a solution or compromise which says two-thirds of the work force should be exempted. That cash is what they are after, and that cash they will not be able to get.

Mr. Speaker, the question is, why can you not accept an amendment, a compromise, which will allow the most needy Americans, the hard-working Americans making $10 or less an hour, to be protected from exploitation? Why can you not allow those Americans working and making $10 or less an hour to be in a situation where they do not have to give up involuntarily the cash that they take home in their paycheck?

Why can we not have a paycheck protection act instead of this paycheck reduction act? Why can Democrats not take the initiative? Why can somebody out there not let them know? Why can the work force not let them know that we have to go beyond just saying no.

Mr. Speaker, I have a set of letters here from various unions. United Auto Workers says no, no, no, even though they are one of the best organized segments of the work force. They do not want to start eroding employee income. They say just say no.

The Teamsters say no. No, no, no. Unite says no. But they do not talk about the political management of the issue. After we say no and the majority in the House votes yes and the majority of the Senate votes yes, and it goes to a conference and the White House sends down its representatives to negotiate what the President will or will not veto, where are we?

We are in a position where on the table the only thing they have to talk about has ruled out protection for the most vulnerable workers in America.

Mr. Speaker, I could become very unpopular with people who say the virile thing to do, the manly thing to do is just say no. Do not talk about a compromise at this point. Do not propose to cooperate with these folks at all.

Well, I have been around a long time. I have been here 14 years. I am not going to walk into this ambush without my eyes open and warning all of the other workers of America. An ambush is coming. An ambush is coming.

I applaud the fact that the White House is saying just say no, they will not sign the bill as it is. They will not sign it as it is. But I have heard that language before. If they said I will under no conditions sign a bill that does this, this and this to workers, then I would be here with a different story. The White House is not saying what their conditions are. They have their own bill and said they prefer their own bill, but it does not deal with this problem.

We want the administration to change its bill, because its bill does not say that people making $10 an hour or less should be exempted, should be exempted from any attempt to remove the protection of the Fair Labor Standards Act, or more particularly what my amendment says, people earning less than 2.5 times the minimum wage should not be involved in this process. We want the White House and Democratic caucus to take that position. American workers wake up, an ambush is coming. If you took this position now, then you would have something to negotiate.

Public opinion still is in this process. But as the days go by, as next week arrives and we have it on the floor here and people feel good about voting no and what you are left with is only two, at best, you would be left with two propositions. One is the majority bill, which they are insisting that they wanted, and the other is the substitute offered by the Democrats.

Even if everybody voted, if the majority were to allow the substitute to pass, the workers who earn $10 or less would be in trouble, because the substitute at this point is not dealing with their problem. So this is the message I am sending.

You might say, why are we in this position? Why do we not have a strong voice in favor of protecting the most vulnerable workers in any piece of legislation? Is this setting a precedent for the coming year?

As I said before, there is going to be a lot of bipartisan agreement and cooperation on education. There may be bipartisan agreement and cooperation on the environment. There are a number of areas where the signal has been given, and we are going to try to work together to come up with meaningful legislation. I applaud that. I applaud where we are going on education. I have never felt better about education and public policymaking with respect to education. I learned today my own State of New York, the legislature is proposing as much as a 50-percent increase in State aid to education. This is what President Clinton has done. This is what the bully pulpit, even though the Federal Government is not responsible for education and their expenditures only represent about 7 percent of the total expenditures for education, when the President speaks, when the bully pulpit is in operation, it stimulates what happens at the State level. It stimulates generosity. People's eyes come open. The vision of the White House, it is infectious. It contaminates people. The wonderful thing about leadership in America is when you have strong leadership they pick it up in the capitals of the States and city councils, and that is what has been lacking on the issue of education before President Clinton decided to take his initiatives.

Over and over again he emphasized the fact he is making education the No. 1 priority. In his budget he made education a No. 1 priority. As I said before on this floor, I am proud of the fact that the Congressional Black Caucus budget last year proposed a 25-percent increase in Federal aid to education. People said that is absurd, you will never get that. That is pie in the sky.

Well, the President is proposing a 20-percent increase this year, 20 percent. That is pretty good. An example set by the Congressional Black Caucus budget is being followed.

But why now are we moving on education at such a progressive, productive way? We are going to take care of the kids, maybe, because this could all degenerate into headlines and a Potemkin village approach where it looks like they are doing something but the commitment never comes. You do not know, until the appropriation committees act, what is going to happen.

Let us assume this is going to be real, we are not going to perpetuate a fraud on the American people in terms of the position of both parties here in Washington on education. Let us assume it is real.

We are taking care of the children of the workers, giving them some better opportunities, safer school buildings, adequate equipment in the lab. We are going to move to really try to provide decent educational opportunities. But the same child has to go home, if their parents, as you can see, two-thirds of the work force is in this condition, and have their parents putting less food on the table because they do not have the cash.

The same children will have problems with their clothing because the cash is not there to buy the clothing. The cash is not there to pay for higher rent. Cash is very important for people who are in certain income brackets. They do not have the luxury of saying I want to improve my quality of life by taking more time off to spend with my kids. They have to rush out and try to get another job and another job and another job. You are placing them in greater jeopardy.

One of the things that study after study shows is that low income parents spend less time than anybody else with their children. They are often in situations where the pressure is so much greater that you generate a number of problems that would not be generated if parents had more time to spend with their children. But they have to work.

They have no choice. If you take away the overtime pay that many of them depend on, then you are only complicating matters more. If a person instead of making cash on his job for overtime has to go to another job, he has the travel time. You have a whole set of problems generated by having a second job. And on the second job of course he is making regular pay, there is no overtime. There is no advantage in his skills and experience, and the labor that he puts in above 40 hours in a given week, it is not the same to have to go get another job, if the jobs are available.

Mr. Speaker, I will not get into all that. But why are we doing this? Why are we changing the laws in ways that oppress and make life more difficult for the poorest people?

□ 1945

The plain, blunt answer: in America, in a democracy, the voters determine what happens; the people who vote are always respected.

The people who vote eventually will influence public policy. In the last election, we had a great disappointment. Only 49 percent of the people eligible to vote came out to vote. And of the people not voting, the largest number were in these working class categories. The people who make $10 or less an hour were the ones who did not vote.

We have study after study confirming the fact that the people who vote regularly and the most are the people who have the highest incomes. The richest people in America go out to vote all the time. As you go down the income level, there is a clear correlation.

The rich understand. People who are rich and have power understand that their vote is important. They think they have other ways to impact on the government. They make contributions. The same people who make those contributions never hesitate to go out and vote, because they know for them it is just symbolism. Their dollars and their contributions have a great impact on their single vote, but they understand what a democracy is all about.

The people in Poland understand what a democracy is all about. Poland has a problem with its economy. Poland's budget for the government is a very meager government under a lot of pressure. But the pensioners in Poland, the people who are on social security and pensions, they are getting a far bigger bite of the budget than anywhere else in the world, almost, because they vote. They have the power of their vote over the government and their needs are being met because that government knows that they will come down. Forty percent of the electorate of Poland is involved with pensions and so forth, so they know that they can bring the government down.

Americans have the same option. The 51 percent who did not go out to vote can have an impact on policy. They do not have to have the Fair Labor Standards Act gutted to their disadvantage. They do not have to have people ignoring their interests if they go out to vote. It is simple. You do not have to be a genius to figure out why there is a steamroller going to take away from the workers who need the pay most and give it to the employers, more cash to them, in the name of helping the upper income and the middle income voters who want that flexibility.

People who are really in those categories, the upper income and the middle income categories, there are other ways that they can get the flexibility without this law. A few may be stuck in the situation where the employees of large corporations do not have the flexibility and they need a change in the law, but we can accommodate them.

What we are going to have is a situation where pressure is being applied to every lawmaker by the people who did go out to vote and by the employers with the cash who want more cash, and they will push the steamroller, unless the working people out there wake up right now and get to your legislators and remind them that you might not have gone out to vote last time, but you have the right to vote still, and you are going to wake up and come to your senses.

I despise, I have great contempt for people who do not vote. People who do not participate in the voter process, I really have no use for them, but I represent a lot of them and I am sworn to represent everybody, so I will protect your interests despite the fact that you did not vote. But that is the problem. Understand the problem.

You do not have to talk in diplomatic language about this. The problem is that there is a perception in the power circles, whether it is the House of Representatives or the Senate or the White House, that they must please the people who vote, and we clearly have a situation where those who are jeopardized by this H.R. 1 did not vote in large numbers.

I was once the commissioner of a community development agency, the antipoverty program for New York City, and we used to have workshops. At one point we had workshops on voting, the importance of voting. Poor people must vote. Part of poverty can be resolved, and you could have some chance of changing public policies to create better opportunities if you vote.

In the workshop we had a proposal that people who do not vote should be put in jail. There was a great outcry, a great outcry about how unjust that was. I put that in there, in the trading package, because there were some countries at that time, I do not know whether Italy still does it or not, but there are a few countries in the world where it is against the law not to vote. They consider it is that important, everybody's duty and, of course, most of the democracies in the world, especially those in Europe, have a much higher voter turnout than we do. In the South African region you have an unprecedented 90 percent turnout. The disenfranchised people, in their first election we had a more than 90 percent turnout. We had a 49 percent turnout in our last election for President and other offices.

So if you take voting seriously, then you will not have a great outcry about putting people in jail if they do not vote. What it demonstrated to me was, you are not serious about voting, you are worried about going to jail. The injustice of going to jail is not the question. The question is, why do you not vote?

In New York City we have huge housing projects in my district where the voting booth is right there in the middle of the housing project. It takes a person no more than 30 minutes to get out of their house, go down, walk over, vote, especially since the lines are not very long. So as a result of folks year after year not doing this, you have a set of attitudes and approaches that have developed, a way of operating politically that is now based on contempt for the poor, contempt for the low-wage earners.

It is not hard to figure out what is happening. The steamroller will roll right over us, so leaders of organized labor and various people who do represent these workers, those who did not vote, must join with me and understand we represent everybody, not just those who vote. Somebody must protect those who are not protected. What is happening here in the floor, or what is happening here in this process of H.R. 1 rolling past us, is that nobody is stepping forward to protect those workers.

We can take care of the needs of those who are middle class, middle income, one more time for their children, we can lift the Fair Labor Standards Act for you. At the same time we can keep the Fair Labor Standards Act to protect the others. What is wrong with that kind of compromise? What is the matter? Why must we insist on beating those who are weakest? And those who do not vote are weak.

The same people who do not vote certainly do not contribute to political campaigns. If they are not interested enough to go out and take 30 minutes to vote, they certainly are not going to put a dime into a political campaign.

They are weak, they are misguided, they are un-American in the greatest sense of the word. Not to participate in the process, not to vote makes you un-American, but they still have to be protected. We hope to have a redeposition. Our democracy will not survive if these people continue to be alienated, outside of the system, so they must be protected.

There is a pattern in other ways. I have talked about the CPI, the consumer price index, and all of the discussion in Washington: Let us tamper with the consumer price index, because the consumer price index decides what the cost-of-living increase is going to be for people on Social Security or people in a number of other jobs. The COLA's, we call them.

Your COLA was in danger this time last week, grave danger. There was a lot of talk. The President said he would have to take a look at it, Senator MOYNIHAN of New York, NY, liberal New York, MOYNIHAN, the great defender of the poor said yes, we ought to take a look at it. There are a lot of people who want to take a look at the CPI, the consumer price index, so that we can perhaps tamper with it, revamp it and bring down the cost of living which gives people on Social Security a few more dollars every year. As the cost of living goes up, they get a few more dollars. We almost lost those few dollars or we almost had a situation where they were compromised.

I am here to announce good news tonight. The badgering of the poor, the harassment of the poor will not take place through this medium. The President announced he will have nothing to do with it. He is not going to go forward with a CPI panel. They are not going to have a commission or a panel to look at the consumer price index. Thank you, Mr. President.

We are going forward this year, at least, without a panel to tamper with and sabotage the consumer price index. It may happen in the future, but the pressure has been so great. Again, the steamroller was rolling. Everybody this time last week was on board, everybody this time last week empowered. The oligarchy was moving. They had made a decision that they were going to deal with the consumer price index.

This week it is different, because there was a big outcry. The gentleman from Missouri [Mr. GEPHARDT], House Democratic leader, refused to embrace the idea, and labor stood with him. There was an outcry, even by some Republicans and conservative Democrats. They met fierce resistance in meetings with organized labor, in meetings with the American Association of Retired Persons [AARP], conservative Democrats, and even some Republicans who did not want to go forward with punishing the poor by taking away the extra pennies they get when they get a COLA as a result of the cost of living going up and being measured by the consumer price index.

So we can celebrate, and I end on that note, because it is important to celebrate and understand how it happened. It did not happen by magic; there was no decree that came down from heaven. It is the public opinion process operating, despite the fact that you are not protected by the fact that it is well-known you did not go out to vote. The people who are the most vulnerable have advocates. The people who are most vulnerable have representatives who are committed to represent them, despite the fact that they did not vote.

This process, we hope, will protect you for a little while longer, but the great appeal is for everybody to understand the steamroller in Washington this year will be moving again and again against the work force.

Last year we had extremist proposals about eliminating certain parts of OSHA to protect workers; we had a big cut in the apparatus for negotiating agreements, labor agreements. Everywhere that labor existed they were under attack, and even now, those attacks are being readied again. Davis-Bacon is under attack again. We will talk more about that later.

But as the ranking member of the committee on work force protections, I hope that all of the Members will hear my message that the people who are the working people in America, certainly those who are making $10 or less an hour, need protection. Do not let H.R. 1 pass. Do not let the paycheck ripoff act go through. We want a paycheck protection act instead.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2 p.m. on account of official business.

Mr. MCINTYRE (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MANZULLO) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, today.

Mr. GEKAS, for 5 minutes each day, on March 17 and 18.

Mr. QUINN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRANK of Massachusetts, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $674.00.

The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:

Mr. SERRANO.
Ms. JACKSON-LEE of Texas.
Mr. POSHARD.
Mr. RAHALL.
Mr. BONIOR.
Mr. VISCLOSKY.
Mr. CONDIT.
Mr. MORAN of Virginia.
Ms. HARMAN.
Mr. TOWNS.
Mr. MILLER of California.
Ms. VELÁZQUEZ.
Mr. KLECZKA.
Mr. FROST.
Mr. PASCRELL.
Mr. MENENDEZ.
Mr. LEVIN.
Mr. BARCIA.
Mr. RANGEL.
Mr. GEJDENSON.
Mr. PALLONE.
Mr. MATSUI.
Mr. HOYER.
Mr. LIPINSKI.
Ms. MCCARTHY of Missouri.

The following Members (at the request of Mr. MANZULLO) and to include extraneous matter:

Mr. COBURN.
Mr. KINGSTON.
Mr. YOUNG of Alaska.
Mrs. FOWLER.
Mr. OXLEY.
Mr. DELAY.
Mr. RADANOVICH.
Mr. GINGRICH in two instances.
Mr. WELDON of Pennsylvania.
Mr. SCARBOROUGH.
Mr. BARTON of Texas.
Mr. PORTMAN.
Mr. WOLF.

The following Members (at the request of Mr. OWENS) and to include extraneous matter:

Mr. MARKEY in two instances.
Ms. PELOSI.
Mr. MCINNIS.
Mr. PACKARD.
Mr. STUMP.
Mr. LEWIS of California.
Mr. GREEN.
Mr. FRANK of Massachusetts.
Ms. DUNN.
Ms. SANCHEZ.
Mr. PASCRELL.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, March 17, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2233. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Assessment Rate (Docket No. FV96–925–1 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2234. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Olives Grown in California; Assessment Rate (Docket No. FV96–932–4 FIR) received March 12, 1997, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Agriculture.

2235. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Onions Grown in South Texas; Assessment Rate (Docket No. FV96–959–1 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2236. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Coast Guard's acquisition, construction and improvements [AC&I) appropriation, U.S. Treasury symbol 699/30240, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2237. A letter from the Export-Import Bank of the United States, President and Chairman, transmitting a report involving United States exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2238. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nikiski, Alaska) (MM Docket No. 96–50, RM–8768) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2239. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Weaverville, California) (MM Docket No. 96–168, RM–8836) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2240. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greensboro, Alabama) (MM Docket No. 96–176, RM–8851) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2241. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jupiter and Hobe Sound, Florida) (MM Docket No. 96–205, RM–8862) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2242. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Riverdale and Huron, California) (MM Docket No. 96–122, RM–8795, RM–8860) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2243. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Frederiksted and Charlotte Amalie, Virgin Islands) (MM Docket No. 96–43, RM–8754, RM–8830) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2244. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Responsible Accounting Officer Letter 20, Uniform Accounting for Postretirement Benefits Other Than Pensions in Part 32; Amendments to Part 65, Interstate Rate of Return Prescription Procedures and Methodologies, Subpart G, Rate Base (CC Docket No. 96–22) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2245. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct (Docket No. RM95–9–001; Order No. 889–A) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2246. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's final rule—Promoting Wholesale Competition Through Open Access Nondiscriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Docket Nos. RM95–8–001 and RM94–7–002; Order No. 888–A) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2247. A letter from the Food and Drug Administration, Director, Regulations Policy Management Staff, Office of Policy, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Bronchodilator Drug Products; Correction (Docket No. 94N–0247) (RIN:

0910–AA01) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2248. A letter from the Food and Drug Administration, Director, Regulations Policy Management Staff, Office of Policy, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (Docket No. 93F–0028) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2249. A letter from the Food and Drug Administration, Director, Regulations Policy Management Staff, Office of Policy, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components (Docket No. 96F–0242) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2250. A letter from the Consumer Products Safety Commission, Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2251. A letter from the Department of Energy, Assistant Secretary for Human Resources and Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2252. A letter from the National Commission on Libraries and Information Science, Executive Director, transmitting the fiscal year 1996 report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982 and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2253. A letter from the National Indian Gaming Commission, Acting Chair, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2254. A letter from the Neighborhood Reinvestment Corporation, Executive Director, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2255. A letter from the National Oceanic and Atmospheric Administration, Deputy Assistant Administrator for Fisheries, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages (Docket No. 961220363–7038–02; I.D. 120296B) (RIN: 0648–AI65) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2256. A letter from the National Oceanic and Atmospheric Administration, Acting Director, Office of Sustainable Fisheries, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Aleutian Islands Subarea (Docket No. 961107312–7021–02; I.D. 030497A) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2257. A letter from the National Oceanic and Atmospheric Administration, Assistant Administrator for Fisheries, transmitting the Administration's final rule—Summer Flounder Fishery; Final Specifications for 1997; Adjustment to 1997 State Quotas; Commercial Quota Harvested for Delaware (Docket No. 961210346–7035–02; I.D. 102596B) (RIN: 0648–xx76) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2258. A letter from the National Oceanic and Atmospheric Administration, Acting Assistant Administrator for Fisheries, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Framework Adjustments to the Northeast Multispecies and American Lobster Fishery Management Plans (Docket No. 970221036–7036–01; I.D. 012797D) (RIN: 0648–AJ48) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2259. A letter from the National Oceanic and Atmospheric Administration, Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, transmitting the Administration's final rule—Coastal Zone Management Program Regulations and National Estuarine Research Reserve System Regulations (RIN: 0648–AJ24) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2260. A letter from the Boy Scouts of America, transmitting the Boy Scouts of America 1996 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

2261. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Policy on Transit Joint Development (Federal Transit Administration) (RIN: 2132–xx00) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2262. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Special Local Regulations; Miami Beach, Florida (U.S. Coast Guard) (CGD07 97–008) (RIN: 2115–AE46) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2263. A letter from the Department of Transportation, General counsel, transmitting the Department's seven final rules—Special Local Regulations/Regattas (U.S. Coast Guard) (RIN: 2115–AE46) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2264. A letter from the Department of Transportation, General Counsel, transmitting the Department's 101 final rules—Safety/Security Zones (U.S. Coast Guard) (RIN: 2115–AA97) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2265. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines (Federal Aviation Administration) (Docket No. 96–ANE–08; Amdt. 39–9926; AD 97–04–03) (RIN: 2120–AA64) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2266. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) (Docket No. 28833; Amdt. No. 401) (RIN: 2120–AA63) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2267. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Revision of Class E5 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) (Airspace Docket No. 96–AGL–19) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2268. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, SC (Federal Aviation Administration) (Airspace Docket No. 96–ASO–38) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2269. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Establishment of Class E5 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) (Airspace Docket No. 96–AGL–19) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2270. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Establishment of Class E2 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) (Airspace Docket No. 96–AGL–18) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2271. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 97–15) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 968. A bill to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; with amendments (Rept. 105–23 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 968. Referral to the Committee on Commerce extended for a period ending not later than March 18, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KLECZKA (for himself and Mr. FRANK of Massachusetts):

H.R. 1052. A bill to amend title II of the Social Security Act to provide that changes to the Consumer Price Index used in making increases in Social Security benefits shall be restricted to changes specifically authorized by law; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. Markey, Mr. Bliley, Mr. Gillmor, Mr. Crapo, Ms. Furse, Mr. Largent, Mr. Ganske, and Mr. Boucher):

H.R. 1053. A bill to amend the Securities Exchange Act of 1934 to eliminate legal impediments to quotation in decimals for securities transactions in order to protect investors and to promote efficiency, competition, and capital formation; to the Committee on Commerce.

By Mr. COX of California (for himself and Mr. White):

H.R. 1054. A bill to amend the Communications Act of 1934 to establish a national policy against State and local interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO (for himself, Mr. Filner, Mr. Sanders, Ms. Norton, Mr. Moran of Virginia, Mr. Archer, Mr. Andrews, Mrs. Mink of Hawaii, Mr. Faleomavaega, Ms. Woolsey, Mr. Green, Mr. Rush, Mr. McDermott, Mr. Hinchey, Mr. Evans, and Mr. Foglietta):

H.R. 1055. A bill to establish within the National Institutes of Health and agency to be known as the National Center for Integral Medicine, and for other purposes; to the Committee on Commerce.

By Mr. CHRISTENSEN (for himself and Mr. Weller):

H.R. 1056. A bill to amend the Internal Revenue Code of 1986 to allow a credit or refund of motor fuel excise taxes on fuel used by the motor of a highway vehicle to operate certain power takeoff equipment on such vehicle; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 1057. A bill to designate the building in Indianapolis, IN, which houses the operations of the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BURTON of Indiana (for himself and Mr. Pease):

H.R. 1058. A bill to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BACHUS:

H.R. 1059. A bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BURR of North Carolina (for himself, Mr. Condit, Mr. DeLay, Mr. McCollum, Mr. Nethercutt, Mr. Canady of Florida, Mr. Andrews, Mr. Deal of Georgia, Mr. Holden, Mr. Hastert, Mr. Watts of Oklahoma, Mr. DeFazio, Mr. Klug, Mr. Livingston, Mr. Spratt, Mr. McIntosh, Ms. Furse, Mr. Saxton, Mr. Coburn, Mr. Peterson of Minnesota, Mr. LaHood, Mr. Ehlers, Mr. Barton of Texas, Mr. Norwood, and Mr. Miller of Florida):

H.R. 1060. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize compounding of drugs and devices under certain circumstances; to the Committee on Commerce.

By Mr. CANADY of Florida (for himself, Mr. Boucher, Mr. Cooksey, Mr. Evans, Mr. Fox of Pennsylvania, Mr. Frank of Massachusetts, Mr. Frost, Mr. English of Pennsylvania, Mr. Hefner, Mr. Lipinski, Ms. Jackson-Lee, Mr. Mascara, Mr. Shadegg, Mr. Walsh, and Mr. Nethercutt):

H.R. 1061. A bill to amend title XVIII of the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBURN (for himself, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bilbray, Mr. Blunt, Mr. Bryant, Mr. Burton of Indiana, Mr. Calvert, Mr. Canady of Florida, Mr. Chambliss, Mrs. Chenoweth, Mr. Christensen, Mr. Combest, Mr. Cooksey, Mr. Crane, Mrs. Cubin, Mr. Davis of Virginia, Mr. DeLay, Mr. Dickey, Mr. Doolittle, Mr. Duncan, Ms. Dunn of Washington, Mrs. Fowler, Mr. Ganske, Mr. Graham, Mr. Hastert, Mr. Hayworth, Mr. Hefley, Mr. Hilleary, Mr. Hoekstra, Mr. Hostettler, Mr. Hunter, Mr. Hutchinson, Mr. Sam Johnson, Mr. Jones, Mr. Kingston, Mr. Klug, Mr. Largent, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lipinski, Mr. Lucas of Oklahoma, Mr. McCrery, Mr. McInnis, Mr. McIntosh, Ms. Molinari, Mrs. Myrick, Mr. Nethercutt, Mr. Neumann, Mr. Norwood, Mr. Parker, Mr. Pickering, Mr. Pombo, Mr. Rohrabacher, Mr. Ryun, Mr. Salmon, Mr. Saxton, Mr. Shadegg, Mr. Scarborough, Mr. Sensenbrenner, Mr. Smith of New Jersey, Mrs. Linda Smith of Washington, Mr. Souder, Mr. Stearns, Mr. Stump, Mr. Talent, Mr. Tiahrt, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, and Mr. Wicker):

H.R. 1062. A bill to amend title XIX of the Social Security Act with respect to preventing the transmission of the human immunodeficiency virus—commonly known as HIV—and for other purposes; to the Committee on Commerce.

By Mr. EHRLICH:

H.R. 1063. A bill to amend the Webb-Kenyon Act to allow any State, territory, or possession of the United States to bring an action in Federal court to enjoin violations of that act or to enforce the laws of such State, territory, or possession with respect to such violations; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 1064. A bill to amend title 38, United States Code, to extend the duration of the pilot program providing for interest buy down authority, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 1065. A bill to amend the Internal Revenue Code of 1986 to provide that the actual deferral percentage test shall not apply in determining whether an arrangement for restaurant employees is a qualified cash or deferred arrangement; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1066. A bill to amend title 5, United States Code, to provide that an individual who receives a passing grade in an examination for entrance into the competitive service shall, if such individual is a welfare recipient, be granted additional points above the individual's earned rating; to the Committee on Government Reform and Oversight.

By Mr. KENNEDY of Massachusetts (for himself, Mr. Hansen, Mr. Conyers, Mr. Bachus, Mr. Dellums, Mr. Hinchey, Mr. Moran of Virginia, Ms. Norton, Ms. Jackson-Lee, Ms. Lofgren, Mr. Faleomavaega, Mr. Kasich, Mr. Fattah, Ms. Kaptur, and Mr. Smith of New Jersey):

H.R. 1067. A bill to prohibit the advertising of distilled spirits on radio and television to the Committee on Commerce.

By Mr. LIPINSKI (for himself, Mr. Costello, and Mr. Poshard):

H.R. 1068. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the number of taxpayers who may have medical savings accounts; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 1069. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mrs. Morella):

H.R. 1070. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Commerce.

By Mrs. LOWEY:

H.R. 1071. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employers for certain costs incurred to combat violence against women; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 1072. A bill to establish a commission to investigate certain policies and procedures with respect to the military justice system, including policies and procedures with respect to the investigation of reports of sexual misconduct, sexual harassment, and unlawful gender discrimination; to the Committee on National Security.

By Mrs. MEEK of Florida:

H.R. 1073. A bill to amend chapter 89 of title 5, United States Code, to encourage the use of generic instead of nongeneric drugs; to the Committee on Government Reform and Oversight.

By Ms. MILLENDER-McDONALD:

H.R. 1074. A bill to promote the fitting of firearms with child safety locks; to the Committee on the Judiciary.

By Mr. PAYNE (for himself, Mr. King of New York, Mr. Lipinski, Mr. Manton, Mrs. Maloney of New York, Ms. DeGette, Ms. Norton, Mr. Neal of Massachusetts, Mr. Kennedy of Massachusetts, Mr. Menendez, Mr. Borski, and Mrs. Meek of Florida):

H.R. 1075. A bill to limit the sale or export of plastic bullets to the United Kingdom; to the Committee on International Relations.

By Ms. PELOSI (for herself, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BOUCHER, Ms. BROWN of Florida, Mr. CONYERS, Mr. DEFAZIO, Ms. DEGETTE, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY of Connecticut, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mrs. MEEK of Florida, Ms. MOLINARI, Mrs. MORELLA, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. ROMERO-BARCELO, Mr. ROTHMAN, Mr. SABO, Mr. SANDERS, Ms. SLAUGHTER, Mr. STARK, Mr. TORRES, Ms. WATERS, Ms. WOOLSEY, Mr. YATES, Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, and Mrs. LOWEY):

H.R. 1076. A bill to amend the Legal Services Corporation Act to prescribe an income rule for determining if a client who is a victim of domestic violence is eligible for assistance; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. ACKERMAN, Mr. GILMAN, Mr. MANTON, Mr. BOEHLERT, Mr. SOLOMON, Mr. FORBES, Mr. KING of New York, Mr. MCHUGH, Mr. PAXON, Mr. WALSH, Mrs. MALONEY of New York, Mr. RANGEL, Mr. SCHUMER, Mrs. KELLY, Mr. LAZIO of New York, Mr. TOWNS, Ms. SLAUGHTER, Mr. ENGEL, Mr. LAFALCE, Mrs. LOWEY, Mr. MCNULTY, Mr. FLAKE, Mr. NADLER, and Mr. HOUGHTON):

H.R. 1077. A bill to stay implementation of the plan for allocation of health care resources of the Department of Veterans Affairs until the Secretary of Veterans Affairs certifies that the Secretary, in developing such plan, took into account certain medical and nonmedical factors of veterans residing within each region to be served by a veterans integrated services network; to the Committee on Veterans' Affairs.

By Ms. RIVERS:

H.R. 1078. A bill to require the Administrator of the Environmental Protection Agency to prescribe a rule that prohibits the importation for disposal of polychlorinated biphenyls at concentrations of 50 parts per million or greater; to the Committee on Commerce.

By Mr. SANDERS (for himself, Mr. BONIOR, Mr. MILLER of California, Mr. FRANK of Massachusetts, and Mr. SPRATT):

H.R. 1079. A bill to require the inclusion of provisions relating to worker rights and environmental standards in any trade agreement entered into under any future trade negotiating authority; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 1080. A bill to study the high rate of cancer among children in Dover Township, NJ, and for other purposes; to the Committee on Commerce.

By Mr. SMITH of Michigan:

H.R. 1081. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of multicandidate political committees in elections for Federal office; to the Committee on House Oversight.

By Mr. YOUNG of Alaska (for himself and Mr. MILLER of California):

H.R. 1082. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Resources.

By Mr. GOODLING (for himself, Mr. RIGGS, Mr. MARTINEZ, and Mr. KILDEE):

H. Con. Res. 48. Concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965; to the Committee on Education and the Workforce.

By Mr. HOYER:

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BERMAN, Mr. DEUTSCH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mrs. LOWEY, Mr. ROTHMAN, Mr. SCHUMER, Mr. SHERMAN, and Mr. WAXMAN):

H. Con. Res. 50. Concurrent resolution expressing the sense of the Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992; to the Committee on International Relations.

By Ms. RIVERS:

H.J. Res. 97. Resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members representational allowance of the Members making such speeches; to the Committee on Rules.

By Mr. WELDON of Pennsylvania (for himself, Mr. PICKETT, Mr. MCHALE, Mr. MURTHA, Mr. CRAMER, Mr. HALL of Texas, Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. SPENCE, Mr. GIBBONS, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. CONDIT, Mr. GINGRICH, Mr. ANDREWS, Mr. SAM JOHNSON, Mr. HYDE, Mr. CUNNINGHAM, Mr. LEWIS of Kentucky, Mr. CHAMBLISS, Mr. SOLOMON, Mr. BONO, Mr. SAXTON, Mr. YOUNG of Florida, Mr. MCDADE, Mr. HEFLEY, Mr. RILEY, Mr. STUMP, Mr. EVERETT, Mr. MCCRERY, Mr. COX of California, Mr. SHADEGG, Mr. MCKEON, Mr. PAPPAS, Mr. SCARBOROUGH, Mr. SISISKY, Ms. HARMAN, Mr. ROYCE, Mr. DUNCAN, Mrs. FOWLER, Mr. THORNBERRY, Mr. GILMAN, Mr. BATEMAN, Mr. ROHRABACHER, Mr. HANSEN, Mr. STENHOLM, Mr. DELAY, Mr. LIVINGSTON, Mr. TALENT, Mr. QUINN, Mr. CLEMENT, Mr. REYES, Mr. TRAFICANT, Mr. BURTON of Indiana, and Mr. ISTOOK):

H.J. Res. 98. Resolution expressing the sense of the House of Representatives with respect to limits in any bilateral or multilateral agreement on certain missile defense systems of the United States; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. SNYDER.

H.R. 58: Mr. ABERCROMBIE, Mr. CUNNINGHAM, Mr. WEXLER, Mr. FRANKS of New Jersey, and Mr. NADLER.

H.R. 66: Mr. LARGENT, Mr. BISHOP, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. SCHIFF, Mr. FOGLIETTA, Mr. PASTOR, Mr. METCALF, Mrs. CARSON, and Mr. BARCIA of Michigan.

H.R. 68: Mr. KLECZKA.

H.R. 87: Mr. JONES and Mr. SHADEGG.

H.R. 96: Mr. GOSS, Mr. BACHUS, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, and Mr. ENGLISH of Pennsylvania.

H.R. 113: Mr. SHAYS.

H.R. 123: Mrs. LINDA SMITH of Washington, Mr. YOUNG of Florida, and Mr. CAMP.

H.R. 135: Mr. MCHALE.

H.R. 136: Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Mrs. THURMAN, and Mr. SHAW.

H.R. 143: Mr. FAZIO of California, Mr. MCGOVERN, Mr. CALVERT, Ms. HARMAN, Mr. MCKEON, Mr. BERMAN, Mr. LANTOS, Mr. DOOLEY of California, Mr. MORAN of Virginia, and Mr. CAPPS.

H.R. 146: Mr. STUPAK, Mr. PETERSON of Minnesota, Mr. STEARNS, Ms. LOFGREN, and Mr. KANJORSKI.

H.R. 192: Mr. KUCINICH, Mr. HOBSON, Mr. METCALF, Ms. FURSE, Mr. SANDERS, and Mr. WAMP.

H.R. 198: Mr. FRELINGHUYSEN.

H.R. 200: Ms. MOLINARI and Mr. KING of New York.

H.R. 216: Mr. METCALF, Mr. MCGOVERN, and Ms. MOLINARI.

H.R. 253: Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, and Mr. EVANS.

H.R. 255: Mr. CRAMER and Mr. MASCARA.

H.R. 279: Mr. TAYLOR of North Carolina, Mr. TURNER, Mrs. CHENOWETH, Ms. NORTON, Mr. DELAY, Mr. DEFAZIO, Mr. GILLMOR, Mr. GONZALEZ, Mr. HOLDEN, Mr. MCHUGH, Mr. MURTHA, Ms. SLAUGHTER, Mr. DOYLE, Mr. CALVERT, Mr. COBURN, Mr. BALDACCI, Mr. HOYER, Mr. STARK, Mr. WATTS of Oklahoma, Mr. DAVIS of Illinois, and Mr. TIAHRT.

H.R. 292: Mr. DELAY.

H.R. 306: Ms. FURSE and Mr. HASTINGS of Florida.

H.R. 312: Mr. MANZULLO.

H.R. 331: Mr. JONES.

H.R. 339: Mr. WICKER, Mrs. EMERSON, and Mr. WATKINS.

H.R. 343: Mr. BARTLETT of Maryland and Mr. HAYWORTH.

H.R. 345: Mr. GRAHAM.

H.R. 366: Ms. RIVERS.

H.R. 371: Mr. FAZIO of California and Mr. HERGER.

H.R. 408: Mr. CASTLE, Mr. KINGSTON, and Ms. NORTON.

H.R. 414: Mr. KUCINICH, Mr. METCALF, Mr. SANDERS, and Mr. WAMP.

H.R. 417: Mr. PASTOR, Ms. DELAURO, and Mr. MANTON.

H.R. 419: Mrs. LOWEY.

H.R. 420: Mrs. THURMAN, Mr. FROST, Mr. HORN, Ms. LOFGREN, Mr. MCNULTY, Mr. CARDIN, and Mr. NEAL of Massachusetts.

H.R. 426: Mr. LATOURETTE, Mr. QUINN, Mr. HEFLEY, and Mr. PASTOR.

H.R. 446: Mr. FAZIO of California and Mrs. THURMAN.

H.R. 457: Mr. UPTON, Mr. EHLERS, Mr. FOX of Pennsylvania, and Mr. HOUGHTON.

H.R. 459: Mr. SAXTON.

H.R. 492: Mr. ACKERMAN, Mr. BERMAN, Mr. BLAGOJEVICH, Ms. CHRISTIAN-GREEN, Mr. COYNE, Mr. FARR of California, Ms. FURSE, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. SHERMAN, Mrs. TAUSCHER, Mr. TIERNEY, and Mr. VENTO.

H.R. 498: Mr. MINGE.

H.R. 501: Mrs. LOWEY.

H.R. 519: Ms. MOLINARI, Ms. RIVERS, and Mr. DINGELL.

H.R. 548: Mr. BOEHLERT, Mr. SERRANO, Mr. MCHUGH, Mr. TOWNS, Mr. HINCHEY, and Mr. MANTON.

H.R. 577: Mr. PASTOR, Mr. CLEMENT, Mr. FROST, Ms. LOFGREN, and Mr. DAVIS of Illinois.

H.R. 586: Mr. BLAGOJEVICH, Mr. CLAY, Mr. EHRLICH, Mr. FRELINGHUYSEN, Mr. GOODE, Mr. SAM JOHNSON, Mr. KIM, Mr. KNOLLENBERG, Mr. LIVINGSTON, Mr. PASCRELL, Mr. REGULA, Mr. SNOWBARGER, Mr. TAYLOR of Mississippi, and Mr. UNDERWOOD.

H.R. 599: Ms. NORTON, Mr. WATT of North Carolina, Mr. FOGLIETTA, Mrs. CLAYTON, Mr. YATES, Mr. OWENS, Mr. OLVER, Mr. TORRES, Mr. HOLDEN, Ms. RIVERS, Mr. DAVIS of Illinois, Mr. WYNN, and Mr. KUCINICH.

H.R. 612: Mr. KANJORSKI, Mr. KENNEDY of Massachusetts, Ms. FURSE, and Mr. BISHOP.

H.R. 629: Mr. TAUZIN.

H.R. 680: Mr. JEFFERSON and Mr. FILNER.

H.R. 687: Mr. DAVIS of Illinois.

H.R. 695: Mrs. MORELLA, Mr. BILBRAY, Mr. SOLOMON, and Mrs. MYRICK.

H.R. 745: Mr. VENTO, Mr. LEWIS of Georgia, Mr. SHAYS, and Mr. CHABOT.

H.R. 753: Mr. EVANS, Mr. MEEHAN, Mr. DAVIS of Illinois, Mr. FLAKE, and Ms. FURSE.

H.R. 756: Mr. VISCLOSKY, Mr. WAXMAN, Ms. NORTON, Mr. SKAGGS, Mr. SENSENBRENNER, Mr. MILLER of California, Mr. MARKEY, Ms. SLAUGHTER, Mr. CLAY, and Mr. DEFAZIO.

H.R. 768: Mr. COBLE and Mr. ETHERIDGE.

H.R. 789: Mr. HAYWORTH and Mr. NUSSLE.

H.R. 793: Mr. DINGELL.

H.R. 795: Mr. BORSKI, Mr. GEJDENSON, Mr. STARK, Mr. BROWN of California, Mr. DEFAZIO, Mr. KLINK, Mr. HINCHEY, Mr. EVANS, Mr. YATES, Mr. ROTHMAN, Ms. KILPATRICK, Mr. LIPINSKI, Ms. ROYBAL-ALLARD, Mr. FOGLIETTA, and Mr. DAVIS of Illinois.

H.R. 812: Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. FORBES, and Ms. KAPTUR.

H.R. 818: Mr. KUCINICH.

H.R. 819: Mr. KUCINICH.

H.R. 830: Mr. COOK and Mr. FROST.

H.R. 857: Mr. STUMP.

H.R. 864: Mr. QUINN, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STOKES, Mr. CLAY, Mr. YATES, Mr. DAVIS of Illinois, Mr. THOMPSON, Ms. RIVERS, Mr. CLYBURN, Mr. MCGOVERN, and Mr. JEFFERSON.

H.R. 867: Mr. LEVIN and Mr. KLUG.

H.R. 877: Mr. PETERSON of Pennsylvania, Mrs. CARSON, Mr. BOUCHER, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Ms. RIVERS, Mr. SENSENBRENNER, Mrs. CLAYTON, Mr. HASTINGS of Washington, Mr. SHAYS, Mr. DELLUMS, Mr. KINGSTON, Mr. FILNER, Mr. SCHIFF, Mr. MCGOVERN, and Mr. MASCARA.

H.R. 895: Mr. HOLDEN, Mr. PAYNE, Mr. GEJDENSON, Mr. FLAKE, Mr. SOLOMON, Mr. LIPINSKI, Ms. DELAURO, and Mr. FALEOMAVAEGA.

H.R. 898: Mr. MINGE.

H.R. 907: Mr. GORDON, Mr. HASTINGS of Florida, and Mr. FORD.

H.R. 920: Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, and Mr. CONYERS.

H.R. 925: Mr. MINGE.

H.R. 928: Mr. STEARNS, Mr. KLUG, Mr. CALVERT, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. WATKINS, Mr. EHRLICH, Mr. BARRETT of Nebraska, and Mr. CRANE.

H.R. 929: Mr. GOSS, Mr. WOLF, Mr. SENSENBRENNER, Mr. RILEY, Mr. BILIRAKIS, Mr. KINGSTON, Mr. LIPINSKI, Mrs. FOWLER, Ms. ROS-LEHTINEN, Mr. SNOWBARGER, Mr. RADANOVICH, Mr. TAUZIN, Mr. MORAN of Kansas, Mr. CALVERT, Mr. LATOURETTE, Mr. CLEMENT, and Mr. SCARBOROUGH.

H.R. 934: Mrs. MYRICK.

H.R. 953: Mr. JEFFERSON, Mr. KUCINICH, and Mr. MCGOVERN.

H.R. 956: Mr. SHAYS, Mr. FROST, Mr. HAMILTON, and Mr. WHITFIELD.

H.R. 971: Mr. WALSH, Mr. FLAKE, Mrs. KENNELLY of Connecticut, Mr. GREENWOOD, Mrs. LOWEY, Mr. GILCHREST, and Mr. FOX of Pennsylvania.

H.R. 973: Mr. FALEOMAVAEGA and Mr. DAVIS of Illinois.

H.R. 978: Mr. PAUL, Mr. PETERSON of Minnesota, Mr. BISHOP, Mr. NEUMANN, Mr. HINCHEY, Mr. BOYD, and Mr. MASCARA.

H.R. 981: Mr. FOGLIETTA.

H.R. 982: Mr. FOGLIETTA, Mr. BOEHLERT, and Mr. LIPINSKI.

H.R. 990: Mr. ENGLISH of Pennsylvania.

H.R. 991: Mr. BARCIA of Michigan and Mr. WISE.

H.R. 993: Mr. BOB SCHAFFER.

H.R. 1002: Ms. ESHOO, Mr. JEFFERSON, and Mr. WALSH.

H.R. 1032: Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, Mr. WISE, Mr. EDWARDS, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. BENTSEN, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. FROST, Mr. DOOLEY of California, Mr. HINCHEY, Mr. SCOTT, Mr. WYNN, Mr. VENTO, Mr. SNYDER, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, and Mr. BOEHLERT.

H.R. 1033: Mr. SHAYS and Mr. WELLER.

H.R. 1046: Mr. FOGLIETTA.

H.J. Res. 28: Mr. LUTHER.

H.J. Res. 40: Mr. BARCIA of Michigan.

H.J. Res. 54: Mr. DOOLITTLE and Mr. KASICH.

H.J. Res. 55: Mr. WICKER.

H.J. Res. 62: Mr. LINDER, Mr. SKEEN, and Mr. TAUZIN.

H. Con. Res. 6: Mr. KENNEDY of Massachusetts, Mr. MENENDEZ, and Ms. FURSE.

H. Con. Res. 10: Mr. SHAW.

H. Con. Res. 12: Mrs. KELLY, Mr. CONYERS, Mr. ROTHMAN, Mrs. KENNELLY of Connecticut, Mr. BORSKI, and Mr. MCDERMOTT.

H. Con. Res. 13: Mr. LEWIS of Kentucky, Mr. NADLER, Mr. TRAFICANT, Mr. ETHERIDGE, Mr. METCALF, Mr. COYNE, Mr. CONYERS, and Mr. DOYLE.

H. Con. Res. 38: Mr. DOYLE.

H. Res. 38: Mr. BILBRAY, Mr. BARRETT, of Wisconsin, Mr. ETHERIDGE, Mr. TAUZIN, Mr. FARR of California, Ms. DELAURO, Ms. FURSE, Ms. CHRISTIAN-GREEN, Ms. NORTON, Mr. MCGOVERN, Mr. JEFFERSON, Mr. CONYERS, Mr. DELLUMS, Mrs. CARSON, Mr. TORRES, Mr. ACKERMAN, Mr. CLYBURN, Mr. EHLERS, Ms. DEGETTE, Mr. CLEMENT, and Ms. SANCHEZ.

EXTENSIONS OF REMARKS

WINNER OF ARIZONA'S 1997 VOICE OF DEMOCRACY CONTEST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. STUMP. Mr. Speaker, the Veterans of Foreign Wars and its Ladies Auxiliary are very active in promoting patriotism and an understanding of the values which underlie this great country of ours through its Voice of Democracy essay contest. During this past year, over 109,000 secondary school students participated in the contest, and each one of those students has a clearer understanding of the meaning of democracy as a result of their participation. The winner of this contest in my State of Arizona was David C. Pickett from Prescott Valley, AZ. David is an outstanding senior at Bradshaw Mountain High School, and his entry was sponsored by VFW Post 10227 and its Ladies Auxiliary. His father is a retired Marine. I'm sure David's parents, as well as all of David's teachers are very proud of this young man. I'd like to share with my colleagues his winning essay.

DEMOCRACY—ABOVE AND BEYOND

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—ARIZONA WINNER, DAVID PICKETT

Famine, poverty, unemployment, disease, death . . . All of these words that we'd rather not hear or even think about for an instant if we don't have to, because they all lead to mental pictures we can't bear to create or drag up from the little cobwebbed corner in the back of our minds where we try to bury all the parts of reality that frighten us most. Yet every day in dozens of countries throughout the world, people just like you and I have to deal with these dark aspects of life through any means necessary. Honest people having to steal just so their families might see the light of another day. Top of the line modern cardboard and garbage bag mansions littering the decadent alleyways of a crumbling city, and parents who'd rather take the risk of a condemned building collapsing on them than see their children die of exposure before their very eyes. Peaceful protesters are massacred or imprisoned where they die from any number of ailments while awaiting a trial that will never come. Each of these chaotic realities can be found thriving under the bannerhead of a failed system of government, whether it be fascism or socialism in any of its deceptive forms; and each of those horrific realities are precisely the reasons why those governments failed, as well as the reasons as to why democracy has risen far above and beyond them to its honored position in the world today.

When one thinks of democracy and its great leaders, pictures of great men such as George Washington, Thomas Jefferson, Ben Franklin, John F. Kennedy, and Martin Luther King, Jr. all come to mind. Yet when one thinks of the great leaders of communism and fascism, one can only think of people like Joseph Stalin who actually created a famine in the Ukraine in 1932 and '33 which resulted in the death of three-million kulaks by starvation; or even greater still was Adolph Hitler who nearly brought about the complete extinction of the entire Jewish race by destroying over six-million of them through various and sundry methods of torturous execution. Or how about Benito Mussolini of Italy who came up with the term "totalitario", to describe the goals of his fascist government, as saying that his aim was "All within the state, none outside the state, and none against the state."

No other government in existence cares as much for the natural human rights of the individual, than democracy in its purest form. In America we have a Constitution and a Bill of Rights that hold the same value, if not more so, today as they did over two hundred years ago when they were first inscribed. The only thing these other governments have to show for all of their efforts is revolution after revolution after bloody revolution, and a never-ending state of misery for their people. There is no limit to democracy in America, everyone is entitled to the same share, an no one is excluded for any reason whether it be on the basis of social standing, political power, skin color, gender, or religious beliefs. Whereas in places such as South Africa during apartheid, its white citizens saw its government as a Constitutional democracy, but for its twenty two-million blacks, it was an iron-fisted dictatorship that verged on totalitarian control. Our democracy has a system of checks and balances to make sure no one person or group of people has too much control; in a totalitarian government, no such system exists, for the leader currently in power is the constitution, the law, and the government embodied in one person and one person alone. So, if you were to place all of these contrasting viewpoints on a scale weighing positives vs. negatives, freedom vs. imprisonment, and honesty vs. hypocrisy; which side would result in a better government? The answer by now should be quite obvious; the first, second, and third place medals for excellency in government go to democracy, democracy, and last but most certainly not least: democracy.

I hope I have given you something to ponder and realize, as well as something to rekindle those possibly dwindling feelings of pride in your country's government, no make that your government. The government our ancestors started has spread like wildfire throughout the world because it is the only one that has proven itself time and time again as the greatest form of government on Earth. Three years ago in 1993, something miraculous occurred, for the first time in the history of the planet, the total number of democracies in existence outnumbered the total number of dictatorships; and I'm sure with the continuation of this trend in world thought, democracy will soon be the only government in existence, truly showing the world that it has risen above and beyond.

SPECIAL RECOGNITION TO MSGR. DANIEL J. BOURKE, GRAND MARSHAL OF THE 173D ST. PATRICK'S DAY PARADE IN SAVANNAH, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. KINGSTON. Mr. Speaker, in honor of his dedication to preserving Irish culture, tradition, and history, Monsignor Bourke has been named grand marshal of the 173d St. Patrick's Day Parade in Savannah, GA. The parade is the cornerstone of one of the largest St. Patrick's Day celebrations in the Nation and is a fitting tribute for a man who has given so much to preserve the heritage of his native land and equally as much to the advancement of the country and city he now calls home.

HIBERNIAN SOCIETY OF SAVANNAH, GA

"Irishmen, inclined as they are by nature to good fellowship and charity, should not forget, in a foreign land, the duties they owe to themselves, their national character, and their distressed countrymen. These obligations are the more important to Irishmen, because, during the long period of their oppression, Irishmen have been useful to themselves, their country, and their brethren, only in proportion to their exercise of those generous, charitable and sterling traits with which it has pleased God to distinguish them among the people of the earth. Every motive, too, presses itself upon the heart of each true Irishman to foster more particularly unfortunate because her destiny has been unmerited, and therefore the more entitled to the tender consideration of her own sons, and of the good, the generous and the enlightened of other nationalities."

"Driven from unhappy Erin by unrelenting tyranny, afflicted and persecuted Irishmen seek an asylum in this favored republic, endeavoring to find, under the auspices of its liberal institutions, the only consolations that can remain to exiles thrust out of a beloved home by want and oppression. To these it becomes the duty of their more fortunate brethren settled in this free country, and enjoying the benefits of its hospitality, to reach out the hand of friendship, to tender the aid of a delicate charity, and to offer any other assistance which fraternal, manly and kindly feelings may inspire."

The above two paragraphs comprise the Preamble of the Hibernian Society of Savannah which was adopted at a meeting held on March 17, 1812.

The Hibernian Society of Savannah, celebrating its 185th Anniversary on March 17, 1997, would like to give special recognition to Monsignor Daniel J. Bourke who is the Grand Marshal of the 173rd St. Patrick's Day Parade in Savannah. Monsignor Bourke was born in Birr, Offaly County, Ireland on September 28, 1909. He was ordained to the priesthood at All Hallows Missionary Seminary in Dublin on June 23, 1934, for the Diocese of Savannah. He has given 63 years of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dedicated service to the area of South Georgia and continues to service the needs of the people in Savannah even though he is retired and resides at Blessed Sacrament Church. Monsignor Bourke has held numerous positions within the Diocese of Savannah during his tenure of service. He was named a Domestic Prelate on March 20, 1959 and Prothonotary Apostolic on October 11, 1966. He has been associated with the Diocesan Council of Catholic Women since its introduction to the diocese in 1938, serving as parish, deanery and diocesan moderator. At present he is the Honorary Diocesan Moderator. From the time of his arrival in Savannah in September, 1936, he has been closely identified with the Irish element. While Irish to the backbone, he is proud to have been for fifty years a citizen of the United States of America. He has lived in Georgia since 1934, and over thirty-three of those years in Savannah. He has participated in nearly every parade since his return to Savannah in 1970. He thanks God that he is a Savannahian and in his letter to the citizens of Savannah upon his selection as Grand Marshal he wrote the following words:

"We of Irish birth or lineage honor this day in the memory of St. Patrick who brought the Catholic faith to Ireland so long ago." We honor our forebears who have, in spite of centuries long persecutions, remained faithful to the teachings of St. Patrick. We renew our allegiance to these United States of America, where our people sought and found a harbor of refuge, a land, "Where rich and poor stand equal in the light of freedom's day."

TRIBUTE TO ANTHONY TODD WILLIAMS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate a distinguished young man, Anthony Todd Williams, for attaining the rank of Eagle Scout in the Boy Scouts of America. Anthony is a member of the Boy Scout Troop 550. He will receive this award at an Eagle Scout court of honor on Sunday, March 16 at St. Maria Goretti Church Hall, located in Dyer, IN.

An elite group, comprising only 2.5 percent of all Boy Scouts, attains the Eagle Scout ranking, which is the highest of seven rankings in the Boy Scouts organization. In order to become an Eagle Scout, a Scout must complete the following three tasks: earn 21 merit badges; complete a service project; and demonstrate strong leadership skills within the troop.

Anthony, a student at Lake Central High School, made a turtle island in a community pond for his service project. Anthony has also helped to coordinate various troop outings, and he attended Boy Scout camp for 4 years. In addition Anthony attended the National Scout Preserve in Philmont, NM, which is a high adventure camp with a rugged terrain. Anthony currently has plans to attend the Sea Base Scuba High Adventure Camp in August of this year.

The rank of Eagle Scout always has carried with it special significance—and not only within Scouting. Eagle Scouts are recognized as individuals with great talent and promise as they enter institutions of higher education, the work force, or engage in community service.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Anthony Todd Williams for his commendable achievement. His parents, Kim and Richard Williams, can be proud of their son because it takes a great deal of tenacity and devotion to achieve such an illustrious ranking. This young man has a promising future ahead of him, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

BIPARTISAN CONGRESSIONAL RETREAT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GRINGRICH. Mr. Speaker, at our bipartisan congressional retreat this past weekend, historian David McCullough shared a view of the legislative process which was idealistic, practical, and filled with historic insights. He reminded us that this country was founded by practical idealists who understood both the frustrations of traditional political and legislative life and yet who were able to focus again and again on the idealistic long-term needs of America. I believe every citizen would profit from reading Mr. McCullough's speech. I submit it into the CONGRESSIONAL RECORD.

BIPARTISAN CONGRESSIONAL RETREAT

(By David McCullough)

Well, Amo, you've taken my breath away and your invitation to speak here is as high a tribute as I've ever received. I feel greatly honored but also a strong sense of humility. And I hope it won't seem presumptuous if I—in what I say today—appear to know your job. I don't. If I can help you in what I say, if I can help the country, then I will be very deeply appreciative of the chance to be here.

Your speaker welcomed you to Pennsylvania, I do so too as a Pennsylvanian, by birth and by education and as one who loves this state. There is more history here than almost anywhere else in our country. Our most important, our most sacred historic site—Independence Hall—is less than 100 miles from where we sit, as the crow flies. And if you come to Pennsylvania, you can always learn something, at whatever stage in life.

Last year, Rosalee and I came back to Philadelphia. We pulled up in front of the hotel in a big, shiny, rented car and the doorman, a handsome fellow in full regalia, opened the door for Rosalee. I popped the button for the trunk and I could see him getting the luggage out. I got out and walked around the back of the car and he looked up and said: "Well, Mr. McCullough, welcome to Philadelphia; it is wonderful to have you here." And I thought, "I wonder if he knows me because of my books or because of the work I do on public television?" And so I said, "If you don't mind, I'd like to know how you know who I am?" And he said, "the tag on your suitcase."

You can't but help learn a great deal in this session and as Speaker Gingrich said, this event is unprecedented in the long history of the U.S. Congress. A gathering like this never happened before. And how wonderful that your children are here—the next generation—some of whom may also be serving in Congress. We have the future with us too. And we have the past.

Now many people think of the past as something far behind, in back of us. It is also possible to think of it as in front of us, in the sense that we're going down a path that others have trod before, and some very great people; we are in their footsteps. And it is in that spirit that much of what I have to say will be said. I want to talk about history; I want to talk about purpose, and because there's an old writer's adage, "Don't tell me, show me." I want to conclude by showing you.

"We live my dear soul in an age of trial," he wrote, in a letter to his wife. In the seclusion of his diary he wrote, "I wander alone and ponder. I muse, I mope, I ruminate." He was a new Congressman and he was about to set off for his first session in Congress. John Adams, heading for his very first Congress—the Continental Congress in Philadelphia in 1774—and he was very disturbed, very worried.

"We have not men fit for the times," he wrote, "we are deficient in genius, education, in travel, fortune, in everything. I feel unutterable anxiety." The next year when he returned for the second Continental Congress he found that the whole atmosphere had changed. This was after Lexington, Concord, and Bunker Hill. This was a time of pressing need and America, he decided, was a great, "unwieldy body."

"Its progress must be slow, it is like a large fleet sailing under convoy, the fleetest of sailors must wait for the dullest and the lowest. Every man in the Congress is a great man," he wrote, "and therein is the problem—an orator, a critic, a statesman, and therefore every man upon every question must show his oratory, his criticism, and his political abilities." In 1776, in the winter—in the dead of winter—with the temperature down in the 20s, John Adams set off again from Braintree on horseback to ride 300 miles. Nothing unusual then; we think of communications and transportation as two different subjects. In the 18th century, transportation and communication were the same. Nothing could be communicated any faster than somebody on a horse.

He arrived back in Philadelphia—this is early in 1776, and bear in mind this was the year of the Declaration of Independence—and he wrote: "There are deep jealousies. Ill-natured observations and incriminations take the place of reason and argument." Inadequate people, contention, sour moods, and from his wife, Abigail, John Adams received a letter in which she said: "You cannot be I know, nor do I wish to see you, an inactive spectator." She wants him to be there for all it is costing her, for all the difficulties she is having, caring for the family and running the farm. And then she adds, "We have too many high-sounding words and too few actions that correspond with them."

1776—History. History is a source of strength. History teaches us that there is no such thing as a self-made man or woman. We all know that. We all know the people who helped. Teachers, parents, those who set us on the right track, those who gave us a pat on the back, and when need be, those who have rapped our knuckles.

History teaches us that sooner is not necessarily better; that the whole is often equal to much more than the parts; and what we don't know can often hurt us deeply. If you want to build for the future, you must have a sense of past. We can't know where we're going if we don't know where we've been and where we've come from and how we got to be where we are. A very wise historian, who was also the Librarian of Congress—Daniel Boorstin—said that to try to create the future without some knowledge of the past is like trying to plant cut flowers.

History is an aid to navigation in troubled times; history is an antidote to self-pity and to self-importance. And history teaches that when we unite in a grand purpose there is almost nothing we cannot do.

Don't ever forget the great history of your institution—your all-important institution. All of us, all of us want to belong to something larger than ourselves. I'm sure it's why you're in Congress; I'm sure its why you decided in the beginning, "I'm going to give up this and do that, and it's going to be difficult for my family"—because you wanted to serve something larger than yourselves. It's at the heart of patriotism; it's why we are devoted to our churches, our universities, and, most of all, to our country.

With that kind of allegiance—that kind of devotion—we can rise to the occasion in a greater fashion than we have any idea. And we've done it time and again, we Americans. Think what your institution has achieved. It was Congress that created the Homestead Act. It was Congress that ended slavery. It was Congress that ended child labor. It was Congress that built the Panama Canal and the railroads. It was Congress that created Social Security. It was Congress that passed the Voting Rights Act. It was Congress that sent Lewis and Clark to the West and sent us on voyages to the moon.

Some acts of Congress like the Marshall Plan or Lend Lease, as important as any events in our century, were achieved under crisis conditions. But it doesn't have to be a crisis condition. It can be an ennobling, large, imaginative idea. A big idea.

Much of what has happened in our time has been determined by outside forces. In the Depression, the national aspiration—the national ambition—was to get out of the Depression. In the Second World War, the national aspiration—the national ambition—didn't need to be defined, it was to win the war. In the Cold War, the national aspiration was to maintain our strength against the threat of the Soviet menace, but at the same time, maintain our open free way of life.

But now the Cold War is over. And outside forces are not determining the national ambition. So what is it going to be?

Because we have the chance to choose. You have the chance to choose. And as important as balancing the budget may be, as important as restoring civility and law and order in the cities may be, as important as fourth-grade testing may be, or school uniforms, they aren't the grand ennobling ideas that have been at the heart of the American experience since the time of John Winthrop and the ideal of the City on the Hill.

And we have the chance to do that. We have the chance to create that—you have the chance to do that. There has never been in any of our lifetimes a moment of such opportunity as now with the Cold War over. And if we just lift up our eyes a little and begin to see what we might be able to do, we too—we in our time—could be cathedral builders. We can be a great founding generation, like the founding fathers. And what a wonderful, uplifting, thrilling, unifying sense of purpose that can provide. America itself at the very beginning was a big idea; the biggest idea in the political history of the world. That could happen again.

John Adams, who was one of the most remarkable of our Founding Fathers and whose wife Abigail has left us a record unlike that of any other spouse of a political leader of that time, set something down on paper in the Spring of 1776 that ought to be better known, It's called Thoughts on Government. It was originally written as a letter to the eminent legal scholar, George Wythe of Virginia. It was about twelve pages long and when other Members of Congress asked him for a copy he sat there, by candlelight, at night in a room in a house across the street from the City Tavern in Philadelphia, copying it all down. And then Richard Henry Lee of Virginia suggested that it be published.

Keep in mind please that it was written before the Declaration of Independence. And listen to the language, listen to the quality of the language, which of course, is the quality of thinking. That's what writing is: thinking. That's why it's so hard.

"It has been the will of heaven that we, the Members of Congress, should be thrown into existence in a period when the greatest philosophers and lawgivers of antiquity would have wished to have lived." Right away, you see, he's saying, it is the will of heaven, there are larger forces than we ourselves, and he's applying the moment against the standard of the past: antiquity. It is to a very large degree, a lesson in proportion. "A period when a coincidence of circumstances without an example has afforded to thirteen colonies at once an opportunity at beginning government anew from the foundation and building as they choose." New, unprecedented, and they may choose. "How few of the human race have ever had an opportunity of choosing a system of government for themselves and for their children." And here is the sentence I dearly love. "How few have ever had anything more of choice in government than in climate."

He proposed a bicameral legislature. "A representative assembly," he called it, "an exact portrait in miniature of the people at large," balanced by a second "distinct" smaller legislative body that it may "check and correct the errors of the other." Checks and balances. There was to be an executive whose power was to include the appointment of all judges, and command of the armed forces, but who was to be chosen—and you'll like this—who was to be chosen by the two houses of legislature and for no more than a year at a time.

At the close, he also wrote this—and think about this please, as maybe a clue to what the cathedral we build might be. "Laws for the liberal education of youth are so extremely wise and useful that to a humane and generous mind no expense for this purpose would be thought extravagant."

Then after another month or so he sat down and wrote a letter to a friend back in Massachusetts, a fellow son of Liberty. April 1776. Carved into a mantelpiece at the White House, in the State Dining Room, is the prayer—the wishful prayer taken from a letter Adams wrote to his wife Abigail after his second or third night as President in the White House—the first American to occupy the White House as President—in which he says, "May only wise and honest men rule here."

I offer for your consideration the possibility that what I'm about to read might be carved, if not in a mantelpiece, somewhere in our Capitol where it would have appropriate attention. I can think of almost no other line from any of the founders so appropriate, so pertinent, to what you face—what we all face—not just in problems, not just in personal animosities or contention or rivalries, but what we face in the way of opportunity: to be builders as they were. Because he establishes both a way and a warning: "We may please ourselves with the prospect of free and popular governments. God grant us the way. But I fear that in every assembly, members will obtain an influence by noise not sense, by meanness not greatness, by ignorance not learning, by contracted hearts not large souls. There is one thing my dear sir that must be attempted and most sacredly observed or we are all undone. There must be decency and respect and veneration introduced for persons of every rank or we are undone. In a popular government this is our only way."

I salute you all. I salute you as a fellow citizen, as a fellow American, as the father of five children, as the grandfather of nine children. I salute you as one who has spent a good part of his working life trying to write some of the history of your great institution.

Our country deserves better—from all of us. But we look especially to our leaders as we should rightfully do. And there are no more important leaders than you. We don't expect you to be perfect. We do expect hard work, diligence, imagination, a little humor, civility, and especially, the sense that there is really no limitation to what we, a free people, can do. And that, with the grace of God, and a common sense of purpose, there is no limit—which has always been at the heart of the vision of American since the beginning.

TRIBUTE TO MR. JOSÉ "JOE" TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. José "Joe" Torres, an artist in the culinary field who for many years has satisfied the most demanding palates at Jimmy's Bronx Cafe, in the Bronx, NY.

Mr. Torres was recognized for his culinary ability in an article written by Josue R. Rivas which was published in El Diario, on December 18, 1996.

A chef of Puerto Rican cuisine "por excelencia," Joe was born in Guaynabo, PR. He credits his success to his mother, from whom he first learned the art of cooking, and later on, to the chefs with whom he worked in New York City.

At Jimmy's, Joe cooks everything and for all occasions. One of his most overwhelming and, at the same time, joyous times, is the Christmas holiday season. He prepares the best Puerto Rican roast pork, rice with black-eyed peas, and "pasteles," plantain dough filled with roast pork and vegetables. The food is so delicious that one almost forgets to leave room to try his "coquito," his glorious coconut egg nog, for dessert.

Almost a synonym for the restaurant where he works, Joe Torres welcomes the clientele at Jimmy's Bronx Cafe with the same warmth with which he would receive friends and relatives at home. At age 50, he is one of the best chefs of Puerto Rican cooking in New York City.

Even though I share Joe's name and Puerto Rican origins, I must admit I do not share his ability for cooking. Hence, I feel most privileged to try his dishes when I visit Jimmy's Bronx Cafe.

Mr. Speaker, I ask my colleagues to join me in recognizing José "Joe" Torres, for his extraordinary culinary ability and for giving to all of us visitors to Jimmy's Bronx Cafe the joy of tasting delicious Puerto Rican cuisine.

RECOGNIZING A UNIQUE PARTNERSHIP IN THE CREATION OF AFFORDABLE HOMES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. LEWIS of California. Mr. Speaker, an amazing and largely untold story has been developing for the past decade as nonprofits throughout the Nation move block-by-block to provide new homes in America's low-income neighborhoods and, at the same time, reinvigorate communities. To underscore these successes, Habitat for Humanity International, Local Initiatives Support Corporation [LISC], the Enterprise Foundation, and the National NeighborWorks® Network are joining together to make an unprecedented commitment and challenge that will touch the lives of millions of people in communities across the country.

Today, these four organizations announced a multibillion-dollar commitment to develop safe, decent, and affordable housing and have challenged Congress and the Nation to join them in this deeper commitment.

The $13 billion commitment is projected to generate 193,800 affordable homes and apartments in 2,475 urban, suburban, and rural communities. The homes they will provide range from remodeling and modernizing multifamily apartment buildings to constructing new homes for sale to low-income families. The initiative will touch neighborhoods across the country in farm towns and in dense urban inner cities. Tens of thousands of jobs will be created and tens of billions of dollars in private investment will be stimulated.

And, Mr. Speaker, knowing of the past successes of each of these nonprofits, I am convinced that their commitment to this initiative will result in the exciting goals they have set for themselves.

Congress can be an active partner in reaching these goals by continuing to provide the necessary tools to enable individuals, corporate leaders, philanthropic institutions, and others to continue to expand their support of providing more affordable homes. For example, programs like the Low Income Housing Tax Credit, Community Development Block Grants, the Community Reinvestment Act, the Earned Income Tax Credit, Rural Homeownership, HOME and Housing Opportunity Program are just a few of the programs that are uniquely effective and efficient in channeling private resources into community renewal and stretching scarce public dollars.

I am pleased to join these organizations in celebrating these success stories and call upon my colleagues to make housing issues a priority in their legislative agendas.

TOM NEWSHAM: A LAW ENFORCEMENT OFFICER OF HONOR AND INTEGRITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARCIA. Mr. Speaker, the strength of this country rests among a select group of men and women that are entrusted with the responsibility of public safety. These individuals put their own lives at risk to that neighborhoods across the country are kept safe and citizens in these neighborhoods feel personally secure.

I would like to take this time to commend a man of great honor and integrity that has devoted his life to keeping communities safe. This man is Bay County deputy sheriff Thomas A. Newsham, who has served as a police officer in Michigan for over 20 years.

In 1974 Tom started his career in law enforcement when he was hired at the Bay County Sheriff's Department as a deputy sheriff for road patrol. Tom performed admirably in this position for many years and received number distinctions along the way. These include a Meritorious Service Award for excellence and dedication and an Exemplary Service Award for his work at a crisis hotline.

In 1984 Tom was promoted to sergeant II on road patrol and shortly thereafter received a supervisory certificate at the Law Enforcement Officer Training Council. As Tom was moving up professionally, he began to devote more time to a personal priority of his—keeping children off drugs. Tom committed himself to learning how to counsel kids to stay off drugs through Drug Abuse Resistance Education and D.A.R.E. instruction. In 1995 Tom became a D.A.R.E. officer, going to different schools to talk to kids about their opportunities in life and to discourage them from using drugs.

At the same time, Tom was taking classes in community policing services from Lansing Community College, earned his B.A. from Saginaw Valley State University and received advanced training in critical incident stress debriefing.

This month, Tom is retiring from the Bay County Sheriff's Department and I think all would agree that we are losing an outstanding law enforcement officer who combines skill, professionalism, and compassion. I want to thank Tom for his years of service to the community which I represent here in Congress and to wish him all the best in his retirement years.

TRIBUTE TO BARB McTURK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity today to honor the hard work and strong leadership of one of our party's most dedicated volunteers. For the past 4 years, Barb McTurk has served as vice chairwoman of the Colorado Republican Party, and for the past 2 she has served simultaneously as its volunteer executive director. Since taking office in 1993, Ms. McTurk has worked tirelessly on behalf of the Republican Party and its candidates. She has striven to advance the principles of the Republican Party while maintaining the highest level of integrity and earning the respect of friend and foe alike. Her record of achievement is truly impressive.

Ms. McTurk's work has resulted in Republican gains across Colorado as well as an increase in voter participation—an essential element of our representative process. Our gains in registered Republican voters, gains in the State legislative majority and gains in Republican held statewide elected offices are due in large part to the Herculean efforts of Barb McTurk. These gains have elevated the Colorado Republican Party to its strongest level in years.

Mr. Speaker, the political process depends on the hard work of volunteers as well as the ability of all of us to engage in constructive and informative political discourse. As Barb McTurk ends her tenure as chairwoman of the Colorado Republican party, I, along with the rest of the Republicans in the Colorado congressional delegation, want to thank her for her commitment to our cause and convey our utmost respect which she so rightfully deserves.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1997

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MILLER of California. Mr. Speaker, today, I am cosponsoring the Indian Child Welfare Act Amendments of 1997, a timely bill that reflects a carefully crafted compromise between the interests of Indian tribes seeking to protect their culture and heritage and the interests of non-Indians seeking greater clarity and security in the implementation of the Indian Child Welfare Act of 1978.

This bill is virtually the same bill that I cosponsored last year along with the chairman of the Resources Committee, Representative DON YOUNG, and the bill is the direct result of several high-profile adoption cases involving the adoption of Indian children. These cases, involving lengthy disputes under the Indian Child Welfare Act, focused our attention on whether the act fairly, and to the greatest degree possible, took into account the best interests of the children, the parents, and the tribes.

In the last Congress, early attempts to rectify these problems were misdirected and would have amended the Indian Child Welfare Act to severely limit its scope and the protections it affords Indian children, parents, and tribes. The first proposed amendments to the act were drafted without any input at all by Indian tribes or by members of the committee of jurisdiction, the Resources Committee. The amendments survived a close vote on the House floor, but failed to make it out of committee in the Senate.

Recognizing the need for legislation, however, we immediately initiated discussions with Indian tribes to lay the foundation for compromise legislation. The tribes in turn prepared draft legislation that was then shared and negotiated with adoption professionals, including attorneys, who ultimately endorsed the new legislation. Proponents of the compromise legislation now include the American Academy of Adoption Attorneys and Jane Gorman, the attorney who represented the family in the Rost case.

This bill is intended to strengthen the act, to protect the lives and future of Indian children first and foremost. This bill was crafted not only with the input of the tribes but also with the input of the attorney for the Rost family, whose well-publicized case was one of the adoption cases that sparked this debate. We understand that to a few parties on either side of the debate this bill may not seem perfect. Few compromises are. But what this bill does is truly important. This bill helps Indian children by providing allowing adoptions to move forward quickly and with greater certainty. This bill places limitations on when Indian tribes and families may intervene in the adoption process. Yet at the same time, this bill protects the fundamental rights of tribal sovereignty.

The point is that this bill places the interests of Indian children above all else, first by ensuring that they will have as equal a chance as any other children at having a loving family and a home and second, by protecting their interests in their own culture and heritage.

For the benefit of those new to this debate, I would like to provide a short background of the events that led to the enactment of the original Indian Child Welfare Act and what the new amendments that I and Chairman YOUNG are proposing would do.

The Indian Child Welfare Act [ICWA] was enacted in 1978 in response to the widespread removal of Indian children from Indian families and placement with non-Indian families or institutions. Prior to ICWA, House hearings yielded information which demonstrated that between 1969 and 1974, 25 to 35 percent of all Indian children had been separated from their families and placed in adoptive families, foster care, or institutions. The Resources Committee reported in 1978 that "[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today."

In 1978, Chief Calvin Isaac of the Mississippi band of Choctaw Indians testified at hearings before the House about the cause for the large removal of Indian children:

> One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by nontribal government authorities who have no basis for intelligently evaluating the cultural and social premises underlying Indian home life and childrearing. Many of the individuals who decide the fate of our children are at best ignorant of our cultural values, and at worst contemptful of the Indian way and convinced that removal, usually to a non-Indian household or institution, can only benefit an Indian child.

Removal of Indian children from Indian families led not only to social harm to the Indian parents and adopted children, but also to harm to the tribes who were essentially losing their own members. Chief Isaac added that—

> Culturally, the chances of Indian survival are significantly reduced if our children, the only real means for the transmission of the tribal heritage, are to be raised in non-Indian homes and denied exposure to the ways of their People. Furthermore, these practices seriously undercut the tribes' ability to continue as self-government communities.

Congress enacted ICWA to address these concerns, declaring that "it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families * * *." 25 U.S.C. 1902. Furthermore, Congress "has assumed the responsibility for the protection and preservation of Indian tribes and their resources" and "that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children." 25 U.S.C. 1901 (2), (3).

It is worth pointing out that Congress enacted ICWA in recognition of two equally important interests—that of the Indian child, and that of the Indian tribe in the child. In a landmark ruling, the Supreme Court in the Holyfield case highlighted the latter interest, saying:

> The protection of this tribal interest is at the core of ICWA, which recognizes that the tribe has an interest in the child which is distinct but on a parity with the interest of the parents.

One result of the passage ICWA has been the development and implementation of tribal juvenile codes, juvenile courts tribal standards, and child welfare services. Today, almost every Indian tribe provides child welfare services to their own children.

Recent studies indicate that ICWA has had a positive effect in redressing the wrongs caused by the removal of Indian children from their families. In 1978, Congress found evidence that state courts and child welfare workers placed over ninety percent of adopted American Indian children in non-Indian homes. Sixteen years later, studies indicate that less than 60 percent are adopted by non-Indians. Note, When Judicial Flexibility Becomes Abuse of Discretion: Eliminating the Good Cause Exception in Indian Child Welfare Act Adoptive Placements, 79 Minn. L. Rev. 1167, 1167–68 (1995). A 1987 report revealed an overall reduction in foster care placement in the early 1980's after enactment of the Act. See Note, The Best Interests of Indian Children in Minnesota, 17 American Indian L. Rev. 237, 246–47 (1992). A 1988 report indicated that ICWA had motivated courts and agencies to place greater numbers of Indian children into Indian homes. Id.

In other words, ICWA is starting to work well. Indian children have been placed in loving homes and the removal of children from their culture has diminished. Unlike other minority cases, there is no shortage of families willing to adopt Indian children. Less than one-half of one-tenth of all Indian adoption cases since passage of ICWA have caused problems.

Although ICWA gives tribes the right to play a role in all cases involving their own children, unfortunately, the law does not always require that parents, their attorneys, or adoption agencies notify the courts or the tribes when such a case is pending. The problem is that some in the adoption profession fear that by notifying the courts that an Indian child is involved in an adoption proceeding, they either will bog down the proceedings or scare off potential adoptive parents. Often, the tribes are given no notification while parties to the adoption are encouraged to conceal the child's Indian identity, causing the number of cases where the intent of the law has been skirted to multiply rapidly. The consequences of this noncompliance can lead to emotionally troubling results for everyone involved.

The bill that I am cosponsoring corrects these problems.

Here's exactly what the bill does. The Indian Child Welfare Act Amendments of 1997 would provide Indian tribes with notice of voluntary adoption proceedings. Currently, the Act requires that tribes receive notice of involuntary proceedings but not voluntary proceedings. The bill would also limit when and how Indian tribes and families can intervene in Indian adoption cases. Tribes would only be permitted to intervene, first, within 30 days of notification of a termination of parental rights proceeding, second, within 90 days of notification of an adoptive placement, or third, within 30 days of notification of an adoptive proceeding. A tribal waiver of its right to intervene will be considered final. Furthermore, a tribe seeking to intervene must provide a certification that the Indian child is, or is eligible to become, a member of the tribe. The bill would also limit the period of time within which Indian birth parents can withdraw their consent to adoption or termination of parental rights. A birth parent can only withdraw consent to adoption up to 30 days after commencement of adoption proceedings, up to 6 months after notification to the tribe if no proceedings have begun, or up to the entry of a final adoption order, whichever comes first. The bill also encourages tribes and adoptive families to enter into voluntary open adoptions and visitation arrangements and authorizes such arrangements in States that prohibit such arrangements. Finally, the bill applies penalties for fraud and misrepresentation by applying criminal sanctions to persons, other than birth parents, who attempt to hide the fact that an Indian child is the subject of a child custody proceeding or that one of the child's parents is an Indian.

I believe that these provisions are fair and will encourage, not prevent, the placement of Indians in caring homes and families.

Some have tried to blame the few but well-publicized failures on the Indians, some have concluded that rolling back the ICWA is necessary to prevent future miscarriages of justice, and some have even asserted that they are doing it with the best interests of the Indian at heart. But Indian people have heard claims like these all too many times before. We understand how hard it must be for them to live with this rhetoric, especially when the stakes are so high. We must all bear in mind that from an Indian perspective, it is the very future of their people and their culture that is at stake.

It is time for non-Indians to understand that Indian families are not necessarily opposed to other people raising their children and giving them loving homes. But it is even more critical that they understand that Indian people must have a voice in these adoptions and that their voices be heard for the good of everyone.

Although we in Congress are often the first to prescribe what is best for American Indians, we usually fail in our attempts to deliver on our promises, largely due to our unwillingness to listen to the very people we're trying to help. I have listened to the tribes, and to the families this time and I believe that the Indian Child Welfare Act Amendments of 1997 is a fair and balanced approach that can bring peoples and cultures together, not divide them apart.

COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. STUMP. Mr. Speaker, I am pleased to inform Members of the House of Representatives that the Commission on Servicemembers and Veterans Transition Assistance held its initial meeting on February 26, 1997. The Commission was created by Public Law 104–275 to advise Congress on the effectiveness of programs designed to assist servicemembers and their families in their transition from active duty to civilian life. The Commission is also charged with studying veterans readjustment benefits to determine how well they are meeting the objective of facilitating veterans readjustment.

The Commission members elected Mr. Anthony Principi to serve as chairman and Mr. Kim Wincup as vice chairman. Mr. Principi is a former Deputy Secretary and Acting Secretary of Veterans Affairs and Mr. Wincup is a former Assistant Secretary of the Air Force (Acquisition) and Assistant Secretary of the Army (Manpower and Reserve Affairs). Both of these commissioners also have significant experience on Capitol Hill, and are well known in military and veterans circles. The additional 10 Commission members are: Gen. James B. Davis (Ret.), Mr. Richard Johnson, Mr. Mack Fleming, Mr. Tom Harvey, Lt. Col. Renee Priore (Ret.), Brig. Gen. Robert (Steve) Stephens (Ret.), Mr. Ron Drach, Mr. Christopher Jehn, Lt. Gen. Edgar Chavarrie (Ret.), and Mr. Michael Blecker. Each of the members has responsibilities outside of the Commission, and I appreciate the job they are about to take on.

Mr. Speaker, I would like to address what I feel to be the most important objective for the Commission to accomplish. We have a wide variety of benefits for veterans and active duty members about to leave the service. These programs have been put in place over the years as Congress saw a need and had the resources to meet those needs.

The Commission's challenge, as I see it, is to determine whether these programs work well as a transition and readjustment package. For all that our servicemembers do in service to our country, we owe them as smooth a return to civilian life as possible, and this Commission's job is to provide us with an independent analysis on how well the package of programs and benefits are doing the job. Each Commission member has a diverse and knowledgeable background in the areas of military and veterans' affairs, and I am confident that they can meet this challenge.

THE COST OF LIVING ACCOUNTABILITY ACT OF 1997

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to address an issue that affects millions of Americans. As you all know, the recently released Boskin Commission concluded that the Consumer Price Index [CPI] overstates the rate of inflation by 1.1 percent. In light of this finding, several changes to the way in which the CPI is calculated have been proposed. Members of Congress, the President, and other government officials have different ideas on whether the Bureau of Labor Statistics [BLS] should continue to adjust the CPI when necessary or if an independent commission should make any needed changes. However, one element is lacking with these proposals: accountability.

Whether we continue to have the Bureau of Labor Statistics determine the CPI, or pass that responsibility along to an independent commission, or choose another alternative, Members of Congress have a duty to ensure that any changes to the CPI are in the best interest of our citizens. We must be held to a vote on the matter.

There are tough choices ahead in our quest to balance the budget. Federal benefits whose COLA's are linked to the CPI include: Social Security, Federal employee and military retirement, veterans pensions, child nutrition programs, and the Earned Income Tax Credit [EITC]. In addition, income tax brackets are also determined by the CPI. A quick fix to the problem of balancing the budget could be simply to adjust the rate of inflation, which would lower payments for recipients of benefits of all of the above programs and raise taxes. But quick fixes rarely solve the problem over the long run. We should not use the CPI as a budget balancing tool.

The CPI is a cash cow that some Republicans are trying to use to achieve their budget goals. They are shopping for a commission to do the BLS's job, because they want the CPI decreased, and the BLS is not moving quickly enough for them. If the BLS was not being pressured by these Republicans and some in the Administration to recalculate this index to their specifications, this bill would not be necessary.

The Republicans want the President to change the CPI administratively. They want this to be done so that when our seniors' Social Security COLA's are reduced, they can blame it on someone else. They are hiding behind someone else's decision instead of holding themselves accountable for these extremely difficult budget decisions facing this Congress.

The BLS and its commissioner, Katharine Abraham, are moving as quickly as they can to examine if any changes should be made to the CPI. This is not an expert science, but it is the best system we have. The BLS economists are experts, and should be the ones to continue to make these important calculations.

My legislation does not offer any particular solution to fix the CPI. Instead, it simply requires that any proposed changes be approved by the Congress. During consideration of the fiscal year 1996 Labor-HHS appropriations bill, I, along with Representative BARNEY FRANK, offered an amendment which would protect Social Security COLA's, among other things, from unfair cuts by requiring Congressional approval of any changes in the formula used to calculate the CPI. My amendment was passed by the House, but later dropped in the House-Senate conference on the bill.

My amendment has now been reintroduced as a free standing measure. I hope that all of my colleagues will join me and again decide to be held accountable for any changes to the many programs that are affected by changes in the CPI.

INDIAN HILL PRIMARY'S INTERNATIONAL PEACE MUSEUM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to share with my colleagues a wonderful event that has taken place at a primary school I visited back home in the district I represent.

The students at Indian Hill Primary have been learning about the many opportunities available to them on the Internet. The teachers have made this new technology an integral part of their lesson plans which, as the principal said, makes their daily lessons come alive.

For example, second grade students, motivated by the example set by Dr. Martin Luther King in his battle for equality through nonviolent protest, decided to share what peace means to them. With innovative leadership from teachers, facilitators, and the creativity of the students, their efforts culminated in the creation of the "International Peace Museum."

This museum web site includes the students' definitions of peace, while also displaying the second graders' illustrations. Because they invite other classes, students, leaders, and governments from around the world to contribute, the students at Indian Hill Primary have already heard from schools in Bermuda, Canada, and throughout the United States.

Mr. Speaker, I commend Indian Hill Primary's International Peace Museum.

INTRODUCTION OF INDIAN CHILD WELFARE ACT AMENDMENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to offer legislation with the ranking minority member of the Resources Committee, Mr. GEORGE MILLER. The 104th Congress considered several legislative bills to amend the Indian Child Welfare Act [ICWA], however, none of the legislative measures were enacted into law. In May 1996, the Committee on Resources and I directed the Tanana Chiefs Conference to begin a consultation effort with the American Academy of Adoption Attorneys, National Indian Child Welfare Association, and tribes to draft ICWA legislation.

Last year, tribal representatives met in Tulsa, OK, to reach a consensus to address concerns expressed with the ICWA. This legislation contains identical language which was drafted and agreed to by the Academy of Adoption Attorneys and tribal representatives in H.R. 3828. H.R. 3828 was favorably reported out of the Committee on Resources, however it was not considered by the House in the 104th Congress. This legislation addresses many of the concerns of the adoption of native children by providing notice to tribes for voluntary adoptions, terminations of parental rights, and foster care proceedings. It provides for time lines for tribal intervention in voluntary cases and provides criminal sanctions to discourage fraudulent practices in Indian adoptions. The proposal provides for open adoptions in States where State law prohibits them and clarifies tribal courts authority to declare children wards of the tribal courts. Additionally, it clarifies the limits on withdrawals of parental consent to adoptions. In addition, it states that attorneys and public and private agencies have a duty to inform Indian parents of their rights under ICWA, and provides for tribal membership certification in adoptions. These reforms resolve the ambiguities in current law which resulted in needless litigation, and have disrupted Indian adoption placements without reducing this country's commitment to protect native American families and promote the best interest of native children.

Mr. Speaker, all of the provisions contained in this bill have been tentatively embraced by the Academy of Adoption Attorneys and tribal representatives. My committee will seek additional input from the Department of Justice, the Department of the Interior, and the Department of Health and Human Services. Last year, both the Department of Justice and the Department of the Interior embraced identical ICWA legislation. Additionally, Jane Gorman, the attorney for the Rost family embraced and supported passage of this legislation in the 104th Congress. The Rost case has been a sad and tragic case which was caused by an attorney who tried to cover up the natural parent's tribal membership and purposefully avoided checking with the grandparents and extended family of the children to see if the family was available to adopt these children. The sad part is that this attorney did not violate the law, but he inflicted sorrow on the Rosts, the grandparents of the children, and ultimately on the children themselves. This proposed legislation will impose criminal sanctions on attorneys who violate ICWA requirements in the adoptions of a native child. In closing, I believe we have acceptable legislation which will protect the interests of adoptive parents, native extended families, and most importantly, Alaska Native and American Indian children.

TRIBUTE TO JAIME "JIMMY" RODRÍGUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Jaime Rodríguez, a successful Puerto Rican entrepreneur, a community activist, and a role model in the Bronx community.

Jimmy, as most of his friends and associates know him, is the owner of a very popular restaurant and sports bar in the Bronx—Jimmy's Bronx Cafe.

Jimmy's Bronx Cafe offers some of the best Puerto Rican cuisine in New York City. The restaurant's success is credited to Jimmy's managerial skills and superb taste for food.

As a young man, Jimmy was resolute in his studies as well as in following in his father's footsteps by taking interest in the seafood business. He learned the business from the ground up and had the opportunity to open the seafood restaurant "Marisco del Caribe." Later on, he expanded it to what is now Jimmy's Bronx Cafe.

A good friend and mentor, Jimmy has been committed to giving back to the community in which he was born and raised. Together with the Hispanic Federation of New York City, Jimmy helped to gather toys and hosted a toy drive at his restaurant this past "Three Kings Day," a Christmas tradition in Hispanic communities.

Jimmy has sponsored 106 little league teams and donates frequently to local charities. Among these, Jimmy donates food regularly to the home-shelter Teresa Haven and to the senior citizen center "Los Abuelitos," The Grandparents. Jimmy also contributes to Christmas in April, an organization which every year assists in renovating homes for senior citizens.

Besides his charity work, Jimmy participates in numerous community and advisory boards, including his membership with the Hispanic Federation of New York City.

As a visionary businessman, Jimmy has plans to open La Terraza Dinner Theater, Bronx Tours Entertainment and Cultural Tours, and other restaurants, like Jimmy's Bronx Cafe, in various cities.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Jaime "Jimmy" Rodríguez for his entrepreneurial spirit and community activism which have served well our Bronx community and the Nation.

OUR FOUNDING FATHER'S ADVICE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GINGRICH. Mr. Speaker, a free society has to maintain a balance between healthy partisan disagreements and a destructive spirit of faction. Congresswoman JUANITA MILLENDER-MCDONALD shared with her colleagues this last weekend a letter quoting George Washington's Farewell Address. I believe Members, staff and interested citizens will find her letter and our Founding Father's advice helpful as this 105th Congress develops. I submit the letter into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

DEAR COLLEAGUE: I am writing to share with you portions of George Washington's Farewell Address. I have recently revisited this timeless document and was struck anew by the utter timeless of our first American President's insights into the well-being and health of our great Union—even though President Washington penned these words over 200 years ago! As Members of the 105th Congress, we may do well to consider President Washington's, admonitions to ensure productive government, sound legislation, and a strong Union:

> "I have already intimated to you the danger of parties in the State. . . . Let me now take a more comprehensive view, and warm you in the most solemn manner against the baneful effects of the spirit of party generally.
>
> "This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly the worst enemy. . . .
>
> "It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part of against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one county are subjected to the policy and will of another.
>
> "There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume."

These words of one of our Nation's founders reiterate the historical mandate for Members of Congress to approach our representative roles in a collegial and bi-partisan manner for the benefit of our country. If you would like a copy of President Washington's complete Farewell Address, please call my Chief of Staff Andrea D. Martin at 5-7924.

Warm regards,
JUANITA MILLENDER-MCDONALD,
Member of Congress.

IN HONOR OF DR. GARY R. MAITA, D.M.D.: AN OUTSTANDING INDIVIDUAL AND VALUED COMMUNITY MEMBER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a truly unique individual, Dr. Gary Maita, whose dedication to his community will long be remembered by his family, friends, and community. Dr. Maita's longtime dedication to others will be honored with a testimonial dinner on March 14, 1997, at the F.A. MacKenzie Post in Bayonne.

This well deserved recognition will celebrate Dr. Maita's many selfless contributions. His odyssey of community service began at an early age when he attended both Assumption Grammar School and Marist High School. Here is where Dr. Maita's love of education and the interests of young people developed. He subsequently attended both Stockton State College and the University of Medicine and Dentistry of New Jersey, and became a respected member of the medical profession. Many people in Bayonne and Hudson County owe their broad smile to the expertise of Dr. Maita.

Dr. Maita's life has been dedicated to the enhancement of the lives of the children of his community. His own attainment of the Silver Beaver Scout Award set the stage for a lifetime of meritorious achievement. Dr. Maita has served the educational needs of the boys and girls of the local area through numerous positions he has held in Hudson County; including, vice president of the Bayonne Board of Education, president of the Bayonne Council, Boy Scouts of America, and a sponsor of Bayonne Youth Soccer League. Children are not the only people fortunate enough to have benefited from Dr. Maita's exceptional commitment to the Bayonne community. Additionally, he has served as a member of the Bayonne Chapter of Unico, executive board member of the Hudson Liberty Council, and president of the Bayonne Chapter of Rotary International.

While Dr. Maita is always willing to lend a hand to others in his community, his heart belongs to his beloved family. He is the proud son of Anthony and Ann Maita, two pillars of the Bayonne area. Dr. Maita is married to the former Mariann Leszynski. This joyful union has brought a permanent smile to the faces of both Dr. and Mrs. Maita through the birth of their son, Andrew.

It is an honor to applaud the many accomplishments of Dr. Gary R. Maita. He has provided great joy and medical care to the lives of his family and community during his outstanding career.

CONGRATULATIONS TO THE UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, LOCAL UNION NO. 599 OF HAMMOND, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. VISCLOSKY. Mr. Speaker, as a native of northwest Indiana, I have witnessed a great, unfolding story. This story is one of pride and principle, enterprise and excellence. It is the story of American workers given the chance to contribute to society, with the labor movement's guiding hand. Today, I would like to call your attention to 45 men of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 599, of Hammond, IN, who will be recognized for 25 years or more of service. They will be recognized during a pin ceremony at a banquet to be held on March 15, 1997, at Carpenters Hall in Hammond, IN.

The Carpenters Local No. 599, which received its charter in 1899, will honor members for their years of service. The members who will be honored for 60 years of service include: John Horvath and John Stolarz. The members who will be honored for 55 years of service include: James Eminhizer, Frank Heitzman, Russell Kelley, Ray Ligocki, Oscar Wahlstrom, and Cecil Webb. The members who will be honored for 50 years of service include: Fred P. Dopoler, Carl O. Frisk, Michael Grimmer, Lawrence A. Hess, Joseph H. Hoadley, Joseph P. Lowry, Beryl Morris, Wayman Porter, John Sowinski, Walter Spencer, and George Warlsbaugh. The members who will be honored for 45 years of service include: Daniel D. Deflorio, Jack W. Depew, John Crzych, William Luckiewicz, Herman K. Nashkoff, and Joe Seneff. The members who will be honored for 40 years of service include: Edward A. Bulock, Wallace Cieszkiewicz, Eugene J. Langel, George Pooler, and Merlin Zahner. The members who will be honored for 35 years of service include: Melvin L. Blair, Richard Carnett, Ralph C. Graham, Aloysius Sajdyk, and Walter Scott. The members who will be honored for 30 years of service include: Roger Benson, Jr., William Chick, Eugene D. Hartz, Steve Hudi, Peter Lolkema, and Ronald L. Webster. The members who will be honored for 25 years of service include: Arthur A. Bach, Lewis Carver, John A. Tuskan, and Anthony R. Vigil.

Mr. Speaker, I ask you and my other colleagues to join me in commending these dedicated members of the Carpenters Local No. 599 for their hard work in fulfilling the American dream. I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made northwest Indiana a better place in which to live and work.

IN HONOR OF THE HERRIN ROTARY CLUB IN CELEBRATION OF THE DIAMOND ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. POSHARD. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Herrin Rotary Club, which was chartered on February 27, 1922. This group of fine people have a history of community service. The first charter of Rotary clubs was started in 1905, and during World War I they were the first group to respond to the plight of war victims.

The Herrin Rotary Club aggressively attacked their list of things to do in order to help improve their community, such as help get "hard roads" in Blairsville Township, build a bridge over Pond Creek on Freeman Road, help put an extension to Route 148 for the city of Ziegler, add a much-needed extension to the Herrin water system, and financially contribute to the Crippled Children's School.

Many of the Herrin Rotary members rolled up their sleeves and went to work by supervising the public playgrounds, aided in the erection of a Scout cabin, worked on mosquito abatement, and provided student loans. And this was just the beginning. As they progressed in the 1950's, the new program continued to better serve the community. Being able to accomplish so many tasks left an indelible impression on the people of Herrin, IL. However, this is not the end, as this Rotary club strives for continued excellence in service.

Early in 1950, the Rotary constructed a pavilion at the nearby city park, built two baseball dugouts, helped start a senior citizen program, gave financial support to the United Way, the Boy and Girl Scouts of America, purchased safety equipment for the school-crossing patrols, provided scholarships for Herrin High School, and sponsored an international family in their effort to get a new start in the United States.

As the Herrin Rotary Club celebrates its Diamond Anniversary, I want to commend this wonderful group of people who have contributed in putting together this celebration: President Jeff Waddell, President Emeritus Carl Goodwin, and cabinet members Tom Cundiff, Greg Haub, Bill Harmon, Steve Walker, Carol Sluzevich, Dale Nofsinger, Gerald Bailey, and the hundreds of other gracious volunteers who have dedicated so much time, energy, and love. It is a true privilege for me to represent these fine citizens in the U.S. House of Representatives.

HONORING DON BAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity today to honor the hard work and strong leadership of one of our Party's most dedicated volunteers. For the past 4 years, Don Bain has served as chairman of the Colorado Republican Party. Since taking office in 1993, Chairman Bain has worked tirelessly on behalf of the Republican Party and its candidates. He has striven to advance the principles of the Republican Party while maintaining the highest level of integrity and earning the respect of friend and foe alike. His record of achievement is truly impressive.

Mr. Bain's work has resulted in Republican gains across Colorado as well as an increase in voter participation—an essential element of our representative process. Our gains in registered Republican voters, gains in the State legislative majority and gains in Republican held statewide elected offices are due in large part to the Herculean efforts of Don Bain. These gains have elevated the Colorado Republican Party to its strongest level in years.

Mr. Speaker, the political process depends on the hard work of volunteers as well as the ability of all of us to engage in constructive and informative political discourse. As Don Bain ends his tenure as chairman of the Colorado Republican Party, I, along with the rest of the Republicans in the Colorado Congressional Delegation, want to thank him for his commitment to our cause and convey our utmost respect which he so rightfully deserves.

TRIBUTE TO BISHOP DAISY B. GARVIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Bishop Daisy B. Garvin for her long and dedicated service to the community.

Bishop Garvin was born in Savannah, GA in 1924. She moved to New York City where she earned a bachelors degree from the Manhattan Bible Institute in 1958.

Over the past 35 years, Bishop Garvin has served as the pastor of the Greater Revivaltime House of Prayer. She is also the spiritual leader of Greater Revivaltime House of Prayer International, Inc. which oversees churches in New York, Virginia, South Carolina, and Florida.

Her ministry started in the Bronx in 1962 and was later moved to Harlem, where she served for 25 years. In 1990, the church was moved back to the Bronx, where she continues to faithfully serve the members of her ministry.

Through her church, Bishop Garvin has given to those in need, both of spiritual guidance and physical strength. With compassion and the strength of a spiritual leader, she has fed the hungry, clothed the poor, sheltered the homeless, succored the sick, and guided the young.

Bishop Garvin has helped reintegrate teenage runaways back into their families and communities, and has assisted the victims of drug abuse and AIDS. She has also tutored children and adults in math, reading and writing. Her mission has been to set people free from the bondage of poverty, despair, and sin.

Her formal education also includes a doctorate in Philosophical Theology from United Christian College, a doctorate in Divinity and a bachelors degree in Theology, these two from Dr. Rosalie Singleton School.

Bishop Garvin has served as a member of the board of directors of the United Covenant Sisters and Brothers International, Inc., the board of elders of the Morris Cerullo World Evangelism, and as a member of Dr. Frederick K. Price's Ever Increasing Faith Network. She is also the president and founder of the Leadership Training School of Ministry.

Bishop Garvin has been honored with the Great Women in History award by Bronx Borough president Fernando Ferrer, the Award of Excellence by the National Black Association of Minority Business Women, and the Woman of Excellence Award by the New Greater Bethel Ministries, to name just a few.

She is the widow of Mr. Arthur Garvin, with whom she had a daughter who has followed in her footsteps, Reverend Juanita Davis.

Mr. Speaker, I ask my colleagues to join me in honoring Bishop Daisy B. Garvin for her longstanding commitment and dedication to those in need in the community.

REGARDING THE NEED TO SCHEDULE CAMPAIGN FINANCE REFORM LEGISLATION IN THE HOUSE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MILLER of California. Mr. Speaker, I would like to submit for the RECORD a letter signed by 112 Members of Congress to Speaker NEWT GINGRICH and Minority Leader RICHARD GEPHARDT calling for a commitment to bring campaign finance reform legislation to the House floor by the 100th of this Congress.

In the previous Congress we saw how much could be accomplished in 100 days with the political will to do so.

In this Congress, under Republican leadership, we have accomplished precious little to date this year. Worst of all, there has been nothing but silence from the Republican leadership on the need for reform of our campaign finance laws.

Speaker GINGRICH has not responded to our letter. However, others have called for fast action.

The President has called for action by July 4. The Senate Democratic leader, TOM DASCHLE, called for action early in the year. Democratic Leader GEPHARDT has called for action within 100 days, as have over 100 other House Members.

We must bring this issue to a vote early or it will be delayed until it cannot be brought forward at all.

I urge my colleagues to pressure the Republican leadership to commit to bringing a reform bill to the floor.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1997.

Hon. NEWT GINGRICH,
Speaker,
Hon. RICHARD GEPHARDT,
Democratic Leader.

DEAR SIRS: I am respectfully submitting to you additional signatures gathered during the Holidays from our colleagues urging you to schedule substantive campaign finance reform during the first 100 days of this Congress. We must not let the congressional schedule kill reform as it has in the past. For your information, I am also enclosing the original letter we submitted to you on November 20.

With this second letter, 112 Members from both parties are calling for fast action on this urgent issue. I hope that we will be able to accommodate this public priority.

Sincerely,

GEORGE MILLER, M.C.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 6, 1997.

Re Letter also sent to Representative Gephardt.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In a November 20 letter, 93 Members of Congress and Members-Elect urged you to commit to passing comprehensive campaign finance reform within the first 100 days of the new Congress. We are writing today to make the same urgent request. No other legislation could do more to end gridlock and begin to restore public confidence in Congress' ability to act on behalf of the American people.

Several times in the past you and Mr. Gephardt have stated your support for campaign finance reform. We believe that for reform to become a reality you must commit to passing it early in the new Congress. Any further delay in passing tough reforms that impose reasonable limitations on campaign financing and shut the loopholes once and for all is inexcusable. The need for reform has been dramatically apparent to us and to the public for many years. But each Congress, campaign finance reform legislation fails to be enacted. And lack of time is often used as an excuse.

We do not pretend that it will be easy to craft legislation with which all Members and the public will be pleased. But that is our challenge and we believe enough information and expertise exists to write an effective and fair bill.

All reform options should be on the table, including a constitutional amendment limiting campaign expenditures, restrictions on contributions from foreign-controlled interests, and limits on "soft money" spending that indirectly benefits or attacks candidates.

As the last Congress showed, a determined House of Representatives can pass complex and sweeping legislation within 100 days. There is no reason we cannot make—and keep—a promise that campaign finance reform be our highest priority and approved within the first 100 days of the 105th Congress.

Again, as our colleagues previously wrote, we respectfully urge you to commit now to campaign finance reform passing in the first 100 days of the new Congress.

Sincerely,

Tom Davis, Lloyd Doggett, James Walsh, Tom Campbell, Robert Underwood, Eni Faleomavaega, John Lewis, Lee Hamilton, Frank Tejeda, Phil English, Joe Kennedy, Bernie Sanders, Henry Waxman, Ed Markey.

REPRESENTATIVE GEORGE MILLER, CAMPAIGN FINANCE REFORM LETTER, COSIGNER LIST NOVEMBER 20, 1996

Tom Allen.
Neil Abercrombie.

John Baldacci.
Tom Barrett.
Xavier Becerra.
Earl Blumenauer.
Leonard Boswell.
Walter Capps.
Bob Clement.
Gary Condit.
Merrill Cook.
Jerry Costello.
Danny Davis.
Jim Davis.
Peter DeFazio.
Peter Deutsch.
Diana DeGette.
William Delahunt.
Rosa De Lauro.
Ron Dellums.
Julian Dixon.
Chet Edwards.
Eliot Engel.
Anna Eshoo.
Bob Etheridge.
Lane Evans.
Sam Farr.
Bob Filner.
Thomas Foglietta.
Harold Ford, Jr.
Sam Gejdenson.
Gene Green.
Luis Gutierrez.
Tony Hall.
Jane Harman.
Bill Hefner.
Maurice Hinchey.
Tim Holden.
Marcy Kaptur.
Barbara Kennelly.
Ron Kind.
John LaFalce.
Tom Lantos.
Sander Levin.
Blanche Lambert Lincoln.
Zoe Lofgren.
Nita Lowey.
Carolyn McCarthy.
Jim McGovern.
Jim McDermott.
Paul McHale.
Cynthia McKinney.
Carolyn B. Maloney.
Jim Maloney.
Frank Mascara.
Martin Meehan.
Juanita Millender-McDonald.
David Minge.
Patsy Mink.
Alan Mollohan.
Jim Moran.
Connie Morella (signed her own letter of support on November 22, 1996).
Jim Oberstar.
Bill Pascrell.
Ed Pastor.
Nancy Pelosi.
Collin C. Peterson.
Earl Pomeroy.
Glenn Poshard.
David Price.
Bill Richardson.
Carlos Romero-Barcelo.
Lucille Roybal-Allard.
Tom Sawyer.
Chuck Schumer.
Christopher Shays.
Louise McIntosh Slaughter.
David Skaggs.
Adam Smith.
Debbie Stabenow.
Pete Stark.
Bart Stupak.
Ellen Tauscher.
Karen Thurman.
John Tierney.
Bruce Vento.
Melvin Watt.
Robert Weygand.
Robert Wise.
Lynn Woolsey.
Sidney Yates.

GEORGE MILLER CAMPAIGN FINANCE REFORM COSIGNERS TO JANUARY 6, 1997 LETTER

Tom Campbell.
Tom Davis.
Lloyd Doggett.
Phil English.
Lee Hamilton.
Joe Kennedy.
Frank Tejeda.
James Walsh.
Robert Underwood.
Bernie Sanders.
Eni Faleomavaega.
Henry Waxman.
John Lewis.
Ed Markey.
Ken Bentsen.
Jim Turner.
Karen McCarthy.
Doug Bereuter.
F. Allen Boyd.

THE BAY CONCERT BAND: MAKING BEAUTIFUL MUSIC FOR 20 YEARS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARCIA. Mr. Speaker, I believe a community should not only be measured by its economic strength and the values of its residents, but also by the diversity and vitality of its artistic organizations. By these qualifications, I am proud to say that Bay City rises to the occasion through the help of groups such as the Bay Concert Band.

The Bay Concert Band is celebrating its 20th anniversary this year, which is a proud and memorable occasion for everyone involved with the band from the conductor to members to listeners. The band has become a staple of life in Bay City, as they have provided public entertainment every year with scheduled concerts and with a free concert at the band shell to kick off the Bay Arts Council community concert series.

The initial idea behind the Bay Concert Band, formulated 20 years ago, was to provide a venue for amateur musicians who had perhaps played throughout school but put down their instruments as adults. What a perfect idea to bring these individuals together so that they could once again enjoy the pleasures of playing in an organized band, and provide entertainment to the community at the same time.

Along with public performances, the Bay Concert Band contributes to the community in numerous other ways. It promotes scholarship awards for accomplished musicians and fosters both ensemble instrumental music as well as solo performances.

The original conductor of the band, Wally Cramer led these musicians for the first 5 years, and then Bob Story took over the reigns for 14 years before he retired this past year. The new band director, David Kjellberg, will continue the tradition his predecessors have set in the level of creativity and skill. I join with all of the greater Bay Area to wish them another 20 years of unqualified success.

PAYING TRIBUTE TO E.M. KNIGHT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to pay tribute to Deacon E.M. Knight, Sr., a country boy from Odenberg, LA, born in 1912, a great community leader whose recent passing will leave a great void in the 18th Congressional District and the city of Houston. Deacon Knight moved to Texas after completing high school.

He had been a faithful member of South Park Baptist Church since 1976. He was the first black person chosen to be chairman of the Deacon's Board for 3 consecutive years. Prior to his service as deacon at South Park Baptist, he served as a deacon at East Macedonia Baptist Church.

Ellis M. Knight was married to Elease Jamison for 37 years until her death. He is survived by three sons; Ellis III, Ronald, and Alan Wayne. He also has two grandchildren; Sharmane and Andre Knight. His two living sisters are Mary Harris and Loys Davis Gatterson. He was married to Janet Jackson in 1988.

Deacon Knight's life was in constant motion. He was the product of a long lifeline. His mother missed the mark of 100 years of age by only 3 weeks. His lifeline provided him many memorable experiences. He served 4 years in the military, took many business and professional courses, and had many challenging jobs, including 37½ years as a union representative and worked with Southern Pacific Railroad.

E.M. Knight fostered black empowerment through his participation with the NAACP and voter registration efforts. He served on committees with local, State, and national elected officials and officers. Through these political involvements he had the opportunity to meet past Presidents Kennedy, Johnson, and Carter. He served on various boards. Among them was the Gulf Coast Community Services Board of Directors as Chair for 6½ years. During his lifetime membership, he served two terms as local branch president. Also, he served two different terms as president of the Harris County Council of Organizations [HCCO]. As Pct. 240 Judge he served on the Democratic Executive Committee since 1988.

Deacon Knight was also privileged to have extensively traveled. In the military he visited the Philippines, Australia, and parts of Asia. His travel with South Park Baptist Church on mission trips took him to Belize, Panama, San Andres Island, and Colombia.

Deacon Knight was quite enthusiastic. His drive came from his stated desire to help people less fortunate than himself. One of his favorite Scriptures, Matthew 25:35, says: "For I was hungry, and you gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in." He edifies this verse through his church and community service. He participated in community civic clubs and was chairman of the Harris County Hospital District's Martin Luther King Advisory Board. He also served as chairman of the South Park Baptist Church Food Ministry and creator and chairman of the South Park Church Community Service Center. He expressed a special love for the Church's Family Life Center. He was the Chairperson of the Together We Build financial drive to raise funds for the building of the FLC. Another special interest was the jail ministry which he was interested in implementing.

E.M. Knight best summarized his life this way: "I am blessed. Sometimes I'm sick, but I'm not tired. I feel the Lord is not finished with me yet." He kept this spirit until the very end and I am honored to have known and had as a friend Deacon E.M. Knight, Sr.

Thank you, Mr. Speaker.

IN HONOR OF WOMEN'S INTERNATIONAL MONTH: RECOGNIZING OUTSTANDING CONTRIBUTIONS TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to six Hispanic-American women for their distinguished public service and selfless dedication to their community. These exceptional individuals will be honored by the National Association of Cuban American Women at its annual dinner on March 15, 1997, at Las Palmas Restaurant in West New York, NJ.

The National Association of Cuban American Women has a long history of recognizing the accomplishments of extraordinary women within the Hispanic community. Under the direction of President Siomara Sanchez Guerra, this organization has grown in stature through the profound impact of the work of its numerous members. These women have and continue to serve as positive role models for individuals in search of a better understanding of what can be achieved when people dedicate themselves to a lifetime of excellence.

This year's presentations are being made under two noteworthy categories: Outstanding Achievement Awards and the Elena Mederos Awards. Four exceptional women have been selected to receive the Outstanding Achievement Awards. Ms. Emma Moreno is a proficient member of the Census Bureau of the U.S. Department of Commerce. Zulima V. Farber, Esq., has served as a public defender and advocate for the State of New Jersey from 1992 to 1994. Estella M. DeLaCruz, Esq., was recently nominated for a judgeship in the State of New Jersey. Nilda C. Hernandez was the first Hispanic judge appointed to the State Division of Worker's Compensation. Each woman has made a significant contribution to the lives of everyone they have touched.

The two exemplary individuals who will receive the Elena Mederos Award come from diverse backgrounds. Natacha S. Millan serves the people of Miami as a commissioner for district 12 in Metropolitan Dade County, FL. Many of the residents of my district have ties to people in Commissioner Millan's area. Dr. Iris Martinez-Arroyo is a dean and professor at Kean College in New Jersey. She has had numerous community-oriented work assignments, including the directorship of the bilingual program of the Newark Board of Education until 1996. Their work transcends ethnic barriers and focuses most importantly on the human spirit. For these endeavors they have earned the admiration of their communities as well as my own.

I ask that my colleagues join me in honoring these remarkable women for all they have done for their respective communities. Each woman has contributed greatly to the varied interests of the residents of the northern New Jersey area. I am proud to have them working on behalf of the members of my district.

THE NEA NEEDS OUR CONTINUING SUPPORT

HON. FRANK PALLONE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PALLONE. Mr. Speaker, I rise today to discuss the important role that the arts and humanities play in communities throughout our country.

As a strong proponent of the arts and as a member of the Congressional Arts Caucus, I believe that slashing funding for the National Endowment for the Arts and the National Endowment for the Humanities would be an irreversible blow to the arts and humanities in America. These influential agencies encourage lifelong learning, promote participation within civic organizations, and preserve our country's cultural and intellectual heritage.

The National Endowment for the Arts continues to lead all other arts organizations in encouraging the expansion of American art. The NEA strives to support excellence in our disparate American society. This organization fosters new design initiatives, encourages a renewed interest in dance, opera, and literature, and assists in the growth of new and previously established museums. In addition, the NEA remains a staunch advocate of arts in education. Studies illustrate that a student's desire to learn is facilitated by the mere presence of arts in the curriculum.

As a Congressman representing New Jersey's Sixth District, I have seen, first hand, how the NEA has directly benefited my constituents. The NEA provided a $6,000 grant to the George Street Playhouse, located in New Brunswick, a city that has been revitalized due to the explosion of the arts community. This $6,000 grant helps support the Touring Theater which reaches over 70,000 New Jersey students through issue-oriented plays. These plays use theater as a vehicle to discuss both personal and social issues facing the youth of today.

Rutgers, the State University of New Jersey also received a $12,500 grant from the NEA, to help fund a graduate-level internship in the Department of Prints and Drawings at the Jane Voorhees Zimmerli Art Museum, located on the Rutgers campus which is also in my district.

In New Jersey alone, the National Endowment for Humanities, in conjunction with the New Jersey Council for the Humanities, provided a $525,000 grant making it possible for scholars at Rutgers University to edit Thomas Edison's notes for publication. A challenge grant from the NEH totalling $550,000, has allowed the New Jersey Historical Society to raise $2.2 million in private funds to renovate the building that contains its collections. The NEH also provided programs that enable Americans nationwide to participate in political, social, and cultural programs. Without funding to the NEH, New Jersey residents would not have access to free videotapes, radio programs, and traveling exhibits.

Supporting current funding levels for the NEA costs each taxpayer approximately 70 cents per year. A mere one-hundredth of 1 percent of the national budget goes towards these organizations. Federal funding for the arts and humanities has provided Americans with more than 1.3 million jobs. The new jobs in turn pump hundreds of thousands of dollars into our local economies. For every dollar that the NEA spends, $11 is generated in the form of tourism, hotels, restaurants, and cultural community activity. If our Government cuts funding and decides to privatize the NEA and NEH, only the large agencies and institutions would survive. The smaller institutions, on the other hand, would suffer an untimely demise without the necessary Federal funding.

These nonprofit organizations generate close to $37 billion in economic activity in America while supporting 1.3 million jobs. In addition, the arts typically produce $3.4 billion for the Federal Government in the form of income taxes, $1.2 billion in State government revenue, and $790 million in local government revenue. New Jersey's flourishing art community benefits greatly from the continued assistance from the NEA and NEH. New Jersey's 47,000 professional resident artists, and 800 cultural organizations provide approximately 15 million people with the opportunity to experience the arts in New Jersey. Close to 2.3 million school children benefit from arts projects that include student matinees, study guides, and classroom workshops.

The youth of today need art to help express themselves. As this year's cochair of the Congressional Art Competition, I know the importance of art in our daily lives.

"An Artistic Discovery" provides our youth with the opportunity to express their creative spirits. This unique, nationwide high school competition brings students together from all over the United States to celebrate the arts and their importance in our society.

The students' passion for the arts, epitomized in their work that brightens the Cannon Tunnel, makes a statement to the millions of visitors who pass through the tunnel that connects the Cannon Building with the U.S. Capitol.

The arts provide channels for emotional expression, and a chance for experimentation. Without the arts, our society would be devoid of all imagination. The arts permeate our culture and speak in a language all their own.

We need to support our national endowments, as well as all other vehicles that generate art that enriches our lives. Continued support for these institutions can expose our communities to diverse and even necessary schools of thought. These agencies help provide our country with a living record of civilization and society. The NEA and NEH stimulate local economies, preserve our national heritage, and encourage educational enrichment programs.

I urge my fellow colleagues to vote against slashing funding for the National Endowments for the Arts and Humanities, and to help ensure the survival of the arts in our society today.

ISRAEL SHOULD BE INCLUDED IN MIDDLE EAST PEACE CONFERENCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise today to bring to the attention of my colleagues a situation that threatens to upset the Middle East peace process. Palestinian leader Yasir Arafat has reportedly invited leaders from throughout the world to participate in a weekend conference, supposedly to discuss ways to move the peace process forward.

While Mr. Arafat has invited diplomats from the United States, Japan, Egypt, Jordan, and Europe to participate in this conference, conspicuously absent is an invitation to the country of Israel.

How can a meeting supposedly designed to discuss ways to facilitate peace in the Middle East not include Israel? Obviously, it cannot. Any serious attempt to move the peace process forward should—and must—include Israel.

It does not take a scholar of Middle Eastern history or politics to know that Israel is integral to the region's future, as well as the success of the peace process itself. Excluding Israel from this proposed conference can only be seen as an attempt to fracture the world community's support for Israel and marginalize Israel's role in the peace process.

The United States must not let itself be manipulated in this way. I applaud President Clinton's efforts to bring peace to the Middle East, but we are at a very delicate point in the process, and we must be extremely careful about how we proceed. A primary tenet of the Oslo Accords is that peace negotiations should take place between Israel and Palestinian authorities. Allowing Mr. Arafat to make an end-run around Israel by excluding it from this meeting violates the principles of the Oslo Accords and poses a serious threat to the peace process.

Mr. Speaker, Yasir Arafat's call for a Middle Eastern peace conference is empty without the direct and meaningful participation of Israel. If the United States allows this conference to go forward in its current form, we will be doing irreparable harm to the peace process. Therefore, I urge you and my other colleagues to join me in calling on Yasir Arafat to include Israel in this weekend's meeting or to withdraw United States participation in this one-sided and counterproductive conference.

HONORING BUSHWICK GEOGRAPHIC TARGETING TASK FORCE 1996 EXEMPLARY SUBSTANCE ABUSE PREVENTION PROGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend the Bushwick Geographic Targeting Task Force [BGTTF] as a 1996 exemplary substance abuse prevention program.

BGTTF, 1 of 20 organizations selected by the Department of Health and Human Services, addresses the needs of Hispanic-Latino youth and young adults in North Brooklyn where a high rate of HIV/AIDS, violence, and substance abuse exists. Through courses and workshops in leadership skills, media literacy, and substance abuse prevention, the multifaceted needs of our youth are addressed. Moreover, BGTTF's Partners in Health Coalition is a logical step in comprehensive community planning and program implementation for these services throughout the Brooklyn community.

As a Member of Congress, I have vigorously advocated for substance abuse prevention services targeting our at-risk youth. Thus, I commend this organization's tireless efforts to combat the rising incidence of drug usage.

Mr. Speaker, I ask you to join me in saluting the Bushwick Geographic Targeting Task Force for their outstanding contributions to the youth of Brooklyn.

CONGRATULATING SAM MALONE AND THE MORNING SHOW

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. DELAY. Mr. Speaker, Sam Malone of Sugar Land, TX, will celebrate the fourth anniversary of his 104 KRBE morning show on March 21, 1997. This top rated show addresses a wide diversity of issues, and features many prominent Houstonians, including the Honorable Robert and Elyse Lanier, University of Houston Coach Kim Helton, and Clyde Drexler of the Houston Rockets. Sam started his career in radio as a $6-an-hour joke writer in New York City. His career took him to Buffalo, NY, before his talents were recognized by KRBE in Houston. After 4 years on his hometown airwaves, Sam is still going strong. I would like to take this opportunity on behalf of the 105th Congress to join 104 KRBE in congratulating Sam Malone and the morning show on this auspicious occasion, and extending best wishes for continued success.

CONGRATULATIONS TO REVEREND BERNARD GUEKGUEZIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Rev. Bernard Guekguezian of the First Armenian Presbyterian Church in Fresno, CA. A member of the Armenian Evangelical Union of North America [AEUNA], Reverend Guekguezian was recently elected to a 2-year term as moderator of the AEUNA, the leading organization of Armenian Protestant Churches in North America.

Reverend Guekguezian was born in Antioch, Turkey in 1927. Following graduation from school, Guekguezian studied at both the Armenian Evangelical institutions in Beirut and at the Aleppo College in Syria. In 1952, Guekguezian completed the American University at Beirut and the Near East School of Theology. After serving as a pastor in Egypt for 2 years, Guekguezian came to the United States, where he attended the Fuller theological Seminary and the New York Theological Seminary and earned a Master's degree in Christian Education. In 1959, Guekguezian was ordained as a Minister of the Word by the Congregational Conference of Massachusetts.

During his stay in Massachusetts, Guekguezian served as minister of the Armenian Congregational Church of the Martyrs, Worcester, MA, the oldest Armenian Church in America. In 1966, Guekguezian accepted a position with the Armenian Presbyterian Church of Paramus, NJ and served the congregation for 12 years.

Reverend Guekguezian became a resident of the Fresno area in 1978, when he was installed as pastor of the First Armenian Presbyterian Church of Fresno, the oldest Armenian religious institution in California. Guekguezian resides in Fresno with his wife Knar Kazanjian of Aleppo, with whom he has two sons and three grandchildren.

Mr. Speaker, Rev. Bernard Guekguezian has been an example of leadership and inspiration to the community of Fresno, the State of California, and the other communities that he has impacted throughout the United States. I offer my sincere congratulations to Rev. Bernard Guekguezian of First Armenian Presbyterian Church on his election as the Moderator of the Armenian Evangelical Union of North America and the best of luck in his new position.

TRIBUTE TO CHIEF OF INVESTIGATIONS, JOHN W. PEADEN

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SCARBOROUGH. Mr. Speaker, on March 31, 1997 the citizens of northwest Florida and the State of Florida will be losing a man who has dedicated his life to protecting the people of Florida and ensuring the triumph of justice in our community. This gentleman has distinguished himself as a community leader, a dedicated law enforcer, and one of our Nation's leaders in the war on drugs. The man I speak about today is Mr. John Peaden of the Office of the State Attorney in the First Circuit of Florida.

I could praise Mr. Peaden for his 25 years of law enforcement, during which he served as a Florida State trooper, a member of the Okaloosa County Sheriff's Department, and the Office of the State Attorney. I could mention the modernization and computerization that Mr. Peaden brought to the investigations department over the last 16 years with the State Attorney's Office. Or I could applaud his tireless efforts to protect our children from illegal drugs through his efforts on the Okaloosa-Walton County Drug Task Force. But I'm sure John would say that those accomplishments were just part of his duty.

However in my opinion Mr. Speaker, John has gone above and beyond the call of duty throughout his distinguished career in the field of criminal justice. At a time when our Nation calls out for principled leadership from public officials, it is fitting that today we honor a law enforcement professional who always went the extra mile to protect our citizens while striving to support and defend the Constitution of the United States. Mr. Peaden has known, better than most, that while trying to protect our quality of life, we must respect the God given rights of freedom.

John's overall attitude and dedication to public service has been a model in the lives of the hundreds of law enforcement officers and professionals that he has trained, supervised, and encouraged. His legacy will remind new officers that when at all possible, law enforcement officers should go beyond the call of duty to assist citizens in any way possible and to protect our justice system from any foe, foreign or domestic.

As John departs from the Office of the State Attorney, he can take pride in knowing that he influenced so many people in a positive way. As a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of the life-long efforts of John Peaden.

MIDLOTHIAN POLICE CHIEF ROY VAUGHN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARTON of Texas. Mr. Speaker, I would like to offer my congratulations to Police Chief Roy Vaughn of Midlothian, TX, on the occasion of his retirement on March 14, 1997.

Mr. Vaughn served the citizens of Midlothian as chief of police for 10 years, following a successful 22-year career with the Dallas Police Department.

I join Chief Vaughn's wife, Margie, his four children and numerous grandchildren in thanking him for his years of dedicated service to our community, and offer him my best wishes for the future.

IN HONOR OF JOE FRIEND

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to note with great sorrow the passing of a friend very dear to the town of Chester and especially to me, Joe Friend.

Joe dearly loved this community of Chester, CT, and was always well-informed of the town's happenings. Having served on the board of selectmen in Chester and later as the registrar of voters, Joe was among the most active and engaged members of the community. He fought for seniors at every juncture. He often came to me with concerns from members of the community who had problems with housing or Social Security or another problem. No community concern was too small or large for Joe to take on.

Everybody loved Joe. He would often make puns on his name, saying "you always have a friend here" or "you'll always have a friend in this house." And he was a friend to so many of us in his 83 years. I was fortunate to be one of them.

Mr. Speaker, I am reminded of a party thrown for Joe and his wife Lillian almost 10 years ago, when the whole community, as a demonstration of their respect and regard, joined in the celebration of their 50th wedding anniversary. This day will be remembered fondly by all of us.

And so, Mr. Speaker, we will mourn Joe's passing. He will truly be missed. But we who knew him, we who were touched by him, will never be able to forget him. Joe Friend served his community well and will be a continuing inspiration to all of us.

STATEMENT TO INTRODUCE THE MSA EXPANSION ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a bill that will extend medical savings accounts to millions of Americans. Commonly known as MSA's, these tax free accounts are combined with a high deductible health insurance plan to help lower health care costs and increase consumer choices.

The much needed Health Insurance Portability and Accountability Act that was signed into law by President Clinton last summer included a pilot program for MSA's, but with restrictions. The law limits the number of MSA policyholders to 750,000 by 1999, and the pilot program is expected to end in the year 2000. The MSA Expansion Act will allow all small businesses with 50 or fewer employees, and the self-employed, to choose an MSA, and it will repeal the sunset of the pilot program so future generations will be able to benefit from MSA's too.

This legislation is needed because some experts predict that the 750,000 cap will be reached as early as this spring, since demand for MSA's has far exceeded expectations. To meet the demand from small businesses, the self-employed, and a surprisingly high number of uninsured, an average of four new health insurance carriers a week are entering the MSA market.

Clearly, the high number of uninsured who have purchased MSA's signal that MSA's are not solely attracting the healthy and the wealthy, as some people predicted. No one has found a single example of such adverse selection resulting from the institution of MSA's, and it will not happen because for adverse selection to occur, the very sick must shun MSA's. This does not and will not happen, as the very sick will save money in many cases since their out-of-pocket costs will be less. Moreover, they will choose MSA's because they will have their choice of physician or specialist.

The MSA Expansion Act is what the American people want and deserve. It will lower health care costs for everyone, provide more choices, and extend the accessibility and affordability of health care to the unemployed and the uninsured. I urge all of my colleagues on both sides of the aisle to join me as cosponsors of this important legislation.

THE COMMON CENTS STOCK PRICING ACT OF 1997

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. OXLEY. Mr. Speaker, I am pleased to introduce today the Common Cents Stock Pricing Act of 1997, a bill to modernize the way stock prices are quoted in today's securities markets. I am especially pleased to be joined by the ranking member of the Telecommunications, Trade, and Consumer Protection subcommittee, ED MARKEY, Commerce Committee Chairman TOM BLILEY, and my colleagues PAUL GILLMOR, MIKE CRAPO, ELIZABETH FURSE, STEVE LARGENT, GREG GANSKE, and RICK BOUCHER in this important initiative. I am proud to continue the tradition in the Commerce Committee of working together with my colleagues on both sides of the aisle to pass legislation that significantly improves the way our securities markets are regulated, as we did last year with the passage of the Private Securities Litigation Reform Act and the National Securities Markets Improvement Act.

The Common Cents Stock Pricing Act will eliminate regulatory obstacles that stand in the way of competitive forces. It will also make stock prices easier to understand for the average investor.

The current rules of self regulatory organizations, like stock exchanges, require that stocks trade in fractions. These rules stem from practices from the 17th century, when the colonies used Spanish dollars as their currency. These ancient coins were called "pieces of eight" because they could be chiseled into eight pieces, with each piece called a "bit." When organized stock trading began in New York in 1792, stock prices were quoted in bits, or eighths. We don't use Spanish coins today—

but the tradition of pricing stocks based on these coins is still with us, in the form of SRO rules.

This pricing system based on ancient coins is not just anachronistic. It makes stock prices difficult for average investors to understand. At least one newspaper has recognized this fact—the San Francisco Chronicle recently began printing its stock tables in dollars and cents, instead of fractions.

And fractionalized pricing is not simply more difficult to understand than prices in dollars and cents. The rules of Self Regulatory Organizations that impose fractionalized pricing effectively mandate a minimum spread between a stock's buy and sell price of an eighth of a dollar. To the rest of us, that means 12½ cents. That means that floor traders capture a minimum of 12½ cents from investors on every trade. SRO rules make it impossible for competition to further narrow the spread for the average investor. Large institutions can get better deals on their trades by negotiating prices on block trades—but regular investors have to pay full freight.

Fractionalized stock pricing is out of step with the rest of the world. The United States is the only major market that uses the pieces-of-eight system to price stocks—every other major market in the world uses decimal pricing. The advancement of telecommunications technology is making it increasingly easy to trade stock on exchanges around the world, simply by pressing a computer key. If we are to maintain our position in the United States as the home of the most successful capital markets in the world, we must keep pace—and fractionalized pricing is a thing of the past, not the future.

Securities and Exchange Commissioner Steve Wallman has been an outspoken advocate of the need to modernize the pricing rules that apply to U.S. stocks, and provided us with informative testimony at the hearing last week before the Subcommittee on Finance and Hazardous Materials. Commissioner Wallman estimated that fractionalized stock prices cost retail investors about $1.5 billion a year. Investors could save that money if we converted our stock pricing system to the system we use for virtually everything else we buy—dollars and cents.

I have read with interest observations of the Toronto Stock Exchange's recent conversion to decimal pricing. On the Toronto Stock Exchange, there is no longer a minimum spread of 12½ cents—and, as a result, the spreads that floor traders from public investors has narrowed. I look forward to learning more about that exchange's experience as we proceed with hearings on decimal pricing.

I also look forward to learning about how a change to decimal pricing would impact the participants in our markets. In this regard, I intend to hold hearings at which we will hear testimony from experts in securities markets, security firms, stock exchanges, and investors. I welcome the views and comments of all parties that will be affected by this initiative, to ensure that we implement this modernization with practicality and efficiency.

I thank my colleagues on both sides of the aisle for their cosponsorship of this important initiative, and encourage all of the Members of the House to support this effort to bring common sense to stock prices in the U.S. markets.

IN HONOR OF OUR NATION'S FORMER PRISONERS OF WAR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. WOLF. Mr. Speaker, it is a pleasure and honor for me to rise today to honor retired Navy Capt. Giles Norrington, of northern Virginia, and other former prisoners-of-war as a very important date approaches.

On March 14, 1973, Captain Norrington and dozens of other American servicemen were released from captivity in North Vietnam. Their bravery and courage have always served as an inspiration for us. These true American heroes endured brutal and unspeakable conditions to emerge from captivity and demonstrate to every American how lucky we are to be able to call them our own.

Here in Congress, we are fortunate to have former POW's such as Senator JOHN MCCAIN, and Congressman SAM JOHNSON among us. They are true leaders, like many other former POW's who have come home to lead our Nation into the 21st century. The sacrifices of our POW's on our behalf should always be remembered.

Mr. Speaker, as we approach this historic date our POW's deserve our humble gratitude and prayers. I know I speak for many in thanking these brave servicemen for their service to our Nation and wish each and every one of them the best in the future.

ENVISIONING A NEW NATIONAL SECURITY STRATEGY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I submit the following for printing in the RECORD:

ENVISIONING A NEW NATIONAL SECURITY STRATEGY

(By Hon. Ronald V. Dellums)

The Cold War has been over now for several years. Throughout that era, congressional colleagues told me: We cannot make cuts in our military budget because of the worldwide threat posed by the Soviet Union and its allies. Nonetheless, we believed then and we argued then that we could reduce military spending and thereby help to ratchet back the conflict. Indeed, throughout the last decade of the Cold War, the Congressional Black Caucus proposed a series of budgets to do precisely that.

With the Cold War over, many colleagues now say: With one-third cuts in funding, force structure and personnel, we have gone far enough in our post Cold War draw down. They say that any more will leave us unable to respond to emerging challenges because of hollow forces untrained and unequipped. I say again, our current security environment both allows and demands that we reallocate significant resources from our military accounts, and redirect them into those domestic and foreign policy accounts that contribute equally importantly to our United States national security. Indeed, a strategy that ignores the contributions to national security made by foreign assistance and investments in education and science research and development, just to name two domestic accounts, is not a comprehensive strategy—and therefore it is one that is doomed to fail.

Certainly instability and danger remain in various parts of the world, including in Russia and other nations of the former Soviet Union. Military modernization in China, Southeast Asia, Latin America and elsewhere—including within the United States—always should give pause for concern. The Persian Gulf and Korean Peninsula merit continued attention because of the possibilities for open warfare between nations. Humanitarian crises and instability throughout the globe will properly continue to require the involvement of the U.S. military at least in the near term—preferably through United Nations' sponsored undertakings in which the United States acts as a colleague which can bring special skills to the table. But we should not allow ourselves to be trapped into the belief that these challenges, only partially military in nature, represent anything requiring anywhere near our current force structure or modernization plans.

Moreover, we should not view even these "security" challenges in purely military terms. They must be seen in their economic, cultural and diplomatic frame of reference. Seen in that light, much of the instability that threatens human rights or outright bloodshed can be diminished and deflected through a robust program of sustainable economic development and timely diplomatic activity in behalf of crisis intervention and conflict resolution. As I noted throughout the Cold War, conflicts that are economic, political, social and cultural in their origins cannot be solved by resort to arms, but only by solving the underlying economic, political, social and cultural origins of the conflict.

Viewed this way, it is clear there exists an imbalance in the funding of our three "national security accounts."

In one account, we continue to make a commitment to find ways to finance a too-large military force structure, an overly aggressive and in many cases misguided weapons modernization program, and overly programmed requirements to maintain short-term readiness (while not planning successfully to pay for the involvement we will have in peacekeeping and humanitarian ventures). We fail to pay for a sufficient program of foreign assistance and much of what we do pay for goes for military security assistance which often compounds the problems that generate regional instability and hostility, rather than ameliorate the root causes of that instability. And, finally, we have already and continue to sacrifice the necessary investments in education, science, research and development, medical and infrastructure that are absolutely critical to the national security of our nation on the three-tiered alter of sustained military spending, balanced federal budgets and generalized tax breaks.

It is clear to me that significant spending reductions can be achieved in our military account by a thoughtful application of analysis to understanding the threats and opportunities that greet us in this new era. In this paper, I seek to set out the justification for such reductions—reductions which I believe represent both a down payment on durable savings in the years beyond which we are currently planning budgets and which will also shape and reduce the military investments that will be made by other nations in the future, especially including China and Russia.

I will leave it to others to more carefully lay out the types of investments that could be made in both the foreign assistance and domestic investments. But let me assert in regard to both of them that fiscal investments in these priorities will bear enormous leverage toward creating international stability beyond our borders and to ensuring that we have a healthy and vibrant society and polity within our borders.

In other words, contrary to those who worry that we spend too little on defense, I believe that our current level of spending—far in excess of our most robust potential adversary—is excessive and represents a long-term threat to our national economy and to the integrity of the national treasury and, therefore, to our national security.

THE MILITARY FUNDING "CRISIS"

Much of the discussion to date from the new Congressional majority has centered on how to find equilibrium by an increase in the funding side of the military requirements-funding equation, rather than confronting whether or not the program side might be overly robust and therefore excess to our legitimate defense requirements. I believe, as I will set out below, that we should focus on the program side of the equation, and seek to find our equilibrium by scaling back excessive force structure and formulating our modernization effort to meet more appropriately the strategic challenges that will confront us in tomorrow's world. Indeed, when approached from that direction substantial savings can be generated.

All of us—whatever our political viewpoint—should be able to agree that the United States has not fully reconfigured our forces or our thinking to meet the new realities of the post-Cold War era. The disagreement is over how we can meet them, what our strategy should be and what it will take to implement that strategy. Only when we have answered these questions can we proceed to assess the budgetary requirements to fulfill that strategy.

My continued assessment of the type and scale of the dangers that exist, the proper response to them and the role of the United States in that response convinces me that we can over the coming five-year defense planning period, and prudence dictates that we should: first, make further reductions in our nuclear arsenal and the infrastructure that supports that arsenal; second, weapons acquisition programs that were undertaken to meet Cold War threats and which no longer are required, or which are provocative and thereby detrimental to U.S. interests in long-term stability; third, reduce readiness requirements and plan to incorporate more effectively reserve forces in our military planning by establishing less stringent planning requirements for conflicts; and fourth, make further marginal force reductions beyond those already projected, including in intelligence accounts.

REDUCING THE NUCLEAR DANGER

The administration's Nuclear Posture Review failed to realize savings that could be made by scaling back our strategic arsenal. More recently, they have declined to pursue opportunities with Russia to undertake START III negotiations, which may prove essential to the Russian ratification of the START II treaty. Former Strategic Command Commander-in-Chief General Butler has quite appropriately shoved the debate over downsizing (towards elimination) of our arsenals right on to the front burner.

It is such a promising opportunity, that we will fail to secure it at our peril. I have urged the administration, privately and in public, to take unilateral initiatives to go below START II levels. Such unilateral initiatives could set the stage for very deep cuts in weapons systems, and could be inspirational to those nations that are currently sitting on the fence as regards their own nuclear futures. The importance of containing the threat of proliferation, and its difficulties, can be seen in the debate regarding the extension of the Non-Proliferation Treaty (NPT). Many nations, such as Egypt, appropriate pressed the United States and the other large nuclear powers to embrace and implement their responsibilities under Article VI of the NPT and to secure the adherence to the Treaty of those whose nuclear arsenals are less developed.

It is potentially catastrophic to our national security to eschew the opportunity both to reduce significantly the nuclear threat that we currently face and to forstall the further proliferation of those threats. By failing to take such steps we also send clear signals to the Russians and the Chinese that their nuclear arsenals are prerequisites for them to maintain their super-power status. In that way we perpetuate the nuclear danger; and by failing to assume our Article VI responsibilities, we invite additional regional instability and new threats to emerge from prospective new members of the nuclear-weapons club.

For those who worry about this threat to the point of wishing to revive an expensive anti-ballistic missile program, with what I believe is very limited utility to defend the United States from weapons of mass destruction, it strikes me that preventing the emergence or retention of the threats that such a system is designed to counter would be a cautious and cost effective strategy. Scaling back our own strategic forces would be critical to such a strategy.

Although I believe it is possible to move beyond our reliance upon the traditional triad of strategic elements—sea-based missiles, intercontinental ballistic missiles, and bombs dropped from the missiles launched from bombers—one can also maintain the triad, not have to spend the levels that are planned for in the administration budget request, and still move deliberately but cautiously down the force structure ladder. Obviously at some point, maintaining the triad, per se, no longer makes sense and we should move towards the most survivable leg of that triad—our submarine force.

Making such adjustment could lead to new commitments by the Russians—who face devastating economic circumstances that will literally compel them to make savings when they perceive their strategic interests allow them to do so—who seem eager to negotiate reductions beyond the START II goals, and should give the Chinese reasons to moderate their on-going strategic-weapons modernization program.

While this constitutes a more determined effort to scale-back our strategic arsenal than is contemplated by the administration, it would provide us with a "hedge" capacity in the event of the return of an implacably hostile relationship with Russia. It would place us on a path that signaled our willingness to lead the weapons reduction effort and would set the stage at the end of the five year budget period to implement a plan to reduce our arsenal to a minimum sufficient deterrent. This makes the achievement of nuclear disarmament a feasibility within our lifetimes.

END THE COLD WAR ACQUISITION PROGRAM

With the exception of a temporary reprieve from aggressive spending on acquisitions that was allowed by the force structure reductions that have been on-going during this decade, there has not been a fundamental rethinking of U.S. acquisition strategy. The administration has proposed that in this FYDP we will begin to invest significantly in weapons modernization—feeling that we have reached the limit of relying on the investment of the last decade. The Republican majority by both yesterday's technology and moan when they find they have boxed themselves out of affording the expensive modernization program the administration supports. Neither are awaiting the outcome of the Quadrennial Defense Review (QDR) that could—and should—dramatically alter the priorities that were laid down in the Bottom Up Review undertaken by Secretary Aspin—which will hopefully provide a careful review of programs such as the F-22, the New Attack Submarine and others which requirements were conceptualized during the Cold War.

I believe strongly that we should avoid buying new systems that maintain the United States and the world on a treadmill of weapons development. Pressing ahead with such invites an arms race that we would be well advised to avoid. We should not fail, as we did in the run-up to MIRV technology, to realize the opportunity that may be available to turn the world away from an accelerated escalation in these types of programs; or we will face much more costly and deadly threats in the long run.

In addition, we much avoid making purchases of systems that are excessive, redundant, and are designed to replace systems that currently work perfectly well because they are far superior to anything that they confront in a potential theater and will continue to do so into the mid-term future. In this regard, we must examine and scale back our ship purchasing, tactical air craft development, more rationalize our strategic lift program and various other programs.

The budget savings in these accounts that would be achieved by the types of cutbacks above are, of course, sometimes offset by the need to acquire alternative in order to ensure that the first element of the acquisition requirement of equipping our force with safe and reliable systems is satisfied. The amounts of savings I am suggesting can be made are net adjustments that accommodate for the necessary acquisition of perfectly suitable current-generations systems to meet our foreseeable operational needs. This allows us to resist the temptation to rush new technologies to the battlefield ahead of requirements, but rests on an assumption that we will continue to make prudent investments in research and development.

These more discerning measures of acquisition would allow us both to lead an effort to slow the level of weapons systems development, retard weapons sales internationally (thereby reducing the threats faced by U.S. and coalition forces), properly equip our forces for the challenges they will face in the near to mid term, and utilize our scarce resources to investigate new technologies that will be more important for the next century. Such a strategy would make the maximum return on investment, and would contribute the best to our effort to control the proliferation of exotic weapons technology.

PROPERLY SIZING U.S. FORCES

Properly sizing U.S. forces is also important for ensuring that we do not place scarce defense resources into the wrong pots. The Bottom-Up Review's requirement to have forces sufficient to be able to meet, nearly simultaneously, two major regional contingencies without allied assistance exceeds that which was propounded by President Bush's Defense Secretary Dick Cheney—and exceeds in my judgment a reasonable planning orientation. It would be my hope that both the planning assumptions and the forces that emerged from the BUR will receive serious examination during the QDR.

First, we should relax slightly the pace at which we believe we would need to respond to a developing crisis. By more deliberately "metering" forces into a theater—enough to halt aggression and provide for force protection quickly and then more deliberately once that state is achieved we can both reduce active force structure and readiness requirements. In addition, this expands the opportunities of time during which sanctions, negotiations and other non-military efforts can reverse the aggression through less than major armed confrontation. We should bear in mind that Operation Desert Storm commenced seven months after Iraq invaded Kuwait. We would establish a planning horizon to commence counter-offensive military operations more severe than was undertaken in that conflict.

Second, a change in this pace of operations will allow for a more effective utilization of reserves, and indeed for returning more of our force structure to reserve components.

Third, such a change will modify lift requirements, not only changing force structure but procurement requirements as well.

Fourth, by changing the view regarding allied participation, we again can relax our planning requirements for force structure.

The alternative that I present assumes that additional force structure reductions and realignments can be accomplished in all services through a change in these policy and strategy assumptions, and that these changes will not compromise our ability to meet our security requirements. It assumes the careful management of reserve resources and a continuing determination to work with our allies and others in coalition efforts. I believe that these modest adjustments, to be achieved within the FYDP, will leave us poised to make an assessment early in the next century as to whether or not we have gone far enough in realigning our forces to meet the world's new strategic threats.

In addition to these larger changes, other miscellaneous savings can be achieved by changing how we do business. Of course, we must realign our priorities within the force in order to ensure that we have the proper types of units[1] to meet the future challenges and change our operating methods in order to alleviate some of the operational tempo and personnel tempo problems that have arisen.

This issue of operational tempo (optempo), and ultimately personnel tempo (perstempo), stress has elevated visibility at the moment. Many blame the stress of deployment to meet contingencies as placing too great a burden on the shrinking force structure. However, when you compare the size of the force with the numbers involved in deployments, I believe that what is shown is that our "business as usual" is out of kilter and that we have too few of some particular types of units.

By changing forward presence requirements for aircraft carriers, for example, we can reduce perstempo stress among naval forces significantly. And, as was demonstrated by the prompt movement of carriers from one theater to another when crises have emerged, such a decision does not diminish our ability to respond promptly and effectively in order to deter a crisis from erupting into large-scale violence.

Finally, as we reduce force structure we should be mindful that better intelligence and assessments can offset the possibility of strategic surprise. Having said that there are substantial savings available within the intelligence accounts that could be achieved through various economies and they should be vigorously pursued.

THE IMAGINARY READINESS CRISIS

Similarly, different scoring for training and an understanding that training goals are not arbitrary standards that result in catastrophic lack of readiness if they are not fully met would change some of the discussion as well. Such an arbitrary rating system led to the anecdotal evidence that there was a readiness crisis at the end of the 1994 fiscal year. We need to explore how steeply we can and cannot tier our readiness; we need to ensure that our services are preparing, as well, for the contingencies that should occupy them more and more—humanitarian assistance, conflict resolution, peacekeeping, etc. But, most importantly, by changing the assumption regarding the pace at which personnel will flow into a potential conflict, we can achieve significant savings in training and other readiness requirements.

In addition, this budget would enhance environmental cleanup and conversion funds that are critical to the successful transformation of our defense infrastructure to civilian use. We cannot walk away from these communities, who have served the nation, and now want to return to civilian activities. These funds are vital to the future well-being of our nation, and to its national security—and they more easily allow us to close excess infrastructure. We should continue to plan to pay for them in the years to come.

A PROPERLY SIZED MILITARY BUDGET

In this paper, I have avoided proposing specific programmatic cuts and have talked more thematically. However, the numbers presented below represent savings that are built from real force structure cuts, real acquisition program termination, from real changes in operation and training tempos. They have been "scored" by CBO to ensure that their authority and outlay savings were properly measured.

Importantly, they are only one approach to organizing a properly sized, properly equipped and properly trained force for the challenges of the 21st Century. Others could choose different pathways, but they would achieve similar savings.

I felt it important not to get bogged down in a debate over this or that weapon system, this or that force structure element or this or that method of operation. Suffice it to say, if the budget were cut by these levels, we could provide for a sufficient military force to defend the United States and its interests, participate effectively as a world leader in international affairs and free up resources vitally needed for our other "national security" accounts. Our failure to do so will, as I have indicated elsewhere, be to our long-term national security detriment. It is with that analytical framework and in that spirit that I believe we could achieve these levels of savings in the military account over the coming five fiscal years:

[In billions of dollars]

Fiscal year	Authority savings	Outlay savings
1998	$27.365	$18.761
1999	34.713	29.071
2000	44.845	36.219
2001	48.685	41.818
2002	51.630	56.221
1998–2002	217.238	172.090

Let me reiterate my view that these represent savings in one of three national security accounts, funds that can be urgently spent in our other two national security accounts: foreign assistance and domestic programs critical to our well-being and health as a nation. For without strong healthy cities to defend, cohesive communities, an educated citizenry to run our economy and our political institutions, we will wither and decline socially, politically, economically and culturally. We are way past due making these investments, and we fail to make them at our peril. The time is ripe and the opportunity exists to transfer this scale of resources and we should not fail to do so as we think of what type of society and what type of world we seek to build for our children and their children.

DELLUMS NATIONAL SECURITY BUDGET PROPOSAL SAVINGS

[050 Budget authority in billions]

	Fiscal year—					FH 1998–2002
	1998	1999	2000	2001	2002	
050 account—Administration's FY 98 budget proposal	$265.3	$269.2	$275.0	$281.5	$289.1	$1,642.3
Total savings 1998–2002	27.365	34.713	44.845	41.818	51.630	217.238

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[1] I think especially of enhancing our abilities with, for example, AWACs, civic and public affairs units, water purification units and other types of units that are small, but for which there will continue to be an elevated level of demand.

DELLUMS NATIONAL SECURITY BUDGET PROPOSAL SAVINGS

[050 Outlays in billions]

	Fiscal year—					FH 1998–2002
	1998	1999	2000	2001	2002	
050 account—Administration's FY 98 budget proposal	$263.0	$266.3	$270.0	$269.0	$269.0	$1,601.4
Total savings 1998–2002	18.761	29.071	36.219	41.818	56.221	172.090

THE ROBERT C. BYRD STATUE UNVEILING IN THE WEST VIRGINIA STATE CAPITOL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. RAHALL. Mr. Speaker, I rise today in praise once again for U.S. Senator ROBERT C. BYRD, a man of grace, a man of conscience and compassion, and indeed a great West Virginian. On January 11, 1997, it was my high honor to have been present at the unveiling of the Robert C. Byrd statue in the West Virginia State Capitol in Charleston, WV, and to hear Senator BYRD's eloquent remarks regarding his "long journey through life encompassing 79 years" that brought him this far, and "about all those he met along the way" who helped him achieve the pinnacle of recognition in the form of a life-size bronze statue of himself being unveiled that day.

Mr. Speaker, I ask unanimous consent that Senator ROBERT C. BYRD's own personal remarks be reprinted in the CONGRESSIONAL RECORD as he acknowledged and thanked all those who made this historic day possible.

REMARKS BY U.S. SENATOR ROBERT C. BYRD—ON THE OCCASION OF THE ROBERT C. BYRD STATUE UNVEILING

During the course of my life, I have often been referred to as a "self-made" man. But, while one's ego might like to lay claim to such an august achievement, no mere mortal can, in reality, claim to be "self-made." Every person owes any success he or she might have in this life to hundreds of other persons. Tennyson said, "I am a part of all that I have met, . . ." Always profound, Tennyson may have been at his most profound with that line.

When I reflect upon my own 79 years, I am at once struck by the enormous debt which I owe to others: poor, but loving foster parents who taught me how to live and how to die; teachers who took the time to encourage a country lad who liked to memorize; friends who unselfishly gave guidance and counsel; adversaries who helped me to toughen and to preserve; my wife and family who sacrificed and, still and all, stood by me; colleagues who taught me what they had learned in the legislative areas; staff members who worked over the years to help me meet my goals for West Virginia; and the people of this magnificent state who have, time and time again, believed in me, trusted me, and honored me far beyond my wildest imaginings.

And now, I have come to this place in my road. But, I have not traveled alone. I have journeyed with all of you. I have never felt more keenly my deep ties to you, to this state and to all of those who have influenced my life. Blessings have been heaped upon me. And I stand before you humbled by this day and by the enormity of this occasion. Perhaps no one before me has ever known the unbelievable awe of gazing at their own form cast in bronze and standing ten feet high in one of the most beautiful state capitol buildings in the nation. What an experience! The boy who bugged the beans has certainly come a long mile. If my old mom were alive today, she would be surprised and proud, but she would also be quick to remind me not to be "gettin' above my raisin'," just like she always did. How I wish that she and my old pap could see this. But, then, I think they probably can.

I thank all of you who have worked to make this day a reality. Your generosity and gracious kindness are simply overwhelming. I thank Gaston Caperton, the best Governor West Virginia has ever had, for his cooperation and hard work. I thank Ann Brotherton and Judge Brotherton and Mike Perry for all they have done to make this day a reality. Your generosity and gracious kindness are simply overwhelming. I also thank each of you for the part you have played in my life—for what each of you has taught me and for your contribution to my work and to my personal enjoyment of my time on this planet.

Long after I am gone from this life, there will be left for future generations whatever good which may evolve from my work, and this remarkable statue. Cato the elder once observed that he would rather people ask why he had no statue than inquire why he had one. But, my hope for the totality of my work is well known—a better life and more opportunity for all West Virginians. My hope for this sculpture is that it will stand as an inspiration, especially to young West Virginians. I hope that it someday may serve as a beacon for anyone who may aspire to achievement. For, in this miracle of a country, anything is possible. And dreams do come true, even for a poor lad from West Virginia who gathers scraps to feed the hogs on a rough hillside farm.

Thank you and may God bless and keep each of you always safe from harm.

The woods are lovely, dark, and deep,
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

INTRODUCTION OF THE COMMON CENTS STOCK PRICING ACT OF 1997

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MARKEY. Mr. Speaker, I am pleased to join today with Chairman OXLEY and Chairman BLILEY in introducing the Common Cents Stock Pricing Act of 1997 and I appreciate the opportunity to put in my 2 cents on the reasons why this legislation is good for investors and good for our financial markets.

For over 200 years, stocks and bonds have traded in minimum price increments of one-eighth of $1 or 12½ cents. The origins of this practice are obscure, but some historians trace it back to the 18th century, when the Spanish dollar was a widely used currency in America. Stock traders would cut up these dollars into pieces of eight or bits and use them to pay for stocks and bonds. As our financial markets move into the 21st century, it's time we eliminate the eighth, which is little more than a relic of the days of knee breeches and powdered wigs. In recent months, we have already moved to force stock prospectuses to be written in plain English so they are more understandable to investors. Why not force stock quotes to be made in plain dollars and cents, so that investors don't have to convert from fractions every time they read the stock tables in the newspaper?

Four years ago, when I chaired the Finance Subcommittee, we held a series of hearings on the future of the stock markets. During those hearings, we heard many market participants raise concerns about certain trading practices, such as payment for order flow or preferencing, which they argued had the potential to compromise the fiduciary duty of brokers and other financial professionals to achieve best execution of their customer's orders. Many proposals were put forward to address abuses in these areas, ranging from banning such practices entirely, enhancing disclosures to customers, or stepping up regulatory oversight. While many of these proposals had merit, they merely address the symptoms while ignoring the underlying problem—the fact that the artificial requirement for stocks to trade in eighths establishes a fixed minimum spread between the prices quoted by buyers and sellers of stocks. This requirement prevents market forces from working to narrow the spread to 10 cents, 5 cents, or even 1 penny. As a result, market makers have resorted to practices such as paying for order flow.

I think that our markets would function better if we moved to a more transparent form of quote-based competition. Let stocks trade in dollars and cents, and then the market can more accurately determine what the prices and the spreads should be. Investors will get more opportunities for price improvement in the most actively traded and liquid stocks, and the spreads in such stocks should narrow. Investors will also be able to more readily comprehend how much the value of a stock is increasing or decreasing, as they will not have to constantly convert fractions to dollars.

At the time we held our hearings the stock exchanges resisted such an innovation. I believed then, as I believe now, that many of the objections raised to this proposal are ill-founded, while those which warrant consideration can be readily accommodated through the regulatory process.

Some might ask, why are we bothering about a few pennies? The answer is the golden crumbs that Wall Street extracts for each trade adds up to billions of dollars in costs to consumers each year. Estimates of the resulting savings for investors range widely—from $4 to $9 billion a year, depending on what stocks are covered and where the minimum price increments are set. But even if investors only saved 1 penny per share, that would still mean over $1 billion in savings annually.

The bill we are introducing today is very simple. It directs the Securities and Exchange Commission to use its existing rulemaking authority to adopt a rule, within 1 year after the date of enactment, that would transition the stock and options markets away from trading in factions to trading in dollars and cents. We give the SEC the flexibility to determine what the appropriate minimum price increment or increments should be, and how to implement it in a fashion that does not impose undue burdens on trading and information systems.

The time for delay has ended. American investors want Wall Street to show us the money by moving away from trading in fractions to a more understandable stock pricing system. They also want more opportunities to get better prices and lower their transaction costs when they buy or sell stocks.

I congratulate Chairman OXLEY and Chairman BLILEY for their leadership in undertaking this initiative, and SEC Commissioner Steve Wallman for his outspoken advocacy on the merits of adopting this reform. I look forward to working with them, as well as with SEC Chairman Arthur Levitt, the leaders of our Nation's stock exchanges, individual and institutional investors, and the securities industry as we move to early hearings and a markup of this bill, which I believe may be the most important proconsumer legislation the Congress considers this year.

KEEP THE GLORY FOR OLD GLORY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GREEN. Mr. Speaker, I would like to share with all a poem written by a constituent of mine, Harry E. Dearen, who is a member of the American Legion, Chaplain Post 594 and the American Legion Citizens Flag Alliance in Houston, TX. I believe his poem captures the sentiments we all feel about our flag.

KEEP THE GLORY FOR OLD GLORY

No matter who we are, or what we think
About our nation in which we live.
We are free and have a common link
And a duty to our colors and should give
Our very heart and soul to an alliance
To our fellow man and old glory.
The flag that we fought for in defiance
Of offenses aginst liberty. The history
Of our country lived by men at arms
And through our victories of the past
To protect our flag from ones that harm
It in any way, or try to burn, or trash
Our flag is stepping right on me.
I will not put up with that being done.
We must see that it is stopped you see.
It mocks the freedom that we have won.

—*H. Dearen.*

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. LEVIN. Mr. Speaker, I rise to indicate that on Thursday, March 6, I accompanied the President of the United States to my home State of Michigan where he discussed education and the challenge of moving people from welfare to work.

As a result, I missed rollcall votes 32 through 35. Had I been present, I would have voted "nay" on rollcall votes 32 and 35, and "yea" on rollcall votes 33 and 34.

CONDEMNING THE BOMBING OUTSIDE THE MERCER ISLAND JEWISH COMMUNITY CENTER

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. DUNN of Washington. Mr. Speaker, last week a bombing occurred outside the Jewish Community Center on Mercer Island, a city located in the congressional district I represent. It was a rare and threatening display of criminal behavior on Mercer Island and a crime that will not go unpunished.

There is an extremely dangerous individual at large who is responsible for this bombing, a coward of the highest magnitude, and who remains a threat to the Jewish community. Whether a dangerously immature prank or a deliberately anti-Semitic effort to terrorize this peaceful community, I condemn this act in the strongest possible sense. Local community leaders and I are relieved that no one was hurt and the center went undamaged. Bringing those responsible to justice is my highest priority, and I publicly declare my intention to fully support law enforcement officials toward that end.

It is particularly ironic, having recently witnessed on Israeli soil the finalizing of the Hebron agreement, that despite the historic and committed peace underway in one of the most traditionally volatile regions of the world, the community of Mercer Island is living with violence. I am proud of my neighbors on Mercer Island who refuse to allow this violence to terrorize them into retreat. They have reacted with calm, and their composure is noble and to be greatly admired.

Mr. Speaker, this Congress, indeed all of us, should note that what could have been a disastrous situation characterized by loss of precious life and honored property is instead a reminder of the work that lies before us. The good, peaceful, and law-abiding citizens of our communities and our country are ready to take this country back from terrorists and vandals. They will apprehend the lawless, prosecute them, and protect their communities. That's what the people of Mercer Island and the Jewish community are doing. I stand ready to help.

INTRODUCTION OF THE DOMESTIC VIOLENCE LEGAL SERVICES ELIGIBILITY ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. PELOSI. Mr. Speaker, today I am introducing legislation to ensure that no woman who is a victim of domestic violence will be denied legal services because of the economic status of her abuser.

The Domestic Violence Legal Services Eligibility Act states that in cases of domestic violence only, the Legal Services Corporation, in determining eligibility for services, will consider only the income of the client seeking services.

Legal services clinics report that women fleeing the home of a spouse or a partner comprise the majority of their domestic violence cases. Yet the Legal Services Corporation guidelines currently state that eligibility for services is determined by household income. In the case of a great number of legal services they provide, this is fair and appropriate in ensuring that people who live at or below the poverty level have access to legal services.

But for women fleeing abuse, the situation becomes complicated. Often these women do not have independent income, so the household income counted against her is that of the alleged abuser. This legislation would make certain that these women do not have to be denied legal services because of their spouse or partner's income.

As the new welfare law goes into effect, domestic violence victims will be among those hardest hit. More than 2 million women are abused by their husband or partner each year. It has been reported that more than half of the women currently receiving government assistance cite domestic violence as a factor.

We are responsible to do everything within our power to help victims of domestic violence escape abuse and start on the path to self-sufficiency. This is just one step on that path and I hope you will join me.

MICHAEL MANLEY: PATRIOT OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. RANGEL. Mr. Speaker, I join Michael Manley's many friends and admirers who mourn his loss in paying tribute to his remarkable life. Michael was my friend for more than 20 years and I greatly admire his visionary and inspirational leadership. He was a delightful personality with wide ranging interests who was always aware of, and involved in, the issues of the day. He was a committed patriot of Jamaica, a man of the Caribbean, and a person who represented all who struggled for justice, equality, and opportunity.

Michael was a teacher and a leader on the issues which have defined the challenge facing developing nations as they move from political independence toward sustainable development and economic viability. Michael had the capacity to envision a better world for all, the ability to articulate his vision, and the leadership to inspire us individually and collectively to aspire to goals beyond our reach.

Michael Manley's leadership was a global significance and impact. His struggle against apartheid in South Africa was internationally recognized by the award of the United Nations Gold Medal in 1978—the highest award of the Special Committee Against Apartheid. In addition, his work on economic issues, particularly the New International Economic Order, and the external debt problem of developing nations, marked him as one of the preeminent international political and economic thinkers of the contemporary era. His prolific writings on economics and politics include Poverty of Nations, 1991; Up and Down Escalator, 1987; Jamaica Struggle in the Periphery, 1982; A Search for Solutions, 1977; A Voice of the Workplace, 1973; and Politics of Change, 1973. He was a visiting professor at, and received honorary doctorates from, numerous institutions of higher learning in the Caribbean, Great Britain, and the United States.

Although retired from political life since 1993, he continued to be active in public affairs. Michael Manley played a pivotal role in the restoration of democracy to Haiti and the transition to majority rule in South Africa, to which he led the Commonwealth Observer Mission that won praise from the new Government of South Africa.

I had the opportunity to work particularly closely with Michael in recent years, in the restoration of Haitian democracy, and I can personally attest to his influence in mobilizing the Organization of American States and the United Nations to become engaged in negotiating the return of President Aristide to complete the term to which he was elected as President of Haiti. Michael Manley showed me his commitment to justice and his love for the Caribbean as he applied his formidable intellectual and persuasive powers to the cause of democracy in Haiti. He had similarly committed a good portion of his public life to the struggle for self-determination in Africa and especially was a leader in the effort to end apartheid and bring about majority rule in South Africa.

Michael's global view did not make everyone comfortable. In the 1970's, the United States Government opposed his friendship with Cuba and his support of the Cuban troops sent to Angola to stop the advance of the South African apartheid regime. Michael suffered the wrath of the United States for his independence and was labeled a Communist sympathizer.

Michael was more than a Jamaican, more than a man of the Caribbean; he was a man with a global reach and vision who saw the challenge of reducing the great and tragic gap between the rich and the poor through the creation of a new international economic order.

Michael had the capacity to learn and change, to adopt new tactics to accomplish his goals in recognition of new and different circumstances. His economic message changed from the 1970's when I first met him and defended him against charges that he was a Communist. In the 1990's he emphasized private sector-led growth and development. Throughout he was a prime minister beloved of his people because he opened opportunities for participation to the disadvantaged and removed historical disabilities of gender, class, and privilege.

His loss will be felt in Jamaica, the Caribbean, the hemisphere, and throughout the world. Michael Manley's intellect, energy, and passion were universal in their commitment to freedom, equality, and justice. His extraordinary impact will be forever remembered.

THE CHANGING ROLE OF ENERGY COMPANIES

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on the changing role of energy companies in the United States as we look forward to the 21st century. It is ever apparent that we, as a country, are in the process of change. Technology is shaping the future of not only the way we think, but also the way we act and react to information that we receive and put out.

There is no doubt that energy companies, like other industries that touch the lives of people across the globe, must change and adapt to meet the growing needs of people in a world that is affected by new technology daily. In fact, some may say that we are in the process of a new revolution; an information revolution.

Mr. Speaker, on this subject, I would like to introduce into the record an insightful speech by Philip J. Carroll, the president and CEO of Shell Oil Co., on Adapting to a Revolution: The Challenges Facing Energy Companies in the 21st Century.

ADAPTING TO A REVOLUTION: THE CHALLENGES FACING ENERGY COMPANIES IN THE 21ST CENTURY

(By Philip J. Carroll)

INTRODUCTION

I have been invited here today to talk to you about one man's view of energy companies as we near the close of the 20th century and begin looking forward to the 21st. It's somewhat awkward standing before an energy audience at the end of the 20th century. I feel a bit like a Trannosaurus Rex in a Gary Larson cartoon speaking before the Society of Late Cretaceous Dinosaurs on "How to Enjoy the Cooler Weather"—he had the idea right, but didn't fully understand the implications of what was going on in his environment.

While there are no meteors crashing down from the sky, we all know that we are nonetheless in the midst of a change in our environment—a true revolution. This particular revolution is the "information revolution" and I want to talk to you about how it will change our markets, our organizations, and most importantly, how it will impact you individually.

A revolution is a brief period of time where the whole nature of a system makes a radical transformation from the way things "are" to the way things "will be." A revolution usually begins when existing institutions fail to meet the present needs. When coupled with a vision of the way things "ought to be" from forces outside the establishment, a revolution results in great turmoil as the opposing sides struggle to define the future.

I believe that a dominant theme of this revolution will be to place less value on physical assets and much more value on human. This will mean that our organizational structures, and the people within them, will have to adapt rapidly to changing and increasingly competitive markets.

BACKGROUND

Allow me to go back in history a bit to try to set the stage. Humankind spent thousands of years making the first revolutionary transition from hunting to farming. This time scale was so long, that its study is relegated mostly to the field of archeology. Life during the agrarian age was simple, but quite hard. People toiled physically day in and day out, just to provide for the basic human needs of food and clothing. Change continued during this age as organizations moved from large feudal systems to single family farms. With each change came new responsibilities, but also new freedoms and opportunities. In spite of the drawbacks and tough conditions, the human welfare was nonetheless improved as civilization continued to grow.

The next revolution, the industrial revolution, was a phenomenon principally of the last century. It began at the dawn of the 19th century with the introduction of simple machines in the British textile mills, and the perfection of the steam engine in the British coal industry—both of which substantially reduced production costs. Although commerce itself had been around for thousands of years, these new industrial capabilities caused the birth of new industrial enterprises. The changes had a profound effect on society as people began to move away from the farms and into the factories. Although this revolution was also fraught with turmoil, once again the overall physical condition of humanity improved.

The essence of the industrial age was the physical transformation and transportation of goods and services. It was characterized by big physical "machines" that changed raw materials into physical products. There was no missing this revolution—it changed the skyline of civilization around the planet and it changed it rapidly. The energy industry was central to this age because energy itself was at the very heart of the revolution, it was the common requirement for running the machines that changed and moved things.

NEW MARKETS

Now, the experts tell us we are in the midst of the "information revolution." It is a bit harder to see on the city skylines, but it is no less real. The industrial revolution was about applying physical leverage, a multiplier for the power of human muscle. The information revolution is all about intellectual leverage, a multiplier for the power of the human mind.

It is easy to see how the information technology industry itself will be central to this revolution. However, the information revolution will also profoundly affect the energy industry, just like the industrial revolution changed the way we farm.

The demand for food did not go away at the end of the agrarian age the means of production and delivery simply changed. The industrial age dramatically lowered the costs of food production. First farm machinery, and then new chemicals increased crop yields on both a manpower and acreage basis. We also saw a whole new service sector develop in the form of highways and supermarkets for the transportation and delivery of food products. You could still get your green beans before and after the revolution, but now you could buy them fresh, frozen, or in a can.

Likewise, the basic need for energy will not dissipate in this revolution. However, energy products and services will change form as this current revolution has profound effects on the drivers of both supply and demand.

On the supply side, information technology will dramatically reduce the costs of finding and extracting conventional fossil fuels. 3D seismic, horizontal drilling, and deep water structure design are all examples where information technology has been a multiplier for the human mind. Information technology will also reduce the costs of transforming these raw materials into various conventional products such as gasoline and electricity. Furthermore, information technology could become the critical cost reduction enabler which finally makes renewable energy resources such as solar, wind, and biomass economically viable.

The very same forces will also cause fundamental changes to the demand side of the energy industry as well. We will see new demands emerge in both industrial and residential consumer markets. These demands will be driven by new work processes and lifestyles which are themselves influenced by the changes in information technologies.

For all the debate about electric versus gasoline cars, how many of us truly understand the ramifications of consumers who can choose between bringing to the theater, or bringing their next entertainment experience home with the click of a mouse? Even if motor transportation demand shifts away from gasoline and into electricity, will consumers choose to purchase it at a quick-charging station, or will they plug in at home? How will they prefer to pay for it?

One way or another, the marketplace will continue to demand energy. The question is simply one of form. Products will become replaceable with services. The information revolution means that the "value add" no longer has to be a physical product—it can be information, or the "service" that accompanies the "product."

I enjoyed a recent example from my colleague Robert Shapiro of Monsanto. He offers that the chemical products division of our industry could move away from producing chemical sprays for crop protection. In its place, we should be able to add value by inserting information directly into the plant to serve the same purpose. Thus, genetic engineering, or rearranging the information in a plant, becomes a competitive "service" to chemical "products."

Even the traditional "services we have provided will change. Although the industrial revolution brought us a broad diversity of service choices, when compared to the information revolution, the industry was characterized by relative sameness. The age was defined by mass replication of a particular product or service. You wanted gasoline in your car, there was only one means to get it, drive to a corner filling station. You could fill up at my pump or someone's else's, but for all practical purposes, the delivery system was the same.

In the future, some consumers will choose to purchase their energy in one form delivered in one particular way. At the same time, others may choose both a different product and a different delivery service. This diversity of demand will only increase the opportunities for a wide variety of businesses to enter and thrive in the marketplace.

As in the case of the genetically engineered plant, it also means that our competition will be harder to define. The "fully-integrated major" model which was well suited for the industrial age is already breaking apart. "Independents" are a major force in the upstream sector once dominated by majors. Likewise, they are a growing force in the downstream sector as well.

We also see changes in the traditional roles of the "operating" and "service" sectors as "service companies" begin to participate in investment risks for a share of the rewards. The change will continue as "operating companies" begin to offer services to the broader industry. Shell's newest independent subsidiary, Shell Service Company, is today offering a broad array of information technology and business processing solutions to the entire energy industry.

STRUCTURES

As the old adage goes, "form follows function." If the processes driving supply and demand in the marketplace change, then it stands to reason that the structural forms around which we organize ourselves are also subject to change. Organizations of the industrial age were modeled after machines they operated. We built clearly defined hierarchies with assigned responsibilities to carry out specific tasks in specific ways. This was well suited to machinery which, once constructed, would continue to produce the desired output in a very predictable way.

Allow me to present a new model for information age organizations through the use of a metaphor. Our conventional description of chemical compounds. consists of the elements of which they are made. In the energy industry, our personal favorite compounds, hydrocarbons, are made of hydrogen and carbon atoms. Yet, they are more than just random mixtures of carbon and hydrogen. Their value is not contained in the physical particles of which they are made, it lies in the bonds that hold them together. Break the bonds or recombine them in different ways, and you get valuable substances which can be converted into either energy or products. Someone is willing to pay good money for these mixtures, not because of their raw carbon and hydrogen content, but rather because of the special nature of the bonds which hold them together.

A "bond" is truly "information" in its purest form. It is a rule by which two "things" are connected to create value. A system of bonds between many things may then be called a "network." A molecular "network" actually contains very little physical substance. That which appears to be a thing—is little more than a bit of substance connected by bonds in a very special way. The relationships, or networks, contain all the value. The information revolution can thus be thought of as focusing on the relationships between things, rather than the things themselves for that is where the "information" lies.

A study of "things" of the highest form, living creatures, yields two additional observations. First, the bonds in "living things" contain a great deal more information, DNA is a lot more complicated than polyester. Secondly, living things change, they are capable of adapting to changes in their environment. A living tree puts out new leaves when the weather warms up in the spring. A dead log simply decays on the forest floor.

I therefore propose that if the energy industry wishes to thrive—not decay—it must change and adapt. Specifically, I believe that we must alter our model whereby value is primarily extracted by finding or owning a physical asset. We must modify it to become a model where one can also add value by establishing relationships with an asset's owner which leverage one's human talent. The information age in our industry will increasingly be characterized by a shift away from the physical—and towards a focus on human assets. It's no longer just the things, refineries, chemical plants, or oil fields, but also the skills applied to them that creates value. How we build the bonds, relationships, and networks between organizations in order to add value to an asset—regardless of present ownership—will be the key to information age economic success.

The simplest forms of such new relationships would be alliances. Alliances can take the form of any partnership between suppliers, customers, and even competitors. An alliance can form any time there is an opportunity to survive or thrive which is enhanced by being together rather than remaining apart. A good alliance will be one which causes market information to flow more efficiently and effectively so that organization may adapt.

As you all know, Shell has a keen interest in alliances. We are already moving beyond the early stage of customer/supplier alliances and beginning to explore competitor alliances in both our upstream and downstream businesses. Our first E&P venture with Amoco in the Permian Basin should be closing very shortly now. We are developing a similar relationship with Mobil in California, and are working diligently on a new downstream alliance with Texaco covering the whole United States. These alliances are our first efforts towards creating flexible and adaptable business structures positioned to maximize value in the information age.

PEOPLE

Just as the industrial revolution changed the lives of people everywhere, so will the information revolution affect our lives as well. As the working class moved from the farms to the factories, they had to learn new behaviors and skills. Despite the similarity of human tasks involved with operating a plow and a machine, this transition was very painful. Early 19th century Britain had to deal with the Luddites, a group of people so concerned about the replacement of human labor by machines that they resorted to sabotage.

The Luddites did not succeed in stopping the last revolution, and none of us will be able to resist this one. We must make the choice to adapt or die.

First, each of us will need a more diverse set of business and technical skills than we presently employ. The skills needed at any given time will change rapidly depending on market opportunities. Second, we will need the ability to both attract and release talent dependent on the changes. Third, each of us must also realize that we must individually grow to meet the ever changing market demands. The capacity and willingness to learn will likely be the most important characteristics of successful people in the information age.

Finally, the behaviors suitable to these new organizations will be fundamentally different than in large industrial "machines." Incenting and compensating people for efficient repetition of prespecified tasks is not necessarily a winning proposition. Results-oriented variable compensation and portable benefits are almost certain to be part of our future.

You may take some comfort in knowing that all of these revolutions have been scary to the people experiencing them. Nonetheless, they have all improved society in the end. Their common impact on people has been an increased role of choice, freedom, and responsibility. No longer will it be "the machine" which determined your future for you. You will have to make choices about where you think your talents will be the most valued. You will then have a greater role in educating yourself in order to aspire to these new opportunities. You alone will be responsible for the outcome. You will all have the freedom to choose your own destiny. Good choices will yield great rewards.

CONCLUSION

Soon, this dinosaur standing before you today will be gone. But many of you will remain behind. You will make many choices that will determine not only your own future, but that of the people and the organizations around you. I don't claim to have a crystal ball about what that future looks like, but I do believe that if you seize control of it, the opportunities for greatness are abundant.

No matter what the precise outcome, I expect to find that successful organizations and people of the future will be the ones who best adapted to this time of great change. The age ahead will be characterized by a declining focus on physical assets, and an increased emphasis on diverse human skills. The need for energy in the information age will not dissipate, but it will change form.

The road ahead is certainly fraught with peril, yet ripe with opportunity. If we remain rigid and resist, like the Luddites, the only place they will find us in the future is the history books. For those who choose to learn and grow, the future looks very bright from where I stand.

Thank you for having me here today, enjoy the revolution, and good luck with your future.

TRIBUTE TO MATHEW J. GABERTY

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to my good friend Mathew Gaberty. He is being honored on Wednesday, March 12, 1997, at The Daughters of Isabella, Queen of the Skies Circle No. 683 annual testimonial dinner in Mt. Clemens. This event is held each year to recognize a community leader for outstanding service and to raise funds for charity.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Mat has dedicated much of his life to this endeavor. He found the Mat Gaberty Heart Fund in 1981 with the aim of fighting heart disease. The Mat Gaberty Annual Gold Classic has become the largest single day fundraiser to combat heart disease. The renowned Mat Gaberty Heart Institute of Mount Clemens General Hospital was opened in 1989 and has become a major center for open heart surgery. His time, talents, and energy are appreciated by all of us. I thank Mat for all his efforts and commend him for his good work.

Mat Gaberty has more than fulfilled his civic responsibilities. He was elected for four terms to the Macomb County Board of Commissioners. He served 11 years on the Macomb County Parks and Recreation Committee, and 9 years on the Macomb County Retirement Board. He has also served as a Macomb County Commissioner, 8 years as chairman and 5 years as vice chairman. He was cofounder of the Urban County Road Association and served as chairman of the Inter-County Road Commission. I deeply admire his strong values and outstanding example of civic involvement.

I applaud the Daughters of Isabella for recognizing Mat Gaberty. He has provided leadership to our community and I know he is proud to be honored by this fine organization. On behalf of the Daughters of Isabella, Queen of the Skies Circle No. 683, I urge my colleagues to join me in saluting Mathew Gaberty.

ITALY'S HIGH SCHOOL'S BOYS BASKETBALL TEAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. FROST. Mr. Speaker, I rise today to pay tribute to the Italy Gladiators, an amazing high school basketball team located in my district. On Saturday, March 8, in Austin, TX, the Italy Gladiators defeated Vanderbilt Industrial 71 to 63 to capture the 2–A State championship.

The Italy Gladiators advanced to the State playoffs for the first time since 1968. Italy's record for the 1996–97 basketball season was an impressive 27–4, and senior guard Keith Davis led Italy in the championship game with 27 points and was named the game's most valuable player. Keith was also named to the all-tournament team, along with Kenneth Wallace and Jontae Anderson.

My congratulations to the 1996–97 Italy Gladiators: Don Clingenpeel—coach; Kyle Holley—coach's assistant; Josh Droll, Nick Clark, Dennis Copeland, Brian Weaver, Donnie Clingenpeel—managers; Jontae Anderson, Kenneth Wallace, Keith Davis, Dejuan Davis, Chris Boyd, Jordan Hugghins, Randy Johnson, Jason Uehlinger, Michael Shelby, Nick Cooper, David Weaver, Edwin Wallace, and Sam Owen.

RENEWAL ALLIANCE—A BETTER WAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PACKARD. Mr. Speaker, today I will join 27 of my colleagues at the Washington, DC, Darrel Green Learning Center for Underprivileged Children to kick-off a series of events designed to promote charitable, community, and faith-based solutions to some of our Nation's most intractable problems.

Washington bureaucrats took their crack at it with dismal results, wasting billions of dollars and destroying lives. We know there is a better way. My colleagues and I formed the Renewal Alliance to take that message across the Nation.

Currently, the newly formed alliance comprises 28 Congressmen and Senators who plan to highlight community efforts to solve poverty, repair broken families, end substance abuse, and a host of other problems.

The welfare reform critics think one way—Washington's way or no way. The fact is, folks across the country work everyday to touch lives and restore hope with phenomonal results. A volunteer's compassion, dedication, and genuine desire go much further than a nameless, faceless check from Washington.

I have served at the local level as a mayor, a school board member, a chamber of commerce board member, part of the Cub Scouts and been active in my church. I can attest to the power of the individual, and to what we can do when we work together. Our Government must support rather than replace faith, family, work, and community.

TRIBUTE TO A GREAT CIVIL RIGHTS LEADER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. HOYER. Mr. Speaker, it gives me great pleasure to rise today with my colleague from Texas, Ms. JACKSON-LEE, to honor a lifelong crusader for civil rights, Arnold Aronson, as he celebrates his 87th birthday. His distinguished career in civil rights began nearly 60 years ago and he has been at the center of nearly every major civil rights fight since the New Deal.

Most notably, Mr. Speaker, Mr. Aronson was one of the founders of the Leadership Conference on Civil Rights in 1950. The single-most important event forming this conference was a historic gathering of over 4,000 delegates from 33 States in Washington, DC, to protest racial injustices throughout the Nation. Arnold Aronson and Roy Wilkins organized this, the national emergency civil rights mobilization, and many of the civil rights' accomplishments which we herald today resulted from this gathering.

The Leadership Conference on Civil Rights not only played a crucial role in organizing and mobilizing African-Americans throughout the Nation, it also framed the civil rights issue in a way that all Americans could relate to and understand. In fact, it is important to note, that most of Mr. Aronson's work on behalf of the civil rights movement was performed while he was the program director for the National Jewish Community Relations Council. He thus serves as a living symbol of the historic alliance between the Jewish and Black communities.

Many of the successes that we point to today in the area of civil rights is as a result of Arnold Aronson's hard work and dedication. He was directly involved in the development of President Roosevelt's Executive order barring discrimination on the basis of race, creed, or national origin, and in the drafting of the report issued by President Truman's Citizens Committee on Civil Rights in 1947, which became the basis for the 1957 Civil Rights Act.

Mr. Aronson once said, "the struggle for civil rights cannot be won by any one group acting by or for itself alone but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American." One of the most impressive aspects of the work of Arnold Aronson has always been his commitment to peaceful demonstration, civility, and coalition building.

Mr. Speaker, I am honored to join with my colleagues to recognize the lifelong achievements of Arnold Aronson and to honor him today on his 87th birthday. This is a man who represents what is right in America, and while there is much work which remains in the area of civil rights, we must never forget the commitment and dedication of individuals like Arnold Aronson who were responsible for the historic progress of the civil rights movement in our lifetime.

Mr. Speaker, I would like to close with a quote from the late civil rights leader Clarence Mitchell, Jr., the former Washington director for the NAACP, who once referred to Arnold Aronson as "one of the giants who labored longer and earlier than many * * * none of our great achievements would have been possible without him." Our Nation is forever indebted to Arnold Aronson for his life's work and I am pleased to have been able to honor him today on the floor with my colleagues.

IN HONOR OF THE 75TH ANNIVERSARY OF THE PORTUGUESE INSTRUCTIVE SOCIAL CLUB

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an exceptional institution serving the residents of my district, the Portuguese Instructive Social Club, on their 75th anniversary. This momentous occasion will be celebrated on March 15, 1997, during an evening of festivities to be held at the Portuguese-American Hall in Elizabeth.

The Portuguese Instructive Social Club is an organization dedicated to the continuing promotion of the cultural heritage of the diverse community in Elizabeth. The 5,000 individuals connected with this exemplary group have committed themselves to the betterment of both children and adults. The children of Elizabeth are fortunate to have the Portuguese Instructive Social Club preparing them for their future achievements.

Among the numerous services provided by this unique organization is a Portuguese language school, teaching 300 children. The Portuguese Instructive Social Club also promotes the physical well-being of the young people of Elizabeth through its youth soccer program. Additionally, there is a youth division of the club, Nova Mocidade, serving young people up to the age of 18.

While youthful attainment is an important mission of the Portuguese Instructive Social Club, cultural awareness is its main focus. To accomplish this laudable goal, the group is dedicated to artistic endeavors. These commendable endeavors include "Dancarees E Cantres de Portugal," serving both adults and children, a theater group, an amateur soccer group, a newsletter focusing on issues of interest to the Portuguese community, and other cultural presentations, including one by the renowned Portuguese singer, Fado. Furthermore, the Portuguese Instructive Social Club is responsible for organizing the annual Portugal Day celebration which is attended by 10,000 ardent participants.

I ask that my colleagues join me in recognizing the outstanding work of the Portuguese Instructive Social Club. I heartily commend their accomplishments and all that they have done to pass on the rich culture of Portugal to future generations. It is an honor to have such an outstanding organization working on behalf of the constituents of my district.

MIDDLE EAST PEACE DEPENDS ON ECONOMIC DEVELOPMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MORAN. Mr. Speaker, I rise to express my support for more projects like the new Marriott Hotel to be built on the beachfront in Gaza. I offer the recent essay by my constituent, Mr. Ralph Numberger, from the Christian Science Monitor, as an excellent recognition of the need for more targeted economic aid to the West Bank and Gaza. As Mr. Numberger states, "* * * the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed." He is absolutely right. Only the development of a strong economic infrastructure will progress and peace succeed.

[From the Christian Science Monitor, Mar. 6, 1997]

NOT A HEARTBREAK HOTEL—GAZA PROJECT SHOWS WAY TO REVERSE PALESTINIAN DESPAIR

(By Ralph Nurnberger)

The day before he left for his official visit to the United States, Yasser Arafat presided over the groundbreaking ceremony for a Marriott Hotel to be built on the beachfront in Gaza.

This project says, symbolically, that the Middle East peace process might, finally, produce tangible benefits for the people in the area, especially through direct involvement of the private sector. The construction and later operation of this hotel will provide employment for hundreds of Palestinians. It will contain a modern commercial center to enable international visitors and Palestinians to conduct business as it is done elsewhere in the world. The project will include a self-contained telecommunications center for international calls, faxes, and e-mail as well as excess telephone capacity for the local market.

This project will be the first major American private sector involvement in Gaza. The total investment will be approximately six times more than all other American investments in Gaza—combined!

While diplomatic achievements are essential, the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed. For the majority of Israelis, the key element is security. Israelis must feel safe riding buses, shopping in malls, and sending their children to schools. If random acts of violence occur, they must be assured that the Palestinian Authority will work with Israeli officials to find and prosecute the terrorists.

PEACE DIVIDEND: LOWER INCOMES

Although more Israelis have been killed through terror attacks since the Sept. 13, 1993, signing than in any comparable period, it appears that the Palestinians finally understand their responsibility to work with Israelis to enhance security concerns. The test for most Palestinians is whether the peace accords will result in an improved quality of life. Developing a thriving economy that provides new employment opportunities will not only minimize hatreds and tensions, but will also bring about the promise of a new life.

Economic divergence exacerbates political and religious tensions. Since the first Rabin-Arafat signing, Israeli per capita income has increased from $13,800 to over $15,000, while Palestinian incomes have dropped by a third to under $1,200.

Delays and reallocations of internationally pledged contributions, the reluctance of foreign investors to establish projects in Gaza and the West Bank, border closures, the slow pace of diplomatic negotiations, and difficulties encountered in setting up a viable Palestinian economy have contributed to growing frustration. Public infrastructure and services, including education, health care, sanitation, water, waste water disposal, and electricity continue to be inadequate. Despite a minor building boom, a housing shortage remains.

While the Netanyahu government has eased some limits on Palestinians seeking employment in Israel, the numbers able to cross the borders are significantly below the 120,000 able to find daily work in Israel in 1992.

Rather than growing to absorb these workers, the Palestinian economy has declined over the past two years. Thus, workers have fewer opportunities to find employment within Palestinian areas. The unemployment rate in Gaza, always high, is now estimated at approximately 50 percent, with the rate in the West Bank estimated at 30 percent. Unemployment is highest among young, single men—the most likely recruits for terror-oriented groups.

BIG AID PLEDGES, LITTLE FOLLOW-THROUGH

The US hosted an international meeting on Oct. 1, 1993, at which $2.4 billion in assistance to the West Bank and Gaza was pledged. Most of these funds have not been delivered or have been diverted from long-term projects to emergency programs and costs of running the Palestinian Authority.

The United States committed $500 million, of which $75 million annually for five years is managed by the Agency for International Development (AID). The other $125 million was to come from the Overseas Private Investment Corporation (OPIC) to assist American investors through a combination of loans, loan guarantees, and political risk insurance.

AID has assisted a number of worthwhile projects, including $12 million for construction of six housing units with 192 apartments in Gaza called Al Karam Towers. AID is also helping to improve uses of scarce water resources and assisting private sector economic growth through technical assistance, training, loans to local firms, and establishment of industrial parks. But AID funds have been diverted from long-term projects to help in establishing Palestinian self-rule. For example, AID committed $2 million to support local elections in the West Bank and Gaza, and to assist Palestinians in promoting more responsible and accountable governance.

AID has minimized help for the agricultural sector, the one area where Palestinians could immediately develop profitable exports, especially under a new Free Trade Agreement with the US. Allocating additional funds to farm exports would be cost efficient.

OPIC made a major effort to seek private sector projects to assist or insure. But most private investors have avoided Gaza, so OPIC funds committed to date have been modest.

Mr. Arafat would be wise to stress the solving of such economic problems as a prime way to reduce tensions, improve the quality of life, and enhance opportunities for peace. He should build on momentum from the hotel project and stress the need for private sector involvement in the Palestinian economy.

THE 50TH WEDDING ANNIVERSARY OF JOHN AND EMMA SPANEDDA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 50th wedding anniversary of John and Emma Spanedda of Paterson, NJ.

It was 50 years ago on February 15, 1947, that John and Emma were happily married. The two were childhood sweethearts, growing up together in Seminole, a small coal mining community in western Pennsylvania when John, the oldest son of 4 children of Anthony and Elizabeth Spanedda, along with the former Emma Veronesi, the youngest daughter of 11 children of Peter and Julia Veronesi decided to finally marry.

After John served in the U.S. Air Force during World War II, the couple decided to move to New Jersey, taking up residence in the Riverside section of Paterson, where they have since lived for most of their married life.

Upon their move to Paterson, NJ, John became a business partner and manager of Pennsy Coat, Inc., in downtown Paterson, which manufactured women's coats and had employed 70 workers for 25 years. During this time, Emma was busy at home, raising their family of two sons and four daughters.

Both John and Emma have been active members of the community, especially through their involvement with Blessed Sacrament Church, where Emma had served on many committees of the church and was a leading participant in the Blessed Sacrament PTA. Even today, John and Emma remain faithful parishioners of the church.

Since their retirement, John and Emma's life has been occupied by church, friends, and family, including the activities of their 6 grown children, 14 grandchildren, and 2 great-children.

Mr. Speaker, I ask that you join me, our colleagues, John and Emma's family and friends, Blessed Sacrament Church, and the city of Paterson, in recognizing the truly momentous occasion of John and Emma Spanedda's 50th wedding anniversary.

THE MANDATES INFORMATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. CONDIT. Mr. Speaker, along with our colleagues, ROB PORTMAN, NICK SMITH, WALLY HERGER, and J.C. WATTS, earlier this week I introduced the Mandates Information Act, H.R. 1010, legislation to protect consumers, workers, and small businesses by enhancing the quality of Congress' deliberation on proposed new unfunded mandates on the private sector.

The problem addressed by this bill is simple: Congress does not deliberate carefully enough before deciding whether to impose unfunded mandates on the private sector. Focusing almost exclusively on the benefits of unfunded mandates, Congress pays little heed to, and sometimes seems unaware of, the burden that unfunded mandates sometimes impose on the very groups they are supposed to help.

This burden is substantial. Economists of almost every stripe agree that the costs of unfunded mandates are primarily borne by consumers, workers, and small businesses. These costs take the form of higher prices for consumers, lower wages for workers, and hiring disincentives for small businesses.

The Mandates Information Act would create a process for the Congress to deliberate carefully on proposed new private-sector mandates before deciding whether to impose them. Specifically, the bill would direct the Congressional Budget Office to prepare a Consumer, Worker and Small Business Impact Statement for new private-sector mandates contained in bills reported out of committee. The bill would also establish a point of order against legislation containing private-sector mandates that exceed the $100 million cost threshold set for such mandates in the Unfunded Mandates Reform Act of 1995. Although this point of order could be waived, it would ensure that Congress actually considers the information set forth in the Consumer, Worker and Small Business Impact Statement. The result will be focused, high-quality deliberation on the wisdom of new unfunded private-sector mandates.

Mr. Speaker, we took a very important step in 1995 by passing the Unfunded Mandates Act to protect State, local, and tribal governments from having to pay for mandates placed on them in Washington. One of the unspoken truths of that act is that it has been a deterrent to imposing mandates. It has worked in several instances, notably keeping costly mandates out of the telecommunications and immigration bills.

While we should continue to be diligent in enforcing the rules that relate to intergovernmental mandates, it is time to apply the same rules to private sector mandates. Mr. Speaker, I urge our colleagues to join me in support of this important legislation.

H.R. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandates Information Act of 1997".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Before acting on proposed private sector mandates, the Congress should carefully consider the effects on consumers, workers, and small businesses.

(2) The Congress has often acted without adequate information concerning the costs of private sector mandates, instead focusing only on the benefits.

(3) The costs of private sector mandates are often borne in part by consumers, in the form of higher prices and reduced availability of goods and services.

(4) The costs of private sector mandates are often borne in part by workers, in the form of lower wages, reduced benefits, and fewer job opportunities.

(5) The costs of private sector mandates are often borne in part by small businesses, in the form of hiring disincentives and stunted growth.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To improve the quality of the Congress' deliberation with respect to proposed mandates on the private sector, by—

(A) providing the Congress with more complete information about the effects of such mandates; and

(B) ensuring that the Congress acts on such mandates only after focused deliberation on the effects.

(2) To enhance the ability of the Congress to distinguish between private sector mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.

(a) IN GENERAL.—

(1) ESTIMATES.—Section 424(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(2)) is amended—

(A) in subparagraph (A) by striking "and" after the semicolon; and

(B) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

"(B) the impact (including any disproportionate impact in particular regions or industries) on consumers, workers, and small businesses, of the Federal private sector mandates in the bill or joint resolution, including—

"(i) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on consumer prices and on the actual supply of goods and services in consumer markets;

"(ii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on worker wages, worker benefits, and employment opportunities; and

"(iii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on the hiring practices, expansion, and profitability of business with 100 or fewer employees; and".

(2) POINT OF ORDER.—Section 424(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(3)) is amended by adding after the period "If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.".

(3) THRESHOLD AMOUNTS.—Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(A) by striking "Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1)" and inserting "Federal mandates by an amount that causes the thresholds specified in section 424(a)(1) or (b)(1)"; and

(B) by inserting ", in the case of Federal intergovernmental mandates exceeding the thresholds specified in section 424(a)(1)" after "unless".

(4) APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.—Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(A) in clause (i) by striking "intergovernmental";

(B) in clause (ii) by striking "intergovernmental";

(C) in clause (iii) by striking "intergovernmental";

(D) in clause (iv) by striking "intergovernmental";

(5) APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.—Section 427 of the Congressional Budget Act of 1974 (2 U.S.C. 658f) is amended by striking "intergovernmental".

(b) RULES OF THE HOUSE OF REPRESENTATIVES.—Clause 5 of rule XXIII of the Rules of the House of Representatives (as added by section 107 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1514)) is amended by striking "section 424(a)(1)" and inserting "section 424(a)(1) or (b)(1)".

(c) EXERCISE OF RULEMAKING POWERS.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of such House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that any unfunded mandates that are determined by the Director of the Congressional Budget Office to exceed the applicable threshold under section 424(a)(1) or (b)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658f(a)(1), 658f(b)(1)) should be financed through reduced taxes, tax abatements, or direct compensation by the Federal Government.

THE NATIONAL SECURITY COMMITTEE'S INVESTIGATION OF SEXUAL MISCONDUCT IN THE MILITARY

HON. TILLIE FOWLER

OF FLORIDA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mrs. FOWLER. Mr. Speaker, my colleague, Ms. HARMAN, and I appreciate the opportunity to apprise our colleagues about the ongoing congressional efforts to investigate the serious allegations of sexual misconduct that have been made in our Armed Forces.

As our colleagues know, the House National Security Committee, of which we are members, is the committee with primary responsibility over the Department of Defense, particularly with regard to policy issues. It has been tasked by Speaker GINGRICH to fully investigate the issue of sexual misconduct in the military services. Committee chairman FLOYD SPENCE has asked our colleague STEVE BUYER, chairman of the Personnel Subcommittee, and ourselves, the two most senior women on the committee, to lead the committee's efforts.

Mr. Speaker, we take seriously both the allegations of sexual misconduct and the allegations raised this week of possible investigative misconduct. Let us point out that the committee's focus is not on integrated basic training, not gender neutral performance standards, and not women in combat. Our focus is on sexual misconduct.

The committee's schedule of activities is designed to provide members with an independent basis with which to evaluate the Army Senior Task Force Report on sexual misconduct, due in mid June, and other testimony it will receive, while not interfering with ongoing criminal investigations and prosecutions.

More importantly, the committee's work will examine each of the military services, not just the Army.

During the course of the investigation, the committee will focus on the extent to which the guidelines and systems to protect against harassment and sexual misconduct have failed; whether the Army and the other branches of the Armed Forces can institute sufficient safeguards to protect against future misconduct or whether extraordinary avenues must be created to address allegations of sexual misconduct; the degree to which broad discretion as exercised in the chain of command contributes to a lack of faith in the military justice system; and as a result of the allegations raised Wednesday, whether investigative practices have led to inappropriate pressure if not coercion of individuals to make false allegations or to make admissions in violation of due process and fifth amendment rights against self-incrimination.

To date, we have not reached the conclusion that an investigation independent of the Army or the Department of Defense is necessary. We are concerned that an independent investigation may jeopardize planned criminal prosecutions.

Mr. Speaker, our Armed Forces have a proud history. They led the Nation in racial integration. We believe they fully appreciate what is at stake with these allegations and will respond to ensure that both women and men are respected as individuals and for the contribution each brings to making our military the best fighting force possible.

We look forward to providing progress reports to our colleagues on the committee's investigation of this important subject.

SENATE—*Friday, March 14, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Wait for the Lord, be of good courage, and He shall strengthen your heart; wait I say, on the Lord.—Psalm 27:14.

Let us pray.

Gracious Father, in this world of instant everything, fast foods, and shallow relationships, there are times we become very impatient when anything or anyone causes us to wait. We hate long lines, delayed flights, and tardy friends. Sometimes we get stressed out with exasperation. Then we worry about burnout. Neither the pout nor the shout seems to get things moving the way we want and when we want them.

Father, we confess that waiting is not easy for us. Often we turn to false hopes for quick, easy answers. Graciously You wait for us to realize that nothing or no one can be a source of lasting hope except You. It dawns on us that what we thought were waiting times are really times during which You wait for us to want You and Your guidance above all else.

Now in the quiet of this moment, we need to experience a hush instead of a rush. Your timing is perfect. Help us to realize that there are no unanswered prayers. A delay is not a denial if it brings us closer to You in deeper trust. Now an inner glow comes from living in the flow of Your peace. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

SCHEDULE

Mr. HATCH. Mr. President, on behalf of the majority leader, today the Senate will begin consideration of Senate Joint Resolution 22, the independent counsel resolution. The majority leader has announced that no rollcall votes will occur today or during Monday's session of the Senate.

For the information of all Members, the next rollcall vote will be at approximately 2:45 on Tuesday, March 18. That rollcall vote will be on passage of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment on campaign expenditures.

With respect to the order reached last night relative to the independent counsel resolution, no amendments will be in order during today's session to Senate Joint Resolution 22. Amendments may be offered to the independent counsel resolution beginning at 3 p.m. on Monday. Senator LOTT has indicated that it is his hope he and the Democratic leader can reach an agreement as to when the Senate will complete action on Senate Joint Resolution 22.

I thank my colleagues for their attention.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The distinguished Senator from Montana is recognized.

Mr. HATCH. Will the Senator tell me how much time he will take, approximately?

Mr. BAUCUS. Seven minutes.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 443 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under previous order, the leadership time is reserved.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 22, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise today to speak on Senate Joint Resolution 22 which expresses the sense of the Congress that the Attorney General should apply for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

Under Federal law, the Attorney General may apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds that a conflict of interest exists or when she finds evidence that a specific category of individuals within the executive branch may have violated Federal law. The appointment of an independent counsel is a serious matter and one which the Attorney General should only initiate when necessary. That is why I, and many others, had refrained from joining the assortment of calls for Attorney General Reno to appoint an independent counsel in connection with the 1996 Presidential campaign.

Yet, yesterday, all 10 Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as authorized by the independent counsel statute, requesting that she make an application for an independent counsel. I ask unanimous consent that a copy of our letter to the Attorney General be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. We did that with due deliberation, without any desire to hurt anybody and without any desire to do other than to help the Attorney General make this decision.

I must confess to a degree of frustration with the Independent Counsel Act. Did I appreciate having to send our letter? Certainly not. However, the law sets forth a specific process by which Congress is to request that the Attorney General begin the process by which an independent counsel is appointed, and this process requires the Judiciary Committee to make what the other party will inevitably characterize as partisan charges in order to trigger the Attorney General's responsibilities. In order for Congress to trigger the most preliminary steps for the Department of Justice to take to consider the need for an independent counsel, the law essentially provides that the party not in control of the executive branch make specific charges when and if the Attorney General fails to act on her own. I would have preferred to have had the Attorney General seek an independent counsel on her own. But she has not done so. At the very least, I would have preferred that she conduct a preliminary investigation on her own. But she has refused to do even this. I would have preferred to have requested that she seek an independent counsel without having to set forth, in such a public manner as the law requires, the specific and credible evidence which warrants such an appointment. But in order for us to require the Attorney General to take certain minimal steps toward investigating whether an independent counsel is warranted, we were required by law to send our letter. In short, the Independent Counsel Act is the law of the land and, notwithstanding its relative flaws, we on the Judiciary Committee have an obligation to abide by it.

At last week's Judiciary Committee executive business meeting, I had hoped to vote on a resolution expressing the committee's sense that an independent counsel should be appointed, and directing that I draft and circulate a letter requesting that the Attorney General apply for such an appointment. I had been led to believe that a committee vote on a resolution calling for an independent counsel would have broad bipartisan support. Yet, my colleague, Senator LEAHY—the committee's ranking member—indicated that, in light of the short notice they received about the proposed resolution, he and his colleagues wished to hold the resolution over until the committee's next business meeting. I readily acceded to their request.

It was not an unreasonable request. And besides, I was asked to begin this process just an evening before myself, and I had not had the opportunity to discuss it with Senator LEAHY. So there was absolutely no offense. It was something I was willing to do and readily did because I thought it was a reasonable, decent request.

Without getting into the details of our ensuing discussions, it became clear that it would be difficult, if not impossible, to formulate a resolution on which both sides of the aisle could agree. Furthermore, I felt it was best to avoid a prolonged discussion of this matter in committee given that it was unlikely consensus could be reached. Accordingly, I decided to proceed directly to drafting and circulating a letter to the Attorney General as I had originally planned. The letter went through a number of variations. We tried to please people, we tried to resolve problems, and I think we have. Unfortunately, we were unable to reach agreement with our colleagues on the other side of the aisle because we could not reach agreement on whether the committee should actually request the appointment of an independent counsel. Accordingly, I circulated a letter to all members of the committee and a majority of the committee's members signed on.

I remain persuaded that the appointment of an independent counsel is both called for under the independent counsel statute and responsive to the views of most Americans, who would like to be assured that these very serious allegations are investigated in a fair and thorough way, and without any real or apparent conflict of interest.

I am hopeful that Attorney General Reno, for whom I continue to have great respect, will appreciate the concerns set forth in our letter, and will agree that an independent counsel should be appointed forthwith to investigate these matters.

Recent developments have, I believe, made clear that a thorough Justice Department investigation into possible fundraising violations in connection with the 1996 Presidential campaign will raise an inherent conflict of interest, and certainly raises at least the appearance of such a conflict, and that the appointment of an independent counsel is therefore required to ensure public confidence in the integrity of our electoral process and system of justice.

Madam President, recent revelations have demonstrated how the DNC was, as the New York Times wrote, "virtually a subsidiary of the White House." That was on February 27, 1997, just a few weeks back. Without restating the points covered in our letter and without questioning in the slightest the integrity, professionalism or independence of the Attorney General or the individuals conducting the present Justice Department fundraising investigation, the fact that the Department's investigation will inescapably take it to the highest levels of the executive branch presents an inherent conflict of interest calling for the appointment of an independent counsel under title 28 United States Code section 591(c)(1).

Further, the answer to whether criminal wrongdoing has occurred will of necessity turn on the resolution of disputed factual, legal, and state of mind determinations. In particular, I would note that there remains the significant factual question of the extent to which the allegedly improper fundraising activity was, in fact, directed toward benefiting Federal campaigns, especially when some of this activity was, by admission, paid for by the Clinton-Gore campaign. Because the inquiry necessary to make these determinations will inescapably involve high level executive branch officials, they should, I believe, be left to an independent counsel in order to avoid a real or apparent conflict of interest. Moreover, where individuals covered by the independent counsel statute are involved, as they plainly were here, see title 28 United States Code section 591(b), the Ethics in Government Act requires that these inquiries be conducted by an independent counsel.

In any event, both prudence and the American people's ability to have confidence that the investigation remains free of a conflict of interest, warrants the appointment of an independent counsel.

More importantly, the emerging story regarding the possibility that foreign contributions were funneled into U.S. election coffers to influence U.S. foreign policy further highlights the conflict of interest the Attorney General's ongoing investigation inescapably confronts. I delivered a floor speech earlier in the week spelling out my concerns, so I will not restate them here. They are detailed in the letter which I have placed in the RECORD. It is clear, however, that these issues cannot be properly investigated without a conflict of interest, since investigating most of these questions will require inquiring into the knowledge and/or conduct of individuals at the highest levels of the executive branch. Moreover, several of the principal figures in this investigation, including the Riadys and the Lippo Group and Charlie Trie, reportedly have longstanding ties to our President.

Indeed, the conflicts at issue here are precisely the sort of inherent conflict[s] of interest to which the Attorney General testified during Senate hearings in 1993 on the reenactment of the Independent Counsel Act. Avoiding an actual or perceived conflict of interest was the basis, not just for the application for the appointment of an independent counsel to investigate James McDougal, but also for the recent requests to extend that counsel's jurisdiction to include the investigations of Anthony Marceca and Bernard Nussbaum. As the Attorney General herself testified, applying for an independent counsel, and our request that she make such application, in no way detracts from the integrity and independence of the Attorney General or the career prosecutors presently investigating these allegations.

A final point should be made. Some of my Democrat colleagues have written to the Attorney General urging her, should she decide to apply for an independent counsel, to request an independent counsel who will investigate the full scope of fundraising irregularities. They argue that she should avoid partisanship by instructing the independent counsel to investigate Republicans who have skirted the spirit of the law. I appreciate what my colleagues are trying to do, and their loyalty to their political party is duly noted by me. But, as I discussed a moment ago, the appointment of an independent counsel is a very serious matter and partisan proportionality should not even be the slightest consideration. Would these Senators have sent this letter had the majority not sent our letter to the Attorney General? I think we all know the answer to that question.

Furthermore, they fail to even suggest that the Republican activities to which they refer independently warrant an independent counsel. Accordingly, I expect the Attorney General, who is a woman of integrity, will give their letter the consideration it deserves.

In closing, Attorney General Reno has appointed four independent counsels to date. It is the sense of the majority of the members of the Judiciary

Committee that the need to avoid even the appearance of a conflict of interest, and thereby to ensure the public's confidence in our system of justice, requires an independent counsel in connection with the 1996 Presidential campaign. Should the Senate vote on Senate Joint Resolution 22, I will be voting in support of the resolution, and I think rightly so.

I call upon my friends on the other side of the aisle to consider voting for it as well. Voting that the Attorney General appoint an independent counsel in this case appears to me to be the right thing to do. Keep in mind, I have held off making this request for a lengthy period of time, knowing my constitutional duty and our constitutional duties here, because I wanted the Attorney General to have enough time, and those who are working with her who are people, I believe, of substance and integrity, to investigate and look into this and resolve these matters. But as these matters have accumulated, as the allegations have mounted up, as newspaper upon newspaper has written about them, it is clear that there is at least an appearance of a conflict of interest, and, therefore, it left us with no alternative other than to request this, even though, to repeat, I wish no one any harm. I certainly hope that these allegations are untrue, I hope they can be proven to be untrue, and my prayers will be in that regard.

Having said all of that, I do hope that the Attorney General will take the necessary step to apply for the appointment of an independent counsel and that one will be appointed. Then perhaps we can resolve these matters once and for all in an independent, reasonable way that I think will be for the benefit of everybody.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 13, 1997.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: This letter serves as a formal request, pursuant to 28 U.S.C. §592(g)(1), that you apply for the appointment of an independent counsel to investigate possible fundraising violations in connection with the 1996 presidential campaign. The purpose of this letter is not to provide an exhaustive list of the particular allegations that, we believe, warrant further investigation. Indeed, since the Department of Justice has been conducting an extensive investigation into fundraising irregularities for several months now, you presumably have far greater knowledge than do we of the various matters that are being, and will need to be, investigated, and we presume that your judgment as to the necessity of an independent counsel is based on all of the information before you. Rather, the purpose of this letter is to articulate why we believe this investigation should be conducted by an independent counsel. As you know, the Senate Committee on the Judiciary has, to date, refrained from joining the assortment of other individuals who have called upon you to initiate an independent counsel appointment. Recent developments over the past few weeks, however, have persuaded us that such an appointment is now necessary.

When you appeared before the Senate in 1993 when we were considering reenactment of the Independent Counsel statute, you stated "there is an inherent conflict of interest whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head, the Attorney General. The Attorney General serves at the pleasure of the President. Recognition of this conflict does not belittle or demean the impressive professionalism of the Department's career prosecutors, nor does it question the integrity of the Attorney General and his or her political appointees. Instead, it recognizes the importance of public confidence in our system of justice, and the destructive effect in a free democracy of public cynicism."

You further testified that—

"It is absolutely essential for the public to have confidence in the system and you cannot do that when there is conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor. * * * The Independent Counsel Act was designed to avoid even the appearance of impropriety in the consideration of allegations of misconduct by high-level Executive Branch officials and to prevent * * * the actual or perceived conflicts of interest. The Act thus served as a vehicle to further the public's perception of fairness and thoroughness in such matters, and to avert even the most subtle influences that may appear in an investigation of highly-placed Executive officials."

We believe, that, in light of recent developments, a thorough Justice Department investigation into possible fundraising violations in connection with the 1996 presidential campaign will raise an inherent conflict of interest, and that the appointment of an independent counsel is therefore required to ensure public confidence in the integrity of our electoral process and system of justice.

First, recent revelations have demonstrated how officials at the highest level of the White House were involved in formulating, coordinating and implementing the DNC's fundraising efforts for the 1996 presidential campaign. Recent press reports, the files released by Mr. Ickes, and public statements by very high ranking present and former Clinton Administration officials indicate how extensively the Administration was involved in planning, coordinating, and implementing DNC fundraising strategy and activities. All this has led The New York Times to a conclusion which we find hard to challenge; namely, that "the latest documentation shows clearly that the Democratic National Committee was virtually a subsidiary of the White House. Not only was [President] Clinton overseeing its fund-raising efforts, not only was he immersed in its ad campaigns, but D.N.C. employees were installed at the White House, using White House visitors' lists and communicating constantly with [President] Clinton's policy advisers." The New York Times, February 27, 1997. As a consequence, we believe that a thorough investigation of all but the most trivial potential campaign fundraising improprieties necessarily includes an inquiry into the possible knowledge and/or complicity of very senior white House officials in these improprieties. We believe that, without questioning in the slightest the integrity, professionalism or independence of the Attorney General or the individuals conducting the present Justice Department fundraising investigation, the fact that the Department's investigation will inescapably take it to the highest levels of the Executive Branch presents an inherent conflict of interest calling for the appointment of an independent counsel under 28 U.S.C. §591(c).

Moreover, these revelations raise new questions of possible wrongdoing by senior White House officials themselves, including but not limited to whether federal officials may have illegally solicited and/or received contributions on federal property; whether specific solicitations were ever made by federal officials at the numerous White House overnights, coffees, and other similar events, and whether these events themselves, often characterized in White House and DNC memoranda as "fundraising" events, constituted improper "solications" on federal property; whether government property and employees may have been used illegally to further campaign interests; and whether the close coordination by the White House over the raising and spending of "soft"—and purportedly independent—DNC funds violated federal election laws, and/or had the legal effect of rendering those funds subject to campaign finance limitations they otherwise would not be subject to. It seems to us that, even accepting the narrow constructions of some of the governing statutes that have been suggested—which are not necessarily the constructions an independent counsel would render—the answer to whether criminal wrongdoing has occurred will of necessity turn on the resolution of disputed factual, legal, and state of mind determinations. Because the inquiry necessary to make these determinations will inescapably involve high level Executive Branch officials, we believe they should be left to an independent counsel in order to avoid a real or apparent conflict of interest. Moreover, where individuals covered by the independent counsel statute are involved, as they plainly were here, see 28 U.S.C. §591(b), the Ethics in Government Act requires that these inquiries be conducted by an independent counsel. Whether the Act simply permits or requires the appointment of an independent counsel, however, we believe that prudence and the American people's ability to have confidence that the investigation remains free of a conflict of interest, requires it.

Second, the emerging story regarding the possibility that foreign contributions were funneled into U.S. election coffers to influence U.S. foreign policy further highlights the conflict of interest your ongoing investigation inescapably confronts. A March 9, 1997, Washington Post article quoted "U.S. government officials—presumably familiar with the Department's ongoing investigation—as stating that investigators have obtained "'conclusive evidence'" that Chinese government funds were funneled into the United States last year," and quoted one official as stating that "there is no question that money was laundered." This article reported that U.S. officials described a plan by China "to spend nearly $2 million to buy influence not only in Congress but also within the Clinton Administration." If the FBI truly is investigating these allegations, as is reported, and this investigation extends to high level Executive Branch officials, it raises an inherent conflict of interest.

Moreover, a closer look at the activities and associations of some of the particular individuals who are reported to be the principal figures in the ongoing investigation further illustrates why this investigation ultimately must involve high levels of the Executive Branch. Especially troubling is the information revealed to date regarding the Riady family and their associate, Mr. John Huang, but serious questions are also raised by the activities and associations of Mr. Charles Yah Lin Trie, Ms. Pauline Kanalanchak, and Mr. Johnny Chung, among others. Taken together, these reported events raise a host of serious questions warranting further investigation: To what extent were illegal contributions from foreign sources, in particular China, being funneled into the United States, and with whose knowledge and involvement? To what extent was U.S. policy influenced by these contributions, and with whose knowledge and/or involvement? To what extent were the decisions to hire Huang at the Commerce Department, to support most-favored-nation status for China and Chinese accession to the World Trade Organization, or to normalize relations with Vietnam, influenced by contributions, and with whose knowledge and/or involvement? To what extent was the standard NSC screening process for admission to the White House waived or modified so as to permit special access to large donors and their guests where it would ordinarily be denied, and with whose knowledge and/or involvement? To what extent was John Huang placed at the DNC to raise money in exchange for past and future favors, and with whose knowledge and/or investment?

It is evident that these questions cannot be properly investigated without a conflict of interest, since investigating most of these questions will require inquiring into the knowledge and/or conduct of individuals at the highest levels of the Executive Branch. Moreover, several of the principal figures in this investigation, including the Riadys and the Lippo Group and Charlie Trie, reportedly have longstanding ties to President Clinton.

Indeed, the conflicts at issue here are precisely the sort of "inherent conflict[s] of interest" to which you testified during Senate hearings in 1993 on the re-enactment of the Independent Counsel Act. Avoiding an actual or perceived conflict of interest was the basis not just for your application for the appointment of an independent counsel to investigate James McDougal, but also for your recent requests to extend that counsel's jurisdiction to include investigations of Anthony Marceca and Bernard Nussbaum. The same concern warrants your application for an independent counsel here, where public confidence can be assured only by the appointment of an independent counsel to investigate any alleged wrongdoing in connection with DNC, Clinton Administration, and Clinton/Gore Campaign fundraising during the 1994–1996 election cycle. As you yourself testified, applying for an independent counsel, and our request that you make such an application, in no way detracts from the integrity and independence of the Attorney General or the career prosecutors presently investigating these allegations.

Pursuant to the statute, please report back to the Committee within 30 days whether you have begun or will begin a preliminary investigation, identifying all of the allegations you are presently investigating or as to which you have received information, and indicating whether you believe each of these allegations are based on specific information from credible sources, and either pertain to a covered individual or present a conflict of interest. Please also provide your reasons for those determinations. See 28 U.S.C. 592(g)(2). In the event you conduct a preliminary investigation, but do not apply for the appointment of an independent counsel, or apply for an independent counsel but only with respect to some of the various allegations on which you have received information, please identify all those allegations which in your view do not warrant appointment of an independent counsel, and explain your view whether those allegations warrant further investigation, pertain to a covered individual, and/or present a conflict of interest See 28 U.S.C. §592(g)(3).

Sincerely,

Orrin G. Hatch, Charles E. Grassley, John Ashcroft, Spencer Abraham, Mike DeWine, Strom Thurmond, Arlen Specter, Jon Kyl, Fred Thompson, Jeff Sessions.

Mr. HATCH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the first comment this morning is that everybody wishes the President well in his upcoming surgery. It is almost like those in some of the terrorist groups that go out and kneecap somebody and then send flowers to them in the hospital. I am not suggesting that there is hypocrisy in it, but I am waiting for all of the requests for special counsel and for some of my friends on the other side to ask for a resolution to spend money to send Senators in surgical gowns out to Bethesda to make sure the President really is out there having an operation.

It has reached that kind of a level around here. For some of my colleagues, if President Clinton were to walk across the water to save somebody from drowning, the headline in their statement would be, "It proves he can't swim."

When I hear some of the statements being made, I am reminded of a what a former Republican President—who, incidentally, was one of the best fundraisers I have ever known—said, "Well, there you go again."

Some in the Congress simply cannot avoid the temptation to jump the gun, draw the most negative possible inferences, and take every opportunity to discredit those who serve in the Government, and, as one who has served for years in law enforcement, they also take every possibility to discredit those who serve in law enforcement, and demand yet another costly, time-consuming, largely unaccountable and potentially destructive independent counsel investigation so long as it is limited to only investigating a Democratic President.

Senate Joint Resolution 22 does not advance the administration of justice. I think it is a kind of partisan effort at political spin. It comes at the end of a week during which the Senate rejected the majority leader's version of a resolution to restrict the Governmental Affairs Committee investigation. That resolution, before it passed, was altered during our floor debate to include examination of improper as well as illegal fundraising activities and finally to include such activities in congressional as well as the Presidential campaign. It then passed 99 to nothing.

The joint resolution before us is a similarly ill-conceived effort. It was introduced before the Rules Committee or the Senate moved to consider, amend and reamend the funding resolution for the Governmental Affairs Committee. It was introduced before the Judiciary Committee met on a committee resolution on March 6. It was introduced before the Republican and Democratic members of the Senate and House Judiciary Committees sent letters to the Attorney General. Those letters are the congressional actions contemplated by the independent counsel law. This resolution is not.

In fact, this resolution, if it were introduced as a bill rather than merely a sense of the Senate resolution and then passed as a law, would not pass constitutional muster.

It is very, very easy to stand here and say go out and look at the President; do not look at anything we do. Whatever you do, do not look at the House or Senate Members of Congress. But let us go after the President.

Mr. President, what we are saying is that our regular law enforcement agencies cannot do the job. We in Congress can. That is a laugh. As I said, I spent nearly 9 years in law enforcement. I know that the Attorney General and the others in law enforcement here have the independence to do what needs to be done. But I also know that it is the height of hypocrisy to say look at them; do not look at us.

The American people, the public, want more than anything else real campaign reform. The Republican leadership of the House and Senate could bring campaign reform measures to the floor today and ask us to have votes on them. Instead, they want to spend days and days and days bashing the President. Even while he is lying in the hospital in Bethesda for surgery, they will spend days bashing him, hoping that nobody will notice the tens of thousands of dollars we will spend in this Chamber in this debate and the printing costs of it all. They are hoping that maybe the American public will not ask the question: If you have all that time and money and effort to spend, why not debate real campaign finance reform and vote on it—campaign finance reform that would apply not just to the President and Vice President but would apply to every Democrat, Republican and Independent in the House and Senate and every Democrat and Republican and every Independent who might challenge an incumbent.

The fact is that if you took a poll today and asked the American public, do you want real campaign finance reform, the response would be a resounding yes. I hope the American public will ask the Republican leadership of the Senate and the Republican leadership of the House, because they are the ones responsible for setting the legislative agenda, when are you going to bring campaign finance reform to the floor? The President has said he will sign the bill. Unlike the last strong, tough campaign finance reform bill that was passed by the House and Senate and went to the White House for signature and was vetoed by the former President, this President has said he will sign such a bill.

It is going to be easy during the vacation set up in a week for the House and Senate, for Members to go home and give wonderful speeches and say we are in favor of campaign finance reform. We are all in favor, just like we are in favor of God and motherhood. But I hope people ask, but have you voted on it? When are you going to vote on it? Bring it up and have a vote on real campaign finance reform.

Now, some Members will vote against it and some Members will vote for it. But at least the American public will know how their Member of the House and their Senators voted. That is all we are asking.

I understand and I have great respect for some Senators who do not want to vote for a campaign finance reform bill, even those who oppose campaign finance reform legislation. I do not question their motives. Let them vote against it. But I also respect those such as Senator FEINGOLD and Senator MCCAIN who have brought forward a campaign finance reform bill, and they ought to have a vote on it. That is all I am asking. Stop the smokescreens of Friday afternoon talks about investigating the President. I am sure they will pause at some point to wish him well during his surgery this afternoon and then they will go right back to bashing him.

Why not say here, Mr. President, we will actually do what we are hired to do, what we are elected to do, what we are paid to do. We will pass a campaign finance reform law.

In fact, while we are at it, maybe we ought to pass the chemical weapons treaty.

While we are at it, maybe we ought to pass a budget. My good friends on the other side of the aisle criticize the President's budget. Well, they have a majority of the votes in the House and Senate to pass their own. In fact, the law requires them to do it shortly after the vacation. Let us see if they will pass one.

It occurs to me the kind of votes necessary to pass a budget are the kind of votes that might cause some political pain on the right and the left, and maybe that is why we do not actually vote on those kinds of things. It occurs to me that if we passed a bill on campaign finance reform, it would actually cause some pain, especially for those of us who are incumbents, and maybe that is why the leadership will not bring that bill to the floor. It occurs to me that the reason these resolutions about investigations are very carefully aimed at the President and exclude any consideration of possible improper activity on the part of Members of Congress is that maybe—maybe—some who are supporting them want to make sure no gaze of a special prosecutor is directed at activities of Members of Congress.

There are only 100 people at any one time who are given the opportunity to be in the Senate. I do not question the fact that you have to have some partisan motivations to get elected in the first place. But when you are here and take an oath of office, an oath to uphold the Constitution, to represent the whole country and to uphold the Constitution of the United States, let us not have partisan games that are more reflective of somebody running for some minor county office somewhere. We are supposed to be reflecting the interests of all of the United States. We are supposed to be reflecting the interests of all people. What we do as the Senate should reflect the conscience of the United States. The Senate should be, and at times has been, the conscience of this great country. But, when we engage in partisan games aimed at sliming the President, but at the same time protecting every single thing we do, that is not representing the conscience of the United States. That is not rising to the level of what the U.S. Senate should be.

If Members want to investigate the President on fundraising activities, then be honest enough to say we will apply the same searchlight, the same magnifying glass, the same standards to ourselves. Do not give a hypocritical image of the U.S. Senate to the American people by saying we will go after the President but we will make sure that nobody looks at us, nobody asks us if any of us had done the exact same things we are asking the President not to do. That is not showing the kind of respect we should have for this Senate, for this body, for the precedents we establish here.

This resolution before us is not authorized by the independent counsel law. If it were a separate bill, it would not pass constitutional muster. It is an inappropriate effort to pressure the Attorney General to prejudge these matters. It would pervert the independent counsel process under the law. The independent counsel law was designed to protect the independence of investigatory and prosecutorial decisions, including those of the Attorney General. This resolution would say that Congress does not want the Attorney General to be independent. The resolution says that we want to step in and tell her what to do and how to do it. The independent counsel law was passed to ensure that investigative and prosecutorial decisions are made without regard to political pressure, but this action by the Senate would subvert that purpose by subjecting the critical initial decisions about invoking the law to just such political pressure.

We are saying to the Attorney General, do not you use any of your judgment. We will tell you what you have to think. When I was a prosecutor, I knew what I would have told any legislative body that told me how to exercise my prosecutorial discretion. It is not Congress' place to determine whether and when to bring criminal charges. As a former prosecutor, I say this body is ill-suited to that purpose. The administration of justice is ill-served by efforts to intimidate a prosecutor to begin a case, just as it would be ill-served by the legislature trying to intimidate a prosecutor to end a case.

This resolution will serve only to undermine the investigation that the Attorney General now has underway. It will undercut the independent counsel law and I believe it further erodes public confidence in Government's ability to do its job. We ought to do our job and let the Attorney General do hers.

Part of our job would be to pass campaign finance reform. But you see absolutely no effort by the Republican leadership to bring such a bill to the floor for a vote. Part of our job would be to vote up or down on the chemical weapons treaty, but you see no effort on the part of the Republican leadership to bring that to a vote. Part of our job would be to pass a budget, vote it up or down, but you see no effort on the part of the Republican leadership to bring that to a vote on the floor. What this resolution does is take the Senate down another detour, away from the critical work that we should be doing and is being left undone.

I have been here 22 years. I have been proud to work with Republicans and Democrats on major legislation. On the floor of the Senate during last year's Presidential election, I took the floor of the Senate to praise the former Republican leader, Senator Bob Dole. I praised him during the height of the Presidential election year, saying he is a man I had worked with closely for bipartisan solutions on farm bills, on hunger issues, on school lunch, school breakfasts, and the Women, Infants, and Children Programs. We forged a bipartisan consensus, just as I have been proud to do with so many other Members on the Republican side, and just as so many real leaders in the Republican Party have done as they have worked with Members of the Democrat side to form a bipartisan consensus on issues that are most important to the United States of America.

Unfortunately, when you have things like this resolution, which are so blatantly partisan, where little effort is made to bring about a bipartisan resolution, we find ourselves going further away from the kind of bipartisan approach to the Nation's problems that we heard so much about when this session was beginning.

It is almost as though some go out and have a pollster ask, "What do you American people want of us?" They will get back from the pollster that the people want us to work together, they want us to have bipartisan solutions, they want us to show more civility, they want us to work together in the interests of the country. So what do these well-informed legislators proceed to do? They go on the Sunday talk shows and have weekend press conferences and say that it is a new day, that there is an effort for bipartisan consensus. They say what they think the people want to hear.

But do we see a bipartisan effort on a budget resolution? No. Do we see a bipartisan effort on a chemical weapons treaty? No. Do we see a bipartisan effort to confirm Federal judges?

There has not been one single judge confirmed yet this Congress. You know, there is a heck of a lot more effort given to somehow influencing the appointment of an independent counsel or special prosecutor, by this body, than there is to considering and confirming Federal judges. Not one single Federal judge has been confirmed by this Congress. Not one court of appeals judge was confirmed in the last session of Congress. The Chief Justice of the United States, a conservative Republican, appointed first by one Republican President as a member of the Supreme Court and subsequently by another Republican President as Chief Justice, has said we have reached a crisis situation. There are nearly 100 vacancies in our Federal courts. Justice is not only delayed, justice is denied to American people—all American people, Republicans and Democrats alike.

Everybody knows it is a crisis. But this Senate, with all the talk about bipartisanship, has not confirmed one single Federal judge. In fact, I think there is only one scheduled for consideration by the Senate. At this rate—I am 56 years old—through normal attrition and all, if we keep on at this rate, when I am 156, instead of 100 vacancies we will have 300 or 400 vacancies.

This is not the way to show any kind of bipartisan consensus. If we spend one-tenth as much of an effort at confirming Federal judges that we are supposed to, that we are paid to do, that we are elected to do we might begin to fulfill our responsibilities. If we spend one-tenth the effort on confirming judges that we spend on cranking up more and more multimillion dollar investigations of the President, we might accomplish something. But, obviously, that is not intended in this new era of bipartisanship.

We spent the first 2 months of this year debating a proposed constitutional amendment that is unnecessary, unsound, and unwise, but a bumper-sticker approach to the problems of budget deficits and the need to balance our Federal budget. We have not spent 38 seconds on this floor actually debating a real budget. We have not spent 21 seconds; we haven't spent a nanosecond. We spent 2 months talking about something that might take effect in the next century. But we have not spent 2 seconds debating something that will take effect this year.

Mr. President, I fear for the Senate. I am proud of the Senate. I am proud of being here for 22 years. I am proud of serving with great Republican leaders and great Democratic leaders. I am proud of serving with men and women from both the Republican and Democratic side whom I consider true national leaders.

What makes me proud is they have come together for the best interest of the United States, not leaving behind their party allegiances, but being first and foremost Americans and U.S. Senators and doing what is best for the country. I do not see that happening now, Mr. President. It fills this Senator with a great deal of sorrow.

This is not the way we do things in my State. In my State, we will fight for our elections. Some win, some lose. Then we come together as Republicans and Democrats for what is best for Vermont. We, U.S. Senators, 100 of us having a chance to represent more than 250 million Americans, ought to do what is best for this country. A quarter of a billion Americans expect the 100 men and women of this body to do that, and we are not bringing together the bipartisan consensus we used to and that we need to achieve.

I talked about the bumper-sticker sloganeering of the constitutional amendment. It failed here. In the House, they have not even had a committee markup. The Republican Party decided not to do that. For whatever their reasons are, I hope now, after spending months on that ill-fated effort, we can actually debate and pass a budget. I tell my friends on the other side of the center aisle that if they really want to work on a bipartisan budget, we can. For that matter, they do not have to ask for a single Democratic vote. There are enough Republicans in the House and Senate to pass a budget, as the law requires, by April 15, if they really want to.

Mr. President, I have talked about judicial vacancies. Twenty-five percent of the current vacancies have persisted for more than 18 months. A quarter of the judicial vacancies in this country have been there for a year and a half. This is justice delayed, this is justice denied, this is wrong.

I have served here twice in the majority and twice in the minority. I have served here when the President of the United States was President Gerald Ford, then President Carter, then President Reagan, then President Bush, and now President Clinton. Never in my memory, under Republican Presidents or Democratic Presidents, with Republican Senates or Democratic Senates, never has the leadership of this body ever allowed a situation when judicial vacancies would exist in this number for this long. Never.

Republican leaders like Howard Baker or Bob Dole or Hugh Scott, Democratic leaders like Mike Mansfield or BOB BYRD or George Mitchell or TOM DASCHLE never countenanced such a thing. Never would these great leaders have done this. Never have they allowed the Federal judiciary to get in such an abysmal state, when the Chief Justice has to say it is a crisis, when the Chief Justice says: "It is hoped that the Administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice." And yet, we have to tell him today that we are not doing it, we are not doing our job.

A little over a year ago, the Republican majority of the House and Senate closed down the whole Government, for days on end, weeks on end, to make a political point. The political point is that they wasted hundreds and hundreds of millions of dollars of the taxpayers' money and the American public found out the Speaker of the House, at one point, had to go out the back door of Air Force One—obviously, the kind of affront that they felt justified wasting hundreds of millions of dollars of taxpayers' money.

They were making a political point and the Government was closed down. Some say billions of dollars were wasted. It was an enormous inconvenience to the American taxpaying public who were wondering what was going on.

Having had this failed experience of closing down the executive branch of Government, it appears they now want to close down the judicial branch of Government. This is the kind of capricious meanness that you see in a schoolboy plucking the wings off a fly. This is beneath the dignity of the U.S. Senate. This is beneath the dignity of being a U.S. Senator. This is beneath the dignity of our Constitution. This is wrong. This has never been done. It was never done under the leadership of Senator Baker and Senator Dole, under the leadership of Senator Mansfield, Senator BYRD, Senator Mitchell, or Senator DASCHLE. I doubt if it was ever done under the leadership of those who came before them.

The Senate is not fulfilling its constitutional responsibility. It is interfering with the President's authority to appoint Federal judges. It is hampering the third, coequal branch of our Government.

The Republicans controlling the 104th Congress shut down the executive branch, this Congress they seem intent on shutting down the judicial branch for political gain. It is a scandal in the making. It is high time for the Senate to do its duty to consider and confirm judges to the vacancies that have persisted for so long.

Instead, they bring to the Senate floor this resolution and say, "Hey, Mr. President, I hope you enjoy your time in Bethesda. Turn on C–SPAN. We're going to stand here and bash you for a day or two or three."

I suggest this: If you want to do that—if the leadership figures that the only thing to do, because they cannot pass a budget, cannot ratify a treaty, cannot pass anything else that might significantly improve the lives of the American people—if, instead, they want to use this Senate to bash the President, could we have maybe an hour every day to do the people's business? Maybe an hour a day? For 10 hours, they can bash the President and 1 hour each day we could actually debate their budget resolution, if they had a budget resolution. For 10 hours a day, bash the President, an hour a day actually consider and confirm Federal judges.

It is getting a little ridiculous. Do people know that we get paid $133,000 a year, and we have not had 1 second of debate on the budget resolution that the Republican leadership of the Senate and the House are supposed to bring before us for a vote? Do they know that we get paid $133,000 a year, but if you want to litigate a case in a Federal court, you probably cannot get before a Federal judge because of the vacancies that our inaction is perpetuating?

Do they know how much it is costing to do the bashing per page of the CONGRESSIONAL RECORD? Maybe it is a sort of full-employment opportunity for printers. As a printer's son, maybe I ought to be happy, but I do not think this is what my father would think was the best thing for this body to do.

So, Mr. President, some of this could be humorous if it were not for the enormous cost to the taxpayers, if it were not for the fact that we are not doing what we are supposed to do, if it were not for the fact that the kind of bipartisanship that has always made me proud to be a Member of the U.S. Senate has broken down more than I have ever seen before. Maybe it would be funny if so many people were not hurt.

The Attorney General will look into any issues that there may be at the White House. She will report back to us, as she is required to do. We can look at that report and we can determine whether we agree with it or not. But as a former prosecutor, I must tell you, I find it very offensive to tell a prosecutor, "Here is what you must do and must not do. Here are the conclusions you must reach and must not reach."

That is basically what this resolution is saying and it is also saying: "Oh, by the way—by the way—there's one thing thou shalt not do. Thou shalt not ask any question of a Member of Congress. We, the Republicans, who control the majority in the Congress, are saying, thou shalt not ask questions of us, what we might have done in fundraising." I will guarantee you, Mr. President, when we bring up an alternative resolution which calls on the Attorney General to look at Members of Congress, that in lockstep the Republican majority will vote that down. A herd of elephants will trample that into the dust.

Why is that? They say, go investigate the President. We have already spent $30, $40 million investigating the President and found nothing that says he has done anything wrong. We have already spent about $30, $40 million on a special prosecutor, who also goes out and gives speeches to organizations that seek to defeat the President. We spent $30, $40 million on a special prosecutor who has clients whose PAC's have worked very hard to defeat the President. We spent $30, $40 million on a special prosecutor who would not recognize a conflict of interest if it hit him up alongside the head.

Now they say, "Let's just go after the President some more, but, please, make sure you understand what we are saying: Don't touch us." It reminds me of the tax debate where the distinguished former chairman of the Finance Committee, and one of the real giants of the Senate, Russell Long, in debate said, "The kind of taxes we want are, don't tax me, don't tax thee; tax the man behind the tree." Well, in this case, my good friends on the Republican side want to hide behind that tree and say, "Investigate everybody on the other side of the tree. Don't look at us."

I would like to think, Mr. President, this is because all the Members who are going to vote against any investigation of the Senate or the House, all the Members who want to block that, are as pure as Caesar's wife. I would like to follow that analogy, Mr. President, but I could not do it with a straight face.

It is really very blatant what is going on here. The majority does not want to have a vote on a budget. The majority does not want to have a vote on a chemical weapons treaty. Lord knows, the majority does not want to do anything significant in filling the 100 vacancies now persisting in the Federal courts. And those vacancies will grow just through the normal retirements, deaths, and so forth. But let them pound the President.

Oh, I would not be surprised if at some point in here we will probably have a resolution calling for the President's speedy recovery from the surgery this afternoon, but they will just pound the heck out of him in the meantime.

You know, Mr. President, I am not sure anybody is fooled by this. If it was just a silly partisan exercise, it would be one thing. At most, it would be an embarrassment to the U.S. Senate. But it goes beyond that. Because now we find that not only—not only—has there been an unprecedented attack on the Constitution by blocking Federal judges, but now the other shoe has dropped. We have heard from Members in the other body that they want the impeachment of judges. If they disagree with their decision, they want them impeached.

I say to my friends on the other side who are calling for impeachments, they should take the time—I was going to say to "reread" a history book, but I think that might be presupposing to say "reread" one—but go and read a history book. And I cannot say "reread"he Constitution, because that also presupposes they read it. Read the Constitution.

This Nation, the greatest democracy that history has ever known, the most powerful nation on Earth and still remaining a democracy, is here because of the independence of the three branches of Government: The legislative, the executive, and the judiciary.

Mr. President, everywhere I go in this country and throughout the world I find such enormous respect for our independent Federal judiciary. Look at some of the countries that are seeking democracy. One of the biggest problems they have is that they have never had an independent judiciary. We pride ourselves on our independent judiciary. But for us to say, "I disagreed with a decision, impeach him," it is like Alice in Wonderland, the queen saying, "Off with their heads, off with their heads." It is that silly.

There are, after all, appellate courts. I have tried cases. I have won some and I have lost some. I have known I could always appeal. That is what you do. If a judge rules differently than you like, appeal the decision. Do not say "Oh, we'll impeach them." What kind of respect do you think there will be for our Federal courts if that could be done?

This makes me think, Mr. President, of those who had billboards out "Impeach the Supreme Court" because the Court ruled against segregation. It was wrong then for those who wanted to violate the independence of our courts because the courts dared point their finger at the sin and the stain of segregation. It was just as wrong then as it is today.

If my friends on the other side persist in destroying the independence of our

Federal judiciary, what kind of a legacy do they leave their children and their children's children?

My children will live most of their lives in the next century. I think to myself every day, what kind of a century will we give to them if, after 200 years of building up the greatest democracy history has ever known, we start with this piece and this piece, tearing down what made it a great democracy, tearing down the Constitution, tearing down the independent judiciary, and, yes, Mr. President, tearing down the Senate and tearing down the House by our own statements and by our own actions? That is wrong.

Mr. President, before this gets any further out of control, I pray that Republicans and Democrats will start coming back together as we did under the great leaders with whom I have had a privilege to serve—Senator Mansfield, Senator BYRD, Senator Mitchell and now Senator DASCHLE, and on the other side, Senator Baker and Senator Dole. These were men who were willing to fight for their partisan beliefs but who knew that there were some issues where the American people have to be heard first and foremost and that we needed to come together.

I pray that our Members might pause here today—at least let the President of the United States go to surgery this afternoon without us trying to tear him apart—and ask ourselves, Republicans and Democrats alike, what are we doing to the Senate? What are we doing to the House? What are we doing to our Federal Judiciary? What are we doing to the protection of our Constitution when we say judges should be impeached not for high crimes and misdemeanors, as the Constitution speaks of, but because we disagree with them?

If anybody has ever tried cases, and I have tried a lot of cases, you will find judges to disagree with. The other side might be delighted. The next week the judge may agree with you and the other side is angry. That is the way it works. I tried a lot of cases in the appellate court and I have tried a lot of cases in trial courts. However, sometimes I disagreed with a determination.

Mr. President, when I began this statement there were no other Senators on the floor seeking recognition. I now see my distinguished colleague from Rhode Island and will suspend my remarks at this point to allow him an opportunity to be heard.

I do ask unanimous consent that a copy of the March 13 letter to the Attorney General that is signed by seven Democrats serving on the Senate Judiciary Committee be printed in the RECORD. It has been quoted already today, but out of context, so I feel compelled to include the complete letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 13, 1997.
Hon. JANET RENO,
Attorney General of the United States,
U.S. Department of Justice,
Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We expect that certain Republican members of the Senate Committee on the Judiciary have forwarded to you a letter, purportedly pursuant to 18 U.S.C. §592(g)(1), that you apply for the appointment of an independent counsel to investigate "possible fundraising improprieties in connection with the 1996 presidential campaign." We will leave it to you to evaluate and respond to that letter in accordance with your statutory responsibilities to determine whether grounds to investigate were furnished in that letter. Rather than provide specific information and credible sources the Republican letter appears to us to be a political document that strings together a series of negative inferences, unanswered questions and damning conclusions.

We, the undersigned members of the Committee on the Judiciary, are concerned about illegal and improper fundraising and spending practices in Federal election campaigns and the need for campaign finance reform. Whereas press accounts and reported allegations of improper fundraising in Federal campaigns undermine public confidence in the integrity of our electoral process, we want to do all that we can to restore public confidence and get to the bottom of such alleged wrongdoing as soon as possible.

Should you determine that an application for appointment of an independent counsel is appropriate, we request that your application avoid partisanship and include the full scope of fundraising irregularities. The written request from our Republican colleagues focuses entirely on allegations of fundraising irregularities by the 1996 Clinton/Gore Presidential Campaign and by the Clinton Administration, with a primary focus on two areas: first, whether senior White House officials and other Executive Branch officials "improperly solicited and/or received contributions on federal property"; and second, whether foreign contributions "were funneled into U.S. election coffers to influence U.S. foreign policy."

In addition to the areas outlined by our Republican colleagues, we request that you also examine additional items. *First,* revelations in the press have been rampant about Republican campaign fundraising improprieties, including soliciting contributions on federal government property. Other Republican fundraising activities also raise significant questions about the appearance of conflicts of interest and whether any quid-pro-quo is involved in legislative activities. Additional revelations raise questions about how Republicans have in some instances violated campaign finance laws and in other instances skirted the spirit, if not the letter of the law, by using not-for-profit organizations to funnel money for use in campaigns without the reporting requirements and limitations that apply to formal campaign committees. *Second,* we are concerned about the possibility that foreign governments are seeking to influence our domestic and foreign policy through campaign contributions, including to congressional candidates for federal office.

We understand that you have already formed a Task Force of experienced prosecutors from within the Public Integrity Section of the Criminal Division to investigate whether criminal conduct took place in 1996 federal election campaigns and that the Task Force is already well underway in its investigation. We further understand that over thirty special agents from the Federal Bureau of Investigation have been assigned to work on this investigation. Indeed, the press has reported that this Task Force has already served subpoenas and presented testimony to a grand jury. We appreciate your pressing forward without delay and credit your past statements that you are continuing to evaluate whether you need apply for the appointment of an independent counsel. We also appreciate that appointment of an independent counsel is not always a panacea. We believe that the cost and delay of independent counsels have not always been justified, that they have not been accountable and that the judicial panel responsible for appointing such an independent counsel in these circumstances may well have its own conflict of interest. Most importantly, we understand that were you to shift your approach at this point in order to conduct a preliminary investigation under the independent counsel law, you would have no authority to convene grand juries or issue subpoenas. Thus, the work being done by the current Task Force would have to cease abruptly and the matter would go forward with less authority and fewer investigative powers and options.

The decision to invoke the independent counsel process in a particular matter rests with you and not with the United States Congress or any member or members thereof. You have demonstrated your willingness to invoke the independent counsel law in the past and we have the utmost confidence that you will invoke the law again, if and when the legal standards have been met in a particular matter. These standards are clearly set forth in the independent counsel statute. You must invoke the independent counsel process when there is specific information from a credible source that a crime may have been committed by enumerated "covered persons", under 28 U.S.C. §591(a). You may exercise your discretion to invoke this process when there is specific information from a credible source that a crime may have been committed by any other person and where the Justice Department has a personal, financial or political conflict of interest, under 28 U.S.C. §591(c)(1); or when there is specific information from a credible source that a crime may have been committed by a member of Congress and where it would be in the public interest to do so, under 28 U.S.C. §591(c)(2).

Partisan requests for invocation of the independent counsel process give the appearance of attempting politically to influence a decision by the Attorney General whether to invoke the independent counsel process in a particular matter. To our mind, this will result in further undermining the public confidence's in the integrity of government, the independent counsel process and in the criminal justice system as a whole. Consequently, we urge you to exercise your best professional judgment, without regard to political pressures and in accordance with the standards of the law and the established policies of the Department of Justice, to determine whether the independent counsel process should be invoked, pursuant to 28 U.S.C. §591(a) or (c), to investigate allegations of criminal misconduct by any government official, member of Congress or other person in connection with the 1996 federal election campaigns.

Only this week the Senate authorized the Governmental Affairs Committee to begin its investigation into illegal and improper fundraising activities in the 1996 federal election campaigns. We are sure that you, as well as we, will monitor that investigation and those hearings closely to determine whether grounds for application for the appointment of an independent counsel arise.

In conclusion, please report back to the Committee, identify the allegations you are presently investigating, and indicate whether you have begun or will begin a preliminary investigation as limited by the independent counsel law, indicate whether you believe these allegations to which we have referred are based on specific information from credible sources, and indicate whether these matters present a conflict of interest with respect to a covered person or, with respect to members of Congress, whether it would be in the public interest to apply for the appointment of an independent counsel. Please also provide your reasons for those determinations. In the event you conduct a preliminary investigation, but do not apply for the appointment of an independent counsel, or apply for an independent counsel, but only with respect to some of the various allegations on which you have received or developed information, please identify all those allegations which in your view do not warrant appointment of an independent counsel, and explain your view whether those allegations warrant further investigation, pertain to a covered individual, present a conflict of interest or with respect to members of Congress, why the public interest is served by proceeding in the manner that you have chosen.

Sincerely,

HERB KOHL,
PATRICK J. LEAHY,
RICHARD J. DURBIN,
DIANNE FEINSTEIN,
JOSEPH R. BIDEN, Jr.,
EDWARD M. KENNEDY,
ROBERT TORRICELLI,
U.S. Senators.

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD, not introduced, but printed in the RECORD, a copy of a joint resolution which is very close to one that will be introduced by this side as an amendment during this debate.

There being no objection, the material was ordered to be printed in the RECORD, a follows:

S.J. RES. —

Whereas the independent counsel law was created to restore public confidence in the criminal justice system after the abuses of the Watergate scandal;

Whereas the decision on whether to invoke the independent counsel process in a particular matter rests by constitutional necessity with the Attorney General and not with the United States Congress;

Whereas the law provides, in section 591(a) of title 28, United States Code, that the Attorney General must invoke the independent counsel process where there is specific information from a credible source that a crime may have been committed by a covered person;

Whereas the law provides, in section 591(c)(1) of title 28, United States Code, that the Attorney General may invoke the independent counsel process where there is specific information from a credible source that a crime may have been committed by any other person and where the Justice Department has a personal, financial, or political conflict of interest;

Whereas the law provides, in section 591(c)(2) of title 28, United States Code, that the Attorney General may invoke the independent counsel process where there is specific information from a credible source that a crime may have been committed by a Member of Congress and where it would be in the public interest to do so;

Whereas the Attorney General has invoked the independent counsel law in the past, and has stated that she will invoke the law again if and when the legal standards have been met in a particular matter;

Whereas the independent counsel law was never intended to be used in a partisan manner, and such a misuse of the law would damage public confidence in the criminal justice system; and

Whereas it would be unprecedented and inappropriate for the Congress to cast a vote which would have the appearance of attempting to politically influence a decision by the Attorney General on whether to invoke the independent counsel process in a particular manner: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the Attorney General should exercise her best professional judgment, without regard to political pressures and in accordance with the standards of the law and the established policies of the Department of Justice, to determine whether the independent counsel process should be invoked, pursuant to section 591(a) or (c), to investigate allegations of criminal misconduct by any government official, Member of Congress, or other person in connection with any presidential or congressional election campaign.

Mr. DODD. Mr. President, the resolution that is before us, and is the question of whether or not there ought to be an independent counsel.

Let me suggest here that there are three or four other items I want to talk about later. I am also interested in talking about the investigation that will be moving forward now as a result of last week's vote; the Federal Election Commission and some idea on a piece of legislation I will introduce with regard to that, and then the proposed McCain-Feingold legislation. I presume this has been somewhat confusing to someone watching this out there, with all these various resolutions and debates going on. But they are issues all related to the same subject matter.

Mr. President, let me just briefly say, with regard to the resolution before us, as someone who appreciates the role of having a statute dealing with independent counsel, I, for one, along with others—and I am not alone in this regard—have expressed some reservations and concerns about the independent counsel route generally, putting aside any specific matters. I was one who voted against establishing an independent counsel in the case of former President Bush when there were allegations raised involving Iran and Iran-Contra. I felt that those motivations were purely political. There were those in my party, principally in my party, who pushed a resolution, and I felt it was unwarranted. If felt it was politically motivated, and voted against it.

I felt that the independent counsel's Iran-Contra investigation went on way too long. It went on for years and cost an incredible amount of money.

So I am leery of this general approach because of how it is self-sustaining and goes on indefinitely. The passage of the statute was to try and do something to take politics out of this a bit, to set some very clear guidelines so we would not be involved in partisan debate over whether or not there ought to be an independent counsel.

Obviously, Members are going to express themselves on the issue, and I understand that. But with the independent counsel law we tried to remove the political debate in deciding these issues. I urge my colleagues in this matter to allow the Attorney General to make her decision. She is about as independent as any Attorney General we have had and certainly has not been intimidated by invoking the independent counsel statute in the past, as expressed by the Senator from Vermont.

I want to express the worrisome feelings I have about this. We have seen independent counsel investigations go on way too long. They are self-fulfilling. Today, we have the Justice Department, the FBI looking at the matter that is the subject of the request that an independent counsel become involved.

Mr. LOTT. Mr. President, I today join the majority of members of the Judiciary Committee in calling on the Attorney General to begin the process for the appointment of an independent counsel to investigate possible violations of Federal law in connection with fundraising and other activities during the 1996 Presidential election campaign.

The independent counsel statute—28 United States Code section 591 and following—provides that the Attorney General shall conduct a preliminary investigation, which is defined as "such matters as the Attorney General considers appropriate in order to make a determination, whether further investigation is warranted, with respect to each potential violation, or allegation of a violation, of criminal law, when she receives information sufficient to constitute grounds to investigate" whether certain persons violated any Federal criminal law other than a class B or C misdemeanor. These persons include:

First, President and Vice President;

Second, persons working in the Executive Office of the President paid at or above level II;

Third, chairman and treasurer of the President's reelection committee, or any officer of the reelection committee exercising authority at the national level during the President's term.

The test of the sufficiency of the information received is whether or not it is specific and credible. The Attorney General has 30 days to review this information to make the determination. This is a very low threshold test. The only way she can avoid a preliminary investigation is to determine that the information is not credible or not specific. If she finds she is unable to determine within 30 days if the information is credible and specific, she still has to begin the investigation.

Further, if the Attorney General determines that an investigation or prosecution by the Department of Justice of any other person may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation. Although this would seem to be more discretionary than the shall language otherwise in the statute, Attorney General Reno understands the importance and the necessity of the independence of the investigation into such matters. As she testified before the Judiciary Committee in 1993 when that committee was considering reenactment of the independent counsel statute:

> There is an inherent conflict of interest whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head, the Attorney General. The Attorney General serves at the pleasure of the President. Recognition of this conflict does not belittle or demean the impressive professionalism of the Department's career prosecutors, nor does it question the integrity of the Attorney General and his or her political appointees. Instead, it recognizes the importance of public confidence in our system of justice, and the destructive effect in a free democracy of public cynicism."

She further testified:

> It is absolutely essential for the public to have confidence in the system and you cannot do that when there is conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor . . . The Independent Counsel Act was designed to avoid even the appearance of impropriety in the consideration of allegations of misconduct by high-level Executive Branch officials and to prevent . . . the actual or perceived conflicts of interest. The Act thus served as a vehicle to further the public's perception of fairness and thoroughness in such matters, and to avert even the most subtle influences that may appear in an investigation of highly-placed Executive officials.

Despite the fact that high-level executive department officials and other covered persons have been implicated in possible violations of Federal law, the Attorney General seems to have ignored her own warnings about the appearance of a conflict of interest or impropriety and has chosen not to initiate the procedure leading to the appointment on her own. In light of this decision, it is left to the Senate, through the action of its Judiciary Committee, to pursue the appointment of an independent counsel.

This action has been initiated by written request to the Attorney General. Under the independent counsel statute, the Attorney General has 30 days after receipt of the request to report if the preliminary investigation has begun—and the date it began—or that it will not begin. She must give her reasons for either beginning or choosing not to begin the investigation.

I am confident that Attorney General Reno will heed her own words in her testimony before the Judiciary Committee and seek to avoid even the appearance of impropriety in this investigation.

There is sufficient specific and credible evidence now to initiate the process now. To do otherwise or to delay action will call the Attorney General's decisionmaking process into question. That is specifically the effect that must be avoided here. There should be no appearance of impropriety in the decision of whether to appoint an independent counsel and I am confident, upon consideration, the Attorney General will see the wisdom in expediting the decision to ask for the appointment of such independent counsel.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, there are two items I will address this morning. I will not be long. I know the distinguished Senator from Rhode Island is waiting to speak.

COMMUNICATIONS DECENCY ACT: COMPELLING INTEREST STATEMENT

Mr. COATS. This coming Wednesday, Mr. President, March 19, the Supreme Court is scheduled to hear oral arguments on the constitutionality of the Communications Decency Act. This act was passed by this Senate in the last Congress by an overwhelmingly bipartisan vote of 84–16. The previous Senator talked of cooperation between parties, and there certainly was a significant degree of cooperation on this issue. We worked on a bipartisan basis, securing 84 votes for its passage. Eventually, Congress passed the act as part of the historic telecommunications reform legislation.

The Communications Decency Act, passed by Congress by an overwhelming, bipartisan margin, and signed by the President, simply extends the principle that exists in every other medium of communication in our society, a principle which has been repeatedly upheld as constitutional by the Supreme Court.

Stated simply, this principle holds that it is the responsibility of the person who provides material deemed pornographic, that it is that person's responsibility to restrict access by minors to that material. The foundation of the principle is articulated clearly in the case New York versus Ferber, and I quote from that case: "It is evident beyond the need for elaboration that the State's interest in 'safeguarding the physical and psychological well-being of a minor' is compelling." Let me repeat that judicial decision again, New York versus Ferber. "It is evident beyond the need for elaboration that the State's interest in 'safeguarding the physical and psychological well-being of a minor' is compelling."

This principle of compelling interest is the basis on which the Communications Decency Act was constructed. That is why we believe it is constitutional and the Court will hold it so after it hears the arguments next Wednesday. There is a long history of court decisions which recognize the interest of the State in safeguarding the psychological and physical well-being of minors. Mr. President, I have a copy of a brief in support of the Communications Decency Act. It was filed by a number of organizations: Enough is Enough, the Salvation Army, the National Political Congress of Black Women, the National Council of Catholic Women, Victims Assistance Legal Organization, Childhelp USA, Legal Pad Enterprises, Inc., Focus on the Family, the National Coalition for the Preservation of Family, Children and Family, Citizens for Family Friendly Libraries, Computer Power Corp., Help Us Regain the Children Organization—I am just reading some of these here—Mothers Against Sexual Abuse, National Association of Evangelicals, One Voice/American Coalition for Abuse Awareness, Religious Alliance Against Pornography, Lenore J. Weitzman, Ph.D., and so forth, a whole series of groups that have filed this brief. I commend these organizations for their leadership. I will be drawing on some of their comments in the brief during my remarks.

Mr. President, it is now beyond question that exposure to pornography harms children. A child's sexual development occurs gradually throughout childhood. Exposure to pornography, particularly the type of hard-core pornography currently available on the Internet, distorts the natural sexual development of children. Essentially, pornography shapes children's sexual perspective by providing them distorted information on sexual activity. The type of information provided by pornography does not provide children with a normal sexual perspective.

As stated in the brief, pornography portrays unhealthy or antisocial kinds of sexual activity such as sadomasochism, abuse, and humiliation of females, involvement of children, incest, voyeurism, bestiality, torture, objectification and is readily available on the Internet.

The Communications Decency Act is designed, as I said, to employ the same restrictions that are currently employed, and have been held constitutional, in every other medium of communication.

Why do we need these protections? Let me quote Ann Burgess, professor of nursing at the University of Pennsylvania, when she states that children generally do not have a natural sexual capacity until the ages of 10 or 12, but pornography unnaturally accelerates that development. By short-circuiting the normal development process and supplying misinformation about their own sexuality, pornography leaves children confused, changed, and damaged.

Mr. President, this is not what the Congress wants. This is not what the American people want. We expressed that in our debate and in our vote in the last Congress. Surely we have not come to a point in our society where we find it tolerable that any pornographer with a computer and a modem can crawl inside our children's minds and distort and corrupt their sexual development?

As if the psychological threat of pornography doesn't present a sufficient compelling interest, there is also a significant physical threat. As I have stated, pornography develops in children a distorted sexual perspective. It encourages irresponsible, dehumanized sexual behavior, conduct that presents a genuine physical threat to children. In the United States today, about one in four sexually active teenagers acquire a sexually transmitted disease every year, resulting in 3 million sexually transmitted disease cases. Infectious syphilis rates have more than doubled among teenagers since the mideighties. One million American teenage girls become pregnant each year. A report entitled "Exposure to Pornography, Character and Sexual Deviance," concluded that as more and more children become exposed not only to soft-core pornography, but also to explicit deviant sexual material, society's youth will learn an extremely dangerous message: Sex without responsibility is acceptable.

Mr. President, it is clear that early exposure to pornography presents a disturbing psychological threat to children and a disturbing physical threat. However, there is a darker and even more ominous threat, for research has established a direct link between exposure and consumption of pornography and sexual assault, rape, and molesting of children.

As stated in a publication called, "Aggressive Erotica and Violence Against Women," virtually all lab studies established a causal link between violent pornography and the commission of violence. This relationship is not seriously debated any longer in the research community. What is more, pedophiles will often use pornographic material to desensitize children to sexual activity, breaking down their resistance in order to sexually exploit them.

A study by Victor Cline found that child molesters often use pornography to seduce their prey, to lower the inhibitions of the victim, and as an instruction manual. Further, a W.L. Marshal study found that "87 percent of female child molesters and 77 percent of male child molesters studied admitted to regular use of hard-core pornography."

Mr. President, all you have to do is pick up the telephone and call the FBI, ask their child exploitation task force about the volume of over-the-Internet attempts to seduce, abuse, and lure children into pornography and sexual exploitation.

I could go on and on, Mr. President, citing these studies, but there is really no need to do that. The evidence is clear. The compelling interest of the Government in restricting children's access to pornography is beyond credible dispute, both morally and legally.

The Communications Decency Act is a narrowly tailored law, designed to protect children from the pornography that is so widely available and easily accessed on the Internet. As I have said, it is a simple extension of the constitutional restrictions on such material that exist today in every other communications medium in our society.

The Communications Decency Act provides for the prosecution of those who utilize an interactive computer device to send indecent material to a child or uses an interactive computer device to display indecent material in a manner easily accessible to a child.

In addition, the Communications Decency Act encourages blocking software and other technologies by providing good-faith defenses designed to protect the good Samaritan attempting to block or screen pornographic material.

However, ultimately, it preserves the constitutionally established principle that pornography should be walled off from our children. To overturn the Communications Decency Act would represent a fundamental shift in paradigm, throwing our children into a hostile sea of pornography that threatens their psychological and physical well-being. I am confident that the Court will not be so callous with the basic well-being of our children.

Mr. President, I ask unanimous consent that a list of organizations in support of this brief to the Supreme Court in the case of Janet Reno, et al. versus American Civil Liberties Union, et al. be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD,as follows:

Brief Amici Curiae of Enough Is Enough, the Salvation Army, National Political Congress of Black Women, Inc., the National Council of Catholic Women, Victims' Assistance Legal Organization, Childhelp USA, Legal Pad Enterprises, Inc., Focus on the Family, the National Coalition for the Protection of Children and Families (and other amici . . .) in support of appellants.

CPI ADJUSTMENT

Mr. COATS. Mr. President, I want to call the attention of the Senate to an article that appeared in the March 13 edition of the Washington Post, headlined, "President Won't Back CPI Panel." This article discusses President Clinton's decision to not go forward with establishing an independent panel to examine the cost-of-living adjustments for Social Security and other Federal benefits. I think that is an unfortunate development because, clearly, there is bipartisan support for that effort. Members of both the Republican and Democrat Parties are on record and have made public statements saying that they believe this effort ought to go forward, whether it is an effort undertaken by a commission, or whether it is something that we engage in ourselves or ask the executive branch to do by Executive order.

Clearly, we are faced with a situation where we have to step forward, to lead, to address one of the most fundamental of all structural reforms necessary to curb the unchecked growth of entitlements.

Beginning with his State of the Union Address, the President has been telling the Congress and the American public of his desire to sit down and work out a solution to the coming entitlement crisis, and we have responded on our side by saying that we are willing to do this. In fact, in our budget last year, we recommended and voted for doing this. But now it seems obvious that, for some reason, the administration, the President and his party—and, frankly, a number of interest groups who have so much influence among those who oppose entitlement reform—plan to return to the same kind of rhetoric on Medicare and Social Security, and the same political tactics that serve to undermine the very health of the programs that they purport to protect.

Well, we don't have to go very far, Mr. President, to find out what the intention of the President and his party is in this regard, thanks to a former assistant to the President, Mr. Harold Ickes. In a pile of documents that Mr. Ickes recently submitted to the House committee investigating illegal activities at the White House, there was a revealing memo.

Rich Lowry, of the New Republic, recently reported that a February 1995 memo that Mr. Ickes sent to the President included "a proposed direct mail appeal to be sent by the Democratic

National Committee over [the chairman's] signature, focusing on the Republican proposal to recalculate the inflation rate, thereby reducing COLA payments on Social Security benefits."

The memo then goes on to provide a draft of the proposed letter giving some insight into the scare tactics that have been the signature of the DNC, the President, and organizations like the AARP, which refers to the CPI fix as "a cowardly, back-door political gimmick to take tens of billions of dollars out of the pockets of senior citizens."

This is familiar verbiage and familiar rhetoric. We have seen it now in campaign after campaign over the last decade. We heard it in last year's Medicare reform debate.

The letter goes on to say, "If the Republicans can force the Federal Government to lower its estimate of inflation, then they can dramatically reduce the cost-of-living-adjustments received by every Social Security recipient in America."

I ask, where is the bipartisanship in this statement? It is hardly a reference to what the President has been saying in terms of sitting down and working together to address a very real problem. And it is hardly an indication of how we had hoped to move forward addressing some of the serious problems in the Medicare trust fund and the Social Security system. One has to question how serious the President, and his party, really are about meaningful entitlement reform if they intend to continue to frighten seniors rather than honestly addressing the problem.

Mr. Ickes' proposed fundraising letter goes on to state, "We cannot remain silent while the new Congress finances another round of tax cuts for the wealthiest Americans by reducing the hard-earned benefits received by older Americans." The letter provides a preprepared petition to be sent to the then majority leader, Bob Dole, and Speaker NEWT GINGRICH saying, "I am outraged at the Republican plan to use phony inflation estimates to reduce the Social Security COLA's of America's senior citizens."

So the question here is, Is the President of the United States willing to step apart from the recommendations and rhetoric of his own party? Is he willing to step forward and provide leadership, as I think any President should, particularly when not facing reelection, on one of the most fundamental problems that we have as a nation and agree to a bipartisan process to preserve Social Security and reform Medicare for the long run? In President Clinton's State of the Union Address to the Congress, the President said, "We must agree to a bipartisan process to preserve Social Security and reform Medicare for the long run . . ." And Republicans, who had just been hammered to death over proposing that very same concept a year before, said, "Well, the problem is big enough that you are right. We ought to do that. Even though we may have a right to feel pretty bitter about how that effort was used against us electorally, we think it is important enough for this Nation that we ought to go ahead. So we will reach out in a bipartisan fashion."

So it is extremely disappointing to read here—I hope it is wrong but I think it is correct—that the President has abandoned his efforts at providing leadership for structural reforms within the Social Security and Medicare trust funds. But the President is not alone in his cynical attempt to scare our senior citizens.

I want to conclude my remarks by addressing another institution that has undermined our ability to accomplish what everybody knows we need to accomplish. No group has played a more destructive nor a more deceptive role in entitlement reform than the American Association of Retired Persons, known as the AARP. We know the AARP is that wonderful organization that only charges I think $8 to join once you reach the age of 50. I must admit I was a little shocked when I got my first mailing from the AARP. I think I was 45 when the first mailing came saying you are approaching senility here, and you had better join our group. I said, "I am not old enough for this. I thought retirement was 65 and over." But the AARP has wisely, from a financial standpoint, reached down and convinced people that at the age of 50 and lower they can take advantage of the benefits offered to the AARP. I am not ready to concede that I am ready for those benefits, although they are pretty attractive. For that 8 bucks you get access to all kinds of things.

But the problem is that on the issue most fundamental to the future of this country and to the future of senior citizens—Medicare and Social Security—the AARP takes a totally disingenuous, plays a totally deceptive role, a destructive role in terms of our ability to try to preserve those trust funds for future users and future beneficiaries.

We know that a train wreck is coming on entitlements. How do we know that? We know that because the board of trustees that included, at the time, three members of the President's Cabinet told us that this train wreck was coming. They told us that there is an urgent problem that we need to address on a bipartisan basis. And they told us that we cannot be prey to the political ranting and raving of self-serving organizations like the AARP. Robert Rubin, the Secretary of the Treasury, Robert Reich, then Secretary of Labor, Donna Shalala, Secretary of the Department of Health and Human Services, Shirley Chater, the Commissioner of Social Security, and the Acting Principal Deputy Commissioner of Social Security, told us, "Folks, there is a train wreck coming. You have your head in the sand. You are letting political demagoguery deter you from doing what you have to do. If you want to preserve Social Security, if you want to preserve Medicare and the benefits in Medicare, you have to get hold of this out-of-control entitlement process." We all know that.

Medicare part A is scheduled to be bankrupt—bankrupt—by the year 2002. The Social Security trust fund will begin running a deficit at 2013 and collapse by 2029.

That is not political rhetoric. Those are the conclusions of a distinguished panel of trustees that studied the system. And it comes out of this administration. It is not a group of Republican conservatives trying to kneecap the Social Security system. These are responsible people appointed by the President to serve on this panel. They are his own people. Yet, we go careening from election to election totally ignoring these warnings, knowing that somebody is going to have to pay an enormous price in the future, knowing that we are undermining the very system that we say we are trying to preserve.

And the group that is most responsible for putting pressure on us, politically demagoging this issue, is the American Association of Retired Persons. They continue to tell their members that there is nothing wrong with Social Security, that there is nothing wrong with Medicare, that there is no crisis. They continue to press Congress to block any solution. The AARP, the second-largest nonprofit organization in America, second only to the Catholic church, has a staff of 1,700 people funded by the dues of 33 million members along with $191 million in profits earned through the sale of insurance policies, mutual funds, mail-order pharmaceuticals, automobile rentals, automobile club memberships, Visa and Mastercard credit cards, and hotel room discount packages, and so forth. That is OK. I am glad they are in that business. I am glad they are providing those benefits to the seniors. Their expressed purpose is to serve the needs and interests of our Nation's elderly.

But, Mr. President, the only thing we hear up here from the AARP, other than requests for membership dues, is, if we dare even speak about addressing the problems of Medicare and Social Security, they are going to go after us politically.

Now we have this looming disaster with Medicare and Social Security. Once again, the AARP is joining hands with those who oppose the system to terrorize our Nation's seniors.

In a recent Insight magazine article, Horace Deets, the AARP's executive director, is quoted as saying: "Social Security has worked well for 60 years, and there is no reason to believe that it is on the verge of bankruptcy . . . Social Security continues to work efficiently and effectively . . . Social Security does work." Where has Mr. Deets been? What does this man read? Has he read the trustees' report? Has he read this impressive document that has looked into this on an actuarially sound basis? Has he read the recommendations and conclusions that the whole thing is to come a cropper, that the very people he represents are going to be hurt badly unless we do something now, that we are heading for a train wreck?

I think maybe Mr. Deets should spend less time trying to collect dues from people and take a little time to read the trustees report on the future of Social Security and join us in a responsible effort which the trustees say will hurt less if we do it now, but is going to hurt greatly if we wait until later.

We cannot afford to wait. We cannot afford to pretend there is nothing wrong when everybody knows that is not the case. The changes we make now could be phased in over a period of time and would have minimal impact. But if we wait and follow Mr. Deets' advice, keep our head in the sand and pretend that there is no problem, it is going to come as a great shock and a great surprise to the 33 million people who rely on their AARP mailings when they find out that their own organization has led them down a blind ally, their own organization has sold them out, sold out to a political process that goes against the very best interests of their members.

Mr. President, I am disappointed by the action of the President. I am disappointed but not surprised. As a recent Washington Post editorial stated, you believe this White House "at your peril." With the AARP driving the politics and the decisions of the President and his party, I am sure we can anticipate even more fear mongering on entitlement reform. But ultimately we are going to have to find solutions to these problems. I fear that this difficult process will be made even more complicated by an unprincipled and a timid administration and a deceitful and self-serving American Association of Retired Persons.

Mr. President, with that I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, there are several matters I would like to bring up, if I could. I ask unanimous consent to speak as in morning business so as not to interrupt the flow of the debate on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

WENDELL FORD

Mr. DODD. Mr. President, I rise today to pay a special tribute to one of the U.S. Senate's most revered and remarkable Members. I speak of our senior Senator and our friend from Kentucky, WENDELL FORD.

Mr. President, I should note on a personal level I was a law student in Kentucky when WENDELL FORD was Governor of the State of Kentucky, and I developed a fondness and affection for him from afar as a student in that State at the University of Louisville many years ago. I had an opportunity to watch this man preside over State government in the State of Kentucky. He did a remarkable job. In those days I never thought, as I was sitting there as a student, that one day I would be serving in the U.S. Senate with him and calling him my colleague and my friend. It is with bittersweet emotions and sensations here that I rise to recognize, as others already have, that WENDELL FORD, as we all know, has announced he will not seek reelection in 1998 and will be retiring from the U.S. Senate.

I say bittersweet because on the one hand I am confident that our friend WENDELL FORD and his lovely wife Jean will enjoy some years of retirement, away from the hectic life of public service. So I am glad for him and glad for his wife and for his family. Obviously, on another level, I think all of us would agree, regardless of political persuasion or ideology, that we have come to develop a deep and sincere affection for WENDELL FORD. He will be truly missed in this body.

Just this past Monday, as of course we all know, Senator FORD announced his intention to retire from the U.S. Senate at the end of this term, concluding what I think has been one of the most remarkable and distinguished careers in the history of Kentucky. WENDELL FORD served his fellow Kentuckians for the past 30 years, first in the State senate of that State, then in the Governors Mansion, as I have already mentioned, and finally here in the U.S. Senate, where he has been a Member for the past 22 years. By the time he completes his term in 1999, WENDELL FORD will be the longest serving U.S. Senator in the history of the State of Kentucky.

Throughout my tenure as U.S. Senator, it has been my great honor to serve alongside this remarkable man. He has brought integrity and honesty and a wonderful sense of humor to a body that is far too often devoid of such characteristics. Although narrow and snappy sound bites and polished television appearances seem to garner the most attention in Washington, WENDELL FORD stands in sharp contrast. As long as I have known him, WENDELL FORD never saw a television camera he didn't want to simply walk past. As always, he is more interested in working behind the scenes, crafting legislation, seeking coalitions, seeking compromises. This is the essence of making the Senate function as a body that requires that we get along and work together to seek solutions that Americans look for.

Certainly WENDELL FORD is capable of being outspoken and passionate and as resolute as any Member of this body, but he has also understood there is a time for politics and a time for legislating and the two shall rarely intertwine, in his view. Throughout his career, he remained true to the people and places of his beloved Kentucky. Few Senators fought harder for their States than WENDELL has. As a Member of the subcommittee on aviation issues, he helped bring two international airports to Louisville and northern Kentucky. During the debate in the last Congress on the telecommunications bill, Senator FORD sought to ensure that the interests of rural communities all across America, such as those in his home State, would receive the attention that they deserve. On a national level as well, he has been a leader in aviation, energy, campaign finance issues, and his efforts have been instrumental in expanding airport improvement programs and other critical civil and Federal aviation issues.

As chairman of the Joint Committee on Printing, Senator FORD has helped cut millions of dollars in Government printing costs. What is more, he has spearheaded greater use of recycled paper by the Federal Government. These issues don't always get as much attention as they should, but certainly, as all of us appreciate as we try to reduce the cost of Federal Government to make it more efficient, things like bringing down the costs of printing, which is voluminous at Federal Government level, and to also see that recycled paper is used, are no small efforts indeed.

I know the major issue for many Americans, of course, was WENDELL FORD's effort to spearhead motor voter registration, which has made it possible for millions of Americans to become enfranchised. He certainly will be remembered for years to come for those efforts as well.

I know that bill had a special significance for WENDELL FORD because it gave him a chance to appear on MTV's Rock The Vote. WENDELL FORD is certainly an MTV kind of Senator. As most of us would appreciate, I say that with a sense of humor, to all who know and love him.

Most of all, I think WENDELL FORD has brought a sense of quiet dignity and forthrightness to this Chamber. Always, he kept his word, never betrayed a confidence, and I doubt there is a Member of this Chamber who will not miss his presence.

It is worth noting, the other day an editorial in the Lexington Herald-Leader, I think, summed up the feelings all of us would have with the announcement that WENDELL FORD will not be with us at the end of this Congress. Let me quote that editorial. It said:

> We have known people who have disagreed with Wendell Ford. We have seen people get mad at Wendell Ford. We have even heard of people who wish Wendell Ford would finally lose an election. We have never heard of anyone, however, who doesn't like the senior Senator from Kentucky.

Certainly if that is true in the State of Kentucky, it is true in the U.S. Senate as well. We will miss him and we wish him and his wife, Jean, the very best in the years to come.

CAMPAIGN FINANCE REFORM

Mr. DODD. Mr. President, in his recent announcement that our friend from Kentucky, WENDELL FORD, will retire at the end of the term, he said something very instructive and most of us may recall it. It was only a few days ago. Those who love and know the Senator knows he never fails to be instructive in his uniquely witty way. The Senator from Kentucky said one major reason he was not running again was because he did not want to spend the next 2 years raising $100,000 a week. Those were his words, $100,000 a week to raise the necessary dollars to run for reelection in Kentucky.

With that statement, Mr. President, the Senator from Kentucky captured, I think, with crystal clarity, the essence of this debate over campaign finance reform. I think most of us would agree there is just too much money in our political system, and it takes far too much money for the average American to be a part of the political system. So I rise this afternoon to speak about campaign finance reform and what I believe we must do to fix our campaign finance system.

As my colleagues know, I just completed a 2-year term as the general chairman of the Democratic National Committee. I did not ask for that job, but, nonetheless, I am very proud to have been asked to serve in that capacity, an honor bestowed on two other Members in recent years. The former majority leader, Bob Dole, served as general chairman of the Republican National Committee, and Paul Laxalt served as general chairman of the Republican National Committee.

My tenure as general chairman brings a unique perspective to campaign finance reform. I wish to speak briefly about the Hollings campaign finance reform constitutional amendment and the McCain-Feingold finance reform bill that is pending before this body.

I will also, as I said earlier, speak about the role of the Federal Election Commission in our campaign finance system and will introduce a bill shortly that I think will strengthen the FEC and enable it to do the job with which it has been charged by the U.S. Congress.

Mr. President, we have been speaking over the last few days about amending the Constitution, and, like most of my colleagues, I am extraordinarily wary of constitutional amendments. I believe, as I think most do, that our Constitution is a sacred organic document that has guided our lawmakers and this Nation and protected our rights successfully, by and large, for the past 200 years.

The citizens of this Nation have found it necessary to amend the Constitution only 27 times in over 200 years, 17 times since the Bill of Rights was written, and they have been wise, I think, in that restraint. But more than 20 years ago, the Supreme Court ruled in what I believe to be a flawed decision by that Court, the Buckley versus Valeo decision, that very simply, money equals political speech.

I have never quite seen the logic in that decision. I believe that the poor woman next door who can only make a very small or no contribution at all has just as much right to be heard as someone who can make a sizable contribution, and, yet, obviously the voices have different weight. So I do not believe we ought to necessarily assume because people can or cannot make a contribution that their voices are going to be heard with the same volume and intensity.

I am not alone in this assessment that the Buckley decision is flawed. Fifty prominent constitutional scholars led by Ronald Dworkin, and 24 attorneys general, believe the Buckley decision was simply wrong.

So, while money floods endlessly in our election system, the voice of the average American too often is drowned out. My fear is democracy will be the victim. I repeat, I am extremely wary of amending the Constitution, much less the first amendment, but I have come to the conclusion that there is simply too much money in the system and that our campaign finance troubles are so great that I think an amendment is warranted in this case. Therefore, I am lending my name as a cosponsor and will be supporting the constitutional amendment when it comes for a vote before this body.

But I think we must also be realistic. The fact is that this amendment is going to fail. There are not enough votes to carry it. I know that, and I think the Senator from South Carolina does as well. The process of passing this amendment would be a long and arduous one, if it is ever passed, and I understand that as well.

We simply cannot, however, let our democracy languish, in my view, in the current campaign finance system any longer, much less until we are able to pass a constitutional amendment, which makes clear everyone has a right to be heard regardless of how much money they have, how deep their pockets are. That is why I am a strong supporter of the McCain-Feingold legislation that has been the subject of much discussion over the past several months.

One of the McCain-Feingold's great advantages is that it is written with the Supreme Court's Buckley versus Valeo decision, in mind. Trying to avoid the assertions that have been made by many, and I believe with good reason, they are concerned whether or not this bill would actually pass constitutional muster. But I think Senator MCCAIN and Senator FEINGOLD have gone out of their way to try and craft this bill in such a way as to answer those concerns that have been raised by legitimate scholars of the Constitution and legitimate scholars of the Buckley versus Valeo decision.

The bill acknowledges, as I am sure the Presiding Officer knows, the constitutional constraints laid out in Buckley, and it tries to fashion a workable solution to most of our campaign finance problems, including the soft money issue, within those constraints.

Since the opening gavel of the 105th Congress, the Senate and the House, and much of Washington—of course the media—have spent countless hours discussing the fundraising practices that have been raised during the 1996 elections. Finally, a couple of days ago, the Senate finalized the budget and scope of the investigation into most of these alleged improprieties.

It will be an investigation that will examine aspects of both Presidential and congressional elections, performed with a reasonable amount of money, in my view, and within a reasonable amount of time.

Mr. President, you may recall, and others may recall, that I abstained during those votes. I did so not because I did not support the investigation. On the contrary, I do support the investigation. I think it is necessary. Rather, as I explained before the Rules Committee last week, I did abstain in order to avoid any question about the motives that I might have in casting votes on various matters that could have come up.

As it turned out, we had only a couple of votes, and they were carried unanimously in this Chamber. I could not have anticipated that, given the division during the consideration of the resolution in the Rules Committee and prior to the consideration of it when it came to the floor of the Senate. I did not want my motives to be impugned or second-guessed and decided, having served as the general chairman of the Democratic National Committee, I would abstain on the votes affecting that investigation and that committee's work.

I am glad, as I said earlier, that an agreement has been reached unanimously, and I hope it will get us to the bottom of all of the alleged misdeeds that have been raised by everyone in this process, Republicans, Democrats, and others.

That said, I think it is clear that while Americans want us to find out what happened in 1996, it is just as clear that they are also asking us to fix a system that led to the alleged problems that occurred in 1996. Indeed, Americans have been urging us for quite some time to fix our campaign finance system, and I do not think we need to wait much longer or go through lengthy hearings to analyze the various proposals and ideas that have been suggested.

We need not wait for an investigation. We do not have to wait for the conclusion of a debate on a constitutional amendment. The McCain-Feingold legislation, I think, is the way we can do that, and I believe we should do it now. Indeed, the questions raised during the last election about campaign finance spending serve, I think, to highlight the critical importance of the need for immediate legislative action.

Over the past 10 years, Mr. President, this Congress has spent a great deal of time looking at our campaign finance laws. Let me share with you a litany of how much we have accumulated in terms of testimony and ideas that have come forward.

The Congress has produced in 10 years 6,742 pages of congressional hearings on campaign finance reform. There have been 3,361 speeches that have been given on the floor of this body on campaign finance reform. There has been over 1,000 pages of committee reports on campaign finance reform. There have been 113 votes in the U.S. Senate on campaign finance reform. We have heard from 522 witnesses before the U.S. Senate on campaign finance reform. And we have had one bipartisan commission established to examine campaign finance reform and make suggestions. And yet, at the conclusion of all of that, Mr. President, we are no better off today than we were 10 years ago on this issue.

So while I am certain there will be additional hearings this year, I would urge those who may be interested in examining various ideas—I am quite confident the bulk of the speech and documents and hearings and testimony already accumulated, the amount of evidence, I think, would provide us with the basis for crafting legislation and answering the questions that have been raised.

Survey after survey of Americans in this country indicates that people believe our campaign system is in desperate need of reform. What is worse, the same surveys indicate that the American people's lack of faith in the campaign system is translating itself—this may be the most serious problem aside from the issue of campaign contributions and donations—the most serious problem may not be that, as bad as that is, but the lack of faith, the declining level of faith that the American people have in our democratic institutions. For that is at the very heart of what is at stake here.

Some of our colleagues who oppose reform have said we need more, not less, money in politics. Well, Mr. President, we have gotten more. There is no question about it—a fourfold increase in campaign finance donations in just the past 8 years, from $220 million raised by both parties in 1988, to $881 million raised in 1996, a 73-percent increase over 4 years ago—a 73-percent increase in political costs since 1992. While wages rose 13 percent and education costs rose 17 percent during that same period of time, the cost and expenditures of campaigns rose 73 percent.

And what has all that money done? How has it paid off? One might assume, well, if we spent more money and more people are involved today, more people are participating, maybe it is worth it. That assumption is clearly wrong.

Last November, Mr. President, only 49 percent of the eligible population in the United States of America bothered to vote in a Presidential election. That is the lowest turnout since the 1920's, more than 70 years ago. So while the dollar volume has increased, the amount of ads have risen, and proliferation about people's points of view have certainly grown tremendously, we are watching an inverse reaction and fewer and fewer people seem to be participating in the process.

While there is a great deal of attention, obviously, in the media and here on Capitol Hill on the Democratic Party's efforts to raise campaign funds, I think it is important that we try to put this issue in perspective.

First of all, let me say at the outset, Mr. President, I think that my party, the Democratic Party, made a huge error in 1993 when President Clinton was inaugurated into office. The Democrats were in the majority in the U.S. Senate. We were in the majority in the House of Representatives. We should have passed, in my view, campaign finance reform, and we did not. I think those who wish to take us to task on that issue are right in doing so. We made a mistake. And we missed an opportunity.

Having said that, Mr. President, the mistake should not be compounded, in my view, by letting the succeeding Congresses go on without trying to come to terms with this issue. And if nothing else comes out of the great attention to what happened in 1996, then maybe, just maybe, that as a result of the attention being paid to what happened, we might finally get an opportunity here to come together and pass some meaningful campaign finance reform.

But, Mr. President, I cannot resist in pointing out as well that when it comes to the question of dollars raised in these efforts, of course, in the last cycle our friends on the Republican side raised $549 million compared to the $332 million raised by the Democratic Party.

Second, of course, Democrats have long supported reform. Many Republicans do as well. In fact, the lead cosponsor of the bill that I mentioned earlier, the McCain-Feingold, is a Republican. For those who may not be familiar with our colleague from Arizona, JOHN MCCAIN is a Republican, and RUSS FEINGOLD is a Democrat from Wisconsin. And yet despite that, in the previous Congress we had 46 out of 47 Democrats support JOHN MCCAIN's bill along with RUSS FEINGOLD. But it failed to muster the necessary votes to break a filibuster.

We had a majority of people here that were willing to at least bring the McCain-Feingold bill to the floor, but you need, of course, a supermajority to break a filibuster. We never could produce the supermajority even to bring the bill up so the people could offer their ideas and suggestions on how they might modify or amend the McCain-Feingold proposal.

Mr. President, I have been involved in these issues for some time, going back to 1979 when some of the first proposals were offered on limiting political action committees. I count about 6 proposals that have come up in the past 10 years or so, mostly in the mid-1980's, which I supported and was anxious to see come to a vote.

I am a cosponsor of the McCain-Feingold bill and was when it was first introduced in 1995.

Let me quickly say about the McCain-Feingold bill, Mr. President, this is hardly what I would call a perfect piece of legislation. I have never seen one of those anyway, and this certainly does not fall into that category either. And there are areas, clearly, where I think some changes may be necessary.

But, in my view, Mr. President, it represents the best place to begin. If our standard is going to be that we will not bring up legislation unless it is perfect, then we would never bring up any legislation. And so, McCain-Feingold, I think, ought to be the proper vehicle. It is the one that has garnered the most attention and support, and, as I said earlier, it does try to track very carefully the concerns that were raised by the Buckley versus Valeo decision.

It is clear, I think, if we were truly and effectively to clean up our campaigns, we must provide the appropriate agency, however, with the tools to do so.

Mr. President, we must give, in my view, the Federal Election Commission the power to promptly and effectively enforce the laws. It has been suggested that we do not need new laws; we just need to make the present ones work. There is some legitimacy in that. It is not entirely wrong.

We need also, I argue, to be able to enforce the laws that today prohibit certain activities. But I think one thing that was said over and over again last fall and this winter is, the very agency we created and charged with being the cop on the beat when it comes to campaign finance reform is basically a toothless tiger. We created an agency and then deprived it of the tools and the resources necessary to do the very policing that ought to be done to help try and avoid some of the problems that some have suggested have occurred, in this past campaign.

Over the past few years, the sheer number of cases, Mr. President, that the FEC has dealt with is growing, and the growing complexity of campaign laws and a series of counterproductive court cases are making it increasingly difficult for the Federal Election Commission to fulfill, in my view, its watchdog role in a timely and effective manner.

I sat through the testimony of the FEC before the Rules Committee a few weeks ago, Mr. President. I was shocked to learn, for instance, the tremendous backlog in the caseload at the Federal Election Commission and the sharp increase in the activity that the Federal Election Commission has been asked to oversee.

At the end of December, the FEC had a total caseload of 361 cases. Because of reductions in staff, only 112 of those cases are active, compared to 160 active cases in 1995.

And the case filed in October, I might point out, by the Democratic National Committee, in which the Democratic National Committee asked the FEC to investigate its campaign fundraising in the 1996 elections—I might point out, even before the election had occurred—I discovered has not even begun yet. Here we are in the middle of March, and a request was made in October to look at allegations involving the Democratic National Committee has not even begun. That was prior to the election, and they have not even begun to look at the issues because they lack enough staff to do so.

Here is the body and the organization, the agency, as I said earlier, that is the cop on the beat, and they have not even begun to look at the questions that were raised last fall.

Add to that heavy 1996 workload of regular cases, Mr. President: In 1996, the FEC was asked to examine 33 percent more complaints than it did in 1994.

Congressional spending in 1996 general elections was $626.4 million—just the congressional elections here—$626.4 million. That was an increase of about 7 percent since 1994 levels, 2 years earlier. It was the FEC that had to oversee this spending.

And an unprecedented $2.5 billion in financial activity was reported to the Commission in 1996.

In my view, Mr. President, a restructuring and strengthening of the Federal Election Commission is long overdue. That is why today, Mr. President, I will be introducing Federal Election Commission improvement legislation.

I have not written an aggressive or radical proposal to overhaul the FEC. Rather, this bill stands as a modest effort to give the FEC the resources and the authority it needs to properly enforce our campaign finance laws.

Because, Mr. President, I so strongly support the FEC improvement provisions in the McCain-Feingold bill, the proposed legislation I will offer shortly simply repeats them. I also add a few other provisions of my own.

I have heard numerous colleagues say over and over again, campaign finance reform is not the issue in 1997.

It is the illegalities of 1996 that many say must be the issue. Yet, at the same time as they make that assertion, we hear that they are against funding and providing the authority to the very agency that should be the first one to uncover and punish any wrongdoing.

If we are serious about enforcing the law, Mr. President, then the bill I introduce today deserves serious and, I hope, favorable consideration by my colleagues. The Federal Election Commission has been called a toothless tiger, and it is; an ineffectual agency, and it is; a monument to congressional paralysis, and it is. It is time to change it.

My bill authorizes full funding for the FEC, including a $1.7 million supplemental fiscal year 1997 appropriation to enable the Commission to handle this increased workload that I have enumerated.

And to satisfy our friends who have said that we must try and get as much reporting and disclosure as soon as possible, this legislation also requires electronic filing. Increased disclosure is the magic elixir, some have suggested, so by mandating electronic filing at the Federal Election Commission for all Federal candidates' reports, we would ensure that disclosure reports are available in a timely fashion. Too often the reports become available weeks and months after the election is all over with. Electronic filing would allow you to know instantaneously exactly where the campaign contributions are coming from prior to an election, on a timely basis during a campaign. Today the technology exists to do it. This legislation would require, mandate, electronic filing by all candidates for Federal office.

Furthermore, the legislation would allow the FEC to establish standard fines for minor reporting violations and conduct random campaign audits. That had been stopped and prohibited. Nothing, I think, would have a more salutary effect on campaigns than to know that you could be the subject of a random audit at any time. This, I think, would help strengthen the FEC's ability to report to the Congress on the kinds of practices that ought to give us concern, and possibly the subject of further reform.

I think we must acknowledge, Mr. President, that the Federal Elections Commission was charged with the responsibility of enforcing our election laws, and that part of the reason our election system is so out of control is that Congress, in my view, has refused over the years to provide the FEC with the ability and the tools to carry out the duties that we have charged them with performing.

As we rush to establish Federal investigations into election law violations, let us not forget we do have an Agency balanced with Democrats and Republicans that is charged with the very responsibility we have just taken upon ourselves.

In my view, Mr. President, the FEC must be given the ability to do its job, and that is the goal of the legislation I will be proposing.

I conclude, Mr. President, by adding that genuine campaign finance reform will not occur it we do not elevate the issue above partisanship. It is not a Democratic or Republican issue. As I mentioned earlier before the Presiding Officer arrived in the Chamber, I think the Democrats made a huge error in 1993 and 1994 when we had an opportunity to do something about campaign finance reform. The Presiding Officer was a Member of the House of Representatives in those years, and so we are properly criticized, in my view, for not acting.

Having said that, I do not think we need to necessarily perpetuate that by not stepping forward in these coming weeks and try to take steps to strengthen the FEC, pass McCain-Feingold with whatever amendments people want to offer, and try to provide some framework. I think there are issues which we will find great unanimity of support, given the chance for expression here on the floor of the U.S. Senate, obviously while going forward with the investigation, and to allow the Justice Department and others to do the work, of course, which they are charged with doing. All of these efforts, if done properly and well, I think, can at the end of the day, provide us with a different system than we presently have.

So the future Wendell Fords of this body who, when they consider whether or not they ought to seek reelection, as he announced in his statement, would not look at the prospect in March, as many as 18, 20 months before election day, of raising, as he felt he would have to do, $100,000 a week for 80 weeks in order to be a viable candidate for a State the size of Kentucky—not to mention, of course what it costs in other States like my colleague from Pennsylvania, or California, New York, Florida, Illinois, or Ohio. In large States with huge populations, these numbers become astronomical. If it is going to take that on the part of individual candidates, then, I think, obviously the results speak for themselves.

I appreciate the opportunity to address this issue. I am going to send to the desk and ask that this bill be reported to the appropriate committee to strengthen the Federal Election Committee so it can do its job. I thank the Presiding Officer and my colleague from Pennsylvania.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I had come to the Senate Chamber to speak on the resolution on the independent counsel but on my way I noted the morning press have comments to make in advance of that. However, before my distinguished colleague from Connecticut leaves, I agree with him on some of what he has said. I will not go into the parts where I disagree with him. It would take too long.

When he talks about the Federal Election Commission, strengthening the Federal Election Commission, funding adequately the Federal Election Commission, I think that is something that ought to be done. The Federal Election Commission needs to be able to pursue alleged election violations. They have very broad powers and we have heard very little from them. It may be that their investigations are yet incomplete. But it also may be that if they had sufficient investigative resources they might have done more already.

We do not need to await the results of the Governmental Affairs Committee, on which I serve. We are just getting started with the funding authorization. Nor do we need to await the results of the public integrity section, the FBI or their investigations, nor do we need to wait to see what will happen with the independent counsel, as I will address in a few moments.

We have a Federal Election Commission, and were they strong enough they could have acted already on these very, very important matters.

Mr. DODD. I made the point last October when the allegations arose about the Democratic National Committee, Don Fowler, who is the chair of the DNC, and myself, asked the FEC to immediately conduct an investigation into these allegations.

The FEC came before the Rules Committee a couple of weeks ago to present its budget, as they do on an annual basis. I asked them how the investigation was going. This was now March. I was stunned to have them report they have not even begun to look at this.

So here is a request made 6 months ago on, obviously, a very serious matter, and they have not even begun to work on it. The reason, they say, is the caseload is backed up so much on them and there has been a reduction in their staff allocations. Now, obviously, more probing about that may be necessary.

Mr. SPECTER. Did the Senator make a suggestion that they might look upon the current matters on a priority basis? I had not known of the request which was made, obviously. It is surprising to me that in light of the pressing public policy on current matters that they would not address them but would be addressing other matters.

Mr. DODD. That is a good point.

Mr. SPECTER. It is a matter of prioritizing. We have a hemorrhaging system. There is blood on the floor and there is blood coming out of the patient. I would think as a matter of priority they would at least address that and try to give some first aid. I do not know what they have found, and I do not know the specifics upon what injunctive relief they might seek, but they have attorneys that might look at the current system and act now.

They are a constituted agency and they have conducted criminal investigations. They could work this in the civil field. It comes as a surprise to me when a Senator of your standing, Senator DODD, makes that suggestion to them, and months go by without any response to it.

Mr. DODD. I thank my colleague, Mr. President, for his observations. I do not think I asked that question because I think I was so stunned by the response, I assumed things were moving along. I do not know how they determine—of course, it is a bipartisan Commission—how they determine what basis they look at matters, but I do not disagree.

My colleague has been generous in his comments.

A TRAGEDY IN JORDAN

Mr. SPECTER. Mr. President, I came to address the subject of independent counsel and, en route, I picked up the morning newspapers. I am horrified by what has occurred in Jordan. The headline is blaring: "Jordan Soldier Kills Seven Israeli Schoolgirls."

The lead report from the Philadelphia Inquirer is:

> A group of Israeli schoolgirls was standing on Peace Island yesterday, overlooking the Jordan River and fields of wild yellow flowers, when a Jordanian soldier opened fire with an assault rifle, killing seven students. Six other pupils were wounded, as girls dove into the bushes and screamed for help.

After seizing a comrade's M-16 rifle, the soldier fired from an observation tower, then descended and chased the screaming junior high school girls down a hill firing wildly.

According to a report in the Washington Post, Rosa Himi, a teacher of the Orthodox Jewish school in Beit Shemesh, near Jerusalem, that the 51 students attended said:

> At the beginning, Jordanian-soldiers didn't overpower him and didn't do anything. . .. They even pushed one of our teachers and wouldn't let him near the injured girls to care for them. It is only when he failed to put his second [ammunition] clip in the gun that the other soldiers took him.

It is really a very shocking turn of events, Mr. President, in circumstances where one would almost think we were beyond the point of being shocked. There is a sequence of violence that has occurred—candidly, with both sides—like the event at the tomb of Abraham some time ago, where an Israeli fired on people. I suggest that it really requires a new level of sober examination as to what is going on in the Mideast and what the so-called "leaders" in the Mideast are doing which is really inflammatory. King Hussein had sent a letter to Prime Minister Netanyahu, saying that Prime Minister Netanyahu was engaged in the deliberate humiliation of Arabs and was accumulating tragic accidents leading to bloodshed and disaster brought about by fear and despair. There have already been suggestions from a number of quarters that King Hussein was inciting a riot by those inflammatory statements.

I think it is inappropriate to join that chorus. But I do think that King Hussein and others have to tone down the rhetoric and have to be a lot more thoughtful than they have been. I know King Hussein—not well, but I have had occasion to talk to him when he has been in Washington. I talked to him when I have visited in Jordan. I do believe that King Hussein is sincere in his efforts for peace.

The morning press comments about the Crown Prince of Jordan coming to the scene and that he was stricken with remorse and grief, as King Hussein's statements issued after this tragedy reflected his own view. But what is happening in the Mideast requires that there be more restraint by people like King Hussein. That, of course, is easy to say after the fact. But I think it has to be said.

We are now seeing a conference in Gaza, sponsored by the Palestinian Liberation Organization and Chairman Arafat, where the United States has agreed to participate and Israel has been excluded. I joined a large group of Senators in writing to President Clinton yesterday, urging the President to change his policy on that. In my judgment, and in the judgment of many of my colleagues far beyond this Chamber, there is a strong view that there ought not to be a conference where Israel is excluded. There will be no peace process in the Mideast to which Israel is not a party. For Chairman Arafat to convene a group of representatives of nations of the world to meet and talk about the peace process, which will inevitably involve charges of impropriety by Israel because they appear in the international media daily, without having Israel as a party to that process and allowing Israel an opportunity to reply, it seems to me to be absolutely inexcusable.

We ought not to be saying that parties in interest, like the Palestinians and the PLO, ought to be gathering international strength to attack, impugn, or otherwise move against a party to the peace process. If there is going to be peace, it is going to have to be worked out between the Palestinians and the Israelis. To have this kind of conference compounds the tragedy in Jordan, and I do hope, yet, that the administration will rethink what it has undertaken to do.

I know that a good many of these issues come before the Congress, come before the Senate, come before the Appropriations Committee, on which I serve, and before the Foreign Operations Subcommittee, where we are asked to appropriate money. We are now about to be asked to appropriate additional funds. The Congress does not have the power that the President has to conduct foreign affairs, although we do have considerable power in the appropriations process, the power of the purse. We are looking at requests for aid to Jordan. In fiscal year 1997, we gave Jordan $67.1 million. In fiscal year 1998, the President has made a request for $74.2 million, an increase of $7.1 million. Jordan is also asking for an additional $250 million in funding per year over the next 5 years. I have already been lobbied, individually, about supporting that increase in funding for Jordan.

The initial reaction that I had goes back to Jordan's conduct during the gulf war, where I and many others in this body, many other Americans, and many others around the world were very unhappy—to use a very mild term—with what Jordan did in aiding and abetting Iraq and Iraq's President, Saddam Hussein. They were complicitous in helping Iraq in that war, where American lives were laid on the line and American lives were lost.

A GAO report in February 1992 found specifically that Jordan gave Iraq access to American technology, that Jordan shared intelligence from the American-led coalition. When that happened, it seemed to me that there were strong reasons not to continue to give foreign aid to Jordan. Jordan was giving aid and comfort to Saddam Hussein at a time of international crisis and war—a war which was authorized on this floor in debate that I very well remember back on January 10, 11, and 12, 1991—where notice had been given by the U.N. resolution that a war would be started on January 15.

So, speaking for myself on the Appropriations Subcommittee—and we make the first cut on aid, and that usually stands up with what the Appropriations Subcommittee does—I have grave reservations about aid to Jordan, and certainly about increasing aid to Jordan. And now to find the sequence of events in Jordan as to what has happened, and it follows in sequence, King Hussein's statement, I think that we have to be very reflective as to what aid and what American dollars we are going to give to Jordan.

One of the press reports contains a notation that a woman identified as the mother of the individual who fired the shots said that her son is mentally ill. Now, I don't know whether that is true or not, but I do know that if there is an indication of that, it requires an investigation and a determination by Jordanian officials, and perhaps by an international group, as to why you have somebody identified as being mentally ill in a situation to acquire the firepower which led to this tragedy. Those are all questions, Mr. President, that I think need to be answered.

When we look at the appropriations process, a commitment has been made by the United States to give some $500 million to Palestinian authorities. Senator SHELBY and I offered a resolution which requires as a precondition to that funding that the Palestinians do two specific things: No. 1, change their charter which calls for the destruction of Israel and exercise efforts to stop terrorists. And I think, Mr. President, there is good reason to believe that the Palestinians have not fulfilled those requirements. What the Palestinians did was have a convention and say that everything in their charter inconsistent with the declarations of September 13, 1993—when Chairman Arafat was honored at the White House—would be null and void. But that is a long way from picking up the charter and specifically rejecting provisions of the charter which call for the destruction of Israel. This is something which Senator SHELBY and I discussed with Chairman Arafat in January 1996. This is something that Senator Brown and I discussed with Chairman Arafat in Gaza in August 1995. And this is something which a group of Senators, including this Senator, discussed with Chairman Arafat downstairs in the Capitol last week.

When these matters are called to Chairman Arafat's attention, he brushes them aside. He pooh-poohs them. He says, "Well, we have already done all that needs to be done." And the reality is that they have not done what the Specter-Shelby amendment calls for.

When it comes to the issue of fighting terrorism, I think again there has been insufficient action. There are terrorists who have been identified by Chairman Arafat and the Palestinian authorities who have not been turned over to Israel. I personally took a list of those which I had obtained and verified. I discussed them with Chairman Arafat. He had one excuse after another why that was not done. There are weapons in Palestinian-controlled territory which are supposed to have been identified and turned over. And that has not been done.

The President has certified that there has been sufficient compliance with the Specter-Shelby amendment. The President can make a certification. There is nothing that the U.S. Senate can do about that short of the appropriations process. But these are issues which I intend to bring to the subcommittee when we take a look at the moneys we appropriate this year.

The President has great authority, but he cannot appropriate money. He can veto appropriations bills, but he cannot appropriate money. That has to come from the Congress. That has to come from the House and from the Senate. When it comes to the funding for Jordan, or when it comes to the funding for the Palestinians, and we see them holding this meeting this weekend, the President may think that is fine. If he thinks that is fine, he can send a U.S. representative. But if the appropriators disagree with him, if the Congress disagrees with him, we don't have to appropriate money. That has to be taken into account by the President when he sets U.S. foreign policy.

So I make those comments. It is really very, very sad what has gone on, for the bloodshed of these seven girls and for the bloodshed which previously has occurred. I believe that we need some sober leadership to defuse the situation and to understand that there are very, very difficult problems facing the parties there. When Prime Minister Netanyahu takes steps that he has to withdraw a certain percentage from the West Bank, and he does so after a closely contested vote in the Israeli Parliament and the Israeli Cabinet, that is about as far as he can go. When those actions are rejected by Chairman Arafat, and Chairman Arafat gets aid and comfort from the President who criticizes what Israel did and from King Hussein who criticizes what Israel did, then I suggest that those matters really have to be worked out by the parties, and not by long-distance advice from the United States, or even short-distance advice from Jordan. But we had better tone down the rhetoric.

We had President Mubarak this week in Washington. He met downstairs in the Foreign Relations room. President Mubarak gave some good advice to those of us who were listening. It is worth repeating. President Mubarak said that the rhetoric ought to be toned down about Jerusalem. You have declarations by the Palestinians that Jerusalem is the inviolate capital of the Palestinians and that the Palestinians are going to assert and succeed in that. And you have rhetoric at a high level by the Israelis saying that Jerusalem will be undivided and will not be a matter for Palestinian influence.

What President Mubarak was saying is, let's stop the rhetoric. Let's stop the declarations which incite people in the area. Let's tone down that rhetoric. And I think that is very good advice, indeed.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The Senate continued with the consideration of the joint resolution.

Mr. SPECTER. Mr. President, I see my colleague, Senator DORGAN, on the floor waiting to speak. So I shall not take too long in commenting on the resolution calling for independent counsel, Senate Joint Resolution 22. But I came here to speak on this subject, and I think the time is past for independent counsel.

Independent counsel should be appointed where there is credible evidence that there had been criminal violations. You don't have to prove the case. Credible evidence is really a statement of prima facie which takes the case from the grand jury and on a fair evaluation as to what has occurred and what has been made public. It is my legal judgment, having some experience in the field, having been district attorney for Philadelphia for 8 years, and having served on the Judiciary Committee for many years, that we have long since passed that point.

It is not a partisan issue. It is not just Republican Senators who are saying that. The same call has come on the other side of the aisle from Democrats. You have ranking officials who have been involved in fundraising in religious institutions which raise violations of Federal law in a fairly clearcut manner. You have, again, ranking officials who have engaged in campaign practices. Dick Morris was cited by the President himself as having identified the commercials. We know the President is bound not to accept additional money when there is Federal financing, which there was. And millions of dollars were raised, again, on both sides. Those moneys were used to further the President's campaign in 1995.

There is an issue about advocacy as opposed to the candidates themselves. But that line, I think, has been crossed. Certainly, there is credible evidence which warrants an investigation.

The day before yesterday the Judiciary Committee dealt with a resolution on this subject. Yesterday, a letter was circulated, which I signed, which was sent to the Attorney General requiring an answer within 30 days. She does not have to agree with the letter which was sent, but she does have to respond.

Mr. President, we know what has been in the public media. We know that an investigation has been conducted by the Public Integrity Section and by the FBI. The question is raised as to what that investigation has disclosed, which is known to the Attorney General. I believe we ought to have an answer from the Attorney General based upon what has been presented to her from the public record, and an inquiry as to what she knows from the confidential record that she is privy to.

When the grand jury investigates, those matters are secret. When the FBI investigates, those matters are not made available to the Judiciary Committee. But we have presented a substantial body of material, and I believe we are entitled to an answer not only as to that, but a certification, in effect, from the Attorney General as to what she may know beyond what is in the public record, because that investigation has been going on for a long time, and she is privy to what has occurred with the investigation of the FBI and with the investigation of the grand jury. I think we are entitled to a response on that basis. But there is sufficient material on the record.

It is my hope that we will not have a filibuster on this resolution but we will be able to take it to a vote. As Senator DODD said at some length about the filibuster against the McCain-Feingold bill, I broke party ranks, as did a number of Republicans, in voting for cloture on that matter. I am not satisfied with the McCain-Feingold bill, which I have not cosponsored. But I do believe the matter ought to come to the floor and that we ought to offer amendments. We ought to see if a majority of the U.S. Senate is willing to pass campaign finance reform.

Similarly, on this resolution calling for independent counsel, I think we ought to have a determination up or down as to whether a majority of Senators agree with the letter which we sent over to the Attorney General calling for independent counsel.

I thank the Chair for sitting on this Friday afternoon when most of our colleagues have left town, and I will soon be returning to Pennsylvania.

I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed for 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME IN AMERICA

Mr. DORGAN. Mr. President, there are a good many issues that come to the floor of the Senate that cause debate between Republicans and Democrats. Some are partisan, some cause great rancor, but there is one issue that ought not ever be a partisan debate. That is the issue of crime and how we in our country address it.

I come to the floor today to speak about legislation I will formally introduce on Monday on behalf of myself and a Republican colleague, Senator CRAIG, from Idaho. We have joined together to offer a piece of legislation that we introduced in the last Congress. I think this bill makes a great deal of sense, and I hope the Congress will consider it favorably in this session. As a way of describing the legislation, I want to address why I think legislation in this area is necessary to deal with the issue of crime.

There are a lot of things in this country we can point to that suggest our country is headed in the right direction. Our economy is growing. Some would like it to grow faster, but it is growing. We are not in a recession. You can point to some pretty good things in our education system. Not many people are getting on airplanes and leaving our country to go to college somewhere else. If you want to go to a world class university, largely you would want to be in the United States to do that. If you want to get good health care, you do not get on an airplane to go elsewhere. The best health care available in the world is available in most cases in this county. After doubling our use of energy in the last 20 years, America has cleaner air and cleaner water than we had 20 years ago.

So you can point to a number of things in this country that give cause for great optimism. But in the area of crime, I at least, and I think a lot of my colleagues and the American people, have a nagging feeling about the lack of safety and security in our country, that something we are doing is not working, that we seem to be on the wrong path. I know that some people point to crime statistics and say violent crime has declined. But when violent crime spikes way up and then drops marginally, violent crime is far too high in this country.

Here is a crime clock. One major criminal offense occurs every 2 seconds in our country, one violent crime every 18 seconds, one murder in America every 24 minutes, one forcible rape every 5 minutes in our country, one robbery every 54 seconds, one aggravated assault every 29 seconds. You cannot as a citizen of this country review what is happening on our streets and in our neighborhoods and believe we are on the right track with respect to crime.

This morning I read a piece in the Washington Post that described some of the concerns I have expressed before in this Chamber. It says, "Inmates' Early Freedom Rankles Many in Florida."

This article says: "Frank O'Neal got the news that his brother's murderer was being given an early release from prison when his son read it in the Tuesday edition of the local newspaper. All around the State of Florida, O'Neal's experience was repeated as corrections officials unexpectedly granted early release to 300 murderers, rapists, robbers, and other violent inmates."

Florida required prison officials to grant inmates 20 days off for good behavior, 20 days off for every 30 days that they served without regard to their crimes on the outside or their behavior on the inside. As a result, 200 additional inmates will be released next Monday, and 2,700 prisoners will eventually be set free early under this approach.

The fellow that Mr. O'Neal heard about yesterday was a man named Garcia. He stabbed William O'Neal, the brother of Frank O'Neal, 36 times. William O'Neal was a grocery store manager—stabbed 36 times before this fellow then stole a TV set and VCR and left him dead. Now, Garcia has been granted early release.

I have talked about early release previously. Some of the things I have talked about have convinced me that the system itself is a system which just does not work.

A couple of weeks ago there was a District of Columbia police officer who was murdered in Prince Georges County, MD. His name was Oliver Wendell Smith, Jr. He was shot three times in the back of the head outside of his apartment. His wallet, pistol, and badge were stolen.

All three men now charged with this murder have long criminal records. One of them was free on bond on drugs and weapons charges and another was on pretrial release for burglary and assaulting another police officer. I have their records in this paper given to me by the police department at my request. These are people who should not have been on the streets to murder a policeman. These are people who should have been in prison. We knew who they were, but our country said go ahead to the streets. In Florida, 2,700 criminals will go to the streets.

I talked last year about the Jonathan Hall case. A man named James "Buck" Murray was sentenced to life imprisonment without parole for the murder of Jonathan Hall. Jonathan Hall was a 13-year-old boy from this area who was stabbed about 58 times and then left for dead in an icy pond. But when they found his body, he had grass and dirt between his fingers because he obviously had not immediately died from all those stab wounds. He, laying in that icy pond, had tried to pull himself out of the pond but died before he could.

Now, let me tell you about the guy who murdered him. James "Buck" Murray, in 1970, was sent to 20 years in prison for slashing the throat of a cab driver, stealing a cab and leaving the driver for dead. While in a Virginia prison, 3 years later, he abducted a young woman while on work release. He was then convicted of kidnaping and sentenced to 5 more years in prison. In 1991, he was convicted of murdering a fellow prisoner and sentenced to another 10 years behind bars, and in 1994, he was set free on mandatory parole with accumulated good time credits. A 13-year-old boy is dead because James "Buck" Murray, whom we knew to be a murderer, was put back on the street to live in Jonathan's neighborhood.

I also have talked about Bettina Pruckmayr in this Chamber. Bettina was 26 years old, by all accounts a wonderful, bright young woman, an attorney who came to the Washington, DC, area to work. On December 16, a year and a half ago, she was abducted in a carjacking and driven to an ATM machine in Washington, DC, and then fatally stabbed. Authorities charged 38-year-old Leo Gonzalez Wright with the murder. He was linked to that crime through a bank security photo taken at the ATM machine. He was stopped apparently in a stolen Mustang some days afterward. Mr. Wright should not have been on the streets. He was previously sentenced to 5 to 15 years for armed robbery, sentenced to 15 to 45 years to life for murder, released on parole, then served 16 years on a 20-year minimum sentence even though his actual sentence was 20 to 60 years.

I want to show my colleagues a chart about why these criminals are getting out of prison. It does not take Sherlock Holmes or Dick Tracy to figure out who is going to murder the next victim in our country. The average time spent in prison for committing a murder in America is just over 7 years. The average murderer spends 34 percent of their sentence in prison, and then is released early.

Kidnaping? The average kidnaper spends only 40 percent of his or her time behind bars and is released early. Robbery? It is 39 percent.

There is not a Member of the Senate whose life has not been touched by violent crime. My mother was killed in a manslaughter incident. I suspect that those of us who have personally been touched by violent crime never quite view violent crime the same way. For a family to receive a call, as have the families of those I have just described, to be told that their loved one is now dead in circumstances where you know that death should have been and could have been prevented, leaves an understanding something must change.

I want to show my colleagues something that I hope will shock the daylights out of everybody. We have, right now in prisons in America, 4,820 people serving in prison in our country for murders they committed while they were on parole, having been released early for another offense. In other words, our Government released murderers early, to say, "You are done with your sentence because we give you time off for good behavior, so go back to the streets. We need to give you 'good time' for good behavior because if we do not give you that we cannot manage you in prison." So the prison authorities give a carrot of getting out early to violent offenders so they can better manage them in prison, and then the question is: Who manages them when they hit the sidewalk? Who manages them when they are in the neighborhood? Who manages them on a dark block when they are prepared to commit another murder? These 4,820 families of murder victims have every right to ask this Government, to ask every State government, every judge, every State legislator, and, yes, the U.S. Congress, how dare you do this? By what right do you have the opportunity to turn out murderers and rapists and robbers back to our streets?

The question is, what do we do about it? Can we, should we, will we do something about it? I hope so. Mr. President, 4,820 people are in prison for having committed murders when they should have been in prison, 3,890 rapists committed rapes when they should have been in prison, and the list goes on.

What do we do? My proposal is very simple. By far, most of criminal justice is handled at the State and we do not control it. I understand that these decisions are made by State governments and by State criminal justice systems. But we have a connection to it by virtue of a wide range of resources that we provide to State criminal justice systems.

I propose that we say to State that we want you to do the following, and the amount of resources that we provide to your criminal justice system depends on your doing it. We want you to decide that there is a difference in the requirement to incarcerate violent versus nonviolent offenders. We want you to separate offenders, nonviolent and violent, and for violent offenders we want everyone in this country to get a very simple message: If you commit a violent offense and you are sentenced to prison, prison is your address until the end of your term. No parole, no good time, no nothing. Your prison cell is your address until the end of your sentence. That is what I hope will happen across this country.

Until we get to that point, we are going to have stories as appeared in the Washington Post this morning—2,700 murderers, rapists, robbers, and other violent criminals will be released early because they have earned good time while in prison. Our country must decide to send a message to all Americans: If you commit a violent crime, you are going to serve your time in prison, and there is no excuse and there is no way out and there is no early out. You are going to serve your time in prison.

I have previously introduced legislation that also says to every State government in our country that if they had a violent prisoner behind bars and then decided that, because it is too costly to keep the violent prisoner there, he or she will be released early to Main Street, to the sidewalk, to the side street—if that particular prisoner then commits another crime while out on early release, that State government has no immunity from lawsuits from the victims. That State government has a responsibility to keep that violent criminal off the streets. If it chooses to put that violent criminal back on the streets early, and that violent criminal commits a crime, the State who put the violent criminal back on the streets should have responsibility to the victims.

I must say, while I feel passionate about this issue because my family has experienced the tragedy of violent crime, I am blessed to come from a State that does not have as much violent crime as many. North Dakota is a wonderful State in which to live. Oh, it is a little cold sometimes in the winter. Yes, it snowed yesterday, it is blowing a little today. But it is a wonderful State with wonderful people and it is blessed with a lower crime rate than some areas of the country. But we are not immune. There is no State geographical border or boundary that says violent crime stops here.

There used to be a wonderful woman named Donna Martz who would bring bus tours to Washington, DC. The tours would come here and come to the front steps of the Capitol and they would always ask us, because they were from North Dakota, to take a picture with them on the steps, and our congressional delegation would be delighted to do that. Donna was a wonderful and remarkable woman. On a Sunday morning, in a motel parking lot in Bismarck, ND, a quiet Sunday morning in a relatively crime free city, Donna Martz was abducted, kidnaped, put in the trunk of a car and driven through five or six States for a good number of days. She was later discovered, dead, shot to death in the desert in the southwest part of our country.

From a motel parking lot on a quiet Sunday morning as Donna prepared to drive to her home north of Bismarck, she was instead kidnaped, put in the trunk of a car, taken on a ride of terror and brutally murdered.

By whom? By a couple of folks from Pennsylvania. Strangers to the criminal justice system? Oh, no. People we knew were violent and just couldn't keep in jail. Time after time after time, you look at these statistics and understand that this is not some mysterious disease for which there is not a cure. We understand what is happening and we ought to understand how to respond to it. If we cannot send a message across this country that those who commit violent crimes need to spend their entire sentence in prison—and I might say to judges around this country, I am also a little tired of the sentences that are handed out. I am a little tired of the slap on the wrist. I want violent criminals to be treated appropriately by judges. People who are inherently violent and commit violent crimes ought to go to jail and spend a long time in jail with a sentence that is appropriate to that.

It is unforgivable in this country that the average murderer, the average person convicted of murder, is spending only 7 years in prison. That is unforgivable that our criminal justice system allows that to happen.

Again, we know what to do about that if we have the will. My friend, Senator CRAIG from Idaho, and I will introduce on Monday this legislation, and I hope very much that my colleagues will join us in saying this very simple message to all the States and all the people involved in the criminal justice system: Distinguish between violent and nonviolent offenders in our criminal justice system and say to every American, if you commit a violent crime, understand that you are going to spend all of your time in jail until the day that your sentence ends, and you are not going to get an hour off early. There is no good time, no parole, no help, no hope.

How do we do that? We do that through the resources we send to State and local governments that reward those States that adopt that provision, and, hopefully, State by State by State, we can develop a national policy that says to all Americans that we have begun to draw the line on violent crime, that we have sent a message to everyone who commits a violent crime that things have changed.

Mr. President, I hope, having given this long presentation, that some in the Congress will cosponsor, perhaps even the Presiding Officer, having listened at length, will cosponsor legislation of this type, and, one by one by one, we will achieve enough cosponsors on a bipartisan basis to this bill offered by a Democrat and a Republican. One by one by one, we will cosponsor, vote, and create a new law that does something good for this country.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

TRIBUTE TO SENATOR WENDELL FORD

Mr. DASCHLE. Mr. President, Harry Truman once said, "It is amazing what we can accomplish if we don't care who gets the credit."

That kind of selfless leadership is not found much in Washington anymore. But it is the essence of my great friend, WENDELL FORD.

Earlier this week, Senator FORD announced he would not seek a fifth term in this body.

For me, the news is bittersweet. I know how much Senator FORD looks forward to spending more time with his wife Jean and their family. I know how much he misses Kentucky, how much he simply just wants to go fishing with his grandchildren.

But I also know how much I will miss him and how much the Senate will miss him.

It is one of the traditions of this Senate that we carve our names inside our desks. Carved inside Senator FORD's desk is the name of one of this body's towering giants, Senator Henry Clay, "the Great Compromiser."

It is fitting that WENDELL FORD and Henry Clay should share the same desk—not just because they are both sons of Kentucky, but because they both understand that democracy requires compromise.

We can never compromise on principle. But we can—and we must—be willing to negotiate details if we are to accomplish anything of consequence.

That is one of many lessons I learned from WENDELL FORD.

It is ironic that WENDELL FORD comes from Kentucky, home of the great racehorses, because he is not a racehorse; he is a workhorse.

He has served the people of his State for more than 32 years as State senator, Lieutenant Governor, Governor, and now for the last 22 years as U.S. Senator. But he has always remained a public servant.

When he announced his decision not to seek reelection, Senator FORD said he loves this Senate as much as life itself.

The reason he loves it, though, is not because of the power or the glamour; those things have never really interested WENDELL FORD. He loves this institution because of the history that has been made here and because of the potential that exists here.

The potential to help people.

To make the promise of America a reality for every American.

To include those who have been left out.

That is why WENDELL FORD loves this Senate.

His great pride is not that he has sat with Presidents, but that he can sit and talk with friends at every creek and in every holler in Kentucky, and that Kentucky is better and, frankly, America is better because of his efforts.

He is truly a leader among leaders. We need more people like WENDELL FORD in the U.S. Senate today.

During his years here, Senator FORD has distinguished himself as a leader in areas from energy to aviation to election reform.

As chairman of the Senate Rules and Administration Committee, he helped reduce Senate committee spending.

He has been a long and persistent advocate of a 2-year Federal budget to help this body look beyond the immediate and plan better for our future.

He was the chief force behind the creation of an independent Federal Aviation Administration.

He was a prime sponsor of the motor voter registration bill which has brought millions of new Americans into the electoral process.

He was the chief sponsor, in 1990, of a Democratic campaign finance reform package, and I fully expect him to spend the next year and a half working to make bipartisan finance in campaigns a reality.

As Democratic whip since 1990, WENDELL FORD found yet another way to serve his caucus and his country. Whenever there has been a need, he has stood ready to fill it. Every Democrat —indeed, every Member of the Senate— has his or her own story to tell about how WENDELL FORD has made a powerful and positive contribution to this institution and to the Nation.

On a personal note, let me say that WENDELL has been a very special friend to my wife Linda and me. He has been a constant source of wisdom, of strength and perspective. I must say, I could not possibly express the gratitude that I feel for the great blessing that that friendship has meant to me now over all these years.

Years from now, when we are all gone from here, a new Senator will open the desk now occupied by Senator FORD and see his name carved there. He or she will be reminded not just of what this Senate was, but what it can be. As he looks at the names of Henry Clay and WENDELL FORD, and recognizes the greatness that that desk represents now, not caring much about who gets the accomplishment credit but just who gets the work done, they, as we, will thank WENDELL FORD for his contribution, for his vision, for his commitment to public service, and for his friendship.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. On behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 13, the Federal debt stood at $5,362,035,571,060.06.

Five years ago, March 13, 1992, the Federal debt stood at $3,854,493,000,000.

Ten years ago, March 13, 1987, the Federal debt stood at $2,246,983,000,000.

Twenty-five years ago, March 13, 1982, the Federal debt stood at $428,380,000,000 which reflects a debt increase of nearly $5 trillion—$4,933,655,571,060.06—during the past 25 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1415. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1416. A communication from the Executive Director of the Northeast Interstate Low-Level Radioactive Waste Commission, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Energy and Natural Resources.

EC–1417. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97-22, received on March 13, 1997; to the Committee on Finance.

EC–1418. A communication from the Chairman of the U.S. Parole Commission, Department of Justice, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1419. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, 109 rules including a rule entitled "Establishment of Class E5 Airspace" received on March 13, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1420. A communication from the Acting Deputy Assistant, Administrator for Ocean Services and Coastal Zone Management, Department of Commerce, transmitting, pursuant to law, a rule entitled "Revision of Coastal Zone Management Program Regulations" (RIN0648-AJ24) received on March 13, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1421. A communication from the President and Chief Scout Executive of the Boy Scouts of America, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on the Judiciary.

EC–1422. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1423. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, the report entitled "1996 Judicial Business of the United States Courts"; to the Committee on the Judiciary.

EC–1424. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, transmitting, pursuant to law, two rules including a rule entitled "Indirect Food Additives" received on March 13, 1997; to the Committee on Labor and Human Resources.

EC–1425. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the statement of policy; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 104. A bill to amend the Nuclear Waste Policy Act of 1982.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 443. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself and Mr. DODD):

S. 444. A bill to amend the Internal Revenue Code to impose a tax on the manufacture and importation of tires, and for other purposes; to the Committee on Finance.

S. 445. A bill to amend the Solid Waste Disposal Act to encourage recycling of waste tires and to abate tire dumps and tire stockpiles, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 446. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

By Mr. NICKLES (for himself, Mr. INHOFE, Mr. HATCH, Mr. LEAHY, and Mr. GRASSLEY):

S. 447. A bill to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime, and for other purposes; read twice and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 443. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste; to the Committee on Environment and Public Works.

THE STATE AND LOCAL INTERSTATE WASTE CONTROL ACT OF 1997

Mr. BAUCUS. Mr. President, I rise to introduce the State and Local Interstate Waste Control Act of 1997. This bill will give our cities and States the authority they need to stop imports of trash coming from other States.

We have been working on this issue for 7 years. We have explored all options. We have held hearings, debated the issues. The Senate has passed interstate waste bills in each of the last four Congresses. It is time we put this issue behind us.

Anyone who has kept up with New York State's decision to close the Freshkils landfill knows why we must act and why we must act now. As my colleagues may be aware, the Freshkils landfill on Staten Island, which takes all of New York City's garbage, is closing.

What does that mean? That means 13,000 tons of garbage a day, almost 5 million tons a year, need a new home. It is hard to visualize how much garbage that is. What does it mean? It means about 1,200 trucks of garbage a day coming out of New York City, every one of them packed to the brim. Or, in other words, a convoy of trash trucks 12 miles long, 365 days a year—imagine that, a convoy of trash trucks 12 miles long each of 365 days a year coming out of New York City. That is what that means with the closure of Freshkils landfill on Staten Island because that garbage has to go someplace. Soon it will not go to Staten Island. Where is it going to go?

We have no idea where these trucks will go. One thing is clear. New York will have virtually no way to get rid of its trash when Freshkils does close in the year 2001. The entire State of New York can take only about 1,200 tons of New York City's trash each day and that means the rest, over 4 million tons a year, must go out of State.

What's worse, as far as I know, New York has not taken any steps to build or to grant permits to new in-State landfills. I guess it is far easier to send trash out of State than to fight the not-in-my-backyard opponents blocking new landfills and incinerators in New York State.

I do not want to single out New York. Many other great cities have similar troubles. Trash disposal is tough. But many States have taken the old adage "it is better to give than to receive" to the extreme. When it comes to trash, there is just too much giving and too much receiving, especially when those receiving the trash have no choice.

The fact is every city should take care of its own trash if possible. No city should be able to simply dump the problem on its neighbors. Yet that is precisely what could happen. Why? That is because today no State or town can stop shipments of garbage from other States. They do not have the authority.

A few years ago, Miles City, MT, my home State, faced the prospect of becoming a dumping ground for Minneapolis, MN, trash. The 5,000 citizens of Miles City had no say at all in whether a mega-fill landfill could go up in their backyards to take care of garbage from a city nearly 800 miles away in another State.

That is wrong. It is clearly wrong. It is unfair. Every town in America should have the right to say no. But today they do not have that right. And why is that? Every time a State law restricting out-of-State garbage imports has come up, they have been challenged in the courts. The courts have overturned those State laws based on the commerce clause of the Constitution. So we need a national law to preserve this basic part of self-determination, that is, the right to decide whether or not a community wants to accept out-of-State garbage.

The bill I introduce today strikes a balance that will work for every community, for every State. It is very similar to the bill the Senate and House nearly passed about 3 years ago. The cornerstone of my bill is the new authority it gives to all States and communities to restrict municipal solid waste imports.

First, every Governor may freeze future imports of garbage at the level his or her State received in 1993.

Second, the bill makes it illegal to ship any new imports of municipal waste unless the local community specifically wants it.

Third, to reduce pressure on local communities, my bill gives large importing States like Pennsylvania and Ohio the right to lower their imports.

Finally, some communities have built regional landfills and we respect those agreements as well.

My bill is about returning decision-making back to the people, giving people in importing States what should be their birthright, a chance to determine their own destiny.

I ask unanimous consent a summary of my bill, along with the text of the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "State and Local Government Interstate Waste Control Act of 1997".

SEC. 2. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

"(1) IN GENERAL.—(A) Except as provided in subsections (c), (e), and (i), effective January 1, 1998, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

"(B) An authorization granted after enactment of this section pursuant to subparagraph (A) shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to its terms.

"(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

"(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

"(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

"(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

"(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

"(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

"(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

"(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

"(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

"(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

"(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

"(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

"(b) ANNUAL STATE REPORT.—

"(1) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year. Within 120 days after enactment of this section and on June 1 of each year thereafter each such State shall publish and make available to the Administrator, the governor of the State of origin and the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

"(2) CONTENTS.—Each submission referred to in this subsection shall be such as would result in criminal penalties in case of false or misleading information. Such submission shall include the amount of waste received, the State of origin, the date of shipment, and the type, of out-of-State municipal solid waste. States making submissions referred to in this section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.

"(3) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste. The list for any calendar year shall be published by July 1 of the following calendar year.

For purposes of developing the list required in this section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this section, nor to verify data provided by the State pursuant to this section, not to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this section shall be final and not subject to judicial review.

"(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

"(c) FREEZE.—

"(1) ANNUAL AMOUNT.—(A) Beginning January 1, 1998, except as provided in paragraph (2) and unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (3), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (e) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

"(B) At the request of an affected local government that has not executed a host community agreement, the Governor may limit the amount of out-of-State municipal solid waste received annually for disposal at the landfill or incinerator concerned to the amount described in subparagraph (A). No such limit may conflict with provisions of a permit specifically authorizing the owner or operator to accept, at the facility, out-of-State municipal solid waste.

"(C) A limit or prohibition under this section shall be treated as conflicting and inconsistent with a permit or host community agreement if—

"(i) the permit or host community agreement establishes a higher limit; or

"(ii) the permit or host community agreement does not establish any limit.

"(2) LIMITATION ON GOVERNOR'S AUTHORITY.—A Governor may not exercise the authority granted under this subsection in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (e) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

"(3) UNIFORMITY.—Any limitation imposed by a Governor under paragraph (1)(A)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin.

"(d) RATCHET.—

"(1) IN GENERAL.—Unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

"(A) In calendar year 1998, 95 percent of the amount exported to the State in calendar year 1993.

"(B) In calendar years 1999 through 2003, 95 percent of the amount exported to the state in the previous year.

"(C) In calendar year 2004, and each succeeding year, the limit shall be 65 percent of the amount exported in 1993.

"(D) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.

"(2) ADDITIONAL EXPORT LIMITS.—

"(A) PROHIBITION.—No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste more than the following amounts of municipal solid waste:

"(i) In calendar year 1998, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

"(ii) In calendar year 1999, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

"(iii) In calendar year 2000, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1999.

"(iv) In calendar year 2001, the greater of 1,100,00 tons or 90 percent of the amount exported to the State in calendar year 2000.

"(v) In calendar year 2002, 1,000,000 tons.

"(vi) In calendar year 2003, 750,000 tons.

"(vii) In calendar year 2004 or any calendar year thereafter, 550,000 tons.

"(B) ACTION BY GOVERNOR.—The Governor of an importing State may restrict levels of imports of municipal solid waste into that State to reflect the levels specified in subparagraph (A) if—

"(i) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

"(ii) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

"(iii) the restrictions imposed by the Governor of the importing State are uniform at all facilities within the State receiving municipal solid waste from the exporting State.

"(3) Duration.—The authority provided by paragraph (1) or (2) or both shall apply for as long as a State exceeds the levels allowable under paragraph (1) or (2), as the case may be.

"(4) Uniformity.—Any restriction imposed by a State under paragraph (1) or (2)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin, in the case of States in violation of paragraph (1) or (2).

"(e) Authorization Not Required for Certain Facilities.—

"(1) In general.—The prohibition on the disposal of out-of-State municipal solid waste in subsection (a) shall not apply to landfills and incinerators that—

"(A) were in operation on the date of enactment of this section and received during calendar year 1993 documented shipments of out-of-State municipal solid waste, or

"(B) before the date of enactment of this section, the owner or operator entered into a host community agreement or received a permit specifically authorizing the owner or operator to accept at the landfill or incinerator municipal solid waste generated outside the State in which it is or will be located.

"(2) Availability of documentation.—The owner or operator of a landfill or incinerator that is exempt under paragraph (1) of this subsection from the requirements of subsection (a) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or permit referenced in paragraph (1). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent: the volume of out-of-State municipal solid waste received, the place of origin of the waste, and the duration of any relevant contract.

"(3) Denied or revoked permits.—A landfill or incinerator may not receive for disposal or incineration out-of-State municipal solid waste in the absence of a host community agreement if the operating permit or license for the landfill or incinerator (or renewal thereof) was denied or revoked by the appropriate State agency before the date of enactment of this section unless such permit or license (or renewal) has been reinstated as of such date of enactment.

"(4) Waste within bi-state metropolitan statistical areas.—The owner or operator of a landfill or incinerator in a State may receive out-of-State municipal solid waste without obtaining authorization under subsection (a) from the affected local government if the out-of-State waste is generated within, and the landfill or incinerator is located within, the same bi-State level A metropolitan statistical area (as defined by the Office of Management and Budget and as listed by the Office of Management and Budget as of the date of enactment of this section) that contains two contiguous major cities each of which is in a different State.

"(f) Needs Determination.—Any comprehensive solid waste management plan adopted by an affected local government pursuant to Federal or State law may take into account local and regional needs for solid waste disposal capacity. Any implementation of such plan through the State permitting process may take into account local and regional needs for solid waste disposal capacity only in a manner that is not inconsistent with the provisions of this section.

"(g) Cost Recovery Surcharge.—

"(1) Authority.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

"(2) Applicability.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

"(3) Limitation.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

"(4) Amount of surcharge.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed $1 per ton of waste.

"(5) Use of surcharge collected.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

"(6) Conditions.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

"(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

"(ii) the surcharge is based on those costs to the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

"(iii) the surcharge is compensatory and is not discriminatory.

"(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or its political subdivision or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

"(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

"(7) Definitions.—As used in this subsection:

"(A) The term 'costs' means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs associated with technical assistance, data management, and collection of fees.

"(B) The term 'processing' means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

"(h) Implementation and Enforcement.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.

"(i) Savings Clause.—Nothing in this section shall be interpreted or construed—

"(1) to have any effect on State law relating to contracts;

"(2) to authorize or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section during the life of the contract as determined under State law; or

"(3) to affect the authority of any State or local government to protect public health and the environment through laws, regulations, and permits, including the authority to limit the total amount of municipal solid waste that landfill or incinerator owners or operators with the jurisdiction of a State may accept during a prescribed period: *Provided*, That such limitations do not discriminate between in-State and out-of-State municipal solid waste, except to the extent authorized by this section.

"(j) Definitions.—As used in this section:

"(1) Affected local government.—(A) For any landfill or incinerator, the term 'affected local government' means—

"(i) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

"(ii) if there is no such body created by State law—

"(I) the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the land or the use of land in the jurisdiction in which the facility is located or is proposed to be located; or

"(II) if a Governor fails to make a selection under subclause (I), and publish a notice regarding the selection, within 90 days after the date of enactment of this section, the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

The Governor shall publish a notice regarding the selection described in clause (ii).

"(B) Notwithstanding subparagraph (A), for purposes of host community agreements entered into before the date of enactment of this section (or before the date of publication of notice, in the case of subparagraph (A)(ii)), the term shall mean either the public body described in clause (i) or the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility for municipal solid waste management or the land or the use of land on which the facility is located or proposed to be located.

“(C) Two or more Governors of adjoining States may use the authority provided in section 1005(b) to enter into an agreement under which contiguous units of local government located in each of the adjoining States may act jointly as the affected local government for purposes of providing authorization under subsection (a) for municipal solid waste generated in 1 of the jurisdictions described in subparagraph (A) and received for disposal or incineration in another.

“(2) HOST COMMUNITY AGREEMENT.—The term ‘host community agreement’ means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

“(3) MUNICIPAL SOLID WASTE.—The term ‘municipal solid waste’ means refuse (and refuse-derived fuel) generated by the general public, from a residential source, or from a commercial, institutional, or industrial source (or any combination thereof) to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d), such as paper, food, wood, yard wastes, plastics, leather, rubber, appliances, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term ‘municipal solid waste’ does not include any of the following:

“(A) Any solid waste identified or listed as a hazardous waste under section 3001.

“(B) Any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

“(C) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

“(D) Any solid waste that is—

“(i) generated by an industrial facility; and

“(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated.

“(E) Any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.

“(F) Sewage sludge and residuals from any sewage treatment plant, including any sewage treatment plant required to be constructed in the State of Massachusetts pursuant to any court order issued against the Massachusetts Water Resources Authority.

“(G) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

“(H) Any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph).

“(I) Any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

“(4) OUT-OF-STATE MUNICIPAL SOLID WASTE.—The term ‘out-of-State municipal solid waste’ means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is not consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

“(5) SPECIFICALLY AUTHORIZED; SPECIFICALLY AUTHORIZES.—The terms ‘specifically authorized’ and ‘specifically authorizes’ refer to an explicit authorization. contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to ‘any place of origin’, reference to specific places outside the State, or use of such phrases as ‘regardless of origin’ or ‘outside the State’. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources or locations outside the State.”.

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

“Sec. 4011. Interstate transportation and disposal of municipal solid waste.”.

SUMMARY OF STATE AND LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT OF 1997

The State and Local Government Interstate Waste Control Act of 1997 provides the following new legal authority to every State to restrict out-of-State municipal solid waste.

Import Ban. Municipal solid waste imports are banned at landfills or incinerators that did not receive out-of-State municipal solid waste in 1993 unless the affected local community, as defined by the Governor or State law, agrees to accept the waste.

Import Freeze. A Governor may cap municipal solid waste imports at all landfills and incinerators at their 1993 import levels.

Export State Rachet. No state may export municipal solid waste to a landfill or an incinerator in any single state in excess of the following amounts: in 1998, 1.4 million tons or 90% of the amount exported to the state in 1993; in 1999, 1.3 million tons or 90% of the amount exported to the state in 1998; in 2000, 1.2 million tons or 90% of the amount exported to the state in 1999; in 2001, 1.1 million tons, or 90% of the amount exported to the state in 2000; in 2002, 1 million tons; in 2003, 750,000 tons; and in 2004 and each year thereafter, 550,000 tons.

Import State Ratchet. A Governor of any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may reduce the amount of imports to the following levels: in 1998, 95% of the amount exported to the State in 1993; in years 1999 through 2003, 95% of the amount exported to the State in the previous year; in 2004 and each year thereafter, 65% of the amount exported in 1993.

Protection of Host Community Ageements. The bill prohibits a Governor from limiting or prohibiting municipal solid waste imports to landfills or incinerators that have a host community agreement (as defined in the bill). Such agreements must expressly authorize the receipt of out-of-State municipal solid waste.

Needs Determination. The bill allows a State plan to take into account local and regional needs for solid waste disposal capacity through State permitting provided that it is implemented in a manner that is not inconsistent with the provisions of the bill.

Cost Recovery Surcharge. States that imposed a differential fee on the disposal of out-of-State municipal solid waste, on or before April 3, 1994, are allowed to impose a fee of no more than $1 per ton of municipal solid waste, as long as the differential fee is utilized to fund solid waste management programs administered by the State.

By Mr. CHAFEE (for himself and Mr. DODD):

S. 444. A bill to amend the Internal Revenue Code to impose a tax on the manufacture and importation of tires, and for other purposes; to the Committee on Finance.

TAX LEGISLATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCISE TAX ON MANUFACTURE AND IMPORTATION OF TIRES.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end the following:

“Subchapter E—Tax on Tires

“Sec. 4691. Imposition of tax.

“SEC. 4691. IMPOSITION OF TAX.

“(a) GENERAL RULE.—There is imposed a tax on the manufacture or importation of tires of any type, including solid and pneumatic tires.

“(b) AMOUNT OF TAX.—The amounts of the tax imposed by subsection (a) shall be 50 cents per tire.

“(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by the manufacturer or importer of the tire not later than 30 days after the end of each calendar quarter for each tire manufactured or imported during such quarter.

“(d) TIRES ON IMPORTED ARTICLES.—For purposes of subsection (a), if an article imported into the United States is equipped with tires, the importer of the article shall be treated as the importer of the tires with which such article is equipped.

“(e) EFFECTIVE DATE.—The tax imposed by this section shall apply to tires manufactured or imported after December 31, 1997, and before January 1, 2003.”.

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by adding after the item relating to subchapter D the following:

"Subchapter E. Tax on tires.".

SEC. 2. ESTABLISHMENT OF TIRE RECYCLING, ABATEMENT, AND DISPOSAL TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 951 the following:

"SEC. 9512. WASTE TIRE RECYCLING, ABATEMENT, AND DISPOSAL TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Waste Tire Recycling, Abatement, and Disposal Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are appropriated to the Waste Tire Recycling, Abatement, and Disposal Trust Fund amounts equivalent to—

"(1) taxes received in the Treasury under section 4691 (relating to an assessment on motor vehicles tires); and

"(2) amounts received in the Treasury and collected under section 4011 of the Solid Waste Disposal Act.

"(c) EXPENDITURES.—Amounts in the Waste Tire Recycling, Abatement, and Disposal Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making expenditures to carry out the purposes of section 4011 of the Solid Waste Disposal Act.

"(d) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Waste Tire Recycling, Abatement, and Disposal Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of section 4011(k) of the Solid Waste Disposal Act.

"(2) LIMITATION ON AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Waste Tire Recycling, Abatement, and Disposal Trust Fund which is outstanding at any one time shall not exceed an amount equal to the amount which the Secretary estimates will be equal to the sum of the amounts received from the tax imposed by section 4691 during any 2-year period.

"(3) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Waste Tire Recycling, Abatement, and Disposal Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Waste Tire Recycling, Abatement, and Disposal Trust Fund.

"(B) DATE FOR TERMINATION AND ADVANCES.—No advance shall be paid to the Trust Fund after December 31, 2001 and all advances to the Trust Fund shall be repaid on or before such date.

"(C) INTEREST RATE ON ADVANCES.—Interest on advances made to the Trust Fund shall be at a rate determined by the Secretary to be equal to the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and shall be compounded annually.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9511 the following:

"Sec. 9511. Waste Tire Recycling, Abatement, and Disposal Trust Fund.".

By Mr. CHAFEE (for himself and Mr. DODD):

S. 445. A bill to amend the Solid Waste Disposal Act to encourage recycling of waste tires and abate tire dumps and tire stockpiles, and for other purposes; to the Committee on Environment and Public Works.

THE WASTE TIRE RECYCLING, ABATEMENT, AND DISPOSAL ACT OF 1997

Mr. CHAFEE. Mr. President, today I rise to introduce the Waste Tire Recycling, Abatement, and Disposal Act of 1997. This is really a reintroduction of legislation I first offered in 1991 to address a very serious environmental hazard.

What is that hazard I am talking about? It is the very real threat posed by improper disposal and stockpiling of used tires. Unfortunately, the threat posed by improper management of used, scrap tires is as great or greater than when I first introduced this legislation some 6 years ago.

The scope of the waste tire problem is enormous. Americans generate approximately—think of this—250 million scrap tires per year. That is a tire per person in the United States of America that is disposed of. Over time, approximately 3 billion—not million, 3 billion—of these tires have accumulated in the surface stockpiles throughout our country.

These used tires pose real threats to the health and welfare of communities. They are places where water is collected, thus mosquitoes breed, some of them encephalitis-carrying mosquitoes. They provide a home for rodents. They are bad news.

The threats proposed by piles of tires are great also. Few things are worse as far as fires go than to have a pile of rubber tires catch on fire. These can start from lightning or they can start from acts of vandalism. Burning tire piles produce a dense toxic smoke and also produce the oil byproducts that have gone into the making of the tires, and thus we have toxic hydrocarbon compounds. The hydrocarbons so released can soil the air, can soil the soil and, more important, can contaminate surface water and ground water. Often the piles of tires and the fires that result can burn for months and cost millions of dollars to attempt to extinguish. Putting out the fire may just be the tip of the iceberg as there have been released enough toxic substances that, as I say, go into the ground water and cause tremendous problems.

In my State of Rhode Island, the threat from tire piles is not just an abstraction. Smithfield, RI, is the reluctant host of a tire dump that reportedly is the second largest in the United States. Estimates of the size vary, but the so-called Davis tire pile is thought by our Department of Environmental Management to contain 10 million scrapped tires. This tire pile is close to our reservoir. It is only 4 miles from the principal source of drinking water in our State, the Scituate Reservoir. A major fire at the site could foul the reservoir through a fallout from dense soot and by contamination of the ground water aquifers.

Nationwide, waste tires are still accumulating in large stockpiles. Why? What happens? Where is the end of this? Well, why have the tire piles grown? There are several reasons.

First, landfills are reluctant to accept scrap tires.

Second, the nature of modern steel-belted radial tires makes it very difficult to recycle these into new ones. Once upon a time, old tires were retreaded or ground up to make new tires. The radial design and inexpensive radial tires imports have limited the market for retreads and eliminated the possibility of reusing ground rubber to make new tires.

The third reason is that the other markets for the beneficial reuse of this material have been slow to emerge. Scrap tires have some value. They contain a lot of Btu's, more Btu's per pound than most grades of coal and can be burned to produce electricity. Many folks operating tire dumps are hoping for higher energy prices so that there will be a windfall for these scrapped tires. However, there is significant opposition to new waste combustion facilities across our country. There is a reluctance to have these waste combustion facilities in one's community. So combustion seems now a less likely option to solve the tire problem.

And finally, where there are beneficial uses for scrap tires, the processors like what they call clean tires, ones that do not have dirt or rocks or gravel in them.

The waste tire management program that is contained in my legislation has three purposes. What am I trying to do? First, to assure that scrap tires are managed in a way that reduces the risk of fires and spread of disease.

Second, the bill would require the elimination of waste tire dumps within 4 years after enactment. It requires that the 3 billion tires in stockpiles across our country be recycled or burned or shredded or buried by the end of the year 2006.

And finally, the management program is intended to encourage markets for recycled material from tires.

Now, all of this would take place as an amendment to the Resource Conservation and Recovery Act, so-called RCRA, with which we are familiar in this body and is already legislation for the Nation. The traditional partnership program between EPA and RCRA through the States will lead to implementation of this program. In other words, it is a partnership between EPA and the States. The bill encourages States to adopt a program to safely manage existing tire piles. The bill authorizes grants to States to develop and implement State programs to manage these piles of tires.

The bill will limit disease and fire problems. The fire threat will be reduced by including specifications for the size and spacing of these tire piles into smaller, more manageable units, separate them out so that if a fire does start, it does not spread to the entire dump of tires. It also requires provisions that waste tire dumps like the Davis site in my State are closed and the scrap tires shredded and recycled and safely disposed of within 4 years of enactment. So this could take place as soon as the year 2001. Other scrap tire stockpiles that are operating legally under a State permit will have until the year 2006, as I mentioned.

So all this is accomplished by imposing a 50-cent tax per tire, truck and passenger, on those manufactured or imported into the United States. It just applies to new tires. I want to inform my colleagues that this legislation, once enacted, will solve several solid waste management problems. So I urge my colleagues to join in the support of this.

As I noted earlier, Rhode Island is host to a site with approximately 10 million of these tires. It has been called the most serious environmental threat to our State. Even after some 250,000 have been removed in order to get at a Superfund site that is underneath these tires, a toxic waste disposal site that was then subsequently covered over by these tires, and even after the State removed some 1.2 million more tires, there still will be 8 million tires left in this Davis site. The threat posed by that is a very real one to my State, as I previously pointed out. So I urge my colleagues to join me in supporting this legislation. It can prevent environmental disasters from taking place. As chairman of the Committee on Environment and Public Works, I will exert every effort to see that these bills become law.

I thank the Chair and thank the distinguished Senator from Connecticut. He is very familiar with this because they have somewhat the same problem, perhaps not in the same magnitude as we have in our State, and they have a tire-shredding program in Oxford, CT.

So, Mr. President, I send to the desk two bills to accomplish my goal. One includes the tax, the other includes the cleanup efforts. Accompanying this is a summary of these bills.

Mr. DODD. Mr. President, before the chairman of the committee leaves the floor, I have been listening to his statement. I do not know how many others you have as cosponsors, but I would like to be listed as one.

Mr. CHAFEE. We are delighted.

Mr. DODD. This is one of the most serious problems we face, not only when there is stockpiling, but in other areas. I think most Americans, when they go by and see ponds drained down, know that one of the things that always show up is tires. It is a real pollution problem, beyond just the collection in one site.

I think the Senator from Rhode Island has offered a very creative and worthwhile suggestion that all of America will benefit from, so I commend him for the effort.

Mr. CHAFEE. I will ask that the distinguished Senator from Connecticut be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Waste Tire Recycling, Abatement, and Disposal Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States generates approximately 250,000,000 waste tires each year with over 3,000,000,000 waste tires stored or dumped in aboveground piles across the United States;

(2) current waste tire collection and disposal practices present a substantial threat to human health and the environment;

(3) waste tire piles are a breeding habitat for disease-carrying mosquitoes, rodents, and other pests and may be ignited causing potentially catastrophic fires;

(4) there are substantial opportunities for recycling and reuse of waste tires and tire-derived products, including tire retreading, asphalt pavement containing recycled rubber, rubber products, and fuel;

(5) although several States have established waste tire recycling programs and disposal requirements to protect human health and the environment, the efforts of individual States are often frustrated by the lack of comparable programs in neighboring States; and

(6) additional financial resources are necessary to encourage waste tire recycling and proper disposal and the abatement of existing waste tire dumps.

SEC. 3. WASTE TIRE RECYCLING, ABATEMENT, AND DISPOSAL.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. WASTE TIRE RECYCLING, ABATEMENT, AND DISPOSAL.

"(a) PURPOSES.—The purposes of this section are—

"(1) to encourage waste tire recycling;

"(2) to prevent disease and fires that may be associated with waste tire dumps and waste tire stockpiles;

"(3) to ensure that—

"(A) all waste tire dumps in the United States are closed and abated not later than 4 years after the date of enactment of this Act; and

"(B) all waste tire stockpiles are abated by not later than December 31, 2005; and

"(4) to otherwise regulate commerce in waste tires to protect human health and the environment.

"(b) DEFINITIONS.—In this section:

"(1) ABATE AND ABATEMENT.—The terms 'abate' and 'abatement' mean—

"(A) to remove waste tires from a waste tire dump or waste tire stockpile by processing or properly disposing of the tires on an enforceable schedule ensuring compliance with the prohibitions of subsection (c); or

"(B) action taken pursuant to subsection (i) or equivalent authority under a State program to process or properly dispose of waste tires.

"(2) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—The term 'asphalt pavement containing recycled rubber' has the meaning given the term in section 1038(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 1990).

"(3) COLLECTION SITE.—The term 'collection site' means a facility, installation, building, or site (including all of the contiguous area under the control of a person or persons controlled by the same person) used for the storage or disposal of more than 400 waste tires but not including shredded tire material that has been properly disposed.

"(4) MARINE OR AGRICULTURAL PURPOSE.—The term 'marine or agricultural purpose' means the use of waste tires—

"(A) as bumpers on vessels or agricultural equipment;

"(B) as a ballast to maintain covers or structures on an agricultural site; or

"(C) for other marine or agricultural purposes specified by rule by the Administrator.

"(5) PROCESS.—The term 'process' means to produce or manufacture usable materials (including fuels) with real economic value from waste tires.

"(6) PROPERLY DISPOSED.—The term 'properly disposed' means the placement of shredded tire material as a solid waste into a landfill meeting the revised criteria established pursuant to section 4010(c).

"(7) RECYCLE.—The term 'recycle' means to process waste tires to produce usable materials other than fuels.

"(8) SHREDDED TIRE MATERIAL.—The term 'shredded tire material' means tire material resulting from tire shredding that produces pieces 4 square inches or less in size that do not hold water when stored in piles.

"(9) TIRE.—The term 'tire' means any pneumatic or solid tire, including a tire manufactured for use on any type of motor vehicle, construction or other off-road equipment, aircraft, or industrial machinery.

"(10) TIRE COLLECTOR.—The term 'tire collector' means a person that owns or operates a collection site.

"(11) TIRE DUMP.—The term 'tire dump' means a tire collection site without a collector or processor permit that is maintained, operated, used, or allowed to be used for the disposal, storing, or depositing of waste tires.

"(12) TIRE HAULER.—The term 'tire hauler' means a person engaged in picking up or transporting waste tires to a storage or disposal facility.

"(13) TIRE PROCESSOR.—The term 'tire processor' means a person that processes waste tires to produce or manufacture usable materials or to recover energy.

"(14) TIRE STOCKPILE.—The term 'tire stockpile' means a waste tire collection site operating pursuant to a permit issued by the Administrator or by a State with a program approved under subsection (f) at which shredded tire material from 50 or more waste tires is stored for future processing or disposal.

"(15) WASTE TIRE.—The term 'waste tire' means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect and includes shredded tire material.

"(16) Waste tire recycling, abatement, and disposal trust fund.—The term 'Waste Tire Recycling, Abatement, and Disposal Trust Fund' means the Waste Tire Recycling, Abatement, and Disposal Trust Fund established under section 9512 of the Internal Revenue Code of 1986.

"(c) Prohibitions.—

"(1) Disposal of whole waste tires on land or in landfills.—

"(A) In general.—Effective beginning 1 year after the date of enactment of this section, it shall be unlawful to dispose of a waste tire (other than shredded tire material) on land or in a landfill.

"(B) Modification of criteria.—Not later than 1 year after the date of enactment of this Act, the Administrator shall modify the criteria established pursuant to section 4010(c) to reflect the prohibition established under subparagraph (A).

"(2) Receipt of waste tires at collection sites.—Effective beginning 1 year after the date of enactment of this section, it shall be unlawful to receive any waste tire (not including shredded tire material) at any collection site unless, not later than 7 days after receipt, the waste tire is processed, converted to shredded tire material, or transferred to a business engaged in tire retreading.

"(3) Waste tire piles.—Effective beginning 1 year after the date of enactment of this section, it shall be unlawful to operate a collection site except in compliance with the following conditions applicable to a waste tire pile:

"(A) A waste tire pile shall be not more than 20 feet in height and, at the base, be not more than 50 feet in width and 200 feet in length.

"(B) A separation of not less than 50 feet shall be maintained between waste tire piles.

"(C) A waste tire pile shall be not less than 200 feet from the perimeter of the property and not less than 200 feet from any building.

"(D) Until shredded, waste tires in a pile shall be maintained to minimize mosquito breeding by cover or chemical treatment.

"(E) A waste tire pile shall be accessible to fire fighting equipment and any approach road to the pile shall be maintained in good condition.

"(F) A waste tire pile exceeding 2,500 waste tires shall be surrounded by a berm sufficient to contain any liquid that may be discharged as the result of a fire or fire fighting efforts.

"(G) A waste tire pile exceeding 2,500 waste tires shall be completely enclosed behind fencing.

"(H) A tire collector maintaining a collection site containing more than 2,500 waste tires shall prepare and maintain an emergency plan to respond to any fire or other event that may release pollutants or contaminants from the site.

"(I) Such other conditions as the Administrator may by rule require to protect human health and the environment, including compliance with National Fire Prevention Association 231–D standard for storage of rubber tires or similar fire prevention code to the extent the code is consistent with this section.

"(4) Maximum number of waste tires stored.—Effective beginning 4 years after the date of enactment of this section, it shall be unlawful to store more than 1,500 waste tires for more than 7 days at a collection site other than as shredded tire material in waste tire stockpiles, except as provided under subsection (d).

"(5) State programs.—Effective beginning 1 year after the effective date of a State program approved or established by the Administrator under this section, it shall be unlawful for any person to engage in any of the following actions except in compliance with a permit issued by the State under a program approved under subsection (f) or by the Administrator:

"(A) Transfer control over any waste tire for transportation to a collection site to any person other than a person operating under a permit as a tire hauler.

"(B) Operate or maintain any waste tire dump or deliver to or receive a waste tire for storage or disposal at a waste tire dump.

"(C) Deliver a waste tire to, or receive a waste tire at, any collection site that does not qualify as a waste tire stockpile.

"(D) Operate or maintain a waste tire stockpile or deliver to or receive a waste tire for storage or disposal at a waste tire stockpile.

"(6) Shredded tire material.—

"(A) In general.—Beginning January 1, 2006, subject to subparagraph (B), it shall be unlawful for any person—

"(i) to operate or maintain a waste tire stockpile containing shredded tire material from more than 2,500 waste tires; or

"(ii) in the case of a tire processor, to operate or maintain a waste tire stockpile containing more than 30 days supply of shredded tire material to be used as a feedstock within the process.

"(B) Disposal in monofill for later recovery.—Subparagraph (A) shall not prohibit the proper disposal of shredded tire material in a monofill for later recovery.

"(d) Exemptions.—

"(1) In general.—Subject to paragraph (2), the Administrator may by regulation exempt any of the following persons from any or all of the requirements of this section if the exemption is consistent with this Act and no threat of an adverse affect on human health or the environment will result from the exemption:

"(A) A tire retailer storing less than 2,500 waste tires at any collection site where new tires are sold or installed.

"(B) A tire retreader storing less than 2,500 waste tires or a quantity of waste tires equal to the number to be retreaded over a 30-day period, whichever is greater, at any collection site where tires are retreated.

"(C) A business that removes tires from vehicles and that stores less than 2,500 waste tires at any collection site where the removals occur.

"(D) A solid waste disposal facility storing less than 2,500 waste tires for future processing or disposal that—

"(i) are otherwise in compliance with the revised criteria promulgated pursuant to section 4010(c) pursuant to subsection (c)(1)(B); and

"(ii) have already received a permit under a State solid waste program imposing conditions and requirements to protect human health and the environment that are comparable to the conditions and requirements imposed by this section.

"(E) A person storing or using waste tires for a marine or agricultural purpose if the waste tires are used for the purpose not later than 180 days after the date the tire is removed from use.

"(2) Alternative requirements.—The Administrator may—

"(A) impose alternative requirements for an exemption or partial exemption under paragraph (1), including requirements for fire prevention and disease control;

"(B) include the requirements in the guidance published under subsection (f)(2); and

"(C) impose the requirements on a person described in any of subparagraphs (A) through (D) of paragraph (1) as a condition for the exemption or partial exemption.

"(e) Notification of Administrator or State Agency.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, each tire hauler, tire collector, and tire processor shall notify the Administrator, or the State agency designated pursuant to this section, of—

"(A) the name and business address of the tire hauler, tire collector, or tire processor;

"(B) the name and business address of the person or persons owning any property on which a tire collection site is located;

"(C) the location and a physical description of each collection site maintained by a tire collector;

"(D) the name of the person to contact in the event of an emergency involving waste tires located at each collection site;

"(E) an estimate of the number of waste tires that are present at each collection site;

"(F) an estimate by a tire collector or tire processor of the average number of waste tires that are received at each collection site maintained by the collector or processor each month and the sources from which waste tires are received;

"(G) an estimate by a tire hauler of the average number of waste tires that are delivered to each collection site each month;

"(H) a description of methods used at each collection site to shred, process, recycle, or dispose of waste tires;

"(I) a description of the fire prevention and disease control methods employed at each collection site;

"(J)(i) a certification signed by the owner or operator of each collection site that provides an assurance of compliance with paragraphs (2) and (3) of subsection (c) by the applicable dates; or

"(ii) if compliance with those paragraphs cannot be certified, an assurance that the collection site will be closed, and will be abated, not later than 1 year after the date of enactment of this section;

"(K) a statement that demonstrates the financial capacity of the tire collector, or the owner or operator of each collection site, to abate waste tires at the site and to respond to any fire or other event that may result in the release of a pollutant or contaminant from the site in an amount of not less than $1.00 for each tire stored, deposited, or otherwise located at the facility, other than a tire that has been properly disposed of at the site; and

"(L) such other information as the Administrator may require.

"(2) Notification form.—

"(A) Publication.—Not later than 90 days after the date of enactment of this section, the Administrator shall—

"(i) publish a notification form or forms that will be used by tire haulers, tire collectors, and tire processors to comply with paragraph (1); and

"(ii) designate the State agencies that will receive the form or forms.

"(B) Paperwork reduction.—Development and publication of the form shall not be subject to chapter 35 of title 44, United States Code.

"(C) Cooperation with governors.—Designation of State agencies to receive notification forms shall be carried out in cooperation with the Governor of each State.

"(f) State Programs.—

"(1) In general.—Beginning 1 year after the date of enactment of this section, the Governor of a State may apply to the Administrator to implement a waste tire recycling, abatement, and disposal program under this subsection.

"(2) EPA guidance.—Not later than 1 year after the date of enactment of this section, the Administrator shall publish guidance establishing the minimum elements of a program to be administered under this section by a State agency that include the requirements of paragraphs (3), (4), and (5) and—

"(A) adequate authority to ensure compliance with and enforce the prohibitions established under subsection (c) and each of the other requirements of this Act applicable to a tire hauler, tire collector, or tire processor;

"(B) authority to abate any waste tire dump or waste tire stockpile within the State that is comparable to the authority granted the Administrator under subsection (i) and a plan to ensure that the dumps and stockpiles are abated by not later than the dates applicable under subsection (c);

"(C) a requirement that each tire hauler, tire collector, or tire processor operate pursuant to a permit issued by the State;

"(D) adequate authority to ensure that the fees imposed by paragraph (4) are collected by the State on the sale of new tires and by tire haulers, tire collectors, and tire processors on commerce in waste tires;

"(E) adequate personnel and funding to administer the program; and

"(F) such other requirements as the Administrator may prescribe.

"(3) Permit requirements.—The guidance published pursuant to paragraph (2) shall, with respect to a permit, provide, at a minimum, for—

"(A) a requirement that the State agency administering the program and issuing a permit have adequate authority to—

"(i) issue a permit that applies to, and ensure compliance by, all persons required to have a permit under this section, with applicable standards, regulations, or requirements;

"(ii) issue a permit for a fixed term of not to exceed 5 years;

"(iii) ensure that a permit require compliance with the prohibitions of subsection (c);

"(iv) terminate, modify, or revoke a permit for cause;

"(v) enforce a permit and the requirement to obtain a permit (including authority to recover a civil penalty in a maximum amount of not less than $10,000 per day for each violation) and to seek appropriate criminal penalties; and

"(vi) grant limited extensions of the term of a permit on a timely and complete application for renewal, pending final action on the renewal application by the State agency;

"(B) a requirement that the permitting authority establish and implement adequate procedures for processing permit applications expeditiously, and for public notice, including offering an opportunity for public comment and a hearing, on any permit application;

"(C) a requirement that the State conduct an inspection at each waste tire collection site before a permit is issued to operate the site as a waste tire stockpile;

"(D) a requirement that all permit applications, abatement plans, permits, and monitoring or compliance reports shall be made available to the public;

"(E) a requirement under State law that each person subject to the requirement to obtain a permit under the State program pay an annual fee, or the equivalent over some other period, that is sufficient to cover all reasonable costs of developing, administering, and enforcing the State permit program;

"(F) a requirement that—

"(i) each permit issued to a tire collector or processor for the operation of a waste tire stockpile include a numerical limitation on the waste tires that can be stored, processed, or disposed at the site; and

"(ii) the tire collector demonstrates financial responsibility for processing or abating all tires that may be accumulated up to the limit in the permit; and

"(G) a requirement that each permit for a waste tire stockpile contain a schedule for the abatement of all waste tires managed, stored, disposed, or otherwise deposited at the stockpile as expeditiously as practicable but not later than December 31, 2005, and containing annual incremental reductions in the quantity of waste tires stored at the site providing that 50 percent of the abatement shall be accomplished by not later than December 31, 2002.

"(4) Fees on purchase and disposal.—

"(A) In general.—The guidance published pursuant to paragraph (2) shall with respect to fees provide, at a minimum, for—

"(i) a requirement that the State impose a fee of not less than 50 cents on the sale of each new tire until such time as all waste tire dumps and waste tire stockpiles in the State have been abated;

"(ii) a requirement that a tipping fee of not less than $1 for each waste tire removed from a motor vehicle be paid by the owner or operator of the vehicle to the person or business removing the tire;

"(iii) a requirement that any tire hauler collecting tires from any person (including a business that removes tires and collects the fee required by subparagraph (B) or any other person including a household or commercial disposal site) charge a fee of not less than $1 for each waste tire collected; and

"(iv) a requirement that any tire collector or tire processor receiving waste tires charge the tire hauler, or any other person depositing tires at the collection site or processing site owned by the tire collector or tire processor, a fee of not less than $1 for each waste tire deposited at the site.

"(B) Adjustment of fees.—

"(i) In general.—The Administrator—

"(I) shall from time to time, but not less often than once every 3 years, review the fees required in State programs pursuant to clauses (ii), (iii), and (iv) of subparagraph (A); and

"(II) may adjust the amount of the fees to reflect the economics of tire processing and recycling.

"(ii) Incorporation by States.—If the Administrator adjusts the amount of a fee to be collected pursuant to clause (ii), (iii), or (iv) of subparagraph (A), not later than 1 year after the Administrator makes the adjustment, each State with an approved waste tire recycling, abatement, and disposal program shall revise its program to incorporate the adjustment.

"(C) Alternative fees.—A State may impose an alternative fee to the fee required by subparagraph (A)(i) (including a fee on a motor vehicle registration or transfer) if the State demonstrates to the Administrator that the alternative fee will provide resources sufficient to ensure abatement of all waste tire dumps and waste tire stockpiles in the State by not later than the dates required under subsection (c).

"(5) Uses of State revenue.—

"(A) In general.—Subject to subparagraph (B), the guidance published pursuant to paragraph (2) shall require that any revenues received by a State from the fee required by subparagraph (A)(i) or (C) of paragraph (4) be placed into a special fund and that appropriations from the fund be used only to—

"(i) abate waste tire dumps and waste tire stockpiles;

"(ii) make grants or loans, or enter into cooperative agreements with tire processors, to support recycling of waste tires;

"(iii) offset any additional cost associated with the procurement of asphalt pavement containing recycled rubber used in road construction by the State or a local government entity or in the procurement of other products made from recycled tires; or

"(iv) operate or provide grants to facilities that ensure compliance with the prohibitions of subsection (c) and the proper disposal of waste tires.

"(B) Administrative expenses.—Not more than 15 percent of the funds collected pursuant to subparagraph (A)(i) or (C) of paragraph (4) shall be used for administrative expenses of the State program.

"(6) Applications.—

"(A) In general.—Each State shall include in its program submission to the Administrator under this subsection a summary that includes—

"(i) the information collected pursuant to the notifications required by subsection (e); and

"(ii) to the maximum extent practicable, information on orphan tire collection sites for which no owner or operator submitted a notification form.

"(C) Report.—Not later than 3 years after the date of enactment of this section, the Administrator shall transmit to Congress a report on waste tire generation, management, collection, storage, recycling, and disposal based on the information included in State applications.

"(7) Approval or disapproval of State programs.—

"(A) In general.—A State program submitted under this section shall be deemed approved, unless disapproved by the Administrator.

"(B) Grounds for disapproval.—The Administrator shall disapprove any program submitted by a State, if the Administrator determines that—

"(i) the authorities contained in the program are not adequate to ensure compliance by tire haulers, tire collectors, and tire processors within the State with the requirements of this section;

"(ii) adequate authority does not exist, or adequate resources are not available, to implement the program;

"(iii) the program does not provide adequate assurance that all waste tire dumps and waste tire stockpiles will be abated by the dates required under subsection (c); or

"(iv) the program is not otherwise in compliance with the guidance issued by the Administrator under paragraph (2) or is not likely to satisfy, in whole or in part, the purposes of this section.

"(C) Necessary revisions or modifications.—If the Administrator disapproves a State program, the Administrator shall notify the State of any revision or modification that is necessary to obtain approval.

"(D) Resubmission.—The State may revise and resubmit the program for review and approval pursuant to this subsection.

"(E) Noncompliance.—

"(i) In general.—If the Administrator determines that a State is not administering a program in accordance with the guidance published under paragraph (2) or the requirements of this section, the Administrator shall—

"(I) notify the State of the determination (including the reasons for the determination); and

"(II) if action that will ensure prompt compliance is not taken within 180 days after notification, disapprove the program.

"(ii) Notification required before disapproval.—The Administrator shall not disapprove any program under this subparagraph unless the Administrator has notified the State of the disapproval (including the reasons for the disapproval) and made the disapproval (and reasons) public.

"(iii) Federal program.—At the time of disapproving a State program under this subparagraph, the Administrator shall establish a Federal program applicable in the State pursuant to subsection (h).

"(8) Enforcement.—This subsection shall not prevent the Administrator from enforcing any requirement of this section.

"(9) Grants and technical assistance.—

"(A) Grants.—The Administrator may make a grant to a State from the Waste Tire Recycling, Abatement, and Disposal Trust Fund to develop and implement a waste tire recycling, abatement, and disposal program under this section.

"(B) Assistance.—The Administrator may provide assistance to a State or local government agency, or to other persons on a cost recovery basis, with respect to techniques for waste tire recycling, processing, and abatement.

"(g) State Authority.—Nothing in this section shall prevent a State or political subdivision from imposing an additional or more stringent requirement on—

"(1) a tire hauler, tire collector, or tire processor;

"(2) the management, storage, processing, recycling, abatement, or disposal of waste tires; or

"(3) a waste tire collection site.

"(h) Federal Program.—

"(1) In general.—If a State has not submitted a waste tire recycling, abatement, and disposal program or is not adequately administering and enforcing such a program in accordance with this section, the Administrator shall establish, administer, and enforce a waste tire recycling, abatement, and disposal program for the State to ensure compliance with this section.

"(2) Date of establishment.—

"(A) No state program.—If a State has not submitted a waste tire recycling, abatement, and disposal program by the date that is 3 years after the date of enactment of this section, the Administrator shall establish a program under paragraph (1) on that date.

"(B) Withdrawn approval.—The Administrator shall establish a program under paragraph (1) for a State for which approval is withdrawn under subsection (f)(7) on the date of disapproval.

"(3) Permits and fees.—

"(A) In general.—The Administrator may issue a permit or collect a fee in lieu of a State pursuant to paragraphs (3) and (4) of subsection (f).

"(B) Use of funds.—Any amounts collected by the Administrator under subparagraph (A) shall be placed in the Waste Tire Recycling, Abatement, and Disposal Trust Fund for use under subsection (k).

"(i) Abatement and Response Authorities.—

"(1) In general.—To ensure compliance with subsection (c), the Administrator may—

"(A) order the owner or operator of a waste tire dump, waste tire stockpile, or other collection site or any person that has transported waste tires to a waste tire dump, waste tire stockpile, or other collection site to abate the dump, stockpile, or site, including issuing an enforceable schedule for removal of waste tires from the dump, stockpile, or site; and

"(B) undertake action to abate a tire collection site using funds from the Waste Tire Recycling, Abatement, and Disposal Trust Fund.

"(2) Civil action.—The Administrator may bring an action on behalf of the United States in the appropriate district court against the owner or operator of a waste tire dump, waste tire stockpile, or waste tire collection site or any other person that has transported waste tires to a waste tire dump, waste tire stockpile, or waste tire collection site to immediately restrain the person from operating, maintaining, or depositing waste tires at the dump, stockpile, or site or to take such other action as is necessary to protect human health or the environment.

"(3) Additional action.—If bringing an action under paragraph (2) is not sufficient to ensure prompt protection of human health or the environment, the Administrator may issue such orders as are necessary to protect human health and the environment.

"(4) Notification.—Prior to taking any action under this subsection, the Administrator shall notify the appropriate State and local governments of the action proposed to be taken.

"(5) Violations.—Any person that, without sufficient cause, willfully violates, or fails or refuses to comply with, an order of the Administrator under paragraph (3) may, in an action brought in the appropriate United States district court to enforce the order, be fined not more than $25,000 for each day during which the violation occurs or the failure to comply continues.

"(6) Liability for abatement costs.—

"(A) In general.—If the Administrator takes an abatement action under paragraph (1) for a waste tire collection site, the owner or operator of the site or any other person that has transported tires to the site shall be liable to the Administrator in the appropriate United States district court for all reasonable costs incurred in the abatement.

"(B) Use of funds.—Any funds recovered under subparagraph (A) shall be deposited in the Waste Tire Recycling, Abatement, and Disposal Trust Fund.

"(j) Public Lands.—

"(1) In general.—Not later than 2 years after the date of enactment of this section, after notice and opportunity for public comment, the Secretary of the Interior, the Administrator of the General Services Administration, and the head of each other Federal department, agency, or instrumentality that owns land on which a tire collection site is located shall, in consultation with the Administrator of the Environmental Protection Agency, prepare and commence to implement a plan to abate waste tire dumps and waste tire stockpiles that are located on land owned by the United States.

"(2) Time limit.—A plan under paragraph (1) shall ensure that any waste tires in waste tire dumps and waste tire stockpiles shall be properly disposed, recycled, or transferred to the operators of tire processing facilities as expeditiously as practicable and not later than December 31, 2002.

"(3) Authorization of appropriations.—There is authorized to be appropriated to the Secretary of the Interior, the Administrator of the General Services Administration, and the head of each other Federal department, agency, or instrumentality that owns land on which a tire collection site is located from the Waste Tire, Recycling, Abatement, and Disposal Trust Fund such sums as are necessary to carry out this subsection.

"(k) Use of Trust Fund Appropriations.—

"(1) State grants.—The Administrator may make a grant to a State to develop and implement a State program under subsection (f) and to carry out this section.

"(2) Shredding capacity.—

"(A) In general.—In making a grant under paragraph (1), the Administrator shall give highest priority to ensuring that adequate capacity is available to convert any waste tires newly removed from motor vehicles to shredded tire material beginning not later than 1 year after the date of enactment of this section.

"(B) Emergency grants.—The Administrator may make an emergency grant to a State, using the borrowing authority of the Waste Tire Recycling, Abatement, and Disposal Trust Fund, to ensure the shredding capacity described in subparagraph (A).

"(3) Abatement on public lands.—The Secretary of the Treasury may transfer, subject to appropriations, amounts from the Waste Tire Recycling, Abatement, and Disposal Trust Fund to the Secretary of the Interior, the Administrator of the General Services Administration, or the head of any other Federal department, agency, or instrumentality that owns land on which a waste tire collection site is located to abate the collection site.

"(4) Federal procurement.—The Secretary of the Treasury may transfer, subject to appropriations, amounts from the Waste Tire Recycling, Abatement, and Disposal Trust Fund to the Secretary of Transportation or to the head of any other Federal department, agency, or instrumentality engaged in road building to offset any additional cost associated with the procurement of asphalt pavement containing recycled rubber for road construction, surfacing, or resurfacing.

"(5) Federal programs and abatement actions.—There is authorized to be appropriated from the Waste Tire Recycling, Abatement, and Disposal Trust Fund to the Administrator such funds as are necessary to—

"(A) implement and enforce any Federal program established under subsection (h); and

"(B) take any abatement action pursuant to subsection (i).

"(6) Research.—

"(A) Grants and contracts.—The Administrator may use funds appropriated from the Waste Tire Recycling, Abatement, and Disposal Trust Fund to make a grant or enter into a contract or cooperative agreement with a person to conduct research and development on—

"(i) waste tire processing and recycling technologies; or

"(ii) the use, performance, and marketability of products made from crumb rubber or other materials produced from waste tire processing.

"(B) Research program.—

"(i) In general.—The Administrator, in cooperation with the Secretary of Transportation, shall conduct a program of research to determine—

"(I) the public health and environmental risks associated with the production and use of asphalt pavement containing recycled rubber;

"(II) the performance of asphalt pavement containing recycled rubber under various climate and use conditions; and

"(III) the degree to which asphalt pavement containing recycled rubber can be recycled.

"(ii) DATE OF COMPLETION.—The Administrator shall complete the research program under clause (i) not later than 3 years after the date of enactment of this section.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Waste Tire Recycling, Abatement, and Disposal Trust Fund such sums as are necessary to carry out this subsection.

"(l) ENFORCEMENT.—

"(1) COMPLIANCE ORDERS.—

"(A) ISSUANCE.—

"(i) IN GENERAL.—If (on the basis of any information) the Administrator determines that a person has violated, or is in violation of, any requirement or prohibition in effect under this section (including any requirement or prohibition in effect under regulations promulgated to carry out this section), the Administrator may—

"(I) issue an order assessing a civil penalty for any past or current violation, or requiring compliance immediately or within a specified time period, or both; or

"(II) commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(ii) NATURE OF VIOLATION.—Any order issued pursuant to clause (i)(I) shall state with reasonable specificity the nature of the violation.

"(B) PENALTIES.—

"(i) IN GENERAL.—Any penalty assessed in an order under this subsection shall not exceed $25,000 per day of noncompliance for each violation of a requirement or prohibition in effect under this section.

"(ii) FACTORS.—In assessing the penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(C) PUBLIC HEARINGS.—

"(i) IN GENERAL.—Any order issued under this paragraph shall become final unless, not later than 30 days after the issuance of the order, the persons named in the order request a public hearing.

"(ii) HEARING REQUIRED.—On receipt of the request, the Administrator shall promptly conduct a public hearing.

"(iii) ADMINISTRATION.—In connection with any proceeding under this paragraph, the Administrator may issue subpoenas for the production of relevant papers, books, and documents, and may promulgate rules for discovery.

"(D) NONCOMPLIANCE.—In the case of a final order under this paragraph requiring compliance with any requirement of this section (including a regulation), if a violator, without sufficient cause, fails to take corrective action within the time specified in the order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.

"(2) CRIMINAL PENALTIES.—

"(A) IN GENERAL.—Any person that—

"(i) knowingly violates the requirements of this section (including a regulation); or

"(ii) knowingly omits material information or makes any false material statement or representation in any record, report, or other document filed, maintained, or used for purposes of compliance with this section (including a regulation);

shall, on conviction, be subject to a fine of not more than $50,000 for each day of violation or imprisonment for not to exceed 2 years, or both.

"(B) REPEAT OFFENSES.—If the conviction is for a violation committed after a first conviction of the person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(3) CIVIL PENALTIES.—

"(A) IN GENERAL.—Any person that violates any requirement of this section (including a regulation) shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

"(B) SEPARATE VIOLATIONS.—For purposes of subparagraph (A), each day of the violation shall constitute a separate violation.".

SEC. 4. ADDITIONAL PROCUREMENT GUIDELINES.

Section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6963(e)) is amended by inserting after "October 1, 1985." the following: "Not later than December 31, 1999, the Administrator shall prepare final guidelines for rubber products (including asphalt pavement) containing crumb rubber derived by processing waste tires.".

SEC. 5. CONFORMING AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. 6901) is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4011. Waste tire recycling, abatement, and disposal.".

SUMMARY OF THE WASTE TIRE RECYCLING, ABATEMENT, AND DISPOSAL ACT OF 1997

Section 1 is the title of the bill: the Waste Tire Recycling, Abatement and Disposal Act of 1997.

Section 2 contains Congressional findings including: 1) 250 million tires are disposed each year and 3 billion have accumulated in tire piles; 2) current storage and disposal practices are threat to human health and the environment; and 3) there are opportunities to recycle tires.

Section 3 amends the Solid Waste Disposal Act (RCRA) adding a new section to subtitle D with several elements:

Purposes: 1) to encourage tire recycling; 2) to prevent disease and fires; 3) to require abatement (reduction in size of stockpiles to not more than 2500 tires in any pile) by the year 2006; and 4) to regulate commerce in scrap tires.

Definitions: The most important include: 1) a tire collection site is anything more than 400 tires; 2) shredding means to process tires to a size that won't hold water; 3) recycle does not include burning; 4) abate means to reduce the size of a tire pile to not more than 2500 shredded tires; and 5) properly disposed means shredded and placed in a landfill meeting subtitle D criteria.

Prohibitions: 1) disposal of whole tires in landfills is banned one year after enactment; 2) beginning one year after enactment, tires newly removed from a vehicle must be shredded or processed within 7 days; 3) also beginning one year after enactment, fire and disease prevention standards including maximum pile size and minimum spacing requirements are imposed on tire collection sites; 4) beginning four years after enactment all tires in existing piles must be shredded; 5) a year after state programs are adopted (which will generally be three years after enactment) all tire haulers and collectors must operate under state-issued permits; and 6) after the year 2006 tire piles bigger than 2500 tires are prohibited.

Exemptions: 1) retailers storing not more than 1500 tires at one site; 2) retreaders storing a 30-day supply of casings; 3) service stations and others who remove tires storing not more than 1500 tires at one site; 4) landfills storing not more than 2500 tires for processing or disposal; 5) marine and agricultural uses if used within 6 months.

Registration: All tire haulers, tire collectors and tire processors are required to notify state agencies within six months of enactment providing information on waste tire stockpiles and collection practices.

State Programs: EPA is to provide guidance within 12 months. Any State can apply to run a program which meets guidance. State programs must require permits for haulers, collectors and processors. States must collect fees of at least 50 cents for each new tire sold and use revenue to manage programs. States must have a plan providing for the abatement of all tire stockpiles. States must inspect sites before permits are granted. Tire collectors must show financial responsibility for abatement of tires stored (a bond in the amount of approximately $1 per tire allowed to be stored under permit). Permits must contain abatement schedules assuring that all tire piles are abated by year 2006. States must have authority to order abatement of tire piles. A tipping fee of $1 per tire is also to be charged to vehicle owner upon removal of used tire.

EPA Program: EPA is to establish program for each state which does not have one by the date three years after enactment. EPA's program would be identical to a State program.

Abatement Authority: EPA is given authority to order the abatement of a tire pile. EPA also is given authority to cleanup a tire pile and recover costs from the owner of the site.

Public Lands: The head of each federal agency owning land on which a tire stockpile is located is to develop an abatement plan.

Enforcement: EPA is given enforcement authority equivalent to that available under subtitle C of RCRA to take action against any person violating these new provisions.

Section 4 requires EPA to publish a federal procurement guideline for asphalt pavement containing recycled rubber not later than December 31, 1999.

Section 5 includes conforming amendments to RCRA.

SUMMARY OF TAX AMENDMENTS

Section 1 imposes a federal tax of 50 cents per tire on the sale of new tires. The tax would collect approximately $120 million per year and extends for a period of five years.

Section 2 creates a trust fund to receive the revenues from the new federal tire tax. The trust fund could be used to: (1) make grants to the states; (2) establish shredding capacity for newly removed tires; (3) abate tire piles on federal lands; (4) purchase asphalt pavement containing recycled rubber for federal projects; (5) finance abatement at orphan tire collection sites; and (6) conduct research on tire recycling technologies.

By Mr. NICKLES (for himself, Mr. INHOFE, Mr. HATCH, Mr. LEAHY, and Mr. GRASSLEY):

S. 447. A bill to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime, and for other purposes; read twice and placed on the calendar.

THE VICTIMS' RIGHTS CLARIFICATION ACT OF 1997

Mr. NICKLES. Mr. President, I rise today on behalf of victims of the Oklahoma City bombing and their families, as well as other victims of crime, to introduce the Victims Rights Clarification Act of 1997. The purpose of this legislation is to clarify the rights of victims of crime to attend and observe the trials of the accused and testify at the sentencing hearing. I want to express my sincere thanks to Senators HATCH, LEAHY, INHOFE, GRASSLEY, and KENNEDY for their hard work in crafting this bipartisan legislation.

During my tenure in the Senate, I have worked to ensure victims of crime have equal standing under the law with those who have violated the public trust. Progress has been made. The Victims' Bill of Rights, approved by Congress in 1990, guarantees that victims of crime may be present at public court proceedings, providing that a victim's attendance does not materially affect his or her testimony. In 1996, as part of the antiterrorism bill, I included a provision based on my Crime Victim Restitution Act, which entitles victims of crime to receive full financial compensation directly from the criminal in the form of mandatory restitution.

Too often, however, the rights of victims are sacrificed or forgotten. The Victims Rights Clarification Act of 1997 clarifies the intent of Congress with respect to the rights of victims to be present at trial and be heard during the sentencing phase of the proceedings. This piece of legislation further demonstrates the bipartisan will of Congress to protect the rights of victims, as well as the accused.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims' Rights Clarification Act of 1997".

SEC. 2. RIGHTS OF VICTIMS TO ATTEND AND OBSERVE TRIAL.

(a) IN GENERAL.—

(1) RIGHTS OF VICTIMS TO ATTEND AND OBSERVE TRIAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§ 3510. Rights of victims to attend and observe trial

"(a) IN GENERAL.—Notwithstanding any statute, rule, or other provision of law, in any trial of a defendant accused of an offense, a United States district court shall not order the exclusion of any victim of the offense from the trial on the basis that the victim may, during the sentencing phase of the proceedings—

"(1) make a victim impact statement or present any victim impact information in relation to the sentence to be imposed on the defendant; or

"(2) testify as to the effect of the offense on the victim or the family of the victim.

"(b) DEFINITION OF VICTIM.—In this section, the term 'victim' has the same meaning as in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).".

(2) CLEARICAL AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3510. Rights of victims to attend and observe trial.".

(b) ADMISSIBILITY OF CERTAIN EVIDENCE.—Section 3593(c) of title 18, United States Code, is amended by inserting after "misleading the jury." the following: "For purposes of the preceding sentence, the fact that a victim (as that term is defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2))) attended or observed the trial in accordance with applicable statutes, rules, or other provisions of law, shall not be construed to create a danger of unfair prejudice, confusing the issues, or misleading the jury.".

(c) EFFECT ON PENDING CASES.—The amendments made by this section shall apply in any case that is pending on the date of the enactment of this Act.

Mr. LEAHY. Mr. President, I join as an original cosponsor of the Victims' Rights Clarification Act of 1997.

One of the most important rights that we can safeguard for crime victims is the right to be heard in connection with sentencing decisions for the perpetrators of the crimes that changed their lives. When I was privileged to serve as State's attorney for Chittenden County, I tried to inform crime victims of the status of cases and to involve them, not only as witnesses at trial, but during the sentencing proceedings as well. Lawyers call this a right of allocution. To victims, it is a right to be heard. A similarly important right for victims is the right to witness the trial of the accused.

Congress has addressed a victims' right of allocution and right to witness trials several times in recent years. In 1990, Congress passed the Victims' Rights and Restitution Act, commonly known as the victims bill of rights. This legislation expressly provides that crime victims shall have the right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

In the Violent Crime Control and Law Enforcement Act of 1994, Congress included several provisions granting victims the right of attendance at trials and allocution in sentencing hearings. For instance, the legislation provides for a specific right of allocution by amending rule 32 of the Federal Rules of Criminal Procedure, thereby requiring Federal judges at the sentencing for a crime of violence or sexual assault to address the victim personally if the victim is present at sentencing and to determine if the victim wishes to make a statement or presentation. The legislation also authorizes courts to hear victim impact testimony at capital sentencing proceedings, and requires courts to determine if the victim wishes to make a statement or present any information in relation to the sentence.

Finally, last year, Congress enacted the Televised Proceedings for Crime Victims Act as part of the Antiterrorism and Effective Death Penalty Act of 1996. Responding to the difficulties created for victims of the Oklahoma City bombing when the trial was moved to Denver, the statute was designed to provide a closed circuit feed back to the victims and their families in Oklahoma City.

The Supreme Court has also ruled that victim impact statements are permissible in death penalty cases. In the 1991 case Payne versus Tennessee, the Supreme Court said that a sentencing jury in a capital case may consider victim impact evidence relating to the victim's personal characteristics and the emotional impact of the murder on the victim's family. The Court made clear that it is an affront to the civilized members of the human race to say that at sentencing in a capital case, a parade of witnesses may praise the background, character, and good deeds of the defendant, but nothing may be said that bears upon the character of, or the harm imposed upon, the victims.

Although Congress and the Supreme Court has made progress over the last 20 years in recognizing crime victims' rights, we still have more to do, especially with regards to a victim's right of allocation and right to witness trials. Although I spoke of the need to do more with regards to these issues last year when Congress enacted the Justice for Victims of Terrorism Act, this need was highlighted by the recent district and appellate court rulings on motions in the Oklahoma City bombing cases. The courts ruled that the victims are categorically excluded from both watching the trial and providing victim impact statements. Thus the victims are faced with the excruciating dilemma of having to choose between attending the trial and testifying at the sentencing proceedings. If they sit outside the courtroom during the trial, they may never learn the details of how the justice system responded to this horrible crime. On the other hand, if they attend the trial, they will never be able to tell the jury the full extent of the suffering the crime has caused to them and to their families.

The law as it is, has been written by Congress and interpreted by the Supreme Court does not thrust this painful choice upon the victims. However, the recent district and appellate court rulings on motions reveal the need to clarify existing law. In this regard, let me specify what the Victims' Rights Clarification Act of 1997 would and would not do.

The law would:

Clarify that a court shall not exclude a victim from witnessing a trial on the basis that the victim may, during the sentencing phase of the proceedings, make a victim impact statement.

Clarify that a court shall not prohibit a victim from making a victim impact statement solely because the victim had witnessed the trial.

Just as importantly, the law would not:

Eliminate a judge's discretion to exclude a victim's testimony that creates unfair prejudice, confuses the issues, or misleads the jury.

Attempt to strip a defendant of his or her constitutional rights.

Overturn any final judicial rulings.

The defendants in the Oklahoma City bombing case have argued to the court that, despite the victims' rights laws, the court has the responsibility to safeguard against any identifiable risk that emotion could overwhelm reason when the victims provide their victim impact testimony. According to the defendants, the only way that the court can meet this responsibility is to provide the victims with the Hobson's choice of witnessing the trial or providing victim impact statements. However, to paraphrase Justice O'Connor's eloquent statement in the Payne versus Tennessee case, the possibility that evidence may in some cases be unduly inflammatory does not justify a prophylactic, constitutionally based rule that this evidence may never be admitted.

It is for this reason that I am joining my cosponsors to clarify what rights victims in this country should and do have. There is more that needs to be done in this regard, but with this bipartisan legislation, we are taking an important and timely step in the right direction.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 101

At the request of Mrs. BOXER, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 101, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 139

At the request of Mr. FAIRCLOTH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 139, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 235

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 235, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

ADDITIONAL STATEMENTS

NUCLEAR WASTE POLICY ACT OF 1997

• Mr. DORGAN. Mr. President, yesterday the Senate Energy Committee voted to approve the Nuclear Waste Policy Act of 1997, S. 104, which would establish the construction of an interim facility to store spent nuclear fuel and high-level nuclear waste produced by the electric industry and by the military.

As a member of the Energy Committee, I voted against S. 104 for two reasons. First, I think today's markup of this legislation was premature. Only 2 days ago the Senate voted to confirm the new head of the Energy Department, Secretary Federico Peña. Clearly Mr. Peña hasn't had an opportunity to fully examine this complex issue. He will need some additional time to study S. 104 and offer his views and recommendations about it. Second, I still have some concerns about whether this bill will facilitate or frustrate getting approval for a permanent disposal site of our Nation's spent nuclear fuel.

Having said this, I want my colleagues to understand that I think that this is an issue that needs immediate attention. The administration and Congress must sit down to negotiate a final solution to this problem as soon as possible. I hope some compromise can be reached that will allow me to vote for this legislation on the Senate floor.•

AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

• Mr. JOHNSON. Mr. President, I want to express my strong support for the American Indian Transportation Improvement Act introduced by Senator DOMENICI. I am an original cosponsor of this bill because I feel strongly that the BIA and other Federal agencies must prioritize programs which develop infrastructure on reservations, and that the Congress must match those commitments with adequate funding. I know first hand the desperate need for road improvement and repair on South Dakota's Indian reservations, and I believe increased funding for road infrastructure must be a national priority.

There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages above 50 percent. Yet economic depression on rural Indian reservations is not unique to my State. I strongly believe that road infrastructure is an integral and most basic component to economic development for Indian and non-Indian communities alike.

Senator DOMENICI's initiative increases funding for reservation roads through the existing Indian Reservation Roads [IRR] Program. This program returns a portion of the gasoline tax, paid by every Indian who buys gasoline, to Indian tribes for the design and construction of BIA roads. This bill also expands opportunities under the IRR Program and related ISTEA programs to improve the transportation system on our Nation's Indian reservations, including bridge construction, transit systems, highway enhancements, scenic byways, and Indian technical centers.

In South Dakota, BIA proposed funding for 1997 is 24 percent lower than 1996. Yet abysmal road conditions continue to worsen. There are nearly 8,000 miles of roads in my State, 1,156 miles of which are on reservations. Of these roads, 80 percent are in need of complete replacement. Another 10 percent are in need of significant repair. Only 10 percent of all the roads on South Dakota reservations are rated in good condition. Road statistics like these are repeated in state after state, and I believe immediate action must be taken.

I encourage my colleagues to join me in supporting this bill for a number of reasons, the most serious of which is health and safety. From 1992 to 1996, the death rate on South Dakota reservation roads was three times as high as the rate on non-reservation roads. Children who ride buses to school are put at great risk as these buses travel over dilapidated road infrastructure, while ambulances and other emergency vehicles have to be routed around otherwise direct routes to and from emergency situations because of road conditions. The extra moments, even hours added to these emergency runs put human life in jeopardy. No community in this country should be forced to travel on roads as damaged and dangerous as those on reservations in my State.

Mr. President, I am extremely pleased that my colleague has recognized the national need to improve roads in Indian country. Senator DOMENICI has developed this legislation in close consultation with Indian leaders, and I am hopeful that the Senate will move the American Indian Transportation Improvement Act forward as quickly as possible.•

TRIBUTE TO SUSAN HOECHSTETTER

• Mr. INOUYE. Mr. President, I rise today to pay tribute to Susan Nan Hoechstetter, a social worker with whom I have been privileged to work with for many years. Throughout her 13 years of employment with National Association of Social Workers [NASW], Sue Hoechstetter tenaciously promoted the social work profession and advocated for social policy that recognizes the responsible role of government in assisting individuals, families, and communities to work together and address their common needs.

When Sue first began representing the interests of social workers before the U.S. Congress, very few Federal statutes directly acknowledged the significant role of professional social workers in providing health, mental health, and counseling services. Now, however, through Sue's able leadership, all Federal insurance programs that authorize the provision of mental health care services, including Medicare, the Federal Employee Health Benefits Program, and the Civilian Health and Medical Program of the Uniformed Services, recognize the ability of clinical social workers to independently diagnose and treat mental illness. Additionally, clinical social workers are now identified as health professionals through title VII of the Public Health Service Act, and school social workers are acknowledged as key members of the pupil services team through various educational programs.

During Sue Hoechstetter's tenure, the National Association of Social Workers also provided leadership in promoting progressive social policy. Family and medical leave, health care reform, improved staffing and training in the child welfare system, and the development of Federal managed care standards are just a few of the proactive policies that NASW advocated under her direction.

In recent years, Sue and the association have devoted considerable energy in an attempt to preserve the entitlement for children under the Aid to Families with Dependent Children Program, as well as to preserve the financial and program integrity of the Medicaid and Medicare Programs.

Sue Hoechstetter has never represented a high-powered firm, has never enjoyed the luxury of having a host of assistants to support her work, and has never received great financial reward for her efforts. I suspect that Sue would not recognize an alligator shoe if she saw one. Yet, I believe it is absolutely essential that Sue Hoechstetter and others who share Sue's values continue their work educating the Congress. Our representative form of government requires the active engagement of competing interests in the formulation of Federal policy, and I am very glad that professionals like Sue Hoechstetter promote social policies that support the common good and help people in need participate in the process.

I am deeply saddened that Sue will no longer be representing the interests of the National Association of Social Workers. Her contribution to the association has been considerable. However, I am very pleased that Sue will continue to pursue her interests in increasing citizen participation in the political process. I wish her the very best.•

CONGRATULATIONS TO THE REGENT-NEW ENGLAND BASKETBALL TEAM

• Mr. DORGAN. Mr. President, the Regent, North Dakota basketball team is going to the State basketball tournament for the first time ever.

Well, technically, it's the Regent-New England basketball team, but it's all the same to me. These young boys from Hettinger County who play on the Regent-New England basketball team have made this Regent High School graduate enormously proud.

You don't have to come from a big school to have big talent or a big heart and that's what these young men are proving.

I don't know who will win the North Dakota State class B tournament but I did want to share my excitement about the achievements of Curt Honeyman and his team of outstanding young men.

There are no mountains in Hettinger County, but these young men found a goal and have climbed their personal mountain to reach their pinnacle of success. It is a thrill they and everyone around the county will never forget, and I wanted to share that thrill with my colleagues in the Senate.•

COMMENDING THE CHAIR OF THE U.S. SURFACE TRANSPORTATION BOARD, LINDA J. MORGAN

• Mr. HOLLINGS. Mr. President, today, I am pleased to commend Linda J. Morgan, the Chair of the U.S. Surface Transportation Board [STB], for her leadership in facilitating the discussions that have led to a possible settlement among the three major eastern rail carriers that would end the bitter, long, and costly merger fight between the Norfolk Southern, CSX, and Conrail Railroads. For months the Nation has witnessed the spectacle of these three giants trying to gain an advantage over each other and access to almost 4 billion dollars' worth of annual rail freight. This merger fight was shaping up to be a battle costing millions of dollars with no end in sight. And certainly there was no guarantee that the American consumer would be better at the end of the struggle than they were at its beginning.

Ms. Morgan's service to this Nation is twofold. First, there was her simple, and very wise, suggestion to the parties that a settlement between the parties ending this fight would probably be preferable to having the Government step in and end the fight. Second, there was her astute suggestion that gaining rail competition in the Northeast should be an important goal in any final decision by the STB, which must approve any merger.

It is important to note that many interested parties appreciated her candor and attention to the people's welfare. State agencies in the Northeast had urged a negotiated solution that would encourage more competition. Certainly, shippers have long seen the need for more competition in moving cargo through the largest North American consumer markets. The Journal of Commerce was moved to editorialize on [March 6, 1997] that the agreement spurred by Chairman Morgan's comment "makes good business sense" and that "Ms. Morgan showed a deft touch, hinting at regulators' views without compromising her objectivity about a case that hadn't yet been filed."

Let me close by saying that Linda Morgan's deft touch has given consumers and shippers some hope that they will come out ahead after any merger. It's a view that was articulated in The Journal of Commerce: "The deal * * * will provide effective rail freight competition into New York * * * (and) offers more competitive service in other cities—among them Baltimore, Philadelphia, Wilmington and Pittsburgh * * *" I offer my thanks to Ms. Morgan, a fine example of a dedicated and effective public servant.●

DOMESTIC VIOLENCE IDENTIFICATION AND REFERRAL ACT

● Mr. WYDEN. Mr. President, I am pleased to join with Senator BOXER as a cosponsor of the Domestic Violence Identification and Referral Act. With the passage of the Violence Against Women Act in the 1994 crime bill, Congress addressed the need to educate law enforcement, judges, and prosecutors about how to deal with situations of domestic violence. However, in this important piece of legislation, Congress overlooked a major resource in the battle against domestic violence—our health care professionals. Doctors, nurses, and others in health professions are often the first to see the effects of battering and are often in the best position to stop the cycle of violence before it goes any further.

While domestic violence is the leading cause of injury to women, many doctors, and nurses are unaware or unsure of the symptoms, treatment, and means of preventing domestic violence. In 1992, a Surgeon General's report cited a study showing 35 percent of the women who visit hospital emergency rooms were there because of ongoing abuse. Additionally, the study found that only 5 percent of the abused women were actually identified as such. A 1995 issue of the Journal of the American Medical Association [JAMA] determined that little had changed since the earlier study and that doctors still failed to identify women who were injured as a result of domestic violence.

In a June 17, 1992, issue of the Journal of the American Medical Association Dr. Richard F. Jones III, the then-president of the American College of Obstetricians and Gynecologists [ACOG], related how for years he had missed the obvious signs of physical abuse in women patients. He had been asking the wrong questions and failed to elicit the true cause of their injuries. Only when he started asking these women directly if they were victims of physical abuse did the truth emerge.

Similarly, according to an article in a November 1995 issue of American Medicine, 60 percent of those graduating from medical schools felt that an insufficient amount of attention within the medical school curriculum was given to the issue of family and domestic violence.

Since Senator BOXER, Representative MORELLA, and I introduced the Domestic Violence Identification and Referral Act in 1992, the medical community has taken many steps to increase outreach and education on the issue of domestic violence. However, as these studies show, the fact is that when it comes to domestic violence, the bruises and abrasions get dressed, but the cause goes unaddressed. Doctors miss the signs of domestic violence early on and then often miss them again when they have become catastrophic.

The Domestic Violence Identification and Referral Act provides incentives for medical schools to provide significant training in identifying, treating and referring victims of domestic violence. The legislation will give preference in awarding grants under the health professions education titles of the Public Health Services Act to schools that have incorporated training in domestic violence into their curriculum.

The title VII and title VIII grant programs, singled out in the bill, are demonstration grants and makeup but a small part of the hundreds of millions of Federal dollars that go to medical schools for state-of-the-art medical education. It seems to me to be self-evident that if we give medical schools this sort of funding, they should at least give some time to addressing the No. 1 cause of injury to women.

In drafting this legislation we worked closely with doctors, nurses, medical schools, and domestic violence groups. The Association of American Medical Colleges, American College of Obstetricians and Gynecologists, the American Medical Women's Association, the National Coalition Against Domestic Violence, AYUDA, NOW Legal Defense Fund, American Nurses Association, National League For Nursing, Association of Reproductive Health Professionals, and the Family Violence Prevention Fund, among others, have voiced their support for this legislation.

I thank the many groups that assisted in drafting this legislation and Senator BOXER for her leadership in this matter. I urge the Congress to pass this important piece of legislation this year.●

● Mrs. BOXER. Mr. President, Senator WYDEN has been added as a cosponsor to S. 101, the Domestic Violence Identification and Referral Act.

Senator WYDEN is the original author of this legislation, of which I am proud to be the Senate sponsor. He wrote it while he was a member of the House of Representatives, and has been the driving force behind this very important legislation. I was honored in the 103d Congress, when he asked me to introduce the Senate companion version.

Since Senator WYDEN's election to the Senate last year, we have worked hand-in-hand on this legislation. I look forward to working together in the 105th Congress to finally bring this bill to passage.●

NATIONAL CHARACTER COUNTS WEEK

● Mr. DORGAN. Mr. President, I am pleased to support the National Character Counts Week resolution. Senator DOMENICI has introduced this resolution, which declares October 19 through 25, 1997, as National Character Counts Week, on behalf of myself and the bipartisan membership of the Senate Character Counts Group. I especially want to thank Senator DOMENICI for his continuing good leadership on Character Counts.

The national Character Counts Coalition, an alliance of hundreds of groups, communities, and individuals, was born out of a meeting of some of our country's best thinkers and doers in Colorado less than 5 years ago. These folks had many of the concerns that I know a lot of us here in the Senate share about the wrong direction that many of our young people seem to be headed.

Character Counts calls on all of us, educators, church and youth leaders, community and business leaders, and most importantly parents, to reinforce six basic values, or pillars of character. These values are so important and basic that I do not think anyone could question them. They are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I have two young children, so I know firsthand how difficult it is for kids to make the right choices when they are constantly being bombarded by messages from our popular culture that it is cool to drink alcohol or smoke or use vulgar language. To counteract these messages, it is more important than ever that we instill in our young people the integrity and good character to stand up for what is right. Children are not born with good character. They learn by example, and if they have good role models all around them, I am confident they will make correct choices for themselves.

As evidence that children are eager, even hungry, to do the right thing if given the proper reinforcement, I want to hold up the story of 11-year-old Herbert Tarvin. Many of you may remember hearing on the news about the Brinks armored car that crashed in January of this year in one of Miami, Florida's poorest neighborhoods. Herbert was walking to school that day when he passed the wrecked truck, and like many of the adults all around him, he gave into the temptation to grab some of the money from the truck. Herbert's newfound riches totaled 85 cents. In all, some $300,000 in cash and coins was stolen from the truck.

Fortunately, when Herbert got to school, he had a teacher who cared enough to urge her students to turn over any money they had taken. Herbert's conscience prompted him to turn his 85-cent windfall over to his teacher, who returned it to the Brinks Co. Herbert says he knows he should not have taken the money to begin with because his mom and teacher have taught him better than that, but I am proud of him for ultimately returning the money.

Many of the adults around Herbert did not act so honorably. After weeks of public pleas and investigations, only about $300 of the $300,000 taken from the truck has been returned. Even so, this story is heartening to me because I think it shows that children want to do the right thing when faced with difficult situations. As Herbert's mom and teacher have done, we all have a role in ensuring that all children are given the ethical tools they need to make difficult choices in today's world. Quite simply, that is what the Character Counts Program is all about.

I have found that young people in North Dakota are excited about Character Counts. Nearly a year ago, I brought together a group of about three dozen North Dakotans, including several young people, to introduce them to the Character Counts Program. Out of that meeting was born a Character Counts initiative in North Dakota, under the leadership of 4-H youth specialist Geri Bosch.

In the year since then, Geri and her army of college- and high school-aged 4-H youth ambassadors have been traveling throughout North Dakota to share the Character Counts concept with children, youth, and adults alike, and Character Counts is spreading like wildfire in my State. In December alone, nearly 200 concerned adults participated in Character Counts training so that they could take Character Counts back to their communities. Even more exciting, more than 1,000 young people in North Dakota have participated in the Character Counts Program directly in some way throughout the last year, and countless other kids have been indirectly influenced for the better through the teachers, youth leaders, clergy members, and other concerned citizens who touch their lives daily.

I have been proud to play some small role in supporting Character Counts in North Dakota and our country. Through these kinds of efforts, we can build a better future for our kids, and I want to again pledge my continued help and support for teaching the pillars of good character.●

MEASURE PLACED ON THE CALENDAR—S. 447

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senate bill 447, introduced earlier today by Senator NICKLES, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. DOMENICI. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 25, Senate Resolution 56.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 56) designating March 25, 1997, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 56

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily uopn the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only three nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic world War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II.

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1997 marks the 176th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1997 is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

IRISH-AMERICAN HERITAGE MONTH

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 59, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 59) designating the month of March of each year as "Irish American Heritage Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, it is a privilege to join 50 of my colleagues as sponsors of this Senate resolution to designate the month of March each year as "Irish-American Heritage Month."

Irish-Americans have contributed to every aspect of American life—business and labor, agriculture and industry, education and the arts, science and religion, at every level of government, and in all aspects of public service.

From the days of the earliest settlers to our shores, immigrants from Ireland have found hope and opportunity and new lives in America. They powered our industrial revolution. They took jobs as laborers. They dug the canals. They built the railroads that took America to the West. Even today, it is said that under every railroad tie, an Irishman is buried.

In all of these ways and many more, Irish-Americans have contributed immensely to our Nation and they continue to do so. In a very real sense, their greatest legacy is our modern Nation.

Today, over 44 million Americans are of Irish descent. They are proud of America and proud of their Irish heritage, and it is fitting that we pass this resolution honoring this extraordinary aspect of our history.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution and its preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be placed in the RECORD in the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, are as follows:

S. RES. 59

Whereas by 1776 nearly 300,000 persons had emigrated to the United States from Ireland;

Whereas following the Revolutionary War victory of Washington's troops at Yorktown, a French Major General reported that Congress and America owed its existence, and possibly its preservation, to the support of the Irish;

Whereas at least 8 signers of the Declaration of Independence were of Irish origin;

Whereas more than 200 Irish Americans have been awarded the Congressional Medal of Honor;

Whereas 19 Presidents of the United States proudly claim Irish heritage, including the first president, George Washington;

Whereas 44 million American citizens are of Irish descent; and

Whereas the Irish and their descendants have contributed greatly to the enrichment of all aspects of life in the United States, including military and government service, science, education, art, agriculture, business, industry, and athletics: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of March of each year as "Irish American Heritage Month"; and

(2) requests that the President issue a proclamation designating the month of March of each year as "Irish American heritage Month" and calling on the people of the United States to observe the month with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations: No. 35, and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations appear at this point in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Princeton Nathan Lyman, of Maryland, a career member of the Senior Foreign Service, class of career minister, to be an Assistant Secretary of State.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Terrence J. Brown, and ending Terrence P. Tiffany, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR MONDAY, MARCH 17, 1997

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 17.

I further ask that on Monday, immediately following the prayer, the routine requests for the morning hour be granted, and there then will be a period of morning business until the hour of 1 p.m., with Senators permitted to speak therein for 5 minutes each, with the following exceptions: Senator THOMAS, in control of 30 minutes; Senator DASCHLE, or his designee, in control of 30 minutes.

I further ask that the Senate then immediately resume consideration of Senate Joint Resolution 22, the independent counsel resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that, on Tuesday, March 18, Senator BYRD be recognized from 11 o'clock to 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, for the information of all Senators, on Monday, following morning business, the Senate will resume consideration of Senate Joint Resolution 22, the independent counsel resolution. There will be no rollcall votes during Monday's session of the Senate. As a reminder, the next rollcall vote will occur at 2:45 p.m. on Tuesday, March 18, on the passage of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment on campaign funding. On Monday, under the consent agreement with regard to the independent counsel resolution, amendments may be offered starting at 3 p.m. The majority leader will continue discussions with the Democratic leader in the hope that they will be able to reach agreement on this very important resolution, so that we may be able to complete action on it by midweek. The majority leader thanks all our colleagues for their cooperation.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the appointment of Dr. Larry K. Brendtro, of South Dakota, to serve a 2-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

ADJOURNMENT UNTIL MONDAY, MARCH 17, 1997

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:25 p.m., adjourned until Monday, March 17, 1997, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 14, 1997:

DEPARTMENT OF STATE

PRINCETON NATHAN LYMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING TERRENCE J. BROWN, AND ENDING TERRENCE P. TIFFANY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 1997.

Senate *Monday, March 17, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, we will celebrate St. Patrick's Day. It is appropriate to share the Gaelic blessing and then pray one of St. Patrick's prayers.

May the road rise up to meet you,
May the wind be always at your back
May the sun lie warm upon your face,
The rain fall softly on your fields,
And until we meet again
May the Lord hold you
In the hollow of His hand.

Gracious Lord, we remember the words with which St. Patrick began his days. "I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me and God's shield to protect me." In Your Holy Name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized, Senator LOTT.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today at 1 p.m., following morning business, the Senate will resume consideration of Senate Joint Resolution 22, the call for an independent counsel resolution.

For the information of all Members, no rollcall votes will occur during today's session of the Senate, and the next rollcall vote will occur at approximately 2:45 on Tuesday. That rollcall vote will be on passage of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment for campaign expenditures.

Regarding the independent counsel resolution, under the previous order, amendments may be offered to that resolution beginning today at 3 p.m.

It is my hope that the Democratic leader and I will be able to reach an agreement as to when the Senate will complete action on Senate Joint Resolution 22—hopefully by tomorrow evening. All Members will be notified when an agreement is reached.

It is possible that the Senate will consider a resolution also regarding Mexico and their certification in the antidrug effort. But I presume that would come not later than Wednesday. Maybe we could even go to it on Tuesday. But right now it looks like it will be Wednesday before we get to that.

The Senate may also begin consideration this week of the nuclear waste legislation.

I will remind all Senators that this is the last week prior to the Easter recess period. I hope the Members will plan accordingly, as we wish to finish our business on time. It will take some cooperation this week to get through the matters we have pending.

We are also seeing if we can get a time agreement on one of the judicial appointments. We have not been able to do that yet. We will continue to work on it.

Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, there will be 30 minutes under the control of the Senator from Wyoming [Mr. THOMAS]. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

FREEDOM FROM GOVERNMENT COMPETITION ACT

Mr. THOMAS. Mr. President, I have a couple of things I wanted to visit about this morning. The first one of the priorities that I and a number of people have for the 105th Congress is S. 314, the Freedom From Government Competition Act.

This is an effort, along with many other things, to seek to reduce the size of the central Government, which most people agree we should do. It is one of the reasons we try to have a balanced budget amendment, so that we can control the size of the growth of the Federal Government by our willingness to pay for it.

One of the other areas, of course, that we have been very interested in, and continue to be, is the idea of "devolution"—kind of a new word. It means move some of the functions down to State and local governments so that we do, in keeping with the Founding Fathers, keep the size of central Government relatively limited and do those things that are essential to be done on the national level, and there are many, and yet not do the things that could better be done either at the local level in government or, indeed, in the private sector. The private sector is what I want to talk about a little today.

In general, from the title, we are simply saying that we want to remove the competition of the Federal Government in those things that could as well or, indeed, better be done in the private sector. So S. 314 is called the Freedom From Government Competition Act. This bill is supported by a broad cross-section of business groups, and I have a list of those.

I ask unanimous consent to have the list printed in the RECORD, along with several letters of endorsement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING THE FREEDOM FROM GOVERNMENT COMPETITION ACT

National Federation of Independent Businesses (NFIB).
U.S. Chamber of Commerce.
Associated General Contractors of America (AGC).
National Association of Women Business Owners.
American Consulting Engineers Council (ACEC).
ACIL (Formerly the American Council of Independent Laboratories).
Business Coalition for Fair Competition (BCFC).
Business Executives for National Security (BENS).
Contract Services Association.
Design Professionals Coalition.
Management Association for Private Photogrammetric Surveyors (MAPPS).
Procurement Roundtable.
Professional Services Council (PSC).
Small Business Legislative Council.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, February 11, 1997.

Hon. CRAIG THOMAS,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMAS: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I commend you for introducing the Freedom From Government Competition Act of 1997.

Today government agencies are competing against small businesses in an increasing number of areas. Virtually all goods and services offered by government agencies are available from the private sector, which provides them more efficiently. Small business owners who face government competition spend thousands of dollars to develop their businesses, while their federally funded competitors are tax exempt.

NFIB opposes the government's commercial activities that compete directly with small firms in the private sector. In fact, in a recent survey, 70 percent of small business owners expressed their opposition to government agencies being allowed to compete against private businesses. Additionally, unfair government competition was one of the top recommendations of the 1995 White House Conference on Small Business.

Your legislation would allow small businesses to compete fairly, and allow small business to do what they do best, create new jobs and grow the economy, while still providing a quality product in an efficient manner.

NFIB strongly supports your legislation and stands ready to assist you to stop the practice of unfair government competition against our nation's small businesses.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,
Washington, DC, March 7, 1997.

Hon. CRAIG THOMAS,
Washington, DC.

DEAR SENATOR THOMAS: The Associated General Contractors of America (AGC) thanks you for your leadership on the Freedom from Government Competition Act of 1997, S. 314. AGC strongly supports the concept that the government should not compete with its citizenry. Full and open, fair competition provides low cost, highly qualified contractors for government work.

Contracting out government procurement more effectively and efficiently utilizes taxpayer dollars. This bill will encourage the growth of small business and further the competitiveness of large business. In determining commercial areas in which the government unfairly competes with the private sector, common sense outsourcing decisions will be made using the process outlined in the bill.

Sound public policy, however, dictates that the government must maintain its stewardship role to safeguard fairness of competition. Oversight of the outsourcing program, ensures that the end result is fair competition. Successful examples of this type of oversight can be seen in the contracting actions of the General Services Administration's Federal Building Fund, U.S. Army Corps of Engineers, and the Naval Engineering Facilities Command.

AGC stands ready to assist as you to continue your efforts to establish free market competition. Your invaluable leadership on this issue will be needed as Federal Government allows the entrepreneurial spirit to flourish.

Sincerely,

STEPHEN E. SANDHERR,
Executive Vice President.

NATIONAL ASSOCIATION OF
WOMEN BUSINESS OWNERS,
Washington, DC, February 27, 1997.

Hon. CRAIG THOMAS,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMAS: Today government agencies are competing against small businesses in an increasing number of areas. Virtually all goods and services offered by government agencies are available from the private sector, which provides them more efficiently. Small business owners who face government competition spend thousands of dollars to develop their businesses, while their federally funded competitors are tax exempt.

Your legislation would allow small businesses to compete fairly, and allow small business to do what they do best, create new jobs and grow the economy, while still providing a quality product in an efficient manner.

On behalf of the members of the National Association of Women Business Owners (NAWBO), I commend you for introducing the Freedom From Government Competition Act of 1997.

NAWBO opposes the government's commercial activities that compete directly with small firms in the private sector. In fact, in a recent survey, 70 percent of small business owners expressed their opposition to government agencies being allowed to compete against private businesses. Additionally, unfair government competition was one of the top recommendations of the 1995 White House Conference on Small Business.

NAWBO strongly supports your legislation and stands ready to assist you to stop the practice of unfair government competition against our nation's small businesses.

Sincerely,

TERRY NEESE,
Corporate and Public Affairs Liaison.

Mr. THOMAS. Let me just go over some of these folks who do support it: National Federation of Independent Businesses, U.S. Chamber, Associated General Contractors of America, National Association of Women Business Owners, Consulting Engineers Council, Business Coalition for Fair Competition, Design Professionals Coalition, and many others.

So it is designed to say basically that in those areas of Government activities and Government operations, for those things that are done that are basically commercial, there ought to at least be an opportunity for the private sector to compete. It is designed to open the potential market of $30 billion nationally for businesses, for the private sector, both large and small. And as a matter of fact, most of the contracts would go to small business.

It is designed to level the playing field—those are words we use a lot, but they have meaning—for thousands of businesses in the whole economy of this country from the very ordinary kinds of things to high-technology things—janitorial services, hospitality and recreation service businesses, engineering services, laboratory and testing services.

As a matter of fact, I really became involved in this in the legislature in the State of Wyoming where we had government competing for laboratory services, where the private sector was available there to do that with the same kind of quality or even better and at less cost. So that is what we decided to do.

It will provide for better value to taxpayers because it capitalizes on talent and expertise available in the competitive private sector. It has been Federal policy for a very long time—as a matter of fact, some 40 years—that contracting out to the private sector would be, indeed, a function of the Federal Government, but the fact is that it has not really worked out that way. So we need a legislative solution. We say we are going to do it, but we do not do it. And I understand that. Part of the reason, of course, is that in an agency you have your own operation and your own staff and would prefer to do it.

The other is often when there has been some effort to try to determine the efficiency of it, we find that testing is really not very fair and so you end up saying, well, Government can do it cheaper, but you have not really analyzed it in a very fair way.

We have a lot of things that the Federal Government should be doing, and they take too much time and money on goods and services, in my view, that could better be delivered by the private sector.

The Congressional Budget Office has estimated in the past that 1.4 million Federal employees do work that is basically commercial in nature. This competition, of course, is tougher on the private sector. It kills small business, stifles economic growth, and lowers the tax base, particularly in States such as mine where 50 percent of the State belongs to the Federal Government, and it is difficult to keep the private sector and the tax base going. It hurts small business. So it has been a concern of small business.

We have had White House small business conferences in 1980, 1986, and 1994, and in all three of these conferences this has been the major concern.

Let me just briefly explain the bill. I indicated that for some time—like 40 years—we have had a policy to do contracting, to bring the private sector in to do things, but they really have not done that. So we are now saying statutorily there is a system for giving small business that opportunity. It does not say that it has to do that. It says that when there is a commercial activity, the private sector should be given an even chance to see if they can do it more efficiently than the Government. And there are exceptions to that, of course. There are legitimate, inherent activities of Government, and those will be the exceptions—national security, where the Federal Government can provide a better value, and we recognize that that can be. We are not asking that it be given to the private sector if, indeed, the Federal Government agency can do it more efficiently, or in the case, of course, where the private sector cannot provide the goods and services.

So this bill establishes a system and a process where the Office of Management and Budget in the executive branch will identify those Government functions that are "inherently and basically commercial in nature."

It also establishes an Office of Commercial Activities within OMB to implement the bill. So now you do not have the agency that is going to do the contracting making the decision as to whether they do it or not.

There will be an outside effort made to identify the functions that could best be done that way and to establish provisions for the transition of Federal employees if there should be some reduction there.

The climate, I think, is right for action of this kind. Almost everybody agrees we ought to direct the money, if we can save money by better Government—there are lots of underlying issues, whether it be defense, whether it be health care, whether it be Medicare—to where we can better use those dollars rather than doing the things that someone else could do more efficiently.

The Senate was in support of the concept of this bill; last year, the Senate voted 59 to 39 in favor of a Treasury-Postal appropriations amendment that would have prevented unfair Government competition. It was dropped, unfortunately, from the omnibus appropriations bill.

If we are going to balance the budget, we are going to have to make some fundamental changes. The Federal Government operating commercial needs is one that we can change and eliminate and reduce. Various studies indicate that we could save up to $30 billion by utilizing private sector resources. The Heritage Foundation estimates we could save $9 billion annually. The Defense Science Board concluded the Defense Department alone could save $30 billion annually.

So, the Freedom From Government Competition Act will help to create jobs in the private sector, help open up markets to private business, save billions of dollars and make Government more efficient. I certainly commend this bill to my associates here in the Senate, to see if we could not make a way to increase and strengthen the private sector as well as save money to be used on these things that are fundamentally Governmental in nature.

FINIS MITCHELL

Mr. THOMAS. Mr. President, it is with great honor that I join Wyoming's Gov. Jim Geringer, and the people of the State of Wyoming, in paying tribute to Finis Mitchell, a man whose legacy commemorates the very pioneer spirit on which our great country was founded.

In remembrance of Mr. Mitchell's innumerable contributions to our State, Governor Geringer has issued a proclamation to designate February 15, 1997, as "Finis Mitchell Day."

I ask unanimous consent that the State of Wyoming's proclamation be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THOMAS. Finis Mitchell was in the vanguard of mountain climbing at the beginning of this century, and continued his exploration of the Wind River Mountain Range until 1985 when, at the age of 84, he suffered a debilitating knee injury. He documented his climbing experiences through extensive mapping and photography, and eventually amassed a collection of slides numbering in excess of 126,000. This intimate knowledge of the area served as a reference for the U.S. Geological Survey in drawing official maps of the Wind Rivers, and inspired Mr. Mitchell to share his love of the mountains by penning a guidebook and giving educational lectures nationwide.

After marrying Emma Nelson in 1923, together they stocked over 300 of the region's lakes with fish and started the Wind Rivers' first recreational fishing camp. To this day, those lakes are being fished by the public. In recognition of his life-long dedication to environmental conservation, Finis Mitchell received an honorary doctorate from the University of Wyoming, in addition to other State and National awards. He also found the time to serve as a State legislator.

Throughout his life, Mr. Mitchell demonstrated strength in his rugged individualism. Starting from a humble beginning with his wife at their post-Depression fishing camp, this spirit of determination provided Mr. Mitchell with the foundation for a lifetime of success. Finis Mitchell rose to the challenges of exploring social, educational, and political frontiers just as he made his innumerable treks into the untamed wilderness, one step at a time.

It can be said that Mr. Mitchell's achievements were a byproduct of respect he had for the lands he called his own backyard, and those which he helped transform into a sportsman's paradise. The following passage in Finis Mitchell's own words surely echoes the sentiment of all who have had the privilege of knowing his Winds:

> Evening alone in the mountains. No one to talk to. No one speaking out . . . Only the comfort of a murmuring breeze, the goodnight chirp of the snowbird . . . the glistening of the moon on a distant glacier, the faint music of waterfalls scurrying down. Where else can a man be so close to heaven and still have his feet on the ground?

Mr. Mitchell's extensive mapping of the Wind River region and his nationally recognized wildlife conservation efforts will be appreciated by folks from Wyoming, and others drawn to the area from all over the globe, for generations to come. We will continue to share his love of nature through the beauty of the majestic vistas and abundant wildlife that make our State like no place on Earth.

Mr. President, I would like to close with a quote from "The Pioneer" by James Fenimore Cooper, which seems to epitomize the life of Finis Mitchell:

> None know how often the hand of God is seen in the wilderness but them that rove it for a man's life . . .

Such a man was Finis Mitchell.

EXHIBIT 1

GOVERNOR'S PROCLAMATION

Finis Mitchell was born on November 14, 1901 in Ethel, Missouri, the son of the late Henry Reece and Faye Troutman Mitchell. He traveled with his parents from Missouri to Wyoming's Wind River Range, arriving on April 26, 1906.

Finis Mitchell started mountain climbing back in October, 1909. He continued solo climbing until 1975 when at the age of 73, he suffered a debilitating fall that left him with a bad knee.

Finis Mitchell began taking pictures as a hobby with his climbing, so that he could show people where he had been and what was in our national forests. By the time he stopped climbing he had accumulated a collection of 35mm slides in excess of 126,000. Finis spent most of his free time exploring the Wind Rivers, capturing their beauty on film, naming lakes, and mapping the terrain.

Finis Mitchell and Emma Nelson were married in Rock Springs at the Congregational Church on June 4, 1925. The two pioneers, in 1930, started Mitchell's Fishing Camp at the Big Sandy Openings, which was to become the first recreation area on the Pacific side of the Wind River Range. Due to the lack of fish, Finis and Emma transported fish in five gallon milk cans, twelve at a time using six pack horses. In the seven years that they operated their fishing camp, they stocked over 300 lakes with over 2.5 million little trout, all free for the public to enjoy.

Finis Mitchell had been the recipient of many awards and honors for his conservation efforts by the U.S. Environmental Protection Agency, the National Forest Service and several presidents. He served in the Wyoming House of Representatives from 1955–1958. In 1975 Finis published a guidebook to the Wind Rivers, Wind River Trails. In 1977 he received an honorary doctorate from the University of Wyoming. The Congress of the United States named Finis' favorite mountain after him. Mitchell Peak at 12,482 feet, is one of a very few land forms in the country that was named after a living American.

Finis Mitchell passed away November 13, 1995, the day before his 94th birthday.

Now Therefore, I Jim Geringer, Governor of the State of Wyoming, do hereby proclaim February 15, 1997, to be "Finis Mitchell Day" in Wyoming. Known by many as "Lord of the Wind Rivers," Finis Mitchell hiked or backpacked over 15,000 miles and climbed 220 peaks since 1909. He shared his knowledge and experiences with anyone and everyone. He spent a lifetime exploring and learning about the Wind River Range and passing the information on to others.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 12th day of February, 1997.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator from Alabama is correct.

OPPOSITION TO THE HOLLINGS AMENDMENT

Mr. SHELBY. Mr. President, I want to commend the Senator from South Carolina, Senator HOLLINGS, for his many years of effort to reform our campaign system. His commitment to this endeavor is principled and longstanding.

I have supported the Senator's efforts in the past, cosponsoring and voting for his legislation that would amend the first amendment of the Constitution to allow Congress and the States to limit the amount of money spent on political campaigns.

Mr. President, with all due respect to his efforts and my past efforts, however, I rise today to speak in opposition to the Senator's proposed constitutional amendment.

I have supported the Senator from South Carolina's effort in the past because I believed then, as I do now, that we need to improve our current campaign system. But, in my zeal for reform, I ignored what was really at stake.

Over the past weeks, however, after much thought and consideration—after many discussions with constituents and reviewing the writings of many constitutional scholars, all of who support campaign finance reform—I have come to the conclusion that amending the first amendment would be far worse than the current situation.

Indeed, if we passed a constitutional amendment to amend the first amendment to solve our current campaign finance problems, the cure would be worse than the disease.

Mr. President, the proposed constitutional amendment simply takes away too much—the cost is too high and the risks too great.

The first amendment is properly viewed as one of the most sacrosanct bundle of rights protected under the U.S. Constitution and this proposed resolution would strike at the heart of the first amendment—core political speech.

Mr. President, to support such a repeal, is to threaten the very breath of every other right protected under the Constitution—and then nothing is sacred, nothing is sure, nothing is protected.

Without free speech, liberty has no meaning.

And this amendment would seek to do what the Supreme Court has said cannot be done under the first amendment of our Constitution.

In 1974, in the seminal case of Buckley versus Valeo, the Supreme Court as the Presiding Officer knows, struck down the Federal Election Campaign Act's expenditure limits on candidates, individuals, and groups on first amendment grounds—finding that the Government's interest in, among other things, reducing the appearance of corruption was insufficient to justify restricting core political speech and expression.

Mr. President, the question facing the Supreme Court was, at bottom: "whether a person can be prohibited from spending money to communicate an idea, belief, or call to action"? The Court's answer was "no."

Since Buckley, the Court has consistently found that the first amendment protects political speech and expression rights from intrusive government restrictions such as campaign spending limits.

In FEC versus National Conservative Political Action Committee the Court again struck down spending limits. This time, reaffirming that restrictions on independent expenditures by political committees on publicly funded presidential general election campaigns violate the core of the first amendment's protections.

More recently, in Colorado Republican Federal Campaign Committee versus FEC, the Court found that political party expenditures made without coordination of a candidate were entitled to first amendment protection as independent expenditures.

The Court rejected the argument that independent expenditures threaten corruption or give the appearance of corruption.

Mr. President, this amendment is about more than just overturning one Supreme Court case, it is about overruling a whole line of first amendment case law.

Over the years, the Court has made it clear that the Buckley decision was not some fluke. In fact, Buckley has been reaffirmed many times over. The answer should not be to undo the first amendment because it is viewed as an impediment to reform.

There are better, perhaps more realistic and more effective ways of addressing the problems in our campaign finance system.

Mr. President, I believe that changes can be made to improve our current system and I intend to support efforts to reform our current campaign finance system.

But first, we need to start by enforcing current law, especially in regard to foreign contributions. No foreign contributions should be allowed to influence our political process.

It is important to remember that adopting this amendment won't do anything to address the abuses that have recently come to light regarding the White House, DNC fundraisers and foreign influence. Existing laws were broken in accepting foreign contributions.

However, we all know that our current laws are not sufficient. We need to target abusive practices which both parties agree should be eliminated.

And, Mr. President, I believe that one of the most far reaching and important changes we can make in the system we have today is to demand full disclosure of all campaign contributions and expenditures. The public has a right to know where all funds in the political system come from and where they go.

I also remain fully opposed to any form of public financing of political campaigns and intend to fight efforts to shift the cost and effort of running for public office from political candidates to the taxpayer of America.

I find it offensive that some would argue that the only way we can purify the political process and eliminate the appearance of corruption is to launder campaign funding through the U.S. Treasury.

American taxpayers should not be forced to pay for political campaigns. We have public financing of Presidential campaigns now, and you can see how effective that was in reducing corruption or the appearance of corruption in the last election.

Mr. President, reform cannot and should not come at the expense of the public, and yet the reform proposals now being put forth would first rob American citizens of their first amendment rights under the Constitution and then require them to pay for the cost of political campaigns.

What a deal. Reform could not be easier—for the political establishment.

This amendment has serious ramifications beyond the immediate restrictions placed on an individual's rights to free speech and expression. This amendment also threatens the power of the American people over their Government.

By restricting the right to speak freely and to participate in the political process, we restrict our rights to political debate and reduce our ability to control and check our Government. In fact, we give up even the pretense of self-government.

I would rather be criticized for changing a position than forever limiting the rights of Americans to speak, to argue, and to participate in the world's oldest constitutional democracy.

Again, I sincerely commend my friend and colleague, Senator HOLLINGS, for his effort and commitment to campaign finance reform, but I wish he would reconsider, as I have, his commitment to change the first amendment. I think it would be a mistake now. I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. WYDEN. Mr. President, I yield myself 15 minutes of the time taken by the minority leader, Mr. DASCHLE.

COMMUNITY JUSTICE

Mr. WYDEN. Mr. President, my home State of Oregon has long been known for being innovative in a variety of important public policy areas. The Oregon Health Plan, for example, is a pioneering effort. We were the first State to protect our beaches, to go forward with recycling, to look at innovative ways to protect our land, air and water, and we are clearly out in front in terms of welfare reform, a key issue to our citizens at this time.

Today, I take the floor to talk about how Oregon would like to lead the country once more, this time in the critical area of juvenile justice. It is very appropriate that this matter be pursued at this time because, according to the National Center on Juvenile Justice, 47 out of 50 States have legislation in their State legislatures that would literally wipe out the State juvenile court system. It is not hard to be surprised about why these kinds of things are happening, because we know that our citizens are angry about the juvenile justice system in our country.

For example, there are many who come to my townhall meetings and say, "Ron, 20 years ago we left our car doors unlocked, we left our windows open, and we were safe. But today, it's not that way any longer. I'm an older person, and I'm concerned about going out after 4 o'clock in the afternoon. I'm frightened. I'm frightened by what the thugs in my neighborhood might do to me."

These citizens are not going to sit around and have debates about diversion programs, which is one approach for juvenile justice, or probation programs. They just want to make sure that they are protected, that they and their families are secure in their homes, and that their right to be free, their civil right, if you will, to be free from crime in their neighborhood is protected. It is not hard to see why State legislatures around this country are proposing bills to get rid of the juvenile justice system altogether.

So I come to the floor today to talk about an effort that is underway in Oregon to literally turn the juvenile justice system on its head and make it vibrant again. What we are seeking to do—and it is an effort that is being pioneered in central Oregon and Deschutes County, specifically—is to turn the juvenile justice system on its head and move from a model that was based on prevention and treatment to one that is based on accountability. We call this model community justice.

It is community justice because we feel that when a crime is committed, our community loses something. A person is harmed economically, physically, or emotionally, but also the community is harmed. Our community loses a sense of security. It loses funds that are needed for police work, and funds that are involved in incarceration and in probation. All our community suffers.

We believe it is first the responsibility of the system to avoid crimes being committed in the first place, but it also is critically important that if a crime is committed, the offender must be held accountable for making the community whole—the offender must earn their way back into the community. Prosecutors and police, and others, in Deschutes County, OR, have begun a new system built around accountability so that if, for example, you have a first-time offender, a nonviolent first-time offender, who has robbed the home of a senior citizen, what you are going to see is that this young offender is going to be required to pay back the community. My sense is that this notion of accountability, accountability for juvenile offenders so that there are consequences every time a juvenile offender commits a crime, is the direction that we ought to be going.

In Deschutes County, we look at this as part of what we have come to call the Oregon option. The Oregon option has been an approach that we pioneered with the Federal Government which stipulates that when local government is freed from some of the bureaucratic redtape, in return, we will make sure there are actual results; in other words, that we can prove that in return for relief from some of the bureaucratic constraints, we can meet the requirements of a particular community service program.

What we are saying in Oregon is that when there are dollars that are now earmarked for, say, prison beds for young offenders, we will commit, under the community justice kind of approach, to making sure those young offenders are held accountable and repay the community. And if, in fact, we can't do it, then the community is going to make sure, with community resources, that the goals of the juvenile justice system, and holding youthful offenders accountable, is met through buying back the prison beds.

My view is that this model of community justice is the kind of approach that the Congress should look at this year when we consider the juvenile justice statute, which is up again for reauthorization. We ought to say, as part of that law, that any juvenile justice system should require young offenders to complete accountability contracts to ensure that they make amends for their offense. We ought to make sure that, as part of the reauthorization of the juvenile justice system, local programs receive high marks from victims—and here the Chair has done yeoman work, in my view—that victims become the central customer of the criminal justice system.

I believe that using these kinds of principles, principles of accountability, principles of community involvement, principles of ensuring that victims become the customer of the system, we can build a new system.

Not long ago, I went to Deschutes County to learn about their community justice program. What I saw was a coalition of police officers, district attorneys, those who work in the juvenile justice system, Democrats, Republicans, all at a table saying, "We believe that this new approach for community justice is the kind of approach that the Federal Government should support as part of the Juvenile Justice and Delinquency Prevention Act reauthorization."

Mr. President, I would say that if we can hold youthful offenders accountable, if we can ensure that there are consequences each time an offense is committed, if the Congress and local communities redesign these programs so as to work with families, we can have a new set of principles that would define juvenile justice for the 21st century—a set of principles that puts the community's needs first and makes the victim the principal customer.

I submit, Mr. President, that as the Congress goes forward with hearings on the juvenile justice system and the consideration of the juvenile justice statute, eyes should focus on what is being done with community justice in Deschutes County, OR, because I believe those kinds of principles, the principles that represent our community values, is what we should build the juvenile justice system around for the 21st century.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak for not to exceed 15 minutes, and that the time for morning business be extended accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

BIRTHDAY GREETINGS TO SENATOR MOYNIHAN

Mr. BYRD. Mr. President, this is a most felicitous time. The ides of March, so dark with shadows of Caesar's doom some 2,041 years ago, is safely past, and that welcome harbinger of the season's turn, the vernal equinox, is close at hand. On March 15, 44 B.C., Julius Caesar was slain in the Senate of Rome by a group of conspirators led by Marcus Junius Brutus. On the following day, March 16, 2,041 years ago, Brutus went to the Forum to speak to the people of Rome, but he was forced to retire to the Capitol after threats were made against the conspirators. On March 17, today, 2,041 years ago, Antony, after negotiating with the conspirators, convened the Senate in the temple of Tellus. In that meeting, a decree was passed that no inquiry would be made into the murder of Caesar, and that all of his enactments and dispositions should remain valid for the welfare of the Republic. And that is what the Senate of Rome was occupied with on this day.

But today in 1997, the daffodils are blooming, the grass is greening, the crocuses are peeping from the soil, and it is a time to celebrate the birth of a new season. On March 16, seven decades ago, 1,971 years after Brutus spoke to the people of Rome, one of our most sage and respected Senators was born in Tulsa, Oklahoma. And today, March 17, instead of meeting to speak on the death of Caesar, I am here in the Senate to honor the life of my colleague from Pindars Corners. Pindar, as I am sure my learned friend, the distinguished Senator from New York, knows well, was a Greek poet who lived from circa 522 to circa 438 B.C. Young DANIEL PATRICK MOYNIHAN soon moved to New York with his family, and, after a wartime tour aboard the U.S.S. *Quirinus*, he, PATRICK MOYNIHAN, launched his own illustrious academic and public service career.

Now, the U.S.S. *Quirinus* was named after the Sabine God of War and was identified with the deity of Romulus.

Senator MOYNIHAN brings a wide-ranging background to his duties as the senior Senator from New York. He has served in the cabinets of four Presidents—Kennedy, Johnson, Nixon, and Ford. He has served as ambassador to Indian, and U.S. Permanent Representative to the United Nations. He has received 60 honorary degrees from colleges and universities—60! His talents have enhanced organizations from the National Commission to Reform Social Security to the President's Science Advisory Committee.

As an academic and as a public servant, Senator MOYNIHAN has turned his inquisitive and incisive intellect to some of the most pressing and enduring problems of our society. His thorough and humane understanding of poverty in America and of the Social Security system enlightens and informs our discourse. The books that he has published over the years on these and other subjects are remarkable for their prescience. I know that his statements on the floor are followed closely by Members, staff, and the public, and that they never fail to bring into sharp focus the difficult core of the current debate. To hearken back to the poet Pindar, I note that he observed in his "Olympian Odes," "Vocal to the wise; but for the crowd they need interpreters." Senator MOYNIHAN is the Senate's interpreter on many of the important issues facing the country today.

And so, Mr. President, as a septuagenarian and one who is soon to become an octogenarian, I welcome Senator DANIEL PATRICK MOYNIHAN to the club of septuagenarians.

The Psalmist says, "The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away."

The Lord has blessed Senator MOYNIHAN with the gift of having reached that seventieth year. I was 10 years old when PAT MOYNIHAN was born in Tulsa, Oklahoma, in that year of 1927. That was the year in which Charles Lindbergh took off on the morning of May 20, in his plane, *The Spirit of St. Louis*, and flew from New York City to Paris, with five sandwiches—he ate half of one. At times, he flew ten feet above the water and, at times, 10,000 feet above the water. I remember the newspaper headlines speaking of Lindbergh's flight, saying that he flew over Newfoundland at the "great speed" of 100 miles an hour. And then that was the year when, on September 22, Dempsey fought Gene Tunney. Jack Dempsey was a former coal miner from Logan County, West Virginia. Of course, the coal miners were rooting for Dempsey. And as a boy 10 years of age, I was rooting for Dempsey, also. My coal miner dad told me that we would listen to the fight on the radio, which was that marvelous invention that everybody was talking about. That was the first radio I ever saw when we gathered in the community recreation facility in that coal mining community 70 years ago. I was disappointed that evening because Dempsey did not regain the title, nor did I get to hear the fight, because there was only one set of earphones. And then a few days later, on September 30, Babe Ruth batted his 60th home run and exceeded his own record of 59 home runs. It was also in that year that Henry Ford brought out his new Model A Ford. Hundreds of thousands of people tried to get into Ford headquarters in New York to see it in December 1927.

So, Mr. President, I offer my best wishes to Senator MOYNIHAN on the occasion of his birthday. I thank him for all that he has contributed to his country and to the Senate. I hope that he and his charming wife Liz—and my wife Erma joins me in this—will share his day of celebration with their children, knowing that the respect of his fellow Senators and his fellow countrymen are theirs. James I said, "I can make a lord, but only God Almighty can make a gentleman."

Only God Almighty could make a DANIEL PATRICK MOYNIHAN.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

DAILY DIGEST TURNS FIFTY

Mr. BYRD. Mr. President, today, we reach another milestone in the Senate's continually unfolding history. Let us pause for a minute to reflect on a fiftieth anniversary of great institutional significance.

On March 17, 1947, for the first time, the CONGRESSIONAL RECORD carried a section under the modest heading "Daily Digest."

Fiftieth anniversary? Has not the CONGRESSIONAL RECORD been in existence since March 4, 1873? By my reckoning, that adds up to 124 years, not fifty! Is it possible that there was ever a CONGRESSIONAL RECORD without a Daily Digest? Those of us who pick up the RECORD each morning and instinctively turn to the Daily Digest might find that difficult to believe. No one who regularly consults the CONGRESSIONAL RECORD could reasonably doubt the Daily Digest's value as the indispensable point of entry for a bulky compendium that often runs to hundreds and hundreds of closely printed, three-columned pages.

By the mid-1940's the RECORD had become so thick that without some sort of daily finding aid, it was becoming practically unusable. Several commercial firms sought to remedy the situation. In 1943 the U.S. Chamber of Commerce hired Dr. Floyd Riddick, a highly regarded specialist in congressional procedure, to edit a new publication entitled Legislative Daily. The Daily's instant popularity caught the attention of congressional reformers in the final months of World War II. Desiring to expand public access to the record of Senate and House deliberations, they included in the Legislative Reorganization Act of 1946 a provision for a CONGRESSIONAL RECORD Daily Digest. This new section would outline chamber and committee activities for the previous day and present a schedule of the current day's legislative program, including a list of committee meetings and hearings. The statute directed the Secretary of the Senate and Clerk of the House to oversee Digest preparation for their respective chambers.

Fortunately for the Senate, Dr. Riddick agreed to serve as Senate Digest editor. Starting the Digest was no easy task. Overburdened committee clerks initially resisted taking the additional notes for Digest citations. Getting accurate information at the committee level was particularly important, for in those distant days, once a measure cleared a committee it was pretty much in shape for final passage. Times have changed! Thanks to Dr.

Riddick's persistence and expertise, the Digest that he established remains virtually intact a half-century later.

Floyd Riddick served as Senate editor from 1947 to 1952, when he moved to the newly created post of Assistant Senate Parliamentarian. He subsequently served as Senate Parliamentarian from 1964 until his formal retirement a decade later. I say "formal," because Dr. Riddick remained with the Senate on an unsalaried basis to prepare a history of the Committee on Rules and Administration and, most importantly, to revise the indispensable volume that now bears the title Riddick's Senate Procedure. Today, Dr. Riddick continues a productive retirement in South Carolina.

Mr. President, I ask unanimous consent that a list of the Daily Digest's Senate editors be inserted in the RECORD following this statement.

There being no objection, the list was ordered to be printed in the RECORD as follows:

DAILY DIGEST SENATE EDITORS

Floyd M. Riddick, 1947–1952.
Fred Green, 1952–1969.
Dwight Galt, 1969–1979.
Mary Ann Dubs, 1979–1980.
Jim Timberlake, 1980–1988.
Thomas Pellikaan, 1989–present.

WORLD FLIGHT 1997

Mr. DASCHLE. Mr. President, on March 17, 1937, Amelia Earhart took to the skies in her Lockheed 10E to fulfill her dream to be the first pilot ever to circumnavigate the globe at its longest point—the Equator. Today, she stands as one of our greatest American heroes. Through her vision and spirit, she demonstrated to the world that limits are more often perceived than real.

This morning, 60 years after Ms. Earhart began her journey, Linda Finch took off from Oakland, CA, to re-create and complete Earhart's heroic expedition. Spanning 5 continents and making more than 30 stops in 20 countries, Linda will closely replicate Earhart's route. The flight is expected to take 2½ months, and is the first to re-create Earhart's flight using the same make and model aircraft, a Lockheed Electra 10E, with only a pilot and navigator at the controls. Indeed, the aircraft has been meticulously and accurately restored to replicate Earhart's Electra right down to its rivets.

Linda hopes that her journey, called World Flight 1997, will inspire millions of American children with Earhart's belief that with faith in yourself, anything is possible. As she notes, "World Flight was created to share Amelia Earhart's vision with young people. The heart of the World Flight project is its outreach to inner city and at-risk youth with her message about reaching above and beyond perceived limitations." To spread this message, she has developed an interactive educational program for students, including an Internet web page that will allow students to track her flight in real time and read messages from Linda and her navigator. Like her, it is my hope that children all over the world will follow her travels, and from them gain the confidence to follow dreams of their own.

As Linda begins her flight, I wish her a safe journey. Like her hero Amelia Earhart, she is an inspiration to us all.

TRIBUTE TO CAPT. BILLY LEWIS

Mr. THURMOND. Mr. President, I rise today to recognize a truly outstanding Naval officer, Capt. Billy Lewis who has served with distinction for the past 23 months as Director of the Navy's Senate Legislative Liaison Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the U.S. Senate and to our great Nation as a whole.

A native of Pensacola, FL, and a 1969 graduate of the U.S. Naval Academy, Captain Lewis began his naval career as the damage control assistant aboard U.S.S. *Dehaven* (DD 727). His follow-on tours of duty included Naval Headquarters, Saigon, engineer and weapons officer aboard U.S.S. *Talbot* (FFG 4), and he was second in command when U.S.S. *Jack Williams* (FFG 24) was commissioned in 1983. Capt. Billy Lewis has had three tours of duty in command at sea—U.S.S. *Takelma* (ATF 113) from 1977 to 1979, U.S.S. *Robert G. Bradley* (FFG 49) from 1986 to 1988, and U.S.S. *Thomas S. Gates* (CG 51) from 1993 to 1995. As Commanding Officer, U.S.S. *Thomas S. Gates*, Capt. Lewis served as Anti-Air Warfare Commander for Joint Task Group *George Washington*.

Captain Lewis' duty ashore has included the Naval Postgraduate School where he earned a master of science degree in management in 1980, and two tours of duty on the Navy staff in Washington, DC. From 1983 to 1985, he served as a program analyst in the Office of General Planning and Programming, and from 1989 to 1991, he served as head of the Program and Budget Development Coordination Branch for the Deputy Chief of Naval Operations. Additionally, he attended National Defense University and graduated from the National War College in 1992.

During his tenure as the Navy's Director of Legislative Liaison for the Senate which began in April 1995, Captain Lewis has provided members of the Senate Armed Services Committee, our personal staffs, as well as many of you seated here today, with timely support regarding Navy plans and programs. His valuable contributions have enabled Congress and the Department of the Navy to work closely together to preserve the modern, well-trained and well-equipped naval forces upon which our country has come to depend.

Mr. President, Billy Lewis and his family have made many sacrifices during a 28-year Naval career and made a significant contribution to the outstanding naval forces upon which our country relies so heavily. During his illustrious career, Captain Lewis has been the recipient of many awards and commendations including the Legion of Merit with one gold star. He is a great credit to both the Navy and the country he so proudly serves. As he now departs to take command of Regional Support Group in Mayport, FL, I call upon my colleagues to wish him fair winds, and following seas.

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, the Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict.

Each year, the Friends of Ireland issues an annual statement of the current situation in Northern Ireland. We believe our colleagues in Congress will find this year's statement of particular interest because of the events of the past year and potential for progress this year. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1997

On this St. Patrick's Day, we the Friends of Ireland renew our call for the IRA to restore its cease-fire, which should be followed by Sinn Fein's immediate entry into the Northern Ireland all-party peace talks when they resume in June.

The Friends of Ireland commend our former colleague, Senator George Mitchell, for his outstanding service as chairman of the talks. The talks offer an historic opportunity to address the three key relationships which must underpin any settlement—those within Northern Ireland, between North and South, and between Ireland and Britain. We fully support this process, and recognize that there is much greater likelihood for success if all parties with an electoral mandate, including Sinn Fein, participate in the talks. Sinn Fein's participation in the talks, however, is properly conditional on the unequivocal restoration of the cease-fire by the IRA.

We also recognize that the IRA maintained a cease-fire for 17 months, from September 1994 to February 1996. It is of deepest concern that, during that long and hopeful period, additional obstacles were laid in the way of bringing all parties to the table. We hope that a renewed IRA cease-fire will on this occasion be met with an appropriate response by the British Government, including the taking of necessary confidence-building measures.

Basic issues of equal justice and human rights are at the heart of the conflict in Northern Ireland and they must be central to any realistic resolution of the conflict. Peace without justice is not sustainable. It is only likely to flourish when all sides feel that their basic rights are respected and protected. Accordingly, we urge prompt action to remedy outstanding miscarriages of justice such as the Casement and Latimer cases. In light of the compelling new evidence surrounding Bloody Sunday, we add our voice to the calls for a new inquiry into this tragedy.

We are also concerned by the deteriorating conditions under which Republican prisoners are being held in Britain and in particular the treatment of Roisin McAliskey. It is essential, in negotiating a new political framework for Northern Ireland, that respect for human rights be guaranteed. The creation of a Bill of Rights, and a police service with the confidence of the whole community, are essential to ensure the protection of the rights of all and to lay a solid foundation for a lasting peace.

We strongly oppose the continued and increased punishment beatings by paramilitaries in both communities. Such atrocities have no place in society, and we call for an immediate end to these attacks.

It is essential that there be no repeat of the deplorable events during last year's marching season. The RUC behavior at Drumcree further eroded the confidence of the Catholic community in fairness of the police force. As the State Department's Country Reports on Human Rights Practices recently noted: "Many observers on both sides of the community perceived the Government's reversal in the face of unlawful Unionist protests as a victory of might over the rule of law, and the incident damaged the RUC's reputation as an impartial police force."

We therefore strongly endorse the recommendations in the North Report that an independent parades commission be given full decision-making powers to deal effectively with controversial parades. We are concerned at the British Government's decision to delay implementation of significant sections of the report, which in our view must be in place in advance of this year's marching season.

The Friends of Ireland welcome the strong commitment of President Clinton and the Congress to the success of the peace process in Northern Ireland, and the transformation in the situation which all have helped bring about. We are confident that the United States will continue to play a constructive role in encouraging an early and peaceful resolution of the conflict for the benefit of all the people of Northern Ireland.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

Senate

Edward M. Kennedy.
Daniel Patrick Moynihan.
Christopher J. Dodd.

House of Representatives

Newt Gingrich.
Richard A. Gephardt.
James T. Walsh.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 14, 1997, the Federal debt stood at $5,362,748,754,102.53.

One year ago, March 14, 1996, the Federal debt stood at $5,035,166,000,000.

Twenty-five years ago, March 14, 1972, the Federal debt stood at $428,412,000,000 which reflects a debt increase of nearly $5 trillion—$4,934,336,754,102.53—during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Joint Resolution 22, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The Senate resumed consideration of the joint resolution.

Mr. LEAHY. Mr. President, last week there was an attempt made, I think, on the part of some—not all, but on the part of some—a serious attempt made in the Judiciary Committee to put together a bipartisan letter to the Attorney General regarding what should be done on the question of an independent counsel and some of the campaign fundraising issues. Unfortunately, it ended up being a partisan matter and the Republican majority, as is their right, sent a highly partisan letter asking immediately for an independent counsel.

Most of us on the other side sent a letter, which I signed as ranking member, along with other Democratic members, asking basically that we follow the law and we go through the various steps required on the issue of independent counsel: That we do not bring political pressure on the Attorney General to act one way or the other, recognizing that the reason for the independent counsel law was to shield the process and the Attorney General from political pressure or posturing.

In this regard, I would like to draw the attention of the Senate to the lead editorial in yesterday's Washington Post. The Post has been in the forefront of those investigative journalists who have been working on stories about many aspects of fundraising that has been taking place, and is taking place, to finance Federal elections—both fundraising by the Republican Party and by the Democratic Party. Certainly, the Post has not been shy about criticizing Republicans or Democrats, in the Congress or out, with regard to campaign fundraising.

It is interesting to read their editorial because, basically, they take the same position as we had taken on the Democratic side of the Senate Judiciary Committee. They speak of all the reasons to wait and follow the law itself, as she is now doing, and to have the Attorney General make her own determination. It ends by saying this:

> There is one other major factor that argues for waiting awhile before deciding whether to seek an independent counsel in the campaign finance case. It has to do with what we believe to be the integrity and, if you will, independence of this attorney general herself. She is an uncommon figure in this town, and this administration, as even many who are banging on the table for an independent prosecutor will agree. We do not think it would be an inducement to sleeping well at night to know she was on your case if you had violated the law and were trying to hide it—especially with her honor being publicly challenged over and over again on this matter.
>
> You balance risks in a decision like this. The risk of leaving the case in her hands at this stage, while Justice Department, congressional and other investigators continue to try to flesh it out, seems pretty slim. Events could change that. But right now the matter seems to us to be proceeding well enough without an independent counsel.

I ask unanimous consent the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1997]

THE INDEPENDENT COUNSEL ISSUE

Attorney general Janet Reno says the conditions that would require the naming of an independent counsel in the case of the fundraising for the president's reelection campaign have yet to be met. She's taking a lot of heat for that. Critics accuse her of trying to protect the president. Congressional Republicans, some Democrats and all manner of other commentators say if ever a case cried out for an independent prosecutor, it is this one. We aren't so sure. Anything could turn up tomorrow. But on the basis of what is known today, an argument can be made that Ms. Reno is right.

We say that as strong supporters of the independent counsel statute, though in some instances we have thought past counsels carried on too long or went too far. We say it also as a frequent critic of both the administration and the rotten system of campaign finance, whose corrupting qualities the president did so much to confirm last year. The fund-raising practices, some of them, in which he, the vice president and their adherents indulged were shabby, heavy-handed, demeaning, unseemly, questionable, destructive of public confidence and pretty close to the edge. But it isn't clear they were illegal. That, in fact, is the problem. The law is at least elliptical; not enough of what ought to be illegal is.

The virtue of the independent counsel act is that it reduces the conflict of interest that inevitably arises when an administration is called upon to investigate its own behavior. But it is not meant to avert mere awkwardness; it comes into play in only certain instances. The attorney general must seek appointment of an independent counsel (by the special court created to do so) when confronted with specific, credible evidence of criminal wrongdoing by the president, vice president, Cabinet officials and certain others in the executive branch, including a limited number of senior White House aides. She also may seek appointment of a counsel when confronted with evidence of such conduct by a lesser official where she feels there is a conflict.

The evidence of such conduct in this case thus far is a lot more limited than the churning surrounding the case would suggest. A lot of pretty squalid stuff was done. But so far as we know, no specific, credible evidence exists that, say, an official covered by the act sold a particular piece of policy for a campaign contribution, or knowingly accepted money from a forbidden source. You could make the generic charge against both presidential campaigns that they violated and pretty well trashed the campaign finance laws, including their criminal provisions, by raising so much so-called soft money in excess of federal limits. They pretended it wasn't campaign money when it clearly was. But no one is talking about that in this case, least of all the congressional Republicans who want an independent counsel but oppose most regulation of campaign finance. There are charges that funds were illegally raised (by the vice president, for one) and received inside a federal building—the very White House itself—instead of in some other building down the street, but you can find any number of lawyers who will say on one basis or another that what was done was not illegal, and does anyone really want to name an independent counsel to conduct a criminal prosecution of the vice president for making a phone call from the wrong room? That isn't what this is about, either.

More serious charges have been leveled against some lesser figures in the drama—that they laundered money from foreign sources, sought favors in return for contributions, etc. Ms. Reno has set up a task force to investigate these. As a practical matter, what the task force appears to have been conducting is precisely the kind of preliminary inquiry, though by another name, that would be required if the independent counsel statute were invoked, the question being, what evidence is there that criminal conduct occurred? If such conduct is found, and found to be of a kind that requires the naming of an independent counsel, Ms. Reno may yet ask for one. In a sense, what's going on is what the critics claim to want, but without the label.

Meanwhile, the independent counsel already investigating the president in the Whitewater case, Kenneth Starr, is also looking into what you might call one of the most advanced aspects of the campaign finance case, which is whether political donors were somehow called upon to hire Clinton family friend and former associate attorney general Webster Hubbell before he went to prison several years ago, the question being whether the large amounts of money paid him as Mr. Starr was seeking information from him were meant to hush him up.

There is one other major factor that argues for waiting awhile before deciding whether to seek an independent counsel in the campaign finance case. It has to do with what we believe to be the integrity and, if you will, independence of this attorney general herself. She is an uncommon figure in this town, and this administration, as even many who are banging on the table for an independent prosecutor will agree. We do not think it would be an inducement to sleeping well at night to know she was on your case if you had violated the law and were trying to hide it—especially with her honor being publicly challenged over and over again on this matter.

You balance risks on a decision like this. The risk of leaving the case in her hands at this stage, while Justice Department, congressional and other investigators continue to try to flesh it out, seems pretty slim. Events could change that. But right now the matter seems to us to be proceeding well enough without an independent counsel.

Mr. LEAHY. Mr. President, I sometimes think that those who are scheming for an independent counsel for this and an independent counsel for that, counsel that often cost $20 or $30 million of the taxpayers' money, and millions of dollars more of individuals' money, have not bothered to stop and think what they are asking for. It may be good for the evening news and may make a Member of the House or Member of the Senate feel good because his or her name gets in the paper, but does it really help this country?

In fact, some might ask about this rush to come on the floor Friday, the steady stream of my friends on the Republican side of the aisle who blast the President and tear after the President. I am surprised they did not say, "Why don't we double-check with Bethesda as to what time he will actually be in surgery so maybe we could go on recess or go to our own fundraisers at that time and then come back and make sure he sees just how we are tearing him apart."

I suggested half joking on Friday that they would set aside another $1 million that we could appropriate of the taxpayers' money to send a delegation of Members up to Bethesda to make sure, indeed, he was being operated on. It was about that ridiculous.

I first came to the Senate at a time when Democrats and Republicans showed some respect for whoever was holding the office of President of the United States and had some realization that the person serving as President, like the rest of us, is a human being and an individual. Yet, I have heard Members on this floor pillory the President, pillory his wife, his child, even at times his mother and others, as though somehow they don't have feelings. I have heard things said about him that, if we said them about each other, we could be censured by the Senate—even though some of the things said may be more applicable to some in this body.

I remember a time, a time when the Democrats were in the majority, since I have been here, when an issue was coming up, for example, about President Ford on personal issues. We held off—maybe he was taking a trip abroad—and we held off on issues.

The same with President Reagan. Again, when the Democrats were in the majority in the Senate, we would hold off issues of criticism of the President as he was about to leave to go abroad.

The same with President Bush.

Yet, here we have the President of the United States, who has just undergone what I have to imagine is extremely painful surgery—the Presiding Officer would be able to understand that better than I because of his own distinguished medical background. I think by all accounts it was a very painful situation. They tell me tearing a tendon is more painful than breaking your leg. I know, from some of my colleagues here who have torn Achilles tendons, or others, have told me that is so.

Here he is, the President of the United States, undergoing very painful surgery. But notwithstanding the pain he must be in, because of the importance of the relationship between the United States and the world's other major nuclear power, Russia, he is going forward with his summit meeting with President Yeltsin. The President, who is going to be traveling very painfully to Helsinki—whether it is Air Force One or not. I have ridden enough times on Air Force One with various Presidents to know Air Force One can hit turbulence, too, and bounce you all around. It will be a painful trip.

None of this seems to make any difference. They still proceed on the floor, Friday and today, blasting the President with resolutions and statements. This timing ensures, of course, that all this will be in the world's press, in Helsinki and elsewhere, just in time to be delivered to all those in the Russian party when he arrives.

Mr. President, I don't know if the Senate is just spinning out of control without any sense of propriety or decorum. Perhaps, at the age of 56, I have become the old-fashioned Member of the Senate. But I have been here for 22 years, and whether it was in my first year as a 34-year-old former prosecutor or now as a 56-year-old senior Member of the Senate, I do know that we have followed a tradition of some propriety in this body.

We have done that time and time again. We have withheld resolutions, questions or disapproval of a President when he was leaving to go abroad or was abroad so we could at least present a united face to the rest of the world.

Yet, I have heard Members come on the floor and make highly critical statements of President Clinton when he has been at summit meetings overseas, statements that had to be read by all the people with him from around the world. That, I think, was unseemly. Just as I believe having this resolution at this time at the beginning of the Helsinki summit is highly insulting, shows no sense on the part of the U.S. Senate and, frankly, of those who brought it forward at this time, of the kind of image we should give the rest of the world.

I am not suggesting by any means that we cannot question the President of the United States. I have done it, other Members have done it, both this President and other Presidents. That is perfectly appropriate under our separation of powers and under our duties as Members of the Senate.

But I suggest that there are certain times when, by tradition—and a tradition that has served this country very well—that we at least back off and show some unity. One such time, just out of a sense of common decency and perhaps upbringing, would be when the President is in the hospital recuperating from a fairly painful and serious injury. One would think that we would not see this happening in the U.S. Senate. I question what we are coming to.

But by tradition, by a sense of propriety, and by a sense of Senators putting their country ahead of their political partisan posturing, we have at least held off at the beginning of a foreign trip by a President or at the beginning of a summit.

Mr. President, I was thinking of this matter this morning as I was coming to work. Comments were made to me over the weekend while I was home in Vermont by a number of people who are not Democrats, who thought that it was unseemly. I have not talked with anyone at the White House about this or anybody in my leadership or anybody in my office. This is simply something I started thinking about. It bothers me that we have reached the point where we are not showing the sense of history in this body that has served the Senate very well in the past, and has also served the country well.

I urge those who determine the timing of issues before the Senate to take some time during the Senate recess and read a history of the Senate and read a history of the actions of the great leaders of the Senate, Republican and Democrat alike—and we have had great leaders in both parties. Read about the number of times when they have put the United States ahead of their own partisan fortunes, when they have put the United States ahead of their own ability to be in the news, and, frankly, when they realized that the U.S. Senate can be and should be the conscience of the Nation. We should uphold that conscience of the Senate so that the Senate can be the conscience of the Nation.

With some in this body, it will be a rereading of the history of the Senate. Frankly, Mr. President, one has to assume that for some, it will be a reading of the history of the Senate, and that perhaps in all their efforts to get here, the time-consuming and difficult chore that is, they did not have a chance to read the history of the U.S. Senate before they arrived. But now is as good a time as any. There is going to be a 2-week recess, and that should allow some time to read it. Senators cannot be at fundraisers all of the time during that recess. Read over the history.

I urge the leaders, those who determine the schedule of this place, that in the future, when the President is about to embark on a major summit, in this case with the other major nuclear power of the world, that they not bring up resolutions designed to embarrass him, designed actually to be voted on the day that he would arrive. As it turns out, it won't be, because he is delayed by a day because of his injury.

We are not playing school-board politics here. We are not some small-town board. This is the U.S. Senate. There are only 100 of us who get the opportunity to serve at any one time, but we represent a quarter of a billion people in the greatest, most powerful democracy history has ever known. I think we all know that. It doesn't matter whether we are Republican, Democrat; conservative, liberal, moderate; no matter what part of this country we are from; we know, instinctively, that we represent the greatest democracy history has shown.

But instinctively knowing and diligently upholding the responsibility of U.S. Senators to represent that Nation are two different things. If Members want to criticize the President, that is their right. If they want to embark on another investigation, like the rather pointless one the Senate already has, Whitewater—pointless, except for the fact it cost the taxpayers hundreds of millions of dollars—fine, they have a right to do that. But at least let's make an effort to present a united face when the President of the United States goes abroad on a major summit. At least give the President of the United States as much backing as possible when he is representing all the United States—not Democrats, not Republicans—all the United States.

I am reminded of a story my father had told me many times about my State, which for many years was the most Republican State in this country. In fact, after 22 years as a U.S. Senator from Vermont, I am still the only member of my party ever to represent Vermont in the U.S. Senate. In fact, we are the only State in the Union that has only elected one Democratic Senator, and I am it. Sorry about that, Mr. President, but it happens.

My father told me how the National Life Insurance Co. in the thirties and forties, basically ran the Republican Party in Vermont. They determined every 2 years who was going to be Governor. You had to be very much a Republican.

In the late thirties—I believe it was 1937—Franklin Roosevelt came to Vermont to look at some flood control projects. He was driving down State Street in Montpelier, past our statehouse and past the National Life Insurance building—they were two separate buildings, although it was sometimes hard to tell which was which—in an open car. My father, the lone Democrat in Montpelier, was standing there, as chance would have it, next to the president of National Life who was then the de facto chairman of the Vermont Republican Party. As the open car went by with Franklin Roosevelt in it, the men all stood at attention and the president of National Life, like all the other men, took his hat off—they all wore hats then—and held it over his heart as President Roosevelt drove by. My father could not resist the temptation to chide him a little bit then, and he said, "I can't believe you took your hat off for Franklin Roosevelt." The president of National Life replied, "Howard, I didn't take my hat off for Franklin Roosevelt. I took my hat off for the President of the United States."

What he did was show respect. Respect does not have to be blind. It does not mean we do not question things here. We have great respect on the Democratic side of the aisle for the Republican leadership, just as I would hope they would for the Democratic leadership. But it does not mean we vote with them all the time, by any means. There is a difference.

We show respect in this body, just following Jefferson's Manual, by the way we address each other. It does not mean we agree. We might be fighting hammer and tong, but we say "my distinguished colleague," and so on and so forth.

We should show respect to the President of the United States when he is going abroad to represent every single American. We are the only country left on Earth that still does have the ability to destroy the world overnight with nuclear power.

Every one of us on this floor, especially every Democrat on this floor, always showed that respect for President Reagan when he was in similar situations, and for President Bush.

I see the distinguished senior Senator from Massachusetts on the floor. He has served here longer than all but a couple of Members. I think the distinguished Senator from Massachusetts is one who would well remember both Republican and Democratic members of the Senate and the House showed some restraint and unity with them.

This resolution could easily be brought up after the President came back, or any other time. There is absolutely no urgency to bring it up now. But it is brought up on the eve of his trip to Helsinki to have a summit meeting with the President of Russia.

Mr. President, frankly, in my estimation, this is a new low for the U.S. Senate. In my estimation, this is something I have never seen happen here before. In my estimation, those who determined to bring this resolution up at the beginning of the Helsinki summit ought to be ashamed of themselves. They ought to admit they are ashamed of themselves and put it off for another time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I urge the Senate to support the Democratic alternative, and to reject this one-sided, partisan, and unseemly attempt to force the Attorney General to act.

On the issue of the independent counsel, last week, the Senate voted unanimously to give the Senate Governmental Affairs Committee a broad mandate to investigate campaign violations in all Federal elections, whether by Democrats or Republicans.

Our able and trusted Attorney General, Janet Reno, already has a task force in full operation investigating these issues. More than 30 special agents from the FBI serve on this task force. The task force has already issued subpoenas and presented testimony before a grand jury.

Last Thursday, Republican members of the Judiciary Committee wrote to the Attorney General urging her to seek an independent counsel. That letter requires the Attorney General to examine whether an independent counsel should be appointed and to report to the Judiciary Committee on the actions that she takes.

The Republican resolution now before us proves that Republicans are not serious about conducting an evenhanded inquiry into campaign finance violations. It focuses only on the Presidential campaign and ignores the many allegations of serious abuse in Republican congressional races.

We faced similar partisan tactics in the debate last week on the Governmental Affairs Committee's investigation. Democrats called for a broad inquiry covering both illegal and improper activities and including both Presidential and congressional campaigns. But the Senate Republican leadership resisted. They were only interested in putting the spotlight on the White House and diverting attention from abuses by Republicans in Congress.

In the end, their efforts to suppress a responsible inquiry could not stand the light of day. Republicans joined Democrats in voting unanimously in favor of the Democratic position that the Governmental Affairs Committee should investigate all campaign abuses—Presidential and congressional, Republican and Democrat.

Why don't we hear Republicans calling for an inquiry into the role of money in last year's fight to raise the minimum wage? The majority of Americans supported an increase in the minimum wage to enable American workers to support their families. But money from special business interests was rolling into Republican campaigns as corporations tried to block this long-overdue raise for working Americans. When an increase in the minimum wage became inevitable, Republicans added provisions giving huge tax breaks to business as a consolation prize.

Why don't we hear Republicans demanding an investigation of the role of money in last year's fight over medical savings accounts? The MSA proposal threatened to block the whole Kassebaum-Kennedy health care bill. The Golden Rule Insurance Co., was the driving force behind medical savings accounts. Golden Rule made more than $1 million in campaign contributions. In October 1994 alone, just before the midterm election, it delivered $416,000 in soft money to the GOP. Only two other companies gave more to the Republicans in that election cycle.

Golden Rule contributed lavishly to NEWT GINGRICH's GOPAC political action fund. Without Golden Rule and its huge contributions to Republicans, medical savings accounts would never have been an issue. Republicans were willing to jeopardize health care for working families in order to channel higher profits to insurance companies.

But what about the Republican regulatory reform proposals in the last Congress? Utility lawyers in a Richmond, VA, law firm are reported to have drafted the Dole bill in the last Congress—the same law firm in which Senator Dole's counsel and chief aide on that bill had been employed only weeks before. That firm represented utility companies, chemical companies, and tobacco companies all seeking to increase their profits by weakening regulations requiring companies to keep our food safe and our environment and water clean.

In fact, when the time came to inform Democrats about the Republican bill, the briefing was not conducted by Republican staff, but by three lawyers from the law firm.

So if Republicans are serious, these offensive actions that jeopardized the health and well-being of millions of Americans would be on the list for investigation, too.

Surely, if there is to be an investigation by an independent counsel, these abuses should be within the scope of the investigation, too.

President Clinton and Democrats in Congress are talking about better education and health care for children, good jobs for working Americans, protections for the environment, saving Social Security and Medicare while balancing the budget, preventing crime, and reforming the current shameful system of campaign financing. Our Republican friends are interested in none of the above. They are shamefully abdicating their responsibility to prepare a congressional budget resolution. They are stonewalling any campaign finance reform. They are more interested in investigating who slept in the Lincoln Bedroom than addressing the issues that keep working families sleepless at night.

Attorney General Reno doesn't need this kind of partisan advice to do her job and decide whether to appoint an independent counsel. Our Democratic alternative calls on the Attorney General, in determining whether an independent counsel is necessary, to "exercise her best professional judgment, without regard to political pressures and in accordance with the standards of the law." It is the responsible thing to do.

Attorney General Reno has earned broad bipartisan respect for her honesty and integrity. Congress should not pressure her to suspend the current Justice Department investigation and turn it over to an independent counsel. We certainly should not pressure her to seek an independent counsel whose mandate would conveniently ignore the obvious abuses of Republican congressional campaign financing.

I urge my colleagues to support the Democratic alternative and to oppose the Republican resolution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I said earlier that I have never seen a time in my 22 years here when those who control the majority of the Senate would schedule a resolution of this nature as a President was leaving for a summit meeting—even some of the less significant summits, and certainly not for a summit with the leader of a nation that is, militarily, a nuclear superpower.

I can think of a number of times when there were issues that were as troublesome to Democrats, who had controlled the majority of the Senate, as this is to Republicans, or as they say it is—so long as it is limited just to investigate the Democratic President and not themselves. There were times when I was here in the majority with Republican Presidents, including President Ford, President Reagan, and President Bush, and time and time again we held off matters that we were thinking of bringing to the floor, even legislation, that might be a matter of some contention while the President was abroad at a summit meeting. At no time would even the most junior member of the Democratic Party, when the Democrats were in the majority, consider bringing up something like this while a Republican President was abroad.

I think it shows one of the most egregious breakdowns of any bipartisan comity in this body, to see this come up as the President is about to go to Helsinki. I think certainly in my 22 years of experience, it is completely unprecedented. I think it is outrageous. I think it is inexcusable. It does not mean that this whole issue could not be debated when the President came back. It might mean that we would have to delay our 2-week vacation by a couple of days to do it. But we might present a better face to the rest of the world.

It has become so partisan around here that we look first to partisan advantage and not for the advantage of the country. Some in Congress simply cannot avoid the temptation to jump the gun and demand another costly, time-consuming, largely unaccountable, potentially destructive independent counsel—provided it is only to investigate a Democratic President. Certainly, there is no effort to go and look at any activities of the Republican Party.

Senate Joint Resolution 22 does not advance the administration of justice. It was drafted and introduced before the Republican and Democrat members of the Senate Judiciary Committee, and those of the House Judiciary Committee sent letters to the Attorney General. Those letters are congressional actions contemplated by the independent counsel law. This resolution is not and does not take those actions into account. We have begun a process that will yield the reports from the Attorney General that are allowed by the statute. We ought to give that process a chance to work.

This resolution, if it was a law, would probably be found unconstitutional. It certainly is not authorized by the independent counsel law. In my view, it is an inappropriate effort to pressure the Attorney General and to prejudge these matters. One of the main reasons this kind of a resolution is not contemplated in the law is to keep political and partisan pressure off the Attorney General. It perverts the independent counsel process.

The independent counsel law was passed to ensure that investigative and prosecutorial decisions are made without regard to political pressures. This resolution would subvert that purpose by subjecting the critical initial decisions about invoking the law to such political pressures.

It is not Congress' place to determine when to bring criminal charges. This body is ill-suited to that purpose. The administration of justice is ill-served by efforts to intimidate a prosecutor to begin a case.

The resolution of the distinguished Republican leader will serve only to undermine the investigation that the Attorney General now has underway and will undercut the independent counsel law. It will further erode public confidence in the Government's ability to do its job.

We ought to do our job up here and let the Attorney General do hers. We are having a hard enough time doing our own job. We have yet to see 1 minute of debate on the budget resolution which has to be passed by mid-April. We have not seen one single judge get confirmed. We have been voting them out of the committee at the rate of three-quarters of a judge a month, and none has come to the floor, not in 6, 7, or 8 months, and there are 100 vacancies in our Federal judiciary. The Chief Justice calls it a crisis. Yet, even though we are paid and elected to do that, to consider and confirm judges, we have not confirmed a single judge. We have not brought up the budget. We have a chemical weapons treaty which is languishing.

But we can break all precedent and bring up a resolution attacking the President as he leaves on a summit with the President of Russia, the other nuclear superpower, something that has never been done before, something that any Democrat, when we have been in the majority and leading this body, would have been ashamed to do to a Republican President because we know it was so much against the best interests of the United States. Even though it might further our own short-term political gains, we would not want to damage the United States, the President's credibility or the President's ability to represent the United States abroad, so we would not have done it and did not do it.

There are a lot of issues the Senate could be considering that are within our responsibilities, do reflect our duties in this Government and do reflect what is in the best interests of the country. This is not one of them. It is an affront to the constitutional separation of powers established by the Founders. Investigation and prosecution of crimes is left to those experienced in the use of that awesome power, not matters for a political body.

When I was a prosecutor, I knew as a prosecutor I had the power to bring or to withhold prosecution. It was not anything I was willing to share with any legislative body. I hoped I would resist that temptation if I were ever a legislator and not a prosecutor.

It makes as little sense as the call by some in the Republican Party for the Congress to be able to overturn any judicial decision of any Federal court by just a majority vote. This concept would have been laughed down by the Founders of our country. They wanted three independent branches of Government: The executive branch, the legislative branch, and the judicial branch. Government 101—in most schools, you learn it in the first or second grade.

What they are now saying, even though part of the strength of our democracy and the protection of our democracy is an independent Federal judiciary, even though we have a Federal judiciary that is the envy of all other countries because of the quality of the men and women in it and their integrity and their independence, we now have some who say, "Well, cut out the independence, we will have the Congress stand up and vote to decide whether a decision is right or wrong in a court. We will just overturn it. We will become a super court of appeals."

As though we don't have enough to do. We can't bring up a budget. The chemical weapons treaty isn't before us either to be voted up or down. We haven't even found time to vote to confirm 1 single judge when there are 100 vacancies in the Federal courts. But somehow we are going to have time to start reading judicial opinions and decide whether to vote to overturn them? I wonder how many judicial opinions most Members of this body have read since they have been here. I wonder how many are prepared to sit down and read the thousands delivered every year. This is balderdash of the first order.

Then, yes, the other thing they are going to do, there are now Members in the other body who suggest that if we don't like a decision, impeach the judge. Now, some who were saying that, I will grant you, have read—I have suggested that some don't read enough in this body—but some of those who say "just impeach the judge" when we disagree, they have at least read something. Unfortunately, they read Lewis Carroll's "Alice in Wonderland" and got stuck in the part where the queen says, "Off with their heads." Every time the queen disagrees with something, "Off with their heads."

Well, we are a gentler and kinder nation, so some say, "I disagree, impeach him, impeach him." My goodness, it sounds like the chipmunk chorus, like we hear in some of the songs at Christmas time.

This country was made by giants. Let us not have it torn down by pygmies. Let us respect our three branches of Government. Let us respect the independence of our judiciary. Mr. President, I have tried a lot of cases. Some I won; some I lost. But if I lost them and felt the case wrongly decided, I would appeal them. If somebody on the other side lost, they could appeal. That is what you do. I can imagine the hoots if somebody in one of these cases who lost, immediately said that we have to impeach the judge. We have appellate courts—appeal it. What are you going to do if you disagree with the appellate courts? Are you going to impeach them? Suppose they are upheld by the U.S. Supreme Court. I can see a delegation of us going right out that door, Mr. President, straight across the street with our torches held high, our pitchforks brandished, our tumbrels "tumbreling"—the reporter of debates will have fun with that one—saying, "We are here to impeach the Supreme

Court, you naughty boys and girls. You voted differently than we think you should have."

You know, I was reminded today of the first time that I saw a billboard to impeach the Supreme Court was when I was 18. I made my first trip down here. Some were upset that the Supreme Court didn't want to uphold segregation, so "impeach the Supreme Court" was their slogan. How laughable, in hindsight. How acceptable is the repeal of our segregation laws today. How laughable, in retrospect, were those billboards of that time. But at the time they were popular with a group. They were popular with a segment of the political society, and so that was why the billboards were there.

Well, I have no question in my mind that it may be popular today for some to say "impeach judges" when we disagree with them—but not for the high crimes and misdemeanors the Constitution speaks of, not for the only ground the Constitution allows for impeachment, but simply because we disagree with their decision. It may be popular with some.

In retrospect, it will be seen as laughable.

But at the moment it is dangerous. It is dangerous, Mr. President, because a democracy exists only if we have respect for the institutions of a democracy. A democracy exists only if we follow our traditions and our laws and our best instincts. This does none of that. It doesn't follow tradition, and it doesn't follow any laws or our best instincts. Most importantly, it does not follow the Constitution, the remarkable instrument that has maintained this Nation for over 200 years. It has turned us into the most respected, most powerful democracy known to history.

I urge all Senators, all House Members, all of us who have the responsibility, who have taken the oath to uphold the Constitution, to step back a moment, stop the foolishness of these calls for impeachment, stop the irresponsibility of refusing to fill judicial vacancies, stop the attacks on the President as he moves from his hospital bed to one of the most important summits he will have of his Presidency.

This does not mean we cannot criticize. Everybody is free to vote for or against any proposal of the President. Any one of us is free to vote for or against any amendment of mine or anybody else's.

But what we are not free to do is, for short-term political gain, is tear down the best things that make this country run. We are not free to tear down the Constitution on issues of judicial appointments or independence just because it may sound good in a speech back home or to a fundraising group. We are not free to try to design the timing of resolutions to embarrass a President when he is about to go into a major summit.

Frankly, I will put my money on the President handling that summit with all of the issues involved, from the democracy movements within the former Soviet Union to our own nuclear security. Maybe the President is better off to have some in this body distracted by voting on this, rather than thinking of other things they could do to try to meddle into the foreign policy leadership of the President.

Mr. President, I suggest that this extreme partisanship—and that is what it is—is something I have never seen in my time in the Senate, and it is time that we back off. It does not help the Senate. If somebody wants to state a selfish reason, it won't help any one of us either. Most importantly, it doesn't help the country. I have always believed that all the men and women in here are true patriots who have, or should have, the interests of the country first and foremost above their own political well-being or the political well-being of any special interest group on the left or the right.

Maybe they want to back off. Maybe it might be good that some would acknowledge that they picked a poor time to bring this up, that it really does jump the gun. I am willing to give the benefit of the doubt that it might even have been a mistake to bring it up now. I realize the possibility is very, very slim but I will even accept the possibility that it might not even have been brought up with the intention of embarrassing the President. I assume it was. But I will accept even the possibility.

I ask the same question that so many others have asked me: Why in Heaven's name? What have we come to that we try to send the President to a summit to represent everyone of us but knowing all the headlines will be "Senate Debating Resolution to Investigate the President of the United States?" We know that for some this is being done for short-term political gain for upcoming fundraising or fundraising letters. But the people who read the headlines in the newspapers around the world do not, and certainly those who will be at the summit do not.

So I think it is a mistake. We ought to get on to other things.

ANTIPERSONNEL LANDMINES

In fact, I could suggest one thing that we could go to, something on which Democrats and Republicans could join is the question of antipersonnel landmines. Today there are over 100 million antipersonnel landmines buried in the ground in around 70 countries. Some of them are as small as a can of shoe polish.

Every few minutes somebody is killed, maimed, or injured from these antipersonnel landmines. Invariably the person killed, maimed, or injured is a civilian. The injuries tend to go almost in an inverse ratio to the age of the person. Some are children who are killed, or hopelessly crippled for life. In one country, I was told by their leaders that they cleared their landmines "an arm and a leg at a time."

This Senate has supported legislation on antipersonnel landmines that I have written, the Leahy ban on the export of landmines. That was something, in a rare show of unity, where Republicans and Democrats across the political spectrum came together and the United States has been able to take the high road of banning the export of landmines as a result. In this body, Republicans and Democrats across the political spectrum, including at that time the two leaders, Senator Dole and Senator DASCHLE, came together and supported legislation of mine to ban for 1 year the use of these antipersonnel landmines by the United States, the first time we have ever unilaterally banned such a weapon. Our hope was that when we demonstrated that it was possible for us to do it for 1 year, we could certainly do it for every year thereafter and again give us a leadership position with the world.

I urge the administration now to consider making that a permanent ban and to consider joining with Canada and others who want to seek such a ban throughout the world.

My legislative efforts have been very simple. It would ban production of antipersonnel landmines, ban the export of antipersonnel landmines, and ban the use of antipersonnel landmines. Country after country after country has now adopted similar steps. Country after country after country has notified me through their prime ministers, or through their presidents, or the head of their parliaments, and said, "We have adopted this legislation."

I must admit to a growing sense of satisfaction of seeing this done, but at the same time a sense of apprehension that not enough are doing it, and it is not being done quickly enough because every year more—sometimes millions more—landmines are put into the ground, and every year thousands and thousands more children and civilian men and women are injured. More and more years in vast parts of countries they can't raise their crops, they can't graze their animals, and their children can't go to school because of the landmines, Mr. President.

I have visited critical sites all over the world where the Leahy War Victims Fund is used where we buy prosthetics, provide wheelchairs, and give training and rehabilitation to people who have lost arms or legs from landmines.

My wife is a registered nurse, and she has gone with me when she was able to get away from her own duties at the hospital. She has gone with me to these various sites. She has helped people with the fitting of prosthetics. She has helped with the care of those in the hospitals.

I remember one time, especially, in the country of Uganda, after we had visited this site. We had American volunteers and others at one of the first sites at which the Leahy War Victims Fund was used. She came to me because there was a little boy horribly malformed and terribly crippled. She and the other nurses there had helped to bathe and clothe the child. She asked what was wrong with him. He was crippled by polio. She had hardly ever seen in her years as a nurse a polio victim, unless it was somebody who had polio decades ago. She asked how could this be because, as the distinguished Presiding Officer who is a physician knows, polio is one of the easiest things protected against. For everyone of us who has children, they automatically get their polio vaccination. We don't think of it anymore. She said, "Wasn't a polio vaccination available for this young boy?" And there was. The country had a polio vaccination program. But they could not get to his village with it because of all the landmines around.

So this young boy was never injured by a landmine, but he is crippled for life in a country where he is unable to work and grow his food, and in all probability will not live long because of the presence of landmines. So if the landmine doesn't get you, the landmine still gets you.

That is why, Mr. President, the only way you get rid of landmines is to get rid of them. Every single country has to ban them. And those of us who have the resources, the power and the technology should join together and start removing mines. This is true whether it is in Bosnia, where the mines are the one major threat to American peacekeepers, or throughout Africa, Central America, every place that landmines exist.

They serve no real military benefit—clearly not for our Nation, the most powerful nation that history has ever known. They serve as a terrible, terrible weapon to the children who pick up the little piece of metal thinking that it is a toy and have their face torn off, or are left with other terrible problems. They pose a terrible threat to a woman who goes to the well to get water for her family and has her legs blown off. They pose a terrible problem to the man who is out trying to harvest his crops to feed his family, and he touches a landmine and his family no longer has a father.

That is why we should ban them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FBI MISMANAGEMENT—PART 4

IG ASKS FBI DIRECTOR TO CORRECT RECORD

Mr. GRASSLEY. Mr. President, I rise today to continue my observations about major problems in the FBI's crime lab, and about the Bureau's failed leadership. This is my fourth such statement.

My colleagues are no doubt curious about the harshness of my criticisms of the Bureau's leadership. But my critique directly matches the level of the Bureau's misleading of the public.

I have not been unfair or unmeasured in my comments. I dare say, I have been softer on the FBI than others in Congress. Yet the ranks of those of us who are perturbed are growing swiftly.

I have raised these issues for two reasons: First, to use the Justice Department's and FBI's own documents to show where the Bureau is misleading the public; and second, to contribute an understanding of why it is happening.

I will briefly remind my colleagues of what I already revealed before this body. Many of the allegations of the lab's whistleblower—Dr. Frederic Whitehurst—are being substantiated. FBI documents are showing that. In previous statements, I have referenced three problem cases, examined by the Justice Department's Inspector General, that were uncovered by the press. The three cases are those of ALCEE L. HASTINGS, George Trepal, and Walter Leroy Moody. The conduct of specific FBI agents in each of these cases is in question.

Second, the FBI tried to explain Dr. Whitehurst away by questioning his credibility, and saying no one else backs up his allegations. But now we know that is false. At least two other scientists have backed him up. One has been made public. The other is fixing to.

Third, we now know that the FBI investigated these same allegations, knew about the problems, and covered them up. They did not fix them. They covered them up. The IG, then, took an independent look and flushed out the problems. The Bureau is now doing a mad scramble to control the damage. At the heart of its damage control operation is an effort to mislead. And that effort comes right from the top of the FBI. Right from the Director himself—Louis Freeh.

But their scheme is unraveling, Mr. President. I rise today, to assist in the unraveling process. The public has a right to know what the FBI is covering up. And I am here to help them know.

The latest case of misleading by the FBI involves the public testimony of Mr. Freeh approximately 2 weeks ago. On March 5, Mr. Freeh testified before the House Appropriations Subcommittee on Commerce, Justice, State. The chairman is Representative HAROLD ROGERS of Kentucky.

During the hearing, Mr. Freeh was asked why the FBI placed Dr. Whitehurst on administrative leave. In response, Mr. Freeh stated:

> [T]he action that was taken against Mr. Whitehurst was taken solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst . . . .

Mr. Freeh also said the IG, Mr. Michael Bromwich, was notified about the action and had not objected. Mr. Freeh concludes by saying:

> The only reason that action was taken was because of what the Inspector General wrote and recommended to the FBI.

When the IG found out what Director Freeh had stated, he fired off a letter the very next day. He demanded that Mr. Freeh correct the record in three specific areas.

First, the FBI has consistently maintained that it was not just the IG report that factored into action against Dr. Whitehurst. I know this, Mr. President, because the Deputy Director, Weldon Kennedy, told me the same thing. The other reason involves the FBI's belief that Dr. Whitehurst would not answer questions in an administrative inquiry. It seems the FBI Director is using the IG report to hide behind. In my view, he wants the public to think he was forced by the IG to take action against a whistleblower.

Second, the IG says it is inaccurate for Mr. Freeh to say the IG did not object to action against Dr. Whitehurst. In fact, the IG spent over a year objecting to such treatment of Dr. Whitehurst. I had not known this before, Mr. President. According to the IG, representatives of the FBI had an active campaign—for more than a year—to take action against the whistleblower. The IG spells this out in detail in his letter.

That sounds suspiciously like retaliation against a whistleblower. And as you know, Congress has passed statutes prohibiting retaliation against whitleblowers. But it would certainly explain why the FBI is over-reacting to the IG's report, with respect to Dr. Whitehurst. I suspect that the IG would have had nothing but praise for Dr. Whitehurst, and the Bureau's response would still be, "See? The IG recommends that we fire Whitehurst!"

I met on January 28 with then-Deputy Director Kennedy. I asked him what it was in the IG report that he thought gave the FBI grounds to take action against Dr. Whitehurst. I am bound to maintain the confidence of what is contained in the report that Mr. Kennedy cited. But let me assure you, Mr. President. When you see the report, you will be scratching your head in bewilderment. I was.

Third, the IG says no such recommendation pertaining to Dr. Whitehurst is in his report.

These were the three specific points about which the IG took issue with Mr. Freeh. If I could offer a translation, I will bet Mr. Bromwich thought Mr. Freeh misled the subcommittee. If Mr. Bromwich indeed reached that conclusion, the facts would be on his side.

The IG's request that Mr. Freeh correct the record was responded to on March 11. In letters to both Mr. Bromwich and Mr. ROGERS, Mr. Freeh appears to do what some of his agents have been accused of doing in a courtroom—cutting corners to get a conviction.

I ask unanimous consent that those three letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INSPECTOR GENERAL,
Washington, DC, March 6, 1997.

Hon. LOUIS J. FREEH,
Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

DEAR DIRECTOR FREEH: I am writing to urge you to correct testimony you gave during your appearance yesterday before the House Subcommittee on Appropriations. I have reviewed the videotape of your testimony and believe that your response to a question regarding Dr. Whitehurst is incorrect in three respects.

Your testimony was as follows:

Q. (By Chairman Rogers) Now why was Mr. Whitehurst suspended?

A. What I can say in the open session, sir, is that the action that was taken against Mr. Whitehurst was taken solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst, which they furnished us in writing. We notified the Inspector General and the Deputy Attorney General's office that we were going to take administrative action. They did not object to it. The only reason that action was taken was because of what the Inspector General wrote and recommended to the FBI. And when that is public, I think you will be satisfied.

First, we have consistently been informed that the FBI did not take administrative action against Dr. Whitehurst "solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst," as you testified. Rather, Deputy Counsel James Maddock has informed us (and others) on several occasions that the FBI's action was also taken because of Dr. Whitehurst's refusal—after being administratively compelled—to testify in 1996 in the matter regarding leaks of information about the laboratory. Indeed, that dual rationale was contained in the memo from Weldon Kennedy to the Deputy Attorney General, a copy of which was sent to me, on January 24, 1997, notifying her of the FBI's intention to place Whitehurst on administrative leave that afternoon.

Second, it was inaccurate to say that I "did not object" when the FBI notified my office that it intended to place Dr. Whitehurst on administrative leave. In fact, at a meeting held on January 21, I expressed my opposition when Mr. Maddock informed us that the FBI intended to take such action against Dr. Whitehurst. This was consistent with the position that I had taken over the course of more than a year when FBI representatives had repeatedly proposed firing Whitehurst or placing him on some sort of administrative leave. Although it is correct that I did not specifically respond to Mr. Kennedy's January 24 memorandum informing the Deputy Attorney General of the FBI's decision to place Dr. Whitehurst on leave that same afternoon—or formally reiterate my objection to taking any action against Dr. Whitehurst—it was because I had already made my views known rather than because I agreed with the FBI's proposed action.

Third, your testimony implies that we specifically recommended that Dr. Whitehurst be placed on administrative leave based on the draft report. The draft report in fact contains no such recommendation, nor can it be fairly construed to imply that such action should be taken while the draft was being reviewed.

Because I believe the inaccuracies in your testimony should be corrected as promptly as possible, I urge you to write to Chairman Rogers and Congressman Mollohan to correct the record. Should sharing this letter with the Appropriations Subcommittee assist in correcting the record, please feel free to include it with your correction.

Very truly yours,
MICHAEL R. BROMWICH,
Inspector General.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, March 11, 1997.

Mr. MICHAEL R. BROMWICH,
Inspector General, U.S. Department of Justice, Washington, DC.

DEAR MR. BROMWICH: In your letter of March 6, 1997, you state that it is your understanding that the FBI did not place Frederic Whitehurst on administrative leave solely on the basis of the recommendations set forth in your draft report. Your understanding is correct and I am writing to clarify my prior statement in that regard.

In a memorandum to Deputy Director Kennedy dated January 23, 1997, I recused myself from any Whitehurst-related disciplinary or administrative matters contained in the OIG report regarding the FBI Laboratory. Instead, I designated the Deputy Director to make or review all such decisions. It is my understanding that Deputy Director Kennedy based the decision to place Mr. Whitehurst on administrative leave on the following two grounds: (1) the FBI's receipt of notice in your draft findings that you intend to recommend that the FBI consider whether Mr. Whitehurst can continue to usefully serve the FBI in any capacity; and, (2) Mr. Whitehurst's refusal to answer questions, in direct contravention of an order to cooperate by an FBI Acting Assistant Director, with regard to an investigation into allegations that Mr. Whitehurst, without authorization, disclosed official information to the media.

We maintain that either of these grounds, standing alone, suffices to justify the temporary personnel action with respect to Mr. Whitehurst. However, as you know, the Department of Justice advised against taking any action concerning Mr. Whitehurst's refusal to cooperate with the leak investigation until you issued your draft report on the Laboratory investigation. Therefore, upon review of your draft findings with respect to Mr. Whitehurst, we notified your office that the FBI would be placing Mr. Whitehurst on administrative leave. As we advised Mr. Whitehurst in a letter dated January 24, 1997, this action did not constitute an adverse action, did not indicate inappropriate conduct on his part, and did not involve any loss of pay. However, because your draft findings put the FBI on notice of potentially serious problems with respect to Mr. Whitehurst and other Laboratory employees, the FBI would have been remiss had it failed to take temporary actions with respect to these individuals.

We received your draft report on the FBI Laboratory on January 21, 1997. On January 24, 1997, after reviewing your findings and recommendations, the FBI temporarily reassigned two Laboratory employees to positions outside the Laboratory, temporarily reassigned one employee within the Laboratory, and placed one employee, Mr. Whitehurst, on administrative leave with pay. You indicate in your letter that, at a meeting on January 21, 1997, you expressed opposition to the decision to place Mr. Whitehurst on administrative leave. I understand this topic was only briefly addressed and that the discussion moved on to other topics, which may account for why both Mr. Maddock and Mr. Collingwood do not recall your comments on this issue. Furthermore, as you concede in your letter, you did not respond to the Deputy Director's memorandum dated January 24, 1997, in which he informed the Deputy Attorney General that Mr. Whitehurst would be placed on administrative leave that afternoon.

Finally, you are correct that the draft report does not specifically recommend that Mr. Whitehurst be placed on administrative leave. I did not intend to imply that to the Subcommittee. However, it is significant that, after a 17-month investigation of the Laboratory, Mr. Whitehurst is the only FBI employee whose suitability for continued employment you question. Your findings also make clear that the majority of Mr. Whitehurst's allegations are unfounded and that he is often unable to distinguish fact from conjecture. I believe that the Subcommittee would have considered your draft findings with regard to Mr. Whitehurst helpful in balancing your testimony before them on February 26, 1997, that "[w]e have found substantial problems based on the allegations that Dr. Whitehurst made to us."

In order to clarify the entire record, I recommend that we provide the Subcommittee Chairman and Ranking Minority Member with your draft findings concerning Mr. Whitehurst in executive session and request that the findings be treated confidentially. I believe a fair reading of these findings supports Deputy Director Kennedy's decision to place Mr. Whitehurst on administrative leave with pay pending the finalization of your report on the FBI Laboratory and our review of that report to the extent it concerns Mr. Whitehurst's employment.

I appreciate your having provided me with an opportunity to address your concerns.

Sincerely,
LOUIS J. FREEH,
Director.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, March 11, 1997.

Hon. HAROLD ROGERS,
U.S. House of Representatives, Chairman, Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed please find a letter to me from Michael R. Bromwich, Inspector General, Department of Justice, dated March 6, 1997, as well as my response to that letter.

As indicated by Mr. Bromwich, my testimony before the Subcommittee on March 5, 1997 was incomplete with regard to the decision to place Frederic Whitehurst on administrative leave. Although I recused myself from any Whitehurst-related disciplinary or administrative matters, I understand from former Deputy Director Kennedy that he based the decision to place Mr. Whitehurst on administrative leave on two grounds: (1) the FBI's receipt of notice in Mr. Bromwich's draft findings that he intends to recommend that the FBI consider whether Mr. Whitehurst can continue to usefully serve the FBI in any capacity; and, (2) Mr. Whitehurst's refusal to answer questions, in direct contravention of an order to cooperate by an FBI Acting Assistant Director, with regard to an investigation into allegations that Mr. Whitehurst, without authorization, disclosed official information to the media. In response to Subcommittee questioning, I failed to include the second basis for Deputy Director Kennedy's decision. I have submitted an amendment to the record in this regard.

In light of the Subcommittee's concerns regarding the decision to place Mr. Whitehurst on administrative leave, I believe that Mr. Bromwich's draft findings with respect to Mr. Whitehurst should be provided to you in full. As you can see from the enclosed correspondence, I have urged Mr. Bromwich to share his draft findings with you in executive session in order to clarify the record and explain one of the underlying bases for the FBI's temporary action with regard to Mr. Whitehurst. Mr. Bromwich objects to providing you with these draft findings and has directed that I not quote from them in testimony or correspondence with the Subcommittees.

I appreciate the opportunity to clarify my prior testimony and look forward to providing you and the Subcommittee members a thorough briefing following the release of Mr. Bromwich's final report on the FBI Laboratory.

Sincerely,

LOUIS J. FREEH,
Director.

Mr. GRASSLEY. Mr. President, to begin with, Mr. Freeh, in his letter to the IG—just as Mr. Kennedy did with me—believes that he can interpret the IG's report better than the IG can. He is saying to the IG, in effect, "I don't care what you meant to say about Dr. Whitehurst. I care about what you said." He then plays a game of semantics and interprets the IG report as he wishes, not as the IG intended.

Then, elsewhere in the letters, Mr. Freeh takes a few pot shots at Dr. Whitehurst and at the IG. I understand why he would take pot shots at the IG. After all, the IG did an independent investigation of the crime lab. He apparently, according to news accounts, found credibility in many of Dr. Whitehurst's allegations. And that contradicts the FBI's own findings, which were nothing more than a whitewash of the exact same allegations. And the whitewash was done under this current director, Director Freeh. And Director Freeh personally signed off on the review. So, yes, I understand what would motivate the FBI Director to go after the IG.

But it is less clear why Mr. Freeh, before a subcommittee of Congress and later under his own signature, would go after Dr. Whitehurst. Why would the FBI Director involve himself, by misleading the public and the subcommittee, in an attack on Dr. Whitehurst? After all, Mr. Freeh recused himself from matters dealing with Dr. Whitehurst. Last week, I released the document showing the recusal.

What kind of recusal is this? Is this part of a Kafka novel? Now, everyone in the entire Justice Department, including the FBI, knows how the FBI Director feels about Dr. Whitehurst. When decision-time comes to fire or retain Dr. Whitehurst, everyone has the message, directly from the FBI Director, regarding what he thinks about Dr. Whitehurst.

Finally, Mr. President, since I am on the subject of misleading. On March 5, the same day Mr. Freeh misled the Nation and the subcommittee on the IG report, he misled the public in another way. He announced in a press release the enhancement of a more independent Office of Professional Responsibility, or OPR. The new head of OPR would report directly to Mr. Freeh and his deputy.

But how can it be independent? It reports directly to Mr. Freeh and his deputy. Am I again reading one of Kafka's novels? Think of how reassuring the new, independent OPR is for Dr. Whitehurst, given what the Director said about him this past week.

The one truism that I have uncovered in all this, Mr. President, is this: The FBI has shown, beyond a shadow of a doubt, that it cannot police itself. This institution—the U.S. Congress—has bent over backward over the years to give the FBI what it says it needs. We have done it in good faith. We have done it without performing the necessary oversight. We put too much trust in the FBI. The FBI has squandered our trust.

In the coming weeks and months, I will attempt to show that, at the expense of fighting crime effectively, the FBI has engaged in a colossal campaign to build its empire. They have done it right under the noses of our oversight committees, the Judiciary Committees—of which I have been a member since I came to the Senate.

What the FBI needs is a good dose of oversight. They need to be reined in. There needs to be more independent oversight of their management. There needs to be more accountability of their budget, which has grown too large too quickly.

The FBI's leadership has come under fire because of its response to problems that have surfaced. It has chosen to mislead rather than acknowledge. That tells me, the Bureau is more worried about its image than its product.

Until the FBI acknowledges it cannot police itself, and works with Congress to establish more and better oversight, the FBI's leaders' will keep taking heavy criticism from Capitol Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter from Dr. Whitehurst's attorneys to Director Freeh, dated today, taking the Director to task for his testimony and correspondence. I believe this letter will provide the necessary context for the public to judge whether Mr. Freeh's pot shots were fair.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KOHN, KOHN & COLAPINTO, P.C.,
ATTORNEYS AT LAW,
Washington, DC, March 17, 1997.

Hon. LOUIS J. FREEH,
Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

DEAR DIRECTOR FREEH: We have read with great interest your letters dated March 11, 1997 sent to Mr. Michael R. Bromwich, the Inspector General ("IG") of the U.S. Department of Justice ("DOJ") and the Honorable Harold Rogers, Chairman, U.S. House of Representatives Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, respectively. These two letters directly concern our client, Dr. Frederic Whitehurst, Supervisory Special Agent, Federal Bureau of Investigation ("FBI"), and relate to testimony you provided to the Subcommittee on March 5, 1997.

As a threshold matter, we understood that you had recused yourself from involvement with any administrative action concerning Dr. Whitehurst's employment with the FBI or his whistleblower allegations that have been investigated as part of the DOJ IG "Whitehurst Review." Nonetheless, by publishing your opinions concerning Dr. Whitehurst to a wide national audience, by providing testimony about his employment status and by requesting an executive session with a committee of the U.S. Congress to discuss matters related to Dr. Whitehurst, you clearly have not recused yourself from these matters. Furthermore, we were informed by a member of the news media prior to your testimony that you intended to answer questions concerning the actions the FBI took regarding Dr. Whitehurst. Thus, your comments about Dr. Whitehurst do not appear to have been spontaneous or accidental.

By widely publishing your very negative opinions about Dr. Whitehurst you have called into question the effectiveness of any purported "recusal" in matters related to the FBI crime lab or Dr. Whitehurst's employment.

In your letter to Mr. Bromwich you have deliberately distorted and published selected "draft" findings of the Inspector General in a manner clearly intended to discredit Dr. Whitehurst. You have alleged that the IG has concluded that "the majority of Mr. Whitehurst's allegations are unfounded and that he is often unable to distinguished fact from conjecture."

We highly doubt that the IG reached such conclusions or whether such conclusions will be contained in any final report issued by that office. Our review of more than 10,000 pages of documents released by the FBI pursuant to a court order and other publicly available materials related to the IG report, demonstrate that the vast majority of Dr.

Whitehurst's major allegations have been fully substantiated. These include, but are not limited to, the allegation about misconduct in the Judge Hastings matter, major problems in the handling of evidence in the Oklahoma City Bombing matter, major problems in the FBI lab work and testimony in the World Trade Center Bombing matter, confirmation that Dr. Whitehurst's reports have been illegally altered and that illegally altered lab documents have been used as evidence in courts of law, confirmation that in a case you prosecuted the FBI Crime Lab did not follow proper protocols or properly evaluate the evidence, the withholding of exculpatory evidence in the case of the bombing of an airliner, confirmation that the contamination of the FBI Lab with the explosive residue PETN was not properly addressed, confirmation that your subordinates took adverse action against Dr. Whitehurst based on his lawful testimony in the World Trade Center case and his lawful actions of filing allegations of misconduct with the Department of Justice and confirmation that you were fully aware that the FBI crime lab could not meet the minimum standards of accreditation one year before the Oklahoma City Bombing tragedy occurred.

In regard to your statement that Dr. Whitehurst could not "distinguish fact from conjecture," the fact that many of his most important allegations have been fully validated belies this point.[1]

We are very distressed at your apparent ignorance of the controlling FBI regulations and Executive Orders which govern Dr. Whitehurst's whistleblowing activities. As you should be well aware, in order to *encourage* employee whistleblowing, these regulations actually provide for and require the reporting of "conjecture."

We had assumed you were fully aware of Executive Order 12731 signed by President George Bush on October 17, 1990. This Executive Order, along with the published "supplementary Information" interpreting this Order, were directly provided to every employee of the U.S. Department of Justice, including Dr. Frederic Whitehurst. In being provided a copy of this packet of information Dr. Whitehurst was informed that "These standards apply to all Department of Justice employees. Please read and retain them for future reference." Exhibit 1, U.S. Department of Justice, "This Package Contains Important Ethics Materials, The Executive Order On Conduct and the Standards of Conduct" (undated), attached hereto. As a loyal and dedicated public servant and federal law enforcement officer, Dr. Whitehurst read this packet of information. The Executive Order contained in the packet states as follows: "Employees *shall* disclose waste, fraud, abuse, and corruption to appropriate authorities." Ex. 1, quoting from Executive Order 12731, Part I Section 101(k) (emphasis added).

As you can see, under this Executive Order, Dr. Whitehurst was under a mandatory duty to report certain allegations to the "appropriate authorities." Pursuant to this obligation he in fact informed you and others within the FBI of very serious problems in the FBI crime lab. After the FBI failed to take action on these allegations Dr. Whitehurst fully informed the Inspector General of these allegations.

In regard to your purported concern over "conjecture," the DOJ packet also contained the explanatory notes concerning Executive Order 12731, Part I Section 101(k) which were written by the Office of Government Ethics ("OGE") and included as part of the final rule making governing the Executive Order. These comments make explicit what is implicit in the Executive Order, *i.e.*, that federal employees had a duty to "overreport" indications of misconduct and that the appropriate authorities would determine whether allegations were "spurious." The OGE explained this reasoning as follows:

"Five agencies suggested changes to §2635.101(b)(11) [the OGE Code of Federal Regulations provision which incorporated the requirements of Executive Order 12731, Part I Section 101(k)], the principle requiring disclosure of fraud, waste, abuse and corruption. The recommendation by two agencies to change "shall" to "should" was not adopted. Section 2635.101(b)(11) is a verbatim restatement of the principle enunciated in the Executive order and the recommended substitution of precatory for mandatory language would change the principle. *The Office of Government Ethics does not share those agencies' concern that the principle will elicit frivolous reporting. The Government's interest in curbing waste, fraud, abuse and corruption is better served by overreporting than by underreporting, and the authorities to whom such disclosure are to be made can best determine the merits of allegations and ensure that harm does not result from any that are spurious.*"

Exhibit 1, quoting from Federal Register p. 35007 (emphasis added).

In addition, the OGE warned that agencies could not require employees to apply "complex legal principles" when determining whether to report potential "improprieties." *Id.* Thus Dr. Whitehurst, who read these regulations prior to filing any allegations with the Office of Inspector General, or the FBI for that matter, acted pursuant to mandatory authority when he reported potential violations of complex legal matters such as improper withholding of Brady information by the FBI and DOJ, potential perjury, the use of improper scientific procedures and the lack of scientific integrity at the FBI lab.

Thus, it is incumbent upon the Director of the FBI to insure that all FBI employees report any allegations of misconduct, and to err on the side of "overreporting" these kinds of concerns. We are very troubled that your office has not enforced the requirement that employees are under a mandatory duty to disclose indications of misconduct. Instead of strictly enforcing the law, you have publicly attacked Dr. Whitehurst for doing exactly what he was require to do under federal law.

Not only was Dr. Whitehurst required to report his concerns pursuant to Executive Order, the OGE regulations and the Department of Justice employee handout, the FBI's own internal procedures regarding employee conduct required that Dr. Whitehurst report "any indication" of "possible" misconduct, whether proven or not, to the appropriate authorities. Section 1–22(c) of the FBI Manual of Administrative Operations and Procedures (MAOP) states as follows:

"Each employee has the responsibility to report promptly, any indication of possible exploitation or misuse of Bureau resources; information as to violations of law, rules or regulations; personal misconduct. . . ."

Exhibit 2, FBI MAOP Section 1–22 (emphasis added), attached hereto.

Once again, it is clear that Dr. Whitehurst had to report unproven and "possible" "indications" of misconduct to the appropriate authorities. It is fundamentally wrong for you to challenge his right to "overreport," and ridicule his allegations as "conjecture" in the face of these legal mandates and in the face of the severe crisis that has gone unaddressed within the crime lab. To make matters even worse, you were fully aware of many of these problems in 1994, yet you failed to approve an independent review of these matters and failed to correct these problems.

In your March 11th letter to Mr. Bromwich you also state that Dr. Whitehurst could have been placed on leave as a result of his "refusal to answer questions, in direct ocntravention of an order to cooperate by an FBI Acting Director, with regard to an investigation into allegations that Mr. Whitehurst, without authorization, disclosed official information to the media." Once again, your characterization of events is neither complete nor accurate. Dr. Whitehurst was asked to answer questions concerning an investigation conducted by the Inspector General about an alleged leak of information to a journalist. Dr. Whitehurst was originally informed that his cooperation with this investigation was completely voluntary. Specifically, the Special Investigative Counsel assigned by the IG to conduct the investigation stated that the interview would be "voluntary" and that Dr. Whitehurst could "terminate" the interview "at any time." Exhibit 3, Hutchison to Kohn, February 13, 1996, attached hereto. The fact that this interview was originally scheduled as a "voluntary" interview is consistent with the manner in which the IG conducted its interviews during the course of the IG's "Whitehurst Review." Documents reviewed by Dr. Whitehurst's counsel demonstrate that FBI employees were informed by the IG of their right to refuse to answer questions and the fact that such refusal would not result in any adverse actions.

Unfortunately, the FBI issued an instruction that Dr. Whitehurst could not fully communicate with his private attorneys concerning the proposed interview. This instruction was clearly retaliatory, unconstitutional and illegal. The DOJ was informed that as long as this instruction stood, we would instruct our client not to answer any questions and that the government's restriction on Dr. Whitehurst's communications with his private counsel would be challenged in federal court. Exhibit 4, Cochran and Kohn to Reno (March 27, 1996) attached hereto.

On March 19, 1996, after the FBI was informed of our objections to the improper restrictions on Dr. Whitehurst's communications with counsel, and after Dr. Whitehurst had been informed that the interview would be "voluntary," the FBI Acting Assistant Director ordered Dr. Whitehurst to "appear" and answer questions on a mandatory basis. Exhibit 5, Thompson to Whitehurst (March 19, 1996), attached hereto. This order was issued almost three weeks after the FBI was informed of our objections and position regarding the government's interference with Dr. Whitehurst's communications with counsel.[2] See, Ex. 4.

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[1] As I am sure you are aware, Mr. James Maddock, FBI Deputy General Counsel, and the individual appointed to serve as the FBI's "point man" concerning matters related to Dr. Whitehurst, personally informed us on several occasions in late 1996 that the FBI knew the IG had validated many of Dr. Whitehurst's allegations and that the FBI either had or would take corrective action. Mr. Maddock's statements are at odds with your characterization of the IG's findings.

[2] Notably, a subsequent attempt by the FBI to force Dr. Whitehurst to answer hostile questioning by arbitrarily switching a voluntary interview to a

Continued

Unfortunately, your letters of March 11th are not the first time you have treated Dr. Whitehurst in a disrespectful fashion. In 1994, after Dr. Whitehurst contacted your Office of General Counsel and, in good faith, attempted to communicate his concerns about the crime lab, the Office of General Counsel, with your specific concurrence, ridiculed him as a "perfectionist" who "refuses to compromise or be realistic about his expectations of the LD [Laboratory Division]". Memorandum of May 26, 1994, initialed by FBI General Counsel H.M. Shapiro. These types of derogatory characterizations are inconsistent with the regulations governing FBI employee-whistleblowing. It is highly unprofessional for the FBI to personally deride an individual who had the courage to come forward and point out problems within the crime lab. Frankly, we are shocked at the complete disrespect toward Dr. Whitehurst you have repeatedly shown or approved. Given the FBI's record in its dealings with Dr. Whitehurst we are not surprised that you objected to the IG's February 26, 1997 testimony confirming that the IG had "found substantial problems [at the FBI crime lab] based on the allegations that Dr. Whitehurst made to us." Freeh to Bromwich, p. 2 (March 11, 1997). The FBI's pattern of attacking Dr. Whitehurst and ignoring the real problems which exist in the crime lab are not consistent with the goals of law enforcement.

In your letter to Mr. Bromwich you suggest that Congress should be briefed in "executive session" about undisclosed issues related to Dr. Whitehurst. The inference you clearly intended to leave with any person who read this letter borders on blatant "McCarthyism". You suggest that Dr. Whitehurst engaged in misconduct which needed to be "treated confidentially." The facts indicate that the FBI's treatment of Dr. Whitehurst and its indifference in responding to his serious allegations will be recorded as one of the saddest chapters in law enforcement history.

In the future, if you intend to provide any member of Congress with a "confidential" briefing regarding Dr. Whitehurst, we hereby request that we be notified in advance of this briefing and that you request permission for Dr. Whitehurst's counsel to attend any such briefing and respond to the information you place before Congress.

Finally, your letters of March 11th referenced above were filed in violation of the Privacy Act and other applicable federal laws. We hereby request that you take immediate steps to correct the inaccurate information contained in your letters. Pursuant to the Privacy Act we also hereby request that a copy of this letter be sent to all persons to whom you provided a copy of your March 11th letters. In addition, pursuant to the Freedom of Information Act, 5 U.S.C. §552, the Privacy Act, 5 U.S.C. §552a and the February 5, 1997 Order issued by the Honorable Gladys Kessler in *Whitehurst* v. *FBI, et al.*, C.A. No. 96–572(GK) (D.D.C.) we hereby request immediate access to all documents directly or indirectly related to: (a) the subject matter of this letter; (b) all interactions with the U.S. Congress related to Dr. Whitehurst; (c) all notes concerning any conversations between the FBI and the DOJ IG; (d) all documents related to and a complete accounting of all disclosures of information made about Dr. Whitehurst from any FBI employee to any person outside of the FBI (including, but not limited to, the Director of the FBI, the FBI Deputy Director, Mr. Jim Maddock, Mr. Weldon Kennedy, the office of public affairs, of office of congressional affairs, the Acting Assistant Director, Laboratory Division and Mr. D.W. Thompson); (e) all documents in any manner related to the above-referenced March 11, 1997 letters signed by the FBI Director; and (f) all documents in any manner related to any briefing given by any FBI employee to any Member of the U.S. Congress, or any person employed by the U.S. Congress or a Member thereof.

We also request that fees be waived concerning our FOI/PA request because this information will significantly contribute to the public interest and the public's understanding of the operation of its government. In addition, we request that this FOIA and Privacy Act request be expedited given the intense public interest in these matters.

Thank you in advance for your prompt attention. We expect full compliance with the FOIA and Privacy Act requests contained herein within ten days.

Sincerely yours,
STEPHEN M. KOHN,
MICHAEL D. KOHN,
DAVID K. COLAPINTO,
Attorneys for Dr. Whitehurst.

Mr. GRASSLEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The Senate continued with the consideration of the joint resolution.

Mr. HAGEL. Mr. President, I rise today in support of Senate Joint Resolution 22, asking that an independent counsel be appointed to investigate the alleged illegal fundraising activities in the 1996 Presidential campaign.

It is in the best interest of both the Nation and the Congress that an independent counsel be appointed. In light of the continued severity of the allegations that arise on a nearly daily basis, this is the only way to properly investigate wrongdoing and prosecute where laws were broken. The requests for an independent counsel have been bipartisan. I have twice written Attorney General Janet Reno and asked that an independent counsel be appointed. To date, I have not received a reply.

We need an independent counsel to supplement congressional hearings. Only an independent counsel has the power to bring charges against those alleged of breaking the law. Congress will investigate, as we should—that is our responsibility—but we need someone looking into this with the ability to prosecute.

I also fear whether Congress will be able to bear the entire responsibility for investigating these alleged campaign finance abuses and still act on the important issues awaiting our attention. We were elected by the people to address the challenges facing America. We were elected to solve problems.

As we look forward to the 21st century, America is faced with serious challenges. Domestically, we must come to terms with our Federal budgetary problems, our national debt, the burden of taxes and regulations, the threat of crime, the explosive growth projected in entitlement programs. Internationally, we need to reshape a foreign policy, a foreign policy that will guide us through the uncharted and potentially treacherous waters of the post-cold-war era. This is a time of great hope, a time of great promise for the world. The fulfillment of this hope and promise will come only if America demonstrates bold, imaginative leadership, leadership that seizes the moment.

Determining the direction our Nation will take beyond the year 2000 is a very critical debate, one that all the Nation should be involved with. The issues involved require and deserve the full attention of this body. We must not be held hostage by partisan bickering over campaign finance investigations and daily allegations of political wrongdoing.

For example, Medicare's slide into bankruptcy will not wait for a determination of whether campaign finance laws were broken in last year's Presidential campaign. Action needs to be taken now to save Medicare, or America's seniors will pay the price.

If we allow the poison of political retribution and revenge to dominate the Congress, we will never be able to work together on these very important issues. The congressional hearings are important. Surely they are important. Surely they must go forward. But we need to get to the bottom of this mess. At the same time, we cannot allow these hearings to overshadow the present challenges facing this body.

Political leaders frequently express their dismay at the lack of confidence and trust the American people have in them and in all political institutions. However, we bring it on ourselves when the image we present to the American people is one of constant partisan wrangling and bitter accusations.

When we allow our system to become polarized and paralyzed, the American people have to wonder who is on the job, who is looking out for their interests, who is governing America.

The American people are tired of the lack of civility and the inflammatory

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mandatory one was enjoined by court order. In September, 1996 the FBI once again ordered Dr. Whitehurst to submit to a mandatory interview and provide information to a prosecutor. The retaliatory nature of that instruction was so obvious that a U.S. District Court Judge issued a temporary restraining order and a permanent injunction prohibiting the mandatory interview. Ex. 6, *U.S.* v. *McVeigh*, Orders of Judge Matsch (Sept. 12, 1996 and Oct. 29, 1996).

rhetoric that too frequently dominate the political discourse in Washington. They are tired of the gridlock that results when both ends of Pennsylvania Avenue put political considerations before the Nation's business. The American people want action. They want their elected representatives to give their full attention to the challenges facing this country. They deserve nothing less.

The destiny and legacy of our people is that we have always risen to meet the challenges put before us. As we lead America and the world into the 21st century, we must build on this legacy. Big challenges lie ahead. We fail our children and the children of the world if we allow ourselves to become bogged down in political intrigue and fail to address these important issues now.

Criminal investigations should be taken out of politics. Prosecuting wrongdoing should be done without regard to politics. The Attorney General needs to appoint an independent counsel now.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

REPORT RELATIVE TO THE EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transaction pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House of Representatives and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for information and informational materials and certain other limited exceptions.

3. The Iranian Transactions Regulations (the "Regulations" or ITR), 31 CFR Part 560, were amended on October 21, 1996 (61 *Fed. Reg.* 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The amendment increases the maximum civil monetary penalty provided in the Regulations from $10,000 to $11,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322, September 13, 1994; 108 Stat. 2147. The amendment notes the availability of higher criminal fines pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

Section 560.603 of the ITR was amended on November 15, 1996 (61 *Fed. Reg.* 58480), to clarify rules relating to reporting requirements imposed on United States persons with foreign affiliations. Initial reporting under the amended Regulation has been deferred until May 30, 1997, by a January 14, 1997

Federal Register notice (62 *Fed. Reg.* 1832). Copies of the amendment and the notice are attached.

4. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 13 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for the petroleum and manufacturing industries—and the importation of Iranian-origin goods. The licenses issued authorized the export and reexport of goods, services, and technology essential to ensure the safety of civil aviation and safe operation of certain commercial passenger aircraft in Iran; certain financial and legal transactions; the importation of Iranian-origin artwork for public exhibition; and certain diplomatic transactions. Pursuant to sections 3 and 4 of Executive Order 12959 and in order to comply with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions applicable to certain goods and technology, including those involved in the air-safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to interdict transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

5. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report, OFAC has collected a civil monetary penalty in the amount of $5,000. The violation underlying this collection involves the unlicensed import of Iranian-origin goods for transshipment to a third country aboard a U.S.-flag vessel. Civil penalty action or review is pending against 21 companies, financial institutions, and individuals for possible violations of the Regulations.

6. The expenses incurred by the Federal Government in the 6-month period from September 15, 1996, through March 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $800,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

7. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 14, 1997.*

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 852. An act to amend chapter 35, of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demand upon small business, educational and nonprofit institutions, Federal contractors, State, and local governments, and other persons through the sponsorship and use of alternative information technologies.

H.J. Res. 58. Joint resolution disapproving the certification of the President under the section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

The message also announced that the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Co-Chairman, Mr. PORTER, Mr. WOLF, Mr. SALMON, and Mr. CHRISTENSEN.

The message further announced that the Speaker appoints Mr. Jeffrey S. Blair of Georgia from private life to the National Committee on Vital and Health Statistics on the part of the House.

The message also announced that the Speaker appoints the following Member of the House to the Mexico-United States Interparliamentary Group: Mr. KOLBE, Chairman.

The message further announced that the Speaker appoints the following Member of the House to the Canada-United States Interparliamentary Group: Mr. HOUGHTON, Chairman.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 852. An act to amend chapter 35, of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofits institutions, Federal contractors, State, and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Governmental Affairs.

MEASURE READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 58. Joint resolution disapproving the certification of the President under the section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1426. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to olives, received on March 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1427. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to oranges, received on March 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1428. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to grapes, received on March 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1429. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to onions, received on March 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1430. A communication from the Secretary of the Panama Canal Commission, transmitting, pursuant to law, the report of a rule relative to technical amendments, received on March 13, 1997; to the Committee on Armed Services.

EC-1431. A communication from the Director of the Office of the Secretary (Administration & Management), Department of Defense, transmitting the report entitled, "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC-1432. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense; to the Committee on Armed Services.

EC-1433. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule relative to transit joint development, (RIN2132-XX00) received on March 13, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1434. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, two rules including a rule relative to reporting requirements, (RIN3235-AG70) March 13, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1435. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report with respect to transactions involving exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB:

S. 448. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mr. WYDEN, Mr. KENNEDY, and Mr. HUTCHINSON):

S. 449. A bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself and Mr. LEVIN) (by request):

S. 450. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; to the Committee on Armed Services.

S. 451. A bill to authorize construction at certain military installations for fiscal year 1998, and for other military construction authorizations and activities of the Department of Defense; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. ROBERTS, Mr. HARKIN, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. INOUYE, and Mr. CONRAD):

S. 452. A bill to amend titles XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 453. A bill to study the high rate of cancer among children in Dover Township, NJ., and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 454. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

S. 455. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. ABRAHAM, Mr. KENNEDY, Mr. LIEBERMAN, Mr. SPECTER, Mr. DEWINE, Mr. GLENN, Mr. LEVIN, and Mr. SARBANES):

S. Con. Res. 12. A concurrent resolution expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB:

S. 448. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works

THE LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

• Mr. ROBB. Mr. President, today, I introduce legislation which will protect communities from being inundated with unwanted garbage generated out-of-State. The essential thrust of the legislation is to empower localities to protect themselves from unwanted trash by allowing them to decide whether landfills or incinerators located within their communities should be permitted to accept out-of-State waste. It also seeks to strike the appropriate balance between State and local authority.

Those of us who formerly served in State government are keenly aware of the divisions of labor among the various levels of government. Due to Supreme Court decisions regarding the U.S. Constitution's commerce clause, disposing of trash implicates all three levels of government.

Under the commerce clause, only Congress is permitted to regulate interstate commerce. Because the Supreme Court has determined that garbage is commerce like any other commodity, States and localities have been powerless to halt the disposal of waste disposed in their jurisdictions which was generated outside the State. Thus the Federal Government must determine how best to regulate this article of commerce.

The role of the States in regulating the disposal of garbage centers on its responsibility to protect the State's environment. Based on environmental criteria, the States determine whether to issue permits for the construction of landfills, and are charged with monitoring the operation of landfills and incinerators to guarantee compliance with environmental laws. My bill will not affect in any way the State's right to enforce the States environmental standards.

The real responsibility for disposing of trash, however, has rested historically with local governments. It is their responsibility to pick up the trash and to find a place to put it down. Because this is the locality's ultimate responsibility, and because the local community is the one most directly affected by garbage imports, my bill delegates primary authority regarding interstate waste to the local governments.

The legislation defines an affected local government as the political subdivision of the State charged with making land use decisions. In my view, if an elected body is competent to make decisions regarding the use of land in the community, then it is certainly competent to determine whether a landfill, already permitted under State law, should be allowed to accept out-of-State waste.

Striking the right balance between State and local authority was only half the battle. The other major issue implicated by placing restrictions on out-of-State waste is how to treat existing facilities. In many cases, existing facilities which accept out-of-State waste do so in the face of local opposition. These communities understandably want us to stop the garbage from flowing. It would not be fair, however, to those who expended millions of dollars to build new landfills in compliance with strict federal regulations to cut off their commerce completely. Therefore, my measure balances these interests by allowing the Governor of each State to limit the amount of out-of-State waste which can be disposed of in an existing facility.

To finance new waste disposal facilities that meet stringent State and Federal environmental regulations, some local governments are cooperating with private developers to build these state-of-the-art facilities. This cooperative relationship, however, can only florish if the locality has some leverage over the developer. Under present law, a local government is powerless to deny a zoning permit to a landfill developer simply because waste from out-of-State will be disposed in the landfill. If the local government is given the power to reject out-of-State waste, it also will have the power to accept the waste, with conditions. By allowing communities to have leverage at the bargaining table, they can enter into host community agreements which are beneficial to the locality and its neighbors.

In many instances, this can be a winning proposition for the local community. The new landfill can be built at no cost to the community, and the community can charge a host community fee which can be used to reduce taxes or pay for other projects, such as building schools.

While inviting a landfill developer into a community may not be the solution for every local government, it should remain an option for those who choose to pursue it. And under my legislation, the local government would not have to make such a decision alone. The legislation requires the local government to consult with the Governor and adjoining local governments before a decision is made.

More importantly, however, my legislation absolutely bans out-of-State waste from new facilities unless a community affirmatively agrees to the imports. This is important to many communities in my State, mostly rural, that can fall prey under existing law to unscrupulous landfill developers who, in their search for land, can run roughshod over the wishes of the locality. I hope my colleagues will join with me in supporting this legislation and protecting our communities from unwanted out-of-State trash.●

By Mr. KYL (for himself, Mr. WYDEN, Mr. KENNEDY, and Mr. HUTCHINSON):

S. 449. A bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient; to the Committee on Labor and Human Resources.

THE PATIENT RIGHT TO KNOW ACT

Mr. KYL. Mr. President, I rise to join my colleague, Senator RON WYDEN, to introduce the Patient Right to Know Act. I also want to commend my House colleagues, Representatives GREG GANSKE and ED MARKEY, for their leadership on this issue.

PROCEDURAL HISTORY

The Kyl-Wyden Patient Right to Know Act, originally offered as an amendment on September 10, 1996 to the fiscal year 1997 Treasury, Postal appropriations bill, received 51 bipartisan votes; but 60 votes were required to overcome a procedural obstacle on the Senate floor.

THE PROBLEM

Mr. President, the purpose of this legislation is to return to patients their basic right to receive all relevant information from their doctor, or provider, about costs, benefits, risks, and legal, and appropriate treatment options that are important to their health. This bill would allow doctors and other providers to comply with their ethical and legal responsibility to fully inform patients of all their reasonable and legal options, regardless of cost or coverage limitations in a particular plan.

Some managed care plans forbid doctors and other providers from even mentioning all legal and reasonable treatment options to patients, either because the managed care plan's benefits will not pay for a particular treatment, or because of the relative cost of different treatments for the same condition offered by the plan.

In recent years, there have been media accounts of a few of the countless individuals who have been denied care by physicians and plans in an effort to control costs. In April 1994, ABC's "20–20" reported on the case of a woman who was denied information about a bone-marrow transplant to treat her breast cancer. In October 1995, CBS presented a story about a woman who was denied information about and access to specialists, and who was later diagnosed with cancer.

The national press has revealed the extent of this problem in publications such as the New England Journal of Medicine and the New York Times. For instance, the Times ran an article in September 22, 1996, entitled, the "Tricky Business of Keeping Doctors Quiet."

Americans have clearly noticed the deficiencies in some managed care plans. In a 1996 poll by the Patient Access to Speciality Care Coalition, 92.7 percent responded that it was very important that they be told of all treatment options, and 53 percent believe that they do not now receive enough information about how HMO's or managed care plans make treatment decisions.

ATTEMPTS AT A SOLUTION

Sixteen State legislatures have addressed the existence of gag rules, and several more are in the process of doing so.

The industry itself has acknowledged this problem, possibly realizing that gag rules make good managed care companies look bad. On December 18, 1996, the American Association of Health Plans, which represents over 1,000 providers and 140 million Americans, announced voluntary guidelines that would end the use of gag clauses by member plans.

Limited antigag regulations have been promulgated by the Health Care Financing Administration that apply to Medicare and Medicaid managed care insurance contracts.

However, this still leaves us without a systematic approach to the problem. I believe we need a single, clear Federal standard, enforced by the States, that provides consistent protection of medical communications, for all health plan beneficiaries, no matter which State they live in, or which health plan they buy. This is the only certain way to stop individuals or entities whose goal is to reduce costs—at the expense of health care quality—by restricting medical communications between providers and patients.

THE CONGRESS MAY AND MUST ACT

It is clear that the Congress may act in this area since the offering and operation of health plans affects commerce among the States.

It is also clear that the Congress must act. With the emphasis that health care reform places on managed care, it is essential that the Congress ensure that managed care techniques and procedures protect patients and guarantee the integrity of the provider-patient relationship.

Mr. President, gag clauses in health care provider contracts attack the heart of the provider-patient relationship, and undermine the fundamental factor in the healing process: trust. The Congress has a substantial interest in preserving this relationship in the managed care environment it helped to create.

This legislation is measured in its approach. It provides for State enforcement of a clear, reasonable Federal standard. And, before a floor vote, the legislation will include a conscience clause exception for providers and entities. After months of good-faith, bipartisan discussion, the precise legislative language to establish a conscience clause exception to the gag rule has not yet been crafted.

However, all parties agree in principle that the rights and prerogatives of health plans and individual providers who, for religious or moral reasons, choose not to discuss certain treatments, must be protected. The question is, how best to accomplish this.

I am committed to continuing to work with all interested parties to achieve the greatest consensus possible on this critical issue. I will continue to work to see that all interested parties have been heard on this issue and the greatest amount of consensus possible has been reached.

By Mr. THURMOND (for himself and Mr. LEVIN):

S. 450. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; to the Committee on Armed Services.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

By Mr. THURMOND (for himself and Mr. LEVIN) (by request):

S. 451. A bill to authorize construction at certain military installations for fiscal year 1998, and for other military construction authorizations and activities of the Department of Defense; to the Committee on Armed Services.

THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to introduce, by request and with the distinguished Senator from Michigan, the ranking minority member of the Committee on Armed Services, the National Defense Authorization Act for fiscal years 1998 and 1999 and the Military Construction Authorization Act for fiscal year 1998. I ask unanimous consent that the bills and their accompanying sectional analyses be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—PROCUREMRNT

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide Activities.
Sec. 105. Defense Inspector General.
Sec. 106. Defense Health Program.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Transfer from the National Defense Stockpile Transaction Fund.
Sec. 109. National Guard and Reserve Component Equipment: Annual Report to Congress.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of Appropriations.
Sec. 202. Permanent Authority to Provide for Use of Test and Evaluation Installations by Commercial Entities.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and Maintenance Funding.
Sec. 302. Working Capital Funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Fisher House Trust Funds.
Sec. 305. Transfer from the National Defense Stockpile Transaction Fund.
Sec. 306. Repeal of Defense Business Operations Fund.

SUBTITLE B—ENVIRONMENTAL PROVISIONS

Sec. 311. Amendments to Authority to Enter into Agreements with Other Agencies in Support of Environmental Technology Certification.
Sec. 312. Storage and Disposal of Nondefense Toxic and Hazardous Materials.

SUBTITLE C—OTHER MATTERS

Sec. 321. Programs to Commemorate the 50th Anniversaries of the Marshall Plan and the Korean War.
Sec. 322. Admission of Civilian Students to the Naval Post Graduate School.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

Sec. 401. End Strengths for Active Forces.

SUBTITLE B—RESERVE FORCES

Sec. 411. End Strengths for Selected Reserve.
Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY

Sec. 501. Authorization for Personnel to Serve in the Management of Non-Federal Entities.
Sec. 502. Modifying Selection Board Eligibility.
Sec. 503. Limitations on Promotion Consideration Eligibility.
Sec. 504. Authority to Permit Non-Unit Assigned Officers to be Considered by Vacancy Promotion Board to General Officer Grades and for Officers to be Considered by a Vacancy Promotion Board to General Officer Grades When Not Serving in the Higher Graded Position.
Sec. 505. Exclusion of Certain Retired Members from the Limitation on the Period of Recall to Active Duty.

SUBTITLE B—ENLISTED PERSONNEL POLICY

Sec. 511. Authorization for the Naval Postgraduate School to Admit Enlisted Members of the U.S. Naval Service, Army, Air Force, and Coast Guard as Members.
Sec. 512. Scope of Participation in Community College of the Air Force.

SUBTITLE C—RESERVE PERSONNEL POLICY

Sec. 521. Correction to retired Grade, General Rule Concerning Nonregular Service.
Sec. 522. Grade Requirement for Involuntary Separation Board Composition.

SUBTITLE D—EDUCATION POLICY

Sec. 531. Protection of Educational Assistance Program Entitlements for Selected Reserve Members Serving on Active Duty in Support of a Contingency Operation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—PAY AND ALLOWANCES

Sec. 601. Military Pay Raise for Fiscal Year 1998.
Sec. 602. Change in Requirements for Pay of Ready Reserve Muster Duty Allowance.

SUBTITLE B—BONUSES AND SPECIAL PAYS

Sec. 611. Nuclear Qualified Officers: Bonuses and Special Pay.
Sec. 612. Incentive for Enlisted Members to Extend Tours of Duty Overseas.
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Sec. 701. Repeal of the Statutory Restriction on Use of Funds for Abortions.
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TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY

SUBTITLE A—REPEAL OF CERTAIN ACQUISITION REPORTS

Sec. 801. Repeal of Acquisition Reports Required by Defense Authorization Acts.
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SUBTITLE B—ACQUISITION POLICY

Sec. 811. Use of Single Payment Date for Mixed Invoices.
Sec. 812. Retention of Expired Funds During the Pendency of Contract Litigation.
Sec. 813. Expanding the Authority to Cross Fiscal Years to All Severable Service Contracts Not Exceeding a Year.
Sec. 814. Small Arms Weapons Procurement Objectives for the Army.
Sec. 815. Availability of Simplified Procedures to Commercial Item Procurements.
Sec. 816. Unit Cost Reports.
Sec. 817. Repeal of Additional Documentation Requirement for Competition Exception for International Agreements.
Sec. 818. Elimination of Drug-Free Workplace Certification Requirement for Grants.
Sec. 819. Vestiture of Title.
Sec. 820. Undefinitized Contract Actions.
Sec. 821. Authority of Directors of Department of Defense Agencies to Lease Non-Excess Property.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Amendment to Frequency of Providing Policy Guidance for Contingency Plans.
Sec. 902. Revision of Membership Terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 903. Closure of the Uniform Services University of the Health Sciences.
Sec. 904. Repeal of Requirement to Operate Naval Academy Dairy Farm, Gambrills, Maryland.
Sec. 905. Inclusion of Information Resources Management College in the National Defense University.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

Sec. 1001. Two-year Extension of Counterproliferation Authorities.

SUBTITLE B—NAVAL VESSELS

Sec. 1010. Negotiating Sales of Vessels Stricken from the Naval Register.

Sec. 1011. Authority to Charter Vessel for Longer than Five Years In Support of Surveillance Towed Array Sensor (Surtass) Program.
Sec. 1012. Eighteen Month Shipbuilding Claims.

SUBTITLE C—OTHER MATTERS

Sec. 1020. Arrest Authority for Special Agents of the Defense Criminal Investigative Service.
Sec. 1021. Access to Pre-accession Offender Records.
Sec. 1022. Extension of Authority to Provide Additional Support For Counter-Drug Activities of Mexico.
Sec. 1023. Asia-Pacific Center for Security Studies.
Sec. 1024. Protection of Certain Imagery and Geospatial Information and Data.
Sec. 1025. National Guard Civilian Youth Opportunities Pilot Program.
Sec. 1026. Repeal of Annual Department of Defense Conventional Standoff Weapons Master Plan and Report on Standoff Munitions.
Sec. 1027. Revisions to the Ballistic Missile Defense Act of 1995.
Sec. 1028. Repeal of Reporting Requirements, Special Operations Forces: Training with Friendly Foreign Forces.

SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS

Sec. 1031. Authority for the Secretary of the Army to Construct a Heliport at Fort Irwin, California.
Sec. 1032. Repeal of Reports Required by Military Construction Authorization Acts.
Sec. 1033. Financial Incentive for Energy Savings.
Sec. 1034. Water Conservation Financial Incentives.
Sec. 1035. Privatization of Government Owned Utility Systems.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Extension of Voluntary Separation Incentive Pay Authorization.
Sec. 1102. Elimination of Time Limitation for Placement Consideration of Involuntarily Separated Reserve Technicians.
Sec. 1103. Pay Practices When Overseas Teachers Transfer to General Schedule Positions.
Sec. 1104. Citizenship Requirements for Staff of the George C. Marshall Center for Security Studies.
Sec. 1105. Preservation of Civil Service Rights for Employees of the Former Defense Mapping Agency.
Sec. 1106. Authorization for the Marine Corps University to Employ Civilian Professors.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:

(1) $1,162,459,000 for fiscal year 1998.

(2) $1,240,541,000 for fiscal year 1999.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:

(1) $1,178,151,000 for fiscal year 1998.

(2) $1,541,375,000 for fiscal year 1999.

(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

(1) $1,065,707,000 for fiscal year 1998.

(2) $1,475,106,000 for fiscal year 1999.

(d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:

(1) $890,902,000 for fiscal year 1998.

(2) $975,973,000 for fiscal year 1999.

(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:

(1) $2,455,030,000 for fiscal year 1998.

(2) $3,139,830,000 for fiscal year 1999.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:

(1) $6,085,965,000 for fiscal year 1998.

(2) $7,669,355,000 for fiscal year 1999.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

(1) $1,136,293,000 for fiscal year 1998.

(2) $1,435,740,000 for fiscal year 1999.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for ammunition for the Navy and Marine Corps as follows:

(1) $336,797,000 for fiscal year 1998.

(2) $502,625,000 for fiscal year 1999.

(d) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:

(1) $7,438,158,000 for fiscal year 1998.

(2) $5,958,044,000 for fiscal year 1999.

(e) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:

(1) $2,825,500,000 for fiscal year 1998.

(2) $4,185,375,000 for fiscal year 1999.

(f) MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:

(1) $374,306,000 for fiscal year 1998.

(2) $695,536,000 for fiscal year 1999.

SEC. 103. AIR FORCE.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Air Force as follows:

(1) $5,817,847,000 for fiscal year 1998.

(2) $8,079,811,000 for fiscal year 1999.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Air Force as follows:

(1) $255,774,000 for fiscal year 1998.

(2) $2,892,106,000 for fiscal year 1999.

(c) AMMUNITION.—Funds are hereby authorized to be appropriated for ammunition for the Air Force as follows:

(1) $403,984,000 for fiscal year 1998.

(2) $456,503,000 for fiscal year 1999.

(d) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Air Force as follows:

(1) $6,561,253,000 for fiscal year 1998.

(2) $6,754,879,000 for fiscal year 1999.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for Defense-wide procurement as follows:

(1) $1,695,085,000 for fiscal year 1998.

(2) $2,616,431,000 for fiscal year 1999.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for procurement for the Inspector General of the Department of Defense as follows:

(1) $1,800,000 for fiscal year 1998.

(1) $1,100,000 for fiscàl year 1999.

SEC. 106. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for procurement for carrying out health care programs, projects, and activities of the Department of Defense as follows:

(1) $274,068,000 for fiscal year 1998.

(1) $246,133,000 for fiscal year 1999.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act as follows:

(1) $620,700,000 for fiscal year 1998.

(2) $1,094,200,000 for fiscal year 1999.

SEC. 108. TRANSFER FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(A) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $400,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to procurement accounts for fiscal year 1998 in amounts as follows:

(1) For Aircraft Procurement, Army, $133,000,000.

(2) For Aircraft Procurement, Navy, $134,000,000.

(3) For Aircraft Procurement, Air Force, $133,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

SEC. 109. NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT: ANNUAL REPORT TO CONGRESS.

Section 10541(b)(5)(A) of title 10, United States Code, is amended by striking ", shown in accordance with deployment schedules and requirements over successive 30-day periods following mobilization".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

(1) For the Army, $4,510,843,000.

(2) For the Navy, $7,611,022,000.

(3) For the Air Force, $14,451,379,000.

(4) For Defense-wide activities, $9,361,247,000, of which—

(i) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(ii) $23,384,000 is authorized for the Director of Operational Test and Evaluation.

(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

(1) For the Army, $4,496,724,000.

(2) For the Navy, $7,756,314,000.

(3) For the Air Force, $13,799,985,000.

(4) For Defense-wide activities, $8,991,567,000, of which—

(i) $278,767,000 is authorized for the activities of the Director, Test and Evaluation; and

(ii) $23,447,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. PERMANENT AUTHORITY TO PROVIDE FOR USE OF TEST AND EVALUATION INSTALLATIONS BY COMMERCIAL ENTITIES.

Section 2681 of title 10, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization Of Appopriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,215,484,000.

(2) For the Navy, $21,581,130,000.

(3) For the Marine Corps, $2,305,345,000.

(4) For the Air Force, $18,910,785,000.

(5) For Defense-wide activities, $10,403,938,000.

(6) For the Army Reserve, $1,192,891,000.

(7) For the Naval Reserve, $834,711,000.

(8) For the Marine Corps Reserve, $110,366,000.

(9) For the Air Force Reserve, $1,624,420,000.

(10) For the Army National Guard, $2,258,932,000.

(11) For the Air National Guard, $2,991,219,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For Drug Interdiction and Counter-drug Activities, Defense-wide, $652,582,000.

(14) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(15) For Environmental Restoration, Army, $377,337,000.

(16) For Environmental Restoration, Navy, $277,500,000.

(17) For Environmental Restoration, Air Force, $378,900,000.

(18) For Environmental Restoration, Defense-wide, $27,900,000.

(19) For Environmental Restoration, Formerly Used Defense Sites, $202,300,000.

(20) For Medical Programs, Defense, $9,766,582,000.

(21) For Overseas Humanitarian, Disaster, and Civic Aid, $80,130,000.

(22) For Former Soviet Union Threat Reduction, $382,200,000.

(23) For the Overseas Contingency Operations Transfer Fund, $1,467,500,000.

(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $16,891,339,000.

(2) For the Navy, $21,518,405,000.

(3) For the Marine Corps, $2,403,946,000.

(4) For the Air Force, $18,628,356,000.

(5) For the Defense Agencies, $10,542,807,000.

(6) For the Army Reserve, $1,209,605,000.

(7) For the Naval Reserve, $858,057,000.

(8) For the Marine Corps Reserve, $115,481.000.

(9) For the Air Force Reserve, $1,631,287,000.

(10) For the Army National Guard, $2,366,670,000.

(11) For the Air National Guard, $2,981,789,000.

(12) For the Defense Inspector General, $133,798,000.

(13) For Drug Interdiction and Counter-drug Activities, Defense-wide, $652,182,000.

(14) For the United States Court of Appeals for the Armed Forces, $6,950,000.

(15) For Environmental Restoration, Army, $385,640,000.

(16) For Environmental Restoration, Navy, $287,600,000.

(17) For Environmental Restoration, Air Force, $387,100,000.

(18) For Environmental Restoration, Defense-wide, $25,600,000.

(19) For Environmental Restoration, Formerly Used Defense Sites, $202,100,000.

(20) For Medical Programs, Defense, $9,496,849,000.

(21) For Overseas Humanitarian, Disaster, and Civic Aid, $51,211,000.

(22) For Former Soviet Union Threat Reduction, $344,700,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $33,400,000.

(2) For the National Defense Sealift Fund, $1,191,426,000.

(3) For the Military Commissary Fund, $938,552,000.

(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:

(1) For the Defense Working Capital Funds, $30,800,000.

(2) For the National Defense Sealift Fund, $689,994,000.

(3) For the Military Commissary Fund, $938,694,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, as follows:

(1) $79,977,000 for fiscal year 1998.

(2) $73,332,000 for fiscal year 1999.

SEC. 304. FISHER HOUSE TRUST FUNDS.

There are hereby authorized to be appropriated for fiscal years 1998 and 1999 from the Fisher House Trust Fund, Department of the Army; the Fisher House Trust Fund, Department of the Navy, and from the Fisher House Trust Fund, Department of the Air Force, amounts which are available during fiscal years 1998 and 1999 in each such Trust fund for the operation and maintenance of the Fisher Houses of the Army, the Navy, and the Air Force.

SEC. 305. TRANSFER FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expanded for an item that has been denied authorization of appropriations by Congress.

SEC. 306. REPEAL OF DEFENSE BUSINESS OPERATIONS FUNDS.

(a)(1) REPEAL.—Section 2216a of title 10, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 131 of title 10, United States Code, is amended by striking the item relating to section 2216a.

(b) DEPRECIATION COSTS.—Section 2208(c) of title 10, United States Code, is amended by inserting before the period at the end ", including amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles".

(c) CONTRACTING FOR CAPITAL ASSETS.—Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection (l):

"(l)(1) The Secretary of Defense may award contracts for capital assets of a working capital fund in advance of the availability of funds in the working capital fund.

"(2) In this section, the term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) Minor construction projects financed by a working capital fund pursuant to section 2805(c)(1) of this title.

"(B) Automatic data processing equipment, software.

"(C) Equipment other than equipment described in subparagraph (B).

"(D) Other capital improvements.".

Subtitle B—Environmental Provisions

SEC. 311. AMENDMENTS TO AUTHORITY TO ENTER INTO AGREEMENTS WITH OTHER AGENCIES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

Section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483) is amended—

(1) in subsection (a), by inserting ", or with an Indian tribe," after "with an agency of a State or local government"; and

"(2) in subsection (b)(1), by striking "in carrying out its environmental restoration activities".

SEC. 312. STORAGE AND DISPOSAL OF NON-DEFENSE TOXIC AND HAZARDOUS MATERIALS.

Section 2692 of title 10, United States Code, is amended—

"(1) in subsection (a)(1)—

(A) by inserting "with respect to materials that will be or have been used in connection with an activity of the Department of Defense or in connection with a service to be performed for the benefit of the Department of Defense, or" after "Except"; and

"(B) by inserting "or by a service member or dependent living on that installation" after "is not owned by the Department of Defense"; and

"(2) in subsection (b)(8)—

"(A) by striking "by a private person";

"(B) by striking "by that person of an industrial-type" and inserting in lieu thereof "of a"; and

"(C) by inserting "including the use of a space launch facility located on a Department of Defense installation or on other land controlled by the United States, and including the use of Department of Defense facilities for testing material or training personnel" after "facility of the Department of Defense"; and

(3) in subsection (b)(9)—

(A) by striking "by a private person";

(B) by striking "commercial";

(C) by striking "by that person of an industrial-type" and inserting in lieu thereof "of a";

(D) by striking "with that person" and inserting in lieu thereof "with the prospective user"; and

(E) in subparagraph (B), by striking "for that person's" and inserting in lieu thereof "for the prospective user's".

Subtitle C—Other Matters

SEC. 321. PROGRAMS TO COMMEMORATE THE 50TH ANNIVERSARIES OF THE MARSHALL PLAN AND THE KOREAN WAR.

(a) IN GENERAL.—The Secretary of Defense may—

(1) during fiscal year 1997, conduct a program to commemorate the 50th anniversary of the Marshall Plan;

(2) during fiscal years 1998 through 2003, conduct a program to commemorate the 50th anniversary of the Korean War; and

(3) coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons in commemoration of the Marshall Plan or in commemoration of the Korean War during the time periods established in this subsection for each program, respectively.

(b) USE OF FUNDS.—During fiscal years 1997 through 2003, funds appropriated to the Department of Defense for Operation and Maintenance, Army shall be available to conduct the programs referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the Marshall Plan;

(2) to pay tribute to General George C. Marshall for a lifetime of service to the United States;

(3) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War;

(4) to thank and honor veterans of the Korean War and their families;

(5) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(6) to highlight advances in technology, science, and medicine related to military research conducted during the Korean War;

(7) to recognize the contributions and sacrifices made by Korean War allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) In connection with the programs referred to in subsection (a), the Secretary of Defense may adopt, use and register as trademarks and service marks: emblems, signs, insignia, or words. The Secretary shall have the exclusive right to use such emblems, signs, insignia or words, subject to the preexisting rights described in paragraph (3), and may grant exclusive or nonexclusive licenses in connection therewith.

(2) Without the consent of the Secretary of Defense, any person who knowingly uses any emblem, sign, insignia, or word adopted, used or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the program referred to in subsection (a), shall be subject to suit in a civil action by the Attorney General, upon complaint by the Secretary of Defense, for the remedies provided in the Act of July 5, 1946, (60 Stat. 427; commonly known as the "Trademark Act of 1945") (15 U.S.C. 1051 *et seq.*).

(3) Any person who used an emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof, for any lawful purpose before such adoption, use, or registration as a trademark or service mark by the Secretary is not prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 50th Anniversary of the Marshall Plan and Korean War Commemoration Account which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1) only for the purposes of conducting the programs referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration programs referred to in subsection (a), the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing an account of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the programs referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, and for purposes of standards of conduct and the provisions of sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code, shall be considered a special government employee. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 322. ADMISSION OF CIVILIAN STUDENTS TO THE NAVAL POSTGRADUATE SCHOOL.

(a) NAVAL POSTGRADUATE SCHOOL: ADMISSION.—Section 7047 of title 10, United States Code, is amended to read as follows:

"§ 7047. Admission of Civilians.

"(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Postgraduate School may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) to permit a student described in subsection (c) who is enrolled at the institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange of the admission of the student under this subsection, the accredited institution of higher education shall enroll, on a tuition-free basis, an officer of the armed forces or other person properly admitted for instruction at the Naval Postgraduate School in courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

"(b) ADMISSION ON A SPACE AVAILABLE BASIS.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Postgraduate School may permit a student described in subsection (c), who is enrolled at an accredited institution of higher education that is a party to an agreement under subsection (a), to receive instruction at the Naval Postgraduate School on a cost-reimbursable, space-available basis.

"(c) ELIGIBLE STUDENTS.—A student enrolled at an accredited institution of higher education may be admitted to the Naval Postgraduate School under subsection (a) or (b) if:

"(1) the student is a citizen of the United States or is lawfully admitted for permanent residence in the United States;

"(2) the Superintendent determines that the student has a demonstrated ability in a field of study designated by the Superintendent as related to naval warfare, armed conflict or national security; and

"(3) the student meets the academic requirements for admission to the Naval Postgraduate School.

"(d) RETENTION OF FUNDS COLLECTED.—Amounts collected under subsection (b) to reimburse the Naval Postgraduate School for the costs of providing instruction to students permitted to attend the Naval Postgraduate School under this section shall be credited as an addition to the appropriation supporting the operation and maintenance of the Naval Postgraduate School.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of title 10, United States Code, is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new item:

"7047. Admission of civilians.".

TITLE IV—PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 495,000.

(2) The Navy, 390,802.

(3) The Marine Corps, 174,000.

(4) The Air Force, 371,577.

(b) FISCAL YEAR 1999.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1999, as follows:

(1) The Army, 495,000.

(2) The Navy, 384,888.

(3) The Marine Corps, 174,000.

(4) The Air Force, 370,821.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 366,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 107,377.

(6) The Air Force Reserve, 73,431.

(7) The Coast Guard Reserve, 8,000.

(b) FISCAL YEAR 1999.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1999, as follows:

(1) The Army National Guard of the United States, 366,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 93,582.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 107,049.

(6) The Air Force Reserve, 73,703.

(7) The Coast Guard Reserve, 8,000.

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) or subsection (b) by not more than 2 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1998.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,616.

(6) The Air Force Reserve, 963.

(b) FISCAL YEAR 1999.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1999, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 21,380.

(2) The Army Reserve, 11,450.

(3) The Naval Reserve, 16,073.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,704.

(6) The Air Force Reserve, 984.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORIZATION FOR PERSONNEL TO SERVE IN THE MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1032 the following:

"§1033. Participation in the management of non-Federal entities

"(a) A Secretary concerned may authorize members of the armed forces or officers and employees of the military department concerned or the Department of Transportation when the Coast Guard is not operating as a service in the Navy, as part of their official duties, to serve as directors, officers, trustees, or otherwise participate, without compensation, in the management of a military welfare society and other designated entities.

"(b) For purposes of this section—

"(1) 'military welfare society' means the:

"(A) Army Emergency Relief;

"(B) Air Force Aid Society;

"(C) Navy-Marine Corps Relief Society;

"(D) Coast Guard Mutual Assistance; and

"(2) 'other designated entities' means:

"(A) entities, including athletic conferences, regulating and supporting the athletics programs of the service academies;

"(B) entities regulating international athletic competitions;

"(C) entities, including regional agencies, which accredit service academies and other schools of the armed forces; and

"(D) entities, including health care associations and professional societies, regulating and supporting the performance, standards and policies of military health care.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 53 of title 10 is amended by inserting after the item relating to section 1032 the following:

"§1033. Participation in management of non-Federal entities.".

SEC. 502. MODIFYING SELECTION BOARD ELIGIBILITY.

Section 691(d) of title 10, United States Code, is amended in paragraph (1) by inserting "or board report" after "promotion list".

SEC. 503. LIMITATIONS ON PROMOTION CONSIDERATION ELIGIBILITY.

Subsection 14301(c) of title 10, United States Code, is amended by striking paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) an officer whose name is on a promotion list or a board report for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;".

SEC. 504. AUTHORITY TO PERMIT NON-UNIT ASSIGNED OFFICERS TO BE CONSIDERED BY VACANCY PROMOTION BOARD TO GENERAL OFFICER GRADES AND FOR OFFICERS TO BE CONSIDERED BY A VACANCY PROMOTION BOARD TO GENERAL OFFICER GRADES WHEN NOT SERVING IN THE HIGHER GRADED POSITION.

(A) CONVENING OF SELECTION BOARDS.—Section 14101(a)(2) of title 10, United States Code, is amended by striking "(except in the case of a board convened to consider officers as provided in section 14301(e) of this title".

(b) ELIGIBILITY FOR CONSIDERATION.—Section 14301 of title 10, United States Code, is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) GENERAL OFFICER PROMOTIONS.—Section 14308 of title 10 is amended—

(1) in subsection (e)(2), by inserting "a grade below colonel in" after "(2) an officer in"; and

(2) by striking the first sentence in subsection (g) and inserting in lieu thereof the following new sentence: "A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade to fill a vacancy in the Army Reserve in that grade.".

(d) VACANCY PROMOTIONS.—Section 14315(b)(1)(A) of title 10 is amended to read as follows:

"(A) is eligible for assignment to the duties of a general officer of the next higher reserve grade in the Army Reserve,".

SEC. 505. EXCLUSION OF CERTAIN RETIRED MEMBERS FROM THE LIMITATION OF THE PERIOD OF RECALL TO ACTIVE DUTY.

Section 688(e) of title 10, United States Code, is amended—

(1) by designating the current sentence as paragraph (1); and

(2) by adding at the end the following new paragraph:

"(2) In the administration of paragraph (1), the following officers shall not be counted:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(C) Any officer assigned to the duty with the American Battle Monuments Commission for the period of active duty to which assigned.".

Subtitle B—Enlisted Personnel Policy

SEC. 511. AUTHORIZATION FOR THE NAVAL POSTGRADUATE SCHOOL TO ADMIT ENLISTED MEMBERS OF THE U.S. NAVAL SERVICE, ARMY, AIR FORCE, AND COAST GUARD AS STUDENTS.

(a) OTHER UNITED STATES MILITARY PERSONNEL AUTHORIZED TO ATTEND.—Section 7045 of such title 10 is amended to read as follows:

"§7045. Other United States military personnel: admission

"(a)(1) The Secretary of the Navy may permit officers of the Army, Air Force, and Coast Guard to receive instruction at the Naval Postgraduate School. The numbers and grades of such officers shall be agreed upon by the Secretary of the Navy with the Secretaries of the Army, Air Force, and Transportation, respectively.

"(2) The Superintendent may permit enlisted members of the U.S. Naval Service, Army, Air Force, or Coast Guard who are assigned to the Naval Postgraduate School, or to nearby commands, to receive instruction at the Naval Postgraduate School on a "space-available" basis.

"(b) The Department of the Army, the Department of the Air Force, and the Department of Transportation shall bear the cost of the instruction received by the students detailed for that instruction by the Secretaries of the Army, Air Force, and Transportation, respectively.

"(c) While receiving instruction at the Postgraduate School, officers and enlisted students of the Army, Air Force, and Coast Guard are subject to regulations, as determined appropriate by the Secretary of the Navy, as apply to students who are members of the naval service."; and

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title 10 is amended by striking the item relating to section 7045 and inserting in lieu thereof the following new item:

"§7045. Other United States military personnel: admission.".

SEC. 512. SCOPE OF PARTICIPATION IN COMMUNITY COLLEGE OF THE AIR FORCE.

(a) LIMITED EXPANSION.—Section 9315(a)(1) of title 10, United States Code, is amended to read as follows:

"(1) prescribe programs of higher education for enlisted members of the Air Force, for enlisted members of other armed forces attending Air Force training schools whose jobs are closely related to Air Force jobs, and enlisted members of other armed forces who are serving as instructors at Air Force training schools, designed to improve the technical, managerial, and related skills of such members and to prepare such members for military jobs which require the utilization of such skills; and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

Subtitle C—Reserve Personnel Policy

SEC. 521. CORRECTION TO RETIRED GRADE, GENERAL RULE CONCERNING NONREGULAR SERVICE.

(A) RETIRED GRADE OF ARMY OFFICER.—Subsection 3961(a) of title 10, United States Code, is amended by striking "or for nonregular service under chapter 1223 of this title,".

(b) RETIRED GRADE OF AIR FORCE OFFICER.—Subsection 8961(a) of title 10, United States Code, is amended by striking "or for nonregular service under chapter 1223 of this title,".

SEC. 522. GRADE REQUIREMENT FOR INVOLUNTARY SEPARATION BOARD COMPOSITION.

Section 14906(a)(2) of title 10, United States Code, is amended by striking "above lieutenant colonel or commander" and inserting in lieu thereof "of lieutenant colonel or commander or higher,".

Subtitle D—Education Policy

SEC. 531. PROTECTION OF EDUCATIONAL ASSISTANCE PROGRAM ENTITLEMENTS FOR SELECTED RESERVE MEMBERS SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) EXTENSION OF EDUCATIONAL ASSISTANCE.—Section 16131(c) of title 10, United States Code, is amended in paragraph (3)(B)(i)—

(1) by striking ", in connection with the Persian Gulf War,"; and

(2) by inserting "or in support of a contingency operation as defined in subsection 101(13) of this title" after "of this title".

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b) of title 10, United States Code, is amended in paragraph (4)(A)—

(1) by striking ", during the Persian Gulf War,";

(2) by inserting "or in support of a contingency operation as defined in subsection 101(13) of this title" after "of this title"; and

(3) by striking subparagraph (4)(B).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1998 shall not be made.

(b) INCREASE IN BASIC PAY AND BAQ.—Effective on January 1, 1998, the rates of basic pay and basic allowance for quarters of members of the uniformed services are increased by 2.8 percent.

SEC. 602. CHANGE IN REQUIREMENTS FOR PAY OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking the first sentence and inserting in lieu thereof the following new sentence: "The allowance authorized by this section may not be disbursed in kind and may be paid to the member on or before the date on which the muster duty is performed, but shall be paid no later than 30 days after the date on which muster duty is performed.".

Subtitle B—Bonuses and Special Pays

SEC. 611. NUCLEAR QUALIFIED OFFICERS: BONUSES AND SPECIAL PAY.

(a) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a), by striking "$12,000" and inserting in lieu thereof "$15,000"; and

(2) in subsection (e), by striking "September 30, 1998" and inserting in lieu thereof "September 30, 2002".

(b) SPECIAL PAY: NUCLEAR CAREER ACCESSION BONUS.—Section 312b of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "$8,000" and inserting in lieu thereof "$10,000"; and

(2) in subsection (c), by striking "September 30, 1998" and inserting in lieu thereof "September 30, 2002".

(c) SPECIAL PAY: NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "$10,000" and inserting in lieu thereof "$12,000";

(2) in subsection (b)(1), by striking "$4,500" and inserting in lieu thereof "$5,500"; and

(3) in subsection (d), by striking "October 1, 1998" and inserting in lieu thereof "October 1, 2002".

SEC. 612. INCENTIVE FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS.

(a) INCENTIVE.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking the remainder of the text after paragraph (4) and inserting in lieu thereof the following: "is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to either special pay for duty performed during the period of the extension at a rate of not more than $80 per month, as prescribed by the Secretary concerned, or a bonus of up to $2,000 per year, as prescribed by the Secretary concerned, for specialty requirements at designated locations.";

(2) by redesignating subsection (b) as subsection (d);

(3) in subsection (d), as so redesignated, by inserting "or bonus" after "special pay"; and

(4) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) PAYMENT OF SPECIAL PAY AND BONUS.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the payment rate for special pay and bonuses payable pursuant to the agreement becomes fixed. A bonus payable under subsection (a) may then be paid by the Secretary, either in a lump sum or installments.

"(c) REPAYMENT OF BONUS.—(1) If a member who has entered into a written agreement under subsection (a) and has received all or part of a bonus under this section fails to complete the total period of extension specified in the agreement, the Secretary concerned may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for agreements executed on or after October 1, 1997.

SEC. 613. AMENDMENTS TO SELECTED RESERVE REENLISTMENT BONUS.

Section 308b of title 37, United States Code, is amended—

(1) by striking out paragraph (a)(1) and inserting in lieu thereof the following new paragraph:

"(1) has completed less than 14 years of total military service; and".

(2) by amending subsection (b) to read as follows:

"(b) The bonus to be paid under subsection (a) shall be—

"(1) an initial amount not to exceed $2,500, in the case of a member who enlists for a period of three years, or

"(2) an initial amount not to exceed $5,000, in the case of a member who enlists for a period of six years; and

"(3) subsequent payments according to a payment schedule determined by the Secretary concerned; however, initial payments may not exceed one-half the total bonus amount."; and

(3) by striking subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) A member may not be paid more than one six-year bonus or two three-year bonuses under this section. If the option for two three-year bonuses is chosen, the first three year bonus amount shall not exceed $2,000, paid as determined by the Secretary concerned, except that the initial payment may not exceed one-half of the total bonus amount. In order to qualify for the follow on three-year bonus, the member must reenlist immediately after the first three-year term and must meet, as determined by the Secretary concerned, all eligibility criteria at the time of that reenlistment. Failure to meet all eligibility criteria will result in forfeiture of continued eligibility for this bonus. The follow on three-year bonus, if elected and provided the member meets all eligibility requirements, shall be paid, in an amount not to exceed $2,500, as if the member had selected the three-year option alone.''.

SEC. 614. AMENDMENTS TO SELECTED RESERVE PRIOR SERVICE ENLISTMENT BONUS.

Section 308i of title 37, United States Code, is amended—

(1) by striking subparagraph (a)(2)(A) and inserting in lieu thereof the following new subparagraph (A):

``(A) has completed his military service obligation but has less than 14 years of total military service;''; and

(2) by amending subsections (b) and (c) to read as follows:

``(b) The bonus to be paid under subsection (a) shall be—

``(1) an initial payment not to exceed $2,500, in the case of a member who enlists for a period of three years; or

``(2) an initial payment not to exceed $5,000, in the case of a member who enlists for a period of six years; and

``(3) subsequent payments according to a schedule determined by the Secretary concerned; however, initial payments may not exceed one-half the total bonus amount.

``(c) A member may not be paid more than one six-year bonus or two three-year bonuses under this section. Furthermore, a member may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and in which the member attained a level of qualification commensurate with his grade and years of service. If the option for two three-year bonuses is chosen, the first three year bonus amount shall not exceed $2,000, paid as determined by the Secretary concerned, except that the initial payment may not exceed one-half of the total bonus amount. In order to qualify for the follow on three-year bonus, the member must reenlist immediately after the first three-year term and must meet, as determined by the Secretary concerned, all eligibility criteria at the time of that reenlistment. Failure to meet all eligibility criteria will result in forfeiture of continued eligibility for this bonus. The follow on three-year bonus, if elected and provided the member meets all eligibility requirements, shall be paid, in an amount not to exceed $2,500, as if the member had selected the three-year option alone.''.

Subtitle C—Allowances

SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS PRIOR TO APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h) of title 37, United States Code, is amended in paragraph (2)(C)(iii) by striking ``if the sentence is approved'' and inserting in lieu thereof ``prior to the sentence being approved''.

SEC. 622. VARIABLE HOUSING ALLOWANCE AT LOCATION OF RESIDENCE AFTER A CLOSE PROXIMITY MOVE.

Section 403a(a) of title 37, United States Code, is amended by adding at the end the following new paragraph (5):

``(5) In the case of a member without dependents who is assigned to duty inside the United States, the location or the circumstances of which make it necessary that he be reassigned under the conditions of low cost or no cost permanent change of station or permanent change of assignment, the member may be paid a variable housing allowance as if he were not reassigned if the Secretary concerned determines (under regulations prescribed under subsection (e) of this section) that it would be inequitable to base the member's entitlement to, and amount of, variable housing allowance on the area to which the member is assigned.''.

SUBTITLE D—OTHER MATTERS

SEC. 631. AUTHORIZATION FOR REIMBURSEMENT OF TAX LIABILITIES INCURRED BY PARTICIPANTS IN THE F. EDWARD HÉBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

The Secretary of Defense is authorized to use amounts appropriated for fiscal year 1997 and subsequent fiscal years for payments to participants in the F. Edward Hébert Armed Forces Health Professions Scholarship Program as reimbursement for payments by such participants for Federal, State, or local income tax liabilities based on the value of tuition and related educational expenses provided under such Program prior to October 1, 1997. Individuals will be compensated in a manner consistent with the models set out in the Relocation Income Tax Allowance as authorized by section 4724b of title 5, United States Code. Participants who fail to fulfill their active duty obligation under circumstances that resulted in recoupment actions are not authorized to receive reimbursement under this section.

SEC. 632. AUTHORIZATION FOR INCREASED STIPEND PAYMENTS MADE UNDER THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) SUPPLEMENTAL STIPEND.—Section 2121 of title 10, United States Code, is amended by adding at the end the following new subsection:

``(e)(1) If authorized by the Secretary of Defense pursuant to paragraph (2), during any month in which a participant in the program receives a stipend under subsection (d), the participant may also be paid a supplemental stipend of $400 per month. This amount shall be increased in the same manner as the stipend amount under subsection (d).

``(2) The supplemental stipend referred to in paragraph (1) may not be paid if the Secretary of Defense determines, after consultation with the Secretary of the Treasury, that payments made by the Secretary under section 2127(a) of this title on behalf of a participant in the program are excluded from taxable income under section 108 of the Internal Revenue Code of 1986 (26 U.S.C.).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective October 1, 1997.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. REPEAL OF THE STATUTORY RESTRICTION ON USE OF FUNDS FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 55, United States Code, is amended by striking out the item referring to section 1093.

(c) EFFECTIVE DATE.—The amendment made by this section shall be effective October 1, 1997.

SEC. 702. EXPANDING THE LIMITS IMPOSED ON PROVIDING PROSTHETIC DEVICES TO MILITARY HEALTH CARE BENEFICIARIES.

Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

``(14) Prosthetic devices, as determined by the Secretary of Defense to be necessary because of significant conditions resulting from trauma, congenital anomalies or disease.''; and

(2) in subsection (b), by amending paragraph (2) to read as follows:

``(2) hearing aids, orthopedic footwear, and spectacles except that outside of the United States and at stations inside the United States where adequate civilian facilities are unavailable, such items may be sold to dependents at cost to the United States.''.

TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY

Subtitle A—Repeal of Certain Acquisition Reports

SEC. 801. REPEAL OF ACQUISITION REPORTS REQUIRED BY DEFENSE AUTHORIZATION ACTS.

(a) ANNUAL REPORT ON FIVE-YEAR SHIP CONSTRUCTION PROGRAM.—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94–106; 89 Stat. 539; 10 U.S.C. 7291 note) is repealed.

(b) REPORTS RELATING TO POTENTIAL EFFECT OF OFFSHORE DRILLING ON NAVAL OPERATIONS.—Section 1260 of the Department of Defense Authorization Act, 1984 (Public Law 98–94; 97 Stat. 703) is repealed.

(c) REPORT ON ADVANCED CRUISE MISSILE (SM–2(N)).—Section 1426 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 753) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(d) REPORT ON REMOVAL OF BASIC POINT DEFENSE MISSILE SYSTEM FROM NAVAL AMPHIBIOUS VESSELS.—Section 1437 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 757) is repealed.

(e) REPORT ON PROCUREMENT COMPETITION GOALS.—Section 913 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 687) is repealed.

(f) REPORT CONCERNING THE STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1933) is repealed.

(g) ANNUAL REPORT ASSESSING THE SECURITY OF UNITED STATES BASES IN THE PHILIPPINES.—Section 1309 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2063) is repealed.

(h) COMMISSION REPORT ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.—Section 2819 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2119; 10 U.S.C. 2391 note) is repealed.

(i) REPORTS CONCERNING THE B–2 PROGRAM.—The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373)) is amended as follows:

(1) Section 112 is repealed.

(2) Section 115 is repealed.

(j) REPORT ON PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.—Section 852 of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101–189; 103 Stat. 1517) is amended by striking subsection (b).

(k) REPORT ON ENVIRONMENTAL COMPLIANCE AT OVERSEAS INSTALLATIONS.—Section 342(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1537; 10 U.S.C. 2701 note) is amended by striking paragraph (4).

SEC. 802. REPEAL OF EXTRANEOUS ACQUISITION REPORTING REQUIREMENTS.

(A) Repeal of Annual Report.—Section 20 of the Office of Federal Procurement Policy Act (41 U.S.C. 418) is amended—

(1) by striking "and" at the end of paragraph (b)(3)(B);

(2) by striking (b)(4); and

(3) by redesignating paragraphs (b) (5), (6), and (7) as paragraphs (b) (4), (5), and (6), respectively.

(b) Repeal of Regulatory Review Upon Request of Individual.—Section 20 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended (1) by striking paragraphs (c) (4), (5), and (6); and

(2) by striking subsection (g).

(c) Deletion of Reporting Requirements for Nonmajor Acquisition Programs.—Section 2220(b) of title 10, United States Code, is amended by striking "and nonmajor".

(d) Repeal of Requirement for Contractor Guarantees on Major Weapon Systems.—Section 2403 of title 10, United States Code, is repealed.

Subtitle B—Acquisition Policy

SEC. 811. USE OF SINGLE PAYMENT DATE FOR MIXED INVOICES.

Section 3903(a) of title 31, United States Code, is amended—

(1) by striking "; and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) inserting in lieu thereof "; and"; and

(3) by inserting at the end the following new paragraph (10):

"(10) notwithstanding paragraphs (2), (3) and (4) of this subsection, in the case of an acquisition for commercial items for which more than one statutory payment date applies to an invoice, permit a contract to specify a single payment due date, consistent with prevailing industry contracting practices and not to exceed 30 days after the date of receipt of a proper mixed invoice.".

SEC. 812. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) In General.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410m. Retention of expired funds during the pendency of contract litigation

"(a) Retention of Funds.—Notwithstanding sections 1552(a) and 3302(b) of title 31, United States Code, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601–613), shall remain available to pay any settlement reached between the parties or judgment rendered in a contractor's favor on an appeal of the same Government claim to the federal courts or the Armed Services Board of Contract Appeals.

"(b) Period of Availability.—The funds shall remain available for obligation and expenditure for a period not to exceed 180 calendar days following the settlement of the parties or conclusion of the litigation, including all avenues of appeal or expiration of all appeal periods. Thereafter, if the funds have not been obligated and expended, the account shall be closed and the funds shall be deposited in the Treasury as miscellaneous receipts.

"(c) Reporting Requirement.—Any disbursements of funds retained under this section shall be reported to Congress annually.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

"2410m. Retention of expired funds during the pendency of contract litigation.".

SEC. 813. EXPANDING THE AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR

(a) Expanded Authority.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§ 2410a. Severable service contracts for periods crossing fiscal years

"(a) Authority.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) Obligation of Funds.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) Clerical Amendment.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable service contracts for periods crossing fiscal years.".

SEC. 814. SMALL ARMS WEAPONS PROCUREMENT OBJECTIVES FOR THE ARMY.

Section 115(b)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681), as amended by section 115(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 206), is further amended by striking the table and inserting in lieu thereof the following new table:

"*Weapon*	*Quantity*
MK19–3 grenade machine gun	20,751
M16A2 rifle	846,028
M249 squad automatic weapon	75,443
M4 carbine	119,942.".

SEC. 815. AVAILABILITY OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEM PROCUREMENTS.

(a) Title 10 Amendment.—Section 2304(g) of title 10, United States Code, is amended in subparagraph (1)(B) by striking "only".

(b) Federal Property Act Amendment.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(is amended in subparagraph (1)(B) by striking "only".

SEC. 816. UNIT COST REPORTS.

(a) Elimination of Time Requirement for Report.—Section 2433(c) of title 10, United States Code, is amended—(1) by striking "during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)" at the end of the paragraph;

(2) by inserting "or" at the end of paragraph (1);

(3) by striking "or" at the end of paragraph (2); and

(4) by striking paragraph (3).

(b) Elimination of Qualifying Requirement.—Section 2433(d) of such title 10 is amended by striking in paragraph (3) "(for the first time since the beginning of the current fiscal year)".

SEC. 817. REPEAL OF ADDITIONAL DOCUMENTATION REQUIREMENT FOR COMPETITION EXCEPTION FOR INTERNATIONAL AGREEMENTS.

Section 2304(f) of title 10, United States Code, is amended in subparagraph (2)(E) by inserting a period after the phrase "other than competitive procedures" and striking the remainder of that sentence.

SEC. 818. ELIMINATION OF DRUG-FREE WORKPLACE CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)(1), by striking "has certified to the granting agency that it will" and inserting in lieu thereof "agrees to";

(2) in subsection (a)(2), by striking "certifies to the agency" and inserting in lieu thereof "agrees"; and

(3) in subsection (b)(1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking "such certification by failing to carry out".

SEC. 819. VESTITURE OF TITLE.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Vestiture of Title.—If a contract provides for title to property to vest in the United States, such title shall vest in accordance with the terms of the contract. Such title shall vest in the United States regardless of any prior or subsequently asserted security interest in the property.".

SEC. 820. UNDEFINITIZED CONTRACT ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4); and

(2) in subsection (g)(1), by adding at the end the following new subparagraphs:

"(E) Contingency operations as defined in section 101(a)(13) of this title.

"(F) Peacekeeping or peace enforcement operations as directed by the President.

"(G) Disaster relief operations when directed by the President to perform disaster relief pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5121 *et seq.*), or

"(H) Humanitarian assistance".

SEC. 821. AUTHORITY OF DIRECTORS OF DEPARTMENT OF DEFENSE AGENCIES TO LEASE NON-EXCESS PROPERTY.

Section 2667 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections (g), (h), and (i):

"(g) Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

"(1) under the control of the Defense Agency;

"(2) not for the time needed for public use; and

"(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(h) A lease under subsection (g)—

"(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

"(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

"(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(i) Money rentals received pursuant to leases entered into by the Director of a Defense Agency under subsection (h) shall be deposited in a special account in the Treasury established for such Defense Agency. Such sums deposited in a Defense Agency's special account shall be available, as provided in appropriations acts, solely for the maintenance, repair, restoration, or replacement of the leased property.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. AMENDMENT TO FREQUENCY OF PROVIDING POLICY GUIDANCE FOR CONTINGENCY PLANS.

Section 113(g) of title 10, United States Code, is amended in paragraph (2) by striking "annually" and inserting in lieu thereof "every two years or as needed".

SEC. 902. REVISION OF MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

Section 2904(b) of title 10, United States code, is amended in paragraph (4) by striking "three" and inserting in lieu thereof "not less than two and not more than four".

SEC. 903. CLOSURE OF THE UNIFORM SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) Repeal of Authority.—Chapter 104 of title 10, United States Code, is hereby repealed.

(b) Phase-Out Process.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall phase out the Uniformed Services University of the Health Sciences, beginning in fiscal year 1998, and ending with the closure of such University not later than September 30, 2001. No provision of section 2687 of title 10, United States Code, or of any other law establishing preconditions to the closure of any activity of the Department of Defense shall operate to establish any precondition to the phase-out and closure of the Uniformed Services University of the Health Sciences as required by this Act.

(2) Under the phase-out process required by paragraph (1), the Secretary of Defense may exercise all of the authorities pertaining to the operations of the Uniformed Services University of the Health Sciences that were granted to the Secretary of Defense, the Board of Regents, or the Dean of the Uniformed Services University of the Health Sciences by Chapter 104 of title 10, United States Code, prior to enactment of the repeal of that chapter by subsection (a). Such authorities may be exercised by the Secretary of Defense so as to achieve an orderly phase-out of operations of the Uniformed Services University of the Health Sciences.

(3) No new class of students may be admitted to begin studies in the Uniformed Services University of the Health Sciences after September 30, 1997. No students may be awarded degrees by such University after September 30, 2001, except that the Secretary may grant exceptions on a case-by-case basis for any students who by that date have completed substantially all degree requirements.

(c) Authorities Affected.—(1) Commissioned service obligations incurred by students of the Uniformed Services University of the Health Sciences shall be unaffected by enactment of the repeal of chapter 104 of title 10, United States Code, by subsection (a).

(2) Nothing in this Act shall be construed as limiting the exercise by the Secretary of Defense of other authorities under law pertaining to health sciences education, training, and professional development, graduate medical education, medical and scientific research, and similar activities. To the extent the Secretary of Defense assigned any such activities to another component or entity of the Department of Defense, such activities shall not be affected by the phase-out and closure of the Uniformed Services University of the Health Sciences pursuant to this Act.

(d) Conforming Amendments.—(1) Section 178 of title 10, United States Code, pertaining to the Henry M. Jackson Foundation for the Advancement of Military Medicine, is amended—

(A) in subsection (b), by striking "Uniformed Services University of the Health Sciences" and inserting in lieu thereof "Department of Defense";

(B) in subsection (c)(1)(B), by striking "the Dean of the Uniformed Services University of the Health Sciences" and inserting in lieu thereof "a person designated by the Secretary of Defense"; and

(C) in subsection (g)(1), by striking "Uniformed Services University of the Health Sciences" and inserting in lieu thereof "Secretary of Defense".

(2) Section 466 of the Public Health Service Act (42 U.S.C. Section 286a), pertaining to the Board of Regents of the National Library of Medicine, is amended in subsection (a)(1)(B) by striking "the Dean of the Uniformed Services University of the Health Sciences".

(e) Clerical Amendment.—The table of chapters at the beginning of Subtitle A and at the beginning of part II of such subtitle of title 10, United States Code, is amended by striking the items pertaining to chapter 104.

SEC. 904. REPEAL OF REQUIREMENT TO OPERATE NAVAL ACADEMY DAIRY FARM, GAMBRILLS, MARYLAND.

Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) is hereby repealed.

SEC. 905. INCLUSION OF INFORMATION RESOURCES MANAGEMENT COLLEGE IN THE NATIONAL DEFENSE UNIVERSITY.

(a) Technical Amendment and Addition of Information Resources Management College to the Definition of the National Defense University.—Section 1595(d)(2) of title 10, United States Code, is amended by striking "the Institute for National Strategic Study" and inserting in lieu thereof "the Institute for National Strategic Studies, the Information Resources Management College".

(b) Conforming Amendment.—Section 2162(d)(2) of title 10, United States Code, is amended by inserting "the Institute for National Strategic Studies, the Information Resources Management College," after "the Armed Forces Staff College,".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TWO-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Act of 1992 (Public Law 102–484; 106 Stat. 2570; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking "or" after "fiscal year 1996," and by inserting", $15,000,000 for fiscal year 1998, or $15,000,000 for fiscal year 1999" before the period at the end; and

(2) in subsection (f), by striking "1997" and inserting in lieu thereof "1999".

Subtitle B—Other Matters

SEC. 1010. NEGOTIATING SALES OF VESSELS STRICKEN FROM THE NAVAL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

"(c) Procedures for Sale.—A vessel stricken from the Naval Register and not subject to disposal under any other law may be sold under this section. In such a case, a vessel may be sold, regardless of the appraised value of the vessel, to the highest acceptable bidder after the vessel is publicly advertised for sale for a period of not less than 30 days or to the acceptable offeror submitting the most advantageous proposal, price and other factors considered, by means of competitive negotiations. All bids or offers may be rejected if it is in the Government's best interest to do so. The determination of the method of sale shall depend upon the particular circumstances surrounding the proposed sale.".

SEC. 1011. AUTHORITY TO CHARTER VESSEL FOR LONGER THAN FIVE YEARS IN SUPPORT OF SURVEILLANCE TOWED ARRAY SENSOR (SURTASS) PROGRAM.

Pursuant to section 2401(b)(1)(A) of title 10, United States Code, the Secretary of the Navy is authorized to charter a vessel in support of the SURTASS Program through Fiscal Year 2003.

SEC. 1012. EIGHTEEN MONTH SHIPBUILDING CLAIMS.

(a) Repeal.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title 10 is amended by striking the item that refers to section 2405.

(b) Effective Date.—Repeal is effective for all shipbuilding contracts and any claim, request for equitable adjustment or demand for payment submitted thereunder on, before or after the date of enactment of this Act, except that the repeal by this Act shall not apply to any claim, request for equitable adjustment or demand for payment (1) the appeal of which has been denied or dismissed by a court or board of contract appeals and where such court or board decision has become final and unappealable, (2) which has been denied by a final decision of a contracting officer and the time limit for appealing the decision under the Contract Disputes Act of 1978, as amended, to a court or board has expired, or (3) which has been released by a contractor.

Subtitle C—Other Matters

SEC. 1020. ARREST AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) Arrest Authority.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section 1585b:

"§ 1585b. Arrest authority for special agents of the defense Criminal Investigative Service

"(a) Upon designation by the Secretary of Defense, a Special Agent of the Defense Criminal Investigative Service, may—

"(1) carry firearms;

"(2) execute and serve any warrant or other processes issued under the authority of the United States; and

“(3) make arrests without warrant for—

“(A) any offense against the United States committed in such officer's presence; or

“(B) any felony cognizable under the laws of the United States if such agent has probable cause to believe that the person to be arrested has committed or is committing such felony.

“(b) The powers granted under subsection (a) of this section shall be exercised in accordance with guidelines approved by the Attorney General.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 81 is amended by inserting after the item relating to section 1585 the following new item:

“1585b. Arrest authority for special agents of the Defense Criminal Investigative Service.”.

SEC. 1021. ACCESS TO PRE-ACCESSION OFFENDER RECORDS.

Section 520a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “requested” and inserting in lieu thereof “required”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

“(d) Costs to the Secretary concerned for providing criminal history information under this section shall be no greater than the costs for providing such information to law enforcement agencies of the State or the unit of general local government of the State.”.

SEC. 1022. EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

Section 1031(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637), is amended by striking “1997” and inserting in lieu thereof “1998”.

SEC. 1023. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Asia-Pacific Center for Security Studies (in this section referred to as Asia-Pacific Center), accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be available for the Center for the same purposes and for the same period of availability of the appropriations.

(3) The Secretary of Defense shall notify Congress if total contributions of money under paragraph (1) exceeds $2,000,000 in any fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in such fiscal year.

(4) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, and services (including lecture services and faculty services) from a foreign government, foundation or other charitable organization in a foreign country, or an individual in a foreign country.

(5) The Secretary shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of contributions of money or services pursuant to paragraph (1) would reflect unfavorably upon the ability of the Department of Defense or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

(b) ASIA-PACIFIC CENTER PARTICIPATION BY FOREIGN NATIONS.—(1) Notwithstanding any other provision of law, the Secretary of Defense may authorize representatives of a foreign government to participate in a program of the Asia-Pacific Center, if the Secretary determines, in consultation with the Secretary of State, that such participation is in the national interest of the United States.

(2) Not later than January 31 of each year, the Secretary of Defense shall submit to Congress a report setting forth the foreign governments permitted to participate in programs of the Center during the preceding year under the authority provided in paragraph (1).

SEC. 1024. PROTECTION OF CERTAIN IMAGERY AND GEOSPATIAL INFORMATION AND DATA.

Section 455(b) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting “or capabilities” after “methods”;

(2) in paragraph (2), by inserting “to include imagery, imagery intelligence or geospatial information as defined in section 467” after “related product”.

SEC. 1025. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—The authority to carry out a pilot program under section 1091(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2519; 32 U.S.C. 501 note) is continued through September 30, 1999.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the first day of October, 1998, under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

(c) CONFORMING AMENDMENT.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 355; 32 U.S.C. 501 note) is hereby repealed.

SEC. 1026. REPEAL OF ANNUAL DEPARTMENT OF DEFENSE CONVENTIONAL STANDOFF WEAPONS MASTER PLAN AND REPORT ON STANDOFF MUNITIONS.

Section 1641 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1613; 10 U.S.C. 2431 note) is repealed.

SEC. 1027. REVISIONS TO THE BALLISTIC MISSILE DEFENSE ACT OF 1995.

Section 234(a) of the Ballistic Missile Defense Act of 1995 (Subtitle C of title II of the National Defense Authorization Act of 1996 (Public Law 104–106; 110 Stat. 229)) is amended—

(1) in the matter preceding the colon by striking “, to be carried out so as to achieve the specified capabilities”;

(2) in paragraph (1) by striking “, with a first unit equipped during fiscal year 1998”;

(3) in paragraph (2), by striking “, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999”;

(4) in paragraph (3), by striking “, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000”; and

(5) in paragraph (4), by striking “, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001”.

SEC. 1028. REPEAL OF REPORTING REQUIREMENTS, SPECIAL OPERATIONS FORCES: TRAINING WITH FRIENDLY FOREIGN FORCES.

Section 2011 of title 10, United States Code, is amended by striking subsection (e).

SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS

SEC. 1031. AUTHORITY FOR THE SECRETARY OF THE ARMY TO CONSTRUCT A HELIPORT AT FORT IRWIN, CALIFORNIA.

Using amounts appropriated pursuant to the authorization of appropriations in the Military Construction Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3027) for military construction at Fort Irwin and appropriated pursuant to the authorization of appropriations in the Military Construction Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 523) for military construction at Fort Irwin, the Secretary of the Army may carry out the construction of a heliport at Fort Irwin, California.

SEC. 1032. REPEAL OF REPORTS REQUIRED BY MILITARY CONSTRUCTION AUTHORIZATION ACTS.

(a) REQUIREMENT, WAIVER AND REPORT RELATING TO THE PROCUREMENT OF OVERSEAS FAMILY HOUSING FROM A UNITED STATES CONTRACTOR.—Section 803 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 784; 10 U.S.C. 2812 note) is repealed.

(b) REPORT ON FUNDING FOR NAVAL STRATEGIC HOMEPORTING.—Section 205 of the Military Construction Authorization Act, 1986 (Public Law 99–167; 99 Stat. 971) is repealed.

(c) REPORT ON PROPOSED CONTRACT FOR SALE OF GREGG CIRCLE AREA, FORT JACKSON, SOUTH CAROLINA.—Section 840 of the Military Construction Authorization Act, 1986 (Public Law 99–167; 99 Stat. 997) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1033. FINANCIAL INCENTIVES FOR ENERGY SAVINGS.

Section 2865 of title 10, United States Code, is amended as follows:

(1) In subsection (b)(1) by striking from the first sentence “and financial incentives described in subsection (d)(2)”.

(2) In subsection (d)(2) by adding at the end thereof the following new sentence: “Financial incentives received from gas or electric utilities under this subparagraph, and under 2866(b)(2), shall be credited to an appropriation designated by the Secretary of Defense or designee. The impact of this initiative will be reflected in the Secretary's annual energy report.”.

SEC. 1034. WATER CONSERVATION FINANCIAL INCENTIVES.

Section 2866(b) of title 10, United States Code, is amended as follows:

(1) by inserting “AND FINANCIAL INCENTIVES” immediately after “USE OF WATER COST SAVINGS”;

(2) by inserting “(1)” immediately before “Water cost savings”; and

(3) by inserting the following new subparagraph at the end thereof:

“(2) Water financial incentives realized under this section shall be used as provided in section 2865(d)(2).”.

SEC. 1035. PRIVATIZATION OF GOVERNMENT OWNED UTILITY SYSTEMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting the following new section at the end thereof:

"§2694. Privatization of Government Owned Utility Systems.

"(a) AUTHORITY.—The Secretary of a military department may convey all right, title, and interest of the United States, or any lesser estate as appropriate to serve the interests of the United States, in any utility system or part of a utility system, located on or adjacent to a military installation under the control of that department, to a municipal, private, regional, district, or cooperative utility company or other entity. Such utility systems may include, but are not limited to, electrical generation and supply, water supply, water treatment, wastewater collection, wastewater treatment, steam/hot/chilled water generation and supply, and natural gas supply.

"(b) CONSIDERATION.—Any consideration received for a conveyance under subsection (a) may be accepted in the form of a lump sum payment or a reduction in utility rate charges for a period of time sufficient to amortize the monetary value of the utility system, including any real property interests, conveyed. Any lump sum payment received shall be credited to an appropriation designed as appropriate by the Secretary of Defense or a designee of the Secretary. Amounts so credited shall be available for the same time period as the appropriation credited and shall be used only for the purposes authorized for that appropriation.

"(c) NOTICE AND WAIT REQUIREMENTS.—A conveyance may not be made under subsection (a) until—

"(1) the Secretary submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted lifecycle costing procedures) which demonstrates that the full cost to the taxpayer of the proposed conveyance is cost-effective when compared with alternative means of furnishing the same utility systems; and

"(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

"(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in a conveyance entered into under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

"(e) RELIEF FROM FORMAL COST COMPARISON.—Chapter 146 of title 10, United States Code, and section 257(e) of the Budget Enforcement Act, shall not apply to any conveyance under subsection (a) that results in the transfer of ownership of related utility assets.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting the following new item:

"2694. Privatization of Government Owned Utility Systems.".

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZATION.

(a) EXTENSION.—Section 5597(e) of title 5, United States Code, is amended by striking "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(b) REMITTANCE OF FUNDS.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Department who is covered under subchapter III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section based on separation on or after October 1, 1997. The remittance required by this subsection shall be in lieu of any remittance required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) For the purpose of this subsection, the term 'final basic pay', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.".

(c) CONFORMING AMENDMENT.—Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1102. ELIMINATION OF TIME LIMITATION FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1103. PAY PRACTICES WHEN OVERSEAS TEACHERS TRANSFER TO GENERAL SCHEDULE POSITIONS.

Section 5334(d) of title 5, United States Code, is amended by inserting "such amounts as may be authorized, if any, under regulations issued by the Secretary of Defense, up to" after "is deemed increased by".

SEC. 1104. CITIZENSHIP REQUIREMENTS FOR STAFF OF THE GEORGE C. MARSHALL CENTER FOR SECURITY STUDIES.

Section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101–193; 103 Stat. 1709) is amended—

(1) in the section heading, by striking "United States Army Russian Institute" and inserting in lieu thereof "George C. Marshall European Center for Security Studies";

(2) in subsection (a), by striking "United States Army Russian Institute" and inserting in lieu thereof "George C. Marshall European Center for Security Studies"; and

(3) in subsection (c), by adding at the end the following sentence: "No prior admission for permanent residence shall be required.".

SEC 1105. PRESERVATION OF CIVIL SERVICE RIGHTS FOR EMPLOYEES OF THE FORMER DEFENSE MAPPING AGENCY.

Section 1612(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "in paragraph (2)" and inserting in lieu thereof "in paragraph (3)"; and

(B) by striking "to paragraph (3)" and inserting in lieu thereof "to paragraph (4)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting the following new paragraph (2):

"(2) For each former Defense Mapping Agency employee who was in a position established under title 5, United States Code, and who on October 1, 1996, became an employee of the National Imagery and Mapping Agency under 1601(a)(1) of this title, and for whom the provisions of law referred to in paragraph (3) applied before October 1, 1996, such provisions of law shall, subject to paragraph (4), continue to apply for as long as the employee continues to serve as a Department of Defense employee in the National Imagery and Mapping Agency without a break in service.";

(4) in paragraph (3), as so redesignated, by striking "by paragraph (1)" and inserting in lieu thereof "by paragraphs (1) and (2)"; and

(5) in paragraph (4), as so redesignated, by striking "by paragraph (1)" and inserting in lieu thereof "by paragraphs (1) and (2)".

SEC. 1106. AUTHORIZATION FOR THE MARINE CORPS UNIVERSITY TO EMPLOY CIVILIAN PROFESSORS.

(a) IN GENERAL.—Section 7478 of title 10, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§7478. Naval War College and Marine Corps University: civilian faculty members";

(2) in subsection (a), by striking "or at the Marine Corps Command and Staff College" and inserting in lieu thereof "or at a school of the Marine Corps University"; and

(3) in subsection (c), by striking "or at the Marine Corps Command and Staff College" and inserting in lieu thereof "or at a school of the Marine Corps University".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 643 of such title 10 is amended by amending the item relating to section 7478 to read as follows:

"7478. Naval War College and Marine Corps University: civilian faculty members.".

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATION

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of Military Construction Project for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military Housing planning and design.
Sec. 2403. Improvements to military family housing units.

Sec. 2404. Energy Conservation Projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Use of Prior Year Appropriations.
Sec. 2407. Modification of authority to carry out fiscal year 1995 projects.
TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE
Sec. 2501. Authorized NATO Construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.
TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES
Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS
Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extensions of authorizations of certain fiscal year 1994 projects.
Sec. 2703. Extensions of authorizations of certain fiscal year 1993 projects.
Sec. 2704. Extension of Over-The-Horizon Radar in Puerto Rico.
Sec. 2705. Effective date.
TITLE XXVIII—GENERAL PROVISIONS
SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES
Sec. 2801. Streamlining real property transactions and architectural and engineering services and construction design
SUBTITLE B—OTHER MATTERS
Sec. 2802. Increase in maximum limit for minor land acquisition.
Sec. 2803. Administrative expenses for certain real estate transactions.
Sec. 2804. Long term lease authority, Naples Improvement Initiative, Naples, Italy.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 (a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

State and Installation or Location	Amount
Arizona: Fort Huachuca	$20,000,000
California: Naval Weapons Station, Concord	23,000,000
Colorado: Fort Carson	7,300,000
Georgia: Fort Gordon	22,000,000
Hawaii: Schofield Barracks	44,000,000
Indiana: Crane Army Ammunition Activity	7,700,000
Kansas:	
Fort Leavenworth	63,000,000
Fort Riley	25,800,000
Kentucky: Fort Campbell	37,000,000
South Carolina: Naval Weapons Station, Charleston	7,700,000
Texas: Fort Sam Houston	16,000,000
Virginia:	
Charlottesville	3,100,000
Fort A.P. Hill	5,400,000
Fort Myer	8,200,000
Washington: Fort Lewis	33,000,000

ARMY: INSIDE THE UNITED STATES—Continued

State and Installation or Location	Amount
CONUS Classified: Classified Location	6,500,000
Total	329,700,000

(b) OUTSIDE THE UNITED STATES.—Using amount appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

Country and Installation or Location	Amount
Germany:	
Ansbach	$22,000,000
Heidelberg	8,800,000
Mannheim	6,200,000
Military Support Group	6,000,000
Kaiserslautern	....
Korea:	
Camp Casey	5,100,000
Camp Castle	8,400,000
Camp Humphreys	32,000,000
Camp Red Cloud	23,600,000
Camp Stanley	7,000,000
Overseas: Classified: Overseas Classified	37,000,000
Total	156,100,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(7)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

State and Installation or Location	Purpose units	Amount
Florida: U.S. Southern Command Headquarters	8	$2,300,000
Hawaii: Schofield Barracks	132	26,600,000
Maryland: Fort George Meade	56	7,900,000
North Carolina: Fort Bragg	174	20,150,000
Texas:		
Fort Bliss	91	12,900,000
Fort Hood	130	18,800,000
Total	....	88,650,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(7)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $9,550,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(7)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $44,800,000.

SEC 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,887,214,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $329,700,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $156,100,000.

(3) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized in section 2101(a) of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763), $18,000,000.

(4) For the construction of the Whole Barracks Complex Renewal, Fort Knox, Kentucky, authorized in section 2101(a) of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763, $22,000,000.

(5) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,477,000.

(7) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $143,000,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,148,937,000.

(B) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (4) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

State and installation or location	Amount
Arizona: Navy Detachment, Camp Navajo	$11,426,000
California:	
Marine Corps Air Station, Camp Pendleton	14,020,000
Marine Corps Air Station, Miramar	8,700,000
Marine Corps Air-Ground Combat Center, Twentynine Palms	3,810,000
Marine Corps Base, Camp Pendleton	39,469,000
Naval Air Facility, El Centro	11,000,000
Naval Air Station, North Island	19,600,000
Connecticut: Naval Submarine Base, New London	18,300,000
Florida: Naval Air Station, Jacksonville	3,480,000
Hawaii:	
Marine Corps Air Station, Kaneohe Bay	19,000,000
Naval Com & Telecoms Area Master Station EASTPAC, Honolulu	3,900,000
Naval Station, Pearl Harbor	25,000,000
Illinois: Naval Training Center, Great Lakes	41,220,000
Mississippi: Naval Station, Pascagoula	4,990,000
North Carolina:	
Marine Corps Air Station, Cherry Point	8,800,000
Marine Corps Air Station, New River	19,900,000
Rhode Island: Naval Undersea Warfare Center Division, Newport	8,900,000
South Carolina: Marine Corps Reserve Detachment Parris Island	3,200,000
Virginia:	
AEGIS Training Center, Dahlgren	6,600,000
Fleet Combat Training Center, Dam Neck	7,000,000
Naval Air Station, Norfolk	14,240,000
Naval Air Station, Oceana	28,000,000
Naval Amphibious Base, Little Creek	8,685,000
Naval Shipyard, Norfolk, Portsmouth	9,500,000
Naval Station, Norfolk	18,850,000
Naval Surface Warfare Center, Dahlgren	13,880,000
Naval Weapons Station, Yorktown	11,257,000
Washington:	
Naval Air Station, Whidbey Island	1,110,000
Puget Sound Naval Shipyard, Bremerton	4,400,000

NAVY: INSIDE THE UNITED STATES—Continued

State and installation or location	Amount
Total	388,227,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country and Installation or Location	Amount
Bahrain: Administrative Support Unit, Bahrain	30,100,000
Guam: Naval Com & Telecoms Area Master Station WESTPAC, Guam	4,050,000
Italy: Naval Air Station, Sigonella	21,440,000
Italy: Naval Support Activity, Naples	8,200,000
Puerto Rico: Naval Station, Roosevelt Roads	500,000
United Kingdom: Joint Maritime Communications Center, St. Mawgan	2,330,000
Total	66,620,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

State and Installation or Location	Purpose (Units)	Amount
California:		
Marine Corps Air Station, Miramar	166	$28,881,000
Marine Corps Air-Ground Combat Center, Twentynine Palms	117	23,891,000
Marine Corps Base, Camp Pendleton	171	22,518,000
Naval Air Station, Lemoore	128	23,226,000
Total		98,516,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(8)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,100,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(8)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,791,033,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $388,227,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $66,120,000.

(3) For construction of Bachelor Enlisted Quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for fiscal year 1997 (Division B of Public Law 104–201; 110 Stat. 2766), $5,200,000.

(4) For construction of Bachelor Enlisted Quarters at Naval Station Roosevelt Roads, Puerto Rico, authorized by section 2201(a) of the Military Construction Authorization Act for fiscal year 1997 (Division B of Public Law 104–201; 110 Stat. 2767), $14,600,000.

(5) For construction of a Large Anecohic Chamber Facility at Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for fiscal year 1993 (Division B of Public Law 102–484; 106 Stat. 2590), $9,000,000.

(6) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $42,489,000.

(8) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $278,933,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (5) of subsection (a).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amount appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

State and Installation or Location	Amount
Alabama: Maxwell Air Force Base	$5,574,000
Alaska:	
Clear Air Station	67,069,000
Eielson Air Force Base	7,764,000
Indian Mountain	1,991,000
California:	
Edwards Air Force Base	2,887,000
Vandenberg Air Force Base	26,876,000
Colorado:	
Buckley Air National Guard Base	6,718,000
Falcon Air Force Station	10,551,000
Peterson Air Force Base	4,081,000
US Air Force Academy	15,229,000
Florida:	
Eglin Auxiliary Field 9	6,470,000
MacDill Air Force Base	1,543,000
Georgia: Robins Air Force Base	18,663,000
Idaho: Mountain Home Air Force Base	17,719,000
Kansas: McConnell Air Force Base	6,669,000
Louisiana: Barksdale Air Force Base	19,410,000
Mississippi: Keesler Air Force Base	30,855,000
Missouri: Whiteman Air Force Base	17,419,000
New Jersey: McGuire Air Force Base	9,954,000
North Carolina: Pope Air Force Base	8,356,000
North Dakota: Grand Forks Air Force Base	8,560,000
Ohio: Wright-Patterson Air Force Base	10,750,000
Oklahoma: Tinker Air Force Base	9,655,000
South Carolina: Shaw Air Force Base	6,072,000
Tennessee: Arnold Air Force Base	10,750,000
Texas: Randolph Air Force Base	2,488,000
Utah: Hill Air Force Base	6,470,000
Virginia: Langley Air Force Base	4,031,000
Washington:	
Fairchild Air Force Base	7,366,000
McChord Air Force Base	9,655,000
CONUS Classified: Classified Location	6,175,000
Total	367,770,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country and Installation or Location	Amount
Germany: Spangdahlem Air Base	$18,500,000
Italy: Aviano Air Base	15,220,000
Korea:	
Kunsan Air Base	10,325,000
Osan Air Base	11,100,000
Portugal: Lajes Field, Azores	4,800,000
United Kingdom: Royal Air Force, Lakenheath	11,400,000
Overseas Classified: Classified Location	31,100,000
Total	102,445,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

State and Installation or Location	Purpose (Units)	Amount
California:		
Edwards Air Force Base	51	$8,500,000
Travis Air Force Base	70	9,714,000
Vandenberg Air Force Base	108	17,100,000
Delaware: Dover Air Force Base	([1])	831,000
District of Columbia: Bolling Air Force Base	46	5,100,000
Florida:		
MacDill Air Force Base	58	10,000,000
Tyndall Air Force Base	32	4,200,000
Georgia: Robins Air Force Base	60	6,800,000
Idaho: Mountain Home Air Force Base	60	11,032,000
Kansas: McConnell Air Force Base	19	2,951,000
Mississippi:		
Columbus Air Force Base	50	6,200,000
Keesler Air Force Base	40	5,000,000
Montana: Malmstrom Air Force Base	28	4,842,000
New Mexico: Kirtland Air Force Base	180	20,900,000
North Dakota: Grand Forks Air Force Base	42	7,936,000
Texas:		
Dyess Air Force Base	70	10,503,000
Goodfellow Air Force Base	3	500,000
Wyoming: F E Warren Air Force Base	52	6,853,000
Total		138,962,000

[1] Ancillary facility.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,971,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,579,144,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $343,912,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $102,445,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $40,880,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $253,128,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) plus $23,858,000 of prior year appropriations.

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for fiscal year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" in the amount column and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding the paragraph, by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000" and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000."

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: INSIDE THE UNITED STATES

Agency and Installation or Location	Amount
Defense Commissary Agency: Fort Lee, Virginia	$9,300,000
Defense Finance and Accounting Service:	
Columbus Center, Ohio	9,722,000
Naval Air Station, Millington, Tennessee	6,906,000
Naval Station, Norfolk, Virginia	12,800,000
Naval Station, Pearl Harbor, Hawaii	10,000,000
Defense Intelligence Agency:	
Bolling Air Force Base, District of Columbia	7,000,000
Redstone Arsenal, Alabama	32,700,000
Defense Logistics Agency:	
Defense Distribution Depot—DDNV, Virginia	16,656,000
Defense Distribution New Cumberland—DDSP, Pennsylvania	15,500,000
Defense Fuel Support Point, Craney Island, Virginia	22,100,000
Defense General Supply Center, Richmond (DLA), Virginia	5,200,000
Elmendorf Air Force Base, Alaska	21,700,000
Naval Air Station, Jacksonville, Florida	9,800,000
Truax Field, Wisconsin	4,500,000
Westover Air Reserve Base, Massachusetts	4,700,000
CONUS Various, CONUS Various	11,275,000
Defense Medical Facilities Office:	
Fort Campbell, Kentucky	13,600,000
Fort Detrick, Maryland	5,300,000
Hill Air Force Base, Utah	3,100,000
Holloman Air Force Base, New Mexico	3,000,000
Lackland Air Force Base, Texas	3,000,000
Marine Corps Combat Dev Com, Quantico, Virginia	19,000,000
McGuire Air Force Base, New Jersey	35,217,000
Naval Air Station, Pensacola, Florida	2,750,000
Naval Station, Everett, Washington	7,500,000
Naval Station, San Diego, California	2,100,000
Naval Submarine Base, New London, Connecticut	2,300,000
Robins Air Force Base, Georgia	19,000,000
Tinker Air Force Base, Oklahoma	6,500,000
Wright-Patterson Air Force Base, Ohio	2,750,000
National Security Agency: Fort George Meade, Maryland	29,800,000
Special Operations Command:	
Eglin Auxiliary Field 3, Florida	6,100,000
Fort Benning, Georgia	12,314,000
Fort Bragg, North Carolina	1,500,000
Hurlburt Field, Florida	2,450,000
Naval Amphibious Base, Coronado, California	7,400,000
Total	384,540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: OUTSIDE THE UNITED STATES

Agency and Installation or Location	Amount
Ballistic Missile Defense Organization: Pacific Missile Range, Kwajalein Atoll	$4,565,000
Defense Logistics Agency:	
Defense Fuel Support Point, Guam	16,000,000
Moron Air Base, Spain	14,400,000
Defense Medical Facilities Office: Anderson Air Force Base, Guam	3,700,000
Total	38,665,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,900,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,772,161,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $377,390,000.

(2) For military construction projects outside the United States authorized by section 2401(a), $34,965,000.

(3) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $20,000,000.

(4) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 535), $14,200,000.

(5) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), $44,000,000.

(6) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), $57,427,000.

(7) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of the Public Law 102–484; 106 Stat. 2586), $9,900,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, $25,257,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $55,650,000.

(11) For Energy Conservation projects authorized by section 2403, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000 of which not more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (13) of subsection (a).

SEC. 2406. USE OF PRIOR YEAR APPROPRIATIONS.

Funds provided by the Military Construction Appropriations Act, 1995 (Public Law 103–307) August 23, 1994) in the amount of $10,280,000 for the upgrade the hospital facility at McClellan Air Force Base, California are available due to the closure of this facility as a result of Base Realignment and Closure actions. These moneys are to be used by the Department to fund two medical construction projects authorized by this Act, the Aeromedical Clinic Addition at Andersen Air Base, Guam in the amount of $37,700,000 and the Occupational Health Clinic Facility at Tinker Air Force Base, Oklahoma, in the amount of $6,500,000.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$115,000,000" in the amount column and inserting in lieu thereof $134,000,000; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof $187,000,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $176,300,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1801 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $45,098,000; and

(B) for the Army Reserve, $39,112,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $13,921,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $60,225,000; and

(B) for the Air Force Reserve, $14,530,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in title XXI, XXII, XXIII, and XXIV of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

ARMY: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
California: Fort Irwin	National Training Center Airfield Phase I.	$10,000,000

NAVY: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
Georgia: Naval Air Station Marietta.	Training Center	$2,650,000
Maryland:		
Indian Head Naval Surface Warfare Center.	Upgrade Power Plant	4,000,000
Indian Head Naval Surface Warfare Center.	Denitrification/Acid Mixing Facility.	6,400,000
Virginia: Norfolk Marine Corps Sec Force Batt LANT.	Bachelor Enlisted Quarters ..	6,480,000
Washington: Naval Station Puget Sound, Everett.	New Construction (Housing Office).	780,000
Conus Classified: Classified Location.	Aircraft Fire/Rescue & Vehicle Maint Fac.	2,200,000

AIR FORCE: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
California:		
Beal Air Force Base	Consolidated Support Center	$10,400,000
Los Angeles Air Force Station.	Family Housing (50 units) ...	8,962,000
North Carolina:		
Pope Air Force Base	Combat Control Team Facility.	2,400,000
Pope Air Force Base	Fire Training Center	1,100,000

DEFENSE AGENCIES: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
Alabama: Anniston Army Depot.	Carbon Filtration System	$5,000,000
Arkansas: Pine Bluff Arsenal	Ammunition Demilitarization Facility.	115,000,000
California: Def Contract Mgmt Ofc El Segundo.	Administrative Building (Conjunctive Fund).	5,100,000
Oregon: Umatilla Army Depot	Ammunition Demilitarization Facility.	186,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160, 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in title XXII, and XXIII of that Act, shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

NAVY: EXTENSION OF 1994 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
California: Camp Pendleton Marine Corps Base.	Sewage Facility	$7,930,000
Connecticut: New London	Hazardous Waste Facility	1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF OVER-THE-HORIZON RADAR IN PUERTO RICO.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), authorization set forth in table in subsection (b) and the fiscal year 1995 Defense Appropriation Act Public Law 103–335; 108 Stat. 2615 and subsequently transferred to the Military Construction appropriation shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

NAVY: EXTENSION OF 1995 PROJECT AUTHORIZATION

Location and Installation	Project	Amount
Puerto Rico: Naval Station Roosevelt Roads.	Relocatable Over-The-Horizon Radar.	$10,000,000

SEC. 2705. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. STREAMLINING REAL PROPERTY TRANSACTIONS AND ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Section 2662 of title 10, United States Code, is repealed.

(2) Section 2807 of title 10, United States Code, is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2662 and inserting in lieu thereof the following:

"[2662. Repealed.]".

Subtitle B—Other Matters

SEC. 2802. INCREASE IN MAXIMUM LIMIT FOR MINOR LAND ACQUISITIONS.

(a) In General.—Section 2672 of title 10, United States Code is amended by striking "$200,000" each place it appears and inserting in lieu thereof "$500,000".

(b) Clerical Amendment.—The table of sections at the beginning of Chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2672 and inserting in lieu thereof the following:

"2672. Acquisition: interests in land when cost is not more than $500,000.".

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL ESTATE TRANSACTIONS.

(a) In General.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2695. Administrative expenses for certain real estate transactions

"Whenever the Secretary of a Military Department (1) exchanges, (2) grants an easement or lease, or (3) licenses real property to a non-Federal party, the Department may accept funds from the non-Federal party for expenses incurred incident to or in furtherance of such transaction. Any funds so received shall be credited to the current appropriation, fun, or account that is available for the same purpose as the appropriation, fund, or account from which the cost of conducting such transaction is paid.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2695. Administrative expenses for certain real estate transactions.".

SEC. 2804. LONG TERM LEASE AUTHORITY, NAPLES IMPROVEMENT INITIATIVE, NAPLES, ITALY.

(a) Authority.—The Secretary of the Navy may acquire by lease in Naples, Italy, structures and real property relating to a regional hospital complex that are needed for military purposes as required to support the Naples Improvement Initiative. A lease under this subsection may be for a period of up to twenty years.

(b) Expiration.—This authority shall expire 30 September 2002.

By Mr. DORGAN (for himself, Mr. Grassley, Mr. Rockefeller, Mr. Baucus, Mr. Roberts, Mr. Harkin, Mr. Faircloth, Mr. Hutchinson, Mr. Inouye and Mr. Conrad):

S. 452. A bill to amend titles XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Finance.

THE NURSE AIDE TRAINING ACT OF 1997

● Mr. DORGAN. Mr. President, today, I am introducing legislation that will preserve quality care in rural nursing homes by ensuring that they can continue to conduct nurse aide training programs in their facilities.

This bill enjoys bipartisan support, and I am joined in introducing this bill by Senators Grassley, Rockefeller, Baucus, Roberts, Harkin, Faircloth, Hutchinson, Inouye, and Conrad. The bill, which also has the support of the Clinton administration, will prevent the termination of nurse aide training programs where the reason for the termination is unrelated to the quality of the program and where no training alternative exists within a reasonable distance.

I have long believed that the Federal Government has an important role to play in ensuring against the kinds of abuses that sometimes occurred prior to enactment of Federal nursing home standards. I do not believe that those abuses were the norm in nursing homes. Nursing homes in my State of North Dakota have a strong record of providing quality care, and I believe that this was the case in most nursing homes.

But it is clear that some nursing homes did not meet that high standard, and many States were slow to respond. To address that critical problem, I supported and continue to support minimum Federal quality standards. Our first priority in nursing home legislation must be the quality of care provided to residents, and we should not pass any laws that would compromise that goal.

However, I believe that some of our efforts to regulate nursing homes have not resulted in greater quality of care for residents. In some cases, by imposing unnecessary burdens and severe penalties that are not focused on quality, some laws and regulations can actually hinder the delivery of quality care. The legislation I am offering today will address one such instance.

In rural areas all over the country, nursing facilities offer potential caretakers an opportunity to learn the basic nursing and personal care skills needed to become a certified nurse aide. In return, those who participate in a nurse aide training program help nursing facilities meet their staffing needs and allow the nursing staff to focus more on administering quality nursing care.

Nurse aide training programs are especially important in rural areas like my State of North Dakota, where potential nurse aides might have to travel hundreds of miles for training if it is not available at the nursing facility in their community. These nurse aide training programs comply with strict guidelines related to the amount of training necessary and determination of competency for certification.

Despite these safeguards, current law allows programs to be terminated for up to 2 years if a facility has been cited for a deficiency or assessed a civil money penalty for reasons completely unrelated to the quality of the nurse aide training program. In North Dakota, this could result in real hardship not just for the nursing facility and potential nurse aides, but for the nursing home residents who rely on nurse aides for their day-to-day care.

Under my bill, rural areas would be exempt from termination of nurse aide training programs in these specific instances only if: First, no other program is offered within a reasonable distance of the facility; second, the State assures that an adequate environment exists for operating the program; and third, the State provides notice of the determination and assurances to the State long-term care ombudsman.

The President has included this proposal in the last two budgets he has presented to Congress. In addition, Congress included this proposal in the Balanced Budget Act passed in December 1995.

I hope my colleagues will join me in supporting this bill.

I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OFFERING NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS IN CERTAIN FACILITIES.

(a) Waiver.—Sections 1819(f)(2) and section 1919(f)(2) of the Social Security Act (42 U.S.C. 1395i–3(f)(2), 1396r(f)(2)) are each amended—

(1) in subparagraph (B)(iii), by inserting "subject to subparagraph (C)," after "(iii)"; and

(2) by adding at the end, the following:

"(C) Waiver authorized.—Clause (iii) of subparagraph (B) shall not apply to a program offered in (but not by) a nursing facility in a State if the State—

"(i) determines that there is no other such program offered within a reasonable distance of the facility;

"(ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility; and

"(iii) provides notice of such determination and assurances to the State long-term care ombudsman.".

(b) Effective Date.—The amendments made by subsection (a) apply to programs offered on or after the date of enactment of this Act.●

Mr. GRASSLEY. Mr. President, today I join Senator Byron Dorgan of North Dakota in introducing legislation aimed at reversing the lack of qualified nurse aides in rural America by encouraging local training programs to continue their work. Our goal is to improve the level of care in nursing homes. Increasing the availability of qualified staff in rural nursing homes will help older Americans live better lives.

Many rural nursing homes rely on their own training programs to certify nurse aides. Current Federal law allows these training programs to be terminated due to problems unrelated to the quality of the training program. In rural areas, terminating a nurse aide training program can result in a lack of qualified staff at a rural facility. Therefore, terminating a nurse training program can actually make conditions worse, not better.

This bill ensures that nurse aide training programs will be judged on their own merits, not on outside factors. This is commonsense legislation. Judging people on their actions and programs on their results is the American way. Judging training programs on outside factors doesn't penalize the substandard nursing homes, it penalizes older Americans.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 453. A bill to study the high rate of cancer among children in Dover Township, NJ, and for other purposes; to the Committee on Labor and Human Resources.

THE MICHAEL GILLICK CHILDHOOD CANCER RESEARCH ACT

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Michael Gillick Childhood Cancer Research Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover township, which would have had a nearly normal cancer rate if Toms River was excluded had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

SEC. 3. STUDY.

(a) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey.

(b) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out subsection (a).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $1,000,000 for fiscal year 1998; and

(2) $2,000,000 for each of fiscal years 1999 and 2000.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 454. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

THE STOP ALLOWING FELONS EARLY RELEASE (SAFER) ACT

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Allowing Felons Early Release (SAFER) Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) violent criminals often serve only a small portion of the terms of imprisonment to which they are sentenced;

(2) a significant proportion of the most serious crimes of violent committed in the United States are committed by criminals who have been released early from a term of imprisonment to which they were sentenced for a prior conviction for a crime of violence;

(3) violent criminals who are released before the expiration of the term of imprisonment to which they were sentenced often travel to other States to commit subsequent crimes of violence;

(4) crimes of violence and the threat of crimes of violence committed by violent criminals who are released from prison before the expiration of the term of imprisonment to which they were sentenced affects tourism, economic development, use of the interstate highway system, federally owned or supported facilities, and other commercial activities of individuals; and

(5) the policies of one State regarding the early release of criminals sentenced in that State for a crime of violence often affect the citizens of other States, who can influence those policies only through Federal law.

(b) PURPOSE.—The purpose of this Act is to reduce crimes of violence by encouraging States to incarcerate violent offenders for the full term of imprisonment to which they are sentenced.

SEC. 3. ELIGIBILITY FOR TRUTH IN SENTENCING INCENTIVE GRANTS.

(a) IN GENERAL.—Section 20102(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(b)(1)) is amended to read as follows:

"(1) FORMULA ALLOCATION.—

"(A) IN GENERAL.—Of amounts made available to carry out this section, the Attorney General shall allocate for each eligible State an amount equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(B) OTHER STATES.—

"(i) IN GENERAL.—For each eligible State that has not enacted a statute meeting the requirements of clause (ii), the Attorney General shall reduce the amount allocated under subparagraph (A) by 25 percent.

"(ii) STATUTE DESCRIBED.—A statute meets for requirements of this clause if it results in the elimination of parole, good time credit release, and any other form of early release for any person convicted of a part 1 violent crime, with early release permitted only by approval of the Governor of the State after a public hearing during which representatives of the public and the victims of the part 1 violent crime at issue have had an opportunity to be heard regarding the proposed release.

"(iii) ALLOCATION.—The total amount of the reductions under clause (i) shall be allocated to each eligible State that has enacted a statute meeting the requirements of clause (ii) in accordance with the formula under subparagraph (A).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 3 years after the date of enactment of this Act.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 455. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

THE 100 PERCENT TRUTH-IN-SENTENCING ACT

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "100 Percent Truth-in-Sentencing Act".

SEC. 2. ELIMINATION OF CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.

Section 3624(b) of title 18, United States Code, is amended—

(1) by striking "(b)" and all that follows through "Subject to paragraph (2)," and inserting the following:

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—

"(1) IN GENERAL.—

"(A) GENERAL RULE.—Subject to paragraph (2) and to subparagraph (B) of this paragraph,";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(B) CRIMES OF VIOLENCE.—A prisoner who is serving a term imprisonment of more than 1 year for a crime of violence shall not be eligible for credit toward the service of the prisoner's sentence under subparagraph (A)."; and

(4) by indenting paragraphs (3) and (4) 2 ems to the right.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 28

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 28, a bill to amend title

17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 66

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 102

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 112

At the request of Mr. MOYNIHAN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 146

At the request of Mr. ROCKEFELLER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 146, a bill to permit medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 148

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 148, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome.

S. 197

At the request of Mr. ROTH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 369

At the request of Mr. JEFFORDS, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 369, a bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 387

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 400

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 400, a bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

S. 409

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 409, a bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs.

S. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 419

At the request of Mr. BOND, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Massachusetts [Mr. KERRY], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution expressing the sense of the Congress regarding certification of Mexico pursuant to section 490 of the Foreign Assistance Act of 1961.

SENATE RESOLUTION 58

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 58, a resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation.

SENATE CONCURRENT RESOLUTION 12—RELATE TO THE DECENNIAL CENSUS

Mr. TORRICELLI (for himself, Mr. ABRAHAM, Mr. KENNEDY, Mr. LIEBERMAN, Mr. SPECTER, Mr. DEWINE, Mr. GLENN, Mr. LEVIN, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Government Affairs:

S. CON. RES. 12

Whereas the decennial census of population is the only source of complete and comparable information on the ethnic composition of the United States;

Whereas no other source can provide as accurate and reliable data on the changing ethnic composition of the population of the United States at the national, State, and local levels as is provided by the decennial census;

Whereas ancestry data, together with other demographic and socioeconomic data, collected in the decennial census assists policymakers in assessing patterns of assimilation, mobility, and achievement on the part of different population subgroups of the United States;

Whereas the United States Commission on Civil Rights uses census ancestry data to monitor unlawful discrimination based on national origin; and

Whereas ancestry data collected in the decennial census is used by many other individuals and entities, including Federal, State, and local governmental agencies, educators, service providers, businesses, and researchers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Secretary of Commerce should ensure that the information requested in the 2000 decennial census of population with respect to ancestry will be at least as comprehensive as the information that was requested in the 1990 decennial census (in terms of the content of the information and the range of respondents from whom that information is sought).

SEC. 2. TRANSMISSION TO THE SECRETARY OF COMMERCE.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of Commerce.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 18, 1997, 9 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered.

1. S. 4, The Family Friendly Workplace Act.
2. Presidential nominations.

For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 18, 1997, 2 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is on the nomination of Alexis M. Herman to be Secretary of Labor. For further information, please call the committee, 202/224–5375.

ADDITIONAL STATEMENTS

BLOODY SUNDAY ANNIVERSARY

● Mr. TORRICELLI. Mr. President, I rise today to commemorate an important event which took place on January 30 of this year. This day marked the 25th anniversary of Bloody Sunday which left 14 civil rights marchers dead in Northern Ireland.

During the late 1960's, peaceful opposition to disenfranchisement, internment and anti-Catholic discrimination in Northern Ireland led to large protest marches throughout the region. On January 30, 1972, one of these peaceful protest marches was indiscriminately fired upon by a British regiment. Fourteen demonstrators were killed during the violence.

The investigation conducted by Lord Widgery, and the subsequent Widgery Report, were conclusive. All of the victims were unarmed, and most were shot in the back, leaving the world to conclude that the killings were reckless. However, not a single British soldier was ever prosecuted for this crime.

The victims sought only to establish the rights of equal citizens, but paid the ultimate price for challenging British authority. However, the perpetrators go unpunished, and the British Government continue to ignore the seriousness of the crime committed 25 years ago.

I urge the British Government to recognize the innocence of the demonstrators who were killed or injured on Bloody Sunday, and work toward establishing justice for them and their families. The struggle for justice continues today in Northern Ireland, and the British should work to repair the rift in Protestant-Catholic relations.●

TRIBUTE TO GEORGE PASERO

● Mr. SMITH of Oregon. Mr. President, my home State of Oregon lost one of its most distinguished citizens last Thursday, with the passing of George Pasero.

For the past half century, generation after generation of Oregonians have opened up their newspaper and turned to the sports page to read what George Pasero had to say. As a reporter, columnist, and sports editor for the Oregon Journal from 1946 to 1982, and then as a part-time columnist for the Oregonian, George earned a reputation not only as a respected and keen observer of the world of sports, but as a professional, fair, and compassionate person.

In these days where it seems that the sports world is full of million dollar salaries and million dollar egos, George Pasero liked to focus on the true joys of sports. Let me share with you some very eloquent words from one of the final columns George wrote before his death:

"Dismiss for one evening the egomania, greed, and disrespect for authority that have so marred the high levels of professionals," George wrote about a banquet honoring Oregon athletes. "Think here of your neighbor kid happily going out to soccer practice, all the basketball shooting you see on driveways, all the evenings of Little League and hamburger dinners, the prep football players with mud-caked uniforms on a rainy, cold Friday night."

Mr. President, I am just one of countless Oregonians who will miss George's insights and wisdom. Sharon joins with me in sending our condolences to his wife, Jeanne, his daughter, Anne, his sons, John, Mark, and Jim, and his five grandchildren.●

MEASURE READ THE FIRST TIME—HOUSE JOINT RESOLUTION 58

Mr. NICKLES. Mr. President, I understand that House Joint Resolution 58 has arrived from the House, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

Mr. NICKLES. I now ask for its second reading, and I object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 18, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Tuesday, March 18. I further ask unanimous consent that on Tuesday immediately following the prayer, the routine requests be granted and there then be a period of morning business until the hour of 11:30 a.m, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator BOND, 15 minutes; Senator MOSELEY-BRAUN, 15 minutes; and Senator CAMPBELL, 15 minutes. I further ask unanimous consent that at 11:30 a.m. the Senate resume consideration of Senate Joint Resolution 18 by previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, at 11:30 a.m. tomorrow the Senate will resume consideration of Senate Joint Resolution 18, the constitutional amendment regarding campaign funding. Following the weekly policy meetings, there will be 30 minutes of additional debate on that resolution, with a vote occurring at 2:45 p.m. on the adoption of Senate Joint Resolution 18. Following disposition of Senate Joint Resolution 18, the Senate will resume consideration of Senate Joint Resolution 22, the independent counsel resolution. Hopefully, a unanimous consent agreement will be reached to allow the Senate to debate two independent counsel resolutions, and all Members will be notified accordingly when the votes are scheduled on those resolutions. Therefore, Senators can expect recall votes throughout Tuesday's session of the Senate as we continue to make progress on Senate Joint Resolution 22.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to public law 104–264, appoints the following individuals to the National Civil Aviation Review Commission: The Honorable Larry Pressler of Washington, DC, and Richard E. Smith Jr. of Mississippi.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:28 p.m., adjourned until Tuesday, March 18, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, March 17, 1997*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray, using the words of St. Francis:

"Lord, make us instruments of Your peace; where there is hatred, let us sow love, where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"Oh, Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love, for it is in giving that we receive; it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. ROGAN] come forward and lead the House in the Pledge of Allegiance.

Mr. ROGAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS OF NATIONAL CIVIL AVIATION REVIEW COMMISSION

The SPEAKER. Pursuant to the provisions of section 274(b)(2) of Public Law 104-264, the Chair appoints to the National Civil Aviation Review Commission the following members on the part of the House:

Mr. John J. O'Connor, Philadelphia, PA;

Mr. D. Scott Yohe, Washington, DC.

COMMUNICATION FROM THE HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Hon. RICHARD A. GEPHARDT, Democratic leader:

CONGRESS OF THE UNITED STATES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 17, 1997.
Hon. NEWT GINGRICH,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 274(b)(2) of Public Law 104-264, I hereby appoint the following individuals to the National Civil Aviation Review Commission: Col. Leonard Griggs (Retired) of Chesterfield, MO, Mr. John O'Brien of Lovettsville, VA.

Yours very truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1997.
Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, March 14th at 4:35 p.m. and said to contain a message from the President wherein he submits a 6-month periodic report on the national emergency with respect to Iran.

With warm regards,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-53)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House of Representatives and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for information and informational materials and certain other limited exceptions.

3. The Iranian Transactions Regulations (the "Regulations" or ITR), 31 CFR Part 560, were amended on October 21, 1996 (61 Fed. Reg. 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The amendment increases the maximum civil monetary penalty provided in the Regulations from $10,000 to $11,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103-322, September 13, 1994; 108 Stat. 2147. The amendment notes the availability of higher criminal fines pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

Section 560.603 of the ITR was amended on November 15, 1996 (61 Fed. Reg. 58480), to clarify rules relating to reporting requirements imposed on United States persons with foreign affiliations. Initial reporting under the amended Regulation has been deferred until May 30, 1997, by a January 14, 1997 *Federal Register* notice (62 *Fed. Reg.* 1832). Copies of the amendment and the notice are attached.

4. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 13 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for the petroleum and manufacturing industries—and the importation of Iranian-origin goods. The licenses issued authorized the export and reexport of goods, services, and technology essential to ensure the safety of civil aviation and safe operation of certain commercial passenger aircraft in Iran; certain financial and legal transactions; the importation of Iranian-origin artwork for public exhibition; and certain diplomatic transactions. Pursuant to sections 3 and 4 of Executive Order 12959 and in order to comply with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions applicable to certain goods and technology, including those involved in the air-safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to interdict transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

5. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing, and new reports of violations are being aggressively pursued. Since my last report, OFAC has collected a civil monetary penalty in the amount of $5,000. The violation underlying this collection involves the unlicensed import of Iranian-origin goods for transshipment to a third country aboard a U.S.-flag vessel. Civil penalty action or review is pending against 21 companies, financial institutions, and individuals for possible violations of the Regulations.

6. The expenses incurred by the Federal Government in the 6-month period from September 15, 1996, through March 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $800,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, The U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

7. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 14, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ROGAN). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AGENDA OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGRICH. Mr. Speaker, I rise to describe what the Congress has been doing and what I believe it will be doing in the near future, because as we enter the Easter recess at the end of this week, Members will be going home, and I think it is fair for our constituents to ask us where are we going, what is this Congress going to be like, and what have we achieved on behalf of the American people.

There are five basic messages that I think House Republicans in particular can take home, but a number of Democrats can agree with these messages. I think in a broad way, this is a principled bipartisanship that outlines a direction that most Americans will want to go in.

First, we have developed and unveiled a 2-year agenda, creating a better America for ourselves and our children, and I will talk about that agenda in just a moment.

Second, we are focusing on keeping our children and communities safe by winning the war on drugs as a top priority for this country.

Third, we are committed to lowering interest rates and creating better jobs by producing a balanced budget this year.

Fourth, we have as an objective ending the Internal Revenue Service as we know it. We want to help the taxpayers save time and money by providing real tax relief, simplifying our needlessly complex Tax Code, and reforming the Internal Revenue Service.

And fifth, as proof that what we are working on can be achieved, welfare reform is a success story. The 104th Congress, by passing dramatic, bold welfare reform, has made a difference and the facts prove it. That gives us reason to hope that we are going to be able to work in 1997 and 1998 on other reforms that will be of similar importance. There, I might mention education as an example of an area that we truly want to work on.

Let me start by describing the agenda that will create a better America for ourselves and our children. The House Republican majority, led by the majority leader, the gentleman from Texas, DICK ARMEY, and by the policy chairman, the gentleman from California CHRIS COX, developed a number of items which we believe will outline for the country 13 major areas of improvement. I would like to outline the steps we are taking, because I think they illustrate a firm, balanced agenda for developing a better future.

The first area is balancing the budget. We believe it is vital to pass a balanced budget amendment. We were saddened to see the other body fail by one vote, but we believe at an appropriate time this House should bring up the balanced budget amendment again, and I think if it passes in this House, as it probably will, when we send it to the other body maybe we will be developing the momentum and popular support to then get that one final vote that is missing to send it on to the States.

But a balanced budget is vital, first, because it is morally wrong for us in peacetime to spend our children's and grandchildren's money. It is just plain not right. We have the same obligation to set priorities, to set limits, to have discipline in our Federal budget that every family and every business has in their own budgets.

In addition, passing a balanced budget will lower interest rates that will improve the economy, increase the number of jobs, improve take-home pay. Think about a college student who graduates with a balanced budget. They will save over $2,100 in repaying an $11,000 loan over 10 years. That is over $2,100 that that college graduate can save because interest rates will be higher.

Or imagine a couple buying a new house. They could save up to $37,000 on a 30-year mortgage for an average-priced house. That is, literally they could pay for one child's college education just with the savings from a lower interest rate from a balanced budget.

Or imagine a family buying an average-priced new car. They could save $975 over 4 years in lower interest payments on the average new-priced car.

Our point is that there is a moral case, there is a practical case, there is a self-interest case for balancing the budget. In addition, when you have deficits and you borrow more money, interest payments go up. The interest payments, when John F. Kennedy was President in the early 1960's, were about $6 billion a year. This year the interest payment will be $245 billion. That is, the average American will pay more in taxes to pay interest on the debt than they will pay for the Army, the Navy, the Air Force, and the Marine Corps combined.

So balancing the budget ultimately leads to lower taxes through lower interest rates and less payment on the debt, and our hope would be eventually through a balanced budget to actually begin to pay down the national debt.

But this is not just a constitutional amendment. We are committed to bringing spending in line with our commitment to balance the budget by the year 2002 without raising taxes. In fact, we want to be able to focus on saving money in Government so we can lower taxes so the American people have more take-home pay and a greater ability to create new jobs and new opportunities.

We have asked the President to submit a balanced budget. The first budget that was sent up was apparently a mistake. It is about $62 billion in deficit in the year 2002, which is our target year for balancing the budget. So we have asked the President, since he came right to this room and promised 12 times in the State of the Union, on 12 occasions he said he was for a balanced budget, he had a balanced budget plan, so we have asked him to submit a balanced budget that would allow us to begin the process of passing a balanced budget.

In addition, we believe we need to overhaul the budget process. It frankly does not work very well. We think there are steps that can be taken that allow us to control Government spending and to reduce taxes better with more cooperation between the executive branch and the Congress, and we believe that requires reforming the budget process.

Finally, we think that when the President asks for additional spending for emergencies or for overseas activities by our military, that that should be paid for at the same time we are passing it. We think that the age of credit card financing, where we just charge more and charge more and charge more, is over. If we are going to spend more money in one area, we should have the discipline to set priorities and spend less money in another area, so we are going to insist that supplemental spending bills be paid for on a pay-as-you-go basis.

Our second goal after balancing the budget is to improve learning for all Americans. I want to commend the chairman, the gentleman from Pennsylvania BILL GOODLING, and the Committee on Education and the Workforce, which is doing a tremendous job in a project called Operation Crossroads.

They are looking at all the Federal programs for education, they are looking at, with the oversight subcommittee chairman, with the leadership of the gentleman from Michigan PETE HOEKSTRA, they are going out and have already held nine hearings asking what works; where are the best schools in America? Where is the best inner city school for poor children? Where are the best charter schools? Where is the best math education? Where is the best science education?

They are trying to determine how can we improve Federal education assistance so we get more resources to teachers and students for classroom learning while keeping fewer resources in Washington.

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Our goal is to help the teacher in the classroom and the student in the classroom rather than to build more and more bureaucracies. We believe that by this examination in Operation Crossroads of what works and what does not, we can begin to sort out the Federal programs.

There are approximately 720 Federal education programs. They spend about, they have spent over the years over $539 billion in education. Our goal is to shrink the number of bureaucrats in Washington, take the savings, get them back home to the local school district, have them spent with the local student and the local teacher so that the parent, the student, and the teacher are affecting education.

In addition, one of our goals is to enhance local and parental control of education. It is very important to recognize that real learning occurs where the student is. It does not occur at the State department of education. It does not occur at some regional office. It does not occur at the Federal department in Washington. It occurs in the school where the teachers are and it occurs at home. That is why we think it is important to strengthen parents and we think it is important to strengthen local control so that people who actually have hands-on experience with the students are in a position to work in education.

Finally, we intend to cut education redtape and excessive bureaucracy and work with local teachers to help children master the basics. We think it is very important, and we agree with the President when he said that every child should be able to read by 8 years of age. We would have added they should be able to read English, which would save a great deal of money on bilingual education. We think it is important for every American child to have an opportunity to participate in the fullness of our culture, to be able to get the best possible jobs. We think that requires mastering English, and we think that requires a focus on reading and on writing and on basic math. We think every child at a fairly early age should be able to go to the store and buy something without being cheated because they are able to do the math to check exactly what they were charged and what they paid.

We also believe that by focusing on the basics we can strengthen young people so that they are then in a position to continue to learn all of their lives because we recognize that lifetime learning is an essential in the information age, and we recognize that every young person is going to have to grow up in a world where they may have seven or eight or nine jobs in the course of their lifetime. Each of those jobs is going to require new learning and new experiences. They may move to many cities. Those are going to require new learning and new experiences.

So we are committed to lifetime learning. We believe you begin by examining, out of the 720 Federal programs, which ones work, which ones fail, which ones have too many bureaucrats in Washington, how can we shrink the amount of redtape, get the money back home and help teachers and students and parents where the real learning occurs.

Our third goal is to strengthen America's families. First we want to pass the Working Families Flexibility Act, which will permit working mothers and fathers to take time off using overtime for family and medical emergencies and other personal needs. This essentially recognizes that in the modern age very often people want time as much as they want money. It allows you to earn 1\1/2\ times off or 1\1/2\ times income, whichever you want. So if somebody has a need to go and see their child in the ballet or go visit with the teacher or be in a situation where they need to go take care of a parent who might have a health problem, this program, the Working Families Flexibility Act, would allow people to take their overtime and turn it into time off, more free time to be with their family if that is what they prefer.

If they prefer to continue to get paid time and a half in cash, they could get paid. This creates greater flexibility and greater choice for workers and allows families to decide which do they need more, more money or more time. We believe that the Working Families Flexibility Act is a key step in the right direction.

In addition, we will take steps to end partial birth abortions. It is very clear from the testimony we have had in the last few weeks that many Members of Congress were misinformed a year ago when one of the leading advocates of abortion suggested that partial birth abortions, these are abortions performed very late in pregnancy and they are performed in a way that the child is basically born except for their head and then their brains are taken out. It is a very gruesome procedure, and it is one which virtually no one defends. Yet we had been told it was very rare; it happened only in very unusual cases. Now we have had testimony that that information was false, that in fact it is fairly common and it often happens involving healthy babies and healthy mothers. We believe it is important when a child is that close to being born that they be protected and that this particular procedure, which is particularly gruesome and inhuman, be ended. That vote will be, I believe, this week.

We are working to end this kind of partial birth. We also are working to expand the availability of adoptions. We think that adoption is a dramatically better answer than abortion. In the last Congress we passed adoption tax credits to give people some money to encourage them to be able to adopt a child. We are going to continue to work to have the adoption process streamlined because we believe that nothing will be better than to have someone decide that, rather than have an abortion, find a loving couple that wants to raise a child and help them in the adoption process. We also believe that helps fight child abuse and child neglect and helps take children out of foster homes and get them into homes where there are loving couples that want to adopt them.

We also believe it will strengthen American families if we protect the rights of people of faith. For too long God has been driven from the public arena. We believe it is important that people be in a position where they can talk openly about their faith and where they are not subject to religious persecution. I should note on this subject that not only is it a challenge sometimes here at home but that we have seen a tremendous upsurge in the last 5 years of religious persecution of all faiths around the world and that we have an obligation to be vigilant in our commitment to the right of people to worship God in their own way and to protect their right to worship.

We also want to strengthen America's families by protecting retirement security. We want to expand the number of individual retirement accounts that are available. We want to remove the kind of impediments that block expanded pension coverage, and we want to make sure that workers have a chance to earn greater retirement savings. Let me suggest that every citizen should look at the new program in Michigan, where Gov. John Engler has passed with the State legislature a new pension program that I think begins April 1 which allows the State employee an individual personal pension account that they control, that they invest, that they are vested in, that allows them to follow what is happening in the market and allows them to be involved in earning more money.

I think it is going to be a very big step in the right direction toward giving the pensioner control rather than having a union-controlled pension fund or a State Government-controlled pension fund or a corporate-controlled pension fund. We are looking for ways that you can control the money you are saving for your retirement. We believe that most Americans want to have that right to be able to make sure that they are investing their money wisely so they know how much money they really have for their own retirement.

In addition, we will continue to work to make the Social Security trust fund safe and secure. It is currently sound, well into the next century. We believe it is possible to work to continue to make Social Security safe for everyone who is currently on it.

Our fourth goal is to increase family income by lifting the burden of excessive taxes from working Americans. We believe that we should eliminate if possible or at a minimum significantly reduce taxes on savings and investment. We want more jobs and better jobs. We want Americans to have the best technology and the best science in the world. That requires that we have the kind of savings and investment that allows our laboratories to produce the best, that allows our factories to buy the best, that allows new companies with new ideas to start up. That is the only way to have the highest income in the world. That is why we believe it is vital to reduce the penalty on savings and investment. We favor strongly either eliminating or significantly reducing any kind of capital gains penalty because we want people to have an incentive to save and to invest because that way they are going to create the jobs for the future so their children have even better jobs with even better take-home pay so they can save even more. That has been the cycle of prosperity that has made America work.

In addition, we want to pass tax relief that strengthens and encourages American families. We believe that it is vital for American families to have a $500 per child tax credit. We are going to do everything we can this year to both balance the budget and move toward a tax credit for children. We think that is the best way for parents to then decide how to spend the money on their own child rather than having higher taxes to hire a bureaucrat in Washington to then decide how much of the money after their salary and expenses should go back to take care of their child. We are trying to shift resources back into the family by increasing family take-home pay.

We also believe that we should either repeal or substantially reduce death taxes. Why should someone work all of their life, build a small business or a family farm and then find the government taxes are so high that, when they die their family is going to have to sell that farm or sell that business just to pay the taxes. We think, if you work hard and you already paid taxes on the money, you should not have double taxation. We think it is wrong to say that, if you die, that your entire family business is going to have to be sold just to pay government taxes or your entire family farm is going to have to be sold. So we believe we should dramatically reduce or if possible eliminate the death taxes.

For all Americans, we think that we should dramatically simplify tax laws in order to end the Internal Revenue Service as we know it. You may have read recently that the Internal Revenue Service had a $4 billion computer project which failed. It turned out that, even when you spent $4 billion, the Internal Revenue Code was so complicated that they could not make it work. I think the message is not to build a $6 billion computer, it is to dramatically simplify the Internal Revenue Code. That is going to take some serious work. We have asked the President to submit to the Congress a proposal for tax simplification. We believe it may be possible for as many as 40 million Americans to no longer have to file their income tax. That is American taxpayers who are currently filing.

We believe it should be possible to dramatically decrease complexity so that the IRS office can give the same answer everywhere in the country. As you probably know, today if you call different IRS offices, you often get a different answer to the same question. So it is very hard to know exactly how to fill out some of the more complex parts of the code. So we are committed to dramatically simplifying the tax law in order to end the IRS as we know it and to get to a much simpler system with much less Government intrusion.

Finally, we believe the Internal Revenue Service itself should be audited. After all, it has 110,000 employees. You can compare that with the Border Patrol, which has about 5,500 employees, or with the Drug Enforcement Administration, which has about 7,400 employees. So that 110,000 people working for the Internal Revenue Service, they just failed completely with a $4 billion computer project. And it is very clear that we need to have a thorough management audit, not just a financial audit but a management audit of exactly how the Internal Revenue Service is run and exactly why it has had these major management problems.

Our fifth goal is to improve access to quality health care. We believe it is possible for every American to have dramatically better health care because science is moving us into an era where the breakthroughs in scientific knowledge are going to be quite remarkable. The fact is the research, much of it done by the National Institutes of Health, others done by universities and private corporations, by research centers, that research is beginning to give us, in the human genome project, a level of knowledge about how humans operate which is greater than anything we have ever seen before. In fact, it is fair to say that in the next 20 to 30 years, we will have a level of knowledge that would have been unimaginable just 20 years ago. We are entering what one scientist called the age of molecular medicine, a period where our knowledge of our body is going to be so dramatic and our ability to look at birth defects, to look at cancer, to look at a variety of issues is going to be a dramatic change.

In that framework, we want to start by working on health care for senior citizens. We want to start by saving Medicare from impending bankruptcy. Even though we in the Congress have been talking now for 2 years about the danger of Medicare going bankrupt, we still do not have an adequate solution. We are working with the President. He has sent up some ideas. We hope if he submits a balanced budget proposal, he will have even more ideas for how to save Medicare.

We believe it is important to save Medicare by increasing the number of choices available for senior citizens so that they have the same right to choose as do their children and their grandchildren. We believe it is important to fight fraud and in part to at least experiment with giving senior citizens a financial incentive to help us fight fraud.

We believe it is important to create provider-sponsored networks where doctors and hospitals get together to compete with health maintenance organizations so we can have lower-cost, competitive choices so senior citizens are not trapped by any one kind of care. We also believe it is important to give senior citizens the same right to have a medical savings account as their children and grandchildren do. That is a program where you get a fairly high deductible. But if you take good care of yourself and if you watch your health, you get to keep all the money you save, if you do not in fact spend all of your deductible.

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It is now being offered in the private sector. We believe it should be offered to senior citizens and that it has very many opportunities, particularly for folks who want to have more control over their own lives and who are willing to look at the cost of medical care and to look at the cost of medicine. We think there are big savings to be made through medical savings accounts.

In addition to saving Medicare so it does not go broke, we want to improve it. We believe it is important to promote wellness through enhanced disease research and to improve Medicare preventive benefits, for example, diabetes and breast cancer screening. We think it is very important to recognize that the current model of the Health Care Financing Administration, which is the Government agency that runs Medicare, does not put enough emphasis on wellness and on preventive care.

Diabetes is a topic I am particularly interested in because my mother-in-law is 81 and she is diabetic, and because she has really managed her diabetic care and she has watched her blood sugar and she has watched her insulin, she has in fact been able to take pretty good care of herself. Yet the tragedy is that of the 16 million Americans who have diabetes, 8 million do not know it. They will not learn it until they have had it for 6 or 7 years, and they begin to get sick enough that they show up at the doctor and the doctor then tests them and discovers they have diabetes.

If we can find somebody early enough and if we can teach them how to take care of themselves, the evidence is that we may be able to save between 80 and 90 percent of the people who go blind, so that they can retain their sight and continue to see. Think of that. Think about a program where by early screening and early prevention and early education, 80 to 90 percent of the people who go blind because of diabetes would be able to keep their sight. We believe at least half the people who lose their kidneys or have severe heart disease or lose their feet to amputation, at least half would be able to avoid those problems.

Imagine you could wave a magic wand, and by preventive care and education and a focus on wellness, you could stop half the people in the next 10 years who will lose their kidneys due to diabetes. You could stop half the people who will have their feet amputated. You could save half the people who will end up in intensive care with severe heart disease.

That is the opportunity that an aggressive, active diabetes program in the short run gives us, and then beyond that, beyond the focus on prevention and wellness and education there is the opportunity for continued research at the National Institutes of Health, where I particularly want to commend Chairman JOHN PORTER who has done just a magnificent job over the last 3 years of really making sure that we continue to fund health research at the most basic levels, which is going to pay off for every American.

But to go back to diabetes, let me give just a couple of numbers because they are so startling. One out of every three American Indians suffers from diabetes. What a tremendous opportunity to improve health among American Indians by really working on preventive care and education in diabetes. Some 19 percent of the people on Medicare suffer from diabetes, and 1 out of every 4 dollars in Medicare cost is spent on people who have diabetes. It is a tremendous opportunity for a better quality of life, a tremendous opportunity to save resources for the taxpayer, and it is the right thing to do.

In addition, we want to improve the quality and coverage of Medicaid. We have been working with the Governors to develop more flexibility so each Governor can apply to their State the local solution that will let them serve the widest number of people in their State. It is important to remember this is a big country, there is no simple answer that solves everybody, and so we have an obligation to reach out and to do everything we can to make sure that the Governors have the flexibility, so that Tennessee is different from Nevada and Maine is different from California.

Each State ought to have the opportunity to spend their Medicaid money as intelligently as possible so they can then cover more people and in particular extend coverage to children. We believe as many as 3 million children could be covered by Medicaid who currently are not covered because the system is being run too much from Washington, with too much red tape and with too many bureaucrats.

In addition to that, we believe that private citizens should have an expanded access to medical savings accounts. Right now the total number you can have in the whole country is 750,000. We think that that is an unrealistic cap. We believe if you want to have a medical savings account, which is a system where you basically pay a fairly high deductible, you are paying a much lower insurance premium because you are taking the risk of paying maybe as much as $2,000 or $3,000 in your deductible. But if you do not spend it, you are then in a position to put it away in a savings account so it begins to work for you and it adds up over the years.

It is getting very wide-range approval. It leads people to start to shop for their medical care. They do not automatically just go in to any doctor, automatically just take any prescription drug. They begin to look at what does it cost and where can I get it less expensively and what is at stake, just like any other marketplace, and it has a dramatic impact on cost.

We believe that it is going to be a system where people, those people who are willing to take the time, who want to engage in preventive care and wellness, and who are willing to shop for the best possible health care are going to find medical savings accounts very desirable, and we do not think that they should be limited to only 750,000 in a country of 260 million people.

Finally, we want to improve access to quality health care by modernizing the Food and Drug Administration to speed up approval of medical advances that save lives. Whether it is medical technology or medical devices, or whether it is prescription drugs or the brand new breakthroughs in biotechnology, we are entering an age of dramatic change in health care.

The faster we can get to the market, to the customer or the consumer and to the sick person, the best possible medicine, the best possible medical technology, the best possible biotechnology and the best possible medical devices, we are not only going to have better health care in America, we are also going to have a bigger American work force. Because in most of those areas, if we can get the Food and Drug Administration to certify products in a reasonable length of time, we have an opportunity to dramatically expand jobs in America selling better technology, better devices, better biotechnology and better medicine all over the world. We have a real interest in overhauling and modernizing the Food and Drug Administration.

Our sixth agenda goal is to increase economic growth and create more jobs through regulatory reform.

We recognize that with Washington bureaucrats engaged in regulations, many of them years and years out of date, that it is time to adopt commonsense regulatory reforms based on the principles of flexibility, consensus, private property ownership, free enterprise, local control, sound scientific evidence and the latest technology. We think that there is all too much time and money tied up in Washington red tape that could be used looking at creating more jobs, competing better in the world market, and having new scientific developments.

We want to protect the public, to make sure the Government does the policing necessary, for example, for safe food, for clean water, for a healthy environment, for public health, but at the same time we recognize that there are an awful lot of bureaucratic regulations that either are not necessary or are more expensive than their benefit, or are just outmoded. They might have made sense 25 years ago but they do not make sense today.

We want to apply sound science, we want to look at new ways of doing things, and what we want to do is have a better approach where we have the right incentive. We think it is possible to have commonsense regulatory reforms that allow small business and the private sector to create more jobs, which is particularly important, as I will discuss in a minute, when you get to welfare reform, because we need more jobs in America if we are going to take all the folks who are leaving welfare and make sure they can go into the private sector work force.

In addition, we want the money spent on scientific research and on investment in new technology and new machinery rather than on red tape and regulations, so that Americans can have the best jobs in the world with the highest take-home pay, so that we can have the best quality of life.

We are also going to work toward introducing competition into the American electricity marketplace. Just as introducing telecommunications reform over the last 10 years has brought down the cost of long distance telephones, just as we have seen competition both in airlines and in trucking bring down the cost of transportation, we believe that we can get to a marketplace where anybody who produces electricity can sell it and anybody who wants to buy it can purchase from a wide range of people.

There are a lot of hearings that have to be held, but I particularly want to commend Chairman DAN SCHAEFER of the subcommittee that will be looking into this and Chairman TOM BLILEY of the Committee on Commerce, who are going to be leading extensive hearings into the question: Can we reduce the cost of electricity? The estimates are we could save the consumer possibly as much as $60 billion by lowering the cost of electricity through competition. We need to look at it carefully, we need to make sure that we know what we are doing because it is a big, complicated topic, but competition in the electric marketplace might save you, the consumer, $60 billion a year in lower electric bills, and that is something that we have to look at very, very seriously.

We also want to encourage greater competition in financial services by modernizing outdated regulations. We now live in the age of the worldwide market. We see on our television the Tokyo Exchange, the Shanghai Exchange, the Frankfurt Exchange, the London Exchange, Mexico City. We recognize that through the Internet and through international financial electronic transmissions, money moves worldwide literally in nanoseconds. A million dollars can be in New York at this second, in Hong Kong a minute later and in Seattle a minute after that.

So we need to modernize our financial services and recognize that we adopted many regulations in a different era when different things happened, but that now with the computer and the Internet we have a whole new need to rethink how we provide the best financial services at the lowest cost to maximize the American public's opportunity to use finances and to save and borrow at the lowest possible cost.

We also are encouraging State and local governments to review all existing unfunded mandates. The last Congress took a major step forward by ending future unfunded mandates. We said no longer could Congress pass a requirement, that is what a mandate is, without paying for it; that we were not going to be able to say to a local county government or a local school board or a local city or a State, "You are going to have to raise your taxes to pay for something this Congress has required but refused to pay for."

But what we did not do is go back and look at the existing mandates. So in meetings with mayors, with State legislators, with county commissioners and with governors, we have been urging them to review the current list, find the ones that make no sense, find the mandates that are very, very expensive and do not meet any kind of rational cost-benefit test, find the mandates that are based on bad science, bring them to us, and we hope this year to be able to repeal the least effective and most expensive of the unfunded mandates.

Finally, we want to ensure full compliance with the Results Act to force government to meet set performance standards. We believe it is important that government not just measure input, how many billion dollars do we spend in a department, but that government measure output: What do we get for our money? If we have spent $579 billion in Federal aid to education, why have scores gone down? If there are 14 different literacy programs, which ones are effective and which ones do not get the job done? If we spend $3 billion a year on drug rehabilitation, which drug rehabilitation programs work and which ones do not? We think this is a very, very important area for us to be reviewing.

Our seventh area is to fight gang violence and drugs. We want to prevent juvenile crime and target gangs and hard core juvenile offenders, and we are working with President Clinton on a Juvenile Justice Act that we hope will lower the amount of violent crime among young people and give us a better chance to have safe neighborhoods. We also want to renew our commitment to stigmatized drug use, to say flatly, as Nancy Reagan said it, "Don't do it." "Just say no" worked.

We are challenging the news media and the commercial networks and the cable channel operators to put antidrug ads and antidrug messages on the air. We believe we have to fight drugs on MTV and on VH–1, and we have to fight drugs at the local level with local parents and local schools.

We are also calling on the Clinton administration to provide a strategy for winning the war on drugs, and we want to restore the needed resources for the war on drugs. We passed a bill last week out of this House which draws the line very clearly. We are committed to saving our children from a drug culture which threatens to destroy them. We have had 5 straight years of increased drug use in this country. For 5 straight years, more and more young people have been using drugs, marijuana, cocaine, heroin, and the modern marijuana is much stronger, much more addictive and much more dangerous than the drug of 25 years ago.

We are faced with a great challenge. We believe it is vital to have a strategy to win the war on drugs, and we are prepared to work with the Clinton administration on winning that war.

Our eighth goal is community renewal and investment. We want to help people move from poverty to prosperity by enacting community renewal initiatives. Here I want to particularly commend on a bipartisan basis Congressmen J.C. WATTS and JIM TALENT and FLOYD FLAKE, who have worked together on a bipartisan basis to develop a community renewal initiative. I also want to commend Senator DAN COATS and Congressman JOHN KASICH, who have developed ideas on tax credits for volunteers to be involved in volunteerism and to donate to charities, because I think it is very important that we get more money to charitable organizations, and particularly to faith-based charities which we believe have the best possible chance to help people.

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I think it is possible to reform public housing. We think we can have dramatically better public housing where people have a better quality of life, more control over their neighborhood, a better way of living in a drug-free environment.

We want to promote home ownership so people move from public housing into an opportunity to own a home, and I am very proud of my Habitat for Humanity pin, and the gentleman from California [Mr. LEWIS] is particularly to be commended for working with Habitat for Humanity, and we hope to have this summer a house that Members of Congress will build here in Washington, DC, to prove our commitment and then go back home and work back home in building houses because Habitat for Humanity is the model example. It both grows the family and builds the house. It requires people to meet a test of character and hard work. It requires them to spend a hundred hours working to help build somebody else's house. It requires them to spend 300 hours working to build their own home. It requires them to take a 20-hour course in home ownership. Habitat understands that you have to worry about the people inside the building or the building will rapidly fall into disrepair.

It is a tremendous concept, and the gentleman from California [Mr. LEWIS] and the gentleman from New York [Mr. LAZIO], chairman of the housing subcommittee, are working together. Congressman LEWIS is chairman of an appropriations subcommittee, and they are working together on a range of housing reforms, and I must say that from early reports Secretary Andrew Cuomo seems to be moving in the right direction and have the right ideas, and we want to work with him in developing dramatic reform in housing in America.

We also want to increase educational opportunity scholarships, and we want to have incentives to create jobs, and to help people in the poorest neighborhoods. You cannot move from welfare to work if there is no work, and so we are looking at opportunities, including enterprise zones and tax breaks and deregulatory steps to help small businesses and others provide more jobs in poor neighborhoods to help people move from welfare to work, and finally, as I said, we are working to promote charitable giving, both directly by saying people ought to do it and by creating a tax incentive led by the gentleman from Ohio [Mr. KASICH], and Senator DAN COATS.

We also are working to rebuild America's transportation system to support the 21st century economy. The ISTEA legislation, the interstate transportation legislation, is very, very important. The gentleman from Pennsylvania [Mr. SHUSTER] and the Committee on Transportation and Infrastructure is going to be offering some major steps in the right direction to continue to develop, but let me say I do disagree with one thing the President said last week when he proposed toll roads on the interstate system:

I am against double taxation. Every time you buy a gallon of gasoline you are paying for the Federal highway program. Much of that money currently is hidden and not being spent in order to cover social spending that it was never designed to raise. We believe you should spend the money in the trust fund to build and modernize and repair the highways because you have already paid that tax when you paid for the gasoline. I think it is wrong to have you pay a toll tax on top of the gas tax that you are already paying.

Finally we are committed to making Washington, DC, the finest capital city in the world. Every American should want their national capital to be a city they can be proud of, and I think it is vital that we work with the citizens in Washington, DC and with the delegate from Washington, DC, Ms. NORTON. I commend in particular the gentleman from Virginia [Mr. DAVIS] who has done a tremendous job of working on this. Last year's chairman of the Committee on Appropriations' Subcommittee on the District of Columbia, the gentleman from New York [Mr. WALSH], who is a former mayor and council member back home in Syracuse, has a great understanding of what was needed and did a very, very good job, and now the gentleman from North Carolina [Mr. TAYLOR], the new chairman of the DC Subcommittee of Appropriations. This is very important for every American, I believe. We should be dedicated to our national capital being a capital we can be proud of, and we should work to make sure that with the help of the local citizenry that we can reform and rebuild.

Our ninth goal is to reform the civil justice system. We think it is important that we send the signal that judges are appointed to interpret the law, not to make the law. We think the judicial activism where judges become petty dictators and they impose their opinion is dangerous and wrong. It is a violation of the constitutional separation of power. I am proud that the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, is going to be holding hearings on judicial activism. It is an important topic.

In addition, we need to reduce the time, expense, and burden of using our courts. It should not be so expensive to go to court that you cannot afford it, it should not be such an inconvenience that it is a major burden, and we need to make sure that it is easy to gain access to our court system.

Finally, we should enact bipartisan product liability reform and other commonsense legal reforms, including protecting charities and local governments from abusive lawsuits. I hope we are going to be able to pass a Volunteerism Liability Protection Act before the Philadelphia summit on volunteerism. It just seems to me if you go out and you are a volunteer, you should not be a target for some trial lawyer, that there ought to be reasonable protections and reasonable caps, and as long as you are not grossly negligent, you should not have any dangers at all, and there is something wrong when you to try to help the Boy Scouts or help the Girl Scouts or be involved in the Salvation Army and it leads you to potential bankruptcy through some trial lawyer trying to make money off of your activities.

So we hope to pass both bipartisan product liability reform and protecting charities from abusive lawsuits.

Our 10th goal is to make our environmental protection efforts smarter and more effective. I used to teach environmental studies, and I believe deeply that we can have an effective environmental program, that we can secure biodiversity around the planet, that we can do a better job of using our resources, that we can have cleaner air and cleaner water, that we can clean up the toxic waste sites. The fact is today we are spending too much money on lawyers and too much money on bureaucrats and not enough money on engineers and not enough money on actual cleanups. We think we can reform that process so that we actually get better cleanups at lower cost faster.

We also believe we can clean up the brown fields of our cities so they can be reused to create jobs by setting proper standards and proper commonsense regulations so that our cities can use the already industrial areas rather than forcing industry to go out to new green areas and tear down existing natural areas to build new factories. We think they ought to be able to reuse the areas that already exist in our cities, and today government makes that too difficult and too complicated.

We also believe in improving our existing conservation programs. We want to save every possible endangered species. We think it can be done in a practical commonsense manner with local leadership involved in local efforts to maximize the kind of diversity that we all want for our children and grandchildren.

Our 14th goal is to rebuild a strong national defense to remain the leader of the world. We want to reverse the neglect of defense modernization, of high tech research and development and of the quality of life of veterans, service personnel, and their families. The fact is that this administration is underfunding defense, it is not modernizing the weapon systems, and it has cut the amount of money that would be spent on military service personnel and apparently has outyear cuts on veterans that will be horrendous in terms of cutting the quality of their health care and their services.

We believe it is important that American men and women in uniform be the best trained, the best equipped, and the best prepared in the world. We are able to do what we do with very low casualties because our young men and women have the support of their country year in and year out in developing the best possible military. That requires investing in research and development and investing in defense modernization, and if we are going to keep a high quality force, they have to have a decent standard of living back home and a decent standard of living on their bases, and that requires the kind of modernization we need, for example, in terms of barracks and housing.

We also though think that you should not just salute waste because it is in uniform. We believe that it is possible to improve efficiency in defense spending and to reduce bureaucracy. We are committed, if I might say this symbolically, to reducing the Pentagon to a triangle in terms of the amount of mid-level management. We think you could have a 40-percent reduction in the mid-level managers in the Pentagon. We believe you could go to multiyear contracting and have a dramatic improvement in the ability to buy weapons, to buy fighter aircraft and ships and other things.

There is no reason to buy a complex big system 1 year at a time that makes them the most expensive possible way to do it, and so we hope we will see a major shift toward multiyear contracting so we can buy the most equipment at the lowest cost to give our men and women the best chance to survive on the battlefield of the future.

We also think it is important to expand the North Atlantic Treaty Organization to ensure peace in Europe for future generations. We strongly support having Poland and Hungary and the Republic of Czech entered as soon as possible, hopefully by July of this year. We believe that Romania certainly deserves consideration, so does Slovakia. There are a number of places that we need to look at and realize that it is important for countries that want to be free, countries that are democracies, countries that seek only the right to associate themselves with a strong defense organization to protect their freedom collectively. We have every interest in being the allies of those kinds of countries.

Finally, on defense it is vital that we protect American territory from missiles from terrorist states or from dictatorships. We need to be honest about the threat to this country. There are missiles today that can reach America and eliminate our greatest cities literally in 30 minutes. Some of those missiles are held by states that may not be favorable to us. Within a decade other countries that we know are not favorable to us are going to have similar missiles. Whether the weapon of mass destruction is nuclear or chemical or biological, we are faced with a tremendous threat in the next 20 years. The time to begin to defend America from that threat is now. Just as Britain had to have the foresight to build radar in the 1930's to survive the Battle of Britain, the time to prepare to defend ourselves is not when the crisis occurs, not when we are blackmailed, but now. And every evidence, I think, of every independent observer is that the threat is real, it is already here and that we should be building today a national missile defense system capable of protecting the United States, capable of protecting Europe and Israel, and capable of protecting our allies in the Far East, if necessary, so that no one who has a missile can think that with impunity they can blackmail the free countries of the world.

Our 12th goal is to reform the United Nations. We believe that the United States should get full credit for its financial contributions to the United Nations, including military capabilities, facilities, local government services, and the security we provide. We believe that it is important that the American taxpayer have wasteful bureaucracy reduced at the United Nations and have the United Nations reformed in general. We believe it is important to control expanding U.N. troop deployments around the globe to ensure that U.S. troops are not placed under U.N. command and to improve the consultation with Congress.

We are in a different world than the one of our Founding Fathers. We now have real-time 24-hour a day television news on CNN. We have an ability for something to happen in minutes all around the world. And so we need a better consultation process between the executive and legislative branches if, in fact, we are going to be able to continue to have the will of the American people expressed. We support the United Nations, but we think we have every right as its largest donor to insist on reforms in return for that support.

Our 13th goal is to ensure the integrity of American elections. We have been very bothered by the number of cases of fraud, including voting by illegal aliens or voting by immigrants who are not yet legal. We have the evidence that as many as 10,000 convicted felons may have become American citizens last year, which is illegal; the evidence that there was an all-out effort in some communities to have government-funded agencies registering people who were not American citizens. We think that preventing voter fraud and ensuring the voters of an honest election is very important.

We also think that it is vital to preserve and protect the constitutional right to free speech. The efforts to make speech bureaucratic have failed. We need to really look at this question: Should the Government really have controls over what people can say? Should the Government really have the ability to tell you you cannot buy a television ad or a newspaper ad, you cannot say what you believe in? Is that not the opposite of what Americans stand for? So we are committed to protecting our constitutional rights to free speech.

We also believe that union members ought to have the right to know how much of their union dues are spent on politics and how much are spent on representation, and we believe that the political part of their dues should only be taken out voluntarily with the written permission of the union member, that they should not be coerced into automatically paying political money to pay for an ad against the opponent they are going to vote for. We think it is not the American way to have somebody have to buy ads for their own opponent, but that instead political contributions should be voluntary. We also believe citizens should be encouraged to participate in grassroots political involvement, and we would require full and timely disclosure of all campaign contributions.

So we believe that with the Internet it is now possible for every campaign at the end of business every day to file electronically all of its contributions for that day with the FEC and to have those contributions be made available to the public so that your right to know who is donating to a candidate would appear immediately and you could know that night if you wanted to look it up or the next day in the newspaper.

□ 1500

So my first theme, which was that we have a 2-year agenda, has been long because the agenda is long. Thirteen major areas:

Balance the Federal budget;

Improving learning for all Americans;

Strengthening America's families;

Increasing family income by lifting the burden of excessive taxes from working Americans;

Improving access to quality health care;

Increasing economic growth and creating jobs through regulatory reform;

Fighting gang violence and drugs;

Community renewal and investment;

Reforming the civil justice system;

Making our environmental protection efforts smarter and more effective;

Rebuilding a strong national defense to remain the leader of the free world;

Reforming the United Nations; and

Ensuring the integrity of American elections.

That is a powerful agenda. It covers, really, the three topics that I listed as the next three, keeping our children's communities safe by winning the war on drugs, which is really, I think, one of our highest priorities. When we realize the children who are being destroyed by the drug trade, when we look at the violence that is directly related to drugs, when we look at the child abuse and the spouse abuse that grows directly out of drugs, winning the war on drugs should be as high a priority as any priority this country has.

I am very proud of the resolution we adopted last week, and of the leadership of the gentleman from Illinois, DENNY HASTERT, in offering the amendment, which really made clear our commitment is to win the war on drugs, to work with Mexico, to work with Colombia, to make sure that everybody who is committed to fighting the drug dealers is on the same team.

As I said, we are also committed to lowering interest rates and creating better jobs by producing a better balanced budget this year; and we are committed to ending the IRS as we know it, to have tax relief, and to simplifying the tax system.

But the other item I want to spend a moment on is welfare reform. I want to take a moment because not only is it very, very important to the country, but it is proof that the Republican Congress has succeeded. The 104th Republican Congress made a major commitment to reform welfare. It took us over a year. We passed welfare reform twice, and twice President Clinton vetoed it. The third time we passed it he signed it. It ends the 61-year-old Federal entitlement to welfare, and says if you are an able-bodied adult, you should have expectations of working.

Our goal is to help people move from poverty to prosperity by moving from welfare to work. Because there was so much talk about reforming welfare, people began to hear about it on radio, on television, in the news media, and welfare recipients began to voluntarily come into the welfare offices and say to the welfare workers, I guess I am going to have to get trained. I guess I am going to have to go find a job.

In 22 States welfare caseloads have already fallen by 20 percent or more. Think about that. The bill has only been in effect since January 1, yet with the psychological momentum, the news media coverage, the conversation on the street in 22 States, they have already had a drop of 20 percent or more in the number of cases on welfare.

By the way, because we block-granted the money, we gave the States a set amount of money that allows them now to have more money per welfare family; in fact, one estimate is that there will be 56 percent more money available for the families still on welfare to help with child care, with retraining, and with job placement. So we see this welfare reform as important, not important because of the poor in terms of let us get them off welfare so we do not have to pay for it, but important for the poor because it helps them become prosperous.

Our goal is not to save the taxpayer, it is to save those in poverty. It is to make sure that every citizen has an opportunity to pursue happiness which, after all, in our Declaration of Independence, we say that we are endowed by our Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness. So we are trying to get that Creator-given unalienable right to the welfare recipient so they get in the habit of going to work, they get in the habit of having a job, they get in the habit of saving on their paycheck, they begin to acquire private property.

Then maybe they work with Habitat for Humanity or, the other pin I wear, Earning by Learning, a program to help poor children learn how to read; and in a few years they are on the road to prosperity, to becoming middle class, to becoming normal Americans engaged in the normal business of going to work and studying, and engaged in the normal process of having a home and having a better future.

We are committed. We think we proved with welfare that we can get a lot done. We are committed to continuing to work to get a lot done. I just believe, as our colleagues go home for the Easter break, that they are in a position to report on a very exciting agenda, to report on a very exciting success with welfare reform.

We are in a position to work on the Crossroads project, visiting local schools and other programs of excellence, conducting town meetings on education. We have a chance to have a school superintendent survey to establish an education advisory board to meet with our Governor and our State superintendent of education to talk about educational excellence.

I think we really have an opportunity on a bipartisan basis, and I hope every Democrat and every Republican will join in the Crossroads project, and contact Chairman HOEKSTRA and Chairman GOODLING to work on how to improve education.

I believe, based on the record of the last Congress, that we have proven that while it takes a while to get it done, if you keep working at it, it is amazing what we can get accomplished here in this Congress. We are going to build on our success with welfare reform, we are going to have more successes over the next 18 months.

I just think starting this weekend, Members have a chance during their district work period to really carry out a message of opportunity, a message of hope, and a message of working together as a team on a principled, bipartisanship that gets good things done for America. That is my message for the Easter break that is coming up.

OUR EDUCATION CHALLENGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. Mr. Speaker, the issue that I wanted to specifically comment on during this hour that I have is the education challenge which the Congress has faced in the past and must continue to face.

All of the polls that we have seen over the last year, or perhaps even longer, indicate that the American people are absolutely driven with the concern and worry about the fate of our educational system. When simply brought into a room and asked to indicate what they think the most critical problem and issue this country faces in the next several years is, without any prompting, the vast majority of the persons that are questioned answer spontaneously, the education system.

So I believe that the Congress is correct in placing a very large emphasis on the educational goals for this Nation, and certainly our President is to be commended for highlighting his commitment to education, to support reform, to make it possible for more families to send their children to higher education, to make the educational opportunities real for families all across this country.

It seems to me, Mr. Speaker, with the national administration committed to support of education, with our local communities already engaged in the process of educational reform, that the Congress has a very great responsibility to develop a program which enhances the educational programs for our country.

In that context, it therefore disturbs me greatly when I am confronted, as the ranking Democrat member of the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce, with an approach that is being sponsored by the majority, which is called Education at the Crossroads: What Works and What Doesn't Work, leading to the presumed conclusion that there is so much out there in education which is funded by the Federal Government that does not work that the Congress ought to pay heed and perhaps revamp the system of educational support.

I think that completely misstates the issue, Mr. Speaker. I have been advised that at various hearings that this subcommittee has held, and I only came to this position a few weeks ago, so I did not participate in the previous hearings, I went to one a few weeks ago in Delaware, but it is my distinct impression from talking to staff and others that the people who have come to testify and to give of their views and impressions about Federal programs in their area, that the Federal programs have worked very well; and that while there are some that perhaps could be altered or changed, or the emphasis switched to something else, most of the people who have come forward have indicated that the Federal programs are working.

Fundamentally, I think it is important also to understand that by and large, most of the Federal programs for education, at least in the elementary and secondary levels, are voluntary. The school systems, the States, the districts, come forward themselves to ask for funding, and they are given, by and large, a very large latitude in determining how these funds are to be spent.

They find the target areas, they develop the programs, they manage it, and of course, they have to account for the spending. We are not in a position to allocate funds, even though they are voluntary, without examining how they are spent. That is really the responsibility of the oversight committee, which I joined. It is our responsibility to see how the moneys are spent. What works and what does not work is legitimate, but we are confronted by a document issued by the Republican majority, consisting of about 50 pages, and the repeated scenario both on the floor here and elsewhere, suggesting that there are just too many programs. We heard the Speaker here on the floor make mention of 760 education programs.

I have no idea where they obtained this list. Someone said it was probably the Library of Congress or some other source which collected this data. But it has no bearing or very little bearing to the Office of Education and to the areas of educational responsibility assigned to the House Committee on Education and the Workforce, of which I am a member.

As far as I can determine from discussions with the Department of Education, they took a look at this list of 760 programs, and any of the Members interested might obtain a copy of this very easily by calling the majority staff of the House Committee on Education and the Workforce and ask for this list of the so-called 760 education programs, and they will be surprised that the majority of the programs listed here are not in the Office of Education, not in the Department of Education at all.

The Department tells me that there are 298 identifiable programs out of the 760 that is often mentioned, 298 out of 760. So why do they go around the country saying they are 760 education programs? It is simply not true.

Out of the 298 programs that the Department says are listed in this document, 114 have already been eliminated, many of them eliminated in the list that Vice President GORE and President Clinton produced at the beginning of their first term. These have been defunded, eliminated, consolidated. They do not belong on any list. So the list for the most part is totally outdated and serves no particular purpose whatsoever.

At any rate, in the 760 programs listed in this document produced by the majority party, there are 184 programs, according to the U.S. Department of Education, that are legitimately listed as functions and programs that are currently administered by the U.S. Department of Education.

What else is in here that makes up the 760? It is important to know that they have listed all research programs, for instance, all training programs, anything having to do with a study activity. For instance, in agriculture, a long list of research programs are listed as well as other kinds of training grants in that Department, totaling 33 programs.

I am not a particular expert about the Department of Agriculture, so cannot analyze the 33 programs, but my quick look at it indicates that they are probably grants that have been issued by the Department, but they are being listed as though they were programs that have to be managed by that Department.

The National Oceanic Administration, which has to do with the study of pollution and management and resources of our marine environment, is listed with 16 so-called education programs. Most of them, perhaps, are the collection of data or research or items of that kind which are terribly important, but they do not belong on an education list.

The Defense Department has 20 programs listed in this document, a lot of it having to do with research activities that the DOD conducts: information gathering, information disseminating, training programs within the Defense Department. They are not education programs, as such.

The Energy Department has 22 items listed. The Health and Human Services has 169 programs listed in this document, and they range from child welfare programs, substance abuse, AIDS prevention programs, programs for diabetes and so forth that the Speaker was making reference to, all of the Centers for Disease Control programs of research, terribly important to this country, but not education programs.

□ 1515

Indian health has 10 items here, and the NIH, which the Speaker was commending for supporting and increasing funding because it is so vital to the future health of this country, has 48 items in here. Does the chair of the Subcommittee on Oversight and Investigations of the House Committee on Education and the Workforce indicate by the listing of these 48 programs that these are excessive interventions in this area? I seriously doubt it. No one has taken the time to look through the 760 items on this list. If they did, I am sure this publication would never have been released.

We have the National Science Foundation, 16 items, Indian affairs has a score of items listed in this report, Indian health, Indian affairs under the Department of the Interior, many of them having to do with resource management, information, data collecting, health services, and so forth. The Transportation Department has 19 programs listed here. The Justice Department has 21. The Labor Department has 24, most of it having to do with job training services. Arts and Humanities has 33.

So, Mr. Speaker, I urge Members to take a look at this so-called 760 item list that has been frequently mentioned on the floor of this House and referenced by the Speaker as an indicator of the concerns that the majority has about the directions of the educational apparatus in the United States. For one, 760 programs are not in the Department of Education. At the most, 184 are. And they have to do with elementary, secondary education, higher education, vocational education and all the things that are legitimate concerns.

So let us narrow the focus. If we wanted to truly see what is working and what is not working in education, let us refocus on the 184 programs and put away this diversionary tactic of suggesting to the American people that 760 programs are out there and that nobody knows anything about them. They are being managed by other Departments, and it is not the business of the Department of Education to go in and become the czar of all of this research, information gathering and try to manage it as a huge bureaucracy. That is absolutely antithetical to what the majority party believes anyway. They do not believe in this large type of management facility.

So this search for some kind of inquiry that would minimize the import of the Federal programs in education by suggesting that there are these 760 programs that are not being managed well is simply not true.

What we need to focus on in education is what really happens in the Federal funding mechanism. We hear a lot of criticism that the scores, the SAT scores are coming down, that the students are not performing well, that by other kinds of management or measurement techniques, the students are not doing as they should be doing and that our competitive status in the world is being threatened because education is functioning poorly.

Somehow in putting that criticism together about education and the concerns that have been expressed by parents and educators everywhere about the need for greater emphasis on quality education is lost in the debate because right now we are talking about 760 programs that really do not exist in our Department. So let us focus on what is really happening in education.

Most of the money for public education is coming from the local and State communities. It is not coming from the Federal Government. The average Federal contribution of the local-State budgets for education is somewhere around 6, 7, or 8 percent. That is all; 6, 7, or 8 percent of the total budget of the local school district or of a State is federally linked. The rest of the funds are coming from local taxes, local support or by the State governments in making contributions to the health, to the education of the children of that community. So the bulk of responsibility is in the local communities, in the management of the funds that they collect from their own taxes and from their own constituents.

The emphasis for the school-based management, the return of the management of your schools to parents and teachers and to the students arose from the fact that people felt that solutions and edicts and management suggestions coming from on top were not necessarily applicable to local school districts or even to individual schools. And so the strength of the parent movement has suggested that parents and teachers in a local school environment ought to be given greater authority to determine the kinds of educational thrusts that the school ought to have, how it was to spend its money, what kinds of additional courses needed to be added onto the program and to individualize the budget process on a school-by-school basis.

Many areas have done this. My own State is one of the early pioneers in school-based management concepts. I believe to a large extent it has worked. The fundamental principle there is local school control. They make the decisions. So in this apparent decision to go across the country to determine what works and what does not work does not fit into this whole pattern which we have established over the last decade. A program may work well in one area, but that does not mean one size fits all and we are to take that program and try to replicate it, clone it so that everybody else follows that same pattern. That is precisely what the parent-teacher model is specifically opposed to. Every school situation is different. They may want to emphasize different areas of study or they may have different problems that they need to deal with in their school environment.

So while the search of what works and what does not work is important, it certainly is not to find that premium program, that absolutely great idea that works in one area and expect to replicate it throughout the Nation. I think that that is absolutely contrary to this whole notion of local responsibility and local decisionmaking. So our search for what works and what does not work ought to be for our own information in enabling us to determine what kinds of programs we ought to emphasize and what programs we ought to be sponsoring under the Federal auspices.

Now, in much of the discussion that I have heard on the floor presented by the chairman of my Committee on House Oversight, he frequently has a large map and he points to the bureaucracy that is suggested by this map in Washington and argues that the moneys that are being allocated to education are not being spent for the education of our children. In other words, it is not going to the classroom, it is not paying the teacher's salaries and, therefore, "It is being wasted inside the beltway in this humongous bureaucracy."

Well, a simple search of the statistics in the Department will tell us immediately that the Department of Education has probably the smallest overhead manpower pool of any Cabinet position in any of the recent administrations. The Secretary tells me that roughly about 2 percent of the moneys that pass through the U.S. Department of Education is spent in personnel in Washington for the management and administration of the funding process. That is a very small amount of money.

So second, I want to debunk this idea that the moneys that the Congress has appropriated for education is somehow being wasted, on 760 programs, because that is not true; and second, in the overly heavy administration or bureaucratic mechanism somehow in place here in Washington. It is not true and I invite Members to look at the details and arrive at their own judgment.

The budget process is extremely important, and I heard the Speaker again make a challenge to the President that he come back with another budget which is balanced. That is an extraordinary request. Basically what I think it does is to confess failure on the part of the majority to have their own budget to come forward which is balanced by the year 2002. That is their basic responsibility. The Constitution requires us to be the manager of the funds and revenues of this Government and to do allocations for the programs that we feel are necessary.

The President of the United States, on the other hand, merely submits his proposal. He does not enact it. We do. He proposes. He suggests how he would like to see the revenues of this country spent on the various programs that he favors. I am pleased that he came forward with very large increases for education.

I believe the President's budget will be balanced in 5 years, 2002. It is difficult for anyone sitting in this Chamber or anywhere else in the country to specifically guarantee that any budget will actually balance out because budgets that are based upon 5-year forecasts are nothing more than forecasts. They are projections. They are based upon assumptions of what the economy is going to be like next year and the year after that and the year after that, how much revenues are going to be forthcoming into the Treasury, how much unemployment there is going to be in the country that might cause a reduction in the receipts or the necessity to pay out unemployment compensation or perhaps other kinds of effects. Inflation might rear its ugly head, for instance, and diminish the strength of our economy and the gross national product might not be as vigorous as is anticipated by this administration.

They have every right to be proud of the projections they have made over the past 4 years. Their projections were always criticized as being too rosy, too affirmative in terms of what the outlooks were going to be down the road 4 or 5 years. But it has turned out that the administration's budgetary forecasts have been very conservative and that the deficits which they projected were far too high. In fact, the actual deficits were far below what they even thought it would be.

Consequently, to attack the President's budget document because it does not balance in the year 2002 is quite an incredulous performance and really, I think, confesses the absence of the majority party to have their own document forthcoming.

Under the statute which governs the budget process, and we could criticize the process interminably, but the process is here and we are required to follow it, and that process says on April 15 the majority has to come forth with a budget resolution. We have yet to take it up in the committee.

In addition to serving on the Committee on Education and the Workforce, I also serve on the Committee on the Budget, and so it is interesting to me that we have engaged in this banter about asking the President to come forward with another budget. He does not have to. He submitted one. He says he believes it is balanced. Even the Republican designated head of the Congressional Budget Office in a letter to the Senate said in her view the budget was basically in balance and that there would be a deficit of zero in the fifth year.

□ 1530

So the CBO having said that, it seems to me that the majority ought to accept that letter and move forward and produce their budget document for this House to consider, as it is required to do, at least by the 15th of April. We are about to go on a long recess, not due back until the 7th of April, so in that period, which is called the district work period, I hope that the leadership on the majority side will rethink their responsibility and work vigorously to produce a budget that they can defend and which is equally conservative and balances out in the year 2002. I think that is something they owe not only this body but also the American people, all that rhetoric notwithstanding.

The budget process is very complicated and subject to a lot of misunderstanding. I for one very strongly support the capital budget idea. The Speaker made reference to the fact that people manage their own family budgets and have to live within the moneys that they earn and that just as families are required to do this, the Federal Government ought to do the same. That sounds like a very simple message, but it is far from the truth.

Families do not live on the income that they earn, and that is the plain fact. Most families, if they want to own a home, go to the bank and borrow, if they want to enjoy a quality of life. They go to the bank and get a mortgage for $300,000 or $400,000 and enjoy a home that they will eventually pay for in perhaps 30 years. They go to the bank and borrow to make sure that the best quality education is afforded their children.

Businesses in America do not grow and expand and become prosperous on a cash balance basis. Their strength as a business is measured by their ability to go to the bank and borrow a million dollars or $5 million to capitalize their business and expand and generate jobs and be productive. Their wealth is determined on their ability to get this capital funding in order to finance their ventures, and this borrowing extends over a fairly long period of time.

State governments, local governments also have found it necessary to borrow under a capital budget idea. My own State, for instance, has a constitutional requirement that the operating budget must be balanced, but that the State may also through its legislative branch approve the borrowing for capital improvements, roads, highways, airport facilities, a huge convention center, an oceanfront development, university structures and athletic facilities and so forth. All of these are now enjoyed by the community because the State has taken upon itself the ability to go out and sell bonds and to build these physical structures.

The Federal budget, on the other hand, is very unique. It does not have a separate capital budget, and yet we all know that a very large hunk of the Defense Department, of the space and aeronautics budget, the transportation budget, the airport budget, numerous other areas of our budgetary documents are filled with capital projects.

Why is it that the Federal Government only has to come up with the cash, pay-as-you-go concept? It seems to me that that is really the basis of our difficulty. If we truly have a zero deficit constitutional amendment, balanced budget means a zero deficit, it will completely hamstring, straitjacket the Federal Government and its ability to go out into the market and borrow for necessary capital improvements.

I hope that a day will come when the Congress and the administration can sit down and discuss the merits of implementing a capital budget, because that is the way to go. Then I believe we could adopt a statute, an amendment, a whatever, that would require that our operating programs, year after year operating and paying for the services that the people expect of their Government, would be in a budget which is balanced and shows no deficit but would allow the Government to go out and borrow for defense purposes, for acquisition of strategic weapons, go to Mars or whatever, build the facilities of infrastructure for our highways and airports as a necessary, without confronting the overage year after year on the negative side in our budget. I think that that is the way to go and I hope that our discourse will take us at that point.

Talking about the budget, I think it is important, if I may just refer to this chart, for people to understand where we are in terms of education funding. I do not think that the vast majority of people in the country understand the significance of this diagram, but this is what we are stuck with in terms of what we can budget in our debates here in the Congress.

Defense spending, although it is discretionary and comes up to about $266 billion, is not likely to be reduced by the Congress. It could be, theoretically, but it is basically a fixed allocation, and the chance of reducing it so that we could fund something else is very, very remote.

The interest that we pay on our past debts, which is over $5 trillion, is also an area over which we have no control. The interest must be paid, the moneys were borrowed, and that is a Federal financial responsibility, and that is 14 percent of the budget at $248 billion.

Social Security as part of the budget, it is a fixed requirement. It costs 21 percent of the budget. $364 billion must be paid out to beneficiaries who are eligible in the system, and there are no ifs, ands or buts about it, it is a fixed obligation. We do not appropriate it in the budget at all. It is an entitlement.

The same is true for Medicare and Medicaid. Both of them are strict requirements for funding: Medicare at $209 billion, which is 12 percent of the budget; Medicaid, $99 billion at 6 percent of the budget. These are fixed requirements and their expenditures are dependent upon the number of eligible people who come in to get those services.

There are other kinds of entitlements, 14 percent, $244 billion. Those are the retirements, civil service retirement, military retirements and other items such as that which are not part of our budget process.

This small little pie-shaped sector here is all that is left and all that we labor to appropriate in the budget process. All the rest of it is, in my view, fixed items of allocation. We are debating 16 percent of the total budget, or $288 billion, and out of this amount, out of this $288 billion must come all the range of services in Justice, in Commerce, in Interior, in Agriculture, in research, in NIH, in Health and Human Services, in Education and Labor. So that is where this struggle comes in terms of the budget process.

Anyone that suggests that education funding is excessive and should be cut back really has not focused on the small amount of money that is allocated for education. It is an incredibly small amount of money, something in the range of 2 percent of the funding. I had a chart here, but I seem to have misplaced it. Education funding roughly is about 5 percent of the discretionary and 2 percent of the total Federal budget. It is a very small part of the total expenditure. The total Federal budget is $1.5 trillion, and the education budgeting as of fiscal year 1997, last year, was somewhere around $28 billion, which is not very much.

In this education budget, you can see how the funding is allocated. Local educational agencies receive 39 percent; State educational agencies receive 13 percent; college students receive 16 percent of the total funding; institutions of higher learning, about 15.6 percent; other kinds of group agencies, 6 percent. The Federal share, and that is what the Republican Chair of the Oversight Committee is making reference to, the overhead in Washington, the Federal share of the total Department of Education outlays is a mere 1.8 percent, or roughly 2 percent of the total budget, which is the lowest, I am told, of any Cabinet agency in the Government.

There is not an excessive bureaucracy and the funding is very low. Anyone that suggests that too much money is going into education simply has not taken a look at the overall budget. Two percent of the total budget for education is woefully inadequate.

All the discussion and the voices that you hear constantly is that education is the most important responsibility of our society, to translate to the future our children's ability to compete in business and in trade and in global interactions. If that is true, and the future of this country is to be in the hands of the children whom we have the responsibility to educate, do you not think 2 percent of the Federal budget is woefully inadequate, 5 percent of the discretionary is woefully inadequate?

So I hope in this one area, particularly in this one area, that there can be a concerted effort on both sides of the aisle to come together with a committed program of support for education. We may differ on the emphasis, but let us not waste time pointing fingers at the Department and challenging them to reduce their bureaucracy when it is the smallest of any Cabinet agency, or alleging that there are 760 programs when in fact there are only 184. Take a serious look at those 184 and see how we can expand their impact if they are good, eliminate them if they are bad, and continue on the steady march of increasing and focusing and targeting the Federal support for education on the neediest students in our country and those programs that school districts have the greatest difficulty in funding because of the excessive cost.

It seems to me we can join hands on that simple agenda and create a great deal of good for this country and make tremendous progress.

I shall join the Republicans on their hearings across the country on Education at the Crossroads, because I believe that the people who will come forth to testify will support the Federal presence in education. It is so small. It is a minutia in the totality of responsibility that local school districts have; 6, 7, 8 percent is not a great deal of the funding, and most of it is voluntary. They get to use the money in whatever capacities they deem best, and so the essence of local control and flexibility is there for them to manage.

We should listen to these school officials, because we have much to learn. We still do not know why, for instance, the National Assessment of Educational Progress report on math recently shows certain schools are very high on the list and other schools are very low. My own State scored very low, and I am distressed by seeing our State listed at the bottom quarter of the list.

□ 1545

Many educators and administrators will say, "Well, those kinds of report cards don't mean anything. They're probably based on erroneous data or old data or whatever." That may be true, but it seems to me that if one is seriously interested in looking at what is happening to education and how the States are dealing with it, the statistics that are put forth are very important and that we ought to pay attention to it. That does not mean we have to abide by everything that is said in it, but it is certainly a lesson to heed.

The recent report that was published January 22, Education Week in collaboration with the Pugh charitable trusts, called "Quality Counts: A Report Card on the Condition of Public Education in 50 States," is a document which I urge you all to obtain and to study very carefully if you are interested in education as a student, as a parent, as a member of a board of education or in the school system as an administrator or a teacher, or someone who is an elected legislator or whatever. The materials that are contained in this educational report are very instructive. You could probably find nitpicking reasons for discarding this particular analysis or that analysis, but the tables that are presented in this report which rank each State in the performance based upon a whole range of criteria is very, very instructive.

I found it instructive trying to see where my State placed, for instance, in the math scores that were recently released under NAPE'S and found that my State ranked in the lower fourth. It is very disturbing. The best part of the report said that we probably had the highest advances in the last 6 years in terms of the scores, so that is something of a positive note. But I think we should look at these statistics and learn from them what we are doing in our schools in teaching math.

Certainly it is not the Federal Government going into the schools teaching math. We hardly ever even fund math per se. We might fund title I, which takes moneys into the economically disadvantaged school areas to try to help students in those communities, but math as such is not a Federal program as far as I can determine. So looking at math, NAPE'S has picked out one area of performance by the students, fourth grade and eighth grade. They did this 6 years ago, and they just released their report now. They do the same for reading. It is important, I think, for us to look at the reading scores and to see how one ranks.

It has in the report the average per pupil expenditure; very, very interesting to see the States that are spending a considerable amount of money and what the results are in terms of academic achievements. One of the States that I looked at was New Jersey. Their average per pupil expenditure is $8,118. That is a very large per pupil expenditure. My own State is around $5,000, so it is significantly larger. The report says that 60 percent of those moneys that New Jersey spends for education goes directly into instruction, contrary to what the Republicans on my committee have alleged. This report indicates overall about 60 percent of all school funding is for instructional services.

Now we know to run a school requires a whole lot of other expenses. You have the school lunch program, you have the maintenance program, you have the building program, you have all these other extras. In some cases you might even have to have a police officer and other kinds of protective mechanisms added. So to find a school that is spending out of its $8,118 per pupil expenditure 60 percent that goes into instruction is very, very laudatory.

Another statistic contained in this report, and you can do this for every State; in New Jersey, the percent of teachers with 25 or less students. That was 63 percent of their school population. This is another point that they need to be commended for. My State has somewhere around 40 percent only of teachers with 25 or less students. So we have a far distance to go to achieve that record.

The average teacher's salary in New Jersey is $38,422, and it is probably one of the highest in the country. New York is a little higher. The average teacher's salary in New York is $41,157.

So these States and communities combined are making a tremendous effort to put education at the top. People in a very derisive kind of voice say you cannot throw money at a problem and expect to solve it. In the instance of education I believe that funding education is primarily the way to improve it and to develop quality education. One way you do that is to hire teachers that are qualified to teach, and they have a chart in this report showing how many teachers in high school are not qualified to teach the subjects that they have been assigned by the system, and you can certainly predict that those students are not going to do well if the teacher is not a qualified teacher.

So the teacher enhancement program, the average teacher salary, the amount of money that is going into the system are, it seems to me, key elements for success.

Why I pick New Jersey is that 97 percent of their public high schools offer advanced placement. Advanced placement is one of the criteria used in this report to determine the kind of initiative and thrust in quality education that the school system is placing on instruction, and so the schools that are putting their money into advanced placement turn out students that excel. And so here you have New Jersey at 97 percent AP courses. New York has an 83 percent advanced placement course. So they are doing well. The average per pupil expenditure in New York is 7,173 with a teacher average salary of $41,157.

The No. 1 ranking State in this report in terms of—excuse me, not in this report, in the NAPE'S report for 1996 on mathematics, the No. 1 scoring State, and I have to commend that State, is Minnesota. Minnesota placed first in the outcome of the examination on math for their fourth graders and for their eighth graders. So surely they must be doing something right in Minnesota, and we need to go there to see what it is so that we can inspire other school districts to do the same; not to use the example of Minnesota to force-feed a program for the rest of the Nation on a one size fits all, but to learn from the instructional program in Minnesota how it is they have done so well in the instruction of math and to excel year after year in the command their students have of this very, very important subject. Math and science together is really the path to the future if we are to be competitive with our foreign counterparts. The average teacher's salary in Minnesota is $37,570, so that is an indication also of their tremendous support.

Sixty-four percent of the moneys that they collect and spend in education go for instruction, and their average per pupil expenditure is $6,983.

So there is much that I commend to you in this Education Week. Let us not just look and hear the rhetoric and expect that that is the fact or that is the truth. Let us examine Education Week, look for your State's performance. There are dozens and dozens of criteria which have been used to make the evaluation, some of it more relevant to some situations and some perhaps not. But it is certainly a way to start an oversight investigation course which takes us across the country to make this examination.

The Speaker in one of his remarks made reference to the fact that we might do away with bilingual education. I take strong issue against such a proposal. Bilingual education is to teach people how to read and write and think in English. You cannot abandon this program with the expectation that by doing so and forcing students who are not proficient in English coming to the class, perhaps speaking at home in another language, to be able to accomplish and learn what they are required to learn. Performance would be disastrously lowered if we did not have this accompanying program which allows the students to make a transition from the language that they are familiar with and use at home or a language that they use outside the classrooms. To bring that language in and to make it the source of instruction for mastery of English is really the philosophy of the bilingual education.

So I hope that the Republicans will reexamine that issue and not come up for its eradication.

The House will be debating this week the matter of flexible time for families. Again the Speaker made reference to their strong belief in families first and their desire to allow families the option to take a sick child to the doctor or to go to school to discuss their children's performance in school with the teachers and other school personnel or to take an aging parent somewhere. These are all laudable reasons for allowing people to get time from their employers to do this important work. It seems to me that employers throughout the country have that compassion and are willing to make time available. But the flex time bill, H.R. 1 that we will be debating this week, does not come close at all to this aspiration that families have for flexible time.

It seems to me it is very simple for employers to say, "OK, you have to do this for a couple of hours. You can stay late the next day.''. That is flexible time. There is no pay loss or anything of that kind. But H.R. 1, the compensatory time bill that is coming forth for debate, does not guarantee the employee his or her choice of the use of that extra time.

I like to refer to the bill as the repeal of Saturday and Sunday. You know under the Fair Labor Standards Act we had the guarantee that people could only be worked 40 hours a week. That meant you freed up Saturday and Sunday to be with the family. Long ago, when the Fair Labor Standards Act was passed, we had the feeling about families first and they ought to have time to be with their families to enjoy the family situation. If you have an employer that is going to require overtime work and not have to pay wages in time and a half and have the option of giving time and a half time off at his, the employer's, choice, this is not flexibility for the worker at all. In my committee we tried to make it more flexible, more at the option, more at the choice of the employee, but each time we offered those amendments they were struck down.

Consider yourself as an employee being asked by your employer to stay late, work Saturdays and Sundays because there is a job order that has to go out, the business is in great jeopardy if the schedule is not met. There is no way that you would turn down your employer. You would work the extra hours.

☐ 1600

You would work the extra hours. You would have to be away from your family the extra hours. That is not flexible time. That is working for no compensation at all, because the offer is work overtime and at some point later you will get time and a half off at the option of the employer. That is not fair.

If it is truly family first, family flexible, then the employee ought to be able to say, well, I want to take my time and a half next week, because I want to be with my children over their Easter break. There should not be any allowance on the part of the employer to say, no, I have to decide for comp time at a later point.

Under the bill, 260 hours of compensatory time can be saved, it can be put aside for each worker. That is a total of 160 hours of work without pay, and time and a half of that 80 hours would be the time and a half factor accumulation of 240 hours that you cannot decide when you are going to take, and the employer will have 12 months in which to decide when to give it to you. That is not flexible time. That is a diminution of quality time with your family, that is working without compensation for a promise of compensatory time off 12 months hence.

The tragedy also is that for many workers, overtime compensation at time and a half is what they depend on to be able to pay for the expenses and make ends meet. So to have a bill that will take this away would be truly a hurtful kind of legislation.

The problems with comp time also go to the whole bankruptcy issue. Compensatory time off is not wages, and therefore it does not go into the computation of Social Security benefit time earned. And if the company goes bankrupt because the company truly was in distress, and files bankruptcy, as an employee owed compensatory time, not wages, you will not get any priority payment whatsoever.

This is a bill fraught with a great deal of potential harm and damage to working families, and does not meet, absolutely does not meet, the promise of flex time and family first, which the Republicans are touting.

As a worker I want to have my Saturdays and Sundays off, and if I am required to work either an extra 2 hours or so during the week or on weekends, I want to have the absolute right to decide whether I want it in wages or whether I am willing to take it as compensatory time off, and the time off should be at my option.

If the bill can be drafted to make those assurances, I am sure that most of us will find a happy circumstance in joining with the Republicans. But as I see it, the misfortune of so many workers under this legislation would be forced employment, no wages, and compensatory time off at the will of the employer after a 12-month period.

That I think is unfair, unjustified, and I do not want to see the Fair Labor Standards Act protection of workers' 40-hour week, and time and a half compensation, which is attributable to Social Security credits and to bankruptcy protections and all other means for determining benefits, being jeopardized under a comp time concept.

So this debate this week should be very, very lively, and I look forward to the minority side having an opportunity to debate it and to advance our objections to this proposal.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ROGAN) to revise and extend his remarks and include extraneous material:)

Mr. CANADY of Florida for 5 minutes each day, on March 18 and 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mrs. MINK of Hawaii) to revise and extend his remarks and include extraneous material:)

Mr. LANTOS.

(The following Members (at the request of Mr. ROGAN) to revise and extend their remarks and include extraneous material:)

Mr. QUINN.

Mr. COMBEST.

Ms. ROS-LEHTINEN.

Mr. HYDE in two instances.

(The following Members (at the request of Mrs. MINK of Hawaii) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS.

Mr. SMITH of New Jersey.

Mr. KANJORKSI.

Mr. LEWIS of California in three instances.

Mr. WALSH.

Mr. BONIOR in two instances.

ADJOURNMENT

Mrs. MINK of Hawaii. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 18, 1997, at 12:30 p.m. for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized by various committees, House of Representatives, during the 4th quarter of 1996 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:®MDNM

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charles Rangel	12/12	12/15	China								
Commercial airfare							1,909.98				1,909.98
Committee total							1,909.98				1,909.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Feb. 12, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/13	Singapore		1,092.00		4,229.95				5,321.95
Hon. Joe Skeen	12/5	12/6	United States		135.00						135.00
	12/8	12/9	New Zealand		238.00						238.00
	12/9	12/16	Australia		1,501.50						1,501.50
	12/15	12/18	United States		510.00						510.00
Commercial airfare							7,743.65				7,743.65
Frank Cushing	12/6	12/13	New Zealand		950.00						950.00
	12/12	12/15	United States		493.00						493.00
Commercial airfare							6,112.62				6,112.62
Elizabeth Dawson	10/14	10/19	Italy		1,228.00		48.00				1,336.00
Commercial airfare							3,703.85				3,703.85
James Dyer	10/14	10/19	Italy		1,228.00						1,228.00
Commercial airfare							3,703.85				3,703.85
Charles Flickner	12/1	12/3	Belarus		400.00						400.00
	12/3	12/7	Ukraine		800.00						800.00
Commercial airfare							3,858.05				3,858.05
Douglas Gregory	11/15	11/22	New Zealand/Antarctica		700.00						700.00
Commercial airfare							1,850.95				1,850.95
William Inglee	12/14	12/15	Panama		75.00						75.00
	12/15	12/17	Guatemala		378.00						378.00
	12/18	12/19	Argentina		293.00						293.00
	12/19	12/21	Chile		314.00						314.00
Commercial airfare							4,119.00				4,119.00
R. Scott Lilly	10/14	10/19	Italy		1,288.00						1,288.00
Commercial airfare							3,703.85				3,703.85
James Ogsbury	12/6	12/17	Antarctica		950.00						950.00
Commercial airfare							5,442.95				5,442.95
Timothy Peterson	12/6	12/13	New Zealand/Antarctica		950.00						950.00
	12/12	12/16	United States		684.00		82.00		120.50		886.50
Commercial airfare							6,030.62				6,030.62
Timothy Sanders	12/5	12/6	United States		135.00						135.00
	12/8	12/9	New Zealand		238.00						238.00
	12/9	12/16	Australia		1,501.50						1,501.50
	12/15	12/18	United States		510.00						510.00
Commercial airfare							7,743.65				7,743.65
John Shank	12/4	12/7	Romania		999.00						999.00
	12/7	12/8	Croatia		331.00						331.00
	12/8	12/12	Bosnia		1,404.00						1,404.00
	12/12	12/13	Croatia		331.00						331.00
Commercial airfare							3,891.55				3,891.55
Paul Thomson	12/6	12/13	New Zealand/Antarctica		950.00						950.00
	12/12	12/16	United States		684.00		82.00				766.00
Commercial airfare							6,030.20				6,030.20
Patricia Schlueter	11/17	11/21	Australia		1,230.00		18.00				1,248.00
	11/21	11/26	Thailand		1,018.00		186.50				
Commercial air							7,721.35				7,721.35
Total					24,435.00		76,302.59			120.50	100,858.09
Surveys and Investigations staff:											
Albert J. Boudreau	10/5	10/10	Chile		932.50		3,746.95		91.00		4,770.45
Joseph R. Fogarty	10/11	10/17	Italy		1,117.75		3,887.75		23.80		5,029.30
Terrence E. Hobbs	10/11	10/17	Italy		1,117.75		3,887.75		91.44		5,096.94
Robert J. Reitwiesner	10/13	10/17	Italy		670.50		3,768.95		65.00		4,504.45
	10/17	10/17	United Kingdom		122.50	(3)					122.50
R.W. Vandergrift, Jr.	10/13	10/17	Italy		670.50		3,861.95		99.23		4,631.68
	10/17	10/17	United Kingdom		122.50	(3)					122.50
L. Michael Welsh	10/5	10/10	Chile		908.75		3,746.95		59.40		4,715.10
Vicki O. Williams	10/5	10/10	Chile		932.50		3,746.95		83.85		4,763.30
Committee total					6,595.25		26,647.25		513.72		33,756.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman, Feb. 24, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Peter Deutsch	10/17	10/18	Nicaragua				719.95				719.95
William F. Tyndall	11/18	11/22	Costa Rica		553.00		584.95				1,137.95
Robert Meyers	11/18	11/27	Costa Rica		1,340.00		584.95				1,924.95
Catherine Van Way	12/11	12/14	Switzerland	1,334.22	1,014.00		906.75				1,920.75
Susan Sheridan	12/9	12/14	Switzerland		1,690.00		911.95				2,601.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Norwood	12/10	12/10	Bosnia		(3)		(4)				
Hon. Charlie Norwood	12/10	12/11	Hungary		(3)		(4)				
Hon. Charlie Norwood	12/11	12/12	Germany		(3)		(4)				
Committee total					4,597.00		3,708.55				8,305.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Lodging, meals provided by DOD.
[4] Military air transportation.

TOM BLILEY, Chairman, Jan. 31, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	12/2	12/5	Bangladesh		500.00						500.00
	12/5	12/8	Nepal		[3]724.00						724.00
	12/8	12/10	India		656.00						656.00
	12/10	12/14	Pakistan		[3]699.00						699.00
	12/14	12/15	England		259.00						259.00
Commercial airfare							6,242.05				6,242.05
Paul Berkowitz	12/2	12/5	Thailand		651.00						651.00
	12/5	12/8	Vietnam		1,176.00						1,176.00
	12/9	12/12	Indonesia		1,482.00						1,482.00
	12/13	12/16	India		847.00						847.00
	12/17	12/18	Bangladesh		150.00						150.00
Commercial airfare			Commercial Tvl.				6,157.95				6,157.95
Hon. Howard Berman	12/10	10/13	Philippines		744.00						744.00
	12/13	10/16	Malaysia		606.00						606.00
Commercial airfare			Commercial Tvl.				3,675.95				3,675.95
Stephen Blake	12/2	12/5	Bangladesh		[3]458.00						458.00
	12/5	12/8	Nepal		[3]724.00						724.00
	12/8	12/10	India		[3]581.00						581.00
	12/10	12/14	Pakistan		[3]824.00						824.00
	12/14	12/15	England		259.00						259.00
Commercial airfare							6,242.05				6,242.05
Elana Broitman	12/15	10.18	Columbia		636.00						636.00
Commercial airfare							1,556.95				1,556.95
Frankie Calhoun	12/11	11/13	Taiwan		560.00						560.00
	12/13	11/17	Hong Kong		1,058.00						1,058.00
	12/17	11/22	China		[3]1,267.00						1,267.00
Commercial							2,845.22				2,845.22
Michael Ennis	12/2	12/5	Bangladesh		[3]456.27						456.27
	12/5	12/8	Nepal		[3]724.00						724.00
	12/8	12/10	India		[3]606.00						606.00
	12/10	12/14	Pakistan		[3]849.00						849.00
	12/14	12/15	England		259.00						259.00
Commercial airfare							6,242.05				6,242.05
Robert Hathaway	10/7	10/8	Singapore		[3]235.00						235.00
	10/8	10/16	Indonesia		1,541.00						1,541.00
Commercial airfare							5,324.95				5,324.95
Richard Kessler	10/10	10/13	Philippines			744.00					744.00
	10/13	10/16	Malaysia		606.00						606.00
Commercial airfare							4,368.95				4,368.95
Hon. Jay Kim	12/2	12/5	Thailand		651.00						651.00
	12/5	12/8	Vietnam		1,176.00						1,176.00
	12/5	12/14	Indonesia		1,482.00		336.32				1,818.32
Commercial airfare							3,991.95				3,991.95
John Mackey	10/15	10/18	Columbia		636.00						636.00
Commercial airfare							1,556.95				1,556.95
Daniel Martz	11/11	11/13	Taiwan		[3]561.00						561.00
	11/13	11/17	Hong Kong		[3]958.00						958.00
	11/17	11/22	China		[3]1,250.00						1,250.00
Commercial airfare							3,662.23				3,662.23
Denis McDonough	10/17	10/21	Nicaragua		[3]750.00						750.00
Commercial airfare							1,158.95				1,158.95
Roger Noriega	10/17	10/21	Nicaragua		[3]850.00						850.00
Commercial airfare							1,158.95				1,158.95
Steve Radenmaker	10/17	10/21	Nicaragua		[3]750.00						750.00
Commercial airfare							1,158.95				1,158.95
Joseph G. Rees	10/6	10/8	Philippines		[3]496.00						496.00
	10/8	10/15	Indonesia		[3]1,541.00						4,595.95
Committee totals					31,982.27		60,276.37				92,258.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Mar. 6, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cordia Storm	11/12	11/17	Italy		1,520.00		1,220.25				2,740.25
Edward Grant	11/29	12/6	Ireland		1,105.00		1,188.95				2,293.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					2,625.00		2,409.20				5,034.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY J. HYDE, Chairman, Jan. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Germany and Italy; September 29–October 6, 1996:											
John D. Chapla	9/29	10/2	Germany		524.00						524.00
	10/2	10/4	Italy		426.00						426.00
	10/4	10/5	Germany		290.00						290.00
Commercial airfare							3,212.45				3,212.45
Thomas M. Donnelly	9/30	10/2	Germany		310.00						310.00
	10/2	10/4	Italy		440.00						440.00
	10/4	10/5	Germany		290.00						290.00
Commercial airfare							3,175.45				3,175.45
Douglas C. Roach	9/29	10/2	Germany		524.00						524.00
	10/2	10/4	Italy		426.00						426.00
Commercial airfare							3,616.45				3,616.45
George O. Withers	9/29	10/2	Germany		524.00						524.00
	10/2	10/4	Italy		426.00						426.00
	10/4	10/5	Germany		290.00						290.00
Commercial airfare							3,212.45				3,212.45
Visit to Bosnia, November 22, 1996:											
Hon. Patrick J. Kennedy	11/22	11/22	Bosnia		0.00						0.00
Visit to Italy, Bosnia, Hungary and Germany, November 27–December 3, 1996:											
Hon. Ike Skelton	11/27	12/1	Italy		920.00						920.00
	11/29	11/29	Bosnia		0.00						0.00
	12/1	12/2	Hungary		212.00						212.00
	12/2	12/3	Germany		168.00						168.00
Commercial airfare							501.05				501.05
Visit to the Philippines, December 5–8, 1996											
Hon. Curt Weldon	12/5	12/8	Philippines		750.00						750.00
Commercial airfare							5,406.95				5,406.95
Visit to Panama, December 8–13, 1996:											
Hugh N. Johnston, Jr.	12/8	12/13	Panama		429.82						429.82
Commercial airfare							1,295.95				1,295.95
Visit to Korea and Japan, December 13–19, 1996:											
Hon. Robert A. Underwood	12/13	12/16	Korea		936.00						936.00
	12/16	12/19	Japan		300.00						300.00
Commercial airfare							405.00				405.00
Visit to Japan and Indonesia, December 21–26, 1996:											
Hon. Patrick J. Kennedy	12/21	12/23	Japan		65.50		12.00				477.50
	12/23	12/26	Indonesia		480.00						480.00
Committee total					6,451.32		17,625.30		0.00		24,076.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, Jan. 31, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Louis H. Dupart	10/15	10/18	North America		724.00						724.00
Commercial airfare							682.32				682.32
Kenneth Kodama, Staff	10/26	10/30	Middle East		1,310.00		50				1,360.00
	10/30	10/31	Africa		217.00						217.00
	11/1	11/8	Asia		1,904.50						1,904.50
	11/8	11/9	Europe		309.00						309.00
Commercial airfare							5,977.95				5,977.95
Michael Sheehy	10/28	10/30	Middle East		576.00		50.00				626.00
	10/30	10/31	Africa		434.00						434.00
Commercial airfare							4,488.25				4,488.25
Hon. Porter J. Goss	11/8	11/10	Caribbean								
Commercial airfare							256.95				256.95
Louis H. Dupart	11/8	11/10	Caribbean		391.00		(3)				391.00
	11/11	11/13	Central America		200.00		(3)				200.00
Hon. Bill Richardson	11/25	11/27	Asia		350.00						350.00
Commercial airfare							8,364.95				8,364.95
Louis H. Dupart	12/2	12/6	Europe		963.00		17.48				980.48
Commercial airfare							2,684.55				2,684.55
John I. Millis	12/2	12/6	Europe		963.00		68.00				1,031.00
Commercial airfare							2,684.55				2,684.55
Hon. Bill Richardson	12/6	12/7	Europe		676.00						676.00
	12/9	12/10									
	12/7	12/9	Africa		568.00						568.00
Commercial airfare							3,660.75				3,660.75
Calvin Humphrey	12/6	12/7	Europe		676.00						676.00
	12/9	12/10									
	12/7	12/9	Africa		568.00						568.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							2,278.75				2,278.75
Committee totals					10,829.50		31,264.50		0		42,094.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER J. GOSS, Chairman, Feb. 4, 1997.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2272. A communication from the President of the United States, transmitting a fiscal year 1998 budget amendment that would provide authority to make one-time transfers of funds totaling $113 million necessary to implement fully the International Cooperative Administrative Support Services [ICASS] program, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 105–56); to the Committee on Appropriations and ordered to be printed.

2273. A letter from the Acting Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 1996 through September 30, 1996, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

2274. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1997, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 105–54.); to the Committee on Appropriations and ordered to be printed.

2275. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Implementation of Section 10A of the Securities Exchange Act of 1934 [Release Nos. 34–38387; IC–22553; File No. S7–20–96] (RIN: 3235–AG70) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–19: Eligibility of Georgia, Kazakstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Ukraine, and Uzbekistan to be furnished defense articles and services under the Foreign Assistance Act and the Arms Export Control Act, pursuant to 22 U.S.C. 2753(a); to the Committee on International Relations.

2277. A communication from the President of the United States, transmitting a letter notifying Congress that on March 13, 1997, United States military personnel were deployed to provide enhanced security for the American Embassy in Tirana, Albania and to conduct the evacuation of certain United States Government employees and private United States citizens (H. Doc. No. 105–55); to the Committee on International Relations and ordered to be printed.

2278. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 90–46; Introduction (DOD, GSA, NASA) [48 CFR Chapter 1] received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2279. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Gratuities (DOD, GSA, NASA) [FAC 90–46; FAR Case 96–300; Item I] (RIN: 9000–AH06) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2280. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Electronic Contracting (DOD, GSA, NASA) [FAC 90–46; FAR Case 91–104; Item II] (RIN: 9000–AF50) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2281. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Office of Federal Procurement Policy Letter 93–1, Management Oversight of Service Contracting (DOD, GSA, NASA) [FAC 90–46; FAR Case 94–008; Item III] (RIN: 9000–AG86) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2282. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Performance Incentives for Fixed-Price Contracts (DOD, GSA, NASA) [FAC 90–46; FAR Case 93–603; Item IV] (RIN: 9000–AH07) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2283. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements (DOD, GSA, NASA) [FAC 90–46; FAR Case 92–054B; Item V] (RIN: 9000–AH39) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2284. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Buy America Act—Construction (Grimberg Decision) (DOD, GSA, NASA) [FAC 90–46; FAR Case 91–119; Item VI] (RIN: 9000–AG81] received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2285. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Collection of Historically Black Colleges and Universities/Minority Institutions Award Data (DOD, GSA, NASA) [FAC 90–46; FAR Case 95–306; Item VI] (RIN: 9000–AH02] received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2286. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Allowability of Foreign Selling Costs (DOD, GSA, NASA) [FAC 90–46; FAR Case 95–021; Item VIII] (RIN: 9000–AH04] received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2287. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Independent Research and Development/Bid and Proposal Costs in Cooperative Arrangements (DOD, GSA, NASA) [FAC 90–46; FAR Case 95–024; Item IX] (RIN: 9000–AH03) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2288. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Prompt Payment (DOD, GSA, NASA) [FAC 90–46; FAR Case 91–091; Item X] (RIN: 9000–AF61) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2289. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Attorneys' Fees in GAO Protests (DOD, GSA, NASA) [FAC 90–46; FAR Case 95–016; Item IX] (RIN: 9000–AH38) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2290. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Contractors' Purchasing Systems Reviews (DOD, GSA, NASA) [FAC 90–46; FAR Case 95–605; Item XII] (RIN: 9000–AG75) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2291. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Performance-Based Payments (DOD, GSA, NASA) [FAC 90–46;

FAR Case 96-005; Item XIII] (RIN: 900-AH22) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2292. A letter from the Director, Office of Personnel Management, transmitting notification that OPM has approved a proposal for the personnel management demonstration project for the Department of the Navy, submitted by the Department of Defense, pursuant to Public Law 103-337, section 342(b) (108 Stat. 2721); to the Committee on Government Reform and Oversight.

2293. A letter from the Executive Director, Assassination Records Review Board, transmitting a letter notifying Congress that neither the President, nor the Office of Management and Budget has taken any position with respect to the Review Board's recommendation that its tenure be extended for 1 additional year; jointly, to the Committees on the Judiciary, Rules, House Oversight, and Government Reform and Oversight.

2294. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on National Security, Government Reform and Oversight, International Relations, Transportation and Infrastructure, the Judiciary, and Intelligence (Permanent Select).

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 929. A bill to amend title 18, United States Code, to ban partial-birth abortions; with an amendment (Rept. 105-24). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 672. A bill to make technical amendments to certain provisions of title 17, United States Code; with an amendment (Rept. 105-25). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 908. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals (Rept. 105-26). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 927. A bill to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Attorney General (Rept. 105-27). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 924. A bill to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime; with an amendment (Rept. 105-28). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 514. A bill toE permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia, and for other purposes; with amendments (Rept. 105-29). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on House Oversight. House Resolution 91. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; with an amendment (Rept. 105-30). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN:

H.R. 1083. A bill to establish certain uniform rights, duties, and enforcement procedures relating to franchise agreements; to the Committee on Commerce.

By Mr. ACKERMAN (for himself and Mrs. ROUKEMA):

H.R. 1084. A bill to amend the provisions of title 18, United States Code, placing restrictions on the sale of handguns to require a purchaser to reveal if the purchaser is the subject of a court order of protection; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 1085. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations"; to the Committee on the Judiciary.

H.R. 1086. A bill to codify without substantive change laws related to transportation and to improve the United States Code; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H.R. 1087. A bill to clarify the method of execution of Federal prisoners; to the Committee on the Judiciary.

By Mr. METCALF:

H.R. 1088. A bill to reauthorize appropriations for the conservation of the Washington salmon fishery through the purchase of salmon fishing licenses and fishing vessels; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 93: Mr. LEWIS of Georgia.

H.R. 165: Mr. PICKETT, Mr. FARR of California, and Mr. CONDIT.

H.R. 166: Mr. JONES and Mr. DELLUMS.

H.R. 167: Mr. DELLUMS.

H.R. 168: Mr. DELLUMS.

H.R. 235: Mr. DELLUMS, Mr. SERRANO, and Mr. SCHIFF.

H.R. 383: Mr. MENENDEZ and Mr. FAZIO of California.

H.R. 437: Mr. MCCOLLUM, Mr. MCGOVERN, Mr. BOYD, Mr. GRAHAM, Mr. BONIOR, Ms. STABENOW, and Mr. BARCIA of Michigan.

H.R. 505: Mr. DAVIS of Illinois and Mr. BARRETT of Wisconsin.

H.R. 553: Mr. CLEMENT, Mr. MCGOVERN, Mr. PASTOR, Mr. BLAGOJEVICH, Ms. CHRISTIAN-GREEN, and Mr. TURNER.

H.R. 638: Mr. WICKER and Mr. PETERSON of Pennsylvania.

H.R. 659: Mr. LUCAS of Oklahoma, Mr. RIGGS, Mr. DAVIS of Virginia, Mr. GOODLATTE, and Mr. NORWOOD.

H.R. 674: Mr. BUNNING of Kentucky, Mr. SHADEGG, and Mr. ISTOOK.

H.R. 680: Mr. VISCLOSKY and Mr. CLEMENT.

H.R. 752: Mr. HASTINGS of Washington.

H.R. 778: Mr. FILNER, Mr. STARK, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. SNYDER, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, and Mr. VENTO.

H.R. 779: Mr. FILNER, Mr. STARK, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. SNYDER, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, and Mr. VENTO.

H.R. 780: Mr. FILNER, Mr. STARK, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. SNYDER, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, and Mr. VENTO.

H.R. 789: Mr. PICKERING.

H.R. 804: Mr. LIPINSKI, Mr. UNDERWOOD, and Mr. MANTON.

H.R. 816: Mr. FOLEY, Mr. GEKAS, Mr. LIPINSKI, and Mr. ARCHER.

H.R. 825: Ms. CHRISTIAN-GREEN, Mr. OLVER, and Ms. FURSE.

H.R. 831: Mr. HOBSON and Mr. BAKER.

H.R. 838: Mr. YOUNG of Alaska.

H.R. 872: Mr. BARCIA of Michigan, Mr. CLEMENT, Mr. COBURN, Mr. COX of California, Mr. CRANE, Mr. HORN, Mr. NORWOOD, Mr. PORTER, Mr. SALMON, Mr. SERRANO, Mr. SHAYS, and Mrs. TAUSCHER.

H.R. 897: Mr. BARRETT of Wisconsin.

H.R. 955: Mr. ENGLISH of Pennsylvania and Mrs. LINDA SMITH of Washington.

H.R. 1046: Ms. CHRISTIAN-GREEN and Mr. CUMMINGS.

H.J. Res. 54: Mr. GILMAN, Mrs. MCCARTHY of New York, Mrs. NORTHUP, and Mr. CONDIT.

H. Con. Res. 8: Mr. HINCHEY, Ms. WOOLSEY, Mr. BACHUS, Mr. LEWIS of Georgia, Mr. KINGSTON, Mr. FRANKS of New Jersey, and Mr. FARR of California.

H. Con. Res. 13: Mr. TIERNEY, Mr. SANDERS, Mr. FATTAH, Mr. SHERMAN, Mr. HORN, Mr. JONES, Mr. LEACH, Mr. ENGEL, Mr. MILLER of California, Mr. VENTO, Mr. DOOLEY of California, Mr. STRICKLAND, and Mr. SCHIFF.

H. Con. Res. 24: Mr. SANDLIN, Mr. JEFFERSON, Mr. KLUG, Mr. DOYLE, and Mr. DAVIS of Illinois.

H. Con. Res. 39: Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. MEEHAN, Mr. MCGOVERN, and Mr. BERMAN.

EXTENSIONS OF REMARKS

VETERAN SERVICES

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. QUINN. Mr. Speaker, I rise today to introduce a bill that requires the U.S. Department of Veterans Affairs to truly consider the needs of our veterans who so bravely served our Nation.

The VA has devised a plan called the veterans equitable resource allocation. However, the funding formula simply considers population trends, the cost of labor, and specialized care.

There is no mention of the special needs and challenges that are unique that each veteran community across the country. As we all know, a multitude of other factors, both nonmedical and medical, plague our veterans.

How could it be proposed that a formula for distributing dollars for VA health care not take into account medical conditions of the veterans it serves?

If we allow the VA to implement their plan as it exists today, the VA will be sending a message to its sicker, poorer, older, and service-disabled veterans that they just don't care.

My bill addresses a fundamental problem with the VA's plan. My legislation charges the VA to certify to Congress that they have accounted for such critical factors as catastrophic injuries, disease, homelessness, poverty, cost of living and care, the age and type of infrastructure used by the Department of Veterans Affairs medical facilities, and so forth.

Until these conditions are met, we might as well remove the word equitable from the VA's so-called equitable resource allocation model.

I would like to add that many of the established health care facilities in the northeast are considered centers of excellence. Just last year, the Eastern Paralyzed Veterans Association [EPVA] made 164 trips transporting patients to and from VA hospitals. Eleven of those trips were made from southern VA facilities to northeast medical centers because of their ability to perform specialized surgeries and treatment.

No trips were made from the Northeast to the Southwest.

I am pleased to inform you that I have introduced my bill today along with 25 of my colleagues.

I encourage my other colleagues to sign onto the bill. A veteran in the Southwest who needs care is no more important than one in the North.

We owe it to our veterans to make available the highest quality of care.

I would like to submit the attached text of my bill for the RECORD.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATION THAT PLAN FOR ALLOCATION OF VETERANS HEALTH CARE RESOURCES CONSIDERED CERTAIN MEDICAL AND NONMEDICAL FACTORS.

(a) CERTIFICATION REQUIRED.— The plan for allocation of health care resources of the Department of Veterans Affairs submitted to Congress under subsection (c) of section 429 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (110 Stat. 2929) may not be implemented until after the Secretary of Veterans Affairs certifies to the Congress that the Secretary, in developing such plan, took into account the medical-related factors described in subsection (b) and the nonmedical factors described in subsection (c). Such certification shall be accompanied by the data the Secretary used in considering such factors.

(b) MEDICAL-RELATED FACTORS.— The medical-related factors described in this subsection are the following:

(1) The medical condition of veterans residing within each region served by a Veterans Integrated Services Network.

(2) The cost for each Veterans Integrated Services Network to meet the specialized medical needs for veterans suffering from catastrophic injury, disease, or illness, including spinal cord dysfunction, amputation, blindness, and mental illness.

(3) The cost for each Veterans Integrated Services Network to meet the rehabilitative needs of veterans suffering from such catastrophic injury, disease, or illness.

(4) The cost for each Veterans Integrated Services Network to provide medical support services, including prosthetics, pharmaceutical supplies, social services, and medical transportation to and from Veterans Integrated Services Network medical facilities.

(5) The cost for Veterans Integrated Services Network facilities to provide for the treatment and care of those members of the veterans population suffering from substance abuse, psychological problems, of AIS.

(c) NONMEDICAL FACTORS. —The nonmedical factors described in this subsection are the following:

(1) The expected reliance of veterans on Department of Veterans Affairs health care facilities for medical care as a result of—

(A) the cost of living for veterans residing in the region served by each Veterans Integrated Services Network; and

(B) the size of the population of veterans in each such region who are impoverished.

(2) The size of the population of homeless veterans in each such region and the wider array of disease and illness due to the hardships and lack of hygiene from which the homeless suffer.

(3) The age of the veterans population residing in each such region and the costs associated with long-term care necessary to meet the needs of the aging veterans population.

(4) The age and type of infrastructure used by Department of Veterans Affairs medical facilities, including the cost of operating, maintaining, repairing, and remodeling such facilities and the costs associated with adverse weather conditions, such as snow removal, in regions in which such facilities are located.

(d) VETERANS INTEGRATED SERVICES NETWORK DEFINED.— For purposes of this section, the term "Veterans Integrated Services Network" means the network developed by the Department of Veterans Affairs to provide for the health care of veterans.

* * *

TRIBUTE TO THE EL CARISO HOT SHOTS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding bravery of a dedicated group of firefighters in California, the El Cariso Hot Shots. Over 30 years ago, a dozen men gave their lives and many more were injured while fighting a particularly dangerous fire in a steep canyon near Pacoima.

On November 1, 1966, a U.S. Department of Agriculture Forest Service firefighting crew, was trapped by flames in the Loop Fire. The El Cariso Hot Shots were constructing a fireline downhill into a chimney canyon and were within 200 feet of completing their assignment when a sudden shift of winds caused a spot fire directly below where the crew was working. Within seconds, flames raced uphill, engulfing the firefighters in temperatures exceeding 2,500 degrees. The fire flashed through the canyon in less than 1 minute trapping many in the crew. Ten brave El Cariso Hot Shots perished on the Loop Fire that day and another two died in the following days. Many of those who survived, were critically burned and remained hospitalized for some time.

Gerald Smith, who brought this heroic action to my attention, suffered third degree burns on his face, hands, arms, and legs and has had over 20 surgical operations as a result of his injuries. After overcoming many personal challenges, he has now completed training as a registered nurse and is making a difference in the lives of many people.

Mr. Speaker, in November 1996—the 30th anniversary of this tragedy—a monument was erected and dedicated to the firefighters of the Loop Fire. Over the years, the lessons of the Loop Fire have been shared with other firefighters around the world and have saved many lives. I believe it is only appropriate that the House remember the names of those firefighters below who lost their lives as well as those who survived the Loop Fire of 1966.

Those who lost their lives include: Raymond Chee, James Moreland, Michael White, John

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Figlo, William Waller, Joel Hill, Steven White, Carl Shilcutt, John Verdugo, Daniel Moore, Kenneth Barnhill, and Frederick Danner. Those who survived the Loop Fire include: Gordon King, Warren Burchett, Glen Spady, Joseph Smalls, Edward Cosgrove, Rodney Seewald, Stephen Bowman, Charles Gibson, Franklin Keesling, Jerry Gunter, William Davidson, Thomas Sullivan, Gerald Smith, William Parshall, John Moore, Richard Leak, Robert Chounard, Patrick Chase, and Thomas Rother.

PEACEMAKER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. WALSH. Mr. Speaker, for the past 2 years, Senator George Mitchell has cochaired the multiparty talks on the future of Northern Ireland in Belfast. On the evening of March 13, 1997, in Washington, DC, he was presented the American Ireland Fund International Humanitarian Award. I would like to share Senator Mitchell 's inspiring speech with you at this time.

EXCERPTS FROM REMARKS BY SENATOR GEORGE J. MITCHELL, AMERICAN-IRELAND FUND DINNER

I'm grateful for this award. The American-Ireland Fund is an important force for good in Ireland. I commend you for your efforts and I encourage you to continue them.

As you know, I've spent most of the past two years in Northern Ireland. On my trips back to the U.S., I've been asked two questions, over and over again, by Americans who care about Ireland: Why are you doing this? And, What can I do to help?

Tonight, I'll try to answer both of those questions.

Why am I doing this?

I've asked myself that question many times. To answer it, I must go back nearly 20 years, before I'd ever been to Ireland, before I'd ever thought seriously about Northern Ireland.

Before I entered the United States Senate I had the privilege of serving as a Federal Judge. In that position I had great power. The power I most enjoyed exercising was when I presided over what are called naturalization ceremonies. They're citizenship ceremonies. A group of people who'd come from every part of the world, who'd gone through all the required procedures, gathered before me in a federal courtroom. There I administered to them the oath of allegiance to the United States and, by the power vested in me under our constitution and laws I made them Americans.

It was always emotional for me, because my mother was an immigrant from Lebanon, my father the orphan son of immigrants from Ireland. They had no education and they worked hard all their lives at difficult and low-paying jobs. But because of their efforts, and, more importantly, because of the openness of American society, I, their son, was able to become the majority leader of the United States Senate.

After every naturalization ceremony, I spoke personally with each new American, individually or in family groups. I asked them where they came from, how they came, why they came. Their stories were as different as their countries of origin. But they were all inspiring, and through them ran a common theme, best expressed by a young Asian. When I asked why he had come, he replied, in slow and halting English, "I came because here in America everybody has a chance".

A young man who'd been an American for just a few minutes summed up the meaning of our country in a single sentence. Here, everybody has a chance.

I was one of those who had a chance, and I thank God for my good fortune. Now, by an accident of fate, in a way that I did not seek or expect, I have been given the opportunity to help others to have a chance. That they are in Ireland, the land of my father's heritage, is just a fortuitous coincidence. That I am able to help, even if in just a small way, is what matters.

No one can really have a chance in a society dominated by fear and violence. And so I, who have been helped by so many, now must do what I can to help others to try to end the violence, to banish the fear, to hasten the day when all the people of Northern Ireland can lead lives of peace, reconciliation and opportunity.

Let me say, as clearly and as emphatically as I can: There will be peace and reconciliation in Northern Ireland. I don't know exactly when it will come. But I am convinced that it is inevitable, for one over-riding reason: It is the will of the overwhelming majority of the people of Northern Ireland.

They remain divided along sectarian lines, and they mistrust each other. But they share a fervent desire not to return to the violence which for so long has filled their lives with fear and anxiety.

It will take a very long time for the mistrust to end. But it need not take a long time for the violence to end. Once it does, once people can live free of fear, then gradually the walls of division will come down. Walls that exist on the ground, and in people's minds, will come down, brick by brick, person by person, slowly but inevitably.

Over the past two years I've come to know the people of Northern Ireland. They're energetic, intelligent and productive. I admire and like them. They deserve better than the troubles they have. But there is only one way to achieve that better life.

There is no alternative to democratic, meaningful, inclusive dialogue. For that to come about, there must be an end to violence and to intransigence. They are the twin demons of Northern Ireland—violence and intransigence. They feed off each other in a deadly ritual in which most of the victims are innocent.

There are those who don't want anything to change, ever. They want to recreate a past that can never be recreated. But their way will only guarantee never-ending conflict. It will insure that the next half century is as full of death and fear as was the past half century.

The people of Northern Ireland must make it clear to their leaders that they oppose intransigence, that they want meaningful negotiation. Not capitulation; not the surrender of conviction. But good-faith negotiation that places the interest of the people, the interest of peace, above personal or political considerations. Good faith negotiation can produce an agreed settlement that will command the support of the majority in Northern Ireland, including the majority in each community. I know in my heart that it can be done.

With an end to Intransigence must come a total and final repudiation of violence. There is no justification for violence, or the threat of violence. To those of you who ask: What can I do? Here is my answer: You, the leaders of the Irish-American community, must say that you condemn violence, that you demand its end, that you will not support those who engage in or support or condone violence. You must say it publicly, you must say it loudly, you must say it forcefully. And you must say it over and over again.

Violence is wrong. It is counter productive. It deepens divisions. It increases hatred. It hurts innocent people. It makes peace and reconciliation more difficult to attain. It must end.

Let me be clear on one more point. They must be twin demons but there is no moral equivalence between intransigence and violence. They are both wrong. But as bad as intransigence is, violence is worse. Intransigence takes away people's hopes. Violence takes away their lives.

There exists an historic opportunity to end centuries of conflict in Northern Ireland. If it is not seized now, it may be years before it returns, and the failure could cost many their lives.

Peach and reconciliation in Northern Ireland is a worthy cause. It deserves you attention and support. You can make a difference. What you say is heard, what you do matters.

As you leave tonight, ask yourself this question: Wouldn't it be a wonderful thing if, on St. Patrick's day next year, rather than praying for peace and reconciliation in Northern Ireland, we were celebrating its existence?

If you agree, then beginning tomorrow, do all you can to make it happen. When you do, you will reap the greatest of all rewards: You will have earned the title of peacemaker.

TRIBUTE TO KIWANIS CLUB'S 40TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. BONIOR. Mr. Speaker, I ask my colleagues to join me in saluting the Kiwanis Club of Warren, MI, as they celebrate their 40th anniversary on May 9, 1997.

In 1957, a group of concerned Warren citizens felt there was a need to join Kiwanis International and form the Kiwanis Club of Warren. Their goal was to aid the public in ways that other charities and the Government could not.

In the past 40 years, the Kiwanis Club has contributed their time and resources to the betterment of their community. Among their many contributions include the funding of a handicapped fitness trail at the Council Park and the donation of a Salvation Army bus. The club has also donated funds for thousands of individuals in need of operations, utility bills, and handicapped ramps.

I would like to thank the hundreds of volunteers, past and present, who have donated their various talents to improve the quality of life in the Warren community. The self-sacrificing qualities of the Kiwanis volunteers is what makes our communities successful.

I ask my colleagues to join me in wishing the Kiwanis Club of Warren a joyful 40th anniversary. Their long history of public service is sure to last at the very least, another 40 years.

HONORING STATE REPRESENTATIVE KEITH McCALL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a close personal friend and colleague from my congressional district in Pennsylvania, State Representative Keith McCall.

Representative McCall will be honored by the Panther Valley Irish American Association as its 1997 recipient of the Shamrock Award. I am pleased to have been asked to participate in this prestigious event.

The youngest son of the late Representative Thomas J. and Mary Ann McCall, Keith began his career in the Pennsylvania State Auditor General's office in Harrisburg while he was attending Penn State and Harrisburg Community College. His father's untimely death in 1981, while serving his fourth State legislative term, brought Keith to succeed his father in the Assembly. Now a high ranking Representative in the Pennsylvania General Assembly, Keith has followed in his father's footsteps by serving his district for 15 years.

Keith McCall is one of the finest legislators that I have had the privilege to work with during my years in Congress. He has been responsible for helping numerous local constituents and bringing millions of dollars in economic development to his district.

Keith's hard work and tenacity on numerous issues of importance to his district demonstrates his commitment to his constituents. His attention to the needs of the residents of his legislative district is unsurpassed and manifests itself in the strong results he receives.

Keith has consistently worked closely with me on numerous projects for Carbon County, from flood control to highway projects, I can always count on Keith to be an energetic ally with all the projects that involve the state.

A few of his major projects and accomplishments include Lehigh Gorge State Park, rail infrastructure improvements, a visitors center for Delaware and Lehigh Navigation Canal National Heritage Corridor, and preservation of historical buildings.

In the State Assembly Keith wrote the Pennsylvania Enhanced Automobile Emission Inspection law and is now considered an expert on this issue.

Along with his work in the State assembly, Keith builds upon his dedication to his community by being an active participant in community service organizations. Keith's community involvement includes the Elks, Summit Hill Fire Company, Knights of Columbus, Ancient Order of Hibernians, Pennsylvania Emergency Management council, and his work as past president of the Panther Valley Irish American Association.

Mr. Speaker, I am proud to join with the community, his friends and family in paying tribute to an exemplary legislator and public servant. I congratulate the Panther Valley Irish American Association on its 50th year, for the work they do in the community, and for their outstanding choice for this year's Shamrock Award.

A TRIBUTE TO KEVIN "CASEY" GENTHER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Kevin "Casey" Genther, the commander of American Legion Rim of the World Post No. 360. Casey will be relinquishing his position in July after 2 years of remarkable service to our community.

Casey has played an instrumental role in the growth and success of American Legion Post No. 360 since he assumed his position upon the resignation of the previous commander.

In that time, the enrollment of new members has increased by 20 percent. Casey has also been the driving force in getting Rim of the World Post No. 360 to participate in the activities of the Mountain Thrift Shoppe, a nonprofit resale store that benefits nine charitable and service organizations in our mountain community. In addition, donations and grants to local organizations in need of financial support have increased fivefold during his tenure in office.

Casey has also made a major contribution to local educational efforts and the lives of young people in our community. Scholarship funding for local high school graduates has increased from $350 to $4,000. Educational incentive grants for graduates of the local continuing education school have risen considerably. In addition, Casey has formalized the annual American Legion National High School Oratorical Contest. He has also overseen a 100-percent increase in attendance at Boy's State and Girl's State by local high school juniors. Since Casey assumed his leadership position, Post No. 360 has sent eight local teachers to teaching workshops at the Freedom Foundation in Valley Forge, PA.

Mr. Speaker, Casey Genther has made a remarkable difference in the lives of many people through his leadership of the American Legion Rim of the World Post No. 360. His many contributions toward the betterment of Post No. 360, local education, and our community is certainly worthy of our appreciation and recognition. It is only appropriate that the House recognize Commander Genther today.

IN THE SPIRIT OF ST. PATRICK'S DAY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. WALSH. Mr. Speaker, in the spirit of St. Patrick's Day, I am inviting all my colleagues to become a Friend of Ireland. The Friends of Ireland is a bipartisan congressional organization established in 1981 by the late Speaker, Thomas "Tip" O'Neill. Every successive Speaker has carried on the tradition and my appointment as chairman by Speaker GINGRICH is a clear demonstration of the bipartisan nature of the Friends. The Speaker and Minority Leader GEPHARDT serve as honorary chairmen of the group.

The purpose of the Friends of Ireland is to increase the bonds of friendship and understanding between the American people and the people of Ireland. We look for a peaceful solution to the problems of this troubled land. Our organization is open to all members of the 105th Congress who share its principles and has attracted widespread support over the years. There are also several Senators who are members of the Friends.

Over the years, the statements of support for peace in Ireland, condemnations of human rights abuses, assistance to the International Fund for Ireland, and general expressions of goodwill have made a difference. The voice of the United States Congress is listened to very attentively in Ireland both in the Republic and in the North.

I would like to share with you this year's St. Patrick's Day statement:

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY 1997

On this St. Patrick's Day, we the Friends of Ireland renew our call for the IRA to restore its cease-fire, which should be followed by Sinn Fein's immediate entry into the Northern Ireland all-party peace talks when they resume in June.

The Friends of Ireland commend our former colleague, Senator George Mitchell, for his outstanding service as chairman of the talks. The talks offer an historic opportunity to address the three key relationships which must underpin any settlement—those within Northern Ireland, between North and South, and between Ireland and Britain. We fully support this process, and recognize that there is much greater likelihood for success if all parties with an electoral mandate, including Sinn Fein, participate in the talks. Sinn Fein's participation in the talks, however, is properly conditional on the unequivocal restoration of the cease-fire by the IRA.

We also recognize that the IRA maintained a cease-fire for 17 months, from September 1994 to February 1996. It is of deepest concern that, during that long and hopeful period, additional obstacles were laid in the way of bringing all parties to the table. We hope that a renewed IRA cease-fire will on this occasion be met with an appropriate response by the British Government, including the taking of necessary confidence-building measures.

Basic issues of equal justice and human rights are at the heart of the conflict in Northern Ireland and they must be central to any realistic resolution of the conflict. Peace without justice is not sustainable. It is only likely to flourish when all sides feel that their basic rights are respected and protected. Accordingly, we urge prompt action to remedy outstanding miscarriages of justice such as the Casement and Latimer cases. In light of the compelling new evidence surrounding Bloody Sunday, we add our voice to the calls for a new inquiry into this tragedy.

We are also concerned by the deteriorating conditions under which Republican prisoners are being held in Britain and in particular the treatment of Roisin McAliskey. It is essential, in negotiating a new political framework for Northern Ireland, that respect for human rights be guaranteed. The creation of a Bill of Rights, and a police service with the confidence of the whole community, are essential to ensure the protection of the rights of all and to lay a solid foundation for a lasting peace.

We strongly oppose the continued and increased punishment beatings by paramilitaries in both communities. Such atrocities have no place in society, and we call for an immediate end to these attacks.

It is essential that there be no repeat of the deplorable events during last year's marching season. The RUC behavior at Drumcree further eroded the confidence of the Catholic community in fairness of the police force. As the State Department's Country Reports on Human Rights Practices recently noted: "Many observers on both sides of the community perceived the Government's reversal in the face of unlawful Unionist protests as a victory of might over the rule of law, and the incident damaged the RUC's reputation as a impartial police force."

We therefore strongly endorse the recommendations in the North Report that an independent parades commission be given full decision-making powers to deal effectively with controversial parades. We are concerned at the British Government's decision to delay implementation of significant sections of the report, which in our view must be in place in advance of this year's marching season.

The Friends of Ireland welcome the strong commitment of President Clinton and the Congress to the success of the peace process in Northern Ireland, and the transformation in the situation which all have helped bring about. We are confident that the United States will continue to play a constructive role in encouraging an early and peaceful resolution of the conflict for the benefit of all of the people of Northern Ireland.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Newt Gingrich, Richard A. Gephardt, and James T. Walsh.

TRIBUTE TO DICK LANGE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. BONIOR. Mr. Speaker, today I would like to pay tribute to Dick Lange as he retires from the Macomb Intermediate School District. His friends and colleagues will host a party in his honor at Partridge Creek Golf Course.

Education has always been central in Dick's life. His hard work in school was rewarded when he was honored with a 4-year Ford scholarship to the University of Michigan. While at U. of M., Dick was extremely active in intramural sports. His experience and success as a student gave him the insight he would later need as a teacher, administrator, and educational leader.

After college graduation, Dick taught high school social studies at Lakeview High School. His dedication to his students was not limited to the classroom. As a football coach, he was able to give to his students the same satisfaction in sports that he enjoyed as a student. As a teacher and coach, Dick was able to capture the energy and minds of the students he taught.

Not only was Dick an inspiration to students, but also to teachers. In 1972, he began representing teachers with the Michigan Education Association. His dedication to improving education prompted him to cofound Local 1, the first collective bargaining unit in Macomb County. Dick was instrumental in bringing together 16 school districts into 1 united group.

In 1982, Dick returned to Lakeview Public Schools as the assistant superintendent of curriculum and personnel where he turned his talents to review texts books and curriculum. For the past 11 years, Dick has been the director of consultant services of the Macomb Intermediate School District. His vision to provide quality education for our youth has made him successful in training teachers. He has used his leadership skills to guide teachers to inspire and teach the next generation.

I have known Dick for over 20 years and have witnessed the caring attitude that Dick has toward both teachers and students. His simple goal of providing a quality education for our youth has inspired not only teacher and students, but parents and the community. Throughout the years, Dick has been a dedicated volunteer in Macomb County as well as defending and improving public schools.

On behalf of myself and those who have had the opportunity to work with Dick, I would like to wish him well and thank him for his numerous contributions to our community.

FRIENDLY SONS OF ST. PATRICK HONOR JUDGE BLEWITT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to join with the Friendly Sons of St. Patrick, Pittston, PA, in paying tribute to the Honorable U.S. Magistrate Judge Thomas M. Blewitt. The judge will be the recipient of the W. Francis Swingle Irishman of the Year Award at their 83d annual St. Patricks' Day banquet. I am extremely pleased to have been asked to participate in this annual tradition.

Judge Blewitt was appointed on February 21, 1992, to an 8-year term. From January 1, 1986 through February 1992, he served as assistant Federal public defender in the Scranton division. From May 1984 to January 1986, he was assistant district attorney for Lackawanna County. From December 1972 to October 1980, he was a special investigator for the Pennsylvania Department of Justice, Bureau of Consumer Protection.

A graduate of Scranton Prep in 1968, he went on to the University of Scranton, Marywood College and earned his juris doctorate from Temple School of Law in 1983.

Mr. Speaker, Judge Blewitt is well deserving of this prestigious award not only for his professional accomplishments but for his sincere commitment and involvement in his community. He has served on the board of directors for the Friendship House Children's Center, Family Services of Lackawanna County, and is a member of the Pennsylvania Bar Association as well as the Federal Magistrate Judges Association.

Once again, I am pleased and proud to have the opportunity to bring judge Blewitt's accomplishments to the attention of my colleagues. I congratulate the judge on this fine honor and the Friendly Sons of St. Patrick on their 83d year.

A MEMORIAL TRIBUTE TO ALEXANDRA APOSTOLIDES SONENFELD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the recent passing of Alexandra Apostolides Sonenfeld, a role model and inspiration to many throughout California. Alexandra died in her sleep in San Francisco on July 26, 1996, just 10 days shy of her 100th birthday.

Alexandra Sonenfeld was born on August 6, 1896, in Sokraki on the Island of Corfu, Greece. One of nine children of Father Mandilla, a priest, and Barbara Chondroyianis, a schoolteacher, Alexandra accompanied her father on a trip to the United States when she was 10 years old. She remained in the United States until her recent passing, never rejoining her family in Sokraki.

Alexandra married Dr. Emmanuel Apostolides at the age of 20 and together they settled in San Francisco and raised three children—Alexander, Zoe, and Kleo. Her first husband passed away and she later married her second husband, Howard Sonenfeld.

In 1929, Alexandra Sonenfeld opened her home to wives of the members of the Order of AHEPA in San Francisco to discuss the formation of a women's auxiliary. Shortly thereafter, the first chapter of the Daughters of Penelope was established. In 1931, the Daughters of Penelope was chartered and incorporated in the State of California as a nonprofit organization. In the decade that followed, Alexandra Sonenfeld devoted her time to the development and expansion of this organization across the United States as well as the formulation of bylaws and a constitution. In 1939, she was elected the first grand president of the Daughters of Penelope. Over the years, this worthy organization has grown to its current 390 chapters throughout the United States and Canada, including 4 chapters in Greece.

Mr. Speaker, words do not begin to convey the love and admiration with which Alexandra Sonenfeld was held by her family, friends, and supporters. Her life journey stands as a remarkable testament to faith and hope and her memory will continue to inspire countless people. It is only appropriate that the House pay tribute to this courageous woman today.

CODIFICATION OF RECENT LAWS IN TITLE 49, UNITED STATES CODE, TRANSPORTATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. HYDE. Mr. Speaker, today I am introducing a bill to codify in title 49, United States Code, recent laws related to transportation, and to make other technical and conforming amendments to the Code. This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives under its statutory mandate to prepare and submit periodically revisions of positive law titles of the Code to keep those titles current. This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a section-by-section summary—containing reviser's notes—of the bill should contact John R. Miller, acting law revision counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC, 20515–6711. The telephone number is (202) 226–2411.

Persons wishing to comment on the bill should submit those comments to the acting law revision counsel no later than April 30, 1997.

FIFTH ANNIVERSARY OF THE BOMBING OF THE ISRAELI EMBASSY IN BUENOS AIRES—HOUSE CONCURRENT RESOLUTION 50 URGES ACTION FROM ARGENTINEAN AUTHORITIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. LANTOS. Mr. Speaker, 5 years ago, on March 17, 1992, the Israeli Embassy in Buenos Aires, Argentina, was destroyed by a massive suicide bomb, and several nearby buildings were also destroyed. In that bombing, 29 people were killed and an additional 252 innocent people were injured, many seriously.

Victims of the attack included employees of the Israeli Embassy and their families, children from a nearby Roman Catholic primary school, men and women from a nearby Roman Catholic church shelter, a Roman Catholic priest, and others. Two years later the Jewish Community in Buenos Aires was also destroyed in a terrorist bombing in which 86 people died and over 200 were injured.

Despite worldwide attention to these catastrophes, we are now marking the fifth anniversary of this hideous terrorist bombing and yet we still have had no prosecution and even no sign of progress in identifying those who carried out this vicious attack. It is time for the Congress to express our serious concern about this outrageous and unacceptable situation.

Mr. Speaker, on this tragic anniversary, with 12 of our distinguished colleagues, I introduced House Concurrent Resolution 50 which notes the fifth anniversary of the bombing of the Israeli Embassy in Buenos Aires, Argentina, on March 17, 1992, and calls upon the Argentinean Government to take more aggressive steps to solve the crime. Our resolution "notes with regret" that this is the fifth anniversary of the Israeli Embassy bombing and "police and judicial authorities in Argentina have not identified and initiated prosecution of the perpetrators of these two barbarous acts of terrorism." The resolution also urges the Supreme Court of Argentina to designate a single judge to conduct the investigation of the Embassy bombing in order to improve the efficiency of the inquiry. Currently, the full membership of the Supreme Court is in charge of the investigation, and this has hampered the effectiveness of the investigation.

I invite my colleagues to join as cosponsors of this legislation and urged redoubled effort to solve these horrendous crimes. The text of House Concurrent Resolution 50 follows:

H. CON. RES. 50

Whereas on March 17, 1992, the Israeli Embassy in Buenos Aires, Argentina, a school, and several nearby buildings were destroyed by a powerful suicide car bomb blast in which 29 innocent children, women, and men lost their lives and an additional 252 innocent people were injured;

Whereas the victims of this terrorist attack included employees of the Israeli embassy and their families, children from a nearby Roman Catholic primary school, women and men from a nearby Roman Catholic church shelter, a Roman Catholic priest, and people across the spectrum of Argentine society;

Whereas Argentina's Jewish community, which numbers over 300,000 and is the largest Jewish community in Latin America, has suffered periods of severe Anti-Semitism during periods of military rule and feels particularly vulnerable to assault from certain radical Islamic groups and from indigenous far right extremists in Argentina;

Whereas Islamic Jihad claimed responsibility for the bombing of the Israeli Embassy and praised the name of the alleged suicide bomber, Abu Yasser, by calling him a "martyr struggler," and Islamic Jihad is a terrorist organization that is supported by Iran and United States State Department officials have stated that Iranian diplomats collected information to plan the bombing;

Whereas the failure of Argentine and international efforts to bring the perpetrators of the embassy bombing to justice made Argentina a prime target for a second devastating terrorist attack on July 18, 1994, just two years after the bombing of the Israeli Embassy in Buenos Aires, when the Asociacion Mutual Israelita Argentina (AMIA) Jewish Community Center was destroyed in a similar car bombing in which 86 people died and over 200 people were injured; and

Whereas the effectiveness of the investigation of the Israeli embassy bombing, which is being conducted by the Supreme Court of Argentina, has been hampered by the inefficiency of having the entire membership of the court in charge of the investigation: Now, therefore, be it—

Resolved by the House of Representatives (the Senate concurring) that the Congress

(1) Notes with regret that March 17, 1997, marked the fifth anniversary of the bombing of the Israeli Embassy in Buenos Aires, that it is now more than two and a half years since the bombing of the AMIA Jewish Community Center, and that policy and judicial authorities in Argentina have not yet identified and initiated prosecution of the perpetrators of these two barbarous acts of terrorism;

(2) Urges the Supreme Court of Argentina to designate a single investigative judge to conduct the investigation of the terrorist bombing of the Israeli Embassy in order to improve the efficiency of the inquiry;

(3) Urges Argentinean judicial authorities to move forward aggressively in the investigation of the terrorism bombing of the AMIA Jewish Community Center because of the probability that there is a connection between that bombing and the bombing of the Israeli Embassy in Buenos Aires;

(4) Urges Argentinean authorities to acknowledge publicly the reports submitted by Argentinean, United States, and Israeli experts, which determined that the explosion at the Israeli Embassy took place outside the walls of the embassy;

(5) Urges the President and appropriate executive agencies to provide all appropriate assistance which has been or which may be requested by Argentinean government authorities in order to help that government in investigating these acts of terrorism; and

(6) Directs the Clerk of the House of Representatives to forward a copy of this resolution to the government of Argentina.

IN RECOGNITION OF CAROLYN LANIER

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. COMBEST. Mr. Speaker, the pages of the CONGRESSIONAL RECORD chronicle two centuries of actions affecting the everyday lives of Americans. Today, I'd like to add to that history with the account of an everyday American who has affected the lives of the needy beyond the boundaries of her community.

Carolyn Lanier has for 14 years served as the South Plains Food Bank executive director in Lubbock, TX. Her leadership has brought the food bank from its beginnings as a simple storeroom with shelves of canned goods, to its modern-day operation with refrigeration, a working farm and a dehydration plant. The food bank's success in feeding the needy and in helping other food banks created the necessity for the facility's Breedlove Dehydration Plant. Each day, the South Plains Food Bank under the leadership of Carolyn Lanier, its patrons and the many volunteer workers, feed as many as 16,000 people through 254 charitable agencies in a 20-county area of the vast Texas Panhandle-South Plains-Permian Basin Region.

Carolyn is the first to answer the compliment about her service by praising those working with her and the many financial supporters of the South Plains Food Bank. In recognizing those good works, it is helpful for those of us here in Congress and for people who study the pages of the CONGRESSIONAL RECORD to know that people just like Carolyn Lanier, who was qualified by the experience of feeding and caring for her family, saw a need and a way to help feed and care for an extended family of thousands and thousands she had never met.

Carolyn's success—and thus the success of the South Plans Food Bank—comes from her caring and her determined effort. Those seeing the need in their community can take heart from Carolyn's example. And those of us here in Congress seeking ways to meet those needs are gratified by these efforts. Government must be a servant of the people, doing all it can to encourage these charitable works.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained on Thursday, March 13 and was unable to be present for rollcall vote No. 50, final passage of H.R. 852, the Paperwork Reduction Act. Had I been present I would have voted "yea."

TRIBUTE TO REV. LESTER PRATT, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. TOWNS. Mr. Speaker, today I rise to recognize Rev. John Lester Pratt, Sr., pastor of Zion Shiloh Baptist Church. Reverend Pratt was born in Fredericksburg, VA, and attended Storer College in Harpers Ferry, WV. As an undergraduate he majored in education. He graduated from Manhattan Bible Institute and American Divinity School of Religion; earning undergraduate and masters degrees in theology.

In 1977 he was elected pastor of Zion Shiloh Baptist Church. He abides by the philosophy of, "I accept the challenge." Currently he is serving as secretary of the Progressive National Baptist Convention. Pastor Pratt has served as past moderator of New York Missionary Baptist Association, been a member of Cumberland Community Board and served as a member of the board of Hampton Ministers Conference.

The reverend is married to Mrs. Gertrude Pratt, and they are the proud parents of two sons, Leo, John, Jr., grandson, Leo Sterling Pratt, and have a wonderful daughter-in-law, Michelle. It is my pleasure to introduce Rev. Lester Pratt, Sr., to my House colleagues.

CODIFICATION OF TITLE 36, UNITED STATES CODE, PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. HYDE. Mr. Speaker, today I am introducing a bill to codify and enact certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36 of the United States Code. This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as a part of the responsibilities of that Office to prepare and submit to the Committee on the Judiciary, for enactment into positive law, all titles of the United States Code. This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a description of the bill, containing a section-by-section summary should contact John R. Miller, acting law revision counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC, 20515–6711. The telephone number is (202) 226–2411.

Persons wishing to comment on the bill should submit those comments to the acting law revision counsel no later than May 31, 1997.

THE SERIOUS PROBLEM OF ANTI-SEMITISM IN EGYPT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. LANTOS. Mr. Speaker, last week Egyptian President Mohammed Hosni Mubarak, as well as Foreign Minister Amre Mahmoud Moussa and other leaders of the Egyptian Government, were here in Washington for meetings with the administration and with Members of Congress. I was one of the Members who welcomed President Mubarak and his delegation at a lunch hosted by the Committee on International Relations.

As always, President Mubarak and Foreign Minister Moussa were gracious and frank in their discussion on a whole range of issues involving the relationship between the United States and Egypt. One issue which deserves particular attention, however, is the issue of anti-Semitism in the Egyptian press.

Shortly before President Mubarak arrived in the United States, the Anti-Defamation League [ADL] issued an excellent report "Anti-Semitism in the Egyptian Media." This report was another outstanding example of the kind of work that the ADL does in fighting racism and anti-Semitism here in America and around the world. At our meeting with President Mubarak, I presented him with a copy of this report and indicated to him my serious concerns about its disturbing findings.

President Mubarak responded that the Egyptian press was a free press, and even the Government media were quite independent. I told both the President and Foreign Minister Moussa that the press in Egypt is far from being truly free and independent. The moral authority of the President and the political, economic, and ethical leverage which the Government can exercise could go a long way to discourage and diminish the anti-Semitism that appears so frequently throughout the Egyptian press.

President Mubarak gave me a copy of the Egyptian Government response to the ADL study, in which was included a collection of Israeli cartoons which were considered offensive to Egypt. There is, however, a significant difference. The Egyptian cartoons are patently anti-Semitic—vicious racial stereotypes of Jews appear and there are a number of cartoons in which the Star of David is transformed into the Nazi swastika. The Israeli cartoons are very much like the political cartoons we see here in the United States—Egyptian leaders are portrayed in caricatures and the cartoons satirize policies much as Herblock or Oliphant would do here. There are no racist stereotypes, there are no anti-Muslim overtones to the cartoons.

Mr. Speaker, as I told President Mubarak, peace must be won in the minds of the people—the Egyptian people must accept the Israelis if there is to be real peace in the Middle East. People must come to accept the right of the Jews to live in the land of Israel. These anti-Semitic cartoons do not create the climate that is essential for a lasting peace. I strongly urged the President to use his enormous prestige and moral authority to bring an end to this kind of racism.

Mr. Speaker, I ask that the column of Stephen S. Rosenfeld from the March 14 issue of the Washington Post be placed in the RECORD. Mr. Rosenfeld also met with the Egyptian President as I did and his reaction was much the same as mine. I urge my colleagues to read carefully this article.

[From the Washington Post, Mar. 14, 1997]

THE WAR OF THE CARTOONS

(By Stephen S. Rosenfeld)

At breakfast in Blair House I asked President Hosni Mubarak of Egypt about those terrible antisemitic cartoons that for years have adorned the government-controlled Cairo press. The Anti-Defamation League had greeted him on this visit with a booklet and a challenge in a New York Times ad, and it seemed to me a good time to hear how the government that has led the Arab world in reconciling with Israel deals with the seemingly contradictory policy of perpetuating those vicious images.

Mubarak is rough and affable in an officers' mess style, an old hand at engaging with the foreign press. He looks you right in the eye, and plainly he was ready for the question. He said in essence that Egypt has a press law and he does not control the press, that he is himself criticized in the press and that he had advised editors not to get personal in dealing with Israel but to stick to criticism of official Israeli policies. He batted away my attempt to induce him to say whether the Egyptian press meets that excellent standard.

At one point in the discussion, he signaled to an aide who left the room and quickly came back with an exhibit so similar in format to the ADL attack booklet that it was almost amusing. Mubarak had suggested that the Egyptian press was merely indulging a type of criticism familiar in the Israeli press. He now handed me a sheaf of cartoons from both English- and Hebrew-language papers in Israel.

The war of the cartoons may not seem very compelling at a moment when the whole structure of Arab-Israeli peace-seeking trembles on a knife's edge. Consider, however, that one important reason why the process is so precariously perched lies exactly in the fact that it is vulnerable to the popular sentiments evoked in those cartoons, especially the Egyptian ones.

The Egyptian cartoons have what is to a Western eye an unmistakably racist content. They rely on crude physical and cultural stereotypes of Jews, and they drape Israeli officials with Nazi swastikas. These images and accusations, says the ADL report on "Anti-Semitism in the Egyptian Media," are to be found in words but most flagrantly in political cartoons which, "often boldly displayed on newsstands, can inflame passions in a country where illiteracy is significant and where young people may not read the newspapers, but obtain a clear and distorted impression of Jews from the illustrations."

Mubarak cannot be taken literally when he claims that the Egyptian press is independent and that its independence absolves him of responsibility for its enthusiasms. There can be a discussion only over whether particular parts of the Cairo press are best described as "tame," "government-owned" or "-controlled" or "semi-official." Egypt, for all the sophistication of many in its elite, remains one of those countries where editors get to massage major media themes with the president over coffee. A shrewd Third World leader like Mubarak would hardly ignore the capability his press gives him to conduct a certain second line of public diplomacy based on the domestic mass media to complement the first line conducted at the foreign office.

It is sobering to consider that no matter how often he is reminded that the cartoons measurably shrivel Israeli readiness for compromise and accommodation, Mubarak still lets them run. He does so apparently in order to appease hard-liners at home and in the Arab world. It is pale comfort to be told that many Arabs don't think those cartoons are all that abusive anyway and that Egypt is actually something of an island of tolerance in the larger Arab sea.

The Israeli cartoons have what is to a Western eye an unmistakably political content. The Egyptian information ministry's booklet describes them, in this instance fairly, as "Israeli Caricatures of Egyptian Policy." Caricatures they are, strong and abrasive but not racial attacks on Arabs. It is foolish to claim there is no trace of racialism in Israeli attitudes toward Arabs. But if you are looking for it on these pages chosen by Arab officials, you will not find it.

An Egyptian cartoon from Ros al-Yusuf of last Sept. 9 depicts an Israeli soldier bedecked in a Nazi flag. An Israeli cartoon in Maariv of Oct. 29 shows Mubarak unleashing a press attack on Israeli Prime Minister Binyamin Netanyahu.

An American journalist has to be sensitive to the booby traps that imperil any effort to distinguish objectionable "racist" cartoons in one place from acceptable "political" ones in another. Such an effort cannot be used either to spare Israeli criticism for its policies or to rationalize censorship practices in Egypt. But the fact is there is an antisemitic strain on public view in Egyptian society and in the media. It is appalling in its own right and it does harm to constructive public policies. Rather than allowing it to go on, responsible Egyptian authorities ought to be repudiating it without equivocation.

ANCHOR CONNECTION'S HEROISM ON THE FRONT LINES OF AMERICA'S DRUG WAR IS RIGHTFULLY HONORED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1997

Mr. SMITH of New Jersey. Mr. Speaker, it is all too easy to get discouraged when reading the latest statistics showing that marijuana and heroin use among teenagers has skyrocketed over the last 5 years. Day after day, it seems that our media reports are filled with reports of violence; depression, and lost opportunities. Yet as a counter-balance against these reports, I am encouraged to share the experience and success of the Anchor Connection in Trenton, NJ.

Anchor Connection is a specialized program operated within the Anchor House, a nationally recognized basic service center for runaway and homeless youth, and has served the residents of central New Jersey since 1979. The Anchor House also operates a Transitional Living Program, which helps reduce drug abuse by teaching independent living skills to troubled teens.

I am proud that Anchor Connection is being honored today for its hard work by three of our Nation's top drug prevention organizations at the Federal level: Gen. Barry McCaffrey, Director of the Office of National Drug Control Policy, Nelba Chavez, Ph.D., Administrator of the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration [SAMHSA], and Stephania O'Neill, Acting Director of the Center for Substance Abuse Prevention [CSAP].

Anchor Connection's outreach director, Heidi Camerlengo, and their drug prevention counselor, Ann Suabedissen, are doing marvelous and critical work in Mercer County and have earned our Nation's collective applause today. Anchor Connection, as the only comprehensive alcohol, tobacco, and other drug [ATOD] prevention program for runaway and homeless youth in central New Jersey, saw over 800 youth and families last year to help them resist the deadly allure of drugs and alcohol.

These children stayed in the custody of Anchor Connection for an average of 6 to 8 months, where they were introduced to Anchor House's enormously successful family of comprehensive programs that help troubled runaway youths. Anchor Connection's programs include resistance skills education and social skills training so that these teens can adapt and cope with life's day-to-day problems without having to resort to illicit substances of alcohol.

Their programs also provide transportation to needed services within the community, drug and alcohol screening, as well as life, education, and job skills training. This is in keeping with the idea that people who lack these basic life skills are more likely to succumb to the temptation of drugs. Through these programs, Anchor Connection enables these teens to adapt more readily for a normal, drug-free life.

Anchor Connection also conducts community awareness and education seminars to get the facts out about drug and alcohol abuse, and conduct individual, group, and family counseling to help those whose lives are directly touched and affected by our Nation's drug epidemic.

This overall approach has paid big dividends to the troubled kids and teens of Mercer County. Anchor Connection boasts a drug-reduction rate of at least 25 percent for children who remain with the program for 12 months. Heidi Camerlengo has estimated that the program has an 80-percent success rate in reducing drug use and getting the youth participants interested in school and other activities.

Another important aspect of Anchor Connection's drug prevention program is its individual written service plan, which helps young persons understand and achieve set goals. Since the program has a focus on runaway youths, it actively gets involved in resolving family conflicts. Where possible, it encourages family reunification, and where this is not a viable option, Anchor Connection will place children into foster care or other families.

I have been a longtime supporter and advocate for the Anchor House and its family of runaway youth programs, including the Drug and Alcohol Prevention Program run by Anchor Connection, as well as the Transitional Living Program administered by the Anchorage. Over the years, I have been honored to author many letters of support and have followed-up with the key Federal officials who administer Federal grant programs. Given the solid record of accomplishment they have built for themselves, Anchor House and Anchor Connection have proven that every cent of Federal support they have earned has been well worth the investment in our children.

In conclusion, Mr. Speaker, let me say that the employees and volunteers at Anchor Connection have every right to be proud and gratified by this national award today. Today's award honors not only Mercer County's successes, but all the heroes across America who work in obscurity and anonymity on the front lines and in the trenches of America's war on drugs. These are the heroes who are out there on the streets of America day and night saving our children from the scourge of drugs one kid at a time. When the fanfare from today's ceremony ends, their quiet, patient task of rebuilding and repairing lives will go on. The hope and promise of a drug-free America that Anchor Connection has amply demonstrated in 1996, is and should be inspiration to teachers, parents, and students everywhere. It is right and fitting that we honor their arduous efforts and successes today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 18, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 19

9:00 a.m.

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine Internet crimes affecting consumers.
SD-226

9:30 a.m.

Armed Services
Strategic Forces Subcommittee
To resume hearings in open and closed session on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on Department of Energy weapons programs.
SR-222

Budget
To hold a meeting to discuss various budget proposals for fiscal year 1998.
SD-608

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the Federal Communications Commission implementation of the Telecommunications Act of 1996, focusing on efforts to implement universal telephone service reform and FCC proposals to assess new per-minute fees on Internet service providers.
SR-253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on environmental programs and statewide and metropolitan planning.
SD-406

Labor and Human Resources
To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.
SD-430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.

Appropriations
Defense Subcommittee
To hold closed hearings to review proposed budget estimates for fiscal year 1998 for the intelligence community.
S-407, Capitol

Armed Services
Acquisition and Technology Subcommittee
To hold hearings to review the status of acquisition reform in the Department of Defense.
SR-418

Finance
To hold hearings on improving Medicare choices.
SD-215

Joint Economic
To hold hearings to examine the problems of the current automobile insurance system and how American motorists could benefit from reform of the industry.
2226 Rayburn Building

11:00 a.m.

Small Business
Business meeting, to mark up S. 208, to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones.
SR-428A

2:00 p.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Securities and Exchange Commission.
S-146, Capitol

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program.
SR-222

Armed Services
Readiness Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on military readiness accounts.
SR-232A

Commerce, Science, and Transportation
To hold hearings on S. 377, to promote electronic commerce by facilitating the use of strong encryption.
SR-253

Judiciary
To hold hearings to examine efforts by private individuals, community organizations, and religious groups to prevent juvenile crime.
SD-226

MARCH 20

9:00 a.m.

Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

9:30 a.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.
SD-124

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports.
SR-253

Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SD-106

Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings to examine the role of the Department of Commerce in United States trade policy, promotion and regulation, and opportunities for reform and consolidation.
SD-342

Rules and Administration
To hold oversight hearings to review the operations and budget of the Congressional Research Service and the Library of Congress.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

10:00 a.m.

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on the implications of the proposed acquisition of Conrail by CSX Corporation.
SD-192

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on Department of Energy national security programs and to review environmental management activities.
SR-222

Finance
To continue hearings on improving Medicare choices.
SD-215

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

Joint Economic
To hold hearings to examine the current economic outlook and monetary policy.
2175 Rayburn Building

10:30 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for international narcotics, crime and law enforcement.
SD-138

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the United Nations.
S-146, Capitol

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To resume hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.
SD–366

MARCH 21

11:00 a.m.
Commission on Security and Cooperation in Europe
To hold a briefing on prospects for elections, reintegration, and democratization in Croatia.
2200 Rayburn Building

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine child pornography issues.
S–146, Capitol

APRIL 9

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs.
SD–192

APRIL 10

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Bureau of Indian Affairs of the Department of the Interior and Indian gaming activities.
SD–124

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation
SD–192

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

APRIL 16

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

APRIL 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Forest Service of the Department of Agriculture.
SD–192

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Endowment for the Arts/National Endowment for the Humanities.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

MAY 1

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–192

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

CANCELLATIONS

MARCH 18

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

MARCH 19

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine international aviation and United States-United Kingdom bilateral agreements.
SR–253

SENATE—*Tuesday, March 18, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord, forgive us when we envy the gifts, talents, and success of others rather than praise You for all You have given to each of us. Sometimes we covet the opportunities and skills of others when they seem to exceed our own. We admit we miss becoming the distinctively different persons You have in mind. A limiting formula results: Our comparisons multiplied by combative competition, equals the stress of envy. You do not play favorites, or pit Your people against one another. You are for us and not against us.

You have promised that if we humble ourselves in Your sight, You will lift us up. We know You will multiply our potential beyond our wildest expectations. So we press on with a liberating formula: An honest recognition of the assets You have given each of us, multiplied by Your indwelling power, will equal greater excellence without stress today. Thank You dear Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. NICKLES. Mr. President, thank you.

I thank the Chaplain, again, for an outstanding opening prayer.

SCHEDULE

Mr. NICKLES. Mr. President, today, following morning business, at 11:30, the Senate will resume consideration of Senate Joint Resolution 18, the Hollings resolution regarding the constitutional amendment on campaign funding. That debate will continue until 12:30 today, at which time the Senate will recess until the hour of 2:15 for the weekly policy conferences to meet.

When the Senate reconvenes at 2:15, there will be an additional 30 minutes for closing remarks, followed by a rollcall vote on passage of Senate Joint Resolution 18. Therefore, Senators can anticipate the rollcall vote at approximately 2:45 today.

Following that vote, the Senate will resume consideration of Senate Joint Resolution 22, the independent counsel resolution. We will be continuing discussions with the Democratic leader in the hope of reaching a consent agreement to allow us to complete action on this resolution. Also this week, it is possible that the Senate will consider a resolution regarding Mexico and their certification in the antidrug effort. In addition, the Senate may begin consideration of the nuclear waste legislation prior to our adjournment for the Easter recess.

Again, I remind my colleagues that since this is the last week of session prior to the adjournment, I hope all Senators will continue to cooperate and adjust schedules accordingly as we attempt to schedule legislation and votes. I thank my colleagues.

MEASURE PLACED ON THE CALENDAR—HOUSE JOINT RESOLUTION 58

Mr. NICKLES. Mr. President, I understand there is a resolution at the desk and it is due for its second reading.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator is correct.

The clerk will read the joint resolution for the second time.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 58) disapproving certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

Mr. NICKLES. Mr. President, I object to further proceeding in this matter at this time.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

Mr. NICKLES. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 11:30, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Colorado is recognized to speak for up to 15 minutes.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 457 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair observes, in my capacity as a Senator from Kansas, the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, I have not had the opportunity to come to the floor to talk about the pending matter. I want to devote a little time this morning to the constitutional amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS. I am a cosponsor of that legislation, and I proudly come to the floor in my advocacy of the passage of his amendment.

I give him great credit. He has come to the floor for years addressing, in myriad ways, the issue of campaign finance, the problems that we have associated with campaign finance, the difficulties, constitutionally and statutorily, in addressing all of the problems that he has so eloquently outlined now for a long period of time. Year after year, in Congress after Congress, fight after fight, Senator HOLLINGS has been extraordinary in his effort to address this issue in a consequential and comprehensive way.

I want to talk a little bit about the circumstances that I see facing all of us politically right now and my reasons for supporting the constitutional amendment. There are at least four primary reasons why I believe that the constitutional amendment needs to be addressed. I am of the view that statutorily we are incapable of adequately addressing every one of the nuances, every one of the problems that have arisen as a result of our efforts to address meaningful campaign finance reform in the past. I do not have with me the record that we have compiled, but we have spent hours and days and weeks in testimony and in hearings over the course of many Congresses grappling with this issue.

As I recall, there have been 49 hearings on campaign finance reform. There have been thousands and thousands of pages of reports. There have been over a score of filibusters on the floor keeping this issue from a vote. So the record in the Congress over the last 10 years has really been abysmal. The problems continue to mount and the circumstances continue to worsen and the situation involving Members is compounded.

In 1976, the total cost of all Federal elections was $310 million. That is total. That is what every House Member, every House candidate, every Senator, every Senate candidate, and every Presidential candidate spent—$310 million. In 1996, that amount had exploded—and I use that word intentionally—exploded to $2.7 billion. That is $2,100 a day for a Senate candidate. Every day, whether we generate the money all at once or whether we generate it day by day, we need to raise $2,100 a day.

Just yesterday I was over at my political office. I have a political office. I have a South Dakota office. I have a leadership office. I have three service offices. But now, without a doubt, one of the most important parts of any Senate infrastructure is the political office.

I was over in my political office yesterday dialing for dollars. I do not know how much I raised, but I made up yesterday for the fact that I had not raised $2,100 every day in the previous weeks.

Now the average cost of a Senate campaign is $4.5 million per Senator. I am in cycle now. I will be running in 1998. My budget, Mr. President, is $5 million. I have already indicated that. That is no secret. I will be raising and spending $5 million to be reelected.

I have heard colleagues on the Senate floor say, "Well, you know, the nation spends less than $2.7 billion on dog and cat food, so why should we be worried? We spend a lot more on dog and cat food than we spend in political races."

I do not think that is a proper comparison unless we have only 535 dogs and cats in this country. If you had 535 dogs and cats, that comparison would work. I tell you, if we were spending $2.7 billion on 535 designated dogs and cats, my sense is we would be outraged. There would be all kinds of complaints that dog and cat food is way too high. "I can't afford to keep a cat or a dog."

How is it we can afford a political process so denigrated today by practices that we all abhor that we are willing to spend $4.5 million per Senator? So, Mr. President, the cost is something that I think is very clearly an issue that we have to address, because it is only going to get worse.

We used the increases in campaign costs since 1976 to estimate what the cost of an election will be in the year 2025. Most of us, hopefully, will still be around. I will not be here, but I will be, hopefully, living. Our sons and daughters will be here seeking public office.

Our estimate is that a Senate race will cost $145 million in the year 2025. Now that is not any magical distortion of the amount. That is simply taking the inflation rate that we have experienced and costing it out to the year 2025—$145 million. We will be raising over $200,000 a day to meet that kind of cost in the year 2025.

So do we have a problem? I could rest my case on that alone. But there are other problems that I want to talk about this morning.

I have a friend I have known for 20 years, who ran for Congress. He is idealistic, has a wonderful family; and is extraordinarily helpful. My friend decided he wanted to run for Congress. He was at that point in life when he thought he could offer something. He cared deeply about the issues, and is very, very patriotic, an extraordinary young man in all respects.

But in order to meet his budget, my friend found himself holed up in a small cubicle with a desk and a phone calling for money about two-thirds to three-fourths of every day. Was he out there greeting the people sharing his ideas? No. Was he out there shaking hands, learning from the people? No. A campaign, anybody who has been through one will recognize, is really an educational experience.

Of course you impart your thoughts. But what I love about campaigns is how much you learn in return—the conversations with people in their homes, the opportunity to answer questions and hear concerns at Rotaries and chambers of commerce, the opportunity to shake hands at a plant gate and get comments about what families are thinking about. That education is lost when any candidate spends two-thirds to three-fourths of his time doing nothing but dialing for dollars.

WENDELL FORD, our distinguished colleague who sits right at this desk, said fundraising was a major factor in his determination not to run for reelection. We are going to lose an able public servant. When he was first elected to the Senate in 1974, his campaign cost $450,000. But he estimated he would have to raise $4.5 million for the race in 1998. He said, "I don't want to raise $4.5 million in Kentucky. I don't want to have to go through that. I don't think it is right. I don't want to have to sit in some cubicle called a 'political office' and dial for dollars day after day. I don't want to do that." So he is hanging it up.

How many more WENDELL FORDS, how many more talented public servants will hang it up or will not even start? So, Mr. President, this is a very serious problem from the point of view of candidates themselves—Republican or Democrat.

I recruit candidates, and one of the hardest things for me is to convince possible candidates to run knowing they have to raise $4.5 to $5.5 million. You go tell some businessman to give up his business, give up his family, give up his dignity, go tell them that "you ought to do that so you can take a seat here in the U.S. Senate." Tell them that. Convince them it is in the public interest. Here in the Senate, we have a wonderful opportunity to serve, but to get here you pay a heavy price, too heavy in the minds of more and more people. Too many good people are saying no to public life, no to public service because they do not want to do it. Frankly, I do not blame them.

In the third category are the implications of the money in the system. The implications of all of this money troubles me. Every day the front page has yet another story about White House difficulties. Obviously, it is now the subject of an investigation in the Governmental Affairs Committee and the Justice Department.

We are looking at all of that. We on the Democratic side have felt that many of the abuses the Republicans may be guilty of have not received adequate attention.

The media seem honed in on everything that happened in the White House. As a colleague has reminded me on several occasions, "Why hunt rabbits when you can hunt bear?" Well, there are some elephants that ought to be hunted, I think, given the circumstances.

There were reports in the Washington Post on January 23, 1997; the Wall Street Journal on January 9; Business Week on December 30, 1996; Roll Call on January 20, 1997; Inside Congress on December 20, 1996, that Republican leaders—including Republican National Committee Chairman Haley Barbour, NEWT GINGRICH, DICK ARMEY, TOM DELAY, and JOHN BOEHNER—summoned business leaders to a dinner to chastise them for donating money to Democrats and suggest that if they continue to do so, they would no longer have access to Republican leaders.

This is a quote—"'Companies that want to have it both ways,' said one top GOP strategist, 'no longer will be involved in Republican decisionmaking or invited to our cocktail parties.' They also demanded that the company fire all of its Democratic lobbyists and replace them with Republicans. A GOP leadership insider said, 'If companies send lobbyists to Republican offices, they will have GOP credentials or they won't be allowed in the room.' NRCC Chairman John Linder said, 'We're going to track where the money goes.'"

Mr. President, what does that mean? What are the implications of "money"? What do they mean when they say business leaders who contribute to Democrats will no longer be involved in Republican decisionmaking?

Here's another passage from Roll Call, October 30, 1995.

> Upon winning control of the 104th Congress, Congressman John Boehner, chair of the House Republican Conference, organized a leadership/lobbyist operation to help pass the Republicans' budget plan. Business lobbyists contributed at least $2,000 toward an advertising campaign to support the Republican budget. "In exchange, they got a seat in the inner circle that met every Monday in one of the Capitol's . . . meeting rooms."

So $2,000 for a seat in the inner circle meeting every Monday in the Capitol's meeting rooms.

Here's another example from Time magazine, March 27, 1995. Mr. Boehner also organized the Thursday group of "lobbyists representing some of the richest special interests in the country." The Republican leadership let these lobbyists use congressional office space and official resources to conduct their bill drafting and lobbying activities. The Thursday group served as command central for a million dollar campaign to enact items in the Contract With America. On tort reform, the group's efforts included "daily meetings of dozens of lobbyists on the seventh floor of the Longworth House Office Building, a budget of several million dollars raised under the guidance of a General Motors executive, and a vote-counting operation that was led by former top lobbyists for Ronald Reagan and George Bush."

Here is yet another example, this time from the Washington Post and Legal Times, dated October 29, 1996, and September 16, 1996, respectively: "Gingrich ally and foreign agent Grover Norquist's Americans for Tax Reform received a $4.6 million contribution from the RNC in October," 1 month before the election, "in October 1996 * * * the RNC contributed $4.6 million to the tax-exempt Americans for Tax Reform, which is headed by Gingrich ally Grover Norquist. Because it is not structured as a political committee, ATR is not required to disclose how it spends the money, as the RNC is. This $4.6 million in 'soft money' could be used by ATR directly on behalf of federal candidates—which would be scored as 'hard money' if spent by the RNC. Grover Norquist is a close ally of Gingrich and is also registered as a foreign agent for the Republic of Seychelles, and Jonas Savimbi, rebel leader of the National Union for the Total Independence of Angola."

Mr. President I could go on and on.

Perhaps I will end with this one just received yesterday: 1997 RNC Annual Gala, May 13, 1997. Cochairman—for a $250,000 fundraising requirement, you get "Breakfast and a Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997." You get a luncheon with "Republican Senate and House leadership and the Republican Senate and House Committee Chairmen of your choice."

I am still reading from the document. You get a luncheon with the chairmen of your choice if you are willing to donate $250,000. If you only donate $100,000, you still get a luncheon with the chairmen of your choice, and you still get a breakfast and photo opportunity with "Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich." You do not get dais seating. For $45,000, amazingly, you are still entitled to lunch with the chairmen of your choice.

Mr. President, we do not need that. We do not need that in this institution or in our political system. This has to end. This will not go on without ultimately and directly affecting the quality and the historic standing of this institution.

Now let me address the last issue, and that is the constitutional issue. Mr. President, I have to say it is the hardest one. It is the hardest because there are a lot of people whose judgment I respect who are not willing to go as far as I am. But it is hard for me to understand what the Supreme Court said in Buckley versus Valeo. On the one hand, they said it is all right to limit how much you give; on the other hand, it is not all right to limit how much you spend. Why? If we are worried about free speech, why is it appropriate to limit giving but not limit spending? What is the constitutional premise that allows us to say we can limit how much you give, but we cannot limit how much you spend? It seems to me that once they decided to limit how much you give, they set themselves up, as well, for limiting how much you spend.

New York University law professor Ronald Dworkin and 40 other scholars wrote in a joint statement, "We believe that the Buckley decision is wrong and should be overturned. The decision did not declare a valuable principle that we should hesitate to challenge. On the contrary, it misunderstood not only what free speech really is but what it really means for free people to govern themselves."

The decision in Buckley and Colorado are a threat to the principle of one person, one vote. There are Senators who disagree, and there are many, many ways with which to express that disagreement. But I will say this: No one is guaranteed free money. Mr. President, free speech is not the same as free money. It is no more right for us to stand up in indignation with all of these problems and to say there is no problem, or that if there is a problem, we cannot address it because of the free speech argument on this issue.

Mr. President, we have limited speech in other ways. We have limited even the right of advertising in ways that have been demonstrated to be constitutional. When was the last time you saw a cigarette ad on television? When was the last time you saw ads for drugs on television? Obviously, there are restrictions on free speech. We all know that you cannot falsely yell "fire" in a crowded theater. Mr. President, I do not buy the argument that we cannot carefully restrict speech, because we restrict speech all the time.

I am out of time, and I know the distinguished Senator from West Virginia is about to speak as is required by the order. We will return to this issue again.

Let me close by saying we also know that this legislation, this amendment, is not going to pass. But we also know that there will be another day. There will be another day to offer bipartisan campaign reform legislation from a statutory perspective. I intend to be as aggressively supportive of that as I can be.

Let me say that this issue will not go away, not when our sons and daughters will be spending $145 million in the year 2025 just to walk in this door and vote.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. has arrived. The Senator from West Virginia is recognized to speak up to 30 minutes.

Mr. BYRD. Mr. President, I thank the Chair. I commend our leader who has just spoken. I agree with him, as I shall elaborate at this point.

THE HOLLINGS CAMPAIGN EXPENDITURE CONSTITUTIONAL AMENDMENT

Mr. BYRD. Ralph Waldo Emerson, in an oration delivered on August 31, 1867, said:

> This time, like all times, is a very good one, if we but know what to with it.

"This time, like all times, is a very good one, if we but know what to do with it."

As the Senate considers the proposed constitutional amendment offered by our distinguished colleague from South Carolina, Senator HOLLINGS, it is my fervent hope that each of us takes heed of Emerson's portentous words.

We have an opportunity to take an important step in the direction of restoring the people's faith in our ability to rise above partisanship and really do something about our present system of financing Federal campaigns. It is rotten. It is putrid. It stinks. The danger, as always, is that we will "circle the wagons," and avoid taking legal action aimed at meaningful reform.

Mr. President, as each day dawns, the public is confronted with new and increasingly garish allegations concerning the campaign financing practices that have become a way of life in our Nation.

Mr. President, we may be able to fool ourselves, but the time has come for all of us to stop trying to fool the American people. They are more than aware that both political parties—both political parties, not just one—abuse the current system and that both political parties fear to change because they don't want to lose their own perceived advantages. One party perceives certain advantages, and the other party perceives different advantages to its cause. But the insidious system of campaign fundraising and the increasing awareness by the people of our unwillingness to change it, will eventually lead to the destruction of our very system of Government. For our own sakes and for the sake of our people we must find ways to stop this political minuet, and come to grips with the fact that we can't have it both ways. We can't continue to launch broadsides at each other and refuse to admit that we all bear the blame—all of us, in both parties. We have it in our power to change things and the excuses we creatively craft to duck that responsibility are utterly hollow and quite transparent.

The incessant money chase that currently permeates every crevice of our political system is like an unending circular marathon. And it is a race that sends a clear message to the people that it is money—money—money, not ideas, not principles, but money that reigns supreme in American politics. No longer are candidates judged fit for office first and foremost by their positions on the issues. No longer are they judged by their experience and their capabilities. Instead, potential candidates are judged by their ability to raise the millions, and tens of millions of dollars, and even hundreds of millions of dollars that it takes to run an effective campaign.

The average cost of a U.S. Senate race is $4.5 million. When I first ran for the U.S. Senate in 1958, I ran with Jennings Randolph, as the two candidates for the Senate. We were two candidates for two different Senate seats from West Virginia. Jennings Randolph ran for the 2-year term, the unexpired term of the late Matthew Mansfield Neely. I ran for the 6-year term. Each of us won the nomination, and then after the primary we joined together and we marshaled our monetary forces, which amounted to something like $50,000—$50,000 for two Senators. And that was more than had earlier been necessary in campaigns in West Virginia. We didn't have much television in those days. We didn't have political consultants. And so we ran on a war chest of $50,000. But the average cost of a U.S. Senate race today is $4.5 million. It can cost $10 million or $20 million or more to run for the Senate in some parts of the country today.

Now, how in the future can a poor boy from back in the sticks of West Virginia, or any other State, hope to become a United States Senator? How can a former welder in a shipyard, a former meatcutter in a coal mining community, a former produce salesman, a former groceryman—how can one hope to ascend the ladder to the high office of United States Senator? It will be beyond the means of such persons.

The American people believe that the way to gain access and influence on Capitol Hill is through money. And the American people are exactly right. The way to gain access on Capitol Hill, the way to get the attention of Members of this body is through money. The Bible says, "The love of money is the root of all evil." This campaign system that we now have bears that out.

Anyone who reads the daily newspaper would have no trouble coming to the conclusion that the best way to gain access to the White House is to be a so-called "fat cat contributor." Now, who can fault such logic? It is as plain as the nose on your face. We have to stop this madness. We must put an end to the seemingly limitless escalation of campaign costs and their pervasive influence of the special interests and the wealthy. We must act to put the United States Senate, the House of Representatives, and the Presidency of the United States back within the reach of anyone with the brains, the spirit, the guts, and the desire to want to serve. And the proposed constitutional amendment before us today is a necessary step on the way to accomplishing that goal.

Now, I am aware that opponents of this measure—and they have a right to their opinion—would say that it would be wrong to amend the Constitution in this fashion. They will say that, although I may be right about the need for change in our current fundraising system, I am just wrong about this proposed amendment. I am very reluctant to amend the Constitution, but I am not above amending it. The Constitution contains a provision, as we all know, that was included by the framers of that document that points the way and is the guide, the roadmap to amending the Constitution. It is well known that I believe that we tinker with the careful checks and balances of that document at our peril. But a Supreme Court decision in Buckley versus Valeo, a decision which I believe to be flawed, has all but doomed the prospects for comprehensive legislative reform of this campaign finance system otherwise. By equating campaign expenditures with free speech, Buckley versus Valeo has made it impossible for us to control the ever-spiraling money chase and to put anything but voluntary spending limits on Federal campaigns. This basic inflexibility makes any legislation intended to control the cancerous effects of too much money in politics complicated and convoluted. The contortions such legislation has to resort to, simply because we cannot mandate spending limits, create new opportunities for abuse as fast as we attempt to close down the old ones.

How do we pass any statute—any statute of consequence, that is—when the Supreme Court has told us that spending equals speech? Spending equals speech. Well, if that is the case, I don't have the equality of free speech that many Members in this body profess.

How do we place any kind of reasonable limit on fundraising and spending when the law of the land says that to do so violates the first amendment of the Constitution? How do we end $40 million Senate campaigns and $400 million Presidential campaigns when the Supreme Court tells us that those amounts are constitutionally protected? How do we really reform the system within the bounds of that judicial interpretation? The plain truth is that it cannot be done effectively unless we do amend the Constitution.

We can tinker around the edges, of course. But we cannot enact comprehensive legislation that will get at the heart of the problem. We cannot, consistent with the Court's ruling in Buckley versus Valeo, put an end to the hundreds of millions of dollars that are raised in "soft money" contributions, or the hundreds of millions of dollars that are spent through so-called "independent expenditures." I wish we could. But the fact is that we cannot get the kind of legislation we really need unless we first pass an amendment to the Constitution which nullifies Buckley versus Valeo.

We have heard the first amendment invoked in Buckley. We have heard the argument that we must not infringe upon freedom of speech. I believe that a continued failure to control campaign costs is actually what is injurious to free speech for all in political campaigns. Money has become the great "unequalizer"—the great "unequalizer"—in political campaigns. Money talks. Money talks, and a lot of money talks louder than a little money. Would anyone claim that the average citizen or the small contributor has the same access to, the same influence with, politicians as the major contributor or the big PAC representative? Well, take it from me, he doesn't. Whose opinions are heard? Whose free speech is heard? Whose "speech" gets through to the people who count in Washington?

In the case of elections, who is more likely to win but the candidate who can buy more TV time, the candidate who can afford more publicity, a bigger staff? So much for free speech. When it comes to our political system, speech is very, very, very expensive indeed.

In a very real sense, Buckley versus Valeo disenfranchised those of moderate and less than moderate means from having their views heard and weighted equally with those who can afford to contribute huge sums.

Who would stand here on the floor and tell me that the money that a poor coal miner is able to contribute will entitle that coal miner to the same freedom of speech and the same influence with his representatives in Washington as the wealthy can enjoy?

In a very real sense, Buckley versus Valeo, as I say, disenfranchised those of moderate means, the individual who works with his hands, who earns his bread by the sweat of his brow. He can't speak loudly enough to be heard in the corridors of his representatives in Washington.

The influence of money has completely contorted the intent of the first amendment when it comes to our political system. And Buckley versus Valeo has written that contortion into our organic law.

Additionally, Buckley versus Valeo further disenfranchised those who might endeavor to run for political office because it makes it practically impossible for most individuals to afford to run for office themselves unless they are either independently wealthy or a well-financed incumbent. What is that but an effective denial of the basic right of any capable, motivated citizen to stand for Federal office? And what is that but the setting up of classes of citizens, some of whom have more basic rights, some of whom have more freedom of speech because they have more money than others? It is nonsensical.

I believe that the Court in recent years, beginning with Buckley versus Valeo, has been far too dogmatic when it comes to the first amendment. First amendment rights are not absolute. Ever since Mr. Justice Holmes wrote that the right of freedom of speech does not include the right to falsely shout "fire"—it is all right to shout "fire" in a crowded theater if there is a fire. So there is a distinction. The right of freedom of speech does not include the right to falsely shout "fire" in a crowded theater. Ever since Mr. Justice Holmes wrote that, we have realized that there must and can be certain limitations on free speech. Certainly when there is a compelling Government interest in the prevention of corruption or the appearance of corruption, the Court has generally understood that limitations can be imposed. There could be few instances in which a compelling governmental interest in preventing corruption is more obvious than the example of the bedrock of our representative democracy—fair elections.

As the Court said in Gibney versus Empire Storage and Ice Co., ". . . It has never been deemed an abridgement of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part initiated, evidenced or carried out by means of language, spoken, written or printed."

So, Mr. President, when it comes to modern political campaigns, it is only when there are no mandated expenditure limits that an inequality in free speech arises. The only real way to correct that inequity is to mandate limits on campaign expenditures. If the rules of the game are equal for all and fair to all, then no one is at a disadvantage simply because of purchasing power.

Mr. HOLLINGS' amendment would begin to correct the mechanistic, sterile jurisprudence that has reared its head in recent Court decisions regarding the first amendment and set us on a more correct course. The various ingenious forms of modern campaigning with their outlandish expenditures were never contemplated by James Madison and the other framers of the Constitution—never contemplated.

Only a blatant disregard for the obscene disadvantage which money can convey when not controlled in a political campaign could cause one to turn a blind eye to the need to respond to violence done to our Republic by a continued failure to put some limitations on campaign expenditures.

Mr. President, the time has come to stop. We have tried the legislative course. When I was majority leader during the 100th Congress, I tried eight times—eight times—to break a filibuster against campaign spending reform.

Robert Bruce, the great leader of the Scots, tried seven times, and it was after the seventh time—as he had lain in the loft of a barn and seen the spider attempt to spin his web from rafter to rafter, it was on the seventh time that the spider was successful in reaching the rafter—we are told that gave Robert Bruce the spirit and the inspiration and the faith he could try the seventh time and win. Well, I tried eight times. I was not successful in breaking the filibuster. I tried more times to invoke cloture than any leader has ever tried. It would not work. It is not going to work the next time.

The time has come to stop. It is time to set aside the partisan bickering, the constant sniping, the ceaseless one-upmanship, and the incessant covering, and do something that will give us the powers necessary to get at the root of the problem. Hiding behind the first amendment will not work. If we continue to try to hide behind the first amendment, we are going to destroy the trust of the people in our Government, in our system of Government. That is a system that is based on the people's trust.

It is not valid to hide behind the first amendment. This is about allowing more freedom of speech than less. It is about returning Government to the man in the street, to the woman who rocks the cradle and makes a home. Give them freedom of speech. It is about returning Government to that man and that woman and getting it out of the corporate boardrooms and the country clubs.

Fear is a very terrible thing. It is terrible because it paralyzes. Fear clouds judgment. Fear of losing advantage is what has driven both parties' reluctance to enact meaningful campaign finance reform in the past, and that same fear is what is driving the current reluctance. But the fixation with maintaining advantage is blinding us to a much greater and more serious peril: the total loss of credibility. Credibility is a precious commodity. We politicians have collectively squandered our credibility over the last several years because of the unchecked rise of the influence of money in politics. Already our people do not vote. They do not vote because they think politicians are all the same and that an individual vote does not matter anymore. Politicians are not trusted because all that concerns them, at least to the perception of the average citizen, is money and winning the next election.

I served as majority leader from the years 1977 through 1980 and again in the years 1987 and 1988, and I served as minority leader during the 6 years in between. It was a constant problem to be a leader and to program the Senate and to operate the Senate, and became increasingly a problem because of the money needs, the needs of the money chase. Senators had to go here; they had to go there; they had to raise money; they had to go for lunch; they had to go for dinner; they had to spend overnight. And it was virtually impossible to schedule votes at any time that would please any and everybody.

The thing that seemed to be most needful in this Senate during those years that I was the leader of my party was money, running around the country with a tin cup in one's hand raising money for a little, measly $134,000-a-year job. It is the most demeaning aspect of our lives as Senators, to have to run around and raise money. And it is getting worse.

The very fiber of what holds a Republic like ours together—trust—is ripping audibly with each new scandal, each new revelation in the press. And so I ask my colleagues to turn away from that course. We can start today. We can use what appears to be a low point in American politics to take an important step toward the good. We can remove this obstacle to real reform, crafted by a wrongheaded Supreme Court decision, and restore some precious equality to our political system.

Mr. President, I compliment the distinguished Senator from South Carolina, who is our leader in this effort. We probably won't win today. But it will be to the American people's loss. "This is a good time," as Ralph Waldo Emerson said, "if only we know what to do with it." Let us not squander an opportunity to begin to fix this thoroughly rotten campaign finance system once and for all. Let us not continue to disappoint the American people out there.

I urge my colleagues to take a stand and support this proposed amendment to the Constitution.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CAMPAIGN FINANCE AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 18, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (Senate Joint Resolution 18) proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. There will now be 1 hour equally divided between the Senator from Kentucky [Mr. MCCONNELL] and the Senator from South Carolina [Mr. HOLLINGS].

The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let me first thank Senator BYRD our resident Senate historian. I do not say that lightly—because the distinguished Senator from West Virginia has been masterful in his analysis and been very, very cautious and careful. He has stood many a time for not amending the Constitution, that we don't do this, willy-nilly, for any and every problem. But, after 20 years, thousands of speeches and hours and effort made, he has given a very masterful analysis of the need for this amendment. The Senate and the Nation are indebted to him.

Mr. President, I ask unanimous consent that Senator DODD, of Connecticut, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, although I commend the efforts of the minority leader and others seeking to statutorily reform our campaign finance laws, I am convinced the only way to solve the chronic problems surrounding campaign financing is reverse the Supreme Court's flawed decision in Buckley versus Valeo by adopting a constitutional amendment granting Congress the right to limit campaign spending.

We all know the score—we are hamstrung by that decision and the ever increasing cost of a competitive campaign. With the total cost for congressional elections, just general elections, skyrocketing from $403 million in 1990 to over $626 million in 1996, the need for limits on campaign expenditures is more urgent than ever. For nearly a quarter of a century, Congress has tried to tackle runaway campaign spending with bills aimed at getting around the disjointed Buckley decision. Again and again, Congress has failed.

Let us resolve not to repeat the mistakes of past campaign finance reform efforts, which have become bogged down in partisanship as Democrats and Republicans each tried to gore the other's sacred cows. During the 103d Congress there was a sign that we could move beyond this partisan bickering, when the Senate in a bipartisan fashion expressed its support for a constitutional amendment to limit campaign expenditures. In May 1993, a nonbinding sense-of-the-Senate resolution was agreed to which advocated the adoption of a constitutional amendment empowering Congress and States to limit campaign expenditures.

Now it is time to take the next step. We must strike the decisive blow against the anything-goes fundraising and spending tolerated by both political parties. Looking beyond the current headlines regarding the source of these funds, the massive amount of money spent is astonishing and serves only to cement the commonly held belief that our elections are nothing more than auctions and that our politicians are up for sale. It is time to put a limit on the amount of money sloshing around campaign war chests. It is time to adopt a constitutional amendment to limit campaign spending—a simple, straightforward, nonpartisan solution.

As Prof. Gerald G. Ashdown has written in the New England Law Review, amending the Constitution to allow Congress to regulate campaign expenditures is "the most theoretically attractive of the approaches-to-reform since, from a broad free speech perspective, the decision in Buckley is misguided and has worsened the campaign finance atmosphere." Adds Professor Ashdown: "If Congress could constitutionally limit the campaign expenditures of individuals, candidates, and committees, along with contributions, most of the troubles * * * would be eliminated."

Right to the point, back in 1974, Congress responded to the public's outrage over the Watergate scandals by passing, on a bipartisan basis, a comprehensive campaign finance law. The centerpiece of this reform was a limitation on campaign expenditures. Congress recognized that spending limits were the only rational alternative to a system that essentially awarded office to the highest bidder or wealthiest candidate.

Unfortunately, the Supreme Court overturned these spending limits in its infamous Buckley versus Valeo decision of 1976. The Court mistakenly equated a candidate's right to spend unlimited sums of money with his right to free speech. In the face of spirited dissents, the Court came to the conclusion that limits on campaign contributions but not spending furthered "* * * the governmental interest in preventing corruption and the appearance of corruption" and that this interest "outweighs considerations of free speech."

I have never been able to fathom why that same test—the governmental interest in preventing corruption and the appearance of corruption—does not overwhelmingly justify limits on campaign spending. The Court made a huge mistake. The fact is, spending limits in Federal campaigns would act to restore the free speech that has been eroded by the Buckley decision.

After all, as a practical reality, what Buckley says is: Yes, if you have a fundraising advantage or personal wealth, then you have access to television, radio and other media and you have freedom of speech. But if you do not have a fundraising advantage or personal wealth, then you are denied access. Instead of freedom of speech, you have only the freedom to say nothing.

So let us be done with this phony charge that spending limits are somehow an attack on freedom of speech. As Justice Byron White points out, clear as a bell, in his dissent, both contribution limits and spending limits are neutral as to the content of speech and are not motivated by fear of the consequences of the political speech in general.

Mr. President, every Senator realizes that television advertising is the name of the game in modern American politics. In warfare, if you control the air, you control the battlefield. In politics, if you control the airwaves, you control the tenor and focus of a campaign.

Probably 80 percent of campaign communications take place through the medium of television. And most of that TV airtime comes at a dear price. In South Carolina, you're talking between $1,000 and $2,000 for 30 seconds of primetime advertising. In New York City, it's anywhere from $30,000 to $40,000 for the same 30 seconds.

The hard fact of life for a candidate is that if you're not on TV, you're not truly in the race. Wealthy challengers as well as incumbents flushed with money go directly to the TV studio. Those without a fundraising advantage or personal wealth are sidetracked to the time-consuming pursuit of cash.

The Buckley decision created a double bind. It upheld restrictions on campaign contributions, but struck down restrictions on how much candidates with deep pockets can spend. The Court ignored the practical reality that if my opponent has only $50,000 to spend in a race and I have $1 million, then I can effectively deprive him of his speech. By failing to respond to my advertising, my cash-poor opponent will appear unwilling to speak up in his own defense.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start."

Indeed, Justice Marshall went further: He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

Justice Marshall was dead right and Ross Perot and Steve Forbes have proved it. Massive spending of their personal fortunes immediately made them contenders. Our urgent task is to right the injustice of Buckley versus Valeo by empowering Congress to place caps on Federal campaign spending. We are all painfully aware of the uncontrolled escalation of campaign spending. The average cost of a winning Senate race was $1.2 million in 1980, rising to $2.9 million in 1984, and skyrocketing to $3.1 million in 1986, $3.7 million in 1988, and up to $4.3 in 1996. To raise that kind of money, the average Senator must raise over $13,800 a week, every week of his or her 6-year term. Overall spending in congressional races increased from $446 million in 1990 to more than $724 million in 1994—almost a 70-percent increase in 4 short years. I predict that when the final FEC reports are compiled for 1996, that figure will go even higher.

This obsession with money distracts us from the people's business. It corrupts and degrades the entire political process. Fundraisers used to be arranged so they didn't conflict with the Senate schedule; nowadays, the Senate schedule is regularly shifted to accommodate fundraisers.

I have run for statewide office 16 times in South Carolina. You establish a certain campaign routine, say, shaking hands at a mill shift in Greer, visiting a big country store outside of Belton, and so on. Over the years, they look for you and expect you to come around. But in recent years, those mill visits and dropping by the country store have become a casualty of the system. There is very little time for them. We're out chasing dollars.

During my 1992 reelection campaign, I found myself raising money to get on TV to raise money to get on TV to raise money to get on TV. It's a vicious cycle.

I remember Senator Richard Russell saying: "They give you a 6-year term in this U.S. Senate: two years to be a statesman, the next 2 years to be a politician, and the last 2 years to be a demagogue." Regrettably, we are no longer afforded even 2 years as statesmen. We proceed straight to politics and demagoguery right after the election because of the imperatives of raising money.

My proposed constitutional amendment would change all this. It would empower Congress to impose reasonable spending limits on Federal campaigns. For instance, we could impose a limit of, say, $800,000 per Senate candidate in a small State like South Carolina—a far cry from the millions spent by my opponent and me in 1992. And bear in mind that direct expenditures account for only a portion of total spending. For instance, my 1992 opponent's direct expenditures were supplemented by hundreds of thousands of dollars in expenditures by independent organizations and by the State and local Republican Party. When you total up spending from all sources, my challenger and I spent roughly the same amount in 1992.

And incidentally, Mr. President, let's be done with the canard that spending limits would be a boon to incumbents, who supposedly already have name recognition and standing with the public and therefore begin with a built-in advantage over challengers. Nonsense. I hardly need to remind my Senate colleagues of the high rate of mortality in upper chamber elections. And as to the alleged invulnerability of incumbents in the House, I would simply note that well over 50 percent of the House membership has been replaced since the 1990 elections and just 3 weeks ago we swore in 15 new Senators.

I can tell you from experience that any advantages of incumbency are more than counterbalanced by the obvious disadvantages of incumbency, specifically the disadvantage of defending hundreds of controversial votes in Congress.

Moreover, Mr. President, I submit that once we have overall spending limits, it will matter little whether a candidate gets money from industry groups or from PAC's or from individuals. It is still a reasonable amount any way you cut it. Spending will be under control, and we will be able to account for every dollar going out.

On the issue of PAC's, Mr. President, let me say that I have never believed that PAC's per se are an evil in the current system. On the contrary, PAC's are a very healthy instrumentality of politics. PAC's have brought people into the political process: nurses, educators, small business people, senior citizens, unionists, you name it. They permit people of modest means and limited individual influence to band together with others of mutual interest so their message is heard and known.

For years we have encouraged these people to get involved, to participate. Yet now that they are participating, we turn around and say, "Oh, no, your influence is corrupting, your money is tainted." This is wrong. The evil to be corrected is not the abundance of participation but the superabundance of money. The culprit is runaway campaign spending.

To a distressing degree, elections are determined not in the political marketplace but in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through the board rooms of corporations and special interests.

Mr. President, I repeat, campaign spending must be brought under control. The constitutional amendment Senator SPECTER and I have proposed would permit Congress to impose fair, responsible, workable limits on Federal campaign expenditures and allow States to do the same with regard to State and local elections.

Such a reform would have four important impacts. First, it would end the mindless pursuits of ever-fatter campaign war chests. Second, it would free candidates from their current obsession with fundraising and allow them to focus more on issues and ideas; once elected to office, we wouldn't have to spend 20 percent of our time raising money to keep our seats. Third, it would curb the influence of special interests. And fourth, it would create a more level playing field for our Federal campaigns—a competitive environment where personal wealth does not give candidates an insurmountable advantage.

Finally, Mr. President, a word about the advantages of the amend-the-Constitution approach that I propose. Recent history amply demonstrates the practicality and viability of this constitutional route. Certainly, it is not coincidence that five of the last seven amendments to the Constitution have dealt with Federal election issues. In elections, the process drives and shapes the end result. Election laws can skew election results, whether you're talking about a poll tax depriving minorities of their right to vote, or the absence of campaign spending limits giving an unfair advantage to wealthy candidates. These are profound issues which go to the heart of our democracy, and it is entirely appropriate that they be addressed through a constitutional amendment.

And let's not be distracted by the argument that the amend-the-Constitution approach will take too long. Take too long? We have been dithering on this campaign finance issue since the early 1970's, and we haven't advanced the ball a single yard. All-the-while the Supreme Court continues to strike down campaign limit after campaign limit. It has been a quarter of a century, and no legislative solution has done the job.

Except for the 27th amendment, the last five constitutional amendments took an average of 17 months to be adopted. There is no reason why we cannot pass this joint resolution, submit it to the States for a vote, and ratify the amendment in time for it to govern the 1998 election. Once passed by the Congress, the joint resolution goes directly to the States for ratification. Once ratified, it becomes the law of the land, and it is a Supreme Court challenge.

And, by the way, I reject the argument that if we were to pass and ratify this amendment, Democrats and Republicans would be unable to hammer out a mutually acceptable formula of campaign expenditure limits. A Democratic Congress and Republican President did exactly that in 1974, and we can certainly do it again.

Mr. President, this amendment will address the campaign finance mess directly, decisively, and with finality. The Supreme Court has chosen to ignore the overwhelming importance of media advertising in today's campaigns. In the Buckley decision, it prescribed a bogus if-you-have-the-money-you-can-talk version of free speech. In its place, I urge the Congress to move beyond these acrobatic attempts at legislating around the Buckley decision. As we have all seen, no matter how sincere, these plans are doomed to fail. The solution rests in fixing the Buckley decision. It is my hope that as the campaign financing debate unfolds, the majority leader will provide us with an opportunity to vote on this resolution—it is the only solution.

I now yield 5 minutes to the distinguished colleague from California, Senator BOXER.

The PRESIDING OFFICER. The Senator from California is recognized to speak for 5 minutes.

Mrs. BOXER. Mr. President, I am proud to stand with Senator HOLLINGS and Senator BYRD and many other Senators today in support of Senate Joint Resolution 18. This measure proposes a constitutional amendment to allow the Congress to limit the amount of money that is spent on campaigns. I treasure the Constitution of the United States of America and never have I stood on the floor of the Congress supporting such a measure, except for the equal rights amendment and this measure. It is very rare that I stand to amend this Constitution. But we are about to lose our democracy. It is that serious. I think what Senator HOLLINGS has come up with here is a way to save this democracy. So, I am so proud to be a cosponsor of his measure.

Total campaign spending for general election congressional races has increased more than sixfold in the past 20 years. The total amount of money raised by Republicans and Democrats in 1996 was almost $900 million. In my own reelection campaign, I believe that it could cost at least $20 million. I come from California. We have 33 million people. And $20 million would actually be less than what was spent several years ago to win a U.S. Senate seat. It is an unbelievable amount.

So it is undeniable that there is an extraordinary amount of money in political campaigns. The amounts are growing and unfortunately, in my view, some partisan observers of our political system do not even see it as a problem. I have heard responses such as, "So what?" Or, "Money is the American way." Or "The problem isn't too much money, it is too little money." And the most ludicrous I thought, "We spend more advertising dollars on yogurt than we do on campaigns." I strongly disagree with the notion that money in politics is not a problem. It is a serious problem, undermining our democracy, depressing voter turnout, and, frankly, depressing the American people who should be depressed that their elected officials have to spend so much time away from their official duties.

Let me talk about the California race. Today, a Senate candidate in California can expect to have to raise up to $10,000 a day, including Saturday and Sunday, 365 days a year, for 6 full years. Imagine, $10,000 a day, 7 days a week, 365 days a year, for a full 6 years. That is too much time away from work, too much time away from doing the kinds of things that we want to do here, making life better for people. I resent it. And I am so proud to be able to support this constitutional amendment. Anyone who supports reform, therefore, has to support this. Because of the Supreme Court decision, we cannot control spending unless we pass this Hollings amendment. The Supreme Court decision discriminates against potential candidates who do not have a lot of personal wealth. The talent pool for the House and Senate is declining because of the amount of money that is needed to be raised.

I want to talk a minute about the Supreme Court decision—which I know my colleagues, who are attorneys, who understand it, perhaps, in a deeper fashion, have already done—but I want to talk about it from a commonsense point of view, and as someone who loves this Constitution. I think the Supreme Court was just completely wrong on this Buckley versus Valeo decision that said that Congress could not put a cap on campaign spending. Freedom of speech is the most precious and most important of all the rights guaranteed in our Constitution. But, it seems to me, if you equate money with speech you are demeaning speech. You are demeaning speech. Not everything can be equated with the dollar. Free speech goes far beyond that. And what about the speech of the candidates who do not have personal wealth? What about their speech? When someone comes in who is worth $200 million, $300 million, and throws $30, $40 million into a race—we have had that in California. What happens to the people who cannot afford to put their own money in a race? What happens to their speech?

So, it seems to me what the Court has done in Buckley is to support the speech of the wealthy candidates, not the speech of those of us who cannot afford to put those millions of dollars into place.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. BOXER. Mr. President, I ask for 2 additional minutes.

Mr. HOLLINGS. I so yield.

The PRESIDING OFFICER. The Senator from California is recognized for 2 additional minutes.

Mrs. BOXER. If money is speech, as the Supreme Court says, then more money must be more persuasive speech, and those ideas with the most money behind them will tend to prevail.

This is un-American. I am a product of public schools. I go toe to toe here with people who went to Harvard and Yale and all those expensive schools. My schooling was free, from kindergarten all the way through college. It is the American way, to give us all that level playing field. We do not have a level playing field if we have to live with Buckley versus Valeo. It is an un-American decision. It is wrong. It is elitist. Ideas should prevail because of their inherent worth, not because they were able to be hyped in 30-second commercials.

By the way, sometimes these commercials are not even ideas, they are terrible attacks on other candidates. So they are not even ideas, but somehow they are worth so much because an individual may have the money.

"Money is speech" subverts the notion that ideas, not commercials, are the heart of the expression that the first amendment protects.

My colleague, Senator HOLLINGS, who has been so eloquent and so persuasive in this debate was right when he said—and I quote—"Our democracy must be saved from this excess."

Mr. President, it is time to go back to the original meaning of the first amendment, overturn Buckley versus Valeo and allow Congress to set spending limits that are fair for all congressional races. I can think of no more important issue than this one to be dealing with at this time as the furor swirls around all these large campaign contributions. Well, folks, those are the rules. Those are the rules. We allow it in the current system. We need to change the current system. To do that we need to pass the Hollings resolution.

I thank you very much and I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me thank the distinguished colleague from California. She has spoken to the reality of what we really are confronting.

I do not know how you run a race in the State of California. Mr. Huffington, of your State, spent $30 million of his own money to run for Senate and lost. Last week the Senator from Nevada suggested that all Mr. Huffington needs to do would be come to Nevada. In Nevada he could run a fine campaign for $10 million. He could move, saving $20 million of his money, down to the State of Nevada and win, so to speak, with the $10 million. We know we know as in warfare, he who rules the air controls the battlefield. And he who rules the airwaves in politics controls the election.

And it is just that cold, hard reality that the Senator from California has spoken to. I am most grateful for her leadership on this particular score.

Going right back, Mr. President, to 1974 and the passage of the Federal Election Campaign Act, in the aftermath of Watergate. We acted together—Republicans and Democrats and said with a strong vote that we shall not have the Government up for sale and that we had to limit spending in campaigns.

So in the 1974 act we limited the individual amount of a contribution. In short, we limited the free speech. Congress did that after a studied debate. We limited the spending of the independent groups at that particular time. We limited the spending of the political action committees. We limited the spending of the individual candidates' own personal wealth, and we limited the overall spending. So the manifest intent in 1974 was to limit what my opponents now characterize as free speech.

In the 1976, Buckley decision, the Court went along with Congress' effort to limit an individual's free speech. When it comes to an individual's contribution, they said fine, it is constitutional to limit the spending or free speech of independent groups or of political action committees.

On the other hand, the Court then said, expenditures, they are not limited. Any limit on expenditures would be a violation of the first amendment. Now, that left us with a dilemma, the rich candidate or the candidate with a fundraising advantage, he has got unlimited speech because he does not have limits. This and the unlimited spending by candidates has become a cancer on the body politic. Combined spending of both political parties has gone up, as the Senator from California said, to almost a billion dollars.

So, Mr. President, what we have here is a terrible dilemma. We wrestled with it for 10 years after that 1976 decision until the mid-1980's when I first introduced a joint resolution to amend the Constitution and provide Congress the authority to limit campaign spending. We did not have a Pavlovian kind of reaction of "Ipso facto, just run. Let's go ahead and amend the Constitution." We did it after numerous attempts to correct the problem. First it was Common Cause, they said we ought to publicly finance. Time and time again, Congress rejected public financing. Opponents characterized it as food stamps or welfare for politicians. So that is not going to fly.

We tried individual voluntary restrictions. If we voluntarily limited, then you can get free time, free television time, free mailings and other benefits.

We were never able to come to grips with reform largely because of the Buckley decision. As Chief Justice Burger said in his dissenting opinion, expenditures and contributions were two sides of the same coin, and to try to limit the one and not the other would not wash. That was Chief Justice Burger's characterization of the decision.

So we are not coming here as just politicians, but with the support of the best of jurists who have come over the years and criticized the Buckley decision. J. Skelly Wright in the Yale Law Journal said that there was nothing in the first amendment that commits us to the dogma that money is speech.

So after trying for 10 years I introduced a constitutional amendment. At that time, we believed perhaps the Court itself saw the practical and the scandalous effect the decision had had and that they would reverse their own decision.

But please, my gracious, Mr. President, they shot that idea with last years Colorado Republican Party versus FEC decision and now "Katie, bar the door. The sky is the limit."

Now what do we have? We have the practical effect of absolutely no limits. Business leaders now say, "Senator, you know, we thought that we sort of had done our part when we gave our $1,000. Now after that Colorado decision the telephone rings off the hook. Now I want $100,000." "What in the world has happened to you all here in Washington?"

They think this is the result of a congressional decision.

Back in 1974 the Congress agreed, in a bipartisan fashion—not partisan—that we could only ask for that $1,000. That is no longer the case.

I refer to an article in the Monday Washington Post, 'Parties' Congressional Campaign Committees Took in Millions in 'Soft Money' in 1995–96." This is the practical effect of the Colorado decision.

This soft money represents independent contributions that, under the Colorado decision, can be spent on congressional campaigns so long as you cannot prove categorically it was coordinated—even though it went for the benefit an individual candidate. In that case, they just started savaging a potential candidate way ahead of time on the radio.

Even though the Court is limiting the individual contributions, the PAC contributions, and right on down the line, now they say, "Well, after all, just go ahead with the so-called soft money," so that practically congressional committees have no limits. As the chart shows the committees received "donations of as much as $735,000 from a single corporation, $310,000 from a union, and $250,000 from an individual from January 1, 1995, through December 31, 1996."

The National Republican Senatorial Campaign Committee raised near $27 million in these unregulated donations in the election year, about three times the total 4 years earlier. The Democratic Senatorial Campaign Committee actively solicited soft money for the first time in the 1995–96 campaign, collecting about $14 million compared with the $566,111 in 1991–1992.

So, you see, both parties just went running amok.

In response to my distinguished friend from Texas, who last week said on this floor that the Republican Party was the poor party and the Democrats were rich, I suggest a look at this chart.

Mr. President, I ask unanimous consent that the article and the chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1997]

PARTIES' CONGRESSIONAL CAMPAIGN COMMITTEES TOOK IN MILLIONS IN "SOFT MONEY" IN 1995–96

(By Charles R. Babcock)

While congressional and public attention has been focused on the large donations the Democratic National Committee solicited for the 1996 elections, the congressional arms of both parties—whose stated purpose is helping to elect federal officials—were busy raking in unlimited "soft money" as well.

Corporations and labor unions may not give directly to federal candidates, and individuals are limited to giving $1,000 to a candidate per election and $20,000 a year to a party committee. But most national party committees have been raising money outside the federal limits, often in $50,000 and $100,000 chunks. This soft money is supposed to be used toward administrative costs and party-building activities such as get-out-the-vote drives.

Federal Election Commission records, analyzed by Common Cause, which is pushing to ban soft money as part of reforming the way federal campaigns are financed, show the congressional committees had donations of as much as $735,000 from a single corporation, $310,000 from a union and $250,000 from an individual from Jan. 1, 1995, through Dec. 31, 1996.

The National Republican Senatorial Committee raised nearly $27 million in these unregulated donations in the election cycle, about three times the total four years earlier. The Democratic Senatorial Campaigns Committee actively solicited soft money for the first time in the 1995–96 campaign, collecting about $14 million, compared with $566,111 in 1991–92.

On the House side, the National Republican Congressional Committee raised nearly $19 million in soft money, three times as much as it raised four years earlier. The Democratic Congressional Campaign Committee raised nearly $12 million, compared with $4.4 million in 1991–92.

FEC rules require that a percentage of the soft money the committees raised be transferred to state and local candidates. The practice has caused some controversy, with Sen. Dianne Feinstein (D–Calif.) complaining that the DSCC shouldn't be in that business after she learned it had spent more than $1 million on state candidates in California.

The NRSC transferred $2.7 million to New York state candidates and committees, with state Democrats complaining that committee Chairman Alfonse M. D'Amato (R–N.Y.) did so to shore up the party structure for his reelection run in 1998.

	To DSCC	To DCCC
Gave $75,000 or more to one of the Democratic committees:		
American Federation of State County & Municipal Employees	$310,000	$272,500
Federal Express Corp	250,125	7,500
Philip Morris Cos	237,500	192,768
Peter B. Lewis (Progressive Corp.)	225,000	0
Connell Rice & Sugar Co	200,000	207,000
Association of Trial Lawyers of America*	193,500	32,800
Loral Corp.*	155,500	75,000
Bernard L. Schwartz	155,500	70,000
Archer Daniels Midland Co	155,000	80,000
RJR Nabisco Inc.*	143,353	97,550
RJ Reynolds Tobacco	75,853	51,300
Mashantucket Pequot Tribe*	139,000	105,000
American Airlines	121,333	97,033
MCI Telecommunications Corp	110,193	94,950
Sullivan & Liapakis PC*	100,000	125,000
Pamela Liapakis	75,000	0
AT&T Corp	99,980	20,500
Walt Disney Co.*	92,500	60,050
Summit Technology Inc	88,599	0
Orin Kramer (Kramer Spellman LP)	82,500	0
Joseph E. Seagram & Sons Inc.*	80,000	95,000
Edgar M. Bronfman Sr	80,000	80,000
MacAndrews & Forbes Holding Inc.*	76,000	10,000
NHCG Management Corp	50,000	0
Time Warner Inc.*	69,918	75,000
Eli Lilly & Co	61,500	113,100
AFL–CIO	52,000	122,500
Michael Bloomberg (Bloomberg Financial Markets)	50,000	100,000
SBC Communications	43,792	122,798
Flo-Sun Sugar Co.*	40,000	92,000
United Food & Commercial Workers	35,000	171,500
Laborers' International Union of North America	35,000	75,000
American Federation of Teachers	30,000	85,500
Atlantic Richfield Co	19,000	126,800
Wade E. Byrd (Berry & Byrd)	10,000	75,000
E. & J. Gallo Winery	7,500	80,700
Don Henley (musician)	0	150,000
Charles N. Davenport (SeaWest Inc.)	0	110,000
Service Employees International Union	0	100,000

*Includes contributions from executives and/or affiliates.
Source: Common Cause from Federal Election Commission records.

	To NRSC	To NRCC
Gave $75,000 or more to one of the Republican committees:		
Phillip Morris Cos	$735,338	$353,432
News Corp.*	518,200	201,500
Anna M. Murdoch	250,000	0
DLO Corp.	125,000	0
News America Publishing Inc.	65,000	150,000
RJR Nabisco Inc.*	287,500	175,950
R.J. Reynolds Tobacco Co.	107,500	19,500
Foster Friess (Friess Associates Inc.)	259,900	30,000
Atlantic Richfield Co.*	217,000	180,400
Union Pacific Corp.*	191,500	49,500
Anschutz Corp.	50,000	0
Tobacco Institute	187,100	84,000
Brown & Williamson Tobacco Corp.	170,000	282,500
Federal Home Loan Mortgage Corp.	165,000	85,000
Flo-Sun Sugar Co.*	164,500	59,500
American Financial Group]*	160,000	270,000
Carl Lindner	0	150,000
Bear Stearns & Co.	160,000	10,000
Archer Daniels Midland Co.	155,000	50,000
MacAndrews & Forbes Holding Inc.*	150,000	10,000
Revlon Group Inc.	100,000	10,000
924 Bel Aire Corp.	50,000	0
Chevron Corp.	145,200	133,850
Glaxo Wellcome Inc.*	141,100	0
CSX Corp.	139,712	42,500
Association of Trial Lawyers of America	138,600	37,500
MBNA Corp.*	135,000	0
AT&T Corp.*	133,295	78,545
Joseph E. Seagram & Sons Inc.*	130,000	140,000
Walt Disney Co.*	130,000	25,250
BankAmerica Corp.	128,700	105,500
U.S. Tobacco Co.	121,000	82,900
Time Warner Inc.	120,000	100,000
NYNEX Corp.*	119,600	191,750
Circus Circus Enterprises Inc.	115,000	25,000
United Technologies Corp.	115,000	95,500
Schering-Plough Corp.	112,585	135,000
Stephens Inc.*	112,500	47,500
PaineWebber Group Inc.*	110,000	50,000
Beneficial Corp.	109,500	15,000
TECO Energy	105,100	0
WMX Technologies Inc.	103,900	59,000
John J. Cafaro (Cafaro International)	103,200	0
Federal Express Corp.	103,000	46,900
Gateway 2000]*	100,000	0
Ronald S. Lauder (Estee Lauder Cosmetics)	100,000	100,000
Loews Corp.]*	100,000	120,000
CNA Financial Corp.	52,500	62,500
Lorillard Tobacco	47,500	57,500
Mirage Resorts Inc.	100,000	150,000
Blue Cross & Blue Shield Association]*	96,500	115,658
Exxon Corp.	95,000	45,000
British Petroleum (BP Oil)]*	94,000	55,829
BP Exploration & Oil Inc.	56,000	29,000
Public Securities Association	94,000	118,200
Goldman Sachs]*	91,390	2,250
Merrill Lynch & Co.	90,000	61,000
Sprint Corp.]*	89,673	41,400
Viacom International Inc.*	82,700	10,000
Great Western Financial Corp.	82,000	40,000
MCI Telecommunications Corp.	82,000	44,718
Prudential Insurance Co. of America]*	78,100	103,950
Prudential Securities Inc.	55,000	48,000
Occidental Petroleum Corp.]*	77,000	67,750
Federal National Mortgage Association	75,000	10,000
Forstmann Little & Co.*	73,000	162,000
Theodore J. Forstmann	50,000	150,000
Smokeless Tobacco Council Inc.	72,100	112,500
National Association of Realtors	67,200	93,000
Enron Corp.*	55,000	115,000
US West Inc.	53,000	98,400
Textron Inc.	51,500	134,700
Pfizer Inc.	50,000	71,000
Ashland Oil Inc.	48,000	88,810
Boeing Co.	47,000	115,700
Amgen Inc.	40,000	95,000
Pacific Telesis Group	37,200	75,200
American Insurance Association	36,100	75,250
SBC Communications]*	35,000	153,100
Anheuser-Busch Co.	27,500	107,750
Interface Group Inc.	20,000	100,000
Chemical Manufacturers Association	17,000	84,500

Note: This list includes contributions to the Republican Senate-House Dinner Committee and the Democratic Congressional Dinner Committee, which split their proceeds between their parties' House and Senate campaign committees.

Mr. HOLLINGS. Mr. President, according to the Federal Election Commission, the total amount of money raised overall, hard and soft money, in 1996, by the Republicans was $548.7 million and by the Democrats was $332.3 million.

So, the Democrats scramble everywhere. To the embarrassment of all of us both Democrat and Republican, but my opponents do not want to recognize that.

I got a call from my distinguished colleague, the Senior Senator from Alabama. I understand he took the floor yesterday. Five times he has been a cosponsor of this particular joint resolution for a constitutional amendment. Now he is worried about the freedom of speech. You see now, the Senator from Alabama seems to have lost his freedom of speech. It is a sad, sad, commentary, Mr. President, but that is exactly what is happening. The other side says, look, here we have the advantage of money overwhelmingly, and that is our advantage in politics, and we are not going to give it up, so let us hide behind the First Amendment. It is a very shameful performance, a dog-and-pony show, coming up here and saying we should not amend the Constitution, we should not think of it. The very people saying that and quoting Patrick Henry have voted to amend the Constitution relative to the burning of the flag—the very speakers that have taken the floor. I have seen hypocrisy before, but not like this.

Then they come saying "Well, you know, we are not spending enough money in campaigns. What could happen," under this amendment is, "the Congress could legislate us into incumbency, whereby you would never be opposed."

They use Patrick Henry to defend their actions. He once cried, "Peace, peace, there is no peace." Here today we cry "Free speech; free speech, there is no free speech." In politics it is paid speech we are talking about. As for me, give me this constitutional amendment to save democracy.

Justice Jackson said that the Constitution is not a suicide pact, Mr. President. In that context, I will review several of the most recent constitutional amendments and show their relative significance to the pending amendment. Amendment No. 27 has to do with the compensation of Senators and Representatives. Certainly, this is more important than the 27th amendment. The 26th amendment has to do with the voting age. If they can change the voting age, they can certainly change the money limit. This is more important than the 26th amendment. The 25th amendment had to do with the succession in office. This is far more important a problem. We deal with this each and every day—day in and day out, exacerbating, getting worse and worse, turning elections into auctions. And going right to the 24th amendment, the poll tax. Well, we said in the 24th amendment that you cannot separate voters financially. That is exactly what Buckley has done. Those who have the money can shout to the rooftops. Those without money can get lockjaw—just hush, you cannot compete. The last five or six amendments, Mr. President, we have shown have been adopted in about a 20-month period. You can bet your boots that this could easily be adopted in 1998.

What we have here is an amendment that is neutral. We do not say limit spending or not limit. We merely authorize the States and the Federal Government to limit spending. Here we are asking for a right.

Here this devolution crowd that keeps coming up here and saying, "return government to the states, return government to the people, let the people act," that is what I am trying to do. Pass my amendment, send it to the States and let the American people make the decision. We do not say "limit." We do not say "not limit." We just say give the people's representative body—namely, the Congress of the United States—the authority to limit. My opponents do not want to give the people a chance to vote on it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair advises the Senator from South Carolina he has 5 minutes 45 seconds remaining. Senator MCCONNELL has 30 minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, there is a right way and a wrong way of reforming our system of campaign finance. The Hollings proposal to amend our Constitution is simply the wrong way. It would, in effect, amend the first amendment to our Constitution to allow any reasonable restrictions to be placed on independent campaign expenditures and contributions. Why does he propose that we amend the first amendment? Because the Supreme Court of the United States has held that restrictions on independent expenditures violate the first amendment's free speech protection and that such restrictions could only be justified upon a showing of a compelling—as opposed to any reasonable—reason.

The Hollings amendment would gut the free speech protections of the first amendment. It would allow the curtailing of independent campaign expenditures that could overcome the natural advantage that incumbents have. It would, thus, limit free speech and virtually guarantee that incumbents be reelected. Thus, the Hollings amendment could change the very nature of our constitutional democratic form of Government by establishing what the Founders of the Republic feared most: A permanent elite or ruling oligarchy that dominates us all. Let me explain.

The very purpose of the first amendment's free speech clause is to ensure that the people's elected officials effectively and genuinely represent the public. For elections to be a real check on Government, free speech must be guaranteed—both to educate the public about the issues, and to allow differing view points to compete in what Oliver Wendell Holmes called the market place of ideas.

Simply put, without free speech, Government cannot be predicated upon, what Thomas Jefferson termed, "the consent of the governed." Without free speech, there can be no government based on consent because consent can never be informed.

The Supreme Court of the United States recognized this fundamental principle of democracy in the 1976 case of Buckley versus Valeo, 424 U.S. 1 (1976). The Court in Buckley recognized that free speech is meaningless unless it is effective. In the words of Justice White, "money talks." Unless you can get your ideas into the public domain, all the homilies and hosannas to freedom of speech are just talk. Thus, the Supreme Court held that campaign contributions and expenditures are speech—or intrinsically related to speech—and that regulating of such funds must be restrained by the prohibitions of the first amendment.

The Buckley Court made a distinction between campaign contributions and campaign expenditures. The Court found that free speech interests in campaign contributions are marginal at best because they convey only a generalized expression of support. But independent expenditures are another matter. These are given higher first amendment protection because they are direct expressions of speech.

Consequently, because contributions are tangential to free speech, Congress has a sizeable latitude to regulate them in order to prevent fraud and corruption. But not so with independent expenditures. In the words of the Court:

> A restriction on the amount of money a person or group can spend necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating in today's mass society requires the expenditure of money.

The Hollings amendment's allowance of restrictions on expenditures by Congress and State legislatures would impose direct and substantial restraints on the quantity of political speech. It would permit placing drastic limitations on both individuals and groups from spending money to disseminate their own ideas as to which candidate should be supported and what cause is just. The Supreme Court noted that such restrictions on expenditures, even if neutral as to the ideas expressed, limit political expression at the core of our electoral process and of the first amendment freedoms.

Indeed, even candidates under the Hollings proposal could be restricted in engaging in protected first amendment expression.

Justice Brandeis observed, in Whitney versus California, that in our Republic, "public discussion is a political duty," and that duty will be circumscribed where a candidate is prevented from spending his or her own money to spread the electoral message. That a candidate has a first amendment right to engage in public issues and advocate particular positions was considered by the Buckley Court to be of "particular importance . . . candidates [must] have the unfettered opportunity to make their views known so that the electorate may intelligently evaluate the candidates' personal qualities and their positions on vital public issues before choosing among them on election day."

Campaign finance reform should not be at the expense of free speech. This amendment, in trying to reduce the costs of political campaigns—a noble goal, I can say—could cost us so much more; it could cost us our heritage of political liberty. Without free speech, our Republic could become a tyranny. Even the liberal American Civil Liberties Union opposes Senator Hollings-type approaches to campaign reform and calls such approaches a "recipe for repression."

Mr. President, the simple truth is that there are just too many on the other side of the aisle that believe that the first amendment is inconsistent with campaign finance reform. That is why they are pushing the Hollings proposal. To quote House minority leader RICHARD GEPHARDT, "[w]hat we have is two important values in direct conflict: freedom of speech and our desire for a healthy campaign in a healthy democracy. You can't have both."

Well, I strongly disagree. You can have both. We have to have both. Without both, the very idea of representative democracy is imperiled. That is why I oppose the Hollings amendment. I think the distinguished Member of the House, Mr. GEPHARDT, is just absolutely wrong. I think if we change the Constitution to denigrate the first amendment, we would be absolutely wrong and it would fly in the face of what really ought to be done in campaign finance reform, which all of us would like to have. But until it can be done in a balanced, reasonable way that doesn't prefer one side over the other, it will never be done. That is one of the problems. We cannot get it done in a balanced, decent way that really evens the odds for everybody in our society, rather than stacking them in favor of one side or the other.

Having said all this, I want to pay tribute to my colleague, our floor leader on this matter. He has taken a lot of flack from the media that always seems to stand up for first amendment rights and freedoms, until it comes to this issue. Frankly, I have a lot of respect for our colleague from Kentucky and the guts he has had to stand up for free speech and for first amendment rights more than any other single Member of Congress. He did it in his campaign when they made this a major focal effort of the campaign, and he still won by a considerable margin over the opponent who was making this a focal point.

I think we can have campaign finance reform, but we won't have it until it is fair, balanced, until it effects all parties and candidates. And we won't have it, as far as I am concerned, unless we protect free speech rights the way they ought to be protected.

Again, I compliment my colleague and express my support for his position on the floor at this time. I express regret to my friend from South Carolina that I can't support him on this constitutional amendment.

I yield the floor.

(Mr. ALLARD assumed the chair.)

Mr. MCCONNELL. Mr. President, I thank my good friend from Utah for his wonderful contribution to this debate we have had. It has been a good debate about the first amendment. I also thank him very much for his kind remarks about my work on this issue.

The Senator from Utah is right. It hasn't been easy from time to time because, as he pointed out, our friends in the press sometimes think the first amendment only applies to them. The first amendment was not crafted just for the press. It was crafted for all Americans. The free speech provisions of the first amendment apply to individuals, candidates, parties, groups; it applies to all of these people.

What we have before us today, Mr. President, is an effort to cut a chunk out of the first amendment and say that political discourse in this country is entitled to less freedom than all other kinds of speech, all other kinds of speech. Why, Mr. President, even pornography and flag burning would have more protection—more protection—than political discourse after this amendment. Because this amendment would grant to Congress the power to shut everybody up, Congress being composed of incumbents, it is reasonable to assume that Congress would want to shut up all those people who are criticizing Congress.

This amendment gives Congress the power to set reasonable limits—whatever that is—on expenditures made, presumably, by the candidates, in support of—by people outside the campaigns—in support of the candidate, or in opposition to the candidate, and the American Civil Liberties Union said it could apply to the press as well.

In short, this is a complete reversal of the kind of speech the Founding Fathers were the most concerned about. Mr. President, I am confident they were most concerned about political discourse, political discussion, political speech. They were beginning to have experiences with free press at that time. But I am confident that what they were mostly thinking about, when crafting the first amendment, was political discourse in the course of political campaigns.

So the question is, as the Senator from Utah and others have pointed out, it is not whether you are for reform, but whether you are for the first amendment. That is what is before us here today. This ought to be a no-brainer. Even Common Cause is against this proposal. Even the Washington Post is against this proposal. Even Senator MCCAIN and Senator FEINGOLD, I believe, are going to oppose this.

In short, this proposal doesn't have any constituency. Even the reform groups are not for it. Of course, it has many opponents. There is a coalition—in fact, I had a press conference with a coalition just Friday in opposition not only to this amendment, but also to McCain-Feingold. The coalition spans the American political spectrum. At this press conference Friday, we had the ACLU and the National Education Association on the left, and the Christian Coalition, Right to Life, and the NRA on the right, and all other groups in between. What did they all have in common? These people had never met each other before. They didn't want the Government shutting them up. They didn't want the Government taking them off the playing field in political discussion in this country. That is what they all had in common. They want to be free to criticize us. They think they have a constitutional right to do that. They believe this amendment begins to eliminate that right, and proposals like McCain-Feingold do the same.

So, Mr. President, this is a very, very important issue. This vote will be about whether you support the first amendment or not, whether you support political free speech in this country, not just by candidates, but by groups, individuals, and parties as well. This is at the core of our democracy, and we are having a legitimate discussion here about whether to carve that out and change that after 210 years.

Mr. President, this is a very, very significant step in the wrong direction. I hope that it will be defeated later this afternoon overwhelmingly. It deserves to be defeated overwhelmingly. The goal here is to reverse the Buckley decision, a well-thought-out, well-reasoned decision.

In the Buckley case, the Supreme Court said, "The first amendment denies Government"—that is us in here—"the Government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise."

The Court went on, "In a free society ordained by our Constitution, it is not the Government but the people, individually as citizens, candidates, and collectively as associations and political committees, who must retain control over the quantity"—how much we speak—"and the range of debate on public issues in a political campaign."

That pretty well says it all, Mr. President. At least Senator HOLLINGS, my good friend from South Carolina, understands that in order to change that ruling you really do have to change the first amendment. That is what is before us—to change the first amendment for the first time in 200 years to give the Government the power to shut up individuals, candidates, associations, and political committees; tell them how much they may speak, and maybe even what they may say. Who is to say how far the Government would go in seeking to quiet the voices of those who may oppose what we are trying to do?

The Court went on. It said, "A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reach. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money."

The Court was recognizing the obvious, recognizing reality. The Court went on. It said, "Even distribution of the humblest handbill costs money." Further, the Court stated, "The electorate's increasing dependence on television and radio for news and information makes these 'expenditures' of modes of communication indispensable instruments of effective political speech."

The Court further said, "There is nothing invidious, improper, or unhealthy in a campaign spending money to communicate." Further, the Court said, "The mere growth in the cost of Federal election campaigns in and of itself provides no basis"—they didn't equivocate here, Mr. President—"provides no basis for government restrictions on the quantity of campaign spending." The Court further addressed the old level-playing-field argument that we hear so frequently. The Court said about the level playing field, "The concept that the government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the first amendment."

The Buckley case was good in 1976, and it is good in 1997. In fact, the Supreme Court in virtually every case in this field since 1976, since the Buckley case, has moved further in the direction of more and more openness in political discourse in this country. In other words, they have reaffirmed Buckley time and time again over the last 20 years. This is a position the Court isn't going to change. And the Senator from South Carolina, to his credit, understands that. He understands the Court is not going to shut up these individuals, groups, candidates, and parties. He understands the Court realizes that this kind of debate is at the heart of what makes America a great democracy.

The Senator from South Carolina looks at that and finds it unappetizing. He finds all of this political discourse offensive and says we ought to carve a chunk out of the first amendment for the first time in 210 years and give to us here in the Government the power to control all of this discourse. It makes us uncomfortable. We don't like being criticized. We certainly do not like these campaigns against us by our opponents. But we don't like these outside groups either. It makes us uncomfortable. They sometimes say bad things about us. This is a terrible condition, that anybody other than the press could actually muster the resources to criticize. We had better do something about it. We had better shut those folks up. So we will just amend the first amendment, and we will decide that political speech is somehow less worthy than other kinds of speech, and we will take those people off the playing field, or we will make them report to the Government in advance and salute before they get permission to speak.

That is what this is about, Mr. President. That is what this is about. This constitutional amendment ought to be defeated resoundingly. It is certainly my hope that it will be. As I said earlier, it has essentially no constituency even among those clamoring the loudest for some form of campaign finance reform.

So later this afternoon when we vote on amending the first amendment for the first time in 200 years, I hope the Senate will defeat it overwhelmingly.

Mr. ROTH. Mr. President, there's an old joke that might help us put the current activity surrounding campaign finance reform into some perspective. The joke concerns two men who hire a small plane to go hunting bear. The pilot, as he drops the hunters off, insists that the plane can only carry two passengers and one bear on its return trip. With that warning ringing in their ears, the hunters go off and eventually return with two bears.

The pilot protests that the huge second animal will overload the plane. The hunters remind him that that was just what he told them last year. They reminded him that they had given him an extra $100 the year before, and that he had let them load both bears. "So here's another $100," they say and then they pack both carcasses into the rear of the plane. The plane struggles down the runway and lifts uncertainly into the sky. It gets halfway home but then crashes in the forest. The hunters crawl from the wreckage and ask the bruised pilot, "Where are we?" The pilot looks around and replies, "Same place we crashed last year."

Today, the debris of scandal associated with campaign financing is strewn all about us. The White House is under siege as one news report after another brings new information about suspected improprieties. The Governmental Affairs Committee has now been asked to probe into the illegal and improper financial practices that may have taken place in this last election.

What I want to remind my colleagues is that this is not the first time we have addressed this issue. In fact, this is, as Yogi Berra would say, déja vu all over again.

More than two decades ago, Congress passed legislation on campaign finance reform. That legislation included limits on all contributions and on candidate expenditures. It placed limits on independent expenditures, required disclosure, and set limits on the amount of personal wealth a candidate could spend on his campaign.

This was done, Mr. President, in 1974. Following that legislation, however, the Supreme Court stepped in and decimated the reforms with its decision in Buckley versus Valeo.

While the courts upheld limits on campaign contributions, it struck down the limits on independent expenditures and on the use of personal wealth. This, in effect, increased the disparity between the wealthy and the not-so-wealthy in campaigns. It also increased the power and impact of independent expenditures, much of which focuses on negative advertising.

Each of these serious consequences of the Supreme Court's decision created conditions that were exactly opposite of what Congress had intended. For example concerning independent expenditures, this means that person or group has unlimited ability to spend money for or against any candidate, as long as they do not coordinate their efforts with the candidates.

Because of the Supreme Court's decision, and the rising costs of political campaigns—costs that can be prohibitive and exclusionary—I remained active in trying to find a remedy, a remedy that would result in the kind of real reform that Congress had intended. Because of Buckley versus Valeo, it was clear that such reform could not be achieved by statute, but that it required a constitutional amendment. In four consecutive Congresses, Senator HOLLINGS and I introduced constitutional amendments that would achieve Congress' goal of complete reform.

In this Congress, Senator HOLLINGS has reintroduced his constitutional amendment, and once again I intend to support it. I intend to support it because anything short of an amendment will fail to achieve the conditions necessary for real reform. Statutory reforms without a constitutional amendment will create even greater problems as political money will flow elsewhere to get around the statutory limitations.

In other words, as restrictions are placed on certain channels, money will find its way into other channels—it will flow through independent expenditures and unlimited personal contributions, which are protected by the Supreme Court's decisions.

Needless to say, this would further damage the ability of a sharp, qualified candidate to win office if he or she did not have the kind of money that a wealthy candidate—a candidate who may even come from out of State—can bring into a race. Small States like Delaware would be extremely vulnerable to the inequities created by these restrictions.

For over two decades now, reformers in Congress have been seeking to overturn Supreme Court decisions by simple statute even though the decisions were based on the first amendment. That effort is a waste of time for anyone seeking comprehensive reform. Of course, if one's goal is to incapacitate all candidates who are not wealthy and to allow the wealthy and the special interests to determine the outcomes of elections, then perhaps such statutory reforms will do. But if one's goal is to level the playing field, then the solution must effectively address all the players and not only the candidates.

So unlike some of my colleagues who support the pending constitutional amendment, I cannot support statutory proposals whose effect would be to weaken the role of candidates and to strengthen the role of those whose spending is constitutionally protected. No statute can limit what the Constitution, as interpreted by the Supreme Court, protects.

The Constitution gives us, in these circumstances, a simple choice: we can overturn the Supreme Court so that we can reenact the 1974 campaign finance law or we can live under the Supreme Court decision, powerless to enact comprehensive reform.

I am glad to see that this basic constitutional fact of life has now been embraced by the minority leaders in both Houses. But we need more support than theirs to achieve the supermajority in both Houses required to propose ratification. And that will happen when those organizations espousing reform stop blocking the only path to real reform.

Last week on the floor, opponents of the pending constitutional amendment argued that adoption of the proposal would allow Congress to do all sorts of unreasonable things, such as outlawing all campaign expenditures so that incumbents would be reelected. It may be helpful to recall that 10 years ago the Hollings proposal did not include the important word "reasonable" modifying the limits Congress could impose on campaign expenditures. At that time, I argued that adding the word "reasonable" would make clear that judicial review of congressional limits was intended.

Opponents seem to suggest that the pending proposal would give Congress unlimited discretion. That's not true. Courts now under the fourth amendment review what is "unreasonable" search and seizure. Under the pending proposal, courts would review what is or is not a "reasonable" limit on campaign expenditures.

Opponents also raised the question whether the proposal would authorize Congress to limit editorials. I must say that I never viewed editorials as campaign expenditures, and I believe that most people have the same view. If that point needed further clarification, I would think legislative history could make clear that editorial coverage is not intended to be included within the pending proposal.

Mr. President, campaign finance reform must be fair. A constitutional amendment will allow us to make it fair. Campaign finance reform must also look at making races less expensive and more accessible to fine candidates who are deterred from running because of money.

Campaigns can be made less expensive by shortening the campaign season, and by requiring television stations to grant free advertising time as a condition of their Federal licenses.

It's no secret that the major expense in the electoral process is buying media time. I have long been an advocate of free TV for campaigns—going back to the 1970's—and I have introduced legislation toward this end.

In 1993, I wrote to President Clinton seeking his support, and I'm now delighted to see that he has suggested requiring broadcasters to provide free time for candidates in exchange for new licenses to provide high-definition television.

This will be no easy feat. When I first broached this idea, I could only find three Senators who would support me. One was Majority Leader Mike Mansfield. That was many years ago, and I must admit we have seen some progress. The last time I brought this legislation to the floor, a few years ago, I received six votes. But perhaps, in light of the scandal plaguing the White House, as well as the outcry from our constituents, this is an idea whose time has come.

I have talked to my constituents, Mr. President. I know their feelings on campaign finance reform. They want reasonable limitations on campaign expenditures. They want reasonable limits placed on independent expenditures. And they want shorter campaigns.

It is my sincere hope that as we move forward in this important debate, we will achieve these three very basic objectives, and, unlike our bear hunters, we will not, in the years to come, find ourselves in the same situation we are in now.

Mr. CONRAD. Mr. President, I rise today in support of Senate Joint Resolution 18, the campaign finance reform constitutional amendment sponsored by Senators HOLLINGS and SPECTER. This constitutional amendment gives Congress and the States the power to limit campaign spending. Although I've supported similar constitutional amendments in the past, this is the first time I've cosponsored such an amendment.

Amending the Constitution is not something I take lightly. The Constitution is the basic law of our land, and the guarantor of our country's most precious rights and liberties. The Constitution has only been changed 27 times—only 17 times since the first 10 amendments, the Bill of Rights, were adopted in 1789. Voting to amend the Constitution is perhaps the most important vote I can cast as a U.S. Senator. However, it seems to me we have reached a crisis point with our current campaign finance system. To put it simply, campaign spending is out of control. It is my belief that this constitutional amendment will help us address in a fair and reasonable manner the chronic problems plaguing our current campaign finance system.

In 1974, 23 years ago, Congress passed the Federal Election Campaign Practices Act in response to the controversy surrounding the Watergate scandal. The Federal Election Campaign Practices Act required greater disclosure by candidates and parties, restricted cash contributions, and limited campaign expenditures. In 1976, the Supreme Court reviewed the constitutionality of the act in Buckley versus Valeo. In reviewing the case, the Court struck down the limits on campaign expenditures as an unconstitutional restriction on freedom of speech. The effect of this decision is that it equated the unlimited expenditure of campaign money with the exercise of free speech. In my view, this decision was a mistake.

Since that time, Congress has made numerous attempts at addressing this decision, particularly during the last 10 years, by putting forth various comprehensive campaign finance reform initiatives. Most of these bills attempted to address the campaign expenditure problem either by providing a system of public financing or providing inducements for voluntary spending limits. During my 10 years in the Senate, I have supported most of these proposals. Unfortunately, all of these initiatives were defeated.

The campaign spending problem was further exacerbated by the Supreme Court's decision last June in the Colorado Republican Party versus FEC. In that decision, the Court struck down the spending limits of political parties in congressional campaigns. This decision virtually wiped out the remaining Federal campaign spending limits.

Last year, we saw record amounts of money spent on campaigns. Republican and Democratic committees alone spent $881 million and it has been estimated that more than $4 billion was spent on campaigns at all levels during the last election cycle. There is every indication to believe that the costs of campaigns will continue to skyrocket. Some argue that the amount of money spent on campaigns is insignificant when compared with the amount we spend on other facets of our economy. I think this is a specious comparison.

The current campaign finance system is out of control and it threatens to push average Americans out of the process. Voter cynicism and apathy are on the increase. In the last election, voter turnout fell below 50 percent. Most people understand the corrosive effect the current campaign finance system has on our democracy.

The time has come for us to fix this system by placing reasonable limits on the amount of money that can be spent on campaigns. We must restore confidence in our political system. Voting for this constitutional amendment will allow us to do just that. I urge my colleagues to vote in favor of Senate Joint Resolution 18.

Mr. FAIRCLOTH. Mr. President, I rise in strong opposition to the constitutional amendment we are debating today.

Frankly, I think this amendment is very dangerous.

It is dangerous anytime you tinker with the first amendment, our right to freedom of speech.

I suppose what is most appalling to me is that we have the tenacity to even consider this amendment. Two weeks ago, the Senate could not muster the fortitude to pass a constitutional amendment to control Federal spending.

Now, here we are debating an amendment to limit an individual's spending.

Mr. President, this demonstrates just how backward our priorities are.

We can't control how much the Federal Government will spend—but we will presume to tell an individual how much he or she can spend on political campaigns.

That is simply unacceptable.

Also, Mr. President, I am not a lawyer. But the term "reasonable" limits used in this amendment appears to be pretty loose.

How can we reasonably restrict what someone can spend?

How can we reasonably restrict political speech?

And the very thought that the Federal Government—the Congress—would be setting a reasonable standard is troubling.

Further, Mr. President, we should call this for what it really is—the incumbent protection constitutional amendment.

Everyone knows that if you limit your opponent's spending—the better known incumbent has an advantage. And under this amendment, we can limit opposition spending.

This is absurd—the Congress setting how much our opponents can spend against us.

Who can possibly hope to challenge an incumbent if he or she is not allowed to use their own money—however little or much—in the campaign.

Of course, this amendment probably puts us on the path to Federal funding of political campaigns.

Mr. President, I cannot abide the fact that not only do we pay a politician's salary. Now some politicians expect the citizens to spend their tax dollars paying for the campaign as well.

We can't ask the working men and women of this country to do that.

Further, I would remind my colleagues that we have full Federal funding for Presidential races—and has this stopped the President from shamelessly raising money? The answer is no.

President Clinton didn't need to sell the Lincoln bedroom to pay for his campaign. The taxpayers of this country paid for every penny of his campaign. We did this so that the President wouldn't have to be bothered or be influenced by the fundraising process.

But that apparently did not matter. His goal was to raise as much money as possible—beyond that legally permissible for himself—to buy misleading ads on Medicare.

Federal funding has failed at the Presidential level—and it won't work at the congressional level.

Mr. President, I also have to question why the minority and the President is in such a hurry to enact campaign finance reform.

During 1996, they used the White House and the executive branch to squeeze money out of everyone from banks to Indian tribes.

Now the American public is finding out about it.

Suddenly, the No. 1 priority of the Democratic Party is campaign finance reform.

When the horse is out of the barn, a horsethief running down the street telling everyone about it isn't going to do any good.

If the front pages weren't covered in negative stories about the sordid tales of DNC and White House fundraising, I don't think we would be out here rushing to clutter the Constitution with supposed campaign reform.

Finally, Mr. President, we never seem to question why there is so much money in politics. One reason we have overlooked is because the Government is in everyone's business.

If we weren't threatening to legislate and regulate businesses on a daily basis, perhaps they wouldn't feel compelled to give large donations.

The best campaign finance reform we can make here is to get out of Americans' daily lives. They shouldn't have to buy access for the purpose of making their views heard on legislation that would be ruinous to the free enterprise system.

If we would stop the bad legislation and regulation—we could stop the bad campaign finance practices we don't like.

Mr. President, I have great respect for Senator HOLLINGS and Senator BRYAN, they are both fine Senators from the other party, but I believe that on this issue, they have taken a very dangerous approach by suggesting that we amend the Constitution.

Thank you, Mr. President.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. McCONNELL. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield our remaining time to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my distinguished colleague from South Carolina.

Mr. President, I am here to express my support for Senate Joint Resolution 18, introduced by the Senator from South Carolina and the Senator from Pennsylvania.

If I may, let me just briefly respond to the statement made by my friend from Kentucky that there are not any interest groups supporting this amendment on the left or on the right. I am not surprised by that. Do you know who is supporting this amendment? The unorganized mass of the American people who do not belong to special interest groups of the left or the right and who know that something fundamentally wrong is happening in our democracy that is depriving them of their equal and individual right to affect their government. What is happening is the unlimited, and I am afraid corrupting, use of money in America politics.

Mr. President, I do not come to supporting a constitutional amendment of any kind, certainly one affecting the first amendment, lightly. I do not believe that I have ever supported any other amendment to the Constitution that would alter the first amendment. But I think that the threat to our democracy from the excess of money in politics is so serious that it merits—in fact, it calls out for—support of this constitutional amendment.

Let's remember what we are doing here when we talk about the Buckley decision. To pass this constitutional amendment is not to contradict what the Framers of the Constitution did in their great work more than 200 years ago. It is to contradict five of the Members of the U.S. Supreme Court, who gave a rendering of the first amendment that I cannot imagine the Framers of our Constitution had in mind, which is that money is speech. It is hard to believe. The consequences are serious.

So it is only by supporting this amendment and giving us the right to limit the amount of money in politics that I think we can restore a sense of integrity and sanity to our campaign finance system and, if I do say so, to our democracy.

Mr. President, much of the debate over this proposed constitutional amendment has centered on this question of the threat to the principle of free speech. Of course, we all hold that principle dear. But free speech is not what is at issue here. Free speech is about the inalienable God-given right of all of us to express our points of view without governmental interference. That simply is not at issue here in this proposed amendment, or in our campaign finance system.

Mr. President, nothing in this amendment or in any campaign finance reform package that I have seen that could be passed here would diminish or threaten individual Americans' rights to express their views about candidates running for office, or about any problem or issue in American life. What would be threatened by this constitutional amendment is what should be threatened by it, and that is something entirely different—the ever-increasing and disproportionate power that those with money have over our political system. As everyone in this Chamber knows, the spiraling costs of running for office require all of us to spend more and more time raising money and more and more time with those who give it.

Barely a day goes by in which we do not learn of an event or a meeting with elected officials attended only by those who could afford to give $5,000 or $10,000 or $100,000 or more—sums of money that are obviously beyond the capacity of the overwhelming majority of the American people. And that is threatening a principle all of us also hold dear, as dearly as the principle of free speech, which is the fundamental underlying principle of our democracy. It is a sacred principle. I say it is sacred because of that line in the beginning of the Declaration of Independence: All men are created equal and we, men and women of America, are endowed not by Congress, not by some committee but by our Creator with the inalienable right to life, liberty and the pursuit of happiness.

That principle guarantees that every person has one vote and each and every one of us, rich or poor or in between, has an equal right and an equal ability to influence the workings of our Government. As it stands now, it is that sacred principle, the underlying principle of all of the rights expressed in the Bill of Rights in the Constitution, that is under attack from our campaign finance status quo system, and that sacred principle that promises to remain under attack until we do something to save it and protect it, and that something, I submit, is quite simply to limit the influence of money in politics. I do not see a way to do that without limiting the amount of money spent in political campaigns, and I do not see a way to do that constitutionally without passing this constitutional amendment.

Mr. President, nothing less than the future of our great democracy is at stake here. Unless we act to reform our campaign finance system, people with money will continue to have disproportionate influence in our system. People who are not even citizens of the United States will try to influence our Government's decision by their use of money. And the genius of America—that our citizenship based on our common creation by God, not our pocketbook, gives us each equal power to play a role in our governance—that genius will continue to be under seige.

Mr. President, I support the constitutional amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Kentucky has the remaining time, 8 minutes.

Mr. McCONNELL. Mr. President, my good friend from Connecticut acknowledged that there were no groups agitating for a constitutional amendment but the unorganized mass of people were.

Well, America is a seething cauldron of special interests. We all belong to one group or another, many of which have legitimate issues before the Government. And, of course, we do not think the group we belong to is a special interest. That is the other guy's group that is trying to do something I do not like. But the fact is, the Founders of this country envisioned that we would be a seething cauldron of interest groups all banding together to petition the Government, which is another part of the first amendment. These people do not want to be pushed off the playing field. They do not want to be pushed off the playing field. They think that their involvement in issues is important. They think it helps create a better America. They do not view themselves as pursuing some evil goal. After all, who is it that is going to have the wisdom to sort of sanitize America of all these special interests and who are we to be so arrogant as to preach to these groups that their interests are somehow evil. Who is not suspect? Whose interests are above reproach?

This amendment says we get to determine that right in here; we, the Government, get to decide what is reasonable speech. And you know what we will do, Mr. President. We will shut up all the people who are criticizing us. We will pull them off the playing field altogether. We will set a spending limit so low that all of us are guaranteed to be reelected. We will control the game all right.

This is a preposterous suggestion, with all due respect to those who will vote for it. It guts the first amendment. It takes citizens off the playing field and out of the process. This is exactly the wrong thing to do.

George Will, in a column in the Washington Post February 13, referred to this as a "Government Gag"—a "Government Gag." I ask unanimous consent that George Will's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 13, 1997]

GOVERNMENT GAG

(By George F. Will)

To promote the fair and effective functioning of the democratic process, Congress, with respect to elections for federal office, and States, for all other elections, including initiatives and referenda, may adopt reasonable regulations of funds expended, including contributions, to influence the outcome of elections, provided that such regulations do not impair the right of the public to a full and free discussion of all issues and do not prevent any candidate for elected office from amassing the resources necessary for effective advocacy.

Such governments may reasonably define which expenditures are deemed to be for the purpose of influencing elections, so long as such definition does not interfere with the right of the people fully to debate issues.

No regulation adopted under this authority may regulate the content of any expression of opinion or communication.—Proposed amendment to the Constitution

Like the imperturbable Sir Francis Drake, who did not allow the Spanish Armada's arrival off England to interrupt a game of bowling, supposed friends of the First Amendment are showing notable sang-froid in the face of ominous developments. Freedom of speech is today under more serious attack than at any time in at least the last 199 years—since enactment of the Alien and Sedition Acts. Actually, today's threat, launched in the name of political hygiene, is graver than that posed by those acts, for three reasons.

First, the 1798 acts, by which Federalists attempted to suppress criticism of the government they then controlled, were bound to perish with fluctuations in the balance of partisan forces. Today's attack on free speech advances under a bland bipartisan banner of cleanliness.

Second, the 1798 acts restricted certain categories of political speech and activities, defined, albeit quite broadly, by content and objectives. Today's enemies of the First Amendment aim to abridge the right of free political speech generally. It is not any particular content but the quantity of political speech they find objectionable.

Third, the 1798 acts had expiration dates and were allowed to expire. However, if today's speech-restrictors put in place their structure of restriction (see above), its anti-constitutional premise and program probably will be permanent.

Its premise is that Americans engage in too much communication of political advocacy, and that government—that is, incumbents in elective offices—should be trusted to decide and enforce the correct amount. This attempt to put the exercise of the most elemental civil right under government regulation is the most frontal assault ever mounted on the most fundamental principle of the nation's Founders.

The principle is that limited government must be limited especially severely concerning regulation of the rights most essential to an open society. Thus the First Amendment says "Congress shall make no law . . . abridging the freedom of speech," not "Congress may abridge the freedom of speech with such laws as Congress considers reasonable."

The text of the proposed amendment comes from Rep. Richard Gephardt, House minority leader, who has the courage of his alarming convictions when he says: "What we have is two important values in conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both."

However, he also says: "I know this is a serious step to amend the First Amendment. . . . But . . . this is not an effort to diminish free speech." Nonsense. Otherwise Gephardt would not acknowledge that the First Amendment is an impediment.

The reformers' problem is the Supreme Court, which has affirmed the obvious: Restrictions on the means of making speech heard, including spending for the discrimination of political advocacy, are restrictions on speech. It would be absurd to say, for example: "Congress shall make no law abridging the right to place one's views before the public in advertisements or on billboards but Congress can abridge—reasonably, of course—the right to spend for such things."

Insincerity oozes from the text of the proposed amendment. When Congress, emancipated from the First Amendment's restrictions, weaves its web of restraints on political communication, it will do so to promote its understanding of what is the "fair" and "effective" functioning of democracy, and "effective" advocacy. Yet all this regulation will be consistent with "the right of the people fully to debate issues," and with "full and free discussion of all issues"—as the political class chooses to define "full" and "free" and the "issues."

In 1588 England was saved not just by Drake but by luck—the "Protestant wind" that dispersed the Armada. Perhaps today the strangely silent friends of freedom—why are not editorial pages erupting against the proposed vandalism against the Bill of Rights?—are counting on some similar intervention to forestall today's "reformers" who aim not just to water the wine of freedom but to regulate the consumption of free speech.

Mr. MCCONNELL. In addition to that, Mr. President, the American Civil Liberties Union in a letter to me dated March 6, 1997, also expressed their opposition to this constitutional amendment to amend the first amendment for the first time in 200 years. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, March 6, 1997.

DEAR SENATOR: The American Civil Liberties Union strongly opposes S.J. Res. 18, the proposed constitutional amendment that permits Congress and the states to enact laws regulating federal campaign expenditures and contributions.

Whatever one's position may be on campaign finance reform and how best to achieve it, a constitutional amendment of the kind here proposed is not the solution. Amending the First Amendment for the first time in our history in the way that S.J. Res. 18 proposes would challenge all pre-existing First Amendment jurisprudence and would give to Congress and the states unprecedented, sweeping and undefined authority to restrict speech protected by the First Amendment since 1791.

Because it is vague and over-broad, S.J. Res. 18 would give Congress a virtual "blank check" to enact any legislation that may abridge a vast array of free speech and free association rights that we now enjoy. In addition, this measure should be opposed because it provides no guarantee that congress or the states will have the political will, after the amendment's adoption, to enact legislation that will correct the problems in our current electoral system. This amendment misleads the American people because it tells them that only if they sacrifice their First Amendment rights, will Congress correct the problems in our system. Not only is this too high a price to demand in the name of reform, it is unwise to promise the American people such an unlikely outcome.

Rather than assuring that the electoral processes will be improved, a constitutional amendment merely places new state and federal campaign finance law beyond the reach of First Amendment jurisprudence. All Congress and the states would have to demonstrate is that its laws were "reasonable." "Reasonable" laws do not necessarily solve the problems of those who are harmed by or locked out of the electoral process on the basis of their third party status, lack of wealth or non-incumbency. The First Amendment properly prevents the government from being arbitrary when making these distinctions, but S.J. Res. 18 would enable the Congress to set limitations on expenditures and contributions notwithstanding current constitutional understandings.

Once S.J. Res. 18 is adopted, Congress and local governments could easily further distort the political process in numerous ways. Congress and state governments could pass new laws that operate to the detriment of dark-horse and third party candidates. For example, with the intention of creating a "level playing field" Congress could establish equal contribution and expenditure limits that would ultimately operate to the benefit of incumbents who generally have a higher name recognition than their opponents, and who are often able to do more with less funding. Thus, rather than assure fair and free elections, the proposal would enable those in power to perpetuate their own power and incumbency advantage to the disadvantage of those who would challenge the status quo.

S.J. Res. 18 would also give Congress and every state legislature the power, heretofore denied by the First Amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed articles or commentary printed at the publisher's expense are most certainly expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.

Even if Congress exempted the press from the amendment, what rational basis would it use to distinguish between certain kinds of speech? For example, why would it be justified for Congress to allow a newspaper publisher to run unlimited editorials on behalf of a candidate, but to make it unlawful for a wealthy individual to purchase an unlimited number of billboards for the same candidate? Likewise, why would it be permissible for a major weekly news magazine to run an unlimited number of editorials opposing a candidate, but impermissible for the candidate or his supporters to raise or spend enough money to purchase advertisements in the same publication? At what point is a journal or magazine that is published by an advocacy group different from a major daily newspaper, when it comes to the endorsement of candidates for federal office? Should one type of media outlet be given broader free expression privileges than the other? Should national media outlets have to abide by fifty different state and local standards for expenditures? These are questions that Congress has not adequately addressed or answered.

Moreover, the proposed amendment appears to reach not only expenditures by candidates or their agents but also the truly independent expenditures by individual citizens and groups—the very kind of speech that the First Amendment was designed to protect.

If Congress or the states want to change our campaign finance system, then it need not throw out the First Amendment in order to do so. Congress can adopt meaningful federal campaign finance reform measures without abrogating the First Amendment and without contravening the Supreme Court's decision in Buckley v. Valeo.

* * * * *

Rather than argue for these proposals, many members of Congress continue to propose unconstitutional measures, such as the McCain/Feingold bill that are limit-driven methods of campaign finance reform that place campaign regulation on a collision course with the First Amendment. . . .

The ACLU urges Senators to oppose S.J. Res. 18.

Sincerely,

LAURA W. MURPHY.

Mr. McCONNELL. Mr. President, just today the Washington Times editorialized, saying "Save the First Amendment," very strongly in opposition to the Hollings amendment. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 18, 1997]

SAVE THE FIRST AMENDMENT

"The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise." So said the U.S. Supreme Court in what some now refer to as its "infamous" 1976 ruling in the landmark case Buckly vs. Valeo. The high court's decision struck down as unconstitutional post-Watergate reforms restricting campaign expenditures, and critics have been trying to get around the decision ever since.

Today, the U.S. Senate is scheduled to take up a proposed constitutional amendment to override the ruling and, in effect, reform the reforms. South Carolina Sen. Ernest Hollings, the amendment's chief backer along with Pennsylvania Sen. Arlen Specter, calls it the only "rational alternative" to a system that awarded public office to the highest bidder." Among other things it states Congress can set "reasonable" limits on contributions to and expenditures by candidates for federal office. It gives states similar powers to control state campaign spending.

The proposed amendment is but the first shot in a battle over campaign finance reform that gets hotter with each new story about the golden handshakes Mr. Clinton got from contributors during the last presidential campaign. Still to come is the McCain-Feingold bill to put "voluntary" limits on campaign contributions and an effort to provide for taxpayer financing of campaigns or, as critics refer to the idea, food stamps for politicians.

Arrayed against the Hollings amendment is a formidable coalition of interest groups ranging from the American Civil Liberties to the National Rifle Association, who have little in common other than the principle that limiting contributions and expenditures will restrict the right of their members to free speech. These days, some speech costs a lot, whether in the form of commercials, mailings or bumper stickers. Cutting off funds in this case inevitably means cutting off your ability to disseminate your message—free speech, in other words.

At the head of the coalition is Kentucky Sen. Mitch McConnell, whom Ellen Miller of Public Campaign calls the Darth Vader of campaign-finance reform, so successful has he been in blocking the proposed changes. Mr. McConnell is an unapologetic defender of the political debate that comes of campaign spending. Indeed, he considers such spending to be evidence of the robust debate indispensible to the well-being of the country.

If such a position makes him the Darth Vader of campaign reform, then here's hoping the force, so to speak, is with him. Campaign spending is one measure of the power government has to manipulate political and economic ends to the benefit of one group or another. If you want to limit spending, limit the power and watch how quickly the fundraisers dissipate.

Short of that, there is a danger that tightened regulations may tilt campaign laws to benefit one group or other. If you limit soft-money contributions to political parties, for example, you may end up giving an edge to organized labor, which favors candidates with in-kind and off-the-books contributions in the form of get-out-the-vote drives and phone banks.

There are also free-speech concerns with government campaign financing. Why should taxpayers have to see their hard-earned dollars go to support candidates with whom they disagree?

Does the current system really favor those candidates with deep pockets? Ask Oliver North, Michael Huffington and Steve Forbes, all of whom raised and spent huge sums of money, in some cases their own, without winning office.

The best kind of reform, long advocated here, would drop spending limits and increase disclosure. As University of Virginia professor Larry Sabato has put it, "Let a well-informed marketplace, rather than a committee of federal bureaucrats, be the judge of whether someone has accepted too much money from a particular interest group or spent too much to win an election. Reformers who object to money in politics would lose little under such a scheme, since the current system—itself a product of reform—has already utterly failed to inhibit special-interest influence."

Congress shouldn't aggravate the problem by gutting the First Amendment.

Mr. McCONNELL. I referred earlier to a press conference that I happened to have had Friday with various groups opposed to this amendment and also opposed to McCain-Feingold. The press conference was really about both. Among the groups organized in opposition: the National Taxpayers Union, the National Right to Life Committee, the National Rifle Association, the American Civil Liberties Union, the Christian Coalition, the Direct Marketing Association, the National Association of Broadcasters, the National Assocation of Business PAC's, the National Education Association, the National Association of Realtors.

All of these groups, which represent over 15 million American citizens, are saying in effect to the Congress, do not amend the first amendment for the first time in 200 years. Do not pass a measure like McCain-Feingold. Do not shut us up. We are not part of the problem. We are busily at work expressing our point of view, arguing for the causes that we think are important.

This is totally American. This is the essence of America.

And so those groups came together last Friday in an effort to express themselves about this proposal to amend the first amendment and also McCain-Feingold. I think one of the most interesting speakers was from an organization with which I am seldom aligned, the National Education Association. Don Morabito, who is from the NEA, was at the press conference, and he said, "The fact is," referring to the groups in the room, "We don't represent the same people, don't contribute to the same candidates and don't believe in the same things," with one exception. We agree on the first amendment. We agree on the first amendment.

The ACLU, in referring to the proposal before us, said the constitutional amendment is "truly an abhorrent proposal," with "breathtaking implications, and McCain-Feingold is draconian regulation." "And if you want to talk 'unseemly,' added ACLU Washington director Laura Murphy, what about the current reform proposal's efforts to 'demonize' special interests and political action committees that follow the law?"

So I think it is important to remember what the current feeding frenzy is all about. We all thought it was about illegal, illegal activity, and there seems to have been a good deal of that particularly at the White House and in the Democratic campaign for President last year, but now the effort is to switch, change the subject and to pass either a constitutional amendment or some legislation to take American citizens out of the game.

Mr. GORTON. Mr. President, will the Senator from Kentucky yield for a question.

Mr. McCONNELL. Yes, I yield to the Senator from Washington.

Mr. GORTON. Mr. President, would it be appropriate to say, I ask my friend from Kentucky, that at the present time under the first amendment the American people are free to participate in their political system and in public affairs pretty much in any way they wish, that their freedom of speech is entirely unlimited?

And would it be fair also to say that the thrust of this constitutional amendment is that its sponsors are asking the American people to give the Congress of the United States the right to devise, to knit together a gag which is then to be applied to the American people themselves, not just candidates but to any American who wishes to express his views about a candidate, any organization that wishes to express its views about a candidate, for that matter, any newspaper or television station that wishes to express its view about a candidate; that this constitutional amendment says that what has been entirely free, an entirely free process, we now ask that you allow us to impose whatever we consider to be a reasonable gag upon your exercise of that right?

Mr. McCONNELL. I would say to my friend from Washington, he is absolutely correct. He describes the constitutional amendment with precision. And that is exactly what the sponsors of this proposal have in mind.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCONNELL. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

CAMPAIGN FINANCE AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask for up to 10 minutes to speak on the joint resolution under the control of the distinguished Senator from South Carolina.

Mr. HOLLINGS. I yield to my cosponsor.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SPECTER. I understand the majority leader is on his way to the floor. Apparently there is a unanimous-consent request. As soon as he gets here, I will be glad to yield to him at that time.

Mr. President, I support this constitutional amendment for campaign finance reform and for overturning Buckley versus Valeo because I am convinced that only if we have such a constitutional amendment will we be able to have meaningful campaign finance reform. And that is urgently needed.

Those who oppose the amendment do so on a claim that there would be an invasion of inviolate first amendment protections. I suggest those arguments are not well founded as a matter of constitutional law or constitutional history.

The first amendment of the U.S. Constitution has been limited where there are important reasons for doing so. Perhaps the most famous decision is by Oliver Wendell Holmes on what is called the "clear and present danger" which would warrant limiting freedom of speech. The famous example was given of crying "fire" in a crowded theater.

And, Mr. President, I suggest that there is a clear and present danger today to America's political system if we do not have effective campaign finance reform.

The "fighting words" exception to freedom of speech is well recognized in a distinguished opinion by Justice Murphy. If someone says to another a racial slur or religious slur, that person may punch the speaker in the nose and not be charged with assault and battery, so that freedom of speech is limited by fighting words.

You have the examples of obscenity and moral standards, especially with children. There are limits as to what may be spoken or what may be put into printed context on obscenity.

It is my view, and really a prevailing view in America today, that there is an urgent necessity for campaign finance reform. It simply cannot be done if you have the Supreme Court decisions standing in the way, because they say that an individual may spend as much of his or her money as he or she may choose as a matter of freedom of speech but others cannot do so. Others are limited to $1,000.

I have cited a rather forceful example from my point of view of my own personal experience running in the primary in 1976 for the U.S. Senate when the 1974 law was in effect limiting expenditures for a candidate in the primary with the population size of Pennsylvania to $35,000. And my opponent in that race—who later was one of my very best friends and closest colleagues in the U.S. Senate, Senator John Heinz—we were opposing each other in that Senate primary.

The Supreme Court of the United States held that an individual could spend millions, and Senator Heinz did that, spent more than $3 million in that primary and general election. But at the same time, the Supreme Court upheld the limitation of $1,000 on what my brother could spend. Where was Morton Specter's freedom of speech if he was limited by the campaign finance law to $1,000?

What sense does it make to say that a candidate has more freedom of speech than some other contributor? But that is what the Buckley versus Valeo decision did.

Then you have this rule or exception on campaign expenditures which are independent. That has become a practical impossibility to define what is an independent expenditure.

You have the 1996 Presidential election. You have an enormous amount of soft money raised on both sides by Republicans as well as Democrats, but the Democrats did it with more finesse, more direction, and more success, when President Clinton used millions of dollars in soft money for advertising in 1995, which so set the stage to make it impossible or at least virtually impossible to regain that ground. In this situation you had President Clinton personally editing the commercials which went over. Yet, they were supposed to be somehow immune from the Federal election laws, notwithstanding the fact that when a candidate runs for President there is a pledge that there will be no funds used on expenditures in addition to what the Federal Government is providing.

We have myriad rules on soft money. We have rules that are really impossible to apply on what is issue advocacy, where you can spend money, as opposed to advocacy for a candidate. Those commercials not only go right to the line, they really cross the line, with no enforcement possible, with a commercial saying everything but "vote for candidate John Doe."

The realism is that in the absence of an opportunity for Congress to legislate in this field, without this constitutional inhibition, campaign finance reform may not be achieved.

Then you had the recent decision of the Supreme Court of the United States in 1996 on the Colorado legal party where there are four opinions written and not one of the opinions commands the consent or concurrence of five Justices. So when you finish reading that opinion, it is absolutely impossible to say what the law is on the important campaign issues taken up in that case. The Supreme Court Justices are frequent in their criticism of what we pass in the Congress where they cannot find a clear-cut statement on our legislation and then they look to legislative intent. Some of the Justices say they cannot find legislative intent or they do not recognize legislative intent.

Our statutes are a model of clarity, and the worst of the statutes ever passed by the Congress of the United States is a model of clarity compared to what you had in the Supreme Court decision in the Colorado case, where you cannot possibly figure out what the law is, because among four opinions no five Justices have agreed on any set rationale to give guidance as to what the law should be.

In conclusion, Mr. President, since the majority leader has arrived, it is my view, after studying the Constitution for more than 40 years, that the decision of Buckley versus Valeo simply is not good constitutional law to equate speech with campaign spending. It impedes, obstructs, and prevents Congress from legislating in this important field. That is why I urge this amendment be adopted.

I have no doubt, Mr. President, about the outcome of today's vote. I say as a matter for the future we ought to build a record, one day, so that we will overturn Buckley v. Valeo, and then have some sensible legislation in this very critical area.

I thank the Chair and yield the floor.

UNANIMOUS CONSENT AGREEMENTS—SENATE JOINT RESOLUTION 22 AND SENATE JOINT RESOLUTION 18

Mr. LOTT. Mr. President, I ask unanimous consent that during the pendency of Senate Joint Resolution 22, no amendments or motions be in order other than a motion to table, and at the conclusion of the vote on passage of Senate Joint Resolution 18 at 2:45, approximately, today, there then be 90 minutes for remaining debate, to be equally divided between the two leaders or their designee, with an additional 10 minutes allocated to Senator SPECTER.

I further ask unanimous consent that following the use or yielding back of debate time for Senate Joint Resolution 22 on Tuesday, the joint resolution be temporarily laid aside, and Senator LEAHY or his designee be recognized to offer a joint resolution relative to the independent counsel, and no amendments or motions will be in order, other than a motion to table, and that there then be 90 minutes of debate to be equally divided between the two leaders or their designees, and an additional 30 minutes under the control of Senator FEINGOLD, 20 minutes under the control of Senator BYRD, 30 minutes under the control of Senator LEVIN, 20 minutes under the control of Senator NICKLES, and 40 minutes under the control of Senator COATS.

Finally, I ask unanimous consent that following the conclusion or yielding back of time today, the second joint resolution be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, this agreement would call for two rollcall votes on the independent counsel issue. However, the votes have not been ordered by consent yet. I hope to discuss further with the Democratic leader today exactly when that will occur so that we can schedule those two votes.

I should note that we have one Senator who had a death in the family. We want to make sure that he is able to be back here for that vote.

In light of this agreement, there will be no further votes after the 2:45 vote today. Members should be prepared to vote tomorrow around 10 o'clock on the independent counsel issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I listened with considerable interest to the observations of my friend from Pennsylvania, Senator SPECTER, about the, as he put it, ill-advised Buckley decision.

Let me say, Mr. President, I think the Buckley decision was an outstanding decision. Obviously, the Supreme Court feels it was because they have had a number of opportunities in the last 20 years to revisit it, refine it, cut it back, restrict it, and in each instance they have expanded it further in the direction of more and more freedom to speak in the political process in this country.

The essence of the Buckley decision was in several passages that bear repeating as we move here toward the vote on this constitutional amendment to, in effect, overturn the Buckley case. The Court said with regard to spending limits, "The first amendment denies Government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In a free society ordained by our Constitution, it is not the Government," said the Court, "not the Government, but the people individually as citizens and candidates, and collectively as associations and political committees who must retain control over the quantity and range of debate on public issues in a political campaign."

Now, Mr. President, that really sums it up here. Who will control the political discourse? The Court had that issue directly before it in the Buckley case, and the Court said the Government is not going to control political speech in this country consistent with the first amendment.

Now, Senator HOLLINGS understands that, and he is offering this constitutional amendment to allow the Government to control political discourse for the first time in the history of our country. It leads you to ask the question: Who will feel more comfortable if we, the Congress, are in charge of regulating and controlling political speech in this country? Well, I do not think our citizens will feel more comfortable with that. That is clearly the end result of this debate, because this amendment says, in effect, the Buckley case will be overridden so that the amount of expenditures that may be made by, that is, by the campaigns, in support of the campaigns or in opposition to the campaigns shall be regulated by the Government.

All of us in here will have the last word on just how much speech is allowed, not only the quantity of it but the range of it.

Now, the Buckley case went on to say that a restriction on the amount of money a person or group can spend on political communication during a campaign necessarily, Mr. President, reduces the quantity of expression. So what we have after this amendment is the Government with the power to control how much we get to speak.

The Court said: "* * * reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached." That pretty well says it all. Under the Hollings amendment, the Government will be able to decide how much we get to speak, how big an audience we get to reach. In short, the Government would control political discourse in this country. The Court went on to say that "this is because"—referring to their opposition to spending restrictions—"virtually every means of communicating ideas in today's mass society requires expenditure of money." It is a fact, whether we like it or not, to the extent that the Government defines what your financial outlays can be, if you are a candidate or if you are a group in support of or in opposition to a candidate, the Government is saying, in effect, you only get so much speech, a rationing of speech. And we here in the Congress get to determine how much everybody talks.

I don't think it is much of a reach to suggest that we are going to want to shut down those who criticize us. We don't like these independent expenditures in particular. We certainly don't like what our opponents are saying about us. So what we would do in the aftermath of the Hollings amendment is shut those people up. We would probably—in terms of independent groups—shut them entirely up. In terms of our opponents, we would set the spending limit so low they would not have a chance and never will be able to get the message across, because virtually every incumbent starts off ahead, and if the other fellow can't get resources, he is going to stay ahead.

The Court went on to say, in Buckley, "Even distribution of the humblest handbill costs money." Further, the Court stated, "The electorate's increasing dependence on television and radio for news and information makes these expensive modes of communication indispensable elements of effective political speech." Indispensable elements of effective political speech.

Now, the Buckley case was right on the mark. They understood what it takes to speak in today's modern American society. It is not a question of whether we like it or not. This is a fact. It is as certain as the Sun is going to come up tomorrow. It is as certain as the Sun is going to come up tomorrow. Without the resources to market the message in this society, your speech is quieted—under the Hollings amendment quieted by the Government, which will control your discourse.

The Court in the Buckley case further said, "There is nothing invidious, improper, or unhealthy in a campaign spending money to communicate." There is nothing unhealthy about that. Nothing is inherently unhealthy about that. With regard to the growth in campaign spending, which was anticipated in 1976 and certainly has occurred, the Court said, "The mere growth in the cost of Federal election campaigns in and of itself provides no basis for Government restrictions on the quantity of campaign spending."

In other words, the Court was saying a lot of speaking is not bad, and an effort to try to restrict the amount of speaking to some Government-prescribed formula is a clear violation of the first amendment, which is why we are now voting on the amendment of the Senator from South Carolina to give the Government the power to control political discourse in this country.

The Court also addressed the issue of the level playing field. We often hear that. Proponents of bills, for example, like McCain-Feingold, say they want to "level the playing field." This is what Buckley had to say about leveling the playing field. The Court said, "The concept that Government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the first amendment." In other words, the notion that the Government is wise enough to level the playing field is abhorrent to the first amendment.

After all, if you think about it, it would be impossible to level the playing field. How is the playing field leveled if you only leveled the amount of money? I would say that in my State of Kentucky, in order to have a remotely level playing field, you would have to get 600,000 people to change their registration and two major newspapers to leave the State. Then you might have, in some ways, a level playing field. Then, of course, what happens when your opponent is famous, maybe a well-known athlete or a war hero, or somebody who has a special place in the hearts of the American people? How is the playing field leveled then? The Government has prescribed how much you can speak in the campaign. Your opponent starts off 5 yards from scoring a touchdown, and you're way back on your own 20, and the Government says this is how much you get to communicate with the constituents. In what way is that a level playing field? In fact, the Court rejected out of hand the level playing field argument.

So the Buckley decision was a sound decision. The Supreme Court believes it is a sound decision. They have reinforced it time and time again over the last 20 years. This amendment basically has no constituency. Common Cause, the principal group supporting various kinds of campaign finance reform, opposes the Hollings amendment. The American Civil Liberties Union opposes the constitutional amendment. Even our dear colleague, Senator McCAIN, who differs with me on this issue, opposes this amendment. This is an amendment without a constituency. The Washington Post, who is certainly interested in its version of campaign finance reform, opposes this amendment.

In short, Mr. President, regardless of how you may feel about which kind of campaign finance reform might be appropriate, amending the first amendment for the first time in 200 years to give the Government the power to control the political discourse in this country by individuals, groups, candidates, and parties is a substantial overreaching and a dangerous step in the wrong direction. I think it could probably be argued persuasively that this is the kind of speech that the Framers of our Constitution had most in mind when they were writing the first amendment. They were just beginning the process of having elections and dealing with the issue of campaigning. Certainly at the heart of what they had in mind when they talked about free speech was free political speech.

After this amendment, pornography and flag burning would have more protection under the first amendment than political discourse. Political discourse would be singled out among all the other kinds of expression that we are free to engage in in this country under the first amendment; political discourse would be singled out and handed over to Government control. Mr. President, this is clearly a step we should not take. I hope the amendment will be substantially defeated.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, it is rather amusing to hear my distinguished colleague say that this particular initiative is "without a constituency." The constituency started 10 years ago with the Commission on the Constitutional System. I have quoted a group of several hundred present and former legislators, executive branch officials, political party officials, professors, and civic leaders who are interested in analyzing and correcting the weaknesses that have developed under our political system since the Buckley case.

We have the support of 44 law professors, which I have inserted into the RECORD, as well as 24 State attorneys general. When I introduced this joint resolution some 10 years ago, it was only relevant and pertaining to the Federal Government. The States came and begged and said, "Amend the Buckley ruling and include protection for us also." The cities came and said, "Amend it, please, and include the protection for the cities also."

Yet, my distinguished colleague says that he has the endorsement of the Washington Post and the ACLU. He had better not let many on his side of the aisle hear that or they will start changing their votes. I know that crowd over there. I can tell you, Mr.

President, we need to examine the very authority that the distinguished Senator from Kentucky uses—the Buckley case—which he said was good. He said it was good in 1976 it is good in 1997. He says it's good and that "we don't want, need the Hollings resolution." Incidentally, it is the Hollings-Specter. I don't know whether they are ashamed to have a Republican cosponsor it. They don't mind saying "McCain-Feingold," but they don't want to say "Hollings-Specter." But I do appreciate the distinguished Senator from Pennsylvania joining in. I understand also that my colleague from Delaware, Senator ROTH, has asked for time. I was waiting to make sure he had a moment. But in any event, I admire their courage for joining me because apparently they have made this into a party position. When I lose my good friend, the Senator from Alabama, Senator SHELBY, who cosponsored this three times and now comes and says he is worried about the freedom of speech, I know the pressure is on. But, after saying Buckley is good, they then say vote against the Hollings initiative. They argue that my amendment would be the first time in 200 years we have limited the freedom of speech, whereby there is no question that this is exactly what the Buckley decision does. The Buckley decision limits the freedom of speech of those who wish to contribute in political campaigns. The Buckley decision limits to this very moment the freedom of speech of political action committees. He talks about this being the first time in 200 years, yet he has to acknowledge that their authority shows the spurious nature of their defense.

Mr. President, what we have is what the Senator from Utah, Senator HATCH, said would gut the freedom-of-speech provision for the first time. Yet, we have already had it gutted in the Buckley decision. Thereupon, as the Chief Justice said in his dissenting opinion, it is half a haircut. You can't deal with the contributions without dealing with the expenditures of those contributions—both sides of the same coin, as he expressed it.

So we have been at this now for 20 years. We have had over 240 votes in Congress on campaign finance reform. What we have finally come to is not the question of how but the question of whether or not we are going to really limit. Heretofore, for 20 years we have had Common Cause say that this measure is public financing. We have had McCain-Feingold say, if you will voluntarily limit yourself, you can get free time, free TV time, free mailing time, and everything. All of those initiatives were dealing with how to limit. But now, my good friend from Kentucky says really we should not limit it at all.

That is the vote. If you want to limit, this is the way to give the authority to the national Congress to limit it. If you do not want to limit it, then vote against it. If you want reform, if you want to really get on top of this problem, we don't tell you how to do it. But you have to have the authority within the people's national Congress to actually limit it. That is the resolution. A constitutional amendment which is just as significant—in fact, more important than—five of the last six amendments to the national Constitution dealing with elections. Adopt it, if you please, and in 18.5 months—the average of those five—I would dare say that with the constituency we have of the cities, the States, the interest, and the people, this would be ratified in the 1998 November election.

They have worked it pretty good in a partisan fashion to try to bring in the freedom of speech, by saying money is speech. But it can't be. But what we are talking about is paid speech, not free speech. You go down to the Washington Post, which he says endorses this, and ask them for a quarter page or half page, and see how much free speech you get out of that newspaper.

What we are talking about is the right to control the election. The war in the field of battle, as the distinguished Senator INOUYE knows, is won by those who control air over the battlefield. Those who control the airwaves win political elections. There isn't any question about it. Money talks here. If we can't get on top of this monster, as Elizabeth Drew has said, we will never be able to save the process. We will never be able to save the democracy itself. Chief Justice Jackson said that the Constitution is not a suicide compact. We can move after 20 years to address this important problem facing our nation. We should move.

I thank the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

The yeas and nays resulted—yeas 38, nays 61, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Cochran
Conrad
Daschle
Dodd
Dorgan
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kerry
Landrieu
Lautenberg
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Robb
Roth
Sarbanes
Specter
Wellstone
Wyden

NAYS—61

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bumpers
Campbell
Chafee
Coats
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Durbin
Enzi
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kennedy
Kerrey
Kohl
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NOT VOTING—1

Burns

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 61. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the joint resolution is rejected.

Mr. McCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, just a couple of observations about the vote just completed.

The constitutional amendment to strip political speech out of the first amendment and give the Government the power to control said speech was just defeated 61 to 38. We have had previous votes on the Hollings amendment in other years.

I would just like to mention for the benefit of my colleagues this is the biggest vote against the Hollings amendment yet achieved in the Senate. The opponents of this amendment included all but 4 Republicans and 11 Democrats. So I think it was a very encouraging indication of growing support for protecting the first amendment.

I want to thank my colleagues for this overwhelming vote against the amendment. Also I thank Tamara Somerville and Lani Gerst for their continuing good work on this issue. They are both members of my staff.

I yield the floor.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Joint Resolution 22, which the clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, it is my understanding, under the previous unanimous consent agreement, that discussion and debate will be taking place on either the resolution that Senators just voted on or the pending independent counsel resolution. Is that a correct assumption?

The PRESIDING OFFICER. The Senator is correct. The Senator from Indiana has 40 minutes under the agreement.

Mr. COATS. Mr. President, I do not believe I will consume the full 40 minutes. In fact, I am sure I will not. And if I finish before that, I would be happy to yield that time back to expedite the process.

Mr. President, I generally believe that the Senate floor should be a place to talk about issues, not about scandals. So my first inclination is to voice my support for an independent counsel and hope the process will take its course. The need for this investigation should be beyond question, proven on the front page of the newspaper every morning.

Under normal circumstances, there would be little more to say. But this circumstance is not normal because it now concerns some of the most disturbing questions that can be asked in a democracy.

Was the executive power of the White House abused to improperly influence the outcome of an American Presidential election?

Were foreign governments invited by the Democratic Party and the Clinton administration to corrupt American elections?

Was the privilege of American citizenship distorted and undermined to serve the President's reelection?

And now we are forced to ask, were American intelligence services manipulated by this administration as part of its fundraising machine?

The revelations that began last October, and have continued until this morning, do not primarily concern the low standards of our current campaign finance system. Those standards, it has been argued, should be changed. We will be debating that in this body.

What the almost daily revelations we have seen do concern are the legal and ethical breaches of the current standards by the Clinton administration. And that charge is different in kind in the seriousness from the policy debate on campaign finance reform.

It is not the technical violation of campaign finance law that primarily concern me. Those are for lawyers and prosecutors to debate and decide. The issue is far greater than the sum of those ethical and legal problems. All of the strands of this scandal—high-pressure soft-money fundraising, illegal foreign contributions, the abuse of the Immigration and Naturalization Service and of the CIA—reveal an administration obsessed with reelection, indifferent to ethical rules and organized to skirt the law.

All of these efforts were directed toward one event, and one date: The Presidential election on November 5, 1996.

There are countless complex elements to this scandal, but only one central issue. Was the executive branch of Government corrupted and compromised by a rogue political election operation centered in the Democratic National Committee, the Office of the President, the Office of the Vice President, and the Office of the First Lady?

By definition—no matter what the justification—this would not just be a violation of legal and ethical standards regarding campaign financing, but arguably a crime against democracy itself.

The most recent revelation is one of the most damaging. We now know that the Central Intelligence Agency was used by the Democratic National Committee to encourage access to the President by Roger Tamraz, an international fugitive and major donor to the Democrat Party.

We know that Donald Fowler, chairman of the DNC, made a call to the CIA asking that that agency provide classified information to the White House about Mr. Tamraz and his business interests in a pipeline project funded partially by Chinese businessmen.

When the National Security Council refused to recommend a meeting between Mr. Tamraz and President Clinton, the White House eventually scheduled at least four that we know of. One meeting in April 1996 took place while Mr. Tamraz was being sought for questioning by Interpol, the international police agency, for bank fraud in Lebanon. Mr. Tamraz made $177,000 in donations to Democrat causes and maintained business ties with both Saddam Hussein's Iraq and Muammar Qadhafi's Libya.

The White House has responded by saying in effect, as they have said to every issue that has been raised regarding their ethics and regarding their fundraising operation, "Well, everyone is doing it."

Mr. President, unless there are things going on here in the Senate that I do not know about, the White House defense that "everyone is doing it" does not apply here.

It has been said that the confirmation process is at fault in the withdrawal of the Anthony Lake nomination, the individual who headed the National Security Council during these events.

The fault, in fact, Mr. President, lies elsewhere. The Lake nomination was eventually undermined because he was forced to operate in the heart of a political fundraising machine whose abuses are being revealed to us in expanded detail each day.

The White House blames partisan Republicans, but the final straw in the failure of this nomination came because our intelligence services were politicized for partisan political advantage.

We are not entirely sure what Mr. Lake's role was in this. That is the reason why we requested interviews with NSC staff, interviews that were denied, and why we were going to seek today subpoenas to order those interviews to take place.

But we do know what the White House role was. And it was clearly inappropriate. If Anthony Lake is the victim of a political process gone haywire, that political process is to be found in the White House itself.

The most recent revelation is part of a pattern, a pattern of abusing executive power for political ends.

Concerning political solicitation at the White House, we now know that the Office of the President, the Office of the Vice President, and the Office of the First Lady were all involved in these efforts.

We know that the President's request for immediate action on fundraising in early 1995—the written message that read "ready to start overnights right away"—we know that this began a program of White House coffees and Lincoln Bedroom overnights that eventually raised nearly $40 million.

We know that an unsigned memo was written to Martha Phipps, deputy chief of staff to the chairman of the Democratic Party, which suggested 10 White House rewards for major donors: two seats on Air Force One, two seats on Air Force Two; six seats at all private dinners; six to eight spots at all White House ceremonies and events; official delegation trips abroad; better coordination on appointments to boards and commissions; White House mess privileges; White House resident visits and overnight stays; guaranteed Kennedy Center tickets; six radio address spots; photo opportunities with White House principals.

We know, Mr. President, that at least 7 of these 10 perks were actually used in fundraising efforts. We know that the administration, in its fundraising efforts, applied few, if any, ethical standards to those who were given access to the White House.

Included in the White House coffees with President Clinton were a major drug dealer, a twice-convicted felon for theft and tax offenses, a Chinese arms dealer, and an international fugitive on conspiracy and embezzlement charges.

We know that the Vice President, Mr. GORE, solicited campaign contributions by telephone from his White House office on more than 50 occasions. One business figure who received a call recounts—and I quote—"There were elements of a shakedown in the call. It was very awkward. For a Vice President, particularly this Vice President who has real power and is the heir apparent, to ask for money gave me no choice."

We know that the First Lady's chief of staff, Margaret Williams, accepted a $50,000 political contribution at the White House.

We know that Harold Ickes, assistant to the President, wrote a memo to a major Democrat contributor advising him on ways to make a $5 million contribution to the Democratic National Committee tax deductible. The three-page document detailed how such a contribution could be filtered through 501(c)3 organizations that were helpful to Democrat reelection efforts. In the memo, Mr, Ickes wrote, "If possible, it would be greatly appreciated if the following amounts could be wired to designated banks."

We know there was a clear direction from the President and First Lady to use a White House computer database for political purposes. That database, by the way, was purchased with $1.7 million of taxpayer dollars. One memo marked "Confidential" from White House political aide Marsha Scott argues that the database be made available "to the [Democrat National Committee] and other entities we choose to work with for political purposes." On this memo are the handwritten words, "This sounds promising. Please advise." Signed HRC.

Another memo from Ms. Scott, to Erskine Bowles, the President's current chief of staff, outlines a plan to use the database to reward supporters with "trinkets" and access. The memo concludes, "This is the President's idea and it is a good one."

Another memo from Ms. Scott to Thomas McLarty, the President's former chief of staff, states of this plan, "Both the President and the First Lady have asked me to make this my top priority."

We know, Mr. President, that former White House counsel Bernard Nussbaum, early in the Clinton administration, had contributed a memo titled "Criminal Statutes." In that memo he wrote, "A number of criminal statutes prohibit the use of Federal programs, [Federal] property or employment for political purposes. Violation of these criminal statutes is punishable by imprisonment and/or payment of a substantial fine." The memo went on to outline the type of activities clearly prohibited by the law: "Soliciting or receiving campaign contributions on Federal property or in Federal buildings. This means that fundraising events may not be held [—may not be held—] at the White House; that no fundraising phone calls or mail may emanate from the White House or any other Federal buildings; and that no campaign contributions may be accepted at the White House or any other Federal buildings."

So, Mr. President, based on the Nussbaum memo, the former White House counsel memo, then White House counsel, we know this administration was fully informed of these ethical and legal standards, the standards of the current system, but we also know those standards were broadly and repeatedly violated at every level of the Clinton White House.

And then there is the issue of White House political involvement in foreign political contributions.

We know that many of the principal figures in the current scandal—including John Huang, Charlie Trie and Johnny Chung—have been longtime Clinton supporters, some brought to Washington from Arkansas. They have had open access to this administration —Huang visiting the White House 78 times in 15 months and Chung visiting at least 49 times.

We know that Johnny Chung took six Chinese businessmen to the White House to hear President Clinton's radio address on March 11, 1996, in exchange for a $50,000 contribution to the Democratic National Committee—the contribution that was given to Margaret Williams on March 17.

We know that Charlie Trie attempted to make a $460,000 contribution to the President's legal defense fund, claiming the money was collected from a variety of sources. Yet the serial numbers on the money orders were sequential and much of the handwriting was identical. Initially, only $70,000 of the money was returned. It took several months for the law firm overseeing the fund to return the remainder of the contribution.

We know, Mr. President, that John Huang was an official at the Clinton Commerce Department with a top-secret security clearance. While an official at Commerce, he recommended policies unfavorable to Taiwan and supported by China. We know that John Huang visited the Chinese Embassy at least two times during his tenure. In one instance, Mr. Huang requested top-secret documents on May 10, 1995, the day he was scheduled to meet the Chinese Ambassador.

We know that in an Oval Office meeting on September 13, 1995—including President Clinton, Bruce Lindsey, John Huang, and James Riady, the Indonesian head of the Lippo Group—a decision was made to transfer Mr. Huang to the Democratic National Committee where he became vice chairman of finance.

We know that John Huang approached officials of the Asian American Business Roundtable with a plan to channel more than $250,000 through roundtable members to the Democratic National Committee in return for a $45,000 kickback.

We know Huang helped arrange a California fundraiser at a Buddhist temple, attended by Vice President GORE, in which illegal contributions were transmitted to the DNC through third parties. One participant was paid $5,000 in cash in small bills and told to write a check. Vice President GORE claimed for 2 months he was unaware this event was a fundraiser. But a memo later surfaced that revealed that Vice President GORE's staff had briefed him on the fundraising purpose of the event.

We know that John Huang raised more than $3 million for Democrats in illegal contributions from Asian sources.

We know that the FBI, based on surveillance of the Chinese Embassy, expressed serious concerns that the Chinese Government was attempting to influence American elections through illegal contributions. That information was communicated to two officials at the Clinton White House in June of 1996. For reasons that for the moment are unclear, Mr. President, that information was not acted upon.

Another area of White House political involvement concerns the Immigration and Naturalization Service.

We know in September 1995 a Democrat activist from Illinois wrote to the First Lady to alert her of an "opportunity" presented by a new Immigration and Naturalization Service policy to increase the pace of naturalization. Daniel Solis wrote, "The people stuck in Chicago's naturalization bottleneck represent thousands of potential voters." He added that "similar backlogs exist in politically important States" like California and Texas.

We know the Vice President's office initiated a program called Reinventing Citizenship USA. We know the Vice President's office became involved in this project. A senior advisor to Vice President GORE sent an e-mail to a gentleman by the name of Dough Farbrother, another Gore aide, in March of 1996. Mr. Farbrother, being another Vice Presidential aide, received the memo in 1996, and that memo stated, "The President is sick of this and wants action."

We know that in a later message to the Vice President, Mr. Farbrother said that the Immigration and Naturalization Service is not doing enough to "produce a million new citizens before election day."

He concluded that, "Unless we blast INS headquarters loose from their grip on the front line managers, we are going to have way too many people still waiting for citizenship in November."

We know that Mr. Farbrother later drafted a memo to President Clinton on behalf of Vice President GORE, which stated that "if we are too aggressive in removing the roadblocks to success, we might be publicly criticized for running a pro-Democrat voter mill and even having Congress stop us."

We know that as a result of these efforts 180,000 people were processed without criminal background checks. Clearly, the standards of citizenship were bent and broken for political purposes.

Mr. President, in the middle of all this political activity at the White House, designed to influence the Presidential election, Vice President GORE made the following statement: "The ethical standards established in this White House have been the highest in the history of the White House. You have a tougher code of ethics, tougher requirements, strictly abided by." When that statement was made last year, it was barely credible. Today, that statement is offensive and outrageous. Evidence piles upon evidence of legal and ethical wrongdoing in the Clinton administration.

Mr. President, each day, it seems, either the New York Times, or the Washington Post, or the Wall Street Journal, or other major, credible investigative organizations, detail new improper or illegal activity, or both, coming out of this administration, related to the campaign financing operation run in the White House during the last election. As a consequence of this, I believe we are forced to three conclusions by this unfolding scandal. First, the White House, in preparation for the election, was turned into a political machine—more like Tammany Hall than the most ethical White House in history. The staff of the President, the staff of the Vice President, the First Lady, the Immigration and Naturalization Service, and even the CIA were all involved. We are not sure exactly what the direct involvement was of the President. We know the Vice President, who was referred to as "solicitor in chief," was a key player in all of this, in one way or another, Mr. President, with fundraising or increasing the number of Democrat voters. There was even use of the CIA in the operation to fund this election, which was conducted in an unprecedented and extraordinary and very disturbing way. Clearly, all the advantages of the executive branch were employed in the President's reelection effort.

Mr. President, there is something deeply disturbing and inherently troubling about all of this. In a democracy, we prevent public officials from using their public office to improperly influence the outcome of elections because such practices are, perhaps, the most serious form of corruption in a democracy.

The second conclusion from all of this is that the return of illegal money by the Democrat National Committee comes after the benefits that it bought, after the election is past and after the damage is done. In reality, the money raised by Johnny Huang and others cannot be returned because it has already been used. The DNC will simply raise new money, which is then refunded. We must not fool ourselves that returning illegal money is sufficient punishment, or any kind of punishment at all. It turns illegal funds into a campaign loan to be repaid after the votes are counted. And now it is unclear just when that loan will ever be repaid, because despite public announcements that the DNC is returning illegal contributions, not a penny—at least a reported penny—has yet been returned.

Finally, this unfolding story of the White House improperly influencing the result of the national election is not politics as usual, as is so often alleged by the White House in response to each new allegation. This is something unique and something uniquely disturbing. This administration wants us to believe that its actions, if questionable, were normal practice, but we must never, Mr. President, become immune to illegality. This record of broken trust and broken rules does not primarily indicate the need for campaign finance reform; it indicates the need for further FBI investigation. It indicates the need for immediate firings in the White House. It may indicate the need for criminal prosecutions. It certainly indicates the need for independent counsel.

Every time the New York Times, Wall Street Journal, Washington Post, or other publication reports a new aspect of this scandal, the same response comes back from the White House: "Republicans are being partisan. This is just politics. We all do it, so let's clean up the mess together."

No one at the White House, in any context, seems willing to take responsibility for ethical and legal violations. If the White House will not assume that responsibility, then it must be imposed. Senator THOMPSON's committee will doubtlessly do good work, but its results will almost certainly be attacked and discounted by the Clinton administration as simply "partisan politics." I supported the effort to allow that committee to move forward in its investigation. But it is clear that the pattern of response from the White House now that whatever is said either by this Senator on this floor, or any Republican on this floor, or any Republican in a public statement, or conducted by any committee controlled by a Republican chairman—it's clear now that every question asked, every allegation made, and every statement offered is simply labeled as "partisan politics."

For that reason, it seems that in the end, we have no choice but to proceed with independent counsel. While far from perfect—and I have had my reservations about independent prosecutors—such a process, however, was designed to move questions of criminality outside the political process. And those questions of criminality in this case are serious questions—as serious as it gets—and may reach to the very highest levels of our Government.

This administration has maintained its power, but has squandered its integrity. It has actively undermined the integrity of an American Presidential election. This is a breathtaking act of political arrogance. Yet, the President insists it was justified because, in his words, "The direction of the country was at stake."

I wonder what the public response would have been, Mr. President, if during the Watergate investigation of then President Nixon the response from the President, the response from the Vice President, and the response from the administration had been that all the means that we took, all the things that we engaged in were justified because our political agenda and the direction of our country was at stake.

To overlook virtually every questionable, improper, illegal practice, and to overlook this 14 pages of what we know—who knows what we don't know?—and simply say that it was justified on the basis that the agenda of this administration was so important that any law could be violated, that any ethics rule could be overlooked, that any practice could be undertaken, simply to advance their political agenda for the future of America, puts this country in a dangerous, dangerous situation.

The ends do not justify the means. While the President and his party feel strongly about what the agenda should be for this country, it is clear that there are opposing agendas that are debated every day on the Senate floor and in the Congress, and debated among the American people. It is political arrogance to suggest that one party's political agenda for the future of this country justifies the kinds of campaign practices that took place in the reelection effort of this President.

The White House for years has chosen its own direction. That direction appears to be the corruption of the very democratic process itself.

Mr. President, I believe this situation has become so serious and so potentially threatening, and damaging to the political process and to the office of the Presidency that an independent counsel is needed, and needed immediately. I, therefore, will join with many here in this body in a sense-of-the-Senate resolution calling upon the Attorney General to immediately name an independent counsel, someone who is above reproach, whose credibility is acceptable to the American people, whose integrity is unquestioned, to investigate the extraordinary serious allegations printed in major newspapers with great credibility. Just reading the quotes alone from memos obtained regarding some of these practices raises enough question I believe for the appointment of an independent counsel.

I hope my colleagues will join me in this effort. Clearly the administration and the White House has decided to follow the course of labeling every charge as simply a partisan attack, equating campaign financing in the last congressional election with what took place at the White House—and they are leagues apart in terms of degree—attempting to confuse the issue with phrases like "Mistakes were made"; "We promise we won't do it again, even though we are proud of what we have done." The phrases and comments that seem to indicate that we are all in the same pot together on this one; "You guys did it. We did it. Let's put behind us what was done and move forward to clean up the system."

I think it is time people began to take responsibility for their own actions. Since the White House refuses to do this, I think it is appropriate that we move forward with independent counsel. I will be supporting the resolution to be voted on tomorrow.

Mr. President, if I have any time left, I yield that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise today to support the resolution of Senator LOTT calling for the Attorney General to appoint an independent counsel to investigate many of the allegations of illegal activity concerning the 1996 election cycle.

This statement—I will read most of it—is very serious. It bothers me as a Senator to do this. I am not a big proponent of the independent counsel statute, but I think clearly it was written to avoid a conflict of interest between the Attorney General and covered persons, those persons being the President, the Vice President, and heads of national committees. I think we have seen evidence in the last 2 or 3 months that there probably is a conflict of interest between the Attorney General and the President and the Vice President and other high officials within the Clinton administration.

In the New York Times there is an editorial that says:

> Disclosures about a Chinese plan to influence the election have taken the fund raising scandal to a new level of seriousness and clarity. Now it is clear that any citizen with a reasonable interest in the efficiency of the Federal investigative agencies and the integrity of the electoral process will want a full account of what went on.

I agree with that.

Recent news reports revealed conflicting accounts by President Clinton, the White House, and the FBI, concerning whether the President was made aware of intelligence information that the Chinese Government might be trying to influence the upcoming elections. The FBI believe they may attempt to funnel illegal donations into Presidential and congressional campaigns. The question whether the President was aware of this information and if not, why it was kept from the President, is just one of the numerous conflicts of interest pending before the Attorney General.

It is an important issue to determine whether President Clinton was aware of the Chinese Government's intended illegal actions before he approved White House coffees, lunches, and dinners with individuals known to have close ties to the Chinese Government. Charlie Trie, Pauline Kanchanalak, and Johnny Chung were allowed frequent access into the White House to attend various functions and one-on-one meetings with the President.

Mr. Chung came into the White House reportedly 49 times—and I have heard 51 times—and he donated over $366,000 that had to be returned. One of Mr. Chung's visits came only 1 day after he delivered a $50,000 check to Mrs. Clinton's Chief of Staff Maggie Williams in the White House. Mr. Chung brought six Chinese businessmen into the Oval Office to watch the President's radio address, one of which is the vice president of a Chinese company that trades weapons. They had their photos taken afterward. The White House was warned about handing over these pictures by the President's own NSC staff. They labeled Mr. Chung a "hustler" and warned that he might use the pictures to "enhance his business." In spite of this, Mr. Chung also brought Chinese beer executives into the White House who evidently obtained their pictures with the President since it was reported that one of these pictures was featured on a billboard advertisement for the beer company.

Pauline Kanchanalak visited the White House at least 26 times and donated approximately $250,000 to the DNC. On the day Ms. Kanchanalak brought some of her business clients to a White House coffee with the President, she donated $85,000 to the DNC and it was recorded that the donation was for "coffee with the President of the United States." Ms. Kanchanalak has not been available to answer questions about any of this. She apparently left the country after congressional subpoenas were issued and there were news reports that documents were destroyed.

Charlie Trie visited the White House up to 37 times and delivered $640,000 in checks and money orders to the President's legal defense fund. The money had to be returned since it was from unverifiable sources. About 1 month after Mr. Trie delivered the bulk of these checks, President Clinton expanded the number of members of the U.S.-Pacific Trade and Investment Policy Commission and Mr. Trie was appointed to that Commission. The White House denied any connection between the donations and the delivery of the money, but questions remain unanswered. Mr. Trie also arranged for Chinese arms merchant Wang Jun to attend a White House coffee with President Clinton. Wang Jun is a former officer of the Chinese People's Liberation Army and was chairman of a Chinese company suspected of trying to import illegal automatic weapons into the United States.

Did the President know about the Chinese Government's plan before his reelection campaign and his legal defense fund accepted hundreds of thousand of dollars in illegal donations?

Was the President aware of this information when he allowed a Chinese arms dealer and manufacturer into the White House?

Was Mr. Trie's appointment to the Trade Commission related to his generous donations to help pay the President's legal expenses and to aid his reelection efforts?

All of these examples show just how many conflicts of interest exist for the Attorney General and the Department of Justice to investigate these allegations. And that is just what they are at this point—allegations. However, the independent counsel statute clearly provides under section 591(c)(1) and (d) of title 28, United States Code, that the Attorney General may invoke the independent counsel process when the Attorney General has received specific information from a credible source sufficient to constitute grounds to investigate whether a violation of any Federal criminal law, other than a Class B or C misdemeanor or infraction, may have been committed by any other person if such investigation or prosecution by the Department of Justice may result in a personal, financial, or political conflict of interest.

The independent counsel statute is intended to allow the Attorney General to request the appointment of an independent counsel when this type of conflict of interest occurs involving those at the highest levels of our Government and top officers of the President's political party. I believe that Attorney General Reno has ample information and should therefore, invoke this provision of the statute to immediately request appointment of an independent counsel.

Attorney General Reno testified before the Government Affairs Committee in favor of the reauthorization of the act. She testified that:

> The reason that I support the concept of an independent counsel with statutory independence is that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Department and its appointed head, the Attorney General. The Attorney General serves at the pleasure of the President. . . .

Section 591 (a) and (d) of the independent counsel law also contains a mandatory provision which requires the Attorney General to invoke the independent counsel process whenever the Attorney General has received specific information from a credible source sufficient to constitute grounds to investigate whether any Federal criminal law, other than a Class B or C misdemeanor or infraction, may have been violated by a covered person.

There has been specific credible information publicly reported that officers and agents of the Democratic National Committee were acting under the direction of and pursuant to instructions given by the President, Vice President, and other top level officials in the White House and the Clinton-Gore reelection campaign. The President, Vice President, the Clinton-Gore Reelection Campaign chairman and treasurer are named in the statute as covered persons.

If it is correct that certain officers and agents of the Democratic National Committee were acting under the direction of the reelection campaign and were in effect exercising authority for the campaign at the national level, then it is open to interpretation whether the chairman and top officers of the DNC would also be covered persons under the law.

The law also provides a list of other covered persons which includes the Attorney General, certain top Justice Department officials, Cabinet Secretaries, and other top level administration officials. Any person working in the Executive Office of the President with a salary of $133,500 or above is also a covered person under the law.

What this means is that if the Attorney General receives specific information from a credible source that any Federal criminal law, other than a Class B or C misdemeanor or infraction, may have been violated, Attorney General Reno must conduct a preliminary investigation and seek the appointment of an independent counsel if further investigation is warranted.

There are numerous Federal laws that may apply to the allegations we have heard about and seen reported in the news:

Title 18 of the United States Code, section 599 makes it unlawful for a candidate for Federal office to promise an appointment to any public or private position or employment in return for support of his candidacy.

Section 600 makes it unlawful to promise employment, a contract, or other benefit in exchange for any political activity or support for a candidate or political party.

Section 607 makes it unlawful for any person to solicit or receive any contribution intended to influence an election for Federal office in any [government] room or building.

This is the tone that has been related to the President's fundraising coffers and also to the Vice President's phone calls.

Section 641 makes it unlawful to convert Government property which includes telephones, copy machines, or Government computer records for one's own use.

Section 201 makes it unlawful to give or offer a bribe to a public official in order to influence an official act.

Section 205 makes it unlawful for a Government employee to act as an agent for anyone before a Federal agency on matters that the United States is a party or has a direct interest.

Section 793 makes it unlawful to communicate national defense information to anyone not entitled to receive it.

Section 794 makes it unlawful to communicate national defense information to a foreign government or representative of a foreign government.

Section 219 prohibits a Federal Government official or employee from acting as foreign agent by delivering money actually derived from foreign countries.

Sections 611–621 of the Foreign Agents Registration Act prohibit any person from acting in any capacity on behalf of a foreign government or foreign political party without registering with the Attorney General.

Section 1905 makes it unlawful for a Federal employee to make an unauthorized disclosure of proprietary business information.

Section 1956 is the money laundering statute.

Section 1505 makes it unlawful to obstruct an agency or committee proceeding.

All of these laws are subject to:

Title 18, section 371, conspiracy statute which makes it unlawful to conspire to commit any offense against the United States; and sections 1341 and 1342, mail and wire fraud statutes which make it unlawful to use the mails, radio, or telephones in connection with any scheme to defraud or obtain money by false pretenses.

Section 1001 false statements statute which makes it unlawful to make a false statement or use a document containing materially false statements in a matter before the executive branch and with some limitations, the judicial and legislative branches.

The Federal election laws make it unlawful to: Solicit or accept political contributions from foreign nationals in section 441e; it makes it unlawful to knowingly accept a contribution made in the name of another person; section 441f; or makes it unlawful to solicit any contribution from persons with contracts with any government agency; section 441c.

These are only a portion of the Federal laws that apply to the allegations currently under review.

Recent news accounts of solicitations of campaign contributions by the Vice President, and possibly the President or senior White House staff, occurring in White House offices not used for residential purposes, or onboard Air Force One, may have violated Federal criminal laws prohibiting soliciting or receiving political contributions in any Government room or office or conversion of Government property to one's own use.

There has been specific credible information publicly reported that the Cheyenne-Arapaho Indians of Oklahoma contributed $107,000 to the Clinton-Gore reelection campaign in order to meet with President Clinton to discuss the return of Federal lands. It also was reported that Clinton-Gore reelection campaign chief fundraiser Terrance McAuliffe may have offered a Government benefit of access in exchange for additional political support which may violate Federal law prohibiting the promise of a Government benefit in exchange for political activity or support.

There has been specific credible information publicly reported that President Clinton, Vice President GORE, Deputy Chief of Staff Harold Ickes, and other covered White House and Clinton-Gore campaign officers coordinated the solicitation and expenditure of independent Democratic Party funds which may be in violation of the Federal election laws. It was further reported that Democratic party advertising and expenditures were directed toward the reelection effort which may have had the effect to render these funds subject to campaign finance limitations to which they otherwise were not subject.

There has been specific credible information publicly reported that President Clinton met with Long Beach officials to advance a proposed contract between the city of Long Beach and the Chinese state-owned merchant fleet, the China Ocean Shipping Co., COSCO, to lease an abandoned United States Navy Station at Long Beach. It was also reported that individuals—Charlie Trie, Wang Jun, and Johnny Chung—with business interests linked to the Chinese shipping company made campaign donations to the Democratic National Committee and visited the

President at a White House coffee during the negotiations for this lease which may have violated Federal laws if any promise of a Government benefit was given in exchange for political activity or support or if a promise of money from a foreign government was given.

Yesterday, the Wall Street Journal reported that oil financier Roger Tamraz, who had an outstanding international arrest warrant for allegedly embezzling $200 million from a Lebanese bank, attended a White House coffee, a White House dinner and reception, and viewed a movie with President Clinton. All of these visits were allowed in spite of warnings from the President's own National Security Counsel Asian specialist's recommendation that Mr. Tamraz should have no future meetings or future access to the White House. Mr. Tamraz met with the NSC specialist in an attempt to obtain support from the administration for a multibillion dollar oil pipeline from the Caspian Sea to Turkey that he was negotiating to build. He then tried to set meetings with Vice President GORE and President Clinton.

The specialist's advice appears to have been followed until Mr. Tamraz made donations of $50,000 and then $100,000 to the Democratic National Committee. When the National Security Counsel determined that it was not in the best interest of the United States to support Mr. Tamraz's business proposal or for his return to the White House, he went to the Democratic National Committee.

Mr. Tamraz is quoted as saying that he thought that "through the DNC [he] could make a policy heard." DNC Chairman Don Fowler is reported to have personally called the White House's NSC specialist and asked her to drop her opposition to Mr. Tamraz meeting with President Clinton. Mr. Fowler apparently also managed to have the CIA send over a paper on Mr. Tamraz which Mr. Fowler said would show that Mr. Tamraz had helped the United States in the past. The requested meetings with the President did occur. It was reported that Mr. Tamraz had four meetings with President Clinton in spite of these warnings. What did Mr. Tamraz do to warrant such special access? We know that he donated at least $177,000 to the DNC and it was reported that he raised more money from other large donors.

Why was a man with an international arrest warrant, accused of embezzling $200 million from a foreign bank, allowed into the White House to meet with the President?

Why was this same man allowed to meet with President Clinton over the objections of his own National Security Council Asia specialist's warnings?

Why was the chairman of the Democratic National Party involving himself in foreign policy issues?

Why did he call the National Security Council to attempt to change a decision?

How did the chairman of the Democratic National Committee obtain a copy of a paper on a donor from the CIA and have it sent to the National Security Council?

On whose authority was this done?

Was the President aware of his party chairman's actions and did he approve?

If not, why did he continue to meet with this man?

What was requested in these meetings and was any benefit provided to Mr. Tamraz as a result?

There has been specific credible information publicly reported that a cocaine dealer convicted of transporting nearly 6,000 pounds of cocaine into this country, Jorge Cabrera, met with President Clinton in the White House. Eric Wynn, convicted of 13 counts of stock fraud which allegedly was to benefit the Bonano crime family, met with President Clinton. And a man alleged to have been associated with Russian organized crime, Gregori Loutchansky, also met with President Clinton. Mr. Yogesh Gandhi contributed $325,000 to the DNC and met with President Clinton to give him a World Peace Award although reports allege that he owed $10,000 in back taxes and filed divorce papers in court that he was a pauper and could not afford to pay the court's fees. Numerous other specific allegations surrounding John Huang and Webster Hubbell have been widely reported and raised questions about their activities in relation to Chinese interests.

All of these questions need to be answered. They clearly present a conflict of interest for the Attorney General and the Department of Justice. And they do involve credible information concerning covered persons that may have violated Federal law.

Mr. President, I urge the Attorney General to appoint a special counsel to investigate these charges. I think the law calls for it. I think it is very clear. I do not think it is close. So I urge the Attorney General to appoint an independent counsel immediately.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent I be allowed to speak for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent following my presentation that Senator LEVIN from Michigan be recognized on the bill.

The PRESIDING OFFICER. Senator LEVIN has time reserved.

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I come to the floor to discuss a piece of legislation that I and a couple of my colleagues intend to introduce, but I did want to comment first on the remarks that have been offered previously on the floor of the Senate, including the just-completed remarks by the majority whip.

It is certainly the case that a number of allegations about fundraising abuses are serious and ought to be investigated. The current campaign financing system in this country is in desperate need of revision and reform. The range of abuses that need investigation goes all the way around the spectrum. These include abuses by the major campaign committees, both the Republican National Committee and the Democratic National Committee, congressional campaigns, and the White House. There are a wide range of allegations surfacing almost daily now for several months about abuses in campaign financing. All of them deserve to be fully investigated. The American people deserve no less than that.

Last week, there was an attempt to do a congressional investigation resolution on the floor of the Senate. That resolution was attempting to put blinders on the investigation sufficient so that it would only investigate a little corner of the problem, and it was the majority party saying only investigate the opposition. It turned out that sufficient members of the Senate would not agree with that. So, finally it had to be broadened to say investigation of campaign finance abuses ought to be across the board, no matter which party is involved with those abuses. As a result the charter given last week to the Senate Committee that will investigate these abuses, is a broader charter rather than a narrower charter.

The same should hold true with the discussion about the resolution now before the Senate. This resolution, once again, attempts to narrow it. The resolution that will be offered by the Senator from Michigan, a substitute offered by Senator LEVIN, is what I will choose to support, largely because that resolution contemplates that abuses shall be investigated with respect to either party or any party in which there is an allegation of fundraising abuse.

The Senate Judiciary Committee already has petitioned the Attorney General on the question of an independent counsel. The law provides for that. The law does not provide for the Senate to intervene on a political basis to petition for an independent counsel. What is happening here is unprecedented. It has not happened previously.

Part of this debate is whether this is politics or substance. We already have a congressional investigation that will now be organized and will be very well funded. We already have a letter from the Senate Judiciary Committee to the Attorney General. The question of whether this legislation now brought to the floor is a political missive, I suppose, is up to those who are looking at it and would make judgments about its narrow scope. I prefer that we consider the resolution and vote for the resolution offered by the Senator from Michigan.

I make one additional point. What is not on the floor of the Senate is campaign finance reform. It ought to be. Campaign finance reform ought to be brought to the Senate. We ought to debate it. We ought to reform the campaign finance system.

What is not on the floor of the Senate, and it must be, is the Chemical Weapons Treaty. That is very important business that is before the body. We must bring it to the floor and have a vote on it and have a debate on the Chemical Weapons Treaty. The attempt to end the spread of poison gases for warfare in this world is a noble attempt initiated first by President Reagan and then by President Bush, sent to us by President Clinton. Many countries have already signed the initiative. It is being held up in this body. Very soon we will have to take aggressive action to try to wedge that to the floor of the Senate and insist on a vote on the important Chemical Weapons Treaty.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 465 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous unanimous-consent ordered, the Senator from Michigan is to be recognized. The Senator from Michigan is recognized for not to exceed 30 minutes.

Mr. LEVIN. Mr. President, there is only one reason the Senate is being asked by the majority leader's resolution to intervene in the independent counsel process which is being considered by the Attorney General. The reason is partisan politics, pure and simple. It is regrettable for many reasons, particularly following last week's determination by the full Senate to support a broad and fair and evenhanded investigation by the Senate Governmental Affairs Committee into campaign finance practices in the 1996 election—Presidential and congressional, House and Senate, Republican and Democratic. In doing that last week, we recognized as a body that abuses in campaign fundraising are not in the exclusive domain of either political party, or either end of Pennsylvania Avenue. We confirm the view, as stated in the Governmental Affairs Committee report, in support of funding a broad scope investigation that:

> The committee intends to investigate allegations of improper activities by all, Republicans, Democrats, or other political partisans. It will investigate specific activities, not the political party against which the allegations are made.

But now, in a partisan attempt to reestablish the focus of the press and the public on just the Democratic National Committee and just the Clinton-Gore campaign, the majority leadership brings this resolution to the floor. The very wording of the resolution reveals its partisan objective. Nothing in the resolution mentions activities in connection with the Republican National Committee, or the fundraising activities of Members of Congress. The resolution mentions possible Democratic problems exclusively and calls upon the Attorney General to seek the appointment of an independent counsel to investigate only allegations against Democrats. It is an unbalanced, partisan piece of work, and I expect it will receive the unbalanced partisan vote that it deserves.

But in addition to the reversal that it reflects of the Senate's unified position on a broad, bipartisan investigation into campaign finance reform, it does damage to the very law that it is seeking to invoke. For the past 18 years I have served as either chairman or ranking Democrat on the Subcommittee of the Governmental Affairs Committee with jurisdiction over the independent counsel law. I have been actively involved in three authorizations of this important statute. And having experienced and studied the history of this law, it is apparent to me that this resolution runs directly counter to the fundamental purpose of the independent counsel law.

The independent counsel law was enacted in the aftermath of Watergate. The Watergate Committee recommended, and Congress agreed, that we needed an established process by which criminal investigations of our top Government officials could be conducted in an independent manner free from any taint of favoritism or politics. This was necessary, we decided, in order to maintain the public's confidence in one of the basic principles of our democracy—that this is a country that follows the rule of law. We established a process whereby the Attorney General would follow certain established procedures in reviewing allegations of criminal wrongdoing by top Government officials and decide at certain stages whether to ask a special court to appoint a person from the private sector to take over the investigation and conduct it independently from the chain of command at the Department of Justice. We wanted the public to have confidence that investigations into alleged criminal conduct by top Government officials were no less aggressive—and I might add no more aggressive—than any such investigation of the average citizen. We particularly wanted to take any suggestion of partisanship out of the investigative and prosecutorial decisionmaking process.

So here is what we did. We established the requirement that if the Attorney General receives specific information from a credible source that a crime, other than a class B or C misdemeanor, has been committed by certain enumerated top Government officials, the Attorney General has to conduct a threshold inquiry lasting no more than 30 days, to determine if the allegation is frivolous or legitimate. The top officials who trigger this so-called mandatory provision of the act are the President and Vice President, the Cabinet Secretaries and Deputy Secretaries of the executive branch departments, plus very top White House officials who are paid a salary at least as high as Cabinet Secretaries or Deputy Secretaries, and in addition the chairman and treasurer or other top officials of the President's campaign committee.

If, after that threshold inquiry, the Attorney General determines that there is specific information from a credible source that a crime may have been committed, the Attorney General must then conduct a preliminary investigation lasting no more than 90 days in which she gathers evidence to determine whether further investigation is warranted. If, after the conclusion of the 90-day period, the Attorney General determines that further investigation is warranted with respect to a covered official, then she must seek the appointment of an independent counsel. The Attorney General is required by law to seek such appointment from a special court made up of three article III judges appointed for 2-year terms by the Chief Justice of the Supreme Court.

The independent counsel law also has a provision that gives the Attorney General the discretion—and I repeat the discretion—to seek an independent counsel where there is a criminal allegation against a noncovered official and the Attorney General determines that the Department of Justice has a political, personal, or financial conflict of interest with respect to the investigation. There must still be specific information from a credible source that a crime may have been committed and a preliminary investigation to determine whether further investigation is warranted. Use of this provision is contemplated where the Attorney General or top Justice Department employees may have been personally involved in the matters under investigation or where the Attorney General has an unusually close personal relationship with the subject of the investigation.

A third provision of the independent counsel law provides that the Attorney General may seek the appointment of an independent counsel relative to allegations against Members of Congress.

The independent counsel law provides that if the Attorney General receives specific information from a credible source that a crime may have been committed by a Member of Congress, she can determine whether the continued investigation of that allegation should be conducted by the Department of Justice or whether it is in the public interest that the investigation be conducted by an independent counsel. Like the conflict of interest provision, this is a discretionary authority, but it is one the Attorney General has available to her in matters involving Members of Congress.

In crafting the independent counsel law, Congress contemplated a role for Congress with respect to the appointment of an independent counsel in a specific case. We included a provision that is tailored to the purposes of the law. The independent counsel law explicitly provides that the appropriate avenue for congressional comment on the appointment of an independent counsel is through action of the Judiciary Committee. The law provides that either a majority of the majority party or a majority of the minority party may request the Attorney General to appoint an independent counsel acting in the Judiciary Committee. Upon receipt of such a letter, the law provides that the Attorney General must respond in writing to the authors of the letter explaining "whether the Attorney General has begun or will begin a preliminary investigation" under the independent counsel law setting forth "the reasons for the Attorney General's decision regarding such preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin."

The Attorney General is not obligated to trigger the statute when she receives such a letter. She is not required to initiate a threshold inquiry or conduct a preliminary investigation. She is only required to respond within 30 days, as I have indicated before. That is the process that we provided in the independent counsel law for Congress to express an opinion in triggering the statute.

Now, why did we adopt that procedure specifically in the statute? We wanted to provide an opportunity for congressional expression in a moderate way. We did not say the Senate or the House could trigger the required report by resolution, thereby raising the stakes and increasing the level of possible partisan bickering. We provided for members of the Judiciary Committee to make the request to the Attorney General, and we required of her only that she respond in writing to the letter in a 30-day period in the manner indicated. So we channeled congressional concerns about the appointment of an independent counsel into a low-key, limited process to keep partisan politics at bay.

We also established this limited process because central to this law is the constitutional requirement that the Attorney General control the triggering of the statute. Congress as a whole is constitutionally prohibited from forcing the Attorney General to seek an independent counsel. In fact, when the constitutional challenge to the independent counsel law was considered by the Supreme Court in the case of Morrison versus Olson, the Supreme Court based its finding of constitutionality for the law upon the fundamental principle followed in the statute that the Attorney General has full authority to exercise her discretion free of congressional control.

The Supreme Court said the following in Morrison versus Olson:

> We observe first that this case does not involve an attempt by Congress to increase its powers at the expense of the executive branch . . . Indeed, with the exception of the power of impeachment—which applies to all officers of the United States—Congress retained for itself no powers of control or supervision over an independent counsel. The act does empower certain members of Congress to request the Attorney General to apply for the appointment of an independent counsel, but the Attorney General has no duty to comply with the request, although he must respond within a certain time limit . . . Other than that, Congress' role under the Act is limited to receiving reports or other information and oversight of the independent counsel's activities, functions that we have recognized generally as being incidental to the legislative function of Congress.

The resolution before us would tend to undermine that basic principle of this law. It also does undermine the nonpartisan spirit which has been so important to this law's operation. This law has been reauthorized in this Chamber at the instigation, I believe, at least on the last three occasions, of then Senator Bill Cohen, Republican from Maine, and myself. We always did it on a bipartisan basis. We always told each other it was critical to this law's functioning that it be implemented carefully as written and not be undermined by bipartisan efforts to use it to its advantage in this most political body.

That is why as an alternative to the majority leader's resolution I have introduced, with Senator LEAHY, a resolution which simply urges the Attorney General to follow the law as it is written, to do her job with respect to all three of her powers to invoke the statute: The mandatory coverage of covered officials in the executive branch, the conflict of interest provision, and the Members of Congress provision. And it asks her to consider all allegations involving Federal elections, Democratic and Republican, Congress and the President, and to do so free of any political considerations.

The majority leader's resolution is problematic both for what it leaves out and what it includes. It leaves out any reference to allegations against Members of Congress and the Republican Party, and it includes conclusory language with respect to the allegations against the White House and the Democratic Party. The resolution leaps to judgment and purports to make the very judgments about possible criminality which the statute and the Constitution reserve for the Attorney General.

The majority leader's resolution very clearly leaves out the same group which some in this body tried to leave out of the Governmental Affairs Committee's investigation, allegations against Members of Congress.

Let us just look at some of the activity that the majority leader's resolution would rather the Attorney General ignore that is not referenced in this resolution at all.

A few months ago, when the 105th Congress first got underway, the media was filled with articles about Speaker NEWT GINGRICH and his misuse of alleged tax-exempt organizations to further partisan political ends.

On January 17, 1997, a specially-appointed investigative subcommittee of the House Ethics Committee released a unanimous bipartisan report which presented the following conclusions:

> The subcommittee found that in regard to two projects, Mr. Gingrich engaged in activity involving 501(c)(3) organizations that was substantially motivated by partisan political goals. The subcommittee also found that Mr. Gingrich provided the committee with material information about one of those projects that was inaccurate, incomplete and unreliable.

The two projects referred to, a television course called "American Opportunities Workshop," and a college course called "Renewing American Civilization," were largely paid for with tax-exempt donations to two tax-exempt groups, the American Lincoln Opportunity Foundation and the Progress and Freedom Foundation.

The House bipartisan report notes that tax-exempt groups are not allowed to engage in partisan political activities. It states that even Mr. GINGRICH's tax counsel, "said that he would not have recommended the use of 501(c)(3) organizations to sponsor the course because the combination of politics and 501(c)(3) organizations is an 'explosive mix,' almost certain to draw the attention of the IRS."

The unanimous bipartisan report of the House ethics investigative subcommittee went on to make the following notable findings:

> Based on the evidence, it was clear that Mr. Gingrich intended that the [American Opportunities Workshop] and renewing American civilization projects have substantial partisan political purposes.

This is a bipartisan finding, that Mr. GINGRICH "intended" that those two projects have "substantial partisan political purposes." And the subcommittee went on:

> In addition, he was aware that political activities in the context of 501(c)(3) organizations were problematic. Prior to embarking on these projects, [the committee wrote] Mr. Gingrich had been involved with another organization that had direct experience with the private benefit prohibition in a political context, the American Campaign Academy. In a 1989 tax court opinion [the subcommittee continued] issued less than a year before Mr. Gingrich set the [American Opportunities Workshop] projects into motion, the academy was denied its exemption under 501(c)(3) because, although educational, it conferred an impermissible private benefit on Republican candidates and entities. Close associates of Mr. Gingrich were principals in the American Campaign Academy. Mr. Gingrich taught at the academy, and Mr. Gingrich had been briefed at the time on the tax controversy surrounding the academy.

And the investigative subcommittee over in the House continued:

> Taking into account Mr. Gingrich's background, experience, and sophistication with respect to tax-exempt organizations, and his status as a Member of Congress obligated to maintain high ethical standards, the Subcommittee concluded that Mr. Gingrich should have known to seek appropriate legal advice. . . . Had he sought and followed such advice . . . 501(c)(3) organizations would not have been used to sponsor Mr. Gingrich's [American Opportunities Workshop] and Renewing American Civilization projects.

Now, that unanimous, bipartisan report was issued 2 months ago. It raises, directly, explicitly, serious questions about the deliberate and illegal misuse of tax-exempt organizations by a prominent Member of Congress, and false statements to Congress. The House Ethics Committee report found that Speaker Gingrich intentionally used two tax-exempt organizations for partisan political purposes, even after having been specifically denied tax-exempt status for another organization in 1989 because of the partisan nature of that organization's work. How revealing it is that the resolution before us, of the majority leader, does not mention one word of that entire matter—not a word.

And even leaving aside the issue of Mr. GINGRICH, given the campaign season just behind us, it is also revealing that the resolution before us makes no mention in any way of the tax-exempt organizations that played so prominent a role in the 1996 election. Congress made a decision many years ago that we wanted to give a break to charities and civic organizations devoted to working for public purposes, but we didn't want to use taxpayer dollars to subsidize partisan political activities by these organizations. Blatant violations of the legal limits on partisan political activity appear to have taken place during the 1996 election cycle by a number of tax-exempt organizations. Let us just look at two examples.

In the last months of the 1996 election cycle, the Republican National Committee transferred $4.6 million to Americans for Tax Reform, an organization that is exempt from paying taxes. Grover Norquist, the president of tax-exempt Americans for Tax Reform, was quoted in one Washington Post article as stating that in the last weeks before the 1996 election, his organization sent out 20 million pieces of mail and paid for millions of phone calls in 150 congressional districts. Much of this last-minute activity was made possible by the Republican National Committee's $4.6 million contribution. That is according to the article.

An Associated Press article that came out in October of 1996 quoted Mr. Norquist as saying that his group was sending out a last-minute, $3 million mailing to reinforce Republican antitax messages and that "two-thirds of the money came from the GOP."

Mr. Norquist indicated in the Washington Post article that his group didn't pay for televised political ads, but there is evidence to the contrary. An ad broadcast in the New Jersey Senate campaign states that it was paid for by the tax-exempt Americans for Tax Reform. The ad directly attacks the Democratic candidate for missing votes. Here is a sample:

> Taxpayers pay liberal Bob Torricelli $133,000 a year, but he doesn't show up for work. That's wrong.

That ad was broadcast in the final weeks of the campaign. It presumably cost a great deal of money to air and may have been paid for with those RNC funds.

Americans for Tax Reform also sponsored what was designated facetiously as a special award for Members of Congress, in the last weeks of the 1996 campaign. The award was called the "Enemy of the Taxpayer" award, and it was given to 34 Members of Congress, none of whom were Republicans. The press release issued by Americans for Tax Reform contained a quotes from Mr. Norquist, directly attacking the Democratic Party.

That is not all. A group called Women for Tax Reform, operating out of the same office as Americans for Tax Reform, was created in late August 1996, to launch a national television advertising campaign. It announced its first two ads, both of which consisted of a woman directly attacking President Clinton. One included the following statement:

> When Clinton was running, he promised a middle-class tax cut. Then he raised my taxes. He was just lying to get elected. This year, he'll lie some more.

The activity that I have just described, TV ads, direct mail, phone calls, and Enemy of the Taxpayer awards, are as partisan as anything I have seen in my years in politics. These activities were directed at Federal candidates, they were timed to happen in the last weeks before the Federal elections, and they were apparently paid for by millions of dollars in contributions given to the tax-exempt Americans for Tax Reform, including millions from the RNC.

The president of Americans for Tax Reform, Grover Norquist, is routinely described by the Washington Times as a GOP strategist. In 1995, he published a book called "Rock the House" celebrating the Republican takeover of the House of Representatives, for which Speaker NEWT GINGRICH provided the introduction. The quotes inside the cover of his own book reveal much about the man running this tax-exempt organization.

Rush Limbaugh states, "Grover Norquist is perhaps the most influential and important person you've never heard of in the GOP today."

Haley Barbour, RNC chairman, writes, "¿¿'Rock the House' is a true insider's account of the Republican revolution of 1994."

Paul Gigot, a Wall Street Journal columnist and television commentator portrays Mr. Norquist as "one of the main power brokers in the new Republican majority."

Mr. Norquist is described by these persons—each of whom he chose to feature in quotations designed to promote his book—as a Republican insider and power broker. That isn't exactly the profile one would expect for what is supposed to be a nonpartisan, tax exempt group.

So, what are the possible violations? What are the possible violations of criminal law? The list might include: Knowing and willful violation of the Federal Election Campaign Act and false statements to the IRS in violation of 26 United States Code 7206 or 18 United States Code 1001.

Let me describe another tax-exempt group. This one has not been around for very long. It is called Citizens for Reform. It incorporated in Virginia in May 1996, was granted tax-exempt status in June 1996. Its articles of incorporation state that the group's purpose is:

> . . . to serve the public interest and to promote the social welfare by fostering and developing greater public participation, on a nonpartisan basis, in the national debate concerning the size, scope, growth and responsibility of government and of the impact of government on the community, the private sector, and citizens in all walks of life.

This group stated that it expected to conduct conferences, seminars, public events, research, and studies. In its application for tax-exempt status, which is, by law, a publicly available document, the group states that it does not have any membership dues, contributions or gifts in 1996, and projects raising only $1,000 in revenue in 1997 and another $1,000 in 1998.

This group, Citizens for Reform, stated that it had no plans to spend "any money attempting to influence" any elections. Within months of its creation, this tax-exempt group, however, spent hundreds of thousands of dollars on television and radio ads targeting Federal candidates, and brimming with the intensely partisan type of campaign rhetoric. Ads paid for by this group appear in California, Montana, New York, Kansas, Texas, Arkansas, and Pennsylvania. The group now, apparently, admits spending $2 million in the 5 months before election day.

One TV ad specifically targeted a Democratic candidate for Congress in Montana, Bill Yellowtail. Here is an excerpt from this ad:

> He preaches family values, but he takes a swing at his wife. Yellowtail's explanation: he only slapped her once but her nose was not broken.

That is supposed to be nonpartisan activity?

Another TV ad directly targeting a Democratic Congressman, CAL DOOLEY in California. Here is a sample:

> Cal Dooley said no to increased money for drug enforcement. Instead, Dooley gave your money to radical lawyers who represented drug dealers.

How is that for another nonpartisan ad?

One of their radio ads was broadcast just before the 1996 election in New York. The ad attacked Democratic Congressman MAURICE HINCHEY and lauded his Republican challenger. It was described in a Wall Street Journal column as follows:

> Rep. Maurice Hinchey, the ad said, voted against "sensible welfare reform," [and] voted for "the largest tax increase in history" and took money from a union with ties to the mob. By contrast, it said, Rep. Hinchey's Republican challenger . . . supports "real welfare reform," would cut taxes and promises to "stop special-interest influence on Capitol Hill."

The Wall Street Journal article went on to say, "It is impossible to find out who put up the money for the ad; Citizens for Reform doesn't have to say." The president of Citizens for Reform, Peter Flaherty, said that his group has spent money in 15 different congressional districts in 10 States.

What happened to the statement of that group that it had no plans to attempt to influence any elections? That is a statement made to the IRS to get an exemption: "No plans to influence any elections"—that is the representation.

How did it happen that just months after receiving its tax exemption, this group had $2 million and the resources to sponsor patently political ads across the country? What happened to the conferences and the seminars that this group was going to hold? What happened to the statements it made to the IRS that it planned to raise no money in 1996?

Those questions give rise to others. Was there a knowing and willful violation of Federal campaign laws or false statements to the IRS?

But the majority resolution before us does not mention any investigation of Citizens for Reform or Americans for Tax Reform or any other tax-exempt group that was active in the 1996 elections in violation, allegedly, of the laws prohibiting those groups from engaging in partisan activities and whose tax-exempt millions paid for TV ads, voter education materials, get-out-the-vote activities that are just completely at odds, apparently, with what a tax-exempt organization is allowed by law to do.

For my part, I trust the Attorney General to conduct a thorough criminal investigation of all the allegations against Democrats and Republicans, members of the executive branch and the legislative branch. I think she will follow the evidence wherever it leads, as she should. I also trust her to follow the independent counsel law, to use it if she determines that there is specific information from a credible source that a crime may have been committed by a covered official, or to use it for anyone other than a covered official against whom there is such specific information the Department has a personal, financial, or political conflict of interest, or Members of Congress if she determines it is in the public interest to do so.

The majority leader's resolution omits what it should include, which is the Attorney General's review of activities of Members of Congress.

Mr. President, I ask unanimous consent that I be allowed 3 additional minutes.

Mr. LEAHY. I will give the Senator 3 minutes from the time reserved for this side.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator is recognized for 3 additional minutes.

Mr. LEVIN. I thank the Chair and my good friend from Vermont.

The majority leader's resolution omits what it should include, which is the Attorney General's review of activities of Members of Congress, and it includes what it should omit, by prejudging the very investigation by the Attorney General that it seeks. It thereby does a disservice to the Nation, which is awaiting an objective and fair review, and it undermines the independent counsel law which is dependent upon a nonpolitical application free from partisan pressure.

An alternative resolution that I and Senator LEAHY will be offering will urge the Attorney General to make a thorough and fair review of the allegations, free from political pressure, to reach whatever conclusion is appropriate as to the persons covered by the statute, as to persons not covered by the statute where there might be a conflict of interest, and as to Members of Congress where the public interest indicates that an independent counsel might be the proper course for her to pursue.

This alternative resolution we will be offering embodies the spirit of the independent counsel law. It permits the process invoked by the Judiciary Committee a few days ago to proceed without interference by this body. That letter was sent by Republican members of the Judiciary Committee to the Attorney General asking her to appoint an independent counsel. The law requires her to answer that request within 30 days. We should not prejudge that process that the law provides for, and we should not prejudge the Attorney General's answer. We should stand by the process which was established in the independent counsel law and not give in to this partisan effort.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, I see the distinguished Senator from Wisconsin on the floor. I wonder if it might be in order for me to speak for about 4 minutes and then it be in order for him to immediately reclaim his time. I would take this time from the time reserved to the Senator from Vermont as manager on this side.

Mr. FEINGOLD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I spoke for hours on this issue on Friday and again yesterday. I will not repeat what I said other than to compliment the distinguished Senator from Michigan and others for what they have said. I put into the RECORD the editorial from the Washington Post that reaches the same basic conclusion as the resolution of the distinguished Senator from Michigan.

I spoke of the fact that the resolution before us, the resolution introduced by the distinguished majority leader and others, is aimed just at the President, the Vice President and very, very carefully—very, very carefully—excludes the Republicans in Congress as it does the Democrats in Congress.

If we want to show real interest in justice, we should say, well, let us look at any activity of Members of Congress, too. Let us not act as though we are so above the law that we can only point our finger at the President. But that is not the point I am here to bring up, Mr. President.

I have had the privilege of serving with five Presidents: President Ford, President Carter, President Reagan, President Bush, and President Clinton. I have served here with a number of very distinguished majority leaders on my side of the aisle: Senator Mansfield, Senator BYRD, and Senator Mitchell, all as majority leader; and on the other side of the aisle, Senator Baker and Senator Dole. Of course, now I serve with the Senator from Mississippi [Mr. LOTT].

I mention these majority leaders, Senators Mansfield, BYRD, Mitchell, Baker and Dole, because there is one thing that I recall from each one of them in setting the agenda of the U.S. Senate. It was that if the President of the United States was going to be abroad in a summit meeting, negotiating with other heads of state, the U.S. Senate would refrain from bringing forward matters directly aimed—especially partisan matters—directly aimed at the President of the United States.

This resolution is directly aimed at the President of the United States. And what is going to happen? We will arrange to make sure we vote on it almost within hours of the time he will sit down with the President of Russia, the leader of the only other nuclear superpower.

Mr. President, has this body and this town become so partisan that we are going to ignore the tradition of all Republican leaders and all Democratic leaders in this body, and that is, to show some unity behind the President while he is abroad representing not Democrats, not Republicans, but all Americans?

Never in my 22 years in the Senate have I seen such an egregious breach of tradition. That does not mean that a President, Republican or Democrat, is given a free ride. What that means is that the President of the United States will at least be able to demonstrate, when he is abroad representing this country, that he is shown some support back home during the time he is abroad. When he is back here, we will go back and forth and fight as we always have. Fine. That is the process. But the tradition has always been to be supportive of the President when he is at a summit with other leaders. Of all summits he might be attending, what could be more important than the one with the President of Russia?

It was tasteless enough to introduce this resolution and start the debate on it while the President was undergoing surgery at Bethesda. Now, that, at the very least, shows a tastelessness that also, I believe, is unprecedented in this body. That could be chalked up to tasteless partisanship that is not appropriate. It is as bad as making jokes at the President's expense when he is lying there in pain recovering. But we just assume that sometimes we have tastelessness in politics.

However, when we have votes designed to hit directly at the President while he is abroad in a summit, that, Mr. President, goes beyond tastelessness. That shows no regard for history. That shows no regard for the traditions of this body. That shows no regard for the importance of a President being abroad.

Now, I had differences with President Reagan on the way the Contra war was run. I recall we held off from any questions of that when he was going abroad for summits. I may have had differences with President Bush and some of his issues, but we held off on any discussion of that when he was going abroad for a summit.

Mr. President, with all due respect to my good friends on the other side of the aisle—and I have many—I ask them to at least take a few minutes if they are going to set the schedule, and I ask them to take a look at the history of the United States, the history of the Senate, the history of the Presidency, and know there are certain things we do in this country to demonstrate we are worthy of being only 1 of 100 men and women representing a quarter of a billion Americans.

I am deeply saddened by this. I hope this is only a momentary lapse in the kind of traditions that have kept the Senate, occasionally at least, the conscience of the Nation. I hope this is only a temporary lack of those things that show the Senate to be the best.

I thank my friend from Wisconsin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I rise today to speak on the two resolutions which the Senate is debating, the so-called Republican version and the Democratic version. I take this opportunity to explain why I intend to vote against both versions as they are now being offered.

At the outset, we should be clear that there is no reason for the Senate to actually consider either version. The statute authorizing the appointment of an independent counsel gives the authority to make the appointment to the Attorney General of the United States, and it also provides a mechanism for the House and Senate Judiciary Committees to invoke a procedure for the Attorney General to respond to a request for appointment of an independent counsel. Mr. President, that, in fact, is what has been used in recent days. Both the House and Senate Judiciary Committees last week voted to invoke that process. The Attorney General has 30 days to respond.

In effect, what we are doing today, since all of that has already happened, what we are doing today is really just shear theatrical maneuvering. On the one side, we have the Republican resolution, which carefully restricts the request and any implication of wrongdoing just to the Clinton White House. That resolution puts Congress off limits for an independent counsel investigation for its alleged wrongdoing. It puts the Republican National Committee off limits for an independent counsel investigation. The Republican resolution turns a blind eye to any allegations of impropriety beyond the White House itself.

On the other side, we have a Democratic resolution that stops short of even taking notice of the fact that there have been so many allegations of wrongdoing on the part of the Democratic Party that the public is crying out for an independent, impartial investigation.

Mr. President, both sides appear to be ignoring the degree to which the fundraising practices of the 1996 elections have gone beyond any limits and created the appearance of a system totally out of control. The improprieties are not limited to the fundraising activities in the White House. Both parties engaged in an almost mindless race to the bottom. The staggering amounts of money raised in the 1996 elections, more than $2.7 billion, compelled the kind of fundraising excesses which continue to shock the country each day. Day after day the front-page story is yet another tale of improprieties and new scandals. The stories encompass both parties, the congressional races as well as the Presidential races.

Mr. President, according to a poll released last week by the Wall Street Journal and NBC News, 91 percent of the American people believe that, if an independent counsel was appointed, the investigation should include all Federal elections, not just the Presidential race, but congressional races, as well.

Last fall, Common Cause filed a request with the Attorney General for appointment of an independent counsel to investigate the violations of law by both parties in the 1996 campaign.

At the time, I said that such action might be appropriate. More recently, I reached the conclusion that it was necessary because it had become clear that the seemingly endless scope of allegations arising from campaign fundraising activities touching all levels of our Government had grown so vast that the only manner in which the public's confidence can be ensured is, Mr. President, by the appointment of an independent counsel. In my view, given the breadth of the allegations, any investigation conducted by the Department of Justice is inevitably and unavoidably subject to the taint of political conflict in this context. To this end, I called upon the Attorney General to appoint an independent counsel.

However, an important distinction between the position I have taken and that offered by the majority in the form of this resolution is that I believe that any call for an independent counsel must necessarily include an investigation of all potential wrongdoers, be it on the part of the executive branch, the political parties, or the Congress. The Republican resolution takes the position that neither Congress nor the Republican National Committee should be subject to such an investigation. I believe the American people will see through this approach. How can anyone suggest to the citizens of this Nation that potential illegalities should be subject to an independent counsel, provided the target is the President but not the Congress? When the target is one party, but not the other, they will surely see such a ploy for exactly what it is, yet another partisan maneuver designed to delude the public into believing that the problem is limited to a small group of people and not a systemic problem that demands a comprehensive overhaul of our system of campaign finance laws.

Mr. President, as a threshold, it is essential to understand the basis for the independent counsel as well as who is covered by the law. The underlying premise behind the independent counsel law, a premise which we should sustain and that is threatened by partisan gamesmanship, is that we have an inherent obligation to ensure the confidence of the American people and the public in investigations of the Government. This law, born of the Watergate scandal, was derived to restore and protect the public's confidence in these types of investigations, and in the process preserve and promote the public's confidence in the integrity of the U.S. Government.

Mr. President, the independent counsel law provides that the Attorney General must seek an independent counsel upon finding specific information, derived from a credible source, that a violation of Federal law has potentially occurred in regard to certain covered persons, such as the President, the Vice President, Cabinet members, certain high-level officials in the White House, among others. In addition to these mandatory provisions, the independent counsel law provides the Attorney General with certain discretionary power for other persons—those not covered by the mandatory provisions—and, Mr. President, to emphasize, Members of Congress. Members of Congress are included within these discretionary powers of the Attorney General with regard to the independent counsel. In regard to other persons, an independent counsel may be sought if, in the face of specific evidence of illegality, derived from a credible source, a personal, political, or financial conflict of interest exists or may arise as a result of a Department of Justice investigation. In regard to Members of Congress, the discretionary standard is a public interest standard. In other words, if the Attorney General has evidence of a violation of Federal law involving a Member of Congress, she may seek an independent counsel if she finds it to be in the public interest.

Mr. President, over the past few weeks, I have been approached by colleagues and others who argue that Members of Congress are simply not subject to the statute. Mr. President, that is simply incorrect. In fact, if one reviews the legislative history of this law, one finds that Congress had previously been covered, albeit not explicitly, under the other persons provision. In the 1994 reauthorization, Congress clarified this and added a separate section solely for Members of Congress.

The conference report accompanying the 1994 amendments to the independent counsel law states as follows:

> The 1987 law provided the Attorney General with the discretionary authority to use the independent counsel process for any person whose investigation or prosecution by the Department of Justice "may result in a personal, financial, or political conflict of interest." This discretionary authority permitted the Attorney General, if a conflict of interest were present, to use the independent counsel process to investigate Members of Congress. However, Members of Congress were not specifically identified as falling within that general category of coverage.

Mr. President, realizing the hypocrisy of a law that allows an independent counsel in regard to the executive, but not explicitly with regard to Congress, the Congress chose to act. The conference report continues:

> The Senate bill gives the Attorney General specific discretionary authority to use the independent counsel to investigate Members of Congress. It broadens the standard for invoking the process with respect to Members from requiring a conflict of interest to requiring the Attorney General to find it would be in the public interest. This broader standard would permit the Attorney General to use the independent counsel process for Members of Congress in cases of perceived as well as actual conflicts of interest.

Not only did the Congress then act to explicitly include Members of Congress, it took the additional step of making the standard for invoking the statute easier to apply than it had been previously. As the conference report stated, the statute may be invoked in the case of a perceived or actual conflict of interest. Now, this is a significant statement of congressional intent as to whether or not Congress falls within the ambit of the independent counsel statute.

Yet, Mr. President, the resolution brought to the floor of the Senate by a Republican leader chooses a different course and turns a blind eye to any potential illegal conduct on behalf of Members of Congress, be it real or perceived. It simply says to the Attorney General, appoint an independent counsel in regard to the Clinton administration, but not in regard to any illegality involving Congress or the Republican National Committee. Mr. President, I believe this approach is seriously flawed and should be rejected.

As I indicated previously, 9 out of 10 Americans want all illegality in regard to the 1996 elections investigated. Yet, this resolution chooses to ignore that which the American people seem to readily understand—that being that all illegality should be investigated.

Mr. President, when one looks at the myriad of allegations that have arisen in the wake of the 1996 Federal elections, it is not difficult to see why the American people feel that both political parties, and Congress, should be included in an independent counsel investigation.

There has been a lot of attention focused upon alleged wrongdoing by the Clinton White House. But equal attention needs to be focused upon similar allegations about the behavior of both national parties and the Members of the Congress during the fundraising explosion in the 1996 election.

At the outset, it should be understood that what is being sought here is an independent counsel to investigate allegations of wrongdoing in the 1996 election. The distinguished chairman of the U.S. Senate Judiciary Committee, Senator HATCH, stated during the debate on this issue on Friday as follows:

> The answer to whether criminal wrongdoing has occurred will of necessity turn on the resolution of disputed factual, legal, and state of mind determinations.

Repeating that, he said:

> The answer to whether criminal wrongdoing has occurred will of necessity turn on the resolution of disputed factual, legal, and state of mind determinations.

We have to stress what the Senator from Utah stated: At this stage, whether there was criminal wrongdoing turns on the resolution of factual, legal, and state-of-mind determinations. Obviously, those factual determinations can only be ascertained by an impartial investigation, and that statement applies equally to allegations regarding Republican conduct in fundraising activities as it does to Democratic conduct.

Without engaging in an extensive description of the allegations of improper conduct in the 1996 election, which goes well beyond the activities of the White House, let me highlight a few areas.

First, with respect to the soft money machines that were operated by both parties in the 1996 elections, the initial request filed by Common Cause last fall for appointment of an independent counsel alleged that both the Clinton and Dole Presidential campaigns, along with their respective political parties, knowingly and willfully violated Federal campaign finance laws. Common Cause specifically charged that both campaigns were engaged in illegal schemes to violate the Presidential primary spending limits and the ban on soft money being used directly to support a Federal candidate.

Mr. President, the Senator from Utah also alluded to this question in his remarks on Friday when he stated:

> There remains significant factual questions of the extent to which the allegedly improper fundraising activity was, in fact, directed toward benefiting Federal campaigns.

If, indeed, it is determined that there were knowing and willful schemes to use soft money in both Presidential campaigns, both parties, as Common Cause asserts, would have violated existing law prohibiting such activity. Of course, Mr. President, the answer cannot be ascertained until an independent investigation is conducted.

Mr. President, let me describe another piece of soft money activity that has been tied directly to the Republican National Committee; that is, the transfer of some $4.6 million from the RNC to a tax-exempt organization headed by Grover Norquist, a close ally of the Republican Speaker of the House. This organization, according to a Washington Post story on December 10, 1996, then used the RNC money to flood voters in 150 congressional districts with millions of pieces of mail and phone calls.

Now, this story adds a rather peculiar twist to the concept of independent expenditures. There have been plenty of complaints about various groups, including labor organizations, running independent campaigns against particular candidates. But this story describes what appears to be what or what may have been a money laundering scheme, which allowed the RNC to raise soft money and then transfer it to this tax-exempt group, which then used the money for an independent expenditure campaign.

Was there coordination of these expenditures with the candidates themselves, or through the Republican National Committee? Was this transfer of money designed to allow the RNC to do indirectly what the law prohibits them to do directly—that is, spend soft money in a congressional campaign? Should we not be seeking the answer to that question? Was this a violation of tax laws as well as campaign finance laws? As the Senator from Utah stated in calling for an investigation of Democratic fundraising activities, there are significant factual questions involved here as to the extent to which this fundraising activity was directed toward benefiting Federal congressional campaigns. Mr. President, those questions cannot be resolved without an investigation.

With respect to the issue of foreign contributions being illegally funneled into Federal elections, I think we are all aware of the allegations that have been made that the People's Republic of China may have targeted Members of Congress, as well as the White House. How successful they were remains unknown. Certainly, we ought to have this question addressed in any independent counsel investigation with regard to Members of Congress, as well as the White House.

Finally, let's be candid about the fact that the allegations that campaign contributions were exchanged for special access to policymakers are not directed solely against the current administration. The newspapers have been filled with story after story of Members of Congress, and the political campaign committees of both parties, establishing various schemes to woo and impress large contributors.

For example, in 1995, the Republican National Committee is reported to have promised $15,000 donors four meetings a year with House and Senate Republican leaders, as well as participation in international trade missions. Of course, in fairness, similar charges have been made against the Democratic National Committee. Did these schemes cross the line in some cases? Was there illegal exchanges of access for campaign contributions? The answers can only be ascertained after factual investigations.

It is little wonder, Mr. President, that in light of these types of allegations, the American public would ask for a broad investigation. It is not difficult to understand why 91 percent of the American people think that all illegality, including that of Congress should be considered by an independent counsel.

Mr. President, I mentioned earlier that the statute provides a specific mechanism for congressional involvement in the appointment of an independent counsel. That mechanism is triggered by a request from the House and Senate Judiciary Committees. I also noted that both committees had already acted pursuant to that statutory authority to submit a request to the Attorney General.

Unfortunately, that process also broke down along partisan lines. As a Democratic Senator who had previously called for appointment of an independent counsel, I had hoped to be able to work on a bipartisan basis within the Judiciary Committee to formulate a request that would transcend party lines. Unfortunately, that effort failed.

In the Senate Judiciary Committee, the Republican members sent one letter; the Democratic members sent another. The respective letters resembled the resolutions before us today. As far as I am concerned, neither letter went far enough.

I choose not to sign either letter because the Democratic letter stopped short of calling for an independent counsel, while the Republican letter, much like this resolution, chose to focus solely on the administration and ignored the potential illegal conduct on behalf of the Congress. Instead, I sent my own letter asking for the appointment of an independent counsel in regard to all illegal activity in the 1996 Federal election, including Congress.

Mr. President, in calling as I have for an independent counsel, I have been taken to task by all sides—from those who do not want a special counsel and from those who, somehow, believe that by calling for an independent counsel to investigate all parties, I am somehow seeking to protect the administration. Notwithstanding these inconsistent conclusions, I remain firm in my belief that the scope of the allegations is such that the only way we can hope to salvage the confidence of the American people in any investigation of campaign fundraising illegalities is to appoint an independent counsel. In so doing, I do not mean to disparage or question the ability of our Attorney General, Janet Reno, to conduct a fair and evenhanded investigation. I simply feel that the scope of this problem is such that irrespective of her evenhandedness, her ultimate conclusion will be suspect and challenged on political grounds. In a sense, the political nature this debate has taken in the Senate makes my point.

In regard to many of my colleagues on this side of the aisle, I simply disagree with those who argue that an independent counsel should not be appointed. While I appreciate the sincerity of their perspectives, I have reached a different conclusion. The decision to call for an independent counsel is not one that any of us should take lightly. The statue exists for very specific reasons directed at promoting public confidence in the investigation of the Government. The statute does not exist to provide elected officials opportunities to score political points against officials of the other party as I fear has been attempted with this resolution.

In my view, we risk something far greater than short-term partisan advantage by engaging in a process as partisan as this. We risk the further erosion of the public's confidence in the Government and in particular the U.S. Senate to set aside partisanship and work for the good of the American people. At the same time, my friends on the Republican side of the aisle ought to be willing to expose their own parties to the same intense scrutiny that they urge for the opposite party. An evenhanded investigation into all aspects of fundraising improprieties in the 1996 election is the fair response.

This raises the final point I wish to make. That being the pressing need to set about doing the work of the people of this Nation in a bipartisan, constructive manner. As I travel to each county in Wisconsin, as I do each year, I talk with the men and women of my State and at each and every stop, be it in Milwaukee or Bayfield County, the people I listen to all want us to work together and help solve the problems that confront them each and every day.

Sadly, the short history of the 105th Congress, much like the 104th Congress, seems to ignore that call to action. Rather than setting about the hard work of actually balancing the Federal budget we debated for a number of weeks a constitutional amendment which would have forestalled the hard choices until well into the next century. In the meantime, the budget process itself, the process by which we can actually balance the budget, continues to languish. In fact, the 105th Congress has debated more constitutional amendments than it has confirmed Federal judges—three constitutional amendments, no judges. We have also debated a resolution dealing with the scope of the Governmental Affairs inquiry into campaign irregularities and finally, after much public pressure, the scope of that inquiry was adjusted to cover not just illegality but improper conduct, but only after the Senate was needlessly tied up for a number of days. Although this resolution before us for the third day now should only be concerned with illegality, we are nonetheless at an impasse because the proponents of this nonbinding and unnecessary resolution refuse to include themselves in the scope of the inquiry. No wonder people are turned off by government.

Mr. President, in conclusion, I will not support this one-sided resolution calling for an independent counsel to investigate only one aspect of the 1996 elections. I have made clear my belief that one should be appointed and I did so long before the political exercises which have consumed the Judiciary Committee and this body were set in motion a few weeks ago. Further, I will not support the Democratic alternative because it fails to call for an independent counsel. While the Democratic alternative is correct that any investigation must necessarily cover Congress it falls short of calling for an independent counsel. But more importantly Mr. President, than how any one of us votes on these resolutions, it is my sincere hope that we can set aside the divisive partisan issues which have characterized the outset of the 105th Congress and move toward bipartisan solutions. We should balance the budget, we should address juvenile crime, we should strengthen educational programs, and we should reform the campaign laws which have created the unrelenting money chase that gives rise to so many of the problems which frame this debate.

The campaign finance system in this Nation is broken and in desperate need of repair and the American people understand that, even if some members of the Senate seem to believe the current, scandal-ridden system works fine, they certainly don't feel that way. Furthermore, the American people also understand that the responsibility for the current scandals regarding the campaign fundraising activities of the 1996 Federal elections lie at the feet of both parties, the administration and the Congress.

Yet what is ultimately more important than assessing blame and passing nonbinding resolutions is whether or not this body moves forward and adopts comprehensive, bipartisan campaign finance reform.

Mr. DORGAN. Mr. President, the majority is bringing to a vote a resolution that urges the Attorney General to begin the process of appointing an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign. I will oppose this resolution, if it remains unchanged, because it urges an overly narrow, one-sided investigation. Instead, I will support the alternative to be proposed by Senator LEAHY.

Let us remember that the independent counsel law places the authority to seek an independent counsel in the hands of the Attorney General, and her hands are tied unless certain thresholds are met. I have great faith in the independence and integrity of Janet Reno. She has already invoked the independent counsel process several times during this administration. If and when she believes that the law should be triggered, she will, I am confident, take appropriate action. Yet the majority seeks with this unfortunate resolution to tell her what to do.

I hope that the majority will instead accept the alternative resolution being proposed by Senator LEAHY. The Leahy amendment would change the majority's resolution in several ways, all for the better.

The Leahy amendment suggests that the Attorney General use her best professional judgment to determine whether to invoke the independent counsel process. It asks that she make her decision without regard to political pressures. It urges her to do so in accordance with the standards of the law and the established procedures of the Department of Justice. And it makes no distinction between presidential and congressional campaigns; it urges that potential illegalities by covered persons be investigated, regardless of which branch of government is involved.

In short, the Leahy alternative attempts to observe both the letter and the spirit of the law in this matter. It avoids prejudging the issue. Most importantly, it attempts to prevent the further politicization of the independent counsel process, a process that Congress established in order to take politics out of the investigation or prosecution of high government officials.

Fundamentally, that is why I urge my colleagues to oppose the majority's resolution and support the Leahy alternative. Let us not attempt to politically influence our Justice Department and Federal judiciary in this matter. Let us not make a bad situation worse. Let us repeat the bipartisanship that we showed last week. Let us respect the independent counsel law and the independence of the judiciary. And let us also proceed with a diligent and thorough congressional investigation.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I yield myself 10 minutes of the time allotted to the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I do not know whether in the coming weeks the Attorney General will determine whether or not the threshold has been reached to name independent counsel. But I do know, in her tenure of service, Attorney General Reno has had an uncompromising sense of personal integrity. She was called upon in a number of instances to reach a determination about investigating high officials in this administration, including President Clinton. She has never hesitated to act in the interests of justice. So, while I do not personally believe at the moment that the circumstances exist for independent counsel as defined by the law, it is important, again, to reassure ourselves about the quality of justice in this country under the leadership of the Attorney General and, just as important, in the great traditions of the Federal Bureau of Investigation under the able leadership of the Bureau's Director, Louis Freeh.

Though I recognize that today some disagree and in their own judgment believe that it would be better in the national interest to proceed to an independent counsel, whether you accept their evaluation on this day or perhaps mine in believing it should be left to another day, there is the question about whether or not the act is able to be properly implemented at this moment as intended in the independent counsel statute. It is my judgment that, while we may differ in this institution on whether or not the act should be applied, we should be able to agree on the underlying problem, and that is there is a problem in the court with the ability to appoint a special counsel.

The statute requires that the Chief Justice appoint judges to serve in the special division for a term of 2 years. Three judges are to serve on the council that will, in turn, name a special counsel in this or any other instance. It was the intention of the Congress to facilitate a rotation of these judges to ensure their independence so that no one dominates the appointing process, for purposes of the confidence of this Congress and the interests of justice. For whatever reasons, what were to be temporary assignments on the court in this special division appear to be becoming lifetime appointments. Judge Sentelle, who chairs the court, is in his third consecutive term. Judge Butzner is in his fourth. Judge Fay has now begun his second term.

Mr. President, this is not what was intended in the independent counsel statute, and as we debate today the relative merits of whether to appoint an independent counsel, every Member of the Senate needs to consider, if the Attorney General is requested to make this appointment, who will be making the appointment and what confidence do we have the congressional intent of independence and the integrity of the judgments will meet the necessary standards of justice?

Most particularly is the question of Judge Sentelle. Judge Sentelle's position in leading this three-judge panel raises serious questions and, indeed, I believe inhibits the ability of the Attorney General to proceed with confidence when and if she reaches a determination the statutory requirements to name an independent counsel are reached.

During the 1993 debate over reauthorization of the independent counsel statute, Senator Cohen perhaps said it best. He said:

> The appearance of justice is just as important as justice itself, in terms of maintaining public confidence in our judicial system.

Mr. President, no one could possibly believe that the appearance of justice is served by having Judge Sentelle in these circumstances name an independent counsel. Judge Sentelle is a known political associate of two Republican Senators who have views on this issue. He has served as a member of Senator HELMS' National Congressional Republican Club and was chairman of the North Carolina State Republican Party convention. He stands accused of engineering the removal of Whitewater counsel, Robert Fiske, and replacing him with an independent counsel who clearly has exercised his position with questionable judgment and clear partisanship. I speak, of course, of Kenneth Starr.

The decision to appoint Mr. Starr came only days after Judge Sentelle had a private luncheon with two Members of this institution who had strong views on the subject, in what was an extrajudicial and clearly inappropriate meeting.

Mr. President, despite poor judgment, inappropriate actions, Judge Sentelle was recently reappointed to his third term on the court. As senior judge in this position, with the other two judges serving in this similar capacity, both on senior status, he clearly has an extraordinary influence over the operation of the appointing process.

Five former presidents of the American Bar Association considered these facts, these extrajudicial communications, and determined they give rise to appearance of impropriety.

As long as Judge Sentelle sits on the special division, there will always be questions regarding the objectivity of the independent counsel appointments. I believe, therefore, whether you share my judgment that the trust should be placed in the Attorney General to determine whether or not the requisite requirements have been reached in the statute before appointing or requesting the appointment of an independent counsel or you agree with other Members of the Senate that those criteria have already been reached, we certainly, in the interest of fairness, can reach a judgment today that Judge Sentelle should recuse himself from his current responsibilities. Failing that recusal, it is certainly incumbent upon Chief Justice Rehnquist, given his general responsibility for the administration of the courts, to remove Judge Sentelle or request that he temporarily remove himself from the appointment process.

I recognize the strong divisions in the Senate. I understand the passions that this issue brings to different Members of the Congress. But certainly despite our partisan differences or our interpretations of the facts, our common interest in justice should lead us to one determination. There is a need in our country and in this Senate to come away from this debate with a feeling that an impartial and a fair administrator of justice is required to implement the independent counsel statute, whether that determination in naming an independent counsel is to be reached now or whether the facts dictate that they are to be named later.

Mr. President, it is a simple question of fairness and justice. I hope other Members of the Senate will join with me in calling upon Judge Sentelle, in the best traditions of the American judiciary, to recuse himself now, but I also hope, before any other Members of this Senate need to rise and express themselves on these facts, the Chief Justice of the United States will exercise his responsibilities to ensure that the courts are true to their traditions of justice.

Mr. President, I yield the floor.

RELATIVE TO THE DECISION OF THE ATTORNEY GENERAL ON THE INDEPENDENT COUNSEL PROCESS

Mr. TORRICELLI. Mr. President, pursuant to the unanimous consent agreement, on behalf of Senators LEAHY and LEVIN, I call up Joint Resolution 23.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 23) expressing the sense of the Congress that the Attorney General should exercise her best professional judgment, without regard to political pressures, on whether to invoke the independent counsel process to investigate alleged criminal misconduct relating to any election campaign.

The Senate proceeded to consider the joint resolution.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that all time for debate on the joint resolution be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 456 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IN SUPPORT OF THE CONFIRMATION OF ALEXIS HERMAN

Ms. MOSELEY-BRAUN. Mr. President, today the Labor Committee is considering the nomination of Alexis Herman to be Secretary of Labor. Alexis Herman has been a friend and a colleague for many years. I believe she would make an outstanding Secretary of Labor. She has always shown the leadership, good judgment, and high principles that the job requires. Her commitment to improving the condition of America's working people is second to none.

Alexis Herman has long dedicated her efforts to putting all Americans to work. She began her career by bringing together workers needing employment and employers needing workers. She did this by providing relevant, necessary training for potential employees so that they possessed the skills needed by employers.

Through her work, companies across America had access to employees who had the specific skills necessary for each company's particular jobs, and the people she trained were able to obtain work because they were trained for positions that actually existed.

As you know, she went on to head the Women's Bureau of the Department of Labor under President Carter. Her work there included helping displaced homemakers enter the work force, increasing opportunities for women to apprentice in skilled trades, and promoting women-owned businesses, something that has received strong bipartisan support in the Congress.

I would like especially to highlight her efforts at the Women's Bureau to provide job training opportunities for welfare recipients. Now, more than ever, we need to promote practical policies for putting people to work. Last year's welfare bill will mean that a flood of untrained, unskilled people will be searching desperately for work, or their families will go hungry. Without skills and training, however, their prospects for finding a job are bleak. We need Alexis Herman's practical experience working with employers and employees in the coming years if we are to put over a million people to work.

Alexis Herman's commitment to diversity will also enhance our work force. We, in this Nation, have the best work force in this world. Any time we retreat from providing equal opportunities to all of our citizens, however, we risk weakening our greatest asset, our workers. If we fail to utilize the talents of all of our people, we sell ourselves short as a nation. With her vast experience in increasing diversity in the workplace, Alexis Herman will ensure that no talent goes untapped.

In addition, as public liaison for President Clinton, Ms. Herman worked with Americans across the country—Americans with diverse backgrounds and concerns. She has served as a liaison with these many diverse groups and the President so successfully, because she is interested in, sympathetic to, and able to work with, the full spectrum of the American people.

I would also like to note Ms. Herman's commitment to continue the work of Secretary Reich in enhancing pension security. I have spent the last several years focusing on retirement security for all Americans, and for women in particular. Secretary Reich was a strong ally and we are beginning to make progress. Retirement security is one of the most important issues for our time, with baby boomers turning 50 every 9 seconds. If we allow a generation to retire into poverty, the Nation will lose a generation of consumers and gain a generation of dependents; an outcome that no one wants. I am confident that Alexis Herman's talent and experience will propel the efforts to improve retirement security forward and I would welcome the opportunity to work with her on this issue.

I would like to emphasize that I believe that one of Ms. Herman's greatest strengths is that she has formed partnerships with both business and labor in her many years working on employment issues. She understands the kind of investment business must make in human capital to improve productivity, increase profits, and create new jobs. She understands how difficult it is for small businesses to start up, and also how important these small businesses are to the economy as a whole. She understands that people want to work, and that they need the opportunity to be trained so that they can become productive members of the work force. She understands that we are all in this together.

Alexis Herman has spent many years serving the people and the country. I believe that there could be no better candidate for Secretary of Labor than Alexis Herman. She is an outstanding public servant. Her confirmation will make history; as Secretary of Labor she will make a difference in the lives of millions of Americans and workers throughout the world. I urge my colleagues to support the nomination of Alexis Herman to be Secretary of Labor and I look forward to her rapid confirmation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 17, 1997, the Federal debt stood at $5,363,306,532,631.89.

Five years ago, March 17, 1992, the Federal debt stood at $3,858,355,000,000.

Ten years ago, March 17, 1987, the Federal debt stood at $2,247,176,000,000.

Fifteen years ago, March 17, 1982, the Federal debt stood at $1,049,729,000,000.

Twenty-five years ago, March 17, 1972, the Federal debt stood at $429,286,000,000 which reflects a debt increase of nearly $5 trillion ($4,934,020,532,631.89) during the past 25 years.

CONGRATULATIONS TO DR. PAUL CURRIE ON HIS RETIREMENT

Mr. ASHCROFT. Mr. President, Senator Christopher S. "Kit" BOND and I would like to share with our colleagues in the U.S. Senate the example of a man who has been a model of citizenship, character, and service to humanity throughout his lifetime. The gentleman about whom I speak is Dr. Paul Currie, who will soon retire as pastor of the Presbyterian Church of Caruthersville.

On September 22, 1983, Dr. Paul Currie was present in this Chamber serving as Chaplain and offering the opening prayer. While this is historically an honor for any individual, we believe it was more of an honor for the U.S. Senate to have Dr. Currie serving in this chamber. Indeed, we believe the nearly four decades of service rendered to the community of Caruthersville, MO, serves as the real testimony to his compassion for his fellow man.

Since arriving in Caruthersville in 1958, Dr. Currie has always sought to reach beyond the lines of faith and unite all denominations in service to those in need. We can take faith that there are others who have been inspired by Dr. Currie and now live outside our great state, serving others.

Although Dr. Currie will be retiring, we will never forget his leadership. This veteran of the Korean war, this humble servant of God, community, and family, deserves to be recognized for his decades of service to his fellow man.

Senator BOND and I recognize today not only a lifetime of accomplishments by Dr. Currie, but also his inspiration of others. His example will inspire others to seek to enhance freedom, opportunity, and family life for generations to come.

In closing, I would like to quote a few words from Matthew 25:21, which I feel summarizes Dr. Paul Currie's many great deeds: "Well done, my good and faithful servant!"

We congratulate Dr. Currie on his retirement and extend him our best wishes for health and happiness for many years to come.

MESSAGES FROM THE HOUSE

At 4:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 274(b)(2) of Public Law 104–264, the Speaker appoints to the National Civil Aviation Review Commission the following members from private life on the part of the House: Mr. John J. O'Connor of Pennsylvania and Mr. D. Scott Yohe of Washington, DC.

The message also announced that pursuant to the provisions of section 274(b)(2) of Public Law 104–264, the minority leader appoints to the National Civil Aviation Review Commission the following members from private life on the part of the House: Col. Leonard Griggs (retired) of Missouri and Mr. John O'Brien of Virginia.

At 6:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 924. An act to amend title 18, United States code, to give further assurance to the rights of victims of crime to attend and observe the trials of those accused of the crime.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.J. Res. 58. Joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1436. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report on the Veterans Equitable Resource Allocation (VERA) plan; to the Committee on Veterans' Affairs.

EC-1437. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a request for supplemental relative to the National Transportation Safety Board; to the Committee on Appropriations.

EC-1438. A communication from the Secretary of Defense, transmitting, pursuant to law, the notice concerning a retirement; to the Committee on Armed Services.

EC-1439. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a notice of approval for a personnel management demonstration project for the Department of the Navy; to the Committee on Armed Services.

EC-1440. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on the Joint Demilitarization Technology Program; to the Committee on Armed Services.

EC-1441. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a rule entitled "Government Securities Sales Practices," (RIN3064-AB66) received on March 14, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1442. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Advances to Nonmembers"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1443. A communication from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Costal Service Costal Management, (RIN0648-ZA27) received on March 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1444. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule relative to air bags, (RIN2127-AG59) received on March 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1445. A communication from the Secretary of the Health and Human Services, transmitting, pursuant to law, the report on Child Support Enforcement Incentive Funding; to the Committee on Finance.

EC-1446. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to the authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during fiscal years 1998 and 1999; to the Committee on Foreign Relations.

EC-1447. A communication from the Executive Director of the Japan-U.S. Friendship Commission, transmitting, pursuant to law, a draft of proposed legislation to privatize the Commission; to the Committee on Foreign Relations.

EC-1448. A communication from the Acting Secretary Secretary, Department of State, transmitting, pursuant to law, the 1996 annual report on voting practices at the United Nations.

EC-1449. A communication from the Assistant Secretary of Interior for Indian Affairs, transmitting, a draft of proposed legislation to provide for the division, use and distribution of judgment funds; to the Committee on Indian Affairs.

EC-1450. A communication from the Assistant Secretary of Interior for Indian Affairs, transmitting, a draft of proposed legislation to provide for the division, use and distribution of judgment funds; to the Committee on Indian Affairs.

EC-1451. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "The Partnership to Rebuild America's Schools Act of 1997"; to the Committee on Labor and Human Resources.

EC-1452. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the report of the Committee of Equal Opportunities in Science and Engineering; to the Committee on Labor and Human Resources.

EC-1453. A communication from the Director and Chairperson of the Office of Special Education and Rehabilitative Services, National Institute On Disability and Rehabilitation Research, Department of Education, transmitting, pursuant to law, the report entitled "Disability Research: Accomplishments and Recommendations For Federal Coordination"; to the Committee on Labor and Human Resources.

EC-1454. A communication from the Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1455. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1456. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period October 1, 1995 through September 30, 1996; to the Committee on Governmental Affairs.

EC-1457. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC-1458. A communication from the Acting Chair of the National Indian Gaming Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1459. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1460. A communication from the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1461. A communication from the Commissioner of the Immigation and Naturalization Service, Department of Justice, transmitting, pursuant to law, three rules including a rule entitled "Inspection and Expedited Removal of Aliens" (RIN1115-AE24, AE02, AD74) received on March 14, 1997; to the Committee on the Judiciary.

EC-1462. A communication from the Maritime Administrator, Department of Transportation, transmitting, pursuant to law, the report on the Voluntary Intermodal Sealift Agreement; to the Committee on Commerce, Science, and Transportation.

EC-1463. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to leased commercial access, received on March 18, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1464. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Availability of Funds and Collection of Checks," received on March 18, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1465. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, nine rules including a rule entitled "Approval and Promulgation of Implementation Plans," (FRL5700-9, 5691-8, 5707-7, 5708-8, 5701-8, 5700-3, 5708-7, 5708-3, 5707-9) received on March 18, 1997; to the Committee on Environment and Public Works.

EC-1466. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97-14, received on March 17, 1997; to the Committee on Finance.

EC-1467. A communication from the Assistant Secretary for Legislative Affairs, Departmentof State, transmitting, pursuant to law, the report of Presidential Determination 97-19; to the Committee on Foreign Relations.

EC-1468. A communication from Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC-1469. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Standars of Ethical Conduct for Employess of the Executive Branch," (RIN3209-AA04) received on March 12, 1997; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POW-45. A resolution adopted by the city of Pulaski, TN relative to Poland; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Donna Holt Cunninghame, of Maryland, to be chief financial officer, Corporation for National and Community Service (new position), to which position she was appointed during the last recess of the Senate.

NATIONAL COUNCIL ON DISABILITY

Dave Nolan Brown, of Washington, to be a member of the National Council on Disability for a term expiring September 17, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arthur I. Blaustein, of California, to be a member of the National Council on the Humanities for a term expiring January 26, 2002.

Lorraine Weiss Frank, of Arizona, to be a member of the National Council on the Humanities for a term expiring January 26, 2002.

Susan Ford Wiltshire, of Tennessee, to be a member of the National Council on the Humanities for a term expiring January 26, 2002.

Nathan Leventhal, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 2002.

U.S. INSTITUTE OF PEACE

Joseph Lane Kirkland, of the District of Columbia, to be member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

NATIONAL INSTITUTE FOR LITERACY

Jon Deveaux, of New York, to be a member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

NATIONAL MEDIATION BOARD

Magdalena G. Jacobsen, of Oregon, to be a member of the National Mediation Board for a term expiring July 1, 1999.

NATIONAL SCIENCE FOUNDATION

M.R.C. Greenwood, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

John A. Armstrong, of Massachusetts, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Stanley Vincent Jaskolski, of Ohio, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Jane Lubchenco, of Oregon, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Richard A. Tapia, of Texas, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Mary K. Gaillard, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002, Bob H. Suzuki, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002, Eamon M. Kelly, of Louisiana, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002, Vera C. Rubin, of the District of Columbia, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Mary Lucille Jordan, of Maryland, to be a member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 2002. (Reappointment)

Theodore Francis Verheggen, of the District of Columbia, to be a member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2002.

Mr. JEFFORDS. Mr. President, for the Committee on Labor and Human Resources, I report favorably two nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORD of January 30, 1997, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that this nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 30, 1997, at the end of the Senate proceedings.)

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be medical director

Larry J. Anderson
John S. Andrews, Jr.
Kenneth W. Bernard
Richard D. Cannon
Robert H. Carlson
Jose F. Cordero
Jaime M. Diaz-Hernandez
Stephen W. Heath
David G. Hooper
Van S. Hubbard
T. Stephen Jones
Douglas N. Klaucke
Jeffrey A. Lybarger
Mark W. Oberle
Stephen B. Permison
Jeffrey J. Sacks
James H. Shelhamer
Dorothy D. Sogn
Edward Tabor
Michael H. Trujillo

To be senior surgeon

Robert F. Anda
Richard T. Caldwell
Jeffrey A. Cutler
Ruth A. Etzel
John T. Friedrich
George E. Graning
Joel R. Greenspan
Evan C. Hadley
Scott D. Holmberg
Michael J. Horan
Mark A. Kane
Jonathan E. Kaplan
Norris S. Lewis
Dorothy K. Macfarlane
Neil J. Makela
Richard A. Martin
Thomas R. Navin
Edward L. Petsonk
Frank D. Richards, Jr.
Cynthia D. Schraer
Mary K. Serdula
Phillip L. Smith
Hugh K. Tyson
Ronald J. Waldman
Allen J. Wilcox
Ray Yip

To be surgeon

Lynn A. Bosco
Ralph T. Bryan
William A. Calder IV
Richard J. Calvert
William E. Carter, Jr.
Philip E. Coyne, Jr.
Andrew M. Friede
Terence H. Hamel
George H. Hays, Jr.
Bradley S. Hersh
John R. Livengood
Adelina D. Marinberg
Diane A. Mitchell
John S. Moran
Neil J. Murphy
Mark G. Peterson
Michael Pratt
Sam S. Shekar

To be dental director

Harold A. Black
Thomas J. Decaro
Robert S. Enders
James W. Farrington
Douglas B. Fritz
Lawrence J. Furman
Robert H. Harry, Jr.
James A. Lipton
Donald W. Marianos
Robert A. Palmer
Steven H. Posner
Alan L. Sandler

To be senior dental surgeon

Victor R. Alos
Charles H. Detjen
Alan R. Deubner
M. Ann Drum
Robert F. Felker, Jr.
James D. Friday
Michael H. Hess
Richard T. Higham
Miguel Rico
Barry H. Waterman
Richard H. White
Russell C. Williams, Jr.
Benjamin F. Howard
James J. Jan
Mark Koday
Michael L. Mark
Gene J. McElhinney
Steven R. Newman
Forrest H. Peebles
Garry E. Pitts
Rodney Wong
David K. Wright
Stephen W. Wyatt

To be dental surgeon

Jerome B. Alford
Steven J. Baune
Robin S. Berrin
Samuel L. Bundrant
Billy D. Card, Jr.
James E. Code
Markus P. Eldred
Michael A. Foster
Kevin S. Hardwick
Mark S. Jacobson
Thomas E. Jordan
Jan T. Josephson
Margaret L. Lamy
Tad R. Mabry
Marilyn R. McKean
Howard W. Payne, Jr.
Peter M. Preston
Sandra L. Shire
Adele M. Taylor
John B. Veasley
Clifford D. White
Paul Young

To be nurse director

Janet M. Dumont
May B. Given
Lorraine A. Maciag
Lynn E. McCourt

To be senior nurse officer

Melissa M. Adams
Bruce C. Baggett
Martina P. Callaghan
Martha J. Coury
Roberta A. Holder-Mosley
Charles R. Mauch
Nancy E. Miller-Korth
Constance J. Overby
Marilyn K. Pierce-Bulger
Cristin O. Rodriguez
Carol A. Romano
Myra J. Tucker
Gale G. White
Beverly R. Wright
Sarah C. Zahniser

To be nurse officer

Robin E. Anderson
Ana M. Balingit-Clark
Doris L. Clarke
James E. Clevenger
Regena N. Dale
Joanne Derdak
Fern S. Detsoi
Thomas J. Edwards
Danny J. English
Maureen Q. Farley
Pamela R. Gallagher-Navarro
Clarice Gee
Alan D. Goldstein
Martha L. Haynes
Mark W. Hunt
Merrit C. Jensen
Donna M. Kenison
David L. Kerschner
Kathleen M. Kinsey
Mark P. Lecapitaine
Lynn M. Lowry
Judith E. Maeda
Kenda J. Mathews
Timothy E. Mathews
Sheryl L. Meyers
Michael G. Mikulan
Roger A. Monson
Susan J. Morris
Ernestine Murray
Robinson J. Myers
Barbara J. Myrick
Rebecca K. Olin
Maria C. Padilla
Gladys V. Perkins
James M. Pobrislo
Christine L. Rubadue
Beverly J. Sanders
Leslie A. Spousta, Jr.
Timothy R. Stockdale
Lauren C. Tancona
Diane R. Walsh
Mark S. Wessel
Janet L. Wildeboor

To be engineer director

Bruce P. Almich
Donald B. Bad
Moccasin

Samuel C. Bradshaw
Alvin Chun
Herbert W. Dorsey
Marius J. Gedgaudas
Alan J. Hoffman
Thomas T. Kariya, Jr.
Stephen B. Leighton
William H. Midgette
Dennis M. Obrien
Richard J. Waxweiler
Wayne E. Wruble

To be senior engineer officer

Gerald V. Babigian
Curtis C. Bossert
Alwin L. Dieffenbach
John R. Giedt
Robert M. Hayes
William A. Heitbrink
Gary A. McFarland
Joseph C. Cocalis
John T. Collins
Richard D. Melton
Elliot A. Shefrin
Michael Verschelden
Randy N. Willard
Bryan K. H. Yim

To be engineer officer

Randall L. Bachman
Jose F. Cuzme
Kennith O. Green
Valerie J. Haney
Daniel L. Heintzman
Kenneth F. Martinez
Ronald L. Mickelsen
Douglas C. Ott
George D. Pringle, Jr.
Roger G. Slape
Kelly R. Titensor
Robert L. Wilson

To be scientist director

Wilbur H. Cyr
Robert B. Dick
George C. Jan
Robert P. Klein
Kenneth Krell
Joseph M. Madden
Eve K. Moscicki
Annette W. Zimmern

To be senior scientist

Raymond F. Beach, Jr.
Gregory M. Christenson
Raquel A. Crider
William T. Dill
William A. Kachadorian
Alan C. Schroeder
Chung-Yui B. Tai
Richard W. Truman

To be scientist

John E. Abraham
Leslie P. Boss
John A. Elliott
G. Shay Fout
Sara Dee McArthur
Rogert R. Rosa
Mildred M. Williams-Johnson

To be sanitarian director

Richard M. Bryan
Douglas R. Jackson
Ralph J. Touch, Jr.

To be senior sanitarian

Larry E. Glaze
Randy E. Grinnell
John J. Hanley
Richard W. Hartle
Gregory M. Heck
Gary P. Noonan
John A. Steward

To be sanitarian

Byron P. Bailey
William D. Compton
Ralph F. Fulgham
Barry S. Hartfield
Robert F. Hennes
Joseph L. Hughart
Mark H. Mattson
John P. Sarisky
Jeffrey J. Smith
Kevin Tonat
L.J. David Wallace III
Paul T. Young

To be veterinary director

Michael J. Blackwell

To be senior veterinary officer

Marguerite Pappaioanou

to be veterinary officer

Peter B. Bloland

To be pharmacist director

David Barash
John A. Boren
Gary A. Erickson
Steven C. Garrett
J. Craig Hostetler
James E. Knoben
Jay D. McGath
Steven R. Moore
Richard E. Davis
Jimmy P. Dowdy
James C. Myers
Robert W. Parrish
Steven L. Pettitt
William B. Welch
Patricia T.L. Yee-Spencer

To be senior pharmacist

Russell E. Alger
Thomas L. Blumenberg
Robert W. Boyce
Anthony J. Brooks
Susan Carl
Anthony W. Decicco
Paul N. Deramo
Rogert D. Eastep
Roger A. Goetsch
Arden H. Hanson
Paul L. Hepp
William A. Hess
Francis J. Hussion
Michael F. Johnston
Ralph B. Lillie
James A. May
Jon A. McArthur
Thomas J. McGinnis
Robert C. Nelson
Nicholas P. Provost
Grover H. Rivenbark
Linda J. Shull
R. David Simpton
Ronnie D. Thomas
William P. Tyler, Jr.
Peter L. Vaccari
Robert L. West
Stephen W. Wickizer

To be pharmacist

Diane Centeno-Deshields
Paul A. David
Josephine E. Divel
Steven C. Doane
Mary B. Forbes
Eric D. Gregory
Martin Jagers
Danny C. Jones
James C. Jordan
Michael R. Lilla
Robert A. McGough
James W. Mitchell
Michael J. Montello
Cecilia-Marina Prela
Robert W. Rist
Renee J. Roncone
William D. Sage
Thomas J. Troshynski

To be dietitian director

Beverly G. Crawford

To be senior dietitian

Shirley R. Blakely
Sandra R. Robinson

To be dietitian

Diana M. Prince
Paulette D. Wicks

To be therapist director

Michael R. Huylebroeck

To be senior therapist

Charles L. McGarvey
Marie A. Schroeder

To be therapist

Terry T. Cavanaugh
Franklin D. Keel
Sherry L. Phillips
Bonnie C. Thornton

To be health services director

Evan R. Arrindell
Martin J. Bree
Robert N. Burns
William M. Chapin, Jr.
James E. Clair
Larry D. Edmonds
Jerry G. Gentry
Robert P. Kuhlthau
Michael A. Lopatin
John L. McCrohan, Jr.
Emmett E. Noll,
Margaret T. Roper
Harry A. Rosenzweig
Edwin L. Sensintaffar
Robert Soliz
Stuart M. Swayze
Dawn G. Tharr

To be senior health services officer

Mary P. Anderson
Kenneth R. Bahm
Stephen J. Balcerzak
Roger W. Broseus
Stephanie D. Bryn
Thomas F. Carrato
Vivian T. Chen
Robert L. Davidson
Carol A. Delany
Norman E. Dodds
Jean D. Doong
John D. Dupre
Alan S. Friedlob
John D. Gallicchio
Donald W. Gann
John M. Garber
Jesse L. Glidewell
Terence M. Grady
Richard P. Haskins
Gloria J. Holder
Ellen M. Hutchins
Debra Y. Lewis
Hector Lopez
George G. Martin
James D. McGlothlin
Carol Rest-Mincberg
S. Jay Smith
Francis P. Wagner, Jr.

To be health services officer

Eugenia Adams
Duane R. Beckwith
Francis J. Behan
Annie L. Brayboy-Fair
Robert G. Hammernik
Teresa C. Horan
Nina R. Lalich
W. Henry Macpherson
Robert J. Slayton
Rachel E. Solomon
Maria E. Stetter
Nancy A. Tollison
John N. Zey

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be medical director

Dan L. Longo

To be senior surgeon

Michael A. Friedman
Jeffrey R. Harris
Douglas B. Kamerow
Henry C. Lane

To be surgeon

Enrique S. Fernandez
Dennis M. Klinman
Daniel G. Schultz
David L. Swerdlow

To be senior assistant surgeon

Alice Y. Boudreau
Joanna Buffington
Erlinda R. Casuga-Marquez
A. Russell Gerber
Douglas W. Kingma
Denise T. Koo
Eric D. Mintz
Mark J. Papania
David H. Sniadack
Judith Thierry
John C. Watson
Jane R. Zucker

To be dental surgeon

Rosemary E. Duffy

To be senior assistant dental surgeon

David L. Brizzee
Jeffrey M. Carolla
Michael E. Korale
Jana Cheryl McIntosh
Rebecca V. Neslund
William J. Perez
Linda C. Torres
John T. Zimmer

To be senior assistant nurse officer

Joyce A. Anderson
Victoria L. Anderson
Judith E. Arndt
Lori E. Bealle
Erica M. Boardman
Jeffrey N. Burnham
Laura M. Chisholm
Maria L. Dinger
Cindy E. Hamlin
Dennis R. Hammond
Roldie C. Jones
Christine M. Parmentier
Daniel Reyna
Cliffornia J. Rolle
Mary F. Rossi-Coajou
Leslie L. Royall
Rosemary J. Sullivan
James S. Whiting
Christine L. Williams
Tony M. Zorzynski

To be assistant nurse officer

Daniel J. Aronson
Robert C. Frickey

To be senior assistant engineer officer

Raymond M. Behel II
David M. Birney
Eric L. Crump
Gary S. Earnest
Michael G. Gressel
William R. Griffin
Michael J. Koehmstedt
Dennis J. Wagner
Louis A. Lightner, Jr.
Robert B. McVicker
Jacqueline M. Parker
Steven E. Raynor
Paul G. Robinson
George W. Styer
Daniel C. Tompkins
Maurice C. West

To be assistant engineer officer

Anthony G. Kathol

To be scientist

Donald H. Burr

To be senior assistant scientist

Dina Birman
Frank P. Gonzales
Bruce H. Grant
Neal R. McMann

To be sanitarian

Brenda J. Holman

To be senior assistant sanitarian

Gary J. Gefroh
Kevin W. Hanley
Michael P. Keiffer
Geoffrey G. Langer
John P. Leffel
Reva J. Melton
Edward Perez, Jr.
Frederick A. Ramsey
Doris Ravenell-Brown
Michael M. Welch

To be veterinary officer

Linda R. Tollefson

To be senior assistant veterinary officer

Tracey C. Bourke
Stephanie I. Harris

To be senior assistant pharmacist

Michael R. Allen
Maria T. Burt
Robert B. Carlile IV
John M. Coleman
L. Jane Duncan
Traci C. Gale
Jill G. Geoghegan
Karen G. Hirshfield
Ilene R. Ketter
David V. Larson
Keith E. Rost
Linda M. Schrand
Kassandra C. Sherrod
Thomas A. Sticht
Julie E. Warren

To be assistant pharmacist

Dana L. Hall
Eddie J. Winn

To be senior assistant dietitian

Young S. Song
Connie Y. Torrence-Thomas
Juli M. Whitson

To be senior assistant therapist

Bart E. Drinkard

To be senior assistant health services officer

Bradley L. Austin
Toni A. Bledsoe
Frank H. Cross, Jr.
Willard E. Dause
Jan Davis
Maureen E. Gormley
Steve Gurski III
R. Andrew Hunt
Winston L. Moorehead
Judith A. Nelson
Gay E. Nord
Kenneth B. Stewart

To be assistant health services officer

Lou A. Rector
Christopher R. Walsh

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Susan R. Baron, of Maryland, to be a member of the National Corporation for Housing Partnerships for the term expiring October 27, 1997.

Jeffrey A. Frankel, of California, to be a member of the Council of Economic Advisers.

Charles A. Gueli, of Maryland, to be a member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1999.

Yolanda Townsend Wheat, of Missouri, to be a member of the National Credit Union Administration Board for the term of 6 years expiring August 2, 2001.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN (for herself, Mr. Kennedy, Mr. Graham, Mr. Kerry, Mr. Levin, Mr. Torricelli, Mrs. Murray, Ms. Mikulski, Mr. Dodd, and Mr. Wellstone):

S. 456. A bill to establish a partnership to rebuild and modernize America's school facilities; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:

S. 457. A bill to amend section 490 of the Foreign Assistance Act of 1961 to provide alternative certification procedures for assistance for major drug producing countries and major drug transit countries; to the Committee on Foreign Relations.

By Mr. FAIRCLOTH (for himself, Mr. Kyl, Mr. Warner, Mr. Lugar, Mr. Shelby, Mr. Inhofe, Mr. Bennett, Mr. Craig, Mr. Enzi, and Mr. Hagel):

S. 458. A bill to provide for State housing occupancy standards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself, Mr. McCain, Mr. Domenici, Mr. Murkowski, and Mr. Inouye):

S. 459. A bill to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes; to the Committee on Indian Affairs.

By Mr. BOND (for himself, Ms. Snowe, Mr. Nickles, Mr. Burns, Mr. Warner, Mr. Faircloth, Mr. Murkowski, Mr. Inhofe, Mr. Enzi, Mr. Hutchinson, Mr. Mack, Ms. Mikulski, and Mr. Grams):

S. 460. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. Inhofe, and Mr. Helms):

S. 461. A bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself, Mr. D'Amato, Mr. Bond, Mr. Faircloth, and Mr. Grams):

S. 462. A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COATS:

S. 463. A bill to amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-State solid waste in the Governor's State, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY:

S. 464. A bill to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error; to the Committee on Veterans Affairs.

By Mr. DORGAN (for himself, Mr. Byrd, and Mr. Sarbanes):

S. 465. A bill to establish an Emergency Commission To End the Trade Deficit; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. Kennedy, Mr. Kerry, Mrs. Feinstein, and Mr. Torricelli):

S. 466. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mrs. Murray, Mr. Wyden, and Mr. Dorgan):

S. 467. A bill to prevent discrimination against victims of abuse in all lines of insurance; to the Committee on Labor and Human Resources.

By Mr. CHAFEE (for himself and Mr. Moynihan):

S. 468. A bill to continue the successful Federal role in developing a national intermodal surface transportation system, through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 469. A bill to designate a portion of the Sudbury, Assabet and Concord Rivers as a component of the National Wild and Scenic River System; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself and Mr. Moynihan):

S. 470. A bill to amend the Internal Revenue Code of 1986 to make a technical correction relating to the depreciation on property used within an Indian reservation; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. Leahy):

S.J. Res. 23. A joint resolution expressing the sense of the Congress that the Attorney General should exercise her best professional judgement, without regard to political pressures, on whether to invoke the independent counsel process to investigate alleged criminal misconduct relating to any election campaign; read twice.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Res. 64. A resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week"; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. Dorgan):

S. Res. 65. A bill to express the sense of the Senate on consideration of comprehensive campaign finance reform; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Mr. Kennedy, Mr. Graham, Mr. Kerry, Mr. Levin, Mr. Torricelli, Mrs. Murray, Ms. Mikulski, Mr. Dodd, and Mr. Wellstone):

S. 456. A bill to establish a partnership to rebuild and modernize America's school facilities; to the Committee on Labor and Human Resources.

THE PARTNERSHIP TO REBUILD AMERICA'S SCHOOLS ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I send to the desk, and I am pleased to introduce, along with a number of my colleagues, the Partnership To Rebuild America's School Act of 1997. This legislation is designed to address one of the most fundamental problems that we currently face as a nation with regard to public elementary and secondary education: many of our schools are literally falling down around our children. This legislation will help us address this problem, the crisis of crumbling schools in America.

On Friday, the President officially transmitted this legislation to the Congress. The bill is the result of months of work by the Department of Education, the Department of the Treasury, the White House, my office, and a number of other congressional offices.

At the outset, I commend and thank everyone who has participated in the development of this legislation for their efforts.

Mr. President, the Partnership To Rebuild America's Schools Act of 1997 will help States and local school districts finance the repair, renovation, modernization and construction of their schools. States and school districts will be able to use the Federal funds to assist them in financing their highest priority projects.

This bill will allow school districts to do more of what they need to be doing, educating our children for the 21st century.

In America, the rungs on the ladder of opportunity are still crafted in the classroom. High school graduates earn, on average, 46 percent more every year than those who do not graduate. College graduates earn 155 percent more every year than those who do not graduate from high school. Over the course of a lifetime, the most educated Americans will earn five times as much as the least educated.

Education, however, is not just a matter of individual benefit. It is a public good as well. It affects and correlates to the status and the quality of life for our entire community. It correlates to just about every indicia of economic and social well-being. Educational attainment can be directly tied to income, health, the likelihood of being on welfare, the likelihood of being incarcerated, and the likelihood of voting and participating in our democracy. Education, therefore, has both national as well as individual implications.

In a recent Wall Street Journal survey of leading U.S. economists, 43 percent of those surveyed said the single most important thing that we could do to increase our long-term economic growth rate would be to invest more in education and research and development. Nothing else even came close to education in the survey. One economist said, "One of the few things that economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities."

In his State of the Union Address, President Clinton noted that education is a critical national security issue for our future. I believe this notion should be at the heart of our debate over education.

In order to compete with cheap, Third World labor in a global economy, in an information age, and to maintain the standard of living to which we have grown accustomed as Americans, we will have to have a work force that works smarter, that works better, that can hold its own in this global economy at the high end of the productivity scale.

So education then becomes a matter of national concern and, indeed, as the President pointed out, a matter of our national security, because it is directly linked to our ability to be able to maintain the standard of living that we have come to appreciate as Americans and our ability to compete in this global marketplace.

We all have a role to play. That is why this legislation starts off calling itself a partnership, because there must be a partnership between State, local and National Government to meet the challenge that this global economy, and changes in the world, have given us all to face.

The Partnership To Rebuild America's Schools Act of 1997 will help us to meet the challenge by investing in education in ways that preserve the fundamental tenet of local control of education.

By investing in bricks and mortar the Federal Government can contribute to a more balanced partnership among all levels of Government and in the private sector to rebuild and modernize our schools so they can serve all of our children in the 21st century. This legislation strikes that balance. This legislation does preserve local control, but, much to the point, it says that we at the national level have an obligation to participate in addressing those needs that can be most appropriately addressed at the national level; and that is rebuilding our crumbling schools.

The bill uses 5 billion Federal dollars to leverage an additional $15 billion worth of State, local and private resources. Half of the money will be apportioned to States using the existing Title I basic grants formula. The remainder will flow directly to the 100 school districts in the country with the largest numbers of children living below the poverty level.

Of the amount available for direct assistance to these impoverished communities, the Department of Education will apportion 70 percent by formula and will make the remaining 30 percent available on a competitive basis.

In addition, the bill will allocate 2 percent of the funds to the Secretary of the Interior for administration to Indian schools and to the Secretary of Education for the outlying territories.

Under both the State and local programs, States and school districts would have an enormous amount of flexibility in the use of these Federal funds to help finance school improvement projects. They could use the funds to subsidize State or local bond issues, certificates of participation, purchase or lease agreements, or other financial transactions used to finance school improvements.

In addition, the States would be allowed to capitalize on entities similar to the State infrastructure banks which are currently used by a number of States to help finance highway improvement projects. These infrastructure banks could be used to leverage additional resources.

This program is designed to stimulate new construction and renovation, and there are specific provisions in the bill to ensure that Federal funds are not used simply to finance school improvements that would have occurred anyway. The bill is designed to fill a real need that exists at both the State and local levels for school financing assistance, not to supplement districts that would have otherwise been able to finance their projects.

It is carefully crafted to minimize administrative costs at the Federal level and to maximize local control over decisions that must be made with regard to school improvements.

States and districts will be required to submit applications to the Secretary of Education describing their needs and the process that will be used to award the Federal funds. Once these applications are approved, grantees will immediately receive the full share of the $5 billion.

In addition, other than following certain criteria, States and local districts will be free to finance their top-priority projects. The Federal Government will not be in the business of dictating priorities and needs to State and local school districts who know their schools best.

This bill helps address a need that has completely overwhelmed States and local school districts. The magnitude of the school facilities problem is so great today that many districts cannot maintain the kind of educational environment necessary to teach all of our children the kind of skills they will need to compete in the 21st century, global economy.

The U.S. General Accounting Office, which at my request conducted an intensive 2-year study of the condition of America's schools, recently concluded that 14 million children attend schools in need of major renovations or outright replacement, and 7 million children attend schools with life-threatening safety code violations. They found that it will cost $112 billion to essentially bring schools up to code, not to equip them with new computers and cosmetic improvements, but just to address the toll that decades of deferred maintenance have taken on our Nation's school facilities.

That $112 billion price tag, as enormous as it may sound, does not include the cost of wiring schools for modern technology. One of the greatest barriers to the incorporation of modern computers into the classroom is the physical condition of many school buildings. You cannot very well use a computer if you do not have the electrical system to plug it into the wall. Too many schools across the country do not have the physical capacity to provide our youngsters with the instruments they will need in order to be educated for this information age.

According to the General Accounting Office, almost half of all schools lack enough electrical power for the full-scale use of computers, 60 percent of them lack enough conduits in the walls to connect classroom computers to a network, and more than 60 percent lack enough phone lines for instructional use.

For this generation, computers really are the functional equivalent of books. My son sometimes is amazed that computers were not around when I was in school. The fact of the matter is, though, that many of our schools were built before the advent of these technologies, and they have not been upgraded so that modern teaching tools can be used in the classroom. Our youngsters need modern technology if they are to be prepared for this information age and for this global economy.

That $112 billion price tag also does not include the cost of expanding capacity to accommodate soaring enrollments. According to the U.S. Department of Education, just to keep up with growing enrollment, we will need to build 6,000 new schools over the next 10 years.

Teachers and parents know full well that these conditions directly affect the ability of children to learn. Recent research, however, has lent scientific proof to that intuitive knowledge. Two separate studies found a 10 to 11 percent achievement gap between students in good school buildings and those in poor school buildings after controlling for all other factors.

Other studies have found that when buildings are in poor condition, students are more likely to misbehave. That should come as no surprise to parents. Three leading researchers in this area recently concluded, "Based on our research, there is no doubt that building condition affects academic performance."

Mr. President, this legislation is in the interest, I believe, of not just the children of America who have to go to these school buildings, many of which are dilapidated and rundown and neglected, but it is also in the interest of communities that will need the help to finance school repairs, and it is in the interest of our Nation that will need to have an educated work force.

Mr. President, the current system of school finance, which relies primarily on local property taxes, is not flexible enough to meet the enormous needs of our Nation's schools. This country, I believe, needs a new approach to solve the problem of crumbling schools, a partnership among all levels of government and the private sector that preserves local control of education, but creates some balance, and infuses, frankly, a little more reason into our school finance system that does not now adequately serve the schools, the children, the country, or the local property taxpayers.

The Department of Education has looked closely at a number of communities around the country and assessed the effect that this legislation would have on their ability to finance their construction needs. The Department looked at, for example, Los Angeles. Most of the school buildings there are more than 40 years old and are not wired for technology. Mr. President, 245 schools need roof replacements, and 50 of them need new boilers. According to the Department, this legislation could accelerate many long overdue projects and facilitate the passage of bond referenda at the local level.

The Department also looked at the State of Maine, which has many 100-year-old buildings and one-room schoolhouses. According to the Department, most districts in that State cannot cover the total cost of bonds issued to finance repair and modernization projects. Again, this legislation would allow needed projects to go forward.

The Department also looked at a school district in southern Florida suffering from severe overcrowding. Mr. President, 34,000 students in that district do not have permanent desks. There are 10,000 new students added to the system each year. The district would have to build a new school every month to keep up with this demand. According to the Department this legislation will help this district move away from the use of portable classrooms, which do not provide as conducive a learning environment as real schools.

My own State of Illinois would benefit greatly from this legislation. As the GAO reported last week, my State has unfortunately one of the most inequitable school finance systems in the Nation. With a low State contribution to school resources, and with a poor State effort to target funds to the neediest districts, local property taxpayers in Illinois are saddled with almost 60 percent of the costs of educating their children. It is no wonder, then, that the State board of education estimates that Illinois' construction needs are $13 billion. Too many of Illinois' school districts have a difficult time even providing textbooks and pencils, let alone major capital improvements. This legislation would free up local resources in Illinois for education by providing Federal support for the construction, rehabilitation and renovation of the school buildings.

I urge all my colleagues to take a close look at the needs of the schools in their States and consider joining us in cosponsoring this legislation. This initiative is not about partisan politics. In fact, I think most Americans would agree wholeheartedly with the President when he said that partisan politics should stop at the schoolhouse door. This is something that transcends partisan differences and goes to the heart of our ability to provide for our children's well-being and their needs going into the 21st century.

Congress has a unique opportunity to take a fundamentally new approach to improving the quality of elementary and secondary education. This bill represents a chance to improve our system of school finance and help prepare our children for the 21st century. I believe this will be welcomed by taxpayers at the local level, particularly those who, at this point, are unfairly burdened with the costs of trying to keep up a school system that deserves the support of all levels of government in our country.

Mr. President, I have several documents from the Department of Education that I would like to have printed in the RECORD. I have the letter of transmittal from the Secretary of Education to the President of the Senate, a fact sheet regarding the correlation between building conditions and student achievement, and seven case studies assessing the impact this legislation would have on communities across America. I ask unanimous consent that these materials, as well as the text of the bill itself, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Partnership to Rebuild America's Schools Act of 1997."

TITLE I—SCHOOL CONSTRUCTION ASSISTANCE PROGRAM

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TITLE I—SCHOOL CONSTRUCTION ASSISTANCE PROGRAM

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PART 1—PROGRAM AUTHORIZED

FINDINGS AND PURPOSE

SEC. 102. (a) FINDINGS.—The Congress finds as follows:

(1) According to the General Accounting Office, one-third of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair or renovation.

(2) School infrastructure problems exist across the country, but are most severe in central cities and in schools with high proportions of poor and minority children.

(3) Many States and school districts will need to build new schools in order to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(4) Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

(5) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need.

(6) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for States and localities to increase their own infrastructure improvement efforts and helping ensure that all students are able to attend schools that are equipped for the 21st century.

(b) PURPOSE.—The purpose of this Act is to provide Federal interest subsidies, or similar assistance, to States and localities to help them bring all public school facilities up to an acceptable standard and build the additional public schools needed to educate the additional numbers of students who will enroll in the next decade.

DEFINITIONS

SEC. 103. Except as otherwise provided, as used in this Act, the following terms have the following meanings:

(1) CHARTER SCHOOL.—The term "charter school" has the meaning given that term in section 10306(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066(1)).

(2) COMMUNITY SCHOOL.—The term "community school" means a school, or part of a school, that serves as a center for after-school and summer programs and the delivery of education, tutoring, cultural, and recreational services, and as a safe haven for all members of the community by—

(A) collaborating with other public and private nonprofit agencies (including libraries and other educational, human-service, cultural, and recreational entities) and private businesses in the provision of services;

(B) providing services such as literacy and reading programs; senior citizen programs; children's day-care services; nutrition services; services for individuals with disabilities; employment counseling, training, and placement; and other educational, health, cultural, and recreational services; and

(C) providing those services outside the normal school day and school year, such as through safe and drug-free safe havens for learning.

(3)(A) CONSTRUCTION.—The term "construction' means——

(i) the preparation of drawings and specifications for school facilities;

(ii) erecting, building, acquiring, remodeling, renovating, improving, repairing, or extending school facilities;

(iii) demolition, in preparation for rebuilding school facilities; and

(iv) the inspection and supervision of the construction of school facilities.

(B) The term "construction" does not include the acquisition of any interest in real property.

(4) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 14101(18) (A) and (B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18) (A) and (B)).

(5) SCHOOL FACILITY.—(A) The term "school facility" means—

(i) a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, whose primary purpose is the instruction of public elementary or secondary students; and

(ii) initial equipment, machinery, and utilities necessary or appropriate for school purposes.

(B) The term "school facility" does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

(6) SECRETARY.—The term "Secretary" means the Secretary of Education.

(7) STATE.—The term "State" means each of the 50 States and the Commonwealth of Puerto Rico.

(8) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given that term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

FUNDS APPROPRIATED

SEC. 104. There are appropriated $5,000,000,000 for the purpose of carrying out this Act, which shall be available for obligation by the Secretary of Education from October 1, 1997 until September 30, 2001.

ALLOCATION OF FUNDS

SEC. 105. (a) RESERVATION FOR THE SECRETARY OF THE INTERIOR AND THE OUTLYING AREAS.—(1) The Secretary shall reserve up to two percent of the funds appropriated by section 104 to—

(A) provide assistance to the Secretary of the Interior, which the Secretary of the Interior shall use for the school construction priorities described in section 1125(c) of the Education Amendment of 1978 (25 U.S.C. 2005(c)); and

(B) make grants to America Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in accordance with their respective needs, as determined by the Secretary.

(2) Grants provided under paragraph (1)(B) shall be used for activities that the Secretary determines best meet the school infrastructure needs of the areas identified in that paragraph, subject to the terms and conditions, consistent with the purpose of this Act, that the Secretary may establish.

(b) ALLOCATION OF REMAINING FUNDS.—Of the remaining funds appropriated by section 104—

(1) 50 percent shall be used for formula grants to States under section 111;

(2) 35 percent shall be used for direct formula grants to local educational agencies under section 126; and

(3) 15 percent shall be used for competitive grants to local educational agencies under section 127.

PART 2—GRANTS TO STATES

ALLOCATION OF FUNDS

SEC. 111. (A) FORMULA GRANTS TO STATES.—Subject to subsection (b), the Secretary shall allocate the funds available under section 105(b)(1) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year if the Secretary had disregarded the numbers of children counted under that subpart who were enrolled in schools of local educational agencies that are eligible to receive direct grants under section 126 of this Act.

(b) ADJUSTMENTS TO ALLOCATIONS.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to State under subsection (a) and to local educational agencies under section 126, the percentage allocated to a State under this section and to localities in the State under section 126 is at least the minimum percentage for the State described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for the previous fiscal year.

(c) REALLOCATIONS.—If a State does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of the State's allocation, as the case may be, to the remaining States in the same proportions as the original allocations were made to those States under subsections (a) and (b).

ELIGIBLE STATE AGENCY

SEC. 112. The Secretary shall award each State's grant to the State agency, such as a State educational agency, a State school construction agency, or a State bond bank, that the Governor, with the agreement of the chief State school officer, designates as best able to administer the grant.

ALLOWABLE USES OF FUNDS

SEC. 113. Each State shall use its grant under this part only for one or more of the following activities to subsidize the cost of eligible school construction projects described in section 114:

(1) Providing a portion of the interest cost (or of another financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a State or its instrumentality for the purpose of financing eligible projects.

(2) State-level expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Making subgrants, or making loans through a State revolving fund, to local educational agencies or (with the agreement of

the affected local educational agency) to other qualified public agencies to subsidize—

(A) the interest cost (or another financing cost approved by the Secretary) of bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other agency or unit of local government for the purpose of financing eligible projects; or

(B) local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in subparagraph (A).

(4) Other State and local expenditures approved by the Secretary that leverage funds for additional school construction.

ELIGIBLE CONSTRUCTION PROJECTS; PERIOD FOR INITIATION

SEC. 114 (a) ELIGIBLE PROJECTS.—States and their subgrantees may use funds under this part, in accordance with section 113, to subsidize the cost of—

(1) construction of elementary and secondary school facilities in order to ensure the health and safety of all students, which may include the removal of environmental hazards; improvements in air quality, plumbing, lighting, heating and air conditioning, electrical systems, or basic school infrastructure; and building improvements that increase school safety;

(2) construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) construction activities that increase the energy efficiency of school facilities;

(4) construction that facilitates the use of modern educational technologies;

(5) construction of new school facilities that are needed to accommodate growth in school enrollments; or

(6) construction projects needed to facilitate the establishment of charter schools and community schools.

(b) PERIOD FOR INITIATION OF PROJECT.—(1) Each State shall use its grant under this part only to subsidize construction projects described in subsection (a) that the State or its localities have chosen to initiate, through the vote of a school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(2) If a State determines, after September 30, 2001, that an eligible project for which it has obligated funds under this part will not be carried out, the State may use those funds (or any available portion of those funds) for other eligible projects selected in accordance with this part.

(c) REALLOCATION.—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a State is not making satisfactory progress in carrying out its plan for the use of the funds allocated to it under this part, the Secretary may reallocate all or part of those funds, including any interest earned by the State on those funds, to one or more other States that are making satisfactory progress.

SELECTION OF LOCALITIES AND PROJECTS

SEC. 115. (a) PRIORITIES.—In determining which localities and activities to support with grant funds, each State shall give the highest priority to—

(1) localities with the greatest needs, as demonstrated by inadequate educational facilities, coupled with a low level of resources available to meet school construction needs; and

(2) localities that will achieve the greatest leveraging effect on school construction from assistance under this part.

(b) ADDITIONAL CRITERIA.—In addition to the priorities required by subsection (a), each State shall consider each of the following in determining the use of its grant funds under this part:

(1) The condition of the school facilities in different communities in the State.

(2) The energy efficiency and the effect on the environment of projects proposed by communities, and the extent to which these projects use cost-efficient architectural design.

(3) The commitment of communities to finance school construction and renovation projects with assistance from the State's grant, as demonstrated by their incurring indebtedness or by similar public or private commitments for the purposes described in section 114(a).

(4) The ability of communities to repay bonds or other forms of indebtedness supported with grant funds.

(5) The particular needs, if any, of rural communities in the State for assistance under this Act.

(6) The receipt by local educational agencies in the State of grants under part 3, except that a local educational agency is not ineligible for a subgrant under this part solely because it receives such a grant.

STATE APPLICATIONS

SEC. 116. (a) APPLICATION REQUIRED.—A State that wishes to receive a grant under this part shall submit an application to the Secretary, in the manner the Secretary may require, not later than two years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The State agency designated under section 112 shall develop the State's application under this part only after broadly consulting with the State board of education, and representatives of local school boards, school administrators, the business community, parents, and teachers in the State about the best means of carrying out this part.

(2) If the State educational agency is not the State agency designated under section 112, the designated agency shall consult with the State educational agency and obtain its approval before submitting the State's application.

(c) STATE SURVEY.—(1) Before submitting the State's application, the State agency designated under section 112, with the involvement of local school officials and experts in building construction and management, shall survey the need throughout the State (including in localities receiving grants under part 3) for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the State, including health and safety problems;

(B) the capacity of the schools in the State to house projected enrollments; and

(C) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A State need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this part.

(d) APPLICATION CONTENTS.—Each State application under this part shall include—

(1) an identification of the State agency designated by the Governor under section 112 to receive the State's grant under this party;

(2) a summary of the results of the State's survey of its school facility needs, as described in subsection (c);

(3) a description of how the State will implement its program under this part;

(4) a description of how the State will allocate its grant funds, including a description of how the State will implement the priorities and criteria described in section 115;

(5)(A) a description of the mechanisms that will be used to finance construction projects supported by grant funds; and

(B) a statement of how the State will determine the amount of the Federal subsidy to be applied, in accordance with section 117(a), to each local project that the State will support;

(6) a description of how the State will ensure that the requirements of this part are met by subgrantees under this part;

(7) a description of the steps the State will take to ensure that local educational agencies will adequately maintain the facilities that are constructed or improved with funds under this part;

(8) an assurance that the State will use its grant only to supplement the funds that the State, and the localities receiving subgrants, would spend on school construction and renovation in the absence of a grant under this part, and not to supplant those funds;

(9) an assurance that, during the four-year period beginning with the year the State receives its grant, the combined expenditures for school construction by the State and the localities that benefit from the State's program under this part (which at the State's option, may include private contributions) will be at least 125 percent of those combined expenditures for that purpose for the four preceding years; and

(10) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(9) for a particular State if the State demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because the State or its localities have incurred a particularly high level of school construction expenditures during the previous four years.

AMOUNT OF FEDERAL SUBSIDY

SEC. 117. (a) PROJECTS FUNDED WITH SUBGRANTS.—For each construction project assisted by a State through a subgrant to a locality, the State shall determine the amount of the Federal subsidy under this part, taking into account the number or percentage of children from low-income families residing in the locality, subject to the following limits:

(1) If the locality will use the subgrant to help meet the cost of repaying bonds issued for a school construction project, the Federal subsidy shall be not more than one-half of the total interest cost of those bonds, determined in accordance with paragraph (4).

(2) If the bonds to be subsidized are general obligation bonds issued to finance more than one type of activity (including school construction), the Federal subsidy shall be not more than one-half of the interest cost for that portion of the bonds that will be used for school construction purposes, determined in accordance with paragraph (4).

(3) If the locality elects to use its subgrant for an allowable activity not described in paragraph (1) or (2), such as for certificates of participation, purchase or lease arrangements, reduction of the amount of principal to be borrowed, or credit enhancements for individual construction projects, the Federal

subsidy shall be not more than one-half of the interest cost, as determined by the State in accordance with paragraph (4), that would have been incurred if bonds had been used to finance the project.

(4) the interest cost referred to in paragraphs (1), (2), and (3) shall be—

(A) calculated on the basis of net present value; and

(B) determined in accordance with an amortization schedule and any other criteria and conditions the Secretary considers necessary, including provisions to ensure comparable treatment of different financing mechanisms.

(b) STATE-FUNDED PROJECTS.—For a construction project under this part funded directly by the State through the use of State-issued bonds or other financial instruments, the Secretary shall determine the Federal subsidy in accordance with subsection (a).

(c) NON-FEDERAL SHARE.—A State, and localities in the State receiving subgrants under this part, may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT

SEC. 118. (a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this part, shall deposit the grant or subgrant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this part.

(b) PRUDENT INVESTMENT REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this part, shall—

(1) invest the grant or subgrant in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness described in section 113; and

(2) Notwithstanding section 6503 of title 31, United States Code or any other law, use the proceeds of that investment to carry out this part.

STATE REPORTS

SEC. 119. (a) REPORTS REQUIRED.—(1) Each State receiving a grant under this part shall report to the Secretary on its activities under this part, in the form and manner the Secretary may prescribe.

(2) If the State educational agency is not the State agency designated under section 112, the State's report shall include the approval of the State educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the State's implementation of this part, including how the State has met the requirements of this part;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities;

(3) identify the level of Federal subsidy provided to each construction project carried out with support from the State's grant; and

(4) include any other information the Secretary may require.

(c) FREQUENCY.—(1) Each State shall submit its first report under this section not later than 24 months after it receives its grant under this part.

(2) Each State shall submit an annual report for each of the three years after submitting its first report, and subsequently shall submit periodic reports as long as the State or localities in the State are using grant funds.

PART 3—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

ELIGIBLE LOCAL EDUCATIONAL AGENCIES

SEC. 121. (a) ELIGIBLE AGENCIES.—Except as provided in subsection (b), the local educational agencies that are eligible to receive formula grants under section 126 and competitive grants under section 127 from the Secretary are the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary.

(b) CERTAIN JURISDICTIONS INELIGIBLE.—For the purpose of this part, the local educational agencies for Hawaii and the Commonwealth of Puerto Rico are not eligible local educational agencies.

GRANTEES

SEC. 122. For each local educational agency described in section 121(a) for which an approvable application is submitted, the Secretary shall make any grant under this part to the local educational agency or to another public agency, on behalf of the local educational agency, if the Secretary determines, on the basis of the local educational agency's recommendation, that the other agency is better able to carry out activities under this part.

ALLOWABLE USES OF FUNDS

SEC. 123. Each grantee under this part shall use its grant only for one or more of the following activities to reduce the cost of financing eligible school construction projects described in section 124:

(1) Providing a portion of the interest cost (or of any other financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other unit or agency of local government for the purpose of financing eligible school construction projects.

(2) Local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Other local expenditures approved by the Secretary that leverage funds for additional school construction.

ELIGIBLE CONSTRUCTION PROJECTS; REDISTRIBUTION

SEC. 124. (a) ELIGIBLE PROJECTS.—A grantee under this part may use its grant, in accordance with section 123, to subsidize the cost of the activities described in section 114(a) for projects that the local educational agency has chosen to initiate, through the vote of the school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(b) REDISTRIBUTION.—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a local educational agency is not making satisfactory progress in carrying out its plan for the use of funds awarded to it under this part, the Secretary may redistribute all or part of those funds, and any interest earned by that agency on those funds, to one or more other local educational agencies that are making satisfactory progress.

LOCAL APPLICATIONS

SEC. 125. (a) APPLICATION REQUIRED.—A local educational agency, or an alternative agency described in section 122 (both referred to in this part as the "local agency"), that wishes to receive a grant under this part shall submit an application to the Secretary, in the manner the Secretary may require, not later than two years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The local agency shall develop the local application under this part only after broadly consulting with parents, administrators, teachers, the business community, and other members of the local community about the best means of carrying out this part.

(2) If the local educational agency is not the applicant, the applicant shall consult with the local educational agency, and shall obtain its approval before submitting its application to the Secretary.

(c) LOCAL SURVEY.—(1) Before submitting its application, the local agency, with the involvement of local school officials and experts in building construction and management, shall survey the local need for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the local educational agency, including health and safety problems;

(B) the capacity of the local educational agency's schools to house projected enrollments; and

(C) the extent to which the local educational agency's schools offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A local educational agency need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this part.

(d) APPLICATION CONTENTS.—Each local application under this part shall include—

(1) an identification of the local agency to receive the grant under this part;

(2) a summary of the results of the survey of school facility needs, as described in subsection (c);

(3) a description of how the local agency will implement its program under this part;

(4) a description of the criteria the local agency has used to determine which construction projects to support with grant funds;

(5) a description of the construction projects that will be supported with grant funds;

(6) a description of the mechanisms that will be used to finance construction projects supported by grant funds;

(7) a requested level of Federal subsidy, with a justification for that level, for each construction project to be supported by the grant, in accordance with section 128(a), including the financial and demographic information the Secretary may require;

(8) a description of the steps the agency will take to ensure that facilities constructed or improved with funds under this part will be adequately maintained;

(9) an assurance that the agency will use its grant only to supplement the funds that the locality would spend on school construction and renovation in the absence of a grant under this part, and not to supplant those funds;

(10) an assurance that, during the four-year period beginning with the year the local educational agency receives its grant, its expenditures for school construction (which, at that agency's option, may include private contributions) will be at least 125 percent of its expenditures for that purpose for the four preceding years; and

(11) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(10) for a local educational agency that demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because that agency has incurred a particularly high level of school construction expenditures during the previous four years.

FORMULA GRANTS

SEC. 126. (a) ALLOCATIONS.—The Secretary shall allocate the funds available under section 105(b)(2) to the local educational agencies identified under section 121(a) on the basis of their relative allocations under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in the most recent year for which that information is available to the Secretary.

(b) REALLOCATIONS.—If a local educational agency does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of its allocation, as the case may be, to the remaining local educational agencies in the same proportions as the original allocations were made to those agencies under subsection (a).

COMPETITIVE GRANTS

SEC. 127. (a) GRANTS AUTHORIZED.—The Secretary shall use funds available under section 105(b)(3) to make additional grants, on a competitive basis, to recipients of formula grants under section 126.

(b) ADDITIONAL APPLICATION MATERIALS.—Any eligible applicant under section 126 that wishes to receive additional funds under this section shall include in its application under section 125 the following additional information:

(1) The amount of funds requested under this section, in accordance with ranges or limits that the Secretary may establish based on factors such as relative size of the eligible applicants.

(2) A description of the additional construction activities that the applicant would carry out with those funds.

(3) Information on the current financial effort the applicant is making for elementary and secondary education, including support from private sources, relative to its resources.

(4) Information on the extent to which the applicant will increase its own (or other public or private) spending for school construction in the year in which it receives a grant under this section, above the average annual amount for construction activity during the preceding four years.

(5) A description of the energy efficiency and the effect on the environment of the projects that the applicant will undertake, both with its grant under this section and its grant under section 126, and of the extent to which those projects will use cost-efficient architectural design.

(6) Other information that the Secretary may require.

(c) SELECTION OF GRANTEES.—The Secretary shall select grantees under this section on the basis of criteria, consistent with the purpose of this Act, that the Secretary may establish, which shall include—

(1) the relative need of applicants, as demonstrated by inadequate educational facilities and a low level of resources to meet their school construction needs;

(2) the commitment of applicants to meet their school construction needs and the leveraging effect that assistance under this part would have, as demonstrated by the additional resources that they will provide, from non-Federal sources, to meet those needs, in accordance with subsection (b)(4).

AMOUNT OF FEDERAL SUBSIDY

SEC. 128. (a) AMOUNT OF FEDERAL SUBSIDY.—For each construction project assisted under this part, the Secretary shall determine the amount of the Federal subsidy in accordance with section 117(a).

(b) NON-FEDERAL SHARE.—A grantee under this part may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT

SEC. 129. (a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each grantee under this part shall deposit the grant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this part.

(b) PRUDENT INVESTMENT REQUIRED.—Each granteee under this part shall—

(1) invest the grant funds in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness; and

(2) notwithstanding section 6503 of title 31, United States Code or any other law, use the proceeds of that investment to carry out this part.

LOCAL REPORTS

SEC. 130. (a) REPORTS REQUIRED.—(1) Each grantee under this part shall report to the Secretary on its activities under this part, in the form and manner the Secretary may prescribe.

(2) If the local educational agency is not the grantee under this part, the grantee's report shall include the approval of the local educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the grantee's implementation of this part, including how it has met the requirements of this part;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities; and

(3) other information the Secretary may require.

(c) FREQUENCY.—(1) Each grantee shall submit its first report under this section not later than 24 months after it receives its grant under this part.

(2) Each grantee shall submit an annual report for each of the three years after submitting its first report, and subsequently shall submit periodic reports as long as it is using grant funds.

TITLE II—GENERAL PROVISIONS

TECHNICAL EMPLOYEES

SEC. 201. For the purpose of carrying out this Act, the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may appoint not more than 10 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter IV of chapter 5 of that title relating to classification and General Schedule pay rates.

WAGE RATES

SEC. 202. (a) PREVAILING WAGE.—The Secretary shall ensure that all laborers and mechanics employed by contractors and subcontractors on any project assisted under this Act are paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq.). The Secretary of Labor has, with respect to this section, the authority and functions established in Reorganization Plan Numbered 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) WAIVER FOR VOLUNTEERS.—Section 7305 of the Federal Acquisition Streamlining Act of 1994 (40 U.S.C. 276d-3) is amended—

(1) in paragraph (5), by striking out the "and" at the end thereof'

(2) in paragraph (6), by striking out the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) The Partnership Rehabilitate America's Schools Act of 1997.".

NO LIABILITY OF FEDERAL GOVERNMENT

SEC. 203. (a) NO FEDERAL LIABILITY.—Any financial instruments, including but not limited to contracts, bonds, bills, notes, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided by the Secretary under this Act are obligations of such States, localities or instrumentalities and not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

(b) NOTICE REQUIREMENT.—Documents relating to any financial instruments, including but not limited to contracts, bonds, bills, notes, offering statements, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided under this Act, shall include a prominent statement providing notice that the financial instruments are not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

CONSULTATION WITH SECRETARY OF THE TREASURY

SEC. 204. The Secretary shall consult with the Secretary of the Treasury in carrying out this Act.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY
March 13, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is the Partnership to Rebuild America's Schools Act of 1997, a bill that would provide a one-time Federal stimulus to help States and localities bring all public school facilities up to acceptable standards and build the additional schools needed to serve increasing enrollments. Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the Speaker of the House.

Mr. President, a number of factors have led the Administration to conclude that the Federal Government must assist the States and localities in providing the school facilities that our children will need if they are to achieve to challenging educational standards. First of all, recent General Accounting Office reports have documented the deplorable condition of too many of the Nation's schools. According to the GAO, one-third of all schools, serving more than 14 million students, need extensive repair or renovation of one or more buildings. Students are attending schools that have antiquated heating, plumbing, and electrical systems and even fail to meet local health and safety codes. Some schools do not provide full access to individuals with disabilities, and many do not have the infrastructure needed to adopt new educational technologies. All of these problems are most prevalent in urban districts.

In addition to making repairs and renovations to their existing schools, many districts will have to build new schools in order to accommodate increasing enrollments. In fact, the Department has projected that States and localities will need to build 6,000 more schools in order to serve an additional 2.9 million students who will enroll in the next decade. This need will put further pressure on already strained school budgets.

Clearly, school construction is, and will remain, primarily a State and local responsibility, and the vast majority of facilities needs will have to be met with non-Federal resources. Unfortunately, however, for a variety of reasons State and local governments have not been making substantial progress even in clearing the existing backlog of construction needs. The Federal Government can play a crucial role in addressing this problem by providing limited resources, on a one-time basis, in a manner that spurs States, communities, and even the private sector to bear the burden and provide adequate school facilities for all children. That is the purpose of the enclosed legislation.

In order to have maximum impact, our bill would leverage State, local, and private support for school construction, rather than paying for 100 percent of the cost of construction projects. The proposal would provide interest subsidies for school construction bonds, or other financing mechanisms, to States and major urban school districts. States would, in turn, pass these subsidies along to localities, use them to reduce the servicing costs of State bonds or other financing vehicles, use them to capitalize State revolving funds for school construction, or use them for other, similar purposes. The maximum amount of Federal subsidy would be the equivalent of 50 percent of the interest cost on bonds. Through this mechanism, every dollar of Federal money would be matched by a minimum of three dollars of State, local, or private money.

The Federal Government would not determine the specific construction projects that would be funded. Rather, States and localities would use the Federal subsidy for the costs of construction projects that reflect their highest needs, such as addressing health and safety problems or problems with air quality, plumbing, heating, and lighting; removal of architectural barriers in order to ensure access for individuals with disabilities; projects to increase energy efficiency; construction to facilitate the use of modern educational technologies; and new construction needed to accommodate increased enrollments. While the State and local recipients would have the flexibility to determine which of these types of construction activities are their highest priority, they would have to base their use of the Federal funds on a thorough survey of State or local school construction needs and use the funds in a manner consistent with several other general criteria such as, at the State level, awarding the subsidy to communities with the greatest construction needs and the least ability to meet those needs with their own resources.

Under the program, the Department would allocate one-half of a $5 billion mandatory appropriation to States using the existing "Title I" basic grants formula. The remainder would flow directly to the 100 districts that enroll the greatest numbers of children living in poverty; those urban districts, according to the GAO data, have far and away the greatest school construction needs. Of the amount available for direct assistance to urban districts, the Department would allocate seventy percent by formula, again on a Title I basis, and make the remainder available competitively to districts that have particularly severe needs and are willing to provide the most support for infrastructure improvements from non-Federal resources.

Under both the State and local programs, a critical objective would be to spur additional construction paid for with non-Federal dollars. For this reason, the bill would prohibit recipients from using the Federal funds to supplant State and local support for school construction. In addition, each State or locality receiving assistance would have to assure the Department that it will increase, over a four-year period, the amount of school construction paid for with non-Federal funds compared to the level expended during the preceding four-year period. These provisions would ensure that a one-time Federal stimulus has an impact far beyond the immediate benefit attributable to the Federal expenditures.

Administration of the program would be kept simple. The Department would make a single award to each State and locality receiving direct assistance. We would allow the recipients to invest the Federal funds in a prudent manner, and use the returns from that investment to meet bond payments and other costs. All of the mandatory appropriation would become available in fiscal year 1998, and all the payments would be made within a four-year period.

To summarize, our bill reflects the following principles: (1) The Federal Government should make available a one-time $5 billion mandatory appropriation to address the major national problem of inadequate school infrastructure; (2) The Federal funds will have their greatest impact if they are used to leverage additional State, local, and private effort rather than for direct support for the entire cost of construction projects; (3) Because the largest cities have the most school construction needs, and often the fewest resources for meeting those needs, they should receive a major share of the funding; and (4) States and localities should have the flexibility to use the Federal subsidy to carry out the construction projects they deem most important, but they should do so only after completing a careful survey of their construction needs. Further, both the States and the Federal Government should direct the subsidy to the most needy communities.

I urge the Congress to take prompt and favorable action on this proposal. Its enactment would spur States and communities nationwide to bring their school facilities up to the standard our children need and deserve.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to the Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

RICHARD W. RILEY.

IMPACT OF INADEQUATE SCHOOL FACILITIES ON STUDENT LEARNING

A number of studies have shown that many school systems, particularly those in urban and high-poverty areas, are plagued by decaying buildings that threaten the health, safety, and learning opportunities of students. Good facilities appear to be an important precondition for student learning, provided that other conditions are present that support a strong academic program in the school. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding.

PHYSICAL BUILDING CONDITIONS

Decaying environmental conditions such as peeling paint, crumbling plaster, nonfunctioning toilets, poor lighting, inadequate ventilation, and inoperative heating and cooling systems can affect the learning as well as the health and the morale of staff and students.

Impact on student achievement

A study of the District of Columbia school system found, after controlling for other variables such as a student's socioeconomic status, that students' standardized achievement scores were lower in schools with poor building conditions. Students in school buildings in poor condition had achievement that was 6% below schools in fair condition and 11% below schools in excellent condition. (Edwards, 1991)

Cash (1993) examined the relationship between building condition and student achievement in small, rural Virginia high schools. Student scores on achievement tests, adjusted for socioeconomic status, was found to be up to 5 percentile points lower in buildings with lower quality ratings. Achievement also appeared to be more directly related to cosmetic factors than to structural ones. Poorer achievement was associated with specific building condition factors such as substandard science facilities, air conditioning, locker conditions, classroom furniture, more graffiti, and noisy external environments.

Similarly, Hines' (1996) study of large, urban high schools in Virginia also found a relationship between building condition and student achievement. Indeed, Hines found that student achievement was as much as 11 percentile points lower in substandard buildings as compared to above-standard buildings.

A study of North Dakota high schools, a state selected in part because of its relatively homogeneous, rural population, also found a positive relationship between school condition (as measured by principals' survey responses) and both student achievement and student behavior. (Earthman, 1995)

McGuffey (1982) concluded that heating and air conditioning systems appeared to be very important, along with special instructional facilities (i.e., science laboratories or equipment) and color and interior painting, in contributing to student achievement. Proper building maintenance was also found to be related to better attitudes and fewer disciplinary problems in one cited study.

Research indicates that the quality of air inside public school facilities may significantly affect students' ability to concentrate. The evidence suggests that youth, especially those under ten years of age, are more vulnerable than adults to the types of contaminants (asbestos, radon, and formaldehyde) found in some school facilities (Andrews and Neuroth, 1988).

Impact on teaching

Lowe (1988) interviewed State Teachers of the Year to determine which aspects of the physical environment affected their teaching the most, and these teachers pointed to the availability and quality of classroom equipment and furnishings, as well as ambient features such as climate control and acoustics as the most important environmental factors. In particular, the teachers emphasized that the ability to control classroom temperature is crucial to the effective performance of both students and teachers.

A study of working conditions in urban schools concluded that "physical conditions have direct positive and negative effects on teacher morale, sense of personal safety, feelings of effectiveness in the classroom, and on the general learning environment." Building renovations in one district led teachers to feel "a renewed sense of hope, of commitment, a belief that the district cared about what went on in that building." In dilapidated buildings in another district, the atmosphere was punctuated more by despair and frustration, with teachers reporting that leaking roofs, burned out lights, and broken toilets were the typical backdrop for teaching and learning." (Corcoran et al., 1988)

Corcoran et al. (1988) also found that "where the problems with working conditions are serious enough to impinge on the work of teachers, they result in higher absenteeism, reduced levels of effort, lower effectiveness in the classroom low morale, and reduced job satisfaction. Where working conditions are good, they result in enthusiasm, high morale, cooperation, and acceptance of responsibility."

A Carnegie Foundation (1988) report on urban schools concluded that "the tacit message of the physical indignities in many urban schools is not lost on students. It bespeaks neglect, and students' conduct seems simply an extension of the physical environment that surrounds them." Similarly, Poplin and Weeres (1992) reported that, based on an intensive study of teachers, administrators, and students in four schools, "the depressed physical environment of many schools . . . is believed to reflect society's lack of priority for these children and their education."

OVERCROWDING

Overcrowded schools are a serious problem in many school systems, particularly in the inner cities, where space for new construction is at a premium and funding for such construction is limited. As a result, students find themselves trying to learn while jammed into spaces never intended as classrooms, such as libraries, gymnasiums, laboratories, lunchrooms, and even closets. Although research on the relationship between overcrowding and student learning has been limited, there is some evidence, particularly in high-poverty schools, that overcrowding can have an adverse impact on learning.

A study of overcrowded schools in New York City found that students in such schools scored significantly lower on both mathematics and reading exams than did similar students in underutilized schools. In addition, when asked, students and teachers in overcrowded schools agreed that overcrowding negatively affected both classroom activities and instructional techniques. (Rivera-Batiz and Marti, 1995)

Corcoran et al. (1988) found that overcrowding and heavy teacher workloads created stressful working conditions for teachers and led to higher teacher absenteeism.

Crowded classroom conditions not only make it difficult for students to concentrate on their lessons, but inevitably limit the amount of time teachers can spend on innovative teaching methods such as cooperative learning and group work or, indeed on teaching anything beyond the barest minimum of required material. In addition, because teachers must constantly struggle simply to maintain order in an overcrowded classroom, the likelihood increases that they will suffer from burnout earlier than might otherwise be the case.

CASE STUDIES

BROWARD COUNTY/FT. LAUDERDALE

The problem

Broward County is located in Southern Florida and is the fifth largest school district in the nation. Its schools suffer from severe overcrowding: 34,000 students without permanent desks; approximately 10,000 new students added to the school system each year; and in the past nine years, Broward has built 36 new schools and rebuilt 23 schools, and continues to have a difficult time meeting its demand.

Broward would have to build a new school every month to meet this demand adequately. Citing the approximately 2,000 portable classrooms in the county, the budget director for the county public schools described Broward as "the portable capital of the world." One high school has 46 portable classrooms in use during this school year alone.

Needs and available resources

A recent needs analysis estimated Broward's capital construction needs at $2.4 billion, $200 million of which is needed for technology improvements alone. The last bond approved for school construction was for $317 million in 1987. Mobilizing local support for new tax or bond referenda has been difficult. In fact, in September, 1995, a tax referendum to increase the sales tax by one penny to raise $1 billion for school construction was defeated.

Potential impact of the Partnership to Rebuild America's Schools Act

Under the President's legislative proposal, approximately $16.4 million would be allocated to the county school district. Broward could use these funds to subsidize interest costs for a local bond to cover a substantial part of its school construction costs. This funding could support nearly $70 million in leveraged funds to assist in rebuilding a number of local schools.

These new funds would be used primarily to ease overcrowding in schools by funding new schools as well as renovations and additions to existing schools that would expand seating capacity. Broward also wants to reduce its reliance on portable classrooms due to the fact that—with a life expectancy of approximately 20 years—portables are not a good long-term investment compared to a traditional school structure. In addition, portables cannot be wired for technology the same way as a traditional classroom.

LOS ANGELES UNIFIED SCHOOL DISTRICT

I. The problem/current needs

The Los Angeles Unified School District is one of the largest institutions of any kind in the nation with an enrollment of 670,000 students. The prevalence of aging school facilities in Los Angeles poses a number of expensive problems for the district, which estimates its current deferred maintenance costs at more than $600 million. A majority of Los Angeles school buildings are more than 40 years old. As a result, most schools are not wired for technology, and most are not equipped with modern security systems, telecommunications systems, or air conditioning. Many facilities face similar repair needs—roof replacement is needed for 245 schools, repainting at more than 600 schools, boiler replacement at more than 50 schools, and playground re-pavement at almost 400 schools.

A rebounding economy and an influx of immigrants is driving steady growth in the Los Angeles schools. The number of students grew by 18,000 this year, and school officials predict enrollment will grow another 15,000 next year.

A State of California mandate to lower class size in the earliest grades consumed the limited number of vacant classrooms that existed. The need for more classrooms is illustrated by the fact that the district transports about 12,000 students a day to more distant schools because of overcrowding in their area school.

II. Needs versus available resources

The State of California school construction program uses two mechanisms to provide funds to local districts for new construction and modernization. In the more common approach, the state pays one-half of the "allowable" costs as defined by the state. Otherwise, the state pays the full bill, but in a very limited number of projects. Additionally, the state offers a small deferred maintenance program in which it provides matching funds of up to one-half of 1 percent of the district's general funds. In recent years, the Los Angeles district has been eligible for about $17 million through this program, but the state has not fully funded it in recent budgets.

District officials in Los Angeles report that a significant impediment to raising funds for construction is the requirement imposed by the state Constitution, which requires a two-third majority vote for the passage of school bonds financed by property tax increases. The last time the Los Angeles Unified School District passed a bond measure was 1971. (This vote came shortly after the Sylmar earthquake closed many schools and raised serious safety questions about others. The measure received 66.5 percent of the vote, but under state law, this bond required only a majority vote because it pertained to buildings deemed structurally unsafe.)

III. The impact of the President's initiative

A $2.4 billion school bond measure on the ballot in November 1996 for school construction and modernization received 65.5 percent of the vote, just missing the two-thirds majority needed for passage. In December 1996, the board of Education voted to put another $2.4 billion bond measure on the ballot in April 1997. The President's initiative could accelerate the development of the long overdue projects that would be financed by this bond.

THE STATE OF MAINE

I. The problem/current needs

Maine is struggling to cope with two major factors related to school facilities—booming economy driving explosive growth in the southern part of the state, and the continued use of one-room schools and other antiquated buildings—some dating 100 years—throughout the state.

The Bowdoin Community School offers an instructive example. The dozen portable classrooms now in use exceed the number of permanent classrooms inside the main structure. A proposed expansion of the school has been shelved since 1987 because of insufficient state funding to support the project.

II. Needs versus available resources

Support from the state of Maine for local school construction projects is restricted to debt service subsidies, and the level of available support is extremely limited. In fiscal 1998, school districts requested such subsidies for 83 projects. However, the $65.8 million authorized by the state is expected to be consumed by the four projects given the highest priority.

Schools districts in Maine are generally successful in getting voter approval for bond measures, but most districts in the state cannot cover the total cost of the bond. The lack of support from the state for debt service is cited as the leading reason why school districts fall short in raising financing, leading to the deferment of these sorely needed projects.

III. The potential impact of the Presidential Initiative

The executive director of the Maine Municipal Bond Bank noted that the President's school construction initiative could help Maine schools in two ways. The state could choose to use its allocation all at once to supplement its debt service subsidy program, or it could use that money to establish a revolving loan fund that would commit its revenues to debt service subsidies.

THE STATE OF MARYLAND

I. The problem/current needs

There are two primary problems facing Maryland school facilities: aging structures and rising enrollments.

A review of the list of Capital Improvement requests to the state for the coming year reveals the extent of aging school facilities. Requests are filled with descriptions of items in need of repair or replacement, such as roofs as much as 44 years old, HVAC systems that are 25 years old or more, boilers and chillers that date to the 1950s, and windows and doors in use since the 1960s.

Over the last decade, enrollment in Maryland schools has grown by approximately 150,000 students. State officials expect enrollment to continue climbing by another 30,000 or so annually over the next five to ten years. Overall, local districts requested approximately $310 million for 459 construction and renovation projects for FY 1998. While a district might request more than one project for a school, these figures suggest that districts are seeking assistance with construction and renovation projects that could affect a third of the state's 1,280 schools.

II. Needs versus available resources

The Maryland State Public School Construction Program is designed to help local districts with costs related to planning and funding of school construction and renovation projects.

Early in the program, the state covered 100 percent of eligible costs for approved projects. However, since the mid-1980s, the state use a sliding scale based on need to determine how much assistance a district receives.

Since the program's inception,the amount of funds requested each year by local districts has exceeded program allocations. For example, in FY 73, the program funded 72 percent of district requests—the highest proportion in the program's history. In FY 89, the state supported an all-time low of 24 percent of requests. In the current fiscal year, the state funded 51 percent of requests, totaling $274 million.

III. The potential impact of the Presidential initiative

State officials see three possibilities for the use of federal funds from the proposed School Construction Initiative.

First, the funds could subsidize additional state general obligation bonds. Therefore, the amount of assistance going to local districts with eligible costs would increase, and more projects would be funded. The federal funds could be targeted at poorer districts with larger projects that have been delayed due to fiscal constraints. It should be noted that an increase in the state funds for the Public School Construction Program might lead more districts to seek state assistance for additional projects. At this time, there are projects for which local districts do not submit requests because the district senses these projects will be deferred due to state fiscal constraints.

A second option would allow the state to use a portion of the funds to subsidize a combination of additional state bonds and country general obligation bonds. Finally, the state could use all the federal funds to subsidize additional county general obligation bonds.

NEW YORK CITY SCHOOL DISTRICT

I. The problem/current needs

New York is experiencing enrollment growth of 20,000 to 23,000 students a year. In addition, more than half of the over 1,000 school buildings are 50 years old or more. The district must upgrade these facilities and accommodate its burgeoning student population.

There are limits to the amount of money the district can raise through general obligation bonds, and this mechanism is not sufficient to meet the district's needs. There is a state constitutional limit on the amount of debt the district can issue (as a percentage of total assessed property value), and the district is running up against this limit.

The fiscal year 1997 capital expenditures budget for the Board of Education is just over $1 billion, out of a total city capital budget of just over $4 billion. A proposed 10-year capital plan has just been put forth for $12.6 billion, which includes an amount contingent on receipt of federal funds. One of the main emphasis of this plan is to address the district's overcrowding, using strategies such as new construction, other ways of handling seating capacity, and converting some schools to a year-round schedule, which could increase seating capacity by 25 to 33 percent.

II. The potential impact of the Presidential initiative

New York expects that it could leverage federal funds to address several needs. Among the most dire needs is for additional seats for children. The districts proposed 10-year plan was increased by about $700 million to address seating capacity needs. The district envisions six different avenues for the use of this money to increase seating capacity: Leasing new facilities, transportables, modular construction, rehabilitation of existing facilities to increase size, new construction, and converting schools to a year-round schedule (which necessitates putting in air-conditioning.)

PHILADELPHIA SCHOOL DISTRICT

The problem/current needs

The Philadelphia story has two strands. First, the district estimates that it will need about two-thirds of a billion dollars to bring its 257 existing building sites up to standard. This includes major renovations, repairs, improvements, and technology needs (schools need to be wired for computers, but 60 of Philadelphia's schools are over 70 years old.)

Second, to accommodate expected population growth, approximately one-quarter of a billion dollars in additional funding may be necessary. In the past five years, the public school population has grown 9.2 percent, and in the past seven years it has grown 12.6 percent. The district expects this growth to continue by 1.4 percent the next year and by 2.5 percent the following year. In one area, the district deals with overcrowding through a combination of classrooms under stairwells, walling off the ends of hallways to create classrooms, and portables.

II. Needs versus available resources.

The district knows that its capital needs in the next 5 to 10 years seriously exceed its current budgeted capital capacity. A Long Range Facilities Plan is being developed, and it is expected that the total need will ultimately be between $1–$1.4 billion.

III. The potential impact of the Presidential Initiative

The district says that federal funds could be extremely helpful by supporting preventive maintenance projects. With shrinking operation budgets, it is preventive maintenance that gets cut from the budget. These projects include minor roof and gutter repair, HVAC system cleaning, and yearly boiler maintenance. These activities get pushed aside for emergency projects and educational needs. Yet today's preventive maintenance project is tomorrow's capital project. Roofs, boilers, and heating systems wear out years before their time because preventive maintenance funds are scarce. The failure of these systems also causes additional capital damage, such as water and pipe damage. Much of this could be avoided and long-term capital budget could be brought down with additional resources for preventive maintenance.

SANTA ANA UNIFIED SCHOOL DISTRICT

I. The problem/current needs

Santa Ana is an extremely densely populated area. In its 24 square miles, there are 350,000 resident, and 52,000 students. There is a school approximately every two blocks.

The primary problem in the district is school overcrowding, the result of a lack of construction funding during a period of raid enrollment growth. The district has grown from 31 thousand student in 1980 to 52,000 students in 1996.

The school district has converted 22 of 31 elementary schools and four of seven intermediate schools to multi-track, year-round schedules. Although other school districts in California and around the country use year-round schooling, it is unusual to have such a high percentage of schools on this tract. The district has 534 portable classrooms on existing sites, which is the equivalent of 24 free standing elementary schools. Santa Ana estimates that it now spends $1 million to lease portable classrooms.

A secondary, but also severe problem is maintaining ill-equipped and deteriorating facilities. The district prepared a state-mandated five-year plan to deferred maintenance needs, which is updated annually—the currently version projects a $15 million need.

II. Needs versus available resources

Santa Ana Unified has a need for three elementary schools plus a new high school. Enrollment growth has averaged over 1300 students annually since 1980. The need is accentuated by the fact that the State School Building Program is, "broke" and it is not clear when there will be another bond measure.

III. The potential impact of the President's initiative

President Clinton's initiative would potentially provide major benefits to the Santa Ana Community. The district needs adequate classrooms equipped with up-to-date education technology will be available to educate the rapidly growing student population. If the district received an estimated six million dollars from the federal government, it could leverage those funds to pay for additional elementary schools.

Ms. MOSELEY-BRAUN. I would also like to call to my colleagues' attention the reports and the work done by the General Accounting Office recently, both with regard to the condition of America's schools, State efforts to address the issue of crumbling schools, and the most recent GAO report on school finance generally. These reports speak to the ability or the efforts taken by State and local governments to address the disparities between wealthy and poor and middle-class school districts.

The fact of the matter is that this disparity, this gap in school funding, does not serve our national interest, does not serve the interest of taxpayers, and does not serve the interest of our children.

I believe we have an obligation to put aside the old debates of whether or not school funding should happen here or happen there, and we should look at developing a partnership in which everybody plays a part, in which all levels of government collaborate, in which communities, parents, property taxpayers, and income taxpayers cooperate to prepare our people for the 21st century and the challenges they face.

Mr. KENNEDY. Mr. President, I give my strong support to President Clinton's Partnership to Rebuild America's Schools Act of 1997, introduced today by Senator MOSELEY-BRAUN.

The Nation's schools are facing enormous problems of physical decay. Fourteen million children in one-third of the schools are learning in substandard school buildings. Half the schools have at least one unsatisfactory environmental condition.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repair or should be replaced; 75 percent report serious problems in buildings, such as plumbing or heating defects; 80 percent have at least one unsatisfactory environmental factor.

It is difficult to teach or learn in dilapidated classrooms. Student enrollments are at an alltime high and are continuing to rise. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

GAO estimates that schools need $112 billion just to repair their facilities. Obviously, the Federal Government cannot meet all of these needs. The Partnership to Rebuild America's Schools Act encourages State, local, and private support by providing interest subsidies for school construction bonds. The Federal Government will pay up to 50 percent of interest on bonds used to finance school repair, renovation, modernization, and construction.

Half of the $5 billion in Federal funds earmarked for this program over the next four years will be allocated to States using the existing title I formula. States and localities will distribute these funds to communities with the greatest construction needs and the least ability to meet their needs with their own resources. Massachusetts would receive $48 million for grants to local communities.

The rumaining Federal funds will be distributed by the U.S. Department of Education among the 100 school districts that enroll the greatest number of students living in poverty. Thirty percent of this funding will be allocated competitively to school districts that have particularly severe needs and obtain the most support for their construction projects from non-Federal sources. Under this part of the bill, Massachusetts would receive an estimated $25 million.

I hope that the Partnership To Rebuild America's Schools Act will receive the bipartisan support it deserves, so that it can be in place for the beginning of the next academic year. Investing in education is investing in a stronger America here at home and around the world. I look forward to working with my colleagues on both sides of the aisle to enact this important measure.

By Mr. CAMPBELL:

S. 457. A bill to amend section 490 of the Foreign Assistance Act of 1961 to provide alternative certification procedures for assistance for major drug producing countries and major drug transit countries; to the Committee on Foreign Relations.

THE MEXICO PROBATIONARY CERTIFICATION ACT

Mr. CAMPBELL. Mr. President, this month Congress has been considering the important issue of whether to uphold or overturn the President's certification of Mexico as fully cooperating with the United States to fight drug trafficking. I am concerned that without congressional action, the Senate must choose between two less than ideal options: First, to support the President's certification of Mexico and continue business as usual, thereby downplaying serious deficiencies in Mexico's efforts; or second, to decertify Mexico, with or without a waiver, which might destabilize an important country along our southern border.

Under current law, notice provided to the target country is often too late and not specific enough to fix the problems. Moreover, access to more timely and specific information would assist Congress in exercising its legislative and oversight responsibilities.

Therefore, today I propose a bill to provide an alternative approach. This legislation would provide the administration a new option to certify countries such as Mexico on probationary status for 7 months, which extends from March 1 through September 30, the end of the fiscal year. However, during this time period, the country on probationary certification is expected to comply with certain conditions stipulated by the President. If these conditions are not met at the end of this 7-month period, the United States will act firmly, such as by cutting off aid.

This alternative would put countries on notice that the United States has serious concerns about their lack of cooperation. But, it would provide a fair period of time during which those countries could address U.S. concerns.

This constructive notice period would be less disruptive to our bilateral relations. We saw last week some of the damage which could occur in our relationship with Mexico after the House voted to decertify Mexico within 90 days if certain criteria are not met. News reports quoted Mexico's President, Ernesto Zedillo, as stating: "This is where we draw the line. Our sovereignty and dignity as a nation are not negotiable."

My bill also provides better notice to Congress. Under this alternative, Congress would be informed about those specific concerns which the President identified regarding a country's lack of cooperation. Congress also would be able to track that country's progress during the 7-month probationary period and, of course, maintain its prerogative to pass legislation as it deems necessary. I believe this would help avoid the contentious battle in which the Congress and the administration currently are engaged this month over Mexico.

It is no surprise that many Senators feel strongly about decertifying Mexico. Reports indicate that as much as 70 percent of the cocaine entering the United States comes through Mexico; up to 30 percent of the heroin used in the United States comes through Mexico; and 80 percent of imported marijuana comes through Mexico.

Recent developments in that country have exacerbated what is already a serious flow of illegal drugs into the United States. For example, according to a news report in the March 2 San Diego Union Tribune, Mexican authorities are now preventing our DEA agents and law enforcement officers from carrying their weapons into Mexico. In response, the DEA reportedly pulled its agents out of cross-training and intelligence-gathering projects in Mexico along the border. Agents and officers now fear they will become targets for gangs and drug traffickers, especially if Mexico's certification is revoked. This is intolerable.

Further motivating the push to decertify Mexico is the recent arrest of Mexico's drug czar, Gen. Jesus Gutierrez Rebollo, on allegations he was being paid to protect one of Mexico's top drug lords. The general is reported to have extensive drug ties, dating back to at least 1993, at the same time he was supposed to be fighting drug use and trade in his country.

Any information that the general may have possessed has been compromised. Nor is he alone in being corrupt. According to a Los Angeles Times report on March 3, court documents from two drug gang assassins indicate that approximately 90 percent of the law enforcement officers in Tijuana and the State of Baja California in Mexico are corrupt.

These developments raise serious concerns among DEA agents, who cannot adequately do their job if they do not receive the help of their Mexican counterparts. During his testimony before the House Subcommittee on National Security on February 27, 1997, Thomas Constantine, the Administrator of the DEA, called fighting drug trafficking without assistance from other countries nearly impossible.

In light of these disturbing developments, I wrote to the President last Friday expressing my concern with his certification of Mexico. I also urged the administration to take all necessary steps to ensure Mexico does its fair share in controlling the flow of illicit drugs across its border into the United States.

Decertifying Mexico will not make this process any easier. Yet, we cannot risk the implication that we condone Mexico's failed drug policy by fully certifying Mexico without certain conditions. Certification of Mexico in light of the compelling facts of that country's involvement in drug trafficking also makes a mockery of the certification provisions of the Foreign Assistance Act.

In light of these facts, I am concerned that the President has certified Mexico as fully cooperating with the United States. However, I am also concerned that decertifying Mexico could destabilize a country important to us and cause a potential crisis on our southern border. Unfortunately, that is the choice the administration has under existing law.

Therefore, the bill I introduce today would amend the existing law to avoid this type of problem in the future. The current certification process is set forth in section 490 of the Foreign Assistance Act of 1961. It requires the President to submit to Congress by March 1 of each year a list of major illicit drug producing and transiting countries which he certifies are fully cooperating with the United States. This bill offers a good middleground—I urge support.

Under existing law, the President has three options: One, certify a country which has cooperated fully with U.S. anti-drug efforts or has taken adequate steps on its own to comply with the 1988 U.N. antidrug trafficking convention. Two, decertify a country for not fully cooperating. Or three, decertify a country but provide a waiver because it is in the national interests of the United States to continue to provide aid.

Under this law, when a country is decertified, at least 50 percent of U.S. bilateral foreign aid is suspended in the current fiscal year. In fact, that county may lose more than 50 percent of its current funding if the State Department has not yet released the aid. Unless the country is recertified, all U.S. aid is suspended in subsequent fiscal years. And, the United States is required to vote against loans in the multilateral development banks, such as the World Bank and the Inter-American Development Bank.

Congress has 30 days from receipt of the President's certification to enact a joint resolution disapproving the President's action. If Congress passes such a resolution, the President can veto it and require a two-thirds majority vote in Congress to override the veto.

Congress also has its prerogative to pass a resolution with other timeframes, which would be subject to a Presidential veto. We saw this last week when the House passed a resolution to decertify Mexico within 90 days if certain criteria are not met.

On February 28, 1997, the President submitted his annual list to Congress. This report indicated that 23 countries, including Mexico, are certified as fully cooperating; three countries were determined not to be fully cooperating, but were deemed in the national interest—Belize, Lebanon, and Pakistan—and six countries were decertified (Afghanistan, Burma, Colombia, Iran, Nigeria, and Syria.

The impact of this process on Mexico could be dramatic. If Congress were to pass a resolution of disapproval within the 30-day review period and the President does not exercise his waiver authority, the impact would include: Suspension of at least 50 percent of United States assistance for the current fiscal year; total suspension of aid in the next fiscal year, unless Mexico were recertified; and the United State would vote against loans to Mexico in the multilateral development banks. Mexico receives $17 million in bilateral aid from the United States and, according to the Export-Import Bank, 56 applications from Mexico could be affected which total $3.24 billion.

The alternative that I am proposing today provides a middle ground because it revisits the certification issue more often during the course of the year. The President also is given more flexibility in labelling countries more accurately.

I'm also concerned that under existing law, we are giving a free ride to countries which are decertified but then are granted a waiver and continue to receive aid because it is deemed in the national interest of the United States. These waivers, in essence, allow the provision of aid year after year to countries not fully cooperating with the United States. What incentive do these countries have to improve their cooperation?

My legislation builds on the existing carrot and stick approach in the certification process. This type of approach has been successful with other problems in the past, and I think it would go a long way to avoid similar controversies in the future like the one we have seen surrounding the Mexico certification this month.

Under my bill, the carrot is certification, although for a finite period of time of 7 months. During this probationary period, all U.S. aid continues to flow and the United States remains supportive in international development banks. The President also stipulates which specific conditions must be met by that country to improve its cooperation with the United States and to continue receiving U.S. aid. Not only is sufficient notice provided to the country, but to the Congress as well.

The stick is a penalty similar to that under existing law. If after 7 months the country does not comply with the stipulations made by the President to improve its cooperation with the United States, 100 percent of U.S. bilateral aid is cut off. The United States also would vote against aid in the multilateral development banks if the country does not comply with U.S. stipulations, as provided for under current law. These penalties would remain in effect until the President notifies Congress that the country has complied with the stipulations made in the President's original probationary certification.

In my opinion, this alternative approach would force fuller compliance by countries and, in future cases similar to Mexico, help avoid a potential crisis in those countries.

We need to send a very strong message to our neighbors in Mexico and similarly situated countries when we do not believe that they are fully cooperating with United States efforts to combat drug trafficking. But, to risk a crisis along our own border is asking for greater trouble.

I believe that a compromise solution, as outlined in my proposal, is the most reasonable way to address similar circumstances in the future, and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALTERNATIVE CERTIFICATION PROCEDURES FOR ASSISTANCE FOR MAJOR DRUG PRODUCING AND DRUG TRANSIT COUNTRIES.

(a) IN GENERAL.—Section 490 of the Foreign Assistance Act of 1990 (22 U.S.C. 2291j) is amended by adding at the end the following:

"(i) ALTERNATIVE CERTIFICATION PROCEDURES.—

"(1) IN GENERAL.—In lieu of submitting a certification with respect to a country under subsection (b), the President may submit the certification described in paragraph (2). The President shall submit the certification under such paragraph at the time of the submission of the report required by section 489(a).

"(2) CERTIFICATION.—A certification with respect to a country under this paragraph is a certification specifying—

"(A) that the withholding of assistance from the country under subsection (a)(1) and the opposition to assistance to the country under subsection (a)(2) in the fiscal year concerned is not in the national interests of the United States; and

"(B) the conditions which must be met in order to terminate the applicability of paragraph (4) to the country.

"(3) EFFECT OF CERTIFICATION IN FISCAL YEAR OF CERTIFICATION.—If the President submits a certification with respect to a country under paragraph (1) for a fiscal year—

"(A) the assistance otherwise withheld from the country pursuant to subsection (a)(1) may be obligated and expended in that fiscal year; and

"(B) the requirement of subsection (a)(2) to vote against multilateral development bank assistance to the country shall not apply to the country in that fiscal year.

"(4) EFFECT OF CERTIFICATION IN LATER FISCAL YEARS.—

"(A) IN GENERAL.—Subparagraph (B) shall apply to a country covered by a certification submitted under this subsection during the period beginning on October 1 of the year in which the President submits the certification and ending on the date on which the President notifies Congress that the conditions specified with respect to the country under paragraph (2)(B) have been met.

"(B) PROHIBITION ON ASSISTANCE.—

"(i) BILATERAL ASSISTANCE.—During the applicability of this subparagraph to a country, no United States assistance allocated for the country in the report required by section 653 may be obligated or expended for the country.

"(ii) MULTILATERAL ASSISTANCE.—During the applicability of this subparagraph to a country, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by the country.

"(5) DEFINITION.—For purposes of this subsection, the term 'multilateral development bank' shall have the meaning given the term in subsection (a)(2).".

(b) CONFORMING AMENDMENTS.—Subsection (a) of such section is amended by striking "subsection (b)" each place it appears and inserting "subsections (b) and (i)".

By Mr. FAIRCLOTH (for himself, Mr. KYL, Mr. WARNER, Mr. LUGAR, Mr. SHELBY, Mr. INHOFE, Mr. BENNETT, Mr. CRAIG, Mr. ENZI and Mr. HAGEL):

S. 458. A bill to provide for State housing occupancy standards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOUSING PROTECTION ACT

Mr. FAIRCLOTH. Mr. President, I am pleased to introduce today a bill to protect housing. This bill will ensure that all residents have a peaceful, well-maintained, and managed community with the services they deserve.

The Housing Protection Act prohibits the Department of Housing and Urban Development [HUD] from establishing a national occupancy standard and transfers the authority to set those standards to the States. In the absence of a State standard, a two-person-per-bedroom standard would be presumed reasonable.

In 1995, Senator KYL and I introduced this same piece of legislation, after HUD's General Counsel Nelson Diaz issued a memorandum which, in effect, attempted to supplant the reasonable two-person-per-bedroom standard with conditions which could have forced housing owners to accept six, seven, even eight people in a two-bedroom apartment. The House of Representatives passed it as part of its public housing reform bill, but the bill failed to pass out of conference last year.

Too often apartments are crowded with excessive numbers of people. When this happens, apartment complexes experience excessive noise, lower levels of safety and most often deterioration of the units. Building codes are in place for a reason. They are designed to determine the maximum amount of people who may safely exit a building during a fire or other emergency. Occupancy standards, on-the-other-hand, determine how many residents can be accommodated and for whom they can properly provide services on the premises.

The purpose of occupancy standards is to provide decent, safe, comfortable housing and a peaceful living environment for all residents. They also help maintain properties in excellent condition. While housing providers set their own occupancy standards, such private standards are in effect limited by state-set laws or policies which establish the minimum occupancy levels at which housing providers achieve safe harbor from charges of familial discrimination.

This bill is widely supported by housing industry associations such as the National Association of Homebuilders and the National Apartment Association, among others. Many of our colleagues have joined us in support of this bill, and I urge others to consider cosponsoring it.

Mr. KYL. Mr. President, I am pleased to introduce the State Housing Protection Act. I thank Senator FAIRCLOTH for his leadership on this issue and joining in sponsoring this bill. This bill prohibits the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, and thereby, transfers from HUD to the States the authority to set occupancy standards.

Mr. President, in July 1995, HUD General Counsel Diaz issued a memorandum which, in effect, tried to supplant the traditional two-per-bedroom occupancy standard, and could have forced housing owners to accept six, seven, eight, or even nine people in a two-bedroom apartment. HUD should not be establishing national occupancy standards.

In 1995, Senator FAIRCLOTH and I blocked HUD from imposing national occupancy standards until it completed an official rule. Soon thereafter, along with Representative MCCOLLUM, we introduced our bill to permanently transfer authority back to the States. The House passed it as part of its public housing reform bill, but it died in the conference committee late last year.

By pursuing a policy that encourages overcrowding, thereby depreciating housing stock that is scarce to begin with, HUD is poorly serving lower income families and defeating its own charter. Our bill will help correct the problem. It is supported by the Council for Affordable and Rural Housing, the Council of Larger Public Housing Authorities, the Multi Housing Institute, the National Apartment Association, the National Assisted Housing Management Association, the National Association of Home Builders, the National Association of Housing and Redevelopment Officials, the National Leased Housing Association, the National Multi Housing Council, and the Public Housing Authorities Directors Association.

Several States have an occupancy standard; the one in my own home State of Arizona has worked well. The intrusion of a Federal bureaucracy often does more harm than good. That is why Senator FAIRCLOTH and I have reintroduced this bill. I urge my colleagues to join us and cosponsor it.

By Mr. CAMPBELL (for himself, Mr. MCCAIN, Mr. DOMENICI, Mr. MURKOWSKI, and Mr. INOUYE):

S. 459. A bill to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN PROGRAMS ACT OF 1974 REAUTHORIZATION ACT OF 1997

Mr. CAMPBELL. Mr. President, I am pleased to introduce a bill to extend the authorization for certain programs under the Native American Programs Act of 1974. This bill is critical to continue the availability of a modest amount of grant funds used by native communities nationwide to foster economic growth, develop tools for good governance methods, and promote social welfare.

The authorization for most of these programs has expired and though the administration has requested funding for fiscal year 1998 at fiscal year 1997 levels, it has not introduced legislation to reauthorize the act. The legislation I am introducing today would do just that.

These programs are administered through the Administration for Native Americans [ANA] located within the Department of Health and Human Services. By awarding annual grants on a competitive basis, the Native American Programs Act promotes self-sufficiency and self-determination by encouraging tribes, villages, and other native communities to develop and plan local strategies in economic and social development. The program is designed to build greater capacity at the tribal level for better governance, more vibrant and diversified economies, and social development.

The ANA Program has proven successful for native communities since its inception and has generated widespread support by America's native communities. The centerpiece of the program are grants made under the Social and Economic Development Strategies (SEDS) Program; grants to tribes enhance tribal environmental regulatory capabilities; and grants made to preserve and rehabilitate native languages.

This legislation will simply extend for 4 years until fiscal year 2000 the authorization for these modestly funded yet very successful programs to strengthen and rebuild tribal communities around the United States.

I urge my colleagues to join with me in enacting this reauthorization so that these proven tools for development can again be made available to native peoples around the Nation. I ask unanimous consent that a section-by-section summary and the bill language be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILL LANGUAGE

SECTION 1. AUTHORIZATION OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

Section 816.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a), by striking "for fiscal years 1992, 1993, 1994, and 1995." and inserting "for each of fiscal years 1997, 1998, 1999, and 2000";

(2) in subsection (c), by striking "for each of the fiscal years 1992, 1993, 1994, 1995, and 1996," and inserting "for each of fiscal years 1997, 1998, 1999, and 2000,"; and

(3) in subsection (e), by striking "$2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997." and inserting "such sums as may be necessary for fiscal years 1997, 1998, 1999, and 2000."

SECTION-BY-SECTION ANALYSIS

The purpose of this bill is to amend the 1974 Native American Programs Act, P.L. 93-644 (42 U.S.C. 2991 et seq.) to extend to fiscal year 2000 the authorization of appropriations for three grant programs administered by the Administration for Native Americans (ANA) in the Department of Health and Human Services (HHS).

Section 1. Authorization of Certain Appropriations Under the Native American Programs Act of 1974.

Section 816.—

(a) this subsection provides for a four year extension to fiscal year 2000 of the present authority to appropriate such sums as may be necessary to carry out the general grant provisions of the Native American Programs Act of 1974 (42 U.S.C. 2992d). The bill would continue the current "such sums as may be necessary" language contained in current law.

(c) this subsection provides for a four year extension to fiscal year 2000 of the present authority to appropriate funds for the purpose of carrying out the provisions related to grants for tribal regulation of environmental quality (42 U.S.C. Sec. 2991b(d). The bill would continue the current authorized level of $8 million for such grants.

(e) this subsection provides for a four year extension to fiscal year 2000 of the present authority to appropriate such sums as may be necessary for the purpose of carrying out the provisions related to grants for the preservation of Native languages (42 U.S.C. Sec. 2991b-3). The bill would strike the current authorized appropriaitons level of $2 million for Native language grants and instead would substitute "such sums as may be necessary".

Mr. DOMENICI. Mr. President, I am pleased to join my colleagues Senators CAMPBELL, MCCAIN, and MURKOWSKI in sponsoring this act to extend the authorization of several important programs for American Indians. The U.S. Department of Health and Human Services [HHS] administers these programs through the Administration for Native Americans [ANA]. Over the past 5 years, funding has ranged from $34.5 million to $38.6 million. In fiscal year 1997, the funding was $34.9 million.

Our bill will reauthorize important programs to promote economic development, strengthen tribal governments, and provide for the better coordination of social programs available to tribes. The ANA funding policy is to assist Indian Tribes and Native American organizations to plan and implement their own long-term strategies for social and economic development. The aim is to increase local productivity and reduce dependence on government social services.

Competitive grants are the means for distributing these vital funds. In New Mexico, the Pueblos of Laguna ($382,000), Picuris ($167,000), Pojoaque ($120,000), Sandia ($133,890), Tesuque ($125,000), San Juan ($232,000), Santa Ana ($112,000), and Santo Domingo ($110,464) all received grants from fiscal year 1996 funds. New Mexico Tribes and Pueblos have participated in ANA grant activity for about three decades.

The Social and Economic Development Strategies [SEDS] program fosters the development of stable, diversified local economies. SEDS grant funds are used to develop the physical, commercial, industrial and/or agricultural components necessary for a functioning local economy. Social infrastructure includes the maintenance of a tribe's cultural integrity. Pojoaque Pueblo's Cultural Center is the beneficiary of an ANA grant.

Other ANA grants are used to establish or expand business activity or to stabilize and diversify a tribe's economic base. Micro enterprises and other private sector development are encouraged.

Mr. President, I thank Chairman CAMPBELL of the Senate Committee on Indian Affairs for his good work to extend the authorization for these valuable resources to improve tribal opportunities for self-sufficiency. I urge my colleagues to support the reauthorization of these Administration for Native Americans Programs.

Mr. INOUYE. Mr. President, I rise today to cosponsor a measure to reauthorize the Native American Programs Act of 1974. The purpose of this bill is to amend the Native American Programs Act to extend the authorization of appropriations for programs administered by the administration for Native Americans within the Department of Health and Human Services to fiscal year 2000.

In 1974, the Native American Programs Act was enacted by the Congress to assist tribes and other Native American entities with developing social, economic, and governance strategies in order to become viable and economically self-sufficient communities.

In the decades since its enactment, hundreds of tribes, reservation communities, and native organizations have benefited from the programs funded under this act. In fiscal year 1994 alone, the administration for Native Americans provided 215 grants for governance, social, and economic development projects, several dozen grants to assist with tribal recognition efforts, 26 grants for projects to assist tribes in their capacity to meet environmental requirements, 18 grants to support projects assisting the survival and preservation of Native American languages, and funds to support the Native Hawaiian revolving loan fund. These projects have served to improve the quality of living for thousands of Native American families and communities.

Over 2 years ago, on March 7, 1995, Senators MCCAIN, CAMPBELL and I introduced S. 510, a bill which reauthorized programs under the Native American Programs Act. On May 11, 1996 this body passed S. 510, as amended in committee, by unanimous consent, but the bill was subsequently not acted upon by the House prior to the adjournment of the 104th Congress.

The bill being introduced today is substantially similar to S. 510, as introduced in the last Congress. I am pleased that once again, the chairman, as his predecessor did, is willing to consider the inclusion of provisions that would reauthorize for a period of 1 year, the Native Hawaiian revolving loan fund.

Mr. President, the programs authorized in this measure are critical to fostering Native American social and economic self-sufficiency—a goal shared by this Congress as we move toward greater fiscal responsibility.

I urge my colleawues to act favorably and expeditiously on this measure.

By Mr. BOND (for himself, Ms. SNOWE, Mr. NICKLES, Mr. BURNS, Mr. WARNER, Mr. FAIRCLOTH, Mr. MURKOWSKI, Mr. INHOFE, Mr. ENZI, Mr. HUTCHINSON, Mr. MACK, Ms. MIKULSKI and Mr. GRAMS):

S. 460. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes; to the Committee on Finance.

THE HOME-BASED BUSINESS FAIRNESS ACT OF 1997

Mr. BOND. Mr. President, home-based businesses are a significant and often overlooked part of this country's economy. Some people may be surprised to learn that over 9 million men and women in this country now operate home-based businesses, and over 14 million individuals earn income through home-based businesses. Even more impressive is the fact that a majority of these enterprises are owned by women, and the Small Business Administration estimates that women in this country are starting over 300,000 new home-based businesses each year.

There are a number of reasons for the explosive growth of home-based businesses. Recent innovations in computer and communication technology have made the virtual office a reality and allow many Americans to compete in marketplaces that a few years ago required huge investments in equipment and personnel. In addition, many men and women in this country turn to home-based business in an effort to spend more time with their children. By working at home, these families can bring in two incomes, while avoiding the added time and expense of day-care and commuting. Corporate downsizing, too, contributes to the growth in this sector as many skilled individuals convert their knowledge and experience from corporate life into successful enterprises operated from their homes.

The rewards of owning a home-based business are also numerous. The added independence and self-reliance of having your own business provides not only economic rewards but also personal satisfaction. You are the boss: you set your own hours, develop your own business plans, and choose your customers and clients. In many ways, home-based businesses provide the greatest avenue for the entrepreneurial spirit, which has long been the driving force behind the success of this country.

But with these rewards comes a number of obstacles, not the least of which are regulations and burdens imposed by the Federal Government. In fact, the tax laws, and in particular the IRS, are frequently cited as the most significant problems for home-based businesses today. Changes in tax policy must be considered by this Congress to ensure that our laws do not stall the growth and development of this successful sector of our economy.

Mr. President, in answer to this call for help, I am introducing today the Home-Based Business Fairness Act of 1997. This legislation is the product of extensive input from actual home-based business owners and the efforts of my colleagues Senators OLYMPIA SNOWE and DON NICKLES. The bill is designed to address three tax issues that currently pose significant problems for home-based businesses.

DEDUCTIBILITY OF HEALTH-INSURANCE COSTS FOR THE SELF-EMPLOYED

First, the bill addresses the deductibility of health-insurance costs for the self-employed. During the 104th Congress, we made significant progress in this area. First, we made the deduction permanent after years of uncertainty. Then, last summer, we passed legislation that will increase the deduction for these health-care costs to 80 percent incrementally by 2006. While I fully supported that increase, the self-employed cannot wait 10 years for partial deductibility when their large corporate competitors can fully deduct such costs today.

With the self-employed able to deduct only 40 percent of their health-insurance costs today, it comes as no surprise that nearly a quarter of the self-employed, many of whom operate home-based businesses, do not have health insurance. In fact, 4 million households in this country headed by a self-employed individual do not have health insurance.

In order to make it easier for home-based business owners and their families to have health insurance, we must level this playing field. My bill will increase the deductibility of health insurance for the self-employed to 100 percent beginning this year. A full deduction will make health insurance more affordable to home-based business owners and help them and their families get the health insurance coverage that they need and deserve.

HOME-OFFICE DEDUCTION

Second, the Home-Based Business Fairness Act will restore the home-office deduction and further level the playing field for home-based businesses. After the Supreme Court's 1993 Soliman decision, the only home-based businesses that can deduct the costs associated with their home office are those that see their clients in the home and that generate their income within the home office. That narrow interpretation of the law denies the home-office deduction to service providers like construction contractors, landscaping professionals, and sales representatives, who must by necessity perform their services outside of the home.

It is patently unfair to prevent these individuals from deducting their utility costs, property taxes, and other expenses related to the home office, when they could do so if they rented an office separate from the home. I thank my colleague from Utah, Senator HATCH, for his willingness to allow us to work together on this issue. My bill incorporates the legislation that Senator HATCH introduced earlier this month and will permit a home office to include one where the individual performs his essential administrative and management activities such a billing and record keeping. In order to qualify for the deduction, the bill requires that the business owner perform these activities on a regular, on-going, and nonincidental basis and have no other office in which to perform them.

The restoration of the home-office deduction for home-based businesses not only puts them on an equal footing with their larger competitors, but also frees important capital that can be used to expand the business. For too long home-based businesses have lived with the fear of an IRS audit fueled by the Soliman decision. It is time to eliminate this obstacle to the continued success of these important entrepreneurs.

CLARIFICATION OF INDEPENDENT-CONTRACTOR STATUS

The final element of the Home-Based Business Fairness Act is relief for entrepreneurs seeking to be treated as independent contractors and for businesses needing to hire independent contractors. As the chairman of the Small Business Committee, I have heard from countless small business owners who are caught in the environment of fear and confusion that now surrounds the classification of workers. This situation is stifling the entrepreneurial spirit of many small business owners who find that they do not have the flexibility to conduct their businesses in a manner that makes the best economic sense and that serves their personal and family goals.

Mr. President, the root of this problem is found in the IRS' test for determining whether a worker is an independent contractor or an employee. Over the past three decades, the IRS has relied on a 20-factor test based on the common law to make this determination. On first blush, a 20-factor test sounds like a reasonable approach: if a taxpayer demonstrates a majority of the factors, he or she is an independent contractor. Not surprisingly, the IRS' test is not that simple. It is a complex set of extremely subjective criteria with no clear weight assigned to any of the factors. As a result, a small business taxpayer is not able to predict which of the 20 factors will be most important to a particular IRS agent, and finding a certain number of these factors in any given case does not guarantee the outcome.

To make matters worse, the IRS' determination inevitably occurs 2 or 3 years after the parties have determined in good faith that they have an independent-contractor relationship. And the consequences can be devastating. The business recipient of the services is forced to reclassify the independent contractor as an employee and must pay the payroll taxes the IRS says should have been collected in the prior years. Interest and penalties are also added on. The result for many small businesses is a tax bill that bankrupts the company. And that's not the end of the story. The IRS then goes after the service provider, who is now classified as an employee, and disallows a portion of his business expenses—again resulting in additional taxes, interest, and penalties.

Mr. President, all of us in this body recognize that the IRS is charged with the duty of collecting Federal revenues and enforcing the tax laws. The problem in this case is that the IRS is using a procedure that is patently unfair and is doing so on an increasingly frequent basis. Between 1988 and 1994, the IRS' use of the 20-factor test resulted in some 11,000 audits, 483,000 worker reclassifications, and $751 million in back taxes and penalties. These facts make me wonder whether the IRS is using this test as a de facto source of enhanced revenue collection when the classification decision does not alter the aggregate tax liability to the Federal Government at all.

For its part, the IRS has just released its revised worker classification training manual. In the Commissioner's accompanying memo, she describes the manual as an "attempt to identify, simplify, and clarify the relevant facts that should be evaluated in order to accurately determine worker classification. . . ." There can be no more compelling reason for immediate action on this issue. The revised manual is over 150 pages—even longer than the original draft. If it takes this many pages to teach revenue agents how to simplify and clarify this small business tax issue, I think we can be fairly sure how simple and clear it is going to seem to the taxpayer who tries to figure it out on his own.

The Home-Based Business Fairness Act removes the need for so many pages of instruction on the 20-factor test by establishing a clear safe harbor based on objective criteria. Under these criteria, if there is a written agreement between the parties, and if an individual demonstrates economic independence and independence with respect to the workplace, he will be treated as an independent contractor rather than an employee. And the service recipient will not be treated as an employer. In addition, individuals who perform services through their own corporations will also qualify for the safe harbor as long as there is a written agreement and the individuals provide for their own benefits.

The safe harbor is simple, straightforward, and final. To take advantage of it, payments above $600 per year to an individual service provider must be reported to the IRS, just as is required under current law. This will help ensure that taxes properly due to the Treasury will continue to be collected.

Mr. President, the IRS contends that there are millions of independent contractors who should be classified as employees, which costs the Federal Government billions of dollars a year. This assertion is plainly incorrect. Classification of a worker has no cost to the Government. What costs the Government are taxpayers who do not pay their taxes. My bill has two requirements that I believe will improve compliance among independent contractors using the safe harbor. First, there must be a written agreement between the parties—this will help the independent contractor know from the beginning that he is responsible for his own tax payments. Second, the safe harbor will not apply if the service recipient does not comply with the reporting requirements and issue 1099's to individuals who perform services.

My bill also provides relief for businesses and independent contractors when the IRS determines that a worker was misclassified. Under the bill, if the business and the independent contractor have a written agreement, if the applicable reporting requirements were met, and if there was a reasonable basis for the parties to believe that the worker is an independent contractor, then any IRS reclassification upheld in court will only apply prospectively. This provision gives important peace of mind to small businesses that act in good faith by removing the unpredictable threat of retroactive reclassification and substantial interest and penalties.

A final provision of this legislation, Mr. President, is the repeal of section 1706 of the 1986 Tax Reform Act. This provision effectively barred an entire group of independent contractors from the protection available in section 530 of the Revenue Act of 1978. When section 1706 was enacted, its proponents argued that technical service workers—such as engineers, designers, and computer programmers—were less compliant in paying their taxes. Later examination of this issue by the Treasury Department found that technical service workers are in fact more likely to pay their taxes than most other types of independent contractors. This revelation underscores the need to repeal section 1706 and level the playing field for individuals in these professions. In the 104th Congress, proposals to repeal section 1706 enjoyed wide bipartisan support, and it is my hope that the 105th Congress will finally act on this proposal to restore equality for these professionals.

Mr. President, the importance of adding clarity to the independent-contractor situation is underscored by the fact that the 2,000 delegates to the 1995 White House Conference on Small Business voted to designate it as their top priority. At that conference, IRS Commissioner Richardson noted that either classification—independent contractor or employee—can be a valid and appropriate business choice as long as the individual pays his taxes. This conclusion was later affirmed in the IRS' new worker classification training manual. It is time that the law reflect this conclusion and allow small businesses to hire employees or independent contractors as their business needs demand, without the fear and uncertainty that now prevails.

The Home-Based Business Fairness Act is a common-sense measure that will provide tax fairness for the increasing number of individuals who operate their businesses from home and contribute so significantly to the strength of our economy. These business owners have waited far too long. I urge the members of the Finance Committee to work with Senator NICKLES and to report out a bill that provides these three much needed changes in the tax law so that we do not keep them waiting any longer.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home-Based Business Fairness Act of 1997".

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 3. CLARIFICATION OF DEFINITION OF PRINCIPAL PLACE OF BUSINESS.

(a) In General.—Subsection (f) of section 280A of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Principal place of business.—For purposes of subsection (c), a home office shall in any case qualify as the principal place of business if—

"(A) the office is the location where the taxpayer's essential administrative or management activities are conducted on a regular and systematic (and not incidental) basis by the taxpayer, and

"(B) the office is necessary because the taxpayer has no other location for the performance of the essential administrative or management activities of the business."

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 4. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

(a) In General.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

"SEC. 3511. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

"(a) Safe Harbor.—

"(1) In general.—For purposes of this title, if the requirements of subsections (b), (c), and (d), or the requirements of subsections (d) and (e), are met with respect to any service performed by any individual, then with respect to such service—

"(A) the service provider shall not be treated as an employee,

"(B) the service recipient shall not be treated as an employer,

"(C) the payor shall not be treated as an employer, and

"(D) compensation paid or received for such service shall not be treated as paid or received with respect to employment.

"(2) Availability of safe harbor not to limit application of other laws.—Nothing in this section shall be construed—

"(A) as limiting the ability of a service provider, service recipient, or payor to apply other applicable provisions of this title, section 530 of the Revenue Act of 1978, or the common law in determining whether an individual is not an employee, or

"(B) as a prerequisite for the application of any provision of law described in subparagraph (A).

"(b) Service Provider Requirements With Regard to the Service Recipient.—For purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

"(1) has the ability to realize a profit or loss,

"(2) incurs unreimbursed expenses which are ordinary and necessary to the service provider's industry and which represent an amount at least equal to 2 percent of the service provider's adjusted gross income attributable to services performed pursuant to 1 or more contracts described in subsection (d), and

"(3) agrees to perform services for a particular amount of time or to complete a specific result or task.

"(c) Additional Service Provider Requirements With Regard to Others.—For the purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) has a principal place of business,

"(2) does not primarily provide the service at a single service recipient's facilities,

"(3) pays a fair market rent for use of the service recipient's facilities, or

"(4) operates primarily with equipment not supplied by the service recipient.

"(d) Written Document Requirements.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the service provider are performed pursuant to a written contract between such service provider and the service recipient, or the payor, and such contract provides that the service provider will not be treated as an employee with respect to such services for Federal tax purposes.

"(e) Business Structure and Benefits Requirement.—For purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) conducts business as a properly constituted corporation or limited liability company under applicable State laws, and

"(2) does not receive from the service recipient or payor benefits that are provided to employees of the service recipient.

"(f) Special Rules.—For purposes of this section—

"(1) Failure to meet reporting requirements.—If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of section 6041(a) or 6041A(a) with respect to a service provider, then, unless the failure is due to reasonable cause and not willful neglect, the safe harbor provided by this section for determining whether individuals are not employees shall not apply to such service recipient or payor with respect to that service provider.

"(2) Burden of proof.—For purposes of subsection (a), if—

"(A) a service provider, service recipient, or payor establishes a prima facie case that it was reasonable not to treat a service provider as an employee for purposes of this section, and

"(B) the service provider, service recipient, or payor has fully cooperated with reasonable requests from the Secretary or his delegate,

then the burden of proof with respect to such treatment shall be on the Secretary.

"(3) Related entities.—If the service provider is performing services through an entity owned in whole or in part by such service provider, the references to 'service provider' in subsections (b) through (e) may include such entity, provided that the written contract referred to in subsection (d) is with such entity.

"(g) Determinations by the Secretary.—For purposes of this title—

"(1) In general.—

"(A) Determinations with respect to a service recipient or a payor.—A determination by the Secretary that a service recipient or a payor should have treated a service provider as an employee shall be effective no earlier than the notice date if—

"(i) the service recipient or the payor entered into a written contract satisfying the requirements of subsection (d),

"(ii) the service recipient or the payor satisfied the applicable reporting requirements of section 6041(a) or 6041A(a) for all taxable years covered by the agreement described in clause (i), and

"(iii) the service recipient or the payor demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(B) Determinations with respect to a service provider.—A determination by the Secretary that a service provider should have been treated as an employee shall be effective no earlier than the notice date if—

"(i) the service provider entered into a contract satisfying the requirements of subsection (d),

"(ii) the service provider satisfied the applicable reporting requirements of sections 6012(a) and 6017 for all taxable years covered by the agreement described in clause (i), and

"(iii) the service provider demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(C) Reasonable cause exception.—The requirements of subparagraph (A)(ii) or (B)(ii) shall be treated as being met if the failure to satisfy the applicable reporting requirements is due to reasonable cause and not willful neglect.

"(2) Construction.—Nothing in this subsection shall be construed as limiting any provision of law that provides an opportunity for administrative or judicial review of a determination by the Secretary.

"(3) Notice date.—For purposes of this subsection, the notice date is the 30th day after the earlier of—

"(A) the date on which the first letter of proposed deficiency that allows the service provider, the service recipient, or the payor an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent, or

"(B) the date on which the deficiency notice under section 6212 is sent.

"(h) Definitions.—For the purposes of this section—

"(1) Service provider.—The term 'service provider' means any individual who performs a service for another person.

"(2) Service recipient.—Except as provided in paragraph (4), the term 'service recipient' means the person for whom the service provider performs such service.

"(3) Payor.—Except as provided in paragraph (4), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipient does not pay the service provider.

"(4) Exceptions.—The terms 'service recipient' and 'payor' do not include any entity in which the service provider owns in excess of 5 percent of—

"(A) in the case of a corporation, the total combined voting power of stock in the corporation, or

"(B) in the case of an entity other than a corporation, the profits or beneficial interests in the entity.

"(5) In connection with performing the service.—The term 'in connection with performing the service' means in connection or related to the operation of the service provider's trade or business.

"(6) Principal place of business.—For purposes of subsection (c), a home office shall in any case qualify as the principal place of business if—

"(A) the office is the location where the service provider's essential administrative or management activities are conducted on a regular and systematic (and not incidental) basis by the service provider, and

"(B) the office is necessary because the service provider has no other location for the performance of the essential administrative or management activities of the business.

"(7) Fair market rent.—The term 'fair market rent' means a periodic, fixed minimum rental fee which is based on the fair rental value of the facilities and is established pursuant to a written agreement with terms similar to those offered to unrelated persons for facilities of similar type and quality."

(b) Clarification of Rules Regarding Evidence of Control.—For purposes of determining whether an individual is an employee under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), compliance with statutory or regulatory standards shall not be treated as evidence of control.

(c) Repeal of Section 530(d) of the Revenue Act of 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(d) Clerical Amendment.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Safe harbor for determining that certain individuals are not employees."

(e) Effective Dates.—

(1) In general.—The amendments made by, and the provisions of, this section shall apply to services performed after the date of enactment of this Act.

(2) Determinations by secretary.—Section 3511(g) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to determinations after the date of enactment of this Act.

(3) Section 530(d).—The amendment made by subsection (c) shall apply to periods ending after the date of enactment of this Act.

Home-Based Business Fairness Act of 1977—Description of Provisions

SHORT TITLE

Under Section 1 of the bill, the name of the legislation is "Home-Based Business Fairness Act of 1997."

INCREASE IN THE DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

Section 2 of the bill amends section 162(*l*)(1) of the Internal Revenue Code of 1986 to increase the deduction for health insurance costs for self-employed individuals to 100 percent beginning on January 1, 1997. Currently the limit on deductibility of health insurance costs for these individuals is 40 percent, and it is scheduled to rise to 80 percent by 2006, under the provisions in the Health Insurance Portability and Accountability Act of 1996, which was signed into law in August 1996. The bill is designed to place self-employed individuals on an equal footing with large businesses which can currently deduct 100% of the health insurance costs of all of their employees.

RESTORATION OF THE HOME-OFFICE DEDUCTION

Section 3 of the bill clarifies the definition of "principal place of business," which relates to the home-office deduction under section 280A of the Internal Revenue Code. The bill permits a home office to include an office where a taxpayer performs his or her essential administrative or management activities such as billing and recordkeeping. In order to qualify for the new definition, the taxpayer must perform these activities on a regular, on-going, and non-incidental basis in the home office and have no other location at which to perform these business activities. This section of the bill will be effective on January 1, 1997.

The bill is designed to address the ambiguities resulting from the Supreme Court's 1993 decision, *Commissioner* v. *Soliman*. That case has been interpreted to require two new tests for the home-office deduction: (1) the customers of a home business must physically visit the home office, and (2) the taxpayer's business income must be generated within the home office itself—not from transactions that occur outside of the home office. The bill is intended to permit taxpayers who perform their services outside the home but use their home office for essential billing and recordkeeping to qualify for the home-office deduction.

SAFE HARBOR FOR INDEPENDENT CONTRACTORS

Section 4 of the bill addresses the worker-classification issue (*e.g.*, whether a worker is an employee or an independent contractor) by creating a new section 3511 of the Internal Revenue Code. The new section will provide a general safe harbor and protection against retroactive reclassification of an independent contractor in certain circumstances. The bill is designed to provide certainty for businesses that enter into independent-contractor relationships and minimize the risk of huge tax bills for back taxes, interest, and penalties if a worker is misclassified.

General safe harbor

Under the general safe harbor, if either of two tests is met, an individual will be treated as an independent contractor and the service recipient will not be treated as an employer. The first test requires that the independent contractor demonstrate economic independence and workplace independence and have a written contract with the service recipient. ·

Economic independence exists if all of the following apply: the independent contractor has the ability to realize a profit or loss, he or she incurs unreimbursed expenses that are consistent with industry practice and that equal at least 2 percent of the independent contractor's adjusted gross income from the performance of services during the taxable year, and the independent contractor agrees to perform services for a particular amount of time or to complete a specific result or task.

Workplace independence exists if one of the following applies: the independent contractor has a principal place of business (the definition of which includes the provisions of section 3 of the bill, which address the *Soliman* decision); he or she performs services at more than one service recipient's facilities; he or she pays a fair-market rent for the use of the service recipient's facilities, or the independent contractor uses his or her own equipment.

The written contract between the independent contractor and the service recipient must provide that the independent contractor will not be treated as an employee.

Under the second alternative test, an individual will be treated as an independent contractor if he or she conducts business through a corporation or a limited liability company and the independent contractor does not receive benefits from the service recipient—instead the independent contractor would be responsible for his or her own benefits. The independent contractor must also have a written contract with the service provider stating that the independent contractor will not be treated as an employee.

The general safe-harbor provisions also apply to three-party situations in which the independent contractor is paid by a third party, such as a payroll company, rather than directly by the service recipient. The general safe harbor, however, will not apply to a service recipient or a third-party payor if they do not comply with the existing reporting requirements and file 1099s for individuals who work as independent contractors. A limited exception is provided for cases in which the failure to file a 1099 is due to reasonable cause and not willful neglect.

The bill also provides additional relief for cases in which a worker is treated as an independent contractor under the general safe harbor and the IRS later contends that the safe harbor does not apply. In that case, the burden falls on the IRS, rather than the taxpayer, to prove that the safe harbor does not apply. To qualify for this relief the taxpayer must demonstrate a credible argument that it was reasonable to treat the service provider as an independent contractor, and the taxpayer must fully cooperate with reasonable requests from the IRS.

In the event that the general safe harbor does not apply, the bill makes clear that the independent contractor or service recipient can still rely on the 20-factor common law test or other provisions of the Internal Revenue Code applicable in determining whether an individual is an employee or an independent contractor. In addition, the bill does not limit any relief that a taxpayer may be entitled to under Section 530 of the Revenue Act of 1978. The bill also makes clear that the general safe harbor will not be construed as a prerequisite for these other provisions of the law concerning worker classification.

Protection against retroactive reclassification

The bill also provides protection against retroactive reclassification by the IRS of an independent contractor as an employee. For many service recipients who make a good faith effort to classify the worker correctly, this event can result in extensive liability for back employment taxes, interest, and penalties.

Under the bill, if the IRS notifies a service recipient that an independent contractor should have been classified as an employee, the IRS' determination can become effective only 30 days after the date that the IRS sends the notification. To qualify for this provision, the service recipient must show that: There was a written agreement between the parties; the service recipient satisfied the applicable reporting requirements for all taxable years covered by the contract; and there was a reasonable basis for determining that the independent contractor was not an employee and the service provider made the determination in good faith. The bill provides similar protection for independent contractors who are notified by the IRS that they should have been treated as an employee.

The protection against retroactive reclassification is intended to remove some of the uncertainty for taxpayers who must use the IRS's 20-factor common law test. While the bill would prevent the IRS from forcing a service recipient to treat an independent contractor as an employee for past years, the bill makes clear that a service recipient or an independent contractor can still challenge the IRS's prospective reclassification of an independent contractor through administrative or judicial proceedings.

Additional independent contractor provisions

Section 4 of the bill contains two additional provisions designed to assist independent contractors. The first clarifies that an individual's compliance with a statutory or regulatory requirement will not be treated as evidence of control. The 20-factor common law test focuses in part on the business' control over a worker. When the business can direct how, when and where a worker performs a task; such control usually indicates that the worker is an employee rather than an independent contractor. Certain statutory and regulatory requirements, which a business and/or a worker must follow, have been interpreted by the IRS as demonstrating evidence of this type of control when the majority of other factors would lead to the conclusion that a worker is an independent contractor. The bill clarifies that compliance with statutory or regulatory requirements should not be a factor in determining whether an individual is an independent contractor.

Second, the bill would repeal section 530(d) of the Revenue Act of 1978, which was added by section 1706 of the Tax Reform Act of 1986. This provision precludes technical service providers (e.g., engineers, designers, drafters, computer programmers, systems analysts, and other similarly qualified individuals) who work through a third party, such as a placement broker, from applying the safe harbor under section 530. The bill is designed to level the playing field for individuals in these professions.

Effective dates

In general, the independent-contractor provisions of the bill, including the general safe harbor, will be effective for service performed after the date of enactment of the bill. The protection against retroactive reclassification will be effective for IRS determinations after the date of enactment, and the repeal of section 530(d) will be effective for periods ending after the date of enactment of the bill.

Mr. NICKLES. Mr. President, I am pleased to join my friend and colleague from Missouri, Senator BOND, in the introduction of the Home-Based Business Fairness Act. I compliment Senator BOND for his leadership on these issues and all matters affecting small business as chairman of the Senate Committee on Small Business.

The small, independent business is the engine which drives innovation, job creation, and increased economic activity in this country. I am proud to live in a country where any person can use talent, intelligence, and hard work to start a business. I believe these businesses are the foundation of our free enterprise economy, and the very essence of capitalism.

There are 5 million independent contractors in America according to the Small Business Administration, and almost one-third of all companies use independent contractors to some degree. Further, the SBA estimates that more than 14 million individuals earn some income from home-based businesses, and some 300,000 women start home-based businesses every year.

Unfortunately, Mr. President, the Internal Revenue Code does not always treat small businesses fairly, and it often acts to limit and repress the entrepreneurial spirit. The legislation we are introducing today is intended to address some of the Tax Code's inequities and remove the roadblocks to the creation of new small businesses.

A perfect example of the Tax Code's bias against small business is the treatment of health insurance expenses. Corporations can currently deduct 100 percent of the health insurance costs of their employees. As recently as 2 years ago, self-employed individuals were only allowed to deduct 25 percent of their health insurance costs. Fortunately, the Health Insurance Portability and Accountability Act of 1996 increased this limit to 40 percent this year, with a scheduled increase to 80 percent by 2006. However, the bias against small business continues. Our legislation increases the deduction for health insurance cost for self-employed individuals to 100 percent beginning on January 1, 1997.

For some small business taxpayers, the enemy has not been the IRS or the Congress, but the judiciary. A 1993 Supreme Court decision, Commissioner versus Soliman has been interpreted to require two new tests for the home-office deduction: First, the customers of a home business must physically visit the home office, and second, the taxpayer's business income must be generated within the home office itself—not from transactions that occur outside of the home office. This interpretation has effectively prevented millions of taxpayers from deducting valid, reasonable, and necessary business expenses. The Home-Based Business Fairness Act will permit taxpayers who perform their services outside the home but use their home office for essential billing and recordkeeping to qualify for the home-office deduction, provided they perform these activities on a regular, ongoing, and nonincidental basis in the home office and have no other location at which to perform these business activities. This section of the bill will be effective on January 1, 1997.

Finally, Mr. President, our legislation addresses a major, continuing problem for the small business community. The problem is worker classification—independent contractor or employee. In a perfect world, this issue should be irrelevant. The relationship between a worker and a business would be strictly based on their individual needs, and the Government's only interest would be to collect the same amount of taxes regardless of the relationship.

Unfortunately, however, this is not a perfect world. The complexity of the Tax Code and Congress' failure to provide adequate guidance to small businesses and their workers has resulted in a confusing mess. Left to their own devices, the Internal Revenue Service has adopted an aggressive, proemployee agenda.

For the last 20 years, the classification of workers as contractors or employees has been controlled by a 20-factor common law test which attempts to define a business' control over a worker. This common law test is the bane of employers and workers across the country. The General Accounting Office has called the common law test unclear and subject to conflicting interpretations. Even the Treasury Department has testified that:

> Applying the common law test in employment tax issues does not yield clear, consistent, or even satisfactory answers, and reasonable persons may differ as to the correct classification.

Beyond the 20-factor test, some businesses may avail themselves of a safe harbor enacted in 1978. The section 530 safe harbor prohibits the IRS from reclassifying workers as employees if the business had a reasonable basis for treatment of the workers as independent contractors, or if a past IRS audit did not dispute the workers' classification.

Our bill creates a new worker classification safe harbor and provides limited relief from retroactive worker reclassification, two changes which will resolve many of the problems small businesses face with the IRS. Our bill does not repeal the 20-factor common law test, it does not repeal the section 530 safe harbor, and it does not affect other special worker classification situations such as statutory employees or direct sellers. Put simply, our bill will benefit those businesses and contractors who have not resolved their status with the IRS, while preserving current law for those who are satisfied with it.

To summarize briefly, our legislation protects businesses and contractors who meet one of two tests. The first test measures a worker's economic risk and workplace independence, and requires the two parties to have a written contract and comply with all tax reporting requirements. Under the second test, a worker who conducts business through a corporation or a limited liability company, does not receive benefits from the service recipient, and has a written contract will be treated as an independent contractor.

Our bill also protects businesses from retroactive reclassification of workers and the associated liability for back taxes, interest, and penalties, provided the business had a written contract with the workers, complied with all tax reporting requirements, and had a reasonable basis to treat the workers as contractors. Finally, our legislation repeals section 1706 of the Tax Reform Act of 1986 which precludes third-party technical service workers from the section 530 safe harbor, and it clarifies that compliance with a statutory or regulatory requirements will not be treated as evidence of control for the purpose of worker classification.

Mr. President, the Tax Code reforms included in the Home-Based Business Fairness Act are commonsense solutions to the real problems faced by small businesses. With this bill, Senator BOND and I have tried to address those problems which we believe are most critical to the creation of new small businesses, new jobs, and new economic growth. I encourage my colleagues to give this legislation their thoughtful consideration and join us in this initiative.

Mr. ENZI. Mr. President, I rise in strong support of The Home-Based Business Fairness Act of 1997, introduced today by the chairman of the Small Business Committee, Senator BOND. I know that Senator BOND, Senator NICKLES and Senator SNOWE have worked hard to draft this bill and I am proud to be an original cosponsor. It addresses three concerns that have weighed heavily on the small business community for years: First health insurance fairness; second the home-office deduction; and third the status of independent contractors. I hope the Senate and the House will move quickly to pass this legislation.

It is a good bill because it responds directly to what small businesses have been asking us to do. It will help create jobs that will put people on welfare back to work. This is an issue that policymakers have been concentrating on since last year's welfare debate—the President has proposed a Welfare to Work Program while Congress is looking at the best ways to stimulate the economy and create jobs. Toward that effort, it is impossible to overlook the importance of small business. Small businesses create nearly 100 percent of this country's new jobs and employ over 65 percent of Americans working in the private sector. And I guarantee it would be small businesses that hire the majority of today's welfare recipients if Government would make it affordable to do so.

Small business is more than the backbone of this country. Small business is the engine of the American Dream. But it needs a system that empowers people, not government. This bill would help people by removing just a couple of the obstacles in the way of that Dream.

When I was elected to the Senate last November, my first choice of committee assignments was the Small Business Committee. My wife, Diana, and I were small businessowners and we have experienced—at one time or another—nearly all of the obstacles that can stand in the way of a successful small business. At this time last year, in fact, my wife and I were balancing our books and paying our taxes—hoping to find that the books still balanced after paying the taxes! So I know what small businessowners are going through. Very recently, I have been there.

There is a lot of talk in this legislative body about improving the environment for small business. In fact, I doubt that any Member would stand up and say he or she does not support small business. We hold hearings and listen to testimony, we provide for White House conferences on small business, we receive stacks of polling data and we create commission after commission to tell us what needs to be done. In the end, we find out what I think we already know—the problem is taxes. Too many and too much.

This bill is a small step in the Tax Code, but a giant step for sensibility. It recognizes some of the revolutionary changes in American business. The advent of personal computers, high speed modems, cell phones, pagers, and fax machines that have enabled Americans to work via audio and video conferencing, from satellite offices, and by telecommuting. Our tax laws have not kept up with the sea of change in American business.

One example of this change is the increasing number of women in our Nation's work force. According to the Bureau of Labor Statistics, 76 percent of mothers with school-age children now work. Among two-parent households, 63 percent report that both parents must work outside the home—in many cases, one works to pay the bills, while the other works to pay the taxes. And of these women entering the work force, 1 in 20 are starting their own businesses and many are home based and that number is rising rapidly. In fact, women start new businesses at twice the rate of men—and with a very good success rate. But the Tax Code needs improvement. It discourages self-employment and home-based business through discrimination and complexity. This bill would change that.

The Home-Based Business Fairness Act would finally put an end to our regressive, two-tiered system that makes self-employed people pay more for their health insurance. It is time to give small business competitive parity with big business. All the technical assistance and loan guarantees in the world cannot overcome unfair tax treatment and disproportionately burdensome regulations. Last year, Congress recognized the inequality by voting to phase in an 80-percent deductibility for health insurance costs. That's a good start. But if we know the tax treatment is not fair, then shouldn't we make it right? America's small businesses need fair and equal treatment.

This legislation would also add fairness for people who work in their homes. Our current outdated Tax Code discriminates against home-based people by restricting their ability to deduct office expenses. The message is, if you can't afford a real office, then you can't deduct your expenses. In this way, we increase the hurdles for entrepreneurs who want to earn a living, but can't afford to rent separate office space. This part of the legislation will benefit thousands of home-based women and men. It is very important and deserves a thoughtful consideration by the Senate.

Another puzzling antibusiness setup that this bill would simplify is the definition of independent contractor. American entrepreneurs—and especially home-based business owners—need a simpler test. I have always believed we could make things a lot easier if we just followed the payroll taxes. Who pays them? Is there a written contract? It does not have to be "rocket science." This legislation would simplify the test so that everyone can understand it—not just the tax attorneys at the Internal Revenue Service.

On that subject, in Wyoming recently, the IRS has taken after the last bastion of budding entrepreneurs, our paper boys. Once again, the thirsty IRS auditors are devising ways to haunt working people—presumed guilty until proven innocent. When did the IRS decide to pick on the hard-earned wages of independent paperboys and girls? They are not now, and never have been, salaried newspaper employees. They are just kids who want to earn some money by working before or after school.

I think we should call this part of the bill, The Paperboy Protection Act. The last bastion for new entrepreneurs needs our help. The small business owners of tomorrow are counting on us to pass this legislation. I thank my colleagues on the Small Business Committee, and the assistant majority leader, for their hard work on the bill. I urge other Senators to support it.

By Mrs. HUTCHISON (for herself, Mr. INHOFE, and Mr. HELMS):

S. 461. A bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes; to the Committee on Labor and Human Resources.

THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1997

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleagues, Mr. INHOFE and Mr. HELMS, the Occupational Safety and Health Reform Act of 1997. This legislation will transform OSHA from an agency that generates fines and paperwork to one that plays a more constructive role in improving worker safety.

Mr. President, the Occupational Safety and Health Act was enacted in 1970. It may not surprise my colleagues that since that time, the incidence of work-related injuries and illnesses has steadily declined. But it may surprise them to learn that in the 25 years prior to enactment of OSHA, workplace injuries declined almost twice as fast as they have since the enactment of OSHA. The reduction of workplace injuries, which had been occurring before OSHA was created, has actually slowed since the agency was created.

One may reasonably ask, why is that the case? Mr. President, I have talked to hundreds of business people throughout my State of Texas and throughout the Nation. Time and again, I have heard stories of burdensome and complex OSHA requirements and of arbitrary and unfair inspections and fines.

The vast majority of other employers in this country desire and strive to see to it that their employees have a safe place to work. Indeed, it is in their own best interest to do so. Injuries are costly: They interrupt production schedules, cause a loss of productivity and increase the burgeoning expense of workers' compensation, not to mention the impact on overall employee morale and productivity.

Many of the employers I speak with would like to work with, rather than against OSHA, but fear that if they take any affirmative steps to improve and review the safety of their workplace, it will only serve to attract aggressive OSHA inspectors. Thus, rather than helping to raise the safety level of American workers, the Occupational Safety and Health Act actually discourages employers in many cases from aggressively working to improve workplace health and safety.

Remarkably, OSHA's response to the growing call for reform of its enforcement tactics has been to seek to expand its territory. Most recently, OSHA has worked on establishing new and enormously costly standards on ergonomics and even on the prevention of nighttime crime at retail stores.

Mr. President, when Congress established OSHA, it did so with the intent that the agency, employers, and employees would all work toward the common purpose of creating safer and healthier workplace environments. Unfortunately, the culture of OSHA has evolved into one of regulatory excess, punitive enforcement, and standard setting based on arbitrariness rather than sound cost/benefit analysis. Things have gotten so bad that OSHA inspectors have even testified that they have been required to meet monthly quotas for citations and fines.

The bill I am introducing today will restore OSHA to its intended mission by requiring the agency to take a commonsense approach to establishing safety standards and by encouraging cooperation and voluntary improvement rather than confrontation. In brief, the bill:

Requires that OSHA, prior to setting a new standard, establish that a worksite safety hazard exists and consider whether it can economically be corrected using feasible technology;

It provides safety consultation and assistance to small businesses to encourage OSHA compliance;

It gives employers an opportunity to correct problems identified by employees before a formal OSHA complaint is filed, and protects employees who raise safety concerns to their employers;

It stops the practice of citing contractors for the violations of subcontractors whose employees are not under the contractor's control;

It limits employers' liability for the unsafe conduct of employees who have been properly trained and equipped by their employer;

It requires that fines for violations be proportional to their actual impact on employee safety; and

It will end the de facto practice of establishing quotas for enforcement activities.

Mr. President, I realize that there are employers out there who may not care about the safety of their employees. To them, I say, beware. Under this bill, OSHA will be freed to concentrate its resources and enforcement efforts on those employers who willfully disregard workplace safety.

But to the other 99 percent of the honest, hardworking business people in America who want to do right by their employees, I say: We have heard your call for action, and help is on the way. I urge them and I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Occupational Safety and Health Reform Act of 1997".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. USE OF OSHA IN PRIVATE LITIGATION.

Section 4(b)(4) (29 U.S.C. 653(b)(4)) is amended by adding at the end the following: "An allegation of a violation, a finding of a violation, or an abatement of an alleged violation, under this Act or the standards promulgated under this Act shall not be admissible as evidence in any civil action or used to increase the amount of payments received under any workmen's compensation law for any work-related injury.".

SEC. 3. DUTIES OF EMPLOYERS AND EMPLOYEES.

Section 5 (29 U.S.C. 654) is amended by adding at the end the following:

"(c) On multiemployer work sites, an employer may not be cited for a violation of this section if the employer—

"(1) has no employees exposed to the violation; and

"(2) has not created the condition that caused the violation or assumed responsibility for ensuring compliance by other employers on the work site.".

SEC. 4. STANDARD SETTING.

(a) STANDARDS.—Section 6(b)(5) (29 U.S.C. 655(b)(5)) is amended to read as follows:

"(5) The development of a standard under this section shall be based on the latest scientific data in the field and on research demonstrations, experiments, and other information that may be appropriate. In establishing the standard, the Secretary shall consider, and make findings based on, the following factors:

"(A) The standard shall be needed to address a significant risk of material impairment to workers and shall substantially reduce that risk.

"(B) The standard shall be technologically and economically feasible.

"(C) There shall be a reasonable relationship between the costs and benefits of the standard.

"(D) The standard shall provide protection to workers in the most cost-effective manner and minimize employment loss due to the standard in the affected industries and sectors of industries.

"(E) The standard shall set forth objective criteria and the performance desired.".

(b) VARIANCES.—Section 6(d) (29 U.S.C. 655(d)) is amended by adding at the end the following: "No citation shall be issued for a violation of an occupational safety and health standard that is the subject of a good faith application for a variance during the period the application is pending before the Secretary.".

(c) STANDARD PRIORITIES.—The second sentence of section 6(g) (29 U.S.C. 655(g)) is amended to read as follows: "In determining the priority for establishing standards with regard to toxic materials or the physical agents of toxic materials, the Secretary shall consider the number of workers exposed to the substance, the nature and severity of potential impairment, and the likelihood of the impairment based on information obtained by the Secretary from the Environmental Protection Agency, the Department of Health and Human Services, and other appropriate sources.".

(d) REGULATORY FLEXIBILITY ANALYSIS.—Section 6 (29 U.S.C. 655) is amended by adding at the end the following:

"(h) In promulgating an occupational safety and health standard under subsection (b), the Secretary shall perform a regulatory flexibility analysis described in sections 603 and 604 of title 5, United States Code.

"(i) In promulgating any occupational safety and health standard under subsection (b), the Secretary shall minimize the time, effort, and costs involved in the retention, reporting, notification, or disclosure of information to the Secretary, to third parties, or to the public. Compliance with the requirement of this subsection may be considered in a review of a petition filed under subsection (f).".

SEC. 5. INSPECTIONS.

(a) AUTHORITY OF SECRETARY.—Section 8(a) (29 U.S.C. 657(a)) is amended by striking paragraph (2) and inserting the following:

"(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials in such place of employment.

In conducting inspections and investigations under paragraph (2), the Secretary may question any such employer, owner, operator, agent or employee. An interview of an employee by the Secretary may only be in private with the consent of the employee.".

(b) RECORDKEEPING.—

(1) GENERAL MAINTENANCE.—The first sentence of section 8(c)(1) (29 U.S.C. 657(c)(1)) is amended to read as follows: "Each employer shall make, keep and preserve, and make available, upon reasonable request and within reasonable limits, to the Secretary or the Secretary of Health and Human Services, such records regarding the activities of the employer relating to this Act as the Secretary, in cooperation with the Secretary of

Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses.''.

(2) RECORDS OR REPORTS ON INJURIES.—Section 8(c) (29 U.S.C. 657(c)) is amended by adding at the end the following:

''(4) In prescribing regulations under this subsection, the Secretary may not require employers to maintain records of, or to make reports on, injuries that do not involve lost work time or that involve employees of other employers.

''(5) In prescribing regulations requiring employers to report work-related deaths and multiple hospitalizations, the Secretary shall include provisions that provide an employer at least 24 hours in which to make the report.''.

(c) INSPECTIONS BASED ON EMPLOYEE COMPLAINTS.—Section 8(f) (29 U.S.C. 657(f)) is amended to read as follows:

''(f)(1)(A) An employee or representative of an employee who believes that a violation of a safety or health standard promulgated under this Act exists in the place of employment of the employee that threatens physical harm, or that an imminent danger exists in the place of the employment of the employee, may request an inspection by providing notice to the Secretary or an authorized representative of the Secretary of the violation or danger.

''(B) The notice under subparagraph (A) shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall state that the alleged violation or danger described in this subparagraph has been brought to the attention of the employer and the employer has refused to take any action to correct the alleged violation or danger.

''(C)(i) The notice under subparagraph (A) shall be signed by the employee or representative of the employee and a copy of the notice shall be provided to the employer or the agent of the employer no later than the time of arrival of an occupational safety and health agency inspector to conduct the inspection.

''(ii) Upon the request of the employee providing the notice under subparagraph (A), the name of the employee and the names of individual employees referred to in the notice shall not appear in the copy or on any record published, released, or made available pursuant to subsection (i), except that the name of the employee and the names of individual employees shall not be privileged from discovery in a contested case.

''(D) The Secretary may not make an inspection under this subsection except upon request by an employee or a representative of an employee.

''(E) If upon receipt of the notice under subparagraph (A), the Secretary determines that the employee or the representative of the employee has brought the alleged violation or danger to the attention of the employer and the employer has refused to take corrective action, and that there are reasonable grounds to believe the alleged violation or danger still exists, the Secretary shall make a special inspection in accordance with this subsection not later than 30 days after the receipt of the notice under subparagraph (A). The special inspection shall be conducted for the limited purpose of determining whether the alleged violation or danger exists.

''(2) If the Secretary determines either before, or as a result of, an inspection that there are not reasonable grounds to believe a violation or danger described in paragraph (1)(A) exists, the Secretary shall notify the complaining employee or the representative of the employee of the determination and, upon request by the employee or the representative of the employee, shall provide a written statement of the reasons for the determination.''.

(d) TRAINING AND ENFORCEMENT.—Section 8 (29 U.S.C. 657) is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following:

''(g) Inspections conducted under this section shall be conducted by at least 1 person who has training in, and is knowledgeable of, the industry or types of hazards being inspected.

''(h)(1) Except as provided in paragraph (2), the Secretary shall not conduct routine inspections of, or enforce any standard, rule, regulation, or order under this Act with respect to—

''(A) an employer who is engaged in a farming operation that does not maintain a temporary labor camp and employs 50 or fewer employees; or

''(B) an employer of not more than 50 employees if the employer is included within a category of employers having an occupational injury or a lost workday case rate (determined under the Standard Industrial Classification Code for which such data are published) that is less than the national average rate as most recently published by the Secretary acting through the Bureau of Labor Statistics under section 24.

''(2) In the case of an employer described in subparagraph (B) of paragraph (1), such paragraph shall not be construed to prohibit the Secretary, with respect to the employer, from—

''(A) providing under this Act consultations, technical assistance, and educational and training services;

''(B) conducting under this Act surveys and studies;

''(C) conducting inspections or investigations in response to employee complaints, issuing citations for violations of this Act found during an inspection, and assessing a penalty for the violations that are not corrected within a reasonable abatement period;

''(D) taking any action authorized by this Act with respect to imminent dangers;

''(E) taking any action authorized by this Act with respect to a report of an employment accident that is fatal to at least 1 employee or that results in hospitalization of at least 3 employees and taking any action pursuant to an investigation of such report; and

''(F) taking any action authorized by this Act with respect to a complaint of discrimination against employees for exercising their rights under this Act.

''(i) Any records or other information created by or for an employer for the purpose of conducting safety and health inspections, audits, or reviews not required by this Act shall not be required to be disclosed by the employer or the agent of the employer in any inspection, investigation, or enforcement proceeding conducted pursuant to this Act.''.

SEC. 6. VOLUNTARY COMPLIANCE.

(a) PROGRAM.—The Occupational Safety and Health Act of 1970 (21 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

''SEC. 8A. VOLUNTARY COMPLIANCE.

''(a) IN GENERAL.—The Secretary shall by regulation establish a program to encourage voluntary employer and employee efforts to provide safe and healthful working conditions.

''(b) EXEMPTION.—In establishing a program under subsection (a), the Secretary shall, in accordance with subsection (c), provide an exemption from all safety and health inspections and investigations with respect to a place of employment maintained by the employer participating in the program, except that this subsection shall not apply to inspections and investigations conducted for the purpose of—

''(1) determining the cause of a workplace accident that resulted in the death of 1 or more employees or the hospitalization of 3 or more employees; or

''(2) responding to a request for an inspection pursuant to section (8)(f)(1).

''(c) REQUIREMENTS FOR EXEMPTION.—In order to qualify for the exemption provided under subsection (b), an employer shall provide to the Secretary evidence that—

''(1) the place of employment of the employer or conditions of employment have, during the preceding year, been reviewed or inspected under—

''(A) a consultation program provided by any State agency relating to occupational safety and health;

''(B) a certification or consultation program provided by an insurance carrier or other private business entity pursuant to a State program, law, or regulation; or

''(C) a workplace consultation program provided by any other person certified by the Secretary for purposes of providing workplace consultations; or

''(2) the place of employment has an exemplary safety record and the employer maintains a safety and health program for the workplace that—

''(A) includes—

''(i) procedures for assessing hazards to the employees of the employer that are inherent to the operations or business of the employer;

''(ii) procedures for correcting or controlling the hazards in a timely manner based on the severity of the hazard; and

''(iii) employee participation in the program including, at a minimum—

''(I) regular consultation between the employer and the nonsupervisory employees of the employer regarding safety and health issues; and

''(II) the opportunity for the nonsupervisory employees of the employer to make recommendations regarding hazards in the workplace and to receive responses or to implement improvements in response to the recommendations; and

''(B) that requires that participating nonsupervisory employees of the employer have training or expertise on safety and health issues consistent with the responsibilities of the employees.

A program under subparagraph (A) or (B) of paragraph (1) shall include methods that ensure that serious hazards identified in the consultation are corrected within an appropriate time.

''(d) CERTIFICATION.—The Secretary may require that an employer in order to claim the exemption under subsection (b) provides certification to the Secretary, and notice to the employees of the employer, of the eligibility of the employer for an exemption.''.

(b) DEFINITION.—Section 3 (29 U.S.C. 652) is amended by adding at the end the following:

''(15) The term 'exemplary safety record' means that an employer has had, in the most recent annual reporting of the employer required by the Occupational Safety and

Health Administration, no employee death caused by occupational injury and fewer lost workdays due to occupational injury and illness than the average for the industry of which the employer is a part.".

SEC. 7. EMPLOYER DEFENSES.

Section 9 (29 U.S.C. 658) is amended by adding at the end the following:

"(d) No citation may be issued under subsection (a) to an employer unless the employer knew or with the exercise of reasonable diligence would have known of the presence of an alleged violation. No citation shall be issued under subsection (a) to an employer for an alleged violation of section 5, any standard, rule, or order promulgated pursuant to section 6, any other regulation promulgated under this Act, or any other occupational safety and health standard, if the employer demonstrates that—

"(1) employees of the employer have been provided with the proper training and equipment to prevent such a violation;

"(2) work rules designed to prevent such a violation have been established and adequately communicated to employees by the employer; and

"(3) the failure of employees to observe work rules led to the violation.

"(e) A citation issued under subsection (a) to an employer that violates the requirements of any standard, rule, or order promulgated pursuant to section 6 or any other regulation promulgated under this Act shall be vacated if the employer demonstrates that employees of the employer were protected by alternative methods that were equally or more protective of the safety and health of the employees than the methods required by the standard, rule, order, or regulation in the factual circumstances underlying the citation.

"(f) Subsections (d) and (e) shall not be construed to eliminate or modify other defenses that may exist to any citation.".

SEC. 8. THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) PROCEDURE FOR ENFORCEMENT.—

(1) NOTIFICATION.—The first sentence of section 10(b) (29 U.S.C. 659(b)) is amended to read as follows: "If the Secretary has reason to believe an employer has failed to correct a violation, for which a citation has been issued, within the period permitted for the correction of the violation, the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has 15 working days after the receipt of such a notification to notify the Secretary that the employer desires to contest the notification of the Secretary or the proposed assessment of penalty. The period for the correction of the violation described in the first sentence shall not begin to run until the time for contestation has expired or the entry of a final order by the Commission in a contested case initiated by the employer in good faith and not solely for delay or avoidance of penalties.".

(2) BURDEN OF PROOF.—Section 10 (29 U.S.C. 659) is amended by adding at the end the following:

"(d) In all hearings before the Commission relating to a contested citation, there shall be no presumption of a violation of standard, or an existence of a hazard, under this Act. In such cases, the Secretary shall have the burden of proving by a preponderance of the evidence—

"(1) the existence of a violation;

"(2) that the violation for which the citation was issued constitutes a realistic hazard to the safety and health of the affected employees;

"(3) that there is a likelihood that the hazard will result in employee injury;

"(4) that the employer knew or with the exercise of reasonable diligence should have known of the hazard and violation; and

"(5) that a technically and economically feasible method of compliance exists.".

(b) JUDICIAL REVIEW.—Section 11(a) (29 U.S.C. 660(a)) is amended by inserting after "conclusive." at the end of the sixth sentence the following: "The court shall make its own determination as to questions of law, including the reasonable interpretation of standards promulgated under this Act, and shall not accord deference to either the Commission or the Secretary.".

SEC. 9. DISCRIMINATION.

(a) COMPLAINT.—Section 11(c)(2) (29 U.S.C. 660(c)(2)) is amended to read as follows:

"(2)(A)(i) Any employee who believes that such employee has been discharged or otherwise discriminated against by the employer of the employee in violation of this subsection may, within 30 days after such violation occurs, file a complaint with the Secretary alleging the discrimination.

"(ii) A complaint may not be filed under clause (i) after the expiration of the 30-day period described in such clause.

"(B)(i) Upon receipt of a complaint under subparagraph (A) and as the Secretary considers appropriate, the Secretary shall conduct an investigation.

"(ii) If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, the Secretary shall attempt to eliminate the alleged violation by informal methods.

"(iii) Nothing stated or done, during the use of the informal methods applied under clause (ii) may be made public by the Secretary or used as evidence in any subsequent proceeding.

"(iv) The Secretary shall make a determination concerning the complaint as soon as possible and, in any event, not later than 90 days after the date of the filing of the complaint.

"(C) If the Secretary is unable to resolve the alleged violation through informal methods, the Secretary shall notify the parties in writing that conciliation efforts have failed.

"(D)(i) Not later than 90 days after the date on which the Secretary notifies the parties under subparagraph (C) in writing that conciliation efforts have failed, the Secretary may bring an action in any appropriate United States district court against an employer described in subparagraph (A).

"(ii) The employer against whom an action under clause (i) is brought may demand that the issue of discrimination be determined by jury trial.

"(E) Upon a showing of discrimination in an action brought under subparagraph (D)(i), the Secretary may seek, and the court may award, any and all of the following types of relief:

"(i) An injunction to enjoin a continued violation of this subsection.

"(ii) Reinstatement of the employee to the same or equivalent position.

"(iii) Reinstatement of full benefits and seniority rights.

"(iv) Compensation for lost wages and benefits.

"(F) This subsection shall be the exclusive means of securing a remedy for any aggrieved employee.".

(b) ACCESS TO RECORDS.—Section 11(c)(3) (29 U.S.C. 660(c)(3)) is amended to read as follows:

"(3) Any records of the Secretary, including the files of the Secretary, relating to investigations and enforcement proceedings pursuant to this subsection shall not be subject to inspection and examination by the public while such inspections and proceedings are pending in the United States district court.".

SEC. 10. INJUNCTION AGAINST IMMINENT DANGER.

Section 13 (29 U.S.C. 662) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(3) by inserting before subsection (b) (as so redesignated by paragraph (2)) the following:

"(a)(1)(A)(i) If the Secretary determines, on the basis of an inspection or investigation under this section, that a condition or practice in a place of employment is such that an imminent danger to safety or health exists that could reasonably be expected to cause death or serious physical harm or permanent impairment of the health or functional capacity of employees if not corrected immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act, the Secretary—

"(I) may inform the employer, and provide notice, by posting at the place of employment, to the affected employees of the danger; and

"(II) shall request the employer that the condition or practice be corrected immediately or that the affected employees be immediately removed from exposure to such danger.

"(ii) A notice under clause (i) shall be removed by the Secretary from the place of employment not later than 72 hours after the notice was first posted unless a court in a proceeding under subsection (c) requires that the notice be maintained.

"(B) The Secretary shall not prevent the continued activity of the employees of the employer whose presence in the place of employment is necessary—

"(i) to avoid, correct, or remove the imminent danger;

"(ii) to maintain the capacity of a continuous process operation to resume the normal operations of the employer without a cessation of the operations; or

"(iii) to permit the cessation of the operations of the employer to be accomplished in a safe and orderly manner, where the cessation of the operations is necessary.

"(2) No employer shall discharge, or in any manner discriminate against any employee, because the employee has refused to perform a duty that has been identified as the source of an imminent danger by a notice posted pursuant to paragraph (1).".

SEC. 11. SMALL BUSINESS ASSISTANCE AND TRAINING.

Section 16 (29 U.S.C. 665) is amended—

(1) by inserting "(a)" after "16."; and

(2) by adding at the end the following:

"(b) The Secretary shall publish and make available to employers a model injury prevention program that if completed by the employer shall be deemed to meet the requirement for an exemption under section 8A or a reduction in penalty under section 17(a)(3)(B).

"(c) The Secretary shall establish and implement a program to provide technical assistance and consultative services for employers and employees, either directly or by grant or contract, concerning work site safety and health and compliance with this Act. The assistance shall be targeted at small employers and the most hazardous industries.

"(d) Consultative services shall be provided to employers through cooperative agreements between the States and the Occupational Safety and Health Administration.

The consultative services provided under a cooperative agreement under this subsection shall be the same type of services described in part 1908 of title 39 of the Code of Federal Regulations.

"(e) Not less than one-fourth of the annual appropriation made to the Secretary to carry out this Act shall be expended for the activities described in this section.".

SEC. 12. PENALTIES.

(a) IN GENERAL.—Section 17 (29 U.S.C. 666) is amended—

(1) by striking subsections (a), (b), (c), (f), (i), (j), and (k);

(2) by redesignating subsections (d), (e), (g), (h), and (l) as subsections (b), (c), (d), (e), and (f), respectively; and

(3) by inserting after "17." the following:

"(a)(1) Any employer who violates the requirements of section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act may be assessed a civil penalty of not more than $7,000. The Commission shall have authority to assess all civil penalties provided for in this section, giving due consideration to the appropriateness of the penalty with respect to—

"(A) the size of the employer;

"(B) the number of employees exposed to a violation;

"(C) the likely severity of any injuries directly resulting from the violation;

"(D) the probability that the violation could result in injury or illness;

"(E) the good faith of the employer in correcting the violation after the violation has been identified;

"(F) the extent to which employee misconduct was responsible for the violation; and

"(G) the effect of the penalty on the ability of the employee to stay in business.

"(2) In assessing penalties for violations under this section, the Commission shall have authority to determine whether violations should be classified as willful, repeated, serious, other than serious, or de minimus. Regardless of the classification of a violation, there shall be only 1 penalty assessed for each violation. The Commission may not enhance the penalty based on the number of employees exposed to the violation or the number of instances of the same violation.

"(3)(A) A penalty assessed under paragraph (1) shall be reduced by 25 percent in any case in which the employer—

"(i) maintains a written safety and health program for the work site where the violation, for which the penalty was assessed, occurred; or

"(ii) shows that the work site where the violation, for which the penalty was assessed, occurred has an exemplary safety record.

"(B) If the employer maintains a program described in subparagraph (A)(i) and has the record described in subparagraph (A)(ii), the penalty shall be reduced by 50 percent.

"(4) No penalty shall be assessed against an employer for a violation other than a violation previously cited by the Secretary, a violation that creates an imminent danger, a violation that has caused death, or a willful violation that has caused serious injury to an employee, unless the Secretary provides—

"(A) the employer with a written notification of the violation; and

"(B) the employer a reasonable time (but not less than 10 days after the receipt by the employer of the written notification) to correct the violation.".

(b) CRIMINAL PENALTIES.—Section 17(c) (29 U.S.C. 666(c)) (as so redesignated by subsection (a)) is amended by adding at the end the following: "No employer shall be subject to any State or Federal criminal prosecution arising out of a workplace accident other than under this subsection.".

SEC. 13. TRANSFER OF CERTAIN OCCUPATIONAL SAFETY AND HEALTH FUNCTIONS.

(a) TRANSFER OF FUNCTIONS; REPEAL.—

(1) NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH.—The functions and authorities provided to the National Institute of Occupational Safety and Health under section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) are transferred to the Secretary of Labor.

(2) SECRETARY OF HEALTH AND HUMAN SERVICES.—The responsibilities and authorities of the Secretary of Health and Human Services under sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669, 670, and 671) are transferred to the Secretary of Labor.

(3) REPEAL.—Section 22 (29 U.S.C. 671) is repealed.

(b) ADDITIONAL FUNCTIONS.—In carrying out the functions transferred under subsection (a), the Secretary of Labor shall take such actions as are necessary to avoid duplication of programs and to maximize training, education, and research under the Occupational Safety and Health Act of 1970 (29 U.S.C. 671 et seq.).

(c) REFERENCES.—

(1) IN GENERAL.—Each reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(A) the head of the transferred office, or the Secretary of Health and Human Services, with regard to functions transferred under subsection (a), shall be deemed to refer to the Secretary of Labor; and

(B) a transferred office with regard to functions transferred under subsection (a), shall be deemed to refer to the Department of Labor.

(2) DEFINITION.—For the purpose of this subsection, the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(d) CONFORMING AMENDMENTS.—Not later than 180 days after the effective date of this Act, if the Secretary of Labor determines (after consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget) that technical and conforming amendments to Federal statutes are necessary to carry out the changes made by this section, the Secretary of Labor shall prepare and submit to Congress recommended legislation containing the amendments.

SEC. 14. ECONOMIC IMPACT ANALYSIS.

The Secretary of Labor shall conduct a continuing comprehensive analysis of the costs and benefits of each standard in effect under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The Secretary shall report the results of the analysis to Congress upon the expiration of the 2-year period beginning on the date of enactment of this Act and every 2 years thereafter.

SEC. 15. LABOR RELATIONS.

(a) DEFINITIONS.—Paragraph (5) of section 2 of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding at the end the following: "The term does not include a safety committee that is comprised of an employer and the employees of the employer and that is jointly established by the employer and the employees of the employer, or by the employer and a labor organization representing the employees of the employer, to carry out efforts to reduce injuries and disease arising out of employment.".

(b) UNFAIR LABOR PRACTICES.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the semicolon at the end the following: ": *Provided further*, That it shall not constitute an unfair practice under this paragraph for an employer and the employees of the employer, or for an employer and a labor organization representing the employees of the employer, to jointly establish a safety committee in which the employer and the employees of the employer carry out efforts to reduce injuries and disease arising out of employment".

By Mr. MACK (for himself, Mr. D'AMATO, Mr. BOND, Mr. FAIRCLOTH and Mr. GRAMS):

S. 462. A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1997

Mr. MACK. Mr. President, I am today introducing, along with Senators D'AMATO, BOND, FAIRCLOTH, and GRAMS, the Public Housing Reform and Responsibility Act of 1997. This bill is similar to public and assisted housing reform legislation, S. 1260, that was introduced in the 104th Congress and passed unanimously by the Senate.

The Public Housing Reform and Responsibility Act of 1997 addresses a public housing system fraught with counterproductive rules and regulations that make it impossible for even the best run public housing authorities [PHA's] to operate effectively and efficiently. It will help to make public housing a platform from which residents can achieve the goal of economic independence and self-sufficiency. In addition, it promotes increased residential choice and mobility by increasing opportunities for residents to use tenant-based assistance.

Most public housing today serves only the poorest of the poor—on average those with incomes at 17 percent of area median. The gap between tenant rent contributions and the cost of operating public housing is growing wider than the ability of Federal housing subsidy funds to close it. PHA's are denied the flexibility necessary to maintain the existing supply of public housing in decent and safe condition, and in some cases are even constrained from demolishing vacant or nonviable public housing developments.

Just as these rules have made it difficult for housing authorities to provide and maintain decent and safe housing or to meet basic operating costs, these rules have been even worse for tenants. They have destroyed the ability of families to move up and out of public housing and become economically self-sufficient. Public housing rent rules, in particular, create strong economic disincentives for residents to work or seek higher paying jobs.

The following reforms contained in the Public Housing Reform and Responsibility Act represent significant improvements in current public and assisted housing policies.

First, the bill consolidates a multitude of programs into two flexible block grants to expand the eligible uses of funds and allow more creative and efficient use of resources. The bill also repeals a number of current programs that are obsolete, unused, or unfunded.

Second, it institutes permanent rent reforms such as ceiling rents, earned income adjustments, and minimum rents that provide PHA's with the tools to develop rental policies that encourage and reward work and further the goal of creating mixed-income communities. The bill also removes the floor on rents that may be charged under the Brooke amendment, while assuring that poor families will not pay more than 30 percent of their income for rent.

Third, the bill requires tough, swift action against PHA's with severe management deficiencies and provides HUD or court-appointed receivers with the necessary tools and powers to deal with troubled agencies and protect public housing residents.

Fourth, it requires intervention with respect to severely distressed public housing developments that trap residents in deplorable living conditions and are costly to operate or maintain. It provides residents with alternative housing using vouchers or other available housing.

Fifth, the bill permanently repeals the one-for-one replacement requirement and streamlines the demolition and disposition process to permit PHA's to demolish or sell vacant or obsolete public housing.

Sixth, it gives PHA's broad flexibility to develop or participate with other providers of affordable housing in the development of mixed-income, mixed finance developments.

Seventh, it repeals Federal preferences that have had the unintended consequence of concentrating the poorest of the poor in public housing developments and allows PHA's to operate according to locally established preferences consistent with local housing needs. The bill still maintains the requirement that most housing assistance be targeted to very low-income households.

Eighth, the Public Housing Reform and Responsibility Act calls on PHA's to increase coordination with State and local welfare agencies to ensure that welfare recipients living in public housing will have the full opportunity to move from welfare to work.

Ninth, the bill provides residents with an active voice in developing the local PHA plans that will govern the operations and management of housing and for direct participation on housing authority boards of directors. It also authorizes funds for resident organizations to develop resident management and empowerment activities.

Finally, it merges the Section 8 voucher and certificate programs into a single, choice-based program designed to operate more effectively in the private marketplace. It repeals requirements that are administratively burdensome to landlords, such as take-one, take-all, endless lease and 90-day termination notice requirements. These reforms will make participation in the section 8 tenant-based program more attractive to private landlords and increase housing choices for lower income families.

The reforms contained in this legislation will significantly improve the nation's public housing and tenant-based rental assistance program and the lives of those who reside in Federally assisted housing. The funding flexibility, substantial deregulation of the day-to-day operations and policies of public authorities, encouragement of mixed-finance developments, policies to deal with distressed and troubled public housing, and rent reforms will change the face of public housing for PHA's, residents, and local communities.

Reform of the public housing system has been and should remain a bipartisan effort. I look forward to working with all of my colleagues toward early passage of this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1997 SUMMARY OF KEY PROVISIONS

FINDINGS

Recognizes the Federal government's limited capacity and expertise to manage and oversee 3,400 public housing agencies nationwide. Acknowledges the concentration of the very poor in very poor neighborhoods, disincentives for economic self-sufficiency, and lack of resident choice have been the unintended consequences resulting from Federal micromanagement of housing programs in the past.

PURPOSE

To reform the public housing system by consolidating programs, streamlining program requirements, and providing maximum flexibility and discretion to public housing authorities [PHAs] who perform well with strict accountability to residents and localities, and to address the problems of housing authorities with severe management deficiencies.

BASIC PROVISIONS

Program Consolidation. Consolidates public housing programs into two flexible block grants—one for operating expenses and one for capital needs. Requires HUD to establish new formulas through negotiated rulemaking. Funding for section 8 tenant-based program will continue to be funded as a separate program.

Elimination of Obsolete Regulations. Eliminates all current HUD rules, regulations, handbooks, and notices pertaining to public housing and section 8 tenant-based programs under the United States Housing Act of 1937 one year after enactment; requires HUD to propose new regulations necessary to carry out the revised Act within 9 months.

Public Housing Agency Plan [PHAP]. Refocuses the responsibility for administering public housing back to the PHA, the tenants and the local community. Requires each PHA to submit a comprehensive public housing agency plan to HUD, consistent with the local Comprehensive Housing Affordability Strategy [CHAS] and developed in conjunction with a resident advisory board.

The plan is intended to serve as an operating, management and planning tool for PHAs. Plan requirements, to be established through negotiated rulemaking, would include: a description of the PHA's uses for operating and capital funds; a description of the PHA's management policies; procedures relating to eligibility, selection, and admission; plans for capital improvements and demolition and disposition or properties; and policies regarding rents, security, and tenant empowerment activities. The plan would also include a statement of needs which would describe the needs of the low-income families in the community and on the waiting list and how the PHA intends to address those needs.

HUD review of the public housing agency plan would be limited to determine whether the contents of the plan: (1) set forth the information required to be contained in the plan; (2) are consistent with the information and data available to HUD; and (3) are not prohibited by or inconsistent with the requirements of this Act or any applicable law.

The bill allows HUD to require additional information from troubled PHAs, and a streamlined plan for high-performing PHAs and small PHAs with less than 250 units.

Vouchering Out of Public Housing. Allows PHAs to convert any public housing development to a tenant-based or "voucher" system, but requires the vouchering out of all severely "distressed" public housing. Requires each PHA, within 2 years, to assess all public housing for the purpose of vouchering out by performing a cost and market analysis and an impact analysis on the affected community; provides HUD with waiver authority for PHAs to conduct the assessment.

Choice and Opportunity for Residents. Provides public housing families with an active voice in developing a PHA plan that is responsive to their needs. Provides funds for resident organizations to develop resident management and empowerment activities.

Federal Preferences. Repeals Federal preferences and allows PHAs to operate according to locally established preferences consistent with local housing needs.

Income Targeting and Eligibility. Allows PHAs in any fiscal year to make units available for initial occupancy to families with incomes up to 80% of median income, except that at least 40% of the units must be reserved for families whose income does not exceed 30% of the area median and at least 75% of the units must be reserved for families whose income does not exceed 60% of area median; requires PHAs to include a plan in the public housing agency plan for achieving a diverse income mix among tenants in each project and among scattered-site public housing. Income targeting provisions for the section 8 tenant-based program are similar to public housing except 50% of vouchers must be reserved for families whose income does not exceed 30% of the area median.

Rent Flexibility. Allows PHAs to set rents at a level not to exceed 30% of a tenant's adjusted income. Encourages PHAs to develop rental policies that reward employment and upward mobility.

Ceiling Rents. Allows PHAs to set ceiling rents that reflect the reasonable rental value of units in order to remove the disincentive for residents to work or seek higher paying jobs where rents are based on a percentage of income.

Minimum Rents. Allows PHAs to set a minimum rent for both Section 8 and public housing units, not to exceed $25 per month.

Income Adjustments. Allows a PHA to disregard certain income in calculating rents to take away the disincentive for tenants to work and earn higher incomes.

Troubled PHAs. Requires HUD to take over or appoint a receiver for PHAs that are in substantial default within one year of enactment. Expands HUD's powers for dealing with troubled PHAs by allowing it to break up troubled agencies into one or more agencies, abrogate contracts that impede correction of the agency's default, and demolish and dispose of a PHA's assets. Allows HUD to provide technical assistance to assist near-troubled PHAs from becoming troubled.

Demolition and Disposition. Repeals the one-for-one replacement requirement and streamlines and makes flexible the demolition and disposition process to permit PHAs to demolish and dispose of vacant or obsolete housing. Authorizes HUD to disapprove any demolition or disposition that is clearly inconsistent with the information and data available to HUD.

No Net Increase in Public Housing Units. Prohibits PHAs from using capital or operating funds to increase the overall number of public housing units they own and/or operate.

Substance, Alcohol Abuse, Criminal Activity. Retains provisions enacted as part of last year's Housing Opportunity Program Extension Act that: (1) require PHAs to prohibit occupancy by, or terminate tenancy of, any person a PHA determines is illegally using a controlled substance or has reasonable cause to believe his/her drug use or alcohol abuse could/does interfere with the health, safety, or right to peaceful enjoyment of other tenants; (2) strengthen the ability of PHAs to evict residents for drug-related criminal activity; (3) deny housing assistance to residents evicted for drug-related activities for up to three years; and (4) provide PHAs with greater access to the criminal conviction records of adult applicants and residents.

Consortia and Joint Ventures. Allows PHAs to form a consortium with other PHAs, form and operate wholly-owned or controlled subsidiaries, or enter into joint ventures, partnerships or other business arrangements to administer housing programs; requires any income to be used for low-income housing or to benefit the tenants of the PHA.

Designated Housing for the Elderly and Disabled. Retains provisions enacted as part of last year's Housing Opportunity Program Extension Act that: (1) permits PHAs, in their own discretion, to designate public housing projects (or portions thereof) as elderly-only, disabled only, or elderly and disabled housing under their Public Housing Agency Plans; (2) permits PHAs, for purposes of elderly-only housing, to provide a secondary preference for occupancy for near elderly families; and (3) prohibits the eviction of existing tenants as a result of the designation of a public housing project (or portion).

Community Work Requirements. Requires residents to perform at least 8 hours of community work per month with the exception for the elderly, disabled and those working full-time, those in school or receiving vocational training, and single parents or the spouse of an otherwise exempt individual who is the primary caretaker of young children.

Coordination with Welfare Agencies. Calls on PHAs, to the maximum extent possible, to enter into cooperation agreements with State and local welfare agencies to share information regarding rents, income, and benefits to assist such entities in carrying out their appropriate functions.

Public Housing Homeownership Opportunities. Authorizes PHAs to sell public housing units to the low-income tenants of the PHA or to any organization that serves as a conduit for sales to such persons. Allows PHAs to assist residents to purchase a principal residence not located in a public housing project.

Mixed-Finance Projects. Allows PHAs to own, operate, assist, or otherwise participate in one or more mixed-finance projects. Permits consistency with the rent requirements of the low-income housing tax credit. Provides broad flexibility for the development of mixed-finance projects, while maintaining the requirements of the public housing program for units which receive assistance as public housing units.

Public Housing Mortgages and Security Interests. Authorizes HUD to develop requirements, subject to certain criteria, for PHAs to mortgage or otherwise grant a security interest in any public housing project. Prohibits any action taken under this section to result in any liability to the Federal government.

Revitalization of Severely Distressed Public Housing. Revises current severely distressed public housing program and sunsets it on October 1, 1999. Permits competitive grants for: demolition of obsolete public housing; site revitalization; and providing replacement housing, including tenant-based assistance.

Section 8 Tenant Based Assistance. Merges the voucher and certificate program into a single voucher program that emphasizes lease requirements similar to the market place. Repeals requirements that are administratively burdensome to landlords, such as "take one take all", endless lease, Federal preferences, and ninety-day termination notice requirements.

Program Repeals. Repeals several programs, demonstrations, and studies that are either merged into the new block grants, expired, inactive, or already completed including: the Public Housing One-Stop Perinatal Services Demonstration, Public Housing Childhood Development Program, Indian Housing Childhood Development Program, Public Housing Mincs Demonstration, Public Housing Energy Efficiency Demonstration, Public and Assisted Housing Youth Sports Programs, Moving to Opportunity for Fair Housing Program, Report Regarding Fair Housing Objectives, and Special Projects for Elderly and Handicapped Families.

Mr. D'AMATO. Mr. President, I rise to cosponsor the Public Housing Reform and Responsibility Act of 1997. This important legislation contains significant policy reforms which will greatly improve our Nation's public and tenant based housing programs. The Public Housing Reform and Responsibility Act of 1997 is very similar to legislation (S. 1260) which was passed unanimously by the Senate in January 1996.

I wish to salute Senator CONNIE MACK, chairman of the Banking Committee's Subcommittee on Housing and Community Opportunity, for his successful leadership in the development and passage of public housing reform legislation in the 104th Congress. I commend Senator MACK for his initiative and steadfastness in producing an improved housing bill which builds on the lessons learned during the last Congress. Substantial input from the Department of Housing and Urban Development [HUD], resident associations, public housing authorities and other interested parties has been received and incorporated into this legislation.

This legislation addresses just one area of long overdue reform needed at HUD. Given limited Federal resources and the need to balance the budget by the year 2002, Congress must find more cost-effective ways to provide affordable housing. This bill represents a concrete step in the fulfillment of Congress' responsibility to the American taxpayer to ensure that every Federal dollar is maximized to its greatest potential.

The reform provisions contained in this bill will help to ensure the long-term viability of our Nation's existing stock of affordable housing and reaffirms our commitment to providing decent, safe, and affordable housing. Efficiencies will be realized from the elimination and consolidation of duplicative and burdensome Federal regulations, while the essential mission of our housing programs is retained and strengthened.

Mr. President, I would like to comment on several guiding principles of the legislation. First, it will reform the public housing system through the devolution of control from the Federal Government to high performing public housing authorities and their residents. It will streamline program requirements, consolidate programs and provide increased flexibility to public housing authorities which have demonstrated a track record of good management. Federal oversight and enforcement of troubled housing authorities will be increased significantly.

The bill provides incentives to empower public housing residents and facilitate the transition from welfare to work. It provides important linkages to the welfare reform bill which became law last year. This will allow our Nation's public housing residents a greater opportunity to achieve economic independence.

Mr. President, the bill seeks to increase the local accountability of housing authorities through the implementation of a local planning process. Public housing authorities will prepare 5-year and annual plans which will include all significant matters related to the operation of the housing authority. These plans will be required to be consistent with relevant State and local comprehensive plans. In addition, plans will be reviewed by resident advisory boards.

The bill recognizes that public housing is most effective when there is a viable income mix among its residents. Federal preferences will be repealed. The Brooke amendment, which requires residents to pay 30 percent of their income as rent, would be altered to allow tenants to pay "up to" 30 percent of their incomes in rent. This will remove a work disincentive which has hampered the economic livelihoods of many residents, while retaining the 30 percent limit as a cap.

The bill has additional rent reforms such as income disregards which will allow welfare recipients to move to work without losing 30 percent of their new-found income to rent, and ceiling rents which will allow working families to continue to move up the economic ladder without a 30 percent tax on income.

Mr. President, this legislation ensures that a significant percentage of units that become vacant in a given year will be set aside for the lowest income families. I believe this bill achieves the delicate balance between fostering the growth of mixed-income communities while ensuring that our neediest citizens will continue to be served.

The safety and security of the residents of public and assisted housing is a paramount objective. Many safety and security measures, including allowing public housing authorities increased access to criminal conviction records and greater flexibility in the eviction of drug criminals, were passed last year in legislation which I introduced, the Housing Opportunity Program Extension Act (Pub. L. 104-120). This legislation includes numerous additional safety and security provisions, including allowing HUD to waive rent requirements to permit police officers a lower rent as an inducement to living in project-based section 8 housing.

Furthermore, the bill will streamline the demolition and disposition process of distressed housing projects through the repeal of the one-for-one replacement requirement and other measures. This impractical and counter-productive Federal requirement has been waived for the last 2 fiscal years through the appropriations process. By making this repeal permanent, our housing authorities will be able to operate with certainty.

Mr. President, the Banking Committee and its Housing Subcommittee will continue to evaluate proposals for HUD reorganization. Legislation to reform HUD's Federal Housing Administration insured and section 8 assisted multifamily properties will be introduced this spring. Additional legislative initiatives to reform HUD and its multitude of duplicative programs also will be considered.

We must remember that the fundamental goal of this process is to address adequately the affordable housing and community development needs of our citizens in a time of dwindling Federal resources. It is imperative that we protect our needy poor and working class residents whom these programs are intended to serve. Reforms must be made with caution and careful consideration.

This legislation has been crafted with the benefit of a lengthy and productive debate in the 104th Congress. The Banking Committee conducted a series of hearings on HUD and its public and assisted housing programs during the 104th Congress. Additional hearings are planned for this year. The Banking Committee will seek to achieve the swift implementation of needed reforms. The committee will utilize an open process with an opportunity for input from all concerned parties, which has as its goal the formation of a consensus for change.

Mr. President, I believe this bill appropriately balances the social purpose of public and assisted housing programs while also responding to Federal fiscal constraints. I look forward to working with all Members of the Banking Committee on a bipartisan basis to ensure the speedy passage of this important housing initiative.

Mr. BOND. Mr. President, I rise in support with Senators MACK and D'AMATO in introducing the Public Housing Reform and Responsibility Act of 1997. This legislation is substantially the same as S. 1260 which passed the Senate in the 104th Congress, but fell short of enactment in the waning days of that Congress.

This legislation is a critical step to the needed reform of the Department of Housing and Urban Development, as well as a major reform bill in its own right. This legislation consolidates the public housing and section 8 tenant-based assistance programs, and redirects the responsibility and authority for public housing and section 8 back to federally assisted residents, the public housing agencies, the localities, and the States.

This bill also dovetails with many of the public housing reforms contained in the VA/HUD fiscal years 1996 and 1997 appropriations bills and reflects the need to provide streamlined programs and local responsibility as the most appropriate method to address local housing needs.

I cannot emphasize enough the need to find a measured solution to the housing problems of this Nation and to HUD's overregulation of housing and community issues that are better addressed at the local level. This bill represents a complete overhaul of the public housing system and the section 8 tenant-based program and a move away from HUD's all too common one-size-fits-all mentality.

The linchpin of this legislation is to place the responsibility for the decisionmaking for public housing issues, from the demolition of obsolete units to the issue of elderly only housing to the voluntary conversion of public housing to tenant-based assistance, in the hands of local public housing agencies through public housing agency plans developed in conjunction with residents and consistent with state and local housing plans.

In addition, this legislation would continue to protect the poorest of the poor by requiring PHA's to continue to make 40 percent of all units available to families whose incomes do not exceed 30 percent of the area median income, 75 percent of all units to families whose incomes do not exceed 60 percent of median income and to make all other units available to families with incomes no greater than 80 percent of median income.

This bill also reforms and consolidates the section 8 voucher and certificate program into a single voucher program which will reduce administrative burden and increase the acceptability of vouchers in the private housing market.

Finally, the bill continues the Distressed Public Housing Program for the demolition of obsolete and uninhabitable public housing. Obsolete public housing has long been a drag on communities, and I consider it an absolute priority to remove these projects and provide low-income families with positive, affordable housing choices.

I see this bill as part of a downpayment on a larger HUD reform effort which I expect to be pursued throughout this Congress. I look forward to working with my colleagues on these important issues and I am optimistic that we can address many of them.

By Mrs. MURRAY:

S. 464. A bill to amend title 38, United States Code, to allow revision of veterans' benefits decisions based on clear and unmistakable error; to the Committee on Veterans' Affairs.

THE CLEAR AND UNMISTAKABLE ERROR LEGISLATION

Mrs. MURRAY. Mr. President, I am introducing today legislation to ensure that the Board of Veterans' Appeals errs on behalf of our veterans rather than on the side of the Federal Government. Specifically, my legislation will allow a veteran to correct a rating decision which is a clear and unmistakable error.

I am pleased to be joining with Congressman LANE EVANS in introducing this legislation. Congressman EVANS has been a champion in this cause and he has shepherded clear and unmistakable error legislation through the House of Representatives in the last two Congresses. The House Veterans' Affairs Committee will markup this legislation later this week; again, paving the way for House passage of this legislation. This is the first time that Senate legislation has been introduced on clear and unmistakable error. I look forward to working with my colleagues at the Senate Veterans' Affairs Committee to raise the profile of this issue in the Senate in the coming days.

Since joining the Senate Veterans' Affairs Committee in the last Congress, I have made it a priority to work closely with the veterans of my State. This legislative initiative is a direct result of that partnership between my office and the veterans of Washington State. Several veterans service organizations have contacted me in support of this legislation, and I do also know that this issue is a priority for the Disabled American Veterans.

For the record, I want to detail a vivid example of a clear and unmistakable error. The Department of Veterans Affairs schedule for rating disabilities prescribes a 40-percent disability rating for an amputation of the leg below the knee and a 60-percent disability rating for an amputation of the leg above the knee. In an instance where a veteran had an above the knee amputation but was assigned a 40-percent rating, the rating decision is indisputably wrong—clear and unmistakably wrong. My legislation would ensure that egregious errors like this at any administrative level of adjudication would be subject to review.

In recent months, I've handled several cases with the Department of Veterans Affairs that directly involved clear and unmistakable error. In one case, a veteran with a serious shoulder injury dating back to the Vietnam war was rated incorrectly for more than 20 years. In another case, a veteran with PTSD also dating to service in Vietnam was misdiagnosed for a lengthy period, affecting his disability rating and benefits and the treatment he received. To the VA's credit, some cases of clear and unmistakable error are reversible but it depends on where the veteran is in the VA process. Some cases of clear and unmistakable error no longer offer recourse to the veteran. My legislation seeks to correct this. I believe that we must make available every opportunity to right a wrong on behalf of a veteran.

Importantly, this legislation will also allow a veteran who under current law cannot seek to have a clear and unmistakable error claim reviewed the opportunity to request that the Board of Veterans' Appeals review its prior decision. So often we in Congress talk about providing for veterans or about meeting our obligations to veterans. That is what this bill is all about; it gives a veteran the right to request a review rather than subjecting an ailing vet to a sometimes faceless bureaucracy hesitant to correct its mistakes.

This issue has been cast by some as arcane and complicated. And it is. But let me break it down to its most basic element for the Members of the Senate. Clear and unmistakable errors are errors that have deprived and continue to deprive veterans of benefits for which their entitlement is undeniable. To deny a veteran due to a bureaucratic mistake is beyond comprehension. When I first heard of this problem, I doubted the severity of the problem. But for a small number of veterans, the problem is real, very real, and it is causing hardships for some in meeting the challenges of everyday life.

The Congressional Budget Office determined a previous version of this legislation to be budget neutral. Stated another way, this legislation would not require additional resources for the VA or take needed resources from other VA programs or benefits.

The Department of Veterans Affairs does have a number of objections to the legislation. I do look forward to working with Secretary Jesse Brown to address these concerns so that this important veterans legislation can go forward. Secretary Brown is the most passionate advocate for veterans within government service. I have every confidence that he will work with me and other concerned Members to ensure that the VA works for the veteran.

Mr. President, I ask my colleagues to review this legislation and join me as cosponsors of this important initiative on behalf of veterans.

By Mr. DORGAN (for himself, Mr. BYRD and Mr. SARBANES):

S. 465. A bill to establish an Emergency Commission To End the Trade Deficit; to the Committee on Finance.

THE EMERGENCY COMMISSION TO END THE TRADE DEFICIT ESTABLISHMENT ACT

Mr. DORGAN. Mr. President, I am pleased to be on the floor of the Senate today with my distinguished colleague, the Senator from West Virginia, Senator BYRD. There is no one in the Senate for whom I have greater respect. I am pleased today to join him in introducing a piece of legislation dealing with a very important issue for this country, the trade deficit. Most especially, the merchandise trade deficit.

On behalf of myself, Senator BYRD, and Senator SARBANES, we are introducing legislation today which will establish a commission that will meet and make recommendations on how to end the crippling and growing merchandise trade deficit in our country.

We have had a great deal of discussion about the budget deficit in the U.S. Senate, and in Congress in recent months. In fact, it was not too long ago we had a stack of books, I venture to say 5-foot high, stacked on a desk that was, I think, to demonstrate deficits in various budgets for many years. That was one deficit.

That deficit is a difficult and a serious issue and one we must address. The question was whether it should be addressed through an attempt to alter the Constitution of the United States. There was great controversy about that. Yet, there was no disagreement about whether we had a responsibility to address the fiscal policy deficits. We have addressed them. We need to do more. They are coming down. They have been decreased by over 60 percent. The budget deficit has been coming down substantially for 4 years in a row. We have made progress, but we have a ways to go.

But there is another deficit in this country that is not even whispered about in this town or on the floor of Senate save for a couple of Members who care about it and come to speak about it. That is the merchandise trade deficit. That is a deficit that has not been reduced each of the last 4 years, as has the budget deficit.

This is a deficit that has been growing each of the last 4 years. This is a deficit that last year was the largest in our country's history. This is a deficit that, added on top of other trade deficits which have occurred for 21 consecutive years, now stacks up to a pile of $2 trillion. We have nearly $2 trillion of accumulated merchandise trade deficits that this country must repay some day with a lower standard of living here in the United States.

This is the third straight year of record trade deficits. It is the third straight year of new record levels in a string of 21 consecutive years of trade deficits. The last trade surplus in this country was in the year 1975.

Now, I have a chart I will show that demonstrates the fact that the United States has moved from a net creditor position to a net debtor position.

We are the largest debtor nation in the world. This has happened in a very short period of time. This shows what has happened to our position. We used to export more than we imported. We now import far, far more than we export. The question is, what do we import in this country?

This describes, of course, the yearly merchandise trade deficits, and this chart has enough red on it to demonstrate where we have been and where we are going. This is a very sad picture. It cries out for a remedy. This is not the picture of a strong economy. This is not a road map to a strong economic future.

The next chart shows that the U.S. imports that are coming into this country consist particularly of manufactured goods, and they make up 85 percent of our Nation's imports. These manufactured goods are mostly high-value goods that come from skilled labor. In fact, 75 percent of our trade deficit consists of high-value manufactured goods, such as automobiles, auto equipment, electronics goods and telecommunications equipment.

I have another chart that shows the U.S. imports of manufactured goods. You will see that we now import goods sufficient to match slightly over half of all that we make here. That is quite a statistic. You can see the growth of it. It is almost exponential growth. Imported manufactured goods as a percentage of the U.S. manufacturing gross domestic product have increased from 11 percent in 1970 to 56 percent this past year. As I showed from the previous chart, most of it is high-value manufactured goods.

If I might make a point with respect to our neighbor to the south, Mexico. Mexico now sends us more automobiles than we ship to the rest of the world. Let me repeat that. Today, the United States imports more automobiles from Mexico than we send to the rest of the world.

The next chart shows that the trade deficit we have is principally with six other countries. With Japan, we have had a $50 billion to $60 billion-a-year trade deficit for a long period. We now have a substantial deficit with China, amounting to nearly $40 billion. With Canada and Mexico, our two nearest neighbors, we have a combined deficit of nearly $40 billion.

You can see the dilemma in this country, where we have growing trade deficits with respect to Canada and Mexico and substantially growing trade deficit with respect to China and long-abiding deficits with respect to Japan. You can see what is happening. It is sapping the economic strength of our manufacturing sector in this country.

Yesterday, on a radio program, the talk radio announcer said, "I don't understand, Senator DORGAN. Unemployment has come down, and our economy seems strong." I said, "Yes, all that seems to be the case." I know that there are neighbors, no doubt, who seem to have great-looking homes, a shiny new car, maybe newly poured cement for a new driveway, and they have all the latest gadgets. But you don't see their credit statement. They may well be deep in debt with all that shiny new equipment in their garage.

The question is not how things appear, but what are the fundamentals of our economy? What does the foundation look like? The foundation of an economy that works and one that will grow and provide jobs in the future has a strong manufacturing sector. No country will long remain a world economic power if it does not retain a strong manufacturing base.

I have said often—and people probably get tired of hearing it from me—that you cannot measure this country's economic strength, as the economists so often do, by measuring what we consume every month or quarter. That is not a measurement of economic strength. Our economic strength is measured by what we produce, not what we consume.

What we produce from our manufacturing sector is all too often now moving. Our productive sector is moving out from our country to other countries. Jobs are moving from here to there. It weakens our country internally and weakens our manufacturing sector.

The next chart talks about trade and jobs. There has been an old formula—in fact, they used this formula to sell the NAFTA trade package to us. They said every billion dollars in trade is the equivalent of 20,000 jobs. What would that mean? In 1996, our trade deficit meant we had a loss of 3.8 million good jobs; 3.8 million good jobs were lost. Just the increase in the deficit from 1995 to 1996—means another 300,000 jobs are gone. They have gone across the border, offshore, overseas. That is the dilemma.

Now, what do people say will happen to the trade deficit? We have the largest trade deficit in this country's history. You can see what has happened to it. It has been a steady, growing deficit. It continues to be a serious problem, and now it is at record levels. Some forecasters say that this deficit is going to continue to reach new record levels. In fact, one expert is predicting a deficit of $354 billion by 2007.

You know, we must think about what these trends mean. What is this all about? If I might simplify it for people, let us look at Japan. This is an ally of ours, a good country, a country that, by all accounts, has citizens who work hard and strive to compete aggressively in the world marketplace and do very, very well. We have become a sponge for much of their manufactured goods, and they make pretty good manufactured goods. They are tough, shrewd international competitors.

But when we send a pound of T-bone steak to Tokyo, guess what? A North Dakota rancher is often out during calving time in some pretty tough weather. He works really hard to deal with the tasks of everyday life on the ranch to care for maybe a 300-cow herd. That rancher raises some beef and then markets the beef. Eventually the beef finds a market, some in this country and some we want to export. When that North Dakota rancher wants to export beef to Japan, guess what happens to that beef? Japan regularly slaps a 50-percent tariff on every pound of beef going into Japan.

Does anybody think that is reasonable? And this is after our negotiations. It is after we have supposedly succeeded in negotiating down the tariffs on beef going into Japan. We have a celebration, but there still is a 50-percent tariff on T-bone steak going to Tokyo.

Guess what? Under any other standards of measurement, that would be considered a failure in international trade negotiations. Only because we have such low expectations from those with whom we trade are we willing to say that is a success. It is not a success, as far as I am concerned.

Why did we get to this position? Well, briefly, after the Second World War, our trade policy was foreign policy. Our trade policy was structured on the premise that we were the biggest, the best, the most, the strongest country on the face of the Earth, and we could compete with almost anybody in this world with one hand tied behind our back and win the competition. So our trade policy with Japan and European countries and others was largely foreign policy.

What we needed to do to at that time was to construct a trade relationship with our allies that helped them? We could certainly afford to help them, and we felt we must help them. That was our trade policy. For a quarter century it was necessary, and it worked, and guess what? We helped grow and nurture the restoration of post-Second-World-War economies, sufficient so that, I am pleased to say and I think others would be as well, that we now have very tough, shrewd competitors in the world marketplace. They are allies, friends and, yes, in the market system they are competitors.

It is time that we understand that this country can no longer win with one hand tied behind its back. It is time to understand that trade policy must be more than foreign policy, and we must insist on reciprocal trade treatment from our allies and trading partners. We must insist on not only free and open and expanded trade, but especially fair trade.

It upsets me to discover what we negotiated in a trade agreement with our neighbor to the north, a wonderful country with good people in it, Canada. We discover what is inside. It is like peeling an onion. You get the layers off and figure out what is in the middle of the treaty.

You discover that literally hundreds of semi-trucks come south from Canada into our country with durum wheat and barley. These are crops that we already grow in substantial surplus. Then I get in a little truck—a little, 12-year-old, 2-ton orange truck—with a North Dakota farmer with 220 bushels of wheat, and we go up to the Canadian border near Portal, ND. And we are stopped. They say, "What do you have in the truck?" "We have 220 bushels of wheat." "You can't go into Canada with wheat." "Gee. We just passed 20 semitrucks coming south into our marketplace with wheat." "Well, that may be but you can't take American wheat into Canada."

That is the sort of thing that is fundamentally wrong with our trade agreements. We need fully reciprocal trade with all of our trade allies.

Let me finally in the last chart talk about what we are here to propose: An emergency commission to end the trade deficit. We need to respond to and deal with the growing, burgeoning problem in this country. That is the record merchandise trade deficits that we face and that our children and their children must repay with a lower standard of living. We must stop it. How do we stop it?

Senator BYRD, myself, and Senator SARBANES propose that a commission be impaneled that addresses the wide range of concerns: The manner in which the Government establishes and administers our trade policies and objectives; the causes and consequences of the persistence and growth of the overall trade deficit, as well as the specific bilateral trade deficits I mentioned; the relationship of United States trade deficits to both comparative and competitive advantages; the relationship between investment flows, both in and out of the United States; and, the development of policies and alternative strategies to end the trade deficit by 2007 and improve the economic well-being of our citizens.

Mr. President, I am delighted that Senator BYRD is on the floor today. I want to make one additional comment.

Those who talk about trade in public discourse here in the U.S. Congress and about town are generally divided into two groups. There is the group that is in favor of free trade and has been for a couple of decades. They are called the free traders, and they are described as those with world vision, those who can see over the horizon, who have the creative ability to think expansively about what our obligations are and what the future will be. And then there are others. They are classified as the xenophobic isolationist stooges who simply don't get it.

The minute you speak about the trade problem and the trade deficit, they say you are a "protectionist," a "xenophobic isolationist. That is who that is."

I come from a State in which about half of what we produce must find a foreign home. I am the last person that would want to create walls around our border. I want expanded trade. I want open trade. I want free trade. But I demand that trade be fair.

American businesses and American workers ought to be able to expect that they are going to compete in a marketplace that is a fair marketplace. They should not be expected to compete against a 14-year-old that works 14 hours a day and is paid 14 cents an hour in some foreign factory producing a good that is then shipped to Fargo, Pittsburgh, or Denver. That is not fair trade, and American workers ought not to expect that.

We simply say there is a chronic and growing problem that ought to be addressed. We propose that an emergency commission be impaneled to end the trade deficit and make recommendations on how to do it.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. FEINSTEIN and Mr. TORRICELLI):

S. 466. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

THE ANTI-GUN TRAFFICKING ACT OF 1997

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to stop the growing gun violence and death associated with interstate gun trafficking.

Recently, the scourge of gun violence invaded all of our homes, when a madman opened fire on innocent tourists atop the Empire State Building. When the shooting stopped, one person was dead, and six were injured. One of the victims was 27-year-old Matthew Gross of Montclair, NJ. Matthew Gross was shot in the head, and lingered in a coma, connected to a ventilator, for 8 agonizing days. Thankfully, this courageous young man has come out of the coma and is beginning the long and arduous task of recovery.

Mr. President, this gun violence must stop. It is too easy to obtain a gun in America. This morning, I stood with Matthew's father and brother and we all committed ourselves to intensify the fight against gun violence. Because Matthew Gross wasn't only a victim of a disturbed gunman. He was a victim of the epidemic of gun violence. Reducing this violence must be a top national priority.

Today, Mr. President, I am introducing the Anti-Gun Trafficking Act, to reduce interstate gun trafficking by prohibiting bulk purchases of handguns. The bill would prohibit the purchase of more than one handgun during any 30-day period. I am joined in this effort by Senators KENNEDY, JOHN KERRY, FEINSTEIN, and TORRICELLI.

Mr. President, no one needs more than one gun a month. In New Jersey, we have banned assault weapons, and we have established strict permitting requirements for handgun purchases. Yet the effectiveness of these restrictions is substantially diminished because the controls in other States are far less strict.

Unfortunately, many gun traffickers make bulk purchases of handguns in States with weak firearm laws, and then transport them to other States with tougher laws for illegal sale on the streets. This has helped spread the plague of gun violence nationwide. And without Federal limits, there is little that any one State can do about it.

A few years ago, Mr. President, the State of Virginia enacted legislation designed to prevent gunrunners from buying large quantities of handguns in Virginia for export to other States. Under that State law, as under my proposal, handgun purchases are limited to one per month. This Virginia statute has proven to be very effective in controlling gun trafficking from Virginia.

Before the ban, Virginia had become the firearm supermarket of the East Coast. It supplied more than 40 percent of the guns used in crimes in New York City. But under the new legislation, the results were dramatic. The percentage of guns traced back to Virginia gun dealers fell by 61 percent for guns recovered in New York, 67 percent for guns recovered in Massachusetts, and 38 percent for guns recovered in New Jersey.

Mr. President, Virginia's experience suggests that a ban on bulk purchases can substantially reduce gunrunning. However, to be truly effective, such a limit must be enacted nationwide. Otherwise, gunrunners will simply move their operations to other States. The only way to close down the "iron pipeline" is to plug it up at all ends.

The Anti-Gun Trafficking Act will impose such a nationwide limit on bulk gun purchases. I do not claim this restriction would end all handgun violence. And, personally, I don't see why anyone needs even 12 guns a year. However, it is a reasonable and modest step in the right direction.

Mr. President, a one-gun-a-month law would take a bite out of gunrunning without imposing any burden on hunters and other law-abiding gun users. After all, who but gang members, drug dealers, and other criminals needs more than 12 guns a year? Law abiding citizens are made safer by limiting the number of firearms available for purchase at one time.

Mr. President, this is a sensible approach, and one which will help to make our families, our streets, our communities, and our country safer. I urge my colleagues to support restrictions on bulk purchases on handguns and to join in cosponsoring "One Gun a Month."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Gun Trafficking Act of 1997".

SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(y) Prohibition Against Multiple Handgun Sales or Purchases.—

"(1) In general.—It shall be unlawful for an licensed dealer—

"(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

"(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

"(2) Time limitation.—It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

"(3) Exchanges.—Paragraph (1) does not apply to an exchange of 1 handgun for 1 handgun.".

(b) Penalties.—Section 924(a)(2) of title 18, United States Code, is amended by striking "or (o)" and inserting "(o), or (y)".

SEC. 3. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 924(a)(3) of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

SEC. 4. DEADLINES FOR DESTRUCTION OF RECORDS RELATED TO CERTAIN FIREARMS TRANSFERS.

(a) Handgun Transfers Subject to the Waiting Period.—Section 922(s)(6)(B)(i) of title 18, United States Code, is amended by striking "20 business days" and inserting "35 calendar days".

(b) Firearms Transfers Subject to Instant Check.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting "not later than 35 calendar days after the date the system provides the licensee with the number," after "[(C)]".

SEC. 5. REVISED DEFINITION.

Section 921(a)(21)(C) of title 18, United States Code, is amended by inserting ", except that such term shall include any person who transfers more than 1 handgun in any 30-day period to a person who is not a licensed dealer" before the semicolon.

By Mr. WELLSTONE (for himself, Mrs. Murray, Mr. Wyden, and Mr. Dorgan):

S. 467. A bill to prevent discrimination against victims of abuse in all lines of insurance; to the Committee on Labor and Human Resources.

VICTIMS OF ABUSE INSURANCE PROTECTION ACT

Mr. WELLSTONE. Mr. President, I am very pleased to be joined by my colleagues and original cosponsors Senator Ron Wyden, Senator Patty Murray, and Senator Byron Dorgan in reintroducing the Victims of Abuse Insurance Protection Act, legislation that will outlaw discrimination by insurance companies against the victims of domestic violence in all lines of insurance. Congressman Bernie Sanders is introducing an identical bill in the House this week.

With this legislation, we are trying to correct an abhorrent practice by many insurance companies—the denial of coverage to battered women. It is plain, old-fashioned discrimination. It is profoundly unjust and wrong. And, it is the worst of blaming the victim. Denying women access to the insurance they require to foster their mobility out of an abusive situation must be stopped.

While we were successful in including language in the Kassebaum-Kennedy law which prohibits insurers from denying insurance because the applicant is a victim of abuse, insurance companies can still charge victims of abuse a higher rate.

In Minnesota, three insurance companies denied an entire women's shelter insurance because, as a battered women's shelter, we were high risk. The Women's Shelter in Rochester, MN, was told that it was considered uninsurable because its employees are almost all battered women.

Another shelter in rural Minnesota purchased a car so that women and children in danger who were trying to leave an abusive situation could use this anonymous vehicle and thus the abuser could not track their automobile to find them. The shelter could not find a company to provide them with automobile insurance once the companies knew of the risks surrounding battered women.

A woman in Iowa named Sandra was denied life insurance after the company found out that she had been beaten up twice. In one incident, she had been so badly beaten by an ex-boyfriend that her cheekbones were splintered, and one of her eyes had to be put back in its socket. Her mother, Mary, was the one who originally applied for the life insurance policy, explaining, "I didn't ask for a lot of coverage. I just wanted to apply for $1,000 coverage, just enough that if something happened, God forbid, that we could at least bury her."

Mary was angry about the denial, so she wrote to State officials and the Iowa insurance commissioner's office tried to intervene on their behalf. In four separate letters, the insurance company officials stated they denied the coverage because of a history of assaults. In one letter they defended their decision by citing numerous documents which showed that people involved in domestic violence incidents are at a higher risk of death and injury than others, and, therefore, not a good risk.

There are, unfortunately, many other instances of victims of domestic abuse being denied fire insurance, homeowners insurance, life insurance, and health insurance—denied because they were victims of a crime.

This bill goes a long way toward treating domestic violence as the crime that it is—not a voluntary risky behavior that can be easily changed and not as a pre-existing condition. Insurance company policies that deny coverage to victims only serve to perpetuate the myth that victims are responsible for their abuse.

In order to address the practice of insurers using domestic violence as a basis for determining whom to cover and how much to charge with respect to health, life, disability, homeowners, and auto insurance, this legislation prohibits insurance companies from discriminating against victims in any of the following ways:

First, denying or terminating insurance; second, limiting coverage or denying claims; third, charging higher premiums; or fourth, terminating health coverage for victims of abuse in situations where coverage was originally issued in the abuser's name, and acts of the abuser would cause the victim to lose coverage.

This legislation also keeps victims' information confidential by prohibiting insurers from improperly using, disclosing, or transferring abuse-related information for any purpose unrelated to the direct provision of health care services.

Insurance companies should not be allowed to discriminate against anyone for being a victim of domestic violence. We may never know the full extent of the problem, but it is a grossly unfair practice and should be prohibited.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Abuse Insurance Protection Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) Abuse.—The term "abuse" means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) Abuse-related medical condition.—The term "abuse-related medical condition" means a medical condition which arises in whole or in part out of an action or pattern of abuse.

(3) Abuse status.—The term "abuse status" means the fact or perception that a person is, has been, or may be a subject of abuse, irrespective of whether the person has sustained abuse-related medical conditions or has incurred abuse-related claims.

(4) Health benefit plan.—The term "health benefit plan" means any public or private entity or program that provides for payments for health care, including—

(A) a group health plan (as defined in section 607 of the Employee Retirement Income

Security Act of 1974 (29 U.S.C. 1167)) or a multiple employer welfare arrangement (as defined in section 3(40) of such Act (29 U.S.C. 1102(40)) that provides health benefits;

(B) any other health insurance arrangement, including any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract;

(C) workers' compensation or similar insurance to the extent that it relates to workers' compensation medical benefits (as defined by the Federal Trade Commission); and

(D) automobile medical insurance to the extent that it relates to medical benefits (as defined by the Federal Trade Commission).

(5) Health carrier.—The term "health carrier" means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(6) Insured.—The term "insured" means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(7) Insurer.—The term "insurer" means any person, reciprocal exchange, interinsurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third party administrators. The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(8) Policy.—The term "policy" means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(9) Subject of abuse.—The term "subject of abuse" means a person against whom an act of abuse has been directed, a person who has prior or current injuries, illnesses, or disorders that resulted from abuse, or a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. 3. DISCRIMINATORY ACTS PROHIBITED.

(a) In General.—No insurer or health carrier may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance or health benefit plan coverage for losses incurred as a result of abuse or denying a claim incurred by an insured as a result of abuse, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(4) Terminating health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for extension of coverage under part 6 of subtitle B of title I or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the Internal Revenue Code of 1986. Nothing in this paragraph prohibits the insurer from requiring the subject of abuse to pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insureds of the health carrier. The insurer may terminate group coverage after the continuation coverage required by this paragraph has been in force for 18 months if it offers conversion to an equivalent individual plan. The continuation of health coverage required by this paragraph shall be satisfied by any extension of coverage under part 6 of subtitle B of title I or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage provided under part 6 of subtitle B of title I or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the Internal Revenue Code of 1986.

(b) Use of Information.—

(1) In general.—No person employed by or contracting with an insurer or health benefit plan may use, disclose, or transfer information relating to an applicant's or insured's abuse status or abuse-related medical condition or the applicant's or insured's status as a family member, employer, or associate, person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction. In addition, such a person may not disclose or transfer information relating to an applicant's or insured's location or telephone number. Nothing in this paragraph shall be construed as limiting or precluding a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) Authority of subject of abuse.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. 4. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing the provisions of this Act when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. 5. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. Reference to general underwriting practices or guidelines does not constitute a specific reason.

SEC. 6. LIFE INSURANCE.

Nothing in this Act shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. 7. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. 8. ENFORCEMENT.

(a) Federal Trade Commission.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this Act. If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this Act, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) Private Cause of Action.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this Act may maintain an action against the insurer in a Federal or State court of original jurisdiction. Upon proof of such conduct by a preponderance of the evidence, the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses. With respect to compensatory damages, the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. 9. EFFECTIVE DATE.

This Act shall apply with respect to any action taken on or after the date of the enactment of this Act, except that section 4 shall only apply to actions taken after the expiration of 60 days after such date.

Mrs. MURRAY. Mr. President, I am pleased today to join with my colleague from Minnesota, Senator Wellstone, in introducing the Victims of Abuse Insurance Protection Act. I believe that every Senator in this Chamber should join in support of this important legislation.

The Victims of Abuse Insurance Protection Act will prohibit discrimination by insurance companies against victims of domestic violence. This prohibition will apply to all lines of insurance including health, life, and homeowners.

We are all proud of our efforts to increase our commitment to ending domestic violence. The Federal Government has dramatically increased resources to fighting this devastating public health threat. We have worked to strengthen enforcement of domestic violence laws and ensure that victims have access to the resources and assistance necessary to end the cycle of violence. However, the first step for most victims is reporting the violence and removing themselves from the violent situation. But, if a victim of domestic violence knows that by reporting and seeking help they have now accepted the fact that they will face discriminatory practices in when they try to secure any form of insurance, fewer victims will come forward. This is a chilling consequence that we cannot allow.

Make no mistake about it, this is a real threat. I have been approached by an insurance agent in Washington State who told me that she cannot sell life insurance to victims of domestic violence. I also know of women who are unable to afford adequate homeowners insurance because of past domestic violence. This is an outrage and runs counter to all that is fair and decent. This is a classic example of blaming the victim.

As a strong advocate of ending domestic violence, I cannot sit by and watch insurance companies deny victims insurance or impose such drastic cost barriers that few could overcome. I am appalled by this type of discrimination and extremely concerned about the impact it has on our efforts to combat domestic violence.

By Mr. CHAFEE (for himself and Mr. MOYNIHAN):

S. 468. A bill to continue the successful Federal role in developing a national intermodal surface transportation system, through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector, and for other purposes; to the Committee on Finance.

THE NATIONAL ECONOMIC CROSSROAD TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. CHAFEE. Mr. President, today, I am introducing, along with my colleague from New York, Senator MOYNIHAN, the National Economic Crossroad Transportation Efficiency Act of 1997, referred to as NEXTEA. NEXTEA is the Clinton administration's legislative proposal for the reauthorization of the Intermodal Surface Transportation Efficiency Act.

I am introducing NEXTEA because it builds upon the landmark ISTEA legislation. It emphasizes environmental protection, system preservation, safety, and intermodalism. I would like to encourage my colleagues to take a serious look at this proposal.

In addition, I will be a cosponsor of the ISTEA Reauthorization Act of 1997, a bill that has been written by Senators MOYNIHAN, LIEBERMAN, and LAUTENBERG which will be introduced in the near future. This proposal also builds upon the program structure and emphasis of the original ISTEA.

Today's introduction does not mean that I endorse all the ideas in the administration's proposal. I am still in the process of reviewing the bill's details and plan to ask the administration questions about their provisions and the thinking behind some of their proposals.

Of particular interest to my colleagues is whether my introduction of the administration's bill indicates my endorsement of the administration's formula for distributing funds among the States. It does not.

The administration's formula relies to a great extent on the contributions paid into the highway trust fund by the individual States. I have serious concerns about setting national policy on the basis of where gasoline is purchased. The Federal Highway Administration's estimate of the highway trust fund contributions is based upon where gasoline is purchased, not even where it is used. Let me give a couple of examples of the problems I see with this misplaced focus.

If you buy gas in Baltimore, MD, and drive to Woonsocket, RI, you will drive through the States of Delaware, New Jersey, New York, Connecticut, and Rhode Island. Maryland will be the only State that gets credit for this trip.

Even if we were better able to estimate where gasoline is used, rather than just where it is purchased, setting national transportation policy on gasoline usage provides incentives that contradict policies of ISTEA such as environmental protection, intermodalism, and efficiency. Under a gas tax-based formula, States and localities that use transit significantly or use less gasoline because of good planning are actually penalized for their good work.

For example, programs or policies that encourage any of the following would be penalized: Shifting highway usage to other modes such as transit, greater use of carpooling and High Occupancy Vehicle [HOV] lanes, progressive land use planning, and the use of alternative fuels, or electric vehicles. In other words, "no good deed, goes unpunished" under such a national policy.

Gasoline taxes are an efficient and low-cost way of raising revenue for transportation purposes. They should not, however, be attributed a policy importance that they do not deserve.

Let me conclude my statement by encouraging all of the Members of the Senate to work together as we craft an ISTEA reauthorization proposal. I know we have some substantial disagreements that need to be resolved.

As we move forward, we need to keep in mind the diversity and uniqueness of the country and all of its transportation needs. All of us must resist the temptation to set a national transportation policy based solely on our own region's particular demands. The demands of the Northeast are different from those of the South; the demands of the South are different from those of the West. And so on.

We need to be cognizant of the population growth that has taken place in the South and Southwest and the strains that such growth has put on areas within that region. Many of the Western States, by contrast, with their low-population density and the great distances involved in travel, rely on highways as the major mode of transportation. We also need to acknowledge the uniqueness of the Northeast United States; its older infrastructure and acute congestion make it more dependent on nonhighway modes such as transit and Amtrak. Attempts to pass a new bill by forming alliances along regional lines will fail unless the bill recognizes the needs of all regions.

I am hopeful that the ISTEA reauthorization will build upon the strong record of its predecessor. Admittedly, the transition from old policies and practices to those embodied in ISTEA has not always been easy, and more work needs to be done. However, we should not let these bumps in the road cause us to retreat from the progress we have made.

Mr. President, I ask unanimous consent that the text of the bill summary be printed in the RECORD.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title; Secretary Defined; Table of Contents

This section designates the title of this legislation as the "National Economic Crossroads Transportation Efficiency Act of 1997," defines "Secretary" as the Secretary of Transportation, and lists the table of contents for this legislation.

TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short Title; Authorization of Appropriations

This section designates title 1 of this bill as the "Surface Transportation Act of 1997." This section also authorizes sums out of the Highway Trust Fund (other than the Mass Transit Account) for the National Highway System, the Interstate maintenance program, the surface transportation program, the congestion mitigation and air quality improvement program, the highway bridge replacement and rehabilitation program, the Federal Lands Highways program, the infrastructure safety program, the integrated safety fund, the national recreational trails program, and university transportation centers.

Authorizations for other highway trust-funded programs not included in this section are included in the legislative provisions authorizing the programs themselves, such as Federal Highway Administration's research and technology, Intelligent Transportation Systems, and motor carrier safety programs.

Paragraph (5) establishes a $17 million annual take-down from HBRRP apportionments to fund the alteration of bridges determined to be unreasonable obstructions to navigation under the Truman Hobbs Bridge Act, 33 U.S.C. 511–524, and requires the Secretary to transfer such sums (contract authority), an amount of obligation authority equal to 100 percent of such contract authority, and the responsibility for administering such sums to the United States Coast Guard. These sums are to be administered in accordance with the Truman Hobbs Bridge Act, rather than the HBRRP.

Sec. 1002. Definitions

This section revises the current definition of "operational improvement" found in 23 U.S.C. 101(a) to expressly include the installation, operation, or maintenance of certain Intelligent Transportation Systems infrastructure projects, and the installation or operation of communications systems, roadway weather information and prediction systems, and other such improvements designated by the Secretary that enhance roadway safety during adverse weather. This language expands the definition of operational improvement to include operation and maintenance expenses for public ITS infrastructure projects, since these activities are integral to and inseparable from the installation of the associated infrastructure. Operational improvement projects continue to be eligible for National Highway System (NHS) and surface transportation program (STP) apportionments under the revised NHS and STP provisions of this Act.

Sec. 1003. National Highway System

Paragraphs (a)(1) and (2) amend 23 U.S.C. 103(1) to expand NHS eligibility to make publicly owned intercity passenger rail capital projects eligible for NHS funds under the same criteria that currently apply to transit and non-NHS highway projects under 23 U.S.C. 103(1)(3).

Paragraph (a)(3) amends paragraph 103(1)(13) to expand NHS funding eligibility to include natural habitat mitigation under the same circumstances in which wetlands mitigation is currently eligible for funding under this paragraph.

Paragraph (a)(4) amends section 103 by adding two new items to the list of projects generally eligible for NHS funding: publicly owned intracity or intercity passenger rail or bus terminals and publicly owned intermodal surface freight transfer facilities, other than seaports and airports, where such terminals and facilities are located at or adjacent to the NHS or connections to the NHS; and infrastructure-based Intelligent Transportation Systems capital improvements.

This paragraph also adds to the list of eligible NHS projects a paragraph applicable only to projects on the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Federal-aid highway funds provided to these territories are NHS funds, and therefore, in amending the list of NHS-eligible projects under section 103, new paragraph 103(1)(16) permits these territories to use their entire Federal-aid highway apportionments for any STP-eligible project, any airport, and any seaport. This greatly increases the territories' ability to craft the most appropriate solution to their transportation needs, regardless of transportation mode.

Paragraph (a)(5) amends section 103 by adding a definition of "intermodal surface freight transfer facilities." Under this definition, this term would include: any access road, parking or staging area, ramp, loading or unloading area and equipment, rail yard, track, and interest in land, publicly-owned rail access line to a seaport, and publicly owned access road to a seaport, if they are used to effect the transfer of freight.

Because Congress has enacted legislation designating the National Highway System, subsection (b) amends section 103 to strike all out-of-date references to the States, local officials, and the Secretary working cooperatively to develop and submit to Congress a proposed National Highway System; the requirement that Congress must enact a law designating the National Highway System; the requirement for the equitable allocation of highway mileage on the National Highway System among the States; and the interim National Highway System. Subsection (b) also makes several conforming changes to section 103 to reflect the removal of these NHS designation provisions from this section. Subsection (b) also adds a new paragraph to subsection 103(b) to provide congressional approval of the Department's submission of NHS intermodal connectors.

Sec. 1004. Apportionments

Subsection (a) of this section revises 23 U.S.C. 104(a) to more accurately reflect the program authorizations from which the Secretary may deduct to fund the administration of the Federal-aid highway program and surface transportation research.

Subsection (b) of this section amends 23 U.S.C. 104(b) by revising the current formulas for the National Highway System, congestion mitigation and air quality improvement program (CMAQ), and surface transportation program (STP) apportionments.

NHS and STP Program Formulas

Revised paragraph 104(b)(1) provides that NHS funds shall be apportioned in each fiscal year, on or after October 1, according to the following factors:

75 percent according to each State's annual contributions to the Highway Trust Fund (excluding the Mass Transit Account) as a percent of the total annual contributions to the Highway Trust Fund (excluding Mass Transit) by all States (using the latest available data);

15 percent according to each State's annual commercial vehicle contributions to the Highway Trust Fund (excluding the Mass Transit Account) as a percent of the total annual commercial vehicle contributions to the Highway Trust Fund (excluding Mass Transit) by all States (using the latest available data). Commercial vehicle contributions to the Highway Trust Fund include Federal diesel fuel taxes, the Federal heavy vehicle use tax, the Federal truck and trailer excise tax, and the Federal truck tire tax (using the latest available data); and

10 percent according to each State's public road mileage as a percent of the total public road mileage for all States (using the latest available data);

With the guarantee that each State's annual apportionments will equal no less than one-half of one percent (0.5 percent) of the total annual apportioned NHS funds.

Revised paragraph 104(b)(3) provides that STP funds shall be apportioned according to the following factors:

70 percent according to each State's annual contributions to the Highway Trust Fund (excluding the Mass Transit Account) as a percent of the total annual contributions to the Highway Trust Fund (excluding Mass Transit) by all States (using the latest available data); and

30 percent according to each State's total population as a percent of the total population of the United States (using the latest available annual data);

With the guarantee that each State's annual apportionments will equal no less than one-half of one percent (0.5 percent) of the total annual apportioned STP funds.

CMAQ Formula

The existing CMAQ formula at 23 U.S.C. 104(b)(2) is based on two factors: the population living in ozone nonattainment areas within each State and the severity of that ozone pollution. For increasing levels of severity, an additional weighting factor is applied to the nonattainment area population, rising from 1.0 for the least severe to 1.5 for the most severe ozone air pollution. If an ozone nonattainment area is also nonattainment for carbon monoxide, it receives an additional weighting factor of 1.2. Under the NHS Designation Act of 1995, CMAQ apportionment factors (including the nonattainment area population and the severity level, or "classification") were frozen as they were in 1994 to hold CMAQ funding levels even for States whose nonattainment areas were redesignated to attainment and thus dropped out of the apportionment formula.

In subparagraphs 104(b)(2) (A) and (B), the basic formula would remain the same, however additional funding would be apportioned to States with particulate matter pollution and additional consideration would be given to carbon monoxide pollution. Also, a new weighting factor is employed for those areas that have redesignated to attainment, or "maintenance areas". They would be given a 1.0 weighting factor and all other ozone nonattainment areas would be bumped up, ranging from a factor of 1.1 to 1.5.

In subparagraph 104(b)(2)(D), any additional area newly designated as nonattainment as a result of a change in the national ambient air quality standards that has submitted to EPA a State implementation plan will have its population included in the CMAQ apportionment formula with a weighting factor of 1.0.

To ensure that no State will receive less in CMAQ funding as a result of a redistribution of funds caused by the new standards, new subparagraph 104(b)(2)(E) provides such sums as necessary from the surface transportation program before STP funds are apportioned, to hold States harmless.

National Recreational Trails Program

Subsection (c) of this section amends 23 U.S.C. 104(h) to establish the formula to be used in apportioning funds authorized to be appropriated for carrying out the National Recreational Trails Program. In paragraph 104(h)(1), the Secretary is directed to deduct, from the sums authorized to carry out this program, an amount to cover the cost of administering the Recreational Trails Program, the cost of research under that program, and the cost of administering the Federal Recreational Trails Advisory Committee. Paragraph 104(h)(1) also limits this amount to three percent or less of the sums authorized. Paragraph 104(h)(2) delineates the manner in which the Secretary is to apportion among the States the remainder of the sums authorized to be appropriated to carry out the Recreational Trails Program. Subparagraph 104(h)(2)(A) provides that the Secretary is to apportion fifty percent of the remainder of the authorized sums equally among the States eligible for funding under the Recreational Trails Program. Subparagraph 104(h)(2)(B) directs the Secretary to apportion the other fifty percent among the eligible States in amounts proportionate to the degree to which non-highway recreational fuel was used in each such State during the preceding year.

Woodrow Wilson Memorial Bridge

Subsection (d) of this section amends 23 U.S.C. 104(i) to authorize funding for fiscal years 1998, 1999, and 2000, to remain available until expended, for the rehabilitation of the existing Woodrow Wilson Memorial Bridge and for the costs related to construction of a new bridge. The design of the new bridge will be based on the design selected by the Woodrow Wilson Memorial Bridge Coordination Committee, and no actual construction contracts can be let until ownership of the bridge is transferred to the Woodrow Wilson Memorial Bridge Authority. The requirements for design selection and transfer of ownership were established by the Woodrow Wilson Memorial Bridge Authority Act of 1995. Construction of the new bridge shall be administered in accordance with Federal Acquisition Regulations.

Subsection (e) of this section adds a new subsection, (k), to section 104, recodifying current subsection 134(k) with one significant revision. New subsection 104(k) establishes a process for transferring and administering transit funds made available for highway projects and highway funds made available for transit projects. This subsection has been revised to expressly provide for program-wide transfers of funds and a like amount of obligation authority, where the current subsection only provides for the project-by-projects transfer of funds. This subsection also provides for program-wide transfers of highway and transit funds to Amtrak and other eligible rail projects.

AUDITS OF HIGHWAY TRUST FUND

Subsection (f) permits the Secretary to reimburse the Department of Transportation's Inspector General for the cost of conducting annual financial statement audits of the Highway Trust Fund in accordance with the Chief Financial Officers Act of 1990.

EQUITY ADJUSTMENTS

Subsections (g) and (h) of this legislation revise and rename the current minimum allocation provision of title 23. As revised, 23 U.S.C. 157(a)(1) provides that each State shall receive at least 90 of its annual contributions to the Highway Trust Fund (excluding the Mass Transit Account) as a percent of total annual contributions to the Highway Trust Fund (excluding Mass Transit) by all States (using the latest available data.) Such adjustment shall only apply to funds apportioned under the following programs: Interstate maintenance, National Highway System, bridge, surface transportation program/enhancements, congestion mitigation and air quality improvement, metropolitan planning, and infrastructure safety.

Paragraph 157(a)(2) provides that for fiscal years 1998 through 2003, each State except Alaska shall receive at least 90 percent of the funds apportioned to that State in the preceding fiscal year, including equity adjustments, but excluding State percentage guarantee amounts. Alaska shall receive at least 90 percent of its previous year's apportionments in fiscal year 1998 and 100 percent of each preceding year's apportionments for each of fiscal years 1999 through 2003.

Sec. 1005. State Percentage Guarantee

Similar to the hold harmless provision (subsection 1015(a)) of ISTEA, this section establishes levels for annual apportionments such that each State is guaranteed to receive at least a certain percentage of total apportionments for each year for the NHS, CMAQ, STP, IM, bridge, infrastructure safety, both equity adjustments in section 157, and Interstate reimbursement programs. Each State's STP apportionment would be increased or decreased as necessary each year to ensure that the total amount of specified apportionments at least equals the percentage specified in this section for every State.

Sec. 1006. Project Approval and Oversight

This section revises 23 U.S.C. 106, concerning Federal and State responsibilities for projects funded under title 23.

Paragraph (a)(1) of this section retitles section 106 from "Plans, Specifications, and Estimates" to "Project Approval and Oversight" to reflect the greater scope of this section, as revised.

Paragraph (a)(2) of this section redesignates subsection 106(e) and (f) as 106(f) and (g), respectively.

Paragraph (a)(3) of this section strikes current subsections 106(a), (b), (c), and (d) and replaces them with five new subsections. While several of the provisions of these four subsections have been incorporated into this revised section, the 15 percent limit on estimates for construction engineering, found in current subsection 106(c), has not been included in this new section. Striking current subsection 106(c) eliminates this outdated provision that has been found to be flawed for several reasons. It is burdensome to both the States and the Secretary to collect and maintain the data necessary to monitor States' compliance with this provision. Also, because this is only a limit on aggregate (State-wide) construction engineering costs, it is ineffective at controlling such costs on any individual project. Also, this provision has been found to be unnecessary because the benefits of limiting construction engineering costs are uncertain, and an argument can be made that such a limit could potentially affect the quality of the project. Without this limit, States can be reimbursed for their actual costs of construction engineering for each project without having to compile the costs of construction engineering in an annual accounting to see if the costs are, on average, within the 15 percent limitation.

New subsection 106(a) combines the current two-step process for project approval and execution of a project agreement into a process where both actions are taken concurrently, by merging the provisions of current subsection 106(a) with current subsection 110(a). Current subsection 106(a) provides for the Secretary's approval of plans, specifications, and estimates that a State submits for approval. The Secretary's approval constitutes an obligation of the Federal government to pay the Federal share of the cost of the project. Current subsection 110(a) provides for the execution of a project agreement that formalizes the conditions of the project approval. Execution of the project agreement typically occurs at a time later than the time of project approval (usually after contract bids are received). In merging these current provisions for project approval, execution of the project agreement, and obligation of Federal funds into a single process, this subsection would greatly simplify these procedures.

New subsection 106(b) combines the project agreement provisions from current subsections 110(a) and (b) into one subsection. This new subsection states that the project agreement shall specify the State's pro rata share of project costs and provides that the Secretary may rely on the State's representations of arrangements or agreements made by the State with local officials, where projects are to be constructed at the expense of, or in cooperation with, local agencies.

New subsection 106(c) parallels current subsection 117(a) and covers the conditions governing the Secretary's responsibilities for oversight of projects funded under title 23, and how those responsibilities may be discharged. New paragraph 106(c)(1) permits the Secretary to discharge to the State the Secretary's responsibilities under title 23 for the design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System (NHS). The intent of this paragraph is to provide significant flexibility to the States and the Secretary to discuss and mutually determine the appropriate balance between State and Federal (FHWA) oversight for Federal-aid highway projects, taking into account overall needs and resources. A threshold of responsibility for the States is ensured in that this paragraph provides that the Secretary's responsibilities under this provision shall be no greater than they are under current law, unless differently agreed upon by the Secretary and the State. The oversight agreement to be reached by the Secretary and the State could be based on the scope and complexity of NHS projects or other criteria determined significant by a State. The agreement could also take into account different levels of Federal oversight on NHS projects: from a detailed review of all project actions to a process review/product evaluation approach. Under new paragraph 106(c)(2), the State must assume the Secretary's responsibilities under title 23 for oversight of projects off of the National Highway System.

New subsection 106(d) is meant to be substantively the same as current subsection 117(e). This language clarifies that, in discharging responsibilities to the States under new section 106, the Secretary is discharging only those title 23 responsibilities listed in this section. The Secretary may not discharge any other Secretarial responsibilities under any other Federal law, including sections 113 and 114 of title 23, United States Code, the National Environmental Policy Act of 1969, title VI of the Civil Rights Act of 1964, the Uniform Relocation Assistance and Land Acquisitions Policies Act of 1970, and any Federal laws administered by the Department of Labor.

New subsection 106(e) is substantively identical to current subsection 106(d); only an out-of-date reference to "any Federal-aid system" has been updated. This subsection provides that the Secretary may require that plans, specifications, and estimates for proposed projects on any Federal-aid highway be accompanied by a value engineering or other cost reduction analysis.

New subsection 106(f) provides that the Secretary shall require a financial plan for any project with an estimated total cost of $1 billion or more.

Subsection (b) of this section amends title 23 by creating a new subsection 109(r). New subsection 109(r) parallels a provision in current paragraph 106(b)(3) governing safety considerations for projects for which the State has assumed the Secretary's responsibility for approving plans, specifications, and estimates. This new subsection provides that safety considerations for projects under this title may be met by phase construction. In placing this sentence in section 109, which sets forth Federal standards for all title 23-funded projects, this amendment permits States to use phase construction to meet safety considerations on any title 23-funded project.

Subsection (c) of this section revises the provision making Davis-Bacon Act wage protections applicable to highway construction projects so that the scope of this provision is commensurate with the scope of project eligibility under title 23. That is, where the current subsection 113(a) applies the Davis-Bacon Act's prevailing wage requirement to laborers and mechanics employed by contractors or subcontractors on the construction work performed on highway projects, this revised language would extend these wage protections to the same workers employed on any project eligible for funding under title 23—not simply highway construction projects. This subsection does not apply to projects on local roads and rural minor collectors and on transportation enhancement and recreational trails programs not within a Federal-aid highway right-of-way or otherwise linked based on proximity or impact to a Federal-aid highway.

Subsection (d) of this section strikes current sections 110 and 117 because these sections have been incorporated into the new section 106. Subsection also strikes section 105, because this section is out-of-date, having been superseded in by the State transportation improvement program requirements of section 135, which were added by ISTEA.

Subsection (e) of this section makes a conforming amendment to the analysis at the start of chapter 1 of title 23 to reflect the new title of section 106 and to remove the items relating to sections 110 and 117, which have been stricken.

Sec. 1007. Real Property Acquisition and Corridor Preservation

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) placed increased emphasis on sound transportation planning, including the preservation of transportation corridors for future use. Ongoing efforts by State and local officials to preserve such corridors can be hampered when development pressures create adverse impacts on affected property owners. Development, when not coordinated with transportation needs, can often foreclose options available to transportation officials to avoid environmentally sensitive sites. Often in such cases, early action and acquisition is the only way to assure that lands can be obtained and reserved for future use.

The changes made by this section expand or modify the flexibility provided to local and State governments to take prudent public action to compete for land resources and implement corridor preservation programs adopted through the public planning process.

Sections 108 and 323 of 23 U.S.C. are modified to remove restrictive language and outdated programs, revise language, and add opportunities for States and local governments to utilize early acquisition when necessary while retaining maximum flexibility to leverage the use of Federal funds.

Section 108 is retitled to reflect its applicability to general corridor preservation programs as well as to identified project right-of-way needs.

Subsection 108(a) is revised to conform with the new title for this section and to provide that property acquisition can be conducted in support of federally assisted transportation improvements and is not limited to Federal-aid highways. States can use any apportioned funds for land acquisition, but the action must be supported by their approved transportation program. The term "highway department" is removed from the section to reflect the changed organizational environment and the move to multi-modal planning processes.

Subsection 108(c) is revised to provide an expiration and close-out period for obligations already authorized from the right-of-way revolving fund. No allocations of funds have been made during the last two years, and the fund is no longer considered necessary to support State acquisition activities. Subsection 108(c), as revised, provides that credits based on conversion or reimbursements are to be applied to the Highway Trust Fund rather than the revolving fund.

Section 323 is amended to add flexibility and to provide an alternative means of leveraging Federal funds apportioned to each State by providing a credit based on the value of publicly owned lands incorporated within a federally funded project. This credit applies not only to property that has been donated to the State or local government, but also other property that is owned by the State or local government, so long as at the time such property was acquired there was no intent to avoid requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act or any other Federal law. This provision is consistent with the credits already permitted for donated real property and services. Along with other financing options provided under ISTEA (including provisions retained in 23 U.S.C. 108 regarding reimbursement for property acquired in advance of Federal authorizations and innovative options to establish State-based funds to support early acquisitions), the provisions added by this section expand the choices available to State and local governments in fashioning financial strategies to best serve their transportation objectives.

Sec. 1008. Proceeds from the Sale or Lease of Real Property

Current section 156 of title 23, United States Code, requires States to charge fair market value for the use of airspace acquired in connection with a federally funded project. This section also authorizes States to retain the Federal share of net income from the sale, use, or lease of this airspace as long as that same amount was used by the State for projects eligible for funding under title 23.

This section revises 23 U.S.C. 156 to expand these principles regarding airspace income to apply to the net income generated by a State's lease, sale, or other use of all real property acquired with Federal financial assistance. This reduces administrative overhead relating to property management practices and simplifies such practices by applying the same standard to all real property interests that are acquired with Federal-aid highway funds and requiring that the Federal share of any proceeds be reapplied within the State to other projects eligible for funding under title 23.

Sec. 1009. Interstate Maintenance Program

Subsection (a) strikes subsections 109(m) and 119(b) of title 23, United States Code, to eliminate both the requirement for the Secretary of Transportation to issue Interstate maintenance guidelines and the requirement for States to annually certify that they have a maintenance program in place that is in accordance with those guidelines. Subsection (a) also strikes subsection 119(e) of such title to eliminate the separate Interstate System preventive maintenance eligibility standard. Accordingly, Interstate System preventive maintenance eligibility would be determined in accordance with the general preventive maintenance provision of subsection 116(d).

Subsection (b) amends subsection 119(c), now 119(b), to expand IM eligibility to include the reconstruction of Interstate highways and infrastructure-based ITS capital improvements to the extent that they improve the performance of the Interstate.

Subsection (c) revises subsection 119(f), now 119(d), to require a State that seeks to transfer any of its IM funds to its NHS or STP apportionments to annually certify that it is adequately maintaining its Interstate pavement and bridges and that the IM funds it seeks to transfer are in excess of its needs for its Interstate pavement and bridges.

Subsection (d) technically amends subsection 119(a) to strike an out-of-date reference to subsection 119(e).

Sec. 1010. Maintenance

Subsection (a) amends subsection 116(a) of title 23, United States Code, to revise an out-of-date reference to a Federal-aid highway system and to clarify when a State's duty to maintain shall cease.

Subsection (b) adds a requirement to subsection 116(a) that each State annually certify that it is maintaining its Federal-aid highway projects.

Subsection (c) makes several technical amendments to subsections 116(b) and (c).

Sec. 1011. Interstate 4R Discretionary Program

This section amends 23 U.S.C. 118(c) to reauthorize the current Interstate 4R discretionary program at a level of $45 million per year for each of fiscal years 1998 through 2003. The eligibility, priority, and funds availability criteria for this program are unchanged from current law.

This section also strikes paragraph 118(c)(1) to eliminate an out-of-date provision. Paragraph 118(c)(1) authorized funding for a set aside from Interstate construction apportionments for construction projects, however, funds were not authorized for the Interstate construction program after fiscal year 1995.

Sec. 1012. Emergency Relief Program

Subsection (a) of this section amends 23 U.S.C. 120(e) to reduce the Federal share payable on emergency relief projects to 75 percent of the cost of each such project. This amendment brings the Federal share requirement of the FHWA's emergency relief program in line with the government-wide emergency relief proposal advanced by the President. Subsection (a) also amends 23 U.S.C. 120(e) to shorten the time period in which States receive a 100 percent Federal share of emergency relief funds to the first 30 days after a disaster occurrence. ER funds can be used for eligible emergency repairs done to restore essential highway traffic, minimize the extent of damage, or protect the remaining facility. The 100 percent Federal share requirement for emergency relief projects on Federal lands and U.S. territories is unchanged. Paragraph (a)(1) of this section technically amends 23 U.S.C. 120 to replace an outdated reference to Federal-aid highway systems.

Paragraphs (b)(1), (2), and (3) strike 23 U.S.C. 125(a), redesignate subsections 125(b), (c), and (d) as 125(d), (e), and (f), respectively, and reorganize subsection 125(a), dividing the subsection by subject matter, removing out-of-date language concerning emergency relief authorizations for prior years, and providing that emergency relief funds shall be available until expended.

Paragraph (b)(4) makes conforming amendments to 125(d), as so redesignated, to conform internal section references to the changes made by paragraph (b)(2).

Paragraph (b)(5) technically corrects 125(e), as so redesignated, to correct a reference to Federal-aid highways.

Sec. 1013. Toll Roads, Bridges, Tunnels, and Ferries

Subsection (a) of this section amends paragraph 129(a)(1) of title 23, United States Code, to remove the prohibitions against Federal participation in the initial construction of a toll highway, bridge, or tunnel on the Interstate System or in the reconstruction of a toll-free Interstate highway and its conversion to a toll facility. Such initial Interstate construction or Interstate reconstruction/conversion would be eligible for Federal-aid highway funds to the same extent and under the same terms (including limitations on the use of toll revenues) as such projects on non-Interstate highways, bridges, and tunnels currently are eligible under section 129 of such title. For those States that choose to toll Interstate routes under this provision, the Department encourages the use of electronic tolling. Electronic tolling shortens delays at toll facilities, thereby shortening trip times and reducing vehicle emissions.

Subsection (b) of this section eliminates an out-of-date subsection (129(d)) which established a tolling pilot program that has accomplished its intended purpose. However, pilot toll agreements that were executed under subsection 129(k) are still valid unless they were modified under 23 U.S.C. 129(a)(6).

Sec. 1014. Surface Transportation Program

Subsection (a) amends subsection 133(a) of title 23, United States Code, to reflect that the surface transportation program provided for under this section has already been established.

Subsection (b) of this section amends paragraph 133(b)(2) to clarify that the eligibility for privately owned vehicles and facilities used to provide intercity passenger service by bus or rail under the STP program parallels the eligibility of such vehicles and facilities under 49 U.S.C. 5302(a)(1), as revised by this Act. Subsection (b) also amends 133(b) to expand STP eligibility regarding safety projects to include publicly owned rail safety infrastructure improvements and programs and non-infrastructure highway safety improvements. Subsection (b) also amends paragraph 133(b)(3) to make clear that STP funds may be used to fund the modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act. Subsection (b) also codifies a provision governing transportation enhancements eligibility that has been set forth in agency guidance: a transportation enhancements activity must have a direct link to surface transportation. Subsection (b) also expands STP funding eligibility to include natural habitat mitigation under the same circumstances in which wetlands mitigation is currently eligible for funding under 133(b). Subsection (b) also amends subsection 133(b) to expand STP eligibility to include two new categories of projects: publicly owned intercity passenger and freight rail infrastructure and rail passenger vehicles.

Subsection (c) amends section 133 to eliminate the safety set-aside from the STP program and makes conforming amendments to section 133. Highway safety programs will be funded by a direct authorization, rather than as a set-aside of the surface transportation program.

Subsection (d) amends paragraph 133(e)(2) to scale back the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement. Administrative procedures would be established to support the obligation by identifying the projects to be advanced during the period.

Subsection (e) strikes the second sentence in paragraph 133(e)(3) which required that payments made by the Secretary to the States under section 133 could not exceed the Federal share of costs incurred as of the date the State requested payments.

Subsection (f) revises subsection 133(f) regarding the allocation of obligation authority to urbanized areas to extend this provision through the life of the reauthorization. Current FHWA guidance provides that a State is deemed to have complied with this provision if the target amounts of obligation authority for individual areas have been obligated or if the State and MPO agree and document that the obligation authority was made available, but the area was unwilling or unable to use it. Revised subsection 133(f) also requires that each State and MPO ensure the fair and equitable treatment under 133(f)(1) of central cities of over 200,000 in population.

Sec. 1015. Metropolitan Planning

Subsection (a). General Requirements

Subsection 134(a) of title 23, United States Code, sets forth the general bases, goals, and functions of the metropolitan planning process established under this section. This subsection has been revised to emphasize system management and operation (excluding maintenance) to underscore the need to support existing transportation systems and implementation of Intelligent Transportation Systems. A reference to locally determined fair and equitable treatment of all parts of the metropolitan planning area within the planning process is added to emphasize regional problem solving and resource distribution.

Subsection (b). Metropolitan Planning Organizations (MPOs)

Paragraph (1) establishes the process for designation (creation) of metropolitan planning organizations. This paragraph retains the current method for designation of MPOs by agreement of the Governor and units of general purpose local government, but requires that such local governments represent 51 percent of the affected population (under current law, such governments must represent 75 percent of the affected population). This paragraph retains the provision of current law that an MPO can only be designated under this arrangement if the central city agrees to the proposal. As revised, this paragraph also permits designation, consistent with this provision, under procedures established by State law. Under current paragraph 134(b)(1), State or local law can govern.

Paragraph (2) replaces current paragraph 134(b)(5) and establishes the process for redesignation of existing metropolitan planning organizations. This paragraph retains the current method for redesignation of MPOs by agreement of the Governor and units of general purpose local government, but requires that such local governments represent 51 percent of the affected population (under current law, such governments must represent 75 percent of the affected population). This paragraph retains the provision of current law that an MPO can only be redesignated if the central city agrees to the proposal. This paragraph also permits redesignation, consistent with this provision, under procedures established by State law.

The special provisions for Los Angeles and Chicago to request redesignation have been removed because they have not been used by either area.

Paragraph (3) replaces current paragraph 134(b)(6) and establishes the process for designating multiple metropolitan planning organizations in a single metropolitan planning area. Under current law, the Governor alone is responsible for determining whether more than one MPO is needed. As revised, this paragraph includes local officials acting through the MPO and the Secretary of Transportation as key participants in determining whether to create multiple metropolitan planning organizations to serve a single metropolitan area.

Paragraph (4) replaces current paragraph 134(b)(2). This paragraph identifies the membership of the policy boards of metropolitan planning organizations serving areas designated as transportation management areas. In this paragraph, specific reference is made to the policy board of the MPO, rather than the more general reference to the MPO, as provided in current law, to make clear that these membership requirements are meant to apply to the policy boards only.

The current paragraph 134(b)(4) "grandfathering" all MPO structures existing and not redesignated after December 18, 1991, has been deleted to give State and local officials more flexibility in structuring their MPOs.

Paragraph (5) replaces current subparagraphs 134(b)(3)(A) and (B). This paragraph provides that nothing in subsection 134(b) shall interfere with a public agency's authority, under State law, to develop plans and programs for adoption by an MPO and to develop long range capital plans, coordinate transit services and projects, and carry out other activities under State law. No substantive revisions have been made to this language.

Subsection (c). Metropolitan Planning Area Boundaries

This subsection establishes the basis for designating metropolitan planning area boundaries. Such boundaries include the existing urbanized area, the contiguous area expected to become urbanized in the next 20 years, and any areas in nonattainment for ozone, carbon monoxide or particulate matter. This subsection differs from current subsection 134(c) in several ways. It freezes the connection between nonattainment areas and metropolitan planning areas to the metropolitan planning area boundaries in existence as of September 30, 1996, but allows the Governor and the MPO, upon agreement, to expand the boundaries of a metropolitan planning area. This paragraph also adds nonattainment areas for particulate matter to this list of nonattainment areas to be included in the boundaries of a metropolitan planning area. Finally, this paragraph is revised to provide that for urbanized areas designated after September 30, 1996, the Governor and units of general purpose government must establish metropolitan planning area boundaries that appropriately address current areas in nonattainment for ozone, carbon monoxide, or particulate matter.

Subsection (d). Coordination in Multi-State Areas

Paragraph (1) requires the Secretary to encourage the coordination of metropolitan planning activities in metropolitan planning areas divided by State boundaries and served by multiple MPOs. Clarifying editorial changes have been made.

Paragraph (2) authorizes two or more States to enter into a compact to cooperate in implementing the planning activities authorized under this section. This provision is unchanged from current law.

Subsection (e). Coordination of MPOs

This subsection requires coordination between two or more metropolitan planning organizations with authority within a metropolitan planning area or a nonattainment area. This subsection has been revised to include areas that are in nonattainment for particulate matter. In addition, it requires each MPO to coordinate their plans and programs under this section with each other, where the current provision requires that they consult with each other.

Subsection (f). Scope of the Planning Process

This subsection identifies the issues to be considered in the planning process when developing plans and programs. This subsection has been revised to create seven broad clusters of issues, where current subsection 134(f) includes 16 specific factors. These seven clusters encompass the 16 factors included in current law, but are meant to give planning officials greater flexibility, e.g., landside port access planning could be conducted within the metropolitan planning process under 134(f)(1)(E). The use of these clusters must be reflected in their application in transportation decisionmaking. These same clusters, with minor modifications, are used in the Statewide planning provision of 23 U.S.C. 135 for consistency and clarity.

Subsection (g). Development of Transportation Plan

This subsection has been renamed, from "Development of Long-Range Plan" to "Development of Transportation Plan" to emphasize the comprehensive, multi-modal transportation focus of the plan, rather than its time frame.

Paragraph (1) sets forth the requirement for a transportation plan in each metropolitan area.

Paragraph (2) lists the minimum contents of the plan. This paragraph eliminates the requirement that the plan be in a form determined by the Secretary. These subparagraphs also require consideration of strategies to address system preservation and efficiency of use. The focus of this plan has been broadened to emphasize all transportation investments, including system management and operation (excluding maintenance) and to eliminate the distinction between transit systems and highways. In addition, the reference to vehicular congestion has been modified.

Subparagraph (C) of this paragraph sets forth the requirement for a financial plan based on resources that are available or that can reasonably be made available. This financial planning language has been slightly revised for clarity. In addition, a new requirement for a cooperative process, involving the MPO, public transit agency, and the State, for estimating the resources available to support implementation of a plan has been included.

Current subparagraph (D) requiring the plan to list proposed transportation enhancement activities has been eliminated as unnecessary because all federally supported improvements are already required to be in a plan and program.

Paragraph (3) is retitled and modified to revise the coordination between transportation planning and air quality agencies and to add coordination with other planning processes. Subparagraph (A) requires that MPOs coordinate with State air quality agencies in metropolitan areas that are in nonattainment for ozone or carbon monoxide. Subparagraph (A) also is revised to include areas in nonattainment for particulate matter. Current paragraph (3) requires State air quality agencies and MPOs to coordinate the development of the long-range (now transportation) plan with the development of transportation control measures of the State implementation plan. The revised subparagraph requires State air quality agencies and MPOs to ensure cooperation in the development of air quality and transportation plans. This strengthens the reciprocal relationship between the planning processes beyond just the development of transportation control measures. Subparagraph (B) is added to support the relationship in metropolitan areas between related planning activities and processes. Development of transportation plans is expected to account for related investments and program strategies developed through other planning activities, e.g., economic development and revitalization. Such coordination would ensure that transportation projects and programs would consider, for example, the needs of low income communities so that they would be effectively integrated with transportation investments.

Paragraph (4) requires that each MPO provide an opportunity for public participation and involvement in the planning process. This paragraph is revised to add freight shippers to the list of interested parties to be provided a reasonable opportunity to comment on the transportation plan.

Paragraph (5) requires that each MPO publish or otherwise make readily available to the public its transportation plan. This provision is unchanged from current law.

Subsection (h). Metropolitan Transportation Improvement Program

Paragraph (1) of this subsection establishes the requirement for each MPO to develop, in cooperation with the State and affected public transit operators, a transportation improvement program for its metropolitan area. This program must be updated every two years, and interested parties must be provided with a reasonable opportunity to comment on the proposed program. This paragraph is revised to add freight shippers to the list of interested parties.

Paragraph (2), retitled content, requires the transportation improvement program to include a list of federally funded surface transportation projects and strategies to be carried out within the first 3 years of the program. This paragraph also requires the program to include a financial plan demonstrating how the program can be implemented, indicating the resources that are reasonably expected to be available to carry out the program and any innovative finance techniques needed. This paragraph has been revised to require the MPO, public transit agency, and State to cooperatively develop estimates of funds that will be available to support program implementation.

Paragraphs (3), (4), and (5) have been reordered from previous statutory language for clarity.

Paragraph (3), included projects, replaces paragraph (h)(5). [Current paragraph (h)(4), requiring the Secretary to initiate a rulemaking within 6 months of enactment of ISTEA on conforming NEPA review of transit projects with NEPA review of highway projects has been deleted because this requirement has already been met.] Paragraph (4) provides that only those projects or identified project phases that can be reasonably anticipated to be fully funded may be included in a transportation improvement program.

Paragraph (4), notice and comment, replaces current paragraph (h)(6). This paragraph requires MPOs to provide the public and interested parties with reasonable notice of and an opportunity to comment on a proposed transportation improvement program before approving the program.

This paragraph has been revised to require the MPO to cooperate with the State and public transit operators in implementing this requirement.

Paragraph (5), project selection, clarifies the distinction between project selection and TIP development as established in ISTEA. TIP development is a cooperative process involving the MPO, State and transit operators. Project selection, as referred to in ISTEA, is the process for advancing projects as scheduled in the TIP or moving projects between years within an approved TIP. This language clarifies that project selection is exercised once a TIP has been approved and does not apply to TIP development. It may lead in some cases to TIP amendments where significant changes have occurred after TIP approval.

Subsection (i). Transportation Management Areas (TMAs)

This subsection requires the Secretary to designate a special category of metropolitan planning areas—those urbanized areas over 200,000 in population—as transportation management areas and it sets forth a special MPO structure and procedures for the planning process serving those areas.

Paragraph (1) drops the current reference to inclusion of the Lake Tahoe Basin, upon request, as a transportation management area because it is ineffective. The area has not benefitted from this provision, which allowed the area to be designated as a transportation management area but did not give it MPO status or make it eligible for planning funds.

Paragraph (2) requires the planning process in TMAs to be based on continuous, cooperative, and comprehensive planning. This provision is unchanged from current law.

Paragraph (3) requires the creation of a congestion management system within a TMA. The language requiring the Secretary to establish a phase-in schedule for this requirement is deleted because this requirement has been implemented.

Paragraph (4) establishes the process for selecting projects for implementation to be carried out within the boundaries of a TMA and with Federal financial participation.

Paragraph (5) establishes a process for triennial Federal review of the metropolitan planning process in transportation management areas and includes sanctions for failure to meet Federal certification standards. The review process is in addition to approval of the STIP and Unified Planning Work program and Federal conformity determinations. FHWA and FTA actions, when coupled together, can be strategically used to induce improved planning by leveraging the consequences of each action.

Where current paragraph (5) provides for withholding 20 percent of only surface transportation program apportionments attributed to a metropolitan area if it remains uncertified, this revised paragraph provides that the Secretary may withhold all or any part of the apportioned funds attributed to the TMA under titles 23 and 49, United States Code, as the Secretary deems appropriate. Based on this authority, the Secretary has multiple options to apply sanctions to reflect the severity of deficiencies in the planning process under review. Further, this penalty can be applied to reinforce the other approval actions mentioned in the preceding paragraph. The withheld apportionments must be restored to the metropolitan area once it is certified by the Secretary under this paragraph.

Subsection (j). Abbreviated Plans and Programs for Certain Areas

This subsection enables the Secretary to permit metropolitan areas (other than transportation management areas) to develop an abbreviated metropolitan transportation plan and program that the Secretary determines to be appropriate to achieve the purposes of this section. MPOs that contain nonattainment areas cannot utilize this provision. This subsection is substantially unchanged from current law.

Subsection (k). Additional Requirements for Certain Nonattainment Areas

Previous subsection (k) on transfer of funds has been moved to 23 U.S.C. 104. Previous subsection (l) is redesignated as (k).

This subsection requires single occupant vehicle (SOV) capacity-increasing projects in TMAs classified as nonattainment to be part of an approved congestion management system before they may be federally funded. In addition, this subsection has been revised to include areas that are in nonattainment for particulate matter.

Subsection (l). Limitation on Statutory Construction

Previous subsection (m) is redesignated as (l).

Subsection (l), as so redesignated, provides that nothing in 23 U.S.C. 134 shall be construed to confer on an MPO the authority to impose legal requirements on any transportation facility, provider, or project not eligible under title 23 or chapter 53 of title 49. This subsection would be amended to correct the reference to the restatement of the Federal Transit Act as positive law in chapter 53 of title 49, United States Code.

Subsection (m). Funding

Previous subsection (n) is redesignated as (m).

The source of federal funds to support metropolitan transportation planning is identified. Additionally, this section permits MPOs to make available to the State (for funding Statewide planning under 23 U.S.C. 135) any funds set aside under 23 U.S.C. 104(f) for metropolitan planning that are not used to carry out such planning.

Sec. 1016. Statewide Planning

Subsection (a). General Requirements

Subsection 135(a) of title 23, United States Code, sets forth the general bases, goals, and functions of the Statewide planning process established under this section. This subsection has been revised to emphasize system management and operation (excluding maintenance) to underscore the need to support existing transportation systems and implementation of Intelligent Transportation Systems. A reference to fair and equitable treatment within the planning process for all areas of the State has been added.

Subsection (b). Scope of the Planning Process

This subsection replaces current subsections 135(b), (c), and (d). This subsection identifies issues to be considered in the Statewide planning process. This subsection lists seven broad clusters of issues to be considered. These clusters encompass the 20 factors included in current subsection 135(c) but are meant to give planning officials greater flexibility, e.g., landside port access planning could be conducted within the metropolitan planning process under 135(b)(1)(E). The same clusters, with minor modifications, are used in the metropolitan planning provision. This subsection is also revised to require the State to cooperatively determine with its planning partners how these considerations are translated into State goals and objectives. Finally, this subsection retains, with clarifying edits, the requirements to coordinate Statewide planning with metropolitan planning and for Statewide planning to consider the concerns of Indian tribal governments and Federal lands agencies. An addition is made to address the concerns of elected local officials with jurisdiction over transportation in non-metropolitan areas. An addition also is made to add coordination with other planning processes. Development of transportation plans is expected to account for related investments and program strategies developed through other planning activities, e.g., economic development and revitalization. Such coordination would ensure that transportation projects and programs would consider, for example, the needs of low income communities so that they would be effectively integrated with transportation investments.

Subsection (c). Transportation Plan

This subsection replaces current subsection 135(e) and has been renamed, from "Long-Range Plan" to "Transportation Plan" to emphasize the comprehensive, multi-modal transportation focus of this plan, rather than its time frame. This subsection requires States to develop transportation plans for all areas of the State. This subsection has been revised to clarify that the Statewide plan should cover at least a 20-year forecast period and that it should provide for the development of operations and management strategies, in addition to capital. This subsection also is revised to call for consultation between the State and local transportation officials outside of metropolitan area boundaries when developing the Statewide plan for such non-metropolitan areas. This subsection also adds freight shippers to the list of interested parties to which the State must provide a reasonable opportunity to comment on the proposed plan.

Subsection (d). State Transportation Improvement Program

This subsection replaces current subsection 135(f) and has been renamed from "Transportation Improvement Program" to "Statewide Transportation Improvement Program."

Paragraph (1) of this subsection requires States to develop transportation improvement programs for all areas of the State. This subsection is also revised to call for consultation between the State and local transportation officials outside of metropolitan area boundaries when developing the program for such non-metropolitan areas. This section also adds freight shippers to the list of interested parties to which the State must provide a reasonable opportunity to comment on the proposed program.

Paragraph (2) requires the transportation improvement program to identify all federally funded surface transportation projects. This paragraph has also been revised to provide that the projects included in the Statewide program for metropolitan areas must be identical to the approved metropolitan transportation improvement program .

Paragraph (3) provides for the selection of projects for areas less than 50,000 in population. TIP development is a cooperative process involving the MPO, State and transit operators. Project selection, as referred to in ISTEA, is the process for advancing projects as scheduled in the TIP or moving projects between years within an approved TIP. The proposed language clarifies that project selection is exercised once a TIP has been approved and does not apply to TIP development. It may lead in some cases to TIP amendments where significant changes have occurred after TIP approval. In the case of areas under 50,000 population the State must consult with affected local officials.

Paragraph (4) requires the Secretary to biennially review and approve States' transportation improvement programs. This language is revised to direct the Secretary, before approving a STIP, to find that it is consistent or substantially consistent with this section and 23 U.S.C. 134.

Subsection (e). Funding

This subsection provides that funds made available under 23 U.S.C. 329(a) shall be available to carry out the requirements of this section. This subsection is revised to also make funds set aside under 49 U.S.C. 5313(b) available to carry out these requirements.

Current subsection 135(h), concerning treatment of State laws pertaining to congestion management systems, has been deleted because it is no longer applicable.

Sec. 1017. Research, Training, and Employment Opportunities

Subsection (a) Training

Paragraph (a)(1) The amendment made by this paragraph encourages a State to establish a certain number of training slots on its Federal-aid contracts for welfare recipients residing in the State to help meet its annual goal for placing recipients in work activities, as required by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (the "Welfare Reform Act"). Under the Welfare Reform Act, a State must demonstrate annually that it has moved a certain percentage of families into "work activities." Work activities, with certain limitations, include participation in job training programs. Failure to meet these percentages will result in a reduction in the block grant that the State is entitled to receive. The Welfare Reform Act also imposes a maximum amount of time for which individuals can stay on public assistance.

Subsection 140(a) of title 23, United States Code, currently provides that the Secretary shall, where necessary to ensure equal employment opportunity, require certification by any State recipient that the state has in existence an apprenticeship or skill improvement program. Pursuant to this authority, FHWA issued regulations requiring States to set goals for a minimum number of training slots to be included on Federal-aid highway contracts (23 CFR Sec. 230.111). Annual training goals are submitted to FHWA Division Administrators for approval. The State selects the contracts on which these slots are to be included in order to achieve the goal. Contractors bidding on the contracts include the costs of the trainees (including salaries) as part of their bids.

Under paragraph (a)(1), the State could reserve some of its training slots for welfare recipients. The State could require contractors on Federal-aid projects to fill some of the training slots designated for the contract with welfare recipients. To minimize the burden on the contractor, DOT could require the State to identify eligible welfare recipients in the guidance implementing the program.

Subparagraph (a)(2)(A) Subsection 140(b) currently provides the authority for the FHWA's On-the-Job Training (OJT) Supportive Services Program. Funds are authorized to be used under this section to develop, conduct, and administer highway construction training, including skill improvement programs. Subparagraph (a)(2)(A) expands the scope of the OJT program to include technology training. This change is proposed so as to capitalize on training opportunities in connection with Intelligent Transportation Systems and other transportation-related technology. This subparagraph also adds Summer Transportation Institutes to the types of programs that can be funded under subsection 140(b). Summer Transportation Institutes are programs that are sponsored by colleges (mostly Minority Institutions of Higher Education) to expose high school students to careers in transportation, to assist them in developing skills that they would need to pursue a career in transportation, and to familiarize them with a college environment. Expanding the program to include Summer Transportation Institutes allows States to provide education, guidance, and motivation for disadvantaged and at-risk youth and to develop a future pool of transportation professionals.

Subparagraph (a)(2)(B) Under the current law, the Secretary is authorized to reserve up to $10 million of the funds authorized under 23 U.S.C. 104(a) to fund the OJT Supportive Services Program. However, this provision was last funded by Congress in 1995, and only at a level of $2 million. FHWA used this funding to pay for ten pilot projects and initiatives focusing on skill improvement and outreach programs to minorities and women. The current legislation also authorizes States to draw down up to ½ of 1 percent of funds apportioned to it for the surface transportation program under subsection 104(b) and the bridge program under section 144. Although there is a significant amount of funding available to the States from this source, the use of these funds has been limited. For example, in 1996, a total of 12 states drew down only 12 percent (less than $4 million) of the $32 million available to develop OJT Supportive Services Programs.

Even though States are not extensively using these funds, a need for training in highway construction and related work continues to exist, especially for disadvantaged and traditionally under represented segments of the population. Women in particular are under-represented in highway construction work: employment of women in highway construction still has not even achieved the goal of 6.9 percent established by the Department of Labor. Further, with the enactment of the Welfare Reform Act, more unskilled workers will be seeking jobs as they are moved off of welfare assistance. Implementation of OJT Supportive Services Programs by the States can help prepare individuals in these groups to take advantage of job opportunities in highway construction and technology.

The statutory language authorizing the States to draw down these funds currently provides that the ½ percent drawdown "may be available" to States to implement OJT Supportive Services programs. This subparagraph proposes to change this language to provide that the ½ percent drawdown "should be utilized" by States to implement OJT Supportive Services Programs. Although the proposed change does not require that States use this draw down, it is intended to more strongly encourage States to use this funding to ensure that some measure of training is available to increase job opportunities on highway construction and related work.

Subsection (b) Employment

American Indians continue to experience unemployment at a disproportionately high rate. On Indian reservations and in Native communities, chronic unemployment ranges from 25 to 85 percent. Subsection 140(d) of title 23, United States Code, currently provides that States "may" implement a preference for employment. Paragraph (b)(1) would change this subsection to provide that States "should" implement a preference for employment. Although the proposed change does not constitute a mandate, it is intended to more strongly encourage States to implement employment preferences of Indians on projects carried out under title 23 near Indian reservations.

This subsection adds a new subsection to 23 U.S.C. 140 that would encourage States to require a contractor on Federal-aid highway projects to hire a certain number of qualified welfare recipients residing in the State, or to hire a certain number of residents of Empowerment Zones or Enterprise Communities (areas of pervasive poverty, unemployment, and general distress that have been designated in accordance with the Omnibus Budget Reconciliation Act of 1993). This new subsection (140(e)) would provide a way for the States to create job opportunities to move people from welfare to work in order to meet their obligations under the Welfare Reform bill. It would also allow States to create job opportunities for people living in Empowerment Zones and Enterprise Communities.

In the proposed program, protections for contractors, as well as protections (such as appeal rights) for potentially eligible welfare recipients, could be included in guidance implementing the program.

This subsection also adds a definition of "welfare assistance."

Also, this subsection adds a new subsection to 23 U.S.C. 140, concerning employment on Federal-aid highway projects in the Virgin Islands. High and chronic unemployment continues to depress the economy of the territory of the Virgin Islands. Recent natural disasters have had an additional negative impact on the economy. Job opportunities that typically accompany federally-funded projects are frequently taken by non-residents who are employed by companies that are based outside of the Virgin Islands.

This subsection (140(g)) would permit the territory of the Virgin Islands to require a contractor on a Federal-aid highway project to give preferences in hiring to qualified persons who regularly reside in the Virgin Islands. Allowing such a preference gives the Virgin Islands a means to help reduce unemployment and to recapture federal funds in its local economy. As in the welfare recipient program described in new subsection 140(e), implementing guidance could include protections for the contractors as well as for potentially eligible residents.

Subsection (c) Technical Corrections

This subsection makes several purely technical corrections to update and correct the language of section 140.

Subsection (d). Minority Institutions of Higher Education

This subsection is intended to carry out one of the objectives of Executive Orders 12982, "Promoting Procurement with Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities, and Minority Institutions." This Executive Order requires Federal agencies to establish goals for participation in federal procurement by Historically Black Colleges and Universities (HBCUs) and other Minority Institutions of Higher Education (MIHEs) of not less than 5 percent.

In the past, FHWA established various initiatives to enhance the involvement of MIHEs in all aspects of its federal and federal-aid funded programs. Beginning in FY 95, FHWA set a goal of not less than 5 percent of its research and technology funds to be awarded annually to MIHEs. Although various grants and cooperative agreements have been awarded to MIHEs, the competition requirements for research and technology contracts are an obstacle in achieving the goal. In 1995, FHWA achieved only 3 percent of its 5 percent goal. MIHEs continue to face barriers to participation in the Federal and Federal-aid highway program, particularly when they are required to compete for grants and contracts with majority institutions which have well-established physical plants as well as advance technological expertise and equipment.

Under this subsection, the Secretary is directed to develop a program designed to remove barriers to participation by MIHEs and help them gain the experience and expertise necessary to be competitive with other educational institutions. The Secretary would be able to carry out this program through a variety of mechanisms, including expanded outreach and technical assistance. In addition, notwithstanding the competitive bidding requirements contained elsewhere in title 23, the Secretary would also be permitted limit competition to increase awards under this section. However, such methods may only be used consistent with any laws relating to affirmative action in Federal procurement that apply to this program.

Sec. 1018. Disadvantaged Business Enterprises (DBEs)

This section continues the provisions regarding affirmative action found in §1003(b)(1), (2), (3) and (4) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Paragraph 1003(b)(1), now subsection 162(a), requires that 10 percent of the funds authorized to be appropriated under four titles of the ISTEA be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, except to the extent that the Secretary of Transportation determines otherwise. Paragraph 1003(b)(2), now subsection 162(b), defines the terms "small business concern" and "socially and economically disadvantaged individuals." Paragraph 1003(b)(3), now subsection 162(c), requires States to annually survey and compile a list of DBEs. Paragraph 1003(b)(4), now subsection 162(d), requires the Secretary to establish uniform criteria for State governments to use in certifying whether a concern qualifies as a DBE under this section.

This subsection has served the Department well in administering its contracting programs. In FHWA's program alone, the total dollar amount to DBEs in the form of prime contract awards and subcontract commitments is $10.4 billion. Significantly, prior to the enactment of the DBE program by Congress in 1982, minority and women-owned firms participated in approximately 3.5 percent of the Federal-aid highway program.

In 1995, the Supreme Court decided Adarand v Pena, and heightened the standard of judicial review applicable to Federal affirmative action programs, requiring that they meet a standard of "strict scrutiny." The Adarand decision involved the FHWA's Federal land highway program. The Federal land program is carried out directly by FHWA. At issue was a contract provision designed to encourage prime contractors to utilize the services of small and disadvantaged business enterprises through a compensatory incentive payment. The Federal land highway program uses this provision as part of its effort to comply with both ISTEA and the Small Business Act.

Although deciding that strict scrutiny should henceforth apply to all Federal affirmative action programs, the Supreme Court did not strike down existing statutory requirements. Instead, it remanded the case to the lower courts to determine whether the program at issue meets the strict scrutiny standard of review. By this action, the Supreme Court implicitly recognized the continuing constitutionality of properly structured affirmative action programs.

Indeed, the majority opinion in Adarand recognized the "unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country." It emphasized that strict scrutiny was not to be "strict in theory, but fatal in fact." The President, in charging Federal agencies to review their programs after the Adarand decision, expressed his desire to "mend, not end" affirmative action.

In order to comply with the Supreme Court's "strict scrutiny" standard, there must be a "compelling governmental interest" to create an affirmative action program. The continued disparity, absent affirmative action measures, in the amount of business actually done by minority and women owned business in relation to the number of individuals ready, willing and able to work in various aspects of the construction and transportation industries has been well documented. A preliminary survey of evidence demonstrating a "compelling governmental interest" for affirmative action in Federal procurement was published on May 23, 1996, in the Federal Register by the Department of Justice as an appendix to its "Notice of Proposed Reforms to Affirmative Action in Federal Procurement." Information available to the Department of Transportation, some of it considered by the Congress in the past, attests to the continuing need of programs which provide enhanced opportunities for disadvantaged business enterprises.

Strict scrutiny requires more. In order to pass constitutional muster, an affirmative action program must be "narrowly tailored" to meet its objectives. The goals or levels of DBE participation should reflect the capacity that such businesses would have had to do the work, but for the continuing effects of discrimination. The 10 percent goal set forth in ISTEA has served the Department well, and has been readily attainable throughout the United States. However, the goal has never been more than a guidepost, even before the Adarand decision. Both the current and proposed regulations require each State and local recipient to establish an overall goal for its program, based on information from its particular jurisdiction. The goals may be higher or lower than 10 percent, based on State and local contracting conditions.

For all of these reasons, continuation of the existing law makes sense. The law sets forth a general goal for the country as a whole. It also gives broad discretion to the Secretary to develop a program which responds to the strict scrutiny standard, both in terms of specific program provisions and higher or lower State or local goals where appropriate. The Department has reviewed its program and is confident that it would survive the strict scrutiny standard required under Adarand. However, in order to improve the program based on the President's direction to "mend, not end" Federal affirmative action programs, and to further clarify how the program complies with the Adarand decision, the Department is proposing a number of changes to its regulations implementing the program.

To this end, the Department will publish its proposed revisions to its current DBE regulations shortly after submitting this bill. It is our belief that these proposed revisions illustrate the flexibility of the current law and the wisdom of allowing the Department to deal administratively with these exceedingly complex issues. First, the revised regulations will set forth a new method by which recipients will establish goals, consistent with the post-Adarand guidance issued by the Department of Justice. Secondly, the regulations will establish that race-neutral measures (such as outreach programs, technical assistance, and assistance in financing) should be used first by recipients to reach their overall goals. Race- and gender-conscious mechanisms, such as subcontracting goals, should only be used to the extent that race-neutral mechanisms fail. Finally, the regulations will propose alternatives to limit the duration of firms' participation in the program, and to reduce the concentration of DBE firms in certain types of work. It is the intent of the Department to finalize these regulations over the next few months after carefully evaluating the many comments we receive.

Sec. 1019. Highway Bridge Replacement and Rehabilitation Program

Subsection (a) of his section sets forth a new, revised section 144 of title 23, United States Code, which provides as follows.

Subsection 144(a) lists the purposes of the HBRRP, which have been revised to reflect the expanded funding eligibility under this revised section (see subsection 144(c) below).

Subsection 144(b) requires the Secretary, in consultation with the States, to annually inventory certain highway bridges on public roads. It also requires the Secretary to consult with the Secretary of the Interior when inventorying highway bridges on Indian reservation roads and park roads. This subsection also permits the Secretary to inventory highway bridges on public roads for historical significance.

Subsection 144(c) lists the types of projects that are eligible for HBRRP funds under this section. Eligibility is divided into two main categories: (1) replacement or rehabilitation of deficient highway bridges, and (2) preventive measures, i.e., seismic retrofitting, painting, calcium magnesium acetate application, and installation of scour countermeasures. This subsection expands current HBRRP eligibility, adding scour countermeasures.

Under subsection 144(d), the current apportionment formula for HBRRP funds is retained; these funds would be apportioned between the States based on the square footage of deficient bridges in each State. But the total cost of deficient bridges in a State would be reduced in fiscal year 2003 by the amount of HBRRP funds that the State transferred to its NHS or STP accounts in the previous four fiscal year and did not restore back to its HBRRP apportionment by the end of fiscal year 2002. Subsection 144(d) also includes provisions governing each State's annual share of the total apportionment and the percentage of HBRRP apportionments that each State must spend on projects on highway bridges on public roads classified as local roads or rural minor collectors.

Subsection 144(e) provides an exemption from the U.S. Coast Guard's bridge permitting requirement for the replacement of highway bridges.

The separate biennial reporting requirement on HBRRP projects, bridge inventories, and recommendations for improvements to the program has been deleted. Instead, this report will be merged with and submitted as a part of the FHWA's biennial conditions and performance report.

Subsection 144(f) provides that each State's apportionment shall be made available for obligation throughout the State on a fair and equitable basis.

Subsection 144(g) requires the Secretary to periodically review the procedure used in approving or disapproving States' applications for HBRRP funds and implement any changes that would expedite this procedure.

Subsection 144(h) requires each State to inventory its bridges to determine their historical significance. This subsection also makes certain historical bridge projects eligible for HBRRP funds and it establishes a process by which a State, locality, or responsible private entity may assume responsibility for a historic bridge that would otherwise be demolished.

Subsection 144(i) states that State laws and standards apply to any HBRRP-funded project not on the National Highway System.

Subsection 144(j) defines the term "rehabilitate" to mean major work necessary to restore the structural integrity of a bridge and work necessary to correct a major safety defect.

Subsection 144(k) reauthorizes the current bridge discretionary program at an annual funding level of $55 million.

Subsection (b) of this section amends the bridge funds transferability language in 23 U.S.C. 104(g) to enable a State to transfer 50 percent of its HBRRP apportionment to its NHS or STP apportionments only if none of the National Highway System bridges in the State require posting under National Bridge Inventory Item 70, bridge posting, which evaluates the load-carrying capacity of a bridge. If the maximum legal load produces a structural stress level above the bridge operating capacity, the bridge must be posted at a lower load level. Therefore, NHS bridges that must be posted are the structures that the States should be replacing or rehabilitating before any HBRRP funds may be transferred to their NHS or STP apportionments.

Sec. 1020. Congestion Mitigation and Air Quality Improvement (CMAQ) Program

Subsection (a) of this section amends subsection 149(a) of title 23, United States Code, to reflect that the congestion mitigation and air quality improvement program provided for under this section has already been established.

Subsection (b):

Areas in Nonattainment as of FY 1994: Subsection (b) strikes the provision in 149(b) that "froze" the nonattainment areas eligible for CMAQ funds as they were during any part of fiscal year 1994.

Expansion to PM–10 Areas: Subsection (b) amends subsection 149(b) to expand CMAQ eligibility to expressly include projects in nonattainment areas for particulate matter (PM–10). FHWA has administratively interpreted subsection 149(b) to include PM–10 projects; this language codifies this eligibility.

Exclusion of Transitional, Submarginal, Not Classified, and Unclassified Areas: Subsection (b) also limits CMAQ eligibility to nonattainment and maintenance areas that were classified as such under the Clean Air Act amendments of 1990, thereby excluding transitional, submarginal, not classified and unclassified areas from CMAQ eligibility. This provision codifies NHS Act conference report language that accompanied amendments made by that act to the CMAQ program.

Expansion to Two Additional Transportation Control Measures: Subsection (b) also expands CMAQ eligibility to include two traffic control measures identified in the 1990 amendments to the Clean Air Act: vehicle scrappage of pre-1980 vehicles and extreme cold start programs.

Clarification of Nonattainment and Maintenance Area Eligibility/Emissions Reductions: Subsection (b) also revises subsection 149(b) to clarify that only projects that make further improvements to current air quality standards are eligible for CMAQ funding in both nonattainment and maintenance areas. In the case of maintenance areas, subsection (b) expressly provides that projects must reduce emissions to be eligible for CMAQ funds.

Traffic Management and Control Projects: Subsection (b) also consolidates current paragraphs 149(b)(3) and (4). In doing so, this subsection also removes current paragraph 149(b)(4)'s reference to operating assistance for traffic management and control projects. This would restore the general 3-year cap on funding operating assistance, which has been established administratively and which applies to all other CMAQ projects, to traffic management and control projects.

Subsection (c) simply designates the penultimate sentence of subsection 149(b) as new subsection 149(c), and it redesignates 149(c) and (d) as (d) and (e), respectively. The final sentence of subsection 149(b), which addressed the potential eligibility of PM–10 projects within certain nonattainment areas, is deleted as unnecessary, since PM–10 eligibility has been expressly included (see subsection (b) above).

Current section 149(c) allows States that have never had a nonattainment area for ozone, carbon monoxide, or PM–10 to use CMAQ funds for any project eligible under the surface transportation program. Such areas may also continue to fund CMAQ-eligible projects.

Subsection (d) of this section would require that States without nonattainment areas but with maintenance areas fund first CMAQ-eligible activities in such maintenance areas with their CMAQ funds, unless the State can show that its transportation-related maintenance plan activities are fully funded.

Subsection (e) of this section provides that, for purposes of CMAQ funding, the boundaries of nonattainment and maintenance areas will generally continue to be determined in accordance with the classification scheme in the 1990 amendments to the Clean Air Act. If the nonattainment boundaries change as a result of new national ambient air quality standards and any additional area newly designated as a result of such standards has submitted to EPA a State implementation plan, such boundaries would be used under this section.

Subsection (f) amends subsection 120(c) of title 23, United States Code, to exclude projects funded with CMAQ apportionments from the list of certain safety projects eligible for 100 percent Federal participation. As a result, the standard 80 percent Federal share provision of subsection 120(b) that applies to all other CMAQ projects would apply to these projects as well.

Sec. 1021. Interstate Reimbursement

Subsection (a) updates the general authority provision of 23 U.S.C. 160 which directs the Secretary to allocate to the States amounts determined under subsection 160(b) for reimbursement of their original contributions to construction of segments of the Interstate System which were constructed without Federal financial assistance, to reauthorize this provision for fiscal years 1998 through 2003.

Subsection (b) updates 23 U.S.C. 160(b) to render this provision applicable in fiscal years 1998 through 2003. Subsection 160(b) addresses the procedure for determining the amount each State will receive for reimbursement under this section.

Subsection (c) revises 23 U.S.C. 160(e), which directs that provisions in 23 U.S.C. 133 regarding the allocation of STP apportionments do not apply to half of the amount transferred under to this section to each State's STP apportionment. Subsection (c) makes a purely technical edit to subsection 160(e) to reflect the redesignation of 23 U.S.C. 133(d)(3) as 133(d)(2) in light of the elimination of the safety set-aside (previously in 133(d)(1)) from the surface transportation program. Safety programs will now be funded directly and not as a take-down from the surface transportation program.

Subsection (d) revises subsection 23 U.S.C. 160(f) to authorize the appropriation of $1 billion for each of fiscal years 1998 through 2003 in accordance with this section.

Sec. 1022. State Infrastructure Bank Program

Subsection (a) of this section codifies in title 23, United States Code, and thereby makes permanent the State Infrastructure Bank (SIB) Pilot Program authorized for fiscal years 1996 and 1997 in section 350 of the National Highway System Designation Act of 1995 (NHS Act). In codifying this language, references to ISTEA provisions and reporting requirements which will be out of date upon reauthorization of the surface transportation program were also removed. In all other respects, this section is identical to section 350 of the NHS Act, except where noted below.

Under subsection 162(a), States are permitted to enter into agreements with the Secretary to create both single-State and multi-State infrastructure banks. This provision eliminates the 10–State limit on the number of participants in the SIB program, which was included in section 350 of the NHS Act.

Under subsection 162(b), SIBs are required to maintain separate highway account for funds apportioned to the participating State or States under certain provisions of title 23, United States Code and a separate transit account for funds made available to the participating State or other Federal transit grant recipient under certain provisions of title 49, United States Code. A participating State may contribute to the highway account up to 10 percent of its annual apportionments of NHS, STP, Interstate Maintenance, HBRRP, Interstate reimbursement, and minimum allocation funds. A participating State may also contribute up to 10 percent of the funds annually apportioned to metropolitan regions if the metropolitan planning organization concurs with such action in writing. Federal grant recipients in a State may contribute up to 10 percent of their annual Section 3, Section 9, and Section 18 capital grants into the transit account of its SIB.

Subsection 162(c) permits SIBs to make loans or provide other assistance to a public or private entity and permits such loans or other assistance to be subordinated to any other debt financing for the project. This subsection prohibits the initial Federal assistance from a SIB to be made in the form of a grant.

Subsection 162(d) provides that any project eligible for funding under title 23, United States Code, may be funded from the highway account of a SIB, and that any capital transit project may be funded from the transit account of a SIB. This language expands highway account eligibility beyond what was included in section 350 of the NHS Act. Under section 350, funds in the highway account of a SIB could finance the construction of Federal-aid highways only.

Subsection 162(e) lists the requirements a State must meet to establish a SIB under this section. At a minimum, a State must match 25 percent of the Federal contribution with funds from non-Federal sources (except as provided by 23 U.S.C. 120(b)). This matching provision is the same as the traditional Federal-aid highway matching requirement (which is most often expressed as an 80/20 match). A State must also ensure that its SIB maintains an investment grade rating on a continuing basis or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank. Income generated by funds contributed to an account of the bank will be credited to the account, invested in U.S. Treasury Securities or other approved financing instruments, and be made available for use in providing loans and other assistance. Any loan from a SIB shall bear interest at or below market rates, and each participating State must ensure that repayment of any loan made by its SIB begins within 5 years after the project has been completed, or, in the case of a highway project, the facility has opened to traffic, whichever is later. The term for repaying any loan may not exceed 30 years after the date of the first payment. Finally, the State shall require its SIB to annually report to the Secretary.

Under subsection 162(f), the repayment of a loan or other assistance provided by a SIB may only be used to fund eligible projects under this section and may not be used to pay the non-Federal share of the cost of any project.

Subsection 162(g) requires the Secretary to ensure that Federal disbursements be made at an annual rate of 20 percent of the amount requested by the State for the SIB. This subsection differs from the disbursement provision in section 350 of the NHS Act, which required that Federal-aid highway and Federal transit funds be disbursed at rates consistent with their respective historical disbursement rates. Federal requirements would apply to all projects receiving assistance through the SIB. However, the Secretary may waive requirements in titles 23 and 49, United States Code, when the Secretary determines that such requirements are not consistent with the purposes of this section, e.g., provisions relating to project payments, except the Secretary may not waive 23 U.S.C. 113 and 114 and 49 U.S.C. 5333. This provision differs from the SIB pilot program in section 350 of the NHS Act, where Federal requirements only applied to the amount of Federal funds in the SIB. The Secretary shall revise cooperative agreements executed with the States under the pilot program to bring them into accord with the provisions of this section.

Some examples of provisions in title 23 which may be found by the Secretary to be inconsistent with the administration of SIBs are as follows. (1) Where SIBs require that obligation and payment of Federal funds occur at the time of capitalization (before a SIB has provided assistance to any approved project), 23 U.S.C. 106 requires that Federal-aid highway funds be obligated at the time a project is approved, and 23 U.S.C. 121 requires payment to be made as costs are incurred by the State. (2) Where SIBs require non-Federal sources to match 25 percent of the total Federal capitalization grant contributed to the bank, 23 U.S.C. 120 establishes the Federal share on a project-by-project basis. (3) Where SIBs require capitalization funds to be used as the non-Federal match, 23 U.S.C. 323 allows donations to be applied to individual projects to meet this matching requirement. In the current SIB pilot program, the Secretary has determined that Federal-aid highway projects on a toll facility funded from a SIB are not required to comply with 23 U.S.C. 129(a)(3), which imposes restrictions on the use of toll revenues generated by the facility.

Subsection 162(h) clarifies that all requirements of Federal law that apply to projects receiving assistance under such titles shall apply to projects receiving assistance from a SIB, except to the extent the Secretary may waive a Federal law, other than sections 113 and 114 of title 23 and section 5333 of title 49, under paragraph (g)(2) of this section.

Subsection 162(i) provides that the contribution of Federal funds into a SIB under this section shall not be construed as a commitment, guarantee, or obligation on the part of the U.S. to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. This subsection also requires any security or debt financing instrument issued by a SIB under this section to include this same statement.

Subsection 162(j) exempts funds contributed to a SIB under this section from the requirements of 31 U.S.C. 3335 and 6503, which govern the manner in which funds are disbursed.

Subsection 162(k) permits a State to spend as much as 2 percent of the Federal contributions to its SIB to pay the reasonable costs of administering the SIB.

Subsection 162(l) defines, for purposes of this section, the terms "capital project," "other assistance," and "State."

Subsection (b) of this section authorizes annual appropriations from the Highway Trust Fund (other than the Mass Transit Account) for the SIB program at $150 million for each of fiscal years 1998 through 2003 and provides that such funds shall remain available until expended and shall have contract authority.

Subsection (c) makes a conforming amendment to the analysis for chapter 1 of title 23, adding a reference to this new section 162.

Sec. 1023. National Scenic Byways Program

Subsection (a) of this section amends chapter 1 of title 23, United States Code, to add a new section, §163, codifying the National Scenic Byways Program.

Subsection 163(a) directs the Secretary of Transportation to carry out the National Scenic Byways program and designate roads having outstanding scenic, historic, cultural, natural or archeological qualities as National Scenic Byways or All-American Roads. Criteria for designation have been defined in an FHWA interim policy notice, which was published in the Federal Register in May 1995.

Subsection 163(b) directs the Secretary to make grants and provide technical assistance to the States to implement National Scenic Byways, State scenic byways, and All-American Roads projects and to plan, design, and develop State scenic byways programs. A key aim of providing technical assistance is to educate and increase awareness about the development, management, and operation of scenic byways programs. Paragraph 163(b)(2) lists the priorities that must be given to eligible projects when making grants of scenic byways funds under this section. These are: projects on routes designated as either National Scenic Byways or All-American Roads, projects that would make routes eligible for designation as National Scenic Byways or All-American Roads, and projects that will assist States in developing their State scenic byways programs.

Subsection 163(c) lists the eight categories of projects eligible for scenic byways funding under this section.

Subsection 163(d) provides that the Federal share payable on account of any project under this section shall be determined in accordance with 23 U.S.C. 120(b), except that, for projects on Federal or Indian Lands, a Federal land management agency may contribute the non-Federal share payable on such projects.

Subsection 163(e) authorizes $15 million for each of fiscal years 1998 through 2003 for carrying out this scenic byways program.

Subsection 163(f) enables the Secretary to authorize scenic byways funds only for projects that protect the scenic, historic, recreational, cultural, natural, and archeological integrity of a highway and adjacent areas.

Subsection (b) of this section makes a conforming amendment to the analysis for chapter 1, adding a reference to this new section.

Sec. 1024. Infrastructure Safety Program

This section combines current sections 130 [Railway-highway crossings] and 152 [Hazard elimination program] of title 23, United States Code, into one section: 23 U.S.C. 164. Except where noted below, these provisions are unchanged from current law.

Paragraph 164(a)(1) sets forth the eligible railway-highway crossing uses of funds apportioned under 23 U.S.C. 104. These funds may be used to fund 90 percent of the cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings.

Paragraph 164(a)(2) sets forth the eligible uses of railway-highway crossing funds apportioned under subsection 164(a). These uses include those listed in 164(a)(1) for section 104 funds and also include the following new uses: trespassing countermeasures, railway-highway crossing education, enforcement of traffic laws, and projects at privately owned railway-highway crossings if the project is publicly sponsored and the Secretary determines that such project would serve a public interest.

Paragraph 164(a)(3) authorizes the Secretary to classify various types of projects involved in the elimination of hazards of railway-highway crossings and to determine a railroad's share of the cost of such projects, based on the project's net benefit to the railroad.

Paragraph 164(a)(4) sets forth the payment and collection methods of amounts representing the net benefits to any railroad of a project for the elimination of hazards of railway-highway crossings funded under title 23, United States Code, or any prior Acts.

Paragraph 164(a)(5) requires each State to conduct and maintain a survey of all highways to identify those railroad crossings that may require separation, relocation, or protective devices, and to establish and implement a schedule to complete these projects. This paragraph also includes a new requirement that States report to the Department on completed railway-highway crossing projects funded under this subsection and section 165, for inclusion in the DOT/AAR National Grade Crossing Inventory.

Paragraph 164(a)(6) sets forth a new apportionment formula for railway-highway crossing funds. Under current law, funds are not apportioned in accordance with the apportionment formula in 23 U.S.C. 130(f), but are distributed in accordance with 23 U.S.C. 133(d)(1), which provides that each State shall receive an amount at least equal to the amount of funds made available to the State for carrying out railway-highway crossing projects under this provision in fiscal year 1991. Under paragraph 164(a)(6), railway-highway crossing funds would be apportioned as follows: 25 percent of the funds would be apportioned in the ratio that each State's most recent 3-year total of crashes at public railway-highway grade crossings bears to such total in all States, 25 percent are apportioned in the ratio that each State's most recent 3-year total of fatalities involving rail equipment at public railway-highway grade crossings bears to such total in all States, 25 percent of the funds would be apportioned in the ratio that each State's number of public railway-highway grade crossings bears to such number in all States, and 25 percent of the funds would be apportioned in the ratio that each State's number of public railway-highway grade crossings with passive warning devices bears to such number in all States.

Paragraph 164(a)(7) requires that at least one-half of the railway-highway crossing funds authorized under this subsection be made available for the installation of, and educational and enforcement efforts on, protective devices at railway-highway crossings. This paragraph expands this protective devices set-aside to include enforcement and education efforts; current law (23 U.S.C. 130(e)) makes these funds available only for the installation of protective devices.

Subparagraph 164(a)(8)(A) provides that the Federal share payable on any project financed with railway-highway crossing funds under this subsection shall be 90 percent of the cost thereof. Subparagraph 164(a)(8)(B) permits railway-highway crossing funds to be used as the local match on projects eligible under this section where State law conditions the use of State funds on such projects on the provision of local matching funds.

Paragraph 164(a)(9) authorizes each State to transfer funds from its railway-highway crossing apportionment to its hazard elimination apportionment in an amount equal to the percentage by which the number of crashes in the State has been reduced (in the most recent calendar year) below the average annual number of crashes that occurred in such State in calendar years 1994, 1995, and 1996.

Paragraph 164(a)(10) authorizes States to make incentive payments to local governments upon the permanent closure of railway-highway crossings under such local governments' jurisdiction. This paragraph also prohibits a State from making an incentive payment unless the railroad that owns the tracks on which crossing that is to be closed is located makes an incentive payment to the local government responsible for permanently closing such crossing. In addition, this paragraph limits the amount of the State payment to the lesser of the railroad's contribution or $7,500, and it requires local governments to use any State payment made under this section for transportation safety improvements.

Paragraph 164(b)(1) authorizes the use of hazard elimination funds on any highway safety improvement project.

Paragraph 164(b)(2) requires each State to conduct and maintain a survey of all public roads to identify hazardous locations, sections, and elements that may constitute a danger to motorists and pedestrians, assign priorities for the correction of such areas, and establish and implement a schedule to complete these projects.

Paragraph 164(b)(3) requires each State to establish an evaluation process to assess the results achieved by highway safety improvement projects carried out under this subsection.

Paragraph 164(b)(4) provides that hazard elimination funds shall be apportioned to the States in a manner similar to that provided in 23 U.S.C. 402(c): 75 percent based on each State's population and 25 percent based on each State's public road mileage. This provision is the same as the apportionment formula currently in subsection 152(e), however, under current law, funds are not apportioned in accordance with the apportionment formula in 23 U.S.C. 152(f), but are distributed in accordance with 23 U.S.C. 133(d)(1), which provides that each State shall receive an amount at least equal to the amount of funds made available to the State for carrying out hazard elimination projects under this provision in fiscal year 1991.

Subparagraph 164(b)(5)(A) provides that the Federal share payable on account of any hazard elimination project shall be 90 percent of the cost thereof. Subparagraph 164(b)(5)(B) authorizes the use of hazard elimination funds made available under this subsection on any public road other than a highway on the Interstate System.

Paragraph 164(b)(6) authorizes each State to transfer as much as 100 percent of its hazard elimination apportionment to either its highway safety apportionment under 23 U.S.C. 402 or its motor carrier safety allocation under 49 U.S.C. 31104 upon a determination by the Secretary that the State would be eligible to receive an integrated safety fund grant under 23 U.S.C. 165. This language is new. It replaces the transferability language currently found in the first two sentences of 23 U.S.C. 104(g), which permits States to transfer 40 percent of their railway-highway crossing, hazard elimination, and highway bridge replacement and rehabilitation program (HBRRP) apportionments among these three categories upon a finding by the Secretary that such transfer is in the public interest. Subsection 104(g) also permits the transfer of 100 percent of the apportionment under one such program to the apportionment under any other of such programs if the Secretary finds that such transfer is in the public interest and the State satisfactorily assures the Secretary that the purposes of the program from which such funds will be transferred have been met. Paragraph 164(b)(6) does not provide for the transfer of funds between the highway safety programs authorized under this section and the HBRRP under 144, as subsection 104(g) does, because this transfer authority has not been used by any State.

Paragraph 164(b)(7) provides that, for purposes of subsection 164(b), the term "State" shall have the meaning given this term in 23 U.S.C. 401.

Section 165 authorizes the Secretary to make grants of new integrated safety funds to any State that the Secretary finds has an integrated State highway safety planning process and has established integrated goals and benchmarks for safety improvements.

The amount of any grant made under this section in any fiscal year shall be an amount equal to the percentage that each eligible State's apportionment under 23 U.S.C. 402 for such fiscal year bears to the total apportionment under section 402 to all States for such fiscal year, but in no case could the grant amount exceed 50 percent of the amount apportioned to such State for fiscal year 1997 under section 402.

Any grant made under this section may be used by a State to implement any highway or motor carrier safety program or project eligible for funding under sections 23 U.S.C. 164 and 402 or chapter 311 of title 49, United States Code. Upon receipt of a grant allocation under this section, a State would transfer such allocation to the appropriate apportionment or allocation under 23 U.S.C. 164 or 402 or 49 U.S.C. 31104, and would administer such funds in accordance with the requirements of these programs.

Paragraph (a)(3) of this section amends 23 U.S.C. 104(g) to strike the current transferability language for railroad highway crossing and hazard elimination funds, because this language would be replaced by 23 U.S.C. 164(b)(6).

Subsection (b) of this section amends the analysis for chapter 1 of title 23 by striking the section names relating to sections 130 and 152 and by inserting the section names for new sections 164 and 165.

Sec. 1025. Fiscal and Administrative Amendments

Subsection (a) of this section removes three obsolete provisions from 23 U.S.C. 115 which are no longer applicable to the Federal-aid highway program. The eligibility of bond interest for Federal-aid reimbursement, currently in paragraphs 115(b)(2) and (3), has been superseded by section 122, which was added by section 311 of the National Highway System Designation Act of 1995. Subsection (c), concerning the treatment of a project built without Federal funds, has no current application.

Subsection (b) of this section removes an outdated provision from 23 U.S.C. 118 regarding total payments to a State in any fiscal year. In its place, this subsection reinstates a provision that was once in 23 U.S.C. 118 but which was inadvertently omitted when section 118 was amended by section 1020 of the ISTEA. This reinstated provision permits obligations incurred in prior fiscal years that are released in a current fiscal year to be made available for re-obligation in such current fiscal year.

Subsection (c) of this section technically amends 23 U.S.C. 120, concerning the Federal share payable on account of Interstate projects and other title 23 projects, to conform subsections 120(a) and (b) to subsection 120(i), which allows for an increased non-Federal share. The amendment to 120(b) also conforms this subsection to 23 U.S.C. 121, relating to payments made to States for the cost of construction. Subsection (c) also codifies as new subsection 120(j) the current ISTEA section 1044, which allows States to apply toll revenues used for specified capital improvements to their non-Federal share requirement for projects under title 23. This new subsection 120(j) also requires States taking advantage of this credit provision to maintain their current level of expenditures for matching the Federal share of title 23 projects.

Subsection (d) of this section amends 23 U.S.C. 121 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. The Federal share requirements for grant programs under the common rule implementing uniform administrative requirements for grants and cooperative agreements generally applies to the total cost of projects, rather than to individual voucher payments. This amendment will therefore make the Federal-aid highway program more compatible with other Federal programs, particularly the Federal mass transportation program, where projects are often administered jointly by the FHWA and the FTA. This subsection also amends 121 to provide more flexibility in administering the Federal share requirement by allowing for adjustments in the Federal share during the development of the project. The remaining changes made by this subsection remove outdated provisions from section 121.

Subsection (e) strikes 23 U.S.C. 124(b), concerning the construction of toll routes necessary to complete the Interstate System, thereby removing this out of date provision that is no longer necessary because the Interstate System has been completed.

Subsection (f) strikes 23 U.S.C. 126, thereby removing this outdated provision concerning the use of motor vehicle taxes to fund highway construction projects.

A long-standing interpretation of 23 U.S.C. 302 has prohibited the reimbursement of certain indirect costs to the States which are generally allowed for grant programs under the common rule establishing uniform requirements for grants and cooperative agreements. The Federal Highway Administration policy has been a contentious issue with State and local governments since other federal agencies permit States to charge indirect costs. Some States have developed a separate indirect costs rate for the highway program. This interpretation creates a particular burden when projects are administered jointly with other programs, such as the Transit Program. Subsection (g) of this section amends section 302 to clarify that section 302 does not limit reimbursement of eligible indirect costs to State and local governments. Subsection 302(b), concerning arrangements with county personnel to supervise the construction of projects on the Federal-aid secondary system, is stricken as obsolete.

Public Law 87–441 relates to bridge commissions and authorities created by Act of Congress. It provides for Federal approval of such commissions' memberships and requires annual audits. A commission ceases to exist by transferring ownership of the bridge to the States. Initially, five bridge commissions were subject to the act. Today, only one commission remains, the White County Bridge Commission, which operates the New Harmony Bridge across the Wabash River between Indiana and Illinois. While under this act, the FHWA has the authority to appoint commissioners and review the commission's financial operations, we believe that these actions could be administered more effectively and efficiently at the State or local level. Subsection (h), in repealing this 1962 bridge commission act, would remove this unnecessary Federal oversight of the White County Bridge Commission.

Sec. 1026. Federal Lands Highways Program

Subsection (a). Definitions

This subsection amends 23 U.S.C. 101(a) to include a new definition of public lands highways (which excludes forest roads) and it strikes the two definitions currently of public lands highways currently in subsection 101(a).

Subsection (b). Federal Share Payable

This section amends 23 U.S.C. 120 by adding a new subsection (j) to enable Federal land managing agencies (such as the National Park Service, the Bureau of Indian Affairs, and the U.S. Forest Service) to pay the non-Federal share of any Federal-aid highway project where the Federal share of such project is funded under 23 U.S.C. 104 or 144, or under the Federal scenic byways program. This section also adds a new subsection 120(k) to allow Federal Lands Highways Program funds to be used as the non-Federal share of any Federal-aid project providing access to or within Federal or Indian lands and where the Federal share of such project is funded under 23 U.S.C. 104 or 144, or under the Federal scenic byways program.

Subsection (c). Allocations

Subsection (c) amends section 202 to direct the Secretary to allocate funds for two separate categories: the discretionary public lands program and the forest highway program. These two categories replace the current public lands category, which was comprised of discretionary and forest highways elements. The discretionary public lands highway allocation is contained in subsection 202(b), and a new subsection 202(e) is added for forest highways; this is consistent with the structure of the Federal Lands Highways program prior to the enactment of ISTEA.

Subsection (d). Availability of Funds

Subsection (d) makes conforming amendments to section 203 to reflect the separate forest highways program and revised public lands highways program. This subsection also provides that the point of obligation (at which the Federal Government is contractually obligated to pay its contribution to a project) for Federal Lands Highways Program projects shall be at the time the Secretary authorizes engineering and related work for any such project, or at the time the Secretary approves the plans, specifications, and estimates for any such project.

Subsection (e). Planning and Agency Coordination

Subsection (e) amends subsections 204(a) and (b) to reflect the separate forest highways program and revised public lands highways program and to more accurately reflect the roles of the various Federal agencies in Federal Lands Highways Program projects. It also streamlines the inclusion of Federal Lands Highways Program projects in Statewide and metropolitan transportation improvement programs, providing that the Secretary shall approve the transportation improvement programs. Only regionally significant Federal Lands Highways Program projects will be required to be developed in cooperation with States and metropolitan planning organizations. The Federal Highway Administration's Federal Lands Highways Office would then approve all Federal lands highway transportation improvement programs and submit these to the appropriate States and metropolitan planning organizations for inclusion in their transportation improvement programs without further action.

Subsection (e) also revises subsection 204(i) to reflect the current public lands program structure and to allow funds to be made available to Federal land managing agencies for transportation planning.

Subsection (e) also amends section 204 by adding a new subsection (k) to establish a national bridge program for replacing or rehabilitating deficient Indian reservation road bridges. A minimum of $5 million in funds is reserved from the Indian reservation roads program authorization for these bridges. This program has criteria very similar to those of the FHWA's current Indian reservation bridge program under 23 U.S.C. 144.

Sec. 1027. Bicycle Transportation and Pedestrian Walkways

Subsection 217(b) of title 23, United States Code, currently permits States to use their NHS apportionments on bicycle transportation facilities on land adjacent to highways on the National Highway System, other than Interstate routes. Subsection (a) of this section amends 23 U.S.C. 217(b) to include the construction of pedestrian walkways as an eligible use of States' National Highway System apportionments under the same criteria by which bicycle transportation facilities are eligible. Subsection (a) of this section also amends 217(b) to eliminate the restriction on the use of NHS funds apportioned under 104(b)(1) for the construction of bicycle transportation facilities on land adjacent to the Interstate System.

Subsection 217(e) currently provides for the safe accommodation of bicycles on highway bridges as part of the replacement or rehabilitation of highway bridge decks, except if the bridges are located on highways where access is fully controlled. Subsection (b) of this section amends subsection 217(e) to remove this restriction against safely accommodating bicycles on highway bridges located on fully access-controlled highways.

Subsection (c) of this section revises subsection 217(g) to provide that bicyclists and pedestrians be given due consideration in the comprehensive Statewide and metropolitan planning processes, and that the inclusion of bicycle and pedestrian facilities be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. Subsection (c) also retains, with minor modification, the requirement currently in subsection 217(g) that transportation plans and projects give due consideration to the safety and continuity of bicycle and pedestrian facilities.

Subsection 217(h) currently provides that motorized wheelchairs are permitted on trails and pedestrian walkways when both State and local regulations permit them. Subsections (d), (e), and (g) of this section amend subsections 217(h) and (i) to specifically define the type of motorized wheelchairs permitted on trails and pedestrian walkways.

Subsection (f) redesignates subsection 217(j) as 217(i).

In addition to adding a definition of "wheelchair" to section 217, subsection (g) of this section also retains the current definition of "bicycle transportation facility" and adds a definition of "pedestrian." The definitions of "pedestrian" and "wheelchair" are consistent with the definitions of those terms in the Uniform Vehicle Code (a model uniform law on traffic ordinances that has been adopted in many States) and, in defining a pedestrian to include a mobility impaired person using a manual or motorized wheelchair, they help ensure that both manual and powered wheelchair users have the same mobility rights as pedestrians.

Sec. 1028. Recreational Trails Program

This section amends title 23 of the United States Code to add a new section to chapter two. Most of the provisions in this new section, 206, were originally enacted into law as part of the National Recreational Trails Fund Act (NRTFA) which is Part B of Title I of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), and were codified in title 16, United States Code. By moving these provisions from title 16 to title 23, this section incorporates the Recreational Trails Program into the Federal-aid Highway Program which is administered by the Department of Transportation (DOT) and the Federal Highway Administration (FHWA) under title 23, U.S.C. This section also removes the Recreational Trails Program from title 16 which addresses programs that are usually administered by the Department of the Interior. The provisions in Part B of title I of the ISTEA establishing the National Recreational Trails Advisory Committee are not among the provisions being added to title 23. These provisions are simply being removed and the National Advisory Committee is thereby abolished.

Subsection (a) amends title 23, U.S.C., to add this new section 206 which is entitled "Recreational Trails Program" instead of "National Recreational Trails Program", its former name.

The new subsection 206(a) amends the preexisting subsection (a) of the NRTFA by adding the provision that the Secretary of Transportation will also consult with the Secretary of Agriculture, in addition to the Secretary of the Interior, in administering this program because the U.S. Forest Service is a major partner in the Recreational Trails Program.

The new subsection 206(b) substantially revises the preexisting subsection (c). The original paragraph (c)(1), the transitional provision, expired December 18, 1994, and is eliminated. The former paragraph (c)(2), the permanent provision, is amended to reflect that it is currently in effect, and is redesignated as subsection (b). The preexisting paragraph (c)(3), establishing the Federal share of the cost of Trails Program projects, which was added to the NRTFA by the National Highway System Designation Act of 1995 (NHS Act) is moved to subsection 206 (e).

The new paragraph 206(b)(1) requires a State to designate the State agency or agencies which will be responsible for administering apportionments received under this section. This requirement was previously found in subparagraph (c)(2)(B).

The new paragraph 206(b)(2) requires a State to establish a State trail advisory committee. This requirement was previously found in the original subparagraph (c)(2)(A), but in the new paragraph 206(b)(2), the term "board" is changed to "committee" to reflect the name used in most States and to eliminate any confusion as to whether a "board" is different than a "committee."

The new subsection 206(c) limits the types of trails and trail-related projects on which funds made available through this program may be obligated. To be eligible for funding, trail projects must be planned and developed in accordance with the laws, policies, and administrative procedures of the State. Subsection (c) also requires States to include trail plans or trail plan elements in metropolitan and/or statewide transportation plans in addition to requiring that these trail plans be consistent with their Statewide Comprehensive Outdoor Recreation Plan required by the Land and Water Conservation Fund Act. These provisions emphasize that trails may form part of the metropolitan and State transportation infrastructure. In addition, subsection (c) provides an illustrative list of permissible activities on which funds made available through this program may be obligated. Subsection (c) also includes a provision requiring that at least 50 percent of the funds received annually by a State be used to facilitate the use of trails for diverse recreational purposes, and one activity specifically encouraged is the renovation of trails to accommodate both motorized and nonmotorized trail use.

The new subsection 206(d) was formerly located in paragraph (e)(5). This new subsection 206(d) requires States to give priority to project proposals that provide for the redesign, reconstruction, non-routine maintenance, or relocation of existing trails in order to benefit the natural environment or to mitigate the impact on the natural environment. Paragraph (1) amends the preexisting provision to extend this requirement to all trail projects. This change strengthens the environmental aspects of this program and ensures that project proposals for existing trails are given priority over new trail projects. Paragraph (2), formerly at (e)(5)(B), directs the State advisory committees to issue guidance to the States for the purpose of implementing paragraph (1).

The new subsection 206(e) addresses the Federal share payable for projects under the Recreational Trails Program. This subject was previously addressed in paragraph (c)(3). This new subsection 206(e) first provides generally that the Federal share payable on these projects is not to exceed 50 percent. Paragraph 206(e)(1) addresses the fact that the prohibition on matching Federal funds with other Federal funds presents a problem for States where much of the recreational activity, especially motorized use, takes place on Federal lands. Consequently, paragraph (e)(1) allows a Federal agency sponsoring a project to provide funding for that project without those funds being credited as part of the Federal share to be covered by the Secretary of Transportation. However, this provision still requires State, local, or private sponsors to provide some matching funds. The new paragraph (e)(2) allows seven specific Federal grant programs to be used by project sponsors to meet non-Federal matching fund requirements. Trails projects are excellent training and work opportunities for participants in youth corp programs and work training programs. This provision will allow States to meet training and employment goals and the goals of the Trails Program simultaneously.

The new paragraph 206(e)(3) establishes a new programmatic non-Federal share that allows States to satisfy non-Federal share matching requirements on a programmatic level rather than on a project-by-project basis. The former subparagraph (c)(3)(B) would have established a programmatic non-Federal share beginning in fiscal year 2001 and would have resulted in a Federal share of approximately 83 percent for Recreational Trails projects. Under the new paragraph (e)(3), the programmatic non-Federal share goes into effect immediately and the Federal share is set at 50 percent. The programmatic non-Federal share provision gives the States flexibility to receive credit for the non-Federal matching funds which they are able to raise in excess of the required non-Federal matching share on some projects. This credit may be used by the States to cover part of the non-Federal matching share on other projects for which they have difficulty raising enough matching funds.

The new paragraph 206(e)(4) establishes a Federal share payable for State administrative costs which conforms with the Federal share payable for State costs incurred in administering projects under other Federal-aid highway programs. This paragraph clarifies that the 50 percent limitation on the Federal share payable for projects under the Trails Program does not apply to State administrative costs. This new paragraph establishes the Federal share payable for State administrative costs at 80 percent or higher in accordance with 23 U.S.C. 120(b). The Federal share is set higher than the Federal share payable for project costs in order to lessen the burden of the Federal mandates associated with this program. However, this paragraph does require the States to cover some of the cost because this program is voluntary. In addition, this provision reflects the intent of the Federal government not to cover 100 percent of the cost of statewide trail planning efforts because non-Federal funding sources are available for many trails.

The new subsection 206(f) lists different activities for which a State may not use funds apportioned to it under section 206. These provisions were, for the most part, formerly found in paragraph (e)(2). However, the new subsection (f) does include one new item. The new paragraph (f)(5) adds to the list of uses not permitted, funding of railroad right-of-way development that would encourage users to engage in any form of recreational activity on or between railroad tracks. The term "railroad tracks" is intended to include active and inactive lines and snow-covered tracks. The addition of this item to the list is intended to discourage use of railroad tracks to engage in recreational activity including walking, hiking, horseback riding, cross country skiing, snowshoeing, snowmobiling, rail biking, and use of a motor car.

The new subsection 206(g) is a new provision which incorporates some of the program management elements of the former subsection (e) and adds some other paragraphs to clarify these provisions and facilitate program management. Paragraph (g)(1) provides that a project sponsor may donate, either from a private or public source, funds, materials, services, or right-of-way for the purposes of a project eligible for assistance under this section. Private donations are allowed under 49 CFR 18.24 and 23 U.S.C. 323, as amended by the NHS Act, but this new paragraph clarifies the legislative authority regarding private donations to the Trails Program and establishes authority regarding donations from Federal project sponsors, as well.

New paragraph (g)(2) provides that a project funded under this section is intended to enhance recreational opportunity and, as such, is not subject to the provisions of 49 U.S.C. 303, establishing a U.S. policy on lands, wildlife, and waterfowl refuges and historic sites, or 23 U.S.C. 138, which addresses the preservation of parklands, because implementation of a Recreational Trails project would not qualify as "using" a public park, recreation area, wildlife and waterfowl refuge, or historic site for purposes of those laws. As a result, Recreational Trails Program projects are exempt from the "Section 4(f)" requirements calling for analyses as to whether a reasonable and feasible alternative to a project exists.

New paragraph (g)(3) provides that a State may treat funds apportioned to it under this section as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act. This provision was formerly located at paragraph (e)(8). Section 6(f)(3) requires that projects funded under the Land and Water Conservation Fund Act remain in use as public outdoor recreational facilities in perpetuity. Any conversion would require approval of the Secretary of the Interior.

The new paragraph (g)(4) requires that, before making apportionments available for work on recreational trails, a State obtain written assurances, from the owner of any land that would be affected by the work, that the land owner will cooperate with the State. In addition, new paragraph (g)(4) requires that any use of a State's apportionments on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to those recreational trail improvements. This provision was previously located in paragraph (f)(2).

The new subsection 206(h) provides definitions for terms used in the new section 206. Formerly, the definition section was located in subsection (g). The definition of "Fund" as referring to the National Recreational Trails Trust Fund is removed because the Recreational Trails Program is no longer funded through this trust fund which is also being abolished. The Recreational Trails Program will now be funded through a direct authorization of funds from the Highway Trust Fund. Subsection (h) also deletes the definition for "Nonhighway recreational fuel" because it is no longer needed. The definition of "Recreational trail" from the former definitions section is included in the new subsection 206(h), but is revised to reorganize the uses into a logical order and to add several new uses. In addition, this revision of the recreational trail definition removes a reference to the National Recreation Trails designated under the National Trails System Act because that reference is unnecessary. The definition of "Motorized recreation" used in the former subsection (g) is revised to clarify that motorized wheelchair use is not motorized recreational vehicles use. This new definition is consistent with the Uniform Vehicle Code. The new subsection 206(h) also includes a definition for the term "eligible State" for purposes of subsection 104(h) of 23 U.S.C. which establishes the formula to be used in apportioning funds authorized to be appropriated for the Recreational Trails Program. The definition for "eligible State" is the same as was previously used except that subsection (h) incorporates the title 23 definition of State.

Subsection (b) contains several conforming amendments. First, this subsection strikes part B of title I of ISTEA, since this part is replaced by new sections 206 and 207 of title 23, United States code. In addition, subsection (b) revises the analysis for Chapter 2 of 23 U.S.C. to reflect the addition of new sections 206 and 207.

Sec. 1029. International Highway Transportation Outreach Program

Subsection (a) amends section 325 of title 23, U.S.C., to clarify that the Secretary is authorized to conduct activities aimed at improving United States' firms access to foreign markets. Examples of these activities include gathering and disseminating information about foreign market opportunities and foreign industries, and encouraging the adoption abroad of U.S. technical standards.

Subsection (b) revises subsection 325(c) of such title to specify that funds deposited in the current special account with the Secretary of the Treasury and funds available to carry out this section can be used to reimburse the FHWA for the salaries of its employees and the costs incurred by them in assisting U.S. firms, with technical services unavailable in the U.S. private sector, to develop and carry out proposal for foreign transportation projects. These funding sources may also be used to cover other necessary promotional, travel, reception, and representation expenses.

Subsection (c) adds a new subsection to 23 U.S.C. 325 to enable States to use their State Planning and Research Program funds for international highway transportation outreach activities under section 325.

Sec. 1030. Trade Corridor and Border Crossing Incentive Grants; Border Gateway Pilot Program

This section directs the Secretary to provide grants for planning and project implementation to improve transportation at international border crossings and along major trade transportation corridors. The section authorizes $45,000,000 annually from the Highway Trust Fund to support the activities directed. With the exception of specific sums authorized for planning and coordination purposes under subsections (a) and (b) of this section, all remaining funds authorized under this section shall be used for project implementation.

Paragraph (a)(1) of this section directs the Secretary to make annual incentive grants to States and MPOs that share a common border with Canada or Mexico for the purpose of performing planning for efficient movement of people and goods at and through international border gateways.

Paragraph (a)(2) requires the recipient, as a condition of receiving the grant, to assure the Secretary that it is or will commit to be engaged in joint planning with its counterpart agency in Canada or Mexico.

Paragraph (b)(1) directs the Secretary to make grants to States for the purpose of performing planning for the efficient movement of goods along and within international and interstate trade corridors.

Paragraph (b)(2) requires grant recipients to submit to the Secretary plans for corridor improvements. Corridor planning must be coordinated with transportation planning being done by the States and MPOs along the corridor and, where appropriate, with transportation planning being done in Mexico and Canada.

Paragraph (b)(3) authorizes 2 or more States to enter into agreements for purposes of coordinated trade transportation corridor planning and administration.

Subsection (c) establishes a new border gateway pilot program by authorizing the Secretary to make grants to States and others to fund the development and implementation of coordinated and comprehensive border crossing plans and programs. The intent of this subsection is to promote the efficient and safe use of existing border crossings within defined international gateways, prior to major new infrastructure investment, and to focus all available resources on implementation of a fully integrated and cooperatively developed plan, with special emphasis on full coordination with border inspection agencies, including those in Canada and Mexico.

Gateways are defined in "Assessment of Border Crossings and Transportation Corridors for North American Trade, Report to Congress pursuant to Intermodal Surface Transportation Efficiency Act of 1991 Public Law 102–240, Sections 1089 and 6015" as "groupings of border crossings defined by proximity and similarity of trade." The gateways identified in this report are: Maine; Montreal South; Eastern New York; Niagara; Michigan; Upper Plains; Central Plains; Eastern Washington/Rocky Mountains; Pacific Coast; South Texas; West Texas; Arizona; and California. Other defined gateways may be included at the discretion of the Secretary.

Paragraph (c)(1) authorizes the Secretary to make grants to States and others sharing a common border with Canada or Mexico for any project to improve the movement of people and goods at and across such border.

Paragraph (c)(2) limits the maximum number of total grants under this pilot program at eight (including at least two on the U.S./Mexico border and two at the U.S./Canada border) and limits the maximum dollar total of any single grant to $40 million. Projects may vary in scope, with varying degrees of Federal participation. Approval should not be given to fund any one project which will exhaust the entire annual authorization for this pilot program.

Paragraph (c)(3) lists the grant eligibility criteria for this pilot program. In recognition of the potential delays associated with border clearance and vehicle/driver review processes, each project proposal shall reflect cooperation and coordination with the U.S. Federal Inspection Services and their counterparts across the Mexican or Canadian border, as appropriate. Grants shall be made on the basis of the expected reduction in commercial and other travel time through a major international gateway as a result of the project; improvements in vehicle safety at and approaching the crossings within the gateway; the degree of funding leveraging anticipated through this program, including the use of innovative financing, and funding provided under other sections of this Act (which shall not be subject to the limits of this section); the degree of binational involvement in the project; the degree of applicability of innovative and problem solving techniques which might be applicable to other border crossings; and a demonstrated local commitment to implement and sustain continuing comprehensive border improvement programs. Project proposals must be limited, to the greatest extent possible, to improvements to existing border crossings within defined gateways. Construction of new facilities, including bridges, shall not be considered unless and until all options for efficient use of existing facilities has been demonstrated.

Subsection (d) authorizes $45 million in Highway Trust Fund monies for this border crossing pilot program in each of fiscal years 1998 through 2003. This subsection also sets the annual amount of the grants for the purposes of performing border gateway planning at $1,400,000 for each of fiscal years 1998 through 2003. The maximum amount any State or MPO may receive in grants under this section shall not exceed $100,000. These planning grants should be used to supplement State planning and research, planning, and other funds that are used to support long-range planning and programming which are to be implemented using the border gateway pilot program funds and other funds such as State and local funds, NHS, and STP. Subsection (d) also makes $3,000,000 available in each of fiscal years 1998 through 2003 for trade corridor planning incentive grants under this section.

Subsection (e) provides that border gateway funds authorized under this section may be used as the non-Federal match for any border gateway project funded with other Federal-aid highway funds, provided that the amount of border gateway funds cannot exceed 50 percent of project costs. Subsection (e) also provides that the Federal share payable on account of any border crossing or trade corridor planning incentive grant shall be determined in accordance with section 120 of title 23, United States Code.

Sec. 1031. Appalachian Development Highway System

This section amends 40 U.S.C. App. 201, the Appalachian Regional Development Act of 1965, to authorize $2.19 billion for fiscal years 1998 through 2003 to fund the continued construction of the Appalachian development highway system in the 13 States that comprise the Appalachian region.

Subsection (a) of this section amends subsection 201(a), which currently provides that all provisions of title 23 apply to the development highways funded under this provision, to include an exemption from the title 23 provision (23 U.S.C. 118) that all apportioned or allocated funds that have not been obligated by the end of four years shall lapse. As revised, subsection 201(a) provides that funds not expended by a State within four years shall be released to the Appalachian Regional Commission for reallocation to States within the Appalachian region, rather than lapsing.

Subsection (b) of this section amends subsection 201(g) to authorize appropriations from the Highway Trust Fund for fiscal years 1998 through 2003 (and also provides contract authority), and an equivalent amount of obligation authority, to fund the continued construction of the Appalachian development highway system in accordance with section 201. This subsection also limits eligibility for these funds to the development highway system authorized as of September 30, 1996. However, the States of the Appalachian region, the Secretary, and the Appalachian Regional Commission may agree to make alterations to the September 30, 1996, approved system, and such altered routes shall be eligible for funding under this section.

Subsection (c) of this section amends paragraph 201(h)(1) to raise the Federal share payable on account of any pre-financed (i.e., advance construction) development highway project to 80 percent of the cost of such project, which is the same Federal share payable for conventionally funded development highway projects under subsection 201(f). This amendment enables States to use the advance construction financing method of paragraph 201(h)(1) under the same Federal matching ratio as for all other development highway projects.

Subsection (d) of this section authorizes the deduction of up to 3.75 percent of the funds authorized under new paragraph 201(g)(2) for the expenses of the Appalachian Regional Commission in administering such funds.

Sec. 1032. Value Pricing Pilot Program

Subsection (a) of this section amends subsection 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 to reflect the change in the name of the congestion pricing pilot program to the value pricing pilot program.

Subsection (b) increases the number of pilot programs eligible for funding under subsection 1012(b) from 5 to 15.

Subsection (c) of this section amends paragraph 1012(b)(2) to increase the Federal share payable on any project funded under this provision from 80 percent to 100 percent.

Subsection (d) of this section further amends paragraph 1012(b)(2) to reflect administrative interpretations of this paragraph that have made by the Federal Highway Administration, shared with the appropriate congressional committees, and published in the Federal Register. Specifically, paragraph 1012(b)(2) is amended to provide that the Secretary shall fund pre-implementation costs of value pricing programs and that the 3-year funding limitation included in this paragraph commences once the project is implemented, and therefore does not apply to the pre-implementation stage of a project (which could stretch out for several years).

Subsection (e) makes necessary conforming amendments to subsection 1012(b) to reflect that each cooperative agreement entered into by the Secretary under paragraph 1012(b)(1) would cover a specific value pricing program for the area encompassed by the cooperative agreement. Each program could, in turn, cover one or more specific value pricing projects within that area. This subsection also makes a purely technical correction to the list of items to be examined and reported on to the Congress by the Secretary.

Subsection (f) amends paragraph 1012(b)(3) to expand the eligible use of toll revenues generated by any pilot project under this subsection from any eligible use under title 23, United States Code, to any surface transportation purpose.

Subsection (g) removes the 3-program cap on the number of value pricing programs on which the Secretary shall allow the use of tolls on the Interstate System, thereby enabling State and local governments and public authorities to collect tolls on any value pricing pilot program funded under this section.

Subsection (h) adds one item, the effects of value pricing projects on low income drivers, to the list of items on which the Secretary is to report to the Congress under paragraph 1012(b)(5). This subsection also adds a new paragraph to section 1012(b) to provide that any value pricing pilot program funded under this subsection shall give full consideration to the potential effects of value pricing projects on drivers of all income levels and shall develop mitigation measures to deal with potential adverse effects on low income drivers, thereby making income equity a key consideration in the development of pilot projects.

Subsection (i) revises paragraph 1012(b)(6) to reauthorize Federal-aid highway funding for this program at a level of $14 million for each of fiscal years 1998 through 2003 out of the Highway Trust Fund, and provides that, in the event such funds remain unallocated or allocated and unobligated after four years, a State's unallocated or unobligated amounts shall be transferred to the State's STP apportionment. This subsection also eliminates the current funding cap on individual projects.

Subsection (j) provides an exemption from the HOV–2 requirement of subsection 102(b) of title 23, United States Code, by permitting single occupancy vehicles to operate in high occupancy vehicle lanes if such vehicles are part of a value pricing program funded under subsection 1012(b).

Subsection (k) ensures that this program will continue to have contract authority.

Sec. 1033. Highway Use Tax Evasion Projects

Subsection (a) of this section technically amends subsection 1040(a) of the Intermodal Surface Transportation Efficiency Act of 1991 to correct the reference to the funding provision of section 1040.

Subsection (b) strikes subsection 1040(d) to eliminate the requirements for the Secretary of Transportation to annually report to Congress on motor fuel tax enforcement activities under this section and the expenditure of funds made available to carry out this section, and for the Secretary of the Treasury to annually report to Congress on the increased enforcement activities to be financed with the funds allocated by the Secretary of Transportation to the Internal Revenue Service under subsection 1040(a). The Department has found that other available avenues for reporting on program successes, such as congressional hearings held on this program, have been very effective. Subsection (b) also strikes subsection 1040(e), which requires that the Secretary of Transportation, in consultation with the Internal Revenue Service, study the feasibility and desirability of using dye and markers to aid in motor fuel tax enforcement activities and report to Congress on this study by December 18, 1992. This study has been completed and its results submitted to Congress, so this subsection is no longer necessary. Subsection (b) also deletes the out-of-date funding authorization language for fiscal years 1992 through 1997, which has been replaced by subsection (d) of this section.

Subsection (c) redesignates subsection 1040(g) as subsection 1040(e).

Subsection (d) of this section amends section 1040 to authorize $5 million annually in Highway Trust Fund monies for each of fiscal years 1998 through 2003 to continue joint Federal Highway Administration/Internal Revenue Service/State motor fuel tax compliance projects across the country. The multi-State nature of the enforcement and uniformity efforts developed under this pilot project in ISTEA has been important to its effectiveness. Continued Federal funding at the same level authorized in ISTEA will help ensure that this very successful, coordinated regional and national approach to combating fuel tax fraud can continue.

Sec. 1034. Public Notice of Railbanking

This section would require that public notice be given once an application for interim trail use of a railroad right-of-way has been filed. Currently, a notice must be published in local newspapers announcing a rail abandonment. However, there is no notice requirement when a railroad right-of-way is proposed to be converted to a trail. This provision would allow all members of the community to work together as equal partners in establishing such trails.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Short Title

Sec. 2001 provides that title II may be cited as the "Highway Safety Act of 1997".

Sec. 2002. Highway Safety Programs

Sec. 2002 continues the existing State and community highway safety program, established under Section 402 of title 23, United States Code, and amends the program as follows:

Subsection (a), "Uniform Guidelines," and Subsection (b), "Administrative Requirements," make several technical and conforming amendments to Sections 402(a) and (b).

Subsection (c), "Apportionment of Funds," makes one technical correction to Section 402(c) and one substantive amendment. To increase the effective delivery of the Section 402 program to the more than 500 Federally recognized Indian tribes, an amendment is provided to raise the minimum annual apportionment to the Indians (through the Secretary of Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d), "Application in Indian Country," amends Section 402 to allow Section 402 grants to be made to Indian tribes in "Indian Country."

Subsection (e), "Rulemaking Process," amends Section 402(j), which requires the periodic identification, by rulemaking, of highway safety programs that are most effective in reducing traffic crashes, injuries, and deaths. Instead of requiring the States to direct the resources of the national program to the fixed areas identified by this rulemaking process, the amendment directs that the States to consider these highly effective programs when developing their highway safety programs.

Subsection (f), "Safety Incentive Grants," proposes to add four. new safety incentive programs concerning alcohol-impaired driving countermeasures, occupant protection, highway safety data, and drugged driving countermeasures (described below) to Section 402, together with a new provision making various procedures applicable to each of those programs.

Section 402(k), "Safety Incentive Grants," replaces an obsolete subsection (k) and makes the following applicable to each of the four incentive programs: (1) the grants for the incentive programs may only be used by the States to implement and enforce, as appropriate, the programs for which the grants are made; (2) no grant may be made to a State in any fiscal year unless the State enters into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures from all other sources for the actions for which a grant is provided at or above the level of such expenditures in its two fiscal years prior to the date of enactment of the subsection; and (3) basic or supplemental grants applicable under the programs, in any one of these two grant categories, would be available to the States for a maximum of six years, beginning after September 30, 1997. States that meet certain criteria would receive grants that would be funded through a declining Federal share—75 percent for the first and second years, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years.

Section 402(l), "Alcohol-Impaired Driving Countermeasures," amends Section 402 to establish a comprehensive drunk and impaired driving incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver. The new program, which continues the Department's strong emphasis on deterring drinking and driving, is similar in structure to that of the existing Section 410 drunk driving prevention incentive program, established under Section 410 of Title 23, United States Code, and would replace the Section 410 program when its terms expire at the end of fiscal year 1997.

A State may establish its eligibility for one or more of three basic alcohol- impaired-driving countermeasure grants—A, B, and C—in the fiscal year in which the grant is received, by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 4 of 5 of the following: (1) an administrative driver's license suspension or revocation system for drunk drivers; (2) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages; (3)(A) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis to determine whether the operators are driving while under the influence of alcohol, or (B) a statewide impaired driving Special Traffic Enforcement Program (STEP) that includes heavy emphasis on publicity for the program; (4) effective sanctions for repeat offenders convicted of driving while intoxicated or driving under the influence of alcohol; and (5) a three-tiered graduated licensing system for young drivers that includes nighttime driving restrictions, requiring that all vehicle occupants to be properly restrained, and providing that all drivers under age 21 are subject to zero tolerance at .02 percent BAC or greater while operating a motor vehicle.

To establish eligibility for the second basic grant B under paragraph (2), a State must adopt both an administrative driver's license suspension or revocation system for drunk drivers, and a law that provides for a per se law setting .08 BAC level as intoxicated.

To establish eligibility for the third basic grant C under paragraph (3), a State must demonstrate that its percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration has both: (1) decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) been lower than the average percentage for all States in each of such calendar years.

States that meet the criteria for a basic grant under paragraphs (1), (2) or (3) would receive, for each grant, up to 15 percent (up to 30 percent if they qualify for two, and up to 45 percent if they qualify for all three) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for any one or more of the three basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) making it unlawful to possess open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; (2) adopting a mandatory BAC testing program for drivers in crashes involving fatalities or serious injuries; (3) videotaping of drunk drivers by police; (4) adopting and enforcing a "zero tolerance" law providing that any person under age 21 with a BAC of .02 or greater when driving a motor vehicle shall be deemed driving while intoxicated or driving under the influence of alcohol, and further providing for a minimum suspension of the person's driver's license of not less than 30 days; (5) requiring a self-sustaining impaired driving program; (6) enacting and enforcing a law to reduce incidents of driving with suspended licenses; (7) demonstrating an effective tracking system for alcohol-impaired drivers; (8) requiring an assessment of persons convicted of abuse of controlled substances, and the assignment of treatment for all DWI and DUI offenders; (9) implementing a program to acquire passive alcohol sensors to be used by police in detecting drunk drivers; and (10) enacting and enforcing a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to a person under 21. For each supplemental grant criterion that is met, a State would receive, in no more than two fiscal years, an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "alcoholic beverage," "controlled substances," "motor vehicle," and "open alcoholic beverage container."

Section 402(m), "Occupant Protection Program," amends Section 402 to establish a new occupant protection incentive program to encourage States to increase their level of effort and implement effective laws and programs aimed at increasing safety belt and child safety seat use.

A State may establish its eligibility for one or both of two basic occupant protection grants—A and B—in the fiscal year in which the grant is received, by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 4 of the following: (1) a law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement or provides for the imposition of penalty points against a person's diver's license for its violation; (3) a law requiring children up to 4 years of age to be properly secured in a child safety seat in all appropriate seating positions in all passenger motor vehicles; (4) a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law; and (5) a statewide occupant protection Special Traffic Enforcement Program (STEP) that includes heavy emphasis on publicity for the program.

To establish eligibility for the second basic grant B under paragraph (2), a State must: (1) demonstrate a statewide safety belt use rate in both front outboard seating positions in all vehicle types covered by the State's safety belt use law, of 80 percent or higher in each of the first three years a grant is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant is received; and; (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

States that meet the criteria for a basic grant under paragraphs (1) or (2) would receive, for each grant, up to 20 percent (up to 40 percent if they qualify for both) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for one or both of the two basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) requiring the imposition of penalty points against a driver's license for violations of child passenger protection requirements; (2) having no nonmedical exemptions in effect in their safety belt and child passenger protection laws; (3) demonstrating implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and how to reduce the improper use of child restraint systems; (4) having in effect a law that prohibits persons from riding in the open bed of a pickup truck; and (5) having in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat. For each supplemental grant criterion that is met, a State would receive an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger car," "passenger motor vehicle," and "safety belt."

Section 402(n), "State Highway Safety Data Improvements," amends Section 402 to establish a new incentive program to encourage States to take effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data they need to identify the priorities for State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these data, including traffic records, together and with other data systems within the State, such as medical and economic data. Currently, much of the State data in these areas are inadequate or unavailable. The Department believes that the new incentive program under this subsection is vital to the ability of the States to determine and achieve their highway safety performance goals.

A State would be eligible for a first-year grant in a fiscal year under paragraph (1)(A) of subsection (n) if it demonstrates, to the satisfaction of the Secretary, that it has (1) established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases; (2) completed a recent (within the last five years) highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and (3) initiated the development of a multi-year highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined.

A State also would be eligible for a first-year grant in a fiscal year under paragraph (1)(B) of subsection (n) if it provides, to the satisfaction of the Secretary, (1) certification that it has established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators or managers of highway safety and traffic records databases and representatives of the collectors and users of these data; (2) certification that it has completed a recent (within the last five years) highway safety data and traffic records assessment or audit of their highway safety data and traffic records system; (3) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and (4) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and support the multi-year plan described under paragraph (1)(B).

A State that meets the criteria for a first-year grant under paragraph (1)(A) would receive an amount equal to $125,000, based on available appropriations. A State that meets the criteria for a first-year grant under paragraph (1)(B) would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under Section 402 of title 23, U.S. Code, except that no State would receive less than $225,000, based on available appropriations.

A State would be eligible for a grant in any fiscal year succeeding the first fiscal year in which they receive a State highway safety data and traffic records grant if the State, to the Secretary's satisfaction: (1) submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; (2) certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and (3) reports annually on its progress in implementing the multi-year plan.

A State that meets the criteria for a succeeding-year grant in any fiscal year would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under Section 402 of title 23, U.S. Code, except that no State shall receive less than $225,000, based on available appropriations.

Section 402(o), "Drugged Driving Countermeasures," amends Section 402 to establish a new incentive program to encourage States to take effective actions to improve State drugged driving laws and related programs. State drugged driving laws are inconsistent and frequently difficult to enforce. They often seriously hamper attempts by law enforcement and courts to deter drugged driving. The Department believes that the new incentive grant program under this subsection, modeled after the Department of Transportation's successful Section 410 alcohol-impaired driving incentive grant program under title 23 U.S. Code, is essential to improve State drugged driving laws and related activities. This incentive program is separate from subsection (l)'s incentive program for alcohol-impaired driving, which revises and replaces Section 410, so that drugged driving laws and activities receive the more focused attention they deserve.

A State would be eligible for a grant in a fiscal year under subsection (o) if it demonstrates, to the satisfaction of the Secretary, 5 or more of the following 9 criteria: (1) enact zero tolerance laws that make it illegal to drive with any amount of an illicit drug in the driver's body; (2) establish that it is illegal to drive while impaired by any drug (licit or illicit); (3) allow drivers to be tested for drugs if there is probable cause to suspect impairment; (4) suspend the driver's license administratively (without criminal proceedings) for persons driving under the influence of drugs; (5) suspend the driver's license for persons convicted of other drug offenses, even if not related to driving; (6) incorporate drug use and drugged driving provisions into a graduated licensing system for beginning drivers; (7) actively enforce and publicize drugged driving laws; (8) provide an intervention program for drugged drivers that incorporates assessment and drug education, counseling, or other treatment as needed; and (9) provide drug education information to persons applying for or renewing drivers' licenses and include drug-related questions on drivers' license examinations.

A State that meets the criteria for a grant under subsection (o) would receive an amount up to 20 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "alcoholic beverage," "controlled substances," and "motor vehicle."

Subsection (g), "Conforming Amendment," repeals Section 410 of title 23, U.S. Code ("Alcohol-impaired driving countermeasures"), and the analysis pertaining to Section 410 under chapter 4 of this title.

Sec. 2003. National Driver Register

Sec. 2003 would add several provisions to the National Driver Register (NDR) statute (chapter 303 of title 49, U.S. Code) to make the program more effective and efficient. The National Highway Traffic Safety Administration (NHTSA) manages the NDR, which was established by Congress in July 1960 as a central index of State reports on individuals whose driving privileges have been suspended or revoked. Applications for driver licenses are checked routinely by States against the NDR to identify ineligible license applicants, problem drivers, drivers in need of improvement, and drivers under suspension or revocation.

Subsection (a), "Transfer of Selected National Driver Register Functions to Non-Federal Management," amends Section 30302 of title 49, U.S. Code ("National Driver Register"), by adding a new subsection (e). Under subsection (e), the Secretary would be authorized to decide whether to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's (NDR) computer timeshare and user assistance functions.

NDR operations are divided into five main functions: (1) data processing, accomplished by computer timeshare; (2) external support services, accomplished by staff assistance to NDR users; (3) development and maintenance of software for data processing, accomplished by staff responsible for system and applications support; (4) Federal Privacy Act requirements support, accomplished by Federal staff; and (5) overall management and supervision (including assistance to non-State NDR users, manual preparation of needed data, public information, and media relations), accomplished by Federal staff. Legislation is required to permanently transfer one or more of these functions, since existing statutory provisions and government contracting regulations do not permit one or more of these NDR functions to be assigned to a designated non-Federal organization.

If the Secretary decides to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the NDR's computer timeshare and user assistance functions, subsection (e) directs that: (1) the Secretary ensure any management of these functions is compatible with chapter 303 of title 49, U.S. Code, and the regulations issued to implement that chapter; (2) any transfer of these functions begin only after the Secretary makes a determination that all States are participating in the NDR's "Problem Driver Pointer System," the system used by the NDR to effect the exchange of motor vehicle driving records, and that this system is functioning properly; (3) the agreement to transfer these functions include a provision for a transition period to allow the States time to make any budgetary and legislative changes needed in order to pay fees for using these functions; (4) the total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of these functions not exceed the organization's total cost for performing these functions in that fiscal year; and (5) nothing in subsection (e) be interpreted to diminish, limit, or in any way affect the Secretary's authority to carry out chapter 303 of title 49, U.S. Code. The last provision affirms the Secretary's overall responsibility for the NDR (which includes Privacy Act and data security requirements), regardless of any transfer of these functions.

Subsection (b), Access to Register Information, amends Section 30305 ("Access to Register information") of title 49, U.S. Code. Subsection (b)(1) amends Section 30305(b)(2) to make two technical conforming amendments.

Subsection (b)(2) amends Section 30305(b) to add two substantive provisions. The first would eliminate a deficiency in the NDR by extending participation to Federal departments or agencies, like the State Department, that both issue motor vehicle operator's licenses and transmit reports on individuals to the NDR about whom the department or agency has such licensing authority and has (1) denied a motor vehicle operator's license for cause; (2) revoked, suspended or canceled a motor vehicle operator's license for cause; or (3) about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in subsection 30304(a)(3). The reports on these individuals transmitted by the Federal department or agency must contain the identifying information specified in subsection 30304(b).

Subsection (b) also would reduce a burden on the States and strengthen the NDR's efficiency by allowing Federal agencies authorized to receive NDR information to make their requests and receive the information directly from the NDR, instead of through a State. The NDR statute currently requires authorized NDR users, other than chief driver licensing officials and the individuals to whom the information pertains, to submit all NDR inquiries through a State.

Sec. 2004. Authorizations of Appropriations

Sec. 2004 contains provisions that would authorize appropriations out of the Highway Account of the Highway Trust Fund for National Highway Traffic Safety Administration programs.

Paragraph (a)(1)(A), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the State and Community Highway Safety Program under Section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the Section 402 incentive programs under subsections (l), (m), (n), and (o), of $166,700,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $171,034,000 for fiscal year 2003. This paragraph consolidates the previously separate NHTSA and FHWA authorizations for appropriations for the Section 402 program under NHTSA, continuing a process begun by Congress in fiscal year 1997 to facilitate administrative efficiencies in the program.

Paragraph (1)(B), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the alcohol-impaired driving countermeasures incentive grant provisions of subsection (l) of Section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, of $44,000,000 for fiscal year 1998, $39,000,000 for each of fiscal years 1999, 2000, and 2001, $49,000,000 for fiscal year 2002, and $50,170,000 for fiscal year 2003. Amounts made available to carry out subsection (l) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (l) to subsections (m), (n), and (o) of Section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

Paragraph (1)(C), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the occupant protection program incentive grant provisions of subsection (m) of Section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, of $20,000,000 for each of fiscal years 1998, 1999, 2000, and 2001, $22,000,000 for fiscal year 2002, and $22,312,000 for fiscal year 2003. Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (m) to subsections (l), (n), and (o) of Section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

Paragraph (1)(D), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the State highway safety data improvements incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, of $12,000,000 for each of fiscal years 1998, 1999, 2000, and 2001. Amounts made available to carry out subsection (n) are authorized to remain available until expended.

Paragraph (1)(E), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out To carry out the drugged driving countermeasures incentive grant provisions of subsection (o) of title 23, United States Code, by the National Highway Traffic Safety Administration, paragraph (l) also would authorize $5,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (o) are authorized to remain available until expended, *provided* that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (o) to subsections (l), (m), and (n) of Section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

Paragraph (2), "NHTSA Operations and Research," would authorize appropriations for the National Highway Traffic Safety Administration to carry out programs and activities with respect to traffic and highway safety under (A) Section 403 of title 23, U.S. Code (Highway Safety Research and Development), (B) Chapter 301 of title 49, U.S. Code (Motor Vehicle Safety), and (C) Part C of Subtitle VI of title 49, U.S. Code (Information, Standards, and Requirements), of $147,500,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $151,335,000 for fiscal year 2003.

The authorizations under paragraph (2) would provide the necessary funds for the agency to carry out essential traffic and highway safety functions. Section 403 of title 23, U.S. Code, provides for highway safety research and development activities, including programs to improve highway safety through human factors research, evolving initiatives such as intelligent transportation systems, a comprehensive assessment of the agency's data needs and the data priorities of the highway safety community, public information programs, and university research and training. Chapter 301 of title 49, U.S. Code, provides for the establishment and enforcement of safety standards for new motor vehicles and motor vehicle equipment, together with supporting research. In keeping with the Department's policy that programs with identifiable users be funded as much as possible through user fees, support of the motor vehicle safety program, which clearly benefits highway users, is shifted to the Highway Account of the Highway Trust Fund. Part C of Subtitle VI of title 49, U.S. Code, provides for the establishment of low-speed collision bumper standards, consumer information activities, odometer regulations, automobile fuel economy standards, and motor vehicle theft prevention standards. In keeping with the Department's policy that programs with identifiable users be funded as much as possible through user fees, support of the motor vehicle information and cost savings programs, which clearly benefit highway users, is shifted to the Highway Trust Fund's Highway Account.

Paragraph (3), "National Driver Register," would authorize appropriations for the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, U.S. Code (National Driver Register), appropriated under section 30308(a) of chapter 303, of $2,300,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $2,360,000 for fiscal year 2003. The National Driver Register (NDR) provides information needed by the States to identify ineligible applicants for motor vehicle driver licenses, problem drivers, drivers in need of improvement, and drivers under license suspension or revocation.

TITLE III—MASS TRANSPORTATION AMENDMENTS OF 1997

Sec. 3003. Definitions

Section 3003 would amend section 5302, "Definitions."

Section 5302(a)(1), "capital project," would be amended by combining from other parts of the chapter all definitions covering capital programs in this provision. This consolidation would make the substantive change of applying the broader definition to all capital grants made under this chapter. Further, by amending existing subparagraph (A), it would add as an eligible cost three new cost categories: associated pre-revenue startup costs, environmental mitigation, and Intelligent Transportation Systems (as defined in section 6052 of the National Economic Crossroads Transportation Efficiency Act). The phrase "capital portions of rail trackage rights agreements" would be amended to "payments for rail trackage rights" as a clarification. (For the Government's share of the costs for the various categories of capital projects, see section 3028 of this Act, "Government's Share of Costs.")

A new subparagraph (E) would be added to the existing "capital project" definition, to permit preventive maintenance as an eligible capital cost to ensure proper preservation of the Federal capital investment. This will make eligibility of preventive maintenance for capital program funds the same as in the Title 23 highway program.

New subparagraph (F) would add leasing to the definition. This provision would be moved from section 5307(b)(3).

New subparagraph (K), a combination of provisions moved from sections 5309(f)(2), 5309(a)(1)(E), 5307(b)(1), would make joint development costs eligible for all capital programs. Transit operators would be permitted to participate more fully in joint development opportunities created by mass transit projects. The change would provide additional local revenue sources to meet transit capital and operating needs without Federal subsidy. Participation in commercial development would continue to be prohibited except where a fair share of the proceeds were returned for use in meeting mass transit needs.

Subparagraph (L) (moved from section 5309(a)(1)(F)) would add to the definition mass transportation projects that meet the special needs of the elderly and disabled individuals.

A new subparagraph (M) regarding the development of corridors to support fixed guideway systems was moved from section 5309(a)(1)(G).

A new subparagraph (N) would add to the definition, vehicles and facilities, publicly or privately owned, that are used to provide intercity passenger service by bus or rail. This change would enhance intermodalism and facilitate modal choices by local decision makers.

A new subparagraph (O) regarding access for bicycles to mass transportation facilities was moved from section 5319.

A new subparagraph (P) would add to the definition the repayment of the principal and interest of revenue bonds used for capital projects. This change would increase the financing options and sources of funds for recipients.

A new subparagraph (Q) regarding crime prevention and security was moved from section 5321.

A new subparagraph (R) would allow the acquisition of non-fixed route paratransit transportation service to comply with the Americans with Disabilities Act of 1990.

Subsections (a)(10) and (13) would be added to clarify that both "public transportation" and "transit" mean "mass transportation."

Section 3004. Metropolitan Planning

Section 3004 and section 1015 of this Act are intended to make identical changes to 49 U.S.C. section 5303, "Metropolitan Planning" and 23 U.S.C. section 134, "Metropolitan Planning," respectively.

Subsection (a), "Development Requirements," would be amended to require that transportation plans and programs for State urbanized areas be developed in a "fair and equitable" manner. It would also require that plans and programs provide for the development and integrated management and operation of transportation systems and facilities that will function as an intermodal transportation system for the metropolitan area, the State, and the United States.

Subsections (b), "Plan and Program Factors," paragraphs (1) through (15) containing the existing 16 factors would be deleted. New subsection (b)(1) would require that Metropolitan Planning Organizations (MPO) comply with seven new goals, found in subparagraphs (A) through (G), in developing plans and programs. These are: economic vitality; safety and security; accessibility and mobility; environment, energy conservation, and quality of life; integration and connectivity; efficient management and operation; and preservation of existing transportation system.

New subsection (b)(2) would require MPOs to cooperate with States and transit operators in incorporating these goals into the transportation plan.

Subsection (c), "Designating Metropolitan Planning Organizations." Paragraph (1)(A) would be amended to reduce the threshold required for designating or redesignating an MPO for an urbanized area with a population of more than 50,000. Representatives of local governments with 51 percent of the affected population must support the designation of the MPO, rather than 75 percent, as in current law. This change would make it easier to redesignate an MPO and recognizes the importance the MPO plays in local transportation planning. Also permitted would be designation under procedures established by State law.

Under subsection (c)(2), specific reference would be made to the policy board of the MPO, rather than the more general reference to the MPO for the purpose of specifying MPO composition.

Subsection (c)(3) would be amended to add the MPO and the Secretary of DOT as key participants, along with the chief executive officer (existing law) in determining the need to create multiple MPO's to serve a single metropolitan planning area. It also would create balance with the lowered threshold for local officials (51 percent) to request redesignation, allowing the Secretary to temper local actions under subsection (c)(4)(B)(i) and (c)(5).

Subsections (c)(5) (B) and (C) would be deleted because MPO redesignated would be covered in subsection (c)(3) and (4). Subsection (c)(5)(A) would be redesignated subsection (c)(5).

Subsection (d), "Metropolitan Area Boundaries," would be amended to freeze the connection to nonattainment boundaries to those existing at the end of FY 1996 and would prevent an automatic increase in the metropolitan planning area with changes in nonattainment boundaries. Subsection (d) would also allow the Governor and the MPO (including the central city) to affirmatively increase the boundary to the nonattainment limit rather than retroactively reduce it after being forced to increase the boundaries. New urbanized areas after FY 1996 would have their metropolitan planning boundaries agreed to by the Governor and local officials and particulate matter would be added as a consideration in the designation of metropolitan planning area boundaries. Regulations, guidance, or both will address the operational issues. The practical effect will not materialize until after the 2000 census.

Subsection (e), "Coordination." Paragraph (3) would be amended by substituting "coordinate" for "consult" between MPO's where more than one MPO has authority within an existing metropolitan planning area. It would also add particulate matter to non-attainment areas.

The catchline of subsection (f) would be changed from "Developing Long-Range Plans" to "Development of Transportation Plan" to emphasize the transportation focus rather than the time frame. In subsection (f)(1), "long-range plan" would be changed to "transportation plan." Subsection (f)(1)(A) would be amended so that the plan identifies transportation facilities that function as a "future" integrated transportation system rather than as "an integrated metropolitan transportation system." New subsection (f)(1)(B) would be added to require that the planning process address the same seven planning goals in subsection (b) of section 5303. Subsection (f)(1)(B) would be redesignated (f)(1)(C), current (f)(1)(C) would be redesignated as (f)(1)(D), and current (f)(l)(D) would be deleted. Redesignated subsection (f)(1)(C)(iii) would be amended to change financial techniques of value capture, tolls, and congestion pricing to simply "any additional financing strategies," thus enhancing flexibility. Redesignated subsection (f)(1)(D)(ii) would be amended by deleting reference to "vehicle" congestion. New subsection (f)(1)(D)(iii) would be added to enhance transportation access for individuals without private automobiles.

Subsection (f)(2) would be amended to require MPOs, transit operators, and States to cooperate in developing estimates of funds that could become available to implement the plan.

Subsection (f)(3) would be amended to require air and transportation agencies to cooperate on both the State Implementation Plan (SIP) development and transportation plan development processes. Development of transportation plans is expected to account for related investments and program strategies developed through other planning activities, e.g., economic development and revitalization. Such coordination would ensure that transportation projects and programs would consider, for example, the needs of low income communities so that they would be effectively integrated with transportation investments.

Subsection (f)(4) would be amended to add freight shippers to the list of stakeholders that can comment on the transportation plan.

The catchline of subsection (h) would be changed from "Balanced and Comprehensive Planning" to "Metropolitan Planning Grants."

Sec. 3005. Metropolitan Transportation Improvement Program

Section 3005 and section 1015 of this Act are intended to make identical changes to 49 U.S.C. section 5304, "Metropolitan Transportation Improvement Program" and 23 U.S.C. section 134, "Metropolitan Planning," respectively.

The title of section 5304 would be changed from "Transportation Improvement Program" to "Metropolitan Transportation Improvement Program" to clarify the focus on the metropolitan program.

Subsection (a), "Development and Update," would be amended to add freight shippers to the list of stakeholders that could comment on the program Transportation Improvement Program (TIP) and to require the MPO, in cooperation with the State and transit operators, to provide opportunities for public comment on the proposed program.

Subsection (b), "Contents." Paragraph (1) would change the listing of projects included in the TIP to be more inclusive. Paragraph (2) would be changed to require that financial plans identify "innovative financing techniques" rather than "innovative financing, including value capture, tolls, and congestion pricing," to give local authorities greater flexibility. Paragraph (2) would also require a cooperative process for developing financial estimates on which to base TIP development.

Subsection (c), "Project Selection" would clarify that States and recipients select projects from the TIP developed by the MPO, rather than select projects to be included in the TIP. The development of the TIP is the responsibility of the MPO.

Subsection (d), "Notice and Comment," would require the MPO, "in cooperation with the State and transit operators," to provide opportunity for public comment prior to approving the TIP.

Subsection (e), "Regulatory Proceeding," requiring FTA to adopt the FHWA environmental analysis process under the National Environmental Policy Act (NEPA) of 1969 would be deleted because it has already been accomplished.

Sec. 3006. Transportation Management Areas

Section 3006 and section 1015 of this Act are intended to make identical changes to 49 U.S.C. section 5305, "Transportation Management Areas" and 23 U.S.C. section 134, "Metropolitan Planning."

Section 5305 (a), "Designation." Paragraph (2) would be amended to delete the reference to Lake Tahoe because the area has not benefited from the existing provision, which allowed the area to be designated as a Transportation Management Area (TMA) but did not give them MPO status and eligibility for planning funds.

Subsection (c), "Congestion Management System," would be amended to delete the requirement for a phase-in schedule for congestion management systems because this has already been accomplished.

Subsection (d), "Project Selection," would be clarified to provide that States and transit operators select projects from the TIP developed by the MPO, rather than select projects for inclusion in the TIP. Development of the TIP is the responsibility of the MPO. Paragraphs (2)(A) and (B) would be deleted as extraneous.

Subsection (e), "Certification." Paragraph (1) would be amended to clarify that the Secretary certifies the planning process rather than the planning organization. Paragraph (2) would be amended to eliminate date references that were originally included to implement the new certification requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102–240) (ISTEA) and to eliminate the mandatory penalty of 20 percent of Surface Transportation Program (STP) attributable funds if an area is not certified after September 30, 1996. The penalty for lack of certification would no longer be limited to 20 percent of STP attributable funds. It would be whatever portion of those funds the Secretary determines to be appropriate.

Subsection (f), "Additional Requirements for Certain Nonattainment Areas," would be amended to add particulate matter to ozone and carbon monoxide nonattainment classifications in TMAs for purpose of funding certain projects.

Subsection (g), "Areas Not Designated Transportation Management Areas." Paragraph (2) would be amended to prohibit the Secretary from allowing abbreviated transportation plans and programs for metropolitan areas in nonattainment status for particulate matter in addition to ozone and carbon monoxide.

A new subsection (h), "Transfer of Funds," would allow the transfer of funds on the transfer of funds for highway projects under FTA and for transit projects under FHWA. This provision would be moved here from 23 U.S.C. section 104.

A new subsection (i), "Limitation on Statutory Authority," would be added to clarify that this section does not give an MPO authority to impose legal requirements on any transportation provider, facility, or project that is not eligible for Federal transit assistance.

Sec. 3007. Statewide Planning

Section 3007 would amend section 5306 by moving the entire section, "Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations," to subparagraph (K) of section 5323, "General Provisions on Assistance." This change makes room for the new section 5306, "Statewide Planning."

It is intended that new section 5306 parallel the current requirement for "Statewide Planning" in title 23 (23 U.S.C. section 135). This is not a substantive change because 23 U.S.C. section 135 already applies to grants under chapter 53 of title 49 by reference. The language included in chapter 53 of title 49 would be identical to that contained in 23 U.S.C. section 135, after the following substantive changes are made.

Subsection (a) "General Requirements." New subsection (a) would add emphasis on operations and management to underscore the need to maintain the existing transportation system and to support implementation of Intelligent Transportation Systems (ITS). The need for "fair and equitable" treatment within the planning process for all areas of the State would also be emphasized.

Subsection (b), "Scope of the Planning Process," would be amended to include seven broad clusters of goals found in paragraphs (1)(A) through (G) which would encompass the 20 planning factors in ISTEA. These include the broad categories of the economic vitality; safety and security; accessibility and mobility; environment, energy conservation, and the quality of life; integration and connectivity; management and operation;

and preservation of the existing transportation system. These are the same planning factors as in amended section 5303(b).

Paragraph (2) would require the application of goals in each State to be made through cooperative arrangements between the State and those involved in the statewide planning process. This would be demonstrated through application in transportation decision making and is meant to give planning officials greater flexibility.

New paragraph (3)(A) would incorporate existing language on coordination.

Subsection (c), "Transportation Plan" would include reordered and clarified language from that presently in 23 U.S.C. section 135 concerning coordination of statewide planning with metropolitan planning and the concerns of Indian tribal governments. Subsection (c) would also clarify that the statewide plan would cover a 20-year time frame. Freight shippers would be added to the list of interested parties to which the State must provide a reasonable opportunity to comment on the proposed plan. Also added would be new language calling for consultation between the State and local elected officials outside the metropolitan planning area boundaries when developing the Statewide plan for such non-metropolitan areas. Development of transportation plans is expected to account for related investments and program strategies developed through other planning activities, e.g., economic development and revitalization. Such coordination would ensure that transportation projects and programs would consider, for example, the needs of low income communities so that they would be effectively integrated with transportation investments.

Subsection (d), "State Transportation Improvement Program," would reflect the focus on the statewide program. Freight stakeholders would be added to the list of parties that the State must provide reasonable opportunity to comment on the proposed State Transportation Improvement Program (STIP). Paragraph (1) would require consultation between State and local transportation officials outside the metropolitan area when developing the program for such non-metropolitan areas. Paragraph (2) would emphasize that projects included in the STIP for metropolitan areas must be identical to the approved metropolitan TIP for each area. Paragraph (3) would clarify that for areas under 50,000 in population the projects would be selected from the approved STIP and the State must consult with affected local officials. Paragraph (4) would direct the Secretary, before approving the STIP, to find that the STIP was developed through a planning process that was consistent with Federal transportation planning requirements. Such approval would be required at least every two years.

Subsection (e), "Statewide Planning Grants," describes the formula grant program for Statewide transit planning. This provision would be moved from section 5313(b).

Subsection (f), "Other Eligible Activities," would permit States to use funds under this section to supplement metropolitan planning grants under section 5303(h)(2)(A) and grants under the Transit Cooperative Research Program under section 5313(a).

Subsection (g), "Period of Availability," would make funds available for 3 years after the fiscal year of apportionment, after which remaining funds would be reapportioned among the States.

Subsection (h), Exclusion of Certain United States Territories," would clarify that section 5306 would not apply to the Northern Mariana Islands, Guam, American Samoa, or the Virgin Islands.

SEC. 3008. URBANIZED AREA FORMULA GRANTS

Section 3008 would change the title of section 5307 from "Block grants" to "Urbanized area formula grants" to better reflect the contents of this section.

Subsection (a), "Definitions." Paragraph (1) would be amended to delete the definition of "associated capital maintenance items" because of the changes that would be made to section 5302, "Definitions;"; the expanded definition for preventive maintenance would includes costs for associated capital maintenance items, thus making this definition extraneous.

Subsection (b), "General Authority." Paragraph (1) would allow the following eligible grant activities: capital projects, under subparagraph (A); planning, under a new subparagraph (B); financing the operating costs of equipment used in mass transportation in urbanized areas with a population of less than 200,000, under subparagraph (C); the transportation cooperative research program, under a new subparagraph (D); the university transportation centers, under a new subparagraph (E); training, under a new subparagraph (F); research, under a new subparagraph (G); and technology transfer, under a new subparagraph (H). Subparagraphs (A) through (C) are in existing subsection (b)(1). Subparagraph (C) would be amended to limit operating assistance to only areas under 200,000; new section 5302(a)(1)(E) allowing preventive maintenance is intended to provide areas of over 200,000 with funds to maintain their assets, thus offsetting the loss of operating assistance.

Subsection (b)(2) would be amended by adding subparagraph (C), which was moved from current subsection (b)(5). This subparagraph permits funds to be used for a highway project only if local funds are eligible to finance either highway or transit projects, i.e., are flexible.

Subsection (b)(3) would be deleted because leasing would now be eligible under the consolidated section 5302(a)(1)(F), "Definitions."

Subsection (b)(4) would be deleted because the new definition of preventive maintenance in section 5302(a)(1)(E) would include costs for associated capital maintenance items.

Subsection (c), "Public Participation Requirements," would be deleted because the public participation requirements are included in the planning process under sections 5303 through 5306 and are not needed as a separate requirement under the urbanized area formula grant program.

Subsection (d) "Grant Recipient Requirements" would be redesignated subsection (c). Redesignated subsection (c), would eliminate the requirement for a separate program of projects as a streamlining effort because one is already required in the planning process. It would also require that projects be selected only from those included in the STIP.

Redesignated (c)(1)(A) through (C) regarding the certification of legal, financial, technical capacity, continuing control over the use of equipment and facilities, and maintenance of equipment and facilities would be moved from section 5307 to section 5323(i) and (j) as general conditions of assistance and would now apply program wide. Redesignated subsection (c)(1)(E) would be deleted and moved into a consolidated section 5325 "Contract Requirements." Redesignated subsection (c)(1)(F) would be deleted as extraneous.

Subsection (e), "Government's Share of Costs," would be deleted because this requirement would be consolidated in a new section 5328 and applied program-wide.

Subsection (g), "Undertaking Projects in Advance," would be deleted because advance construction requirements would be consolidated for program-wide application in a new section 5319 "Advance Construction Authority."

Subsection (h), "Streamlined Administrative Procedures," would be deleted as extraneous.

Subsection (j), "Reports," would be deleted as not necessary.

Subsection (k), "Submission of Certifications," would be deleted because submissions of certifications would be moved to and consolidated in section 5323(j) for program-wide application as a streamlining effort.

Subsection (n), "Relationship to Other Laws." Paragraph (1) would be deleted and consolidated into section 5323(i). Subsection (n)(2) would be redesignated subsection (h).

Sec. 3009. Mass Transit Account Block Grants

Section 3009 would delete current section 5308, "Mass Transit Account Block Grants" because this section applied to a one year capital program in Fiscal Year 1981 and has been executed.

Sec. 3010. Major Capital Investments

Section 3010 would change the title of section 5309 from "Discretionary Grants and Loans" to "Major Capital Investments" because the fixed guideway modernization program would be merged with the urbanized area formula grants program (see section 3034 of this Act) and the bus discretionary program would be eliminated.

Subsection (a), "General Authority." All capital project definitions contained in subparagraphs (1) (A) through (G) would be moved to section 5302, "Definitions."

Paragraph (2) would be amended to remove the Secretary's authority to make loans. Paragraph (2) concerning the Secretary's authority to apply all appropriate terms, conditions, requirements, and provisions to grants under section 5309 does not provide the Secretary with authority to waive statutory requirements, such as the application of Federal labor standards, civil rights requirements, or employee protective arrangements.

A new paragraph (3) would be added so that funds made available under section 5309 may be transferred to section 5311 (Formula Program for Other than Urbanized Areas recipient) and would be administered under the requirements of section 5311.

Subsection (b), "Loans for Real Property Interests" would be deleted.

Subsection (c), "Consideration of Decreased Commuter Rail Transportation" would be deleted because this provision applied to the establishment of Conrail as a private corporation in 1986 and is obsolete.

Subsection (d), "Project as Part of Approved State Program of Projects" would be redesignated subsection (b) and retitled "Project as Part of Approved State Improvement Program," to be consistent with changes made to redesignated 5307(c)(1) (existing section 5307(d)(1)). Subsections (d)(1) and (2) concerning the requirements for legal, financial, and technical capacity and maintenance of equipment or facilities that applied to section 5309 would be moved to section 5323(i) and (j) and would apply program-wide.

Subsection (e), "Criteria for Grants and Loans for Fixed Guideway Systems" would be redesignated subsection (c) and renamed

"Criteria for Grants for Fixed Guideway Systems." Paragraph (1)(A) would be amended by deleting "contract" and substituting "grant agreement" to reflect current practice. Paragraphs (3)(A) and (B) would be deleted as extraneous since these project approval requirements of mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies would be covered in paragraph (2)(B). Paragraph (6)(B) would be amended to clarify which determinations made by the Secretary would be expedited if the project was contained in a State Improvement Program in a nonattainment area. Paragraph (6)(C) would be amended by removing "completely" and substituting "substantially" to provide greater flexibility in application of this subsection to a part of a project financed with flexible highway funds.

Subsection (f) "Required Payments and Eligible Costs of Projects that Enhance Urban Economic Development or Incorporate Private Investment" would be redesignated subsection (d). Paragraphs (2)(A) and (B) would be moved and consolidated into the definition of eligible capital project costs contained in section 5302(a)(1)(K).

Subsection (h), "Government's Share of Net Project Costs" would be moved and consolidated into the new section 5328 of the same name.

Subsections (i)-(k) on loan term requirements would be eliminated.

Subsection (m), "Allocating Amounts." Paragraphs (1) and (2) regarding allocations for FY 1993 through FY 1997 would be deleted because section 5309 would now cover major capital investments, rather than fixed guideway modernization and bus discretionary funds. Paragraph (4) would be deleted as extraneous because the amended section would no longer include three different allocations. Paragraph (3) would be redesignated subsection (g) and entitled "Report to Congress."

Subsection (n), "Undertaking Projects in Advance," would be deleted because advance construction authority would apply program wide under section 5319.

Subsection (o), "Use of Deobligated Amounts," which allowed deobligated funds to be used for any purpose under this section would be deleted because the section would now apply only to major capital investments.

Sec. 3011. Formula Grants for Special Needs of Elderly Individuals and individuals with Disabilities

Section 3011 would change the title of section 5310 from "Grants and loans for special needs of elderly individuals and individuals with disabilities" to "Formula grants for special needs of elderly individuals and individuals with disabilities."

Subsection (a), "General Authority," would be amended to remove loan authority. Paragraph (1) would be deleted as a streamlining effort because funds to local public transit operators for service for elderly and disabled persons are made available through the urbanized and nonurbanized area formula programs. Paragraph (2) would be redesignated paragraph (1). Redesignated paragraph (1) would be amended to simplify the conditions of assistance made to private nonprofit corporations and associations.

Subsection (b), "Apportioning and Transferring Amounts," would be amended to remove the 90-day limitation on the transfer of funds from section 5310 to either section 5311, "Formula Program for Other than Urbanized Areas" or section 5307, "Urbanized Area Formula Grants." This change would permit such transfers at anytime during the fiscal year, providing enhanced flexibility and improved program management.

Subsection (e) "Application of section 5309." The catchline and paragraph (1) would be deleted; thus no longer requiring that a grant made under this section follow the requirements of section 5309, "Major Capital Investments." It would require that grants be subject to requirements the Secretary deems appropriate. Paragraph (2) would be redesignated subsection (e) and entitled "Grant requirements."

Subsection (f) "Minimum Requirements and Procedures for Recipients" would be deleted as extraneous because both the Americans with Disabilities Act and the planning process already provide these minimum requirements and procedures for grant recipients.

The remaining sections would be redesignated and would remain unchanged.

Sec. 3012. Formula Program for Other than Urbanized Areas

Section 3012 would change the title of section 5311 from "Financial assistance for other than urbanized areas" to "Formula program for other than urbanized areas" for clarification.

Subsection (b), "General Authority." Paragraph (2) would be amended to provide that four percent of the rural formula program funds shall be available for the Rural Transportation Assistance Program (RTAP). This streamlining change moves RTAP from the Transit Planning and Research Program to the formula program for other than urbanized areas.

Subsection (c) "Apportioning Amounts" would be amended to remove the extraneous apportionment calculation based on nonexistent Census estimates of nonurbanized population. The number of years for obligation after the fiscal year in which the amount is apportioned would be increased from two, to three, to conform the nonurbanized area program with the urbanized formula program under section 5307.

Subsection (e), "Use for Administration and Technical Assistance." Paragraph (1) would be amended to broaden the availability and use of funds by allowing States to use the rural formula funds now available to them for program administration to be used, as well, to support the Transit Cooperative Research Program (TCRP) and for training.

The catchline of subsection (f) would be changed from "Intercity Bus Transportation" to "Intercity Bus or Rail Transportation" to reflect the inclusion of rail as an eligible activity. The first sentence of paragraph (1) would be deleted to drop the requirement for intercity bus set-asides; the remaining phrase of paragraph (1) would be redesignated subsection (f). Subparagraph (A) would be redesignated paragraph (1). Planning and marketing expenses for intercity buses would still be eligible, and would be expanded to include intercity rail.

Paragraphs (1)(B) and (1)(C) would be deleted as extraneous because intercity bus shelters and joint use stops and depots would be generally eligible under this section. Paragraph (1)(D) would expand operating grants to include either bus or rail and would be redesignated as paragraph (2). Paragraph (1)(E) would be amended so that rural connections between small mass transportation operators and intercity bus would now include connections to rail or air carriers to enhance intermodalism in nonurbanized areas and would be redesignated as paragraph (3).

Subsection (f)(2) would be deleted because there would no longer be a requirement for a specific amount to be spent on intercity bus projects. The deletion of the requirement for a specific set-aside for intercity bus services obviates the need for a certification from the State that intercity bus needs are met before the funds could be used for other eligible purposes.

Subsection (g), "Government's Share of Costs," would be moved to and consolidated into section 5328. Subsections (h) and (i) would be redesignated as subsections (g) and (h), respectively.

A new subsection (i), "Apportioning and Transferring Amounts" would be added to allow the transfer of funds from section 5311 to section 5310 for use in the elderly and disabled programs. This provision would be moved from existing section 5336(g).

Sec. 3013. National Research Programs

Section 5312 would be renamed the "National Research Programs" which would be moved from section 5314. Section 5312 on "Research, Development, Demonstration, and Training Projects" would be moved to section 5314.

Subsection (a), "Program." Paragraph (1) would provide that funds made available to this section can be used for the Transit Cooperative Research Program under section 5313; for research, development, demonstration, and training projects under section 5314; for the national transit institute under section 5315; for bus testing under section 5318; and for the human resource program under section 5322. Paragraph (2) sets aside a minimum of $2 million to help transportation providers comply with the Americans with Disabilities (ADA) and would be moved without change from section 5314, "National Planning and Research Program."

The only substantive change to section 5312 would be the deletion of subsection (a)(4)(B) regarding the establishment of an Industry Technical Panel. This provision is extraneous because several other avenues exist to acquire advice from the transit industry.

Subsection (b), "Government's Share," provides that the Secretary establish the government's share consistent with the benefit provided.

Sec. 3014. Transit Cooperative Research Programs

Section 3014 would amend section 5313 by changing the title from "State Planning and Research Programs" to "Transit Cooperative Research Program".

Subsection (a), "Cooperative Research Program" would be amended to include the Federal Transit Administration (FTA) as a member of the governing board of the program.

Subsection (b), "State Planning and Research," would be deleted because the State planning requirements would be consolidated under section 5306, "Statewide Planning." Because the funds would no longer be divided and allocated directly, the fifty percent limit of section 5312, National Planning and Research Programs, would be deleted.

Subsection (c), "Government's Share," would be deleted and would be moved to section 5306 "Statewide Planning."

Sec. 3015. Research, Development, Demonstration, and Training Projects

The language of section 5314 would be replaced by and moved to section 5312. Section 5314 would be renamed "Research, development, demonstration, and training projects."

Subsection (a), "Research, Development, Demonstration, and Technical Assistance

Projects." In paragraph (1), eligible projects would be expanded to include those that improve service, enhance safety or security, increase capacity, reduce costs of services, equipment, or infrastructure, improve intermodal connections, reduce the need for transportation, overcome institutional barriers, disseminate technical information, promote applications of innovative technology, or advance the knowledge of mass transportation.

A new subsection (d), "Joint Partnership Program for Deployment of Innovation," would be added governing a joint partnership program for transit innovation deployment. Under paragraph (1), consortia would consist of public or private organizations which provide mass transportation service to the public, and businesses offering goods or services to mass transportation providers. It may also include public or private research organizations or state or local governmental authorities. The program would, under paragraph (2), permit entering into cooperative agreements, grants, contracts, or other agreements with consortiums to promote the deployment of innovation in mass transportation technology, services, management, or operational practices. In paragraph (3), the government's share of the cost would be limited to a maximum of 50 percent of the net project cost. Paragraph (4) gives the Secretary the authority to establish the solicitation and award process. Paragraph (5) states that net revenues would be credited to the future joint partnerships under this subsection.

Subsection (e), "International Mass Transportation Program," authorizes an international mass transportation program whereby the Secretary may develop and disseminate information on international transportation marketing opportunities to domestic operators; cooperate with foreign public sector entities on research; advocate U.S. mass transportation products and services in international markets; participate in seminars to inform international markets of the technical quality of mass transportation products and services; and offer FTA technical services to foreign public authorities on a cost reimbursement basis. The Secretary would be authorized to cooperate with Federal agencies, State and local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any organization deemed appropriate to carry out this section. A special account would be established for funds from any cooperating organization or person to pay for promotional materials, travel, reception, and representation expenses.

Sec. 3016. National Transit Institute

Section 3016 would amend section 5315 by changing the title from "National Mass Transportation Institute" to the "National Transit Institute" to reflect current practice. It would also change the subsection (a), "Establishment and Duties," list of courses to include architectural design in paragraph (5), construction management, insurance, and risk management in paragraph (11), and innovative finance in a new paragraph (15). Paragraph (7) would be amended to clarify that turnkey approaches "deliver" mass transportation system rather than "carry-out."

Sec. 3017. University Research Institutes

Section 5316 would be repealed. The program would be combined with the Transportation Centers program, section 5317, into an Intermodal Transportation Centers program administered by the Research and Special Programs Administration in a new chapter 52 of title 49.

Sec. 3018. Transportation Centers

Section 3018 would repeal section 5317. This program would be combined with the University Research Institutes, section 5316, program into an Intermodal Transportation Centers program administered by the Research and Special Programs Administration in a new chapter 52 of title 49.

Sec. 3019. Bus Testing Facility

Section 3019 would amend section 5318 (b), "Operation and Maintenance," and (d), "Availability of Amounts to Pay for Testing," to permit, in addition to a contract, the use of a grant or cooperative agreement to operate and maintain the bus testing facility. This would enhance flexibility in choosing and managing facility operators by FTA. Other mass transportation vehicles such as paratransit vans would be permitted to be tested at the facility in subsection (a), "Establishment."

Sec. 3020. Advance Construction Authority

Section 3020 would delete section 5319, "Bicycle Facilities" in its entirety. Eligibility for bicycle facilities would be moved to, "Definitions," section 5302(a)(1)(O), and its special 90 percent matching share would be moved to section 5328, "Government's Share of Costs." A new section 5319, "Advance Construction Authority," consolidating the advance construction authority in sections 5307(g) and 5309(n) would be substituted in its place. The requirements of advance construction authority would remain unchanged from their previous application to sections 5307 and 5309, and would be expanded to apply to section 5311.

The new section incorporates the requirement that the interest eligible for reimbursement be based on the most favorable interest terms available, as is now included in section 5309(n), rather than the inflation-based approach under section 5307(g), which proved to be unworkable in practice. Preaward authorization to incur project costs would be allowed. This would permit commencement of work at the time funds are apportioned, rather than after grant award. This change would incorporate in law a current practice.

Sec. 3021. Suspended Light Rail System Technology Pilot Project

Section 3021 would delete section 5320, "Suspended Light Rail System Technology Pilot Project," in its entirety. This section is unnecessary because the project is already eligible under section 5312, "National Planning and Research Programs." A new 5320, "Access to Jobs and Training" would be added.

Under subsection (a), "General Authority," the Secretary would make grants to assist States, local governments, and private nonprofit organizations to transport economically disadvantaged persons to jobs and employment-related activities.

Under subsection (b), "Grant Criteria," the Secretary would make discretionary grants to recipients based on statutory criteria including severity of the welfare transportation problem, existence of or willingness to create a mechanism to coordinate transportation and human resource services planning, the applicant's qualifications and performance under other welfare reform activities, the extent to which a partnership with human resource agencies exists, and the applicant's application. The application would be required to address the access to work transportation needs and possible new service strategies, the coordinating of existing service providers and possible new service strategies, the promotion of employer-provided transportation services, and long-term financing strategies to support the program.

Under subsection (c), "Eligible Projects," eligible grant activities would include integrating transportation and welfare planning, coordinating transit providers with human resource service providers, operating and capital costs of service start-up, promoting employer-provided transportation, developing financing strategies, and related administrative expenses.

Under subsection (d), "Technical Assistance," the Secretary may make grants, cooperative agreements, or contracts for technical assistance and the evaluation of projects funded under this section.

Under subsection (e), "Government's Share of Costs," the DOT share of costs would be 50 percent of the net cost and the remainder will be cash from sources other than revenues from providing transit service. Subsection (e) would allow a recipient to use other Federal human services funds to fund the non-governmental share. This subsection would not apply to the grants, cooperative agreements, and contracts for the provision of technical assistance; thus they could be funded completely by the Government.

Under subsection (f), "Planning Requirements," grants would be required to be included in Metropolitan and Statewide plans and Transportation Improvement Programs.

Under subsection (g), "Grant Requirements," grants would be subject to terms and conditions as determined by the Secretary.

Under subsection (h), "Availability of Amounts," funds are available for three years after the fiscal year they are made available.

Sec. 3022. Crime Prevention and Security

Section 3022 would amend section 5321, "Crime Prevention and Security," by moving its provisions to section 5302(a)(1)(Q), "Definitions," thereby making crime prevention and security eligible as a capital project.

Sec. 3023. General Provisions on Assistance

Section 3023 would amend section 5323, "General Provisions on Assistance."

Subsection (a), "Interests in Property." Paragraph (1)(A) would be amended to clarify that a project must be contained in a TIP rather than in a program of projects before a recipient can acquire property with FTA funds.

Paragraph (1)(D) would be amended to clarify that an employee protective arrangement certification under section 5333(b) applies only to projects under sections 5307 (except planning), 5309, 5311, 5313 (for operational activities only), redesignated 5314, and 5320 (except planning) and not to all projects in the transit program.

Subsection (b), would be amended to change the catchline from "Notice and public hearing" to "Social, economic, and environmental interests" to clarify the nature and purpose of the environmental public hearing. Paragraph (2), which describes how the notice of hearing must be published, would be removed due to its unnecessary prescriptive requirements. New paragraphs (2)(A) and (B) would be added here to reflect only those environmental requirements that are unique to FTA, by moving them from section 5324(b); National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.) (NEPA) provides the overall environmental review requirements.

Subsection (d) would be renamed from "Buying and Operating Buses" to "Charter Bus Limitation" to more accurately reflect the meaning of the subsection. It would now only apply to sections 5307, 5309, and 5311. The reference to existing section 5308, which would be repealed, would be deleted.

Subsection (e) "Bus Passenger Seat Specifications" would be deleted. This "housekeeping" effort removes unnecessarily prescriptive requirements and recognizes the fact that specifications were never issued by the Secretary.

Subsection (i), "Government's Share of Costs for Certain Projects" would be deleted and moved to section 5328 where these requirements would be consolidated.

Subsection (j), "Buy America," would be redesignated subsection (h). Paragraph (7) would be deleted as extraneous since the "foreign entity purchases" report to Congress has been submitted.

Subsection (k) "Application of Section 135 of Title 23," would be deleted and moved to section 5303 where planning requirements would be consolidated.

A new subsection (i), "Submission of Certification" moved from section 5307(k), would be added to provide for a single certification for all programs under this chapter.

A new subsection (j), "Legal Financial, and Technical Capacity," would be added which would consolidate all requirements for legal, financial, and technical capacity for all programs under this chapter.

A new subsection (k), "Private Enterprise Participation" would be moved here from section 5606(a).

Subsection (l), "Preaward and Postdelivery Review of Rolling Stock Purchase" would be deleted because this requirement is costly and unnecessary.

Sec. 3024. Acquisition of Real Property Owned By The Government

Section 3024 would delete as extraneous section 5324, "Limitations on discretionary and special needs grants and loans," in its entirety. Subsection (a), "Relocation Program Requirements," are contained in the Surface Transportation and Uniform Relocation Assistance of 1987 and would be redundant if retained. The environmental requirements contained in subsection (b), "Economic, Social, and Environmental Interests," are now included in NEPA with the exception of the unique environmental requirements that apply to FTA, which would be placed in section 5323(b), "General Provisions on Assistance." Subsection (c), "Prohibitions Against Regulating Operations and Charges," would be moved to section 5334, "Administrative," and would now apply program wide, rather than only to section 5309 recipients.

A new section 5324 would be named "Acquisition of Real Property Owned by the Government." This new section would make surplus real property owned by the Government available for a transit purpose or as a source of materials for the construction and maintenance of a transit facility adjacent to Government land. This section is patterned on 23 USC section 317.

Sec. 3025. Contract Requirements

Section 3025 would amend section 5325, "Contract Requirements."

Subsection (b), "Acquiring Rolling Stock," would be moved to section 5326, "Special Procurements." New subsection (b), "Competitive Negotiation," would authorize the use of a competitive negotiation procurement process when the sealed bid procurement process is not suitable. Subsection (c), "Procuring Associated Capital Maintenance Items," would be deleted because they would now be included as preventive maintenance in section 5302(a)(1)(E), "Definitions."

Subsection (d), "Architectural, Engineering, and Design Contracts," would be moved to new subsection (b)(2).

Sec. 3026. Special Procurements

Section 3026 would amend section 5326, "Special Procurements."

Subsection (a), "Turnkey System Projects," would be amended to expand the definition of turnkey system projects to include an operable segment of a transportation system and to expand from seller operation to seller financing, designing, building, and system operation, or any combination thereof. It would allow the contractor to acquire, rather than construct, a mass transportation system or segment. Paragraph (2) would require a turnkey solicitation to be based on a two-phased competitive procurement process where participation of small and medium sized businesses would be encouraged in joint ventures with large firms. Paragraph (3) would be deleted because it is completed.

Subsection (c), "Efficient Procurement" would be amended to remove references to dates and guidance requirements and moved to subsection (e). New subsection (c), "Acquiring Rolling Stock" would be moved here from section 5325(b) as a "housekeeping" effort.

Subsection (d), "Procuring Spare Parts" would be amended to permit a recipient to purchase spare parts directly from the original manufacturer or supplier without prior FTA approval if the manufacturer is the only source for the item and the price reflects market conditions.

Sec. 3027. Oversight

Section 3027 would change the name of section 5327 from "Project Management Oversight" to "Oversight" to reflect the expansion of this section to include other oversight such as financial oversight.

Subsection (c), "Limitations on Use of Available Amounts," would be amended to increase the percentage takedown from .5 percent to .75 percent of section 5307. A takedown would no longer be taken from section 5311. Taken together, these changes would result in an increase in the total funds available for oversight activities and focus the source of funds to the programs with the most need for oversight. Paragraph (2) would be amended to permit funds under this section to be used to provide technical assistance to correct deficiencies identified by compliance reviews and audits. This change would facilitate implementation of needed changes to recipient procedures and practices.

Sec. 3028. Government Share of Costs

Section 3028 would delete section 5328, "Project review," in its entirety. This section required specific timelines and milestones for the various stages of fixed guideway projects.

Compliance with the section's requirements was problematic; projects proceed at a pace determined primarily by local actions, not by those of the FTA. Also, commitments have already been made to the projects contained in subsection (c) which would therefore no longer be needed.

This section would be renamed "Government share of costs" and would contain a consolidation of most of the government's share of costs requirements in this single section. Subsection (a), "Capital Projects," would establish the Government's share of the costs for all capital projects funded under chapter 53 of title 49. The Governments' share for most capital projects would remain at 80 percent. Paragraphs (1) (A) and (B) contain special Government share ratios for certain kinds of projects.

Under paragraph (1)(A), the Government's share of a bicycle facility, as defined in section 5302(a)(1)(O), would remain 90 percent of the cost of the project.

Under paragraph (1)(B), the Government's share of the costs for a capital project that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.), would remain at 90 percent of the net project cost of the equipment that is attributable to complying with those Acts. The Secretary of Transportation, through practicable administrative procedures, would still be able determine the costs attributable to that equipment .

Under subsection (b), "Operating Expenses," the government's share of operating costs may not exceed 50 percent and would be limited to projects under sections 5302(a)(1)(R), 5307, or 5311. In section 3008 of this Act, operating assistance would be limited to only those areas under 200,000 in population.

Sec. 3029. Investigation of Safety Hazards

Section 3029 would amend section 5329, "Investigation of Safety Hazards," by deleting the extraneous subsection (b), "Report." This report to Congress on safety has been submitted.

Sec. 3030. Nondiscrimination

Section 3030 would amend section 5332, "Nondiscrimination."

Subsection (b), "Prohibitions," would be amended by adding disability to the list of nondiscrimination factors, and to replace "creed" with "religion", that now includes race, color, creed, national origin, sex, or age. This addition makes this section consistent with the requirements of the Americans with Disabilities Act.

Sec. 3031. Labor Standards

Section 3031 would amend section 5333, "Labor Standards."

Subsection (b), "Employee Protective Arrangements," would be amended to conform it to current practice and to apply it to the section 5320 "Access to Jobs and Training" (except planning). Section 5333(b) would apply to sections 5307 (except planning), 5309, 5311, 5313 (operational activities only), redesignated 5314, and 5320 (except planning). It removes its incorrect application to bus testing, administrative requirements, oversight, rail modernization formula, and the authorization section caused by codification.

Sec. 3032. Administrative

Section 3032 would amend section 5334, "Administrative."

Subsection (a), "General Authority." Paragraph (10) would be amended to permit FTA to charge fees to cover the costs of training or conferences that promote mass transportation. This change would increase FTA's flexibility in offering courses, help defray the costs of such courses, and provide additional revenues to expand course offerings.

A new paragraph (11) would be added that would clarify FTA's participation with cooperating foreign countries on various activities, such as research and technology. This wording would be consistent with Federal highway law.

Subsection (g), "Transfer of Assets No Longer Needed," would be simplified to allow assets that are acquired by FTA assistance and that are no longer needed for public transportation purposes may be sold or transferred under conditions determined by the Secretary. This change removes unnecessary regulatory burdens, enhances flexibility in making decisions regarding asset disposition, and facilitates the undertaking of joint development projects.

Subsection (i), "Authority of Secretary of Housing and Urban Development," would be deleted as a "housekeeping" change; it references pre-1967 authority of the Secretary of Housing and Urban Development (HUD) over the Federal transit assistance program.

Subsection (j), "Relationship to Other Laws," would be redesignated subsection (i).

New subsection (j), "Prohibitions Against Regulating Operations and Charges," which prohibits FTA from regulating transit operations and charges would be moved here from section 5324 (c) and would remain unchanged, except that it would now apply to all programs, rather than to only section 5309. This would incorporate in law a current practice.

New Subsection (k), "Test and Evaluation," would be added to allow the waiver of all requirements except for labor certification and environmental review under NEPA for grants to test or develop any material, invention, patented article, or process. This authority would be similar to that contained in Federal highway law.

Sec. 3033. Reports and Audits

Section 3033 amends section 5335, "Reports and Audits."

Subsection (a) would be amended to change the catchline from "Reporting system and uniform system of accounts and records" to "National transit database" to more accurately reflect the contents of this subsection.

Subsection (a)(2) would be redesignated subsection (b) and entitled "Inclusion of Grant Recipients in Database."

Subsection (b), "Quarterly Reports," would be deleted, removing the requirement for quarterly reports to Congress on State obligations and grants executed. This information is readily available elsewhere through normal distribution so that a Congressional report is extraneous and not cost effective.

Subsection (c), "Biennial Needs Report," would also be deleted, removing the requirement for a biennial needs report to be submitted by the Comptroller General. The General Accounting Office (GAO) concurs that this report is redundant because a comparable report to Congress is required by 49 U.S.C section 308.

Subsection (d), "Biennial Transferability Report" would also be deleted. The GAO agrees that this report is not needed, since the information on the amount of mass transportation money transferred for non-mass transportation purposes is readily available elsewhere.

Sec. 3034. Apportionment of Appropriations for Formula Grants

Section 3034 would amend section 5336 by changing the name from "Apportionment of Appropriations for Block Grants" to "Apportionment of Appropriations for Formula Grants" to more accurately reflect the purpose of this section.

Subsection (a), "Access to Jobs and Training," would provide $100 million annually until 2003 for the "Access to Jobs and Training Program" under section 5320.

Subsection (b), "Allocation For Urbanized Area, Other Than Urbanized Area, Special Needs of Elderly Individuals and Individuals With Disabilities Formula Programs," would provide for distribution of funds among the formula programs as follows: 94.5 percent of the funds for "Urbanized Area Formula Grants" (section 5307); 1.75 percent of the funds for "Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities" (section 5310); and 3.75 percent of the funds for the "Formula Program for Other than Urbanized Areas" (section 5311). In the urbanized area formula grants program, the changes to this section would merge the formula fixed guideway program into the program without change in the formula. The amount apportioned by the current fixed guideway formula would be equal to the amount available for major capital investments. The remainder would be apportioned by the current urbanized area formula.

Subsection (c), "Fixed Guideway Tier," would provide funds to the fixed guideway systems listed in existing section 5337.

Subsection (d), "Operating Assistance," would be redesignated subsection (f) and would provide that urbanized areas under 200,000 in population could use their entire apportionment for operating assistance, eliminating the former statutory cap (areas over 200,000 would not be able to use funds for operating assistance).

Subsections (e) through (i) would be redesignated (g) through (k), respectively. Redesignated subsection (i), "Transfers of Apportionments" would be amended to permit transfers of apportionments from the urbanized area formula program to either the "Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities program" (section 5310) or the "Formula Program for Other than Urbanized Areas" (section 5311).

Former subsection (j), "Application of Other Sections," would be deleted as extraneous. Application of other sections is not relevant since this section covers only urbanized area formula grants (section 5307).

Former subsection (k), "Certain Urbanized Areas Grandfathered," would be deleted. Grandfathering urbanized areas designated under the 1980 census and not designated under the 1990 census for FY 1993 is obsolete.

Sec. 3035. Apportionment of Appropriations for Fixed Guideway Modernization

Section 3035 would delete section 5337 in its entirety because the current formula would be merged into section 5336(c).

Sec. 3036. Authorizations

Section 3036 would amend and completely rewrite section 5338 by providing new authorization levels for fiscal years 1998 to 2003.

Formula programs under subsection (a) would be funded from the Mass Transit Account for "Urbanized Area Formula Grants" (section 5307) (including Access to Jobs and Training (section 5320)), "Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities" (section 5310), and "Formula Program for Other than Urbanized Areas" (section 5311) at $3,970.5 million for fiscal years 1998–2002 and $4,077,704,000 for fiscal year 2003. No General Funds would be provided.

Under subsection (b), "Major Capital Investments," the following levels would be authorized:

FY 1998—$800 million.

FY 1999—$950 million.

FY 2000-2002—$1,000 million per year for each fiscal year.

FY 2003—$1,026 million.

Subsection (c), "Metropolitan Planning," would authorize appropriations of not more than $39.5 million per year for FY 1998–2002 and $40.527 million for FY 2003 for metropolitan planning grants under sections 5303–5305.

Subsection (d), "Statewide Planning," would authorize appropriations of not more than $8.25 million per year for FY 1998–2002 and $8.465 million for FY 2003 for statewide planning grants under section 5306.

Subsection (e), "National Transit Research," would authorize appropriations of not more than $38.050 million in FY 1998–2002 and $39,039,000 for FY 2003 for national transit research under section 5312 (including the Transit Cooperative Research Program, the National Transit Institute, and the Bus Testing Facility).

Subsection (f), "Universify Transportation Centers," would authorize not more than $6 million for FY 1998–2002 and $6.156 million for FY 2003 for the University Transportation Centers under chapter 52 of title 49.

Subsection (g), "Administrative Expenses," would authorize appropriations of such sums as necessary for administrative expenses.

Subsection (h), "Grants as Contractual Obligations," would provide that grants under subsections (a) and (b) of section 5338 constitute contract authority.

Subsection (i), "Availability," would provide that funds made available under subsections (a) through (f) of section 5338 are available until expended.

Subsection (j), "Transfer of Prior Year Funds Remaining Available," would provide a "housekeeping" change by allowing the transfer of any appropriated funds to the most recent appropriations heading for the same purpose; these funds would be administered in accordance with the provisions of the heading into which they were transferred. This will allow for the elimination of the need to account for expired programs separately.

Sec. 3037. Washington Metropolitan Area Transit Authority

Section 3037 would amend the National Capital Transportation Act of 1969 to change the source of funding for the final two years. Section 17(c) would be amended to repeal the authorization for general fund appropriations for fiscal years 1998 and 1999, and would reduce the total amount authorized to be appropriated by $250,000,000. In its place, a new subsection (d) would be added authorizing a like amount to be appropriated from the Mass Transit Account, $200,000,000 in fiscal year 1998 and $50,300,000 in fiscal year 1999.

TITLE IV—MOTOR CARRIER SAFETY

Sec. 4001. State Grants and Other Commercial Motor Vehicle Programs

Subsection (a) amends 49 U.S.C. 31101 by adding a new subsection (a) to provide a detailed description of the objectives of subchapter I, State Grants. This new subsection (a) emphasizes that the grants authorized under section 31102 are to be used by the Secretary, States, and other political jurisdictions working in partnership to improve commercial motor vehicle and driver safety. This new subsection (a) also provides some detail on the new performance-based approach grant recipients are to take by explaining that the funds authorized by this section are to be used to establish program baselines and benchmarks to evaluate overall motor carrier safety program effectiveness. The new subsection 31101 (a) further clarifies the performance-based grant concept by describing some of the other activities eligible for funding under this section and the safety goals these activities will provide the means to achieve.

Paragraphs (b) (1) and (2) and (c)(9) amend 49 U.S.C. 31102 to authorize the Secretary to encourage State implementation of performance-based activities to improve motor carrier safety. Section 31102 had already authorized grants to support State enforcement of Federal regulations, standards, and orders and compatible State regulations, standards, and orders. As a result of this amendment, section 31102 authorizes grants to fund traditional Motor Carrier Safety Assistance Program (MCSAP) activities, including uniform roadside driver and vehicle safety inspections, traffic enforcement, compliance reviews, safety data collection, and also new performance-based activities and analyses to identify Statewide safety problems, establish benchmarks, implement activities to address unique problems, and measure program effectiveness. States are still required to submit a State Motor Carrier Safety Plan to qualify for the MCSAP grants and the performance-based incentives. It is envisioned that all States will implement performance-based activities by the end of fiscal year 2003.

Subsection (c) amends section 31102 by adding references to hazardous materials transportation safety to perpetuate the longstanding policy that motor vehicle safety encompasses hazardous materials transportation safety as well.

Subsection (d) amends various provisions in section 31102(b), 49 U.S.C., which describe required components of the plan each State must develop and submit to the Secretary in order to qualify for funding under section 49 U.S.C. 31102.

Paragraph (d)(1) amends 49 U.S.C. 31102(b)(1)(J) to clarify that the activities referred to in that subparagraph are those activities described in paragraph (1) of subsection (c) of section 31102, 49 U.S.C. This amendment thus explains that a State plan must ensure that State "enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States" (49 U.S.C. 31102(c)(1)) will not diminish the effectiveness of the State commercial motor vehicle safety programs funded through subsection (a) of 49 U.S.C. 31102.

Paragraph (d)(2) revises 49 U.S.C. 31102(b)(1)(K) to provide States with more flexibility in establishing consistent and effective sanctions for violations of commercial motor vehicle safety regulations. The maximum fine schedule published by the Commercial Vehicle Safety Alliance is too prescriptive. As a result of this change, States will no longer be limited in their ability to use a range of fines to ensure compliance and address their unique safety problems.

Paragraph (d)(3) revises 49 U.S.C. 31102(b)(1)(L) to expand the preexisting requirement that each State coordinate the development and implementation of its Motor Carrier Safety Plan with the development and implementation of its Section 402 highway safety plan. This revision directs the States to also coordinate their Motor Carrier Safety Plans with other agencies responsible for highway safety in the State including FHWA and NHTSA highway grant recipients. This change also requires the State to provide for coordination of data collection and information systems with these other agencies.

Paragraph (d)(4) revises 49 U.S.C. 31102(b)(1)(M) to require that State plans ensure that all jurisdictions receiving funding participate in SAFETYNET, not just the 48 contiguous States. This revision also deletes the January 1, 1994, deadline for meeting this requirement.

Paragraph (d)(5) strikes 49 U.S.C. 31102(b)(1)(N), and thereby deletes the requirement that a State's plan emphasize and improve enforcement of traffic safety laws regarding commercial vehicle safety. This requirement is being removed because it is overly prescriptive and unnecessary; if a State's unique problems can best be addressed by other actions, such as public education, this requirement would cause the State to spend grant receipts on activities not best designed to solve that State's problems.

Paragraph (d)(6) revises 49 U.S.C. 31102(b)(1)(O) to remove the requirement that a State plan promote enforcement of requirements related to the licensing of commercial motor vehicle (CMV) drivers and the requirement that a State plan promote enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspections of the loads of CMVs transporting hazardous materials. Removal of these State plan requirements does not in any way diminish the obligation of the States participating in this program to enforce commercial driver's licensing requirements and hazardous materials transportation regulations. Paragraph (d)(6) retains the requirement that a State plan promote activities to remove impaired CMV drivers from the highways through adequate enforcement of regulations on the use of alcohol and controlled substances and the requirement that a State plan provide an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances. Paragraph (d)(6) moves from subparagraph 31102(b)(1)(P) to 49 U.S.C. 31102(b)(1)(O) the requirement that a State plan promote interdiction activities affecting the transportation of controlled substances by CMV drivers and provide training on appropriate strategies for carrying out those interdiction activities. In addition, paragraph (d)(6) amends subparagraph (O) to specify that a State plan must promote activities that further national safety priorities and performance goals.

Paragraph (d)(7) strikes 49 U.S.C. 31102(b)(1)(P), thereby deleting the requirement that a State plan ensure that the State will use trained and qualified officers and employees of political subdivisions and local governments to enforce commercial motor vehicle and hazardous material transportation safety regulations. This requirement is being removed because it duplicates language in the subsection 31104(f) as revised by this section. Clause (i) of 49 U.S.C. 31102(b)(1)(P) requiring that a State plan promote interdiction activities affecting the transportation of controlled substances by CMV drivers is retained, but is moved to clause (iii) of 49 U.S.C. 31102(b)(1)(O). Paragraph (d)(7) also redesignates subparagraph 31102(b)(1)(Q) as subparagraph 31102(b)(1)(P).

Paragraph (d)(8) redesignates subparagraphs (A) through (M) of 49 U.S.C. 31102(b)(1) as subparagraphs (B) through (N). This redesignation is necessary because of the addition of a new element at the beginning of the list of required State motor carrier safety plan components.

Paragraph (d)(9) amends 49 U.S.C. 31102(b)(1) to add a new required element of the State Motor Carrier Safety Plan to the beginning of the list of requirements. This new criterion requires the State to propose in its plan to implement performance-based programs by the year 2003. The requirement that performance-based programs be in place by a certain date ensures that State safety activities which were formerly based on inputs are replaced by activities focused on attaining solutions to existing problems.

Subsection (e) amends section 31103 of 49 U.S.C. by adding a new subsection to authorize the Secretary to reimburse State agencies, local governments, or other persons for up to 100 percent of the cost of the activities specified in 49 U.S.C. 31104(f)(2). The activities referred to in that paragraph are border enforcement and other high priority activities. The preexisting language of 49 U.S.C. 31103 is also redesignated as subsection (a).

Paragraphs (f)(1) through (6) revise section 31104 of 49 U.S.C. to authorize that $83,000,000 be appropriated from the Highway Trust Fund in each of fiscal years 1998 through 2003 to carry out section 31102 of 49 U.S.C., i.e., to provide States with grants to develop or implement programs for improving motor carrier safety and the enforcement of Federal and State regulations, standards, and orders regarding commercial motor vehicle safety.

Paragraph (f)(7) revises 49 U.S.C. 31104(b)(2) by replacing the reference to section 404(a)(2) of the Surface Transportation Assistance Act of 1982 with a reference to paragraphs 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991, to change an October 1, 1991, deadline to October 1, 1996, and to change an October 1, 1992, deadline to October 1, 1997. These changes remove out of date references and revise this paragraph to provide that amounts made available under paragraphs 4002(e)(1) and (2) of the ISTEA prior to October 1996 that are not obligated on October 1, 1997, are available for reallocation and obligation.

Paragraph (f)(8) revises 49 U.S.C. 31104(f) by deleting the language authorizing the Secretary to designate specific eligible States for an allocation of funds to be used for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to implement programs for the enforcement of Federal and State regulations, standards, and orders. The removal of this specific allocation of funds will increase flexibility and enable States to design programs to target their unique problems. In addition, the language in subsection 31104(f) authorizing the Secretary to allocate funds for education of the motoring public on how to share the road safely with commercial motor vehicles is also deleted by the revision in paragraph (f)(8). Instead of the provisions described above, paragraph (f)(8) substitutes a provision authorizing the Secretary to designate up to 12 percent of the funds available to improve motor carrier safety under section 31102, to reimburse States for border enforcement and other high priority activities and projects. This new provision specifies that the Secretary may allocate this 12 percent, in coordination with State motor vehicle safety agencies, to State agencies and local governments, that use trained and qualified officers and employees, and also to other persons for use in improving commercial motor vehicle safety.

Paragraph (f)(9) revises 49 U.S.C. 31104 by deleting subsection (g). Subsection (g) required the Secretary to allocate funding authorized under section 31104(a) for very specific State activities. Eliminating these specific allocations provides State grantees with more flexibility to develop the best combination of activities to address their unique safety concerns.

Paragraph (f)(10) makes a technical amendment to 49 U.S.C. 31104(j) to remove the word "tolerance" as a descriptive term to qualify the kinds of guidelines and standards which the Secretary was directed by subsection (j) to prescribe.

Paragraph (f)(11) revises 49 U.S.C. 31104 to strike subsection (i) and thereby eliminate the requirement that the Secretary prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) because the Secretary has promulgated these regulations. A formula will be maintained in these regulations.

Subsection (g) revises 49 U.S.C. 31106 to include more comprehensive provisions regarding motor carrier information systems including the Commercial Vehicle Information System (CVIS) and other motor carrier information systems and data analysis programs which the Secretary is directed, in the revised section 31106, to establish to facilitate the motor carrier safety, regulatory, and enforcement activities required under this title. Implementation of these information systems and programs will provide the Secretary and the States with the data and tools necessary to develop a more analytical approach to motor carrier safety: these systems and programs will enhance the focus on problem companies, drivers, and employers by identifying safety problems and potential countermeasures, determining the cost effectiveness of State and Federal compliance, enforcement programs, and other countermeasures, and providing the tools and data necessary for evaluating the safety fitness of motor carriers and drivers. The CVIS is to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. Under subparagraph 31106(a)(2)(C), the CVIS will link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems. Paragraph 31106(a)(2) also provides that the CVIS will be designed to enable States to ascertain the safety fitness of a registrant or motor carrier when issuing license plates, to allow States to decide the types of sanctions, conditions, or limitations that may be imposed on a registrant or motor carrier, to monitor the safety fitness of a registrant or motor carrier, and to require States, as a condition of participation in the system, to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination. Subparagraph 31106(a)(2)(D) provides that no more than $6,000,000 of the funds authorized to carry out this section may be used in each fiscal year to carry out paragraph 31106(a)(2). This subparagraph also provides that the Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consultation with the States, a third party, representing the interests of the States.

The new subsection 31106(b) of 49 U.S.C. authorizes the Secretary to establish a program focusing on ways to improve commercial motor vehicle driver safety. Approaches to be taken in achieving this objective include enhancing the exchange of licensing information among States, the Federal government, and foreign countries, providing information to the judicial system on the licensing program, and evaluating any aspect of driver performance and safety as deemed appropriate by the Secretary. The funds authorized to carry out this section may be used to initiate pilot programs and to support research studies. These funds will be made available through grants, cooperative agreements, contracts, or direct purchase.

Subsection (c) of 49 U.S.C. 31106 authorizes the Secretary to develop these information systems and carry out these initiatives either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, or corporations. To the maximum extent practicable, the information systems and data collection efforts conducted under 49 U.S.C. 31106 should be coordinated with similar activities of other highway safety programs authorized under title 23, U.S.C.

Subsection (h) revises title 49, U.S.C., to remove a preexisting section 31107, which authorized the Secretary to make grants to States which agree to adopt or have adopted the recommendations of the National Governors' Association related to police accident reports regarding truck and bus accidents. Subsection (h) replaces this provision with a new section 31107 which authorizes that $17 million be appropriated annually from the Highway Trust Fund to carry out section 31106 for fiscal years 1998 through 2003.

Subsection (i) amends the heading for Subchapter I of Chapter 311 of 49 U.S.C. The heading as amended reads as follows: "STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS".

Subsection (j) revises the analysis for Chapter 311 of 49 U.S.C. to reflect the new headings for sections 31106 and 31107.

TITLE V—INFRASTRUCTURE CREDIT ENHANCEMENT

Sec. 5001. Short Title

This section identifies a new Federal surface transportation program as the Transportation Infrastructure Credit Enhancement Act of 1997.

Sec. 5002. Findings

This section recites Congressional findings that current public sector resources are insufficient to meet the Nation's transportation infrastructure investment needs in both urban and rural areas. These include building new facilities as well as renovating or expanding existing facilities. The funding gap is particularly acute for large projects of National significance, due to their scale and complexity. A new Federal credit enhancement program for transportation infrastructure will help address these projects' special needs by supplementing existing Federal programs and leveraging private capital investment.

This title is designed to encourage the development of large, capital-intensive infrastructure facilities through public-private partnerships consisting of a State or local governmental project sponsor and one or more private sector firms involved in the design, construction or operation of the facility. The Federal credit enhancement program is targeted to those projects whose financings are payable in whole or in part by user charges, such as tolls, or other dedicated funding sources. By taking advantage of the public's willingness to pay user fees to receive the benefits and services of transportation infrastructure sooner than would be possible under traditional grant-based financing, the program will result in a more efficient and equitable allocation of the Nation's resources.

The program should result in additional surface transportation facilities being developed more quickly and at a lower cost than would be the case under conventional public procurement, funding and operation. In addition to the benefits of enhanced accessibility in moving goods and people, such transportation facilities should provide benefits to the Nation in terms of stimulating job creation and enhancing the Nation's economic competitiveness overseas.

Sec. 5003. Definitions

This section sets forth the definitions for terms used in this title. Key terms are listed below: A "Project" is defined as any publicly-owned surface transportation facility eligible under the expanded provisions of title 23 as well as chapter 53 of title 49, United States Code. Permitted Projects would include free or tolled highways, bridges and tunnels; mass transportation facilities and vehicles; inter-city passenger rail facilities and vehicles (including Amtrak); publicly owned freight rail facilities; and various intermodal facilities.

The term "Eligible Project Costs" is defined to include those costs of a capital nature incurred by a Project Sponsor in connection with developing an infrastructure Project. These costs fall into three categories: (i) pre-construction costs relating to planning, design, and securing governmental permits and approvals; (ii) hard costs relating to the design and construction (or rehabilitation) of a Project; and (iii) related soft costs associated with the financing of the Project, such as interest during construction, reserve accounts, and issuance expenses. It would not include operation or maintenance costs.

The term "Project Obligation" means any debt instrument issued by a Project Sponsor in connection with the financing of a Project.

A "Project Sponsor" is defined as any entity (whether a State or local governmental unit, a private entity authorized by such governmental unit to develop a Project, or a public-private partnership) that is an issuer or obligor of debt obligations used to finance a Project.

A "Revenue Stabilization Fund" is defined as a reserve account capitalized with Federal grants pursuant to this title or contributions from other entities, which may be used for the payment of principal of and interest on Project Obligations.

Sec. 5004. Determination of Eligibility and Project Selection

This section defines the threshold eligibility criteria for a Project to receive Federal credit enhancement and outlines the basis upon which the Secretary will select among potential candidates. The Secretary's determination of a Project's eligibility will be based on both quantitative and qualitative factors, and the Secretary should consult with the Secretary of the Treasury in making this determination.

Of prime importance, the Project must be deemed by the Secretary to be "nationally significant" in terms of facilitating the movement of people and goods in a more efficient and cost-effective manner, resulting in major economic benefits.

Also, the Project sponsor must demonstrate that it cannot obtain adequate financing on reasonable terms and conditions from other sources in order to be eligible for Federal credit enhancement. The Federal government's assistance is designed to assist Projects which otherwise would have difficulty in accessing the private capital markets to obtain the required financing.

To ensure that the Project enjoys both State and local support, it must be included in the State's transportation plan and program and, if the Project is in a metropolitan area, it must satisfy all metropolitan planning requirements of 23 U.S.C. 134. The State or a State-designated entity will be responsible for forwarding the Project application to the Secretary.

In terms of size, the Project must cost at least $100,000,000 or an amount equal to 50 percent of the State's annual Federal-aid highway apportionments, whichever is less. This two-fold test is designed to allow small and rural States to accommodate Projects otherwise too large for their transportation programs. Based on fiscal year 1997 apportionments, 18 States could qualify Projects costing less than $100 million, with the minimum amount equaling approximately $40 million.

In addition, a Project must be supported at least in part by user charges, such as tolls, or other dedicated revenue sources to encourage the development of new revenue streams and the participation of the private sector.

Project applicants meeting the threshold eligibility criteria then will be evaluated by the Secretary based on a number of other factors. Among them are: the likelihood that the Federal assistance will enable the Project to proceed at an earlier date; the degree to which the Project leverages non-Federal resources, including private sector capital; the degree to which public benefits exceed public costs; and the Project's overall creditworthiness.

This section also provides that all requirements of titles 23 and 49, United States Code, shall apply to funds made available under this title and Projects assisted with such funds unless the Secretary determines that any such requirement is inconsistent with any provision of this title. This section provides, however, that the Secretary cannot waive 23 U.S.C. 113, the provision that applies Davis Bacon Act wage requirements to title 23 projects, 23 U.S.C. 114, concerning convict labor, and the labor protection provisions which are found in 49 U.S.C. 5333. This section does not affect the Secretary's responsibilities under any other Federal law.

Sec. 5005. Revenue Stabilization Funds

This section authorizes the Secretary to make grants to Project Sponsors to capitalize Revenue Stabilization Funds. A Project's Revenue Stabilization Fund could be drawn upon if needed to pay debt service on the Project's debt obligations in the event of revenue shortfalls. The Revenue Stabilization Fund may be used to secure junior lien debt or other obligations requiring credit enhancement, as determined by the Secretary. Limiting the Revenue Stabilization Funds to these types of obligations is designed to maximize the Project's ability to leverage private capital, and assist it in obtaining investment grade ratings on its senior debt.

The principal amount of the deposit could not exceed 20 percent of Eligible Project Costs. Moneys in the Fund are to be invested in U.S. Treasury securities or other prudent investments approved by the Secretary, with interest earnings credited to the Revenue Stabilization Fund. Beginning five years after the Project is completed, amounts in the Fund in excess of the level needed to secure the Project Obligations may be applied to pay other Eligible Project Costs, with the approval of the Secretary.

This section also provides that Project Obligations secured by the Revenue Stabilization Fund are not considered federally guaranteed under the tax code, enabling the Fund to back both taxable and tax-exempt debt.

The Secretary shall consult with the Secretary of the Treasury in devising rules for the implementation of this section.

Sec. 5006. Rules and Regulations

Program guidelines will be established by the Secretary in order to ensure the program operates prudently and efficiently, including requiring Project Sponsors to provide annual audits.

Sec. 5007. Funding

The sum of $100 million per year between FY 1998 and FY 2003 is authorized to fund the Transportation Infrastructure Credit Enhancement Program.

TITLE VI—RESEARCH

PART A—PROGRAMS AND ACTIVITIES

Sec. 6001. Research, Development, and Technology

This section adds a new chapter 52 to subtitle III of title 49, United States Code. Among the critical challenges the Department faces is the need for strategic investment in the Nation's surface transportation infrastructure. Chapter 52 addresses this challenge by strengthening the Department's efforts in intermodal and multimodal research and development. It recognizes that improvements in the surface transportation infrastructure require attention to cross-cutting research in areas such as nondestructive testing, information technologies, urban transportation, the future transportation workforce, and the environment.

New chapter 52 is divided into subchapters. Subchapter I supplements existing administrative authorities. New section 5201 provides the Secretary general authority to enter into grants, cooperative agreements, and other transactions with states, industry, educational or other non-profit institutions, and other entities to further the objectives of the chapter. The Department strives to leverage its research dollars through cost-sharing with the private sector. Major disincentives to cost-sharing in the research area have been the allocation of data rights and the limitations of standard financial management and intellectual property provisions. Cooperative agreements and other transactions provide needed flexibility to achieve cost-sharing in the Department's research programs. This provision would fill gaps in existing Departmental authority.

New section 5202 streamlines the procurement process for transportation research and development to be conducted by institutions of higher education that have already competed for transportation grants under this chapter. This approach follows the example of the successful pilot developed by the Federal Aviation Administration under the National Performance Review Laboratory, whereby universities which had prevailed in full and open competition for award of grants as Aviation Centers of Excellence were eligible to receive sole source contracts for related activities. This provided additional incentive to prospective proposers in the competition and facilitated the Department's ability to take advantage of its investment in the national centers of excellence. Additional grants and contracts authorized by section 5202 will be limited to work that is consistent with the original grant. These additional awards would not require specific justification under the Competition in Contracting Act.

New subchapter II provides for the planning necessary for the success of long-term research and development. New section 5221 requires the Secretary to establish a strategic planning process to determine national priorities for transportation research and development, coordinate Federal activities in the area, and evaluate the impact of the Federal investment. In planning, the Secretary must consider the concept of seamless transportation, innovation, and the need to compete globally. The Secretary has broad discretion in implementation and may, if appropriate, use an interagency executive council or a board of science advisors.

New subchapter III establishes a research and technology program within the Department to concentrate on intermodal and multimodal issues. The program recognizes that much of the research sponsored by the Department focuses on individual modes of transportation and that there is a need for research and technology development that is truly intermodal or multimodal in nature.

New subchapter IV addresses both current research needs and the need for a transportation workforce capable of meeting the challenges of transportation in the future. New section 5241 consolidates and modifies the two programs currently authorized by sections 5316 and 5317 of title 49: the University Research Institutes and the University Transportation Centers. It would continue the ten regional university transportation centers. The current array of national centers and institutes, each of which concentrates on a particular transportation issue specified in statute, would be consolidated into a single system. This system authorizes the Secretary to fund up to ten national centers whose themes are designated by the Secretary to meet national transportation needs. Selection of all centers would be by open competition. The centers conduct transportation research that is widely disseminated. The centers also conduct education and training, not only to attract highly qualified graduate and undergraduate students into transportation-related fields, but also to expose current transportation practitioners to developments in transportation theory and practice. The new authorizing language incorporates existing practice and provides needed flexibility for the program. For example, centers which perform transit-related research would now be allowed to meet requirements for the "match" of grant funds provided under this section with operating funds provided by mass transit authorities whose potential for sponsoring such research might otherwise be limited.

Sec. 6002. Bureau of Transportation Statistics

Subsection (a)(a1). The provision relating to the term of the first Director of the Bureau of Transportation Statistics is stricken as being obsolete.

Subsection (a)(2). The list of topics to be covered by statistics compiled by the Bureau is expanded to include transportation-related variables influencing global competitiveness, recognizing the growing importance of international trade to the nation's economy, the impact of international trade on domestic transportation facilities and services, and the impact of transportation on the ability of domestic U.S. businesses to reach foreign markets.

Subsection (a)(3). The Director's responsibilities for long term data collection are to be coordinated with other efforts in support of the Government Performance and Results Act (GPRA), which was passed subsequent to ISTEA and extends beyond the efforts to develop surface transportation system performance indicators under 23 USC 307(b)(3).

The Director is to ensure that the long term data collection is made relevant to States and metropolitan planning organizations in recognition of their increased role in transportation decision making.

Subsection (a)(4). Also in support of the GPRA, BTS will report to the Secretary on the sources and reliability of statistics from DOT modal Administrations required by the Act and for other purposes.

Subsection (a)(5). This amendment provides that the Director's responsibilities for providing statistics is specifically tied to the support of transportation decision making. This assures that the Bureau's activities are relevant and provides a basis for evaluating the Bureau under the Government Performance and Results Act.

Subsection (a)(6). This paragraph would amend section 111 by deleting an obsolete subsection relating to functions performed by the first Director of BTS and by adding four new subsections. New subsection (d) would clarify the content of the Intermodal Transportation Data Base, originally specified in section 5002 of ISTEA (now codified at 49 U.S.C. 5503(d)). That provision will be repealed by a conforming amendment (see below). In response to a General Accounting Office concern with a lack of universally accepted definitions of intermodal transportation, the data base is made inclusive of movements by competing and complementary modes of transportation as well as by intermodal combinations. The original requirements for data on patterns of passenger and commodity movements are clarified to include international and local movement as well as intercity movements, since all levels of movement affect transportation facilities of national significance. The original requirement for information on public and private investments in intermodal transportation facilities and services was open to many interpretations, particularly with respect to the level of geographic specificity. Initial experience with developing the data base demonstrated that facility-level data was obtainable and useful for locational characteristics, but that investment-related data was cost-effective to develop only for national and industry aggregates. The requirement is clarified to include locational and connectivity data for facilities and services, and national data on expenditures and capital stocks.

New subsection (e) codifies in law the goals and purpose of the Bureau's existing National Transportation Library, as referenced in the Senate Report of the FY 1997 DOT appropriations bill. The goals and purpose are consistent with other national libraries, such as the Library of Medicine.

New subsection (f) codifies the general content of the Bureau's National Transportation Atlas Data Base (NTAD), developed in response to needs of the transportation community and to the National Spatial Data Infrastructure (NSDI) under Executive Order 12906. The NTAD is to be capable of integration with other government maintained transportation databases, such as the Census TIGER files and the U.S. Geological Survey DLG files. BTS also will assume leadership for the development of a national ground transportation data base as an Executive Order 12906 framework data layer for the NSDI and will coordinate with the Census Bureau, the Geological Survey, and other appropriate Federal agencies.

New subsection (g) would authorize the Bureau to establish grants and cooperative agreements with public and not-for-profit private organizations to conduct research and development in support of the Bureau's major activities, including the Transportation Statistics Annual Report, data collection, the National Transportation Library, and the National Transportation Atlas Data Base.

Subsection (a)(7). This subsection would enhance the current provision governing the protection of confidentiality of data provided to the Bureau. General protections provided by the ISTEA were not specific to statistical agencies, and are not adequate to protect the privacy of respondents. Stronger protections are necessary to enhance the respondent's confidence that sensitive information will not be compromised, thus ensuring respondent cooperation with the Bureau's data collection efforts. The confidentiality provisions are based on those applicable to the Bureau of the Census.

Subsection (a)(8). The January 1, 1994 due date for the initial Transportation Statistics Annual Report is removed as obsolete and the requirement that BTS file its report by January 1 of each year is deleted. The Bureau obtains most data for its report each year by December, and prepares most analyses of the data by January. However, because editing and production of the report require additional time, the January 1 deadline is impractical.

Subsection (a)(9). This paragraph add two new subsections to section 111. New subsection (k) is based on the provisions in the FY1996 and FY1997 DOT Appropriations Acts that allow the Bureau to retain funds from the sale of products. New subsection (l) provides for funding of the Bureau's activities in the amount of $31 million from the Highway Trust Fund per fiscal year for fiscal years 1998 through 2003, with a limitation of $500,000 per year for grant activities under new subsection (g). As under ISTEA, it also provides contract authority for such funds.

Subsection (b). This paragraph makes a conforming amendment to 49 U.S.C. 5503 regarding the responsibility of the Bureau to establish an intermodal transportation data base. This requirement is clarified and incorporated into section 111 by the amendment contained in subsection (a)(5).

Sec. 6003. Research and Technology Program

This section revises 23 U.S.C. 307 as indicated below.

Preamble: Subsection (a)(1) is a new preamble defining the Secretary's general authority under the section to develop and administer programs for research, technology, and education.

Authority of the Secretary; In General: Subsection (a)(2)(A) grants authority to the Secretary to engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development. This is the same as current law at 23 U.S.C. §307(a)(1)(A), but renumbered.

Cooperation, Grants, and Contracts: Subsection (a)(2)(B) authorizes the Secretary to carry out the research and technology program independently or through cooperative agreements, grants, contracts, and other transactions. This is similar to current 23 U.S.C. §307(a)(1)(B).

Technical Innovation: Subsection (a)(2)(C) requires the Secretary to develop and administer programs to facilitate the application of the products of research and technical innovations to improve the safety, efficiency, and effectiveness of the highway system. This program may encompass products from all available sources, including the private sector and both the domestic and international communities.

Funds: Subsection (a)(2)(D) replaces the provision currently at 23 U.S.C. §307(a)(3)(A), expands it to include a "use of funds" clause that opens up use of funds for activities necessary to interact with, or deliver technology to, DOT customers and partners, and drops 23 U.S.C. §307(a)(3)(B), Minimum Expenditures on Long-Term Research Projects, which is covered under a separate section.

Collaborative Research and Development: Subsection (a)(3), currently 23 U.S.C. §307(a)(2), authorizes the Secretary to undertake and continue, on a cost-shared basis, collaborative research and development with non-Federal entities for the purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry.

Mandatory Contents of Program: Proposed subsection (b) consolidates current law at 23 U.S.C. §307(b), dropping subsection (b)(2), SHRP Results, which is recaptured in a new section; dropping subsection (b)(4), Short Haul Passenger Transportation Systems, which required a report to Congress by January 15, 1993; and dropping (b)(5)(C) which required submission to Congress by July 1, 1992, a report with recommendations regarding the need for a construction equipment research and development program.

Sec. 6004. National Technology Deployment Initiatives

This new section establishes a National Technology Deployment Initiatives Program to significantly expand the adoption of innovative technologies by the surface transportation community in seven goal areas. Progress reports to the Congress are required at 18 and 48 months. More specifically:

Establishment: Subsection (a) directs the Secretary to develop and administer a National Technology Deployment Initiatives program to significantly expand the adoption of innovative technologies by the surface transportation community. Deployment Goals: Subsection (b) outlines the deployment goals of the program to be carried out under this subsection. For each of these goals, described in (1) through (7), the Secretary will work with representatives of the transportation community to develop strategies and initiatives to achieve the goal.

Reporting: Subsection (c) mandates reports to the House of Representatives and Senate on progress and results or activities carried out under this section not later than 18 months after enactment and then another at 48 months.

Funding: Subsection (d) directs the Secretary to expend from the Highway Trust Fund (other than the mass transit account) $56,000,000 per fiscal year for each of the fiscal years 1998, 1999, and 2000, and $84,000,000 for years 2001, 2002, and 2003. The Secretary is authorized to allocate the funds to States for their use.

Leveraging of Resources: Under subsection (e), the Secretary is directed to give preference to projects that leverage Federal funds against resources from other sources.

Contract Authority: Subsection (f) makes funds authorized by this subsection applicable for obligation in the same manner as if apportioned under chapter 1 of title 23, U.S.C.; except that the Federal share of the cost of any activity shall be determined in accordance with this section and such funds shall be available for obligation for a period of three years after the last day of the fiscal year for which such funds are authorized. Furthermore, the Secretary may waive application of any provision of title 23 that is a barrier to the use of new technology if he determines such waiver is not contrary to the public interest and will advance technical innovation. Any waiver shall be published in the Federal Register with reasons for such waiver.

Sec. 6005. Professional Capacity-Building and Technology Partnerships

This new section brings together technology transfer programs and activities, including education and training efforts, that focus on equipping people to use new technologies. Private agencies, international and foreign entities, and individuals shall pay the full cost of any such training, education, technical assistance, or other support provided through these programs and activities in accordance with this section.

Local Technical Assistance Program: Subsection (a) provides significant changes to this program. First, contractors working for local and tribal governments are specifically called out as customers of the program. Then the number of tribal centers is changed from 2 to 4 to better reflect the number of centers able to benefit from this program. The major change is in funding. The new proposed amount is $12,000,000 for each of fiscal years 1998 through 2003 from the Highway Trust Fund.

Local Technical Assistance Program: This section authorizes the Secretary to carry out a transportation assistance program to provide modern highway technology to highway and transportation agencies in urbanized areas with populations between 50,000 and 1,000,000 and in rural areas, and to the contractors doing work for them. This is similar to current law at 23 U.S.C. §326(a), but adds contractors.

Grants, Cooperative Agreements, and Contracts: Subsection (a)(2) allows the Secretary to make grants and enter into cooperative agreements and contracts for education and training. This is similar to current law at 23 U.S.C. §326(b), and provides the option for cooperative agreements.

Subsection (a)(2)(A) defines the training grants, cooperative agreements, and contracts allowed as those that assist rural local transportation agencies and tribal governments, and the consultants and construction personnel working for them, to develop and expand their expertise in specific areas. This is similar to current law at 23 U.S.C. §326(b)(1), but adds an option for training in intergovernmental transportation planning and project selection, in place of development of a tourism or recreational travel program, which has been completed. This provision also adds reference to the consultants and construction personnel employed by local agencies.

Subsection (a)(2)(C) allows grants, cooperative agreements, and contracts that will operate, in cooperation with State transportation agencies and universities (i) technical assistance program centers to provide technology transfer to rural areas and urban areas of more than 50,000 people, and (ii) not fewer than four centers designated to provide transportation technology assistance to American Indian tribal governments. This is similar to current law at 23 U.S.C. §326, but specifies grants, agreements, and contracts that will operate, rather than establish, the centers that are described in (i) and (ii).

Subsection (a)(2)(D) allows grants, cooperative agreements, and contracts with local transportation agencies and tribal governments and the private sector to enhance new technology implementation.

Funding: Under subsection (a)(3), the sum of $12,000,000 per fiscal year is authorized from the Highway Trust Fund to provide funding for the program and for technical and financial support to the technology transfer centers. This is similar to current law at 23 U.S.C. §326(c), but raises the funding level to $12,000,000 per fiscal year of the period of authorization and directs the funds to be deducted from the Highway Trust Fund.

Contract Authority: Subsection (a)(4) is new and defines the applicability of title 23 to these funds, thereby providing contract authority.

National Highway Institute: Section (b) codifies current 23 U.S.C. §321 as a separate section, with several changes. The basic change raises the set-aside for State training programs from 1/16 to¼ of 1 percent. Fees may still be collected from States, but are not required.

Subsection (b)(1)(A) and (B) describe the establishment, duties, and programs of the NHI. This is the same as current law, except that subsection (b)(1)(B) expands current law to acknowledge that the Institute's programs with industry are growing, and that the Institute administers education, as well as training programs.

Set-Aside; Federal Share: Subsection (b)(2) directs that not more than¼ of 1 percent of all funds apportioned to a State under 104(b)(3) for the surface transportation program shall be available for the State transportation agencies' payment for up to 80 percent of the cost of their employees' educational expenses. This is similar to current law at 23 U.S.C. §321(b), but raises the percentage of set-aside funds from 1/16 of 1 percent.

Federal Responsibility: Subsection (b)(3) permits education and training of Federal, State, and local highway employees be provided (A) by the Secretary at no cost; or (B) by the State through grants, cooperative agreements, and contracts; except that private agencies, international entities, and individuals shall pay the full cost of education and training unless the Secretary determines a lower cost to be in the best interest of the United States. This is similar to current law, but subsection (b)(3)(A) is expanded to apply to all training the current provision that training in "those subject areas which are a Federal Programs Responsibility" may be provided without charge to States and local government. Subsection (b)(3)(B) allows education and training to be paid by the State through cooperative agreements, in addition to grants and contracts, and adds international entities to those that must pay the full cost of education and training. An added clause allows the Secretary to reduce charges to private agencies, international entities, or individuals when in the U.S. interest to do so. The Secretary shall use this authority very sparingly, and any reduction in costs should be done only upon strong justification that such reduction is in the national interest, such as in conjunction with NAFTA.

Training Fellowships; Cooperation: Subsection (b)(4) authorizes the Institute to engage in all phases of contract authority, including the granting of training fellowships, independently or in cooperation with other entities. This is the same as current law at 23 U.S.C. §321(d).

Collection of Fees: Subsection (b)(5)(A) through (C) describes the Institutes collection of fees, including limitations, persons subject to fees, and the amount of fees allowed. This is the same as current law at 23 U.S.C. §321(e).

Funds: Subsection (b)(6) authorizes funds to support the NHI from the Highway Trust Fund in the amount of $8,000,000 for each of fiscal years 1998 through 2000, and $14,000,000 for each of fiscal years 2001, 2002, and 2003.

Contract Authority: Subsection (b)(7) defines the applicability of title 23 to funds, providing contract authority for this program. This is a revision of current law.

Contracts: Under subsection (b)(8), the provision of section 3709 of the Revised Statutes shall not be applicable to contracts or agreements made under this section. This is similar to current law at 23 U.S.C. §321(g).

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Subsection (c) law is currently at 23 U.S.C. §307(a)(1)(C)(ii).

General Authority: Subsection (c)(1) allows the Secretary to make grants for research fellowships for any purpose for which research, technology, or capacity building is authorized by this section. This is the same as current law, but adds references to technology and capacity building.

Subsection (c)(2) provides for the implementation of the Eisenhower Transportation fellowship for the purpose of attracting qualified students to the field of transportation. Further, fellowships are to be offered at the junior through postdoctoral levels of college education, and recipients must be U.S. citizens. This is similar to current law, but provides for the implementation of the fellowship, rather than establishment and implementation. The program's purpose is to attract students to the general field of transportation, rather than specifically attracting transportation engineering and research students. Reference to proposed funding level has been cut, and students eligible for the fellowships have been defined as those U.S. citizens in their junior through postdoctoral levels of college.

Funding: Subsection (c) also authorizes $2,000,000 from the Highway Trust Fund for each of fiscal years 1998 through 2003, and provides contract authority for such program.

TECHNOLOGY IMPLEMENTATION PARTNERSHIPS

This provision sets forth, as a separate subsection, language that is similar to 23 U.S.C. §307(b)(2) that essentially provides for continued support of efforts to implement the products of the Strategic Highway Research Program and to begin to address the new technical innovations coming out of the Long-Term Pavement Performance program.

Authority: Subsection (d)(1) directs the Secretary to continue close partnerships established through the Strategic Highway Research Program and administer a program to move technology and innovation into common practice.

Subsection (d)(2)(A) through (D) authorizes the Secretary to make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to bring about technical change in high-payoff areas through defined approaches.

Funding: Subsection (d) also authorizes $11,000,000 per fiscal year out of the Highway Trust Fund for each of fiscal years 1998 through 2003 to carry out this section.

Sec. 6006. Long-Term Pavement Performance and Advanced Research

This section sets forth a new, revised section continuing and revising the Long Term Pavement Performance (LTPP) program currently codified at 23 U.S.C. §307(b)(3), and establishes a new Advanced Research program.

Authority: Subsection (a)(1) directs the Secretary to continue the LTPP, now at the mid-point of its 20-year schedule, to completion.

Grants, Cooperative Agreements, and Contracts: Subsection (a)(2) identifies elements of the program for which procurement arrangements may be initiated.

Funding: Subsection (a)(3) and (4) provide for funding the program from the Highway Trust Fund at $15,000,000 each of fiscal years 1998 through 2003.

Advanced Research; Authority: Subsection (b)(1) requires the Secretary to establish a program to address longer-term, higher-risk research.

Subsection (b)(2) identifies, but does not limit, areas for advanced research.

Funding: Subsection (b)(3) funds the program at $10,000,000 for each of fiscal years 1998 through 2000, and $20,000,000 for each of fiscal years 2001 through 2003, from the Highway Trust Fund.

Sec. 6007. State Planning and Research Program (SP&R)

This section sets forth a new section in title 23, which incorporates, with revisions, subsection 307(c) of title 23, United States Code.

Subsection (a)(1) defines the general rule, which directs that 2 percent of the funds apportioned for the National Highway System, congestion management and air quality improvement program, surface transportation program, Interstate reimbursement, Interstate maintenance, and highway bridge replacement and rehabilitation programs for each fiscal year of the period of authorization be available for expenditure by the State transportation agency for specified purposes. Language has been added to correct an oversight in ISTEA that resulted in SP&R funds not being set aside from the Interstate reimbursement program which replaced the Interstate construction program from which SPR funds were previously set aside.

Subsection (a)(1) of this section makes SP&R funding available for engineering and economic surveys, same as current law.

Subsection (a)(2) makes SP&R funding available for metropolitan, statewide and non-metropolitan planning, including planning for highway, public transportation, and intermodal transportation systems. It revises current law by adding metropolitan and non-metropolitan planning, which is a technical change because these funds are currently eligible for planning and research for these areas.

Subsection (a)(3) makes SP&R funding available for development and implementation of management systems, similar to current law, with added reference to section 303 of title 23 where the management systems are described.

Subsection (a)(4) makes SP&R funding available for studies of the economy, safety, and convenience of highway, public transportation, and intermodal transportation usage, same as current law.

Subsection (a)(5) makes SP&R funding available for necessary studies, research, development, and technology transfer activities. It is similar to existing law, with revisions to clarify that States may use SP&R funds to support training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing of engineering standards and construction materials.

Subsection (b) requires minimum expenditures on research, development, and technology transfer activities of not less than 25 percent of the apportioned funds, unless the State certifies otherwise to the Secretary and the Secretary accepts such certification. It also includes an exemption for SP&R research funds from the assessment under the Small Business Research and Development Act (Public Law 102–564).

Subsection (c) requires that the Federal share shall be 80 percent with discretion for the Secretary to adjust the non-Federal share if it is in the interests of the Federal-aid highway program, same as existing law.

Subsection (d) requires that, while the SP&R funds are derived from those program apportionments to each State specified in subsection (a)(1), the Secretary shall combine and administer the funds as single fund.

Sec. 6008. Use of BIA Administrative Funds

This section corrects a section reference.

PART B—INTELLIGENT TRANSPORTATION SYSTEMS ACT OF 1997

Sections 6051–6058 replace the sections 6051–6059 of Title VI, Part B of the Intermodal Surface Transportation Efficiency Act of 1991 ("ITS Act of 1991"), Public Law 102–240. Reference is made to provisions of these sections which are being retained, modified, or deleted.

Section 6051. Short title and Preamble

Subsection 6051(b) designates the name of title VI as the Intelligent Transportation systems Act of 1997 (ITS Act).

Subsection 6051(b) sets forth the purpose of the ITS Act of 1997: to provide for accelerated deployment of proven technologies and concepts and increased Federal commitment to improving surface transportation safety.

Section 6052. Definitions: Conforming Amendment

Consistent with new program directions, the definitions in section 6058 of the ITS Act of 1991 are continued and expanded to add the following newly-defined terms: Intelligent Transportation Infrastructure, National Architecture, NHS (National Highway System), National Program Plan, CVO (Commercial Vehicle Operations), CVISN (Commercial Vehicle Information Systems and Networks), ARTS (Advanced Rural Transportation Systems), and ITS Collision Avoidance Systems. This section also amends ISTEA to strike part B of title VI.

Section 6053. Scope of Program

Subsection 6053(a) in part extends the expiring provisions of the ITS Act of 1991 with respect to research, development and operational testing of intelligent transportation systems (ITS), and in part adds a new focus on deployment.

Subsection 6053(b) restates and updates the goals and related authorities of the ITS Act of 1991. The changes make explicit the existing authorities in titles 23 and 49 of the United States Code under which broad ITS program goals, including research and provision of technical and financial assistance, may be undertaken as part of the general programs. The subsection restates program goals to reflect current priorities, including optimizing existing facilities to meet future transportation needs, emphasizing safety, improving the economic efficiency of surface transportation systems, improving public accessibility to goods and services, and developing standards and protocols.

Section 6054. General Authorities and Requirements

Subsection 6054(a) modifies the provisions of the ITS Act of 1991 which seeks to foster cooperation between State and local governments and the private sector by increasing the emphasis on the widespread deployment of intelligent transportation systems (ITS), while continuing Federal leadership in research and technical assistance. A reference to involving Historically Black Colleges and Universities and other Minority Institutions of Higher Education in work undertaken by the program is added.

Subsection 6054(b) restates and extends the ITS Act of 1991 by directing the Secretary not only to continue to develop and implement national standards and protocols but also to act to secure permanent spectrum allocation for Dedicated Short Range Communications, recognizing the importance of ensuring availability of a common vehicle-to-wayside wireless communications capability for ITS applications.

Subsection 6054(c) directs the Secretary to provide independent and objective evaluation of field and related operational tests in order to ensure credible results and avoid actual or apparent conflicts-of-interest.

Subsections 6054(d) and 6054(e) continue the provisions of the ITS Act of 1991 as they relate to the Information Clearinghouse and Advisory Committees.

Subsection 6054(f) is added to make explicit the authority of States and eligible local entities to utilize funds authorized under certain existing sections of titles 23 and 49 of the United States Code to carry out implementation, modernization and operational activities involving intelligent transportation infrastructure and systems as mainstream program activities.

Subsection 6054(g) is added to require conformity with the National Architecture and ITS-related standards and protocols. It is envisioned that the Secretary will establish on an annual basis which standards and protocols are required to be used. This subsection also provides an exception from this requirement for DOT-sponsored research project, to enable the Department to explore and test a wide range of activities, including non-conforming approaches.

Subsection 6054(h) seeks to assure that flexibility provided under NEXTEA to allow Federal-aid funding of operations and maintenance costs for ITS projects is effectively used by requiring life-cycle cost analyses when Federal funds are to be used to reimburse operations and maintenance costs and the estimated initial cost of the project to public authorities exceeds $3,000,000.

Subsection 6054(i) directs the Secretary to develop guidance and technical assistance on appropriate procurement methods for ITS projects, including innovative and non-traditional methods.

Section 6055. ITS National Program Plan, Implementation and Report to Congress

Subsection 6055(a) mandates the updating of the ITS National Program Plan on an as-needed basis, and details the scope of the Plan, which reflects a new focus on deployment and monitoring, development of standards, and achieving desired surface transportation system performance levels.

Subsection 6055(b) provides for accelerated development and operational testing, in cooperation with industry, of demonstration advanced vehicle control systems and, in particular, for equipping one or more fleets for field evaluations of safety benefits and user acceptance by 2002.

Subsection 6055(c) requires an implementation report on the National Program Plan no later than one year after the date of the enactment of the ITS Act of 1997 and biennially thereafter. Two reports on the Nontechnical Constraints to the deployment of intelligent transportation systems called for by the ITS Act of 1991 have been completed and future updates can be incorporated as part of the National Program Plan Report, therefore separate reports on these issues are discontinued.

Section 6056. Technical, Training, Planning, Research and Operational Testing Project Assistance

Subsection 6056(a) permits the Secretary to provide technical assistance, including training, to state and local government agencies interested in effectively considering, planning, implementing, operating, and maintaining ITS technologies and services. Technical assistance may include guidance on incorporating ITS into Statewide and metropolitan area transportation plans, revising State and local laws and ordinances to enable ITS services, use of innovative financing and acquisition strategies, and a wide range of other activities designed to assist State and local government agencies to effectively deploy ITS in an integrated, interoperable fashion.

Subsection 6056(b) authorizes the Secretary to provide financial assistance and technical support for planning and consideration of metropolitan and statewide ITS operations and management issues.

Subsection 6056(c) continues eligibility of commercial vehicle regulatory agencies, traffic management entities, independent authorities, and other entities contracted by a State or local agency for ITS project work, to receive Federal assistance under this part.

Subsection 6056(d) ties operational testing to specific national research objectives and authorizes the Secretary to provide funding to Federal agencies as well as to non-Federal entities, including HBCU's and other Minority Institutions of Higher Education. The Secretary is to provide highest priority to projects that (A) contribute to the goals of the National Program Plan under Sec. 6055, (B) will minimize the relative percentage and total amount of Federal contributions, (C) conform to the National Architecture and ITS standards and protocols, (D) emphasize collision avoidance products, (E) demonstrate innovative public-private partnering arrangements, and (F) validate the effectiveness of ITS in enhancing the safety and efficiency of surface transportation in both rural and metropolitan areas.

Section 6057. Applications of Technology

Subsection 6057(a) discontinues the designated IVHS Corridors Program and replaces it with one-time, limited-term ITI Deployment Incentives to promote deployment of integrated, multi-modal transportation systems throughout the Nation. Currently designated Priority Corridors are eligible for the Deployment Incentives Program. In metropolitan areas, the funding provided under this section would be used primarily to fund activities designed to integrate existing intelligent transportation infrastructure elements or those installed with other sources of funds, including Federal-aid funds. For commercial vehicle projects and projects outside metropolitan areas, funding provided under this section could be used to also install, as well as integrate, intelligent transportation infrastructure elements.

Subsection 6057(b) establishes priorities for funding projects under this section. At least 25 percent of the funds made available are to be allocated for implementation of border crossing applications and commercial vehicle information systems; and at least 10% is to be made available for ITI deployment outside metropolitan areas. Projects are to accelerate deployment and commercialization of ITS, realize the benefits of regionally integrated, intermodal applications, including commercial vehicle operations and electronic border crossing applications, and demonstrate innovative approaches to overcoming nontechnical constraints.

Subsection 6057(c) mandates that projects designated for funding under this section shall (1) contribute to national goals outlined in the ITS National Program Plan, (2) demonstrate through written agreements a commitment to cooperation among public agencies, multiple jurisdictions and the private sector, (3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and established ITS standards and protocols, (4) be part of approved State and metropolitan plans for transportation and air quality implementation, (5) catalyze private investment and minimize Federal contributions under this section, (6) include a sound financial plan for continued long-term operations and maintenance, without continued reliance on Federal ITS funds, and (7) demonstrate the capability or planned acquisition of capability to effectively operate and maintain the systems implemented.

Subsection 6057(d) establishes annual award funding limitations as follows: $15 million per metropolitan area; $2 million per rural project; $5 million per CVISN project; and no more than $35 million within any State.

Section 6058. Funding

The requirement for reports in section 6058 of the ITS Act of 1991 has been fulfilled and is not extended.

Section 6058 authorizes funding and provides under contract authority for fiscal years 1998 through 2003:

(1) subsection 6058(a), for the ITI Deployment Incentives Program, $100 million per year from the Highway Trust Fund for fiscal years 1998–2003;

(2) subsection 6058(b) for ITS Research and Program Support Activities - $96 million per year from the Highway Trust Fund for fiscal years 1998–2000, $130 million per year thereafter.

Of the funds made available for Research and Program Support Activities, the Secretary should use $25 million for purposes of 6055(b) (demonstration and evaluation of intelligent vehicle systems).

These replace the requirements of the ITS Act of 1991 under which 5 percent of the funds were to be available only for high-risk innovative tests with significant potential to accomplished long-term goals, which did not attract substantial non-Federal commitments.

Subsection 6058(c) continues the limitation in the ITS Act of 1991 that the Federal share on account of activities carried out under this part shall not exceed 80 percent of the cost of the activities, except that the Secretary may waive this limit for innovative activities under subsection 6058(b). In addition, the Federal share payable under the new Deployment Incentives Program in subsection 6058(a) is limited to 50 percent of the project cost, although the matching funds can include funds from other Federal sources. Subsection 6058(c) also provides that, for long range research activities with private entities concerning the demonstration of integrated intelligent vehicle systems under subsection 6055(b) of this part, the Federal share is limited to 50 percent of project costs.

Subsection 6058(d) extends an expiring provision of the ITS Act of 1991 confirming applicability of title 23 to funds authorized under this part, and providing that the funds authorized under this part shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which such funds were authorized.

TITLE VII—REVENUE

Sec. 7001. Short Title: Amendment of 1986 Code

This section designates this title as the Surface Transportation Revenue Act of 1997 and provides that references in this title to a section or other provision are references to the Internal Revenue Code of 1986 (title 26, United States Code).

Sec. 7002. Extension of Highway Related Use Taxes, Exemptions, and Trust Fund

This section provides a 6-year extension, through September 30, 2005, of Highway Trust Fund fuel taxes at their current rates: 18.3 cents per gallon for gasoline and special fuel and 24.3 cents per gallon for diesel fuel. Truck related taxes—heavy vehicle use tax, truck tire tax, and retail tax on heavy trucks and trailers are also extended at their current rates.

All existing refunds and exemption provisions are extended through September 30, 2005. These include reduced rates for intercity bus fuel, gasohol, and other alcohol fuels. The exemption provision for gasohol and other alcohol fuels were extended so that their expiration dates would conform with all other fuel tax provisions. Note that most refund or exemption provisions such as farm gasoline, off-road business gasoline, nonhighway diesel fuel, transit use, and State and local government use have no expiration dates and do not require extension.

Authority for the transfer from the general fund to the Highway Trust Fund of amounts equivalent to the Highway Trust Fund share of the highway fuel and truck taxes is extended through September 30, 2005. Amounts equivalent to tax liabilities incurred before October 1, 2005, may be transferred into the Trust Fund through June 30, 2006.

Authorization to expend funds from the Highway Trust Fund for to meet obligations incurred authorized in National Economic Crossroads Transportation Efficiency Act of 1997 or earlier highway authorization acts is extended through September 30, 2003.

The provision for charging the Highway Trust Fund for its share of fuel tax refunds and credits and for all truck tax refunds and credits is extended through June 30, 2006.

Transfers of receipts from motorboat fuel taxes to the Aquatic Resources Trust Fund and the Land and Water Conservation Fund are extended through September 30, 2003.

Subsection (c) of this section amends the Internal Revenue Code to eliminate section 9511, which establishes the National Recreational Trails Trust Fund. While section 9511 was enacted in 1991, no funds have ever been credited to this fund. Therefore this legislation has been stricken as unnecessary.

Subsection (d) addresses the use of motorboat fuel taxes transferred from the Highway Trust Fund to the Boat Safety Account (BSA) in the Aquatic Resources Trust Fund, which provides funds for the State Recreational Boating Safety grant program administered by the Coast Guard. The statutory authority for making expenditures from the BSA, which expires March 31, 1998, is extended to October 1, 2004.

For fiscal year 1998, the amount that would be transferred into the BSA is $35,000,000. This assumes that $20,000,000 will be furnished under the Clean Vessel Act for Fiscal Year 1998, for a total of $55,000,000. Thereafter, the amount of motorboat fuel taxes transferred to the BSA would be $55,000,000, annually.

Under the legislation, the entire amount transferred would be available for expenditure to carry out the State Recreational Boating Safety grant program. Permanent budget authority is provided, so that the amounts transferred each year are available without further appropriation.

Currently, one-half of the amount transferred each year to the Boat Safety Account is available for expenditures of the Coast Guard for recreational boating safety services. The conforming amendment would strike this distribution formula.

Subsection (e) makes a necessary technical amendment of section 4041(a)(1)(D)(i) to preserve the existing 1999 expiration date for motorboat diesel fuel taxes. Without this amendment, the changes made to extend highway taxes in section 4081 of the Code would, due to a cross-reference, inadvertently extend the motorboat diesel fuel tax as well.

Sec. 7003. Commuter Benefit

26 U.S.C. section 132(f) exempts up to $165 per month for parking and up to $65 per month for transit benefits or commercial vanpool services from Federal and most State income and payroll taxes, provided the employer offers only these benefits and nothing else, such as taxable cash salary, in lieu of the benefit. To qualify for the exemption, parking must be provided by the employer, either accepted or not by the employee, with no other options, including any taxable options. This amendment would limit the choice to parking or other taxable compensation.

Sec. 7004. Mass Transit Account

Section 7004 would amend 26 U.S.C. section 9503(e) to extend the Mass Transit Account through September 30, 2003, and to permit funding of all eligible purposes under the Federal Transit assistance program, not just capital projects, to receive funding from the Mass Transit Account. In addition, it would change the test of Mass Transit Account liquidity to the same test as is applied to the Highway Account. At present the Mass Transit Account must meet a more stringent test.

Sec. 7005. Motor Vehicle Safety and Cost Savings Programs

This section provides for Highway Trust Fund expenditures for qualified projects and for motor vehicle safety and cost savings programs.

Sec. 7006. General Fund Transfers for Transportation-Related Programs in Fiscal Years 1998–2003

This section sets forth directions to the Secretary of the Treasury to transfer amounts from the Highway Trust Fund (other than the Mass Transit Account) to the general fund as reimbursement for annual appropriations made for selected transportation-related programs. The amount transfered each year would equal the amount that Congress appropriates for the listed accounts (transportation-related portion only). The programs involved are: Department of Energy, "Energy Conservation" account; Department of the Interior, U.S. Park Service, "Construction" account; Department of the Interior, Bureau of Indian Affairs, "Construction" account; Department of Agriculture, U.S. Forest Service, "Reconstruction and Construction" account, Department of Agriculture, U.S. Forest Service, "National Forest System" account; Department of Housing and Urban Development, "Community Development Block Grant"; Environmental Protection Agency, "Environmental Programs and Management" account; Appalachian Regional Commission, "Appalachian Regional Commission" account; and costs associated with the procurement of Federal Alternative Fuels Acquisition.

The consolidated annual amounts sought by the President's FY 1998 Budget Request for transportation-related portions of these programs are: FY98—$646 million; FY99—$583 million; FY00—$583 million; FY01—$467 million; FY02—$467 million; FY03—$467 million.

TITLE VIII—RAIL PASSENGER PROGRAMS

Sec. 8001. Authorization of Appropriations

This section revises section 24104 of the title 49, United States Code, which authorizes appropriations to support the various activities undertaken by Amtrak. Subsection (a) authorizes appropriations for Amtrak's operating grants for fiscal years 1998 through 2003 which will be derived from the Highway Trust Fund (other than from the Mass Transit Account). These authorizations reflect decreasing Federal financial support for Amtrak's operating expenses. After 2001, the operating grant would no longer be available to offset Amtrak's operating losses other than for certain payments into the railroad retirement and railroad unemployment trust fund.

Subsection (b) authorizes appropriations for Amtrak's capital programs (including the Northeast Corridor Improvement Project) in the amount of $423,450,000 for each of the fiscal years 1998 through 2003. Capital grant funds would also be derived from the Highway Trust Fund (other than the Mass Transit Account). Sufficient capital funding is a key component of Amtrak's program to eliminate its dependence on Federal operating subsidies after fiscal year 2001.

Subsection (c) contains a new authorization for supplemental capital funding which represents additional capital funding that would be made available to Amtrak through the Secretary if the Secretary determines that Amtrak is managing the corporation so as to operate within available resources, including revenues, state, local and private sector contributions, and Federal operating subsidies (in the years for which a Federal operating subsidy is authorized). The purpose of this program is to provide a strong incentive for Amtrak to take the necessary actions to reduce spending, increase revenues and operate in the most efficient and effective manner. Amtrak could use the supplemental capital funding to continue to make improvements in the capital plant. The availability of the supplemental capital funding would be tied to two specific tests. For the first year of the program, fiscal year 1999, the funding would become available only if the Secretary determined that Amtrak has taken specific and measurable actions to reduce expenses and increase revenues consistent with a plan to achieve the operating subsidy reductions contemplated by the authorizations for operating expenses included in subsection (a) above. For fiscal years 2000–2003, the test would involve a determination, based upon a report from Amtrak's independent auditor, that during the penultimate fiscal year, Amtrak's revenues plus the amount of operating assistance authorized for that year equals or exceeds Amtrak's operating expenses for that year. Therefore, the test of whether Amtrak receives the funds in fiscal year 2000 would be based upon its performance in fiscal year 1998. This two year lag is made necessary because of the cycle of the appropriations process. Fiscal year 1998 would be the last year for which complete financial records are available during the consideration of the fiscal year 2000 budget request by the President and the Congress.

Subsection (d) provides an avenue for determining the appropriate expenditures that are included within the definition of capital investment. With the exception of the inclusion of specific statutory authority to use capital funds to cover debt service associated with long-term capital investments, the terms "operating expenses" and "capital investments" are to be defined and applied by Amtrak and the Secretary in a manner consistent with the traditional practices of the railroad industry as provided for in the findings of the Financial Accounting Standards Board.

Subsection (e) provides contract authority for the Amtrak operating, railroad retirement/unemployment payments, capital investment, and supplemental capital investment accounts by specifically providing that the approval by the Secretary of a grant or contract with funds made available for Amtrak is to be deemed a contractual obligation of the United States.

Subsection (f) provides that appropriated amounts remain available until expended.

Subsection (g) states that funds provided to Amtrak for intercity rail passenger service may not be used to fund operating losses for rail freight services or commuter rail services.

Mr. MOYNIHAN. Mr. President, I rise with my colleague from Rhode Island, Mr. CHAFEE, to introduce the Clinton administration's legislation to re-authorize the Intermodal Surface Transportation Efficiency Act of 1991, or ISTEA.

I applaud the administration's proposal as a sincere effort to reauthorize ISTEA under the principles of intermodalism, environmental protection, sound community planning, and safety, that have made this innovative transportation act work so well these past 6 years. I do not agree with all of the details of administration plan—the formulas used to distribute funds to each State based on the Federal fuel taxes collected in that State are an unfortunate departure from the need-based formulas in all other Federal programs. The President's proposal, however, preserves the basic ISTEA framework and represents a good starting point as we begin considering the reauthorization of ISTEA.

I also intend to join with a bipartisan group of colleagues later this month to introduce our own proposal to re-authorize ISTEA. This proposal would reauthorize the key provisions of ISTEA—which was crafted to promote intermodal, economically efficient, and environmentally sound incentives in Federal transportation policy—through more fully needs-based formulas.

ISTEA has worked, and its reauthorization will be more important for the economy than any other transportation bill since the Federal-Aid Highway Act of 1956. Our goal should be now to make a good law better.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 469. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic River System; to the Committee on Energy and Natural Resources.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVERS ACT

Mr. KERRY. Mr. President, I am pleased to join with the senior Senator from Massachusetts, Senator KENNEDY, in introducing the Sudbury, Assabet and Concord [SuAsCo] Wild and Scenic Rivers Act. Congressman MARTY MEEHAN will introduce the companion bill today in the House. His bill will be cosponsored by the entire Massachusetts delegation as well as colleagues from New Hampshire and Connecticut.

The Sudbury, Assabet, and Concord Rivers area is rich in history and literary significance. It has been the location of many historical events, most notably the Battle of Concord in the Revolutionary War, that gave our great Nation its independence. The Concord River flows under the North Bridge in Concord, MA where, on April 18, 1775, colonial farmers fired the legendary "shot heard around the world" which signaled the start of the Revolutionary War.

In later years, this scenic area was also home to many of our literary heroes including Ralph Waldo Emerson, Henry David Thoreau, and Louisa May Alcott; their writing often focused on these bucolic rivers. Thoreau spent most of his life in Concord, MA where he passed his days immersed in his writing and enjoying the natural surroundings. He spoke of the Concord River when he wrote "the wild river valley and the woods were bathed in so pure and bright a light as would have waked the dead, if they had been slumbering in their graves, as some suppose. There needs no strong proof of immortality." This area was held close to many an author's heart. It was a place of relaxation and inspiration for many.

The SuAsCo bill would amend the Wild and Scenic Rivers Act to include a 29-mile segment of the Assabet, Concord, and Sudbury Rivers. Based on a report authorized by Congress in 1990 and issued by the National Park Service in 1995, these river segments were determined worthy of inclusion in the Wild and Scenic Rivers Program. In its report, the SuAsCo Wild and Scenic Study Committee showed that this area has not only the necessary scenic, recreational and ecological value, but also the historical and literary value to merit the wild and scenic river designation. All eight communities in the area traversed by these river segments are supporting this important legislation.

Our legislation is of minimal cost to the Federal Government, but by using limited Federal resources we can leverage significant local and State effort. Provisions in the bill limit the Federal Government's contribution to just $100,000 annually, with no more than a 50 percent share of any given activity. This is a concept that merits the support of Congress. Should our bill become law, the SuAsCo River Stewardship Council, in cooperation with Federal, State, and local governments would manage the land.

We now have the opportunity to protect the precious 29-mile section of the Assabet, Sudbury, and Concord Rivers. This area is not only rich in ecological value but also in historical and literary value. I urge my colleagues to support this bill and through it to preserve this wild river valley for the enjoyment and instruction of all who live and work there, for visitors from throughout the Nation and, perhaps most importantly, for generations yet to come.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KERRY today in sponsoring legislation to designate a 29-mile segment of the Sudbury, Assabet, and Concord Rivers in Massachusetts as a component of the National Wild and Scenic Rivers System. This proposal has the bipartisan support of the full Massachusetts congressional delegation—Congressmen MARTIN T. MEEHAN, JOHN F. TIERNEY, EDWARD J. MARKEY, J. JOSEPH MOAKLEY, JOSEPH P. KENNEDY II, WILLIAM D. DELAHUNT, RICHARD E. NEAL, JAMES P. MCGOVERN, BARNEY FRANK, and JOHN W. OLVER—as well as Representatives CHRISTOPHER SHAYS and NANCY L. JOHNSON of Connecticut and CHARLES F. BASS and JOHN E. SUNUNU of New Hampshire, who are introducing an identical bill in the House of Representatives today.

The Sudbury, Assabet, and Concord Rivers have witnessed many important events in the Nation's history. Stone's Bridge and Four Arched Bridge over the Sudbury River date from pre-Revolutionary War days. On Old North Bridge over the Concord River, the "shot heard 'round the world" was fired on April 19, 1775, to begin the Revolutionary War. At Lexington and Concord, the colonists began their armed resistance against British rule, and the first American Revolutionary War soldiers fell in battle.

In the nineteenth century, the Sudbury, Assabet, and Concord Rivers earned their lasting fame in the works of Ralph Waldo Emerson, Nathaniel Hawthorne, and Henry David Thoreau, all of whom lived in this area and spent a great deal of time on the rivers. Emerson cherished the Concord River as a place to leave "the world of villages and personalities behind, and pass into a delicate realm of sunset and moonlight."

Hawthorne wrote "The Scarlet Letter" and "Mosses from an Old Manse" in an upstairs study overlooking the Concord River. He also enjoyed boating on the Assabet River, of which he said that "a more lovely stream than this, for a mile above its junction with the Concord, has never flowed on Earth."

Thoreau delighted in long, solitary walks along the banks of the rivers amidst the "straggling pines, shrub oaks, grape vines, ivy, bats, fireflies, and alders," contemplating humanity's relationship to nature. His journals describing his detailed observations of the flora and fauna in the area have inspired poets and naturalists to the present day, and helped to give birth to the modern environmental movement. By protecting the rivers, a future Thoreau, Emerson, or Hawthorne may one day walk along their shores and gain new inspiration from these priceless natural resources.

In 1990, Congress authorized the National Park Service to issue a report to determine whether the three rivers are eligible for designation as wild and scenic rivers. Under the National Park Service's guidelines, a river is considered eligible for the designation if it possesses at least one "outstanding remarkable resource value." In fact, the three rivers were found to possess five outstanding resource values—scenic, recreational, ecological, historical, and literary. The report also concluded that the rivers are suitable for designation based upon the existing local protection of their resources and the strong local support for their preservation.

Our bill will protect a 29-mile segment of the Sudbury, Assabet, and Concord Rivers that runs through or along the borders of eight Massachusetts towns—Framingham, Sudbury, Wayland, Concord, Lincoln, Bedford, Carlisle, and Billerica. A River Stewardship Council will be established to coordinate the effort of all levels of government to strengthen protections for the river and address future threats to the environment. The legislation also requires at least a one-to-one non-Federal match for any Federal expenditures, and contains provisions which preclude Federal takings of private lands. It is designed not to result in any additional Federal regulatory burden to private property owners along the protected river segments.

Thoreau wrote in 1847 that rivers "are the constant lure, when they flow by our doors, to distant enterprise and adventure* * * . They are the natural highways of all nations, not only levelling the ground and removing obstacles from the path of the traveller, but conducting him through the most interesting scenery." Standing on the banks of the Sudbury, Assabet, and Concord Rivers, as Thoreau often did, citizens today gain a greater sense of the ebb and flow of the Nation's history and enjoy the benefit of some of the most beautiful scenery in all of America. I urge my colleagues to support this legislation, so that these three proud rivers will be protected for the enjoyment and contemplation of future generations.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 470. A bill to amend the Internal Revenue Code of 1986 to make a technical correction relating to the depreciation on property used within an Indian reservation; to the Committee on Finance.

TECHNICAL CORRECTION LEGISLATION

Mr. ROTH. Mr. President, today I rise on behalf of Senator MOYNIHAN and myself to introduce a bill that would correct a technical error originally contained in the Omnibus Budget Reconciliation Act of 1993. Specifically, the bill would correct the definition of the term "Indian reservation" under section 168(j)(6) of the Internal Revenue Code. This definition of the term "Indian reservation" applies for purposes of determining the geographic areas within which businesses are eligible for special accelerated depreciation (sec. 168(j)) and the so-called Indian employment tax credit (sec. 45A) enacted in 1993. As I explain in further detail below, the bill corrects the definition of "Indian reservation" for purposes of these special tax incentives so that, as Congress originally intended, the incentives are available only to businesses that operate on Indian reservations and similar lands that continue to be held in trust for Indian tribes and their members. It is my intent to incorporate the provisions of this bill into a larger bill, which I plan to introduce later this session, containing technical corrections to other recently enacted tax legislation.

Section 168(j)(6) of the Internal Revenue Code provides that the term "Indian reservation" means a reservation as defined in either (a) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or (b) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)). The cross-reference to section 3(d) of the Indian Financing Act of 1974 includes not only officially designated Indian reservations and public domain Indian allotments, but also all "former Indian reservations in Oklahoma" and all land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act. Thus, contrary to Congress' intent in enacting the special tax incentives for Indian lands in 1993, the reference to "former Indian reservations in Oklahoma" in the Indian Financing Act of 1974 results in most of the State of Oklahoma being eligible for the special tax incentives, even though parts of such "former Indian reservations" no longer have a significant nexus to any Indian tribe. For instance, it is my understanding that the entire city of Tulsa may be located within a "former Indian reservation," such that any business operating in Tulsa qualifies for accelerated depreciation under present-law section 168(j). Providing such a tax benefit to commercial activities with no nexus to a tribal community would frustrate Congress' intent to target special tax incentives to official reservations and similar lands that continue to be held in trust for Indians. Businesses located on official reservations and similar lands held in trust for Indians were provided special business tax incentives in order to counter the disadvantages historically associated with conducting commercial operations in such areas, which were expressly excluded from eligibility as empowerment zones or enterprise communities under the 1993 act legislation (see Internal Revenue Code sec. 1393(a)(4)).

The bill I am introducing today would modify the definition of "Indian reservation" under section 168(j)(6) of the Internal Revenue Code by deleting the reference to section 3(d) of the Indian Financing Act of 1974. Consequently, the term "Indian reservation" would be defined under section 168(j)(6) solely by reference to section 4(10) of the Indian Child Welfare Act of 1978, which provides that the term "reservation" means "Indian country as defined in section 1151 of Title 18 and any lands, not covered under [section 1151], title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation" (25 U.S.C. 1903(10)). Section 1151 of Title 18, in turn, defines the term "Indian country" as meaning "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same" (18 U.S.C. 1151).

Accordingly, amending section 168(j)(6) of the Internal Revenue Code to define the term "Indian reservation" solely by reference to the Indian Child Welfare Act of 1978 would carry out Congress' original intent in enacting the special Indian tax incentives in 1993 by eliminating from eligibility those areas in Oklahoma which formerly were reservations but no longer satisfy the definition of a "reservation" under the Indian Child Welfare Act of 1978. It is my understanding that, even after amending section 168(j)(6) in this manner, numerous areas within Oklahoma will remain eligible for the special tax incentives because, even though such areas are not officially designated reservations, such areas nonetheless qualify as "Indian country" under section 1151 of Title 18. Similarly, it is my understanding that lands held by Native groups under the provisions of the Alaska Native Claims Settlement Act also would qualify as "Indian country" under section 1151 of Title 18. Thus, if section 168(j)(6) were amended to define "Indian reservation" solely by reference to the Indian Child Welfare Act of 1978, lands held under the Alaska Native Claims Settlement Act would continue to be eligible for the special Indian tax incentives. In this regard, it is my intent that, if it is brought to the attention of the tax-writing committees that there are any Indian lands that technically do not fall within the definition of "Indian reservation" under the Indian Child Welfare Act of 1978 but which could be made eligible for the special Indian tax incentives consistent with Congress' intent in 1993, then consideration will be given to further modifying the bill I am introducing today when it is incorporated into a larger technical corrections bill.

The technical correction made by the bill would be effective as if it had been included in the Omnibus Budget Reconciliation Act of 1993 (that is, the technical correction would apply to property placed in service and wages paid on or after January 1, 1994). As a general matter, I oppose retroactive changes to the Internal Revenue Code. However, technical corrections to fix drafting errors in previously enacted tax legislation traditionally refer back to the original effective date to prevent taxpayers from receiving an unintended windfall. This bill corrects such a drafting error.

Mr. MOYNIHAN. Mr. President, I am pleased today to be introducing legislation with the chairman of the Committee on Finance, Senator ROTH, to correct an unintended item contained in the Omnibus Budget Reconciliation Act of 1993. I want to thank the chairman for his leadership on this issue and associate myself with his statement.

Mr. President, it recently came to our attention that Internal Revenue Code section 168(j), a provision intended to help attract private industry investment to Indian reservations and similar lands that continue to be held in trust for Indian tribes and their members is benefitting private investment on "former Indian reservations" having no current connection to any Indian tribe. As a result, we are introducing legislation today that would correct the definition of "Indian reservation," under Internal Revenue Code section 168(j)(6), so that these tax incentives are available only for businesses operating on Indian reservations and similar lands.

Mr. President, it is important to note, as Chairman ROTH did, that we wish to take into consideration any Indian lands that may technically not fall within the definition of "Indian reservation," under the Indian Child

Welfare Act of 1978, but which should be made eligible for these special investment incentives. Such situations should be brought to the attention of the tax-writing committees, and we will then consider further modifications as the bill moves through the legislative process.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Virginia [Mr. WARNER], the Senator from Utah [Mr. BENNETT], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 70

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 70, a bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns.

S. 102

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 202

At the request of Mr. LOTT, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 293

At the request of Mr. HATCH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 321

At the request of Mr. GREGG, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 321, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee Social Security payroll deductions, to extend the solvency of the Old-Age, Survivors, and Disability Insurance Program, and for other purposes.

S. 325

At the request of Mr. BUMPERS, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 325, a bill to repeal the percentage depletion allowance for certain hardrock mines.

S. 413

At the request of Mrs. HUTCHISON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 413, a bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps.

S. 433

At the request of Mr. BROWNBACK, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

SENATE RESOLUTION 57

At the request of Mr. DORGAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

SENATE RESOLUTION 64—TO DESIGNATE NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. ROBB submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 64

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 4, 1997 as "National Correctional Officers and Employees Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. ROBB. Mr. President, I submit a resolution to designate the week of May 4, 1997 as "National Correctional Officers and Employees Week."

Mr. President, this resolution gives needed recognition to the vital role that correctional personnel play in our communities.

Correctional officers and employees put their lives on the line every day to protect the public from dangerous criminals. These brave men and women also protect incarcerated individuals from the violence of their circumstance, and they help prisoners work toward returning to lawful society.

I urge my colleagues to join with me to recognize the work and contributions of our Nation's correctional officers and employees.

SENATE RESOLUTION 65—RELATIVE TO COMPREHENSIVE CAMPAIGN FINANCE REFORM

Mr. DURBIN (for himself and Mr. DORGAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 65

SEC. . SENSE OF THE SENATE ON CAMPAIGN FINANCE REFORM.

(A) FINDINGS.—The Senate finds that—

Whereas spending on federal election campaigns has increased to an estimated $2.65 billion in the most recent election cycle, a three-fold increase over campaign spending just 20 years ago, even after adjusting for inflation;

Whereas in the 1995-1996 election cycle, the Democratic party committees raised $332 million, a 73% increase over the $192 million raised four years earlier and the Republican party committees raised $549 million, a 74% increase over the $316 million they raised four years earlier;

(3) overall campaign spending for congressional races has risen from $99 million in 1976 to $626 million in 1996, a more than six-fold increase;

(4) since 1992, when political parties were first required to report soft money contributions to the Federal Election Commission, these contributions, which are raised outside federal election law, have tripled, from $86 million in 1992 to over $263 million in the last election cycle;

(5) there has been a proliferation of negative "issue" ads paid for by political parties and interest groups to influence federal elections, further increasing the cost of campaigns;

(6) as political campaigns have become longer, costlier and more negative, voter apathy has increased and voter participation in presidential elections has declined from 60% in 1948-1968, to 53% from 1972-92, to all-time low of 49% in 1996;

(7) these trends will continue if Congress fails to enact comprehensive campaign finance reform;

(8) the more than 6,700 pages of hearing records, 49 days of testimony before 8 different congressional committees, 15 committee reports from 6 different committees and 113 Senate floor votes, constitute a sufficient Senate record on campaign finance reform; and

(9) campaign finance reform has been filibustered in the Senate 17 times in the last ten years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should proceed to the consideration of comprehensive campaign finance reform that reduces spending on political campaigns and curtails the influence of special interest money in federal elections by no later than May 31, 1997 and adopt as a goal the final enactment of such legislation by no later than July 4, 1997.

Mr. DURBIN. Mr. President, in the 1996 election cycle, unprecedented amounts of money freely flowed into and out of the campaign coffers of candidates for Federal public office. The time required to raise funds is excessive, and increasingly more expensive election campaigns have fostered the view that spending is out of control.

Campaign finance reform is long overdue. The fact that we are embarking upon an intensive scrutiny of past campaign practices should not impede our effort to move swiftly and concurrently to correct deficiencies in the present system.

We must do more than just point out the errors of the past. We must make changes for the future.

Today, Senator BYRON DORGAN and I submitted a resolution stating that it is the sense of the Senate that the Senate should proceed to consideration, by no later than May 31, 1997, of comprehensive campaign finance reform that reduces spending on political campaigns and curtails the influence of special interest money in Federal elections, and that the Senate should adopt as a goal the final enactment of such legislation by no later than July 4, 1997.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, March 19, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is on Food and Drug Administration reform. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, March 20, 1997, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Higher Education Act reauthorization. For further information, please call the committee, 202/224–5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 18, 1997, at 9 a.m. in SR–328A to receive testimony regarding agriculture research reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 18, 1997, at 10 a.m. in open session, to receive testimony from the unified commanders on their military strategies and operational requirements in review of the defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 18, 1997, to conduct a markup on S. 318, the "Homeowners Protection Act of 1997," and of certain pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, March 18, at 9:30 a.m., Hearing Room (SD–406) on proposals to authorize State and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, the Senate Committee on the Judiciary would ask unanimous consent to hold a nominations hearing on Tuesday, March 18, at 2:30 p.m., in Room 226, of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Tuesday, March 18, 1997, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the presidential nomination of Alexis M. Herman to be Secretary of Labor, during the session of the Senate on Tuesday, March 18, 1997, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 18, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 18, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE OCEANS AND FISHERIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 18, 1997, at 2:30 p.m. on review of U.S. Coast Guard fiscal year 1998 budget and reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GREEK INDEPENDENCE DAY

• Mr. ROTH. Mr. President, it is a personal honor for me to once again cosponsor Senate Resolution 56 designating March 25, 1997, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

This resolution honors the anniversary of a single, victorious revolution that occurred 176 years ago. This solitary battle returned to the citizens of Greece their freedom and democracy, rights that had been seized from them centuries before by the Ottoman Empire. Greece is a country possessing an immensely rich heritage, and one from which our own Nation has drawn generously and with great benefit. In times of peace and in times of conflict, Greece has steered a strong and steady course with the United States as a loyal friend and trusted ally.

This resolution provides me with the opportunity to express our deep gratitude to the nation of Greece, as well as our own Greek American community, for the significant contributions they have both made on behalf of our Nation—and to the inexorable ties which bind our two peoples together.●

REMARKS OF SENATOR GEORGE MITCHELL ON THE NORTHERN IRELAND PEACE PROCESS

● Mr. MOYNIHAN. Mr. President, I rise today to bring to the attention of my colleagues the moving remarks of our former Majority Leader, the Honorable George J. Mitchell, which he delivered at the American-Ireland Fund Dinner on March 13, 1997. Senator Mitchell spoke about the peace process in Northern Ireland and his own efforts to facilitate reconciliation in that troubled land.

I commend Senator Mitchell's remarks to all Senators, and I ask that the text be printed in the RECORD.

The text follows:

EXCERPTS FROM REMARKS BY SENATOR GEORGE J. MITCHELL, AMERICAN-IRELAND FUND DINNER, WASHINGTON, DC, MARCH 13, 1997

I'm grateful for this award. The American-Ireland Fund is an important force for good in Ireland. I commend you for your efforts and I encourage you to continue them.

As you know, I've spent most of the past two years in Northern Ireland. On my trips back to the U.S., I've been asked two questions, over and over again, by Americans who care about Ireland: Why are you doing this? And, What can I do to help?

Tonight, I'll try to answer both of those questions.

Why am I doing this?

I've asked myself that question many times. To answer it, I must go back nearly 20 years, before I'd ever been to Ireland, before I'd ever thought seriously about Northern Ireland.

Before I entered the United States Senate I had the privilege of serving as a Federal Judge. In that position I had great power. The power I most enjoyed exercising was when I presided over what are called naturalization ceremonies. They're citizenship ceremonies. A group of people who'd come from every part of the world, who'd gone through all the required procedures, gathered before me in a federal courtroom. There I administered to them the oath of allegiance to the United States and, by the power vested in me under our constitution and laws I made them Americans.

It was always emotional for me, because my mother was an immigrant from Lebanon, my father the orphan son of immigrants from Ireland. They had no education and they worked hard all their lives at difficult and low-paying jobs. But because of their efforts, and, more importantly, because of the openness of American society, I, their son, was able to become the majority leader of the United States Senate.

After every naturalization ceremony, I spoke personally with each new American, individually or in family groups. I asked them where they came from, how they came, why they came. Their stories were as different as their countries of origin. But they were all inspiring, and through them ran a common theme, best expressed by a young Asian. When I asked why he had come, he replied, in slow and halting English, "I came because here in America everybody has a chance".

A young man who'd been an American for just a few minutes summed up the meaning of our country in a single sentence. Here, everybody has a chance.

I was one of those who had a chance, and I thank God for my good fortune. Now, by an accident of fate, in a way that I did not seek or expect, I have been given the opportunity to help others to have a chance. That they are in Ireland, the land of my father's heritage, is just a fortuitous coincidence. That I am able to help, even if in just a small way, is what matters.

No one can really have a chance in a society dominated by fear and violence. And so I, who have been helped by so many, now must do what I can to help others to try to end the violence, to banish the fear, to hasten the day when all the people of Northern Ireland can lead lives of peace, reconciliation and opportunity.

Let me say, as clearly and as emphatically as I can: There will be peace and reconciliation in Northern Ireland. I don't know exactly when it will come. But I am convinced that it is inevitable, for one over-riding reason: It is the will of the overwhelming majority of the people of Northern Ireland.

They remain divided along sectarian lines, and they mistrust each other. But they share a fervent desire not to return to the violence which for so long has filled their lives with fear and anxiety.

It will take a very long time for the mistrust to end. But it need not take a long time for the violence to end. Once it does, once people can live free of fear, then gradually the walls of division will come down. Walls that exist on the ground, and in people's minds, will come down, brick by brick, person by person, slowly but inevitably.

Over the past two years I've come to know the people of Northern Ireland. They're energetic, Intelligent and productive. I admire and like them. They deserve better than the troubles they have. But there is only one way to achieve that better life.

There is no alternative to democratic, meaningful, inclusive dialogue. For that to come about, there must be an end to violence and to intransigence. They are the twin demons of Northern Ireland—violence and intransigence. They feed off each other in a deadly ritual in which most of the victims are innocent.

There are those who don't want anything to change, ever. They want to recreate a past that can never be recreated. But their way will only guarantee never-ending conflict. It will insure that the next half century is as full of death and fear as was the past half century.

The people of Northern Ireland must make it clear to their leaders that they oppose intransigence, that they want meaningful negotiation. Not capitulation; not the surrender of conviction. But good-faith negotiation that places the interest of the people, the interest of peace, above personal or political considerations. Good faith negotiation can produce an agreed settlement that will command the support of the majority in Northern Ireland, including the majority in each community. I know in my heart that it can be done.

With an end to intransigence must come a total and final repudiation of violence. There is no justification for violence, or the threat of violence. To those of you who ask; what can I do? Here is my answer: You, the leaders of the Irish-American community, must say that you condemn violence, that you demand its end, that you will not support those who engage in or support or condone violence. You must say it publicly, you must say it loudly, you must say it forcefully. And you must say it over and over again.

Violence is wrong. It is counter productive. It deepens divisions. It increases hatred. It hurts innocent people. It makes peace and reconciliation more difficult to attain. It must end.

Let me be clear on one more point. They may be twin demons but there is no moral equivalence between intransigence and violence. They are both wrong. But as bad as intransigence is, violence is worse. Intransigence takes away people's hopes. Violence takes away their lives.

There exists an historic opportunity to end centuries of conflict in Northern Ireland. If it is not seized now, it may be years before it returns, and the failure could cost many their lives.

Peace and reconciliation in Northern Ireland is a worthy cause. It deserves your attention and support. You can make a difference. What you say is heard, what you do matters.

As you leave tonight, ask yourself this question: Wouldn't it be a wonderful thing if, on St. Patrick's day next year, rather than praying for peace and reconciliation in Northern Ireland, we were celebrating its existence?

If you agree, then beginning tomorrow, do all you can to make it happen. When you do, you will reap the greatest of all rewards: You will have earned the title of peacemaker.●

TRIBUTE TO CHARLES H. WEBB, DEAN, INDIANA UNIVERSITY, SCHOOL OF MUSIC

● Mr. LUGAR. Mr. President, it is with great privilege that I rise today to honor Charles H. Webb, an outstanding administrator and musician who is retiring after 24 years of service as Dean of the Indiana University School of Music in Bloomington, IN.

Since his appointment in 1973, the Indian University School of Music has enjoyed a world-wide reputation for excellence. The Indiana University School of Music has been ranked No. 1 among schools of music in the country, and is the first and only school to bring an opera performance to the stage of the Metropolitan Opera in New York.

Dean Webb's accomplishments have been hailed by Indiana University and the State of Indiana. He received the Thomas Hart Benton Medal from Indiana University in 1987 and the Governor's Award for the Arts in 1989. He is also a two-time recipient of the Sagamore of the Wabash award, which is the highest award given by the State of Indiana for meritorious service.

In addition to his responsibilities at Indiana University, Charles Webb has maintained an active performance schedule as a conductor, pianist, and organist. Hailed as one of today's finest accompanists, he has appeared with some of the world's best musicians. He currently serves as the organist for the First United Methodist Church in Bloomington, IN.

Charles Webb's contributions to the art of music and his support for education will continue long after his retirement, as his students enrich our lives with performances in orchestras, bands, opera, and theater companies, and schools around the world. I hope my colleagues will join me in congratulating him for his years of tireless service, and in wishing him and family all the best in the future.●

NATIONAL AGRICULTURE WEEK

● Mr. SARBANES. Mr. President, I rise today in recognition of National Agriculture Week and to pay tribute to the farmers of this nation whose dedication and diligence throughout our history have not only served to feed our families, but have also provided a strong framework for the economic prosperity of this country.

At the 1896 Democratic National Convention, it was William Jennings Bryan who recognized the importance of farmers, not only as the individuals who provide our sustenance, but as integral parts of the American business community. He said, "The farmer who goes forth in the morning and toils all day, who begins in spring and toils all summer, and who by the application of brain and muscle to the natural resources of the country creates wealth, is as much a business man as the man who goes upon the Board of Trade and bets upon the price of grain." Today, when technology like weather trackers and cellular phones plays as important a role on the fields as it does on Wall Street, Bryan's words ring true.

Bryan's other comment about farmers reminds us of a fact too often forgotten: "The great cities," he said, "rest upon our broad and fertile prairies." Indeed, the productivity of America's farmers not only keeps Americans fed, it also enables the rest of our citizens to embark upon their daily tasks and diverse careers without concern that the grocery's shelves will be empty.

Our farmers are so productive that they sustain the lives of more than 250 million Americans every day and still have enough left over to make agriculture our nation's leading export. In 1930, 1 American farmer produced enough food to feed 24 people. Today, that same 1 farmer is feeding 129 people. In fact, our farmers are so efficient that Americans spend approximately 9 percent of their income on food, compared with much higher figures in other countries, such as 17 percent in Japan and 27 percent in South Africa.

Yet the agricultural industry's contributions to our economy often go unrecognized. I grew up on the Eastern Shore of Maryland, where my parents owned and operated a local restaurant. I spent much of my childhood working in that restaurant, and one of my clearest memories is of Saturday evenings, when the farmers would come to town to stock up on supplies after a hard week's work. Every Saturday, my parents would keep the restaurant open late, waiting for the farmers to arrive. Over the years, I gained a good understanding of the successes and hardships related to agriculture. In my house, we knew that if the farmers were successful, our own business would prosper.

Since then, and the beginning of my career in public service, my contact with farmers from across the State of Maryland has confirmed my strong view that we cannot have real prosperity in this country if the farm sector itself is not sharing in and laying the foundation for that prosperity.

Farmers bear a weighty burden. At the same time that their work feeds millions and includes efforts to cleanse a polluted environment, that work is also part of a very modern industry, which generates billions of dollars in revenue and employs more than 15 percent of our citizens. Yet unlike many other billion-dollar businesses, almost 90 percent of American farms are owned by individuals or families. Family farmers are the backbone of America's agricultural industry and we must ensure that they remain a vital part of American society.

All of this is relevant, I believe, to this year's National Agriculture Week theme, "Growing Better Every Day—Together." Indeed, we all must remain committed to working on behalf of our farmers at all levels of government. Only through such cooperation can we look forward to a future in agriculture which is even more successful than our present.

In the State of Maryland, our attempts at such cooperation are indeed paying off. Recently, I have worked closely with State and local officials to support the efforts of farmers seeking to increase production by bolstering their existing export capabilities and identifying ways in which additional Maryland agribusinesses can enter foreign markets. Maryland is the eastern seaboard's fastest growing exporter. And with a strong and growing trade infrastructure—which includes the port of Baltimore, the World Trade Center, Baltimore-Washington International Airport and other aggressive export-enhancing initiatives—we are hopeful that agriculture, as Maryland's number-one industry, will be able to further tap into the State's increasing number of international opportunities. New forums across Maryland—which we have initiated together with the Maryland Department of Agriculture and our terrific Maryland Secretary of Agriculture Lewis Riley—are helping farmers take full advantage of our expanding capabilities and possibilities in this regard.

We in Maryland take much pleasure in the achievements of our farmers. Generating more than $1.6 billion a year, agriculture employs about 14 percent, or 350,000 of Maryland's workers. Maryland's agricultural industry truly helps the State live up to its often used nickname, "America in miniature." From vegetable production and horticulture in southern Maryland, to the dairy operations and horse farms of central Maryland, to the beef cattle, forestry products and tree fruit in western Maryland, to poultry growing on the eastern shore, Maryland agriculture is indeed diverse and provides a showcase for the nation's agricultural capabilities.

Mr. President, we in Maryland and our nation are very proud of our agricultural industry. There is still much work to be done to ensure a bright future for America's farmers, but as this week's theme suggests, through a strong commitment at all levels of government—together—we can help continue to build such a future.●

TRIBUTE TO CAPITOL LIONS CLUB

● Mr. SMITH of Oregon. Mr. President, ever since the pioneer days, when entire communities would gather to help in the building of a barn, Oregon has had a rich tradition of neighbor helping neighbor. This heritage of neighbor helping neighbor is alive and well in countless Oregon cities and towns.

I rise today to pay tribute to an outstanding example of the difference that can be made through volunteerism. The Capitol Lions Club, along with other Lions Clubs in the Salem-Keizer area, are helping our young people learn about patriotism through a project where small flags are presented to first-grade students.

Capitol Club members buy lumber, cut it into small blocks, drill holes in the blocks, put Lions' decals on them, and place small 4- by 6-inch flags in them. Lions members then go in to classrooms, to present the flag to students, along with a presentation on the importance of a flag, and a brochure on flag history and etiquette.

This year, 2,575 first-graders and their teachers in Oregon public and private schools will benefit from this outstanding program. As one Salem first grade teacher said, "The children are very excited to have their own little flags to take home. They have their special little places for them, I know that it is still real important to them."

Mr. President, I'm proud to be one of those Americans who feel something stir in my heart everytime I see our flag flying in the wind. What better way to ensure a bright future for our country than by ensuring that the timeless value of patriotism is alive and well in our young people.

Mr. President, I am proud to salute the Capitol Lions Club of Salem, OR, for a job well done. I ask that an article from the Salem Statesman-Journal detailing this project be printed in the RECORD, in the hopes that other organizations around the country might undertake a similar project.

The article follows:

LIONS CLUB OFFERS LESSON ON FLAGS

(By Hank Arends)

The members of area Lions clubs have a community project that they believe is worth saluting.

For more years than anyone can remember, club members annually have presented a program on the U.S. flag to first-graders. They give the students their own flag on a wooden base with the Lion's insignia and a brochure on flag history and etiquette.

This year, 2,575 first-graders and their teachers in area public and private schools received the 4-by-6-inch flags, said Ralph Jackson, community coordinator. And the kids loved them.

"They were very excited to have their own little flags to take home," said Katie Keisey, a first-grade teacher at Lake Labish Elementary School.

"They have their special little places at home for them. I know that it is still real important to them."

Those who do the distribution love it, too.

"It makes me feel so good that those little kids were so receptive," said Viola Laudon of the Keizer club.

"They give us such comments as, 'Oh, I love you. Thank you for the flag. I'm taking good care of my flag.'" Laudon said of a large card she received from students at the Keizer Christian School.

"This is an idea that started in Arizona, and somehow we heard about it and thought it might be OK," Jackson said.

The club members try to make their school visits in February, around the birthdays of presidents Washington and Lincoln.

The local clubs and a lot of others get their flag sets from the Capitol Lions Club. Joe Carson is chairman of the production and marketing of 26,000 to 27,000 flags a year in Oregon and as far away as Pennsylvania.

"It is kind of an Americanization project. We came up with the idea 15 to 17 years ago as a fund-raising project," Carson said.

The Capitol members sell the sets at 65 cents each to other clubs and make $6,000 to $7,000 annually for such Lion's projects as assistance to the hearing impaired and blind, Carson said.

Capitol Club members buy the lumber, cut it into small blocks, drill the holes, put Lion's decals on them and finish them. They also reproduce the brochure that goes with each set.

The participating clubs are Capitol, Keizer, Salem Downtown, Northeast, South Salem and West Salem. Frank VonBorstel was area chairman of the flag distribution for at least 10 years.

"We want to interest the young people and provide the chance for them to learn something about patriotism and the flag," VonBorstel said.

Lion Kelly Freels tells of Lions members who served in the Korean War and try to tell the first-graders what the flag means to them.

"They tell them how when they came back to base and saw the U.S. flag flying, they knew they were safe. It also gives us an opportunity to get out in the schools and see what is going on," Freels said.•

KOREAN WAR VETERANS MEMORIAL

• Mr. TORRICELLI. Mr. President, From 1950 to 1953, the United States was in the midst of a bitter war on the Korean peninsula. As the inscription at the base of the Korean War Memorial says, our Nation's sons and daughters answered the call "to defend a country they never knew and a people they never met." And they did so honorably. Today, though, the memory of those who made the ultimate sacrifice is honored once again.

Earlier today, the Korean War Veterans Memorial Honor Roll Kiosk was officially unveiled in a ceremony by representatives of the American Battle Monuments Commission, the National Parks Service, the Samsung Group, and IBM. The Honor Roll Kiosk houses a high technology interactive computer base which contains all the verifiable names from the Korean war theater of those killed in action, still listed as missing in action, and those captured as prisoners of war. Touch screens allow visitors, friends, and family to research the service record of their loved one, and obtain a certificate of honor in the name of that soldier. This was made possible in large part through the generous donation from the Samsung group of companies.

As part of the July 1995 Korean War Veterans Memorial dedication ceremonies, Samsung made a significant contribution to the memorial fund. It was with great honor and appreciation that Samsung recognized the sacrifice and commitment of the United States to the security of the Korean peninsula. It is a commitment America maintains today. We have worked together to establish close relations in defense of common principles and it is because of these shared beliefs that the United States and South Korea remain partners in peace today.

In addition to contributing to the memorial, Samsung also created an educational endowment with the American Legion. Their gift of $5 million to the American Legion will be used to fund collegiate scholarships for the descendants of America's veterans. I commend and congratulate Samsung on their generosity and willingness to recognize the origin in which their success today is rooted. I am proud to have their North American headquarters located in Ridgefield Park, NJ. Lastly, I recognize the honor and dignity with which America's service men and women fought on the harsh Korean field of combat. As the dedication ceremonies remind us, your service—andyoursacrifice—wasnot forgotten.•

PATIENT RIGHT TO KNOW

• Mr. WYDEN. Mr. President, this week my colleagues, Senators KYL, KENNEDY and HUTCHINSON, and I have introduced S. 449, the Patient Right to Know Act of 1997. This legislation outlaws so-called gags in contracts between managed care companies and their licensed practitioners which have limited what doctors can tell patients about their medical condition and all treatment appropriate to their care.

Plain and simple, such gags have been used to limit appropriate medical care. While this is a dollars-and-cents issue for health care organizations and insurers, for patients and their doctors such restrictions on the usual free flow of communication—held sacred since ancient times—literally may be a matter of life or death.

I was pleased to join Mr. KENNEDY in offering legislation on the floor last session which would have ended such restrictions. I also wish to thank Mr. KYL for his support of our legislation last year, and for his diligent efforts in the intervening months to prepare this bill for re-introduction.

I also wish to acknowledge support for this legislation from organizations including the Consumer's Union and the American Medical Association.

We have this broad range of support because the need for this legislation is clear and documented. Three in four Americans now covered by private health insurance receive their care from managed care organizations. Increasingly, Medicaid enrollees and seniors in Medicare are covered by managed care plans through their respective Federal health insurance programs.

Residents of my home State of Oregon boast the highest penetration of managed care in the Nation. The State's Medicaid Program for the most part is organized through private managed care companies. And in Portland, managed care plans service almost 60 percent of the Medicare population.

In Oregon and elsewhere, the managed care presence has grown for reasons that are quite wholesome. Managed care helps enrollees stay healthy through illness prevention programs. They assure coordination of services for persons with multiple ailments. And through systematic, quality-conscious gate-keeping, they work to reduce unnecessary treatments which drive up health care costs.

At the same time, however, some managed care providers have tried to enhance their profit margins by limiting what doctors may tell patients regarding all appropriate treatments, thereby reducing services patients may actually receive. These gags in my view are outrageous. The President through administrative order during the last few months has made such gags illegal in managed care plans operating under Medicare and Medicaid. He has pledged his support for legislation eliminating these restrictions in private health plans as well.

Mr. President, while I am convinced that we need a single Federal standard on this matter to protect patients in managed care plans I am much encouraged by the voluntary efforts to end such gags recently announced by the managed care insurance industry. My long association with these companies has convinced me that coordinated care providers as a group often are on the cutting edge of developing both efficient and high-quality care for their enrollees. It is entirely appropriate for this provider group to try to police their members on the issue of gag provisions and the protection of doctor-patient communications.

I ask that the text of the bill be printed in today's Record.

The bill follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) Short Title.—This Act may be cited as the "Patient Right to Know Act".

(b) Findings.—Congress finds the following:

(1) Patients need access to all relevant information to make appropriate decisions about their health care.

(2) Open medical communications between health care providers and their patients is a key to prevention and early diagnosis and treatment, as well as to informed consent and quality, cost-effective care.

(3) Open medical communications are in the best interests of patients.

(4) Open medical communications must meet applicable legal and ethical standards of care.

(5) It is critical that health care providers continue to exercise their best medical, ethical, and moral judgment in advising patients without interference from health plans.

(6) The offering and operation of health plans affect commerce among the States.

(c) Purpose.—It is the purpose of this Act to establish a Federal standard that protects medical communications between health care providers and patients.

SEC. 2. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) Prohibition.—

(1) General rule.—The provisions of any contract or agreement, or the operation of any contract or agreement, between an entity operating a health plan (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with his or her patient.

(2) Nullification.—Any contract provision or agreement described in paragraph (1) shall be null and void.

(3) Prohibition on provisions.—Effective on the date described in section 5, a contract or agreement described in paragraph (1) shall not include a provision that violates paragraph (1).

(b) Rules of Construction.—Nothing in this Act shall be construed—

(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a health plan to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

(2) to permit a health care provider to misrepresent the scope of benefits covered under a health plan or to otherwise require the plan to reimburse providers for benefits not covered under the plan.

(c) Enforcement.—

(1) State authority.—Except as otherwise provided in this subsection, each State shall enforce the provisions of this Act with respect to health insurance issuers that issue, sell, renew, or offer health plans in the State.

(2) Enforcement by secretary.—

(A) In general.—Effective on January 1, 1998, if the Secretary, after consultation with the chief executive officer of a State and the insurance commissioner or chief insurance regulatory official of the State, determines that the State has failed to substantially enforce the requirements of this Act with respect to health insurance issuers in the State, the Secretary shall enforce the requirements of this Act with respect to such State.

(B) Enforcement through imposition of civil money penalty.—

(i) In general.—With respect to a State in which the Secretary is enforcing the requirements of this Act, an entity operating a health plan in that State that violates subsection (a) shall be subject to a civil money penalty of up to $25,000 for each such violation.

(ii) Procedures.—For purposes of imposing a civil money penalty under clause (i), the provisions of subparagraphs (C) through (G) of section 2722(b)(2) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–22(b)(2)) shall apply except that the provisions of clause (i) of subparagraph (C) of such section shall not apply.

(3) Self-insured plans.—Effective on January 1, 1998, the Secretary of Labor shall enforce the requirements of this section in the case of a health plan not subject to State regulation by reason of section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)).

(4) Rule of construction.—Nothing in this Act shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

(d) No Preemption of More Protective Laws.—A State may establish or enforce requirements with respect to the protection of medical communications, but only if such requirements are equal to or more protective of such communications than the requirements established under this section.

SEC. 3. DEFINITIONS.

In this Act:

(1) Health care provider.—The term "health care provider" means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license.

(2) Health insurance issuer.—The term "health insurance issuer" has the meaning given such term in section 2791(b)(2) of the Public Health Service Act (as added by the Health Insurance Portability and Accountability Act of 1996).

(3) Health plan.—The term "health plan" means a group health plan (as defined in section 2791(a) of the Public Health Service Act (as added by the Health Insurance Portability and Accountability Act of 1996)) and any individual health insurance (as defined in section 2791(b)(5)) operated by a health insurance issuer and includes any other health care coverage provided through a private or public entity. In the case of a health plan that is an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974), any third party administrator or other person with responsibility for contracts with health care providers under the plan shall be considered, for purposes of enforcement under this section, to be a health insurance issuer operating such health plan.

(4) Medical communication.—

(A) In general.—The term "medical communication" means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

(i) the patient's health status, medical care, or legal treatment options;

(ii) any utilization review requirements that may affect treatment options for the patient; or

(iii) any financial incentives that may affect the treatment of the patient.

(B) Misrepresentation.—The term "medical communication" does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

(5) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except that section 2(a)(3) shall take effect 180 days after such date of enactment.

Mr. KENNEDY. Mr. President, I am pleased to join Senator Wyden in introducing this gag rule legislation and I commend him for his leadership. Last year, a majority of the Senate voted for similar legislation but it was defeated on a procedural technicality.

Gag rules have no place in American medicine. Americans deserve straight talk from their physicians. Physicians deserve protection against insurance companies that abuse their economic power and compel doctors to pay more attention to the health of the company's bottom line than to the health of their patients.

I am pleased that this legislation has strong support from both the American Medical Association and Consumer's Union—because it is a cause that unites the interests of patients and doctors.

One of the most dramatic changes in the American health care system in recent years has been the growth of health maintenance organizations, preferred provider organizations, point of service plans, and other types of managed care. Today, 75 percent of all privately insured Americans are in managed care. Even conventional fee-for-service plans have increasingly adopted features of managed care, such as ongoing medical review and case management.

In many ways, this is a positive development. Managed care offers the opportunity to extend the best medical practice to all medical practice. It emphasizes helping people to stay healthy, rather than simply caring for them when they become sick. It helps provide more coordinated care and more effective care for people with multiple medical needs. It offers a needed antidote to incentives to provide unnecessary care—incentives that have contributed a great deal to the high cost of care in recent years.

At its best, managed care fulfills these goals and improves the quality of care. Numerous studies have found that managed care compares favorably to fee for-service medicine on a variety of quality measures, including use of preventive care, early diagnosis of some conditions, and patient satisfaction. Many HMOs have made vigorous efforts to improve the quality of care, gather and use systematic data to improve clinical decision-making, and assure an appropriate mix of primary and specialty care.

But the same financial incentives that enable HMOs and other managed care providers to practice more cost-effective medicine also can lead to under treatment or inappropriate restrictions on care, especially when expensive treatments or new treatments are involved.

Too often, insurance companies have placed their bottom line ahead of their patient's well-being and have pressured physicians in their plans to do the same. These abuses include failure to inform patients of particular treatment options; barriers to reduce referrals to specialists for evaluation and treatment; unwillingness to order appropriate diagnostic tests; and reluctance to pay for potentially life-saving treatment. It is hard to talk to a physician these days without hearing a story about insurance company behavior that raises questions about quality of care. In some cases, insurance company behavior has had tragic consequences.

In the long run, the most effective means of assuring quality care in HMOs is for the industry itself to make sure that quality is always a top priority. I am encouraged by the industry's development of ethical principles for its members, by the growing trend toward accreditation, and by the increasingly widespread use of standardized quality assessment measures. But I also believe that basic Federal regulations are necessary to assure that every plan meets at least minimum standards.

Medicare has already implemented such a prohibition. All Americans are entitled to this same protection.

A gag rule provision is also included in a more comprehensive managed care bill that I introduced earlier this session. That bill addresses a number of other issues as well. This prohibition of gag rules is such a simple need and cries out for immediate relief.

This legislation targets the most abusive type of gag rule—the type that forbids physicians from discussing all treatment options with patients and makes the best possible professional recommendation, even if the recommendation is for a non-covered service or could be construed to disparage the plan for not covering it.

This bill specifically forbids plans from prohibiting or restricting a provider from any medical communication with his or her patient.

This is a basic rule which everyone endorses in theory, even though it has been violated in practice. The standards of the Joint Commission on Accreditation of Health Care Organizations require that "Physicians cannot be restricted from sharing treatment options with their patients, whether or not the options are covered by the plan."

We need to act on this legislation promptly. The Senate has the opportunity to protect patients across the country from these abusive gag rules. Action on this legislation is truly a test of the Senate's commitment to the rights of patients and physicians across the country.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar:

Calendar No. 42, the nomination of Keith Hall, to be Assistant Secretary of the Air Force.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at this point in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Keith R. Hall, of Maryland, to be an Assistant Secretary of the Air Force, vice Jeffrey K. Harris, resigned.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 19, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m. on Wednesday, March 19. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of Senate Joint Resolution 22, the independent counsel resolution. I further ask consent that the time from 10:30 a.m. until 11:30 a.m. be equally divided between Senators BENNETT and LEAHY, with Senator BYRD in control of 10 minutes of the Leahy time. I finally ask consent that at 11:30, Senate Joint Resolution 22 be read a third time and the Senate proceed to a vote on passage of that resolution and immediately following that vote the Leahy resolution be read a third time, and the Senate then proceed to a vote on or in relation to Senate Joint Resolution 23, the Leahy resolution. I also ask unanimous consent that there be 2 minutes of debate equally divided in the usual form between those two votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, on Wednesday, following the hour of closing remarks, the Senate will vote on Senate Joint Resolution 22, the independent counsel resolution. Following that vote the Senate will vote on or in relation to Senate Joint Resolution 23, Senator LEAHY's resolution. Therefore, Senators can expect two consecutive rollcall votes beginning at 11:30 a.m. tomorrow. It is also possible that on Wednesday the Senate will consider a resolution relating to disapproving the decertification, or certification, of Mexico. Additional votes are, therefore, possible following the stacked votes that occur at 11:30. We are also still working to get a time agreement with regard to the nomination of Merrick Garland for the District Court of Appeals. That could come on Wednesday or Thursday of this week. And, of course, the Senate may also consider any other legislative or executive items that can be cleared.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the distinguished Democratic leader, Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

THE NOMINATION OF ANTHONY LAKE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the letter submitted by Anthony Lake to the President involving his nomination to be Director of Central Intelligence be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 17, 1997.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to ask that you withdraw my nomination to be Director of Central Intelligence.

I do so not because of concern that the nomination would be defeated if it ever came to a vote. In fact, there are sufficient votes for confirmation—in both the Select Committee and the Senate.

And not because of concern about further personal attacks. That gauntlet has been run. Every question has been answered.

I do so because I have regretfully concluded that it is the right thing to do.

While we have made great progress in the nomination process over the past month and during last week's hearings. I have learned over the weekend that the process is once again faced by endless delay. It is a political football in a game with constantly moving goal posts.

After more than three months, I have finally lost patience, and the endless delays are hurting the CIA and NSC staff in ways I can no longer tolerate.

I am told that the Chairman of the committee, having now reviewed the positive FBI materials underlying the report on my background investigation, may want other members of the committee to read them. I had doubts about the precedent we have already set in allowing him and the Vice Chairman such access. To bend principle further would even more discourage future nominees to this or other senior positions from entering public service.

I am also told that his committee staff will again insist that NSC staff meet with the committee on terms that White House Counsel will find unacceptable, leading to a further stalemate on that issue as well.

In addition, the story today about the activities of Mr. Roger Tamraz is likely to lead to further delay as an investigation proceeds.

All of this means a nomination process that has no end in sight. We have been proceeding on the assumption that there would be a vote this week. It now seems certain the committee deliberations will extend past the recess until after Easter, and probably longer. In addition, even after the nomination receives a vote in committee, whenever that might be, there is no prospect for a near-term vote on the floor and every chance it will be extended as long as your political opponents can do so.

I have gone through the past three months and more with patience and, I hope, dignity. But I have lost the former and could lose the latter as this political circus continues indefinitely. As Senator Richard Lugar, perhaps the most respected member of the Senate, has said with regard to my nomination and its treatment, "The whole confirmation process has become more and more outrageous." It is nasty and brutish without being short.

If this were a game, I would persist until we won. My colleagues tell me to stay the course, lest I be perceived the loser or scared of a further fight. I'm not.

But this is not a game. And this process is not primarily about me. It is about the future of the Central Intelligence Agency. The Agency, once again, is becoming politicized. The longer this goes on, the worse the damage. The controversy and its effects could linger on after my confirmation. The men and women of the CIA deserve better than this.

The process is also impugning, through a new form of guilt by association, the names of NSC staff members who have done nothing wrong. So long as my nomination is mired in partisan politics their reputations will be, as well. It is ironic that the staff, which in every case took the right positions in keeping national security decisions and domestic politics separate, as I had encouraged them to do, is now the staff bearing the brunt of criticism because it didn't go beyond its own responsibilities to manage others' business as well. This is a staff that was doing its job properly. There was never any disguise of wrong-doing; they were consistently doing right in the advice they offered, while concentrating on the large daily agenda of important national security issues before us. I am very proud of our work on these issues and very proud of our staff members.

In unprecedented fashion the nomination is also politicizing the Senate committee.

And I have noticed that, in numerous ways, it is poisoning the attitude of members of the Agency towards the committee.

Most of all, the way this process has been conducted would make it difficult for me to work with the committee in the ways that a Director of Central Intelligence must do—and as I had hoped to do.

I am deeply grateful to you for your strong support, for your encouragement over these difficult months, and—most of all—for the opportunity to serve over the past four years. I am very proud of your foreign policy record and of whatever contributions I made to it.

I have greatly appreciated the support of Senators McCain, Lugar, Lieberman, Kerrey, Kerry, Kennedy and many others, like John Deutch. I have been moved by the principled position of a large number of Republicans like John McCain, Warren Rudman, Richard Lugar, Robert Gates and Peter King. And I am especially grateful to the volunteers from the NSC who have put so much into this, as well as officials of the CIA. I am sorry that their efforts were not better rewarded.

I have believed all my life in public service. I still do. But Washington has gone haywire.

I hope that, sooner rather than later, people of all political views beyond our city limits will demand that Washington give priority to policy over partisanship, to governing over "gotcha." It is time that senior officials have more time to concentrate on dealing with very real foreign challenges rather than with the domestic wounds that Washington is inflicting on itself.

This is a very difficult decision. I was excited about this new opportunity to serve. I had developed firm ideas on how to bring further reform to the Agency and had no doubt about my capacity to implement them. I was ready to devote four years to a tough new challenge. I truly regret that I will not have the opportunity to seize it.

Sincerely,

ANTHONY LAKE.

Mr. DASCHLE. Mr. President, I do so simply to comment on the very unfortunate set of circumstances that led to the decision by Mr. Lake to submit this letter.

I have had the opportunity to work with Tony Lake now for some time; first, as a Senator; and, second, as leader. I must say that I do not know that I have ever met anybody more decent, more committed, more dedicated to public service than is Tony Lake. Our Nation owes him a big debt of gratitude for his contributions, and a great level of appreciation for the many ways in which he has already served his country. I only hope that he will continue to choose to do so in spite of these extraordinary circumstances.

Mr. Lake was asked to be the Director of Central Intelligence by the President of the United States. It has been the prerogative of the President to name people within his administration, going all the way back to George Washington. Of course, there are times when the Senate in its role as a body to serve with advise and consent that it has disagreed with the President about a particular nomination, or about a particular member of a given administration. But I must say in all of history I challenge somebody to come up with more flimsy evidence with which to destroy the character of a candidate for public office appointed by the President as grievously as what I see has happened to Tony Lake in the last several months.

Mr. Lake was not even given the opportunity to be voted on, never presented an opportunity for a vote in the committee, never presented with an opportunity to be voted on on the floor.

I was asked this morning if this is some retribution for John Tower, or Robert Bork. My answer was that I hope our Republican colleagues are not that cynical. I hope there is some other motivation for doing to Tony Lake what they did over the last couple of months. It is very unfortunate. And it is sad, Mr. President. A man of his integrity, his character, was treated so shabbily by the committee that is supposed to be as devoid of politics as any in this institution. I think they owe him an apology. At least they owed him a vote.

Under these circumstances, I think he made the right decision. But I am deeply troubled. I am troubled by the way it was handled. I am troubled by the insinuations and allegations all printed on the front page of every newspaper as fact. I am troubled by his inability to be given the opportunity to defend himself adequately against this never-ending list of additional allegations and questions going over old material time and time again almost as if it was an inquisition.

So, Mr. President, it is a sad day for this body. It is a sad day for the Intelligence Committee. And it certainly is a sad occasion for those seeking to serve our country in the capacity and the level as Director of Central Intelligence.

I don't know what recommendation I would give to some other candidate who now may consider this particular position. What advice do you give someone who puts himself forward knowing full well that there will be raw FBI data available to Members, and, if the chairman of the committee had his way, to all Members? What do you tell someone who has laid himself out? What do you tell the next person who is expected not to subject himself or herself to the same set of circumstances?

Mr. President, this institution needs to restore civility, needs to come up with a way with which to take the meanness out of our process, whether it is a legislative issue or a nomination. Civility has to be brought back into this process. I hope we will start soon.

INDEPENDENT COUNSEL

Mr. DASCHLE. Mr. President, I don't know that I will have an opportunity tomorrow morning to discuss another matter, and I want to do so just briefly.

We will have the opportunity to vote, as the distinguished majority leader has indicated, on two resolutions tomorrow. My colleagues have done a good job of explaining what the circumstances are. But I hope everyone who will watch the debate tomorrow will try to understand the circumstances involving the two resolutions and what this issue is all about.

There are four factors here that I want to briefly mention.

The first factor is the timeliness of this resolution. I am deeply disturbed that on the very day that the President found himself on the operating table, our colleagues chose to file a resolution demanding that there be an independent counsel investigating the President. Moreover, on the very day the President leaves for Helsinki to begin negotiating extraordinarily important matters with heads of state, this body has chosen to vote on the independent counsel resolution. Taste and timeliness were certainly not factors in making the decision to bring about the resolutions under these circumstances.

The second issue involves necessity. Certainly necessity wasn't a matter of concern here either. In accordance with the law, the Judiciary Committee may send a letter to the Attorney General. In good faith I think both sides worked to try to find a mutually acceptable letter, and that was impossible. So, as I understand it, three letters were actually sent. But that started the process under law. That is what is required. But that wasn't good enough for some of our colleagues. For whatever reason, our colleagues then chose to say, "Well, in addition to the legal requirements, we are now going to do something extralegal. We are going to do something that was actually criticized on this floor when the independent counsel legislation was debated."

We considered whether we ought to have a debate on the floor about requiring or asking for an independent counsel. And the decision was made on a bipartisan basis. In fact, Senator Dole was very involved at that point in this debate, and the agreement was that having Congress vote on the need for an independent counsel for a particular investigation would politicize the process.

So, for that reason, we agreed that it should not be a function of the Senate floor, but that it ought to be a legal process confined to the Judiciary Committee. That is the way the law was passed.

Yet, what do we do now? What do we find ourselves faced with? Not just a resolution calling for the Attorney General to consider under the law the available evidence; the Republican resolution goes even beyond that. It says, first of all, that the Judiciary Committee letter is not adequate, and, second, that we are going to use a resolution to dictate to the Attorney General that she ought to appoint an independent counsel—in total violation of the intent and the spirit of the law we passed just a few years ago. So the intent, Mr. President, is questionable to say the least.

The third issue is scope. We had a good debate about scope last week, and it became clear that a significant majority of the Members on both sides of the aisle said if anything is going to be investigated, then we better investigate everything. And that, indeed, is what is called for in the independent counsel law, which includes the alleged misdeeds of senior executive branch officials and Members of Congress.

Curiously, once more, the Republican resolution, just as it did last week initially, specifically limits the scope of the requested investigation to the President. Our resolution calls for a review of all of the reported improprieties to determine the severity of the problem. Our resolution calls for the scope to be as broad as the one that was set out in the Governmental Affairs resolution last week and adopted in the Senate by a vote of 99 to 0.

So we will have an opportunity tomorrow to vote on scope, to vote on whether or not we limit the independent counsel's investigation just to Presidential activity or whether—in the name of fairness, balance, and the real intent of the law—everything is on the table. To vote no on the Democratic resolution is to say, "No, we do not want an independent counsel to look at Congress." So scope is a very critical issue, and that will be the subject of a good deal of debate and scrutiny as we go forth in the coming weeks.

Finally, there is the question of whether or not it ought to be our purpose to dictate at all what direction the Attorney General should take. How is it that we put ourselves in a position to say we know better than she does the circumstances that might dictate the appointment of yet another special prosecutor? She has 25 FBI agents and a grand jury investigating all of this. She is reviewing the matters, I am sure, on a daily basis. What do we have? So far, we only have newspaper reports and the reports on all of the nightly networks. It is on that basis that some of our colleagues have already concluded an independent counsel is warranted.

It is arrogant in the least to say we know better than the Attorney General on this issue and to dictate to her that she should appoint a special prosecutor in spite of whatever facts she may have available to her today.

So, Mr. President, with regard to all four of these questions, I hope our colleagues will take great care as they vote tomorrow morning.

There is one other procedural matter unrelated to substance that I think is also curious. The resolution offered by our colleagues on the Republican side is a congressional resolution requiring a vote in the House and a signature by the President of the United States. That is curious. Why is it that this body would offer a resolution asking for an independent counsel and then put it in a form which requires a Presidential signature? I am skeptical about the motivation in that regard as well.

For all these reasons—taste, timeliness, scope, attitude, not to mention the resolution itself in the form that it takes—I certainly hope my colleagues will vote against the very maligned, poorly worded, extraordinarily ill-timed, narrowly drawn resolution offered by our colleagues and simply join us in restating what current law already requires. It is for the Attorney General to make that determination and, if she makes it, to recognize that scope ought to be as broad as she needs to make it, even including Congress, if that may be required.

I yield the floor and I, given the resolution already adopted, call upon the Chair for the final issuance of the day.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. Wednesday, March 19, 1997.

Thereupon, at 7:05 p.m., the Senate adjourned until Wednesday, March 19, 1997, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 18, 1997:

DEPARTMENT OF DEFENSE

KEITH R. HALL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, March 18, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. DELAY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 18, 1997.

I hereby designate the Honorable TOM DELAY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. HILLIARD] for 5 minutes.

ALEXIS HERMAN WILL BE A GREAT SECRETARY

Mr. HILLIARD. Mr. Speaker, it gives me a great deal of pleasure to stand before this House this day on behalf of my good friend and native Alabamian, Ms. Alexis Herman. At the present time her confirmation is before the U.S. Senate as Secretary of Labor. Alexis is the daughter of a single parent. She has labored her entire life working to help people stay employed and off welfare.

As President Clinton's assistant, she was a leader in making sure that women, Hispanics, African-Americans were equally involved in our Nation's agenda. She is a mover. She is a shaker. She has the credentials, the desires, the integrity, the purpose, the intellect, the capability, the personality and the grace to be Secretary of Labor. And in that respect, Mr. Speaker, I recommend her confirmation.

She appears as an American with qualifications of an all-American combination. Her background is a modern-day equivalent of being born in a log cabin, and her career successes mirror that of a Wall Street broker. That is an all-American combination.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Alabama for yielding to me.

Mr. Speaker, to live the life of a nun these days is not good enough if you want to serve your country. That is what Alexis Herman, the President's nominee to be Secretary of Labor, wanted to be. It is our good fortune that she decided to serve her country in this way.

To live a righteous life is not good enough. That is what Alexis Herman has done. Moreover, Mr. Speaker, Alexis Herman has lived a life which groomed her for this agency. When she was a younger woman, she served in a number of capacities in the Labor Department, in the Women's Bureau, and as assistant to Ray Marshall, who was then Secretary.

The Senate has been on a fishing expedition for 3 months now. It has come up empty. I find very few people in this life whose integrity I would personally vouch for. Alexis Herman is one of those people. I have seen this nominee up close. It is difficult to think of any American who would serve her country better as Secretary of Labor. I hope that the other body will soon recognize this and will in fact vote her to be the Secretary of Labor of the United States of America.

I thank the gentleman for yielding to me, Mr. Speaker.

Mr. HILLIARD. Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, today is the first day of the confirmation hearings for Alexis Herman, a real American success story. I commend the President for choosing this outstanding woman for Secretary of Labor. Ms. Herman has devoted her life to public service. Ms. Herman has been involved in job placement programs throughout her career. Some of her accomplishments include leadership of the black women's employment program of Atlanta and director of the Women's Bureau at the Department of Labor during the Carter administration.

More recently, Mr. Speaker, Alexis Herman worked closely with former Commerce Secretary, the late Ron Brown. She made the White House Office of Public Liaison a dynamic part of the President's office. Throughout Alexis Herman's career, she has made equal opportunity for women and minorities a top priority.

I urge the other body to confirm Alexis Herman without delay. She is a great woman and a great role model for all of us.

Mr. HILLIARD. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I want to thank the gentleman from Alabama [Mr. HILLIARD] for organizing this special order and affording me this time to say a few words in recognition and support of Alexis Herman, President Clinton's nominee for Secretary of Labor.

At this time, when America is challenged to meet the needs of the unemployed and underemployed and to bring training and job opportunities, not only to these, but to the millions who will no longer be eligible for welfare benefits, there is none more suitable to lead this agency.

Ms. Herman's background in job training and placement and her pioneering efforts to bring women and minorities into the workplace coupled with her sensitivity, her competence, and her private sector and White House experience makes her eminently qualified.

I have had the pleasure and good fortune to work with Alexis Herman at the Democratic National Committee, the New York convention, and in her position as public liaison at the Whited House.

Mr. Speaker, I am pleased to be able to speak in support of this outstanding individual, who in the President's own words, were his "eyes and ears working to connect the American people."

I urge the Senate to move expeditiously and confirm Alexis Herman as Secretary of Labor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to inform Members that they should not urge action by the Senate in the confirmation process during debate.

THOUGHTS ON CONGRESSIONAL RETREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. COMBEST] is recognized during morning hour debates for 1 minute.

Mr. COMBEST. Mr. Speaker, there will be several facilitators from the bipartisan Hershey retreat who will be

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

taking the floor today to talk about the positive things that happened from that meeting.

Rather than me telling Members what I thought about it, I thought I would read to them some very quick quotes from Members who were there:

"Pleasantly surprised";

"Substantive";

"Very diverse group";

"Heard things we didn't think we would hear, in a positive sense";

"People were eager to get into it";

"Some people began hesitant but were comfortable once we got started";

"People wanted to come up with ideas that were realistic, that we could accomplish";

"Very good responses from spouses as well as Members";

"Ought to continue the bipartisan caucuses";

"Some of the greatest responses were from some who were the most skeptical";

"Spouses had great things to say";

"Good to have practical ideas, not so lofty as changing the spin of the earth".

Mr. Speaker, one of the quotes that I think meant the most to me was among these, "It almost leads you to believe we could change the House if we put our minds to it."

Mr. Speaker, it almost does lead you to believe, that we could change the House if we put our minds to it.

SUPPORT FOR APPOINTMENT OF ALEXIS HERMAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. WATERS] is recognized during morning hour debates for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to take a moment first to join with my colleagues in a word of praise for Alexis Herman. As an African American woman, I am so very proud that she has been nominated.

Despite the growth that we have had in this country of tolerance and the work that has been done to get rid of racism and discrimination and to try and open up opportunities for all, it still has been rather slow in coming. And it is not often, as a matter of fact, it is extremely rare, that an African-American woman would have the opportunity to serve as secretary of an administration. Alexis Herman has done everything that your parents, your community would have you do to get recognized as a person who is capable and competent so the President has nominated her.

This woman served at the Department of Labor, where she headed the Women's Bureau. That is when I first met her. That was a number of years ago. And not only have I been impressed with her competence and her ability, she has been of assistance to so many people, to so many women. And of course her time and her service in the White House itself has exemplary.

So I am hopeful that everything will go well. I am extremely proud and I am hopeful that within a short period of time, we will be able to say Madam Secretary, Alexis Herman.

ON THE CIA

For the rest of my time, Mr. Speaker, I would like to continue because I have a statement that I would like to make about a very important matter.

I think this week we have the Members of our Permanent Select Committee on Intelligence here in the House examining the CIA. They are probably taking a look at a number of the activities of the CIA and starting to talk about its budget. We have been hearing a lot about the CIA, certainly about cases where our own employees in the CIA decided to become spies for other nations.

But beyond that, we have learned a lot about who the CIA deals with, and there are many people who will excuse who they deal with because they will tell you because of their covert operations they have to deal with the worst of them.

We have seen some efforts in recent days to do some scrubbing in the CIA. That simply means that they are going to try and disassociate with some of the terrorists, the drug traffickers, and the murderers that they have been working with for a number of years. They say that they are going to get rid of their relationships with them, and that is called scrubbing.

But I am very concerned about the CIA. It is a $30 billion budget. That is a lot of money when you are talking about balancing the budget. It is a $30 billion budget. And none of us knows what it is spent for. We just kind of give it over to the CIA. Then all these stories start to float back.

I have been involved for over 6 months now as a result of the revelations of the San Jose Mercury News about the CIA's involvement in drug trafficking in south central Los Angeles in the 1980's.

We identified Mr. Danilo Blandon and Mr. Norwin Meneses, two of the principals in the drug trafficking, one of whom, Danilo Blandon, has testified under oath that he was an operative for the CIA. You know this story. They sold drugs; they fueled the explosion of crack cocaine.

It spread out across the United States, and part of those proceeds were used to fund the Contras, because they were the supporters of Somoza down in Nicaragua when the Contras were fighting against the Sandinistas under the so-called banner of the freedom fighters. They were looking for money all over the world. And the CIA had created the Contras, the so-called resistance movement, and they had to fund the army of the Contras known as the FDN. So in looking for this money, it certainly appears that they turned their backs and they allowed the selling of cocaine in huge amounts that got cooked into crack cocaine that exploded in this Nation.

We have the investigations going on now. The inspector general of the CIA, the inspector general of the Justice Department, intelligence committees of both Houses, all are supposedly involved in these operations looking at them and investigating.

But beyond that, we find other information about the CIA in Venezuela.

MATTERS INVOLVING THE NBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. COBLE] is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, some weeks ago, after a Chicago Bulls star Dennis Rodman inexcusably kicked a cameraman during a National Basketball Association game, one of my constituents asked me if there was anything we in the Congress could do in response to Rodman's behavior.

The NBA will ignore the incident and it will be business as usual, my constituents declared. You in the Congress address the matter, he continued.

It is difficult to legislate character, I told him.

His words regarding the NBA's response were prophetic. The incident was resolved very casually indeed. Many believe Rodman should have been suspended for the entire season. That would have been an appropriate conclusion.

Rodman was seen laughing about the incident and one of his teammates complained that the cameraman should have more promptly removed himself from the arena floor.

One is a victim of a senseless assault and battery and the victim should jump to his feet and promptly apologize to his attacker? Hardly.

The attitude of many of these NBA stars is reprehensible, Mr. Speaker. Some recent years ago an NBA star was accused of improper involvement with gambling interests and possible involvement with organized crime. His response was that most people did not appreciate the pressure that surrounded his life.

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I have news for this self-appointed celebrity. He does not know the meaning of pressure. The guy under pressure is working for $9 an hour, who wants to purchase his son a ticket so he can watch these millionaire athletes display their wares on the hardwood. I am told that fewer fans, Mr. Speaker, are viewing televised NBA games. This may not be supported by polling data, but common sense tells me that many Americans are fed up with the condescending attitude expressed by these overnight millionaires.

Perhaps they should have to try their luck at $9-an-hour jobs. Then maybe they would appreciate the fact that fans who pay their hard-earned money deserve more respect. They might then appreciate the fact that millionaire athletes, or celebrities, are indeed role models. They are not required to be good role models, but they cannot on the one hand warmly embrace their money, fame, and celebrity status, and then on the other hand reject their casting as role models. It does not work that way, fellas, and this is the climate which the NBA is now extending to high school graduates.

I was recently asked, Mr. Speaker, if I would pay to attend an NBA game. One team has regional exposure to my congressional district; another team is coached by a good friend of mine. Aside from these two teams, I would pay to watch only one team in the NBA. That team has never won an NBA title, although they annually advance well into the playoff season, but no cigar is awarded. But this team is a class organization and if more NBA teams would emulate them, there would likely be an increase in spectator interest.

If these self-serving overpaid athletes do not get their acts together, spectator interest will continue to wane and perhaps they will have the chance at one of those $9-an-hour jobs, and then, Mr. Speaker, they will really know what pressure is.

SUPPORT FOR A BIPARTISAN CAMPAIGN FINANCE REFORM ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. MORAN] is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I will not take the full 5 minutes, although I will yield to a colleague after I say a few words about the bipartisan Campaign Finance Reform Act.

This is an issue that has been with us since the founding of our democracy. I happen to represent northern Virginia, the home of George Washington at Mount Vernon. Some of my colleagues may not be aware that the first time that George Washington ran for office he was defeated. He ran for the House of Delegates for Virginia and he lost. His advisers came to him after he lost and said, "General Washington, the problem is that you did not treat." They explained that the custom is to distribute whiskey to the landowners on election day. Sure enough, next election, he treated and he won overwhelmingly.

James Madison had the same problem. He did not learn from George Washington's experience and he lost, and then he went back to treating. Treating led to what they called macing, where essentially a candidate would dun the members of his political party for contributions. Well, one thing led to another, and now we have a system that is in desperate need of another major reform.

We have had many reforms. The 1974 reform was one such major reform. In fact, let me quote from Lyndon Johnson in 1967. In a special address to this Congress, he said, "Our current campaign finance laws are inadequate in scope and now obsolete. More loophole than law, they invite evasion and circumvention."

It took 7 years and the Watergate break-ins before Congress passed real reform. Those words, though, are equally true today. We have got to reform campaign finance law. It is corrupting the political process as well as the legislative process.

We have a bipartisan Campaign Finance Reform Act, terrific people on both sides of the aisle are cosponsoring it. We have the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from California [Mr. HORN], the gentleman from California [Mr. CAMPBELL], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Iowa [Mr. LEACH], and the gentleman from Delaware [Mr. CASTLE]. I can go on and on. And these Republican Members are in addition to a long list of Democratic cosponsors.

One of those folks, the gentleman from Tennessee [Mr. WAMP], is one of the Republican sponsors. Mr. Speaker, I will yield to Mr. WAMP now to conclude my 5 minutes.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding to me.

I have to say in opening I am from Chattanooga, TN, home of the Cinderella team this year in the Sweet 16, the University of Tennessee at Chattanooga, the Moccasins; the Mockingbirds, excuse me. We have changed our name.

Let me say, Mr. Speaker, the businessman from Texas, Mr. Ross Perot, who sometimes I agree with, sometimes I may not, but he said that we have good people in Washington trapped in a bad system. I certainly believe that there are good people serving in the U.S. Congress but the system of campaign reform, which has not changed since 1974, needs to be changed.

There is no perfect bill, there is no silver bullet, there is no magic solution. It is very complex, but it is a bipartisan problem. This week the Democrats may be in more trouble on this issue than the Republicans, but who is to say that the system may not swing the other way. I really believe neither party has an exclusive on integrity or an exclusive on ideas. This is a problem that both parties share.

Some basic principles we should agree on and change is that a majority of our money in campaigns should come from our home States; that the influence of special interest political action committees should be reduced; that we should ban soft money, corporate contributions to the political parties that are funneled back into media advertising should be eliminated; and that we should somehow work to reduce the overall money spent on political campaigns in America.

I think we can agree on those basic principles. Conflict, Mr. Speaker, brings about resolution, and we have a conflict in this country. Yes, every day there is new revelations, but it is time to use these conflicts to bring about change. There is no perfect solution, but we must agree on some basic principles, come together in a bipartisan way.

I do not agree with everything in the bipartisan campaign bill but I believe we can change it and improve it as we go. The issue is, will we defend the status quo again this year in this body, or will we come together and change this system for the first time in 23 years? The status quo obviously is not serving us well in campaign laws. Reform is in order.

If Members have ideas, if they have disagreements, come to the reform movement. Do not fight it or look the other way or make excuses to get by any longer.

ENDING FEDERAL RACE AND GENDER PREFERENCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. CANADY] is recognized during morning hour debates for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, this afternoon I rise to address legislation I will soon introduce to end the use of race and gender preferences by the Federal Government in Federal employment, Federal contracting and in the administration of other Federal programs.

The principles of equal treatment and nondiscrimination on which this legislation is based, are principles which are at the heart of the American experience. They embody an ideal which generations of Americans have honored and sought to realize, an ideal to which we as a people have long aspired, but an ideal which we have never fully attained in our life as a nation.

The first Justice Harlan once said, "Our constitution is color-blind. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved."

With the passage of the Civil Rights Act of 1964, the Congress established a national policy against discrimination based on race and sex. It is the supreme irony of the modern civil rights movement that this crowning achievement was soon followed by the creation of a system of preferences based on race and gender, a system contrived first by administrative agencies and the Federal courts and then accepted and expanded by this Congress.

The 1964 Civil Rights Act constituted an unequivocal statement that Americans should be treated as individuals and not as members of racial or gender groups, an unequivocal statement that no American should be subject to discrimination, which Senator Hubert Humphrey, the chief Senate sponsor of the legislation, defined as a distinction in treatment given to different individuals because of their race.

The system of preferences is based on the notion that we can only overcome our history of discrimination by practicing discrimination. Those who support preferences believe that to guarantee the equitable apportionment of opportunities, Americans must be divided, sorted, and classified by race and gender. They assert that it is a responsibility of the Government not to create a level playing field for all Americans, but to determine outcomes based on race and gender.

My legislation to end preferences rejects this vision of America. It would overturn the status quo of race and gender preferences and return to the principles on which the 1964 Civil Rights Act was based. In place of group rights, it would establish respect for individual rights.

It is important to note that this legislation does not affect our comprehensive regime of antidiscrimination laws. All forms of racial and sex-based discrimination that are illegal under current law would remain illegal.

It is also important to understand that the bill draws an important distinction between preferential treatment and affirmative action. Preferential treatment is prohibited, and affirmative action, as originally conceived, is permitted and expressly protected.

Under the legislation, the Government may continue affirmative action in the form of vigorous outreach and recruitment efforts. Steps taken to increase the size of the applicant pool for a contracting or employment opportunity, including steps targeted at women and minorities, are permissible, so long as at the decision stage all applicants are judged in a nondiscriminatory manner; that is, without regard to their race or sex.

Those who support the use of preferences have the burden of explaining why anyone should receive an advantage of any kind based on race or gender. Quite simply, they have the burden of explaining why it is just for the Government to discriminate.

The supporters of preferences based on race and gender need to face the truth. The truth is that the system of preferences unfairly denies opportunities to those who have been guilty of no wrongdoing, simply because of their race or gender, while granting benefits to individuals who are not victims of discriminatory conduct.

The truth is that the existence of the system of race and gender preferences unfairly casts a cloud over the accomplishments of individuals who are members of favored groups and deprives those individuals of the full measure of respect they are due for their individual achievements.

The truth is that the system of race and gender preferences sends a message from our Government to the American people that we should continue to think along race and gender lines, a message which only reinforces prejudice and discrimination in our society.

We should recognize once and for all that each American has the right to be treated by our Government not as a member of a particular race or gender group but as an individual American citizen equal in the eyes of the law. This Congress should end the unfair system of race and gender preferences and we should do it now.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, today I would also like to address the topic of campaign finance reform. As the Members of the House know very well, the issue of campaign finance reform has been garnering a lot of attention lately. Newspapers and TV news have been very busy in documenting the excess and abuses, and there is plenty of blame to go around.

However, this House needs to be more constructive. In my opinion, it would be a complete waste of our time and the taxpayers' money if we spend hours and hours on hearings and merely use them to score political points.

Mr. Speaker, I believe it is the solemn duty of this House to move in a more positive, forward-looking direction, and the issue of campaign finance reform is best resolved through legislation, not accusations. We can criticize and pontificate to each other, but something has to be put on the table, and quickly.

For this reason, Mr. Speaker, last week the House Democrats triggered a procedural motion in order to bring this discussion to the House floor. I know there are many on both sides of the aisle who want to deal with the issue of campaign finance reform, but the bottom line is that the Democrats are in the minority and the Republicans are in the majority. It is because the Democrats essentially are in the minority and have not been able to bring this issue to the floor that it is necessary from time to time to use procedural motions to get the Republican leadership to respond to this issue. It was necessary last week, since the House Republican leadership has so far not taken up campaign finance reform as an issue.

President Clinton challenged this House to bring the issue to a vote by July 4 and, instead, this House, for months, has embarked on a schedule so insipid and unambitious that even conservative pundits and rank-and-file Republicans are beginning to admonish their own House leadership. So far, essentially, the House Republican leadership has not responded.

Mr. Speaker, I just wanted to point out that when the Democrats were in the majority we were very active in trying to reform the campaign finance system, though oftentimes we were thwarted in our efforts. The very first campaign finance bill, which was passed following the abuses of the Watergate scandal, was passed by a Democratic majority.

□ 1300

Then in 1989 the Democratic majorities in both the House and the Senate passed campaign finance reform only to have the bill vetoed by then Republican President George Bush. Most recently, during the 103d Congress, with both the House and the Senate in the Democratic majority and a Democrat in the White House, the House passed H.R. 3, that year's campaign finance reform bill, by a vote of 255 to 175. The Senate then passed S. 3 by a vote of 60 to 38 after several weeks of Republican delay, including 24 separate votes on amendments. Democratic leaders of the Congress announced a compromise bill then between the House and the Senate versions, but the Republicans in the other body successfully led a filibuster to prevent the Congress from doing its work and drafting a final bill.

Mr. Speaker, the habit of Republican filibusters in opposition to campaign finance reform also goes back to the 102d, the 101st and the 100th Congress. Mr. Speaker, there should be no doubt in my mind that the Republicans clearly have no problem with the current system, which of course includes the PAC's and the soft money and the independent expenditures.

Just for the record, the Republicans did put forth a campaign finance reform bill during the last Congress, but that bill received a paltry 162 votes in a House comprised of 230 Republicans. I think that was an indication of just how little the Republican leadership wanted to change the campaign finance system.

The record I think is clear that the Democrats have put up serious legislation to deal with this issue and the Republicans have not. The Democrats in this House have known for years that the current system is flawed and is too easily abused, and basically what we will do, with procedural motions or however it has to be done in this Congress, is that we will continue to fight for reform in spite of whatever delays and inaction that the Republicans put forward. Over and over again in the next few weeks and the next few months until the Republican leadership agrees to bring campaign finance reform to the floor, you will see the Democrats continue out there calling for reform, calling for action.

I know there are several bills out there. I know that my colleague, the gentleman from Virginia [Mr. MORAN], and my Republican colleague, the gentleman from Tennessee [Mr. WAMP], both mentioned their efforts on a bipartisan basis. Clearly there is an effort here amongst the rank and file, I think on the Republican side, to try to come together on some kind of bipartisan bill that we can all agree on, but so far the Republican leadership has not allowed this bill or any kind of campaign finance reform to come to the floor, and I think that they have the blame at this point for not pushing on the issue.

PROPOSED LEGISLATION TO END GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore (Mr. DELAY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, I hope that I will lay less blame on the opposition than we heard from the previous speaker on the particular issue that he was addressing, because I want to talk about something that affects all of us and on which we can all participate to bring a good government result.

When I came to the Congress in 1983, I learned very quickly that this Congress, the Congress of the United States, then and now, is very faulty in meeting its budgetary deadlines. September 30 comes and the next fiscal year begins the next day, on October 1. Yet, on almost every occasion since I came to Congress, we have failed to meet that deadline. What does that result?

One thing that happens almost universally is that we enter into a period of temporary appropriations to keep the Government going pending the final budgetary result, and so those continuing resolutions, the temporary funding, takes us to our next step, another deadline, and then we fail to meet that one and we go into more temporary funding and the full budget is put off sometimes for a period of a year.

That is bad fiscal management under laws which we, the Congress, have passed to govern ourselves in the business of good government. What happened then is that we actually shut down the Government eight times since I have been a Member of Congress. I do not know how many times before that. The Government actually shut down about eight times.

Being desperate to try to bring about an end to this shutdown business, I went before the Democrat-controlled Rules Committee of that era, in 1989 or 1990, and offered a piece of legislation which would end Government shutdowns forever. How does it work? If on September 30, the end of the fiscal year, we have learned that we have not passed a budget timely and before the deadline that would come midnight that day, my bill would call for an instant replay the next day of last year's budget, thus averting the Government shutdown, continuing the effect of Government throughout a period, never depriving the Congress from getting down to business and passing a new budget, but in the meantime we would have an ongoing budget, albeit at last year's figures, until such time as the budget negotiations can produce a final budget.

Well, the Democrat-controlled Committee on Rules slapped me down time after time after time, from 1989, 1990, 1991, 1992, 1993, and 1994. Finally in 1995 I felt that we were going to have a great opportunity here because now the Republicans on the Committee on Rules would be controlling the agenda. So I went before the Republican-controlled Rules Committee for the purpose of introducing my legislation and getting approval for full floor debate. And what happened? I was knocked down by my fellow Republicans in this endeavor.

The reason that has been advanced is that adoption of my legislation would rob the appropriators of the leverage that they see at their disposal of bringing about a certain kind of result and pressure to suit the appropriations process, which is so murky to me that it does not survive close scrutiny. So I am imploring my colleagues to take a fresh look at the legislation which I have offered.

By the way, the Senate, the other body, has adopted in principle the idea behind my bill and they invited me over to a press conference, did those Senators who prefer this kind of legislation, and we had a joint result of an acceptance in principle of the prevent shutdown legislation. They are going to try to include it in the supplemental appropriations which are forthcoming in the next month or so.

On our side, on the House side, Congressman ISTOOK and Congressman MCINTOSH recently issued a letter in which they support the principle which I have outlined in my legislation. We do not have to stick with the percentages of money figures that we are talking about, but the principle of preventing Government shutdown by a transition piece of legislation that would carry us into a new fiscal year without any shutdown of Government, still leaving the Congress the opportunity to present and pass a new budget.

The other encouragement that I have received is from individual Members of the House and of the Senate who have sought ways and means to try to get this before the Congress of the United States, both in the House and the Senate.

Mr. Speaker, there are many off-beltway groups who deal with the Government that also support my legislation.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Tennessee [Mr. FORD] is recognized during morning hour debates for 5 minutes.

Mr. FORD. Mr. Speaker, I rise today in echoing really what some of my other colleagues have gotten up today to talk about on both sides of the aisle, calling for sweeping campaign finance reform.

We live in the greatest representative democracy in the world, Mr. Speaker. But the massive amount of money that has found its way into our political system threatens to eclipse one of democracy's fundamental principles that everyone's vote counts the same.

In the 1996 elections over $2 billion was spent in our political election system. More than $2 million of that was soft money. Some individuals contributed $2 million or more to one political party or another.

Today, Mr. Speaker, elections are financed by a small minority of Americans. Less than one-half of 1 percent of the electorate gives contributions in excess of $200. Over the past 30 years less than 20 percent of the electorate has contributed to elections.

Americans feel alienated from our political process, and they are demanding that we take action. Everyone involved in this system must be a part of the solution, both Democrats and Republicans. We must limit PAC contributions, restrict the use of soft money and temper the influence of independent expenditures by outside advocacy groups. In addition, we must give the Federal Election Commission real teeth to investigate, report, and discipline candidates who break the rules.

Finally, Mr. Speaker, the public airwaves belong to the people. An exponential increase in the cost of television advertising is preventing candidates from communicating with voters. The rise of the digital age presents us with the rare opportunity to strengthen our democracy. Broadcasters, who will receive free digital licenses from the Government, have a responsibility to fulfill their public interest standards by allowing reduced advertising television time for candidates who comply with the rules.

Mr. Speaker, we must seize this moment and forge a bipartisan consensus to heed the American people's call to reform our campaign system.

SALUTE TO RALPH LAIRD, JR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. ROGAN] is recognized during morning hour debates for 5 minutes.

Mr. ROGAN. Mr. Speaker, there are occasions when the contribution of one of our citizens merits special note on the floor of the House of Representatives, and for 20 years I have had the privilege of knowing such an individual. His name is Ralph Laird from Pleasanton, CA. He hails from my home State.

Although I am a former resident of Pleasanton, I do not have the privilege of representing that community in this House. However, I am joined by my friend and colleague, the gentlewoman from California [Mrs. TAUSCHER], who does represent that particular district.

Mr. Speaker, I yield to my friend and colleague to join me in this presentation and salute to Ralph Laird.

Mrs. TAUSCHER. Mr. Speaker, I thank my Republican colleague from southern California for yielding.

Mr. Speaker, as the Representative of the 10th Congressional District in California, it is one of my great pleasures and honors to be able to recognize and praise distinguished constituents from my area. I rise today to honor the accomplishments of a gentleman from my district who throughout his life has worked to improve the lives of others. Although I have never had the pleasure to meet this man in person, I was lucky enough to learn of his service to my community and the State of California through the kind words and praise of Congressman ROGAN and through the admiration of his colleagues in the education community.

I speak of Mr. Ralph Laird, Jr., a man who has served his country in numerous ways throughout his lifetime. Mr. Laird began serving his country during World War II, in which he fought as a soldier in the U.S. Army. After returning from the war, Mr. Laird made a fortunate decision to return to California, where he chose to dedicate his life to education.

Mr. Laird has been a teacher, a coach of a championship basketball team, a vice principal, a principal, a dean, and an assistant superintendent. In my district, among other things, he has served as the principal of Pleasanton's Amador High School for 8 years and later as assistant superintendent of the Amador School District. In his spare time, Mr. Laird has served on the Pleasanton City Library Board, coached little league baseball, been an active member of the Pleasanton Rotary Club, and served as a camp director for the YMCA.

I believe that the people of the 10th Congressional District and the State of California have been enormously blessed to have someone like Mr. Laird working on their team. Again I would like to thank my colleague from southern California for bringing to my attention the accomplishments of this outstanding gentleman. Mr. Laird has done a great service to the people of my district and to California's children. Additionally, I would like Mr. Laird and his family to know that my prayers and the prayers of the people of the 10th Congressional District are with him during this very difficult time.

Mr. ROGAN. Mr. Speaker, I thank my colleague for her very gracious and kind comments. One comment she made is particularly true—when she referred to Ralph Laird as a gentleman. That he is. When I recently saw a very popular movie entitled "Mr. Holland's Opus," immediately I thought of Ralph Laird. For those who have seen the movie, they will remember it as the story of somebody who gave their life to educating the children of a particular community and how, over the course of his professional career, the fruits of his efforts grew from one generation to the next. His legacy are the innumerable productive men and women who benefited from his counsel and example during his illustrious career.

That is Ralph Laird's legacy, not only to the people of Pleasanton, not only to the people of California, but truly to the people of this country. On behalf of the Congress of the United States, I thank him for his service to our country, and I salute him.

Mr. Speaker, I again thank my colleague, the gentlewoman from California [Mrs. TAUSCHER], for joining me in this presentation.

IN SUPPORT OF HERMAN FOR SECRETARY OF LABOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New York [Mr. OWENS] is recognized during morning hour debates for 5 minutes.

Mr. OWENS. Mr. Speaker, I rise to speak in support of the nomination of Alexis Herman as the Secretary of Labor. Alexis Herman is facing considerable difficulties. They have slowed down the process of confirming her nomination. If you read the accounts in the press and the media, you will find they are rather bizarre.

Alexis Herman is criticized for being too effective. She is criticized for being a great communicator. She is criticized for knowing the ways through the political maze. All of these that are normally considered virtues, all these characteristics that are normally considered virtues have suddenly become barriers to Alexis Herman being confirmed as the Secretary of Labor.

□ 1315

What is going on, Mr. Speaker? I fear that when you compare the difficulties faced by Alexis Herman on the one hand and her difficulties, leaving the Department of Labor without any leadership for all this time, when you compare those difficulties with what is being offered in this Congress by the Republican majority, you might make a logical case for conspiracy.

The Republican majority that is holding up the confirmation of Alexis Herman, leaving the Department of Labor without leadership, has aggressively taken the lead in terms of placing legislation on the agenda which will definitely hurt working people.

The agenda of the Department of Labor is definitely under consideration here. We are proposing and will have on the floor of this House this week a bill which will change the Fair Labor Standards Act. The Fair Labor Standards Act has been in effect since the New Deal, Roosevelt, when we had abuses of labor that were abominable. And part of the way we curbed those abuses of working people where they were forced to work around the clock, on the weekend, and given the same hourly wage, one way to curb that, one way to make the employers divide up the pot and employ more workers instead of working a few long hours with no wages was to implement a Fair Labor Standards Act which says, "You cannot work anybody more than 40 hours a week without paying them time and a half for their overtime pay. You work 40 hours a week, the wage rate must be raised to time and a half."

Now we have on the floor a bill which will take that away. The Republicans are coming for the overtime of Members. They take away the cash payment. They want to say that employers who are now under the Fair Labor Standards Act should be taken out from under the Fair Labor Standards Act and given the option of giving comp time, time off, to workers. Oh, they say, this is going to be a choice that the employees will make. If they do not want to take time off, they want cash, they will have it. But we have statistics and we have studies which show that employers, people who employ people, are already swindling workers out of vast amounts of overtime pay.

One employer study group has admitted that as much as $19 billion was swindled away from workers in cash payments last year, so they do not really have a choice. Any employer will choose to want to invest his cash, he will hold onto the cash and give the employee time off.

This is going forward, it is on the floor, it will be on the floor this week.

Now in addition to that very anti-working person, anti-the-working-families out there legislation, we have a TEAM Act passed in the Senate. The TEAM Act in essence says that employers may organize groups which run counter to the independent unions, actually undercut the activities of the independent unions or will guarantee that unions will never be organized; they are independent.

In addition to that, I just came from a hearing this morning where an attack was being made on organized labor's contributions to political campaigns. Organized labor is being singled out, and they are being pummeled by the Republican majority because they made contributions in large numbers to Democrats. The labor unions are being told you cannot do this. They want new regulations on labor unions.

Labor unions are already the most overregulated institutions in our society. The regulations on labor unions, as my colleagues know, do not compare with anything else. We do not regulate corporations as much as we regulate labor unions, but we are going to impose more regulations on them to keep them from making contributions to people they consider operating politically in their own interests.

I have a chart which shows that all of the sectors of the American economy are giving large amounts of money to political candidates. The chart is from the Center for Political Responsiveness which shows what the financial sector gave, the agricultural sector gave, the defense industry, the energy industry. All of these are greater than organized labor.

Alexis Herman should be put in place because we need that leadership in labor, and let us stop the attack on organized labor.

RECESS

The SPEAKER pro tempore (Mr. DELAY). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 20 minutes p.m.), the House stood in recess until 2 p.m.)

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are appreciative of those women and men who devote their abilities to government service and who see in their tasks the opportunity to serve You, oh God, by being of service to others.

We are indebted to those public servants whose names we know and who occupy positions of great trust. But we especially remember this day those people whose names are not well-known, but whose commitment and enthusiasm to their tasks is acknowledged and valued.

Whatever our responsibility, let us go forward in unity and in trust to do the works of justice and mercy. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LUCAS of Oklahoma. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LUCAS of Oklahoma. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California [Mrs. TAUSCHER] come forward and lead the House in the Pledge of Allegiance.

Mrs. TAUSCHER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CINCINNATI FLOOD YIELDS TWO YOUNG HEROES

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, whenever natural disaster strikes, America gets a few new heroes, selfless individuals who come to the aid of their neighbors in need.

Earlier this month Cincinnati, my community, was one of those river communities in the Midwest that felt the effects of the worst floods in the last 30 years. And true to form, Cincinnatians were at their best, from the city and county employees who worked day and night, to the charitable organizations, churches, schools and businesses, to neighborhood folks who lent a helping hand.

One of the most heartwarming stories I heard centers around two young ladies from Oakdale School in Bridgetown: Paige Craynon, who is 9 years old, and April Pitman, who is 10. On their own, Paige and April went door-to-door collecting items to help suffering flood victims. Then their classmates at Oakdale School joined in and brought in supplies to help those in need.

That is what America is all about, Mr. Speaker. Let me join my colleagues and my fellow Cincinnatians in congratulating Paige and April and all their classmates at Oakdale School for a job well done.

A BALANCED BUDGET CANNOT WAIT

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Speaker, last week more than 100 members of the Democratic Caucus signed the Tauscher-Stenholm-Minge letter that called on both the President and the Republican majority to present a CBO-scored balanced budget proposal. This letter was an attempt to move the stalled budget process forward in a bipartisan manner.

As a former investment banker who spent 14 years on Wall Street, I find it is inconceivable that we could go yet another year without coming to a resolution on a balanced budget.

Today, I am encouraged to hear Speaker GINGRICH has suggested delaying tax cuts until a balanced budget is reached.

If the Speaker or any of our colleagues would like a blueprint for balancing the budget without raising or cutting taxes, I ask them to take a close look at the Blue Dog Coalition budget. Our budget deals with tax cuts outside the scope of the balanced budget plan while keeping them consistent with a balanced budget.

The coalition budget is a plan that can help us move forward toward achieving a truly bipartisan balanced budget. I implore my colleagues to listen to the American people who sent us here. Let us go to work on balancing the budget. We cannot wait any longer.

H.R. 400, THE 21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, opponents of H.R. 400, the 21st Century Patent System Improvement Act, have embraced a "Chicken Little" strategy distinguished by two attributes: First they announce H.R. 400 sells out the country and, second, they repeat it again and again. This dumbing-down approach only produces heat, not light.

If these same opponents took time to read H.R. 400 they would understand why it helps our national economy. The 18-month publication requirement in the bill would allow an American inventor to review a given application and decide if he should continue to develop his own idea or to pursue other alternatives. H.R. 400 creates no opportunity to steal the contents of a published application.

Our opponents believe that the patent system should serve only the selfish interests of those applicants wishing to abuse the process by suing American inventors who develop technology and create jobs. In contrast, the Constitution charges the Congress with the responsibility of creating a system that balances the legitimate needs.

COMBAT BOOTS FROM CHINA?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last week the Pentagon denied that combat boots made in China were issued to our troops. The Pentagon said they awarded four contracts to American companies. It was impossible for that to happen.

Mr. Speaker, it is evident that the Pentagon's left foot does not know what their right foot is wearing. I have Nighthawk combat boots in my possession, made in China, that were issued to a sergeant of the Air Force Reserve.

Now, let us tell it like it is. The Pentagon has always told us in debates, if they could not buy those cheaper imports, they could not keep their costs down. You know what I tell Congress to do? Tell the Pentagon that we can hire generals and admirals a lot cheaper from Korea, too, and we could keep the cost down.

I am asking my colleagues to join me in investigating this matter, why military combat boots were issued to our troops.

HOW COMP TIME WORKS

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, I come to the floor today to give an example of how comp time would work under H.R. 1, the Working Families Flexibility Act.

Let us say an employee works 10 hours of overtime, 50 hours total in a week in January. She chooses comp time in compensation for the overtime hours. Her paycheck for the week reflects pay for 40 hours at her regular hourly rate. She puts 15 hours, one and a half hours for every hour of overtime, into her comp time bank. She decides to use her comp time during a week in May to visit a friend. During the week in May she works 25 hours, uses 15 hours of comp time, and her paycheck for the week is 40 hours. She pays taxes, and is credited with wages when she is paid for the comp time in May.

This is what public sector employees have been able to do for years. H.R. 1 would give private sector employees the same choice. H.R. 1 does not require employers to offer comp time. It protects the employee's voluntary choice whether or not to take time off as compensation for working overtime hours.

H.R. 1, the Working Families Flexibility Act, is commonsense legislation, and as we look at the public sector, we know it works. I urge my colleagues to support it. It is family friendly.

REPUBLICANS NEED TO OFFER BUDGET PROPOSAL OF THEIR OWN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday Speaker GINGRICH stood in the well of the Chamber and he reiterated the 13 points of the Republican agenda. One of these priorities, balancing the Federal budget, is one both Democrats and Republicans share.

But, Mr. Speaker, actions speak louder than words. We can all talk about the importance of balancing the budget, but it is only the Democrats who have put a balanced budget on the table. The Republicans have yet to offer a budget proposal of their own.

Every day American families find a way to balance their own household budgets. They expect Congress to do the same. We cannot let down these families. We must find a way to balance the Federal budget.

The Democrats have produced a balanced budget proposal. Now it is time for the Republicans to quit talking, to start acting. It is time for them to produce a budget proposal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. CAMP). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

VICTIM RIGHTS CLARIFICATION ACT OF 1997

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 924) to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime, as amended.

The Clerk read as follows:

H.R. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victim Rights Clarification Act of 1997".

SEC. 2. RIGHTS OF VICTIMS TO ATTEND AND OBSERVE TRIAL.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§ 3510. Rights of victims to attend and observe trial

"(a) NON-CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, make a statement or present any information in relation to the sentence.

"(b) CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as to the effect of the offense on the victim and the victim's family or as to any other factor for which notice is required under section 3593(a).

"(c) DEFINITION.—As used in this section, the term 'victim' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following new item:

"3510. Rights of victims to attend and observe trial.".

(c) CLARIFICATION OF GROUNDS FOR EXCLUSION.—Section 3593(c) of title 18, United States Code, is amended by inserting "For the purposes of the preceding sentence, the fact that a victim, as defined in section 3510, attended or observed the trial shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury." after "misleading the jury.".

(d) EFFECT ON PENDING CASES.—The amendments made by this section shall apply in cases pending on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Florida [Mr. WEXLER], each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Victims and their families often describe great frustration at the witnessing of the judicial process. Often this frustration comes from their feeling the process is not about them or their loss but all about the defendant. And while we all understand that the guilt or innocence of the defendant must be of primary concern to the Judiciary process, we become increasingly sensitive of the need to include the victim and victims' families in the criminal justice process in appropriate ways that they too can feel that justice has been done for them.

In 1990, Congress passed a law requiring that Federal prosecutors and others make their best efforts to ensure that victims of crime were accorded a number of rights, including the right to be notified of court proceedings, the right to confer with the attorney for the Government in the case, the right for information about the convictions, sentencing, imprisonment, and release of the offender, and the right to be present at all public proceedings related to the offense.

In 1994, the crime bill of that Congress amended the Federal Rules of Criminal Procedure to provide that victims would have the right to make statements to the court in noncapital cases at the time of sentencing, in order to better ensure that the interests of the victims of crime would be known to the sentencing judges.

Also in that bill Congress authorized the Government, in capital cases, after the guilty verdict is returned, to call victim and victims' family members to testify during the postverdict sentencing hearing. This testimony may be in connection with any aggravating factors that the Government wishes to prove or to rebut evidence of mitigating factors that the convicted defendant is attempting to prove.

This so-called victim impact testimony often describes the effect of the crime on the victim or the victim's family. The Supreme Court has upheld the Government's right to present victim impact testimony against constitutional challenge.

Mr. Speaker, a recent ruling in the Oklahoma City bombing case has caused concern that it may be possible for trial judges to exclude victims and their family members from attending the guilt phase of a criminal trial solely for the reason that these persons desire to make victim impact statements during the sentencing phase of the trial.

While one of the Federal rules of evidence does allow judges to exclude witnesses from trial, this rule was formulated to prevent potential fact witnesses from changing their testimony after hearing the testimony of other fact witnesses during the guilt phase of the trial.

The ruling in the Oklahoma City bombing case, which will prevent many of the victims of the crime from attending or observing the trial, is a situation that has never before occurred in a Federal court, to my knowledge. It is important for Members to understand that the victims affected by the ruling are not fact witnesses. They seek only the right that already exists in law to give the victim impact testimony at such time as the guilt of the defendants may be adjudicated. As such, the risk of the testimony somehow being tainted by merely listening to the fact witnesses during the guilt phase of the trial is minimal, if not nonexistent.

□ 1415

The bill I have introduced on behalf of myself, the ranking minority member of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], and the gentleman from Oklahoma [Mr. LUCAS] is intended to make it clear that victims and their family members are not excluded from attending a criminal trial in Federal court as an audience member simply because they may exercise their rights that currently exist under Federal law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Mr. Speaker, I want to point out to my colleagues that this bill will not amend those provisions now in law that allow judges to sequester fact witnesses, including victims and victim family members who testify during the guilt phase of trials. This bill applies only to persons who may make statements during the sentencing hearing of a Federal trial, which always occurs after the defendant is found guilty beyond a reasonable doubt.

Mr. Speaker, this bill is an important clarification of the rights that victims have in Federal criminal trials. I believe that it achieves a balance between ensuring that fact witnesses are not influenced by other testimony at trial while also helping to ensure, when appropriate, that every opportunity is given to victims and their families to see firsthand that our system is providing justice for them.

I want to thank the ranking minority member of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], for his assistance in moving this bill. I also want to thank the other cosponsor of this bill, the gentleman from Oklahoma [Mr. LUCAS], who represents the victims of the Oklahoma City bombing.

At this time as well I would like to comment that I have a letter from the office of the attorney general of the State of Oklahoma, signed by attorneys general from a number of States, including Massachusetts, Minnesota, Louisiana, Idaho, et cetera, my home State of Florida. This letter supports the legislation we have today and explains why it is very important that it become law.

Mr. Speaker, the letter referred to is as follows:

OFFICE OF ATTORNEY GENERAL,
STATE OF OKLAHOMA,
March 18, 1997.

Re Legislation on victim impact witnesses observing trial.

Sen. DON NICKLES,
U.S. Senate,
Washington, DC.
Congressman FRANK LUCAS,
U.S. House of Representatives,
Washington, DC.
Congressman BILL MCCOLLUM,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR NICKLES AND CONGRESSMEN LUCAS AND MCCOLLUM: On the even of the trial in the Oklahoma City bombing case, as Oklahoma's Attorney General, I join the undersigned Attorneys General from across America in urging your support of legislation to guarantee that surviving family members of all homicide victims can attend the federal criminal trial of an accused murder as well as provide victim impact testimony at sentencing.

Such legislation is desperately needed because of a ruling in the Oklahoma City bombing case affirmed by the 10th Circuit Court of Appeals. These courts have ruled that current federal law permits the trial judge to exclude family members who lost loved ones in the bombing from watching the trial if they will provide "victim impact" testimony at sentencing. Moreover, these courts held that current federal law precludes either the government or victims from even appealing such a ruling before the trial. This new interpretation of federal law, if left uncorrected, will deprive numerous family members of victims the chance to observe the trial and learn the facts surrounding the bombing, or worse, force them to forgo the right to testify in the event of a penalty hearing of the impact of this horrendous crime and the value of their loved ones.

There is no legitimate ground for the ruling. The traditional rationale behind sequestering witnesses—that a witness might "tailor" his testimony to that of other witnesses—has no application to surviving family members—they will not testify about issues pertaining to the guilt of the defendants, but will only provide the jury with sentencing information about the devastating effects of the crime.

In our states, family members who will only provide impact testimony are routinely admitted to watch the trial. Indeed, in many of our states, a constitutional amendment or other victims rights legislation guarantees victims the right to observe court hearings without sacrificing the opportunity to provide victim impact testimony. Such an approach fully protects defendants' rights, because defendants have no legitimate interest in excluding from public court proceedings those who have the most vital interest in attending.

The federal government needs to join the states and put in place these protections for victims. Congress has the power to set the rules for federal cases. The Tenth Circuit

Court of Appeals acknowledged that its ruling "may be seen as overly technical and unduly severe by those focused only on this particular controversy," however, the Court explained it must defer to the Constitutional authority of Congress, concluding that "[i]t is only through legislative resolution" that this painful result can be changed. Accordingly, Congress should act quickly to make sure justice is done in the Oklahoma City bombing case—and in the many other federal capital cases to be tried in the future.

Sincerely,

Bruce Botelho, Attorney General of Alaska; W.A. Drew Edmondson, Attorney General; Daniel E. Lungren, Attorney General of California; M. Jane Brady, Attorney General of Delaware; Margery S. Bronster, Attorney General of Hawaii; Carla J. Stovall, Attorney General of Kansas; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Tom Udall, Attorney General of New Mexico; Robert A. Butterworth, Attorney General of Florida; Alan G. Lance, Attorney General of Idaho; Richard P. Ieyoub, Attorney General of Louisiana; Hubert H. Humphrey III, Attorney General of Minnesota; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Michael F. Easley, Attorney General of North Carolina; Heidi Heitkamp, Attorney General of North Dakota; Jeffrey B. Pine, Attorney General of Rhode Island; Jan Graham, Attorney General of Utah; Christine O. Gregoire, Attorney General of Washington; Betty D. Montgomery, Attorney General of Ohio; Dan Morales, Attorney General of Texas; J. Wallace Malley, Jr., Acting Attorney General of Vermont; William U. Hill, Attorney General of Wyoming.

Mr. McCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the amendment of the gentleman from Florida [Mr. McCollum] to H.R. 924. The purpose of this bill is to permit victims of a violent crime, or those whose loved ones have been victimized, to watch the trial of the person accused of committing the crime.

Traditionally, a criminal trial is viewed as being a confrontation between the State and the defendant. The victims of crime were left out of the picture. We need to make sure that victims are treated fairly by the justice system, especially when allowing greater victim participation will have no prejudicial impact on the trial and will not in any way compromise the defendant's rights.

In recent years, the Congress, like many States, has allowed victims in certain circumstances to make victim impact statements at the sentencing phase of the trial. This bill does not expand or affect the right under existing law to make such statements. However, in the case of the Oklahoma City bombing trial, the judge recently held that people who will make victim impact statements, if the defendant or defendants are convicted, cannot watch the trial.

Mr. Speaker, I believe the judge's ruling in the Oklahoma City case was a misinterpretation of Federal Rule of Evidence 615, and we must now clarify that rule to make it absolutely clear that the intent is not to exclude victims from trials.

The judge's ruling was apparently based on the evidentiary rule that in most cases people who are witnesses at a criminal trial cannot watch the testimony of other witnesses. The purpose for this rule is that we do not want one witness' recollections to be influenced by another witness' testimony. But that rationale simply does not apply to people making victim impact statements. The facts and issues they are addressing are totally different from the facts addressed by the other witnesses at trial. The idea that their testimony will be affected by watching the trial just does not make sense.

As one of the Oklahoma City survivors put it, a man who lost one eye in the explosion, "It's not going to affect our testimony at all. I have a hole in my head that's covered with titanium. I nearly lost my hand. I think about it every minute of the day."

That man, incidentally, is choosing to watch the trial and to forfeit his right to make a victim impact statement. Victims should not have to make that choice.

Mr. Speaker, this bill was reported out of committee on voice vote. The manager's amendment makes a number of changes to the bill as reported, but they do not substantively change the bill, with one exception. The exception is that the manager's amendment adds a new, unrelated provision that would make a technical correction to a provision of the Foreign Sovereign Immunities Act that Congress changed last year. This correction is uncontroversial.

Finally, I would like to note that the gentleman from Michigan [Mr. Conyers], the ranking minority member on the Committee on the Judiciary, and the gentleman from New York [Mr. Schumer], the ranking minority member on the Subcommittee on Crime, have asked me to note their support on this bill for the Record.

Mr. Speaker, I urge support of this amendment and this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. Lucas], a prime sponsor of this bill.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in support of H.R. 924, the Victim Allocution Clarification Act of 1997. On behalf of the victims of the bombing of the Alfred P. Murrah Building, and all victims and survivors, I call upon the Members of this body to support this legislation.

I want first to thank the gentleman from Florida [Mr. McCollum] and his staff for their tireless efforts in bringing this bill to the floor. They heard the cry of the victims in Oklahoma and have responded. On behalf of the victims and survivors of the Oklahoma City bombing, thank you.

H.R. 924 addresses an important area of victims rights protections which has been overlooked before now. At stake is the right of victims to watch the trial proceedings and provide victim impact testimony.

In many States, family members who will only provide impact testimony are routinely admitted to watch trials. Many States have constitutional amendments or other victims rights legislation guaranteeing the right to observe court hearings without sacrificing the opportunity to provide victim impact testimony.

It is time that the Federal courts provide the same protections for victims. H.R. 924 guarantees the rights of surviving family members of all homicide victims to attend the Federal criminal trial of an accused murderer as well as provide victim impact testimony at sentencing. In 1990, Congress passed the Victim's Bill of Rights, and today, we are simply clarifying the protections which are currently in law.

Passing this legislation today will ensure that victims of the Oklahoma City bombing will be able to watch the trial proceedings and testify at any subsequent sentencing hearing. Many of these victims are my constituents, and I have seen firsthand the pain and devastation this bombing has brought. For many victims, the healing process is twofold. These men and women desperately want to know what activities led to this terrorist attack. In the words of one victim, "When I saw my husband's body, I began a quest for information as to exactly what happened. The culmination of that quest, I hope and pray, will be hearing the evidence at trial."

This woman, and many others like her also, want the opportunity to express the pain and devastation this act has brought to their lives. They want the chance for their story to be heard; to know they played an important part in ensuring a punishment equal to the crime. They want, and need, to express their loss in their own words.

The time has come for Congress to make its voice known on this issue, and protecting the rights of victims to both watch the trial and testify at sentencing is that needed statement. I ask all Members of this body to join me today and pass this legislation.

Mr. WEXLER. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. Scott].

Mr. SCOTT. Mr. Speaker, our Constitution created a government which is premised on checks and balances through a separation of powers among independent branches of government. The legislative branch is empowered to make laws subject to certain limitations such as constitutional prohibitions against bills of attainder, that special legislation, and ex post facto laws, those that are retroactively applied. The function of the legislative branch is to enforce the laws. The judiciary interprets the laws and adjudicates cases and controversies arising under them. In 1803, the Supreme Court said in the landmark Marbury versus Madison, "One branch is not permitted to encroach on the domain of another."

H.R. 924 violates the constitutional framework of separation of powers and its undue retroactive interference with a ruling in a pending criminal case. It is an obvious attempt to obtain legislatively a ruling in the Oklahoma bombing case different from the one already entered into by a Federal judge according to the law and according to the facts in the particular case and twice sustained on appellate review.

The constitutional prohibitions against the enactment of ex post facto laws and bills of attainder reflect the constitutional concern that the political process might be abused to unduly punish the unpopular or impose by legislation a special penalty against specific persons or classes of persons. As James Madison put it, retroactive legislation of this kind abusively affords special opportunities for the politically popular and powerful to obtain improper legislative benefits. Mr. Speaker, it is, therefore, unseemly for someone in the middle of a trial to seek congressional assistance to affect the outcome of that case.

Mr. Speaker, the judge in this case has determined that such sequestration of the impact witnesses was necessary to ensure that their testimony will remain in fact crime impact statements and not trial process impact statements. Whether or not Congress agrees with this ruling, the judge should have the ability to render it according to the law and the facts before him in this particular case. He is in the best position to make such a difficult determination. The judge should be allowed to run his courtroom and conduct these trials without Congress grabbing the gavel from him after a ruling not to our political liking.

Intervention by Congress in a pending case is not only a blatant intrusion upon the constitutional principles of separation of powers, it also exposes a criminal trial to problematic publicity because the U.S. Congress has obviously weighed in on one side of a pending case. Due to the enormous pretrial publicity surrounding the Oklahoma bombing case, the trial of the case has already been removed not just from Oklahoma City, but entirely outside the State of Oklahoma. Additional complaints of prejudicial and pretrial publicity are under consideration in connection with alleged breaches of attorney-client confidentiality privileges. And so this highly politicized intervention in the case by Congress will only add to the possible case infirmities and, while addressing the understandable concerns of victims, may jeopardize the Government's case altogether.

H.R. 924 requires the court to allow victim impact witnesses to observe court proceedings, including viewing trial exhibits and the defendants and their lawyers over several months. This requirement stays in effect whether or not the judge determines that such viewing will prejudicially taint their testimony. While prejudicially tainted testimony is a problem in any case, it is especially problematic in a Federal death penalty case, and the legislation before us fails to consider the stark differences between the trial of a capital and noncapital case. In noncapital cases, the victims' crime impact statements are made directly to the judge alone during the sentencing phase of the trial. The judge has the experience in properly weighing emotional, inflammatory rhetoric and separating that which is relevant and irrelevant. In capital cases, however, the crime impact statements are made directly to a jury and may well include emotional, inflammatory and irrelevant testimony.

Unfortunately, an amendment to limit the application of this bill to noncapital cases was defeated in committee, and therefore all pending and future capital cases will be exposed to new challenges because of the passage of this bill.

Mr. Speaker, this is not the first time in recent years that Congress has acted as a super appellate court by intervening in a pending case to impose a politically popular ruling different from the results achieved through court deliberations. In the Morgan-Foretich custody case, Congress served as a super Supreme Court to overturn court decisions Members did not like. Just last week, the House served as an adviser to the Alabama Supreme Court in a pending case involving the Ten Commandments.

Furthermore, this is not even the first time that Congress has acted to control a court determination in the Oklahoma bombing case itself. Last year Congress added a special provision to the antiterrorism bill directing that in any trial where a venue is changed by "more than 350 miles" the court shall "order closed circuit televising of the proceedings."

□ 1430

Mr. Speaker, the Oklahoma bombing case is the only one which fits that description.

Mr. Speaker, this legislation violates the fundamental constitutional principle of separation of powers. It also risks further prejudicing the outcome of the pending criminal case which has already been moved out of State due to extensive pretrial publicity, and it fails to differentiate between the potential impact of inflammatory testimony in a capital case and a noncapital case. Finally, it creates the unseemly spectacle of Congress intervening to affect the outcome of a pending capital case.

Mr. Speaker, high profile cases are the truest test of the American Constitution. Congress should not act as an interlocutory court of appeals. In such cases, tinkering with the judicial process to affect the outcome of a particular pending case holds the entire process up to ridicule.

Mr. Speaker, I therefore ask that our colleagues vote no on this motion.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to point out to the Members that while I have great respect for the gentleman from Virginia that this particular matter is one where nobody is going to be negatively impacted that I can see, the Oklahoma City bombing case is an ongoing, in progress trial, but we have not yet had it proceed. We are talking about the sentencing phase in this bill, we are not talking about the guilt or fact-finding phase, and there is no way I can conceive of anyone being prejudiced or any lawsuit or any of the criminal trial process being biased by allowing this bill to go through and become law.

Mr. Speaker, what it does is simply say that victims and their family members who want to testify under the law that we now have in the sentencing phase will be allowed to do that while at the same time being permitted to sit in and observe and watch the regular trial process on the guilt and innocence phase where they have no role whatsoever. So I really do not see any harm in doing this, and I do not think there is any harm doing it to affect the situation at hand. In fact, I cannot imagine that we would pass this bill for the future and not take care of it in terms of the ongoing criminal trial, particularly one as prominent as Oklahoma City.

For the benefit of the other Members, I would like to also take an opportunity to explain the manager's amendment that is part of this bill that I offer today. I will not be very long with that, but the changes made to 924 have been requested by the representatives of the victims of the Oklahoma City bombing and by Members of the other body on both sides of the aisle who support similar bills pending in that body. The sponsors of the bill in the House have agreed to these changes to improve it, and I believe that it will be very good and will get this bill passed, I hope, in both bodies before the President has an opportunity to sign it tomorrow when he leaves for his trip to Helsinki. So we are all hopeful we can get this legislation through both bodies and signed into law.

The amendment makes these changes:

First, the language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or provision of law, and while I believe the rules of statutory construction would have required the courts to interpret the bill in this manner without the language, I have agreed to put this in to make it less contentious.

Second, we have added the definition of victim to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990.

Third, we have restructured the operative portion of the bill in order to make it easier to read but without making any changes in the result that the bill will accomplish, and we have also added subheadings to these new sections to help people understand exactly how it fits into the situation. In addition, we have added a provision to the bill to make it clear that once a victim or family members have attended the trial, the fact that they have done so may not allow a judge to disqualify such individual from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after the guilty verdict is returned, which is another way of saying we have added clarifying language because that is the trust of the bill.

And finally we have amended the short title of the bill to read the Victim Rights Clarification Act of 1997 in order to make it more clear what the purpose of the bill is.

I believe Mr. Speaker, these amendments strengthen the bill. It was favorably reported by the Committee on the Judiciary by a voice vote and will not change the result that was intended. In fact it will, I think, clarify it. I know the gentleman from New York [Mr. SCHUMER] and the gentleman from Oklahoma [Mr. LUCAS] reported the amendment, and that is why it is part of the bill here today.

Mr. Speaker, for the benefit of the other Members, I wish to explain the changes made by the manager's amendment that I have offered to the bill, H.R. 924. The changes made by the manager's amendment have been requested by representatives of the victims of the Oklahoma City bombing and by Members of the other body, on both sides of the aisle, who support a similar bill pending in that body. The sponsors of the bill on the House side have agreed to these changes in order to improve the bill before it becomes law and to help ensure passage of the House bill in the other body. It is the hope of those of us on the House side that the other body will act on the House bill tomorrow, and that the President will sign the bill before he leaves for his trip to Helsinki tomorrow night.

The manager's amendment makes the following changes: First, language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or other provision of law. While I believe that the rules of statutory construction would have required courts to interpret the bill in this manner without this language, I have agreed to specifically state this in the bill so that there is no doubt as to the intent of the Congress.

Second, we have added a definition of "victim" to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990. Third, we have restructured the operative portion of the bill in order to make it easier to read, but without making any change in the result the bill will accomplish. We have also added subheadings to these new sections to help reinforce the fact that this bill will benefit both those persons who are allowed by existing law—18 United States Code section 3593(a)—to testify as to "the effect of the offense on the victim and the victim's family" and other factors during the sentencing hearing of a capital case, and those persons who are allowed by existing law—Federal Rules of Criminal Procedure 32(c)(3)(E)—to "make a statement or present any information in relation to the sentence" during the sentencing hearing of a noncapital case.

Additionally, we have added a provision to the bill to make it clear that once a victim or family members have attended a trial, that fact may not allow a judge to disqualify such individuals from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Finally, we have amended the short title of the bill to the Victims' Rights Clarification Act of 1997 in order to make more clear the purpose of the bill.

Mr. Speaker, I believe that these amendments strengthen the bill that was favorably reported by the Judiciary Committee by voice vote, and will not change the result that was intended by the bill as it was introduced. I want to again note that these changes are made at the request of victims' groups and the supporters of a similar bill in the other body. And I want to note that the changes have been agreed to by the two other sponsors of this bill—Mr. SCHUMER and Mr. LUCAS.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill. From the extraordinary dispatch with which this measure has been rushed, one might suppose it to be an uncontroversial piece of consensus legislation. We marked it up in the Committee on the Judiciary without so much as a hearing, and now it is being considered under suspension of the rules. Not only that, but this morning I was informed that the text that the House would be considering is a Senate version of that which never came before our committee at all.

What is the reason for such haste? And the proponents are quite honest about their intentions. They want the bill to become law in time to apply to a pending case, the Oklahoma City bombing case, because they wish to overturn a pretrial ruling made by the trial justice. The ruling that should be noted, and my friend from Virginia alluded to that, was affirmed by the 10th Circuit Court of Appeals. Now I do not necessarily dispute the merits of the bill as to future cases, but we have not had a sufficient time nor opportunity to properly evaluate this proposal's merits. However, I oppose the bill because I believe its efforts to influence a case now before the court strikes at the integrity of the judicial process and threatens the separation of powers doctrine on which our constitutional system is in fact based.

Congress should not be changing the rules in the middle of a trial; yet this is the second time that Congress has sought to create a special rule to govern this particular case.

Now I share the deep sympathy of every Member of this Chamber for the victims of the Oklahoma tragedy and their family. But we have a system in this country that, however imperfect, is still the best means yet devised for reaching a just result. We can all cite judicial decisions of which we personally disapprove, but there is nothing that qualifies us sitting in this House to substitute our judgment for that of the presiding judge. It is one thing for us to change the rules prospectively, but to interject ourselves into an ongoing trial is a dangerous and possibly unconstitutional assault on the judicial process itself.

Perhaps it is not surprising that we should be considering such a measure, given recent comments that we should consider impeaching judges who render unpopular decisions. Such talk should be deeply troubling to everyone who values the rule of law and this bill should be no less so. The irony is that our intervention may ultimately do far more harm than benefit. Judges are there to see that the trial is fair and impartial. This is just as important to those seeking a conviction as to those who seek an acquittal.

As a former district attorney, I know it does no good to secure a guilty verdict that is vulnerable to reversal on appeal. Defense attorneys have already announced their intention to challenge congressional action in this case. Whether or not their challenge succeeds, why would we go out of our way to increase the Government's burden and put a possible guilty verdict at risk?

While I am sure that this legislation is genuinely well intentioned, the proponents may ultimately do a disservice to the very victims to whom they purport to give voice. It would be truly unfortunate were our actions to create the possibility of a retrial, further compounding the terrible trauma suffered by both the victims and their families.

So let us think again, Mr. Speaker, before we take a step we may come to regret.

Mr. WEXLER. Mr. Speaker, I yield back the remainder of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and I do not intend to consume much, Mr. Speaker.

Mr. Speaker, I just want to point out to the gentleman from Massachusetts that I respect his views. I know he has had a prosecutorial background that in my judgment and I think in all the judgment of all of these attorneys general to support this bill there is no real risk at all in this, and the only conceivable way if any court were to return a decision based upon what we are doing today, the only conceivable effect would be on the sentencing phase, not on the actual fact determination of guilt or innocence.

But in any event I do not believe, nor do any of the experts I have consulted, that this matter would in any way or could in any way affect the outcome or the possibility of having to have a retrial or be successful in any motion to contest a pending trial where the new law comes into play.

In any event, Mr. Speaker, I encourage a "yes" favorable vote on this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 924, as amended.

The question was taken.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1997

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 927) to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Attorney General.

The Clerk read as follows:

H.R. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Service Improvement Act of 1997".

SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(B) by inserting "United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates." after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsection (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 1999, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Florida [Mr. WEXLER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, founded in 1789, the United States Marshals Service is the Nation's oldest Federal law enforcement agency. The Marshals Service is charged with many significant and difficult law enforcement responsibilities, many of which the average citizen is not even aware. For example, it is the U.S. Marshals Service, not the FBI or other Federal agencies, which successfully runs the witness security program, a program more important now than ever in the battle against retaliatory gang murders.

Since its inception in 1971, more than 6,600 witnesses, and this number does not include family members, have been protected and relocated by the Marshals Service under the witness security program. The Marshals Service is very proud of its record, Mr. Speaker, because they have never lost a Federal witness who remained in the program and followed the rules. Other critical Marshals Service duties include protection of the Federal judiciary, apprehension of Federal fugitives, management of seized and forfeited assets, and transportation of Federal prisoners.

The U.S. Marshals Service and U.S. marshals are currently appointed by the President with the advice and consent of the Senate. There is no criteria for the selection of U.S. marshals; neither managerial nor law enforcement experience is necessary.

H.R. 927, the United States Marshals Service Improvement Act, would change the selection process of the Nation's 94 U.S. marshals to appointment by the Attorney General. This bill would depoliticize the U.S. Marshals Service by requiring that U.S. marshals be selected on a competitive basis from among the career managers within the Marshals Service rather than being nominated by the administration and approved by the Senate.

Under this legislation, incumbent U.S. marshals would continue to perform duties of their office until their terms expire, unless they resigned or were removed by the President. Marshals selected between the date of enactment of the bill on December 31, 1999 will also be appointed by the President with the advice and consent of the Senate and will serve for 4 years.

Unlike all other Marshals Service employees, the presidentially appointed marshal is not subject to disciplinary actions, cannot be reassigned, and can only be removed by the President or upon appointment of a successor. This lack of accountability has resulted in numerous problems, including budgetary irresponsibility among individual marshals. Moreover, many U.S. marshals lack experience in Federal law enforcement. This inexperience, coupled with an unfamiliarity of the very demands of the Marshals Service necessitates a glut of middle managers to assist the U.S. marshals.

Chief deputy U.S. marshals, the career managers within the Marshals Service, provide the requisite leadership in the offices. They in turn are assisted by supervisory deputy U.S. marshals.

H.R. 927 would professionalize the Marshals Service by insuring that only knowledgeable career personnel would become marshals; thus there would no longer be a need for a surplus of middle managers and Federal dollars would be saved. In fact, the Congressional Budget Office estimates that once fully implemented, this bill would save approximately $3 million a year.

□ 1445

Mr. Speaker, I believe that H.R. 927 is a commonsense approach to professionalizing the U.S. Marshals Service. This identical bill was passed overwhelmingly in the 104th Congress by the U.S. House on May 1, 1996.

This legislation is a priority of the Federal Law Enforcement Officers Association and is supported by the Fraternal Order of Police. This bill is a small but important step in this committee's ongoing efforts to improve the administration of Federal law enforcement, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the purpose of this bill is to make the post of the U.S. marshal a professional position rather than a political appointment. Currently, marshals are typically designated by the Senators of the respective States. Under this bill, they would instead be appointed by the Director of the Marshals Service.

This bill was originally proposed by the President as part of his reinventing Government initiative. It is supported by the Federal Law Enforcement Officers Association because they believe it will improve the Marshals Service. I agree with them, and I urge support of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 927.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TECHNICAL AMENDMENTS TO COPYRIGHT LAWS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 672) to make technical amendments to certain provisions of title 17, United States Code, as amended.

The Clerk read as follows:

H.R. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT OF 1994.

The Satellite Home Viewer Act of 1994 (Public Law 103–369) is amended as follows:

(1) Section 2(3)(A) is amended to read as follows:

"(A) in clause (i) by striking '12 cents' and inserting '17.5 cents per subscriber in the case of superstations that as retransmitted by the satellite carrier include any program which, if delivered by any cable system in the United States, would be subject to the syndicated exclusivity rules of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations that are syndex-proof as defined in section 258.2 of title 37, Code of Federal Regulations'; and ".

(2) Section 2(4) is amended to read as follows:

"(4) Subsection (c) is amended—

"(A) in paragraph (1)—

"(i) by striking 'until December 31, 1992,';

"(ii) by striking '(2), (3) or (4)' and inserting '(2) or (3)'; and

"(iii) by striking the second sentence;

"(B) in paragraph (2)—

"(i) in subparagraph (A) by striking 'July 1, 1991' and inserting 'July 1, 1996'; and

"(ii) in subparagraph (D) by striking 'December 31, 1994' and inserting 'December 31, 1999, or in accordance with the terms of the agreement, whichever is later'; and

"(C) in paragraph (3)—

"(i) in subparagraph (A) by striking 'December 31, 1991' and inserting 'January 1, 1997';

"(ii) by amending subparagraph (B) to read as follows:

"'(B) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the copyright arbitration royalty panel appointed under chapter 8 shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

"'(i) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

"'(ii) the economic impact of such fees on copyright owners and satellite carriers; and

"'(iii) the impact on the continued availability of secondary transmissions to the public.'; and

"(iii) in subparagraph (C), by inserting 'or July 1, 1997, whichever is later' after 'section 802(g)'.".

(3) Section 2(5)(A) is amended to read as follows:

"(A) in paragraph (5)(C) by striking 'the date of the enactment of the Satellite Home Viewer Act of 1988' and inserting 'November 16, 1988'; and".

SEC. 2. COPYRIGHT IN RESTORED WORKS.

Section 104A of title 17, United States Code, is amended as follows:

(1) Subsection (d)(3)(A) is amended to read as follows:

"(3) EXISTING DERIVATIVE WORKS.—(A) In the case of a derivative work that is based upon a restored work and is created—

"(i) before the date of the enactment of the Uruguay Round Agreements Act, if the source country of the restored work is an eligible country on such date, or

"(ii) before the date on which the source country of the restored work becomes an eligible country, if that country is not an eligible country on such date of enactment,

a reliance party may continue to exploit that derivative work for the duration of the restored copyright if the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the provisions of this paragraph.".

(2) Subsection (e)(1)(B)(ii) is amended by striking the last sentence.

(3) Subsection (h)(2) is amended to read as follows:

"(2) The 'date of restoration' of a restored copyright is—

"(A) January 1, 1996, if the source country of the restored work is a nation adhering to the Berne Convention or a WTO member country on such date, or

"(B) the date of adherence or proclamation, in the case of any other source country of the restored work.".

(4) Subsection (h)(3) is amended to read as follows:

"(3) The term 'eligible country' means a nation, other than the United States, that—

"(A) becomes a WTO member country after the date of the enactment of the Uruguay Round Agreements Act;

"(B) on such date of enactment is, or after such date of enactment becomes, a member of the Berne Convention; or

"(C) after such date of enactment becomes subject to a proclamation under subsection (g).

For purposes of this section, a nation that is a member of the Berne Convention on the date of the enactment of the Uruguay Round Agreements Act shall be construed to become an eligible country on such date of enactment.".

SEC. 3. LICENSES FOR NONEXEMPT SUBSCRIPTION TRANSMISSIONS.

Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting ", or, if a copyright arbitration royalty panel is convened, ending 30 days after the Librarian issues and publishes in the Federal Register an order adopting the determination of the copyright arbitration royalty panel or an order setting the terms and rates (if the Librarian rejects the panel's determination)" after "December 31, 2000"; and

(2) in paragraph (2), by striking "and publish in the Federal Register".

SEC. 4. ROYALTY PAYABLE UNDER COMPULSORY LICENSE.

Section 115(c)(3)(D) of title 17, United States Code, is amended by striking "and publish in the Federal Register".

SEC. 5. NEGOTIATED LICENSE FOR JUKEBOXES.

Section 116 of title 17, United States Code, is amended—

(1) by amending subsection (b)(2) to read as follows:

"(2) ARBITRATION.—Parties not subject to such a negotiation may determine, by arbitration in accordance with the provisions of chapter 8, the terms and rates and the division of fees described in paragraph (1)."; and

(2) by adding at the end the following new subsection:

"(d) DEFINITIONS.—As used in this section, the following terms mean the following:

"(1) A 'coin-operated phonorecord player' is a machine or device that—

"(A) is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by the insertion of coins, currency, tokens, or other monetary units or their equivalent;

"(B) is located in an establishment making no direct or indirect charge for admission;

"(C) is accompanied by a list which is comprised of the titles of all the musical works available for performance on it, and is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

"(D) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

"(2) An 'operator' is any person who, alone or jointly with others—

"(A) owns a coin-operated phonorecord player;

"(B) has the power to make a coin-operated phonorecord player available for placement in an establishment for purposes of public performance; or

"(C) has the power to exercise primary control over the selection of the musical works made available for public performance on a coin-operated phonorecord player.".

SEC. 6. REGISTRATION AND INFRINGEMENT ACTIONS.

Section 411(b)(1) of title 17, United States Code, is amended to read as follows:

"(1) serves notice upon the infringer, not less than 48 hours before such fixation, identifying the work and the specific time and source of its first transmission, and declaring an intention to secure copyright in the work; and".

SEC. 7. COPYRIGHT OFFICE FEES.

(a) FEE INCREASES.—Section 708(b) of title 17, United States Code, is amended to read as follows:

"(b) In calendar year 1997 and in any subsequent calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) in the following manner:

"(1) The Register shall conduct a study of the costs incurred by the Copyright Office for the registration of claims, the recordation of documents, and the provision of services. The study shall also consider the timing of any increase in fees and the authority to use such fees consistent with the budget.

"(2) The Register may, on the basis of the study under paragraph (1), and subject to paragraph (5), increase fees to not more than that necessary to cover the reasonable costs incurred by the Copyright Office for the services described in paragraph (1), plus a reasonable inflation adjustment to account for any estimated increase in costs.

"(3) Any fee established under paragraph (2) shall be rounded off to the nearest dollar, or for a fee less than $12, rounded off to the nearest 50 cents.

"(4) Fees established under this subsection shall be fair and equitable and give due consideration to the objectives of the copyright system.

"(5) If the Register determines under paragraph (2) that fees should be increased, the Register shall prepare a proposed fee schedule and submit the schedule with the accompanying economic analysis to the Congress. The fees proposed by the Register may be instituted after the end of 120 days after the schedule is submitted to the Congress unless, within that 120-day period, a law is enacted stating in substance that the Congress does not approve the schedule.".

(b) DEPOSIT OF FEES.—Section 708(d) of such title is amended to read as follows:

"(d)(1) Except as provided in paragraph (2), all fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office. Such fees that are collected shall remain available until expended. The Register may, in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this section.

"(2) In the case of fees deposited against future services, the Register of Copyrights shall request the Secretary of the Treasury to invest in interest-bearing securities in the United States Treasury any portion of the fees that, as determined by the Register, is not required to meet current deposit account demands. Funds from such portion of fees shall be invested in securities that permit funds to be available to the Copyright Office at all times if they are determined to be necessary to meet current deposit account demands. Such investments shall be in public debt securities with maturities suitable to the needs of the Copyright Office, as determined by the Register of Copyrights, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(3) The income on such investments shall be deposited in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office.".

SEC. 8. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended—

(1) in subsection (b)(1) by striking "and 116" in the first sentence and inserting "116, and 119";

(2) in subsection (c) by inserting after "panel" at the end of the sentence the following:

", including—

"(1) authorizing the distribution of those royalty fees collected under sections 111, 119, and 1005 that the Librarian has found are not subject to controversy; and

"(2) accepting or rejecting royalty claims filed under sections 111, 119, and 1007 on the basis of timeliness or the failure to establish the basis for a claim"; and

(3) by amending subsection (d) to read as follows:

"(d) SUPPORT AND REIMBURSEMENT OF ARBITRATION PANELS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter, and shall reimburse the arbitrators presiding in distribution proceedings at such intervals and in such manner as the Librarian shall provide by regulation. Each such arbitrator is an independent contractor acting on behalf of the United States, and shall be hired pursuant to a signed agreement between the Library of Congress and the arbitrator. Payments to the arbitrators shall be considered reasonable costs incurred by the Library of Congress and the Copyright Office for purposes of section 802(h)(1).".

(b) PROCEEDINGS.—Section 802(h) of title 17, United States Code, is amended by amending paragraph (1) to read as follows:

"(1) DEDUCTION OF COSTS OF LIBRARY OF CONGRESS AND COPYRIGHT OFFICE FROM ROYALTY FEES.—The Librarian of Congress and the Register of Copyrights may, to the extent not otherwise provided under this title, deduct from royalty fees deposited or collected under this title the reasonable costs incurred by the Library of Congress and the Copyright Office under this chapter. Such deduction may be made before the fees are distributed to any copyright claimants. In addition, all funds made available by an appropriations Act as offsetting collections and available for deductions under this subsection shall remain available until expended. In ratemaking proceedings, the reasonable costs of the Librarian of Congress and the Copyright Office shall be borne by the parties to the proceedings as directed by the arbitration panels under subsection (c).".

SEC. 9. DIGITAL AUDIO RECORDING DEVICES AND MEDIA.

Section 1007(b) of title 17, United States Code, is amended by striking "Within 30 days after" in the first sentence and inserting "After".

SEC. 10. CONFORMING AMENDMENT.

Section 4 of the Digital Performance Right in Sound Recordings Act of 1995 (Public Law 104–39) is amended by redesignating paragraph (5) as paragraph (4).

SEC. 11. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—Title 17, United States Code, is amended as follows:

(1) The table of chapters at the beginning of title 17, United States Code, is amended—

(A) in the item relating to chapter 6, by striking "**Requirement**" and inserting "**Requirements**";

(B) in the item relating to chapter 8, by striking "**Royalty Tribunal**" and inserting "**Arbitration Royalty Panels**";

(C) in the item relating to chapter 9, by striking "**semiconductor chip products**" and inserting "**Semiconductor Chip Products**"; and

(D) by inserting after the item relating to chapter 9 the following:

"10. Digital Audio Recording Devices and Media .... 1001".

(2) The item relating to section 117 in the table of sections at the beginning of chapter 1 is amended to read as follows:

"117. Limitations on exclusive rights: Computer programs.".

(3) Section 101 is amended in the definition of to perform or display a work "publicly" by striking "processs" and inserting "process".

(4) Section 108(e) is amended by striking "pair" and inserting "fair".

(5) Section 109(b)(2)(B) is amended by striking "Copyright" and inserting "Copyrights".

(6) Section 110 is amended—

(A) in paragraph (8) by striking the period at the end and inserting a semicolon;

(B) in paragraph (9) by striking the period at the end and inserting "; and"; and

(C) in paragraph (10) by striking "4 above" and inserting "(4)".

(7) Section 115(c)(3)(E) is amended—

(A) in clause (i) by striking "sections 106(1) and (3)" each place it appears and inserting "paragraphs (1) and (3) of section 106"; and

(B) in clause (ii)(II) by striking "sections 106(1) and 106(3)" and inserting "paragraphs (1) and (3) of section 106".

(8) Section 119(c)(1) is amended by striking "until unless" and inserting "unless".

(9) Section 304(c) is amended in the matter preceding paragraph (1) by striking "the subsection (a)(1)(C)" and inserting "subsection (a)(1)(C)".

(10) Section 405(b) is amended by striking "condition or" and inserting "condition for".

(11) Section 407(d)(2) is amended by striking "cost of" and inserting "cost to".

(12) The item relating to section 504 in the table of sections at the beginning of chapter 5 is amended by striking "Damage" and inserting "Damages".

(13) Section 504(c)(2) is amended by striking "court it" and inserting "court in".

(14) Section 509(b) is amended by striking "merchandise; and baggage" and inserting "merchandise, and baggage".

(15) Section 601(a) is amended by striking "nondramtic" and inserting "nondramatic".

(16) Section 601(b)(1) is amended by striking "subsustantial" and inserting "substantial".

(17) The item relating to section 710 in the table of sections at the beginning of chapter 7 is amended by striking "Reproductions" and inserting "Reproduction".

(18) The item relating to section 801 in the table of sections at the beginning of chapter 8 is amended by striking "establishment" and inserting "Establishment".

(19) Section 801(b) is amended—

(A) by striking "shall be—" and inserting "shall be as follows:";

(B) in paragraph (1) by striking "to make" and inserting "To make";

(C) in paragraph (2)—

(i) by striking "to make" and inserting "To make"; and

(ii) in subparagraph (D) by striking "adjustment; and" and inserting "adjustment."; and

(D) in paragraph (3) by striking "to distribute" and inserting "To distribute".

(20) Section 803(b) is amended in the second sentence by striking "subsection subsection" and inserting "subsection".

(21) The item relating to section 903 in the table of sections at the beginning of chapter 9 is amended to read as follows:

"903. Ownership, transfer, licensure, and recordation.".

(22) Section 909(b)(1) is amended—

(A) by striking "force" and inserting "work"; and

(B) by striking "sumbol" and inserting "symbol".

(23) Section 910(a) is amended in the second sentence by striking "as used" and inserting "As used".

(24) Section 1006(b)(1) is amended by striking "Federation Television" and inserting "Federation of Television".

(25) Section 1007 is amended—

(A) in subsection (a)(1) by striking "the calendar year in which this chapter takes effect" and inserting "calendar year 1992"; and

(B) in subsection (b) by striking "the year in which this section takes effect" and inserting "1992".

(b) RELATED PROVISIONS.—

(1) Section 1(a)(1) of the Act entitled "An Act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities", approved November 9, 1987 (17 U.S.C. 914 note), is amended by striking "orginating" and inserting "originating".

(2) Section 2319(b)(1) of title 18, United States Code, is amended by striking "last 10" and inserting "least 10".

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SATELLITE HOME VIEWER ACT.—The amendments made by section 1 shall be effective as if enacted as part of the Satellite Home Viewer Act of 1994 (Public Law 103–369).

(c) TECHNICAL AMENDMENT.—The amendment made by section 11(b)(1) shall be effective as if enacted on November 9, 1987.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Florida [Mr. WEXLER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 672, to make technical amendments to certain provisions of title 17 of the United States Code. An amended version of this bill is presented for passage under suspension of the rules.

The amendment to the reported bill corrects an error contained in the bill as introduced, which inadvertently strikes a provision of present law which should remain for purposes of maintaining consistency between certain sections in title 17. It reaffirms the current practice of the Copyright Office to allow participants in a ratemaking proceeding to share the cost of that proceeding in direct proportion to their share of the distribution.

Mr. Speaker, I am unaware of any opposition to this amendment.

All the provisions contained in this bill are necessary for the proper functioning of the U.S. Copyright Office and the copyright system, and I am unaware of any opposition to this legislation. I urge a favorable vote on H.R. 672.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 672, a bill to make a number of technical corrections to title 17 of the United States Code, including corrections to drafting errors in the Satellite Home Viewer Act, section 104(a), dealing with restoration of copyright protection in certain preexisting works; licenses for nonexempt subscription transmissions; negotiated licenses for jukeboxes; notice time for infringement actions, copyright office fee schedules, court proceedings, and reports pursuant to the Audio Home Recording Act of 1992.

Mr. Speaker, I am aware of no objections to any of these amendments to law and recommend their adoption under suspension of the rules.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I submit for the RECORD a letter from the Copyright Office of the United States regarding H.R. 672.

THE REGISTER OF COPYRIGHTS
OF THE UNITED STATES OF AMERICA,
Washington, DC, March 18, 1997.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Washington, DC.

DEAR MR. COBLE: We note that language in House Report 105–25 accompanying H.R. 672 regarding the Copyright Office not needing appropriations beginning in 1999 is not entirely correct. In contributing to those portions of the Report entitled "Summary" and "Estimated Cost to the Federal Government," it appears that the Congressional Budget Office did not realize that some Copyright Office operations—for example, administration of the mandatory deposit requirements of 17 U.S.C. §407—are not fee services, and would not be covered by a fee increase, even to full cost recovery as permitted (but not required) by Section 7 of H.R. 672.

We would appreciate your confirming on the floor of the House that it is not the intent of Congress that the Copyright Office become self-sustaining under H.R. 672, or that it raise fees to cover the full cost of all services that it provides. As the section-by-section analysis states correctly, the bill grants the Copyright Office, subject to contrary Congressional action, authority to "increase fees up to the reasonable costs incurred by the Copyright Office" plus a reasonable adjustment for future cost increases, provided those fees are "fair and equitable and give due consideration to the objectives of the copyright system." This allows the Register of Copyrights to "decide that fees may be less than the costs of the services provided, if that furthers the objectives of the copyright system."

Thank you for your consideration.

Very truly yours,

MARYBETH PETERS.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 672, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DISTRICT OF COLUMBIA INSPECTOR GENERAL IMPROVEMENT ACT OF 1997

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 514) to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Inspector General Improvement Act of 1997".

SEC. 2. WAIVER OF RESIDENCY REQUIREMENT FOR CERTAIN EMPLOYEES OF INSPECTOR GENERAL.

Section 906 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–610.6, D.C. Code) is amended—

(1) in subsection (a), by inserting "or subsection (d)" after "subsection (c)"; and

(2) by adding at the end the following new subsection:

"(d) At the request of the Inspector General (as described in section 208(a) of the District of Columbia Procurement Practices Act of 1985), the Director of Personnel may waive the application of subsections (a) and (b) to employees of the Office of the Inspector General.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my thanks to the gentleman from Indiana [Mr. BURTON] for permitting expeditious consideration of this bill.

Mr. Speaker, H.R. 514 is straightforward legislation. It was part of H.R. 3664 which was approved by the Subcommittee on the District of Columbia and the Committee on Government Reform and Oversight last June 20. There are complications, however, with other parts of the bill and it was never taken before the full House.

This bill is being brought forward separately this year because there is an urgent need to pass section 2. That section allows the director of personnel of the District of Columbia to waive the residency requirement for employees of the Office of Inspector General at the request of the inspector general.

This legislation is necessary because the personnel in the IG's office are all defined as excepted personnel under the Merit Personnel Act and are required to reside in the District of Columbia within 12 months of employment. The bill would thus guarantee the widest possible talent pool for the inspector general to hire from. Considering the importance placed in this office when it was enhanced in the control board legislation, I agreed to pursue the waiver that this bill contains.

The IG's office currently consists of 35 individuals, a number of whom are not District residents. These individuals accepted employment on condition that their employment would not be barred by the residency requirement.

The Office of Personnel has determined that, lacking authority to grant a waiver, that the residency requirement will have to be enforced beginning as early as March 24. Thus, failure to pass this legislation, H.R. 514, at this time could result in a significant exodus of highly trained and qualified personnel at a time of numerous sensitive investigations. This would clearly be unacceptable, particularly in light of the fact that the inspector general has just announced her resignation from the District and this would really leave the office utterly rudderless.

The Congressional Budget Office has certified that this bill would not effect the Federal budget. I would urge passage of H.R. 514.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Indiana [Mr. BURTON], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. WAXMAN] for their work on the District of Columbia Inspector General Improvement Act.

Mr. Speaker, it is noncontroversial. A lot of work has gone into it, and Mr. Speaker, I would hope that the House would pass the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the very kind gentleman from Virginia [Mr. SCOTT] for yielding to me. I want to thank the gentleman from Indiana [Mr. BURTON] and the gentleman from Virginia [Mr. DAVIS], as well as the gentleman from California [Mr. WAXMAN], the ranking member, for their work on the District of Columbia Inspector General Improvement Act, a bill that would allow the District's director of personnel to waive the residency requirement for employees in the office of the inspector general at the inspector general's request.

In April 1995, the Congress passed the District of Columbia financial responsibility and management assistance authority law, which expanded and strengthened the office of inspector general in the District of Columbia. Pursuant to the financial authority statute, Angela Avant was appointed inspector general in January 1996.

Because of the apparent delay in finding a suitable candidate, Ms. Avant was under considerable pressure from Congress and the financial authority to recruit staff. She received some criticism for not filling positions quickly enough, in part because the positions allocated to the inspector general are "excepted service" positions and thus were subject to the requirement of District residency. The inspector general found that the residency requirement made it difficult to recruit several highly specialized personnel to staff her office. To alleviate these concerns, Mayor Barry transmitted legislation to the council on March 28, 1996, which contained a provision that waived the residency requirement under very limited circumstances.

When it appeared that it would take some time for the Council Committee on Government Operations to consider the bill, I called council member Harold Brazil, then chairman of the committee, who said that he had no objection to the waiver going forward in the Congress. The residency requirement for the inspector general then became part of H.R. 3664, the District of Columbia Improvement and Efficiency Act of 1996, and on the assurance that this noncontroversial waiver was likely to be enacted, the inspector general hired several staff members who reside outside of the District of Columbia on a temporary basis.

H.R. 3664 was never brought to the floor because another provision of the bill violated the pay-go rule. To overcome that problem, the gentleman from Virginia [Mr. DAVIS] submitted the residency language to the House District of Columbia Committee on Appropriations for inclusion in the 1997 omnibus appropriations bill, but in the rush to finalize the language of the omnibus bill in the final days of the 104th Congress, this provision apparently was omitted.

Mr. Speaker, it is urgent that the Congress pass this bill to allow the Office of Inspector General to keep on staff personnel that have already been hired. Under the Merit Personnel Act, the temporary waiver of residency expires for employees who are "excepted service" after 6 months. Several of the employees hired by the inspector general will be in violation of this rule as early as March 24, if this legislation is not enacted.

Maintaining the inspector general's staff is a high priority for the Congress and the financial authority because of the urgent need to uncover instances of waste, fraud, and abuse in the D.C. government. By passing this bill, the House sends a message that it wants to encourage fast action on these important priorities.

I emphasize that this bill involves no violation of home rule because all branches of government, the Mayor, and the city council apparently agree that it should be passed expeditiously without going through the council, which would not be prepared to take it up as quickly as we have been.

I ask the House to pass this piece of unfinished business from the 104th Congress, the District of Columbia Inspector General Improvement Act, H.R. 514.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the gentlewoman from the District of Columbia [Ms. NORTON] for her comments and help in bringing this to the floor as well as the gentleman from California [Mr. WAXMAN] and the gentleman from Virginia [Mr. SCOTT] the gentleman from Virginia for his remarks.

As the gentlewoman from the District of Columbia [Ms. NORTON] has noted, the Mayor and the council support this legislation, as does the control board.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill H.R. 514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 94 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution provides for consideration of H.R. 412, the Oroville-Tonasket Claim Settlement and Conveyance Act under an open rule. The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Resources. The rule makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment. The amendment in the nature of a substitute shall be considered as read. The rule further provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 412 approves the settlement reached between the U.S. Department of the Interior and the Oroville-Tonasket Irrigation District in order to avoid litigation concerning the construction of the Oroville-Tonasket Unit Extension in my district.

This settlement was initiated by the Bureau of Reclamation and is widely supported by all concerned parties, including the Colville Indian Tribes. Under the terms of the settlement, legislation must be enacted prior to April 15 of this year or the proposed settlement is voided.

We began work on this bill in the 104th Congress and, thanks to the support of the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. DOOLITTLE], H.R. 412 was reported by voice vote out of the Committee on Resources on March 5.

Mr. Speaker, the legislation we will consider today would ratify what I consider to be a very solid agreement. It is the result of a good faith effort by the Interior Department and my constituents to resolve a situation that both parties wish had never developed.

This agreement will save taxpayers millions of dollars and avoid a lawsuit the Federal Government would almost surely lose. Members doubting that the Government would lose this should ask the question, Why would the Bureau of Reclamation have been so eager to initiate this proposed settlement if they had not thought that they would be on the losing end?

Mr. Speaker, we had hoped to bring H.R. 412 to the House under a suspension of the rules. However, during full committee markup we learned for the first time of the gentleman from California's concern about the bill and, accordingly, we are pleased to request an open rule so that the gentleman from California [Mr. MILLER] may put before the full House an amendment seeking to perfect the bill.

Although I plan to oppose the gentleman's amendment, I look forward to its consideration in the Committee of the Whole later today.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding the time to me.

Mr. Speaker, this is an open rule that will allow full debate on this bill, and I ask my colleagues to support the rule so that we may proceed with consideration of the merits of the legislation.

As my colleague has noted, H.R. 412 approves an agreement between the Bureau of Reclamation, an agency of the Department of the Interior, and the Oroville-Tonasket Irrigation District of Washington. This agreement would transfer the federally funded irrigation project to the irrigation district at no cost.

Proponents of the measure note that the irrigation system does not work as planned and that operation costs are higher than projected. Several of my colleagues expressed concern, however, that this conveyance amounts to a giveaway of Federal assets, a giveaway that has had little to no congressional oversight. It is their strong belief that the district should be allowed to take possession of the project only after paying fair market value based on an independent appraisal.

Furthermore, it is my understanding that the Department of Justice did not participate in this settlement agreement and thus opponents argue that Congress should have the opportunity to address the dispute in question and to reach an equitable settlement. Since this is an open rule, however, I urge my colleagues' support for the rule to allow full debate.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 94 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 412.

□ 1508

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, with Mr. EVERETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

H.R. 412, the Oroville-Tonasket Claim Settlement Act approves the settlement of a lawsuit filed by the Oroville-Tonasket irrigation district against the United States regarding an irrigation works poorly designed and shoddily constructed by the Bureau of Reclamation in north central Washington State. Despite literally decades of repairs and reconstruction, the system does not work as planned and is very expensive to operate and maintain.

When the bureau notified the district that the project was substantially complete in 1990, thus triggering a repayment obligation under Federal reclamation law, the district sued for $51 million in damages and relief from its repayment obligation. The Bureau of Reclamation, the Justice Department and the district have negotiated a settlement agreement for this lawsuit, which must be ratified by law by the date of April 15, 1997. Under the agreement the district agrees to release all claims against the United States associated with the faulty irrigation system estimated by the bureau at $4.5 million plus an estimated $14 million requirement the U.S. Government presently has to repair deteriorating pipes, indemnify the United States from third party claims, pay $350,000 and release the United States from its obligation to remove existing dilapidated structures and accept limited power generation for irrigation water pumping.

In return the United States agrees to transfer title to the defective irrigation system of the district and forgive the district's repayment obligation calculated by the bureau to have a present value of $4.2 million.

Mr. Chairman, the Justice Department in fact did participate, contrary to the representation that was earlier made. It recommends that this settlement be entered into. As we can see from the facts, the district has more in claims against the Government acknowledged as valid by the Bureau of Reclamation than it has those in the amount of money to be repaid under the contract.

The district did not seek to take title to these irrigation works. That was a condition insisted upon by the Government itself. I would point out that the administration, even the Clinton administration supports this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 412, the Oroville-Tonasket Claim Settlement and Conveyance Act. This district has yet to pay a dime toward the $14 million that it owes the taxpayers to repay their investment in the Oroville-Tonasket project. Yet this legislation would transfer the projects to the district for free and commit the Federal Government to continue to provide cheap power for pumping water through the year 2040, 45 years of additional subsidies to an irrigation district that is seeking now to get the project for free.

While this irrigation district argues that these problems of the project should be corrected, the need to repair the project certainly does not justify giving it away and having the taxpayers absorb the loss. The taxpayers have spent $88 million to build this project, and the power users in the region from Bonneville and others will subsidize this with power to the extent of somewhere around $75 million. What we are arguing here is over $14 million which the district owes and has refused to pay because they have not liked the design and the problems that we are having with the project. But the fact of the matter is that this district, this project has been delivering a benefit to this irrigation district now for a number of years, and it certainly is envisioned that it will deliver a benefit to this district for the next 50 years.

Ordinarily what we would do in this situation is we would sit down and we would discuss whether or not they have got all of the benefit that they felt that they were deserving of. We have been through this in the central Arizona project, and we have been through it on other reclamation projects. But in this situation what we now see is the suggestion that they should pay nothing for what they got. The fact of the matter is, why do they not give the project back? It was suggested by the chairman of the subcommittee that this is a lemon law, that you have to give the car back. Well, you would, you would give the car back and you would cease making payments. Here they keep the project. They continue to get the water. They continue to get the economic benefit somewhere around 8,000 to 10,000 acres of orchards, and the fact of the matter is now they seek not to pay for it.

What my amendment suggests and what I will offer later when the House reconvenes is an amendment that says we ought to have an appraisal. We ought to determine the fair market value, take into consideration their arguments and let them pay that for the project. That may be net present value. That may be some other figure, but the taxpayers are entitled to have something back for the benefit that they bestowed on these individuals.

□ 1515

Because the simple fact of the matter is that they are going to continue to get that benefit.

Now, they will continue to get subsidized power. They will continue to get subsidized power for a long time. Why do we give people subsidized power? Because when we calculate these projects, the fact of the matter is that these farmers and others are not able to pay for this project.

They could not have financed this back in 1962, they could not finance this in 1976, so what we do is we reach into the pockets of all of the other power users in the area and we say they have to pony up money so that these farmers can stay in business because they have to pay the Federal Government back.

Now these people will not pay the Federal Government back, but they want to keep their hands in the pockets of the power users. Everybody else that gets subsidized power is in the business of paying the Government back. These people, in fact, are not going to pay the Government back.

The point is that their costs are about the same as other districts in the region. Their O&M costs are about $35 an acre foot. That is consistent with what other projects in the region pay. So what is the extraordinary expense? What is the extraordinary detriment of this project that so diminishes the benefits that now the taxpayer is entitled to nothing from the beneficiaries of this project? I suspect what is so extraordinary is the Bureau of Reclamation is somewhat embarrassed by their design and the implementation of this plan. The farmers have them on a hook. They got into a room and they cut a fat hog in the rear.

The point is that it is the public that is getting stuck. We are getting stuck because we are not getting repaid from the district. And those people who buy their power are paying higher rates for power because they are paying subsidized rates, they are dishing off subsidized rates to this district.

This is not to punish this district, this is not to deny this district what they are fairly entitled to. It simply says before we give the project away, why do we not determine if, in fact, there is fair market value in this for the United States of America, which is financed by the taxpayers that we all represent.

What we are saying is, have an appraisal, pick independent parties, let them make their determination and let the district decide whether or not they want to pay this. I think that is fairer to the taxpayers. I think it removes any notion of precedent by other projects that think that now maybe this is the way to do it. Just refuse to pay your bills and eventually the Federal Government says, "Oh, forget it, you never were going to pay us so we will not collect anything from you."

All those people paying their taxes on April 15 would like to know they could get such a deal; that they could get such a deal if they refused to pay their taxes over a period of years and then the Government says, "Forget it, you guys probably never were going to pay us."

So what do we do now? We bail out the deadbeats and the people that refuse to pay even though they are getting the benefit? I do not think that is what this Congress should be involved in. It is not a lot of money. It is $14 million. But it is $14 million, and if people are getting a benefit from that expenditure they should pay something back.

We go after people on student loans who are in hardship, we go after people on welfare, we go after people on food stamps, we go after people who do not pay their taxes, but here we set up a structure and they decide "We do not want to pay for this because we do not think it is worth it." They certainly thought it was worth it when they came to Congress in 1952, 1962, 1976, 1982, and in 1995 and 1996, and now in 1997. They think there is something worth it here.

What is worth it is that they continue to get water to their lands to grow their crops to economically benefit from. And they should pay back the venture capitalist, the people of the United States, that put the money in up front. They ought to pay them back for the benefit that they are receiving.

If that benefit is not 100 percent of what they thought it should be, then let the appraisers make that determination. I think what we should do is get the interested parties out of the room of cutting this deal, put some independent parties into the room in determining what the value is, and let the taxpayers receive that.

Mr. Chairman, I will be offering that amendment when the House reconvenes for that purpose. If that amendment is not accepted, I would urge people to vote against this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington, [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding me this time, and let me just give a little background on this bill from my perspective, and I want to respond to a few remarks that the gentleman from California made earlier.

Mr. Chairman, this bill is a result of settlement negotiations between the U.S. Bureau of Reclamation and the Oroville-Tonasket irrigation district, which is located in my district in central Washington.

As explained by my colleague from California, H.R. 412 transfers the title of the irrigation facilities to the local authorities and relieves the Bureau's responsibility for any repair, which is substantial, and future operational costs to the district. It also ends the current lawsuit against the Bureau of Reclamation.

Let me assure my colleagues that this settlement is a fair solution for all parties involved. These facilities have not performed as the Bureau promised, and the district, after lengthy negotiations, has agreed to fix the current problems and pay for future operations of the facilities. To me, that is fair.

The Bureau has said that they do not have the money to fix the problems of the Oroville-Tonasket irrigation district. They want the district to start paying for something that is not finished. That is a very important point, paying for something that is not finished. So we have a long court case ahead of us, and one that the Bureau, in all probability, would lose.

I have seen the problems firsthand, and these are pictures of some of the work that was done and which is at issue. These are main water-carrying pipes, 24- and 21-inch pipes that have broken in 2 different years after it was supposed to have been substantially complete. I can tell my colleagues, in an area where rainfall is approximately 10 to 12 inches, to have a break of irrigation pipes in July and in April, at the time when the irrigation season has started and in the middle of the irrigation season, is not a very good situation.

This is the work that is in dispute right now. There are other pictures here also to substantiate. This is a blow-up of one of the other pictures I alluded to earlier.

I have seen the project firsthand, and this project is a poorly constructed irrigation unit that has plagued farmers in my district, frankly, long enough. Right now, over 1,000 farms depend on these irrigation facilities. And I want to emphasize the point that the rainfall in that area is 10 to 15 inches. We need the irrigation.

Apple, pear and cherry orchards, some of the most valuable and world renowned crops of Washington State, are jeopardized every time one of the Bureau's inadequate pipes explode. Every time the system cannot pump clean water and instead pumps mud, which has happened, as we can see the silt here, where it pumps mud through the farmers' pipes and out through their sprinkler heads, and that has happened, where they have had mud literally come out of the sprinkler heads, I can tell my colleagues that the trees they are trying to irrigate are in jeopardy.

A perfect example of the problems associated with these facilities happened in 1990, and those were the pictures I just showed, where the main pipes exploded. I know some of my colleagues are not from farming districts, but I can assure them that those people who depend on water at the opportune time need to have this water when it is timely.

What is the solution, then, after this problem that has built up over time? Clearly, the easiest solution would be to come back to Congress and ask for another appropriation to fix something that was mishandled in the first place. That costs money. It would probably waste taxpayers' dollars one more time. The irrigation district came to this conclusion also, and they started negotiations with the Bureau.

So what we need to do is turn these facilities over to the irrigation district so they can upgrade the facilities and pump water, not mud, to the farmers of central Washington. Preferably, I would like to see them working in perfect order before the Bureau transfers them to the district but, frankly, that is not going to happen. The best that we can do is let the district replace the pipes and control the mud entering the system and get the Federal Government out of the Oroville-Tonasket irrigation district.

Let us stop mishandling this facility, let us end the potential $51 million lawsuit against the U.S. Government, and help assure the farmers of my district a stable source of irrigated water for the future. I think this is a fiscally responsible solution. In fact, I might add, it is endorsed by the organization known as Citizens Against Government Waste, that all of us are familiar with.

I want to respond to a few points that the gentleman from California, the distinguished ranking member, made. He opened his remarks by talking about this is a giveaway of $14 million. The $14 million that the gentleman is alluding to would be the potential payback if everything were set and the contract was fulfilled. This contract has not been fulfilled. So there is nothing there from that standpoint.

We are not giving away anything other than air, and no one would want to pay for air if it was not performing correctly. That is really what the issue is.

The gentleman also talked about the power issue. And I think the gentleman from California recognizes that in the West, when we started reclaiming land with the Bureau of Reclamation, irrigation always got first call at that power. That was the incentive to allow people to come out and to create new wealth. This was all part of reclamation law. It applies to Washington State, it applies to California, it applies to Colorado, it applies to Idaho and Oregon, and all the Western States. This is nothing unusual.

As a matter of fact, when the gentleman suggests that we shift costs to the customers that are using the electricity, I might add that the people that use electricity are in the Northwest. We accept that.

Finally, it has been alluded to that we should correct this lemon law. I will give an analogy that I think is appropriate in this case. I ask my colleagues to put themselves in the situation where they have a house and that house is substantially built and completed and paid for, with just the exception of maybe a small part of the mortgage and the contractor is asked to come in and build a guest room.

As a result of going through that process, the contractor had to get into the house, change the roof, change the electricity, change the heating and all those sort of things. Now, there was an agreed-upon time line that this should be completed and all of a sudden the contractor says, Okay, I want to get paid because that was what was in the contract. At that time it rains and the discovery is made that the roof leaks, that the wiring may cause a fire, and the duct work does not work.

Do any of my colleagues think they would want to pay that contractor for that work? Of course not. No one would do that. As a matter of fact, we would probably sue the contractor and try to get the thing corrected.

That is precisely what is going on here with the Oroville-Tonasket irrigation district. It is nonperformance by the Bureau. And one of the reasons why this nonperformance and why this analogy works so well in my mind is the Bureau sees this makes sense. That is why they asked to enter into this agreement with the irrigation district.

So, Mr. Chairman, this bill, I think, corrects something. It is a settlement bill. It is a bill that will transfer authority and obligations and whatever lawsuits that may come up in the future away from the Federal Government and put it back to the district.

Now, as a result of that, the CBO has scored this and the CBO expects that the Federal Government would probably save money if this bill were enacted. CBO estimates that there would be no effect on 1997 spending and that any potential effect on 1998 spending would be savings relative to the current law.

So this is budget neutral and makes perfectly good sense to me that this bill ought to be passed. And, as a matter of fact, in the long run, because if we avoid a lawsuit, it would save a potential easily of $50 million.

So I urge my colleagues to support H.R. 412 when we vote on final passage. I would also urge my colleagues to vote against the amendment that will be offered by the gentleman from California, because if that amendment were to be adopted, it would, frankly, be a killer amendment on a bill that settles a potential claim.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume to note, in terms of the figures we have heard, the gentleman from California [Mr. MILLER], represented that this is $14 million, but $13.9 million is the amount due the Government. But it is due over the next 45 years. It is not due today.

So the present value, the accountants calculate that amount, $13.9 million over 45 years, today's value of that, is $4.2 million. Now, the Bureau of Reclamation acknowledges the validity of the district's claims against the Federal Government in the amount of $4.5 million. So already there is $300,000 more dollars that is owed to the district than they owe to the Federal Government based on the present value.

There is also another 14 million dollars worth of repairs to the pipes that the gentleman from Washington [Mr. HASTINGS], showed us in the pictures that are the obligation of the Federal Government. That obligation would be removed and would not be a burden on the taxpayer in this settlement.

Mr. Chairman, I just want to make sure everybody understands that even the Government itself acknowledges that the district is owed money, more money from the Government than the district owes to the Government for this. Essentially, this disastrous project, which I called in the committee a lemon, has no worth.

□ 1530

It was not the district that seeks title; it was insisted that title be given, that the lemon be stuck with the recipient, because the Government does not want the lemon. They are the ones who insisted on that title transfer from the Federal Government to this Oroville-Tonasket Irrigation District. This settlement saves the taxpayer money.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the interpretation, the spin my learned colleagues would put on my remarks. I said this is about $14 million. Nobody has suggested that the district pay $14 million. What I have suggested is that we have some independent voices and an appraisal of what this district ought to pay for the benefit it received.

As I said, it is not that these lands now lie fallow. It is not that these orchards are out of production. They are in fact engaged in raising crops and engaged in an economic benefit. If it is $4.2 million in the net present value for this project, maybe that is what they ought to pay. They can have the project, if that is what they want, if they want to have the project. All I am asking is, should they not pay something for the benefit they are receiving? My colleagues are using two words over there. One argues it is sort of substantially completed, but not completed, and then it is of no value. It is somewhere in between. If it is substantially completed, then you have an obligation for $14 million. If it is somewhat less than that, then you have an obligation somewhat less than that. This is not about punishing the district. It is about protecting the taxpayers on the way out.

The Bureau has never acknowledged that it is $14 million or that this whole pipeline has to be replaced. That is not here, and the Bureau has not put a value on this project. That is my reason for opposing this legislation and for offering the amendment, that in fact that we get a realistic value, that we get a true value.

The fact that this money is not going to be paid over 45 years, what we normally do with these districts when they want to buy out the project, when they want to buy out their obligations, we let them claim net present value of the project because the Government gets the value of having the money sooner. Nobody has suggested that is not the case here or could not be the case.

I appreciate that both of my colleagues are wonderful counsels for the plaintiff in this case and are making their case. It is just not clear that their case accurately reflects the interest of the taxpayers in the granting of this millions of dollars of relief to the district.

If you were not to do this, if it turns out that the $14 million is needed to rebuild, although the Bureau has not acknowledged it, that would be an obligation of the district under current law. It is not like that is an obligation you relieve us of. There is a repayment obligation. I just think this is about taxpayer equity. I will offer my amendment later, but let us just be clear on the figures.

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

I will just observe that there are other claims as well that the district in the settlement will forgo against the Government. If we delay this settlement, in essence not delay it but we will abrogate the settlement by failing to pass this bill, the taxpayer is at far greater risk. Right now that $13.9 million of obligation for repayment by the district to the Federal Government is over 45 years. But, in fact, the net present value, which I think is undisputed of that $13.9 million, is $4.2 million. That is what the district is agreeing is the net present value and they are offsetting their payment to the Government of that $4.2 million against the $4.5 million that the Government acknowledges is valid in the district's claims against the Government. And then these other claims that are referenced in a CBO letter and that we have talked about, those other claims are also being forgone.

So I think it is not fair to say the district is not paying anything. The district has been saddled with this thing for years. It does not work. The Government would not go ahead and admit that the claims by the district were valid if they did not feel that they had an overwhelming liability on their part.

This is, after all, the Justice Department that is involved in this. The Clinton administration itself supports this. The Citizens Against Government Waste supports this bill. They are pretty good spokesmen, some think, for the taxpayers.

I think, Mr. Chairman, that the bill of the gentleman from Washington [Mr. HASTINGS] is a very timely bill. We support this bill, precisely because it saves the taxpayers money. We are not seeking to give anything away here. We are seeking to save the taxpayers money that will otherwise have to be paid when this goes to court and when the full $51 million in claims by the district is asserted against the Federal Government. They stand a lot to lose. They know that. That is why the Clinton administration itself supports the Hastings bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding me this time.

We will discuss, I think, at length the amendment that will be offered, and that appears to be the crux of the argument that the gentleman from California is talking about, is that part of the fair value, and I think that is certainly something valid to debate. But I want to make this point. This irrigation district was started right after the turn of the century when all the reclamation projects in the West were started. Part of this settlement, which has already been paid, the $350,000, satisfies the repayment obligation back of the initial irrigation project. What is in dispute here is the extension unit. That is what is in dispute.

The extension unit, of course, affects the whole district, and that is why the Bureau settled precisely this way with the irrigation district, by saying, OK, the whole thing really is in jeopardy. We acknowledge that you needed to fulfill your obligation earlier, which is part of this settlement.

The irrigation district has some claims currently on the extension unit against the Bureau in excess of $4 million. The current value of the extension unit is slightly over $4 million. In other words, it is about a wash. When you sit down and negotiate these things, they say, OK, let us just kind of wash these things out.

In return for that, of course, you have to assume all of the liabilities and all of the obligations heretofore, and if there are any claims against the irrigation district, you cannot come back to the Federal Government and ask for relief.

So the irrigation district, after being under Federal Bureau law for all these years, is really assuming quite an obligation that could happen, because they are going to have to clean up this district, that, I might add, their operation and maintenance has increased by some 200 percent over the period of time that this project started. So there has been a real time cost to those irrigators.

I can tell you, if you are in cherries, you are in cherries and you are ready to harvest and all of a sudden a rainstorm comes. Believe me, your whole crop can be wiped out in one day. They roll the dice on this and unfortunately, I will not say unfortunately, I admire farmers because they do that. But within this district, they are assuming a responsibility in the future on this, and I think the fact that the Bureau in this dispute felt that they may in fact lose this suit, that is why they wanted to work out an accommodation with the irrigation district. I think that is why this is in the best interests, and I think that is why the Department of Interior and the President support this settlement claim.

So I think that we can debate the merits of the gentleman's amendment when he brings it up later on, but I think for now, Mr. Chairman, that this bill, H.R. 412, needs to be adopted by this House so we can get this legislation passed, so that the claim can be settled before April 15, 1997.

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. I thank the gentleman from California [Mr. DOOLITTLE] for yielding me this time.

Mr. Chairman, I rise in support of H.R. 412 and the American taxpayer. That is what really this bill is all about. I appreciate the leadership of the gentleman from California [Mr. DOOLITTLE] and the gentleman from Washington [Mr. HASTINGS] on this issue.

Frankly, I am very concerned about the future fiscal impact that rejecting this bill would have. The Congressional Budget Office has said that this bill would have no effect on 1997 spending and that there would be a future savings to current law if this bill is passed. I think we need to look carefully at really the background of this case, as Congressman DOOLITTLE and Congressman HASTINGS have set forth. This was a settlement agreement by the administration, the administration that the gentleman from California [Mr. MILLER] I believe supports more often than not, and I find myself not always in agreement with this administration on matters of policy but in this one they are right.

I have been practicing law for years and I know that a settlement is a good settlement if both parties agree, and it saves everybody a lot of time and effort and liability and exposure and money in the future, and that is really what this is about. We are going to have a savings of $51 million plus legal fees ranging up to $1 million. So I think that is something that all of us ought to take into great account as we decide whether this is a good bill or a bad.

Another thing that is very important, in my judgment, is that if this irrigation district wins only a partial settlement the U.S. taxpayers are still liable for whatever the court decides. The Bureau of Reclamation has stated that they are probably liable for at least $4 million, but that is only an estimate.

My judgment is, let us get this settled, let us move on. If the United States were to win this lawsuit and not be liable for the $51 million of exposure that they have, the taxpayers would still have to pay to maintain and operate these facilities. Taxpayer dollars can be better spent, Mr. Chairman, and the Colville Confederated Tribe in my district supports this, the Oroville-Tonasket Facilities District supports this, the Federal Government, Mr. Clinton, Mr. Babbitt support this. We should support it, too. Let the local officials of this irrigation district run this project. Repair the damage that exists and make it work for the farmers of this area.

Mr. Chairman, I conclude certainly by saying this is a cost saver. This is a taxpayer saving by passage of this bill. I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 412, Congressman DOC HASTINGS' bill to approve a settlement in a lawsuit filed by the Oroville-Tonasket Irrigation District against the Bureau of Reclamation.

This is a lawsuit which should not have happened. The Bureau of Reclamation was charged with designing and building an irrigation system for the District in north-central Washington State. Although the original canal and flume system date from the early 1900's, Congress has authorized rehabilitation, repair, redesign, and construction of new works in 1962, 1976, and 1987 in ever increasing amounts. But the system has never worked as promised. In 1990, the Bureau told the District that it was washing its hands of the system and sought repayments of approximately $300,000 per year for the District's small share of the project. However, the District refused payment, arguing that the irrigation system does not work as planned and that the project operation and maintenance costs were much higher than the Bureau of Reclamation had led them to believe. The District has filed two lawsuits in this case, the latest seeking $51 million in damages and forgiveness of its repayment obligations.

I don't blame the District for withholding payment, because as you can see from the photographs of the project displayed in the chamber, this project is a turkey. I am also embarrassed for the Bureau, which has had decades to make this irrigation system work and failed. The District believes it can make the system deliver usable water by repairing it at a lower cost than the Federal Government. The Government agrees and is also seeking to be relieved of what could be substantial liability for this faulty system.

CBO believes enactment of H.R. 412 will probably save the U.S. Treasury and the taxpayers money. The vast majority of the project costs are not borne by the District, but the Bonneville Power Administration and by any calculation the District is foregoing much more in claims than is the Federal Government. This is not a give-away of a Federal asset, as some might have you believe.

Therefore, I ask Members to support H.R. 412 as reported from the Committee on Resources. The bill has bipartisan support from Members, the Administration, and even Citizens Against Government Waste. Let's put an end to this public works nightmare and settle what could be an expensive, protracted lawsuit.

Mr. DOOLITTLE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. EVERETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, had come to no resolution thereon.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 412.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California:

There was no objection.

□ 1545

RECESS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 12 of rule I, the House stands in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 5 p.m.

OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 94 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 412.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, with Mr. EVERETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for debate again had expired. The Committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oroville-Tonasket Claim Settlement and Conveyance Act".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are to authorize the Secretary of the Interior to implement the provisions of the negotiated Settlement Agreement including conveyance of the Project Irrigation Works, identified as not having national importance, to the District, and for other purposes.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Reclamation" means the United States Bureau of Reclamation.

(3) The term "District" or "Oroville-Tonasket Irrigation District" means the project beneficiary organized and operating under the laws of the State of Washington, which is the operating and repayment entity for the Project.

(4) The term "Project" means the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam Project, Washington, constructed and rehabilitated by the United States under the Act of September 28, 1976 (Public Law 94–423, 90 Stat. 1324), previously authorized and constructed under the Act of October 9, 1962 (Public Law 87–762, 76 Stat. 761), under the Federal reclamation laws (including the Act of June 17, 1902 (ch. 1093, 32 Stat. 388), and Acts supplementary thereto or amendatory thereof).

(5) The term "Project Irrigation Works" means—

(A) those works actually in existence and described in subarticle 3(a) of the Repayment Contract, excluding Wildlife Mitigation Facilities, and depicted on the maps held by the District and Reclamation, consisting of the really with improvements and real estate interests;

(B) all equipment, parts, inventories, and tools associated with the Project Irrigation Works realty and improvements and currently in the District's possession; and

(C) all third party agreements.

(6)(A) The term "Basic Contract" means Repayment Contract No. 14–06–100–4442, dated December 26, 1964, as amended and supplemented, between the United States and the District;

(B) the term "Repayment Contract" means Repayment Contract No. 00–7–10–W0242, dated November 28, 1979, as amended and supplemented, between the United States and the District; and

(C) the term "third party agreements" means existing contractual duties, obligations, and responsibilities that exist because of all leases, licenses, and easements with third-parties related to the Project Irrigation Works, or the lands or rights-of-way for the Project Irrigation Works, but excepting power arrangements with the Bonneville Power Administration.

(7) The term "Wildlife Mitigation Facilities" means—

(A) land, improvements, or easements, or any combination thereof, secured for access to such lands, acquired by the United States under the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e); and

(B) all third party agreements associated with the land, improvements, or easements referred to in subparagraph (A).

(8) The term "Indian Trust Lands" means approximately 61 acres of lands identified on land classification maps on file with the District and Reclamation beneficially owned by the Confederated Tribes of the Colville Reservation (Colville Tribes) or by individual Indians, and held in trust by the United States

for the benefit of the Colville Tribes in accordance with the Executive Order of April 9, 1872.

(9) The term "Settlement Agreement" means the Agreement made and entered on April 15, 1996, between the United States of America acting through the Regional Director, Pacific Northwest Region, Bureau of Reclamation, and the Oroville-Tonasket Irrigation District.

(10) The term "operations and maintenance" means normal and reasonable care, control, operation, repair, replacement, and maintenance.

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AGREEMENT AUTHORIZATION

The Settlement Agreement is approved and the Secretary of the Interior is authorized to conduct all necessary and appropriate investigations, studies, and required Federal actions to implement the Settlement Agreement.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

Page 5, line 14, strike "The Settlement Agreement is approved" and insert "Upon payment to the United States of fair market value for the property and facilities transferred, and upon consideration and satisfaction of outstanding obligations as provided in section 5, the Settlement Agreement is approved".

Page 5, line 17, after the period insert: "Fair market value shall be determined by majority vote of a panel of 3 impartial appraisers qualified in accordance with State regulatory requirements. The District shall select one member of the panel. The Secretary shall select one member of the panel. The third member of the panel shall be selected by the other two members.".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, I have consulted with the gentleman from California [Mr. MILLER] and I ask unanimous consent that the debate on all amendments to H.R. 412 be limited to 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleagues for that agreement.

Mr. Chairman, earlier this afternoon we had general debate on this legislation, and I said at that time I would be offering an amendment. This is the amendment that I discussed during general debate. The purpose of this amendment is to get a fair appraisal of the value of this project before the Federal Government gives this project to the irrigation district.

As some may remember from the general debate, in fact what we have here is we have an expenditure by the Federal Government of some $88 million, a portion of that which will be paid by power users to subsidize the power to the irrigation district and pay back some of the obligations to the Federal Government, and then the question of the $14 million that this irrigation district owes with respect to its repayment contract for this project.

This is a project that has been plagued by problems, that has not operated in a manner in which the irrigators believe that it should but, in spite of all that, is delivering a benefit to the irrigators within this district. And I believe that before we turn this project over to those irrigators and to the beneficiaries of this expenditure of public moneys, we ought to have an independent appraisal as to the value of this project. If it turns out that the benefit and value have been diminished, so be it, they should pay us back a diminished value. What we ought not to do is to have the parties of interest get into a room and negotiate this and then decide that this is a fair deal when in fact we can end up with the irrigators of some 10,000 acres of orchards paying the Federal Government nothing for a project that is in fact delivering a benefit to them.

During the general debate, the suggestion was that the Federal Government is on the hook for a lot of additional costs and that therefore we should settle this agreement. Those are allegations, I appreciate, in the complaints of the district. In its lawsuit they choose to sue the Federal Government rather than negotiate and correct this project and pay the value of those corrections, but we do not know whether or not the Federal Government is in fact on the hook for those. The Bureau of Reclamation has not admitted that in spite of the allegations that that is the suggestion.

I think what this amendment does is it guarantees simply fair value for the taxpayers and a fair deal for the irrigation district, and I think that is important. In the past when we have had these problems, we have corrected them, the Federal Government has absorbed those costs, but we have not allowed people who continue to get a benefit to escape all of their obligations to the Federal Government. And the fact of the matter is that this district, even its O&M and others is in line with what other people in the area are paying and we ought not to make an exception in this case.

I would hope that people would support this amendment on behalf of the taxpayers.

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment. This amendment, although perhaps on its face it appears reasonable, is really a killer amendment. It will void the settlement agreement which has taken the irrigation district and the Federal Government 6 years to develop. If the amendment is adopted, the parties are right back where they started with the Federal Government on the hook for at least $51 million in damages and the irrigation district refusing to make payments on this defective irrigation system. If title is not transferred to the district, the Federal Government will still have to make the repairs to this lemon of a public works project.

Given that the Bureau of Reclamation has had 30 years to get the project right, without success and with the greater costs involved whenever we get the Federal Government building something, I would say it is the taxpayers who will be taking a bath if the Miller amendment is adopted.

That is why Citizens Against Government Waste is supporting H.R. 412. That is why the Clinton administration is supporting H.R. 412. I think we ought to give the irrigation district the chance to fix the system.

I just remind you, Mr. Chairman, that indeed it was the Federal Government; they know this is such a bad project, they insisted that the district take title. The district did not want title but the Federal Government insisted that the district take title, and by giving the title of the works, this nonprofit entity should be able to get the financing it needs to make these expensive, far-reaching pairs.

Despite what my colleague from California has been implying, this is clearly not a case of something for nothing. Let us look at what the district has agreed to under the settlement agreement:

First, it has agreed to pay $350,000 in cash; second, to repair deteriorating water pipes at a cost of at least $14 million which the Federal Government will otherwise have to pay absent this settlement; third, it agrees to waive its claims against the United States which have been estimated by the Government to be at least $4.5 million; fourth, the district agrees to accept the United States liability for third party claims associated with the project; fifth, it agrees to reduce the time and the amount of power it will receive to help pump irrigation water, where under current law the district is entitled to unlimited power forever; and sixth, it will provide free water for federally-owned wildlife mitigation facilities.

In turn, the Federal Government will, first, transfer the defective water system to the district which is causing untold damage to public and private property; and second, it will forgive the district's contract repayment which the Government estimates has a present value of $4.2 million, not 13.9, which is over 45 years at present value of 4.2 million, an amount even less than the value of the claims the district has waived against the United States.

As my colleagues can see, enactment of H.R. 412 as reported from the Committee on Resources will save the Federal Government money according to the CBO. By voiding the settlement agreement and subjecting the United States to a lengthy lawsuit, the Miller amendment will only increase the exposure of the Federal purse and ultimately result in higher costs to the taxpayer.

What is the market value of this defective water irrigation system? Zero. These works are not portable sprinklers, but are gigantic fixed pipes and flumes which have a single use, to supply the water for irrigation to the Oroville-Tonasket region, a job that it does quite poorly. The water in the system already belongs to the district so to what other use can the delivery system be put?

I think these facts illustrate the real reason this amendment is being offered. Mr. MILLER opposes transferring any Federal asset to local ownership. This local government unit can repair and operate this Government facility and save taxpayer money. The Government does not want this decrepid system and wants to avoid the substantial liability associated with it.

This transfer will not serve as precedent. This lawsuit involves the total and complete failure of the Government to design, build, and deliver a working irrigation system, an event which I hope should be rare.

In addition, the committee report clearly states that, H.R. 412 also should not be regarded as precedent for legislative action to transfer Bureau of Reclamation facilities at other projects. The litigation problems surrounding the transfer of the Oroville-Tonasket unit and continued provision of power at low project power rates are unique.

This is one of those times when the Clinton administration and I agree on something. I urge the Members to oppose the killer Miller amendment and let the people in north central Washington correct this substandard irrigation works while saving the Federal Government money.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. While on the surface of it, it may appear that there is some merit to it, I would say that in the implementation, trying to appoint a three-member panel that could accurately ascertain the fair market value of a project which is subject to a lot of exigencies and their impact in value would make it impossible for that group to come to an accurate conclusion.

The bottom line is we have the Government agency which has the greatest knowledge about the value of this project that entered into an agreement willingly with the water district in order to transfer title to it. They made that decision in order to minimize the costs to the Federal Government and made that agreement in order that they would also be working in the best interests of the taxpayers of the United States.

The Miller amendment, I fear, would scuttle this agreement; it would expose the taxpayers to greater potential costs. We should defeat this amendment, and we should pass the bill which has the support of the Clinton administration.

Mr. DOOLITTLE. Mr. Chairman, may I inquire, does the gentleman from California have further speakers? I know he wishes the right to close.

Mr. MILLER of California. No, it is just me.

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, let us take a look at the facts. This is a very narrowly drawn claim settlement bill. There is no net market value to this project. For example, the CBO in their scoring of this, weighed what the district owed versus what the Federal Government was for and determined that the Government would save money by having the Government unload this district. In other words, liabilities in this case exceeds the value.

I believe that the gentleman from California [Mr. MILLER] knows this. I believe that he knows there is no market value to this project. I believe that he knows that no one except the district would even consider taking over this project; and furthermore, Washington State law prohibits any irrigation district in that State from raising its fees to purchase a project.

So I wonder why is the gentleman offering this amendment at this eleventh hour?

□ 1715

I think it is simple. I think the gentleman knows that this amendment would kill the agreement between the Clinton administration and the local irrigation district; and I might emphasize, by law, this agreement must be approved by April 15 of this year. Failure to ratify this agreement will simply send the issue back to the courts and will mean the district would pursue its pending $51 million lawsuit. That is a bad deal for Uncle Sam, and it is a bad deal for this Congress.

That is why the Clinton administration, and not the local irrigation district, proposed the transfer of this facility. It is the only way for the Government to avoid millions of dollars in court costs, millions of dollars in repair costs, and millions of dollars in damages that they would be forced to pay if they should lose the court case.

Mr. Chairman, let me propose three reasons to oppose this amendment. First, a vote for the Miller amendment is a vote to stick the taxpayers with tens of millions of dollars in repair costs. Second, a vote for the Miller amendment is a vote to stick the taxpayers with untold billions of dollars in damages as a result of the court case. Finally, a vote for the Miller amendment is to send the issue back to the court and stick the taxpayers with hundreds of thousands of dollars in additional legal fees to the Government. As I mentioned from the outset, this is a very narrowly drawn bill.

Mr. Chairman, as a result then, I urge my colleagues to oppose the feel-good Miller amendment and support my commonsense bill to relieve the Federal Government of this tremendous liability.

Mr. DOOLITTLE. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it rather interesting that the proponents of this legislation keep standing up and saying that there is no value to this project, but the beneficiaries of this project are willing to take this project, and they say they are going to have to spend millions of more dollars on this project, but they will take it anyway, because there is no value to it.

The fact of the matter is there is value to this project. There may not be value to this project for people in Pennsylvania or California or Washington, DC, but to the beneficiaries this project, with the expenditure of over $88 million, Federal dollars, is delivering water to the land of the members of this irrigation district, and they are receiving an economic benefit from it, a gross income of about $3,000 an acre, according to the Bureau of Reclamation, and that is the benefit of this project.

They can have the project. There is nothing in my amendment that does not let them have the project. They can have the project. All I want is an impartial appraisal as to the value of this project in its diminished state, if that is the case, and then pay the taxpayers for what they created for us.

They keep saying no value, it is not worth anything. Yes, it is. It is delivering thousands of acres of feed of water to land that otherwise would not have it. That is why they came back here in 1952 and 1962 and 1976 and 1995 and 1996, because there is value.

Mr. Chairman, what we ought to do is recognize two things: The project was not properly designed and this operation has been impaired and the value has been diminished, but what we ought to do is get an appraisal as to what that means and then ask the district to relieve the taxpayers of that burden. They can have the project, they can manage it, they can make the improvements if they want.

So I think it does not quite add up when something has no value, but some are fighting so hard to take it, and then they say what they are giving up is millions of dollars in benefits that they could receive in the cost of a court case and millions of dollars in future expenditures, and they still want to take on the project. So there is something that does not ring true here.

The fact that the Committee on the Budget has said that this is budget-neutral in an opinion, in a letter that they sent to the committee, they said, while seemingly perverse, this estimate may in fact accurately represent. Yes, it is perverse, when it is said to people who have refused to pay the Government what they owe them, then there is a finding that they probably would have never paid us; therefore, there is no budget implications.

If we keep doing business that way, I say to my colleagues, we will end up with no money in the Federal Government. We do not say that to people who cannot pay their taxes or decide not to pay their taxes. We do not say that to people who do not want to pay for services rendered. But all of a sudden, they can say, we do not like this, we are not going to pay for it, and then the CBO comes along and says, because they did not pay for it, they probably will never pay for it, and therefore, we are not going to charge it against the Treasury.

The fact of the matter is the Treasury is owed this money, these people signed a contract for this, this project is delivering a benefit, and what we ought to do now is simply protect the taxpayers in the process of transferring this project to the beneficiaries of it. I urge an "aye" vote on the Miller amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

I think it is very clear that both the Clinton administration and Citizens Against Government Waste and the bipartisan opponents to the Miller amendment understand that this amendment will cost the taxpayers money.

The gentleman from California [Mr. MILLER] argues in favor of the taxpayers, but advances a proposition that will expose the Government to much greater liability than it already has. For that reason we oppose the Miller amendment. For that reason, the Clinton administration has actually come out in support of this bill as the settlement was reflected in the bill.

That is something I have noted that has been very rare. I cannot think of another time we have had that happen in the last couple of years, when the administration has actually supported something like this. Why? It is because they believe it is in the best interest of the Government. Over here, the taxpayer groups represented by Citizens Against Government Waste also believe it is in the best interest of the Government.

The facility, as we pointed out, is in a terrible state of repair. There are significant claims that this district has that can be asserted against the Government. The Bureau of Reclamation has recognized that at least $4.5 million are valid claims, according to the Government, that the district has against them, and for that reason this settlement has been proposed.

The Miller amendment is a bad amendment because it will nullify the settlement and will force renegotiation and force a court action. For that reason, I urge a "no" vote on the Miller amendment and a "yes" vote on H.R. 412.

Mr. YOUNG of Alaska. Mr. Chairman, Congressman MILLER has offered similar fair market value amendments on the floor before.

In the 104th Congress, H.R. 535 transferred the title of the Corning National Fish Hatchery from the Department of the Interior to the State of Arkansas. In committee and on the floor, Mr. MILLER offered an amendment much like the one he offers today to require the payment of fair market value before the asset is transferred. He also offered this same amendment to H.R. 584, which transferred the Fairport National Fish Hatchery from the Department of the Interior to the State of Iowa.

His amendments both failed resoundingly, in one case 96 to 315 the other by voice vote.

The arguments made against those amendments apply equally here:

First, the Federal Government does not want this asset—in this case the irrigation works. As you can see from the photographs displaying the deplorable state of the irrigation system and the harm that it has caused other public and private property, I can certainly see why the Federal Government is happy to transfer the works and avoid any past or future claims associated with its failure to operate.

Second, the recipient has made some investment in the project in the past and will make substantial financial commitments to the project in the future. The Oroville-Tonasket Irrigation District has already paid $350,000 and will be obligated to pay at least $14 million to repair deteriorating water pipes. This district is also waiving its claims against the Government, estimated even by the Bureau of Reclamation to be $4.5 million at a minimum. In addition, the district is accepting liability for third party claims associated with the project. Finally, the district is also accepting a reduction on the time and amount of power it will receive to help pump irrigation water. This is clearly not a case of something for nothing.

The district is a not-for-profit entity and having title to the project will allow it to raise the funds needed to repair the extensive piping system so that it will operate as promised by the Bureau of Reclamation.

Third, transferring the project under the bill as reported from the Resources Committee will likely save the Federal Government money—these are the words of the Congressional Budget Office, not mine. If the Miller amendment is adopted, the settlement agreement will be void and the parties will default to the courts. The Government will continue to be exposed to liability for damages. When the suit was filed in 1995, the irrigation district claimed $51 million in damages; these may have increased since then. In addition, the Government may ultimately pay for court costs and interest on the claims. These can be substantial. In the Whitney Benefits, Inc. versus U.S. case filed under the surface mining law, where the initial claim filed was for $60 million, the Government's failure to timely settle meant the U.S. Treasury was held liable for $150 million in principal and interest after 8 years of additional litigation. The Miller amendment will not save the taxpayers money but will only increase the exposure of the Federal purse and ultimately to the taxpayers.

Fourth, like the fish hatchery transferred under H.R. 535, it is unclear what, if any, fair market value the irrigation works have. It is not as though these works are portable sprinklers so that other purchasers could make use of them. They are gigantic, fixed pipes which have a single use—to supply water for irrigation to the Oroville-Tonasket region, a job these works do poorly. The water in the system already belongs to the district. I know that I would not be quick to purchase these faulty, single-purpose works even at fire sale prices and I can't imagine others would either. The fair market value is likely to be zero or less.

Fifth, opposition to transferring assets from Federal to local government ownership. Perhaps the real reason that this amendment is being offered is that its author is opposed to transferring any asset out of Federal ownership, whether a fish hatchery in Arkansas or an irrigation system in Washington. If this local government unit can repair and operate this Bureau of Reclamation facility and in doing so save the Federal Government money, then I say, let it.

The proponent of the amendment also argues that this bill sets a dangerous precedent for future asset transfers. I should hope not, where the whole reason for the transfer is the total and complete failure of the Federal Government to design, build, and deliver a working irrigation system in the first place, an event I hope will be rare.

Therefore, I ask my colleagues to once again defeat this killer Miller amendment and allow the parties to settle this lawsuit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 195, noes 232, not voting 5, as follows:

[Roll No. 51]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fazio
Foley
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Eshoo
Istook
Kaptur
Tauzin
Turner

☐ 1744

The Clerk announced the following pair:

On this vote:

Ms. Kaptur (OH) for, with Mr. Istook (OK) against.

Messrs. CHAMBLISS, SUNUNU, HANSEN, and BONO changed their vote from "aye" to "no".

Ms. KILPATRICK, Ms. DEGETTE, and Messrs. SCOTT, ALLEN, FAWELL, and FORBES changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Without objection, the Clerk will designate sections 5 through 11.

There was no objection.

The text of sections 5 through 11 is as follows:

SEC. 5. CONSIDERATION AND SATISFACTION OF OUTSTANDING OBLIGATIONS.

(a) Consideration to United States.—Consideration by the District to the United States in accordance with the Settlement Agreement approved by this Act shall be—

(1) payment of $350,000 by the District to the United States;

(2) assumption by the District of full liability and responsibility and release of the United States of all further responsibility, obligations, and liability for removing irrigation facilities constructed and rehabilitated by the United States under the Act of October 9, 1962 (Public Law 87–762, 76 Stat. 761), or referenced in section 201 of the Act of September 28, 1976 (Public Law 94–423, 90 Stat. 1324), and identified in Article 3(a)(8) of the Repayment Contract;

(3) assumption by the District of sole and absolute responsibility for the operations and maintenance of the Project Irrigation Works;

(4) release and discharge by the District as to the United States from all past and future claims, whether now known or unknown, arising from or in any way related to the Project, including any arising from the Project Irrigation Works constructed pursuant to the 1964 Basic Contract or the 1979 Repayment Contract;

(5) assumption by the District of full responsibility to indemnify and defend the United States against any third party claims associated with any aspect of the Project, except for that claim known as the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed as of the date of the Settlement Agreement; and

(6) continued obligation by the District to deliver water to and provide for operations and maintenance of the Wildlife Mitigation Facilities at its own expense in accordance with the Settlement Agreement.

(b) Responsibilities of United States.—In return the United States shall—

(1) release and discharge the District's obligation, including any delinquent or accrued payments, or assessments of any nature under the 1979 Repayment Contract, including the unpaid obligation of the 1964 Basic Contract;

(2) transfer title of the Project Irrigation Works to the District;

(3) assign to the District all third party agreements associated with the Project Irrigation Works;

(4) continue power deliveries provided under section 6 of this Act; and

(5) assume full responsibility to indemnify and defend the District against any claim known as the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed against the United States as of the date of the Settlement Agreement.

(c) Project Construction Costs.—The transfer of title authorized by this Act shall not affect the timing or amount of the obligation of the Bonneville Power Administration for the repayment of construction costs incurred by the Federal government under section 202 of the Act of September 28, 1976 (90 Stat. 1324, 1326) that the Secretary of the Interior has determined to be beyond the ability of the irrigators to pay. The obligation shall remain charged to, and be returned to the Reclamation Fund as provided for in section 2 of the Act of June 14, 1966 (80 Stat. 200) as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707, 714).

SEC. 6. POWER.

Nothing in this Act shall be construed as having any affect on power arrangements under Public Law 94–423 (90 Stat. 1324). The United States shall continue to provide to the District power and energy for irrigation water pumping for the Project, including Dairy Point Pumping Plant. However, the amount and term of reserved power shall not exceed, respectively—

(1) 27,100,000 kilowatt hours per year; and

(2) 50 years commencing October 18, 1990.

The rate that the District shall pay the Secretary for such reserved power shall continue to reflect full recovery of Bonneville Power Administration transmission costs.

SEC. 7. CONVEYANCE.

(a) CONVEYANCE OF INTERESTS OF UNITED STATES.—Subject to valid existing rights, the Secretary is authorized to convey all right, title, and interest, without warranties, of the United States in and to all Project Irrigation Works to the District. In the event a significant cultural resource or hazardous waste site is identified, the Secretary is authorized to defer or delay transfer to title to any parcel until required Federal action is completed.

(b) RETENTION OF TITLE TO WILDLIFE MITIGATION FACILITIES.—The Secretary will retain title to the Wildlife Mitigation Facilities. The District shall remain obligated to deliver water to and provide for the operations and maintenance of the Wildlife Mitigation Facilities at its own expense in accordance with the Settlement Agreement.

(c) RESERVATION.—The transfer of rights and interests pursuant to subsection (a) shall reserve to the United States all oil, gas, and other mineral deposits and a perpetual right to existing public access open to public fishing, hunting, and other outdoor recreation purposes, and such other existing public uses.

SEC. 8. REPAYMENT CONTRACT.

Upon conveyance of title to the Project Irrigation Works notwithstanding any parcels delayed in accordance with section 7(a), the 1964 Basic Contract, and the 1979 Repayment Contract between the District and Reclamation, shall be terminated and of no further force or effect.

SEC. 9. INDIAN TRUST RESPONSIBILITIES.

The District shall remain obligated to deliver water under appropriate water service contracts to Indian Trust Lands upon request from the owners or lessees of such land.

SEC. 10. LIABILITY.

Upon completion of the conveyance of Project Irrigation Works under this Act, the District shall—

(1) be liable for all acts or omissions relating to the operation and use of the Project Irrigation Works that occur before or after the conveyance except for the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed as of the date of the Settlement Agreement;

(2) absolve the United States and its officers and agents of responsibility and liability for the design and construction including latent defects associated with the Project; and

(3) assume responsibility to indemnify and defend the United States against all claims whether now known or unknown and including those of third party claims associated with, arising from, or in any way related to, the Project except for the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed as of the date of the Settlement Agreement.

SEC. 11. CERTAIN ACTS NOT APPLICABLE AND TERMINATION OF MANDATES.

(a) RECLAMATION LAWS.—All mandates imposed by the Reclamation Act of 1902, and all Acts supplementary thereto or amendatory thereof, including the Reclamation Reform Act of 1982, upon the Project Irrigation Works shall be terminated upon the completion of the transfers as provided by this Act and the Settlement Agreement.

(b) RELATIONSHIP TO OTHER LAWS.—The transfer of title authorized by this Act shall not—

(1) be subject to the provisions of chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedure Act"); or

(2) be considered a disposal of surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and the Surplus Property Act of 1944 (50 U.S.C. App. 1601 et seq.).

(c) DEAUTHORIZATION.—Effective upon transfer of title to the District under this Act, that portion of the Oroville-Tonasket Unit Extension, Okanogan-Similkameen Division, Chief Joseph Dam Project, Washington, referred to in section 7(a) as the Project Irrigation Works is hereby deauthorized. After transfer of title, the District shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Act supplementary thereto or amendatory thereof.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. EVERETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, pursuant to House Resolution 94, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitue.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 789

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 789.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, WORKING FAMILIES FLEXIBILITY ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–31) on the resolution (H. Res. 99) providing for consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 993

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado, DAN SCHAEFER, be removed as a cosponsor from H.R. 993, which I introduced on March 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 924, de novo; and H.R. 672, de novo.

VICTIM RIGHTS CLARIFICATION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 924, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 924, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 9, not voting 5, as follows:

[Roll No. 52]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer

Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—9

Clay
Delahunt
Hastings (FL)
Hilliard
Jackson (IL)
Meek
Scott
Waters
Watt (NC)

NOT VOTING—5

Farr
Granger
Kaptur
Tauzin
Turner

☐ 1807

Mr. JACKSON of Illinois, Mrs. MEEK of Florida, Ms. WATERS, and Mr. CLAY changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TECHNICAL AMENDMENTS TO COPYRIGHT LAWS

The SPEAKER pro tempore (Mr. EWING). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 672, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 672, as amended.

The question was taken.

RECORDED VOTE

Mr. GUTKNECHT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 2, not voting 6, as follows:

[Roll No. 53]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica

Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—2

Barton
Kucinich

NOT VOTING—6

Ganske
Granger
Kaptur
Slaughter
Tauzin
Turner

□ 1827

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING EFFECTIVE DATE OF INVESTMENT ADVISORS SUPERVISION COORDINATION ACT

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 410) to extend the effective date of the Investment Advisors Supervision Coordination Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Ohio?

Mr. MANTON. Mr. Speaker, reserving the right to object, I am pleased to join the gentleman from Ohio [Mr. GILLMOR] on this unanimous consent request, and I rise in strong support of S. 410, a bill that will simply extend the effective date of the Investment Advisors' Supervision Coordination Act for 90 days.

This act was passed last year as title III of the National Securities Markets Improvement Act. In essence, this title shifts the registration and regulatory responsibility for smaller advisors from the SEC to the State where the advisors have their principal place of business. Without S. 410, the Securities and Exchange Commission will have inadequate time to comply with this title which could, in turn, jeopardize State regulatory and enforcement programs.

Mr. Speaker, our goal in enacting this provision was to allow for more efficient and effective regulation of the investment advisory industry and the 22,500 investment advisors currently registered with the SEC. Under the new set of rules, the SEC is the primary regulator of advisors with assets under management of $25 million or more, while those advisors handling assets below this amount are required to register and be regulated by their State.

The new system, set up by last year's bill, requires a great deal of coordination and interaction between State and Federal regulators. By providing the Commission with an additional 90 days to complete its work under this provision, we will give investment advisors much needed time to comply with the new rules and thereby avoid any disruption of the State's regulatory efforts.

I would like to commend the SEC for all of its hard work in getting their rulemakings out for public comment by December of last year. However, understanding the amount of work still needed to be done, I urge all of my colleagues to support S. 410 so that the SEC has sufficient time to implement the important reforms intended by this title.

I would like to thank the gentleman from Ohio [Mr. OXLEY] for addressing the SEC's concerns in this matter in such a timely fashion.

Mr. DINGELL. Mr. Speaker, I rise in strong support of S. 410, a bill that would extend the April 9 effective date of the Investment Advisers Supervision Coordination Act by 90 days to July 8, and urge its immediate adoption by the House.

These investment adviser provisions were enacted as title III of the National Securities Markets Improvement Act in October of last year. The process by which a final agreement was brokered between the House and the Senate involved a take-it-or-leave-it package that was delivered by the Senate to the majority on Friday, October 27, and to the minority conferees on Saturday, October 28, a mere 3 hours before the conference report was due to be taken up on the House Floor. We were reading the final language on the House Floor in the minutes before it was brought up, leaving no time or process for the correction of technical errors or substantive problems. S. 410 corrects the problems created by the other body having allowed just 180 days, or 6 months, for the Securities and Exchange Commission to adopt all the necessary rules and rule changes, and for the necessary registrations and deregistrations to be effected at both Federal and State levels as required by the act. This timing makes absolutely no sense and would result in the statutory reforms being frustrated and would provide regulatory breaches for crooks to operate in.

To remind my colleagues, the number of investment advisers registered with the SEC has increased dramatically from 5,680 in 1980 to approximately 22,500 today. By 1995, the SEC was able to examine smaller advisers on a routine basis only once every 44 years on average. Investment advisers, no matter what their size and complexity, only pay a one-time fee of $150 to register when they apply for SEC registration. House efforts over three Congresses to enact an industry-crafted graduated-user-fee table to give the SEC more resources to supervise investment advisers were repeatedly frustrated by opposition in the other body. Alternatively, therefore, title III of NSMIA, among other things, reallocates Federal and State responsibilities for the regulation of approximately 22,500 investment advisers currently registered with the SEC by providing that the SEC will be the primary regulator of first, investment advisers managing assets of $25 million or more and second, investment advisers to registered investment companies, with smaller investment advisers required to be registered with and regulated by the State in which the adviser has its principle office and place of business. The role of the States is not entirely preempted for federally regulated investment advisers. A State where an adviser has a place of business may continue to require licensing of the adviser's individual representatives. Moreover, NSMIA also preserves the right of States to bring enforcement actions for fraud and deceit against any adviser, and to require notice filings of all documents filed with the SEC, as well as a consent to service of process. Furthermore, the availability of the Federal preemption is conditioned on the payment of current fees for the next 3 years. Title III also requires the SEC to establish and maintain a readily accessible telephone hot-line for investors to access information about disciplinary actions and investor complaints, if any, involving investment advisers they contemplate doing business with.

As Members can clearly see, this new scheme involves a lot of hard work and coordination between State and Federal regulators. The SEC is to be commended for getting a very complex set of rulemakings out for public comment in December. The proposals have received a large number of thoughtful comment letters and the agency is actively reviewing them and working toward final rules and forms as well as interpretative responses to a myriad of complex questions. However, it is nowhere within the realm of possibility for all this work to be completed by April 9. It is unfortunate that the author of the investment adviser provisions did not provide for an adequate and reasonable effective date. S. 410

corrects that deficiency so that the important reforms of title III can be achieved.

Mr. MARKEY. Mr. Speaker, I rise in support of S. 410, the Investment Advisers Coordination Act.

This bill would extend the April 9 effective date of the Investment Advisers Supervision Coordination Act by 90 days to July 8. This change is needed to give the SEC time to adopt appropriate rules, and for the necessary registrations at both the Federal and State levels to be made, as required under the act. Unfortunately, because this title of the National Securities Markets Improvement Act was added by the Senate at the last minute, it contains several technical and other drafting errors, some of which require correction. Giving the SEC additional time to issue its rules before the title becomes effective will prevent any regulatory gaps from developing.

While I strongly commend the SEC's Herculean efforts to promulgate a complex package of rules within the tight time limits set by the Improvement Act, I am compelled to express serious concerns with certain aspects of the SEC's proposed rules that, if uncorrected, will have a highly negative impact on investors. I note and concur with the comment letters submitted to the SEC by the Secretary of the Commonwealth of Massachusetts and the Office of the Attorney General. For the benefit of Members, I included copies of these letters in the RECORD at the end of my remarks.

It is important to keep in mind that Congress struck a careful balance in the Improvement Act's investment adviser provisions between the roles of the SEC and of the States. I am very concerned that the SEC's proposed definitions of investment adviser representative [IAR] and of place of business seek to limit the authority of State regulators beyond the intent of Congress. The definition of IAR is so different from the NASAA Uniform Securities Act as to virtually guarantee a wide divergence between State investment adviser registration requirements and SEC investment adviser registration requirements for firms having investment adviser representatives. I therefore strongly urge the SEC to withdraw the proposed definition and for the SEC and NASAA to move quickly to develop a national uniform definition of the term that both levels of government can support.

I am also concerned that the place of business definition in the SEC's proposed rule could impede the ability of State regulators to take action against fraudulent or deceptive practices by investment advisers over the phone or the Internet. I urge the SEC to assure that State regulators will be fully capable of protecting investors from false or deceptive telemarketing or Internet-directed activities by investment advisers.

I also strongly oppose the SEC's attempts to broaden the scope of the Improvement Act's Federal preemption for SEC-registered investment advisers and supervised persons beyond that contemplated by the Congress. Congress refused to place overly broad and unwise restrictions on the ability of the States to police the licensing of and prosecute fraudulent advisers and their representatives. It is incomprehensible that the SEC would willfully roll back State protections that Congress intended to apply, thereby leaving investors prey to abusive practices by unscrupulous advisers and planners seeking to avoid State regulation and enforcement authority.

Finally, I would note that the Improvement Act contains a provision mandating establishment of a toll-free 800 number or Internet site that investors can use to check on the disciplinary records—if any—of their investment adviser and its supervised persons. It is consistent with the intent of the Congress for the Commission to delegate this responsibility to the self-regulatory organization which already administers the broker-dealer hotline—the NASD. In doing so, the SEC must assure that the NASD is effectively disseminating all the information that investors need to make informed choices about the financial professionals they are considering doing business with, whether the NASD is carrying through on the commitments it has made to expand the types of disclosable information disseminated to investors, whether the NASD is carrying out its promise to do more to publicize the existence of the hotline, and whether the NASD is moving quickly to provide for Internet access.

Again, while I have some concerns about some of the pending rulemaking efforts and intend to closely monitor implementation, I rise in support of this bill.

THE COMMONWEALTH OF MASSACHUSETTS, SECRETARY OF THE COMMONWEALTH,
Boston, MA, February 7, 1997.

Re rules implementing amendments to the Investment Advisers Act of 1940; release No. IA-1601; file No. S7-31-96.

Mr. JONATHAN G. KATZ,
Secretary, U.S. Securities and Exchange Commission, Washington, DC.

DEAR SECRETARY KATZ: I am writing to formally comment as the Chief Securities Regulator of the Commonwealth of Massachusetts on the above-captioned proposed rules.

I am gravely concerned that several of the proposed rules will seriously and adversely affect Massachusetts investors. In many instances these proposed rules are in direct conflict with the intent of the NSMIA as annunciated by various members of Congress in the Congressional Record. As an active participant in the external discussions relating to NSMIA, I am very disturbed to see rulemaking that so clearly contradicts the often stated and well understood purpose of this statute. In particular, the attempt of the Commission to define the term "investment adviser representative" and thus limit the authority of state regulators is a direct contradiction of the Act in which Congress deliberately declined to define the term. Under the terms of the Act, only the states are specifically required to license or otherwise qualify investment adviser representatives. The authority to license must, by implication, contain the ability to define. The Commission should not impede the rights of the states in this regard.

Of even greater concern to Massachusetts consumers would be the effect of the proposed preemptions of state enforcement authority against dishonest or unethical conduct which does not rise to the level of fraud. This proposed rule is clearly anti-consumer and would provide safe harbor to those who deftly mislead. Moreover, it has the potential to drain the resources of state enforcement authority by possibly causing them to repeatedly litigate the enforceability of state regulation on a case by case basis. I strongly urge this portion of the rule be significantly amended or stricken.

Another portion of the proposed rule which represents an inappropriate preemption of state authority would be the effect of the proposed rule to limit state authority over investment adviser representatives to those that provide advice to natural persons. Such a preemption would leave a significant void in the regulatory plan. Not only small businesses would be left unprotected, but also many family trusts, retirement trusts and charitable institutions. This is a most unwise and unnecessary restriction.

On behalf of Massachusetts investors, I strongly object to the proposed exemption for individuals licensed as broker dealer agents from the definition of investment adviser representatives. This is a wholly inappropriate exemption since investment adviser representatives are fiduciaries who are much more likely to have discretion over client funds and, therefore, should be held to a different and higher standard.

Lastly, I would urge the Commission to eliminate the term "regularly" from the definition of "place of business". The use of this undefined term can only cause confusion in the interpretation of the rules particularly in an era of multiple media communications by investment agents.

All of these are significant issues which I urge the Commission to address before proceeding further with the rules.

Respectfully submitted,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE ATTORNEY GENERAL,
Boston, MA, February 10, 1997.

Mr. JONATHAN KATZ,
Secretary, U.S. Securities and Exchange Commission, Washington, DC.

DEAR SECRETARY KATZ: Thank you for the opportunity to comment on the SEC's proposed Rules Implementing Amendments to the Investment Advisers Act. The Commission should be commended for continuing the efforts begun last Congress, with the National Securities Market Improvement Act of 1996 ("NSMIA"), to eliminate existing duplicative and inconsistent federal and state oversight efforts which sometimes result in greater delay, expense, and confusion without any apparent tangible benefit to investors. I have been very supportive of the federal/state efforts to streamline specific regulatory areas, such as mutual fund disclosure practices.

However, I am writing today to reiterate the important protections and preventative measures afforded by state regulatory and enforcement action. As a state Attorney General who often prosecutes enforcement cases involving fraud and deception in the securities and financial services area, I believe, as I did when the legislation was under consideration, that it is critical to preserve the necessary state enforcement powers in the area of sales and distribution practices.

On many of the occasions when my office investigates and prosecutes consumer protection related issues, elders are all too often the victims of fraudulent or deceptively sold investment schemes, financial planning abuses and other financial exploitation. In my opinion, protection of these small dollar, often elderly investors generally is provided by vigorous state involvement in the securities area. Yet, some of the language of the proposed Rules, through which the Commission attempts to achieve national uniformity, suggest an unknown, if not troublesome, impact on the states' ability to investigate, prosecute and regulate these areas. I especially feel compelled to bring this to the Commission's attention, given that I have made elder protection a top priority in my present tenure as President of the National Association of Attorneys General, and in my past 14 years as a public prosecutor.

For example, language which purports to prohibit states from prosecuting or regulating "dishonest" or "unethical" business practices could seriously impede the broader state antideception and fraud enforcement efforts. The Commission's attempt to implement a new, narrow federal standard in this area is unwise and constitutes a clear threat to investor protection. In Massachusetts, for example, cases involving deception may be difficult to pursue under the Commission's standard. Moreover, cases that typically are pursued by a rigorous Attorney General or state securities division, may not trigger the Commission's or the U.S. Attorney's inquiry or involvement, particularly given that the Commission only audits smaller investments once every four years.

Additionally, the Commission should proceed cautiously before implementing rules which may have an adverse impact on state revenue, and more importantly may place broad and unwise restrictions on the ability of state regulators, securities agencies and legislatures to police the licensing of and prosecute fraudulent brokers, dealers, advisers, planners and their agents. In particular, the definition proposed by the Commission seeks to limit state registration and licensing requirements to include only those "investment adviser representatives" who provide advice to clients who are "natural persons." This specifically excludes "investment adviser representatives," whose clients are investment companies, businesses, educational institutions, charitable institutions and other entities, but who historically have been regulated by the states, not the Commission. Indeed, this would preempt even minimal criteria established by securities enforcement authorities in virtually all states which often protects less-sophisticated retail entities, such as small businesses and charitable institutions. In the wake of the New Era debacle and other large-scale scams targeting our non-profit sector, I urge the Commission not to leave our public charities easy prey to abusive sales practices in the investment area.

The Commission's definition of "place of business" limiting state registration and qualifications to those who have "regular" contact with residents of Massachusetts also is troublesome in light of the telemarketing and Internet activities by unscrupulous investment advisers, many of whom prey on the elderly and less sophisticated investors. Of questionable legality in our federalist system, this limitation on the reach of state law to protect its own citizens may make it even more difficult for state prosecutors to target and punish fraudulent out of state telemarketers who frequently relocate and purposefully avoid physical presence in various states. This proposed federal definition of "place of business" inevitably will cause confusion and legal challenge given that jurisdictional issues raised by Internet activities remain unresolved. Without a more comprehensive definition, this could result in unfettered telephone or Internet-directed contact to any Massachusetts residents given the uncertainties surrounding where a person who sends out a general message on the Internet is doing business. Courts only now are beginning to address such questions arising out of where the computer is located, where the home page is listed, and where all or some of the customers or potential customers reside.

Finally, in the Commission's otherwise prudent efforts to streamline and eliminate duplicative state/Commission registering and de-registering within the same year, it proposes a standard by which new applicants could avoid state qualification (and registration) based on a "reasonable expectation" they will exceed $25 million in assets. However, this standard is subject to manipulation, may be difficult to monitor, may result in arbitrary enforcement, and may become vulnerable to abuse by unscrupulous advisers seeking to avoid state regulation and authority.

Congress attempted to maintain the correct balance while promoting uniform regulation and more efficient division of responsibility for regulation between the Federal and State governments. The Commission should avoid now setting forth sweeping and legally unsound federal preemption standards, that could endanger elderly and other small dollar investors by adversely impacting state enforcement of state securities anti-fraud and consumer protection statutes. In addition, the continued state-level registration and review of small dollar/regional securities offerings, investment advisers and financial planners is essential to consumer protection.

I urge the Commission to promulgate rules that will ensure that federal laws continue to permit states to gather the resources and retain the authority to effectively and comprehensively continue their role in securing investor protection and market integrity.

Thank you for your consideration.

Sincerely,

SCOTT HARSHBARGER,
Attorney General.

Mr. BLILEY. Mr. Speaker, at the time S. 410 was brought up for consideration in the House and passed, the Congressional Budget Office had not completed its cost estimate for the bill. The Congressional Budget Office has since completed its estimate and I ask that it be inserted in the CONGRESSIONAL RECORD at the appropriate place in the debate on S. 410.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 21, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At your request, the Congressional Budget Office has prepared the enclosed cost estimate for S. 410, an act to extend the effective date of the Investment Advisors Supervision Coordination Act, as passed by the House of Representatives on March 18, 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Forward and Pepper Santalucia.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 410—An act to extend the effective date of the Investment Advisors Supervision Coordination Act

CBO estimates that S. 410 would have no significant effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. In addition, S. 410 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

S. 410 would delay, from April 9, 1997, to July 8, 1997, the effective date for the Investment Advisors Supervision Coordination Act, enacted on October 11, 1996, as title III of Public Law 104-864. The Investment Advisors Supervision Coordination Act eases registration and bookkeeping requirements for certain investment advisers. The law exempts investment advisers already regulated by a state from registering with the Securities and Exchange Commission (SEC) unless the investment adviser manages assets greater than $25 million or acts as an adviser to an investment or business development company. In addition, the law restricts the ability of a state to impose certain requirements on investment advisers who conduct business in a state but maintain their principal place of business elsewhere.

Enacting S. 410 would provide the SEC and states with more time to prepare for the changes required by the 1996 act. CBO estimates that the SEC's workload would not change significantly as a result of the 90-day extension.

The CBO staff contacts for this estimate are Rachel Forward, for the federal budgetary impact, and Pepper Santalucia, for the state and local impact. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. GILLMOR. Mr. Speaker, will the gentleman yield to me under his reservation for an explanation?

Mr. MANTON. I yield to the gentleman from Ohio.

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding. As the gentleman has said, this bill does provide a 90-day extension of the effective date of title III of the National Securities Markets Improvement Act of 1996. The reason for the extension, which has been requested by SEC Chairman Arthur Levitt, is necessary to ensure the orderly implementation of the provisions of the Investment Advisors Supervision Coordination Act, which is title III of the Improvement Act.

Pursuant to that act, the regulatory status of over 22,000 investment advisors in the country will change. The SEC has proposed rules that will guide the investment advisors as to whether they are subject to either Federal or State regulation under the act, as opposed to being subject to regulation at both the Federal and State levels under the current law.

Chairman Levitt has expressed concerns that the effective date of title III, which is April 9, will not permit adequate time to permit investment advisors to consult with counsel to determine their regulatory status, and to submit the necessary forms to the commission to deregister if they are deemed to be small advisors and therefore subject to State, rather than Federal, regulation.

Lack of sufficient time would cause these small investment advisors, who are intended by the act to be regulated by the States, to be unable to deregister from the Commission prior to the effective date. That would result in the State being preempted from regulating the very advisors that they are intended to regulate under the act.

Accordingly, the Chairman has requested this extension in a letter to the gentleman from Virginia [Mr. BLILEY], the Chairman of the Committee on Commerce, dated February 12. This is a responsible request that I strongly support. I think Congress in the last session marked a significant achievement with the passage of the improvement act, which is going to bring greater efficiency and effectiveness to the regulation of U.S. security markets, including the regulation of investment advisors, and I would urge my colleagues to support S. 410.

Mr. MANTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EFFECTIVE DATE.

Section 308(a) of the Investment Advisers Supervision Coordination Act (110 Stat. 3440) is amended by striking "180" and inserting "270".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider to laid on the table.

GENERAL LEAVE

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 410.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, the pending business is the question de novo of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House a communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 1997.

HON. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, in addition to Ms. Julie Perrier, Assistant Clerk, I herewith designate Ray Strong, Assistant Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 105th Congress or until modified by me.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONFIRMATION OF ALEXIS HERMAN AS SECRETARY OF LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, I am proud to rise to urge the confirmation of Alexis Herman as the next Secretary of Labor. Mrs. Herman will make a great Secretary. Her background is a modern day equivalent of being born in a log cabin, and her career successes mirror that of a Wall Street broker. That is an all-American combination.

Mrs. Herman is well aware of what this Nation needs to keep its labor force on the great track already established by the President. That is why she will make a great Secretary of Labor. She worked at the Labor Department during the Carter administration as the department director of the Women's Bureau, the youngest in history to hold that office. She did a tremendous job. She excelled in assisting women to find meaningful employment in those breakthrough years for women, and she will bring this same type of creativity, the same zeal with her as she confronts the issues of the 21st century.

Throughout her career, Alexis has been one who has tried to bring workers and employers together, white collars and blue collars, black and white, men and women together.

Mr. Speaker, we need a Secretary of Labor who will bring people together, who will aid and assist people in being trained for the new technologies and the new jobs of the 21st century. We need someone with the strength and the desire to bring diversity to the workplace. Alexis Herman is the one to deliver.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on National Security for the 105th Congress and ask that they be printed in the RECORD at this point.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

U.S. HOUSE OF REPRESENTATIVES—REVISED MARCH 1997

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken on such matters would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of nine committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts.—A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing Hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of a majority of the subcommittee.

There are hereby established the following subcommittees: (1) Human Intelligence, Analysis and Counterintelligence; and (2) Technical and Tactical Intelligence.

The Chairman and Ranking Minority Member of the full committee are authorized to sit as ex officio members of each subcommittee and to participate in the work of the subcommittee, except, when sitting as ex officio members, they shall not have a vote in the subcommittee [nor be counted for purposes of determining a quorum].

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee, except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee, shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee. In addition, the Speaker and minority leader each may designate a member of their leadership staff to assist them in their capacity as ex officio members, with the same access to committee meetings, hearings, briefings, and materials as if employees of the select committee, and subject to the same security clearance and confidentiality requirements as employees of the select committee under this rule.

The appointment of committee staff shall be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such transcripts, records, data, charts, and files of the committee and be admitted on a nonparticipatory basis to hearings or briefings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings or briefings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations, as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States; (B) whether the matter in question involves sensitive intelligence sources and methods; (C) whether the matter in question otherwise raises serious questions about the national interest; and (D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee report as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

(f) Before any member of the committee or the committee staff may have access to classified information the following oath shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the committee or the House of Representatives.

Copies of the executed oath shall be retained in the files of the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

A report on all foreign travel shall be filed with the committee clerk within 60 calendar days of the completion of said travel. The report shall contain a description of all issues discussed during the trip. If a member of the committee or an individual with the committee staff fails to comply with this requirement, no further travel requests requiring the authorization of the chairman will be authorized for these individuals until compliance is achieved.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

15. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

ALEXIS HERMAN—EXCELLENT CANDIDATE FOR SECRETARY OF LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of Alexis Herman, who is the most appropriate person to head this country's Department of Labor. As many of my colleagues know, Mrs. Herman has spent much of her life preparing for this job. Almost 20 years ago, Mrs. Herman headed the women's division of the Department of Labor under President Carter and she has been building on that success ever since. Mrs. Herman has spent most of her working life as an advocate for minorities in businesses, including the corporate sector.

□ 1845

She has been an effective leader, and she has looked out for the interests of the working people of this country. Because of her efforts, this country is now a better place for business and for the workers. Mrs. Herman has done a great job heading the President's liaison office for the last 4 years, and she will do even a better job as heading the Department of Labor.

As an African-American and a woman, Mrs. Herman has overcome many obstacles in her rise to become one of the leading advocates for business and economic development in our country. I implore my colleagues in the Senate to confirm the nomination of Alexis Herman without delay.

Ms. Herman has earned our support and our confidence.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HILLIARD] for a colloquy.

Mr. HILLIARD. Mr. Speaker, I understand the gentlewoman from Florida has a fantastic story she would like to tell us about Ms. Alexis Herman.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman.

Recently in Eatonville, a little town in my district, a young lady came up to me and asked me did I know Mrs. Alexis Herman because she was from Mobile, AL. And speaking of family values, she told me about her mother who was the librarian in the little school there and taught them the importance of taking care of what they had since they did not have much. Her father was a community leader and sent best wishes to Ms. Alexis Herman. So when we talk about family values, it is important to understand that Alexis Herman comes from the kind of roots that has made this country great.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me. Once in a while good people come into government, good people who base their decisionmaking on experience, good people who base their decisionmaking on the love of God and faith in the people. Alexis Herman is that kind of person.

I stand to ask support of the Senate to confirm Ms. Alexis Herman. They could not find a better person, both from an educational point of view, from a professional point of view and from a personal point of view. They will find someone who is a team player, who will look through both parties, not one, who will look to the education of our children to be sure that they learn to work. She understands the work ethic. She understands labor. She is fair.

Mr. Speaker, to my dear colleagues, I think today this country and our wonderful Nation did itself proud in the U.S. Senate, because there was a very, very good and positive hearing about Alexis Herman's qualifications. I am very pleased that we are here today to say that. We have a person who understands. She is no ordinary person. She is no ordinary government worker. She is an extraordinary person who understands how to do ordinary things.

GENERAL LEAVE

Ms. BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore [Mr. EWING]. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members that they should refrain from referring to the confirmation proceedings in the Senate by advocating that it take certain action with respect to a Presidential nominee.

ORDER OF BUSINESS

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that I be able to switch times with the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PARTIAL BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. McINNIS] is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, this evening my comments are going to be about a procedure that I did not even know existed as of 2 years ago, and that is called partial birth abortion. What is partial birth abortion? I think it is incumbent upon every citizen of this country, every American in this country to understand what that procedure is.

Now, let me explain it to my colleagues without trying to get too graphic. What it is, it is the abortion in the late term of a pregnancy. What do I mean by that and how does this procedure carry it out? What I mean is that in this country it is legal for a pregnant individual to go into the delivery room on delivery date, 9 months, upon delivery date and have that fetus aborted.

How is the procedure carried out? The baby is actually delivered feet first all the way out of the woman's body except for about 1 inch of the baby's head. At that point in time, a procedure is instituted which pierces the skull and, frankly, sucks the brains out of this individual. This is at 9 months or 8 months or 7 months. This is not the usual term of abortion as we think about it or hear about it. This procedure is actually performed not rarely, by the way. Even an advocate of this procedure admitted that he lied last year when he said that it was a rare procedure. It is a procedure that is performed on a fairly common basis.

Think of it in our country. We have some of the most advanced hospitals in the world. On one end of the hospital we will use whatever technology is available, whatever cash resources are necessary to save the life of a premature baby that on a lot of occasions may be no larger than your hand. On the other end of the hospital, a 9-month delivery, a regular delivery, no prematurity, a regular delivery, we allow under our laws in this country for any reason whatsoever for that child's life to be terminated, terminated through this procedure.

Some will tell us that this is a rare procedure, that it is a procedure performed for medical necessity.

Let me quote from C. Everett Koop: "I believe Mr. Clinton was misled by his medical advisors on what is fact and what is fiction on the matter," he said.

Such a procedure, he added, cannot truthfully be called medically necessary for either the mother or, he scarcely need point out, for the baby.

Dr. Romer, Dr. Smith, Dr. Cook and Dr. DeCook:

> None of this risk is ever necessary for any reason. We and many other doctors across the United States regularly treat women whose unborn children suffer the same conditions as those cited by the women who appeared in the veto ceremony held a year ago by the President. Never is the partial birth procedure necessary.

Let me quote from the Wall Street Journal, Thursday April 25:

> With capital punishment back in vogue, we ought to devise a modern method of execution for particularly fiendish criminals, the Unabomber, if convicted of these diabolical acts of which he is suspected, for example. We have a modest proposal. Why not stick a catheter in his brain and suck it out until his skull collapses. We jest, of course. No one would think of doing this to another human being, even the Unabomber, but the President of the United States stands up four-square for doing to it babies still in the womb but nearing birth, vetoing Congress's attempt to ban this procedure in late term abortions. And of course he gets plaudits from all those eager to brand the Christian right or other abortion foes as extremists.

Let me say, the Wall Street Journal is not a pro-life publication. These columns, speaking of the Wall Street Journal, have never been part of the pro-life movement.

> Lay aside the Unabomber, how about a baboon, for that matter a white rat? The Federal Government has extensive sets of rules and regulations on the humane treatment of animals in biomedical research. There are U.S. government principles on the utilization and the care of vertebrate animals, for example, and a Federal Animal Welfare Act. Each research institution must ponder these issues through a committee with at least one outside member representing the public. The regulations mandate "avoidance of minimization of discomfort, distress and pain," and specify "Surgical or other painful procedures should not be performed on unanesthetized animals paralyzed by chemical agents.

To the people of this country, to my colleagues in this Chamber, understand what partial birth abortion means. It is wrong. Understand that this procedure is not an abortion performed the day after intercourse takes place. This is a procedure that legally in this country can be performed 9 months after that intercourse takes place, on delivery date. It is important that we all support the ban on this procedure. It is wrong to allow it to happen in this country.

SUPPORT FOR NOMINATION OF ALEXIS HERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan [Ms. KILPATRICK] is recognized for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, as most Americans know, March is the month for women. It is Women's History Month in the United States.

I first want to commend the five women in Aberdeen last week who came forward and recanted their stories that they had been raped by their drill sergeants. I think that was an outstanding tribute to women, and I think their courage for coming forth and telling the truth must be congratulated.

Today the Senate started their hearings for a fine African-American woman, Alexis Herman, to become the next Secretary of our Labor Department. We are almost in the second quarter of 1997. Nearly 3 months have passed and we do not have yet the President's nominee for the Department of Labor. I commend the Senate for beginning the hearings for Ms. Alexis Herman.

Ms. Herman, like me, is an African-American woman. Ms. Herman is a lover of education and is well documented and degreed like myself.

Ms. Herman is a civil rights activist for men and women, black and white in this country, and her record speaks for itself.

With all that said, that is not why I believe Alexis Herman ought to be confirmed. She is qualified. She is dedicated, and she will provide for this U.S. Labor Department what we need, which is a strong fighter for jobs, one who will make opportunities available for our young people, one who will give her best to see that our Labor Department reaches its goal of full employment in America.

I strongly support Ms. Herman. Her record of advancing programs for young people, for going that extra mile to develop creative, innovative work experiences for young and old, black and white, is to be commended.

Alexis Herman will make a fine Labor Secretary. Her hard work up to this time has proven that she is one who will take risks. She will speak out. She will look out for our young people and take care of our labor movement.

I urge my colleagues, all of us, to work together, to speak out, to see that this most important department in our government, the Labor Department, confirms this fine woman. What better tribute could we give to women in this country than to confirm Alexis Herman as our new Secretary of Labor?

EDUCATION AT A CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, over the last few months we have been engaged in a process which we call Education at a Crossroads, visiting different parts of the country, visiting different school districts within my congressional district, getting feedback on the effectiveness, the quality, and the impact that Federal education programs have had.

There has been some dispute about some of the findings that we may have received, but what we have been hearing consistently is that there is significant room for improvement in how the Washington establishment, how the Federal bureaucracy delivers programs to the classroom, how we help kids at the local level.

A couple of weeks ago in Delaware, Bill Manning, the local superintendent of the Red Clay School District in Wilmington, DE, said he would rather see safe and drug free schools money go to academic programs of the district's choosing, asking for district flexibility. "It is time to ask ourselves whether the time we take out of the classroom for drug awareness programs is time well spent," he said.

He is looking for more flexibility to do for the kids in Wilmington, Delaware what they believe is most needed.

Mr. Carper, the Democratic Governor of Delaware, said, We must free the schools of regulations.

In California, Arizona, Delaware, we have heard time and time again that there are too many regulations associated with the hundreds of Federal programs that we have for education in America today. Marian Berguson, representative of Governor Wilson in California said, Federal requirements and dictates are stifling. That is not what we want in education at the local level. We want innovation; we want creativity, and we want results.

Lisa Graham Keegan, Arizona State Superintendent, noted that 8 percent of Arizona's education money comes from the Federal Government and that easily more than 50 percent of the work in the State Department and in the school district is a result of receiving this 8 percent of their money. Ten percent funds versus 50 percent of the paperwork? It does not make sense to me.

We are going to continue these hearings to get a better idea of exactly whether Federal programs are helping or whether they are hurting.

□ 1900

What is working and what is wasted in education in America today.

We are also engaged in another process. We are taking a look at somewhere in the neighborhood of 700, 800, maybe 900 Federal programs. There are some people who ask where do we come up with the number, and it is pretty tough because when we ask the executive branch they cannot give us one. But we went to a document which is called the Catalog of Federal and Domestic Assistance. For short, and this is about the only short thing there is associated with it, it is called the CFDA.

It is, very simply, if we go to the section marked education and go through the pages we find out that this document, which lists all Federal grant programs, take a look at this, all Federal grant programs, and the title under education lists about 660 programs.

We then went to the Congressional Research Service and said, "They tell us there are 660 programs. What do you think?" They went out and they came back and they said, "There are probably more. We have identified a total of 116 programs that might be added to the 661 programs that you already have identified." That puts us well over 750 programs.

They went on to say that we do not claim to have identified all Federal programs related to education, it is virtually impossible that this will be exhaustive, but we are aware of no better source of this information than the CFDA. So we know that there are the hundreds of programs. This is as we take a look and ask Federal agencies to identify it.

We then go out and we take a look at outside sources. What do outside sources say that we have in Federal education programs? This is an independent, outside, small little cottage industry, the Guide to Federal Funding for Education, volume one and volume two. They mark it as saying there are over 500 programs receiving funding that approach education.

As we begin a debate on who cares more about education and the impact that the Federal Government has on education, the most important question that we can ask before we do additional funding is what works and what is wasted. Is there not some money in these 700-plus programs, that go through 39 different agencies, that spend $120 billion, to fund some of the President's new initiatives?

We do not need a new layer of programs. If we want some additional programs, now is the time to dig through these two binders, to go through this binder and say enough is enough, let us get reasonable, let us find out what works and what is wasted before we create any more programs.

THE ALEXIS HERMAN NOMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, Alexis Herman is more than qualified to serve as America's next Secretary of Labor.

None can question her training, experience and preparation for this position.

But, she brings more than those important qualities to the task.

She is a hard worker, with excellent skills, a reputation for fairness, superior intellect and is known to have the highest integrity and ethical conduct.

These are vital attributes as we begin to grapple with some of the toughest labor issues of our time.

The massive transition of millions from welfare to work will be greatly helped by the rich background of Ms. Herman.

And, the difficult budget issues we face in our efforts to reduce the deficit will be made easier by one who understands the complex, yet necessary tension between labor and management.

At this time in our Nation's history, we need leaders who are the best, the brightest, the most honest and honorable among us. Alexis Herman meets and exceeds all of those critical qualities. She has earned confirmation.

THE FIGHT TO CURE DIABETES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. NETHERCUTT] is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, March 19, 1997, is a very important day in the fight to cure diabetes. Between 11 a.m. and 3 p.m. tomorrow, in the Rayburn House Office Building foyer, Members of Congress, the U.S. Senate, staff, family, and the public are invited to undertake a very important test. It is called a blood glucose test. It is free of charge.

It takes about 1 minute, and what will happen is this: If you show up in the Rayburn foyer tomorrow morning between 11 in the morning and 3 p.m., there will be a test administered. Your finger will be stuck and a drop of blood will be placed on a test strip and put into a little computer and it will measure your blood glucose level. That test will determine whether or not you may have diabetes.

This testing is part of an NIH, National Institutes of Health, study which will focus on a cure for diabetes, and literature will also be there available for members of the public and Members of Congress to learn about this very important disease. It is a very serious disease in our country.

Over 16 million Americans have diabetes. About half of that 16 million do not know that they have this disease and they will not be diagnosed until serious complications develop. Diabetes affects all races, both genders, all religions, Democrats, Republicans, it is indiscriminate. All are subject to becoming diabetic and over a million children in our country have insulin-dependent diabetes.

The incidence of diabetes is prevailing throughout the world. The earlier diabetes is diagnosed, the easier it is to slow the progression of this disease and prevent very, very costly complications; costly in terms of health status and dollars and cents.

This diabetes screening test on Capitol Hill is sponsored by the Congressional Diabetes Caucus. It has 51 Members of Congress who are associated in this fight to cure diabetes. This test is also in association with the Diabetes Prevention Program, which will conduct this test; Eli Lilly & Co.; the American Diabetes Association; the Juvenile Diabetes Foundation; the American Association of Diabetes Educators; the Endocrine Society; and many others who care deeply about curing this disease.

Diabetes is a silent disease. It is a serious disease. Taking this simple test could save your life. So I urge my colleagues and the staff who may be listening and watching and learning about diabetes, as well as the public, to come and take this test tomorrow in the Rayburn foyer from 11 a.m. to 3 p.m. And I urge others across the country to take this simple test in your hometown or in your area and learn if you have diabetes. It could save your life.

I hope that there will be a great turnout tomorrow, with a lot of press focusing on this very important and very serious disease.

KUWAITI POWS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to highlight a serious issue that still has not been resolved, even though we have, in fact, seen the success of the operation of the United States and a number of other nations of the world in removing the illegal Iraqi Government from the independent nation of Kuwait. While we celebrate that fact that occurred on February 26, 1991, we must remember that the U.N. also passed resolutions 686 and 687 as part of a broad cease-fire agreement which was accepted by Iraq.

Now, there are those in this institution and around the country who think that we should begin to normalize, to some degree, relations with Iraq. But, Mr. Speaker, I think it is important that we in this institution highlight the fact that the government of Saddam Hussein and the Iraqi nation still has 608 people that are still unaccounted for.

These are prisoners of war that were taken hostage by the Iraqi Government. These include both military personnel and civilians. These are individuals who represent the broad spectrum of the population in Kuwait. They are husbands and wives, they are children, they are people who are not all Kuwaitis, in fact. In fact, there are a number of other nationalities who happened to be in Kuwait and who were taken hostage by Saddam and they still have not been accounted for.

My interest in this, Mr. Speaker, dates back to my chairing the Kuwaiti Task Force for the Human Rights Caucus, where we documented the atrocities Saddam perpetrated on the people of Kuwait both before and during the illegal occupation. But I also have one constituent who was, in fact, a POW captured by Saddam and actually was in the control of Iraqis up until we went and did the liberation.

This individual, who I took back to Kuwait with me 1 week after the liberation, has documented to me on a number of occasions the illegal actions of the Iraqi Government and the fact that there are these hundreds of people, who are ordinary people in many cases, who were not involved in the conflict itself, who are now being held against their will by the Iraqis.

Mr. Speaker, this is violation not only of the U.N. resolutions, it is a violation of every human rights agreement that this world acknowledges between countries. It is about time that America spoke out loudly and strongly that we will not sit idly by and allow these 608 citizens, each of whose cases has been individually documented, each of whose situations has been chronicled, so that this is factual information. In fact, some of these people have been sighted within the territorial limits of Iraq. Yet the international Red Cross has not been able to bring these individuals back to their homeland.

Mr. Speaker, this is outrageous and this is wrong. This institution needs to go on record on a regular basis, letting Saddam and the Iraqi Government know that we are watching and that we are asking the question why these people are not being allowed to be reunited with their loved ones. The war is over. The conflict has ended. Saddam, in fact, accepted the terms of U.N. resolutions 686 and 687, and yet here we are in 1997 in March and we still do not have these people returned to their homeland.

I would say, Mr. Speaker, that if Saddam Hussein ever expects to have the world community give him the kind of respect and perhaps the cooperation that he has said that he would like to have, and in fact that he says he deserves, he should start by coming to the public, to the world public at large, and explaining why these people are being held; and, in fact, he should take the effort to return these people back to their homeland.

As I said before, Mr. Speaker, the documentation for these individuals is, in fact, very substantive. The National Committee of Missing and POW Affairs has reported the number to be 608. This committee knows the exact numbers because they have a separate file and a separate computer database established for each of these POWs.

What we are saying, Mr. Speaker, I know what my good friend and colleague, the gentleman from California, DANA ROHRABACHER, who wanted to be here with me this evening. He would say, if he were here, that we want the Iraqi Government to allow these people to go back to their homelands and that we want to have a full accounting for these individuals, and that we expect the United Nations and the world community at large to assist us in making sure that we do not, in fact, allow these people to be kept under the illegal control of Saddam Hussein and the Iraqi Government.

There have been concerted efforts through an allied coalition, but these efforts have largely been unsuccessful. We are saying it is about time now that these other nations respectfully demand that which we are demanding, and that is a full accounting and return of these hostages.

Mr. Speaker, I yield to my good friend and colleague, Mr. ROHRABACHER, for such time as he may want to use.

Mr. ROHRABACHER. Mr. Speaker, I join with the gentleman from Pennsylvania [Mr. WELDON] and my colleagues tonight in calling on Saddam Hussein to release his captives. The war in the gulf is not over until the hostages that Saddam Hussein is holding have been released.

The United States should not normalize relations with the regime in Iraq until these innocent people, the sons and the daughters, the husbands and the wives of the people of Kuwait have been released by their Iraqi captors.

KUWAITIS STILL BEING HELD PRISONER BY IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, it is my pleasure tonight to join with the gentleman from Pennsylvania, Mr. CURT WELDON. The gentleman and I have both been active in working with the Kuwaitis on this issue.

Most people do not even understand that there are hundreds of people being held by Saddam Hussein in Iraq, who are just innocent women and children, husbands and wives, men and women, just ordinary Kuwaitis who have been whisked away by the Iraqi Army during the Gulf War and have never been returned.

It is one-tenth of 1 percent of the population of Kuwait that is still being held by Saddam Hussein. That is the equivalent in the United States of 250,000 people being held prisoner by a foreign hostile power.

□ 1915

The United States can be proud and we Americans can be proud in particular of the role that we played in freeing the people of Kuwait from the aggression of Saddam Hussein and from the hold of Saddam Hussein. We can be proud that our soldiers, our men and women marched off and struggled for peace and freedom and succeeded. But the job is not done when the equivalent of 250,000 Kuwaitis are still in the hands of Saddam Hussein. One thing that we can be proud of, we won the war against Saddam Hussein. We won it. In fact, I was just in Kuwait several months ago and they have initiated democratic reforms in that country that seem to make it all worthwhile. They now have free newspapers and radios and criticism of the government, opposition parties. This is one of the highlights of the Middle East. This is a shining example of what happens when people really do want to try to set up a free society. The human rights abuses that Kuwait used to be known for have somewhat disappeared. But now they turn around, the people of Kuwait, their sons and their daughters are gone. Their husbands and wives are missing. Over 600 people are missing. The United States should make it clear that there will be no normalization of relations with Iraq until those prisoners are released.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. I would just add for the record that as I mentioned earlier, we also include nationals from nine other nations who are being held illegally by Iraq. These are not all Kuwaitis, these were people living in Kuwait, but some of them were actually of the nationality of nine other countries which include India, Bahrain, Oman, the Philippines, Lebanon, Syria, Egypt, Iran, and Saudi Arabia. There is a total of nine other nations. And we are not just talking about military personnel, we are talking about 29 people from the private sector, we are talking about 128 students, students that were taken away from Kuwait, their parents have no idea where they are or what happened to them. We are talking about 3 housewives, 18 retired people, and 26 who are unemployed. So it was across the broad spectrum. These are ordinary people.

Kuwait's point is and the world community's point should be if these people have been killed, then Iraq should come forward and say they have been killed. They should tell the families the whereabouts of these individuals. But that has not happened. We should not sit still while this atrocity continues.

I thank my colleague for joining me and for yielding to me.

Mr. ROHRABACHER. As I say, we have every reason to be proud of what the United States did during the gulf war to protect Kuwait and the other people of the Middle East against aggression. We have every reason to be proud of Kuwait since then because they have become a more democratized system. They have more of a functioning, representative government and they have reached out to end human rights abuses and moved forward to establish freedoms they did not have before.

We can also be very proud of the Kuwaitis for what they did when they were being held hostage and occupied by Saddam Hussein. They in fact risked their lives, common Kuwaitis risked their lives to protect the lives of American citizens who happened to be in Kuwait at the time that Saddam Hussein invaded. Just as the Kuwaiti people risked their lives for those Americans they did not even know, we should tonight make it our business to tell Saddam Hussein and the regime in Iraq that those Kuwaitis who they hold must be released and we must think about them. We may not know them but we know the Kuwaiti people risked their lives for Americans they did not know. Let us pay that courtesy back and insist that Saddam Hussein release all those prisoners.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, for tonight's special order, the topic that I would like to address is campaign finance reform.

I wanted to point out that today at a press conference that was held by several of the women members of the Democratic Caucus, they basically urged Speaker GINGRICH and the Republican leadership to stop the delay on campaign finance reform, and I know that some of the Members who were at that press conference will be joining me tonight to discuss the issue.

Obviously campaign finance reform is certainly not a new issue to Members of this House or to the American people. The Democrats have been leaders on this issue for several years and the Republicans, I believe, have been obstructionists. As I mentioned in my remarks to the House this morning, for the past five Congresses the Republican leadership has pulled every legislative maneuver known to the Congress to keep campaign finance reform bills from becoming law. Now of course there is a renewed interest in the issue, and of course the flaws that the campaign finance system and that the Democrats have highlighted for years are becoming more prevalent and the American people have had enough. According to one poll, 85 percent of the American people think the campaign finance system is now in a crisis state. I have to point out, though, it did not have to come to this. If reforms the Democrats have been proposing since 1989 had been in place today, the country might well have been spared the abuses and excesses that we are hearing about. Unfortunately the Republicans stopped us cold. They have delayed and filibustered and stalled in really every conceivable way on this issue. I just wanted to point out, and then I would like to yield to my colleague from Hawaii, that on the first day of this session of Congress, every single House Republican voted against requiring action on campaign reform in the first 100 days of the new Congress. That was rollcall vote No. 4. Then when the President and the congressional leaders met in February, Republican leaders rejected the Democrats' suggestion that campaign finance reform join the priority list for bipartisan action. In the agenda Republicans laid out for the 105th Congress on March 6, their stated position is the status quo, to ensure that current laws are followed and enforced and require full and timely disclosure of all campaign contributions. Specifically in the case of the Speaker who testified before the House Oversight Committee on November 2, 1995, he said, quote, he would emphasize far more money in the political process.

Recently one of our colleagues from the Senate, MITCH MCCONNELL, stated, "We're not spending too much on politics in America. This whole notion that we're spending too much on politics is nonsense."

Clearly again the Republicans are in the majority and they have done nothing to suggest that they will be willing to move on campaign finance reform this session.

I would like to yield now to my colleague the gentlewoman from Hawaii [Mrs. MINK] who was one of the Democratic women Members who participated in this press conference today.

Mrs. MINK of Hawaii. I thank the gentleman for yielding.

The press conference that the Democratic women held at noon today was to emphasize our great frustration at the failure of the leadership to schedule even hearings at the committee level on this very critical problem. Any blind person, I think, could realize that the whole system is in crisis and it is really up to us. No one else can change it. No one else can fix it. It is up to the Congress of the United States to take this issue and to hear all the different versions. I am not certain exactly where I am going to stand in the final analysis on many of these aspects of the reform legislation, but I do think it is time to start, and so the women gathered today to make a special appeal to the country to contact the leadership of this House and to stress the point that they, the public, is really exhausted with their patience in waiting for this Chamber to begin its deliberations.

Last night, the Speaker took the floor during special orders and outlined a 13-point program in which he explained in great detail in his 1-hour special order exactly what positions and programs the Republicans were supporting. I listened the entire hour because my special order came afterwards, and I was astounded that he did not include mention of campaign finance reform, something which really goes to the very heart of our democracy. It is challenging the viability, the essence of our democracy, all the things that we read about. When $2.7 billion is being spent in campaigns to elect us and the President, something is strictly wrong, and we need to fix it. There have been a lot of different suggestions that have come forward and the gentleman in the well pointed out to me a short little column which I am sure he will explain later in detail from the National Journal on March 13, reported that a group of political science professors forming a task force by the Citizens Research Foundation came up with certain recommendations on campaign reform. They are saying, "Put aside all the stuff that you have been debating in the past. Start anew. Look at this problem fresh." And I think that is a very interesting approach and something which this House probably ought to consider.

We have had no hearings yet. There are investigations which I certainly support. One of the reporters asked at our press conference, well, does it mean since we are pushing for campaign reform that we are minimizing the importance of the investigations of the past activities?

Certainly not. We want to see those investigations carry forth. But they have no ending if we at the same time are not considering ways in which we can make the system better, bring back the importance of ordinary people, not big financial contributions.

The campaign reform report that the Citizens Research Foundation task force recommended said, abolish soft money. I totally agree with that. And many of the suggestions that have come forward have made that suggestion. I do not know if it will be in the final form. I hope so. I have introduced a bill to do exactly that. I do not think the American public out there wants to read in the paper night after night about contributions coming in to the various party organizations, of $500,000, $600,000, maybe cumulatively over a 2-year period of $1 million. Something has gone amuck if we tolerate that kind of interventions of big money into a political process that should belong to the ordinary citizen.

The gentleman and I running for Congress operate under severe limits. Our individual contributions are limited to $1,000 for the primary, $1,000 for the general. We have PAC contributions that come to us, but they are limited, $5,000 in the primary, $5,000 in the general. Why can the others in our society that want to participate in a different way, not to our campaigns but to our parties or to independent organizations not operate under the same rules, $1,000 for individuals and $5,000 for the larger entities or committees that are contributing? I think that is fair.

The Supreme Court's decision with regard to campaign contributions was that the limitations on how much people can give is a perfectly legitimate limitation, and we operate under that. No one has said those limitations are not proper or are unconstitutional. We have lived under it for many, many years.

What the Supreme Court has been challenging as a free limitation is the spending end and that brings into picture a much more difficult part of this whole reform effort. But for the moment, it seems to me the people are concentrating on the whole idea of these uncontrolled contributions, and the court has never said that we cannot establish limits there.

And so I support this task force report. It is remarkably in line with what I think. But that is really not the point of my presence here tonight, because myself together with the other women who joined in the press conference are not championing any particular reform or particular items. What we want to see is the beginning of serious consideration of this issue, putting it on the priority list, for instance, that the Speaker came to the well last night to announce to the American people. Why is it not on his agenda for America? Americans are concerned about it. The pollsters are telling us 85 percent of the Americans think there is a crisis today in campaign spending and campaign contributions. And so what this tells us and what our mail certainly tells us, what the phone calls are telling us that are coming in from our districts, we better pay heed. The American people are really disillusioned about this process and we cannot afford to let this go by unattended.

Again I join the gentleman who is doing a wonderful job in leading us in this whole effort about campaign reform, to get with it and call upon the Speaker and the leadership to bring this matter to a head, call the hearings, let us have a chance to express ourselves on behalf of our constituents, bring together both sides, call task forces, bring in the .parties. They do not want to give up this opportunity to raise large money. We cannot expect them to come in with voluntary solutions, voluntary limits.

□ 1930

It is time for us to enact laws to safeguard that very precious element of the public's right to really participate in the electoral process, and they cannot if they are swamped by big money.

Mr. Speaker, I thank the gentleman for yielding to me tonight.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Hawaii and particularly in your pointing out that after all we, as Democrats, are in the minority here. What we are asking is that the majority, the Republican majority and their leadership, bring this issue to the forefront and make it a priority, and, as you mentioned, they have had several opportunities to do that: first with the President who called for this issue to come to the floor and be resolved by July 4; and then there were bipartisan meetings at the White House, and once again the Republicans refused to put it on a priority list; and now the Speaker has come forward again, and it is not on the priority list of his agenda for this Congress.

All we are asking is that this be prioritized and a date certain be set when it is going to come to the floor, and, as you know already, some of our colleagues, some of our Democratic colleagues, have started to use procedural motions, motions to adjourn, on other bills to try to make this point because that is really the only avenue we have to make the point to speak out and say that it must come forward.

I just want to mention one more thought that you pointed out and I think, as we have been saying, we just want to bring this issue up and we want it to be heard. We have not necessarily come up with a specific proposal about how to address it. But you made a very good point when you said that when it comes to our individual races for Congress we have very strict requirements in terms of how much money we can raise, a thousand for individuals, $5,000 for PAC's, and all of that has to be disclosed.

And when you look at this report that was done by the Citizens Research Foundation at the University of Southern California, one of the points that they make in their summary, and of course it is endless and you know we are not going to be able to go through it all tonight, is that they are very concerned about the lack of disclosure for sources and receipt of money outside the confines of individual races. They talk about the issue advocacy now, the independent expenditures, issue advocacy being done by party committees, independent expenditures being done by various organizations, and in each case the biggest problem there is lack of disclosure. And I think that is one of the things that I think is almost universal. Regardless of what program or bill comes to the floor, the real problem is that one of the major problems is once you go outside of our individual races, disclosure is much more difficult, it is more difficult to track where the money is coming from and where it is going to.

Mrs. MINK of Hawaii. If the gentleman will yield, that is precisely the point why the public is so disillusioned, because this matter is being disclosed in the newspaper. Nobody has access to the records. We cannot go anywhere to see the degree to which this type of fundraising has gone on and who has contributed. We wait every day for new announcements.

That is simply not the way to preserve democracy in America, so I really commend the gentleman for his point. It is very, very critical to this debate.

Mr. PALLONE. Well, thank you, and I see my colleague from Connecticut, Ms. DELAURO, who joins with me on a regular basis here. I would like to yield to her. I know she has made a major point of this issue of campaign finance reform.

Ms. DELAURO. Mr. Speaker, I want to thank my colleagues for taking up this special order tonight, and I am sorry I was not here for the first part of the dialog, but I think in what I have been listening to, the issue of the 1996 elections, I think it was clear that the 1996 elections prove that there is too much money in politics.

What does it mean when you say that? It means that there is too much influence for special interests, not enough representation for people who work hard every single day and who want government to represent their views and their needs, and government is not in a sense an abstract concept. Government means that they want the people who they have elected to represent them, to make sure that their views are put forward.

I wanted to join with you tonight just simply to say that I want to call on the leadership of this House to take action to reform our campaign finance system. Again I am sorry that the 1996 elections were record breaking in what I view as the wrong way. The final tallies reported in the Washington Post show that the campaign was the most expensive ever with an estimated cost of $2.7 billion. If we were to adjust for inflation, spending on campaigns tripled during the past 20 years, and what they reinforced was that we need less money in our political system.

Now if you take a look at the leadership of the House, Speaker GINGRICH thinks that we should have more money in the political system. The majority leader of the House believes that there should be more money in the system. The majority whip believes that there should be more money in the system. The former head of the Republican National Committee believes that there ought to be more money. Now I am not making that up. Those are statements that are on the record.

So, in fact, there is a philosophical difference in terms of the Republican leadership wanting more money in the process, and a Democratic position in the House has been to see limitations put on the amount of money spent in the process. The Washington Post further showed that 8 in 10 Americans agree that the money has too much influence on who wins elections. When you take a look at what the preponderance of views are amongst the Republican leadership, you can see that there is that tie on why we see a refusal, if you will, to bring campaign finance reform to a vote, and I have to believe it is a sincerely held view that they do not think that there is a problem with the role that money plays in the American political system.

I think that the American public believes differently from that, as I am sure that you have talked about and our colleague from Hawaii is talking about, but I think it is so real to the American public that there is too much money in the system. I think it has been reflected in their staying away from the polls in their, if you will, disappointment and potentially even their disgust with government. They have little faith in government. You know, in terms of staying away from the polls, we have had less than half of those eligible to vote voted last November.

One 50-year-old woman in the article who said she might expect to live to age 80 said, "I will be dead in the ground long before anything changes." It is a sad day if her words accurately reflect our perceived ability to tackle the challenge of campaign finance reform.

I think we have a wonderful opportunity here, and that opportunity is to restore faith in the Government, in the Congress. But in order to do that we have to prove that we are serious about reforming campaign finance and that we have to do that now. Waiting would push campaign finance reform efforts closer to the next election season and likely doom campaign finance efforts as happened in past Congresses.

I was pleased that the President, in his State of the Union message, talked about a realistic challenge for the Congress, and that is to pass campaign finance reform by the Fourth of July.

Lest their be any confusion about what we are talking about here tonight, I would just say very forthrightly that we do have investigations underway and if there was any wrongdoing, then in fact wrongdoing should be punished. No one is suggesting that that is not the case. I think very honestly, and investigations will go on, but what we need to do is to—we know that the system needs to be reformed. So let us have the opportunity to debate the number of initiatives that already on both sides of the aisle have been brought to the table, including the Meehan-Shays bill and the Senate Feingold—the Feingold-McCain bill. Our colleague from California, SAM FARR has a good working piece of legislation. There have been two constitutional amendments that have been introduced or that you put a limitation on the amount of money that is spent to contravene a Supreme Court decision a number of years ago. So that we have opportunities here to have a debate, and a number of people have talked about, you know, different pieces which can be debated so that in fact we can come to some consensus on both sides of the aisle about how we ought to be raising money for campaigns in the future.

I think if we can use the goal post of July 4, it is a decent period of time in which to have the debate, and it is also symbolically, I think, very important in terms of it being Independence Day in that we, in fact, you know, wrest the control of our campaigns from the special interests and return it back to the people. And I would urge the House leadership to move to campaign finance reform by that time, and we can start working now at this effort.

I was proud to join my Democratic colleagues. The women, Democratic women of the House, today had a press conference to talk about this issue to have a full debate, which I am sure my colleague from Hawaii talked about. I understand that Members of the freshman class on both sides of the aisle, a bipartisan effort is underway to talk about how we can move this forward.

I am a cosponsor of our colleague Sam Farr's bill. I think there have been some good suggestions about the broadcasters and issuing free time, especially in light of what is going on with the sale of the spectrum in which the broadcasters are going to reap, you know, myriad of benefits. Therefore, in fact, they could talk about free airtime to candidates. I think there are some good measures is essentially what I am saying, and I know my colleague from New Jersey feels the same about this.

And let us take this opportunity to take some of these good measures to develop consensus on this issue and move forward to meaningful campaign finance reform. I think it would do so much for our ability to go to the American public and say, "We're responding to what you are talking about with your disgust and with your lack of faith." Let us do this, and let us talk and then allow them to believe us when we talk about wanting to ensure, making sure that 10 million kids in this country have health insurance, which they now do not have, and that we are serious about doing something about their ability to be able to send their kids to school and so forth. I think it would go a long way in restoring faith in what we do in this body.

So, as my colleague has also called for, I join him in calling for the passage of campaign finance reform as soon as possible. But first and foremost let us have the debate and the hearings that are necessary in order that we can pass campaign finance reform, and I thank you for calling this special order.

Mr. PALLONE. I thank you too and, you know, I think that one of the things that you pointed out which is, I think, very sad, and of course I do not buy it, is that many people do believe, and I hear it all the time, that we are just never going to see this, it is not possible for Members of the House of Representatives to limit campaign finance reform. It is not going to happen, it is not in their interests, they will not do it. And of course I have been here long enough to know that the reality is around this place fortunately because it is a democracy, and we are representatives, that if people demand that certain action be taken on this floor, it will be taken, and I need to, you know, stress that again. I think our colleagues all understand and I think the people should understand that if there is enough pressure, if people speak out and they feel strongly that there needs to be reform, and I think that is the sentiment out there now, this House will take action, and I think that the President's proposal to have a date certain—he mentioned July 4—is really what we need. We need to set a deadline and say, OK, this is when we are going to do it, and we need to have Republican leadership basically come forward and say July 4 is going to be the deadline or whatever the deadline is.

You mentioned a few things though that I just wanted to add to, if I could, when Congresswoman MINK was here from Hawaii and we talked a little bit about disclosure and the need to have disclosure. You stressed the problem of too much money in the system and the need for spending limit which I think, as much as disclosure is important, the need for spending limit is also important. And I have been very upset really to hear some of the leadership and some of our colleagues on the other side of the aisle talk about how there is not enough money in campaigns. And we mentioned before, I think, on the—in the other body Senator MCCONNELL who stated just recently we are not spending too much on politics in America. His whole notion that we are spending too much is nonsense. That is simply not the case. We are spending too much.

I mean there is a need for some kind of spending limit. I think that has to be the heart of this thing. And also again the cynicism with regard to small donors. I have people come up to me now and say, "Well, why should I contribute $5 or $10 or even $100 to the campaign?" You know, this is all big money now. This is $1,000, $5,000, $10,000, a million—you know, depending on whether it is going to a national committee or independents. This is big money; the little guy does not matter.

□ 1945

That is not true and we need to dispel that. I think that a spending limit could go far to dispel that.

What I would like to see, just my own view, not even in a bill form, but I really think that if we had a spending limit, and we said, say it was $5,000, which really is a lot of money, but that could be a limit, I just take it out of a hat, and then we say that we will use existing means, we can still have $1,000 for individuals and $5,000 for PAC's, but we have some requirement of small donor contributions, either small donor individuals, or small donor PAC's, and then we couple that with public financing. I know it probably is the case that the majority of the Members of this body are not in favor of public financing. I happen to be in favor of it.

Ms. DELAURO. Mr. Speaker, if the gentleman would yield, so am I.

Mr. PALLONE. Mr. Speaker, I think that if we take a spending limit and we then require a small amount of donations and then we still have larger donations, individual donations and PAC's, and then we have a public mechanism to match it, that would go far toward keeping the amount of money down and also making people understand that the small donations really are meaningful in this process, which I think that they are. However, again, the issue right now for us is not what the reform is going to be, but that we need to address reform.

Ms. DELAURO. Mr. Speaker, if the gentleman would yield, that is the point. We did pass a bill in this House, and then when it went over to the Senate and the current Senator from Kentucky, who is still of the view that there is not enough money in politics, filibustered it and in the last session it was turned away. In a prior session when it was passed in this House, the then President George Bush vetoed the legislation.

The fact is that we passed here spending limits. We need to limit the amount of money it takes to run for a congressional seat or a Senate seat.

There are differences with regard to public financing. I support public financing, a voluntary, that is nobody should be coerced, or the other pieces, the ban on soft money which is in the Farr bill, which I support, a ban on soft money. These are all pieces, again, the constitutional pieces, the broadcasters you can deal with. We have to get to the point where we can have a good, hard debate on these issues, and a place in which they can unfold so that we can try to come to some consensus and viewpoint as to what we ought to pass.

Without that debate, we are not going to see anything happen here. We are just going to go along and the public will be reconfirmed in their view that this body is not able to police itself or to look at ways in which the amount of money can be curtailed.

There are a number of ways in which we can go after this goal. What there has to be is the willingness and the will, if you will, or the political will, to determine that we are going to pass meaningful campaign finance reform and that we are going to take it on.

Mr. PALLONE. Mr. Speaker, I agree. The gentlewoman did mention this idea with regard to the broadcast time, and if I could just develop that a little bit more, because I think that is important. One of the proposals that has been laid out is with regard to premier time for political ads.

The gentlewoman is in Connecticut and I am in New Jersey, so we are both in the New York metropolitan area. Members who live in the New York metropolitan area know how expensive the radio and TV market is for New York. If one is in New Jersey and one is running statewide for Senate, for example, one has to contend with not only New York, but Philadelphia; in both cases very expensive markets for TV time.

So I think that when the President recently suggested linking free broadcast time to the stations' interest in some of the spectrum, or I guess it is this digital high definition television, these licenses that are now being put forth, I thought that was particularly interesting.

There was an article in the New York Times on March 13, just a few days ago, and if I could just bring out a couple of points in that. It said, "Supporters of free political ads have proposed a national political time bank into which every radio and TV station would deposit one or two hours of prime advertising time for each two-year political cycle." It says, "Based on the $500 million and the time back, the Federal Election Commission would dispense vouchers redeemable at any station. Half the vouchers would go to qualifying congressional candidates * * * Using vouchers, candidates could buy blocks of time at any station during any program, and such flexibility is critical, because different campaigns have different audiences."

The way I understand the President's proposal, he asks that broadcasters surrender time to candidates in exchange for new licenses to provide this digital high definition TV.

The President said that the free broadcast time would take the pressure off candidates to raise money, obviously, and the time bank would reimburse stations that provided more than 1 or 2 hours worth of free time using money from the stations that provided fewer.

I thought it was an interesting proposal. Again, this is something that the President put forward. We obviously can debate it. If we look at one of the reasons why so much money has to be raised, particularly I think for races in the other body, but also for many in the House, it is because of the cost of TV time in these very expensive markets. This would go far toward alleviating some of that problem.

Ms. DELAURO. Mr. Speaker, I think most campaigns, and this is across the board, if we talk to anyone on both sides of the aisle about where the bulk of their money goes in a campaign, and it is to pay for the TV costs, for the broadcast costs.

I was just looking at an article from the Hartford, CT, paper, which actually said what the broadcasters could do here in terms of what they are about to reap in profit from the sale here and the licenses is that they ought to give back something and take on some responsibility here in terms of the free air time. I think we ought to move in that direction, because the costs obviously vary in different parts of the country, but the fact of the matter is that we do run for reelection and we do have to raise money. But whenever we are listening to people, it is mostly because the volume of money that they are trying to raise has to do with trying to be on TV and to pay those costs. Even some of the solicitations from Members to folks that they want contributing to their campaigns, say such and such an amount of money will allow me to be on television so many times, so that that is where the bulk of the money is being spent. I think we need to take a very, very hard look at that and a look at the various proposals that are on the table with regard to that issue.

I think what we have to do on this is do what similarly was done with regard to the minimum wage legislation in the last session of the Congress, and that is to use every opportunity that we can on this floor to raise the issue. Some Members were engaged in that effort last week. I suspect that they will continue to try to raise the issue.

This has now been, what is it, January, February, March, and there have been letters. I do not know if it has been mentioned before, but a bipartisan list of Members sent a letter to the leadership asking that campaign finance reform be made a high priority, and so far we have seen nothing as an opportunity for us to move in this direction.

So what we need to do is to utilize the opportunities that this institution offers to raise the issue continuously so in fact we can have some meaningful dialog on this issue.

Mr. PALLONE. Mr. Speaker, I have noticed, I am certainly not an expert on it, but if we look at some other countries in Western Europe and other democracies, many of them do in fact have the free TV time or the free newspaper time or whatever. It is not an unusual thing to do that. In fact, I think it is very common in a lot of other democracies. So there are precedents for doing that, and I think we need to look at some of these precedents in deciding what kind of a forum we should make.

I guess we are running out of time, but I just wanted to finish our special order.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. Mr. Speaker, the gentleman has his special order next, so I am not going to yield to him at this time.

Mr. GEKAS. The gentleman is not going to yield to me?

Mr. PALLONE. No, I am not.

Mr. GEKAS. I feel offended. There is certain blame being cast here that I wish we could rebut at this time. I am offended.

Mr. PALLONE. Mr. Speaker, I did mention earlier this report on this task force of campaign finance reform that came out from the Citizens Research Foundation of the University of Southern California, and this is something that we could talk about and we probably can discuss more as we go on, but it is called New Realities, New Thinking. I think the one thing that it points out that I am thinking about a lot, because I think it made me rethink the whole idea of what we need for campaign finance reform, is it says that "Campaign finance today is characterized by an expanding political arena in which significant amounts of money flow in new and constantly changing ways."

This is a quote.

> We have gone from a process where parties ran campaigns to an area where candidates ran their own campaigns and now we are experiencing a much more dynamic, diffuse funding system in which a broad range of political entities, political parties, individuals, PAC's, issue organizations and others spend money in campaigns that candidates neither raise nor control.

The report indicates that these new realities, basically, raise serious questions about accountability, electoral competitiveness, the sources of campaign funds and resources. So you are thinking new realities, and what they are saying is that the nature of campaigns have changed dramatically in the last few years, with the issue advocacy, with the independent expenditures, and I think that that is the reason why there is a need for reform, because there is so much more money now and it is going in so many different ways. We do not know where it is coming from, disclosure, enforcement, all of these things that were mechanisms that we relied upon in the past where we were only dealing with our own campaigns, this is increasingly a thing of the past.

That is why the system cries out for reform. There need to be changes. We just cannot pretend that we are living with a system that we lived with 5 years ago or 10 years ago. It is not the same anymore. So that is why I think that we need to continue with our effort to say that this campaign finance reform issue has to be addressed on the floor.

I just want to thank the gentlewoman again. I know this is just the beginning of our effort to make sure that this issue is raised by the GOP leadership and that we do have the time when it is considered.

GREEK INDEPENDENCE DAY, 176 YEARS OF FREEDOM AND DEMOCRACY

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, I rise this evening to honor the spirit of freedom by commemorating 176 years of Greek independence. March 25 is Greek Independence Day, and every year I speak on the House floor to recognize this important historical event.

The significance of Greek Independence Day can never be overstated. Like the Fourth of July, it continues to remind all of us to honor freedom regardless of the price.

Mr. Speaker, I yield to the gentleman from Pennsylvania, my very good friend and colleague [Mr. GEKAS], at this point.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. We have grown accustomed to the gentleman from Florida and his repetitive and necessary emphasis on Greek Independence Day and its celebration throughout the world.

The most noteworthy part of the celebration in which Americans of Greek descent yearly participate has to do, in my judgment, with the historical partnership of the American democracy and the way our country, the United States, gained its independence, and that which followed in the 1820's when the Greek nationals began their movement for independence.

□ 2000

What was the common bond that the American institution of independence had with its later Greek movement for independence in the 1820's? It was their own Greek heritage. That is, the ideals of democracy and self-government which were first practiced by the classical Greeks were the foundation for the Jeffersons and Madisons and the Adamses and the Washingtons as they moved strenuously to bring their country into a mode of freedom. The Declaration of Independence and the Constitution that followed all were based in the authorship of the American Founders themselves, founded on the principles of classical Greek democracy, Athenian democracy.

And so 50 years later, when Greece itself felt the need to overthrow the yoke of Turkish domination, they were harking back to two historical events: First, the American independence movement and, still further back, in which both democracies had relied so heavily, the classical Greek democracy.

So how did I learn this lesson? In the parochial setting of our Greek school, church-related studies, it became evident to me that America was as much a part of the Greek revolution in 1821 as was the raising of the flag by Father Germanos and all the heroic exploits of the great generals of Greek independence.

As a matter of fact, in the city of Philadelphia, the City of Brotherly Love, the public officials of that day in the 1820's spoke mightily of the need for the international community to come to the aid of the Greek independence movement. And in fact President Monroe, on many occasions, was insistent upon American spiritual and moral and material aid for the potential overthrow of the Turkish domination of Greece.

Members of the House of Representatives in which we stand tonight were eloquent in their phraseology of freedom, just as the gentleman from Florida began his dissertation this evening, with the celebration of freedom. His predecessors and mine on the floor of the House of Representatives in the 1820's were repetitive and strongly exhortative of the movement of freedom on the Greek mainland.

So when the gentleman says, as he does rightly, that this is a celebration of freedom, it is a celebration of American freedom just as much as it is this small setting of Greek independence that arose in the 1820's. That is what makes it so extraordinarily valuable to us of Greek descent, Americans of Greek descent. Here we are, privileged enough to be Members of the Congress of the United States where our every day, our every breath is spent in trying to improve our country, the United States. And it happens that our heritage, the parents that we had who came from another world and from another era, were able to inculcate in us the spirit of freedom and independence and democracy which they and their forefathers knew so well in their country of origin, and then they make sure that we in our education, in our commitment to faith, in our interrelationships with our fellow Americans, that we never forget that the spirit of freedom that began with that wonderful Athenian democracy can be practiced by their sons and daughters on the very floor of the most, the strongest station of freedom that the world has ever known, the Congress of the United States.

I thank the gentleman for yielding to me.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman. He is always so very eloquent on all subjects, I might add.

I now yield to the gentleman from New Jersey [Mr. PAPPAS], one of our newest Members of the House, very welcome here.

Mr. PAPPAS. Mr. Speaker, I proudly rise today and join my distinguished colleague and dear friend from Florida in recognizing the great achievement of the 176th anniversary of Greek independence from the Ottoman Empire.

Over 200 years ago, America's Founding Fathers turned to Greece, the birthplace of democracy, as an idol in setting the course as a new nation. It was only fitting that Greece in turn look to the United States 50 years later as a role model for democratic government after struggling under the oppressive Ottoman Empire.

Living under the rule of the Ottoman Empire fostered a revolutionary spirit in its people who had been subjected to decades of slavery, abuse, and cultural deprivation. It is this spirit that we recognize today. We recognize the spirit of Greeks that have gone on before, the Greeks that have brought so much to this country and those Greek-Americans living here today.

A well-known Greek revolutionary who was burned alive by the Turks said in one of his famous poems that "I would rather live free for one hour than suffer slavery and imprisonment for 40 years."

The United States-Greek relationship is among our strongest. Greece has fought by the side of the United States in numerous tests throughout the years. Both countries share a passion for freedom. Greece has sent some of its brightest to the shores of America to pursue dreams in this, the land of opportunity.

My grandparents emigrated to the United States of America early in this century. My mother's parents, Stelios and Olga Macaronis, were born in a village called Atsiki on the island of Lemnos in the Aegean Sea. My paternal grandmother, Anastasia Pappas, was from Athens, and my father's father, whose name was Mike Pappas, was born in Smyrna, which is now part of Turkey.

They worked hard to learn the language and supported a growing family. They became U.S. citizens. They started businesses. They had children and, yes, they had grandchildren. One of these grandchildren today is a Member of the U.S. Congress.

The United States has given our Greek-American family the opportunity to see these dreams come through. As a Member of this Congress, I share the responsibility to ensure that the opportunity for the realization of these types of dreams will always be possible for others.

Winning the election last year to the U.S. Congress was a great responsibility or is a great responsibility and honor. However, in reading the papers the day after the election, my favorite pictures are not the ones with me and my supporters at the election celebration. It was the pictures of me taking my grandmother, Olga Macaronis, to vote just as I have done for many years.

My grandmother, Olga Macaronis, is 94 years old today, and I do not think that she has ever missed an election in her many years since becoming a citizen. While taking her to vote to the polls, you can sense her sense of civic duty. I guess the respect and sense of responsibility rubbed off on me, and that is part of the reason why I became involved in public service.

Another great quality that you cannot help but notice within the Greek-American community is its strong entrepreneurial spirit. Not only strong businesses but strong families, churches, and communities.

The reason I come to the well of this Chamber and talk a lot about tax relief, regulatory relief, small businesses, and balancing our budget is because of the basic commonsense upbringing that I had in a small business with my dad, Jim Pappas, or talking to my friends like George and Peter Stavrianidis. The tight interrelationship between family, friends and community businesses is critically important to all Greek Americans.

As a new Member of Congress, I am very honored to see so many leaders on both sides of the political aisle recognize the significance of the United States-Greek relationship. I hope to add to this as the newest Member of this Congress of Greek descent.

Greece has survived through a lot of turmoil over the years and has reached maturity because of its people: proud, God-fearing, freedom-loving, and, yes, peaceful. And that has nourished and upheld the ideals on which their modern nation was conceived on March 25, 1821. It is this heritage that we, the thousands of Greek-Americans, bring to the United States of America.

I want to thank my colleague and friend from Florida, chairman of the Hellenic Caucus, for the opportunity to address this issue which is so close to my heart.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for doing so very well.

The Greek struggle for independence, as has already been related by Mr. GEKAS and Mr. PAPPAS, is filled with stories of heroes and acts of heroism. It is the story of the Hydriots, seafarers who broke the Ottoman naval blockade. It is the story of Bishop Germanos of Patras who raised the Greek flag at the Peloponnese Monastery of Agias Lavras and cried out, Eleftheria I Thanotos, liberty or death.

It is the story of Philhellenes, like Lord Byron, who gave his life for this cause. It is also the story of U.S. President James Monroe, who said the following in his 1822 State of the Union Address, and I quote:

> The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret to generous minds for ages past. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

These acts of courage, Mr. Speaker, and the words of President Monroe serve to highlight an important bond between America and Greece: the love of freedom. Like our Founding Fathers, the Greek people sought the right to govern themselves and to determine their own destiny. They felt that there is nothing more precious than freedom and democracy.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just want to begin as I do every year, by thanking the gentleman from Florida [Mr. BILIRAKIS] for organizing this hour to honor the anniversary of Greek independence day. As you know, he is the chairman of the Hellenic caucus. He works tirelessly and is an outspoken champion really of Greek-American relations. I thank him for his tireless effort to strengthen the ties between our two countries.

I just wanted to say, many of us here in Congress are staunchly committed to preserving and strengthening the ties between the Greek and the American people. It is very important. I think sometimes people diminish the significance of these commemoratory evenings as we are having now, but I think it is very important that we speak out and talk about Greek independence day and talk about the ties that bind the Greek and the American people.

I usually try to find a quote for this occasion. And I just wanted to mention, I found one from Daniel Webster, who just 2 years after the Greek people began the revolution that would lead to their freedom, mentioned, and this is a quote, he talked about the oppression that the Greeks were having to deal with under rule by the Ottoman Empire and he said, and I quote, "This, the Greek people, a people of intelligence, ingenuity, refinement, spirit and enterprise, have been for centuries under the atrocious and unparalleled barbarism that ever oppressed the human race."

If you think of Congressman Webster's words in describing the Greek people, intelligence, ingenuity, refinement, spirit and enterprise, they are certainly no less apt today as they were when he said those words, I guess it is, I do not know how many years ago. I am sure it is over 100 years ago now.

The other thing that I think we need to point out and we have and Mr. BILIRAKIS has many times is how Greece has been a staunch military ally of the United States in World War I. In War II, when Hitler's war machine was decimating Europe, Greece joined the United States to repulse perhaps the greatest threat to freedom the world has ever seen.

We hear about the historic battle of Crete in which the spirit of the Greek people forced Hitler to delay his planned invasion of Russia, one of the most important battles of the Second World War. Of course, in the aftermath of the Second World War, Greece became a NATO ally and has been to this day joining forces with the United States and played no small role in preserving and protecting the freedoms enjoyed by an unprecedented number of the world's people.

The other thing that I think about is the contribution that Greek-Americans have made to this country. If you think about Webster's words again, these values that have guided the Greek Americans to the top of some of the Nation's most competitive professions, law, the arts, entertainment, the sporting world, education and medicine and, of course, government, we see so many Greek-American Congressmen here tonight and in the Congress, but perhaps the most enduring of Greek qualities is that of endurance itself.

The Greeks gave the world democracy, and today the world is as free as it ever has been. There are more democracies now than there ever have been, I think, historically. Four hundred years of control by the Ottoman Empire could not, as Webster observed, overcome the Greek people's determination to be free. And this is no less advisable in modern times.

□ 2015

I just wanted to mention Cyprus, because for almost 23 years now Greece has stood firm in its determination to bring freedom and independence to the illegally occupied nation of Cyprus. Like their forefathers, who were under the control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. And I believe they will, and the United States will be by their side in both the fight to secure that freedom and the celebration to mark the day when it finally arrives.

I want to say in conclusion, again, to congratulate the Greek people for 176 years of independence, thank them for their contributions to American life, and thank the gentleman again, Mr. BILIRAKIS, for making sure that we do this special order every year on a regular basis.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for again joining in this special order, this remembrance and this celebration.

Mr. Speaker, I would like to say at this time that the gentlewoman from New York [Mrs. MALONEY], my cochairman of the Hellenic caucus, was on the floor, but she took ill and had to leave and asked me to insert her remarks in the RECORD, and I do miss her attendance here today and her participation.

But Mr. Speaker, the gentleman from California [Mr. FILNER] is with us today and I would recognize him at this time.

Mr. FILNER. Mr. Speaker, I thank the gentleman, and like the previous speakers, I thank Mr. BILIRAKIS for this annual special order in which we take some time to remember our relationship and our debt to the people and the nation of Greece. It is a privilege and an honor to participate with him.

We all know that March 25 will mark the 176th anniversary of the struggle that ultimately freed the Greek people from the Ottoman Empire. Back then, in 1821, the Greeks raised the flag of revolution against 400 years of Turkish rule and began a series of wars that lasted a full decade and resulted in freedom for the nation of Greece.

We look to Greece for many of our cultural attributes, whether it is science, literature, art, architecture, philosophy. For over 2,000 years we have looked to Greece for inspiration.

Before I entered this Chamber, Mr. BILIRAKIS, I taught a course on the history of science at the university level; spent a good part of that course on the contributions of ancient Greece.

It was in the 6th and 5th century B.C. that the Athenians and the Greeks living in the Ionian cities for the first time asked rational questions about the natural world we live in and demanded rational answers. Whether it was on the structure of the universe or the nature of the human body, they invented what we call science. The process that they began back then, in fact, became the most productive and the most profound method of trying to discover truth in the world, and we owe the Greeks that.

We look at Greeks, of course, foremost for the model of democracy that they gave us. I think every democratic nation on earth, past and present, has owed a debt to the Greeks, who said that human beings can rule themselves. We have the capacity, we have the intelligence to, in fact, rule ourselves. We do not have to look at kings, we do not have to look at outside forces. We can do it ourselves.

As the gentleman knows, there was some debate earlier on spending limits. I think the Greeks might have laughed at that. They believed, in terms of their democracy, that everybody who was a citizen could serve in their assembly or other offices, and they chose their leaders each year by lot, by random selection. There were no campaigns for office that they had to put campaign spending limits on. Term limits were also built into their system. An individual served for a year and then returned to their job, and it seemed to work very well, at least for the cities of Greece at that time.

Our Founding Fathers certainly looked to the Greek model of democracy as they drafted our Constitution. During World War II, as we have heard, Americans and Greeks stood shoulder to shoulder in the battlefields of Europe as we fought for freedom. And certainly in recent years Americans and Greeks have watched with pride as nations all over the world have rejected tyranny and embraced the democratic ideals we both share. Americans and Greeks alike understand the importance of supporting the seeds of democracy around the world and working toward a day when everyone is permitted the rights and liberties that our country so cherishes.

Mr. Speaker, Greek Independence Day celebrates the fight against oppression and the struggle for freedom. We thank the gentleman again for helping us to remember that each year. This weekend when I go back to San Diego, I am proud to be joining the Greek community in my hometown for a grand celebration of Greek Independence Day, and I wish the entire Greek-American community a joyous celebration of Greek and American democracy.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his very profound remarks and for participating in this special order. And I suppose maybe the most draconian but possibly best form of campaign reform might be the lot process. I am not sure whether we would all agree that that is the way we should go.

Continuing on, Mr. Speaker, at one time or another we have all read the passionate and stirring words of our American patriot Patrick Henry. It was 222 years ago on March 23, 1775, that Mr. Henry admonished all of history when he proclaimed, and I quote, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death." We all learned that certainly in our schooling.

This same yearning for freedom, Mr. Speaker, would echo throughout the hearts and minds of every Greek patriot fighting for liberty. As these Greek freedom fighters boldly challenged Ottoman-Turk domination, they too proclaimed the defiant battle cry, "eletheria I thanatos!" Liberty or death.

During this battle for freedom rose the exceptional figure of Demetrios Ypsilantis. In 1825, Ypsilantis, along with 300 soldiers, defended the Castle of Argos for 3 days against an army of 30,000 Turks. After they had exhausted their ammunition, Ypsilantis, along with his 300 men, secretly escaped through Turkish lines without any losses.

This brave feat moved the whole world. The story reached as far as the United States. In fact, so inspired were the inhabitants of a new town in Michigan that they decided to name the town after Ypsilantis. Today the town of Ypsilantis, MI, has 30,000 people and a statue of Demetrios Ypsilantis still stands next to the old water tower.

This epic account certainly illustrates the common bond and heritage that both the United States and Greece share. The relationship between our two countries is based on mutual respect and admiration.

Like many Americans, Mr. Speaker, I am the son of immigrants who taught me a great love for the United States. I am proud that the values of freedom and democracy that we as Americans hold so dear originated in ancient Greece. We are all reminded that these democratic principles born so long in Greece were embraced by our Founding Fathers. Others have said this. It is an example of the ancient Greeks that we recognize each March the 25th.

We also celebrate the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy lives on. Many today continue to give their lives in order to defend its principles. We owe it to those defenders of democracy that we honor the freedom and independence of Greece on the floor of the House of Representatives here tonight, the world's greatest hall of democracy. In doing so, I think that we reaffirm the democratic heritage that Greece and the United States have shared throughout the years.

These principles are not uniquely Greek or American. However, our battles for democracy have given courage to the rest of the world. Freedom and independence form a legacy that we cherish and have a responsibility to protect and to defend. We must ensure that the light of liberty shines bright throughout the world. Wherever it is not, we have a responsibility to share our example.

Unfortunately, today liberty is not shining in all parts of the world. One need only to look at the current civil unrest in Albania or the dictatorship in Cuba to realize that more work must be done. While the Berlin Wall has been dismantled and Russia has been opened to the world, the Nicosia wall continues to divide the country of Cyprus.

Mr. Speaker, we must stop this senseless division. A divided Cyprus only serves to fuel more tension between Greece and Turkey. In fact, Secretary of State Madeleine Albright, in her own testimony before the House Committee on International Relations stated that, and I quote her words, "The dispute divides more than two Cypriot communities; it continues to act as a wedge between two NATO allies, Turkey and Greece. In doing so, it threatens European stability and our vital interests."

According to Secretary Albright, the United States, and I quote her, "Is prepared to play a larger role in promoting a resolution to the conflict."

As lovers of freedom, Americans cannot continue to tolerate the aggressive behavior of Turkey, which still suppresses the light of liberty in Cyprus. As we celebrate democracy today, let us remember that our fight is not over; that more work must be done, but that together we can ensure that freedom and democracy comes to Cyprus.

Mr. HORN. Mr. Speaker, this is the 176th anniversary of Greek independence, following 400 years of control by the Ottoman Empire. As the birthplace of democracy, America has a special debt to Greece.

America is committed to Greece as an ally in the fight for freedom and democracy. That commitment was renewed by the Truman doctrine and more recently within the NATO community.

America also is indebted to the great service of the Greek-American community, including Members of this House such as Congressman BILIRAKIS.

Ms. PELOSI. Mr. Speaker, I rise today to join with my colleagues to pay tribute to Greece, a nation that has contributed much to the civilized world. On March 25, we celebrate the 176th anniversary of Greek independence.

It was on this day in 1821 that, as one of the stories goes, Bishop Germanos of Patras declared in St. George's Square "Eleftheria I(ee) Thanatos": Freedom or death. The phrase became the battle cry of the Greeks and all who came to their aid in the ensuing revolution to end 400 years of Ottoman rule.

More than 2,000 years after it brought forth the concept of democracy, Greece would begin its long struggle for independence, and the right to claim for itself that which it had so selflessly given to the rest of the free world: governance by the people. It is the etymology of the word "democracy": "demos" meaning people, "kratos" meaning state, hence the people's state.

Half way around the world, another young nation was in the midst of its growing pains. The United States of America, barely 45 years old in 1821, was putting into practice, the principles of ancient Greece. The ideals of Greek democracy were not lost on our forefathers who drew inspiration from the ancient traditions. "To the Ancient Greeks," said Thomas Jefferson, "we are all indebted for the light which led ourselves out of Gothic darkness."

Time and again, the Greeks have shown themselves to be fierce protectors of democratic ideals. During World War II, in the mountains of northern Greece, shepherds turned rebel fighters used the terrain and meager arms to baffle the Axis and slow the Nazi march into the Balkans. One in seven Greeks died for freedom during the war.

In times of peace and prosperity too, the contributions of the Greek community are immeasurable. Greek-Americans have played a significant role in all aspects to American life. Here in this Chamber, the children of Greek immigrants have brought their legacy and inspiration, and have made this place a better one for their contributions. The social fabric that is San Francisco would be less vibrant, less vital were it not for the presence of the Greek-American community which has worked tirelessly in the best interests of diversity.

Mr. MEEHAN. Mr. Speaker, I rise today in celebration of Greek independence from the Ottoman Empire. March 25, 1997, will mark the 176th anniversary of the start of Greece's struggle for independence. A historic series of uprisings against the Greek's Turkish oppressors began on this day. Soon the nation would erupt into a revolution attracting international attention and support.

The struggle of the Greek people against the Ottoman Empire exemplifies the remarkable ability of a people to overcome all obstacles if the will to endure is strong enough and the goal, freedom, is bright enough.

Today, the United States of America represents what we know as true freedom and democracy. Although no nation is perfect in its policies, America is still considered the standard by which citizens around the world compare their own governments. People living under oppressive regimes have looked to the United States for generations to gain strength in their struggles to overcome their oppressors.

The parallels between the two countries, the United States and Greece, are remarkable. American political thought was influenced just as much by Greek philosophy as the Greek revolution of 1821 was inspired by the American fight for freedom in 1776. In fact, Greek intellectuals translated our Declaration of Independence and used it as their own declaration. The incredible historical struggles we share have created a bond between our two nations that goes far beyond present day foreign relations, trade agreements and security pacts.

Mr. Speaker, I am proud to represent a large and active Greek community in the Fifth District of Massachusetts. As a supporter of issues of concern in the Greek-American community, I would like to recognize this population and their interests. Greek civilization touches our lives as Americans, and enhances the cultural existence of this great Nation.

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to the 176th anniversary of Greek Independence Day, which is on March 24. I use this occasion not only to mark Greek independence, but also to celebrate the unique relationship that exists between the Greek and American peoples.

As almost every school child knows, modern democracy has its roots in the ancient Athenian system of government that was developed over 2,500 years ago. While the democratic ideals developed during this time did not always rule in Greece, the writings of its leaders and philosophers have influenced generations of people in almost every country around the world.

Among those who were influenced by ancient Greek philosophers was American Founding Father Thomas Jefferson, who taught himself how to read Greek at an early age. In his adulthood, Jefferson called upon his knowledge of the Greek tradition of democracy when writing the Declaration of Independence and other important works, which were a catalyst to American independence from the British. Years later, Jefferson's writings helped inspire the Greek people to rise up and successfully win their independence from the Ottoman Empire—the very event that we celebrate today.

This close and symbiotic relationship continues to this day. Greece is one of the only countries to have supported the United States during every major international conflict this century, and it plays a vital role in the North Atlantic Treaty Organization. The United States, in turn, has worked to bring a peaceful solution to the situation on the island of Cyprus, which was brutally invaded by Turkey in 1974.

Mr. Speaker, I am proud to join my colleagues in celebrating Greek Independence Day. I salute the Greek people for having the courage to break the bonds of oppression 176 years ago and I look forward to continued cooperation between our two nations. Finally, I would like to salute my distinguished colleague from Florida, Mr. BILIRAKIS, for arranging this special order today.

Mr. WELDON of Pennsylvania. Mr. Speaker, in commemoration of March 25, 1997, the 176th anniversary of Greek independence from oppressive Ottoman rule, I would like to acknowledge and honor the tremendous contributions that the Greek people have made to the world. The invaluable scientific, philosophical, and cultural gifts of the Greek people are countless, and all have come in spite of the historical adversity this determined nation has faced.

March 25, 1821, marked the Greek Declaration of Independence, a day ending almost 400 years of subjugation and persecution at the hands of the Ottoman Empire. Deprived of civil rights, as well as access to the educational and religious institutions for which they were famous, the Greeks waged a valiant war of independence to reacquire for themselves the vital rights they themselves had established for the rest of the world to enjoy.

The hard-won victory for independence has been followed by continuous adversity which the Greeks have repeatedly overcome and still been able to thrive. Greece has been a true friend to America and has aligned with the United States for every major conflict in the 20th century. This loyalty and dedication to the tenets of freedom did not come at a cheap price—over 600,000 Greeks lost their lives in World War II while fighting against the Axis Powers. Since that time, Greece again unflinchingly sided with the forces of democracy by joining the North Atlantic Treaty Organization [NATO] in 1952 in spite of Soviet threats of dire consequences for such action.

Greece continues to inspire the rest of the world with its persistent dedication to democracy and freedom, and it has particularly blessed the United States with 1.1 million Americans of Greek ancestry who continue to exemplify the importance of family, education, and hard work. Born right here in our Nation's Capital, Pete Sampras, the No. 1 tennis player in the world, is but one Greek-American whose work-ethic and determination epitomizes the rich heritage for which all Americans should be thankful.

I am proud to represent the many Greek-Americans living in the Seventh Congressional District of Pennsylvania and contributing to the diverse culture we enjoy. These hard-working families demonstrate the values and cohesion to which all Americans aspire.

As we look to March 25, let us bear in mind the tremendous sacrifices made by Greece and appreciate the democracy that we, as Americans, enjoy in large measure because of Greece's role as the birthplace of democracy.

Mr. MANTON. Mr. Speaker, I am proud to join my colleague and friend, Mr. BILIRAKIS, to mark the 176th anniversary of the revolution liberating the people of Greece from the nearly 400 years of domination by the Ottoman Empire.

We, as Americans, owe much to the country of Greece. The very foundation of our form of Government and the freedoms we enjoy are based upon the democratic teachings of early Greece. The Greek culture has played a crucial role in fostering freedom and democracy throughout the world. In the great words of Charles Eliot Norton, "A knowledge of Greek thought and life, and of the arts in which the Greeks expressed their thought and sentiment, is essential to high culture."

The relationship between Greece and the United States is one based on mutual respect and admiration. This is illustrated in Greece's national anthem, ""* * * There was heartfelt joy in the land of Washington remembering the chains which had tied them too." Our Founding Fathers and the American Revolution served as ideals for the Greek people when they began their modern fight for independence in the 1820's. The Greeks translated the United States Declaration of Independence into their own language so they could share in the same ideas of freedom as the United States.

Mr. Speaker, the relationship between the United States and Greece has continued and thrived in modern times. Greece is one of only three countries in the world that has been allied with the United States in every international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis Powers during World War II. Many Greek soldiers continued their fight for freedom and democracy after World War II when they fought against Communist rebels who threatened the liberty of the Greek people, however, the Greeks were successful in ensuring the stability and strength of democracy in their victorious nation.

On this occasion of commemorating the unique and historic relationship between the United States and Greece, I invite my colleagues to join me as a Member of the Congressional Caucus on Hellenic Issues. It is an excellent chance for Members to work together in a bipartisan manner on issues which effect all Greeks and Greek-Americans.

Mr. Speaker, I intend to continue my strong commitment to the Greek Community on issues which effect them, including the permanent solution of the Cyprus problem; promoting a positive relationship between Greece and Macedonia; as well as ensuring that the countries of Turkey and Albania cease their infringement on human rights and violations of international law.

Mr. Speaker, I urge my colleagues to join me in celebrating the strong friendship between the people of the United States and Greece and pay tribute to the important contributions the Greek culture and Greek-Americans have made throughout the world.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate the 176th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and the United States. I thank my colleague from Florida, Congressman BILIRAKIS, for organizing this special order and for his leadership on issues of importance to the Greek-American community.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people who fought so hard for independence 176 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the United States and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

And the contribution Greece makes to life in America is even stronger than the ties between our two countries. Greek-Americans are a vital part of our cultural heritage. My district in New York would not be what it is today without the valuable contributions made by the Greek-American community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contribution Greece and Greek-Americans have made to our country.

Mr. LOBIONDO. Mr. Speaker, I rise as a member of the congressional caucus on Hellenic issues to again recognize Greek Independence Day. This is a day to honor the sacrifices made by the Greek people over hundreds of years in their struggle against the oppressive rule of the Ottoman Empire.

This day also reminds us that Greece and the United States share much in common, including the 1.1 million American citizens who are of Greek ancestry. I am pleased to join New Jersey's Greek-American citizens in their celebration.

Many artistic and intellectual traditions have been handed down to the people of the United States of America by the people of Greece. Our Nation is richer for these traditions, and we remain grateful to Greece.

The ties that bind America to Greece are not only historical, but also modern. Americans have fought side by side with Greeks in two world wars as well as in the Persian Gulf war. Today, Greece is our invaluable ally in the North Atlantic Treaty Organization. I call upon President Clinton and the Secretary of State, Madeleine Albright, to make Greece—and the protection of Greeks in Cyprus and Turkey—a primary focus of United States foreign policy.

Mr. Speaker, in closing, I would ask all Members of the House to join with me in honoring the historical ties between the United States and Greece and in continuing to foster the close relationship between our two countries that has proven so successful.

Mr. LAFALCE. Mr. Speaker, I rise today to commemorate Greek Independence Day—a national day of celebration of Greek and American democracy. March 25 marks the 176th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

An historic bond exists between Greece and America, forged by our shared democratic heritage. America is truly indebted to the Ancient Greeks for giving the world the first example of democracy. As this neoclassically designed building provides a protected place for our own democratic government to flourish, the philosophical and democratic influences of the Ancient Greeks provides the inspiration. It is therefore fitting that Members of this Chamber join in paying tribute to the long struggle for freedom that Greece endured.

On March 25, 1821, when Germanos, the archbishop of Patros, proclaimed Greek independence, another link between Greece and the United States was forged. The American Revolution served as a model for the Greek struggle for freedom, and the Declaration of Independence, translated into Greek, served as the declaration of the end of the Greek struggle in 1830.

The interconnection between Greek and American democracies lies not only in the philosophical underpinnings of our government, but in many areas of American life. The English poet Percy Bysshe Shelley once said, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece." The tremendous influence that Greece has had on American life continues today through the activities of the dynamic Greek community in America. In every field—politics, entertainment, business, and education—Greek-Americans continue to make a valuable contribution to American life.

I am honored to pay tribute to the Greek community on the anniversary of their independence day.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today is a great day in Greece's history for we are once again celebrating the independence of Greece, one of our Nation's closest allies. I want to commend the gentleman from Florida, for assembling this special order and for organizing the congressional caucus on Hellenic issues. I am pleased to be part of an organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and our constituents of Hellenic descent.

It is time to celebrate the beginning of Greece's struggle for independence from the oppression of the Ottoman Empire. The people of Greece began their struggle for freedom on March 25, 1821. The colonists of America offered an example to Greece in the struggle against oppression, and, also, Athenian democracy was an inspiration to our revolutionary heroes.

Today, we honor the ties between these two countries. Each day that we meet is a celebration of the debt America owes to Greece for founding the idea of democracy. We pay homage to this every day when we meet and debate and vote and freely share ideas.

Furthermore, there is much to be attributed to the hard work of the sons and daughters of Greece who have come to the United States have made a tremendous impact on their communities.

In my State of Rhode Island, there are incredibly strong and productive Greek communities. Since the turn of the century, Greek immigrants have settled in Providence, Pawtucket, and Newport, RI. There they built businesses, neighborhoods, churches, schools, and raised families. Rhode Island is richer because of all they have given.

Today, we celebrate what Ancient Greece gave to the founding of our Nation, the success of the Greek Independence movement, and what Greek-Americans have devoted to the development of the United States. I thank my colleagues for all of their hard work in making this special order possible and look forward to further work with the Hellenic caucus.

Mr. GILMAN. Mr. Speaker, I'm pleased to be able to rise to speak on this occasion which marks a day of historical significance for Americans and all who revere the blessings which a democratic way of life have afforded us. I thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order, and I wish to let him know how much we appreciate his efforts in the House to keep Hellenic issues before us.

On March 25th, Greece will celebrate the 176th anniversary of its declaration of independence from foreign domination. We revere and honor the contribution that Greek civilization has made to our democratic traditions.

The cause of Greek independence and the adherence of the Greek nation to the path of democracy and true respect for the will of the people to determine their political course has always been dear to the hearts of democrats (with a small d) everywhere. Modern Greece rekindled the flame of democracy that first burned in the hearts of the citizens of ancient Athens when it threw off the tyrannical yoke of the Ottoman overlords in 1821, an act that inspired all the peoples of Europe and this hemisphere.

Mr. FROST. Mr. Speaker, I am pleased to again rise in support of our annual special order in recognition of Greek Independence Day.

Today, as we pay tribute to the movement for Greek independence that began 176 years ago, I would like to espouse the importance of this island nation to the lives of all Americans. Greece has been called the birthplace of democracy, having contributed much to the structure of our society and to the establishment of this very institution. While today we may take it for granted, the concept of majority rule with full respect for the rights of the minority was first developed in ancient Greece. This notion is deeply embedded in our own Declaration of Independence and Constitution.

Today, as we struggle with problems and crises that were unimaginable two thousand years ago, we are guided by the philosophies of ancient Greece.

Of course, the influence of Greece continues to this day. Here in the United States and throughout the world, Greek-Americans continue to make significant contributions to all aspects of our culture.

So, in recognition of all of the achievements and contributions the Greek people have made to this country and toward the betterment of the human race, I salute Greece in their celebration of independence and freedom.

In particular, we in America are gratified by Greece's role as a close American ally, and by the contribution that the Greek-American community makes to this country—and we only have to look around this chamber to see our members of Greek heritage with whom I know we are all proud to serve. We also appreciate the role that Greece plays as a stable anchor in the heart of the turbulent Balkans as anarchy wracks its neighbor to the north, Albania.

Mr. Speaker, we look to Greece to continue to play the strong and responsible role it has played in assuring that the Aegean and eastern Mediterranean remain a region of peace and stability. I trust that our government will also continue to support a free, prosperous, and strong Greece. I urge all our members to join in wishing the people and government of Greece our best wishes and heartfelt hopes for a bright future.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to join with my colleagues to celebrate the 176th anniversary of Greek Independence Day, a day in which the United States and Greece share our democratic ideals. Our mutual respect for freedom and liberty dates back to the late 18th century when our Founding Fathers looked to ancient Greece for direction in writing our own Constitution. Benjamin Franklin and Thomas Jefferson persuaded a noted Greek scholar, John Paradise, to come to the United States for consultation on the political philosophy of democracy. As a result of this earlier friendship, the Greeks adopted the American Declaration of Independence as their own, sealing a bond which has endured between our two nations ever since.

For Greek-Americans and those who practice the Greek Orthodox faith, March 25 marks the date when in 1821, the Greek people rose against four centuries of Ottoman rule. Under the leadership of Alexander Ypsilanti, the Greek people fought valiantly in pursuit of freedom and self-rule for eight years. Finally, in 1827, the Allied powers lent support to the Greek effort. In 1829, not only did the united forces defeat the Turks, but the Greek people also gained recognition of their independence by the very power that had oppressed them since the Fifteenth Century.

The Greek people continued their struggle against the threat of undemocratic regimes into the 20th century. At the height of World War II, when it appeared that Nazi forces would soon overrun Europe, the Greek people fought courageously on behalf of the rest of the world—at a cost of a half a million lives. The Greek people dealt a severe blow to the ability of the Axis forces to control the Mediterranean and sealed off the Black Sea which helped to turn the tide of World War II.

Today, Greece is still threatened by outside forces and knows too well that freedom and independence come at a price—vigilance. While March 25 marks Greece's accomplishment as an independent nation, it also symbolizes the Greek people's continued defense of democracy, an idea given birth by the great philosophers in Athens more than 2,500 years ago. Greece's presence as a free and lasting democracy in an often unstable region of former totalitarian states is one reason why some of the infant democracies of the Balkans may yet survive and flourish. In fact, just this week, the Greek government sent humanitarian aid to her strife torn neighbor, Albania. Greece remains a shining example of democracy in the Balkans.

Once again, I am grateful for the opportunity to join my colleagues and my constituents in observing this very important celebration. Each March, I remember where America's own democratic principles were derived, and I honor the invaluable contributions Greek-Americans have brought to this country. The more than 700,000 Greeks who have come here, have benefitted us with a stronger, civilized and more cultured heritage. Mr. Speaker, I salute Greece and Greek-Americans for their outstanding achievements and their commitment to the ideals of freedom.

Mr. DOYLE. Mr. Speaker, I rise today in support of Greek Independence Day.

Throughout the 20th century, Greece has stood strong, first in the face of imperialism during World War I, then against the Fascist incursion of the Axis Powers during World War II, and finally in facing down the Communist threat during the cold war.

The shared victory of Western democracies in defeating communism would not have been possible without the dedicated participation of Greece. Also, as Americans, we must continue to recognize the pivotal role played by Greece in meeting our goal of maintaining and enhancing the economic and political stability of Europe and the Mediterranean.

Greece continues to stand firm as a bulwark of stability in an otherwise volatile region. Just today, Prime Minister Costos Simitis has called for a summit of Balkan leaders to deal with the crisis in Albania. It is this type of action—working for regional stability when it is most needed—that clearly demonstrates the important role the people and Government of Greece continue to play in the modern world.

Again, I congratulate the people of Greece on their ongoing positive contribution to peace and democracy throughout the world, and wish them all the best on their independence day.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community to celebrate the 176th anniversary of Greek independence.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek-Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Clair Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

Mr. COYNE. Mr. Speaker, I rise today to join in this special order commemorating Greek Independence Day.

In 1821, 176 years ago, the Greek people undertook a prolonged, uncertain, and painful struggle to win their independence. The cause of Greek independence required nearly 10 years of courage, persistence, and sacrifice. The price of freedom was very heavy. In the end, however, the Greek people were successful in winning their freedom and establishing an independent nation.

Congress recognizes Greek Independence Day because we believe that it is important to commemorate the struggle of the Greek people to secure the right of democratic self-government. This triumph in itself is significant as a testament to the importance of freedom, but given the special place that Greece holds in world history as the birthplace of democracy, the story of the 19th-century Greek struggle for independence takes on added poignancy. Congress also recognizes Greek Independence Day because the concepts of personal liberty and self-government that were developed in ancient Greece were subsequently adopted by 17th- and 18th-century philosophers and formed the basis for the political beliefs that fueled the French and American Revolutions.

Greece and the United States have much in common. Greece and the United States can each legitimately claim to be the cradle of democracy. Each country's legacy inspired patriots of the other country in their struggle for independence. And each country has had an important influence on Western culture and modern intellectual thought. Moreover, both the Greek and the American people share many common qualities—qualities like energy, creativity, entrepreneurship, and courage. It should, then, come as no surprise that Greek Independence Day is being observed today in the U.S. House of Representatives. I am pleased to join my colleagues and our country's Greek-American citizens in celebrating Greek Independence Day.

Mr. BLUMENAUER. Mr. Speaker, I rise today to offer my congratulations and support to the nation of Greece and Greek descendants everywhere in the celebration of Greek

Independence Day. As a nation that has played and continues to play a dramatic and important historical role, Greece deserves our every respect and admiration on their day of independence.

Ancient Greece served as a model for many ideas that have transformed the world for the better. Two of those ideas, democracy and the Olympic games, serve to bring people together in the spirit of friendly debate and competition, and bring out the best in everyone involved.

When our Founding Fathers looked to the lessons of the ancients and their system of government in order to build a government that could both respond to the people's concerns and stand the test of time, they used the Greek system of government as their primary inspiration. When Thomas Jefferson wrote "I consider the people who constitute a society or nation as the source of all authority in that nation," he was building on the example that the ancient Greeks set over 2,000 years ago.

This body's bipartisan retreat last weekend in Hershey, PA, was certainly an example of where the Greeks inspired us to work together. The Olympics have always been an opportunity for athletes to put aside their differences and compete honestly and in the spirit of fair play. Our work together in Hershey was an effort to bring that way of thinking back to this body, and I'd like to think that the spirit of the Greeks watched over us at that retreat and guided our actions to produce better and more civilized debate about the issues that we are working on.

I represent a large number of Greek descendants, and the Greek community is a very active one in my hometown of Portland, OR. Their contribution to our culture and our community is an overwhelmingly positive one, and it is one I enjoy taking part in every year. Today, I am happy to honor not only the members of the Greek community in my district, but around the State of Oregon and the nation, by celebrating their nation's independence day.

Mr. BLAGOJEVICH. Mr. Speaker, on behalf of the 200,000 Greek Americans of Chicagoland, I am proud to pay tribute to the 176th anniversary of Greek Independence Day. Theirs is a rich heritage to be celebrated by all Americans and those who enjoy the freedoms of democracy across the world.

Greek-Americans have played a vital role in shaping the progress of the city of Chicago. Their leadership in areas including commerce, civics, the arts, and education has extended far beyond the benefits of their historic legacy of democracy. They are good neighbors and citizens who share a culture for which Chicagoans hold the deepest affection. Recently undergoing a wonderful restoration to host America at the Democratic National Convention, our city's Greek Town community has come to be nationally renowned for its authenticity and devotion to ethnic tradition.

And while I am proud to be a part of a Nation that recognizes the contributions of Greek-Americans and the fundamental significance of this historic day, I am quick to remember that this is a spirit to which we must be true each and every day. A spirit that must never be forgotten or taken for granted for a single moment. Ironically, Greece is one nation that knows this only too well.

For over 20 long years, the world has shared the outrage felt by the residents of Cyprus whose land has been illegally occupied by Turkish forces, and shared the pain of the families of the 1,619 Greek Cypriots who are still missing from the invasion. In the midst of our celebration of the freedoms we enjoy as a result of Greece's contributions to society, we must not overlook this issue.

In honor of all those who have struggled in the cause for democracy, I ask that we renew our commitment to reaching a fair resolution to the conflict in Cyprus.

Until then, I wish all of the Greek-Americans of Chicago and across the Nation a very happy Greek Independence Day. On this and every day, their invaluable contributions to our society will not be forgotten.

Mr. ACKERMAN. Mr. Speaker, I rise today to join in recognition of the 176th anniversary of the independence of Greece.

Greek Independence Day, which is celebrated in a variety of ways nationwide, commemorates the birth of modern Greece. Whether the festivities take the form of parades, dances, songs, or feasts, the common thread of freedom runs through all activities. The battle for liberty fought by the Greeks ended with the triumph of democracy. This struggle has significant relevance for the United States. Sacrificing for the principle of democracy is a fundamental value Greece and the United States share.

The commemoration of Greek Independence Day also represents the special relationship between Greece and the United States. The bond reaches back to the early 19th century when Americans went to aid Greece in their war of independence. Now, approaching the 21st century, we're embarking upon a reinvigorated alliance. Sharing in the NATO partnership and working toward a sustained peace in the Balkans are two prominent examples of this relationship.

Another praiseworthy element exemplified by Greek Independence Day is community involvement. In the United States, Greek-Americans make invaluable contributions to the cultural, educational, and social fabric of American society. As a lifelong New Yorker, I know firsthand about the robust civic spirit the Greek-American community embodies. The hard work demonstrated by the many volunteers to put the Greek Independence Day celebrations together represents this strong sense of community. All members of the Greek community should be very proud of the multiplicity of events celebrating Greek Independence Day.

I want to thank my colleague from Florida, Mr. BILIRAKIS, for organizing this special order to celebrate Greek Independence Day. We should take this moment to salute the heroic feats of Greeks in their struggle for independence, recognize the strong bonds that exist between the United States and Greece, and applaud the contribution Greek-Americans make to communities across the country.

Mr. ROTHMAN. Mr. Speaker, I rise today to join with my colleagues in paying tribute to Greek Independence Day.

Some 61 years ago President Franklin Delano Roosevelt remarked that, "In the truest sense freedom cannot be bestowed, it must be achieved." It is this very achievement, the embrace of liberty by the Greek nation, that we celebrate here today. And in a sense, today we celebrate not only the 176th year of Greek independence, but we honor the ideals upon which independence was secured in 1821. Values like honor, dedication, and perseverance were the call-words in the establishment of an independent Greek state.

For the thousands of Greek-Americans living in my congressional district, this day is representative of the determination of the Greek people to secure freedom against all odds. After being under Ottoman rule for four centuries, the Greek people realized their national aspirations by securing their independence in 1821. It was that realization that began a new era for Greece and has resulted in a warm relationship with the United States of America.

Today, Greece is a prosperous country and a fully engaged member of NATO and the European Union. And today, in all walks of life, Greek-Americans continue to make remarkable contributions to our country in the arts, humanities, and the areas of sport and commerce.

Mr. Speaker, as a strong supporter of issues dear to the Greek-American community, I am proud to recognize Greek Independence Day and I wish to extend on this special day my congratulations to all Greek-Americans and all the citizens of Greece.

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to join my colleagues today in remembering the 176th anniversary Greek Independence Day. I especially wish to thank my friend and fellow Floridian, Congressman MIKE BILIRAKIS, and my other good friend, Congresswoman CAROLYN MALONEY, for calling the special order to raise the public's awareness of the history of Greece and the important role Greece has played in the United States and the world.

When we celebrate Greek Independence Day we need to note that March 25 is not the day that all of Greece gained its independence. March 25 was the day that Athens and a small portion of Greece gained independence and then areas populated by Greeks were liberated one by one until we have the Greece of today.

It has often been said Greece's great gift to the United States and to the world is the governmental system of democracy. Well that is indeed a great gift which has brought much happiness to the world. But, it was the Greek courage, spirit and desire for liberty which helped the world to understand that democracy is the best way for people to join together in common association.

The Greek people, through their history, have shown an indomitable will to fight for their freedom. The Greek victories are well known throughout history. There was the Greek war for independence that freed part of Greece from the Ottoman Empire and later during World War II the Nazi invaders. But Greeks have suffered less known tragedies that would have broken the spirit or destroyed a lesser people.

Today Greek minorities in Turkey and other places in Eastern Europe are suffering political and religious persecution. That is why this special order is so important. In addition to reminding the American people of their roots to the cradle of democracy in Greece, we need to continue raising the public's awareness of the constant threat Greeks live under in Eastern Europe.

The Greek Cypriots in occupied northern Cyprus live under intolerable inhuman conditions since their land was occupied by a military force. Tensions continue to rise around Cyprus and I urge the administration to apply the same degree of commitment to finding a peaceful solution to the Cyprus crisis that it applied to the Bosnian crisis.

I introduced legislation last Congress to help relieve the suffering of the enclaved Greek Cypriots and am considering similar legislation in this Congress. We must end the senseless persecution of these brave people. I just hope that the administration does not allow this situation to continue to fester hoping it will go away.

Mr. Speaker, the link between the United States and Greece is a strong bond and I believe the United States should thank the Greek people for not just being a good ally to America but for their gifts of our heritage of democracy and individual liberty. I am happy to join my colleagues in celebrating this joyous anniversary.

Again, I thank my friends Congressman BILIRAKIS and Congresswoman MALONEY for calling this special order and for their leadership on Hellenic issues.

Mrs. MALONEY of New York. Mr. Speaker, I first of all want to thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order to celebrate Greek Independence Day.

I am very fortunate and very pleased and privileged to represent Astoria, NY—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Greek-American friends that I have come to know are one of its greatest rewards.

I have also had the pleasure of establishing the Congressional Caucus on Hellenic Issues with the gentleman from Florida. This caucus allows Members of the House to join together to find ways to work toward better United States-Greek and Cypriot relations.

March 25, 1997, will mark the 176th anniversary of the day when Greece declared her independence, beginning an 8-year struggle for freedom.

From the fall of Constantinople in 1453, until the Declaration of Independence in 1821, almost 400 years, Greece remained under the heel of the Ottoman Empire. During that time, the people were deprived of all civil rights. Schools and churches.

One hundred seventy-six years ago, the Greek people were able to resume their rightful place as an ideal of democracy for the rest of the Western world.

The ancient Greek paradigm of democracy and individual liberties inspired our country to seek its own independence, and in that sense, as the American philosopher Will Durant observed, "Greece is the bright morning star of that Western civilization which is our nourishment and life."

Yet half a century later, the American Revolution became one of the ideals of the Greeks as they fought for their own independence. Since their independence, Greece has become one of the most trusted partners allied with the United States in every major international conflict in this century.

In light of this special and longstanding relationship, some recent actions taken by the administration are particularly troubling. The proposed sale of Seahawk naval helicopters sends the wrong signal to Turkey, particularly given the tense situation on Cyprus.

The Hellenic Caucus responded by sending a letter condemning this sale to President Clinton that was signed by over 80 Members of Congress. I believe that it is time for the administration to reach the same conclusion and end unfortunate weapons sales until certain actions are halted. We need a rational policy that does not encourage aggressive actions and attitudes. There can be no middle or neutral position between those who uphold the rules of law and those who violate it.

Mr. Speaker, I am proud to join in celebrating Greek independence and the indomitable, life-giving spirit of its people.

FAIR LABOR STANDARDS ACT TO BE CHANGED BY H.R. 1

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. I want to alert everybody to the fact that we are going to be considering H.R. 1, the bill which deals with the denial of cash payments for overtime pay work to workers.

H.R. 1 is called, rightly by the Democrats, the Paycheck Reduction Act, or some of us call it the Employer Cash Enhancement Act.

I will have an amendment on the floor tomorrow in connection with H.R. 1. That amendment deals with two-thirds of the American work force, two-thirds of the people out there in the work force making $10 an hour or less, and my amendment deals with trying to protect their interests.

I have been given the grand sum of 10 minutes to debate my amendment. That is 5 minutes for the opposition and 5 minutes for myself to debate an amendment which impacts on two-thirds of the work force.

We are going into the session tomorrow with the most important bill that we have considered thus far in this session. It is called H.R. 1 because the majority party, the majority Republicans, consider it to be so important as to give it that distinction of being H.R. 1.

It is first in priority, and it deals with changing the Fair Labor Standards Act, which has existed since Franklin Roosevelt and the New Deal. The Fair Labor Standards Act will now be changed to remove from it the mandate that when workers work more than 40 hours a week, they must be paid at a rate of time and a half. If an individual is making $10 an hour and they work over 40 hours a week, every hour over 40 hours must be paid at the rate of $15 an hour. It is that simple.

This bill did not fall from heaven. The act did not fall from heaven. It was the result of exploitation of workers by employers in large numbers, exploitation in terms of low payment of wages in general and working workers around the clock, late hours each day, weekends, Sundays, Saturdays. There was great exploitation at the time this New Deal legislation came into being.

It did two things: It made the workers fortunate to have jobs get better treatment and better pay; and it also made employers employ more workers. If employers were going to have to pay time and a half rate to people who were employed, instead of driving the work force that they have incessantly, they are likely to want to hire people, more people, and pay them at the regular rate.

So it had both effects, that more people got jobs, and those who had the jobs had better working conditions.

Now we are about to make a drastic change. It is a revolutionary change in labor law. This is no small item. It is a revolutionary change in labor law. It is an extreme measure, an extreme step to take. It is an extreme step to take and it does not have to be that way. If we want flexibility in the law, and no law is written in stone, it does not have to be forever. Things change. Each generation has the right to look at the laws that it might be bound by and change those laws. There is nothing sacred about laws made by mankind.

□ 2030

So we can change it. But why take a great step which just happens to be a step on the backs of the people at the bottom of the economic structure? The lowest income people will suffer the most. Why do that when you do not have to? You could take some steps toward changing the law, making the law more flexible, without hurting so many people.

The statistics show that two-thirds of the people who are working, fortunate enough to have a job, are earning less than $10 an hour. I propose that if you have to go forward and change the labor law, the Fair Labor Standards Act, and it looks as if the votes are there, the majority Republicans have the vote in the House of Representatives. In the other body, in the Senate, they are steam rolling forward. They have the votes. So the likelihood is that this Republican-controlled Congress will come out with a bill that they both agree on, and it will have to be negotiated with the White House.

The White House is saying that they will not sign such a bill, they will veto the bill as it is. But when the White House says it will veto a bill as it is, that is a clear statement even to a sophomore in high school that what they are saying is we will negotiate.

What will the negotiations be? What I am saying is that it is likely that this revolutionary change in labor law which is rolling forward, it is likely that it is going to pass, it is likely that we are going to have some change in the next couple of years. Before this session is out, something is going to change.

I hope that nothing changes. I am in the same position as those who say just vote no, but I see the change coming. Just vote no is a beginning position. I will vote no. But I realize that just voting no is not enough. One of the reasons that just voting no is not enough is that there is a great deal of sentiment in certain quarters in this Nation, and I have said this before, I do not want to be redundant, there is sentiment among upper income, middle-income folks to have more flexibility in the way their employers treat them. They would like to have time off instead of having the employer being bound by the labor law to pay them in cash. There is no reason why we cannot accomplish that and relieve the anxiety or the bind that certain upper income people find themselves in without hurting those at the very bottom.

The compromise that I have proposed in the spirit of this bipartisan Congress is that let us go forward and make the changes and give the flexibility to the people at the very top of the wage structure, that one-third of the work force that is above the $10 an hour. Let us have an experiment, let us do it for 2 years, 5 years.

I understand that the bill the Republican majority will have on the floor tomorrow will modify the bill to say we shall have a sunset provision in the bill and in 5 years reconsider it. OK, let us reconsider it in 5 years. In the meantime, have a bill which exempts the two-thirds of the work force making $10 an hour or less and go forward with the experiment for those people at the top who want this so badly. It is a win-win situation.

I did not go to the Democratic-Republican retreat. We had a bipartisan retreat, and part of the retreat's purpose was to see to it that we work together in a more civil manner, that we work together in this session of Congress in a more productive manner, that we avoid gridlock, that we avoid ideological locks just for the sake of defending positions.

I am all in favor of reason prevailing. So I offer this reasonable proposal and I will offer the amendment on the floor tomorrow to take care of those people at the very bottom of the work force, those folks who make 2.5 times the minimum wage, and that formula is used in order to make certain that as wages rise we are still protecting the people at the very bottom.

I say this as a repetition of what I have said before in the last 10 days. I will not go any further in that vein. I just want to spin from that, the fact that this bill will be on the floor tomorrow, to the larger issue. The larger issue is that H.R. 1 is a bill which hurts workers as it is now. What this Republican-controlled 105th Congress has done is laid on the table its battle plan for the destruction of working families. We are going to pursue a course of action very similar to the one pursued in the 104th Congress, and in many ways the signals have come clear to us that this is going to be a different Congress. Certainly in the area of education, we are going to cooperate and have some productive, forward movement on the improvement of education in America. But the signal that is being sent now for working people and the laws and regulations that govern the lives of working people, the signal is also clear, nothing is different from last year.

The Speaker said that politics is war without blood, and with respect to organized labor and the things that affect working people, that still holds. Politics is war without blood, and war has been declared on working people. War has been declared on those laws. What will be on the floor tomorrow, H.R. 1, is just the beginning.

There is also a TEAM Act that is in the works. The TEAM Act is similar to the TEAM Act that was on the floor last session. There is also a move to curtail the participation of labor unions in politics, the ability of labor unions to support candidates that are supporting their interests. There are also other efforts going forward to curb the Davis-Bacon law. Across the board there are things occurring which make it clear that war is still the modus operandi of the Republican Party in respect to things that affect working people. If they were happening one by one, I would not be as alarmed as I am, but they are not happening one by one. There is a clear battle plan. Part of the battle plan also extends to the failure of the other body to move forward to confirm Alexis Herman as the Secretary of the Department of Labor. The Department of Labor is without a head, no direction, no general. The troops are there, the functions of the agency cannot go forward. It is in limbo in respect to the Secretary of Labor. The denial of the Secretary of Labor's immediate confirmation sort of demoralizes the people who are in organized labor, the people who are workers. It is all psychological warfare, too.

So the warfare is there, and we should take it very seriously. I am here again to talk about this because it needs to be seen in the broader perspective. I also talked last week about the fact that everybody is not paying their taxes in the way which the Internal Revenue Code defines they should be paying their taxes. Corporations are not paying their taxes in accordance with the code. The Tax Code says that corporations cannot do certain things and on a wholesale basis they are doing them.

As we approach April 15, every taxpayer ought to stop and think about the fact, they try to obey the law and our society is based on the rule of law and any group that does not obey the law is automatically a threat to society. Every time the law is systematically downgraded, held in contempt, ignored, then the whole rule of law concept is in jeopardy.

I want to link that up with what is happening with organized labor. On the one hand, you have this brutal scrutiny of everything related to organized labor, a brutal scrutiny. There was a hearing this morning related to the contributions that labor unions give to political candidates for political education purposes. The other party, the majority party, is very alarmed about the fact that large sums of money were spent last year by the AFL–CIO on political education that they thought hurt some of their Members, unduly criticized them, and they are waging this vendetta against organized labor by developing legislation which will curtail their use of their own dues. The dues paid by the members are now being subjected to more regulations. Labor unions already are the most regulated institution in our society. You do not find corporations being regulated in the same way. You do not find educational organizations. There are a number of other bodies, the Red Cross, all kinds of groups that exist in our society that collect money and have money, wield influence, and they are not as regulated as labor unions. But they are going to enforce, try to add to that another layer of regulation. The majority party in this House is determined to get rid of regulations.

What I am saying is there is a linkage between the fact that we have this series of moves being taken against working families and any kinds of laws, regulations, rules that affect working families or help them, and on the other hand we have certain Tax Code laws being ignored, and big corporations and rich people are the ones who are ignoring those tax laws. I made the speech about the need to have the Tax Code enforced last week. I just want to link these two items up.

What I said last week is there is a provision in the Internal Revenue Code which says that corporations cannot buy back their own stock. They cannot buy back their stock except if it in some way relates to their capital needs. That is, any business has a right to take parts of its profits and put those profits into taking care of certain capital needs. They have a right to put the profits into certain options for the executives. There are certain things they can do. But once they have used their profits for that purpose, they have to justify any additional purchase of their own stock and show that they are not doing that in order to, first, prevent the payment of taxes by their shareholders, and, second, they are not manipulating the stock market. The IRS is not concerned about the manipulation of the stock market. That is the SEC. But the IRS is concerned about having corporations buy back their own stock in large quantities that are not needed for legitimate purposes and their shareholders do not pay any taxes then because they do not get those shares distributed among themselves and the corporations end up hoarding large amounts of money that it should not be hoarding, it should distribute them. It is not fair to the shareholders, first. Some shareholders may not want to have their shares distributed to them because they do not want to pay the extra taxes that year, but most shareholders probably do want any profits that they have received, any dividends that have been accrued, to be distributed. The law is very clear. It has existed since 1913. It says a corporation may not do this.

It is not against the law, by the way. It is interesting that the Tax Code does not make this illegal. Nobody will go to jail. What the Tax Code says at this point, sections 533 to 537 of the Tax Code, Internal Revenue Code, it says you will have to pay a 39.6-percent penalty if you do this. That is a pretty stiff penalty; 39.6-percent of what you did not handle properly, you must pay in penalties. You can see if you have $1 billion that you use to buy back stock improperly, a 39.6-percent penalty on that is a considerable penalty. That is in the code, since 1913.

For a long time corporations and other people tried to misinterpret that to mean only closely held corporations, family corporations. But in 1984 the Congress, the Ways and Means Committee, made it crystal clear that this provision shall apply to all corporations. It is not being enforced. The buyback phenomenon has been taking place for the last 10 years, large amounts of stock being bought back by corporations, and it has accelerated and escalated.

So what I am saying is that when it comes to the rich, nobody is looking. When it comes to corporations and their power, nobody wants the law enforced. When it comes to labor unions, on the other hand, with much smaller amounts of money, and they are operating within the regulations, they are under intense scrutiny.

Now, one might say, well, the problem is that labor unions made large contributions to Democrats during the last election and they spent a large amount of money on what you call political education. They asked for trouble.

I have a chart here which shows that labor unions were little spenders compared to what other groups spent on the last election, labor unions were small fry. The biggest spenders were in the area of finances, corporations, financial institutions of various kinds.

□ 2045

This chart shows that across the board, when you look at the various sectors of our economy, if you look at agriculture, construction, defense, energy, health, law, transport, miscellaneous business, labor, you look at all of them, they all spent large amounts of money. But the one thing that stands out about labor, the labor contributions were the only ones where the contributions to the Democrats exceeded the contributions to the Republicans. All of these other categories in great amounts exceeded—the contributions to the Republicans exceeded the contributions to the Democrats right across the board.

So you can see from this chart why it is that the Republicans spent seven times more money in the last election than the Democrats, seven times more, and yet we are scrutinizing, focusing a microscope only on this sector, labor, at present. We are not looking at the kinds of activities that took place in respect to corporations, financial institutions, et cetera. Are we examining their practices? Are we saying to them did you get the permission of your shareholders? Did you ask them who to support in the election?

That is what we are asking labor unions. You did not get the permission of the people. They had the right to decide who their money was going to support, you should not be using their dues to support anybody that they do not agree with, that they do not themselves, each one of the members. If a union has a million members, you have got to have agreement among—all million have to support somebody. Otherwise give the people their money back.

No other institution in America operates that way, but that is what is being proposed in my committee, the Committee on Education and the Workforce. The Subcommittee on Employer-Employee Relations had a hearing this morning where the Republican Members in the majority were saying in essence, "You have committed a gross unethical violation by not asking your members who you should support," and the answer of the union members who were testifying, and there were not many of them, there were only two of them, and seven of the people there were brought in to testify against the unions, but at least they did allow us to have two witnesses in defense of union policy. What they said was, unions are democratic organizations and as democratic organizations what the majority decides the minority must go along with.

I mean that is the way America operates. The majority elected the Members of this House of Representatives. They happen to give the majority to the Republicans. So the Republicans are in the majority of the House of Representatives. They rule. We have certain rights; sometimes they are violated wholesale, but we do have—we pretend to have rights in the minority and that is across America. The minority is supposed to have certain rights; the majority rules. So why are we asking unions to behave differently and allow the minority to determine what the union does or does not do?

There is a set of myths that we went through this morning relating to this whole matter, how unions operate. I am not going to go a great deal, but it is called "Separating Myth from Fact Regarding Beck." There was a Beck decision of the Supreme Court, the Communications Workers of America versus Beck, and it dealt with this whole problem of how unions can spend the dues of members and what kinds of activities it cannot engage in, and that is what is back on the table. The Republican majority wants to interpret Beck, the Beck decision, to mean that unions should be almost paralyzed.

I am not going to read all of it because this is not really the primary topic of discussion. I would like to submit a statement called "Separating Myth from Fact Regarding Beck." I ask unanimous consent to submit this statement in its entirety. It is just two pages, and I think it is illuminating at this point.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from New York?

There was no objection.

SEPARATING MYTH FROM FACT REGARDING BECK

Fact: Unions are voluntary organizations. A union exists only where a majority of the employees democratically decide to form a union.

Fact: No one can be forced to join a union. The "closed shop" is illegal. Where a union exists, it is up to each individual employee to decide whether to join a union.

Fact: Unions are democratic organizations and union members control their activities, including spending decisions, by voting at union meetings and conventions and by electing their union officers.

Fact: Under Federal law, union membership dues levels are set by the members themselves; any dues increase must be approved by majority vote.

Fact: As with other voluntary membership organizations, those who do choose to join a union and enjoy full membership rights are expected to pay the organizations' regular dues.

Fact: Unlike other kinds of organizations, however, unions must represent all employees in a bargaining unit including those who do not choose to join the union, equally and without discrimination. All employees—members and non-members alike—receive the benefits the union negotiates with the employer. And all employees—members and non-members alike—can use the union's grievance procedures.

Fact: In many states, unions and employers may agree to require non-members who are represented by the union to pay an "agency fee" to the union for the representation provided by the union. But under the National Labor Relations Act, as it currently exists, those who object to paying an amount equal to union dues cannot be required to pay more than their pro rata share of the union's cost of "activities germane to collective bargaining, contract administration, and grievance adjustment." That is the precise holding in the Supreme Court case, *Communications Workers of America* v. *Beck*, 487 U.S. 735 (1988).

Fact: The NLRA, as definitively construed by the Supreme Court in Beck, thus already assures that no employee can be required, over objection, to contribute to a union's political communications to union members, a union's voter registration and "get-out-the-vote" campaigns, or to any other expenditures by a union for political and ideological purposes unrelated to collective bargaining.

Fact: To assure that no employee is compelled to support union's political or ideological activities, the National Labor Relations Board has held that a union which seeks to collect agency fees must notify non-members of their right to object to paying for such activities and their right to pay a reduced fee based upon the union's cost of activities germane to the cost of collective bargaining. The NLRB has further held that the union must provide non-members with sufficient information about the union's activities to enable the non-member to decide whether to object. This, too, is already the law.

Fact: There are approximately 50,000 local unions in United States, thousands of state regional unions, and over 75 national and international unions. These unions range in size from a handful of members to over 1,000,000 members, and differ greatly from each other in terms of accounting systems, methods of communication, and the like. Procedures that work in one union will not work in another, and Washington should not impose a straitjacket on what varying unions do to meet their obligations under Beck.

Fact: Any nonmember who believes that he or she is being required to support union activities unrelated to collective bargaining or who believes that the union's the right either to file a complaint with the NLRB or to go directly to court. In such cases, the NLRB and the Federal courts will decide whether particular procedures the individual union has developed are legally adequate.

Mr. OWENS. But what I am trying to show is that on the one hand we have labor unions under attack. This Beck decision and its interpretation is just one of the ways that labor unions and working people and laws that benefit working people are under attack, just one of the ways they are under attack.

Another way is the TEAM Act. The TEAM Act allows union employers to select groups of employees that they want to form a TEAM committee with, and those employees are empowered to work with the management in order to do the things that management wants done. Well, you will never be able to organize an independent union if the labor law is pushed aside and you can have employers and management selecting people that they want to bond with among the employees. Unions are supposed to be independent; that is the whole thrust of labor law. And yet the TEAM Act would eliminate that independence by allowing the management to select who they are going to bargain with, who they going to work with and negotiate with in the plan. That is another problem.

The other problem that I mentioned before is Davis-Bacon is being attacked. Of course comp time, and you know NLRB is under attack, National Labor Relations Board, being attacked. All of these institutions that were set up under Franklin Roosevelt, the New Deal, under attack now.

You know, here we have a situation in America where when Franklin Roosevelt became President, there were people saying that you can never make America work if you have things like Social Security. You can never—America will never work if you have a National Labor Relations Board. If workers can organize and they can confront management, our whole society is going to collapse.

It did not happen. We had the great sit-down strikes and the plants in Detroit, we had organized labor all over the country getting together, and they created a situation where the workers were paid decent wages, some of the best wages in the world for a long time, and because they were paid the best wages in the world they created the biggest consumer market in the world. That consumer market is still the biggest in the world. Despite the fact that we have less population than many nations, our consumer market is the biggest in the world. We are the engine for capitalism all over the world.

The Chinese have a booming economy only because they have a place to sell the products. Unfortunately, I wish they were not selling their products here. I wish we had our own workers manufacturing the products that they are making in China and not having the Chinese workers making products there at very low wages and bring them here and sell them at high prices so that the people who own the factories, they make a killing. They get things produced at a very low price, they bring them here and sell them at a high price, and they are making a killing, and they are destroying our labor force and eventually they will destroy the consumers. That great body of consumers that makes the world go is here in America. The great overwhelming part of our gross national product is consumer spending.

Now these are not conjectures or these are not theories of MAJOR OWENS. These are facts. Consumer spending drives our economy still, despite the fact that you have a lot of other things happening, you know, with the age of information, electronics, and you have a lot of investment in equipment and capital. All kinds of things are happening. Consumer spending still drives the economy.

If you destroy the great consumer base, the masses of consumers in America—there are some people in the rest of the world that think the closest they will ever get to heaven is if they come to America, but we have it here already. Normal, ordinary people live better, eat better, have better accommodation in terms of housing. We have better clothing, drive cars. Nothing else like this has ever happened on the face of the Earth.

Why do we want to destroy it? Why do we want to destroy the workers and the work force which becomes the consumers, which establishes the wealth and drives the economy of capitalism all over the world? Is there a danger of destroying it, or is this some farfetched set of assumptions that I am making here? Is there any danger if we let corporations and people with power not obey the law? We are back to the taxes. If they do not obey the law in one respect, and they do not obey it in another respect, and they have it galloping on, they buy influence either in the Senate or the House, or they buy influence in the White House, and they are able to run roughshod over certain laws and certain regulations and get things done outside of the channels of our democratic processes. Then you will have a situation where you may have a threat to this engine that drives capitalism all over the world. You may have a lopsided situation created where to facilitate the short term gains of making money in the corporations, we destroy the labor unions, we destroy the capacity of our working class to demand good wages, and we destroy our consumer market. You know, we can have that if we have a lopsided situation, if we wipe out the Government's involvement and the Government's protection of workers.

One of the people who testified this morning was a professor from somewhere in Texas, and his proposal was that we follow the example of New Zealand, that New Zealand has almost wiped out all of their laws with respect to labor. It is up to the management and the unions to negotiate, and they do not have any guidelines and any parameters that are set by government, and he wants America to become that way.

That would be a risky experiment indeed. That would be an extreme experiment. It would be a revolutionary experiment.

We should not become so complacent that we think our great American society is not susceptible to great collapses. We have not looked at it closely enough, but we ought to take a look at the savings and loan swindle. The savings and loan swindle was a partial collapse of our economy that never has been really recognized because the forces that control that situation were so great until most Americans do not realize what happened to them.

You know, about $500 billion in taxpayers' money will go down the drain as a result of the savings and loan swindle. Five hundred billion. Most people cannot comprehend that. You know it is very hard, you know. An aircraft carrier costs $3 billion. You can comprehend that maybe if you stretch your mind; an aircraft carrier costs $3 billion. But when you get up to 500 billion, it is just hard to comprehend, but when you add all the money that went down the drain in the savings and loan association that the taxpayers have to put back in because fortunately for the economy, fortunately for our system, we had a Federal Deposit Insurance Corporation. Government regulation was in place so that people whose money was jeopardized by the savings and loan swindle, which was a massive swindle that spread across the whole Nation—never before has anything in the history of the world happened on the scale that the swindle of the savings and loan association demonstrated to us.

We really do not understand yet what happened. Part of the reason we do not understand is because this country is so rich. There is so much wealth here until you can have a massive swindle like that take place, and resources and money were moved in mainly from the American taxpayers to cover it so that you did not have any massive dislocation.

What if we had been in the position of Albania? Now little Albania is tiny, but I am going to use Albania as an example because it is a recent development. Most people I am certain will listen to me are not concerned with Albania. People are concerned about what is happening in Africa where the disruptions and the collapse of societies in certain places means that people get massacred. The Hutus and the Tutsis, the fight there, people massacred in large numbers, bodies floating down the rivers; it is very dramatic, and rightly so we should be concerned.

People are concerned about, you know, other kinds of upheavals that have happened. In Cambodia you had the killing fields where millions were murdered in Cambodia by political forces, the Pol Pot Red Army. You know we should be excited about those kinds of collapses, and of course, the collapse that took place in Nazi Germany, the collapse of society where some people said German society did not collapse, the subways are running on time. You know, they were very efficient. You know, some of the most educated people in the world were in Germany. The German army was the most efficient army ever created in the field. All kinds of things, civilization. The German army troops sometimes sang Beethoven and Bach as they marched. So there was no collapse of society. But when you have a situation where millions of people within that Nation were massacred, and then millions of people in the surrounding Nation were massacred, and you had a barbarous war perpetrated on a scale never before seen, there was a collapse in the German society. It was a collapse. It was a failed society, and that failed society dragged a whole lot of other innocent human beings and the surrounding societies down with them.

So societies can collapse that are very sophisticated. Societies can collapse that are very educated. Societies can collapse. Society of Tojo in Japan, they went like savages through China massacring people; you know, very educated, sophisticated people, very high degree of science, very high degree of education. But it collapsed.

Albania is not a jungle. Albania has been suffering for years, almost 50 years, as a result of the overwhelming domination of the Soviet Union; isolated, forced to operate under the Communist hammer, but they have educated people, they have scientists, they have a structure. But Albania in the transition into capitalism has suffered a gross collapse. You know what has happened there is outrageous.

□ 2100

The Albanians happily embrace capitalism. The government did not protect the citizens who invested their money in certain investment schemes. There was deregulation on a scale of the kind that is requested here often on this floor: Just get out of it; the government should get out of it. So the people of Albania had no government protection.

They had hopes. They believed in capitalism coming to their rescue after so many years of communism. They put their savings into various investment schemes, and most of them have lost them completely. The investment schemes have blown up. Those that had some basis have just collapsed because they were unreal; others were complete swindles, and the people who took the money have disappeared.

So what is Albania? Albania is now a collapsed, failed society, a collapsed society, a society that has subways, buses, government structure, parliament, that a few months ago looked like a civilized place but now there is complete anarchy.

Let me just read to my colleagues from one of the items related to Albania. This is March 18, that is today's Washington Post:

> In Albania, the army and the police have ceased to exist and the navy and air force have relocated themselves to Italy or Greece. One leaking ship or decrepit airplane has gone at a time. The prisons have been emptied. That fellow on the corner with the newly liberated AK-47 may be your neighborhood grocer or he may be a murderer who recently liberated himself. U.S. ships are plucking desperate refugees from choppy, open seas.
>
> The anarchy that has descended on the impoverished Balkan nation just north of Greece and across the Adriatic from Italy should make us appreciate the relatively smooth transitions that most of the other nations of the formerly communist world have managed to accomplish. Albania was one of the most isolated of all of those nations, sealed off for decades by a lunatic regime that expected attack from anywhere and everywhere. It remains the most impoverished of European nations.
>
> People have risen up now with an anger that is more primal than political, a rebellion against not only 45 years of Communist rule, but also the past 6 years of disappointment and disillusion. It was only 6 years ago, after all, that 300,000 jubilant Albanians jammed their capital's central square to see visiting Secretary of State James Baker and the arrival of democracy, free markets and the West. What they have gotten instead is corruption and Mafia politics. Because the government refused to regulate the financial sector, massive numbers of people have been defrauded and total anarchy has broken out in Albania.

A civilized society in the civilized sense that we usually mean, a society with educated people, a society with structure, et cetera, has completely collapsed. Let it be a warning that we are not above the same thing happening.

What would have happened if the savings and loan swindle had taken place? Billions of dollars, people losing their money and when they went to the bank, the Federal Deposit Insurance Corporation of America was not standing behind every deposit up to $100,000. People would have gone crazy, mad in the street. They would have good reason to. But the government was regulated. The government was not only regulated, it was standing behind these banks, ensuring that people who had deposits of $100,000 or less would not lose their money.

The government had resources. Massive amounts of dollars were poured into the savings and loan swindle, so we did not have any collapse of that sector of our society. In fact, there were very liberal policies put forward to save the banks because certain people felt it would lead to a collapse of the economy or a great deal of strain and dislocation in the economy, and that was the reason they gave for being so generous of the people who had stolen so much money.

Mr. Speaker, if my colleagues want to know about the continuation of the savings and loan scandal, recently one of the most celebrated crooks, the most celebrated, most heinous criminals in the savings and loan swindle was released from jail. Charles Keating was told that due to technicalities he does not have to stay in jail any more, although his savings and loan association was guilty of swindling the American people out of more than $2 billion. Two billion dollars. Now, that is almost an aircraft carrier; that is a submarine; $2 billion, $2 billion by one savings and loan association.

Mr. Charles Keating was responsible for that, and he went to jail originally in California because after he had gotten through swindling people via that route, he went a little further and went out, had his workers go out in the lobby and sell securities that did not have the FDIC standing behind them, had no government insurance behind them, and lots of elderly people lost their savings and they did not have any insurance by the FDIC to back up the bank failure. And on and on it goes.

There have been Members of Congress involved with savings and loan associations that have gotten away. The Vice President, he was Vice President at the time, Vice President Bush's son was involved with Silverado Bank in Colorado. Silverado in Colorado also was above the $1 billion mark, close to $2 billion.

Silverado was guilty of doing something that was celebrated. They actually loaned a borrower $26 million, and the borrower had come to them asking for $13 million. They told the borrower, "We will give you twice as much as you are asking for, if you will put the extra back in the bank because the auditors are coming and we need to show we have some more money in the bank." So they actually loaned the guy $26 million, he only needed $13 million, and he redeposited the extra $13 million back.

This was revealed as one of many crimes committed by the Silverado Bank, of which a relative of Vice President Bush at that time, and President Bush later, was sitting on the board. It reached to high circles.

The savings and loan swindle; most writers found it defied description. They gave up. Most reporters were told by their editors to just cool it, it is too complicated. But, I think that it is an example of how the media, instead of going to bat to analyze events and to inform the public, obeys some forces that are unseen that control their paychecks.

So the savings and loan swindle is not clearly understood. It would have been like Albania if it had not been for tight government regulation, government insurance. You would have a little bit of Albania, but we are too big to have a total collapse.

But societies do collapse totally when you have a corruption among the leadership where nobody confronts the evils. If we are going to stand still and let the forces of this Government beat upon organized labor, beat upon the working people, and we are going to let a lopsided situation develop where workers have no leverage against employers, we are going to destroy capitalism as we know it. We are going to tilt the scales so much until corporations will be determining what our Government does.

Everybody knows, we learn early in high school or college that we have a doctrine of laissez-faire. Laissez-faire means the Government should leave the private sector alone; that is the usual interpretation. What we need is a two-way laissez-faire. Laissez-faire, leave it alone. The Government should leave the private sector alone as much as possible, and the private sector should leave the Government alone as much as possible.

These furors about contributions to campaigns that are raging now, the furors relate to the fact that people are waking up and for a brief moment we have a snapshot of how much money has gone into politics. This last political race shook everybody up. The Lincoln bedroom was up for sale, coffee in the White House. Nobody is talking about what the Republicans were doing out of sight, without a White House, but they raised 7 times and spent 7 times as much as the Democrats, so sooner or later the spotlight will fall there and we will find some very unusual things happening with the way both parties raise money.

But money is in the driver's seat; money, money, money is in command. Money commands a lot that happens in the world outside of the United States as well as inside the United States. Never before has there been a Nation as rich as this. We are the wealthiest Nation that has ever existed in the history of the world. Rome was just a little colony compared to the imperial power of the United States of America, compared to our wealth that has been accumulated, that exists.

God must be proud of what the American democracy has done. The combination of American democracy and American capitalism has produced something we have never seen before, and the question is, what shall we do next? What good is it all? How does it redound to the good of man, that here we have a vast population of more than 250 million people who have, for the most part, enough to eat, enough clothes to wear, and they enjoy life a great deal.

When the human creatures created by God reach that point, how do they behave? Will they have compassion, and will they use their leisure time and their comfort to look out at the rest of the world, first in their own world, to make sure that there is compassion and sharing? Or do they look out at the rest of the world and say that we cannot sit next to Haiti and see the misery in Haiti without taking some ways to see how we can help?

We cannot sit here because Haiti and the problems of Haiti are partially problems created by the people who live in this part of the hemisphere. We installed a regime in Haiti that endured for many decades. Our Army went in and trained the Haitian army that kept in power a mulatto class that oppressed the great majority of the Haitians, and all movement in that economy was governed by what that grand mulatto group that we protected with our Army and our diplomatic maneuvers and our threats.

So what happens in Haiti now cannot be separated from what happened in the past and what we have made to happen. We recently redeemed ourselves by going in to liberate Haiti from a criminal regime, and that is to our credit.

There is a collapse of government in the Congo, what used to be called the Congo, its called Zaire now. Zaire has a rebel army that is marching through, taking control from the government because the government is so corrupt the people hate the government. What is the government that the people hate so much? It is a government installed by the United States of America, the government of Mobutu. Mobutu was installed by the CIA because at that time they feared that the Congo, as it was called at that time, would fall into the hands of the Communists, under their influence.

There was a poet from the post office who had made a political party and a political movement. His name was Patrice Lumumba. His son was recently in my office. He met with the congressional Black Caucus delegation, his son. Patrice Lumumba was assassinated with the assistance of the CIA, and the CIA took control of that country. Billions of dollars from taxpayers in the United States flowed into the Congo, which later became Zaire, to support Mobutu. I am sure Mobutu got a lot of the money from the American taxpayers that the CIA put in. I am sure that many CIA agents put a lot of money in their pockets. But the criminals were cutting it up.

Under the false notion that Zaire was a strategic country and we must keep it out of the hands of the Communists, we poured billions and billions of dollars in. We made Mobutu the strong man that he is. He has billions of dollars in European banks now.

But Mobutu is mortal. Mobutu is sick, Mobutu is about to die, and all of the people that he oppressed with our help for so many years are rising up to get revenge. And we say the Congo is falling apart and Zaire is falling apart. That is one more example of how African nations cannot govern themselves. Look at what happened in Rwanda, look at what is happening in Zaire. It is proof that Africans cannot govern themselves.

I want to close on a brief review of a book called "Out of America: A Black Man Confronts Africa," by Keith B. Richburg, and it is all about these failed societies, these failed nations in Africa where Mr. Richburg, who was a reporter, a correspondent for the Washington Post, and Mr. Richburg has gotten a lot of attention later because Mr. Richburg is black. "Out of America: A Black Man Confronts Africa," by Keith B. Richburg.

Mr. Richburg is appalled. It is somewhat of a traumatic experience for him to have been a reporter in Africa for several years, because as a reporter he is dispatched and assigned to cover all of the developments that are violent and most gruesome, so if he lived in a state of trauma, we cannot be surprised or shocked. If he had to watch bodies flowing down the river in large numbers as a result of the massacre of the Tutsis by the Hutus in Rwanda, I can understand the trauma of that and how that would impact on him; if he had to be in Liberia and watch the Liberian society fall apart after we had held, we had, America, had kept the regime in power in Liberia, the Tubman regime. Tubman was kept in power by the American Government, so much so that the people began to hate them and an army sergeant named Sergeant Dole took over Liberia.

□ 2115

And he did not know what he was doing. So following Sergeant Doe was a set of rebellions that destroyed the country completely. The country went down in chaos as a result of a Sergeant Doe taking over from a corrupt regime that had been kept in power by America.

Mr. Keith Richburg has watched all this over a 3-year period in which of the most violent events developed. And he has concluded that the Africans, I will read from one of the reviews where they quote Mr. Richburg and in what is a shocking statement. And I understand his shock, but what he is saying is that Africa is the way it is because the people have not fully evolved as human beings. Africa is the way it is because they have not finished the process of evolution.

I find that statement shocking, that a black man would hate himself so much and hate his people so much that he would subscribe to the theory that we are inferior beings who have not yet fully evolved. That is a very shocking statement.

Mr. Richburg is a journalist, and journalists are supposed to report what they see and to some degree interpret it. But in his book he becomes a philosopher, and journalists are not automatic philosophers. Most philosophers were not journalists. Plato was not a journalist, Socrates was not a journalist, Jesus was not a journalist. I mean journalists should stay in their place and understand that they are not philosophers and do not try to get too far in your conclusions.

Mr. Richburg concludes that it is fortunate that Africa was raided by the slave traders. The slave traders brought millions of Africans to America. The millions of African Americans who suffered for 232 years under the bonds of slavery, another 100 years in the oppression of discrimination, second class citizenship, they are fortunate. We are fortunate that we were snatched from Africa where people are still evolving and brought into civilization. That is part of his conclusion.

He saw terrible things but he came to the conclusion as a journalist and he did not have the equipment to deal with it. Because if he was a philosopher and a real thinker, he would not conclude that savagery and the failure of a society mean anything about the evolution of a people. If savagery and the killing of large numbers of people, if the bodies floating down the river as a result of the massacres in Rwanda are the result of people not having fully evolved, then what was the Holocaust all about? What was the systematic extermination of 6 million people by the Germans, the Nazis, the gestapo, what was that all about? Were they not fully evolved? When do you stop evolving? They had the world's best science. They invented rockets. We copied our rockets from German advanced science in rocketry and German scientists. The German composers and the German artists are the bedrock of certain parts of our civilization. Did the murder of 6 million Jews in gas chambers, did the burning of bodies in crematoria signify that they had not fully evolved?

What happened in Cambodia in a short period of time, the Pol Pot regime in one of Asia's oldest societies, they had been around much longer than most Western societies. And yet a million people in a short period of time were murdered in the Pol Pot killing fields. Does that mean they have not fully evolved?

What happened in Bosnia, in Croatia? All across the world there are examples of millions of people being slaughtered by various collapsed societies, failed nations. They have failed and been taken over by dictatorial oligopolists or dictatorial individuals, and their aims are not civilized aims and, therefore, terrible things happen.

America, the taxpayers' dollars in this country have been used to support some of that. Certainly in the case of the Congress, we must bear responsibility for the collapse of society, the brutality, corruption that has existed for so many years in Zaire under Mobutu, our CIA had a direct link there. In Haiti, we had a direct link there.

We have a direct responsibility for not taking steps in other places to ameliorate or to end savagery, and we have future responsibilities. Why? Because God has blessed us, we are among all nations the most blessed. We are blessed with high technology, blessed with peace. We did not endure World War I on our soil. We did not have to put up with World War II on our soil. Our cities were not destroyed. Our universities were not destroyed. Yes, we gave a lot in those wars. Some of the greatest examples of bravery that ever have been exhibited by mankind were exhibited by American troops going into World War II. The beaches of Normandy, fantastic in terms of the sacrifices that were made there and the bravery that was exhibited.

America has risen to the occasion to protect the world from a total takeover by savage, well educated, scientific beasts. But we have to do more. And we have to be careful.

The warning here is that we have to be careful that we do not collapse from within. America from within can collapse if we lose our sense of proportion, if we destroy certain segments of society which help balance us off and keep us going. If we destroy our workers and their working class and the workers energy and the workers contribution to the economy, we begin the downhill slope where only one class of people is in charge. We, too, might face some kind of shallow analysis in the future where conclusions are made that we have just not evolved fully as human beings. That is rubbish.

We are what our society is willing to do in terms of taking what is learned from the past, taking the leisure time that we have, the information on the Web sites, the information on the Internet, all kinds of knowledge and information that are flowing to us. Let us use it in ways which expand the compassionate parameters of mankind, in ways that say, we want in our own society, in our own Nation to share as much of the wealth as possible and see to it that nobody goes hungry, that no segment of the population is oppressed unduly by another segment, that no segment of the population is pushed to the point where it is not a part of the economy, that no segment of the population has to bow down politically and not exercise its full rights in this democracy. That is step one.

Step two is to go beyond our own society and say that our richness, our fortunate wealth, the fact that we are fortunately located in this hemisphere, with the right kinds of climates and a number of things that have happened, we had the land to expand on, we had the European background to help in many cases. We relied on, we had the Native Americans to help us through some critical periods and we never thanked them for that or did not treat them very well. Nevertheless, all these fortunate occurrences came together to create a great America.

The great America should go forward never to take the position where they never will allow a Zaire to happen where our forces were used to oppose people. We will never allow another Haiti to happen. And we will see to it that our institutions are constantly working to improve the world without condemning the world. And never should we come to the conclusion Mr. Richburg has come to, that certain people are in certain kinds of positions and they are having trouble because they have not fully evolved.

All human beings are guilty of unspeakable atrocities, and we must work to make certain that that does not prevail. Our civilization, our structures, our patterns of government, our mores, everything must operate to make sure that the best comes out in mankind and not the worst.

ISSUES OF IMPORTANCE TO THE 105TH CONGRESS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to address my colleagues tonight on a number of issues that are of importance not only to the 105th Congress in the House, but to the Senate and the American people as well. I asked that the opportunity be given to the gentleman from Michigan [Mr. HOEKSTRA] to join me in this dialog, and we will be discussing a number of topics, not the least of which, Mr. Speaker, is one important to everyone in each State, and that would be the balanced budget.

By what we have seen in the last 12 to 24 months, Mr. Speaker, is no longer are we just talking about whether we are going to balance the budget. Now it is going to be, how we do it? And one realizes that there are great advantages to balancing the budget.

We know the State governments have to balance their budgets. Home budgets are balanced. Local governments are balanced, school districts, small townships, boroughs, cities all across America have to balance the budget. Only in the U.S. Federal Government do we not balance our budget. That is how we have acquired a $5 trillion debt.

So, hopefully, in a continuing dialog with the American people, we can make those kinds of meaningful changes where valuable and important government programs continue but those best left to the private sector will be maintained. And we can have the kind of economy that is going to thrive, because with lower interest rates that will be the direct result of a balanced budget, we will be able to reduce home mortgage costs for each family. We will be able to reduce college loan costs and, as well, be able to reduce our monthly vehicle loan costs.

So I really believe that we are on the threshold here in the 105th Congress of being able to get our budget in a situation which is in control, is going to do right by the American people as far as the Federal Government's interrelationship with the State governments in providing services that do not duplicate but actually enhance the quality of life, quality of each life here in the United States.

I now call on my colleague, the gentleman from Michigan [Mr. HOEKSTRA], to join me and to give us his perspective as a more senior Member of Congress, as chairman of the reform caucus, a gentleman who has been at the cutting edge of the debate in Congress on how we can achieve this balanced budget and from his perspective why it is so important for his district and from his personal perspective.

I yield to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding to me and for allowing us to really have this dialog this evening about the need for, and I have moved away from the term, I do not know what works for you, but I have moved away from the term "balanced budget". When you are talking about $1.6 trillion, $1.5, we will never get it into balance. In reality, we will either be at deficit or we will be at surplus. And I think it is important for us to move to a position where we are in a surplus budget and not in a deficit mode.

I think the thing is, I had three town meetings over the weekend, and it really becomes an issue of talking about how we can save the American family, the traditional American family which over the last number of years has really come under attack.

One of the biggest reasons that the American family has come under attack is that we develop a brochure which we call the Tale of Two Visions. It is a tale that has one vision which says our future is by growing Washington. And we use this and say, you know, the street that you and I cross each and every day when we come to the Capitol and we have the opportunity to vote is called Independence Avenue. And over the last number of years, it may have become more appropriate to call it Dependence Avenue. Because when you take a look down the street and you see who is lined up along that street, it is a whole series of Federal bureaucracies that have assumed control and power and tax dollars away from the American citizens and have moved it here to Washington.

Last year, we together were engaged in a historic debate on welfare and moving control and power back to the States and the local level. And it appears in many ways that this welfare reform bill is working exceedingly well. So this is more of a story of getting to a surplus budget, but it is also very much a story of taking a look at problems that America faces and trying to design a more effective way to solve those problems.

When we talk about the budget, some things that we talk about in our tale of two visions, the case for saving America's families, is that we move from what we call now a two-wage requirement back to where it is a one-wage earner.

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And that a two-wage-earner family is an option, it is not a requirement. Think about the number of families today that one of the parents might want to stay home, but they really believe that they have to go to work. The primary reason is one of them is working for Government and one of them is supporting the family.

Mr. FOX of Pennsylvania. Mr. Speaker, the fact is the gentleman's vision, and the correct vision for America, is where he is headed by saying instead of having two parents both forced to be working, not only do they not have a chance to get the family together and time to be with the children, but we have lost that independence of being able to make the choice because we have created, I think, to some extent, so much bureaucracy here in Washington of telling people how to run their lives instead of, as we did last year with our welfare reform legislation, take that back to the States, let them run it closer to the people, closer to where the local Government is, less expensively, and in this case, obviously, where direct services can go right to the people they want to serve.

Mr. HOEKSTRA. That is right. I think the Republican vision, I think Congress' vision for where we need to go with the budget is more than a surplus budget. For all we know the Soviet Union ran surplus budgets. I do not know what their budget was, but our vision is to get to a surplus budget, but a surplus budget that can be funded by a one-wage-earner family and not a requirement that we need two wage earners in the family to support this government and this bureaucracy in Washington.

I think another key debate that we have as we work toward getting to a surplus budget is the whole question of whether new spending equals new tax burdens.

One of the major things that we see in the budget that the President has presented to us, and that the gentleman and I are concerned about when we take a look at this budget, under the best of circumstances, the most optimistic economic assumptions, we believe that this budget barely comes into a surplus mode. But under a more realistic assumption, the most likely set of assumptions, this budget is still going to be $70 billion in the red in the year 2002.

One of the primary reasons that this is happening is that this President has decided to move more power to this town by significant new increases in the number of programs that we have. This is not about slow growth and increasing the spending on Social Security because we have more seniors, or increasing the spending on Medicare because we have more seniors and those kinds of things. This is a conscious effort by this President to have an overlay of significant new programs on what we already have in Washington.

I have taken a look at roughly the baseline between where the President is and where our conference may come out with a budget, and it looks like the President is somewhere between $250 and $300 billion above our baseline. The vast majority of that spending is new programs.

There may be issues that we have to deal with, but when we have a $1.6 trillion budget, over 5 years we are going to spend $8 trillion, one would think that we could find, for new priorities, $250 billion out of that $8 trillion and just say there are some programs that we have had for years that are not working anymore, they are not as effective, we have a better way of solving the problem. Let us stop that program and move the money to this new priority rather than overlaying on what already exists.

If this President would just be disciplined, and I think this is where I am, and the gentleman and I have not had the opportunity, but where I am, this Congress is going to have to be measured by the statement of "Just say no." Just say no to new spending. If we just say no to new spending, if we kick the habit of new programs and new spending, we will be well on our way toward getting to a surplus budget without doing anything else.

We can deal with tax cuts and those other kinds of things in the process, but what we talk about now, the biggest tax savings, the biggest reduction in tax burden to the American taxpayer is to stop the $250 to $300 billion of new spending that this President wants.

I know exactly what we will do. We will not ask the American people to pay for it. We will put this $300 billion of new spending onto our kids and we will increase the debt and we will hope that we will get to a balanced budget or a surplus budget by the year 2002. This Congress should really say no to new spending until we get to a surplus.

Mr. FOX of Pennsylvania. I think the American people want what the gentleman is talking about. They want to make sure we maintain Social Security and that it is there to take care of our grandparents and our parents and eventually our generation. They want to make sure that Medicare is fully funded to take care of the health care for seniors.

But when it comes to those new programs the gentleman is speaking about, our communities are reaching out to do things on their own. There are corporations, there are civic associations. We are about to have, in Philadelphia in April, a national volunteer conference with several of our past Presidents and our current President, for the purpose of reaching out.

The best programs I have found, and we are speaking of some of these new programs the President is talking about, can best be accomplished by a public-private partnership, where universities, schools, civic groups, hospitals all work together to provide the kind of networking and the American spirit that Alexis de Toqueville spoke of many years ago. That is the America I dream about. And I think our constituents want us to let them be part of that American dream and not have to take so much of their dollars. Because, frankly, we spend more on paying the interest on the debt than we pay for all our Defense Department, and that is an alarming figure.

Mr. HOEKSTRA. I am glad the gentleman brought that up. We have a sheet on that.

Our choice is between new or expanded government programs or new or expanded nonprofit faith-based organizations. It is not a dream, what the gentleman was talking about: Corporations and individuals and churches and nonprofits being involved. It is happening every day.

Last night I had the opportunity to speak to a group in a church that has reached out, and 1 hour every week a number of the members from this congregation go into their local school and they tutor the children in that school, one-on-one, 1 hour every week, and they form a lasting and an important relationship with that child. Some of them have been involved for 3 years.

That is how we make the difference. The question is, are we going to suck the money out of the local community, creating more two-wage-earner families, and create these programs that are run out of these buildings here in Washington; or are we going to leave some of the money in the local community, and a parent or an adult saying, "I have some free time, I am going to go to that school and I am going to help. I will go out and reach out and form a personal relationship with a child in that school."

It is a wonderful way to improve the community. We help the child but we also personally get a great benefit out of that kind of an activity.

So it is a choice between more new government programs versus some more free time that enables our nonprofits and our faith-based and our individuals to step up in the community.

I see we have been joined. The gentleman from Pennsylvania may want to yield to our colleague from Georgia.

Mr. FOX of Pennsylvania. Mr. Speaker, I do want to yield to the gentleman from Georgia [Mr. KINGSTON], to give us his perspective on what he sees not only in his State but in the country, the value of balancing the budget, the value of giving back in tax decreases to our families a chance to realize the American dream.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Pennsylvania. I want to reinforce what the gentleman from Michigan was saying, because there is often, I would say, a Washington, big government bias toward the government running something as opposed to the nonprofit private sector doing it. It is similar to the accusation of saying, "Well, I have the Boy Scouts and they do a good job, but if you want to win a war, you send in the U.S. Army." That is not an accurate comparison when we are talking about charity and the private sector.

In 1995, Americans donated $147 billion to charity, to churches, to museums, to just private causes of all nature, and that does not count the casseroles, the cakes, the soft costs that happen when a neighbor is sick or someone has died and people step forward in that good old American way, as we have done for over 200 years. So we have a hard cost of $147 billion in direct donations to charity. In addition to that, we have 90 million Americans donating 4 hours each and every week to charity.

Now, if we do the math on that, we will find we have donated each year about 19 billion manhours, each year, running T-ball, running the hospice, running the United Way, running all kinds of church institutions and faith-based charities that the gentleman has already mentioned. If we do the math on 19 billion manhours times $10 an hour, some of it will be worth less, some of it, though, far more, and we will find $190 billion that would be donated through hours.

If we add the two of those together, America is not new at handling problems, at having volunteers go out and doing all sorts of things. Yet there is this Washington bias that unless there is a government program and unless there is legislation, unless there is law, that it cannot happen. There is just no way it can go without the blessing of Congress.

So I certainly think that the budget that deemphasizes command control problem solving out of Washington, returning it back to the streets of America, I think, is absolutely the right direction to move to.

Mr. FOX of Pennsylvania. If I can carry forward, Mr. Speaker, with what the gentleman from Georgia was just saying, the fact is that not only do we have to have a balanced budget, which will have the opportunity for the economy to grow, we also need to reduce the taxes on our American families, whether it is a $500-per-child tax credit, reducing capital gains for individuals and businesses to encourage investment, savings and jobs, or reducing inheritance taxes.

How many family farms across the country cannot be exchanged or given to the next generation without fear that all the taxes are going to take away the lands and take away the farm? We need to make sure that we unbridle some of the regulations that we have that are stifling America's businesses from growing, America's families from achieving the American dream.

Mr. Speaker, I yield once again to the gentleman from Michigan.

Mr. HOEKSTRA. The gentleman is a pretty good lead. We are developing two other segments in what we call our tale of two visions, because one of the things that we talk about when we talk about more government spending, whether it is increasing spending or reducing taxes, the choice is pretty clear. The choice is between government spending versus family savings. A very clear choice.

We take a friend with us almost wherever we go just to talk about this, and the choice is sending money to a Washington bureaucrat or leaving it with a family. It is a decision between Washington bureaucracy versus our children.

What we are going to do in each of the next few weeks is build on this tale of two visions and discuss each one of those: Washington bureaucracy versus our children; government spending versus family savings; a one-wage option versus a two-wage requirement; deficit spending versus surplus savings; and new government programs versus new nonprofits.

Those are things that are important. That is what a budget sets. A budget tells us who we are, what is important to us. We are more than about a surplus budget. We are about strengthening families; restoring and strengthening our families and designing a system.

I think in a few minutes we are going to talk about education. I have had the opportunity to go around the country, in my oversight capabilities, to schools in New York and California and Arizona and Delaware, and talk about education. Somebody said, "Well, Mr. HOEKSTRA, maybe you should come to my classroom and you can see what is really going on in the classroom." I said I do not know if I will ever be an expert in the classroom, but what we in Washington and what people in the State bureaucracy are supposed to be good at doing is designing systems that empower teachers and parents to help their children at a classroom level, at the local level.

Soon we will talk about the kind of systems that we currently have in place. We are about empowering people at the local level to make a difference because systems at the local level, most often, are the ones that have the greatest impact.

□ 2145

Mr. FOX of Pennsylvania. The fact of the matter is the gentleman from Michigan [Mr. HOEKSTRA] hit the nail on the head. Because the school districts back home in each of our States, we elected those people, in some cases they may have been appointed in certain cities, and they are the ones who have been entrusted locally to take care of the local educational policy. And while they may receive, and should, funds from the Federal Government for transportation for the students, schoolbooks and maybe even school lunches, of course, the policy implementation of what is important for that district and what is important for that State should be left to the local district. That is really integral, I believe, to the American education system.

Mr. KINGSTON. On that subject, I am fascinated with the hard work the gentleman has done in his subcommittee because you have certainly been all over the country.

One of the stories the gentleman came out with is that the Federal Government has a kitty litter policy. Perhaps the Federal Government should have a manure policy, for obvious reasons, but kitty litter seems to be stretching it a little bit. As I understand it, it had to do with the housing, a HUD program that you gentlemen unearthed, and I have it with me. I am cheating a little bit on the gentleman from Michigan, but I am a fan of your newsletter, as I told you earlier today. Section 5.350 part 2 of the HUD manual of the Federal——

Mr. HOEKSTRA. If the gentleman will yield, I encourage my colleague from Pennsylvania to listen to this very closely, because there are some bureaucrats in HUD who thought that this was a very important regulation, and you can see the wisdom of some of the people in our bureaucracies and the kind of issues that they are dealing with.

Mr. KINGSTON. This is none other from the Secretary of Housing and Urban Development, Secretary Henry Cisneros, created rules regarding pet ownership by the elderly and disabled in public housing.

It says under section 5.350:

> In the case of cats and other pets using litter boxes, the pet rules may require the pet owner to change the litter but not more than twice each week; may require pet owners to separate pet waste from litter, but not more than once a day; and may prescribe methods for the disposal of pet waste and used litter.

I am so glad that the Federal Government is finally addressing the kitty litter problem. We have got a $5.1 trillion debt, and we are getting into the kitty litter business.

Mr. FOX of Pennsylvania. It seems to me that we have to make sure we have quality housing and make sure those who are coming from shelters for the homeless have transition housing, and first-time home buyers, but I do not understand how we are spending time in the Government working on kitty litter when that is something that probably could be left to homeowners and individuals on their own. It just occurs to me, but maybe that is a new idea.

Mr. HOEKSTRA. If the gentleman will yield, we have two cats at home, and it is not too difficult to tell when you need to change the kitty litter. I am not sure we need a Federal regulation for doing it in public housing. I think in public housing they can tell as quickly as what we can at home about what happens.

Mr. KINGSTON. What I am concerned about is what about hamster owners? Why do they not have to have the same regulations? And what about people with goldfish, should they not be required to change the water? And Mynah birds. Do you know anybody with a Mynah bird? They are filthy.

In this era when the end of big government has come, it just seems amazing to me that we are so inconsistent with administering the pet policy. And when I say us, let us make sure that the folks understand, this is not the U.S. Congress, these are the unelected bureaucracies who never have to have town meetings, never have to have their name on the ballot and never have to answer constituent mail. They are the ones making these rules.

Mr. FOX of Pennsylvania. Perhaps in our housing subcommittee, we can certainly address that. It seems to me that one of the items of legislation that I have introduced that I think would address this is sunset review of Federal agencies, to say if they are not really fulfilling their original purpose, maybe they need to be downsized, privatized, or eliminated. The fact is while we need to have a housing policy to take care of assisting those in need, I do not think it goes to the assistance on pet deportment.

Mr. HOEKSTRA. If the gentleman will yield, in the same issue, the February issue of Tale of Two Visions, if my colleague from Georgia read on, he would know that we took care of the kitty litter. We also went on in the Federal Government to take care of rabbits. This gets to be interesting. The National Institutes of Health required one university to replace all of the school's rabbit cages. This carried a price tag of $250,000. We care about rabbits as much as we care about kitties. However, less than a year later, the Agriculture Department declared that the cages were the wrong size. The university had to once again replace the cages.

We should feel really good that we have two agencies in Washington that are caring about rabbits. The frustrating thing is, I think, and the gentleman has talked about the sunset legislation for rules and regulations. There are a couple of other bills that have been introduced, one of which would require congressional review of rules and regulations before they actually go into effect, and I have introduced a piece of legislation. Can you imagine how frustrated this university was after they had just spent $250,000 on rabbit cages and another department came in and said, "You've got to change it." We have said where you have got conflicting regulations, we have to provide an expedited way to review that and you are held harmless for following one set of guidelines when another agency comes in and tries to tell you that you did the wrong thing, so we protect the people in those cases.

Mr. KINGSTON. If the gentleman will yield, I have heard, and Georgia has a lot of poultry processing and poultry processing is very water intensive and you have to keep the area very, very clean for the USDA inspectors. You have to have it clean. But then the Occupational Safety and Health Administration comes in and they say the place is too wet. So you clean it enough to process the food and then it gets too dangerous for the workers and you have two Federal agencies once again responding to the same problem that many times they are creating.

Mr. HOEKSTRA. The key to this is, it is not that these rules or regulations are good or bad, I think they go too far. This is taxpayer dollars. This is why we have too many families in America today that are two-wage-earner families as a requirement, not by choice, not by option, to support these kinds of activities.

Mr. FOX of Pennsylvania. I would point out that some of these two-wage-earner families actually have more than one job apiece.

Mr. HOEKSTRA. The gentleman is correct.

Mr. KINGSTON. I know the gentleman has done a lot of study on the U.S. Department of Education, how big it is, but before we get to that I want to mention another bureaucracy that has 111,000 employees, and that is the IRS.

Listen to this story that was from an article written by Dan Gifford in Insight magazine, April 29, 1996:

A man's brother was killed in the 1988 terrorist bombing of Pan Am Flight 103. The IRS demanded that he pay $64 million to them because they had guessed that he had received about $11 million in a settlement.

They wanted $64 million from the guy because they had guessed he had received $11 million, and the fact was that he had never received one dime for the settlement at the time the IRS wanted it.

Another story said there was a 10-year-old girl, the daughter of a man, and the IRS claimed he owed $1,000 in taxes, $600 paper route savings since she had a little paper route, $600 in her savings were seized by the IRS. This is a 10-year-old girl. I have an 11-year-old son. This is somebody who rides bicycles. So the IRS seizes $600 in a paper route savings and would not give it back to her until her father paid the $1,000 on taxes that he owed. It is just absurd. It is a bureaucracy out of control and out of touch.

Mr. HOEKSTRA. Going back to the Tale of Two Visions, we all know how complex our Tax Code is. It is so complex that the IRS has spent in the neighborhood of $8 billion trying to design and automate and computerize the system. They now acknowledge that $4 billion of this will never be able to be used. When you talk about a two-wage-earner family, that is 2 million families where the second wage earner paid $2,000 to the Federal Government and did not get one dime of value. Two million families where the second wage earner paid $2,000 in taxes and the Government threw it away, because our Tax Code is too complex. That is why 2 million men or women went to work for a year and got absolutely no value. That is waste, that is wrong, and that is what is killing America's families today.

Mr. FOX of Pennsylvania. There are two other points I want to add. Both the gentlemen have made good points about the need for the IRS reform. It seems to me we need a couple of other areas of reform. We have the problem with IRS in that we do not have a simplified form. There are so many complications to the IRS Tax Code that we do not even have a simplified form that people can use. I do not think that is fair. No. 2, we have a situation where most of our Anglo-American law, the person who is involved in court is presumed to be innocent, whether it is a defendant involved in one court case or another, the Government has the burden of proof and the defendant in a criminal case, my God, is presumed innocent.

Here you have a taxpayer, there can be no presumption he did anything wrong, but the current code says they are presumed to be wrong and the IRS Commissioner is presumed to be right. I think this Congress has got to take the bull by the horns and switch that presumption and put the burden back on the Federal Government and not on the taxpayer.

Mr. KINGSTON. Here is another interesting statistic. From 1954 to 1994, the number of words in the section of the IRS code relating just to income taxes, not all the other taxes but just to income taxes went from less than 200,000 to over 800,000.

In 1994, businesses across America spent more than 3.6 billion hours preparing their tax returns, and individuals spent more than 1.8 billion hours preparing their tax returns. Looking at it this way, that approximates to 3 million people working full-time 12 months a year just to comply with the Tax Code. You talk about wasted energy and wasted manpower. That is absolutely ridiculous. We have got to move toward a simplified tax system. I do not know if the answer is the flat tax, but we have got to give it serious debate, and we have got to do it very soon.

Mr. FOX of Pennsylvania. If the gentleman from Michigan would continue for the benefit of our colleagues of what he has learned in his educational survey, I know that the gentleman from Georgia [Mr. KINGSTON] and I would certainly like to hear more about it.

Mr. HOEKSTRA. We are going to be coming to your States. What we are doing is we are working on a project which we call Education at a Crossroads: What's Working and What's Wasted. We have evidence that there are problems in education around the country, but we know that there has been a Federal response. It is kind of interesting. We have kind of gotten into a debate with how many programs are there really. Nobody can really tell us. Are there 500 programs? Are there 700 programs? We started this process a year ago and we went to this book, which is called the Catalog of Federal Domestic Assistance. This is one big book.

Mr. KINGSTON. Was it good reading?

Mr. HOEKSTRA. I have some very qualified staff people who have the opportunity to read these.

But this Catalog of Federal Domestic Assistance, you go to the section that is called Education, and this is all in fine print, and you read this, and you count them, and you find in this document that there are at least 660 education programs just under the Education title.

You then go on to the Office of Management and Budget, and you ask them how many programs there are, and you go to the Congressional Research Service, and they say, "Well, we think you maybe don't have all the programs," so they find about another 116 programs. Here is what the Congressional Research says, and the Department says:

"As is noted below, these counts do not include possible additions of education-related programs in the areas of foreign aid, educational or cultural exchanges bringing foreign citizens to the United States."

They also go on to say that they cannot verify the completeness of this information.

"We are aware of no listing or other source of information on Federal education-related programs that is sufficiently comprehensive in detail to fully meet your needs."

Remember, our need was a very simple question: How many Federal education programs are there? That was our need. They said there is not an exhaustive list. "At the same time we are aware of no better source of this information than the CFDA," which is the big binder that I held up.

So we know that, according to Government documents, there are well over 750, 760 programs that go through 39 different agencies and spend over $120 billion per year. What it means is that for a long time, Washington has been working on a program, and we are doing different lessons in education every week, but this is lesson No. 2, that we like kids, we care about kids in Washington, but we have designed a system that has given us this kind of mechanism and this kind of cottage industry.

□ 2200

And this is two binders, OK? These are two big binders, and the title of this binder is Guide to Federal Funding for Education. And so what we have done is we have just developed layer on layer of education programs, and you know as the gentleman from Pennsylvania said earlier, we recognize we need to help kids. But when we put together this kind of process, and this tells you who to go to and how to apply for the grant and how to write your grant, and then there is an interesting thing in here that is called—what is this called? It is called the Funding Opportunity Rating System. The following system rates programs for most competitive, which is one star, to least competitive, which is five stars, to tell you that the feasibility and the probability of getting Federal funding, and what we have done is we have created a complex system that means we are friends at the IRS; you know, 110,000 plus are out there taking taxpayer dollars, taking dollars away from families. We design a complex system so that you have got to have these kinds of binders to find out exactly how to get the money. Then they go back to the classroom with all kinds of rules and regulations.

The end result is we are going through this process, and we will find out more when we go to Pennsylvania and when we go to Georgia. Our expectation is that maybe only 65 or 70 cents gets to the child. That is not good enough.

Mr. FOX of Pennsylvania. Where is the rest of it; in bureaucracy?

Mr. HOEKSTRA. The rest of it is in applying for the funds, finding out about the funds, promoting the programs, the bureaucracy, administration, all of those kinds of things, and you know as we are talking about some of these new programs that the President wants to do, the debate here on some of these programs is not going to be about whether these are things that we should be doing. We need to be in certain cases helping improve education. The debate will be if we are only getting 65 cents of the dollar to the child, are we going to increase spending to $1.20 to get up to 70 cents or 75 cents to the child, or are we going to take a look at that 30 to 35 cents and say that is too much going to bureaucrats and bureaucracy? Let us see if we cannot cut the overhead like we did in welfare, if we cannot cut the overhead in the bureaucracy and get the money to the child and get it to the classroom without having to increase taxes or increase deficit spending.

Mr. KINGSTON. You know, it is interesting during this period of time, and I generally attribute most of it since the conception of the Department of Education in Washington, and the gentleman may know the exact year. I believe it was 1978; but was it not 1978?

Mr. HOEKSTRA. Anyway our colleague in the back might—1978 or 1979?

Mr. KINGSTON. I am certain it was when Jimmy Carter was President, and so let us just say thereabouts. But what is interesting, during that same period of time that we have had this absolute explosion in programs, which has also taken away the flexibility and freedom for the teacher to teach in her or his own classroom, what has also happened is the SAT scores have fallen from approximately 937 to about 910 points, if not more than that, and the interesting thing as you know, the SAT scores have been recalibrated, and 900 in 1975 would equal about a thousand today. So in reality the SAT scores have fallen more than 30 points, but to probably about a hundred despite all of this Federal Government help to States which has proven not to be help but hindrance.

Mr. FOX of Pennsylvania. I would ask Congressman HOEKSTRA, how do we get education to be more child centered?

Mr. HOEKSTRA. Well, this is exactly what we are talking about. I think our vision of education, the vision that we see, and you know the exciting thing about going around the country and in some cases going to some of the most troubled areas and some of the roughest areas in the country, education in many of those areas is working. There are entrepreneurs, there are strong, driven individuals, there are parents that are going in and they are making a difference. And you know this is our vision for education. Our vision for education is a child-centered approach where the programs that we have in place are focused on helping the child, they are empowering parents, they are recognizing the importance of teachers in this process, that it is a partnership with teachers and parents and the student coming together to help that child learn.

You know, one of the exciting things about this is we have seen lots of innovations in getting to a child-centered education. Charter schools; we have got them in Michigan, we saw them in California, we visited them in Phoenix. And when we had our hearing in Phoenix, the National Education Association came out and said they are going to be doing four charter schools around the country.

I think that is exciting. I think it is wonderful that the teachers' unions are accepting the challenge of charter schools which provide them a new flexibility to try to redesign and recreate what goes on in a school outside of the bureaucratic maze, and I am, you know, I am excited that they are taking that challenge because if anybody can work and design a good school, it should be teachers in the local community working with parents and designing what that community needs.

I am looking forward to where they establish them. I am hoping and expecting that they will establish a charter school in the State of Michigan so that we can learn from their experience and their expertise. But the focus is this model right here along the bottom. It is parents focused on the student, it is teachers focused on the student, and the important thing is here the teachers know the name of the kids, the parents know the names of the kids; and it is an alternative to what the Washington Senate approach is, which is where we are today, which is at the end of the stream is the student, at the top of the stream is the bureaucrat. The bureaucrat does not know the name of the kids.

Mr. FOX of Pennsylvania. The gentleman from Michigan is right on target because the fact is that each district knows best what is good for their students, what the needs are, special programs that relate to industry in the district that relates to industry maybe having adopt-a-school programs to bring in community scholars. There are all kinds of innovations. If we tap into the private sector, there is no telling how far we can go. And education, just like every other area of life, business, the arts, everything is being questioned of how can we improve, how can we spend less by getting our money's worth, getting the taxpayer what they want, quality education at a reasonable price, making sure we maximize dollars but minimize waste.

Mr. KINGSTON. The gentleman in your newsletter, and I am attributing everything to you that I am plagiarizing here, but you pointed out in Washington, DC, a 57-year-old grandmother who started a program called Children of Mine, and the program in Washington, DC, provides hot meals, homework help, tutoring, computer instruction, Bible study, and a safe place for at-risk children to play, go to after school, to know that they are safe and have security and so forth. And the interesting thing is as this woman, Miss Hannah Hawkins, has turned around the lives of so many children since—well, I am not sure she started it in 1970 or how long she has been doing it, but not one dime comes from the Federal Government.

And you are finding all kinds of programs similar to this Children of Mine.

Mr. HOEKSTRA. I thank the gentleman for yielding. That is exactly what we are doing with A Tale of Two Visions, and you know the earlier examples that we cited were examples of Government inefficiency, Government being asked to do things that maybe it could not do or that it should not do, and in the same issue of every edition of this newsletter we also publish success stories, nonprofits, individuals, private enterprise, churches going out and making a difference in their community so that people can get a sense of actually what is going on in the country.

Mr. FOX of Pennsylvania. If the gentleman will yield, I have seen back in my home area of Montgomery County, PA, just how what you talked about is happening. Whether it is churches or synagogues or civic groups or boys and girls clubs, they have done the thing which is related to education in community youth groups. Whether it is the DARE Program, the Drug Abuse Resistance Education, through our sheriff's office, our town watch programs; no Government funding there. It is the eyes and ears of local police departments. Community policing; it is an idea where local police departments work with the community, work with the civic organizations, and that is really where we are making a great difference because it is not the Government trying to solve all problems. We are part of the solution, and that whole idea is, I think, coming to fruition.

Mr. KINGSTON. We have an example in Savannah, GA, which I mentioned to Mr. HOEKSTRA about, of a weight lifting coach named Michael Cone who actually had been an Olympic weight lifter, and he went to work in the school, worked in the school system for 10 years, and under his jurisdiction was the Presidential Fitness Program, and we all took the Presidential Fitness Program when we were growing up, and, as he described it very accurately, you go to the class and you say:

All right kids, everybody come up here and do a pullup.

Well, children really cannot do pullups. There are a few who can, but the majority of kids cannot. So what happens? One kid goes up and cannot do a pullup. The other 29 in the class say we are not trying because they know not trying is better than failure. And so you got one kid who has been humiliated, and 29 say we are not going to touch that ball. And what happened is the Presidential Fitness Program has become somewhat humiliating to some kids. It has also become cumbersome in terms of testing the children, and the results do not lead to anything.

And so what Mr. Cone did in Savannah, GA, he went in with a local hospital and got them to underwrite and say: Why don't we prepare a physical fitness program for kids, a measurement so that each child could do something of the test? And let's don't throw in an 11-year-old who is 140 pounds with an 11-year-old who is 90 pounds because physically they are not equal. Why have their measurement tested the same way? Let's do it by weight more than age and so forth; just some practical commonsense approaches.

As a result of Mr. Cone working with the local hospitals, they now had an ongoing physical measurement program for kids all over Chatham County where they can find out if these kids have any physical problems, if they changed from the year before. If they are overweight they can make recommendations and so forth. But the best part is it is less extensive than the Federal program and it goes a lot quicker. They can test it in about a third of the time that the Presidential Fitness Training Program does, and again it is an example of local initiative.

But you know Mr. Cone told me the unbelievable part is he had to fight the bureaucracy to get this thing approved and get it running.

Mr. HOEKSTRA. The system that I think we are looking forward to is developing and bringing back in balance a role for Government, highlighting the role that individuals can play, highlighting the role that private enterprise can play and highlighting the role, the responsibility of nonprofit faith-based types of organizations that American society where there is an equal balance between those four is when we really excel, and that when one of those becomes too dominant is when maybe we encounter most of our problems.

And I think what we have seen over the last number of years is where the role of the Federal Government has gotten so big and where we are spending $1.6 trillion per year and we are $5, approaching $6 trillion in debt, and we are saddling our kids with interest payments of $258 billion per year. We are out of whack. You know when a two-wage earner family is a requirement and not an option, we are out of whack and we have got to bring that back into focus.

I ask my colleague, and I know my colleague from Pennsylvania has a passion for higher education, and I ask my colleague if he saw this last edition of Time Magazine talking about the cost of higher education, whether you have had an opportunity to read that article?

Mr. FOX of Pennsylvania. Briefly; yes, sir.

Mr. HOEKSTRA. And I think, you know, as we really take a look at how we help young people for those that select and believe that they want to go to higher education, I think that article points out that before we throw a lot more money and programs at some of this we need to take a look at the correlation and the dynamics between Federal spending and the cost of education. And it is kind of a complex issue, but we ought to at least have some hearings and have some debate and dialog on that to make sure that when we fund higher education programs and we are trying to help kids, that is exactly the result that we are going to have, and we do not fuel a price war in the wrong direction toward increased prices.

Mr. FOX of Pennsylvania. If the gentleman yields, I believe that, you know, there is a greater role for the Federal Government in this area. There are many students who I found in my district who are qualified to go to school but yet do not have the financial means. So they need the loans and grant program.

One of the important pieces of legislation that is before us during this session that I hope in fact has passed will improve the opportunity for students. One will last; for instance, the reinstatement for employers, the deductibility for helping the students pay the tuition, and it will not be treated as a gift to the student to provide a disincentive.

The fact is we have to provide the incentives for qualified students to go into higher education not only to take over positions of government but to discover things in medicine to help us live longer and better, and our universities provide that kind of opportunity, and I understand what you are saying. Obviously we need accountability, too, that we are not overcharging our students for what a quality education should be, and that is part of what your committee will continue doing, and I hope that will give Congressman KINGSTON and me a chance to weigh in and be a part of your crusade.

□ 2215

Mr. KINGSTON. One of the things that is interesting in one of the statistics your committee came out with is that 30 percent of the American students entering higher education, entering colleges and universities have to take remedial courses.

I believe one of the reasons that they have to take remedial courses is because this bureaucracy that we are throwing on local school systems makes teachers spend far more time in paperwork than they should be and far less time helping students, because when they are filling out paperwork they cannot help that marginal student who needs just a little extra help in math that day. I mean a C student, C-plus student who might come up to a B or B-plus or an A, but instead moves in the opposite direction because the teachers are not there any more.

So what does the President do? He says we need tutors, so let us go in with these $20,000 a year volunteers from AmeriCorps to solve this problem. It is absolutely absurd. We do not need more Federal programs, we need less, and more flexibility for the teachers; we need less paperwork for them.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, my subcommittee also has oversight on the

Corporation for National Service, which is the parent corporation for AmeriCorps.

There is debate about whether AmeriCorps works or whether it does not. I originally voted for the program, and as I have now had oversight over the program for the last 3 years, I have some questions about the program and exactly how it has worked, and it is working different than what I maybe anticipated it was going to do. There are two fundamental facts. Their books are not auditable, and we have known that for about 12, 18 months, that we really do not get a full accounting of where the money goes.

We have had hearings on this and there has been some explanation that the corporation came together and it had some old programs with dirty books and they had to kind of clean those up, and they are getting there. But more disturbingly, within the last 10 days, the auditors have come out and said that their trust fund is not auditable, which means that there is not an integrity to the system that the scholarships for the kids that worked, that will actually be able to match up the scholarship money to the kids that actually did the work. So it is kind of disturbing that there is not that integrity in the system.

I also wanted to build off on what my colleague from Pennsylvania is talking about, the tax deductibility for corporations to enable their employees to go to college. But in my State, it is important for them to get additional training, but it is also very important because being a huge automotive producing State, we need machinists, we need journeymen, and so we need the kids to go into the basic trades, which are great jobs, which certain kids have a great aptitude for and they love doing.

I could not do it. My colleagues would not want to take a look at the parts that came off the machine after I spent a few hours on them. But we need those kids, because it is part of the heart of our industrial strength, is having the journeymen and the people talented and skilled in those areas. It is really an art, and so we need the flexibility and the programs that we design that say if you are going to go to a 4-year college, if you are going to go to medical school, or if you are going to go and be a journeyman, we are going to support you in getting that additional learning, because we need that full range and that full breadth of skills, and we need to empower young people to match the skills that they want to get with the love and the profession that they have a passion for, and we cannot use these Government programs to coerce them into doing something that maybe they would not do otherwise.

Mr. FOX of Pennsylvania. Mr. Speaker, I think one of the other things that we need to do, for the students 18 and under, they have no direct voice here in Congress in the sense that there is someone their age, and I think of the youth Congress when they take over the 435 seats in this House, they elect a Speaker and they pass some legislation that they tell us about. Because while student loans are important, reducing crime is important, their dreams and aspirations are important also. We get this reflectively sometimes through their parents, and sometimes in our town meetings, and sometimes I hear about them when I go to visit a school, but I would love to have a youth Congress sometime this summer and hear directly from them, because sometimes I do not think we hear enough from them.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, that is a wonderful idea, having a youth Congress for a week where maybe every Member of Congress has the opportunity to select one member to represent them in this youth Congress for a week, where we could define a range of issues, maybe two or three or four issues that we would like them to work on and debate for a week. The biggest fear that I would have is that at the end of the week, the American people might be more impressed with the youth Congress than what they are with us.

Mr. FOX of Pennsylvania. I think we can afford that risk to make the country stronger and better.

Mr. KINGSTON. Mr. Speaker, one of the great parts about this job is that we do get lots of students come and visiting our offices and I am always inspired. It is interesting that there are a lot of folks who are down on students, but I look at the kids who are in our classes today and I feel very, very optimistic. But often, it is because of their own effort or their parents more than it is because of the education system.

We were talking about preparing kids for the future. One of the realities that children of today will face a lot more than our generation is that they will be competing directly against German, Japanese, British, Canadian children and so forth.

The question is, are we preparing them best? Of the 760 different Federal education programs, it is interesting to note that there are 14 programs that deal with reading, but 39 deal with art. There are 11 that deal with mathematics, but 27 that deal with environment.

Now, I think it is important to know about art and it is important to know about environment, but when you are talking about competing in a global economy, you better know your math and you better know how to read. But because the Federal Government passes things based on politics and emotion far more than logic, it is a lot more popular to vote for art and environmental programs rather than math and reading because they are somewhat lackluster. But are we cheating our children when we do that? I think we are. We have to prepare them for the global marketplace.

Mr. HOEKSTRA. I know we are running close to the end of our time, and I thank the gentleman from Pennsylvania [Mr. FOX], for taking the hour tonight.

The gentleman from Georgia [Mr. KINGSTON] is absolutely right. We need to prepare our kids. But the bigger responsibility that we have is we need to prepare this country, which means I think that we have to carry forward on our vision toward getting a surplus budget and a government that can be funded by a one-wage-earner family, that a two-wage-earner family is an option, and that we get a government and we get it in a size and a scale that no longer sucks strength away from our families, but is in balance with what our families need.

If we can do that, we will prepare the proper environment for our children to be successful.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the gentleman's comments. I think that the gentleman's whole theme has been one that rings true for America, and that is to make our families stronger, and by doing that we make America stronger.

I did want to make one parenthetical comment, discussing AmeriCorps. I can tell my colleagues about a couple of programs that frankly in relationship back to what the Congressman from Georgia, Mr. KINGSTON, was talking about, the RSVP and the foster grandparent programs have been outstanding examples, and I will have to look into the tutor program you spoke of to see whether it is as accountable and as beneficial. But I think the overall theme that the gentleman from Michigan has presented tonight, balancing our budget, getting tax relief to families, letting them become one-wage-earner families, if that is what they want, so that they can again spend more time together, enjoy the quality of life, build their communities, and I think that kind of vision of America's dream is certainly one that people from my district will want to embrace.

I yield to the gentleman from Georgia for a concluding comment.

Mr. KINGSTON. Mr. Speaker, let me just say, I appreciate the gentleman from Pennsylvania and the gentleman from Michigan for letting me join them this evening, and I do agree with the title of the gentleman from Michigan's newsletter. We have two missions here, one of a command-control bureaucratic government where Washington experts tell the whole world how to run their lives, how to run education, and how to run their businesses and families and so forth, or we have a government that is smaller and based on common sense. The gentleman has an excellent newsletter, and if the gentleman would, could we get his Net page number and so forth.

Mr. HOEKSTRA. For my colleagues, this newsletter is delivered on a monthly basis, and they can get it from 1122 Longworth House Office Building.

[From the Atlanta Journal, Oct. 14, 1996]

WASTEFUL AMERICORPS SURVIVES ANOTHER YEAR

AmeriCorps, President Clinton's much-vaunted "volunteer" program, has survived another year. Too bad. It's past time to kill this costly program before it becomes a permanent government fixture. It is fast-growing and expensive, it eats away at the very definition of volunteerism, and it's costing taxpayers a huge amount per participant without any measurable gains.

In announcing AmeriCorps in 1993, the president spoke of a largely privately funded program that would engage the nation's young people in volunteerism and community service:

"While the federal government will provide the seed money for national service," the president wrote in a New York Times op-ed article, "we are determined that the participants—the individuals who serve and the groups that sponsor their service—will guide the process. Spending tens of millions of tax dollars to build a massive bureaucracy would be self-defeating."

But it has been the federal government "guiding the process" with tax dollars. The program cost $217.3 million in 1994, but $427.3 million in 1995. Congress put the brakes on the president's effort to pump even more into the program this year. Undaunted, Clinton is now seeking $1 billion over the next five years.

The notion of private funding for AmeriCorps was also an illusion: Just 7 percent of the program is funded privately. National and state governments pick up the rest of the tab.

The General Accounting Office has discovered the program costs taxpayers $26,700 per participant for 10 months of volunteer work.

And the type of "work" is not always what taxpayers would have paid for. In San Francisco last year, AmeriCorps volunteers organized 40 groups to fight the federal crime bill's "three strikes and you're out" provision. In Denver, "volunteers" who were supposed to be helping neighborhoods instead were passing out fliers attacking a city councilperson. In Orange County, Calif., AmeriCorps volunteers were paid to knit a memorial quilt for victims of the Oklahoma City bombing—a chore they never even finished.

And AmeriCorps destroys the healthy notion of volunteerism by paying participants to "volunteer." Participants receive a stipend of $650 per month—about $7.50 per hour—and $4,725 a year for college costs. This even though more than half of Americans over 18 volunteer in the real sense—for free.

Neither are the benefits of AmeriCorps limited to the poor in need of financial aid for college. America's wealthiest are just as eligible—and far more likely to participate. While the program is supposed to give young people a chance to go to college, the cost of a single AmeriCorps participant would send 18 students to college with Pell Grants.

The president needs to look back at his original statement and ask if the program is indeed "self-defeating." It is, and it's an incredible waste of taxpayer dollars.

CIA OPERATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, earlier today I started a presentation and a conversation about the Central Intelligence Agency. Recently I have become involved in taking a closer look at the Central Intelligence Agency. This was after the San Jose Mercury News series detailing allegations that the CIA operatives were involved in the trafficking of crack cocaine in south central Los Angeles.

What we have learned is quite disturbing. The CIA operatives, Oscar Danilo Blandon and Norwin Meneses were indeed connected with both the CIA and the DEA; that is, the Drug Enforcement Agency. Both Blandon and Meneses have long histories of involvement with drugs. Mr. Meneses in particular was well-known among the United States and Latin American law enforcement agencies as having trafficked drugs for years. These men were staunch supporters of the Nicaraguan contras and the FDN. That is the army of the contras.

There are those who question whether the CIA had any involvement with the distribution or trafficking of crack cocaine into south central Los Angeles. One need only look no further than current newspapers to find recent cases of CIA involvement with drugs.

Before I began to detail some more of the recent involvement, I would like to just share for a moment the fact that Mr. Danilo Blandon and Mr. Norwin Meneses both have been identified not only as having been involved with the CIA, but Mr. Danilo Blandon himself testified in Federal court that he was a CIA operative.

There are those who question whether or not this really could have happened, and did this fuel the explosion of crack cocaine in south central Los Angeles and across the Nation. There are some of us who are well aware that in the 1980's in south central Los Angeles, where I have served for a number of years prior to coming to Congress, there was indeed a huge infusion of drugs, and it was commonly referred to as drugs that were being brought in by the Colombians. Little did we know until the San Jose Mercury News did this extensive investigation that indeed these operatives were directly in south central Los Angeles and Mr. Meneses himself was connected with these drug cartels that were bringing in the drugs to Mr. Danilo Blandon.

Well, the newspapers have been full of a lot about what took place. Not only did the San Jose Mercury News describe this whole operation and a young man in south central Los Angeles that was connected to the trafficking of huge amounts of crack cocaine, but since that time we have discovered that Mr. Danilo Blandon is now in the witness protection program of the DEA and, despite the fact he had been a large drug dealer, bringing all of this cocaine into south central Los Angeles, he was now on the DEA payroll, having been paid over $160,000 by them last year.

☐ 2230

Ricky Ross, the young man that connected with him in south central Los Angeles, is now in prison for life. Well, some people may say that perhaps happened and perhaps the CIA did not really involve itself in the trafficking of cocaine, it just kind of turned its back and allowed it to happen. And that was the CIA of the past. And perhaps they were so involved in trying to support the Contras, because they felt that they were the correct organization to confront the Sandinistas, even though they did not have the support of the Congress of the United States, that perhaps they made a mistake.

Well, for those who think they made a mistake, let us take a look at recent events. Let us take a look at Venezuela. Earlier this year, General Ramon Davila Venezuela's former drug czar, was indicted by Federal prosecutors in Miami for smuggling cocaine into the United States.

Now, according to the New York Times, November 20, 1993 article, the CIA antidrug program in Venezuela shipped a ton of nearly pure cocaine to the United States in 1990. The CIA acknowledged that the drugs were sold on the streets of the United States of America. The joint CIA-Venezuelan force was headed by General Davila and the ranking CIA officer was Mark McFarlin, who worked with antiguerrilla forces in El Salvador in the 1980's. Not one CIA official has ever been indicted or prosecuted for this abuse of authority.

You need to know and understand that when the CIA came up with this cockamamie scheme of bringing the drugs into the United States, they claimed that this was the only way that they could gain the confidence of the drug dealers in Venezuela and thus set them up so that they could bust them for a bigger deal later on. They went to the DEA and told the DEA about the scheme and the DEA, who supposedly has the authority to determine whether or not you can do these kinds of operations, said to them, no. You cannot do it.

The CIA defied the DEA. They did it anyway. And they broke the law because they allowed the drugs to hit the streets.

Well, let me just say that whether we are looking at south central Los Angeles or any of our other major urban areas or even areas that are not so urban, and we see this continuing influx of cocaine that is cooked into crack and we see all of this devastation and we wonder, where does it come from, and people in many of these communities will say, we have no airplanes, we do not have the wherewithal to bring the drugs in, so it must be coming from places as they would consider higher-ups.

We do not know where it comes from but we do know some things. We know that the ton of nearly pure cocaine that reached the streets in 1990 was cocaine that was brought in by the CIA. We know that. We do not care what they were attempting to do, we do not care that they thought they had a scheme that would help them to bust big dealers later on. The fact of the matter is, they brought the cocaine in and they defied the law. They broke the law. They allowed it to hit the streets.

Let us take a look at Haiti. In a March 8, 1997, Los Angeles Times article, it was reported that Lt. Col. Michel Francois, one of the CIA's reported Haitian agents, a former Army officer and a key leader in the military regime that ran Haiti between 1991 and 1994, was indicted in Miami and charged with smuggling 33 tons of cocaine into the United States.

The article detailed that Francois met face to face with the leaders of three Colombian cartels to arrange for drug shipments to pass through Haiti via a private air strip it helped to build and protect. Lt. Col. Francois was trained by the U.S. Army in military command training for foreign officers in Georgia. He was a senior member of the service intelligence agency, a Haitian intelligence organization, founded with the help of the CIA in 1986.

After the 1991 coup that put Francois in power, cocaine seizures in Haiti plummeted to near zero, according to DEA records. United States prosecutors have requested the extradition of Francois from Honduras where he has been living under a grant of political asylum.

What is important about this? We went through a very, very confrontational history right in this Congress in this House about Haiti. There were those of us who supported Aristide and there were those who did not support him but, rather, they supported Cedras and Francois and others who were involved in attempting to overthrow Aristide. These were the people we were fighting to get Aristide returned to Haiti. These were the people who were embraced by Members of this House who swore by them, who tried to make sure that Aristide never returned to power, who embraced Cedras and the head of Cedras's Army, Mr. Francois.

Members of this House literally had wrapped their arms around drug dealers. Members of this House not only swore by them and protected them, while they were protecting them, Francois was building an air strip in Haiti where he could receive the drugs flown in from Colombia on that air strip and the same air strip used to fly it right back out to the United States. This was a transshipment point.

This was the head of the army in Haiti working with Cedras, with Members of this House supporting them and working against the return of Aristide.

Well, we were able to get the support of the President of the United States and those who really began to understand what was going on down there. And we returned Aristide and, of course, Francois was helped out and given a grant of political asylum.

Now we find that he, too, is responsible for helping to put drugs on the streets of the United States of America, another instance where the CIA either knew or turned their backs and allowed it to happen. There are those who swear that the CIA was called when this large shipment of drugs was being prepared for entering into the United States, and the CIA did nothing.

Let us go a little bit further and try and discover who the CIA is and what they are doing and how they are viewed around the world.

In a Los Angeles Times article, we see a caption recently, just a day or so ago, that says, CIA finds itself out in the cold with U.S. allies. In this Los Angeles Times article, that was just Monday, March 17, our international allies' dislike of the CIA and their clandestine activities is stated, and I quote:

> Around the world America's friends are sending a quiet but stern message to the Central Intelligence Agency. The Cold War is over. The rules of the spy game have changed, and it is time, they said, for the United States to curb its espionage operations on allies' turf.

At least four friendly nations, Germany, Italy, Switzerland and France, have halted secret CIA operations on their territory during the last 2 years. In Germany, a CIA officer was ordered to leave the country, apparently for trying to recruit a German official in 1995. There was a major intelligence failure in Paris, when the French uncovered and put an end to an economic espionage operation run by the CIA.

Let us take a look at the Washington Post on the 18th. House panel affirms some allegations against the CIA. Just in today's Washington Post, there was a report that the House Permanent Select Committee on Intelligence report affirmed a previous conclusion that CIA contacts in Guatemala were involved in serious human rights violations with the agency's knowledge and their involvement was improperly kept from Congress in the early 1990s.

In fact, the article stated, and I quote, "The report represents a sharp criticism of the CIA from a Republican-controlled committee that has tended to be more sympathetic to CIA arguments that it must deal with unsavory individuals to get good intelligence."

Mr. Speaker, what is the mission of the CIA in a post-cold war environment? Is it really necessary to continue allocating $30 billion to the CIA? Should we not use these funds for other purposes such as job development or school infrastructure rehabilitation?

We are pleased that the New York Times on the 3rd of March this year recently reported on scrubbing, they call it, by the CIA in an effort to sever ties with 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes.

According to these articles, the Latin American division of the CIA's clandestine service proved to be the one most riddled with foreign agents who were killers and torturers and that the CIA also has had on its payroll people who are terrorists and drug dealers or who were terrorists and drug dealers.

It is not enough to cleanse some of the rogue agents employed by the CIA in their clandestine activities. We need to take another look at the CIA.

What I have just said to you is this: In addition to the drug trafficking and allegations of continued involvement, in addition to the south central Los Angeles drug trafficking with Danilo Blandon and Norwin Meneses, in addition to the event that I just described to you in Venezuela, in addition to the connection in Haiti, we find that we have a CIA who is being questioned by some of our closest allies and who are saying, we do not want them around here anymore.

The CIA, in this latest attempt to try and cleanse itself, tried to send a message, we are getting rid of the terrorists. We are getting rid of the murderers and the drug dealers. We are scrubbing the agency.

Well, that is not good enough. What indeed is the mission of the CIA? The Cold War is over. What do they do? What are we paying $30 billion for?

They are meeting, that is the Permanent Select Committee on Intelligence of the House, is meeting this week in a little secret room upstairs with this not so secret organization anymore where they are talking about, I suppose, their mission and the funding of the CIA. But I think more than our allies who are questioning the mission of the CIA, many citizens in this country are discussing what is the mission of the CIA.

I think that that debate really needs to take place in this Congress. At a time when we are trying to balance the budget, when the resources are not so plentiful, where we are making serious and severe cuts in programs that have children and seniors, programs that provide housing, programs that are really basically safety nets for American citizens, many of them who have been taxpayers, many of them elderly, many of them who need a helping hand from their government, we continue to fund the CIA to the tune of $30 billion without understanding what their mission is.

□ 2245

What, indeed, is it that they do that cannot be done by the DIA, that is, the Defense Intelligence Agency? We know that there is an overlap. There has been some duplication in the past.

I would recommend that we turn whatever these responsibilities are over to the DIA, and I would recommend that we eliminate the CIA from the budget of this Nation.

I know there are some who will say that is a very, very harsh recommendation. It is no harsher than recommendations that came to this House from the other side of the aisle when they said get rid of the Department of Education. In addition to that, they said let us get rid of the Department of Commerce.

Not only did they question the value of the Department of Education, that has a responsibility for educating America's children, and the Department of Commerce, with the responsibility for trade, the same people are now coming forward to raise questions about outdated and outmoded operations such as the CIA.

I am very, very concerned about the CIA and this $30 billion. I am concerned that they have had a role in, that they have had operatives, that somehow too many times in too many ways their name and their operation and their business is connected to or identified with drug dealing.

I think it is time for us to have this debate. I am challenging this House to get involved in taking a real close look at who the CIA is and what do they do.

We have some investigations that are going on. When we brought the information to this House about drug trafficking in south central Los Angeles, with this drug ring in the 1980s that had dumped all of this cocaine into south central Los Angeles, we had enough information to convince the Speaker that there, indeed, should be investigations. And so our House Permanent Select Committee on Intelligence is involved in an investigation. This is running parallel with an investigation by the Inspector General of the CIA that is supposed to be independent and the Inspector General of the Justice Department. They are supposedly culling through thousands of documents and interviewing many people who were perhaps involved.

There are a lot of people who do not trust that the Inspector Generals of the CIA and the Justice Department will come back with the kind of information that will help us to understand who knew what, when did they know it, and how high did it go. They are suspicious of these investigations.

I tell them it is important that we let the process go forward; that some of us are not simply relying on these investigations, even though we think it is important for them to go forward. Some of us are responding to the calls that we are getting with people who have information about drug trafficking and intelligence community involvement.

We have met with any number of people who have called, given us documents and information. We are doing this because we want to be able to compare what we are learning with the so-called investigations that are going on. If and when hearings take place as a result of the investigations that are being done, we will be able to ask questions about why certain people are not being subpoenaed, why they are not being called, why certain documents are not being entered.

I am very serious about wanting to know who knew what and when did they know it and how high did it go, and whether or not the CIA or the DEA or the DIA or any other intelligence agency has been involved in drug trafficking. I would consider that the most profound undermining of the American people of any action that could be taken by anybody.

We do not pay our intelligence community to protect and serve, to find out that they are indeed involved in the kind of devastation that has been caused by this explosion of crack cocaine in our communities. And so, in essence, we are kind of running our own parallel investigation because we are responding to the calls that we get.

I went to Nicaragua myself because I was contacted by someone in Managua who had information, who knew about the drug cartels and who had been connected with Norwin Meneses. I went to a place called Grenada, up outside of Managua, and I went to a prison and I interviewed Mr. Enrique Miranda Jaime, who not only indicated his willingness to cooperate with the investigations that are going on here but asked that I share this information with the investigators.

I have done that. I have shared this information with the Inspector General of the Justice Department. I have asked him to go and take a look and to talk with Enrique Miranda Jaime and to make sure nothing happens to Enrique Miranda Jaime. I am concerned that if we do not get to him and place him in a witness protection program so that he can make the information available to us, that we may not have him available to us sometime later on.

I am going back to Nicaragua. I am going back to Managua. I have been requested to come back by some legislators who now understand a lot about what perhaps has taken place, and they have new information and they are looking at some money laundering schemes.

We have identified that one of the persons now in the Nicaraguan government was connected to Danilo Blandon and was responsible for laundering money out of Miami during the 1980's when Mr. Danilo Blandon was trafficking in cocaine and crack cocaine in south central Los Angeles.

So I will be going back. There will be others going back. We have people there who are documenting some of the information that is going to be necessary for us to make sure our investigators have. This is the kind of work that must be done because the Congressional Black Caucus of the Congress of the United States have decided that they are going to make the eradication of drugs in our community our number one priority.

We are sick and tired of drug addiction. We are sick and tired of the violence that is associated with drug trafficking. We are sick and tired of the babies that are being born addicted to crack cocaine. We are sick and tired of the loss of lives, the loss of opportunities and the loss of a future for our children in our communities because of cocaine and drugs and crack cocaine in particular.

We find that crack cocaine is one of the most devastating drugs that has ever been known to man. We find that it is the most addictive, that it is very difficult for people to get off of. We find that people commit some of the most horrendous acts in pursuit of more crack cocaine to fuel their habits.

We are sick and tired of waiting on others to do. We do not care if there is a drug czar, we do not care if there is advertising and continuation of programs that say "Just say no." We are in this now and we are going to provide leadership.

We have been working with the President of the United States to increase the drug budget. I have worked with the drug czar to support more prevention, more education and more rehabilitation, and we are going to fight for the budget that has been produced that would help us to deal with this securing in our communities.

But we are not going to stop there. We are going to do all of those things and we are going to work hard. We will be in the town meetings, we will be talking with the young people, we will do all we can do to help get rid of these drugs in our community. We are going to work to see that there is justice and fairness.

Just as the Justice Department has targeted small crack cocaine dealers, we are going after the big guys. We want to make sure that these dealers of large amounts of cocaine and crack cocaine are targeted and that they are apprehended and that they are brought to justice.

We want to make sure that the Justice Department does not have the American public believing that they are doing something about drugs simply by getting these small crack cocaine dealers, getting them into these mandatory minimum prison sentences in the Federal prisons, filling up the prisons all over America with these small-time crack dealers, 19 and 20 years old, who are stupid, who should not be involved, should not have been involved, but the sentencing that they are getting does not match the crime.

Big drug dealers are going free, and those in the intelligence community, who we pay to protect and serve, may still be involved in these covert operations where drugs are involved and causing tons of drugs to be dumped on our streets.

We are tired of waiting on law enforcement to do it job. We are sick and tired of those who tell us, oh, you cannot do anything about interdiction; as long as the appetite is what it is in America, we will have drugs coming in in huge numbers because of the profits of it. Well, we do not think that is true. We think we should be involved in interdiction, just as we should be involved in education and prevention and rehabilitation.

We think that we are going to have to look very carefully at our relationship and our relationships to other countries. We are going to have to look carefully at our relationship to anybody that we think is involved in bringing drugs into the United States of America.

We heard this big debate about certification. Who are we certifying? What do we know about them? Are we turning our backs and fighting for certification despite the fact we may know some of our allies and some of our friends right here in this hemisphere are involved in drug trafficking?

We have got to understand there is no threat from the Soviet Union. There is no more Soviet Union. There is no threat from Russia, some of the countries that made up the Soviet Union. Nobody wants to fight with the United States of America. That is not where the threat is to this country anymore.

The threat to this country is this influx of drugs, of cocaine that is causing addiction and crime and violence and murder. The threat to this Nation is this influx of huge amounts of drugs that is undermining the very social fabric of our country.

Our national security must be redefined. The need to take a look at what our threat is is urgent. This debate must take place and we must redefine what our national security interests are.

I submit to my colleagues that one of the greatest threats that we have in this country today is this influx of drugs, this influx of cocaine, this scourge of crack cocaine in our communities and all of the violence that goes along with it, and so we cannot afford to let anybody off the hook.

We should have no friends that we love so much that we will allow them to bring drugs into our country because we have some trade relationship with them. We should allow no one to bring drugs into this country because we want to expand our ability to do business with them.

We should let the shoe fall wherever it should fall. We should be willing to identify those who undermine us with drugs, no matter who they are.

□ 2300

I challenge those who somehow think the CIA and the DEA and the DIA are so important that we should have a hands-off policy, that we should not question what the intelligence community is all about, that somehow we should not be concerned about the $30 billion in that CIA budget. There are those who say to me, "Oh, Ms. WATERS, you better be careful, you can't go around talking about the CIA. You can't challenge them. Don't you know what they do? Don't you know that they're very special, and that nobody talks about the CIA?"

I am here to say, I think the day for the CIA has come and gone. I think it has no mission that is worthy of the $30 billion that we are paying for its so-called operations. I think the CIA cannot scrub itself. This business of scrubbing, talking about they are getting rid of the terrorists and the drug traffickers and the murderers, is a day late and a dollar short. Not only have they involved themselves with the scum of the Earth, many of whom are responsible for horrendous crimes against our people, but it is no need to even try and make the American people believe that it is necessary to be involved with those kind of people anymore. For what?

And so this challenge that I bring right at the point that we are talking about funding the CIA one more time, at this time where their budgets supposedly are being looked at, at this moment in the debate of Congress about where we put our resources, where we make our priorities, there is no better time.

I would like all of those who embraced Mr. Francois, for example, down in Haiti, who swore by Mr. Cedras, who fought us day and night to try and make sure they were in control of Haiti, I ask them, this Mr. Francois that was trained right in Georgia by our people, who built an airstrip right when they were working with the CIA, who brought in the drugs from Colombia and sent them to the United States, I challenge those Members to make it right. They know who they are. They need but step forward and say, "We made a mistake. We should not have embraced Francois in Haiti. We should not have been involved with them at all."

The CIA's involvement was deep in Haiti for a long time. They know who these people are. They know what they were doing. And the Members of this House who embraced them and who fought for them need to step forward and make it right and say, "I made a mistake. I should not have embraced them and I'm not going to support them any longer."

We are going to not only take a look at what the CIA has done in the past, we are going to understand, or try to understand, what their mission is supposed to be and hopefully come to the conclusion that I would like them to come to, that they have no more mission. And if they conclude what I have concluded, we can find us $30 billion to help offset this deficit, $30 billion that we can place in our school systems in America.

Just think about it. The President of the United States has asked for $5 billion to help repair our infrastructure in our schools, to help rehabilitate our schools. The need is over $100 billion. The Congressional Black Caucus would at least like to have $20 billion so that we could leverage it up to about $80 billion, because our schools are crumbling down around us in many of our communities. We have schools where the air-conditioning does not work. We have schools that you cannot even put computers in because they are not wired for computers. We have schools that have no science labs. We have schools that have no place for the children to eat lunch. Thirty billion dollars could really help us rehabilitate these schools for our children, for our children's future. We need to get tough about stopping drugs and giving these children a chance. We need to get tough about redirecting our priorities to educate our young people, and to make them competitive, and to give them a chance to grow and to be and to realize their full potential as human beings. We cannot do that as long as we are allowing money to go out the window of something like the CIA.

I submit that it is time to totally eliminate the CIA. I understand exactly what I am saying. I am saying what I mean and I mean what I say. I am of the belief that they do not have a serious mission anymore, and I am further concerned and outraged by the fact that I have learned too much about them and their connection to drug trafficking. And when I go to parts of my district or to New York or Philadelphia, Missouri, St. Louis, and when I go into the South, places in Arkansas and Mississippi, and I see the scourge of crack cocaine and I think about the fact that the CIA or the DEA and others could have been involved in turning their backs or been involved in covert operations that have allowed these drugs to hit our street, then I am convinced that we are making a mistake to continue to fund the CIA.

If there is any mission at all, if there are any activities they should be involved in, I submit to you that the DIA can take over those activities. Why are we paying all of these different intelligence communities to kind of trip over each other in a post-cold-war era? What are they doing? What is their responsibility? Who are they spying on? What information are they bringing us? If they know so much, why did they not know that the drug czar in Mexico was a drug dealer? Here we were allied with the drug czar in Mexico who was supposed to be working closely with us, who was supposed to be the man who was helping us to identify the drug dealers there, and to help us get rid of this transshipment point that is dumping tons of cocaine and heroin into America. But we did not know. Where was our CIA? Where was our DEA? Where were those in the intelligence community who should have known that the drug czar was the drug dealer? They did not know. They did not even know that the Mexican authorities had arrested him until days after it had been done.

If they have a mission, of protecting us, of knowing what is being done in foreign countries that may be harmful to us, they missed the mark. They missed the point. They did not do their job. But, I suppose whether it is the case in Mexico that they did not know the drug czar was a drug dealer, I suppose they did not know in Venezuela where they were working with the so-called drug czar who ended up again being the dope dealer and not only dumping drugs into the United States on his own behalf but on behalf of the CIA. It is enough information here for people to be angry about, for people to be concerned about, that people should want to be able to get to the bottom of what is going on.

I think the American public is going to move faster than the Members of this House. I think that the articles that you now see popping up in the newspapers are going to multiply. In addition to that, I know about some documentaries that are going to be done about the CIA and its mission or lack of a mission. I know that there is going to be increasing discussion outside of this House about the CIA and its role, and the American citizens are going to rise up against the funding of an agency that should be extinct. They too will join with me in the final analysis and call for the elimination of the CIA.

This is not the first time that I have been on this floor talking about the CIA and drugs. This is not the first time that I have reminded the public of the San Jose Mercury series called "The Dark Alliance" that helped to document their involvement in the dumping of cocaine into south central Los Angeles, and this will not be the last time.

I do not usually come to the floor this late at night, but I am willing to do some extraordinary things to try and communicate this threat, to try and engage not only my colleagues but the American public on this issue of drugs.

This country deserves better. We do not deserve to have to suffer what we are suffering with drugs overrunning too many communities in America. Not just the inner cities. Certainly it shows up there. But also it is in little towns and in rural areas, and it is not confined to any one ethnic group. It is not confined to any one age group. Increasingly people are getting involved and children are getting involved at a younger and younger age.

American citizens, we deserve better, and we deserve our policymakers to get serious. We deserve the policymakers who supposedly come here to represent the people of the United States of America to take this issue on, to give it some time and some attention, to be involved in interdiction and prevention and rehabilitation. The people should not have to wonder, have we been abandoned? They should not have to suffer being told we cannot do anything about it, as long as there is an appetite for it.

I wish all American citizens and all Members of Congress were perfect human beings, but we are not. We are all vulnerable in many ways. There are many people who get involved and get addicted who wish they could get out of it, and we should help provide them with some opportunities to rehabilitate. I wish there was no appetite. But I suppose, until we do our job on the front end to educate and to discourage and to teach and to prevent, many people will fall prey to this menace.

We should not be involved in a situation where we are allowing young people to either be addicted or to end up thinking that somehow they can sell a little bit of rock cocaine, earn enough money to have a better life. We should not allow these things to happen. Those young people who are sitting in the prisons, falling prey to this business, I can get away with selling a little drugs, these are young people whose lives are cut short. And even though again they were silly enough to get involved, oftentimes the crimes do not fit the punishment and the big guys are getting away.

I am going to keep talking about this, I am going to keep challenging this House, I am going to keep challenging America to challenge its elected officials, to get involved, to learn more, to get to the root of this problem, to deal with the intelligence agencies, to deal with the law enforcement agencies, to deal with the families, the children, the communities, despite the fact I am oftentime discouraged and frustrated as I travel around this country and I see what is going on.

I suppose in the final analysis, I am the eternal optimist. I believe we can do something about it. I believe if we put our minds to it, we can turn this situation around. I believe if we are committed to a future for our young people, we can indeed make this our top priority. The Congressional Black Caucus decided we are going to make this our top priority. We extend our hand to those who would like to join with us to make this a top priority of this Nation. America, we can do better.

BRINGING RUSSIA INTO THE WESTERN WORLD

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized until midnight.

Mr. HORN. Mr. Speaker, the United States must work to help align Russia with the democratic nations of the West. If we isolate Russia, we will miss a historic opportunity to bring Russia into the western world. If we do not, the result will be instability and unneeded conflict in the future.

One of the interesting questions of history has been whether or not Russia is western or an eastern power, whether it is a European or an Asian nation. The North Atlantic Treaty Organization, NATO as it is known, faces the task of deciding where the frontiers of Europe lie.

□ 2315

Over three centuries ago, in 1703, Czar Peter the Great founded St. Petersburg as his capital. He sought to give Russia a more western-oriented outlook. In the early 19th century, Napoleon of France invaded Russia. In the early 1940's Hitler invaded Russia, and Russia has cause to be wary of some of the Western Powers. During the Russian Civil War, after the communists had seized power and the Czar was removed and there had been a short bleep of democracy in Russian history; the West, including the United States of America, intervened on the side of the democratic Duma, a noble cause, the legislature, the only one of its day in 300 years of Russian history, and it provided that brief blip of democracy I mentioned, and it was a hopeful institution for a brief time. And yet the autocratic Czars and the totalitarian Soviets ruled Russia until very recent years.

Despite its suspicion of the West and our suspicion of Soviet Russia, as allies from 1941 to 1945 we were still able to cooperate to stop and defeat the vicious murderous Nazi Germany.

Western Europe and the United States now have a historic opportunity to promote reconciliation and cooperation with Russia. We have fought one Cold War with the Soviet Russia, which is no more. If we are to avoid a nationalistic, autocratic Russia arising from the chance that we will have democracy, we need to take diplomatic risks now.

Let us recall that the enemies of the Second World War are now democracies. Germany, for example, and Germany's involvement with the European Community and NATO helped bind it further to the West. Germany, guided by progressive leadership since the end of the Second World War in the elimination of Hitler, overcame the deep and historic divisions which existed between France and Germany, two countries who had been at war with each other three times in 65 years. And then, of course, the great crimes of the Nazi period.

Japan. Japan was as far different culturally from the United States and Europe as one could imagine in 1945. In the decade which spanned the period 1935 to 1945, Japan waged an aggressive war against its neighbors in Asia as well as the United States of America. Yet under the leadership of Gen. Douglas MacArthur, we imposed democracy on Japanese institutions which were militaristic and feudal in nature, and our military occupation helped the Japanese rebuild their country which had been shattered and overcome those militaristic forces that had led their country into aggressive wars in that decade of 1935 to 1945. And the result now is that we have stability and peace in East Asia.

One obvious reason for the successful American alliance and the relationship we have with Germany and Japan is that we stationed our troops in both of those nations, and we had a major role in influencing the formation of new institutions in those countries. A second reason for the successful alliance was the common goal of halting the spread of communism as practiced by a number of Soviet dictators, the worst of which of course was Stalin. We must remember that we fought the Cold War against these dictators and zealots who ruled Russia through Communist ideology, fear, and militarism. For 75 years the Soviet Union was the leader of all of the Communist world except China. The Soviet Union, however, is no more. It collapsed in the face of its own weaknesses and because of the resolve of the western nations. We must show the same resolve to ensure that peace and stability represent the future of Europe.

For this to happen, Russia must not be isolated but must become a partner of the West in the economic submits, in the European Community, and in the North Atlantic Treaty Organization. NATO operates by consensus. No nation can veto NATO decisions. Giving Russia a seat at the table in NATO does not mean it will be able to veto any application of any other nations. Whether as a formal member of NATO or as an advisory nature, it is important that Russia do receive that seat, and this will not result in its ability to block decisions of a military nature. Its fundamental mission that NATO now has is to keep Europe at peace.

In brief, NATO is not the United Nations, whereas we know in the United Nations one of the five permanent members of the Security Council, including the United States of America, can exercise a veto over the actions of not only its colleagues on the Security Council, but the actions of the General Assembly which represents all nations in the United Nations.

Mr. Speaker, it is the right of every sovereign nation to choose who its friends are. Russia cannot decide for the nations of central and eastern Europe on the question of NATO membership. It would also be foolish for NATO to automatically rule out Russia or any other Nation from NATO based on some of the current economic or social conditions that exist within those countries. It makes sense to consult with Russia on the future of NATO and the future of Europe. Russia's military power has been substantially weakened, but it still remains the greatest nuclear power in Europe. Isolating Russia will only help the domestic political goals of the Communists, the Fascists, and the nationalists who wish to undermine the progressive reforms which have occurred in Russia under the leadership of President Boris Yeltsin.

We are at a point in history that will decide the future of our country for generations. Will the United States work to promote peace and cooperation in Europe? Or will we foolishly seek to gloat over our victory in the cold war by marginalizing Russia and thus helping the very elements of Russian society that we deplore, namely the Communists, the Fascists, and the nationalists who once in a while raise their head in this or that election.

Have we reached a peace with Russia that is only a pause in the conflict, or will we work to create a peace that brings stability and prosperity? The choice is ours. Russia has vast natural resources and an energetic people with a growing democracy and burgeoning market-based competitive economy. The Russian people need to be tied to the Western World.

Mr. Speaker, if the Government of the United States does not involve Russia in NATO, this country will have made the most critical foreign policy mistake in the last half of the 20th century.

The key question we face is whether we will address this issue of NATO expansion on the basis of common sense and our long-term national interest, or will we allow NATO expansion to continue to be a political football for various domestic audiences and ethnic groups? Clearly a balance must be struck between the legitimate interests of central Europe and Russia. The nations of central Europe have emerged from Soviet domination into an uncertain era where their sovereign rights of self-determination and self-defense have become real, but they have yet to be fully defined.

The United States in NATO must help give life and definition to those rights through thoughtful and effective steps, including membership in the North Atlantic Treaty Organization. However, we must be mindful of the fact that nothing we do will change geography. Poland will always be next door to Russia whether it is a member of NATO or not, so Poland and NATO must deal with the realities of the neighborhood. We can ignore, offend, and alienate Russia, and that will guarantee endless tension in Central Europe, or we can seek to be good neighbors and expect similar behavior from Russia.

Russia also has legitimate rights of self-determination and self-defense. It has an understandable concern with NATO expansion right to its doorstep. Imagine our concern if an international alliance was on our border and it included nations that were hostile to us in the recent past. We must not ignore or gloss over those concerns. We must deal with them openly and honestly so that the Russian people can see that the intentions of the American people and its Government are clear and that the motives are honest.

We must not assume that as victors of the cold war we can impose any conditions we wish on the losers. The allies made that mistake at the end of the First World War. We had won the war in 1918, and we lost the peace in 1919 by forcing on a vanquished Germany a Treaty of Versailles that every thoughtful person knew was completely unreasonable, harsh, and ultimately unsustainable. The result was not a lasting peace but a temporary truce between two great world wars. We must not repeat that mistake.

Mr. Speaker, let us work to involve Russia with the West and its major political institutions, the European Community and the North Atlantic Treaty Organization. Such involvement will result in a much more peaceful 21st century.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KAPTUR (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. HILLIARD, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes each day, on today and March 19.

Mr. CHAMBLISS, for 5 minutes, on March 19.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, on March 19.

Mr. WAMP, for 5 minutes, on March 19.

Mr. CANNON, for 5 minutes, on March 20.

Mrs. FOWLER, for 5 minutes, on March 19.

Mr. LAHOOD, for 5 minutes, on March 19.

Mr. HOUGHTON, for 5 minutes, on March 19.

Mrs. EMERSON, for 5 minutes, on March 19.

Mr. KINGSTON, for 5 minutes, on March 19.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each, on today and March 19.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. PALLONE) and to include extraneous matter:

Mr. REYES.

Ms. WOOLSEY.

Mr. PAYNE.

Mr. SANDERS.

Mr. STARK.

Mr. MEEHAN.

Mrs. MEEK of Florida.

Mr. STOKES.

Mr. TORRES.

Mr. PALLONE.

Mr. NEAL of Massachusetts.

Ms. ROYBAL-ALLARD.

Mr. FRANK of Massachusetts.

Mrs. MINK of Hawaii.

Mr. CAPPS, in two instances.

Mr. TOWNS.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mrs. CLAYTON.

Mr. HINCHEY.

Mr. ANDREWS.

Mrs. LOWEY.

Mr. MILLER of California.

Mr. MARKEY.

Ms. KAPTUR.

Mr. KUCINICH.

Mr. BENTSEN.

The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:

Mr. LEWIS of California.

Mr. SAXTON.

Mr. NETHERCUTT, in two instances.

Mr. HILL.

Mr. BRADY.

Mrs. ROUKEMA.

Mr. SHUSTER.

Mr. MCCOLLUM, in two instances.

Mr. PACKARD.

The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:

Ms. NORTON.

Mr. POMEROY.

Mr. RAHALL.

Mr. KNOLLENBERG.

Mr. COOKSEY.

Mr. ARCHER.

Mr. SANDERS.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 19, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2295. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Reapportionment of Membership on the Texas Valley Citrus Committee [Docket No. FV96-906-4FR] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2296. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Final Rulemaking Concerning Contract Market Rule Review [17 CFR Part 1] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2297. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Financial Reports of Futures Commission Merchants, Introducing Brokers and Leverage Transaction Merchants [17 CFR Parts 1 and 31] received March 10, 1997, pursuant to 5 U.S. 801(a)(1)(A); to the Committee on Agriculture.

2298. A letter from the Administrator, Food and Consumer Service, transmitting the Service's final rule—National School Lunch Program, School Breakfast Program, Summer Food Service Program for Children and Child and Adult Care Food Program: Meat Alternates used in the Child Nutrition Programs [Workplan Number 95-21] (RIN: 0584-AC15) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2299. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Technical Amendments (RIN: 3207-AA34 and 3207-AA35) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2300. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Procedures for Changing Rules of Measurement or Rates of Tolls Technical Amendment (RIN: 3207-AA37) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2301. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Availability of Funds and Collection of Checks [Regulation CC; Docket No. R-0926] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2302. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Advances to Nonmembers [No. 97-18] received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2303. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 668, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

2304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans—State of Kansas; Correction [KS 002-1022; FRL-5707-9] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-5691-8] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Registration of Fuels and Fuel Additives: Changes in Requirements, and Applicability to Blenders of Deposit Control Gasoline Additives [FRL-5707-7] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Test Methods for the Polymers and Resins I Rule Appendix A, Test Methods 310A,B,C, 312A,B,C, 313A,B [FRL–5700–9] (RIN: 2060–AE37) received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2308. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Prevention of Significant Deterioration; Designation of Areas for Air Quality Planning Purposes [CO–001–0015a; FRL–5700–3] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2309. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Nebraska [NE 020–1020; FRL–5708–7] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2310. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington State [WA59–7134a; FRL–5708–3] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2311. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Registration of Fuels and Fuel Additives: Extension of Specified Deadlines for Atypical Additives and Biodiesel Fuels; and, Reformulated Gasoiine Complex Model: Modification of Survey Precision Requirements [FRL–5701–8] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2312. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Leased Commercial Access [CS Docket No. 96–60] received March 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2313. A letter from the Director, Defense Security Assistance Agency, transmitting certification of the Automated Radar Management for Over-the-Horizon [OTH] Radars Project Arrangement [PA] implemented under the auspices of the United States-Australia Agreement Concerning Cooperative Research, Development and Engineering, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2314. A letter from the Director, Office of Communications, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2315. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2316. A letter from the Director, Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2317. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2318. A letter from the Chairman, U.S. Parole Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2319. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Processing of Certain H–1A Nurses Under Public Law 104–302 [INS 1806–96] (RIN: 1115–AD74) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2320. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Exceptions to the Educational Requirements for Naturalization for Certain Applicants [INS No. 1702–96] (RIN: 1115–AE02) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2321. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's "Major" final rule—Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures [INS Nos. 1788–96; AG Order No. 2071–97] (RIN: 1115–AE47) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2322. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Revisions to the Polychlorinated Biphenyl Criteria for Human Health and Wildlife for the Water Quality Guidance for the Great Lakes System [FRL–5708–8] (RIN: 2040–AC94) received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2323. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Rulemaking Procedures; Public Participation [38 CFR Part 1] (RIN: 2900–AI33) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2324. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits [Rev. Rul. 97–14] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2325. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credits or Abatement; Determination of Correct Tax Liability [Rev. Proc. 97–22] received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 968. A bill to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; with amendments (Rept. 105–23 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 99. Resolution providing for consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector (Rept. 105–31). Referred to the House Calendar.

CORRECTIONS CALENDAR NO. 1

H.R. 968

Pursuant to clause 4 of rule XIII, the Speaker filed a notice with the Clerk requesting that the following bill be placed on the Corrections Calendar: H.R. 968.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS (for himself, Mr. Filner, Mr. Lipinski, Mr. Mascara, Mr. Faleomavaega, Mr. Sanders, Mr. Hinchey, Mr. Frost, Ms. Christian-Green, Mr. Abercrombie, Mr. Reyes, Mr. Frank of Massachusetts, and Mrs. Clayton):

H.R. 1089. A bill to rename the U.S. Court of Veterans Appeals as the U.S. Court of Appeals for Veterans Claims; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. Stump, Mr. Filner, Mr. Frank of Massachusetts, Mrs. Maloney of New York, Mr. Payne, Mr. English of Pennsylvania, and Mr. Lipinski):

H.R. 1090. A bill to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself, Mr. Callahan, and Mr. Everett):

H.R. 1091. A bill to impose certain requirements on health care liability claims; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. Evans):

H.R. 1092. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the U.S. Court of Veterans Appeals and the National Cemetary System, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania:

H.R. 1093. A bill to amend the medical device provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Commerce.

H.R. 1094. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of drugs; to the Committee on Commerce.

By Mr. ARCHER (for himself and Mr. Rangel):

H.R. 1095. A bill to amend the Internal Revenue Code of 1986 to make a technical correction relating to depreciation on property used within an Indian reservation; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1096. A bill to amend title 18, United States Code, to prevent nonimmigrants from possessing a firearm for other than lawful hunting or sporting purposes, and to prevent permanent resident aliens from possessing a firearm until present in the United States for 1 year; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 1097. A bill to suspend temporarily the duty on Tinopal CBS–X; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. Olver, Mr. Talent, Mr. Moran of Virginia, and Mrs. Emerson):

H.R. 1098. A bill to require the continued availability of $1 Federal reserve notes for circulation; to the Committee on Banking and Financial Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 1099. A bill to amend the Internal Revenue Code of 1986 to repeal the special deduction for the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mrs. Myrick, Mr. Goodling, Mr. Pitts, Mr. Ensign, Mr. Shadegg, Mr. Stearns, Mr. Coble, Mr. Souder, Mr. Metcalf, Mr. Baldacci, and Mr. Camp):

H.R. 1100. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mr. Rangel):

H.R. 1101. A bill to provide for a project to demonstrate the application of telemedicine and medical informatics to improving the quality and cost-effectiveness in the delivery of health care services under the Medicare Program and other health programs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1102. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing; to the Committee on Ways and Means.

By Mr. LEWIS of California (for himself and Mr. Brown of California):

H.R. 1103. A bill to modify the project for flood control, San Timoteo Creek, CA, to permit the non-Federal contribution for certain costs of the project to be made after completion of the project; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mr. Kennedy of Massachusetts, Mr. Clay, Mrs. Maloney of New York, Mr. Schumer, Ms. DeLauro, Mr. Miller of California, Mr. Kildee, Mr. Martinez, Mr. Sawyer, Mr. Green, Ms. Waters, Ms. Norton, Mr. Kucinich, Mr. Dixon, Mr. Andrews, Mr. Hastings of Florida, Ms. Pelosi, Mr. Hinojosa, Mr. Lewis of Georgia, Ms. Sanchez, Ms. Christian-Green, Mrs. McCarthy of New York, Mr. McGovern, Mr. Neal of Massachusetts, Ms. McCarthy of Missouri, Mr. Matsui, Mrs. Mink of Hawaii, Mr. Stokes, Mr. Conyers, Mr. Frost, Mr. McDermott, Mr. Bentsen, Mr. Ford, Mr. Etheridge, Mr. Underwood, Mr. Baldacci, Mr. Fattah, Ms. McKinney, Mr. Gonzalez, Mr. Markey, and Mr. Gutierrez):

H.R. 1104. A bill to establish a partnership to rebuild and modernize America's school facilities; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 1105. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. Filner, Mr. Meehan, Mr. Dellums, Mr. Lewis of Georgia, Ms. Lofgren, and Mr. Kucinich):

H.R. 1106. A bill to amend the Federal Oil and Gas Royalty Management Act of 1982 to require that any settlement, by an alternative means of dispute resolution, of a claim against the United States for payment of royalties under that act for an amount greater than $2,000,000 shall not be effective unless approved by the Secretary of the Interior; to the Committee on Resources.

H.R. 1107. A bill to transfer oil and gas royalty auditing and reconciling functions of the Secretary of the Interior to the Secretary of the Treasury, and to direct the Secretary of the Treasury, in performing functions relating to auditing and reconciling oil and gas production activities, to exercise all available authorities to ensure the U.S. Government receives all amounts of royalties to which it is entitled; to the Committee on Resources.

By Mr. McCOLLUM (for himself, Mr. Bentsen, Mr. Lazio of New York, Mr. Moran of Virginia, and Mrs. Roukema):

H.R. 1108. A bill to affirm the role of States in setting reasonable occupancy standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. McCOLLUM (for himself, Mr. Berman):

H.R. 1109. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself, Mr. Markey, Mr. Tierney, Mr. Moakley, Mr. Olver, Mr. Frank of Massachusetts, Mr. Neal of Massachusetts, Mr. McGovern, Mr. Kennedy of Massachusetts, Mr. Delahunt, Mrs. Johnson of Connecticut, Mr. Bass, Mr. Sununu, and Mr. Shays):

H.R. 1110. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mrs. MEEK of Florida:

H.R. 1111. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Commerce.

By Mr. MORAN of Virginia (for himself and Mr. Yates):

H.R. 1112. A bill to amend the Internal Revenue Code of 1986 to provide that the preferential income tax treatment of political organizations shall apply only to principal campaign committees, to provide that a cancellation of a loan to such a committee shall be includible in such committee's taxable income, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1113. A bill to provide that if an employer provides additional leave to a parent for the birth, such employer shall provide the same leave to a parent for an adopted child or a foster child; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself and Mr. Bonilla):

H.R. 1114. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Commerce.

By Mr. OWENS (for himself, Mr. Martinez, Mrs. Mink of Hawaii, Mr. Payne, Mr. Flake, Mr. Ford, Mr. Conyers, Mr. Towns, Mr. McGovern, Mr. Fattah, Mr. Engel, Mr. Scott, Ms. Norton, Mr. Frost, Ms. Lofgren, and Ms. Christian-Green):

H.R. 1115. A bill to amend the Goals 2000: Educate America Act to restore opportunity-to-learn standards; to the Committee on Education and the Workforce.

By Mr. REYES:

H.R. 1116. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District; to the Committee on International Relations.

By Mr. SANDERS (for himself, Mrs. Morella, Mr. DeFazio, Mr. Schumer, Mr. Ackerman, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Bishop, Mr. Blumenauer, Mr. Davis of Illinois, Ms. DeGette, Mr. Dellums, Mr. Evans, Mr. Faleomavaega, Mr. Filner, Mr. Flake, Mr. Gejdenson, Mr. Green, Mr. Hinchey, Mr. Holden, Ms. Jackson-Lee, Mr. Jefferson, Mr. LaFalce, Ms. Lofgren, Mr. Manton, Mr. McDermott, Mr. McHugh, Mr. Meehan, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Owens, Ms. Roybal-Allard, Ms. Slaughter, Mr. Stark, and Ms. Waters):

H.R. 1117. A bill to prevent discrimination against victims of abuse in all lines of insurance; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER:

H.R. 1118. A bill to prohibit a rental car company from imposing a fee based upon the residence of a renter; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII.

27. The SPEAKER presented a memorial of the Legislature of the State of South Dakota, relative to House Concurrent Resolution No. 1012, urging Congress to reauthorize the Federal surface transportation program in a timely manner and to continue to recognize the national interest in the investment

in highways which serve and cross rural Western States; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. CAMPBELL, Mr. ACKERMAN, Mrs. MCCARTHY of New York, and Mr. TIERNEY.

H.R. 14: Mr. DELAY, Mr. MCCOLLUM, Mr. MORAN of Kansas, Mr. SUNUNU, Mr. WELLER, Mr. PICKERING, Mr. KING of New York, Mr. GOODE, Mr. MCINTOSH, and Mr. GEKAS.

H.R. 80: Mr. UPTON, Mr. NETHERCUTT, and Mr. BARCIA of Michigan.

H.R. 84: Ms. KAPTUR.

H.R. 96: Mr. GIBBONS, Mrs. KENNELLY of Connecticut, Mrs. EMERSON, Mr. UNDERWOOD, and Mr. TAYLOR of North Carolina.

H.R. 109: Mr. NADLER.

H.R. 166: Mr. MARTINEZ.

H.R. 167: Mr. MARTINEZ.

H.R. 168: Mr. MARTINEZ.

H.R. 180: Mr. BILIRAKIS.

H.R. 192: Mr. CAMPBELL, Mr. WHITFIELD, Mr. COBLE, Mrs. CLAYTON, Mr. SCOTT, Mr. PICKETT, Mrs. KELLY, Mr. SAWYER, Mr. ROYCE, Mr. CRAMER, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. DICKS, Mr. SCHIFF, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. ACKERMAN, and Mr. SMITH of Texas.

H.R. 228: Mr. CANADY of Florida.

H.R. 230: Mr. KLUG.

H.R. 296: Mr. KLUG.

H.R. 305: Mr. SNOWBARGER, Mr. YATES, Mr. EVANS, Mr. THOMPSON, Mr. FOLEY, Mr. MARTINEZ, and Mr. LIPINSKI.

H.R. 306: Mr. LAMPSON, Ms. DEGETTE, and Mr. PORTER.

H.R. 366: Mr. YATES.

H.R. 367: Mr. JONES and Mr. KLINK.

H.R. 383: Mr. LAMPSON.

H.R. 400: Mr. FROST, Mr. CHAMBLISS, Mr. DELLUMS, and Mrs. LOWEY.

H.R. 407: Mr. PASTOR, Mr. ENSIGN, and Mr. TIERNEY.

H.R. 414: Mr. CAMPBELL, Mrs. CLAYTON, Mr. SCOTT, Mrs. KELLY, Mr. SAWYER, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. ACKERMAN, and Mr. SMITH of Texas.

H.R. 446: Mr. CHAMBLISS, Mr. PAUL, Ms. GRANGER, Mr. WICKER, Mr. MALONEY of Connecticut, Mr. HILL, and Mr. NUSSLE.

H.R. 450: Mr. HOUGHTON, Mr. BURR of North Carolina, and Mr. SAXTON.

H.R. 493: Mr. YATES.

H.R. 538: Mr. ACKERMAN.

H.R. 586: Mr. BAESLER, Mr. BROWN of California, Mr. CONYERS, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. RYUN, and Mr. SCHIFF.

H.R. 598: Mr. STUMP and Mrs. KELLY.

H.R. 633: Mr. MCGOVERN, Mr. BERMAN, Mr. HORN, and Mr. ACKERMAN.

H.R. 636: Mr. WELDON of Pennsylvania and Mr. HAYWORTH.

H.R. 669: Mr. LINDER.

H.R. 685: Ms. NORTON and Mr. DAVIS of Illinois.

H.R. 695: Mr. DEFAZIO.

H.R. 715: Mr. SOLOMON, Mr. CLEMENT, and Mr. ACKERMAN.

H.R. 716: Mr. HILLEARY.

H.R. 723: Mr. GOODE.

H.R. 724: Mr. POMEROY.

H.R. 755: Mr. PICKERING and Ms. JACKSON-LEE.

H.R. 760: Mr. FALEOMAVAEGA.

H.R. 774: Mr. CLEMENT, Mr. VENTO, Ms. SANCHEZ, and Ms. STABENOW.

H.R. 816: Mr. GOSS, Mr. BEREUTER, and Mr. HILLEARY.

H.R. 855: Mr. FOGLIETTA, Mr. VENTO, Mr. OBERSTAR, Mr. FROST, Mr. DELLUMS, Ms. NORTON, Mr. FATTAH, Mr. FOX of Pennsylvania, Mr. PASTOR, and Ms. LOFGREN.

H.R. 875: Mr. SHAYS and Mr. SCHIFF.

H.R. 879: Mr. STARK and Mr. ABERCROMBIE.

H.R. 899: Mr. CONYERS, Mr. FROST, Mr. ACKERMAN, Ms. LOFGREN, Mr. MEEHAN, Mr. BALDACCI, and Mr. MARTINEZ.

H.R. 901: Mr. JOHN, Mr. JONES, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. CANNON, Mr. ISTOOK, and Mrs. MYRICK.

H.R. 919: Mr. DELAHUNT and Mr. CONYERS.

H.R. 955: Ms. CHRISTIAN-GREEN, Mrs. MYRICK, Mr. CANADY of Florida, and Mr. PETERSON of Pennsylvania.

H.R. 956: Mr. FILNER, Mr. BONIOR, Ms. STABENOW, and Mr. FORBES.

H.R. 972: Mr. BLAGOJEVICH.

H.R. 977: Mr. DOOLEY of California and Mr. MATSUI.

H.R. 983: Mr. MARTINEZ and Mr. JEFFERSON.

H.R. 991: Mr. METCALF and Mr. NEY.

H.R. 1012: Mr. HUTCHINSON.

H.R. 1040: Mr. HEFLEY, Mr. NORWOOD, Mr. SANFORD, and Mr. SMITH of Michigan.

H.R. 1042: Mr. WELLER, Mr. FAWELL, Mr. DAVIS of Illinois, and Mr. EVANS.

H.R. 1057: Mr. BUYER, Mrs. CARSON, Mr. HAMILTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. PEASE, Mr. ROEMER, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1058: Mr. BUYER, Mrs. CARSON, Mr. HAMILTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. ROEMER, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1064: Mr. EVANS.

H.R. 1080: Mr. SMITH of New Jersey.

H.J. Res. 17: Mr. ROTHMAN.

H.J. Res. 40: Mr. PICKERING.

H. Con. Res. 13: Ms. DEGETTE, Mr. FOX of Pennsylvania, Mr. CRAMER, Mr. GOSS, Mr. ANDREWS, Mr. CARDIN, Mr. HILL, Mr. RUSH, Mr. TAYLOR of North Carolina, Mr. BAESLER, and Ms. SANCHEZ.

H. Con. Res. 23: Mr. VENTO.

H. Res. 20: Mr. PETERSON of Minnesota.

H. Res. 26: Mr. FROST, Mr. JACKSON, Mr. CONYERS, Mr. SCHUMER, Mr. CLYBURN, Ms. WATERS, Mr. LEVIN, Mr. ABERCROMBIE, and Mr. ACKERMAN.

H. Res. 39: Mr. DELAHUNT, Mr. VENTO, Ms. DEGETTE, Mr. WAXMAN, and Mr. ACKERMAN.

H. Res. 48: Mrs. MYRICK, Mr. GILMAN, and Mr. ACKERMAN.

H. Res. 98: Mr. WATTS of Oklahoma, Mr. RYUN, Mr. SKEEN, Mr. MILLER of Florida, Mr. KNOLLENBERG, Mr. HASTINGS of Washington, and Mr. BURR of North Carolina.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 789:

Mr. MCDERMOTT.

H.R. 993:

Mr. DAN SCHAEFER OF COLORADO.

EXTENSIONS OF REMARKS

MAYOR TOM CUNNINGHAM, A MAN FOR THE PEOPLE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. SHUSTER. Mr. Speaker, I take the floor today to recognize one of the great men in my district. In the words of Edmund Burke, one of the great statesmen to serve in the British House of Commons, "Great men are the guideposts and landmarks in the state." No phrase is more attributable to Mayor Tom Cunningham of Hyndman, PA. For the last 28 years, Tom Cunningham has served as mayor to the small town of Hyndman, PA. For 24 of those years, I had the distinct pleasure of representing Hyndman and working hand-in-hand with Tom on helping to improve the lives of our constituents.

Now the time has come in Tom's life, after a stellar career in service to his country and his neighbors, that he has decided to retire. His resume speaks for itself; a Korean war veteran, a borough councilman, member of the Hyndman Rescue Squad, volunteer to the Boy Scouts of America, Post Commander of the VFW, board member to the Bedford County Development Association, Hyndman-Londonderry Industrial Development Corp., the Redevelopment Authority of the County of Bedford, and the Bedford County Planning Commission. The recipient of many awards and honors, Tom's success as mayor leaves a powerful legacy to everyone who knows him.

My most memorable experience working with Mayor Tom, and probably Tom's too, has been the reoccurring flooding problem in Hyndman. Wills Creek, which runs directly through Hyndman, is notorious for its flood problems. The cause of thousands of dollars of damage to the small borough, Wills Creek was Mayor Tom Cunningham's biggest challenge. A challenge which could not be conquered without the strong leadership and perseverance exemplified by Mayor Tom. Tom worked hard to rally the support of the citizens of Hyndman to demand action from Federal and State governments. It was truly a privilege to assist Tom in his battle against bureaucratic redtape which in the end almost prevented a solution to Wills Creek flooding. However, Tom's perseverance prevailed and the borough he so aptly represents, will soon have a permanent flood protection project. While all of Hyndman's problems may not be completely solved, Mayor Tom Cunningham's life work has helped make Hyndman what it is today, a wonderful place to live. In the words of Walter Lippmann, a noted journalist, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." I know for a fact that Tom has accomplished this task. I am one of the "other men" who will work hard to continue Tom's fight.

Even though he is retiring, I know we have not heard the last from Tom Cunningham. As his history has proven, I am sure Tom will remain active in the community of Hyndman. Mr. Speaker, I am sure you will join me in celebration of Mayor Tom Cunningham's magnificent career. He is truly a great man, a great leader, a great American, and I wish him well in his private life.

HONORING THE NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS' SERVICES, INC.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. MEEK of Florida. Mr. Speaker, the North Miami Foundation for Senior Citizens' Services, Inc., will celebrate 22 years of community service on May 14, 1997, at their 19th annual Volunteer Recognition Luncheon. Held in conjunction with Older Americans Month, the foundation will thank those volunteers who offer services to the elderly in the North Dade community.

In 1996, volunteers with the foundation gave freely of 25,835 chore service hours, 34,533 hours of friendly companionship visits, and 59,773 telephone reassurance calls. In addition, 9,700 hours of special projects were conducted by local organizations and schools. To underscore the importance that such volunteer efforts play with the foundation, these hours total the equivalent of 47 full-time staff positions.

The foundation inspires the devotion of hundreds of people on a yearly basis. Certainly, all who work there find their efforts a labor of love. Without these caring and dedicated individuals the services provided by the foundation would not be possible. My thanks to each of you and congratulations for a job well done.

H.R. 1045

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I have introduced H.R. 1045 to require that any unpaid work required of welfare recipients as a condition of receiving benefits be credited with wages for the purposes of calculating the Earned Income Tax Credit [EITC] and the Dependent Care Tax Credit.

Under H.R. 1045, the hours worked without direct compensation will be credited as though minimum wage were paid.

It is extremely unfair to require work and then not pay any wages and credit nothing toward Social Security, unemployment compensation, and other wage-based benefits programs. And this is exactly what is allowed under the new welfare reform law. States will be able to enact workfare programs in which welfare recipients are forced to work off their welfare benefit, rather than receiving real wages.

Under H.R. 1045, unpaid work required to remain eligible for cash assistance will be translated into real wages for the purpose of claiming earned income tax credits.

If work is a virtue, then all work should be treated the same.

I urge my colleagues to support my bill, H.R. 1045.

PERSONAL EXPLANATION

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. COOKSEY. Mr. Speaker, on rollcall No. 30, I was necessarily absent. Had I been present, I would have voted "aye."

THE UNITED STATES SHOULD NOT PARTICIPATE IN ARAFAT CONFERENCE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. McCOLLUM. Mr. Speaker, I am deeply concerned that the State Department has agreed to participate in an international conference convened by the Palestinian leader Yasser Arafat. This is part of a strategy of confrontation with Israel and would be a serious mistake. It is my hope the State Department reconsiders this decision.

It appears that the Palestinian Government is attempting to drive a wedge between the United States and Israel. Distancing the United States from Israel encourages the tendency for Palestinians to negotiate with the United States instead of negotiating directly with Israel. Disregarding the existing negotiation process is counterproductive to the peace process.

Without question, the administration's record of support for the United States-Israel relationship has been commendable. Participation in this conference, However, would only tarnish that record. The United States simply does not belong in any type or organization—formal or informal—that is established to isolate and pressure Israel.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO FRANK VALENTINO, POET OF THE JERSEY SHORE

HON. FRANK PALLONE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. PALLONE. Mr. Speaker, I am very proud to represent a section of the Jersey Shore which has great historic significance as a summer home of seven Presidents and an inspiration for, and birthplace of, many great writers, poets, artists, and musical talents.

One contemporary local poet is Frank Valentino and his fine poetry about the Jersey Shore has inspired me to tell my colleagues a little about him and about my seashore district.

For many years, my hometown of Long Branch was the choice of Presidents and Vice Presidents as a retreat for relaxation and contemplation, and occasionally, I must admit, for a little gambling.

Starting in 1869 with Ulysses S. Grant and for the next 40 years it was the summer capital for Presidents. Rutherford B. Hayes, Benjamin Harrison, and William McKinley were frequent visitors. After being critically-wounded, President James Garfield demanded to be taken to Long Branch, where he died in 1881. In spite of his short term in office, Chester Arthur found the time for visits to Long Branch. And Woodrow Wilson made a West Long Branch estate, which is now Monmouth University, a gathering place for leaders and intellectuals of his time.

Nearby Asbury Park, which is this week celebrating its 100th birthday, has its own illustrious history. This seashore town boasts author Stephen Crane as a son and has the more recent distinction as the source of inspiration for musician Bruce Springsteen. Many other entertainment greats frequented Asbury Park in the old days, including Frank Sinatra and Count Basie who performed for the thousands of summer visitors who flocked there.

While the Jersey Shore has changed over the years, it is still inspiring talents who are, in turn, rekindling pride and a great sense of history in the area.

Poet Frank Valentino grew up in Long Branch and still lives in Monmouth County. He is the author of three books of poetry and is the founder of Food for Thought Benefit Poetry Reading, an annual event which results in huge donations of food to local food banks. He also conducts many voluntary readings and poetry workshops in schools, clubs, and libraries to impart a love of poetry and local lore to our young people.

It is to applaud his good work, and to share a little of luster of the Jersey Shore, that I include two of his poems for my colleagues and others to appreciate:

THE SANDS OF LONG BRANCH

Time drifts like a sea gull in the breeze
Years fall like waves upon the beach,
The old stone statute of one of the seven
Looks out to the east.
Walking along the coast at dawn I gaze
Out upon the horizon,
Feet in the sand of Long Branch and the voices
Of Seven Presidents echoes in the warm Summer wind.
Seven Presidents have walked along the sand of this
Old city by the sea,
They stood along the shore and gazed at the incoming tides
And sifted sand from the beach through their hands.
Long Branch at dawn and the sun rises behind the clouds
Thoughts of then and now hang in the pink blue mist,
Sand castles are swept away and the old stone statue of
One of the seven looks out to the east.

ASBURY PARK 1971

Neon lights flash like lightning
The smell of the ocean hangs heavy,
The sand coated streets shine in the mist
Of a hot Jersey Shore summer night.
The dancers sweat in the dark as they carve
Their dreams on the wood of the boardwalk
Tonight,
The guitar player's name is Springsteen
And the music and words sound like thunder.
Another cold beer and the poets mark their
Lines in the sand as the Gypsy lady pulls
The curtain closed.

HEART DISEASE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. KAPTUR. Mr. Speaker, several months ago I was pleased to cosponsor a congressional briefing addressing the important health issue of heart disease. Those who attended this event had the privilege to listen to four distinguished specialists in the area of heart disease discuss the important benefits of psychological intervention in the care of patients with heart disease.

The speakers were: Dorothy W. Cantor, Psy.D., president, the American Psychological Association; Ernest H. Johnson, Ph.D., director, behavioral medicine research, Morehouse School of Medicine; Wayne M. Sotile, Ph.D., director, psychological services, cardiac rehabilitation program, Wake Forest University; and Redford B. Williams, M.D., director, Behavioral Medicine Research Center, Duke University.

Each day in America, 4,000 people suffer a heart attack—one in five before age 60. Five million Americans have coronary heart disease [CHD], and approximately 400,000 of these individuals each year suffer heart failure. Some 70 percent of the victims of an initial heart attack and 50 percent of individuals who suffer a recurrent heart attack survive. As medical treatment for heart patients improves, a growing number of heart attack survivors are younger than age 65. Nearly 2.5 million Americans have some degree of vocational disability or limitation caused by heart illness. CHD is the leading problem for which patients receive premature disability benefits.

Between 50 and 60 percent of all caridac patients who enter the hospital experience elevated levels of depression, anxiety, and fear. Depression is one of the factors which predicts mortality from heart illness and recurrence of a heart attack. Over 50 percent of spouses and children of caridac patients experience elevated stress, anxiety, and somatic preoccupation for up to 10 years following a loved one's heart illness. Family tensions and social isolation have been shown to be significant risk factors for recovering heart patients.

Research shows that psychological intervention leads to shorter hospital stays, reduced rehospitalization, and reduced rates of recurring heart attacks and death. In fact, as little as 30 minutes of psychological counseling per day for 5–6 days has been shown to lead to discharge from the hospital 2.5 days sooner and from the intensive care unit 1 day sooner, as well as lessening morbidity.

The Clinical Practice Guideline for Caridac Rehabilitation recently published by the U.S. Department of Health and Human Services emphasized that education alone is not effective in helping heart patients cope. Effective intervention combines education, counseling–providing advice, support and consultation–and behavioral interventions—systematic instruction in techniques to modify health related behavior.

Unfortunately only 12 percent of formal cardiac care programs utilize consultation from a psychologist.

Summary information on the briefing follows:

INFORMATION SHEET

Each day in America, 4,000 people suffer a heart attack—one in five before age 60. Five million Americans have coronary heart disease (CHD). Of these, approximately 400,000 suffer heart failure each year in the United States. Seventy percent of victims of an initial heart attack and 50 percent of individuals who suffer a recurrent heart attack survive. As medical treatment for heart patients improves, a growing number of heart attack survivors are younger than age 65. But nearly 2.5 million Americans have some degree of vocational disability or limitation caused by heart illness and in the United States, CHD is the leading problem for which patients receive premature disability benefits.

WHY IS PSYCHOLOGICAL CARE IMPORTANT FOR HEART PATIENTS?

Immediately following heart surgery there is a window of opportunity in which to educate recovering heart patients about adaptive coping skills. The Information patients are given in this time period shapes their thinking about life after heart surgery for up to five years. For instance, if patients believe they cannot have sexual relations, or cannot exercise, and are not told differently, they may hamper their recovery.

Incorporating psychological intervention into the care of recovering heart patients is important because:

Between 50 and 60 percent of all cardiac patients who enter the hospital experience elevated levels of depression, anxiety or fear.

Over 50 percent of spouses and children of cardiac patients elevate on measures of stress, anxiety and somatic preoccupation for up to ten years following a loved one's heart illness.

A significant percentage of recovering cardiopulmonary patients and their families experience frustration about feeling ill-prepared for the long-range course of rehabilitation.

Family tensions and social isolation have been shown to be significant risk factors for recovering heart patients.

Depresssion, social isolation and hostility predict mortality from heart illness and recurrence of a heart attack.

PSYCHOLOGICAL INTERVENTIONS MAKE A PROVEN DIFFERENCE

Reserach shows that:

As little as 30 minutes of psychological counseling per day for 5-6 days has been shown to lead to discharge from the hospital 2.5 days sooner and from the Intensive Care Unit one day sooner, as well as lessening morbidity.

Group therapy with recovering heart attack patients has consistently been found to improve measures of psychological well-being and lessen indicators of morbidity throughout the first three years of recovery.

Two hours of psychological counseling per week for seven weeks has been shown to reduce incidence of re-hospitalization for recovering heart attack patients by 60 percent.

Treatment of depression has been shown to reduce rates of re-occurring heart attacks and death over three years of follow-up.

A single supportive interview delivered on the evening before surgery has shown to lessen post-operative psychosis.

Brief psychological counseling prior to medical or surgical intervention has been found to produce shorter stays in the Critical Care Unit, less emotional distress, fewer arrhythmias and shorter hospital stays when compared to routine CCU care.

Three sessions of psychological counseling in two days prior to catheterization can significantly improve patient management of the stress of the procedure.

Relaxation training diminishes post-surgical incidence of delirium, medical complications and lengths of hospital stay.

EDUCATION IS NOT ENOUGH!

The Clinical Practice Guideline for Cardiac Rehabilitation recently published by the U.S. Department of Health and Human Services emphasizes that education alone is not effective in helping heart patients cope. Effective intervention combines education, counseling (providing advice, support and consultation), and behavioral interventions (systematic instruction in techniques to modify health related behaviors). Such combination treatments have been shown to: Reduce symptoms of angina in recovering CHD populations; promote stress management and overall psychological well-being in recovering cardiac populations; increase the rate of smoking cessation in recovering cardiac patients by approximately 18 percent compared to rates of spontaneous smoking cessation; significantly enhance modification of diet to lower lipids and lower body weight; lower blood pressure, when added to a comprehensive rehabilitation program.

Research has shown that education, counseling and behavioral intervention designed to encourage heart patients to adhere to therapies have been associated with: Reduction in recurrent coronary event rates; regression of atherosclerosis; reduction in cardiac and overall mortality rates.

WHAT DO PSYCHOLOGISTS DO TO HELP HEART PATIENTS?

Enhance self-management skills and self-efficacy.

Reduce psychophysiological arousal with relaxation training and biofeedback.

Alter specific behavior patterns through stress management.

Enhance social support.

Identify patients who are at high risk.

Diminish resistance to healthy lifestyles.

Develop effective conflict resolution strategies.

WHAT IS CURRENTLY BEING DONE TO HELP HEART PATIENTS COPE?

Unfortunately only 12 percent of formal cardiac care programs utilize consultation from a psychologist.

TRIBUTE TO DR. TEE S. GREER, JR.—EDUCATOR AND COMMUNITY HERO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is a distinct honor and privilege to pay tribute to one of Miami's truly great heroes, Dr. Tee S. Greer, Jr. His untimely demise from cancer last Thursday, March 13, 1997, leaves a deep void in our community.

Dr. Greer, 60, represented the best and the noblest of our community. Coming from a deeply rooted and respected family of educators, his forbears helped build the railroad that came to Miami in the late 1890's. He was married to schoolteacher Billie Greer, the great-niece of William Brewer who succeeded the renowned Carter G. Woodson, editor of the Journal of Negro History. Graduating from Miami-Overtown's historic Booker T. Washington High School in 1954, he served as its irrepressible student-body president. His classmates looked up to him as a natural-born leader, a gentleman, and a motivator par excellence.

A prominent member of Dade County's United Way, he also belonged to Omega Psi Phi and Sigma Pi Phi, the oldest black fraternity in the Nation. He also exercised a steady hand over Miami's King of Clubs, the Nation's premiere black civic organization, by helping the youth achieve through academic excellence and scholarships. This role has indeed turned him into a role model for generations of our Dade County youth.

A meticulous father and a firm believer in the centrality of God in his family, he mandated strict attendance at Sunday dinners for his four children, now adults—Anita Greer-Dixon, Tee Greer III, Florence, and Frederick Greer. He was wont to tell his boyhood story of how he constructed a go-cart for the annual Boy Scout race, out of the bike he used on his daily paper route. He won the race against the more expensive store-bought go-carts. The day after the race he dismantled his "chariot" and merrily went on his paper route.

His daughter Florence, who earned two master's degrees, remembered that ". . . our dad taught us that we may have limited resources, but we should use what God gave us to get the job done." He was a math major from Atlanta's Morehouse College and entertained dreams of becoming a mechanical engineer. He turned to teaching, however, when he found out that upon graduation from college the only job he could find in the South in the 1950's was that of a truck driver.

All in Dade County can vividly recall that in the early 1980's, he spearheaded a team from the Dade County public schools to go to Washington, DC to secure funding to help the county government deal with the influx of thousands of refugees who came to Miami from Cuba's port of Mariel.

Dr. Greer, Junior, fully lived up to his stewardship as a genuine educator. His standards for learning and achievement, both low-key and laid-back but at the same time stern and consistent, won him the accolades of the academic community, particularly the National Alliance of Black School Educators. The Alliance saw fit to create a scholarship in his name for local high-achieving students who plan to be math and science majors.

His countless successes in educating many a wayward inner city youth have become legendary. He gained the confidence of countless parents who saw in him as the no-nonsense educator, entrusting him with the future of their children and confident that they too would learn from him the tenets of scholarship and the pursuit of academic excellence under a rigorous discipline. His approach to educating the inner city youth emphasized utmost personal responsibility. In times of crises crowding the school system's agenda, his forthright guidance and counsel was one that verged on his faith in God and faith in one's ability to survive the vicissitudes of life.

Our community was deeply touched and comforted by his undaunted leadership, kindly compassion, and personal warmth. As a deacon at historic Mt. Zion Baptist Church in Miami's Overtown community, he preached and lived by the adage that, with God's help, the quest for personal integrity, academic excellence, and professional achievement is not beyond the reach of those who are willing to dare the impossible.

Having earned a doctorate in education, he ascended up the ranks and was appointed a two-time interim superintendent. He was passed over a couple of times in being named permanently to the helm of the Dade County public schools, the Nation's fourth largest school system. Still in all, Dr. Greer maintained his equanimity and dignity throughout this ordeal, rededicating himself to the educational well-being of the thousands of young boys and girls in the school system. In so doing he rightfully earned the deepest respect and admiration of his colleagues and the leadership of Dade County.

This is the great legacy Dr. Tee S. Greer, Jr., has bequeathed to our community. I am greatly privileged to have earned his friendship and to have been given the opportunity to live by his noble credo.

H.R. 1025, CAMPAIGN FINANCE REFORM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I have introduced H.R. 1025 which places the same limits on the contributions made to the Democratic National Committee and the Republican National Committee as is currently in effect for contributions made to all candidates for Federal office.

The out-of-control taking and soliciting of contributions by the political parties is an abuse that can be easily corrected.

The public confidence in Congress is shattered because we have allowed the mockery of political auction to buy into our favor.

We absolutely cannot sit this one out. There are no excuses left. Congress will be spending upwards of $10 million to investigate past actions and to quibble that it wasn't illegal.

The point is we all know what the problem is * * * unlimited giving—$100,000, $200,000, $600,000 or $1 million, going, going, gone to the highest bidder.

That is not what politics should be like. Philanthropy is one thing, but buying access is quite another. It must stop.

Until we put in place limits as we have learned to live by in our own campaigns, we can expect the situation to get worse.

Now is the time to say, enough is enough. Let's everybody live by the same rules.

In other countries we would call it bribes. What's the difference—we call it soft money.

PERSONAL EXPLANATION

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. COOKSEY. Mr. Speaker, on rollcall No. 29, I was necessarily absent. Had I been present, I would have voted "aye."

TRIBUTE TO THE SOUTH JERSEY ELEMENTARY FESTIVAL CHORAL CONCERT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. ANDREWS. Mr. Speaker, I rise today in order to commend and acknowledge the children who participated in the 14th Annual South Jersey Elementary Festival Choral Concert. The chorus which performed on March 15 was comprised of fourth, fifth, and sixth graders from South Jersey elementary schools. The children are from Burlington, Cape May, Cumberland, Atlantic, Camden, Gloucester, and Ocean counties. After being selected through an audition, they rehearse for a full day, then perform for parents and the community in a different venue each year. The sopranos this year were: Carissa Ambrose, Melisa Appenzeller, Niamah Ashong, Lauren Badessa, Erika Bair, Taylor Bandy, Robyn Barbera, Jillian Bauman, James Bishop, Ciarra Black, Jenna Buechler, Darla Bunting, Yesenia Camero, Joshua Carlleer, Monica Carney, Charisle Chrisopher, Casey Cipriani, Allison Coremin, Claire Cossaboon, Adam Crane, Jenna Crimaldi, Cherelle Crook, Jessica Curtin, Krystal Deegan, Mykalann Depack, Danielle DiAmore, Suzanne DiBenedetto, Katherine Dippalico, Kyanna Ellerbe, Vanessa Flaharty, Brittany Floyd, Casia Frake, Leayne Freeman, Kiara Froding, Monique Gale, Christy Gallagher, Liz Getman, Maria Gullo, Kelly Gunning, Rebecca Hill, Aaron Homan, Julie Homer, Michael Mowell, Rion Hunter, Paige Hyman, Jessica Jardel, Alicia Jenkins, Becky Johnson, Ashley Jones, Justine Kanla, William Kraemer, Jennifer Krystek, Jared Lacovara, Jillian Lewis, Sabria Lindsey, Kirsten Louis, Allison Lakacsy, Jessica Mills, Cassie Milone, Andrew Morris, Monica Morris, Lisamarie Musumeci, Autumn Neube, Michael Nurthen, Laura Palimeno, Rebecca Polito, Zebbria Price, Kristen Prost, Jamila Ramsey, Lidia Ramos, Nikita Riggler, Jessica Rishel, Lachelle Robinson, Heather Roeske, Allison Rossl, Halleym Sackedis, Laura Sayer, Jonathan Sharpless, Diana Shreiner, Stephanie Simpkins, Caitlin Smith, Tiffany Spingler, Matthew Spittal, Jamela Staten, Jenna Stump, Lakeisha Sydnor, Quiana Thompson, Kathleen Tibbels, Janet Torres, Christina Turner, Molly Watson, Kimberly Weidman, Elizabeth Wintersteon, Ashley Wuzzardo, and Gillian Young. The altos who performed were: Erin Alden, Julie Annise, Katelyn Archer, Rachel Barlow, Melissa Barna, Sarah Bearry, Rebecca Black, Amanda Botto, Amber Boyer, Derek Burgin, Courtney Calloway, Gene Carey, Jennifer Carroll, Kelly Clark, George Colli, Chelsea Conner, Jeffrey Corgan, Letasha DeJesus, Kevin Diduch, Elizabeth Donahue, Sara Donovan, Amy Dunn, Richard Evans, Meagan Fagotti, Ashley Falconi, Michele Fitzgerald, Ferin Ford, Jennifer Frattom Loian Glovanetti, Tiffany Gligor, Amber Gonzalea, Gina Gorneski, Natacla Graves, David Gwinn, R.J. Heil, Marissa Hines, Joshua Hoagland, Patrick James, Cynthia Jenkins, Joy Keeton, Terrence Kelley, Jonnae Knospe, Sara Konkol, Kristen Lakjer, Brian Lapann, Alan Laroco, Robert Larrabee, Gabrielle Lawson, Phillip Love, Brittany Lynch, Jennifer MacMillan, Joshua Main, Lilian Matos, Douglas McGeroge, Nicholas Michaluk, Sara Morris, Sean Moyer, Cassie Muhlbaier, Katelyn Mullen, Matthew Murphy, Denise Myles, Shawn Newberry, Andrew Nugent, Jennifer Parks, Peter Permito, Roxanne Povernick, Tyler Reed, Kristin Reynolds, Amanda Richman, Nicole Ritchie, Michael Russell, Rachel Samuels, Sara Schreiner, Steven Sharpe, Tatiana Shockley, Heather Sipps, Christine Spicer, Courtney Stetson, Rachel Teyssier, Cheryl Tirtak, Jeff Totten, Julie Truxton, Adrienne Valentino, Corey Victor, Megan Waldow, Katherine Walsh, Hayley Wells, Ashley Withers, Brianna Wyatt, and Audrey Zikell.

THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. MCCOLLUM. Mr. Speaker, today I am introducing legislation with my colleague Mr. BERMAN of California to make a technical correction to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA]. Allow me to explain the history behind this legislation.

Section 102 of Public Law 103—416, the Immigration and Nationality Technical Corrections Act [INTCA] granted Americans abroad the possibility of being able to expeditiously naturalize their children abroad who had not acquired U.S. citizenship at birth. This section allowed certificates of citizenship to be granted to a child of a U.S. citizen, either born or adopted abroad, provided that the child is under 18 and that either an American parent or the U.S. parent's parent—i.e., the American grandparent—has spent 5 years in the United States. Two of those 5 years must be after age 14. The child and his or her American parent apply from their residences abroad and come to the United States for the INS interview and final swearing in at which time the certificate of citizenship is awarded.

However, a change to this was made in IIRIRA. The change places a special restriction on children born before November 14, 1986. For these children to be eligible for certificates of citizenship, the American parent or grandparent is required to have been physically present in the United States for a total of 10 years, five of which were after age 14.

Mr. Speaker, this change is contrary to what was established in 1994. I have made inquiries as to why this change was made and I have found nobody actually making an argument on its behalf. The confusion created by this change has made an administrative nightmare for many applicants. The INS has not had an easy time with implementing the original language and this change cannot help things.

It is my hope that we will be able to give favorable consideration to this correction to IIRIRA. It is critical if we are to remain consistent in our treatment of Americans born or adopted abroad. I urge my colleagues to support it.

TRIBUTE TO COL. RICHARD DIXON

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. CLAYTON. Mrs. Speaker, I rise today to bring to your attention the outstanding public service on one of the country's top military men, Col. Richard D.S. Dixon III, the Chief Judge of the U.S. Air Force Court of Military Appeals. On April 1, 1997, Colonel Dixon will be retiring after 30 years of especially distinguished service.

Colonel Dixon, who is a native of Waltonsburg, NC, received his undergraduate degree from Duke University and his law decree from the University of North Carolina. He enlisted in the U.S. Air Force in May 1966. After completing a year of enlisted service, he was designated a judge advocate in April 1967, and commissioned as a first lieutenant. After tours of duty at Niagara Falls International Airport in New York and Torrejon Air Base in Spain, he was selected to attend the University of Michigan as a graduate student, where he was awarded a master of laws in international law in 1974. The Air Force took advantage of his expertise by assigning him to the international law division in Washington, during which he was selected to attend the public international law course at the Hague Academy of International Law in the Netherlands.

His subsequent tours of duty were as staff judge advocate at Charleston AFB, SC; as a member of the legal staff for the Commander-in-Chief, Pacific Command, at Camp Smith, Hawaii; and as staff judge advocate at Langley AFB, VA.

In 1985, recognizing Colonel Dixon's diverse areas of expertise, the Air Force assigned him once again to Washington, DC, where he served in four divisions. As Chief, Military Justice Division, he was a member of the Department of Defense Joint Services Committee on Military Justice, during which he proposed and drafted legislative changes to the Uniform Code of Military Justice and the Manual for Courts-Martial. He also served as the liaison between the Judge Advocate General and the Criminal Justice Section of the American Bar Association. Next, he was again assigned to the international law division—this time as the Chief—from 1987 until 1989. Colonel Dixon next served as Chief of Defense Services Division, managing the approximately 150 Air Force defense attorneys worldwide, and a dozen appellate defense counsel. Because of his vast experience in military justice and his impeccable judicial temperament, he was selected in 1991 to serve as the Chief Judge of the nine-member Air Force Court of Criminal Appeals. He was sworn in as Chief Judge on March 2, 1992.

Colonel Dixon's military decorations include the Defense Meritorious Service Medal and the Air Force Meritorious Service Medal with three oak leaf clusters.

Mr. Speaker, I ask that you join me, our colleagues, and Colonel Dixon's many friends, in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Fran, his son Richard and daughter Karen, are extremely proud of his accomplishments. It is fitting that we pay tribute to him today.

A TRIBUTE TO EDGAR HAGOPIAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a loyal and dedication citizen in my district, Edgar Hagopian. Edgar will be honored this week by the Oak Park Business and Education Alliance [OPBEA].

Hagopian is being recognized for his many contributions to the Oak Park community, especially the students of Oak Park's schools.

President of Hagopian and Sons, Inc., Edgar has been very active in the Oak Park schools and its programs. He has been a strong supporter of the district's student of the month and the middle school job shadowing programs.

A member of the Oak Park Chamber of Commerce, Hagopian has been a supporter and leading member of OPBEA since its inception in 1993.

Known for his presence in Michigan, Hagopian is also known internationally for his leadership in the worldwide Armenian community. He founded the Armenian Business Council and has served as its president. In recognition of his many generous contributions to Armenian causes, he was named the 1995 Person of the Year by Canada's Armenian Business Council.

All funds raised from the event honoring Edgar will be used by OPBEA for the Edgar Hagopian Scholarship Fund, which will provide scholarships to Oak Park graduates that have excelled in the group's Contract for Success program.

HONORING NANCY MANNERS FOR 13 YEARS OF DISTINGUISHED SERVICE TO THE RESIDENTS OF WEST COVINA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize a good friend, Hon. Nancy Manners, councilmember of the city of West Covina, CA. Nancy is retiring from the West Covina City Council after 13 years of distinguished service and will be honored at a special ceremony on Wednesday, March 19, 1997.

Nancy begun her public service in 1973, when she was elected to the Covina-Valley Unified School Board. During her tenure she served as president of the San Gabriel Valley Regional Occupational Program Board. In 1984, she was elected to the West Covina City Council. Nancy was the first woman to serve on the city council and, in 1988, she became the city's first woman mayor.

While maintaining an active role on the city council, Nancy also has been a member of numerous organizations, often taking leadership roles advocating on behalf of local governments. She has been president of the Independent Cities Association, ICA Risk Management Authority, San Gabriel Valley Planning Commission, Mid-Valley Mental Health Council, and chairperson of the Los Angeles County Solid Waste Committee. Also, Nancy has served on policy and steering committees of the National League of Cities and the California League of Cities, and other groups working on issues of local government.

She has been a resident and servant of the city of West Covina for 38 years. In addition to the many hours that she has committed to serving local residents, she has dedicated herself to numerous community and civic organizations. Currently, Nancy is serving her second term as president of the queen of the Valley Hospital's 2100 club, the board of the West Covina Rotary, and vice president of the West Covina Historical Society. She also has served as the president of the San Gabriel Valley League of Women Voters, Covina Coordinating Council, Altrusa, regional chairperson of the San Gabriel Valley Lung Association, and in 1980, she was selected to serve on the Los Angeles County Grand Jury.

Prior to serving as an elected official, Nancy was employed by the city of Covina for 16 years. In 1963, she became the first woman in southern California, and one of only a few nationwide, to achieve the post of assistant to the city manager. Because of her outstanding dedication to the community, Nancy was named 1976 Covina Citizen of the Year and 1983 West Covina Citizen of the Year.

During her children's youth, Nancy was active in their Scouting activities. She served as den mother to her son's Cub Scout, Weblos, and Boy Scout troops, and was troop leader of her daughter's Brownie and Girl Scout Troops. She taught second grade Sunday School and was a room mother and an active member of her children's Parent-Teachers Association.

Nancy received her bachelor of arts degree from the University of La Verne in 1977, and completed certificate courses in public administration from the University of Southern California in 1972. She was married to the late George Manners and has three children, Joan, Nancy, and Gene. She is also blessed with five grandchildren and three great-grandchildren.

Mr. Speaker, I ask my colleagues here assembled to recognize my friend, Nancy Manners, a trail blazer and role model for all to emulate, on the occasion of her retirement from the West Covina City Council.

COMMEMORATION OF SANTA BARBARA COUNTY CHILDHOOD CANCER AWARENESS WEEK

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. CAPPS. Mr. Speaker, I rise today to commemorate the designation of March 17 through 23 as "Childhood Cancer Awareness Week" by the Santa Barbara County Board of Supervisors. I would also ask that you join me in honoring the American Cancer Fund for Children for its tireless efforts to ease the suffering of children afflicted with this disease.

Each year more than 10,000 cases of childhood cancer are diagnosed, and it is the leading cause of death by disease among children in our country. Far too often the medical costs necessary for caring for these children leave families devastated financially, as well as emotionally. The American Cancer Fund for Children works in partnership with hospitals and local governments to ease the burdens of this horrible disease. Through the partnerships it forges with local communities, the organization provides an outstanding example of how governments and nonprofit organizations can work together to help the people who need help the most.

The efforts of the American Cancer Fund for Children have lifted the spirits of children nationwide. Mr. Speaker, I ask that you join me and our colleagues in recognizing the accomplishments of this fine organization, and the county of Santa Barbara, in raising childhood cancer awareness with the establishment of a Childhood Cancer Awareness Week.

SALUTE TO CHURCH WOMEN UNITED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. TOWNS. Mr. Speaker, there is no nobler calling than service to the Lord. In Brooklyn I am fortunate to have an organization, Church Women United, which has dedicated itself to spiritual and community service.

Church Women United is part of a national organization of Christian women who come together to create a viable community and serve as witnesses to their abiding faith. This year marks the 14th celebration of holding their annual Good Friday service, which includes "The Seven Last Words of Christ." The last words are delivered by seven messengers, all female. This is a unique event in which the Borough of Brooklyn takes great pride.

The group is led by Ophelia Perry who provides spiritual guidance. Church Women United provides a host of good deeds which include hospital visitation, prison ministry, summer camp scholarship, working in a women's shelter, and providing services to HIV parents. Ms. Perry is the 19th president of this organization which has over 600 members. I am proud to highlight the immense contributions of this wonderful organization.

RALPH SANTIAGO ABASCAL: A LAWYER'S LAWYER'S LAWYER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. MILLER of California. Mr. Speaker, I rise to report sadly to the House of the passing yesterday of Ralph Santiago Abascal, one of the giants of the American legal profession, and a man I have been honored to call a close personal friend for three decades.

Both in California and throughout the Nation, among those who advocate for the poor and within the Hispanic community, among environmentalists and farm workers, welfare recipients and the malnourished, Ralph Absacal will be remembered as a man of consummate legal skill, boundless optimism and formidable intellect.

In a lifetime of advocacy for the financially destitute, the politically marginal, and the socially outcast, Ralph nevertheless displayed an expert's knowledge of the intricacies of the political world. I knew him first in Sacramento, when I was a staff person in the California State Senate and he was an activist attorney fighting for farm workers, the disabled and children. Our close relationship continued when I came to Congress in 1975 and we fought many of the same battles at the Federal level.

Ralph was a valued and creative advisor. Our efforts to enforce reclamation law and end unjustified water subsidies in California's Central Valley laid the groundwork for massive reforms like the Central Valley Project Improvement Act and the Bay-Delta process that, at long last, are rearranging California's water priorities and restore our State's decimated environment.

Ralph was the early leader in the fight against unsafe pesticides that endangered consumers and farm workers, too. His pioneering legal work paved the way for the prohibition of DDT and the protection of groundwater from chemical contamination. His work on behalf of children guaranteed nutrition assistance, educational opportunities and equal access without regard to disability or ethnicity.

For some, I suspect, Ralph Absacal's career was about chasing rainbows. But Ralph caught a fair number of those rainbows, and ours is a far safer, far more just, and far cleaner world because of his tireless efforts.

He stands as a giant in terms of his fight for the poor and the disenfranchised people of America. It is perhaps his greatest legacy that millions of those whose lives will be forever improved by his life's labors never even heard his name, never knew that he spent decades arguing on their behalf in the courtrooms, in the legislative chambers and in the streets.

Mr. Speaker, I ask that all Members of the House of Representatives join me in mourning the loss of one of America's great advocates and attorneys, and extend to his widow, Beatrice Moulton, and their daughter Pilar.

RECOGNITION OF R.E. THOMASON GENERAL HOSPITAL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. REYES. Mr. Speaker, I am pleased to commend R.E. Thomason General Hospital, El Paso's only not-for-profit hospital, for being recognized for the second year in a row as one of America's top performing hospitals, according to the 1996 "100 Top Hospitals—Benchmarks for Success" study. I would like to congratulate R.E. Thomason General Hospital for their dedication to the community and outstanding performance.

The "100 Top Hospitals—Benchmarks for Success" study is conducted annually by HCIA, the industry's most comprehensive source of health care information, and the Health Care Provider Consulting practice [HCPC] of William M. Mercer, a leading international management consulting firm. HCIA and Mercer HCPC annually develop a model for high performance among general acute care hospitals in the United States. The model is then used to identify 100 of the top performing hospitals on key measures related to clinical practices, operations, and financial management. Mercer HCPC and HCIA undertake this study each year to establish industry benchmarks in the context of a rapidly and constantly changing health care industry and to recognize those hospitals that demonstrate superior performance.

To qualify, hospitals had to rank above their peers on a combination of eight measures that indicate high value through high-quality outcomes, effective use of resources, and efficient provision of care—a balance R.E. Thomason General Hospital has achieved.

I would like to thank R.E. Thomason for their vision and dedication to the community and commend the staff for their devotion to caring for the people of El Paso.

TRIBUTE IN MEMORY OF VIRGIL TRESENWRITER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to Virgil Tresenwriter. Virgil was a native of Beckley, WV, my hometown. In 1995, at the annual dinner of the Beckley/Raleigh County Black Business Association, Virgil's solo performance with the New Gospel Singaleers captured my spirit, leaving me in a state of awe, almost too speechless to deliver my keynote address. It was a profoundly moving experience. And no wonder.

Virgil was ordained by God from the very beginning of his life to sing praises to the Lord. It was a sweet sound and a joy divine—just as the gospel hymn says—to hear the deep baritone voice of Virgil "Pee-Wee" Tresenwriter ring out the heavenly melodies. What a blessing it was to be stirred and moved in your spirit from the sounds that came from the very depths of his heart.

If you were burdened down and sinking, to rise no more, you were lifted up when Pee-Wee sang "His Eyes Are On The Sparrow and I know He Watches Me." Then Virgil would remind you that he loves to praise His name, because He is a rock, a sword, and a shield—He's just a jewel in the middle of a wheel. Virgil's life was a blessing in so many ways to those who knew him, an inspiration to children who imitated him as he performed with the New Gospel Singaleers, with colorful attire reminiscent of the more famous singing groups of older times.

With his God-given talents, it was nothing for Virgil to challenge groups such as the Mighty Clouds of Joy, or the Canton Spirituals, when performing on the same program.

It is with the same pride that I take this opportunity to honor a man who gave the very best of himself, using his God-given talents to inspire, encourage, and lift the hearts of those who knew him. Virgil will be missed immensely, now that he has joined the heavenly choir to sing with the angels of God.

His songs, and the spirit in which he sang them, will sing out in our hearts forever.

TRIBUTE TO HISPANAS ORGANIZED FOR POLITICAL EQUITY (HOPE)

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. ROYBAL-ALLARD, Mr. Speaker, on Friday, March 14, 1997, Hispanas Organized for Political Equity [HOPE] Education and Leadership Fund's Sixth Annual Symposium is taking place in California's 33d Congressional District during Women's History Month. In honor of this important event on the floor of Congress, I am proclaiming March 14, 1997, as Latina History Day.

The HOPE Education and Leadership Fund is committed to improving the social, political, and economic status of Latinas in their workplace, homes, schools, and community. Historically, HOPE has educated women and the community about domestic violence, the depiction of Latinos in the media, and the need to break the glass ceiling in employment. This year's symposium will address education and the superhighway, violence in our schools, and women's health concerns.

The proclamation of Latina History Day during Women's History Month memorializes the important role Latinas play in American society. It recognizes the work and sacrifices of prior generations, celebrates the growing accomplishments of contemporary Latinas, and lays the foundation for future generations. Organizations like HOPE are critical cornerstones to the educational and leadership training programs we need to meet the challenges of today and the future.

I commend the HOPE Education and Leadership Fund for their commitment to Latinas and our children and, in their honor, proclaim March 14, 1997, as Latina History Day.

INTRODUCTION OF THE SAN TIMOTEO CREEK ASSESSMENT ELIMINATION AND ENVIRONMENTAL RESTORATION ACT OF 1997

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. LEWIS of California. Mr. Speaker, today I am pleased to join my friend and colleague, Congressman GEORGE BROWN in introducing the San Timoteo Creek Assessment Elimination and Environmental Restoration Act of 1997.

This important legislation will allow the San Timoteo Creek flood control project to move forward while eliminating proposed local assessments. This act will also provide the added flexibility for the local sponsor—County of San Bernardino, to make the project more environmentally sensitive.

Let me briefly explain what this straightforward legislation will accomplish. This bill will allow the local sponsor of the San Timoteo Creek Project to repay its 25 percent cost share to the Federal Government over a 30 year period instead of the traditional payment when construction begins. The generic authority to repay the local sponsor cost share over a 30 year period is specified in the Water Resources Development Act [WRDA] of 1986. This legislation applies that statute to the San Timoteo Creek Project.

The San Timoteo Creek feature of the Santa Ana Mainstem project will cost roughly $60 million. The local cost share is $15 million. However, a portion of the local cost share has already been provided through the construction of Reach 1 and Reach 2 of the project. Construction on Reach 2 of the project is currently underway. The Corps of Engineers and the local sponsor are currently discussing the idea of modifying Reach 3 in order to keep the project's construction moving forward while the corps, the local sponsor and environmental groups develop an environmentally sensitive and cost effective design modification further upstream.

The threat of flooding along the San Timoteo Creek is very real. The San Timoteo Creek portion is one of the smaller features of the Santa Ana Mainstem project which also includes the Seven Oaks Dam in Mentone. This project is extremely vital in order to provide flood protection for Redlands, Loma Linda, and San Bernardino. Furthermore, protection from a 100 year flood event will also lower the flood insurance rates of homeowners and small businesses which are currently in the flood plain. The overall Santa Ana River Mainstem project will protect millions of people and property in San Bernardino, Riverside and Orange Counties valued in the billions of dollars when it is completed.

Congressman BROWN and I recently discussed the concept of this legislation with San Bernardino County Supervisor Dennis Hansberger, Loma Linda Mayor Floyd Petersen, and other elected officials, and representatives from local environmental groups, including the local chapter of the Sierra Club.

I am pleased that these discussions have helped to develop this legislation which, if enacted, will go a long way toward addressing the concerns of those individuals, families and businesses which live within the proposed assessment district, locally elected officials, environmental groups, and the American taxpayer.

DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. POMEROY. Mr. Speaker, I rise today in support of the resolution to overturn the President's decision to certify Mexico as a country that is fully cooperating in the fight against drug smuggling.

This resolution was reported out of the International Relations Committee on an overwhelmingly bipartisan vote. The committee resolution would decertify Mexico as a fully cooperative partner in the war on drugs. The resolution would send a clear signal to Mexico that their drug fighting efforts are inadequate, and that they must improve their interdiction, prosecution and anti-corruption activities to be considered a fully cooperating ally in the drug war.

Unfortunately, rather than allowing the House to vote on the bipartisan committee resolution, the majority leadership has crafted a substitute proposal that, if adopted, will preclude consideration of the committee resolution. Regrettably, the leadership amendment, offered by the gentleman from Illinois, Mr. HASTERT, undermines the bipartisan committee product by injecting purely partisan language into the text of the resolution. Rather than focusing on the question of certification, the Hastert amendment seeks to gain partisan advantage by taking rhetorical pot-shots at what it views as the administration's shortcomings in its conduct of the war on drugs.

As a result, the leadership has managed to take an issue where there is widespread bipartisan agreement—that Mexico is not a fully cooperating partner in the war on drugs—and make it partisan. I support the committee resolution, but I will oppose the leadership amendment. I remain hopeful that the Senate will craft a bipartisan measure that I will be able to support when this issue is resolved in conference.

I urge my colleague to oppose the Hastert amendment and support House Resolution 58.

IN SUPPORT OF H.R. 582: THE MEDICARE HOSPITAL OUTPATIENT REFORM ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. STARK. Mr. Speaker, on February 4, Representative COYNE and myself introduced a bill to provide for an immediate correction of a serious Medicare beneficiary problem: the overcharging of seniors and the disabled by Hospital Outpatient Departments [HOPD].

The President's budget also calls for a correction of this problem, but phases in the correction over a 10-year period.

In Medicare, the program generally pays 80 percent of Part B bills and the patient pays 20 percent. But because of the way the HOPD benefit was drafted, currently beneficiaries are paying about 45 percent and Medicare 55 percent. Simply put, the problem arises because Medicare pays the hospital on the basis of reasonable cost, while the beneficiary is stuck with 20 percent of charges—and charges can be anything the hospital wants to say they are.

Last the American Association of Retired Persons asked its members for examples of problems they had had with HOPD billings. They received an overwhelming response, and over the coming weeks, I would like to enter some of these letters in the RECORD.

These examples are the proof of why we need to fix this problem ASAP.

The first is from Mr. Warren Risser of Santa Barbara, who had an HOPD cataract operation and was charged $4,102.15. His 20 percent share of that change was $820.43. But he found out that Medicare determined the reasonable cost was less than half of that and Medicare paid $1,025.54. Mr. Risser paid 44% of the total payment—a far cry from Medicare's promise of an 80–20 split.

Next is a letter from Mr. Keith Roberts of Garden Valley, CA. As his letter so well explains, he paid 54 percent of a test due to charges that defy all rhyme or reason.

Both letters are a testament to the need to pass H.R. 582.

AARP Outpatient Stories,
Washington, DC.

DEAR SIRS: Your article "Medicare Outpatient Debacle" by Don McLeod was excellent.

On March 7, 1995, I had cataract surgery on my right eye. I was in the hospital approximately 6 hours incurring a hospital bill of $4,102.15. I was billed 20 percent ($820.43). The Medicare Statement from Blue Cross shows Medicare paid the balance of $3,281.72 which was incorrect. They paid only $1,025.54 after writing off an adjustment of $2,256.18.

I wrote Blue Cross stating I paid my 20 percent and they paid 25 percent and requested an explanation. Enclosed is their response. They had lowered their portion by 55 percent of the bill.

Gosh, I wish I could run a business this way.

Keep up your good work.
Sincerely,
WARREN H. RISSER
Santa Barbara, CA.

KEITH L. ROBERTS,
Garden Valley, CA, November 27, 1996.

AARP Outpatient Stories Dept.,
Washington, DC.

DEAR SIRS: Some time back I sent you a large packet of documents and correspondence about Part B Outpatient overcharges. I just received another example of Part B outpatient abuse which I am forwarding to you.

In this case, the total hospital charge is $1199.00. I have requested an itemized account of the charges so that I can know whether they are legitimate or not. The Medicare statement lists two items. They are: PHARMACY . . . 211.90, OTHER . . . 988.00. The hospital statement lists: BALANCE FORWARD . . . 1199.00, A CODE (99100) . . . (203.80-, ANOTHER CODE (97010) . . . 755.37-. The balance due to patient is 239.80 (or 20% of the total 1199.00).

I have obtained a detail listing of the hospital charges I referred to above. I have edited the list of charges by assigning an item number and true patient charge for each item. Both lists are included herewith.

In items 10 and 11 are two drugs, DEMEROL and MIDAZOLAM. If the hospital charges are extended out to a kilogram, the drug dealers preferred lot size, you find that a kilo of MIDAZOLAM goes for 9.2 million dollars ($9,000,000.00) while the DEMEROL goes for a mere $550,000.00.

I made a special effort to find out about the most expensive item on the list, item 15, entitled SPECIAL PROCEDURE 3. It sounded like a "miscellaneous" item to me. I have been told in the past never accept a miscellaneous charge. I was told that it was probably "the room charge". I inquired "why not call it a room charge". On my oath I swear that I was told "maybe Medicare pays more for special procedures." The record should show that the only "room" she was in was the outpatient preparation and recovery ward of about 10 or 12 beds.

So the bottom line is that Medicare considers the rooms, nurses, equipment and supplies to be worth something a little more than $203.80. Based on that amount, I find it hard to believe that 1199.00 is realistic. As you and I both know that there is no limit to the amount that the hospital can charge. They could have legally charged $599.00 or $1999.00 or more. It appears that in this case they charged an amount that they thought would pass the stink test.

Of the money that the hospital stands to receive, I will pay 54% and Medicare will only pay 45%. We need to convert to a payment system more nearly like non-hospital Medicare part B payments.

WHEN MEDICARE IS REFORMED, THE OUTPATIENT SCHEDULE MUST BE INCLUDED!

Sincerely,

KEITH L. ROBERTS.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. NETHERCUTT. Mr. Speaker, on Thursday, March 13, I missed House recorded No. 50, on final passage of H.R. 852, the electronic filing of Federal forms bill. I request that the RECORD reflect that had I been here, I would have voted "aye."

TRIBUTE TO BRIAN HAUCK, VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY AWARD WINNER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. SAXTON. Mr. Speaker, it gives me great pleasure to recognize the accomplishments of an exceptional American youth, Mr. Brian Hauck. Mr. Hauck is the 1996–97 Department of Europe winner of the Voice of Democracy broadcasting scriptwriting contest "Democracy-Above and Beyond" sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

The value of monetary scholarships, bonds, and awards this program awarded was over $2.7 million this past year. Brian plans to use his scholarship money to attend Washington University in St. Louis this fall where he hopes to pursue a curriculum that will assist him in becoming an astronaut. Brian is currently the president of both the Student Council and the Future Business Leaders of America at the Patch American High School.

The son of Colonel and Mrs. John D. Hauck, Jr., Brian resides in Germany where his father is currently assigned to Headquarters United States European Command. I am sure that his parents are extremely proud of the achievement of their fine son. I wish to have Brian's award winning essay entered in the CONGRESSIONAL RECORD for all Americans to read.

Freedom to succeed. Democracy is a government of the brave. As Americans, we are keepers of an institution that allows its people both success and failure. The strength of America is in the willingness of its citizens to take risks. From the earliest explorers to the modern businessman, the pioneering spirit has been the most important factor in the development of democracy and the key to America's position as a world leader.

Discovered by a man who had invested his entire fortune on a voyage to prove the world was round, America has always been a land of hope where dreams are fulfilled. She was first colonized by people seeking freedom from religious oppression in Europe. These settlers abandoned everything in the hope of finding a better life in a land halfway around the world. A century later, their ancestors faced tyranny from the rule of the British Monarchy. True to their blood, they declared independence and fought for freedom. Their reward was the opportunity to create the United States of America. It is no wonder that the government created by these brave men granted freedom from oppressive government and control over their own lives.

This same spirit of democracy and risk was still evident sixty years later as thousands of wagon trains headed west. Across the Great Plains and through the Rocky Mountains, pioneers battled disease, cold, and hunger to find a new life in the West. These people desired to migrate. They were not forced out by any tyrant, and they were not looking for an easy living. Even while knowing those hardships they would encounter, they trekked onwards, craving the opportunity to succeed or fail as fate willed.

As America raced against the Soviet Union to put a man on the moon, the true nature of our democracy of risk became apparent. Unlike our Communist competitors, every astronaut involved in the Apollo program had volunteered. They desired the glory of setting foot upon the moon first, but such an opportunity would never have been surfaced within the structure of democracy. This spirit of exploration lives on as we continue our research in space and our expeditions to all corners of the globe. As a country, we must never forget our pioneering history.

220 years since the birth of this great nation, our society continues to respect the right of the individual to take risks. Ideas are only as valuable as the actions taken to bring them to life. When an American starts a company, he understands that it may fail, and that he may lose his entire fortune, or he may become the next multimillionaire. Whatever the outcome, he can take pride that he has the opportunity to try. Millions of people live under governments opposed to innovation. The willingness of the average American to take a chance is what has made the United States a prosperous and powerful country, and the freedom of the individual to succeed or fail helps to make American democracy the best form of government in the world.

IN RECOGNITION OF A HIGH ACHIEVING JOHN MARSHALL HIGH SCHOOL AMERICAN HISTORY CLASS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise to recognize and honor the high intellectual achievement of a John Marshall High School American History class. This class of high school juniors and seniors has demonstrated a superlative command of the facts and a critical understanding of the meaning of American History. They are first among their peers, having won that distinction when they took first place in the State of Ohio finals of the "We the People" competition.

The "We the People" competition does not involve mere rote learning and short answers, but requires detailed research and study on specific areas of the Constitution and Bill of Rights. Students testify before a panel of judges, most of whom are judges and lawyers, as if they were testifying at a congressional hearing. The class is divided into six groups and each group is required to give a 4 minute prepared answer to one of three extremely complex questions. Each group must then answer extemporaneously 6 minutes of follow up questions posed by the judges. Through this trying ordeal, the students must demonstrate their understanding and ability to articulate in depth analysis of complex constitutional issues. All students must respond, not just the stars of the class.

The entire class, then, has earned a coveted honor as the State representative at the national competition. Under the tutelage of their teacher, George Klepacz, the following students are commended by Congress for their work and achievement: Brigitte Beale, Alicia Bebee, Raenala Brown, David Bucchioni, Tyessa Howard, Kasey King, Deanna Lamb, James Lazarus, Kim Noeum, Ryann O'Bryant, Brad Schaefer, Tiwanna Scott, Matt Stevens, and Kim Chau Vo.

TRIBUTE TO JOAN GILBERT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. LOWEY. Mr. Speaker, while there are those in Westchester who may not know Joan Gilbert personally, her work has touched the lives of countless people in our community. As manager of Community Affairs in the Public Relations Department of Texaco Inc., Joan has worked tirelessly on behalf of the citizens of Westchester.

In addition to her responsibilities at Texaco, Joan has been personally involved in many community-based organizations. Currently, she serves as chairman of the board of the Street Theater and is a member of the boards of the American Red Cross, Westchester Philharmonic, the Private Industry Council, and the Youth Counseling League.

Joan has received numerous awards for her outstanding civic activities. Organizations bestowing Joan with awards include: The American Heart Association, the Harrison School District, Westchester Putnam Affirmative Action Program, Rotary International, the Urban League of Westchester, and the Girl Scouts of Westchester.

Joan's corporate and personal support helped to sustain and expand nonprofit organizations throughout our region. She has contributed in enumerable ways to the quality of life in Westchester.

In spite of her retirement, Joan's influence will continue to be felt throughout our community. I know that Joan will begin this next chapter of her life with the same vitality that she has displayed while at Texaco.

THE INTRODUCTION OF THE PARENTAL LEAVE EQUITY ACT OF 1997

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. NORTON. Mr. Speaker, today I introduce the Parental Equity Leave Act of 1997, a bill which will ensure that employees who choose to care for a foster child or adopt a child will benefit from the same leave policy as their coworkers who are birth parents. This bill does not mandate that employers provide leave benefits beyond existing law, but rather that if they choose to provide such benefits, they do so for all parents equitably. The bill does no more than remove discrimination against foster and adoptive parents at a time when Congress and the President are urging Americans to come forward in far greater numbers as foster and adoptive parents. Because the employers who offer leave benefits beyond existing law are generally larger businesses and the number of children is very small, the bill will not burden employers and the costs will barely register.

The Family Medical Leave Act of 1993 [FMLA] provides that employers must grant up to 12 weeks of unpaid, job-protected leave for adoptive, birth, and foster parents to care for a new child. Although some employers go beyond the mandate of the act and provide additional parental benefits, such as paid leave or the use of sick leave by employees with a newborn, they often extend such benefits only to birth parents and not to foster parents or parents who adopt. My bill merely tracks the FMLA, correcting this inequity by providing that if an employer allows additional leave benefits for the birth of a child, the employer must not discriminate against the parents of a foster child or an adopted child, but must provide the same leave. Thus, my bill does not require employers to provide leave policies beyond the requirements of the FMLA, but provides only for equal treatment for adoptive and foster parents, in keeping with the intent of the original legislation.

The reasons for granting parental leave to both foster and adoptive parents overlap and merge, but both need the same leave benefits as birth parents, perhaps more so. There is an acute foster care crisis in the United States, with many more children in need of such care than there are foster or adoptive parents. Foster children are generally older children who have been removed from their own homes. Often they are children with specific needs. Increasingly, they have been abused or have parents with debilitating problems such as drug abuse and are hard to place. Thus, a foster parent will normally have a greater challenge of adjustment than a birth parent. A foster parent must acclimate to a child who already has set habits and personality traits. The foster child is sometimes intimidated by being thrust into her new surroundings. She may have come from dangerous or even life-threatening circumstances. In addition, foster care systems, especially those in large cities often are in great disrepair. A recent GAO study reported disgraceful circumstances for the care of many of these youngsters, a situation that is pervasive throughout the United States. The wreckage left behind by failed foster care systems is often reflected in the lives of foster children. They clearly need their parents in their new home as much, and probably more than the newborns who are the major recipients of the FMLA.

Adopted children are generally not as old as foster care children and may not generally come to their new families from troubled circumstances. However, because most adoptive parents are caring for an infant or young child, their situation is similar to the parents of newborns. There is no reason, therefore, to treat them differently than birth parents.

There are few foster or adoptive parents in any single workplace, guaranteeing that the effects on the employer would be small, in keeping with the policy of the FMLA. I urge my colleagues to support this bill to help ensure that foster parents and adoptive parents receive the same opportunity as birth parents to bond with a new child and to acclimate that child to her new family and surroundings.

TRIBUTE TO CAPT. NICK BARISKI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Capt. Nick Bariski, a man who lived a remarkable life, and who made many contributions to his community before recently passing away.

Captain Bariski served his country for many years in the United States Army, rising to the rank of Captain. After settling in Marin County, Captain Bariski continued his dedication to the Armed Services by serving as local chapter President of the Retired Officers Association for an unprecedented three separate terms.

As the President of this esteemed organization, Captain Bariski continually lobbied for the rights and interests of both retired and current members of the Armed Services. He represented his local chapter at various regional and State meetings, served as a member of the executive committee, and was present to provide valued counsel to other retirees.

Mr. Speaker, it is my great pleasure to pay tribute to the life of Captain Nick Bariski, a man whose generous contributions to his country and his friends will always be remembered, not only in the hearts of those he touched personally, but in the lives of those who have benefited from his tireless work on behalf of all military retirees.

THE PARTNERSHIP TO REBUILD AMERICA'S SCHOOLS ACT OF 1997

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. NEAL. Mr. Speaker, today, I join Congresswoman LOWEY in cosponsoring legislation that furthers the education initiatives that President Clinton has promoted. The Partnership to Rebuild America's Schools Act of 1997 would provide much needed funding for the rehabilitation and construction of schools in this Nation.

This act gives States and local communities increased flexibility with the financing of school construction. Specifically, the Act provides up to a 50 percent subsidy of interest of financing costs to school districts which will underwrite repairs to existing schools or construction of new schools. The subsidies provided for in this legislation are determined by criteria met by each school district and community, most importantly the need of the community and lack of resources to meet that need.

The act appropriately targets those school districts that categorically are impoverished with the majority of their students living in poverty. The majority of the funds for subsidies apportioned by this act will be awarded to these communities by a formula based on the current "Title I" grant formula. Using this formula, the presently existing practice of providing educational assistance to the disadvantaged will continue.

Education has been made the No. 1 priority of the present administration. Insuring that the children of this great Nation are afforded the opportunity to learn in an environment that is healthy, safe, well-equipped, and conducive to learning is a goal that we should strive to achieve. This act would assist our local communities in reaching this aim and would also provide local school districts with the capability of accommodating drastically growing levels of student enrollment.

In my district, the city of Springfield has been designated as one of the many school districts in need of rehabilitation and construction. In order to compete in the global community, we must ensure that all children in this Nation have received the best education possible. The first step is to improve the now existing condition of the many schools that are rundown, overcrowded, and technologically ill-equipped and make them into sound structures to provide a strong educational foundation for all children and their futures. I urge my colleagues to cosponsor this legislation and show their support for our schools and the education that they provide.

TRIBUTE TO THE NATIONAL BLACK LAW STUDENTS ASSOCIATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. PAYNE. Mr. Speaker, in 1968, a small group of law students came together for the purpose of forming an organization that would be responsive to the needs of Black Law Students. Determined to rock the foundation upon which the legal system rested, those visionaries proclaimed themselves the Black American Law Students Association [BALSA]. The signers of the charter were A.J. Cooper, LeSeur Stewart, Joseph Porter III, Ronald Mitchell, Robert Holmes, and Barry Robinson. The first annual convention was held in the spring of 1969 in Chicago, IL and approximately 30 chapters were represented. BALSA focused its energies on those issues relevant to black people and black law students, and was able to use its influence to improve the positions of both.

In 1983, the word "American" was removed from the organizations name in order to encompass all blacks, including those not of American origin, "National" was added to reflect the extent to which the organization had expanded. The organization is now known as the National Black Law Students Association.

This week, the National Black Law Students Association will hold its 29th annual convention in Las Vegas, NV. Since its inception in 1969, its numbers have grown significantly. Currently, NBLSA is comprised of over 200 chapters, representing nearly 6,500 law school students throughout the United States and Puerto Rico. NBLSA stands alone as the primary symbol and mouthpiece of black law students across the United States. It continues to encourage excellence and success among black law students by providing scholarships and job opportunities.

Capitol Hill has also witnessed the spirit and dedication of the organization. Just last fall, during the Congressional Black Caucus' Legislative Weekend, NBLSA's national chair spoke on a panel I sponsored entitled: "Literacy: The Cornerstone of African-American Achievement." Mr. Speaker, please join me in congratulating the National Black Law Students Association on their 29th annual convention.

REPUBLIC TIGERS AND THE RITZVILLE BRONCOS TRIUMPH ON THE BASKETBALL COURT

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. NETHERCUTT. Today, I want to congratulate the boys basketball team of Republic High School in Ferry County, WA and the girls basketball team of Ritzville High School in Adams County. On Saturday, March 8, 1997, their many hours of practice paid off when they defeated strong teams and won the Washington State B Basketball Tournaments.

Neither team went into the tournament as the favorite. Indeed, the Republic Tigers almost didn't make the tournament at all. But under the leadership of dedicated coaches, these teams defied the odds and stunned the State, proving that to triumph, confidence, and teamwork are as important as athletic skill.

Under the leadership of Coach Rory Rickard, the Republic Tigers boys team came from behind in four games on their road to the final round. In the finals, they defeated the Reardan Indians 38–36. The new State champs had been the fourth seed in district 7.

Chuck Wilson serves as the Tigers' assistant coach. The boys State champions are Chad Dinkins, Dave Hanks, Jason Baldwin, Dan Hanks, Kenny Glidden, Sam Hadden, Mark Rickard, Dan Hargrave, Lonnie Grimm, Kris Kuchenmeister, Dorian Russell, Steve Davenport, and Chris Wilson. Tyrus and Cory Rickard as well as Josh Burnside served as managers, and Rebecca Hutton and Ryan Rickard kept the team's statistics.

Guided by coaches John Foulkes and Howard Manke, the Ritzville Broncos defeated the Wilbur-Creston Wildcats and won the Washington State Girls B Tournament. With a 33–26 victory, the Broncos claimed their second State championship, having last won it in 1979.

The players for the championship team are Tracy Warriner, Jennifer Kramer, Erin Weber, Jennifer Horpedahl, Megan Wellsandt, Katie Kirkendall, Shannon Russell, Megan Yerxa, Jamie Alspach, Jaime Wellsandt, Carlye Zicha, and Jennifer Janzen. Managers are Kristen Kramer and Crystal Zicha, and Leona Akers and Cassie Stegmeier served as the team's statistician. Congratulations to them all.

It is a great honor for eastern Washington that both the boys and girls State basketball champions—as well as the runners-up—come from our region. I hope their success will encourage others to pursue their goals, recognizing that to succeed, players need to practice and learn to work together as a team. They must not let the odds discourage them and remember always to do their best, remaining confident in their abilities.

It was these skills which enabled the Republic Tigers and the Ritzville Broncos to triumph on the basketball court. And it is these skills which will enable students across the country to succeed, whether in an athletic arena or whatever other endeavor they should choose to pursue.

CLARIFICATION OF RECORDED VOTE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. BRADY. Mr. Speaker, on rollcall vote No. 48 held March 13, 1997—final passage of House Joint Resolution 58 relating to the decertification of Mexico—I inadvertently registered a "no" vote on final passage when a "yes" vote was my intention.

This clarification is necessary to reflect my support for the decertification of Mexico as previously indicated by my recorded support for the measure in the House International Relations Committee, the three rollcall votes previous to final passage and my floor remarks in support of House Joint Resolution 58 as presented during debate on the House floor.

DEMOCRACY—ABOVE AND BEYOND

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. SANDERS. Mr. Speaker, enclosed is a copy of a speech by Micah Genzlinger, a senior at South Burlington High School in Vermont. Micah is the Vermont winner of the VFW's Voice of Democracy broadcast scriptwriting contest. His speech reflects a passion for democracy of which I am proud. I am inserting his speech in the CONGRESSIONAL RECORD as I believe it will benefit my colleagues.

DEMOCRACY—ABOVE AND BEYOND

(By Micah Genzlinger)

If I may, I would like to briefly tell you a little about my life. When I was born, my parents had the freedom to give me any name they wanted. They had the freedom to teach me what they thought was important. They had the freedom to show me what they thought I should see. They had the freedom to choose what kind of school I should attend. The freedom to bring me up in a family where they see the values, shared their belief in God, and taught what they considered right and wrong.

As the decisions became mine, I could choose who I was friends with, what types of music to listen to, what kinds of clothes to wear, what sports to participate in, and many other things. Soon I will be making bigger decisions: who to vote for in the elections, what college to attend, what I should do with the rest of my life, what religion I should study, and more. I am even free to disagree with what my parents taught me.

You may wonder why I told you about my life. Well, I did it for one reason only, to show you how good we have it in a democracy. Some don't believe we are any better off, but only in a democracy do you have the freedom to say what is on your mind and to express your inner-self without fear of punishment from the government. We have the freedom to choose our jobs and to choose what cities to live in. We also have the freedom to decide how we are going to live; whether that be in an apartment or in a house.

Some say the government is holding us down. I ask those people to look around the world. To look at the countries that decide what its youth will do with their lives without having any say, or look at the countries that kill people for speaking out against the government. Look at countries that limit the number of children a single family can have. Then try to tell me that we are worse off living in a democracy.

I think my generation has become used to the fact that we have so much freedom and does not understand the true value of our democracy. When I watch the news on television I see the scenes from Bosnia or the Middle East, I am reminded that we have a very special freedom. When I look back in history at the walls constructed in Germany, I can't even imagine what it was like living in fear of being jailed for doing nothing wrong, or not even being able to see any of my family members because they were on the other side of the wall. Most of all I can't even imagine what it would be like not being free.

Our country is not perfect. We have poverty, unemployment, crime and many other problems. But we have the most important things: a democratic country that allows us to make our own decisions, to live the way we want to live, to work at the job we want to do, to raise as many children as we feel we should have, and so much more. But most of all we can be free.

TRIBUTE TO THE BUEHLER CHALLENGER AND SCIENCE CENTER IN PARAMUS, NJ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Buehler Challenger and Science Center in Paramus, NJ, for having served 50,000 visitors in its brief history. This milestone is anticipated to take place in the next few weeks and shows the strong demand for the services of this highly educational facility.

The Buehler Challenger and Science Center was dedicated September 6, 1994. It is a mockup of the space shuttle and its control centers and allows students who dream of the stars to come as close to space flight as they can without leaving the ground. In the process, it teaches a myriad of lessons about science, math, thinking, problem-solving, teamwork, and self-confidence.

The center is named for Emil Buehler, an aviation pioneer whose experience ranged from the biplanes and dogfights of World War I to the beginnings of the shuttle program before his death in 1983.

This center presents the young people of New Jersey with a taste of the many challenges in sciences and technology that await them as we enter the 21st century. The children who visit this center will see advances in science and technology during their lifetimes we cannot begin to imagine. Our children are our future and this center helps ensure their future is a bright one.

Students who have taken the Buehler center's "fantastic voyage" are transported into a whole new world. And, like astronauts returning from space, they bring back with them invaluable knowledge about themselves and the world around them. This knowledge will help them aim for the stars as they pursue new heights in math, science, and technology.

Inspiring children through facilities such as this is essential to initiate and maintain interest in technology among our young people to enable them to meet the demands citizens will face in the next century. This is essential to maintain our position in the global economy of the future.

Unfortunately, but true, many children decide as early as elementary school that they have no interest in science. Too many believe they can't "do" science or that math is "too hard." The result, according to some estimates, is that America will have a shortage of half a million chemists, biologists, physicists, and engineers by the year 2000. The Challenger Center is helping reverse that trend. Fortunately, these same students are fascinated by space subjects, especially astronauts. This unique, hands-on experience can raise students' expectations of success, foster in them a long-term interest in math and science, and motivate them to pursue careers in these fields.

It is only natural that the Challenger Center can be a way to reach students uncertain about science. Since the inception of the space program, NASA and the Nation's education system have traveled parallel paths. They share the same goals—exploration, discovery, the pursuit of new knowledge, and the achievement of those goals is interdependent. NASA depends on the education system to produce a skilled and knowledgeable work force. The education community, in turn, has used the space program to motivate and encourage students to study science, engineering and technology.

If the United States is to remain at the forefront of space science and aerospace technology and research, then we must provide students with the skills they will need in a highly complex and technical workplace. The next generation of science and technology achievements can only be as good as the education and challenges we give our children in those subjects today.

The children who visit this center today could easily turn out to be the scientists of tomorrow. Who knows what discoveries they will make or new technologies they will develop? Their work could be as dramatic as the airplane was to our grandparents or the space shuttle to us.

Even for those who don't enter the world of science, this center offers an insight into the technological world around them. If we think it's vital to be computer literate today, imagine the skills that will be required in another generation.

An important aspect of this challenge to learn is that some believe the United States is no longer challenged. With the demise of the Soviet Union and the end of the cold war, we no longer have the type of outside challenge that pushed us to the Moon. Remember, it was the insult and shock of Sputnik that led President Kennedy to launch the space program.

If we are not to be challenged by another nation, we must challenge ourselves. We must make a commitment to go where no one has gone before, to explore and learn and never be satisfied that there are no challenges left to meet.

Today I'd like to challenge our young people to continue the record of meeting challenges that our Nation has exhibited in the past. The Buehler Center is part of the highway to a future where the American thirst for knowledge will keep our Nation the world's leader in science and technology.

MAKING A CASE FOR DIVERSITY IN THE SCIENCES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. STOKES. Mr. Speaker, on February 21, 1997, I was honored to have Dr. Walter E. Massey visit my congressional district. Dr. Massey is the president of Morehouse College in Atlanta, GA. Morehouse is one of our Nation's most distinguished institutions of higher learning. Dr. Massey, a Morehouse alumni, is the former Director of the National Science Foundation. He has also held a range of administrative and academic positions, including provost and senior vice president of affairs of the University of California.

When he visited my congressional district, Dr. Massey utilized the occasion to address an issue of critical importance to this Nation and its people. In his remarks at the City Club of Cleveland, he spoke from the topic, "Making a Case for Diversity in the Sciences."

Mr. Speaker, Dr. Massey delivered a speech which was insightful and thorough. I want to take this opportunity to share a copy of Dr. Massey's remarks with my colleagues and others throughout the Nation. It is certainly worthwhile reading.

MAKING A CASE FOR DIVERSITY IN THE SCIENCES

(Walter E. Massey, President, Morehouse College)

I will be speaking with you this morning about diversity, and making a case for diversity in the field about which I am most knowledgeable, the sciences. I will focus on the ends and goals of diversity—a society that is enriched by the contributions of all its members—and on what, for now, I see as one of the best ways of achieving those goals—affirmative action.

Indeed, affirmative action is one of the most highly debated issues in the United States today. The recent vote on Proposition 209 in California, and the decision of the Board of Regents at the University of California to abolish many of its affirmative action programs during a time I was at the University, are among the most visible examples of a retrenchment from the support of affirmative action in the nation. Legal cases challenging affirmative action in Texas and Virginia, and recent Supreme

Court decisions on hiring policies and set-asides, have made this issue one in which the nation has become deeply involved.

It is not my intention this morning to speak in detail about affirmative action, in general, in the United States. What I would like to do, however, is make the case that the ends toward which affirmative action programs have been aimed—that is diversity and inclusion in all aspects of American society—are ends that are worth the struggle, conflicts and controversy that affirmative action programs now generate. By focusing on the long-term benefits that will result from such programs, I would hope that we might somewhat diffuse the emotionalism and confrontation surrounding current programs. Although I have few doubts that those arguments will go away.

I would like to make the case today that, at least in the sciences, the area in which I have spent my life, the end results of having a more diverse representation will more than pay for the nation and the world, and because of that, justifies our having affirmative action programs at present.

If it is not clear, I should go on record by saying I am a supporter of affirmative action. I am convinced that affirmative action—which I define as providing equal *access* to opportunities to all people—is not only a necessary corrective action to address past injustices that have limited the access of minorities and women to opportunities in education, employment, politics, the sciences and other areas, but a necessary positive action for the long-term benefit of our nation.

Having said that, I should also say that I do not believe that all affirmative action programs, as they are currently cast and operated today, should be embedded in perpetuity. I see affirmative action as an access tool, not an entitlement benefit. As President Clinton has said, some programs need at this point to be *mended*, not ended. Our goals should be, at some point in the future, to be able to end affirmative action programs.

But, until we live in a much more perfect world than we live in now, a world where the playing field is level for everyone regardless of their race or sex, we will need affirmative action programs, or their equivalent, to obtain goals that are in the best interest of society as a whole.

For, despite some significant gains in the past 30 years, the reality is that in too many places, including our board rooms, court rooms, laboratories, legislatures, and in the hall of higher education, women and other minority groups remain much underrepresented in proportion to their numbers in society, and, more important, with respect to their potential contribution to society.

We must do something to correct these imbalances. Not only is it our moral responsibility as a nation, but, I believe—and this is the crux of my message to you today—providing equal access to opportunity for all people is the key to our ability to prosper and thrive in the global metropolis that our world is fast becoming.

As a supporter of affirmative action, in general, with the particular goals I have elucidated, I am particularly supportive of any programs that will increase the number of previously underrepresented groups in the sciences. I am convinced that, perhaps among all areas of human endeavor, the sciences are likely to produce the kind of broad, enduring, societal benefits that accrue from the involvement of diverse participants.

And affirmative action programs—to the extent they are designed to encourage more diversity by attracting and retaining to the practice of science individuals from varied backgrounds—will ultimately benefit all humankind.

I would also assert that the arguments I will make for diversity in the sciences can be made for business and commerce, higher education in general, the legal and health professions, government occupations, and in fact, all other fields. But let me make the case this morning for the sciences.

It perhaps goes without saying that the era that we now live in is justifiably labeled the era of science and technology. Never before in the history of the civilized world has science and technology so pervaded every aspect of our lives. And, never before has the pace of scientific innovation and discovery been as rapid as it is today. And, it cuts across every field within science (and technology) from physics to biology, materials to astronomy and the applications of science: medicine, microelectronics, energy production, environmental research, and the like.

Science plays a critical role in solving the problems of our world. Some futurists have even suggested that the prosperity of the human race depends on scientists' ability to make sense out of the mysteries that confront and baffle mankind. That may be overstated, somewhat. I would say that scientists, along with philosophers, theologians, and others, are needed to make sense of and solve the mysteries of the universe. Science will not do it alone, but it can not be done without science.

The study and practice of science also can have other associated benefits, not the least significant of which are the kinds of attitudes and abilities that can be gained from studying science.

The world over, nations are realizing more than ever that there most valuable resource is there people—in all their diversity. No nation can now afford to squander its human resources and to not take advantage of all the potential talent it has within its citizenry. "Developed" and "developing nations" alike are also recognizing that their citizens must not only have technical skills, but certain values, character traits, habits of mind, and principles that will allow them to function effectively in this rapidly changing world.

Some of those characteristics and traits are: a confidence in one's ability to learn and to continue learning after formal schooling; adaptability; flexibility; a willingness to tackle hard problems; curiosity; and a healthy sense of skepticism that causes one to examine every situation with "fresh eyes." Studying science enhances these characteristics and traits, and I would also argue that these are just the traits necessary for an "Innovative Society," a society that harnesses science for economic and social development.

Given the scope and importance of science in solving problems, probing the deep mysteries of life, and contributing to economic and social development, I believe that to fail to educate and apply the skills of people of all backgrounds to the field of scientific endeavor is equivalent to operating a high-performance race car on four cylinders rather than eight.

But operating at less than our full capacity is, in effect, what we have been doing—given the fact that minorities and women are still grossly underrepresented in the sciences.

There has been progress, and the makeup of American science has changed considerably over the past few decades. The people who do science in America are no longer mostly white Anglo-Saxon Protestants, and they certainly do not come from an exclusively upper-class stratum, as they were and did in the 19th century.

Thankfully, we have begun to recognize that ideas and insights come to individuals, not groups or communities. Scientists in the United States now include men and women from all ethnic groups: Jews, eastern Europeans, increasingly Asian Americans, Hispanics, and African Americans. In fact, the first three groups, Jews, eastern Europeans and Asians, have perhaps done more than any other ethnic groups to make American science as preeminent in the world as it is today. And African Americans and others have made, and continue to make, important contributions in many scientific fields, including chemistry, physics, biology, mathematics and engineering.

Yet, according to the National Science Foundation, ethnic minorities, who comprise approximately 21 percent of the population, account for less than 5 percent of all scientists in the United States.

Underrepresented groups—groups that have not in the past been exposed, allowed, or encouraged to study science—have to be brought into the mainstream, not only out of a sense of fairness and equity, but out of a sense of national and global need. And that's where affirmative action comes in. As a tool to more effectively tap the talents of women and minorities, affirmative action not only helps right the wrongs of the past, but ensures equal access to opportunity in the future.

The fact that many people see affirmative action as a win-lose proposition is the result of a narrow view of the issue, a focus on the means of affirmative action—the goals, quotas, and set-asides—rather than the ultimate goal of affirmative action—a society that is enriched by the contributions of the talents and energies of all its people.

The job of helping to ensure diversity in the sciences, of attracting people from different backgrounds to the field and preparing them to make meaningful contributions, falls largely to our nation's educational institutions. For it is often in classrooms that students' eyes are first opened to the reality of who they are and to the possibility of who they might become. According to the National Science Foundation, only about 5 to 6 percent of people surveyed each year are "scientifically and technically literate." And these are adults! Somehow, despite our best efforts, our schools are failing us in this important area.

We understand some of the reasons for those embarrassing statistics. Many youngsters (and adults), quite often fear science, or fear being able to understand it. That fear leads to a distrust of things scientific and technical. This is one of the major attitudes that must be addressed early in life, before youngsters develop a lack of confidence and fear. This fear is learned; it is not natural. "All children are born scientists." Youngsters have a healthy curiosity about the world, and a confidence in their ability to understand things around them. This confidence and curiosity is too often allowed to lapse or be destroyed by poor teaching.

We need more diversity in science for the benefit of the nation and the world, and for the benefit of individuals in those groups that have been underrepresented for various reasons.

But this morning, I also want to make another argument for such diversity—that it is good for science, that science itself is enhanced by being practiced in a multiethnic environment, that the practice of science is enriched and enlivened by the participation of individuals from a broad spectrum of ethnic and cultural backgrounds, and that the presence of minorities in the sciences makes a tremendous, positive impact on the field, and by extension, on the people it serves—all of us.

Science is more than just a utilitarian undertaking or endeavor that contributes to economic development and enhances our standard of living, although it is certainly that. Science is also an intellectual and humanistic endeavor. It is an expression of humanity's curiosity about the universe we live in and an expression of an innate, embedded desire in us to understand and make sense of our surroundings and ourselves. Questions such as what is the origin and fate of the universe? How did the world begin? Why is there life and what is its meaning? These are deep philosophical and religious questions. But at bottom, they are also fundamental questions of science.

Since the beginnings of history, every culture and every ethnic group has puzzled over these and similar questions, and has devised some sort of system to explore answers and construct explanations to these mysteries. The explanations have often been crude and primitive, and have varied by culture and geography. But, they have been aimed basically at the same end—to understand the world and our place in it.

Every society throughout history, no matter what its social or ethnic makeup, has contributed to our understanding of the universe and has helped to build the edifice we now call modern science.

Science and technology are cultural phenomena in the broadest sense. Although the laws of science and rules of technology do not apply differently to different groups, science and technology are enriched by including more individuals from different backgrounds and different perspectives—because they have a different lens through which phenomena are viewed. People from different backgrounds can bring different and unusual insights to the study of science and applications of technology—not necessarily because of their racial or cultural heritage—but because of their complete life experiences among which their racial and cultural heritage is a part.

Making a case for diversity in science and technology, or in any other field for that matter, can be boiled down to mathematical logic: When we are inclusive rather than exclusive, we have more people, more creative power at our disposal. Gerald Holton, a physicist, historican of science, and colleague of mine at Harvard University, put it this way:

"I would conclude that it is not only possible, but almost inevitable, that we might capture novel or unusual insight into the understanding of the universe from people who have different life experiences or come from different cultures—simply because the larger the pool of well-trained and hard-working people, the larger the probability of novel and unusual insights. In this sense, excluding potential scientists is a crime against the ethos of science itself."

The fact of the matter is that brilliance and genius are not confined to particular ethnic and racial groups. Science and technology profits and prospers—and everyone benefits—when the best and brightest are part of its activities.

I submit that a similar argument can be made for almost any field, profession or human endeavor. All will be enriched and enhanced by diversity. The goal of affirmative action—as I see it—is to help us as a nation evolve into a society where we judge people as individuals—regardless of their skin color or ethnic heritage, and where such diversity occurs naturally. Unfortunately, we have not reached that point. We are not yet where Martin Luther King Jr. wanted us to be, where people "will not be judged by the color of their skin, but by the content of their character."

Where are we along this path? Let me close by saying a few words about the sciences in that regard.

Fortunately, progress is being made on several fronts. High school and elementary school reform efforts throughout the country have been started and are addressing, in very fundamental and exciting ways, the problems of improving the quality of science education at the K–12 level. Colleges and universities are also responding to the challenge as well, by improving the quality of undergraduate and graduate science teaching.

Historically black colleges and universities, which grant bachelor's degrees to 30 percent of the African Americans who pursue majors in science and engineering, continue to play a critical role in this regard. Since the 1989–90 academic year, the number of degrees awarded by the member institutions of The College Fund/UNCF have increased 64 percent in biology, 39 percent in mathematics, and 31 percent in physics and chemistry.

At Morehouse College, more than ⅓ of our graduates are in science and engineering. And, last year at Morehouse, we received federal support to establish a Center of Excellence in Science, Mathematics and Engineering Education. The Center's mission is to increase the number of underrepresented groups pursuing careers in science, mathematics and engineering by providing scholarships and recruiting male and female high school students to participate in intensive summer programs, and by providing professional development activities and research experiences for public high school teachers.

I do not single out this program because it is unique, but because it is an example of the kind of initiatives we need more of to ensure diversity in the sciences, and to ensure that our world will not be cheated out of the best we—that is all of us—can offer.

As I indicated earlier, the arguments I have made for diversity in the sciences are equally compelling when applied to business and other fields. In fact, American businesses particularly those that are becoming more and more multi-national and global in their operations, are making these arguments. No major American company has renounced its commitment to diversity. In fact, if anything, these companies are enhancing their commitment.

It is ironic that when it comes to affirmative action, the most potentially retrogressive sector of American society is not the business and commercial world, but higher education—an area we would hope and expect to lead the nation in setting a positive example for inclusion and diversity.

The University of California, a multi-billion dollar operation, is the only major institution in the nation that has formally withdrawn its commitment to such programs. Only one board of directors or regents of any institution in the nation has voluntarily changed its course, and that is a major university. There is a message in this for those of us in higher education.

This development is particularly sobering when we reflect on the fact that the birthplace of the Civil Rights Movement, and in many ways, the birthplace of the feminist movement for equal rights for women, grew out of the protest activities and the scholarly writings and research of individuals in the university and college community.

Indeed how ironic—and how unfortunate—it would be if we allowed higher education institutions, which have paved the way for so much progress in the area of diversity, to be the vanguard leading us back into the past.

I do not think this will happen, for I know the vast majority of my colleagues in higher education are committed to a vision of an inclusive, diverse society. But, it is incumbent on us in higher education, and indeed all of education, to continue to make the case, present the arguments, and marshal the evidence that the struggles and challenges of present-day affirmative action programs will ultimately benefit us all.

PROTECTING PUBLIC LANDS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. HINCHEY. Mr. Speaker, over the past 20 years, the demands on our public lands and resources have been steadily increasing. Growing interest in the kinds of recreational opportunities offered by our national parks, forests, and other lands has led to overcrowding at many of the most popular parks, and increased visitorship almost everywhere. At the same time, the need for the land management agencies to advance their mission of resource protection has also increased. Growth and development has reduced wildlife habitat, has increased the demand for pure and clean water, and has intensified the environmental stresses on undeveloped land, including many of the lands owned by all the American people and managed for them by the Federal Government.

But while the demands have been increasing, the share of the Federal budget devoted to these resources has been declining. The agencies have been asked more and more to pay their own way—as if the work they do did not benefit all Americans. The Land and Water Conservation Fund, originally intended to provide a secure and steady source of funding to acquire critically important properties for public benefit, has fallen into disuse: Its funds are now used primarily to lend money to the Treasury for other purposes.

If we have not seen the stresses on our parks and forests and refuges with our own eyes, all of us have at least read about them—the constant traffic at parks like Yosemite and Grand Canyon, the sagging roof at Independence Hall, the damage done to Anasazi ruins in the Southwest that the Government can't afford to guard. Our national treasures are decaying. Our citizens who want to visit and enjoy them can't be accommodated. And our natural resources—our pure water, our wildlife—are suffering.

It is time that we reverse direction and start increasing our investment in these resources, and increasing our attention to these problems. I'm pleased to say that over 150 organizations from all around the country—national groups and local groups, conservation groups and recreation groups, sportspeople and environmentalists, hikers, hunters, fishers, and scientists, have joined together to endorse a specific and detailed proposal for gradually and steadily increasing investment in these resources over the next 5 years. Their proposal would help to alleviate the strain on the land management agencies, help them deal with their backlog of repair and restoration projects, and help them to serve the needs and demands of the American public.

Their proposal is by no means a budget buster. On the contrary, if we do not pay attention to these issues, we will be squandering our capital, the lands, and resources we hold in trust for the American people. We cannot afford to keep deferring these needs any more than we could afford to defer fixing a broken pipe or a leaky roof in our own homes.

We will be hearing more about this proposal in the months ahead, as we consider the budget and appropriations for next year. I am sharing it with all my colleagues in the House today, and I ask everyone to give it serious consideration. Appropriately, the great-grandson of President Theodore Roosevelt provided an introduction for the plan, carrying on his family's distinguished tradition of support for public lands and the protection of irreplaceable resources.

I am urging your full consideration of the attached funding recommendations—supported by 150 environmental, recreation, and conservation groups—for our public lands and wildlife systems.

America's public lands and resources belong to—and benefit—all citizens in numerous ways. They represent a magnificent natural heritage that will be squandered without adequate commitment of funding to support dedicated staff and other resources necessary for proper stewardship. These irreplaceable national assets: Protect wildlife, rare and endangered species, and other living resources; help to keep our air and water clean and pure; supply renewable and nonrenewable resources; support vital industries like fishing and resource dependent recreation resulting in billions of dollars of direct and indirect economic benefits for local communities; generate millions of annual recreational visits by enthusiasts engaging in activities like wildlife viewing, photography, camping, family picnics, hunting, and fishing; provide untold hours of enjoyment for millions of American families as well as solace and renewal for those wanting the solitude of a wilderness experience; and satisfy our deeply rooted national ethic to keep wild America alive and thriving.

Given the overwhelming importance of these resources to present and future generations of Americans, the only fiscally responsible course is to invest adequately in their stewardship and management even as we take needed steps to balance the federal budget. Indeed, denying critically needed funding is fiscally irresponsible and short-sighted—the neglect caused by deficient funding will result in destruction and degradation of these valuable assets that is far more costly in the long run than providing the funds to properly care for them today. The attached proposal makes prudent and modest recommendations for necessary funding increases that will help to protect our public assets and ensure that our children and grandchildren will continue to enjoy and benefit from them.

As President Theodore Roosevelt said, "Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unborn generations whose belongings we have no right to squander." We owe our unborn future generations a fiscal legacy that acknowledges and sustains their natural legacy.

Sincerely yours,

THEODORE ROOSEVELT IV.

PUBLIC LANDS FUNDING INITIATIVE

INTRODUCTION

The public lands of the United States—our National Parks, Forests, Grasslands, and Wildlife Refuges—are held in trust for current and future generations of Americans. Since the election a number of organizations from the environmental, recreation, and conservation community have been meeting to coordinate an initiative to address the funding needs of America's public lands. The public lands community plans to make this a long-term campaign that will help frame the budget debate while focusing on the message that we can balance the federal budget without abandoning America's public lands.

We plan to convince a majority in Congress that this is an area where additional cuts are not justified, and further, that incremental increases in the public lands budget are necessary to protect the nation's forests, parks, refuges, and wildlife. A successful effort will mean that we can maintain accessibility to these lands and improve their ecological health.

This proposal establishes annualized budget goals for several Department of Interior agencies and the U.S. Forest Service. The environmental, conservation, and recreational community will also be working toward eliminating ecologically damaging federal programs and subsidies.

BUDGETARY GROWTH: AN INCREMENTAL APPROACH

The following table depicts needed increases in FY97 spending levels for the 602(b) Interior and Related Agencies Budget Allocation. The table identifies the budgetary increases necessary to accommodate public land management over a six-year period. Under this scenario, much needed funding for currently unmet public land conservation needs can be achieved by FY03 through annual increases in the 602(b) budget allocation.

The FY97 Interior Appropriation, less emergency funds, is $12.4 billion in budget authority. The first line in the table (Resulting Allocation) presents, in real dollars, the recommended annual funding increases relative to FY97 and not the total allocation for Interior and Related Agencies Subcommittee. The second line represents the funding additions to FY97 level for the agencies and programs specified in this document.

INCREASED 602(b) ALLOCATIONS: AN INCREMENTAL APPROACH TO BUDGET GROWTH INCREASES OVER FISCAL YEAR 1997 FUNDING LEVELS

[In billions of dollars]

	Fiscal years—						
	1997	1998	1999	2000	2001	2002	2003
Resulting allocation	$12.4	$12.97	$13.33	$13.68	$14.04	$14.39	$14.68
602(b) increase	—	0.57	0.93	1.28	1.64	1.99	2.28
Increase from previous FY (%)	—	4.60	2.78	2.63	2.63	2.49	2.02

The proposal speaks to the funding needs and program areas of the agencies and programs identified herein only. It does not account for or anticipate changes in funding levels for other agencies or programs that also receive funding through the Interior and Related Agencies. Appropriations bill. Nor does it anticipate specific cost savings or budget offsets that may be achieved through reductions in other programs areas within the Interior and Related Agencies Appropriations bill. It further does not address funding needs for natural resource and environment programs and agencies which receive funding through appropriation bills other than Interior and Related Agencies.

INCREASED FUNDING NEEDS

In developing our recommendations, we examined budget priorities for the four federal land management agencies: Fish and Wildlife Service, National Park Service, U.S. Forest Service, and the Bureau of Land Management. In addition, we considered Land and Water Conservation Fund needs. Increases outlined for each allocation are to be achieved over a six-year period.

Fish and Wildlife Service: proposed increase of $495 million

Increases are needed for the Fish and Wildlife Service in National Wildlife Refuge System (NWRS) Operations and Maintenance (O&M) and Endangered Species activities.

The National Wildlife Refuge System is the only federal public land system dedicated primarily to the conservation of fish and wildlife. Chronic underfunding of Refuge Operations and Maintenance has led to the degradation of refuge habitat and wildlife populations and put at risk popular wildlife oriented recreation programs. The Fish and Wildlife Service has identified a $440 million maintenance backlog and an annual operations deficit of $150 million.

More than 200 refuges have no staff and 97% of refuges operate at minimum funding levels with substantial maintenance backlogs. Exotic species, inadequate water supplies, and other problems plague many refuges, undermining the ability to meet wildlife objectives. Programs to help recover endangered, threatened, and candidate species, restore habitats, and address resource threats are left unaccomplished on an increasing number of stations. Continued failure to address this severe funding shortfall will jeopardize the integrity of the NWRS.

Funding for the Endangered Species Act has been chronically inadequate and the Agency has experienced an increase in tasks related to endangered and threatened species. For example, the Fish and Wildlife Service has become increasingly responsible for scientific monitoring for the conservation of endangered and threatened species on federal lands in addition to the increased costs related to designing and implementing

Habitat Conservation Plans. The Fish and Wildlife Service has been sharply criticized for failing to complete its duties, yet it has never been given adequate funds to accomplish its goals. The result is implementation that is sometimes scientifically weak or frustratingly slow for permit applicants.

Adequate funding will promote speedier, less costly recovery, and smooth implementation, ultimately minimizing conflict surrounding ESA. In addition, it is important to note that the anticipated reauthorization of the Endangered Species Act could result in new obligations under the law. The funding recommendations herein cover only current obligations and may require adjustment pending the outcome of reauthorization.

Bureau of Management: proposed increase of $150 million

The BLM needs increased funding for Management of Lands and Resources. Because of the scope and diversity of its land base, the BLM faces the opportunities and challenges of managing for over 3,000 species of vertebrates and 25,000 plant species in habitats ranging from the Pacific sea coast to the arctic tundra to the Sonoran Desert. BLM lands offer a variety of recreational opportunities and cultural resources and generate significant associated revenues. Yet, many species in each of these habitats are experiencing degrading habitats and declining populations. Likewise, many public land recreational opportunities are either hampered by degrading resource conditions or are themselves the cause of public land resource damage.

Ecological and cultural resource monitoring, restoration, and protection must be elevated to a top priority for the BLM. To that end, funding for riparian restoration and protection, fish and wildlife management, and wilderness management must be increased, as well as funding for the management of cultural resources and recreational activities including staff support on public lands.

Forest Service: proposed increase of $225 million

Estimates of Forest Service funding needs include Recreation, Ecosystem Research, Fish and Wildlife, and Trails. Funding in these and other critical areas fell short in FY97, and estimates indicate a need for incremental increases in funding for trails, recreation, and ecosystem research. Fish and Wildlife activities are also underfunded including migratory bird management, and Partners in Flight. The condition of the trails, campgrounds, restrooms, and other recreation facilities at our nation's forests is key to the public's experience outdoors. Maintenance and reconstruction funds have not kept up with increased use. For example, the Forest Service estimates that the value of the backlog of trail reconstruction work has climbed to over $267 million.

The Forest Service's trail system is larger than all the other trail systems in the nation with over 124,000 miles of trail. Because of inadequate funds, the Forest Service has been deferring 20 to 30 thousand miles of trail reconstruction every year since the 1980s.

National Park Service: proposed increase of $600 million

The National Park system today faces tremendous threats and challenges, including degradation of cultural, scenic, and natural resources, air and water pollution, internal and external development, and overcrowding. These threats have a direct impact on the quality of the National Park experience and the National Park Service's ability to protect and manage America's Park resources.

The Park Service's ability to adequately address these threats is limited by insufficient funding for monitoring, scientific assessment, research, resource protection and interpretation, and staff support. In constant dollars, the total National Park Service congressional appropriation declined by more than $200 million between 1983 and 1997. At the same time, Congress assigned the Park Service more than 400 additional construction projects than it requested—costing more than $867 million. In addition, Congress designated nine new heritage areas at the end of the 104th Congress without appropriating money to fund them. Finally, the Agency needs sufficient funds to enable it to address ongoing operations and maintenance needs and certain backlogged maintenance needs as well.

Land and Water Conservation Fund: proposed increase of $750 million

Congress has provided for an annual revenue stream of $900 million, funded primarily from OCS receipts, for federal and state land acquisition and recreation projects. Yet the average funding for these purposes over the last seventeen years has been approximately one-fourth of the authorized level.

Full appropriation of the Land and Water Conservation Fund is critical to provide for investment in natural and cultural resources conservation, watershed protection, wildlife habitat, and recreational resources. Unrestrained development and dramatic population increases threaten the quality of existing public lands. The need to purchase and conserve additional available land and water resources is increasingly urgent. This is true at the federal and state level, and the Congress should recommit to statewide assistance by funding the State Grant Program.

USGS Biological Resources Division: proposed increase of $60 million

Increases are needed to supply the science support necessary to understand the biological resources located on federal lands, to assess the environmental changes impacting on these biological resources, and to develop recommendations for management actions necessary to conserve the lands for the future. No integrated monitoring strategy for Federal Lands exists which can inventory critical biological species and communities at the local level and suggest solutions to land managers for conservation of these resources. Additionally, Federal trust resources such as migratory birds and endangered species, common to all Federal lands are coming under additional pressure through degradation of wildlife habitats; more emphasis on science support for adaptive management recommendations for system management in aquatic resources, and integrate biological information with geologic, hydrologic, and demographic databases.

General

Particularly where the BLM and Forest Service are concerned, there are any number of environmentally beneficial cost savings and budget offsets that could be achieved by increasing revenues for extractive uses (mining, grazing) and by eliminating costly subsidies. In addition, the Fee Demonstration Program, commercial user fees, and concession fees are also potential sources of revenue and cost offsets.

While it is clear that substantial savings and budgetary offsets can be achieved through these types of reforms, the purpose here is not to develop a comprehensive package of recommended budget cuts and offsets, but to identify the unfunded and underfunded spending priorities that are being targeted by the public lands community.

ALEXIS HERMAN, SECRETARY OF LABOR NOMINEE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise to support a friend, and a confidant in Alexis Herman in her nomination for Secretary of Labor. Alexis Herman is no stranger to hard work. She has always worked hard to find practical solutions to the issues and challenges that American workers face. As Director of the White House Office of Public Liaison, Alexis Herman was known for her handling of delicate relations with diverse groups. President Clinton has given Alexis Herman a chance to put those skills to test again when he nominated her as Labor Secretary against the wishes of key labor constituencies. Mr. Speaker, Alexis Herman understands work and she understands workers.

Mr. Speaker, Alexis Herman has a proven track record. She is not only a longtime advocate for women and minorities but she is a product of a politically active home. Upon her graduation from Xavier University in New Orleans, she returned to her hometown of Mobile, AL, to help desegregate her old high school.

Mr. Speaker, I hope my colleagues here in the House and in the other Chamber look pass Alexis Herman being a woman and a Clinton supporter and realize her potential to be one of the best Secretaries of Labor this country can ever have. In my opinion, Alexis Herman is a wonderful choice for Secretary of Labor. She knows and understands working families' concerns, and I look forward to working closely with her.

I yield back the balance of my time.

THE PARTNERSHIP FOR REBUILDING AMERICA'S SCHOOLS ACT OF 1997

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. LOWEY. Mr. Speaker, I am very pleased to introduce the Partnership for Rebuilding America's Schools Act of 1997.

This is an exciting day for me. I began working on this issue with Senator CAROL MOSELEY-BRAUN nearly 2 years ago. Now, thanks to the leadership of President Clinton, we are finally beginning to tackle this problem.

Today, all over America, our schools are inadequate, overcrowded, and literally falling down. In Miami, students learn to read and write in temporary trailers. Here in our Nation's Capital, schools are closed for violating the fire code. In New York City, students dodge falling plaster and attend class in hallways and bathrooms.

A GAO report released last summer confirmed the worst. Record numbers of school buildings across America are in disrepair. One-third of all schools—serving 14 million students—need extensive repairs. About 60 percent of schools need to have roofs, walls, or floors fixed.

With school enrollment skyrocketing, this problem will only get worse.

It's time for the Federal Government to act. The bill we are introducing today will provide $5 billion in Federal funding for school construction across the Nation. Funds will be distributed to the 50 States and the 100 largest school districts based on the numbers of school children in poverty.

This bill won't completely solve the problem, but it will make a crucial difference. For the first time the Federal Government will enter into a partnership with our local communities to rebuild our schools.

We know that America is only as good as our schools—and we know that this is a local problem that deserves a national response.

The situation in New York City is dire. A survey conducted by my office revealed 25 percent of New York City public schools hold classes in bathrooms, locker rooms, hallways, cafeterias, and storage areas. Almost half of school buildings have roofs, floors, and walls in need of repair.

A report by the New York City Commission on School Facilities revealed the following: Nearly half of New York City's school children are taught in severely overcrowded classrooms; 270 schools need new roofs; over half of the city's schools are over 55 years old; and approximately one-fourth still have coal-burning boilers.

We simply cannot prepare America's children for the 21st century in 19th century schools. Students cannot learn when the walls of their classrooms are crumbling down around them. We can't teach computer technology next to coal-burning boilers.

I expect that there will be opposition to this bill. We know that not everyone believes the Federal Government should address this problem. I join today with the 41 original cosponsors of the Partnership for Rebuilding America's Schools Act to state that the Federal Government can no longer afford to ignore this ticking timebomb. Government at all levels must work together to solve this national crisis.

PARK OVERGRAZED BY EXCESSIVE NUMBERS OF ANIMALS

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. HILL. Mr. Speaker, Yellowstone National Park faces an environmental crisis. For the past 30 years, the pseudoscience of natural regulation has guided park management. Scientists recently testified before the Parks Subcommittee that natural regulation is foolish, misguided, and not an appropriate nor a practical management philosophy for wildlife management. Robert Ross, a retired Soil Conservation Service officer for range conservation, has been a close observer of changing range conditions and wildlife use in Yellowstone National Park. His comments urging hands-on, appropriate management of habitat are well made and I commend them to my colleagues. I submit his recent article into the RECORD.

[From the Gazette, Mar. 16, 1997]

CONTROLS ON HABITAT URGED

PARK OVERGRAZED BY EXCESSIVE NUMBERS OF ANIMALS

(By Robert L. Ross)

"A business that had been fascinating to me before suddenly became distasteful. I wanted no more of it. I never wanted to own again an animal I could not feed and shelter."

This remark was made by Granville Stuart, an early day Montana rancher, legislator and statesman. The remark was made in the spring of 1887 following a winter of severe cold and deep snow—a winter much the same as 1996–97.

One wonders if Yellowstone National Park officials have nightmares over the thousands of starving elk and bison in the park. Starving because there are five to six times more elk and bison in the park than the winter forage will support. Actually, park people are probably hoping for more of the critters to starve. That would help solve some of their overpopulation problems. However, it must be a terrible way to die. Shooting is more humane.

The park personnel try to cover their mismanagement by saying elk and bison are "naturally migrating animals." Cattle, horses and sheep are also naturally migratory. However, ranchers curtail their instinct to migrate by building and maintaining fences to keep them in the confines of the pastures and off their neighbor's land.

Ranchers also: (1) control their numbers to the available forage by selling excess animals for slaughter; (2) provide for adequate feed in adverse weather conditions; (3) control disease such as brucellosis, etc.; (4) encourage hunting on their private lands to control wildlife numbers.

In 1963–64 the Soil Conservation Service, at the park's request, conducted a range site and condition inventory of the Northern Winter Range. It was determined the range would safely carry about 350 bison and 5,000 elk plus smaller numbers of deer, moose, antelope and bighorn sheep. At this suggested animal population, the Northern Winter Range could be maintained in good condition.

When the elk and bison population was reduced to the available forage (in the 1950s and 1960s), there was very little migration of animals outside the park. Consequently there was very little threat of them transmitting brucellosis to cattle and horses and undulant fever to humans.

Excess of elk and buffalo in Yellowstone National Park have destroyed woody species such as willow, aspen, cottonwood, alder, serviceberry, etc. along the streams and rivers. This ecological change in vegetation has almost eliminated beaver, deer, moose and many species of waterfowl in the park.

Beaver ponds are critically important to the fishing streams and riparian areas. Beavers, needing cover and forage, are almost nonexistent. Streams no longer meander through lush meadows with woody shrubs providing shade and cover for fish, but are increasingly becoming one wide shallow gravel bar after another. Destruction of the natural woody species has caused the Lamar River, Gardiner River and other streams to erode their banks and create sterile gravel bars. This not only causes soil erosion but creates very poor fishing habitat and is a sorry sight to look at.

The animals rights groups and other so-called environmental organizations such as Sierra Club, Wilderness Society, Greater Yellowstone Coalition, etc. should focus their attention on the land abuse being done to Yellowstone Park resources. However, shouting about bison being shot brings more money into their coffers from people who do not understand the whole problem. If pressure were brought to bear on Yellowstone National Park to take care of its own problem, the situation could be solved.

It is time for Yellowstone Park personnel to accept their responsibility and face up to their problem of too many animals and decimated rangeland resources.

It is time they were honest with themselves and the public. It is time Yellowstone Park becomes a good neighbor to Montana, Wyoming and Idaho and stop jeopardizing the brucellosis-free livestock industry. After many, many years of mismanagement it is time for Yellowstone National Park to start managing its 21 million acres of natural resources with integrity and professionalism.

STATE OCCUPANCY STANDARDS AFFIRMATION ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. McCOLLUM. Mr. Speaker, today my colleague from Texas, Mr. BENTSEN, and I are introducing a bill, the State Occupancy Standards Affirmation Act of 1997 to assert the rights of States in establishing occupancy standards for housing providers. Currently, there is no Federal law to establish the number of people permitted to live in a housing unit. It is imperative that we ensure that States retain the right to set reasonable occupancy standards; our bill does just this.

There is a national consensus that the appropriate level for most apartment properties is two people per bedroom. Most States have adopted a two-per-bedroom policy, and HUD's own guidelines state that this is an appropriate level to maintain public housing and section 8 housing. Our bill goes one step farther to include infants. The reasonable standard, in the case that States don't have a standard, is two persons plus an infant per bedroom. Beyond this level, the negative effects of overcrowding can be triggered, including decreasing the stock of affordable housing.

However, HUD's Fair Housing Office has initiated legal actions over the past 3 years. And then in July 1995, HUD issued a memorandum, without any consultation, that would pressure housing providers to rent to substantially more than two per bedroom or be potentially subject to lawsuits charging discrimination against families.

All types of housing providers, including managers of seniors housing and public housing, were dismayed with HUD's proposal. If this change were permitted to stand, it would adversely impact all involved in housing, from tenants who could be crowded into inadequate housing, to housing providers who would have to provide services for more residents than they may be equipped for, and whose property would deteriorate.

In the fiscal year 1996 omnibus appropriations bill, Congress disallowed HUD from implementing its July memorandum. But we need to go one step farther.

The bill we are introducing is a simple clarification of existing law and practice. It says that States, not HUD, will set occupancy standards and that a two-per-bedroom plus an infant standard is reasonable in the absence of a State law. American taxpayers have spent billions of dollars on HUD programs designed to reduce crowding. It is time to ensure that overcrowding will not be a possibility.

INTRODUCTION OF H.R. 1095

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. ARCHER. Mr. Speaker, today I rise on behalf of the Honorable CHARLES B. RANGEL and myself to introduce H.R. 1095, a bill that would correct a technical error originally contained in the Omnibus Budget Reconciliation Act of 1993. Specifically, the bill would correct the definition of the term "Indian reservation" under section 168(j)(6) of the Internal Revenue Code. This definition of the term "Indian reservation" applies for purposes of determining the geographic areas within which businesses are eligible for special accelerated deprecation (sec. 168(j)) and the so-called Indian employment tax credit (sec. 45A) enacted in 1993. As I explain in further detail below, the bill corrects the definition of Indian reservation for purposes of these special tax incentives so that, as Congress originally intended, the incentives are available only to businesses that operate on Indian reservations and similar lands that continue to be held in trust for Indian tribes and their members. It is my intent to incorporate the provisions of this bill into a larger bill, which I plan to introduce later this session, containing technical corrections to other recently enacted tax legislation.

Section 168(j)(6) of the Internal Revenue Code provides that the term "Indian reservation" means a reservation as defined in either (a) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or (b) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)). The cross-reference to section 3(d) of the Indian Financing Act of 1974 includes not only officially designated Indian reservations and public domain Indian allotments, but also all "former Indian reservations in Oklahoma" and all land held by incorporated native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act. Thus, contrary to Congress' intent in enacting the special tax incentives for Indian lands in 1993, the reference to "former Indian reservations in Oklahoma" in the Indian Financing Act of 1974 results in most of the State of Oklahoma being eligible for the special tax incentives, even though parts of such "former Indian reservations" no longer have a significant nexus to any Indian tribe. For instance, it is my understanding that the entire city of Tulsa may be located within a former Indian reservation, such that any business operating in Tulsa qualifies for accelerated depreciation under present-law section 168(j).Providing such a tax benefit to commercial activities with no nexus to a tribal community would frustrate Congress' intent to target special tax incentives to official reservations and similar lands that continue to be held in trust for Indians. Businesses located on official reservations and similar lands held in trust for Indians were provided special business tax incentives in order to counter the disadvantages historically associated with conducting commercial operations in such areas, which were expressly excluded from eligibility as empowerment zones or enterprise communities under the 1993 act legislation (see Internal Revenue Code sec. 1393(a)(4)).

The bill I am introducing today would modify the definition of Indian reservation under section 168(j)(6) of the Internal Revenue Code by deleting the reference to section 3(d) of the Indian Financing Act of 1974. Consequently, the term "Indian reservation" would be defined under section 168(j)(6) solely by reference to section 4(10) of the Indian Child Welfare Act of 1978, which provides that the term "reservation" means "Indian country as defined in section 1151 of title 18 and any lands, not covered under [section 1151], title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation" (25 U.S.C. 1903(10)). Section 1151 of title 18, in turn, defines the term "Indian country" as meaning "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same" (18 U.S.C. 1151).

Accordingly, amending section 168(j)(6) of the Internal Revenue Code to define the term "Indian reservation" solely by reference to the Indian Child Welfare Act of 1978 would carry out Congress' original intent in enacting the special Indian tax incentives in 1993 by eliminating from eligibility those areas in Oklahoma which formerly were reservations but no longer satisfy the definition of a "reservation" under the Indian Child Welfare Act of 1978. It is my understanding that, even after amending section 168(j)(6) in this manner, numerous areas within Oklahoma will remain eligible for the special tax incentives because, even though such areas are not officially designated reservations, such areas nonetheless qualify as Indian country under section 1151 of title 18. Similarly, it is my understanding that lands held by native groups under the provisions of the Alaska Native Claims Settlement Act also would qualify as Indian country under section 1151 of title 18. Thus, if section 168(j)(6) were amended to define Indian reservation solely by reference to the Indian Child Welfare Act of 1978, lands held under the Alaska Native Claims Settlement Act would continue to be eligible for the special Indian tax incentives. In this regard, it is my intent that, if it is brought to the attention of the tax-writing committees that there are any Indian lands that technically do not fall within the definition of Indian reservation under the Indian Child Welfare Act of 1978 but which could be made eligible for the special Indian tax incentives consistent with Congress' intent in 1993, then consideration will be given to further modifying the bill I am introducing today when it is incorporated into a larger technical corrections bill.

The technical correction made by the bill would be effective as if it had been included in the Omnibus Budget Reconciliation Act of 1993, that is, the technical correction would apply to property placed in service and wages paid on or after January 1, 1994. As a general matter, I oppose retroactive changes to the Internal Revenue Code. However, technical corrections to fix drafting errors in previously enacted tax legislation traditionally refer back to the original effective date to prevent taxpayers from receiving an unintended windfall. This bill corrects such a drafting error.

REDEFINING NATIONAL SECURITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday, March 10, in conjunction with our colleague, the gentleman from California, the ranking Democrat on the National Security Committee, along with the senior Senator from Oregon and the senior Senator from Minnesota, I participated in a day long meeting on the implications of allowing the military budget to stay at its current levels while trying to reduce the Federal deficit to zero. The basic point that we and others made is that unless we begin to make substantial reductions in the military budget, we will devastate a number of other important social and economic goals of our society by reducing Federal support for them to an unacceptably low level.

But none of us would be for reducing American military spending if by doing so we were going to put at risk our national security. Therefore, we began the day with a discussion of the genuine needs of national security today, and the highlight of that was a thoughtful, well documented analysis of our national security situation presented by our colleague from California who is the former chairman and current ranking Democrat on the National Security Committee.

The gentleman from California who came to Congress in 1971, after winning an election in which his criticism of the Vietnam War was a central factor, has become one of the undisputed experts in the country on national security policy. As my colleagues know, he combines a strong passion with an extremely powerful analytic intelligence and the result is an eloquent, forceful statement of the case for a more realistic and comprehensive national security policy, one which would allow us to save substantial resources from the military budget.

Mr. Speaker, because the need to reduce the military budget and make funds available for important non-military purposes is the central issue facing this Congress, I take the unusual step of seeking permission to insert into the RECORD the extraordinarily thoughtful and useful remarks of Mr. DELLUMS on that occasion, even though it exceeds the normal length of remarks which are printed here. But with a military budget in hundreds of billions, tens of billions more than it needs to be, I believe that asking for the expenditure of a few hundred dollars here to bring the case for reduction before the American people is indeed a bargain.

STATEMENT ON THE VICTIMS OF ABUSE INSURANCE PROTECTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. SANDERS. Mr. Speaker, I rise today to discuss a terribly important topic: Domestic violence, and insurance companies' discrimination against women who are victims of domestic violence.

We do not know exactly how many women are domestic violence victims each year because the numbers are significantly underreported. An estimated 4 million American women are physically abused by their husbands or boyfriends each year, and 42 percent of women murdered in this country are murdered by their boyfriends or husbands.

I think we can all agree that the level of domestic violence in this country is a silent outrage, and it is absolutely unacceptable. That is why we must do everything we can to combat domestic violence. Further, it is why we can and we must prevent profiteering insurance companies from adding insult to injury by economically victimizing women who have already been physically abused. They are reacting to battered women by battering them again.

We know that insurers have used domestic violence as a basis for determining who to cover and how much to charge with respect to health, life, disability, homeowners, and auto insurance. A 1993 informal survey by the House Judiciary Committee found that 8 of the 16 largest insurers in the country use domestic violence as a criterion in determining whether to issue insurance and how much to charge for it. State surveys in Pennsylvania and Kansas both found that 24 percent of responding insurance companies admit to such discrimination, and I know of two cases in Vermont.

Insurance companies give a variety of reasons for denying victims coverage or for charging higher premiums. Some insurers say domestic violence is a lifestyle choice, like skydiving or smoking. That is absurd. We know that domestic violence is not a choice, but a crime. Victims do not choose to live with their batterers, but are often forced to do so for economic and safety reasons. When a victim tries to leave her abuser, her life is often at great risk.

When insurance companies deny, drop, or charge more for coverage of victims of domestic violence, it has very serious consequences. It means that someone who already has reason to fear for her life has one more major reason to fear telling someone, and to avoid getting help.

This insidious insurance practice sends exactly the wrong message. We should be doing all we can to ensure victims of abuse seek help and get away from their batters. Instead, insurance companies are telling women they must not only fear physical retribution from their abuser, but also economic retribution from their insurer.

If a woman tries to get help, she must fear losing access to health care for herself and her family or insurance that provides for her family in case of death or disability. Battered women's shelters must also fear losing their insurance, as we have seen in my State of Vermont.

Insurance companies are effectively tearing down all the work that has been done over the last 20 years in creating safe havens and assistance for victims of domestic violence.

I am pleased to report that we had some success on this issue last year, when an amendment Congresswoman MORELLA, other Members, and I wrote for the Kennedy-Kassebaum health insurance reform bill became law. That amendment will ensure that victims of abuse will not be denied insurance in the group health insurance market. However, we still must prevent insurance companies from overcharging women because they are victims of abuse, and we must work to end this discrimination in all lines of insurance, not just health.

Today, we introduce legislation to protect victims of abuse across this country from being singled out as uninsurable.

Our bill, the Victims of Abuse Insurance Protection Act, prohibits all lines of insurance carriers—including health, life, property, auto, and disability—from using domestic violence in determining whom to cover and how much to charge for coverage. It has been endorsed by the American Bar Association, the American Civil Liberties Union Women's Rights Project, the Center for Patient Advocacy, the NOW Legal Defense and Education Fund, the National Coalition Against Domestic Violence, Women's Action for New Directions [WAND], and the Women's Law Project.

SENATE—*Wednesday, March 19, 1997*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, we submit our lives to Your authority. Fill our minds with clear convictions that You are in charge of our lives and our work today. We commit it all to You.

May this commitment result in a new, positive attitude that exudes joy and hope about what You are going to do today and in the future. We leave the results completely in Your hands. Our need is not to get control of our lives, but to commit our lives to Your control. You know what You are doing and will only what is best for us and our Nation.

There is nothing that can happen that You cannot use to deepen our relationship with You. So when success comes, help us to develop an attitude of gratitude. When difficulties arise, help us immediately turn to You and receive from You an attitude of fortitude.

We place our hands in Yours and ask You to lead us. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, on behalf of the majority leader, I announce that today the Senate will resume consideration of Senate Joint Resolution 22, the independent counsel resolution. By previous order, from 10:30 a.m. to 11:30 a.m., the Senate will conclude debate on Senate Joint Resolution 22, the independent counsel resolution, and Senate Joint Resolution 23, the Leahy resolution. Following debate on these resolutions, Senators should anticipate stacked rollcall votes at approximately 11:30.

Following disposition of these resolutions, the Senate may proceed to either the certification of Mexico or the nomination of Merrick Garland. Additional votes are, therefore, possible during today's session following the stacked votes.

The majority leader has asked me to remind Senators that this is the last week prior to our adjournment for the 2-week Easter recess, so he would appreciate Senators continuing to cooperate and adjusting their schedules accordingly for the scheduling of legislation and votes.

I thank my colleagues for their attention.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF MERRICK B. GARLAND

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that at 3 o'clock today the Senate proceed to executive session to consider the nomination of Merrick B. Garland, to be U.S. circuit judge, and for it to be considered under the following time agreement: 3 hours equally divided in the usual form. I further ask unanimous consent that immediately following the expiration or yielding back of the debate time, the Senate proceed to a vote on the confirmation of the nomination, and immediately following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative business.

It is my understanding this has been cleared on the Democratic side.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. If the Senator will suspend, under the previous order the leadership time is reserved.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

Mr. BENNETT. Mr. President, under the previous order, we now have an hour of debate equally divided, and I have been designated as the manager to control the time on this side. I do not see a colleague yet who will control the time on the other side.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to Senate Joint Resolution 22 for 1 hour, with 30 minutes under the control of the distinguished Senator from Utah, 20 minutes under the control of Senator LEAHY, and 10 minutes under the control of Senator BYRD.

The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, some general observations prior to getting into the details of this resolution, I think, are in order. As this matter has come before the Nation in the form of press reports, television commentary, newspaper analyses, et cetera, something that is very disturbing to me has happened. That is, a single cloak of suspicion regarding illegalities and improprieties has been cast over all aspects of anything relating to campaign financing, campaign fundraising, and campaign expenditures. Somehow, anything related to raising money or spending money in a campaign has now become tainted, and we find people in the press and people in this Chamber casting aspersions that, in my view, are inappropriate and uncalled for.

I would like to set the terms of the discussion in this fashion. I suggest that, of course, the first dividing line is between that which is legal and that which is illegal. Many times in the press reports no one is making this dividing line. They are attacking anything dealing with fundraising as if it were all the same and all in the same pot. We should make it clear, we should understand that many of the things that are done for political fundraising are perfectly legal and, in my view, perfectly appropriate, while there are other things that are clearly illegal, and obviously anything illegal is not appropriate.

If I may, I was disturbed by some of the comments made on this floor with respect to the actions of the majority leader, primarily by the minority leader. The suggestion was left in the minds of some people that the majority leader was being accused of doing something illegal or improper by urging people to attend a Republican fundraiser and urging people to support the Republican Party. Not only was it not illegal nor was it improper, it was perfectly appropriate for the majority leader of the Republican Party to engage in this kind of activity. Just as, to be completely fair about it, in my view it was perfectly appropriate and perfectly proper for the senior Senator from Connecticut [Mr. DODD], in his role as the general chairman of the Democratic National Committee, to engage in fundraising activity on behalf of the Democratic Party in the last campaign. The Senator from Connecticut has not been attacked on the floor, as the majority leader was, but he has been attacked in the press, as people have tried to cast the cloak of impropriety that I described over all fundraising activities.

I will stand here and defend the right of the senior Senator from Connecticut to do what he has done on behalf of the Democratic National Committee as being perfectly appropriate as well as legal, just as I defend the right of the majority leader for what he has done in fundraising activities that are perfectly appropriate as well as legal.

Now, on the legal side of the line there have been activities that have taken place that, in my view, while legal, are not appropriate. It is, perhaps, legal for the President to have had the kind of extensive contact with campaign donors in the White House that we have seen reported in the press. The President has suggested that every President has met donors in the White House, and therefore this is perfectly OK. I will agree, once again, that previous Presidents have on occasion met with donors to their party or to their particular campaigns while in the White House. It is my personal opinion that the scale and the organized effort that went into bringing people into the White House, whether it is for overnights in the Lincoln bedroom, organized and orchestrated by the President's own hand, or for the coffees, as they were called, has reached a level of unprecedented pattern of activity, and I consider it to be inappropriate.

I will stipulate that it apparently was not illegal. That does not mean we should not comment about it, we should not express our opinions about its appropriateness. But, clearly, it does not call for the appointment of an independent counsel. It is something we can talk about in the political arena. It is on the legal side of the line. If we think it is inappropriate, we should say so. If we think the pattern of activity in this area is just overwhelmingly improper, we have the right to say so. But we must recognize, once again, that some of that activity may clearly not have been illegal.

Drawing the line and coming over to the side of that which is illegal, I find, once again, there are degrees of illegality. Let me give you an example that has been heavily reported in the press: the receipt of a $50,000 check by Maggie Williams, the chief of staff to the First Lady, while Ms. Williams was in the White House. That apparently is illegal.

Naturally, we take breaking of the law seriously. I don't think we need an independent counsel, however, to investigate Maggie Williams accepting a $50,000 check while in the White House, and I don't think it is worth some of the furor that has been created in the press. If she broke the law in that instance, I think the Justice Department and the FEC, whoever is the appropriate legal authority, can handle that without any difficulty and does not require an independent counsel and, frankly, in my view, may not even require the tremendous hue and cry that has risen in this area in the press.

Again, I do not mean to minimize someone who violates a regulation or restriction, but there is a difference between violations that are either inadvertent, relatively innocent or springing out of a lack of understanding of the rules to those violations that, in my view, are truly sinister. We should not be talking about an independent counsel unless we have moved from the legal side of campaign funding and those things that are perfectly appropriate, toward those things that are perhaps inappropriate and improper, across the line to those violations that are inadvertent or relatively minor. We still don't have the necessity of calling for an independent counsel until we cross over into the territory of those infractions that are truly sinister and have serious implications about misuse of power in very high places.

It is my opinion that there have been enough violations in very high places in areas that I think are truly sinister that an independent counsel is, indeed, called for. But before I get into the details of that, I want to make my position perfectly clear that I do not think we should appoint an independent counsel because people in the press, or people in this Chamber, get all exercised about activities in the three areas I have just described. None of them is serious enough to justify an independent counsel. Let's focus on the fourth area I have described, which I consider to be the truly sinister areas.

Mr. President, with that general statement and overview, I am prepared now to turn to my colleague from Michigan and yield such time to him as he may require from his 30 minutes so that we keep the time balanced in this debate.

Mr. LEVIN. I thank my friend from Utah.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator for his invariable courtesy. I ask unanimous consent that I be yielded 10 minutes. Senator LEAHY is not yet here, but I ask that, I am sure with his approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we will be voting on two resolutions later this morning. The first resolution, that of the majority leader, is a clearly partisan document, for a number of reasons which I will get into in a moment. The second resolution, which Senator LEAHY and I have introduced, intends to carry out the spirit and the purpose of the independent counsel law without prejudging the Attorney General review and, unlike the first resolution of the majority leader, the alternative resolution includes allegations against Members of Congress. The majority leader's resolution, the first resolution we will be voting on, does not in its final clause, its action clause, make reference to congressional campaigns, but only to the Presidential campaign.

The second resolution avoids prejudging the Attorney General's review, urges that the review be carried out without any political favoritism or any political pressure, and, perhaps most important, includes in that review Members of Congress and allegations against Members of Congress.

The first resolution is a partisan document for a number of reasons. First, it mentions Democratic problems exclusively. Second, it omits what it should include, which is a review of activities of Members of Congress. And, third, it includes what it should omit, which is a prejudgment of the process of the law that it seeks to invoke.

The independent counsel law provides that the Attorney General, upon receipt of certain specific information from a credible source against certain groups, including Members of Congress, shall take certain actions. It doesn't prejudge that action. The independent counsel law doesn't say that the Attorney General, in the absence of specific information from a credible source, will seek an independent counsel. It is only when those first two steps are taken where she determines that there is specific information from a credible source that then the independent counsel law says she shall seek or, in the case of Members of Congress or other than the specific covered officials, she may seek an independent counsel.

The purpose of this law, in which I have been so deeply involved with Senator Cohen as my Republican counterpart in now three reauthorizations, the purpose of this law is to get an independent investigation of top Government officials at either end of Pennsylvania Avenue free from the taint of politics. That is the purpose of this law, to try to remove the allegations which swirl too often in election campaigns, or otherwise, that could involve criminal activities, to remove the consideration of those allegations against certain individuals and groups from partisan politics.

The independent counsel law, as I said, covers really three groups. First, there are covered officials—the President, Vice President, Cabinet officials, a few named others. Where there is specific information from a credible source that a crime may have been committed by one of these covered officials, then the Attorney General, if she finds those things have occurred, she must seek an independent counsel.

The second group is other persons where she might have a conflict of interest.

And the third group is Members of Congress, where, in the case the first steps have been taken and there is specific information from a credible source, then she may, if she determines it is in the public interest, seek an independent counsel. It is that third group which is omitted from the majority leader's resolution.

The law specifically provides for certain congressional participation through the Judiciary Committee. This is very important as the Supreme Court, in upholding this law in the case of Morrison versus Olson, made special reference to the fact that the involvement of the Congress was limited because the Supreme Court ruled under the separation of powers doctrine that the Congress could not control the independent counsel process. And so the Supreme Court, in the Morrison case, pointed out that the involvement of Congress was limited to members of the Judiciary Committee writing a letter to the Attorney General which, in turn, would trigger a report from her within 30 days. That is what the independent counsel law provides.

This resolution goes way beyond that, because it would put the Senate on record, albeit in a nonbinding way, nonetheless the full Senate on record, which is far different than a letter from members of the Judiciary Committee.

I have indicated the partisan nature of the first resolution that we are going to be voting on. Let me just give a few examples of allegations made against Members of Congress or others than those that would be covered by this resolution, particularly in the area of tax-exempt organizations.

Just 2 months ago, the specially appointed investigative subcommittee of the House Ethics Committee released a unanimous bipartisan report relative to Speaker GINGRICH.

Here is what that bipartisan report found. This is a quote:

> The subcommittee found that in regard to two projects, Mr. Gingrich engaged in activity involving 501(c)(3) organizations that was substantially motivated by partisan, political goals.

The subcommittee also found—these are the words of the subcommittee—that "it was clear that Mr. GINGRICH intended"—I emphasize the word "intended"—"that the [American Opportunities Workshop] and Renewing American Civilization Projects"—those are the 501(c)(3)'s—"have substantial partisan, political purposes."

The subcommittee said—this is a bipartisan report—that "In addition, he was aware that political activities in the context of 501(c)(3) organizations were problematic."

Mr. President, it is illegal for 501(c)(3) organizations to participate in partisan activities. It violates the law. Yet, you have here a bipartisan subcommittee of the House that finds that Mr. GINGRICH, in regard to two projects, engaged in activity that was motivated by partisan goals and that he intended—he intended—that those projects—I am using their words—"have substantial partisan, political purposes" and "he was aware that political activities in the context of 501(c)(3) organizations were problematic."

You talk about specific information from a credible source. Pretty specific, pretty credible, bipartisan subcommittee of the House of Representatives, part of the ethics committee. And yet, in the first resolution that we will be voting on, no suggestion to the Attorney General that she review the possibility that the public interest requires her to seek an independent counsel relative to Members of Congress. Only the Presidential election is in the "action" clause in the resolution before us. No reference to anything but Democratic activities in the "whereas" clause.

There are other tax exempts that should be considered by the Attorney General as provided for by the independent counsel—$4.5 million went from the Republican National Committee to a tax-exempt group called Americans for Tax Reform.

According to the Washington Post, 20 million pieces of mail were sent out by that organization, millions of phone calls in 150 congressional districts. They even put on television ads in States, and in one State against a colleague of ours, attacking him for not showing up for work. "That is wrong," said the television ad. This is by an organization that is not supposed to engage in partisan activity, putting on television ads attacking somebody who is running for Congress, for the Senate, in this case.

A group using the same offices as Americans for Tax Reform, also a tax-exempt group, puts on an ad on television saying the following: "When Clinton was running, he promised a middle-class tax cut. Then he raised my taxes. He was just lying to get elected. This year he'll lie some more . . ."

That is a tax-exempt group that is not supposed to be putting on partisan ads, but the resolution of the majority leader does not provide that the Attorney General will look into that kind of activity by tax exempts; only Democrats are mentioned and only the Presidential election is mentioned.

The PRESIDING OFFICER. The Senator's 10 minutes have expired. Do you wish to yield more time?

Mr. LEVIN. I thank the Chair, and I think I better reserve the balance of Senator LEAHY's time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

May I inquire how much time I have remaining?

The PRESIDING OFFICER. Nineteen minutes and fifteen seconds.

Mr. BENNETT. I thank the Chair.

Mr. President, I am interested in the comments by my friend from Michigan. He is a distinguished lawyer. I have never had the experience of going to law school. But I must respond out of experience relating to the political circumstance.

He decries at length "no reference to Members of Congress" and gives us an example out of the life of NEWT GINGRICH, Speaker of the House, in saying, why does not the resolution call on Janet Reno to investigate the Speaker?

Mr. President, if Janet Reno were to decide that there was further action that needed to be taken with respect to Mr. GINGRICH, I doubt that she would run into any resistance in the White House to that decision. I doubt that the President would think that was not a good idea for her to do that or send her any kind of direction or subtle hints saying, "Do not pursue Mr. GINGRICH."

The reason we have an independent counsel operation is because the Attorney General is indeed subject to pressure from the White House. And there is no such pressure with reference to Members of Congress, particularly Members of Congress of the opposing party.

In this body, both the Senator from Michigan and I sat with Dave Durenberger. Dave Durenberger found out directly that there was no problem in the Justice Department coming after a Member of Congress.

There are Members in this body who were here when Harrison Williams, known as "Pete," was pursued by the Justice Department and his own party and ultimately went to jail.

In the structure of our Government, with the separation of powers, there is no pressure on the Attorney General in the executive branch that would prevent him or her from going after a Member of the legislative branch, but there is clear pressure within the executive branch that could prevent an Attorney General from going after a member of the executive branch. And that is why the independent counsel statute was created.

I think the omission from the majority leader's resolution with respect to Members of Congress is a recognition that the independent counsel was never intended to go after a Member of Congress and it would be inappropriate to go after Members of Congress to put that in. It would fundamentally change the nature of the independent counsel circumstance.

Now, Mr. President——

Mr. LEVIN. Would the Senator yield?

Mr. BENNETT. I would be happy to.

Mr. LEVIN. When the Senator says it was never intended that the independent counsel go after a Member of Congress, I must yield myself 2 minutes to answer that.

The law specifically provides that when the Attorney General determines it would be in the public interest, that indeed she "may seek"—I am quoting the law—"an independent counsel for or relating to Members of Congress."

It is very specific in the law. And I just used the exact words, reading. Members of Congress are included in this law. Indeed, it was the current majority in this body that insisted that Members of Congress be included in the law and wanted to make it mandatory, and now they are left out of the resolution of the majority leader.

The ultimate resolution was to make it discretionary where the Attorney General found it in the public interest to do so. But the majority in this body had determined that Members of Congress be included. They were included, left discretionary, but it is very precise.

If I can disagree with my dear friend, it is very precise that Members of the Congress are included in the independent counsel law when it is determined by the Attorney General it would be in the public interest.

I will use 1 more minute.

The pressure that the Senator from Utah talks about, which he presumes comes from the White House—if it does—is wrong. We should not compound any such alleged pressure if, in fact, it exists by putting pressure on her by this legislative body. Pressure from any source is wrong. If the White House pressures her, it is wrong.

By the way, she has shown tremendous independence, tremendous independence when it comes to the selection of a decision to seek an independent counsel. This Attorney General has shown no reluctance to seek the appointment of independent counsel.

So if there is pressure, there should not be pressure from any source, White House or Congress. That is exactly why this first resolution, it seems to me, runs so counter to the spirit of the independent counsel law, because it does explicitly put pressure on her. It jumps to a conclusion as to what she should find at the end of a process. We should not do it. If anybody else is doing it, they should not do it. We should not do it.

Mr. BENNETT. I thank my friend from Michigan for correcting my legal lack of understanding. And I do stand corrected and accept that instruction.

I say to him, and to any who feel, as he apparently does, that Mr. GINGRICH should be included in this, that I would be happy to have Mr. GINGRICH included in the resolution if indeed there were evidence suggesting there was something that had not already come out in the proceedings that have already gone forward.

The reason I am supporting this resolution is that I feel there is information that is being hidden within the executive branch, coming from somewhere. I do not know whether it is coming from the White House. I do not know whether it is coming from the executive office of the President. But from somewhere, there seems to be some kind of pressure being applied to the Attorney General to keep her from proceeding with the appointment of an independent counsel, as Members of this body individually have urged her to do, including Members of the Democratic side of this body, who have urged the Attorney General to proceed with the appointment of the independent counsel.

For example, the senior Senator from New York [Mr. MOYNIHAN] has said it is time for an independent counsel. I am sure my friend from Michigan would not stand to censure the senior Senator from New York for making that expression. He has expressed that freely, openly, and publicly as is his right.

All the resolution does that is offered by the majority leader is give other Members of the Senate the opportunity to make the same expression in a vote for a sense of the Senate—not binding, not with a force of law, simply making public the fact that they agree with Senator MOYNIHAN in his calling for a independent counsel.

Now, why is it that we feel there are things that need to be examined with an independent counsel that have not been? There are many, and our time is limited, but let me go quickly, Mr. President, to one example of something that I think calls out for the attention of an independent counsel. On the 13th of September, 1995, there was a meeting in the Oval Office, not in the Democratic National Committee, not in some other governmental office, in the Oval Office in the White House. President Clinton, of course, was there and with him were four other individuals—James Riady, not a Federal employee, an executive, indeed, an owner of the Lippo Group; Bruce Lindsey, who was a Government Federal employee and is the Deputy White House counsel; Joseph Giroir, Lippo joint venture partner and adviser and a former partner of the Rose Law Firm in Arkansas, again, not a Federal employee; and John Huang, a former executive with Lippo but at the time of the meeting he was a Federal employee. So here you have the President, two non-Federal employees and two Federal employees. The discussion is whether or not John Huang will move from his position at the Department of Commerce to become vice chairman of finance of the Democratic National Committee. So here is the discussion in the Oval Office, including the President, regarding the future role of John Huang, taking place in the presence of two of Mr. Huang's former associates in the private world.

Mr. Huang made that move from the Commerce Department to the Democratic National Committee where he raised, according to the Democratic National Committee, $3.4 million, $1.6 million of which has had to be returned by the Democratic National Committee because they have been determined to be either inappropriate or illegal.

Now, when you ask the question, do we know everything we need to know about Mr. Huang and his activities stemming from that meeting in the Oval Office presided over by the President of the United States, we have Mr. Huang taking the fifth amendment, refusing to tell us anything further on the grounds that it might incriminate him. He joins with Charlie Trie, Pauline Kanchanalak, Mark Middleton, and Webster Hubbell in taking the fifth amendment, saying they will not cooperate with the investigation on the grounds that it might tend to incriminate them. There are others who have not taken the fifth amendment but who have left the country, including John H.K. Lee, Charlie Trie, Pauline Kanchanalak, Arief and Soraya Wiriadinata, Charles DeQueljoe, and Mr. Riady.

Of the four people who were in that meeting along with the President, one has taken the fifth amendment and the other has left the country. Roughly half of the money that Mr. Huang raised has already been returned by the Democratic National Committee on the grounds that it was either illegal or inappropriate. I think this summarizes the fact that we need much further investigation into, (a), what was decided at that meeting, and (b), what was done subsequent to that meeting as a result of those decisions, but of the four non-Presidential participants in that meeting, half of them are unavailable to us to give us a version.

There are many more examples. I see my friend from West Virginia has arrived. I will reserve such additional time as I have to summarize this later, and I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from West Virginia.

Mr. BYRD. Mr. President, on March 11, this body voted 99 to 0 to adopt a resolution that provides more than $4.3 million to the Committee on Governmental Affairs for the sole purpose of investigating any and all improper or illegal activities stemming from the 1996 federal elections. The investigation will cover the presidential and congressional elections, and the results will be made known to the public early next year.

I believe that one of the primary reasons the resolution had the full support of the Senate was because of the various compromises that succeeded in making the scope of the investigation both bipartisan and fair. Absent those accommodations, the resolution would have been seen by the American people as nothing more than an attempt by one party to gain political advantage over the other.

That is why I am deeply concerned with the direction now being taken with this measure. Unlike the resolution that received the full support of the Senate on March 11, this resolution specifically targets for investigation by an independent counsel the President, the Vice President, unnamed White House officials, and the Democratic National Committee, and it does so based on nothing more substantial than "reports in the media."

Mr. President, the American people are painfully aware that both parties are guilty of abusing the campaign financing system currently in place. But this resolution would seek to exploit—apparently for paritsan political advantage—the actions of only a Democratic President and the Democratic Party. Now, where is the objectivity? Where is the objectivity in that proposition?

Even if we disregard fairness, there is simply no logical reason why the Senate needs to be spending its time on this resolution. The simple truth is that the law governing the appointment of an independent counsel already provides a process that the Attorney General must follow. That process is clearly laid out in the U.S. Code, and it does not—I repeat, does not—include sense of the Congress resolutions.

The fact is, Mr. President, that this is an unprecedented behest.

Never before has the Congress attempted to dictate the naming of an independent counsel. We have never passed any measure that would tell the Attorney General, as this resolution does, that she "should" apply for the appointment of an independent counsel. The reason we haven't done so is because that would unnecessarily politicize a procedure that was expressly designed to restore public confidence after Watergate by taking politics out of our criminal justice system.

Furthermore, I find it ironic that we are debating this resolution at the same time that the Justice Department's Office of Public Integrity is actively engaged in an investigation of the very matters that this resolution seeks to have investigated. Career prosecutors are, as we speak, already working as part of an independent task force looking into fundraising efforts in connection with the 1996 Presidential election. In addition, a Federal grand jury has already begun hearing testimony in connection with campaign contributions to the Democratic National Committee. But under the independent counsel statute, each of those efforts would cease. There would be no further authority for the Attorney General to convene grand juries or to issue subpoenas. Where is the logic? Where is the logic in that, Mr. President?

The decision to invoke the independent counsel process is, by law, a decision for the Attorney General alone to make. Let us let the law work as it was intended. We should not, through some misguided attempt at grandstanding, pass a resolution that serves no legitimate purpose except to score political home runs. Such a course tends to call into question the integrity of the Justice Department and of the entire independent counsel process.

This resolution has not had the benefit of committee examination and has been moved to the calendar by parliamentary device—I suppose through rule XIV. While that may be acceptable for some measures, and is acceptable for some measures, I feel that, on a matter this sensitive, a committee should have certainly had the opportunity to pass some judgment. The Congress is attempting to direct an Attorney General, when the law specifies the decision to invoke the independent counsel is and ought to be, by constitutional necessity, that of the Attorney General alone.

There is a mean spirit alive in this town currently, Mr. President, which is destructive, overly partisan and overtly partisan, and thoroughly regrettable. We seem to have completely forgotten about the mundane necessities of governing, like crafting a budget and dealing with the myriad problems that face the American people.

Instead, we are engaged in a feeding frenzy, like sharks that have tasted a little blood and hunger for more. If you have ever observed sharks being fed red meat, you know that it is not a pretty picture. And I am sure that the excesses of partisanship emanating from Washington these days and being witnessed by the American people are far from appetizing.

No one is suggesting that we turn our backs on corruption or fail to explore wrongdoing. But I implore some in this body to cool off and to try to get a sense of perspective on this entire matter.

Service in the U.S. Senate is a tremendous honor. Each of us has expended great personal effort to get here, including the straining of our personal lives in order to attain a wonderful prize, a seat in this great body. The benefits of winning that prize include the opportunity to participate in governing the greatest country on Earth, the United States of America, and through the quality of that governance, to inspire and to uplift our people.

So I urge each of my colleagues to focus on that opportunity and on the great and long tradition of this body. Let's put aside this and all other unwise techniques for embarrassing each other and do something for the good of the American people. If there are those who want to embarrass themselves by wrongdoing, they will be found out because there are processes already at work to ferret out that information and bring it to the full light of day. So let us leave the investigation of campaign abuses by both political parties in the hands of the very capable people charged with conducting them and avoid the allure of "piling on" for political advantage. It is time for us to remember our real duties and our heavy responsibility to legislate and to govern for the common good and, by that example, so encourage our President to do the same.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I will vote against both the Republican and the Democrat resolutions.

I hold that the Attorney General should appoint an independent counsel to investigate alleged improprieties by Democrats and by Republicans in fundraising for the 1996 Presidential and congressional campaigns. I believe the public will only be reassured if an independent counsel looks into what has been happening. The issues must be aired in an independent, nonpartisan setting. And if there have been violations of law, there must be consequences.

Last week, after much debate, the Senate agreed to fund the Governmental Affairs Committee probe into illegal and improper fundraising and spending practices in the 1996 Federal election campaigns. A unanimous Senate believed that a credible investigation requires that we look not only at our President, but also at ourselves. So, too, should an independent counsel.

Senate Joint Resolution 22 suggests that the scope of the independent counsel's investigation should be limited to the allegations of wrong-doing by Democrats in the 1996 Presidential campaign. There is no mention of an investigation of congressional campaigns.

Senate Joint Resolution 23 does not call for the appointment of an independent counsel. To say again, in my view, an independent counsel is the only entity capable of conducting an investigation without dissolving into partisan bias. And it is the only way of proceeding that avoids the appearance of conflict of interest.

Mr. BIDEN. Mr. President, I would like to offer just few comments to indicate why I believe the course chosen by the majority today relating to the independent counsel is unwarranted.

First, the official responsible for initiating the appointment of an independent counsel—Attorney General Janet Reno—has maintained the highest standards of integrity and professionalism. Second, the Attorney General has proven her willingness to request the appointment of independent counsels in the past when she believed the statutory standard was met. And, third, the Attorney General has already undertaken a serious inquiry into the campaign fundraising issues and continues to consider, as the facts develop, whether to seek an independent counsel.

As we review the facts, we must remember that the independent counsel statute is triggered only upon receipt of specific, credible evidence that high-ranking Government officials listed in the statute may have violated our criminal laws. This is an appropriately high threshold that must be met before the process of appointing an independent counsel can go forward. This standard is not met by vague allegations. The law does not apply to unethical, improper, or unseemly conduct. Rather, the statute is triggered only after the Attorney General determines, after consulting with career Justice Department prosecutors and engaging in a serious, deliberative process, that the statutory test has been satisfied.

The conduct of the 1996 elections are being carefully scrutinized by the Department of Justice. A task force comprised of career prosecutors from the Public Integrity Section of the Criminal Division, supported by over 30 FBI agents, has been assembled to explore fully the range of issues that have been raised. This task force will determine which, if any, of the allegations warrant criminal investigation. Of course, if the task force receives specific evidence from a credible source that a person covered by the Independent Counsel Act may have violated the law, a preliminary investigation under the act would be initiated. But, to date, the Attorney General has determined that the Department has not received such evidence.

In short, we are at the early stages of the task force's operations where the job is best left to career investigators and prosecutors.

What is more, under the independent counsel statute, it is the Judiciary Committee—not the full Senate—which has the most proper oversight role of the independent counsel process. I argued last week that was unnecessary for the Judiciary Committee to make any conclusions at this time as to the propriety of appointing an independent counsel. But, a majority of the committee did exactly that last week. Now, the full Senate has been called on to embark on an even more unnecessary and unwarranted course by asking all Senators to—in effect—substitute their judgement for that of the career investigators and prosecutors. I do not believe that the members of the Judiciary Committee who spend so much of their time overseeing Justice Department activities could make such a judgement now—so, I certainly do not think it possible that all the other Senators who do not sit on the Judiciary Committee can prudently or accurately make this judgement.

Not only do we have a comprehensive task force already reviewing the 1996 campaign fundraising issues, but we also have an Attorney General who has repeatedly shown her independence, integrity, and willingness to call for an independent counsel. Since taking office, Attorney General Reno has requested the appointment of at least four independent counsels—Kenneth Starr, Donald C. Smaltz, David M. Barrett, and Daniel S. Pearson—to investigate wrongdoing of high executive branch officials and other individuals covered by the statute.

In short, the most prudent course today is to wait for the Justice Department's investigation to be completed. Then, and only then, can the need for appointment of an independent counsel can be evaluated based on a complete and full record.

I would also add that this is consistent with how I have proceeded in past cases. For example, in 1992, I, along with several other Democratic Senators on the Judiciary Committee sent a letter to then-Attorney General William Barr requesting that he call for an independent counsel to investigate the possibility that high-ranking officials engaged in obstruction of justice in the prosecution of a particular case. I did so only after Attorney General Barr had appointed a special counsel, indicating that the Attorney General had already concluded that criminal conduct may have taken place. I called for an independent counsel at that point to ensure that this investigation be carried out by someone whose independence was clear, rather than by a special counsel hired by the Attorney General.

Finally, we also need to keep in mind that there are some costs to appointing an independent counsel at this time. An inquiry is already well under way—FBI agents have been assigned to the task force and, according to press reports, subpoenas have been issued and a grand jury has been convened. Once an independent counsel is appointed, that inquiry must be shut down and the independent counsel will have to start from scratch. And as we know from past experience, independent counsel investigations can linger for years. So if we are interested in resolving this matter, and getting answers as soon as possible, we ought to allow the Justice Department to go forward and put our trust in Attorney General Reno to trigger the independent counsel statute only if and when she deems it necessary.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. How much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 6½ minutes.

Mr. LEAHY. Mr. President, Senate Joint Resolution 22 does not advance the administration of justice and is not authorized by the independent counsel law. I believe it an inappropriate effort to subvert the independent counsel process.

We spent 4 days debating this. We have yet to confirm one single judge. We may possibly have a vote on a nominee to one of the almost 100 Federal judge vacancies before we go on our second vacation. We have not had 1 minute of debate on a budget resolution. We have not had 1 minute of debate on the chemical weapons treaty. We have not had 1 minute of debate on the juvenile crime bill. But we spent 4 days on this.

I would have thought that the day the President leaves for an international summit with the President of Russia would not be an appropriate time for attacking the President. I would have thought it a time for coming together to demonstrate to the rest of the world that Democrats and Republicans can work together and can at least show support for the President of the United States as he pursues the interests of the United States in his meetings with the President of Russia.

That is the way we have always done it. In my 22 years here, under the majority leadership of Mr. Mansfield, Mr. BYRD, Mr. Baker, Mr. Mitchell, and Mr. Dole, we have always, always followed the rule that we do not bring something onto the floor of this Senate attacking the President of the United States as he is about to go into a summit.

Apparently, as the distinguished Senator from West Virginia said, there is a meanness going through this town, and that rule that has always been followed, a bipartisan rule always followed with Democratic and Republican Presidents, always followed with Democratic and Republican leaders, is not going to be followed here today. I think that is unfortunate. I think it gives an unfortunate image to the rest of the world, and it certainly is not in the best traditions of the U.S. Senate.

It is also ironic that we are being asked to take this action today knowing that last Thursday the Republicans and Democrats on the House and Senate Judiciary Committees sent written requests to the Attorney General invoking the statutory provisions that provide a limited role for Congress in the independent counsel process.

And, of course, this resolution would call for an independent counsel only for the President—it is restricted to the 1996 Presidential campaign. This resolution carefully crafted so that it won't touch any of the Republicans or Democrats in the Senate or Republicans or Democrats in the House. In other words, we say we are like Caesar's wife, we are above all this, we are untainted by any scandals. But go after the President and the Vice President; and, incidentally, let's really slam the President as he heads off to negotiate with the only other President of a nuclear superpower. I think the resolution takes too narrow a view if we are up to making demands upon the Attorney

General for an independent counsel. The resolution shields congressional fundraising practices from investigation.

Boy, somebody is not reading the paper. It didn't make sense to try to shield us from an investigation when the same limits were proposed in connection with the funding resolution for the Governmental Affairs Committee, and it does not make sense or increase our credibility with the public now.

Indeed, today, the Washington Post had a front page story reporting that a lobbyist for a foreign government was shaken down last summer by the same Member of the House who now chairs their investigation into alleged campaign fundraising abuses. Incidentally, this was not only the lobbyist but, if this article is accurate, it even went to the ambassador of a foreign power.

We on the Judiciary Committee and in the Congress have done all that the statute allows with respect to the determination by the Attorney General. The 30-day period for the Attorney General's response has begun to run. We do not need to do anything further on this at this time.

We ought to get about the real business of the U.S. Senate and abandon this ill-conceived effort to instruct the Attorney General how to proceed. She doesn't need our guidance and I do not want to derail the investigations that are under way.

But if we have to engage in this kind of sideshow, as the President leaves for an international summit, let us at least restrain ourselves from seeking to pressure the head of our Federal law enforcement agency and instead pass the alternative form of resolution that urges her to resist political pressure and follow the law. Incidentally, unlike the original resolution, the alternative resolution, Senate Joint Resolution 23, does not shield the Congress from any investigation.

I reserve the remainder of my time.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the admonition by the senior Senator from West Virginia and repeated by the Senator from Vermont with respect to meanness. I have made every attempt during this presentation to make sure that there is none in any of the things that I have said, and to remind Senators in my opening comments that I think many Members of this body have inappropriately been stigmatized by the press and others for doing that which is perfectly appropriate and perfectly legal.

I must once again make reference to what I consider to be an inappropriate attack on the motives of the majority leader that was mounted by the minority leader earlier during this debate. I think that is inappropriate. The majority leader is acting out his good motives, even though there may be some who disagree with him.

As to the argument that this resolution somehow exempts Members of Congress and somehow exempts members of the Republican Party from any action on the part of the Attorney General, I point out the effective language of the resolution which says, "It is the sense of Congress that the Attorney General should make application to the Special Division of the United States Court of Appeals to the District of Columbia for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign."

There is nothing in there that says she shall not exercise this right with respect to a Member of Congress, that she shall not go after a Republican nominee, that she shall not do any of the other things that are simply an expression that she should do it with respect to the Presidential campaign, and no reference in that resolve portion of even Democrats rather than Republicans.

With that, Mr. President, I yield the remainder of the time to the majority leader.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the stacked votes today that there be a period of morning business until the hour of 3 p.m. today, with Senators permitted to speak for up to 5 minutes each with the exception of the following: Senator DASCHLE, or his designee, in control of up to 60 minutes; Senator BENNETT, or his designee, in control of up to 30 minutes; Senator BROWNBACK for up to 10 minutes; and, Senator CLELAND for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, today after months of media exposes and the American people asking questions about exactly what is going on here, I think the question that we are trying to answer today is, "Why hasn't Attorney General Reno appointed an independent counsel to investigate these matters?" Members of both parties, Democrats as well as Republicans, have asked that question, and they can't get a satisfactory answer. They have called on the Attorney General under the law involving the independent counsel to appoint an independent counsel. Senator MOYNIHAN, Senator FEINGOLD, and I think others in both parties have said this is the way that we should proceed, and this independent counsel should be appointed.

That is why we brought before the Senate, Senate Joint Resolution 22 to express the sense of this body "that the Attorney General should make application to the Special Division of the United States Court of Appeals for the District of Columbia for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign."

I cannot understand how anyone who is familiar with the language of the independent counsel statute can disagree with this resolution. And I have gone back and read it and reread it. I have been around when this statute has been passed, and modified and passed again. Frankly, I have always had some reservations about it. But it is on the books, and it is clear when it should be activated.

That statute sets two thresholds for the process of appointing an independent counsel. The first is whether there have been credible and serious allegations of illegal acts by high officials. And it defines who these high officials may be.

That doesn't mean anyone has to be presumed guilty. As long as the allegations are credible and serious, the statute requires the Attorney General to take action.

Clearly, that first threshold has been met by what we already know from news reports about illegal foreign donations and the use of White House facilities for campaign fundraising.

I need not repeat all the instances others have cited during this debate. One expose has followed another. One admission has followed another. One explanation or excuse is followed by another. Without judging anyone involved, it is as clear as can be that the first threshold of the independent counsel statute has already been met.

But if anyone disagrees with that assertion let them consider the second threshold of the law, the second set of circumstances that permits the Attorney General to take action. That second threshold is the existence of a perceived conflict of interest on the part of an Attorney General who is appointed by the President and confronted with possible illegal activities involving the White House.

This provision was put in the independent counsel statute in 1978 in order to extricate Attorneys General from serious situations just like the one in which the Attorney General finds herself now. Confronted by myriad allegations of wrongdoing within the administration, of which she is a part, it is not her role to pass judgment on them, and it should not be. Under the law, it is her responsibility to trigger the court process by which an independent counsel takes over the role and does the job which the law deliberately takes out of her hands.

Listen to the Attorney General herself on this point when she testified, just 4 years ago, on the reenactment of the independent counsel statute:

> It is absolutely essential for the public to have confidence in the system, and you cannot do that when there is a conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor.

In other words, the Attorney General herself.

Who did deny that this second threshold for applying the independent counsel has been more than met? Through no fault of her own, Attorney General Reno is caught in an excruciating conflict of interest. If she were to aggressively investigate charges of misconduct by senior administration officials, she could be accused of excess zeal to protect her own reputation for integrity. If, on the other hand, she does not uncover wrongdoing, she would be accused of letting the guilty escape because of political considerations.

To shield the Attorney General—any Attorney General—from that predicament, and to protect the integrity of the entire Department of Justice, is the essential and primary purpose of the independent counsel statute.

If that is all so obvious, why then, the question might be asked, is the Senate considering this resolution today? The answer is that we are compelled to take this step, formally expressing the sense of this institution, for two reasons.

First—it is quite common, and, in fact, almost always when there are serious issues being debated that don't necessarily require a law to be passed—the Senate expresses its collective sense on the issue of national import. If we do not do that with regard to this matter, I think we will be slighting our duty.

Second, this resolution is a result of our rising frustration with what seems to be determined inaction on the part of the Attorney General to appoint, or start the process to appoint, an independent counsel. Like the American people, we must wonder what it will take to jar the Department of Justice to activate the independent counsel law. After all, the Department is not dealing with one or two frivolous allegations. It is dealing with a steady drip, drip, drip of revelations over a period of several months that has now become a tainted stream of suspicion.

There is only one way to clean it up, and that is through the appointment of an independent counsel. Let me remind my colleagues that the purpose of such an appointment is not just to prosecute the guilty but to clear the innocent. In neither case should that be seen as a partisan endeavor.

Nonetheless, many of our colleagues on the other side of the aisle find fault with this resolution. They say it ought to apply to the Congress as well. But the independent counsel statute already does apply to Members of Congress.

If the Attorney General has received credible and serious allegations of illegal activity by one or more Members of Congress, she is already fully empowered to ask the Federal court to name an independent counsel. And it has been done in the past. Believe me, it has been done. The conflict is not between the administration and the Congress. The Attorney General can take that action. The perceived conflict of interest is when you have the Attorney General of the same party of the people in control of the White House where allegations are being made.

I respectfully suggest that the effort being made here to include the Congress in this resolution is, once again, just a distraction. That is as polite a term as I can find for something that is irrelevant to the Nation's concern about what we have seen happening.

But what has been the modus operandi? Every time another new, serious allegation comes out, the alternative by the Democrats has been to attack the people who are going to be in critical positions. Senator FRED THOMPSON, who is chairman of Governmental Affairs, his motives were impugned when we were moving through with setting up the investigation for Governmental Affairs. Insinuations, well, this has 2,000 ramifications. And now today DAN BURTON, the chairman of the committee in the House who has a job to do, yes, attack him.

That has been the way it has been done for the last 4 years. Anytime you get accused by somebody or somebody has a job to do, go after them. That is what is at stake here—distraction, obfuscation, say, well, they do it, too. No. So much of what has happened here is not normal; it is not the way it has always been done.

That campaign is the heart of matter. The campaign has been the focus and the forum on other issues whereas what we are trying to get at is a very serious matter here, illegal foreign contributions. I mean even the word espionage has been suggested in all this. We are talking about staggering sums of money that have been raised and in unusual ways.

That campaign continues to generate media allegations about improper—we voted on that last week—as well as illegal conduct.

If anyone is tempted to take the position of a pox on both houses, I have news for them. It is not true that everybody in politics per se behaves alike or ignores the law or pushes the limits of legality. There are clearly things in the law that may be debatable, but they are legal and they are appropriate. If we want to go back and have a debate—and we will have a debate this year on campaign finance reform, but before we start trying to reform the law, I think we need to look at how do we find out what happened. Who did what? What has gone on here?

If anyone is tempted to take that position, I think they need to reconsider. We do not all do it, and I do not think that it is going to work to just try to shove it off by trying to drag the Congress into it. We are trying to get at what has happened.

The independent counsel, by the way, is not necessarily going to be a slap at the President. In fact, that is the way to quiet this thing down, have the process go forward, have an appropriate investigation, find out what happened, who did what, by an independent counsel.

As a matter of fact, I am going to presume that it may not reach to the President. I do not think all of these things involve the President. They may not come to that conclusion in the end. But this is the way to get at the bottom of what really has happened. So I urge my colleagues here today do not be distracted. We have a very clear resolution here that just says it is the sense of the Senate that the thresholds have been met to provide for an independent counsel and that we should do that, make it very clear what our position is and go on with the substantive business that we have to do around here.

Some people say, how are you going to deal with the budget, less taxes, less spending, less Washington, more freedom if you are going to be fighting on these other things? As a matter of fact, maybe now we are in a position to move on. We have a committee that has been funded. They can do their investigation, their hearings. If we have an independent counsel appointed, which clearly I think the law has provided for, and the threshold has been met, then we can go on about our other business.

I urge my colleagues to vote for Senate Joint Resolution 22, I believe it is, and then vote to table the other resolution that is pending, because it is no more than a distraction because the law already provides for that coverage.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, do I not have a minute, 40 seconds remaining?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute, 42 seconds.

Mr. LOTT. Mr. President, if the Senator will yield 1 second.

Mr. LEAHY. On the Senator's time.

Mr. LOTT. On my time. Do I have any time left or has all time on this side expired?

The PRESIDING OFFICER. The leader continues to have leader time.

Mr. LOTT. I thank the Chair.

Mr. LEAHY. Mr. President, I have listened to the soothing words of my good friend from Mississippi, but they do not bring out the fact the Attorney General has already formed a task force of experienced prosecutors to investigate whether criminal conduct took place in the 1996 Federal election campaigns involving, as well, 30 agents from the Federal Bureau of Investigation with subpoena power and testimony reportedly being heard before a grand jury. If a preliminary investigation is begun under the statute and an independent counsel is appointed, all this investigation stops, clang, like that. And to say that we are looking at Congress is interesting. If you read Senate Joint Resolution 22, it speaks only of investigating allegations of illegal fundraising in the 1996 Presidential election campaign. If you look at Senate Joint Resolution 23, which the majority leader wants tabled, it speaks of Members of Congress as well as Presidential elections. It is very clear they do not want it going to the Members of Congress question.

I still say I am disappointed not to hear why we have broken decades and decades and decades of tradition to bring up something obviously aimed directly at the President of the United States as he leaves for a summit meeting with the President of the only other nuclear superpower. It has never been done, it has never been allowed by majority leaders of either Republicans or Democrats with either Republican or Democratic Presidents. Perhaps at some point in this Congress we will go back to the traditions of comity that we have seen before. But, in the meantime, let us vote on this resolution, but let us also vote on Senate Joint Resolution 23, which would include the Congress. I call on all my colleagues to be courageous enough to speak up and say we will support investigations of ourselves as well as the President.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on the passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

ANSWERED "PRESENT"—1

Dodd

The joint resolution was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 22), with its preamble, reads as follows:

S.J. RES. 22

Whereas 28 U.S.C. §§591 et seq., allows the Attorney General to make application to the Special Division of the United States Court of Appeals for the District of Columbia for the appointment of an independent counsel when there is specific and credible information that there may have been violations of Federal criminal law (other than a class B or C misdemeanor or infraction) and the investigation of such violations by the Department of Justice may result in a political conflict of interest;

Whereas this Attorney General has previously exercised that discretion to apply for the appointment of an independent counsel to investigate the Whitewater matter on the basis of a political conflict of interest;

Whereas there has been specific, credible information reported in the media that officers and agents of the Democratic National Committee and the President's reelection campaign may have violated Federal criminal laws governing political fundraising activities in connection with the 1996 Presidential election campaign;

Whereas, according to reports in the media, the Attorney General has found such allegations of sufficient gravity that she has created a task force within the Department of Justice and convened a grand jury to further investigate them;

Whereas there has been specific, credible information reported in the media that senior White House officials took an active role in and supervised the activities of the President's reelection campaign and the Democratic National Committee in connection with the 1996 Presidential election campaign;

Whereas there is specific, credible information reported in the media that the decision-making structure and implementation of fundraising activities carried out by the Democratic National Committee and the President's reelection campaign were supervised by White House officials, including the President and Vice President; and

Whereas it is apparent that any investigation by the Department of Justice allegations concerning the fundraising activities of the Democratic National Committee and the President's reelection campaign will result in a political conflict of interest because such an investigation will involve those senior White House officials who took an active role in and supervised the activities of the President's reelection campaign and the Democratic National Committee: Now, therefore, be it *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is the sense of the Congress that the Attorney General should make application to the Special Division of the United States Court of Appeals for the District of Columbia for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

RELATIVE TO THE DECISION OF THE ATTORNEY GENERAL ON THE INDEPENDENT COUNSEL PROCESS

The PRESIDING OFFICER. The Chair lays before the Senate Senate Joint Resolution 23 for 2 minutes of debate equally divided.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 23) expressing the sense of the Congress that the Attorney General should exercise her best professional judgment, without regard to political pressures, on whether to invoke the independent counsel process to investigate alleged criminal misconduct relating to any election campaign.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, the full scope of fundraising irregularities on both sides of the aisle and on both ends of Pennsylvania Avenue should be the subject of investigation.

Today, we have seen reports that a lobbyist for a foreign government was being shaken down and a foreign ambassador was contacted in this regard by the House Member who chairs the committee charged with investigating allegations of fundraising abuses.

The resolution that many just voted for carefully excludes any attention to congressional conduct. The resolution on which we are now prepared to vote lets the chips fall where they may. It includes congressional election campaign activities.

Having just voted to instruct the Attorney General to apply for an independent counsel to investigate those with the Presidential campaign, let us proceed to support—not dodge by trying to table—a resolution that would allow the Attorney General to proceed with respect to congressional fundraising abuses, as well. Otherwise, the American people are going to see this as a blatant political attack on the President as he goes to Helsinki that excludes any attention to ourselves.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as my friends on the Democratic side of the aisle have so often reminded us during the debate, there is a mechanism going forward in the Governmental Affairs Committee to investigate all aspects of the 1996 campaign, congressional as well as Presidential. This is clearly not the function of an independent counsel.

The function of an independent counsel is to investigate allegations of the most serious and difficult kinds of lawbreaking. I know of no such allegations that would require a special counsel in the area outside of those that we have talked about during the debate. Therefore, I intend to vote against this resolution because it does not address the problem that we face. Whatever problem is there will be clearly handled, and handled competently, by the Governmental Affairs Committee.

Mr. HATCH. Mr. President, under Federal law, the Attorney General may conduct a preliminary investigation to determine whether to apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever she receives specific information from a credible source constituting grounds for investigating whether a Federal criminal law was violated by a specified category of executive branch officials, or where she determines that there are grounds for investigating whether a criminal law has been violated, and conducting the investigation would create a conflict of interest. If, after conducting a preliminary investigation, the Attorney General determines that further investigation is warranted, she shall apply for the appointment of an independent counsel. The appointment of an independent counsel is a serious matter and one which the Attorney General should only initiate when necessary. That is why I, and many others, had refrained from joining the assortment of calls for Attorney General Reno to appoint an independent counsel in connection with the 1996 Presidential campaign.

Yet, last week, all 10 Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel.

I must confess, as I did then, to a degree of frustration with the Independent Counsel Act. Did I appreciate having to send our letter? Certainly not. However, the law sets forth a specific process by which Congress is to request that the Attorney General begin the process by which an independent counsel is appointed, and this process requires the Judiciary Committee to make what the other party will inevitably characterize as partisan charges in order to trigger the Attorney General's responsibilities. In order for Congress to trigger the most preliminary steps for the Department of Justice to take to consider the need for an independent counsel, the law essentially provides that the party not in control of the executive branch make specific charges when and if the Attorney General fails to act on her own. I would have preferred to have had the Attorney General seek an independent counsel on her own. But she has not done so. At the very least, I would have preferred that she conduct a preliminary investigation on her own. But she has refused to do even this. I would have preferred to have requested that she seek an independent counsel without having to set forth, in such a public manner as the law requires, the specific and credible evidence which warrants such an appointment. But in order for us to require the Attorney General to take certain minimal steps toward investigating whether an independent counsel is warranted, we were required by law to send our letter. In short, the Independent Counsel Act is the law of the land and, notwithstanding its relative flaws, we on the Judiciary Committee have an obligation to abide by it.

I am hopeful that Attorney General Reno, for whom I continue to have great respect, will appreciate the concerns set forth in our letter, and will agree that an independent counsel should be appointed forthwith to investigate these matters. Recent developments have, I believe, made clear that a thorough Justice Department investigation into possible fundraising violations in connection with the 1996 Presidential campaign will raise an inherent conflict of interest, and certainly raises at least the appearance of such a conflict, and that the appointment of an independent counsel is therefore required to ensure public confidence in the integrity of our electoral process and system of justice.

With respect to the proposed alternative resolution proposed by some of my colleagues on the other side of the aisle, Senate Joint Resolution 23, I must oppose this resolution. This resolution comes on the heels of a letter some of my Democrat colleagues have written to the Attorney General urging her, should she decide to apply for an independent counsel, to request an independent counsel who will investigate the "full scope of fundraising irregularities." They argued in that letter that the Attorney General should "avoid partisanship" by instructing the independent counsel to investigate Republicans who have "skirted the spirit" of the law. I appreciate what my colleagues were doing with their letter and I appreciate what they are doing with this resolution. Their loyalty to their political party is duly noted. But, as I have said repeatedly, the appointment of an independent counsel is a serious matter and partisan proportionality should not be a consideration. Would these Senators have sent this letter had the majority not sent its letter? Would we be debating their resolution had the majority leader not turned to his resolution? I think we all know the answer to that question. Furthermore, neither their letter nor their resolution cite any congressional activities which independently warrant an independent counsel nor do they actually urge the Attorney General to appoint an independent counsel.

The resolution before the Senate expresses the Sense of the Congress that the Attorney General should do only as she pleases. But, it goes on to provide, if she does decide to initiate the independent counsel process, the Attorney General should be sure to include Members of Congress. It seems my colleagues want to have the best of both worlds. It appears from the language of their alternative resolution that they do not want to go on record as having asked for an independent counsel. But, heaven forbid, should an independent counsel be appointed, he or she should be instructed to initiate a partisan fishing expedition of Congress.

The Democrats' proposal that an independent counsel, if appointed, should have jurisdiction to investigate Members of Congress is insupportable under the independent counsel statute.

The entire purpose of the statute is to avoid the existence or appearance of a conflict of interest in Justice Department investigations. This conflict is inherent whenever an investigation involves any of the high-ranking executive branch officials enumerated in 28 U.S.C. 591(a), and may also arise—and indeed has been found by the Attorney General to have arisen—when an investigation involves other executive branch officials. 28 U.S.C. 591(c)(1). Such a conflict plainly does not, however, ordinarily exist with respect to Justice Department investigations of Members of Congress. As the Senate Report on the Independent Counsel Reauthorization Act states:

> . . . no inherent conflict exists in Justice Department investigations and prosecutions of Members of Congress. This conflict does not exist, because the Attorney General is not part of the legislative branch and is not under the control of any Member of Congress. The Department also has a long history of successful prosecutions of Members of Congress. . . . Public perception of a conflict of interest is also not a problem. . . . Also, in 1993, the Department of Justice testified that no inherent conflict of interests in its prosecuting Members of Congress. . . .

The statute does provide that the Attorney General may conduct a preliminary investigation with respect to a Member of Congress where first "the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated" a Federal criminal law, and second the Attorney General "determines that it would be in the public interest" to conduct a preliminary investigation. 28 United States Code 591(c)(2). Neither of these two required findings are even suggested by the Democrats' proposed resolution, nor does it appear that they could even arguably be present here.

First, the Democrats have made no specific allegations that a Member of Congress has violated a criminal law, thus warranting further investigation. Whereas the Attorney General has for over 3 months been conducting an extensive investigation into alleged fundraising violations by members of the Democratic National Committee [DNC] and the executive branch, I am aware of no such investigation pertaining to Members of Congress, and the Democrats' proposed resolution does not even purport to make such allegations. The independent counsel statute plainly does not authorize the appointment of an independent counsel with jurisdiction to go on an undefined fishing expedition to dig up unspecified violations by Members of Congress.

Second, I can imagine no reason—and my Democrat colleagues have suggested none—why it would be in the public interest to initiate independent counsel proceedings with respect to Members of Congress. The legislative history clearly indicates that there are two instances when independent counsel proceedings are in the public interest under section 591(c)(2). The first is where there would be a real or apparent conflict of interest for the Attorney General to investigate a Member of Congress. While we could imagine that there might be instances in which an Attorney General would have a conflict in investigating Members of Congress of the same party, only in the most extraordinary circumstance would an Attorney General have a conflict in investigating Members of the other party. In any event, we are confident that this Attorney General is fully capable of investigating Members of Congress of both parties.

The third reason for initiating independent counsel proceedings with respect to Members of Congress is when "there is a danger of disparate treatment if the case were handled by the Department of Justice," such that "a Member of Congress were unfairly subjected to a more rigorous application of criminal law than other citizens." This danger, however, clearly does not arise with respect to allegations that laws regulating the fundraising activities of public officials have been violated; if the law only applies to public officials, there is no possibility of disparate treatment between Members of Congress and private citizens. In any event, my colleagues on the other side of the aisle have not even attempted to articulate why there would be a danger of disparate treatment if the Justice Department were to investigate Members of Congress.

In closing, Attorney General Reno has appointed four independent counsels to date. It is the sense of a majority of the members of the Judiciary Committee that the need to avoid even the appearance of a conflict of interest, and thereby to ensure the public's confidence in our system of justice, requires an independent counsel in connection with the 1996 Presidential campaign. However, the record does not warrant, nor does the law permit, the appointment of an independent counsel to investigate Congress. Accordingly, I urge my colleagues to oppose Senate Joint Resolution 23.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I move to table Senate Joint Resolution 23 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table Senate Joint Resolution 23. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feingold

Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell

Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin

Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg

Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wyden

ANSWERED "PRESENT"—1

Dodd

The motion to lay on the table the joint resolution (S.J. Res. 23) was agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, it is my understanding that the Senate will be in a period of morning business now, is that correct?

The PRESIDING OFFICER. The Senator is correct.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for morning business until 3 o'clock.

CHEMICAL WEAPONS CONVENTION TREATY

Mr. KERRY. Mr. President, I rise for a few moments to speak with respect to the Chemical Weapons Convention treaty. I notice the majority leader is here. I wanted to try to get the majority leader's attention for a moment, if I can. Mr. President, I know that Senator BIDEN, who is the ranking member of the committee, has been in discussions and negotiations with a number of parties, and many of us who have been deeply involved in this issue for a long period of time are growing increasingly concerned.

I raised the subject of the Chemical Weapons Convention on the floor a couple weeks ago and signaled that a great many of us were growing sufficiently concerned that we are running out of legislative time on this important treaty that we were poised to consider coming to the floor and exercising whatever rights we have as Senators in order to try to guarantee a debate on it. For years, we have been making an effort to pass this convention or to pass a convention that regulates chemical weapons. The United States of America has made a policy decision not to produce them. So we are watching 161 nations who signed off on this, and 68 of whom have ratified it, come together without the United States to set up the protocol that will govern the verification and regulatory process for chemical weapons and their precursors for years to come. If we are not allowed in the U.S. Senate to debate this and have a vote, we will not have performed our constitutional responsibilities.

I know the majority leader—he and I have had a number of conversations on this personally. I would like to begin now at least to ascertain publicly, and on the record, where we may be going so that we don't lose this critical time. I would like to know if the majority leader can guarantee us that we are going to have an opportunity to vote up or down on this convention, or whether we have to begin to be a little more creative.

Mr. LOTT. Mr. President, if the distinguished Senator from Massachusetts will yield, I would be glad to respond.

Mr. KERRY. I yield, without giving up my right to the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. As the Senator from Massachusetts recalls, this issue was reported by the committee in the last Congress, and I made a commitment in connection with other bills that we would bring it to a vote. In fact, I believe it was scheduled for a vote, or we were moving toward a vote. But for a variety of reasons—and there is no use rehashing the history of it—the Secretary of State called and asked that we pull it back and not force it to a vote last year. We honored that request.

This year, there have been a number of discussions. The President did call and ask that we meet with his Director of the NSC, Sandy Berger, to talk about how we could bring it to a conclusion. At his request, I did meet with him, and Senator HELMS met with him. Other Senators that are interested have been talking with the President's representative. And we continue to work on that. I think some good progress has been made as a result of those meetings. Some conditionalities have been more or less agreed to. Of course, until it is final, it is never final. Some have been agreed to, some are still being discussed, and some probably will have to have amendments or votes on them when it comes to the floor of the Senate.

The Senator is absolutely right. We have made a decision to destroy our chemical weapons. That is a fact. We are doing that. He is also right that a number of countries have ratified that treaty; some very important ones have not. Not only the United States has not, but neither has Russia. The indications are that they may or may not. Of course, neither has Iran.

There are some real questions that are legitimate questions on both sides of this issue. One of them is, of course, the verification question. How do you verify what some of the rogue countries may or may not be doing? How do you deal with some of the questions about things like the poison gas that we have seen in Japan? How do you deal with an issue like tear gas being used in our country? Also, there are very important questions like constitutional questions with regard to search and seizure in our country. The administration representative indicated, yes, that is an area where there is concern, and we need to work on that. Work has been done, and we continue to work on it.

This week, I met with the chairman of the committee and talked through where we are and how we can continue to proceed on this matter. I have talked to other Senators on both sides of the aisle and both sides of the issue, as to how we can move it forward. I talked to Mr. Berger again and I urged him to do a couple things. One of those things is to seriously address, with the chairman of the Foreign Relations Committee, some very important parallel issues. Although they are not necessarily tied together on a parallel basis, they are related and of great concern. The State Department reauthorization. In the previous year, I think the State Department kind of indicated, no, we don't want to do anything. That is not a tenable position. I don't think that is the administration's position.

I think the new Secretary of State has indicated that she understands and wants to do some of these things and has been talking to the chairman about that. I am hoping that additional conversations are occurring on that today between the Secretary of State and the chairman of the committee. In another parallel issue, for this very afternoon I have been able to call together a meeting of the key players, Democrats and Republicans, House and Senate, on the U.N. reform matters. We met once with the Secretary of State. We are meeting today with the new U.N. Ambassador, and we are getting a process to see how we deal with the United Nations reforms and, of course, the money that the U.N. would like to have from the United States.

So, again, that is a parallel. A lot of people are involved. None of these issues are easily resolved. All of them are very important—what we do about chemical weapons, about the State Department reauthorization, U.N. reform, and with regard to what happens processwise. I know what you are asking there.

It is our hope that we will be able to get this issue up in April. It probably would involve some hearings in the committee. But action early on, when we come back, to get it to the floor in a way where everybody will be comfortable with what amendments will be offered. There is a possibility that a statute may be offered, or a regular bill, to be considered in conjunction with the Chemical Weapons Convention.

I have given a long answer, but I am saying this to make it clear to you that I am working aggressively to address the concerns on all sides of this issue. I will continue to do so. I know you are concerned, and other concerns are concerned. You may feel that you have to do more. But I have learned over the years that as long as everybody is talking, you are probably making progress, and we are talking. I have also learned that when you have a chairman that has legitimate concerns, you have to give that chairman time to deal with those concerns.

We are trying to do that.

Mr. KERRY. Mr. President, let me say to the distinguished majority leader that, first of all, I thank him for taking the time to have this colloquy. I think it is very important.

But let me say to the distinguished majority leader that during the years that I was the ranking member negotiating this with the distinguished chairman of committee, we traveled over all of this ground. We have had these hearings. The Foreign Relations Committee has had them. The Intelligence Committee has had them. The Armed Services Committee has had them. And we all know sort of what the clouds are that are there. There is no new sort of definition with respect to those clouds.

For this Senator—and I know I speak for several other Senators, and I think two or three of them are on the floor right now—we do not want to wind up in the situation which I have seen previously. I negotiated the agreement that brought us to the floor last year with a vote. We all know we got caught up in the politics of the Presidential campaign, and that predicated that it may not have been the best moment.

The problem is that we run out of time. The clock tolls on us automatically on April 29. We do not want to wind up in a situation where there is an ability on the floor to have so little time left that we can't work through the problems. Recognizing the road we have traveled here, I do not want to come back to a situation where we have kind of sat here while the negotiations are going on and then there is no window of opportunity to sufficiently let the legislative process work its will.

Mr. LOTT. Mr. President, will the Senator yield?

Mr. KERRY. I will in just a moment.

I would like to say to the majority leader that we would like to help the majority leader and others to leverage the reality here. What we would like to suggest is that there be sort of an internal date certain within the Senate—we would suggest that date be when we return—that, between now and when we return, the administration, the chairman, and the appropriate parties have to come to cloture. If they can't come to cloture——

Mr. LOTT. Closure.

Mr. KERRY. Come to cloture on these issues, and, if they can't come to that resolution, this should be on the floor of the Senate for us to deal with in a matter of legislative urgency.

I know, Mr. President, that there is a significant group of us prepared to exercise every right available to us with respect to the Senate business in order to try to guarantee that we have the opportunity to act on the Chemical Weapons Convention.

Mr. LOTT. Mr. President, if the Senator will yield, one thing is that I do not want to mislead the Senator with regard to the probability of hearings. I assume that was a possibility. I do not think it needs long hearings. But I think a day or two—and I have not asked for those or called for them, and the chairman may or may not feel that they are needed.

So I may have mislead when I was indicating that we are talking about another whole round of hearings. I agree with the Senator. I do not think a lot of hearings need to be done again.

But I wanted to clarify that point. I didn't mean to infer that we were going through a long list or that a decision has been made. But it is something that I have asked: Is there going to be a need for a hearing on a day or so before action could occur? It could.

There is another point. I want to commend the Senator from Arizona, Senator KYL, who has spent a lot of time and has worked on these issues when he was in the House Armed Services Committee and continues to be very interested in them. He is very knowledgeable when you talk about article X, article XI, and all of the ramifications. He knows what is in this convention. He has very legitimate concerns, some of which have been addressed in a way that I think the Senator from Massachusetts would agree with and find acceptable. Others are still open, and there is time to work on those.

I want to recognize the work of Senator KYL. He may want to respond or comment on some of what has been said here today.

I just wanted to make that one clarification.

Mr. KERRY. I appreciate that, Mr. President. I know that the Senator from Michigan, Senator LEVIN, is equally as versed and has had a long interest. I know that all of us believe very deeply that where there may be a legitimate question, we are and have been—and I think the administration has been—fully prepared to try to suggest legitimacy. But we can't allow an endless series of questions to be an excuse for putting us in the box where the U.S. Senate cannot perform its constitutional responsibility to advise and consent on a treaty as important as this one.

So we are in the predicament here where we want to offer a good-faith effort to work through every single one of those particular issues. But we have to signal that we can't do so simultaneously taking away from ourselves our own rights to be guaranteed that the Senate ought to be able to have a vote.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. KERRY. I yield.

Mr. DORGAN. I appreciate the Senator yielding.

To the majority leader I would say the power of the majority in the Congress is a power to schedule. There are a number of us on our side of the aisle who have been patient to the edge of our abilities on this issue. And the question that is being asked is, Will we have an opportunity to consider the chemical weapons treaty on the floor of the Senate? What I heard the Senator from Mississippi say is that he hoped that would be the case. I very much would like to hear a commitment at some point today or tomorrow, before we leave, that we will when we return have an opportunity at a time certain to continue the chemical weapons treaty.

Mr. LOTT. As the distinguished Senator knows, if he will yield, Mr. President, the scheduling does to a large degree rest in the hands of the majority leader. But it is usually done in coordination with both sides of the aisle. Like on the Mexico certification, or decertification, issue, quite often it can be objected to. I mean that, if I today proceeded to call up the House-passed version with the idea of offering a bipartisan substitute to it, we would have to get agreement to do that. The other option is to just call up decertification, which we could do, and start the 10-hour process running.

The point, though, is that you have to work with a lot of different parties. And I intend to do that. I think the decision will come up in April, and we will work in the direction to say that we can get it up by a date certain. Once again, I think it might raise expectations beyond what is achievable.

But we are continuing to work on that, and we are going to do it this very day.

Mr. KERRY. Mr. President, I would like to reiterate.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. KERRY. I ask unanimous consent that I be permitted to finish this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Will the Senator yield?

As further evidence, if I could, I gave the Democratic leader yesterday and members of our conference—and I presume it was given to the Democratic caucus—a list of items that we anticipate we will consider prior to the Memorial Day recess. It includes nuclear waste, supplemental appropriations, the TEAM Act, comptime, flextime, legislation regarding chemical weapons, the Chemical Weapons Convention treaty, and others.

It is on our list of things that we anticipate will be considered before we come back.

Mr. KERRY. Mr. President, the problem is that this particular convention stands in a different place from all of those other things which the majority leader has listed, and for obvious reasons. The other things don't have a drop-dead date on them which runs into the convention processes themselves, which are controlled by other countries—not by us.

So I think everybody understands how it works around here. We could wind up in a situation where we would have a very long debate. And if we need to have a very long debate, we want to make certain that we have the ability to adequately flesh out concerns for all Members and still not run up against that deadline, or drop-dead date.

So I think what we are really trying today to say to the majority leader is that this has to be the first priority when we come back, or clearly stated as to what the date will be with a date certain.

All we are trying to do is help the majority leader convey that message to parties on his side because otherwise, obviously, we are left no choice but to try to do whatever we can to leverage a date. We are not precluding nor predetermining an outcome. But we are asking for the Senate to be able to exercise its rights and privileges.

Mr. LEVIN. Mr. President, will the Senator from Massachusetts yield for a question? I wonder if the majority leader might listen because the drop-dead date issue is a critical issue on this, of course, and the Senate should be allowed to work its will in whatever way in time so that, if we ratify, our ratification will be relevant.

My question to the Senator from Massachusetts is this: We do not know precisely the drop-dead date in terms of Senate ratification, assuming it does ratify the treaty. But will the Senator from Massachusetts agree that it is some number of days in advance of April 29?

Mr. KERRY. Yes.

Mr. LEVIN. I am wondering whether the majority leader, if I could just ask, is aware of that fact. Could I ask the majority leader whether or not, on the time of the Senator from Massachusetts, if the Senate does in fact ratify it, that ratification needs to come some days in advance of the 29th in order to meet the 29th deadline?

Mr. LOTT. I am aware that when you have a treaty issue, there are actions that occur after the treaty that could take time. We will have to—at some point we could have a full debate about what that drop-dead date is. That is the point here. It is not a specific date in terms of having to take up the treaty to get the work done, but it is a fact if you assume some action must be taken, you have to back off that in order to get the work done.

Mr. LEVIN. I thank the Senator.

Mr. KERRY. I thank the majority leader for his time on this. We will obviously be discussing it in the next day or so, and I look forward to our coming forward to some kind of mutual agreement. I thank the Chair.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I just wanted to also comment on this issue and state that I think we are to the point where it is not responsible for the Senate to go on with its other business if we cannot get agreement among Senators to bring up this very important matter on a timely basis. I think clearly we can do other work while we wait for the time certain to bring up the Chemical Weapons Convention, but if we cannot get agreement to bring it up, then I do not think it is responsible for us to go ahead and proceed with business as usual.

Unfortunately, under the rules of the Senate, the only option available to those of us in the minority is to insist that this issue, which is time sensitive, be given attention by the Senate or at least get scheduled for attention by the Senate before we proceed to other matters, and I would expect to do that in the future. I do think the majority leader is trying to move ahead with this, but evidently there are objections being raised by others. I do not question that amendments will be offered. I do not question that real issues will be raised about different portions of the treaty. That is what we are designated to do under the Constitution, to debate those issues and vote on them. We do have a responsibility, though, to have a final vote on this treaty in a timely fashion, and I think until we can get agreement to do that, it is very difficult to proceed with business as usual.

I yield the floor, Mr. President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The minority whip.

Mr. FORD. Mr. President, let me add my voice to this for just a moment. For many of us who have chemical weapons stored in our State—and there are a good many States—this piece of legislation becomes highly important because certain language we hope to be in this treaty will allow us to look for alternate sources other than burning or destroying by burning. And so particularly in my case, where we have the nerve gas, this treaty becomes vital to us. And to have it timely considered becomes a very important aspect of alternative sources under this international treaty.

So I am here pleading for my constituency to eliminate the so-called chemical weapons. We are being held up for reorganization of the State Department, reorganization of United Nations, this thing or that thing. We are held up when we have a deadline of April 28 and we have people out there worried about chemical weapons and how you destroy them. We have the answer under this piece of legislation, but we cannot go forward with it.

Mr. President, I hope you will listen to my friend from New Mexico, that there is going to be an effort to bring this piece of legislation up because of the deadline. If we worried about deadlines, we would have a budget. We do not have a budget. But this is an international treaty, and it has a deadline. And for one, I do not want to miss it because of the chemical weapons that need to be destroyed and the way they are to be destroyed so that we might protect your constituents.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek recognition under the time allocated to Senator DASCHLE in morning business.

The PRESIDING OFFICER. The Senator has up to 60 minutes.

Mr. DURBIN. I thank the Chair.

COMPREHENSIVE CAMPAIGN FINANCE REFORM

Mr. DURBIN. Mr. President, over the last several days of debate in this Chamber we have heard those who favored the appointment of a special counsel say that time is of the essence, and that we should move forward and ask the Attorney General to make this appointment as quickly as possible. In fact, they were so determined to pass this resolution as a bon voyage gift to the President as he heads off to the Helsinki summit that we had to vote today. Today, before the President left, we had to make certain that this gesture was made. Many of us felt this was unnecessary and ill-timed and, frankly, unprecedented, that this type of embarrassment would be directed at the President as he left our shores to head off for a critical summit with the only other superpower with nuclear weapons in the world. And yet those who prevailed on the majority side were convinced that time was of the essence: let us move forward and do it now.

Catching that spirit, I come before the Senate today with the suggestion that we not stop with this resolution but go even further and plumb the depths of the real problem that we are examining here. It goes beyond the 1996 Presidential campaign. It goes beyond the Democratic Party. What we are focusing on is our very campaign finance system itself as used by Presidential candidates, congressional candidates, Democrats and, yes, Republicans.

And so today I am hoping that that same sense of urgency, that same commitment to truth, and that same perseverance that we find changes to win back the confidence of the American people will be demonstrated when I call a resolution before this body in a few moments.

You see, Mr. President, those who follow Federal election campaigns know that there have been some dramatic changes over the last few decades. Federal election campaign costs have increased from an estimated $2.65 billion in the 1996 cycle—that is a threefold increase over campaign spending just 20 years ago even adjusting for inflation—$2.6 billion on our campaigns. In the 1995-96 election cycle, the Democratic Party committees raised $332 million, a 73-percent increase over the $192 million raised just 4 years before. The Republicans outdid us, as usual, raising $549 million, a 74-percent increase over the $316 million that they raised 4 years earlier.

Take a look at congressional races. In 1976, all congressional races in the United States cost $99 million. By 1996, 20 years later, that $99 million had mushroomed to $626 million—more than a sixfold increase.

Soft money. Well, for those who do not follow this closely, it may be a curiosity to use these terms "hard money" and "soft money," but politicians know what it is all about. Soft money is kind of the mystery money in politics. And has it grown. Take a look at the fact that since 1992, the amount of soft money in campaigns has tripled, from $86 million to $263 million.

Stepping aside from the whole debate about the nature of campaigns and whether they are too negative, too personal and too nasty, most everyone will concede that we are plowing more and more money into our political campaigns in America.

There is a curious thing that has to be noted, though. As political campaigns have become longer, more expensive, and more negative, voters have apparently decided not to participate in elections. Consider this. Between 1948 and 1968, 60 percent of the electorate showed up to vote in a Presidential election. Then from 1972 to 1992, we saw a 53 percent turnout, a decline after Watergate. Listen to what happened in 1996, the most expensive Federal election in our history for congressional candidates, senatorial candidates and Presidential candidates, heaping dollar upon dollar in this election process. The voters out there listened carefully and a majority of them decided to stay home. So, for the first time since 1948, we had fewer than 50 percent of the electorate turning out to vote in a Presidential election; 49 percent of the electorate turned out. Is it not interesting that the more money we plow into our election campaigns, the fewer voters turn out?

Consider if you had a company and you were designing a marketing program and you went to the owners of the company and said, "We have just got the statistics and information back. After we spent millions of dollars on advertising, people are buying fewer products." It might raise some serious questions. Maybe your advertising campaign is not what it should be—and I think the voters tell us that when they see negative ads. But perhaps the fact that you are spending more on advertising is not helping the low regard people have for your product. In this case, the voters told us, in 1996, in the November election, that they had a pretty low regard for the product, the candidates, all of us.

I think there is a message here, an important message about the future of this democracy. We can talk about special investigations: Did someone violate the law in 1996, Democrat or Republican, and should we hold them accountable if they did? But if we do not get down to the root cause of the problem here, if we do not address what I consider to be the serious issue of campaign finance reform, I can guarantee the cynicism and skepticism among voters will just increase. So, we have heard a lot of talk today about the sense of urgency and the need to deal quickly with this whole question of campaign finance reform. Some of my colleagues have said, "Oh, don't move too quickly now; let us make sure we make the right changes."

Let me show a little illustration. How much time have we spent on the issue of campaign finance reform in the last 10 years? Mr. President, 6,742 pages of hearings; 3,361 floor speeches—add one for this one today; 2,748 pages of reports from the Congressional Research Service, 1,063 pages of committee reports; 113 votes in the Senate; 522 witnesses; 49 days of testimony; 29 sets of hearings by 8 different congressional committees; 17 filibusters; 8 cloture votes on one bill; 1 Senator arrested and dragged to the floor—with bodily injury, I might add—and 15 reports issued by 6 different congressional committees. And what do we have to show for it? Nada, zero, zilch, nothing. What we have to show for it is the call for an independent counsel to determine whether someone has violated the laws under the current system. I think there is a lot more to this.

I hope my colleagues join me in believing that if this process of investigation does not lead to reform, the American people will be disappointed. It is one thing to be hyperinflated with moral rectitude about the violations of campaign law. But that is not enough. Just cataloging the sins of the current system, that is not enough. The real test is whether we are prepared to change the system, reform the law, and return public confidence to our democratic process.

There are a lot of options out there. One of those that is frequently spoken of is the McCain-Feingold legislation, I believe the only bipartisan campaign reform bill before us. Two Republican Senators and, I believe, 22 Democratic Senators have come together in an effort to have campaign finance reform. I have cosponsored it. It may not be the best, or the only, but it is a good one. We should consider it as a starting point in the debate.

Yesterday, my colleague from Minnesota, Senator WELLSTONE, Senator KERRY of Massachusetts, and others announced agreement to introduce a plan modeled after the Maine election law reform. It is a very interesting proposal which would really deflate the money in politics. Senator WELLSTONE is here to join me in this debate and describe that bill and his own thoughts on that subject.

There are lots of ideas, good ideas. We have to really dedicate ourselves with the same sense of urgency and with the same passion to reforming the system that we are dedicated to investigating wrongdoing under the current political finance system.

At this point, I yield to my colleague from Minnesota.

Mr. WELLSTONE. I thank the Senator from Illinois.

The PRESIDING OFFICER. Does the Senator seek recognition in his own right?

Mr. WELLSTONE. Mr. President, I do seek recognition.

The PRESIDING OFFICER. The Senator is speaking within the 60 minutes?

Mr. WELLSTONE. Of course, the Senator will stay within the 60 minutes. And, I say to my colleague from Oklahoma, far less than 60 minutes. I just wanted to add a couple of things to what the Senator from Illinois has just said.

First of all, I really appreciate the emphasis of the Senator from Illinois on representative democracy in our country. I think this is the central issue for this Congress. I think this is the most important issue in American politics. I have spoken before on the floor of the Senate about this. I am not going to repeat what I have said already.

But I really think, if we want to have people engaged in the political process, if we want people to register to vote and vote in elections, if we want people to believe in our political process, if we want people to believe in us, then I think we absolutely have to deal with this awful mix of money and politics. Because regular people—which I use in a positive way—in Illinois and Minnesota and Oklahoma and around the country, know that, No. 1, too much money is spent on these campaigns; No. 2, some people count more than others and there is too much special interest access and influence; No. 3, there is too much of a money chase and Senators from both political parties have to spend entirely too much time raising money.

I just ran for office. I had to raise the money.

And, No. 4, I think people in the country know that it is getting dangerously close to the point where either you are a millionaire yourself, or you have to be very dependent upon those that have the hugest amounts of capital for these expensive capital-intensive TV campaigns. Otherwise, you are disqualified.

In a democracy, people should not be, de facto, disqualified because they are not wealthy or because they do not have access to those people who have the wealth or the economical clout or the political clout in America. That turns the very idea of representative democracy on its head. That takes the very goodness of our country and turns it on its head. That takes the American dream and turns it on its head. I have said it before, but it is worth repeating, that if you believe in the standard that each person ought to count as one and no more than one, then you would be for reform.

My last point, because I could talk about this for a long, long time, my colleague was kind enough to mention the McCain-Feingold bill. He was kind enough to mention the bill that yesterday we agreed to introduce, Senator KERRY and I, and Senator GLENN and Senator REID; and Senator BUMPERS was there as well.

Mr. President, the point today is as follows. I think people—unfortunately, but the proof is going to be in eating the pudding—believe that what is going on in the Congress amounts to little more than symbolic politics. I think people believe we are going to have a committee investigation, an attempt to move some of these issues to the Rules Committee, maybe try and bury this here, maybe have hearings and hearings and hearings, then have a variety of different charges or countercharges made, maybe more polarization, maybe more accusations. Then, after all is said and done, it will be the same moving picture shown over and over and over again, where you have hearings, speeches, reports, witnesses, you name it, followed by the same hearings, the same speeches, the same calls to action, the same kind of investigations, followed by inaction. I do not understand, for the life of me, why we do not move forward. I think the purpose of this resolution is to say, set a date.

A good friend of mine, Jim Hightower, who was great on the Ag Committee, loves to say, "You don't have to be 'Who's Who' to know what's what." People in this country have figured this out. It is time for reform. We know more than enough about what is wrong. We know more than enough about what is wrong with this game, the ways it is broken, and it is time to fix it.

So this resolution calls for a date certain. It is right on mark, and I am proud to support it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise also to support the unanimous-consent request that will be propounded by the Senator from Illinois.

Almost the first question from our constituents that all of us, I suppose, when we reach the airport going back to our States, confront is, "Well, what are you working on?" I know what I would like to be working on. A moment ago we talked about the need for this Senate to work on the chemical weapons treaty, a treaty that has been in the works for a number of years, has been signed by many countries, and would end the spread of poisonous gas around our world and make this a safer world. I would like to be working on that, but we cannot get it to the floor of the Senate. I hope it will get here soon. The power of scheduling, of course, is not on this side of the aisle.

The Senator from Illinois raises the other issue that I would like for us to be working on, and that is the issue of campaign finance reform. No one who has been paying attention in this country can fail to understand the need for us to consider campaign finance reform. The Senator from Illinois is simply raising the question, and a recommendation is implicit, to say we would like, by a date certain, to have a commitment to consider campaign finance reform on the floor of the Senate. That is what the Senator from the State of Illinois is saying to the Senate with his resolution, a resolution that I think is timely, one that I support and one that I hope will allow us to reach an agreement with the majority party on a date certain to bring campaign finance reform to the floor of the Senate.

The Senator from Illinois held up a chart that shows the number of hearings that have been held, the number of pages of testimony, the number of witnesses. There doesn't need to be a great deal more discussion about whether we should be considering campaign finance reform. The system is broken, it ought to be fixed, and there isn't just one answer to fix it. There are a number of ideas, probably from both sides of the aisle, that can contribute to an approach that will address this in a way the American people believe we ought to address this issue.

So, this issue is not one that will simply go away. This is not an issue you can bury in the backyard somewhere and forget about it. Every day when you read the newspapers, you see stories, again, about this campaign or that campaign, about this administration or that Member of Congress. The American people, I think soon, will insist to know who in the Congress, in the House and the Senate, contributed to making campaign finance reform a reality and who stood in the way.

I guess the message here is for those who do not want to see any reform of our campaign financing system, our message is to them: Get out of the way, let us at least have a shot on the floor of the Senate in crafting, hopefully, a bipartisan approach, if we can craft it, a campaign finance reform proposal that gives the American people some confidence that the abuses we have read about, the excesses, the exponential growth in campaign spending in this country can come to an end.

I happen to feel very strongly that one of the ingredients that is necessary is spending limits. The Supreme Court had a decision in Buckley versus Valeo—it was a 5 to 4 decision, I believe —in which they said it is perfectly constitutional to limit political contributions, but it is unconstitutional to limit political expenditures. Far be it for me to speak over the shoulder of the Supreme Court, but, by the same token, I don't understand that logic.

It seems to me, and we have had debate on this on a constitutional amendment just in the last days, it seems to me that part of the answer to this problem is to reasonably limit campaign expenditures for all politicians running for all offices in a fair and thoughtful way. We do not deserve the kind of campaigns that the American people are now getting.

There are other models around the world. I kind of like the British system, where they apparently sound a starting gun, or whatever it is, and for 30 or 45 days, they scramble and wrestle and debate and do whatever you do in campaigns, and the fur flies and the dust is all over, and then the bell goes off and it is over. It is over. Then they vote.

In this country, my Lord, what happens is years in advance of an election now, we have campaign activities cranking up for President and the Senate and Congress, and it never ends. It bores the American people to death, first of all, and second, they have become so long and so expensive, is it any wonder that 50 percent of the American people said when it comes time to casting a vote, they say, "Count me out, I'm not going to participate"?

There are a lot of things we need to do to reform our political system and make it better. It seems to me job one is this issue of reforming the campaign finance system, the method by which all campaigns are financed in this country. The Senator from Illinois is simply saying today, let us have an opportunity, a commitment, a date by which the Senate will consider campaign finance reform. I am pleased to support him, and I hope others in the Senate will do the same. I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). Who seeks time?

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, there have been a lot of headlines in the last several weeks of embarrassment to both political parties. There have been a lot of questions asked about the system by which we raise funds at all levels. Questions were raised about the use of a telephone by the Vice President, and I do not know, frankly, what was legal and what was proper in that situation, but we all know that at least two Members of this body have acknowledged that they used their office telephones in campaigns gone by to raise money. They said they will never do it again, as the Vice President has said. But it raises a bipartisan challenge to us in limiting campaign fundraising activities in any public building.

There was a question raised as to whether or not an employee at the White House was handed a check for the Democratic National Committee which she then turned over to the committee, and whether that was legal or proper. We know 2 years ago a Republican Congressman on the floor of the House walked around handing out campaign checks from tobacco companies to their favorite candidates, and that, of course, raises a bipartisan question about the propriety of receiving or distributing campaign checks in a public building, on the floor of the House or the Senate. These are all legitimate and bipartisan questions.

This morning's Washington Post raised a question on the front page as to whether a Member of Congress was putting some pressure on a certain group to raise money for him in the last campaign, and the pressure went so far as to suggest that the Ambassador from the country involved was saying, "This is unusual; we have never had this kind of pressure put on us." The same charges are made against the White House: Did they go too far in soliciting contributions? Again, a bipartisan problem and one we clearly should address.

For those who have tunnel vision on this and see all of the sins and wrongdoing only on the Democratic side, I think in all honesty, they know better. We are all guilty of this. We are guilty of this at the congressional level, at the Presidential level, Democrats and Republicans, and to merely turn that spotlight on one group or one party really does not get to the real challenge here. And the real challenge is, will we change the system?

The resolution that I am going to offer says to the Senate, let us make a commitment, both sides of the aisle, that by a time certain, we will bring to this floor campaign finance reform legislation and pass it by a time certain. I do not presume what that might include. I do not presume to suggest that any bill pending might be passed. We might come up with a new work product completely, totally, but I do suggest to you that unless and until we make this commitment to reform the system, the skepticism and cynicism will continue and may increase.

So, Mr. President, on behalf of myself and Senators DORGAN and WELLSTONE, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 65, a resolution calling on the Senate to commit to bring comprehensive campaign finance reform legislation to the floor by May 31 and to adopt, as a goal, the enactment of such legislation by July 4 of this year; that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Did you conclude, I ask my colleague from Illinois?

Mr. DURBIN. Yes.

Mr. NICKLES. I will just make a couple brief comments concerning campaign finance.

One, I share some of the concerns of my colleague from Illinois. I will be happy to work with him. I did object to the resolution saying we wanted to have it done by May 31 or July 4. But I am committed to making campaign reform. And I will work with my colleague and friend from Illinois and others to try and see if we cannot come up with a bipartisan package that would do just that.

It may not include everything that everybody has been talking about, but it will be constitutional, and, hopefully, may be passable through both Houses. It may not include everything. We may have to pass a couple pieces of legislation before we are done. But I have been charged with the responsibility on this side to try to put together a package that is saleable. I will work with my colleague and friend from Illinois to try to make that happen.

Mr. DURBIN. Will the Senator yield?

Mr. NICKLES. I will be happy to.

Mr. DURBIN. I thank my colleague from Oklahoma for his statement. And it may be progress. I hope it is.

Would the Senator be kind enough to tell me his thoughts as to whether or not we should accomplish significant and meaningful campaign finance reform this year so that the 1998 election cycle can be a cleaner, perhaps better managed election with more interest and participation by our voters across the country?

Mr. NICKLES. I will be happy to tell my colleague, if you are asking me what the effective date of the legislation will be, I am not sure. But I do think that we have an interest, and I would say a bipartisan interest, in trying to do some things together: Greater disclosure, trying to make sure that nobody is forced or compelled to contribute to any campaign against their will, maybe making some change in contribution limits, increasing individual limits, maybe reducing other limits. Possibly we can get a bipartisan coalition on that, and doing a few other things that we might be able to get agreement on.

But the effective date, well, that would be one of the things we will have to wrestle with. That is a challenge. Some of those things for disclosure, I expect could be effective certainly for the 1998 election. If you changed individual contributions, which I am contemplating offering as one suggestion, whether that should be effective immediately or effective post the 1998 election is something we will have to discuss.

Mr. DURBIN. Will the Senator yield further?

Mr. NICKLES. Yes.

Mr. DURBIN. Could the Senator give me some assurance by the majority leadership that this issue should come to the floor this calendar year?

Mr. NICKLES. I will just tell my colleague, I have been charged with the responsibility of trying to make sure that we are ready to do that. It is my hope and expectation that we will be ready to do that—not tie this down to a particular timetable—but I hope that we will be able to do it in the not-too-distant future. Maybe we will be able to meet the timeframe as suggested by my colleague from Illinois. I am not ready to give a date. But you are saying for this year. I hope that will be the case.

Mr. DURBIN. If the Senator would further yield.

I will return and my colleagues will return with similar resolutions in the hopes that we can reach a bipartisan agreement for a timetable to consider this issue. Absent that agreement, many of us are afraid that we will once again fall into this morass of hearings and speeches and a lot of jawboning and very little progress on the subject. I hope that my colleague from Oklahoma will join me in that effort.

Mr. NICKLES. I thank my friend.

VICTIM RIGHTS CLARIFICATION ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 924 just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 924) to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime.

The Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I wish to thank my colleague and friend, Senator LEAHY, for his cooperation in bringing this bill to the floor. As I mentioned, the House passed this bill yesterday. It was by a vote of 418 to 9.

I also want to thank my colleagues, Senator HATCH, Senator INHOFE—who is an original cosponsor of this legislation with me—Senator GRASSLEY and Senator KENNEDY and their staffs for working together with our staff to make this bill possible.

And I want to thank the bipartisan and bicameral cooperation that we have had because we have negotiated with the House, came up with similar legislation to correct, I think, a mistake, a problem.

Mr. President, we introduce this legislation on behalf of the victims of the Oklahoma City bombing and other victims of crime. This legislation will clarify the rights of victims to attend and observe the trial of the accused and also testify at the sentencing hearing.

The Victim Rights Clarification Act is necessary because a Federal judge interpreted his sequestration power as authorizing the exclusion of victims of crime from trial who will only be witnesses at sentencing. The district judge presiding over the Oklahoma City bombing case basically gave the victims and their families two choices. They could attend the trial and witness the trial—or in this case we have closed-circuit TV for the families, since the trial is actually in Denver and many of the families are in Oklahoma City. So they have closed-circuit TV. They have two options: They can view the trial in Denver or in Oklahoma City, or they could participate in the sentencing phase of the trial.

Most of the families of the victims wanted to do both—or many wanted to do both. They should not have had to make that decision. This legislation will clarify that.

Such rulings as the judge made extend sequestration far beyond what Congress has intended. The accused has no legitimate basis for excluding a victim who will not testify during the trial. Congress thought it already adopted a provision precluding such sequestration in the victims' bill of rights. This bill clarifies the preexisting law so it is indisputable that district courts cannot deny victims and surviving family members the opportunity to watch the trial merely because they will provide information during the sentencing phase of the proceedings.

This bill also applies to all pending cases and in no way singles out a case for unique or special treatment. Rather, a serious problem has come to light and Congress has responded by clarifying the applicable Federal law across the country from this day forward.

The U.S. Supreme Court has specifically upheld the power of Congress to make "changes in law" that apply even in pending cases. In Robertson versus Seattle Audubon Society, a unanimous court explained that Congress can "modify the provisions at issue" in pending and other cases. This bill makes it clear that Federal crime victims will not be denied the chance to watch the court proceedings simply because they wish to be heard at sentencing.

This bill will be enforced through normal legal channels. Federal district courts will make the initial determination of the applicability of the law. In disputed cases, the courts will hear from the Department of Justice, counsel for the affected victims, and counsel for the accused. If the district court persists in denying a victim the right to observe a trial in violation of the law, both the Department of Justice and the victims can seek appellate review through the appropriate pleadings.

Once again, Mr. President, this is an important piece of bipartisan legislation that will clarify the intent of Congress with respect to a victim's right to attend and observe a trial and testify at sentencing.

I very much appreciate the support of my colleagues in both the Senate and the House who have made this bill possible today. I am very grateful for their assistance. I know that I am speaking on behalf of hundreds of victims and the families in Oklahoma City, that they are grateful for this legislation, and a special thank you to my colleagues, Senator INHOFE and Senator LEAHY and Senator KENNEDY and Senator HATCH, for making this bill possible.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I am pleased to join my friends, Mr. HATCH, the two Senators from Oklahoma, and Senator GRASSLEY, as an original cosponsor of the Victim Rights Clarification Act of 1997.

I am glad we are considering and passing this important legislation. They are doing this in an expeditious and bipartisan manner.

Two of the most important rights Congress can safeguard for crime victims are the right to witness the trial of the accused and the right to be heard in connection with the sentencing decision. The Victim Rights Clarification Act is not the first time Congress has addressed these two ideas. In 1990, we passed the Victims' Rights and Restitution Act, providing that crime victims shall have the right to be present in all public court proceedings related to the offense, unless the court determines the testimony by the victim would be materially affected.

In the Violent Crime Control Act of 1994, Congress included several victims' rights provisions. For instance, we amended rule 32 of the Federal Rules of Criminal Procedure to require Federal judges at the sentencing for crimes of violence or sexual assault to determine if the victim wishes to make a statement.

Last year, we enacted the Televised Proceedings for Crime Victims Act as part of the Antiterrorism and Effective Death Penalty Act of 1996. That responded to the difficulties created for victims of the Oklahoma City bombing.

Mr. President, I think this is important because so often what we set in the criminal procedures in the Federal court are then adopted by the State courts. During my days as a prosecutor, I felt victims should have complete access to the court during a trial and that victims should be heard upon sentencing. Frankly, I found many times when the person being sentenced had suddenly gotten religion, had suddenly become a model person, usually dressed in a better suit and tie than I wore as a prosecutor and was able to cry copious tears seeking forgiveness and saying how it was all a mistake, sometimes reality came to the courtroom only when the victim would speak. I remember one such victim had very little to say, with heavy scars on her face that would probably never heal. That said more than she might.

I say that, Mr. President, because in enacting this legislation, we affect not only Federal courts directly, which of course I think is important, but I say to my colleagues in the Senate that after this is experienced in the Federal courts for a couple of years, we are going to find the same procedures followed by State courts all over this country. We saw it in the Federal Rules of Civil Procedure. We see it in the Federal Rules of Criminal Procedure. If they work in the Federal courts, they tend to work in the State courts.

I am glad to join with my friend from Oklahoma, the distinguished senior Senator from Oklahoma and his colleague, Senator INHOFE, in support of this legislation which shows how responsive Congress can be to victims' rights.

The Supreme Court has also spoken to whether victim impact statements are permissible in death penalty cases.

In the 1991 case Payne versus Tennessee, the Supreme Court made clear that a sentencing jury in a capital case may consider victim impact evidence relating to the victim's personal characteristics and the emotional impact of the murder on the victim's family.

The Court observed that it is an affront to the civilized members of the human race to say that at sentencing in a capital case, a parade of witnesses may praise the background, character, and good deeds of the defendant, but nothing may be said that bears upon the character of, or the harm imposed upon, the victims.

Unfortunately, the victims in the Oklahoma City bombing case are being categorically excluded from both watching the trial and providing victim impact testimony. Thus the victims are faced with an excruciating dilemma: If they sit outside the courtroom during the trial, they may never learn the details of how the justice system responded to this horrible crime. On the other hand, if they attend the trial, they will never be able to tell the jury the full extent of the suffering the crime has caused to them and to their families.

I do not believe that current law thrusts this painful choice upon victims in this country. However, recent court rulings reveal the need to clarify and even hone existing law. That is exactly what Congress is doing by passing the Victim Rights Clarification Act of 1997.

This important legislation will:

Clarify that a court shall not exclude a victim from witnessing a trial on the basis that the victim may, during the sentencing phase of the proceedings, make a statement or present information in relation to the sentence.

Specify that a court shall not prohibit a victim from making a statement or presenting information in relation to the sentence during the sentencing phase of the proceedings solely because the victim has witnessed the trial.

Just as importantly, the Victim Rights Clarification Act will not:

Apply to victims who testify during the guilt phase of a trial.

Eliminate a judge's discretion to exclude a victim's testimony during the sentencing phase that will unfairly prejudice the jury. Specifically, the legislation allows for a judge to exclude a victim if he or she finds basis—independent of the sole fact that the victim witnessed the trial—that the victim's testimony during the sentencing phase will create unfair prejudice.

Attempt to strip a defendant of his or her constitutional rights.

Overturn any final court judgments.

My cosponsors and I worked together to pass this legislation within a timeframe that could benefit the victims in the Oklahoma City bombing cases.

Our final legislative product, however, will not only assist the victims in the Oklahoma City bombing case, but crime victims throughout the United States.

In response to real people, real problems and real pain, Congress has demonstrated its ability to find a real solution—the Victim Rights Clarification Act of 1997.

Mr. HATCH. Mr. President, I rise today to speak briefly in support of H.R. 924, the Victims' Rights Clarification Act of 1997. A companion to this bill was introduced this past Friday by Senator NICKLES as S. 447, which is cosponsored by Senator INHOFE, myself, Senator LEAHY, and Senator GRASSLEY. I was proud to be an original cosponsor of this vital bill because it advances the rights of crime victims in the criminal justice process. This bill will ensure that victims of a crime who may be victim-impact witnesses at the sentencing phase of a trial are able to attend that trial and still testify at sentencing.

Mr. President, too often the victims of crime seem to be forgotten as the wheels of justice turn. In a sense, they are victimized twice—first by the criminal, and then by a justice system that too frequently treats them as irrelevant to the administration of justice.

This legislation clarifies that the victims and survivors of crime who might present testimony at sentencing about the effects of the defendant's act should not be prevented from observing the trial. It also clarifies that, conversely, observing the trial is not grounds for excluding a victim or survivor from presenting impact testimony at sentencing. In 1991, the Supreme Court ruled in *Payne* v. *Tennessee* [501 U.S. 808] ruled that victims and survivors may be given the right to provide testimony at sentencing about the victim and the impact of the crime on the victim's family. Since then, Congress has ensured that the Federal Rules of Criminal Procedure provide this right to victims of violent crimes when the defendant is tried in federal court.

Recent court decisions have made it evident that some clarification of this right is badly needed. These decisions have excluded from trials victims and survivors who might give impact testimony at sentencing.

Generally, witnesses may be excluded from viewing a trial until they have testified. The rationale for this rule, known as the rule on witnesses and embodied in rule 615 of the Federal Rules of Evidence, is the need to prevent witnesses from collaborating on their testimony, as well as the need to prevent each witness from shaping his or her testimony to the testimony that already has been presented. Those rationales do not apply, however, when victims testify at sentencing about the effect of the crime on their own lives. As a result of this bill, victims and survivors will be permitted to observe the trial and still testify about the effect of the crime on their lives, without running afoul of the policy underpinnings for excluding witnesses from viewing a trial.

Another rationale for application of the rule on witnesses, and one that has been advanced to prevent victims from both observing the trial and presenting impact testimony, holds that a victim may testify only about the effect of the crime on his or her life, not about the effect of the trial on his life. But, Mr. President, for the victim the trial is one of the effects of the crime and becomes forever a part of the victim's life.

Remember, this amendment deals only with victim impact testimony. By that point in the process, the defendant already has been convicted. In my view, it is not unfair for the law to treat the effect on a victim of viewing a trial as part of the effect of the crime, since the trial is a proximate, reasonably foreseeable consequence of the commission of a crime. As the result, a victim should be free to see the trial and still give victim-impact testimony at sentencing.

This bill will ensure that victims of crimes have an opportunity to alleviate some of their suffering through witnessing the operation of the criminal justice system. Moreover, this bill will accomplish this salutary result without having forced upon them the cruel choice of observing the trial or giving impact testimony at sentencing. Indeed, the bill before the Senate is a significant improvement over the legislation originally introduced in the other body because, unlike the original House bill, it specifically ensures that victims have the right both to attend the trial and provide impact testimony at sentencing. The opportunity to do both is critical to providing closure to victims and ensuring justice for victims, as well as defendants and society.

Mr. President, this provision is not controversial. I hope that it can be passed by the Senate and sent to the President for his approval without delay.

Mr. INHOFE. Mr. President, I am pleased to join my colleagues, Senators NICKLES and LEAHY in getting through the Senate H.R. 924, the Victim Allocution Clarification Act. This is an important issue for victims and their families of the Murrah Federal Building bombing. Clearly, we would not have been able to get this through unless there was widespread support for clarifying congressional intent with respect to the rights of victims and their families.

Although the Victims Rights and Resolution Act of 1990 provided that victims have the right to be present at all public court proceedings, it conditioned that on a court determination that the testimony by the victim would not be materially affected if the victim heard other testimony at the trial. Recent courts decisions have held that victims cannot attend the trial and submit a victim's impact statement. H.R. 924 clarifies congressional intent by allowing the victim and their family to both attend the trial and submit a statement during the sentencing phase.

I believe this language has reached a delicate balance between protecting the rights of the victims while maintaining the constitutional protections of the defendant. As noted by Senator NICKLES, it is critical that we pass H.R. 924 before the trial in the Oklahoma City bombing case begins on March 31. I appreciate the efforts of all involved in getting through the Senate and House expeditiously.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 924) was deemed read a third time and passed.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator LEAHY from Vermont. We have done something rather unusual. We worked together in a very bipartisan fashion to do some good work, and we did it very quickly. It is not often that Congress passes legislation this quickly, and we did so.

Also, I want to thank Senator DASCHLE and Senator LOTT because we wanted to expedite this. We would like to get it to the President before he leaves the country today. This trial happens to start on the 31st of this month.

I might mention that this is the third piece of legislation that we have passed that deals directly, or has had some impact, I guess, as a result of the Oklahoma City bombing. Last Congress, we passed legislation dealing with habeas corpus reform, one of the most significant improvements, I think, in our statutes dealing with criminal law in a long time. We wanted to have an end to endless appeals. I think the Oklahoma City tragedy gave us great momentum to make that happen. I remember several of the victims coming to testify, urging Congress to enact a crime bill, but also urging Congress to enact habeas reform because they wanted to see justice soon rather than later.

We also passed legislation to allow closed-circuit TV so victims would not have to go all the way to Denver. I was disappointed the decision was made that the trial would be held in Denver. Originally, the judge said the people would have to attend to witness the trial. This trial could last for months. We passed legislation basically mandating that closed-circuit TV would be allowed in this case and, hopefully, other cases. Hopefully, we will not have other cases, but if we have another case that might be identical to this, the victims and their families would not have to travel several hundred miles just to be able to witness the trial.

Finally, we passed this legislation, this important legislation, to allow victims and their families to be able to witness a trial and also, if they desire, to be able to testify during the sentencing phase. This would not have happened if we did not have bipartisan support.

Again, I thank my colleagues for making it happen. I am delighted. On behalf of hundreds of Oklahoma City families who are directly impacted, we say thank you to both our colleagues in the House and the Senate for passing this legislation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

CAMPAIGN FINANCE REFORM NEEDED

Mr. CLELAND. Mr. President, I rise to speak on the floor of the U.S. Senate for the first time. I do so with mixed emotions. Following in the great tradition of this seat once held by such notables as Dick Russell and Sam Nunn, I am poignantly aware that freshman Senators should be seen and not heard. However, there is an issue building in this country which I feel obligated to comment on and regarding which I can no longer remain silent. This is the issue of reforming the way we finance our political campaigns at the Federal level, particulary seats in the U.S. Congress, and especially seats in the U.S. Senate.

There are many other issues facing our Nation to which we are all compelled to pay time and attention: issues such as eliminating the Federal deficit, taking care of those who have served this Nation in the Armed Forces, caring for our elderly and our young, improving our environment, and recommitting our educational system to excellence. However, as important as these issues are, in my opinion, they are all secondary to the basic issue before us—the need to recapture the public's faith in our democratic processes and our democratic institutions. Without that faith, all of these other endeavors will be undermined.

Confucius, the noted Chinese sage, once wrote that there were three things that make up a great nation: First, a strong defense; second a vigorous economy; and third, the faith of people in their government. Confucius noted that a great nation might do without a strong defense, or that a great nation might be able to do without a vigorous economy, but, Confucius noted that a great nation could not remain great without the faith of the people in their government.

Mr. President, I am committed to supporting programs and plans for a strong defense for our Nation. I serve on the Senate Armed Services Committee with great pride and a sense of awesome responsibility in this regard. I also am committed to a vigorous economy, and to upgrading the quality of education in America, in particular to creating hope for all of our qualified youngsters that they will have an opportunity to go to college or to receive vocational training. In furtherance of this objective, I am a cosponsor of S. 12, a program designed to provide a $1,500 tax credit and a $10,000 tax deduction to working families so they can see their children achieve the American dream. But I am especially committed to doing those things which we need to do to enhance the faith of people in this country in their own Government by cleaning up the campaign finance mess.

When I first came to Washington as a young college student in the fall of 1963, I was inspired by President Kennedy to get involved in public service. I especially enjoyed meeting and learning from Members of the Senate. I can vividly recall personal meetings with Senators Russell and Talmadge from Georgia, and a young Senator from West Virginia named ROBERT C. BYRD. In those days, my heart was stirred to devote my life to politics.

Many of us in this Chamber today got our first taste of politics in the early sixties. For me, that introduction was a positive one.

However, when I was sworn in here on the Senate floor on January 7 of this year, I could not help but think how differently our current leaders and our current institutions are perceived by today's public, especially our young people. I do not believe that our leaders or our institutions are of lesser caliber that those of my youth, but something has obviously gone wrong. We in public office today face a hostile and cynical public, quite willing to take the worst possible reports about us and believe them instantly. One of the reasons for this attitude toward our public officials, I think, is the constant money chase that U.S. House and U.S. Senate campaigns have become. Additionally, when this money is spent on 30-second character assassination ads which have become the staple of American politics, can we expect our public to truly speak highly of us?

I believe the single most important step we can take in the Congress this year in restoring public confidence and faith in our democracy is to enact meaningful campaign finance reform. This is not a problem for Democrats. This is not a problem for Republicans. It is a problem for us all. We must act together in a bipartisan manner to clean up a system which has gotten completely out of control and which undermines both the operation and reputation of our entire national Government.

Throughout my early days in this body, I and all of my colleagues have been under a constant barrage of reports of campaign financing improprieties in the 1996 elections. I feel very strongly that our current campaign system has become a national embarrassment.

Will Rogers said back in the 1930's that, "Politics has got so expensive that it takes lots of money to even get beat with." How true that is, especially today. In the 1960's a Georgia politician remarked, "The only thing tainted about political money is that it 'taint mine and 'taint enough."

The American public isn't laughing anymore. They are demanding a change in the attitudes of politicians on the question of campaign fundraising. We currently have a political system which is drowning in money and rife with real and potential conflicts of interest. Simply stated, we have too many dollars chasing and being chased by too many politicians too much of the time.

This unseemly money chase has taken its toll in terms of public confidence. The election year of 1996 witnessed both a record high in the amount of money spent in pursuit of Federal office—a staggering $800 million—and the second worst voter turnout in American history! In 1996, 10 million fewer voters went to the polls to cast their ballots in that Presidential year than went to the polls 2 years earlier. What's wrong with this picture? Some $220 million was spent on Senate races alone. In my Senate race in Georgia, I raised and spent some $3.5 million, but was outspent by a multimillionaire who spent over $10 million running for the Senate seat—$7 million of which was his own money. Is it any wonder that more and more of our citizens see that there is a for sale sign on more and more public offices in America? If we don't bring about reform of this process, limit expenditures, and establish rules for everyone to play by, the average citizen will have less and less chance to serve in this body or run for public office. Senator DASCHLE predicts that at the current pace of the money chase, in only 29 years the average Senate race will cost $143 million.

This is insanity.

We cannot allow the Congress of the United States, especially the U.S. Senate, to become a millionaires' club dominated by the rich and run by the powerful special interests. This system continues to take its toll on this body as the money chase continues. The exodus of distinguished, veteran legislators who have voluntarily departed from the U.S. Senate in the last 2 years is at an historic level. Even in my first 2 months in the Senate, I have seen noted Republican and Democratic legislators like DAN COATS, JOHN GLENN, and WENDELL FORD announce their retirement from this body partially because of the frustration of spending the next 2 years doing nothing but raising money for their upcoming campaign. Senator FORD spoke the thoughts of many when he said on his retirement:

> The job of being a U.S. Senator today has unfortunately become a job of raising money to be reelected instead of a job doing the people's business. Traveling to New York, California, Texas, or basically any State in the country, weekend after weekend for the next 2 years is what candidates must do if they hope to raise the money necessary to compete in a Senatorial election. Democracy as we know it will be lost if we continue to allow government to become one bought by

the highest bidder, for the highest bidder. Candidates will simply become bit players and pawns in a campaign managed and manipulated by paid consultants and hired guns.

The essential first step in repairing the current system is passage this year of S. 25, the bipartisan McCain-Feingold campaign finance reform bill. I am very proud to be an original cosponsor of this proposal. It was the very first piece of legislation I attached my name to as a U.S. Senator. Briefly outlined, the bill would: ban soft money contributions to national political parties; ban contributions by political action committees to Federal candidates; establish voluntary spending limits, including limits on personal spending, and require that at least 60 percent of funds be raised from home State individuals for Senate candidates; provide candidates who abide by these spending limits with limited free and discounted television time and a discount on postage rates; require greater disclosure of independent expenditures; and prohibit contributions from those who are ineligible to vote in Federal elections, including non-American citizens.

Mr. President, the best endorsement I can think of for this measure is that had McCain-Feingold been in effect for the 1996 elections, we would not now need to divert our attention away from the many serious problems facing our country in order to devote time and energy toward the investigation of campaign finance abuses. I serve on the Governmental Affairs Committee which will be conducting this investigation. I fully support the purposes for which this investigation is intended, but I'm saddened it has to be undertaken in the first place. I only hope that this effort will result in meaningful campaign finance reform this year.

After we pass McCain-Feingold, we will need to turn to additional reforms in order to further improve our electoral process. I am working on legislation which would strengthen the Federal Election Commission. The proposal would do several things: Alter the Commission structure to remove the possibility of partisan gridlock; eliminate current restrictions on the Commission's ability to launch criminal investigations, and to impose timely, and effective penalties against violations of campaign law; and mandate electronic filing of all reports.

In addition, my proposal would expand the free air time provisions of McCain-Feingold in order to help level the playing field for challengers, and attack the single biggest factor in driving up campaign expenditures—expensive television costs. Finally, I am looking for methods to effectively enforce a shorter timeframe for the conduct of campaign-related activities.

Strengthening enforcement, expanding public access to information about candidates and their ideas, and reducing the length of the campaign season will, in my judgment, build upon the solid foundation which I hope we will create when we enact S. 25.

We have important work ahead, and often times there will be legitimate partisan, philosophical, and regional differences of opinion which should be voiced and acted upon. However, we have a shared interest, as Senators, but more importantly, as American citizens, in always acting to enhance the respect our citizens have for our great country and our democratic institutions, especially this body.

In that spirit, and with that commitment, I urge my colleagues to join in the cause of mending our broken campaign finance system. Let us create a new campaign finance system which instills public confidence rather than undermines it, and aids the governing process rather than hinders it.

President Grover Cleveland was right: "A public office is a public trust." The current money chase we all engage in is severely eroding that trust. We must act to change a campaign finance system that is broken, or continue to see good men and women from all walks of life and from all political persuasions broken by it.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. FEINGOLD. Will the Senator yield for a brief comment?

Mr. BROWNBACK. Just for a brief comment. I have a limited period of time.

CONGRATULATIONS TO SENATOR CLELAND ON HIS MAIDEN SPEECH

Mr. FEINGOLD. I thank the Senator. All I wanted to do is be the first to congratulate the Senator from Georgia on his first speech as a Member of this body. I can't tell you how delighted we all are to have the Senator from Georgia here. The Senator from Georgia ran a tough race. I know the Senator from Georgia has run other races before.

The people of Georgia know well that the Senator from Georgia did not come to this campaign finance reform issue in the last few weeks, or just after the revelations of the last election. The Senator from Georgia has been a leader in Georgia and in the country for years in authoring and considering and moving forward the issue of campaign finance reform. I can't think of anything that made me happier than when the Senator from Georgia said his first bill would be to cosponsor our bipartisan effort. On behalf of my colleagues and myself, it is a great moment in the Senate to have the Senator from Georgia join us and to hear his first speech.

Mr. WELLSTONE. Mr. President, I wonder if I may have 30 seconds.

Mr. BROWNBACK. Yes.

Mr. WELLSTONE. Mr. President, I echo what my colleague from Wisconsin has said. I believe, I say to the Senator from Georgia, that when we pass the reform bill in this Congress—and we must and we will—the words uttered in the Senator's first speech on the floor of the Senate will be remembered and will be part of a good piece of history in this country. I thank my colleague from Georgia, and I thank the people from Georgia for sending him here.

Mr. BYRD. Mr. President, will the Senator yield for a brief comment? I ask unanimous consent that he retain his right to the floor and that the time consumed by me and by the two Senators preceding me not come out of the Senator's time.

Mr. BROWNBACK. I am happy to yield for a minute, if I could please, sir.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I join with others of my colleagues in complimenting the distinguished Senator from Georgia on his maiden speech.

It used to be, Mr. President, that when a new Senator came to this body, he waited several months before he spoke. Then when he made his maiden speech, other Senators who had been notified that he was going to make a speech would come to the floor and gather around him and listen to his speech. In those days we did not have the public address system. So Senators generally moved toward the desk of the Senator who was speaking so they could hear him better.

I have enjoyed listening to the distinguished Senator. He comes here today as someone who is fresh off the campaign trail. I am sure that what he has had to say is something of importance, and I hope it will be read by our colleagues. He comes in the great tradition of Senators from Georgia. When I first came to Washington as a new Member of the Congress, we had Senator Walter George in the U.S. Senate, and Senator Richard Russell, who was my mentor in many ways, and it was I who introduced the resolution to name the old Senate Office Building in honor of Senator Richard Russell. Of course, there was also Sam Nunn, who followed in Senator Russell's footsteps.

I congratulate the distinguished Senator. He is a true American hero. I know that he will be an outstanding Member of this institution. I congratulate him.

I hope that all Senators will take note of what Senator CLELAND has said in his speech today. It will be well worth their time to read that speech.

I thank him.

And I thank the distinguished Senator from Kansas.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I want to recognize and congratulate the Senator from Georgia for joining the body. I am joining him on his first maiden speech.

I also thank the Senator from West Virginia for educating and sharing with us some of the culture and the history of the U.S. Senate, which I think is always beneficial for us to have and to be able to share with the American people the history, the ability, and the nature of this body as it was set up by the Founding Fathers and which has been maintained with most of its integrity since that time and age of what they set forward.

I think it is always positive for us to know the history and the nature and why we serve and how we should serve.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his very kind and overly charitable remarks.

Mr. BROWNBACK. They are not overly charitable at all.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 471 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Florida.

Mr. GRAHAM. Mr. President, first, I wish to add to the remarks that have been made this afternoon in recognition of the first speech given as a Member of the U.S. Senate by our new colleague, the Senator from Georgia. He has represented this Nation with great distinction throughout his life, and we are gratified that he has now joined us in the Senate. I am confident that the remarks he made a few minutes ago will be illustrative of the contributions he will make throughout his Senate career. I am proud to call him a friend and colleague.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Ms. Delia Lasanta, a fellow in our office, be allowed privileges of the floor during consideration of the legislation that I will be introducing this afternoon with my friend and colleague, the Senator from Idaho [Mr. CRAIG].

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAHAM and Mr. CRAIG pertaining to the introduction of S. 472 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Missouri.

COMMUNICATIONS DECENCY ACT

Mr. BOND. Mr. President, I rise today to join with a number of my colleagues to say there was a very important argument in the Supreme Court today over the constitutionality of the Communications Decency Act, which we passed last year. You will recall that we passed a bill to make it difficult to communicate pornography to children. The day it was passed and signed, the American Civil Liberties Union jumped in to say it was unconstitutional. I'm sorry, but I think the ACLU has it all wrong. I was very pleased to be one of a group of Senators, including the occupant of the Chair, who signed a brief in support of Congress' effort to impose reasonable regulations and restrictions to prevent the worst form of pornography from reaching our children.

Congress can regulate speech when there is a compelling reason. That has been clear. That has been held constitutional in many instances, and I suggest that there is no more compelling need than to protect our children and future generations from exposure to explicit pornographic pictures and messages, and from the people who send them.

The government, both the Federal Government and State and local governments, have engaged in efforts to regulate pornography. We regulate media available to children such as the sale of books and magazines, the viewing and sale of films, the use of telephone services to communicate adult messages, and the broadcast media. So, this has been done and it has been done for a very good and I believe a very compelling reason. The standard put forth in the Communications Decency Act is even more stringent than that, in terms of the limitations of it. The constraints are more severely limited than the constraints on the broadcast media. We have tightened up the definitions and made the ban much narrower.

The Internet is clearly the latest means of communications. Any of us who have children knows how readily accessible the Internet is. If you are like I am, when you have a computer problem you ask your child how to fix it, because the children know how to make it work. My forehead still breaks out in perspiration and my hands shake when I try to send e-mail. But the kids can not only send the e-mail for you, they can tell you how to send it, fix the problems on it, and make things happen. We want to make sure that what they do not make happen is that they get access to things that are now banned to them through adult book stores, through broadcast media, through telephone communications. They should not be subject to the deviants, the pornographers, the child molesters who want to use the Internet in an interactive way to get access to our children.

There are, unfortunately, an abundance of examples of where perverts have used Internet communications to communicate with and to lure young children to locations away from their homes. They have used pornography as a tool. Not only have they polluted children's minds with this pornography, but they have used it as a tool for their own, very sick purposes.

In Louisville, I know there was a 12-year-old girl who was sent a bus ticket and left home without her parents knowing about it. These examples have happened time and time again. I believe this Congress had every right to say it is OK for adults to communicate anything they want but you cannot be sending material to children that is pornographic. You cannot be putting pornographic information on the kiddie chat rooms.

Contrary to what the ACLU will tell you, the Communications Decency Act does not ban speech or interrupt the free exchange of ideas. There is technology available that can keep children from gaining access to it. And if it takes a pornographer a little more difficulty to communicate pornographic materials to another consenting adult, so they do not get the information before children, I am not going to lose any sleep over it.

There is every reason that we can, under the Communications Decency Act, continue to use the Communications Decency Act for communicating medical information, discussing literature—these are not banned. If the purpose is getting pornography, for pornographic purposes or even personal whims of those who communicate it, to children, that the Communications Decency Act bans.

I think this should be upheld. I am proud to be one of the signers of the brief and we will all be watching to see this very important case resolved by the U.S. Supreme Court.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

THE BUCK MUST REST SOMEWHERE ELSE

Mr. COATS. Mr. President, yesterday, I took the floor to detail what I thought was an extremely disturbing and very potentially abuse of Executive power of the White House to improperly influence the outcome of the American Presidential election. As part of that chronology of events of information that we now know that has been printed and that we are aware of, I detailed the situation relative to the latest scandal that has been reported in the press, and that involves Mr. Lake, former National Security Adviser to the President, an individual nominated for the job as Director of the CIA.

Mr. Lake, as we all now know, withdrew his name from consideration the day after a major story broke about a problem involving the Democratic National Committee, the Central Intelligence Agency, the National Security

Council, and the fundraising operation of the White House. I think this is probably the most damaging, or at least one of the most damaging allegations relative to the entire fundraising efforts by the Democratic Party for this last election. We now know that the Central Intelligence Agency was used by the Democratic National Committee to encourage access to the President by an individual who is an international fugitive and was a major donor to the Democratic Party.

The administration, in response to Mr. Lake's withdrawal, indicated that it was the confirmation process by members of the Intelligence Committee that is at fault in the withdrawal of the Lake nomination. The fault, Mr. President, I suggest, lies elsewhere. The Lake nomination was eventually undermined because Mr. Lake was forced to operate, or at least chose to operate or was forced to operate, in the very center, the very heart of a political fundraising machine whose abuses are revealed to us each day as we pick up the paper in the morning.

The White House blames partisan Republicans, and yet a major story in the New York Times today, titled "Leading Democrat Tells of Doubt of CIA Nominee, White House Was Warned, Senator KERREY's Reservations May Have Persuaded Lake Not To Fight the GOP," hardly speaks to a partisan effort to dethrone Mr. Lake.

Legitimate questions were asked of Mr. Lake of what his role was as National Security Adviser to the President in terms of clearing certain individuals to come to the White House for various favors, coffees, Lincoln Bedroom stays, et cetera, and, on several occasions—at least two that we know of—the National Security Council issued very direct reservations and, in fact, warnings about certain individuals who, nevertheless, attended more than one meeting at the White House.

Mr. Lake's response was that he essentially was out of the loop; he did not know what was going on. Legitimate questions were raised: If you did not know what was going on with a 150-member staff that went to the very essence of the Presidency, of who sees the President, of what the involvement of these individuals is relative to fundraising for the election, if you are not aware of that going on, how are you possibly going to manage a multithousand-member agency with 12 separate divisions as important to the security of the United States as the Central Intelligence Agency?

So even though the White House blamed partisan Republicans, we now know that the vice chairman of the Intelligence Committee had raised his own concerns about Mr. Lake's qualifications and what his role was and the role of the National Security Council in terms of all this fundraising morass that the administration is caught up in.

Mr. President, fortunately, publications that are following the story are not buying the White House response. The New York Times editorial today states:

> In the end, Mr. Lake was undone by Mr. Clinton's reckless 1996 election campaign and the failure of top White House officials, including Mr. Lake, to insulate American foreign policy from fundraising efforts.

That is an extraordinary statement, Mr. President, and I want to repeat it. The New York Times editorial today refuting the White House response to Mr. Lake's withdrawal from nomination to be CIA Director, states:

> In the end, Mr. Lake was undone by Mr. Clinton's reckless 1996 election campaign and the failure of top White House officials, including Mr. Lake, to insulate American foreign policy from fundraising efforts.

Jim Hoagland, in today's Washington Post, states:

> [Lake] is not a victim of the system but of the President he served. His angry words try to obscure an embarrassment and the true dimension of one more political fiasco at the Clinton White House. One more close Clinton associate is badly damaged while the President cruises on with high but flagging approval ratings.

To continue:

> The system that did in Tony Lake is the one that allowed the fundraisers to trump Lake's staff repeatedly over access to the White House.
>
> In Washington the system is people—people who are supremely attuned to the wishes, needs, and whims of the boss. If Roger Tamraz, Chinese arms supplier Wang Jun, Thai trade lobbyist Pauline Kanchanalak and the others made it into the White House, it is ultimately because Bill Clinton communicated, in one form or another, that he did not want tight screening of campaign contributors. In the end, Tony Lake paid the price for Clinton's need not to know.

That from today's Washington Post. Then, finally, Maureen Dowd in the New York Times states:

> Although Mr. Lake's "haywire" line got all the attention—

That is referring to a process "gone haywire" that Mr. Lake stated—

> it was another sentence in his letter that provided the real reason for his withdrawal.

Quoting Ms. Dowd:

> In addition, the story today about the activities of Mr. Roger Tamraz is likely to lead to further delay as an investigation proceeds.

Maureen Dowd goes on to state:

> Mr. Lake would have had a tough time explaining why he was missing in action while the Democratic Party tried to use the CIA to pressure Mr. Lake's office to help get an accused embezzler and big donor access to the White House. The cold war might be over, but don't these agencies have something better to do than vet global hustlers and fat cats?
>
> Sheila Heslin, an NSC Asia expert with a regard for ethics unusually high for the Clinton White House, offered to shield the President from the notorious Roger Tamraz. But like the ubiquitous Johnny Chung, who also got into the White House despite tepid NSC warnings, Mr. Tamraz had his run of the people's house.
>
> So that's why Tony Lake pulled out:

She concludes—

> He was not Borked. He was Tamrazzed.

Mr. President, former President Harry Truman had on his desk a sign that said, "The buck stops here." Unfortunately, it seems that the sign posted throughout the White House and throughout this administration is "The Buck Must Rest Somewhere Else; It Sure Doesn't Stop Here."

Mr. President, we have a very serious situation before us. We have allegations, backed by substantial evidence, that the executive power of the White House was abused to improperly influence the outcome of an American Presidential election. We have serious questions about foreign governments' involvement at invitation by the Democratic Party and the Clinton administration, involvement in helping corrupt American elections. We have serious allegations, backed by considerable evidence, that the privilege of American citizenship has been distorted and undermined to serve the President's reelection. And now we are forced to ask, were American intelligence services manipulated by this administration as part of this fundraising machine?

All of this, Mr. President, speaks for the need for independent counsel, speaks for the need to move this process outside of the Congress because clearly the administration has taken the position that whatever is said by this Member or any other Member of the Republican Party is simply partisan politics, that everything that happens is directed from a partisan basis.

What we are trying to get at here, Mr. President, is the truth. What we are trying to do is examine what statutes were violated, trying to examine what ethics rulings were violated, trying to impose some standards on the way in which we conduct elections in this country and the way in which the White House is viewed and held by occupants of that White House and what its purpose should be.

Mr. President, for that reason, I supported the resolution to call for an independent counsel. I would hope that the Attorney General would pay close attention to the recently passed Senate resolution in that regard. I think these are serious issues and they must be addressed.

Finally, let me just say that the practice of this administration and this President of simply saying, the process is corrupt, that the Congress is partisan, that all of this has to do with politics and none of this has to do with ethics and legal violations, that that is a lame excuse and removal from accountability and responsibility that we expect in the leadership of this country.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank the Senator from Indiana for bringing together for us what is a perplexing issue.

I had watched from afar, because I am not a Member of the Intelligence Committee, the process of the interviewing of the nominee, Tony Lake. While I know there was considerable controversy and an unwillingness on the part of this administration to send forth the full FBI file, that was really the only argument I ever heard. Finally some of that file came, but certainly not all of it did, nor was there ever full disclosure.

Yet on the evening news last night I watched a very indignant President talking about the corruption of the procedure. And nowhere during all of this did I understand that there was any corruption, only a request for knowledge, for information to decide whether the No. 1 intelligence officer of this country was eligible to serve in that position.

The Senator from Indiana has told us the rest of the story. And the rest of the story is that Tony Lake is a refugee of this administration's mispractices, if not illegal acts. He is not a refugee of this Congress' failure to act, because we were doing what is our constitutional responsibility.

I, too, today voted for an independent counsel. Two weeks ago I called for an independent counsel, as I think most of us were growing to believe that anything we did here would be either tainted by the opposition or tainted by the media as somehow a partisan act.

What the Intelligence Committee of the Senate did was not partisan. It was constitutional. It was responsible. What the President did in his "mea culpa, mea culpa" last night was the first to the altar of the sinners to say "not I" when in fact the stories are now pouring out that somehow the process was corrupted and that Tony Lake, as an instrument of that process, grew corrupt along with it.

Just because the great Soviet empire and communism as a sweeping rave of "isms" around the world seems to be on the rapid decline, is foreign policy and the integrity of foreign policy in our country any less important? I would suggest that it is not.

When foreign countries wish to influence the most economically powerful country in the world for purposes of commerce or access to its decisionmaking, that in itself is of concern. And it has to be this Congress that understands that and this President that understands that and in no way allows foreign policy, decisionmaking, or any part of that process to be biased by undue influence. And yet day after day, now almost hourly, the stories pile up. Tony Lake is now part of that story.

Janet Reno must step aside from what appears to be at this moment a gross conflict of interest and do what is her statutory responsibility, and that is to appoint an independent counsel. Then let the chips fall where they may. And I do not know where they will fall. And I do not think the Senator from Indiana knows.

We are talking about allegations, allegations that were first launched, not by a politician, but by the media itself. It was an article in the Los Angeles Times back in the latter days of the last campaign that argued that somehow there appeared to be an issue of corruption or an issue of compromise or an issue of illegality as it relates to how this administration, most importantly, this President and his Presidential campaign had raised money.

Now Janet Reno, do your job. Call the independent counsel. Get on with the business of ferreting out whether there were illegal acts involved in the corruption of or the compromise of this President and this President's foreign policymaking.

And, thank goodness, through all of the winnowing process Tony Lake is now out of the picture and we can get on with the business of reviewing nominees who can meet the test of integrity and legitimacy in conducting what is still a very important part of this country's affairs, and that is our intelligence-gathering network, the eyes and ears of a government who is responsible for conducting the foreign policy of a nation that still remains critical to the security of our country and our financial and economic wellbeing.

I thank my colleague from Indiana for so clearly pointing these issues out. I yield back my time.

Mr. COATS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. We are in morning business until 3 o'clock, with a 5-minute limitation.

Mr. BYRD. Mr. President, I will need more than 5 minutes. May I ask the distinguished Senator from Nevada, does he wish to speak?

Mr. BRYAN. Mr. President, if I might respond, the Senator from Nevada needs about 5 to 6 minutes, but if that inconveniences the Senator from West Virginia, I am happy to wait. Whatever the Senator wishes.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent I may yield to the Senator from Nevada for not to exceed 5 minutes, without losing my right to the floor.

Mr. BRYAN. I appreciate that. That would accommodate the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, let me preface my remarks by acknowledging the courtesy from the senior Senator from West Virginia. I appreciate his courtesy in allowing me to make a floor statement for a period not to exceed 5 minutes.

HOMEOWNERS' PROTECTION ACT OF 1997

Mr. BRYAN. Mr. President, yesterday in the Senate Banking Committee American consumers were dealt a major setback. The committee was expected to vote out legislation that would have ended a practice that costs hundreds of thousands of homeowners millions of dollars per year.

The Banking Committee was scheduled to vote out S. 318, the Homeowners' Protection Act of 1997 which is sponsored by Senators D'AMATO, DODD, DOMENICI, and myself. This bill would outlaw the practice of overcharging homeowners for private mortgage insurance they no longer need.

Unfortunately, Chairman D'AMATO was forced to cancel the markup because a number of Members put the interest of a small, yet highly profitable, industry over the public's interest. To make matters worse, this industry is clearly taking advantage of millions of Americans in an unconscionable manner.

The opponents of Chairman D'AMATO's legislation argue that the bill places too heavy a burden on this one industry. I do not share their opinion and believe the interests of millions of American homeowners should be put ahead of an industry that is clearly taking advantage of these same homeowners.

Those protecting the industry need to heed the advice of one of their colleagues, Congressman JAMES HANSEN. Let me share from Congressman HANSEN's observations:

> As a small businessman for most of my life . . . I have learned that if an industry polices itself, the government should not interfere. I firmly believe that the government should stay out of the private marketplace. However, when an industry does not follow even its own guidelines, I believe it is our responsibility to draw that line.

Now that comes, Mr. President, from one of our more conservative colleagues who serves in the other body.

I commend Chairman D'AMATO for his leadership in introducing this important legislation that will affect millions of homeowners. Let me indicate how important that is and how many people are affected.

In 1996, of the 2.1 million home mortgages that were insured, more than 1 million required private mortgage insurance. One industry group has estimated that at least 250,000 homeowners are either overpaying for this insurance or paying when it is totally unnecessary. At an average monthly cost of $30 to $100, unnecessary insurance premiums are costing homeowners thousands of dollars every year.

Now, clearly, private mortgage insurance serves a useful purpose in the initial mortgage lending process. It enables many home buyers who cannot afford the standard 20-percent downpayment on a home mortgage to achieve a dream of home ownership. While private mortgage insurance protects lenders against default on a loan, there comes a time when that protection afforded to the lender becomes unnecessary, and the point, it seems to me, is reached when the homeowner's equity investment in the residence gives the lender sufficient assurance against default.

The comfort level generally within the industry has been 20 percent. So it stands to reason that PMI is not necessary for risk management and prudent underwriting procedures once the homeowner has reached the 20-percent equity mark. Therefore, borrowers who amass equity equal to 20 percent of their homes' original value should be treated in the same way as borrowers who are able to make a 20-percent downpayment or more at the outset of the loan.

The Homeowners' Protection Act of 1997 would ensure that existing and future homeowners would not continue to pay for private insurance when it is no longer necessary. Specifically, this legislation would inform the borrower at closing about private mortgage insurance and outline how the servicer of the loan will automatically cancel the mortgage insurance, assuming the transaction is not exempt from cancellation when the loan balance reaches 80 percent of the original value.

Mr. President, there is no doubt that private mortgage insurance is an important tool in the American system of mortgage finance. However, retaining private mortgage insurance beyond its usefulness to the homeowner is a practice that should be ended. The Homeowners' Protection Act will prevent present and future homeowners from paying for private mortgage insurance that is no longer needed. This proposal will end the unfair practice and protect the consumer.

This legislation is supported by almost every consumer group, but also leading industry groups such as the American Bankers Association, the National Association of Realtors, and the National Association of Homebuilders.

I urge my colleagues to move forward on this important piece of consumer legislation and put the industry's objections below the overriding public interest. We must lift this unfair burden from American homeowners.

I thank the Chair. I thank my senior colleague from West Virginia for his courtesy. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

COMMISSION TO ELIMINATE THE TRADE DEFICIT

Mr. BYRD. Mr. President, I am pleased to join with the distinguished Senator from North Dakota, Senator DORGAN, in introducing an ambitious new effort on the matter of our nation's persistent and growing trade deficit. This legislation would establish a Commission to take a broad, thorough look at all important aspects of, and solutions to the growing U.S. trade deficit, with particular attention to the manufacturing sector.

The trade deficit, as my colleagues know, is a relatively recent phenomenon, with large deficits only occurring within the last 15 years. In the 1980's, the U.S. merchandise trade balance ballooned from a deficit of $19 billion in 1980 to $53 billion in 1983, and then doubled in a year, to $106 billion in 1984. Last year it stood at $188 billion, setting a new high record for the third consecutive year. Projections by econometric forecasting firms indicate long term trends which will bring this figure to over $350 billion by 2007. No one is predicting a decline in the near future. If we do nothing, within 2 years the merchandise trade deficit will equal the annual budget for national defense.

To reiterate, in 1996 the United States had the largest negative merchandise trade balance in our history, some $188 billion, and it is the third consecutive year in which the deficit has reached a new record high.

This legislation is committed to a goal of reversing that trend of the next decade. The goal of the commission is to "develop a national economic plan to systematically reduce the U.S. trade deficit and to achieve a merchandise trade balance by the year 2007.

While it is not clear what the particular reasons for this growing trade deficit may be, nor what the long term impacts of a persistently growing deficit may be, the time is overdue for a detailed examination of the factors causing the deficit. We need to understand the impacts of it on specific U.S. industrial and manufacturing sectors. Furthermore, we need to identify the gaps that exist in our data bases and economic measurements to adequately understand the specific nature of the impacts of the deficit on such important things as our manufacturing capacity and the integrity of our industrial base, on productivity, jobs and wages in specific sectors.

Throughout the 1980's, my own State of West Virginia literally bled manufacturing jobs. We saw the jobs of hardworking, honest West Virginians in the glass, steel, pottery, shoe manufacturing and leather goods industries—and other so-called smokestack industries—hemorrhage across our borders and shipped overseas. While economic development efforts in my State have commendably encouraged our businesses to refocus to help recover from those losses, the lack of knowledge about the causes and impact of our trade deficit leaves West Virginia, and the nation as a whole, at a disadvantage in the arena of global competition.

We debate the trade deficit from time to time. We moan about it. We complain about it. But, if we do not understand the nature, of the long-term vulnerabilities that such manufacturing imbalances create in our economy and standard of living, we are surely in the dark. It appears to me that debate over trade matters too often takes on the form of rhetorical bombast regarding so-called protectionists versus so-called free traders. This is hardly a debate worthy of the name, given the problems we are facing. It is not an informed debate. We are talking past each other, and in far too general terms. It has been more of an ideological exchange than a real debate, primarily because we have not had sufficient analytical work done on the data bearing on this problem. Neither side knows enough about what is really transpiring in our economy, given the very recent nature of these persistent deficits.

Certainly we know that the deficit reflects on the ability of American business to compete abroad. We want to be competitive. Certainly we know that specific deficits with specific trading partners cause frictions between the United States and our friends and allies. This is particularly the case with the Japanese, and is quickly becoming the case with China. It is clear that the trade deficit has contributed to the depreciation of the dollar and the ability of Americans to afford foreign products. Less clear, but of vital importance, is the relationship of the trade deficit to other important policy questions on the table between the United States and our foreign trading partners.

Attempts by the United States to reduce tariff and nontariff barriers in the Japan and China markets, which clearly restrict access of U.S. goods to those markets, have been crippled by the intervention of other, more important policy goals. During the cold war, the United States-Japan security relationship had a severe dampening effect on our efforts to reduce these myriad barriers in Japan to United States exports. The same effect appears to have resulted from our need for the Japanese to participate in our treasury bill auctions. This becomes a closed cycle—the need to finance the trade deficit with foreign capital, resulting in regular involvement of the Japanese Government in our treasury bill auctions, seems to dampen our efforts to push the Japanese on market-opening arrangements. Naturally, without reciprocal open markets, the trade imbalance remains exaggerated between the United States and Japan, prompting further need for Japanese financial support to fund the national debt. Of course, this is a vicious circle. Thus, some argue that the need for Japanese involvement in financing our national debt hurt the ability of our trade negotiators to get stronger provisions in the dispute settled last year over the Japanese market for auto parts.

Similar considerations appear to prevail in negotiating market access with the Chinese in the area of intellectual property. While our trade negotiator managed a laudable, very specific agreement with the Chinese in 1995 in this area, the Chinese were derelict in implementing it, leading to another high-wire negotiation last year to avoid sanctions on the Chinese, and to get the Chinese to implement the accord as they had promised. Again, it is unclear whether the Chinese will now follow through in a consistent manner with the implementing mechanisms for the intellectual property agreement belatedly agreed to in the latest negotiation. The highly trumpeted mantra about how the U.S.-China relationship will be one of, if not the most important, U.S. bilateral relationship for the next half century, has a chilling effect on insisting on fair, reciprocal treatment, and good faith implementation of agreements signed with the Chinese government.

The Chinese government has again recently reiterated its desire to become a member of the World Trade Organization and certainly her interest in joining that organization is a commendable indication of her willingness to submit to the rules of that organization regarding her trading practices. There is legitimate concern however, that insufficient progress has been made by the Chinese on removing a wide variety of non tariff discriminatory barriers to U.S. goods and services, as she committed to do in the 1992 bilateral Market Access Memorandum of Understanding [MOU]. Indeed, in the 1996 report by the United States Trade Representative entitled foreign trade barriers, the amount of material devoted to the range of such barriers on the part of China is exceeded only by the material on Japan, indicating that we have a continued persistent problem that needs serious attention along these lines.

It will only be when we truly understand the specific impacts of these large deficits on our economy, particularly our industrial and manufacturing base, that the importance of insisting on fair play in the matter of trade will become clear.

Finally, the legislation requires the Commission to examine alternative strategies which we can pursue to achieve the systematic reduction of the deficit, particularly how to retard the migration of our manufacturing base abroad, and the changes that might be needed to our basic trade agreements and practices.

These are the purposes of the Commission that Senator DORGAN and I have proposed in this legislation.

I commend the distinguished Senator from North Dakota for his studious approach to this question. He is as knowledgeable, if not more so, than certainly most other Senators, and perhaps any other Senators, as far as I am concerned, on this subject. I am pleased to join him in offering this proposal for the consideration of the Senate.

I hope that many of our colleagues will join us, and that we can secure passage of the proposal in the near future.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MERRICK B. GARLAND, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The Senate will proceed to executive session.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Merrick B. Garland, of Maryland, to be U.S. circuit judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, before we get to the specific discussion of the merits of Merrick B. Garland, let me make an important point. There have been some suggestions made that this Republican Congress is not moving as rapidly or as well as it should on judges, or at least last year did not move as well or as rapidly as it should have on judges.

With regard to judicial vacancies, the important point I would like to make before getting into factual distortions that are being made about the judiciary confirmation process is this. Federal judges should not be confirmed simply as part of a numbers game to reduce the vacancy rate to a particular level.

While I plan to oversee a fair and principled confirmation process, as I always have, I want to emphasize that the primary criteria in this process is not how many vacancies need to be filled but whether President Clinton's nominees are qualified to serve on the bench and will not, upon receiving their judicial commission, spend a lifetime career rendering politically motivated, activist decisions. The Senate has an obligation to the American people to thoroughly review the records of the nominees it receives to ensure that they are qualified and capable to serve as Federal judges. Frankly, the need to do that is imperative, and the record of activism demonstrated by so many of President Clinton's nominees calls for all the more vigilance in reviewing his nominees.

So I have no problem with those who want to review these nominees with great specificity. The recent allegations by my colleagues on the other side of the aisle and in the media that there is a Republican stall of judges is nothing short of disingenuous.

The fact is that last Congress under Republican leadership the Federal courts had 65 vacancies—as you see, the Federal courts had 65 vacancies—which is virtually identical to the number of vacancies—63—there were at the end of the previous Congress when the Democrat-controlled Congress was processing Clinton judges.

Historically speaking, this is a very low vacancy rate. In contrast, at the end of the 102d Congress, when Senator BIDEN chaired the Judiciary Committee and President Bush was at the White House, there were 97 vacancies—as you can see, back in the 102d Congress, 97 vacancies—in the Federal system for an 11.46 percent vacancy rate, nearly twice the vacancy rate than at the adjournment of the 104th or last Congress. That rate was, of course, 7.7 percent at that time.

The vacancies have risen since the end of Congress so that there are now 95 vacancies, or a vacancy rate of just over 11 percent. But a little perspective reveals that this is by no means a high level for the beginning of a Congress. In fact, it is far lower than the vacancy rates at the beginning of Democrat-controlled Congresses, like the 102d when the vacancy rate at the beginning of that Congress was 14.89 percent, and the 103d Congress at 12.88 percent. In the 104th, it was down to 8.27 and now it is 10.07.

Moreover, we just reported two judges out of the committee this past Thursday—Merrick Garland for the DC circuit and Colleen Kollar-Kotelly for the DC district court. We had a hearing on four judicial nominees just yesterday. I hope that will put to rest any of the partisan allegations that have been seen deployed about delaying tactics to hold up nominees.

In fact, this is the most prompt reporting of judges to the floor in recent Congresses. When the Senate was under the control of the other party, the first hearing on judicial nominees in the new Congress was typically not held until mid-March or April and candidates were not reported to the floor until after these hearings.

In the 100th Congress, the first hearing was not held until March 4, 1987. In the 101st Congress, the first judges hearing was not held until April 5, 1989. And in the 102d Congress, when there was a vacancy rate of 15 percent in the courts, the first hearing was not held until March 13, 1991.

So I think some of the arguments made against what we have been doing are just fallacious and I think done for partisan reasons. We ought to get rid of the partisanship when it comes to judges and go ahead and do what is right. I have tried to do that.

Now let us talk about the number of judges confirmed last year. Democrats have been critical of the fact that only 17 judges were confirmed last year. The fact is that President Clinton had already had so many judges confirmed that he only nominated 21 judges last year. During President Clinton's first term, he had 202 judges confirmed—more than President Bush, 194; President Reagan, 164 in his first term; President Ford, 65 in his term. I might say that as a result there were very few vacancies to fill at the end of the 104th Congress, and the courts were virtually at full capacity.

In fact, at the close of the last Congress, there were only 65 vacancies in the entire system, which is a vacancy rate of 7.7 percent. In fact, the number of vacancies under my chairmanship at the close of the 104th Congress, 65 vacancies—when a Republican Senate was processing Clinton's nominees—was virtually identical to the number of vacancies at the end of the 103d Congress, 63, when a Democrat-controlled Senate was processing President Clinton's nominees. At that point the Department of Justice proclaimed that they had nearly reached full employment in the 837-member Federal judiciary. That is in an October 12, 1994, Department of Justice press release.

When the Democrats left open 7.44 percent of Federal judgeships after President Clinton's first 2 years, we had approached "full employment" of the Federal judiciary. But, when Republicans are in control, a virtually identical vacancy level becomes an "unprecedented situation," the "worst kind of politicizing of the Federal judiciary." Those are comments that were made by my friend, Senator LEAHY. And "partisan tactics by Senate Republicans," according to the New York Times. This is nothing short of disingenuous.

In contrast, at the end of the 102d Congress when Senator BIDEN chaired the Judiciary Committee and President Bush was in the White House, there were 97 vacancies in the Federal system for an 11.46 percent vacancy rate—nearly twice the vacancy rate than at adjournment of the 104th Congress, which was 65 vacancies at a 7.7 percent vacancy rate.

What about the judges who were left unconfirmed at the end of last August?

It is true, 28 nominees did not get confirmed last Congress. There is no use kidding about it. We had 28 who did not make it through. But this was at a point where there were only 65 vacancies in the court, or, in other words, a full Federal judiciary. There is some extra consideration here. Compare this to the end of the 102d Congress when, notwithstanding 97 vacancies in the Federal system, the Democratic Senate left 55 Bush nominees unconfirmed.

Let us talk about the present vacancies. Due to an unprecedented number of retirements since Congress adjourned, there are currently 95 vacancies in our Federal system or a vacancy rate of 11.25 percent as of March 1 of this year. That is the most recent report from the Administrative Office of the Courts. Notice that when the 105th Congress convened on January 7, 1997, there were 85 vacancies, or a 10.7 percent vacancy rate. But a little perspective reveals that this is by no means a high level for the beginning of the Congress. In fact, it is lower than the vacancy rates at the beginning of the Democratically controlled 102d and 103d Congresses, where the vacancy rates were 126 vacancies in the 102d, at a 14.89 percent vacancy rate, with 109 vacancies in the 103d, for a 12.88 vacancy rate.

So, there is little or no reason to be this critical or this irritated with what has gone on. I pledge to the Senate to do the very best that I can to try to confirm President Clinton's judges, if they are not superlegislators, if they are people who will uphold the law and interpret the law and the laws made by those who are elected to make them. Judges have no reason on Earth to be making laws from the bench or to act as superlegislators from the bench and to overrule the will of the majority of the people in this country when the laws are very explicitly written—or at any other time, I might add.

Having said all that, we are bringing our first two nominees this year to the floor, one of whom is in contention. I think unjustifiably so.

Madam President, I rise to speak on behalf of the nomination of Merrick B. Garland for a seat on the U.S. Court of Appeals for the District of Columbia Circuit. On March 6, 1997, the Judiciary Committee, including a majority of Republican members, by a vote of 14 to 4, favorably reported to the full Senate Mr. Clinton's nomination of Merrick B. Garland. Based solely on his qualifications, I support the nomination of Mr. Garland and I encourage my colleagues to do the same.

To my knowledge, no one, absolutely no one disputes the following: Merrick B. Garland is highly qualified to sit on the D.C. circuit. His intelligence and his scholarship cannot be questioned. He is a magna cum laude graduate of the Harvard Law School. Mr. Garland was articles editor of the law review, one of the most important positions for any law student at any university, but in particular at Harvard; a very difficult position to earn. And he has written articles in the Harvard Law Review and the Yale Law Journal, two of the most prestigious journals in the country, on issues such as administrative law and antitrust policy.

His legal experience is equally impressive. Mr. Garland has been a Supreme Court law clerk, a Federal criminal prosecutor, a partner in one of the most prestigious Washington firms, Arnold & Porter, Deputy Assistant Attorney General in the Justice Department's Criminal Division, and, since April of 1994, Principal Associate Deputy Attorney General to Jamie Gorelick, at the Justice Department, where he has directed the Department's investigation and prosecution of the Oklahoma City bombing case. And he has done a superb job there.

Mr. Garland's experience, legal skills, and handling of the Oklahoma City bombing case have earned him the support of officials who served in the Justice Department during the Reagan and Bush administrations, including former Deputy Attorney General George Terwilliger, former Deputy Attorney General Donald Ayer, former head of the Office of Legal Counsel, Charles Cooper, and former U.S. attorneys Jay Stephens and Dan Webb—all Republicans, I might add, who are strong supporters of Mr. Garland, as I believe they should be, as I believe we all should be.

Oklahoma Governor Frank Keating, who himself was denied one of those judgeships by our friends on the other side—even though I think most all of them admitted he would have made a tremendous judge, but has since done well for himself in becoming the Governor of Oklahoma and has distinguished himself. I might add his nomination, back in 1992, for the 10th Circuit Court of Appeals in the 102d Congress, was never voted on by the Judiciary Committee. He languished in the committee for quite a length of time. But Governor Keating has endorsed Mr. Garland's nomination, praising in particular his leadership in the Oklahoma City bombing case. As he should be praised.

Mr. Garland was originally nominated in September 1995. His nomination was favorably reported by the Judiciary Committee but not acted on by the Senate during the 104th Congress, much to my chagrin, because I think he should have passed in that last Congress. But to my colleagues' credit, and certainly to the leader's credit, the new majority leader, he has cooperated with the Judiciary Committee in bringing this nomination to the floor.

At the time of Mr. Garland's original nomination to fill the seat vacated by Judge Abner Mikva, who went on to become White House Counsel, concerns were raised by several, including several distinguished judges here in Washington, as to whether the D.C. circuit needed its full complement of 12 judges due to a declining workload on the Court. I support Senator GRASSLEY's efforts to study the systemwide caseloads of the Federal judiciary and am fully prepared to work with Senator GRASSLEY as chairman of that Subcommittee on the Courts, on legislation to authorize or deauthorize seats wherever such adjustments on the allocation of Federal judges are warranted, based upon court caseloads.

With respect to the D.C. circuit, however, the retirement of Judge James Buckley, in August 1996, last year, now leaves only 10 active judges on the 12-seat court. Accordingly, the Garland confirmation does not present the Senate with a question whether the 12th seat on the D.C. Circuit should be filled, and I have made it clear to the administration that I do not intend to fill that seat unless and until they can show, and I believe it will take quite a bit of time before they could show it, that there is a need for the filling of that seat. In fact, I would be, right now, for doing away with that seat. If at some future time we need that extra, 12th seat, fine, we will pass a bill to grant it again. But right now it is not needed.

I would just say, rather, with the two current vacancies, Garland will be filling only the 11th seat. So the 12th seat is not in play anymore, which was the critical seat.

The confirmation of Merrick B. Garland to fill the court's now vacant 11th seat is supported by D.C. Circuit Judge Laurence Silberman, a Reagan appointee who himself testified against creating and/or preserving unneeded judicial seats on his circuit, meaning the 12th seat, and who has stated that, "it would be a mistake, a serious mistake, for Congress to reduce"—that is, the Circuit Court of Appeals for the District of Columbia—"down below 11 judges."

I am aware that there may be some who take the position that the D.C. circuit's workload statistics do not even warrant 11 judges. With all due respect, I think these arguments completely miss the mark, and caution my colleagues to appreciate that certain statistics can, if not properly understood, be misleading.

The position that the D.C. circuit should have fewer than 11 judges is belied not just by the statements of Judge Silberman, who himself wanted to get rid of the 12th seat, but also by the fact that comparing workloads in the D.C. circuit to that of other circuits is, to a large extent, a pointless exercise.

There is little dispute that the D.C. circuit's docket is, by far, the most complex and time consuming in the Nation. Justice Department statistics show that whereas in a typical circuit, 5.9 percent of all cases filed are administrative appeals, which are generally far more time consuming than other appeals, and 26.7 percent are prisoner petitions which tend to be disposed of far more quickly than other appeals. While that is true in other circuit courts, 45.3 percent of the cases filed in the D.C. circuit over the past 3 years have been complex administrative appeals and only 7 percent easily disposed of prisoner petitions.

Moreover, most of the administrative appeals heard in the D.C. circuit involved the Federal Energy Regulatory Commission, the Federal Communications Commission and the Environmental Protection Agency and are much more complex and time consuming than even the immigration and labor appeals, which comprise most of the administrative agency cases filed in other circuits.

In short, simply comparing the number of cases filed in the D.C. circuit to the number filed in other circuits, and even comparing the number of agency appeals, is not a reliable indicator of the courts' comparative workloads.

As Senators, we have a responsibility to the public to ensure that candidates for the Federal bench are scrutinized for political activists. A judge who does not appreciate the inherent limits on judicial authority under the Constitution and would seek to legislate from the bench rather than interpret the law is a judicial activist, and nominees who will be judicial activists are simply not qualified to sit on any Federal bench, let alone the Federal circuit court of appeals or any Federal circuit court of appeals.

As chairman of the Judiciary Committee, I will continue to carefully scrutinize the records involved in cases of judicial nominees and to exercise the Senate's advise-and-consent power to ensure we keep activists off the bench. In addition, I will continue to speak out both in the Senate and in other forums to increase public awareness of harm to our society posed by such activists. Although we can never guarantee what the future actions of any judicial nominee will be or any judge, for that matter, and it may be difficult to discern whether a particular candidate will be an activist, I do not believe there is anything in Mr. Garland's record to indicate that, if confirmed, he could amount to an activist judge or might ultimately be an activist judge.

Accordingly, I believe Mr. Garland is a fine nominee. I know him personally, I know of his integrity, I know of his legal ability, I know of his honesty, I know of his acumen, and he belongs on the court. I believe he is not only a fine nominee, but is as good as Republicans can expect from this administration. In fact, I would place him at the top of the list. There are some other very good people, so I don't mean to put them down, but this man deserves to be at the top of the list. Opposition to this nomination will only serve to undermine the credibility of our legitimate goal of keeping proven activists off the bench.

I fully support his nomination, and I urge my colleagues to strongly consider voting in favor of confirmation.

I hope that we will also confirm the nominee Colleen Kollar-Kotelly, although we will only be voting on Merrick Garland today, that is my understanding. I hope we will put both these judges through. I do not know of any opposition to the nominee Colleen Kollar-Kotelly, and I know very limited opposition at this point to Mr. Garland. Like I say, I do not think there is a legitimate argument against Mr. Garland's nomination, and I hope that our colleagues will vote to confirm him today.

I reserve the remainder of my time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am delighted the Senate is finally considering the nomination of Merrick Garland to the U.S. Court of Appeals, the District of Columbia Circuit. I compliment my good friend, the senior Senator from Utah, for his kind remarks about Mr. Garland.

Like the distinguished chairman of the Senate Judiciary Committee, I too believe that Merrick Garland is highly qualified for this appointment and would make an outstanding Federal judge.

My concern that I have expressed before is that this is the first and only judicial nomination scheduled for consideration in these first 3 months of the 105th Congress. The Senate is about to go on vacation for a couple of weeks. It will be the only judgeship considered, as I understand it. In the past, the Senate has not had to wait the Ides of March for the first judicial confirmation. The Federal judiciary has almost 100 vacancies now and, with the Ides of March, we are getting only one vacancy filled.

I, too, am sorry we have not proceeded to confirm and schedule the nomination of Judge Colleen Kollar-Kotelly to the district court bench. Here is one nominee we could go with, and we ought to be able to do that today, too.

The Senate first received Merrick Garland's nomination from the President on September 5, 1995. We are now way into March of 1997. So we have this nomination that has been here since 1995. All but the most cynical say this man is highly qualified, a decent person, a brilliant lawyer, a public servant who will make an outstanding judge, but his nomination sat here from 1995 until today.

This is a man who has broad bipartisan support. Governor Keating of Oklahoma; Governor Branstad of Iowa; William Coleman, Jr., a former member of a Republican President's Cabinet, former Reagan and Bush administration officials, Robert Mueller, Jay Stephens, Dan Webb, Charles Cooper—all have supported Merrick Garland. So this is not a case of somebody out of the pale. In fact, the Legal Times titled him, "Garland: A Centrist Choice." I will put those recommendation letters in the RECORD later on.

So why, when you have somebody who, in my 22 years here, is one of the most outstanding nominees for the court of appeals, has that person been held up? What fatal flaw in his character has been uncovered? None, there is no fatal flaw. There was not a person who spoke against, credibly spoke against, his qualifications to be a judge, but he was one of the unlucky victims of the Republican shutdown of the confirmation process last year. I liken it to pulling the wings off a fly. This is what happened.

The Judiciary Committee reported his nomination to the Senate in 1995—in 1995. But here we are in 1997, and we finally get to vote on it.

Madam President, we have 100 vacancies on the Federal bench. At this rate, by the end of this Congress, with normal attrition, we will probably have 130 or 140. We had an abysmal record last session dealing with Federal judicial vacancies.

We ought to show what we have here. Here, Madam President, are the number of judges confirmed during the second Senate session in Presidential election years:

In 1980, 9 appeals court judges, 55 district court judges.

In 1984, 10 appeals court judges, 33 district court judges.

In 1988, 7 Court of Appeals judges, 35 district court judges.

In 1992—incidentally, 1992, Democrats were in charge with a Republican President—11 appeals court judges, 55 district court judges.

So what happens when you switch it over, put in a Republican Senate and Democratic President? Do you see the same sense of bipartisanship? Not on your life.

It is 11 appeals court judges, 55 district court judges with a Republican President and a Democratic Congress. Switch it to a Democratic President and a Republican Congress—zero, nada, zip, goose egg for the court of appeals judges and only 17 for the district court judges. Not too good.

We have some other charts here. Chief Justice Rehnquist spoke on this. A Chief Justice speaks only in a restrained fashion, when he does. But look what he said. Look at what Chief Justice William Rehnquist said about the pace we have seen in this Senate:

> The number of judicial vacancies can have a profound impact on a court's ability to manage its caseload effectively. Because the number of judges confirmed in 1996 was low in comparison to the number confirmed in preceding years, the vacancy rate is beginning to climb . . . It is hoped that the administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

The administration is sending up judges, but it is like tossing them down into a black hole in space. Nothing comes back out.

In fact, 25 percent of the current vacancies have persisted for more than 18 months. They are considered a judicial emergency jurisdiction.

There are 69 current vacancies in our Nation's district courts. Almost one in six district court judgeships is or soon will become vacant.

I compliment the distinguished majority leader and my good friend from Utah, the chairman of the Senate Judiciary Committee, in scheduling this one nominee to the Federal Court of Appeals, but there are still 24 current vacancies on the Federal courts of appeals. That number is rising.

We are way behind the pace of confirming the judges we have seen in our past Congresses. In fact, let us take a look at—I just happen to have a chart on that, Madam President. I know Senators were anxiously hoping I might.

Number of judges confirmed in past Congresses: 102d Congress, 124; 103d Congress, 129; 104th Congress, 75. So far in the 105th Congress, none. I assume that is going to change later this afternoon when we finally do confirm one judge. But look at this: 102d Congress, 124; 103d Congress, 129 confirmed; 104th Congress, 75 confirmed. The 105th Congress, zippo.

I think we ought to take a look at this next chart. We have 94 judicial vacancies. Just put the old magnifying glass—I used to be in law enforcement, Madam President. We actually used these things. Of course, we were kind of a small jurisdiction and I am just a small-town lawyer from Vermont. We do the best we can. But the magnifying glass shows zero. I am pleased by the end of this afternoon I can put a "1" in there, and let us hope that maybe we will get some more. Let us hope maybe we will get some more.

We can joke about it, but it is not a joking matter. We have people with their lives on hold. When the President asks some man or woman to take a Federal courtship, their entire practice is put on hold—it is kind of a good news/bad news situation. The President calls up and says, "I've got good news for you. I'm going to nominate you for the Federal bench. Now I have bad news for you. I'm going to nominate you for the Federal bench." He or she finds their law practice basically stops on the date of that nomination. They cannot bring on new clients. Their partners give him or her a big party and say, "Please move out of your office," because they know it is going to take a year or 2 or 3 to get through the confirmation process.

This is partisanship of an unprecedented nature. I have spoken twice on this floor today on what happens when we forget the normal traditions of the Senate. Traditionally—certainly not in my lifetime—no Democratic majority leader or Republican majority leader of the Senate would bring up a resolution for a vote directly attacking the President of the United States—directly or indirectly attacking the President of the United States—on a day when the President is heading off to a summit with other world leaders, especially with the leader of the other nuclear superpower, Russia. Yet, that tradition, which, as I said, has existed my whole lifetime, was broken today.

The other thing is that no matter which party controls the Senate, no matter what party controls the Presidency, we have always worked together so that the President, having been elected, can, subject to normal—normal—advise and consent, can appoint the judges he wants. And that tradition has been broken.

If we are going to go against these basic tenets of bipartisanship, then the Senate will not be the conscience of the Nation that it should be. The Senate will suffer. And if the Senate suffers, the country suffers.

I withhold the balance of my time.

PRIVILEGE OF THE FLOOR

Madam President, if I might just for a moment, I ask unanimous consent that Tom Perez of Senator KENNEDY's staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that a number of letters I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, OK, February 19, 1996.

Senator BOB DOLE,
U.S. Senate, Washington, DC.

SENATOR DOLE: I endorse Merrick Garland for confirmation to the United States Court of Appeals for the D.C. Circuit. Merrick will be a solid addition to this esteemed court.

A Harvard Law School graduate in 1977, a former Assistant United States Attorney and a former partner in Washington's Arnold and Porter Law Firm, Merrick will bring an array of skills and experience to this judgeship. Merrick is further developing his talents and enhancing his reputation as the

Principle Associate Deputy Attorney General.

Last April, in Oklahoma City, Merrick was at the helm of the Justice Department's investigation following the bombing of the Oklahoma City Federal Building, the bloodiest and most tragic act of terrorism on American soil. During the investigation, Merrick distinguished himself in a situation where he had to lead a highly complicated investigation and make quick decisions during critical times.

Merrick Garland is an intelligent, experienced and evenhanded individual. I hope you give him full consideration for confirmation to the United States Court of Appeals for the D.C. Circuit.

Sincerely,

FRANK KEATING,
Governor.

OFFICE OF THE GOVERNOR,
Des Moines, IA, October 10, 1995.
Senator CHARLES E. GRASSLEY,
Hart Senate Office Building, Washington, DC.

DEAR CHUCK: I am writing to ask your support and assistance in the confirmation process for a second cousin, Merrick Garland, who has been nominated to be a judge on the U.S. Court of Appeals for the District of Columbia.

Merrick Garland has had a distinguished legal career. He was a partner for many years in the Washington law firm of Arnold and Porter. During the Bush Administration, Merrick was asked by Jay Stephens, the U.S. Attorney for the District of Columbia, to take on a three year stint as an Assistant U.S. Attorney. As I'm sure you know, Jay Stephens is the son of Lyle Stephens, the Representative from Plymouth County that we served with in the Iowa Legislature.

Recently, he has been overseeing the federal investigation and prosecution efforts in the Oklahoma City bombing, having been sent there the second day after the blast occurred. He was serving in the position as principal Associate Deputy Attorney General.

I am enclosing a number of news clippings about Merrick Garland. I would especially encourage you to review the Legal Times and article entitled: Garland, A Centrist Choice.

As always, I appreciate all of your efforts. Hope all is going well for you.

Sincerely,

TERRY E. BRANSTAD,
Governor of Iowa.

O'MELVENY & MYERS,
Washington, DC, October 11, 1995.
Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR ORRIN: As you know, President Clinton has nominated Merrick B. Garland, Esquire, to fill the judicial vacancy on the United States Court of Appeals for the District of Columbia Circuit caused by the retirement of Chief Judge Mikva.

I write this letter to indicate my full support and admiration of Mr. Garland and urge that you soon have a hearing of the Senate Committee on the Judiciary and thereafter support him to fill the vacancy.

Mr. Garland has a first-rate legal mind, took magna cum laude and summa cum laude advantages of education at Harvard College and Harvard Law School. In private practice, he became and has the reputation of being an outstanding courtroom lawyer. In addition, on several occasions, he satisfied his urge to be a public servant by two law clerkships, one for Mr. Justice William J. Brennan and the other for the late Judge Henry J. Friendly. He has also served in the Justice Department on several occasions. I have known Merrick Garland as a lawyer and as a friend and greatly admire his personal integrity, learning in the law and his desire to be a great public servant. His legal, social and political views are those most Americans admire and are well within the fine hopes and principles of this country, which you have often expressed in conversations with me as to the type of person you would like to see on the federal judiciary, particularly on the appellate courts.

I first got to know Mr. Garland when he was Special Assistant to Deputy and then Attorney General Civiletti, as my daughter, Lovida, Jr., was the other Special Assistant. I still see him and his wife from time to time and they are the type of Americans whom I greatly admire.

As is stated at the outset of this letter, I hope you will see to it that Mr. Garland soon has his hearing and that you, at and after the hearing, will actively support him for confirmation. If you have any questions, please give me a call and I will walk over to see you.

Take care.

Sincerely,

WILLIAM T. COLEMAN, JR.

VENABLE, BAETJER AND HOWARD, LLP,
Baltimore, MD, September 7, 1995.
Re Merrick B. Garland.
Hon. BARBARA A. MIKULSKI,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR MIKULSKI: I just wanted to call your attention to the fact that Merrick B. Garland has been nominated by President Clinton for appointment to the United States Court of Appeals for the DC Circuit.

Merrick is an outstanding lawyer with a very distinguished career both in private practice at Arnold & Porter and in government service, first as a special assistant to me when I was Attorney General and then later as an Assistant United States Attorney for the District and, most recently, as Chief Associate Deputy Attorney General to Jamie Gorelick. Additionally, his academic background was outstanding, culminating in his clerkship to Supreme Court Justice Brennan. In every way, he is a superb candidate for that bench, and I just wanted you to know of my personal admiration for him.

Kindest regards.

Sincerely,

BENJAMIN R. CIVILETTI.

MCGUIRE WOODS, BATTLE & BOOTHE, III,
Washington, DC, October 16, 1995.
Re Nomination of Merrick B. Garland to the U.S. Court of Appeals for the District of Columbia Circuit.
Hon. ORIN G. HATCH,
Chairman, United States Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I have been asked to express my views to you on Merrick Garland's nomination to sit on the Federal Court of appeals in the District of Columbia. First, I believe Mr. Garland is an accomplished and learned lawyer and is most certainly qualified for a seat on this important bench. Second, my experience with Mr. Garland leads me to the conclusion that he would decide cases on the law based on an objective and fair analysis of the positions of the parties in any dispute. Third, I perceive Mr. Garland as a man who believes and follows certain principles, but not one whose philosophical beliefs would overpower his objective analysis of legal issues.

I know of no reason to suggest that the President's choice for his vacancy on the Court of Appeals should not be confirmed. As you, of course, have demonstrated during your tenure as Chairman, the President's nominees are his choices and are entitled to be confirmed where it is clear that the nominee would be a capable and fair jurist. I believe Mr. Garland meets that criteria and support favorable consideration of his nomination.

Sincerely yours,

GEORGE J. TERWILLIGER, III.

JONES, DAY, REAVIS & POGUE,
Washington, DC, October 10, 1995.
Re Merrick B. Garland.
Senator ORRIN G. HATCH,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR HATCH: I first met Merrick Garland in the mid–1970's, when we overlapped as students at the Harvard Law School. While I have not known him well, I have been well aware that his academic background is impeccable, and that he is reputed to be a very bright, highly effective and understated lawyer.

During January of 1994, while he was serving in the Department of Justice, I had occasion to deal with him directly on a matter of some public moment and sensitivity. I was struck by the thoroughness of his preparation, the depth of his understanding of the matters in issue, both factural and legal, and his ability to express himself simply and convincingly. I was still more impressed with his comments, from obvious personal conviction, on the essential role of honesty, integrity, and forthrightness in government.

Our discussions at that time were followed by further conversations on several later occasions. I have also had an opportunity to observe from a distance his performance in the Department and to discuss that performance with people closer to the scene. I am left with a distinct impression of him as a person of great skill, diligence, and sound judgment, who is driven more by a sense of public service than of personal aggrandizement.

My own service in the Justice Department during the last two Republican Administrations convinced me that government suffers greatly from a shortage of people combining such exceptional abilities with a primary drive to serve interests beyond their own. Merrick Garland's nomination affords the Senate chance to place one such person in a position where such impulses can be harnessed to the maximum public good. I hope that the Senate will seize that opportunity.

Very Truly Yours,

DONALD B. AYER.

SHAW, PITTMAN, POTTS & TROWBRIDGE,
Washington DC, November 9, 1995.
Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I write to express my support for President Clinton's nomination of Merrick Garland to the position of circuit Judge of the United States Court of Appeals for the District of Columbia. I've known Merrick since 1978, when we served as law clerks to Supreme Court Justices—he for

Justice Brennan and I for Justice (now Chief Justice) Rehnquist. Like our respective bosses, Merrick and I disagreed on many legal issues. Still, I believe that Merrick possesses the qualities of a fine judge.

You are no doubt well aware of the details of Merrick's background as a practicing lawyer, a federal prosecutor, a law teacher, and now a high-ranking official of the Department of Justice. This varied background has given Merrick a breadth and depth of legal experience that few lawyers his age can rival, and he has distinguished himself in all of his professional pursuits. He is a man of great learning, not just in the law, but also in other disciplines. Not only is Merrick enormously gifted intellectually, but he is thoughtful as well, for he respects other points of view and fairly and honestly assesses the merits of all sides of an issue. And he has a stable, even-tempered, and courteous manner. He would comport himself on the bench with dignity and fairness. In short, I believe that Merrick Garland will be among President Clinton's very best judicial appointments.

Sincerely,

CHARLES J. COOPER.

Washington, DC, November 25, 1995.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Senate Dirksen Building, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to the nomination of Merrick Garland to the Court of Appeals for the District of Columbia.

I have known Mr. Garland since 1990 when he was an Assistant United States Attorney and I was the Assistant Attorney General for the Criminal Division in the Department of Justice. Over the Years I have had occasion to see his work in several cases.

Based both on my own observations and on his reputation in the legal community, I believe him to be exceptionally qualified for a Circuit Court appointment. Throughout my association with him I have always been impressed by his judgment. Most importantly, Mr. Garland exemplifies the qualifies of fairness, integrity and scholarship which are so important for those who sit on the bench.

If I can be of any further assistance, please do not hesitate to call me.

Sincerely,

ROBERT S. MUELLER, III.

PILLSBURY MADISON & SUTRO,
Washington, DC, November 28, 1995.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Chairman, Senate Judiciary Subcommittee on Administrative Oversight and the Courts, Hart Senate Office Building, Washington, DC.

DEAR SENATORS HATCH AND GRASSLEY: I am writing with respect to the nomination of Merrick Garland to serve as a judge on the United States Court of Appeals for the District of Columbia Circuit. I understand you have significant reservations about filling the existing vacancy on the District of Columbia Circuit at this time. In the event you consider filling the vacancy at this time, I commend Merrick Garland for your consideration.

I have known Mr. Garland for nearly ten years. We met initially during my service as Deputy Counsel to the President while Mr. Garland was assisting in an Independent Counsel investigation. During the course of that contact, I was impressed with Mr. Garland's professionalism and judgment. After I was appointed United State Attorney for the District of Columbia, Mr. Garland expressed to me an interest in gaining additional prosecutorial experience, and applied for a position as an Assistant United States Attorney. I hired Mr. Garland for my staff, and initially assigned him to a narcotics unit where he had an opportunity to assist in investigating a number of significant cases and to gain valuable trial experience. Mr. Garland quickly established himself as a dedicated prosecutor who was willing to handle the tough cases. He conducted thorough investigations, and became a skilled trial attorney.

Subsequently, after gaining significant trial experience, Mr. Garland was assigned to the Public Corruption section of the U.S. Attorney's Office. There he had an opportunity to investigate and try a number of complex, sensitive cases. In the Public Corruption section, Mr. Garland demonstrated an excellent capacity to investigate complex transactions, and approached these important cases with maturity and balanced judgment. He was thorough and thoughtful in exercising his responsibility, and he always acted in accord with the highest ethical and professional standards.

During his service as an Assistant United State Attorney, Mr. Garland distinguished himself as one of the most capable prosecutors in the Office. He brought to bear a number of outstanding talents. He was bright. He had the intellectual capacity to parse complex transactions. He built sound working relationships with agents and staff based on mutual respect. He was willing to work hard to get the job done. He was dedicated to his job. He exercised sound judgment, and approached his work with professionalism and thoughtfulness. He exhibited excellent interpersonal skills, and was delightful to work with. In sum, his service as an Assistant United States Attorney was market by dedication, sound judgment, excellent legal ability, a balanced temperament, and the highest ethical and professional standards. These are qualities which I believe he would bring to the bench as well.

I appreciate the opportunity to provide these comments for your consideration.

Sincerely,

JAY B. STEPHENS.

WINSTON & STRAWN,
Chicago, IL, October 10, 1995.

Hon. ORRIN G. HATCH,
Chairman of the Judiciary Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: It is my understanding that Merrick Garland's name has been submitted to the Senate Judiciary Committee to fill a vacancy on the D.C. Circuit Court of Appeals. Merrick is a very talented lawyer, who has had an outstanding career in both the private and public sectors.

In particular, he has exhibited exceptional legal abilities during his recent term of office in the U.S. Department of Justice. Throughout the United States, Merrick has been recognized as a person within the Clinton Department of Justice who is fair, thoughtful and reasonable. He clearly possesses the ability to address legal issues and resolve them in a fair and equitable manner.

Accordingly, in my opinion, Merrick will be an outstanding addition to the D.C. Circuit Court of Appeals, and I strongly recommend his confirmation by your committee. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

DAN K. WEBB.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON FEDERAL JUDICIARY,
Washington, DC, September 21, 1995.

Re Merrick Brian Garland, United States Court of Appeals for the District of Columbia Circuit.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: Thank you for affording this Committee an opportunity to express an opinion pertaining to the nomination of Merrick Brian Garland for appointment as Judge of the United States Court of Appeals for the District of Columbia Circuit.

Our Committee is of the unanimous opinion that Mr. Garland is Well Qualified for this appointment.

A copy of this letter has been sent to Mr. Garland for his information.

Sincerely,

CAROLYN B. LAMM,
Chair.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you very much.

I am here today to speak on a subject that is most important to all of us in America, the Federal judiciary.

I had the honor for 12 years to serve as a U.S. attorney, and during that time I practiced in Federal court before Federal judges. All of our cases that were appealed were appealed to Federal circuit courts of appeals. And that is where those final judgments of appeal were ruled on. I think an efficient and effective and capable Federal judiciary is a bulwark for freedom in America. It is a cornerstone of the rule of law, and it is something that we must protect at all costs. We need to be professional and expeditious in dealing with those problems.

I must say, however, I do not agree that there has been a stall in the handling of judges. As Senator HATCH has so ably pointed out, there were 22 nominations last year, and 17 of those were confirmed. We are moving rapidly on the nominations that are now before the Judiciary Committee.

There is one today I want to talk about, Merrick Garland, because really I do not believe that that judgeship should be filled based on the caseload in that circuit, and for no other reason.

But I think it is important to say that there is not a stall, that I or other Senators could have delayed the vote on Merrick Garland for longer periods of time had we chosen to do so. We want to have a vote on it. We want to have a debate on it. We want this Senate to consider whether or not this vacancy should be filled. And I think it should not.

Senator HATCH brilliantly led, recently, an effort to pass a balanced budget amendment on the floor of this Senate. For days and hours he stood here and battled for what would really be a global settlement of our financial crisis in this United States. We failed by one vote to accomplish that goal. But it was a noble goal.

That having slipped beyond us, I think it is incumbent upon those of us who have been sent here by the taxpayers of America to marshal our courage and to look at every single expenditure this Nation expends and to decide whether or not it is justified. And if it is not justified, to say so. And if it is not justified, to not spend it.

In this country today a circuit court of appeals judge costs the taxpayers of America $1 million a year. That includes their library, their office space, law clerks, secretaries, and all the other expenses that go with operating a major judicial office in America. That is a significant and important expenditure that we are asking the citizens of the United States to bear. And I think we ought to ask ourselves, is it needed?

I want to point out a number of things at this time that make it clear to me that this judgeship, more than any other judgeship in America, is not needed. Let me show this chart behind me which I think fundamentally tells the story. We have 11 circuit courts of appeal in America. Every trial that is tried in a Federal court that is appealed goes to one of these circuit courts of appeal. From there, the only other appeal is to the U.S. Supreme Court. Most cases are not decided by the Supreme Court. The vast majority of appeals are decided in one of these 11 circuit courts of appeal.

Senator GRASSLEY, who chairs the Subcommittee on Court Administration, earlier this year had hearings on the caseloads of the circuit courts of appeals. He had at that hearing the just recently former chief judge of the Eleventh Circuit Court of Appeals, which has the highest caseload per judge in America. Total appeals filed per judge for the year ending September 30, 1996, was 575 cases per judge. He also had testifying before that committee Chief Judge Harvey Wilkinson from the Fourth Circuit Court of Appeals. They are the third most busy circuit in America. They have 378 cases filed per judge in a year's time. Both of those judges talked to us and talked to our committee about their concerns for the Federal judiciary and gave some observations they had learned.

First of all, Judge Tjoflat, former chief judge of the eleventh circuit, testified how when the courts of appeals get larger and those numbers of judges go up from 8, 10, 12, to 15, the collegiality breaks down. It is harder to have a unified court. It takes more time to get a ruling on a case. It has more panels of judges meeting, and they are more often in conflict with one another. It is difficult to have the kind of cohesiveness that he felt was desirable in a court. Judge Wilkinson agreed with that.

I think what is most important with regard to our decision today, however, is what they said about their need for more judges. Judge Tjoflat, of the eleventh circuit, said even though they have 575 filings per judge in the Eleventh Circuit Court of Appeals, they do not need another judge. Even Judge Harvey Wilkinson said even though they have 378 filings per judge in the fourth circuit, they do not need another judge. He also noted, and the records will bear it out, that the Fourth Circuit Court of Appeals has the fastest disposition rate, the shortest time between filing and decision, of any circuit in America, and they are the third busiest circuit in America. That is good judging. That is good administration. That is fidelity to the taxpayers' money, and they ought to be commended for that.

When you look at that and compare it to the situation we are talking about today with 11 judges in the D.C. circuit, they now have only 124 cases per judge, less than one-fourth the number of cases per judge as the eleventh circuit has. What that says to me, Madam President, is that we are spending money on positions that are not necessary.

The former chief judge of the D.C. circuit, with just 123 cases per judge, back in 1995 said he did believe the 11th judgeship should be filled but he did not believe the 12th should be filled. As recently as March of this year, just a few weeks ago, he wrote another letter discussing that situation. This is what he said in a letter addressed to Senator HATCH:

> You asked me yesterday for my view as to whether the court needs 11 active judges and whether I would be willing to communicate that view to other Senators of your committee. As I told you, my opinion on this matter has not changed since I testified before Senator GRASSLEY's committee in 1995. I said then and still believe that we should have 11 active judges. On the other hand, I then testified and still believe that we do not need and should not have 12 judges. Indeed, given the continued decline in our caseload since I last testified, I believe the case for the 12th judge at any time in the foreseeable future is almost frivolous, and, as you know, since I testified, Judge Buckley has taken senior status and sits part time, and I will be eligible to take senior status in 3 years. That is why I continue to advocate the elimination of the 12th judgeship.

So that is the former chief judge of the D.C. circuit saying that to fill the 12th judgeship would be frivolous, and he noted that there is a continuing decline in the caseload in the circuit.

Madam President, let me point out something that I think is significant. Judge Buckley, who is a distinguished member of that court has taken senior status. But that does not mean that he will not be working. At a minimum, he would be required as a senior-status judge to carry one-third of his normal caseload. Many senior judges take much more than one-third of their caseload. They are relieved of administrative obligations, and they can handle almost a full judicial caseload. It does not indicate, because Judge Buckley announced he would be taking senior status, that he would not be doing any work. He would still be handling a significant portion of his former caseload. I think that is another argument we ought to think about.

Finally, the numbers are very interesting with regard to the eleventh circuit in terms of the declining caseload mentioned by Judge Silberman in his letter to Senator HATCH. We have examined the numbers of this circuit and discovered that there has been a 15 percent decline in filings in the D.C. circuit last year. That is the largest decline of any circuit in America. It apparently will continue to decline. At least there is no indication that it will not. If that is so, that is an additional reason that this judgeship should not be filled.

I think Senator LEAHY, the most able advocate for Mr. Garland, indicated in committee that it would be unwise to use these kinds of numbers not to fill a judgeship, but it seems to me we have to recognize that, if you fill a judgeship, that is an appointment for life. If that judgeship position needs to be abolished, the first thing we ought to do is not fill it. That is just good public policy. That is common sense. That is the way it has always been done in this country, I think. We ought to look at that.

So what we have is the lowest caseload per judge in America, declining by as much as 15 percent last year, and it may continue to decline this year. The numbers are clear. The taxpayer should not be burdened with the responsibility of paying for a Federal judge sitting in a D.C. circuit without a full caseload of cases to manage.

Let me say this about Mr. Garland. I have had occasion to talk with him on the phone. I told him I was not here to delay his appointment, his hearing on his case. I think it is time for this Senate to consider it. I think it is time for us to vote on it. Based on what I see, that judgeship should not be filled. He has a high position with the Department of Justice and, by all accounts, does a good job there. There will be a number of judgeship vacancies in the D.C. trial judges. He has been a trial lawyer. He would be a good person to fill one of those. I would feel comfortable supporting him for another judgeship.

Based on my commitment to frugal management of the money of this Nation, I feel this position should not be filled at this time. I oppose it, and I urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Madam President. First, let me associate myself with the remarks of my distinguished colleague from Alabama who has just spoken. My position is quite the same as his with respect to this nominee. Certainly, I must begin by saying that I believe Mr. Garland is well qualified for the court of appeals. He earned degrees from Harvard College and Harvard Law School and clerked for Judge Friendly on the U.S. Court of Appeals for the Second Circuit and for Justice Brennan on the Supreme Court and, since 1993, he has worked for the Department of Justice. So there is no question, he is qualified to serve on the court.

Like my colleague from Alabama, my colleague from Iowa, and others, I believe that the 12th seat on this circuit does not need to be filled and am quite skeptical that the 11th seat, the seat to which Mr. Garland has been nominated, needs to be filled either. The case against filling the 12th seat is very compelling, and it also makes me question the need to fill the 11th seat.

In the fall of 1995, the Courts Subcommittee of the Judiciary Committee held a hearing on the caseloads of the D.C. circuit. Judge Silberman, who has served on the D.C. circuit for the past 11 years, testified that most members of the D.C. circuit have come to think of the D.C. circuit as a de facto court of 11. In other words, even though there are 12 seats, theoretically, it is really being thought of as an 11-member court by its members. In fact, in response to written questions, Judge Silberman pointed out that the courtroom, normally used for en banc hearings, seats only 11 judges. In other words, that is what they can accommodate.

When Congress created the 12th judgeship in 1984, Congress may have thought that the D.C. circuit's caseload would continue to rise, as it had for the previous decade. But, in fact, as my colleague from Alabama has pointed out, exactly the opposite has occurred; the caseload has dropped. It is the only circuit in the Nation with fewer new cases filed now than in 1985. During the entire period, the D.C. circuit has had a full complement of 12 judges for only 1 year.

In a letter to Senator GRASSLEY, Judge Silberman wrote that the D.C. circuit can easily schedule its upcoming arguments with 11 judges and remain quite current. Further, Judge Silberman noted that while the D.C. circuit, unlike most others, has not had any senior judges available to sit with it, the court has invited visiting judges only on those occasions when it was down to 10 active judges.

Additionally, according to the Administrative Office of the U.S. Courts, it costs more than $800,000 a year to pay for a circuit judge and the elements associated with that judge's work. In light of recent efforts to curtail Federal spending, again, I agree with my colleague from Alabama that it is imprudent to spend such a sum of money unless the need is very clear.

Senators GRASSLEY and SESSIONS have made sound arguments that the D.C. circuit does not need to fill the 11th seat. Their arguments are reasonable and not based upon partisan considerations. Similarly, my concerns with the Garland nomination are based strictly on the caseload requirements of the circuit, not on partisanship or the qualifications of the nominee.

I would not want the opposition to the nomination, therefore, to be considered partisan in any way. Thus, although I do not believe that the administration has met its burden of showing that the 11th seat needs to be filled, in the spirit of cooperation, and to get the nominee to the floor of the Senate, I voted to favorably report the nomination of Merrick Garland from the Judiciary Committee when we voted on that a couple of weeks ago. But, at the time, I reserved the right to oppose filling that 11th vacancy when the full Senate considered the nomination. That time has now come, and being fully persuaded by the arguments made by Senator SESSIONS and Senator GRASSLEY, I reluctantly will vote against the confirmation of this nominee.

Based on the hearing of the Courts Subcommittee, caseload statistics, and other information, as I said, I have concluded that the D.C. circuit does not need 12 judges and does not, at this point, need 11 judges. Therefore, I will vote against the nomination of Merrick Garland.

If Mr. Garland is confirmed and another vacancy occurs, thereby opening up the 11th seat again, I plan to vote against filling the seat—and, of course, the 12th seat—unless there is a significant increase in the caseload or some other extraordinary circumstance.

Madam President, I want to thank Senator GRASSLEY for his leadership in this area, as chairman of the subcommittee, and for allowing me to speak prior to his comments, which I gather will be delivered next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I rise today to express my views of the pending nomination. As chairman of the Subcommittee on Administrative Oversight and the Courts, I have closely studied the D.C. circuit for over a year now. And I can confidently conclude that the D.C. circuit does not need 12 judges or even 11 judges. Filling either of these two seats would just be a waste of taxpayer money—to the tune of about $1 million per year for each seat. The total price tag for funding an article III judge over the life of that judges is an average of $18 million.

Madam President, $18 million is a whole lot of money that we would be wasting if we fill the vacancies on the D.C. circuit.

In 1995, I chaired a hearing before the Judiciary Subcommittee on Administrative Oversight and the Courts on the D.C. circuit. At the hearing, Judge Lawrence Silberman—who sits on that court—testified that 12 judges were just too many. According to Judge Silberman, when the D.C. circuit has too many judges there just isn't enough work to go around.

In fact, as for the 12th seat, the main courtroom in the D.C. courthouse does not even fit 12 judges. When there are 12 judges, special arrangements have to be made when the court sits in an en banc capacity.

I would ask my colleagues to consider the steady decrease in new cases filed in the D.C. circuit. Since 1985, the number of new case filings in the D.C. circuit has declined precipitously. And it continues to decline, even those who support filling the vacancies have to admit this. At most, the D.C. circuit is only entitled to a maximum of 10 judges under the judicial conference's formula for determining how many judges should be allotted to each court.

Judge Silberman recently wrote to the entire Judiciary Committee to say that filling the 12th seat would be—in his words—"frivolous." According to the latest statistics, complex cases in the D.C. circuit declined by another 23 percent, continuing the steady decline in cases in the D.C. circuit. With fewer and fewer cases per year, it doesn't make sense to put more and more judges on the D.C. circuit. That would be throwing taxpayer dollars down a rat hole.

So the case against filling the current vacancies is compelling. I believe that Congress has a unique opportunity here. I believe that we should abolish the 12th seat and at least the 11th seat should not be filled at this time. I believe that a majority of the Juidicary Committee agrees the case has been made against filling the 12th seat and Chairman HATCH has agreed not to fill it. So, no matter what happens today, at least we know that the totally unnecessary 12th seat will not be filled. At least the taxpayers can rest a little easier on that score.

Abolishing judicial seats is completely nonpartisan. If a judicial seat is abolished, no President— Democrat or Republican—could fill it. As long as any judgeship exists, the temptation to nominate someone to fill the seat will be overwhelming—even with the outrageous cost to the American taxpayer.

Again, according to the Federal judges themselves, the total cost to the American taxpayer for a single article III judge is about $18 million. That's not chump change. That's something to look at. That's real money we can save.

Here in Congress, we have downsized committees and eliminated important support agencies like the Office of Technology Assessment. The same is true of the executive branch. Congress has considered the elimination of whole Cabinet posts. It is against this backdrop that we need to consider abolishing judgeships where appropriate—like in the D.C. circuit or elsewhere.

While some may incorrectly question Congress' authority to look into these matters, we are in fact on firm constitutional ground. Article III of the Constitution gives Congress broad authority over the lower Federal courts. Also, the Constitution gives Congress the "power of the purse." Throughout my career, I have taken this responsibility very seriously. I, too, am a taxpayer, and I want to make sure that taxpayer funds aren't wasted.

Some may say that Congress should simply let judges decide how many judgeships should exist and how they should be allocated. I agree that we should defer to the judicial conference to some degree. However, there have been numerous occasions in the past where Congress has added judgeships without the approval of the Judicial Conference in 1990, the last time we created judgeships, the Congress created judgeships in Delaware, the District of Columbia and Washington State without the approval of the Judicial Conference. In 1984, when the 12th judgeship at issue in this hearing was created—Congress created 10 judgeships without the prior approval of the Judicial Conference. It is clear that if Congress can create judgeships without judicial approval, then Congress can leave existing judgeships vacant or abolish judgeships without judicial approval. It would be illogical for the Constitution to give Congress broad authority over the lower Federal courts and yet constrain Congress from acting unless the lower Federal courts first gave prior approval.

Madam President, I ask my colleagues to vote "no" on the current nomination and strike a blow for fiscal responsibility. Spending $18 million on an unnecessary judge is wrong. I have nothing against the nominee. Mr. Garland seems to be well qualified and would probably make a good judge—in some other court. Now, I've been around here long enough to know where the votes are. I assume Mr. Garland will be confirmed. But, I hope that by having this vote—and we've only had four judicial votes in the last 4 years—a clear message will be sent that these nominations will no longer be taken for granted.

Let's be honest—filling the current vacancies in the D.C. circuit is about political patronage and not about improving the quality of judicial decision making. And who gets stuck with the tab for this? The American taxpayer. I think it's time that we stand up for hardworking Americans and say no to this nomination.

I would like to make a few comments about the Judicial nomination process in general. Just about every day or so we hear the political hue and cry about how slow the process has been. This is even though we confirmed a record number of 202 judges in President Clinton's first term—more than we did in either President Reagan's or President Bush's first term.

I have heard the other side try to make the argument that not filling vacancies is the same as delaying justice. Well, when you have Clinton nominees or judges who are lenient on murderers because their female victim did not suffer enough, or you have a judge that tries to exclude bags of drug evidence against drug dealers, or a judge that says a bomb is not really a bomb because it did not go off and kill somebody—then I think that's when justice is denied.

The American people have caught on to this. And, I think the American people would just as soon leave some of these seats unfilled rather than filling them with judges who are soft on criminals or who want to create their own laws.

We have heard repeatedly from the other side that a number of judicial emergency vacancies exist. We are told that not filling these vacancies is causing terrible strife across the country. Now, to hear the term "judicial emergency" sounds like we are in dire straits. But, in fact, a judicial emergency not only means that the seat has been open for 18 months. It does not mean anything more than that, despite the rhetoric we hear.

In fact, it is more than interesting to note that out of the 24 so-called judicial emergencies, the administration has not even bothered to make a nomination to half them. That is right, Mr. President. After all we have heard about Republicans not filling these so-called judicial emergencies which are not really emergencies, we find that the administration has not even sent up nominees for half of them after having over a year and a half to do so.

But, we continue to hear about this so-called caseload crisis. My office even got a timely fax from the judicial conference yesterday bemoaning the increase in caseload. Well, Mr. President, I sent out the first time ever national survey to article III judges last year. I learned many things from the responses. Among them, I learned that while caseloads are rising in many jurisdictions, the majority of judges believed the caseloads were manageable with the current number of judges. A number of judges would even like to see a reduction in their ranks.

We know that much of the increased caseload is due to prisoner petitions, which are dealt with very quickly and easily, despite the hue and cry we hear. As a matter of fact the judicial conference even admits some of the increase is due to prisoners filing in order to beat the deadline for the new filing fees we imposed. So, there may be isolated problems, but there is no national crisis—period.

On February 5, I had the opportunity to chair a judiciary subcommittee hearing on judicial resources, concentrating on the fourth circuit. My efforts in regard to judgeship allocations are based upon need and whether the taxpayers should be paying for judgeships that just are not needed. We heard from the chief judge that filling the current two vacancies would actually make the court's work more difficult for a number of reasons. He argued that justice can actually be delayed with more judges because of the added uncertainty in the law with the increased number of differing panel decisions. I am sorry that only three Senators were there to hear this very enlightening testimony.

We in the majority have been criticized for not moving fast enough on nominations. However, we know there was a higher vacancy rate in the judiciary at the end of the 103d Democrat Congress than there was at the end of the 104th Republican Congress. Even though there were 65 vacancies at the end of last year, there were only 28 nominees that were not confirmed. All of them had some kind of problem or concern attached to them. The big story here is how the administration sat on its rights and responsibilities and did not make nominations for more than half of the vacancies. And some of the 28 nominations that were not confirmed were only sent to us near the end of the Congress. Yet, the administration has the gall to blame others for their failings.

I think it is also important to remember the great deal of deference we on this side gave to the President in his first term. As I said, we have confirmed over 200 nominees. All but four, including two Supreme Court nominees, were approved by voice vote. That is a great deal of cooperation. Some would say too much cooperation.

But now, after 4 years of a checkered track record, it is clear to me that we need to start paying a lot more attention to whom we're confirming. Because like it or not, we are being held responsible for them.

I cannot help but remember last year when some of us criticized a ridiculous decision by a Federal judge in New York who tried to exclude overwhelming evidence in a drug case. What was one of the first things we heard from the administration? After they also attacked the decision, they turned around and attacked the Republican Members who criticized the decision. They said, you Republicans voted for the nominee, so you share any of the blame.

Well, the vote on Judge Baer was a voice vote. But, I think many of us woke up to the fact that the American people are going to hold us accountable for some of these judges and their bad decisions. So, there is no question the scrutiny is going to increase, thanks to this administration, and more time and effort is going to be put into these nominees. And, yes, we will continue to criticize bad decisions. If a judge that has life tenure cannot withstand criticism, then maybe he or she should not be on the bench.

Now, having said all of this, we have before us a nominee who we're ready to vote on. I had been one of those holding up the nominee for the D.C. circuit, the nomination before us. I believe I have made the case that the 12th seat should not be filled because there is not enough work for 12 judges, or even 11 judges for that matter. My argument has always been with filling the seat—not the nominee. Now that we have two open seats—even though the caseload continues to decline—I'm willing to make a good faith effort in allowing the Garland nomination to move forward.

But, given the continued caseload decline, and the judicial conference's own formula giving the circuit only 9.5 judges, I cannot support filling even the 11th seat. So, I will vote "no." I assume I will be in the minority here and the nominee will be confirmed, but I think the point has to be made. I very much appreciate Chairman HATCH's efforts in regard to my concerns, and his decision to not fill the unnecessary 12th seat.

So, there have been a lot of personal attacks lately. Motives are questioned and misrepresented. This is really beneath the Senate. And I hope it will not continue.

Despite the attacks that have been launched against those of us who want to be responsible, all we are saying is send us qualified nominees who will interpret the law and not try to create it. Send us nominees who will not favor defendants over victims, and who will be tough on crime. Send us nominees who will uphold the Constitution and not try to change it. As long as the judgeships are actually needed, if the administration sends us these kinds of nominees, they will be confirmed.

I thank the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in opposition to the nomination of Merrick B. Garland to be a judge on the U.S. Court of Appeals for the District of Columbia Circuit. I commend Senators SESSIONS, KYL, and GRASSLEY for taking this course.

Let me state from the outset that my opposition has nothing to do with the nominee himself. I have no reservations about Mr. Garland's qualifications or character to serve in this capacity. He had an excellent academic record at both Harvard College and Harvard Law School before serving as a law clerk on the U.S. Court of Appeals for the Second Circuit and the U.S. Supreme Court. Also, he has served in distinguished positions in private law practice and with the Department of Justice. Moreover, I have no doubt that Mr. Garland is a man of character and integrity.

However, qualifications and character are not the only factors we must consider in deciding whether to confirm someone for a Federal judgeship. A more fundamental question is whether we should fill the position itself. Mr. Garland was nominated for the 11th seat on the D.C. circuit. I do not feel that this vacancy needs to be filled. Thus, I cannot vote in favor of this nomination.

The caseload of the D.C. circuit is considerably lower than any other circuit court in the Nation. In 1996, the eleventh circuit had almost five times the number of cases per judge as the D.C. circuit. The fourth circuit had over three times as many cases filed. Specifically, about 378 appeals were filed per judge in the fourth circuit in 1996, compared to only about 123 in the D.C. circuit.

Moreover, the caseload of the D.C. circuit is falling, not rising. Statistics from the Administrative Office show a decline in filings in the D.C. circuit over the past year.

I am well aware of the argument that the cases in the D.C. circuit are more complex and take more time to handle, and therefore we should not expect the D.C. circuit to have the same caseload per judge as other circuits. However, this fact cannot justify the great disparity in the caseload that exists today between the D.C. circuit and any other circuit. This is especially true since the D.C. circuit caseload is declining. In short, it is my view that the existing membership of the D.C. circuit is capable of handling that court's caseload.

Mr. President, one of the core duties of a Member of this great Body is to determine how to spend, and whether to spend, the hard-earned money of the taxpayers of this Nation. We must exercise our duty prudently and conservatively because it is not our money or the Government's money we are spending; it is the taxpayers' money. Today, the Republican Congress is working diligently to find spending cuts that will permit us to finally achieve a balanced budget. In making these hard choices, no area should be overlooked, including the judicial branch. Under the Constitution, the Congress has the power of the purse, and it has broad authority over the lower Federal courts. This body has the power to eliminate or decide not to fund vacant lower Federal judgeships, just as it had the power to create them in the first place.

The cost of funding a Federal judgeship has been estimated at about $1 million per year. This is a substantial sum of money, and a vastly greater sum if we consider the lifetime service of a judge. We must take a close look at vacant judgeships to determine whether they are needed.

In this regard, Senator GRASSLEY, the chairman of the Judiciary Subcommittee on the Courts and Administrative Oversight, has been holding hearings regarding the proper allocation of Federal judgeships. I would like to take this opportunity to commend Senator GRASSLEY for the fine leadership he is providing in this important area. Through Senator GRASSLEY's hard work, we have learned and continue to learn much about the needs of the Federal courts.

During one such subcommittee hearing this year, the Chief Judge of the Court of Appeals for the Fourth Circuit, J. Harvie Wilkinson III, explained that having more judges on the circuit court does not always mean fewer cases and a faster disposition of existing ones. He indicated it may mean just the opposite. More judges can mean less collegial decisionmaking and more intracircuit conflicts. As a result of such differences, more en banc hearings are necessary to resolve the disputes. More fundamentally, a large Federal judiciary is an invitation for the Congress to expand Federal jurisdiction and further interfere in areas that have been traditionally reserved for the States.

In summary, I oppose this nomination only because I do not believe that the caseload of the D.C. circuit warrants an additional judge. Mr. Garland is a fine man, but I believe that my first obligation must be to the taxpayers of this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining to the distinguished senior Senator from Utah and myself?

The PRESIDING OFFICER. The Senators have 54 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, I am concerned when I hear attempts to tie Mr. Garland's nomination to the number of judges in the D.C. circuit. Let us remember that Mr. Garland is there to fill the 11th seat on the D.C. circuit, not the 12th seat. Even Judge Silberman, who has argued for abolishing the 12th seat for this court, has testified that "it would be a mistake, a serious mistake, for Congress to reduce down below 11 judges." That is a verbatim quote from Judge Silberman.

But we should also remember that when we just put numbers here, numbers do not tell the whole story. The D.C. circuit's docket is by far the most complex and difficult in the Nation. You can have a dozen routine matters in another circuit and one highly complex issue involving the U.S. Government in the D.C. circuit, brought because it is the D.C. circuit, that one would go on and equal the dozen or more anywhere else.

We can debate later on the size of the D.C. circuit, whether it should be 11 or 12. But we are talking about the 11th seat. And what Senators ought to be talking about is the fact that Merrick Garland is a superb nominee. He has been seen as a superb nominee by Republicans and Democrats alike, by all writers in this field. At a time when some seem to want people who are not qualified, here is a person with qualifications that are among the best I have ever seen.

So, let us not get too carried away with the debate on what size the court should be. We can have legislation on that. The fact is, we have a judge who is needed, a judge who was nominated, and whose nomination was accepted and voted on by the Senate Judiciary Committee in 1995. It is now 1997. Let us stop the dillydallying. I suppose, as we are not doing anything else—we do not have any votes on budgets or chemical weapons treaties or any of these other things we can do—I suppose we can spend time on this. We ought to just vote this through, because at the rate we are currently going we are falling further and further behind, and more and more vacancies are continuing to mount over longer and longer times, to the detriment of greater numbers of Americans and the national cause of prompt justice.

Frankly, I fear these delays are going to persist. In fact, the debate on what should be in the courts took an especially ugly turn over the last 2 weeks. Some Republicans have started calling for the impeachment of Federal judges who decide a case in a way they do not like. A Member of the House Republican leadership called for the impeachment of a Federal judge in Texas because he disagreed with his decision in the voting rights case, a decision that, whichever way he went, was going to be appealed by the other side. If he ruled for the plaintiffs, the defendants were going to appeal; if he ruled for the defendants, the plaintiffs would have appealed. But this Member of the other body decided, forget the appeals, he disagrees, so impeach the judge. He is quoted in the Associated Press as saying, "I am instituting the checks and balances. For too long we have let the judiciary branch act on its own, unimpeded and unchallenged, and Congress' duty is to challenge the judicial branch."

The suggestion of using impeachment as a way to challenge the independence of the Federal judiciary, an independence of the judiciary that is admired throughout the world, the independence of a judiciary that has been the hallmark of our Constitution and our democracy, the independence of a Federal judiciary that has made it possible for this country to become the wealthiest, most powerful democracy known in history and still remain a democracy—to talk of using impeachment to challenge that independence demeans our Constitution, and it certainly demeans the Congress when Members of Congress speak that way. It is also the height of arrogance. It ignores the basic principle of a free and independent judicial branch of Government. We would not have the democracy we have today without that independence.

I wonder if some have taken time to reread the Constitution. Maybe I give them too much benefit of the doubt. I will ask them to read the Constitution. Article II, section 4, of the Constitution states:

> The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

The Founders of this country did not consider disagreement with a Member of the House of Representatives as an impeachable offense. In fact, the Founders of this country would have laughed that one right out. Can you imagine? I suggested some read the Constitution and, I must admit, in a moment of exasperation, I suggested perhaps some who were making these claims had never read a book at all. But, of course, they have. There is one by Lewis Carroll. It is called Alice in Wonderland. The queen had a couple different points she made. One, of course, if all else failed was, "Off with their heads." The other is, "The law is what I say the law is."

We all lift our hands at the beginning of our term in office and swear allegiance to that Constitution, but all of a sudden there is something found in there that none of us knew about. Impeach a judge because you disagree with a judge's decision? I tried an awful lot of cases before I came here. I was fortunate in that, a chance to try cases at the trial level and the appellate level. Sometimes I won, sometimes I lost, but there was always an appeal. In fact, I found in the cases I won as a prosecutor, the person on the way to jail would invariably file an appeal. I just knew the appeal would be made. That is the way the courts go.

You do not suddenly say because I won the case, the judge was to be impeached.

I think back to about 40 years ago and those who wanted to impeach the U.S. Supreme Court. Why? Because they refused to uphold segregation—let's impeach the Court. In fact, I made my first trip here to the U.S. Capitol in Washington, DC, when I was in my late teens. At that time, for the first time, I saw the billboards and demonstrations against the Chief Justice after the landmark Brown versus Board of Education decision. I wondered what was going on.

In the 1950's, it was not uncommon to see billboards and bumper stickers saying, "Impeach Earl Warren." These signs were so prevalent, Mr. President, that a young man from Georgia at that time once remarked that his most vivid childhood memory of the Supreme Court was the "Impeach Earl Warren" signs that lined Highway 17 near Savannah. He said: "I didn't understand who this Earl Warren fellow was, but I knew he was in some kind of trouble."

That young man from Georgia is now a Supreme Court Justice himself, Justice Clarence Thomas.

In hindsight, it seems laughable, as in hindsight the current calls of impeachment of current judges will also be laughable. At that time, the call to impeach was popular within a narrow and intolerant group which did not understand how our democracy works or what was its strength. Apparently, it is fashionable in some quarters to sloganeer about impeaching Federal judges again.

It was wrong in the 1950's to have somebody who wanted to protect the sin and stain of segregation to call for the impeachment of Earl Warren. It is wrong for some today to call for the impeachment of a Federal judge because of a disagreement with a single decision.

So I hope all of us—all of us—stop acting as though we can go to something way beyond our Constitution because a judge comes out with a decision that we may disagree with. That is not a high crime or misdemeanor; it is not an impeachable offense. Maybe it is an appealable question, but not an impeachable offense.

We in the Congress cannot act as some super court of appeals. Good Lord, we even had a suggestion over the weekend that maybe even the Congress should have the power to vote to override any decision. In fact, it would be a super court of appeals. Good Lord, Mr. President, look at the pace of this Congress. We have almost 100 vacancies on the Federal court and certainly by the end of business yesterday, we had not filled a single one of them. We have not had a minute of debate on the budget. We have done nothing about bringing up campaign finance reform.

Cooler heads are prevailing. I commend the distinguished majority leader, Senator LOTT, for his remarks on these impeachment threats. He is quoted as saying that impeachment should be based on improper conduct of a judge, not on his or her decisions or appeals. I think that is the way it should be. I think perhaps we should step back before we go down this dark road.

I understand, Mr. President, that the distinguished senior Senator from

Maryland wishes 5 minutes; is that correct?

Mr. SARBANES. If the Senator can yield me 5 minutes, I would appreciate it.

Mr. LEAHY. Mr. President, I yield 5 minutes to the distinguished senior Senator from Maryland.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maryland.

Mr. SARBANES. I thank the Chair.

I would like to ask the distinguished Senator from Vermont a couple of questions, if I can, about the charts he was referring to earlier. I want to make sure I understand them fully.

This one, as I understand, shows the number of judges that have been confirmed in the last three Congresses—we are now in the 105th Congress. There are currently 94 vacancies in the Federal court system?

Mr. LEAHY. There are. There will very soon be 100.

Mr. SARBANES. As yet, no judges have been confirmed in this Congress?

Mr. LEAHY. That's right.

Mr. SARBANES. This is the first judge that has come before us?

Mr. LEAHY. That is right.

Mr. SARBANES. Although I gather there are some 25 judges pending in the Judiciary Committee.

Mr. LEAHY. Between 23 and 25, enough to fill a quarter of the vacancies that are pending. Of course, on Mr. Garland, he came before the committee in 1995 and was approved by the committee the first time in 1995. We are now in 1997. It is not moving with alacrity.

Mr. SARBANES. It is not even moving with the speed of a glacier, one might observe.

Mr. LEAHY. I was going to say, there is a certain glacier connotation to the speed of confirming judges.

Mr. SARBANES. In the previous Congress, the 104th Congress, 75 judges were confirmed?

Mr. LEAHY. That's right.

Mr. SARBANES. The previous Congress, the 103d, 129, and the one before that, the 102d, 124; is that correct?

Mr. LEAHY. The Senator is correct.

Mr. SARBANES. There is a significant falloff in the number of judges being confirmed.

Mr. LEAHY. In the 104th Congress, I tell my friend from Maryland, there was an unprecedented slowdown in the confirmation of judges to the extent that I think the only year that we could find, certainly in recent memory, where no court of appeals judges were confirmed at all was in the second session of the 104th Congress. The slowdown was so dramatic in the second session of the 104th Congress that it dropped the number down to certainly an unprecedented low, considering the vacancies.

Mr. SARBANES. I am quite concerned with these developments. The Congress has become much more political and partisan by any judgment. I think that is regrettable, but it has happened, and we have to try to contend with it here as best we can. But I think it is a dire mistake if this attitude carries over into our decisions regarding the judiciary, the third, independent branch of our Government and the one that, in order to maintain public confidence in our justice system, ought to have politics removed from it as much as is humanly possible.

Would the Senator from Vermont agree with that observation?

Mr. LEAHY. I absolutely agree. It has been my experience in the past that Republicans and Democrats have worked closely together with both Republican and Democratic Presidents to keep the judiciary out of politics, knowing that all Americans would go to court not asking whether a judge is Republican or Democrat, but asking whether this is a place they will get justice. If we politicize it, they may not be able to answer that question the way they have in the past.

Mr. SARBANES. Therefore, I am very interested in this chart you have prepared: The number of judges confirmed during the second Senate session in the Presidential election years.

Now, what has happened? What happened in 1996 is dramatic. No appeals court judges were confirmed and only 17 district court judges.

Mr. LEAHY. If my friend from Maryland will yield on that, I will point out the contrast. In 1992 we had a Republican President and a Democratic Senate; we confirmed 11 appellate court judges and 55 district court judges. Four years later you have a Democratic President and a Republican Senate and look at the vast difference: zero appellate court judges and only 17 district court judges, notwithstanding an enormous vacancy rate.

I think what it shows is that, if you want something to demonstrate partisanship, when the Democrats controlled the Senate with a Republican President, they still cooperated to give that Republican President a significant number of judges in the second session, in a Presidential election year, the time it normally slows down, as contrasted to the absolute opposite, the unprecedented opposite, of what happened when you have a Democratic President and a Republican Senate.

Mr. SARBANES. Let me take the Senator's——

Mr. CHAFEE. Could I ask a question in here at the proper time? I do not want to interrupt the flow. I had a question of the manager?

Mr. LEAHY. The Senator from Maryland has the floor.

Mr. SARBANES. I yield for the inquiry.

Mr. CHAFEE. My question is this. As I understand it, there are 3 hours on this bill, so presumably that would take us up to around 6 o'clock, as I understand.

Mr. LEAHY. Unless time is yielded back.

Mr. CHAFEE. I wonder if there appeared to be much of a chance that some time might be yielded back? It would be very helpful to me, but I do not want to stop any pearls of wisdom.

Mr. LEAHY. I have a member of the Leahy family to whom I have had the privilege of being married nearly 35 years who hopes time will be yielded back. As her husband, I hope time will be yielded back. I am about to just give the floor back to the Senator from Maryland. I do not know how much more time is going to be taken in opposition to Mr. Garland. I know of very little time that is going to be taken further here.

So the long way around, to answer my good friend from Rhode Island, I hope time will be yielded back fairly soon.

Mr. CHAFEE. Put me down as a firm supporter of Mrs. Leahy.

Mr. LEAHY. I am sure she would be delighted to know that.

Mr. SARBANES. If the Senator would yield for one further question, just to take your analysis a step further, in 1992 and 1988, in each of those years, you had a Republican President and a Democratic Senate, is that not correct?

Mr. LEAHY. Right.

Mr. SARBANES. It is in both these years, not just the contrast of the last year of the Bush Presidency. But in the last year of the second Reagan administration, we confirmed 7 appeals judges, then 11 for the last year of the Bush administration, and last year the number was zero. For district court judges in those years it was 35, 55 and 17. That is a dramatic difference. An element has intruded itself in this confirmation process that was not heretofore present.

Mr. LEAHY. If the Senator would yield a moment.

In 1984, there was a Republican Senate and Republican President, and you see 10 and 33. In 1992, there is a Republican President and Democratic Senate, and the Democratic Senate actually did better for the Republican President than the Republican Senate for the Republican President.

Mr. SARBANES. Exactly.

Let me say I am very deeply concerned about this development. I want to commend the Senator from Vermont because he has been speaking out on this very important matter for some time now.

Moving to the pending nomination, I want to speak first to Merrick Garland's merits, although let me say that I do not understand any of my colleagues to be questioning his capabilities and qualifications to serve on the bench. In fact, Members on both sides have spoken very highly of Merrick

Garland and noted his outstanding character.

I was privileged, since he is a resident of my State, to have the honor to introduce him at his confirmation hearing before the Senate Judiciary Committee. That was on November 30, 1995, almost 18 months ago. I believed then and continue to believe now that he will make an outstanding addition to the D.C. circuit.

His career exemplifies his strong commitment to the law and to public service.

He is a magna cum laude graduate from Harvard Law School. He clerked for Judge Henry Friendly on the second circuit and for Justice William Brennan at the Supreme Court.

He has had a long association with the Justice Department, first as a special assistant to then Att. Gen. Benjamin Civiletti. He then became a partner at Arnold & Porter when he left the Justice Department to go into private practice.

Upon returning to public service, he has served as an assistant U.S. attorney for the District of Columbia, dealing with public corruption and Government fraud cases. He has also served as Deputy Assistant Attorney General in the Justice Department's Criminal Division and as Principal Associate Deputy Attorney General, both very high ranking positions within the Department.

In all of these positions he has served our country with great distinction.

He has published extensively in several areas of the law and has remained active in bar association activities.

In every respect, in his intellect, his character, and his experience, he would make an outstanding addition to the bench.

Let me now just briefly talk about this new line of attack, so to speak, that has arisen about whether vacancies on the D.C. circuit should be filled.

First of all, I think any analysis of the courts' need to fill vacancies cannot be based simply on caseload statistics—this is a benchmark that one needs to analyze carefully in order to determine what lies behind the cases. In fact, the D.C. circuit's situation in particular makes clear that mere case filing numbers do not tell the whole story with respect to the burdens that the court faces. The D.C. circuit receives, in complexity and importance, cases that do not come as a general rule before the other circuits across the country. It has had major, major cases that it has had to deal with as a routine matter, cases of great weight and importance to the nation.

The D.C. circuit also handles numerous appeals from administrative agency decisions that are characterized by voluminous records and complex fact patterns. In fact, almost half of the D.C. circuit's cases are these kinds of administrative appeals—46 percent. The next highest circuit in this respect is the ninth circuit with 9.6 percent of their cases being of this kind.

The D.C. circuit also handles fewer of the least complex and time-consuming cases, criminal and diversity cases, than any of its sister circuits. Only 11 percent of its cases are diversity cases. No other circuit has less than 24 percent.

In testimony before the Judiciary Committee's Courts Subcommittee, D.C. Circuit Judge Harry Edwards—the Chief Judge of the circuit—gave one example of the kind of complex administrative cases that are a routine part of the D.C. circuit's caseload. He talked about a case to review a FERC order, an order of the Federal Energy Regulatory Commission. This order produced, at the time of appeal, 287 separate petitions for review by 163 separate parties, and a briefing schedule that provided for the filing of 27 briefs, totaling over 900 pages.

I am simply making the point that they get very complex matters to deal with in the D.C. circuit, and that the case filing numbers relied on by other side do not tell the whole story.

Recall also that the vacancy we are talking about filling here is the 11th out of 12 slots on the D.C. circuit. Originally, Merrick Garland was being opposed on the basis that the 12th spot on the circuit court ought not to be filled. Now, with the taking of senior status by one of the D.C. circuit's judges, we are talking about filling the 11th spot, not the 12th spot, on that court and yet Members have come forward opposing the Garland nomination, a fact which I very much regret.

Now I want to address just very briefly the fact that the fourth circuit was raised earlier by one of my colleagues in this debate. He cited the view of Fourth Circuit Chief Judge Wilkinson, presented at a February 1997 Judiciary Subcommittee hearing, that the President and Senate do not need to fill the two vacancies that exist on that court.

It is interesting that at that same hearing, testimony that I do not think has been cited, by Judge Sam Ervin, the very able and distinguished circuit judge of the Court of Appeals for the Fourth Circuit, and the son of our former distinguished colleague, was presented before the panel in support of filling the vacancies.

Mr. President, I ask unanimous consent that the very thoughtful statement by Judge Ervin be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. It is very important to note that with respect to the fourth circuit, there is a nominee pending before the Judiciary Committee, whose nomination was submitted in the last Congress—two nominations, as a matter of fact, were submitted to the Committee last year—and one has been resubmitted by the administration right at the beginning of this session.

The PRESIDING OFFICER. The Senator from Maryland has spoken for considerably more than 5 minutes.

Mr. SARBANES. Would the Senator give me 2 minutes to close up?

Mr. LEAHY. I yield 2 additional minutes.

Mr. SARBANES. There is no way with a nominee having been sent to the Senate by the President, that an argument for not approving the nominee based on not needing the judgeship can be made without it carrying with it an ad hominem argument against the nominee.

If people are really serious about reducing vacancies on the courts, they need to scrub down the number of places before the nominees are submitted, by legislation. Once the nominees come here, you cannot divorce the attack on the individual from the attack on the need for the seat on the bench. We have the chief judge of the fourth circuit coming in against filling spots when nominees are pending.

Now, how can that position be taken and considered separate from opposition to the nominee? They say, "Well, I am not against this nominee, but I just do not think this spot ought to be filled." Of course, that is small comfort to the nominee whose nomination is pending and has been put forward in order to fill the vacancy.

Now, Judge Ervin, in his testimony, sets forth, I think, a very persuasive case why the fourth circuit needs to have those vacancies filled. I commend that statement to my colleagues. I will not go through it in detail here, given the fact that this debate is coming to a close.

I do encourage my colleagues to consider carefully the political cloud with which we are now surrounding the judgeships.

I say to my colleagues on the other side, we did not behave this way at a time when the Senate Democrats were in control of the Senate and we were dealing with the nominations of Republican Presidents. I will be very frank. I think the judiciary deserves better than that from us. I hope that game will come to an end and we will be able to move ahead with the confirmation of judges in an orderly fashion.

In closing, let me again state that I am very supportive of the judicial nominee who is before the Senate today. I think he is a person of outstanding merit who will make an outstanding judge, and I urge his confirmation.

EXHIBIT 1

STATEMENT OF THE HONORABLE SAM J. ERVIN III

Mr. Chairman and members of the Subcommittee, my name is Sam J. Ervin, III, of Morganton, North Carolina. I am an active

United States Circuit Judge for the Fourth Circuit, having been appointed in May, 1980. I had the honor of serving as the Chief Judge of that Circuit from February, 1989 until February, 1996. I appreciate the Subcommittee's willingness to hear my views.

I support the actions of the Judicial Conference of the United States in its efforts to address the important issue of judgeship needs. I commend Chief Judge Julia Gibbons and the other members of the Judicial Resources Committee for establishing a principled method for evaluating these needs.

I am in agreement with my good friend and colleague, Chief Judge J. Harvie Wilkinson, III, that the federal judiciary should remain of limited size and jurisdiction. Should anyone present doubt my commitment to those principles, I quote from a resolution that I introduced on June 24, 1993: (which was unanimously adopted by the Article III Judges of the Fourth Circuit)

"Chief Judge ERVIN. If I may, I would like to submit for consideration a resolution reading as follows:

"'*Resolved* that the future role of the federal courts should remain complementary to the role of the state courts in our society. They should not usurp the role of state courts.

"'To achieve that goal, it is the consensus of the Conference that the Congress might consider such issues as the federal courts remaining an institution of limited size and jurisdiction. The ability of the federal courts to fulfill their historical limited and specialized role is dependent on the willingness of Congress to maintain jurisdictional balance and curtail the federalization of traditional state crimes and causes of action.'"

My appearance here today, however, is necessitated by Chief Judge Wilkinson's proposal that we do not need to fill the two judicial vacancies that presently exist in our circuit. It is my conviction that our failure to do so would be a serious mistake.

First, a brief history leading up to the subject of whether these two existing vacancies should or should not be filled;

On October 9, 1985, when the late Harrison Winter was our Chief Judge, the circuit judges, with a single dissent, voted to ask for four additional active judges for the Fourth Circuit.

On October 4, 1989, we again indicated by another formal action that while we did not desire a court of more than 15 active judges, we unanimously reaffirmed our earlier request for four additional judges.

Legislation was passed in 1990 authorizing a number of additional judgeships, including four new circuit court judges for the Fourth Circuit. Thereafter, three of these so-called Omnibus Bill judges were nominated and subsequently confirmed: Judge Hamilton (S.C.) in July, 1991; Judge Luttig (V.A.) in August, 1991; and Judge Motz (M.D.) in June, 1994.

The fourth (and final) Omnibus Bill judgeship has remained unfilled since it was created in December, 1990. As of this date, there is no pending nomination for this vacancy, and I believe that this is the only 1990 circuit judgeship that remains unfilled.

The second Fourth Circuit vacancy was created when Judge J. Dickson Phillips, Jr., of North Carolina, took senior status, effective July 31, 1994. More than two and one-half years later, the Honorable James M. Beaty, Jr., a District Court Judge in the Middle District of North Carolina, was nominated to succeed Judge Phillips, but no action has been taken on that nomination by the Senate Judiciary Committee.

To my knowledge, the judges of the Fourth Circuit have never taken any formal action to indicate an unwillingness to stand by our requests that these two vacancies be filled.

In order to evaluate the Circuit's needs for these two judgeships, I suggest that we must realistically assess our present situation:

Present Active Judges: At this time, the Fourth Circuit has 13 active judges. Five of these judges are 70 years of age or older. Their present ages are: 90, 78, 76, 73, and 70. Is it realistic to expect that all of these judges will be able to continue to serve indefinitely?

Present Senior Judges: The last printed report from the Administrative Office is outdated in reflecting that we have 4 senior judges. One of the four retired on July 31, 1995, and is no longer eligible to sit.

Another has indicated that he does not plan to sit any more. The remaining two, whose current ages are 79 and 74, have each been sitting 2 days per court week, thereby constituting 4/5 of one judge.

Necessary Panels: For the past several years, we have been averaging 5 panels of judges each court week. With our present complement of active and senior judges, we lack a sufficient number of judges to fill 5 panels without bringing in district judges from our own circuit or senior judges from other circuits.

Current Statistics: Rather than burden you with more numbers, I will simply refer to the latest figures published by the Administrative Office. I am confident that those statistics fully justify the filling of the two existing vacancies. In fact, as I understand it, if the numerical portion of the existing formula were applied (the 500 filings per panel with pro se appeals weighted as one-third of the cases) the Fourth Circuit would be eligible to receive 20 judgeships. We have never requested more than 15.

North Carolina: I note that Judge Gibbon's Judicial Resource Committee has listed as a factor to be considered in allocating judgeships, geographical considerations within a circuit. At the risk of being thought provincial, I emphasize the special impact that a failure to fill the two presently unfilled seats on the Fourth Circuit will have on North Carolina. The expectation has been that these seats would be assigned to that state. I, of course, recognize that there is no law which requires that this allocation be made—actually this is a matter for the executive and legislative branches to determine—but it seems to be the fair thing to do for the following reasons:

a. North Carolina is the most populous state in the circuit.

b. North Carolina has one of the highest numbers of filings in the district courts in the circuit.

c. North Carolina, like West Virginia, has had only two seats, while both Virginia and Maryland have three each, and South Carolina has four. Filling the two existing vacancies from North Carolina would do no more than to restore that state to parity with our sister states. I point out that should I decide to take senior status—as I am eligible to do—North Carolina would have no active judge. That situation would create some insurmountable problems for both the bar and litigants of that state.

d. While it has been suggested to me that this imbalance could be remedied by assigning seats now held by judges from other states to North Carolina as they are opened by death or retirement, that seems an unpredictable solution—especially in the present political climate.

Above all else, I seek to be as sure as it is humanly possible to be that our circuit has a sufficient number of judges to enable us to render swift and certain justice in all of the cases that come before us. Some recent legislation and our adoption of new internal operating procedures may well reduce our caseload to some degree but countervailing circumstances, including the continuation of the federalization of numerous state crimes, the creation of new private rights of action, the rapid population growth of the region, and the increased complexity of both the criminal and civil cases now coming to the federal courts (to mention only a few of the relevant factors) will, I fear, more than offset any decreases in our workloads. I do believe that we would have sufficient personnel to enable us to do the work that is assigned to us in a fashion acceptable to all if these two vacancies are filled—at least for the foreseeable future.

Mr. Chairman, in the Questionnaire which you sent to the members of the judiciary some time ago, you raised the legitimate question of whether we as judges were being required by our respective workloads to delegate more of our judicial functions than was ideal—or even healthy—to elbow law clerks, staff law clerks or other non-judicial employees. I was not privy to the answers my colleagues returned to those questions, but I strongly suspect that many of us would admit that the degree of delegation required in the courts of appeals is greater than is ideal. Speaking only for myself, I would like to be able to devote greater personal attention to every matter that comes before me than I am now able to do.

I sincerely believe that our present ability to carry out our duties in a manner pleasing to this Subcommittee, to the public, and to ourselves would be enhanced by the filling of these two long vacant positions.

Mr. BIDEN. Mr. President, 2 of the 12 seats on the District of Columbia Court of Appeals are currently vacant. Some have argued that the vacancy to which Merrick Garland has been nominated should not be filled because the D.C. circuit is overstaffed. But the reasons Congress gave for approving 12 seats for the D.C. circuit remain compelling today and justify filling this vacancy.

Further, to propose eliminating a circuit court judgeship within the context of a particular nomination, rather than through the deliberative process we normally follow in addressing judgeship needs, jeopardizes the impartiality and independence of the judiciary.

Merrick Garland's nomination was first delivered to the Senate on September 6, 1995—more than 18 months ago. The Judiciary Committee held a confirmation hearing on the nomination on November 30, 1995, and forwarded the nomination for consideration by the full Senate 2 weeks later. The full Senate failed to act on Garland's nomination for 9½ more months, however, returning it to the President at the close of the 104th Congress.

In fact, the Senate refused to confirm a single circuit court judge during the entire second session of the last Congress. This was the first time in more than 20 years that an entire session of Congress had passed without a single circuit court confirmation. Nonetheless, some argued that shutting down the confirmation process is par for the course in an election year. They are wrong. And let me set the record straight.

George Bush made nearly one-third of his 253 judicial nominations in 1992, a Presidential election year. As chairman of the Judiciary Committee, I held 15 nomination hearings that year, including 3 in July, 2 in August, and 1 in September. In 1992—the last Presidential election year—the Senate continued to confirm judges through the waning days of the 102d Congress. We even confirmed 7 judges on October 8—the last day of the second session. As a result, the Senate confirmed all 66 nominees the Judiciary Committee reported out that year—55 for the district courts and 11 for the circuit courts. Let me repeat: last session, only 17 district judges were confirmed and no circuit judges were confirmed.

Now that the election is over and Merrick Garland has been renominated, Republicans argue that we should not vote to confirm him because the District of Columbia circuit needs only 10 judges. They are wrong. And let me set the record straight.

Congress has previously recognized the need for 12 judges. Twelve years ago, based on the recommendation of the Judicial Conference of the United States, Congress concluded that the D.C. circuit's caseload warranted 12 judgeships. The Senate report to the 1984 legislation creating an additional judgeship states:

> Located at the seat of the Federal government, the Court of Appeals for the District of Columbia inevitably receives a significant amount of its caseload from federal administrative agencies headquartered in that area. Administrative appeals filed in this court numbered 504 in 1982 and represented 34.8 percent of the incoming caseload. Due to the nature of the caseload which includes many unique cases involving complex legal, economic and social issues of national importance and a large backlog of pending appeals, this court requires one additional judgeship.

The D.C. circuit needs 12 judges to handle its complex caseload. A large portion of the D.C. Circuit caseload consists of complex administrative appeals which generally consume a larger amount of judicial resources than other appellate cases. Therefore, comparison of raw caseload data between the D.C. circuit, with its high percentage of complex administrative cases, and the other circuits is misleading. According to the statistics provided by the Administrative Office of U.S. Courts for the period from September 30, 1995 to September 30, 1996, 1,347 cases were filed in the D.C. circuit, 474 of which—or 35.2 percent—were administrative appeals. In contrast, in the remaining 11 circuits, of the 51,991 cases filed, only 2,827—or 5.4 percent—were administrative appeals.

The D.C. circuit has a long time interval between filing a notice of appeal and final disposition. Because the D.C. circuit has this incredibly high percentage of administrative appeals relative to the other circuits and because these types of cases require tremendous amounts of judicial resources, litigants in the D.C. circuit must wait an average of 12 months between the filing of the notice of appeal and final disposition. Only 3 of the 12 circuits have a longer average for this time frame.

The fact that the D.C. circuit has a long time interval between filing and disposition is indicative of the complex cases that the circuit handles. Other circuits have more criminal appeals and garden-variety diversity cases that often are amenable to summary disposition without oral argument.

The D.C. circuit has fewer pro se appeals than other circuits. In addition to having fewer criminal appeals and diversity cases, the D.C. circuit has a lower percentage of pro se mandamus cases than all other circuits. Chief Judge Edwards has noted that pro se appeals are often frivolous, easily identified as lacking merit, or otherwise amenable to disposition without significant expenditure of judicial resources.

The D.C. circuit has more cases of national importance than other circuits. Not only are complex administrative appeals commonly heard in the D.C. circuit, but as a result of its location at the seat of the Federal Government, the D.C. circuit also hears a disproportionate number of the high-profile cases of national importance that reach the U.S. Courts of Appeals. The D.C. circuit decided in 1996 alone National Treasury Employees Union versus United States of America, a challenge to the constitutionality of the Line-Item Veto Act, as well as Perot versus Federal Election Commission, an appeal from a district court's rejection of Ross Perot's attempt to participate in last year's Presidential debates.

The same reasons that supported the creation of a 12 judgeship for the D.C. circuit in 1984 justify its existence now. If reasoned deliberation and study of this circuit leads to the conclusion that a future vacancy should not be filled, then we should address that issue, but not within the context of this nomination. If ad hoc analysis becomes our mode of operation, we will give the appearance of a politicized judiciary.

I congratulate Merrick Garland for his distinguished career and commend President Clinton for making this nomination. I hope that the Senate will act to confirm him as expeditiously as possible.

Mr. BURNS. Mr. President, I rise today to express my opposition to the confirmation of Merrick Garland to the D.C. circuit.

Even though the nominee has the character and is highly qualified for the position, there is a larger question that must be examined. Does this seat really need to be filled? Especially since it has remained empty for 1½ years?

The answer is that the D.C. circuit does not need another seat, especially when there are many other problems in the other district circuits that have not been focused on yet. I base my opinion on the fact that the D.C. circuit had 4,359 cases as of October 1996. The ninth circuit, the circuit in which Montana is housed, had 71,462 cases. That is almost 20 times the number of cases. The D.C. circuit ranked last in the total number of cases as compared to each of the other district circuits in the Nation. If we examine these numbers, it does not seem as if the D.C. judges are handling any cases at all.

This is also a very expensive seat. It will cost the American taxpayers an extra $1 million to fill this seat. This will not be money well spent.

There are adequate numbers of judges on the circuit, why are we confirming this seat? I urge my colleagues to examine the numbers and vote against the filling of this unneeded seat.

Ms. MIKULSKI. Mr. President, I rise today in support of the nomination of Merrick Garland to the U.S. Court of Appeals for the D.C. circuit. Mr. Garland is a resident of my State of Maryland.

I am pleased that his nomination is finally on the Senate floor for a vote. It is critical that vacancies on the Federal bench are filled, especially at the appellate level.

Mr. Garland has a distinguished legal record in the public and private sectors. He has specialized in criminal, civil, and appellate litigation, as well as administrative and antitrust law. I believe his experience will serve him well on the Federal bench once he is confirmed.

Mr. Garland is a magna cum laude graduate of Harvard Law School and a summa cum laude graduate of Harvard College. While at Harvard Law School, he was the articles editor of the Harvard Law Review and a member of the prestigious Phi Beta Kappa, while he attended Harvard College.

When I decide whether to support a judicial nominee, I look at whether the nominee is competent; whether the nominee possesses the appropriate judicial temperament; whether the nominee possesses the highest personal and professional integrity, and whether the nominee will protect our core constitutional values.

I believe that Mr. Garland possesses all of these qualifications. His legal and academic record are exemplary. I am impressed that he has devoted part of his career to public service. He served as the Principal Associate Deputy Attorney General in the Department of Justice. And he clerked after law school for one of the most distinguished Supreme Court Justices, Justice William J. Brennan, Jr.

He's also done extensive pro-bono legal work on behalf of disadvantaged individuals. He has represented an African-American employee in a claim of racial discrimination, a mother in a custody dispute, and court-requested representation of a prisoner.

I urge my colleagues to support Mr. Garland's nomination to the U.S. Court of Appeals D.C. Circuit. I hope that once Mr. Garland is confirmed, we can move forward to a vote on the other pending Federal judicial nominees.

Mr. FAIRCLOTH. Mr. President, I rise today to vote "no" on the nomination of Merrick Garland to the U.S. Court of Appeals for the District of Columbia Circuit.

In so voting, I take no position on the personal qualifications of Mr. Garland to be a Federal appeals court judge. What I do take a position on is that the vacant 12th seat on the U.S. Court of Appeals for the District of Columbia Circuit does not need to be filled. Senator CHUCK GRASSLEY, Chairman of the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, has examined this issue thoroughly, and has determined that the court's workload does not justify the existence of the 12th seat. Last Congress, Senator GRASSLEY introduced legislation to abolish this unneeded seat. By proceeding to renominate Mr. Garland, President Clinton has flatly ignored this uncontradicted factual record.

I commend Senator GRASSLEY for his important work on this matter, as well as Senator JEFF SESSIONS, who has also emphasized the importance of this matter. With the Federal deficit at an all time high, we should always be vigilant in looking for all opportunities to cut wasteful Government spending; this is one such opportunity. After all, each unnecessary circuit judge and his or her staff cost the taxpayer at least $1 million a year.

Lastly, our vote today is an important precedent, since it marks the beginning of the Senate's new commitment to hold rollcall votes on all judicial nominees. This is a policy change which I had urged on my Republican colleagues by letter of January 8, 1997, to the Republican Conference. Voting on Federal judges, who serve for life and who exert dramatic—mostly unchecked—influence over society, should be one of the most important aspects of serving as a U.S. Senator. Rollcall votes will, I believe, impress upon the individual judge, the individual Senator, and the public the importance of just what we are voting on. I hope that my colleagues will regard this vote, and every vote they take on a Federal judge, as being among the most important votes they will ever take.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Utah.

Mr. HATCH. Mr. President, we should inform the Senate that our intent is to yield back the time if we can by 5:15 so people can vote at that time. It could be just a wee bit longer than that. That is our intention. Those who want to come over and use the time need to come now.

I yield 10 minutes to the distinguished Senator from Pennsylvania, who is a distinguished member of the Judiciary Committee.

Mr. LEAHY. Will the Senator yield for a moment?

Mr. HATCH. I yield.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Victoria Bassetti of Senator DURBIN's staff be allowed the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague, the distinguished chairman of the Judiciary Committee, for yielding me time.

I have sought recognition to voice my very strong support for the nomination of Merrick Garland for the Court of Appeals for the District of Columbia. Mr. President, a great deal has been said today on this floor which is of great importance but not really tremendously related to Merrick Garland's nomination. I hope we have a chance to analyze the entire process of confirmation of judges and the respective roles of the President and the Senate, because the President has the nominating authority and the Senate has the constitutional authority for confirmation. There are a great many things that ought to be done on both sides to expedite the nomination and confirmation of judges.

In my own State, Pennsylvania has quite a number of vacancies now, and I have been in discussions with the President's representatives at the White House about trying to get these nominations filled. There is something to be said on many sides of this issue. The matter confronting the Senate now is, what are we going to do with Merrick Garland? His record is extraordinary. I have been on the Judiciary Committee going into my 17th year and I do not believe I have seen a nominee with the qualifications that this man has.

He graduated from Harvard College, summa cum laude, was Phi Beta Kappa, and graduated from Harvard Law School, magna cum laude. He was on the Harvard Law Review and was the Articles Editor there. He has an extraordinary record of publications, on the issue of Antitrust, in the Yale Law Journal. And I might say, Mr. President, that this nominee exhibited perhaps his best judgment in associating himself with Yale Law School on the article, then going on into FTC investigations, the controversial veto issue, professional responsibility and commercial speech. It is really an extraordinary, extraordinary record. This man, at the age of 45, coming into the court of appeals, may well be a distinguished prospect for the Supreme Court of the United States.

Beyond his record in school and his writings, he was law clerk to a very distinguished circuit judge, Judge Harry Jay Friendly, and he served as law clerk to Supreme Court Justice William Brennan, Jr., and was a partner of distinguished law firms, and worked as a prosecuting attorney. He now serves as Deputy Assistant Attorney General of the United States in the U.S. Department of Justice, in the Criminal Law Division, where I have had occasion to work with him on a professional basis. He just is an extraordinary prospect for the court of appeals.

He has not been treated very gently in the confirmation process, having been nominated in September 1995. He passed through the Judiciary Committee in the 104th Congress and was kept off the agenda by a single hold. That is when a Senator voices an objection without stating a reason, or perhaps multiple holds, but I know a single hold stood in his way.

I compliment the majority leader, Senator LOTT, for bringing his nomination to the floor at this time so that he may be acted upon, yes or no. He really is extraordinary, and I think he has a remarkable career ahead. I am delighted to offer my voice of strong support for his confirmation.

I thank the Chair. I thank my colleague from Utah. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I also want to thank the distinguished senior Senator from Pennsylvania because he was also the decisive Senator who came in and made the quorum at the time we voted Mr. Garland out of committee. Sometimes we forget those little procedural things we have to do just to get here on the floor.

Mr. SPECTER. I thank my colleague from Vermont for making that comment. I had presided over Merrick Garland's confirmation proceedings in the 104th Congress. It was hard to find a Senator when I came in that afternoon. I found out Merrick Garland was there and five other people. It was an interesting afternoon. We had a great many responsibilities.

I went to law school not too long ago and I know what it is like to be on the law review. They call it the Law Journal at Yale. It is remarkable to have the kind of record that Merrick Garland has. Those writings are just extraordinary. It takes long hours and extraordinary study to turn one of those articles out, and there is a wide array of issues that he has written on. He could be making a lot of money. He is currently in public service and he is prepared to go to the court of appeals at the age of 45. We need judges in America with real intellectual abilities. We need judges like Holmes and Brandeis and Cardozo on the courts of the United States. We need them on the Supreme Court of the United States. This is a real prospect. We ought to get him up and out.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield me 5 minutes?

Mr. LEAHY. Yes.

Mr. KENNEDY. Mr. President, I support the nomination of Merrick Garland for the vacancy on the D.C. circuit, and I am concerned that it has taken more than 18 months for the nomination to reach the Senate floor.

No one can question Mr. Garland's qualifications and fitness to serve on the D.C. circuit. He is a respected lawyer, a former Supreme Court law clerk, a partner at a prestigious law firm, and since 1989, has served with distinction in the Department of Justice under both Republican and Democratic administrations.

Support for him is bipartisan. We have received letters of support from numerous Reagan and Bush Justice Department officials, including former Deputy Attorneys General George Terwilliger and Donald Ayers, former Office of Legal Counsel Chief Charles Cooper and former U.S. Attorneys Jay Stephens, Joe Whitley, and Dan Webb. Jay Stephens, who was U.S. attorney when Garland served at that office in the District of Columbia, called Garland a person of "dedication, sound judgment, excellent legal ability, a balanced temperament, and the highest ethical and professional standards." The National District Attorney's Office supports his nomination, calling Garland an excellent lawyer, brilliant scholar, and a man of high integrity." There can be no serious doubt about his ability to serve as a fair and impartial judge on the D.C. circuit.

Why then, has it taken 18 months to bring this nomination before the U.S. Senate? And why is it that no other judicial nominees have been brought before the Senate?

In fact, only 17 judges—all for district court appointments—were confirmed during all of 1996. Obviously, that was a Presidential election year. But the slow-down in acting on judicial nominations was unprecedented. In 1992, when President Bush was seeking reelection, the Senate, under control of the Democratic Party, still confirmed 66 district court and appellate court judges.

Justice delayed is justice denied. Thousands of Americans with legitimate grievances cannot get their day in court, because judicial vacancies are not being filled and current Federal judges don't have the time to hear their cases. It's hard to crack down on crime when there are not enough judges to enforce the laws that Congress passes.

Many of us are concerned about the harsh partisanship that is being applied to the judicial nomination process. Republicans in the Senate have organized an ad hoc Republican task force to develop procedures for screening judges. They have rejected a formal role for the American Bar Association in assessing candidates. Republicans are seeking to force the President to conduct the real debate with them behind closed doors—nominee by nominee—to make sure each person the President names meets an ideological litmus test. In fact, some have suggested a quota system, in which half of all judicial nominations come from Republicans in Congress and half from President Clinton.

If the Federal courts were a business, they would be in bankruptcy. There are over 90 vacancies in judgeships today. In his 1996 annual report, Chief Justice Rehnquist criticized Congress failure last year to create additional Federal judgeships and called it a shortcoming. The Administrative Office of the U.S. Courts has requested an additional 20 temporary positions on the courts of appeals and 21 permanent and 12 temporary positions in the district courts to address the heavy backlogs that are piling up.

In the case of Merrick Garland, some Republicans argue that we do not need to fill either of the two current vacancies in the D.C. circuit, because the caseload is too light. Many nonpartisan observers regard the D.C. circuit as the second most important court in the United States, after the Supreme Court. There currently is only one senior judge to assist the other 10 members of the Court.

In terms of both quantity and quality of its caseload, the D.C. circuit ranks among the Nation's busiest. It handles a disproportionately high proportion of cases of national significance involving intricate legal issues. Complex administrative appeals were 38 percent of the caseload of the D.C. circuit during fiscal year 1995, as compared with only 5.5 percent in other circuits.

By contrast, pro se appeals, which are generally the easiest to resolve, constituted only 11.8 percent of the D.C. circuit's caseload in 1995, by far the lowest percentage of any circuit in the country.

Diversity cases, which less often raise complex and time-consuming issues, constituted only 13.6 percent of the D.C. circuit's caseload in 1995, compared with 30 percent in the other circuits. So the charts and graphs that some of our Republican colleagues are using do not tell the whole story.

The court's backlog is also growing. In 1984, when the 12th seat was added, the court had a backlog of 1,200 cases. Today, that backlog exceeds 2,000 cases, despite a bench that is highly respected for its intellect and dedication. As former Republican Senator Charles Mathias stated on behalf of the nonpartisan Council for Court Excellence, "It is in the public interest for the D.C. Circuit to have its full complement of twelve active judges."

It is time to end the excessive partisanship over judicial nominations. I hope very much that our action on Merrick Garland is a sign that the unacceptable log jam is breaking and that the Senate is now returning to its proper role of advise and consent, not partisan obstruction, in the consideration of judicial nominations.

So, again, Mr. President, I join with those that are urging the Senate's favorable consideration of this extraordinary nominee. This is an individual who has been willing to be put forward now for over some 18 months. He has appeared before the committee and, as has been pointed out, his record is one of special recognition, a brilliant academic record, a strong commitment to public service. He has served under both Democrats and Republicans. He has been an extraordinary success in the private sector, as well.

I don't think I have seen, in recent times, the range of different support that this nominee has for this position. It is breathtaking in its scope. And the background of this individual has urged us to move forward with this nomination. We are extremely fortunate in the district circuit court to be able to have someone of this quality. As has been pointed out, it is a special court, really second in special recognition to the Supreme Court of the United States, in terms of the complexity of the cases that we require this court to resolve.

So, Mr. President, I join with all of those and urge a positive vote in favor of this extraordinary nominee. Merrick Garland will be an outstanding jurist, as everything in his life has reflected. He has been an outstanding individual. I remember very clearly the quote of Senator Mathias, who was a very prominent, significant member of the Judiciary Committee, who took great interest in the quality of justice in this country and the quality of individuals. He has joined in urging that we move forward with this nominee and put him on the court, where he will serve this country with great distinction. I join my other colleagues in hoping that the vote for him will be overwhelming. It deserves to be. I think we will all be well served with his continued dedication of public service on the court.

I yield the floor.

Mr. LEAHY. Mr. President, I yield 10 minutes to the distinguished Senator from Illinois.

Mr. DURBIN. Mr. President, I rise today to support the nomination of Merrick Garland to be judge on the D.C. Circuit Court of Appeals. It is interesting today in this debate that many people have spoken and no one has questioned his integrity nor his ability. He was born in Chicago, graduated from Harvard College magna cum laude, Harvard Law School and, as has been said by other speakers, had a distinguished career both as a lecturer at Harvard Law School and partner in a prestigious firm, and then prosecuting cases in the District of Columbia during the past few years, served as well in the Department of Justice.

Despite Mr. Garland's obvious and many qualifications for this job, we must vote on whether he will serve on the D.C. Circuit Court of Appeals. Frankly, we should leap at the opportunity to have him on that court. But we are not here today to consider the significant contribution Mr. Garland's appointment could have to the D.C. circuit. Rather, we are focusing on whether the D.C. circuit needs 11 judges rather than 10 judges.

I submit that this debate is not just about numbers. It is about the administration of justice; the fair, prompt, equitable, and thorough administration of justice is at stake. In all fairness, I must confess that I would rather err on the side of too many judges than too few. I would rather have too many judges doing too thorough and too thoughtful a job than too few judges rushed and careless in frantic efforts to handle their caseload. No one but the most shortsighted argues that the D.C. circuit does not need this 11th judge. Indeed, last year when the debate turned on whether a 12th judge was needed, the Reagan-appointed Judge Silberman was often cited in support of the effort to cut that 12th seat. However, he recently wrote to the Judiciary Committee and said, "I still believe we should have 11 active judges." So why are we arguing about this 11th seat today?

Some argue that D.C. circuit judges handle fewer cases per judge than any other circuit. I won't make an analogy to the Supreme Court in the number of cases that they handle. We know they are cases of great moment, and they should have the time to deliberate them in an appropriate manner. But the smaller number of cases per judge is an inaccurate way of measuring the work of the D.C. circuit judges. Let me say, at the outset, that we cannot overlook the fact that this circuit, more than most—probably more than any—has many administrative appeals to consider. As the Federal appeals court sitting in the Capital, the D.C. circuit handles the lion's share of administrative appeals.

This chart that was prepared gives an idea of the administrative agency appeals filed per judge in all the Federal circuits across the United States. If you will note, D.C. circuit has 56 appeals filed per judge. Most other circuits are in the teens—the eighth circuit, only 8; the ninth circuit is 37. But it is a significantly different caseload that faces the judges in these circuits.

For those who are not familiar with these administrative cases, I suggest that you not dismiss them because of the word "administrative." Let me show you what I mean. This is a file for one administrative law case that a judge must pore through to come to a good conclusion.

Let me show you another thing. This is a pro se petition from a prisoner in jail. There are many of these that are filed across the country. But consider the gravity and the challenge of this administrative appeal, as opposed to this rather smaller appeal in terms of volume. So these judges who serve in this circuit really bear an unusually large responsibility in extremely technical cases. Over the last 3 years, for which data is available, 45.3 percent of the cases filed in the D.C. circuit were administrative appeals of the size and complexity that I have just noted, compared with an average of 5.9 percent outside the D.C. circuit.

Let me also add here that I could go into detail, but I will not because I know it is the intent of the Chair to move this matter to a vote very quickly. I also want to comment for a moment on the period of time that this very able nominee has waited for confirmation. It is unfortunate. In fact, it is sad, and it borders on tragic, that men and women who are prepared to give their lives to public service, who have gone through a withering process of investigation, by the FBI, by the Judiciary Committee, by the White House, by the American Bar Association, and so many others, still must wait over a year, in many cases, for their nominations to be considered by the Judiciary Committee and by this Chamber.

I will tell you, a few days ago it was my good fortune to speak to a group of judges at the Supreme Court Building. As I walked through that building and saw the busts of great jurists who have served this country, I wondered how many of them could pass the test that we now impose on nominees today, how many of them would be willing to endure that test and to say that their family, friends, colleagues, and others that their lives will be on hold waiting for some decision from Capitol Hill. It does a great disservice to this country and to the judiciary for us to create a process that is so demanding that ordinary people would be discouraged from trying.

We have, in this case, an extraordinary individual, Merrick Garland, who has waited patiently now for over a year to be considered by this Judiciary Committee and by this U.S. Senate.

I hope those on the other side will make an effort to overcome the problems that we have seen over the past year. We really have to address the fact that there are so many vacancies on Federal benches across this country—not just in the District of Columbia but almost 100 nationwide—vacancies that need to be filled so that people will be treated fairly. If those vacancies are not filled with honest and competent individuals in a timely manner, it is a great disservice to this country.

I think we should move and move quickly to approve this nomination of Merrick Garland. I hope that his patience will be rewarded today, as it should be. I am certain, based on his background and all that I have come to know of him and my personal meeting with him, that he will make an extraordinary contribution.

We need the 11th judge in the D.C. circuit to handle this mountain of administrative appeals. How many people will come to us and complain, "Oh, the case is in court, and it is going to take forever. What is going on, Senator? What is going on, Congressman? Why aren't the courts more responsive?" Part of the problem is that the bench is vacant, the judges aren't appointed, and the caseload that has been imposed on these judges is overwhelming.

We can take care of one circuit today by the appointment of this fine man to fill this seat.

Thank you, Mr. President.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that an article from the Legal Times of August 1995 regarding Mr. Garland be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Legal Times, Aug. 7, 1995]

GARLAND: A CENTRIST CHOICE

(By Eva M. Rodriquez)

He was schooled at Harvard in administrative law by moderate professor-turned-Justice Stephen Breyer, and took his antitrust training from conservative Philip Areeda.

He earned his prosecutorial stripes under Jay Stephens, the hard-charging Republican U.S. attorney in the District and former deputy counsel to President Ronald Reagan. And he cut his teeth in the private sector as a partner at Arnold & Porter, one of the city's wealthiest and most influential firms.

At first blush, Merrick Garland may seem like a solid-judicial pick for a Republican president. But according to two administration sources, the 42-year-old top aide to Deputy Attorney General Jamie Gorelick is almost certain to be President Bill Clinton's third nominee to be the prestigious U.S. Court of Appeals for the D.C. Circuit.

Although Garland has his share of liberal credentials—including a coveted clerkship

> with retired Supreme Court Justice William Brennan Jr.—he is almost sure to be a much more middle-of-the-road jurist than the man he would replace, former Chief Judge Abner Mikva, who retired from the D.C. Circuit last fall to take the job of White House counsel.
>
> News of Garland's near-lock on the nomination has left a smattering of liberals privately grumbling that he is too conservative. But his nonideological approach and his easy rapport with both liberals and conservatives has earned Garland high praise from people on both sides of the aisle.
>
> "I think he is a very talented lawyer," says Garland's former boss Stephens, now a partner at the D.C. office of San Francisco's Pillsbury, Madison & Sutro. "He's bright, energetic, and he has a very balanced demeanor."
>
> Garland's current boss also lauds him. "He has enormous personal and intellectual integrity, impeccable legal credentials, a breadth of experience in both public and private sectors, and the personality and demeanor that you'd expect in a judge," says Gorelick, who acknowledges that she is a strong backer of Garland's but declines to discuss whether he is definitely the administration's nominee. "He is very thoughtful, is good at listening to all points of view, and makes decisions on the merits." Attorney General Janet Reno also thinks highly of Garland, Gorelick says.
>
> The widespread praise Garland garnered for his thorough and evenhanded leadership during the critical initial investigation into the Oklahoma City bombing also hasn't hurt his chances for a nomination to the federal bench.
>
> A Republican staffer on the Senate Judiciary Committee declines to discuss Garland's chances for confirmation, other than to say that the committee has received no opposition in anticipation of a Garland nomination.
>
> Garland, a 1977 magna cum laude graduate of Harvard Law School who clerked for famed 2nd Circuit Judge Henry Friendly in addition to Brennan, declines comment. Mikva was out of town and could not be reached for comment.
>
> Garland's reputation as a nonideological thinker may have helped him win the nomination over Peter Edelman, who last fall was reportedly the White House's top pick for the D.C. Circuit vacancy. Edelman, who is currently counselor to Health and Human Services Secretary Donna Shalala, was a favorite of the more liberal ranks in the Democratic Party, but he immediately drew opposition from conservatives—including Sen. Orrin Hatch (R-Utah), chairman of the Senate Judiciary Committee, who believed Edelman to be too radical and too activist in his approach to the law. Opposition to Edelman only intensified after the GOP's sweeping victory in last fall's midterm election.
>
> Edelman, according to two lawyers involved in the judicial-selections process, is likely to be nominated for one of the two vacancies on the U.S. District Court here. But D.C. Del. Eleanor Holmes Norton, whose judicial nominating commission has forwarded names to Clinton for previous D.C. federal court vacancies, may have candidates of her own. The commission will accept applications for the two vacancies until August 11.
>
> The two sources say Clinton is likely to nominate Garland before Congress breaks for the August recess. The two sources also say that the president may decide to submit a package of D.C. nominees, including one for the appeals court vacancy and another for one of the two open seats on the District Court. One trial court vacancy was created in June when Judge Joyce Hens Green took senior status; the other came open when Judge Harold Greene followed suit earlier this month.
>
> Others mentioned as possible contenders for a District Court seat include Brooksley Born, a partner at D.C.'s Arnold & Porter who is said to have very strong support among women's groups, and U.S. Attorney Eric Holder, Jr., who is a former D.C. Superior Court judge and at one time was mentioned as a possible appeals court nominee.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Illinois. His dramatic showing of the difference between the pro se appeals that many courts handle and the complexity of the administrative issues that the District of Columbia Circuit Court of Appeals handles is very instructive for us. Everybody talks about caseloads. Some cases are handled in a matter of minutes. Others take months. They each count for one case. He has demonstrated that in the District of Columbia circuit, because of its unique nature, many of them count for a month.

Mr. President, I withhold the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, my good friend from Illinois, the distinguished Senator, has just spoken. I would just observe that more government isn't necessarily better government, and, also, in the sense of justice more judges do not automatically guarantee better justice.

I can remember from my service, being appointed by the Chief Justice in 1989, I believe it was, to a 2-year study, the only study we have ever had, of the Federal judiciary that we were looking and projecting what number of cases were going to have to be filed over the next couple of decades. The only conclusion you could come to, if those figures were accurate—and, so far, they have been proven to be accurate—is that you could never appoint enough judges to take care of the problems that we are having with the explosion of cases; that you have to look at a lot of other ways. How do you dispense justice in the less-adversarial environment of a courtroom and in the less-costly environment of the courtroom? For instance, what can you do for alternate dispute resolutions? There are a lot of other ways that I as a nonlawyer am not qualified to speak to. But I can tell you that more judges is never going to solve the problem of more cases.

Another area we have to do something about is tort reform, as an example of something that we have to do about the number of cases piling up.

So I just ask my good friend from Illinois to think about those things as well.

I want to respond to some of the comments raised by those who feel that the caseload statistics indicate that filling the 11th seat is necessary. In my view, this is not a fair reading of the caseload numbers.

I point my colleagues' attention to a Washington Times editorial which appeared on October 30, 1995. That editorial considered the question of whether or not the administrative type of cases in the D.C. circuit are really as complicated and so complicated that caseload statistics can be misleading. I would like to quote from that editorial.

> Per panel the District of Columbia circuit averages at best half the dispositions of other circuits. To make a perfectly reasonable comparison that takes account of the greater complexity of the cases in the D.C. circuit, then we should be asking, Is each case in the D.C. circuit on average twice as complicated as the average case in the other circuits? That seems unlikely in the extreme.

It seems to me that this point is exactly correct. Granted, the caseload of the circuit is a little different. I grant that.

I agree with the point made in a hearing I held on the District of Columbia circuit in my subcommittee. The point is that other circuits—the second circuit in particular—have a large percentage of complicated cases. In the second circuit, those cases are complex, commercial litigations coming out of New York City. But you do not hear people complaining that the total staffing level of the second circuit should not be determined according to those statistics.

So I believe that complexity of cases in the D.C. circuit is overstated. It really is a nonargument when the number of agency cases has declined by 23 percent in the last year. Moreover, now the District of Columbia circuit has a senior judge. That happens to be a former member of this body, Judge Buckley. Since senior judges must carry at least a one-third caseload, and they typically carry a one-half caseload, it is fair to consider the District of Columbia circuit as having 10½ judges right now when the ratio says 9½ judges.

So let's see if what we have works because what we have right now won't cost the taxpayers any more money.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Thank you, Mr. President.

I am pleased to be able to comment on this judicial vacancy. I certainly respect Senator GRASSLEY and his comments. I agree with him very, very much.

I think it is an important point to note that people say that administrative cases are difficult to administer, and that they may have a file that is fairly thick. Well, judges have law clerks. They go through the files. Even if the file is thick, the issue coming up on an administrative appeal may be very simple and may involve nothing more than a simple interpretation of law. Many of those can be disposed of very easily.

Based on my 12 years of experience as a U.S. attorney practicing in Federal court in cases involving all kinds of Federal litigation, I don't at all concede the point that every administrative law case is substantially more difficult than others. As a matter of fact, Judge Silberman testified in 1995 that it is true that the administrative law cases are generally more complicated, and other judges in other circuits, like the second circuit, will tell you that some of their commercial litigation coming out of the Federal district court is terribly complicated, too. I am not in a position to compare the two.

Let me just say this from personal experience. I talked earlier today about the testimony of Chief Judge Tjoflat from the Eleventh Circuit Court of Appeals. He said that they have 575 cases per judge, and that they cannot handle any more cases. I was involved in a 7-week trial of a criminal case that I personally prosecuted. In the course of that trial 18,000 pages of transcript were generated, and when the case was heard on appeal, there were 20 or more issues involving 5 or more defendants. Many of these criminal cases are extremely difficult.

I will also point out that the eleventh circuit includes the southern district of Florida which probably has, outside of New York and California, the largest number of complex criminal cases, in particular international drug smuggling cases, of any circuit in America. Those cases are sent to the eleventh circuit and yet they can manage their caseload in this fashion. I think it is a remarkable accomplishment.

The fourth circuit, with 378 cases per judge, has the fastest turnaround of any circuit in America.

We talk about the need to move cases rapidly, and it is argued that we need more judges to move cases rapidly. How is it that the fourth circuit, with 378 cases per judge, has the fastest disposition rate of any circuit in America? It is because they are managing their caseload well and because they do not have more judges than are necessary. As Judge Tjoflat testified before our committee, too many judges actually slows down the process and makes good judging more difficult. I think that is a matter that we should address.

I would like to note that we have not delayed this matter. We are prepared to have this matter come to a vote. More delays would have been possible if we had wanted simply to delay this process. I feel it is time to vote on this issue. I respect the legal ability of Mr. Garland. He was on the Harvard Law Review. It does not bother me if he was editor in chief of the Harvard Law Review. It would not bother me if he had been editor in chief of the law review at the University of Alabama School of Law. The fact remains that the taxpayers should not be required to pay for a judge we do not need. The taxpayers should not have to pay $1 million per year for a judge that is not needed.

Mischief sometimes gets started. I recall the old saying my mother used to use: an idle mind is the devil's workshop. We need judges with full caseloads, with plenty of work to do, important work to do.

This circuit is showing a serious decline in caseload. In fact, caseload in this circuit declined 15 percent last year. That decline continues. I think it would be very unwise for us to fill a vacancy if there is any possibility that the caseload will continue to decline. We do not need to fill it now, and we certainly do not need to fill it in the face of this declining caseload, because once it is filled, the judge holds that position for life and the taxpayers are obligated to pay that judge's salary for life. That is an unjust burden on the taxpayers of America.

Fundamentally, this is a question of efficiency and productivity. There are courts in this Nation that are overworked, particularly many of the trial courts. We may not have enough money to fill those vacancies. Let us take the money from this Washington, DC circuit court and use it to fund judges and prosecutors and public defenders in circuits and district courts all over America that are overcrowded and are overworked.

Those are my comments. We have studied the numbers carefully. We are not here to delay. We are not here in any way to impugn the integrity of Mr. Garland. By all accounts, he is a fine person and an able lawyer. He does have a very good job with the U.S. Department of Justice. We probably need some trial judges here in Washington, DC, and if the President nominated him to be one of those trial judges, I would be pleased to support him for that.

That will conclude my remarks at this time.

I ask unanimous consent to have printed in the RECORD a letter from Judge Silberman dated March 4, 1997, in which he said that the filling of the 12th seat would be frivolous and in which he noted the continuing decline in caseload.

I also ask unanimous consent to have printed in the RECORD a letter from the Director of Governmental Affairs for the Christian Coalition written in opposition to the filling of this vacancy, noting that it is not warranted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COURT OF APPEALS,
DISTRICT OF COLUMBIA CIRCUIT,
Washington, DC, March 4, 1997.

Hon. ORRIN G. HATCH,
Dirksen Senate Office Building,
Washington, DC.

DEAR CHAIRMAN HATCH: Your asked me yesterday for my view as to whether this court needs 11 active judges and whether I would be willing to communicate that view to other senators of your committee. As I told you, my opinion on this matter has not changed since I testified before Senator Grassley's subcommittee in 1995. I said then, and I still believe, that we should have 11 active judges.

On the other hand, I then testified and still believe we do not need and should not have 12 judges. Indeed, given the continued decline in our caseload since I testified, I believe that the case for a 12th judge at any time in the foreseeable future is almost frivolous. As you know, since I testified, Judge Buckley has taken senior status and sits part-time, and I will be eligible to take senior status in only three years. That is why I continue to advocate the elimination of the 12th judgeship.

Sincerely,

LAURENCE H. SILBERMAN,
U.S. Circuit Judge.

CHRISTIAN COALITION,
Washington, DC, March 19, 1997.

DEAR SENATOR: I am writing to urge you to vote against confirming judicial candidate Merrick Garland. The workload for the D.C. Circuit does not warrant filling either the 11th or 12th seats on the D.C. Circuit. When one considers that approximately 1 million dollars worth of taxpayer dollars is involved for each judgeship, it is important for the Senate to eliminate unnecessary seats whenever possible. Please vote against confirming Merrick Garland. Thank you for your consideration of our views.

Sincerely,

BRIAN LOPINA,
Director, Governmental Affairs Office.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad to hear that nobody wants to delay Merrick Garland. I would only point out that his nomination first came before us in 1995, and he was voted out of committee, I believe unanimously, by Republicans and Democrats alike, in 1995. We are going to vote, I hope, very soon to confirm him. But if that is not delay, I would hate like heck to see what delay would be around here. He was nominated in 1995, got through the committee in 1995 and will finally get confirmed in 1997.

I understand other members say they would be perfectly willing to help out on the district court; we need help. We have Judge Colleen Killar-Kotelly who is still waiting, nominated very early in 1996, has yet to come through, even though in 1996 alone the criminal case backlog increased by 37 percent. We talk about getting tough on criminals. We certainly will not send the judges that might do it.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to make a brief statement to explain my vote that I will cast later on today. I know we are having interesting discussion, and this is one that has been a long time coming, getting this judgeship to the floor of the Senate for a vote.

Obviously, there has been support for this nominee by Senator HATCH and by Senator SPECTER and others. Senator LEAHY has been pushing to get these judges voted on. This is the first one of the year. I presume this is a celebratory event.

Mr. LEAHY. It is showing, if my friend from Mississippi will yield, remarkable speed. As I said, he was nominated in 1995, first got through the committee unanimously, Republicans and Democrats, in 1995. We are now just before our second vacation of the year in 1997. I am glad, whenever it is, to get him through.

Mr. LOTT. But now maybe I can comment just briefly on why it has taken so long. There were a lot of factors involved. I will vote not to confirm Merrick Garland to be a D.C. Circuit Court of Appeals judge. I have no opposition to Mr. Garland himself. I think he is qualified. I think he has experience that would be helpful. And I think his disposition is acceptable, too.

In fact, based on all the reports that I have heard about him, I think he more than likely would be a much more acceptable nominee to this court as compared to many of the other nominees we have considered or may be considering in the future.

It is my belief that this court of appeals is more than adequately staffed based on the number of cases pending on the court's docket, the filings per judge at this court as it is currently staffed for the year ending September, 1996, with the trend of such filings over the last several years, and in comparison to other workloads of circuit courts of appeal around the country. It is very small. I think as compared to others certainly they have more judges than they need.

I am looking at this chart over here. The District of Columbia Court of Appeals is at the bottom end of the caseload, and yet you have other circuit courts across the country—my own circuit, the fifth, is about in the middle. The eleventh circuit obviously has a high caseload as compared to this particular court.

So I really do not think this confirmation is needed. Even if it does get through, I want to say right now that regardless of the next nominee, unless this caseload is dramatically turned around, I hope it would never even be considered regardless of how qualified the nominee may be, he or she, in a Democratic administration.

I recognize that some circuits do have tremendous caseloads, but this is certainly not the case in this circuit, and therefore I will vote against the nomination based on that. In fact, I just do not think an additional judge is needed in this district court of appeals.

I ask unanimous consent to print in the RECORD a list of the filings per judge in 1996 and the total appeals docket in 1995 per judge that shows as compared to other circuits this judge is not needed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Appeals filed per judge in 1996:

D.C. Cir., 123
10th Cir., 216
1st Cir., 227
3rd Cir., 280
7th Cir., 295
8th Cir., 307
6th Cir., 341
9th Cir., 360
2nd Cir., 372
4th Cir., 378
5th Cir., 443
11th Cir., 575

Total appeals on docket for year ending 1995/per judge:

1st Cir., 1339 (4 judges=335)
2nd Cir., 3987 (12 judges=332)
3rd Cir., 3485 (13 judges=268)
4th Cir., 3542 (12 judges=295)
5th Cir., 5696 (15 judges=380)
6th Cir., 3343 (13 judges=257)
7th Cir., 2200 (8 judges=275)
8th Cir., 3176 (10 judges=318)
9th Cir., ?
10th Cir., 2104 (8 judges=263)
11th Cir., 6057 (10 judges=606)
D.C. Cir., 2065 (10 judges=206)

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. I yield myself such time from the opposition time as is necessary for me to make a statement.

Mr. President, I rise today to speak, not in opposition to Merrick Garland for filling the seat on the U.S. court of appeals, but in opposition to filling the seat at all. The U.S. Court of Appeals for the District of Columbia Circuit is a judicial circuit which has the lowest caseload of any of the judicial circuits in the country, and I think this is a time when we ought to ask ourselves some serious questions about whether or not we intend to staff circuits in spite of the fact that there are adequate judges in the circuits to handle the caseload which is currently required of the circuit.

First, the amount of judicial work in the circuit raises questions about the necessity of confirming another appellate judge for the D.C. circuit. It appears that filling this vacancy would be an inefficient use of judicial resources. Before filling any vacancy for an appellate judgeship, the U.S. Senate should look at the filings per judgeship compared with other jurisdictions. Of the 12 courts of appeals, the D.C. circuit has the lowest filings per judge of any of the 12 courts of appeals. While the D.C. circuit has had only 123 cases filed per judge, the eighth circuit, the circuit in which I live, handled nearly three times the D.C. circuit's total of appeal filings, with 307 appeals filed per judge. The eleventh circuit court of appeals, in comparison, had 575 appeals filed per judge.

The D.C. Circuit Court of Appeals now has two open seats. But Judge James Buckley, who took senior status last year, which means he is still obligated to handle a caseload equivalent to that of an average judge in active service who would handle a 3-month caseload, is still there. So you have a senior status judge who is handling the equivalent of a quarter of the load that a normal judge in the circuit would handle. So you do not have the loss completely of the second judge in those two vacancies; you have the loss of one judge, and then you have one-quarter judge in the senior status making up for any slack.

Still, the D.C. circuit is the least populated with work. And it is the circuit that does not merit additional judges to conduct the work which simply is not there. If we were to use the formula expressed by the Judicial Conference, between 1986 and 1994 the D.C. circuit court would rate just in the order of nine judges to handle its current caseload. So, in terms of the Judicial Conference's own assessment of how many judges would be needed, the caseload of the D.C. circuit would rate nine judges. It has 10 judges now, and if you start to add the additional caseload that can be handled by senior judges, it seems to me that adds an additional capacity of that court to handle work for which it is already overstaffed.

While appeals filings for all of the Nation's U.S. courts of appeals increased to an all-time high of 4 percent, the number of filings filed in the D.C. circuit actually dropped last year; it dropped 15 percent. So you have an increase of appeals in the system generally of 4 percent, you have a decline in the D.C. circuit of 15 percent, of the 12 additional circuits, the District of Colombia had the largest decline in appeals last year.

Mr. President, ending the era of big Government includes all three branches of government. But if we cannot end big government where we have had declining demand for services, and where we are already overstaffed, where can we end big government? To believe that the judicial branch should be excluded from the exercise of responsibility or should be overstaffed or should ignore the trends in terms of case filings and should be overpopulated with individuals because there are slots available, in spite of the fact that the work or the caseload is not there to justify those slots, would be for us to deny a responsible position in this matter.

Let me just indicate that there are two vacancies and virtually everyone will confess that at least one of them should not be filled. This is not a matter of saying some people think all the vacancies ought to be filled; others think that neither of the two should be filled. There is a general consensus that filling the second of the two would certainly be a waste and surplus. I think if you look carefully and you measure the caseload by what the Judicial Conference had previously stated was an appropriate caseload, and you look at the potential for work by the senior active judges who have taken senior status, you can come but to one conclusion, that it is not an appropriate deployment of the tax dollars of the citizens of this great Nation to add a judge to a court where the workload does not justify it.

Good government is not to fill a vacancy simply because it exists. To fill this vacancy without taking into account the lack of caseload is fiscally irresponsible.

Before I yield the floor, I would like to address the argument that the D.C. court of appeals might be considered to be a different court, unique, one of a kind, because it has a lot of cases that are administrative in nature and they have a certain level of complexity. I think in this regard it is important to cite Judge Silberman, who sits on the D.C. court of appeals. On this point, in 1995, he testified as follows:

> It is true that the administrative law cases are generally more complicated. But other judges in other circuits, like the second circuit, will tell you that some of their commercial litigation coming out of the Federal District Court is terribly complicated, too. The truth of the matter is, some of the administrative law cases in the D.C. circuit are complicated. But if you look at the second circuit, the caseload of which is more than twice as much as the D.C. circuit, in the second circuit their caseload is complicated as well.

The fact of the matter is, it is time for the U.S. Senate, which called the circuit courts into creation, which called district courts into creation, to begin to exercise a responsible approach toward staffing those courts and not to staff them when the workload does not justify it. Even if the nature of the cases coming before the D.C. circuit is unique, those cases are not so difficult, or different from the other cases which have their own uniqueness and have their own difficulty, whether they be commercial instead of administrative, so as to mean that we should populate the court with staffing which is not required by the caseload.

Mr. President, I plan to vote against Mr. Garland, not for any reason to impair his standing or his credentials. I do not think this is a question about the qualifications of the judge. But it is a question about the deployment of the public's resource and about the staffing level for courts which do not have caseload to justify it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Mr. President, there has been a lot of discussion, just now again, quoting Judge Silberman. What is needed—I would note, he wrote to the distinguished chairman, Senator HATCH, and said that we should have 11 active judges. We talk about this as though the nominee was going to be the 12th judge. In fact, the nominee is the 11th judge.

I ask unanimous consent that a letter dated March 4, 1997, by Judge Silberman, in which he said, ". . . I still believe that we should have 11 active judges," be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. COURT OF APPEALS,
DISTRICT OF COLUMBIA CIRCUIT,
Washington, DC, March 4, 1997.

Hon. ORRIN G. HATCH,
Dirksen Senate Office Building,
Washington DC.

DEAR CHAIRMAN HATCH: You asked me yesterday for my view as to whether this court needs 11 active judges and whether I would be willing to communicate that view to other senators of your committee. As I told you, my opinion on this matter has not changed since I testified before Senator Grassley's subcommittee in 1995. I said then, and I still believe, that we should have 11 active judges.

On the other hand, I then testified and still believe we do not need and should not have 12 judges. Indeed, given the continued decline in our caseload since I testified, I believe that the case for a 12th judge at any time in the foreseeable future is almost frivolous. As you know, since I testified, Judge Buckley has taken senior status and sits part-time, and I will be eligible to take senior status in only three years. That is why I continue to advocate the elimination of the 12th judgeship.

Sincerely,
LAURENCE H. SILBERMAN,
U.S. Circuit Judge.

Mr. HATCH. Mr. President, I have been sitting here listening to this. In all honesty, I would like to see one person come to this floor and say one reason why Merrick Garland does not deserve this position. It has been almost a year. In the last Congress, I must have gone on this issue, trying to get him up, for most of that time.

First, there was the 12th seat, he was going to get that. Then, when Buckley retired, everybody that I know of, who knows anything about it, other than some of our outside groups who do not seem to want any judges, said that we need the 11th seat.

As I suspected, nobody in this body is willing to challenge the merit of Merrick Garland's nomination. I have not heard one challenge to him yet. In fact, they openly concede that Mr. Garland is highly qualified to be an appellate judge. Rather, they use arguments that the D.C. circuit does not need 12 judges in order to oppose the confirmation of Mr. Garland for the 11th seat on this court.

There is not a harder-nosed conservative or more decent conservative that I know than Larry Silberman. I talked to him personally. If he said to me they did not need the 10th seat, I could understand this argument, and I could understand this minirebellion that is occurring. But he said they needed the 11th seat. If he had said, "All we need are 10 seats, we don't need the 11th or 12th," I would have been on his side, and it would not be because of partisan politics, it would be because I trust him and I believe in his integrity. But I called him personally and he said, "Yes, we do need the 11th seat."

My colleague from Alabama circulated a letter saying confirming Merrick Garland would be a "ripoff" of the taxpayers. Having just led the fight for the balanced budget amendment, I do not think that is quite fair. I am never going to rip off the taxpayers. But I will tell you one thing, playing politics with judges is unfair, and I am sick of it, and, frankly, we are going to see what happens around here. A "ripoff?" Let's be serious about this, folks. This is a serious matter.

My colleague referred to the testimony of Chief Judge Wilkinson of the fourth circuit. That is a different matter. I have challenged the distinguished chairman of the Subcommittee on Courts to look into that, and I am going to be heavily guided by what Senator GRASSLEY comes up with.

The statements of Judge Tjoflat from the eleventh circuit has also been mentioned. But what do the judges on the D.C. circuit court say? It is one thing for Wilkinson to get up and make a comment, it is another thing for Tjoflat, who has problems in that circuit, but what do the judges on the D.C. circuit say? Both Chief Judge Edwards and Judge Silberman, a respected conservative, agree that, in Judge Silberman's words "it would be a mistake, a serious mistake for Congress to reduce the D.C. circuit down below 11 judges."

If I did not believe that, I would not have brought this judgeship nomination to the floor. I have to tell you, if anybody doubts my integrity, I want to see them afterwards.

As for the statistics that have been cited, with all due respect, they are not a fair or accurate characterization of the D.C. circuit's caseload relative to the other circuits' caseloads. I made that case earlier.

I am prepared to yield back the time if the other side is prepared to yield back their time. Is there anybody going to want to speak on the other side?

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I am prepared to yield back time.

The PRESIDING OFFICER. The Senator from Utah has no time to yield back at this point. The Senator from Iowa has approximately 17 minutes remaining on the opposition side.

Mr. SESSIONS. I would like to be recognized.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, there is nobody in this body who has fought harder for a balanced budget amendment and for controlling Federal spending than the distinguished Senator from Utah, Senator HATCH. His leadership has been terrific on that. I respect that. I guess we just have a disagreement.

I think it is really unusual that a judge would cite a 12th seat as frivolous and note in his own letter that it was frivolous because of a declining caseload. Even though Judge Silberman himself said he felt they ought to go ahead and fill the 11th seat, we, after full study of it and in the course of careful deliberations, had the opportunity to hear from two other chief judges from two other circuits that indicated, even though they have much higher caseloads, 575 to 378 cases per judge, that they did not need a new circuit judgeship.

So, therefore, I concluded that a circuit with 124 cases per judgeship did not need to be filled, and that the $1 million per year, if it is not justified, would be a ripoff of the taxpayers. I feel that we can spend that money more efficiently on trial judges in circuits and districts that are already overwhelmed with heavy caseloads and not on the D.C. circuit that is overstaffed already. I yield the floor, Mr. President.

Mr. GRASSLEY. We yield back the time on our side, and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Merrick B. Garland, of Maryland, to be U.S. circuit judge for the District of Columbia circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 34 Ex.]

YEAS—76

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Gorton
Graham
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—23

Allard
Ashcroft
Brownback
Burns
Coverdell
Craig
Enzi
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Kyl
Lott
McConnell
Nickles
Sessions
Shelby
Thurmond

NOT VOTING—1

Glenn

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. HATCH. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, this is the first judge confirmed in this Congress. I hope it will be the first of many, many.

I remind my colleagues we have close to 100 vacancies in the Federal court. We have begun with one of the most outstanding nominations any President has sent.

That is the nomination of Merrick Garland—now Judge Garland. I compliment him on that. He was nominated in 1995; it first passed through the Judiciary Committee unanimously in 1995, and it is now 1997. We need to move——

Mrs. BOXER. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Chair. I wish also to compliment my friend, the distinguished senior Senator from Utah for his help in doing this. I also wish to compliment Senators who paid attention to his very, very strong statement at the end of this debate on behalf of Judge Garland. I think that the Senator from Utah and I are committed to trying to move, in a bipartisan fashion, to get these judges here. I hope all Senators will join us in doing that. The Federal judiciary should not be held hostage to partisan, petty, or ideological constraints that really reflect only a minority of views.

The Federal judiciary is really a blessing in our democracy in the fact that it is so independent. Our Federal judiciary is the envy of all the rest of the world. The distinguished Senator from Utah and I are committed to keeping it that way. We will work together to keep it that way. I thank him for his help on this nomination.

Mr. DASCHLE. Mr. President, I would like to reiterate what PAT LEAHY has said about how glad we are that Merrick Garland has finally been considered by the Senate for appointment to the U.S. Court of Appeals for the District of Columbia Circuit. We wholeheartedly believe that Mr. Garland is highly qualified for this position and deserves the strong vote we just gave him.

Mr. Garland has been awaiting this day since being nominated by the President on September 5, 1995—1½ years ago. His qualifications are clear. The ABA's standing committee on the Federal judiciary found him well qualified to serve on the Federal bench, and he has received the support of a bipartisan and ideologically diverse group of individuals.

His credentials cannot be challenged. He has worked at the Department of Justice as the Principal Associate Deputy Attorney General, in private practice and served as a law clerk to Justice Brennan on the Supreme Court and a law clerk to Judge Friendly on the U.S. Court of Appeals for the Second Circuit.

I am happy that today, after his long wait, Merrick Garland finally knows that he will serve as a Federal judge.

It is unfortunate, however, that we have not yet voted on any other judges during this session of Congress—at a time when we have almost 100 vacancies on the Federal bench. That is a vacancy rate of over 10 percent.

I hope that voting on Merrick Garland's confirmation today signals that we are going to address this serious problem and begin to fill those long empty seats on the Federal bench.

Mr. President, I am extremely pleased that the Senate has confirmed the nomination of Merrick Garland to the U.S. Court of Appeals for the District of Columbia Circuit. Let us ensure that our Federal bench has a full complement of such qualified judges so that the business of justice can go forward.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I want to thank my colleagues who voted for Judge Merrick Garland. I believe they did what was right.

With regard to Federal judgeships, we ought to do what is right. I take this job as seriously as anything I have ever done in the Senate. I want to thank my colleagues who voted with us for supporting the nominee.

Having said that, there have been a serious number of nominees whom we have confirmed in the past who have proven to be activist judges once they got on the bench and who told us when they were before the committee they would not be activist and they would not undermine the role of the judiciary by legislating from the bench. Then they get to the bench and they start legislating from the bench.

I want them to know, and I want to send a warning to the judiciary right now, if they are going to continue to disregard the law, if they are going to continue, in many respects, to bypass the democratic processes of this country, if they are going to start substituting their own policy preferences for what the law really says, then it is going to be a tough time around here. This vote proves it.

I don't feel good about all those who voted against this nomination, but the fact of the matter is that there is some reason for their doing so. Republicans are fed up with these judges who disregard the role of judging once they get to the courts, after having told us and promised that they will abide by the role of judging. Now, I am upset—there is no question about that—because I think the finest nominee that I have seen from this administration is Merrick Garland, and I think he deserved better. But I also understand my colleagues.

I am sending a warning out right now that these judges who are sitting on the bench better start thinking about the role of judging and quit trying to do our jobs. We have to stand for reelection. That is why the buck should stop here—not with some Federal judge who is doing what he or she thinks is better for humanity and mankind.

We have judges on the Ninth Circuit Court of Appeals who could care less about what the Congress says, or what the President says, or what the legislative and executive branches say. That is why they are reversed so routinely by the Supreme Court. It is pathetic. I don't mean to single them out, but it is the most glaring example of activist judges in this country.

Let me just say this. I am sending a message right now that I intend to move forward with judges, and, if this administration will send decent people up here who will abide by the rule of judging and the rule of law and quit substituting their own policy preferences and finding excuses for every criminal that comes before them, they are going to have support from me. I hope they will have more support from the Judiciary Committee in the future. But if they are going to send up more activists, there is going to be war.

I don't think the judiciary has ever had a better friend than ORRIN HATCH; I know they haven't. I will fight for them. I think they ought to be getting more pay. I think we ought to support them in every way we possibly can. They are tough jobs, they are cloistered jobs. They are difficult jobs. They take great intellectual acumen and ability.

Madam President, I am telling you, we have far too many judges on both the left and the right who disregard what the rule of judging is and who legislate from the bench as superlegislators in black robes who disregard the democratic processes in this country and who do whatever they feel like doing. They are undermining the judiciary, and they are putting the judiciary in this country in jeopardy. I am darn sick of it. My colleagues on our side are sick of it. I don't care whether it is activism from the right or from the left; it is wrong. We ought to stop it, and the judiciary is the only place where it can be stopped.

I once had one of the most eminent legal thinkers in the country say that he has never seen anybody on the Supreme Court move to the right; they have always moved to the left as they have grown. I would like to not worry about whether they are moving right or left, but whether they are doing the job that judges should do.

I am serving notice to the Senate, too. I am chairman of the Senate Judiciary Committee, and I take this responsibility seriously. I want everybody in this body to know I take it seriously. It means a lot to me. I have tried a lot of cases in Federal courts. I have tried a lot of cases in State courts. I have a lot of respect for the judiciary. So I take this seriously, and I don't want politics ever to be played with it. I get a little tired of the other side bleating about politics, after the years and years of their mistreatment of Reagan and Bush judges and the glaring, inexcusable examples where they treated Republican nominees in a shamefully unfair way. Nobody could ever forget the Rehnquist nomination, the Bork nomination, and even the Souter nomination, where he wasn't treated quite as well as he should have been—and above all, the Clarence Thomas nomination; it was abysmal. Those were low points in Senate history. So I don't think either side has a right to start bleating about who is righteous on judges.

I intend to do the best I can here. I want my colleagues to know that. I certainly want to place my colleagues on my side, and I certainly want to do the right thing for all concerned. This is an important nomination. I believe Merrick Garland will go on to distinction. Nobody will be more disappointed than I if he turns out to be an activist judge in the end. If he does, I think he will be one of the principal underminers in the Federal judiciary in the history of this country. But he told me he will not do that, and I trust that he will not. That doesn't mean we have to agree on every case that comes before any of these courts; we are going to have disagreements. And just because you disagree with one judge doesn't mean that judge should be impeached either. To throw around the issue of impeachment because you disagree with a judge here and there is wrong.

There are some lame-brained decisions out there, we all know that. Some of them are occurring primarily in California. Frankly, we have to get rid of the politics with regard to judges and start doing what's right. With every fiber of my body, I am going to try to do right with respect to judges because I respect that branch so much. To me, our freedoms would not have been preserved without that branch. But the way some of these judges are acting, our freedoms are being eroded by some in that branch. It is time for them to wake up and realize that that has to end.

I yield the floor.

SETTING THE RECORD STRAIGHT ON JUDICIAL NOMINATIONS

Mr. BIDEN. Madam President, I have not spoken on judges this year, but having worked on it for so many years with my friend from Utah, having either been the ranking member or chairman of that committee. But let me make one point.

It is one thing to say that we are going to disagree on judges. We did that when we were in control. We did that. And we said that all the judges that have been nominated here by two successive Republican Presidents—we picked seven out of a total of over 500—we said we disagree with these judges. The most celebrated case was Judge Bork, and less celebrated cases were people who have gone beyond being judges. Some are Senators. But the bottom line was that we understand that.

But what I do not understand is this notion and all of the talk about activist judges without any identification of who the activist judges are. It is one thing for the Republicans to say that we are not going to vote for or allow activist judges. We understand that. We are big folks. We understand baseball, hardball. We got that part. No problem.

But what I do not understand is saying we are not going to allow activist judges and then not identifying who those activist judges are. This is kind of what is going on here, and no one wants to say it. But since I have the reputation of saying what no one wants to say, I am going to say it.

Part of what is going on here is, and in the Republican caucus there are some who say, No. We want to change the rules. We want to make sure, of all the people nominated for the Federal bench, that the Republican Senators should be able to nominate half of them, or 40 percent of them, or 30 percent of them. That is malarkey. That is flat-out malarkey. That is blackmail. That has nothing to do with activist judges.

I do not doubt the sincerity of my friend from Utah. We have worked together for 22 years. But here is my challenge. Any judge nominated by the President of the United States, if you have a problem with his or her activism, name it. Tell us what it is. Define it like we did. You disagreed. You disagreed with the definition. But we said straight up, "Bang. I do not want Bork for the following reasons." People understand that. But do not try to change 200 years of precedent and tell us that we are not letting judges up because we want the Republican Senator to be able to name the judge. Don't do that, or else do it and do it in the open. Let's have a little bit of legislating in the sunshine here. Do it flat in the open.

I see my colleagues nodding and smiling. I am sort of breaching the unspoken rule here not to talk about what is really happening. But that is what is really happening. I will not name certain Senators. But I have had Senators come up to me and say, JOE, here is the deal. We will let the following judges through in my State if you agree to get the President to say that I get to name three of them. Now folks, that is a change of a deal. That is changing precedent. That isn't how it works. The President nominates. We dispose one way or another of that nomination. And the historical practice has been—and while I was chairman we never once did that—that never once that I am aware of did we ever say, "By the way, we are not letting Judge A through unless you give me Judges B and C."

Now, let me set the record totally straight here. There are States where precedents were set years ago. The Republican and Democratic Senator, when it was a split delegation, have made a deal up front in the open. In New York, Senator Javits and Senator MOYNIHAN said: Look. In the State of New York, the way we are going to do this is that whomever is the Senator representing the party of the President—I believe they broke it down to 60—for every two people that Senator gets to name, the Senator in the party other than the President gets to name one. OK, fine. Jacob Javits did not go to PAT MOYNIHAN and demand that he was going to do that. MOYNIHAN made the offer, as I understand it, to Jacob Javits. That is not a bad way to proceed.

But now to come along and say, "By the way, in the name of activist judges, we are not going to move judges" is not what this is about.

I might point out that all the talk last election that started off—it all fizzled because it did not go anywhere—about how there is going to be an issue about activism on the courts, we pointed out that of all the judges that came up in Clinton's first term, almost all of them were voted unanimously out of this body by Democrats and Republicans, including the former majority leader. He only voted against three of all the nominees, then he argued, by the way, that Clinton nominated too many activist judges. And then it kind of fizzled when I held a little press conference, and said, "By the way. You voted for all of them." It kind of made it hard to make this case that they were so activist.

So look. Let me say that I will not take any more time, but I will come back to the floor with all of the numbers and the details. But here is the deal.

If the Republican majority in the Senate says, "Look, the following 2, 5, 10, 12, 20 judges are activist for the following reasons, and we are against them," we understand that. We will fight it. If we disagree, we will fight it. But if they come along and say, "We are just not letting these judges come up because really what is happening is they are coming to guys like me and saying, 'Hey, I will make you a deal. You give me 50 percent of judges, and I will let these other judges go through.'" Then that isn't part of the deal.

Look, I have a message to the Court. I know the Court never reads the CONGRESSIONAL RECORD, and Justice Scalia said that we should not consider the RECORD for legislative history because everybody knows that all the CONGRESSIONAL RECORD is is what Senators' staff say and not what Senators know. He is wrong. But that is what he said. Maybe they don't read it. But I want to send a message.

Madam President, when I was chairman of the committee and there was a Republican President named Reagan and a Republican President named Bush, the Judicial Conference on a monthly basis would write to me and say, "Why aren't you passing more judges?" They have been strangely silent about the vacancies that exist. Now, I agree that the administration has been slow in pulling the trigger here. They have not sent enough nominees up in a timely fashion. And I have been critical of them for the last 2 years, Madam President. But that is not the case now. All I am saying to you is, as they say in parts of my State, "I smell a rat here." What I think is happening—and I hope I am wrong—is that this is not about activism.

This is about trying to keep the President of the United States of America from being able to appoint judges, particularly as it relates to the courts of appeals.

Now, what is happening is what happened today. Merrick Garland was around for years. Now, what is going to happen is they are going to say we reported out a circuit court of appeals judge. Aren't we doing something. The truth of the matter is the proof will be in the pudding several months from now when we find out whether or not we are really going to move on these judges.

Let me point out one other thing. And I see my friend from Maryland in the Chamber, and I will yield particularly since I had not intended speaking at this moment.

Mr. SARBANES. I want to ask the Senator a couple questions when he finishes his statement.

Mr. BIDEN. The point I wish to make is this. When I was chairman of the committee and a Republican was President, we held, on average, a hearing for judges once every 2 weeks and had usually five judges, circuit court and district court, who we heard.

Last year we essentially had one hearing every other month and we had to fight to get three to four on the agenda to be heard.

Mr. SARBANES. Will the Senator yield for a question.

Mr. BIDEN. I will be happy to.

Mr. SARBANES. This is a chart that Senator LEAHY, now the ranking member on the Judiciary Committee, used today in the course of the Merrick Garland debate which I think is enormously instructive. It is the number of judges confirmed during second Senate sessions in Presidential election years.

Mr. BIDEN. I got it.

Mr. SARBANES. Now, in 1996, with a Democratic President, President Clinton, and a Republican Senate, the Senate confirmed no judges for the court of appeals, none whatsoever, and 17 judges for the district court. Now, in 1992, the previous election year—that was when Mr. Bush was President——

Mr. BIDEN. And I was chairman.

Mr. SARBANES. And if I am not mistaken, the distinguished Senator from Delaware was the very able chairman of the Judiciary Committee.

Mr. BIDEN. I did not say "able." I was chairman.

Mr. SARBANES. I am suggesting the Senator is able. I am prepared to make that statement. We confirmed 11 court of appeals judges and 55—I repeat, 55—district judges in an election year. Now, that gives you some sense of how the Democratic majority in the Senate, led at the time by the able Judiciary Committee chairman, was dealing with this matter, essentially in a nonpolitical way.

In 1988, when I think, again, the Senator from Delaware was still the chairman of the Committee——

Mr. BIDEN. That is correct.

Mr. SARBANES. With President Reagan, a Republican President—again, in an election year—we confirmed 7 court of appeals judges and 35 district court judges. Actually, the 35 that we confirmed in that election year was better than the Republican Senate did for President Reagan in 1984 when they only confirmed 33 judges. In any event, clearly this performance in these years is in marked contrast to what happened in 1996 and what apparently is continuing now in 1997. Merrick Garland was the first judge approved this year.

Mr. BIDEN. If I may respond to the Senator, obviously the facts are correct, but I think it worth elaborating a little bit more on the facts. I saw my very able colleague, the present chairman of the Judiciary Committee, on television the other day, and he was talking about the number of judges that were "left hanging," who were not confirmed and sent back to the administration at the end of 1992, the Bush administration. And he cited an accurate number. But as my very distinguished friend, who is, as well, a scholar, knows, there is an old expression attributed to Benjamin Disraeli, who said there are three kinds of lies: lies, damn lies, and statistics.

What my able friend from Utah did not mention is that just like President Carter—Carter's judges is a separate charge we can go back to, but just like President Clinton, President Bush did not get his nominees up here until the end of the process.

In other words, they were late getting here. Notwithstanding the fact that he was late in getting his nominees up, the Senator may remember in the caucus over the objection of some Democrats who said the Republicans would never do this, I insisted we confirm judges up to the day we adjourned the Senate. During the last week the Senate was in that year, we confirmed seven judges. I could have easily just sneezed and they would not have been confirmed. And the fact is the reason why we did not confirm more is because we did not have time to hold the hearings and we were holding hearings on 20 or more a month.

Mr. SARBANES. If the Senator will yield, I can recall the Senator was holding hearings right up into the fall of the election year and judges were being brought to the floor of the Senate and being confirmed. And he is absolutely correct; there were some——

Mr. BIDEN. Republican judges.

Mr. SARBANES. Yes, Republican judges. And there were some Members on the Democratic side who said, why are you doing this? We are about to have an election and the result may give us control of the White House. And the Senator from Delaware said, look, we ought not to have politics play a heavy hand in the judicial confirmation process.

One of the worst things that is happening in the Senate is what amounts to a heavy politicizing of the judicial confirmation process that is taking place in this body, and that was reflected in the performance in 1996 as compared with the performance in 1992 when the Senator from Delaware did his very best to keep politics out of the process, to fill judicial posts and to let the judiciary function as an independent branch of our Government. What is happening here is extremely serious. And of course, the Senator, with his candor, came to the floor and sort of stripped away the veneer and laid out what is going on behind the scenes, which is a complete departure from past practices. When there were Republican Presidents, I did not play a role in whom the Presidents sent up to the Senate to be nominated and confirmed in the job——

Mr. BIDEN. If the Senator will yield, I was chairman or ranking member of that committee for 14 years. My distinguished colleague from Delaware is Senator ROTH, who is my close friend. Every single Federal judge in the last 24 years who has been appointed in the district of Delaware or the third circuit has been appointed by Senator ROTH. I did not expect, did not ask, and not once was ever consulted about who he would appoint, and I supported every one that he sent up. Not one single time was I made aware of anything other than after the fact, which is OK. I am not complaining about that.

Mr. SARBANES. That was the system.

Mr. BIDEN. That was the system. Not one single time. And I was chairman of the committee.

Now, I would point out one other thing to my friend. I want to have complete candor. If one considers taking judges based on their ideology and call that political, yes, we Democrats were political, as well. I am not complaining about that. I am not complaining about anybody who stands up and says I do not want Judge Smith, the President's nominee, because I think he will be bad on the court for the following reasons and comes to the floor and makes the case. I do not quarrel with that because I think that is the prerogative of the Senate and any Senator. What I am quarreling with is a different kind of politicizing, and that is drawing the conclusion that because I now control the Senate, I am not going to let the President of the United States have nominees whether or not I have an ideological problem with them.

Mr. SARBANES. Will the Senator yield. It is worse than that. It is not whether you let the President have his nominees confirmed. You will not even let them be considered by the Senate for an up-or-down vote. That is the problem today. In other words, the other side will not let the process work so these nominees can come before the Senate for judgment. Some may come before the Senate for judgment and be rejected by the Senate. That is OK.

Mr. BIDEN. Fair enough.

Mr. SARBANES. But at least let the process work so the nominees have an opportunity and the judiciary has an opportunity to have these vacant positions filled so the court system does not begin to break down because of the failure to confirm new judges.

Mr. BIDEN. If the Senator will yield, let me give an example of what you just said. I know you know, but it is important for the RECORD.

I meet every year—I will not now because I am not the top Democrat on the committee. But every year for, I don't know, 14 or 15 years, I meet with what is called the Judicial Conference—a legislatively organized body where the Congress says the court can have such a function, where we look for recommendations.

I might add, by the way, you may remember when there was a Republican President named Reagan, the Senator from Delaware introduced a bill to increase the number of Federal judgeships by 84. Why did I do that? I did that because the Federal court came to us, the Judicial Conference, and said, "Here is our problem. We don't have enough judges to administer justice in a timely fashion in this country. And there is a backlog on all these criminal cases."

I must admit to the Senator, when they came to me with that request, I knew the problem I was going to have. I was going to go into a Democratic caucus and say, by the way, a Republican President, who is a fine man but the most ideological guy we had in a long time, who announced he was going to appoint only very conservative judges, I was now going to give him 84 more than he had.

I realized that was not a politically wise thing for me to do. But, listening to the court, I did just that. My recollection is the Senator from Maryland stood with me and said, "I don't like it. I admit, I am not crazy about 84 more judges being appointed by Ronald Reagan. But the court needs to be filled."

Now we have the strange happening, the courts come back to us and say—and they do this in a very scientific way—we not only need the vacancies filled, we need more judges than we have. They cite, as the Senator is very familiar with, they cite the backlog, they give the rationale that cases are being backed up. Guess what? The idea that we will even get a chance to discuss a judgeship bill, I predict to my friend from Maryland, on this floor is zero—zero. Not only that, to further make the point, this is the first time in the 24 years that I have been a Senator, in 24 years, the first time I have ever heard anybody come to the floor and say: You know, we should basically decommission judgeships.

The ninth circuit is the busiest circuit in America, out in California. One of our colleagues, a very wonderful guy, a nice guy, says, "I am not going to let any other judge be in the ninth circuit"—notwithstanding they have five vacancies, if I am not mistaken, and they are up to their ears in work. This started last year when I was in charge of the Democratic side. He said, "I am not going to let anybody go through until the ninth circuit splits into two circuits."

I said, "Why do you want it to split?"

He said, "The reason I want it to split is I don't like the fact that California judges are making decisions that affect my State."

The distinguished Senator from Idaho is shaking his head. He agrees. He is in that circuit. It is painful to point this out, but the reason why there is a Federal court is so there is not Illinois, Indiana, Idaho, California justice. There is one uniform interpretation of the Constitution. That is the reason we have a Federal circuit court of appeals.

Now, this is quite unusual. We have—and I was not referring to the distinguished Senator from Idaho, who is on the floor, when I said, "there was a Senator." That is not to whom I am referring. But another one of our colleagues said he is not going to let anybody go through until there is a split, because he does not like the idea that decisions relating to his State are being made by judges who are not from his State or are not from States of similar size. That is, interestingly, an effectively rewrite of the Constitution of the United States of America. I do not think the Senator thought it in those terms, but that is literally what it is.

Now I am being told, OK, unless we, in fact, split the circuit—and by the way, I am not opposed to splitting the circuit. We split the fifth circuit because when we got to the point where Florida grew so big—Florida and Mississippi and Alabama and Louisiana, they are all in the same circuit—but they got so big, because of population growth, we said—the court recommended, we agreed—that it should be split into two circuits. We understand that. I am not opposed to that. I am not arguing about that. But the idea that someone says, "Until you do it my way, until you can assure me I am not going to be associated with that State of California, I am not going to let any vacancies be filled"——

Mr. SARBANES. If the Senator will yield, in effect what is happening is the court system is being held hostage, so it is not able to function properly as a court system should. I submit that is an irresponsible tactic to use. As Members of the Congress, the first branch of Government, we have a responsibility to see that the court system can function in a proper fashion.

The Senator from Delaware, when he was chairman of the committee, always measured up to that responsibility, I think often taking a lot of political heat for doing it. But he was out to make sure the system could function. He had Republican Presidents nominating judges. He processed their nominations. He brought them to the floor of the Senate. He gave the Senate a chance to vote on them up or down for those people to get confirmed. That process is breaking down.

Mr. BIDEN. I voted for all of them but seven, I might add. There were only seven times that I voted against any of those nominees.

Mr. SARBANES. That process, I repeat, is now breaking down.

The other thing that is happening, as he says, instead of disagreeing with the qualifications of a nominee, the other side says, "We don't really need the position."

Mr. BIDEN. That is right.

Mr. SARBANES. And that is what we heard on Merrick Garland. In fact, when he first came up here, he was nominated for the 12th position on the D.C. circuit. They said, "We don't need that position. We have nothing against Merrick. He is a wonderful fellow, of course. We just don't think we need that 12th position." Of course, that does a lot for Merrick Garland. He's sitting, waiting to join the court. Then someone already on the court took senior status, and then they had two vacant positions, the 11th and 12th. Merrick Garland is nominated. He's now up for the 11th position; not the 12th position, the 11th position. The majority is right back here on the floor and it says, "We don't need this position." This is the 11th position. They never made that argument last year when he was going for the 12th position. Then they said we need the 11th, we don't need the 12th. Now they are back, some, today—fortunately, they did not prevail—saying we do not need either the 11th or the 12th position.

Mr. BIDEN. If the Senator will yield on that point, it is probably going to get him in trouble, but I want to compliment the chairman of the committee. The chairman of the committee did not buy into that argument. The chairman of the committee took the position on this that we should act, and he had been pushing this for some time.

Again, I see my distinguished friend, who now I work with in another capacity, as the minority—the euphemism we use is ranking member—of the Foreign Relations Committee. We have much less disagreement than we have on some issues relating to judges. But, with him here, I can remember that during the last days when the Senator from Delaware was trying to push through judges—on October 8, 1992, the last day of the session, with President Bush as President of the United States, the Senator from Delaware pushed through seven Republican judges—the last day.

I will bet you that has not happened very often in this place with Democrats or Republicans: The last day, seven.

The reason I mention that is one of my distinguished colleagues—we have very different views, but I like him a lot—walked up to me and he was from a State where there were two Republican Senators, and two of those judges were his. He walked up and shook my hand. This will not go in the RECORD—it will go in the RECORD, but his name won't, but my colleagues will know who he is. He shook my hand and said, "Joe, you're a nice guy. I really appreciated it." He says, "Of course, you know I would never do this for you."

I like him because he is straightforward and honest. He meant it, and that's why we get along so well. I am not referring to the Senator from North Carolina. He said, "I'd never do this for you." The point being, not that BIDEN is a good guy or BIDEN is a stupid guy, the point being that the court is in desperate trouble in a number of jurisdictions. In southern California and south Florida, and in a number of places where there are drug cases that are backed up, a number of places where there are significant civil case backlogs, a number of places where population growth is straining the court, they need these vacancies filled.

I respectfully suggest that it is a rare—it is a rare—district court nominee by a Republican President or a Democratic President who, if you first believe they are honest and have integrity, have any reason to vote against them. I voted for Judge Bork, for example, on the circuit court, because Judge Bork I believed to be an honest and decent man, a brilliant constitutional scholar with whom I disagreed, but who stood there and had to, as a circuit court judge, swear to uphold the law of the land, which also meant follow Supreme Court decisions. A circuit court cannot overrule the Supreme Court.

So any member who is nominated for the district or circuit court who, in fact, any Senator believes will be a person of their word and follow stare decisis, it does not matter to me what their ideology is, as long as they are in a position where they are in the general mainstream of American political life and they have not committed crimes of moral turpitude, and have not, in fact, acted in a way that would shed a negative light on the court.

So what I want to say, and I will yield because I see my friend from South Carolina—North Carolina, I beg your pardon. I am used to dealing with our close friend in the Judiciary Committee who is from South Carolina. I seem to have the luck of getting Carolinians to deal with, and I enjoy them. I will yield the floor by saying, I will come back to the floor at an appropriate time in the near term, immediately when we get back from the recess, and I will, as they say, Madam President, fill in the blanks in terms of what the absolute detail and each of the numbers are, because I have tried to recall some of them off the top of my head, not having intended to speak to this issue when I walked across the floor earlier.

Let it suffice to say at the moment, at least for me, that it is totally appropriate for any U.S. Senator to voice his or her opposition to any nominee for the Court, and they have a full right to do that. In my study of and teaching of constitutional law and separation of powers issues, there is nothing in the Constitution that sets the standard any Senator has to apply, whether they vote for or against a judge.

But I also respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor.

We had a tie vote in the committee, Madam President, on one of the Supreme Court nominees. I was urged by those who opposed him—and I opposed this particular nominee—to not report it to the floor. My reading of the Constitution, though, is the Judiciary Committee is not mentioned in the Constitution. The Judiciary Committee is not mentioned. The Senate is. We only in the Judiciary Committee have the right to give advice to the Senate, but it is the Senate that gives its advice and consent on judicial nominations.

I sincerely hope, and I have urged the administration to confer with Republican Senators before they nominate anyone from that Senator's State. I think that is totally appropriate. I think it is appropriate, as well, that Republican Senators, with a Democratic President, have some input, which Democrats never had with the last two Republican Presidents. I think that is appropriate.

But I do not think it is appropriate, if this is the case—and I do not know for certain, it just appears to be—if the real hangup here is wanting to reach an informal agreement that for every one person the President of the United States gets to nominate, the Republican Party will get to nominate someone, the Republican Party in the Senate. Or for every two persons that the President nominates, the Republicans get to nominate one.

It is totally appropriate for Republicans to reject every single nominee if they want to. That is within their right. But it is not, I will respectfully request, Madam President, appropriate not to have hearings on them, not to bring them to the floor and not to allow a vote, and it is not appropriate to insist that we, the Senators—we, the Senators—get to tell the President who he must nominate if it is not in line with the last 200 years of tradition.

Again, I did not intend speaking at all on this, other than the fact I walked through and it was brought up, and since I was in that other capacity for so long, I felt obliged to speak up.

I see my friend from North Carolina is here. I do not know if he wishes to speak on judges or foreign policy matters, but whichever he wishes to speak on, I am sure it will be informative. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, let me say that I always enjoy my friend, Senator BIDEN—all of it. You have to wait awhile sometimes, but the enjoyment is nonetheless sincere.

CHEMICAL WEAPONS CONVENTION

Mr. HELMS. Mr. President, the remarks I am about to make will probably be the best kept secret in Washington, DC, tomorrow morning in the Washington Post or whatever. Instead, I am sure there will be ample coverage given to the various statements made by several Senators earlier in the day about how they are having trouble getting a treaty through the U.S. Senate. And certain comments were made that just had no basis in fact whatsoever.

So this is a speech that I am going to make to set the record straight so that it will be in the CONGRESSIONAL RECORD tomorrow morning in the hopes that some soul somewhere may decide to look to see what the facts really are.

In any case, I listened with great interest to the—what do we call it—the colloquy this morning regarding the Chemical Weapons Convention, and I think it is important to remind the Senate of some facts about the debate surrounding this controversy and, I believe, this dangerous treaty, which is perilously flawed.

First of all, I am puzzled at the insistence of some of my Democratic colleagues on a date certain for a vote on this treaty. It appears that the supporters of the treaty want only a date certain when it suits their needs, their desires. I remember last year, they wanted a date certain for hearings on this very same subject, the Chemical Weapons Convention Treaty. They wanted a date certain for committee action on the treaty; they insisted on it.

The committee took action on the treaty. Then they wanted a date certain for floor debate and consideration of the treaty —this was last year—and we obliged them in every instance. But hours before the vote on the Chemical Weapons Convention, on their date certain, that was supposed to happen, it was announced by the majority leader the night before, but what happened? The White House called up and said, "Please withdraw the treaty."

Now, it was not this Senator from North Carolina or any other Senator who asked it be withdrawn. It was not TRENT LOTT, the majority leader. It was the Clinton administration who asked the Senate not to vote on the Chemical Weapons Convention. Do you know why? Because they didn't have enough votes to ratify the treaty. And why did they not have the votes to ratify the treaty? Because in their zeal to force this treaty down the throats of Senators, they refused flat out to address any of the serious concerns that I had and a growing number of other Senators had about this treaty.

I remember thinking last year, and I am thinking now, about what Sam Ervin said so many times. He said, "The United States had never lost a war or won a treaty." And you think about the treaties that we have gotten into, and Sam Ervin—I think he got that from Will Rogers—but wherever it came from, it is true, and particularly in a document such as the Chemical Weapons Convention.

So the suggestion, whether stated or implied, that we are somehow holding this treaty hostage is not only fraudulent, it is simply untrue. You will not read about that in the Washington Post in the morning and CBS will not have it. They might say something about JESSE HELMS holding up consideration of this treaty. But the fact is that I met for 4 hours yesterday evening with the distinguished Senator, JOE BIDEN, and we went down a list of many issues in that proposed treaty. And we resolved most of them.

Let me talk a little bit about the suggestion that the committee, the Foreign Relations Committee, of which I am chairman, is failing to fulfill its responsibilities to address the Clinton administration priorities. That simply is not so.

The Foreign Relations Committee was the first to convene a confirmation hearing for a Cabinet-rank official this year. In fact, the Foreign Relations Committee expeditiously considered and reported both of the President's Cabinet-rank nominations by the end of January. Indeed, we have cleared the calendar of nearly all of the administration's appointees, including one Assistant Secretary of State and several Ambassadors.

Let us set the record straight with respect to negotiations concerning the Chemical Weapons Convention.

I personally met with the National Security Adviser in my office on February 5 of this year. In that meeting, I told him that my staff was prepared to begin discussions with his staff immediately. Well, day after day after day passed, and I received not one syllable of reply whatsoever to that offer.

In an effort to get around the impasse, I wrote a seven-page letter to

Mr. Berger, dated February 13, reiterating my request to begin staff-level negotiations and proposing concrete solutions for addressing the concerns that I and other Senators have about this treaty.

Another 2 weeks elapsed before I finally received a response from Mr. Berger—four paragraphs long—in which he did not respond to one single proposal contained in my letter. Indeed, he reiterated his refusal to send any of his staff to meet directly with the staff of the Foreign Relations Committee.

Then, on February 27, the chief of staff of the Foreign Relations Committee, Adm. Bud Nance—who, by the way, is recovering nicely from a near-fatal automobile accident that occurred last December, just before Christmas—came from his home in McLean to the Senate for the sole purpose of attempting to bridge this impasse. On that day, Admiral Nance met with the heads of legislative affairs of both the State Department and the NSC.

Well, then, we move forward to March 5. Mr. Berger finally allowed the NSC staff to begin discussion with the staffs of interested Senators. So those Senators who are counting every day from now until April 29 should ask Mr. Berger why he dillied and dallied away the month of February and refused to work with the chairman of the Foreign Relations Committee or the committee staff.

Notwithstanding all of that, since March 5, the staff of the Foreign Relations Committee has participated in more than 50 hours of negotiations with the administration and other proponents of this treaty. And I must add that the distinguished majority leader, to his credit, has already devoted an extraordinary amount of time and energy to this issue.

Last night, the distinguished ranking member of the Foreign Relations Committee and I, as I said earlier, spent 4 hours in my office negotiating specific provisions with some success. So, in light of all those efforts, I am perplexed as to how anyone could conclude that we are not working in good faith to resolve this matter.

Having said that, I think the time has come for the administration to address several key concerns. Thus far, I regret to report we have not had as much success as I would have hoped. Indeed, it is becoming clear that the administration is treating these negotiations as an empty exercise, a perfunctory hurdle over which they must jump so that they can argue that they "tried to negotiate" with me and with the Foreign Relations Committee.

As a result of this unfortunate attitude on the part of the White House, very little progress is being made to bridge the wide gap between us on a number of important provisions of the chemical weapons treaty.

Our staffs have been able to reach definitive agreement with the administration on only 8 of 30 provisions. Of those, three are simple reporting requirements and one is a nonbinding sense-of-the-Senate declaration. Not one of the issues that can be regarded as critical has yet been resolved.

But, Mr. President, having said all that, I am still determined to work with the administration and others to see if we can resolve our differences on a chemical weapons treaty. But if we are going to do that, the administration needs to return to the bargaining table and negotiate with my staff and with me in good faith. The way they have been acting, they said, "Well, we'll work it out." "I'll do what I think is right," they say. "And you do what we think is right." So that does not make it a 50-50 proposition, which I am not going to accept.

The administration needs to realize, in no uncertain terms, that unless and until they satisfy the number of concerns that various Senators, including this Senator, have relating to the treaty's universality, verifiability, constitutionality, and crushing impact on business, I am not going, personally, to move on the CWC, period.

The chemical weapons treaty, as it now stands, is not global, as it is claimed to be. It is not verifiable. And it imposes costly and potentially unconstitutional regulatory burdens on American business.

This treaty will do nothing—will do nothing—to reduce the dangers of poison gas.

Almost none of the rogue nations that pose a chemical weapons threat to us—such as Iraq, Syria, Libya, North Korea—are signatories to the treaty. They are free to pursue their chemical weapons programs unimpeded by this treaty. And the intelligence community has made clear—I do know whether it has been reported in the news or not—but the intelligence community says it is not possible to monitor the compliance of signatory nations with a high level of confidence. This is a matter of record. This is a matter of testimony before the Senate.

By the way, Russia is already violating its existing bilateral chemical weapons treaty with the United States. And the Russian military is reportedly working to circumvent the CWC with a new generation of chemical agents that are specifically crafted to evade the treaty's verification regime.

So if the chemical weapons treaty will not do anything to reduce the dangers of chemical weapons, what will it do? Good question.

Well, for one thing, it will, in fact, increase access to dangerous chemical agents to those terrorist states that do sign the treaty. Now, Douglas Feith, a chemical arms control negotiator in the Reagan administration, pointed out last week in the New Republic that the CWC will give the terrorist regimes in Iran and Cuba the right to demand access to the chemical markets of the United States and all other signatory nations and will create a treaty obligation for signatory nations to sell or give them chemical defensive gear, which is essential for any offensive program.

Well, the treaty will also endanger American troops by its forbidding commanders in the field from using tear gas and other ground control agents.

Worst of all, on top of all of these other deficiencies, it will impose dozens of new regulations and unprecedented and unconstitutional inspections on between 3,000 to 8,000 American businesses. Under the chemical weapons treaty, foreign inspectors will be authorized to swoop down on American businesses—without a criminal search warrant or even probable cause—and they can rifle through the records of these businesses, interrogate the employees, and even remove chemical samples. That is not only an infringement on the constitutional rights of Americans, it is an invitation to industrial espionage. Any treaty that gives foreign inspectors greater powers of search and seizure than those granted American law enforcement officials under the U.S. Constitution is a treaty in need of serious modifications.

Last, this treaty has already begun to lull the United States and our allies into a false sense of security by creating the false impression that something is being done about the problem of chemical weapons when, in fact, nothing, nothing is being done by the treaty. I could come up with no other explanation for why the then-Vice Chairman of the Joint Chiefs of Staff, Admiral Owens, would try to strip more than $800 million in chemical defensive funding from the fiscal years defense plan, or why the Chairman of the Joint Chiefs of Staff, General Shalikashvili, would recommend that $1.5 billion be taken out of our defense spending.

Do not take my word for it. Listen to constitutional scholars such as Robert Bork, Ed Meese. Listen to foreign policy experts such as Jeanne Kirkpatrick, and Alexander Haig, and former Secretaries of Defense Dick Cheney, Caspar Weinberger, Donald Rumsfeld, and James Schlesinger, or ask Henry Kissinger about it. Defense Secretaries of every Republican administration since Nixon have come out against this treaty, along with literally dozens of generals, admirals and senior officials from the Reagan, Bush, Nixon, FORD, and even the Carter administrations. If the Clinton administration chooses not to address the concerns that these distinguished experts and a number of Senators have enumerated, that is their decision, but they will not get the CWC unless they sit down and talk about the problems that some of us have.

Now, we have already sat down. We have begged to sit down before. We have scheduled. We have written letters, all to no avail.

One other myth about the treaty, the myth of this April 29 deadline. We hear over and over again, "If we miss this deadline, it will be terrible." Now, let me say, Mr. President, there has to be an end to the administration's Chicken Little pretense that the sky is going to fall if an agreement is not reached by April 29. This artificial deadline is a fraud created by the administration when they gave the Hungarian Government the green light to drop its instrument of ratification. The Hungarians had sought U.S. guidance on how to proceed, and the administration expressly told the Hungarians to go right ahead.

The administration has one purpose, and that was to manufacture, to contrive, to pretend, to have a drop-dead date to blackmail the Senate into rubberstamping this dangerously defective treaty. Now, I for one am not going to be blackmailed into permitting a flawed treaty to be approved by such tactics. Further, the administration is disingenuous in arguing that the United States will be "shut out" of the Executive Council that implements this chemical weapons treaty, and that the U.S. personnel will be barred from the inspection regime if the United States does not ratify by April 29. Horse feathers.

As former Defense Secretaries James Schlesinger, Caspar Weinberger, and Donald Rumsfeld noted recently in an Op-ed in the Washington Post, "In the event that the United States does decide to become a party to the CWC at a later date—perhaps after improvements are made to enhance the treaty's effectiveness—it is hard to believe its preferences regarding implementing arrangements would not be given considerable weight. This is particularly true," this is what they wrote in the op-ed piece, "This is particularly true since the United States would then be asked to bear 25 percent of the total cost of the implementing organization's budget."

Now, Mr. President, it will be a concession of diplomatic incompetence to try to argue that the U.S. Government is incapable of negotiating a seat on the Executive Council and the U.S. participation in the inspection regime of a treaty for which the American taxpayers are footing 25 percent of the bill. In fact, U.S. inspectors will be hired if and when the Congress agrees to fork over millions upon millions of American taxpayers' dollars to finance this new organization.

As for the effects on industry, Secretaries Schlesinger, Weinberger, and Rumsfeld made very clear there will be very few, if any. "The preponderance of trade in chemicals would be unaffected by the CWC's limitations, making the impact of staying out of the treaty regime, if any, fairly modest on American manufacturers."

It turns out that the Chemical Manufacturers Association has acknowledged that it will not lose, as it had previously claimed, $600 million in export sales. The Chemical Manufacturers Association now admits that less than one-half of 1 percent of U.S. chemical exports will be affected by this treaty, and even that number, even that number is highly suspect.

Mr. President, it is time that the contrived myth of cataclysmic consequences of April 29 be put to rest once and for all. More important than any artificial deadline is the need to resolve the substantive issues that divide us. Without significant changes governing U.S. participation, agreed to in a resolution of ratification, there is no point in ratifying the CWC. In that case, what happens, if anything, after April 29, is academic.

On the other hand, if the administration does come to agreement with us on these and other matters after April 29, or even before, I am confident that the distinguished Secretary of State Madeleine Albright can and will ensure the United States' interests are protected. Madeleine Albright is a tough lady and a capable negotiator.

Mr. President, if the administration really wants this treaty by the artificial deadline that they deliberately created, they will have to return to the negotiating table and begin working in good faith with the staff of the Foreign Relations Committee and with me. Let me reiterate that I spent 4 hours last evening with the distinguished Senator from Delaware, [Mr. BIDEN]. He operated in good faith and so did I. That is what it is going to take. But there is going to have to be a lot of action going a long way in our direction on a number of substantive issues.

For the information of anybody who may be interested, I remain of the opinion, as I indicated in my January 29 letter of this year to the majority leader, that once we have succeeded in having comprehensive reform of U.S. foreign affairs agencies, reform of the United Nations, and once the modification of the ABM and CFE treaties are submitted to the Senate for advice and consent, I will be more than willing to turn my attention to the matter of the CWC. I might be persuaded to turn to it earlier than that. Even so, any resolution of ratification for the CWC must provide key protections relating to the treaty's verification, lack of applicability to rogue states, constitutionality, and its impact on business.

Now, I am very sincere when I say that I hope we can work out our differences. I am certainly willing to try. I hope I demonstrated that last evening and on occasions earlier than that. But, in the end, whether or not we reach agreement is a decision that only the Clinton administration can make. I think they ought to get about it and let us see what we can work out together on a fair and just basis.

I yield the floor.

Mr. BIDEN. Mr. President, again, I did not anticipate that I would be speaking to this issue. Fortunately, or unfortunately, I am on the floor, and I understand why the Senator from North Carolina came over to speak in light of things that were said earlier today when he was not here and I was not here. I would like to respond, at least in part, to what my distinguished colleague has said.

Let me begin by parcelling this out into three pieces. First, is the issue of whether or not the administration has acted in good faith; second, is not whether or not the substantive issues raised by the distinguished Senator from North Carolina are accurate, but whether or not there is a response to them; I think his concerns are not accurate; and third, whether or not the ultimate condition being laid down by the Senator from North Carolina, as I understand it—and I could be wrong—is appropriate.

Let me begin, first, by talking about the administration. It is true that the distinguished Senator from North Carolina and I spent almost 4½ hours last night addressing, in very specific detail—apparently without sufficient success—the concerns the Senator from North Carolina has about this treaty. I note—and I will come back to this—that the universe of concerns expressed by the Senator from North Carolina were submitted to me in writing some time ago. Although they have expanded slightly, they total 30, possibly 31, concerns.

When I became the ranking member of this committee, I approached the distinguished chairman and said I would very much like to work with him, I would very much like to cooperate, and I would very much like to work out a forum in which we could settle our differences relating to what is sound foreign policy.

The agreement made by the Senator from North Carolina with regard to the Senator from Delaware was this: I said I am willing to meet with your staff—you need not be there, Mr. Chairman—and discuss in detail every single concern you have. I am even willing to go out to Admiral Nance's home, because he was seriously injured. I am willing to go to his home and conduct these discussions. And to the credit of the chairman, he dispatched his staff to do that with me, my staff included, and I do not know, I will submit for the RECORD, the total number of hours we did this. But I know that I, personally, in addition to meeting with the Senator from North Carolina, have met with the staff for hours and hours. And our staffs have met for a considerably longer period of time—not in a generic discussion of this treaty, but on specific word-by-word analyses, negotiations, and agreement on the detail of proposals made by the distinguished Senator from North Carolina about how he feels the treaty has to be remedied.

So what has the administration been doing? I think, to use an expression my grandmom used to use, "Sometimes there is something missed between the cup and the lip." The administration—as I tried to explain to my friend from North Carolina last night, and his staff on other occasions—was giving conflicting marching orders. The administration, after direct discussions with Majority Leader LOTT prior to January 29, agreed to meet and discuss this in detail with a task force that Senator LOTT named. Senator LOTT named a task force of interested Republicans.

They included the distinguished chairman of the Foreign Relations Committee; the distinguished senior Senator from Alaska, Senator STEVENS; Senator SMITH of New Hampshire; Senator KYL of Arizona; Senator WARNER of Virginia, and others, who were to sit down and discuss with the administration their concerns about this treaty and how they felt the treaty had to be changed. The first meeting of that task force, of which Senator HELMS was a part, appointed by Senator LOTT, occurred on January 29.

Now, my friend from North Carolina—I can understand why there may be confusion here. He said that Sandy Berger, the National Security Adviser, dallied away the month of February. He was dallying with Senator LOTT; he was dallying with Senator WARNER; he was dallying with Senator SHELBY; he was dallying with Senator BOB SMITH; he was dallying with Senator KYL; he was dallying with a task force appointed by the Republican leader.

I can understand why the distinguished Senator from North Carolina, the chairman of the Foreign Relations Committee, might not feel that is an appropriate forum. I can understand that. Those of us who have been chairmen do not like the fact that a majority leader will sometimes come along and say, "By the way, even though this is within your jurisdiction, we are going to appoint a task force beyond your jurisdiction."

But the truth of the matter is, picture the quandary of the President of the United States after a discussion with the majority leader of the U.S. Senate, and the majority leader said, "Here are the folks you are supposed to deal with." I challenge anyone on Senator LOTT's staff who are the main players in this to suggest that the administration didn't deal in good faith with them. There were hours and hours and hours of detailed negotiations with this group.

I say to my friend from North Carolina, put the shoe on the other foot. He is the President of the United States. Here is a Democratic majority leader. He wants a treaty passed. The Democratic majority leader goes to him and says, "I have appointed a committee of Democrats interested in this subject. I would like you to negotiate with them, not with BIDEN, the chairman of the committee. He is part of this group."

So, beginning on January 29, Sandy Berger, Bob Bell, his chief negotiator, and the administration met for scores of hours. I don't mean 2. I don't mean 10. I don't mean 20. I mean 30 or 40 hours worth of negotiations with the principals, with the Republican Senators, as well as without them. Guess what. They reached an agreement. There is a universe of 30-some amendments. I hold it up now. This is what was presented to the administration by this coalition of Republican Senators concerned about the treaty. It, in fact, lists every known objection, every objection raised by any Republican that we are aware of or that the administration is aware of about the treaty. The number is 30.

This document I have here listing those 30 concerns—not only concerns, 30 specific conditions—which the Republican task force, staffed by Senator LOTT's staff and all other members' staff, listed. And they are listed. The specific proposals are listed that were made by the Republican task force.

No. 1, enhancement to robust chemical and biological defenses. And they propose then two pages of language, three pages that relate to the conditions they would like attached to the treaty. That was repeated 30 times as is appropriate. The administration spent 30 or more hours sitting with these members and/or their staff and coming to an agreement on 17 of them, disagreeing on 13.

So, simultaneously, later Senator HELMS and I began a process that was tracking the same process. I was not part of the Republican group, obviously, and I did not represent the administration in this group. But the administration sat down and in detail responded to every single concern raised by the Republican task force named by the majority leader, and instructed by the majority leader to deal with that group. Simultaneously, I sat for hours and hours with Senator HELMS' staff, and then last night, at the end of the process, with Senator HELMS himself for 4 hours. I will estimate that I sat with the staff and my staff sat with HELMS' staff 20 hours or more.

Again, Senator HELMS was very straightforward with us. He gave us a document listing his 30 concerns, some of which were the same and some of which were different. This is the document presented to me. Over a period of hours and hours and hours of negotiation, I agreed on 21 of the 30 issues raised by Senator HELMS, disagreed on 9, 3 of which I indicated I would not take opposition to but I didn't support.

So with all due respect to my distinguished chairman, he may not have been aware and his staff may not have informed him of the hours and hours and hours and hours of detailed negotiation between the Lott task force, including his staff and the administration. But had he been informed, he would know that those negotiations began at the instruction of Senator LOTT on the 29th of January.

So I am sure when the Senator reads this in the RECORD or is informed by his staff, he will realize that the fact he didn't meet with Sandy Berger until February 15 should not be a surprise. Sandy Berger thought he was meeting with Senator Helms when he met with Senator Lott's task force.

Let me tell you what was the agreed objective of the task force and of my negotiations. It was this, that we would put all of the universe of objections—and I hope those who follow this in the press, watching this now or reading it later, will understand precisely what I am about to say. The objective was—I think the Presiding Officer, who has been involved in and interested in this issue, may be aware of this as well. It was agreed that the Republican objections—legitimate—would be put in writing, which they did. All of them would be laid down, which they were. They said they totaled 30. They would be talked about, fought over, negotiated, to see if there could be a compromise reached, and, at the end of the day, there would be two lists. Every one of those 30 amendments would fall in either column A, where there was agreement between the Lott task force and the administration, and hopefully BIDEN and HELMS. Those things which could not be agreed to in column B. They got this picture.

Thirty written conditions seeking to alter the interpretation of the treaty, or defend the intent of the treaty, put on paper, negotiated between the administration and the Lott group, and at the end of the day, they would be, to use the jargon of the Senate, "fenced." That would be the universe of concerns, because, obviously, you can't address a concern unless you know what it is. They are the universe of concerns raised about the treaty. And there would be either conditions 1 through 30 placed in column A, where there is agreement to alter the treaty, or to add a condition to the treaty, I should say to be precise, or column B, where there is no agreement.

Then what was envisioned was at the end of that process, within time, sufficient time to consider this in this Chamber, there would be the following process. The treaty would be brought up from the desk, stripped of any conditions that were reported out of the Foreign Relations Committee last time—this was the hope—and we would have the following procedure. Senator HELMS and Senator BIDEN, as envisioned by the Lott group, would offer on behalf of the Lott group, Democrats and Republicans and the administration, a package in column A.

That package with the administration would number 17, and if I were willing to add to that package with Senator HELMS over the objection of the administration, that could be brought up to 21 out of the 30 concerns that everyone agreed on or 17 of the 21 the administration agreed on and BIDEN would support HELMS on 4 additional ones whether the administration liked it or not, leaving maximum 13, minimum 9, conditions that could not be agreed upon.

That was done. They are the numbers that we were left with. Then it was envisioned that after passing the agreed-to conditions, we would then move to the conditions upon which we did not agree, and the Republicans under the leadership of Senator HELMS would offer those conditions as we do on other treaties. I would be given the right to offer an alternative or to amend them, and we would vote ad seriatim. Then at the end of the day, after having disposed of all 30 of the concerns, we would then vote up or down on the treaty.

Now, I call that a negotiation. I have been here for 24 years. I have been involved in a lot of serious negotiations. I have never been involved in negotiations where more people who were appointed to participate have acted in good faith. Think about this now. Name me a circumstance where a treaty has been presented by a Democrat or Republican President where there have been 19 conditions agreed to on that treaty, or 21 conditions in my case, 17 in the case of the administration, and then we vote on another either 13 or 9 additional changes.

What I think my friend is saying—maybe he does not mean to say it—what I read him to say is, unless you agree with us on the other nine, we are not going to let you vote.

Now, look, I doubt whether my friend from North Carolina would find it appropriate if the American textile workers sat down with Burlington Mills or any other textile owner and said, we are going to negotiate a new collective bargaining agreement and we are going to go on strike unless you agree on every one of our conditions.

How is that a negotiation? That is an ultimatum. That is not a negotiation. So I hope he does not mean it.

I cannot believe, I do not believe Senator HELMS means that if the administration does not come up now and separately negotiate with him after having settled the negotiation with the group called the Lott group, unless the administration agrees to Senator HELMS' version of universality, Senator HELMS' version of verifiability, and Senator HELMS' version of constitutional requirements, et cetera, he will not let the treaty be voted on, because when you cut through everything, that is what it sounded like.

I said at the outset I divided this into three pieces. One, whether or not there was negotiation by the administration in good faith. I will just let the record stand. And I repeat again, Senator LOTT—and I do not know the exact circumstances under which it came about, but I assume it was after discussion with the President of the United States of America, President Clinton—set up a task force that included Senator STEVENS, Senator HELMS, Senator KYL, Senator WARNER, Senator SHELBY, Senator NICKLES, Senator Bob SMITH, and Senator MCCAIN. The President of the United States was told by the distinguished majority leader, Senator LOTT, these are the people I want you to sit down with and try to work out their concerns.

That first meeting took place on January 29. I began my meetings with Senator HELMS on February 11. Again Senator HELMS and his staff were part of the Lott task force.

So although I understand that Senator HELMS might not have liked that arrangement, I ask him to consider the dilemma that the administration was placed in when being told by the majority leader: negotiate with this group. I assure you, I promise you, I commit to you, to every Member of the Senate in my discussions with the President, with the Secretary of State and with the National Security Adviser, they all believed they were negotiating with the appropriate parties in the Senate because that is what the majority leader told them to do.

The second point. They conducted a negotiation which culminated in an agreement that ended last Thursday when Bob Bell, representing the administration, sat down with the principals as well as all the staffers of those eight Senators, including Senator LOTT's staff, and produced the document I have in my hand listing all 30 conditions raised by the Republican task force, including Chairman HELMS, and placing every condition either in column A or column B—column A meaning those conditions where they have been worked out and agreed to, where the Lott task force, representing the Republicans in the Senate, and the administration reached an agreement on a condition they could both accept; and column B, where they could not accept, they could not reach an agreement.

That was the product of hours and hours and hours and hours of detailed negotiation. I say to the Presiding Officer and anyone who is listening to this, I am not talking about general agreement. I am talking word-by-word specific agreement on every comma, whether it should say "shall" or "should," every single word of their conditions, the majority of which were agreed to, compromise was reached on; the minority of which there was no compromise.

I then was informed by the administration in the person of Bob Bell and Sandy Berger that to their surprise either Senator HELMS' staff or someone purporting to represent Senator HELMS at last Thursday's meeting, which was supposed to tie this in a knot, define the universe of conditions, place them all in one of two categories, and get about the business of proceeding on the treaty, at the last minute—literally the last minute—as I understand it. I mean, the meeting was over—the administration walked in the meeting, as I understand the Lott group thought they were walking in the meeting, to tie this knot, everything in column A or column B. Someone suggested that the chairman of the full committee did not find that appropriate. So I met with the Democratic leader and the administration. I went in the leader's office. I said I believe Senator HELMS is still operating in good faith, as I believe he still is. I don't want to confuse this negotiation, but why don't you authorize me, Democratic leader, to speak for the Democrats? Why don't you let me go sit down with Senator HELMS and try to get to the bottom of what appears to be a misunderstanding here? Because the understanding by the Lott group and the administration was that this was supposed to be all tied up with a unanimous-consent agreement last Thursday.

So I sought a meeting with Senator HELMS and he graciously agreed. And I kept him very late. He had a very busy day. I sat with him in his office last night until 8:30. The meeting began around 4 o'clock in the afternoon, without any break, without any interruption. I took out a document that his staff had prepared. It is dated March 13, "To the Honorable TRENT LOTT, majority leader, from JESSE HELMS, Chairman of the Foreign Relations Committee, subject: Status of negotiation over key concerns relating to the CWC."

And then Senator HELMS, in that memo to Senator LOTT, listed—and they are numbered—listed 30, "concerns relating to CWC." Each of those concerns had, and it was very helpful the way it was organized, listed, No. 1 through 30, and then at the top of each of the numbers it said, "status," status relative to the administration: No agreement with the administration or agreement with the administration.

So I sat down with Senator HELMS, because I am very jealous of the prerogatives of the Senate versus any administration, and feel very strongly about the role of the Senate in treaties. I sat down with Senator HELMS with the understanding and knowledge on the part of the administration, who knew I might not agree with them on everything, and my Democratic leader, and for 4½ hours went through all 30 issues, point by point. I reached agreement with Senator HELMS, not on eight or 13 or 17, depending on whose number you take as to whether the Lott group and the administration agreed. The administration thinks they agreed on 17. Senator HELMS said they only agreed on eight. I don't want to get into that fight. But I can tell you what I did. I agreed on 21 of the 30. I disagreed with the administration on several points Senator HELMS raised because I think he was right. They relate to the prerogatives of the Senate.

Let me give an example. Under the Constitution, the U.S. Senate has a right to reserve on any treaty. We wanted to restate that right. The administration didn't want that right restated in the treaty as a condition. I agreed with Senator HELMS, it should be restated; notwithstanding the fact we are not reserving on this treaty, we had a right to reserve if we wanted to. That is called preserving the prerogatives of the Senate delegated to the Senate in the Constitution of the United States of America. That is an example of one of the areas where the administration was unwilling to agree with Senator HELMS and I was willing to agree.

So at the end of the day we agreed to 21 items, and I was willing to make the case to my Democratic leadership, to put into column A. So that we would have one vote on 21 conditions to the treaty when it was brought up, leaving only 9 areas where we disagree. Of those nine, we were perilously close to agreement on several. I call that, in the universe of negotiations, good-faith negotiations.

But, if by negotiating one means that the President or those who support the treaty, like Senator LUGAR, a Republican, or Senator BIDEN a Democrat, have to agree to a condition that would kill the treaty, then that is not a negotiation. That is an ultimatum. Now, I am confident the Senator from North Carolina cannot mean that, and I am hopeful that we will continue to talk about the nine that remain unresolved. But at the end of the day, with all due respect, the Senate has a right to work its will.

I am a professor of constitutional law at Widener University law school. I have taught, now, for a half a dozen semesters, a seminar to advanced students in constitutional law on separation of powers. One of the things I expressly teach is the treaty power in the Constitution. That is, for lack of a better shorthand, those powers separated between the executive, the legislative, and judiciary. And among those things, in terms of that horizontal separation, there are areas that have been in dispute for the last 200 years. One of them is appointment powers, second is treaty powers, and the other is war powers.

Then there is the so-called vertical question of the separation of powers: State government versus Federal Government; individuals versus State or Federal Government. On the issue of the treaty power, I would observe what I observed earlier about the appointment power. Nowhere in the Constitution does it say that the Judiciary Committee shall decide who should or should not be a judge. It says, the Senate. Nowhere in the Constitution does it mention the Foreign Relations Committee. It mentions the Senate. So, I do think it is inappropriate, from a constitutional perspective, to deny the Senate, if that were anyone's intention, and I am not convinced it is yet, the right to vote "yea" or "nay" on ratifying a treaty or any conditions thereto.

So now let me leave the item I mentioned I would speak to first, whether or not there were good-faith negotiations on the part of the administration. I hope I have amply demonstrated that there were. They thought they were supposed to deal with the task force the majority leader of the Senate said deal with, and they did it in good faith. I would be very surprised if any member of that group—I have not spoken to any of them because I am not part of that group, from Senator WARNER to Senator STEVENS to Senator MCCAIN to Senator KYL—would come to the floor and say the administration did not negotiate in good faith to us, tirelessly, hour after hour after hour.

(Mr. SESSIONS assumed the chair.)

Mr. BIDEN. Mr. President, let me move to the next point that relates to the merits of this treaty. That is a legitimate area of disagreement. I will be brief because I am keeping the staff and the pages, who have to go to school tomorrow morning, very late.

UNIVERSALITY

Critics charge that the CWC will be ineffective because rogue states such as Syria, Iraq, North Korea, and Libya—all of whom are suspected of or confirmed to have chemical weapons—have not joined the convention.

Therefore, the argument goes, the United States should withhold its ratification until these states join.

I could not disagree more.

Just think of it. The logic of this argument would lead us to a world where rogue actors—not good international citizens—determine the rules of international conduct.

Such a policy would amount, effectively, to a surrender of U.S. national sovereignty to the actions of a few.

Instead of the United States actively leading international coalitions and setting tough standards on nonproliferation matters, the convention opponents would have us do nothing until every two-bit rogue regime would decide for us when we should act.

This reasoning is contrary to the record of the past 40 years, during which the United States has led the way in nonproliferation initiatives.

From the nuclear nonproliferation treaty, to the missile technology control regime, to the comprehensive test ban treaty, and to the chemical weapons convention itself, we have fought for establishing accepted norms of behavior.

I happen to believe that international norms count.

In a recent article that I coauthored with my distinguished colleague, Senator RICHARD LUGAR, we noted that such norms provide standards of acceptable behavior against which the actions of states can be judged. They also provide a basis for action—harsh action—when rogue states violate the norm.

Suggesting that we should now take a back seat to the likes of North Korea and Libya does a grave injustice to our record of international leadership and leaves such nations free to act as free operators without fear of penalty or retaliation by the nations whose armies and citizens they threaten.

The fact that there is now no international legal prohibition against the development of chemical weapons should not be lost here.

The suspected programs that treaty opponents are so concerned about are right now entirely legitimate according to international law, and we have already had a telling example of what can result from this perverse situation.

The Japanese police were aware, before a cult attacked the Tokyo subway with sarin nerve gas in 1995, that the cult was manufacturing the gas—but they had no basis in Japanese law to do anything about it.

That will change, both internationally and domestically, once the CWC enters into force.

The convention will establish an international norm against the development of chemical weapons. It will provide the legal, political, and moral basis for firm action against those that choose to violate the rules. If the goal of treaty opponents truly is to target the chemical weapons programs of suspect states, then joining the convention is the best way to achieve this objective—and refusing to join is the surest way to protect the world's bad actions.

VERIFIABILITY

A great benefit of the chemical weapons convention is that it increases our ability to detect production of poison gas.

Regardless of whether we ratify this convention, regardless of whether another country has ratified this convention, our intelligence agencies will be monitoring the capabilities of other countries to produce and deploy chemical weapons. The CWC will not change that responsibility.

What this convention does, however, is give our intelligence agencies some additional tools to carry out this task. In short, it will make their job easier.

In addition to onsite inspections, the CWC provides a mechanism to track the movement of sensitive chemicals around the world, increasing the likelihood of detection. This mechanism consists of data declarations that require chemical companies to report production of those precursor chemicals needed to produce chemical weapons. This information will make it easier for the intelligence community to monitor these chemicals and to learn when a country has chemical weapons capability.

In testimony before the Senate Foreign Relations Committee in 1994, R. James Woolsey, then Director of Central Intelligence, stated: "In sum, what the chemical weapons convention provides the intelligence community is a new tool to add to our collection tool kit."

Recently, Acting Director of Central Intelligence, George Tenet, reemphasized this point before the Senate Select Committee on Intelligence. Mr. Tenet stated: "There are tools in this treaty that as intelligence professionals we believe we need to monitor the proliferation of chemical weapons around the world. * * * I think as intelligence professionals we can only gain."

No one has ever asserted that this convention is 100 percent verifiable. It simply is not possible with this or any other treaty to detect every case of cheating. But I would respectfully submit that this is not the standard by which we should judge the convention. Instead, we should recognize that the CWC will enhance our ability to detect clandestine chemical weapons programs. The intelligence community has said that we are better off with the CWC than without it—that is the standard by which to judge the CWC.

CONSTITUTIONALITY

One of the issues that should not be contentious, and I hope will not continue to be a focus of attention, is whether the convention, and particularly its inspection regime, is constitutional.

Every scholar that has published on the subject, and virtually every scholar that has considered the issue, has concluded that nothing in the convention conflicts in any way with the fourth amendment or any other provision of the U.S. Constitution.

Indeed, to accommodate our special constitutional concerns, the United States insisted that when parties to the convention provide access to international inspection teams, the government may "[take] into account any constitutional obligations it may have with regard to proprietary rights or searches and seizures."

In plain English, this means that inspectors enforcing the Chemical Weapons Convention must comply with our constitution when conducting inspections on U.S. soil.

It also means that the United States will not be in violation of its treaty obligations if it refuses to provide inspectors access to a particular site for legitimate constitutional reasons.

In light of this specific text, inserted at the insistence of U.S. negotiators, I am hard pressed to understand how anyone can seriously contend that the convention conflicts with the Constitution.

There is nothing in the convention that would require the United States to permit a warrantless search or to issue a warrant without probable cause. Nor does the convention give any international body the power to compel the United States to permit an inspection or issue a warrant.

This is the overwhelming consensus among international law scholars that have studied the convention, two of whom have written to me expressing their opinion that the convention is constitutional. I ask unanimous consent that the letters of Harvard law professor, Abram Chayes, and Columbia law professor, Louis Henkin, be included in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. So let me make this point absolutely clear, despite what opponents of the convention have said, there will be no involuntary warrantless searches of U.S. facilities by foreign inspectors under this convention.

In light of this, I hope that the constitutionality of this convention will not become an issue in this debate.

Let me conclude that portion by suggesting to my distinguished colleague from Alabama, who is presiding, that I believe, on the merits, this is a good treaty. It is not merely me. The Senator from North Carolina listed people who do not think it is a good treaty. I will submit for the RECORD everyone, from General Schwarzkopf to the Joint Chiefs of Staff to Senator LUGAR, people who believe very, very fervently, as I do, this is clearly in the overwhelming national interest of the United States of America. I ask unanimous consent that a list of supporters of the CWC be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BIDEN. Now let me move to the third issue. The notion of, as my friend from North Carolina stated, that there is an artificial date of April 29 made up by the administration to put undue pressure on the Senate to act. Let me point out for the Senate that there is nothing artificial about that date. It is real.

What does that mean? It means that our failure to ratify before the 29th will have consequences. First, the chemical weapons treaty mandates trade restrictions that could have a deleterious impact upon the American chemical industry. If the United States has not ratified, as long as they have not ratified, American companies will have to supply end user certificates to purchase certain classes of chemicals from the CWC signatories. After 3 years, they will be subject to trade sanctions that will harm American exports and jobs.

I know that my friend says a lot of chemical companies do not like this. I come from a State that has a little bit of an interest in chemicals, the single most significant State in America that deals with chemicals. A little company called Du Pont; a little company called Hercules; a little company called ICI Americas; a little company called Du Pont Merck—little pharmaceutical outfits who are among the giants in the world. They are not what you call liberal Democratic establishments. They are ardently—I can testify—they are ardently in favor of this treaty. They believe it is desperately in the interest of the United States of America and their interest. This is not a bunch of lib labs out there who are arms controllers running around saying, "Disarm, ban the bomb." These are Fortune, not 500, not 100, 10, Fortune 10 companies that are saying, "We want this treaty." And further, "We will be harmed if we do not enter this treaty."

This overall governing body, known as the Conference of State Partners, is going to meet soon after April 29 to draw up the rules governing the implementation of this treaty. If we, to use the vernacular, "ain't" in by the 29th, if we are not on by the 29th, we do not get to draw up those rules.

There used to be a distinguished Senator from Louisiana I served with for a long time. My friend, the Presiding Officer, knew him from his days up here. His name was Russell Long. He used to say kiddingly, "I ain't for no deal I ain't in on." But the chemical industry, which is our largest exporter—hear what I just said—the biggest fish in the pond are saying, "We want to be in on the deal."

That is why the 29th is important. If we are not a party to the CWC, we will not be a member of that conference. And this body, with no American input, could make rules that have a serious impact upon the United States.

Third, there will be a body called the executive council with 41 members on which we are assured of a permanent seat from the start because of the size of our chemical industry, that is, if we have ratified by the 29th. If we ratify after the council is already constituted, then a decision on whether to order a required surprise inspection on an American facility may be taken without an American representative evaluating the validity of the request and looking out for a facility's interest because we will not be on the standing executive council that makes that decision.

Fourth, there will be a technical secretariat with about 150 inspectors, many of whom would be Americans because of the size and sophistication of our chemical industry. If we fail to ratify the convention by the 29th, there will be no American inspectors.

And finally, and most importantly, in the long term, by failing to ratify, we would align ourselves with those rogue actors, those rogue states who have chosen to defy the Chemical Weapons Convention. There would be irreparable harm to our global leadership on critical arms control and nonproliferation issues.

I will not take the time now to address other concerns that have been raised, because I said I would limit myself to these three points.

Concluding, Mr. President, first, there has been good-faith, long and serious negotiations resulting in significant movement by the administration on conditions to the Chemical Weapons Convention.

Second, this treaty is in the overwhelming national interest of the United States of America, a topic I am ready, willing, and anxious to debate with my distinguished colleague from North Carolina and others who think it is not. But at a minimum, Mr. President, the Senate should get a chance to hear that debate and vote on whether or not the distinguished Senator from North Carolina is correct or the Senator from Delaware is correct.

Third, Mr. President, April 29 is not an artificial date. Because the triggering mechanism was when we got to 65 signatories, and that 6 months after that date the treaty would enter into force.

Well, 65 have signed on. And 6 months after they got to the No. 65, happens to be April 29. This is not artificial. We did not make up the date. That is what the treaty says.

So, Mr. President, I sincerely hope that my friend from North Carolina, having reflected on the quandary the administration was placed in, which was to negotiate with the Lott group—they thought they were negotiating with Senator HELMS; they thought they were negotiating with every Republican who had an objection, under the auspices of Senator LOTT—if they had known that Senator HELMS did not view that as the appropriate forum for this negotiation, they would have simultaneously met with him.

But now at the end of the process, when we are about to go out on recess, to say that we are not ready to bring this treaty up when we get back unless there is a new negotiation, I find unusual, particularly since I have agreed with the Senator from North Carolina that I will sign on to additional conditions with him.

Let us vote on the only nine outstanding issues that I am aware of that have been raised. None other has been raised that I am aware of, that the administration is aware of, anyone in the Lott group is aware of, to the best of my knowledge.

So, Mr. President, let me conclude by saying, the Senator from North Carolina has dealt with me in good faith. We have negotiated in great detail. He has listed his 30 objections. We have agreed on 21 of the 30. We disagree on nine. We agree on a method to vote on those nine.

I sincerely hope—I sincerely hope—for the interest of the United States of America, after having already decided in the Bush administration that we would do away with the use of chemical weapons regardless of what anybody else did, that we would not now lose our place of leadership in the world and our ability to engage in the moral suasion that relates to nonproliferation and the diminution of weapons of mass destruction, that we would not now forgo that position merely because 1, 2 or 5 or 10 Senators said we should not even bring it on the floor to debate.

I do not believe that will happen. But then again, my wife thinks I am a cockeyed optimist. But I do not think I am being unduly optimistic or a cockeyed optimist. I think having been here this long, that the Senate will get a chance to work its will. That is all I am asking. All I am asking is the Senate get a chance between now and the 29th of April to decide whether it likes this treaty or not. I believe every Member of this Senate has the national interests of the United States of America in mind when they act and when they vote.

Let each of them vote their conscience on this treaty. If it turns out that 66 do not agree with me, then we have spoken, as we did in the League of Nations. The consequences of that vote I think were disastrous. I think the consequence of failure to ratify this treaty would be disastrous. But I think the consequence of not even letting the Senate vote will be catastrophic.

I yield the floor, Mr. President.

EXHIBIT 1

HARVARD LAW SCHOOL,
Cambridge, MA, September 9, 1996.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Member, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR BIDEN, You have asked me to comment on the suggestion that the Chemical Weapons Convention (the Convention), now before the Senate for its advice and consent, conflicts with the provisions of the Fourth Amendment of the Constitution prohibiting unreasonable searches and seizures. In my view, the suggestion is completely without merit.

The Convention expressly provides that: "In meeting the requirement to provide access * * * the inspected State Party shall be under the obligation to allow the greatest degree of access *taking into account any constitutional obligations it may have with regard to* proprietary rights or *searches and seizures,*" (Verification Annex, Part X, par. 41)(emphasis supplied).[1]

As you know, this provision of the Convention was inserted at the insistence of the United States after earlier drafts, which provided insufficient protection in regard to unreasonable searches and seizures, had been criticized by a number of U.S. scholars. The plain meaning of these words, which seems too clear for argument, is that the United States would have no obligation under the Convention to permit access to facilities subject to its jurisdiction in violation of the provisions of the Fourth Amendment. It was the clear understanding of the negotiators that the purpose of the provision was to obviate any possibility of conflict between the obligations of the United States under the Convention and the mandate of the Fourth Amendment. The Convention in its final form is thus fully consistent with U.S. constitutional requirements.

Inspections required by the Convention will be conducted pursuant to implementing legislation to be adopted by Congress that will define the terms, conditions and scope of the inspections to be conducted in the United States by the Technical Staff of the Organization for the Prohibition of Chemical Weapons (OPCW) established by the Convention. I understand that draft implementing legislation entitled the Chemical Weapons Convention Implementation Act, now before the Congress, specifies the procedures that will be followed in the case of both routine and challenge inspections carried out pursuant to the Convention. The Act requires, at a minimum, an administrative search warrant before an inspection can be conducted, and has elaborate provisions for notice and other protections to the owner of the premises to be searched. These provisions of the Act are modeled on similar administrative inspection regimes already authorized by Acts of Congress such as the Toxic Substances Control Act and upheld by the courts. However, if Congress is concerned that these provisions are constitutionally insufficient, it is free under the Convention to revise the Act to include more stringent requirements that conform to constitutional limitations. Finally, a person subject to inspection may challenge the inspection in a U.S. court, which in turn will be bound to invalidate any inspection that fails to comply with constitutional requirements. In view of the provisions of the Verification Annex quoted above, the United States would not be in violation of any international obligation in such an eventuality.

For these reasons I conclude that there is no constitutional objection to the Convention, and that the rights of individuals under the Fourth Amendment will be fully protected under the Convention and implementing legislation of the character presently contemplated.

In addition, I have been involved in the field of arms control as a scholar and practitioner for many years, going back to the Limited Test Ban Treaty in 1963, in connection with which I appeared before the Senate Foreign Relations Committee as Legal Adviser of the State Department. I have also closely followed the negotiations for the Chemical Weapons Convention. The United States has been a prime mover in the development of the Convention under both Republican and Democratic administrations. I am convinced that the prompt ratification of the Chemical Weapons Convention is overwhelmingly in the security interest of the United

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[1] The Verification Annex is, of course, an integral part of the Convention.

States and should not be derailed by constitutional objections that are so plainly without substance.

Sincerely,

Abram Chayes,
Felix Frankfurter, Professor of Law Emeritus.

Columbia University in the
City of New York,
New York, NY, September 11, 1996.

Senator Joseph R. Biden, Jr.,
U.S. Senate, Washington, DC.

Dear Senator Biden: As requested, I have considered whether, if the United States adhered to the Convention on Chemical Weapons, the inspection provisions of the Convention would raise serious issues under the United States Constitution. I have concluded that those provisions would not present important obstacles to U.S. adherence to the Convention.

Like domestic laws, treaties of the United States are subject to constitutional restraints. The Fourth Amendment to the United States constitution provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated * * *" Constitutional jurisprudence has established that the right to be secure applies also to industrial and commercial facilities and to business records, papers and effects.

The Constitution, however, protects the rights of private persons; it does not protect governmental bodies, public officials, public facilities or public papers. As to private persons, the Fourth Amendment protects only against searches and seizures that are "unreasonable." Inspection arrangements, negotiated and approved by the President and consented to by the Senate, designed to give effect to a treaty of major importance to the United States, carry a strong presumption that they are not unreasonable.

The Chemical Convention itself anticipated the constitutional needs of the United States. Part X of the Convention, "Challenge Inspection pursuant to Article IX," provides: "41. In meeting the requirement to provide access as specified in paragraph 38, the inspected State party shall be under the obligation to allow the greatest degree of access taking into account any constitutional obligation it may have with regard to proprietary rights of searches and seizures."

As applied to the United States, that provision is properly interpreted to mean that the United States must provide access as required by the Convention, but if the Constitution precludes some access in some circumstances, the United States must provide access to the extent the Constitution permits. And if, because of constitutional limitations, the United States cannot provide full access required by the Convention, the United States is required "to make every reasonable effort to provide alternative means to clarify the possible noncompliance concern that generated the challenge inspection." (Art. 42.)

The United States would be required also to adopt measures to overcome any constitutional obstacles to any inspection or interrogation required by the Convention. If it were determined to be necessary, the United States could satisfy the requirements of the Fourth and Fifth Amendments by arranging for administrative search warrants, by enacting statutes granting immunity from prosecution for crimes revealed by compelled testimony, by providing just compensation for any "taking" involved.

Sincerely yours,

Louis Henkin,
University Professor Emeritus.

Exhibit 2

Distinguished Individuals and Organizations Supporting the CWC

William Jefferson Clinton.

George Bush.

Madeleine Albright.

James A. Baker III.

Warren Christopher.

William Cohen.

John M. Deutch.

Lawrence Eagleburger.

John Holum.

Nancy Kassebaum.

Stephen Ledogar, U.S. Representative to the Conference on Disarmament.

Ronald Lehman, former Director of the Arms Control and Disarmament Agency.

Vil Mirzayanov, whistleblower on the Soviet/Russian novichok program.

Sam Nunn.

William Perry.

Gen. Colin Powell.

William A. Reinsch, Under Secretary of Commerce for Export Administration.

Janet Reno, Attorney General.

Gen. Norman Schwartzkopf, U.S.A. (Ret.).

Gen. Brent Scowcroft.

Gen. John Shalikashvili.

Walter B. Slocombe, Deputy Under Secretary for Policy, Department of Defense.

George Tenet, Acting Director of Central Intelligence.

R. James Woolsey, former Director of Central Intelligence.

Adm. E.R. Zumwalt, former Chief of Naval Operations.

Kenneth Adelman, Columnist, The Washington Times.

INDUSTRY ORGANIZATIONS

The Chemical Manufacturers Association (CMA)—(approximately 200 member companies).

The Synthetic Organic Chemical Manufacturers Associations (SOCMA)—(over 260 member companies).

The Pharmaceutical and Research Manufacturers of America (PhRMA)—(over 100 member companies).

The Biotechnology Industry Organization (BIO)—(over 650 member companies and organizations).

The American Chemical Society (ACS)—(over 150,000 members).

The American Physical Society (APS)—(over 40,000 members).

The Council for Chemical Research (CCR)—(approximately 200 University, business & governmental laboratories).

The American Institute of Chemical Engineers (AIChE)—(approximately 60,000 members).

The Business Executives for National Security (BENS)—(approximately 750 members).

LEADERS OF THE FOLLOWING U.S. BUSINESSES

AEA Investors.
Air Products and Chemicals, Inc.
Akzo Nobel Chemicals, Inc.
ARCO Chemical Company.
Ashland Chemical Company.
Automatic Data Processing.
BASF.
Bayer Corporation.
Bear Stearns & Company, Inc.
Betz Dearborn, Inc.
The BF Goodrich Co.
Borden Chemicals and Plastic, LP.
BP Chemicals, Inc.
Capricorn Management.
Carus Chemical Company.
C.H.O. Enterprises, Inc.
The CIT Group, Inc.
Compton Development.
Crompton & Knowles Corporation.
Dow Chemical Company.
Dow Corning Corporation.
Eastman Chemical Company.
E.I. duPont de Nemours.
Elf Atochem North America.
Enthone-OMI Inc.
Ethyl Corporation.
Eugene M. Grant and Company.
Exxon Chemical Company.
FINA, Inc.
FMC Corporation.
General Investment & Development Co.
Givaudan-Roure Corporation.
Great Lakes Chemical Corporation.
Harman International.
Harris Chemical Group.
HASBRO Inc.
The Hauser Foundation.
Hechinger Company.
Hercules, Inc.
Hoechst Celanese Corporation.
International Financial Group.
International Maritime Systems.
Kansas City Southern Industries.
Lippincott Foundation.
Lonza Inc.
McFarland Dewey & Company.
Mallinckrodt Group, Inc.
Monsanto Chemical.
Morton International, Inc.
Nalco Chemical Company.
National Starch & Chemical Company.
NOVA Corporation.
Occidental Chemical Corporation.
Olin Corporation.
Oxford Venture Corporation.
Perstorp Polyols, Inc.
PPG Industries, Inc.
Quantum Chemical Company.
The R & J Ferst Foundation.
RCM Capital Management.
Reichhold Chemicals, Inc.
Reilly Industries, Inc.
Rhone-Poulenc, Inc.
Rohm and Haas Company.
Rosewood Stone Group.
R.T. Vanderbilt Company, Inc.
The Sagner Companies, Inc.
Sargent Management.
Sartomer Company.
Scott Foresman/Addison Wesley.
Sonesta International.
Stepan Company.
Sterling Chemicals, Inc.
Tennant Company.
Texas Brine Corporation.
Tica Industries, Inc.
Union Carbide Corporation.
Uniroyal Chemical Company, Inc.
United Retail Group, Inc.
Velsicol Chemical Corporation.
Vulcan Chemical: John Wilkinson.
W.R. Grace & Company: Albert J. Costello.

VETERANS ORGANIZATIONS

American Ex-Prisoners of War.
American GI Forum of the United States.
AMVETS.
Jewish War Veterans of the U.S.A.
Korean War Veterans Association.
National Gulf War Resource Center.
Reserve Officers Association.
Veterans for Peace.
Veterans of Foreign Wars.
Vietnam Veterans of America, Inc.

U.S. NOBEL LAUREATES

Julius Adler.

Sidney Altman.
Philip W. Anderson.
Kenneth J. Arrow.
Julius Axelrod.
David Baltimore.
Helmut Beinert.
Konrad Bloch.
Baruch S. Blumberg.
Herbert C. Brown.
Thomas R. Cech.
Stanley Cohen.
Leon N. Cooper.
Johann Deisenhofer.
Renato Dulbecco.
Gertrude B. Elion.
Edmond H. Fischer.
Val L. Fitch.
Walter Gilbert.
Dudley Herschbach.
David Hubel.
Jerome Karl.
Arthur Kornberg.
Edwin G. Krebs.
Joshua Lederberg.
Wassily W. Leontiel.
Edward B. Lewis.
William N. Lipscomb.
Mario J. Molina.
Joseph E. Murray.
Daniel Nathans.
Marshall Nirenberg.
Arno A. Penzias.
Norman F. Ramsey.
Burton Richter.
Richard J. Roberts.
Martin Rodbell.
F. Sherwood Rowland.
Glenn T. Seaborg.
Herbert A. Simon.
Phillip A. Sharp.
R. E. Smalley.
Robert M. Solow.
Jack Steinberger.
Henry Taube.
James Tobin.
Charles H. Townes.
Eric Wieschaus.
Robert R. Wilson.

RELIGIOUS GROUPS

American Friends Service Committee.
The American Jewish Committee.
American-Jewish Congress.
Anti-Defamation League.
B'nai B'rith.
Church of the Brethren, Washington Office.
Church Women United.
Commission on Social Action of Reform Judaism.
The Episcopal Church.
Episcopal Peace Fellowship.
Evangelical Lutheran Church of America.
Friends Committee on National Legislation.
Maryknoll Justice and Peace Office.
Mennonite Central Committee.
Methodists United for Peace with Justice.
National Council of Churches.
National Jewish Community Relations Advisory Council.
NETWORK: A National Catholic Social Justice Lobby.
Presbyterian Church (USA).
Union of American Hebrew Congregations.
Unitarian Universalist Association.
United Church of Christ, Office for Church in Society.
United Methodist Board of Church and Society.
United States Catholic Conference.
The United Synagogue of Conservative Judaism.

PUBLIC INTEREST GROUPS

American Association for the Advancement of Science.
American Bar Association.
Americans for Democratic Action.
American Public Health Association.
Arms Control Association.
Association of the Bar of the City of New York.
Center for Defense Information.
Chemical Weapons Working Group.
Council for a Livable World.
CTA/Bellona Foundation USA.
Demilitarization for Democracy.
Economists Allied for Arms Reductions.
Federation of American Scientists.
Friends of the Earth.
Fund for New Priorities in America.
Greenpeace.
Henry L. Stimson Center.
Human Rights Watch.
International Center.
Lawyer's Alliance for World Security.
League of Women Voters.
National Resources Defense Council.
Peace Action.
Physicians for Social Responsibility.
Plutonium Challenge.
Public Education Center.
Saferworld.
Sierra Club.
Taxpayers for Common Sense.
20/20 Vision National Project.
Union of Concerned Scientists.
Women's Action for New Directions.
Women's International League for Peace and Freedom.
Women Strike for Peace.
World Federalist Association.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I was able to hear part of the brief address by my friend from Delaware. What he apparently does not know is that I was a part of the Lott group to which he referred. I attended the meetings. I participated. That group did accomplish a few things of minor significance, but they could not do anything of importance, not in the really serious issues.

So then they fell back, and there have been no more meetings of the Lott group. My suggestion has been followed about trying to do it on the staff level. But if the Senator from Delaware, or anyone else, thinks they can drive a stake between the majority leader and me, they will have to think again.

I am not going to try to answer the many erroneous statements he has made. And I know he was ad-libbing and he was not hearing his staff whisper to him, and so forth. So he was operating under difficult circumstances.

But I say, again, I want this treaty to be made into an instrument that will be beneficial to the American people and to this country. It is my intent to continue to insist upon that. It is my intent, along with the approval of the distinguished majority leader, inasmuch as we have so many new Senators who were not here last year, the distinguished occupant of the Chair being one of them, and did not have the benefit of the testimony of witnesses, pro and con, who are highly respected in the foreign relations community.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

TRIBUTE TO MAJ. GEN. DONALD EDWARDS

Mr. LEAHY. Mr. President, I rise today to pay tribute to Maj. Gen. Donald Edwards, who has served for the last 16 years as the Adjutant General of the Vermont National Guard. Ever since Ethan Allen and his famous Green Mountain Boys took the British fort at Ticonderoga, Vermonters have had a propensity to serve their nation as citizen-soldiers. That tradition is alive and well today, and thanks to Don Edwards, the Vermont National Guard is stronger today than ever before. Don was instrumental in starting the Army National Guard Mountain and Winter Warfare School, which trains soldiers from around the Nation in the rigors of winter warfare. He also excelled at being an advocate of Vermont's interests within the Pentagon.

I remember the case of the 1–86th artillery battalion, which in 1992 was abruptly threatened with elimination, even though it had one of the highest readiness and retention rates in the entire U.S. Army. It was the kind of short-sighted bureaucratic decision that Don Edwards could not tolerate, and he made a strong case to me. I helped save that battalion, although I had to hold up a defense bill to do it. Don never wavered in his devotion to do what was right for the men and women of the Vermont National Guard.

Recently, the Vermont Air Guard received four first-place awards at the Air Force's premier air combat competition, known as William Tell. Don always stressed to the soldiers and airmen under his command the importance of training hard and as realistically as possible.

During Desert Storm, his philosophy paid off, as several Vermont Guard units deployed to Southwest Asia and performed flawlessly during that conflict. Those were anxious times, and Vermonters saw a side of Don Edwards that they had never seen before. He was a tireless advocate for our deployed soldiers, and he acted with great compassion to do whatever he could to help the families of those who were deployed overseas.

I am sure that some of that attitude was shaped by his own experiences in

Vietnam. I know that his tireless devotion to Vermont veterans of all wars has helped Vermonters appreciate the extraordinary sacrifices that were made by ordinary citizens. It seemed like whenever two or three veterans gathered together, Don Edwards was there to lend weight to their cause.

As Don Edwards hangs up his uniform for the last time, I want to give him my personal thanks for all he has done for Vermont, and to wish him good luck and Godspeed in his future endeavors.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 18, 1997, the Federal debt stood at $5,367,674,335,377.56.

One year ago, March 18, 1996, the Federal debt stood at $5,055,610,000,000.

Five years ago, March 18, 1992, the Federal debt stood at $3,859,480,000,000.

Ten years ago, March 18, 1987, the Federal debt stood at $2,246,620,000,000.

Fifteen years ago, March 18, 1982, the Federal debt stood at $1,050,784,000,000 which reflects a debt increase of more than $4 trillion ($4,316,890,335,377.56) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 14

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending March 14, the U.S. imported 7,849,000 barrels of oil each day, 704,000 barrels more than the 7,145,000 imported during the same week a year ago.

Americans relied on foreign oil for 55 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,849,000 barrels a day.

CPSC LAUNCHES "RECALL ROUND-UP DAY"

Mr. BRYAN. Mr. President, unintentional injuries are the leading cause of death to persons under 35, and the fifth leading cause of death in the Nation overall. Unintentional injuries kill more children over age one than any disease.

It is astounding that there are an average 21,400 deaths and 29.4 million injuries each year related to consumer products under the jurisdiction of a small, but effective, Federal agency—the U.S. Consumer Product Safety Commission [CPSC]. The CPSC finds that deaths, injuries, and property damage associated with consumer products cost the Nation $200 billion annually.

In 1996, the CPSC negotiated 375 recalls involving over 85 million products that presented a significant risk of injury to the public. However, despite recall notices and public warnings, many old hazardous products such as bean bag chairs, wooden bunk beds, mini-hammocks and cribs—with the potential to seriously injure or kill a child—remain in homes, flea markets, garage sales or in second hand stores.

To rid consumers' homes of hazardous products, the Consumer Product Safety Commission under the leadership of Chairman Ann Brown, on April 16 of this year, will launch "Recall Round-Up Day" by broadcasting a video to television stations across the country. The video will have examples of hazardous products that might be in consumers homes, such as the following:

Bean bag chairs that can present a choking or suffocation hazard to children. Some bean bag chairs can be unzipped and children can then inhale the small pellets of foam filling. The CPSC is aware of at least five deaths and at least 23 other incidents in which children inhaled or ingested bean bag filling. In the past 2 years, CPSC obtained the recall of more than 10 million bean bag chairs.

Wooden bunk beds that can strangle young children. Since 1990, CPSC has received reports of 32 children who died after becoming caught in bunk beds with improper openings in the top bunk structure. Since 1995, CPSC has obtained the recall of approximately half a million hazardous bunk beds.

Mini-hammocks that can strangle children. CPSC has received reports of 12 children, ages 5 to 17 years, who became entangled and died when using mini-hammocks without spreader bars. Last year, CPSC obtained the recall of over three million mini-hammocks.

Old cribs that can choke or suffocate a small child. Cribs having more than 2⅜ inches between crib slats, corner posts, or cut outs on the headboard or footboard present suffocation and strangulation hazard to babies. Each year, 50 babies die when they become trapped between broken crib parts or in cribs with older, unsafe designs.

CPSC is enlisting the help of State and local officials, as well as national and State health and safety organizations, in connection with State and local governments throughout the Nation, to publicize a safety campaign, distribute information about these and other hazardous products in the home. In some States, recalled products will be rounded up and brought to a central location for disposal.

I commend Chairman Ann Brown and the CPSC for taking this bold action. My State Office in Las Vegas is working with the State chapter of the National SafeKids Campaign, Sunrise Children's Hospital, and the Clark County Health Dept. to organize local events throughout the State for Recall Roundup. We will publicize the campaign through the media to reach the general public. Special efforts will be directed to reach child care providers and especially new parents. The sellers of used articles that could include recalled products will also be alerted to the hazards that used cribs, bunk beds, minihammocks and bean bag chairs could present to prevent the resale of these items.

I encourage my colleagues to join with me in this effort and to encourage organizations in your State to take an active role in this lifesaving effort on April 16. For this reason, I ask unanimous consent to have printed in the RECORD a "Suggested List of Local Activities" recommended by the CPSC for this important Recall Round-Up Day on April 16.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECALL ROUNDUP—SUGGESTED STATE AND LOCAL ACTIVITIES

1. Organize a news conference. Contact medical professionals in pediatrics, children's hospitals, injury and disease prevention, medical examiners offices, etc., for participation in news conference.
2. Issue state and local news release in conjunction with CPSC video news release.
3. Distribute printed news release information through established networks.
4. Have State Governor, Secretary of Health, or other prominent figures issue a Proclamation to kick off the event.
5. Offer to participate in TV/radio interviews.
6. Prepare media outlets in advance for release and use of the CPSC video news release.
7. Organize local Recall Roundups using list of recalled products.
8. Monitor flea markets and secondhand stores for recalled products and provide recall information.
9. Provide recall lists to community and homeowner associations that sponsor yard sales or that issue local news letters.
10. Work with school systems and PTA groups to promote community service/community awareness activities.
    Safety poster campaign
    Neighborhood roundups
    Display information at schools
11. Distribute recall information to family day care/group day care agencies.
12. Seek involvement of youth clubs, YM and WCA, Scouts, etc.
13. Provide recall information packages to the public upon request.

COMMENDING NATIONAL GUARD FLOOD RELIEF EFFORT

Mr. BYRD. Mr. President, I would like to take a moment to comment on the outstanding job performed by the West Virginia National Guard in response to the recent catastrophic floods that devastated sixteen West Virginia counties.

Aviation, engineer, and troop command personnel have worked diligently and wholeheartedly to deliver potable water, fuel, cleaning supplies, and medicines to their fellow citizens who have been trapped by the flood waters. They have also provided transportation, cleanup assistance, and debris removal in all sixteen counties in the emergency zone.

The approximately five-hundred men and women mobilized in these Guard units carry the double burden of civilian jobs in addition to their military roles. Despite these burdens, they are capable of responding to an emergency at a moment's notice. Thanks to the National Guard's efforts, families in many of the affected counties have been able to return to their homes and begin the repair and rebuilding process. West Virginians in Wayne and Cabell counties are still faced with removing large amounts of debris, but again, thanks to the National Guard's efforts, the cleanup is on the right track.

I would also like to thank all of the employers throughout West Virginia who have supported the National Guard. Their willingness to continue to accommodate the National Guard through all of the flood emergencies suffered by West Virginia communities in recent years is remarkable and is appreciated by every West Virginian who has benefitted from Guard efforts.

I offer my sincere thanks to all of the National Guard personnel involved in helping in West Virginia's recovery from this and every natural disaster. May their efforts to aid West Virginia's flood victims continue, and may they receive the recognition and praise that are so merited. They are, indeed, famous men and women to their fellow citizens.

MESSAGES FROM THE PRESIDENT

REPORT OF A PROPOSED RESCISSION OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Energy and Natural Resources.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one proposed rescission of budgetary resources, totaling $10 million.

The proposed rescission affects the Department of Energy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1997.*

REPORT ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

I am pleased to transmit to the Congress the Twenty-fifth Annual Report on Environmental Quality.

As a nation, the most important thing we can do as we move into the 21st century is to give all our children the chance to live up to their God-given potential and live out their dreams. In order to do that, we must offer more opportunity and demand more responsibility from all our citizens. We must help young people get the education and training they need, make our streets safer from crime, help Americans succeed at home and at work, protect our environment for generations to come, and ensure that America remains the strongest force for peace and freedom in the world. Most of all, we must come together as one community to meet our challenges.

Our Nation's leaders understood this a quarter-century ago when they launched the modern era of environmental protection with the National Environmental Policy Act. NEPA's authors understood that environmental protection, economic opportunity, and social responsibility are interrelated. NEPA determined that the Federal Government should work in concert with State and local governments and citizens "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

We've made great progress in 25 years as we've sought to live up to that challenge. As we look forward to the next 25 years of environmental progress, we do so with a renewed determination. Maintaining and enhancing our environment, passing on a clean world to future generations, is a sacred obligation of citizenship. We all have an interest in clean air, pure water, safe food, and protected national treasures. Our environment is, literally, our common ground.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1997.*

MESSAGES FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 412. An act to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

H.R. 514. An act to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.

H.R. 672. An act to make technical amendments to certain provisions of title 17, United States Code.

H.R. 927. An act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

The message also announced that the House has passed the following bill, without amendment:

S. 410. A bill to extend the effective date of the Investment Advisers Supervision Coordination Act.

ENROLLED BILLS SIGNED

At 3:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 924. An act to amend title 18, United States Code, to give further assurance to the right of the victims to attend and observe the trials of those accused of the crime.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURE REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 672. An act to make technical amendments to certain provisions of title 17, United States Code; to the Committee on the Judiciary.

H.R. 927. An act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. DEWINE, and Mr. KOHL):

S. 471. A bill to amend the Television Program Improvement Act of 1990 to restore the applicability of that Act to agreements relating to voluntary guidelines governing telecast material and to revise the agreements on guidelines covered by that Act; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. GRAHAM, Mr. D'AMATO, Mr. TORRICELLI, Mr. AKAKA, Mr. MACK, Mr. ALLARD, Mr. THOMAS, Mr. REID, Mr. BREAUX, and Mr. WARNER):

S. 472. A bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. NICKLES):

S. 473. A bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining that certain individuals are not employees, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HUTCHINSON, Mr. GRASSLEY, and Mr. JOHNSON):

S. 474. A bill to amend sections 1081 and 1084 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 475. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. STEVENS, Mr. GREGG, and Mr. KOHL):

S. 476. A bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 477. A bill to amend the Antiquities Act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres; to the Committee on Energy and Natural Resources.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 478. A bill to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Mr. BREAUX, Mr. NICKLES, Mr. MURKOWSKI, Mr. TORRICELLI, Ms. LANDRIEU, Mr. CRAIG, Mr. KERREY, Mr. HAGEL, and Mr. HUTCHINSON):

S. 479. A bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 480. A bill to repeal the restrictions on welfare and public benefits for aliens; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Ms. MOSELEY-BRAUN):

S. 481. A bill to prohibit certain abortions; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 13. Concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. DEWINE, and Mr. KOHL):

S. 471. A bill to amend the Television Program Improvement Act of 1990 to restore the applicability of that Act to agreements relating to voluntary guidelines governing telecast material and to revise the agreements on guidelines covered by that Act; to the Committee on Commerce, Science, and Transportation.

THE TELEVISION IMPROVEMENT ACT OF 1997

Mr. BROWNBACK. Mr. President, I would like to address the body today on legislation that I am introducing, along with Senator LIEBERMAN, Senator DEWINE, and Senator KOHL, an act called the Television Improvement Act of 1997. It is my sincere hope that this bill will help solve one of our nation's most troubling problems.

I am fresh off the campaign trail, as the Senator from Georgia is fresh off the campaign trail. Throughout the 1996 campaign, I traveled across the State of Kansas and talked with thousands of people. I came away from that experience convinced that the most important task that we as a Nation face today is renewing the American culture.

I can recall countless meetings where individuals, particularly parents, would come up to me worried about the future of the American culture, particularly as it affects their children, and they constantly felt they were having to fight the culture to raise their kids. They hearken back to a time when they didn't feel like they were so opposed by the nature of the American culture. They recall a time when the culture was supportive of what they were doing and helped them in raising a good and solid family. They were just pleading for help. "Help us be able to come to a point where we can effectively raise our children. Don't make us have to constantly fight our culture."

Hollywood is the center of gravity for the American culture and, increasingly, the world's culture. Hollywood has changed the culture in this country, and, unfortunately, it has led to a decline in our culture. Over the past 15 years, television has made our children think that violence is OK, that sexuality out of wedlock is expected and encouraged, and that criminal activity is OK. Well, these things are not OK, and it's time the industry changed television to make it easier for parents to raise children.

The Television Improvement Act of 1997 is intended to encourage the broadcasting industry to make raising children easier. What it intends to do is to allow the broadcast industry—the television, cable, and motion picture industries to enter into, again, a code of conduct comparable to the one they used until 1983. They would once again be able to say that there is a standard below which they will not go, and they can collaborate to establish that standard without running afoul of Federal antitrust laws.

Previously, the NAB had a self-imposed code of conduct that governed television content. The code recognized the impact of television on our children as well as the responsibility that broadcasters shared in providing programming that used television's influence carefully. However, in 1983, a Federal district court determined that some of the advertising provisions of the code violated Federal antitrust laws.

Although the court did not rule that any of the code's programming standards violated antitrust laws, the NAB decided to stop using the entire code. The past 15 years have demonstrated that the code of conduct is sorely missed. Television has declined over the past 15 years, in no small part due to the absence of the code. I don't think anybody in this body could argue—or in this country who would disagree—that the nature of American television has declined over the past 15 years.

Let me read for the body a statement that is from the old code of conduct that the National Association of Broadcasters used until 1983. It sounds almost quaint today. But listen to the content of what the industry itself had before. It says:

> Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.

I do not think there would be many people today who would say that this reflects the nature of television today. But I think many Americans today would say, "That is what I want television to be today so I don't have to always fight the TV to raise my kids."

It is not enough for everybody to say, "Just turn it off." My wife and I are raising three children. It is a little tougher than just saying, "Turn it off." It is about being there all the time. We are trying. One of us is there all the time. It is also not enough to say, "Well, we have a rating code so you know what is on television."

We are pleading with the industry, saying, "Let's go back to that time when you used a code because television was better then and it so directly impacts the culture and the soul of America." The average American spends 5 hours a day watching TV. Most would liken it to a stovepipe of black soot going into the mind and into the soul. Why don't we change that back to the way it used to be, and have it as a well of fresh spring water going into the mind and into the soul?

The industry is fully capable of doing this. Witness some of the current shows, especially "Touched by an Angel," which is a leading show by CBS today. It is a good, positive, and uplifting show. But, sadly, there are far more that are far more degrading that would lead one more to the stovepipe analogy rather than the fresh spring well water.

We are pleading with the industry with this bill. This bill provides no additional authority to the Federal Government; not an ounce of additional authority to the FCC. It is a plea to the industry to help us. We are having trouble. The American family has been under attack. In many places it has disintegrated. In our inner cities we have 70 percent of our children born to single moms. In many places we no longer have families, one of the basic tenets of culture.

We are asking by this very simple act and pleading with the industry. "Let's go back to the time when television did not hurt our lives." And we are not suggesting censorship. If we have a better product coming out of this industry, we will have a better American culture. We will have a better world culture because Hollywood is the center of gravity for not only this culture but increasingly the world's culture. It is coming up time and time again.

So we are introducing this bill today, a bipartisan bill, requesting that the industry negotiate and work together on a code of conduct the like of which it had before.

We will be holding hearings in the Governmental Affairs Committee. We have been joined by the chairman and the ranking member of the appropriate Judiciary subcommittee who are cosponsoring this bill. We anticipate that they will have hearings on it as well. It is a follow-on to Senator Simon's work in this area in 1990. We hope that it will be much more successful. If it is not, there will be further action coming to try to address this corrosive effect that, unfortunately, television has on our society and, indeed, on the world.

So, Mr. President, we are introducing this bill today asking the industry for help to lead our culture back to a brighter and a better time. They can do it. They are capable of doing it.

Mr. President, again, let me say that I am pleased to introduce today with Senators LIEBERMAN, DEWINE, and KOHL, the Television Improvement Act of 1997, a bill that I believe will help solve one of our Nation's most troubling problems. Throughout the 1996 campaign, I traveled across the State of Kansas and talked with thousands of people. I came away from that experience with the conclusion that the most important task that we as a nation face today is renewing the American culture.

People are desperately worried about the decline of our culture and about the decline of the American family. Many of the parents that I spoke with during the summer and fall believe that they increasingly have to fight their culture to raise their children. These parents feel that American culture in the 1990's actually makes it more difficult to raise children.

Hollywood is the center of gravity for the American culture and increasingly the world's culture. Hollywood has changed the culture in this country, and, unfortunately, it has led to a decline in our culture. Over the past 15 years, television has made our children think that violence is OK, that sexuality out of wedlock is expected and encouraged, and that criminal activity is OK. Well, these things are not OK, and it's time the industry changed television to make it easier for parents to raise children.

Previously, the National Association of Broadcasters had a self-imposed code of conduct that governed television content. The code recognized the impact of television on our children as well as the responsibility that broadcasters shared in providing programming that used television's influence carefully. However, in 1983, a Federal district court determined that some of the advertising provisions included in the code violated Federal antitrust laws.

Although the court did not rule that any of the code's programming standards violated antitrust laws, the NAB decided to stop using the entire code. The past 15 years have demonstrated that the code of conduct is sorely missed. Television has declined over the past 15 years, in no small part due to the absence of the code.

For this reason, Senators LIEBERMAN, DEWINE, KOHL, and I are introducing this bill to make perfectly clear that the broadcast industry is not violating Federal antitrust laws if its members collaborate on a code of conduct that includes voluntary guidelines intended to alleviate the negative impact that television content has had on our children and to promote educational and otherwise beneficial programming.

In drafting this legislation, we have built upon Senator Simon's Television Program Improvement Act of 1990. Unlike that law, however, the Television Improvement Act of 1997 would not include a sunset provision, and we have expanded the scope of the antitrust exemption to enable the industry to tackle such issues as the proliferation of programming that contains sexual content and condones criminal behavior.

Senator LIEBERMAN and I plan to hold hearings in the Governmental Affairs Committee's Government Management and Restructuring Subcommittee, which I chair and on which Senator LIEBERMAN serves as the ranking Democrat. The hearings will explore the impact that the Federal Government has had on the ability of the television industry to broadcast more inspirational and less harmful programming. We will examine whether the application of Federal antitrust laws to a collaboration by the broadcasters to promote better programming hinders the industry's ability to police itself and has resulted in a decline in television broadcasting. The Federal Government should not be impeding any voluntary effort by the industry to improve the quality of programming; the Government should be encouraging such an effort.

Let me just reiterate that we are not calling for a government mandate to be imposed upon the industry, nor are we providing the FCC with an ounce of additional authority with respect to broadcasting. What we are doing is trying to encourage the industry to do what it did prior to 1983—broadcast less programming that harms our kids and more programming that helps us raise our kids. We want Hollywood to start producing, and we want the broadcasters to start airing, better programming.

I ask that the bill be appropriately referred.

Mr. LIEBERMAN. Mr. President, I am proud today to join with my colleagues Senator BROWNBACK, DEWINE, and KOHL in introducing the Television Program Improvement Act of 1997, a bill we believe will help directly address the public's concerns about the declining standards of television and that will hopefully lead the television industry to exercise more responsibility for the programming it puts on the air.

The industry has tried in part to respond to the concerns of parents about the negative influence television is having on children by creating a rating system for sex, violence, and vulgar content. This system is a good start, but there is a general consensus it does not go far enough in providing parents with the information they need to make wise choices for their children.

When I recently testified before the Senate Commerce Committee on this issue, I tried to get this point across by comparing the industry's system to putting up a sign in front of shark-infested waters that said "Be careful when swimming." That is to say that, while these ratings provide a warning to the viewer, they don't tell us why we need to be warned.

But I also used this metaphor to make a larger point, which is regardless of how informative the ratings are, what parents really want is to get the sharks out of the water, to improve the quality of programming on the air, and make it safe for their kids to go swimming again.

The intent of the legislation we are introducing today, the Television Program Improvement Act of 1997, is to reiterate that message and to urge the industry to focus on what's at the heart of this debate over the TV rating system—a very real, broadly-felt concern that television has become a destructive force in our society and it is doing substantial damage to the hearts, minds, and souls of our children.

This bill really amounts to a plea on our part to the industry for their help. Moreover, it is an attempt to move this debate beyond the question of rights, which we all accept, acknowledge and support, and begin talking more about responsibilities.

Specifically, the kind of responsibility that broadcasters once embraced through a comprehensive code of conduct, in which they acknowledged the enormous power they commanded and the need to wield it carefully, and in which they recognized that they had an obligation under the law to serve the public interest. I would urge my colleagues to take a look at some of the standards the Nation's broadcasters set for themselves in the old NAB TV Code, which we've excerpted in the findings of our legislation, and you'll see that they are quite remarkable statements of responsibility.

After reading these principles, I would urge my colleagues to compare them to some of the comments made recently by industry leaders, such as the network official who proclaimed "it is not the responsibility of network television to program for the children of America," or the MTV executive who said his network "is not safe for kids" but markets it directly to them anyway.

Watch what these programmers are bringing into our homes today, and it is clear that the face of television has changed dramatically since the industry abandoned the old NAB Code in 1983 and abandoned the ethic undergirding it. It is also clear that while the networks have profited from the resulting competition downward, it is the American family who is paying the price—in the form of the awful daytime talk shows that parade the most perverse forms of behavior into our living rooms and teach our children the worst ways to settle conflicts, and the excesses of prime-time comedies that amount to little more than what we used to call dirty jokes.

The rise of these programs leave little doubt that this debate is about much more than the threat of violence—which was the reason for the original Television Program Improvement Act sponsored by Senator Simon in 1990—although this threat remains a serious problem. What is driving so much of the public's concern is the deluge of casual sex and vulgarities that characterizes so much of television today. The collective force of these messages leaves parents feeling as if they are in a losing struggle to raise their own children, to give them strong values, to teach them right from wrong and guide them to acceptable forms of behavior.

With the bill we're introducing today, we are asking the television industry to do no more than what it did as recently as the early 1980's, and that is to draw some lines that they will not go below, to declare, as author and noted commentator Alan Ehrenhalt has said, "that some things are too lurid, too violent, or too profane for a mass audience to see."

If the industry is not willing to refill that responsible role, there will be increasing pressure on the Government to do it for them. One of the most telling polls I've seen recently appeared in the Wall Street Journal, which showed that 46 percent of Americans favor more Government controls on television to protect children. It's not a coincidence that there are bills being prepared in Congress that would in fact censor what is on the air.

Our legislation is designed to help us avoid reaching that point. It will ideally remind the industry of its obligations to the public we both serve, and that changing the subject, as some in the industry prefer to do, won't change the minds of the millions of American families who want programming that reflects rather than rejects their values. Again, to return to my metaphor, we are simply making a plea to the industry to take the sharks out of the water, and make it safe for our kids to go swimming, or perhaps more aptly, to go channel-surfing again.

Mr. President, in closing, I ask unanimous consent that the full text of my remarks be included in the appropriate place in the RECORD to accompany this legislation. I also ask unanimous consent that a summary of the Television Program Improvement Act of 1997 be printed in the RECORD. And to provide my colleagues with some additional background on the old NAB Television Code and what has happened to television since it was abandoned, I ask unanimous consent that a factsheet my staff has prepared be included in the RECORD. This factsheet helps summarize the bill's findings and put them into some historical context.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Summary of the Television Program Improvement Act of 1997—TPIA

WHAT IS THE PURPOSE

The TPIA is an attempt to persuade the television industry to directly address the public's growing concerns about the negative influence television is having on our children and our country today. Rather than calling for any form of censorship or government restrictions on content, this legislation would encourage industry leaders to act more responsibly in choosing what kinds of programming they produce and when it is aired. The nation's broadcasters once embraced this kind of responsibility in the form of a comprehensive code of conduct, which featured a widely-followed set of baseline programming standards and which showed a special sensitivity to the impact television has on children. This code was abandoned in 1983, and the TPIA would ideally open the door to the reintroduction of a similar set of standards, one that is geared toward making television more family-friendly for 1997 America.

WHAT THE BILL WOULD DO

This proposal builds on the original Television Program Improvement Act of 1990, which created an antitrust exemption for the broadcast and cable industries that allowed them to collaborate on a set of "voluntary guidelines" aimed at reducing the threat of violence on television. The TPIA of 1997 would permanently reinstate that antitrust exemption (which expired at the end of 1993) and then broaden it. The new exemption would permit the television industry to collaborate on an expanded set of guidelines designed to address the public's concerns about the broad range of programming—not only violence but also sexual content, vulgar language, and the lack of quality educational programs for children.

WHAT THE BILL WOULD NOT DO

This proposal would not give the government any authority to censor or control in any way what is seen on television. Any guidelines or programming standards the industry chose to adopt would be purely voluntary and could not be enforced by the government in any way or result in any form of economic boycott. Nor would the TPIA result in the "whitewashing" of television or prevent networks from showcasing sophisticated, mature-themed works such as "Schindler's List" and "NYPD Blue." Last, the television industry could not use the antitrust exemption to fix advertising prices or engage in any form of anticompetitive behavior.

Television Code of Conduct Background Sheet

THE NAB TELEVISION CODE

The first broadcaster TV code was implemented in 1952, to provide broadcasters with guidelines for meeting their statutory obligation to serve the public interest.

The NAB required all members to follow the code, which was enforced by a committee called the NAB Code Authority. Stations that adhered to the code were permitted to display a seal of approval on screen known as the "NAB Television Seal of Good Practice." Those members that were found to have violated the code could be suspended and denied the ability to display the seal.

The NAB Code was abandoned in 1983 following an antitrust challenge brought by the Reagan Justice Department.

In that case, Justice filed a motion for summary judgement in the D.C. Federal District Court in 1982 challenging three provisions restricting the sale of advertising. These provisions limited: 1) the number of minutes per hour a network or station may allocate to commercials; 2) the number of commercials which could be broadcast in an hour; and 3) the number of products that could be advertised in a commercial. The court ruled that one of the provisions—the multiple product standard—constituted a per se violation of the antitrust laws, and granted Justice's motion for summary judgement on those grounds.

In November 1982, the NAB entered into a consent decree with Justice and agreed to throw out the advertising guidelines being challenged. Then, claiming that the TV Code in general left it vulnerable to antitrust lawsuits, the NAB threw out the entire code in January of 1983.

The programming standards contained in the code were never found to violate any antitrust laws during the code's 31-year existence.

THE FAMILY HOUR CASE

In 1975, after being prodded by FCC Chairman Dick Wiley, the NAB added a family viewing policy to its TV code. This policy said that entertainment programming inappropriate for a general family audience should not be aired between the hours of 7 p.m. and 9 p.m. EST.

In October of 1975, the Writers Guild of America (led by Norman Lear) filed a lawsuit challenging the family viewing policy on First Amendment grounds, alleging that the NAB had been coerced by the government into adopting the policy.

The District Court struck down the family viewing provision in the code in 1976, concluding that FCC Chairman Wiley had engaged in a "successful attempt . . . to pressure the networks and the NAB into adopting a programming policy they did not wish to adopt."

However, the court decision did not rule that a voluntary family viewing policy would be unconstitutional, and said that networks were free to implement a family hour policy on their own.

In the end, the District Court's decision was vacated and remanded on appeal in 1979, on the grounds that the District Court was not the proper forum for the initial resolution of a case relating to broadcast regulation. The case was returned to the FCC for judgement, and in 1983 the FCC concluded that the family viewing policy did not violate the First Amendment, ruling that Chairman Wiley's actions amounted to permissible jawboning and not coercion.

No court has ever ruled that a voluntary family hour violates the First Amendment rights of broadcasters or of producers.

THE ORIGINAL "TELEVISION PROGRAM IMPROVEMENT ACT"

Senator Paul Simon (D–IL) sponsored legislation in 1989 to create a temporary antitrust exemption that would allow the television industry to collaborate on a set of guidelines designed to "alleviate the negative impact" of television violence. The exemption had a life of three years.

This legislation was passed by Congress in the waning days of the 1990 session as part of the Judicial Improvements Act (a federal judgeships bill).

When the Simon bill first moved through the Senate in 1989, the Judiciary Committee approved an amendment that would broaden the bill's scope to cover guidelines relating to the glamorization of drug use.

The version passed by the Senate also was broadened to cover sexual content. Senator Jesse Helms (R–NC) succeeded in passing an amendment relating to sexually explicit material by a vote of 91–0.

The language relating to sexual content and the depiction of drug use was stripped from the bill that came out of conference after House Democrats objected to broadening the scope of the exemption beyond violence.

THE INDUSTRY RESPONSE TO THE SIMON BILL

A few months prior to the passage of the Simon bill, the NAB issued new "voluntary programming principles" in four areas: children's television, indecency and obscenity, drugs, and violence. These principles were general statements resembling several provisions in the old NAB Code, but they were strictly voluntary and unenforceable.

After the Simon bill passed, the broadcast and cable industries held a few meetings in 1991, but with no discernible results.

As concern about television violence mounted, the networks felt increasing pressure to produce some results. In December of 1992, the major broadcast networks agreed to adopt a new set of joint standards on the depiction of violence.

Although billed as being "new," the networks made clear that these guidelines tracked closely with their own individual programming standards. The joint guidelines were broadly-worded and did not make any specific statements regarding the time shows with graphic violence should be aired, noting only that the composition of the audience should be taken into consideration.

In June of 1993, the networks took the additional step of agreeing on a set of "parental advisories" that would be applied to programs with violent content.

With criticism from the public and Congress continuing to grow, the four major networks and the cable industry announced in February of 1994 that they would conduct separate monitoring studies to measure the level of violence in their programming. The first of these studies was done in 1995.

THE SIMON LEGACY ON VIOLENCE

The results of the Simon legislation could accurately be described as mixed.

On the one hand, the 1996 UCLA violence study suggested that the amount of violence on broadcast television had declined somewhat since it peaked a few years earlier, and industry observers generally acknowledge that primetime series television has become less violent. The UCLA study also found that the networks had taken some steps to reduce the violence in on-air promotions. "The overall message is one of progress and improvement," the UCLA study concluded. "The overall picture is not one of excessive violence."

On the other hand, the UCLA study still found that there is still a serious problem with violence on broadcast television. It singled out the high number of violent theatrical movies, five primetime series that "raised frequent concerns," and the disturbing rise of "reality" shows (such as Fox's "When Animals Attack") that often feature graphic violence.

In addition, the National Television Violence Study, the comprehensive review sponsored by the cable industry, is scheduled to release its 1996 report later this month, and it is generally expected to show that the kinds of violence depicted on both broadcast and cable television still presents a real threat to viewers.

THE CURRENT SITUATION

When asked about reviving a code of conduct, some television industry leaders have expressed concern about potential antitrust lawsuits that might arise.

The Justice Department, however, has issued rulings since the Simon exemption expired that strongly suggest that a voluntary code of conduct would not run afoul of any antitrust laws.

In a "business review" letter released in November 1993, the Justice Department told Simon that additional steps the industry took to reduce the threat of violence "may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits."

Justice repeated this finding in another business review letter sent to Senator LIEBERMAN in January 1994 regarding the video game industry's efforts to develop a rating system for violent and sexual content.

Some in the television industry also contend that a code of conduct is unnecessary because the major broadcast networks and most local stations and cable networks all have individual programming standards to which they adhere.

The reality, however, is that few people know that these standards even exist. That's largely because they are often hidden from public view. Of the big four networks, only CBS will release its programming standards to the public. ABC, NBC, and Fox have refused to do so.

By Mr. CRAIG (for himself, Mr. GRAHAM, Mr. D'AMATO, Mr. TORRICELLI, Mr. AKAKA, Mr. MACK, Mr. ALLARD, Mr. THOMAS, Mr. REID, Mr. BREAUX and Mr. WARNER):

S. 472. A bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUERTO RICO SELF-DETERMINATION ACT OF 1997

Mr. CRAIG. Mr. President, I am proud to join with my colleague from Florida today in the introduction of the Puerto Rico Self-Determination Act.

In the 104th Congress, I joined as a cosponsor of S. 2019, with a bipartisan effort in the Senate to deal with this issue. I know that some of my colleagues will question the need for Congress to take up this issue. The most common reaction is that we should let Puerto Ricans decide the issue for themselves. The problem with that approach is that there are two parties in that relationship: Congress, due to its constitutional plenary power expressly vested in it by the territorial clause of article IV, section 3, clause 2, on the one hand and the people of Puerto Rico who have U.S. citizenship but are not yet fully self-governing on the other.

When Congress failed to approve legislation to provide a status resolution process in 1991, the Puerto Ricans conducted a status vote, and the commonwealth option was defined on the ballot in the terms most favorable to its approval, to the point that it promised a lot more than Congress could ever approve. Even with the ballot definition that would significantly enhance the current status, the existing commonwealth relationship received less than a majority of the vote. So there is a serious issue of the legitimacy of the current less-than-equal or less-than-full self-governing status, especially given the U.S. assertion to the United Nations in 1953 that Puerto Rico was on a path toward decolonization.

That is why the legislature of Puerto Rico passed Concurrent Resolution 2, on January 23, 1997, requesting Congress to sponsor a vote based on definitions it would be willing to consider, if approved by voters. With timely approval of this legislation, 1997 will be the year Congress provides the framework for the resolution of the Puerto Rican status question, through a three-phase decisionmaking process that will culminate during the second decade of the next century. It will be a process with respect to the right of residents of Puerto Rico to become fully self-governing, based on local self-determination, and, at the same time, recognizes that the United States also has a right of self-determination in its relationship to Puerto Rico.

Consequently, resolution of the status of Puerto Rico should take place in accordance with the terms of a transition plan that is determined by Congress to be in the national interest. Acceptance of such a congressionally approved transition plan by the qualified voters of Puerto Rico in a free and informed act of self-determination will be required before the process leading to change of the present status will commence.

The bill that I am introducing today, joined in by nine other colleagues, and my colleague from Florida, creates an evenhanded process that can lead to either separate sovereignty or statehood, depending on whether Congress and the residents of Puerto Rico approve the terms of the implementation of either of the two options of full self-government. Preservation of the current status also will be an option on the plebiscite ballot. However, the existing unincorporated territory status, including the commonwealth structure of local government, is not a constitutionally guaranteed form of self-government. Thus, until full self-government is achieved for Puerto Rico, there will be a need for periodic self-determination procedures as provided in this legislation.

Whichever new status proves acceptable to Congress and the people of Puerto Rico, final implementation of the new status could be subject to approval by Congress and the people of Puerto Rico, at such time in the first or second decade of the next century as a transition process is completed.

This explanation of the bill should dispel any concern in this body or the House that empowerment of the people of Puerto Rico to exercise the right of self-determination will impair the ability of Congress to work its will regarding the status of Puerto Rico.

Mr. President, in 1956, 4 years after Congress and the people of Puerto Rico approved the Constitution of the Commonwealth of Puerto Rico, the U.S. Supreme Court considered the constitutional nature and status of unincorporated territories such as Puerto Rico. In its opinion in the case of *Reid* v. *Covert* (354 U.S. 1), the Supreme Court confirmed that the territorial clause of the U.S. Constitution—article IV, section 3, clause 2—confers on Congress the power, in the court's words, ". . . to provide rules and regulations to govern temporarily territories with wholly dissimilar traditions and institutions . . ."

While the *Reid* case was not a territorial status decision, it is significant that the Supreme Court's opinion in this case recognizes the temporary nature of the unincorporated territory status defined by the high court in an earlier line of status decisions known as the Insular Cases. For even though Puerto Ricans have had statutory U.S. citizenship since 1917, and local constitutional self-government similar to that of the States since 1952, it has become quite clear that U.S. citizens residing in an unincorporated territory cannot become fully self-governing in the Federal constitutional system on the basis of equality with their fellow citizens residing in the States of the Union.

Specifically, unincorporated territorial status with the commonwealth structure for local self-government cannot be converted into a permanent form of union with constitutionally guaranteed U.S. citizenship, or equal legal and political rights with citizens in the States including voting rights in national elections and representation in Congress. At the same time, Congress cannot abdicate, divest or dispose of its constitutional authority and responsibility under the territorial clause or be bound by a statutory conferral of special rights intended to make the citizens of a territory whole for the lack of equal rights under the Federal constitution.

The concept of an unalterable bilateral pact between Congress and the territories is politically implausible and constitutionally impermissible. A mutual consent based relationship would amount to a local veto power over acts of Congress and would give the territories rights and powers superior to those of the States. Indeed, I am not certain what the results would be if the States were given the option of trading in representation in Congress and the vote in Presidential elections for the power to veto Federal law, but it is a prospect inconsistent with American federalism.

Thus, altering our constitutional system to attempt to accommodate the unincorporated territories in this way would be a disproportionate, inequitable, and politically perverse remedy for the problems the territories are experiencing due to the lack of voting in Federal elections or representation in Congress.

Moreover, the concept of enhancing a less-than-equal status so that the disenfranchisement of U.S. citizens in the Federal political proces becomes permanent would arrest the process of self-determination and decolonization that began when the local constitution was established by Congress and the voters in the territory in 1952.

It would reverse the progress that has been made toward full self-government to attempt to transform a temporary territorial status into a permanent one, although that is precisely what has been attempted by some in Puerto Rico for the last 40 years. Some in Congress have facilitated and promoted the fatally flawed notion that Puerto Rico could become a nation within a nation—if only at the level of partisan politics while being careful never to formally accept or commit that it could be constitutionally sustained.

In reality, Puerto Rico is capable of becoming a State or a separate nation, or of remaining under the territorial clause if that is what the people and Congress prefer. But a decision to retain territorial status must be based on acceptance that this is a temporary status under the territorial clause, which can lead to full self-government outside the territorial clause only when Congress and the voters determine to pursue a recognized form of separate nationhood or full incorporation into the Federal political process leading to statehood.

Thus, the question becomes one of how long can a less-than-equal and non-self-governing status continue now that Puerto Rico has constitutional self-government at the local level and has established institutions and traditions which are based upon, modeled after, and highly compatible with those of the United States? How long is temporary when we consider that Puerto Rico has been within U.S. sovereignty and the U.S. customs territory for a century?

The proposals in the past that the self-determination process be self-executing may have had the appearance of empowering the people to determine their destiny. However, any attempt to bind Congress and the people to a choice the full effect and implications of which cannot be known at the time the initial choice is made is actually a form of disempowerment. For self-determination to be legitimate it must be informed, and a one-stage binding and self-executing process prevent both parties to the process—Congress and the people—from knowing what it is they are approving.

Any process which does not enable Congress and the voters to define the options and approve the terms for implementation through a democratic process which involves a response by each party to the freely expressed wishes of the other as part of an orderly self-determination procedure is a formula for stagnation under the status quo.

That is why the legislation defining a self-determination process for Puerto Rico must be based on the successful process Congress prescribed in 1950 through which the current constitution was approved by Congress and the voters in 1952. That process empowered the people and Congress to approve the process itself, then approve the new relationship defined through the process.

As explained below, this is the most democratic procedure possible given the complicated dilemma faced by the United States and Puerto Rico. For only when the people express their preference between status options defined in a manner acceptable to Congress can the United States inform the people of the terms under which the preferred option could be accepted by Congress. This would empower the people to then engage in an informed act of self-determination, and it would empower Congress to define the national interest throughout the process.

In the 104th Congress, S. 2019, was a response to Concurrent Resolution 62, adopted by the Legislature of Puerto Rico on December 14, 1994, and directed to the U.S. Congress, requesting a response to the results of a 1993 plebiscite conducted in Puerto Rico under local law. See, CONGRESSIONAL RECORD S9555–S9559, August 2, 1996. Like a similar locally managed vote in 1967, the 1993 vote did not resolve the question of Puerto Rico's future status, in large part because of pervasive confusion and misinformation about the legal nature of Puerto Rico's current status.

The problem of chronic nonproductive debate in Puerto Rico and in Congress with respect to definition of the current status of Puerto Rico, as well as the options for change, is examined carefully in House Report 104–713, part 1, July 26, 1996, pp. 8–23, 29–36. In addition to responding to Resolution 62 by introducing legislation addressing the subject matter of that request by the elected representatives of the residents of Puerto Rico, S. 2019 was intended to complement and support the efforts of a bipartisan group of knowledgeable Members in the House to address the troubling issues raised in House Report 104–713, part 1.

S. 2019 was a companion measure to H.R. 3024, the United States-Puerto Rico Political Status Act, which was the subject of House Report 104–713, part 1. Although H.R. 3024 was scheduled for a vote by the House in the last days of the 104th Congress, and overwhelming approval was expected, a vote was delayed due to ancillary issues. However, important amendments to H.R. 3024 were agreed upon by participants in the House deliberations, and some of these should be incorporated in any measure to be considered in the 105th Congress.

For example, because the debate in the 104th Congress and in the 1996 elections in Puerto Rico clarified certain fundamental issues regarding definition of status options, it may now be appropriate to include a three-way array of ballot options in any future status referendum. Thus, commonwealth, independence, and statehood should appear side-by-side on the ballot the next time there is a status vote in Puerto Rico.

In the 104th Congress I concurred in the bipartisan position that developed in the House deliberations in support of a two-part ballot, separating the question of preserving the current unincorporated territory status from the two options for change to a permanent form of full self-government—separate sovereignty or statehood. However, the agreed upon House bill amendments and this new Senate bill make it clear that separate nationality or statehood remain the two paths to full self-government, and that commonwealth is a territorial clause status. I believe this approach will result in a free and informed act of self-determination by the residents based on accurate definitions.

This will simplify the structure of the ballot, and make it all the more imperative that the definitions of status options also remain as simple and straightforward as possible. All the options presented on the ballot in a future status referendum must be based on the objective elements of each status option under applicable provisions of the U.S. Constitution and international law as recognized by the United States.

In this connection, it must be noted that in the last four decades every attempt by Congress and territorial leaders to define the status options and establish a procedure to resolve the status question has failed. The last process which produced a tangible result and advanced Puerto Rico's progress toward self-government was that which Congress established in 1950 to allow the residents of Puerto Rico to organize local constitutional government.

Thus, instead of trying to revisit battles of the past over any of the bills considered by Congress in 1990 and 1991, a better model for taking the next step in the self-determination process for Puerto Rico is the one employed by Congress to authorize and establish the current commonwealth structure for local self-government based on consent of the voters. The process established under Federal law in 1950 was based on a three-stage process through which the proposed new form of self-government was defined, approved and implemented with consent of both the United States and the residents of the territory at each stage.

In the successful 1950 process, Congress set forth in U.S. Public Law 600 an essentially three-phase procedure as follows:

Congress acted first, defining a framework under Federal law for instituting constitutional self-government over local affairs. An initial referendum was conducted in which the voters approved the terms for instituting constitutional self-government as defined by Congress.

A second referendum was conducted on the proposed constitution and the President of the United States was required under Public Law 600 to transmit the draft constitution approved in that second referendum to Congress with his findings as to its conformity with the criteria defined by Congress.

Congress approved final implementation of the new local constitution with amendments which were accepted by the locally elected constitutional convention and implemented on that basis by proclamation of the Governor.

We should adopt a similar procedure for taking the next step to complete the process leading to full self-government which began with enactment of Public Law 600 in 1950. Such a three-stage process would be one through which:

First, Congress defines the procedures and options it will accept as a basis for resolving the status question. In an initial referendum the voters then approve a status option they prefer.

Second, the President transmits a proposal with recommended terms for implementing the choice of the voters consistent with the criteria defined by Congress, and upon approval by Congress a second referendum is held to determine if the voters accept the terms upon which Congress would be willing to implement the new status.

Third, both Congress and the voters must act affirmatively to approve final implementation once the terms of the transition plan have been fulfilled.

This would track the successful model of Public Law 600, except that it improves upon it by requiring Congress and the voters to approve final implementation. This is more democratic than the procedure followed in 1952, in which Congress amended the Constitution and the revisions were accepted by the constitutional convention and put into effect by proclamation of the Governor.

To ensure that there is no ambiguity about the new relationship as there was after the current local constitution was implemented in 1952, the Congress and the voters themselves, again, should have the last word on implementation. This prevents the local political parties from attempting to exploit ambiguity and convert it into a political platform, as has been the case with the current commonwealth structure for local self-government.

In this regard, I note that there are those who continue to suggest that definitions of status options for a political status referendum should be based upon the formulations adopted by the political parties in Puerto Rico. This approach is urged in the name of consensus building. However, the history of attempts to address this problem—including the approval of H.R. 4765 by the House in 1990—makes it clear that the illusion of consensus has been achieved on status definitions in the past only by sacrificing the constitutional, legal, and political integrity of the process.

Recognizing the principle of consent by the qualified voters through an act of self-determination to retain the current status or seek change under definitions acceptable to Congress is very different from the idea that legislation to make self-determination possible cannot be enacted unless there is consent by local political parties to both the form and content of what is proposed. The qualified voters of Puerto Rico, not the local political parties, are Puerto Rico for purposes of the self-determination process.

No sleight-of-hand gimmicks or disclaimers disguised as good-faith commitments will substitute for intellectually honest status definitions. We must approve legislation that makes it clear that Congress will propose a transition plan on terms it deems to be in the best interests of the United States, and when it does the people qualified to vote in Puerto Rico will have to decide if the terms prescribed by Congress are acceptable.

If the terms for a change of status defined by Congress are not acceptable to the voters, then the right of self-determination can be exercised thereafter in an informed manner based on that outcome. There should be no stated or implied commitment to a moral obligation to consider any status definition—no matter who might propose it—which is deemed unconstitutional or unacceptable to Congress. That would be misleading and dishonest, and no clever caveat could redeem such a breach of the institutional integrity and constitutional duty of the Congress.

In 1997, Congress must take responsibility for informing the people of Puerto Rico of what the real options are based on congressional definition of the status formulations which Congress determines to be consistent with the national interest and the right of self-determination of both the United States and the people of Puerto Rico. This represents an opportunity and challenge as we seek to define our Nation in the next century, and there is an obligation for all concerned to ensure that the voters in Puerto Rico are given an opportunity for a free and informed act of self-determination.

If we accomplish that, then whatever the outcome may be will vindicate 100 years of democratization and development for Puerto Rico through its evolving relationship with the United States and the self-determination of its people.

Mr. GRAHAM. Mr. President, I rise today to introduce the Puerto Rico Self Determination Act of 1997. I am proud to cosponsor this important legislation with Senator LARRY CRAIG and a bipartisan coalition of eight other distinguished colleagues.

Mr. President, on December 10, 1898, through the Treaty of Paris that ended the Spanish-American War, Puerto Rico became part of the United States. Next year marks the 100th anniversary of this union.

Mr. President, there is no better way for us to commemorate this special occasion than to give the U.S. citizens of Puerto Rico the same right that their counterparts in all 50 States and the District of Columbia enjoy—the right to choose their political destiny.

In 1917, the Jones Act gave the people of Puerto Rico U.S. citizenship, but it was less than complete. Though they are citizens, Puerto Ricans can only vote in Presidential elections if they are registered in a State or the District of Columbia. They have a delegate in Congress—a position currently held by Congressman CARLOS ROMERO-BARCELÓ—who does not have voting privileges.

But this lack of political rights is not due to a lack of communication. Throughout their history as part of the United States, Puerto Ricans have expressed their desire to achieve full political rights. They have on various occasions let Congress know of their desire to be full participants in our democracy. And their actions speak even louder than their words.

Puerto Ricans have contributed in all aspects of American life,—in the arts, in sciences, in sports, and especially in service to the Nation. Their record of service to this country speaks for itself. In World War II alone, more than 65,000 Puerto Rican men and women served in the Armed Forces. In Vietnam, over 60,000 served. The first United States soldier killed in Somalia was Puerto Rican. One of the airmen shot down over Libya in 1986 was Puerto Rican. And it was a soldier from Puerto Rico who sounded the alarm—and saved lives—in the 1983 bombing of the Marine barracks in Beirut.

I recently received a letter from retired U.S. Army Lt. Col. Dennis Freytes, a Puerto Rican who resides in Orlando. He states in his letter:

> As an American Puerto Rican, who has proudly served our country, I think that Puerto Rico's political status should be promptly resolved, so we don't have second class citizens in our democratic form of government.

Puerto Ricans voluntarily joined our Armed Forces and have given their lives in defense of our country and democratic way of life. I emphasize "our" because U.S. citizens must have the same rights no matter where they were born or where they choose to live.

In 1996 and 1997, the Legislature of Puerto Rico, the democratically elected representatives of 3.7 million U.S. citizens, overwhelmingly approved resolutions requesting that the Congress and the President of the United States respond to their legitimate democratic aspirations. They requested that a plebiscite be held not later than December 31, 1998, almost exactly 100 years after Puerto Rico gained territorial status. There have been similar referendums in the past, but those were locally mandated—Congress gave no direction as to how, if at all, the results might affect Puerto Rico's political status.

It is time for the people of Puerto Rico to have a referendum process which defines the choices in a manner which are constitutionally valid, and that Congress is willing to uphold.

Mr. President, I want to particularly stress this latter point. Congress needs to understand that if it passes this bill—and I share the hope of my friend and colleague, Senator CRAIG that we will and that we will do so expeditiously—it is assuming an important political, and moral obligation to the American citizens of Puerto Rico.

This is not a bill without significant consequences. If Puerto Ricans ask to remain a Commonwealth, we need to respect their wishes. If they want to become a State, we must begin the process of incorporation. And if they desire independence, we must take steps to meet that request. To do otherwise would be to seriously undermine our credibility with the 3.7 million citizens of Puerto Rico and the nearly 300 million residents of Latin America.

Mr. President, for the last 100 years, the United States had given Puerto Ricans status as citizens but withheld some of the rights, privileges, and responsibilities that come with that privilege. It is time for that to end. Puerto Ricans do not deserve second-class political status. For all that they have done to enrich our culture and defend our Nation from external threats, they have earned the right to decide their own political destiny.

Mr. President, since the early 1900's, self-determination has been a cornerstone principle of our Nation's foreign policy.

As we approach the century mark of the union between Puerto Rico and the United States, this bill will serve as a model of American democracy at its best—providing citizens with their right to decide their own futures.

By Mr. BOND (for himself and Mr. NICKLES):

S. 473. A bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining that certain individuals are not employees, and for other purposes; to the Committee on Finance.

THE INDEPENDENT CONTRACTOR TAX REFORM ACT OF 1997

Mr. BOND. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Contractor Tax Reform Act of 1997".

SEC. 2. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

(a) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

"SEC. 3511. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

"(a) SAFE HARBOR.—

"(1) IN GENERAL.—For purposes of this title, if the requirements of subsections (b), (c), and (d), or the requirements of subsections (d) and (e), are met with respect to any service performed by any individual, then with respect to such service—

"(A) the service provider shall not be treated as an employee,

"(B) the service recipient shall not be treated as an employer,

"(C) the payor shall not be treated as an employer, and

"(D) compensation paid or received for such service shall not be treated as paid or received with respect to employment.

"(2) AVAILABILITY OF SAFE HARBOR NOT TO LIMIT APPLICATION OF OTHER LAWS.—Nothing in this section shall be construed—

"(A) as limiting the ability of a service provider, service recipient, or payor to apply other applicable provisions of this title, section 530 of the Revenue Act of 1978, or the common law in determining whether an individual is not an employee, or

"(B) as a prerequisite for the application of any provision of law described in subparagraph (A).

"(b) SERVICE PROVIDER REQUIREMENTS WITH REGARD TO THE SERVICE RECIPIENT.—For purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

"(1) has the ability to realize a profit or loss,

"(2) incurs unreimbursed expenses which are ordinary and necessary to the service provider's industry and which represent an amount at least equal to 2 percent of the service provider's adjusted gross income attributable to services performed pursuant to 1 or more contracts described in subsection (d), and

"(3) agrees to perform services for a particular amount of time or to complete a specific result or task.

"(c) ADDITIONAL SERVICE PROVIDER REQUIREMENTS WITH REGARD TO OTHERS.—For the purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) has a principal place of business,

"(2) does not primarily provide the service at a single service recipient's facilities,

"(3) pays a fair market rent for use of the service recipient's facilities, or

"(4) operates primarily with equipment not supplied by the service recipient.

"(d) WRITTEN DOCUMENT REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the service provider are performed pursuant to a written contract between such service provider and the service recipient, or the payor, and such contract provides that the service provider will not be treated as an employee with respect to such services for Federal tax purposes.

"(e) BUSINESS STRUCTURE AND BENEFITS REQUIREMENT.—For purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) conducts business as a properly constituted corporation or limited liability company under applicable State laws, and

"(2) does not receive from the service recipient or payor benefits that are provided to employees of the service recipient.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) FAILURE TO MEET REPORTING REQUIREMENTS.—If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of section 6041(a) or 6041A(a) with respect to a service provider, then, unless the failure is due to reasonable cause and not willful neglect, the safe harbor provided by this section for determining whether individuals are not employees shall not apply to such service recipient or payor with respect to that service provider.

"(2) BURDEN OF PROOF.—For purposes of subsection (a), if—

"(A) a service provider, service recipient, or payor establishes a prima facie case that it was reasonable not to treat a service provider as an employee for purposes of this section, and

"(B) the service provider, service recipient, or payor has fully cooperated with reasonable requests from the Secretary or his delegate,

then the burden of proof with respect to such treatment shall be on the Secretary.

"(3) RELATED ENTITIES.—If the service provider is performing services through an entity owned in whole or in part by such service provider, the references to 'service provider' in subsections (b) through (e) may include such entity, provided that the written contract referred to in subsection (d) is with such entity.

"(g) DETERMINATIONS BY THE SECRETARY.—For purposes of this title—

"(1) IN GENERAL.—

"(A) DETERMINATIONS WITH RESPECT TO A SERVICE RECIPIENT OR A PAYOR.—A determination by the Secretary that a service recipient or a payor should have treated a service provider as an employee shall be effective no earlier than the notice date if—

"(i) the service recipient or the payor entered into a written contract satisfying the requirements of subsection (d),

"(ii) the service recipient or the payor satisfied the applicable reporting requirements of section 6041(a) or 6041A(a) for all taxable years covered by the agreement described in clause (i), and

"(iii) the service recipient or the payor demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(B) DETERMINATIONS WITH RESPECT TO A SERVICE PROVIDER.—A determination by the Secretary that a service provider should have been treated as an employee shall be effective no earlier than the notice date if—

"(i) the service provider entered into a contract satisfying the requirements of subsection (d),

"(ii) the service provider satisfied the applicable reporting requirements of sections 6012(a) and 6017 for all taxable years covered by the agreement described in clause (i), and

"(iii) the service provider demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(C) REASONABLE CAUSE EXCEPTION.—The requirements of subparagraph (A)(ii) or (B)(ii) shall be treated as being met if the failure to satisfy the applicable reporting requirements is due to reasonable cause and not willful neglect.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed as limiting any provision of law that provides an opportunity for administrative or judicial review of a determination by the Secretary.

"(3) NOTICE DATE.—For purposes of this subsection, the notice date is the 30th day after the earlier of—

"(A) the date on which the first letter of proposed deficiency that allows the service provider, the service recipient, or the payor an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent, or

"(B) the date on which the deficiency notice under section 6212 is sent.

"(h) DEFINITIONS.—For the purposes of this section—

"(1) SERVICE PROVIDER.—The term 'service provider' means any individual who performs a service for another person.

"(2) SERVICE RECIPIENT.—Except as provided in paragraph (4), the term 'service recipient' means the person for whom the service provider performs such service.

"(3) PAYOR.—Except as provided in paragraph (4), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipient does not pay the service provider.

"(4) EXCEPTIONS.—The terms 'service recipient' and 'payor' do not include any entity in which the service provider owns in excess of 5 percent of—

"(A) in the case of a corporation, the total combined voting power of stock in the corporation, or

"(B) in the case of an entity other than a corporation, the profits or beneficial interests in the entity.

"(5) IN CONNECTION WITH PERFORMING THE SERVICE.—The term 'in connection with performing the service' means in connection or related to the operation of the service provider's trade or business.

"(6) PRINCIPAL PLACE OF BUSINESS.—For purposes of subsection (c), a home office shall in any case qualify as the principal place of business if—

"(A) the office is the location where the service provider's essential administrative or management activities are conducted on a regular and systematic (and not incidental) basis by the service provider, and

"(B) the office is necessary because the service provider has no other location for the performance of the essential administrative or management activities of the business.

"(7) FAIR MARKET RENT.—The term 'fair market rent' means a periodic, fixed minimum rental fee which is based on the fair rental value of the facilities and is established pursuant to a written agreement with terms similar to those offered to unrelated persons for facilities of similar type and quality."

(b) CLARIFICATION OF RULES REGARDING EVIDENCE OF CONTROL.—For purposes of determining whether an individual is an employee under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), compliance with statutory or regulatory standards shall not be treated as evidence of control.

(c) REPEAL OF SECTION 530(d) OF THE REVENUE ACT OF 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Safe harbor for determining that certain individuals are not employees."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by, and the provisions of, this section shall apply to services performed after the date of enactment of this Act.

(2) DETERMINATIONS BY SECRETARY.—Section 3511(g) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to determinations after the date of enactment of this Act.

(3) SECTION 530(d).—The amendment made by subsection (c) shall apply to periods ending after the date of enactment of this Act.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HUTCHINSON, Mr. GRASSLEY, and Mr. JOHNSON):

S. 474. A bill to amend sections 1081 and 1084 of title 18, United States Code; to the Committee on the Judiciary.

THE INTERNET GAMBLING PROHIBITION ACT OF 1997

Mr. KYL. Mr. President, I rise to introduce the Internet Gambling Prohibition Act of 1997. It will outlaw gambling on the Internet. I believe it will protect children from logging on to the Internet and being exposed to activities that are normally prohibited to them. And for those people with a gambling problem, my bill will make it harder to gamble away the family paycheck.

Gambling erodes values of hard work, sacrifice, and personal responsibility. Although the social costs of gambling are difficult to quantify, research indicates they are potentially staggering. Gambling is a growing industry in the United States, with revenues approaching $550 billion last year—three times the revenues of General Motors Corp. In 1993, more Americans visited casinos than attended a major league baseball game.

The problem can only grow worse with online casinos. Now it is no longer necessary to go to a casino or store where lottery tickets are sold. Anyone with a computer and a modem will have access to a casino: Internet users can access hundreds of sites for blackjack, craps, roulette, and sports betting. Gambling addiction is already on the rise. Online gambling will only increase the problem.

Why is this bill necessary? It dispels any ambiguity by making clear that all betting, including sports betting, is illegal. Currently, nonsports betting is interpreted as legal. The bill also clarifies the definition of bets and wagers. This ensures that those who are gambling cannot circumvent the law. For example, virtual gaming businesses have been known to offer prizes instead of money, in an attempt to evade the law.

Additionally, my bill clarifies that Internet access providers are covered by the law. As the National Association of Attorneys General [NAAG] task force on Internet Gambling reported, "this is currently the most important section to State and local law enforcement agencies, because it provides a civil enforcement mechanism." FCC-regulated carriers notified by any State or local law enforcement agency of the illegal nature of a site are required to discontinue services to the malfeasor. NAAG believes that this can be a very effective deterrent. The bill includes interactive computer-service providers among those entities required to discontinue such service upon notice. Federal, State, and local law enforcement entities are explicitly authorized to seek prospective injunctive relief against continued use of a communications facility for purposes of gambling.

The Internet Gambling Prohibition Act makes explicit the intent of Congress to create extraterritorial jurisdiction regarding Internet gambling activities. Too often, illicit operators of virtual casinos set up shop in friendly jurisdictions beyond the direct application of U.S. law. It will also require the DOJ to report on the difficulties associated with enforcing the statute. Finally, it places some burden on the bettor.

The Internet has great potential to promote both educational opportunities and business expansion in this country. At the same time, the Internet is fast becoming a place where inappropriate activities such as gambling, pornography, and consumer fraud thrive. Recently, many businesses have welcomed law enforcement's involvement in cracking down on consumer fraud. We must find a constitutional way to deal with the other problems raised by this revolution in communications. I believe that it is possible to impose some conditions, as we have in other areas, without violating free speech rights.

There is growing support for changes to current law. As I mentioned, the NAAG has a task force on Internet gambling, and the report of the task force—authored by Attorneys General Dan Lungren and Hubert Humphrey—called for a legislative remedy to stem the tide of gambling electronically. NAAG has endorsed my bill.

Mr. President, the Internet Gambling Prohibition Act of 1997 ensures that the law will keep pace with technology and keep gambling off the Internet. I urge my colleagues to pass the bill.

• Mr. GRAHAM. Mr. President, I join my friend and colleague from Arizona, Senator KYL, in cosponsoring the Internet Gambling Prohibition Act introduced today, which is intended to address a growing problem in the United States as our technology continues to modernize our modes of communication.

This legislation is an attempt to take a step forward in meeting the needs of State law enforcement organizations and officials.

With the development of the Internet World Wide Web, the ability of Americans to access information for their personal and professional use has taken a quantum leap. It is safe to say that the Internet is one of the more important technological advances of the late 20th century with respect to the influence that the technology can have on the lives of so many Americans.

The number of American Internet users has grown from 1 million in 1992 to over 50 million today. This number is expected to grow to several hundred million users by the year 2000. As we bring Internet technology into our schools, we will see greater use of the Internet particularly among our youth, many who are already adept at using their home computers and surfing the Internet for educational and recreational purposes.

With this convenience and easy access to a variety of information sources, many of which are of great educational, cultural and professional value, come certain expected problems. The one that I want to speak to briefly is that of the increasing use of the Internet for the purposes of gambling.

The National Association of Attorney Generals has recently studied the problem of Internet gambling. In a 1996 report, "Gambling on the Internet," the Association cited the following:

> The availability of gambling on the Internet * * * threatens to disrupt each State's careful balancing of its own public welfare and fiscal concerns, by making gambling available across State and national boundaries, with little or no regulatory control.
>
> There are literally hundreds of gambling-related sites on the Internet. Dozens more are being added monthly.

Let me make several key distinctions that must be understood with respect to this legislation.

First, it is important to note that the number of actual online gambling operations are few at this time due to electronic commerce and technical limitations. Advancements in technology, however, make such shortcomings temporary. Only 6 months ago, there were only 17 active Internet gambling sites on the World Wide Web. Today, there are over 200. And, today, there are hundreds of advertisements for gambling as well as informational how-to sites on the Internet. In short, the Internet's ability to serve as an information conduit for the gambling industry has been recognized.

Second, States have historically been the primary regulator of gambling activities. However, the widespread use of the Internet and its potential to serve as a conduit of gambling activities across national and State borders, serves to undermine States' regulatory control. Our legislation is not intended to disrupt this prerogative, but rather to assist States' ability to enforce its own gambling laws.

Finally, the legislation would not hold Internet access providers—such as America Online—liable for gambling activities that occur on the Internet. However, the Internet access providers are required, once notified by a State or law enforcement agency of the illegal activity, to discontinue Internet services to the malfeasor.

Mr. President, there is growing awareness of the importance of this issue in my State of Florida. The attorney general of the State of Florida wrote me on February 17, 1997, urging strong support of this legislation. I am committed to providing strong support in the Congress for Florida law enforcement concerns.

It is timely and necessary for the Congress to assist States on this growing problem which undermines States' jurisdiction and control. We should support the efforts of our State and local law enforcement officials so that they can prevent the growth of activities which are illegal in that State.

I thank my colleague from Arizona for his work in drafting this important legislation. I look forward to working with him this year in support of passage of this bill.

Mr. President, I ask my colleagues in the Senate to join us in supporting this measure.●

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 475. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider; to the Committee on Finance.

TAX TREATMENT OF HARD APPLE CIDER LEGISLATION

● Mr. JEFFORDS. Mr. President, I am introducing tax legislation designed to increase opportunities for the apple industry in the United States. I am pleased that Senators LEAHY, D'AMATO, and MOYNIHAN are joining me as original cosponsors of the bill.

Our bill clarifies the excise tax treatment of fermented apple cider. Current Federal tax law unfairly taxes fermented apple cider at a much higher rate than beer despite the two beverages similar alcohol levels. Currently, fermented apple cider, commonly known as draft cider, is subject to a tax of $1.07 per wine gallon, despite its alcohol level. This bill lowers the excise tax on draft cider containing not more than 7 percent alcohol to equal the beer tax rate of 22.6 cents per gallon.

I believe this small tax change would allow draft cider producers to compete more fairly in the market with comparable beverages. As draft cider becomes more competitive the market will likely grow. This will greatly benefit the apple growers throughout this Nation, by expanding the use and need for their product.

The production of draft hard cider comes from apples that are culls, processing apples or apples that are not usable in the fresh market. The conversion of culled apples into high value processed products such as draft cider is important to growers as well as to processors.

Cider and other apple byproducts are important to Vermont's economy, providing a market for otherwise unmarketable fruit. Of Vermont's average annual crop of 1.1 million bushels, approximately 20 percent, or 220,000 bushels, are graded out as culls, or processing apples. Apple production has a long history in Vermont, and is an integral part of agriculture in our State as it is in many States.

Many States have recognized the potential benefits to their apple farmers by lowering the tax on draft cider to equal the beer tax rate. State Departments of Agriculture, farm bureaus, and representatives from the apple industry across this Nation have voiced their support for lowering the cider tax rate.

This bill that I introduce today is similar to legislation that I introduced along with my friend from Vermont, Senator LEAHY, and my colleagues from New York in the last Congress. The same bill was successful in the Senate last Congress as part of the Small Business Job Protection Act of 1996, H.R. 3448. Unfortunately, the language was not included in the conference report of H.R. 3448.

Mr. President, it is my hope that this legislation will again pass in the Senate and be signed by the President. I ask my colleagues to support this legislation.●

● Mr. LEAHY. Mr. President, I am pleased to join my friend from Vermont, Senator JEFFORDS, in introducing tax legislation designed to stimulate the apple industry in the United States. I am pleased that Senators D'AMATO and MOYNIHAN are joining me as original cosponsors of the bill.

Our bill revises the Federal excise tax on fermented apple cider, more commonly known as draft cider, to beer tax rates. As one of the senior members of the Senate Agriculture Committee, I believe this small tax change will be of great benefit to cider makers and apple growers across the country.

Draft cider is one of the oldest categories of alcoholic beverages in North America. Back in colonial times, nearly every innkeeper served draft cider to his or her patrons during the long winter. In fact, through the 19th Century, beer and draft cider sold equally in the United States.

Recently, draft cider has made a comeback in the United States and around the world. Our tax law, however, unfairly taxes draft cider at a much higher rate than beer despite the two beverages sharing the same alcohol level and consumer market. This tax treatment, I believe, creates an artificial barrier to the growth of draft cider. Our legislation will correct this inequity.

Present law taxes fermented cider, regardless of its alcohol level, as a wine at a rate of $1.07 per gallon. Our bill would clarify that draft cider containing not more than 7 percent alcohol and marketed in various size containers would be taxed at the beer rate of 22.6 cents per gallon. I believe this tax change would allow draft cider producers to compete fairly with comparable beverage makers. As draft cider grows in popularity, apple growers around the nation should prosper because draft cider is made from culled apples, the least marketable apples.

The growth of draft cider should convert these least marketable apples, which account for about 20 percent of the entire U.S. apple production, into a high value product, helping our struggling apple growers. Indeed, I have received letters from officials at state agriculture departments from across the nation—Arizona, Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Vermont and Virginia—supporting the taxing of draft cider at the beer rate because this change would allow apple farmers in their States to reap the benefits of an expanded culled apple market.

I have also heard from the Northeast McIntosh Apple Growers Association, the New York Apple Association, the New England Apple Council and many apple farmers, processors and cider producers that support revising the excise tax on draft cider.

This bill is identical to legislation I introduced with Senators JEFFORDS, D'AMATO and MOYNIHAN in the last Congress. That bill passed the Senate as part of the Small Business Job Protection Act of 1996, H. R. 3448, but was not included in the conference report on H.R. 3448. I am hopeful that with the leadership of Senators JEFFORDS, D'AMATO and MOYNIHAN, we can enact into law this small tax change that will have a large positive impact on the Nation's apple industry.

I urge my colleagues to support this legislation.●

By Mr. HATCH (for himself, Mr. BIDEN, Mr. STEVENS, Mr. GREGG and Mr. KOHL):

S. 476. A bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; to the Committee on the Judiciary.

BOYS AND GIRLS CLUBS OF AMERICA LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce a measure to further the commitment of the Republican Congress to support the expansion of the Boys and Girls Clubs of America, one of the best examples of proven youth crime prevention. I am pleased to be joined in introducing this bill by a bipartisan group of Senators, including Senator BIDEN, the ranking Democrat on the Youth Violence Subcommittee, Senator STEVENS, the chairman of the Senate Appropriations Committee, Senator GREGG, the chairman of the Commerce, Justice, State Appropriations Subcommittee, and Senator KOHL, who serves on the Judiciary Committee.

Our legislation addresses our continuing initiative to ensure that, with Federal seed money, the Boys and Girls Clubs of America are able to expand to serve an additional 1 million young people through at least 2,500 clubs by the year 2000. The dedication of all of these Members demonstrates our commitment to both authorize and fund this effort.

Last year, in a bipartisan effort, the Republican Congress enacted legislation I authored to authorize $100 million in Federal seed money over 5 years to establish and expand Boys and Girls Clubs in public housing and distressed areas throughout our country. With the help of the Appropriations Committee, we have fully funded this initiative.

The bill we are introducing today streamlines the application process for these funds, and permits a small amount of the funds to be used to establish a role model speakers' program to encourage and motivate young people nationwide.

It is important to note that what we are providing is seed money for the construction and expansion of clubs to serve our young people. This is bricks and mortar money to open clubs, and after they are opened they will operate without any significant Federal funds. In my view, this is a model for the proper role of the Federal Government in crime prevention. The days are over when we can afford vast never-ending federally run programs. According to a GAO report last year, over the past 30 years, Congress has created 131 separate Federal programs, administered by 16 different agencies, to serve delinquent and at-risk youth. These programs cost $4 billion in fiscal year 1995. Yet we have not made significant progress in keeping our young people away from crime and drugs.

What we can and must afford is short-term, solid support for proven private sector programs like the Boys and Girls Clubs that really do make a difference. Boys and Girls Clubs are among the most effective nationwide programs to assist youth to grow into honest, caring, involved, and law-abiding adults.

We know that Boys and Girls Clubs work. Researchers at Columbia University found that public housing developments in which there was an active Boys and Girls Club had a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime. Members of Boys and Girls Clubs also do better in school, are less attracted to gangs, and feel better about themselves.

Distinguished alumni of Boys and Girls Clubs include role models such as actor Denzel Washington, basketball superstar Michael Jordan, and San Francisco 49ers quarterback Steve Young.

More important, however, are the uncelebrated success stories—the miracles performed by Boys and Girls Clubs every day. At a Judiciary Committee hearing today, we have some of these miracles with us. Amador Guzman, from my State of Utah, told us how he believes the club in his neighborhood saved his life, by keeping him from gangs, drugs, and violence.

The reason Boys and Girls Clubs work, and the Republican Congress wants to do more for them is because they are locally run, and depend mostly on community involvement for their success.

Never have our youth had a greater need for the positive influence of Boys and Girls Clubs, and never has the work of the clubs been more critical. Our young people are being assaulted from all sides with destructive messages. For instance, drug use is on the rise. Recent statistics reconfirm that drugs are ensnaring young people as never before. Overall drug use by youth ages 12 to 17 rose 105 percent between 1992 and 1995, and 33 percent between 1994 and 1995; 10.9 percent of our young people now use drugs on a monthly basis, and monthly use of marijuana is up 37 percent, monthly use of LSD is up 54 percent, and monthly cocaine use by youth is up 166 percent between 1994 and 1995.

Our young people are also being assaulted by gangs. By some estimates, there are more than 3,875 youth gangs, with 200,000 members, in the Nation's 79 largest cities, and the numbers are going up. Even my State of Utah has not been immune from this scourge. In Salt Lake City, since 1992, the number of identified gangs has increased 55 percent, from 185 to 288. The number of gang members has increased 146 percent, from 1,438 to 3545; and the number of gang-related crimes has increased a staggering 279 percent, from 1741 in 1992 to 6611 in 1996. Shockingly, 208 of these involved drive-by shootings.

Everyday, our young people are being bombarded with cultural messages in music, movies, and television that undermine the development of core values of citizenship. Popular culture and the media glorify drug use, meaningless violence, and sex without commitment.

The importance of Boys and Girls Clubs in fighting drug abuse, gang recruitment, and moral poverty cannot be overstated. The clubs across the country are a bulwark for our young people and deserve all the support we can give.

Indeed, Federal efforts are already paying off. Using over $15 million in seed money appropriated for fiscal year 1996, the Boys and Girls Clubs of America opened 208 new clubs in 1996. These clubs are providing positive places of hope, safety, learning, and encouragement for about 180,000 more kids today than in 1995. In my state of Utah, these funds have helped keep an additional 6,573 kids away from gangs, drugs, and crime.

The $20 million appropriated for fiscal year 1997 is expected to result in another 200 clubs and 200,000 more kids involved in clubs. We need now to redouble our efforts. The legislation we introduce today demonstrates our commitment to do that. I urge my colleagues to support it.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 477. A bill to amend the Antiquities Act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres; to the Committee on Energy and Natural Resources.

THE NATIONAL MONUMENT FAIRNESS ACT OF 1997

Mr. HATCH. Mr. President, along with my colleague, Senator BENNETT, I am pleased to introduce the National Monument Fairness Act of 1997. This act will promote procedural fairness in the creation of national monuments on Federal and State lands under the Antiquities Act of 1906 and further congressional efforts in the area of environmental protection. Identical legislation is being introduced today in the House of Representatives by Congressman JIM HANSEN with the support of Congressmen MERRILL COOK and CHRISTOPHER CANNON.

As my colleagues know, on September 18, 1996, President Clinton invoked the Antiquities Act of 1906 to create the Grand Staircase/Escalante Canyons National Monument. The 1.7 million acre monument, larger in size than the States of Rhode Island and Delaware combined, locks up more than 200,000 acres of State lands, along with vast energy reserves located beneath the surface.

Like the attack on Pearl Harbor, this massive proclamation came completely without notice to the public. Although State officials and members of the Utah congressional delegation were told that the Administration would consult us prior to making any change in the status of these lands, the President's announcement came as a complete surprise. The biggest Presidential land set-aside in almost 20 years was a sneak attack.

Without any notification, let alone consultation or negotiation, with our Governor or State officials in Utah, the President set aside this acreage as a national monument by the stroke of his pen. Let me emphasize this point. There was no consultation, no hearings, no town meetings, no TV or radio discussion shows, no nothing. No input from Federal managers who work in Utah and manage our public lands. As I Stated last September, in all my 20 years in the U.S. Senate, I have never seen a clearer example of the arrogance of Federal power than the proclamation creating this monument. It continues to be the mother of all land grabs.

We in Utah continue to work with the hand President Clinton has dealt us. That is, we are attempting to recognize and understand the constraints placed upon the future use of the land and resources contained within the monument's boundaries. We are trying to identify the various adverse effects this action will have on the surrounding communities.

Personally, while I would have preferred a monument designation considerably smaller in scope, I could have enthusiastically supported a monument designation for the area covered by the proclamation had I been consulted prior to last September and invited to work with the President on a designation that was tailored to address the many concerns we have heard over the years on this acreage. Two of these concerns involve the 200,000 acres of school trust lands captured within the monument boundary and the locking up of 16 billion tons of recoverable, low-sulfur, clean-burning coal.

Remember, our wilderness bill considered last year proposed designation of approximately one-quarter of this land as wilderness. I wanted to protect most of it; the people of Utah wanted to protect most of it. But, we were not consulted; we were not asked; our opinion was not sought. Rather, in an effort to score political points with a powerful interest group 48 days before a national election, President Clinton unilaterally acted.

In taking this action in this way, the President did it all backwards. Instead of knowing how the decision would be carried out—and knowing the all ramifications of this implementation and the best ways to accommodate them—the President has designated the monument and now expects over the next 3 years to make the designation work. The formal designation ought to come after the discussion period. It is how we do things in this country. Unfortunately, however, the decision is now fait accompli, and we will deal with it as best we can. I hope the President will be there to help our people in rural Utah and our school system as the implementation of the designation order takes place.

The legislation we are introducing today, the National Monument Fairness Act, is designed to correct the problems highlighted by the Clinton Antiquities Act proclamation in Utah. It will do this in two significant ways.

First, the act makes a distinction between national monument proclamations greater in size than 5,000 acres, and those 5,000 acres and less. The President retains his almost unfettered authority under the Antiquities Act over monument designations 5,000 acres and less. Specifically, the Antiquities Act delegates to the President discretion to declare as a national monument that part of Federal land that contains historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest—but only as long as the declared area is confined to the "smallest area compatible with proper care and management of the objects to be protected." The 5,000 acre limitation will give effect to this "smallest area compatible" clause, which both the courts and past Presidents have often ignored.

For areas larger than 5,000 acres, the President must consult, through the Secretary of Interior, with the Governor of the State or States affected by the proposed proclamation. This consultation will prevent executive agencies from rolling over local concerns—local concerns that, under the dictates of modern land policy laws such as the Federal Land Policy and Management Act of 1976 [FLPMA] and the National Environmental Policy Act, certainly deserve to be aired.

The National Monument Fairness Act also provides time constraints on the consultation requirement. From the date the Secretary of Interior submits the President's proposal to the appropriate State Governor, the Governor will have 90 days to respond with written comments. Ninety days after receiving the Governor's comments, the Secretary will then submit appropriate documentation, along with the Governor's written comments, to the Congress. If the Governor fails to comment on the proposal, the Secretary will submit it to the Congress after 180 days from the date of the President's proposal. These time constraints assure that the process will be fair. It will prevent State officials from unnecessarily delaying proposed proclamations, but will allow appropriate time for State and localities to voice their concerns through the Governor's comments on the President's actions.

Consequently, the consultation requirement ensures that large monument designations will be made fairly, and in a manner that allows the participation, through their Governor, of the people most directly affected by the proclamation.

Second, the National Monument Fairness Act allows all citizens of the United States to voice their concerns on large designations through Congress. The act provides that after the Secretary has presented the proposal, Congress must pass it into law and send it to the President for his signature before the proposal becomes final and effective. Thus, the Nation, through its elected representatives, will make the decision whether certain lands will become national monuments. This is the way our democracy ought to operate. Indeed, it furthers the intent of the Framers in the Constitution who anticipated that laws and actions affecting one or more individual States would be placed before the legislature and debated, with a State's representatives and senators able to defend the interests of their State.

Mr. President, the purpose of our legislation is to ensure that a fair and thorough process is followed on any future large-scale monument designations under the authority granted in the Antiquities Act. Since Utah is home to many other areas of significant beauty and grandeur, I am concerned that this President or those within his administration, or a future President or administration, might consider using this authority in the same manner as last September. In other words, it will be "deja vu all over again." We cannot afford to have the entire land area of our state subject to the whims of any President. Many have proposed plans, including myself, for these areas, that have been the subject of considerable public scrutiny and comment. The consensus building process must be allowed to continue without the threat that a Presidential pen will intervene to destroy any progress and goodwill that has been established or that may be underway among the citizens of our State.

I am aware that Interior Secretary Babbitt stated publicly last month that "there are no plans for any additional executive withdrawals" during the remaining years of the Clinton administration. That is fine. However, as my colleagues know perfectly well, Secretary Babbitt told me and other members of our congressional delegation last December that there was no final decision to designate the Grand Staircase/Canyons of the Escalante Monument and that we, the congressional delegation, would be consulted prior to any designation. Since then, we have learned from press reports that many decisions leading to the monument announcement had already been made, if not finalized, prior to our meeting with the Secretary.

But, regardless of whether the Clinton administration plans to designate any more monuments, I do not think it is unreasonable to look at the authorities contained in the Antiquities Act—particularly the authority that permits such sweeping and long-lasting changes for individual States and towns without State input and congressional approval. That is the issue.

That is why we are introducing this legislation today. This matter of due process for State and local officials—as well as for small business people, ranchers, school systems, and many others affected by locking up lands—is an issue about which I believe all Senators and Congressmen need to be concerned. While Senators representing the so-called public lands States may need to pay particular attention, if the long arm of the Federal Government can do this to Utah without so much as a day's notice, it can do it to your State as well.

It is time we incorporate some common sense protections for all States into the Antiquities Act. I continue to believe that last September's act was a Federal land grab, and I unwilling to stand by and let it happen again in my State or any other State without a fair and proper airing in the court of public opinion.

Some may ask why this legislation focuses only on proposed areas over 5,000 acres. First, it is not our desire to completely withdraw the authority granted the President in the 1906 act. But, the original act is clear when it States that this authority should be limited to "the smallest area" possible. In my mind, this authority should be available for those areas that are small in nature that may require quick or emergency protection for which a monument designation is warranted. That is how I envision this authority being used.

Second, there is already precedence in Federal law for 5,000 acres as the threshold amount for determining certain pending or future Federal action or consequence. For example, the Wilderness Act of 1964 defines wilderness as having "at least 5,000 acres of land." Also, FLPMA authorizes the Secretary to withdraw 5,000 acres or more for up to 20 years "on his own motion or upon request by a department or agency head." And, there is reference to "roadless areas of 5,000 acres or more" in that section of FLPMA that authorizes the 15-year Bureau of Land Management wilderness study process.

I am sure that any detractors of this bill will State that had our bill been enacted in the past, some of the Nation's most gorgeous and long lasting monuments would never have been designated as a national monument. I would say two things to this point.

First, our bill will not prevent the establishment of any monument consisting of 5,000 acres or more. The bill simply modifies the process by which proposed monuments of acreage above this amount can be designated. Second, and most importantly, I understand that there are 72 national monuments in the United States. Of that number, only one-third, or 24, have a total acreage figure greater than 5,000 acres. Enactment of our bill will not bring a halt to the ability of Congress—or even the President—to designate national monuments.

In addition, I realize that some of our existing national parks, such as Arches and Canyonlands National Parks in Utah, were originally established as national monuments, only to be designated a park afterward. It is not fair to say that had our bill been in law prior to the designation of these monuments that parks like Arches and Canyonlands or the Grand Canyon National Park would never have been designated. Certainly, any monument proposal consisting of more than 5,000 acres that is proposed by the President where a consensus exists within Congress that such a designation is warranted would be favorably received and acted upon by Congress. And, at least home State senators and representatives have a voice. In many cases, it is likely that they would pursue a designation of these areas prior to the President exercising his authority under the Antiquities Act.

But, let's not lose focus of the purposes of this bill. We simply want to ensure that a public process is undertaken prior to any large monument designation under the Antiquities Act. As I stated earlier, we conduct such a process whenever a similar proposal is introduced in Congress; why can't Congress insist that it be done when the President desires to achieve the same purpose?

I mentioned that we are in the process of recognizing and understanding the constraints this proclamation will place on the economic and social aspects of the surrounding communities. When an area the size of the Grand Staircase-Escalante Canyons National Monument is withdrawn from public use and given a special designation, there are many ramifications that need to be addressed, the burden of which falls primarily on the shoulders of the local community. These include the following items:

First, county land-use plans will have to be studied and amended to address necessary changes relating to the new monument.

Second, consideration of the transportation improvements required to improve the existing inadequate transportation system to access the new monument for visitors to the area.

Third, increased visitation to the area will place greater burden on services provided by local government, such as law enforcement, fire, emergency, search-and-rescue, and solid waste collection.

Fourth, increased visitation to the area will place greater burden on the proper disposition of limited natural resources, such as water, both for culinary and irrigation purposes.

These are just a few items that are currently being discussed and reviewed by local leaders in the area of the new national monument. These are not trivial matters; they are critical to continuing the livelihood of the cities and towns in the area. So, no one should think that creating a new monument of this size, as endearing a concept as that is, does not create significant matters that must be addressed.

Of course, the other consequence the creation of this monument has created which continues to be of utmost concern to me is the final disposition of the State school trust lands captured within the monument's boundaries. The inability to access the natural resources contained on these lands will have a devastating impact on providing crucial funds to Utah's public school educational system. The Utah Congress of Parents and Teachers has indicated that "the income from the mineral resources within the Monument could have made a significant difference in the funding of Utah schools now and for many generations to come." It remains to be seen the manner in which the President will fulfill the promises he made to the children of Utah last September when he created the new monument. Specifically, he said "creating this national monument should not and will not come at the expense of Utah's children." He also added that it is his desire to "both protect the natural heritage of Utah's children and ensure them a quality educational heritage." I am eager to work with him to fulfill these promises.

I mention these items to simply paint a picture for my colleagues that there are many pieces to the monument puzzle that remain to be resolved. The President can come to town—or 75 miles to the south in another State—and designate a monument, but Utahns are left to pick up the pieces of his action to make sure that it works—and that it works properly. That is what I want, and I am sure that is what the President wants.

Finally, Mr. President, I must point out that the adoption of this act will likely result in more stringent environmental protection of Federal lands. The most ironic fact of the administration's monument designation in Utah is that national monuments permit a greater level of activity than does a wilderness designation. Last year, the Utah delegation proposed that 2.1 million acres of land on and around the Grand Staircase/Escalante Canyons area be declared wilderness, under the language of the Wilderness Act of 1964. The wilderness designation is far more stringent than the administration's monument designation and prevents the construction of the roads and visitors centers envisioned under the monument designation. The Utah proposal of the 104th Congress included more area than BLM had officially recommended to Congress following its 13-year inventory of the lands in Southern Utah. This is yet another compelling reason why it is vital for local and State officials to be consulted prior to national monument declarations.

Mr. President, the Antiquities Act is antiquated. It needs to be updated. It can be amended in a manner consistent with today's pressing land policy concerns without destroying the original intent behind the act. That is what we have proposed in this legislation and why I urge passage of the National Monument Fairness Act of 1997. This bill will preserve the President's ability to act to protect lands of historic and scientific significance that are threatened with development. However, the act will promote greater environmental stewardship by forcing the executive branch to consider the views of local and State officials prior to making large-scale changes in land designation and management.

Finally, the requirement that massive monument proposals be passed through the Congress, under the strictures of article I of the Constitution, will ensure that all Americans have a say in land policy decisions that fundamentally change the Nation. And, this, Mr. President, may be the most compelling reason of all to enact this measure.

I invite Senators to join me in support of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "National Monument Fairness Act of 1997."

SEC. 2. CONSULTATION WITH THE GOVERNOR AND STATE LEGISLATURE.

Section 2 of the Act of June 8, 1906, commonly referred to as the "Antiquities Act" (34 Stat. 225; 16 U.S.C. 432) is amended by adding the following at the end thereof: "A proclamation under this section issued by the President to declare any area in excess of 5,000 acres to be a national monument shall not be final and effective unless and until the Secretary of the Interior submits the Presidential proclamation to Congress as a proposal and the proposal is passed as a law pursuant to the procedures set forth in Article 1 of the United States Constitution. Prior to the submission of the proposed proclamation to Congress, the Secretary of the Interior shall consult with and obtain the written comments of the Governor of the State in which the area is located. The Governor shall have 90 days to respond to the consultation concerning the area's proposed monument status. The proposed proclamation shall be submitted to Congress 90 days after receipt of the Governor's written comments or 180 days from the date of the consultation if no comments were received.".

By Mr. GRASSLEY (for himself, Mr. MURKOWSKI, Mr. TORRICELLI, Ms. LANDRIEU, Mr. CRAIG, Mr. KERREY, Mr. HAGEL, Mr. BAUCUS, Mr. LOTT, Mr. BREAUX, Mr. NICKLES and Mr. HUTCHINSON):

S. 479. A bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes; to the Committee on Finance.

THE ESTATE TAX RELIEF FOR THE AMERICAN FAMILY ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce a bipartisan effort to relieve the estate tax burden on the American family. I want to thank the other original cosponsors and particularly the Majority Leader. Estate tax relief is on the respective top ten legislative objective lists of both parties. It is my honor to lead the effort for my party. I think that estate tax reform will happen in this Congress. Therefore, I encourage my colleagues to associate themselves with our bipartisan legislation. It doubtlessly will become the focus of the estate tax reform efforts in the Senate efforts. The list of original cosponsors already includes Senators BAUCUS, LOTT, BREAUX, NICKLES, MURKOWSKI, KERREY, HAGEL, TORRICELLI, LANDREIU, and Mr. HUTCHINSON.

I will go about this introductory statement in two steps. First, I am going to discuss the importance of this legislation to my state of Iowa. Then, I will make some remarks about the specific provisions of the bill.

In nearly every area of my state and the nation, we saw in the past decade estate tax ultimately confiscate many family farms. For example, in 1981, the children of two family farmers in Hancock County, Iowa, inherited tracks of land that were debt free. In both of these cases a father was passing the farm to one of his children. The estate was forced to borrow the amount to pay for both the state inheritance tax and the federal estate tax. At the time, the profitability of farming was low, and the value of farm land plummeted. In both cases the estate tax unfortunately brought about the foreclosure of these farms which had been in each family for four generations.

That was sixteen years ago, and the estate tax has hardly improved since then. The general estate tax exemption has risen to $600,000, but that number is over $200,000 behind the rate of inflation. The important thing to keep in mind about estate tax reform is that estates do not pay taxes, surviving families pay taxes. This bill is simply about fairness and equity for families. Furthermore, it is about correcting latent defects in the estate tax rules that make tax lawyers rich, but also make families crazy.

Reform in this legislation comes in three major parts. First, we increase the broad based estate tax exemption from $600,000 to $1,000,000 over a period of six years. Second, we grant family owned businesses relief similar to what was introduced by former Senators Dole and Pryor. For businesses passed down among the family, this bill provides a complete exemption for the first $1,500,000 of family business assets. It also provides an additional 50 percent exemption on the next $8,500,000. Thus, there is a $10,000,000 cap on our family-owned business relief. This provision is therefore a smaller provision than the original Dole/Pryor legislation.

Finally there is a section that I call repair and maintenance. Here we improve some popular existing provisions. For example, housekeeping and improvement is done to special use valuation. The Government financed estate tax deferral provision is improved. A generation skipping tax equity problem is fixed that has already been passed twice but vetoed for unrelated reasons. Finally, an IRS gift tax audit statute of limitations problem for families is fixed.

Because it is especially complicated, I want to discuss the generation skipping transfer tax problem that is addressed in the repair and maintenance section of this bill. For reference purposes, this legislation was known as bill number S. 1170 in the 104th Congress. It too was passed on the Balanced Budget Act of 1995 which was subsequently vetoed.

The GST tax is an extra tax that families pay when a grandparent makes a gift to a grandchild. The provision in our bill has the support of over 200 charities in the Nation including the public universities in my State of Iowa. It has passed twice in the last 10 years, but was not enacted because the greater legislation was vetoed for unrelated reasons.

Our provision expands the current law predeceased parent exception. This is an exception to the GST tax where a grandparent gifts to a grandchild but the grandchild's parent has already died. The grandchild steps up into the place of the parent. In our bill, this exception is broadened to include gifts not only to grandchildren with predeceased parents but also grandnieces and grandnephews. The expansion to include these gifts that are affected by trusts is necessary to promote charitable giving and also protect families. The White House supported this provision during the debate of the Balanced Budget Act of 1995, given the prospective effective date as in our bill.

Humility requires me to admit that each of these provisions passed as part of the vetoed Balanced Budget Act of 1995. In some places we have made technical improvements suggested by the tax experts, but by and large there is little original thought here. If you have good legislation you don't need to improve upon it.

Some will ask about how this estate tax bill fits into the debate over a balanced budget. The answer is that the balanced budget is still a No. 1 priority and this bill will need to fit in a balanced budget. Since the White House has supported provisions in the President's budget similar to these provisions, we should expect the White House to offer assistance to us in resolving the estate tax problem. If the era of big government is over, then the White House should step up to the plate and aid us in eliminating estate tax theft upon surviving families.

Mr. BAUCUS. Mr. President, I am very pleased to join with Senator GRASSLEY and my other colleagues in introducing the Estate Tax Relief for the American Family Act of 1997 today. This bill is designed to provide farmers, ranchers, and others who own family businesses and much needed relief from the estate tax.

Montana is a small-town, rural State, Mr. President. People run farms, ranches, and work in small businesses. One of the wonderful things about life in rural Montana is the way these operations stay in the family. It holds communities together, and creates a lasting bond between generations.

As I listen to farmers, ranchers and small business owners, one topic comes up every time, and that is the estate and gift tax. I hear about the burden it puts on agricultural producers and small businesses, and about how difficult this tax makes it to hand down an operation to your sons and daughters.

To avoid this tax, an operation today has to be under $600,000 in value. That amount hasn't budged since 1987. Our State, one the other hand, has changed a lot in that time. In 1988, the average Montana farm was worth $579,735. In 1995, that amount was up to $867,769. If we had figures for today, I am confident this amount would be even higher.

So if you're an average fellow, you often have three choices when your farm goes on to the next generation. You can subdivide the land and thus decrease production. You can sell off part of the farm to pay the taxes. Or, you can sell the whole thing and get out of farming altogether. None of these options are good for the family, nor are they necessarily good for the community. Unbridled development brings with it its share of problems, and changes the nature of Montana life—not always for the better. Our farms, ranches and other small businesses are a part of our heritage and valuable contributors to our economy and the Montana way of life. It is simply not right to destroy them with onerous estate taxes.

The Estate Tax Relief for the American Family Act of 1997 is the first step toward bringing the estate tax up to date and making it more fair. Our bill raises the unified credit to cover estates up to $1 million, which is roughly where the cap would be if the credit had kept pace with inflation all these years. We give folks a bit longer to pay off the bill when they do have a tax due, by lengthening the deferral from 10 years to 20. We provide additional exemptions for family-owned small businesses, by allowing them to exclude completely the first $1.5 million in value of their estates, and one-half of the next $8.5 million. We also make a few other common-sense changes to make it easier to keep these business operations in the family.

That's good news for farmers, ranchers and small business owners. It's good for the communities they live in. And more than anything else, it's the right thing to do. So I'm very proud to be a part of this effort today, and I look forward to working with my other colleagues, and with the administration, to get this relief enacted into law this year.

Mr. LOTT. Mr. President, I am delighted to take part in introducing the first bipartisan family tax relief bill of the 105th Congress—the Estate Tax Relief for the American Family Act.

Today, the Government can confiscate up to 55 percent of an estate in tax when a person dies. This tax is a grotesque relic of an earlier era when some people believed it was the Government's job to determine who should be allowed to keep what they earn. They believed it was the Federal Government's job to confiscate the hard-earned dollars of working Americans when they died.

The estate tax is a monster that must be exterminated. If it were up to me, we would simply repeal the estate tax in its entirety. Unfortunately, our budget process does not allow us to completely repeal this tax all at once. We must do it in stages.

Therefore, the bill we are introducing today will increase the amount of every estate that will be exempt from estate tax. When fully phased in, up to $1 million will be automatically excluded from every estate before imposition of the estate tax.

The bill also creates a new category of excludable assets for family-owned businesses that are passed on to succeeding generations. No longer will small business owners be forced to sell part or all of their business assets merely to feed the voracious tax appetite of the Federal Government. Our bill allows an exclusion of $1.5 million of the assets of a family-owned business from the estate tax, and 50 percent of the next $8.5 million. For many small businesses this will make the difference between staying viable and closing their doors. It will preserve jobs, give many communities around the country stability and certainty, and encourage entrepreneurship. It is the right thing to do for our farmers, for our ranchers, for every American who owns a small business that he or she wishes to keep in the family.

These businesses are, after all, the engines of prosperity in communities across America, and we must help them to remain so.

This bill is the first step. The tax on death should be zero, and that is what we will continue to work for.

I want to thank Senator GRASSLEY for his leadership on this bill, and Senator BAUCUS and Senator BREAUX as well for joining in this bipartisan effort to reduce the crushing tax load on all Americans.

Mr. BREAUX. Mr. President, today I join with several of my colleagues to introduce the Estate Tax Relief for the American Family Act of 1997.

Tax policy should meet two criteria. It should provide an effective and efficient way to collect taxes for the operation of our Government and it should encourage positive economic and social policies. This tax does neither. After looking at the current system, I have concluded that Federal estate and gift taxes are not worth the cost to our economy, to businesses and to American families.

In 1995, the estate tax generated $14.8 billion in revenue, only 1.09 percent of total Federal revenues. Conversely, the cost of collecting and enforcing the estate tax to the Government and taxpayers was 65 cents of every dollar collected.

The effects of the estate tax are felt most by family-owned businesses. More than 70 percent of family-owned businesses do not survive the second generation and 87 percent do not survive the third generation. Many families are forced to liquefy their businesses in order to pay the estate tax.

There is a definite need to remedy these problems and this bill takes steps in the right direction. The legislation would increase the estate tax exemption from $600,000 to $1 million, and allow estate tax-free transfers of certain qualified small business assets.

I hope that any tax bill we put forth this year will include estate tax relief based on the principles we have put forth in this bill.

Mr. NICKLES. Mr. President, I have always believed that economic freedom is a critical part of life, liberty, and the pursuit of happiness. Unfortunately, the Internal Revenue Code does not always promote or encourage economic freedom, and one area where this is strikingly clear is the confiscatory, anti-family, anti-growth estate tax.

Most Americans work diligently throughout their lives to provide for their families and give their children and grandchildren a better future. This work often results in the accumulation of assets like homes, businesses, and farms; all acquired with hard work and bought with after-tax dollars. Unfortunately, those without high-paid lawyers and accountants realize too late that up to 55 percent of those assets could be confiscated by the Federal Government upon their death.

Some people mistakenly believe estate taxes only affect the rich, but there are thousands of small businesses and farms throughout the country owned and operated by middle-income Americans that are affected by existing estate tax laws. These small businesses may appear to be economically significant on paper, but often they have little liquid assets to cover estate tax liabilities. Historically, these businesses have created most of the new jobs in this country and fueled the growth of the economy.

The unfortunate result of high estate taxes is that families are frequently forced to sell off part of the family business to pay the taxes incurred by the deceased family member's estate. This liquidation of productive assets to finance tax liabilities is anti-family and anti-business. At the very least, families and businesses are forced to employ an army of expensive experts to avoid the worst estate taxes, a make-work exercise that exacerbates the inefficiency of the system.

Mr. President, I believe it is patently unfair for the Federal Government to assume that it has the right to take an individual's hard-earned assets and redistribute them to others. If our goal as a society and a government is to encourage long-term, private savings and investment we cannot continue the policy of confiscating estates. With an average savings rate in the United States of 2.9 percent, which is lower than that of any other industrialized country, we should be encouraging individuals, families, and businesses to save and invest.

Since 1987, a unified tax credit for gifts and estate transfers has effectively exempted $600,000 worth of assets from estate taxes. This basic exemption has increased modestly over the years, from $60,000 in the 1940's, 1950's and 1960's to $225,000 in 1982. Unfortunately, the current estate exemption of $600,000 has been greatly eroded by inflation.

The legislation I am introducing today with the Senate majority leader, Senator GRASSLEY, Senator BREAUX, Senator BAUCUS, and others addresses the problems associated with the estate tax in a thoughtful, bipartisan manner. It is not the perfect solution to these problems, Mr. President, but it is a good first step. I believe that ultimately we must radically restructure the estate tax by reducing marginal rates, which now exceed 55 percent for estates larger than $3 million, and I believe we must strive to treat all types of family businesses equally. However, I recognize the budget constraints Congress is working under, and I believe it is important to move forward in a bipartisan manner.

The legislation we are introducing today increases the estate tax exemption from $600,000 to $1,000,000, thus allowing more homeowners, farmers, and small businesses to keep their hard-earned wealth. Further, our bill would provide special relief for closely-held family businesses. We would allow estate-tax free transfers of up to $1.5 million in small business assets to qualified family members, and a 50 percent exclusion for up to $8.5 million in assets above that threshold, as long as the heirs continue to operate the business.

The legislation we are introducing today makes simple pro-family, pro-business, and pro-economy changes to our Tax Code. It will allow more homeowners, farmers, and small businesses to keep their hard-earned wealth. I encourage my colleagues to join us as cosponsors of this bill.

Mr. TORRICELLI. Mr. President, I am proud to include my name as an original cosponsor of the Estate Tax Relief for the American Family Act of 1997, which was introduced today. This is a critical tax reform bill that will modernize our antiquated estate tax policy, provide significantly improved economic security for family businesses, promote efficient and pro-growth economic policy and ensure sound financial practices for millions of American working families.

This legislation gradually increases over 6 years the estate and gift tax exemption from the current limit of $600,000 to $1 million. The graduated time schedule would increase the exemption by $100,000 in each of the first 2 years following enactment and $50,000 in each of the next 4 years.

For families with their own small business, the bill would provide a new small business exemption of $1.5 million of business-related assets above the first $1 million in an estate as well as 50 percent of the next $8.5 million of such assets. This proposal would provide new safeguards for family business solvency that is not currently provided under current law.

These changes are desperately needed as our current estate tax policy has not been upgraded in a decade. Even worst, the current policy has proven to be a economic failure. Estate and gift taxes are one of the smallest sources of revenue, collecting only $10 to $15 billion per year, mostly because Americans have found legal means of avoiding the tax. Indeed, Prof. Douglas Bernheim of Stanford University has theorized that more income tax revenue may be lost through clever estate planning than is actually collected through the estate tax.

Even worse, the current policy encourages Americans to spend capital on consumption items rather than save because saving their money would increase the value of their estate and, ultimately, their estate tax liability. Indeed, it has been estimated that the tax cost of a dollar saved increases by an amount somewhere between 7.4 cents and 55 cents because of current estate tax law.

And for small business, the current policy is devastating. The family-owned pizza parlor, dry cleaning store, grocery and family farm are failing to provide the kind of generational economic continuity that national policy should be encouraging. Indeed, more than 70 percent of family businesses don't survive the second generation and almost 90 percent don't survive to a third generation. Most of these failures occur because current estate tax policy drains a family's financial ability to keep a business afloat as it passes from one generation to the next.

The existing estate tax policy creates economic inefficiencies and places its heaviest burdens on the middle class. The rates of estate taxes are excessive, unfair, punitive, and contrary to the interests of both business owners and their employees. Indeed, these taxes destroy the work of a lifetime and the dreams of a generation of Americans. The time to make genuine and sensible changes is now.

Enactment of the Estate Tax Relief for the American Family Act of 1997 is an essential part of any plan to balance the budget by 2002. It would likely provide a net increase in revenues while at the same time restore tax fairness for millions of Americans. I am proud to be an original cosponsor of this legislation and will be a tireless advocate for its enactment into law.

By Mr. WELLSTONE:

S. 480. A bill to repeal the restrictions on welfare and public benefits for aliens; to the Committee on Finance.

THE FAIRNESS TO IMMIGRANTS ACT

• Mr. WELLSTONE. Mr. President, on April 1, the Nation will begin to see the disastrous effects of the Personal Responsibility and Work Act of 1996, passed and signed into law in the 104th Congress. When Congress debated the bill, strong arguments were made for getting people off welfare and back to work. I supported those intents. However, I believed then as I do now that the bill we were debating went beyond what is humanly justifiable in terms of repealing basic assistance to people who are in need. This bill was not about able bodied people working. It was about good people suffering. Under the guise of able bodied people working, we are forcing disabled and elderly people into hunger, into homelessness.

Beginning around April 1, roughly 500,000 legal immigrants will lose their SSI benefits and about 1 million will lose food stamps. By the year 2002, approximately, 260,000 elderly immigrants and 140,000 children will lose Medicaid coverage.

The bill I am introducing today restores those benefits to elderly and disabled immigrants by repealing provisions of the Personal Responsibility Act of 1996.

When the American people supported welfare reform, they supported that able bodied people would work. I want that. You want that. However, I do not think that the American people intended the ensuing consequences.

These consequences are people like Yanira, who, with her husband came to the United States legally 20 years ago from her native El Salvador. For 20 years they raised three children. For 20 years, they paid income taxes. For 20 years, they paid sales taxes. For 20 years they paid State taxes. For 20 years, they paid their car registration. For 20 years, they abided by the laws and rules here.

Then Yanira's husband divorced her. So, Yanira got a job. For about 8 years she cleaned toilets, washed floors and laundered towels in a hotel near her home. Eventually, the work became too demanding physically and she quit. At 64, Yanira has received SSI for a few years. Soon, she will not.

Since her husband is no longer married to her, she is not entitled to count her husband's work history toward the required 40 quarters—10 years. In spite of the fact that we willingly took her taxes and other fiscal contributions, we are denying her the basics for human survival, human dignity. How will Yanira survive? She doesn't know. Neither do I.

Yanira's situation is not isolated. There are Yaniras living in Minnesota, in Ohio, in New York and Mississippi. They are here legally but will not receive SSI until they become U.S. citizens. Many of them are elderly and cannot work and considering their age, learn all that is necessary to become citizens. They will be denied benefits for the rest of their lives.

Gladys has lived in the United States for 40 years, working as a nanny—caring for children in our Nation. Though she paid taxes and followed all the rules of the United States, she will lose her SSI benefits in July. She does have the option of struggling through forms and tests to become a citizen. Sounds like a good option until you realize: Gladys is 105 years old, blind and housebound. Gladys spent a good share of her times caring for and nurturing our children. She now needs the same.

Lucrecia has lived here for 17 years. For 8 of them, she labored in a factory, assembling artificial Christmas trees. At 75, facing the loss of her sole means of support, Lucrecia is desperate.

Rose, a 92-year-old, came from Lebanon 76 years ago. She has lived in a nursing home for the past 30 years. She has dementia. In December, she received a letter from the Government. The letter said, in essence, Rose had been shirking her responsibilities and she will no longer receive her benefits that support her stay in a nursing home. She can't speak for herself. I think we should speak for her. We should send the message that this is unacceptable. We must not let this happen to Rose.

During my many visits with communities in Minnesota and while talking with folks here, I have never seen more fear in the faces of so many people, so many good people, people who came to this country and followed the rules. I hear stories every day of people so full of fear that they take their own lives.

The Personal Responsibility and Work Opportunity and Reconciliation Act has abjured the contributions the legal immigrants like Yanira have made to our economic livelihood. I ask, How will their contributions be rewarded? Taxation without benefits is morally wrong.

Last year, we discussed and debated the merits and failings of the welfare reform law. As you know, I voted against it. I did not vote against it because I am against people working, people contributing to our country. I did not vote against it because I am against paychecks replacing welfare checks. I voted against it because I am against pushing the unemployable into poverty. I am talking about benefits for the disabled and elderly immigrants in our country. On April 1, we will see the first trickle in the torrent of suffering that this bill will inflict on our Nation's most vulnerable.

Around this time last year, we heard testimony from Robert Rector of the Heritage Foundation that "welfare is becoming a way of life for elderly immigrants." A picture was painted depicting newly arrived immigrants being picked up by a sponsor at the airport and driven in a Cadillac directly to the welfare office to sign up for benefits such as SSI and food stamps. While I will not argue with you that there has been some abuse, I think this assertion is absurd.

Last year, Robert Rector also testified that "the presence of large numbers of elderly immigrants on welfare is a violation of the spirit, arguably, the letter, of U.S. immigration law." I beg to differ. This country was based on the dignity of the human spirit, fairness and equity. The spirit of this country is to give voice to the voiceless, to care for the elderly and to nurture the children.

When we talk about reform, we should focus on change for the better, improvements to the system, revisions on our mistakes. When we talk of reform, we should not be discussing more people in hunger, more people who are homeless, more people in poverty. That is what this "reform" has led to.

People who supported the welfare reform bill said they "responded to the wishes of the American people and put an end to the widespread use and abuse of our welfare system." I am asking you now to respond to the voice of the American people. A recent nationwide L.A. Times poll found that 56 percent of the American people favor restoring cuts to legal immigrants. Not too long ago, several Republican Governors were here. They are already anticipating the effects of this legislation. The American people do not want people like Gladys and Lucrecia left hungry and homeless. They want responsible, ethical government.

Responsible, ethical government costs money. I know that. I propose that instead of taking food from our Nation's elderly and children, we tax oil companies, we tax tobacco companies, we tax pharmaceutical companies. Why should wealthy corporations flourish and benefit from our policies while hardworking, law abiding people go hungry? This is not reform. This is a sham. Furthermore, it is shameful.

People like Gladys and Lucrecia don't have high-paid lobbyists. Privileged industries avoid paying their fair share of taxes because of the efforts of lobbyists. I propose that we take away the privileges of the wealthy and provide necessities for the poor.

Today, I am imploring you to look beyond politics and look beyond polls and see the faces and hear the stories that this reform will portend. This is no longer a political issue. This is an issue concerning humanity. To disregard this population, to turn our backs on those who are so vulnerable is disgraceful and dishonorable. Tonight, you know where you are sleeping. Tonight, you know what you will eat. Soon, Gladys and Lucrecia will not be able to say the same.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

(a) IN GENERAL.—Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2260–2277), as amended by title V of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1772–3009–1803), is repealed.

(b) NOTICE AND REDETERMINATION.—Not later than 30 days after the date of enactment of this Act, any Federal or State official responsible for the administration of a Federally funded program that provides benefits or assistance to an individual who, as of such date, has been determined to be ineligible for such program as a result of the provisions of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2260–2277) (as so amended), shall—

(1) notify the individual that the individual's eligibility for such program shall be redetermined; and

(2) shall conduct such redetermination in a timely manner.●

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 66

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. HAGEL], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 72

At the request of Mr. KYL, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 72, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers, and for other purposes.

S. 75

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], the Senator from Wyoming [Mr. ENZI], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. SMITH], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 114

At the request of Mr. INOUYE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 219

At the request of Mr. DASCHLE, the names of the Senator from South Dakota [Mr. JOHNSON], the Senator from North Dakota [Mr. CONRAD], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 239

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 295

At the request of Mr. JEFFORDS, the names of the Senator from Colorado [Mr. ALLARD], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 306

At the request of Mr. FORD, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 306, a bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset.

S. 314

At the request of Mr. THOMAS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 388

At the request of Mr. LUGAR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 388, a bill to amend the Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps.

S. 400

At the request of Mr. GRASSLEY, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 400, a bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

S. 413

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 413, a bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps.

S. 440

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 440, a bill to deauthorize the Animas-La Plata Federal reclamation project and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe.

S. 447

At the request of Mr. NICKLES, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 447, a bill to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime, and for other purposes.

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 447, supra.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

SENATE JOINT RESOLUTION 19

At the request of Mr. HELMS, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 19, a joint resolution to disapprove the certification of the President under section 490(b] of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

SENATE JOINT RESOLUTION 20

At the request of Mr. HELMS, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 20, a joint resolution to disapprove the certification of the President under section 490(b] of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

SENATE JOINT RESOLUTION 21

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution to disapprove the certification of the President under section 490(b] of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval.

At the request of Mr. HELMS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 21, supra.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. GREGG, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. DORGAN], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

SENATE CONCURRENT RESOLUTION 13—REGARDING A DISPLAY OF THE TEN COMMANDMENTS

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 13

Whereas Judge Roy S. Moore, a lifelong resident of Etowah County, Alabama, graduate of the United States Military Academy with distinguished service to his country in Vietnam, and graduate of the University of Alabama School of Law, has served his country and his community with uncommon distinction;

Whereas another circuit judge in Alabama, has ordered Judge Moore to remove a copy of the Ten Commandments posted in his courtroom and the Alabama Supreme Court has granted a stay to review the matter;

Whereas the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

Whereas the Ten Commandments set forth a code of moral conduct, observance of which is universally acknowledged to promote respect for our system of laws and the good of society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in government offices and courthouses, of the Ten Commandments should be permitted.

Mr. SESSIONS. Mr. President, I rise to send a resolution to the desk on behalf of myself and my home state colleague Senator SHELBY.

Mr. President, this concurrent resolution we are introducing today expresses the sense of the Congress that the display of the Ten Commandments in government offices and courthouses should be permitted. This resolution is identical to House Concurrent Resolution 31, sponsored by my good friend, Representative ADERHOLT, which passed the House of Representatives on March 5, 295 to 125.

The Constitution guarantees freedom of religion. This resolution does not endorse any one religion but, rather, states that a religious symbol which has deep-rooted significance for our Nation and its history should not be excluded from public display.

Mr. President, the Founders wisely realized that in a free society, it is imperative that individuals practice forbearance, respect, and temperance. These are the very values taught by all the world's major religions. The Founders devised a Constitution that depended on religion serving as a civilizing force in societal life. John Adams, our second President, and one of the intellectual forces behind the formation of our Nation, said that "our Constitution was designed for a moral and religious people only. It is wholly inadequate to any other."

But strangely today, there are those who seem determined to drive all trace of religion from the public sphere. They ignore the religious traditions on which this great Nation was founded and work to drive religion and religious people out of public life.

Many of my colleagues are aware Judge Roy Moore, circuit court judge in Gadsden, AL, has been ordered to take down a two-plaque replica of the Ten Commandments displayed in his courtroom.

The irrationality of the action is highlighted by the fact that the judge's display is consistent with other displays involving religious symbols and art in our public property. In fact, a door to the U.S. Supreme Court bears two tablets numbered one to ten, which we interpret to represent the Ten Commandments. And yet a judge in a small Alabama town cannot hang a simple display of the Ten Commandments on the wall without being sued?

Mr. President, this resolution is not just about Judge Moore and it is not just about the display of the Ten Commandments in Gadsden, AL. This resolution provides a good opportunity to discuss this curious governmental hostility toward the display of these plaques that are important to our law, our Nation, and our culture.

The Ten Commandments represent a key part of the foundation of western civilization of our legal system in America. To exclude a display of the Ten Commandments because it suggests an establishment of religion is not consistent with our national history, let alone common sense itself. This Nation was founded on religious traditions that are an integral part of the fabric of American cultural, political, and societal life.

Mr. President, it is time for common sense. No member of this body, on either side of the aisle, should oppose the simple display of documents that are important to our law, to our Nation, and to our culture.

Mr. SHELBY. Mr. President, I rise today to express support for Judge Roy S. Moore. Judge Moore is a judge on the circuit court of the State of Alabama. Judge Moore is a lifelong resident of Etowah County, a graduate of the United States Military Academy, a distinguished veteran of the Vietnam War, and a graduate of the University of Alabama School of Law. Judge Moore has always and continues to serve his community, Alabama, and this country with distinction and principle.

It is because of his principles that Judge Moore has become an issue. Two years ago, Judge Moore was sued by the Alabama chapter of the American Civil Liberties Union because he opened his court with a prayer and because he displayed the Ten Commandments over his bench. A lower court judge enjoined Judge Moore from praying before court sessions and later barred his display of the Ten Commandments. The Supreme Court of Alabama has since issued a stay of the order barring display of the Ten Commandments.

Judge Moore has refused to acknowledge the orders which stop him from praying and displaying the Ten Commandments. I support Judge Moore in his actions. I do not believe that his convocation prayer or the presence of the Ten Commandments in the courtroom violates the Constitution.

As the Members of this body well know, a prayer, said from the floor of this Chamber, begins every day in which the Senate is in session. This practice is also followed in the House of Representatives. Furthermore, the Marshal of the Supreme Court, in calling each session to order, implores "God {to} save the United States and this honorable court." It has also become a tradition for Presidents to conclude their State of the Union Addresses with the simple prayer, "God Bless America." I believe these are just a few of the many instances where the Lord is invoked during civil ceremonies and occasions. I believe that these examples are entirely appropriate and in line with the provisions of the Constitution. I feel that our history teaches that the Founding Fathers were against government making efforts to promote specific religions at the expense of others. I do not think it was ever the view of the Founders that the government should adopt a position of Godless neutrality. It is constitutional, it is traditionally appropriate and it is just simply right for our leaders to request the assistance of God in their daily deliberations.

I believe that Judge Moore is also correct in refusing to remove the Ten Commandments from his courtroom. The Judge's display is consistent with other displays involving religious symbols and art in or on public property. In fact, a door to the Supreme Court of the United States bears two tablets numbered one to ten, which I interpret to represent the Ten Commandments. Moreover, there are friezes within the Supreme Court which depict Moses, King Solomon, Confucius, Mohammed, St. Louis and a figure called "Divine Inspiration." I believe that these symbolic representations, just like Judge Moore's, are appropriately placed within our public spaces. Their very presence provides guidance and inspiration for our Nation's leaders.

AMENDMENTS SUBMITTED

DECENNIAL CENSUS CONCURRENT RESOLUTION

ABRAHAM AMENDMENT NO. 24

(Ordered referred to the Committee on Governmental Affairs.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 12) expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census; as follows:

In the preamble, in the fifth clause, insert ", but is not intended to be used for racial preference programs" before the colon.

Mr. ABRAHAM. Mr. President, I rise today to offer my support as a co-sponsor to S. Con. Res 12. This resolution expresses the sense of the Congress that the decennial census should collect data on the ancestral backgrounds of all Americans. Ours is a nation of immigrants, of people with many different ethnic origins and backgrounds. People came here from around the world to become a part of a nation of opportunity and freedom. They did not come here to forget who they are and where they came from.

The Census Bureau has collected information on ancestry and ethnic composition in the past two decennial censuses. Thus, it collects the only complete information on the ethnic makeup of the United States and provides very useful data pertaining to numbers, household income, and educational status of Americans from numerous backgrounds. This data, in turn, is used by a wide variety of people and organizations in both the public and the private sector—including researchers, businesses, community organizations, ethnic institutions, and policymakers.

It is important to note that the ancestry data does not relate in any way to questions of race as defined by civil rights statutes, and therefore is not utilized for preference programs. To make this point crystal clear, I have offered an amendment to S. Con. Res. 12 stating that this data is not intended to be used for racial preference programs.

When the Census Bureau approaches Congress for approval of its recommendations for the 2000 Census, I and my colleagues who co-sponsored this resolution hope that the ancestry question will be included in the recommendations and contained on the long form the Census Bureau asks Americans to fill out.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 19, 1997, at 2 p.m. on PRO-CODE (S. 377).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 19, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

The Senate Committee on the Judiciary would request unanimous consent to hold a hearing on Wednesday, March 19, 1997, at 2 p.m. in room 226 of the Senate Dirksen Building, on "What Works: The Efforts of Private Individuals, Community Organizations, and Religious Groups to Prevent Juvenile Crime."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Food and Drug Administration reform, during the session of the Senate on Wednesday, March 19, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. NICKLES. The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Disabled American Veterans. The hearing will be held on March 19, 1997, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 19, 1997, in open session, to review the status of acquisition reform in the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 19, 1997, at 9:30 a.m. on universal service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, March 19, 1997, at 2 p.m. in open session, to receive testimony on the President's budget request for the operation and maintenance, spare parts, and ammunition accounts for fiscal year 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 19, 1997, in open session, to receive testimony in review of the Defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. NICKLES. Mr. President. I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Wednesday, March 19, 9:30 a.m., hearing room (SD–406), on the Intermodal Surface Transportation Efficiency Act [ISTEA] and environmental programs and statewide and metropolitan planning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FAMILY HERITAGE PRESERVATION ACT OF 1997

• Mr. BURNS. Mr. President, as a cosponsor of S. 75, the Family Heritage Preservation Act, I urge my colleagues to support the immediate passage of this measure before more family businesses and farms are lost.

They say the only things that are certain in life are death and taxes. The Government has done a perverse job of combining the two in the Federal estate and gift taxes and the tax on generation-skipping transfers, known as the death taxes. These are the taxes assessed on assets passed from one generation to another, such as family businesses, ranches, and farms. The tax rate starts at 37 percent and quickly rises to a whopping 55 percent, often forcing the liquidation of assets just to pay the tax.

S. 75, introduced by Senator KYL, will repeal the death taxes. It is clear that these taxes do more harm than good, raising only 1 percent of Federal revenues but consuming 8 percent of annual savings. What's more, enforcement and compliance with these taxes takes up 65 cents for each dollar collected. The effects of the taxes on the economy are equally stark: Over an 8-year period without the taxes, the gross domestic product would have been $80 billion higher and 228,000 more jobs would have been created.

These death taxes punish hard work and wealth accumulation and drive many family businesses into the ground by forcing them to sell assets to pay the tax. Family farms are hit especially hard—over 90 percent of farms and ranches are sole proprietorships or family partnerships, subjecting most to the taxes when ownership is transferred.

I want to note that S. 75 is endorsed by a broad range of small business groups as well as the American Farm

Bureau Federation. I thank Senator KYL for his leadership on this issue.•

JUDGE FRED J. BORCHARD

• Mr. LEVIN. Mr. President, I rise today to pay tribute to one of the iron men of our judicial system, Judge Fred J. Borchard, who has served the State of Michigan for over 50 years. Judge Borchard's tenure marks the longest term of service of any Michigan judge in history.

Judge Borchard put himself through the University of Michigan and its law school by working various full time jobs. His law practice was postponed while he served his country as a forward gun observer in the Pacific theater during World War II. In 1947, he was elected municipal judge and in 1954, he was elected probate judge.

In 1958, Gov. G. Mennen Williams appointed Judge Borchard to the Saginaw circuit bench, where he served until his retirement in 1989. Since then, he has continued to serve Michigan by filling in for judges away on vacations and conferences.

Judge Borchard's love of law has kept him fully engaged during his long service on the bench. His court was known for its courteous and efficient atmosphere where citizens could settle their disputes. He wholeheartedly believes in the ability of our legal system to make a positive difference in our lives. It is these traits that have made Judge Borchard a favorite among his colleagues, constituents and contemporaries. Judge Borchard has been a leader in his community as well. He has served in the University of Michigan Club, Germania of Saginaw, and the Kiwanis Club of Saginaw. He has served on the Board of Directors of both St. Luke's Hospital and the Saginaw County Chamber of Commerce. He has also shown his commitment to serving others through the work he has done with his church.

Judge Borchard was married to the late Helen Fay Honeywell for almost 50 years, and they had four children Fred, Barb, Jim, and Sara. They have carried on Judge Borchard's ideals of service to the public in their own lives. Judge Borchard has been married to Dorothy Denton for the past 5 years.

I know my Senate colleagues will join me in honoring Judge Fred J. Borchard for his 50 historic years of service to the State of Michigan's judicial system.•

GREEK INDEPENDENCE DAY

• Ms. SNOWE. Mr. President, March 25, 1997, marks a special day for the Greek people and for all the friends of Greece around the world. It is the 176th anniversary of the day in 1821 when the people of Greece declared their independence from centuries of political, religious and cultural repression under the Ottoman Empire. Greek independence was recognized 8 years later only after a long, hard-fought struggle during which the people of Greece made countless sacrifices for their freedom.

Contemporary American leaders, such as James Monroe and Daniel Webster, recognized that the ideals of the American Revolution—individual liberty, representative democracy, and personal dignity—were also the foundation for Greece's declaration of independence. Americans in the 1820's quickly identified with the struggle of the Greek patriots because they knew in their hearts that it was a continuation of their own struggle for political and religious freedom. The same spirit of democracy that was born and flourished in Greece a thousand years ago, and which fanned the flames of the American revolution, inspired the Greek patriots to persevere in their struggle against their Turkish oppressors.

The United States and Greece are now old friends and trusted allies. Our two nations and people are bound by unbreakable bonds which link us through common interests, values, and political heritage. It is clear that our cherished ideals of democracy and freedom are as strong as ever and continue to inspire other countries to follow our example. One need look no further than to the fledgling democracies of Eastern Europe and the New Independent States of the former Soviet Union to see the huge impact these ideals are still having on our world as we enter the 21st century.

Independence, of course, must be guarded vigilantly, and in the past 176 years Greece's independence has been challenged by forces both external and internal. Therefore, even as we recognize and celebrate Greece's long independence today, we must also be mindful of the threats which Greece faces in today's world. The ongoing dispute with Turkey over the islet of Imia and the Albanian Government's recent military action near the Greek border serve as troubling reminders of Greece's vulnerability and the instability of the Balkan region.

On this, the 176th anniversary of Greek independence, let us extend our warmest congratulations to the people of Greece. And let us also rededicate America's commitment to Greece and to strengthening the solidarity that exists between our two great nations.•

ARTURO HALE

• Mr. LEAHY. Mr. President, one of my duties as ranking member of the Senate Judiciary Committee is oversight of Immigration and Naturalization policy. It is a role to which I give the highest importance. My own grandparents came to the United States from Italy and Ireland for a better life.

I am pleased that on April 9 we will welcome another new citizen. Arturo Hale came to the United States from Mexico to attend the University of Minnesota, where he earned a doctorate in chemical engineering. He now works at Bell Laboratories, conducting research on optical fibers. I have had the pleasure of meeting Arturo on a few occasions. He has contributed to our Nation not only as a researcher and taxpayer, but as a caring, involved resident. He has shown that he accepts all the responsibilities of a citizen, and I am proud that he will now have the rights of a citizen as well.

On behalf of the Senate, I would like to welcome Arturo Hale as a citizen of the United States.•

HOME-BASED BUSINESS FAIRNESS ACT OF 1997

• Mr. BURNS. Mr. President, as an original cosponsor of the Home-Based Business Fairness Act of 1997, introduced yesterday by Senate Small Business Committee Chairman BOND, I rise in strong support of this measure and urge the Senate to approve it as soon as possible.

This legislation is composed of three vitally important provisions, and together they make this measure one of the most important the Senate will consider during this Congress. First, this legislation will increase the health insurance deduction for self-employed individuals to 100 percent from the current 40 percent. Second, it will restore the home-office tax deduction where a taxpayer performs essential business functions in a home office used exclusively for business purposes. Finally, it will clarify when a worker is an employee versus an independent contractor, removing the uncertainty of the IRS's current test which can hit small businesses retroactively with liability for back taxes, interest, and penalties. These measures are especially important in Montana, where 98 percent of our businesses are small businesses, accounting for 72.7 percent of all employment in our State. This 72 percent is considerably higher than the 53 percent for the United States as a whole. And we're growing: Montana leads the Nation in new business incorporations. So when we talk about small business issues such as the home-office tax deduction, the health insurance deduction for the self-employed, the independent contractor classification, and other issues, these are the issues affecting Montana businesses.

Many of today's workers spend part of their time working at home, often performing administrative duties such as billing. These workers either have no permanent office or perform their main duties in an unconventional environment, such as an operating room. For them, the work performed in a home office is an essential part of their job, even though it may not be the main part of their job. Back in 1993, the

Supreme Court in Commissioner versus Soliman created a restrictive test for determining eligible home-based functions. Functions such as billing, though essential, do not meet the Soliman test. The Court went well beyond congressional intent and even beyond the IRS's own interpretation of the law.

Shortly after the Soliman decision, I introduced the Home Office Tax Deduction Bill, and I've been pushing for it ever since. We must allow a tax deduction for essential activities, such as billing, performed in the home when that is the only available place for such activities. As the law now stands, workers like Dr. Soliman who spend 15 hours per week doing billing in an exclusive home office are denied the deduction. That's not right. Home offices that are used regularly and solely for business purposes—whether it's by physicians, salespeople, or mothers working at home—should be an allowable deduction. I am proud to be a cosponsor of Sen. HATCH's bill which, like this bill, will restore the deduction for essential functions.

I was very pleased that last Congress we enacted an increase in the health insurance tax deduction for the self-employed to 80 percent by 2006. This is a positive first step, but why should not small businesses receive a 100 percent deduction just like big businesses? Health care costs are one of the main barriers to successful self-run businesses, and this modest proposal will go a long way toward helping these businesses survive and thrive.

Finally, the top priority of small businesses is clarification of the independent contractor definition. The current 20-part test used by the IRS to determine who is an employee, for which, of course, employers must pay Federal taxes, is confusing and imprecise. The law is tough to follow when it is unpredictable from case to case. This bill simply clarifies who is an independent contractor by applying a clear three-part test. Businesspeople need a simple rule to follow, and this will provide it. No business should be subject to the whim of the IRS.

I thank Chairman BOND for his leadership on this bill and I look forward to working with him to get it to the President's desk.●

CONGRATULATING NORTHWEST NAZARENE COLLEGE'S NATIONAL CHAMPIONS

● Mr. KEMPTHORNE. Mr. President, I rise with great pride today to pay tribute to an outstanding group of young women who have reached the pinnacle of their sport. Northwest Nazarene College's women's basketball team last night won its first-ever national title. The Lady Crusaders beat Black Hills State 64–46 to claim the National Association of Intercollegiate Athletics Division 2 tournament championship. It was the school's first national championship in any sport.

NNC, located in Nampa, ID, is one of America's finest colleges. It consistently ranks among the top schools in academic national rankings. Now it proudly sits at the top in athletic rankings as well.

Coach Roger Schmidt's Lady Crusaders entered the 1996–97 season ranked 11th in the country. The team finished the season with the most wins in school history at 27–7, and also won the Cascade Collegiate Conference title.

In the national championship game, NNC broke open a tight contest and pulled away to claim the trophy. It was just 25–24 at halftime, but a pressing and aggressive Crusader defense did the trick and helped clinch the game.

Staci Wilson paced the NNC attack, with 22 points. She also was the leading rebounder with 13. Erica Walton scored 12 points, and was named the tournament's most valuable player. Kari Smith added 11 points for the Lady Crusaders.

Mr. President, I'm pleased to say that seven of the 12 players on the Northwest Nazarene College roster are Idahoans. Here is the roster of this outstanding team: Christy Farrar of Hillsboro, OR; Jessica Knowlton of Craigmont, ID; Jennifer Myers of Parma, ID; Kimberly Riggs of Boise, ID; Brooke Warren of Pomeroy, Washington; Kari Smith of Meridian, ID; Ellen Duncan of McCall, ID; Chelsey Hall of Grangeville, ID; Staci Wilson of Molalla, OR; Staci Kirk of Boise, ID; Sunshine Cecrle of Hillsboro, OR; and Erica Walton of Ontario, OR.

I also congratulate the head coach, Roger Schmidt, and his assistant coaches, Becky Nichols and Duane Slemmer. And my congratulations also go to NNC President Dr. Richard Hagood and Athletic Director Eric Forseth.

I am sure all Idahoans join me in proudly recognizing the accomplishments of these young women and the support of the students, faculty, staff, alumni, and community at Northwest Nazarene College.●

OLDER AMERICANS FREEDOM TO WORK ACT

● Mr. BURNS. Mr. President, I want to commend the majority leader for reintroducing the Older Americans Freedom to Work Act, S. 202, which I recently have cosponsored. This bill will repeal the Social Security earnings limitation, which punishes seniors between the ages of 65 and 69 for working. That's right—for working.

The earnings limit, like so many other Government policies, is outdated. Back in the 1930's, it may have made sense to encourage older workers to leave the work force by reducing their Social Security benefits if they worked beyond age 65. But today, the opposite is true: With the baby boomers getting ready to retire, and with a higher life expectancy, we should be encouraging folks to work longer. Most important, workers should have the freedom to work longer if they want to.

Last year, after a long-fought effort by Majority Leader LOTT and many others, we enacted a gradual increase in the earnings limit from $13,500 today to $30,000 per year in 2002. That is, for seniors between the ages of 65 and 69, each $3 earned over $30,000 per year reduces the worker's Social Security benefits by $1. While this increase is certainly helpful, there is no sound reason for retaining any earnings limitation on seniors who continue to work. That's why this bill is so important. Let's not discourage seniors from working—let's guarantee their freedom to work.●

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 104–264, appoints the following individuals to the National Civil Aviation Review Commission: Linda Barker, of South Dakota, and William Bacon, of South Dakota.

ORDERS FOR THURSDAY, MARCH 20, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m., on Thursday, March 20. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, with the time for the two leaders reserved unless it is used.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, on Thursday the Senate may consider a resolution relating to the decertification of Mexico. The Senate may also proceed to the consideration of the nuclear waste legislation. Senators should be aware that rollcall votes may occur at any time during Thursday's session of the Senate. The Senate may also consider any other legislative or executive items that can be cleared.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Thursday, March 20, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 19, 1997:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JAMES H. ATKINS, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2000. (REAPPOINTMENT)

DEPARTMENT OF LABOR

KATHRYN O'LEARY HIGGINS, OF SOUTH DAKOTA, TO BE DEPUTY SECRETARY OF LABOR, VICE THOMAS P. GLYNN, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KEVIN EMANUAL MARCHMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOSEPH SHULDINER.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

RICHARD THOMAS WHITE, OF MICHIGAN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 1999. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral (lower half)

CAPT. KAREN A. HARMEYER, 8014.

CONFIRMATION

Executive nomination confirmed by the Senate, March 19, 1997:

THE JUDICIARY

MERRICK B. GARLAND, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

HOUSE OF REPRESENTATIVES—*Wednesday, March 19, 1997*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 19, 1997.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your word has told us, O God, that You know us individually and by the power of Your creative spirit, You support us all the day long. We place before You our petitions asking that You would hear our prayers and give peace to any troubled soul. We pray specially for healing for those who are ill, for strength for those who are weak, for encouragement for those who face anxiety or fear and for every person we pray for the gift of hope in all the days to come. Grateful for all Your blessings, O God, we offer these words of petition and thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

MEXICO'S PRESIDENT ZEDILLO IS WRONG ON DECERTIFICATION

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, Mexico's President Ernesto Zedillo made some very troubling comments last week following the House vote to decertify his country for its miserable performance in the war against drugs. President Zedillo said, "This is where we draw the line." He had it wrong. This is where we draw the line. Mr. Zedillo went on to say that Mexico's sovereignty and dignity as a nation are not negotiable.

I would point out to Mr. Zedillo that the dignity of his nation was not diminished by the House action last week, but by the failure of his own government to responsibly fight against the scourge of narcotics traffic through Mexico.

Blocks from this Nation's Capitol, one can see the horror of drug abuse. Whether we are talking about cocaine, marijuana, or methamphetamine, there is a pretty good chance it came to this city and other American cities like my community, Cincinnati, from Mexico. Sadly, the demand is here, and as Americans we have an obligation to do something about the demand, but as a neighbor, Mexico has an obligation to become an equal partner in that battle.

Up to now they have failed. That is why this body finally drew the line. It is about time.

APPLYING NEW THINKING TO THE CLEAN AIR DEBATE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the clean air debate cannot be reduced to a simple cost-benefit analysis that ignores the effect of pollution on human health and separates the economic from the human.

We should not face the 21st century locked into the old paradigm that gives us the false choice between jobs and clean air. Being proenvironment should not mean one is antibusiness. It is time for new thinking on the issue of pollution, thinking that promotes both economic growth and human health and supports environmental regulations that encourage efficiency and nonpollution.

Nineteenth century thinking focused on pollution control, at the end of the tailpipe or at the end of the chimney. Such an approach requires a great deal of energy and money and is generally insufficient to protect the environment. New thinking looks at pollution prevention, inventing ways to stop pollution from being created. New thinking views pollution as resources that are distributed in the wrong place. Wasted resources mean lost profits. Environmental protection can be equated with fiscal conservatism.

Application of more enlightened environmental management processes can increase profits. Such an approach will require that government and industry leaders work together to further the development of new communities; new technologies in energy; efficient industrial protection and transportation; new industries; and the unfolding of a new economic order based on profit and human progress.

THE WORKING FAMILIES FLEXIBILITY ACT

(Mr. BURR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, today we take a giant step forward for working families. Today we will vote to give all parents the ability to choose between getting paid for their overtime or to take time off equal to the amount of money in overtime.

I know today's working men and women find it increasingly difficult to balance work and family responsibilities. How many times have we as parents labored to strike a balance between attending a parent-teacher conference and being at our job? Or how many times were we forced to choose between a ball game or recital and our ability to bring home more money?

The Working Families Flexibility Act, which I cosponsored, gives families the ability to strike the balance needed between work and family. Mr. Speaker, I would prefer the title of "Dad" to the title of "Congressman." I urge my colleagues to join me and allow every parent to be called dad and mom. Support the Working Families Flexibility Act.

WHY WE NEED CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the front page of today's Washington Post shows why the Republican leadership wants to limit the scope of investigation of alleged campaign finance abuses to the White House while avoiding any action on campaign finance reform.

According to the story in today's Post, the Republican chairman of the committee charged with investigating campaign finance laws pressured lobbyists from the government of Pakistan to contribute money to his campaign in what the lobbyists describe as a shakedown.

I understand the chairman in question has canceled a hearing scheduled today. In light of today's allegations, the gentleman from Indiana should recuse himself from the committee's investigation. He should also open up his committee's probe to a much wider scope than the White House and include both parties in Congress.

The country has been reading and hearing an awful lot about foreign money in campaign committees, and here we have the gentleman charged with leading the probe writing a letter to a foreign government. This same chairman is now looking to spend millions of taxpayer dollars on a one-sided partisan probe of campaign finance, and issuing subpoenas. It is this kind of hypocrisy that makes the American public so jaded about our entire campaign finance system, and it shows why we need campaign finance reform.

PASS THE WORKING FAMILIES FLEXIBILITY ACT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Congress today will be voting on the Working Families Flexibility Act. This bill is very simple. It gives workers the right and the flexibility to choose how they wish to be compensated when they work overtime, with more time or more money.

This is not a radical notion. Passing this bill will merely give workers in the private sector the very same choice government workers now enjoy. Who are we in Congress to tell a working mother or father that overtime pay is the only compensation they can get for working overtime? What if a worker prefers getting comp time? Workers now have no choice at all.

The Working Families Flexibility Act will make it easier to balance the demands of work and family. The Working Families Flexibility Act will give workers the freedom to choose whether time or money is more important to them at any given time. Let us put our trust in the American workers. Let us pass the Working Families Flexibility Act.

MAKING CAMPAIGN FINANCE REFORM A TOP PRIORITY OF THIS SESSION OF CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week the other body voted 99 to 0 to conduct a fair and a thorough investigation of all improper 1996 campaign fundraising activities. We should follow their example.

Today's front page story in the Washington Post may be an indication of why my colleagues on the other side of the aisle have thus far refused to allow an investigation into 1996 Republican fundraising activities. This is also further proof that our current campaign finance laws are not doing their jobs. Our campaign finance system is broken and we need to fix it.

Two things are abundantly clear. First, this House must make campaign finance reform a top priority for this session of Congress; and second, any House investigation into inappropriate fundraising activities must include a thorough examination of Democratic and Republican fundraising practices. To do any less would cast doubt on the integrity of this House and the process.

A PROCLAMATION RECOGNIZING THE VILLAGE OF ZOAR

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I rise today on behalf of Mayor Larry Bell of the community of Zoar, OH and I rise today to recognize the Zoar Community Association and the citizens of the historic Village of Zoar, OH which I am proud to represent. They are in the midst of Project Pride, an innovative effort to preserve and faithfully restore their town hall in a way that both honors the past and explores the future.

Project Pride will create a year-round tourist information and welcoming center for visitors to Zoar, the Ohio and Erie Canal corridor, and the entire region. The preserved town hall will also provide an interactive technology area linked to the Internet, which will be available to local citizens for research and distance learning.

Mr. Speaker, in conclusion, the efforts in Zoar are an outstanding example of the ways in which local government, business, citizens, and students work together in a positive manner, in a partnership to enhance the quality of life in our small towns and rural areas. Efforts such as these deserve our praise and support.

AMERICA'S NATIONAL SECURITY WITH REGARD TO CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, evidently Chinese money is paying off. A Chinese company is taking over a multimillion dollar naval base in Long Beach, CA. Another Chinese company is getting a $138 million government-backed guaranteed loan in Alabama. Another company with ties to China will operate both ports on each side of the Panama Canal, Mr. Speaker. Another Chinese company was just awarded a $250 million contract by Uncle Sam, even though they had been convicted of smuggling semi-automatic weapons into our country, infiltrating our streets.

Mr. Speaker, I suggest that Congress investigate before the Lincoln bedroom ordeal turns into a Chinese flag flying over the Lincoln monument. Beam me up. If we are going to investigate, let us look at our national security.

URGING COLLEAGUES TO SUPPORT THE WORKING FAMILIES FLEXIBILITY ACT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, a couple of years ago I made the difficult decision to fly home a little bit early from Washington to return to Savannah, GA, to see my 5-year-old's kindergarten graduation. I got on what can only be described as the flight from hell. I left Washington, flew to Atlanta, and then usually it is about a 30-minute flight to Savannah. We went to Augusta, could not get into Savannah, we ended up trying to get into Jacksonville, could not get into Jacksonville, went to Tampa, spent the night, and the next day went back to Atlanta, then tried again to get into Savannah. We could not.

As a consequence of all this hopping around and so forth and the weather, I missed my son's school event. It broke my heart. But do Members know what? As a Federal employee, at least I had the option of going home to see his play. In the private sector today, the Federal Government laws deny employees that option. They cannot take off work to go see somebody, to take them to the doctor or go see a school play or something.

But with this new legislation we are passing today, employees for the first time in the private sector will be able to work extra and take comptime off. They can go ahead and work the 40-hour workweek, and then take time off needed for those very important and irreplaceable family functions. I hope we can pass comp time today.

SUPPORT THE PARTIAL-BIRTH ABORTION BAN

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, tomorrow we will vote to outlaw the practice known as a partial birth abortion. That procedure is both tragic and needless in that there are at least 2,000 such abortions performed annually, far more than advocates have initially claimed; needless in that we now know, thanks to Mr. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who has admitted that he and others misled the American people on the frequency and nature of these abortions, that the vast majority of partial-birth abortions are performed on normal, unborn babies carried by healthy moms.

President Clinton vetoed this bill last year. A number of pro-choice Members of Congress, during consideration of the measure over a year ago, voted in support of a ban on the partial birth abortion procedure. Said one Member, I am just not going to vote in such a way that I have to put my conscience on the shelf.

Ronald Reagan said it as he discussed the issue of defending America's liberty: There is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

Mr. Speaker, I implore my colleagues to join with me in voting to ban that practice.

□ 1115

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina) laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 1997.

Hon. NEWT GINGRICH,
Speaker,
Washington, DC.

DEAR MR. SPEAKER: I am writing to confirm I am going to take a leave of absence from the Government Reform and Oversight Committee this session of Congress.

This letter follows my earlier request made on January 23, 1997. Thank you in advance for honoring this request.

Sincerely,
ROBERT L. EHRLICH, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 99 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 99

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. An amendment designated to be offered by the chairman of the Committee on Education and the Workforce or his designee may be offered en bloc with one or more other such amendments. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the very distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 99 is a fair and balanced rule providing for the consideration of H.R. 1, the Working Families Flexibility Act, also known as the comp time bill. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order an amendment in the nature of a substitute from the Committee on Education and the Workforce now printed in the bill as original text for amendment purposes.

The rule first makes in order those amendments printed in the Committee on Rules report accompanying this resolution. Briefly, they include a set of amendments to be offered by the gentleman from Pennsylvania [Mr. GOODLING], the chairman, or a designee that would, among other changes, sunset the entire bill after 5 years.

The Goodling amendment would also require an employee to have worked at least 1,000 hours in a period of continuous employment for a specific employer in the 12 months prior to the time when the employee agrees to a comptime arrangement.

Mr. Speaker, this is a very important addition to the bill that I believe carefully addresses concerns that have been voiced by those in the construction and seasonal industries. I strongly urge its support on the floor later today.

There is also an amendment by the gentleman from New York [Mr. OWENS] which would exempt certain lower wage workers from the bill and an amendment in the nature of a substitute to be offered by the gentleman from California [Mr. MILLER]. Under the rule, these amendments shall be considered in the order specified, shall be considered as read, shall not be subject to further amendment and shall not be subject to a demand for a division of the question.

Debate time for each amendment is also prescribed in the report so that the House can work its will in a timely and responsible manner.

Last week, the chairman of the Committee on Rules [Mr. SOLOMON] sent a "Dear Colleague" letter explaining the amendment process for this legislation. Members who wished to offer an amendment to H.R. 1 were to submit their proposals to the Committee on Rules for our review by noon on Monday, a reasonable request given the complexity of the underlying issue. A total of six amendments were filed, and every last one of them has been made in order under this rule.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions which will give the minority one final chance to offer any amendment that complies with the standing rules of the House.

Mr. Speaker, H.R. 1 is probably one of the most family friendly and employee friendly bills to come to the floor of the House in a long, long time. It is timely, commonsense legislation designed to give working families a much-needed option in balancing their busy work and family schedules, and I am pleased that our leadership has made passage of this a high priority.

As our colleagues know, the bill would amend the Fair Labor Standards Act to allow that but not require an employer to offer employees the option of choosing overtime pay in the form of compensatory time off rather than cash wages. Employees of State and local governments have enjoyed this option for more than a decade, and H.R. 1 would simply extend this option to the private sector.

Offering the choice between taking overtime pay or compensatory time off will afford working families the added flexibility they often need to meet the increasingly competing demands of the home and the workplace. For many employees with families, enactment of this legislation will mean a parent can leave work a little earlier to attend a child's school play or a son or daughter can take time off from work to care for an elderly parent.

It does not mean, as some opponents of the bill would have us believe, that employers can legally force workers to choose one option over the other against their will or as a condition of employment. The legislation includes protections to ensure that employees' choice and use of compensatory time off is completely voluntary. Under the legislation an employee may withdraw or cash out from a comptime arrangement at any time. H.R. 1 clearly provides for serious penalties against any employer who attempts to coerce or intimidate an employee into taking or not taking the comptime option.

It is important to note, Mr. Speaker, that the only limitations that the bill places on the use of comptime is that the employee's request be made under provisions that are very similar to the standard already in effect under the Family and Medical Leave Act passed in 1993.

Mr. Speaker, another reason to support H.R. 1 is that it will give the Nation's body of laws a much-needed boost toward the 21st century. When the Fair Labor Standards Act was written way back in 1938, almost 60 years ago, the landscape of the American work force was very, very different. For one thing, at that time legislation was written with an almost all-male work force in mind. Today that landscape is very different, with nearly 70 percent of all women with children under the age of 18 taking part in the work force. This dramatic change in demographics underscores just how important it is for our Nation's labor laws to catch up with the times and to better reflect the changing needs of the modern workplace.

As a working mother myself, I am very pleased to be an original cosponsor of this legislation. As many of my constituents have told me, it is a challenge to be a good worker and still be a good parent. It is not surprising then that a recent public opinion poll found that nearly 75 percent of Americans favor giving workers the choice between receiving paid time off or cash wages for overtime.

Unfortunately, critics of H.R. 1 have chosen to put politics above sound policy. It is a shame because in my view it shows just how out of touch some folks are when it comes to policies that will benefit families, strengthen our economy, and help workers and employers alike.

After decades of progress in labor relations, it is time we stopped automatically thinking of employer/employee relations in such adversarial terms.

The bottom line is that with H.R. 1 employers and employees can work together to meet each other's needs. With H.R. 1 at least the choice will be theirs, not Washington's.

Mr. Speaker, H.R. 1 offers the private sector a reasonable commonsense solution to the ongoing tug of war between families and the workplace. Millions of parents strive hard each day to meet these competing demands. If we can make life a little easier on the working families of this country, then we should take action today to help those families successfully balance work and family responsibilities.

This is not the first time the House has considered a comptime bill. A very similar bill was passed by the House last July after numerous changes were made to it, mostly at the request of the minority. Republicans and many Democrats voted for the bill. I encourage all of my colleagues to give it their full support again today.

In closing I would emphasize that this rule will allow us to have a full and fair debate on this legislation and its implications for the modern workplace. I urge my colleagues to adopt this balanced rule and to pass the Working Families Flexibility Act without any further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and my dear friend, the gentlewoman from Ohio [Ms. PRYCE], for yielding me the customary half hour.

Mr. Speaker, my erstwhile colleague said that this was a family friendly bill. It is, if you are talking about the Ford family and the Rockefeller family and the du Pont family. But, for all other families, it is not a friendly bill. I know my Republican colleagues mean well, and I know my Republican colleagues really want to help; but this was a bad idea last session and it is a bad idea this session.

It helps the big people, but it does not do much for the ordinary worker. In fact, this bill, Mr. Speaker, would force workers to take time off rather than overtime pay. That is not what the American people want. The American people do not want comp time. They want cash. In fact, polling data shows that nearly three out of every four American workers would rather have cash than comp time. And I cannot say that I blame them. These days it is hard enough to get a job in the first place. And once you get one, Mr. Speaker, the last thing you want to do is leave.

Most people want to work as much as they possibly can, but this bill just will not let them do it. It has no guarantee that workers can make that decision themselves. It is very possible that employees will be the ones to decide whether workers get additional pay or get additional time.

Mr. Speaker, that just is not fair. In the real world, if your boss tells you to take time off instead of getting extra pay, you either do what you are told or you start packing your gear.

This bill allows the boss to stop paying overtime and says to employees, sorry, I cannot pay you for overtime you worked; but in return for your long hours, you can take a vacation when it is convenient for me, if I am still in business.

Mr. Speaker, that is simply not good enough. These days there is no guarantee that an employer will be around forever. In fact, 50 percent of new businesses close within the first 3 years. So if your boss forces you to take comp time, then takes your pay and invests it in an investment for himself, pockets the interest and then folds, under this bill you are left holding nothing but a worthless note saying, I owe you a vacation.

That does not put food on the table, Mr. Speaker. This bill eliminates the 40-hour week and replaces it with an 80-hour 2-week block which will hurt hourly workers, especially women.

This bill will pressure low wage, hourly workers to give up their overtime pay. In the women's legal defense fund said, and I quote, "this bill gives employees less control over both their time and their paychecks by creating new risks and new problems."

Meanwhile, some of my Republican colleagues argue that this bill gives women flexibility. It just does not do anything of the sort. But the Family and Medical Leave Act did. And my Republican colleagues spent 5 years trying to kill that family friendly bill.

Mr. Speaker, if we really want to help women, if we really want to help the working American families, we should expand the Family and Medical Leave Act, which has already enabled 12 million workers to go home, to take care of new children or a sick family member.

□ 1130

We should not pass this bill. This bill, Mr. Speaker, gives workers very little choice over their time, very little choice over their paychecks, and even less protection against employers' abuses. I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER], my good friend and colleague.

Mr. BOEHNER. Mr. Speaker, we have a very important bill on the floor today, the Working Families Flexibility Act of 1997.

As the gentlewoman from Ohio, my colleague, pointed out in her opening remarks, the work force today is very different than it was in the 1930's when the law that we are amending was put in place: Mostly males in the workplace, very few mothers in the workplace. Today we find ourselves where working families have an awful lot of demands that are placed on them.

With those demands, workers throughout our country are asking for more flexibility. They are working with their employers, demanding more flexibility to meet their demanding schedule at home, at school, as their children are involved in sports and other activities.

When this law was written in the 1930's, the Congress saw fit to make sure that anyone who worked for a local government had this option of compensatory time off in lieu of overtime, and that is why employees who worked for local city governments, county governments, State governments and the Federal Government have had this option now for almost 60 years, and they enjoy it. They like it because it works.

All we are trying to do here today is to give hourly workers who work in the private sector the same option that public sector employees have had for almost 60 years. Here is how it would work:

First, the employer would have to provide this benefit. They would have to agree that they would allow their employees to do it. If the employer says no, there is no option.

If the employer says yes, which I think most employers around the country, wanting to work with their employees, will say yes, it is an agreement between the employer and the employee on whether the employee wants comp time or overtime. The option is at the discretion of the employee, not the employer.

Why should we not empower American workers to have more flexibility over their schedule? Why should we not empower American workers to make these decisions with their employer? This is an example of the Federal Government getting in the way of helping to empower American workers and giving the freedom and the flexibility to employers and to their employees to work this out in an ever-changing American workplace.

Mr. Speaker, this legislation is long overdue. It will help employers and their employees all across this country. We ought to give them the freedom and the flexibility to work out their schedule, which will benefit American workers in the truest sense.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to the rule and the bill.

The supporters of H.R. 1 are trying to convince hard-working Americans that this is a flexible pro-family, pro-worker bill. In reality it is none of these things. Instead, the bill gives more power to the employer and limits the employees' ability to determine for themselves what is best for their family, comp time or overtime pay.

H.R. 1 gives the employer the power to determine when and how employees can use their comp time, and it encourages employers to avoid paying overtime wages by allowing them to discriminate against employees who opt for overtime pay instead of comp time.

When real wages are stagnant or dropping for low and middle income Americans, the ability to work overtime is often the difference between paying the rent and putting food on the table or being homeless and hungry.

Equally as important is the fact that this bill will not only impact the lives of American workers now, it will also impact their future retirement income, because current earnings determine future Social Security and pension benefits.

Mr. Speaker, it is the American worker who knows what is best for his or her family. Let us have a bill that truly empowers the employee and preserves basic worker rights. Defeat the bill and this mislabeled family-friendly workplace act.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. MYRICK], a gracious lady and new member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, the beauty of comp time is that it empowers the employees, the hard-working moms and dads of America, to have the flexibility to meet the responsibility of parenting. This bill allows today's employees to choose whether to take paid time off or to have additional overtime pay. With comp time a working mom will never again be forced to choose between spending time with her child or working long enough to provide food and shelter.

Comp time allows mom and dad to have the flexibility to spend more time with their families, more time to take their child to the doctor, or to care for an elderly family relative, and they will do so without the loss of wages on which they depend.

While both men and women are affected by this dilemma, the burden seems to fall particularly hard on many working women. In fact, recent national polling data indicates 70 to 75 percent of working women support changing labor laws so that employers and employees have the flexibility to decide whether an employee receives cash or personal time for their overtime.

In 1994, the U.S. Department of Labor found the number one concern for 66 percent of working women with children under the age of 18 is the difficulty of balancing work and family. Comp time is pro-family, pro-worker, and when we really think about it, a pro-child approach to provide relief to the hard-working men and women across our Nation who struggle daily to support their families.

As a mother of grown children and a grandmother of seven wonderful grandchildren, I know the considerable time that it takes to raise a family in the 1990's. My children struggle daily with the competing demands of work and the pressures of home. The ability of parents to opt for a voluntary comp time program will prove to be an enormous aid in the battle to meet the everyday requirements of raising a family.

From my professional experience as mayor of Charlotte, I know firsthand comp time works. For the past decade government workers have benefited from comp time. In Charlotte, exempt city employees enjoy the flexibility that comp time allows in their lives, and certainly all workers in America deserve the same rights the Federal, State, and local employees have enjoyed since 1985.

Comp time seeks to provide employees a choice. It will give America's workers flexibility in scheduling the hours that they work. I urge my colleagues to support the rule so that we can provide America's families with this choice.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose the rule because H.R. 1 is nothing but a Trojan horse designed to fool workers into believing the majority has experienced some kind of pro-worker, gender-friendly epiphany.

This bill is not designed to strengthen the flexibility of workers. Instead, it has been crafted to give those employers who abuse their workers the power to exact unsecured loans from those workers in the form of deferred overtime pay.

H.R. 1 does not provide an employee any new opportunity to take leave. It affords employers, not employees, the right to determine when employees may use the comp time they have earned. Under H.R. 1, employees can be required to work unreasonable hours for no additional pay as a condition for being granted comp time.

Mr. Speaker, rather than considering this flawed bill, this House should be considering legislation to expand the benefits of the Family and Medical Leave Act as proposed by President Clinton. If the Republicans are genuinely interested in flexibility for working families, they would have supported extension of the Family and Medical Leave Act and would not be here today considering this paycheck reduction act.

Mr. Speaker, I urge my colleagues to defeat this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER], who has worked so hard on this initiative.

Mr. BALLENGER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

First of all, Mr. Speaker, I want to correct the RECORD. The gentleman from Massachusetts referred to this bill as allowing an 80-hour, 14-day workweek, and I am sure he misspoke but I want to correct the RECORD. There is no such provision in H.R. 1. It has only to do with the 40-hour workweek and does not change anything.

I want to say something ahead of time, Mr: Speaker, because I think the speeches today will be aimed at the evil employer syndrome that the committee has brought out. The Democrat members of the committee brought out over and over that all employers are basically dishonest and, therefore, will cheat their employees one way or the other.

One of the quotations that has been used over and over again in studying this bill is, already we are losing $19 billion a year in unpaid overtime. This statement has no reason at all to be in this debate. This happens to be involving a thing called pay docking. We all studied this last year. It has to do with salaried workers who possibly may be allowed to have additional pay because of overtime hours. But they are salaried workers.

We are not talking about salaried workers in any way, shape or form. We have only to deal with hourly workers. So the $19 billion they are talking about does not apply in any way, shape, or form.

I want the people to know I have called local governments to find out how they felt about the use of this particular benefit that they already have. Let me just say the county governments, I talked to two county governments in North Carolina, both of whom are using this in varying ways, and let me just say varying ways are possible if the employee and the employer agree. We have checked with several local governments in California that decided not to use this. In other words, the possibility of saying yes or no to this is pretty much evident across the board.

I think people should recognize that this is a permissive law. It allows the employer to offer it if he wants to and it allows the employee to accept it.

Mr. Speaker, I just want to say over and over again, all employers are not evil and I wish everybody would accept that fact.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to answer the gentleman from North Carolina. He is correct, the statement I made on the 80-hour week was in the Senate version of the bill and not the House version. I thank him for correcting me.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also rise in opposition to the rule.

Mr. Speaker, the Republican comp time bill is yet another attack on America's workers. This bill puts too much power in the hands of employers to overwork their employees and deny them their legal right to time and a half overtime pay.

The bill provides no penalties to employers who manipulate their workers into accepting compensatory time off when, in fact, that employee would rather have their pay.

Republicans claim comp time legislation will provide workers flexibility to spend time with their families; however, the bill does not allow workers to take comp time when they need it. It forces workers to take comp time when employers want them to take it. This is not family friendly, it is employer friendly. Comp time is simply an excuse to allow employers to avoid paying overtime to workers who deserve it.

The 40-hour workweek has provided workers with a benchmark schedule to which they live their lives. Comp time legislation will destroy the 40-hour workweek and force working men and women to lead lives without normalcy. Children will have to come home from school not knowing if their parents will be home or will be forced to work overtime.

This bill, and I stress, is not family friendly. It is actually more disruptive to the lives of our workers, and I urge my colleagues to vote against it.

(Mr. NETHERCUTT asked and was given permission to speak out of order.)

FREE DIABETES SCREENING TEST OFFERED TODAY IN RAYBURN HOUSE OFFICE BUILDING

Mr. NETHERCUTT. Mr. Speaker, today in the Rayburn House Office Building foyer, for the first time, there is a diabetes screening test that is ongoing for Members, for staff, and for the public to test their blood to see if they have diabetes.

The gentlewoman from Oregon, Ms. ELIZABETH FURSE, and I, were advised by Speaker GINGRICH to come over and make this announcement with the hope that all Members, right now, will go over and have their blood tested between 11 o'clock today and 3 o'clock this afternoon and take this very painless step to see if they have diabetes.

Ms. FURSE. Mr. Speaker, will the gentleman yield?

Mr. NETHERCUTT. I am happy to yield for a very short supporting announcement by the gentlewoman from Oregon [Ms. FURSE].

□ 1145

Ms. FURSE. I thank the gentleman for yielding. I just want to add to the announcement of the gentleman from Washington [Mr. NETHERCUTT]. Anyone who might need to screen their blood for diabetes, and that is everyone, should go down to the Rayburn foyer and get that blood test and screening today. It is free, it is from 1 to 4. We really hope all will come down.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. I thank the gentlewoman for yielding me this time.

Mr. Speaker, first of all, yesterday I did not have in front of me who did the research that the ranking member on the Committee on Rules asked for, and I wanted to report that to him today. Seventy-five percent of the employees surveyed by the polling firm of Penn & Schoen Associates favored allowing employees the option of time off as an alternative to overtime wages. I did not have that before me yesterday. I want to make sure that the ranking member knows who the people are. I do not know them, but those are the names.

Mr. Speaker, since we are on the rule, I thought I would mention three amendments that will be offered that are quite acceptable. These three amendments came about because of discussions we had during the markup in committee.

The first amendment would require that an employee have worked at least 1,000 hours in a period of continuous employment with the employer in a 12-month period. There were those who had concerns about migrant workers, there were those who had concerns about construction workers, and so on. We have taken care of that with the first amendment.

The second amendment would limit the number of hours of compensatory time an employee could accrue to 160 hours, moving it down from 240. Again there was concern that maybe 240 hours were too many. So we reduced that in this amendment.

And the third amendment, which is a sweeping amendment, because it has never ever been a part of any labor law, the third amendment is a sunset provision. That has never happened before. I have no problem with a 5-year sunset provision, because I am positively sure that by the end of 5 years, you try to take away somebody's comptime, there will be bloodshed outside the halls, if not inside the halls, because it will be something that most people want to accept and, as I indicated, 75 percent have indicated that.

If people have watched talk shows and television and read the newspaper, we are getting the same results: three out of four say they want the opportunity to take comptime. So it is obvious that this legislation is something that most of the American people want. We just have to make sure that they have that opportunity. And they want it because, of course, the public sector presently has it and the private sector is saying, well, if the public sector can have this, why can we not have it?

There are those who are going to talk a lot about there is no protection. You are going to hear all sorts of things about no protection. Well, this bill, you see, is only 2 pages long in this very small print. Two pages long. But let me talk a little about protections in the bill:

An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time.

They presently have with just a 30-day notice.

An employer which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of (A) interfering with such employee's right under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours, or (B) requiring any employee to use such compensatory time.

Termination of employment. An employee who has accrued compensatory time and eventually does not have a job, not anything to do with compensatory time but because of downsizing, immediately receives their money.

Private employer actions. An employer which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee.

If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than the regular rate received by such employee when the compensatory time was earned or the final regular rate received by such employee, whichever is higher.

Consideration of payment. Any payment owed to an employee under the subsection for unused compensatory time shall be considered unpaid overtime compensation. An employee who has accrued compensatory time off which is authorized to be provided who has requested the use of compensatory time shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt.

The same words, I remind Members, that are in the Family and Medical Leave Act. So the protections are here, one after the other. All those protections in a little 2-page bill. It is the most employee protected legislation that has ever come here in 22 years.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend the chairman, for the information on his polling data: three out of four people want comptime. Peter Hart, our pollster, says three out of four people want wages. I wish our pollsters could get together.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, first I would like to thank the Committee on Rules for this partially open rule. I hope we would see such a rule on more bills so that we have the opportunity to make changes. I know my good friend, the chairman of the Committee on Education and the Workforce, talked about some of the amendments that would change H.R. 1, and in Texas we have a saying: "You can add earrings on a pig, but it's still a pig." And so these amendments make it look prettier, but it does not change the bill.

The chairman is also right that we do not pass laws here for the 95 percent of the employers who may treat their employees fairly. We pass it for those 5 percent who are going to take advantage of them. We do not pass laws prohibiting bank robbery for the 99 percent of the people who do not go out and rob banks. We pass laws against it for those 1 percent who decide that is where the money is at and they are going to go take it. That is why we have these laws. That is why the protections have to be there.

I know that we have a duel of polls here that say 75 percent of the people, and I will agree with the chairman that 75 percent of the people do support the concept. But we also know that the national polls say that an overwhelming number of hardworking employees expect to be forced by their employer to accept comptime instead of overtime pay, and that is a major concern.

I have a district where people need to have that overtime pay to make ends meet, particularly for people who are in the lower wage bracket. They have to do it. Workers who are seasonal workers have to depend on that overtime pay for that 6 or 8 months a year they may be able to work because they may not be able to work. So they have to have that overtime pay instead of comptime. They want that decision to be theirs and not their employer.

Under H.R. 1, employers will have complete and unilateral discretion over who will receive comptime and also when they will receive it. That is why some of the amendments may make changes in it and may make it look prettier, but, Mr. Speaker, it will not make the bill that much better. "You can put earrings on a pig, but it's still a pig."

In H.R. 1, employers maintain ultimate control of when to grant their worker comptime. Regardless of the amount of notice the worker provides, employers can deny use of comptime if the firm claims they would be unduly disrupted.

What good is it to earn comptime if your employer does not allow you to use it or forces you to use it instead of vacation. This issue is not addressed in the Republican bill.

Instead of this seriously flawed Republican proposal, we should support Mr. MILLER's proposal giving employees real comptime.

The Democratic substitute provides real employee choice and real employee protections.

I urge my colleagues to vote "no" on H.R. 1 and "yes" on the Miller substitute.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 15 seconds to the gentleman from Pennsylvania [Mr. GOODLING], the chairman.

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me this time.

In the legislation, with earrings or without, an employer which violates section 7(r)(4) shall be liable to the employee affected in the amount of the rate of compensation determined in accordance with section 7(r)(6)(A) for each hour of compensatory time accrued by the employee, and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee.

We make very, very sure that the employee is the protected person in this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. I thank the gentleman for yielding me this time.

Mr. Speaker, working people do not have much control in the workplace today. They do not have control over their pay. They do not have control over their pensions. They do not have control in most instances over their health insurance. And most of them do not have a say in the day-to-day decisions. But this bill takes away the one thing, the one thing that most people do have control over, and that is control over their time.

Most parents would do anything to spend more time with their children. They would do anything to be there for that soccer game. Those are the most precious moments in raising a child. And be there when their children come home from school. And if this bill did that, I would support it in a heartbeat.

This bill is not about giving employees more time off. It is about giving employers more control. We do not need this bill to have more comptime. Current law already allows employers to offer comptime. They just cannot force comptime. They cannot force employees to give up their overtime pay for a promise of time off.

This bill changes all of that. This bill changes the law so employers no longer have to pay overtime wages for overtime work. And in doing so, it takes away the one sure path that most people have to earn a better living for their families. If this bill becomes law, an employer could force an employee to work 70 hours one week, 60 hours the next week, 50 hours the week after that, with no overtime pay. And then it also gives the employer control to decide when and if and how employees take time off.

Mr. Speaker, the potential for abuse of this system alone is awesome. We already live in a country where violations in overtime laws are so common that working people are cheated out of $19 billion a year. Do we really want to pass a law that completely takes the overtime cop off the beat? We are all for giving families more flexibility, but this is nothing but a pay cut, pure and simple. If this bill becomes law, a single mom who puts in 47 hours at $5 an hour could lose $50 a week. A factory worker who works the same amount of time for $10 an hour could lose $110 a week.

Mr. Speaker, people do not work overtime because they like to spend time away from their kids. They do not work overtime for those reasons. They work overtime because they need the money, and they work hard for it. If this bill becomes law, workers are going to need comptime to find a second job to make up for the money they lose in overtime pay.

And here is the real kicker. Here is the main reason why this is such a bad idea. For most people, their retirement income depends directly on how much they get paid while they are working. If you cut a person's paycheck, you cut their pension, you cut their Medicare and you cut their Social Security. No comptime promise in the world can make up for that.

And what happens if you build up 240 hours of comptime? You store it, you build it up, and then your company goes bankrupt. It happens every day in the construction industry, in the garment industry, in the building trades. Yet this bill has absolutely no protections against it.

So it is no wonder, as my friend from Texas who just spoke said, 66 percent of the working people, working men and women, fear that employers would use this law to avoid overtime pay. It is no wonder that nearly 7 out of 10 working people prefer overtime pay to forced compensation time. Longer hours, less money, and less control may sound like flexibility to some people, but for America's working families, this is a lose-lose situation.

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If we really want to help families, if we really want to give employees, not employers, the full power to decide between comptime and overtime pay, then the substitute of the gentleman from California [Mr. MILLER], which will be before us in a little while, is the vehicle to do that. But make no mistake about it. This bill is a pay cut for American workers. If it gets to the President's desk, he will veto it.

I urge my colleagues oppose this bill, support the Miller substitute, and give our families a fighting chance.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentlewoman for yielding this time to me. I would like to say that let me first of all say taking comptime does not affect your pension.

Now let me say we had several employees that testified before our committee, and I would like for people to hear what they said.

This is from Christine Korzendorfer:

> Overtime pay is important to me; however, the time with my family is more important. If I had a choice, there are times that I would prefer to take comptime in lieu of overtime. What makes the idea appealing is that I would have the choice with the legislation you're considering. Knowing that I could have a choice in how to use my overtime would allow me to better combine my work and my family obligations.

This is Peter Faust from Iowa:

> Time is precious and fleeting. There are always lots of ways to make money in this country and lots of ways to spend it, but there is only one way to spend time with yourself, family or friends; and that's to have time to spend. When I look back on my life, my regret will be and already is that on occasions when I needed to be there for my family or they asked me to be part of their life I couldn't be there because I either didn't have the time saved up or I couldn't afford the time off without pay. Pass this bill into law.

And then Linda Smith from Miami, FL:

> With the implementation of bank comptime program, I could use my overtime hours to create time for pregnancy leave for a second child, for furthering my education, taking care of a debilitated parent or, closest to my heart, creating special days with my daughter. Accrued comptime will also allow me to take time off for doctors appointments and teachers conferences or to take care of a sick child without having to use accrued sick time. Today it's only prudent for individuals to take steps necessary to prepare for their future financial needs. H.R. 1 seemed to be a perfect vehicle to do something with our time.

And then finally quoting President Bill Clinton: "We should pass flex time so workers can choose to be paid for overtime in income or trade or trading it for time off with their families."

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, these are tough times for many Americans as they struggle to make ends meet while balancing the challenges of work and family. Families rightly seek greater flexibility and paycheck protection to meet their obligations at home and on the job.

Unfortunately, the Republican comptime bill makes life harder, not easier, for these families. The bill, more accurately named the Paycheck Reduction Act, fails to ensure that employees can use comptime when they need it. Worse, it could take valuable overtime pay out of employees' pockets.

In recent years 80 percent of working families have seen their wages fall behind or just keep pace with inflation. Families have responded by working harder. More mothers are working than ever because their families need the money. Two-thirds of mothers worked in 1993 as opposed to just over a quarter in 1960. Today many working men and women depend on overtime wages to pay the bills each month. One-fourth of all full-time workers spent 49 or more hours a week on the job in 1990, and half of these workers put in 60 or more hours per week.

Mr. Speaker, families depend on overtime wages. Giving employees greater flexibility is a must in these hectic times. But the Republican bill is not the answer.

If we want to give workers greater flexibility, let us start with a proven winner, the Family and Medical Leave Act. Since President Clinton signed that law in 1993, family and medical leave has helped 12 million Americans take off the time that they need for the birth of a child or to care for a sick family member.

The act's unpaid leave has given workers flexibility with virtually no negative effects on employers, according to a bipartisan commission on leave. Broadening the scope of this bill would allow workers to meet their commitments without jeopardizing their overtime wages.

Let us expand family and medical leave. That is the sensible path toward greater flexibility in the workplace. But the Republican leadership refuses to consider such a commonsense approach to help American workers.

For that reason I urge my colleagues to defeat the previous question so that we can bring true workplace flexibility legislation to the floor in the form of an expanded Family and Medical Leave Act.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I realize, if my colleagues have made up their mind that they want to vote against the bill, the best way to do that is just not read the bill. Then they can say anything on the floor of the House. But if they read the bill and it is only a couple little pages, then they will realize that most of what they heard has nothing to do with reality.

Now first of all I mentioned a lot of the protections that are in there. Now the protection is the same as the State and local government law, and that has been going on now since 1985, and it has been defined in the Department of Labor regulations, and it has been further defined by the interpretation, strict interpretations, in court.

We are talking the beauty of this in relationship to what the gentlewoman just said about family and medical leave. This is paid time off. Family and medical leave is unpaid time off which makes it very, very difficult to take.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I rise in opposition to the rule on H.R. 1.

Mr. Speaker, I rise today to express my strong opposition to H.R. 1, the Paycheck Reduction Act. This bad bill is just one more attempt by the Republican-controlled 105th Congress to weaken the rights of working men and women. I am very concerned that permitting employers to compensate hourly employees' overtime work in time-off, rather than in cash, will in many workplaces, significantly reduce workers' take home wages.

I oppose this bill because it would significantly weaken labor protections for the people who can least afford to lose them, such as construction workers. It is the carpenters, electricians, pipefitters, and sheet metal workers in my district, who during the warm spring and summer months, work all the overtime possible so they can accumulate enough money to last them through the cold winter months. They know that in December, January and February they are going to have more time-off than they want. It is this core of the work force that no longer looks at the 40-hour work week as a standard, but rather, as nostalgia.

These are the same people who are the most likely to suffer coercive practices by their employers by being forced to accept compensatory time—which they don't want and can't afford—instead of benefiting from the premium overtime pay they have earned. In a perfect world, all businesses have the financial resources to cash out all employees at the end of every year for their unused compensatory time, as the bill would require. But this is not a perfect world. Many small contractors do not have the cash resources to even-up with their workers, and they would send them into the slow winter months without the money in their bank accounts that they and their families need to survive. My colleagues on the other side of the aisle talk about pay as you go. A pay as you go policy is the only way companies should be able to pay their workers.

But I don't take my word about the true intent of this bad bill. In February, during a Senate hearing on that body's version of this legislation, one of the Republicans' handpicked comp time advocates urged support for the bill based on the acknowledged fact that building contractors can't afford to pay their employees overtime. She even went far enough to elaborate on a scheme of how an employer could require a construction worker to work over 50 hours a week without having to pay overtime. Although this testimony was subsequently disavowed, the transparent aim of H.R. 1 and its Senate counterpart is to allow businesses to work their employees overtime without time-and-a-half pay.

What the authors of the Paycheck Reduction Act would like you to believe is that this bill offers workers more control over their working lives. What it really does is take away an individual's right to choose. Under H.R. 1, workers don't have the ability to schedule their earned compensatory time when they need it. In fact, employers can schedule compensatory time anytime they choose without ever having to consult the workers. For example, a working mother who puts in 47.5 hours a week at $5 an hour will earn $256.25 for the week. Substitute comp. time for the overtime premium, and she gets $200 a week and the promise of compensatory time off—totally subject to the employer's discretion. That equals an almost 22-percent pay cut for that mother. In essence, H.R. 1 gives employers a veto over their workers' use of their own earned hours off.

I further oppose H.R. 1 because of the subtle, but lasting, negative effects that it would have on worker benefits that are indexed to an employee's hours or earnings. Beyond the short term, H.R. 1 contains no provision for crediting overtime hours worked, and it ignores all the long days and late nights that employees have given to their employers. Because of this, whenever employees draw on benefits tied to earnings, from unemployment to a pension, they're going to experience a reduction in those benefits;

Mr. Speaker, when the people back home in my district sit down each month to figure out financially how they are going to make it through the upcoming month, they take into account their expected overtime wages. Employers don't just hand out bonuses any more. Today, you've got to earn them. I'm voting against this misguided bill because without overtime pay, many of my constituents can't afford to send their kids to college, buy a reliable car for work, or provide themselves and their families with adequate care. This bill guts the protections of the Fair Labor Standards Act, and it undermines living standards for workers. H.R. 1 is not designed to give workers more control over their working lives. It is, instead, an attempt to snatch hard won rights out the hands of this country's workers and deny them basic, simple needs, like respect for their hard work, a decent living wage, and a chance to provide for their families. I urge a "no" vote on the Paycheck Reduction Act, H.R. 1.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise in strong opposition to H.R. 1 unless we also pass the Miller amendment.

Today we are considering a bill that would affect the lives and pocketbooks of 60 million workers. Giving workers the choice between overtime pay and comptime is something good, something we should try to achieve. But any comptime bill must provide proper balance between the rights of workers and the needs of employers.

If we are going to pass such a bill, that bill should pass the in-the-real-world test. Instead, H.R. 1 just passes the inside the beltway test, where we never pass legislation that helps people in the way they really live their lives, where they work their jobs, and raise their families.

This bill gives bosses an iron fist and a velvet glove. That is why it flunks the in-the-real-world test. In the real world, hourly workers would be apprehensive to say no when their boss asks them to agree to take comptime instead of overtime at time and a half. In the real world, 85 percent of workers do not have unions to protect them against one-sided employers. In the real world, many employers would force workers to take comptime at a time that is good only for the boss. In the real world, when bankruptcies are still prevalent and factories are moving overseas, workers could simply lose their comptime credits.

Mr. Speaker, let us pass a law that really helps working families make a genuine choice between comptime and overtime pay, not a bill which only works when we are dealing with the Alice in Wonderland world inside the beltway.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, may I inquire of my colleague how many speakers the gentlewoman from Ohio has remaining and how much time is remaining?

Ms. PRYCE of Ohio. Mr. Speaker, I believe we have two speakers remaining. I do not know about the time.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Massachusetts [Mr. MOAKLEY] has 10 minutes remaining, and the gentlewoman from Ohio [Ms. PRYCE] has 6\3/4\ minutes.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the Working Families Flexibility Act is a misnomer, but it certainly clearly defines what the majority thinks about the struggle working families face. H.R. 1 does not help workers balance their work and family obligations. Instead, it lets employers dictate how workers will balance their working family. H.R. 1 allows employers to use comptime to deny workers overtime pay and then gives the employers the ultimate control over the use of the comptime. Employers can force workers to take time off when it is convenient for the company rather than for the workers and their families.

H.R. 1, the Republican plan, is masked in profamily and proflexibility rhetoric, but in reality this bill is antiworker and antifamily. It denies access to overtime and thereby reduces the living standards of working families. Families depend on overtime to put food on the table, clothe the kids, and pay the mortgage. For too many Americans overtime is simply the difference between making ends meet and falling behind.

Now, there is no dispute. Working Americans want and need and deserve more time with their families. But this bill does not provide it. If we are serious about making the workplace favor working Americans, we should enhance family and medical leave and improve wages. We should expand the health care coverage and make pensions portable. But American workers work overtime because they need the money, and we will earn the support and thanks of working Americans when we show them the money.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SMITH].

Mr. SMITH of Washington. Mr. Speaker, I too rise in opposition to H.R. 1. It is basically another blow to the working men and women of our country, and it is important to look at one critical question. As was said by the worker I believe was from Iowa that the majority party cited: If I had the choice.

Well, it has been pointed out numerous times the employee does not have the choice in this bill, and that is the critical factor. The employer controls, as they do far too often, the working conditions that men and women face in this country. But what I really want to get into is why this bill is here today.

To hear from the majority party and supporters of this measure, we would think that a grassroots movement rose up of working people in this country and demanded comptime, that it was from the people, when everyone on this floor knows that this bill came to us from the employer community. They are the ones who wanted it; they are the ones who lobbied for it.

Now, I am not going to say that the employer community never cares about its workers. Certainly they do, but they have another agenda on this bill. That is the agenda that we have heard far too often in the 1990's: reduce labor costs. That is why this bill is here, folks. It is not working men and women who rose up and asked for this. It is the employer community that rose up and asked for this in another effort to reduce labor costs.

Mr. Speaker, I just want to briefly remind my colleagues that labor costs are wages.

I grew up in a working family. My father was a baggage handler at United Airlines and a union man who was paid $16 an hour the year he died. Those were labor costs. Labor costs to me is the house that I grew up in, the clothes that I wore, the food that I ate, and eventually the education that I was able to get because labor costs were made available to average people in this country.

Please do not mistake what this bill is all about. The employers simply want another advantage. Look at the record of the last 15 or 20 years. Do they really need it? Have we not reduced the wages of the working men and women of this country sufficiently? And has not the wages of the upper income brackets in our country gone up sufficiently? Do we need to once again tilt the balance against the working men and women of this country?

I do not believe so.

Please let us protect labor costs and vote down this measure.

Ms. PRYCE of Ohio. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ], the chief deputy whip.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman for yielding time.

Mr. Speaker, what are we doing here today? What we are doing is reducing our workers to the status of serfs. Employers do not own employees or their time. The wisdom of the 40-hour work week is not the amount of time, but that time over and above 40 hours is the worker's; and imposition on it must be paid for.

Mr. Speaker, comptime is not giving employees an option as described in this bill. It is taking away rights from workers, taking money from their pockets, and food from their children's mouths. It is the unlawful seizure of the workers' time. The employers are not giving the worker anything in this bill by providing comptime. It is not time the employer is entitled to give.

H.R. 1 is capping wages as a salary limit and giving nothing in return. It masks employers' inefficiencies in managing the work force at the expense of employees. It will be abused.

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Do not kid yourself. In the workplace there is not, and never has been, equality in negotiating position. Even the strongest complaint procedure, which is not present in H.R. 1, is practically unavailable to a minimum wage worker or even a middle class worker. Who can afford to await the result of an administrative action against an employer who will have them fired in the interim?

Put yourself in the worker's position. Two hours a day without overtime effectively reduces wages by 25 percent. Returning time that is yours anyway is not compensation. In my view, this is the cruelest form of a tax increase, and the message from workers is thanks for nothing.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentlewoman for yielding.

Let me begin by addressing a question raised on the other side about why this legislation is here. In his State of the Union Address President Clinton declared, and I quote, we should pass flex time so workers can choose to be paid for overtime income or trade in for time to be with their families. It is here because it was in the President's State of the Union speech, among other reasons.

Mr. Speaker, today, I rise to express my strong support for H.R. 1, the Working Families Flexibility Act. The No. 1 concern for two out of three working women with children in America today is the difficulty of balancing work and family. Three out of four of those working women with children believe that having the option to choose either cash wages or paid time off for working overtime would help them substantially balance their work responsibilities and their family responsibilities.

Mr. Speaker, when I have the chance, I spend time with my daughter, Courtney, and my son, Stephen. Making the choice between fulfilling my obligations of my job and watching my daughter's swim meet or my son's little league game is always a difficult trade-off. But unlike many Americans, Mr. Speaker, I have that ability, the ability to make time for my family when needed.

Regrettably, Mr. Speaker, many American working men and women in the private sector do not have that choice. They are tied to their desk by outdated and out-of-touch Federal law. H.R. 1 will solve this problem.

Today, current law makes it illegal for employers to allow employees to choose between overtime pay and compensatory time off. For example, if a worker in America works 45 hours this week and wants to take time off next week to spend time with his or her family instead of getting paid overtime, Federal law says they cannot, even if they and their employer agree that it would be better.

Interestingly, Mr. Speaker, that is not the case for Federal employees. Mr. Speaker, Federal Government employees are exempt from this rule. The policy of forbidding employees and employers from voluntarily agreeing to take time off instead of paid overtime is dead wrong and fundamentally unfair. It hurts working parents and families.

One of our goals in this Congress, Mr. Speaker, ought to be to reduce excessive and irrational governmental interference in our daily lives and our economy. The existing Federal law prohibiting voluntary agreements for compensatory time off is a classic example of excessive Federal governmental interference in our lives. That is why we need to pass the Working Families Flexibility Act and remove this inequity.

Under this bill, employees are given the choice through a voluntary written agreement with their employer, to choose to receive paid time off instead of overtime pay. Just like cash, compensatory time accrues at 1.5 times the regular rate. It simply gives the employee the choice.

Mr. Speaker, I call for the passage of H.R. 1 and urge my colleagues to join us.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I rise against the rule on H.R. 1 and the bill. I want to make it very clear that the bill before us today is not the President's proposal. The President's proposal would give workers real time off and expanded time off to go to school functions and medical visits and other activities. This does not.

They call it the Working Families Flexibility Act, but, unfortunately, it is neither flexible for workers, nor is it family friendly. Under the guise of giving workers flexibility in the workplace, H.R. 1 gives employers flexibility in deciding whether employees will be able to collect overtime pay and when they can take their accrued comptime.

Many workers rely on overtime pay to make ends meet. This bill allows employers to find ways to intimidate workers who insist on getting paid overtime. That means that a single mother who relies on 5 extra hours of overtime pay each week may not get any overtime assignments, if the employer knows that another worker is willing to do the work for comptime. That does not help the single mother; it robs her of her ability to earn valuable overtime pay.

The people who are affected by H.R. 1 are not usually in a powerful position, and are therefore unlikely to refuse their employers' requests to do them a favor by being paid in comptime instead of their valuable overtime pay. Two-thirds of covered employees make less than $10 an hour. Thirteen percent of workers get overtime pay each week. This money is not always extra. Because women are the majority of low-wage workers, they are more vulnerable to these potential abuses of the law.

Mr. Speaker, this bill is brought to you by the same people who fought against and voted against family and medical leave. Do they care about protecting workers? I do not think so. This is a bill that would threaten women and working people around the country. This bill is not family friendly, it is family fraudulent.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, in typical fashion, the Republican leadership has given a terrible bill a pretty name and trotted it out as the greatest thing for working families since the invention of the 40-hour workweek, which it would undermine.

They say workers will have the choice of how to receive compensation for this work. What could possibly be wrong with giving working Americans more choice and flexibility? What is wrong is that in the real world where Americans work every day, our laws are their only protection from unscrupulous employers who often demand longer hours and try to avoid paying overtime. In the real world, thousands of employers skirt the overtime rules on the books every day, denying workers $19 billion a year in overtime wages. We simply cannot afford to weaken workers' protections.

Here is how the bill works. An employer does not like an employee; no comptime. An employer does not want to give an employee time off; cash-out the comptime. An employer feels employees are exercising their option too frequently; revoke the comptime.

This bill is not about families or flexibility, it is about paying off big business and cheating workers. It is about repealing the 40-hour workweek and the 8-hour day. Vote "no" on the paycheck reduction act.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, if I may again say, this has nothing to do with changing the 40-hourwork week. I do not know where they are coming from.

We have had three hearings on this bill. Every employee that testified, testified in favor of the bill. We had no employee testify against it. Only the Washington union leaders testified against this bill.

Let me read a letter from some of the best companies in the country for employees: Working Mother magazine recently recognized our companies as being among the top 100 with the best employment policies in the United States for working mothers. The article in Working Mother and other publications highlighted some of the creative solutions companies are developing to accommodate the unique needs of working parents.

> In our quest to create a family friendly work environment, we have explored a variety of benefits and policies. One of the issues consistently raised by our employees is a need for greater flexibility in scheduling work time. Unfortunately, our ability to provide this flexibility is significantly hampered by the Fair Labor Standards Act. Because of the FLSA, we are not allowed to offer compensatory time off to our hourly employees.
>
> Many companies, like ours, offer an array of benefits to working parents such as child care assistance, extended maternity or paternity leave, and telecommuting. These programs can be expensive and that expense often makes them prohibitive to small employers. This bill allowing for flexible scheduling arrangements certainly represents a way that larger employers can further accommodate their employees. In addition, it represents a way small employers can respond to their employees' needs in a relatively inexpensive way.

This letter was signed by Eastman Kodak, Hewlett-Packard, Hughes Electronics, Johnson & Johnson, Merck & Company, Motorola, Texas Instruments, TRW Space & Electronics.

Let me just say Working Mother said that these were the best employers in the country and they, as well as their employees, want comptime.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the word "family friendly" has been used here, but unless you are a DuPont or Rockefeller or Ford, this is not friendly to your family.

Also, comptime and paid leave have been used interchangeably. They are not synonymous. There is a great deal of difference between paid leave and comptime, and I wish that people would realize that.

Mr. Speaker, I think all of the arguments have been made. This is a bill that should not pass, and I hope the rule is defeated.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

I want to emphasize in closing that this legislation attempts to strike a balance, providing a win-win situation for everyone. It brings labor law up to date after 60 years, and allows decisions to be made by responsible adults and not a paternalistic Washington, DC.

Many women do not have a choice. They have to work to make ends meet. Give them the flexibility to exercise at their option the right to be with their children when it is so very important. Now, Washington says, the boss cannot do this, even if he or she wants to.

Mr. Speaker, give these folks a break. For some families, time is just as important as money. There is one fact in life: There is only so much time. Time is as precious as money. Why would Washington stand in their way?

Mr. Speaker, this legislation is a winner for everyone. I sincerely hope we can move it to the President's desk quickly. I urge a "yes" vote on the rule and on H.R. 1.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 195, not voting 8, as follows:

[Roll No. 54]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Barcia
Calvert
Kaptur
Sanchez
Shuster
Skaggs
Stark
Torres

□ 1248

Ms. JACKSON-LEE of Texas, and Messrs. TOWNS, RANGEL, LAZIO of New York, RUSH, DINGELL, and OBEY changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Pursuant to House Resolution 99 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY], each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER], the author of the bill and subcommittee chairman.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding me the time.

This is a simple bill. It will allow private sector employers and employees, where there is agreement, to have the option of using comptime or paid time off in lieu of overtime pay. It is designed to give hourly employees the opportunity to have more flexibility in their work schedules so that, for example, they can better meet the demands of work and family.

Let me just say that since I first introduced this bill in the 104th Congress, I have tried to address the concerns that others have had with this legislation. There have been changes made to this bill at each step of the process, at least 23, and the majority of these changes were made to give employees greater control over their accrued comptime and to make perfectly clear that the choice of comptime by the employee must be truly voluntary.

Let me review the protections for the employees:

Any agreement to take comptime must be voluntary on the part of the employee and indicated in writing.

Where the employee is represented by a union, the agreement to take comptime must be part of the collective bargaining agreement negotiated between the union and the employer.

An employee can always opt out of a comptime agreement for any reason at any time. The employer then has 30 days to compensate the employee with overtime pay instead of comptime.

The bill protects against coercion and has specific penalties for any employer who coerces an employee into choosing or taking comptime against his or her will.

An employee could use accrued comptime whenever he or she wants to use this time and the only restriction on the employee's use of that time is that it not unduly disrupt the employer's operations. This is the same narrow standard used in the public sector and would not allow the employer to control the employee's use of comptime.

In addition, the bill requires the employer to automatically cash out unused comptime at the end of the year as an added protection for the employee.

There are surveys which show that there is strong support among hourly employees for having this option. Obviously, not every employee would use it.

Mr. CLAY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to oppose H.R. 1 because it is another piece of deceptive antiworker legislation that belittles the character of this institution and heaps scorn on the intelligence of the fine men and women who constitute our great labor force.

Mr. Chairman, this bill is merely a warmed-over version of last year's failed comptime legislation that was part of an undignified agenda designed to undermine labor laws guaranteeing equity for workers. The majority has tried to make it more acceptable by calling it gender friendly and proworker. But fact is fact. The truth is H.R. 1 is just another assault on the rights of working people. Its title is misleading. It should be referred to as the Paycheck Reduction Act.

Mr. Chairman, this bill fails to provide employees with any meaningful choice. Their bosses alone decide whether comptime will be offered, to whom it is offered, when it is offered and when it is used. A recent study by the Department of Labor found that half of all garment contractors still violate the overtime laws. H.R. 1 does nothing to protect these and other vulnerable employees.

Mr. Chairman, this bill is opposed by major representatives and workers and women, including the AFL, the Women's Legal Defense Fund and the American Nurses Association. If we really want to know who H.R. 1 is designed to protect, consider this recent remark made by the lobbyist for the National Federation of Independent Businesses who told a Senate committee that the federation needs the bill because, and I quote, "Small business cannot afford to pay overtime."

Mr. Chairman, H.R. 1 is antifamily and antiworker, and I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds. I just want to make sure that what the gentleman just said; he knows and I know she made the statement in the context with what the Senate is doing, not what the House is doing.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 1.

Mr. Chairman, the American family is stressed and strained in new ways each and every day, as we well know. Too often in today's economy working parents are forced to choose between their families and their jobs. But this is not a new subject for congressional debate. In the recent past we debated a lot of these issues in the context of family and medical leave. But I believe today that the legislation we are discussing makes the workplace more flexible for working parents and their employers to adjust to the family patterns of today.

The Fair Labor Standards Act was passed in 1938. Times have changed and I believe that under this bill employees are provided an option, a reasonable option to choose compensatory time off in place of the overtime pay of their employers, if they should make that choice. It is now time to face the real world of 1997 and beyond.

I believe that the gentleman from North Carolina [Mr. BALLENGER] and others have already pointed out the explicit needs. I will put it in this context.

□ 1300

I do want to address the attempts by some on the other side to insert an expansion of the Family and Medical Leave Act in the context of this comptime bill.

As many of my colleagues know, I had more than a passing interest in getting the family leave bill passed. I was one of the leading advocates, and I fought my own party to see to it that that landmark legislation was passed. But I believe this comptime legislation is a piece of legislation in and of itself.

The Family and Medical Leave expansion has a legitimate time for debate. It should be debated in this Congress and, by the way, I believe expanding and refining that Family and Medical Leave Act is not only a debate for another time, but I would look forward to being supportive of that effort at the appropriate time, but this is not the bill that is appropriate for it.

Under this bill, employees are provided an option to choose compensatory time off in place of overtime pay if their employer decides to offer this option.

This bill provides an option of offering employees the choice of selecting paid time off instead of overtime wage. Through a written, voluntary agreement, comptime would accrue at the same time-and-a-half rate as overtime wages.

Mr. Chairman, I recognize that some have raised legitimate concerns about employee protections. However, in my opinion this legislation addresses those concerns by including several important employee safeguards, so we will not invite abuses.

First, an employee is permitted to withdraw from a comptime agreement at any time if the agreement is not working for that employee or if circumstances change for that employee.

Along those same lines, the employee can cash out any accrued time with 30 days notice to their employer. Furthermore, the bill makes it illegal to "intimidate, threaten or coerce" any employee for the purpose of interfering with the employee's rights under this bill to request or not request comptime. The penalty to the employer who violates this protective right is high—the employee would be able to claim double damages.

In addition to the protections currently in the legislation, there will be two amendments offered today that will add even more protection. The first will only allow employees to take advantage of this option if they have worked for the same employer for 1,000 hours.

This provision will protect seasonal employees who currently work extended hours during the season's high point, and then must sit back during the off season. The second amendment will lower the maximum amount of hours that one can accrue as comptime from 240 hours to 160 hours. Once a person accrues their maximum number of hours then all hours exceeding this total will be paid as overtime wages.

Mr. Chairman, allow me to address the attempts by some on the other side to the Family and Medical Leave Act in the context of this comptime bill. As many on this floor know, I have more than a passing interest in Family Leave as one of the leading advocates—I fought my own party for years to advance this family values and feel strongly that it is landmark legislation that has been a rousing success for American families working so hard to help themselves.

However, this comptime legislation is a logical supplement to Family Leave. However, the debate on expanding the Family and Medical Leave Act is a debate for another day at another time. And I will be supportive of that expansion. This is not the appropriate bill for that expansion.

Mr. Chairman, this is a bill that will provide options for today's working families. I urge support of H.R. 1, the Working Families Flexibility Act.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California, [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in very strong opposition to H.R. 1, the so-called Family Flexibility Act. Once again we see the Republicans bringing to the floor of the House legislation whose title suggests this is helpful to families but turns out not to be helpful for families.

Why is that so in this case? Because H.R. 1 simply fails to meet the test to provide families the flexibility that they can control in their working schedule. The fact is that under their legislation, the families will not have more flexibility to manage their schedules. Their employers will have more flexibility to manage the schedules, and that is the No. 1 complaint among workers about the loss of control over their schedules so that they can deal with the concerns they have with their family and the time they would like to spend with their family and to meet the needs of that family.

This legislation, as presented, simply does not meet the test. It does not meet the test of freedom of choice because, again, the worker does not have that choice. It is about the employer having the ability to manipulate that choice. Under the Republican bill, it is the employer that gets to decide when the employee can use the comptime.

It makes no sense for an employee to agree to work overtime, to work 20 or 30 hours a week overtime, or 10 hours a week, or a 20-hour day, or whatever it is decided that the employer gets to dictate to that employee to build up comptime, if the employee does not truly have the choice when and how that comptime will, in fact, be used. That is where the Republican bill fails.

The choice about when that comptime can be used by the employee, to meet whatever, for whatever purposes they decide, but let us assume it is to spend more time with the family or to take care of those critical needs, what we see is, in fact, that that remains in the hands of the employer. I think when employees discover that, they will find out that this is not some nice option because they can be forced into working overtime, somehow believing that they are going to get comptime off, but throughout the work year they can find out that it can be denied time and again because of the low threshold that is put in the bill.

We must also understand that this has serious financial ramifications for working families, which we will discuss later.

Mr. BALDACCI. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Chairman, I rise today in strong support of H.R. 1, the Working Families Flexibility Act.

I want to tell a story that personifies and exemplifies why American families need the Working Families Flexibility Act. It is a story of a very special woman, her struggle and her triumph; a woman whose life was devoted to her family, her faith and her friends.

Alliene Mullendore, who was raised in Fort Worth, TX, lived what some would call a hard life. She believed in old-fashioned values like hard work, honest living and responsibility. When she found herself alone one day with a family to raise and feed, she knew that the rest of her life would be spent trying to balance the twin goals of raising her children emotionally and spiritually while providing for them financially and materially.

She was a schoolteacher, and she was also a student. She spent her summers and her nights getting her master's degree so she could advance her career. And she did, eventually becoming the first female principal of an elementary school in the Birdville school district.

Although she was crippled by polio in the epidemic of the 1950's, and lived in almost constant pain and fatigue, she still found the strength to teach her classes on crutches as she learned to walk again. Somehow, miraculously, she found the time and energy to raise her two daughters into self-reliant, headstrong women.

The years of work and worry left their mark. The long hours at her school and the enormous pressure of being the sole provider for the family took a very heavy toll on this special woman. In her later years she suffered a severe stroke and was confined to her home for the last 11 years of her life.

Her days of active living were over. But her life had already touched so many, not just the children who experienced her warm smile and gentle humor as a teacher, but most profoundly she touched the lives of her two daughters, who today carry the memory of their mother with them every single day, knowing all the while how proud she would be. I know, because I am one of those daughters. I can honestly say that I stand here today by the grace of God and the sacrifice of my mother.

Martin Luther King once said that the measure of a person is not what they do in times of comfort and convenience but what they do in times of crisis and challenge. According to that standard, my mother was not only a personal success, she was a true American hero.

Throughout her life, even in illness, my mother always taught my sister and me that true success in life is measured not by what you get but what you give. My mother gave me everything. So I am very thankful I was able to be there with her during her last years, to give something back to her. I was able to move her into my home, where I could talk to her and care for her and just be with her.

I look across America today and I wonder how many daughters could share time with their parents during difficult days like I was able to. I was able to take care of my mother during her final years because I owned my own business and I arranged my own schedule. Tragically, there are millions of men and women each day in America who simply cannot do that.

This legislation today is about putting families at the top of our national priority list, giving hourly employees the option to take time off instead of overtime pay, saying thank you to a mother or a father after a lifetime of love and sacrifice.

So as a small business owner and a mother and a daughter, I strongly support H.R. 1, and I urge my colleagues from both sides of the aisle to put political considerations and partisan calculations aside. With this bill we can take one small yet very significant step toward the way America should be.

Mr. Chairman, comptime will allow working mothers to take time off and go to their child's or daughter's school play, because that is the way America should be.

Comptime will allow working fathers to take time off and go to their son's camp. That is the way America should be.

And comptime will allow working families the benefits of choice without imposing new Government rules on our businesses. And, Mr. Chairman, I think we all know that is the way America should be. I sure know it, because I would not trade the final moments I had with my mother for anything in the world.

Mr. Chairman, our most endangered species in America today is the family. This bill acknowledges that time spent with the family is time well spent.

I believe America is a nation built on the memories of yesterday as well as the promise of tomorrow. Today we have a chance with this bill to make sure that the promise of tomorrow is one of hope and happiness for our families, and that is the way America should be.

Mr. Chairman, comptime is the right issue at the right time and the right place, and let us pass this legislation because we owe it to our families.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York, [Mr. OWENS].

Mr. OWENS. Mr. Chairman, our most endangered species in America is the family, and we do not want to be guilty of taking cash away from families which is used to put bread on the table, to buy shoes, and to pay the rent.

This is a revolutionary and reckless change in labor law. The Fair Labor Standards Act has existed since 1938 as part of Franklin Roosevelt's New Deal. This experiment need not be so radical and so extreme as it is constructed in this legislation. We could provide adjustments and relief for comfortable middle class wage earners who want time off at the same time that we protect low income workers who need cash payments of overtime in order to meet their basic necessities of food, clothing and shelter.

This law is not enforceable. That is the problem. It will not be enforceable. There will be no choice for the people who want the cash to put food on their tables.

In fiscal year 1996, the Department of Labor found overtime violations among employers involving 170,000 workers. The lowest wage workers are the most common victims of this abuse. In other words, under the present law, they are not being paid their overtime. They are being swindled out of overtime.

The Employer Policy Foundation, this is an employer-supported think tank in Washington, they reveal that workers lose approximately $19 billion a year. $19 billion is swindled under the present law. This loose law here, which proposes to give choice to people, will be even worse.

A Wall Street Journal analysis of 74,514 cases brought by the Department from October 1991 to June 1995 found that industries such as construction and apparel were cited for illegally denying overtime to 1 in every 50 workers during this period. Overall, nearly 8 out of every 1,000 workers, or 695,280 employees, were covered by settlements which were necessary to get their overtime pay because it was not being given to them.

If Congress is going to tamper with the FLSA, at a minimum, two-thirds of the work force that makes less than $10 an hour ought to be protected. Here is a win-win situation. We could be less extreme and less radical and take care of everybody's needs.

Mr. BALLENGER. Mr. Chairman, I yield 2\1/2\ minutes to the gentleman from California, [Mr. RIGGS], a subcommittee chairman.

Mr. RIGGS. Mr. Chairman, I appreciate the opportunity to speak on this very important legislation, House Resolution 1, the first bill introduced in the House of Representatives in this session of Congress. That designation, H.R. 1, is supposed to indicate the importance that we Republicans, in the majority in the House, place on this legislation.

First, I think it is important that we clarify some misperceptions about the bill. First of all, it does not affect or change the 40-hour workweek. It does not include a flex-time provision, as does similar legislation in the other body. It does, however, give hourly employees the opportunity to have more flexibility in their schedule so that they can do a better job, so they can better meet the demands of work and family.

That is why this legislation is so strongly and overwhelmingly supported by the American people, especially the 63 percent of American families where both the mother and the father work outside the home and the 76 percent of all American mothers who work and who have school aged children.

I just want to conclude my comments by appealing to my good friends on the other side of the aisle, our proeducation Democrats, to support this legislation. I want to introduce into the RECORD a letter from Sheldon Steinbach, the vice president and general counsel of the American Council on Education.

He writes:

> Dear Congressman: On behalf of the American Council on Education, representing 1,689 2- and 4-year public and private colleges and research universities across the country, and the National Association of Independent Colleges and Universities, representing 900 private institutions of higher learning nationwide, we wish to express our strong support for H.R. 1, the Working Families Flexibility Act.
>
> Colleges and universities constitute some of the largest employers in many communities, and in some instances the largest employer within a State.

Mr. Steinbach goes on to write:

> Federal employees have enjoyed flexible schedules since 1978. Public employees of higher education have had the ability to choose either compensatory time off or overtime pay for overtime situations since 1985. As a matter of elementary fairness, the workplace flexibility that has been provided to Federal and public employees should now be extended to private employers, including private colleges and universities.

This is truly an idea, this legislation, whose time has come. H.R. 1 is good pro-worker, pro-family legislation with ample employee protections. I ask my colleagues to support H.R. 1.

Mr. Chairman, I include for the RECORD the letter I referred to earlier:

> AMERICAN COUNCIL ON EDUCATION,
> OFFICE OF VICE PRESIDENT AND
> GENERAL COUNSEL,
> *Washington, DC, March 14, 1997.*
>
> DEAR CONGRESSMAN: On behalf of the American Council on Education, representing 1,689 two- and four-year public and private colleges and research universities and national and regional education associations, and the National Association of Independent Colleges and Universities, representing nearly 900 private institutions nationwide, we wish to express our strong support for the Compensatory Time Off (comptime) provisions of H.R. 1, The Working Families Flexibility Act.
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> Colleges and universities constitute some of the largest employers in many communities, and in some instances, the largest employer within a state. As employers, colleges and universities have long been at the forefront of offering welfare and health-care benefits to employees and, over the last 10 to 15 years, work-family/life programs. Educational institutions offer these work-family/life policies and benefits as a way to recruit and retain a highly skilled, quality workforce. These benefits provide one of our competitive edges over the for-profit sector for salaried employees, since higher education institutions typically offer a lower compensation package than for-profit organizations. Institutions of higher education have realized that flexibility in the workplace is fundamental in trying to meet the needs of the employees and mission of their schools. This is especially true as more and more employees try to balance the competing pressures of work, family, and personal needs.
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> Federal employees have enjoyed flexible schedules since 1978. Public employees of higher education have had the ability to choose either compensatory time off or overtime pay for overtime situations since 1985. Allowing independent college and university employees a similar flexibility in scheduling would help them deal with personal interests and family concerns; it also would improve employee recruitment, retention, and productivity. Workplace stress is alleviated for parents when work schedules which conflict with school hours or, day care arrangements, or when flexibility is provided.
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> We fully support the Working Families Flexibility Act provisions under which an employee may choose either to take time-and-a-half off or time-and-a-half pay for any overtime hours worked. The proposed legislation also provides that an employee may bank up to 240 hours of comptime annually and requires the cashing out of any comptime hours which have not been used by the employee at the end of a year.
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> These flexible workplace options are completely voluntary. No employer can be forced to offer a flexible workplace option and no employee can be forced to participate in one. In addition, flexible workplace options must be arranged through agreement, and such an agreement cannot be a condition of employment. Lastly, if an employer directly or indirectly intimidates, threatens, or coerces any employee to participate in a flexible workplace option, they will be subject to the full range of penalties under the Fair Labor Standards Act penalties.
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> As a matter of elementary fairness, the workplace flexibility that has pervaded federal and public employment should be extended to private employers, including private colleges and universities. With the essential employee safeguards incorporated in the proposed legislation, that flexible scheduling arrangements, including the innovative use of comptime will meet the needs of both workers and institutions in the 21st Century.
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> Sincerely,
> SHELDON ELLIOT STEINBACH,
> *Vice President and*
> *General Counsel.*

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member of our committee for yielding me this time.

This bill is misnamed. It is called flexibility time, but it affords employees and the families absolutely no flexibility. Employers today have flexibility. They have flex-time. They could give their workers time off to do those essential things in health care or to attend to school affairs. They have that flexibility now. Why enact a law that will require people, workers, to work overtime without compensation?

One of the best family friendly things that was done by the Congress over 60 years ago was the enactment of the Fair Labor Standards Act, and what it did was to guarantee 40-hour weeks. It liberated families to be able to go home Saturdays and Sundays and be with their families, to be there for dinner so that they could have a family relationship.

□ 1315

This bill is going to actually repeal Saturdays and Sundays. It is going to force workers to work on Saturdays and Sundays and be away from their families. How could that possibly be family friendly? The only flexibility that I can see in H.R. 1 is to give flexibility to the employers. They would go to their workers and say, "I have to get this job out. The contract is coming up this weekend. We have to have overtime work by all of you." I cannot imagine the workers being able to turn down such an employer. And so they would work for no compensation, they would be away from their families, they might have to give up Saturdays and Sundays for no compensation, for how long? For 12 months these employers would not be required under this bill to give any time to the employees so that they could be with their families.

This is not family friendly, this is not flexible. Workers in my district, in my State, hold two jobs, three jobs, just to put food on their table. They work overtime because they need the money. Do not take the paychecks away from our workers.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds just to say to the gentlewoman, please read the bill. It has nothing to do with what you just heard. It does nothing with the 40-hour workweek. It does nothing to force anybody to work on Saturday and Sunday. It does nothing to force anybody to take comptime. None of that is in the bill. Please read the bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, this issue is very important to me. Balancing work and family responsibilities is a very tough challenge. I have in fact lived the challenge that is facing today's working mothers, having raised two sons on my own as a single mother who tried to balance the time with my children with a full-time job. Let me assure my colleagues it was not easy, but it does not have to be so difficult. That is why we need the Working Families Flexibility Act.

Just as a mention in response to the gentlewoman from Hawaii's comments, the Fair Labor Standards Act was passed in 1938, Mr. Chairman. This was a time nearly 60 years ago in our country's history when the workplace was filled mostly with fathers and also it was a manufacturing base. Things have changed now and many mothers are now in the workplace because they are required to have two parents working just to make ends meet.

Mr. Chairman, for too long parents have had to choose between work and spending time with their children. That is a tragedy. The 1994 U.S. Department of Labor found that the No. 1 concern for two out of three working women with children under the age of 18 is the difficulty of balancing work with family. Two recent surveys show us that three out of four parents indicate that having the option to choose either cash wages or paid time off for working overtime hours would enable them to better balance their work and their family responsibilities. This is all we are asking for, that they have the choice.

A working mother, for example, might prefer to see her daughter in a school play than have time and a half on the job. She should have that choice. Under current law, too many working mothers lie awake at night worrying about whether they are giving their children their time. We can do something to help those mothers. This bill addresses that problem. It is a sensible, balanced solution to the problem facing the hardworking parents of our country who are caught in the difficult quandary of simultaneously trying to provide for their families while still looking to spend time with them. I urge my colleagues to look at this piece of legislation to see its good and to vote for it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to H.R. 1, which has been appropriately identified as the paycheck reduction act. It is disgraceful that Congress is taking action to threaten the financial security of America's working men and women when three out of four of U.S. workers have lost ground economically during the last two decades, while CEO's reap salaries that are 212 times that of the average worker.

Congress is now attempting to further tilt the balance in favor of management by allowing companies to withhold overtime pay and to substitute comptime. From my conversations with working people, I can tell you that most workers need the overtime pay in order for them to earn a salary in order to make ends meet.

I heard my colleagues talk about the fact that this is great so that a father can visit his son at camp. The people I am worried about cannot afford to send their children to camp. They cannot afford to buy the equipment needed to go to camp. And so we are talking about two different people. People on the clock look forward to overtime. I recall when I worked the clock and I worked with low wages, I used to wait in line to seek overtime. And so to say you now must work overtime but you will not be able to be paid it will continually erode the ability of working people to earn a decent wage.

As I indicated from my conversation with working people, I can tell you that most workers need the overtime pay so that they are able to make ends meet. The bill will hurt America's most vulnerable workers, those who rely on overtime pay to make ends meet.

I offered an amendment during the consideration of this bill to exempt workers most vulnerable to employer abuse, such as seasonal workers and those in the garment industry. My effort to protect these workers was rejected by the majority. I think this is unfortunate. I think we should reject this bill.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. I would like to thank my friend from Missouri for yielding me this time.

Mr. Chairman, this bill is a wolf in sheep's clothing. We are asked to conjure up happy images of parents going to parent-teacher conferences and picnics with their children and camp visitations. When you read this bill, it paints a very different picture of what it will do to the American family and the American worker.

Picture this: An employee who always chooses cash overtime and never chooses comptime will not get offered overtime any more by many, many employers. That employee will not get overtime. They will get the right to sue their boss at their expense and have to carry the burden of proof in the trial.

Picture this: An employee who has built up a lot of comptime over the years and then gets a layoff notice or sees that his or her employer is going into bankruptcy. They do not get comptime converted into cash. They get left holding the bag because their employer is long gone and the cash is long gone and the income that they counted on is long gone.

Picture this: An employee who goes in and says, I want to use my comptime next Thursday because I just found out that is when my parent-teacher conference is, and here is the answer: No.

Mr. Chairman, you do not get the right to go to the parent-teacher conference. You get the right to sue your boss. That really is not worth very much to the American worker.

If you really want to help people that are in so much turmoil and trouble, why do we not bring a health insurance bill to the floor that makes sure that every American worker gets health insurance when they go to work? Why do we not expand on the Family and Medical Leave Act so people can get paid when they have to deal with a family medical health or other kind of emergency?

Mr. Chairman, this bill is a wolf in sheep's clothing. I am going to vote against the bill and slay the wolf and defeat the bill today.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I rise in opposition to H.R. 1 as it is now constituted and proposed. It appears clearly to be an exercise in semantics. This bill is touted as the Employee Flexibility Act when in fact it would enable those few employers who would act unmindfully of their employees' interests to do just that.

Throughout my district, Mr. Chairman, good employers do not clamor for a bill that would enable them to discriminate against their work force. Favoring some who opt for comptime over paid time is not prohibited in the bill as constituted. Also, the bill is ambiguous at best with regard to benefit contributions. If you work and get paid for overtime, your employer contributes to benefits or pensions for the hours paid. However, under this bill if you take comptime instead of wages, an employer avoids making those contributions.

Good employers already have the ability to give time off to employees for family matters. Many find a way to do just that. The Family and Medical Leave Act gives employees the right to take time off under fair circumstances. It could be expanded to cover more instances if the majority truly had family concerns in mind.

Let us be straight with the American public. This bill would allow some employers to avoid paying overtime and avoid making contributions to benefits. The majority on the committee rejected amendments that would have clarified that an employee should decide whether to take time off rather than be paid for overtime. The amendments would have required the employee to give 2 weeks' notice. If less notice was given, the employee could only take the time off if the employer's business would not be unduly disrupted.

The amendments would have clarified that an employer would be prohibited from discriminating against employees while punishing those opting against the employer's wishes. Our provision stated with certainty the recourse and the penalty for violators.

The amendment would have clarified a means for protecting moneys owed to employees for accumulated time if the employer went bankrupt. In short, the amendment sought to help the majority reach their stated supposed objective. The truth of the matter is that calling the bill something that it is not will not make it acceptable.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. I thank the gentleman for yielding time.

Mr. Chairman, I rise today in strong support of H.R. 1. This bill will finally give our country's hardworking parents the kind of choice they so desperately need and the opportunity they deserve. As a working mom myself, I find the pressures of balancing work and family extremely demanding. My husband and I savor every second we spend with our daughter. Too often both of us or one of us come home and she is asleep and leave the next morning before she gets up. We are heartbroken because the only quality time sometimes that we seem to spend with her is when she wakes up crying.

As crazy as our schedules are, we realize we have it easier than most Americans across this country. As Members of Congress, we are fortunate to have a lot more scheduling options than other parents. In 1994, a Clinton administration Department of Labor report found that the No. 1 concern for 66 percent of working women with children under the age of 18 is the difficulty of balancing work and family. Today we say to those women, you make that choice to make your life a little bit easier.

The opponents of this bill feel that employees should not have that choice, the Government will make that choice for them, because we know what is better for the American family than the working mother and father. We do not trust them to make the right decisions for what is right for them.

That is the difference here between the opponents and supporters of this bill. Employees instigate the option to choose comptime as opposed to overtime pay. There is nothing coercive about it. And if the employer tries to be coercive about it, he is going to stand greater penalties than under the National Labor Relations Act, similar to the penalties in the Family and Medical Leave Act. And yet no one from the other side had any complaints about the ability to redress under those two pieces of legislation.

Come on. It is now time for us to finally say to people throughout this country, particularly the lower income workers that people seem to think cannot make the appropriate decisions for themselves, go ahead. If you would prefer to take time and a half to spend time with your families rather than that paycheck, do it. If the paycheck is what is important to your family at that point, you have that option. It is all about empowering the family again.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, supporters of H.R. 1 are pitching it as comptime, a bill to give workers more time with their families. Well, we all need to spend more time with our families. But H.R. 1 does not ensure workers can do that. H.R. 1 is not cover time. H.R. 1 is chump time. It is chump time for the employee, because the boss, not employee, makes all the decisions. The employer decides whether to offer comptime in the first place, who gets it, and when the employee can take it.

□ 1330

Comptime does no good if one cannot plan for it. Under H.R. 1, a mom who works overtime in March cannot count on using earned comptime to take her kids to the doctor in April. Her employer can deny scheduled comptime just by claiming that it would be unduly disruptive to the business. That is not comptime; that is chump time. And American workers, Mr. Chairman, are not chumps.

Vote against H.R. 1, the chump time bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. McKEON] a subcommittee chairman.

Mr. McKEON. Mr. Chairman, I rise today in support of H.R. 1 which is proworker and pro-family legislation. I commend the leadership and our chairman for bringing such an important bill to the floor.

H.R. 1 will allow employees more flexibility in balancing the demands of their jobs and families without compromising their worker rights. To vote against this bill is to deny private sector workers an option that their public sector counterparts now enjoy with great success. Over 75 percent of employees surveyed said they would like the option of choosing comptime or cash.

Mr. Chairman, this bill is about options for employees. They can take their pay in cash or time. When they work overtime they get time and a half, or if they decide to take it in time they still get time and a half.

At the bipartisan retreat a couple of weeks ago, I had the opportunity to discuss this issue with a member of the Capitol Hill police force who does have the opportunity of choosing comp or cash. He told me that at this point in his life, time is very often more important to him now than money. He is fortunate enough to have already had the option of comptime over cash wages, and it is a choice that he greatly values. Were he to fall on hard times or need the cash more, he could fall back and take the cash instead of the comptime. H.R. 1 would provide this same option for private sector employees.

Mr. Chairman, this bill is about giving employees and employers more flexibility. Frankly, my experience tells me that this decision should be made in the workplace between the employer and the employee rather than here in Washington by politicians.

Finally, I commend the gentleman from North Carolina [Mr. BALLENGER] for insuring there are adequate protections in the legislation to insure that no employee can be coerced or forced into a particular option. It is a decision that they discuss and work out with the employer.

Mr. Chairman, H.R. 1 is about family flexibility and choice for employees which we should be giving to all Americans. Vote in favor of H.R. 1.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, workers of the United States have a right to say show me the money, not in comptime but in overtime payment. H.R. 1 is not about flexibility or families or constructive reform of labor law. H.R. 1 is about undermining and ultimately destroying the Fair Labor Standards Act on behalf of those who wish to avoid their legal obligations to their workers.

Mr. Chairman, this bill would open the door to employers to coerce their workers to accept comptime instead of receiving overtime in a timely manner. This bill would turn back the clock to the days of 16 tons. My colleagues remember Tennessee Ernie Ford: "You load 16 tons, and what do you get? Another day older and deeper in debt. St. Peter, don't you call me because I can't go. I owe my soul to the company store."

American workers will not accept owing their soul to the company store in terms of comptime.

This bill exchanges an economic right, a legal right that workers now possess, the right to obtain time and a half payment for overtime work for an IOU, an IOU issued by their employer to maybe give comptime in the future. H.R. 1 would encourage companies to schedule more overtime because companies would not have to pay their workers for it. More overtime means fewer jobs.

In this era of labor saving technology and falling real wages, when working families are struggling with two jobs, the 40-hour work week plus overtime is already too long. We need to be discussing public policies that promote more jobs, higher wages, and a shorter work week. I urge the defeat of H.R. 1.

Mr. GOODLING. Mr. Chairman I yield myself 3 minutes.

Mr. Chairman, as I said earlier, "When you get your marching orders, if you want to really impress the public and act as if you really mean what you're saying don't read the legislation. Then you can be very impressive out here." And that is what we are seeing over and over again, and I point out again it is less than two little pages. That is all it would have taken, time to read two little pages, and then my colleagues would not come down here and be so demeaning to the American workers.

I ask my colleagues, "Can you imagine people in this well saying over and over again these people can't make a decision, we have to make the decision for them? They don't know how to think." These are the American workers they are talking about.

This legislation tells the worker, "You make the decision. You don't ask anybody else to make the decision, you don't ask government to make the decision. You make the decision."

And I will guarantee my colleagues every American worker out there can make that decision. They do not need our help to make that decision. They can make it themselves.

So it is totally demeaning to be talking as if American workers cannot make choices, and everyone who stood up there, if they read the legislation, know that every worker is protected more than any other legislation that has ever passed in the House of Representatives, and the employer would be a fool if they tried to intimidate an employee, if they tried to determine that they will take that overtime in time off rather than wages, whether that employees wants it or not. That employee is protected more than any other employee has ever been protected.

And is not it interesting? Were we this demeaning to the public employees in 1985? Did we tell them they could not think for themselves? Of course we did not. We gave them the opportunity to think. And is not it also interesting in a recent study by the International Personnel Management Association, they found that 98 percent of public employees with a unionized work force offered a significant percentage of their work force flex benefits? What that proves is that the pressure of the employee will cause unions to negotiate for comptime, and we are giving them that opportunity which they now do not have in the private sector.

So I would hope that people would read and would read all the protections that are in this legislation because I do not know of any other legislation that is so employee-friendly as this legislation is.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 5 seconds.

The point about making it only two pages can be countered by saying, If you wanted to repeal the first amendment, it's only one sentence.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, let me start off by saying this is not about flexibility. There are many of us that are for flexibility. That is why we will vote for the substitute of the gentleman from California [Mr. MILLER] because his substitute understands one thing that this bill does not understand, that that time worked for belongs to the employee, not the employer. But my good chairman says that this bill gives the employees the right. It does not because the bottom line is that the employee may provide monetary compensation for an employee in unused compensatory time in excess of 80 hours, which means he determines whether you reach the full allotted time or not. The employer again makes the decision. It further goes on to say that the employee can only take the time if it does not unduly disrupt the operation of the employer. That gives the employer a wide open door to say, "Hey, this is unduly disrupting my production; you can't take the time."

So the employees do not control the time. If we are giving flexibility to employees, if we really want them to spend time with their families, then give them the options, not the employer. That is the problem here.

The bill of the gentleman from California [Mr. MILLER], which is a derivative of the President's bill, is something that gives the employee that option. This bill does not.

Vote against this bill. Vote for the Miller substitute.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds.

Somebody on the committee should know exactly what they are talking about and, of course, disrupt unduly and unduly disrupt are the same words that are in the Family Medical Leave Act that we had. They just reversed the way the two words are written, so anybody should be able to know that if they read the legislation.

Mr. CLAY. Mr. Chairman, the sponsors of this "Paycheck Reduction Act" keep claiming that H.R. 1 uses the same "unduly disrupt" standard found in the Family and Medical Leave Act. Their claim is flat, dead wrong.

Let's set the record straight. Under the FMLA, the "unduly disrupt" standard is extremely limited and specifically protects the power of employees to decide for themselves when to take family leave. Under the FMLA, the "unduly disrupt" exception only applies when the need for leave is for forseeable medical reasons. In that case, the FMLA says, "The employee shall make a reasonable effort to schedule the leave so as not to disrupt unduly the employer's operation." Even then, the leave can only be delayed if the employee's doctor agrees that delay will not harm the health of the employee, or his or her family member.

That distinction lies at the heart of the difference between the Republican bill and the Democratic substitute. We protect the employees' power over their own time and pay. H.R. 1, on the other hand, gives more power to the employees.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, as a working mother I learned one lesson early on. No matter how much we may want to, we human beings cannot be in two places at one time. The conflict between responsibilities at work and at home is a huge cause of stress for working parents, and the only cure for that stress is added flexibility in scheduling without loss of pay.

Fortunately for America's working families help is on the way in the form of H.R. 1, Congressman BALLENGER's Working Families Flexibility Act. This legislation would update existing labor law which was passed in the 1930's to reflect current reality by allowing employers to offer the option of comptime to workers as an alternative to overtime.

Now this bill will not force anyone to do anything. It will not make employers offer comptime, it will not make employees take comptime, and it provides employees with the option of cashing out their comptime at any time if they desire to do so. In other words, all this bill does is provide employers and workers with more choice, making people's lives a little bit easier and giving working people a chance to balance work and family in a better way.

Numerous protections have been included in the bill to ensure that employees cannot be pressured into one choice or another and that it does not change or eliminate the payment of overtime or the traditional 40-hour work week. Under this, whether one takes comptime or overtime pay, they still receive time and a half.

I want to ask all of my colleagues to support this bill, especially those who are parents. We all know what it is like to need some more flexibility in our lives. Let us bring labor law into the present and give working parents a break.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, today I rise in support of children, in support of families and in support of business. I rise in support of workers who want real flexibility, real protection, and real choice. Today I rise in support, Mr. Chairman, of workers who are struggling to pay bills, who are struggling to make ends meet, and who are struggling to put food on the table. I rise in support today of this Nation's most vulnerable workers who want to ensure that they too will have real choice, real flexibility, and real protection.

That is why I am urging my colleagues on both sides of the aisle to oppose H.R. 1 and support the Miller substitute. Business in this Nation, as well as workers in this Nation, want to ensure that both have choice, opportunity, flexibility, and protection. H.R. 1 does not provide that.

Let us stop demagoging this issue and work this issue out on behalf of children, working families, and business in America.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I ask unanimous consent to insert behind the last words of the gentleman from Pennsylvania [Mr. GOODLING] who said that the unduly was the same as in the family and medical records, Family and Medical Leave Act, I want to insert behind that statement an explanation explaining the difference.

The CHAIRMAN. The gentleman can insert that information as a revision in extension of those remarks.

The gentleman from Pennsylvania is recognized.

Mr. GOODLING. Mr. Chairman, I said that the words were reversed. If we look in the one, it says unduly first, and then look in the other, it says unduly second. So I said the words are reversed.

Mr. CLAY. Mr. Chairman, I am not disputing what he said. I am asking to insert this in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

□ 1345

Mr. BECERRA. Mr. Chairman, the proponents of this bill, H.R. 1, argue that employees have choice, and that is why we should pass this bill. We are further admonished that we should read this 2-page bill.

Mr. Chairman, I read the bill. An employee has an opportunity to earn comptime; an employee is given flexibility in the workplace if, if, the employer chooses; if the employer chooses, not the employee.

Page 3, paragraph 2, conditions: Employer decides who gets comptime, not the employee. An employer can offer one employee comptime and an employee that lives and works under the same circumstances can be denied comptime. An employee can be offered comptime 1 day, and on another occasion under the same circumstances can be denied comptime. The employer chooses.

Page 4, paragraph B, compensation date: An employer has the right to hold an employee's accrued comptime for up to 1 full year before disbursing it to that employee.

Page 5, line 11, the policy: An employer may withdraw his agreement in writing with an employee to offer comptime when he chooses to do so.

So you could start off with some comptime, but if the employer decides, no, I wish to change my mind, the employer has the right to do that.

Page 7, paragraph A, general rule, listen to this. I do not know if it was meant to be this way, but an employee cannot cash out his or her money if he or she leaves.

Under the way the bill is written, the language, it appears to say that the employer can actually give you comptime at the same rate that you have earned that time. So if you earn $10 an hour and you have 200 hours of earned comptime, that is about 25 days of paid comptime, it could take up to 25 days for you to collect your money that you earned, that is in comptime, even after you have left that employer. That is the way the bill reads. It seems to say that.

Mr. Chairman, I read the bill. It is not a good bill. Please defeat this bill.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the gentleman from California [Mr. BECERRA] should have gone on and read section E, which says, an employee may withdraw an agreement described in paragraph 2(b) at any time, an employee.

Also, I say to my colleague, in the public sector at the present time the same language applies to an employer offering time. Why does somebody not ask to have an amendment to eliminate public employees from comptime? If this law is so bad, let us not make public employees suffer any longer.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, the key issue here in reality is that private employees are not on an equal footing with private employers. That is why they call the employer the boss. The fact of the matter is that secretaries, construction workers, textile workers are vulnerable to the employer's decision regarding comptime. Whether they want comptime or not, it becomes abundantly clear that if you want your job, you better take the comptime.

Studies have indicated that as much as 64 percent of the working population prefers overtime pay to comptime, because overtime pay sends kids to college and overtime pay helps you buy a house.

Employees in the first instance cannot decide whether they want comptime because the employer will make that decision and make it clear.

Second, they cannot decide whether they want to use the comptime, because the employer can decide, well, you will unduly disrupt my business. So all of those stories you heard about how people can go to their school plays and they can have time with their children and their sick relatives really does not apply if the employer says you cannot have it. We prefer real time.

The fact of the matter is that overtime pay is in your hands. You can spend it or not spend it. comptime is in the boss's hands. He can tell you whether you can spend it and when you can spend it, and that is the fundamental problem. They go on to say, we have all of these employer protections. Well, you do not really have protections, because the Labor Department is already overburdened trying to enforce the minimum wage and fair labor standards. Who is going to go out and enforce all of these new laws? I do not think that that is a realistic proposal.

The fact of the matter is many of these companies are undercapitalized. When they go under, your comptime goes under. Many of these companies are fly-by-night. When they leave, your comptime leaves. The problem is that the employee cannot be adequately protected. The Labor Department does not have the adequate resources to take on these additional responsibilities.

We have a good system now that works, that protects employees and provides them with the thing they need, and that is a paycheck so that moderate income families can have additional resources. We should not compromise this with this radical comptime proposal.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. GIBBONS) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 924. An act to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested.

S.J. Res. 22. Joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The message also announced that pursuant to Public Law 104–264, the Chair, on behalf of the majority leader, appoints the following individuals to the National Civil Aviation Review Commission:

The Honorable LARRY PRESSLER, of Washington, DC; and Richard E. Smith, Jr., of Mississippi.

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the Democratic leader, announces the appointment of Dr. Larry K. Brendtro, of South Dakota, to serve a 2-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

The SPEAKER pro tempore. The Committee will resume its sitting.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

The Committee resumed its sitting.

Mr. GOODLING. Mr. Chairman, I yield myself 5 seconds just to merely say that even under the worst circumstances, the employee can cash out and walk away.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise today to express my support for H.R. 1, the Working Families Flexibility Act. I believe that this bill addresses an important issue facing families all over the country, the need to balance work and family.

As more and more families have two working parents, the need for flexible work schedules has become more important. However, under current law a private sector employer is not allowed to offer an employee compensatory time off in lieu of overtime pay. The availability of compensatory time for overtime work would address a real need for many working parents.

I have listened to a lot of the debate today, and I have listened to a lot of the opposition to this bill. One of my greatest frustrations is that most of this criticism is based upon an assumption that employers are evil, that they are mean-spirited people who will use any means to take advantage of their employees. I am a private sector employer, and I take personal offense and find it insulting that so many of my colleagues would contend that we are going to take advantage of the people that work for us.

I totally reject that premise and strongly believe that employers would be able to use the availability of compensatory time to help their employees voluntarily create a work schedule that meets their needs.

I also find it extremely ironic that in my congressional office with my public sector employees, I can allow a person who is working on my staff to take time off to visit or to go to a teacher's training education day or a student conference day; I can allow them that flexibility in utilizing comptime. But yet we are trying to impose a double standard on myself as an employer in the private sector, that I cannot offer that same benefit that I can offer to members of my congressional staff to have the same benefits to attend something that is very important to their families and to their children's futures.

I know that there will be a substitute amendment that will be introduced today that many of my Democratic colleagues will be supporting. But I caution them. I do not think this is the answer. While it has some modifications that are worthy, the bottom line is that we are trying to impose another mandate on employers by requiring them to provide the family medical leave another 24 hours.

This provision does not make a whole lot of sense, because if you have an employer that is offering comptime, there is no employee out there that is going to make a decision in which they are going to take unpaid family medical leave time off in lieu of the comptime.

It also is not appropriate and it is not fair for us, under the Miller substitute, to require private sector employees that are offering comptime to have to fully cash out accumulated overtime in the pay period in which they ask for it. As a private sector employer I could be facing a situation where I have an employee who might have acquired 80 hours overtime who might come into my office on a Friday and want to be cashed out and I would have to pay them that day. That is unfair. Please support H.R. 1.

Mr. CLAY. Mr. Chairman, I yield myself 20 seconds just to correct the gentleman. It would be unlawful for the gentleman from California [Mr. DOOLEY] to give overtime to his employees here on the Hill.

Also, there are no mandates in the Miller substitute, Mr. Chairman, as the previous speaker has stated.

Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, when I was a full-time law professor at Georgetown, one of the subjects I taught was labor law. I never thought I would live to see a debate on the House floor where we would be debating the dismemberment of the symmetry between the employer and the employee represented by the Fair Labor Standards Act.

My friends, this is one of the great statutes of the 20th century. It ranks right up there with the civil rights laws of the 1960's.

We have lost our way if the only way we can think of to bring updated benefits to workers is to trade off historic protections. This is a one-sided tradeoff. Yes, the worker can make a decision. The worker can make a decision if the worker is willing to confront the greater power of the employer, and therein lies the problem with this bill.

This bill is being proffered in the name of women, yet working women would be the last to benefit from this bill. Why? Because America's low-wage workers most in need of overtime pay are women. They are the low-wage hourly workers, because half of the workers who moonlight in America today are women, because almost all the single parents who are struggling with little or no child support are women, yet the need for flexibility is overwhelming, and it is great, and it is felt by women as well as men. There are many alternatives.

Why do we not spread some of the innovative leave benefits that Federal workers have? Leave banks where employees bank their leave for others to use when they are in need; leave transfer, a one-on-one transfer, one worker to another; the Family Friendly Leave Act, a bill I wrote, where a worker can use her own sick leave to care for a sick family member; and there are many more. We can find them together, but only if we are willing to abandon the zero-sum-game approach represented by H.R. 1. Let us do that and sit down, and write a bipartisan bill.

Mr. GOODLING. Mr. Chairman, I yield myself 10 seconds just to say in relationship to the last statement, these protections are virtually the same procedures and remedies as for violations of the Fair Labor Standards Act under the Family Medical Leave

Act, signed into law, much praised by the President, and under the Age Discrimination in Employment Act are greater, greater than the National Labor Relations Act, which the lady spoke so reverently about.

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Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 minute and 30 seconds.

Mr. GEPHARDT. Mr. Chairman, I rise to oppose this bill today. The title of the bill or the phrase that is used to describe the bill makes it sound like a very appealing idea, the idea that workers should have the ability to have flex time to be able to change hours, to be able to have more time with their families. But when we examine the bill closely, we realize what is really happening here is a shift of power from workers to some employers; and I would never, ever say all employers, because there are many employers today, who as a matter of policy in their own business, allow flex time and work with employees to work out a way that they can spend more time with their families, but what is happening in this bill is a shift in power to those employers who want to use this as a way to get pay levels down through not paying overtime pay.

The biggest shift that has happened in our society in probably 100 years is not the television, it is not even the airplane or the computer, it is the lack of time that adults have to raise their children. So this bill could have been a bill that would be very positive in moving us in the right direction. It does not do that. I am sorry it does not do that. I wish it did do that. If it did that, I would be for it.

But it moves us in a direction that we ought not to be going. It moves us in the direction of allowing some employers who would want to use it in that way to reduce the amount of overtime pay going to employees, and not letting employees have any say in that decision.

Mr. Chairman, I urge Members to vote against this bill. I think we can do much better than this. The Family Leave Act should be amended. We should be moving in that direction. That is a very positive way to go. That leaves it within the power of employees to make those decisions. But this bill would move us in exactly the wrong direction in, again, an area that is probably more important to people than anything I can think of. Adults spend one-third less time with children today than they did 20 years ago. We have to do something about it. This bill is not the best way to do it. I urge Members to oppose this bill.

Mr. Chairman, I rise to oppose this bill today—because it is a betrayal of the hard-working American families who endeavor daily to earn enough to feed and care for their children and keep a decent roof over their heads. Working families, because of this bill, will find that their everyday struggles will soon be repaid with time off, no pay, all at the convenience of their employers. Where I come from they call that a furlough.

I would caution everyone listening to this debate today, not to get caught up in the well-meaning, well-intentioned rhetoric of providing flexibility to hard-pressed workers who need time off to care for their families. This bill sounds like a remedy for working families, but is in fact an ill-advised panacea that will have the effect of denying workers a fair day's pay for a fair day's work.

We already know that there is a problem in the American work force of employees getting shortchanged by their employers. One business group, the Employment Policy Foundation, estimates that workers are currently being cheated out of $19 billion a year in overtime pay. One in ten of every American workers who is entitled to overtime pay do not get what they earned. And now we are asked to pass a bill that will empower businesses to make their workers work longer hours, with even less pay and have less flexibility than they have now to take time off. How can we say this helps working families?

Our Republican colleagues have already missed one opportunity today to truly help working families by denying our efforts to consider the Democratic family leave bill which makes available to parents federally protected leave for family concerns like routine doctor visits and parent-teacher conferences. If you are truly sincere in your pledge to help working families you will set aside this raid on working Americans' paychecks and reconsider your opposition to expanded family medical leave. This is a proven, successful policy enacted by Democratic votes, opposed by Republican voices, which has already helped 12 million Americans to lessen the pain and anguish in the face of a family crisis. Now let us give those families the comfort of knowing they can go to their child's school to check on his or her progress with their teachers or to the family doctor when their children or elderly parents need attention even if it is not life-threatening.

I have talked with working mothers who have to fib to their bosses to get time off just to pick their children up when they get out of school early. Others tell me they actually have to take their sick children with them to the workplace when they are too ill to go to school because there is no one to stay home and care for them. These families need to be given options to deal with their daily problems.

This bill does not offer these families a real choice. Instead of giving flexibility to workers, it gives new flexibility to employers. It does not allow employees to use comptime when the employee needs it. Where, in a proposal that would imposes new pressures on low-wage hourly workers—most of whom are women—to give up overtime pay upon which they rely to make ends meet, is there compassion for those mothers who have to make day-by-day decisions as they balance choices between caring for their a families and providing a decent standard of living for them?

Today, we need to make the compassionate and sensible choice by rejecting this bill, the Republican Paycheck Reduction Act, and work to produce an agenda that puts the working family before the corporate personnel officer who is looking at the bottom line.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] yields back 1 minute.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] is recognized for 3 minutes and 30 seconds.

Mr. STENHOLM. Mr. Chairman, this shows how reasonable people can have differing opinions on the same legislation. I rise in strong support of the Working Families Flexibility Act. I commend the chairman, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from North Carolina [Mr. BALLENGER] for their work on this bill, and particularly for reaching across the aisle to address many of the concerns that have been raised about this legislation. The willingness of Chairman BALLENGER to incorporate suggestions from Members of both parties has produced a bill that I believe is deserving of strong bipartisan support.

Mr. Chairman, I fail to understand the adamant opposition to this bill here in Washington, because I do not believe that same opposition exists across the rank and file workers of our country.

This bill represents a commonsense philosophy that giving employers and employees flexibility to work together in developing work schedules benefits both the employers and employees. All of us who are concerned about the demands of balancing work and family responsibilities should make it possible for employers to offer their employees options such as comptime to deal with these demands. One of the most positive trends in the workplace embraced by employers and employees has been the growth of creative work force policies and flexible benefit plans. We should be encouraging this trend, not punishing it through inflexible labor laws.

This bill would update our 60-year-old labor laws to provide another choice in the workplace, the ability of employees to accept compensatory time off instead of overtime pay. It is important to keep in mind this bill provides for compensatory time as an option that can be chosen but is not demanded or mandated. The decision to offer or accept compensatory time arrangements is voluntary for both the employer and employee.

I have opposed and will continue to oppose all mandated leave proposals because a federally-mandated benefit can never be flexible enough to adapt to the diverse needs of employers and employees across the country. This bill provides the flexibility that will allow employers to work with their employees to develop work arrangements that allow individuals to balance their family and personal responsibilities against the demands of their jobs.

I am troubled by the argument made by some opponents of this bill that we should not pass this legislation that would provide increased flexibility for all workplaces because a few employers may abuse this option. As has already been pointed out, the bill contains several provisions protecting employees from abuse by unscrupulous employers. More importantly, I encourage my colleagues to think carefully before making a decision that will reduce the flexibility of all employers based on the example of a few bad apples.

I know many of my colleagues share my concern about the efforts of some of the media and elsewhere to exploit the misdeeds of a few public officials to attack this institution and undermine the credibility of all of us in public life. I would urge my colleagues to resist the temptation to apply this same type of unfair, broad-brush approach to businessmen and women.

I urge my colleagues to support workplace flexibility and family-friendly practices by voting for this bill.

Mr. McGOVERN. Mr. Chairman, proponents of H.R. 1, the Paycheck Reduction Act, claim that it is designed to give workers more flexibility in their lives. But this bill is not about flexibility for employees, it's about flexibility for employers. No matter how many hours of compensatory time that an employee accumulates, this bill would give their employer full control over when that time could be used, or whether that time could be used at all. Under this bill, unscrupulous employers could coerce workers into taking accumulated comptime instead of hard-earned overtime, effectively stripping workers of much-needed time-and-a-half pay.

Mr. Chairman, H.R. 1 offers no real safeguards for employees in danger of being exploited by their bosses. Employers who file for bankruptcy could leave their employees with many unused hours of comptime. Unpaid, unsolicited vacation time doesn't exactly pay the rent or feed the kids.

Working families need real flexibility, such as that offered by the Family and Medical Leave Act. Expanding this landmark piece of legislation would give 15 million more workers the flexibility they need to balance work and family—with no loss of income or control over their work schedules.

Mr. Chairman, I ask my colleagues to ask themselves a very simple question: Do we really want to eliminate the 40-hour work week? This bill is a first step toward doing just that. Let's face it: If workers get so much from this bill, why do so many oppose it? Surveys have shown that the people who really matter in this debate—the working men and women whom this bill would affect—oppose the substitution of comptime for overtime by a margin of 3 to 1.

Mr. Chairman, this comptime bill is bad news for American workers, and I strongly urge my colleagues to reject it.

Mr. FAZIO of California. Mr. Chairman, I rise in strong opposition to H.R. 1 and encourage my colleagues to support the Democratic substitute being offered by Mr. MILLER of California.

We are all for worker and employer choice on the issue of comptime. Clearly, comptime can be a useful tool for those who would rather use the extra time to spend with their families than receive the overtime money. But that decision should be left to the employee and not be made as a unilateral decision to be made by the employer.

The President has already voiced his concern that H.R. 1 doesn't meet his standard for how comptime ought to be administered and his top advisors have recommended that he veto this bill.

This bill is a good example of how if the Republican leadership would have worked with the White House and the Democratic members on the committee on crafting bipartisan solution, we could have had unanimous support for a true comptime bill.

I am concerned that the way this legislation is drafted will allow those employers who are not inclined to pay overtime to coerce their employees either directly or indirectly by forcing them to take comptime. Further, this bill does not give or guarantee workers who do choose to take comptime the right to use it when they want or need to use it. Employers maintain control over when they want to grant comptime. Moreover, they are free to eliminate or modify comptime plans at any time without giving prior notice.

Perhaps the most egregious component of this bill is that H.R. 1 does not contain protections for workers whose employers go bankrupt or out of business, leaving them with worthless comptime. The garment, building services, construction and seasonal industries are particularly subject to thinly capitalized employers who go in and out of business quickly. Rather than dealing with this issue in a reasonable manner such as exempting such workers, H.R. 1 does nothing to address the very practical request.

I support the concept of comptime; however, in the reality of the workplace, most workers will not feel free to reject an employer's request that they take comptime in lieu of overtime pay.

Therefore, I ask my colleagues to reject H.R. 1 and send it back to committee and rework this bill so that it addresses the rights of America's working men and women.

Ms. LOFGREN. Mr. Chairman, the issue of comptime and flexible work schedules is extremely important among the workers and employers in my district, and I believe most Silicon Valley workplaces would benefit from changes in current requirements. Therefore, I would very much like to support legislation that would provide flexibility to employees and businesses, while protecting workers everywhere.

Unfortunately, H.R. 1 falls short of these objectives.

If we were certain that all employers in America would never try to be unfair to employees, then H.R. 1 would probably be a sound proposal. However, in that case, most of our labor laws would be unnecessary. Unfortunately, history has shown us that Federal labor protections such as the minimum wage, fair labor standards, workplace safety, and family and medical leave are necessary to protect many American workers.

While H.R. 1 might benefit both employees and employers in many work settings, it fails to protect many unrepresented, private sector workers in our country who are concerned about their job security, and are wary of taking actions against their employer to defend their rights. Amendments were offered in committee to improve worker protections, but unfortunately these were all defeated on party line votes. The Democratic substitute offered by Congressman MILLER includes specific provisions to ensure that comptime is voluntary, uniformly available, and more flexible for employees, and I support the Miller substitute.

I cannot support H.R. 1 as it is now written, but I am hopeful that after it is defeated, Congress will work toward useful reforms similar to Congressman MILLER's proposal. I, for one, am eager to sort through the controversial issues surrounding H.R. 1, because I would very much like to see a sound comptime bill become law in the 105th Congress.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 1, the Working Families Flexibility Act. Contrary to the title of this bill, the Working Families Flexibility Act would harm the lives of millions of America's working families.

H.R. 1 would amend the Fair Labor Standards Act to permit private sector employees to receive compensatory time off from work for work performed in excess of 40 hours. Under existing overtime laws, employees are required to receive cash wages at the rate of 1\1/2\ hours for each hour of overtime.

I oppose this bill because it fails to provide adequate safeguards to protect employees from being forced to accept compensatory time from unscupulous employers. H.R. 1 permits employers who wish to save money at the expense of their workers to coerce employees into accepting compensatory time in place of overtime pay. As a result of their unequal bargaining positions, most employees would not feel free to reject an employer's request that they take compensatory time instead of cash overtime pay.

This bill has failed to incorporate reasonable safeguards to prevent employer abuses. Furthermore, the legislation's penalties are markedly inferior to those already provided in current law. Therefore, the proponents of this bill have failed to take any substantial steps to deter employers from forcing compensatory time instead of receiving a cash payment.

Even more alarming is language contained in H.R. 1 which permits an employer the authority to cancel an offer of compensatory time if the employer decides that the worker's time off would unduly disrupt the operations of the employer. Therefore, employers would have complete discretion over when compensatory time may be used.

In addition, this legislation does not safeguard workers who prefer to receive overtime pay from discrimination by management when future overtime work is available. This would enable an employer to only offer overtime work to employees who had previously accepted compensatory time. This is extremely unjust, and would have a particularly harmful effect on unskilled, low-wage workers.

In fact, millions of workers depend on overtime pay just to maintain a decent standard of living. Although these workers may need to receive overtime pay, they may feel threatened by employers to receive compensatory time instead. Moreover, those employees who openly elect to receive overtime pay may be blackballed by employers so as to no longer receive overtime work. Employers may then elect to give overtime work to those individuals requesting compensatory time.

The administration has threatened to veto H.R. 1 because it weakens employees' rights and provides no protection against employer abuse. Fair and reasonable compensatory time legislation must provide real choices for employees and preserve basic worker rights. This bill does neither.

Mr. Chairman, H.R. 1, the Working Families Flexibility Act will hurt America's families. I urge my colleagues to join me in opposing this unjust legislation.

Mr. WELDON of Florida. Mr. Chairman, we have heard a lot of emotional rhetoric today that quite frankly has added little to the discussion of the real issues before us. I want to return the attention of the debate to the bill.

What is the Working Families Flexibility Act, and how would it impact regular Americans who go to work every day, pay taxes, and are torn between work and family? There are two questions that must be asked: Will this bill give employees flexibility to spend more time with their families? Does the bill ensure that the decision over whether to take compensatory time or overtime pay rests with the employee?

What we are about today is giving private sector employees the same right to work flexible hours that Federal, State, and local Government workers have enjoyed for more than a decade. Most Government workers I have talked to like and want this type of flexibility, and it is wrong to deny private sector employees these same rights.

Specifically, the bill before us states that employers are allowed to offer their employee a choice of receiving overtime compensation—for every hour worked over 40 hours in a 7-day period—in the form of 1\1/2\ hours of paid time off or 1\1/2\ hours of cash wages.

Back in 1938, a Federal labor law was put in place that requires employers to pay overtime pay with no option for giving flexible compensatory time instead. When this was put in place—59 years ago—most families had a parent who worked away from home and another who stayed at home. Today, in 60 percent of homes, both spouses work away from home. This is up by over 36 percent in just the past 25 years.

With more and more parents working outside of the home, survey after survey of American workers shows that Americans are increasingly torn between work and home and a more flexible work schedule is their top priority.

Why should we continue to deny private sector workers the flexibility they want and need? The Working Families Flexibility Act is about allowing parents to choose to spend more time with their children.

Too often our society places too much value on money and too little on relationships with a spouse and children. Too many families around us are falling apart. Too many families want to spend more time with their children, but are denied this right because of a 60-year-old outdated law.

Opponents of the bill have raised the question of whether the decision on whether or not to take compensatory time or overtime pay rests with the employee. I agree fully that this decision must rest with the employee.

The bill before us has many provisions that guarantee that this decision rests with the employee alone, not the employer. In fact, the Working Families Flexibility Act offers private sector employees more protections than Government workers have today.

The bill makes it illegal for an employer to pressure employees to take compensatory time rather than overtime pay. Any employer who coerces, requires, or even attempts to pressure an employee to take compensatory time rather than overtime pay is subject to penalties which include double the amount in wages owed plus attorneys fees and cost. Also, civil and criminal penalties apply. The fact that civil and criminal penalties apply is guarantee enough to ensure that employees are the ones making this decision.

Finally, I must say that I am disappointed that the loudest opposition to this bill has come from Washington labor leaders. I'm afraid that in their attempt to stir anti-Republican sentiment and scare the American worker, it is the American worker who is struggling to balance time between work and family that will suffer without passage of this bill. Additionally, I would point out that the bill before us specifically protects collective bargaining agreements. Those governed by such agreements are free to set their own collective bargaining arrangements.

Clearly the Working Families Flexibility Act provides employees with the type of flexibility they want and it is clear that there are plenty of protections to ensure that this decision rests with the employee alone.

Mr. RUSH. Mr. Chairman, I speak today in strong opposition to H.R. 1, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for workers in the private sector.

This bill represents a draconian piece of legislation. It is aimed at dismantling basic protections for hourly workers—protections that were won nearly 60 years ago by organized labor. H.R. 1 poses a serious threat to the basic concept of the 40-hour workweek and requirements that hourly workers are paid overtime.

Unfortunately, many of my colleagues and the media are trying to portray this initiative as being prowomen, profamily, and proflexibility. In reality, H.R. 1 is extremely antiworker and antifamily.

H.R. 1 is dangerous because it opens the doors for employers to avoid paying hourly workers overtime. Therefore, H.R. 1 threatens to reduce the income and standard of living for working families. Millions of hourly workers, predominantly women, people of color, and people with disabilities, depend on overtime pay to maintain a decent standard of living of their families. H.R. 1 would allow employers to avoid paying overtime.

H.R. 1 is particularly onerous because of mounting evidence that privatization is plunging hourly workers and their families closer to the edge of poverty. A recent study by the Chicago Institute on Urban Poverty examined the impact of contracting out the work performed by entry-level employees in 12 job categories. After privatization, wages and benefits fell 25 to nearly 50 percent, and half of the job titles studied each lost $10,000 or more in annual wages.

H.R. 1 is anything but family friendly. Under the proposed law, employers have the power to constantly change a person's work schedule—60 hours 1 week, 20 the next—without any requirement to pay overtime. Can you imagine how difficult it would be for a parent or other caretaker to arrange child care to plan time with their families under these conditions?

Under the Republican bill, management, not workers, hold the power to decide when it is most convenient for workers to take their comptime.

Instead of considering H.R. 1, I urge my colleagues on both sides of the aisle, to pass legislation that expands the Family and Medical Leave Act. That is why I am a cosponsor of H.R. 234, the Family and Medical Leave Enhancement Act, introduced by my colleague from New York, Congresswoman Carolyn Maloney. H.R. 234 will allow workers to take unpaid leave to seek medical care for their children or elderly parents, or to participate in their children's education. And more important, it allows workers to have a voice in decisions about when they can take time off from work without risking their overtime pay.

The 104th Congress is already remembered for turning back the clock for working people when it passed welfare reform—abandoning a 60-year Federal commitment to helping those in need. Let us make sure that the 105th Congress does not go down in history for overturning another Federal guarantee to working people that has been in place nearly 60 years—the right to overtime pay.

Mr. KLECZKA. Mr. Chairman, I rise today in strong opposition to H.R. 1, the so-called Working Families Flexibility Act. this title could not be more untrue. A more appropriate title for this family unfriendly legislation is the Paycheck Reduction Act, because that is exactly what will happen to families if this bill passes.

H.R. 1 will allow employers to give their workers 1\1/2\ hours of compensatory time for every hour worked, instead of paying them time and a half. Employees stand to lost a great deal of money if this bill becomes law. They will not only lose their overtime pay, but also the money that would have otherwise been paid for their Social Security and unemployment benefits. While it is important that working fathers and mothers be allowed time off to go to their child's soccer game or see them in the school play, it is equally important to see that this is accomplished in a way that benefits the working parents, and not just their bosses.

Employers already have a great deal of flexibility under the Fair Labor Standards Act to accommodate their workers' requests for time off for family or personal matters. In addition, workers today already have the opportunity to take unpaid leave under the Family and Medical Leave Act. This bill does not even guarantee that employers will grant time off for workers who choose to earn comptime instead of overtime pay. Only employers will have more flexibility under this act. When it comes time to decide which employees to give overtime work to, employers will always choose those who just want comptime over those that rightly want time and a half pay.

Last year, the U.S. Department of Labor handled over 60,000 cases that dealt with the loss of overtime pay. These workers were cheated out of millions of dollars. We should not validate this unfair, illegal practice by changing the law to allow employers to deny overtime pay. Last month, during a Senate hearing on comptime legislation, a lobbyist for the National Federation of Independent Business stated that small business "can't afford to pay their employees overtime. This flextime is something they can offer in exchange that gives them a benefit." this lobbyist conformed that employers have no intention of paying their workers time and a half when they can require them to work without pay instead.

Our working men and women deserve better. They deserve pay for the overtime that they earn, instead of comptime that they can use only when their employer allows them to take it. I hope that my colleagues will join me in voting against this bill, which is an outright attack on the pocket books of American workers.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 1 the Paycheck Reduction Act of 1997, any proposed change in the workplace rules regarding overtime pay or compensatory time that does not take into consideration the rights of working Americans to equal and fair pay should not become the law of this Nation.

H.R. 1 is a pay cut for America's workers. A working mother, for example, who puts in 47.5 hours per week at $6 an hour will earn $307.50. Substituting comptime for overtime pay, however, will leave her with just $240 per week—a 22 percent pay cut.

Any offers of what some would describe as voluntary compensatory time for workers should include protections which ensure that it is indeed voluntary.

In fiscal year 1996, the same year this body passed the first increase in the minimum wage in nearly a decade, the Department of Labor had 13,687 compliance actions of disclosed overtime violations. These represented nearly 50 percent of those in which FLSA minimum wage overtime monetary violations were found. The Wage and Hour Division found just over $100 million in backwages due to overtime violations owning to nearly 170,000 workers.

Unfortunately, all too often when the debate on the floor of this body shifts, it cuts harshest into the American worker's ability to earn a livable wage, against his or her right to a safe work environment, or into the necessity of receiving just compensation for the work that they perform.

If we as Representatives of working Americans are going to talk about how best to help the working families of this country, we must make it our first priority to ensure that they receive fair compensation for their work. H.R. 1 as it is currently written will not ensure that workers who depend on overtime pay receive it if they do not wish to receive compensatory time.

Those wage and hour violations involved a little more than one-half of 1 percent of all 6.5 million employers in the United States. For the sake of the 170,000 known workers who were affected by criminal overtime policies, we should not act without providing insurance that they will not fall victim again due to anything we might accomplish today.

We should keep in mind the need to ensure that employers are barred from denying a reasonable request for time off, that workers do not lose money because compensatory time is not credited for unemployment, pension, or Social Security. We must have absolute certainty that the most vulnerable to overtime violations—temporary, seasonal, part-time, and construction workers—are protected, and that employees have a direct remedy if an employer without just cause denies a request for compensatory time. The employer must be required to notify employees of their rights under any new law dealing with compensatory time. Finally, there must be penalties for noncompliance with any compensatory time law by employers who may attempt to take advantage of employees who have worked in good faith in expectation of comptime.

Ms. VELÁZQUEZ. Mr. Chairman, my colleagues, I am amazed at how far the Republican majority will go to keep hardworking American families in poverty. The Paycheck Reduction Act is their latest in a string of anti-family and anti-child proposals. The Miller substitute protects pay, benefits and time for working families. I urge all of you to support the Miller substitute and oppose H.R. 1.

This bill—on top of last year's welfare reform—will only make the difficult lives of working mothers a nightmare. The reality is that they already have a huge struggle. Many work two or three jobs just to make ends meet and keep their families together.

Consider a mom who puts in a 47 hour work week at $6 an hour. She will earn $308.00. By substituting comptime for overtime, she will only bring home $240.00—a 22 percent pay cut. This is simply a price most families cannot afford. Faced with less money in their pay check, they will have to scrimp for even the most basic necessities.

Worse of all, comptime will not be voluntary. Do you truly believe a parent will be allowed to use the time when they need it most? Clearly, the majority cares more about making sweet heart deals with the privileged than helping hard working employees.

My colleagues, overtime is important to so many working families and their children. We, here in Congress, should not be undermining their standard of living. Support the Miller Substitute. Vote No on the Pay Check Reduction Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, H.R. 1 is bad for working women!

Families need flexibility! However, H.R. 1 is not the way to reach employee flexibility. Flexibility would allow employees to decide when to take comptime off. H.R. 1, on the other hand, extends that flexibility to the employer.

The truth is, under H.R. 1, an employer has no obligation to grant a request for a specific time off. Further, the unduly disrupts language takes away even more flexibility from the employee. Employers may use this provision to the disadvantage of the employees when there is no serious injury to the work environment. Therefore, employers may actually punish employees with the selective use of comptime.

H.R. 1 is not the answer. What is the answer? The Family and Medical Leave Act should be expanded to give working families basic protection.

Families also need paycheck protection! Two-thirds of American workers oppose substituting comptime for overtime pay.

This bill will affect wage hour earners. 70 percent of those make $10 an hour and under. The reality is that families in this income bracket do not have much discretionary income and may find it extremely difficult to postpone receipt of their paychecks.

Under H.R. 1 if an employee requests comptime and later chooses overtime pay, the employer may retain his earnings for 30 days. In addition, the use of comptime is not counted as hours worked.

Employees will lose money that would have otherwise been contributed toward Social Security and unemployment benefits.

I support employee flexibility. I even support comptime as long as workers rights are not infringed upon. However, in the interest of the hundreds of thousands of working constituents in my district, I cannot support H.R. 1.

Mr. PACKARD. Mr. Chairman, imagine not being able to attend your son's graduation or your daughter's parent-teacher conference because you could not get the time off of work. Graduations, birthday parties and family reunions are the moments that we live for. If we let these priceless moments slip away, they will be forever lost.

I know that families are working harder than ever before. Parents today put in many more hours than they did just a few decades ago to purchase the basic necessities. In addition, Moms and Dads are finding it increasingly difficult to balance work and family responsibilities. Between getting the kids off to school, making sure that dinner is on the table, paying the bills and walking the dog, there are but a precious few moments for family time.

Mr. Chairman, I understand the trade-off between time at home and time spent at work which many couples must endure. As a father of seven, I know that we want the best and the most for our children. This is why I am supporting legislation to amend outdated federal law to provide more work schedule flexibility. This will allow families more time to take their children to the doctor, to drive them to soccer practice and to attend the school play.

H.R. 1, the Working Families Flexibility Act, will allow employers the option of offering their employees the choice of paid time off in lieu of cash wages for overtime hours worked. As with cash overtime pay, compensatory time would accrue at a rate of one-and-one-half times the employee's regular rate of pay for each hour worked over 40 within a 7-day period.

I believe that the Working Families Flexibility Act offers a workable solution for both employers and employees who are attempting to achieve this balance. It will strive to improve the quality of life for our citizens while working to provide them with the precious time and opportunity to spend with their families.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the Working Families Flexibility Act (H.R. 1). I am a proud original cosponsor of this measure, which I believe is one of the most profamily, proemployee bills ever to come before Congress.

In San Diego County, families work hard to make ends meet. They have some of the country's longest commutes. They struggle to make time with their children. According to a Yankelovich poll cited in the June 16, 1996, Wall Street Journal, 62 percent of parents believed their families had been hurt by changes they had experienced at work, such as more stress or longer hours. And the Department of Labor finds that 70 percent of working women with children cite balancing work and family responsibilities as their No. 1 concern.

Families want more flexibility in their work schedules, to help accommodate soccer games, school awards, or just time with the children.

That's why the Working Families Flexibility Act is so important. Given the fact that many employees are working overtime, the Working Families Flexibility Act brings the Fair Labor Standards Act into the 1990's. It gives employees a choice: get paid time and a half, or take time and a half off with the family. All that's needed is a mutual agreement between the employer and the employee. As amended, workers can accumulate up to 160 hours of comptime. Any comptime that is not taken must be paid at time and a half. And all comptime must be cashed-out once a year into time-and-a-half pay, or when the employer requests it.

This is the right thing to do. Three out of five workers working overtime would like to take comptime instead of time-and-a-half pay.

Interestingly enough, Congress granted similar flexibility to public sector employers in 1985. But the private sector and small businesses are prohibited by the FLSA from offering this kind of family friendly flexibility to their own employees. If this kind of flexibility is good enough for government employees, it's good enough for the rest of America.

During the previous Congress, President Clinton joined the bandwagon in support of more flexibility in family work schedules. His proposal is represented by the substitute being offered by my colleague from California, Mr. MILLER. But the Clinton-Miller proposal does not do the job for America's working families. It creates unnecessary bureaucratic paperwork for employers. And it does not allow employees to bank any sizeable amount of their comptime, as the Working Families Flexibility Act does. Nevertheless, we appreciate the President's interest, and look forward to eventually having his support for this popular and bipartisan legislation.

The Working Families Flexibility Act gives working families a better chance to get what they want and what they need: Time with their children, with their family, friends, and loved ones. It includes important protections for employees and employers. It is a balanced, reasonable approach to the work and family environment of the 1990's. I urge all Members to support it, because families support it, too.

Mr. LUTHER. Mr. Chairman, I strongly support the Paperwork Elimination Act. This legislation has again passed the House Small Business Committee with unanimous bipartisan support. It was one of the top recommendations of the 1995 White House Conference on Small Business and builds on the success the 104th Congress had in reducing Federal paperwork demands on our Nation's small businesses.

I think Members of both parties can agree that Federal paperwork demands on small businesses have become too expensive, time consuming, and burdensome. It is estimated that business owners and ordinary citizens spend 6 billion hours per year responding to Federal reporting requirements ranging from employment forms from the Bureau of Labor Statistics to Internal Revenue Service returns. This time could be better spent developing new business initiatives that would lead to increased economic activity and job growth.

Having worked in and with small businesses for years, I have come to appreciate the frustrations small business owners feel when it comes to dealing with excessive Federal regulations. As I travel throughout Minnesota's sixth district, one of the most common complaints I hear from small business owners is how paperwork costs associated with complying with Federal regulations are hurting their ability to compete. We must recognize that small businesses often do not have the resources to keep pace with new and rapidly changing regulations.

H.R. 852 provides businesses with the option of electronically submitting information required to comply with Federal regulations. Small businesses and individuals can now send and receive mail, complete their financial transactions, and read magazines and newspapers from their own personal computers. There is no reason why businesses should not have the option of completing Federal Government forms by computer, so that interaction with the Federal Government becomes a more positive experience for business owners.

As a member of the Small Business Committee, I urge support for this legislation to reduce the paperwork burden on small businesses as they attempt to meet the Federal Government's information demands. Thank you.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to H.R. 1, the so-called comptime legislation and in support of the Miller substitute. America's workers need to know that this bill is a sham. It would effectively eliminate workers' fundamental guarantee of overtime pay—without providing any genuine flexibility in return.

I think every Member in this Chamber supports greater flexibility for working men and women. I raised three kids while working. I know how important it is for working parents to be there for their family.

Some working parents out there may be learning about this legislation for the first time, and may be saying to themselves, "This bill means I could attend my child's first school play, or high school basketball championship." Unfortunately, it is not that simple.

Under this bill, it would be too easy for an employer to coerce employees to take comptime instead of the overtime pay so many families depend upon. And under this bill, a worker who agrees to comptime instead of overtime pay—whether by choice or by force—has no guarantee they can use the time they earned when they need it most. Mr. Chairman, where is the flexibility?

My colleagues and I who oppose this bill want to make clear how a genuinely family friendly law would work. A profamily law, unlike this one, would give the employee—not the employer—the choice between time off and overtime pay. It would allow the employee—not the boss—to choose when to use comptime. Unfortunately, this bill fails to meet this fundamental standard.

Frankly, this bill is a step backward for working parents. It takes away important worker protections and could mean a paycut for too many families. I urge my colleagues to vote against H.R. 1, and vote for the Miller substitute.

Ms. BROWN of Florida. Mr. Chairman, H.R. 1, the Working Families Flexibility Act of 1997 is also known as the Pay Reduction Act.

Today, millions of workers depend on overtime pay—just to feed their families and keep a roof over their heads. How cruel to consider this overtime pay as optional. Today too many people depend on overtime pay to survive. Their survival is not optional.

It is employers—not employees—who get greter flexibility from this bill. The bill does not contain necessary safeguards to assure that the employee's decision to accept comptime is truly voluntary.

The overtime provisions in the Fair Labor Standards Act both protect workers from excessive demands for overtime work, and, by requiring premium pay for overtime, provide an incentive for businesses to create additional jobs.

There is no doubt that American workers prefer pay for their overtime work—instead of comptime. Unfortunately, too many do not get paid. The Employment Policy Foundation, a think tank supported by employers, estimates that workers lose $19 billion a year in overtime pay due to violations of the Fair Labor Standards Act.

Mr. KOLBE. Mr. Chairman, I rise in strong support of H.R. 1, the Working Families Flexibility Act of 1997. It is time that we grant private sector employees one of the benefits that many public sector employees have enjoyed for a long time. I congratulate the gentleman from North Carolina for bringing this bill to the floor for our consideration.

Mr. Chairman, one of the concerns I hear most often, in this era of the dual income family, is being able to balance children's needs with those of the job. For too long, employers who want to be flexible have been hamstrung by rules made for a bygone era. Finally, we are about to offer the tools to make life better for those families.

This bill would allow a working mother to bank sufficient overtime hours in a compensatory time account to accompany the Girl Scout troop on their weekend camping trip which leaves immediately after school on Friday. She could bank enough hours to take time off to meet with the teacher about her daughter's progress. And certainly there could be hours to use to take care of the inevitable orthodontist appointments and doctors' appointments. She wouldn't have to take time off from work without pay to attend to these needs.

But for those men and women who would benefit more from additional cash, receiving overtime pay at the rate of 1\1/2\ hours for every hour worked would remain the standard. No one would be forced to take time off instead of taking overtime pay. Compensatory time is a modification to the overtime for pay rule that must be agreeable to both employee and employer. Employers don't have to offer compensatory time and employees don't have to accept compensatory time instead of overtime pay.

Mr. Chairman, I cannot imagine why some people try to make this sound like a bad deal for employees. The Acting Secretary of Labor states: "Any comptime legislation must effectively and satisfactorily address three fundamental principles: real choice for employees; real protection against employer abuse; and preservation of basic worker rights including the 40-hour workweek." And this bill meets all of those criteria. Obviously, it offers real choice for employees, because employees may choose whether or not to accept compensatory time if it is offered. Currently, there is no choice. The bill clearly protects against abuse. It states specifically that an employer may not intimidate, threaten or coerce any employee for the purpose of interfering with the right to choose compensatory time or payment of monetary overtime and it sets out penalties, payable to the employee. And finally it preserves, and enhances, basic worker rights including the 40-hour workweek. It actually allows private sector employees the same rights available to those represented by unions or who work in the public sector. It does not affect, in any way, the 40-hour workweek.

Further, it does not infringe on union powers because it does not apply to those workplaces represented by a union. All those benefits are covered by a collective bargaining agreement. Incidentally, compensatory time is one of the most commonly negotiated benefits for union employees.

I urge my colleagues to join me in voting for H.R. 1. This is a bill for our working families. To again quote the Acting Secretary of Labor: "Workers—not employers—must be able to decide how best to meet the current needs of their families." It is a bill I am proud to support.

Mr. SMITH of Texas. Mr. Chairman, if you want to make the workplace more family friendly, vote for the Working Families Flexibility Act.

This bill provides working mothers and fathers with more choice and flexibility. It provides workers with the choice of comptime pay or overtime. This option allows employees to balance family needs and career needs.

There are some things that money can't buy—time with your children, your parents, or your spouse. Comptime allows workers to buy more of all of these things.

If you want to free working families from the shackles of big government, vote for the Working Families Flexibility Act. This bill will make workplaces more flexible in the 21st century.

If you believe that Congress should live under the same laws that govern the private sector, vote for the Working Families Flexibility Act. Since 1985, Federal, State, and local governments have been able to offer their employees comptime. Shouldn't private-sector employees have this same option? This bill says yes.

Vote for our families. Vote for flexibility. Support the Working Families Flexibility Act—for our families, our workers, and our children.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Families Flexibility Act of 1997".

SEC. 2. COMPENSATORY TIME.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) Compensatory Time Off for Private Employees.—

"(1) General Rule.—

"(A) Compensatory time off.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

"(B) Definition.—For purposes of this subsection, the term 'employee' does not include an employee of a public agency.

"(2) Conditions.—An employer may provide compensatory time to employees under paragraph (1)(A) only if such time is provided in accordance with—

"(A) applicable provisions of a collective bargaining agreement between the employer and the labor organization which has been certified or recognized as the representative of the employees under applicable law, or

"(B) in the case of employees who are not represented by a labor organization which has been certified as recognized as the representative of such employees under applicable law, an agreement arrived at between the employer and employee before the performance of the work and affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c)—

"(i) in which the employer has offered and the employee has chosen to receive compensatory time in lieu of monetary overtime compensation; and

"(ii) entered into knowingly and voluntarily by such employees and not as a condition of employment.

"(3) Hour Limit.—

"(A) Maximum hours.—An employee may accrue not more than 240 hours of compensatory time.

"(B) Compensation date.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year which was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

"(C) Excess of 80 hours.—The employer may provide monetary compensation for an employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

"(D) Policy.—Except where a collective bargaining agreement provides otherwise, an employer which has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice.

"(E) Written request.—An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time accrued which has not yet been used. Within 30 days of receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

"(4) Private employer actions.—An employer which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

"(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours; or

"(B) requiring any employee to use such compensatory time.

"(5) Termination of employment.—An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time in accordance with paragraph (6).

"(6) Rate of compensation.—

"(A) General rule.—If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than—

"(i) the regular rate received by such employee when the compensatory time was earned, or

"(ii) the final regular rate received by such employee,

whichever is higher.

"(B) Consideration of payment.—Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

"(7) Use of time.—An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (1), and

"(B) who has requested the use of such compensatory time,

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

"(8) Definitions.—The terms 'overtime compensation' and 'compensatory time' shall have the meanings given such terms by subsection (o)(7).".

SEC. 3. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "(b) Any employer" and inserting "(b) Except as provided in subsection (f), any employer"; and

(2) by adding at the end the following:

"(f) An employer which violates section 7(r)(4) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(r)(6)(A)) for each hour of compensatory time accrued by the employee and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee.".

SEC. 4. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published at 29 C.F.R. 516.4, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this Act.

The CHAIRMAN. No amendments shall be in order except those printed in House Report 105–31, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered as having been read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

An amendment designated to be offered by the gentleman from Pennsylvania [Mr. GOODLING] or his designee may be offered en bloc with one or more other such amendments.

It is now in order to consider amendment No. 1 printed in House Report 105–31.

AMENDMENTS EN BLOC OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, pursuant to the rule, I offer amendments en bloc numbered 1 and 2.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

AMENDMENTS EN BLOC OFFERED BY MR. GOODLING:

Page 4, insert after line 10 the following:

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1000 hours for the employee's employer during a period of continuous employment with the employer in the 12 month period before the date of agreement or receipt of compensatory time off.

Page 4, line 13, strike "240" and insert "160".

The CHAIRMAN. Without objection, the time for debate will be combined.

There was no objection.

Pursuant to House Resolution 99, the gentleman from Pennsylvania [Mr. GOODLING] and a Member opposed each will be recognized to control 10 minutes.

Does the gentleman from Missouri [Mr. CLAY] rise in opposition?

Mr. CLAY. No, Mr. Chairman, I do not, but I ask unanimous consent to claim the time allocated in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized to control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the first amendment would require that an employee have worked at least 1,000 hours in a period of continuous employment with the employer in the 12-month period preceding the date the employee agrees to receive or receives compensatorytime off. For example, an employee would be eligible to receive comptime if he or she worked 40 hours a week for about 6 months with one employer or 20 hours a week for 12 months with one employer.

The second amendment would limit the number of hours' comptime that an employee could accrue to 160 hours. The bill reported from the committee had allowed an employee to accrue a maximum of 240 hours. Again, this amendment is designed to address some of the concerns, both of these amendments, that were registered during our markup.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment makes very minor improvements in a very bad bill. H.R. 1 fails to protect vulnerable workers. It fails to safeguard employee wages. It encourages the abandonment of existing paid leave policies, and it invites further violations of the overtime law. The amendments before us exempt some part-time and seasonal workers. Many other workers who are not exempted remain subject to abuse.

H.R. 1 holds out the very real potential that a worker will be cheated out of 6 weeks of wages. The amendment before us limits that amount to 4 weeks of wages. Mr. Chairman, H.R. 1, with or without this amendment, is fatally flawed. It deserves to be defeated. However, I will accept the amendment because it provides very minor improvements in the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI], a member of the Committee.

Mr. PETRI. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise in support of this amendment. As Members know, there has been a long debate over exempting certain industries from provisions of this bill. Construction workers and other seasonal employees, for example, often work on short-term projects and frequently change employers. As they move from job to job, it is unlikely these workers will ever be able to use comptime.

It has been pointed out that violations of overtime requirements typically are more likely to occur in these types of employment situations as well. Making comptime an option in industries where the relationship between the employer and the employee is transitory may in fact make it easier for unscrupulous employers to avoid paying overtime wages.

It is much better for both employers and employees to require, as this amendment does, that workers put in at least 1,000 hours over a 12-month period of continuous employment to be eligible for comptime. This amendment does that, and thus would ensure that an employee has a substantial relationship with an employer before the option of earning paid compensatory time in lieu of overtime wages can be made available.

This requirement will also help ensure that any agreement to receive compensatory time instead of overtime wages is made on equal terms. By adding this important provision, I believe that this amendment would substantially enhance the protections of this bill, and I would urge all of my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

In the first amendment, Mr. Chairman, we are dealing with the issue some raised that migrant workers could be hurt, construction workers perhaps, so we are dealing with that issue.

In the second there were those who were concerned that if you accrued too many hours and somebody went belly up, you would have all these accrued hours. Of course, we are reducing that, but nevertheless in bankruptcy, of course, wages and benefits are always one of that very top level that you deal with when you start going through the bankruptcy procedure. So I think we have accomplished in both instances what people were concerned about.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say this bill does not apply to any bankruptcy cases. Once again, I would say that I will accept the amendment. Of course, I will oppose the final passage.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. I yield back the balance of my time Mr. Chairman.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 19, not voting 5, as follows:

[Roll No. 55]

AYES—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—19

Campbell
Davis (IL)
Delahunt
Forbes
Hefley
Herger
Hunter
Klink
Kucinich
McKinney
Neal
Owens
Paul
Rush
Schaffer, Bob
Strickland
Towns
Velázquez
Watt (NC)

NOT VOTING—5

Carson
Kaptur
Rogan
Spratt
Taylor (NC)

□ 1430

Mr. HERGER changed his vote from "aye" to "no."

Messrs. METCALF, SANDERS, ALLEN, CONYERS, and UPTON changed their vote from "no" to "aye."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Chairman, on rollcall No. 55, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–31.

AMENDMENT OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, pursuant to the rule, as the Chairman's designee, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOYD:

Page 9, add after line 2 the following:

SEC. 2. SUNSET.

This Act and the amendments made by this Act shall expire 5 years after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from Florida [Mr. BOYD] and a Member opposed will each control 5 minutes.

Mr. CLAY. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time allocated in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized to control the 5 minutes.

The Chair now recognizes the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment simply puts in place a 5-year sunset, which at the end of that time will cause us, as a Congress, to review this act.

I have listened to the arguments over the last few weeks and read a lot about the arguments, and I think that in a perfect world, and if this bill works like it is supposed to, it will be a great piece of legislation to strengthen the relationship between employers and employees. Certainly, in its ideal form, H.R. 1 will allow workers and employees the flexibility to make decisions that will both strengthen families and build a better workplace.

By putting in place a 5-year sunset provision, the amendment ensures future congressional review of this act. We are sending a message, a positive message, to employers that we are serious about making this act work. We are placing a great deal of trust in our employees and employers to come together in this act.

The changing workplace and the changing dynamics that exist in two-income families make it essential that workers and employers forge an alliance. By ensuring congressional review of this act, those who remain concerned about protecting workers can assess the success of this act and make future adjustments, if necessary.

The changing workplace demands that we seek new solutions to problems. I believe that compensatory time flexibility will prove to be something that is valued by both workers and employers. If it does not work like it is supposed to, this sunset act will certainly give us the opportunity in the future to review that and make the necessary changes.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of this amendment.

In the spirit of the debate on both sides of the question, if this is as bad as some of my colleagues say it is, then we sunset it in 5 years. If it is not, then this Congress can, in fact, make other reasonable adjustments to the subject at hand.

I continue to fail to understand why anybody would object to this legislation in its current form, but this amendment, we think, addresses many of the concerns by saying we are not going to do it forever if it turns out to be bad. We will, in 5 years, sunset it, and then we will not do the irreparable harm that we hear from so many who have been against this bill today.

Mr. Chairman, I rise in support of the Boyd amendment, and want to compliment him for his constructive proposal.

Many concerns have been raised about how employers may abuse the flexibility they are granted under this bill. I disagree with the views held by the opponents of this bill, but I respect their opinion. I readily admit that none of us can know for certain exactly what impact this bill will have. The Boyd amendment strikes a reasonable balance that allows us to let this good idea go forward for a test period. If the bill has half as many problems as the opponents claim it will have, and employers abuse it half as much as we have been led to believe, Congress will never reauthorize it. However, I believe that this bill will work to give employers and employees increased flexibility and that after it has been in effect for 5 years it will have earned even stronger support from employers and employees than it has today.

The significance of this amendment should not be underestimated. This amendment will require Congress to come back and review this act in 5 years. Those of us who support this legislation will have the burden to demonstrate that the law has worked as we anticipated. I believe that this approach of sunsetting legislation and requiring Congress to review how the laws we pass actually work in the real world would serve us well in other areas as well.

I urge support of the Boyd amendment.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I, too, want to rise in support of this amendment because I also think that some of the rhetoric on this piece of legislation has been overblown.

I think that the other side of the aisle is to be commended, in that they have moved in our direction and included some amendments and some ideas that we have suggested. I think we have a workable piece of legislation. If the problems that some people see are there, I think it will be solved by this amendment. We will have a chance to come back and take a look at it.

I think this bill will work pretty close to the way it is put together, and I strongly support this amendment.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I want to commend my friend from Florida for bringing this amendment before us. I support this amendment. I think most folks here today also support the general concept of providing comptime for employees to spend emergency time with their family, or whatever else might need be done.

The real question is how can we craft this legislation in a way that both employees and employers are protected. I think the amendment of the gentleman from Florida is a good way to move forward in that. Certainly we want to get a good bill, but if there are problems, we should have it sunsetted, and I support this legislation.

Mr. BOYD. Mr. Chairman, I yield myself the balance of my time to close by giving my thanks to the gentleman from Pennsylvania, Chairman GOODLING, and also to my leader, the gentleman from Missouri, Mr. CLAY, for allowing me to present this amendment.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, sunsetting this bill is not the problem or the answer. Enacting H.R. 1 would be a terrible mistake. This bill does not provide employees with paid leave, it only allows employers to defer overtime pay. It does not provide a single employee the right to earn comptime, does not protect the right of workers to use comptime, and provides no protection where employers are unable to pay for comptime.

H.R. 1 increases employer control, not employee flexibility. Even more seriously, this bill, by reducing overtime costs, increases overtime work at the same time it undermines pay.

I oppose the bill because of the damage it will cause. However, I will accept the amendment because, at least, it places some time limit on the amount of that damage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BOYD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 390, noes 36, not voting 6, as follows:

[Roll No. 56]

AYES—390

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pelosi
Peterson (MN)

Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—36

Barr
Bartlett
Bliley
Boehner
Bonilla
Brady
Campbell
Davis (VA)
DeLay
Ehlers
Forbes
Gilchrest
Granger
Hastings (WA)
Hefley
Herger
Hostettler
Johnson, Sam
Kingston
Kucinich
McDermott
McIntosh
Northup
Paul
Pease
Petri
Rohrabacher
Royce
Salmon
Scarborough
Sensenbrenner
Shadegg
Shays
Smith (TX)
Strickland
Thornberry

NOT VOTING—6

Fazio
Gephardt
Kanjorski
Kaptur
Kasich
Spratt

□ 1500

Mr. SHAYS and Mr. GILCHREST changed their vote from "aye" to "no."

Mr. GEJDENSON changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAZIO of California. Mr. Speaker, I was unavoidably detained on my way to the House floor and missed rollcall vote No. 56. Had I been present, I would have voted "aye" on the amendment.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105-31.

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS:

Page 3, line 10, insert before the period the following: "or an employee whose rate of pay is less than 2.5 times the minimum wage rate in effect under section 6(a)(1)".

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from New York [Mr. OWENS] and a Member opposed will each control 5 minutes.

Does the gentleman from North Carolina [Mr. BALLENGER] rise in opposition?

Mr. BALLENGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. BALLENGER] will control 5 minutes in opposition..

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the wee hours of this morning I was informed that my first grandchild was born, and I assure my colleagues I pursue my concern with the future of America with a renewed fervor. As a result of that, I would like to see an America that is for everybody, liberty and justice for all, and we share the prosperity.

I want to make it quite clear that we can have a comptime bill that serves everybody's need. We do not have to grab for it all. We can have a bill which allows the upper middle class people who want this to have it, and the same time let us exempt three-quarters of the work force who earn $10 or less, three-quarters of the work force earn $10 or less. This amendment says we should exempt them.

We just voted on a sunset provision. We can come back in 5 years and examine what happened and maybe add them then, but let us exempt them from this radical experiment in labor law. We do not need to do this. We can have a win/win situation by letting the two-thirds of the work force earning $10 an hour or less not be a part of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BALLENGER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment prohibits, the amendment of the gentleman from New York [Mr. OWENS] prohibits, workers earning 2\1/2\ times the minimum wage, currently $11.88, or about $23,700 for the full-time worker, from accepting compensatory time. Many of these workers would like to have that option. In fact one of the individuals who testified at our subcommittee hearing, Peter Faust, in support of compensatory time told us that he makes about $20,000 per year.

Why should he and everybody else who makes less than $23,000 be barred by the law from making this choice? Do the sponsors of this amendment not trust these workers to know what they want and what is best for them?

The Owens amendment is premised on the argument that lower income workers are inevitably at the mercy of their employers and so cannot make a free and voluntary choice about compensatory time. The bill addresses the issue of employers' voluntary choice for employees including those who make less than $23,000 with numerous employee protections.

Let me read what Mr. Faust said in his testimony. He said time is precious and fleeting. There are lots of ways to make money in this country and lots of ways to spend it. But there is only one way to spend time with yourself, family, or friends, and that is to have time to spend. When I look back on my life, I regret and always will that already those occasions when I needed to be there for my family and they asked me to be part of their life and I could not because I did not have time.

I say to my colleagues that this man begged us on bended knee not to exclude him from this bill, and I think almost anybody would recognize that he can make a rational decision as can all other people in that wage scale.

Mr. Chairman, I reserve the balance of my time.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York for yielding this time to me, and I rise in support of working Americans. Clearly I believe that working Americans trust us to do the right thing. The right thing is to support the Owens amendment that ensures that the legislation does not work to the detriment of the most vulnerable.

I wonder if the witness who testified making under $20,000 realized that workers can lose money because comptime is not credited for unemployment. The bill bars employers from terminating or reducing, fails to bar employees from terminating or reducing vacation and sick leave, substituting them for comptime. The bill fails to protect employees who are most vulnerable to the overtime laws.

We can make this the kind of bill that supports working Americans by supporting the Owens bill that recognizes those who make under $20,000 a year should, yes, have the option of taking comptime but not denying them the benefits that they so much need and giving them the flexibility that they can take the comptime that they do need.

Mr. Chairman, I think it is important that we recognize that, if we do this, let us do it right. Let us utilize the truths the American people have given us. They do not read between the lines, we do. Let us support the Owens bill and ensure it for the most vulnerable of those.

Mr. BALLENGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], a member of the committee.

Mr. GREENWOOD. Mr. Chairman, I oppose the Owens amendment, as I did when this amendment was raised in our committee, and I do it in all due respect to the gentleman who offers it.

But I consider this proposal to be insulting, patronizing, and discriminating to young people particularly, like my son.

My son works, and he does not make 2\1/2\ times the minimum wage. He is working his way up the ladder, and he is working a heck of a lot of overtime. He is working that overtime because he is buying a car and insuring it, and he is taking all of his overtime in cash, and that is fine. Under this bill he would still have the right to take all of his overtime in cash.

But one of these days he might say, I want to go to my friend's wedding, and I need to take Friday and Monday off to do that, and my son is as entitled to make that decision on his account based on his needs as someone who makes twice as much money as he does. For that reason I think that the gentleman's amendment is discriminatory and should be rejected, and I yield back.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Owens amendment. The bill without the amendment would be a terrible blow to millions of American workers who work overtime for compensation.

What the Owens amendment is at least trying to do is to make it possible for the low wage worker not to be put under this pressure of having to work overtime for no compensation at all, for that promise of time off sometime in the future. The employer could require the worker to work overtime 160 hours with no promise as to when that compensatory time would be afforded the worker, not when they want to do something or they have to take care of a family problem or they want to go off on a vacation.

There is absolutely nothing in H.R. 1 which gives the employee the choice, the free choice, or the decision to take this time when they need it. It is an entirely employer based bill. Therefore without the Owens amendment it seems to me that, if we are concerned about the workers earning a living, we have to support the Owens amendment.

Mr. BALLENGER. Mr. Chairman, I only have one speaker left, and I reserve the balance of my time.

The CHAIRMAN. The gentleman from North Carolina has 2 minutes 15 seconds remaining, the gentleman from New York has 2 minutes remaining. The gentleman from North Carolina has the right to close.

Mr. BALLENGER. I have one speaker who will close.

Mr. OWENS. Mr. Chairman, as the person offering the amendment, do I not have the right to close?

The CHAIRMAN. The gentleman from North Carolina, representing the committee position, has the right to close.

Mr. OWENS. Mr. Chairman. I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

□ 1515

Mr. ANDREWS. Mr. Chairman, I thank my friend from New York for yielding me this time.

The issue raised by the amendment of the gentleman from New York [Mr. OWENS], which I strongly support, is how much leverage does the janitor who cleans the building have over the person who owns the building and pays his or her paycheck?

The way this bill is set up is it says that the employer will, I believe, have functional control over whether you choose cash or comptime. If you do not like what the employer chooses, you have the right to sue your boss. If you make less than $10 an hour, I do not think you will get very far doing that.

The Owens amendment is pointed in the right direction. I strongly support it on behalf of all of the people out there who have no leverage, no leverage over that choice whatsoever. I commend the gentleman for offering it, and I support it.

Mr. OWENS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the AFL–CIO says there are no aspects of this bill that are truly protective of employee rights. Vote against this employer-driven attempt to rob employees of their pay and benefits in the name of family flexibility.

I have a number of union organizations representing workers who say the workers do not want this revolutionary change in the Fair Labor Standards Act. We can have a less revolutionary change by adopting my amendment and giving the 20 percent of the work force that has clamored for this, let them have it, and at the same time we protect the people at the very bottom who do not want to be deprived of their right to have cash to put food on their tables, to buy clothing. They need the money. They would like to have more time with their families, but they need the money most of all.

That is two-thirds of the work force out there making approximately $10 an hour or less. We can protect them. This is a win-win situation. In the name of bipartisan cooperation, let us go forward. Let us not bully the people on the bottom.

That is what we are doing here. We are taking our power and we are using it as a hammer against the people on the bottom. Employers will take this cash in large amounts and invest it. They want cash. Why should they give somebody cash when they can give them comptime?

We can go forward in the name of bipartisan cooperation, break the logjam and move to show America that we care about everybody, the people on the very bottom as well as those on the top.

Mr. Chairman, I rise in vehement opposition to this mutilation of the Fair Labor Standards Act [FLSA]—the Working Families Flexibility Act—H.R. 1. At a time when there is overwhelming evidence to suggest that individuals are already being exploited, oppressed, and hoodwinked in the workplace, Congress is considering a bill that would eviscerate the protective armor of FLSA. As currently drafted, the bill does nothing more than offer employers many opportunities and temptations for deregulated exploitation. Simply put H.R. 1 is a bad bill that misleads workers and the general public into believing that they will be given a greater degree of choice. H.R. 1 is an affront to the American worker; and the only way to restore some preservation of employee rights to this haphazardly drafted, antiworker bill is to protect that segment of the work force that would stand to suffer the most under this bill—low-wage workers. My amendment would accomplish just this.

This amendment would exempt workers who earn less than 2.5 times the minimum wage. This is equivalent to slightly more than $10 an hour—or approximately $24,000 a year for a full-time worker. In effect, the amendment would exclude the lowest paid and most vulnerable Americans in the work force. Tying the exemption to the minimum wage indexes the exemption to future increases in the minimum wage. Lower wage workers deserve and need the protection of this amendment for two very fundamental reasons: They are more likely to need the cash for overtime worked instead of compensatory time and they are more likely to be subjected to abuse by their employers as a result of this legislation. They should not be covered by H.R. 1.

First, families struggling to make ends meet cannot pay the bills and buy food and other necessities with comptime. I challenge my colleagues to deny that most workers, earning approximately $10 an hour, need all the money they can earn more than they need time off. Public opinion polls show that families with two wage earners and comfortable incomes are in favor of more compensatory time. At the same time, the available evidence also shows that workers earning less than $10 an hour, or its equivalent, prefer and need more take-home pay. In the real world, employers would naturally reward those employees who accept comptime over cash by giving them more overtime. It is painfully clear: The employee who demands to be paid in cash will face repercussions. He or she will not be asked to work overtime.

Second, lower wage workers are likely to be abused more than higher wage workers. Most employers do not intentionally violate the law; however, reports suggest that too many do.

In fiscal year 1996, the Department of Labor found overtime violations involving 170,000 workers. Low-wage workers are the most common victims of this abuse.

The Employer Policy Foundation, an employer-supported think tank in Washington, revealed that workers lose approximately $19 billion in overtime pay each year.

A Wall Street Journal analysis of 74,514 cases brought by the Department from October 1991 to June 1995, found that industries such as construction and apparel were cited for illegally denying overtime to 1 in every 50 workers during this period. Overall, nearly 8 out of every 1,000 workers, or 695,280 employees, were covered by settlements, even though enforcement was limited.

If Congress is going to tamper with FLSA, at a minimum the two-thirds of the work force making nearly $10 an hour must not be forsaken. I urge my colleagues to support this endeavor to exempt the most vulnerable workers.

The opposition to H.R. 1 is fierce. The administration, labor unions, and employee associations are not the least bit receptive to this Republican notion of worker flexibility.

In a letter to Congress, March 18, the Sheet Metal and Air Conditioning Contractor's National Association [SMACNA] and the Mechanical Electrical Sheet Metal Alliance state the following:

> Currently one of the most abused and violated federal employment laws by irresponsible employers, the FLSA would be even less of an effective federal employment protection if H.R. 1 is allowed to become law.

They insist that "H.R. 1 invites greater FLSA fraud, lowers employee pay/benefit contributions and undermines employee work time discretion."

In a letter to Congress, March 18, the AFL–CIO emphatically states:

> There are no aspects of this bill that are truly protective of employee rights. * * * Vote against this employer-driven attempt to rob employees of their pay and benefits in the name of family flexibility.

In a letter to Congress, March 13, the Union of Needletrades, Industrial and Textile Employees [UNITE] explains that:

> The bill will encourage greater use of mandatory overtime—because instead of having to pay a premium for overtime when it is worked, companies can stall payment and hope workers forget they have money coming to them.

In a letter to Congress, March 3, the International Brotherhood of Teamsters argues that:

> The FLSA established the 40-hour work week, the benchmark schedule working men and women use to maintain time for their families and normalcy in their lives * * * hours worked in excess of 40 must be paid at a premium rate. * * * The overtime premium requirement also provides an incentive for businesses to create additional jobs to the extent more work exists than can be accomplished within the normal work week. that helps reduce unemployment.

In a letter to Congress, February 4, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America [UAW] states:

> It [H.R. 1] would enable employers to avoid paying overtime, thereby reducing the income and living standard of working families.

H.R. 1 does nothing more than permit an employee to make an unsecured loan to his or her employer. The poorest workers should be saved from the privilege of having to loan their hardearned money to their employers. The exemption for workers who make less than 2.5 times the minimum wage must be accepted. Today, we are here to turn back the clock on worker protections in this country. At the very least, I challenge my colleagues to stand up for the two-thirds of the work force making approximately $10 an hour. They stand to suffer the most under H.R. 1. Vote "yes" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BALLENGER. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of our committee.

Mr. GOODLING. Mr. Chairman, again, I ask my colleagues, how demeaning can we be in the Congress of the United States? As I indicated earlier in the debate, we somehow or other believe that employees cannot make decisions. Only we in the Congress of the United States can make decisions for them. That is demeaning. Any employee can make a decision, any employee should make a decision.

Now, this is even more demeaning. This is even more demeaning, because what we are now saying is that the lower your income, the less likely you will be able to make a decision. How demeaning can we really get?

I do not care whether they are making 10 cents an hour. They can make every decision they want to make, because they have that opportunity to make that decision. And in this legislation, only, only the employee makes the decision. If the employee, after they make a decision, decides "I do not like that decision," the employee can immediately say "I want to reject that contract I made and I want to cash out," and the employer has to cash out.

Please, please, give our employees much more benefit of the doubt than you are giving them. I have wonderful friends in every business and industry there is at every level and every one are very, very capable to make all of their decisions without any help from the U.S. Government.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of Congressman OWENS' amendment to H.R. 1.

Congressman OWENS' amendment would exclude people who make 2.5 times the minimum wage, which is $11.88 an hour or less, from any change in the overtime pay rules.

On behalf of the 125,000 households in the city of Houston with incomes of less than or equal to $25,000, I am supporting this amendment to this compensatory time legislation.

Any offers of what some would describe as voluntary compensatory time for workers should include protections which ensure that it is indeed voluntary.

In fiscal year 1996, the same year this body passed the first increase in the minimum wage in nearly a decade, the Department of Labor had 13,687 compliance actions of disclosed overtime violations. These represented nearly 50 percent of those in which Fair Labor Standards Act minimum wage overtime monetary violations were found. The Wage and Hour Division found just over $100 million in back wages due to overtime violations owing to nearly 170,000 workers.

Unfortunately, all too often when the debate on the floor of this body shifts, it cuts harshest into the American worker's ability to earn a liveable wage, against his or her right to a safe work environment, or into the necessity of receiving just compensation for the work that they perform.

If we as Representatives of working Americans are going to talk about how best to help the working families of this country, we must make it our first priority to insure that they receive fair compensation for their work. H.R. 1 as it is currently written will not insure that workers who depend on overtime pay receive it if they do not wish to receive compensatory time.

Those Wage and Hour violations involved a little more than one-half of 1 percent of all 6.5 million employers in the United States. For the sake of the 170,000 known workers who were affected by criminal overtime policies, we should not act without providing insurance that they will not fall victim again due to anything we might accomplish today.

We should keep in mind the need to insure that employers are barred from denying a request for reasonable time off, that workers do not lose money because compensatory time is not credited for unemployment, pension, or social security. We must have absolute certainty that the most vulnerable to overtime violations—temporary, seasonal, part-time, and construction workers—are protected.

According to the Employer Policy Foundation, an employer-supported think tank in Washington, workers lose approximately $19 billion in overtime each year.

I want to thank and commend the commitment of my colleague from New York on the issue of fair and equal treatment for all of our Nation's workers.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 237, not voting 13, as follows:

[Roll No. 57]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard

Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
Lampson
Lantos
Largent
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Snyder
Stabenow
Stark
Stokes
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—237

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Clement
Dingell
English
Gephardt
Gilchrest
Kaptur
Kasich
LaFalce
Matsui
Oberstar
Price (NC)
Spratt
Stump

□ 1534

Mr. SOLOMON changed his vote from "aye" to "no."

Mr. VENTO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILCREST. Mr. Chairman, on rollcall No. 57, I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN. The Committee will rise informally to receive a message.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105–31.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Protection and Family Flexibility Act of 1997".

SEC. 2. IN GENERAL.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended to add at the end the following:

"(r)(1) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than 1\1/2\ hours for each hour of employment for which overtime is required by subsection (a).

"(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization which has been certified or recognized as the representative of the employees under applicable law, or

"(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employer's employees which provides employees with a voluntary, informed option to receive compensatory time off for overtime work where there is an express, voluntary written request by an individual employee for compensatory time off in lieu of overtime pay provided to the employer prior to the performance of any overtime assignment;

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (4)(A) or in regulations issued by the Secretary pursuant to paragraph (13);

"(C) if the employee is not required as a condition of employment to accept or request compensatory time;

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations issued by the Secretary under paragraph (13), including the availability of compensatory time to similarly situated employees on an equal basis; and

"(E) if, for purposes of a plan established under subparagraph (A)(ii), the employer, in providing compensatory time, does not modify a leave policy so as to reduce any paid or unpaid leave or does not reduce any other type of benefit or compensation an employee would otherwise be entitled to receive.

"(3) An employee may, at any time, withdraw a request for compensatory time made under a plan under paragraph (2)(A)(ii).

"(4)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned-and-unused compensatory time, in accordance with regulations issued by the Secretary.

"(B) Upon the request of an employee who has earned compensatory time, the employer shall on the payday of the pay period during which the request is received provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(C) Not later than January 31 of each calendar year, each employer shall provide monetary compensation to each employee for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through paid time off or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to paragraph (13).

“(5) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

“(6) An employee shall be permitted to use, at the time the employee has requested, any compensatory time earned pursuant to paragraph (1)—

“(A) for any reason which would qualify for leave under section 102(a) of the Family and Medical Leave Act (29 U.S.C. 2612(a)) or any comparable State law; or

“(B) for any other purpose—

“(i) upon notice to the employer at least 2 weeks prior to the date on which the time off is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the employer's operations; or

“(ii) upon notice to the employer within the 2 weeks prior to the date on which the time off is to be used unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

“(7) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

“(8) Except where there is a collective bargaining agreement, an employer may modify or terminate a compensatory time plan upon not less than 60 days notice to employees. When a plan is terminated, an employer may not, except as provided in paragraph (4)(C), require that an employee who has earned compensatory time receive monetary compensation in lieu of such time.

“(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection. Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

“(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

“(A) to discharge or in any other manner penalize, discriminate against, or otherwise interfere with any employee—

“(i) because such employee may refuse or has refused to request or accept compensatory time off in lieu of overtime pay, or

“(ii) because such employee may request to use or has used compensatory time off in lieu of overtime pay;

“(B) to request, directly or indirectly, that an employee accept compensatory time off in lieu of overtime pay, to require an employee to request or to refuse to request such compensatory time as a condition of employment or as a condition of employment rights or benefits or to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time off in lieu of overtime compensation; or

“(C) to deny an employee the right to use or force an employee to use earned compensatory time in violation of this subsection.

“(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to section 16(b) or 16(c), in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, as well as an additional equal amount as liquidated damages, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time off or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the employer's liability under this paragraph.

“(12) For the purpose of protecting overtime compensation wages of employees, the Secretary may by regulation require employers who provide compensatory time to their employees under this subsection to secure a payment bond with a surety satisfactory for protection of the overtime compensation of such employees.

“(13) (A) The Secretary may issue regulations as necessary and appropriate to implement this subsection including regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.

“(B) The Secretary may issue regulations regarding classes of employees, including all employees in particular occupations or industries, to—

“(i) exempt such employees from the provisions of this subsection,

“(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in paragraph (4)(A), or

“(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in paragraph (4)(C), where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, that a pattern of violations of the Act may exist, or that such regulations are necessary or appropriate to assure that employees receive the compensation due them.

“(C) The Secretary shall issue regulations—

“(i) which bar employers with a pattern or practice of violations of this Act from offering compensatory time under this subsection;

“(ii) prescribing the content of plans described in paragraph (2)(A)(ii) and employee notification, including the provision of information regarding who is eligible for compensatory time and under what circumstances it may be earned and used and information regarding the impact, if any, that choosing compensatory time may have on the eligibility, accrual, and receipt of other compensation and benefits; and

“(iii) requiring employers to keep records in accordance with section 11(c) of compensatory time earned and overtime worked.

“(14) When an employee uses earned compensatory time off, the employee shall be paid for the time off at the employee's regular rate at the time the employee performed the overtime work or at the employee's regular rate when the time off is taken, whichever is higher.

“(15) For purposes of this subsection—

“(A) the terms ‘compensatory time’ and ‘compensatory time off’ mean hours during which an employee is not working and for which the employee is compensated at the employee's regular rate in accordance with this subsection;

“(B) the term ‘elderly relative’ means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent;

“(C) the term ‘employee’ does not include—

“(i) a part-time, temporary, or seasonal employee;

“(ii) an employee of a public agency;

“(iii) an employee in the garment industry;

“(iv) an employee who is not entitled to take not less than 24 hours of leave during any 12-month period to participate in school activities directly related to the educational advancement of a son or daughter of the employee, accompany such son or daughter to routine medical or dental appointments, and accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to such elder's care; or

“(v) an employee exempted by the Secretary under paragraph (13)(B);

“(D) the term ‘overtime compensation’ shall have the meaning given such term by subsection (o)(7);

(E) the terms ‘compensatory time’ and ‘compensatory time off’ mean hours during which an employee is not working and for which the employee is compensated at the employee's regular rate in accordance with this section;

“(F) the term ‘part-time, temporary, or seasonal employee’ means—

“(i) an employee whose regular workweek for the employer is less than 35 hours per week;

“(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

“(iii) an employee in the construction industry, in agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3)), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

“(G) the term ‘overtime assignment’ means an assignment of hours for which overtime compensation is required under subsection (a); and

“(H) the term ‘school’ means an elementary or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.”.

SEC. 3. CIVIL MONEY PENALTIES.

The second sentence of section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.

216(e)) is amended to read as follows: "Any person who violates section 7(r) of this Act shall be subject to a civil penalty not to exceed $1,000 for each such violation.".

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by designating existing section 18 as subsection (a) and by adding a new subsection (b) to read as follows:

"(b)(1) No provision of section 7(r) or of any order thereunder shall be construed to—

"(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time off in lieu of paid overtime compensation;

"(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time off in lieu of paid overtime; or

"(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from subsection 7(r), to allow employers to provide more compensatory time than allowed under subsection 7(r), or to supersede any limitations placed by subsection 7(r), including exemptions and limitations in regulations issued by the Secretary thereunder.".

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (hereafter in this section referred to as the "Commission"). The members of the Commission shall be selected in accordance with the procedures set forth in section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633) and the compensation and powers of the Commission shall be as prescribed in sections 304 and 305 of that Act (29 U.S.C. 2634, 2635).

(b) DUTIES.—The Commission shall conduct a comprehensive study of the impact of compensatory time on private sector employees, including the impact of the law on average earnings, hours of work, work schedules, flexibility of scheduling work to accommodate family needs, and the ability of vulnerable employees or other employees to obtain the compensation to which they are entitled, and shall make a comparison of the compensatory time offered to public and private employees. A report concerning the findings of the study shall be submitted to the appropriate committees of Congress and to the Secretary of Labor not later than 1 year before the expiration of this title. The report shall include recommendations as to whether the compensatory time provisions of section 7(r) of the Fair Labor Standards Act of 1938 should be modified or extended, including a recommendation as to whether particular classes of employees or industries should be exempted or otherwise given special treatment and whether additional protections should be given. The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 6 months after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this Act shall expire 4 years after date of the enactment of this Act.

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that my amendment may be modified by the form that I have placed it in at the desk.

The CHAIRMAN. The Clerk will report the modification.

The CLERK read as follows:

MODIFICATION TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA:

Amendment No. 5 offered by Mr. Miller of California modified by (1) strike in the matter to be inserted by Section 2, "(E) The terms 'compensatory time' and 'compensatory time off' mean hours during which an employee is not working and for which the employee is compensated at the employee's regular rate in accordance with this section;" and redesignate thereafter accordingly; and (2) in section 3 by striking "The second sentence of section" and inserting in lieu thereof, "Section"; and by striking "to read as follows" and inserting in lieu thereof "by adding after the first sentence the following".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GOODLING. Reserving the right to object, Mr. Chairman, I just want to make sure I am correct in assuming this is not the 40-hour work week.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, my understanding is that that is not made in order by the Committee on Rules, and this is the one the gentleman has agreed to.

Mr. GOODLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from California [Mr. MILLER]?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from California [Mr. MILLER] and a Member opposed will each control 30 minutes.

Who rises in opposition to the amendment?

Does the gentleman from Pennsylvania [Mr. GOODLING] wish to claim time in opposition?

Mr. GOODLING. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will control the time in opposition.

PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Chairman, I believe there may have been an error in the timing on the last vote. There are a number of us, at least a half-a-dozen or more, who, when we got on the subway, saw a clock that indicated approximately 1 minute-plus seconds left to vote. Had there been the ordinary 17 minutes, it is our collective judgment that there would have been ample time to vote.

Perhaps there is some incongruity between the clock downstairs and the clock here. But if there is any way to reopen that vote, it would be the desire of at least a half-a-dozen-plus Members that that be done; 14 Members.

The CHAIRMAN. The Chair could not entertain that suggestion. The Chair would simply state that the final 2 minutes following the elapse of the clock are determined by the stopwatch. The stopwatch had gone an additional 2 minutes.

Mr. LAFALCE. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we offer this substitute, many of my colleagues on the Committee on Education and the Workforce, we offer this substitute because we do not believe that the legislation before us meets the test of flexibility, that it meets the test of voluntary, and that it meets the test of the right of the worker to choose when and how to use the comptime should they decide to opt into that system. We believe that the legislation before us denies that voluntary choice, allows the employer to have too much say, and we believe that it also denies the worker the right to say when they want to use that time.

This is a disagreement between the two sides. It has been a disagreement we have had from the time this bill was heard in committee.

We also offer this substitute for a very important reason for workers of this country. It is constantly suggested that somehow the choice of comptime is a wonderful thing and it is free, you just decide you want to work overtime and instead of getting overtime pay you take comptime.

Let me explain to the Members that this has serious ramifications for workers. The loss of the premium time, the loss of the premium time comes out of your work year sometime later. When you take your comptime, you would be taking it in a work week that you would otherwise be working. You will get reimbursed when you take your comptime at the regular rate, but if you had freely chosen to have overtime you would have had the overtime you worked and the week that you could keep working if you did not have comptime.

What does that mean? That means that there is a potential for somebody earning $10 an hour, 140 hours overtime, according to CRS, up to maybe $2,500, $2,700 a year. At $10 an hour that is a lot of wages in terms of family income. It has an impact on unemployment, because if the premium time is not counted in, if you lose that premium time, you lose the unemployment benefits.

In California it could be $1,800 in unemployment benefits over 26 weeks.

□ 1545

So let us understand this: This is a decision that an employee must make very carefully. This is a decision that the employee must make in a very voluntary fashion. And if in fact the employee does that, then the employee who has earned those hours off, this is not a gift, this is earned by them working long days of overtime, the employee should be free to choose when and how.

They keep comparing it to family medical leave. It is one thing to go in to your employer and say, I have a sick child, a sick parent. We are giving birth to a baby in our family. I need time off. It is another thing to go in to your employer and say, I have a chance to spend 3 additional days with my kids at the lake. The employer looks at his schedule and starts weighing those two competing choices. But you earned this time. You earned this time. You worked late nights. You worked Saturdays and Sundays. Truly, you have got to have that choice.

That is why this substitute is being offered, because the underlying bill, H.R. 1, fails in each and every one of these categories to protect the voluntary nature of the decision, to protect the choice, to protect the flexibility and, most importantly, to protect the wages and the benefits and, even down the road, the level of your Social Security payments for those people who work. If they spend a career in comptime, they will lose a substantial portion of their remuneration of Social Security payments down the road.

So this is not just a delightful little decision that you make willy-nilly. This has consequences for those families. That is why the President drafted his comp bill in the manner in which he did, because this is a decision that must be weighed and workers must be fully informed.

The supporters of H.R. 1 like to suggest that just the standard of "take it or do not take it" is enough. It is not enough for the hard-working American families of this country.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I would like to ask the chairman of the subcommittee and the sponsor of the bill on behalf of the folks I represent, particularly union members whom I have heard from, is my understanding correct that nothing under H.R. 1 would change the 40-hour workweek?

Mr. BALLENGER. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from North Carolina.

Mr. BALLENGER. Mr. Chairman, the gentleman is correct. I thank him for emphasizing this point.

Mr. NEUMANN. So I am correct, then, that at any time worked, even 1 hour worked over the standard 40 hours, would entitle the employee to time and one-half pay? Am I correct that this is the case under current law and would be the case in the future under this legislation H.R. 1?

Mr. BALLENGER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct.

Mr. NEUMANN. Further, Mr. Chairman, would the gentleman confirm my understanding that under H.R. 1, employers could not force the individual employee or union which represents the employee to accept comptime as opposed to cash overtime as a condition of employment?

In other words, if the employee works overtime, is it correct that the employer must pay cash overtime wages if that is what the employee or the employee through his labor union chooses, instead of requiring the employee to take time off through comptime?

Mr. BALLENGER. Mr. Chairman, the gentleman is correct.

Mr. NEUMANN. Mr. Chairman, some union members from my hometown in Janesville, WI, particularly those that work in an automobile manufacturing plant, have expressed concern to me that their employer might require them to bank overtime hours and then use the hours at a specified time by the company, particularly during the 2-week period of time each year when the plant shuts down for model changeover.

My understanding is that under H.R. 1 the use of comptime is voluntary and that by "voluntary" means that the employer, whether an automobile manufacturer or some other type of company, would not be able to require that comptime, if chosen by the employee, be taken at a set period such as model changeover; is that correct?

Mr. BALLENGER. The gentleman is correct. Whether the agreement to accept comptime is negotiated by the union or by the individual employee, the use of comptime belongs to the employee who earned it. Neither the employer nor the union may require an employee to use comptime at a certain time.

Mr. NEUMANN. Mr. Chairman, I thank the gentleman for clarifying these important points to me.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the Miller substitute.

Mr. Chairman, I rise today in support of the Miller substitute and in opposition to this bill before us which weakens the Fair Labor Standards Act. The Miller substitute includes the needed safeguards without the penalties and disadvantages that are inherent in the basic measure before the House today.

For over 50 years, the 40-hour workweek has insured fair treatment and pay for working men and women. There is no need to change this law today—the impact may well undercut workers' rights and benefits. No matter how you package these changes, the bottom line is that workers are at greater risk of being shortchanged and pushed to a work schedule in line with the employers' interests, not their own needs.

If this House really were seeking to empower workers, they would place limits on the mandated overtime policy that frustrate family and personal life today.

Court decisions have provided the employer with the power to mandate employees to work overtime beyond their defined 8 hours. This measure would weaken the concept of premium pay for that mandated work and buy workers off on the cheap. In fact, this bill would encourage more overtime employer mandates at a tremendous inconvenience to the employee.

I find it ironic that after all the speeches I have heard from the Republican majority about working together and cooperation with the President since the last election, that one of the first serious pieces of legislation to reach the floor of this Congress is an initiative to strip away the longstanding and hard-fought rights of working men and women in this country which is opposed by the President. The bill before us today is a direct assault on the Fair Labor Standards Act and seriously erodes the traditional 40-hour workweek in an unbalanced manner—rejecting reasonable safeguards.

H.R. 1, the Working Families Flexibility Act, would allow employers to grant compensatory time to workers instead of overtime pay as long as there is a so-called voluntary mutual agreement or understanding. Although this may seem like a reasonable concept on the surface, but making a careful review and a realistic look at this legislation's predicate points to the harm to workers. Apparently, my colleagues, in support of this measure, intend to rely on the good nature of employers and assume an equal authority between employer and employee since this bill glosses over the facts and absurdly offers little to protect workers from obvious pressure and abuse that could, and would, occur if this measure is implemented. It makes me wonder if the advocates are connected to the real world of work.

The bill before us today is so wholly inadequate that the bottom line is that it comes down as antiworker legislation. The bill does little to stop employers from forcing their workers to accept comptime instead of pay—its anticoercing provision is weak and unenforceable; it does nothing to stop employers from offering overtime work hours only to workers who will choose comptime; it puts burdensome restrictions on the use of comptime by workers; and it does little, if nothing, to prohibit employers from hiring only workers that will accept comptime as a condition of their employment. The legislation therefore is seriously flawed.

Working families in this country are struggling to make ends meet. Many families depend on the additional income of overtime pay to get by. So when these families are forced to voluntarily mutually agree to accept comptime, they go without pay. Comptime does not pay the bills. This will mean a pay cut for many American families.

This legislation is not necessary. Employers can grant time off whenever an employee requests under the current law. This equation in this measure is a fabrication, making a tradeoff which is not needed and can only hurt workers without adequate safeguards. The best safeguard is the current law in which the overtime is paid and the employers are open to grant time off and, in fact, guided by the Family Medical Leave Act recently enacted.

Finally, the claim that this measure is proworking families, stands logic on its head. Would every major employee representative group oppose this measure if it were helpful to workers?

I urge my colleagues to defeat this bill.

Mr. MILLER of California. Mr. Chairman, I yield 2\1/2\ minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise to support this substitute, which includes many of the Democratic amendments offered during the committee markup. Had the majority been interested in a true bipartisan, profamily approach to comptime, it would have accepted our amendments. Instead they rejected every proposal designed to improve this bill.

The Miller substitute allows employees a real opportunity to choose in the use of comptime. For example, a worker who needs to spend a few days with a sick parent could use comptime when he needs it, not when it is OK with the boss. A mother who needs a week off during school vacation can count on using her bank comptime and not be subject to the last-minute whim of her employer.

The substitute safeguards employee wages and paid leave. It protects vulnerable employees such as part-time, temporary, and seasonal employees who have very little leverage in objecting to unreasonable management demands.

It protects the comptime of employees by reducing the maximum banked hours to 80. And it allows the Secretary of Labor to require that employers obtain a surety bond so that employee wages are insured against an employer who skips town or goes bankrupt.

The Miller substitute also insures that no employer can offer comptime unless it also offers at least 24 hours of leave for employees to participate in their children's school activities or to help an elderly parent with routine medical appointments.

Finally, Mr. Chairman, the Miller substitute protects employees against flagrant abusive behavior. This substitute gives families a real choice of flexibility in the workplace, and it ensures comptime will not be administered in an arbitrary and capricious manner.

Cynthia Metzler, Acting Secretary of Labor, recently wrote our committee expressing the President's intent to veto H.R. 1. In that letter she outlined the President's objections. First, H.R. 1 fails to provide real worker choice. Second, it fails to protect employees' protection against abuse. And third, it fails to preserve the 40-hour workweek.

Mr. Chairman, if this House is serious about helping employees balance their work and family responsibilities, we should adopt the Miller substitute.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 5 seconds to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to the Miller substitute and in support of H.R. 1. While the Miller substitute claims to offer the option of comptime to workers, the truth is it would continue to deny them that option. Under the Miller substitute, huge groups, basically anybody that the Secretary of Labor deems should be excluded, would be prohibited from receiving the benefits of this comptime law.

In addition, the Miller substitute creates such a regulatory maze that no employer would ever offer comptime at such an option. In a time when the American public is calling for smaller government and less regulatory burden, this substitute is a major step backward.

The only real comptime proposal here is H.R. 1. Mr. Chairman, I have six children. As a working mother, I know the challenges of balancing a family and a career. I know what it is like not to be able to attend your daughter's swim meet or your son's soccer game because you have to work. With this bill, an employer could give a mother or father the opportunity to bank comptime. When a child got sick or had a recital or had to go to the dentist, she can take time from that bank and spend that time with her family. If she would rather receive overtime pay, she has that option. If she decides to cash in those hours, her employer would have to pay her within 30 days.

This is not a new idea. The public sector employees have had this opportunity for years, and we need to give it to the private sector employees.

I understand there are some workers that are afraid this will end overtime pay. This simply is not the case. When I explain to constituents what this bill means, they endorse it wholeheartedly. It is too bad that some Members, for political gain, have once again attempted to mislead hard-working Americans using scare tactics and inaccurate information. I believe the public is too smart for this. They support this bill, and they want that flexibility time.

Mr. Chairman, the President himself has talked about the need for flexible work schedules. This bill supplies that.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, these are tough times for many Americans as they struggle to make ends meet while balancing the challenges of work and a family. Families rightly seek greater flexibility and paycheck protection to meet their obligations at home and on the job. Unfortunately, the Republican comptime bill makes it harder rather than easier for these families.

The Republican bill fails to ensure that employees can use the comptime when they need it, when they need to go to that soccer game, when they need to spend time with their youngsters. Worse, it could take valuable overtime pay out of an employee's pocket. It does not guarantee that employees would not be forced to take comptime instead of overtime pay. It does not guarantee that comptime would be offered to all employees and without any strings attached. And it does not guarantee that employees' comptime would be credited for the purposes of pension or Social Security.

We need to have strong protections for workers who depend on overtime pay. Two-thirds of those who earned overtime pay in 1994 had a total annual family income of less than $40,000 a year and had an average wage of $10 per hour or less.

That is why we need the serious protections that are provided by the Miller substitute amendment. The Miller substitute ensures that employees would choose if and whether to take the comptime rather than overtime pay so that employees would not be forced to give up overtime dollars. It protects employees vulnerable to overtime abuses. And it ensures, if comptime is offered, that all employees would be given the same terms so that extra hours are not given only to those who are willing to take comptime.

There are a number of amendments considered today, but the Miller substitute can fix the fundamental problems of the Republican comptime bill. I urge my colleagues to vote for the Miller substitute and against the Republican paycheck reduction act.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL], subcommittee chairman.

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

I oppose the Miller substitute. From my viewpoint, I spent some time reading this arcane piece of legislation last night. But it is some 15 pages of confusion. It is a comptime bill I think in name only. There are many objections, I think, one who reads this carefully would have. I think it is a masterpiece of convoluted regulatory maze. But I am only going to mention two points.

First of all, with regard to the definition of eligible employees, that is to say, those employees who would be eligible for compensatory time off in lieu of overtime, if one gets to page 10 and section 15(c), we will find that there is what I call negative definitions of the employees who would be able to take advantage of this choice about which we have just heard.

It starts out by saying that the term employee does not include, and then it says, part-time, temporary, or seasonal employees. Then you have to jump over to another section for a definition of part-time, temporary, and seasonal employees. But I notice that, for instance, in that definition, anybody in the construction trades is automatically ipso facto determined to be part-time and so nobody in the construction trades, though they might have worked for the same employer for 40 years, would be able to have his compensatory time off choice.

It goes on to say that an employee will not include also anybody in the garment industry. It does not define garment industry, so we are going to have to let the Department of Labor, I guess the secretary will tell us what garment industry is. But if you happen to be classified in the garment industry, then you do not have any choice under this bill either.

□ 1600

Then it goes on to say, and this is really a beautiful, beautiful example of convoluted positioning, it says that an employee has to be one who is entitled to take not less than 24 hours of leave during any 12-month period to participate in school activities directly related to the educational advancement of a son or daughter of the employee, accompany such son or daughter to routine medical or dental appointments, and accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to an elder's care.

That is the President's wording in regard to the Family and Medical Leave Act, which, thus far, I do not think has had a hearing anyplace. But basically, as I construe this, what it is saying is that if an individual works for an employer who does not have that kind of leave, and it does not even define whether it is paid leave or unpaid leave, I guess we have to leave that up to the Secretary, too, but, anyway, if an individual is employed in a place of employment like that, they do not have a choice either.

Now, I would submit that that is probably most of America. Because most of America has not even had the chance to adjust, if and when the President's bill in regard to family and medical leave should pass.

It also goes on to say, oh, we have some more negatives we can talk about. And it says that an eligible employee, eligible for compensatory time out, for instance, should not be an employee exempted by the Secretary under (13)(B). That causes one to travel over to (13)(B), and (13)(B) says the Secretary may issue regulations regarding classes of employees, including all employees in particular occupations or industries, and the Secretary can evidently exempt any industry, any occupation from being covered by this act.

So if an individual happens to be in an industry or occupation that the Secretary has found not to be qualified, then they do not have a choice under this legislation either. Basically, there is no choice for much of anybody in this legislation, as I read it.

The other point I thought we should know about is the fact that it is also stated, as I read it here, an employer who violates any provision of this subsection, now we are on page 7, can recover, and I quote, "Such legal or equitable relief as may be appropriate to effectuate the purpose of this section."

Do my colleagues know what that means? Compensatory damages or punitive damages unlimited. And, remember, he has also thrown a new discrimination cause of action into this legislation. Which means that if anybody has discriminated on any of these little subtle bases here, that is just an employer, then that employer can be sued for millions of dollars and be able to have put against him a judgment for compensatory and punitive damages.

Anyway, Mr. Chairman, I just thought people might like to know this. This is not a very good piece of legislation.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Chairman, I rise in support of my neighbor, the gentleman from northern California, Mr. MILLER, and his substitute amendment.

Mr. Chairman, I have worked for 30 years, and the working parents and families in my district are spending less and less time with their families and young children. They are driving too long to the office. Many of them get on airplanes to commute to make a sales call. Many find themselves looking for opportunities for flexibility, and when they hear the rhetoric of H.R. 1, many of them say, aha, perhaps there it is.

The truth is that H.R. 1 appears to be well-intentioned but, in my opinion, it does not offer the kind of flexibility, the kind of voluntary options and the real money that American workers want. The people of my district do not want to be forced into the position of deciding whether the comptime to go to the soccer game is put at a vexing choice of whether they have the money to buy the soccer shoes.

This is about real wages, Mr. Chairman. This is about the opportunity to have people have the opportunity to spend the money that they expect to be earning. Paycheck protection is the fundamental right of all American workers. The opportunity to have pension and Social Security money put forth by an employer is denied by H.R. 1.

I believe that we need to vote for this Miller substitute amendment.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in opposition to the Miller substitute because it basically removes all the benefits of the bill.

When I started working as a teenager, well, actually at 11, I started realizing real soon that government can get in the way when they kicked me out of the fields because I was too young, even though I needed to work. By the time I was in my 20's, I was running a corporation, helping women, mostly middle class women who had raised their kids, bring it all together.

If I had been a government employee or I had been a government employer, I had the ability to adjust times, but I could not do it as a private employer. So what I had to do was find uncomfortable options that neither one of us liked.

What this bill simply does is it does protect the 40-hour work week. It does not wipe it out. This amendment wipes out the ability to have flex time. The bill does assure protection for employees, but it does what 75 percent of the women in America polled said they wanted, and that is the ability to have more flexibility as they are taking care of their moms, sometimes their dads, their kids, and working. They have the ability to work with an employer and put together a package that works for them.

Why do we believe that we, as a government, are so good that we know how to put together people's personal lives? I do not really believe we do. I believe the protections, especially treble damages, that is pretty scary, are built into this bill for employers that would think that they should coerce. I think the 40-hour work week is protected.

I am not sure I will support the Senate bill. I think it might weaken the 40-hour work week. But I think, overall, American women will finally have a chance to be heroes, as they are, and be able to do it easier with flex time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Chairman, I rise in support of the substitute offered by my good friend and colleague, the gentleman from California [Mr. MILLER].

The Miller substitute to H.R. 1 is the real Working Families Flexibility Act. The Republican bill is an impostor that will result in paycheck reduction for all working families.

If the other side had been truly interested in helping working families, then we would have created a bipartisan piece of legislation and we would have been proud to present it to the American people. Instead, we have a bill that was drafted behind closed doors and passed along party lines in committee. This is unfortunate because it is an opportunity missed.

I have been an employee for public service, I have been an employee in private business, I have been an employee of a large business, I have owned my own business, and I know that H.R. 1 could have balanced the need of flexible work schedules and the requirements of employers.

In my congressional district there are more than 25,000 people who make less than $15,000 per year. In addition, there are over 52,000 women who work and support their families. These women need the security of knowing that they can depend on overtime pay or use comptime to take care of their children.

While I support the idea of flexible work schedules, and I wanted to support H.R. 1, the bill does not provide sufficient protections for working families. During the markup, the committee could have restored some balance to this bill. I joined my good friends, the gentlewoman from Hawaii [Mrs. MINK], the gentlewoman from California [Ms. WOOLSEY], and the gentleman from Massachusetts [Mr. TIERNEY] in offering a simple amendment that would have helped working families have a real choice and real flexibility, but, unfortunately, our amendment was turned down.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time to speak about an important issue to all working families.

Mr. Chairman, I rise in strong support of H.R. 1 and in opposition to the amendment of the gentleman from California [Mr. MILLER]. I think it is a poison pill for this bill and it would literally gut this excellent proposal.

Mr. Chairman, we have heard a lot of the distortions about what we are doing here. We have heard this legislation would take money and benefits out of the hands of hard-working individuals; that it would give employers the upper hand; that it would harm our working families, our hard-working families. If that is the case, why is it that President Clinton's pollster is saying that 75 percent of working families favor this bill, H.R. 1?

I think it is because they want the choice to take time off for their families instead of receiving overtime compensation. Currently, most employees have no choice. Government union employees do have this choice, but the rest of us do not. We have to take the pay even if we would rather have the time off.

The bill is for our workers and their families who do not have enough hours in the day to spend together. It is for the mom or dad who wants to go to school to see their child's play, visit their teacher or attend a basketball game. It is for those of us who need to take extra time to go to the doctor or take our children to the doctor. It is for those of us that actually would sacrifice the overtime pay just to take an extra vacation or a few days off to be with our kids or take care of important personal items.

The most important part of this is to remember that this is paid leave that the worker has earned, not unpaid family and medical leave that often goes unused because, frankly, our workers cannot afford to take the time off. Employees can make an intelligent and informed decision about how to best use their overtime. Whether they use comptime or take the pay is a decision they should make, not some Washington bureaucrat.

The choice is simple, Mr. Chairman. Let us give our families and workers the choice they deserve. Support H.R. 1 and oppose the Miller amendment.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise in support of the Miller amendment and against H.R. 1. Give people the choice.

Mr. MILLER of California. Mr. Chairman, how much time have we consumed; or how much time is left to both sides?

The CHAIRMAN. The gentleman from California [Mr. MILLER] has 18 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 16\1/2\ minutes remaining.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I was a working mother of four children. I also have 20 years of experience as a human resources professional. I know the challenges facing working moms and dads today. I know that for things to work at home, parents need real flexibility in the workplace. H.R. 1 does not help working parents because it does not let the employee choose when to use the comptime they have earned.

The Miller substitute, however, is real comptime. It is real flexibility. It gives employees three ways to use their comptime: automatically, for family emergencies; at the employee's convenience, with 2 weeks notice; and with less than 2 weeks notice when it does not unduly disrupt business.

The Miller substitute stands up for working moms and dads, allowing them the choices they need to perform their most important task: parenting. Let us vote for comptime that really means something. Vote for the Miller substitute.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. McCARTHY of New York. Mr. Chairman, I rise in support of the Miller-Clay substitute to H.R. 1.

When I talk with my constituents, they tell me they want Congress to put aside partisan fighting and find commonsense solutions to important issues. On comptime, they tell me they want a bill which provides workers true flexibility and a true choice of when to use it.

I understand this issue firsthand. Before coming to Congress, I was a nurse. I still am a nurse. comptime would have been very attractive for me, since I put in long hours that kept me away from my family. But I also know that without real choice, there would have been many times when I would have been asked to work, wanted to take time off and been denied it. Instead of flexibility, I would have been left with no overtime pay and a comptime bank from which I could never withdraw.

The fact of the matter is the vast majority of employers will treat their workers right under comptime. But a small number will not, and any law we pass must protect the most vulnerable workers whose bosses will try to abuse the law.

I am proud to be an original cosponsor of the Miller-Clay substitute, because I believe it strikes the right balance between the needs of the employer and the employee. Under the Miller-Clay proposal employees get to decide when to use the comptime they have earned as long as it does not cause substantial or grievous injury to the employer.

More importantly, the Miller-Clay substitute provides sensible protections to employees who choose comptime.

□ 1615

Under this plan comptime counts as hours worked for overtime so employees will not be forced to work long hours later in the week. Employees can be assured that if their business goes bankrupt, the comptime hours they have accumulated will not be lost forever.

Finally, the Miller-Clay substitute gives workers 24 hours of leave to attend a parent-teacher conference or take a sick parent to the doctor. By helping workers who are struggling to make ends meet while caring for their family, the Miller-Clay substitute is truly family oriented.

Mr. Chairman, I urge my colleagues to vote yes.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the substitute and in support of H.R. 1. Under the substitute it occurs to me that the Secretary of Labor would be empowered to deny comptime to basically anyone the Secretary wants. The provision strikes at the very heart of H.R. 1, which is giving freedom to workers and to employers.

The substitute creates a maze of new regulations and penalties. Employers simply will not offer comptime for fear of making some kind of an honest mistake and being taken to the cleaners.

There is only one proposal that meets the needs of workers and employers, and that is H.R. 1. The bill gives workers and employers what they want, the freedom to offer a new benefit, and the freedom to decline or accept it. H.R. 1 should be titled Working Families Freedom and Flexibility Act.

H.R. 1 breaks the barriers that have stopped the private sector from offering a benefit that Americans have been demanding for quite some time. This bill does so without a one-size-fits-all Federal mandate. Employers will be free to listen to their workers and decide whether to offer the benefit. Workers will be free to accept or refuse the benefit. They can use the comptime or they can take the overtime wages. It is entirely up to the employees.

Mr. Chairman, H.R. 1 is a win-win for America. It provides freedom to employers to offer a benefit without another bureaucratic government mandate. It provides freedom for workers to take the time that they have worked and use it to spend with their families or to take their overtime pay.

For nearly 210 years, Congress has passed laws to ensure that the American worker and the business sector have the opportunity to succeed. H.R. 1 continues that fine tradition. I encourage my colleagues to support this landmark legislation to reinvigorate the idea of freedom in the workplace and oppose the substitute.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank my friend from California for yielding time, and I rise in support of his substitute.

Mr. Chairman, it occurs to me that someone listening to this debate today might be awfully confused when they hear virtually everyone on our side say the bill before the House puts the whip in the hands of the employer and takes the choice away from the employee and hears virtually everyone on the other side say exactly the opposite is true. Let me tell my colleagues why I feel so strongly that we are right about this argument. It has to do with the way the underlying bill that we are seeking to amend is drafted.

If we have a situation where an employee who always chooses cash, or has always chosen cash in the past, is denied overtime in the future and an employee who always chooses comptime is given overtime in the future, I think it is a fair conclusion that the other employees in that workplace might get the message that if you choose cash you do not get overtime. But if you choose comptime, you do. That effectively takes the choice away from the employee and puts it in the hands of the employer.

Our friends on the other side no doubt say that is not what the bill says. The bill says that you have to offer the employee the choice. That is true. That is literally what the bill says. But in practice let me tell my colleagues what I believe would happen. The burden of proof would be on the employee to hire a lawyer, go to court and show that the employer intentionally chose to discriminate or deny overtime to the employee who chose cash rather than comptime. The way you have to meet that burden of proof, with all due respect, is impossible. There is a saying in law that he or she who has the burden of proof loses. In this case it would be the employee who would have that burden of proof.

How would you meet the burden of proof? You would have to find a smoking gun. You would have to find a memo or an oral statement from an employer that would say, "Whatever we do, let's stop offering overtime to people who choose cash rather than comptime." Very few employers, first of all, I believe, would coerce their employees. I accept that. But even fewer employers are going to be stupid enough to let such a memo or oral statement be around. Very few people are going to meet this burden of proof.

We then have the assertion that an employee can cash out their comptime on demand. That may be what the written piece of paper says, but that is not the reality, Mr. Chairman, because the same person who is persuaded not to choose cash in the first place is very unlikely to go back to an employer and demand cash in the second place. On paper this sure looks like choice, but in the real world it sure looks like coercion.

The Miller substitute meets those objections. It would truly put the choice in the hand of the employee and not the employer. It would deal with the situation where an employee has accumulated comptime and the employer goes out of business by not permitting that situation to get out of hand and accrue. If you really want worker choice, support the Miller substitute.

Mr. GOODLING. Mr. Chairman, I yield 2\1/2\ minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. I thank the chairman for yielding me time.

Mr. Chairman, I rise to oppose the Miller substitute and to express my strong support for the Working Families Flexibility Act. The Miller substitute would create such a regulatory maze with such heavy penalties that no employer would ever offer comptime. Make no mistake, there is only one comptime bill before us, and that is H.R. 1.

H.R. 1 is very simple. It allows private sector employers to provide comptime in lieu of overtime pay under an agreement with their employees. If an employer chooses to make comptime available, the employees have the option of having their overtime compensated with cash or with paid time off. Employees who prefer to receive cash wages for overtime hours worked would be free to continue to receive cash payment for their overtime.

Mr. Chairman, this legislation does not change the 40-hour workweek for the purposes of calculating overtime. Employees who work more than 40 hours over 7 days would continue to receive overtime at 1\1/2\ times their regular pay. If the employer and employee agree on comptime, then the paid time off would be granted at 1\1/2\ hours for each hour of overtime worked. This arrangement for comptime must be a mutual agreement between the employer and the employee. It is entirely voluntary on the part of the employee. The legislation also protects employees from being coerced into comptime or overtime.

Mr. Chairman, I owned a small business, about 20 employees, before coming to Congress. My office policy was set up for exactly what this legislation would achieve. If one of my employees wanted to go to a track meet or had a parent-teacher conference during the workday, I simply asked them to make up the time later on. It was a casual, trusting relationship. That was until the Department of Labor told me that it was wrong to provide this kind of flexibility to my employees of balancing their work life with their family life.

But let me give another example, Mr. Chairman. There is an art theater in Montana, in a small town. They perform at night and on weekends. The theater has five employees who sometimes work 20 to 30 hours on the weekend in addition to their regular workweek. They prepare the stage, visit schools, pack and unpack props and other equipment. Currently these employees would willingly give up their time, but they are breaking the law. With a comptime option, Mr. Chairman, the employees could take off their time in subsequent workweeks to make up for their overtime.

Mr. Chairman, there are 50,000 small businesses in Montana. Ninety percent of them employ 50 or fewer employees. It is not the place of the Federal Government to deny those small businesses in Montana the opportunity to provide flexible workplaces.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, as a new member of the Committee on Education and the Workforce, I rise in support of H.R. 1 and in opposition to the amendment offered by my colleague from California [Mr. MILLER]. I am a strong supporter of the bill before us, H.R. 1, and was pleased to support it in the committee earlier this month.

Contrary to what my colleagues may hear today, the bill does not affect the 40-hour workweek or existing rights of overtime pay. It also has built-in protections and safeguards to ensure that employees are not coerced into choosing comptime. The base bill allows employees to decide how they want to be paid for their overtime work, either in dollars or comptime.

I once had a job where this policy was in effect, both as an employee as well as a boss, and I know that it works. When I no longer serve in this Congress, I would strongly prefer a job where I could put in a 40-hour week over 4 days and have a Monday or Friday off to spend time with my family, and I would think that that would be a worthwhile and attractive alternative to many of us in this Chamber today.

Today I have heard a lot about being forced to choose one or the other. That does not happen. What we want to do is give workers the opportunity to choose for themselves what they want. The opponents of this legislation have offered lots of amendments, but they have not offered an amendment to take away this benefit from those employees that today have exactly this type of practice in the workplace. My sense is if they did, that those employees that have that opportunity today would raise a real hue and cry against what this Congress would do.

Mr. Chairman, it works. I saw it work. We need to have this work for all employees and that is why I am glad to support this legislation this afternoon.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, the debate today really is about striking a balance, about finding a way to meet the demands for flexibility that employees all over this country have with our need to protect people from decisions that employers might make to the disadvantage of that employee. We are really talking about income protection here today.

I know that there has been some discussion about the importance of letting individual employees decide and I agree, that is important. We should let individuals decide. But I think that the other side protests a little too much about that, and the speeches we have heard about how demeaning it is to suggest that employees may need some protection really does not look at the issue in a reasonable light.

I know, because for many years my husband and I lived on overtime. My husband is an autoworker. He works in 1 of the 12 automobile plants in my district. He has been an hourly worker for the entire time we have been married. Overtime for many years paid for our Christmas presents. It allowed us to take a summer vacation. It allowed us to make additional payments on our cars. If that income were not available to us, our life and our quality of life would have changed substantially.

Now, the argument is, is that the employee makes all the decisions under this bill. Of course that is not true. The reason that people have been so concerned on our side of the aisle about lower income employees is because the people who most need the money, low income employees, are the ones that are most susceptible to the kind of pressure that an employer could put on them. Employers can put that kind of pressure on an employee to choose time off rather than income, or they can pick and choose between employees about who will get the overtime, probably the one who will take time rather than money.

It is important that people realize while compensatory time is valuable, you cannot buy bread with it, and for people who need the income we have to be sure that this bill protects them and protects the money that they need each and every week.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of H.R. 1 and in opposition to the Miller amendment. The Miller amendment obviously would negate everything we are trying to do in H.R. 1.

One of my favorite bumper stickers simply says "Legalize freedom." I would like to think that is what we are doing here today, is legalizing freedom to some small degree. The workers in the public sector already have this right to use comptime. There is no reason why the workers in the private sector cannot have this same right as well.

□ 1630

The bedrock of a free society is that of voluntary contracts and it is easy for many of those who oppose this bill to understand that voluntary contracts and voluntary associations in personal and social affairs is something that we have to respect. But there is no reason why we cannot apply this to economic affairs as well. A true free society would permit voluntary contracts and voluntary associations in all areas, and it has not always been this way, as it is today, where social liberty and economic liberty are separate. It has only been in the 20th century that we have divided these two, and there is no reason why we cannot look at liberty in an unified manner. Those individuals who want freedom of choice in personal and social affairs should certainly recognize that those of us that believe in economic freedom ought to have those same choices.

This great division has occurred and has led to a great deal of confusion in this country. Today, we are making this token effort to relegalize in a very small manner this voluntary contract to allow workers to make a freedom of choice on how they would like to use their overtime, taking the money or using it as comptime. There is no reason why we should prohibit this. It is legal in the public sector. There is no reason why we cannot legalize a little bit of freedom for the worker in the private sector as well.

Mr. Chairman, this act partially restores the right of employees to contract with their employers to earn additional paid time off from work in lieu of overtime pay when the employees works longer than 40 hours in a week.

I am pleased to support this bill, as it represents a modest step toward restoring the freedom of contract. Freedom to form employment contracts is simply a branch of the freedom of association, one of the bedrocks of a free society. In fact, another good name for freedom of contract is freedom of economic association.

When persons have the right to associate with whom they choose, they will make the type of agreements that best suit their own unique needs. Any type of Government interference in the freedom of association means people will be forced to adjust their arrangements to satisfy the dictates of Government bureaucrats,

For example, even though workers might rather earn compensatory time so they may have more time to spend with their children and spouses then accept paid overtime, the current law forbids them from making such an arrangement. But Congress has decided all Americans are better off receiving overtime pay rather than compensatory time, even if the worker would prefer compensatory time. After all, Congress knows best.

The Founders of the country were champions of the rights of freedom of association. Under the U.S. Constitution, the Federal Government is forbidden from interfering in the economic or social contracts made by the people. As we all know, the first amendment prohibits Congress from interfering with the freedom of association. There is nothing in the history or thought of the Framers to indicate economic association was not given the exact same level of protection as other forms of association.

In fact, the emphasis placed by this country's Founders on property and contract rights indicates the Founders wanted to protect economic associations from Government interference as much as any other type of associations.

Unfortunately, since the early years of the 20th century, Congress has disregarded the constitutional prohibition on Federal regulation of freedom of economic association, burdening the American people with a wide range of laws controlling every aspect of the employer-employee relationship. Today, Government presumes to tell employers whom they may hire, fire, how much they must pay, and, most relevant to our debate today, what types of benefits they must offer.

Behind these laws is a view of the function of Government quite different from that of the Founders. The Founders believed Government's powers were limited to protecting the liberties of the individual. By contrast, too many in Congress believe Government must function as parent, making sure citizens don't enter into any contracts of which the national nanny in Washington disapproves.

I note with some irony that many of the same Members who believe the Federal Government must restrict certain economic association claim to champion the right of free association in other instances.

For example, many of the same Members who would zealously defend the right of consenting adults to engage in voluntary sexual behavior free from State interference. Yet they are denying those some individuals the right to negotiate an employment contract that satisfies these unique needs.

Yet the principle in both cases is the same, people should have the right to contract and associate freely with whomever, on whatever terms they choose, they choose without interference from the Central State.

As has been often mentioned in this debate, 75 percent of employees surveyed by the polling firm of Penn & Schoen favored allowing employees to take compensatory time in lieu of overtime. Yet Members of Congress, who not only claim to favor freedom of association but claim to care for the workers, will not allow them the freedom to contract with their employees for compensatory time.

What arrogance and hypocrisy. If employees feel that compensatory time would benefit them, and employers, eager to attract the best employees, are willing to offer compensatory time, what right does Congress have to say "No, you must do it our way?"

Congress has no right to interfere with private, voluntary contracts whether between a husband and wife, a doctor and patient, or an employer or an employee.

Mr. Chairman, it is time to lift the federally imposed burdens on the freedom of association between an employer and employee. As a step in that direction, I will vote for the unamended Working Family Flexibility Act and I call on all my colleagues who support individual liberty and freedom of association to join me in supporting this pro-freedom, pro-worker bill.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, today I rise in opposition to the Miller substitute and in strong support of the underlying bill, H.R. 1. The Miller substitute has many problems, among them it effectively denies comptime to many American families by setting up classes of ineligible workers, and as my colleague from Illinois, Mr. FAWELL, so ably showed, it makes unlikely an employer would ever offer comptime to employees because of a new maze of Federal regulatory requirements.

As my colleagues know, Mr. Chairman, as I have listened to this debate it has stimulated me to go back and read this bill. This is not rocket science. This bill is only eight pages long. Basically what this bill says is, on page 3, an employer can provide comptime to employees only if, A, the employees union agrees to it, or B, the individual has chosen to receive comptime in lieu of mandatory overtime compensation. And what happens then if an employee decides he does not like it? Well then you move on to the next page, page 5, an employee may withdraw an agreement described in this paragraph at any time. An employee may also request in writing that monetary compensation be provided at any time for all compensatory time accrued that has not been used. And then, Mr. Chairman, what happens if an employer abuses this? Well, then they are subject to the Fair Labor Standards Act of 1938.

Mr. Chairman, this is a very good bill. If my colleagues would listen to one side and the other side, they would wonder who is telling the truth. My suggestion is: Read the eight pages of this bill and vote for H.R. 1 and vote against the Miller substitute.

Mr. MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to thank my colleagues who have joined in this debate this afternoon.

There is a very fundamental, a very fundamental difference between these two pieces of legislation. We believe that one of the fundamental differences is about really preserving the truly voluntary choice by the employee, about truly voluntary flexible scheduling by the employee and making sure again that preserving the choice of the employee about when to use his time. We also have a very fundamental difference, and a number of my colleagues from the other side of the aisle spoke to it. We believe that there are people unfortunately in this country who are very vulnerable workers, who work in industries with a long history of running on their workers' pay, on not sending their contributions to the State unemployment board, of not sending the tax contributions to the IRS, of not paying into Social Security. Unfortunately, some of these people may be well intentioned but rather under capitalized, and they constantly are taking what the employee has earned and using that to run their business, and then the employee is left holding the bag. It happens to tens of thousands of employees all of the time in this country. Hundreds of thousands of employees have been denied overtime that they have worked for and that they have earned according to the Department of Labor.

So what are we saying? We are saying in those industries where you have a history of these kinds of activities, the Secretary of Labor ought to be able to say whether or not those employers ought to be able to engage in comptime because let us understand what one does with comptime:

"You agree to work overtime. You agree to work more than 8 hours, more than 40 hours. You agree to work at night. You agree instead of going home at the end of your shift you're going to stay and do some additional work. A lot of that work is real hot and it's real heavy and it's real dangerous, but that's what you agree to do and you've earned that. You should be protected then against the ability of an unscrupulous employer to run on the obligation."

Mr. Chairman, I appreciate that a number of speakers have gotten up and spoken about that provision of this bill, but we do believe, we do believe, that those people ought to in fact be protected. They can exercise the choice, but they ought to know what the choice is about, and if it is in an industry, then the Secretary of Labor ought to try and determine whether or not we ought to put these people's wages, these people's wages at risk in the case of where we have a history of unscrupulous employers.

So there is a fundamental difference about these two pieces of legislation. I would hope, I would hope that those who are truly interested in providing the real choice of comptime versus overtime and real flexibility for families to use it when they need it and can help their families will vote for the Miller substitute.

Mr. Chairman, I yield back the balance of my time with my understanding the gentleman from Pennsylvania will be the last speaker.

Mr. GOODLING. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 6 minutes.

Mr. GOODLING. Mr. Chairman, I rise in opposition to this substitute offered by the gentleman from California [Mr. MILLER].

I have to wonder where we have been the last couple years because the last time we had this legislation before the committee in the last session of Congress there were no amendments offered in committee, and there was no substitute offered on the floor. This year there were some amendments offered in committee, and we took some of those and included them in my amendments here on the floor, but only one amendment was offered from the other side. So, as my colleagues know, where have we been all of this time?

I have many objections to the substitute. First of all, I do not question the intention of the substitute, but I do very pointedly say that it positively guts the whole bill, and I can substantiate that by saying, well, there are seven broad areas that we are exempting, and then if that is not enough, we get down to the point where we say, "and the Secretary can exempt anybody else," so we could end up no one has the opportunity, except again the public sector, which has had that opportunity for a long, long time.

The substitute prohibits comptime for all part-time temporary seasonal employees, all employees in the garment industry, all employees not entitled to take 24 hours of leave per year for family member, for school activities or routine medical care; all employees in the construction industry; all employees in agricultural employment. The part-time prohibition is further defined to prohibit comptime for any employee working less than 35 hours per week, and there is no specific definition of the construction of the garment industry. The agricultural employee, construction and garment prohibitions appear to extend to all the employees even if they could be a secretary that has worked there full-time for 15 years.

Now beyond all of that, all these specific exemptions with respect to the use of compensatory time, the Miller substitute takes what has been a fairly straightforward rule and now makes it so convoluted that I cannot imagine that anybody would understand who is eligible, what is available, and what is not available.

Now we talk over and over again about the protections in the bill, and again I want to repeat, as I have many times today, H.R. 1 says, "You can use your comptime for any purpose so long as you give reasonable notice and the use does not unduly disrupt the employer's operation." These are the exact same tests as in State and local government and similar to that in the Family and Medical Leave Act for medical leave.

The Miller amendment says that if any employee is using comptime for purposes covered by the Family and Medical Leave Act or any comparable State law, they do not have to give any notice, and it does not matter what the impact is on business for any purpose. If they give 2 weeks' notice, they follow one rule; if they do not give 2 weeks' notice, they follow another rule. As I said, it becomes very confusing and convoluted, and then of course there is unlimited punitive compensatory damages to be awarded, far beyond even our civil rights legislation.

So let me just wrap up by saying reject the substitute and listen again. I think we have all agreed now that the 40-hour work week is saved. I think everybody now who has read it agrees to that. We know that it gives private sector employees the same opportunity the public employers have but with more protection then they have. We know that employees are just as good in the private sector as employees are in the public sector, just as bright, just as able to make decisions as anybody in the public sector, and therefore we should give them the same opportunity that we give those in the private sector.

We do not want to say to those in the private sector that because they are in the private sector, somehow or other only the Federal Government can determine whether they should have this opportunity. It is the employee's choice. The employee is completely protected to make that choice. The employee can cash out when they want to cash out. The employee can break the contract that they made if they decide that they do not really want to do that. So it is a win, win, win situation for the employee because we have protected them in this legislation.

So again I ask my colleagues, reject the substitute which guts the entire bill and vote yes on H.R. 1.

One additional comment:

These staffs on both sides have worked day and night, and I certainly want to pay tribute to them for all the work that they have put in. It was not only Members that were working; there were staff members who were working, as I said, day and night.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. Mr. Chairman, I do not know if they got compensatory time or not, or overtime. I hope we were within the law in relationship to our employees.

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I know that the gentleman from Missouri [Mr. CLAY] and myself would like to join in commending the staffs. They have worked long and hard on this legislation, and I would also like to thank the chairman of the committee in the spirit of Hershey this year. We had a wonderful opportunity to offer amendments, and we appreciate that opportunity in committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment to H.R. 1, the Working Family Flexibility Act offered by the Honorable GEORGE MILLER.

I appreciate the need for the American worker to have the flexibility to choose between overtime pay and compensatory time.

Without this body's action on this issue, many employees in this country have compensatory time as an accomplished fact of their work life. These compensatory time agreements may be provided as a part of binding labor contracts or informal or formal work agreements.

The Fair Labor Standards Act does not require employers to pay overtime based on hours worked in a single day. When an employee who normally works five 8-hour days a week needs to take a few hours off during the week, the employer can let the employee leave work early 1 day and stay late the next without having to pay overtime, so long as the total hours worked for the week is no more than 40.

Employers can also accommodate an employee who needs to take time off 1 week by letting them take the time off without pay. If the employee is concerned about the loss of pay, the employer can authorize the employee to work enough overtime another week to make up the lost time.

The problem with making any changes to the overtime pay requirements is the impact on workers face loss of pay due to employer violations of overtime pay laws.

Complaints under the Fair Labor Standards Act may involve alleged violations of minimum wage, overtime, recordkeeping, and/or child labor requirements. The Wage and Hour Division received nearly 35,000 complaints in fiscal year 1996.

In fiscal year 1996, 13,687 compliance actions disclosed overtime violations. These represent nearly 50 percent of those in which Fair Labor Standards Act monetary—minimum wage or overtime—violations were found.

The Wage and Hour Division last year found just over $100 million in back wages due to overtime violations owing to nearly 170,000 workers.

If there were only well intended employers and well meaning employees their would be no need for rules and regulations to govern the work environment.

I believe that this amendment to H.R. 1 will offer necessary protections to American workers who may not work in the conditions that we could endorse with an open compensatory time bill.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 237, not voting 2, as follows:

[Roll No. 58]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley

Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale

McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush

Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—237

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay

Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde

Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pappas
Parker
Paul
Paxon

Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton

Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland

Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—2

Frank (MA)
Kaptur

Messrs. HOUGHTON, RILEY, and SMITH of Texas changed their vote from "aye" to "no."

Mr. HILLIARD and Mr. KENNEDY of Massachusetts changed their vote from "no" to "aye."

So the amendment in the nature of a substitute, as modified, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, pursuant to House Resolution 99, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 210, not voting 1, as follows:

[Roll No. 59]

AYES—222

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest

Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley

Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—210

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci

Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop

Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher

Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—1

Kaptur

□ 1721

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1, the bill just passed.

The SPEAKER pro tempore (Mr. McINNIS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MASS MAILINGS

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, I seek this time to engage the gentleman from Delaware in a colloquy in regard to his amendment on the fiscal year 1997 appropriation bill that discloses the costs of mass mailings.

I yield to the gentleman from Delaware (Mr. CASTLE) for purposes of clarification of his amendment.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from California for yielding to me.

My amendment provides for greater disclosure of franked mass mail costs than is currently provided. It requires that the statement, "this mass mailing was prepared, published and mailed at taxpayer expense" be printed on each mass mailing. It requires that on a quarterly basis the total number of pieces and the total cost of such mass mailings sent by each Member of Congress be disclosed to the public.

It also provides for piece and cost comparisons based on the number of addresses that are in each district.

Mr. THOMAS. Mr. Speaker, the gentleman indicated that his amendment included the term "total cost." By total cost, notwithstanding what those words mean, did the gentleman mean to include the associated printing and production costs of mass mailings such as computer time, print costs, paper costs, and ink costs?

Mr. CASTLE. Mr. Speaker, if the gentleman will continue to yield, my primary concern has been the cost of mailing franked mail. I have been a staunch supporter of reducing the franked mail appropriation and am very pleased by the effort that has been made in recent years to rein in these costs, mostly under the gentleman's tutelage.

The cost of mailing franked mail as presently reported does not differentiate between unsolicited mass mail and constituent response mail. Thus watchdog groups which report on how much of a Member's franked mail budget is used are unable to make this distinction, which I believe is an important one.

It is the responsibility and obligation of Members to respond to their constituents, and I think the public supports this use of taxpayer dollars. Unsolicited mass mail falls into a different category. Yet the public has no way of knowing how much Members are spending to mail unsolicited mass mail. This is the issue I was trying to address with my amendment.

The other body's administrative system makes it easy for that body to report its Members' mailing costs and production costs of franked mail. However, given that the House does not yet have a system set up to do this and given that production costs were not the target of my amendment, I believe that Members should not be required to report production costs.

Mr. THOMAS. Mr. Speaker, I thank the gentleman because the House does not yet have a way to capture the printing and production costs. If the purpose of the gentleman's amendment, as stated, is to disclose to the public the mailing costs of mass mailings, that can easily be accomplished.

I thank the gentleman for his clarification as well as for his efforts in reforming the use of the frank.

□ 1730

PROPOSED RESCISSION OF BUDGETARY RESOURCES AFFECTING THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–57)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one proposed rescission of budgetary resources, totaling $10 million.

The proposed rescission affects the Department of Energy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1997.*

TWENTY-FIFTH ANNUAL REPORT ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I am pleased to transmit to the Congress the Twenty-fifth Annual Report on Environmental Quality.

As a Nation, the most important thing we can do as we move into the 21st century is to give all our children the chance to live up to their God-given potential and live out their dreams. In order to do that, we must offer more opportunity and demand more responsibility from all our citizens. We must help young people get the education and training they need, make our streets safer from crime, help Americans succeed at home and at work, protect our environment for generations to come, and ensure that America remains the strongest force for peace and freedom in the world. Most of all, we must come together as one community to meet our challenges.

Our Nation's leaders understood this a quarter-century ago when they launched the modern era of environmental protection with the National Environmental Policy Act. NEPA's authors understood that environmental protection, economic opportunity, and social responsibility are interrelated. NEPA determined that the Federal Government should work in concert with State and local governments and citizens "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

We've made great progress in 25 years as we've sought to live up to that challenge. As we look forward to the next 25 years of environmental progress, we do so with a renewed determination. Maintaining and enhancing our environment, passing on a clean world to future generations, is a sacred obligation of citizenship. We all have an interest in clean air, pure water, safe food, and protected national treasures. Our environment is, literally, our common ground.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A SUCCESSFUL BIPARTISAN RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I think we have established a bit of a tradition by now that when those of us that have been involved in putting together the bipartisan retreat in Hershey are here to talk about that, we will make the symbolic gesture of going to the other podium and talking to our colleagues on the other side of the aisle, in part.

It has been interesting in the days since the weekend in Hershey to notice how many references have been made to the retreat to Hershey, to civility, both in debate on the floor and in the committee hearings that I have been a part of. I hope that is good evidence of things sort of taking seed, anyway. I know we have a great deal of work to do to make good on the beginnings that occurred at the retreat at Hershey, PA.

Before getting into a little bit of that, I just want to recognize and express my deep thanks to all that were involved in planning the weekend; my cochair, the gentleman from Illinois [Mr. LAHOOD], and the other members of the planning committee that worked literally for months and months and months together, a gratifying experience in its own right, to put together with the help of some great outside experts a plan for the weekend.

Those colleagues included the gentlewoman from North Carolina [Mrs. CLAYTON], the gentleman from California [Mr. DREIER], the gentlewoman from Missouri [Mrs. EMERSON], the gentlewoman from Florida [Mrs. FOWLER], the gentleman from Texas [Mr. HINOJOSA], the gentleman from New York [Mr. HOUGHTON], the gentleman from Ohio [Mr. SAWYER], and the gentleman from Texas [Mr. STENHOLM].

As I think most of our colleagues are aware, we came away from the weekend in Hershey with many excellent ideas. Those are going to be reviewed and vetted and scrubbed and we hope then produced as recommendations coming out of the continuing work of the planning committee, that I hope now can be called an execution committee. We have met once since the weekend and will be meeting again.

Among the things we have already put in place, and Members will be advised of this by correspondence to their office, is a briefing on the retreat, the evening of April 16, from 5 to 7 p.m., downstairs in HC–5, where we hope our colleagues who were not able to attend the weekend, and their spouses, if at all possible, can join many of us who were there and our spouses for an opportunity to review some of what went on that weekend, to take a look at a video that is being compiled of the opening session, which included remarks by the Speaker and the Democratic leader, as well as a truly inspirational talk by the historian David McCullough.

We will have a time for socializing a bit, as well as dealing substantively with what went on in the weekend at Hershey and what our hopes are for carrying forward in very concrete terms the many, many good ideas that came out of that weekend.

Mr. Speaker, I yield to my good friend, the gentleman from Illinois [Mr. LAHOOD], for any comments he might wish to make at this point.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman, and I too want to add my thanks to all of those who worked so hard on making the retreat possible, including the Pugh Charitable Foundation, the Aspen Institute, and the Congressional Institute. Those folks contributed mightily to making our weekend a success.

But in large measure it was successful because of the Members who came, the 200 Members, about equally divided between Republican and Democratic Members, and then about 150 spouses and 100 children, and the weekend was a success because of the fact that Members took the time to come. The kind of encouragement that Members have been exhibiting to carry on the suggestions that were made at the weekend I think means a great deal.

I hope that our group can get together and come up with some recommendations. I think many of the recommendations have a great deal to do more with running the House, the institution of the House, how to make it more effective in the sense that people have a chance to debate, knowing that there are going to be differences, there are going to be partisan and political differences, but in reality when we leave the floor and the vote has been cast people will continue to talk to one another and carry on discussions beyond the House floor, and it does not relegate itself to the extent that Members will not carry on conversations after they leave the House floor.

Mr. SKAGGS. The gentleman's point is very well made. There have been some who have wanted to misconstrue our efforts in this regard as somehow getting rid of disagreement, which could not be further from the truth.

We recognize, I think, that representing this big country of ours——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SKAGGS. Mr. Speaker, I ask unanimous consent for 1 additional minute.

The SPEAKER pro tempore. That request may not be entertained by the Chair. The gentleman's time has expired.

Mr. SKAGGS. Mr. Speaker, if I may finish this one sentence.

The SPEAKER pro tempore. The gentleman's time has expired.

ORDER OF BUSINESS

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent to take the place of my colleague, the gentleman from Colorado, [Mr. MCINNIS], in the 5-minute rotation today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LOCKHEED MARTIN TO ROLLOUT F–22 ON APRIL 9 IN MARIETTA, GA

Mr. CHAMBLISS. Mr. Speaker, I yield to the gentleman from Colorado, [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman very much for yielding.

Just to complete the thought with my friend from Illinois, we just wanted to make sure that folks understand that our purposes are not to eliminate disagreements, which are inevitable, given the strongly held views that we have on the many important issues facing the country.

What we do believe is that we can replace what was becoming ever more sour debate among us with healthy debate which will live up to the expectations that I think the country and we hold for this institution.

Mr. CHAMBLISS. Mr. Speaker, reclaiming my time, I rise today to celebrate what I think is going to be a very historic moment in the national security of this country. On April 9, 1997, in Marietta, GA, at the Lockheed Martin plant we will have the rollout of the F–22.

I rise today along with my colleague from the 7th District of Georgia, [Mr. BARR], to talk about this historic event and to say that it marks the dawn of air dominance for the United States of America in the 21st century. The F–22 will be the fighter for the United States of America in the future.

The F–22 contains three major characteristics that will allow the United States of America to maintain the air dominance that we have been able to maintain in every major conflict over the last 40 years. Those three attributes, those three assets, are: stealth, integrated avionics, and supercruise.

Folks, this is one heck of an airplane that Lockheed Martin has put together, and I rise today with my friend from Marietta to celebrate this historic moment.

Mr. Speaker, I yield to the gentleman from the 7th District of Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank my distinguished colleague from the 8th District for yielding. The gentleman from the 8th District has been a very, very strong and consistent supporter of our military, and particularly recognizes the need to maintain air-superiority and air dominance well into the next century, a role which the United States of America has not forsaken since the early days of World War II.

As the gentleman has indicated, the F–22 fighter, which I am very proud to say is being assembled in the 7th District of Georgia at the Lockheed Martin facility at Dobbins Air Reserve Base in Marietta, GA, is the aircraft that will do that.

The roll-out that the gentleman mentioned on April 9, Wednesday, is something that I and my colleagues hope will be witnessed by Members throughout this Chamber as well as from the Senate. This truly will be an historic event, witnessing the rollout of this unique aircraft.

This aircraft, as the gentleman from the 8th District has indicated, not only will fly faster than anything out there today, it will have stealth capabilities that go far, far beyond any aircraft in any country in the world, and it has the capability of delivering weapons systems before the enemy, whether it is an aircraft or land installation, even knows that aircraft is there. As a matter of fact, they will probably never know what hit them with the F–22.

I appreciate again the work that the gentleman from the 8th District has done in working in his position on the Committee on National Security to ensure the appropriate funding and development of this most unique aircraft.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman, and I wish to congratulate Lockheed Martin for the superb job they have done in the development of this airplane.

I also wish to congratulate the U.S. Air Force for the work that they have done in moving this project forward.

Mr. Speaker, we look forward to April 9.

CIVILITY AND THE BIPARTISAN RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. SAWYER] is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I come to join my colleagues today who are taking this opportunity to speak on behalf of the retreat that took place 10 days ago or so. I do so in a way that we really did not have time to do at the retreat itself.

What I would like to do today is to share with my colleagues in substance an article that was published 9 years ago in The Atlantic. It was the cover story. It was entitled "Why Study History?" It begins with a recollection of the election of 1892, over a century ago, in which the author, Paul Gagnon, describes the election as one of exchanges between Grover Cleveland and Benjamin Harrison, which were notably superficial, sometimes unsavory, and avoided most of the toughest questions facing America at the time.

It probably sounds familiar to many Americans. Cleveland and Harrison were not simpletons, but like most political leaders, as the author points out, they knew more than they dared to say and worried more than they dared to show.

The Committee of Ten, organized in that year to elevate the level of public debate, put civic education at the top of the school agenda because they saw a need to raise the level of political debate in the country.

We still need to do it. Not much has changed since then, and it was that which was a motivator behind the retreat itself.

The author pointed out in that article in 1988 that it takes a real understanding, a bone-deep understanding of democracy, to know how hard it is to preserve civilization or to better human life. And in describing what it takes, he touched on the kind of thing that I think we need to understand as a product of the retreat we undertook.

As he pointed out, the kind of work we do is difficult because it asks people to accept the burdens of living with tentative answers and with unfinished and often dangerous business. It asks us to accept costs and compromises, to take on responsibilities as eagerly as we claim rights, to honor the interests of others while pursuing our own, to respect the needs of future generations, to speak the truth and do the right thing when falsehood and the wrong thing would be more profitable, and generally to restrain our appetites and expectations. All this while working to inform ourselves on the multiple problems and choices of our Nation.

☐ 1745

It is easy enough to lay out these kinds of wholesome values when things are going well, to remember the attitudes that we learned in classroom lessons and repeat over and over throughout our lives, and it is not even so hard to practice them provided that a certain level of morale prevails. There is no trick to virtuous behavior when things are going well. Most people will hold ethical attitudes, without much formal instruction when they feel themselves to be free, secure, and justly treated.

The truly tough part of all of this is to prepare us for the more difficult times. The question is not whether we will remember the right phrases but whether we will turn words into practice when we feel wrongly treated or fear for our freedom or security. It is particularly difficult when we see others in the public or private sector appear to flout every value that we would hold highly for one another. The chances for democratic principles to survive such crises depend on the number of representatives and indeed the number of citizens who remember how free societies have responded to these kinds of times in the past, how we have acted to defend ourselves and emerge from the bad times. Citizens need to tell one another, and we need to tell one another, and we need to tell those that we represent before it is too late what struggles have had to be accepted, what sacrifices borne and comforts given up, to preserve freedom and justice.

I can think of no single commentary that more completely strikes the recognition that we faced in Hershey, that it will not solve all of our problems of personal acrimony within the Congress, but it was never intended to do that. The retreat helped remind us that we can disagree with one another on matters of philosophy and belief while treating one another with respect personally. There will always be partisan differences, there should always be partisan differences.

The retreat was not intended to end them, but really to serve as a starting point, to build understanding among Members of the House and understanding that each of our personal outlooks has validity. Even if they do not agree, it will help reduce tensions. It is a baseline from which to build and the dialog that began in Hershey has provided the foundation for the rebuilding of civility within the institution, to understand where we all have been and where we all are going.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleagues, Congressman DAVID SKAGGS and Congressman RAY LAHOOD, for reserving this special order. I was among Members of this legislative body who traveled to Hershey, PA, earlier this month for the bipartisan congressional retreat. I am pleased to share the success of this undertaking with my colleagues on both sides of the aisle.

In short, the bipartisan congressional retreat provided us with the opportunity to engage in candid discussions of how we can improve the working environment of the House. We focused on how Members currently deal with differences of opinion and how improvements can be made in this area.

Mr. Speaker, in my opinion, this was the finest retreat that the House of Representatives has held during my entire tenure in Congress. While we are accustomed to having House Democrats gathered for retreats and Republicans holding separate retreats, I can say that the Hershey retreat was truly bipartisan. More than 200 Members of the House, and an equal number of family members were in attendance at the Hershey retreat. In my case, I was pleased to have my wife, Jay, my daughter and her husband, as well as two of our grandchildren, join me at the retreat. The retreat afforded the opportunity for Members of Congress, many of whom have only spoken to one another in passing, to commune with one another and have dialog in order to learn more about each other. The retreat provided our families this same opportunity. When we saw our children and grandchildren playing together, it encouraged us to come together. Our bipartisan retreat also included excellent breakout sessions. The small group setting allowed us to have informal discussions without the uncivility that we have experienced in the House. Further, the occasion to have breakfast, lunch, and dinner together provided an opportunity at each session to visit with someone whom we had not visited with before. By the time we were ready to return home, it was obvious that all who attended the retreat felt a sense of kinship.

Mr. Speaker, those of us who attended the retreat also came away with a much greater understanding of the history and traditions of the House. As Members of Congress, we belong to the finest legislative institution in the world. All of us have an obligation to treat it in that manner.

MARGIE JANOVICH'S SACRIFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, 1 week ago today, we buried a lady from my district by the name of Margie Janovich. The story of Margie Janovich I shared last week with the American people, a story that she had struggled with the fight of cancer for 18 months, but I wanted to come back today and share the story again because it is such a moving story and tomorrow is the beginning of the debate with the partial birth abortion bill.

Margie's story, for those of you who have not heard, this is a family, Margie and her husband Joe had 9 children in this picture and I do not know, Mr. Speaker, if the camera can get a picture of this or not, but Margie was 44 years old when she passed away last week, and Margie died of cancer. She had been diagnosed with thyroid cancer, and at the time that Margie was diagnosed with thyroid cancer she was 5\1/2\ months pregnant. As a matter of fact, she was pregnant with this little gal, Mary.

Well, Margie, because of her pro-life views and because she believes that life is the most sacred thing that could ever be given from God, said she was going to forgo cancer treatments so she would not risk hurting her unborn child. And so she waited until little Mary was born and the thyroid cancer spread. It spread to her breasts and into her lungs and 18 months later it eventually took her life.

But before it took her life, her 9 children, Nick and Tina, Jim and Terry and Mike and Joe and Danny and Andy and precious little Mary, experienced something that few children in America experience, and that is a mother who not only loved them but gave her life for them. And someday when her husband Ron sits down to tell little Mary what act of sacrifice and what her mother did to deliver Mary safely into a world, into a country that does not value life, I think it will be a story that will touch Mary forever.

As I think of tomorrow's debate, and think of the 25 million children we have murdered in America because of convenience, because of choice, I think of my conversation with Margie Janovich 1 week before she passed away. She always had a smile on her face, and when I went in to visit her in the hospital she asked me now, are we going to have the votes this year to override a veto on the partial birth abortion? She always was thinking about how we could protect more lives. She was always thinking about someone else, thinking about her family, thinking about her children and thinking about the unborn.

I had a chance this week on Sunday to go over and see Ron and see the kids, I saw Andy and Danny and Tina. It has been a difficult 18 months for them, but they have experienced something because of what their mother gave that few children in America will be able to experience, and that is the love of a mother for her children. I think of the issue of convenience, and I think of the issue of sacrifice, because that is really what abortion is all about.

It is about a choice, but the choice occurs prior, prior to conception. The choice occurs whether or not you are going to get into bed with someone. The choice occurs far before the issue of an unborn life. And Margie Janovich understood this choice. She understood the choice of life. She understood the issue of taking an unborn life, and she decided for her the best thing to do would be to protect life.

But even under the partial birth abortion bill that we are going to be debating tomorrow, Margie could have taken the route of an abortion, because her life was in danger. So the bill tomorrow that we are going to be debating would have allowed for that exception. You will hear a lot of rhetoric tomorrow about an amendment talking about health of the mother. But the health of the mother could be anything, from emotional distress to financial distress, to a number of things.

I hope that the American people are watching tonight as they decide to call and to get active and get involved and call their Representatives, because tomorrow is the debate, and tomorrow as we decide, I hope the American people will remember Margie Janovich and her 9 children and the sacrifice that she made for her little baby, Mary.

THE BIPARTISAN RETREAT IN HERSHEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. HINOJOSA] is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today to speak about the bipartisan retreat in Hershey, PA. We came together in an effort to bring greater civility to the House of Representatives, and that is exactly what I feel we accomplished. We wanted to set a tone of cooperation and compromise for the 105th Congress. We proved that it could be done. As freshman Representative, JO ANN EMERSON from Missouri and I recruited over 60 percent of the 74 Members of our 1996 class. We made sure that our young class is included in the struggle to unite our House of Representatives. Both of us served as part of the planning team and coleaders of the small group sessions. The participants in planning this event spanned the range of ideological, geographic, ethnic and seniority differences.

This diversity was also reflected by those attending the retreat, as evidenced by the participation of the Speaker of the House, NEWT GINGRICH, Majority Leader DICK ARMEY, Minority Leader DICK GEPHARDT, and Minority Whip DAVID BONIOR.

Acrimony seemed to be the trademark of the past 104th Congress. Upon coming to Washington, it was very apparent to me that the House of Representatives was at a crossroads and that, more than anything, efforts needed to be made so that we could have a level of trust in each other. It was imperative to strive to achieve this goal in order to be able to effectively work together and, in turn, to be productive. Ultimately, that is what all of our respective constituencies elected us and sent us here to Washington to do.

On a personal note, I received a letter this week, and I want to share it because it shows that there are people out there in the country who believe that we can do it. It says:

My dear friend, Congressman Hinojosa:

Thank you for seeing us on Monday. I was glad to see you. I must tell you that you now have the job for which you were born. Normally wild horses could not drag me to any part of that government bureaucracy, but knowing that you were there somehow made it seem more believable, that real people walk those hallowed halls and were going to make a real difference. And from what a person reads in the newspapers and sees on CNN and C–SPAN, it appears that real people are few and far between. Isn't that just the way, they tell us all of the bad stuff and none of the good stuff, and I know that there are some fine Congressmen and Congresswomen. Keep up the good work. Keep on representing the common folks like us in south Texas.

Fondly, your constituent, Phyllis Griggs.

I want to say that it was a pleasure to be in Hershey, PA, and to see that there is a lot of spirit and enthusiasm to get the job done.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. LaHood. I thank the gentleman from Texas for yielding.

Mr. Speaker, I wanted to rise and say that one of the highlights of the bipartisan retreat was the speech that was delivered by David McCullough, who is a Pulitzer prize winning author and historian and contributed so much to making our retreat so successful.

Mr. Speaker, I include the remarks of David McCullough for the Record so that for those who did not attend the retreat, they can read the Congressional Record tomorrow and this will be a part of the Record, so that people in the future will have a chance to read the remarks that he delivered at our retreat, which I think inspired all of us that were there.

Bipartisan Congressional Retreat—Plenary Session Speaker

(By David McCullough)

Well, Amo, you've taken my breath away and your invitation to speak here is as high a tribute as I've ever received. I feel greatly honored but also a strong sense of humility. And I hope it won't seem presumptuous if I—in what I say today—appear to know your job. I don't. If I can help you in what I say, if I can help the country, then I will be very deeply appreciative of the chance to be here.

Your speaker welcomed you to Pennsylvania, I do so too as a Pennsylvanian, by birth and by education and as one who loves this state. There is more history here than almost anywhere else in our country. Our most important, our most sacred historic site—Independent Hall—is less than 100 miles from where we sit, as the crow flies. And if you come to Pennsylvania, you can always learn something, at whatever stage in life.

Last year, Rosalee and I came back to Philadelphia. We pulled up in front of the hotel in a big, shiny, rented car and the doorman, a handsome fellow in full regalia, opened the door for Rosalee. I popped the button for the trunk and I could see him getting the luggage out. I got out and walked around the back of the car and he looked up and said: "Well, Mr. McCullough, welcome to Philadelphia; it is wonderful to have you here." And I thought, "I wonder if he knows me because of my books or because of the work I do on public television?" And so I said, "If you don't mind, I'd like to know how you know who I am?" And he said, "the tag on your suitcase."

You can't but help learn a great deal in this session and as Speaker Gingrich said, this event is unprecedented in the long history of the U.S. Congress. A gathering like this never happened before. And how wonderful that your children are here—the next generation—some of whom may also be serving in Congress. We have the future with us too. And we have the past.

Now many people think of the past as something far behind, in back of us. It is also possible to think of it as in front of us, in the sense that we're going down a path that others have trod before, and some very great people; we are in their footsteps. And it is in that spirit that much of what I have to say will be said. I want to talk about history; I want to talk about purpose, and because there's an old writer's adage, "Don't tell me, show me." I want to conclude by showing you.

"We live my dear soul in an age of trial," he wrote, in a letter to his wife. In the seclusion of his diary he wrote, "I wander alone and ponder. I muse, I mope, I ruminate." He was a new Congressman and he was about to set off for his first session in Congress. John Adams, heading for his very first Congress—the Continental Congress in Philadelphia in 1774—and he was very disturbed, very worried.

"We have not men fit for the times," he wrote, "we are deficient in genius, education, in travel, fortune, in everything. I feel unutterable anxiety." The next year when he returned for the second Continental Congress he found that the whole atmosphere had changed. This was after Lexington, Concord, and Bunker Hill. This was a time of pressing need and America, he decided, was a great, "unwieldy body."

"Its progress must be slow, it is like a large fleet sailing under convoy, the fleetest of sailors must wait for the dullest and the lowest. Every man in the Congress is a great man," he wrote, "and therein is the problem—an orator, a critic, a statesman, and therefore every man upon every question must show his oratory, his criticism, and his political abilities." In 1776, in the winter—in the dead of winter—with the temperature down in the 20s, John Adams set off again from Braintree on horseback to ride 300 miles. Nothing unusual then; we think of communications and transportation as two different subjects. In the 18th century, transportation and communication were the same. Nothing could be communicated any faster than somebody on a horse.

He arrived back in Philadelphia—this is early in 1776, and bear in mind this was the year of the Declaration of Independence—and he wrote: "There are deep jealousies. Ill-natured observations and incriminations take the place of reason and argument." Inadequate people, contention, sour moods, and from his wife, Abigail, John Adams received a letter in which she said: "You cannot be I know, nor do I wish to see you, an inactive spectator." She wants him to be there for all it is costing her, for all the difficulties she is having, caring for the family and running the farm. And then she adds, "We have too many high-sounding words and too few actions that correspond with them."

1776. History * * * History is a source of strength. History is a source of strength. History teaches us that there is no such thing as a self-made man or woman. We all know that. We all know the people who helped. Teachers, parents, those who set us on the right track, those who gave us a pat on the back, and when need be, those who have rapped our knuckles.

History teaches us that sooner is not necessarily better; that the whole is often equal to much more than the parts; and what we don't know can often hurt us deeply. If you want to build for the future, you must have a sense of past. We can't know where we're going if we don't know where we've been and where we've come from and how we got to be where we are. A very wise historian, who was also the Librarian of Congress—Daniel Boorstin—said that to try to create the future without some knowledge of the past is like trying to plant cut flowers.

History is an aid to navigation in troubled times; history is an antidote to self-pity and to self-importance. And history teaches that when we unite in a grand purpose there is almost nothing we cannot do.

Don't ever forget the great history of your institution—your all-important institution. All of us, all of us want to belong to something larger than ourselves. I'm sure it's why you're in Congress; I'm sure it's why you decided in the beginning, "I'm going to give up this and do that, and it's going to be difficult for my family"—because you wanted to serve something larger than yourselves. It's at the heart of patriotism; it's why we are devoted to our churches, our universities, and, most of all, to our country.

With that kind of allegiance—that kind of devotion—we can rise to the occasion in a greater fashion than we have any idea. And we've done it time and again, we Americans. Think what your institution has achieved. It was Congress that created the Homestead Act. It was Congress that ended slavery. It was Congress that ended child labor. It was Congress that built the Panama Canal and the railroads. It was Congress that created Social Security. It was Congress that passed the Voting Rights Act. It was Congress that sent Lewis and Clark to the West and sent us on voyages to the moon.

Some acts of Congress like the Marshall Plan or Lend Lease, as important as any events in our century, were achieved under crisis conditions. But it doesn't have to be a crisis condition. It can be an ennobling, large, imaginative idea. A big idea.

Much of what has happened in our time has been determined by outside forces. In the Depression, the national aspiration—the national ambition—was to get out of the Depression. In the Second World War, the national aspiration—the national ambition—didn't need to be defined, it was to win the war. In the Cold War, the national aspiration was to maintain our strength against the threat of the Soviet menace, but at the same time, maintain our open free way of life.

But now the Cold War is over. And outside forces are not determining the national ambition. So what is it going to be?

Because we have the chance to choose. You have the chance to choose. And as important as balancing the budget may be, as important as restoring civility and law and order in the cities may be, as important as fourth-grade testing may be, or school uniforms, they aren't the grand ennobling ideas that have been at the heart of the American experience since the time of John Winthrop and the ideal of the City on the Hill.

And we have the chance to do that. We have the chance to create that—you have the chance to do that. There has never been in any of our lifetimes a moment of such opportunity as now with the Cold War over. And if we just lift up our eyes a little and begin to see what we might be able to do, we too—we in our time—could be cathedral builders. We can be a great founding generation, like the founding fathers. And what a wonderful uplifting, thrilling, unifying sense of purpose that can provide. America itself at the very beginning was a big idea; the biggest idea in the political history of the world. That could happen again.

John Adams, who was one of the most remarkable of our Founding Fathers and whose wife Abigail has left us a record unlike that of any other spouse of a political leader of that time, set something down on paper in the Spring of 1776 that ought to be better known. It's called Thoughts on Government. It was originally written as a letter to the eminent legal scholar, George Wythe of Virginia. It was about twelve pages long and when other Members of Congress asked him for a copy he sat there, by candlelight, at night in a room in a house across the street from the City Tavern in Philadelphia, copying it all down. And then Richard Henry Lee of Virginia suggested that it be published.

Keep in mind please that it was written before the Declaration of Independence. And listen to the language, listen to the quality of the language, which of course, is the quality of thinking. That's what writing is: thinking. That's why it's so hard.

"It has been the will of heaven that we, the Member of Congress, should be thrown into existence in a period when the greatest philosophers and lawgivers of antiquity would have wished to have lived." Right away, you see, he's saying, it is the will of heaven, there are larger forces than we ourselves, and he's applying the moment against the standard of the past: antiquity. It is to a very large degree, a lesson in proportion. "A period when a coincidence of circumstances without an example has afforded to thirteen colonies at once an opportunity at beginning government anew from the foundation and building as they choose." New, unprecedented, and they may choose. "How few of the human race have ever had an opportunity of choosing a system of government for themselves and for their children." And here is the sentence I dearly love. "How few have ever had anything more of choice in government than in climate."

He proposed a bicameral legislature. "A representative assembly," he called it, "an exact portrait in miniature of the people at large," balanced by a second "distinct" smaller legislative body that it may "check and correct the errors of the other." Checks and balances. There was to be an executive whose power was to include the appointment of all judges, and command of the armed forces, but who was to be chosen—and you'll like this—who was to be chosen by the two houses of legislature and for no more than a year at a time.

At the close, he also wrote this—and think about this please, as maybe a clue to what the cathedral we build might be. "Laws for the liberal education of youth are so extremely wise and useful that to a humane and generous mind no expense for this purpose would be thought extravagant."

Then after another month or so he sat down and wrote a letter to a friend back in Massachusetts, a fellow son of Liberty. April, 1776. Carved into a mantelpiece at the White House, in the State Dining Room, is the prayer—the wishful prayer taken from a letter Adams wrote to his wife Abigail after his second or third night as President in the White House—the first American to occupy the White House as President—in which he says, "May only wise and honest men rule here."

I offer for your consideration the possibility that what I'm about to read might be carved, if not in a mantelpiece, somewhere in our Capitol where it would have appropriate attention. I can think of almost no other line from any of the founders so appropriate, so pertinent, to what you face—what we all face—not just in problems, not just in personal animosities or contention or rivalries, but what we face in the way of opportunity: to be builders as they were. Because he establishes both a way and a warning: "We may please ourselves with the prospect of free and popular governments. God grant us the way. But I fear that in every assembly, members will obtain an influence by noise not sense, by meanness not greatness, by ignorance not learning, by contracted hearts not large souls. There is one thing my dear sir that must be attempted and most sacredly observed or we are all undone. There must be decency and respect and veneration introduced for persons of every rank or we are undone. In a popular government this is our only way."

I salute you all. I salute you as a fellow citizen, as a fellow American, as the father of five children, as the grandfather of nine children. I salute you as one who has spent a good part of his working life trying to write some of the history of your great institution.

Our country deserves better—from all of us. But we look especially to our leaders as we should rightfully do. And there are no more important leaders than you. We don't expect you to be perfect. We do expect hard work, diligence, imagination, a little humor, civility, and especially, the sense that there is really no limitation to what we, a free people, can do. And that, with the grace of God, and a common sense of purpose, there is no limit—which has always been at the heart of the vision of America since the beginning.

Mr. HINOJOSA. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. SKAGGS. I just wanted to commend the gentleman in the well and his colleague from the incoming class, the gentlewoman from Missouri, JO ANN EMERSON, who made a tremendous difference in our efforts to plan this undertaking and see it through to a successful conclusion.

I think he made the very important point that no organization as large as this one is able to get anything done if we do not have some minimum level of trust in each other, especially across the aisle. You cannot accomplish that if you do not spend a little bit of time getting to know each other. That was part of what this retreat was about. It is primarily not just about good feelings but the fact that without some minimal level of trust and mutual respect, we cannot get the country's work done, and that is what we are all here to do.

FLORIDA'S RELEASE OF VIOLENT CRIMINALS MARKS SAD DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WEXLER] is recognized for 5 minutes.

Mr. WEXLER. Mr. Speaker, today is a very sad day for Floridians and for all Americans. Nearly 1,000 criminals who have committed the most heinous crimes imaginable have been released from Florida's prisons without serving nearly their full sentences. Once again the victims and their families will relive the worst nightmare, knowing that the criminal who destroyed their lives is free to commit the crime again.

This is an outrage, and Congress must stop it now. Imagine it was your 6-year-old son who was sexually molested by a friend you trusted enough to bring into your home. Imagine it was your wife or sister who was brutally raped. Imagine it was your 17-year-old son who was repeatedly stabbed to death. These are not hypothetical examples. All of these vile criminals were among the 1,000 prisoners already released from Florida's prisons.

☐ 1800

The criminals who committed these heinous crimes are now walking free due to a U.S. Supreme Court decision that creates a so-called constitutionally protected right to gain time, an early release mechanism created by Florida officials in 1983 to alleviate prison overcrowding. History shows that a frighteningly high percentage of these criminals will molest, murder, and rape again and again.

Last month Floridians saw a chilling example of what happens when violent felons are released from jail prematurely. Lawrence Singleton was released after serving only 8 years, only 8 years of his 14-year sentence for raping a 15-year-old girl, severing her forearms, and leaving her for dead. This young girl lived. But last month Singleton struck again and murdered a Tampa woman.

How many Floridians must die because of this absurd U.S. Supreme Court decision? The whole premise of gain time is a contradiction. Releasing violent prisoners before they serve their full sentence is just plainly wrong. A child molester, a murderer, or a rapist has earned absolutely nothing. For years Florida was known as the crime capital of the United States. The U.S. Supreme Court has slapped law-abiding Floridians in the face.

That is why Congressmen FOLEY, McCOLLUM, and I today filed a bipartisan constitutional amendment empowering States to keep their violent offenders behind bars and allowing the American people the opportunity to exercise common sense when our Supreme Court has failed to do so.

Our sheriffs can catch them, our State attorneys can prosecute them, our judges and juries can sentence them, our State legislatures can appropriate the money to build the prisons. But after all, this ridiculous loophole sets these violent people free.

Something is dramatically wrong when a technicality and interpretation by judicial decree overrides good sense, good judgment, and good government when as many as 16,000 dangerous criminals are free to terrorize our neighborhoods and when the Supreme Court places the rights of violent criminals above the rights of law-abiding citizens.

The Constitution of the United States must be changed.

REFUSE TO SUPPORT LESS PAY FOR WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, H.R. 1 is a disgrace to American workers. In the last several days workers from all over my district have come to Washington to ask me to vote against this bill. Those working constituents do not want their pay reduced by a Congress out of touch with the American work force.

Let me repeat that. Those working constituents do not want their pay reduced by a Congress out of touch with the American work force.

Mr. Speaker, a vote for this bill is a vote for a pay cut for the workers.

H.R. 1, the Working Family Flexibility Act of 1997, is also known as the pay reduction act. Today millions of workers depend on overtime pay just to feed their families and keep a roof over their heads. How cruel to consider this overtime pay as optional. Today too many people depend on overtime pay to survive. Their survival is not optional.

Mr. Speaker, it is employers, not employees, who get greater flexibility from this bill. This bill does not contain necessary safeguards to ensure that the employee decision to accept comptime is truly voluntary. The overtime provision in the Fair Labor Standards Act protects workers from excess demands, from overtime work, and by requiring a premium pay for overtime provides an incentive for businesses to create additional jobs.

There is no doubt that the American workers prefer pay for their overtime work instead of comptime. A recent poll by Peter Hart found that the American worker prefers pay for their overtime instead of comptime by a margin of 64 to 22 percent. Unfortunately too many workers do not get paid for overtime. The Employment Policy Foundation, a think tank supported by employers, estimates that workers loose $19 billion a year in overtime pay due to violations of the Fair Labor Standards Act. Why should we give managers more control and give workers less money? A worker who was forced by management to take comptime instead of overtime pay is being required to take a voluntary pay cut.

Mr. Speaker, I refuse to support less pay for workers.

SUCCESS AT HERSHEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOUGHTON] is recognized for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, before I talk I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I simply want to state that with regard to the recent retreat at Hershey, two things: First, while my colleagues were enjoying a retreat, I was on a work weekend. That was my district, and my schedule called for me to meet a group of tourists from Washington, DC, and so I did my duty. I wanted you to know that I worked hard that weekend making sure that you were hosted well.

But the second notation I want to make is that universally with every member of the Hershey staff, waitress, busboy, every single person who worked there and who dealt with the Members of Congress and their families, the mood and the comment was absolutely unanimous to the effect that they were met with courtesy on the part of the Members and their spouses and their children, that everybody was well behaved, that the requests were all met handily. In short, they were glad to have the Members of Congress and their families at the retreat at Hershey.

For me it was a good exercise in doing my job, but more than that, it was good to see all of the Members at the resort area in Hershey.

Mr. HOUGHTON. Mr. Speaker, the gentleman from Pennsylvania did his job well, as did Governor Ridge. It was an honor and a pleasure to be with him. Thanks very much. Maybe New York will be the hospitable State the next time we have a meeting.

Mr. Speaker, my friends, I would like to talk just a second about the bipartisan retreat. It was a wonderful experience. I am not going to duplicate the comments that my bosses, the gentleman from Colorado [Mr. SKAGGS], the gentleman from Illinois [Mr. LaHOOD] and the gentleman from Ohio [Mr. SAWYER] have mentioned, but I would just like to add one or two comments to something which was really I think really a definitive moment in the history of this Congress.

Here we were, 220 of us, approximately 550 people up there, talking as we should talk, talking to citizens, talking as concerned citizens. Maybe one of the most impressive things as far as I am concerned was the inclusion of the spouses. You know, many times life, whether it is in politics or business, whatever it is, it is sort of a solo act; but here we were as families talking and expressing ourselves and sharing ideas. It was enormously healing.

You know bit by bit, whether it is again in a family or a business or something else, we sort of drift apart, and all of a sudden we realize that this thing has been apart and we are looking down into a chasm. We have got to pull it back together, and I think that is what happened: Very, very important.

I got a letter prior to going there from some people out in Washington near Seattle, St. Stephen the Martyr Roman Catholic Church, and let me just read a little bit about it because this is sort of the genesis of what we were doing out there.

It said: "Dear Congressman, as the new term of office begins it is our desire that all of our elected leaders strive to work together."

Now, this was not prompted at all. "Regardless of political alliance, the potential for stalemate and impotence in leadership decisions exists due to separate party agendas. It is necessary in the best interests of your country, of my country, that there be teamwork and compromise and strength of purpose. You are paid by us. We expect you to behave with dignity and integrity."

Now, I am not going to read the rest of this letter, but you get the gist of it. I mean, these people are involved right here with us every day. They see us, they send us here, they expect us to deal in the same manner that they would deal with their parishioners, or with their family or with their fellow citizens, and that is why this thing was so special.

Let me just say one other thing. I had a wonderful opportunity this morning to go down to the Mall and see the opening of the World War II memorial. Bob Dole was there, the first public appearance I think he has made since the election. He gave an enormously effective and emotional speech, and I hope that other people will be able to read it or listen to it. One of the things he said is that "you know we here represent young people who died for a future they will never realize."

You know, I just thought of that because of the responsibility it puts on all of us. Here were those young people in with World War II, as there have been in other wars, who risked their lives, lost their lives for a future they would never be able to experience themselves.

It gives us a tremendous sense of obligation to do what is right here, and so I was proud to be a part of this experience. I hope it is not a flash in the pan. I hope it will continue. I hope the whole spirit of Hershey will be a spirit that we can look back on and say it was well worth our while.

COMPTIME/CHUMPTIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. McKINNEY. Mr. Speaker, I wanted to come to the floor this evening because I wanted to talk about the bill that we just passed here, H.R. 1, the comptime bill, flexibility time bill, what the gentlewoman from California [Ms. WOOLSEY] called the chumptime bill.

I would first like to commend CBS Evening News for their March 18 Eye on America story reported by Sandra Hughes. I called CBS and requested a transcript because I want to read that transcript now.

The opening shot, for those who did not see it, was a door opening and a woman by the name of Etta and her family walking out, and a narrator says: "Just after dawn, just east of Charleston, the daily struggle begins for Etta Williams." And Etta sees her kids off to school, and a narrator says: "Even though she was working up to 60 hours a week as a cook at the local Pizza Hut, Etta says she had to go on food stamps to feed her family because her manager was not paying her for all the hours she worked."

Etta says: "They go in, they take your hours, they delete it from your pay."

The narrator says: "This minimum wage mom has joined a dozen other employees suing Pizza Hut saying the company deleted countless hours from their weekly paychecks."

Etta Williams continues: "It is stealing from the poor, stealing, and they are getting rich off of it."

The narrator says that we tried to talk to her manager at Mount Pleasant, SC, Pizza Hut, and the employees called the police.

Then there is a segue to Gregg Dedrick who is a senior vice president eloquently situated in a nice plush office, and he says: "I would say it is unfortunate she feels that way. I think we are a fair employer, we want to pay people a fair day's pay for the work they do, and we have processes in place to resolve those discrepancies."

The narrator then says: "But a former manager at a Pizza Hut in Walterboro, SC, told us a far different story. "Pam Chapman is that former manager who says: I have to live with this. The thought of going and taking hours actually stealing from the employees."

Pam Chapman admitted that every week she entered the computer and deleted hours from workers' payroll. Pam Chapman says: 'I have been through 3 previous managers and every last one of them did the same thing."

Then CBS concludes the story by saying all of this comes on the heels of a CBS news investigation into similar allegations at Albertson's grocery stores. In that report which was played as a recent Senate hearing on overtime workers in four States who are suing the grocery store chain claimed they were cheated out of millions of dollars in back pay.

□ 1815

Jenni Perry was a bookkeeper. Jenni says, "I was told by my store director to change, falsify, whatever you want to call it, time cards."

Then CBS goes on to say, "We wondered just how common these kinds of wage complaints are, so we asked the United States Department of Labor. They sent us this, and it was a great big, huge book, a printout, really, about this thick. Last year alone, more than 12,000 companies were fined a total of $100 million for not paying employees for all the hours they worked."

Etta Williams ends by saying, "It is not only stealing from me, they are taking away from my children too," which is why Etta Williams decided, in order to protect her family, she was going to have to stand up for herself.

Now, the bill that we passed today has very real implications for the millions of Etta Williamses that are out there across this country, and for the benefit of my constituents, I want to make it clear to them what this is about.

This bill is not family legislation and it needs to be vetoed by the President.

BIPARTISAN RETREAT IN HERSHEY A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I am one of the fortunate Members of the House of Representatives who got the unique opportunity of attending the bipartisan retreat. I must admit, Mr. Speaker, when I was initially invited, I felt, well, this will be just another feel-good session, or it will just be another one of these innocent, well-designed things that would lead to failure.

I want to say, Mr. Speaker, that it was not. It was tremendously successful. I am an experienced educator and an experienced civic-minded person. I have been on many retreats. In my opinion, this was one of the better ones that I have been fortunate enough to attend.

First of all, I think that it is time the House of Representatives realized that it does take getting away from the 435 seats that we sit in on the floor of this House, many times. It takes that because the institution itself has divided us geographically from the way we sit on this floor. This retreat did a lot.

I want to commend my colleagues, the gentleman from Colorado [Mr. SKAGGS], the gentleman from Illinois [Mr. LAHOOD], the gentleman from New York, [Mr. HOUGHTON], the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], the minority leader, the gentleman from Missouri [Mr. GEPHARDT], and the gentleman from Ohio [Mr. SAWYER]. Because of the efforts they put forth in planning this and making it happen, we owe them a debt of gratitude.

I welcomed the opportunity to meet outside of work with many of my colleagues, many of whom I had never met before, even though I had seen them passing in the hall. The event was well planned and well organized. Discussion group leaders were extremely helpful, and the sessions were productive. It was wonderful to see so many of my colleagues together with their families.

The presentation by Dr. McCullough, a great scholar, a great writer, was extremely revealing and very provocative, because I have been here 4 years and that was the first time I heard a scholarly approach to the historical perspective of this House.

He gave us a reason to feel that we should be proud of all of the merits that perhaps the American public does not realize as to what this House has done. He did it in such a way, he did not pander to us, he dealt with facts and said we should be very proud. I think that proudness, Mr. Speaker, coming from each one of us, would certainly inhibit some of the incivility we have seen on the floor.

Will it increase civility on the floor? I think it will. I think it improved the respect that we have for each other. I think it gave us a strong perspective of why the House is so important and why our decisions that we make here every day are very important and how they benefit the people of this country.

The design of the workshop was superlative. It was not thrown together. It had goals, it had objectives, it had ways to reach the goals that we sought so well. It had an evaluation so that we could say to the committee, that is what we saw this year; when you have this again, maybe these are some improvements that we would like to see.

I think it was a very, very good use of the money of the people who sponsored it. It was a team-building kind of device. Industry and business, they know how to do these kinds of things, that is, to take you away from the workplace and have you face your colleagues, to have you dialog and to have you meet each other's families. I think this Congress as an institution could take a lesson from business and industry, and this retreat did that. It created that kind of team-building.

There were many good readings which I liked very much. They sent each one of us some pre-readings, and if we read it, it set the tone of what we were there for, and they had research studies that showed. So it was not just a fun thing, even though we did have fun, but it was based on very sound research, and we had very good scholars and good speakers behind it.

It was issue-oriented, family-friendly. It just did me proud as a grandmother to see the families there with their children and the children enjoyed it so much. Was the retreat good? Yes. Was the retreat successful? Yes. The retreat gave us an objective or an outcome that it would take us years to reach if we had not moved out of these 435 seats.

So I want to say to the people who sponsored it, we want it repeated again next year. It was the best.

PARTIAL BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, tomorrow we will vote on the very important issue of partial birth abortion. I would like to address that subject for a few minutes. I have practiced obstetrics and gynecology for more than 30 years and have delivered thousands of babies. I have never needed to, nor have I known of any circumstance where the partial birth abortion procedure was necessary for the health of the mother. Quite to the contrary, it is my most sincere conviction that the procedure itself is quite dangerous to the mother.

When it was first said by the right-to-life advocates that this procedure was being done frequently, I was reluctant to believe this possible, considering its danger and its grotesque nature. It was only after the admission by the proponents of abortion that, indeed, it was done frequently, and on healthy babies, that I was willing to consider that we had slipped to the point where this operation is promoted as an acceptable medical procedure.

The notion that this procedure should be available for the protection of the health of the mother is disingenuous to say the least. As a physician who encountered inter-uterine fetal death in the second and third trimester, I have never entertained the thought of performing this procedure because of the risk to the mother.

Using the mother's health as an excuse for abortion reminds me of what I witnessed in the 1960's as an obstetrical resident. Physicians defying the law were using an illegal loophole, saying that if an individual threatened suicide it was a justification for abortion. It was a matter of course to make a phone call and get a commitment from a sympathetic psychiatrist to say yes, he would sign the papers, and that is all it took.

It is one thing to defend abortion because one sincerely believes it should be legal, but it is another thing to distort the truth, fudge the statistics, and pretend that it is done for the health of the pregnant woman. This should be exposed for the falsehood that it is.

I am convinced that abortion is the most important issue of the 20th century. Whether a civilized society treats human life with dignity or contempt will determine the outcome of that civilization. Supporters for legalization of abortion in the 1960's never dreamed it would come to the debate that we face today over this grotesque procedure, the partial birth abortion.

In determining whether or not this country endorses this procedure, we make a moral statement of the utmost importance regarding the value of human life.

The legislative approach for abortion is of lesser consequence than the issue itself. Abortion regulation, like all acts of violence, traditionally and under the Constitution were dealt with locally until 1973 when the courts chose to legalize nationally the procedure. Removing the issue from the jurisdiction of the Federal courts so States could deal with all of the problems surrounding abortion would be more in line with the traditional constitutional approach to government. Obviously, all funding by any government ought to be prohibited in a society that pretends to protect human life and defend individual liberty.

It is now a worn-out cliche that abortion is defended in the name of women's rights and freedom of choice. But claiming to protect the freedom of one individual can never be an excuse to take the life of another. Life and liberty are never in conflict. Life and convenience may well be. The inconvenience and responsibility of caring for a hungry, crying baby at 3 a.m. never justifies baby killing, nor is an inconvenient baby in the womb a justification for its elimination.

For those who cry out for choice, let me point out that someone must speak out for the small, the weak, and the disenfranchised so their choice for life is heard.

No one in this body can challenge me on my defense of personal choice in all social, personal, and economic matters, but I do not accept the notion that choice means the right to take the life of a human being. That is a mockery of the English language and truth.

Those so bold who today would argue that choice means not only the killing of the unborn but the partially born as well, I say to you, where are you when it comes to real choice in economic transactions, hiring practices, gun ownership, use of private property, confiscatory taxing policy, taking personal risks, picking schools for our children, medications and medical procedures not yet approved by the FDA? Let me hear no more about choice as the excuse to kill. Please, with due respect, pick another less offensive word.

This great debate over life has lasted now for over 30 years, and it took the partial birth abortion procedure to crystallize vividly exactly what this debate is all about. The deliberate killing of a half-born infant, with heart beating, arms and legs flailing, and a chest struggling for a first breath by aspirating the infant's brain is, to many of us, an uncivilized, abhorrent and unacceptable procedure.

Yet, we as a nation, now without a moral bearing, appear frozen as to what to do. The debate has boiled down to this: Should the police be called, or should the abortionist be paid a handsome fee?

For now, the best we can do is make a statement that there is a limit, and we have reached it. Hopefully some day there will be enough respect for local governments to handle problems like this, but we must forcefully acknowledge that the defense of all liberty requires the respect for all life.

DISCRIMINATION: TWO WRONGS DO NOT MAKE A RIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. FOWLER] is recognized for 5 minutes.

Mrs. FOWLER. Mr. Speaker, the debate over affirmative action is not about whether discrimination exists in America today, because we all know that it does. The debate is over whether granting preferences based on race or gender is the way to eliminate that discrimination.

Webster's defines discrimination as, "a difference in treatment or a favor on a basis other than individual merit." Is that not what current affirmative action programs are all about, making decisions based primarily on gender and race?

The central tenet of all affirmative action programs is to give preferential treatment to someone not based on individual merit.

□ 1830

Individual merit ranks second to considerations of race or gender. It is clear that today's affirmative action programs fit under the definition of the word "discrimination." That brings us to the crux of this argument: Does it make sense to fight discrimination with discrimination, or do two wrongs make a right?

The answer to both, in my opinion, is no. Our country was built on the ideal of equal opportunity for all, and the original intent of affirmative action programs was to help provide a level playing field for those who were not getting that opportunity. Unfortunately, once the Government got hold of it, that program which started out with the best intentions became a hire-by-the-numbers system involving quotas, set-asides, preferences, numerical goals, and timetables. What has been left out of the equation is the notion of individual merit, the important question of, Is this the best person for this job?

Today's affirmative action programs harm our society, both by lowering standards and by leaving the beneficiaries of the program to doubt their own ability. As a woman, I know beyond a shadow of a doubt that women can compete with any man on an equal playing field. I find the assumption that we need preferential treatment in order to succeed insulting.

Have women had a harder time advancing up the corporate ladder and getting access to educational opportunities? There is no doubt about that. But is affirmative action the way to create more opportunities for women, a quota here, a set-aside there, or should we be focusing on removing the barriers that keep women from advancing and succeeding on their own?

The Glass Ceiling Commission, started by former Labor Secretary Elizabeth Dole, takes a second approach. It has been tremendously effective. The Commission identified the barriers in the workplace that keep qualified women from moving up the corporate ladder. It then set about working with companies to find ways to remove those barriers, allowing women to advance on their own merit and qualifications.

Much of this process involves changing long-held beliefs, attitudes, and prejudices. Elizabeth Dole created the Glass Ceiling Commission from her firsthand knowledge of the kinds of barriers, both institutional and personal, that women face in both academia and the workplace. She was 1 of only 24 women in her Harvard law school class of 550, and I have heard her many times recount the disturbing yet not surprising comment made by one of her male classmates to her on her first day of class back in 1962. He said, "Elizabeth, what are you doing here? Don't you realize there are men who would give their right arm to be in this law school, men who would use their legal education?"

Not only was this man's attitude toward women at Harvard law school wrong, but he was certainly wrong about Elizabeth Dole using her legal education. Affirmative action programs treat the symptoms. What we should be treating is the illness itself. The problem with just treating the symptoms of discrimination with further discrimination in the form of affirmative action is that you make the underlying illness worse. You intensify feelings of resentment and prejudice among the very people from which we need to eradicate it.

If women and minorities are to be treated equally, and with respect, too, it is time to stop dividing our country along race and gender lines. Let us get back to traditional forms of affirmative action involving nondiscriminatory outreach, recruitment, and marketing efforts, and empower all Americans by providing equal opportunity in an atmosphere of strong economic growth.

AMERICA'S FUTURE LIES SECURELY IN THE HANDS OF OUR FAMILIES

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes as the designee of the minority leader.

Mr. HULSHOF. Mr. Speaker, there has been a lot of discussion about what came out of Hershey, PA. Of course, the tone of civility and discussion about civility was probably the predominant theme. However, there were matters of substance.

In fact, David McCullough, an award-winning author, provided some pretty inspiring comments for those of us who chose to attend. Mr. McCullough invited us, really, to take stock of history so we could get a perspective of where we want to go as a Congress and what agendas we wish to promote. Mr. McCullough pointed out that, of course, back in the 1860's when Abraham Lincoln was sworn in as President, as our 16th President of this country, the national agenda was focused around the civil strife that our country was enduring.

Moving ahead in history through the Great Depression, the national ambition was, of course, to pull ourselves out of the Depression, as well as with World War II and eventually the cold war with the growing Soviet menace. All those things had outside forces essentially dictating what the national policy was to be.

Mr. Speaker, now that the cold war is over, I think outside forces no longer are dictating our national agenda. I think we stand on the verge of a historic opportunity. I believe it is time, Mr. Speaker, that we create a new vision for this country. The newly elected Members of the Republican class of the 105th Congress have been speaking out in a positive way about the new vision that we hope to foster in the coming months and years ahead.

Last week, Mr. Speaker, Members may recall we focused as a class on community renewal. We touted real life success stories from individual districts that showcased creative ways that faith-based charities and private industries and communities were reaching out to the poor and needy, and ways to help the poor and needy, and ways Government could be a partner, rather than a parent.

Tonight, Mr. Speaker, our class has decided to focus on the family, and ways that this institution can help promote a family friendly agenda. We believe that strong families can make for a better America. In that fashion, Mr. Speaker, I am happy to yield to the newest member of our class who joined us after a special election in December. I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, at the start of a school year, a teacher noticed that one of her students was particularly well behaved. Her manner was, in fact, exemplary. As the weeks went on she noticed even more because it stood out so much in her class. At one point she finally approached the young child and asked, Who taught you to be so polite and so kind-hearted? And the little girl laughed and said, really, no one. It runs in our family.

Enduring traits that built America run in America's families: That of individual responsibility, of caring for your neighbors, of contributing to the community in which you live and grow up and work, being involved in your church, in your Boy Scout troop, helping to build the community in which you live. America's future lies very securely in the hands of our families.

This year in the 105th Congress, the Republican leadership and the Republican Congress will take significant steps to make a real difference in our lives and in our families' lives. We will continue to bring the budget into balance, to rein in the IRS, and to lower interest rates. We must, because today most of us pay more in taxes than for food, clothing, and shelter combined. A balanced budget means lower rates on our mortgages, our student loans, and our car loans, and annual savings of about $857 for a typical American family.

It is also time, and we are going to work hard, to restore safety to our streets and neighborhoods by waging a real war on drugs and violent crime. We want parents to be able to spend more time with their children, so today we have passed a family friendly workplace policy that Members are going to hear more about tonight. We will work to ensure our children inherit a clean, healthy environment, and receive the quality education they need to survive and succeed in this increasingly competitive world.

We face a lot of challenges, but America is blessed with hardworking, sturdy families. I believe so strongly in families because my family believes so strongly in me. My dad was killed when I was young, and my mom raised five of us by herself. She taught us by her example to take responsibility for ourselves, to practice our faith each day, and to give back to the community in which we live.

In our family my mom is a true American hero. If you look around your family and around your dinner table, and around the gatherings during the holiday, and listening on the phone when you visit with your family, you will likely see a hero or two whose personal sacrifice is the reason for your success and for the success of our country.

Tonight, in the next few minutes, we are going to hear from the Republican freshman Members from across this country, led by our President, who is going to talk about the changes and improvements we are going to bring to the quality of life of America's families. It is important because America's families are the foundation for America, and we can, with their help, we can meet every challenge America faces today.

Mr. HULSHOF. I thank the gentleman, and I especially welcome him to our group, and I appreciate very much the leadership that he has taken on this particular issue. I think his points are well taken. We have begun that road. We have got a great distance to travel, and we look forward to working with the gentleman during this 105th Congress.

Mr. Speaker, I am happy to yield to the gentleman from Texas [Mr. PAUL], another Texan, and I do not know necessarily that Texans have a corner on family virtue, but I am happy to yield to my friend.

Mr. PAUL. Mr. Speaker, I appreciate the gentleman yielding. I am delighted the gentleman has called this special order tonight, and I am pleased I can participate in it.

Earlier today we had a vote on the Working Families Flexibility Act. This came out of the committee I had been working on, and I was a strong supporter of this. We did promote this as a family-oriented piece of legislation.

As we all know, this piece of legislation allows more choices for the family in the way they can spend their overtime or their time off. Obviously, this is a benefit to the families. In one way I was a little disappointed that we had to go through it, because if we live in a free society it is assumed that you can make these agreements with your employer, but under the circumstances it was not available to many of our families unless we passed this piece of legislation, so I was delighted we were able to do that.

During that debate I mentioned that one of my favorite bumper stickers says simply "Legalize Freedom." Any time we do that in this Congress, I am very pleased.

The other thing I would like to suggest, along with our nice title there, "Strong Families for a Better America," I would like to put a subtitle there and say, "Freedom is Family-Friendly." I think the more freedom we have, the stronger our families are.

We have seen a tremendous effort, sincere efforts, over the past 30 or 40 years with the promotion of the welfare state. It is always done in the name of helping people and families, but quite frankly, there is very little evidence to show that the $5 trillion spent on the welfare system has strengthened our families. As a matter of fact, I think it has done quite the opposite.

In the same sense, these many funds were spent to strengthen education, and if we look at our educational system, it has not helped. If we have an educational system that is not working hardly, are we doing much benefit to our families?

So, I think the opposite of the statement, freedom is family friendly, I think big government is not. I do not believe that if power and responsibility and authority and responsibility gravitates here to Washington that it is beneficial to the family. The more freedom we have, the more local options we have, the more choice we have for our families, I think the better off we are.

Obviously, families would have a lot more choices if they had a lot less taxes, so we have emphasized that as well. I think our reducing taxes on families and giving tax credits for children would certainly be a great benefit.

I would like to bring up very briefly one subject that is dear to my heart, because it involves families. It is generally believed by many in this country that the women's movement was the main reason why women went out to work. Quite frankly, I think there are a lot of women who were forced to work in order to take care of their families in the best way they can see fit. This to me was so often a reflection of inflation because of the cost of living. I believe that eventually we have to address this subject and deal with it to make sure our families have the greatest opportunity possible that we can provide for them.

Mr. HULSHOF. Mr. Speaker, I think the gentleman's points are well taken, particularly as far as the workplace is concerned. I think that of course when you have two-parent families and both parents are having to work to pay the tax bill, I think what we have done today, again, is a step in that direction as far as helping provide some balance in the workplace with more flexibility for employees, and again, this is just a step, I think, in the right direction.

I know that the dean of our Republican delegation, the gentleman from Missouri, JIM TALENT, who is the chair of the Committee on Small Business, also has measures that he will be addressing, like home-based businesses and really promoting ways that home-based businesses can help balance the job as well as family responsibilities.

□ 1845

Mr. PAUL. Mr. Speaker, I think it is interesting to note that the workers in the public sector have already had this right. I think it was only fair that we give this to the individual workers throughout the country.

Mr. HULSHOF. Mr. Speaker, I think the gentleman is correct. I think that the misnomer, perhaps some of the misinformation about the flexibility act is that somehow it abolishes the 40 hour work week which of course it does not.

I see the gentleman from Alabama is in the well of the House. I yield to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I appreciate the gentleman yielding to me.

As most of my colleagues in the freshman class probably realize, probably more than I thought possible, how important my family is to me and how important it has been to me. One of the primary reasons I ran for this office was to protect my family. Primarily, my first granddaughter.

When she was born 2 years ago, she was $187,000 in debt. Today she is $200,000 in debt. We must come together on both sides of the aisle and produce a balanced budget this year, because we cannot continue to make our children and our grandchildren pay for the debts of our generation. We must allow them the opportunity to begin life with the same opportunities that we have.

Unfortunately, today working families across this country gather around kitchen tables each week and wonder why they cannot make ends meet. They wonder why they work longer, why they have to take second jobs. And they feel like they are literally running in place. Many families have given up the American dream that their children will achieve a higher standard of living than their parents or grandparents. In my opinion, the best way we in Congress can help the American family is to once and for all balance the Federal budget.

What will a balanced budget mean to you and your family? A balanced budget will result in no less than a 2 percent drop in interest rates. To put this in perspective, the cost of a $75,000 mortgage would be reduced by as much as $37,000 over 30 years. A family would save $2000 on $11,000 in student loans. The real beneficiary of a balanced budget, Mr. Speaker, would be the American family.

I guess that is one of the reasons that today I cosponsored the Working Families Flexibility Act, and I want to commend all of those who helped pass this legislation today. This will give the private sector employees the same opportunity as public sector employees to spend time with their families. By taking comptime from work instead of overtime pay should they choose to do so in this fast paced day and age where two-income families continue to rise, families will be able to increase this valuable time together because of the Working Families Flexibility Act.

My commitment to families is also why I cosponsored H.R. 902, the Family Heritage Preservation Act, which will repeal the estate tax. Most of the families in this country work hard all of their lives for two reasons: They want to provide a better standard of living for their own families, and they want to leave the fruits of their labor to their children and to their grandchildren. However, today many families are forced to sell off the family farm or the family business just to pay the Government's estate tax.

It is time we stopped the Federal Government from confiscating up to 55 percent of a lifetime's accumulation. Seventy percent of all the small businesses do not survive to the second generation because they have to liquidate all or a part of the assets just to pay the estate tax. Furthermore, 87 percent will never be passed on to the third generation.

Mr. Speaker, our families are and will continue to be the backbone of our society, and it is incumbent on each of us to help protect and preserve those who ultimately will decide our very future.

I call on the rest of my colleagues, especially in this freshman class, to support this family friendly legislation that the Republican Party has promoted this year and in past years.

Mr. HULSHOF. Mr. Speaker, I certainly appreciate the comments of the gentleman and know that prior to his election here to this esteemed body that he had quite a probusiness background and certainly a very successful career. We are glad and honored that he is one of our number, and we look forward to continued success in the well of this House.

Mr. RILEY. Mr. Speaker, we look forward to the gentleman's continued leadership. I want to take this opportunity to tell all the Members of this class how much they have meant to me personally and how I look forward to working with all of them in the days to come.

Mr. HULSHOF. Mr. Speaker, I yield to the gentleman from Colorado [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I cannot think of a better topic to discuss tonight, and I commend you on your leadership for bringing this topic forward and giving us this opportunity, because this whole topic of focusing on families and the impact that legislation that we pass here in Washington and what that means for families across the country is precisely the reason I came here in the first place.

I believe very firmly that we should be motivated in every piece of legislation that we pass, from the comptime bill that we dealt with today to balancing the budget and our assessment of tax policy and how we lead the country should be driven from the perspective of how it impacts families.

Clearly one of the pillars that many of us hold in common and bringing us here tonight is our belief that families represent the most central and essential social unit in American life. I know that is true in Colorado and in your home State as well. And for all of us here, having families regarded as a central social unit, essential in everything that we believe to be the focus of American life includes welfare, for example.

When we talk about welfare reform, when we saw this Congress, the 104th Congress pass welfare reform back to the States, once again we saw that maintaining the integrity of families was at the center of that effort.

What we are seeing right now in all 50 States is they deal with reforming welfare systems on a State by State basis, just as this Congress envisioned. We are seeing programs that encourage self-sufficiency, that encourage work, that reward honest hard work rather than dependency, that carry on a legacy that Americans have traditionally enjoyed, one that suggests that young children should have hope and should be able to aspire to have wonderful jobs, to be self-sufficient and to be able to take care of themselves.

When we look at health care, the clearest difference that I have discovered, as a new Member and a freshman, is the difference of opinion that we see here between those who believe on occasion that it is in the end the Government's responsibility to provide for the health care of individuals versus our vision that we wish to empower families to provide health care for their children and ultimately be responsible for the health of their kids. A clear difference, a clear distinction.

But I hope that we are successful in continuing to keep our family focus at the center of the health care debate, too. With respect to wages, it is we who believe that we need to find whatever strategy we can come up with here in Congress to increase the family wages and the earning power of American families, rather than have them continually look for more and more handout from their Government. So increasing wages, increasing the ability to seek opportunity is certainly essential to us.

And all of our efforts that deal with trying to strengthen our economy, be they our efforts to try to reduce capital gains tax or estate taxes that we discussed 2 weeks ago, all designed to try to increase the economic power that we enjoy as Americans and in America that promote and strengthen American families.

Public education is another topic that I know we are going to be dealing with quite a bit. Those of us here really believe that it is ultimately the responsibility of parents to teach their children. We bear the responsibility as parents, and we in fact employ public school districts and public school teachers to assist us in that job. That is again a focus that we need to maintain and be very forceful about here on the floor in every single bill that we pass.

Finally the institution of marriage, something that is ridiculed on occasion, something that comes under attack right here in this body and throughout the country. It is something that I know you share the same intent that I do, to restore the integrity of the institution of marriage, to realize that a family, two parents, a child with two parents has a tremendously greater chance of succeeding and surviving in American society than those who are struggling with families that are operating and trying to make a go of it singlehandedly. It is very difficult. We want to do everything we can to support them.

I want to share something with you and for the rest here, this is a picture of my daughter. If you have a chance to come to my office, you can take a look at it a little closer. My daughter Sarah is 6 months old, 6 months old.

Sarah, on the day of her birth, owed $19,000 to the Federal Government. That was her obligation to the Federal debt. That was her obligation to pay for things that, frankly, this Congress did not have the courage to pay for in years past. They did not think she would mind.

Well, she probably is going to be furious when she learns to discover this on her own and understand what that means. That is what she owed on the day of her birth. Over the course of her working life, the interest on that debt will amount to almost $200,000. It is quite a burden we have saddled this child with. I know I keep this picture with me. I refer to it often and look at this little girl because this happens to be my girl, but it could be anybody's child. It could be yours. It could be any child in America. They have no reason to grow up in a world where they are saddled with that kind of debt, with that kind of a burden that has been placed upon them.

I think we owe it to Sarah. We owe it to every child in America that hope and opportunity is something that will be closer and closer and a chance to achieve that and within their grasp. That is what I am committed to. I know you are committed to that, too, and the people in your fine State and the rest that are here today.

I just want to pledge to you and to all here assembled and all those who are watching this debate today and observing that not a day will go by that this U.S. Congress is in session and convened that I will not be fighting for everybody's American family, keeping little girls like Sarah foremost in my mind in how we conduct our business and keeping my family and your family and every American family first and foremost in our daily deliberations.

Mr. HULSHOF. Mr. Speaker, I appreciate very much the remarks, especially the commitment to family. I know the gentleman touched on through his remarks some discussion about relief, tax relief. And certainly I think that is, of course, what we are learning as new Members of Congress, that that is the challenge that lays ahead of us, trying to fashion some tax relief for middle income families and all Americans. I know estate tax relief, I think the gentleman referred to, is an area that I have a special interest in.

I also know it is something that our friend from Mississippi cares deeply about.

I yield to our new Member, the gentleman from Mississippi [Mr. PICKERING].

Mr. PICKERING. Mr. Speaker, I want to thank Mr. HULSHOF for putting this together for new Members of Congress so that we can talk about the importance of family and the importance of families to the success of our country.

I have four children, four boys, ages 7, 5, 3 and 1. Our campaign slogan was, "If not your support, your sympathy." And tonight they are at home watching.

I miss them but I hope as they watch what I do here in this body and what I try to do to serve my country that at the end of my days they will see that what we were all about is not just about taxes and spending and the issues that come before us, but it is about strengthening and supporting and sustaining the key to our success, our family, of having a culture that discourages violence and crime, that promotes strong education, that seeks to remove the barriers and the penalties and the punishment that we now see too often placed on families. And if we can be a part of that, then I will be very proud of my service and that I hope my four boys will think that we did something to make their generation live in a free and prosperous and moral country.

In May 1988, President Ronald Reagan visited the Moscow State University and before leaving held a short question and answer session with some of the students. He made a statement that I think is appropriate tonight.

President Reagan said, "Progress is not foreordained; the key is freedom."

For our families to make progress and succeed, our families must have freedom. Freedom to grow, to prosper, to spend time with their children, freedom from an overly burdensome government.

Sonny Montgomery served in this district before I did. He met the challenge of his day helping build a strong defense and contain communism to give my children and to give us the freedom and the prosperity that we enjoy today. Men like Bob Dole.

I believe the challenge of my generation, the challenge that we face today is strengthening and providing the environment for families to prosper. We will have to make some tough decisions as we go forward. The American family today is gripped by taxation, regulation. It seems to punish those things we believe in: marriage, investment, work.

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It seems to side against families trying to raise their families consistent with their faith and their values. We are trying to propose legislative solutions that help; that bring common sense and lift the load and the burden from the family.

What are some of the ideas that we are talking about, some of the solutions, the alternatives to the failed old policies that have mortgaged our future? What we want to do is provide hard-working families more time for their children and more money for their pockets, and the ability to pass on not only their good name but the fruits of their labor without the fear of the IRS.

We want to pass the Working Families Flexibility Act, on which we voted today. We want a balanced budget. We want to end the marriage penalty and to implement a family tax credit. We want to end the death tax, the inheritance tax.

Tonight I want to tell a few stories about families back home in my district. A man named Chester Thigpen, 85 years old, has worked his entire life to provide for his family, his wife Rosett and four children, two boys and two girls.

Mr. Thigpen's first day of work was back in 1918. On that day his labor yielded him 35 cents. Today he is a successful tree farmer, with several hundred acres of prime timberland. He has been a tree farmer for over 40 years and he has worked daily to ensure a bright future for his children.

He is an example of the American dream. He is the first African-American to win the honor of the Mississippi Tree Farmer of the Year and the National Tree Farmer of the Year.

But what threatens him and his family today? It is not pine beetles, it is not tornadoes, it is not termites. His farm is in jeopardy because of the death tax, the inheritance tax.

He has worked hard his entire life and would like to leave what he has done to his children, to give them the fruits of his labor. In Proverbs it says that a good man leaves an inheritance for his children's children. Mr. Thigpen wants to do this, yet our Federal Tax Code wants to confiscate it, to take it away. He has been successful, so our Government wants to penalize him.

He did not work his entire life to see his farm, his inheritance that he wants to leave to his children, taken away. The Thigpens say to their children, "Let what you do be an asset to your community." They have lived that. They are testimonies and they are examples of that.

We need to stand for Mr. Thigpen and his family, to do away with an estate tax that punishes hard work, that takes away the inheritance he wants to leave his children. It is clearly the worst example that we have in our tax system, to tax people from their grave. Taxation without representation in its purest sense. It is a horrible, horrible example that must be changed.

I want to talk about hard-working families that now pay more in taxes than they pay in clothing, in transportation, in their mortgages and their rents. They pay all of that, more than that, in taxes.

In 1948, the typical family of four paid 3 percent of its income to the Federal Government in direct taxes. In 1994, the equivalent family paid 24.5 percent of its income to the Federal Government. We do not need another 46 years of growth in taxes, we need 46 years of growth in prosperity for our children and our children's children. This is our battle for our generation, to preserve the freedom, to support our families.

I will close with one last example of another family in my district from Pearl, Mississippi, Bobby and June Pickle. They have two boys, Brett and Lake. Mr. Pickle said, and I quote, "Taxes eat us alive."

When they had their first son, Brett, June, their mother, quit her job. She wanted to stay home to raise and nurture her family, but she could not afford to do so. The bills were too high, the taxes were too high, and she was forced to go back and work.

It is time to change our priorities. Family tax credits that we are proposing will help families who choose to have a mother or a father stay home with their children. Hopefully they will have the economic freedom to do that.

There are many things that are important in this Congress, none more important than supporting, strengthening and sustaining our families. The gentleman from Oklahoma, J.C. WATTS, is a good leader on the Community Renewal Act that will help us move families from welfare to work, that will help strengthen the values that we cherish, to look to nongovernmental solutions, faith-based and community-based organizations, to help strengthen families and communities.

All this and more we can do to strengthen our families.

I thank the gentleman for granting me this time tonight and look forward to working with all the Members in this body to do everything we can to support our families.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for giving us some human faces and human life examples as to why we need as a Congress to create a new vision, I think, especially the story that the gentleman from Mississippi told about his constituent, Mr. Thigpen, and the estate tax.

Today in our committee hearing in the Committee on Ways and Means, we had several individuals who testified about the ravages of the estate tax. Certainly as the son, only son, of a Missouri farm family, I know firsthand whereof the gentleman speaks, of the plight of millions of Americans whose pursuit of the American dream becomes a nightmare when the realities sink in that a family business has to be liquidated, or perhaps a family farm has to be auctioned off on the steps of the courthouse just to pay the Federal tax.

I know our family as well as millions of family members across this country have invested not only money into family businesses but their hearts and souls. I know family businesses often take the risks and then navigate those treacherous straits of regulation. And just as open waters and calmer seas lie on the horizon, the Federal Government crashes a tidal wave over the bow of the boats of these family-owned businesses. I applaud the gentleman for his comments.

I also recognize my friend from New Jersey, who also is a leader in his community. I know that last week he provided some inspiring comments about success stories in his district about community renewal, and I am happy to yield to him now.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, most of us know the famous line from the movie the Wizard of Oz, where Dorothy clicks her heels together and says "There's no place like home." Well, more and more business owners, just like Dorothy, are sharing the same sentiment that there is no place like home.

Over 14,000,000 business owners around this country work out of their home, Mr. Speaker. Each of us know people who work from their homes: consultants, salespeople, lawyers, doctors, accountants, graphic designers, bookkeepers, and the list goes on. But beyond their jobs, many of these people are parents. The advent of fax machines, the Internet and teleconferencing has literally changed the face of doing business. No longer are businesses confined to large office buildings.

Last week I announced that I have introduced legislation, H.R. 955, the Family Freedom Home Office Deduction Act of 1997 that, if enacted, will literally help America's families.

Seventy percent of all home-based businesses are started by women. I was pleased to announce the introduction of this legislation at the site of the New Jersey Association of Women Business Owners' State luncheon. I was joined by many business owners from the 12th District of New Jersey who successfully run home-based businesses.

Each of these people expressed support for the legislation, and many of them mentioned that running a home-based business gave them the opportunity to both work and take care of family commitments. While they could start and run a business, they could also go to doctors' appointments with their children, attend a teacher's conference or do numerous other things with their children.

Operating a home-based business takes away many of the constraints that currently prohibit parents from being able to attend to important events in their child's life.

As we were getting ready to make the announcement, a woman who has been active in the home-based business issue approached me. She had written a book about starting a home office, a home-based business, and expressed support for my bill. In fact, she autographed her book and signed it, "To MIKE PAPPAS. There is no place like home."

So many of the issues that we will take up this year, and so many of the proposals that private industry is undertaking, seek to create a more family-friendly work environment and promote family values. We have acknowledged so many times before that families are working harder and longer just to keep up as their tax burden has risen and college costs have soared through the roof.

Many parents spend every last minute, sometimes working two jobs themselves, just to pay the bills and try to save for their children's education. Sometimes, though, as they work so hard to provide and save for their family, they are unable to be there for the family members. How can we expect parents to monitor what their children are watching on television if they are not able to be at home? How can we expect parents to monitor their children on the Internet if they are not at home? For many, the simple solution is the home office.

Think about it for a second. Parents can still work, can still pursue greater prosperity and can do it while being at home with their children. Whether it is the father who wants to be there for his children or the mother who works as a consultant, working from home has become increasingly appealing.

The Tax Code should reflect the modern business environment of America and the IRS should recognize its impact on our future. Currently, the IRS severely restricts the ability of home-based workers to deduct the expenses relating to their home office.

I think that all of us, on both sides of the aisle, can agree that giving parents the opportunity to spend more time with their children would have a positive effect on America's families.

As we stand here tonight on the brink of a new century, dreaming of the future, embracing the next advance in technology, we must not forget and we must strive to maintain our country's greatest asset, our families.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's comments, and in looking about I am happy to see my colleague from Kansas.

If I could share this quick personal story, not to certainly comment upon my colleague's age, but I recall sitting in front of a black and white television set in the mid 1960's and watching the Olympics and cheering the gentleman on to victory and to an Olympic medal. It is an extreme honor to have the gentleman from Kansas joining us as a new Member, and I would yield to the gentleman from Kansas [Mr. RYUN].

Mr. RYUN. Mr. Speaker, I thank the gentleman for the time and thank him for yielding.

I also thank the gentleman from New Jersey for having mentioned the great State of Kansas in his comments about the movie "Gone With The Wind" and the "Wizard of Oz." Kansas is a great State and I am pleased to represent the second District.

I am also pleased that my freshmen colleagues have chosen to come and speak on a subject that is dear to all of us, and that is the family. As a father of four children, ranging in ages from 21 to 26, I know how important this subject will be to them and their future families.

Normally, we send our children to school as freshmen, but in this case my family, our children, sent me to Congress as a freshman, and it is a pleasure to be here and serve the second District and to also speak on how important this issue is for families.

Mr. Speaker, it is important, I believe, that we look at the issue of balancing the budget, because what it does, it protects not only our children and our future children, but it protects our Nation. The current national debt is approximately $5 trillion.

Just how much is $5 trillion? Well, if we paid a million dollars a day for 365 days, that is every day of the year, it would take us 13,699 years to pay off our national debt.

It is also a terrible tragedy when we saddle our children born today with a debt. They owe the Federal Government $200,000 just on the interest on the debt alone. That is something we need to correct. That is why balancing the budget is imperative.

Balancing the budget would reduce the interest rates, according to Federal Reserve director Alan Greenspan, by as much as 2 percentage points. What does that mean? Well, that means that for a typical family, it would save them in these particular areas: Say a student loan, a typical student loan, it would save them $216 per year. It means if a family had a typical car loan, it would save that family as much as $180 a year.

For a family that is purchasing a 30-year mortgage on a $50,000 home, with 15 percent down, it would mean that it would save them $1,230 of their hard-earned money. It means that a family who would be purchasing, let us say, a $100,000 home, putting down 15 percent, again on a 30-year mortgage, it would mean a savings of $2,160 back to families, back helping them in the areas that they should be receiving an award.

We all agree we are facing a tremendous budget crisis. The reason we are facing the budget crisis is not because we are taxed too little, it is because the Government simply spends too much.

I know, Mr. Speaker, like all of us that are seated here, we have to learn to balance our checkbook. That is what we are really asking the Government to do, is not to spend more than it really has.

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The $1.6 trillion in revenue that makes up the President's budget request is not the Government's money; it is the product of hard work and sacrifice that belongs to American families and Kansas families. It is hard earned money. They should be receiving their rewards. The Nation's capital does not create wealth. All the money that sits in the U.S. Treasury was taken from someone's pocket; that is, the hardworking taxpayers.

I would like to put that money back into the pockets of the American people, back to the people of the Second District. They simply are taxed too much. We need to make those changes. Families deserve tax relief from this crushing tax burden. A $500 per child tax credit would benefit the families who need it. It would also help single mothers who have incomes less than $25,000 a year, helping them specifically.

A repeal of the estate tax and gift tax would enhance the chance for families, family farms and family businesses to succeed and pass it on to the next generation. Reducing the capital gains tax would simply create more jobs, it would help the economy grow, it would encourage better jobs for more people, it would encourage them to work and to save more and to invest more. Balancing the budget and relieving the American taxpayer, families in general, taking away that crushing tax burden is pro-life, Mr. Speaker, and it is imperative that we do it.

Mr. HULSHOF. I appreciate the inspiring remarks of the gentleman from Kansas and am happy to have him as a leader among our newly elected Members on the Republican side and of this House.

Again, Mr. Speaker, as we look for positive solutions to many of the problems that lie ahead and as we as a class forge our identity and we help to create the vision for the future, we are happy tonight to focus on the family, and in that way I yield to my friend from Alabama, Mr. ADERHOLT.

Mr. ADERHOLT. Mr. Speaker, this evening as some of my colleagues are doing, I would like to take a few minutes to share my thoughts about the American family.

I believe there is nothing more important than strengthening families in America today. As Representatives in Congress, we should ever be mindful of the role we play in supporting America's families. It is because of this belief that I intend to do everything in my power, the power given to me by the people of the Fourth District of Alabama, to take a stand on the issues that are affecting our Nation's families.

Two of the greatest gifts I believe that we can give our children are a balanced budget and lower taxes. We need to cut spending and reduce the tax burden to make sure that we have strong economic growth so that our children and our children's children can enjoy the same benefits that we have been given.

It is time for the Federal Government to take responsibility for its decisions and their effect on the American people. Federal spending should be reined in and controlled. Reducing the growth of Federal spending is the way to get a balanced budget, not by taking more money from hardworking people who are already struggling to make ends meet.

By balancing the budget, a middle-class family easily saves $1,500 per year. Who do you know would turn down having an extra $1,500 per year in their pocket?

Another pressing concern for families is taxes. The American family is the most heavily taxed entity in the Nation. As has been pointed out several times here tonight, the average family in 1954 were paying just about 2 percent of its adjusted gross income in Federal income taxes. Today that figure has soared to 25 percent. And when you add State and local taxes, the average family of four pays almost 40 percent of its income in taxes. Forty percent. That is more than most families spend on housing, clothing, and food combined.

The strain of meeting America's crushing tax burden has forced many homemakers into the work force, reducing the amount of time that parents spend with their children by approximately one-half. Part of the Republican agenda is to allow families the opportunity to spend more time together. By giving men and women the option to choose comptime instead of overtime, they are given the chance to spend more time with their families.

Last, tonight as we focus on the issue of abortion on the House floor tomorrow, an issue that greatly affects the very existence of families, I would like to state my unwavering commitment to restoring respect for human life, born and unborn, in the 105th Congress. As we consider the partial birth abortion ban, I ask my colleagues to consider the words of Mother Theresa, who once stated that abortion is the greatest destroyer of peace today. It is a war against the child, a direct killing of the innocent child. Let us put an end to this brutal procedure that has taken the lives of so many babies each year and every day.

In closing, recently I brought a resolution to the floor that would reaffirm the role of the Ten Commandments as a cornerstone of a fair and just society. I believe that this symbolic gesture is important in reaffirming the Judeo-Christian values on which this Nation was founded.

As Representatives in Congress, we should always be mindful of the role that we play in setting the course of the American family. This is an awesome responsibility. But with God's help to see the right, we can make this great Nation a city on the hill.

Mr. HULSHOF. I appreciate the gentleman's remarks and especially his efforts and was happy that his resolution the week before last did pass this body.

I am happy, Mr. Speaker, to yield to a good friend from Texas, Mr. SESSIONS. Of the 32 new Members on the Republican side, Mr. Speaker, 30 of us sought congressional seats for the first time this time. My friend from Texas and I, however, gave it a shot back in 1994.

Mr. SESSIONS. I thank the gentleman from Missouri for yielding.

Mr. Speaker, tonight what we are talking about in plain and simple terms is not only stronger families for a better America, but what we are talking about is how American families are going to survive in the 1990's and in the future. Tonight we have heard discussion after discussion, person after person offer an argument for the best thing that we can do for America's families. Of course, Mr. Speaker, I would say that that is that we need to balance the budget.

The last time the budget was balanced was in 1969, when President Lyndon B. Johnson was President. I know that we can improve the lives and the conditions for families through lower interest rates, on homes, cars, college loans and through more job opportunities, now and in our future. But it is time that we do that now, and it is now time that we say we must have a balanced budget.

The result of a balanced budget according to a DRI/McGraw Hill study is that there would be a drop in the 30-year Treasury bond rate to 4.5 percent. It is now over 7.5 percent, so you can see that that is an astonishing drop of 3 percent. This would cause fixed rate mortgages to drop by the rate of 2.7 percent which would cause housing starts to rise to 65,000 units.

What would this mean? For the people who I represent in Texas in the 5th Congressional District, this would mean that there would be a savings of over $1,230 a year on the average home mortgage, $216 for a student loan, and $180 on average for a car loan. That is why we must balance the budget. It will provide real savings for working families, and instead of taking a second job to meet the financial needs of the family, parents might find that they have more time to spend with their families.

What we do here in Washington does have a real impact on the lives of families throughout this country. We must show the courage and the discipline it takes to balance the budget. Our spending entitlements continue to grow each year. That means that money available for discretionary spending on programs such as education, welfare, Medicare, Medicaid, will continue to decrease. We simply cannot allow that to happen.

Reducing the cost of government means lower taxes for working families. It means preserving, protecting and strengthening Medicare and Social Security. It means returning enough money to my home in the State of Texas to cover the cost of a good education for all of our children and taking care of all of our citizens.

It is important that we constantly ask ourselves what we pass in the way of legislation, will that cause a burden or a reduction on America's families?

I am glad today that we voted for the Working Families Flexibility Act. This is exactly what we need to be doing. It will allow all workers to have the option of either overtime pay or extra time off. This would allow working mothers and fathers the choice of taking time off to do the following things: Perhaps to take their children to school for the first day of school, watching a school pageant, attending a parent-teacher conference, or staying at home with a sick child. I believe we are on the right track. This bill would give greater freedom to families in Texas and also those all around the country to raise and educate their children.

Texans and Americans are counting on us to get the job done. If we can educate ourselves about the benefits of balancing the budget and the dire consequences of continuing these deficits, we will have the discipline to do the right thing. I say, let us balance the budget now.

Having laid out these facts for you tonight, for the American people, I would just like to leave them with a few questions.

First, how could your family survive year after year spending more money than it earned?

Second, what could your family do with extra money if at the time we balance the budget, we deducted $500 off the top 6 those families's taxes for each child that they are trying to raise?

And, third, what would you think of your Member of Congress if that person misled you and did not balance the budget?

Mr. HULSHOF. I appreciate the gentleman's remarks and his courage and discipline, not only for the Members of his district in Texas but for the country.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. PEASE. I thank my colleague from Missouri for the leadership he has provided, not only this evening but throughout this Congress to date.

Mr. Speaker, yesterday I had the opportunity to meet with some of my constituents from the Disabled American Veterans, Indiana Chapter. While speaking with them, Jim Powers, a disabled Hoosier veteran commented: "Family is all that is important. Without it, nothing else aside from faith much matters."

Jim was speaking from personal experience. Having been married for 38 years, he and his wife are fortunate enough to have their family close at hand in Indiana. One of the most important roles Jim has the opportunity to play is grandfather. He and his two granddaughters are fortunate that they see each other every day, and he is significantly involved in their personal development. He cherishes the closeness of his family. Though I wish this were true for every family, the statistics today are quite disheartening. Many, many individuals are disconnected from family members while others search for anything that remotely resembles a family unit. Those who lack a traditional family find themselves without the togetherness, stability and aid in times of need that faith and families provide.

In the past, the system to rectify this increasingly common shortcoming has been to increase Federal funding of welfare and social services. Unfortunately, this system of increasing Federal spending and trying to supplant the family unit with a bureaucratic machine has proven inefficient, ineffective and in many cases actually destructive of families.

Now the trend is moving many of these services away from the Federal Government to the States and local governments. While I do believe this is a step in the right direction, I am increasingly certain that it is not enough simply to shift these programs from Washington to the States and local governments, for in many cases the lack of a family unit, the real heart of our social problems, will still exist no matter which government spends the money.

We certainly cannot legislate a traditional family for all those who lack one. However, we can, through legislation, encourage and provide support for private charities and faith-based institutions to assist in the roles of support and family services which so many desperately need.

Tax deductions for charitable contributions must be maintained. And the implementation of tax credits for charitable contributions to organizations which perform social services can help those Americans who need a family unit or support for their existing families. Services such as counseling and educational funding, health services, youth programs and elderly assistance can all be administered through private organizations, such as scouting, YM and YWCA's and Habitat for Humanity, among others, and faith-based institutions.

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The 105th Congress is taking measures to ensure the strengthening of families. One thing above all is clear. Our Government cannot and should not try to be a replacement for the traditional family. Instead we must call on our local charities, churches, and community organizations to expand their role in providing support to families in stress and to rebuilding families that have disintegrated.

The private partnership of neighbor helping neighbor has been one of the great traditions of this Nation. We in the Congress must find ways to strengthen, not supplant, that tradition. When we do, our families and thus the Nation will be the stronger.

Mr. HULSHOF. I appreciate the gentleman's comments.

Mr. Speaker, I know time is drawing short, and I yield to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. I want to thank my colleague from Missouri and the many other of our freshman class who have joined us here this evening to talk about things that are important to the American family.

Mr. Speaker, the Declaration of Independence, our founders, articulated what is one of the most profound and simple statements of self-government that the world has ever seen, and yet they said that all men are created equal and they are endowed by their Creator with certain unalienable rights and among these are the right to life, to liberty, to the pursuit of happiness. In order to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

In that very basic statement, we have become the model for the world and people from all over the world come here; and as Bill Bennett has described the gates test, that is what happens when you open your gates; do people want to get in or do they want to get out? In America people are flocking to come here because of the things that we stand for and have stood for over the years.

I had the opportunity here a couple of weeks back to take my 9-year-old and my 7-year-old to the Lincoln Memorial, and as we went up the two flights of steps and there he was, honest Abe in all his glory, the big statue, my 7-year-old remarked, I did not realize that he was so big; and we had to explain that that was not his actual size, his feet really were not this long.

But as I thought about her statement, I thought to myself in many ways he was big. He was in terms of his ideals, his principles, his convictions. The things that he stood for are many of the things that motivated me to run for office, things like freedom, things like equality, things like a belief that government should not do for people. Only it should do for people only those things that they cannot do for themselves.

And we have heard this evening from a number of our colleagues talking about the important priorities that we see in terms of this Congress and the things that we can accomplish to advance freedom, freedom for families. We had a vote today on a bill that would give families more flexibility, more freedom, more opportunities to spend time with each other. We will vote tomorrow on a bill that respects the sanctity of life, one of those unalienable rights that we heard about earlier in the Declaration of Independence. And last year we had an opportunity and we are seeing the effects of it this year to vote on welfare reform, which in my judgment provides more freedom for families, it restores self-respect, self-sufficiency, independence, and I think we are seeing the fruits of that bill that was enacted last year. We have already seen welfare cases drop 15 percent between January 1995 and September 1996.

And so as we talk about these various issues throughout this Congress, I think those are the things that we as a class want very much to keep at the forefront of the agenda. We talk about the rights that we as a country enumerated and established when our founders and their great foresight laid down the Declaration of Independence. They talked about life, liberty, and the pursuit of happiness, and that is really what we are about is giving our children an opportunity to pursue happiness, to enjoy the freedoms and the liberty that we have in this country and to respect the right for life.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's comments.

Mr. Speaker, to conclude as we have discussed newly elected Republican Members, as we try to create and help fashion a vision for our country tonight, we have focused on strengthening the families in ways that this body can provide family friendly legislation such as the measure we passed today. Our message is rooted in hope and in optimism because that is indeed what our country was founded on.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. SMITH of Michigan). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last night myself and other members of the Democratic caucus gathered here to discuss the issue of campaign finance reform, and we had a good constructive discussion, I believe, about what is wrong with the present system, and we again appealed to the Republican leadership of this House to put a campaign finance reform bill on the table for us to consider.

This morning, roughly about 10 hours after we concluded our special order, I picked up the Washington Post, and I read that the Republican chairman who is in charge of the partisan investigation into campaign fundraising has himself abused the system. According to the story on the front page, the chairman of the House Committee on Government Reform bullied a lobbyist for the Government of Pakistan for campaign money in the manner the lobbyist described as a shakedown. Not stopping there, the chairman then contacted the Pakistani Ambassador, complaining that the lobbyist could not raise him enough money.

My colleagues, this is just the kind of abuse the chairman himself has been empowered to investigate.

Originally I was concerned that these hearings would be too partisan, but after stories in this morning's Washington Post I now know that these hearings will not just merely be partisan, they are going to be a joke. How can the gentleman from Indiana hold the gavel and conduct these hearings in an objective manner?

In light of today's allegations the gentleman from Indiana should, in my opinion, recuse himself from the committee's investigation, and he should also open up his committee's probe to a much wider scope than the White House and include both parties in Congress.

Tomorrow the Republican majority of this House will likely ask us to vote and probably pass a $12 to $15 million budget that will be placed in Chairman BURTON's hands for this investigation, and how they can do that in good conscience after today's headlines really baffles me.

I want to say today our House Democratic leader, RICHARD GEPHARDT, because of his concern over the nature of this investigation and where it is going, the House Committee on Government Reform issued a statement, and I would just like to read from part of that statement. He says that the vote on committee funding scheduled for tomorrow sanctions the Republican leadership's decision to make 12 to 15 million taxpayer dollars available for a one-sided, open-ended investigation of White House campaign fundraising. This partisan investigation flies in the face of a unanimous vote in the Senate to broaden the scope of the inquiry into improper and illegal activities in Democratic and Republican campaigns in the last election.

Let me just for a moment not read from that statement anymore and explain that essentially what is happening here is that the Republican leadership and the chairman of the House Committee on Government Reform are suggesting that this investigation essentially be limited to the White House, and they are not interested in broadening the investigation, the way it was done in the Senate, to include both Democratic and Republican campaigns, congressional campaigns, Senate and House campaigns, in the last election. The budget granted to Chairman BURTON is $8 million more than the Senate investigation.

Further, the House investigation could go on for the duration of this Congress instead of the year-end resolution set to conclude the Senate investigation. Chairman BURTON has granted himself unprecedented subpoena power and refused to provide the Democrats on the committee any resolution on the rules of conduct that would allow us assurances of the same fair and balanced process that will occur in the Senate investigation.

Now the Republican leadership, as myself and other Democratic colleagues have pointed out many times on the House floor, has ruled out so far any consideration of a campaign finance reform bill, and they are preventing Congress from being included in the House investigation. Their action begs the question of whether they are truly interested in reforming the campaign finance system or merely bent on attacking a Democratic administration, and that I think is what this is all about. What the Republican leadership wants to do, what the Republican chairman of the committee wants to do, is limit this investigation to the administration, to the White House, to the Democrats in the White House and not consider what is going on in Congress on both sides of the aisle.

The gentleman from Indiana has also abused his power, and the Republican leadership has been a willing conspirator by allowing him to run over the rules of the House in this investigation. Improper or illegal activity, whether it occurred in the Democratic or Republican campaign, should be included in the House investigation. Anything short of that smacks of protecting our self-interest at the expense of rooting out the abuses in the entire campaign finance system.

Now in the statement that the Democratic leader put out today he also released a letter to the Speaker signed by the Democratic leadership and the Democratic ranking members serving notice that we, the Democrats, will oppose the committee funding resolution and use whatever parliamentary tools we have available to block its consideration unless he reconsiders bringing this resolution to the floor in its current form.

And let me repeat. All that we are saying is that this investigation should be like the one in the Senate. The Senate one makes sense. They are not limiting it to the White House; they are including Democrats and Republicans and congressional campaigns as part of the overall inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should refrain from characterizing the Senate action.

Mr. PALLONE. Excuse me; thank you, Mr. Speaker.

Now the problems that I mentioned with regard to the gentleman from Indiana and the reason that we are gathering here tonight, or the reason that I am here tonight, and some of my colleagues, is because we want to see campaign finance reform. Again the Republican leadership is missing a great opportunity here because there are some serious proposals that have been introduced by Members of the House on the campaign finance reform issue. We may discuss a few of them tonight. On the Democratic side we have formed a campaign finance reform task force in order to review all legislative proposals for reform and to try to develop a consensus position, and I want to stress that many of my colleagues, including some of the Republicans, some of the rank and file Republicans, have introduced some good proposals in this regard.

There are bills out there that address spending limits, the role of political parties, political advocacy, tax-exempt organizations, contribution limits, greater disclosure, FEC enforcement, soft money, free commercial broadcast time, public financing, and the list goes on. But the bottom line is these bills mean nothing unless the Republican leadership of this House, which is the majority party, sets the agenda and decides to act.

I would like now to yield, if I could, to one of my colleagues who is here tonight to talk about some of the same concerns, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. I thank the gentleman from New Jersey, and I believe that the important focus of our conversation, and certainly debate as well, over the past couple of weeks and our conversation this evening is to really elaborate on the facts and begin to clear the air that there is opposition in totality really, Republicans and Democrats, to the question of campaign finance reform. I think we have unanimity, if you will, in the whole concept of campaign finance reform in terms of its importance. We do not have that commitment in terms of having it come to the floor of the House and immediately address the concerns in a nonhysterical but rational way to respond to the concerns of the American people.

Now yesterday I joined Members of the House, colleagues of mine that happen to be all women, and it was a symbolic press conference to suggest that we who are women know how to clean house. The only thing we are lacking is a good broom, and we had indicated that we want to clean house and want the Speaker of the House to bring to the floor viable campaign finance reform legislation that all of us will have an opportunity to debate, and as you have indicated, I am part of the campaign finance reform task force.

There is good legislation on both sides of the aisle, so this is not a suggestion that there are not Members on both sides of the aisle ready to roll up their sleeves and work. The problem is that there is a roadblock, if you will, to be able to bring viable legislation to the floor of the House and viable legislation for this body to discuss.

I do not believe the American public is really looking for us to turn on ourselves. The comments that I made yesterday were I want to see the homemaker, the scientist, the bus driver, the teacher, have access to the U.S. Congress. I want to see them get up one morning and say, I would like to be in the U.S. Congress, I have an issue, I have a passion, and therefore with those individuals running, we realize that we have to have ways of electing Americans to the U.S. Congress.

There is nothing wrong with that. That means there has to be a form of fundraising.

I certainly think there are very positive ideas, such as access to the electronic media or to the media that should be given in an organized manner to provide reasoned debate, to have us express ourselves to the public with no sort of flowery advertising around us, but just look our constituents in the eye and have the ability to communicate through the media.

There are many ways that we can address this question of campaign finance reform, but in the shadow of that discussion, and I hope that it is discussed or I have discussed it in a manner that is not confrontational, I am outraged presently by the efforts now of the majority on the Committee on Government Reform and Oversight in terms of the structure, and I think it is important for those of us in Congress to be able to come to compromise. We just had Hershey and the bipartisan approach to this Congress, and I believe in it.

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I think it can work. But in the shadow of all of us committing to campaign finance reform, taking the broom and sweeping this House clean, this structure that has now been offered to investigate possible campaign abuses requires outrage. Nothing less. It does not require solid commentary. The reason why it requires outrage is that we are doing ourselves a disservice. It is limited to the so-called improprieties and possible violations of law by the executive branch officials and Government agencies in the 1996 Presidential campaign.

This is a much narrower scope than our other body, the Senate, adopted in a 99 to 0 vote. These are the same Representatives that represent this Nation and constituents, they are Republicans and Democrats alike, and they have indicated that the value of having this process is to ensure not that we look to blast and castigate, but that we look to correct and uplift.

How can we correct and uplift if we do not find or get to the bottom of the issue, if I am not afraid to come forward and say, for example, some of the improprieties may be just that, incorrectness, mistakes that were not intentional? God forbid if we are in this highly politicized atmosphere. We want to fine someone and hang them up by their fingernails, if you will. It may have been just an impropriety. If that is the case, do we not want to find that out in the light of day? Why are we narrowing the House investigation to just the President and what happened in 1996, when the Senate has very well covered itself to find out the truth and to improve this structure.

Let me also acknowledge that the format gives pause. With the subpoena powers, we know that we have a Democratic Party and a Republican Party. We recognize that the great American people have the right to vote Democratic and Republican, and in some instances vote a third party, and I appreciate and respect that.

We realize that we, in different parties, get together and we strategize. We talk about how we are going to win this election. There is nothing sinister about that. But yet there is unilateral subpoena powers so that this particular oversight committee under this chairman will not only seek subpoena powers and subpoena data that may be relevant, but they will seek subpoena data on the strategies of the Democratic Party that would violate, if you will, really free speech and the way this country is run.

As long as we are not creating criminal activities, there is nothing wrong with analyzing how we can beat the other fellow, how we can get our message out. Why is that relevant to campaign finance improprieties or campaign finance reform? There is no limitation on this committee's or the chairman's subpoena powers so that private matters may be investigated.

Let me also bring to the attention of our discussion this evening a precedent that I have never heard of; that is, the unilateral authority of the chairman to release documents. Now, I want all of this to be discussed in the light of day, but let me share with the American people that that would mean that confidential financial records and trade secrets could be released without the opportunity for committee review or anyone else's input but the chairman; medical histories and other personal records of individuals. The identity of confidential FBI informants and other confidential law enforcement information could be presented without any challenge. Privileged attorney-client communications.

No document protocols conducted by any other committee have ever given the chairman this authority. Mr. Speaker, let me cite for my colleagues, Whitewater did not have this authority. Iran Contra, the resolution did not allow this unilateral distribution of private records. And again, let me stand here and say, I am not looking for a cover-up, I do not want a cover-up, I want fairness.

Certainly the ethics investigation did not allow this random distribution of papers that might in fact suggest that someone is criminally at fault if they made a mistake. As I said, if we are truly looking to get this solved, we need to be able to have people come forward so people can say I made a mistake and I want this committee to know about it, because I want it to be fixed.

As I yield back to the gentleman, and I see that my good friend has joined us, and I happen to be a cosponsor on Congressman FARR's very, very able and very responsive bill on campaign finance reform that responds to my concern about how the busdriver can come to the U.S. Congress, the school teacher can come, the average American can get elected because there is a proper process of campaign fundraising.

Let me tell my colleagues what I am most concerned about. We have not passed a budget yet. We have not talked about the 10 million, and when I say talked about, let me stand corrected, we have not addressed the concern of 10 million uninsured children in America without health care. We have not looked at and resolved the questions of seeing how we can implement this new welfare reform.

We have not addressed the security of pension rights for Americans, and yet this committee may already have at its fingertips $8 million to spend and possibly upwards of $15 million to spend on this investigation, when young people in my district are fighting to get summer jobs, where the lines are teeming with individuals who are looking to get summer work and may not have the kind of investment from this government that will help them get summer jobs, when people are without housing.

I cannot understand how we would put in one source, if you will, or give to one entity that is narrowing its investigation, with no ending, some $15 million. I think it takes my breath away. If I was not standing on the floor of the House, I might not be able to stand. To do this kind of investigation with no commitment to coming forward with real campaign finance reform.

The American public, I believe, does not want us to be in a witch-hunt. What they really want is for us to sweep our own House clean. We can do that by violent discussion on the floor of the House of real campaign finance reform and take those good millions of dollars and help with affordable housing and the uninsured children, for working families, for health care, and making sure that the welfare reform works.

The gentleman from New Jersey certainly has been one of the leaders, along with the gentleman from California, and I that we will be heard and that we will have the kind of debate that will help us solve the problems that the American people would like us to.

Mr. PALLONE. Mr. Speaker, I just want to thank the gentlewoman, because I think she really encapsulated the way I feel and the way many of us feel.

I have to say last weekend when I was in the district, I had people come up to me and talk to me about the amount of money that is going to be spent by these committees on investigation, and people were literally outraged by the millions of dollars. But the amazing thing is that this funding resolution that the House Republicans expects us to vote on tomorrow would spend $8 to $11 million more than what is being proposed in the Senate committee, and yet limiting it exclusively to the White House, not even discussing congressional activity on the Republican or the Democratic side, and yet it is $8 to $11 million more.

Again, I did not want to dwell on the fact of what the chairman is doing here, but I have to conclude that the chairman himself, based on what was in the Washington Post today, clearly he does not want this investigation opened to deal with congressional activities, because maybe it will implicate him perhaps. That is what is really an outrage here, that they are trying to make this so partisan, just the White House, all of this money, and refusing to deal with any investigation of activity on either side of the aisle in the House of Representatives and in congressional campaigns; then at the same time saying we will not consider campaign finance reform, we will not bring it to the floor, we do not have a deadline, we do not have a proposal.

Fortunately for us, we have someone here with us tonight who does have a proposal and has been out there talking about us and has concrete ideas and has put them in bill form.

I would like to yield to the gentleman from California (Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding to me and for the gentlewoman from Texas [Ms. JACKSON-LEE], for her very articulate outline.

I am an author of one of the proposals for campaign finance reform, and I am not going to dwell on my particular bill. But I am going to point out that we certainly need to address this problem. The American public heard the President right here in this room just a few months ago ask us in all sincerity to deliver to him by July 4, our Nation's birthday, a campaign finance reform bill.

Tomorrow we will be recessing for our Easter recess, for our homework back in our districts, and we do not return here until April 8, I think it is. So April, May is a month, June a month. We have about two-and-a-half months left after we get back to meet the President's deadline. What have we seen? Absolutely nothing. There is no committee hearing scheduled, there is no work in progress on a bipartisan effort.

I want to point out that this campaign finance reform has to be bipartisan. It has to have four principles that I think are essential in any bill. It has to be fair. This bill cannot be designed to help the Republican Party nor the Democratic Party. It cannot have the favor of one party over the other.

Second, the bill has to reduce the influence of special interests. We have to bring down the amounts that political action committees can contribute. We also have to limit large single donors. I think we have to limit the amount that an individual can give, as the gentlewoman from Texas just pointed out, so that this House should be accessible to anyone, not just those who are millionaires and go out and spend their own money.

Third, it has to have a level playing field. We have to make campaigns competitive. How do we do that? By enacting spending limits so that essentially everybody who is in this process knows exactly how much is going to be spent and those who just spend the most are not the winners.

Fourth, the principle for campaign finance reform has to include access to the system by nontraditional candidates. I was sworn in in the very spot that the gentleman from New Jersey are standing in in a special election in 1993. It was the first time I stood on the House floor. I looked out, as the gentleman are looking at me today, to a sea of white males. Sandy was shocked coming from the California legislature, where it is much more gender balanced and ethnic balanced than the U.S. Congress, and it hit me that indeed, if this institution is going to be of, by and for the people, then it has to have people of America in here, and it is not doing that. We have 48 women in the U.S. Congress. There are more women in the United States than there are males. This ought to have a majority of women.

How are women going to get elected to the U.S. Congress? How are people of color going to get elected to the U.S. Congress? We are only going to do that by a campaign finance reform system that is fair and makes it possible for minorities to run for this office. We cannot require that people have to raise all of their money in their districts.

There are people here in very, very poor districts. Under the Federal law, anyone can move into a district to run. So if we limit the incumbent to saying you have to raise the money in the district, we will send a message out to anyone of wealth to say, aha, I can get elected to the U.S. Congress, all I have to do is move to a particular district, because that candidate is now required to raise all of her or his money in that district. That is not fair. That does not make the process accessible.

So these ingredients of fairness, reduce the influence of special interests, level the playing field so that it is competitive, and to make the system accessible by nontraditional candidates I think are the four principles of campaign finance reform.

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Do Members know what? We have the bills to do that. We have more than just my bill. We have a bipartisan bill; different, not much different. We have different approaches. We have people who want to clean up pieces of campaign reform, those who want to clean it all up.

None of these bills, none of them, have been able to be scheduled for a hearing. I speak tonight in this colloquy with my colleagues to ask the American public to rise up and demand that the leadership of this House, that the Speaker of this House, set for a hearing, set for a vote, a campaign finance reform bill. We must bring that to the House.

I plead with my colleagues to help alert the American public that this process is broken and it is not going to get fixed, it is only going to get diverted by attention to what is going on in the White House, what is going on in the Senate, but not to what is going on to fix campaign laws in America.

I would be glad to be involved in any discussion the gentleman wants to have.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. He has really been very modest, because the fact of the matter is that he knows this issue very well, and that his legislation is very well thought out and very specific about what we should be doing.

I think what the gentleman is saying, and I think we all agree, is that there are a number of bills out there. There is not necessarily any miracle cure. We have some areas where we agree and others where we do not. But the bottom line is that we are in the minority and we do not control the process here. Unless the Republican leadership and the chairmen of the committees have hearings, let legislation come to the floor, set a deadline when we can consider these bills, nothing is going to happen.

All we have really been doing for the last month or so on the floor here almost every night or every other night is to demand that some action be taken, and that the Republicans allow some of these bills to come up.

I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just wanted to say a few comments, and I would like to engage my colleague in a colloquy on his legislation, though he has been kind enough to acknowledge that there are many others. We are not here to at this time debate the pieces of legislation.

I think something is important that goes to the point that we have now agreed with on the average person having access to the United States Congress. One of the most successful processes is, as the term is used, bundling. I want to raise that because it does not sound good. It is important as we have the discussion that people would understand that there are a lot of processes in campaign finance that are not negative, that are in fact enhancing and helpful.

If we do not get on with the people's business of debating, we are going to get the American people so angry they are not going to be able to accept anything that may come forth, and there are some positive aspects.

I might ask my colleague, the gentleman from California, one that comes to mind, of course, is a group that so intelligently organized around helping women to get to the United States Congress. I was one of them who received the support. The minute I received the support from this group by the name of Emily's List, that takes $10 and $5 and $1 from women across the Nation, it seemed to be a band of acceptance. And certainly I started with very little in running for this office.

But it is important for people to understand that there can be good concepts that allow the average citizen to give a dollar, and before he or she knows it, a person who they care about, who has their principles, can be elected because someone in New York gave $1 or someone in Florida gave $1.

Would the gentleman just share with us how he perceives that to help diversify and help this Congress?

Mr. FARR of California. Let me explain that by going back to the State that I represent, California. When I was in the California legislature we had to run for that office with very tough rules in the State, disclosure rules. Essentially those rules have been drastically amended and modified by an initiative that the people enacted last November which severely restricts not only what contributions can be given, but how much one can spend in a campaign.

The point is that running for public office is a very exciting opportunity. We ought to allow people to receive contributions. I think we can limit the amount of contributions, and we can limit the category of those contributions, but we ought not to limit the source of contributions. By that, going back to the gentlewoman's point, is that Emily's List, like others, there is the Wish List, a more conservative group, but there are groups out here that call out to people who are on their lists, who have signed up and said we are supportive of your cause.

A mail solicitation goes out to those people and says, "By the way, Mrs. SHEILA JACKSON-LEE of Texas is running for Congress. We support her activities. She is a woman, she has served in the Texas legislature, she has a distinguished background, and we think she warrants election to the United States Congress, and would you women around the country please send us a small contribution. Together we will put these contributions together; that is called bundling, and we will send them to SHEILA JACKSON-LEE."

I do not see any problem with that. That organization does not come down here and lobby. It does not ask for any votes. It does not have an agenda in politics. What it is doing is trying to elect the right people to public office. There are a lot of groups like that. I do not think we ought to restrict them. Some of these campaign finance reform bills say that should not happen.

I was a former Peace Corps volunteer. When I ran for Congress I wrote people that I served in the Peace Corps with. Why? They knew me. I was also in a university. I wrote to the people that were in my class in the university. I graduated from a high school. I wrote to the kids that were in that high school. Some lived in my district, some lived in the State, some lived out of State.

When you run for public office, the way you get elected and the way you start a campaign is call up your friends and your family. I called up my family, and they are Republicans and I am a Democrat, and they said, we will support you. We probably never supported a Democrat before, but we will support you because we are your family. That is the way you get into public life. None of these bills should stifle that.

What we are trying to talk about is finance reform. Take the incredible obscenity of having to spend $1 million to get elected to the United States Congress. The bill that I propose, and almost all of them, recognize that the average costs of a campaign to the United States Congress is a little over half a million dollars; $600,000. That is the cap. We say you do not need to spend more than that to get elected.

We also say the way you collect money ought to be limited. You ought to have how much money you can raise from PAC's, and it cannot all come from there; how much can come from wealthy individuals, it cannot all come from there; how much can come from yourself, you cannot just pay for your own campaign out of your own pocket. That way we allow this diversity of contributions to be getting in, limiting the amount, limiting the total capacity of that particular area, and allow you then to run a competitive campaign for $600,000 or less.

Mr. PALLONE. I appreciate the comments the gentleman made. I know that our time is running out, because we want to yield for another special order tonight, but there are going to be a lot more opportunities.

We are going to be here every night, if necessary, to make the point that we want campaign finance reform to come to the floor, and that the Republican leadership has an obligation to make sure that that happens in this session of Congress and as soon as possible.

I thank the Members again for joining with me. This is just the beginning of a lot more discussion on this topic.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much, and I certainly hope that the outrage over $50 million is something that we can focus more on what we should be, which is getting real campaign finance reform.

Mr. FARR of California. It is too bad we have to schedule a special order to discuss campaign finance reform. We ought to be doing this in a regular session, in a regular time, to vote on a bill, not just to talk about the bill.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

NAFTA TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for the remaining 30 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE], the gentlewoman from Texas [Ms. JACKSON-LEE], and the gentleman from California [Mr. FARR].

I want to commend them for their discussion here this evening, and echo their comments with respect to making sure that we have campaign finance on the floor of the House of Representatives, so all sides and all issues and all facets of this complex issue can be heard by the American people, and we can make some decisions that will move us away from this terribly corrosive system we are now engaged in.

Mr. Speaker, I would like to kind of shift gears here and talk about something that has been very important to I think the country, an issue that will be before this body very shortly. That is trade. I am joined by my distinguished colleague, the gentleman from Pennsylvania, [Mr. RON KLINK], who I think will also share some views and comments on NAFTA.

That is what I want to talk about today, because we are about to embark upon another fast-track agreement which will get us into a series of trade agreements with not only Chile but other Latin American countries, and other countries around the world. My concern is that it will be done without proper labor protections and environmental protections. That is why I think it is important to review the NAFTA debate.

Four years ago we had a major debate over the North American Free Trade Agreement. For those of us who fought the treaty back then, one that protects human rights and labor rights and environmental rights, that is what we wanted, we came to the floor of the House, and we are here again tonight to describe the flaws as we see it in NAFTA.

Four years ago, we had a vigorous debate that lasted months, and it culminated in a dramatic finish here on the House floor in a very important vote for the country, and, indeed, for the country of Mexico and Canada as well.

Then we watched as NAFTA took effect. We did not come to the floor night after night and say, it is not working, it is not working, it is not working. We hoped that we were wrong, that it, indeed, would work. But we knew, I think, not only in our minds but we knew in our hearts that the treaty was flawed and it could not work. Many of us saw problems. We saw major problems.

Those of us who fought for a better treaty back then are just as determined today to make sure that the faults of NAFTA are addressed today, because today this debate, as I said, is moving into a new phase. Supporters of NAFTA now want to expand it to new countries. Let me tell the Members, expanding it now would be like building a new room onto your house when your kitchen is on fire and your roof is collapsing.

Before we expand NAFTA, we have to fix it. There are a lot of things to fix. It is no longer a question of theory. We have had about 38 months to look, to digest, to understand, to take apart, and to see what effect it has had on workers here in this country and in Mexico, and in Canada. NAFTA has had 38 months to prove itself. We have seen the effects that NAFTA has had on our families and our jobs and our communities, and the news is not good. I think by any measure people have to understand that NAFTA has been a failure.

Let us look at our trade balance with Mexico, the simplest measure of performance. I have a chart right here. Before NAFTA, before NAFTA we had a $1.7 billion surplus. Thirty-eight months later we have a $16.2 billion trade deficit with Mexico.

NAFTA proponents will say trade has expanded 20 percent between the countries. That is true, but it is expanding in the wrong direction. In 1993, before NAFTA, we had this surplus. Now we have this deficit. That means that we are going in the wrong way, Mr. Speaker. Our trade deficit with Mexico is now at a record $16 billion.

NAFTA proponents will argue that the reason we have this deficit, which causes jobs, is because they had this thing called the peso devaluation. For some of the Members who are not familiar with what happened in Mexico right after NAFTA, the value of their currency, the peso, which was way overvalued, and we said so on the House floor, and we said it would be a terrible mistake to go ahead with the treaty, with the peso overvalued the way it was driven up by the speculators, we said that that was happening and was going to continue to happen, and it would fall apart, and it would have a dramatic effect on the workers.

That is exactly what happened. When the peso crashed, Uncle Sam came in to try to rescue them by providing them loans. In addition to that, we had the Mexican workers wake up one morning and 40 percent of the value of their savings, their life savings, the currency they had in their pocket, was gone through devaluation. You can imagine waking up and finding 40 percent of your worth just gone the next morning.

NAFTA proponents argue that the peso devaluation really was the problem, and that is why we have the deficit. But the facts do not bear that out. The trends were in place long before this peso devaluation.

If the peso devaluation were the only reasons, other nations would suffer the trade deficit as well, but when we look at the record in trade between Japan and Mexico, and the European countries and Mexico, we will find that they have maintained their surpluses before, during NAFTA, and after the peso crash. Our trade balance had become a deficit 4 months before the peso crash. It had been trending that way for several months prior to that. So the facts show that NAFTA is the cause of this deficit, not the peso devaluation.

Next, let us take a look at the job claim by NAFTA proponents. I will get this chart down here. I think this is pretty self-explanatory: Jobs Lost Under NAFTA.

Remember back in 1993, when we debated this, we all kept hearing that the proponents said we would create 200,000 jobs, 200,000 jobs. We heard that figure over and over again. NAFTA proponents practically guaranteed us that 200,000 more jobs would be created if we passed NAFTA.

□ 2015

But using their own formula, which is based on the numbers of jobs created through a certain dollar amount of trade, we have lost over 600,000 jobs or job opportunities since NAFTA took effect. And by using a very narrow definition by the Department of Labor, which includes only those workers who have applied and then been certified for NAFTA unemployment benefits, more than 110,000, 110,000 U.S. workers have already been certified under the NAFTA unemployment program.

Thousands more have filed for the benefits and have not been certified but some eventually will get them. So the figure on the job loss was not 200,000 created, as the NAFTA supporters told us time and time again. It is somewhere between 600,000 and 110,000 that we know of and have been certified. And not all workers qualify for those benefits, as I said.

Workers in more than 1400 factories in 48 States have applied for these NAFTA job retraining programs. But as we all know too well, these workers will not likely be moved into high-tech and high-wage jobs, as trade theory suggests.

In fact, listen to this number, 65 percent of workers who were laid off ended up with lower paying jobs; 65 percent of the workers displaced in this country who were laid off ended up with lower paying jobs.

When we debated NAFTA, many corporations stepped forward to say that jobs in the U.S. depended upon NAFTA's passage. They promised to create jobs in America. Corporation after corporation, multinational after multinational corporation said they were going to create jobs.

Next chart: Broken promises under NAFTA. Ninety percent of companies failed to deliver on their promise to create U.S. jobs if NAFTA passed, 90 percent. In the weeks to come, we will be going through all of these corporations, corporation by corporation, plant by plant, worker by worker, to let you know how this has unfolded. But tonight let me just give you one example.

Let us start at the end of the alphabet with Zenith, well-known TV maker. Here is what Zenith said in 1993 during the NAFTA debate. It said, Contrary to numerous reports that companies like Zenith Electronic Corporation will transfer all of their production facilities to Mexico as a result of NAFTA, the NAFTA offers the prospect of more jobs at the company's Melrose Park, Illinois facility.

Here is what Zenith did. Zenith announced late last year that it was laying off 800 of its 3000 workers at Melrose Park. In addition, 510 workers have been certified for NAFTA trade adjustment assistance at Zenith facilities in Springfield, MO and Chicago, IL.

So these are the real life facts and the real life effects of NAFTA, and we will be making sure that the public understands what other corporations have said and what they have not delivered.

Let me talk about what I think is the real crux and the problem with NAFTA and what it has done to the workers here in this country. I want to talk about the Mexican workers a little bit later as well.

What has really happened here in this country is the downward pressure on U.S. wages that has resulted from the North American Free Trade Agreement, the downward pressure on wages.

There was a study done at Cornell University for the Department of Labor. And listen to this, they found that 62 percent of U.S. employers, 62 percent, threatened to close plants rather than negotiate with or recognize a union, implying or explicitly threatening to move jobs to Mexico, 62 percent. People wonder why 80 percent of the workers in this country have had their wages basically frozen or decline for close to the past 20 years. It is that bargaining chip. It is that downward pressure on wages. It is the leverage they have because of agreements like this and, I might also add, because people are not standing up for their collective right to join together and bargain.

Unions in this country made the middle class. At their zenith, at their height in the 1940's in this country, when almost 40 percent of the private sector employees in this country belonged to unions, you saw incomes rise, benefits rise, health care, pensions. Down to about 12 percent today, union membership. They do not have any power at the bargaining table today, the workers do not. The companies, they say to these folks, listen, you want a higher wage, you want a livable wage, you want health care benefits for your family, you want a guaranteed pension, I will tell you what, we cannot afford it, we are going south, you keep this up.

And yet you look at CEO salaries in America today. They are out of sight. They are paying this guy at Disney, we all grew up on Disney, loved it, watched it, Michael Eisner, $776 million, 10-year contract, $776 million. I mean, am I missing something here? Did Mickey Mouse negotiate a peace treaty in the Middle East? What enables somebody to accumulate $776 million?

So these are the discrepancies that are occurring here in this society between the highest income earners, the top people at these corporations, these multinationals and workers who are having their wages bargained down at the table.

Let us take another example. At the Connor Rubber near Fort Wayne, IN, in the midst of the union's first contract negotiations, the company decided to close the plant and move to Mexico. Same union pulled an organization petition at a neighborhood subsidiary of Connor Rubber. The union official who was organizing the subsidiary said that wages were lacking, their benefits were lacking, but they also wanted a job.

So this is having a dampening effects on wages in America. Fifty-seven percent of Americans now say their purchasing power is worse than it was before NAFTA, 57 percent.

And the situation in Mexico is even worse. As I said, the Mexican economy basically collapsed. The maquiladora, the area along the U.S. and Mexican border in Texas and New Mexico, Arizona and California, production has soared but wages have fallen by 25 percent. When we debated NAFTA, the maquiladora workers were making $1 an hour; now they are making 70 cents an hour. Workers who try to form unions are being fired or thrown in jail.

I was down there a month ago. I visited some of these villages and colonias in Tijuana and talked with some of these leaders and these workers. One of these leaders told me at his community colonia in the community house where there were lots of people, he said to me, Congressman, I went there and talked to the company about slowing down the line because a lot of the people who lived in this community were losing fingers and hands. Instead they sped the line up. So we organized and we stopped work, and they fired me. And they threw me in jail for trying to organize a union.

That is what we are up against and that is what is happening and that is what is going on.

NAFTA has not created to a consumer market in Mexico. It has created an export platform. As a Nation we now ship more consumer goods to Switzerland than we do to Mexico. A good example is the auto industry. From 1994 to 1995, production in the maquiladora for the domestic Mexican market plummeted 72 percent, but production for exports to the United States grew by 36 percent. We are selling fewer cars to Mexico. Folks there do not have the money to buy it. When your income drops 40 percent overnight and when they are paying you 70 cents an hour, it is hard to afford to buy an automobile.

As a result, our trade deficit in the auto sector ballooned to more than $15 billion. And meanwhile the environment is suffering the consequences as well. Families along the border continue to live near and bathe in and drink water that the American Medical Association has called a cesspool of infectious disease, a cesspool of infectious disease.

Human health risks on the U.S. Mexican border. The estimated cost to clean up the border is $20 billion. Remember the debate we had here about the North American Development Bank which was set up to fix these environmental and health problems? After 38 months the bank has yet to make a single meaningful loan for the public good. They have made a loan to a private development for $2.5 million, but that is a far cry from the $20 billion in infrastructure needs that they need in order to fix the environment along the border.

What is more, NAFTA has helped create what some call a wave line border check. Listen to this: 11,000 trucks now pass over the border from Mexico every day, 11,000. For every truck that gets inspected, 199 do not. They are just waved through, for God knows what is on those trucks. They are just waved through.

Every single week we seem to see another story of corruption at the highest levels of the Mexican government. Is this tragic? Yes. Is it permanent? It does not have to be. We still believe that NAFTA can be a force for progress. We still believe we can create a consumer market in Mexico.

But before we ever think about expanding NAFTA to other countries, we need to fix a very flawed NAFTA here. We need to give workers the same kind of labor and health protections that we gave companies for things like intellectual property. We need to include labor and environmental standards in the core agreement, not in some flimsy side agreement. And we need to raise Mexico's standard to our level, not lower ours to theirs.

We need to make noncompliance subject to sanctions, not just consultations. And we need to remember this is not just about markets and trade barriers, this is about jobs and living standards. It is about human rights and human dignity.

Workers on both sides of the border are mistreated by multinational corporations and indifferent governments. But they remain brave and they remain hopeful. And until they have a voice to speak for themselves, we must continue to be their voice.

There are more people in this Congress, I might add to my colleagues, who voted against NAFTA four years ago than voted for it, and many who voted for it say that they would never vote for it again. We look forward to this debate.

I yield to the gentleman from Pennsylvania [Mr. KLINK], who has been so eloquent and strong on this issue of protecting jobs and expanding job opportunities and harmonizing Mexican benefits to our level instead of bringing ours down to theirs.

Mr. KLINK. Mr. Speaker, I thank my good friend, the gentleman from Michigan, the minority whip, for again leading us in this issue. And I just want to underline, first of all, before I start, some of the points that the gentleman made because they are very important.

No. 1, he pointed out the fact that we are not against free trade. Those of us who come here to the well and who have said this is a flawed NAFTA agree that a NAFTA agreement can be good. We can negotiate something that can work. We can have free trade with Mexico, with Canada, with Argentina, with Chile, with the Caribbean Basin, with Europe, but it has to be fair trade. And we got the short end of the stick.

His other point that he made at the very beginning is one that is very important. After we lost, it was a very close vote, it was a very hard fought vote, many of us put our sweat and our tears and our lives for many months into fighting for the working people of this country, something that we felt very strongly was going to be flawed, but when NAFTA passed, we went back to work doing other things. We did not come to the well of the House day after day, week after week, month after month, pointing to every small thing that occurred and blaming it on NAFTA. We did not say that because so many people in America got a cold or the flu it was NAFTA's fault, just because a factory closed down here and closed down there, it was NAFTA's fault. We did not make that point.

We wanted to be wrong. We were hoping that the promises of 200,000 jobs that were made by the proponents of NAFTA would take place and that many of those jobs would occur in the gentleman's district in Michigan and my district in Pennsylvania and some of our other friends in Ohio and California and across this country.

□ 2030

That was our hope. Unfortunately, that has not occurred.

As my friend pointed out, what really we have seen is promises broken. All of those companies, many of those companies which came out making all kinds of promises, telling us all of the wonderful things that were going to occur, we called them the NAFTA poster companies. They would come out with fancy flyers saying we are going to create these jobs. Indeed, 60 of the 67 companies that made specific promises about jobs that would be created, in fact have not fulfilled those promises of job creation. In many instances they have eliminated jobs. Some of those companies are no longer even doing business with Mexico.

The gentleman's point about the fact that when NAFTA passed we had a small $1.7 billion a year trade surplus with Mexico, and now we have a booming trade deficit with Mexico, I would remind all of my colleagues this occurs, Mr. Speaker, at a time when we are including as exports to Mexico the factory equipment that we are sending down there by companies that have closed down their factories in this country and are moving that factory equipment and those jobs to Mexico. That counts as a surplus. That counts as goods that we are selling to Mexico. That is not legitimate goods and services. Those will, in fact, be used against us.

The increase of the U.S. trade deficit with Mexico and Canada has cost, we believe, about 420,000 jobs. Half a million jobs.

Mr. BONIOR. Good paying jobs, in many instances.

Mr. KLINK. The gentleman is correct. These were good paying jobs. And as the gentleman said, when these workers were displaced they did not get good paying jobs.

My State of Pennsylvania is one of the top two in NAFTA trade adjustment assistance applications. For those people that do not understand, that is a very complex procedure that you qualify or you apply for benefits based on the fact that you lost your job because of NAFTA. Not everyone who has lost their job because of NAFTA has qualified for NAFTA TA benefits or even applied for them. So this is only one part of the puzzle when we try to determine the precise number of jobs that we have lost in this country. That is very convoluted.

Mr. BONIOR. The gentleman makes a good point. And the other piece I want to talk about for just a second with him is, it was 60-some percent, I think it was 65 percent I mentioned, of people who lost their jobs as a result of NAFTA and jobs moving to Mexico, people who have found other jobs have found them at lower pay. If an individual was making maybe $12 an hour, they may have found another job but it may be at $7 or $8 an hour.

So what happens when that occurs in a family? Their standard of living is diminished considerably, so they go out and get another job. They have 2 jobs, 3 jobs, to make sure that income level in the family is where it had been. What does that do?

Mr. KLINK. If the gentleman will yield, that is when they find out they have less time to put into their family and their community.

Mr. BONIOR. That is correct. They are not there for soccer for their kids, they are not there after school when their kids come home, or to help with PTA and the other community efforts. That is the untold factor here that we are dealing with as a result of this downward pressure on wages and job loss.

I thank my colleague for raising that point.

Mr. KLINK. When we heard all of these predictions about the 200,000 jobs that were going to be created almost immediately by this NAFTA agreement, there was an assumption by both the Bush and the Clinton Administrations. This had been started during the Bush administration and then was finished by the Clinton administration. Both administrations made their predictions based on the fact that they anticipated we would have a trade surplus with Mexico for at least 15 years. Immediately, the year after NAFTA passed, we went into a trade deficit with Mexico.

The shift from a small surplus of $1.7 billion back in 1993 to a deficit of $16 billion in 1996 in trade with Mexico really has to be explained by the devaluation of the Mexican peso. And, as the gentleman said just moments ago, and I think he did a great job of explaining it, NAFTA was responsible for that devaluation.

Then what occurred in this country, and I do have a copy of the study from Cornell University that the gentleman talked about, it is called a Final Report, the Effects of Plant Closing or Threat of Plant Closing on the Right of Workers to Organize. He is absolutely right, 62 percent of the employers in this country, 62 percent of them said "We will close our plant rather than to negotiate a contract with you" or "If you want to form a union, we are closing our plant. We can now go to Mexico."

That happened all across this country, if we read this report, which the proponents of extending fast track so that we can expand this horrible agreement without fixing it, they do not want us to read this report.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments, and I apologize to my friend from California. I know he wanted to make a comment about fast track, and I am sorry, I did not realize we were short on time.

I thank my colleague from Pennsylvania for coming out and talking to us this evening about his views on this issue, and we look forward to a hearty debate. And, again, I say to my friend from California, I look forward to participating with him in this as well.

LESSONS IN EDUCATION, THE IMPACT OF NEW SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes.

Mr. HOEKSTRA. Mr. Speaker, before I begin with my comments, which are a series and talk about where we are going in education, I want to yield a few minutes to my colleague from California to talk about a project that I have some interest in and I may learn something tonight about, a patent bill that he has proposed and a number of my constituents have called me about.

So I want to yield some time to my colleague from California.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman. There will be a vote on the floor of the House of Representatives next month, probably the middle of next month, that will mean a great deal not only to every Member of the House of Representatives but to every citizen of the United States of America.

As we just listened to our colleagues from the other side of the aisle talking about some of their observations of what has happened with the treaty with Mexico and some of the other economic dealings that we have seen in recent years, it is clear that there is an elite in the U.S. Government and in the United States and in our financial institutions who are not loyal to the interests of the people of the United States.

This lack of loyalty perhaps is due to the fact that they have a vision for a better world. They are trying to create a global economy and, thus, they are willing to sacrifice the interests of the American people. They are willing to sacrifice the standard of living, the freedom and the prosperity, and actually the national security of our country in order to build this more perfect world and a global economy.

I think that this has manifested itself in NAFTA and some of these other things, the GATT. But we will have a vote in one month on H.R. 400, which I call the Steal American Technologies Act. My legislation, H.R. 811 and 812, will be there as a substitute for this horrible piece of legislation that is the latest example of this elite class who are trying to create a global trading system at the expense of the standard of living of the American people and the rights of the American people.

H.R. 400, the Steal American Technologies Act which is coming to this floor for a vote, is being pushed through the system by an army of lobbyists who have been hired by multinational corporations and huge American corporate interests, who have struck deals with those foreign corporations in order to change, fundamentally change the technological laws, the laws that govern technology in America.

The fact is we have had the strongest patent protection of any country of the world, and that is what has ensured the American people for these last 200 years the ability to have a higher standard of living than other countries of the world, because we were able to out-compete them. We had the technological edge. It was our inventors, the Thomas Edisons, the Cyrus McCormicks, the Wright brothers, all of these people who were protected by the strongest patent system in the world, who stepped forward to give the American people the standard of living and this great chance for opportunity to uplift their way of life and improve the standard of living of their children. But that law is changing.

Our country's national security was based upon our technological superiority, but the laws that governed us, that gave us the creativity and the technology to defeat our adversaries, economically as well as militarily, are trying to be changed and they are doing it in a sneaky way: H.R. 400, which I call the Steal American Technologies Act, which will be voted on in about 3 or 4 weeks.

What it will do is, number one, eliminate once and for all the guaranteed patent term, which has been the right of the American people for 200 years. It will, and hold on to your horses on this if you have not heard about this bill, it will mandate that every American inventor who files for a patent, whether or not that patent has been issued, that his patent application will be published after 18 months for the entire world to see.

This means every economic adversary, every enemy of the United States, everyone who would destroy our country and our way of life almost, have every one of our secrets in order to use our technology against us.

And, finally, H.R. 400, the Steal American Technologies Act, will actually abolish the Patent Office, which again has been part of our country since the founding of our Constitution, and resurrect it as what? As some corporate entity. A corporate entity, I might add, which will be able to accept gifts; gifts from foreign countries, from different people. We do not know what effect that will have on patent examiners, which have been the people who have made the decisions to protect us and to protect our rights as Americans to own what we create.

This will be one of the most important decisions this Congress will make. Two generations from now Americans will suffer, our security will falter, our way of life and our prosperity will go down and the American people will not know what hit them. It will be a Pearl Harbor in slow motion if this passes.

The only thing that will stop it, the only thing that will stop it is if the American people call their Member of Congress to offset these lobbyists that are hired by the multinational corporations and tell their Member of Congress to oppose H.R. 400, the Steal American Technologies Act, and to support H.R.

811 and 812, which are pieces of legislation that I have authored, Congressman ROHRABACHER, which will strengthen the patent system.

I want to thank my colleague for granting me this time from his time tonight. This is such an important issue for people to understand, that democracy will not work and America will not be strong unless our people get involved.

This whole effort, and I will close with this thought, it is a shocking thought, why are people trying to push something which is so evil and detrimental to the United States? Yes, they believe in a global economy, but part of their motive in reaching this global economy is they are trying to harmonize our law with Japan.

The elements that I just talked about in the law, which is changing in H.R. 400, are nothing more than an agreement that has been reached with Japan, a hushed-up agreement to change our strong patent law into their weak patent law. The harmonization of our law with Japan. It is absolutely an outrage. It is frightening to think it is happening and there are lobbyists all over this city from powerful corporations trying to push it through.

I appreciate the gentleman's giving me this time to warn the people out there who are listening and reading this in the CONGRESSIONAL RECORD. We can beat this but we have to act.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for sharing with us and look forward to learning more about this issue over the coming weeks. It is a critical issue.

I have had a number of my constituents calling me and saying get with the Congressman from California, sounds like he has a good thing going and it is something we have to watch out for. So I thank the gentleman for taking that time.

Mr. Speaker, I want to continue a series now that I have been doing for my colleagues that outlines a project which we call lessons in education. This is the fifth in a series. This is the fifth lesson, and it is about new spending and what the impact of new spending is.

The impact is that new spending equals a new tax burden. It is something that sometimes is lost on us here in Washington. It is lost on my colleagues, that as we come up with an idea for more new programs, more good programs, solving more problems from Washington, that the increased spending, the impact of that is that someone has to pay for it. So lesson 5 is, let us not forget that new spending equals a new tax burden on America's families.

These lessons in education, they are coming out of a process which we call Education at a Crossroads.

□ 2045

Me and my colleagues, especially BUCK MCKEON and FRANK RIGGS, who share subcommittees with me on the Committee on Education and the Workforce, are currently working on this project, Education at a Crossroads, what works and what is wasted. The purpose of our efforts is to do a survey around the country of education, what the results are. There is enough education out there today or there are enough issues out there today that we can say that at least in parts of our country today education is in a crisis.

You go to Washington, DC, right outside of this building, we are spending $9,000 per student. We get some of the lowest test scores in the country. We have had hearings in California where key people from universities come in and they say, you know what we need to do and what you need to do in Washington is you need to make sure that you continue funding our remedial education programs, and you kind of lean forward and say, these are kids entering higher education in California, what kind of remedial education do they need? And the answer is, well, they cannot read or write at an eighth grade level, so give us more money, and the answer is no, you do not need more money. As experts in education, you have got to get into the high schools, the middle schools and the grade schools and figure out why kids are not learning.

You go around the country and you compare our scores with international scores and we are not getting the kind of results we would like to get. So we know that there are some problems and some opportunities in education. We also then want to take a look at whether Federal programs are helping drive the creativity, the energy, the innovation that we need in education today, or whether Federal programs are a stifling wet blanket of rules and regulations on State and local efforts to move education into the 21st century.

Today I want to just make this additional report. The first lessons that we had is parents care the most about their children's education. That was lesson one. The exciting thing about going to New York, going to California, going to Phoenix, going to Chicago, going to Milwaukee, going around my district, going to Detroit, some of the toughest neighborhoods in the country, and talking about education is that there are lots of places where education is working. And the amazing thing is where education is working is where parents and teachers and local administrators have gone in and taken their school back, and they have taken their school back at the expense of district administrators, State bureaucrats or Washington bureaucrats.

They have said, this is our school, these are our kids, we know their names, you do not, we are going to run this school the way that we want to run it, the way it needs to be run, because we know what our kids need, we know what our communities like, and we know how to bring the community, parents and teachers, together to service our kids, and we do not want to be locked in by State or Federal bureaucrats.

It is amazing the amount of innovation that takes place when parents and teachers and local administrators are given the freedom to move forward. So that was lesson one, recognizing the fact that people at the local level, parents and teachers, care more about our children and their future than what bureaucrats in Washington do.

Lesson No. 2. Good intentions do not equal good policy. Washington is full of good intentions. We have tried to do so many good things for our children that we have lost focus, that we are here to serve the kids and not smother them.

Over 20 to 25 years, we have developed 760 programs going through 39 different agencies and spending about $120 billion per year. Lots of intentions, lots of good intentions, poor execution, and actually now, when you take a look at it, poor results at the local level.

Lesson No. 3. More does not always equal better. It is kind of like when you have got a system and the system is not working. Only in Washington do you say, to fix the system, what we need to do is add a few more programs just like the ones that we have had and to fix the system, just put a little bit more money in it. When you put a little bit more money and a few more programs, you know, we think that is going to fix it.

No, what it is time to do is to step back, to take a look at this and to say, more does not always equal better, and more does not equal better when what we are doing today is not working.

Lesson No. 4. Education is not about government or bureaucrats. It is about kids. It is not about tax credits, it is not about Federal mandates. Education is first, last and always; education is always about children. And we have lost sight of that with too many Federal programs. I will go through it a little bit later when we take a look at where education in America has gotten to, at least at the Federal level.

This is done by a cottage industry, a cottage industry that grew up because it recognized that education in Washington had moved away from being for kids; it had moved into becoming a bureaucracy. And what are these binders? Cottage industry, an independent organization that said, hey, there is an opportunity out there, nobody knows how to get the Federal money, let us develop a guide to Federal funding for education telling where the dollars are, who to call, how to write your grants, not to write your grants about what is going on in your local school district or the problems that you have but how to write a grant so that the people who give the money out will give you money.

This is a license to steal from the American taxpayer, a license to come to Washington, mining for grants. This is about bureaucracy. This is where Washington has come. Washington has moved to becoming bureaucracy and has moved away from what it really should be, and that is a focus on our kids.

Today's lesson. Today we focus our attention that when we decide to increase spending, that when we increase spending, somebody has to pay for it, so that when we increase spending, we create additional family tax burdens.

Remember that what the President is taking a look at doing over the next 5 years, again good intentions but, remember, good intentions do not necessarily equal good results. More does not equal better. He wants to spend $50 billion more on education and develop a whole new series of programs. And, remember, if we spend $50 billion over 5 years, that is $10 billion a year for education. In the President's eyes, that is a positive move, but remember when the President adds new spending, the end result of adding $10 billion of new spending is that there are 5 million families that have to send an extra $2,000 to Washington each year for the next 5 years. What we are doing is we are moving families away from where we want to be, which is a government that can be supported by a one-wage-earner family and where a two-wage-earner family is an option. We are moving with this kind of reckless spending to a situation where a two-wage-earner family is going to be a requirement because one person is going to work to support the family, the other person has to work to support government. That is wrong.

The lesson is, new spending equals new family tax burden. Either we are going to pay for it because we are going to have to raise our taxes, but more likely we will do it the way Congress has done it for the last 29 years and the way this President is proposing that we do it, let us increase spending, let us not increase taxes, let us increase spending and let us pass along this new family tax burden on to our kids.

It is the wrong thing to do.

Take a look at this scenario in one of the programs the President is taking a look at. The President says, we need 1 million new tutors because, why? America's children cannot read.

Well, if we are going to have 1 million tutors to help our children learn to read, take a look at what the cycle here is. Kids cannot read. We have not taken a look at why kids cannot read, but kids cannot read. The solution is, let us pair a student up with a volunteer. You could say why do we not pair a student up with a parent but, no, let us pair them up with a government-sponsored volunteer which through AmeriCorps may cost about $27,000, but let us pair them up with a volunteer.

Well, if we are going to have 1 million new volunteers, we are going to have to have a way to manage this. Well, how do you manage 1 million people? Well, what we need is we need a bureaucracy to administer a program to finance and manage our new tutors. So we have got the kids, we have got the tutors, we need the bureaucracy to manage the tutors, to find them, but now you say, how are we going to pay for these tutors, how are we going to pay for the bureaucracy that manages the tutors? Well, we are going to probably have to increase taxes either today or on future generations, on our kids, to pay for the Washington bureaucracy the President needs to administer the program to finance the new tutors.

The tutors, the bureaucracy, the new tax burden. What then happens? We have got a new tax burden. What we are trying to do tonight is we are trying to inform America's families that, hey, you are being informed that you must pay more taxes to pay for the Washington bureaucracy the President needs to administer the program to finance the new tutors. So the family now needs and they are saying, wow, we have to pay more in taxes or we are going to be spending more money.

So what does this now do to the families? They are saying, wow, a tax burden for our kids, or for us. We need more money. Families are forced to send a second wage earner into the work force to take a job, often a low-paying job, just to pay the taxes to pay for the Washington bureaucracy the President needs to administer the program to finance the new tutors.

Now, what is the next step? You have more two-wage-earner families, because more families are forced to send a second wage earner into the work force to take a low-paying job just to pay the taxes to pay to the Washington bureaucracy the President needs to administer the program to finance the new tutors. More parents have less time to spend with their kids to teach them how to read.

Well, we have almost come full circle. Because more families are forced to send more taxes to Washington by creating a second wage earner into the work force to take a low-paying job just to pay the taxes to pay for the Washington bureaucracy President Clinton needs to administer the program to finance the new tutors, more parents have less time to spend with their kids and to teach them how to read.

As we have gone around the country and as experts will tell you, the most effective way to teach a child how to read is to reinforce the learning at school with a parent at home or person in the family at home reading to the child.

It does not make any sense. We are going to go out and we are going to ask, in this case, to pay for the tutors. It is about $200 million a year. An average family if they have to pay more taxes, $2,000; that is either $2,000 that comes to Washington or it is $2,000 that stays with the family. One hundred thousand families are going to have to have a second wage earner paying $2,000 in taxes to fund the tutors.

It does not make any sense to have this kind of scenario in place, to have families having more two-wage-earner families, not by choice but by a requirement because Washington wants to do more for your kids and the only way Washington can do more for our kids is by putting more parents to work so that they spend less time with their kids, which makes it harder for them to learn how to read. Does this make any sense?

No, absolutely not. The time has come to tell the President no new spending. The American people must speak up and be heard on this. More new spending equals new family tax burden. It is time for the American people to stand up and to tell the President, no new spending. There are 760 programs through 39 different agencies spending $120 billion per year. If we need more education for different priorities, the money is there, and we need to tell the President that.

No, actually we do not need to tell the President that. The President knows that. The President has said that. What we need to do is we need to remind the President of what he told the American people not all that long ago.

□ 2100

A few months ago he was not talking about, the President was not talking about more spending for education. What did the President say on March 27, 1996? He did not say, give me $50 billion more; let's put 5 million more American families with two wage earners to pay for new taxes or new spending, the new tax burden by this education. He said exactly what we are trying to do with education at a crossroads. So this is not going back and telling the President he does not know. This means going back to the President and saying:

"We agree with you. At least we agree with what you said on March 27, 1996," where he said we cannot ask the American people to spend more on education until we do a better job with the money we have got now.

This was a speech to the National Governors Association, their education summit back in March 1996.

The President knows we have got plenty of money in education. The time is now to say, no more spending; we agree with you, Mr. President. We're not going to ask the American people to send more money to Washington on education until we take a very good look at what we're doing with the money that they are already sending here on education. Washington spending and taxes are linked. By asking for $50 billion and more spending, you are asking for $50 billion in more and new taxes, it's the wrong thing to do. There is plenty of money here in Washington. It's time to stop it, it's time to take a look and do an honest appraisal, an honest assessment of all of these Federal education programs. It's time to take a look at if we've got a bureaucracy like this or a bureaucracy that requires this kind of information to be published to go to the American people to tell them what's available in education funding, we've become too bureaucracy focused and not enough child focused.

Mr. Speaker, I just want to go on for a few more minutes. This is not about who cares about our kids. We all care about our kids. We all care about education. But there is a fundamental difference between President Clinton's approach of spending more money on more bureaucracy and increasing the tax burden on the American people to pay it in our approach. Education at a crossroads says we are going to reassess and clearly identify what is working and what is wasted in these 760 programs, over 39 different agencies, and we are going to focus on getting the money into the classroom.

The disappointing thing that we have today is we walk across the street when we come here to work. We walk across a street called Independence Avenue. In today's world and today's Washington spending, that is now Dependence Avenue. What is done in these buildings has a significant impact on American citizens around the country, whether it is Health and Human Services or whether it is Housing and Urban Development. These people in these buildings have way too much influence on what goes on in America.

We talk about $50 billion of more money going into this city and into these buildings just for education. What does that mean? It means more decisions, more control in Washington, a bigger Dependence Avenue and less independence and freedom at the local level. Every dollar of taxes that goes to this city comes from an American family and increases the family tax burden.

The first stop of these tax dollars; where is the first? The first stop is when you actually go to work and you earn it, but you do not keep it for very long. As a matter of fact, you do not keep—some of the money you never get. It was a wonderful invention called withholding.

Mr. Speaker, I have got nephews and nieces that just began their first jobs, and they are excited. They have got a job for $5 - $5.50 an hour. They work for 20 hours that first week. Pay day is the following Tuesday or the following Wednesday, and they are excited because they worked for 20 hours at $5 an hour, and they are going to get a check for a hundred dollars.

Twenty times five is one hundred. This is a good deal. It would be if they got $100. They get their first check, and they say:

"Well, where did this money go? You know, I've got $76, and it goes to all these strange acronyms that they have no understanding what they mean." But what we have got is we indoctrinate our children, when they get that first job, it is not really your money. You never see it, it never reaches your checkbook, it never reaches your wallet. It goes somewhere else.

And then what happens?

That check leaves their pocket and goes to this wonderful institution in Washington which is called the IRS, and what happens when it gets to the IRS? The tale of two visions. What happens in Washington when we get your money? One of the best examples is IRS wastes $4 billion, unsure if it can fix a computer problem.

Think about this, $4 billion. This is 2 million American families sending $2,000 to Washington for 1 year, 2 million American families sending $2,000 to Washington, and they are unsure if they can fix a computer problem. Well, I will tell you there are 2 million American families who could have spent a lot more time with their kids if they had not had to work and send $2,000 to Washington for this computer glitch.

After investing $4 billion in taxpayer dollars to try and remedy its inefficient and unreachable computer systems, the IRS has come to one conclusion. It is, unsure, if it can fix the problem. The agency expressed doubt that it was capable of developing modern computer systems, saying it lacked the intellectual capital for the job. It may be lacking the intellectual capital for the job, but the American taxpayers, because the IRS did not realize it could not do the job, 2 million American families had to send $2,000 to Washington. They had to provide the financial capital, and it all went down the drain.

Mr. Speaker, think about what happens when the money comes here to Washington. Another program; again this one is out of the education programs. Only in Washington a report is completed. The report says drug programs do not work.

OK. Thank you. Thank you for that analysis.

Now, based on that analysis and recognizing that drug programs do not work, what are you going to do about it? What is the Education Department going to do with the billions of dollars that they get every year for drug programs? Only in Washington, when you have a program that does not work, do you say please give me some more money. Only in Washington.

The program does not work, and what happens? We are going to spend more money on the failed programs. Only in Washington does that make sense. Only in Washington does it make sense when something does not work to pour more money into it and ask more families to have a second wage earner to fund Washington government that does not work.

One final example out of our tale of two visions document. This is a monthly newsletter that we published. The State Department charging people with passport questions. IRS cannot run a computer system; the Education Department cannot run a drug program; the State Department has taken an entrepreneurial approach. They are going to develop customer service.

Think about this. This is your Federal Government that you are paying taxes for. They are going to develop an approach, and they are going to become customer focused. You are paying for this agency with your tax dollars. They are going to become customer centered.

Hallelujah.

But wait a minute. What does it mean when we say the State Department is going to be customer focused? The State Department has created a customer service, not 800 number, to provide you easy access service, but a 900 number for all inquiries regarding passports. This 900 number will cost the public a dollar five per minute to answer questions such as: How many forms of ID do I need to bring? How long does it take to get a passport? The State Department, at least they are consistent. They are also saying we want congressional offices to use the 900 number if they have questions for their constituents. I think that, you know, at least they are being entrepreneurial, but they are forgetting who paid for this in the first place.

The ironic thing would be, can you imagine if this spreads to the IRS, the agency that cannot understand its own regulations and cannot develop a computer system? And when you call it three times and ask three different people the same question, you get three different answers, and you are liable for it. Just would it not be wonderful if they develop a 900 number so that, when you ask the same question three times and get three different answers, you can pay three different times $1.05 per minute to get the wrong answer.

We also go through and not only highlight what we think is waste in government, but we also highlight real life tales of the opportunity vision, which is people in their communities going out and making a real difference.

There is a school in New York, Our Lady Queen of the Angels, spends $1,585. Think about it, $1,585 a year, about one-fourth of what city, State, and Federal governments spend on educating the child. Even by spending a quarter they have shown dramatic improvements in test scores each year, and they are well superior to other schools in their area.

This is not about money getting good results. It is putting in place the right kind of systems to drive the right kind of behavior that makes things successful.

Mr. Speaker, we have talked a lot about government spending. This is what happens to your taxpayer dollars. This is a problem. Let us move on to what happens when those dollars move into the education system.

There is a question about how many Federal programs there are. This exhibit is called the catalog of Federal domestic assistance. If you do not think we help and have a lot of programs in place, in very small type this lists all of the different Federal programs of assistance that we have, and it primarily lists just the names. And when we go to page FI–9 and go through FI–17, we find the section that is called education, 8 pages, and if you add all the programs up here just under this category you will find 660 different programs.

We then went to another organization, Government organization, CRS, and we said, you know, what do you think of this list? Is this an accurate list of government's involvement in education? And they said it is accurate, but as we take a look at it, we identify at least 116 other programs, and we know of no better source then the catalog of Federal assistance, so, you know, we are really not sure, but you are going to the right sources. You have asked us; we have identified at least 116 others, and this identifies 660, so yeah, you are somewhere in the neighborhood of 7 to 800 different education programs.

We talked about earlier this is the cottage industry that has grown up, and what is in one of these binders?

□ 2115

What is in these binders are a description of the different programs, how to apply, program purposes, what is the flow of funds, who is eligible, who do you contact, what is the range of awards. The funding opportunity index, which is the sheet at the back of every binder, is this blue sheet. This is a blue sheet, it is kind of a crib sheet. It tells you as you are going through all of these different types of programs, and it gives you a rating system, it tells you how easy or how difficult it is to get money. It not only tells you how to get the money, but it tells you whether it is going to be an easy program. Like if it has one star, approximately one out of eight applications is funded, or fewer. Two stars, approximately one out of five to seven. One out of four, one out of three, one out of two.

So this has become a bureaucratic exercise. remember, this is not one binder, this is two binders. We get the two binders because it is 39 agencies, it is $120 billion of spending, and it is over 760 programs.

This is a problem. This is $120 billion of spending where we are not sure we are getting the kind of results. One-half of all adult Americans are functionally illiterate. Fifty-six percent of all college freshman require remedial education. Sixty-four percent of our 12th graders do not read at a proficient level. You would think as we increase the amount of spending that SAT scores would have gone up over the last three decades, right? $123 billion of spending. Wrong. They have gone down 60 points in the last three decades.

Last week we looked at two ways to approach education. There was the Washington-centered approach, which is this, when we have these kinds of binders sitting on your desk at the local level. What it means is that local administrators are sitting at their desks and they are gaming out how to get Federal money. The other thing that is happening, when they get these programs, you can imagine the binders and the rules and the regulations that come back and fill up the rest of the shelf.

When you get money from Washington, you do not get the money without strings attached. That is why, as we have gone around the country, people have said the problem with Washington money, and they will take the money because there is still a cost-benefit, that the cost of getting the money and administrating the programs is less than what they receive back, but it is not that big of a deal. What they tell us is, all over the place they tell us, we get 10 percent of our money from Washington, we get 50 percent of our rules and regulations from Washington.

We know that the system, a Washington dollar from a taxpaying family, through the IRS, through the Education Department, back to the local school district, we are estimating that somewhere in the neighborhood of 60 cents to 70 cents gets back to the child. That means somewhere in the neighborhood of 30 plus is taken up by bureaucrats. That means that the process here in Washington is bureaucratically focused, it is not focused on the children.

This is why I agree with what the President said in 1996. The issue here is not about spending more money. This is what the President said. We cannot ask the American people to spend more on education until we do a better job with the money we have now.

Think about it. Instead of increasing spending on education by increasing that dollar or that $120 billion to $130 or $135 billion per year, we can get that money if we just take a look at how we spend it today and we do a better job. Instead of only letting 70 cents get back to the classroom, let us set a real aggressive objective. Let us get 75 cents back to the classroom. That would get us an extra $5 billion into the classroom, closer to the children.

I do not think that is enough. One of my colleagues is going to be proposing legislation that says maybe we ought to move to 95 cents; that for every dollar that comes to Washington, the entire process of applying for it, administrating it, and getting it back to the child and reporting back to Washington, that that entire process can only take 5 cents of the dollar.

We need to design a system where the bureaucracy and the bureaucrats only take 5 cents and the kids and the teachers and the parents and the local classroom get 95 cents. That is the difference between a child-centered approach and a Washington-centered approach.

A Washington-centered approach says, let us celebrate bureaucracy, let us give 30 cents to 40 cents of every dollar to the bureaucracy. A child-centered approach says the kid is the most important, let us get 95 cents to the child, and let us make sure that the bureaucracy does not consume a lot of the money.

As we go through this process, it is important to shrink down that bureaucracy, because we know bureaucrats will be paid and we know the bureaucracy will be funded. But we know, at least in the current system, and this is why the President is right, the current system is not working the way that it should. It is robbing from our kids each and every day. We need to be working with the President on examining and clarifying and improving the current system before we put an overlay of new programs that duplicate the system and do not improve on it.

I do not believe that the President has gone through this process. The President has not proposed sweeping reforms of our education programs, sweeping reforms of how we bring these dollars to the local district. He has not done that yet. He has not completed this work. So before we give him more money on education spending, we have to complete this work, because if we complete this work, I think that there is a high probability that we will be able to fund many of the initiatives that the President believes are essential, that is if we agree in concept that we should be doing that, we will be able to fund many of those programs out of the existing base and not out of new spending, not out of new spending which increases our family tax burden.

This process says, before we do new spending, we have to take a look at the 760 programs. Before we create the million new tutors that we talked about on Americorps, the President is right, we ought to take a look at why the current system is not working. Why do we need new spending on literacy when we already have 14 literacy programs? Why do we need to spend new money here on tutors and put it through an agency? Think about what we are doing here.

We are putting money into an agency, a new agency called the Corporation for National Service, started in the 1993–94 time frame, which when we audited or we tried to audit the books in 1996, we found the books were not auditable. Now, think of what that means. We are putting new spending, we are increasing the spending of an organization that spends $600 million per year by 25 percent, and they cannot keep their own books. Think about this. $600 million of your money and they cannot tell us where the money is going.

The reward in Washington is when we have an agency that does not know where its money is going, it does not know what kind of results it is getting at a local level, what happens? Good job. As a matter of fact, you are doing such a great job, we are going to give you another $200 million per year. Only in Washington.

We could make a joke about it and say, I am glad our tutors are going to be teaching our kids how to read, because they could not teach them how to do math because the agency back home obviously cannot, or back in Washington obviously cannot do math.

Now, that would be a sad enough state in and of itself, but there are some reasons why the corporation says it cannot audit its books. Some of the organizations that became part of the corporation in 1993 were old agencies that did not have the right accounting records and they had to upgrade those systems, so it was not a corporation starting from scratch. Three or four years later you would think, boy, you would think they would have gotten those problems ironed out. But it gets worse.

The Corporation for National Service in 1993 and 1994 was new spending, which means we had to go to the American families and increase their tax burdens. Remember in 1993 we had the biggest tax increase in American history. We put it into organizations that cannot keep their own books, and part of the Corporation for National Service is AmeriCorps. Part of AmeriCorps matches up kids who go out and do volunteer service, quote unquote volunteer service, we pay them about $27,000 on average, and part of that cost is a stipend that enables them to get a college tuition grant for about $4,000 or $5,000.

Now, you would think that in a new organization that is requiring kids to do service and saying if you do the work, you get a stipend, you get the scholarship, that we would set up a system that would match the kids to the dollars for their college tuition. The auditors come in, and this system started from scratch, no history, it started from scratch, and the auditors come in and they say, guess what? Same old tune. These books are not auditable.

So when we start paying out the scholarships, we will not be able to verify, or at least the auditors are telling us that the systems that the Corporation has in place, that should verify whether the individual has put in the required time, required hours to get the scholarship, we will not know whether that has actually occurred. The system does not have any integrity. When the system does not have integrity, it opens itself up for fraud and abuse.

This is what happens. In 1993, the President asked for significant new spending, significantly increasing the family tax burden, and we put it into agencies that are wasting your money and are making more of America's families have two wage earners rather than one. We are moving toward a government that is making a two-wage-earner family a requirement rather than an option.

That is, I think, why parents and families in America are frustrated. More and more of them are spending less time with their kids, and they are doing it because they need to send more money to Washington, and we come up with these convoluted schemes that say, yes, you are spending less time with your kids, so let us start a new program that gets tutors into your house or with your kids. But we are going to need $200 million more for that, which means that we are going to have to have more of you work, and so there is going to be more of you that are going to need tutors.

It is a vicious cycle. The problem is, it is a vicious cycle in the wrong direction, and if we went in the other direction and lowered taxes and lowered the tax burden and lowered spending, we could have more families where two wage earners was an option rather than a requirement.

☐ 2130

The bottom line on all of this is why do we want a one-wage-earner family rather than a two-wage-earner family? Because it recognizes the fundamental thing in American society: That the most effective way to make a difference in an education, the most effective way to train and educate our children, is to have it at the local level.

This chart, where we equate new spending equals new tax burden, says Government programs with more new spending, more new spending in education, increases the family tax burden, so by having parents work longer, working harder, and sending more money to Washington, only in Washington do we believe that that will increase and improve education in America.

I think the bottom line out of tonight's discussion on education, Mr. Speaker, we have to go back and we have to hold the President accountable for what he said in 1996. Mr. President, please, do not come to Washington, please, do not come to Congress and ask for more money to pump into a system that only gets 70 cents to the classroom. Do not come to Congress with spending that will require 5 million families to pay $2,000 more in taxes so that you can do your education programs.

Let us work together, let us work together in a bipartisan way to take a look at what we are doing today. This is what you said: "We cannot ask the American people to spend more." You were right, but then why did you ask us and why are you asking us to spend $55 billion more? You said yourself, "we cannot ask the American people to spend more on education."

You are absolutely right, Mr. President, until we do a better job with the money we have now. You hit the nail on the head, we are not very good custodians of the $120 billion we are already spending on education. We can do a much better job. We need to find out what is working in education. We need to find out what is wasted in education. We need to identify the models that are working. We need to get rid of what is wasted and build on what is working, and when we do that, it is not an issue of more spending, it is an issue of being more effective.

When we do that, we will get to a surplus budget earlier, we will get to a point where we are not going to ask more American families to put another person to work, or for a person in an American family to work longer hours, to work overtime, so they can fund Washington bureaucracy. There is a better way to do this. You were right in March of 1996. If you would say this and repeat it in March 1997, you have a Congress that is willing and already working on this process, and willing to share the results with you.

This can be done. Our vision for our budget, our vision is to have a one-wage-earner family being able to support and fund this Government. We do not want any more spending. We want to get to a surplus budget as soon as we can, and we want to continue having a surplus so we can continue paying down the $5 trillion debt that we have built up for our kids.

It is simple: A one wage-earner family, a two- wage-earner family is an option. The budget for 1998 is a matter of choices. It is a choice between lessening the family tax burden or increasing Washington spending. It is about making those choices. It is about restraining spending. It is about saying no to new spending, and it is about doing a better job with the money we have now.

This President is asking for over $265 billion in new spending authority for the next 5 years. I really think that when we take a look at the $8 trillion we are going to spend over the next 5 years, that the Congress and the President can find savings of that $265 billion to fund some of those new priorities, those that we agree with. We can find $265 billion. We have just highlighted plenty of examples of where there is waste and abuse.

We do not need 760 programs. We do not need education coordinated through 39 different agencies. We do not need to be spending $130 billion instead of $120 billion. We do not need to be creating entrepreneurial opportunities and cottage industries. I love entrepreneurs in America, but this is not productive work, telling them how to get more money out of Washington.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1122, THE PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–32) on the resolution (H. Res. 100) providing for consideration of the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 91, PROVIDING AMOUNTS FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 105TH CONGRESS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–33) on the resolution (H. Res. 101) providing for consideration of the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative business and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

Mr. SAWYER, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. WEXLER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. JENKINS) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. WOLF, for 5 minutes each day, today and on March 20.

Mr. HANSEN, for 5 minutes, today.

Mr. CHAMBLISS, for 5 minutes, on March 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLAY, to revise and extend his remarks after Mr. GOODLING, during consideration of H.R. 1, in the Committee of Whole today.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. TOWNS.

Mr. HAMILTON.

Mr. NEAL of Massachusetts.

Mr. NADLER.

Mr. PALLONE.

Mr. GORDON.

Ms. MCCARTHY of Missouri.

Mr. MCGOVERN.

Mr. RUSH.

Mr. HASTINGS of Florida.

Mr. LIPINSKI.

(The following Members (at the request of Mr. JENKINS) and to include extraneous matter:)

Mr. COBLE.

Ms. ROS-LEHTINEN.

Mr. CRANE.

Mrs. JOHNSON of Connecticut.

Mr. GOODLING.

Mr. CASTLE.

Mr. EWING.

Mr. OXLEY.

Mr. KOLBE.

Mr. BRYANT.

Mr. BATEMAN.

Mr. DAVIS of Virginia.

Mr. SHAW.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS.

Mr. DELAY.

Mr. WELLER.

Mr. PALLONE.

Mr. HOUGHTON.

Mr. KENNEDY of Rhode Island.

Mr. ENGEL.

Mr. FAZIO of California.

Mr. LOFGREN.

Mr. GREEN.

Mr. RUSH.

Mr. HASTINGS of Florida.

Mr. FRELINGHUYSEN.

Mr. SHAW.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 22. Joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 924. An act to amend title 18, United States Code, to give further assurance to the right of victims to attend and observe the trials of those accused of the crime.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, March 20, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2326. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revised Procedures for Commission Review and Approval of Applications for Contract Market Designation and of Exchange Rules Relating to Contract Terms and Conditions [17 CFR Parts 1 and 5] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2327. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification of the Department's intent to conduct a multifunction cost comparison of the supply, maintenance, and transportation functions at Hickam Air Force Base [AFB], HI, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2328. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification of the Department's intent to conduct a cost comparison study of the cadet food services waiters and sanitation function at the U.S. Air Force Academy, CO, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2329. A letter from the Secretary of Defense, transmitting notification that the

Secretary has approved the retirement of Lt. Gen. Steven L. Arnold, U.S. Army, and his advancement to the grade of lieutenant general on the retired list, and certification that General Arnold has served satisfactorily on active duty in his current grade; to the Committee on National Security.

2330. A letter from the Secretary of Defense, transmitting a report on the Joint Demilitarization Technology Program, pursuant to Public Law 104–201, section 227 (110 Stat. 2460); to the Committee on National Security.

2331. A letter from the Maritime Administrator, U.S. Maritime Administration, transmitting a copy of the Voluntary Intermodal Sealift Agreement, developed in accordance with the provisions of section 708 of the Defense Production Act, pursuant to 50 U.S.C. App. 2158(f)(1)(A); to the Committee on Banking and Financial Services.

2332. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Assessment of Penalties for Failure to Provide Required Information—received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2333. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency; to the Committee on Commerce.

2334. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—National Vaccine Injury Compensation Program: Revisions and Additions to the Vaccine Injury Table—II [42 CFR Part 100] (RIN: 0906–AA36) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2335. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Information Agency, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

2336. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch; Exception for Gifts from a Political Organization (RIN: 3209–AA04) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2337. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Consolidation, Elimination, and Clarification of Various Regulations (Drug Enforcement Administration) [DEA Number 139F] (RIN: 1117–AA33) received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2338. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102–240, section 6016(e) (105 Stat. 2183); to the Committee on Transportation and Infrastructure.

2339. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Response Plans for facilities Located Seaward of the Coast Line (Minerals Management Service) (RIN: 1010–AB81) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2340. Secretary of Veterans Affairs, transmitting the fiscal year 1996 annual report of the Secretary of Veterans Affairs, pursuant to 38 U.S.C. 214, 221(c), and 664; to the Committee on Veterans' Affairs.

2341. A letter from the Acting Secretary of Labor, transmitting the quarterly report on the expediture and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2342. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1997 Calendar Year Resident Population Estimates [Notice 97–14] received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2343. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfers to Foreign Entities Under Section 1491 Through 1494 [Notice 97–18] received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2344. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance for Expatriates Under sections 877, 2501, 2107 and 6039F [Notice 97–19] received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2345. A letter from the Deputy Under Secretary for International and Commercial Programs, Department of Defense, transmitting the preliminary report on the investment strategy for the Dual Use Technology Program, pursuant to Public Law 104–201, section 203(g) (110 Stat. 2451); jointly, to the Committees on National Security and Science.

2346. A letter from the Director, Office of Management and Budget, transmitting the administration's legislative proposal regarding the allowability of executive compensation costs on covered Government contracts, pursuant to Public Law 104–201, section 809(e) (110 Stat. 2608); jointly, to the Committees on National Security and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 100. Resolution providing for consideration of the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions (Rept. 105–32). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 101. Resolution providing for consideration of the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress (Rept. 105–33). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPENCE (for himself and Mr. DELLUMS) (both by request):

H.R. 1119. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; to the Committee on National Security.

By Mr. DINGELL (for himself, Mr. GEPHARDT, Mr. OBERSTAR, Mr. BORSKI, Ms. DEGETTE, Mr. MANTON, Mr. BROWN of Ohio, Mr. TOWNS, Mr. RUSH, Mr. CLEMENT, Mr. CLYBURN, Mr. WAXMAN, Mr. MARKEY, Mr. MASCARA, Mr. BOUCHER, Mrs. TAUSCHER, Mr. PASCRELL, Ms. FURSE, Mr. DEUTSCH, Mr. BLUMENAUER, Ms. ESHOO, Mr. KLINK, Mr. STUPAK, Mr. ENGEL, Mr. SAWYER, Mr. WYNN, Mr. GREEN, Ms. MCCARTHY of Missouri, Mr. CONYERS, Ms. RIVERS, Ms. KILPATRICK, Mr. BARRETT of Wisconsin, Ms. KAPTUR, Ms. DELAURO, Mr. OLVER, Mr. LIPINSKI, Mr. DOYLE, Mr. DEFAZIO, Mr. JOHNSON of Wisconsin, Mr. MENENDEZ, Mr. GORDON, Ms. BROWN of Florida, Ms. NORTON, Mr. WISE, Ms. MILLENDER-MCDONALD, Mrs. LOWEY, Mr. CUMMINGS, and Mr. RANGEL):

H.R. 1120. A bill to assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1121. A bill to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions and to repeal the Community Reinvestment Act of 1977, and to provide for a reduced tax rate for qualified community lenders; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 1122. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. ACKERMAN:

H.R. 1123. A bill to amend the Internal Revenue Code of 1986 to permit loans from individual retirement plans for certain first-time homebuyer, education, and medical emergency expenses; to the Committee on Ways and Means.

By Mr. CRANE (for himself, and Mr. HAYWORTH):

H.R. 1124. A bill to amend the Internal Revenue Code of 1986 to provide that no capital gains tax shall apply to individuals or corporations; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mrs. Kelly, Mr. Watts of Oklahoma, Mr. Whitfield, Mr. Bereuter, Mr. Pomeroy, Mr. Tiahrt, Mr. Gilman, Mr. Klink, Mr. Fattah, Mr. Greenwood, Mr. Sandlin, Mr. Ackerman, Mr. Solomon, Mr. Manzullo, Mr. Peterson of Pennsylvania, Mr. Frelinghuysen, and Mr. Houghton):

H.R. 1125. A bill to amend title 38, United States Code, to provide that amounts collected with respect to the provisions of health care at a Department of Veterans Affairs medical center may be retained by that medical center; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. Filner, Mr. Goode, Mr. Adam Smith of Washington, Mr. Hinchey, Mr. Mascara, Mr. Lipinski, Mr. Taylor of Mississippi, Mr. Ackerman, Mr. Stupak, Mr. Frost, Mr. Calvert, Mr. Ballenger, Mr. Vento, Ms. Pelosi, Mr. Livingston, Mr. Regula, and Mr. Underwood):

H.R. 1126. A bill to provide that certain service of members of the U.S. merchant marine during World War II constituted active military service for purposes of any law administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HANSEN (for himself, Mr. Cannon, and Mr. Cook):

H.R. 1127. A bill to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres; to the Committee on Resources.

By Mr. HASTINGS of Florida (for himself, Ms. Slaughter, Mr. Evans, Ms. Norton, Ms. Pelosi, Mr. Oberstar, Ms. Harman, Mr. Clement, Mrs. Meek of Florida, Mr. Foglietta, Mr. Flake, Mr. Sisisky, Mr. Gordon, Ms. Christian-Green, and Mr. Skeen):

H.R. 1128. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. Hall of Ohio, Mr. Dan Schaefer of Colorado, Mr. Torres, Mr. Greenwood, Mr. Filner, Mr. Walsh, Mr. Abercrombie, Mr. Hulshof, Mr. Andrews, Mr. Boehlert, Mr. Meehan, Mrs. Morella, Mr. Moran of Virginia, Mr. Payne, Mr. Blumenauer, Mr. Dellums, Ms. Rivers, Mr. Brown of Ohio, Mrs. Clayton, Mr. Barrett of Wisconsin, Mr. Vento, Mr. LaFalce, Mrs. Tauscher, Mr. Levin, and Mr. McDermott):

H.R. 1129. A bill to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes; to the Committee on International Relations.

By Mr. GEJDENSON (for himself, Mr. Pomeroy, Mr. Bentsen, Mrs. Kennelly of Connecticut, Mrs. Lowey, Mr. Gephardt, Mr. Boswell, Mr. Delahunt, Mr. Kucinich, Mrs. Maloney of New York, Ms. McCarthy of Missouri, Mrs. Tauscher, Mr. Lewis of Georgia, Mr. Kildee, Mr. Andrews, Mr. Gonzalez, Mr. Brown of California, Mr. LaFalce, Mr. Frost, Mr. Sabo Mr. Borski, Mr. Wise, Mr. Ackerman, Mr. Sawyer, Ms. DeLauro, Mr. Olver, Mrs. Clayton, Mr. Filner, Mr. Baldacci, Mr. Strickland, Mr. Blagojevich, Ms. Kilpatrick, Mr. McGovern, Mr. Pascrell, Mr. Sandlin, and Mr. Underwood):

H.R. 1130. A bill to provide for retirement savings and security, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 1131. A bill to amend title 23, United States Code, to make funds available for surface transportation projects on roads functionally classified as local or rural minor collectors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Gilman, Mr. Berman, Mr. Smith of New Jersey, Mr. Porter, Mr. Lantos, Mr. Evans, Mr. Kennedy of Massachusetts, and Mr. Hall of Ohio):

H.R. 1132. A bill to limit U.S. military assistance and arms transfers to the Government of Indonesia; to the Committee on International Relations.

By Mr. KENNEDY of Rhode Island:

H.R. 1133. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide exceptions for mentally disabled aliens from provisions which restrict welfare and public benefits for aliens; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mrs. Kennelly of Connecticut, Mrs. Johnson of Connecticut, Mr. Lewis of Georgia, Mr. English of Pennsylvania, Mr. Jefferson, Mr. Houghton, Mr. Neal of Massachusetts, Mr. McCrery, Mr. Coyne, Mr. Cardin, Mr. Baker, Mr. Bentsen, Ms. Christian-Green, Mr. Clay, Mr. Clyburn, Mr. Foglietta, Mr. Frost, Mr. Gonzalez, Mr. McCollum, Mrs. Meek of Florida, Mr. Mica, Mr. Snyder, Mr. Stark, Mr. Vento, Mr. Walsh, and Mr. Wolf):

H.R. 1134. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself and Mr. Gilchrest):

H.R. 1135. A bill to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. Foley, and Mr. McCollum):

H.J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States to prevent early release of violent criminals; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIPINSKI introduced a bill (H.R. 1136) for the relief of Leland E. Person; which was referred to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Bono.

H.R. 20: Mr. Portman, Mr. Livingston, Mr. Istook, Mr. Kasich, Mr. Ensign, Mr. Miller of Florida, Mr. English of Pennsylvania, Mr. Goodling, Mr. Christensen, Mr. Crapo, Mr. Knollenberg, Mr. Souder, Mr. Ney, Mr. Fattah, Mr. Parker, Mr. Engel, Mr. Ehrlich, Mr. Quinn, and Mr. McKeon.

H.R. 21: Mr. Foglietta.

H.R. 38: Mr. Hall of Texas.

H.R. 44: Mr. Condit and Mr. Hall of Texas.

H.R. 58: Mr. Bonilla, Ms. Danner, Ms. Kaptur, Ms. McKinney, Mr. Gillmor, Mr. Ford, Mr. Cummings, Mr. Smith of Michigan, Mr. Knollenberg, Mr. Moakley, Mr. Crapo, Mrs. Emerson, Mr. Hefley, Mr. Goss, Mr. White, Mr. Lewis of Kentucky, and Mr. Cannon.

H.R. 65: Mr. Graham, Mrs. Kelly, Ms. Lofgren, Mr. Menendez, Mr. Condit, Ms. Pryce of Ohio, and Mr. Hall of Texas.

H.R. 75: Mr. Moran of Virginia, Mr. Thompson, Mr. Rangel, and Mr. Sandlin.

H.R. 107: Mr. Doyle, Mr. Sandlin, Mr. Fox of Pennsylvania, and Mr. Weldon of Florida.

H.R. 127: Mr. Klink, Mr. Kucinich, and Mr. Blagojevich.

H.R. 143: Ms. Furse, Mr. Gibbons, and Mr. Davis of Virginia.

H.R. 145: Mr. Peterson of Minnesota and Mr. Vento.

H.R. 150: Mr. Clay, Mrs. Morella, Mr. McNulty, Mr. Payne, Mr. Dellums, Mr. LaFalce, and Mr. McGovern.

H.R. 234: Ms. Woolsey, Mr. Vento, Mr. Manton, Mrs. Carson, and Mr. Olver.

H.R. 242: Mr. Manton.

H.R. 303: Mr. Bryant, Mrs. Kelly, Ms. Lofgren, Mr. Menendez, Mr. Condit, Ms. Pryce of Ohio, and Mr. Hall of Texas.

H.R. 339: Mr. Hilleary and Mr. Bunning of Kentucky.

H.R. 382: Mr. Dellums.

H.R. 520: Mr. Sensenbrenner, Mr. Schiff, Mr. Bryant, Mr. Bono, Mr. Rohrabacher, and Mr. Riggs.

H.R. 521: Mr. Menendez and Mr. Callahan.

H.R. 551: Mrs. Clayton and Mr. Fazio of California.

H.R. 552: Mr. Faleomavaega, Mr. Moran of Virginia, Mr. McGovern, Mrs. Lowey, Mr. Vento, Mr. Lipinski, and Mr. Shaw.

H.R. 596: Mr. FILNER.

H.R. 603: Mr. KLUG and Mr. UPTON.

H.R. 622: Mr. PACKARD and Mr. EVERETT.

H.R. 630: Mr. BONO, Mr. THOMAS, and Mr. FAZIO of California.

H.R. 631: Mr. FOLEY, Mr. WOLF, and Mr. STEARNS.

H.R. 640: Mr. TIAHRT.

H.R. 659: Mr. GILCHREST, Mr. WELLER, Mr. BUNNING of Kentucky, and Mr. MOLLOHAN.

H.R. 671: Mr. SENSENBRENNER and Mr. VENTO.

H.R. 680: Mr. TOWNS.

H.R. 687: Mr. FOGLIETTA, Mr. FATTAH, and Mr. FILNER.

H.R. 688: Mr. LATOURETTE and Mr. BUYER.

H.R. 716: Mr. BUNNING of Kentucky, Mr. COBLE, and Mr. LATHAM.

H.R. 737: Mr. BEREUTER.

H.R. 754: Mr. LIPINSKI, Mr. ROMERO-BARCELO, Mr. VENTO, Mr. McNULTY, Mr. FROST, Mr. BLUMENAUER, Mr. BORSKI, and Mr. TIERNEY.

H.R. 768: Mr. HOLDEN, Mr. MANZULLO, Mr. BLUNT, Mr. PICKERING, Mr. GILLMOR, and Mr. STENHOLM.

H.R. 773: Mr. CLAY, Mr. BISHOP, and Mrs. LOWEY.

H.R. 786: Mr. McINTYRE.

H.R. 807: Mr. SCARBOROUGH, Mr. DELAHUNT, Mr. BOEHLERT, Ms. RIVERS, Mr. PARKER, and Mrs. KENNELLY of Connecticut.

H.R. 811: Mr. LIPINSKI, Mr. MILLER of Florida, Mr. DAN SCHAEFER of Colorado, Mr. STUMP, Mr. DICKEY, and Mr. BARCIA of Michigan.

H.R. 815: Mrs. CARSON, Mr. YATES, Mrs. TAUSCHER, Mr. PASTOR, Mr. MENENDEZ, and Mr. ROTHMAN.

H.R. 857: Mr. WATKINS.

H.R. 880: Mr. LIVINGSTON, Mr. GOODLATTE, Mr. TIAHRT, Ms. KILPATRICK, Mr. REGULA, Mr. PETERSON of Pennsylvania, and Mr. LEWIS of Georgia.

H.R. 912: Mr. CALLAHAN.

H.R. 947: Mr. LATOURETTE, Mr. BILBRAY, Ms. RIVERS, Mrs. THURMAN, Ms. LOFGREN, Mr. BISHOP, Mr. JEFFERSON, Mr. McDERMOTT, Ms. STABENOW, Mr. TORRES, Mr. COYNE, Mr. FATTAH, Mr. SABO, Mr. MALONEY of Connecticut, and Mr. CLYBURN.

H.R. 955: Mr. SMITH of New Jersey, Mr. BARTLETT of Maryland, and Mr. WICKER.

H.R. 990: Mr. VENTO.

H.R. 996: Mr. HASTERT and Mr. KENNEDY of Rhode Island.

H.R. 997: Mr. HASTERT and Mr. KENNEDY of Rhode Island.

H.R. 1032: Mr. DICKS, Mr. MENENDEZ, Mr. LEVIN, Mr. BOUCHER, Mr. MALONEY of Connecticut, Mr. KIND of Wisconsin, Ms. SANCHEZ, Mr. BALDACCI, Ms. KILPATRICK, Ms. STABENOW, and Mr. KENNEDY of Massachusetts.

H.R. 1033: Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. CANADY of Florida, Mr. HULSHOF, and Mr. HOSTETTLER.

H.R. 1067: Mr. DAVIS of Illinois.

H.R. 1074: Mr. RANGEL, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. MARKEY, Ms. PELOSI, Ms. SLAUGHTER, Mr. CLYBURN, Mr. STARK, Ms. LOFGREN, Ms. CHRISTIAN-GREEN, Mrs. MINK of Hawaii, Mr. OWENS, and Mr. HASTINGS of Florida.

H.R. 1089: Mr. RANGEL.

H.R. 1090: Ms. PELOSI, Mr. FOX of Pennsylvania, Mr. REGULA, Mr. PARKER, and Mr. QUINN.

H.J. Res. 56: Mr. FILNER, Mrs. NORTHUP, and Mr. CUNNINGHAM.

H. Con. Res. 14: Mr. BARRETT of Wisconsin, Mr. JEFFERSON, Mr. MENENDEZ, Mrs. MEEK of Florida, and Mr. MALONEY of Connecticut.

H. Res. 37: Mr. MILLER of California, Mr. WYNN, and Mr. FARR of California.

H. Res. 98: Mr. BEREUTER.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO THE OLDER AMERICANS ACT NUTRITION PROGRAMS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to pay tribute to the Older Americans Act nutrition programs on the occasion of their 25th anniversary.

On March 22, 1972, President Richard Nixon signed into law the National Nutritional Program for the Elderly. This legislation added one of the most important components of the Older Americans Act.

Over the years, countless numbers of our Nation's senior citizens have benefited from the nutritional services provided through the Older Americans Act.

For homebound seniors, the program provides nutritional assistance which allows them to remain independent in their homes. In addition, in some instances, it can actually save their lives. In my congressional district, for instance, one elderly constituent of mine had become ill. They were unable to respond to the individual delivering their meal. The individual delivering the meal, concerned about the well-being of the client, contacted local authorities, who were able to bring needed medical attention to the homebound senior.

Meals served under the Older Americans Act are also served in congregate settings, including senior centers and senior day care facilities. In these instances, the individual not only receives a nutritious meal but has an opportunity to socialize with their peers.

Studies have shown these nutrition programs to be beneficial to program participants. For example, older individuals receiving benefits through the Older Americans Act programs tend to have better nutrition than similarly situated older individuals who do not participate in these programs.

Mr. Speaker, in 1995, these programs provided 123,000,000 meals to approximately 2,500,000 older individuals in congregate settings and 119,000,000 meals to 989,000 homebound older persons. They have performed a tremendous service in allowing our Nations' senior citizens to live longer, healthier lives and they deserve our support.

I urge my colleagues to join me in recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act.

HONORING THE OLDER AMERICANS ACT NUTRITION PROGRAMS

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. RIGGS. Mr. Speaker, I want to take this opportunity to commend the Older Americans Act nutrition programs for 25 years of providing nutritious meals to senior citizens.

Saturday, March 22, 1997, marks the 25th anniversary of the signing of the law authorizing the nutrition programs under the Older Americans Act.

While nutrition assistance is but one of many services provided to senior citizens through the Older Americans Act, it is one of the most successful in helping senior citizens live long, healthy, productive lives.

Without this nutrition assistance, many seniors would be forced out of their homes and into nursing homes. For senior citizens no longer able to prepare meals in their home, the in-home meals program, often known as Meals on Wheels, assures they receive nutritional meals. Coupled with other in-home services, this program allows seniors to remain in their local community with friends and family and not be forced prematurely into a nursing home setting.

For senior citizens who are not homebound, the congregate meals program offers them meals in a setting with other seniors, allowing them to socialize with other seniors and participate in a variety of other activities.

I am certain the millions of senior citizens that benefit from these programs each year join me in paying tribute to this successful program. The fact that they voluntarily contribute to the cost of their meals is a sure sign that the program is providing them with meals that are not only healthy and nutritious, but appealing as well.

Because of the importance of these programs that serve our Nation's elderly, I am particularly looking forward to working on the authorization of the Older Americans Act this year. It is my intent to pass legislation that improves services to seniors and helps them live fuller, more active lives. We want to improve services by making sure that funds are being sent where they are needed the most, by increasing flexibility for State and local programs and by helping to improve the quality of all programs under the act. These vital programs help keep many of our Nation's seniors healthy and strong and I look forward to working with my colleagues on this issue.

TRIBUTE TO COL. NORMAN S. BRINSLEY ON THE OCCASION OF HIS RETIREMENT

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. EWING. Mr. Speaker, today I rise to pay tribute to a distinguished and dedicated military officer who has served this Nation with great honor and distinction. Col. Norman S. Brinsley will retire on April 4, 1997, after 30 years of commissioned service in the U.S. Army and Army Reserve. His career accomplishments reflect the type of military leader this Nation has depended upon in times of both peace and war. Today I would like to take a few minutes to highlight Colonel Brinsley's career.

Col. Norman S. Brinsley's distinguished career in the U.S. Army and Army Reserve has spanned more than three decades. He enlisted in the Army in May of 1966, during which he attended the Infantry Officer Candidate School at Fort Benning, GA. After earning a commission as a second lieutenant, Colonel Brinsley attended the infantry school's basic Airborne course to learn the fine art of Army parachuting.

Colonel Brinsley served three tours in Vietnam in a variety of assignments. He served in operations and logistics with the 7th Special Forces Group as well as in logistics and administration with the 5th Special Forces Group. He commanded Company E, 4th Battalion, 503d Infantry, with the 173d Airborne Brigade. Colonel Brinsley returned to the 5th Special Forces Group where he was plans officer. His last assignment in Vietnam was as assistant logistics officer with U.S. Army Republic of Vietnam, Special Mission Advisory Group.

Colonel Brinsley became a drilling Army reservist in September of 1971 and held a number of positions of increasing responsibility for 12 years in the 3220th U.S. Army Garrison, the 81st U.S. Army Reserve Command and the 12th Special Forces Group. His final assignment as a drilling reservist was as a manpower analyst and Chief of Force Development and Modernization with the 86th U.S. Army Reserve Command in Chicago, IL.

Colonel Brinsley entered the Active/Guard Reserve [AGR] program in 1984 and has held demanding positions in resource management, internal review, and Reserve component support. He was assigned to the 22d Support Command in Saudi Arabia during both Operation Desert Shield and Desert Storm. Upon his return from the Persian Gulf, he assumed command of the Army Reserve Readiness Training Center of Fort McCoy, WI. Colonel Brinsley was later selected as the deputy commander of the Army Reserve Personnel Center in St. Louis and later became the commander.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

During his distinguished career, Colonel Brinsley has been a highly decorated officer. His awards include the Legion of Merit, the Bronze Star with three oak leaf clusters, the Vietnam Service Medal and seven bronze service stars, the Combat Infantryman Badge, the Master Parachutist Badge and the Special Forces Tab.

Service and dedication to duty have been hallmarks of Colonel Brinsley's career. He has served this country with reliability, distinction, spirit of dedication, devotion to duty, and the unflinching bravery that is the legacy of this Nation and its people. Mr. Speaker, it is an honor for me to present the distinguished credentials of Col. Norman S. Brinsley before the Congress today.

TAX CREDIT FOR HISTORIC HOME REHABILITATION AND COMMUNITY REVITALIZATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today I join Representatives SHAW and KENNELLY in cosponsoring legislation that would provide a tax credit for the rehabilitation of a historic home. This legislation would help those who rehabilitate or purchase a newly rehabilitated home and occupy it as a principle residence.

This tax credit would provide an incentive for the revitalization of many neighborhoods by promoting economic stability and home ownership. I represent the city of Springfield which has many older communities which would benefit greatly from this bill. The city of Springfield and its surrounding communities have many beautiful older historic homes and this tax credit provides a great opportunity for individuals to restore and live in these houses.

The credit is capped at $50,000 and it would be for 20 percent of qualified rehabilitation expenditures. The credit is not based on the individual's income. However, the property must be used as a taxpayer's principle residence.

Single-family and multifamily homes would qualify for the credit. A developer may rehabilitate a qualifying property for sale and pass the credit through to the home buyer. Properties eligible for the credit are those listed individually on the National Register of Historic Places or on a State or local register, as well as contributing buildings in national, State, and local historic districts.

This tax credit is essential for revitalizing historic districts of our older cities. We have many beautiful homes and neighborhoods in our older cities and we should do everything possible to preserve their unique beauty. This tax credit helps preserve our history. I urge my colleagues to cosponsor this legislation.

JAMES F. COSGROVE, VOICE OF DEMOCRACY CONTEST WINNER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. CASTLE. Mr. Speaker, I am pleased to call the attention of the House to the work of James F. Cosgrove of Wilmington, DE. James is Delaware's State winner of the Veterans of Foreign War's Voice of Democracy scriptwriting contest and has received a $1,500 Edward A. Nardi Scholarship award. I congratulate James, his family, and VFW Post 3257 and its Ladies Auxiliary in Wilmington, DE for sponsoring this excellent program.

As my colleagues know, the VFW has sponsored the Voice of Democracy Competition for 50 years to promote patriotic and civic responsibility among our young people and to help them attend college through the scholarship awards. The competition requires students to write and record a 3- to 5-minute essay on a patriotic theme. This year, over 109,000 students participated in the contest on the theme: "Democracy—Above and Beyond." I am very proud to share with the House James' excellent essay on the need for young people to become actively involved in making our country a better place to live.

Again, congratulations to James, the Cosgrove family, and the members of VFW Post 3257 and their ladies Auxiliary for their fine work.

DEMOCRACY—ABOVE AND BEYOND

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Delaware winner James Cosgrove)

The phone rang. The caller quickly told me to turn on CNN. Although confused, I turned on the television. I was soon shocked to hear what Wolf Blitzer had to report. The United States of America, under the direction of President Bush, had attacked the Iraqi capital of Baghdad.

As the initial shock subsided, a dread thought invaded my mind. Would my father be sent to fight as well? At that time my father was a Lieutenant Commander in the Navy stationed at Camp Pendelton, California. If the fighting continued, he too would be among the masses of Marines being deployed from the base.

The war raged on and the weeks passed. An air of tension enveloped our household since that first day in January when the telephone rang. We were anxious about what was to become of our father. As the war continued, I became increasingly frustrated with my government. They were endangering the life of my father on behalf of Kuwait, a country that I had not heard of in the six years I had been attending elementary school. For me, each day of stressful waiting increased my level of disenchantment.

A few months later, the phone rang a second time. It was my father's commanding officer, informing my dad that he was scheduled to join the next shipment of Marines as a member of the medical corps. The will was written. The bags were packed. The family was morbid. At first I wanted to cry as my mother so often did. I decided instead to follow the example of my father's serene confidence and sense of duty. His air of determination comforted me and gave me hope that he would emerge from the Gulf unscathed. It was then that I realized what sets our nation apart from all other nations.

The American people are what establishes our system of government above and beyond all other forms of government. People who vote. People who own their own businesses. People who feel such a strong devotion to their country that they would be willing to lay down their lives for it. People like my father. The system of democracy places the power to pass laws, support the economy, and protect the country in the hands of the people. This trust, an essential element of democracy, is what truly makes our government excel. Everyone can flourish in an environment where they receive the respect, trust and power necessary to make their government "by the people and for the people." Such is the case of the United States of America!

Thankfully my father was not deployed overseas. Instead, he was assigned to a stateside medical facility. As a sixth grader, I was not conscious of the fact that the democracy in which I lived was the model government. I was not able to comprehend that the freedom and individual rights that I experienced were not present in other countries. Greed and corruption may infest other governments but for 220 years have not been able to control democratic America. Americans should feel pride in being the key ingredient in a recipe that has produced the greatest nation in the world! A nation governed by a philosophy that is above and beyond that of all other nations.

SPECIAL RECOGNITION OF HICKMAN COUNTY LADY 'DAWGS 1996–97 CHAMPIONSHIP TEAM

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. BRYANT. Mr. Speaker, I would like to recognize the 1997 Double AA State Champions for Tennessee girls high school basketball. The Hickman County Lady Bulldogs finished their season with a record of 32–4, an impressive mark by any standard.

The achievement of any team rests in the genius of those who guide its players and point them down the pathway of success. Coach Barry Wortman, assistant coaches Misty Shelton and Aaron Taylor, team manager Rocky Stinson, and team trainers Mark Buck and Brian Johnson, are to be commended for their hard work and love of the game of basketball, as well as for their devotion to the girls who brought them and all of Hickman County this distinctive honor.

Among other accomplished athletes, this year's Lady 'Dawgs team included All-State players Becky Myatt and Talisha Scates. In fact Becky Myatt's athleticism and mastery of the game of basketball landed her with perhaps the most prestigious award any high school player can earn, Athlete of the Year. In addition to the achievement of Myatt and Scates, Jennifer Dick and Emily Vincent earned All-Tournament honors. And Amanda Judd was an All-State Tournament Award winner as well.

Rounding out the roster of this middle Tennessee girls high school basketball powerhouse were Eugenia McClain, Cassidy Jenkins, Brandi Jimerson, Heidi McDonald, Jenny

Powers, Racheal Buchanan, and Brandy Martin. Without these players, the Lady 'Dawgs surely would not have been quite the exceptional team they went on to be.

As Hickman County's representative in Congress, I am proud to see its residents and communities enjoy this well deserved recognition. The 1996–97 Lady 'Dawgs have left a legacy which will be remembered next year and many years to come in Hickman County and throughout Tennessee. To the future Lady 'Dawgs teams, I wish you well in your endeavors to carry forward with the championship and winning traditions of Hickman County High School. Congratulations.

HONORING LARRY WENNLUND

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of a great statesman, Representative Larry Wennlund, after 11 years of public service to the people of Illinois and the residents of the 38th District.

Representative Wennlund has been a lifelong resident of New Lenox, IL, and received a bachelor of arts from the University of Illinois at Champaign, and a juris doctor from the John Marshall Law School in Chicago, IL.

Representative Wennlund has been an active member and leader of his community as a member of Trinity Lutheran Church, the New Lenox Lions Club, the New Lenox Chamber of Commerce and as a member of the New Lenox Grade School Board of Education.

Representative Wennlund remains a leader in his growing community as an advocate for building a strong transportation network, economic development for the area, reforming the Juvenile Justice system, welfare-to-work initiatives and real property tax reform.

Representative Larry Wennlund has also been honored for his talents and accomplishments by being selected from among his peers to serve as a member of the Republican Leadership Team. Representative Larry Wennlund is an honorable man, worthy of praise for his many years of service, leadership and accomplishments for the people of his district.

FREEDOM AND PROSPERITY FOR THE CNMI

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. DELAY. Mr. Speaker, last week, joined by my colleague and friend PHIL CRANE, the chairman of the Trade Subcommittee, I had the pleasure of meeting Gov. Froilan Tenorio of the Commonwealth of the Northern Marianas Islands [CNMI]. Governor Tenorio has embarked on a bold course to promote economic and political liberty in the CNMI. The brave men and women who died for freedom at the battle of Saipan would be proud to know that Governor Tenorio has been a true champion of freedom in the Western Pacific.

Governor Tenorio recognizes that the market, and not the government, is the engine of job creation. Governor Tenorio has pushed forward with a program of privatization, fiscal restraint, and lower taxes for his people. Governor Tenorio did not come to Washington looking for taxpayer benefits, welfare, or handouts. He came to promote his market reforms. Mr. Speaker, Governor Tenorio deserves our support.

During his administration, Governor Tenorio has actively pursued and courted businesses around the globe to open shop in the CNMI. Like President Reagan in the 1980's, Tenorio has kept taxes low. Low tax rates have actually increased productivity, which in turn, increased revenue for the government of the CNMI. Additionally, the Governor has recognized the importance of trade and has demonstrated how trade with Asian markets can bring prosperity.

The economic changes that have taken place in the CNMI have been nothing short of miraculous. In 1970 most roads were unpaved and most homes lacked running water. There were 55 licensed businesses on the islands, with combined assets of $2 million. There was one bank and one credit union. Then the island tried free markets.

CNMI dropped laws common elsewhere in Micronesia that restricted foreign investment. It reduced the regulatory burden on business. The island also reformed its punitive tax system. The result has been economic growth. As Peter Ferrara of Americans for Tax Reform said, "Once a dismal outpost of failed state socialism, the islands have now been thoroughly integrated in the dynamic economy of the Pacific Rim."

The number of businesses on the islands has grown from 55 to 5,000. Gross business revenue rose from $244.4 million in 1986 to $1.477 billion in 1994. Only 1,056 people were employed in 1970, most by the government. Twenty years later, 25,965 people were working, 22,795 of them for the private sector. Unemployment has fallen from 15 percent to 4 percent since 1980.

The pro-growth economic policies of the CNMI have been in stark contrast to the experiences of other American territories in the Pacific, such as Guam and American Samoa. The unemployment rate in Samoa is close to 16 percent. The government is the most important provider of jobs in the American Samoa and, as of 1989, nearly 60 percent of the residents had incomes below the poverty lines. In Guam, where the local economy has benefited from United States military presence on the island, but the unemployment rate remains higher than in the CNMI.

The Governor's efforts have not come without criticism by some who believe that Washington knows better how to create jobs for the people of the islands than the people of the CNMI themselves. Rep GEORGE MILLER of California believes that Washington should impose the Federal minimum wage on the people of the CNMI. Make no mistake about it, passage of that bill would kill jobs, growth, and opportunity.

Most Members of Congress recognize that a higher minimum wage would result in a withdrawal of industry from the islands and widespread unemployment. Factories would move from the CNMI to other Pacific outposts that were not burdened by Washington wage controls.

Instead of trying to impose redtape and mandates on the people of the CNMI, we should look to the CNMI as a model of reform. Like the CNMI, Washington should provide tax relief for the American people. We should recognize that pro-business policies create jobs. And we should recognize that free trade creates prosperity. The CNMI is proof positive that these policies work.

While we shouldn't impose Washington mandates on the CNMI, we should also allow the people of the island more control over their own lands. Governor Tenorio described to Mr. CRANE and me the trouble the people of Tinian are having with unreasonable Federal control of their land. Governor Tenorio asked us to look into assisting the people of Tinian with opening up more of their land for development and use in accordance with their cultural and economic interests. Congressman CRANE and I hope to become active in bringing a positive resolution to this matter and other areas where we can help the people of the CNMI.

The CNMI is on the right track. Their Pacific neighbors should view the economic policies on the CNMI as a model. Washington should also acknowledge that Governor Tenorio's policies are on the right track. Let's not nip job creation and economic reform in the bud with ill-conceived Washington knows best legislation. It's time that we recognize and respect the impressive progress that this group of American citizens halfway around the world has achieved.

FREE SPEECH ON THE INTERNET

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. NADLER. Mr. Speaker, I rise today to support the efforts of citizens everywhere to protect free speech on the Internet.

Today, the Supreme Court heard arguments to determine the constitutionality of the Communications Decency Act [CDA], which criminalizes certain speech on the Internet.

It is because of the hard work and dedication to free speech by netizens everywhere that this issue has gained the attention of the public, and now, our Nation's highest court.

I have maintained from the very beginning that the CDA is unconstitutional, and I eagerly await the Supreme Court's decision on this case.

I was one of the few Members of this body to vote against the Telecommunications Act, in large part, due to the CDA provision that imposes unacceptable limits on free speech.

While the stated intent of this provision is to limit minors' access to indecent material, in fact, its effect will be much farther reaching. This so-called decency language will dangerously constrain electronic free speech. I still believe that it is the cyberspace equivalent to book burning.

When this bill first became law, I turned my web page black to protest this dangerous assault on free speech. I have been working actively to overturn the CDA ever since. I received thousands of e-mail messages from around the world from people concerned with the threat to free speech imposed by the CDA. I pledged to join with concerned citizens all across the country to fight the CDA in Congress, in the courts, and in the chat rooms and online forums of the Internet itself. And we have. We won in Philadelphia, we won in New York, and we are now poised to win in the Supreme Court of the United States. We promised not to give up the fight, and to continue our efforts to keep the Internet free, and we have done just that.

Now this case is finally before the Supreme Court. Soon we will learn of the outcome of our efforts. Have we successfully challenged this unjust act? Will the Supreme Court uphold the lower court's ruling which struck down the CDA? Will the Justices join the choir of voices who have declared this bill an indecent assault on American liberty? I believe they will.

I believe they will recognize what the lower courts have already determined, that "as the most participatory form of mass speech yet developed, the Internet deserves the highest protection from governmental intrusion," that the CDA is unconstitutional, and that it dangerously constrains electronic free speech.

I applaud everyone who has taken action to support the first amendment, and who has spoken out against this bill to ensure that future generations are able to enjoy the same rights and liberties on the Internet that we have enjoyed in other arenas of expression for the past two centuries.

SECRECY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 19, 1997 into the CONGRESSIONAL RECORD.

GOVERNMENT SECRECY

For many years during the Cold War, the United States took extraordinary steps to restrict the access of American citizens to national security information. By limiting certain information only to government officials specially cleared to see it, we tried to keep it out of the hands of our adversaries. This system of protecting information helped keep us more secure.

But the end of the Cold War has given us an opportunity to reassess the role and costs of government secrecy. Certainly restricting access to military plans and weapon designs made sense, but in many ways too much information was kept secret, with even the menu for a dinner party hosted by a U.S. official once classified. I have come to the view that it is an urgent national priority to reform the government's existing system of secrecy. We must bring the system for classifying, safeguarding, and declassifying national security information into line with our view of American democracy and the threats it faces in the post-Cold War world.

SECRECY IN GOVERNMENT TODAY

It is remarkable that Congress has never passed a law specifically setting up the process governing secrecy. Since 1947, decisions on what information should be kept secret have been governed entirely by presidential executive orders. The President relies on his constitutional authority for conducting foreign policy and protecting national security to issue such orders, but there are no laws that tell the President how to classify anything.

Under the current system, tens of thousands of U.S. officials are authorized to classify information. Every year they stamp "secret" on several million new documents. Warehouses now hold an astonishing 1.5 billion pages of classified documents that are more than 25 years old, but only a few hundred officials are assigned to review these documents for declassification. The backlog of secret documents grows year after year.

PROBLEMS OF EXCESSIVE SECRECY

All of us recognize that in a dangerous world some secrecy is vital to save lives, to protect national security, to engage in effective diplomacy, and to bring criminals to justice. But we should also understand the immense costs of secrecy. Government agencies and private firms spend $5–6 billion annually to manage and protect classified material. Reviewing older documents for declassification is time-consuming and expensive.

Excessive secrecy cripples debate in a free society. Policymakers are not fully informed and government is not held accountable for its actions. Too often I have had the impression that information has been made secret not to protect national security, but to protect officials and their policy decisions from public inquiry.

Information and open debate are the lifeblood of democracy. Surely one of the keys to a successful democracy is to assure that the people are adequately informed about the issues of the day. Openness and publicity may cause some inconvenience, perhaps even some losses from time to time, but I believe openness and accountability will greatly increase the chances that we will avoid major mistakes.

I also believe that a culture of secrecy threatens our capacity to keep secrets that must be kept. As former Supreme Court Justice Potter Stewart said, "When everything is classified then nothing is classified." If we have too much secrecy, we cannot focus enough on protecting the truly important secrets. Secrecy can best be preserved when the credibility of the system is assured.

WHAT SHOULD BE DONE

The key then is to strike an appropriate balance. We need to reduce sharply the level of secrecy within our government and make available to the American people millions of documents that have been maintained in secrecy. On the other hand, we want to safeguard better the information necessary to protect our nation and our citizens, information that is critical to the pursuit of our national security. Such a classification system should protect our national security in a reasonable and cost-effective manner.

President Clinton has taken some useful steps to try to reduce government secrecy. He shortened the number of years that most documents may remain secret and gave agencies five years to declassify most documents in their possession that are older than 25 years. The President also ordered the release of millions of World War II-era documents. Unfortunately, there has been resistance to the President's reforms. Some agencies have been slow to adopt new classification procedures, and several are behind schedule on meeting the five-year declassification target.

During the past two years I have served on a twelve-member commission on government secrecy made up of private citizens, Executive Branch officials, and Members of Congress. The commission concluded that current policies have encouraged secrecy, and we made several recommendations to improve the classification process.

First, we need to pass a law establishing broad standards for appropriate classification and declassification. A statute would give the secrecy system greater stability and inspire greater respect than the numerous presidential executive orders issued since World War II. Second, we should create a Declassification Center within the National Archives. It would declassify documents under the guidance of national security agencies, and should eventually be able to declassify more documents, at a lower cost, than individual agencies can today. Third, officials who classify documents should be specially trained to weigh the benefits of public access against the need to protect a particular piece of information, and they should provide a written justification when information is classified for the first time. Fourth, to strengthen individual accountability, officials should be required to identify themselves by name on the documents they classify, and classification should be a regular part of job performance evaluations. Finally, a single Executive Branch agency should be put in charge of coordinating classification policies governmentwide. This agency must have the authority to demand compliance with Administration policies.

CONCLUSION

The Cold War has ended, and so has the justification for a vast array of secrets whose very existence is contrary to free and open government. It is time for a new way of thinking about secrecy. The best way to ensure that secrecy is respected is for secrecy to be returned to a limited but necessary role. We will better protect necessary secrets, and our democracy, if secrecy is reduced overall.

HIGH SCHOOL CHEERLEADING CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. COBLE. Mr. Speaker, as we are in the middle of what is known as March Madness, all eyes are focused on the basketball arenas of America. An integral part of what makes the game so much fun and adds to the fans' excitement are the cheerleaders. These young men and women who exhort the crowd to support their team add much to the pageantry of college basketball and, for that matter, all sports.

We are particularly mindful of the contributions that cheerleaders make to the enjoyment of all types of sports these days because the Sixth District of North Carolina is the home of the 1996–97 North Carolina high school cheerleading champions. Southwestern Randolph High School [SWRHS] near Asheboro, NC, last month captured the State 2–A cheerleading championship. This championship is all the more special because it came in the final year of Coach LuEllen Loflin's tremendous career at SWRHS. Led by Loflin, the Cougars have won North Carolina's 2–A cheerleading championship 5 of the past 6 years and 6 of the past 8.

As written in the Asheboro Courier-Tribune:

> For the past 15 years, Loflin has been involved as the coach of the varsity cheerleaders, a span of time which has seen cheerleading evolve from a group of girls who jump up during sporting events to a group of skilled athletes who spend hundreds of hours each year perfecting dance routines loaded with acrobatics and precision maneuvers.

Members of her squad told the Courier-Tribune that Coach Loflin will be missed. "She's a pillar of support and confidence and love and friendship and all those wonderful adjectives," senior cocaptain Christine Copple told the Asheboro newspaper. "She's one of us," fellow cocaptain Lisa Sizemore told the Courier-Tribune about Coach Loflin. "We can all go to her and talk about anything. She's a second mother to us. Without her, we wouldn't be where we are today." Darian Walker, the lone male on the team, was pleased to capture another trophy for a great coach. "To come back and win it one more time before Miss Loflin left was really great," Walker said. "It was one of the best feelings I ever had."

In addition to Copple, Sizemore, and Walker, every member of the Cougar cheerleading squad is to be congratulated for a championship season, including senior captain Melissa Pritchard, and fellow seniors Nicki McKensie, Stephanie Stone, and Amy Sykes; juniors Sara Knapp and Alicia Miller; sophomores Katie Copple, Misty Cox, Ann Culpepper, and Jamie Parrish; and freshmen Kelly Bryant and Marie Nance.

After 15 years of dedicated service to SWRHS, LuEllen Loflin will step down as coach of the cheerleading squad. She leaves a tremendous legacy of achievement. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Coach Loflin and the Southwestern Randolph Cougars for winning the 2–A high school cheerleading championship.

GREEK INDEPENDENCE DAY, 176 YEARS OF FREEDOM AND DEMOCRACY

SPEECH OF

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. BATEMAN. Mr. Speaker, I am proud to join my colleagues today in recognizing the 176th anniversary of the beginning of the revolution that freed the Greeks from the subjugation of Ottoman rule.

On March 25, 1821, Greek patriots began their long struggle for freedom and for independence from the Ottoman Empire. However, the arduous journey to democracy did not end with achievement of independence of 1829. During World War II, the Greeks fought courageously and suffered severe casualties in their tireless efforts to fend off Nazi armies. There were forced to fight once again in the 1940's in order to turn back the forces of communism, a resistance in which we were proud to extend a hand. Although the years since have been marked by hardships and sacrifice, the people of Greece have shown their resolve, courage, and fortitude. Their dedication to freedom has demonstrated itself in the ultimate success of democracy in modern-day Greece.

We cannot discount our indebtedness to Greece and her people. Western art, architecture, literature, and philosophy all stem from the achievements of the ancient Greeks. Without question, the Greek people have left an indelible impression on world history. But, of all the contributions Greeks have made toward the betterment of mankind, I believe their greatest contribution to be the ideal of democracy. It is fitting that we, the United States of America, should have founded the wellspring of our Nation's laws and ideals in the democratic traditions of Athens and other Greek city-states. And, it was indeed appropriate that during the Greek war for independence, they looked to our Declaration of Independence to guide them in their struggle to rediscover democracy.

In closing, I would like to note that no nation has contributed more to modern Western civilization than Greece, and no nation has had to struggle harder or more often to preserve its liberties. In recognition of all that Greece means to the world, and in tribute to its patriots throughout the centuries, we salute our friends in Greece—and our many Greek-American citizens—on this day of independence.

LA PROGRESIVA PRESBYTERIAN SCHOOL TWENTY-FIFTH YEAR ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize La Progresiva Presbyterian School for its 25th school year anniversary.

The Presbyterian school, La Progresiva, was founded in Cardenas, Cuba by a North American missionary named Dr. Robert L. Wharton on the 11th of November, 1900. On that day, La Progresiva opened its doors with only 14 students and with the reading of the first book of Corinthians chapter.

The school developed into one of the finest educational establishments of Cuba, expanding its facilities to accommodate the increasing enrollment of students. Its growing reputation as a fine center of learning, however, was put to a stop in 1961 with the arrival of communism in the island.

Communism was able to put an end to the material aspect of La Progresiva in Cardenas, but it could never destroy the spirit and ideals which still remained alive. So in September 1971, with the help of the First Spanish Presbyterian Church of Miami and the alumni of the old La Progresiva, the new Progresiva opened its doors. It started with humble beginnings in much the same way its predecessor had.

Like the old school, this new one grew in popularity and as a result of the increasing demand for enrollment, La Progresiva added another wing to its main building in 1978. The school continued its expansion adding more classrooms to accommodate the demand for admittance into the school. Along with growing in educational capacity, La Progresiva also bettered itself in the athletic department, improving over the years in its sports and, presently, plans are being discussed for a gymnasium.

The Progresiva spirit has prevailed through the years to produce a center of learning which will stand long into the future and one which makes all "Progresivistas" proud.

On this, La Progresivas' 25th school year anniversary, the school's motto is stronger than ever: "Una Vez de La Progresiva, Siempre de La Progresiva."

RURAL ROADS FUNDING

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, anticipating this year's reauthorization of the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA], I am introducing legislation today that will provide rural area roads eligibility for a small percentage of funding under the Surface Transportation Program [STP].

The intent of ISTEA's STP initiative was to provide greater flexibility to State and local authorities for transportation needs by providing States with block grant-type authority. However, ISTEA regulations prohibit roads classified as local or rural minor collectors from receiving Federal-aid highway funding. Since most roads in rural areas fall under this classification, they are not eligible for funding and remain in severe disrepair.

Under ISTEA's current STP distribution formula, States are required to set aside 10 percent of their STP funds for safety programs and 10 percent for transportation enhancement programs. The remaining 80 percent of STP funding goes into a general purposes fund, with a remaining distribution account receiving 50 percent, and a statewide distribution account receiving 30 percent.

Under the remaining distribution account, funding is provided to areas over 200,000 population, while only a minimal level of funding is provided to rural areas under 5,000 population based on a fiscal year 1991 funding level. Unfortunately, congressional attempts to provide State flexibility do not ensure adequate and equitable distribution of Federal assistance to rural area roads. Moreover, roads functionally classified as local or rural minor collectors are not currently eligible for the rural areas under 5,000 population funding and, since most rural roads fall under these two classifications, they are ineligible for Federal assistance.

My legislation would allow roads functionally classified as local or rural minor collectors eligibility for STP funds under the existing special account for areas under 5,000 population only. My legislation would not amend the road classification system. Rather, it would only modify 23 U.S.C. 133(c) to allow roads functionally classified as local and rural minor collectors STP funding eligibility under the areas under 5,000 population account 23 U.S.C. 133(d)(3)(B).

In addition, my legislation provides that of the 50 percent to be obligated under the remaining distribution account, at least 20 percent, or the existing minimum requirement, whichever is greater, should go to the rural areas under 5,000 population account. Finally, my legislation would amend the statewide planning process by requiring States to also consider the transportation needs of rural areas, including local and rural minor collectors.

I urge my colleagues to support this necessary legislation as it will provide the flexibility ISTEA was intended to produce and will greatly improve our roadway system by allowing local and rural communities the opportunity to decide which roads should be repaired.

EXTENDING EFFECTIVE DATE OF INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. OXLEY. Mr. Speaker, this legislation will provide an extension of 90 days to the effective date of title III of the National Securities Markets Improvement Act of 1996.

The extension of the effective date, which was requested by Securities and Exchange Commission Chairman Arthur Levitt, will help ensure the orderly implementation of the important changes that will be effected by the Investment Advisers Supervision Coordination Act, which is title III of the Improvement Act. I strongly support this responsible request. The Institute of Certified Financial Planners, which represents many of the investment advisers who will be affected by the Improvement Act, also supports the extension of the effective date of title III. I include for the RECORD copies of Chairman Levitt's letter to Chairman BLILEY, as well as a letter from the Institute of Certified Financial Planners to myself offering their support for this legislation.

In addition, I wish to clarify the intent of a provision in title III of the Improvement Act that provides for the establishment of a telephonic or other communication means to provide information about investment advisers' backgrounds. The act directs the Commission to "provide for the establishment and maintenance" of this information service. I wish to make it clear that it is entirely within the Commission's authority and consistent with the intention of this provision for the Commission to delegate the responsibility to establish and maintain this service to a third party, as the Commission has done for purposes of the information service provided pursuant to section 15A(i) of the Securities Exchange Act of 1934. It is also consistent with the purposes of title III that such a third party be able to charge reasonable fees of commercial users of the information service.

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, February 12, 1997.
Hon. THOMAS J. BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: I am writing to request that Congress extend the effective date of Title III of the National Securities Markets Improvement Act of 1996 for 90 days, from April 9 to July 8, 1997. Title III reallocates regulatory responsibilities over investment advisers between the states and the Commission.

The Commission has made substantial progress in completing the many rulemaking directives given to the Commission in the Improvement Act. In October, the Commission proposed a rule providing a safe harbor to allow journalists access to off-shore press conferences. In December, we proposed rules implementing new exemptions from the Investment Company Act for pools sold only to qualified investors. The Commission also proposed, on December 18, 1996, rules to implement Title III.

The Commission is making every effort to meet the legislative deadlines of the Improvement Act. Our rule proposals were issued only two months after the legislation was enacted, and the comment period for the proposals ended earlier this week. While we believe the Commission should be able to finish work on the adoption of the proposed rules by April 9, the effective date of Title III, we are very concerned that this timetable is likely not to afford investment advisers sufficient time to examine the new rules, consult with counsel as to their continuing regulatory status, and properly complete and submit the required forms.

We are also concerned about the effect of the April 9th effective date on state regulatory programs. As you know, Title III assigns important responsibilities for the regulation of investment advisers to state regulators. Because Title III will become effective on April 9th (whether or not the proposed rules are adopted), state law will be preempted as to all advisers still registered with the Commission, including those advisers that will be exclusively regulated by the states. If all (or most) advisers remain registered with the Commission on April 9 because they have not submitted the required forms, much of state investment adviser laws will be preempted, compromising state regulatory and enforcement programs.

By dividing jurisdiction over the 22,500 advisers currently registered with the Commission, the Improvement Act promises to provide more efficient and effective regulation of the investment advisory industry. The Commission strongly supported the enactment of the Act and has moved quickly to implement its purposes. We believe that by providing an additional 90 days, Congress will allow investment advisers adequate time to meet their obligations under the new rules and will avoid disrupting state regulatory efforts that are important if the goals of Title III of the Improvement Act are to be achieved.

If I or any of the Commission staff can answer any questions, please do not hesitate to contact us.

Sincerely,

ARTHUR LEVITT,
Chairman.

THE INSTITUTE OF
CERTIFIED FINANCIAL PLANNERS,
Denver, CO, March 12, 1997.
Hon. MICHAEL G. OXLEY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN OXLEY: The Institute of Certified Financial Planners[13] is strongly in support of S. 410, a bill which would extend the April 9 effective date of the Investment Advisers Supervision Coordination Act (the "Coordination Act") by 90 days. We offer two basic but highly important reasons for supporting this delay in the effective date to July 8, 1997.

First, as a professional association involved in the original legislative process, we are fully aware of the substantive changes made to the Investment Advisers Act of 1940 that led to the current regulatory challenges facing the Securities and Exchange Commission (the "SEC"). And we strongly commend the SEC on having successfully met the initial challenge of the implementation process by issuing a proposed rulemaking within a tight deadline and addressing all of the critical issues raised thereunder. We are concerned, however, that the remaining amount of time is not enough to address the many formal comment letters (including our own) which were submitted prior to the February 10 deadline—a total of about 80 mostly substantive comment letters—as we understand it. We believe that the SEC needs additional time to properly respond to the issues raised by these comments, resulting actions that will result in a momentous sea-change of regulation for 22,000-plus registered individual investment advisers and firms.

Second, as you are aware, up to 80 percent of all current SEC registrants will withdraw their registration and be subject to state regulation. Once the SEC approves the final rulemaking, additional time is necessary to adjust to the new regulatory environment. The SEC must have adequate time to distribute the final published forms, and current registrants must have time to digest the new mandates, and return the appropriate forms for de-registration or continued federal registration. Further, the Institute and others raised questions about the ability of certain advisers to be able to report accurately, for example, the aggregate assets under management without some minor changes in the reporting requirements suggested in the proposed rulemaking. For many of these registrants, the proposed rulemaking itself raised new questions and issues. No doubt the final rule also will generate some additional questions, but even if the major issues are clarified, the unique nature of each individual adviser's practice will leave some questions unanswered.[14]

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[13] The Institute of Certified Financial Planners is a Denver-based professional organization representing 11,000 Certified Financial Planner members nationwide. The Institute serves as a resource to federal and state legislators on issues related to financial planning.

[14] The questions received from members are of course too numerous to recount in this letter. To provide one example not addressed in the proposed rulemaking was a situation involving an SEC-registered adviser in the state of Ohio which has no state investment adviser statute. The adviser provides personal advice to a few clients but primarily offers through her advisory firm investment management seminars in other states, on behalf of corporations which administer their own 401(k) plans, or on behalf of other investment management firms that contracted them to perform this specific service. It was not clear to this person whether the adviser's employees who provided advice on these 401(k) plans would be subject to state or federal registration or notice filings, etc., as investment adviser representatives, supervised persons, etc., under

This situation, while obviously smaller in scale, is not unlike Congress passing major tax legislation at the end of the year, and leaving the Internal Revenue Service little time to clarify certain aspects of the new tax code that affect thousands of Americans. Distributing new 1040s and related forms within a month of April 15th would no doubt be disastrous.

For the above reasons, we strongly support S. 410 and thank you for supporting the original conference report. An additional 90 days should be more than adequate time to allow the SEC to properly fulfill its mission and for registrants to properly comply with the new changes.

I would be happy to respond to any questions that you might have regarding the above comments.

Sincerely,

JUDY LAU, CFP,
President.

GREEK INDEPENDENCE DAY, 176 YEARS OF FREEDOM AND DEMOCRACY

SPEECH OF

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. PORTER. Mr. Speaker, I rise along with many of my other colleagues to commemorate Greek Independence Day. On March 25, 1821, Greece became independent of the Ottoman Empire and began its long, and sometimes difficult, journey back to democracy, freedom, stability, and prosperity.

As the birthplace of democracy, Greece has always been a special place for America and Americans. In this diverse and culturally rich land, we see ourselves, our hopes, our past and our future. I am pleased to rise today as a friend of Greece and the Greek people, and congratulate them on their dynamic society and their triumph of will.

As our NATO ally and partner in the global village, we work closely with Greece to bring about goals of mutual aspiration and concern. I must take this opportunity to thank and congratulate the Greek Government for the positive role that they are playing in mediating with the Serbian government in a quiet, behind the scenes manner—they have been effective where others have failed in persuading Milosevic to loosen his strangle-hold on Serbia and begin moving toward reform. I also call on them to be this same kind of force for good with their neighbor Albania during these difficult days for that country.

I congratulate Greece on its efforts to mend fences with its neighbor Turkey and resolve their differences. While these overtures have not always been well received, the effort is always worth making, and Greece is the better for these efforts.

I thank my colleague, MICHAEL BILIRAKIS from Florida, for organizing this special order, and I appreciate his leadership on this issue. I have enjoyed working with him on a wide range of human rights issues, and I look forward to continuing to do so in the future. I also thank the Greek-American community for holding Members of Congress to a high standard, and supporting the work that we do in the Congress. This is a special day for all of us—I look forward to celebrating it every year and sending fondest good wishes to Hellenes all over the world.

PRIVATIZING SOCIAL SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. CRANE. Mr. Speaker, the Social Security system in the United States is headed toward bankruptcy. Neglecting to discuss fundamental reforms of this program, will only lead to last minute band-aid solutions, which means Congress will be back dealing with the issue again, sooner rather than later. Instead of deciding how best to extend Social Security's solvency, past arguments in Congress have sadly focused on blame shifting between political parties—more about who is trying to cut Social Security and less about how to save Social Security.

I am inserting an article in the RECORD which was published in the Wall Street Journal, that includes several ideas for privatizing our Social Security System. While some may be unsure that privatization is the long-term solution to Social Security, I submit this article in the hope it will generate discussions on this issue. I hope my colleagues have a few minutes to review this article, and will look at fundamental reform of Social Security as the only way to truly address the issue at stake:

[From the Wall Street Journal, Jan. 16, 1997]

SOCIAL SECURITY PRIVATIZATION IS HERE

(By E.J. Myers)

The report issued last week by President Clinton's Advisory Committee on Social Security has confused more than a few concerned citizens—not just because of its heavy dosage of technical jargon, but also because the committee itself was incapable of reaching a clear consensus on what to do about Social Security. And now there are serious questions about whether the technical jargon spun out by the committee is even worth the graph paper it's printed on. It appears that the old adage about a camel being a horse put together by a committee was right on target. And when that committee is based in Washington, the camel is likely to end up with three humps.

While Washington may be incapable of putting together a solution for a problem of its own making, the rest of us don't have to give up on Social Security reform. In fact, from Thomas Jefferson to Howard Jarvis, Americans have a long tradition of trumping central government dictates with local solutions that work. And in south Texas, along the windswept Gulf Coast, there are three history-filled counties—Galveston, Brazoria and Matagorda—that years ago put into effect Social Security privatization plans that Washington policy wonks still haven't even conceived of.

BEAUTIFUL SIMPLICITY

Until the early 1980s, state and local governments had the right to opt out of Social Security and establish their own retirement systems for public employees. This option was provided by the Social Security Act, passed in the 1930s.

Galveston County looked into this idea in 1979. Then-County Attorney Bill Decker asked Don Kebodeaux, president of First Financial Capital Corp. of Houston, to devise a plan for the county's employees to opt out of Social Security. Mr. Kebodeaux and First Financial's Rick Gornto designed a retirement plan that was many times better than Social Security program. In 1980 they presented their plan to former Galveston County Judge Ray Holbrook, County Attorney Bill Decker and the Commissioners Court, the county's administrative body.

The first beauty of the plan was its simplicity. The 6.13% payroll tax that the federal government had been taking from county employees for Social Security would now go into the employees' pension fund and would be matched by the county with an additional 6.13%. The new plan included the same employee benefits Social Security did: pensions and life and disability insurance. In recent years the county has increased its participation to 7.65%, which covered the payments of all premiums for life and disability insurance. The life insurance benefit for those under age 70 is 300% of one's annual earnings; the minimum benefit is $50,000 and the maximum $150,000.

The local unions fought the idea at first, and several Galveston County officials also opposed the action. Many spirited debates between Social Security representatives and the men from First Financial were held throughout the county; county employees listened carefully and made sure they got answers to all their questions. Voting on the question was held in 1981. By a resounding margin of 78% to 22%, the Galveston County employees endorsed the idea and the county opted out of Social Security.

Years later, a retired Mr. Decker told the story of how a number of unionized county workers thanked him for his wisdom and guidance. They said that at first they had serious doubts about giving up Social Security's guarantee of fixed income, but that now that they were getting ready to retire with significantly higher benefits, they were very happy they did.

"Of all the things I accomplished while county judge, setting up this retirement system for Galveston County employees is one of my proudest achievements," says Judge Holbrook, who retired in 1994. He points out that after just 12 years of service under the alternate plan he is now receiving twice as much as he would have under Social Security.

Seeing the tremendous potential in a plan like Galveston's, in 1982 Brazoria County opted out of Social Security in favor of a similar plan. A year later Matagorda County did, too. Both of these counties made their employees' contributions 6.7%, improving a great retirement plan by providing for even greater returns.

Tolbert Newman, the First Financial fund manager who oversees the retirement plans for these three counties, cites the following example of the growth that can be achieved in such an alternate pension fund. If an individual begins working at 25 years old and makes a $2,000 annual contribution for just 10 years, assuming an 8% interest rate, he will have $314,870 when he retires at age 65. If an employee works continuously for 40 years, depending on contributions, his portion of the pension fund could be more than $1 million.

Galveston's once-fledgling employee benefit plan has stood the test of time, showing

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the proposed rulemaking. This unique situation is one of many that undoubtedly will not be addressed under the final rulemaking.

that it can and does outperform Social Security. Today, with more than 5,000 employees from these three counties, First Financial has grown a very healthy and sizable portfolio. Those who retire after 20 years of service will receive three to four times the monthly benefit they would have under Social Security.

This plan is not just an isolated act by a group of extraordinarily responsible and dedicated Texans. In 1937 the Houston Fire Department set up its own retirement system, which now has more than $1 billion in assets. Retired firefighters receive more than three times the amount Social Security pensioners do. There are countless other examples of other local and state governments showing the same responsibility and initiative. Five states have opted out of Social Security and have their own plans: California, Nevada, Maine, Ohio and Colorado.

Congress knows that privatization will succeed—or it should know. In 1984 it set up the Thrift Savings Plan, for government employees only, whose "C" Fund is administered entirely by Wells Fargo Funds and has succeeded well beyond anyone's imagination. The plan's three funds today total more than $28 billion. Under the Thrift Savings Plan, if an employee making $35,000 per year invests 10% of his pay each year, after 30 years he will have more than $1.2 million in the retirement fund.

In August 1996 Frost Bank of San Antonio published a survey on Social Security in which 40% of its respondents strongly supported retirement accounts consisting of stocks and bonds and 55% opposed raising payroll taxes.

If Social Security were privatized for all Americans, those who work in the private sector, including the self-employed, would benefit as never before. Phasing out the employer's share of the Social Security tax would, over time, return to the business community more than $169.2 billion per year. Freedom from these payroll taxes would be a tremendous boon to the economy, allowing the creation of countless new jobs in every sector.

A WINNER FOR DECADES

"We currently pay over $1.3 million in matching Social Security taxes annually," says Larry N. Forehand, president of the Texas Restaurant Association and founder of Casa Olé Mexican Restaurants, a fast growing Texas restaurant chain. "If our company had that $1.3 million a year to invest in new locations, we could build six additional restaurants, employ an additional 450 people and add $7.2 million to the economy every year. It is estimated that all the restaurants in Texas will save $1.2 billion per year."

Privatization has been a winner for decades for various government entities. It's time to extend the benefits to all.

THE MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. HOUGHTON. Mr. Speaker, I rise today with my good friend and colleague, TONY HALL, and a bipartisan group of over 20 other Members, to introduce the Microcredit for Self-Reliance Act of 1997.

The goal of this bill is to help impoverished people around the world achieve dignity and economic independence for themselves and their families through microenterprise—a program designed to help provide people with small, low interest loans to start a business and bring themselves out of poverty.

Specifically, the Microcredit for Self-Reliance Act is a vehicle through which the United States can give a higher priority to microcredit internationally, and work toward the goal of the 1997 Microcredit Summit—to reach 100 million of the world's poorest families, especially the women of those families, with credit for self-employment and financial and business services by 2005.

Our bill builds upon the successes of the Grameen Bank of Bangladesh, which was started by Mohammed Yunus in 1983. I'd recommend that each of my colleagues read the book "Give Us Credit," by Alex Counts, which eloquently tells the story of how Mr. Yunus brought so many of his fellow citizens out of poverty through microlending.

The U.S. Agency for International Development [USAID], under the able leadership of Brian Atwood, has also been involved in microenterprise for awhile now, and has been doing a good job at it. Also, groups such as Results, a grass roots support group headed up by Sam Daley-Harris, has worked tirelessly in promoting the ideals of microcredit, culminating in their successful Microcredit Summit, which was held here in Washington last month.

Mr. Speaker, this bill calls for no new funds. Rather, we're calling for more of our existing funds to be used to support microcredit programs. Specifically, the bill asks for $170 million for fiscal year 1998 and $180 million for fiscal year 1999 to be allocated to USAID for microcredit assistance. Half these resources, at least $85 million for fiscal year 1998, and $90 million for fiscal 1999, would go to institutions serving the poorest 50 percent of those living below the poverty line, especially women, with loans under $300.

In addition, we'd like to provide $20 million for special initiative within the International Fund for Agricultural Development [IFAD] to support community based micro-finance institutions that serve the very poor in rural areas.

Why Microcredit? Well, the World Health Organization reports that poverty is the leading cause of death worldwide. Over 1 billion people—or one-fifth the world's population—live in extreme poverty. Microcredit is one of the most effective antipoverty tools in existence, allowing people to eradicate poverty and hunger in their own lives.

The microcredit program enjoys broad bipartisan support. These programs not only help millions work their own way out of poverty, but also recycle foreign aid dollars through loan repayments. Microcredit loans are self-sustainable. They are easily replicable and powerful vehicles for social development.

Mr. Speaker, I hope you'll join me in support of the Microcredit for Self Reliance Act of 1997.

HONORING CELINA HIGH SCHOOL GIRLS BASKETBALL TEAM FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young women who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Celina High School Lady Bulldogs basketball team of Celina, TN, and that goal was making it to the State Class A championship game. Although they were not victorious, the hardwork and dedication they demonstrated throughout the year will not be without notice. After all, they were honored as: 1997 Tri-Lakes Conference Champions, 1997 District 5 Champions, 1997 Region 3 Champions, and 1997 State Runner-up.

These women of Celina High School trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their head coach, Joe Sims, and all the assistant coaches, managers, school administrators, and all other support staff. I know they won't soon forget this milestone, and those that are still to come.

The players are true champions: Nicole Davis, Jennifer Davenport, Kaylin Walker, Amanda Kendall, Tara Ashlock, Michelle Chambers, Crystal Price, Amber Isenberg, Andrea McLerran, Trinity Weddle, Amanda Thompson, Erica Melton, Janet Barlow, Courtney Cross, Dana Key, Cera Burnette, and Claudia Bailey.

TRIBUTE TO ASBURY PARK ON ITS 100TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. PALLONE. Mr. Speaker, I am very honored to represent the city of Asbury Park, NJ, which this week is celebrating its 100th anniversary.

If you mention Asbury Park to anyone in this country under the age of 45, they will often recognize it as the city Bruce Springsteen put on the map.

I am a great fan of Bruce Springsteen whom I consider a true musical talent and whose album "Greetings from Asbury Park," did indeed familiarize millions with our city. But I am quick to point out that Asbury Park was a famous seashore resort for almost a century before Bruce Springsteen entered the musical scene.

In fact, Asbury Park was attracting great musical talent starting perhaps in 1904 when Arthur Pryer, a member of the John Philip Sousa band, began a series of concerts on the boardwalk. According to a history compiled by Florence Moss, "Men in white straw hats and women in white-linen bustled dresses, carrying lace-trimmed umbrellas, would promenade the length of the mile long boardwalk."

Founded decades earlier by James A. Bradley, a developer with great foresight, and named after Francis Asbury, the father of Methodism in the United States, Asbury Park changed from sand dunes and forests to an exclusive seashore resort during the latter part of the 1800's. Until the rail line was extended farther south, wealthy residents of Newark and New York would take the train to Long Branch and then be picked up by horse and carriage and transported to Asbury Park.

The twenties was a rip-roaring era at the Jersey Shore featuring a rather booming and lucrative prohibition period. This in turn was followed some years later by the big bands and the likes of Count Basie and Frank Sinatra and other music greats.

During World War II, the British Navy took residence in the Monterey and Berkeley Carteret hotels and the British Army inhabited the Kingsley Arms Hotel. This presence enabled local residents to survive gas rationing and other wartime shortages.

On the nearby boardwalk, the Casino and Convention Hall were utilized for other purposes. Since the twenties, entertainers performed and trade shows and folk festivals were held in these massive structures which were designed by architects Warren and Wetmore, who also designed New York's Grand Central Station.

Asbury Park can also claim the distinction of being the first seaside resort in the country to adopt a sanitary sewer system and its trolley system was only the second electric system built in the United States.

Mr. Speaker, while Asbury Park has suffered from a loss of revenues in recent years and the relocation of many stores to the shopping malls, it still boasts wonderful beaches, a great boardwalk, wide streets, historic architecture and a corps of dedicated citizens and public officials dedicated to its rebirth. In my mind, the restoration of Asbury Park to its position as a premier vacation and cultural center is well within our grasp and I pledge to work hard to see that this dream of ours is realized.

THE INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, as you are aware, I am very concerned about conditions in the former Portuguese colony of East Timor. Particularly, I believe I bring a unique perspective to the debate because I am one of the few Members of Congress to have visited the good people of East Timor. As a legislator, I have been privy to the debate in Congress over the responsibility of the United States to fight for human rights world wide.

Up until 21 years ago, East Timor was a colony of Portugal. In 1975, the small, emerging nation of East Timor was brutally invaded by the nation of Indonesia. Over the past 21 years, the people of East Timor have been subjected to some of the worst abuses of human rights in the world. The Indonesian government has been a cruel and repressive dictatorship.

More than 200,000 East Timorese—almost one-third of the population—have been killed or have died from starvation after being forced from their villages. All attempts at peaceful protest have been met with violent oppression. This attack cannot be countenanced and this violence must end.

Abduction, torture, suppression of dissent, and disappearances are common occurrences under the Indonesian occupation of East Timor. Suppression of the East Timorese independence movement includes arbitrary detention, use of secret detention facilities, rape, torture frequently resulting in death. These abuses occur in large part due to the free hand given to the military to suppress the independence movement.

In December of last year, I visited the Indonesian-occupied land of East Timor. One of the greatest honors of my life was attending Christmas midnight mass celebrated by Bishop Belo, one of the two 1996 Nobel Peace Prize winners, and spending Christmas Day with him. My visit there has made me truly redouble my efforts on behalf of the people of East Timor and Indonesia.

There is no question that the attacks and abuses are escalating throughout Indonesia. Since Christmas Eve, there have been numerous roundups by security forces. A recent New York Times editorial cited the effects of this crack down on nongovernmental organizations. This latest instance of violence against the people of East Timor and Indonesia requires an immediate response from the U.S. Government.

As a former Portuguese colony, the concerns of the Portuguese-Americans for the human rights situation in East Timor have been great. Indeed, as I travel across the country, it is primarily in the Portuguese communities, and of course the large Portuguese communities in Rhode Island, that I hear concerns over the plight of these people half way around the globe. Senator Pell and former Representative Ron Machtley both raised my awareness of this issue. Unfortunately, things have not changed. What was true then was true now, human rights in East Timor have not improved.

This year's U.S. Department of State human rights report clearly classifies the country of Indonesia as one of the worst violators of human rights. The report highlights those actions based on authoritarian efforts to suppress dissent, enforce cohesion and restrict opposition groups and nongovernmental organizations. The report has over 30 pages dedicated to the intolerable human rights situation in Indonesia.

The bill that I am introducing today, the Indonesian Military Assistance Accountability Act, will attempt to confirm a commitment from Indonesia to cease the human rights violations throughout the country. The bill imposes military sanctions on the country of Indonesia if its human rights record fails to improve.

I have worked closely with numerous human rights groups, and nongovernmental organizations, to establish the most effective way to protect the people of East Timor and other parts of Indonesia, such as Aryan Jaya, where human rights atrocities are being committed.

Specifically, the bill conditions United States arms sales and transfers on a few achievable policy reforms by the Government of Indonesia in the areas of free and fair elections, labor rights, protection of nongovernmental organizations, including human rights, environmental, and religious foundations, rights and protections for the people of East Timor, release of political prisoners, and fair trials for such persons.

Indonesia repeatedly denies that there is a problem. If this is true, the Indonesians have nothing to fear by a close investigation of their human rights practices.

Unfortunately, they do have much to fear and they have been very vocal about any possible legislation that I or other congressional Members may introduce.

The bill I am introducing is clearly for military sanctions only. But it will send a message to Indonesia and it will take away the $26 million in military assistance that it receives every year if it does not change its ways. We have waited too long for change and it will not come without a law on the books to impose change on Indonesia. I look to the rest of my congressional colleagues to support this legislation, in order that we send a clear and unmistakable message to Indonesia—that they must cease violating the human rights of the people of Indonesia, particularly in East Timor.

PARTNERS IN ACHIEVING LITERACY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the Vacaville Reporter, Solano County businesses, the students and kids who participate in the Partners in Achieving Literacy Program.

I am proud to say that more than 100 businesses throughout Solano County have come forward to join Partners in Achieving Literacy (PAL) with the Vacaville Reporter in helping local kids stay on top of their school work and their citizenship.

More than 5,000 students in Travis, Dixon, Vacaville and Fairfield/Suisun School District participate and benefit from this year's program alone. Teachers from more than 120 classrooms use the Reporter as a teaching tool in subjects ranging from geography to economics to civics to current events. Thanks to lesson plans that have been suggested to local teachers by the Reporter, reading and math skills have been heightened. We need more interaction between business and students like Partners in Literacy if we are to prepare our children and students for the challenges of the 21st century.

Weekly features in the Reporter like Kids Tech, Rooster Tails and Kids Talk have gotten even more kids involved in learning about the issues of the day and the issues that affect their community.

Programs like the Reporter's PAL Program is an essential component to our overall national education strategy. As employers in our community come to depend more and more on a skilled and technical workforce for tomorrow's economy, it is critical that we have the educated labor pool to fill those jobs.

Mr. Speaker, please join me in honoring The Vacaville Reporter, the businesses of Solano County and most of all the kids and schools who participate in the Partners in Literacy program.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Ms. McCARTHY of Missouri. Mr. Speaker, the RECORD for Thursday, March 13, incorrectly listed my declared intention to vote on rollcall vote Nos. 49 and 50 regarding moving the previous question and final passage of the Paperwork Reduction Act. Had I been present, I would have voted "no" on rollcall 49 and "yes" on rollcall 50. I was present and voted on rollcall No. 48.

UPS: BREAKING THE SOUND BARRIER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. TOWNS. Mr. Speaker, I want to highlight a monumental achievement accomplished by one of America's premier deliverers of mail and packages, the United Parcel Service [UPS]. As part of a national mandate, UPS has become the first major North American airline to fully comply with stage 3 aircraft noise reduction regulations, 3 years before the federally mandated deadline.

Indeed, this ambitious and expensive initiative undertaken by UPS speaks volumes about the company's commitment to promoting quieter and more efficient transport of parcels. Today, all 197 jets in the UPS fleet will comply with the stage 3 noise-reduction rule. The number of residents in noise-impacted areas will be reduced by 80 percent. Clearly, UPS has set a standard that other airlines should strive to emulate.

Using current technology, UPS planes will now utilize 18 percent less fuel. Additionally, instead of a 22-square-mile area being affected by noise, the area will now be 6.5 miles.

1997 marks the 50-year anniversary of the historic flight in which Capt. Chuck Yeager exceeded the speed of sound. UPS has now broken a new sound barrier that will provide long-term benefits for the environment, the airline industry, and citizens. Other airlines should follow the lead of UPS and achieve early compliance with stage 3 aircraft noise reduction regulations.

MARY MULHOLLAND: THE SPIRIT OF SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to pay tribute to Mary Mulholland, an extraordinary woman from Morris County, NJ, for her years of dedicated service to the people of our county and State.

Mr. Speaker, there is hardly a person in Morris County who has not been touched by the innate kindness of Mary Mulholland. Over the years, she has been ever present in the many volunteer and service organizations that make our county one of America's most wonderful places to live, work and raise a family.

Educated at the College of Saint Elizabeth in Convent Station, Mary went on to work for the New York Telephone Co. soon thereafter. By the 1950's she was married and raising six children with her husband, the late Dr. Robert E. Mulholland. Yet somehow, Mary found the time to become involved in community service. True to form, Mary jumped in with both feet and before long she helped found the Morris County Aftercare Clinic and the Dope Open, Inc., which became the first in a long line of public service commitments she would lead.

Mary devotes her time to numerous organizations, including St. Clares Riverside Foundation, Dover General Hospital and Medical Center, Hope House, the College of Saint Elizabeth, Centenary College, the United Way, the Easter Seal Society and even the Governor's Advisory Council for Drug/Alcohol Abuse. However, nowhere is her presence more evident than at the Dope Open, Inc., of which she is the founder and president. In three decades with the Dope Open, she has, through her charming personality, conviction and absolute tenacity, raised more than $1 million to fight drug abuse and chemical dependency. Each year, Mary continues her relentless battle to help juveniles in our community who have been robbed of their youth and innocence by the scourge of drugs. The Dope Open provides hope for these lost children and I am certain that without Mary's foresight, fortitude and dedication to this effort, many of them would have nowhere to turn.

The one thing everyone who knows Mary can agree on is that a person cannot help but be energized into action when she speaks. When Mary decides to take on a commitment to help people in our community, she installs in all of us a sense of urgency about the issue—a sort of call to arms. And Mary is no figurehead, she provides both the spark, dynamism and energy needed to take on any task, no matter how daunting or demanding. To that end, she does us all a public service by bringing out our own compassion and sense of duty to help our less fortunate neighbors.

Mr. Speaker, each day, thanks to the Herculean efforts of Mary Mulholland, the future of Morris County is a little more promising. Mary Mulholland truly embodies the spirit of service and I thank her for all she has done for our community throughout the years.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. RUSH. Mr. Speaker, on March 5, 1997, I voted "aye" for rollcall No. 31, which expressed the sense of Congress that the display of the Ten Commandments in public buildings should be allowed. My vote was based on my personal brief in the Ten Commandments as a basic fundament of Christian doctrine. After further examination I came to the realization that, in spite of my personal beliefs, I must recognize that one's personal beliefs, including my own, cannot usurp the tenets which our country is based upon. One of those tenets is the separation of church and state. This measure is in direct opposition to the aforementioned principle. Thus, I would like the RECORD to reflect that I am not in support of this measure.

PRESERVE THE ILLINOIS AND MICHIGAN CANAL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. LIPINSKI. Mr. Speaker, on February 12, I introduced legislation to preserve and enhance the Illinois and Michigan Canal National Heritage Corridor. H.R. 1042 extends the I&M Canal National Heritage Corridor Commission for another 5 years to 2004.

Designated by Congress in 1984, the I&M Canal National Heritage Corridor was the first "partnership park" of its kind and is now a model for such parks throughout the Nation. The Corridor stretches 100 miles across Illinois, from Chicago to LaSalle/Peru and encompasses 450 square miles. Its rich heritage and recreational opportunities attract countless visitors to the area and enhance the pride of local residents. Simply put, the Corridor is of great historical significance to the State of Illinois, as well as the entire Nation.

Since the creation of the Commission, which coordinates the efforts and resources of Federal, State, and local agencies, we have seen significant progress being made along the Corridor. However, there is still a great deal more that needs to be done. We must continue to work to preserve this unique treasure for future generations. H.R. 1042 will allow the Commission to continue its vital work and further the successful partnership between Federal, State, and local agencies as they work to preserve this important piece of our Nation's history.

I strongly urge my colleagues to support my bill, H.R. 1042.

104 KRBE

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 19, 1997

Mr. GREEN. Mr. Speaker, it is very seldom that I get the opportunity to recognize local personalities who have unselfishly devoted their time and effort to improve the world we live in. In Houston we are fortunate to have someone like Sam Malone. Sam Malone has been firing up the radio waves for 4 years in Houston with his cohosts of the "Morning Show" Maria Todd and Psychoo Robbie on 104 KRBE. Aside from providing lively entertainment, they have held numerous charity events to help our city, including blood drives, food drives, and clothing drives. In recognition of their 4th year anniversary, I would like to take this opportunity to thank Sam and the "Morning Show" for their hard work and commend everyone at KRBE for their continued support to our organizations and charities.

Here's to you Sam, happy anniversary, we look forward to many more years to come. See ya.

THE COLORECTAL CANCER SCREENING ACT OF 1997

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 19, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I am today introducing the Colorectal Cancer Screening Act of 1997 in order to establish colorectal cancer screening as a covered benefit under the Medicare program. Colorectal cancer screening is an important element of what should be a comprehensive program of preventive health care for our senior citizens. Unfortunately, the current Medicare program provides little incentive for Medicare recipients to have regular check-ups and undergo the routine tests that will prevent serious illnesses and detect diseases at their earliest, most treatable stage. This legislation, if enacted, would encourage Medicare recipients to be screened for colorectal cancer by providing Medicare coverage of those tests. I am pleased to be joined by 14 cosponsors in introducing this important legislation.

It is particularly timely that this legislation be considered at this time. Over the past 2 to 3 years, there has been a significant amount of work done within the medical community to develop Guidelines and recommendations on how to screen for colorectal cancer. Several new screening guidelines and revised screening recommendations have been released within the past two months, and new screening recommendations are expected to be issued within the next few weeks by the American Cancer Society. These Guidelines and recommendations indicate that there is an emerging consensus that there are a number of different procedures that can be used to screen for colorectal cancer. This legisaltion is based upon that consensus.

The move to develop new screening guidelines really started in the spring of 1995 with the release of the "Guide to Clinical Preventive Services" by the U.S. Preventive Services Task Force. In this report, the Task Force reversed the position taken in its 1989 report and concluded that there was a sufficient scientific basis upon which to recommend colorectal cancer screening, starting at age 50 for most individuals. The report specifically recommended screening average risk individuals with two procedures—FOBT and sigmoidoscopy—though it raised concerns about the limited effectiveness of these procedures and questioned the willingness of patients to comply with these tests. The report also noted discussed screening with colonoscopy and the barium enema, and concluded that there was insufficient evidence to recommend for or against screening with either test. The report also raised questions regarding the overall cost and risks of screening, particularly with regard to colonoscopy.

Many of the questions raised by the U.S. Preventive Services report have been answered. The release of the Task Force report prompted the Agency for Health Care Policy and Research [AHCPR] of the Department of Health and Human Services to initiate a 2-year project to examine the scientific and medical literature on all available options for colorectal cancer screening and to develop Clinical Practice Guidelines on colorectal cancer screening. The AHCPR terminated the development of specific screening recommendations last April, but has completed an "Evidence Report" summarizing the current evidence on the various screening procedures. A summary of this report, released in February, concludes that there is evidence to support colorectal cancer screening with all of the screening procedures identified in the Preventive Services Task Force report—FOBT, sigmoidoscopy, the barium enema and colonoscopy. I ask unanimous consent that the Summary of the AHCPR Evidence Report be included in the RECORD with these remarks.

The effort to develop Clinical Guidelines for Colorectal Cancer Screening did not, however, end with AHCPR's decision not to complete the project. Colorectal Cancer Screening Guidelines based on the AHCPR project were completed and published in the February 1997 issue of the medical journal "Gastroenterology." The 16 members of the multidisciplinary expert panel first assembled by the AHCPR were listed as the authors of the Guidelines, and the project was completed under the direction of the American Gastroenterological Association and a consortium of four other gastroenterology organizations that had served as the contractor to the AHCPR. These new Guidelines are endorsed by the American Cancer Society, American College of Gastroenterology, American Gastroenterological Association, American Society of Colon and Rectal Surgeons, American Society for Gastrointestinal Endoscopy, Crohn's and Colitis Foundation of America, Oncology Nursing Society and the Society of American Gastrointestinal Endoscopic Surgeons.

The Colorectal Cancer Screening Act of 1997 embodies the screening recommendations included in the clinical Guidelines and supported by the AHCPR Evidence Report. It should be noted that the legislation includes the option for individuals at average-risk and high-risk to be screened with the barium enema. It does so because providing patients and their physicians with the option of being screened with the barium enema is fully supported by these reports, and by the scientific and medical literature that provides the basis for the recommendations. To be specific with regard to the Clinical Practice Guidelines published in Gastroenterology:

The Clinical Practice Guidelines recommend screening people at average risk for colorectal cancer with double-contrast barium enema every 5–10 years;

The Clinical Practice Guidelines recommend use of the barium enema for screening individuals at high risk for colorectal cancer—individuals with close relatives who have had colorectal cancer or an adenomatous polyp and people with a family history of hereditary nonpolyposis colorectal cancer—and

The Clinical Practice Guidelines recommend use of the barium enema or colonoscopy for surveillance of people with a history of adenomatous polyps or colorectal cancer.

Although they have not yet been finalized, I understand that the American Cancer Society will soon issue new recommendations for colorectal cancer screening. The legislation that I introduce today is consistent with the approach that has been taken by the American Cancer Society in developing these new recommendations.

One final consideration guided the development of this colorectal cancer screening legislation, and it is that the colorectal cancer is a particularly deadly disease for African-Americans. This is discussed in the Summary of the AHCPR Evidence Report, which notes that the National Cancer Institute and other medical journals have found that black men and women with colorectal cancer have a 50 percent greater probability of dying of colon cancer than do white men and women. The medical literature indicates that this is caused, at least in part, by the fact that African-Americans tend to get colorectal cancer in the right—proximal—portion of the colon—the portion that is not reached by sigmoidoscopy, the most common screening procedure currently in use. The Colorectal Cancer Screening Act of 1997 provides individuals the option of a full colon screening with the barium enema in order to assure that the screening program we establish in the Medicare program is adequate for African-Americans. It also should be noted that this option is particularly important for other Americans as well, given that it has been shown to be significantly more effective than screening only one-half of the colon with sigmoidoscopy. Moreover, in addition to being effective, the barium enema is one of the most cost-effective screening procedures for both average-risk and high-risk individuals.

In conclusion, I would like to emphasize for my colleagues the cost-effectiveness of this legislation. According to the Office of Technology Assessment, colorectal cancer screening is capable of saving thousands of American lives at a cost of only about $13,250 per life year saved. Colorectal cancer screening is also cost-effective when compared with other Medicare-covered procedures such as kidney dialysis—$50,000 per life year saved—and mammography—$40,000 per life year saved. I cite these figures not to argue against these other life-saving devices and procedures, but rather to provide a comparison that demonstrates the importance of Medicare coverage for such cost-effective procedures as colorectal cancer screening at a time when we are working hard to reduce the level of spending in the overall Medicare program.

In the end, however, the Colorectal Cancer Screening Act of 1997 is not about cost-effectiveness and economics—it is about saving lives that are unnecessarily lost to this disease. Colorectal cancer strikes about 145,000 Americans each year, and about 55,000 Americans die of the disease each year. This legislation can save many of these lives, and I urge my colleagues to join me in seeking its enactment.

THE INTRODUCTION OF THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. SHAW. Mr. Speaker, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000, and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just the buildings that we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today with my colleagues, Mrs. Kennelly, Mr. Lewis, Mrs. Johnson of Connecticut, and Mr. English, the Historic Homeownership Assistance Act.

This legislation is almost identical to legislation introduced in the 104th Congress as H.R. 1662. It is patterned after the existing Historic Rehabilitation Investment tax credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks such as Union Station in Washington, D.C.; the Fox Paper Mills, a mixed-used project that was once a derelict in Appleton, WI; and the Rosa True School, an eight-unit low/moderate income rental project in an historic building in Portland, Maine. In my own State of Florida, since 1974, the existing Historic Rehabilitation Investment Tax Credit has resulted in over 325 rehabilitation projects, leveraging more than $238 million in private investment. These projects range from the restoration of art deco hotels in historic Miami Beach, bringing economic rebirth to this once decaying area, to the development of multifamily housing in the Springfield Historic District in Jacksonville.

The legislation that I am introducing today builds on the familiar structure of the existing tax credit but with a different focus. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to the credit that this legislation would create. There would be no passive losses, no tax shelters, and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building that is used as a principal residence by the owner. Eligible buildings would be those that are listed on the National Register of Historic Places, are contributing buildings in National Register Historic Districts or in nationally certified state or local historic districts or are individually listed on a nationally certified state or local register. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's standards for rehabilitation, although the bill would clarify the directive that the standards be interpreted in a manner that takes into consideration economic and technical feasibility.

The bill also makes provision for lower-income home buyers who may not have sufficient federal income tax liability to use a tax credit. It would permit such persons to receive a historic rehabilitation mortgage credit certificate which they can use with their bank to obtain a lower interest rate on their mortgage. The legislation also permits home buyers in distressed areas to use the certificate to lower their down payment.

The credit would be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income. It does, however, impose a cap of $50,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make ownership of a rehabilitated older home more affordable for homeowners of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax roles, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

Mr. Speaker, this bill is no panacea. Although its goals are great, its reach will be modest. But it can make a difference, and an importance difference. In communities large and small all across this nation. The American dream of owning one's home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community.

I ask unanimous consent that the text of the bill and an explanation of its provisions be printed in the RECORD.

"HISTORIC HOMEOWNERSHIP ASSISTANCE ACT"

Legislation to create a 20 percent tax credit for the rehabilitation of a historic structure occupied by the taxpayer as his principal residence was sponsored last Congress by Representatives Clay Shaw (R-FL) and Barbara Kennelly (D-CT) in the House, and by Senators John Chafee (R-RI) and Bob Graham (D-FL) in the Senate. Although this legislation did not become law, it received considerable support in Congress and we are planning for reintroduction next session and an active campaign to secure its passage.

GOALS OF THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

Expand homeownership opportunities for low- and middle-income individuals and families;

Stimulate the revival of declining neighborhoods and communities;

Enlarge and stabilize the tax base of cities and small towns;

Preserve and protect historic homes.

MAJOR PROVISIONS OF THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

Rate of Credit, Eligible buildings: The rate of credit is 20 percent of qualified rehabilitation expenditures. Eligible buildings include those listed on national or federally-certified state and local historic registers, and buildings which are located in national or federally-certified state and local historic districts. Eligible buildings (or a portion) must be owned and occupied by the tax payer as his principal residence. Condominiums and cooperatives would be eligible for the tax credit. Rehabilitation would have to be performed in accordance with the Secretary of the Interior's Standards for Historic Rehabilitation.

Maximum Credit, Minimum Expenditures: The maximum credit allowable would be $50,000 for each principal residence, subject to Alternative Minimum Tax provisions. Rehabilitation must be substantial—the greater of $5,000 or the adjusted basis of the building—with an exception for buildings in census tracts targeted as distressed for Mortgage Revenue Bond purposes under I.R.C. Sec. 143(j)(1) and Enterprise and Empowerment Zones, where the minimum expenditure must be $5,000. At least 5 percent of the qualified rehabilitation expenditures would have to be spent on the exterior of the building.

Mortgage Credit Certificate Provision for Low and Moderate Income Homeowners: Taxpayers who do not have sufficient federal income tax liability to make use of the credit could elect to receive, in lieu of the credit, an Historic Rehabilitation Mortgage Credit Certificate in the face amount of the credit to which the taxpayer is entitled. The taxpayer would then transfer the certificate to the mortgage lender in exchange for a reduced interest rate on the home mortgage loan. The mortgage lender would be permitted to reduce its own federal income tax liability by the face amount of the certificate.

Targeted Flexibility for Historic Rehabilitation Standards: For buildings in census tracts targeted as distressed or located within an Enterprise and Empowerment Zone, the Secretary would be required to give consideration to: (1) the feasibility of preserving existing architectural or design elements of the interior of such building; (2) the risk of further deterioration or demolition of such building in the event that certification is denied because of the failure to preserve such interior elements; and, (3) the effects of such deterioration or demolition on neighboring historic properties.

No Passive Activity Rules, No Income Cap on Eligibility: Passive activity rules would not apply because by occupying and rehabilitating a qualifying residence, the individual is not an investor but utilizing the property as his primary residence. There would be no income cap because the proposed legislation is intended not only to foster homeownership and encourage rehabilitation of deteriorated buildings, but also to promote economic diversity within neighborhoods and increased local ad valorem real property, income and sales tax revenues.

Process for Certifying Qualified Rehabilitation Expenditures: Maintains the certification process for the existing rehab credit, but authorizes the Secretary of the Interior to enter into cooperative agreements allowing the State Historic Preservation Offices (SHPOs) and Certified Local Governments (CLGs) to certify projects within their respective jurisdictions. The SHPOs would have the authority to levy fees for processing applications for certification, provided that the proceeds of such fees are used only to defray expenses associated with the processing of the application.

Revenue Loss Estimate: The Congressional Joint Committee on Taxation has estimated the revenue loss of the Historic Homeownership Assistance Act to be $368 million over a seven year period.

HUMAN RIGHTS IN KOSOVA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

Mr. ENGEL. Mr. Speaker, I rise to call attention to the situation in Kosova. As my colleagues are aware, Kosova is a region in the former Yugoslavia which is populated by 92 percent ethnic Albanians, but ruled by Serbia.

Since unilaterally withdrawing Kosova's autonomy, Belgrade has carried out a harsh campaign of violations of human and political rights against the Kosovans.

Dr. Alush A. Gashi, M.D., Ph.D., is a member of the Kosova Council for the Defense of Human Rights and Freedoms and is an expert on the situation in Kosova. On February 6, 1997, he addressed the Congressional Commission on Security and Cooperation in Europe.

I am inserting Dr. Gashi's statement to the Commission at this point in the CONGRESSIONAL RECORD.

STATEMENT BY ALUSH A. GASHI

I

Mr. Chairman, ladies and gentlemen. Thank you for this opportunity to speak with CSCE on the timely and critical subject of repression of human rights and freedoms in the Republic of Kosova.

It was almost three years ago—on May 9, 1994—that I last appeared before the CSCE. Then as now, I just arrived from Prishtina, the capital of the Republic of Kosova. Then as now, I sadly reported that the human rights situation in Kosova had degenerated. Then as now, I must regrettably tell you that repression, violence and terrorism directed at Albanians has escalated. Then as now, I reaffirmed our commitment to peaceful resistance under the leadership of President Rugova and his government.

It has been said that the more things change, the more they stay the same. In Kosova, things have gotten much worse.

Although I speak to you as a human rights activist, I also speak as a citizen of the Republic of Kosova who has experienced firsthand the terrible repression of the Belgrade regime.

II

Perhaps the U.S. State Department annual human rights report described the human rights crisis in Kosova most accurately. In that report issued a week ago on January 30, 1997, the U.S. said: "The human rights record continued to be poor. The police committed numerous, serious abuses including extrajudicial killings, torture, brutal beatings, and arbitrary arrests. Police repression continued to be directed against . . . particularly the Albanians of Kosova . . . and was also increasingly directed against any citizens who protested against the government."

The State Department reported that Serbian authorities killed 14 Albanians in 1996. Torture and cruel forms of punishment were directed against Albanians. Serbian police frequently extracted "confessions" during interrogations that routinely included beating of suspects' feet, hands, genital areas and heads." The police use their fists, nightsticks, and occasionally electric shocks," the report said, adding that the police "often beat persons in front of their families" as a means of intimidating other innocent citizens.

The report told of an incident last July in which "several ethnic Albanian vendors in an open market near Prishtina were beaten by Serbian financial police, who accused them of not having their vendor's licenses in order. According to the victims, the police stole all the merchandise from the vendors without even looking at their papers, and then left the scene."

Albanian children were not spared. The Council for the Defense of Human Rights and Freedoms documented between January and June 1996 over 200 cases of mistreatment of children at the hands of Serb authorities.

And the documentation goes on. Police in Kosova use arbitrary arrest and detention. Trials are delayed. There is no justice. Freedom of speech and the press are non-existent. Peaceful assembly and association are unknown under the Belgrade regime. Freedom of movement within Kosova as well as foreign travel, and emigration which are tightly controlled while repatriation, in effect, is prohibited.

Just last Sunday, The Washington Times reported that death came for a 34-year-old Albanian school teacher with a knock on the door that has become a trademark of the Serbian police state system of terror that has gripped Kosova. Nearly 30 Serbian police circled the teacher's house at 6 in the morning before entering.

The police grabbed the teacher's wife by the neck and demanded she direct them to her husband and "a hidden gun," according to family members. The teacher's father reported that the police found the teacher in his bedroom, handcuffed him, and took him away.

Two days later, the family discovered their son's body, beaten and bruised, in a state hospital. A Serbian doctor and two Albanian colleagues said he died from trauma, with evident bruises and lacerations on his legs and genitals.

In short, in Kosova we have the full denial of human and national rights of Albanians imposed by the Serbian regime which has forcefully colonized Kosova and imposed apartheid.

III

While the state of Serbian terrorism has not relented in Kosova, there are important developments in Belgrade that confirm not everything remains the same. Foremost among these are opposition protest marches and rallies in Belgrade.

While all of us in Kosova welcome movement toward democracy in Serbia, the last Communist state in Europe, and sincerely support the right of the Serbian opposition to peacefully protest and demonstrate for democratization of Serbia, our people are asking: Where was the Serbian opposition while we were protesting against the Belgrade regime?

Under the leadership of President Rugova, Albanians in Kosova for almost a decade have peacefully protested against the Belgrade regime. Unfortunately, almost ten years later, the Serbian opposition has not distanced themselves from the Belgrade tyranny or supported stopping violence against Albanians.

They have not protested or distanced themselves, even when Serbian authorities killed peaceful Albanian demonstrators in various parts of Kosova. The Serbian opposition did not protest when the Serbian regime beat Albanian physicians in front of their patients in Kosova's hospitals, or when Serbian police beat Albanian teachers, killed Albanian parents who were protecting their children in the Albanian education system.

They did not protest when the Belgrade regime held political trials of Albanians who established the Kosova parliament. Neither did they protest when Serbian authorities arbitrarily dismissed Albanians from their jobs, closed down all mass media in Albanian language, and achieved quiet ethnic cleansing in Kosova through police interrogation and torture.

Neither did they protest when Serbian apartheid endangered the health and lives of Albanian people in Kosova, which is a crime against humanity, or when the Serbian regime expelled Albanians from their apartments and replaced them with Serb colonizers from other parts of former Yugoslavia.

Unfortunately, Serbian opposition did not protest and is not protesting now, against the Serbian regime for not letting the parliament and government of Kosova function.

Serbian opposition rightfully is asking for recognition of their vote, but at the same time is denying the democratic election in which Albanians citizens of the Republic of Kosova voted for their legitimate representatives in the Kosova leadership and gave them a mandate to represent them.

When we voted in 1992, instead of getting support from the Serbian opposition, some of them were asking to cut off our hands with which we cast our vote, and to cut off our fingers with which we made the "V" for victory sign.

Now, we understand Serbian frustrations at not achieving their aspirations for a greater Serbia. We understand that they may want to distance themselves from the crimes. But we all respect their right to demonstrate and achieve seats in their parliament.

We have to see their program. They have not yet revealed their policy toward Kosova. We hope and we wish that they can recognize the new reality in Kosova. We hope that the Serbian opposition understands that they cannot live under a double standard. To ask respect of their vote and political will in Serbia and at the same time deny the political will of Albanians in the Republic of Kosova is unacceptable.

Albanians of Kosova are against violence. They do support the rights of Serbia to demonstrate, and they condemn any use of force against them. After one decade of peaceful protests, Albanians of Kosova once again are inviting the Serbian opposition, which has protested for several months, to join Albanians of Kosova in their demand for full freedom and democracy based on the political will of Albanians in Kosova which has been confirmed by referendum, as well as parliamentary and presidential elections.

Kosova wants to see a democratic neighbor in Serbia which will end colonization of Kosova. But until that happens, we are in danger of the possibility of transferring the conflict from Belgrade to Kosova.

The United States attitude toward the Belgrade regime has changed since I last met with you. While the Dayton Accords could not have been achieved without the support of Belgrade, the world has witnessed again the duplicity, dishonest and disdain which the tyrant demonstrates toward agreements with which they disagree.

Now, just over a year since the Dayton agreement was reached, and the outer wall of sanctions was established, the U.S. has made it clear that it opposes Communist government in Belgrade and supports the opposition protests in Belgrade.

We were encouraged by State Department statements Monday in which the spokesman, Nicholas Burns, said: "We have always said that we believe in enhancement of the political rights of the Kosovars."

The U.S. should continue to increase its pressure on the Belgrade regime, as it has done in recent days. While this increase of pressure is certainly appropriate, it has resulted along with the success of the opposition protests in convincing the Belgrade Communist regime to once again to play "the Kosova card."

Isn't it ironic. The beginning of the end of former Yugoslavia began in Kosova. And now, as the beginning of the end of Serbia-Montenegro unfolds, the focuses has again shifted to Kosova. In recent days, the Belgrade regime has attempted to stir nationalist passions against the Albanians in Kosova, just as it did at the start of the Balkans calamity in 1989.

Then as now, Belgrade regime has turned from rhetoric to rampage. As Nicholas Burns reported Monday: "Let me give you a little bit more information about Kosova because we're very concerned by it. We understand that three ethnic Albanians were killed by Serbian police on Friday. Over 100 ethnic Albanians have been arrested by Serbian police in what appears to be a coordinated police round-up in Kosova itself. Forty are still in custody. There is a basic denial of human and political rights to the Albanian population which will remain . . . a great concern of the United States." This insanity must be stopped.

In Kosova, we have organized our society, our institutions, so we urge the international community to help us by ensuring that Serbia will leave us alone in our state of Republic of Kosova.

We are part of the solution. We are committed to the peaceful resolution of the crisis and achieving recognition for our right of self-determination. But structural repression against Albanians in Kosova has become unbearable and still, under the leadership of President Rugova, Albanians are continuing their peaceful attempt to decolonize Kosova and establish an internationally recognized independent state of Kosova on the basis of the referendum held on September 26, 1991, as the best way to protect human and national rights of all the population of the Republic of Kosova.

The independent Kosova will play an important role in establishing friendly relations between the Albanians and the Serbs in the Balkans and also in directly influencing long-term stability in the region. Kosova will become a bridge between the state of Albania and the Serbia. This implies special relations and open borders between Kosova and Serbia as well as between Kosova and Albania.

As Yugoslavia disintegrates, the new reality is that Kosova is an emerging state in the Balkans.

It would be tragic if a decision over the future of Kosova would be made against the political will of the people of Kosova. That would be tragic for the ideals of freedom but also definitely unacceptable for Kosova.

IV

We are asking the United States of America to continue its policy of protecting Kosova. We hope that we have learned from the tragedy of Bosnia that we should not react too late.

With all the problems, the United States engagement in Bosnia succeeded in stopping the war and mass killings, rapes, prison camps, and the worst misery the world has seen since the Holocaust.

We are asking the U.S. leadership for a peaceful resolution of the question of Kosova and the total Albanian question in general. Maintaining the "outer wall" of sanctions until a final, acceptable peaceful solution for Kosova is reached is essential.

We are asking the USCSCE to exercise its influence on the Belgrade regime to accept the political reality that exists in Kosova.

Kosova is a question of international stability. Therefore, we ask the USCSCE for the return of OSCE monitors and a permanent OSCE presence in Kosova.

Other democratic nations should follow the example of the U.S. which directly engaged in Kosova through its permanent USIS office, and that of many NGOs as well. We wish to see more of such activity.

Tuesday night, President Clinton said in his State of the Union address that America must build for the next century. We as well are seeking to establish our future and that of our children in the next century.

How can we accept living under occupation and colonization, fear and violence which Serbia has imposed on Kosova? We are directed toward global goals of the 21st century, while Serbia wants to move us back to the dark ages. Kosova may be the last example of classical colonization. We are asking for support for peaceful decolonization of Kosova. We are asking for democratic support for the destruction of apartheid in Kosova.

In every crisis of European stability in this century, the United States was the country that brought the solution and stability. We hope that the U.S. will not surrender the Balkans to the people who unjustly drew the maps with artificial borders in the Congress of Berlin in the last century. They have placed a time bomb in the Balkans which brought tragedy after tragedy for a hundred years.

As President Clinton said in the State of Union address, the enemy of our time is inaction. We are asking for U.S. action in protecting Kosova as well as the South Balkans.

We in Kosova were encouraged by President Clinton's statement: "Our first task is to help build for the first time an undivided, democratic Europe," he said. We are encouraged by this statement because in a democratic Europe, abolition of colonization and apartheid in Kosova will take place.

So finally, we ask USCSCE and all other U.S. institutions and the international community to support the peaceful policy of Kosova Albanians through dialog and under U.S. leadership with international guarantees.

We are counting on the only force in the world that has the will to stop it. We are counting on the United States of America.

THE GRIM STATISTICS OF HUMAN RIGHTS VIOLATIONS IN KOSOVA

Over 150 Albanians, mostly young people, have been killed by the Serbian police and army since 1989. In 1996 alone, 14 were killed.

66 young Albanian soldiers have been killed while serving in the army under very dubious and suspicious circumstances since 1981.

During the first six months of 1996, some 3,657 ethnic Albanians were mistreated, severely beaten and tortured. By the end of the year there were more than 5000.

In the beginning of 1997, five Albanians were killed by Serbian police and at least 100 Albanians were arrested without reason within a period of one week. The majority of them are still being held in Serbian custody.

Between 1981 and 1993, over 3,200 Albanians were sentenced for one to 20 years in prison for political reasons; 30,000 received 60-day sentences; and over 800,000 were detained by police.

147,300 Albanians, almost 80 percent of all employed Albanians, have been fired by the Serbian government.

450 enterprises were placed under "emergency administration".

4,000 small businesses were shut down for from six months to one year.

Over one million Albanians have no means of subsistence.

Over 80 percent of health care facilities are under "special measures;" dozens of walk-in clinics have been shut down in villages.

Over 2,400 Albanian medical personnel have been dismissed, 157 of them from the teaching staff of the Faculty of Medicine in Prishtina.

70,000 Albanian high school students have been barred from their school buildings.

22,000 teachers have been teaching for seven years without pay.

837 professors and assistants have been dismissed from the university, representing 95 percent of the teaching and administrative staff.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 20, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

11:00 a.m.
Commission on Security and Cooperation in Europe
To hold a briefing on prospects for elections, reintegration, and democratization in Croatia. 2200 Rayburn Building

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine child pornography issues.
S–146, Capitol

APRIL 9

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs.
SD–192

APRIL 10

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Bureau of Indian Affairs of the Department of the Interior and Indian gaming activities.
SD–124

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation
SD–192

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

APRIL 16

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

APRIL 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Forest Service of the Department of Agriculture.
SD–192

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Endowment for the Arts/National Endowment for the Humanities.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

MAY 1

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–192

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

CANCELLATIONS

MARCH 20

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.
SD–192